

Caseworker Report	
Application for a Maritime Area Consent (MAC) under Section 76 of Maritime Area Planning Act 2021 (the Act)	
Application Details	
MAC Applicant:	Geesala Community Council & Development CLG
MAC Reference No:	MAC240035
Date Application received:	19 July 2024
Application Details	Geesala Community Council & Development CLG have made an application under Section 76 of the Maritime Area Planning Act 2021 (the Act) for a Maritime Area Consent (MAC no. MAC240035) to carry out horse and greyhound racing on the beach at Doolough, Geesala, Mayo
Recommendation	To approve the Granting of the MAC sought, with conditions.

Document Control		
Prepared By:	[REDACTED]	15/08/2024
Reviewed	[REDACTED]	15/08/2024
Approved by:	[REDACTED]	15/08/2024

1. Background

On 19 July 2024 Geesala Community Council & Development CLG, a local community non-profit group, submitted an application for a MAC to MARA to carry out horse and greyhound racing on the beach at Doolough, Geesala, County Mayo on 17 and 18 August 2024. The event has been run by the applicant on an annual basis since 1994 and is supported by the Irish Horse and Pony Racing Association (IHPRA)

2. Consent Sought and Reasons

The Geesala Festival 2024 runs from 11 August to 18 August 2024, with consent sought for a two-day racing event on 17 and 18 August on the beach at Doolough on a 1 mile, 6 Furlong course for horse racing and a 350 Metre course for greyhound racing.

The event was not held in 2023 due to beach racing being suspended nationally at that time by the IHPRA. An email from the Chairman of the IHPRA submitted with this application confirms that this suspension was lifted in June 2024 and also that the races will adhere to the rules and regulations of the IHPRA. Under section 3(3) of the Foreshore Act 1933, the applicant was previously granted a Foreshore Licence each year to cover race days only and the most recent Licence issued in 2022.

These events are not listed as maritime usages which may be undertaken the Maritime Area pursuant to Licence under Schedule 7 of the MAP Act and accordingly the applicant has applied for a MAC.

Mayo County Council, in a letter dated 18 July 2024 to the applicant, provided a declaration under Section 5(2)(a) of the Planning Act 2000 (as amended) that the proposed activities do not constitute development; accordingly, the MAC is sought under section 76 of the MAP Act. Mayo County Council have confirmed that a beach permit for the event has been granted.

A letter from accountants O'Mara Loftus & Co. LTD dated 24 July 2024 states that Geesala Community Council & Development CLG (GCCD) "is a small non-profit making company whose main function is to maintain, run and operate Geesala Community Centre. In order to do so the company hosts various fund raising activities including the Annual Geesala Festival and the two Doolough race meetings are a part of that fundraising".

In the General Application form, the applicant states that GCCD is a local non-profit organization that raises funds for the operation and maintenance of the local community centre and to support public and social groups within the community. The applicant notes that the racing events are the highlight of the Festival, which boosts tourism and hospitality in the Eris region of Mayo.

MAC Map



3. Assessment

On receipt of the application for a MAC, the application was reviewed for completeness. A *Notification of Incomplete Application* was issued on 24 July 2024; to which a response was received on 26 July 2024, including the required Financial and Technical Capability Assessment forms, while additional hard-copy supporting documents were posted to MARA.

A *Request for Additional Information* under section 79(3) of the MAP Act was issued on 2 August 2024 relating to matters for technical and financial assessment; to which a response was received on 8 August 2024.

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.

