

# Introduction to MARA

**Maritime Authorisations, Compliance Enforcement & Revenue**

Presentation to Coastwatch

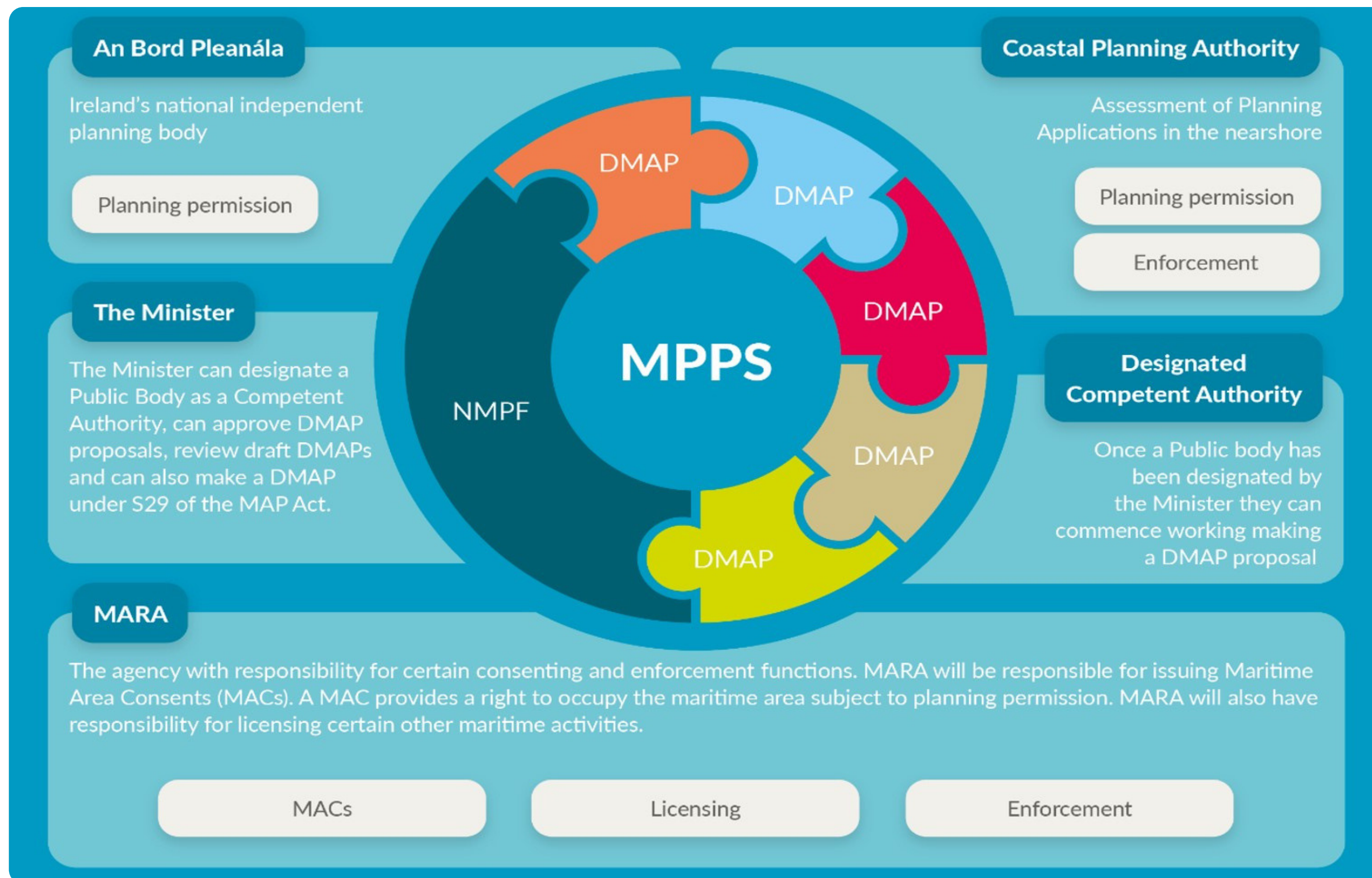
7<sup>th</sup> October 2024



# Presentation

- **Introduction**
- **Maritime Area Consents**
- **Maritime Usage Licensing**
- **Compliance, Enforcement & Revenue Collection**

# Creating a Coherent Marine Planning System



# MARA's Role

*Independent agency to **manage the occupation** of the maritime area and to enforce the provisions of the new planning regime*

