

<b>MAC Report</b>	
<b>Application for a Maritime Area Consent (MAC) under Section 79 of Maritime Area Planning Act 2021, as amended (the Act)</b>	
<b>Application Details</b>	
<b>MAC Applicant:</b>	Dún Laoghaire Rathdown County Council
<b>MAC Reference No:</b>	MAC260008
<b>Location:</b>	Dún Laoghaire Harbour, Co. Dublin.
<b>Date Application received:</b>	13 March 2026
<b>Existing Maritime Usage:</b>	The regularisation and ongoing use and maintenance of existing pontoons across three areas situated within Dún Laoghaire Harbour.
<b>Recommendation:</b>	To approve the Part Granting of the MAC sought with conditions attached.

<b>Document Control</b>			
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<b>Reviewed by:</b>	<b>Jacinta Ponzi</b>	Head of Maritime Area Consenting	<b>11/06/2026</b>
<b>Approved by:</b>	<b>Jacinta Ponzi</b>	Head of Maritime Area Consenting	<b>11/06/2026</b>
<b>Final Report Version 1:</b>	<b>Sharon Dobbs</b>	MAC Analyst	<b>12/06/2026</b>

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## **1. Overview**

On 13 March 2026, 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 three existing pontoons situated within Dún Laoghaire Harbour.

## **2. Background**

The MAC application relates to three existing pontoons, one pontoon is for public use, mainly for the mooring of boats. The other two pontoons are for the docking of cruise ship tenders. According to the Applicant, all three pontoons were installed in 2020 without 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 usage.

### 3. Proposed Maritime Usage

The pontoon located within MAC Area 1, to be referred to as 'pontoon 1', is comprised of plastic modular pontoons. The pontoons located with MAC Areas 2 & 3, to be referred to as 'pontoon 2' and 'pontoon 3' respectively, are comprised of composite concrete decking panels. Pontoon 1 is secured to the seabed by concrete mooring blocks and is linked to these by wire ropes. Pontoon 2 is clamped around the existing berthing fenders, rather than being secured to the seabed. Pontoon 3 is secured to the seabed by concrete mooring blocks and is linked to these by chains.

The total area proposed to be occupied by the MAC is 586m<sup>2</sup>. The MAC areas sought by the applicant are illustrated in Figures 1, 2, & 3.

