

IPI Marine Spatial Planning CPD Series 2024

Maritime Area Regulatory Authority Maritime Area Consents

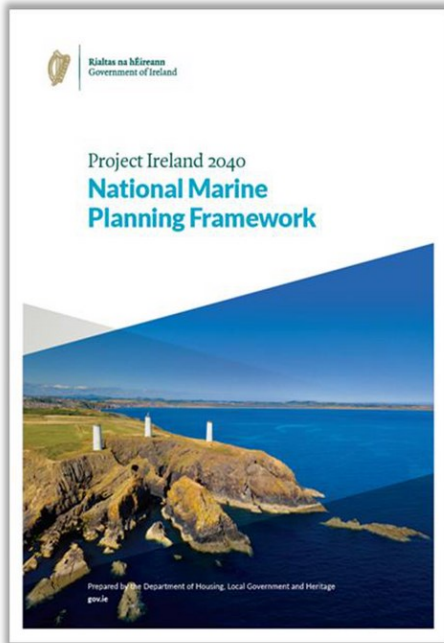
Dr. Karen Creed

Director of Maritime Authorisations

11th October 2024

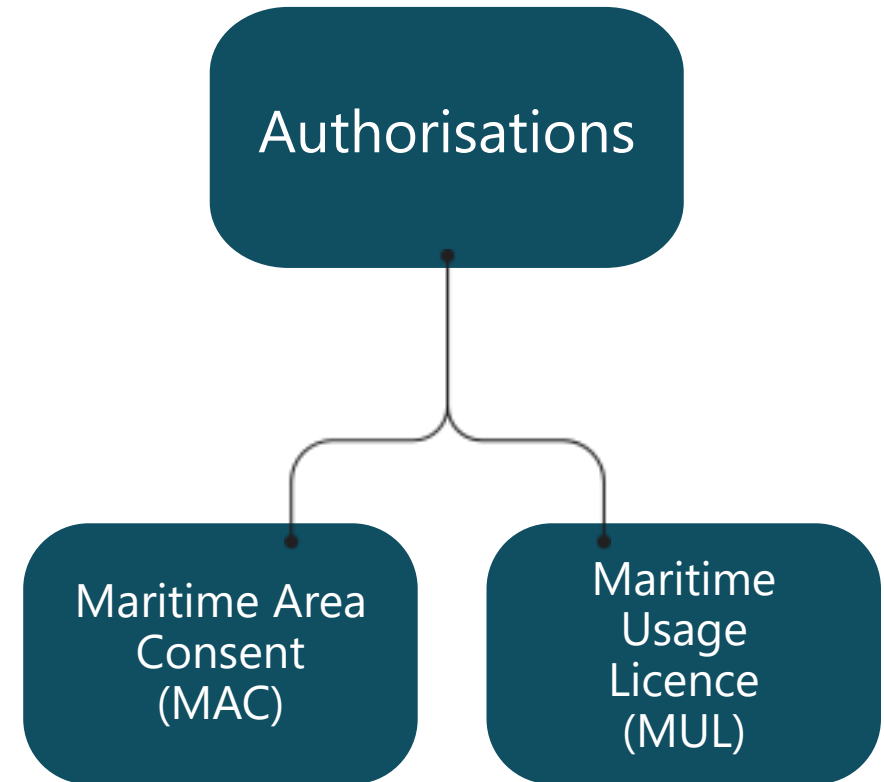
Reform of Marine Management in Ireland

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



Number 50 of 2021

Maritime Area Planning Act 2021



Maritime Area Consents (MAC)

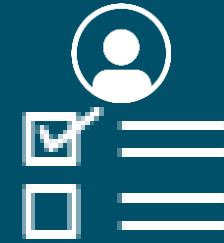


Manages the relationship between the State and the MAC Holder

“right to occupy”