## Consenting

- Maritime Area Consent (MAC)
- Maritime Usage Licence

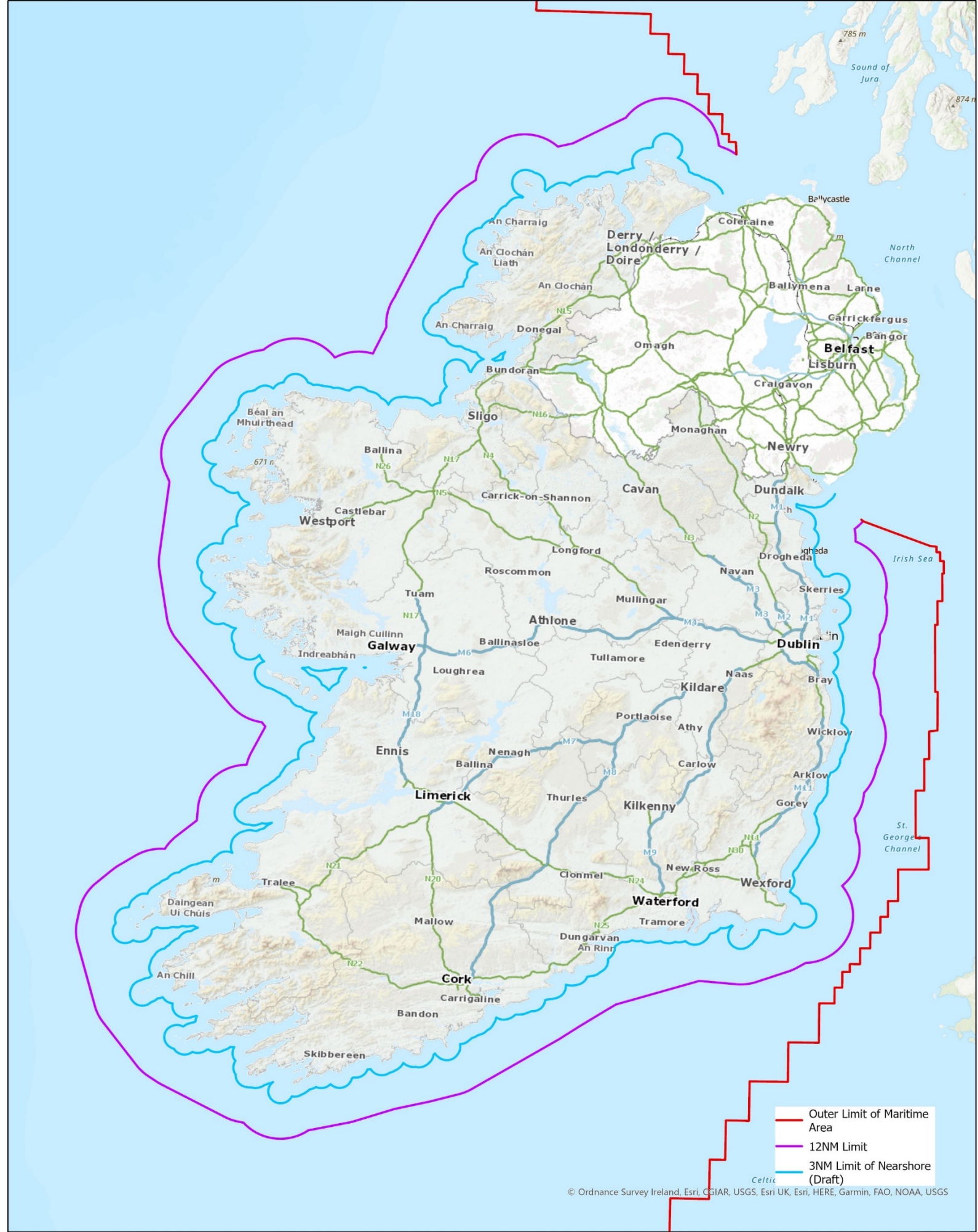
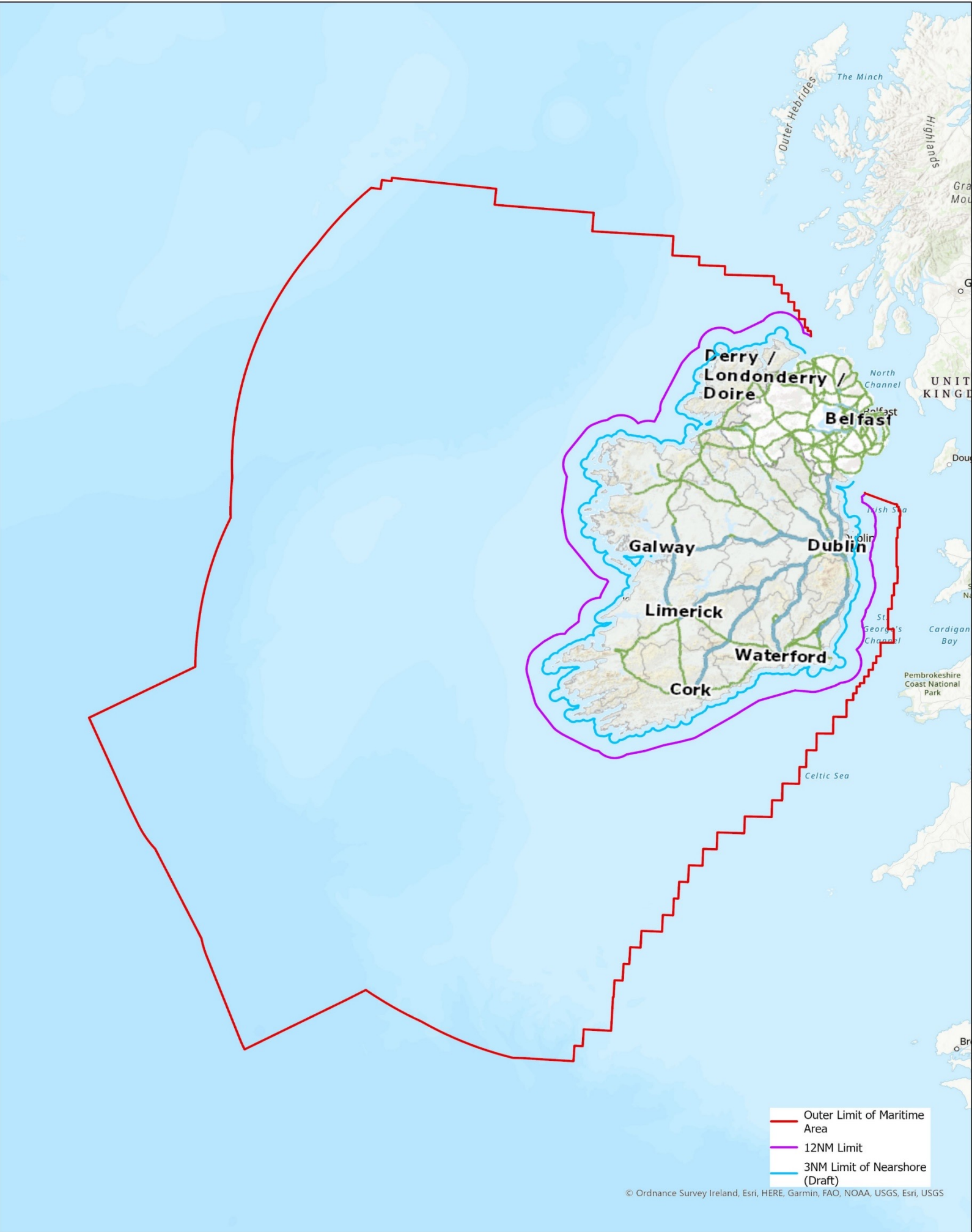
## Compliance

