

# Maritime Area Regulatory Authority

## OPR/CCMA Briefing for CPAs

*13<sup>th</sup> June 2024*



# MARA's Role

- *New independent agency to manage the occupation of the maritime area and to enforce the provisions of the new planning regime*

## Authorisations

- Maritime Area Consent (MAC)
- Maritime Usage Licence (MUL)

## Compliance and Enforcement

- Compliance and Enforcement
- Existing Foreshore authorisations
- Co-operation with other regulators



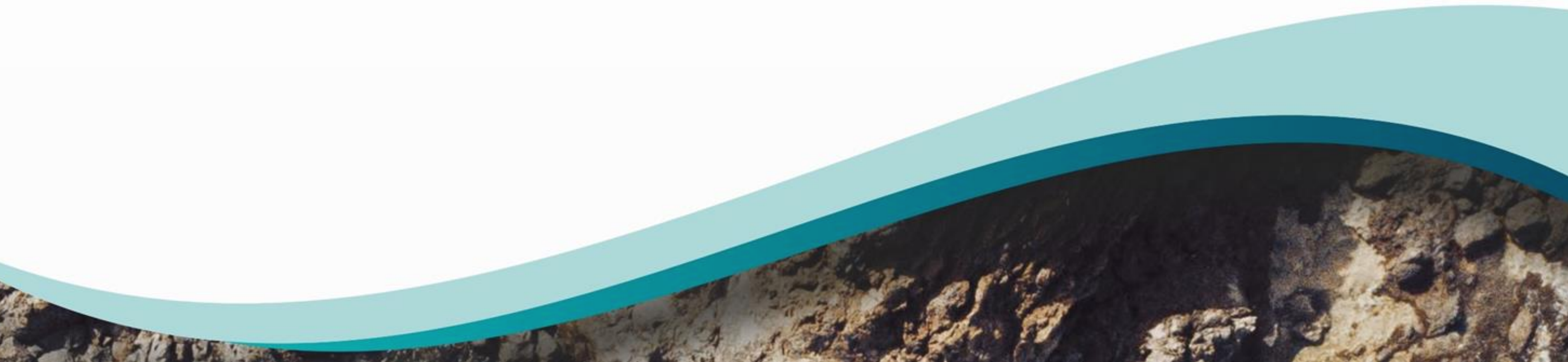
Number 50 of 2021

Maritime Area Planning Act 2021



# Maritime Authorisations

*Dr. Karen Creed*



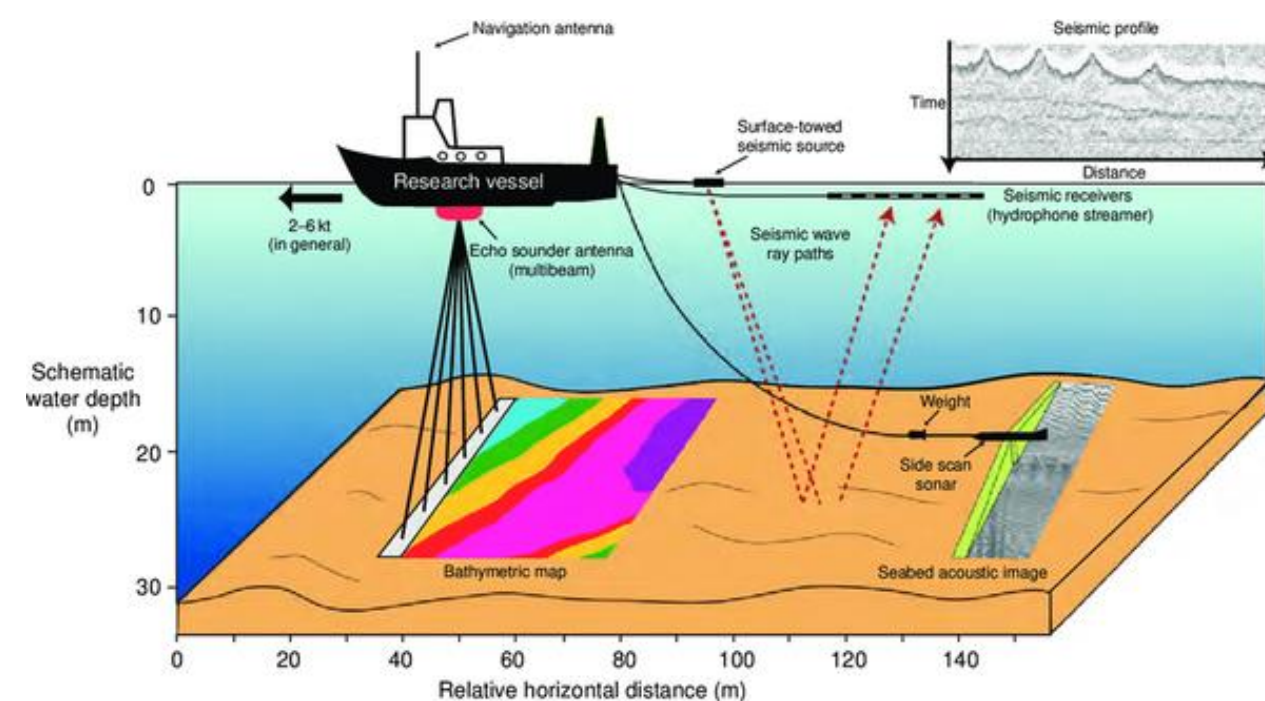


# Licensing of Maritime Usages

Part 5 of the Maritime Area Planning Act 2021 deals with licences authorising certain maritime usages in the Maritime Area.

Maritime Usages in Schedule 7 of the MAP Act are subject to a licence from MARA.

## Usages subject to Licence



- Maintenance Dredging
- Environmental surveys for research and major developments
- Navigational markers not authorised by Commissioners of Irish Lights
- Non-permanent platforms, pontoons or slipways
- The deposit of any substance or object either in the sea or under the seabed
- The use of explosives

- The use of any type of vessel to remove any substance or object from the seabed
- The maintenance of any cable, pipeline, oil, gas or carbon storage facility
- Harvesting, disturbance or removal of seaweed
- Moorings
- Removal or disturbance of beach material
- Subsea cables traversing our EEZ but not landing in the State

# Maritime Area Consents (MAC)



Manages the relationship  
between the State and the MAC  
Holder

“right to occupy”



Gateway into the planning system  
- required in advance of applying  
for development permission



No environmental decision-making  
(MARA are not required to  
undertake screening for AA or EIA)



No consultation at MAC application



MARA to determine a MAC  
application within 90 days after an  
application is compliant



Levy framework for different  
classes of MACs (ORE, Ports,  
Cables etc.)



# When a MAC is NOT required



In relation to fishery harbours, aquaculture or sea fishing



Undertaken on a privately owned part of the maritime area



Navigation or fishing



Any maritime usage subject to a maritime usage licence



Works in relation to lighthouses, radio navigation systems (Commissioners of Irish Lights) for the purposes of, or consisting of, the placement of aids to navigation



The exploration or working of petroleum or the restoration of the area in which such exploration for, or working of, such petroleum has taken place



Any maritime usage specified in regulations

# Types of activity requiring a MAC

Any usage that is not  
licensable, exempt or covered  
by other legislation



ORE- Windfarm



ORE- Supporting infrastructure



Port (non-ORE)



Cables



Renewable Energy (non-wind)



State Infrastructure



Storage (gas/ fuel)