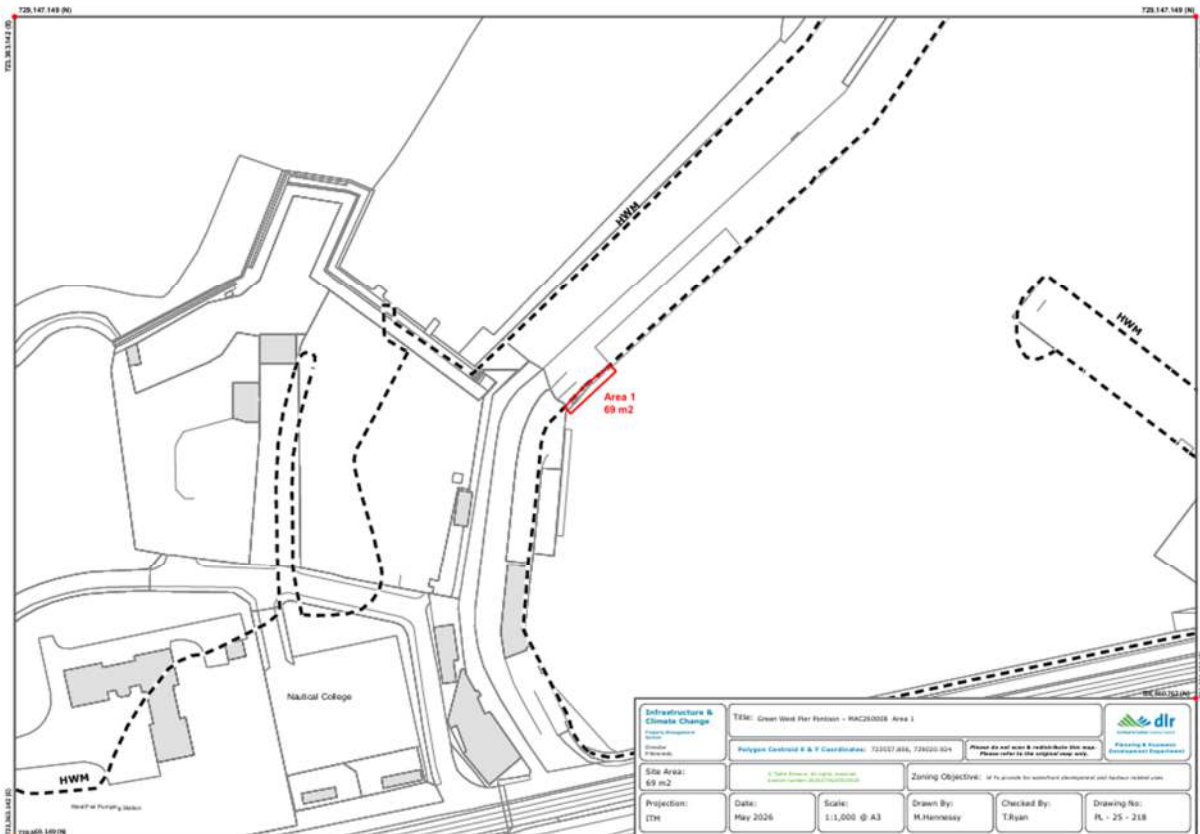


Figure 1 – Applicant map of proposed layout of MAC Area 1 at Dún Laoghaire Harbour