- Enforcement
- Co-operation
- Existing Foreshore authorisations

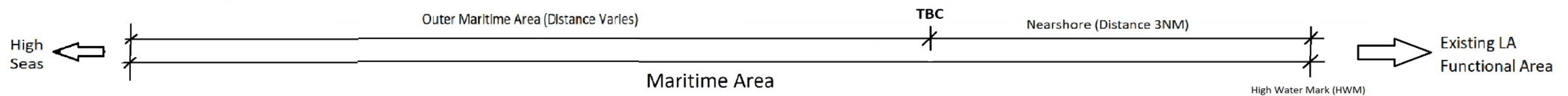
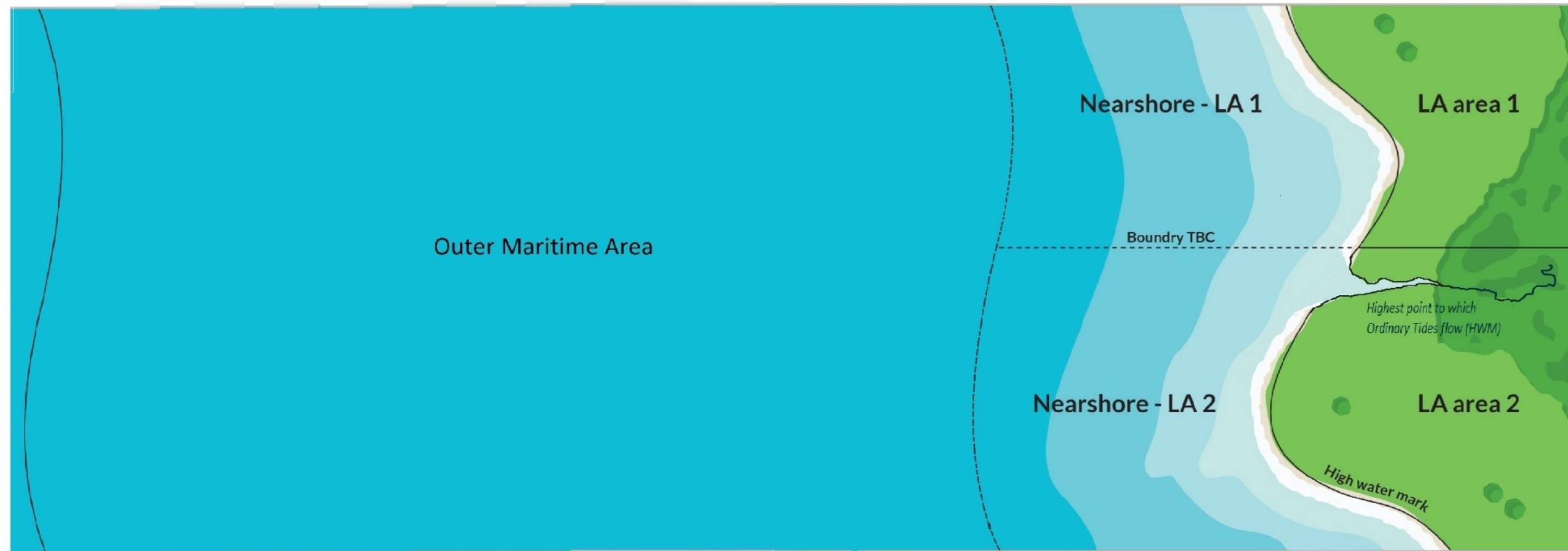


Number 50 of 2021

Maritime Area Planning Act 2021



# Terminology - Nearshore/Outer Maritime Area



# Maritime Area Consent Process Overview

Kate Clark  
Head of Maritime Area Consents  
Maritime Area Regulatory Authority

# 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 (Commissioner 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