Utilities



Tourism & Recreation



Coastal Protection/Flood Relief Scheme

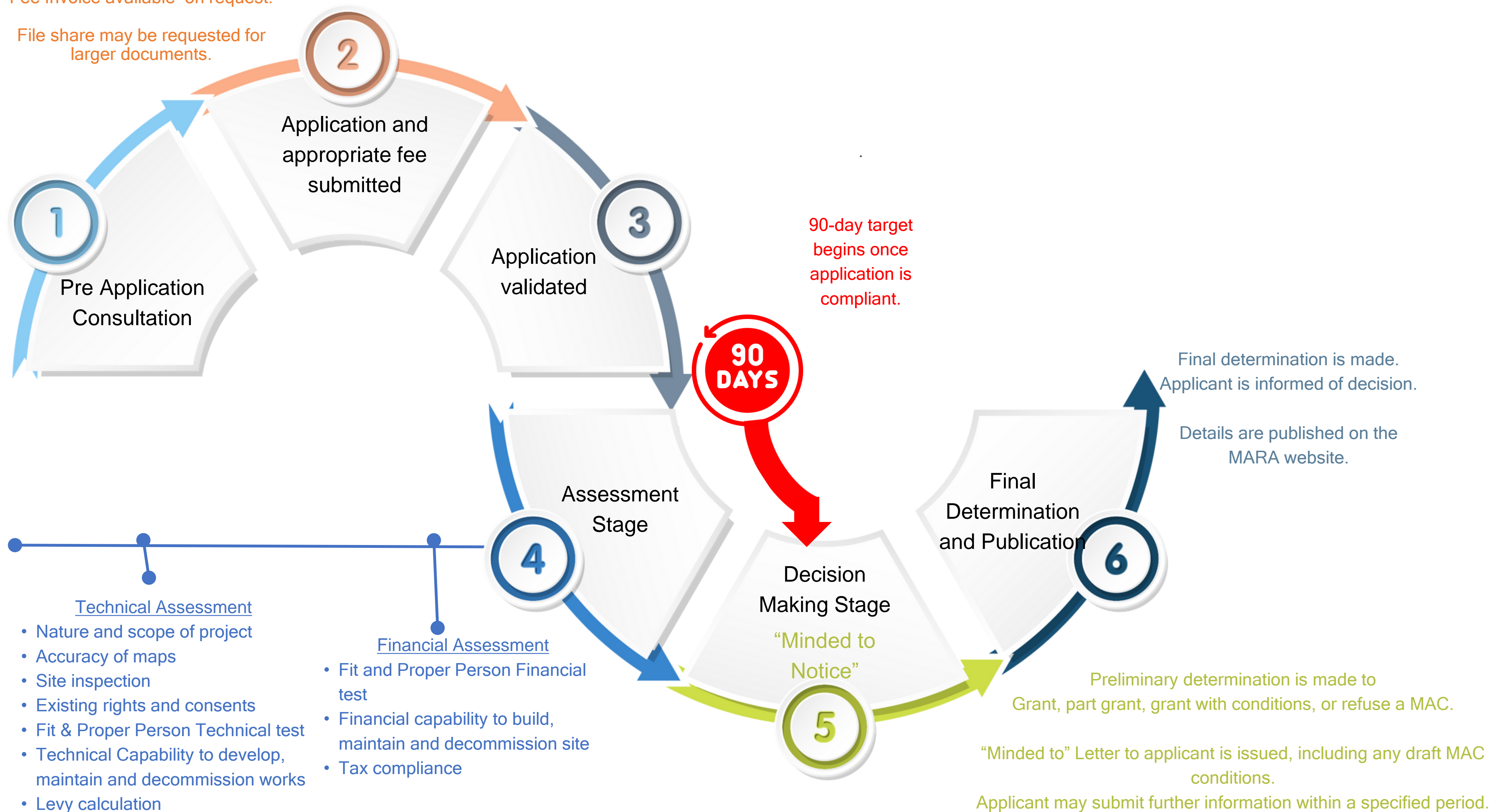
# MAC Application Process Overview

Fee Invoice available on request.

File share may be requested for larger documents.

Pre-application Consultation Request Form submitted - meeting held, if required.

Application documents and guidance available online.





# Assessment Criteria - Schedule 5

Assessment Criteria	Assessment Phase
The Nature, Scope and Duration	Technical Assessment
Public Interest	General Assessment
Location and Spatial Extent	Technical Assessment
Fit and Proper Person	Technical, Financial and General Assessments
Tax Compliance	General Assessment
The National Marine Planning Framework	General Assessment
Preparatory work	Technical Assessment
Stakeholder engagement	General Assessment

# Fit and Proper Person

To assess whether the MAC Applicant (relevant person) can be deemed “Fit and Proper” to hold a MAC for the intended purpose.

## General Assessment

requires completion of a set questionnaire on the application form regarding possible legal or financial issues pertaining to the applicant.