The GA 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 the listed Mayo County Council and Gardaí at Belmullet and sponsorship from various commercial entities has been confirmed for 2024. The applicant was granted Foreshore Licences from 2013 to 2022 and I am satisfied that these events have been held in accordance with the terms of these Licences.	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; 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;	The Holder declared that no 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;	The Holder declared that no such offences or disqualifications apply.	Satisfactory
(e) if the relevant person is a body corporate, whether it— (i) has commenced a voluntary winding-up or is subject to a winding-up order or is subject to proceedings for such an order, (ii) is subject to the appointment of a receiver or examiner, or (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;	The Holder declared that no such offences or disqualifications apply.	Satisfactory
(f) if the relevant person is a body corporate incorporated under the law of another state— (i) whether an event which corresponds to an event referred to in clause (c) has occurred in relation to any of its directors, or (ii) whether an event which corresponds to an event referred to in clause (e) has occurred in relation to the body corporate;	Not Applicable	Not Applicable
(i) the previous performance of the relevant person when granted— (i) a MAC, (ii) a development permission, (iii) a licence, or (iv) an authorisation (howsoever described) under the Act of 1933.	I undertook a review of Licences granted by Foreshore Unit under the Foreshore Act 1933 to the applicant from available records (2013 to 2022) and I am satisfied that the performance of the relevant person in relation to these Licences was satisfactory.	Satisfactory

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 14 August 2024 and the Technical Capability Report dated 14 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 Geesala Festival has been running for circa. 25 years and includes the annual horse and greyhound racing on Doolough Beach. Associated events occur on the fixed dune areas above the beach, including music, food trucks and tote activities. Vehicles are not permitted onto the beach during the racing. Vehicle parking and spectating is provided for on lands adjacent to the beach area (see Photographs 1 and 2 in the EA report). Only a Civil Defence ambulance and steward vehicles will be allowed access the beach during the event. Spectators watch the racing from adjacent fields.	Satisfactory
2.	Whether the proposed maritime usage is in the public interest.	GA	The proposed project has a strong public interest element as the highlight of the Geesala Festival, which generates significant tourism and income for the locality. The proposal does not act against any objective of the National Marine Planning Framework (NMPF) while aligning with Social Benefits 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 total MAC area is 47.51Ha. The beach is a circa 2km long stretch of tidal strand with low dunes situated above the HWM.	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
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	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. FCA: Based on revised 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. GA: Following a detailed review and assessment of the information provided by the Holder, it is hereby confirmed that the applicant meets the FPP assessment (see Table 1 above).	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 EA report additionally finds that the application aligns with Social Benefits Policy 1 of the NMPF, in that proposals that enhance or promote social benefits 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	The applicant has undertaken this activity for circa 25 years previously with Foreshore consent. The Geesala Community Council and Development CLG have obtained a Section 5 Declaration from Mayo County Council stating that the event does not require development consent. Furthermore the applicant has obtained a letter of no objection from An Garda Síochána relating to the 2024 event. The applicant has also received a Beach Permit from the Local Authority in accordance with the Mayo County Council Beach Bye Laws. The IHPRA has confirmed in correspondence that the previous suspension on beach racing has been lifted and that the event will be ran in accordance with their rules and regulations. The extent of preparatory works undertaken is therefore deemed acceptable for the proposed maritime usage.	Satisfactory
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 group and the Geesala Festival and racing events are held for the benefit of local community stakeholders. The applicant has demonstrated engagement with Mayo County Council, who have granted a beach permit and provide support for the event. They have also engaged with the Gardaí, who have no objection to the event taking place. Local businesses and individuals support the events through sponsorship of the races.	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	Not applicable	Not applicable

4. Levy

As per the EA report, the MAC levy has been calculated as €44,731 per annum in accordance with MARA's [MAC levy framework](#). With the MAC term for two days only, the MAC Levy Due is accordingly calculated at €245.

5. Discussion

The applicant has applied for a MAC to hold a two-day beach racing event on the beach at Doolough, Geesala, County Mayo. This is one of numerous such events held in Ireland each year. It is held primarily to fund the operation and maintenance of the local community centre which provides societal benefits for the community through the support of public and social groups. The event also boosts tourism and the economy of the Eris region of Mayo.

