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:	Uisce Éireann
MAC Reference No:	MAC260017
Location:	Portnablagh, Co. Donegal.
Date Application received:	24 July 2026
Proposed Maritime Usage:	Uisce Éireann has applied to install, operate, and maintain a sea outfall pipeline to discharge treated effluent from Dunfanaghy/Portnablagh Wastewater Treatment Plant (WwTP) to Sheephaven Bay.
Recommendation:	To approve the Part Granting of the MAC sought with conditions attached.

Document Control			
Prepared by:	**Daniel Ryan**	Marine Advisor	**08/09/2026**
	Sharon Dobbs	Consenting Analyst, MAC Directorate	**08/09/2026**
Reviewed & Approved by:	**Jacinta Ponzi**	Head of Maritime Area Consenting	**11/09/2026**
Final Report Version 1:	**Sharon Dobbs**	MAC Analyst	**11/09/2026**

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1 Overview

On 24 July 2026, MARA received a Maritime Area Consent (MAC) application under section 79 of the Maritime Area Planning Act 2021, as amended (the Act) from Uisce Éireann to install a sea outfall pipeline to discharge treated effluent from Dunfanaghy Wastewater Treatment Plant (WwTP) to Sheephaven Bay.

2 Background

The proposed outfall pipeline that is required to discharge the treated effluent from the existing Dunfanaghy WwTP, in association with the proposed terrestrial upgrades, requires planning development permission. Planning permission is to be applied for by the MAC Holder (if successful in obtaining a MAC). The planning application will cover both the upgrades at the onshore WwTP and the proposed offshore outfall pipe.

3 Proposed Maritime Usage

The proposed maritime usage involves the construction, operation, maintenance and decommissioning of a permanent sea outfall pipeline, to be 250mm in diameter and 171.5m in length, which will carry treated effluent from the upgraded Dunfanaghy & Portnablagh WwTP into Sheephaven Bay.

The terrestrial works include the upgrade of the WwTP, storm tanks, associated pumping stations and connecting sewer networks from Dunfanaghy to Portnablagh, access roads and utility connections, and a launch site for trenchless drilling.

It is proposed that the ongoing operation and maintenance post construction of the outfall pipeline will include CCTV surveys every 5 years, continuous automated pressure management, and deployment of a dive team or Remotely Operated Vehicle (ROV) to inspect the condition and performance of the outfall and diffuser system every 5 years. The Applicant is seeking a MAC term of 100 years.