## Financial Capability Assessment

of the applicant to build, maintain and operate the proposed project and decommission infrastructure/rehabilitate the maritime area.

## Technical Capability Assessment

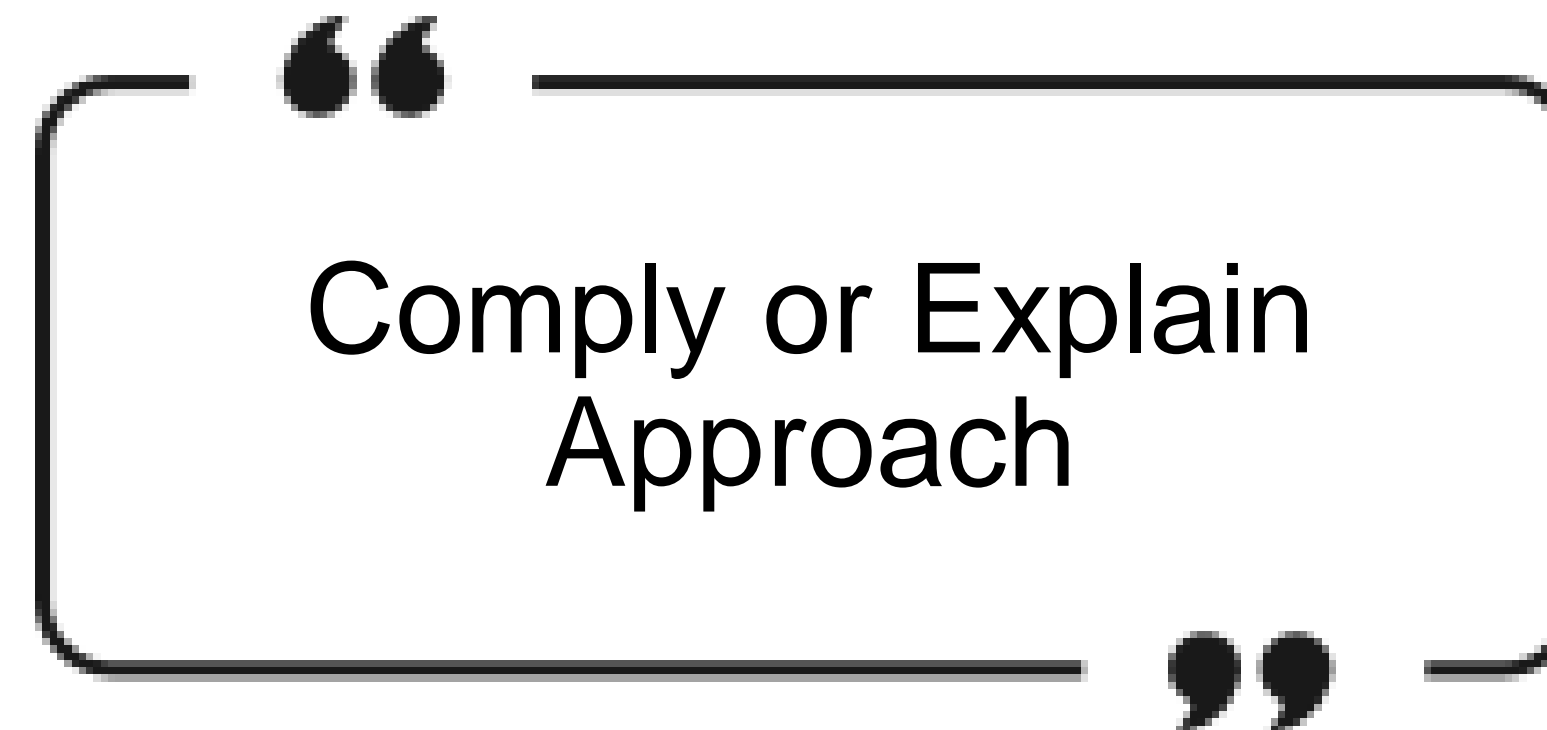
of the applicant to build, maintain and operate the proposed project and decommission infrastructure/rehabilitate the maritime area.

