

MAC Report	
Application for a Maritime Area Consent (MAC) under Section 79 of Maritime Area Planning Act 2021, as amended (the Act)	
Application Details	
MAC Applicant:	The Mayo Yacht Club Company Limited by Guarantee
MAC Reference No:	MAC240047
Location:	Rosmoney, Westport, Co. Mayo
Date Application received:	25 September 2025
Proposed Maritime Usage:	The Mayo Yacht Club Company Limited by Guarantee has applied for the installation of a floating pontoon, gangway and associated mooring system, an area of hardstanding and widening of existing slipway at Rosmoney, County Mayo.
Recommendation:	To approve the Part Granting of the MAC sought with conditions attached.

Document Control			
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1. Overview

On 25 September 2025 MARA received a Maritime Area Consent (MAC) application from The Mayo Yacht Club Company Limited by Guarantee (Mayo Yacht Club) under Section 79 of the Maritime Area Planning Act 2021, as amended (the Act) for the installation of a floating pontoon, gangway and associated mooring system, an area of hardstanding and widening of existing slipway at Rosmoney, County Mayo.

2. Background

The Mayo Yacht Club are proposing to expand existing tourism and recreational infrastructure at Rosmoney Co. Mayo. All works are located adjacent to the club's clubhouse at Rosmoney. The works are intended to support the operation of Mayo Yacht Club and to improve access to the water. The Applicant currently operates a hardstanding area and a slipway under two existing foreshore leases. The Applicant proposes to surrender the existing foreshore leases as part of the subject application.

3. Proposed Maritime Usage

The Applicant proposes to install a new a 36m pontoon with a 15m cross piece secured in position via chain anchorages to 9 number precast concrete anchor pads on the seabed. Shore access is proposed to be provided by a gangway fixed to pier head and resting on steel skids at floating pontoon. The works are proposed to include the installation of utilities such as electricity to assist navigation.

The Applicant also proposes the provision of additional hardstanding area and the extension of the existing slipway. The Applicant has stated that the pontoon will support the operation of the yacht club by improving access to the moorings to the north of proposed pontoon. The hardstanding and widened slipway will also improve existing club infrastructure.

