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Co Mayo



10th February 2017

Submission to the Independent Aquaculture Licensing Review Group

Dear Sirs,

Thank you for the opportunity to make this submission. It is the first time that the aquaculture industry and those who work in it have been given this chance and I wish you all the best of luck.

I am a marine biologist and an oyster farmer. I have worked for BIM and the Marine Institute over the past 20 years and I am now an independent consultant working with the aquaculture industry. I am currently writing an Environmental Impact Statement for a new offshore salmon farm, among various other projects. I also farm oysters in Achill Island and Clew Bay.

I personally applied for an oyster farming license, in one of Irelands few non-SAC bays back in 2009. It took 3 years to process this license. I also applied for a different license, in a bay which was in an SAC, in 2011 and it took 5 years to process this license. I understand that there is an issue with the management of SACs in Ireland but 3 and 5 years is too long to excuse the department. They seemed to have the opinion that whether it was an SAC or not it was still going to be processed as slowly. This is illogical and unexplainable.

I teach shellfish farming as a QQI course each year in Galway and Mayo. I explain to the students how to set up a business and how to apply for a license. When a young, 18 year old unemployed man (or woman) asks me how long it takes to process a license I have to tell them they will be at least 23 but could be 28 years old before the dept will issue a license for them to start their own business. At this stage the students usually stop planning on entering this industry. I have had students who left and never came back after they learnt this.

The habitats and birds directives were published in 1992 and 1979. The EU court case which has forced Ireland to properly implement these was in 2007. The dept have had 25 years to implement the habitats directive and have failed. It has been 10 years since they were found in breach and forced to properly manage aquaculture licensing in SACs. The system has not improved significantly since then. We hope that this review is the start of the new system, which will be fit for purpose.

As part of the management of SACs I have been personally told by staff in NPWS that they had a lot to learn on how to set conservation objectives for marine SACs and

that they are finally getting on top of their brief. This would be fair enough except that NPWS were advised to copy or learn from every other European country which have all established an acceptable system of SAC management. They refused and our industry suffered. This review may not extend to other agencies but our dept has not managed the interaction with NPWS well and has always taken a back seat to this other agency. This lack of leadership has lead to many of the issues which we are dealing with now.

There are situations occurring all around the coast now where established businesses are having aquaculture licenses reduced and revoked due to SAC management requirements. There is no compensation being offered. This same situation on land results in farmers receiving ongoing payment for assisting the management of SACs. Eg sheep farmers who have had to destock mountain areas in SACs have been paid an annual grant for this. No such compensation is available to farmers on the shore and I cannot understand why this inequality is being supported.

The dept is full of staff working on the licensing of aquaculture, not one of whom has any experience of aquaculture. They do not need to have PhD's but they do need some knowledge of how the industry operates so that they can manage with some understanding. The staff have been offered to be brought out on field trips etc but this has been repeatedly refused, or staff have accepted and management have refused.

I have been told that the dept do not set policy, that they just administer and that they receive advice from those government agencies with the experience. However they do set policy, all the time they make policy decisions while having no real knowledge of the industry and the environment within which it resides. They make decisions, which have policy implications with no forethought and no thought to the consequences of those policy decisions.

It is absolutely imperative that the department is staffed by experienced staff who have some training, potentially in science or biology since much of the policy that they set is in an environmental context.

[REDACTED]
[REDACTED]. I recently sat in a meeting with the top management of the division and the CEO of a large company, employing many people in rural Ireland. [REDACTED]
[REDACTED]

As an example let me tell you about a presentation that was given at a recent Irish Shellfish Association Conference in Athlone. I have nothing personally against any of the staff in the dept but I offer the following criticism because it indicates [REDACTED]
[REDACTED]. The whole presentation was wrong:

[REDACTED]

[REDACTED]

- I offer that since the audience was full of people who run businesses for a living and work harder for less money than the dept staff this was a poor start.
- It is obvious to everyone in the industry that the system is not working well.

[REDACTED]

- [REDACTED] the simple licensing system [REDACTED] [REDACTED] was ultimately found to be unfit for purpose, they weren't doing their job properly. That was why Ireland was sued and found to be in breach of EU law and therefore they are being forced to properly manage the system.
- [REDACTED] the failures of his dept has forced oversight upon them which they now have to be cognisant of.

[REDACTED]

- [REDACTED] and proves that they are so disconnected from the needs of the industry that they are failing to understand even the basic business needs of the industry they are responsible for managing .
- For example finfish licenses have been issued in the past in areas where they shouldn't have been. Many of these are not being used now and that is right but has reduced tonnage. There is no assistance to move a license to a better site and no benefit offered to give up a license if a better site is applied for.
- Many finfish licenses produce less fish since reduced stocking densities are part of organic regulations. More licenses are therefore required, not fewer.
- Bottom mussel volumes have been decreasing due to seed availability not licensing and improved licensing will increase seed to harvest ratios.
- Many licenses have not been passed over to the younger generation since changing the name on a license takes the same processing time as issuing a new one.
- Without a valid license bank credit is not possible, outside investment is not possible, selling the business is not possible and grant aid is not possible. All of these result in reduced tonnages, all of these require a valid license.
- The attitude of the dept and the lack of improvement in licensing has demoralised the industry and this has had an impact on tonnage production.

