

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:	Donegal County Council
MAC Reference No:	MAC240039
Location:	Downings, Co. Donegal
Date Application received:	05 December 2024
Proposed Maritime Usage:	Donegal County Council has applied for a MAC for the construction of a water sports activity centre in Downings, Co. Donegal. The proposed works include the construction, use, operation and maintenance of a water sports activity centre, including all associated decommissioning, demolition, rehabilitation, and any other works required on foot of any development permission relating to the infrastructure.
Recommendation:	To approve the Granting of the MAC sought with conditions attached.

Document Control

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1. Overview

On 5 December 2024, Donegal County Council submitted a Maritime Area Consent (MAC) application to MARA under section 79 of the Maritime Area Planning Act 2021, as amended (the Act) for the construction of a water sports activity centre in Downings, Co. Donegal. The proposed works include the construction, use, operation and maintenance of a water sports activity centre, including all associated decommissioning, demolition, rehabilitation, and any other works required on foot of any development permission relating to the infrastructure.

2. Background

Donegal County Council, in partnership with Fáilte Ireland, is proposing to build a new centre for water-based activities in Downings village, Co. Donegal. The proposed development forms part of Fáilte Ireland's *Platform for Growth: Water Sports Facilities* investment scheme and will support the local economy and the outdoor activity sector by significantly enhancing the overall visitor experience, providing new business opportunities in the local community and allowing for the extension of the tourism season beyond the traditional summer months.

3. Proposed Maritime Usage

The proposed building is to be constructed in an existing public car park which is currently operated and maintained by Donegal County Council. The proposed building will replace the existing public conveniences building in the car park. The applicant has stated that the building will be single storey and will include toilets, showers and storage facilities for water sports activities. The existing public car park also acts as the main entrance to Downings Blue Flag Beach, which is accessed via a narrow laneway from the car park. A portion of the existing public car park at its southern extent, and also the beach access laneway, is situated on the seaward side of the Chief Boundary Surveyor's (CBS) High Water Mark (HWM) and is therefore within the maritime area. The proposed building will be located in the southwest corner of the existing carpark and traverses the CBS HWM – see Figure 1 below. All service connections, such as water and sewerage, will be made to the existing public networks at the northern extent of the car park. Electrical services will be provided via new connections to the existing ESB network. The applicant has not requested a term/duration in their MAC application.

