

<b>MAC Report</b>	
<b>Application for a Maritime Area Consent (MAC) under Section 79 of Maritime Area Planning Act 2021, as amended (the Act)</b>	
<b>Application Details</b>	
<b>MAC Applicant:</b>	<b>Tralee Golf Club</b>
<b>MAC Reference No:</b>	<b>MAC240033</b>
<b>Location:</b>	<b>Barrow Harbour, Ardfert, Co. Kerry</b>
<b>Date Application received:</b>	<b>17 July 2024</b>
<b>Proposed Maritime Usage:</b>	Tralee Golf Club has applied for a MAC under Section 79 of the Act for construction, maintenance, repair and enhancement of coastal protection revetment along the foreshore and boundary of the Golf Club lands at Barrow, Ardfert Co Kerry.
<b>Recommendation:</b>	To <b>approve</b> the <b>Granting</b> of the MAC sought with conditions attached.

<b>Document Control</b>		
<b>Prepared by:</b>	<b>Barry Mc Donald</b> Senior Marine Advisor	<b>26/02/2026</b>
	<b>Cian Scattergood</b> MAC Manager	<b>26/02/2026</b>
<b>Reviewed by:</b>	<b>Jacinta Ponzi</b> Head of Maritime Area Consenting	<b>03/03/2026</b>
<b>Approved by:</b>	<b>Jacinta Ponzi</b> Head of Maritime Area Consenting	<b>03/03/2026</b>
<b>Final Report Version 1:</b>	<b>Cian Scattergood</b> MAC Manager	<b>04/03/2026</b>

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## **1. Overview**

On 17<sup>th</sup> July 2024 Tralee Golf Club submitted a Maritime Area Consent (MAC) application to MARA under Section 79 of the Maritime Area Planning Act 2021, as amended (the Act) for repair and maintenance of coastal revetment works at the Tralee Golf Club, Barrow, Ardfert, Co.Kerry.

## **2. Background**

Tralee Golf Club is located on the edge of the Atlantic Ocean in the coastal townland of Barrow in Co. Kerry, approximately 14km northwest of Tralee and 7km north of the small sea port village of Fenit. It lies at the north-eastern side of Tralee Bay on a small peninsula surrounded by the Atlantic to the north and enclosed by Fenit Island and Barrow Harbour to the west and south.

The works proposed for this project are to in-fill sections of new rock armour and to repair and adjust existing rock armour revetment structures where/if required, at three weak points along the northwestern edge of the club. The proposed works at solely one of these weak points at Barrow Tower (or 3<sup>rd</sup> Green) Area are in the maritime area and will involve the delivery and placement of new rock armour and quarry run after the insertion of geotextile. Rock armour will be installed at the correct slope angle using track machine. Repair work will be carried out on any existing rock armour suitable for retention.

### 3. Proposed Maritime Usage

The proposed development within the maritime area includes for the installation, repair and maintenance of rock armour at 4 distinct locations around the immediate seaward limits of Barrow Castle or the 3<sup>rd</sup> green, Area A 32.18sqm, Area B 13.80sqm, Area C 4.22 sqm and Area D 801.93sqm. The larger area directly west at Barrow castle is to be 1 to 2m depth at 1 in 3 slope to MHWS +2m (3.09mAOD) then blended to existing terrain. The existing terrain is rocky outcrop grading down to sandy shoreline. The proposal includes geotextile and stone fill where required.



*Figure 1 Aerial view of proposed MAC area with Barrow tower visible*





Photograph 1 – View taken from north looking south with Barrow Round Castle to left.



Photograph 2 – View taken from southeast looking northwest with Barrow Round Castle to the right



Photograph 3: View taken looking northwest from just north of the round tower.

## **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 stated that the proposed maritime usage the subject of this application requires development permission. The applicant has received this from Kerry County Council (ref.21/648), on 16<sup>th</sup> July 2021. Section 75A makes provision for a MAC application following the grant of development permission, where granted before 17 July 2023.

