

## MAC Report

### Application for a Maritime Area Consent (MAC) under Section 79 of Maritime Area Planning Act 2021, as amended (the Act)

#### Application Details

<b>MAC Applicant:</b>	Dún Laoghaire Rathdown County Council
<b>MAC Reference No:</b>	MAC250027
<b>Location:</b>	Dun Laoghaire Harbour, Co. Dublin
<b>Date Application received:</b>	10 October 2025
<b>Existing Maritime Usage:</b>	The regularisation and ongoing use and maintenance of existing pontoons situated adjacent to the Royal Irish Yacht Club within Dun Laoghaire Harbour.
<b>Recommendation:</b>	To approve the Part Granting of the MAC sought with conditions attached.

#### Document Control

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<b>Final Report Version 1:</b>	Paul Brennan	MAC Manager	18/12/2025

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## 1. Overview

On 10 October 2025 MARA received a Maritime Area Consent (MAC) application under Section 79 of the Maritime Area Planning Act 2021, as amended (the Act) from Dún Laoghaire Rathdown County Council for the regularisation and ongoing use of existing pontoons situated adjacent to the Royal Irish Yacht Club within Dun Laoghaire Harbour.

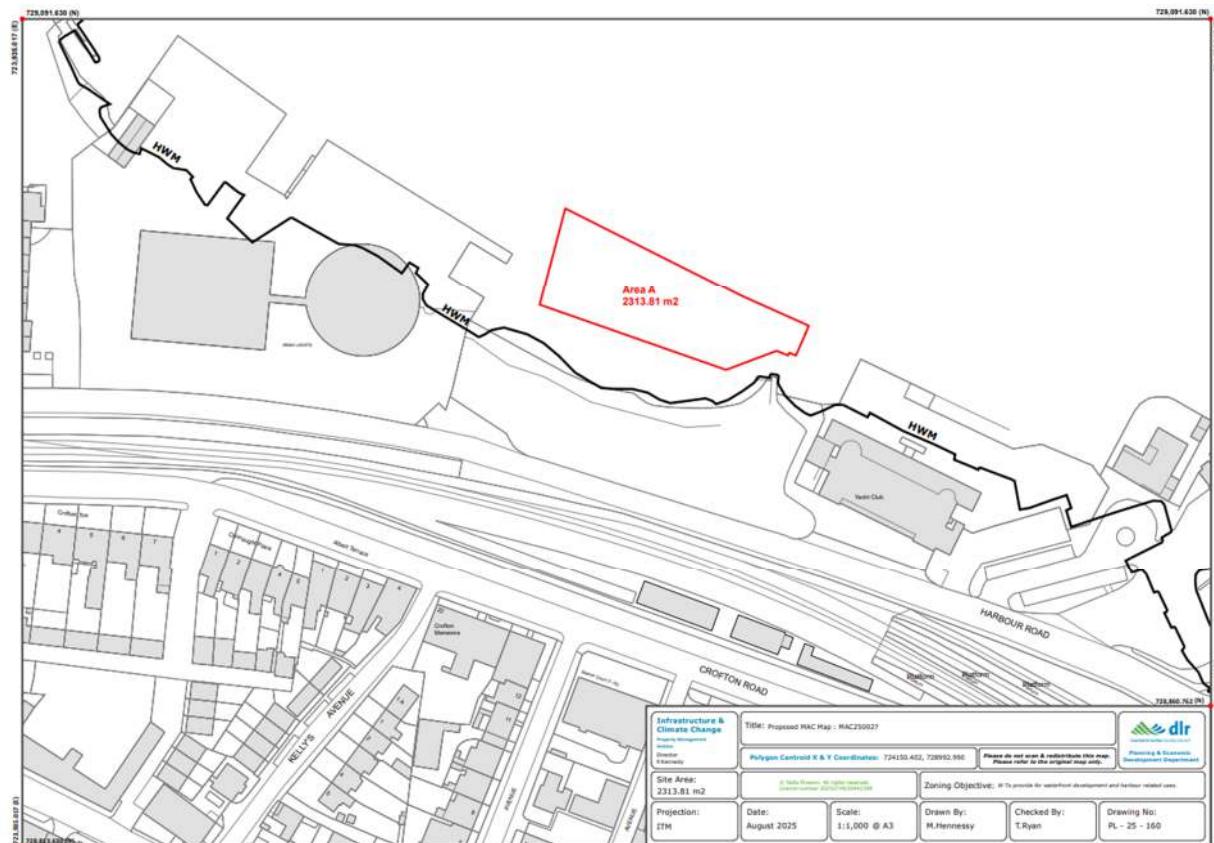
## 2. Background

The MAC application relates to existing pontoons for the mooring of boats which were installed in 2005. The pontoons were installed without a foreshore authorisation. Therefore, the existing pontoons are considered to be unauthorised usage within the meaning of Section 106 of the Act. The subject application is made under the basis of Section 106 of the Act which provides for the regularisation of such unauthorised maritime usages.