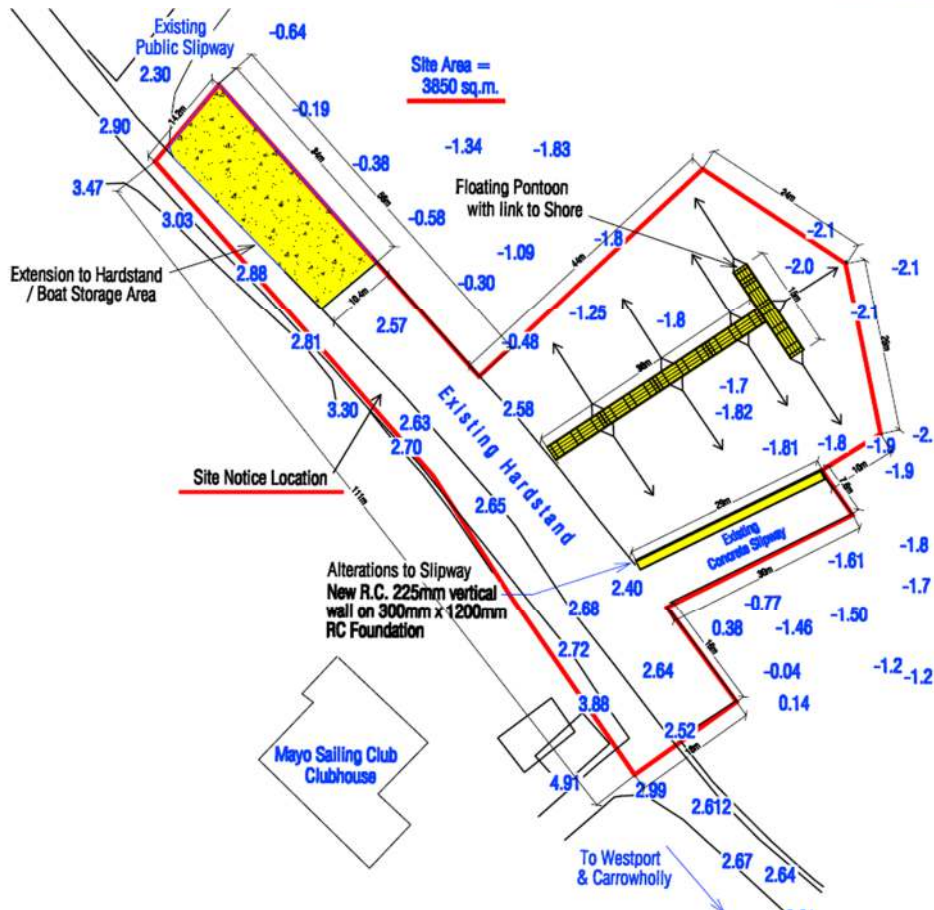


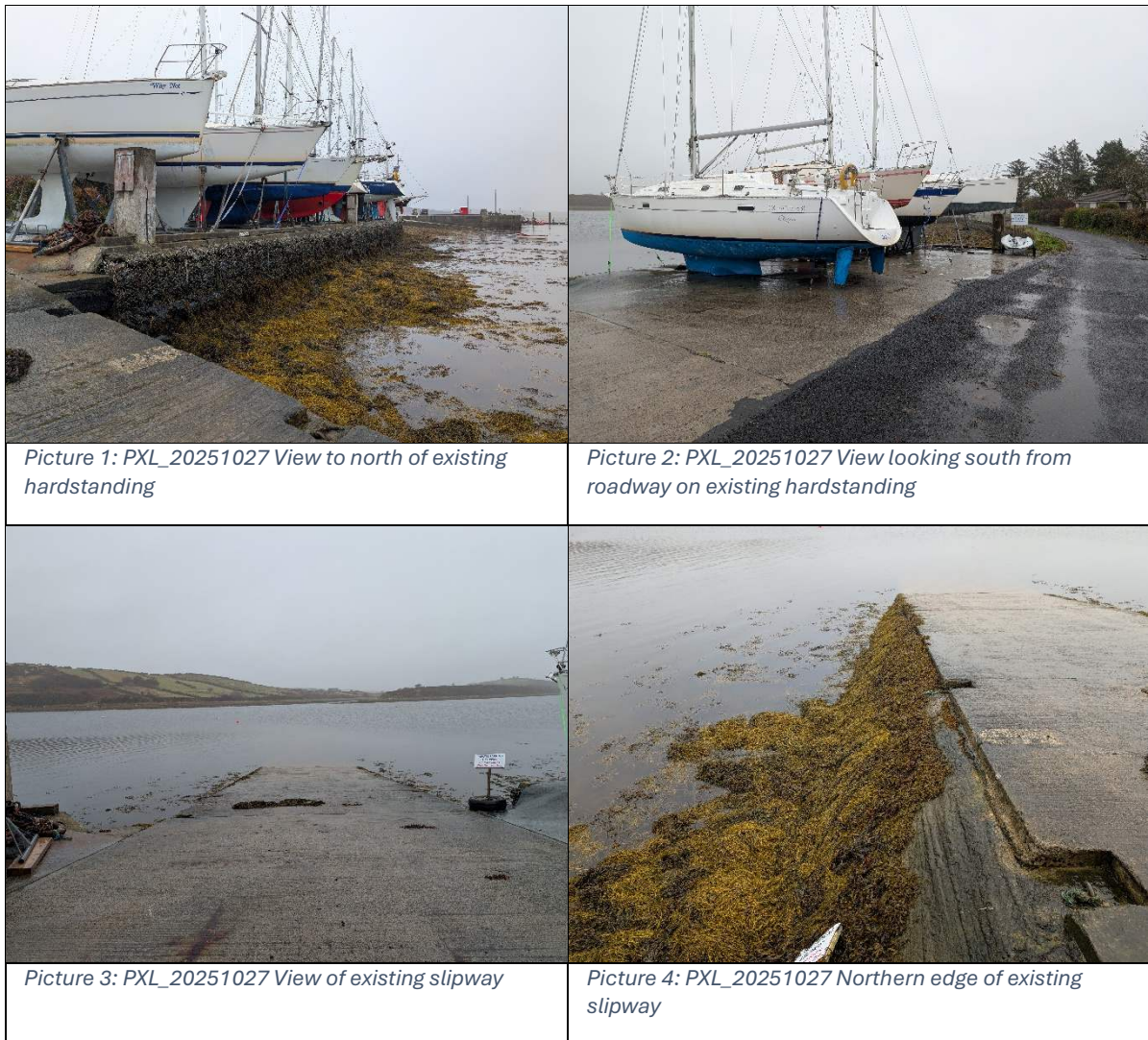
Figure 1 – Applicant map of proposed layout of MAC area at Rosmoney

The Applicant also confirmed to MARA on 30 January 2026 that the proposed MAC area as illustrated in Figure 1 is proposed to align exactly with the High Water Mark (HMW). The total area proposed to be occupied by the MAC is 3934.46m².

Mayo Yacht Club have sought a MAC term of 35 years. They indicated in their application that construction works will take approximately 4 weeks and estimated a 4 to 5 month timeframe for obtaining development permission. The Applicant stated that *“The pontoon is designed with a useful life of 30/40 years with regular maintenance and possibility to remove during the winter months.”*

4. Site Visit

Richard Browne, Chartered Engineer and Director at McCarthy Browne visited the site on behalf of MARA on the 27 October 2025. The inspection confirmed that the existing hardstanding area and slipway is in place as described in the application documentation. The site for the proposed pontoon is unoccupied. *Pictures 1 to 6* detail the character of the area in the vicinity of the proposed works. No existing infrastructure or occupation, which would conflict with the proposed maritime usage. In conclusion, there was nothing evident on the day of the site inspection that would preclude MARA from granting a MAC for the proposed maritime usage.





5. Review of Legislation & Associated Consents

5.1 Applicable Provisions of the Maritime Area Planning Act, 2021 as amended (the Act)

Under the Act, MARA has responsibility for granting MACs.

Schedule 3 and Schedule 4 of the Act specifies maritime usages for which a MAC is not required, including where the proposed maritime usage falls under the remit of another enactment, is navigation or fishing, is a licensable activity under Schedule 7 or where the activity is to be undertaken on private land. The proposed maritime usage is not considered to fall under those listed under Schedule 3 or 4 of the Act.

The Applicant has sought the existing MAC on the basis of Section 75(1) and 75(4) of the Act and also indicated in their application that they wish to surrender the two existing foreshore authorisations for a MAC under the basis of Section 105 of the Act. Details in relation to the existing foreshore are detailed in Section 5.2 below.