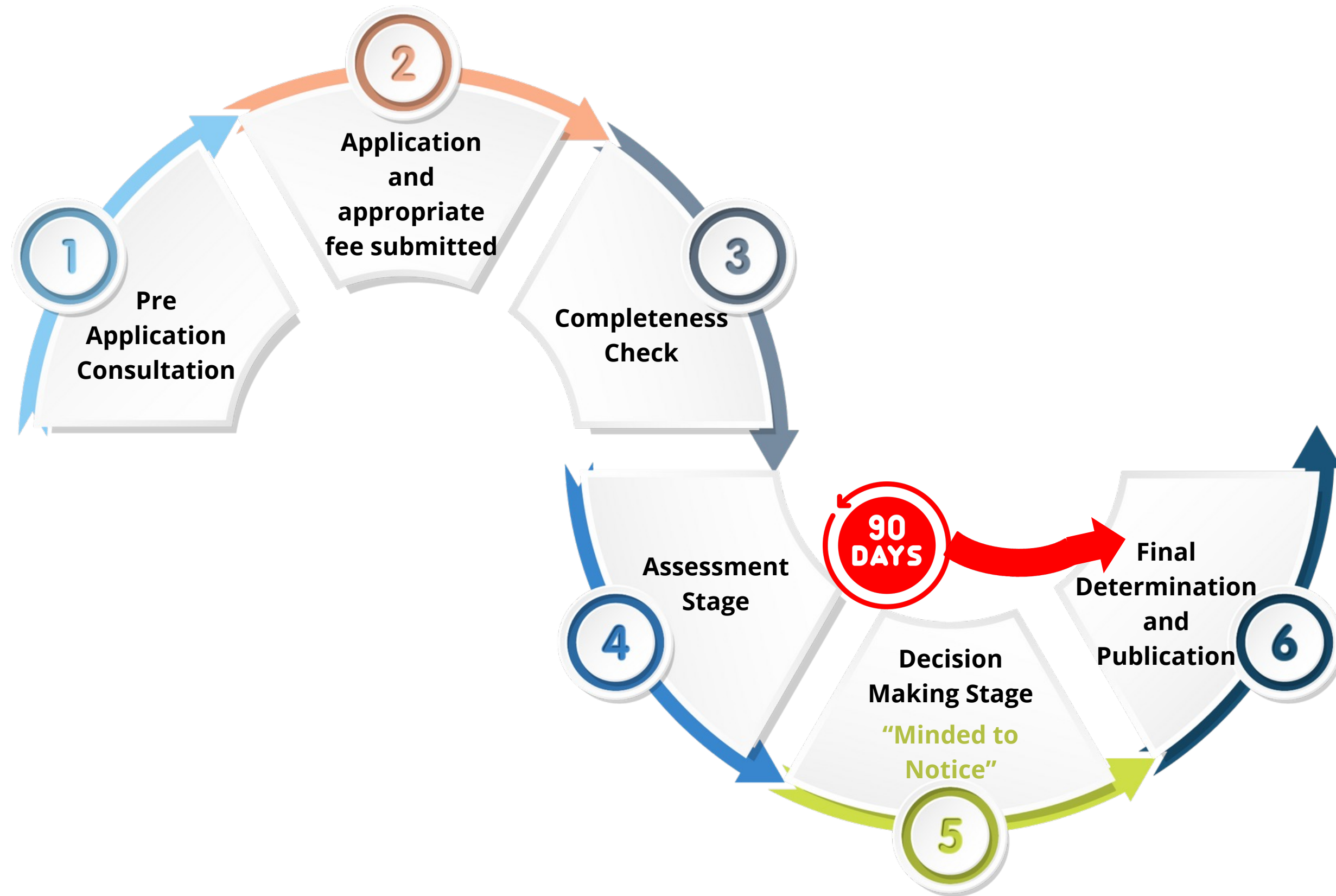


Tourism & Recreation



Coastal Protection/Flood Relief Scheme

# MAC Application Process Overview



# Assessment Process

**Submission of  
Application  
accompanied by  
appropriate fee**

**Publication on MARA  
website**

- Name and address of the applicant,
- nature of the activity,
- location
- The applicant MAC Map

**During  
assessment,  
additional  
information and  
clarifications may  
be requested by  
MARA**

**Once MARA is  
satisfied that the  
applicant has  
complied with all  
requirements (i.e.  
furnished all  
necessary  
information) a 90-day  
target to issue the  
MAC determination  
begins.**



