

| Caseworker Report | |
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| Application for a Maritime Area Consent (MAC) under Section 76 of Maritime Area Planning Act 2021 (the Act) | |
| Application Details | |
| MAC Applicant: | Laytown Race Committee Ltd |
| MAC Reference No: | MAC240022 |
| Date Application received: | 21 June 2024 |
| Application Details | Laytown Race Committee Ltd have made an application under Section 76 of the Maritime Area Planning Act 2021 (the Act) for a Maritime Area Consent (MAC no. MAC240022) to carry out horse racing on the beach at Laytown Strand, Corballis, Laytown, County Meath. |
| Recommendation | To approve the Granting of the MAC sought, with conditions. |

| Document Control | | |
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| Prepared By: | ██████████ Consenting Analyst | 27/08/2024 |
| Reviewed | ██████████ Consenting Manager & ██████████ Head of Maritime Area Consenting | 27/08/2024 05/09/2024 |
| Approved by: | ██████████ Head of Maritime Area Consenting | 06/09/2024 |

1. Background

On 21 June 2024 Laytown Race Committee Ltd, a local not-for-profit entity established for the running of the annual race meeting, submitted an application for a MAC to MARA to carry out horse racing on the beach at Laytown Strand, Corballis, Laytown, County Meath. The event has been run by the applicant on an annual basis since 1980, with race meetings being held on the site since 1868.

2. Consent Sought and Reasons

The Laytown Race Committee Ltd seeks consent for a one-day horse racing meeting of six races to be held on Monday, 16 September 2024 on the beach at Laytown Strand on a track c.1.5km in length and a width of 10-12 metres. The necessary track components and barriers will be erected on the morning of the racing and removed before high tide that day, once the racing is complete.

The Irish Horseracing Regulatory Board (IHRB) has granted a Racecourse Licence for Laytown Racecourse for 2024 subject to Rules of Racing. The Rules of Racing are the same as those that apply to the other 25 IRHB licensed grass-based flat racetracks in Ireland.

The applicant was previously granted Foreshore Licences for the event under section 3(3) of the Foreshore Act 1933. The event does not fall within a type of licensable maritime usage listed under Schedule 7 of the MAP Act. Accordingly, the applicant has applied for a MAC.

Meath County Council, in a letter dated 22 April 2024, acknowledged receipt of Public Liability Insurance from the applicant and confirmed they have no objection to the holding of the event. In a letter dated 13 August 2024, Meath County Council confirmed that the proposed project is exempted development under Section 5 of the Planning and Development Act 2000 (as amended) and accordingly does not require development permission. The applicant has stated that the racing event is attended by over 5000 members of the public and provides significant economic benefit to the area, including to local contractors and charities and to community development with the local national school. The applicant further highlights benefits to local tourism and the social and cultural benefits of the event.

MAC Map



Drawn by: [Redacted]
 Approved by: [Redacted]
 Date: 10/07/2024
 Dwg. No.: MAC240022-001
 Projection: ITH
 Scale: 1:4,500 @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
 MAC240022

- Maritime Area Consent Area 6.72ha
- + Grid Coordinate Intersects ITH

3. Assessment

On receipt, the MAC application was reviewed for completeness. A *Notification of Incomplete Application* was issued by MARA on 28 June 2024. A response was received on 2 July 2024 furnishing outstanding information, including the required Financial Capability Assessment form.

A *Request for Additional Information* was issued under section 79(3) of the MAP Act on 25 July 2024 relating to matters for financial assessment; to which a response was received on 2 August 2024.

The Compliance, Enforcement & Revenue Unit (CERU) were consulted on the 5 September 2024 and invited to make any observations or comments they may have on the MAC application. On 6 September 2024, the CERU unit confirmed that they had no observations to make.

Schedule 5 of the Act sets out the criteria to which MARA must have regard when assessing a MAC application. The criteria are assessed under General Assessment (GA), Technical Capability Assessment (TCA), Engineering Assessment (EA) and Financial Capability Assessment (FCA).

I have undertaken a GA of the application, for which details are set out below.