### 3. Proposed Maritime Usage

The existing pontoons are comprised of galvanised steel frames with glass re-enforced concrete decking on polystyrene encased in a glass fibre concrete skin. The pontoons are anchored in position via chain and sinker moorings to the seabed.

The total area proposed to be occupied by the MAC is 2,313.81m<sup>2</sup>. The MAC area sought by the Applicant is illustrated in *Figure 1*.



**Figure 1 – Applicant map of proposed layout of MAC area at Dún Laoghaire Harbour.**

The Applicant stated that “*Following on from a condition survey in 2018, a rolling replacement program of 3 pontoons per annum have been replaced on a condition based maintenance program. We plan to continue this program on condition based priority until all pontoons have been renewed.*”

There are no further construction/installation works, other than ongoing maintenance and repair, proposed by the Applicant.

The Applicant has sought a 35 year MAC term and indicated that they will seek to renew the MAC after the 35 year term if the pontoons are still required and that “*If during the lifetime of the MAC the pontoons are deemed to no longer be required, the pontoons can be removed and the MAC surrendered.*”

Dún Laoghaire Rathdown County Council advises that the “*35 years provides sufficient certainty of tenure to enable ongoing equipment replacement as required. The recent 2024 Foreshore Lease for "Moorings" was for a 35 year term, so that would align with this MAC request.*”

#### **4. Site Visit**

Joseph McCarthy, Chartered Engineer and Director at McCarthy Browne visited the site on behalf of MARA on 05 December 2025. Access to the pontoons is via an area of reclaimed land, currently believed to be occupied by the Royal Irish Yacht Club. The site inspection took place on public areas of Dún Laoghaire Harbour only.

