

Overview of the Consenting and Regulatory Authorities Roles and Responsibilities for Maritime Developments and Usages

April 2026

Introduction

This document provides an overview of Consenting Authorities roles and responsibilities for Maritime Developments and Usages.

The scope of the information herein is limited to:

- ▶ Maritime development under the Maritime Area Planning Act, 2021 (as amended) [MAP Act 2021]
- ▶ Maritime Planning Requirements under the Planning & Development Act, 2000 (as amended) [2000 Act]
- ▶ Relevant and commenced Maritime Planning Requirements under the Planning & Development Act, 2024 [2024 Act]

This document sets out the consultation, consenting, compliance and, where relevant, enforcement roles of Maritime Area Regulatory Authority (MARA), Coastal Planning Authorities (CPAs) and An Coimisiún Pleanála (ACP).

Understanding the roles of each of the consenting authorities, and how they interact, within the new streamlined, modernised system for maritime consenting, provides clarity and demonstrates the robust oversight and safeguards for the marine environment.

This document was prepared by MARA in conjunction with ACP, CPA and the Office of the Planning Regulator (OPR).

Disclaimer:

This document is for general guidance only and should not be considered a legal interpretation of relevant legislation. It cannot be relied upon as containing, or as a substitute for legal or other professional advice.

The document has been prepared to take into account the relevant commencement orders of the Planning and Development Act, 2024 and in particular commencement of Part 17 in respect of An Coimisiún Pleanála, at the date of publication.

Glossary and Key Terms

Nearshore

In relation to a CPA, from the high water mark to 3nm (in accordance S.5 MAP Act).

Outer maritime area

The area beyond the Nearshore to the outer limit of the Irish EEZ (Exclusive Economic Zone).

Maritime Usage/Usage:

...any activity, operation, works or development undertaken in that area for any purpose (including conservation), and includes— (a) the construction or use, or both, of any infrastructure in that area associated with, or otherwise supporting, the activity, operation, works or development, and (b) the maintenance of such infrastructure, and references in this Act to “proposed maritime usage” shall be construed accordingly.

Planning permission:

As defined under 2000 Act.

Development permission:

As its defined in S.2 of the MAP Act as being any permission within the meaning of S.2 of the 2000 Act.

...in relation to any maritime usage which, if undertaken, would be development, means any permission (including any alteration thereto), within the meaning of section 2 of the Act of 2000, required under that Act in order for the undertaking of such usage to be lawful.

Rehabilitation Schedule and Planning Rehabilitation Schedule:

As defined in Section 95 Chapter 8, the MAP Act.

AA: Appropriate Assessment
ACP: An Coimisiún Pleanála
CPA: Coastal Planning Authority
DAFM: Department of Agriculture Food and the Marine
DCEE: Department of Climate, Energy and the Environment
DHLGH: Department of Housing, Local Government and Heritage
EIA: Environmental Impact Assessment
EPA: Environmental Protection Agency
LGMA: Local Government Management Agency
MAC: Maritime Area Consent
MAP Act: Maritime Area Planning Act 2021, as amended
MARA: Maritime Area Regulatory Authority
nm: nautical mile
MUL: Maritime Usage License
OPR: Office of the Planning Regulator
SID: Strategic Infrastructure Development
2000 Act: Planning and Development Act 2000, as amended
2024 Act: Planning and Development Act 2024

Maritime Area Regulatory Authority (MARA)



Regulatory Roles and Responsibilities



Authorisation of:

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



Prescribed body for consultation on **ALL** types of planning consents under the planning acts.

This means that planning authorities are required to consult with MARA on all maritime planning applications, including those that are located within the maritime area, could affect it, or involve land below the high water mark.



