



An tÚdarás Rialála Limistéir Mhuiri  
Maritime Area Regulatory Authority

# Obtaining a Licence to Carry Out Specified Maritime Usages in the Maritime Area under the Maritime Area Planning Act 2021

## Applicant Process Guidance Note

Please note - Technical Guidance, regarding documents and reports to accompany an application, is available [here](#)

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**Tracking Amendments to Guidance Note**

Version No.	Date	Amendment	Reason
1	27/09/2023	N/A	
2	23/01/2024	Application Process Map	Updated process
3	31/05/2024	Change of Department Title	Transfer of Functions
4.	21/06/2024	Additional information on Pre-Application Meeting	Additional information included

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## **ABOUT THESE GUIDANCE NOTES**

This guidance note has been prepared to assist applicants to understand the process of making an application for a licence to undertake a specified activity in the maritime area.

This document does not purport to be, and should not be considered, a legal interpretation of the provisions and requirements of the Maritime Area Planning Act 2021.

While every effort has been made to ensure the accuracy of the material contained in this document, MARA assumes no responsibility and gives no guarantees, undertakings or warranties concerning the accuracy, completeness or up-to-date nature of the information provided herein and does not accept any liability whatsoever arising from any errors or omissions.

Unless specified otherwise, the capitalised terms in this Guidance have the same meanings as given to them in the Act. In the event of any inconsistency or ambiguity, the Act takes precedence over this Guidance.

MARA may elect to depart from, or amend, the methodology in this Guidance, as appropriate.

Copies of EU Directives and regulations referred to in this document can be downloaded from the [website of Eur-Lex](#) (portal to European Union law).

Copies of Irish statutory enactments referred to herein can be obtained from the Government Publications Sales Office, Molesworth Street, Dublin 2, Ireland, and on the Irish Statute Book [website](#).

**ABBREVIATIONS**

AA	Appropriate Assessment
EIA	Environmental Impact Assessment
MAC	Maritime Area Consent
MAPA	Maritime Area Planning Act 2021
MARA	Maritime Area Regulatory Authority
MECC	Minister for the Environment, Climate and Communications
MSP	Marine Spatial Planning
NIS	Natura Impact Statement
NMPF	National Marine Planning Framework
ORE	Off Shore Renewable Energy
SEA	Strategic Environmental Impact Assessment

## **MarinePlan.ie**

[MarinePlan.ie](https://marineplan.ie) is Ireland's first marine spatial planning portal. This online mapping portal links planning within the maritime area and the relevant policies for each marine sector or activity listed in the NMPF. The site has three main areas:

- Activities Map
- Activities
- Policies

Applicants are advised to check [marineplan.ie](https://marineplan.ie) in advance of submitting an application for a licence, to see current activities/policies in the area they wish to occupy.

## Introduction and Context

The MAPA established a new marine planning system consisting of a new licensing and development management regime from the high water mark to the outer limit of the State's continental shelf.

MARA became the regulatory authority for the maritime area on 17 July 2023. The functions of the MARA are:

- Assessing MAC applications for the maritime area, which are required by developers before development permission can be granted;
- Granting marine licencing for specified activities;
- Compliance and enforcement of MACs, licences and offshore development consents;
- Investigations and prosecutions;
- Administration of the existing Foreshore consent portfolio;
- Fostering and promoting co-operation between regulators of the maritime area.

## Purpose of the Guidelines

These Guidelines are for persons seeking to carry out any of the following activities in the maritime area, set out Schedule 7 of the MAPA:

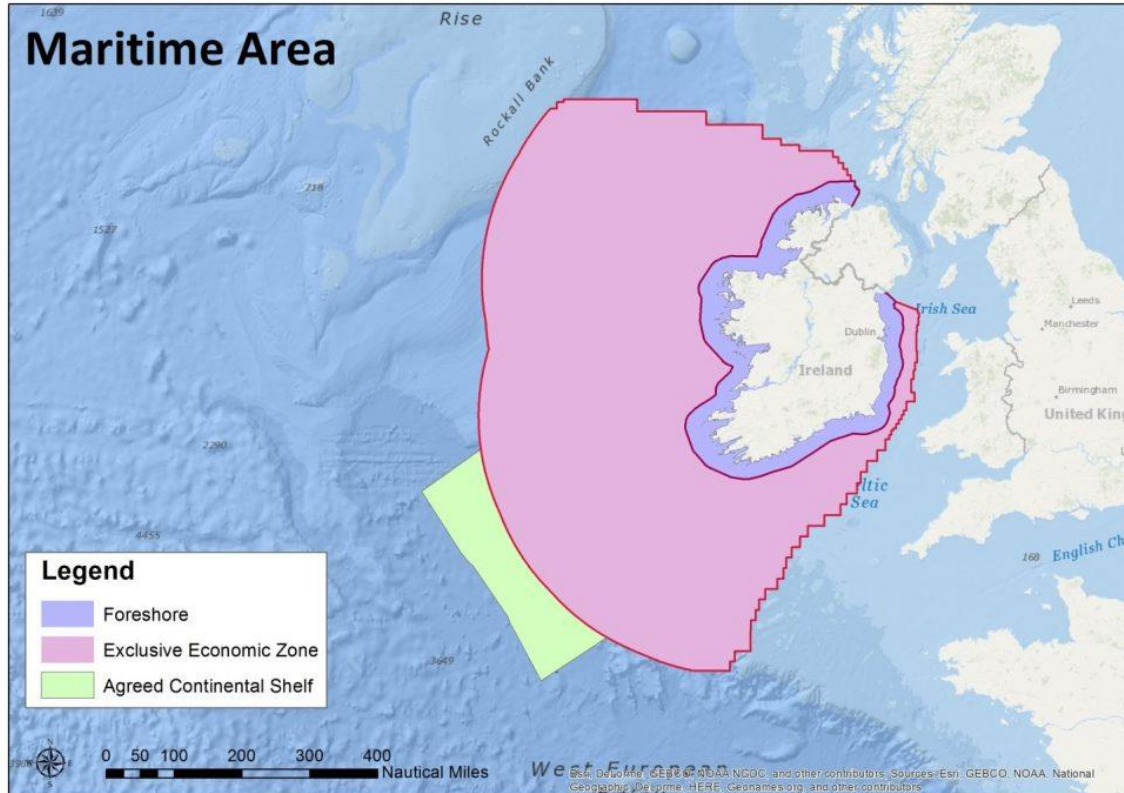
- Navigational and Maintenance Dredging<sup>1</sup>
- Marine environmental surveys for the purpose of scientific discovery, research, site investigations or undertaken to support of an application for maritime development in the maritime area
- Installation or placement of navigational markers or aids to navigation not undertaken or authorised by the Commissioners of Irish Lights
- Installation of non-permanent platforms or pontoons
- Depositing of any substance or object on or in the sea or seabed
- Removal of any substance or object from the sea or seabed
- Use of explosives<sup>2</sup>
- Maintenance of any cable, pipeline, oil, gas or carbon storage facility/structure not provided for under any other statutory approval
- The harvesting, disturbance or removal of seaweed
- The laying or installation of telecommunication cables or ducting which do not land in the State
- Any other activity that MECC may determine by regulation

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<sup>1</sup> This licensable activity does not include dredging to create a new harbour, berth or waterway or to deepen existing facilities to allow access for larger ships or dredging ancillary to development authorised under the Planning and Development Act 2000. These activities will require a MAC

<sup>2</sup> A licence is not required for the use of explosives relating to an authorisation under the Planning and Development Act 2000 or where such use of explosives is authorised under other legislation

The maritime area extends from the high water of ordinary or medium tides of the sea to the outer limit of the continental shelf.