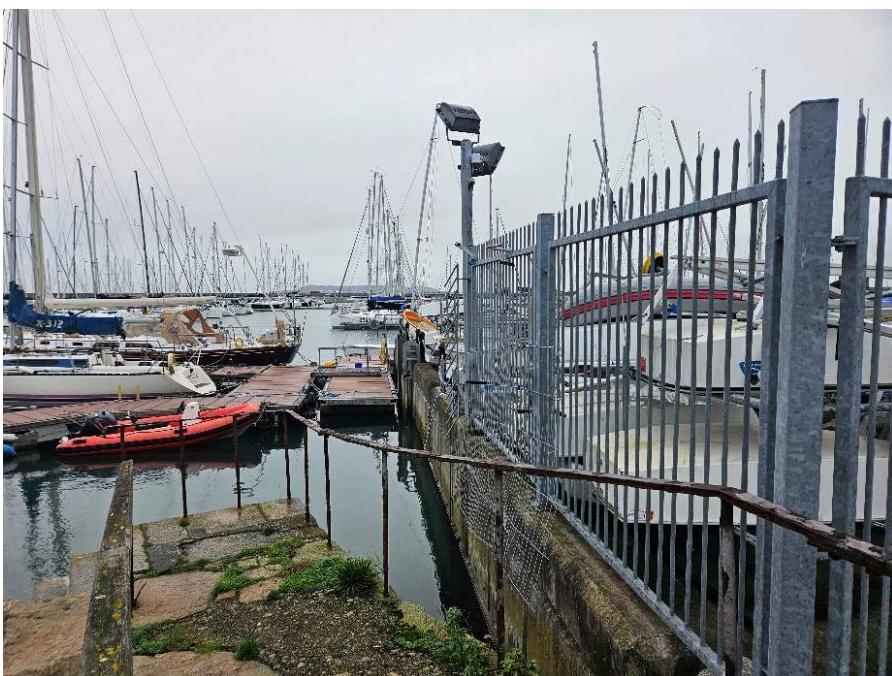
During the site visit the pontoons were noted to be in place and appeared to be in good working order. The pontoon berths were largely filled with vessels and there was no sign that the asset was redundant. There was no sign of obvious navigation risk. There was good clearance all around the pontoons with unimpeded access to the rock armouring, adjacent berth and stepped access to the water on the southern side of the site. There was no navigation aid visible during the site visit. All pontoons access were buoyant and level and appeared to be in a stable condition. All fendering, mooring safety aids were noted to be in place on the pontoon.

According to MARA records the reclaimed land through which the pontoons are accessible was not undertaken under a maritime authorisation or foreshore authorisation (under sections 2&3 of the Foreshore Act of 1933, as amended), MAC or Maritime Usage Licence (MUL) - see *Photograph 2*. The reclaimed land is not located within the proposed MAC area and should not impact the processing of this application and is unlikely to be affected by the proposed works. MARA’s Compliance, Enforcement and Revenue (CER) unit have been made aware of the potentially unauthorised reclaimed land observed during the site visit.

Considering the above, there was nothing evident on the day of the site inspection that would preclude MARA from granting a MAC for the proposed maritime usage.



**Photo 1:** North-westerly view of existing pontoons (proposed MAC Area) [JM 05/12/25]



**Photo 2:** North facing view of eastern end of the pontoons adjacent to access via reclaimed land. [JM 05/12/25]



**Photo 3:** North-easterly view toward southwest end of the pontoons [JM 05/12/25]

## 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 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 maritime usage is not considered to fall under those listed under Schedule 3 or 4 of the Act.

This application proposes the regularisation of the existing unauthorised maritime usage under Section 106 of the Act. Section 106 of the Act specifies that “*unauthorised usage*”:

“means a maritime usage—

(a) undertaken by a person before 12 August 2021,

(b) which, in order to be lawfully undertaken before that date, was required to be, but was not, the subject of a foreshore authorisation, and regardless as to whether or not any other authorisations (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) were required, or were in fact granted, under any other enactment in order to enable the person referred to in paragraph (a) to undertake such usage, and

(c) which, if it were undertaken on or after the coming into operation of Chapter 2, would be required by that Chapter to be the subject of a MAC.”

The existing pontoons are stated to have been installed in 2005. It is considered that the maritime usage should have been subject to a foreshore authorisation at the time of its installation and for its operation thereafter. Accordingly, the subject of this application is considered to fall under Section 106 of the Act.

## 5.2 Existing Consents & Authorisations

A search of the MARA's GIS database was undertaken on 15 December 2025 for spatial overlaps between the proposed MAC areas and existing foreshore authorisations and MARA licences and consents.

The Marine Institute's Ireland's Marine Atlas database<sup>1</sup> was searched on 16 December 2025 for spatial overlap between the proposed MAC areas and any Department of Agriculture, Food and Marine foreshore authorisations for aquaculture sites.

The proposed MAC area does not overlap with any existing MACs or MULs or applications for same. The application overlaps with a number of foreshore authorisations as detailed in *Table 1* below.