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

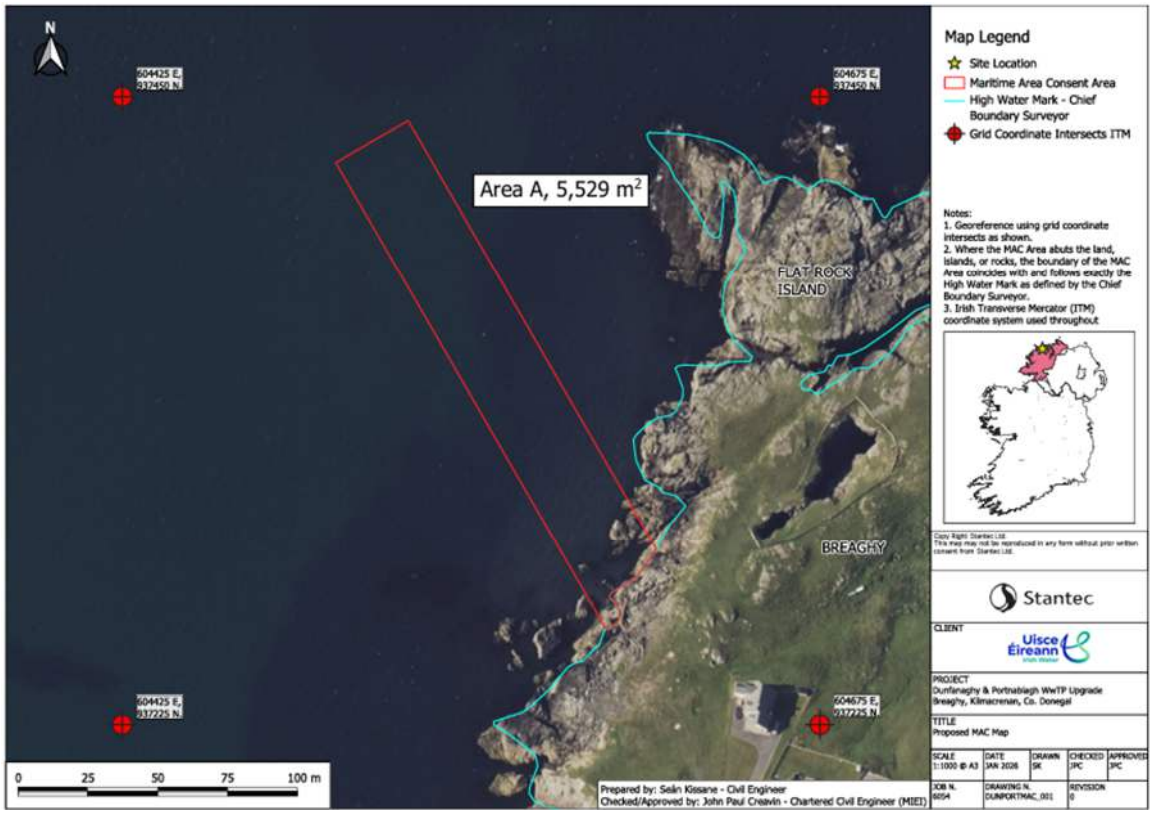

Figure 1 – Applicant map of proposed layout of MAC area at Portnablagh

4 Site Visit

Marine Advisor, Daniel Ryan inspected the site on 24 July 2026. The proposed works are located at Portnablagh. Photographs 1 and 2 detail the character of the proposed MAC area and the existing WwTP adjacent to the proposed MAC area. No existing infrastructure or occupation, other than the existing WwTP outfall which forms part of the existing treatment plant, was noted during the site visit within the proposed MAC area.



Photograph 1 – Proposed MAC area, facing north-west – [DR 24/07/2026]



Photograph 2 – Location of existing WwTP Outfall, facing west – [DR 24/07/2026]

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.

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 29 July 2026 for spatial overlap between the proposed MAC areas and existing foreshore authorisations and MARA licences and consents.

The proposed MAC area does not overlap with any existing MACs or Maritime Usage Licence (MUL) consents or applications for same. The proposed MAC area overlaps with one 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
FS004371	Donegal County Council	Licence	Laying, maintaining, & using an outfall sewage pipe	Expires 07/02/2082

The subject applicant (Uisce Éireann) has been transferred responsibility for foreshore licence reference no. FS004371. Given that foreshore licences are granted on a non-exclusive basis, it is considered that the spatial overlap with foreshore licence FS004371 does not prevent the granting of a MAC.

The Marine Institute's Ireland's Marine Atlas database[1] was searched on 29 July 2026 for spatial overlap between the proposed MAC areas and any Department of Agriculture, Food, and the Marine (DAFM) foreshore authorisations for aquaculture sites. No existing DAFM foreshore authorisations for aquaculture sites, or applications for the same were identified as overlapping the proposed MAC area.

No existing MACs, Maritime Usage Licences, foreshore authorisations for aquaculture, or applications for same were identified as overlapping the proposed MAC application areas.

5.3 Registered Lands

A search was undertaken by MARA of the Tailte Éireann database on 17 August 2026 for any folios in order to ensure that there are no overlaps with registered maritime area within the proposed MAC area.

No overlaps with registered maritime area within the proposed MAC area were identified.

5.4 Development Permission

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.

6 Assessment

6.1 Schedule 5

The MAC application was submitted on 30 April 2026 with the appropriate fee paid on 24 July 2026 and reviewed for completeness on 27 July 2026. The application was deemed complete by MARA on 27 July 2026.

