**FORM MAC1A: APPLICATION TO AMEND A MARITIME AREA CONSENT (MAC) IN ACCORDANCE WITH SECTION 86(1) OF THE MARITIME AREA PLANNING ACT 2021 - MATERIAL AMENDMENT**

**Material Amendment to a MAC**

This form should be completed when applying for a material amendment to a MAC in accordance with section 86(1) of the MAP Act 2021. The holder of a MAC shall make the application for such an amendment and [section 79](https://www.irishstatutebook.ie/2021/en/act/pub/0050/print.html#sec79) and the other provisions of Part 4 of the MAP Act 2021 applicable to the MAC application and its determination under [section 81](https://www.irishstatutebook.ie/2021/en/act/pub/0050/print.html#sec81) shall, with all necessary modifications, apply accordingly.

Where such an application is made MARA may by notice in writing, or otherwise, require the applicant to provide such additional information in relation to any matter to which the application relates as MARA reasonably considers necessary to assist it to determine the application.

**Privacy Policy**

MARA may require you to provide certain personal data in order to carry out our legislative and administrative functions. MARA will treat all personal data that you provide as confidential and will process your details in accordance with its obligations under data protection legislation, including the Data Protection Act 2018 and the EU General Data Protection Regulation. A Privacy Statement explaining how MARA, as the Data Controller, will process the personal data you provide, how that information will be used and what rights you may exercise in relation to your personal data, is available in this link: Privacy Statement.

**Freedom of Information / Access to Information on the Environment**

Applicants should be aware that under the Freedom of Information Act 2014 and the European Communities (Access to Information on the Environment) Regulations 2007 to 2018, information provided by them to the MARA may be liable to be disclosed.

Applicants are asked to consider if any of the information supplied by them in their application should not be disclosed and clearly identify the specific sections of their application containing such information, specifying the reasons for its confidentiality/sensitivity. The MARA will consult with applicants about this information before making a decision on any Freedom of Information/Access to Information on the Environment request received.

**BEFORE FILLING OUT THIS FORM PLEASE READ THE DECLARATION AND CONSENT ON PAGE 25.**

**INSTRUCTIONS:**

Please complete this Application Form and submit, with any accompanying documents, to MAC@MARA.Gov.ie.

Maps, documents and other materials may be attached in support of this application and any reference to these materials should be clearly identified in this Form.

Applicants are asked to fill the form solely within the spaces provided throughout; do not add/remove any instructions, text, images or maps, or otherwise alter this document in any way.

The appropriate application fee should be paid by electronic bank transfer when submitting your application and an invoice will be issued upon request; see page 25 of this form for payment details.

**Form MAC1A - Application to amend a MAC in accordance with Section 86(1) of the MAP Act 2021 – General Assessment**

**Section A**

**Part 1 Applicant Information**

* 1. **Applicant Details**

|  |  |
| --- | --- |
| **Name of Applicant (not****agent)** |  |
| **Company/Organisation (if applicable)** |  |
| **Address and Eircode** |  |
| **Contact Name within****Company/Organisation** |  |
| **Contact Phone No.** |  |
| **Contact Email Address** |  |
| **CRO No. (if applicable)** |  |

* 1. **Parent Company Details (if applicable)**

|  |  |
| --- | --- |
| **Full Name of Parent****Company** |  |
| **Address** |  |
| **Eircode** |  |
| **Contact Name** |  |
| **Contact Phone No.** |  |
| **Contact Email Address** |  |
| **CRO No. (if applicable)** |  |

* 1. **Agent Representing Applicant (if applicable)**

|  |  |
| --- | --- |
| **Person/Agency acting on****behalf of Applicant** |  |
| **Address** |  |
| **Eircode** |  |
| **Contact Name (if****applicable)** |  |
| **Contact Phone No.** |  |
| **Contact Email address** |  |

