

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:	MAC20240002
Location:	Ballyshannon, Co. Donegal
Date Application received:	31 May 2024
Proposed Maritime Usage:	Donegal County Council has applied for a MAC under Section 79 of the Act for a new pontoon at the Mall Quay, Ballyshannon, Co. Donegal. The proposed works include the construction, use, operation and maintenance of a pontoon, access gangway and associated mooring infrastructure and regularisation of an existing car park.
Recommendation:	To approve the Part Granting of the MAC sought with conditions attached.

Document Control

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1. Overview

On 30 April 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, use, operation and maintenance of a pontoon, access gangway and associated mooring infrastructure, including all associated decommissioning, demolition, rehabilitation, and any other works required on foot of any development permission relating to the infrastructure.

2. Background

The Erne Estuary provides excellent natural shelter for the mooring of vessels; however, there are currently no suitable berthing facilities. The estuary is a popular area for recreational sea angling during the fishing season, which runs from March to October. Fishing is permitted under license by Inland Fisheries Ireland. Donegal County Council are proposing to install a public pontoon within the Erne Estuary, adjacent to the existing Mall Quay in Ballyshannon. The proposed infrastructure is one of a number of projects being progressed by Donegal County Council under the Department of Agriculture, Food and the Marine's *Brexit Adjustment Local Authority Marine Infrastructure Scheme 2022-2023*. The project aims to improve safety with respect to access and egress for the small angling boats that currently operate at the existing Mall Quay area in Ballyshannon.

3. Proposed Maritime Usage

Donegal County Council proposes to construct a 26m x 1.5m access gangway extending seaward from an existing wall and bankseat at the high-water line and resting on a 20m x 4.8m pontoon that will be anchored in place. The portion of the proposed development which lies within the maritime area entails the pontoon, mooring blocks, chain restraints, and access walkway. A bankseat foundation securing the landward end of the walkway will be installed on the shore. The proposed MAC area, as sought by the Applicant, is 0.5308 hectares and is detailed in *Figure 1*.

The pontoon will be restrained in position by either a mooring block and chain arrangement or proprietary mooring lines, and the pontoon will rise and fall with the tide as shown in *Figure 2*.

Donegal County Council propose to install the pontoon in quarter two of 2026. All of the pontoon equipment will be fabricated off site with only final assembly being undertaken at the site. It is expected that the installation period will take no more than two days. The Applicant has stated that the existing car park area adjacent to the location of the proposed pontoon will be fenced off, with access and parking restricted during the construction phase of the scheme. An 80-ton crane will be mobilised to site to undertake all lifting operations associated with the installation of the pontoons, access gangway, and associated moorings.

A MAC term of 45 years has been sought by the applicant in respect of the proposed maritime usage.

The MAC area sought by the Applicant is illustrated in *Figure 1*.