The GA assessment of whether the holder is a fit and proper person within the meaning of Schedule 2(2) is set out in Table 1. Fit & proper person criteria set out under Schedule 2(2)(g) and (h) have been assessed separately under the TCA and FCA, respectively.

| Table 1: Schedule 2(2) Fit & Proper Person | Assessment | Satisfactory/ Not satisfactory |
|---|---|--------------------------------------|
| (a) letters of reference; | The event is supported by Horse Racing Ireland (HRI) and the IHRB, who has endorsed the event organiser. Mayo County Council and Gardaí at Laytown Garda Station have no objections to the event taking place. The applicant was previously granted Foreshore Licences to hold these events on an annual basis. | Satisfactory |
| (b) that the relevant person, or any other person concerned, stands convicted of— (i) an indictable offence under this Act or an offence in another state equivalent to an indictable offence, (ii) an indictable offence under an enactment prescribed for the purposes of this clause, or (iii) an offence involving fraud or dishonesty; | As part of the FCA, EY assessed the Holder and the Supporting Entity against these criteria and concluded that no information or details were identified which indicate that such offences or disqualifications apply. | Satisfactory |
| c) if the relevant person is a body corporate, whether any of its directors has a declaration under section 819 of the Act of 2014 made against him or her or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act, or is subject to or deemed to be subject to— (i) a disqualification order, within the meaning of Chapter 4 of Part 14 of the Act of 2014, whether by virtue of that Chapter or any other provision of that Act, or (ii) a disqualification outside the State to like effect which corresponds to a disqualification order within the meaning of Chapter 4 of Part 14 of the Act of 2014; | As part of the FCA, EY assessed the Holder and the Supporting Entity against these criteria and concluded that no information or details were identified which indicate that such offences or disqualifications apply. | Satisfactory |
| (d) if the relevant person is an individual, whether he or she is adjudicated bankrupt or is subject to proceedings for a declaration of bankruptcy or becomes an arranging debtor; | As part of the FCA, EY assessed the Holder and the Supporting Entity against these criteria and concluded that no information or details were identified which indicate that such offences or disqualifications apply. | Satisfactory |

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| <p>(e) if the relevant person is a body corporate, whether it—</p> <p>(i) has commenced a voluntary winding-up or is subject to a winding-up order or is subject to proceedings for such an order,</p> <p>(ii) is subject to the appointment of a receiver or examiner, or</p> <p>(iii) has proposed a compromise or arrangement that is sanctioned under section 453(2) of the Act of 2014 or section 201(3) of the Act of 1963;</p> | <p>As part of the FCA, EY assessed the Holder and the Supporting Entity against these criteria and concluded that no information or details were identified which indicate that such offences or disqualifications apply.</p> | <p>Satisfactory</p> |
| <p>(f) if the relevant person is a body corporate incorporated under the law of another state—</p> <p>(i) whether an event which corresponds to an event referred to in clause (c) has occurred in relation to any of its directors, or</p> <p>(ii) whether an event which corresponds to an event referred to in clause (e) has occurred in relation to the body corporate;</p> | <p>Not Applicable</p> | <p>Not Applicable</p> |
| <p>(i) the previous performance of the relevant person when granted—</p> <p>(i) a MAC,</p> <p>(ii) a development permission,</p> <p>(iii) a licence, or</p> <p>(iv) an authorisation (howsoever described) under the Act of 1933.</p> | <p>The CERU was consulted in relation to the proposed amendment and invited to make observations. The CERU returned with no observations.</p> | <p>Satisfactory</p> |

A synopsis of the GA of the application relating to Schedule 5 criteria (2), (5), (6), (7), (8) and (10) is provided in Table 2. I am satisfied that the MAC sought complies with the applicable requirements under these criteria.

The TCA and EA were carried out by MARA’s Assessment Research & Data Unit as detailed in the Engineer’s Report dated 11 July 2024 and the Technical Capability Report dated 10 July 2024. FCA was carried out by MARA contractors Ernst & Young (EY) as detailed in the Financial Capability Assessment Report dated 28 August 2024. A synopsis of these assessments is summarised in Table 2.

