

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:	Dún Laoghaire Rathdown County Council
MAC Reference No:	MAC250056
Location:	Dún Laoghaire Harbour
Date Application received:	05 December 2025
Existing Maritime Usage:	The regularisation and ongoing use and maintenance of existing reclaimed lands situated at the Coal Harbour Pier within Dun Laoghaire Harbour.
Recommendation:	To approve the Part Granting of the MAC sought with conditions attached.

Document Control

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Reviewed and approved by:	Jacinta Ponzi	Head of Maritime Area Consenting	25/03/2026
Final Report Version 1:	Paul Brennan	MAC Manager	26/03/2026

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1. Overview

On 05 December 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 and maintenance of existing reclaimed lands situated at the Coal Harbour Pier within Dun Laoghaire Harbour.

2. Background

The MAC application relates to existing car parking areas which were reclaimed in 2004 as part of the Dun Laoghaire Marina development. The lands were reclaimed without a foreshore authorisation. Therefore, the existing reclamation areas 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

This Maritime Area Consent (MAC) application relates to the regularisation of two existing areas of reclaimed foreshore located within Dun Laoghaire Harbour. These areas were originally reclaimed circa 2004 as part of the wider marina development permitted under the Dun Laoghaire Marina Development (DLRCC Planning Reference D97A/0751).

The subject areas comprise pre-existing reclaimed lands, currently in use as surface car parks. The reclamation works were completed over 20 years ago and involved the placement of sand and silt infill material, contained and stabilised by heavy rock-armour revetments. Both areas are located within highly sheltered inner harbour zones, benefiting from minimal wave exposure due to the enclosing harbour infrastructure.

This application is strictly for the retention and regularisation of the existing reclaimed foreshore areas.

- No new maritime or terrestrial works are proposed as part of this application.
- There will be no additional infilling, dredging, excavation, or construction activities within the nearshore or foreshore areas.
- The works subject to this application are therefore considered retrospective in nature, relating solely to previously completed reclamation.

The reclaimed areas have been constructed using robust coastal engineering methods, including rock-armour protection, and are considered to have an effectively indefinite design life, subject to routine inspection and maintenance. While long-term sea level rise may present future constraints, it is considered that the existing design and material composition provide a high degree of resilience, particularly given the sheltered harbour setting. Ongoing use over the requested 50-year MAC duration will involve continued maintenance only, with no material alteration to the footprint or structure of the reclaimed areas.

The current use of the areas as car parks reflects an established operational requirement within the harbour. However, the reclaimed lands are considered flexible in terms of future use. Should the need for car parking diminish over time, it is anticipated that the areas may be repurposed for alternative marine-related or harbour-supporting uses, such as:

- Boat storage (boat park)
- Trailer storage
- Watersports-related facilities or service buildings

Retaining and repurposing these reclaimed areas is considered environmentally preferable to the removal and off-site disposal of the infill materials, which would result in significantly greater disturbance and environmental impact.

The total area proposed to be occupied by the MAC is 5,245m². The MAC area sought by the Applicant is illustrated in *Figure 1*.

