

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:	Sutton Golf Club
MAC Reference No:	MAC260003
Location:	Sutton, Co. Dublin.
Date Application received:	23 January 2026
Proposed Maritime Usage:	Sutton Golf Club has applied for a MAC to provide repair works to an existing rock revetment, temporarily removing and rebuilding the 325m revetment at the northern extent of Sutton Golf Club.
Recommendation:	To refuse to grant the MAC sought.

Document Control			
Prepared by:	Daniel Ryan	Marine Analyst	14/08/2026
	Karen McCluskey	Consenting Analyst, MAC Directorate	24/08/2026
Reviewed & Approved by:	Barry Mc Donald	Senior Marine Advisor	26/08/2026
Final Report Version 1:	Karen McCluskey	Consenting Analyst, MAC Directorate	26/08/2026

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1 Overview

On 23 January 2026, MARA received a Maritime Area Consent (MAC) application under section 79 of the Maritime Area Planning Act 2021, as amended (the Act) from Sutton Golf Club to conduct repair works to an existing rock revetment.

2 Background

The MAC application relates to a proposal to conduct repair associated with the current rock revetment which the Applicant states is in poor condition. These works involve temporarily removing and rebuilding the 325m revetment in sections. The Applicant states that approximately two thirds of the revetment is situated above the High-Water Mark (HWM) as mapped by the Chief Boundary Surveyor¹ whilst the remaining one third is below the HWM. The subject MAC application covers both the permanent area for the rock revetment, and the temporary works area to be used during the construction phase.

3 Proposed Maritime Usage

The Applicant states that the proposed development encompasses essential repair and maintenance to the existing c. 325m rock armour revetment, comprising of:

- *“The dismantling of c.10m sections of the existing rock armour revetment by the removal of the primary armour layers and the remnants of the core from the structure, to expose the dune edge, with the removed material temporarily stored on the upper foreshore”.*
- *“Laying of heavy-duty geo-textile matting (Terram 2000 or equivalent) onto the exposed slope, with the matting being anchored in at the toe with suitably sized rock armour”.*
- *“The core and subsequent layers of the rock armour revetment are then to be rebuilt using all available material which was removed from the existing revetment, with any voids or deficiencies being supplemented by new material”.* The Applicant estimates that approximately 2000 tonnes of rock armour material will be required to fully repair and restore the existing structure.
- *“The rock armour is to be constructed to achieve a slope of 1:1.5”.* The Applicant states that this design criteria will ensure that the proposed revetment remains stable by reducing wave overtopping and scouring at the crest.
- *“The contractor will be repairing ~10m sections at a time”* with each section of the revetment “closed” at the end of each working day.
- *“No rock armour or other building materials are to be left on the beach at the end of each working day”.*

¹ [Tailte Éireann - High Water Mark - Ungeneralised 2026 version](#)

- The Applicant proposes to construct a c.7.5m wide temporary access route over a distance of approximately 10m between the Sutton Golf Club carpark and the foreshore, with temporary access to the foreshore facilitated by the construction of ramped access.
- The Applicant proposes to provide a temporary compound on terrestrial land at the southern extent of Sutton Golf Club for the temporary storage of rock armour material and plant during the construction phase.

The Applicant has sought a MAC term of 50 years, during which periodic maintenance will be undertaken. The Applicant states that the design of the revetment is in line with BS 6349-1- Maritime Works. The MAC areas sought by the applicant are illustrated in Figure 1.