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



Fit & Proper Proper Assessment

- Financial
- Technical



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



No consultation at MAC application

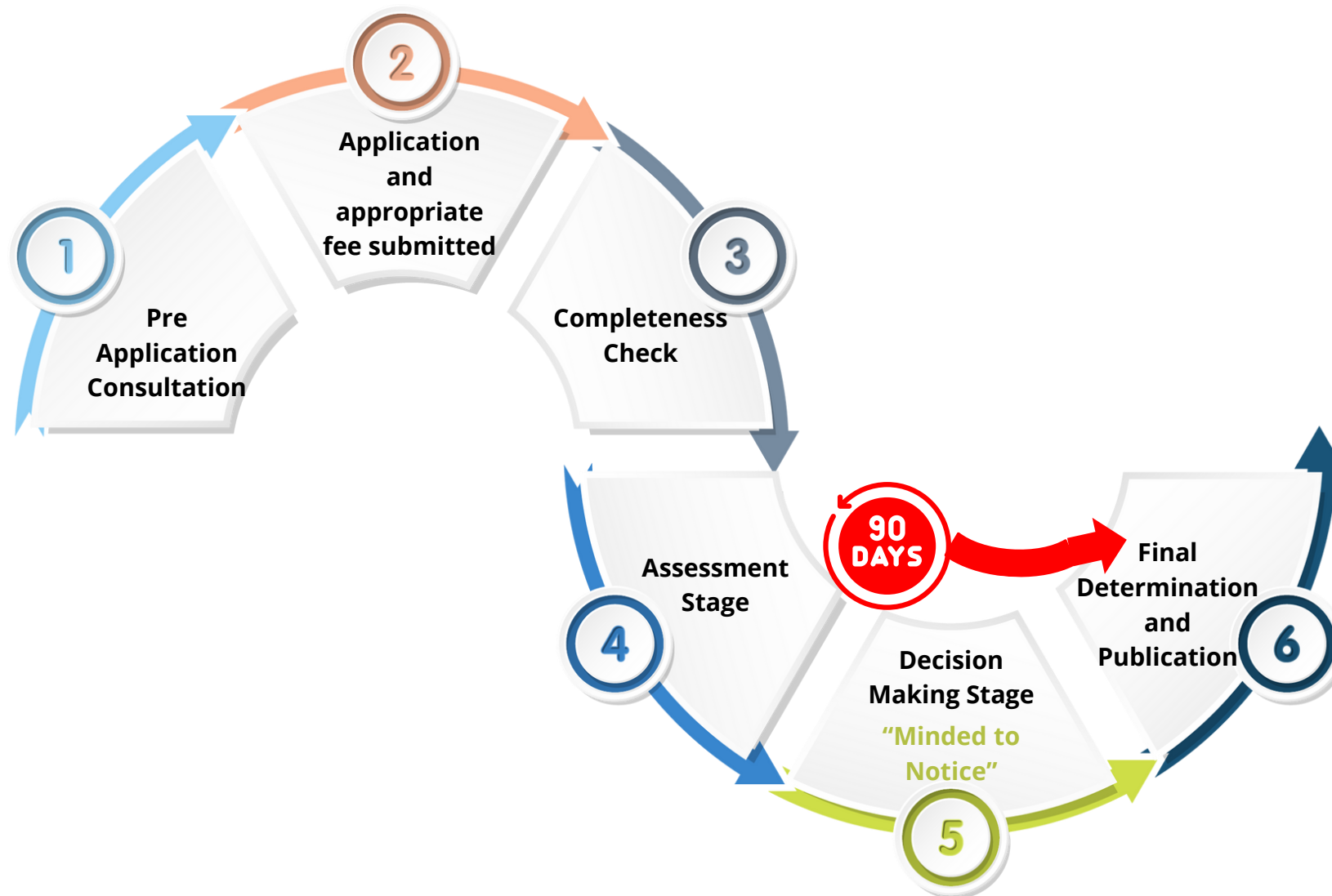


MARA to determine a MAC application within 90 days after an application is compliant



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

MAC Application Process Overview



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.