\*Section 90 Fit & Proper Declarations.



# Financial Assessment - Overview

Financial capability assessments are performed as transparently as possible, while providing appropriate levels of flexibility within tests.



Includes various tests against a set of thresholds, allowing MARA to determine an applicant's financial viability, including its capacity to fund the project.

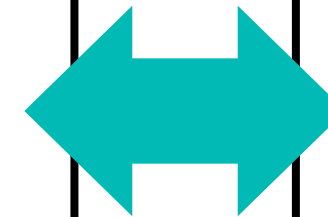
Conducted by contracted financial advisors to MARA.

# Technical Capability Assessment (TCA)

Assesses the applicant's ability to:

- develop
- operate
- decommission/rehabilitate where relevant

Schedule 10 (MAPA) projects  
Projects to ABP for PP



Non-Schedule 10 (MAPA) projects  
Smaller projects to CPAs for PP






Assesses (Schedule 10 projects)

- Corporate project experience
- Project delivery team experience
- Delivery timelines
- Innovation



# Engineer's Assessment

The engineer's assessment covers the following assessment criteria:

-  Nature and Scope of the project and delivery timelines
-  Location and spatial extent including the accuracy of maps provided
-  Existing property rights and consents for the site and adjacent sites
-  Preparatory work undertaken to date and planned
-  Calculation of applicable levy

# General Assessment

The general assessment covers the following assessment criteria:



Fit & Proper:

- No Convictions
- Not Insolvent/ Bankrupt



Tax Compliant



Public interest:

- Project serves the Public Interest and relevant legislation



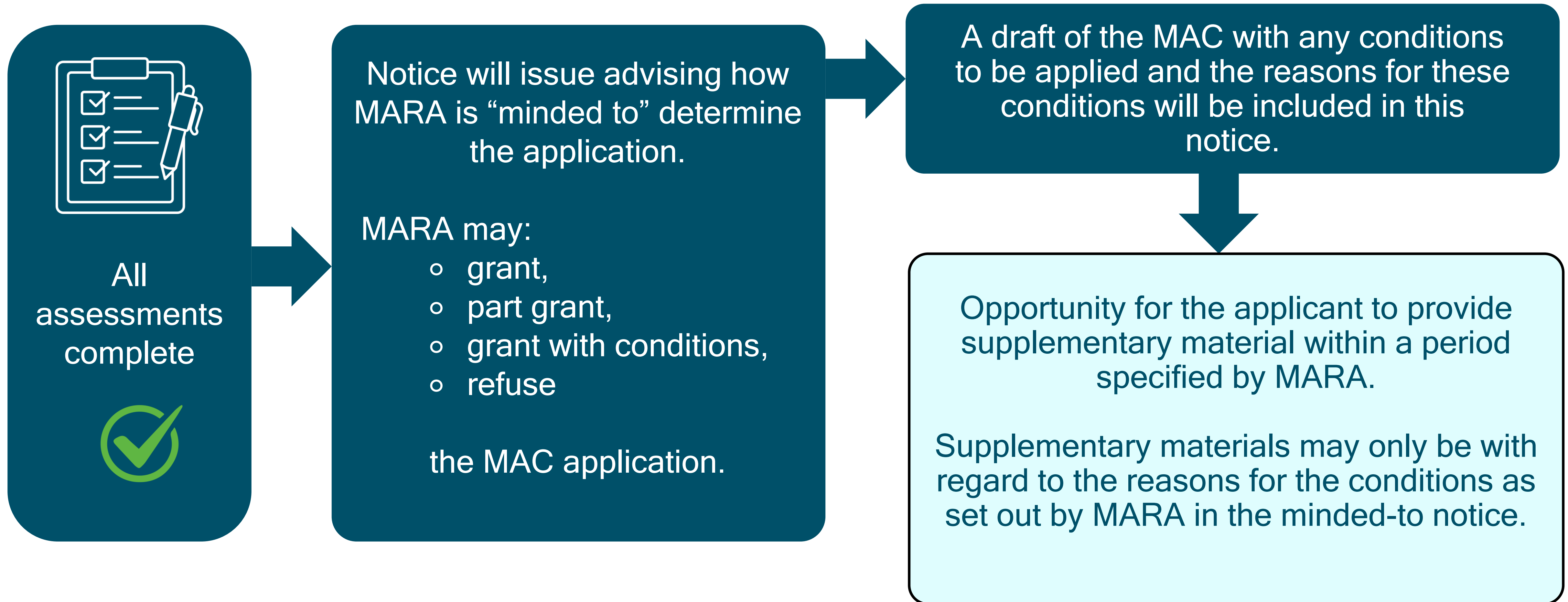
Consistency with the NMPF and its key sectoral policies and objectives