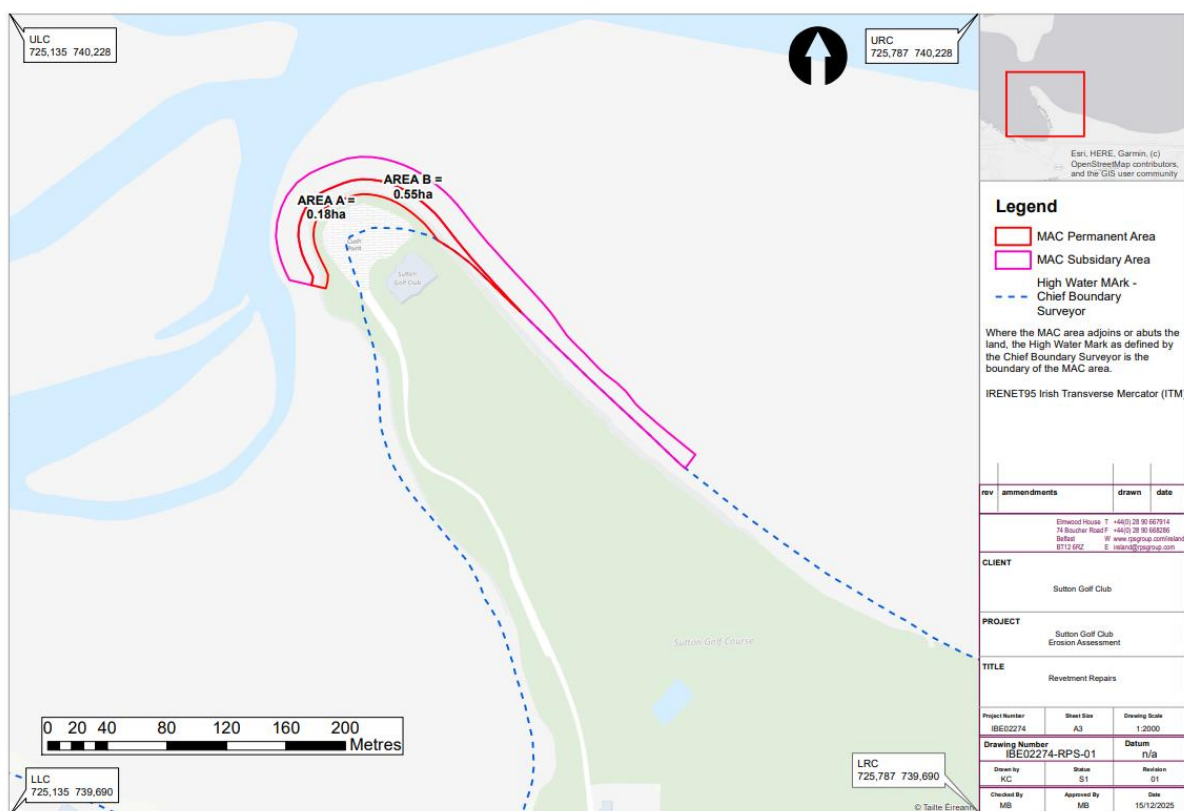


Figure 1 – Applicant map of proposed layout of MAC areas at Sutton Golf Club

4 Site Visit

Marine Analyst, Daniel Ryan inspected the site on 06 May 2026. The proposed works are located at the northern extent of Sutton Golf Club, Dublin. Photographs 1 to 4 detail the character of the existing rock armour in the vicinity of the proposed works.

No existing infrastructure or occupation, which would materially conflict with the proposed maritime usage, was noted during the site visit of the proposed MAC area.



Photograph 1 – At the Eastern edge of the golf club, looking south. – [DR 06/05/2026]



Photograph 2 – At the eastern edge of the golf course looking north – [DR 06/05/2026]



Photograph 3 – At the northern extent of the golf course looking south. Repair works required within the existing rock armour – [DR 06/05/2026]



Photograph 4 – At the western side of the site, looking north - [DR 06/05/2026]

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 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 a privately owned part of the maritime area. 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 and the subject of this application 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 28 April 2026 for spatial overlap between the proposed MAC areas and existing foreshore authorisations and MARA licences and consents. The proposed MAC area overlaps with a singular foreshore authorisation as detailed in Table 1 below.