Compliance/enforcement and oversight of:

MACs
MULs
Foreshore Authorisations [under section 43(1)(i) MAP Act]
Planning permission and conditions [where the planning application was made directly to ACP]
Unauthorised maritime usage (MAC and MUL activities)
Unauthorised maritime development [in the outer maritime area and/or straddling two or more CPAs]

Coastal Planning Authorities (CPA)

Regulatory Roles and Responsibilities

Note: roles and responsibilities relate to development situated in a single CPA functional area and excludes the outer maritime area.



May enter into **pre-application consultation** [S.247 of the 2000 Act] with an applicant who has an interest in the nearshore area and has obtained a MAC or foreshore lease or licence. (CPA may liaise with MARA in order to verify the applicant's interest in the nearshore area.)



Determine **planning applications** for developments* within its functional area.

* Developments that are either wholly in the nearshore area, or partly on the nearshore of that CPA and partly on land.



Issue **declarations** on development and exempted development [S.5 of the 2000 Act] within its functional area.

[Note the CPA may refer any question under S.5 to ACP.]



Responsible for **compliance** oversight and **enforcement** of planning permission.

Responsible for enforcement of **unauthorised development** within the nearshore area.

An Coimisiún Pleanála (ACP) Regulatory Roles and Responsibilities



Undertakes mandatory pre-application consultation for all developments to which Part XXI Chapter 3 of the 2000 Act applies

Optional consultation to seek the opinion from ACP as to **flexibility on design** prior to submitting the application under **S.287B of the 2000 Act.**



Determines applications for permission for certain developments including:

- ▶ Development in the outer maritime area (in part/wholly).
- ▶ Development in the nearshore of more than one coastal planning authority (CPA).
- ▶ Marine development listed under the **Eighth Schedule of the 2000 Act.**
- ▶ Local Authority 'own' development in nearshore of a CPA where AA and/or EIA is required.

Determines appeals on CPA decisions.



Issue Declarations on Development and Exempted Development.

- ▶ within CPA functional areas under **S.5 of the 2000 Act** (including referrals directly by CPA).
- ▶ within outer maritime area under **S.314 of the 2000 Act**.



Compliance oversight of planning conditions and design flexibility conditions.



No role in enforcement.

Section 5 Declarations: Exempt Development [2000 Act]