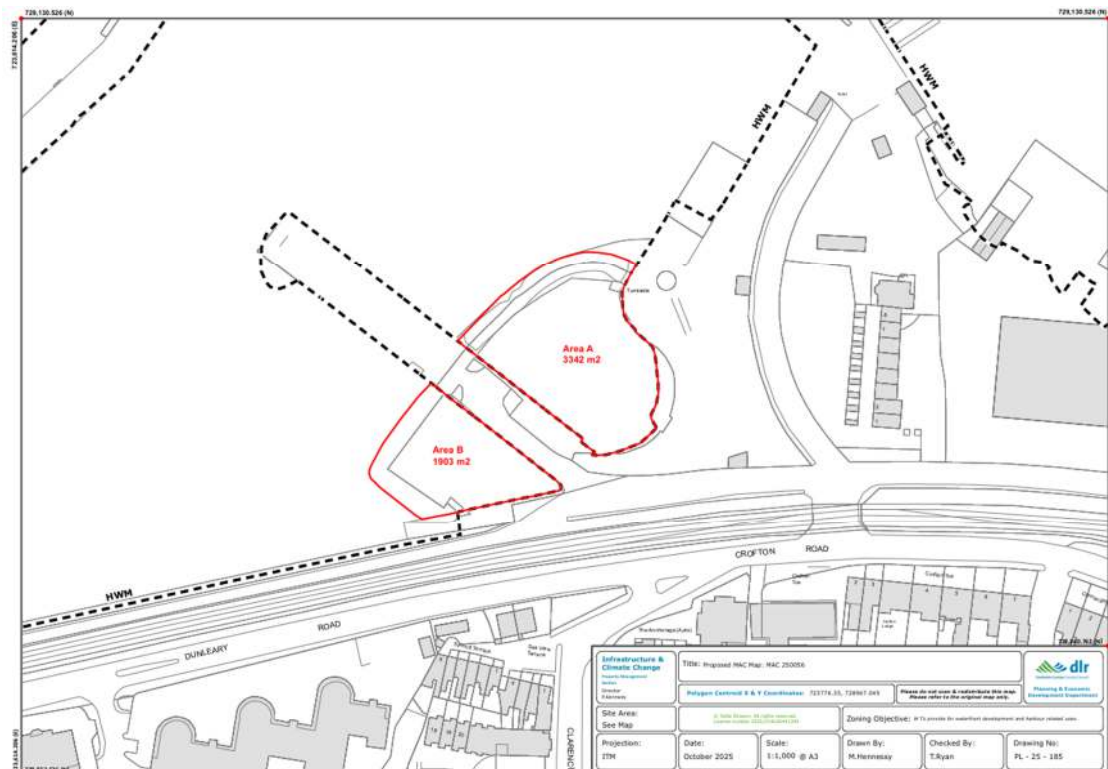


Figure 1 – Applicant map of proposed MAC Areas A and B at the Coal Harbour Pier, Dun Laoghaire.

4. Site Visit

Senior Marine Advisor, Philip Newell visited the site on behalf of MARA on 20 March 2026. Dún Laoghaire harbour is open to the public and the proposed MAC areas were accessible via the existing Coal Harbour carpark access roadway. The reclaimed areas are currently being utilised as harbour carparks. During the site visit operational watersports related business premises were noted to be present within the proposed MAC location. The reclamation areas are bounded around their seaward perimeter by a rock revetment which appears to be suitably sized for the wave climate within this area. There was no evidence of significant subsidence across either of the reclaimed car park areas on the day of the inspection.

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

Photographs 1 to 3 detail the character and nature of the proposed MAC areas.



Photograph 1 – Looking northwest across the existing reclaimed lands at Area A [PN 20/03/2026]



Photograph 2 – Looking southwest across the existing reclaimed lands at Area B with existing watersports business premises in background [PN 20/03/2026]



Photograph 3 – Looking east towards existing reclaimed lands at Area B bounded by rock armour revetment [PN 20/03/2026]

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 reclaimed lands are stated by the Applicant to have been constructed circa 2004. It is considered that the maritime usage should have been subject to a foreshore authorisation at the time of its construction 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 16 March 2026 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 was searched on 16 March 2026 for spatial overlap between the proposed MAC areas and any Department of Agriculture, Food and Marine (DAFM) foreshore authorisations for aquaculture sites.

The proposed MAC overlaps with one existing MAC application but does not overlap with any MULs or DAFM foreshore authorisations for aquaculture.

The application overlaps with a number of foreshore authorisations as detailed in Table 1 overleaf.

Table 1: Summary of Overlapping maritime authorisations and foreshore authorisations				
File Reference	Applicant/ Holder	Consent Type	Maritime Usage	Status

Number				
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
MAC250050	Dun Laoghaire Rathdown County Council	MAC	Proposed watersports slipway	At Application Stage

As Dún Laoghaire Rathdown County Council is the Applicant for the subject MAC application, the Holder of overlapping foreshore lease FS006713 and also the applicant for MAC250050 referred to in Table 1, it is considered that these spatial overlaps do 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 car park areas were originally reclaimed circa 2004 as part of the wider marina development permitted under the Dun Laoghaire Marina Development (DLRCC Planning Reference D97A/0751).

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

As this application falls for submission under Section 106 of the Act, it is required that a rehabilitation schedule be attached to the MAC (see section 6.2 for further details).

5.4 Ownership

A search was undertaken of the Land Registry on 16 March 2026 for any document granting or affecting rights to land in order to ensure that there are no conflicts of interest with the MAC area being applied for as outlined in the proposed MAC Map.