Table 1: Summary of Overlapping maritime authorisations and foreshore authorisations			
File Reference Number	Consent Type	Maritime Usage	Status
FS005441	Licence	Laying, using, & maintaining a submarine fibre optic communications cable	Expires 29/05/2035

Given that foreshore licenses are granted on a non-exclusive basis, it is considered the spatial overlap with foreshore license FS005441, co-existence with the proposed maritime usage the subject of this application is considered possible and no conflict is considered to exist.

The Marine Institute's Ireland's Marine Atlas database² was searched on 28 April 2026 for spatial overlap between the proposed MAC areas and any Department of Agriculture, Food and Marine (DAFM) foreshore authorisations for aquaculture sites. There are no licenced aquaculture operations overlapping with or in close proximity to the proposed MAC area.

No existing MACs, Maritime Usage Licences, foreshore authorisations, including those for aquaculture, or applications for the same were identified as overlapping the proposed MAC application areas which would impede MARA in granting a MAC for the proposed maritime usage.

5.3 Development Permission

The Applicant states *"Pre-application consultation was carried out with Fingal County Council in October 2024 under pre-planning reference number FPP000573 with no objections to the Proposed Development subject to cognisance of the policies with the Fingal County Development Plan 2023 – 2029 regarding high amenity areas and coastal protection and defence. Fingal County Council advised the submission of Appropriate Assessment (AA)/ Natura Impact Statement (NIS) and Construction Environmental Management Plan.*

A planning application will be submitted to Fingal County Council upon granting of a MAC."

² <https://atlas.marine.ie/>

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 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 Registered Lands

A search was undertaken by MARA of the Tailte Éireann database on 28 April 2026 for any folios in order to ensure that there are no overlaps with registered maritime area within the proposed MAC area.

No such folios were identified as overlapping the proposed MAC application areas.

6 Assessment

6.1 Schedule 5

The MAC application was submitted and the appropriate fee paid on 21 January 2026 and reviewed for completeness on 28 January 2026. An incomplete application notification was issued on 28 January 2026; with supplementary documentation/information received on 28 January 2026. The application was deemed complete by MARA on 29 January 2026.

A request for additional information was issued on 18 March 2026 under section 79(3) of the Act and a response received on 24 July 2026 to advise *“Sutton Golf Club do not intend to make any further submissions or queries in relation to this current application”*.

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
1.	The nature, scope and duration of the occupation of the maritime area concerned for the purposes of the proposed maritime usage.	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 50 years, with proper maintenance and repair, should be achievable. The Applicant has stated <i>“Whilst the Proposed Development is considered permanent, Sutton Golf Club are applying for MAC for a period of 50 years and will apply for a material amendment should they wish to extent the consent after 50 years.”</i> Accordingly, a MAC term of 50 years (allowing for planning, construction and rehabilitation/decommissioning phases) is recommended.
2.	Whether the proposed maritime usage is in the public interest.	The Applicant stated in their applicant that <i>“The Proposed Development is consistent with the overall objectives of international, European, national, regional, and local planning policy and guidance. The Proposed Development represents critical works for maintaining and protecting Sutton Golf Club which itself plays a role in improving population health outcomes for the people of Sutton and the surrounding area. This aligns with the Healthy Ireland policy position to improve people’s health and wellbeing (Irish Department of Health, 2013). It also aligns with the National Planning Framework (NPF) section 6.2 on healthy communities and section 9.4 on creating a clean environment for a healthy society (Government of Ireland, 2023).”</i> and <i>“The European Union supports, coordinates and complements the actions of EU countries related to tourism. Article 195 of the Treaty on the Functioning of the European Union underlines that the “Union shall complement the action of the Member States in the tourism sector, in particular by promoting the competitiveness of Union undertakings in that sector”. The EU, therefore, encourages the creation of a favourable environment and promotes cooperation between EU countries.</i> <i>The EU Commission adopted the Communication, 'A European Strategy for more Growth and Jobs in Coastal and Maritime Tourism' on 20 February 2014, presenting a new blueprint to enhance coastal and maritime tourism in Europe to unlock the potential of this promising sector.</i> <i>The Proposed Development at Sutton Golf Club is critical to mitigating erosion of the course and ensuring this local sustainable coastal and maritime tourism asset which aligns with EU aspirations and communications.”</i> The Applicant stated there is a public use element as <i>“Although not a public golf course, Sutton Golf Club allows the public to join as members, offering sports and recreation amenity. The Golf Club is also strongly linked to the community, involving itself in charitable events and acting as a venue. As per the Clubs constitution, one of the objectives of the Club is to “provide facilities for the playing of the game of golf for its members, members' guest and visitors.</i> <i>The development is also in the interest of the health and safety to the public, given that the current state of disrepair has left the structure vulnerable to coastal erosion during storm events which represents a potential risk for passing pedestrians.”</i> Having regard to the above the proposed maritime usage is considered to be in 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.	The total area proposed occupied by the MAC is 7,278m², comprising MAC Area A for the proposed permanent works totalling 1,803m² and Area B for the temporary works totalling 5,475m², as detailed on the applicant's proposed MAC map in Figure 1. 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.
4.	Guidelines issued under section 7 which are relevant to the proposed maritime usage.	No such guidelines have been published to date.
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.	The Applicant did not provide details as to the Applicant being a natural person or a legal person with legal personality. As a consequence, MARA was unable to undertake a detailed review and assessment as to whether the Applicant is a fit and proper person to be granted a MAC, within the meaning of Schedule 2 of the Act.
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 did not provide details as to the Applicant being a natural person or a legal person with legal personality. As a consequence, MARA was unable to view the Applicant's tax clearance certificate and was unable to consider the Applicant's tax compliance status.