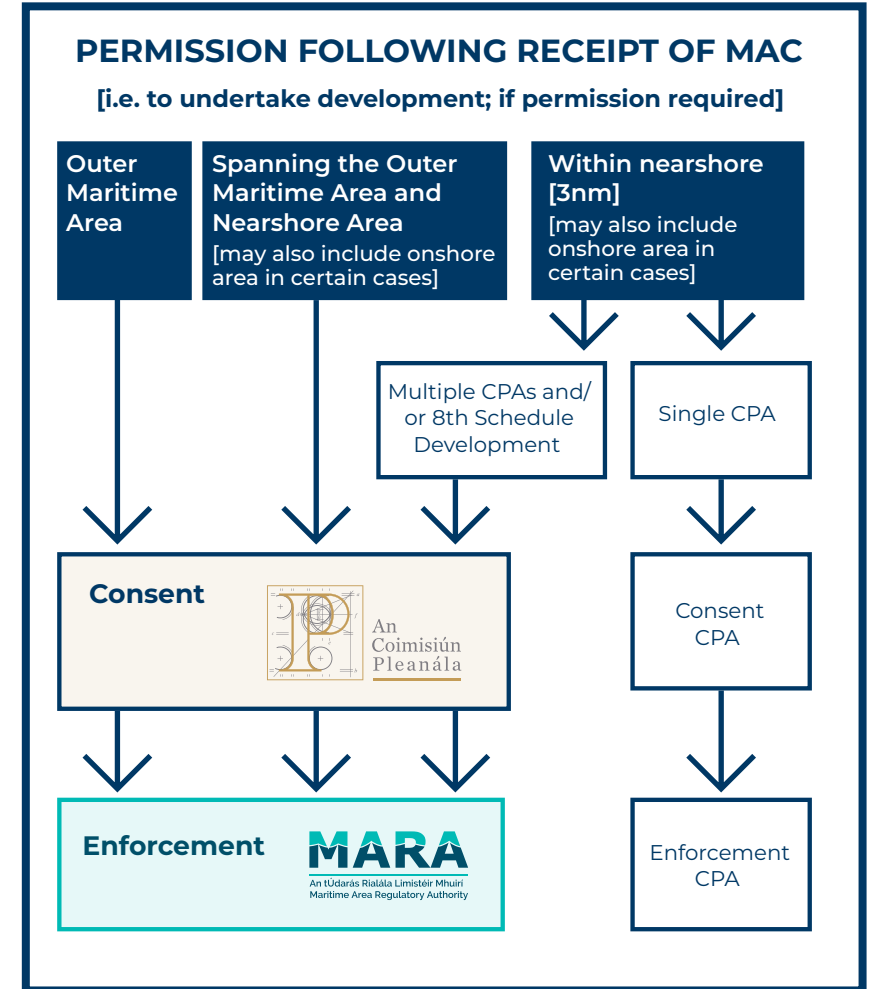
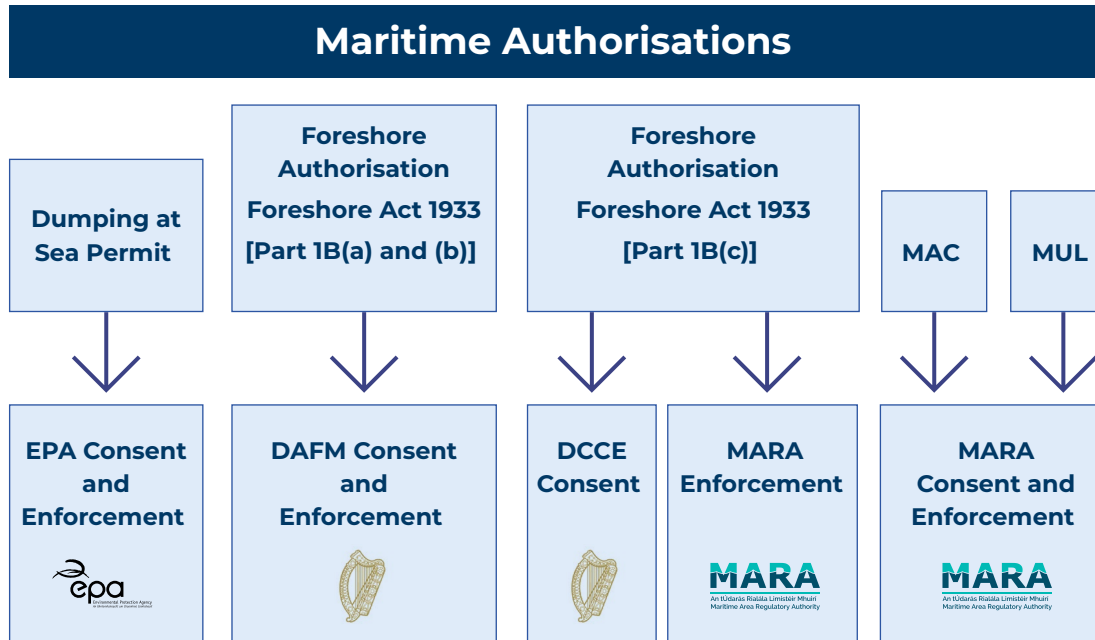


A MAC is **not** required to be in place prior to a prospective applicant seeking a S. 5 declaration from the CPA / ACP.



On issue of a S.5 declaration of exempted development by the CPA/ ACP, the applicant will need to apply to MARA for a MAC under the MAP Act. [S.79 on the basis of S.76].