* 1. **Applicant’s Legal Advisor (if applicable)**

|  |  |
| --- | --- |
| **Name/Company Name** |  |
| **Address** |  |
| **Eircode** |  |
| **Contact Name (if****applicable)** |  |
| **Contact Phone No.** |  |
| **Contact Email address** |  |

**Part 2 Outline of the Proposed Amendment(s)**

* 1. Reference number of the existing MAC to which amendment is sought.
	2. Please outline all relevant amendment(s) proposed for the existing MAC and include reference to any changes that may be further described elsewhere in this form, or otherwise attached to this application.
	3. Please provide the reference numbers and titles of any other MACs and/or foreshore authorisations under the Foreshore Act 1933 you may hold within the footprint, or otherwise in the vicinity of the proposed amendment(s) to the MAC area.
	4. If you intend to surrender any other existing MAC(s), foreshore lease(s) or other consent(s), please provide details in the space below.
	5. **Technical Capability Assessment**

Please confirm that you or a person acting on your behalf, as appropriate, remain in compliance with the requirements of [*Schedule 2.2(g)*](https://www.irishstatutebook.ie/eli/2021/act/50/enacted/en/print#sched2) of the MAP Act 2021 as per your initial Technical Capability Assessment (TCA) of the Fit and Proper Person Test. In case of any changes to the information provided for initial assessment, please list these below and complete/submit the relevant appendix/appendices to the [appropriate TCA form](https://www.maritimeregulator.ie/maritime-area-consent-mac/) as well as up-to-date supporting documentation for reassessment.

* 1. **Financial Capability Assessment**
		1. In the *Sources and Uses of Funds* table below, please provide details on the costs and cost profile as submitted as part of the original MAC application.

|  |
| --- |
| Please populate the Sources and Uses of Funds Table below relating to the MAC project, by year and in line with the MAC project timelines. Additional rows or columns can be added as required.  |
| **Summary Sources and Uses of Funds (Original Application)** |
| **Sources of Funds (prior to build completion/COD)** | **Year****1** | **Year****2** | **Year****3** | **Year****4** | **Year****5** | **Total** |
| Senior Debt |  |  |  |  |  |  |
| Subordinated Debt |  |  |  |  |  |  |
| Shareholder Loans |  |  |  |  |  |  |
| Grants |  |  |  |  |  |  |
| Preferred Equity |  |  |  |  |  |  |
| Ordinary Equity |  |  |  |  |  |  |
| Cash |  |  |  |  |  |  |
| Working Capital facility |  |  |  |  |  |  |
| Other sources (add rows as required) |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
| **Total Sources** |  |  |  |  |  |  |
| **Uses of Funds (prior to build completion/COD)** |  |  |  |  |  |  |
| **Capital Costs** |  |  |  |  |  |  |
| Planning and design costs |  |  |  |  |  |  |
| Project management and overheads |  |  |  |  |  |  |
| EPC / Construction costs |  |  |  |  |  |  |
| Plant, machinery and equipment |  |  |  |  |  |  |
| Contingency |  |  |  |  |  |  |
| Other capital costs (add rows as required) |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
| **Financing** |  |  |  |  |  |  |
| Senior Debt |  |  |  |  |  |  |
| Subordinated Debt |  |  |  |  |  |  |
| Shareholder Loans |  |  |  |  |  |  |
| Preferred Equity |  |  |  |  |  |  |
| Other Sources (add rows as required) |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
| **Taxes** |  |  |  |  |  |  |
| Corporation tax |  |  |  |  |  |  |
| Other taxes (add rows as required) |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
| **Other Costs** |  |  |  |  |  |  |
| MAC Consent Levies |  |  |  |  |  |  |
| Net foreign exchange costs |  |  |  |  |  |  |
| Other costs (add rows as required) |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
| **Total Uses** |  |  |  |  |  |  |
| Net Sources and Uses of Funds |  |  |  |  |  |  |
|  |

* + 1. A. In the *Sources and Uses of Funds* table below, please submit updated costs and cost profile as part of the application to amend the MAC.