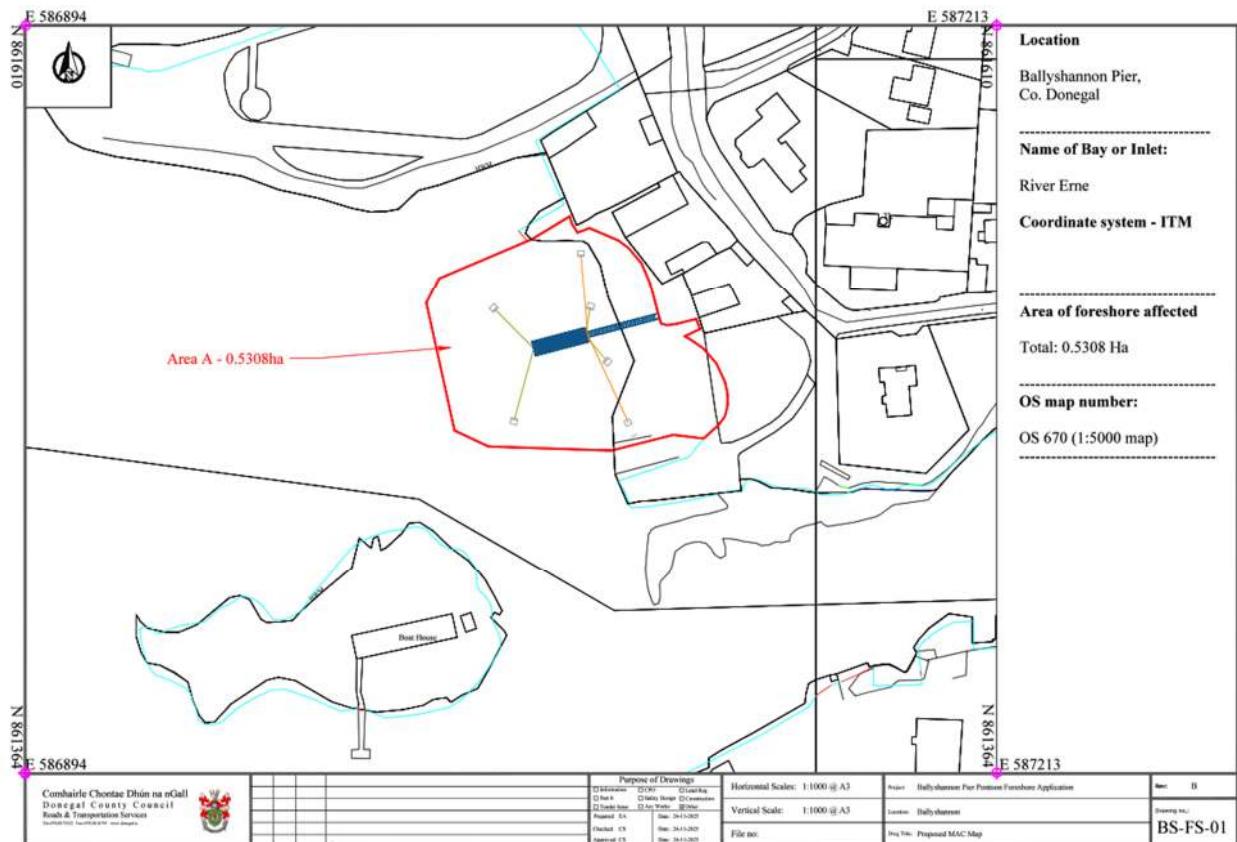


Figure 1 – Extract of Applicant drawing BS-FS-01A showing proposed MAC area as applied for.

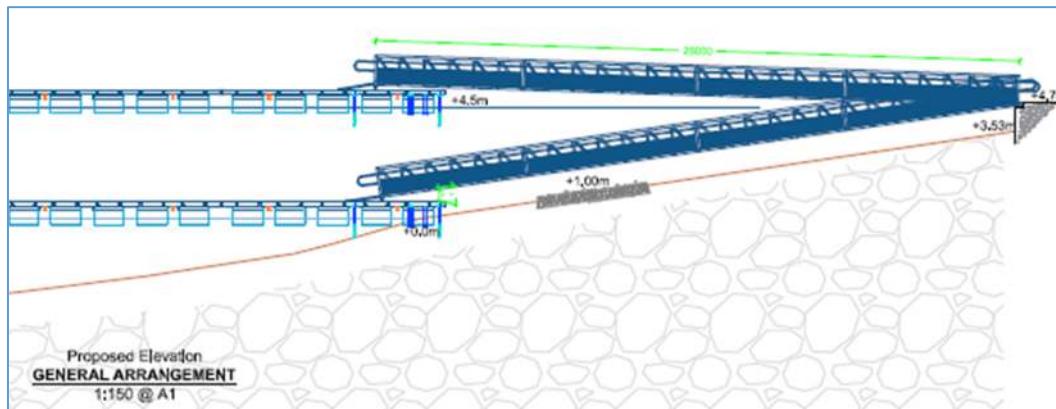


Figure 2 – Schematic of proposed access walkway and pontoon (provided by Applicant)

Donegal County Council have also applied for the regularisation, in accordance with the provisions of Section 106 of the Act, of an area of unauthorised reclamation works adjacent to the existing slipway. The reclamation works comprise an unsurfaced carparking area, bounded along its western extent by a small rock revetment with a vehicle edge restraint/storm wall structure (see *photograph 2*). Aerial imagery dating back to 1996, which is available on Tailte Eireann's *GeoHive Map Viewer* database, shows the reclamation works to be in-situ in advance of 1996. The Applicant has stated "*The Planning Authority acknowledges that historical reclamation development has already been undertaken beyond*

the High Water Mark at this site which pre-dates 1995 which is evident from the earliest in-house Ordnance Survey Ortho maps available to the council.”