While Mayo Yacht Club held development permission for the proposed works, this has lapsed (refer to Section 5.3 below). Accordingly, a new application for development permission will require to be made to the planning authority. Section 75(4) provides a basis for applications for MACs to be made to MARA following the grant of development permission from An Bord (Coimisiún) Pleanála. Therefore, the application is not considered to fall under the basis of Section 75(4).

Section 105 sets out transitional provisions for existing foreshore authorisations, including where the holder wishes to amend the authorisation. Where a MAC is granted under the basis of Section 105(2), the existing foreshore authorisations sought to be transitioned for a MAC would surrender upon the grant of the MAC. Section 144(1)(c) of the Act specifies that a MAC terminates immediately upon the occurrence of the following event:

“(c) development permission is required for the maritime usage the subject of the authorisation and the application for such permission—

(i) has not been made within the period specified in a condition, referred to in paragraph 5 of Part 1 of Schedule 6, attached to the authorisation, or

(ii) has been refused in circumstances where no further step can be taken by the holder, or a court, in respect of that application.”

Where a MAC was to be granted for the proposed maritime usage on the basis of Section 105(2), the entirety of the MAC could terminate under Section 144(1)(c) where there is a failure to obtain development permission for that part of the maritime usage which requires development. Consequently, the existing maritime usage (slipway and hardstanding area), previously consented under foreshore authorisations may unintentionally become unauthorised. Accordingly, it is considered in the case of this application, that the granting of MAC, including the surrender of existing foreshore authorisations under the basis of Section 105(2) could disadvantage the Applicant in relation to existing maritime usages.

Having regard to the above, that the proposed maritime usage will require a new development permission application, and so not to disadvantage the Applicant, the subject application has been considered under the basis of Section 75(1) of the Act. In accordance with Section 75(1) of the Act, a MAC is required before an application for development permission can be lodged with the relevant consent authority.

5.2 Existing Consents & Authorisations

A search of the MARA’s GIS database was undertaken on 09 February 2026 for spatial overlap between the proposed MAC areas and existing foreshore authorisations and MARA licences and consents.

The Department of Agriculture, Food and Marine (DAFM) Aquamis Database was searched on 09 February 2026 for spatial overlap between the proposed MAC area and any DAFM foreshore authorisations for aquaculture sites or Oyster Fishery Orders.

The proposed MAC area does not overlap with any existing MACs or Maritime Usage Licence (MUL) or applications for the same. The application overlaps with two foreshore authorisations as detailed in *Table 1* below.

Table 1: Summary of Overlapping maritime authorisations and foreshore authorisations				
File Reference Number	Applicant/ Holder	Consent Type	Maritime Usage	Status
FS005837	Mayo Sailing Club	Foreshore Lease	Hard standing	Consented, Expires 18/07/2040
FS004961	Mayo Sailing Club	Foreshore Lease	Car Park and Slipway	Consented, Expires 31/03/2033
T10-005	Clew Bay Oyster COOP Society Ltd	Aquaculture License	Oysters Fishery Order	In perpetuity

Two Foreshore Leases overlapping the proposed MAC area are held by Mayo Yacht Club and are proposed to be surrendered. Having regard to the above, it is considered that the spatial overlap does not prevent the granting of a MAC, subject to the foreshore licence being surrendered. Consideration of the surrender of the foreshore licence is provided within Sections 5.1 and 9.

The area overlaps with Clew Bay Oyster Coop (CBOC) oyster fishery order. The Applicant has provided written confirmation from CBOC confirming that they have no objection to the proposed works overlapping the Oysters Fishery Order area.

The overlap with existing foreshore and oyster fishery order would not prevent the MAC application from proceeding. Accordingly, having regard to the above, it is considered that the spatial overlaps identified above do not prevent the granting of a MAC

5.3 Development Permission

On 21 January 2021 Mayo County Council issued development permission (Ref: 207) for the proposed works, the subject of this application. No works were undertaken under the development permission (Ref: 207), which lapsed in February 2026. The Applicant indicated that they intend to submit a new application for development permission should they be successful in obtaining a MAC for the proposed project. Owing to the nature and scale of the proposed works, it is considered reasonable that the MAC Holder (if successful in obtaining a MAC) should submit a valid application for development consent to the relevant planning authority within 18 months of the issuance of a MAC.

The Applicant in their development permission application to the relevant planning authority is required to include a Rehabilitation Schedule detailing how the Applicant proposes to rehabilitate the maritime area in accordance with Part 4, Chapter 8 of the Act.

5.4 Ownership

A search was undertaken of the Land Registry on 09 February 2026 for any document granting or affecting rights to land in order to ensure that there are no conflicts of interest with the MAC area being applied for as outlined in the proposed MAC Map. The only overlap identified is with the registration of one of the applicant's existing leases (FS005837) as detailed in section 5.2 above.

No conflicts of interest affecting the proposed MAC area were identified.

6. Assessment

6.1 Schedule 5

The MAC application was submitted on 15 August 2025 with the appropriate fee paid on 25 September 2025 and reviewed for completeness on 26 September 2025. An incomplete application notification was issued on 26 September 2025, with supplementary documentation/information received on 01 October 2025. The application was deemed complete by MARA on 03 October 2025.

A number of requests for additional information were issued on 22 October 2025, 06 and 18 November 2025 and 30 January 2026 under Section 79(3) of the Act and associated responses received relating to matters for general, technical and financial assessment on 03 and 25 November 2025, 01 December 2025 and 16 February 2026.

Schedule 5 of the Act sets out the criteria to which MARA must have regard when assessing a MAC application. This report sets out the assessment undertaken pursuant to Section 5 of the Act. The assessment is summarised in Table 2 below.

