

10<sup>th</sup> February 2017

Ms. Deirdre Morgan  
Secretary  
Independent Aquaculture Licensing Review  
Group

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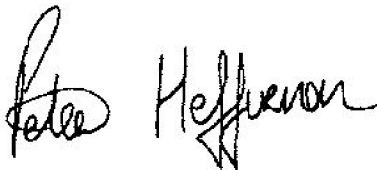
Dear Ms. Morgan,

Pursuant to your letter of January 11, requesting comments on the aquaculture licence process, I am pleased to offer a brief summary of the Marine Institute's role in reviewing licence applications on behalf of the Department, for the Independent Aquaculture Licensing Review Group, as annexed to this letter.

The Application Process as set out in the Aquaculture Licence (Application) Regulations is in our view appropriate and fit for purpose and is consistent with other similar processes currently in place e.g. Foreshore Lease / Licence application, Local Authority Planning applications process. The Regulations set out specific details for the notification of the public and listed statutory consultee of the submission of an application and provides specific timelines for submission of comments / observations.

We would welcome the opportunity to meet with the Independent Aquaculture Licensing Review Group to discuss additional elements of the licensing process specific to the objectives outlined in your letter. If we may provide further clarification on our role, or you would like to move forward with scheduling such a meeting, please do not hesitate to contact me directly.

Sincerely,



Peter Heffernan PhD  
Chief Executive

## **Annex: MI role in the aquaculture licence application process**

Procedures in relation to the making of applications for aquaculture licences, including provisions for public notice and consultation, are set out in the Aquaculture (Licence Application) Regulations 1998 (SI 236 of 1998), as amended by the Aquaculture (Licence Application) (Amendment) Regulations 2010 (SI 280 of 2010), the Aquaculture (Licence Application) (Amendment) Regulations 2012 (SI 301 of 2012), European Union (Environmental Impact Assessment) (Aquaculture ) Regulations 2012 (SI 410 of 2012) and the Aquaculture (Licence Application) (Amendment) Regulations 2016 (SI 464 of 2016)

Under **Regulation 10 (1)** the Minister is required, by written notice, to inform the Marine Institute, and other bodies e.g. BIM, An Taisce, CIL, IFI, of the receipt of an application which is not required to be accompanied by an Environmental Impact Statement (EIS). In such cases, under **Regulation 10 (3)** written submissions or observations **may be made** on the application within **6 weeks** of the receipt of the notification.

To date, applications for the cultivation of shellfish or macro algae, have not required the submission of an EIS.

During the period 2011 – 2016 the Marine Institute has provided written submissions to DAFM on a total of 399 licence applications and all have been submitted within the required 6 week period. These applications included 2 applications for the cultivation of macro-algae and 5 applications for the production of trout in land-based fresh water facilities. The remainder of the applications have been for the cultivation of shellfish in marine sites.

Table 1 below shows the applications that the Marine Institute received requests for comments each year from 2011 to 2016 inclusive.

Year	No of requests for submissions made by DAF to the MI
2001	60
2012	45
2013	56
2104	15
2015	122
2016	98

In cases where the application is required to be accompanied by an EIS the applicant is required, under **Regulation 11(1)**, to furnish copies of the application and the EIS to those bodies specified in **Regulation 10 (1)**, including the Marine Institute, and inform them of their right to make a submission or observation. In these cases, under **Regulation 11 (2)**, written submissions or observations **may be made** to the Minister “concerning the effects on the environment of the proposed aquaculture” within **8 weeks** of receipt of the application and the EIS.

Since 2011 the Marine Institute has submitted written advice to DAFM on 1 application for the production of salmon at a marine site in the southwest and the Marine Institute also assisted DAFM in the preparation of the Minister's Environmental Impact Assessment of this application as required under As required under **Regulation 4A (1)** .

The Marine Institute has also provided advice to DAFM on 2 applications for the aquaculture production of a non-native or alien species i.e. Abalone (*Haliotis tuberculata*) at marine sites. This included, *inter alia*, the preparation of a Risk Assessment as required under Council Regulation 708/2007 concerning the use of alien and locally absent species in aquaculture.

The Marine Institute has also provided assistance and advice to DAFM on screening of all applications to determine the requirement, or otherwise, for the submission of an EIS as required under SI 280 of 2010.

A Judgment of the Court of Justice of the European Union in Case C 418/04, Commission v Ireland ("The Birds Case") determined that Ireland was not correctly applying legislation in terms of licencing aquaculture activities in Natura 2000 sites. As part of a broader national response, the Marine Institute was charged with preparing reports on likely interactions between aquaculture activities and conservation features and helping in assessing whether the activities present a risk to said features. To this end, Appropriate Assessment reports have been prepared for 21 Natura sites up to Q4 2016, with follow-up advice and consultation. In addition, screening for risk has been carried out for aquaculture activities in seven additional bays where aquaculture activities were proximate to Natura features.