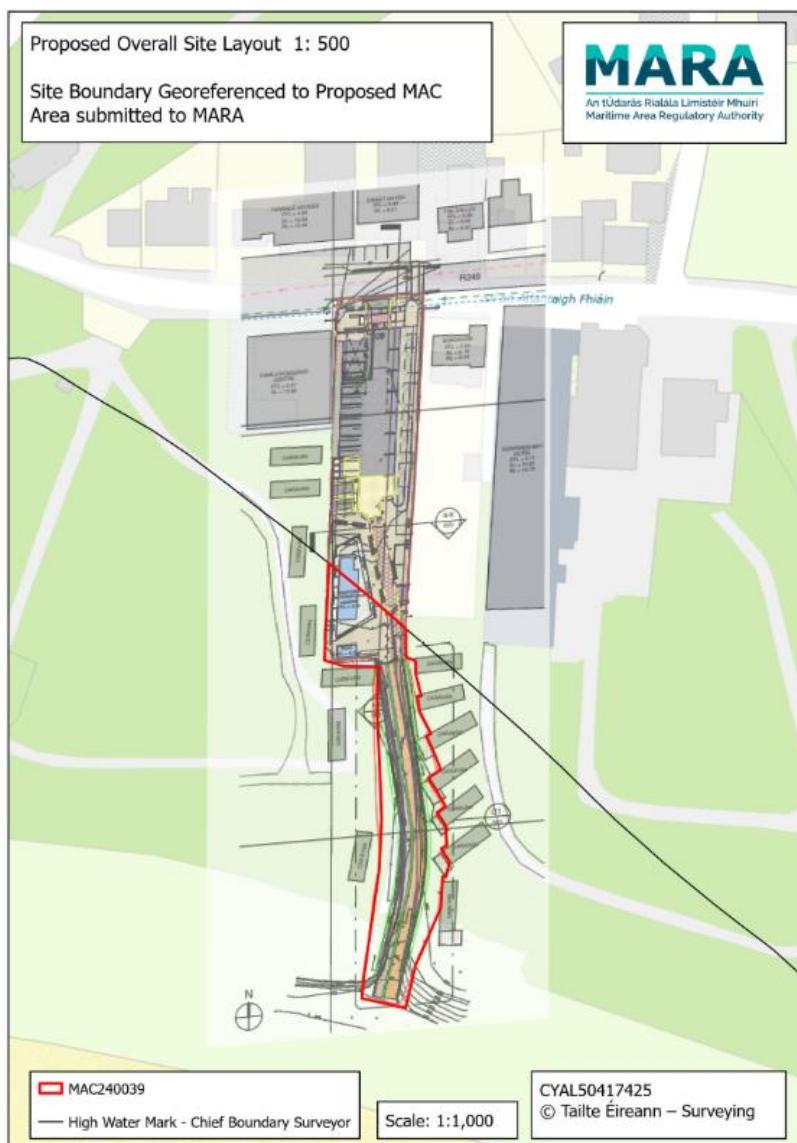


Figure 1 – Proposed building and services layout

(georeferenced overlay from drawing A.3.1.003 titled Proposed Overall Layout submitted by applicant).

In addition to the construction of the water sports building, the applicant is also proposing improvement works to the existing beach access laneway which are detailed on drawing A.3.1.003 titled *Proposed Overall Site Layout, Sections and Services Layout*, dated July 2025 submitted by the applicant with their application. The proposed improvement works involve the construction of a concrete roadway and segregated concrete pedestrian footpath.

The MAC area sought by the applicant is illustrated in Figure 2.

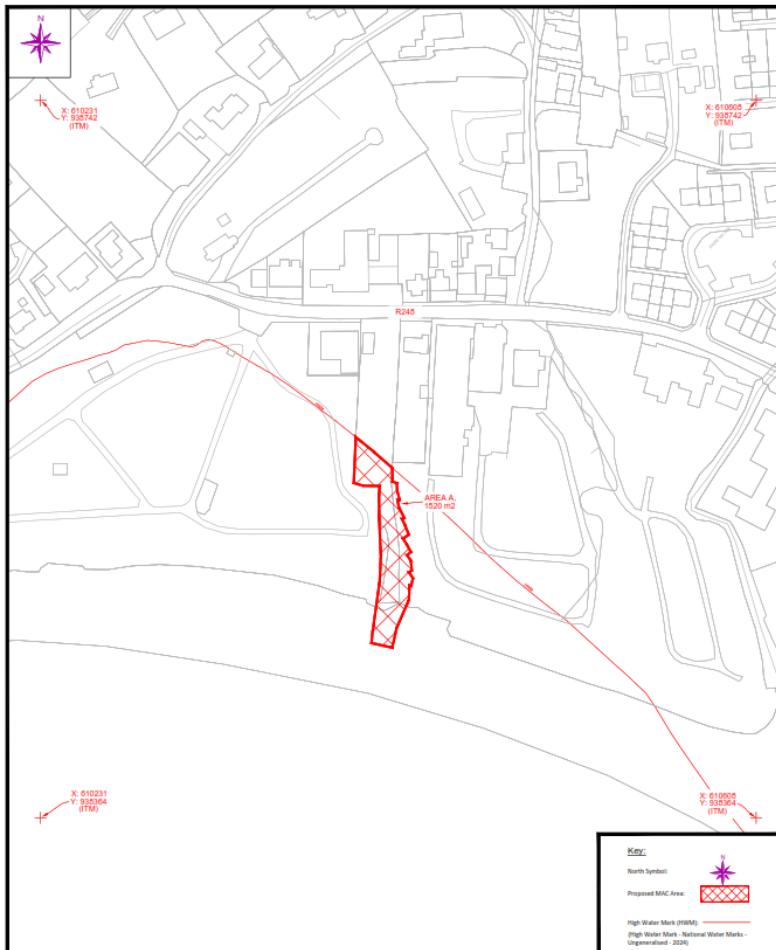


Figure 2 – Applicant proposed MAC area map at Downings, Co. Donegal.