|  |
| --- |
| Please populate the Sources and Uses of Funds Table below relating to the MAC project, by year and in line with the MAC project timelines. Additional rows or columns can be added as required.  |
| **Summary Sources and Uses of Funds (Current Application)** |
| **Sources of Funds (prior to build completion/COD)** | **Year****1** | **Year****2** | **Year****3** | **Year****4** | **Year****5** | **Total** |
| Senior Debt |  |  |  |  |  |  |
| Subordinated Debt |  |  |  |  |  |  |
| Shareholder Loans |  |  |  |  |  |  |
| Grants |  |  |  |  |  |  |
| Preferred Equity |  |  |  |  |  |  |
| Ordinary Equity |  |  |  |  |  |  |
| Cash |  |  |  |  |  |  |
| Working Capital facility |  |  |  |  |  |  |
| Other sources (add rows as required) |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
| **Total Sources** |  |  |  |  |  |  |
| **Uses of Funds (prior to build completion/COD)** |  |  |  |  |  |  |
| **Capital Costs** |  |  |  |  |  |  |
| Planning and design costs |  |  |  |  |  |  |
| Project management and overheads |  |  |  |  |  |  |
| EPC / Construction costs |  |  |  |  |  |  |
| Plant, machinery and equipment |  |  |  |  |  |  |
| Contingency |  |  |  |  |  |  |
| Other capital costs (add rows as required) |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
| **Financing** |  |  |  |  |  |  |
| Senior Debt |  |  |  |  |  |  |
| Subordinated Debt |  |  |  |  |  |  |
| Shareholder Loans |  |  |  |  |  |  |
| Preferred Equity |  |  |  |  |  |  |
| Other Sources (add rows as required) |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
| **Taxes** |  |  |  |  |  |  |
| Corporation tax |  |  |  |  |  |  |
| Other taxes (add rows as required) |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
| **Other Costs** |  |  |  |  |  |  |
| MAC Consent Levies |  |  |  |  |  |  |
| Net foreign exchange costs |  |  |  |  |  |  |
| Other costs (add rows as required) |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
| **Total Uses** |  |  |  |  |  |  |
| Net Sources and Uses of Funds |  |  |  |  |  |  |
|  |

B. Please provide an explanation as to why costs have changed (i.e. inflation *etc*.)

* + 1. Please provide details on the project timeline submitted as part of the original MAC application and any proposed changes to the project timeline as a result of the proposed amendment to the MAC .
		2. A. Has the risk profile of the project changed as a result of the proposed amendment(s) to the MAC.

Yes

No

B. If yes, please provide details of, and explanations for, any changes to the risk profile of the project due to the proposed amendment to the MAC.

* + 1. A. Has the funding approach for the project changed?

Yes

No

B. If yes, please provide details of, and explanations for, any changes to the funding approach.

**Part 3 Public Interest**

* 1. A. Does the proposed amendment(s) to the MAC, align with any policy or programme of the Irish Government?

Yes

No

B. If yes, please provide brief details in the space below and attach any further relevant documentation when submitting this form.

* 1. A. Does the proposed amendment(s) to the MAC align with any EU Directive or programme?

Yes

No

B. If yes, please provide brief details in the space below and attach any further relevant documentation when submitting this form.

* 1. A. Is there a public use element of the proposed amendment(s) to the MAC?

Yes

No

B. If yes, please provide brief details in the space below and attach any further relevant documentation when submitting this form.

* 1. A. Does the proposed amendment(s) to the MAC have impact on existing public access / use and amenity of the Maritime Area, including nearshore?

Yes

No

B. If yes, please provide brief details in the space below and attach any further relevant documentation when submitting this form.

* 1. A. Does the proposed amendment(s) to the MAC impact on any potential future use of the maritime area?

Yes

No

B. If yes, please provide brief details in the space below and attach any further relevant documentation when submitting this form.

* 1. A. Does the proposed amendment(s) to the MAC contribute to the sustainable economic development of the local area or wider economy?

Yes

No

 B. If yes, please provide brief details in the space below and attach any further relevant documentation when submitting this form.