Consenting Authorities Responsibilities for Maritime Development



Important Notes:

Development permission applications can only be made after a MAC has been granted, unless:

- i. Retrospective provisions Section 75A or 75(4) of the MAP Act apply;
- ii. An application with the foreshore unit exists prior to 17 July 2023 for the purposes of the development on the maritime site;
- iii. A foreshore authorisation provides for the maritime usage for which development permission is sought.

A maritime consent cannot be granted where

- i. The maritime area is privately owned.; or
- ii. The maritime usage is a licensable activities exempt from planning (Section 4(1A)(f) of P&D Act); or
- iii. Maritime usage is specified in Schedule 3 and 4 of MAP Act.

Summary of Maritime Development Consultation Requirements

ACP maritime applications:



- ▶ ACP *may* direct applicant to send copies of application to CPA.
- ▶ ACP *may* direct applicant to send copies of application to prescribed bodies.
- ▶ ACP *may* before making a decision on maritime application invite MARA, any CPA, the EPA, Ministers of DHLGH, DAFM, DCEE to make a submission or observation.
- ▶ ACP shall have regard to submissions or observations made by prescribed bodies (where received).



Relevant Regulations:



- ▶ **23+ Prescribed bodies.**
 - ▶ See Schedule 1 of Regulations for applications made to ACP:
S.I. No. 100/2023 - Planning and Development (Maritime Development) Regulations 2023 prescribed for Chapter III of Part XXI of the P&D Act 2000 (as amended) ACP applications.
- Note:** these additional prescribed bodies are not prescribed for Chapter II (CPA applications)].



CPA Nearshore applications:



- ▶ Applications are made under and in accordance with S.34 of the 2000 Act.
- ▶ CPA shall have regard to any submission or observation made by prescribed bodies [S282(h) of 2000 Act].



Relevant Regulations:



- ▶ Article 28 of 2001 Planning Regulations sets out requirements for notice to certain bodies.
 - ▶ Where a submission/observation is not received within 5 weeks of receipt of an application the CPA may determine the application without further notice.
- Note:** Article 28 (1)(u) of the Regulations requires the Minister for Communications, Marine and Natural Resources to be notified where development might impact the foreshore.



MARA is prescribed body for ALL maritime development applications

- ▶ Reference to prescribed body shall include a reference to MARA. [see Section 279A of 2000 Act].

Note: For the purposes of consultations on maritime planning applications MARA would welcome early notification by email to consultation@mara.gov.ie.



Process Flow Charts

Four typical processes have been set out in indicative process flow charts to illustrate the steps and role of the applicant(s) and consent bodies/departments:

1 Development in nearshore of a single CPA.

2 Development in outer maritime area i.e. new proposed development where a MAC under Section 75 of the MAP Act is required.

Note: new projects for **approval** under the Roads Act 1993 and the Transport (railway infrastructure) Act 2001, do not require a MAC prior to pre-application consultation with ACP.