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
8.	The National Marine Planning Framework (NMPF).	In accordance with the Maritime Area Planning Act 2021, MARA is obliged to adopt such measures, consistent with its functions, as are necessary to secure the objectives of the National Marine Planning Framework (NMPF) in the giving of any authorisation for the purposes of any maritime usage or proposed maritime usage. Accordingly, this application has been assessed with regard to the National Marine Planning Framework (NMPF). It is considered that the proposed project aligns with the following policy objectives of the NMPF: - • <i>“Social Benefits Policy 1 - Proposals that enhance or promote social benefits should be supported.</i> • <i>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.</i> • <i>Access Policy 1 - Proposals, including in relation to tourism and recreation, should demonstrate that they will, in order of preference:</i> <i>a) avoid,</i> <i>b) minimise, or</i> <i>c) mitigate significant adverse impacts on public access.</i> • <i>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.”</i> 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.

		Based on the above, 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.	The applicant states that the following preparatory works were undertaken for the project: 1. <i>Defence condition surveys.</i> 2. <i>Natura Impact Statement</i> 3. <i>Coastal Processes Assessment</i>
10.	The extent and nature of stakeholder engagement undertaken by the applicant in respect of the proposed maritime usage.	The Applicant stated in their application that <i>"Given the highly localised nature of work, stakeholder consultation was not deemed necessary as part of this MAC application.</i> <i>However, as part of the terrestrial planning application, the proposed works will be advertised for two weeks in local newspapers with site notices erected at the site."</i>
11.	Where a competitive process referred to in section 93 or 103 is used, the outcome of such process.	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.

6.2 Fit & Proper Person Assessment

Schedule 2(2) of the Act sets out the criteria to which MARA shall have regard in determining whether the relevant person(s) is/are “fit and proper” to be granted and to hold a MAC. The assessment of whether the holder is a fit and proper person within the meaning of Schedule 2(2) is set out in *Table 3* below.