# Assessment Criteria - Schedule 5

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

# 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

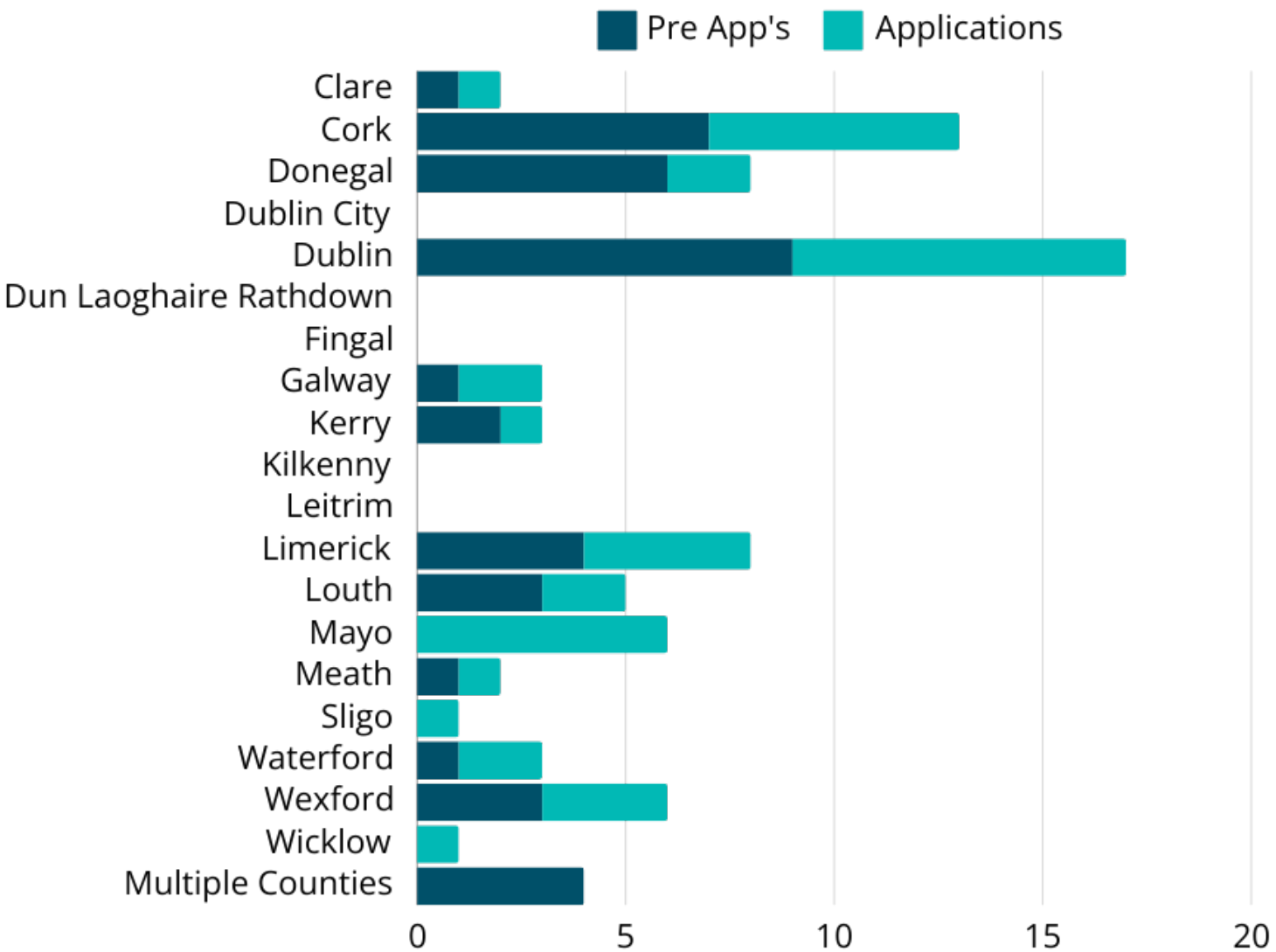
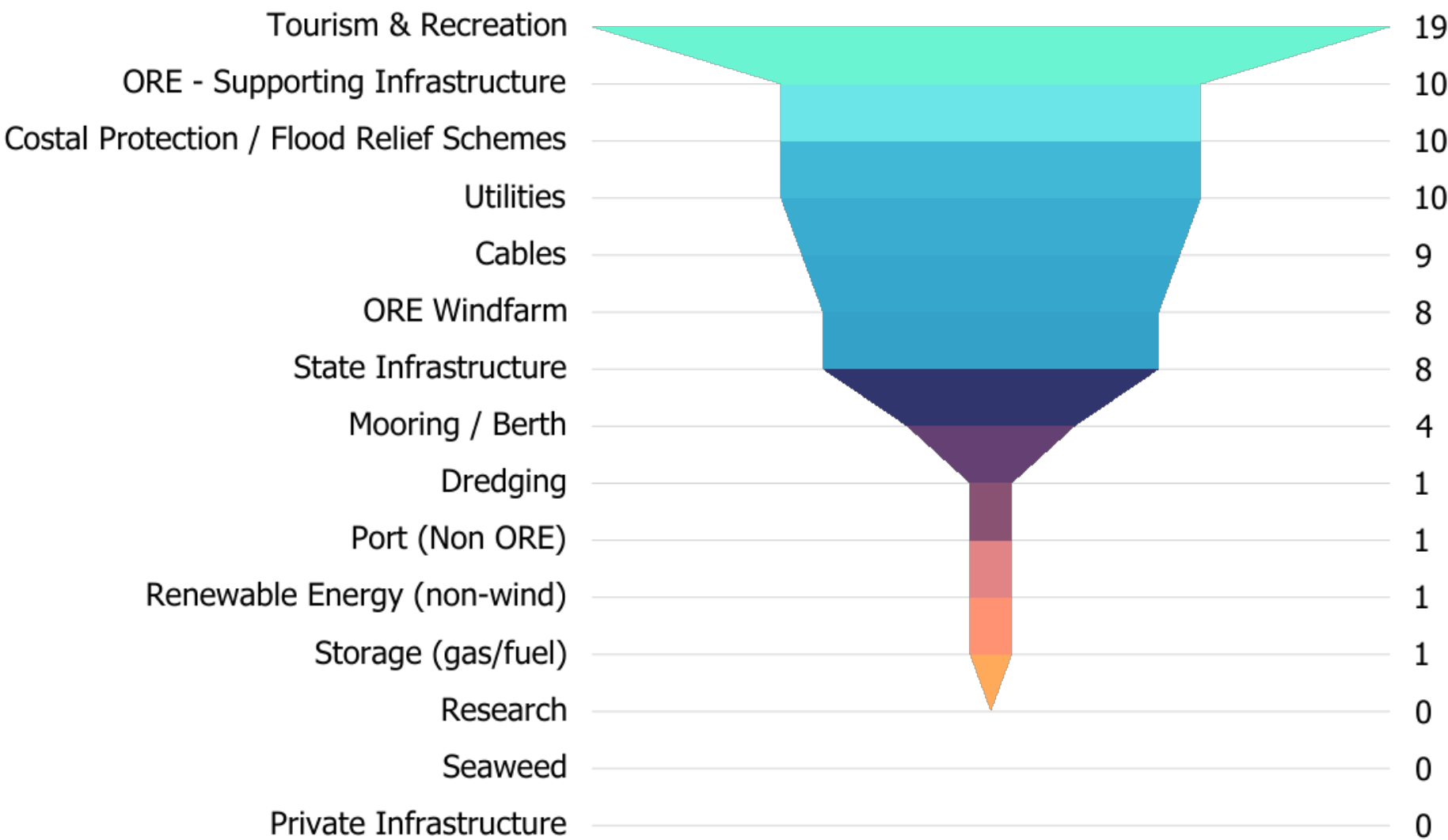


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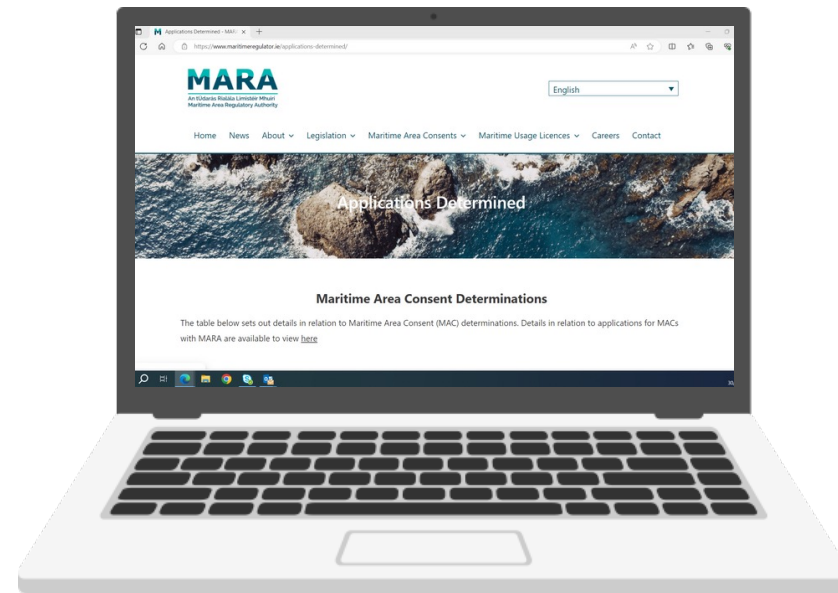
# MARA Activity July 2023 To Aug 2024