Table 2: Synopsis of the assessment of the application with regard to the requirements of Schedule 5			
Schedule 5 Requirements		Synopsis	Assessment
1.	The nature, scope and duration of the occupation of the maritime area concerned for the purposes of the proposed maritime usage.	<p>Details of the proposed maritime usage, including the nature scope and duration are described in Section 3 & 4 above. The Applicant has sought a MAC term of 35 years. Considering the nature of the works and allowing time for obtaining planning permission, procurement of a works contractor, construction and decommissioning, with proper maintenance and repair, a MAC Term of 35 years would seem reasonable.</p> <p>The maritime usage is considered satisfactory, having regard to the scope and duration. The maritime usage is considered partially satisfactory having regard to the nature of use sought. Accordingly, it is recommended to part grant a MAC on a “may or may not be exclusive” basis, as outlined in Section 6.3 and Section 9 below.</p>	Partially Satisfied
2.	Whether the proposed maritime usage is in the public interest.	<p>The Applicant has stated that the proposed project aligns with following policies:</p> <ul style="list-style-type: none"> • Programme for Government 2025 - <i>The latest Programme for Government (2025) emphasises developing marine tourism, with a specific commitment to launch a Marine Tourism Strategy in collaboration with Fáilte Ireland</i> • Tourism Policy Framework 2025–2030 - <i>published in November 2024, highlights coastal, maritime and inland water tourism as key growth areas, balancing economic development with sustainability EU Transition Pathway.</i> 	Satisfactory

		<ul style="list-style-type: none"> • Marine Tourism Safety Scheme - Through Bord Iascaigh Mhara (BIM), the government offers a Marine Tourism Safety Scheme (exchequer-funded) with allocations in 2025, showing tangible support for safe marine leisure activities. • Code of Practice for the Safe Operation of Recreational Craft - The Department of Transport has published a comprehensive Code of Practice for the Safe Operation of Recreational Craft, updated in September 2024 and revised as recently as June 2025, covering safe sailing, boating, kayaking, jet skis, paddleboards, and more. This Resource includes “Think & Prepare” safety checklists and legal guidance—all aimed at promoting personal safety and responsible use of marine leisure craft. • Irish Lights Strategy 2025-2030 - The newly released Irish Lights Strategy 2025-2030 reinforces “Safe Navigation for All”, committing to modern, reliable nautical aids and reinforcing safety infrastructure that benefits all mariners, including leisure sailors. • Recreational Craft Directive (Directive 2013/53/EU) - This directive sets the technical and safety standards for boats, personal watercraft and marine engines sold or used across the EU. It ensures a consistent minimum level of safety and environmental performance for leisure craft from 2.5 m up to 24 m. Safe sea access for recreational users is therefore a direct outcome of this legislation. • Marine Equipment Directive (MED, Regulation 2014/90/EU, formerly 96/98/EC) - Known as MED, this directive regulates the design, construction, testing and approval of marine safety equipment—such as life-saving appliances, navigation lights, fire protection and communication gear. Compliance ensures leisure-boaters have access to certified safety equipment at sea. • Maritime Spatial Planning Directive (MSPD, Directive 2014/89/EU) - As part of the broader Integrated Maritime Policy, the MSPD requires EU coastal states to adopt maritime spatial plans by 2021 to manage sea space sustainably and resolve potential conflicts between various uses such as tourism, shipping, aquaculture, and conservation. Well-designed maritime spatial plans support safe leisure navigation by designating zones for recreational boating, anchorage, marinas, and protected areas. • Marine Strategy Framework Directive (MSFD, Directive 2008/56/EC) - MSFD aims for Good Environmental Status of EU waters, tackling pollution, habitat degradation, litter and other pressures. While its focus is environmental, by promoting healthy marine ecosystems it underpins safe recreational use of coastal and sea spaces <p>The proposed project is aimed to provide amenities for the area which is considered likely to direct benefits to the public in relation to tourism and employment access and engagement with the maritime area.</p> <p>Having regard to the above it considered that the propose maritime usage is within the public interest.</p>	
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3.	The location and spatial extent of the occupation of the maritime area concerned for the purposes of the proposed maritime usage.	<p>The total area proposed to be occupied by the MAC is 3934.46m².</p> <p>Details of the location, relevant consents, ownership and development permissions are provided in Sections 2 to 5 above. Based on the searches and site visit undertaken, nothing was identified that would preclude the granting of a MAC in the proposed area.</p> <p>Accordingly, the proposed maritime usage is considered satisfactory, having regard to the location and spatial extent of the occupation.</p>	Satisfactory
4.	Guidelines issued under Section 7 which are relevant to the proposed maritime usage.	No such guidelines have been published to date.	Not applicable
5.	Whether the Applicant is a fit and proper person (within the meaning of Schedule 2) to be granted a MAC, both at the time the application is made and at the time that the MAC application concerned is determined by the MARA.	<p>A detailed review and assessment of the information provided by the Applicant(s) has been completed. Based on the assessment set out in Table 3 below, Section 6.3 and the Financial Capability Assessment (FCA) as set out in the Ernst & Young (EY) report dated 14 January 2026, it is considered that the Applicant satisfies the fit and proper person requirements.</p> <p>As required by Schedule 6, Part 2 of the Act, it is a condition of all MACs that the Holder shall continue to be a fit and proper person within the meaning of Schedule 2 of the Act for the Term of the MAC.</p>	Satisfactory
6.	Whether the Applicant is tax compliant, both at the time the application is made and at the time that the MAC application concerned is determined by the MARA.	The Applicant submitted Tax Registration Number and Tax Clearance Access Number (TCAN) which was used to view the Applicant's tax clearance certificate. Based on the review of the tax clearance certificate, the Applicant is considered tax compliant.	Satisfactory