Table 3: Schedule 2(2) Fit & Proper Person		
Fit & Proper area for assessment		Synopsis
(a)	letters of reference;	As set out in Section (g) below, the Applicant has demonstrated clear evidence of their expertise and technical capability in successfully delivering projects of a similar scale. No letters of reference were provided.
(b)	that the relevant person, or any other person concerned, stands convicted of— (i) an indictable offence under this Act or an offence in another state equivalent to an indictable offence, (ii) an indictable offence under an enactment prescribed for the purposes of this clause, or (iii) an offence involving fraud or dishonesty;	The Applicant did not provide details as to the Applicant being a natural person or a legal person with legal personality. As a consequence, MARA was unable to undertake an assessment of the Applicant against these criteria.
(c)	if the relevant person is a body corporate, whether any of its directors has a declaration under section 819 of the Act of 2014 made against him or her or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act, or is subject to or deemed to be subject to— (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	The Applicant did not provide details as to the Applicant being a natural person or a legal person with legal personality. As a consequence, MARA was unable to undertake an assessment of the Applicant against these criteria.

	other provision of that Act, or (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;	The Applicant did not provide details as to the Applicant being a natural person or a legal person with legal personality. As a consequence, MARA was unable to undertake an assessment of the Applicant against these criteria.
(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;	The Applicant did not provide details as to the Applicant being a natural person or a legal person with legal personality. As a consequence, MARA was unable to undertake an assessment of the Applicant against these criteria.
(f)	if the relevant person is a body corporate incorporated under the law of another state— (i) whether an event which corresponds to an event referred to in clause (c) has occurred in relation to any of its directors, or	The Applicant did not provide details as to the Applicant being a natural person or a legal person with legal personality. As a consequence, MARA was unable to undertake an assessment of the Applicant against these criteria.

	(ii) whether an event which corresponds to an event referred to in clause (e) has occurred in relation to the body corporate;	
(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 Sutton Golf Club's Consultant/Agent, Tetra Tech Consulting Limited (formerly RPS), to deliver the proposed maritime usages the subject of the MAC application is detailed in Section 6.2.1 below. The Consultant/Agent is considered to have the requisite technical knowledge and qualifications to undertake the proposed maritime usage.
(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— (i) in undertaking the proposed maritime usage, or in continuing to undertake the maritime usage, as the case may be, or (ii) in ceasing to undertake the proposed maritime usage or the maritime usage, as the case may be;	The Applicant did not provide details as to the Applicant being a natural person or a legal person with legal personality. As a consequence, MARA was unable to undertake an assessment of the Applicant against these criteria.
(i)	the previous performance of the relevant person when granted—	The Applicant did not provide details as to the Applicant being a natural person or a legal person with legal personality.

(i) a MAC, (ii) a development permission, (iii) a licence, or (iv) an authorisation (howsoever described) under the Act of 1933.	As a consequence, MARA was unable to undertake an assessment of the Applicant against these criteria.
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6.2.1 Technical Capability Assessment (TCA)

Considering the information supplied by the Applicant in their application, the Technical Capability Assessment (TCA) for this application has been carried out on the basis that the proposed project is not a Schedule 10 project.

Information has been provided under the TCA submission relating to the Applicant's consultant/agent. The TCA has been carried out based on the technical capability of the Applicant's consultant/agent, Tetra Tech Consulting Ltd (formerly RPS).

Assessment of Qualifications/Membership of Professional Bodies

At the time of the application, the engineer named by Tetra Tech was registered with the Science Council and held the title of Chartered Scientist, in addition to being registered with The Chartered Institution of Water and Environmental Management and held the title of Chartered Water and Environment Manager. Tetra Tech are corporate members of the Association for Consultancy and Engineering. The Applicant has provided a copy of Tetra Tech's Professional Indemnity Insurance Certificate which was valid and in date at the time of making their application to MARA. Tetra Tech holds ISO 9001:2015 registration for its quality management system. Given the scale and nature of the project and previous demonstrated experience of Tetra Tech, the submission is considered acceptable in this regard.

Assessment of Three Projects of a Similar Scale and Nature

The Applicant has satisfactorily completed Appendix Tec A – Table (ii). This details three projects where the agent was involved with various maritime projects which are similar in scale and nature, or greater, 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 the responsibility of the Applicant. The agent has stated that the operation of the proposed development is passive and will not require any dedicated specialists or engineers. They also state that periodic maintenance will be required, the frequency and extent of such will be dictated by prevailing storm conditions. It is anticipated that light maintenance will be required approximately every ten years. This will consist of regrading the slope of the rock armour and replacing displaced stone as required.