4. Site Visit

Senior Marine Advisor, Philip Newell inspected the site on 20 October 2025. The proposed works are located on lands within the village of Downings which have either been reclaimed or formed by natural accretion since the OSI historic 25" mapping survey was undertaken between 1888 and 1913. The proposed MAC area is bounded on its eastern and western extents by an existing caravan park and by the Downings Bay Hotel. The existing car park is finished with a tarmacadam surface and leads to an unsurfaced sandy access laneway to Downings Beach. Please refer to Section 5.4 for further details in relation to the existing occupation. Photographs 1 to 4 detail the character of the site in the vicinity of the proposed works. With the exception of existing minor local authority infrastructure/items (bicycle parking, clothes recycling, information boards), there was no existing infrastructure or

occupation noted within the area where the proposed building is to be located which would conflict with the proposed maritime usage.



Photograph 1 – Looking south towards MAC area from Main Street. (PN 20/10/2025)



Photograph 2 – Area where proposed building will be located. (PN 20/10/2025)



Photograph 3 – Looking north along beach access towards carpark. (PN 20/10/2025)



Photograph 4 – Looking north from beach towards access track. (PN 20/10/2025)

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 stated that the proposed maritime usage requires development permission. 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.

Accordingly, the subject of this application is considered to fall under Section 75(1), of the Act.

5.2 Existing Consents & Authorisations

A search of the MARA's GIS database was undertaken on 20 October 2025 to assess potential spatial overlaps between the proposed MAC area and any existing foreshore authorisations or MARA licences and consents. The proposed MAC area does not overlap with any existing MACs or Maritime Usage Licence (MUL) or applications for the same. The application does not overlap with any existing authorisations.

The Marine Institute's Ireland's Marine Atlas database¹ was searched on 29 October 2025 for spatial overlap between the proposed MAC areas and any Department of Agriculture Fisheries and Marine foreshore authorisations for aquaculture sites. There are no licenced aquaculture operations overlapping with, or in close proximity to, the proposed MAC area.

¹ <https://atlas.marine.ie/>

In summary, no existing MACs, MULs, foreshore authorisations (including those for aquaculture) or applications for the same were identified as overlapping the proposed MAC application area.

5.3 Development Permission

The applicant has stated that the proposed works require development permission. The applicant indicated that they intend to submit an application for development permission should they be successful in obtaining a MAC for the proposed project. No application for development permission has been made in advance of seeking a MAC from MARA. 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 significant portion of the land to the south of Downings village is situated seaward of the CBS's HWM and, although this is now 'dry land', remains maritime area and falls within the administrative jurisdiction of the Act. It is not possible to ascertain whether this land has formed through natural accretion or by historical anthropogenic reclamation. Historical imagery obtained from the Ordnance Survey Ireland (OSI), now Tailte Éireann, shows this area was in situ prior to the completion of the OSI, 1973-1977 *National Aerial Survey* (see Figure 3 below). MARA's Compliance, Enforcement and Revenue (CER) unit have been made aware of the existing occupation observed during the site visit.