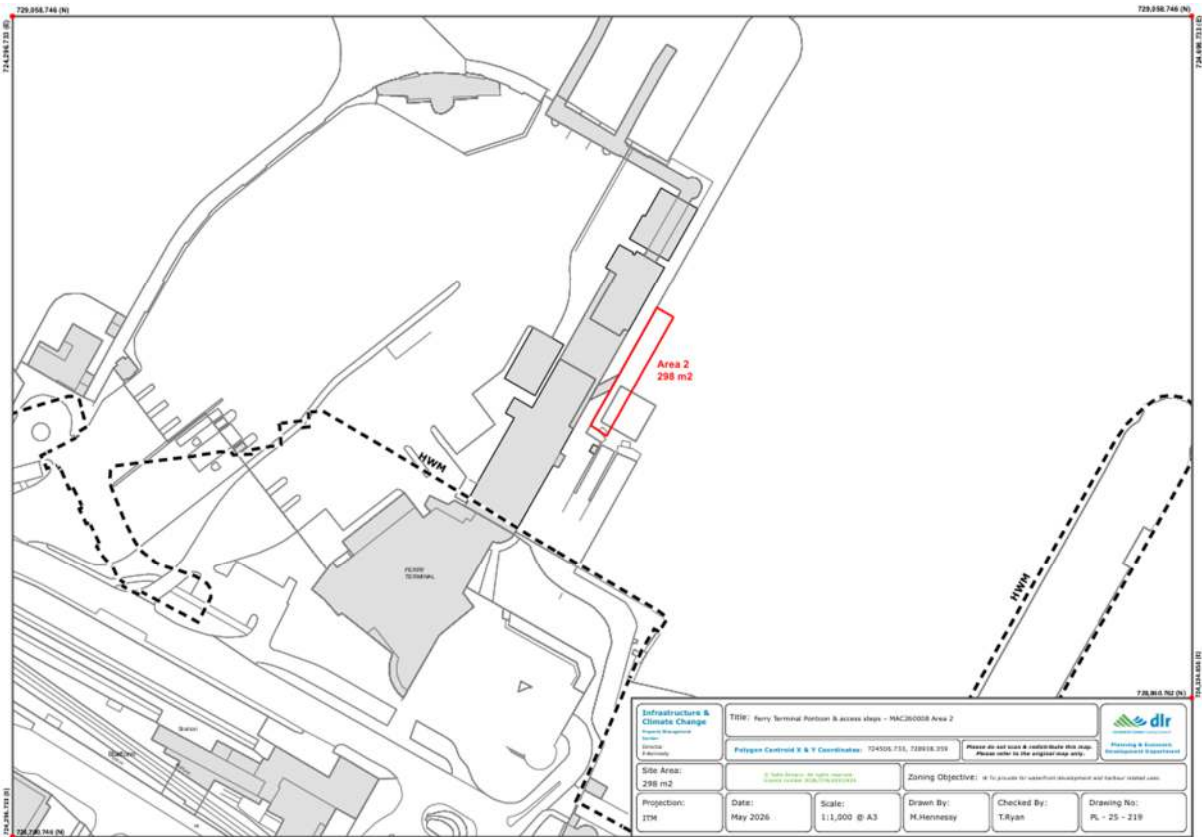


Figure 2 – Applicant map of proposed layout of MAC Area 2 at Dún Laoghaire Harbour

