

Caseworker Report	
Application for a Maritime Area Consent (MAC) under Section 75 of Maritime Area Planning Act 2021 (the Act)	
Application Details	
MAC Applicant:	Sligo County Council
MAC Reference No:	MAC20230031
Date Application received:	5 July 2024
Application Details	Sligo County Council have made an application under Section 75 of the Maritime Area Planning Act 2021 (the Act) for a Maritime Area Consent (MAC), application reference number MAC20230031, for the development, operation and maintenance of a Seasonal Pontoon at Enniscrone Pier, County Sligo.
Recommendation	To approve the Granting of the MAC sought, with conditions.

Document Control		
Prepared By:	██	18 December 2024
Reviewed and Approved by:	██ ██████████	19 December 2024

1. Background

On 5 July 2024 Sligo County Council (SCC) submitted an application for a MAC to MARA for the development, operation and maintenance of a Seasonal Pontoon at Enniscrone Pier, County Sligo.

Consent Sought and Reasons

In order to enhance tourism and to promote the attractions at Enniscrone and to encourage tourism to the area, SCC propose to install a seasonal pontoon to provide safe berthing and easy access to the marine environment at all tides. SCC have stated that the existing facilities are not suitable as they do not provide safe access to the sea at all tides. The project involves the installation of 18m long by 3m wide pontoon at Enniscrone Pier. Access to the pontoon is proposed to be provided by a 15m long by 1.2m wide tide levelling access gangway. The pontoon is proposed to have a glass reinforced concrete (GRC) deck and be secured to the pier by pontoon guide rails. SCC indicated that the pontoon will be in place from May to September of each year. The pontoon and gangway will be removed annually from the maritime area at the end of the summer period and removed completely from the vicinity of the pier during the winter months.

The proposed maritime usage the subject of this application requires development permission. In accordance with Section 75 of the Act, a MAC is required before an application for development permission can be lodged with the relevant consent authority.

Proposed MAC Map



Drawn by: MTH
Approved by: PH
Date: 20/09/2024
Dwg. No.: MAC20230031-001
Projection: ITM
Scale: 1:1,000 @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
MAC20230031

Maritime Area Consent Area
 High Water Mark - Chief Boundary Surveyor
Grid Coordinate Intersects ITM

MARA
An tAidise Málalaí Linnéire Mhuiní
Maritime Area Regulatory Authority

2. Assessment

The application has been processed in accordance with MARA's procedure for processing a MAC application. On receipt, the MAC application was reviewed for completeness.

A number of requests for additional information were issued under section 79(3) of the MAP Act and associated responses received relating to matters for technical assessment and financial assessment between 12 July and 17 September 2024.

The Compliance, Enforcement & Revenue Unit (CERU) were invited on 4 October 2025 to make any observations or comments they may have regarding the applicant's performance in relation to any authorisation/consents held by the applicant as per Schedule 2(2)(i) of the Act. On 18 October 2024 the CERU responded that it is not aware of any non-compliances with these consents, there are no enforcement actions pending and there are no outstanding debts owed in respect of any existing consents granted by the State for the Maritime Area held by Sligo County Council.

A search was undertaken of the Land Registry and Registry of Deeds on 12 December 2024 for any document granting or affecting rights to land in order to ensure that there are no conflicts of interest with the MAC area being applied for as outlined in the proposed MAC Map. No conflicts of interest affecting the proposed MAC area were identified.

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;	No letters of reference were provided. Given the application has been made by a local authority, letters of reference are not considered to be warranted.	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, Ernest & Young (EY) assessed the Holder 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 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 against these criteria and concluded that no information or details were identified which indicate that 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;	As part of the FCA, EY assessed the Holder against these criteria and concluded that no information or details were identified which indicate that such offences or disqualifications apply.	Satisfactory

<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>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>(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>CERU have assessed the Holder against these criteria and advised that it is not aware of any non-compliances, there are no enforcement actions pending and there are no outstanding debts owed.</p>	<p>Satisfactory</p>

A synopsis of the GA of the application relating to Schedule 5 criteria (2), (5), (6), (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 (ARD) Unit as detailed in the EA Report dated 23rd September 2024 and the TCA Report dated 23rd September 2024. The FCA was carried out by MARA contractors EY as detailed in the Financial Capability Assessment Report dated 4th September 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	In order to enhance tourism and to promote the attractions Enniscrone, SCC are proposing to install a seasonal pontoon. The pontoon shall provide safe berthing and easy access to the marine environment at all tides. The existing facilities are stated to be unsuitable as they do not provide safe access to the sea at all tides. The project involves the installation of 18m long by 3m wide pontoon at Enniscrone Pier. Access to the pontoon will be provided by way of a 15m long by 1.2m wide tide levelling access gangway.	Satisfactory
2.	Whether the proposed maritime usage is in the public interest.	GA	The proposed scheme is consistent with the overall objectives of regional and local planning policy and guidance. The Sligo County Development Plan (CDP) identifies Enniscrone as a Key Support Town, one with an important tourism function, and a need to “strengthen and improve (the town’s) tourism product”. The SCDP recognises the importance of attractive public spaces. The Sligo Local Economic and Community Plan (LECP) identifies the “under developed” potential of the county’s tourism assets and the “need for improved accessibility and interpretation in relation to tourism attractions”. The plan identifies a County-wide necessity “to improve the physical fabric and appearance of towns and villages for residents, businesses and visitors.” The Sligo Destination and Experience Development Plan (DEDP) is a 5-year plan that provides a shared vision and clear direction towards strengthening and growing the destination’s market share through the delivery of catalyst and destination enabling projects that seek to maximise the key strengths of Sligo. The DEPD identifies a number of key objectives associated with tourism development in Sligo.	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 pontoon unit will be located along the inner face of Enniscrone Pier. The total area proposed to be occupied by the MAC will be 0.018 Ha (180m ²). There are no identified 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