7.	In the case of any maritime usage relating to offshore renewable energy (within the meaning of section 100), the consistency of the MAC application concerned with the development plans of the transmission system operator (within the meaning of section 100).	Not applicable	Not Applicable
8.	The National Marine Planning Framework (NMPF).	<p>Based on a review of the application, MARA has had regard to the National Marine Planning Framework (NMPF) and it is considered that the proposed project aligns with the overall objectives of the NMPF, including the tourism, economic and social objectives set out therein.</p> <p>It is considered that the proposed project aligns with the following economic, social and key sectoral policy objectives of the NMPF: -</p> <ul style="list-style-type: none"> • Co-existence Policy 1 - <i>Proposals should demonstrate that they have considered how to optimise the use of space, including through consideration of opportunities for co-existence and co-operation with other activities, enhancing other activities where appropriate.</i> • Infrastructure Policy 1 - <i>Appropriate land-based infrastructure which facilitates marine activity (and vice versa) should be supported. Proposals for appropriate infrastructure that facilitates the diversification or regeneration of marine industries should be supported.</i> • Access Policy 2 - <i>Proposals demonstrating appropriate enhanced and inclusive public access to and within the maritime area, and that consider the future provision of services for tourism and recreation activities, should be supported, subject to the outcome of statutory environmental assessment processes and subsequent decision by the competent authority, and where they contribute to the policies and objectives of this NMPF.</i> • Social Benefits Policy 2 - <i>Proposals that increase the understanding and enjoyment of the marine environment (including its natural, historic and social value), or that promote conservation management and increased education and skills, should be supported.</i> • Tourism Policy 1 - <i>Where appropriate, proposals enabling, promoting or facilitating sustainable tourism and recreation activities, particularly where this creates diversification or additional utilisation of related facilities beyond typical usage patterns, should be supported.</i> 	Satisfactory

		<p>In the application, the Applicant states that the proposed project is consistent with the environmental objectives of the NMPF.</p> <p>The proposed works constitute development which require planning permission and environmental assessment of the proposed maritime usage, which is undertaken at development permission stage by the relevant planning authority. This above assessment does not prejudice any consideration and determination that the relevant Planning Authority may make in relation to the NMPF when considering the Planning Application for this development.</p> <p>Based on the above, MARA is satisfied that the proposed works align with the above overall objectives and policy objectives of the NMPF.</p>	
9.	The extent and nature of the preparatory work already undertaken by the Applicant towards ensuring the efficacious undertaking of the proposed maritime usage the subject of the MAC application concerned should the Applicant be granted a MAC in respect of such usage.	<p>The Applicant has indicated that a topographical survey has been completed above and below HWM.</p> <p>Having regard to the above, the extent of the preparatory works undertaken are considered acceptable for a project of this scale and nature.</p>	Satisfactory
10.	The extent and nature of stakeholder engagement undertaken by the Applicant in respect of the proposed maritime usage.	<p>The Applicant has stated that they <i>“have consulted with local stakeholders who are all very supportive “</i> and provided letters/emails, as evidence of support, from the following:</p> <ul style="list-style-type: none"> • <i>Irish Coast Guard – Westport;</i> • <i>Local Adventure activity centre;</i> • <i>Clew Bay Oyster Co Op;</i> • <i>Mayo Islands Committee; and</i> • <i>Inishlyre Island residents.</i> <p>The Applicant also stated that they <i>“will continue to engage with all stakeholders as the project progresses.”</i></p> <p>Having regard to the above, the extent and nature of the stakeholder engagement undertaken is therefore considered acceptable for a project of this scale and nature.</p>	Satisfactory

11.	Where a competitive process referred to in section 93 or 103 is used, the outcome of such process.	Not applicable	Not applicable
12.	Any additional criteria specified, for the purposes of this paragraph, in regulations made under section 80(2).	No such regulations have been made to date.	Not applicable

6.2 Fit & Proper Person Assessment

Schedule 2(2) of the Act sets out the criteria to which MARA shall have regard in determining whether the relevant person(s) is/are “fit and proper” to be granted and to hold a MAC. The assessment of whether the Applicant is a fit and proper person within the meaning of Schedule 2(2) is set out in *Table 3* below.

Table 3: Schedule 2(2) Fit & Proper Person			
<i>Fit & Proper area for assessment</i>		<i>Synopsis</i>	<i>Assessment</i>
(a)	letters of reference;	As set out in Section (g) below, the Applicant has demonstrated clear evidence of their expertise and technical capability in successfully delivering projects of a similar scale. No letters of reference relevant to this assessment criteria were provided.	Satisfactory
(b)	that the relevant person, or any other person concerned, stands convicted of— (i) an indictable offence under this Act or an offence in another state equivalent to an indictable offence, (ii) an indictable offence under an enactment prescribed for the purposes of this clause, or	As part of the FCA, the Applicant was assessed against these criteria and it was concluded that no information or details were identified which indicate that such offences or disqualifications apply.	Satisfactory