MACs

## SYNOPSIS OF THE TYPES OF ACTIVITIES FOR APPLICATIONS & PRE APPLICATIONS REC'D



# Further Details



Further details in relation to the MAC process are available @

<https://www.maritimeregulator.ie/our-work/maritime-area-consents/maritime-area-consent-mac/#>

Details of MAC applications and the applicant MAC are published @

<https://www.maritimeregulator.ie/our-work/maritime-area-consents/applications-received/>

Details of MAC determinations and associated MAC, MAC Map and Casework Reports are published @

<https://www.maritimeregulator.ie/our-work/maritime-area-consents/applications-determined/>

# Maritime Usage Licence (MUL) Process Overview

Dr Alison McCarthy  
Head of Licensing  
Maritime Area Regulatory Authority

# Licencing 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.

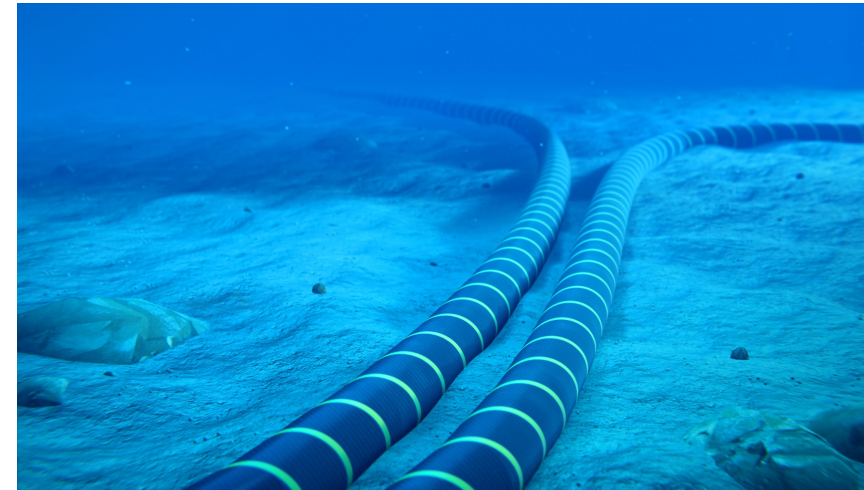
## Usages subject to Licence

- Maintenance Dredging
- Environmental surveys for research and major developments
- Navigational markers not authorised by Commissioner for 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