<i>Table 1: Summary of Overlapping maritime authorisations and foreshore authorisations</i>				
File Reference Number	Applicant/ Holder	Consent Type	Maritime Usage	Status
FS006713	Dun Laoghaire Rathdown County Council	Foreshore Lease	The provision and maintenance of existing moorings within Dun Laoghaire Harbour.	Expires 12/02/2059
FS007546	Codling Wind Park Ltd (CWPL)	Foreshore Licence	Site investigation application for Wind Farm.	Expires 25/04/2028

As Dún Laoghaire Rathdown County Council is the Applicant for the subject MAC application and the Holder of overlapping foreshore lease FS006713 referred to in *Table 1*, it is considered that the spatial overlap does not prevent the granting of a MAC.

Given that foreshore licences are granted on a non-exclusive basis, it is considered that the spatial overlap with foreshore licence FS007546 does not prevent the granting of a MAC.

## 5.3 Development Permission

The Applicant has stated that the "*pontoons have no planning permission, but have been installed for 20 years. Once a MAC is in place, the Local Authority will explore options to regularise the planning situation*".

The application relates to existing infrastructure and has been made to MARA on the basis of Section 106 of the Act. Considering the pontoons are located within the nearshore, any requirement for Development Permission, including any retention thereof, is a matter for the planning authority.

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<sup>1</sup> <https://atlas.marine.ie/>

## 5.4 Ownership

A search was undertaken of the Land Registry on 11 December 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 02 September 2025, the appropriate fee paid on 10 October 2025 and reviewed for completeness on 10 October 2025. The application was deemed complete by MARA on 10 October 2025.

A request for additional information was issued on 24 and 27 November 2025 under section 79(3) of the Act and the associated response received relating to matters for general and technical assessment on 26 and 27 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 2* below. In accordance with Section 106 of the Act MARA has taken account of the fact that the subject maritime usage is an existing maritime usage and not a proposed maritime usage.

**Table 2: Synopsis of the assessment of the application with regard to the requirements of Schedule 5**

<b>Schedule 5 Requirements</b>		<b>Synopsis</b>	<b>Assessment</b>
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 maritime usage, including the nature scope and duration are described in Section 3 &amp; 4 above.</p> <p>The Applicant has sought a MAC term of 35 years. Considering the nature of the works, with proper maintenance and repair, a MAC Term of 35 years would seem reasonable.</p> <p>Based on the assessment set out in <i>Section 6.3</i> of the nature of use of the maritime usage sought by the Applicant, it is considered that exclusive use is not merited in the case of the subject maritime usage.</p> <p>The maritime usage is considered satisfactory, having regard to the scope and duration.</p> <p>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 <i>Section 6.3</i> and <i>Section 9</i> below.</p>	Partially Satisfied
2.	Whether the proposed maritime	<p>The Applicant has stated that the existing maritime usage aligns with the following policies:</p> <ul style="list-style-type: none"><li>• National Ports Policy</li></ul>	Satisfactory

	usage is in the public interest.	<ul style="list-style-type: none"> <li>• National Outdoor Recreational Strategy; and</li> <li>• National Sports Policy 2018 – 2027.</li> </ul> <p>The Applicant has also stated the existing pontoons contribute to the sustainable economic development of the local area as they are “<i>used by larger yachts who require maintenance from the Harbour boat yard, fuel from the Harbour fuel dock and regular supplies from local marine based retail outlets.</i>”</p> <p>Having regard to the above it considered that the maritime usage is within the public interest.</p>	
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 0.23Ha, as illustrated in <i>Figure 2</i> (Proposed MAC Map) in <i>Section 7</i>.</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 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.	In accordance with <i>S.I. No. 467/2025 - Maritime Area Planning Act 2021 (Fit and Proper Person) Order 2025</i> the Applicant has been declared as a fit and proper person to be granted and to hold any MAC in accordance with Section 90(1)(b) of the Act.	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 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 project aligns with the following economic, social and key sectoral policy objectives of the NMPF: -</p> <ul style="list-style-type: none"> <li>• <b>Infrastructure Policy 1</b> - 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>• <b>Access Policy 2</b> - 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.</li> <li>• <b>Social Benefits Policy 1</b> - Proposals that enhance or promote social benefits should be supported.</li> <li>• <b>Social Benefits Policy 2</b> - 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>• <b>Tourism Policy 1</b> - 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> </ul> <p>In the application, the Applicant states that the project is consistent with the environmental objectives of the NMPF.</p>	Satisfactory