* 1. In relation to the proposed amendment(s) to the MAC, please provide brief observations/comments from relevant stakeholders that reference items of public interest and attach any supporting documentation in this regard.

**Part 4 Location and Spatial Extent of Proposed Amended MAC Area**

* 1. Please draft a map, titled “MAC Map”, outlining the total MAC area, including any proposed amendment(s), in accordance with the Mapping Guidance for MAC Applications and submit same with this application.
	2. Please list the coastal Local Authority(s) and/or county(s) adjacent to the project, as proposed to be amended.
	3. Please provide the distance of the main body of the project, including any proposed amendment(s) to the MAC, from the shore at its closest point in km.
	4. A. Total size of the MAC area as per the existing MAC (in m², ha, or km², as appropriate)

 B. Total size of the MAC area as proposed to be amended (in m², ha, or km², as appropriate)

* 1. Please list any Admiralty Charts, Maps and/or other Drawings submitted with this application.

**Part 5 Tax Compliance**

5.1 Please confirm tax compliance by attaching a copy of a valid Tax Clearance Certificate (or Certificates, where appropriate) to this MAC application and insert the Tax Clearance Certificate number(s) below.

**Part 6 Consistency with the National Marine Planning Framework (NMPF)**

* 1. Please describe how the proposed amendment(s) to the MAC is consistent with the environmental objectives of the NMPF.

6.2 Please describe how the proposed amendment(s) is consistent with the economic objectives of the NMPF.

* 1. Please describe how the proposed amendment(s) is consistent with the social objectives of the NMPF.
	2. Please describe how the proposed amendment(s) is consistent with key relevant sectoral and/or activity policies of the NMPF.
	3. Please describe any other sectoral and/or activity policies that may be impacted by the proposed amendment(s).

**Part 7 Preparatory Work**

1. Please list below any research activities, including any site investigations completed at the site for the proposed amendment(s), if applicable.
2. Please attach in any support documentation submitted with this application, a detailed report and drawings/schemes, where relevant, of any preparatory work undertaken to ensure the efficaciousness of the proposed amendment(s) to the project, should a material amendment be granted to the MAC. This report should include any on-site investigations, whether at application phase, ongoing or completed, and the outcomes and/or expected outcomes of same.
3. For Offshore Renewable Energy Projects only:

Please describe the consistency of the proposed amendment(s) to the MAC, with the development plans of the transmission system operator (within the meaning of [section 100](https://www.irishstatutebook.ie/eli/2021/act/50/enacted/en/print#sec100) of the Act)

**Part 8 Stakeholder Engagement**

1. Please outline in brief any engagements that have taken place with marine users or other stakeholders in the area that may be affected by the proposed amendment(s) to the MAC, if applicable.

**Section B**

**Schedule 2 Fit and Proper Person**

**Fit and Proper Person**

According to section 74 of the Maritime Area Planning (MAP) Act 2021, a “fit and proper person” to be granted or to hold a Maritime Area Consent (MAC) shall be construed in accordance with Schedule 2 of the Act.

Schedule 2 describes a “relevant person” as being either an applicant for a MAC or the holder of a MAC and a relevant person can be an individual or a body corporate.

Schedule 2 of the Act states that 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) have regard to the following:

1. letters of reference;
2. that the relevant person, or person concerned, stands convicted of—
	1. an indictable offence under this Act or an offence in another state equivalent to an indictable offence,
	2. an indictable offence under an enactment prescribed for the purposes of this clause, or
	3. an offence involving fraud or dishonesty;
3. if the relevant person is a body corporate, whether any of its directors has a declaration under section 819 of the Companies Act 2014 (Act of 2014) made against them 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—
	1. 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
	2. 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;
4. 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;
5. if the relevant person is a body corporate, whether it—
	1. has commenced a voluntary winding-up or is subject to a winding-up order or is subject to proceedings for such an order,
	2. is subject to the appointment of a receiver or examiner, or
	3. has proposed a compromise or arrangement that is sanctioned under section 453(2) of the Act of 2014 or section 201(3) of the Companies Act 1963 (Act of 1963);
6. if the relevant person is a body corporate incorporated under the law of another state—
	1. whether an event which corresponds to an event referred to in clause (c) has occurred in relation to any of its directors, or
	2. whether an event which corresponds to an event referred to in clause (e) has occurred in relation to the body corporate;
7. 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), the requisite technical knowledge or qualifications, or both, to undertake the proposed maritime usage, or continue to undertake the maritime usage;
8. whether the relevant person is likely to be in a position to meet, or continue to meet, any financial commitments or obligations that MARA reasonably considers will be entered into or incurred by the relevant person—
	1. in undertaking the proposed maritime usage, or in continuing to undertake the maritime usage, or

(ii) in ceasing to undertake the proposed maritime usage or the maritime usage;

* 1. the previous performance of the relevant person when granted—
		1. a MAC,
		2. a development permission,
		3. a licence, or
		4. an authorisation under the Foreshore Act of 1933 (Act of 1933)

For the purposes of this application, please complete **Form FPP1** below if applying as a non-individual (e.g. Partnership, Corporate Body, Local Authority, Community Group etc.), or **Form** **FFP2** if applying as an individual.

# Form FPP1 – Fit & Proper Person to be completed by a non-individual

1. Please list below any Letters of Reference or update Letters of Reference you may have to support the proposed amendment(s) and attach copies of same when submitting this form (max 3 references):

 a.

b.

c.

1. A. Does the relevant person or person concerned as in Schedule 2 of the MAP Act 2021 stand convicted of an indictable offence under the same Act or an offence in another state equivalent to an indictable offence?

 B. If yes, please provide brief details in the space below and attach any further relevant documentation when submitting this form.

|  |  |  |
| --- | --- | --- |
| Yes |  | No |

1. A. Does the relevant person or person concerned as in Schedule 2 of the MAP Act 2021 stand convicted of an indictable offence under an enactment prescribed for the purposes of this clause?

 B. If yes, please provide brief details in the space below and attach any further relevant documentation when submitting this form.

|  |  |  |
| --- | --- | --- |
| Yes |  | No |

1. A. Does the relevant person or person concerned as defined in Schedule 2 of the MAP Act 2021 stand convicted of an offence involving fraud or dishonesty?

 B. If yes, please provide brief details in the space below and attach any further relevant documentation when submitting this form.

|  |  |  |
| --- | --- | --- |
| Yes |  | No |

1. A. Has any director or equivalent of the relevant person had a declaration made against them under section 819 of the Companies Act 2014 (Act of 2014) in relation to insolvency?

|  |  |  |
| --- | --- | --- |
| Yes |  | No |

B. If yes, please provide brief details in the space below and attach any further relevant documentation when submitting this form.

1. A. Is any director or equivalent of the relevant person deemed to be subject to a declaration under Chapter 5 of Part 14 of the Act of 2014 relating to disqualification and restriction undertakings (ongoing procedures)?

|  |  |  |
| --- | --- | --- |
| Yes |  | No |

B. If yes, please provide brief details in the space below and attach any further relevant documentation when submitting this form.

1. A. Has any director, or equivalent of the relevant person, been subject to a disqualification order within the meaning of Chapter 4 Part 14 of the Act of 2014; or been disqualified outside the State to a corresponding disqualification order?

|  |  |  |
| --- | --- | --- |
| Yes |  | No |

B. If yes, please provide brief details in the space below and attach any further relevant documentation when submitting this form

1. A. Has the relevant person, whether within the State or in another state, commenced a voluntary winding up order, or is it subject to a winding up order or subject to proceedings to such an order)?

|  |  |  |
| --- | --- | --- |
| Yes |  | No |

B. If yes, please provide brief details in the space below and attach any further relevant documentation when submitting this form.

1. A. Is the relevant person, whether within the State or in another state, subject to appointment of a receiver or examiner?