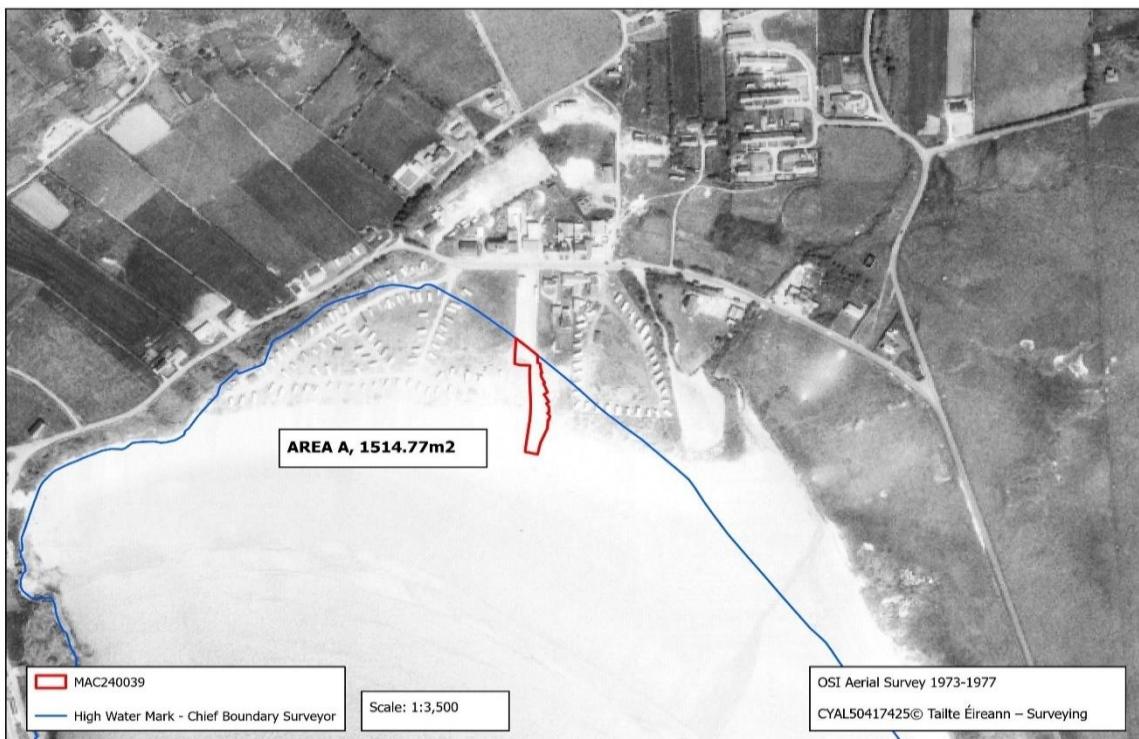


Figure 3 – OS Aerial Imagery 1995 with historical HWM added. (extract from OSI's Geohive Viewer)

Except for a portion of the local authority car park and access laneway, the majority of the 'dry land' within the maritime area, detailed in Figure 3 above, is occupied by a caravan park. No Foreshore authorisations exist in respect of this area. A search was undertaken of the Land Registry on 20 October 2025 for any document granting or affecting rights to land 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.

In accordance with Section 99(2) of the Act, no part of the maritime area shall be treated as privately owned unless that part is land, whose owner is, or is deemed to be, registered under the Registration of Title Act 1964. There does not therefore appear to be any legal impediment in relation to ownership which would prevent the granting of a MAC over this area.

The MAC area as applied for by Donegal County Council, overlaps with several existing caravan patios. The applicant requires this area on a temporary basis to facilitate the construction of the proposed improvement works to the beach access laneway. The applicant has engaged with the owner of the caravan park and the owner of the adjacent hotel and has provided letters of support from both parties in relation to the proposed development works. Notwithstanding the above, a condition is included the standard suite of MARA conditions, whereby the Holder warrants to the Grantor that it has made enquires and is satisfied that there are no third-party interests in the Consent Area. The MAC Holder must keep the Grantor indemnified against any liabilities arising from the undertaking of the Permitted Maritime Usage.

6. Assessment

6.1 Schedule 5

The MAC application was submitted on 3 December 2024 with the appropriate fee paid on 5 December 2024 and reviewed for completeness on 20 December 2024. An incomplete application notification was issued on 20 December 2024; with supplementary documentation/information received on 6 January 2025. The application was deemed complete by MARA on 9 January 2025.

A number of requests for additional information were issued on 21 January 2025, 31 March 2025 and 15 April 2025 under section 79(3) of the Act and associated responses received relating to matters for general, technical and financial assessment on 11 February 2025, 15 April 2025 and 2 May 2025. Additional information was also submitted by the applicant on 21 October 2025 and 3 November 2025.

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 1 below.

Table 1: 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. It is considered that a design life for the structure of circa 40 years, with proper maintenance and repair, should be achievable. Accordingly, a MAC term of 45 years (allowing for planning, 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>Donegal County Council stated that the proposed project “<i>is being developed in partnership with Fáilte Ireland.</i>” Fáilte Ireland’s “<i>Platforms for Growth</i>” is a capital investment programme designed to support Failte Ireland’s strategy of building brilliant visitor experiences.” The applicant stated that the programme is underpinned by a strong policy framework, set out in Government’s People, Place and Policy – Growing Tourism to 2025 and associated Tourism Action Plan 2019 – 2025. Also, the programme is aligned with Fáilte Ireland’s Tourism Development and Innovation; A Strategy for Investment 2016-2022 and their corporate strategy.</p> <p>Donegal County Council stated that the proposed project “<i>is aimed at promoting water-based activities, providing a modern facility for service providers to operate from (store equipment, meeting point for users, provision of changing areas. This is aimed as promoting and further enhancing tourism in Downings Village to support the local economy.</i>”</p> <p>Donegal County Council has stated that “<i>During the construction phase some existing car parking spaces will be lost and control measures will be required for the safety of the public accessing Downings Blue Flag Beach via the car park. Once works are complete it is envisaged the existing access to Downings Blue Flag Beach will be much safer for pedestrians.</i>”</p> <p>As the applicant has indicated there will be access restrictions during the construction phase of the proposed works which are likely to affect the public use of the existing laneway to the beach and a portion of the public car park, it is in the public interest that the Local Authority provides sufficient advance notification of any planned temporary restrictions or closures. It is recommended that a condition is included in the MAC requiring the holder to undertake public engagement in advance of undertaking the permitted maritime usage. Refer to Section 9 for further details.</p> <p>The proposed maritime usage is considered satisfied, having regard to the public interest and consideration above.</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 1,514.77m², as illustrated in Figure 4 (Proposed MAC Map) in Section 7.</p> <p>Details of the location, relevant consents, ownership and development permissions are provided in Sections 3 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 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 Ernest & Young report dated 3 April 2025, 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	Not applicable	Not Applicable

