

Independent Review of Aquaculture Licensing,  
C/O Deirdre Morgan – Secretary to the Independent Review Group,  
Department of Aquaculture Food and the Marine National Seafood Centre,  
Clonakilty,  
Co. Cork.  
10 February 2017  
*By email*

To Whom It May Concern,

Ibec is grateful for the opportunity to respond to the Department of Aquaculture Food and the Marine National Seafood Centre consultation on the independent review of aquaculture licensing in Ireland. Ibec is the national voice of business on environmental, regulatory, planning and infrastructure policy issues. On behalf of our members we engage with policymakers and regulators to ensure that environmental legislation and regulations are implemented in a manner that supports resilience and competitiveness. As an aside, Ibec have engaged with the Department of Housing, Planning, Community and Local Government in relation to the ongoing development of the maritime area and foreshore (amendment) bill.

Foodwise 2025 has identified that the seafood sector<sup>1</sup> will benefit from the projected increasing global demand for food produce. It notes that “*Export markets for seafood are growing rapidly and many large markets have a supply deficit*”. Underpinning the Irish growth opportunity are a number of factors including “*increased output from aquaculture*”. Reflecting this, the National Strategic Plan for Sustainable Aquaculture Development aims to sustainably grow production across all species by 45,000 tonnes. However in a SWOT analysis of the seafood sector<sup>2</sup>, FoodWise 2025 identifies “*Slowness/uncertainty of aquaculture license determination*” as a key threat. Similarly the National Strategic Plan identified issues with the current licensing system and both recommended an independent review (to which this submission is being made).

The economic importance of the aquaculture sector is reflected in an output value of €138m (2012) and the presence of 279 enterprises employing almost 1,000 direct employees. More importantly these enterprises are located in regions in the bottom 60% of NUTS3 EU regions as measured by GDP per capita (PPP). Bord Bia statistics for 2016<sup>3</sup> show volume declines

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<sup>1</sup> FoodWise 2025, Page 37

<sup>2</sup> FoodWise 2025, Page 94

<sup>3</sup> Bord Bia, Export Performance and Prospects 2016-2017, Page 56

for salmon, oyster and, mussel exports. Thus the stagnation in production trends which were identified in late 2015 by the National Strategic Plan are damaging to what are already disadvantaged regions in Ireland. The policy and regulatory measures necessary to support the proposed growth target have to potential to redress this and boost the economic contribution of the sector to these regions. This submission outlines a number of such measures to make the licensing process fit for purpose.

The sector also faces a serious economic disturbance as a result of the UK vote to leave the EU fracturing the single market. Not alone is the UK a major export market but it is also a competitor in other countries and already is more competitive as a result of the weakening of sterling. ESRI in their November 2016 analysis of trade disruption as a result of a hard Brexit<sup>4</sup> have estimated a 45% reduction in EU-UK trade in fish and crustaceans and a 50% reduction in UK-EU trade. In addition to such market disturbances, the UK will leave the Common Fisheries Policy and the European Maritime and Fisheries Fund. It will in effect then set its own rules thus placing an urgency on completing the independent review and expediting the implementation of a effective licensing system.

As a general comment, there is a sense of frustration amongst our members due to the nature of the consent process and separation of the applications. Where a project requires both a foreshore license and planning consent, these usually result in different determination dates and consequential delays to project commencement. The issue of the significant delay in the processing of foreshore license applications must be addressed. Some applications, yet to be determined, have been in the 'system' for several years.

The current system whereby an applicant for development on the foreshore must negotiate their way through two separate and lengthy consent processes, one after another, is unsatisfactory and is a major impediment to investment in Ireland's marine economy. This process is time consuming and involves excessive cost and uncertainty for prospective investors. Integration of the foreshore consent process into the existing planning system would be the optimal course of action as it would be most beneficial and economical to utilise the skills and resources of the existing planning authorities, i.e. local authorities and An Bord Pleanála, to administer this system. Timelines need to be put onto the aquaculture licensing process. A realistic timeframe should be comparable to the time it takes in Scotland, which up to now has been dealing with the same EU environmental directives as Ireland and where typically the application process takes 18-20 months, maximum. Specifically in relation to the aquaculture sector, foreshore licensing and permissions for associated activities (e.g. freshwater pipe across foreshore) could tie in as part of local aquaculture license.

Specifically in relation to this consultation, our members are disappointed that this is now the fifth review on how to progress aquaculture licensing, and that the process has been a relatively slow process. This is further exacerbated due to the fact that the Irish aquaculture

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<sup>4</sup> ESRI Working Paper No. 550, The Product and Sector Level Impact of a Hard Brexit across the EU, Figure 8

sector has been regressive over recent years, when compared to an international trend of expansion, particularly in other European countries. We would hope that the Department would avoid a complete overhaul of the relevant legislation, as a new act could take years, but would instead pursue some key modifications (regulations and Statutory Instruments.)

As a more expedient use of time and resources of department officials, the Department of Agriculture should establish a separate office that deals solely with licensing. This would be similar to the way in which the EPA has both a separate office for enforcement and the office for licensing. The licensing agency needs to be well equipped by staff with both the necessary skills and a sound, technical understanding of the industry. This will enable it to set both direction and standards, particularly define standard of EIS and applications. Anecdotally, feedback from our members would suggest that the Aquaculture Foreshore Management Division (AMFD) relies on other agencies for technical advice, which it finds difficult to interpret. The AMFD can often get entangled in legal technicalities and interpretations of Irish and European law. The proposed licensing office will need people with vision and ambition for the industry, something which has been an impossible challenge to address in recent memory. The office would have a defined role and remit and would not be concerned with items governed by other authorities, such as planning permission or effluent discharge licenses.

The primary regulatory licensing parameters should be in line with international best practice. In Scotland and Norway, this parameter is the Maximum Allowable Biomass, i.e. the standing stock on a site at any one time. This should replace the number of juveniles stocked or tonnes harvested. In addition, there should be no reference to a calendar period as the rearing cycle for salmon and many of the shellfish species takes longer than a year. This would also enable producers to focus on the market and not be forced into early or late harvesting if or when the biological performance of his stocks varies from plan. This is particularly relevant when considering the industry deals with cold blooded animals, which are highly dependent on weather conditions, which vary from year to year, as well as seasonally.

We would welcome the opportunity to discuss in greater detail with you, if necessary.

Kind regards,

A handwritten signature in black ink that reads "Paul Kelly". The signature is written in a cursive style with a long, sweeping underline.

**Paul Kelly**

**Director, Food and Drink Industry Ireland**

**Ibec**