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



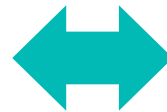
Stakeholder Engagement

Technical Capability Assessment (TCA)

Assesses the applicant's ability to:

- Develop
- Operate
- Decommission/rehabilitate where

Schedule 10 (MAPA)
Projects to ABP for PP








Non-Schedule 10 (MAPA)
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 extend 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

Financial Assessment-Overview

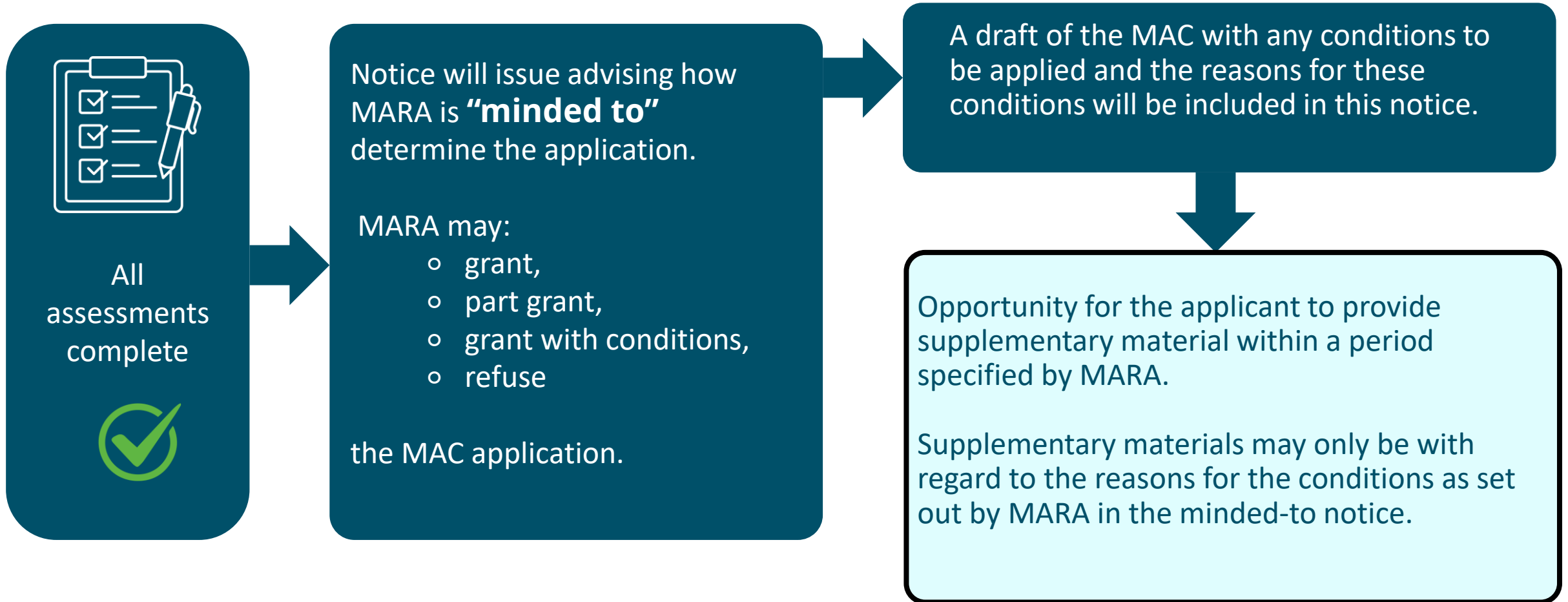
Financial capability assessments are performed as transparently as possible, while providing appropriate levels of flexibility within tests.

“
**Comply or Explain
Approach**
”

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

“Minded to” decision

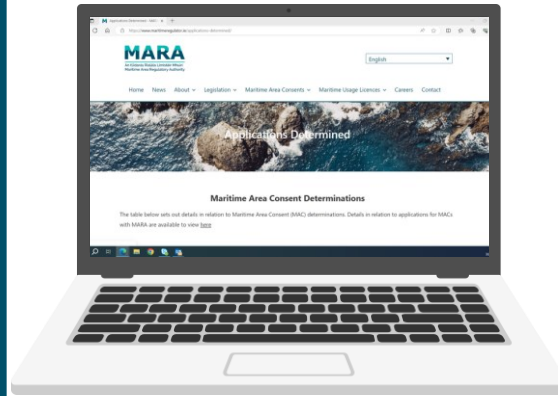


If MARA decides to grant/ part grant or grant with conditions, this notice will include confirmation of the annual MAC Levy to be applied, which will be calculated using the Levy Framework as published on the MARA website.