### Other Activities to be included in Schedule 7

The MECC has the power to specify other maritime usages to be included in Schedule 7 of the MAPA by regulations. MECC has not made any such regulations to date, but if the Minister considers it necessary to do so, this guidance will be updated.

### Exemptions to the Licensing Regime

The MECC has the power to exempt, by regulations, a maritime usage set out in Schedule 7 to the MAPA if he is of the opinion that:

- By reason of the size, nature or limited effect on the maritime area, the undertaking of the usage without a licence would not offend against [Article 6](#) of the MSP Directive, or
- Such usage is authorised or required to be authorised by or under any other enactment.



The MECC is currently exploring usages which may be subject to such regulations. To date, however, no such regulations have been made. If such regulations are to be made they must be screened for AA and SEA. This guidance will be updated should the MECC exercise his powers to make such regulations.

## **Before an Application for a licence is made to MARA**

### Environmental Impact Assessment

MARA cannot issue a licence to a maritime usage for which an EIA is required. If an EIA is required, an applicant must apply for a MAC. Guidelines on the application criteria and forms for a MAC are available [here](#).

### Declaration as to whether or not a licence is required

If a person is unsure as to whether a particular maritime usage falls within the scope of MARA's licencing regime, they may apply to MARA for a statutory declaration as to whether or not a licence is required. The application form for seeking this declaration will be available in due course. A fee of €500 is charged for this service.

MARA will, to the extent that it is practicable to do so, make the statutory declaration available within 30 days of all relevant information being submitted by an applicant.

### Pre-Application Meeting

It is strongly recommended that a licence applicant should seek a pre-application meeting with MARA. A link to the application form for a pre-application meeting is available [here](#).

Before the meeting an applicant must provide:

- a full description of the project
- a project timescale
- details of any other consents required
- details of any consultations undertaken

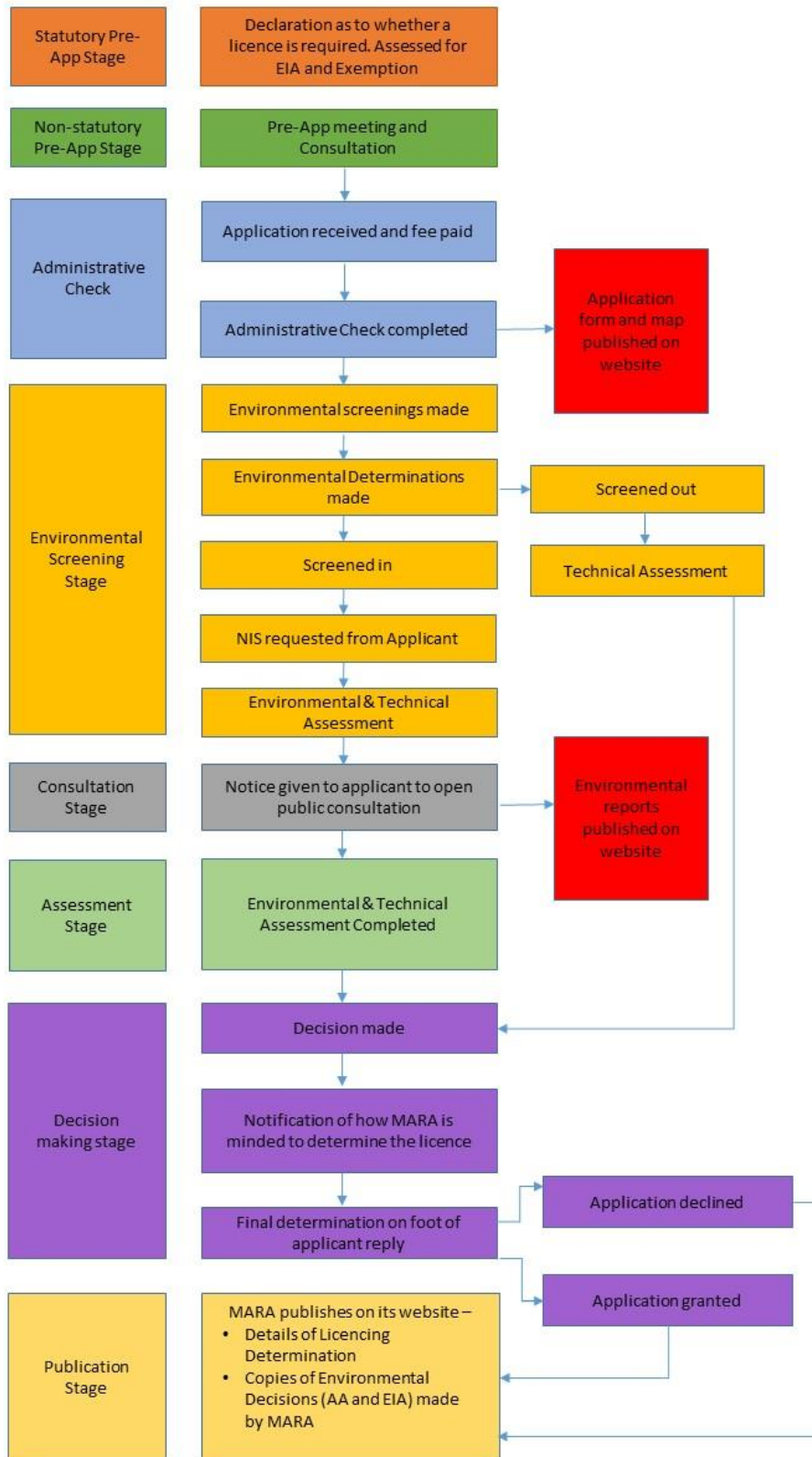
If you are applying for an Offshore Renewable Energy (ORE) project you must show how your proposed project will comply with [Ireland's Offshore Renewable Energy Development Plan](#).