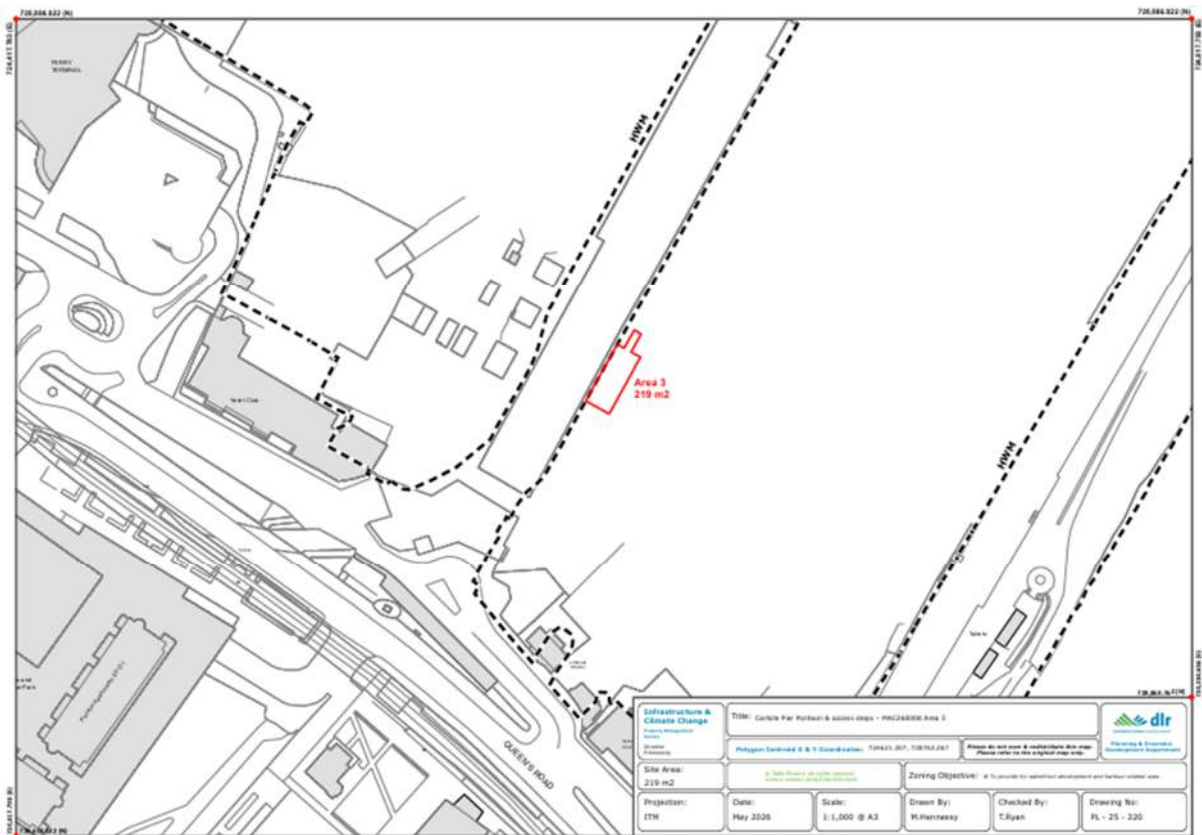


Figure 3 – Applicant map of proposed layout of MAC Area 3 at Dún Laoghaire Harbour

The Applicant stated that *"these pontoons have been in place for 5+ years. Marine Users are very familiar with them and no changes are proposed in this regularisation."*

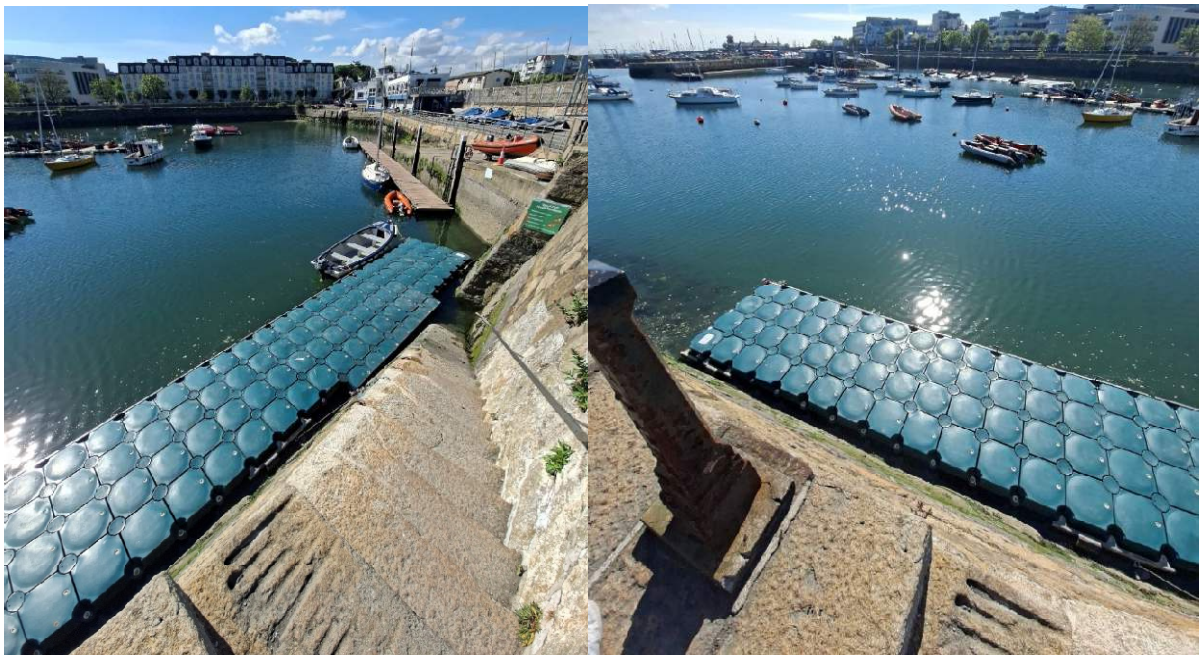
There are no further construction/installation works proposed by the Applicant, other than yearly routine inspections of the pontoons with repair/replacement of any required elements.

The Applicant has sought a 25-year MAC term as the pontoons have a design life of 30 years and have already been in situ for 5 years. The applicant has also indicated that they may seek to renew the MAC after the 25-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 or modified."*

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

Marine Advisor, Daniel Ryan inspected the site on 06 May 2026. The proposed works are located in three locations spread across Dún Laoghaire Harbour. Photographs 1 and 2 detail the existing location and surroundings of Pontoon 1. Photograph 3 details the existing location and surroundings of Pontoon 2, and photograph 4 details the existing location and surroundings of Pontoon 3.

