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9 February 2017

Independent Review of Aquaculture Licensing,
c/o Deirdre Morgan – Secretary to the Independent Review Group,
Department of Agriculture, Food and the Marine,
National Seafood Centre,
Clonakilty, Co. Cork.

Dear Ms. Morgan,

Thank you for providing us with the opportunity to participate in the independent review of aquaculture licensing. The MaREI Centre has been actively involved in multi-disciplinary research to support aquaculture for over twenty years at national and European level and are currently involved in the EU Horizon 2020 AquaSpace¹ and AQUACROSS² projects. We are also involved in a number of maritime spatial planning projects which focus on ensuring stakeholder participation at all levels of governance e.g. PISCES project, Celtic Seas Partnership project, Transboundary Planning in the European Atlantic (TPEA) and SIMCelt projects. As the leading research institute on coastal and marine resource management and marine renewable energy research in Ireland, we support the reform of aquaculture licensing and recognise the need to facilitate development in an environmentally sustainable manner. Our observations and comments are presented below.

In line with CFP Reform and specifically the Strategic Guidelines for Sustainable Aquaculture Development published by the European Commission we fully endorse the need for coordinated spatial planning and reform of administrative procedures. The national strategic aquaculture development plan, an outcome of those Guidelines, states that the vision for aquaculture licensing is *“A streamlined and efficient licensing system that provides greater business certainty to applicants, and transparency to the general public.”* This will require significant effort and cooperation with other Government departments and agencies that have a marine remit. The main piece of aquaculture licensing legislation is the Fisheries (Amendment) Act 1997, however, aquaculture activities also require a licence under the Foreshore Acts, 1933-2011. As you are no doubt aware, the principal Act, dating from 1933, is proposed for substantial amendment through the Maritime Area and Foreshore (Amendment) Bill 2013. Work on this is being led by the Department of Housing, Planning, Community and Local Government, with the sections relating to marine renewable energy being progressed by the Department of Communications, Climate Action and Environment. It is critical for all marine sectors and stakeholders that these review processes are coherent and do not proceed independently. This is particularly important for marine-related sectors in the context of EU policy, where coexistence and combined uses are being advocated as a means of minimising spatial conflict and optimising use of marine spaces. To our knowledge, no consideration has been given to the aquaculture sector in the drafting of the Maritime Area and Foreshore (Amendment) Bill. This needs to be considered and communicated during and subsequent to your review process and any future reform of aquaculture licensing.

¹ <http://www.aquaspace-h2020.eu/>

² <http://aquacross.eu/>

Under EU law, Ireland is obliged to have a Maritime Spatial Plan for its marine waters by 2021. The designated competent authority in Ireland is the Department of Housing, Planning, Community and Local Government, with technical and scientific support from the Marine Institute. To facilitate successful MSP, it is necessary that licensing systems for all marine sectors fit within the broader maritime spatial planning process. It is therefore necessary to ensure there are structures in place to enable the various authorities to discuss their applicable processes and ensure that consequent licensing processes are coordinated. At the moment it is not clear if or how the various government departments interact with each other on operational aspects: we are aware of the high-level inter-departmental Marine Coordination Group but something similar for operational considerations could be advantageous, particularly with the advent of maritime spatial planning. This type of approach could minimise the risks relating to duplications of environmental impact and appropriate assessments for example, and could also enable better consideration of cumulative impacts in future.

In terms of the types of licences to be granted, we would like to propose that serious consideration be given to the creation of a research licence, either in conjunction with or as an alternative to the traditional trial licence. Experience from elsewhere indicates that a research licence is limited to State/local authority-led developments only. In the USA, for example, in relation to marine renewable energy, research licences are granted only if they “support the future production, transportation or transmission of renewable energy”. In theory this could be expanded to include other complementary activities with the associated necessary terms and conditions, such as being of a non-commercial nature, a specified scale and time-limited duration. This would help Ireland to lead the way in combining uses of marine activities and space and would also address the current problem with licensing in that it cannot deal with multiple activities in one licence in one location. Numerous international and EU policies advocate coexistence of marine activities but currently our licensing system cannot facilitate this thereby stymieing Blue Growth and Harnessing Our Ocean Wealth targets as well as sectoral targets. We realise that single licences for multiple activities is legally complex due to liability and contractual issues, however, we are of the opinion that a workable solution can be found.