Accordingly, the subject of this application is considered to fall under **Section 75A**

### **5.2 Existing Consents & Authorisations**

A search of the MARA's GIS databases was undertaken on 17/02/2026 for spatial overlap between the proposed MAC areas and existing foreshore authorisations and no overlaps were identified. No existing MACs or Maritime Usage Licences were identified as overlapping the proposed MAC application areas.

The Department of Agriculture, Food and the Marine (DAFM) Aquamis Aquaculture authorisations database was searched on 17/02/2026 for spatial overlap between the proposed MAC areas and any DAFM foreshore authorisations for aquaculture sites. One overlap for Tralee Oyster Fisheries Society Ltd, Fishery Order (FO)T06-004 was identified. This is one of only a few locations in Ireland where the Native Irish Oyster are harvested using traditional harvesting methods. It is also one of the few self-seeding Wild Irish Oyster Fisheries found in Europe. The proposed MAC spatial extent does not conflict with this Fisheries Order by the nature of the terrain being exposed rocky shore habitat and cliff face, which would not be considered navigable maritime area or provide suitable conditions for trestles or bottom culture growing of oysters.

### **5.3 Development Permission**

**Plan Ref 18791** – Tralee Golf Club obtained planning permission to 'RETAIN AND COMPLETE COASTAL EROSION WORKS ADJACENT HOLES 2 AND 3'. Decision to grant subject to one condition dated 03/10/2018.

**Plan Ref:21648** – Tralee Golf Club applied for planning for 'THE PROVISION OF NEW ROCK ARMOUR AND REPAIR OF EXISTING ROCK ARMOUR REVETMENT STRUCTURES AT THREE LOCATIONS ON THE COASTLINE. A NATURAL IMPACT STATEMENT (NIS) HAS BEEN PREPARED AND SUBMITTED'. Decision to grant subject to conditions dated 10/08/2021.

There is overlap between the two areas of the above referenced planning permissions. Having regard to the particulars of the above referenced planning applications, namely Ref:21648 the applicant has obtained planning for the subject maritime usage, and this subject MAC satisfies the requirements of Section 75A, as planning has been granted before 17<sup>th</sup> July 2023 and the MAC application was made prior to 17<sup>th</sup> July 2024.

The applicant has submitted 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 **20/10/2025** 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.

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

## **6. Assessment**

### **6.1 Schedule 5**

The MAC application was submitted on 17 July 2024 with the appropriate fee paid on 10 July 2024 and reviewed for completeness on 29 July 2024. The application was deemed complete by MARA on 30 August 2024.