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 TCA documentation and supporting information provided by the applicants, MARA's ARDU have assessed the applicants' technical capability and have deemed the applicants to be technically capable on the basis of the information submitted. FCA: Based on FCA documentation and supporting information provided by the applicants, external financial consultants, EY, deemed Sligo County Council to be financially capable on the basis of the information provided. GA: Following a detailed review and assessment of the information provided by the applicants, it is hereby confirmed that the applicants satisfy the fit & proper person 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	SCC are assessed as being tax compliant.	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	<p>In the application, the applicant states that it will meet the environmental objectives of the NMPF. ARDU has completed a technical capability assessment of the applicant and in the engineering report is satisfied that the proposed works do not act significantly against any objectives of the NMPF. The proposed works constitute development which requires planning permission and environmental assessment of the proposed activity by the relevant planning authority.</p> <p>I am satisfied that the proposal aligns with the following policy objectives of the NMPF:</p> <ul style="list-style-type: none"> • <i>Social Access Policy 2</i> states that proposals demonstrating appropriate enhanced and inclusive public access to and within the maritime area, and that consider the future provision of services for tourism and recreation activities, should be supported, subject to the outcome of statutory environmental assessment processes. • <i>Tourism Policy 1</i> states that proposals enabling, promoting or facilitating sustainable tourism and recreation activities, particularly where this creates diversification or additional utilisation of related facilities beyond typical usage patterns, should be supported. • <i>Tourism Policy 3</i> states that proposals for tourism development should seek to optimise facilities and use of space by taking a cross-sectoral development approach that provides for multiple activities, whilst minimising the extent to which the proposal is likely to adversely impact on the natural environment. <p>The development as proposed is considered to make appropriate use of space; to improve facilities for visitors and local users, for private and for charter vessels; and to support regional tourism, the local community, local employment and the economy.</p> <p>This 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.</p>	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 preparatory works to inform their planning application and to assist with the detailed design of the proposed pontoon. To date as part of preparatory works the applicant has undertaken a Topographical Survey.</p> <p>As the proposed scheme does not entail the installation of guide piles site investigation works are unlikely to be required. The extent of the preparatory works undertaken are therefore deemed acceptable for a project of this scale and nature.</p>	Satisfactory
10.	The extent and nature of stakeholder engagement undertaken by the applicant in respect of the proposed maritime usage.	GA	<p>SCC stated that they were approached by local public representatives who promoted the installation of the pontoon on behalf of local marine users, especially operators of charter vessels.</p>	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

3. 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. Based on Part A of the Framework, the MAC levy has been calculated as €215.00 per annum.

All levies are indexed to the Harmonised Index of Consumer Prices (HICP), applied on an annual basis.

4. Discussion

Based on the assessments undertaken and the EA Report dated 23 September 2024, the TCA Report dated 23 September 2024, the FCA Assessment Report dated 4 September 2024 and the General Assessment contained herein, I am satisfied that the proposed MAC application complies 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 those parts of the Maritime Area labelled Area A and shown outlined red on the attached Map: Title: Maritime Area Consent Map, Drawing Number: MAC20230031-001, Date: 20/09/2024

- **Reason:** In the interest of clarity.

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, under Condition 3.7 of the proposed MAC. For consistency, reference to the MAC and MAC conditions has been replaced with "this Consent"

- 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.

This condition has been included, as recommended, under Condition 7.4 of the proposed MAC.

- The MAC Holder shall submit a valid application for development consent to the relevant Planning Authority within 18 months of issuance of the MAC. The development consent

application must include a Rehabilitation Schedule detailing the rehabilitation of the Maritime Area before expiration of the MAC.

- **Reason:** To ensure the orderly undertaking of the proposed maritime usage.

This condition is provided for under the Particulars Schedule and Condition 5.1 of the proposed MAC.

- The MAC shall have a term of not more than 45 years.

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

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

The EA report also recommended that:

In the Particulars Schedule of the MAC, the Permitted Maritime Usage for this application should be defined as: “The operation of a seasonal pontoon, access gangway, ancillary facilities and all associated construction works.”

The following definition should be added to the Definitions in the MAC: “Construction Works” means all of the following; construction, maintenance, repair and demolition reasonably required to conduct the Permitted Maritime Usage and the rehabilitation of the Maritime Area on the expiration of the MAC.”

For consistency the following Permitted Maritime Usage has been included within the recommended MAC:

The construction, use, operation and maintenance of a seasonal pontoon, access gangway and ancillary facilities at Enniscrone Pier, Sligo, including all associated decommissioning, demolition, rehabilitation and any other works required on foot of any development permission relating to the seasonal pontoon.

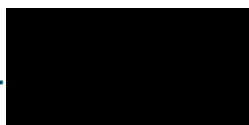
Accordingly, a definition for construction works is not considered to be required.

5. 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 applicants that MARA is minded to grant a Maritime Area Consent subject to the proposed conditions attached to the MAC. I recommend allowing the applicants 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 applicants will be notified and MARA will publish a notice on its website as soon as practicable thereafter.

Signed: _____



Date: _____

02/01/2025