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Sent: 13 December 2018 11:35
To: Marine Spatial Planning <msp@housing.gov.ie>
Subject: Submission - Marine Spatial Plan

Written Submission on the first stage of the National Marine Planning Framework - Marine Spatial Plan

The decision not to include Carlingford Lough in the Marine Spatial Plan until after Brexit worries us – particularly when the Department of Agriculture Environment and Rural Affairs (Northern Ireland) has already released an MSP covering the whole of Carlingford Lough.

What worries us further is that the Department of Agriculture Environment and Rural Affairs have already begun to exercise their assumed legislative power in the Lough, most recently by allowing Warrenpoint Port to proceed with a proposal for a dredge disposal site in the Lough without an Environmental Impact Assessment.

The Department of Housing, Planning and Local Authority were contacted by agents of Warrenpoint Port in relation to this matter and they failed to oppose the proposal – nor did they insist that the correct mechanisms were adhered to (such as an EIA) to protect Irish interests in the Lough that would be impacted negatively by the proposal.

All of the foreshore around the island of Ireland is Irish Territory. This includes Carlingford Lough, Lough Foyle, Belfast Lough, Strangford Lough, and all of the foreshore around both the Republic of Ireland and Northern Ireland.

In the 1920 Government of Ireland Act; Northern Ireland was defined as the parliamentary counties of Antrim, Armagh, Down, Fermanagh, Londonderry and Tyrone, and the parliamentary boroughs of Belfast and Londonderry. It is common in both UK and Irish law that the county boundary is the High Water Mark.

The rest of Ireland, including the foreshore, became the Free State. This is the definition that was agreed upon in the Anglo Irish Treaty which was signed the following year. As such, the Crown Estate shouldn't have any legislative power in these waters, nor should any UK government body.

Post Brexit – we expect for the Crown Estate to be ejected from these waters - this area will remain part of the European Union as part of Ireland. We expect that both legislative power and revenue generated (through foreshore leases, licences, etc.) will be transferred to the Department of Housing, Planning and Local Authority. We expect that any fishing licences granted by the Crown Estate to fishermen in Northern Ireland would instead be granted to them by the Irish Government.

We request that the Department of Housing, Planning and Local Authority amend their Marine Spatial Plan to include all of the foreshore around the island of Ireland.

This submission was prepared by Jonathan O'Connor Moneley on behalf of Carlingford Marine Enterprises Ltd.

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