	of the transmission system operator (within the meaning of section 100).		
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 Sport & Recreation, 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"> • 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. • Sport and Recreation Policy 4 - Proposals that improve access to marine and coastal resources for tourism activities, and sport and recreation should be supported, where appropriate, at the applicable scale and aligned with existing development plans. • 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 environmental assessment processes and subsequent decision by the competent authority, and where they contribute to the policies and objectives of this NMPF. • 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. • Tourism Policy 3 - Proposals for tourism development should seek to optimise facilities and use of space by taking a cross-sectoral development approach that provides for multiple activities, whilst minimising the extent to which the proposal is likely to adversely impact on the natural environment. • Employment Policy 1 - Proposals should demonstrate contribution to a net increase in marine related employment in Ireland, particularly where the proposals are: <ul style="list-style-type: none"> • in line with the skills available in Irish coastal communities adjacent to the maritime area, • improve the sustainable use of natural resources, 	Satisfactory

		<ul style="list-style-type: none"> • diversify skills to enable employment in emerging industries. • Social Benefit Policy 1 - Proposals that enhance or promote social benefits should be supported. • Social Benefit 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. • 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. <p>In the application, the applicant states that the proposed project is consistent with the environmental objectives of the NMPF. 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.	<p>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>	<p>The applicant has stated in their application that the following preparatory works have been carried out:-</p> <ul style="list-style-type: none"> - <i>Failte Ireland - Phase 1 Site Selection Matrix Report.</i> This report informed the site selection process for the Platform for Growth Grant Scheme for shared community facilities. A total of 5 sites were identified by Fáilte Ireland in collaboration with Donegal County Council for inclusion in the scheme. - <i>Failte Ireland - Phase 2 Ecological Assessments Report.</i> All sites brought to phase 2 of the site selection process were visited and detailed ecological assessments were undertaken. Issues, considerations and requirements were then identified for each of the sites with respect to the proposed works characteristics. Where protected habitats were identified, site constraints maps were generated to identify areas where development could be permissible. <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.	<p>The extent and nature of stakeholder engagement undertaken by the applicant in respect of the proposed maritime usage.</p>	<p>Donegal County Council state that they, in conjunction with Fáilte Ireland, have undertaken stakeholder “engagement with a number of local service providers for water-based activities around the location and development of the proposed building. The project received positive feedback and support from the local service providers.” Donegal County Council stated they have engaged with local businesses in Downings that are adjacent to the proposed building and received positive feedback.</p> <p>On 3 November 2025, Donegal County Council submitted supplementary information regarding stakeholder engagement. Donegal County Council engaged with the owner of the caravan park and the owner of the adjacent hotel and has provided letters of support from both parties in relation to the proposed development works.</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.	<p>Where a competitive process referred to in section 93 or 103 is used, the outcome of such process.</p>	Not applicable	Satisfactory
12.	<p>Any additional criteria specified, for the purposes of this paragraph, in regulations made under section 80(2).</p>	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 is “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 2* below.