A request for additional information was issued on 21 August 2026 under section 79(3) of the Act and associated response received relating to matters for general and technical assessment on 21 August 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.

[1] https://atlas.marine.ie/

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. The Applicant has requested a MAC term of 100 years. As stated by the applicant, the proposed outfall pipeline will consist of 250mm diameter HDPE. While a theoretical life expectancy of 100 years may be possible for HDPE pipe under certain circumstances, a 50 year design life is still advised in accordance with BS EN 12201/ISO standards. In addition to this, the diffuser aspect of the infrastructure will be exposed to the marine environment, and therefore a 100-year life span would not be expected. Therefore, it is considered that, with proper maintenance and repair, a design life for the infrastructure of circa 50 years should be achievable. Accordingly, a MAC term of 55 years (allowing for planning, construction and rehabilitation/decommissioning phases) is recommended.
2.	Whether the proposed maritime usage is in the public interest.	The applicant has stated *'The proposed pipeline aligns with a number of Irish Government policies that supports critical public infrastructure and sustainable use. The proposed outfall is deemed a critical environmental infrastructure and is compatible with multiple policies including:* *The National Marine Planning Framework (NMPF) - Specifically objective 14 where it outlines the importance of promoting wastewater infrastructure that safeguards marine ecosystems.* *Water Services Policy Statement 2018-2025 & 2024-2030 - This statement highlights the need for addressing compliance issues and providing sustainable wastewater services.* *Wastewater Discharge (Authorisation) Regulations (S.I. No. 684 of 2007) - The project will meet EPA licensing requirements for discharges with agglomerations > 500 PE. Urban Wastewater Treatment Regulations 2025 (S.I. No. 403 of 2025)'* The Applicant also provides that *'The proposed pipeline forms part of essential public wastewater infrastructure and it provides secondary public benefit. The upgrade to the WWTP complies with public health and environmental quality as the treated effluent discharges into Sheephaven Bay, and it improves the quality of life for the residents, while also improving local economic activity and allowing for future growth.'* Having regard to the above the proposed maritime usage is considered satisfactory, having regard to 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.	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. The total MAC area sought by the Applicant is 5,529 m^2, comprising of a singular MAC Area for the proposed works, as illustrated in Figure 2 (Proposed MAC Map) in Section 7.

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.	In accordance with *S.I No. 94/2026, Maritime Area Planning Act 2021 (Fit and Proper Person - Uisce Éireann) Order 2026* Uisce Éireann 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.
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.
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).	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 Wastewater Treatment and Disposal objective, economic and social objectives set out therein.

		It is considered that the proposed project aligns with the following economic, social and key sectoral policy objectives of the NMPF: - • ***Social Benefits Policy 1*** *- Proposals that enhance or promote social benefits should be supported.* • ***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.* *If proposals cannot avoid significant adverse impacts (including displacement) on other activities they must, in order of preference:* *a) minimise significant adverse impacts,* *b) mitigate significant adverse impacts, or* *c) if it is not possible to mitigate significant adverse impacts, proposals should set out the reasons for proceeding.* • ***Wastewater Treatment and Disposal Policy 1*** *- Proposals by Irish Water related to the treatment and disposal of wastewater that:* *i) service the social and economic development of the country under the National Planning Framework;* *ii) resolve environmental issues at priority areas identified by the EPA;* *iii) contribute to the realisation of the objectives of:* *• Ireland's River Basin Management Plan 2018 – 2021* *• The Water Services Policy Statement 2018 – 2025* *• Marine Strategy Framework Directive 2012 - 2020* *should be supported, provided they fully meet the environmental safeguards contained within relevant authorisation processes.* 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, 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.	The Applicant states in their application that bathymetry survey and hydrodynamic marine modelling has been completed. The Applicant also provides that additional preparatory activities may include further bathymetric survey / side scan sonar, magnetometer to detect ferrous objects and Unexploded Ordinance (UXO) hazards, and boreholes.
10.	The extent and nature of stakeholder engagement undertaken by the Applicant in respect of the proposed maritime usage.	Uisce Éireann have stated that stakeholder engagements have taken place with private landowners and Harbourmaster and that a project communication plan will be implemented with the local community before and during construction. The Applicant provides that "*Engagement with stakeholders and the community with a mitigation plan will take place to ensure both parties can co-exist with minimal disruption for the duration of the works"* The applicant has also stated *'The DEHLG is a key stakeholder and has emphasised the importance of the protection of high-status waters, designated shellfish and bathing waters and support improvements in water quality, set out in the River Basin Management Plan (RBMP) 2018-2021.* *The EPA as the regulatory authority and a key stakeholder has identified that the WwTP discharge fails to meet the ELV requirements set out in the licence in the 2024 AER. Such exceedances represent non-compliance and raise concerns regarding environmental protection and deems it necessary to undergo this WwTP upgrade.* *Frequent and significant breaches of the Emission Limit Values (ELVs) specified in the Wastewater Discharge Licence (WWDL) for the agglomeration (Licence No. D0351-01) have been reported. These non-compliances are a matter of public interest due to their potential impact on receiving waters and the wider community.'* Having regard to the above, the extent and nature of the stakeholder engagement undertaken is therefore considered acceptable for a project of this scale and nature.
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 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 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 of the proposed maritime usage 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 Uisce Éireann may be required to exclude access to parts of the MAC area on a temporary basis. For example, during construction, 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.