A number of requests for additional information were issued on 26 September 2024, 23 October 2025, and 23 February 2026 under section 79(3) of the Act and associated responses received relating to matters for general, technical and financial assessment on 22 October 2024, 20 February 2026 and 23 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 &amp; 4 above. It is considered that a design life for the structure of circa 50 years, with proper maintenance and repair, should be achievable. Accordingly, a MAC term of 55 years (allowing for construction and rehabilitation/decommissioning phases) is recommended.</p> <p>The proposed maritime usage is considered satisfactory, having regard to the nature, scope and duration.</p>	Satisfactory
2.	Whether the proposed maritime usage is in the public interest.	<p>The applicant has stated the following in its application:</p> <p><i>“As such it does in that the completion of the works maintains the integrity of the section of coastline revetment that protects the Golf Course Amenity which is used by the public, visitors and members. The course and Golf Club is a vital local employer and is a key component of the tourism offering in North Kerry. The protection of the section of Revetment around the Round Tower will protect the structural integrity of the tower in terms of the impacts of future storm surge, sea level rise and climate change. The tower is a protected structure and national monument, so the protection of same aligns with the protection of Heritage and Cultural features in the landscape.</i></p> <p><i>The Golf Course is open to the public, visitors and members. The course also has public rights of way through the grounds to Barrow Beach and also along the coastal edge in terms of walking and recreation. The proposed works will repair the damaged section of coastline fringe and avoid future erosion and in so doing protects the dune system and local vegetation bounding the course and fairways. Protection and repair of the revetment at weak points will help maintain the amenity in the longer term for users of the course.”</i></p> <p>The proposed maritime usage is considered satisfactory, having regard to the public interest.</p>	Satisfactory
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 occupied by the MAC is 852.13sqm, comprising MAC Areas A, B, C, D.</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(s) 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 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 &amp; Young (EY) report dated <b>21 November 2024</b>, 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).	<b>Not applicable</b>	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 Flood Relief / Coastal Protection, 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"> <li>-</li> <li>• Social Benefits Policy 1 - Proposals that enhance or promote social benefits should be supported.</li> <li>• Access Policy 1 - Proposals, including in relation to tourism and recreation, should demonstrate that they will, in order of preference: <ul style="list-style-type: none"> <li>a) avoid,</li> <li>b) minimise, or</li> <li>c) mitigate significant adverse impacts on public access.</li> </ul> </li> <li>• Co-existence Policy 1 - 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.</li> </ul> <p>If proposals cannot avoid significant adverse impacts (including displacement) on other activities they must, in order of preference:</p> <ul style="list-style-type: none"> <li>a) minimise significant adverse impacts,</li> <li>b) mitigate significant adverse impacts, or</li> <li>c) if it is not possible to mitigate significant adverse impacts, proposals should set out the reasons for proceeding.</li> </ul> <ul style="list-style-type: none"> <li>• Infrastructure Policy 1 - 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.</li> <li>• Social Benefits Policy 2 - 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.</li> <li>• Access Policy 2 - 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</li> </ul>	Satisfactory
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		<p>environmental assessment processes and subsequent decision by the competent authority, and where they contribute to the policies and objectives of this NMPF.</p> <ul style="list-style-type: none"> <li>• Tourism Policy 1 - 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.</li> <li>• Sport and Recreation Policy 1 - Proposals that promote sustainable development of water-based sports and marine recreation, while enhancing community health, wellbeing and quality of life, should be supported, provided that due consideration is given to environmental carrying capacities and tourism pressures.</li> <li>• Protected Marine Sites Policy 1 - Proposals must demonstrate that they can be implemented without adverse effects on the integrity of Special Areas of Conservation (SACs) or Special Protection Areas (SPAs). Where adverse effects from proposals remain following mitigation, in line with Habitats Directive Article 6(3), consent for the proposals cannot be granted unless the prerequisites set by Article 6(4) are met</li> </ul> <p>In the application, the applicant states that the proposed project is consistent with the environmental objectives of the NMPF.</p> <p>The Project incorporates extensive mitigation measures as set out in the Natura Impact Statement (NIS) completed for the Project (Planning REF 21648) in order to ensure that the coastal environment is fully protected during both the construction and operation phase of the Project.</p> <p>Based on the above, MARA is <b>satisfied</b> that the proposed works align with the above overall objectives and policy objectives of the NMPF.</p>	
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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 already obtained planning permission for the subject development and the particulars contained within the planning application are extensive. The details are available to view online. Statutory public consultation has also been carried out as part of the planning process.</p> <p>The foreshore licence application FS 00717 contained all preparatory surveys, reports and assessments. The following is a synopsis of the documentation completed and submitted at the time:</p> <ul style="list-style-type: none"> <li>• AA Screening Report</li> <li>• Natura Impact Statement</li> <li>• Archaeology Report</li> <li>• Hydrodynamic Report</li> <li>• EIA Screening Report</li> <li>• Coastal Works - Introductory Report</li> <li>• Archaeological Report for the exploratory excavations under licence at the Third Green and Tower area.</li> </ul> <p>Having regard to the above, the extent of the preparatory works undertaken are considered <b>acceptable</b> 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>As Part of their application the applicant has stated engagement with the following: Kerry County Council, Foreshore Section of NPWS, IFI, Golf Course Users.</p> <p>They have also proposed wider engagement with the general public as part of the planning process.</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 holder is a fit and proper person within the meaning of Schedule 2(2) is set out in *Table 3* below.