Table 2: Schedule 2(2) Fit & Proper Person			
Fit & Proper area for assessment		Synopsis	Assessment
(a)	letters of reference;	<p>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.</p> <p>No letters of reference were provided.</p>	Satisfactory

(b)	<p>that the relevant person, or any other person concerned, stands convicted of—</p> <p>(i) an indictable offence under this Act or an offence in another state equivalent to an indictable offence,</p> <p>(ii) an indictable offence under an enactment prescribed for the purposes of this clause, or</p> <p>(iii) an offence involving fraud or dishonesty;</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>	Satisfactory
(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>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>	Satisfactory

	(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;		
(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)	if the relevant person is a body corporate, whether it— (i) has commenced a voluntary winding-up or is subject to a winding-up order or is subject to proceedings for such an order, (ii) is subject to the appointment of a receiver or examiner, or (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;	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
(f)	if the relevant person is a body corporate incorporated under the law of another state—	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>(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>		
(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 Donegal County Council, to deliver the proposed maritime usages the subject of the MAC application is detailed in Section 6.2.1 below. The applicant 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 by the relevant person—	<p>A FCA report dated 3 April 2025 has been prepared by external financial consultants, Ernest & Young, 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

	<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>		
(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 Technical Capability Assessment (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, Paul Doherty Architects Ltd.

Assessment of Qualifications/Membership of Professional Bodies

Donegal County Council employ chartered engineers who are registered with Engineers Ireland. As the applicant is a Local Authority, demonstration of membership of the Association of Consulting Engineers of Ireland is not required. The applicant has stated that their agent, Paul Doherty Architects Ltd, hold Professional Indemnity Insurance. Donegal County Council would however satisfy the requirements of the TCA in their own right and, as a local authority, are not expected to have Professional Indemnity Insurance. As a Local Authority, Donegal County Council are not required to be registered under the I.S. EN ISO 9001:2015 Quality Management System.

Assessment of Three Projects of a Similar Scale and Nature

The applicant has satisfactorily completed Appendix Tec A – Table (ii) and has provided details of their involvement in three projects of a similar scale and nature to the project the subject of the MAC application. The details outlined in Appendix Tec A Table (ii) 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 scheme will be undertaken by Donegal County Council. Based on the information submitted in Appendix Tec B, Donegal County Council's Environment Section currently operates and maintains a large number of public conveniences right across the county, some of which are located in coastal locations. Typical responsibilities include arranging routine cleaning services and facilities maintenance of the buildings and ancillary support services.

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 satisfied the requirements of key milestone delivery timelines in Appendix Tec C. The applicant has correctly completed and submitted Appendix Tec C with their application. Based on the information provided, whilst the dates are outdated due to the applicant not

including 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.

Conclusion

Following an assessment of the documentation provided by the applicant, MARA consider that Donegal County Council 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 Donegal County Council 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).

Having regard to the nature and lifecycle of the proposed maritime usage the subject of this application, it is reasonably foreseeable that Donegal County Council may 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)