The availability of power and freshwater are crucial to the operation of salmon aquaculture in Ireland. Replacing diesel generators with renewable energy devices and integrating desalination systems into farms are two areas currently being researched in MaREI. The inclusion of a research licence for new sites, or their introduction for existing sites, would facilitate this research which must inevitably include placement of large devices at or adjacent to farms. The current licensing procedures are considered too complex and onerous within the industry, and potential avenues of research are being rejected on that basis. Serious consideration should be given to increasing the trial licence duration to allow for research activities. The current one-year duration for trial licences within salmon aquaculture are neither compatible with the industry or with the natural environment within which farms operate. A good example is the potential of moving salmon farms to offshore sites, which would alleviate many of the biological and social issues surrounding the industry. However, the engineering and fish husbandry challenges of moving offshore cannot be tested in a single year. Similar arguments can be applied to research into disease control, multi-trophic aquaculture, farm automation and the potential use of remotely operated vehicles to replace divers.

Other EU countries, and indeed specific marine sectors, have adopted a one-stop shop approach to marine licensing. Effectively this means that one person/entity acts as a coordinator for all aspects of a licence application. We think this option should be explored for aquaculture licensing in future. The need to incorporate adaptive management principles and a risk-based approach, particularly for new technologies, species and/or combined activities could easily be incorporated into this type of approach to licensing. This would introduce some required flexibility for developers where the

scientific evidence base is supportive. Given the proximity of most aquaculture farms to the coast, we would stress the need to link aquaculture planning and licensing with the terrestrial planning system and specifically the need to ensure infrastructure related to future growth of the aquaculture sector is reflected in county and local development plans, where appropriate. All information relating to applications should be made available to the public so as to ensure there is transparency in the process and increase the level of accountability.

The status of seaweed harvesting and its licensing needs to be clarified. There appears to be widespread confusion among stakeholders as to whether seaweed harvesting is subject to licensing and whether it constitutes aquaculture, as defined in the governing legislation. There is also the long-recognised customary legal right to harvest seaweed. Whilst we do not dispute the existence of such a right, mechanisms to harvest seaweed have changed and future harvesting needs regulation to ensure the increased demand is not met by reckless harvesting, putting the natural resource at serious risk. We would also draw attention to the fact that allowing any single commercial entity to exert significant control over the resource could become the single biggest obstacle to the development of the sector. The foreshore is a State resource and should be managed accordingly. We need a licensing regime that will prevent both over-harvesting and illegal harvesting of this natural resource.

For any new licensing regime, we advocate the need for guidance documents targeted firstly at developers, so they can understand and comply with the applicable processes, and secondly at stakeholders so that they are clear on how the process operates, who is involved, who is responsible, how they can get involved, and the applicable timelines. In relation to timelines we would advocate that non-use of a licence within a particular timeframe should be penalised to avoid sterilisation of sea areas. Any new licensing process should be future-proofed as far as possible incorporating principles of Maritime Spatial Planning, the amendments to the EIA Directive (2014/52/EU) which must be transposed into national legislation by May 2017 and combined impact assessment processes. With respect to the new provisions of the EU Directive this will necessitate the introduction of timelines for specific parts of the EIA process, greater transparency on how stakeholder submissions have been incorporated and indeed consideration of new/amended parameters such as biodiversity, human health and climate change. Guidance on the aquaculture licensing process should therefore address these aspects.

In light of the challenges posed by Brexit and particularly the issues this could present for aquaculture in both Lough Foyle and Carlingford Lough, we would advocate the need to liaise with authorities in Northern Ireland in relation to licensing aquaculture activities in these sites and also how aquaculture will be accommodated within Maritime Spatial Planning in both jurisdictions. The issues of transboundary consultations in relation to Appropriate Assessment, Environmental Impact Assessment, invasive species management and control and perhaps licensing applications more generally will also have to be considered in a cross-border context.

We are happy to discuss any of the points we have made above in greater detail, should that be of assistance. We look forward to a new aquaculture licensing regime in due course.

Yours sincerely,



Dr. Anne Marie O'Hagan (for all MaREI contributors)