Stakeholder Engagement



# “Minded to” decision

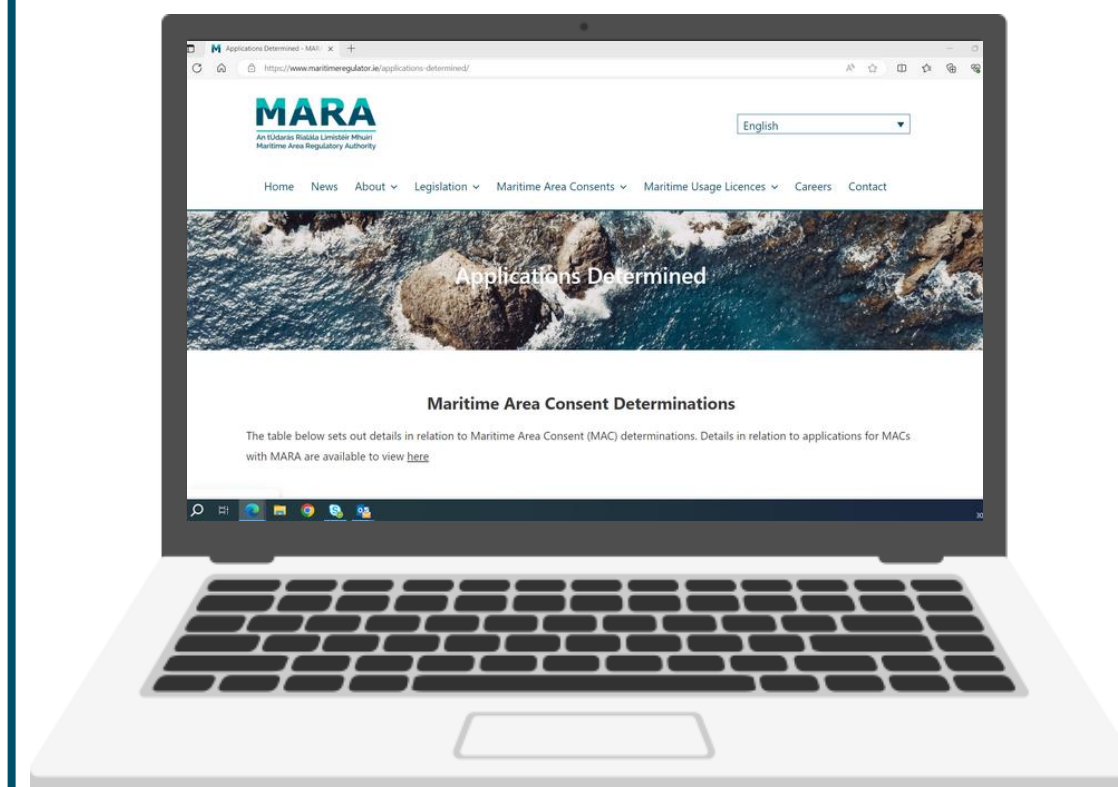


If MARA decides to grant/part grant or grant with conditions, this notice will include confirmation of the annual MAC Levy to be applied, which will be calculated using the Levy Framework as published on the MARA website.

# MAC Determination



Any supplementary information provided by the applicant is considered by MARA prior to issue of the final determination.



The MAC and MAC map are published on the MARA website.



Judicial review may be brought within 8 weeks of the publication of the notice of the determination on MARAs website.



The Levy must be paid within one month from the Commencement (issue) Date of the MAC.



# Section 90: Fit and Proper Declaration

“MARA may, after consultation with the Minister, by order declare certain persons (not being individuals) to be fit and proper.”