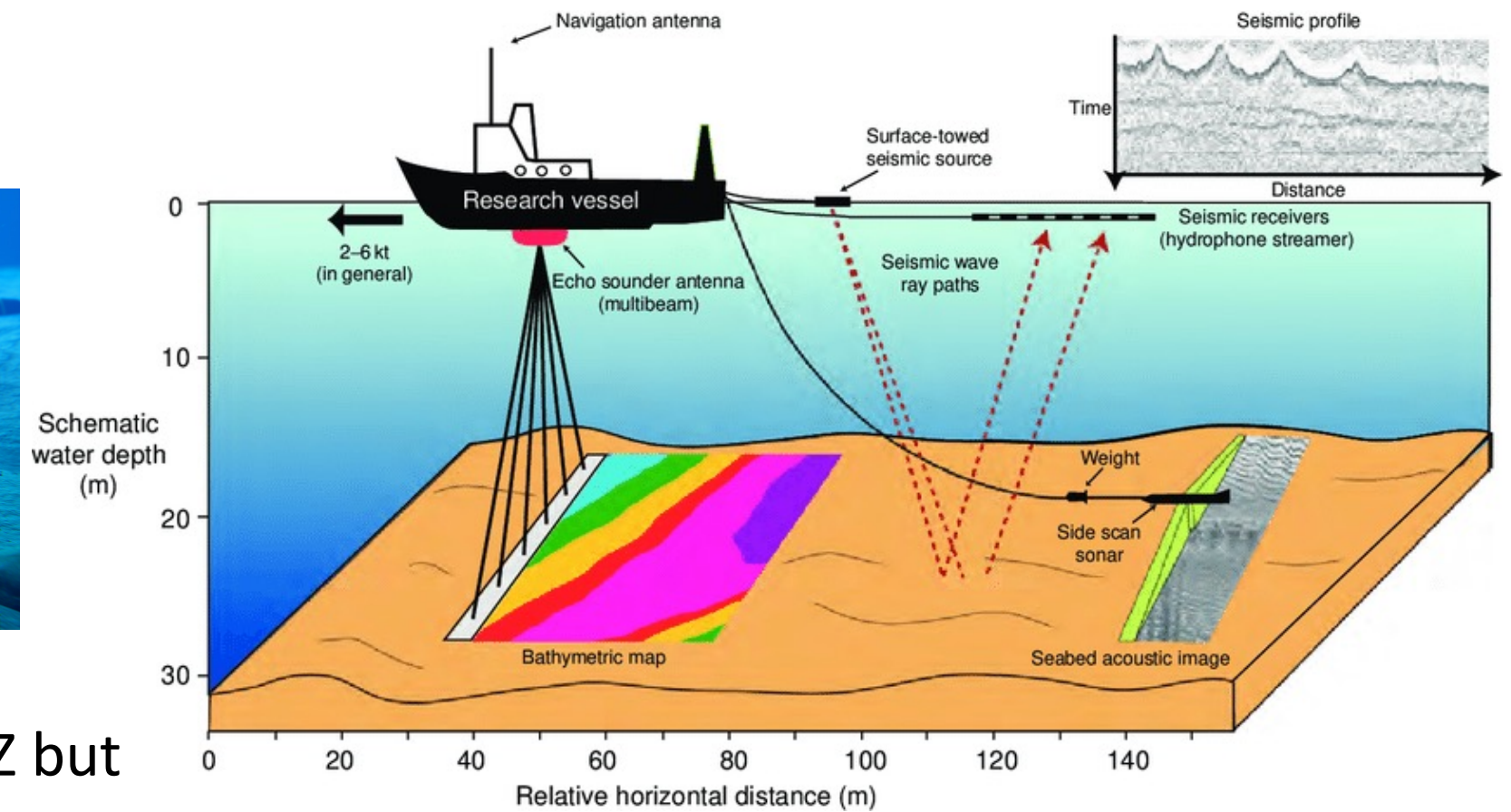
# Examples of Schedule 7 activities



dredging



Laying cables traversing our EEZ but not landing in State



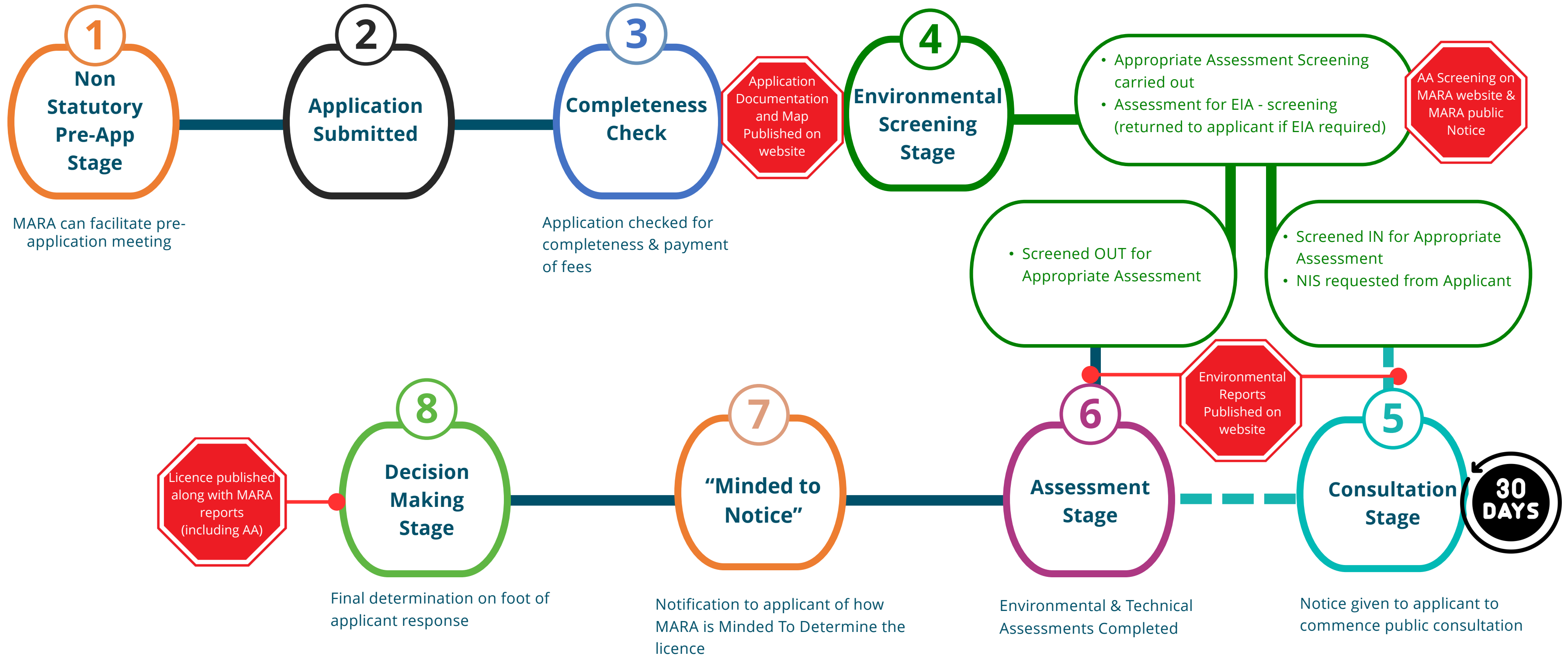
site investigations to support ORE

# Licencing of Maritime Usages

- If an EIA is required, it is not a licensable activity (application returned to applicant)
- For the purposes of Part 5 of the MAPA, MARA is the competent authority for carrying out Appropriate Assessments under the Birds and Habitats Regulations (which cover Special Protected Areas (SPAs) and Special Areas of Conservation (SACs))



# MUL Application Process



# MUL Public Consultation

Section 117(6)(b) of the MAPA sets out the statutory provisions by which MARA should carry out a public consultation where MARA has made a decision that an appropriate assessment is required.

- Public Consultation – requirement
- Minimum of 30 days for public to make submissions
- Public Notice – local/national newspapers and MARA website
- Publication - documents on MARA website
- MARA must consider submissions in the appropriate assessment

