

09th February 2017

Ms. Deirdre Morgan

Secretary to the Independent Review Group

Department of Agriculture, Food and the Marine

National Seafood Centre

Clonakilty

Co. Cork

RE: Submission to the Independent Aquaculture License Review Group

Dear members of the Review Group,

As the Finance Director for Marine Harvest Ireland our company has a direct interest in a proper functioning licensing system. The following would be the specific issues and potential solutions that may help achieve the four objectives of the independent review group:

Objective 1: Deliver license determinations in a timely manner, having regard to international best practice:

There are a number of issues delaying the processing of new or renewal of an Aquaculture Licence:

- The format of Aquaculture Licences is complex and does not give the flexibility to change technical and other requirements as technology and other activities change. Guidance documents rather than specific conditions could solve this problem.
- Resources for processing licences appears to have been an issue which has caused delays in the past. This could be resolved by ensuring that the correct skills are available and used by the licensing authority in a co-ordinated and efficient manner. The licence application form could be simplified and more specific to the objectives thereby reducing the administrative element both for the applicant and the licensing authority. Also the legislation allows for Aquaculture licences to be granted for 20 years which would reduce the administration burden and with the ability to update requirements throughout the period of the licence this should give the Licensing Authority the ability and confidence to keep licences in line with latest techniques and processes.

- Sticking to the remit of the process. Experience in the past has seen the process moving into areas that are beyond its remit for example planning permissions which are taken care of by different authorities.
- Lack of clearly defined deadlines for completion of the licensing process has led to no decision being the norm. The current legislation provides some guidelines as to a reasonable timeframe (four months) for the process to be completed once a fully completed application has been received however this regulation has not been passed by the Minister. This regulation should be passed. This timeframe should be mirrored for the appeals process also.
- Public and statutory consultation periods should run concurrently to make efficient use of time.
- Requests for further information from the applicant should consist of one initial request to enable the licensing authority to deal with the initial application. Any further requests should be limited to clarifying matters in the applicant's initial response. This should avoid a never ending process.
- Refer to countries for best practice where licensing has been working efficiently. Norway and Scotland for example.

Objective 2: Support achievement of the actions and priorities of Food Wise 2025 and the National Strategic Plan for Sustainable Aquaculture Development:

There are a number of points on the achievement of this target:

- Note it is unlikely Ireland will achieve the 2020 targets due to lack of progress in licensing. The targeted increase in aquaculture production volume of 78% is unlikely to be achieved in the life of Food Harvest 2020. The good news is that we can achieve the 2025 targets if the review board make the correct recommendations and more importantly if these recommendation are implemented. Unfortunately many reviews have been completed in the past that have not been implemented. We are in the privileged situation where the demand for seafood including farmed seafood products is on an upward cycle. Given the health benefit of seafood and the population increases into the future this trend is likely to continue. Ireland is in the ideal position to take advantage and provide much needed direct and indirect employment in our coastal regions which are in much need of the employment opportunities. This is a responsibility for all of us including the Licensing Authority.
- Achievement and success in any industry is usually down to a few key components. The Aquaculture Industry in Ireland relies on producing world leading healthy products, producing safe products, satisfied customers and dedicated/qualified people working in the industry. The first two we are currently achieving but we are now at risk of losing the last two and thus the whole industry. Customers are satisfied with the quality, health benefits and safety of the product but they are not satisfied that they cannot meet the demand of their customer and consumers due to lack of supply. Finding ambitious and talented people to

working in the industry is becoming ever more difficult as the career path is not clear due to the uncertainty regarding licensing.

Objective 3: Facilitate enhanced transparency in the licensing process for all stakeholders:

- Currently there is very little constructive communication between the applicant and the licensing authority during the process of licence applications or renewals. No indication as to how much progress is being made and whether there are unforeseen roadblocks or delays. This leaves it very difficult for an applicant to plan their business in a correct manner.
- A monthly status report may be helpful to help build a good process rather than the current broken process which has led to widespread frustration and confusion.

Objective 4: Ensure legally robust licence determinations have regard to EU and National law:

- The Licensing Authority need to have confidence in their knowledge and ability to make an informed determination which will comply with EU and National Laws where required. This requires people who have the correct knowledge, experience and qualification of applicable National and EU laws as well as appropriate knowledge of Aquaculture. This will provide a willingness to make a decision rather than a reluctance to do so.
- Current practice is that Public and Statutory consultation periods are run consecutively. This appears to be based on Licensing Authority trying to comply with the Aarhus Convention. Aarhus is not part of Irish Domestic law and other environmental licensing regimes allow for notice periods to run concurrently.
- Requirement to complete an EIS for every renewal of a licence appears to be unfounded and not in line with other environmental licensing regimes.

We have a great opportunity to provide a viable and sustainable industry into the future. This industry can provide further jobs in rural areas, substantial returns to the exchequer and world leading products to both our domestic market and the international market. Please ensure that the necessary changes are made to achieve this goal. Please do not let politics and other roadblocks which can be overcome stop progress on what can be a fantastic industry for generations into the future.

Yours Sincerely



DAVID BRENNAN