	(iii) an offence involving fraud or dishonesty;		
(c)	<p>if the relevant person is a body corporate, whether any of its directors has a declaration under section 819 of the Act of 2014 made against him or her or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act, or is subject to or deemed to be subject to—</p> <p>(i) a disqualification order, within the meaning of Chapter 4 of Part 14 of the Act of 2014, whether by virtue of that Chapter or any other provision of that Act, or</p> <p>(ii) a disqualification outside the State to like effect which corresponds to a disqualification order within the meaning of Chapter 4 of Part 14 of the Act of 2014;</p>	As part of the FCA, the Applicant was assessed against these criteria and it was concluded that no information or details were identified which indicate that such offences or disqualifications apply.	Satisfactory
(d)	if the relevant person is an individual, whether he or she is adjudicated bankrupt or is subject to proceedings for a declaration of bankruptcy or becomes an arranging debtor;	As part of the FCA, the Applicant was assessed against these criteria, and it was concluded that no information or details were identified which indicate that such offences or disqualifications apply.	Satisfactory
(e)	<p>if the relevant person is a body corporate, whether it—</p> <p>(i) has commenced a voluntary winding-up or is subject to a winding-up</p>	As part of the FCA, the Applicant was assessed against these criteria and it was concluded that no information or details were identified which indicate that such offences or disqualifications apply.	Satisfactory

<p>order or is subject to proceedings for such an order,</p> <p>(ii) is subject to the appointment of a receiver or examiner, or</p> <p>(iii) has proposed a compromise or arrangement that is sanctioned under section 453(2) of the Act of 2014 or section 201(3) of the Act of 1963;</p>		
<p>(f) if the relevant person is a body corporate incorporated under the law of another state—</p> <p>(i) whether an event which corresponds to an event referred to in clause (c) has occurred in relation to any of its directors, or</p> <p>(ii) whether an event which corresponds to an event referred to in clause (e) has occurred in relation to the body corporate;</p>	<p>As part of the FCA, the Applicant was assessed against these criteria, and it was concluded that no information or details were identified which indicate that such offences or disqualifications apply.</p>	<p>Satisfactory</p>
<p>(g) whether the relevant person, or a person acting for or on behalf of the relevant person in the relevant person's capacity as such, has (or has access to), or continues to have (or have access to), as the case may be, the requisite technical knowledge or qualifications, or both, to undertake the proposed</p>	<p>Assessment of the technical capability of Mayo Yacht Club and their consultant Gordon Poyntz B.E, C.Eng.,M.I.E.I. of Lohan and Donnelly Structural Engineers to deliver the proposed maritime usages the subject of the MAC application is detailed in Section 6.2.1 below. The Applicant and their consultant are considered to have the requisite technical knowledge and qualifications to undertake the proposed maritime usage.</p>	<p>Satisfactory</p>

	maritime usage, or continue to undertake the maritime usage, as the case may be;		
(h)	<p>whether the relevant person is likely to be in a position to meet, or continue to meet, as the case may be, any financial commitments or obligations that the MARA reasonably considers will be entered into or incurred by the relevant person—</p> <p>(i) in undertaking the proposed maritime usage, or in continuing to undertake the maritime usage, as the case may be, or</p> <p>(ii) in ceasing to undertake the proposed maritime usage or the maritime usage, as the case may be;</p>	<p>A FCA report dated 14 January 2026 has been prepared by external financial consultants, EY, who assessed the Applicant's financial capability to carry out the proposed maritime usages. Based on the results from the financial capability tests and the information submitted, it is considered that the Relevant Person is viewed as passing the assessment.</p> <p>Due to the commercial sensitive nature of a company's finances, details of the assessment are not included herein.</p> <p>The Applicant is considered likely to be in a position to meet financial commitments associated with the proposed maritime usage and MAC.</p>	Satisfactory
(i)	<p>the previous performance of the relevant person when granted—</p> <p>(i) a MAC,</p> <p>(ii) a development permission,</p> <p>(iii) a licence, or</p> <p>(iv) an authorisation (howsoever described) under the Act of 1933.</p>	<p>MARA has undertaken a review of MACs (including associated development permission under MARA's remit for enforcement), maritime usage licences and foreshore authorisations held by the Applicant. Based on the review, MARA is not aware of any non-compliances with these consents, there are no enforcement actions pending and there are no outstanding debts owed.</p>	Satisfactory

6.2.1 Technical Capability Assessment (TCA)

Considering the information supplied by the Applicant in their application, the TCA for this application has been carried out on the basis that the proposed project is not a Schedule 10 project. This determination is for the purposes of TCA only and does not prejudice the planning process as it should be noted that the ultimate arbiter of whether a project is Schedule 10 or not is An Coimisiún Pleanála.

Information has been provided under this TCA submission relating to both the Applicant and their contracted agent. Under these circumstances, the TCA will be carried out based on the combined technical capability of the Applicant and their agent, Gordon Poyntz B.E, C.Eng.,M.I.E.I. of Lohan and Donnelly Structural Engineers.

Assessment of Qualifications/Membership of Professional Bodies

Mayo Yacht Club have employed an engineer, Gordon Poyntz B.E, C.Eng.,M.I.E.I. of Lohan and Donnelly Structural Engineers, who is registered and chartered with Engineers Ireland.

The Applicant's engineer has not demonstrated membership of the Association of Consulting Engineers of Ireland however considering the scale and nature of the application under consideration such membership is not considered warranted in this instance.

The Applicant has stated that their engineer, Gordon Poyntz B.E, C.Eng.,M.I.E.I. of Lohan and Donnelly Structural Engineers, holds Professional Indemnity Insurance.

The Applicant's engineer does not have a recognised Quality Management System. Considering the scale and nature of the application under consideration such a Quality Management System is not considered warranted in this instance..