No occupation, other than the Pontoons for which regularisation is being sought, was noted during the site visit within the proposed MAC area(s).



Photographs 1 & 2 – Views of Pontoon 1 looking southeast – [DR 06/05/2026]



Photograph 3 – View of Pontoon 2 looking northeast from publicly accessible location – [DR 06/05/2026]



Photograph 4 – View of Pontoon 3 looking northeast from publicly accessible location – [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 private land. The proposed 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 applicant states that the date of commencement of unauthorised maritime usage is 01 January 2020. It is considered that the maritime usage should have been subject to 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 21 April 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<sup>1</sup> was searched on 21 April 2026 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 overlaps with a number of Marine Usage Licence (MUL) and foreshore authorisations as detailed in Table 1 below.

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

Number				
FS006713	Dún Laoghaire Rathdown County Council	Foreshore Lease	The provision and maintenance of existing moorings within Dún Laoghaire Harbour.	Expires 12/02/2059
FS007546	Codling Wind Park Ltd (CWPL)	Foreshore Licence	Site investigation application for Wind Farm.	Expires 25/04/2028
MUL250003	Dún Laoghaire Rathdown County Council	Marine Usage Licence	Marine environmental surveys for the purposes of site investigation – to undertake a suite of marine site investigation activities to assess the feasibility of potential future dredging within the harbour.	Applied 13/06/2025
MUL250023	Dún Laoghaire Rathdown County Council	Marine Usage Licence	Marine environmental surveys for the purposes of site investigation - to undertake a suite of marine site investigation (SI) activities to assess the feasibility of constructing components of a National Watersports Campus.	Applied 13/03/2026

FS006713, FS007546, MUL250023, & MUL250003 overlap the proposed MAC areas.

As Dún Laoghaire Rathdown County Council is the Applicant for the subject MAC application and the holder of overlapping foreshore lease FS006713, it is considered the spatial overlap does not prevent the granting of a MAC.

Given that foreshore licenses / MULs are granted on a non-exclusive basis, it is considered the spatial overlap with foreshore license FS007546 and Marine Usage Licence applications MUL250023 and MUL250003 does not prevent the granting of a MAC.

### 5.3 Development Permission

The Applicant has stated that *"These pontoons have no planning permission but have been installed for 5+ 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.

#### **5.4 Ownership**

A search was undertaken of the Land Registry on 21 April 2026 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 25 February 2026 with the appropriate fee paid 13 March 2026 and reviewed for completeness on 14 April 2026. The application was deemed complete by MARA on 14 April 2026.

A request for additional information was issued on 15 May 2026 under section 79(3) of the Act and associated responses received relating to matters for technical assessment on 18 May 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 proposed maritime usage, including the nature, scope and duration are described in Section 3 &amp; 4 above.</p> <p>It is considered that a design life for the structure of circa 30 years, with proper maintenance and repair, should be achievable. Given that the pontoons have already been in place for 5+ years, a MAC term of 25 years (allowing for rehabilitation/decommissioning) is recommended.</p> <p>Based on the assessment set out below in Section 6.3 regarding the nature of the maritime usage sought by the applicant, it is considered that exclusive use is not merited in the case of the subject marine usage.</p> <p>The proposed 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 6.2 below.</p>	Partially Satisfied
2.	Whether the proposed maritime usage is in the public interest.	<p>The Applicant has indicated that the proposed project aligns with the following policies:</p> <ul style="list-style-type: none"> <li>• National Ports Policy</li> <li>• National Outdoor Recreational Strategy</li> <li>• National Sports Policy 2018 - 2027</li> </ul> <p>The applicant has stated that <i>'Pontoon 1 provides access to water sports uses, such as sailing, kayaking, paddle boarding and scuba diving so have a positive impact on the sustainable growth of watersports activities within Dún Laoghaire. Pontoon 1 is specifically a publicly accessible pontoon, the first of it's kind in Dún Laoghaire Harbour for many years.</i></p> <p><i>Pontoon 2 &amp; 3 support Cruise Tourism thereby providing both national and local economic benefit.</i></p> <p>The proposed maritime usage is considered satisfactory, having regard to the public interest.</p>	Satisfactory