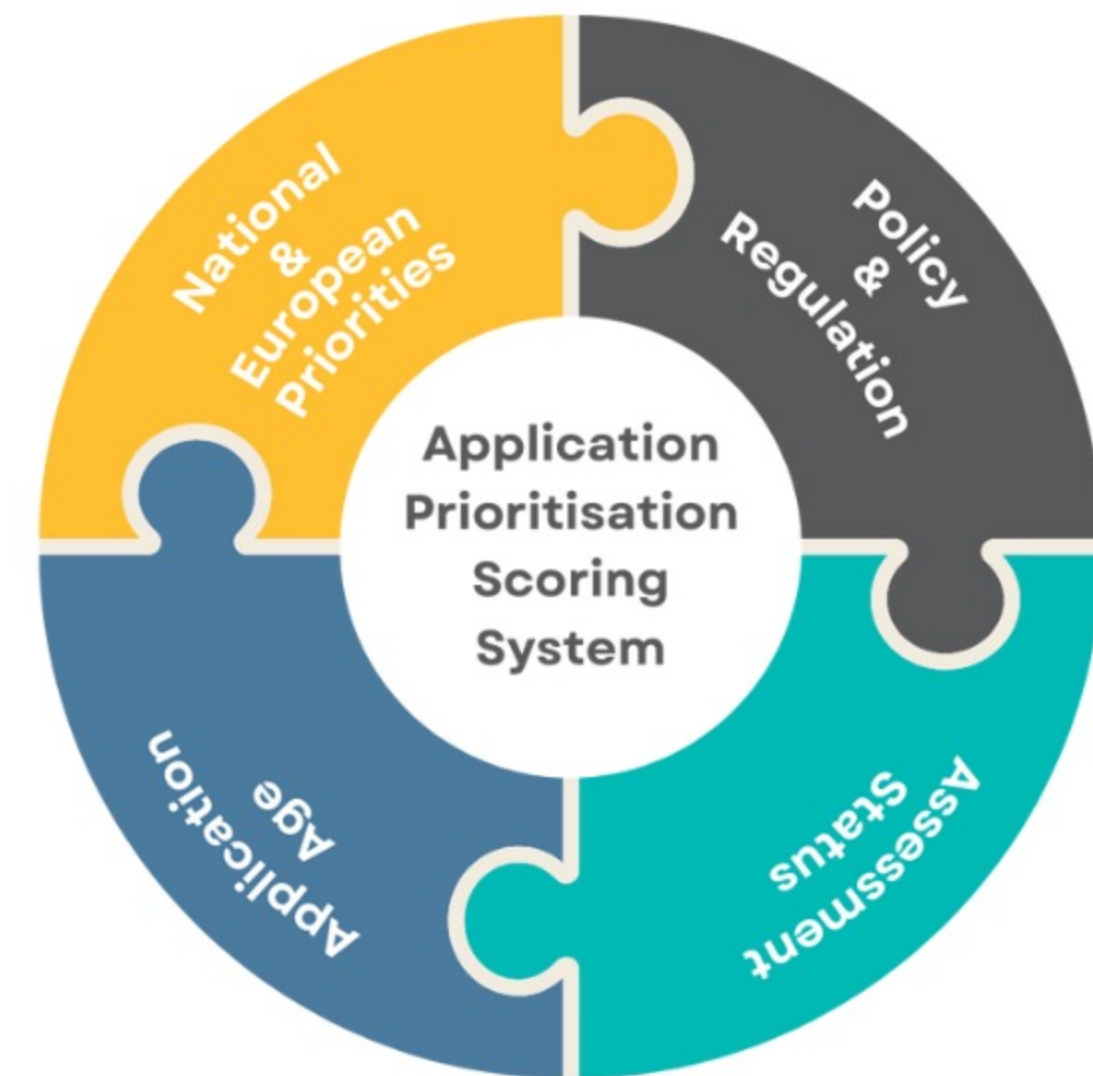




# MARA's Prioritisation Framework

## Application prioritisation criteria

- National and European priorities
- Policy and regulatory
- Assessment Status
- Application Age



**Application Prioritisation Scoring System**

# Licencing of Maritime Usages

## Possible Exemptions

Section 114 of the MAPA enables the Minister to exempt, by regulation, a maritime usage from requiring a licence on two grounds -

1. By virtue of it having little or no impact on the Marine Environment (Marine Institute Project) - ongoing
2. If the activity is covered by another enactment, e.g.
  - CCMA (Bye-Laws)
  - Harbour Authorities (Harbour Bye-Laws)
  - Commissioner of Irish Lights (navigational aids)
  - EPA (dumping at sea)



# Compliance, Enforcement & Revenue Collection

Brendan Kissane  
Head of Enforcement  
Maritime Area Regulatory Authority

# Compliance

**‘MARA will establish a robust compliance assessment framework and a prioritised risk-based enforcement regime’**

- To deliver on this the Authority are establishing compliance assessment criteria for  
  
Maritime Area Consents, Marine Licences and the Foreshore Estate
- MARA has established a complaints handling process and investigate complaints
- MARA will assess compliance against conditions using a risk-based approach (planned and responsive)

# Enforcement

**‘MARA aims to be trusted regulator and to enforce in a fair, proportionate and transparent manner’**

- 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
- To deliver on this MARA is establishing an enforcement policy, building enforcement expertise, investigate complaints of non-compliance and prioritise serious instances of non-compliance for enforcement action
- MARA will build relationships and agreements with key stakeholders and regulators

# Enforcement

## ‘MARA powers – Maritime Area Planning Act, 2021’

- Authorised officers of MARA can undertake investigations and issue enforcement notices and special enforcement notices (for serious breaches) on MAC/Licence holders
- Apply to the High Court to deal with serious breaches of MACs or licences
- 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

# Enforcement

## ‘MARA powers – Maritime Area Planning Act, 2021’

Other enforcement actions include:

- Take prosecutions and injunctions for any unauthorised development including a breach of a development permission within the maritime area
- MARA has enforcement powers of a Planning Authority under the Planning and Development Act 2000 for this purpose
- MARA has a function to administer the existing foreshore authorisations

# Enforcement

## How?

- Part 6 of the MAP Act 2021 (as amended) prescribes the enforcement process for MAC and MULs.
- Part 8 of the P&D Act 2000 (as amended) prescribes the enforcement process for planning permission.
- Pending Planning & Development Bill 2024 Part 11
- Foreshore consents – Foreshore Act 1933 (as amended)

# Enforcement

Who does what?

- MAC and MULs – MARA
- ABP granted development permissions – MARA
- CPA granted development permissions - CPA
- Unauthorised development
  - inside 3nm - CPA in the first instance if associated with a land based activity
  - outside 3nm – MARA
- Foreshore Consents - MARA



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