Figure 3 details the historical reclamation in relation to the Chief Boundary Surveyor's High Water Mark(HRM).



Figure 3 – Areal imagery showing historical reclamation (from GeoHive Map Viewer database)

4. Site Visit

Richard Browne, Chartered Engineer and Director at McCarthy Browne visited the site on behalf of MARA on 1 November 2025. The tide was receding from high water at the time of the inspection. The existing neighbouring land usage is recreational, comprising a mix of quayside parking and an adjacent park and playground area. A single mooring was noted near the southern edge of the proposed development. No existing infrastructure or occupation, which would conflict with the proposed maritime usage, was noted within the proposed MAC area during the site visit.

Photographs 1 and 2 detail the character of the site in the vicinity of the proposed works.



Photograph 1 – View looking southwest towards the proposed MAC area [RB 1/11/2025]



Photograph 2 – Historical reclamation works and storm wall structure [RB 1/11/2025]

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, does not require development permission. In accordance with Section 76 of the Act, a MAC is required for the occupation of that part of the maritime area for any such usage where development permission is not required.

Additionally, the Applicant further proposes the regularisation of an existing unauthorised maritime usage under Section 106 of the Act, comprising the historical reclamation of lands for the purposes of constructing, using and maintaining a car parking area adjacent to the existing slipway at the Mall Quay in Ballyshannon as detailed in Section 3 above.

Accordingly, the subject of this application is considered to fall under the provisions of Section 76 and Section 106 of the Act.

5.2 Existing Consents & Authorisations

A search of the MARA's GIS database was undertaken on 26 November 2025 for spatial overlap between the proposed MAC area and any existing foreshore authorisations and MARA licences and consents.

The proposed MAC area overlaps with a single Maritime Usage Licence application and a single foreshore authorisation as detailed in *Table 1* below.

Table 1: Summary of overlapping maritime authorisations and foreshore authorisations				
File Reference Number	Applicant/Holder	Consent Type	Maritime Usage	Status
FS006217	Donegal County Council	Lease	Reinstatement of slipway	Expires 31/03/2036
MUL240012	Uisce Éireann	Maritime Usage Licence	Marine environmental surveys for the purposes of site investigation	Undetermined Application

FS006217 is a foreshore lease held by Donegal County Council for the refurbishment for the existing slipway at the Mall Quay in Ballyshannon. This existing lease overlaps with the south-eastern corner of the proposed MAC area (see *Figure 4* below).



Figure 4 – Spatial overlap between MAC area as applied for and FS006217.

Foreshore lease FS006217 is held by the Donegal County Council and is for the purposes of the reinstatement of the existing slipway at the Mall Quay. No conflict exists between the existing maritime

usage consented under FS006217 and the proposed maritime usage the subject of this MAC application, however, it is recommended that FS006217 is excluded from the consent area and that a MAC is part-granted for the remainder of the area as applied for by Donegal County Council.

MUL 240012 is an application by Uisce Éireann to conduct a strategic modelling study of water currents within Donegal Bay and Sligo Bay. The survey works include the deployment of tidal gauges and the undertaking of Acoustic Doppler Current Profiler (ADCP) surveys and bathymetric surveys. The survey works proposed under MUL240012 can co-exist with the proposed maritime usage the subject of this MAC application and do not prohibit MARA in granting a MAC over this area.

The Marine Institute's Ireland's Marine Atlas database¹ was searched on 28 November 2025 for spatial overlap between the proposed MAC areas and any Department of Agriculture, Food and Marine foreshore authorisations for aquaculture sites. No existing foreshore authorisations for aquaculture were identified as overlapping the proposed MAC application area.

In summary, no existing MACs, Maritime Usage Licences, foreshore authorisations (including those for aquaculture), or applications for the same were identified which would impede MARA in granting a MAC for the proposed maritime usage the subject of this application.