Licences were previously issued to the applicant under the Foreshore Act, 1933, with the most recent issued in 2022. Beach racing events were not held in 2023. As beach racing is not listed as a licensable activity under Schedule 7 of the MAP Act, the applicant seeks a MAC to carry out these activities in the Maritime Area.

Financial Consultants to MARA for the purposes of FCA, EY, identified no issues regarding the status of the Fit and Proper status of the Relevant Person. EY finds that based on the information submitted and cash resources available to the applicant, that the Relevant Person is viewed as passing the assessment.

ARDU concluded in their Engineering Report that the works as proposed do not conflict with any existing consents for the area, they do not act against any of the objectives of the NMPF and are in the public interest. ARDU had no objection to issuing the MAC, subject to conditions listed in Item 6 below.

ARDU concluded in their TCA that the applicant satisfied all of the relevant criteria under the Technical Capability Assessment element of the Fit and Proper Test and has the requisite competence to undertake the proposed maritime usage.

6. Conclusion & Recommendation

Following a detailed assessment, I am satisfied that the proposal complies with all the necessary requirements. Accordingly I recommend that the MAC is granted with Conditions and Reasons as set out below, and as per the enclosed recommended MAC, in accordance with Section 81 of the MAP Act. I also recommend that a minded to determination notice, as enclosed, is issued to the holder.

Conditions and Reasons for Conditions

- The MAC Holder shall run the event under sanction from, and in accordance with the rules and regulations of the Irish Horse and Pony Racing Association.
Reason: To ensure the proper management and the orderly undertaking of the Permitted maritime usage.
- The MAC holder shall prepare a site specific Safety Plan and all necessary precautions shall be taken in conjunction with Mayo County Council and the Garda Siochana to ensure the safety of the participants and the general public.
Reason: To ensure the proper management and the orderly undertaking of the Permitted maritime usage.
- The MAC holder shall ensure that no vehicles are allowed onto the Maritime Area except for emergency vehicles in accordance with the site specific Safety Statement.

Reason: To ensure the proper management and the orderly undertaking of the Permitted maritime usage.

- The MAC holder shall take all necessary precautions to ensure that members of the public not connected to the organisation of the event, do not come in direct contact with animals. All dogs shall be muzzled when off-lead.

Reason: To ensure the proper management and the orderly undertaking of the Permitted maritime usage.

- The MAC holder shall ensure that all dog racing is conducted in accordance with relevant national legislation and is under the supervision of a qualified veterinary practitioner.

Reason: To ensure the proper management and the orderly undertaking of the Permitted maritime usage.

- The MAC Holder shall ensure that the area to be used for the horse/greyhound racing event is fully and appropriately cordoned off to ensure the safety of the participants and the general public. The cordon shall be erected and removed on the day of the event.

Reason: To ensure the proper management and the orderly undertaking of the Permitted maritime usage.

- The MAC Holder shall erect temporary signs at the main access points to the beach notifying the general public of the event and any restrictions which apply to the Maritime Area. All signs shall be removed after the cordons are removed on the day of the event.

Reason: To ensure the proper management and the orderly undertaking of the Permitted maritime usage.

- The MAC Holder shall provide adequate litter collection facilities. These facilities shall be removed immediately after the event to a suitably licensed waste disposal site.

Reason: To ensure the proper management and protection of the maritime area.

- The MAC holder shall comply with all matters/conditions as set out by An Garda Síochana.

Reason: To ensure the proper management and the orderly undertaking of the Permitted maritime usage.

- The MAC Holder shall hold a valid Beach Permit for the event under Mayo County Council's Beach Bye Laws.

Reason: To ensure the proper management and the orderly undertaking of the Permitted maritime usage.

- The MAC holder shall comply with all instructions/conditions set out by Mayo County Council as long as any instructions do not contradict the above conditions.

Reason: To ensure the proper management and the orderly undertaking of the Permitted maritime usage.

- The Holder shall ensure that all volunteers and contractors, 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.

- 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.