Table 2: Synopsis of the assessment of the application with regard to the requirements of Schedule 5

| Schedule 5 Requirements | | Assessed under | Synopsis | Assessment |
|-------------------------|---|----------------|--|----------------|
| 1. | The nature, scope and duration of the occupation of the maritime area concerned for the purposes of the proposed maritime usage. | EA | The applicant has stated the following in relation to the event; When the tide goes out on the morning of the races the racetrack is set out. The racetrack will be approximately 1.5 km long and 10 - 12 metres wide and a plastic rail will be erected on both sides of the last furlong and beyond the finish. On the shore side of the finish, an enclosure will be created using crash barriers which are about 220 yards in length by 20 yards in width. From this enclosure to the start, a rope will be extended to prevent the public from going on to the track. All temporary racing infrastructure will be removed before high tide. The only element of the event which will be situated within the maritime area is the race course itself, all other activities take place landward of the high water mark. | Satisfactory |
| 2. | Whether the proposed maritime usage is in the public interest. | GA | The applicant provided information within their application and supporting materials to demonstrate benefits to local tourism and the economy, with attendances typically exceeding 5,000 spectators for this one-day event. The races have been run at this location since 1868. The application is supported by Horse Racing Ireland and the IHRB and the event assists the development of regional tourism around the Boyne Valley. The proposed project does not act against any objective of the National Marine Planning Framework (NMPF) while aligning with Social Benefits Policy 1 and Tourism Policy 1 of the NMPF. | Satisfactory |
| 3. | The location and spatial extent of the occupation of the maritime area concerned for the purposes of the proposed maritime usage. | EA | The proposed area required for the MAC is detailed in the MAC Map in Section 2 above. The section of the beach on which the racing event takes place runs between Bettystown in the north to the finish area just to the north of the termination of the rock armour at Laytown. The beach in this area in the intertidal zone has a flat sandy expanse, largely free of rocks or other obstructions. The total MAC area is 6.72Ha. The racecourse is c.1.5km in length, with a width of 10-12 metres. There are no spatial conflicts with any existing consents or applications which should prevent the issuing of a MAC for this maritime usage. | Satisfactory |
| 4. | Guidelines issued under section 7 which are relevant to the proposed maritime usage. | GA | No such guidelines have been published to date. | Not applicable |

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| 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. | TCA, FCA & GA | <p>TCA: Based on revised TCA documentation and supporting information provided by the applicant, MARA's ARDU have assessed the holder's technical capability and have deemed the Holder to be technically capable on the basis of the information submitted.</p> <p>FCA: Based on FCA documentation and supporting information provided by the applicant, external financial consultants, EY, have deemed the holder to be financially capable on the basis of the information provided.</p> <p>GA: Following a detailed review and assessment of the information provided by the Holder, it is hereby confirmed that the applicant satisfies the FPP assessment (see Table 1 above).</p> | 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. | GA | Valid tax cert provided. | 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). | GA | Not applicable | Not Applicable |
| 8. | The National Marine Planning Framework (NMPF). | GA | Following review and assessment of the information provided by the Holder MARA is satisfied that the proposed works do not act significantly against any objective of the NMPF. The application aligns with Social Benefits Policy 1 of the NMPF, in that proposals that enhance or promote social benefits should be supported. The application aligns with Tourism Policy 1, in that proposals enabling or facilitating sustainable tourism and recreation activities should be supported. | Satisfactory |
| 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. | EA | <p>The applicant has undertaken this activity since its incorporation in 1980. Laytown Race Committee Ltd. have obtained a Section 5 Declaration from Meath County Council stating that the event does not require development consent. Furthermore, the applicant has obtained letters of no objection from An Garda Síochána and Meath County Council relating to the 2024 event. The IHRB has confirmed that the event will be run in accordance with Rules of Racing and the event is supported by HRI.</p> <p>The extent of preparatory works undertaken is therefore deemed acceptable for the proposed maritime usage.</p> | Satisfactory |