Before sending a formal application, MARA may request applicants to carry out further consultations with State bodies and those with an interest in the project locally.

We recommend that at the pre-application stage you should also engage with other relevant authorities regarding other statutory authorisations that may be required in respect of the proposed maritime usage. These may include, but are not limited to, Irish Lights, the Marine Survey Office, the National Parks and Wildlife Service and/or the planning authorities.

**Making an application for a licence to MARA**

**MARA APPLICATION PROCESS MAP**



A person making an application to MARA for a licence must do so on the application form available [here](#).

All applications to MARA will be acknowledged upon receipt and the applicant will be advised of the name of the person who will be their contact point within MARA (the case handler).

All applications will be subject to validation to ensure the form is correctly completed and the associated accompanying documents and maps are sufficient to enable MARA to screen the application for AA. MARA may seek clarifications and further documentation from an applicant. The applicant will be advised in writing that MARA is satisfied that it has sufficient information to process the application and screen for AA. The applicant will be requested to submit the appropriate fee. The date of the receipt of the appropriate fee will be the date that MARA will deem an application to have been received.

### **Environmental Impact Assessment**

Once an application has been validated and formally accepted by MARA, MARA's Technical Unit will consider if it is necessary to screen it for EIA, having regard to Schedules 5 and 7 of the [Planning and Development Regulations 2001](#). If they consider it is necessary, screening for EIA will be conducted. If the application screens in for EIA, the application will be returned to the applicant, as a licence cannot be granted for a maritime usage to which an EIA applies. MARA will publish its decision to return the licence together with a notice stating that a person may question the validity of this decision by way of an application for judicial review.

If the application screens out, it will continue on for AA screening as detailed below.

### **Appropriate Assessment**

The MAPA designates MARA as the competent authority for carrying out AAs pursuant to Part 5 of the [European Communities \(Birds and Natural Habitats\) Regulations 2011](#). Once an application has been validated and formally accepted by MARA, MARA's Technical Unit will screen the application to determine whether or not an AA must be carried out. MARA is aware that some applicants, when applying for a Maritime Usage Licence, may submit a NIS with their application form. In this instance, MARA will still conduct a screening of an application and make a determination as to whether AA applies before progressing to the next step.