3.	The location and spatial extent of the occupation of the maritime area concerned for the purposes of the proposed maritime usage.	<p>The total area proposed occupied by the MAC is 586m<sup>2</sup>, comprising MAC Areas 1, 2, and 3, as illustrated in Figure 4 (Proposed MAC Map) in Section 7.</p> <p>Details of the location, relevant consents, ownership and development permissions are provided in Sections 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 proposed 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
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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 tourism, economic and social objectives set out therein.</p> <p>It is considered that the proposed project aligns with the following economic, social and key sectoral policy objectives of the NMPF: -</p> <ul style="list-style-type: none"> <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>Sport and Recreation Policy 4</b> - 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.</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> <li>• <b>Tourism Policy 3</b> - Proposals for tourism development should seek to optimise facilities and use of space by taking a cross-sectoral development approach that provides for multiple activities, whilst minimising the extent to which the proposal is likely to adversely impact on the natural environment.</li> <li>• <b>Employment Policy 1</b> - Proposals should demonstrate contribution to a net increase in marine related employment in Ireland, particularly where the proposals are: <ul style="list-style-type: none"> <li>in line with the skills available in Irish coastal communities adjacent to the maritime area, improve the sustainable use of natural resources, diversify skills to enable employment in emerging industries.</li> </ul> </li> <li>• <b>Sport and Recreation Policy 4</b> - Proposals that improve access to marine and coastal resources for tourism activities, and sport and recreation should be supported,</li> </ul>	Satisfactory
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		<p>where appropriate, at the applicable scale and aligned with existing development plans.</p> <p>In the application, the applicant states that the proposed project is consistent with the environmental objectives of the NMPF.</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.	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 stated that <i>'these pontoons have been in place for 5+ years. Marine Users are very familiar with them and no changes are proposed in this regularisation'</i></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 13 March 2026. Upon review of the requirements of Section 96 of the Act, the Rehabilitation Schedule is considered satisfactory.