<b>Table 3: Schedule 2(2) Fit &amp; Proper Person</b>		
<b>Fit &amp; Proper area for assessment</b>	<b>Synopsis</b>	<b>Assessment</b>
(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 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  (iii) an offence involving fraud or dishonesty;	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
(c) 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	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>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>		
<p>(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;</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>(e) 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 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</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>

	or section 201(3) of the Act of 1963;		
(f)	<p>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>	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
(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 maritime usage, or continue to undertake the maritime usage, as the case may be;	Assessment of the technical capability of Tralee Golf Club & Malachy Walsh and Partners Ltd. to deliver the proposed maritime usages the subject of the MAC application is detailed in Section 6.2.1 below. The applicant's agent is considered to have the requisite technical knowledge and qualifications to undertake the proposed maritime usage.	Satisfactory
(h)	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	<p>A FCA report 21 November 2024 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>	Satisfactory

<p>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>The applicant <b>is considered likely</b> to be in a position to meet financial commitments associated with the proposed maritime usage and MAC.</p>	
<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>	<p>Satisfactory</p>

### **6.2.1 Technical Capability Assessment (TCA)**

Considering the information supplied by the applicant in their application, the Technical Capability Assessment (TCA) for this application has been carried out on the basis that the proposed project is not a Schedule 10 project. Information has been provided under this TCA submission relating to the applicant's contracted agents. Under these circumstances, the TCA will be carried out on the basis of the technical capability of the applicant's agents, Malachy Walsh & Partners (MWP).

#### **a. Assessment of Qualifications/Membership of Professional Bodies**

The agent has satisfactorily completed Appendix Tec A- Table (i) with details of the agents, Malachy Walsh and Partners Ltd. (MWP) professional memberships. MWP employ chartered engineers and have provided evidence of being a member of the Association of Consulting Engineers Ireland (ACEI) and have provided evidence valid at the time of application of holding Professional Indemnity Insurance to the limit of €2,000,000. MWP have also provided evidence of their NSAI Certificate of Registration of Quality Management Systems; ISO 9001:2015, ISO 14001:2015, and ISO 45001:2018. On the basis of the information provided, it is considered the agent has met the criteria required in relation to Qualifications/Membership of Professional Bodies.

#### **b. Assessment of Three Projects of a Similar Scale and Nature**

The agent has satisfactorily completed Appendix Tec A- Table (ii) with details of their involvement in the delivery of projects of a similar scale and nature to the project the subject of the MAC application. The reference projects and the details outlined in Appendix Tec-A Table (ii) demonstrate 3 no. relevant projects; Fenit Harbour Dredging, Dingle Small Craft Harbour, and Aughinish Alumina, Maintenance Dredging for jetty and approach channels. These projects demonstrate the agent MWP's capability and level of experience and expertise in; engineering design, securing all relevant consents, tendering, contracting, and supervision and delivery of the projects. On the basis of the information provided, it is considered the applicant has met the criteria required in relation to professional qualifications and previous project experience.

#### **c. Assessment of Capability to Operate and Maintain Maritime Infrastructure**

MWP has been involved in the design, construction and maintenance of rock armour/revetment infrastructures in a number of harbours around the country, including Fenit Harbour, Dingle Harbour, Doolin Pier modernisation including dredging, revetments, new pier and infrastructure, Clare Island Pier and revetement.

Based on the information submitted in Appendix Tec B, MWP have demonstrated a good understanding of the likely maintenance and operational requirements of a project of this scale and nature and it is considered that the applicant has met the criteria required in relation to capability to operate and maintain the proposed infrastructure.

#### **d. Assessment of Delivery Timelines**

The applicant has satisfactorily completed Appendix Tec C and satisfied the requirements of key milestone delivery timelines. On the basis of the information provided, while the dates are outdated due to

the passage of time since application date and the MAC consenting timelines, 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.

