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15 January 2007

Dear Mr McQuillan

DRAFT FOYLE & CARLINGFORD FISHERIES (NORTHERN IRELAND) ORDER 2007

We write in response to your consultation on the above order and are pleased to have the opportunity to consider this. The Crown Estate has significant ownership interests in the foreshore and seabed of Northern Ireland and has broad expertise and knowledge of activities across the tidal and inter-tidal zones.

We welcome the proposal for the draft Foyle & Carlingford Fisheries (Northern Ireland) Order 2007 and believe this will start to put in place a more sustainable environmental framework for both Lough Foyle and Carlingford Loughs. We especially welcome the new framework of aquaculture licences in terms of regulating the environmental impact, fish welfare, hygiene and disease control.

You may be aware that we have held discussions with the Loughs Agency and the Department of Communications Marine and Natural Resources in Ireland (the Fisheries Department) over the management of the fisheries.

We comment with concerns below on specific points raised:

Proposal for a draft Order in Council - The Foyle & Carlingford Fisheries (Northern Ireland) Order 2007 – Public Consultation Document:

Page 7. Item 4. Benefits. I Economic.

We do not agree that in all circumstances it should be an offence to interfere with the operations of a licensed site and the licence holder will have legislative protection of his or her operation. As a body when granting a landowner-consent we include certain reservations and caveats giving us rights over our proprietary land interests. Typically this might relate to the need to carry out works or consent to the laying of pipes, cables, outfalls or jetties, even dredging in certain circumstances (all subject to the necessary statutory consents). We wish for the landowners' rights to be preserved in such circumstances and consideration given that an aquaculture licence does not grant exclusive rights to the detriment of other sea & foreshore uses, using the landowners' land; as such the rights of the landowner must be preserved in each circumstance.

Page 8. Item 5. Costs. II Economic Costs & III Environmental Costs.

The licence fee and landowner/recognition fee is still a matter of ongoing discussion between the Loughs Agency, the Fisheries Department and the landowners.

Page 21. Item 3.11 & 3.12 Foreshore Licensing/Leasing arrangements in Lough Foyle

The Crown Estate has held preliminary discussions with the Loughs Agency and the Fisheries Department at this stage regarding the possible aquaculture management agreement and this is subject to further discussion between the parties.

The Draft Order in Council - The Foyle & Carlingford Fisheries (Northern Ireland) Order 2007

In relation to Section 52 A (4) the term occupier should read 'lawful occupier'. We also believe this section should make specific mention of the rights of The Crown Estate and those of the Irish Department.

In relation to Section 52 L We believe this should make it clear that the Commission must ensure that the consent of the owner or lawful occupier has been obtained before the aquaculture licence is transferred, so as to enable The Crown Estate (and the Irish Department) to retain a level of control. Subject to the provisions of the Foyle Management Agreement this may ultimately be settled but the legislation should protect the landowner as there may be certain cases where the landowner does not deem it appropriate to grant consent for transfer to another party.

We trust these amendments will be taken into account during the consultation process and are happy to liaise further with the your office, The Loughs Agency and the Fisheries Department on the issues raised here in order to move the process forward in the interests of a more sustainable environmental framework.

Yours sincerely



Charles Green MRICS
On behalf of The Crown Estate