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

6. Assessment

6.1 Schedule 5

The MAC application was submitted on 24 November 2025 with the appropriate fee paid on 05 December 2025 and reviewed for completeness on 05 December 2025. An incomplete application notification was issued on 08 December 2025; with supplementary documentation/information received on 08 December 2025. The application was deemed complete by MARA on 09 December 2025.

A request for additional information was issued on 13 March 2026 under Section 79(3) of the Act and the associated response was received, relating to matters for technical assessment, on 15 March 2026.

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

Table 2: Synopsis of the assessment of the application with regard to the requirements of Schedule 5			
Schedule 5 Requirements		Synopsis	Assessment
1.	The nature, scope and duration of the occupation of the maritime area concerned for the purposes of the proposed maritime usage.	<p>Details of the maritime usage, including the nature scope and duration are described in Section 3 & 4 above.</p> <p>The Applicant has sought a MAC term of 50 years. Considering the nature of the works, with proper maintenance and repair, a MAC Term of 50 years would seem reasonable.</p> <p>Based on the assessment set out in Section 6.3 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 Section 6.3 and Section 9 below.</p>	Partially Satisfied
2.	Whether the proposed maritime usage is in the public interest.	<p>The Applicant has stated that the existing maritime usage aligns with the following policies:</p> <ul style="list-style-type: none"> • <i>National Ports Policy</i> • <i>National Outdoor Recreational Strategy</i> • <i>National Sports Policy 2018 – 2027</i> <p>The Applicant has also stated that these existing car parks “provide parking in close proximity to water sports uses, such as sailing, kayaking, paddle boarding and scuba diving so have a positive impact on existing public or other uses.”</p>	Satisfactory

		Having regard to the above it considered that the maritime usage is within the public interest.	
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 5,246.34m², as illustrated in <i>Figure 2</i> (Proposed MAC Map) in Section 7. The Applicant's drawing details a total MAC area of 5,245m². MARA have checked the MAC area as applied for and are satisfied that the correct figure is that indicated on the proposed MAC map in Section 7 and that the slight discrepancy in areas is due to a drafting/rounding error which has been corrected.</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> , Dún Laoghaire Rathdown County Council 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"> • 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. • 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. • Social Benefits Policy 1 - Proposals that enhance or promote social benefits should be supported. • 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. • 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. <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 proposed works align 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 as these reclaimed areas have been in place for 20+ years, marine users are very familiar with them and no changes are proposed in this regularisation. Otherwise, no other stakeholder engagement has taken place.</p> <p>Having regard to 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 26 November 2025. Upon review of the requirements of Section 96 of the Act, the Rehabilitation Schedule is considered satisfactory.