[REDACTED]

- [REDACTED] Grant aid is available to some in the industry and in a competitive environment if your competitor can get 40-50% of their capital costs returned to them in grant aid then it absolutely, 100%, impacts on your competitiveness if that same grant aid is denied to you.

- The denial of this grant aid is dept policy, not legally required and should be removed.

- Public consultation is an important consideration when deciding whether to issue a license for a new or existing site. However it should not be allowed to slow the process. There is a system for considering stakeholder involvement and it has deadlines and it can be incorporated into timely processing.
- I have been told that holiday homes and their owners have a huge influence over whether a license is granted. This is obviously not fair and the dept should be determining licenses based on an overall assessment of the license not on whether there is some controversy.
- Controversy may make the dept take greater care over a decision but should not influence the direction of the decision, nor the speed. Controversy should not sway government policy or a proper system of license determinations. The dept seems fearful of making any decisions since wrong decisions can lead to legal actions and appeals. Making no decisions is what is slowing the system down.

This presentation was met at the conference with no comment from the floor. The industry is not in a position to make any comments against the dept because there is a real fear that adverse comments will be used against license applicants. This is an unhealthy situation. Every member of the industry has a very tentative hold on their license, it can be revoked at any time. The industry is therefore fearful of raising any objection or criticism.

There is no sense in the industry that the dept is anything but against them. Nothing the dept does or says can be described as being supportive. There is no sense that they are interested in improving the licensing situation. This cannot be allowed to continue. The alternative situation can be seen in the dept of agriculture where farming interests are supported, where the minister meets the industry and its representatives regularly and works with them to solve issues. The minister for the marine and the dept staff have a very different attitude to the industry that they are supposed to serve.

The industry has been told, publically and often and they exist on the foreshore at the grace of the people of Ireland and that they should be grateful for this. An attitude like this is unhelpful and demoralising. It may be legally correct but the industry utilises the resource for the good of the country and should be rewarded for supporting the economy not penalised for requiring a license on a foreshore that can never be owned. Longer term licenses would help this situation.

So how to improve the situation:

The ultimate solution is to bring in more experienced employees with a deep and broad experience of the industry that they are responsible to support and manage.

Establish a new, independent body, like An Bord Pleanala, who can make decisions on licensing, as they do for planning issues. This is ultimately the best outcome that I

can see. Set this new body up with the skills and resources to make decisions in a timely manner.

Better communications are required. The paper orientated application process is currently reproduced across all the government departments who have to comment on applications. This should be converted to a much smarter and more efficient electronic orientated system where comments and reports can be made online.

Our laws mean that the minister must actually physically sign each and every license. There is no need for this. Licensing is an administrative issue not one which required ministerial input.

It is government policy to increase aquaculture production across all sectors. The industry is interested in expanding. The brake on this sustainable development is the government, in this case the dept., who are not issuing sufficient licenses to ensure expansion. As stated above the dept feel that they are not under any pressure since volumes used to be greater with the same number of licenses. As stated above this is incorrect.

Setting time limits for decisions would be an improvement but these are unlikely to be adhered to and will be resisted. If a time limit is set and the dept need more info then at least they can inform the applicant of the expected timeframe and keep the applicant updated. Literally years can go by with no communication. I heard from one farmer who applied for a license, heard nothing for 10 years and then was told that he had to reapply since a license, which was never issued, would have expired after 10 years.

Renewals of existing licenses are treated the same as new license applications and this is ridiculous. The renewal should be a much more streamlined process.

Renewals of finfish licenses currently require a new EIS. A finfish farm which has been in operation for 20 years or more should not have to go through the full reapplication of the license. They do require a report on monitoring and if there have been new developments, new medicines etc then yes these need to be reported on but a full EIS/EIA is ridiculous in this situation.

Small changes to a license should be possible without going through the whole reapplication process. Currently if I want to change the angle of a block of my trestles or use a new design of trestle then I need to reapply for a new license. This is ridiculous and there should be a streamlined system for minor changes within the timeframe of the license.

Changing the name on a license, for example from father to son or one company to another currently takes the same time as processing a new license. This is a ridiculous situation and can be streamlined.

Basically we need a more streamlined, efficient system, run by people with an in-depth knowledge of the industry they serve, with supportive management of which we can be proud, with a goal to achieve government targets not hinder them. The industry

is sustainably producing top quality food which feeds into a demanding market. The industry wants to expand and requires a modern system that is fit for purpose.

Site investigation licenses:

I am not sure if this review extends to site investigation licenses but there is certainly room for improvement. A site investigation license is required when carrying out investigations for a new finfish farm site but not a shellfish license.

I recently had to apply for a site investigation license for a potential new finfish farm site. The investigation being licensed was for a few grab samples and for placing a current meter temporarily on the bottom. A fee of €950 was paid. 13 months later I received the license. The exact same license from the Dept of Environment takes a maximum of 6 weeks.

I think that the dept issue letters, requesting comments, from statutory consultees but there is no time limit. Therefore it can take a very long time to hear back from each of the consultees. In the absence of any comment the dept has to write back to the statutory consultee and wait for the comment to be returned.

Thanks you're your time,

Please contact me if there is any further information I can provide.

Yours sincerely,

Fergal Guilfoyle