		Based on the above, MARA is satisfied that the maritime usage aligns with the above overall objectives and policy objectives of the NMPF.	
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.	Having regard to the fact that the subject maritime usage is an existing maritime usage and not a proposed maritime usage, preparatory works undertaken are not considered to be required in this instance.	Not Applicable
10.	The extent and nature of stakeholder engagement undertaken by the Applicant in respect of the proposed maritime usage.	<p>The Applicant has indicated that The Royal Irish Yacht Club have been consulted and are aware of this MAC application, otherwise no other stakeholder engagement has taken place as these pontoons have been in place for 20 years.</p> <p>Having regard to the above and the fact that the subject maritime usage is an existing maritime usage and not a proposed maritime usage, 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 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 106 of the Act, it is required that a rehabilitation schedule be attached to the MAC. 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 Applicant submitted a Rehabilitation Schedule to MARA on 27 November 2025. Upon review of the requirements of Section 96 of the Act, the Rehabilitation Schedule is considered satisfactory.

### **6.3 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 sought exclusive use for the maritime usage stating that *“In order to properly manage navigation safety within Dun Laoghaire Harbour, DLRCC, who have overall responsibility for the management of Dun Laoghaire Harbour require exclusive control of moorings, including pontoon locations.”*

Having regard to the nature and lifecycle of the maritime usage the subject of this application, it is reasonably foreseeable that Dún Laoghaire Rathdown County Council may be required to exclude access to parts of the MAC area on a temporary basis. For example, during 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, and that use on “may or may not be exclusive” basis is appropriate.