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, it is considered the Applicant has demonstrated a realistic understanding of the probable timeframes involved in delivering a project of this scale and nature in an Irish context.

TCA Conclusion

Following an assessment of the TCA documentation provided by the Applicant, it is considered that Sutton Golf Club's consultant/agent have satisfied all the criteria under the Technical Capability Assessment of the Fit and Proper Test.

6.2.2 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.

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.

6.3 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:	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 – 1,803 m ² (Permanent)	Area B – 5,475 m ² (Temporary)
Calculation:	€214.09 + (€2.40 * (1,803.00 + 5,475.00 - 100.00))	
Levy due:	€17,441.29	

The MAC levy has been calculated as €17,441.29 per annum. All levies are indexed to the Harmonised Index of Consumer Prices (HICP), applied on an annual basis.

7 Discussion

Section 80(1) of MAP Act states that MARA shall, in determining a MAC application, have regard to the criteria specified in Schedule 5 of the Act.

Schedule 5(5)

In accordance with Schedule 5(5) of the Act MARA shall have regard to *“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.”*

Furthermore, in accordance with Schedule 2(2): *“Subject to section 90, the MARA shall, in determining whether a relevant person is a fit and proper person to be granted a MAC or to continue to be the holder of a MAC, as the case may be, have regard to the following:*

- (a) letters of reference;*
- (b) that the relevant person, or any other person concerned, stands convicted of—*
 - (i) an indictable offence under this Act or an offence in another state equivalent to an indictable offence,*
 - (ii) an indictable offence under an enactment prescribed for the purposes of this clause, or*
 - (iii) an offence involving fraud or dishonesty;*
- (c) if the relevant person is a body corporate, whether any of its directors has a declaration under section 819 of the Act of 2014 made against him or her or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act, or is subject to or deemed to be subject to—*
 - (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*
 - (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;*
- (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;*
- (f) if the relevant person is a body corporate incorporated under the law of another state—*
 - (i) whether an event which corresponds to an event referred to in clause (c) has occurred in relation to any of its directors, or*

- (ii) whether an event which corresponds to an event referred to in clause (e) has occurred in relation to the body corporate;*
- (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;*
- (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—*
 - (i) in undertaking the proposed maritime usage, or in continuing to undertake the maritime usage, as the case may be, or*
 - (ii) in ceasing to undertake the proposed maritime usage or the maritime usage, as the case may be;*
- (i) the previous performance of the relevant person when granted—*
 - (i) a MAC,*
 - (ii) a development permission,*
 - (iii) a licence, or*
 - (iv) an authorisation (howsoever described) under the Act of 1933."*

The Applicant did not provide details as to the Applicant being a natural person or a legal person with legal personality and has not provided all the information MARA reasonably considers necessary to assist it "in determining whether a relevant person is a fit and proper person to be granted a MAC or to continue to be the holder of a MAC". As a consequence, MARA was unable in this case to conduct and complete the fit and proper assessment for MAC260003 in accordance with Schedule 2(2) of the MAP Act 2021.

8 Conclusion & Recommendation

Following a detailed assessment of all information on file, it is recommended to refuse to grant the MAC sought.

Accordingly, it is recommended to issue a section 81(7)(b) Minded to Notice, as enclosed, informing the Applicant that MARA is minded to refuse a Maritime Area Consent.

It is recommended that the Applicant be allowed 21 days, being a reasonable period in all the circumstances of the case, from the date of issue of the Minded to Notice, to submit supplementary material in relation to the reasons for the decision, in accordance with 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: Karen McCluskey

Position: Consenting Analyst, MAC Directorate

Signed: Daniel Ryan

Position: Marine Analyst, MAC Directorate