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| 10. | The extent and nature of stakeholder engagement undertaken by the applicant in respect of the proposed maritime usage. | GA | The applicant is a non-profit entity and the racing events benefit local community stakeholders. The applicant has demonstrated engagement with Mayo County Council and local Gardaí, who have no objection to the event taking place. The 2024 event has the support of HRI and IHRB. | Satisfactory |
| 11. | Where a competitive process referred to in section 93 or 103 is used, the outcome of such process. | GA | Not applicable | Not applicable |
| 12. | Any additional criteria specified, for the purposes of this paragraph, in regulations made under section 80(2). | GA | No such regulations have been made to date. | Not applicable |

4. Levy

As per the EA report, 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 the MAC term is for one day only, the MAC Levy has been calculated on a pro-rata basis at €35.00; The MAC levy framework establishes a minimum charge of €200.00. Accordingly, the MAC Levy to apply is €200.00.

5. Discussion

The EA Report dated 11 July 2024, the Technical Capability Report dated 10 July 2024, the Financial Capability Assessment Report dated 28 August 2024 and the General Assessment contained herein, concluded that the proposed amendment(s) comply with all the necessary requirements of Schedule 5 of the Act.

Conditions and Reasons for Conditions

Section 82 of the Act specifies that MARA may attach to a MAC one or more than one condition which falls within one or more than one of the types of conditions specified in Part 1 of Schedule 6. 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.

In addition to the above the EA Report has recommended the addition of the below conditions and reasons for these. Discussion in relation to each recommended condition is also provided below.

- *The MAC Holder shall use that part of the Maritime Area labelled Area A, and shown outlined red on the attached Map:*

Title: Maritime Area Consent Map; Drawing Number: MAC240022-001; Date: 10/07/2024.

This condition is provided for under the description of the Consent Area under Appendix 1 of the proposed MAC.

- *The MAC Holder shall use that part of the Maritime Area the subject matter of this MAC, for the purposes of, and in accordance with, the details outlined in the plans and particulars submitted by the applicant in support of their application except as may otherwise be required in order to comply with the MAC conditions.*
 - Reason: *In the interest of clarity.*

This condition has been included, as recommended, under Condition 3.5 of the proposed MAC.

- *The MAC Holder shall provide the Grantor a minimum of 14 days advance notice in writing of the Holder's intention to commence the Permitted Maritime Usage.*
 - Reason: *To ensure the proper management and the orderly undertaking of the Permitted maritime usage.*

It is considered that this condition is not required as the date of commencement is already known to MARA.

- *The MAC Holder shall hold a valid Licence for the event from the Irish Horseracing Regulatory Board and the event shall be ran under the current Irish Horseracing Regulatory Board Rules of Racing.*
 - Reason: *To ensure the proper management and the orderly undertaking of the Permitted maritime usage.*

This condition has been included, as recommended, under Condition 28.1 of the proposed MAC.

- *The Term of this Consent in respect of Consent Area shall be for the 16/09/2024 only.*
 - Reason: *To ensure the proper management and protection of the maritime area.*

This condition is provided for under standard Condition 3.2.1 and the Particulars Schedule of the proposed MAC.

- *The Holder shall ensure that contractors, and their subcontractors, are made aware of all conditions and project specific requirements and they are required to have briefings on these to ensure all parties are fully aware of these requirements.*
 - Reason: *In the interest of orderly administration of the maritime area.*

This condition has been included, as recommended, under Condition 29.1 of the proposed MAC.

- *On completion of the Permitted Maritime Usage, the Holder shall ensure that Maritime Area has been restored to the typical natural condition of the surrounding area.*
 - Reason: *To ensure the proper management and protection of the maritime area.*

This condition has been included, as recommended, under Condition 30.1 of the proposed MAC.

It is considered that the application for a MAC complies with all the requirements of Part 4 of the Act, with particular regard to Schedule 5 criteria. Accordingly, it is recommended that proposed MAC is granted.

6. Conclusion & Recommendation

Following a detailed assessment, I am satisfied that the proposal complies with all the necessary requirements. Accordingly, I recommend issuing a Section 81(7)(b) Minded to Notice, as enclosed, informing the applicant that MARA is minded to grant a Maritime Area Consent subject to the proposed conditions attached to the MAC. I recommend allowing 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 will be notified and MARA will publish a notice on its website as soon as practicable thereafter.

Signed: _____

Date: 06/09/2024