



Circular Ref. No.: MPPL – 01/2022

11th October 2022

Maritime Area Planning Act 2021 – (Commencement of Certain Provisions) (No. 3) Order 2022 (S.I. 488 of 2022)

To: All Coastal Local Authorities - Directors of Planning
CC: All Coastal Local Authorities – Chief Executive Officers

A Chara

I am writing to inform you that the Minister recently signed the above-named Commencement Order, bringing Part 8 of the Maritime Area Planning Act 2021 into operation **with effect from 1 October 2022**.

As you will know, the **Maritime Area Planning Act 2021 (MAP Act)** was enacted to regulate the maritime area through a commitment to coherent, inter-related planning covering forward planning, development management and enforcement. It establishes a new marine planning system and a new licensing and development management regime, to be administered in due course by the Maritime Area Regulatory Authority (MARA), in conjunction with An Bord Pleanála (ABP) and the coastal local authorities. The Act replaces the existing foreshore, planning and environmental processes with a single streamlined consent process.

Part 8 of the MAP Act inserts a new Part XXI into the Planning and Development Acts 2000 to 2022. This Part deals with maritime development. Commencement of Part 8 of the MAP Act is necessary at this juncture to enable the so-called “relevant projects” to commence the development consent process. These projects are either those who applied for or were granted a lease under the Foreshore Act 1933, or offshore wind projects eligible to be processed to receive a valid grid connection offer in December 2019. There are seven of these projects.

Under the special transition provisions in the MAP Act, the Minister for the Environment, Climate and Communications has been given responsibility for assessing and granting Maritime Area Consents (MACs) for this first batch of relevant projects. This process has been underway for some months, and it is expected that the first MACs will be issued by the Department of Energy, Climate and Communications (DECC) shortly, enabling the projects to approach An Bord Pleanála for pre-application consultation following the commencement of Part 8.

Some consideration was given to splitting commencement of this Part in order to delay the coming into effect of the provisions relating to the coastal planning authorities. However, this was not feasible due, *inter alia*, to linkages in the legislative provisions,



meaning that the area of jurisdiction of ABP in this regard is delimited by reference to that of the coastal planning authorities and vice versa. Accordingly, there was no alternative but to commence this Part as a whole.

However, as noted above, the pressing reason behind commencement at this particular point is to enable the relevant projects to begin to move through the development consent process. Under the provisions of the Act, an applicant is required to have a MAC in place prior to applying for development consent. (Exceptions include where a person is the owner of the nearshore or has a licence or lease granted under the Foreshore Act of 1933 authorising the licensee to do any act or acts referred to in that section for the purpose of the development.)

The only MACs being issued at present are those in respect of the relevant projects, handled by DECC, all of which will be dealt with by ABP. There is no mechanism for the issuing of any other MACs until MARA is operational.

The purpose of this circular is therefore to inform you that while these provisions are now active on the statute book, the status quo remains unchanged until MARA is established and begins to issue MACs. The coming months should therefore ideally be used to prepare for the forthcoming transition from the existing foreshore provisions to the new legal framework established under the MAP Act.

In this regard, please be advised that no requests for pre-application consultation under the provisions of this legislation should be entertained until a potential applicant is in possession of a MAC.

We are arranging for an information briefing through the CCMA to include this and other marine-related updates, which will take place shortly.

Any queries in relation to this matter should be emailed to msp@housing.gov.ie.

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