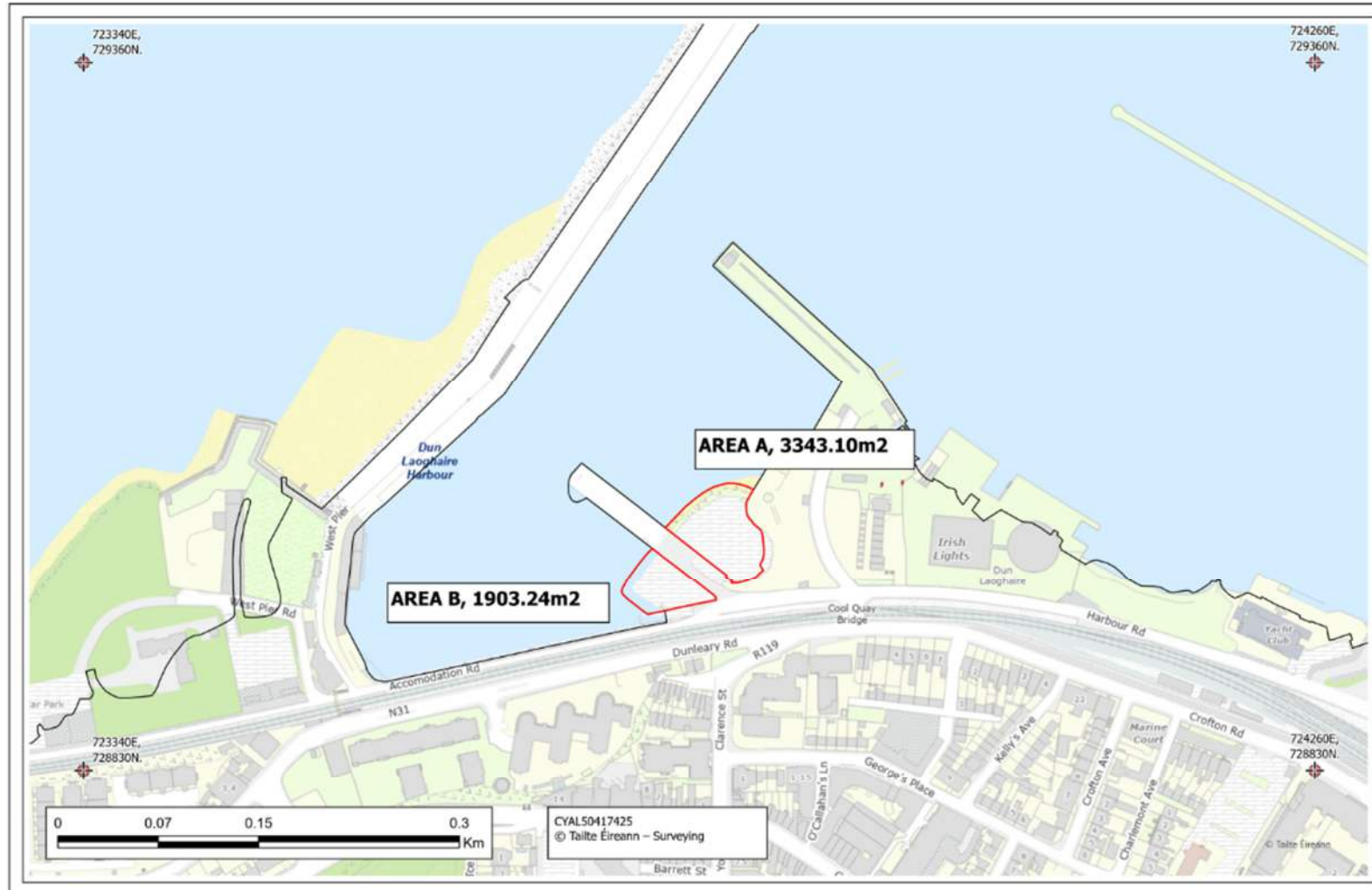
6.3 Section 83 – Nature of Use

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 vehicular and pedestrian traffic within Dun Laoghaire Harbour, DLRCC, who have overall responsibility for the management of Dun Laoghaire Harbour require exclusive control of roads, footpaths and car park 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)



Drawn by: MTM
 Approved by: PN
 Date: 18/03/2026
 Drg. No.: MAC250056-001
 Projection: ITM
 Scale: 1:2,500 @A3

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

Maritime Area Consent Map
 MAC250056

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

MARA
 An tAidianta Rialála Limistéir Ibharr
 Maritime Area Regulatory Authority

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:	Nearshore
Category/Class:	Development (non-commercial)
Tier:	Tier 1
Applicable Rate:	Base Annual Charge of €214.09 plus an add on of 2.40 per sq.m for areas in excess of 100 sq.m
Length or Area:	Area A - 3343.10m ² Area B – 1903.24m ² Total Area = 5246.34m ²
Calculation:	€214.09 + (€2.40 * (5,246.34 - 100.00))
Levy due:	€12,565.31

The MAC levy has been calculated as €12,565.31 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 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

MAC Term:	50 years
Consent Area:	That part of the maritime area marked red on the MAC Map.
MAC Map Title:	Maritime Area Consent Map MAC250056
Permitted Maritime Usage:	The use, operation and maintenance of reclaimed lands, including all associated decommissioning and rehabilitation.
Nature of Usage:	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 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 part 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(s) that MARA is minded to part grant a Maritime Area Consent subject to the proposed conditions attached to the MAC. It is recommended to allow the Applicant(s) 21 days from the date of issue of the Minded to Notice to submit supplementary material in relation to the reasons for the conditions as per Section 81(7)(b)(ii).

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

Signed: Paul Brennan Position: Manager, MAC Directorate

Signed: Philip Newell Position: Senior Engineer, MAC Directorate