Assessment of Three Projects of a Similar Scale and Nature

The Applicant has partially completed Part 3 Form TCA2 and has provided details of their involvement in one project of a similar scale and nature to the project the subject of the MAC application. Considering the scale and nature of the application under consideration the details outlined in TCA2 demonstrates the required level of experience to deliver the proposed project.

Based on the information provided, it is considered the Applicant has met the criteria required in relation to professional qualifications and previous project experience.

Assessment of Capability to Operate and Maintain Maritime Infrastructure

The operation and maintenance of the proposed works will be undertaken by the Applicant. Based on the information submitted in Part 4 Form TCA2, the Applicant currently operates and maintains a hardstanding area and slipway. The maintenance of the pontoon and gangway should be well within the ability of the Applicant whose members operate and maintain significant yachts and boats also the members of the sailing club are also heavily involved in ensuring maintenance of the existing public pontoon at Rosmoney Pier.

It is considered that the Applicant has met the criteria required in relation to capability to operate and maintain the proposed maritime infrastructure.

Assessment of Delivery Timelines

Applicants must provide a development programme that satisfies the requirements of key milestone delivery timelines in Part 5 Form TCA2. The Applicant has correctly completed and submitted Part 5 Form TCA2 with their application. Based on the information provided, it is considered the Applicant has demonstrated a realistic understanding of the probable timeframes involved in delivering a project of this scale and nature in an Irish context.

Conclusion

Following an assessment of the documentation provided by the Applicant, MARA consider that Mayo Yacht Club and their agent have satisfied all of the criteria under the Technical Capability Assessment of the Fit and Proper Test.

Based on the outcome of the Technical Capability Assessment, MARA considers that the Applicant and their agent have the requisite technical knowledge and qualifications to undertake the proposed maritime usage

6.3 Rehabilitation Schedule

Under section 96(1) of the Act, it is required that the holder of a MAC shall, before the expiration of the MAC, rehabilitate that part of the maritime area the subject of the MAC.

In accordance with Section 75(5) of the Act, as for MAC applications made to MARA on the basis of Section 75(1) of the Act, the Applicant is required to attach a Rehabilitation Schedule to their associated application for development permission.

6.4 Section 83 – Nature of Use

Section 83(1) of the Act requires MARA in the granting of a MAC to specify whether the specific part of the maritime area the subject of that MAC is for exclusive use or not. Section 83(1) provides MARA discretion and flexibility to specify the nature of the use (i.e. exclusive, non-exclusive or may/may not be exclusive).

The Applicant has specified in their application that they require the exclusive use for the proposed maritime usage and that the club requires such exclusive use for insurance and maintenance purposes. Having regard to the nature and lifecycle of the proposed maritime usage the subject of this application, it is reasonably foreseeable that The Mayo Yacht Club Limited by Guarantee will be required to exclude access to parts of the MAC area on a temporary basis. For example, during construction, maintenance, decommissioning and rehabilitation phases for health and safety reasons. Such temporary/short-term exclusions may be mandated by the planning authority or other authorities or legislation for specific purposes and durations. In this instance, it is considered that granting of exclusive use for the full term of the MAC is not merited, particularly having regard to co-existence and co-operation objectives of the NMPF. It is considered that exclusive use should only be permitted where use on an exclusive basis is required and provided for under another authorisation or enactment. Accordingly, it is recommended that the MAC is granted on a “may or may not be exclusive” basis contingent on circumstances that may arise after the granting of the MAC” in accordance with Section 83(1)(c) of the Act.

7. Proposed MAC Map (for illustration purposes only)



Figure 2 – Proposed MAC Map

8. Levy

An annual MAC levy has been calculated based on the project type and proposed MAC area in accordance with MARA's MAC levy framework, as set out below.

MAPA Levy Framework Part:	A:Nearshore
Category/Class:	Development (non-commercial)
Tier:	Tier 4
Applicable Rate:	Base Annual Charge of €214.09 plus an add on of 0.2007 per sq.m for areas in excess of 100 sq.m
Length or Area:	3934.46 M ²
Calculation:	€214.09 + (€0.2007 * (3,934.46 - 100.00))
Levy due:	€983.67

The MAC levy has been calculated as €983.67 per annum. All levies are indexed to the Harmonised Index of Consumer Prices (HICP), applied on an annual basis.

9. Discussion

Based on the assessments undertaken contained herein, it is considered that the proposed MAC application complies with all the necessary requirements of Schedule 5 of the Act, where relevant and appropriate, with the exception of Schedule 5(1).

The nature of the maritime usage sought by the Applicant is for exclusive use of the maritime usage. The granting of the MAC for exclusive use for pontoons, slipway and hardstanding area would preclude the use of that part of the maritime area for any other usage. As detailed in Section 6.3, while it is reasonably foreseeable that the Mayo Yacht Club may be required or may seek to exclude access to the MAC area on a temporary basis, it is considered that granting of exclusive use for the full term of the MAC is not merited. Accordingly, it is recommended to part grant the MAC sought on a “may or may not be exclusive” basis and that any short term/ temporary exclusive use should only be permitted where use on an exclusive basis is required and provided for under another authorisation or enactment.