5.3 Development Permission

Donegal County Council has provided a letter from their Planning Department stating that the proposed works constitute exempted development under Class 24 of Schedule 2, Part 1 of the Planning and Development Regulations 2001(as amended). The letter further states that, following a screening for Appropriate Assessment (AA), the Planning Authority has determined that an appropriate assessment of the proposed development is not required and the Planning Authority is also satisfied that the proposed development is significantly below the threshold for mandatory Environmental Impact Assessment.

As this application falls under the provisions of Section 76 and Section 106 of the Act, it is required that a rehabilitation schedule be attached to the MAC.

5.4 Ownership

A search was undertaken of Tailte Éireann's Land Registry on 28 October 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.

¹ <https://atlas.marine.ie/>

6. Assessment

6.1 Schedule 5

The MAC application was submitted on 30 April 2024 with the appropriate fee paid on 31 May 2024 and reviewed for completeness on 12 June 2024. A number of incomplete application notifications were issued on 12 June, 21 October, 19 and 29 November, 09 December 2024; with supplementary documentation/information received on 15 July, 13 and 21 November, 06 and 12 December 2024. The application was deemed complete by MARA on 12 December 2024.

A number of requests for additional information were issued on 21 January and 28 October 2025 under section 79(3) of the Act and associated responses received relating to matters for general, technical and financial assessment on 21 January and 11 December 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.

<i>Table 2: Synopsis of the assessment of the application with regard to the requirements of Schedule 5</i>			
<i>Schedule 5 Requirements</i>		<i>Synopsis</i>	<i>Assessment</i>
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 45 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>The Applicant stated that "<i>The proposed development is included in a number of projects being progressed by Donegal County Council under the Brexit Adjustment Local Authority Marine Infrastructure Scheme 2022-2023, which is administered by the Department of Agriculture, Food and Marine.</i>"</p> <p>That Applicant also stated "<i>The proposed pontoon development is entirely for public use. It will provide a much safer means of access to boats than what currently exists at the Mall Quay in Ballyshannon. The existing historic pier is not suitable for berthing and doesn't lend itself to providing suitable access to the small angling boats that operate from here. The proximity of the Erne tail race creates a current along the existing pier that hampers safe access to boats. The proposed project will have a positive impact on the existing amenity at the Mall Quay in Ballyshannon as it will greatly improve safety of access for all who are involved in angling on the Erne Estuary. It will also enable those with reduced mobility get access to boating on the Erne Estuary.</i>"</p>	Satisfactory

		<p>The Applicant advised that “<i>The proposed works will support recreational fishing as it will improve safety of access to boats, it will provide some permanent berthing that is not currently available and will in general make the estuary much more accessible. The Erne Estuary requires improved access to enable further growth and development. Due to its location near the busy tourist town of Bundoran, there is significant scope for ongoing diversification to leisure and marine tourism. The current arrangements for fishermen who fish the Erne Estuary require them to launch and haul their boats on a daily basis whereas the new pontoons will enable them to leave their boats afloat. This will greatly improve the facility, reduce congestion at the slipway and create a much safer environment. For those who fish the estuary on a regular basis, they will no longer be required to bring their boats home each evening and will not be reliant on suitable tides for launching etc. therefore enjoying a much more accessible and safe fishing trip.</i></p> <p>Having regard to the above it considered that the propose 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>Details of the location, relevant consents, ownership and development permissions are provided in Sections 2 to 5 above. The total MAC area, as applied for by the applicant, is 0.5308Ha comprising a single MAC area.</p> <p>An existing lease was identified (FS006217), held by the Applicant, which overlaps the MAC area as applied for by Donegal County Council (see Figure 4 of Section 5.2). It is therefore recommended to part-grant the MAC to exclude that part of the maritime area covered by foreshore lease FS006217.</p> <p>The total recommended MAC area is 0.5279 Ha as illustrated in Figure 5 (Proposed MAC Map) in Section 7.</p>	Partially Satisfied
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	In accordance with S.I. No. 467/2025 - Maritime Area Planning Act 2021 (Fit and Proper Person) Order 2025 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