#### **1. Application Screened Out of AA**

If the application is screened out, the applicant will be advised of this determination and MARA will complete its technical assessment. On foot of this assessment and having regard to:

- the [National Marine Planning Framework](#),
- State's obligations under the [Habitats Directive](#), the [Water Framework Directive](#), the [Marine Strategy Framework Directive](#), the [Bird's Directive](#) and the [Environmental Impact Assessment Directive](#) and
- Any other maritime usage being lawfully undertaken.

MARA will decide to grant with conditions, part grant with conditions or refuse an application for a licence within 30 days (where practicable).

Section [120](#) and [Schedule 8](#) of the MAPA outline the conditions MARA may attach to a licence. Where MARA is minded to grant with conditions, part grant with conditions or refuse an application, it will give notice in writing to the applicant advising them of the reason for the proposed determination. The applicant may, within a specified period, provide supplementary material to address the reasons cited by MARA for the decision.

After considering any supplementary material provided by the Applicant, MARA will make a final determination on the licence application.

An applicant will be advised of MARA's decision to grant with conditions, part grant with conditions, or refuse the application. A licence will issue as soon as practicable after this notification. MARA will publish a notice on its website giving information on the licence granted or refused. It will also publish the AA screening determination.

## **2. [Application Screened in for AA](#)**

If an application is screened in for AA, the applicant will receive a notice in writing requiring them, within a specified period, to prepare and submit an NIS.

Once a NIS is received by MARA or, as the case may be, MARA is satisfied with the adequacy of the NIS submitted by an applicant with their licence application, MARA will give the applicant a notice in writing requiring them to commence public consultation.

### **i. [Public Consultation](#)**

An applicant will be required to make the public aware, in a manner specified by MARA, that an application for a maritime usage licence, and a related NIS, has been made to MARA and that they are available for viewing on MARA's website ([www.maritimeregulator.ie](http://www.maritimeregulator.ie)) and at MARA's office. The public will have a minimum of 30 days from the date of publication of the notice to make a submission to MARA. All submissions received by MARA will be published on our website.

MARA may also, during this period, consult with relevant public authorities which they believe might have appropriate observations to make on the application. MARA will also publish any replies, received during this consultation, on our website.

Once the public consultation has concluded, the applicant's obligations in relation to the licencing process concludes and MARA will proceed to determine the outcome of the AA and to making a decision on the application.

### **ii. [AA and Licence Determination](#)**

MARA will, where practicable, determine a licence application within 30 days after the applicant has complied with all the requirements of Part 5 of the MAPA which relate to licence applications.

In determining a licence application, MARA will take into account all submissions received during public consultation and observations received from relevant public authorities. MARA may seek submissions from other statutory bodies who have functions in the maritime area, where appropriate.

It will also have regard to:

- the [National Marine Planning Framework](#),
- State's obligations under the [Habitats Directive](#), the [Water Framework Directive](#), the [Marine Strategy Framework Directive](#), the [Bird's Directive](#) and the [Environmental Impact Assessment Directive](#) and
- Any other maritime usage being lawfully undertaken.

On foot of the above considerations MARA will decide to grant with conditions, part grant with conditions or refuse an application.

Section [120](#) and [Schedule 8](#) of the MAPA outline the conditions MARA may attached to a licence. Where MARA is minded to grant with conditions, part grant with conditions or refuse an application, it will give notice in writing to the applicant advising them of the reason for the proposed determination. The applicant may, within a specified period, provide supplementary material to address the reasons cited by MARA for the decision.

After considering any supplementary material provided by the Applicant, MARA will make a final determination on the licence application.

An applicant will be advised of MARA's decision to grant with conditions, part grant with conditions, or refuse the application. A licence will issue as soon as practicable after this notification. MARA will publish a notice on its website giving information on the licence granted or refused. It will also publish the AA screening determination.