B. If yes, please provide brief details in the space below and attach any further relevant documentation when submitting this form.

|  |  |  |
| --- | --- | --- |
| Yes |  | No |

1. A. Has the relevant person within the State proposed a compromise or arrangement sanctioned under section 453(2) of the Act of 2014 or section 201(3) of the Companies Act 1963, or made an equivalent proposal if in another state?,

B. If yes, please provide brief details in the space below and attach any further relevant documentation when submitting this form.

|  |  |  |
| --- | --- | --- |
| Yes |  | No |

1. A. Has the relevant person previously been granted a MAC, development permission, MUL, or any authorisation under the Foreshore Act 1933?

|  |  |  |
| --- | --- | --- |
| Yes |  | No |

B. Please provide details of any previous MAC, development permission, MUL, or any authorisation under the Foreshore Act 1933 granted to you.

C. Please confirm that you complied with any conditions of each authorisation previously granted or provide details of any instances of non-compliance.

# Form FPP2 Fit & Proper Person to be completed by individuals

1. Please list below any Letters of Reference or update Letters of Reference you may have to support the proposed amendment(s)and attach copies of same when submitting this form (max 3 references):

a.

b.

c.

1. A. Do you, as a relevant person as defined in Schedule 2 of the MAP Act 2021 stand convicted of an indictable offence under the same Act or an offence in another state equivalent to an indictable offence?

|  |  |  |
| --- | --- | --- |
| Yes |  | No |

1. A. Do you, as a relevant person as defined in Schedule 2 of the MAP Act 2021 stand convicted of an indictable offence under an enactment prescribed for the purposes of this clause?

|  |  |  |
| --- | --- | --- |
| Yes |  | No |

B. If yes, please provide brief details in the space below and attach any further relevant documentation when submitting this form.

1. A. Do you, as a relevant person as defined in Schedule 2 of the MAP Act 2021 stand convicted of an offence involving fraud or dishonesty?

|  |  |  |
| --- | --- | --- |
| Yes |  | No |

B. If yes, please provide brief details in the space below and attach any further relevant documentation when submitting this form.

1. A. Are you adjudicated bankrupt, subject to proceedings for a declaration of bankruptcy or likely

|  |  |
| --- | --- |
| to become an arranging debtor?YesB. If yes, please provide details in the space below and attach any further relevant documentation when submitting this form. | No |

1. Please provide details of any previous MAC, development permission, MUL, or any authorisation under the Foreshore Act 1933 granted to you. Please confirm that you have complied with the conditions of any such authorisation, or otherwise provide details of any instance(s) of non-compliance.

**Declaration and Consent**

I declare that all information provided with this application is correct at the time of submission and that I will notify MARA of any changes to this information that may arise during the application process. MARA may, by notice in writing given to the applicant, require the applicant to provide in the specified form, by affidavit or otherwise, such additional information in relation to any matter to which the application relates as MARA reasonably considers necessary to assist it to determine the application.

By submitting this application form, I agree that certain details provided may be published on MARA’s website and that the information provided in this form will be processed and retained by MARA and may be shared with bodies appropriate to assessing aspects of this application in furtherance of consideration of the granting of an amended MAC in accordance with the MAP Act 2021.

This consent relates to this application and to any further information provided by me, or on my behalf, for the purposes of this application.

Name of Signatory:

Position held:

Date:

Signed for and on behalf of the applicant:

**Please return completed applications, by email, to:** MAC@mara.gov.ie

**Bank details for payments:** Maritime Area Regulatory Authority BIC: IPBSIE2D

IBAN: IE06IPBS99063934513936

**Toiliú an Limistéir Mhuirí MARA**

**An Dara hUrlár, Teach Menapia, Páirc Gnó Dhraighní, Draighneach,**

**Loch Garman.**

**Y35 RF29**

**Maritime Area Consenting MARA**

**Floor 2, Menapia House, Drinagh Business Park, Drinagh,**

**Wexford.**

**Y35 RF29**