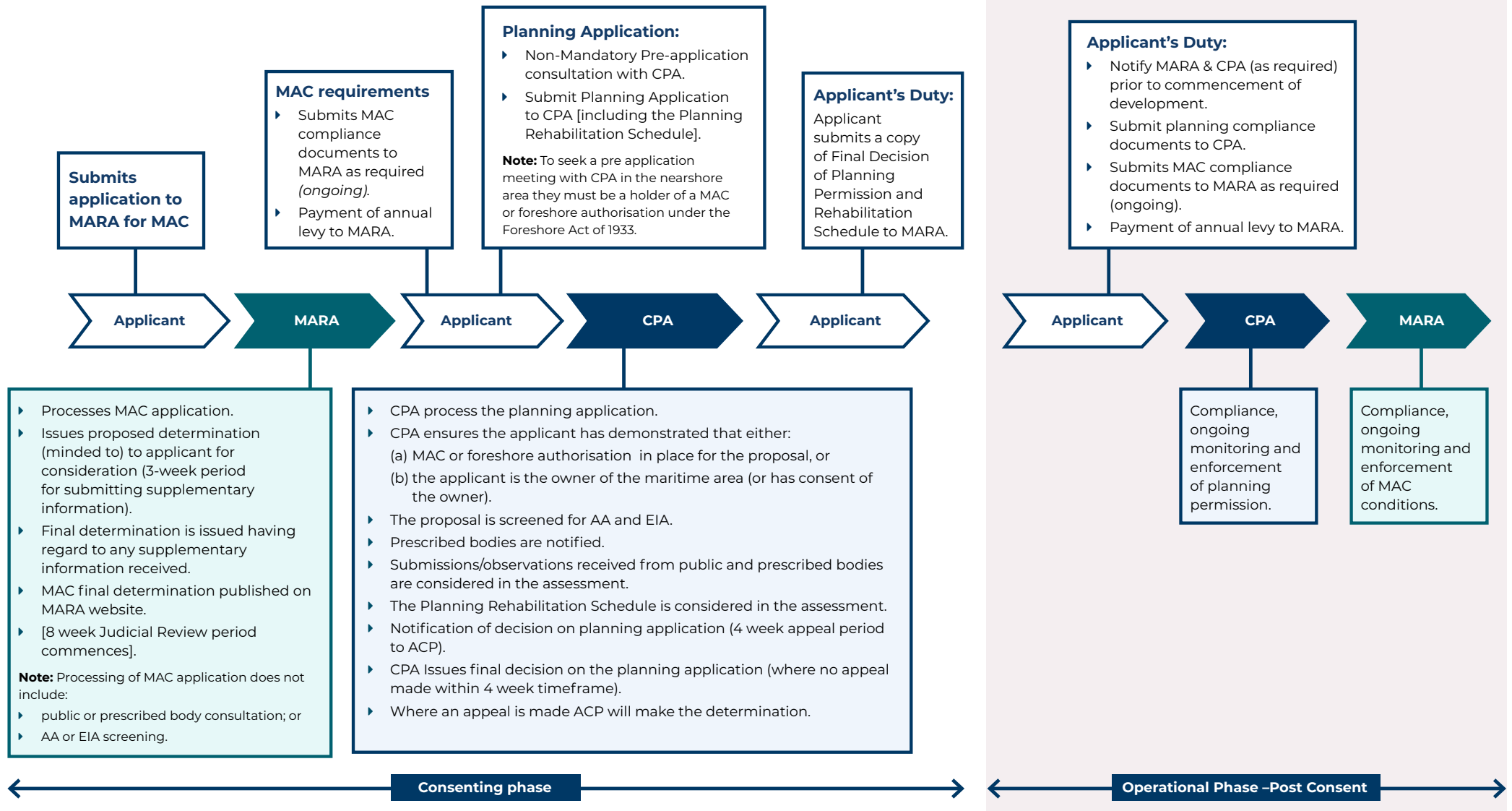
3 MAC Application for Existing Projects.

4 MAC Application for New Projects.

Note: new projects for **approval** under the Roads Act 1993 and the Transport (railway infrastructure) Act 2001, do not require a MAC prior to pre-application consultation with ACP.