**TCA Conclusion:** Following an assessment of the full suite of documentation provided by the applicant, MARA's considers that Malachy Walsh and Partners Ltd. have satisfied all the criteria under the Technical Capability Assessment of the Fit and Proper Test. Accordingly, MARA considers that Malachy Walsh and Partners Ltd. 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. As this application falls for submission under Section 75A of the Act, it is required that a rehabilitation schedule be attached to the MAC. The Applicant submitted a Rehabilitation Schedule to MARA on 20/02/2025. Upon review of the requirements of Section 96 of the Act, the Rehabilitation Schedule is considered satisfactory.

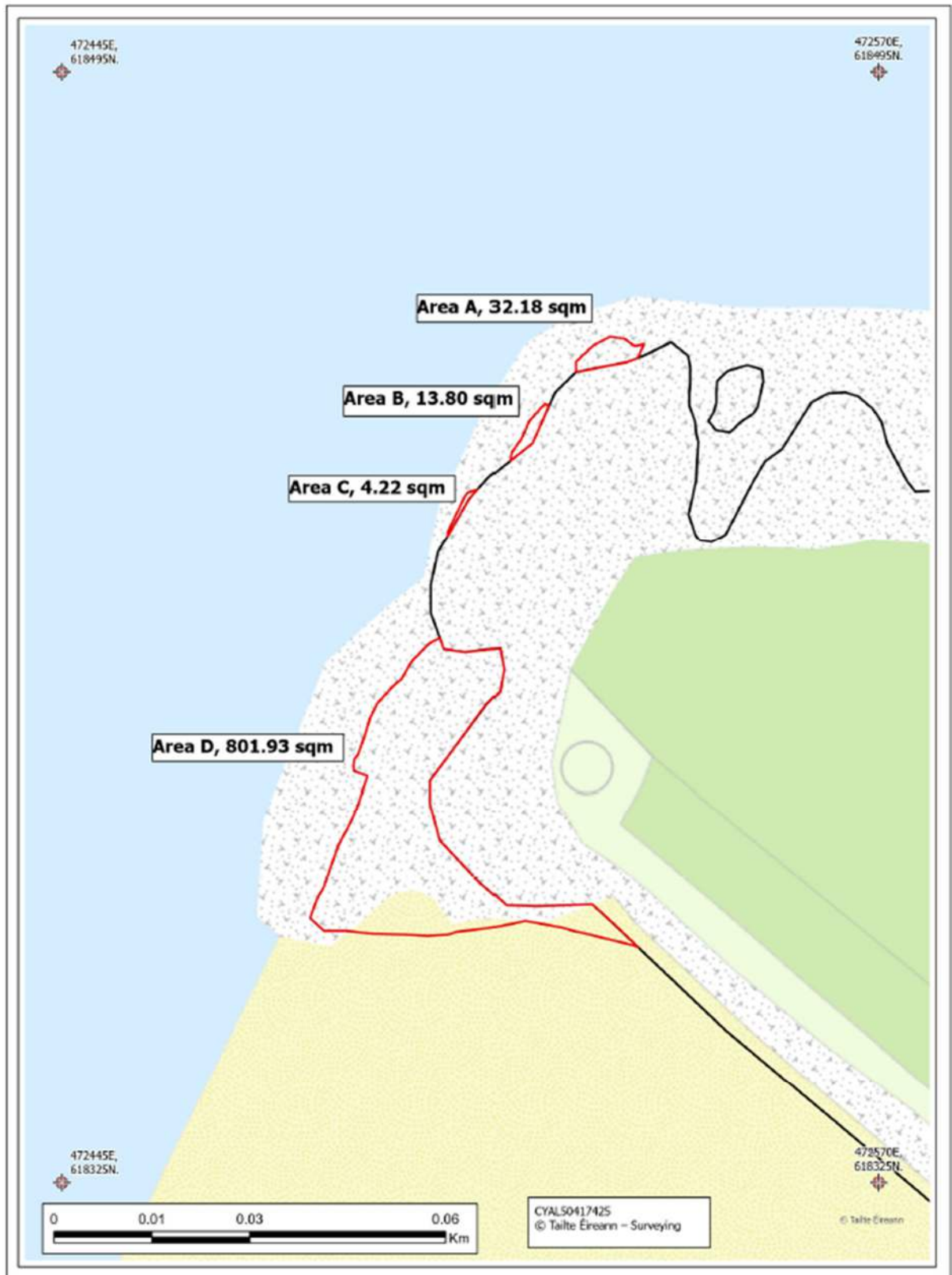
Section 96(4) of the Act specifies particulars that should be included in a rehabilitation schedule that set out how the applicant will discharge their rehabilitation obligations. The rehabilitation schedule is considered satisfactory having regard to section 96 of the Act.