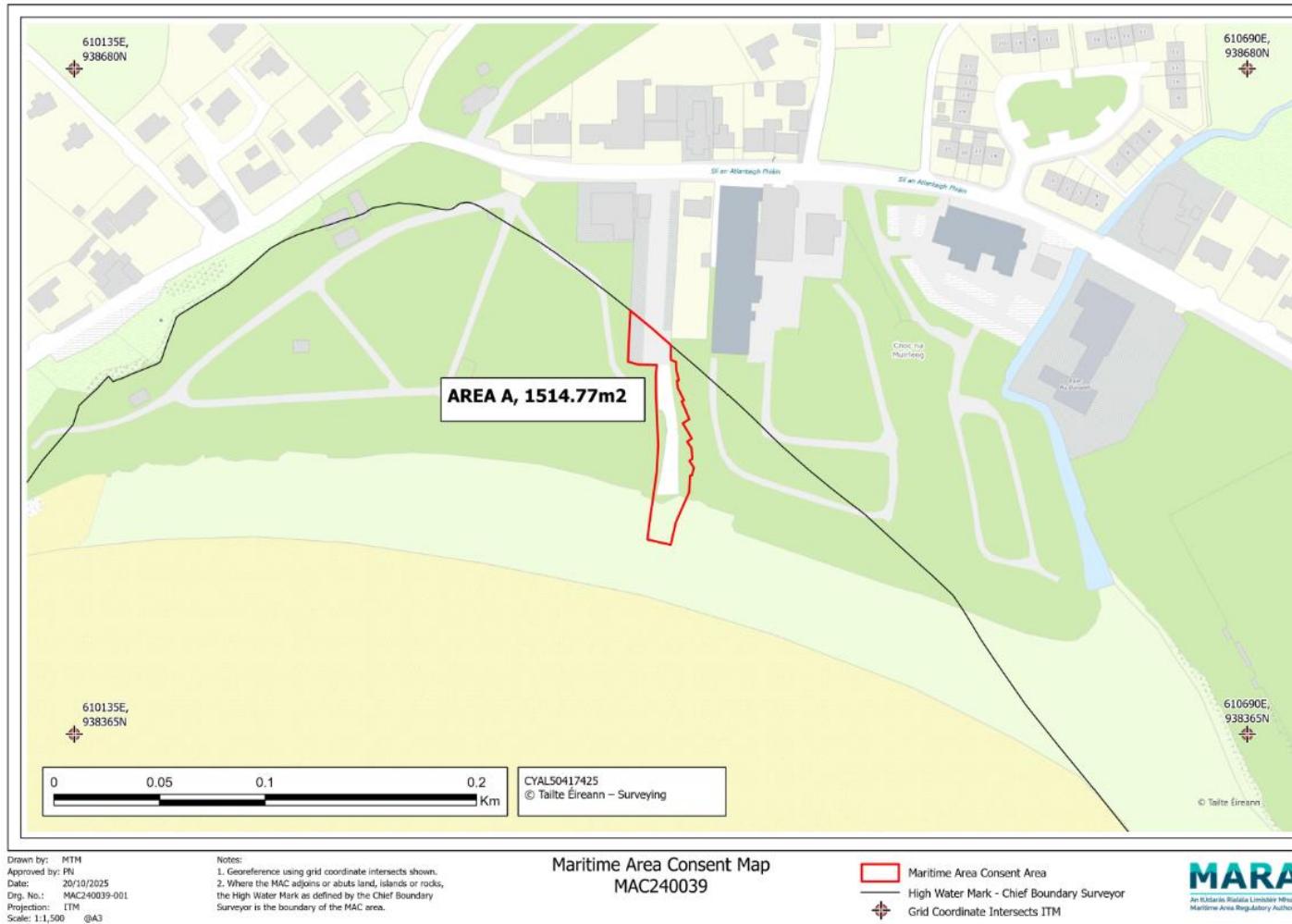


Figure 4 – Proposed MAC Map

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:	Part A: Nearshore
Category/Class:	Development (non-commercial)
Tier:	Tier 5
Applicable Rate:	Base Annual Charge of €208.46 plus an add on of €0.1954 per sq.m for areas in excess of 100 sq.m
Area:	1,514.77m ²
Calculation:	€208.46 + (€0.1954 * (1,514.77 - 100.00))
Levy due:	€484.91

The MAC levy has been calculated as €484.91 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

MAC Term:	45 Years
Consent Area:	That part of the maritime area marked red on the MAC Map.
MAC Map Title:	Title: Maritime Area Consent Map MAC240039 Drg number: MAC240039-001 Date: 20/10/2025
Permitted Maritime Usage:	The construction, use, operation and maintenance of a water sports activity centre, including all associated decommissioning, demolition, 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 must be submitted (subject to Phasing Schedule where applicable):	18 months from date of grant of MAC.
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.	14 Days
Date by which Financial Close is to be achieved:	Not applicable

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 proposed MAC.

Following assessment of this MAC application, an additional specific condition and the reasons for this condition to be attached to the MAC, is recommended below. Discussion in relation to the recommended condition is in Table 1, Section 2 above.

- Condition 23 Public Engagement Plan**

Condition 23.1 In the event of a grant of planning permission, the Holder shall 6 weeks prior to the commencement of the development, submit to the Grantor, a public and stakeholder engagement plan. This engagement plan shall ensure it complies with all the relevant planning particulars, and any relevant Best Practice Guidance if available, and shall at a minimum address the following topics;

- Stakeholder Identification;
- Engagement principles;
- Scope of engagement;
- Engagement methods and tools;
- Engagement Schedule;
- Communication Plan;
- Monitoring and evaluation and adaption of engagement plan;
- Issue management; and
- Documentation and record keeping.

The engagement plan shall be published, maintained, updated and adhered to, ensuring there is public and stakeholder engagement at the earliest stage possible, and continuing during all phases of the proposed maritime usage for the duration of the MAC term.

Reason: To enable the Grantor to request the Holder to communicate information that the Grantor deems relevant to the public.

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(s) 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(s) will be notified and MARA will publish a notice on its website as soon as practicable thereafter.

Signed: *Karen McPluskey* Position: *Analyst, MACU*

Signed: *Philip Newell* Position: *Senior Engineer, ARDU*