## Fees for Licences

### 1. Application Fees

The Maritime Area Usage (Licence Fees) Regulations 2023 (S.I. 402 of 2023) enable MARA to charge fees for applications for licences for authorising certain maritime usages in the maritime area. Under Part 5 of the Act, Fees for licences may be charged in the following circumstances:

- Applications under Section 115: An application for a declaration in writing as to whether or not a maritime usage is a schedule 7 usage, and if so, if it requires a licence.
- Applications under Section 117: This relates to usages under Schedule 7.
- Applications under Section 126: Surrender of licence.
- Application under Sections 124 (Assignment of licence) and 125 (Material Amendment to a licence) may also attract a fee under subsection 2 in each case.
- Section 116 (3): Fees may be charged to holders of licences either by way of a one off charge or an annual payment.

The cost for each type of application is set out in the table below.

<b>Application</b>	<b>Amount</b>
Declaration as to whether or not a licence is required under Section 115(1).	€500
Application for grant of licence under Section 117(1).	€2,000
The application for a licence referred to in section 117(1), is €1,000, together with a refundable amount of €1,000 where screening for appropriate assessment is not required to be carried out under section 117((4)(a)	€1,000 (refund)
Assignment of a licence under Section 124(2).	€500
Material amendment to a licence under Section 125(1).	€1,000
Surrender of a licence under Section 126(1)	€500

MARA is entitled to grant a waiver of an application fee for non-profit entities. This will apply to non-profit entities who are also registered charities. The decision on a waiver will be made at MARA's discretion, on a case by case basis.

Following the non-statutory pre-application consultation, MARA will email the applicant with their Maritime Usage Licence reference number, along with MARA's bank account details. In conformance with section 117 (1) of the MAP Act 2021, the application fee must accompany the application. Payment must be made to MARA via EFT. Once both the payment and application are received, MARA will validate the application.

An application fee of €2,000 is applicable to applications for grant of a licence under Section 117(1). Where MARA determines that appropriate assessment is not required to be carried out under section 117(6)(a), €1,000 will be refunded to the applicant via EFT.

## **2. Fees for licence holders**

The Minister may make regulations setting fees for the holders of licences, which may provide for an annual or once off fee to be paid by the licence holder. No such regulations have been made yet. This guidance will be updated should the MECC exercise his powers to make such regulations.

### **Keeping of records**

An applicant may be obliged, as a condition of a licence, to retain records and samples for a certain length of time.

In addition, MARA may require a licence holder to supply them with data and the holder is obliged to provide it to MARA.

### **Unauthorised Usage Before the establishment of MARA**

In the case where a person is carrying out an activity which must now be licensed by MARA, but without having obtained the relevant Foreshore consent, she/he must apply to MARA for a licence. If the person does not apply to MARA for a licence by the 16 July 2028, MARA may commence enforcement proceedings against that persons for the unauthorised usage. If, however, MARA is of the opinion that an activity is an impediment to the effective and efficient performance of its functions, it will give the person notice to apply for an application by 17 July 2024.

### **Assignment of a licence**

If a licence holder wants to assign a licence to a third party, it will be necessary to make a joint application to MARA for consent to such assignment. If a licence holder wants to reassign a licence they should contact the MARA licencing team at [licence@mara.gov.ie](mailto:licence@mara.gov.ie)

### **Amendment to a licence**

If a licence holder wants to make a material amendment to a licence, it will have to make an application to MARA for such amendment. MECC can also make regulations on what constitutes non-material amendments. No such regulations have been made yet. This guidance will be updated should the MECC exercise his powers to make such regulations. If a licence holder wants to make an amendment to a licence, they should contact the MARA licencing team at [licence@mara.gov.ie](mailto:licence@mara.gov.ie)

### **Surrender of a licence**

If a licence holder wants to surrender a licence, it will have to make an application to MARA for such surrender. In such case, the licence holder should contact the MARA licencing team at [licence@mara.gov.ie](mailto:licence@mara.gov.ie)