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 MARA's website.



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

In accordance with section 47(2)(d) of the Maritime Area Planning Act 2021 (the Act), it is a function of the Board of MARA to “design a comprehensive framework for the setting of levies under Chapter 7 of Part 4 [Maritime Area Consents] of the Act.

A levy framework that is transparent, consistent, predictable, & provides certainty to the applicant from the start.

Initial levy framework will not significantly differ from the existing Foreshore charging regime to ensure consistency with charges for existing leases and fair treatment of existing and new users.

Objective of the MAC Levy

1. The levy should provide a return to the taxpayer for the use of the asset in question, namely the space on the sea bed.

2. The structure of the MAC levy should not act as a disincentive to investment.

A standardisation approach will be adopted. The benefits of this approach include:

- keeping the costs of valuation services to the minimum;
- increased efficiencies by eliminating the need to value each individual case;
- increased openness and transparency for both MAC applicants and the public in general.

Levy Framework – Nearshore

- Base annual charge plus a rate per m² (for areas exceeding 100m²)
- Based on multiple tiers depending on geographic location
- All developments within nearshore is charged at the same rate (with non-commercial discounts for public use)
- Boundaries of each tier clearly defined using Electoral Divisions
- All cables, pipelines and ducting will be charged a levy on the same basis – base + rate per linear metre

Levy Framework – Outer Maritime Area*

Two categories of standard charges apply to different types of developments:

1. Area-based charges for – Offshore Wind Farms at development state / Other developments e.g. green hydrogen plants etc.
2. Operational-based charges e.g. for windfarms from COD to decommissioning stage