# Compliance, Enforcement and Revenue Collection

*Yvonne Doris*



# Compliance, Enforcement and Revenue Collection



## Part 6 of MAPA

Responsible for compliance assessment and enforcement of

- Maritime Area Consents
- Marine Usage Licences
- Conditions in offshore development permission issued by An Bord Pleanála

Administration of, including compliance and enforcement of ~1,210 extant foreshore leases and licences executed under the Foreshore Act 1933 - contractual provisions.



Handling queries and complaints in relation to MAC, MUL, Foreshore leases and licences, development consent conditions.



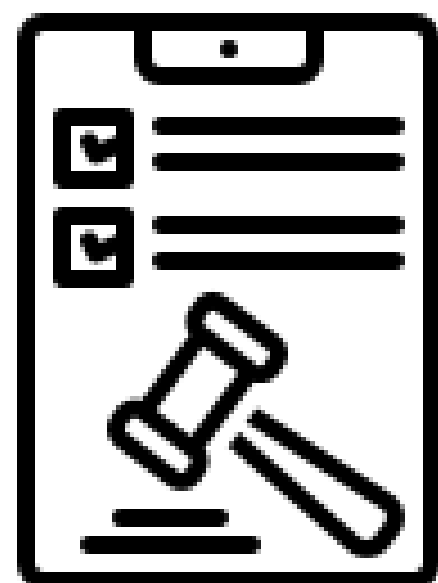
Revenue collection  
Annual Rent (leases)  
Levy (MAC).



Application of a risk-based compliance assessment and enforcement regime.



# Enforcement Powers - Maritime Area Planning Act, 2021



MARA can take enforcement action against breaches of conditions of Maritime Area Consents, Marine Licences, Foreshore leases and licences and conditions attached to planning permission in the maritime area



Authorised officer of MARA can undertake investigations and issue enforcement notices and special enforcement notices (for serious breaches) on MAC/MUL holders



- MAP Act
- Planning and Development Act 2000



MARA can investigate complaints of non-compliance and prioritise serious instances of non-compliance for enforcement action



Apply to the High Court to deal with serious breaches of MACs or MULs

# Enforcement Powers - Maritime Area Planning Act, 2021

Revoke a MAC or a licence where the holder does not agree to undertake the required steps to address the breach of the MAC or licence or does not comply with a special enforcement notice

Apply to the High Court for the immediate suspension of a MAC or a licence for failure to comply with development permission (granted by ABP) failure to pay fees/levies material breach of authorisation repeated or cumulative breach

Take prosecutions and injunctions for any unauthorised development including a breach of a development permission



MARA has enforcement powers of a Planning Authority under the Planning and Development Act 2000 for this purpose

# Foreshore Authorisations

Foreshore leases and licences granted under the Foreshore Act 1933

MARA has administrative responsibility in respect of foreshore authorisations

A holder is entitled to keep their foreshore lease or licence until the end of the term

A holder may apply to MARA to surrender a foreshore lease for a MAC depending upon the maritime usage

A holder may apply to MARA to surrender a foreshore licence for a licence granted by MARA depending upon the maritime usage



# Offences under the MAP Act

Disclosure of  
confidential  
information unless  
authorised or  
required by law

Undertaking a  
maritime usage  
without a MAC or a  
licence

Where a person falsely  
represents themselves  
as an authorised  
officer

Where the holder of a MAC  
fails to carry out certain  
steps arising from the  
breach of a MAC by the  
MAC holder under section  
144A of the MAP Act