6.4 Other Matters to which MARA must have regard

MARA in performing its functions, must also have regard to matters as prescribed in Sections 3(3), 6(8), 7(1), 30 and 44 of the Act and the Climate Action and Low Carbon Development Act 2015 (as amended). Table 4 provides a synopsis of the regard MARA has had in relation to these matters when considering the subject application.

Table 4: Synopsis of other legislative matters to which MARA has had regard

Applicable legislation	***Synopsis***
Section 3(3)(a) & Section 44(b) of the Act - obligations of the State under the United Nations Convention on the Law of the Sea (as transposed by the Maritime Jurisdiction Act 2021)	In accordance with Sections 8 and 9 of the United Nations Convention on the Law of the Sea (the Convention), subject to a right of innocent passage enjoyed by all other States, the Irish State has sovereign jurisdiction in respect of its internal waters and territorial sea, including the seabed, the subsoil the airspace above. The State owns the seabed and subsoil of the territorial sea and the internal waters, including the mineral and other non-living resources located in or under the seabed, and of all forms of potential energy on, in, under and above the territorial sea and the internal waters. The proposed MAC area is fully located within the Irish State's territorial sea and relates to the installation, operation, and maintenance of a sea outfall pipeline. Accordingly, MARA is considered to have jurisdiction in accordance with the Convention to consider the granting of a MAC for the proposed maritime usage the subject of this application.
Section 3(3)(b) of the Act - the obligations in respect of the rights of the public or any class of the public over the foreshore in relation to navigation and fishing	The proposed works constitute development which require development permission. Safety of navigation, the protection of the marine environment (including the protection of fisheries) and public consultation (including prescribed bodies), are matters for consideration by the relevant planning authority when considering an application the subject of the proposed maritime usage for development permission. As discussed in Section 6. 3, it is recommended that the MAC, if granted, is granted on a "may or may not be exclusive" basis having regard to co-existence and co-operation objectives of the MPPS and NMPF, including that to provide for shipping activity and freedom of navigation.
Section 6(8) of the Act- Marine Planning Policy Statements (MPPS)	In the processing of this application, MARA had regard to the Marine Planning Policy Statements (MPPS). The MPPS set out overarching principles and high-level objectives including that *"Marine planning will enable Ireland to meet its relevant obligations under EU and International law, including, but not limited to, …, the Urban Waste Water Treatment Directive and the Water Framework Directive."* Accordingly, the subject application for a marine wastewater outfall as part of an upgrade package for the wastewater infrastructure within the local agglomeration is considered to align with the MPPS, the NMPF, and Government objectives.
Sections 7(1) & 7(2) of the Act - Marine Planning Guidelines	No such Guidelines have issued to date.
Section 30 & Section 44(a) of the Act _- Secure the Objectives of the NMPF	Discussion is provided in Table 2(8) above in relation to the regard MARA has had when considering whether the subject application aligns with the objectives of the NMPF.
Section 44(c) of the Act - the policies of the Government or any Minister of the Government	As detailed above, MARA has had regard to the MPPS and NMPF when considering the subject application. Furthermore, regard has been given to the Climate Action Plan 2025, which states that the CAP25 is addressing SDG Goal 6: Clean Water and Sanitation, of which targets 6.3; 6.4; and 6.5 have particular relevance to the proposed infrastructure. In addition, the Water Services Policy Statement 2024-2030