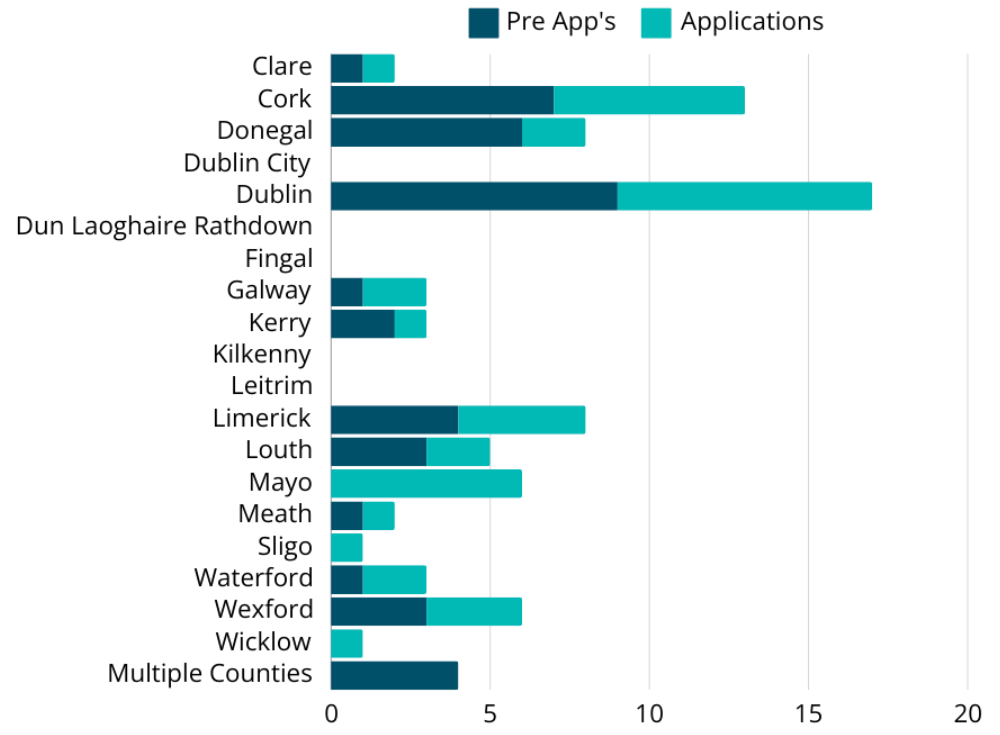
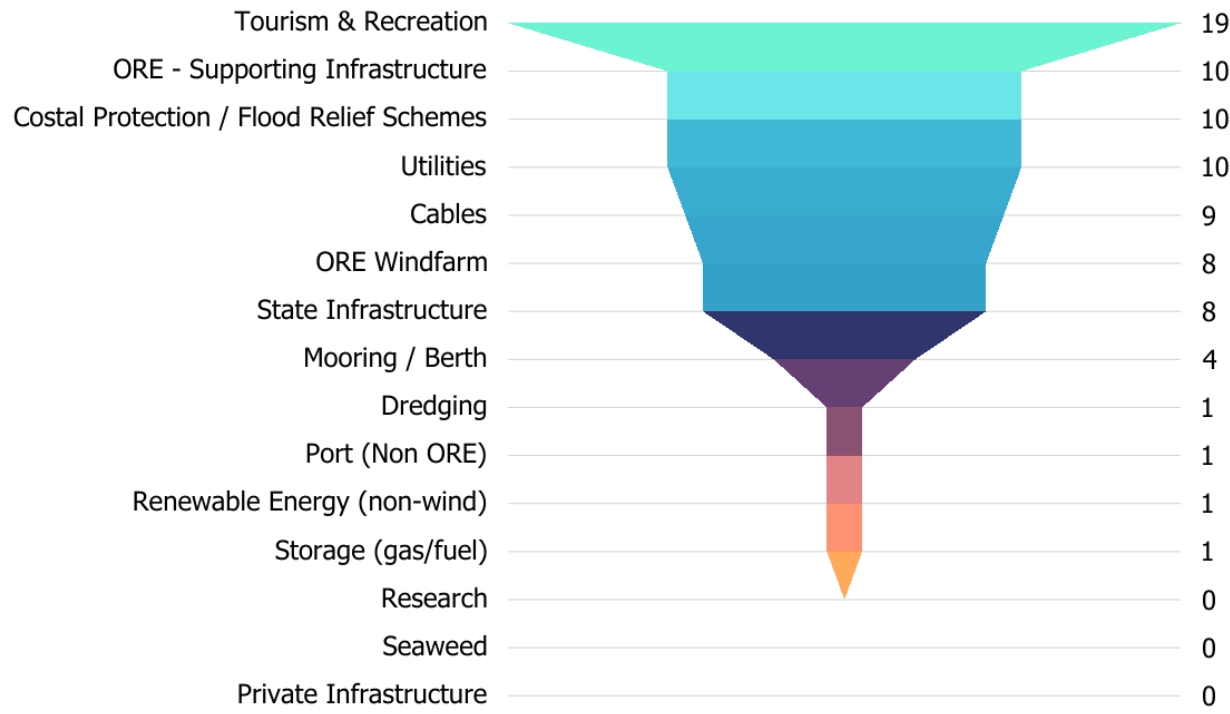
All cables, pipelines and ducting will be charged on same basis of base annual charge plus a rate per linear metre

*Outer Maritime Area includes the entire Maritime Area minus the Nearshore which extends 3NM into the Maritime Area from the legal HWM.