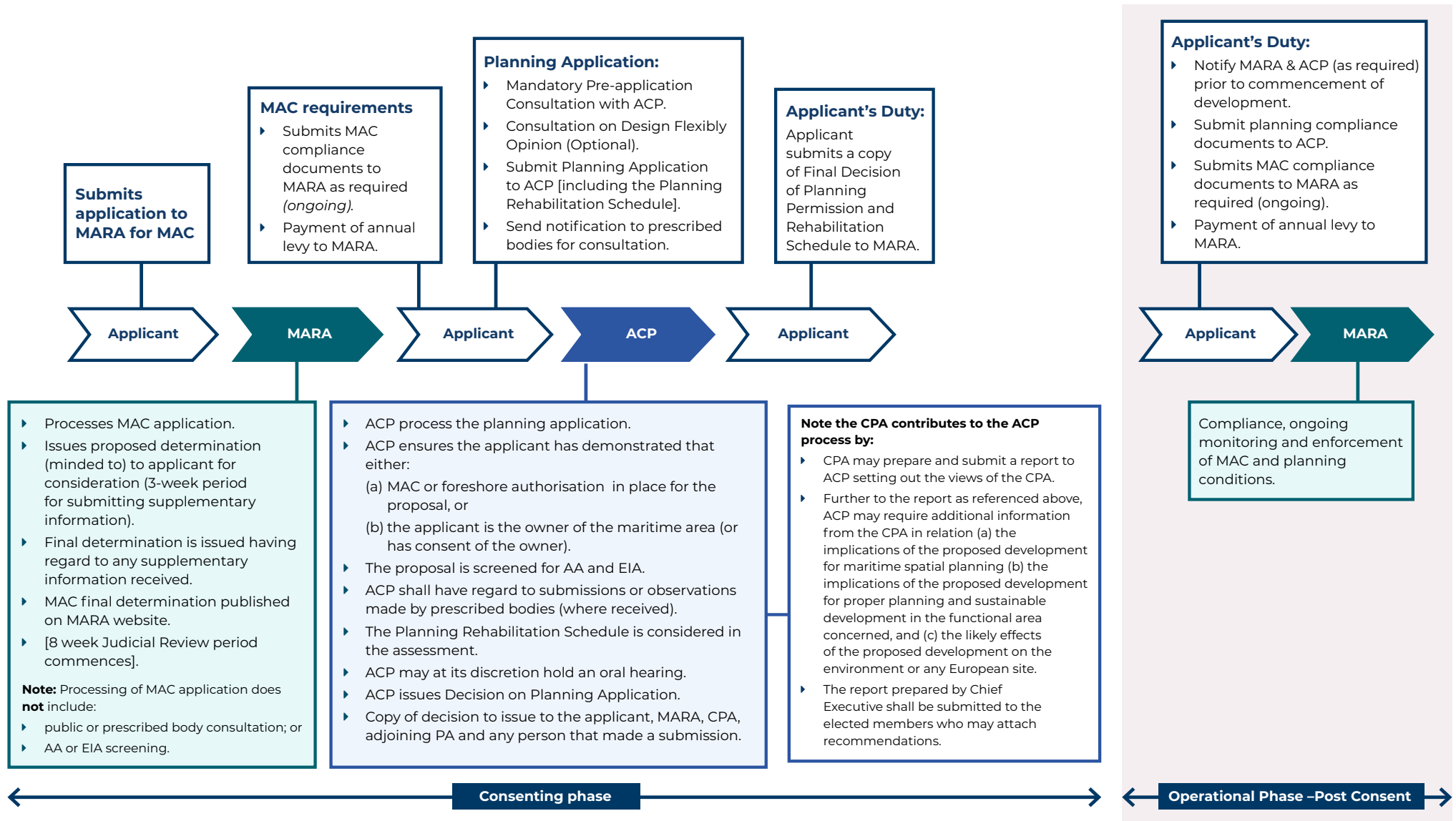
Indicative Process Flowchart 1

Development in nearshore of a single CPA



Indicative Process Flowchart 2

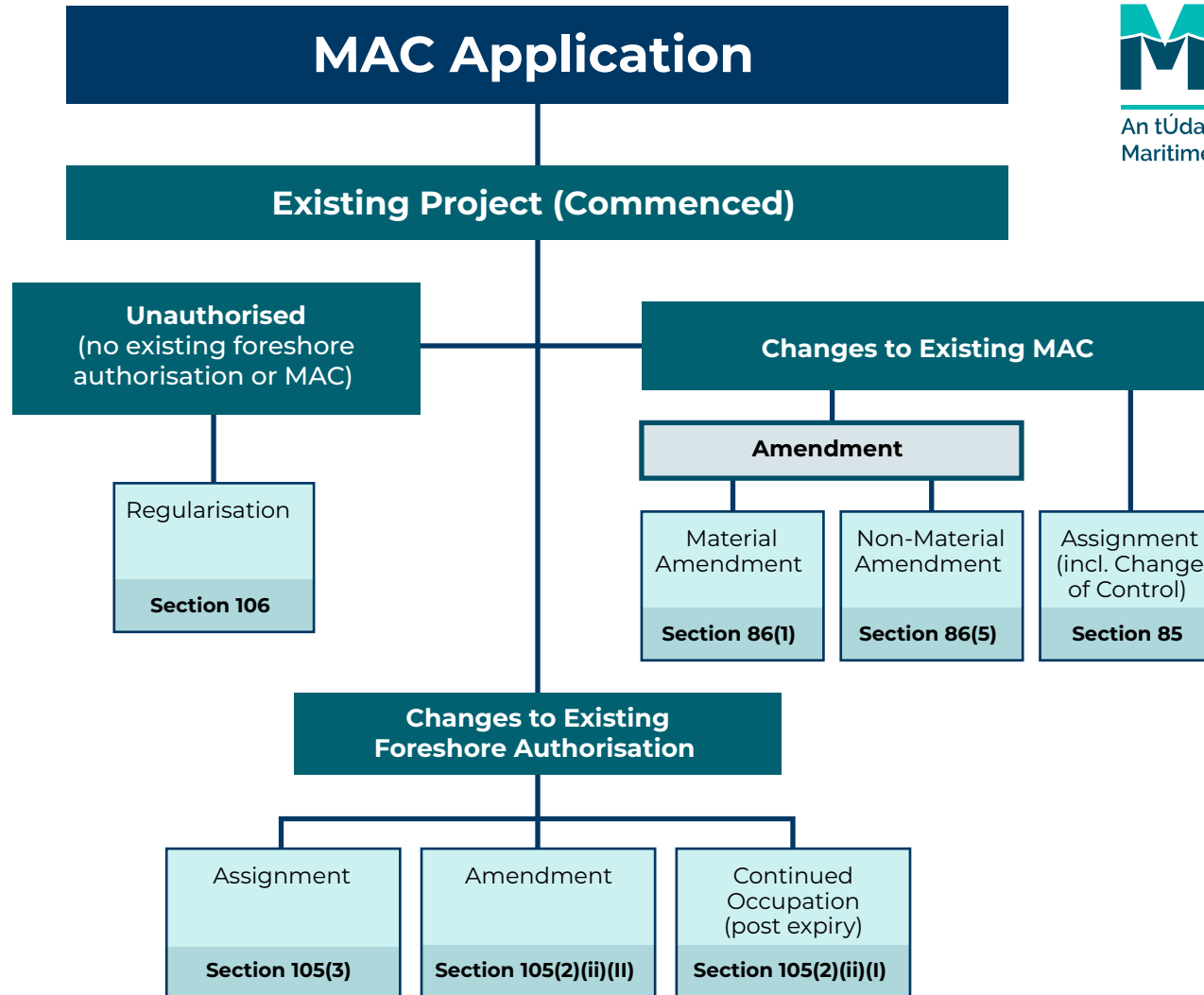
Development in outer maritime area





Indicative Process Flowchart 3

MAC Application Existing Project