	aligns with the proposed marine outfall, having particular regard to Policy Objective 3 – Sustainability, which states *"water services will be efficient, resilient and sustainable in the long term"*. The subject application for a marine outfall is considered to align with policy objectives of the Government.
Section 44(d) of the Act - the need for co-operation between users of the same part, or adjoining parts, of the maritime area, or both	Consideration of users in the vicinity of the proposed MAC Area is provided in Section 5 and Table 2(3). Furthermore, as discussed in Section 6.3, it is recommended that the MAC, if granted, is granted on a "may or may not be exclusive" basis having regard to co-existence and co-operation objectives of the NMPF.
Section 15(1) of the Climate Action and Low Carbon Development Act 2015 (as amended)	MARA performs its functions in accordance with the provisions of Section 15(1) of the Climate Action and Low Carbon Development Act 2015 (as amended). In the processing of this application, MARA has considered the matters set out below and has reached its decision set out herein in so far as practicable, in a manner consistent with—: (a) the most recent approved climate action plan, (b) the most recent approved national long term climate action strategy, (c) the most recent approved national adaptation framework and approved sectoral adaptation plans, (d) the furtherance of the national climate objective, and (e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

6.5 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:	Outfall Pipeline - Band 2 (151 – 450mm Diameter)
Applicable Rate:	Base Annual Charge of €642.28 + €4.28 per linear metre for any pipe in excess of 10 linear metres
Area:	*183 Linear Meters*
Calculation:	€642.28 + (€4.28 * (183.00 - 10.00))
Levy due:	€1,382.72

The MAC levy has been calculated as **€1382.72** per annum. All levies are indexed to the Harmonised Index of Consumer Prices (HICP), applied on an annual basis.