MARA Activity July 2023 To Aug 2024

MACs

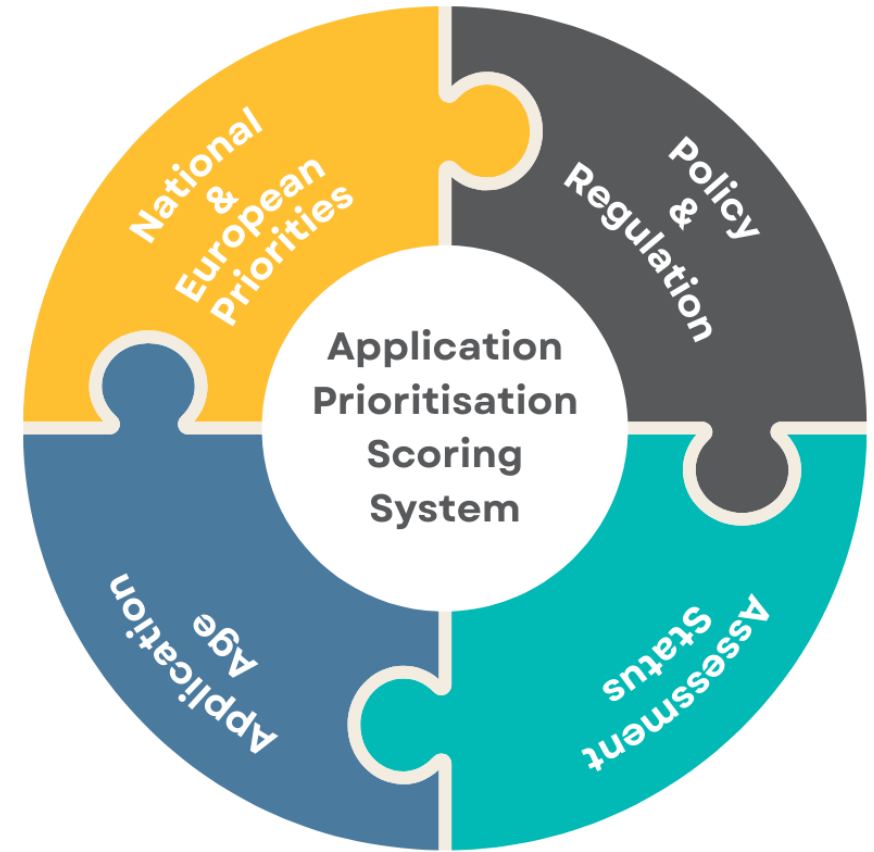
SYNOPSIS OF THE TYPES OF ACTIVITIES FOR APPLICATIONS & PRE APPLICATIONS REC'D



MARA's Prioritisation Framework

Weighting based algorithm that considers

- Phase 1 (Special MACs) from Establishment Day
- Offshore Renewable Energy – in line with Government Decision & plan led regime (DMAPs – led by DECC/DHLGH)
- Ports - critical marine infrastructure to support the delivery and deployment of offshore wind projects
- Telecommunications infrastructure
- Risk to life (emergency Works)
- Policy and Regulatory (DMAP, Climate Action, MSFD, WFD)
- Age of application
- Assessment Status



Application Prioritisation System

Transitional Provisions

Foreshore Authorisation

- MAC- Section105
 - amendments;
 - continue to occupy after expiration of foreshore authorisation; and
 - transfer.

Unauthorised Maritime Usages

- MAC- Section106
 - 5 years from establishment of MARA to apply for authorisation

Retrospective MAC

- Section 75(4) – ABP Applications
 - ABP pre-app consult before Oct 2022
 - Applications to MARA within 2 years of planning consent
- Section-75A – CLA Applications
 - Applications to MARA by 17th July 2023

Financial Capability Guidance Review

The financial capability of a Relevant Person will be assessed by applying the financial tests and thresholds as set out in Financial Capability Guidance.

A Relevant Person that meets the required thresholds will be deemed capable of meeting its Project Costs i.e., any cost or financial commitment in respect of a MAC project.



Section 90: Fit and Proper Declaration

A white icon consisting of the number '90' inside a rounded square border, centered on a dark teal background.

Section 90 process for
designating certain
organisations as fit & proper

Competitive MACs



For enhanced societal benefit and certainty the option of using non price criteria (as well as price) criteria in the MAC award process is something MARA is keen to explore – examples include biodiversity net gain, deliverability and possibly measures on the supply chain.



Strategy & Stakeholder Engagement

Statement of Strategy

- In line with legislative and the Code of Practice requirements, MARA delivered its initial Statement of Strategy within 12 months of establishment.
- The public launch of the strategy is planned for Q4 2024.





www.maritimeregulator.ie