	determined by the MARA.		
6.	Whether the Applicant is tax compliant, both at the time the application is made and at the time that the MAC application concerned is determined by the MARA.	The Applicant submitted Tax Registration Number and Tax Clearance Access Number (TCAN) which was used to view the Applicant's tax clearance certificate. Based on the review of the tax clearance certificate, the Applicant is considered tax compliant.	Satisfactory
7.	In the case of any maritime usage relating to offshore renewable energy (within the meaning of section 100), the consistency of the MAC application concerned with the development plans of the transmission system operator (within the meaning of section 100).	Not applicable	Not Applicable
8.	The National Marine Planning Framework (NMPF).	<p>Based on a review of the application, MARA has had regard to the National Marine Planning Framework (NMPF) and it is considered that the proposed project aligns with the overall objectives of the NMPF, including the sport and recreation, economic and social objectives set out therein.</p> <p>It is considered that the proposed project aligns with the following economic, social and key sectoral policy objectives of the NMPF: -</p> <ul style="list-style-type: none"> • Co-existence Policy 1 – 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 • 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 	Satisfactory

		<p>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.</p> <ul style="list-style-type: none"> • Social Benefits Policy 1 - Proposals that enhance or promote social benefits should be supported. • 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. • Sports 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. • Sports and Recreation Policy 3 - Opportunities to promote inclusive development of water-based sports and marine recreation should be supported, where appropriate and at the applicable scale, with a focus on facilities for people with disabilities. <p>In the application, the Applicant states that the proposed project is consistent with the environmental objectives of the NMPF.</p> <p>The Applicant has advised MARA that following a screening for Appropriate Assessment, the relevant Planning Authority determined that an Appropriate Assessment of the proposed development is not required. Furthermore, the Planning Authority is also satisfied that the proposed development is significantly below the threshold for mandatory Environmental Impact Assessment.</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</p>	<p>The Applicant has undertaken the following preparatory works in respect of the proposed project: -</p> <ul style="list-style-type: none"> - Appropriate Assessment (AA) Screening Report and screening determination by Donegal County Council which has concluded that the project screens out for Stage 2 AA. - Preliminary designs have been completed by Donegal County Council including general arrangement/layout drawings and sections which have been provided as supporting documentation with their application. - Planning consultations with Donegal County Council's Planning Department have been undertaken which concluded that the proposed works constitute exempted development in accordance with Class 24 of Schedule 2 of 	Satisfactory

	respect of such usage.	<p>the Planning and Development Regulations 2001 as amended.</p> <ul style="list-style-type: none"> - Method Statement – Ballyshannon Pontoon Installation dated October 2022 <p>It should be noted that the proposed project has been designed to be restrained by a mooring chain and anchor block system which effectively rests on the seabed. As the proposed pontoon will not be restrained by guide piles, it is not expected that the Applicant would have completed geotechnical site investigation works.</p> <p>Having regard to the above, the extent of the preparatory works undertaken are considered acceptable for a project of this scale and nature.</p>	
10.	The extent and nature of stakeholder engagement undertaken by the Applicant in respect of the proposed maritime usage.	<p>The Applicant stated they have consulted with <i>"Inland fisheries Ireland, recreational fishers and members of the local community during the design process of the proposed project."</i></p> <p>Additionally, the Applicant provided evidence of support from a local representative and, separately, from a committee member of a local canoe club.</p> <p>Having regard to the above, the extent and nature of the stakeholder engagement undertaken is therefore considered satisfactory 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	Satisfactory
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 76 and 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 11 December 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).

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 the construction, maintenance and 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)