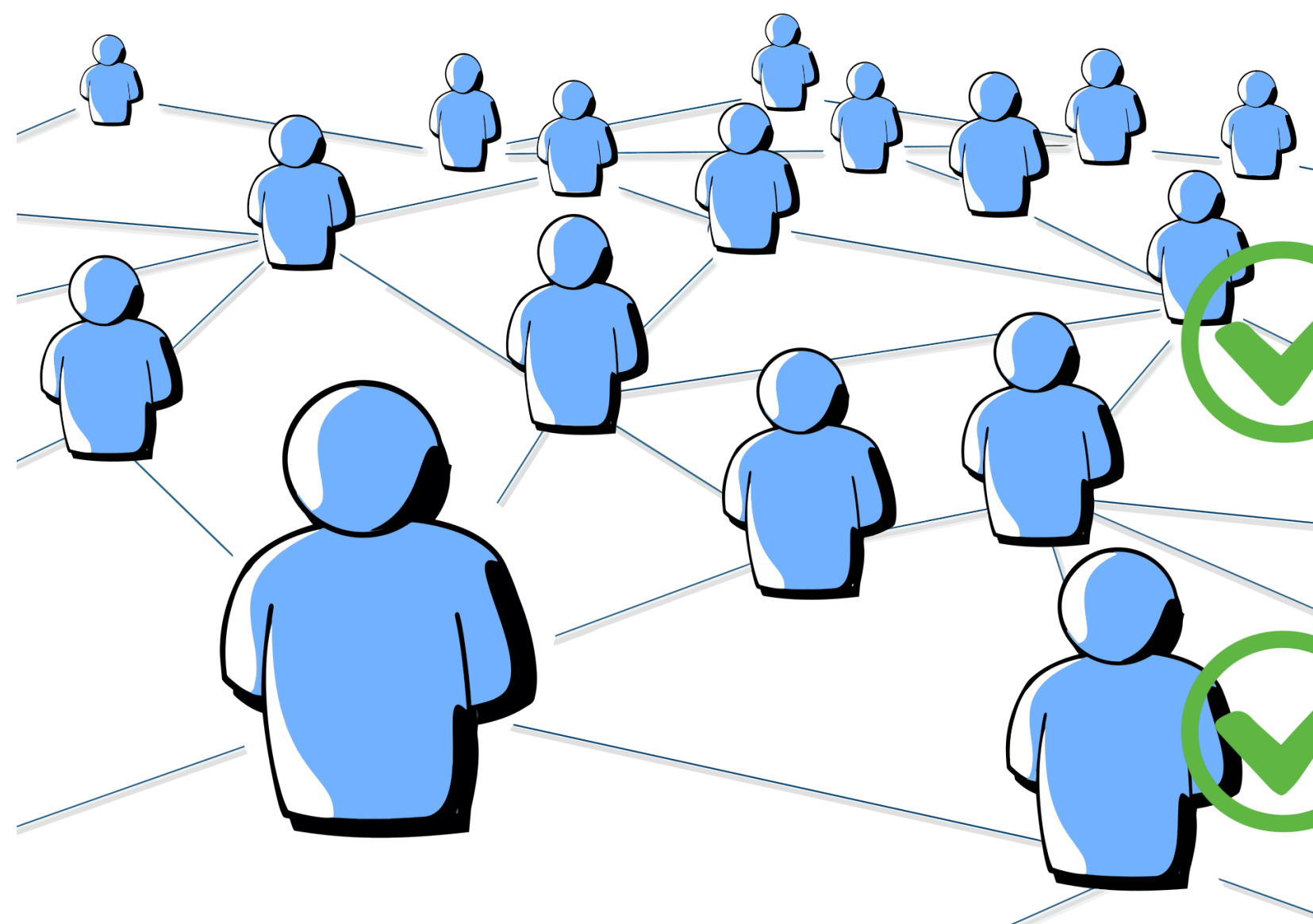
Where the holder of a MAC  
fails to comply with a  
direction of MARA in  
relation to the surrender or  
temporary surrender of a  
MAC or a licence

Where an employer penalises  
an employee for making a  
complaint to MARA in  
relation to a breach of a MAC,  
licence or a planning  
permission to MARA

Where a third party  
reports a breach of a  
MAC, licence or a  
planning permission to  
MARA which they know  
to be false or misleading,  
frivolous or vexatious

# Collaboration with other regulators

MARA is building relationships and agreements with key stakeholders and regulators



Maritime Regulatory Liaison Group (proposed)

Shared understanding of remit, roles, powers, capabilities

Opportunity to share information and knowledge

Scope to leverage existing resources and infrastructure





[www.maritimeregulator.ie](http://www.maritimeregulator.ie)