## 7. Proposed MAC Map (for illustration purposes only)

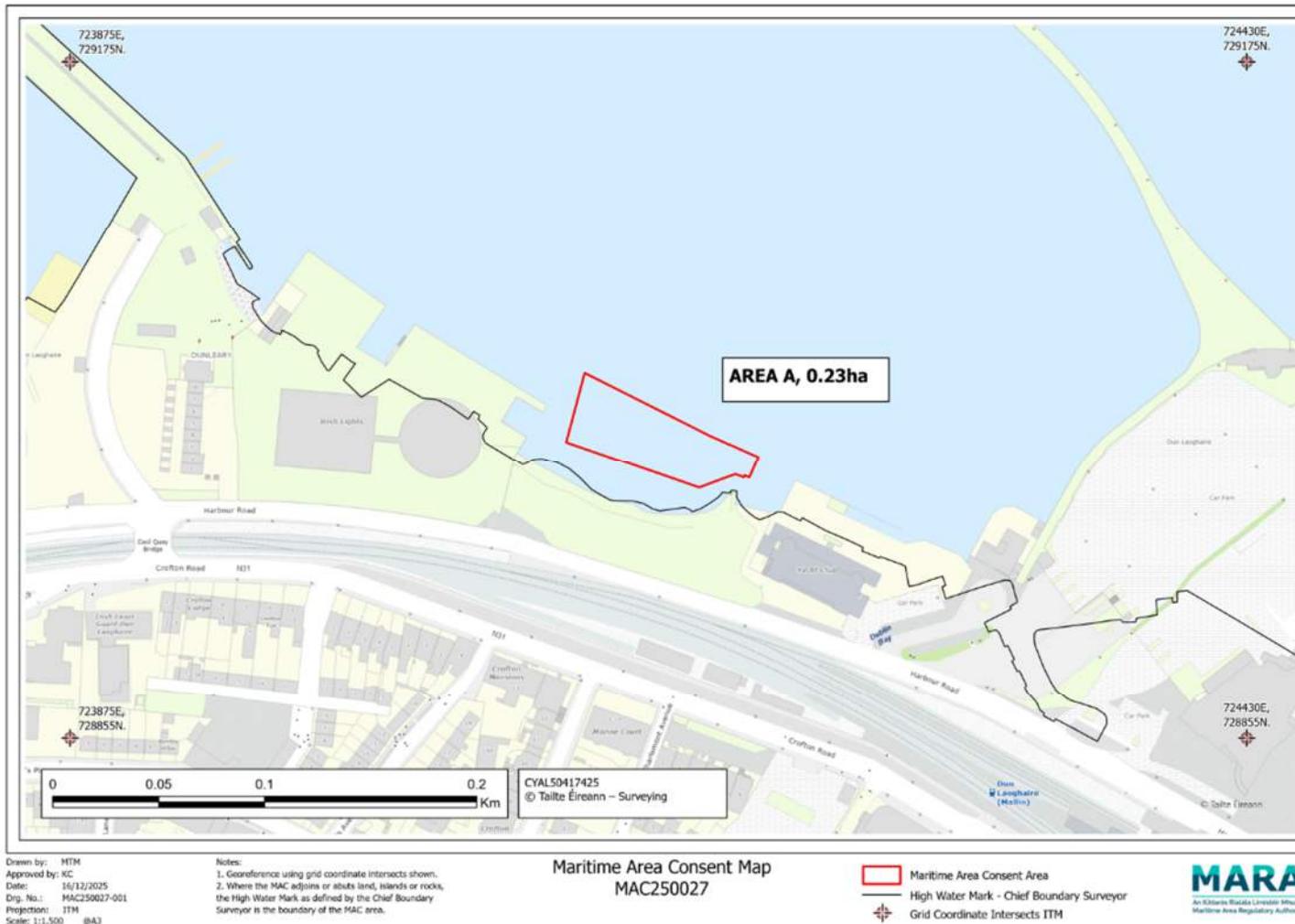


Figure 2 – Proposed MAC Map

## 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.

<b>MAPA Levy Framework Part:</b>	A: Nearshore
<b>Category/Class:</b>	Development (non-commercial)
<b>Tier:</b>	Tier 1, Dún Laoghaire, Salthill
<b>Applicable Rate:</b>	Base annual charge of €208.46 plus an add on of €2.34 per square meters (m <sup>2</sup> ) for areas in excess of 100m <sup>2</sup>
<b>Length or Area:</b>	2,313.81m <sup>2</sup>
<b>Calculation:</b>	€208.46 + (€2.34 * (2,313.81 - 100.00))
<b>Levy due:</b>	€5,388.78

The MAC levy has been calculated as €5,388.78 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 subject MAC application complies with all the necessary requirements of Part 4 of the Act, with particular regard to Schedule 5 criteria, where relevant and appropriate, with the exception of Schedule 5(3).

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 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 Dún Laoghaire Rathdown County Council 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.

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

**a. Terms**

<b>MAC Term:</b>	35 years
<b>Consent Area:</b>	That part of the maritime area marked red on the MAC Map.
<b>MAC Map Title:</b>	MAC250027
<b>Permitted Maritime Usage:</b>	The use, operation and maintenance of pontoons, including all associated decommissioning and rehabilitation.
<b>Nature of Usage:</b>	May/May Not be Exclusive

**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 with the Section 81(7)(b) Minded to Notice.

## **10. Conclusion & Recommendation**

Following a detailed assessment of all information on file, it is considered that the proposal complies with all the necessary requirements, subject to the nature of use of the proposed MAC being granted on a “may or may not be exclusive” basis. Accordingly, it is recommended to issue a Section 81(7)(b) Minded to Notice, as enclosed, informing the Applicant 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 31 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: *Paul Brennan* Position: *Manager, MACU*

Signed: *Kate Clark* Position: *Head of MAC Unit*