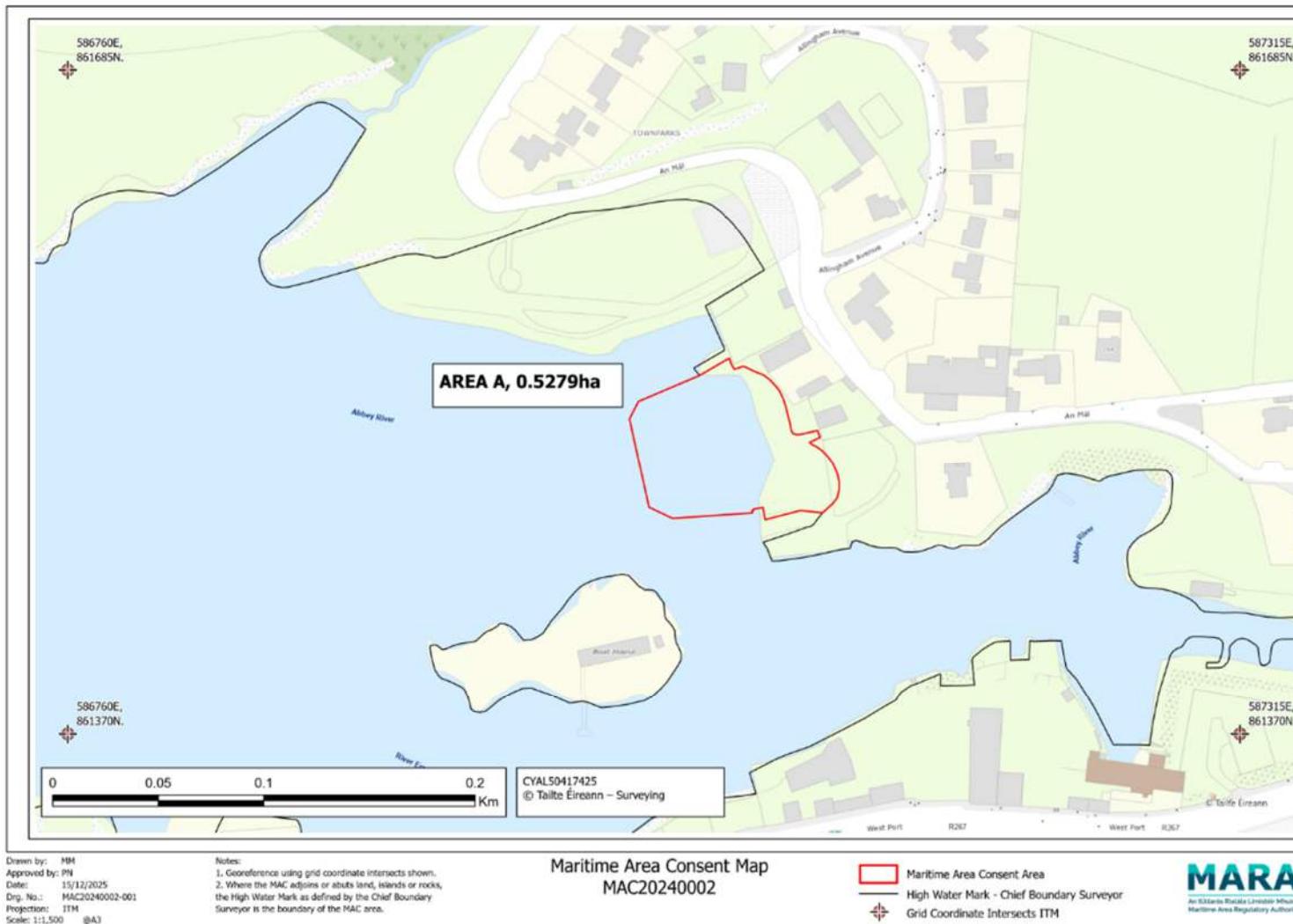


Figure 5 – Proposed MAC Map

8. Levy

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

MAPA Levy Framework Part:	A: Nearshore
Category/Class:	Development (non-commercial)
Tier:	Tier 4
Applicable Rate:	Base Annual Charge of €208.46 plus an add on of 0.1954 per sq.m for areas in excess of 100 sq.m
Area:	0.5279Ha
Calculation:	$\text{€208.46} + (\text{€0.1954} * (5,279.00 - 100.00))$
Levy due:	€1,220.44

The MAC levy has been calculated as €1,220.44 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:	Maritime Area Consent Map MAC20240002
Permitted Maritime Usage:	The construction, use, operation and maintenance of a pontoon, access gangway and associated mooring infrastructure and use, operation and maintenance of an amenity area, including all associated decommissioning, demolition and rehabilitation.

Nature of Usage:	May or may not be exclusive
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

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 necessary requirements of Part 4 of the Act, with particular regard to Schedule 5 criteria. Accordingly, it is recommended that the proposed MAC is part 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, subject to the exclusion of the area of overlap with Foreshore Lease FS006217 from the proposed MAC area. 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(s) will be notified and MARA will publish a notice on its website as soon as practicable thereafter.

Signed: *Paul Brennan* Position: Manager, MACU

Signed: [REDACTED] Position: Senior Engineer, ARDU