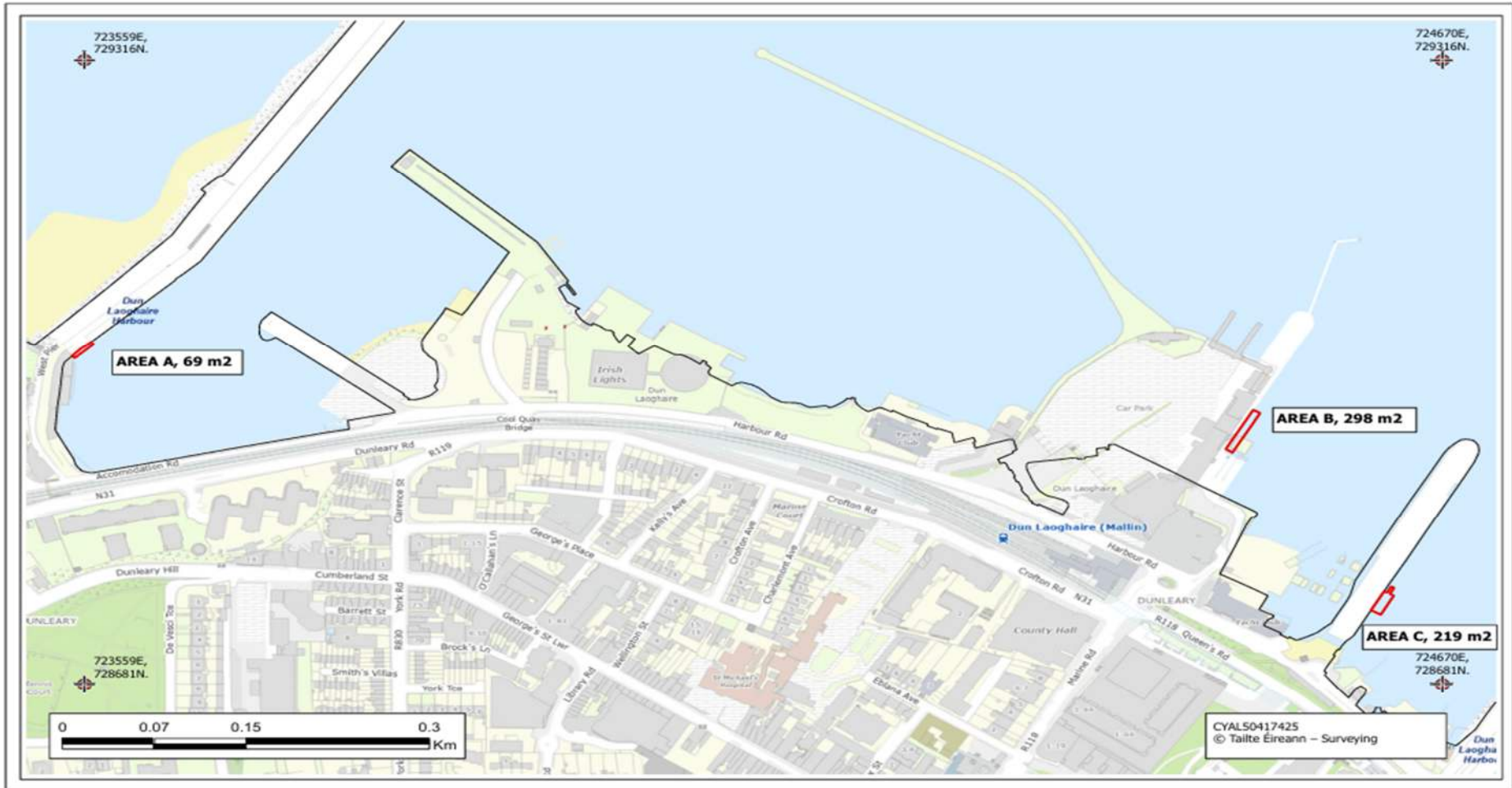
## **6.3 Section 83 – Nature of Use**

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 Dún Laoghaire Harbour, DLRCC, who have overall responsibility for the management of Dún Laoghaire Harbour require exclusive control of moorings, including pontoon locations”*

Having regard to the nature and lifecycle of the proposed 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. 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)



Drawn by: DS  
 Approved by: DR  
 Date: 09/06/2026  
 Drg. No.: MAC260008-001  
 Projection: ITM  
 Scale: 1:3,000 @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  
 MAC260008

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

**MARA**  
 An Eiliasa Rialta Liospaí Mhuirí  
 Maritime Area Regulatory Authority

Figure 4 – Proposed MAC Map

## 8. Levy

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

<b>MAPA Levy Framework Part:</b>	<b>Part A: Nearshore</b>
<b>Category/Class:</b>	<i>Development (Non Commercial)</i>
<b>Tier:</b>	1
<b>Applicable Rate:</b>	Base Annual Charge of €214.09 plus an add on of 2.40 per sq.m for areas in excess of 100 sq.m
<b>Length or Area:</b>	586m <sup>2</sup>
<b>Calculation:</b>	€214.09 + ( €2.40 * (586.00 - 100.00))
<b>Levy due:</b>	<b>€1,380.49</b>

The MAC levy has been calculated as €1,380.49 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 Schedule 5 of the Act, 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 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>	25 Years
<b>Consent Area:</b>	That part of the maritime area marked red on the MAC Map.
<b>MAC Map Title:</b>	MAC260008
<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 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 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 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: Sharon Bobbs Position: Analyst, MACU

Signed: Daniel Ryan Position: Engineer, ARDU