Section 105 of the Act was introduced to enable foreshore authorisations to transition to MACs with the foreshore authorisation surrendered automatically in place of a MAC. As set out under Sections 5.1 and

5.3 above, if a MAC were to be granted for the proposed maritime usage on the basis of Section 105, the entirety of the MAC would terminate under Section 144(1)(c) of the Act where there is a failure to obtain development permission for that part of the maritime usage which requires development permission. Accordingly, the subject application is considered under the basis of Section 75(1) of the Act to prevent the Applicant being unfairly disadvantaged in relation to existing usages undertake under foreshore authorisation. In order avoid occupation under dual consents for the same permitted use, it is recommended that where a MAC is granted that it includes conditions requiring the applicant to surrender foreshore authorisations FS004961 and FS005837, subsequent to the granting of development permission and in advance of the commencement of occupation under the MAC, as set out in Section 9(b) below.

The above consideration has been made subject to the following recommended terms and conditions:

a. Terms

MAC Term:	35 years
Consent Area:	That part of the maritime area marked red on the MAC Map.
MAC Map Title:	Maritime Area Consent Map MAC240047
Permitted Maritime Usage:	The construction use, operation and maintenance of a floating pontoon, a gangway and associated mooring system, the extension, use, operation and maintenance of an area of existing hardstanding and the widening, use, operation and maintenance of the existing slipway including all associated decommissioning, demolition and rehabilitation and any other works required on foot of any development permission relating to the infrastructure.
Nature of Usage:	May/May Not be Exclusive
Date by which application for Development Permission or Section 51 Roads Act 1993 approval or Arterial Drainage Act 1945 approval or a Railway Order under Section 37 of the Transport (Railway Infrastructure) Act 2001 must be submitted:	18 months from date of grant of MAC.
The minimum number of days in which the MAC	14 Days

Holder shall provide the Grantor advance notice in writing of the Holder's intention to commence the Permitted Maritime Usage.	
Date by which Financial Close is to be achieved:	18 months from date of grant of development permission

b. Conditions and Reasons for Conditions

Section 82 of the Act specifies that MARA may attach to a MAC one or more conditions which fall within the types of conditions specified in Part 1 of Schedule 6 of the Act. All conditions contained in Schedule 6; Part 2 are deemed to be attached to a MAC.

The standard suite of MARA conditions reflecting the contractual and statutory relationship that will exist with a grant of consent are also recommended. Reasons for these conditions are set out in the enclosed Section 81(7)(b) Minded to Notice.

Following assessment of this MAC application, a number of additional specific conditions and the reasons for these conditions to be attached to the MAC, are recommended below.

4. COMMENCEMENT OF THE RIGHT OF OCCUPATION

4.1 Where the Holder has obtained Development Permission in accordance with the requirements of condition 5.1, the Holder shall make an application to MARA to surrender foreshore authorisations reference number FS004961 and FS005837, pursuant to section 4 of the Foreshore Act 1933, as amended.

4.2 Notwithstanding the MAC Commencement Date and Term, the Holder shall not obtain any right to occupy the Consent Area pursuant to condition 3.4 and shall not commence any works, activities or operations permitted by the Permitted Maritime Usage as provided for under this Consent Area unless and until:

- (a) the Holder has obtained Development Permission for the Permitted Maritime Usage (being Development Permission that is consistent with this Consent as in force from time to time);
- (b) the Holder has obtained all other authorisations (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) required under any other enactment to enable the Holder to commence the Permitted Maritime Usage; and

(c) the Holder has surrendered foreshore authorisations reference number FS004961 and FS005837 in accordance with condition 4.1 and the surrender of the same has been executed in accordance with section 4 of the Foreshore Act 1933, as amended.

4.3 Without prejudice to any other remedies available pursuant to this Consent and at Law, this Consent shall terminate immediately in the event that an application to surrender foreshore authorisations reference number FS004961 and FS005837 is not made in accordance with the requirements of condition 4.1, in which event the obligations specified at condition 14.4 shall apply.

Reason: To provide clarity on the permitted occupation of the Consent Area.

9. SECURITY AND FINANCING

9.3 The Holder shall have achieved Financial Close relating to the Permitted Maritime Usage the subject of this Consent on or before the date set out in the Particulars Schedule. This date may be extended on request in writing by the Holder and provided the Grantor is satisfied that there are reasonable grounds for doing so and the extension does not constitute a material amendment to this Consent.

9.4 Without prejudice to any other remedies available pursuant to this Consent and at Law, this Consent shall terminate immediately in the event that Financial Close for the Permitted Maritime Usage is not achieved in accordance with the requirements of condition 9.3.

9.5 In the event that Financial Close for the Permitted Maritime Usage is achieved, the following provisions shall apply:

(a) The Holder shall furnish the Grantor with evidence of Financial Close as soon as practicable after it has been achieved.

(b) The Holder shall give the Grantor a copy of any material alteration to the funding arrangements as soon as practicable after the alteration has been made, the provisions of condition 11 and of the Act shall apply.

Reason: To provide clarity on the permitted occupation of the Consent Area.

10. Conclusion & Recommendation

Following a detailed assessment of all information on file, it is considered that the proposal complies with all the necessary requirements. Accordingly, it is recommended to issue a Section 81(7)(b) Minded to Notice, as enclosed, informing the Applicant(s) that MARA is minded to part grant a Maritime Area Consent subject to the proposed conditions attached to the MAC. It is recommended to allow the Applicant(s) 21 days from the date of issue of the Minded to Notice to submit supplementary material in relation to the reasons for the conditions as per Section 81(7)(b)(ii).

Once a final determination is made by MARA, the Applicant(s) will be notified and MARA will publish a notice on its website as soon as practicable thereafter.

Signed: Paul Brennan Position: Manager, MACU

Signed: Barry McDonald Position: Senior Engineer, MACU