### **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).

Having regard to the nature and lifecycle of the proposed maritime usage the subject of this application, it is reasonably foreseeable that Tralee Golf Club may be required to exclude access to parts of the MAC area on a temporary basis. For example, during construction, beach nourishment, 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)



Drawn by: EPcD  
 Approved by: MTM  
 Date: 03/03/2026  
 Dep. No.: MAC240033-001  
 Projection: ITM

**Notes:**  
 1. Georeference using grid coordinate intersects shown.  
 2. Where the MAC adjoins or abuts land, islands or rocks, the High Water Mark as defined by the Chief

Maritime Area Consent Map  
 MAC240033

 Maritime Area Consent Area, 852.13sqm  
 High Water Mark - Chief Boundary Surveyor  
 Grid Coordinate Intersects ITM

**MARA**  
 An tAidianta Náisiúnaí Comhairle Mhuirne  
 Maritime Area Regulatory Authority

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.

<b>MAPA Levy Framework Part:</b>	<b>A: Nearshore</b>
<b>Category/Class:</b>	<i>Development non commercial</i>
<b>Tier:</b>	Tier 4
<b>Applicable Rate:</b>	Base Annual Charge of €214.09 plus an add on of 0.2007 per sq.m for areas in excess of 100 sq.m
<b>Length or Area:</b>	852.13sqm
<b>Calculation:</b>	$€214.09 + (€0.2007 * (852.13 - 100.00))$
<b>Levy due:</b>	€365.04

The MAC levy has been calculated **as €365.25** 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, subject to the following recommended terms and conditions:

### a. Terms

<b>MAC Term:</b>	55 years
<b>Consent Area:</b>	That part of the maritime area marked red on the MAC Map.
<b>MAC Map Title:</b>	Maritime Area Consent MAP MAC240033, Drawing Number: MAC240033-001, dated 19/02/2026.
<b>Permitted Maritime Usage:</b>	The construction, use, operation and maintenance of coastal protection revetment works, all associated decommissioning, demolition, rehabilitation and any other works required on foot of any development permission relating to the infrastructure.

<b>Nature of Usage:</b>	<b>May or may not be exclusive</b>
<b>Date by which application for Development Permission must be submitted (subject to Phasing Schedule where applicable):</b>	<b>Not applicable as per Section 75A, permission has already been granted</b>
<b>The minimum number of days in which the MAC Holder shall provide the Grantor advance notice in writing of the Holder's intention to commence the Permitted Maritime Usage.</b>	14 Days
<b>Date by which Financial Close is to be achieved:</b>	<b>Not applicable</b>

**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.

It is considered that the application for a MAC complies with all the requirements of Part 4 of the Act, with particular regard to Schedule 5 criteria. Accordingly, it is recommended that the proposed MAC is **granted with conditions**.

## 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 that MARA is minded to **grant a Maritime Area Consent subject to the proposed conditions attached to the MAC**. It is recommended to allow the applicant 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 will be notified and MARA will publish a notice on its website as soon as practicable thereafter.

Signed: Cian Scattergood Position: Manager, MACU

Signed:  Position: Senior Engineer, MACU