7 Proposed MAC Map (for Illustration purposes only)

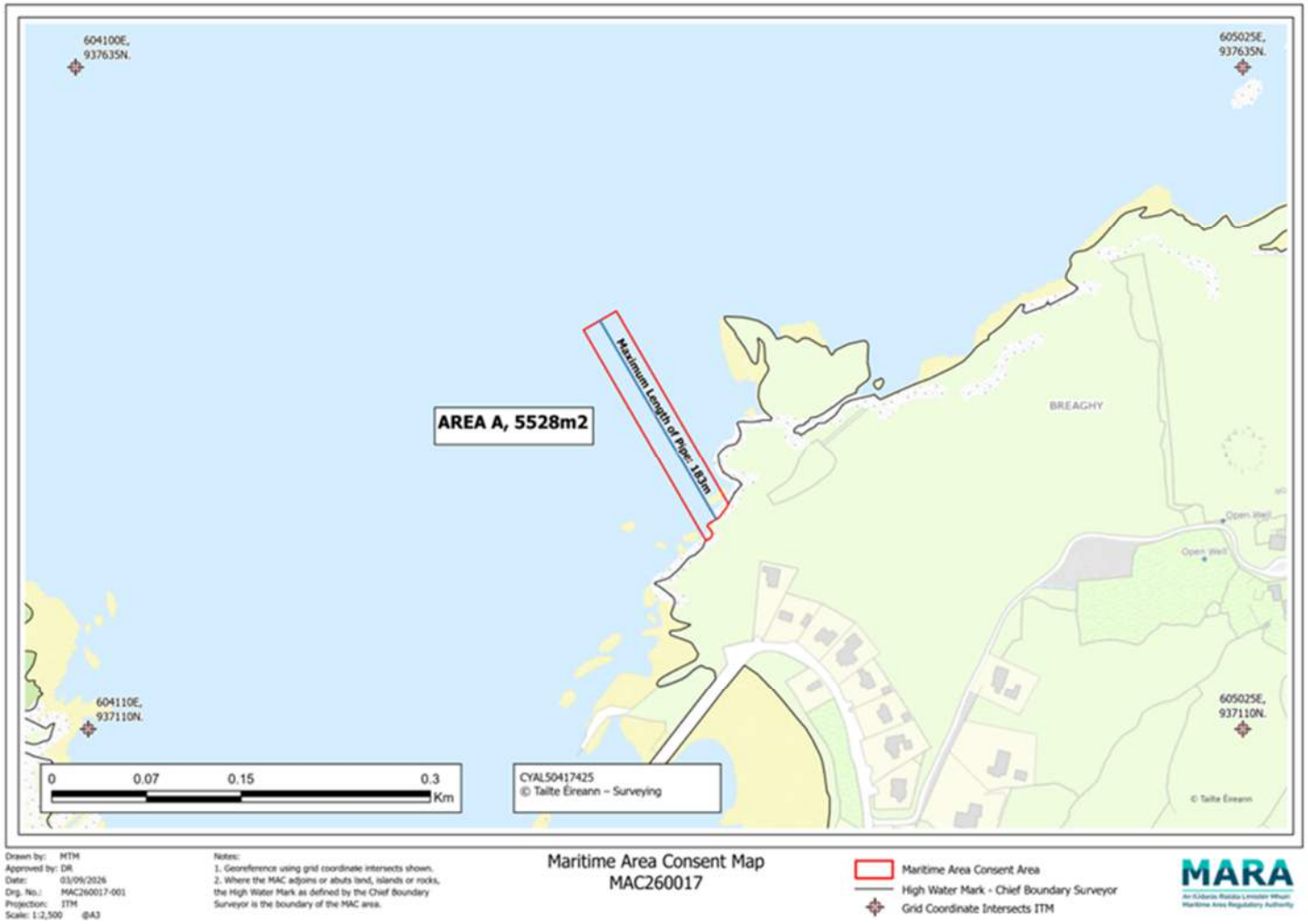

Figure 2 – Proposed MAC Map

8 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 subject to the following recommended terms and conditions.

The Applicant has requested a MAC term of 100 years. Sufficient design codes and or design details, supporting a 100-year design life for each piece of the proposed infrastructure in the maritime environment, have not been provided by the Applicant. It is considered that, with proper maintenance and repair, a design life for the infrastructure of circa 50 years should be achievable. Accordingly, it is recommended that the MAC is part granted for a term of 55 years (allowing for the planning, construction and rehabilitation/decommissioning phases).

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

a. Terms

MAC Term:	55 Years
Consent Area:	That part of the maritime area marked red on the MAC Map.
MAC Map Title:	Title – Maritime Area Consent Map MAC260017; Drawing Number – MAC260017-001; Date – 03/09/2026
Permitted Maritime Usage:	The construction, operation and maintenance of a sea outfall pipeline into Sheephaven Bay including all associated decommissioning, demolition, rehabilitation, and any other works required on foot of any development permission relating to the infrastructure.
Nature of Usage:	May/May Not be Exclusive
Date by which application for Development Permission must be submitted:	18 months from date of grant of MAC.
The minimum number of days in which the MAC Holder shall provide the Grantor advance notice in writing of the Holder's	14 Days

intention to commence the Permitted Maritime Usage.	

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.

Having regard to the 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 subject to conditions.

9 Conclusion & Recommendation

Following a detailed assessment of all information on file, 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 a period of 21 days being a period reasonable 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 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 Dobbs Position: Consenting Analyst, MAC Directorate

Signed: Daniel Ryan Position: Marine Advisor, MAC Directorate