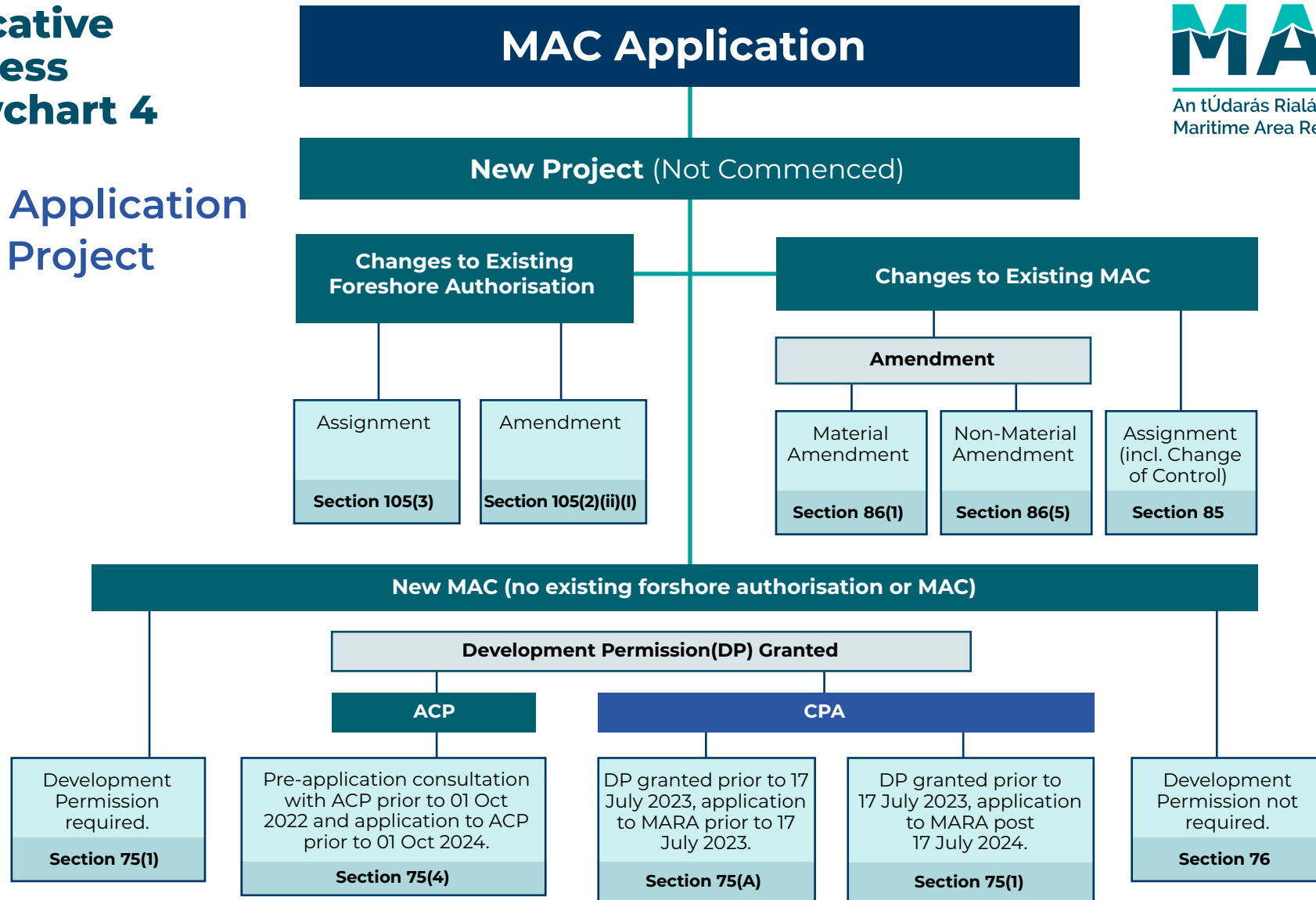


Note: All references to Sections relate to the Maritime Area Planning Act 2021, as amended.



Indicative Process Flowchart 4

MAC Application New Project



Note: All references to Sections relate to the Maritime Area Planning Act 2021, as amended.

Further Information

With further queries or questions, please see below contact details:

Maritime Area Regulatory Authority

www.maritimeregulator.ie

Email: mac@mara.gov.ie

An Coimisiún Pleanála

<https://www.pleanala.ie/>

Email: marine@pleanala.ie

Links to each local authority/CPA

<https://www.localgov.ie/>

