

[REDACTED]

From: John Murphy [john@murphysirish.ie]
Sent: 10 February 2017 12:08
To: aquaculturereview
Cc: [REDACTED]
Subject: FW: Advisory Board licencing aquaculture

Follow Up Flag: Follow up
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Subject: RE: Advisory Board Review of Aquaculture Licensing Process;

Dear Review Group,

I am a Farmer of Organic Salmon in Bantry Bay. I am passionate & committed to Aquaculture, its existing and future potential and its development, having been farming the sea for over 40 years. It is my livelihood and the provider for myself and my seven children.

Aquaculture is the most obvious lifeline to rural communities for investment, infrastructure and most importantly employment. But in the manner in which the licensing system has operated, this potential for jobs and investment has been choked. The people involved in Aquaculture are mainly business people/fishermen but farmers at heart who have a brave vision to develop and enhance the natural resources & waters that surround our country. They are patriots, farming/creating quality product that facilitates investment in rural areas, employment in the locality and exports for our country. These farmers are not barristers, or solicitors but with the existing licensing regime, they would need to be. Our sector has none of the security of Civil or Public Servants but would need to have those resources to be able to deal with the licensing system and its interpretations of EU legislation. The licensing system gives many and varied reasons for the ongoing delays, for their non-renewals and for their failure to issue new licences. All these are unfortunately excuses which are devastating our businesses and are holding back this country. It is also embarrassing all of us with international investors.

I possess the following Licences:

Aquaculture Licence 321 Expired 23rd April 2011.
Fish Culture Licence No 5 Expired 13th Sept 2011
Aquaculture Licence No 425 Expired 24th Jan 2015.

My Licences with a ten year renewal are now heading into six years without being renewed. This has made my business, my potential for investment and my chance of having any security in my older age impossible.

I have been seeking outside investment to grow our business. In my journey over the last three years, I have travelled and presented our Company's Prospectus all over the world which resulted in inward visits from leading Norwegian, Canadian, Chinese, American, Scottish, UAE and French PLC & private companies, These were both farmers and investors interested in committing to a partnership opportunity in our business. I have had personnel from BIM attend these meetings to try to explain the current licencing issues.

One director of a large company said: "I have invested in Russia and I thought the licence & bureaucracy situation was challenging, but for a progressive little Island like Ireland, this situation is untenable. We cannot invest without tenure of Licence and for the size of the investment it needs to be a minimum twenty year renewal term, you get these Licences sorted and I will return with a view to invest".

I applied for a licence to grow seaweed in Bantry Bay in 2011 for our marine research station which employs scientists and researchers with PhDs in aquaculture and who specialise in EU and Government marine projects. It took five and a half years to get approval in the Republic. A similar company in Northern Ireland had the same licence granted in six months from the date of application.

The inefficiency, unreasonableness and inadequacy of the Department system of licensing has resulted in endless Court actions. See

Barlow, Crowley, Kelly, McCarthy, V Minister/DAFM.

Cromane Foods & Anor V Minister/DAFM.

Murphy's Irish Seafood V Minister/DAFM.

As quoted in the Skipper Dec 2016 issue:

"Unlike the brave Fishermen who took these actions, the Civil Servant who decided to defend the action did not go home at night worrying about how were they going to pay for the legal costs. That is for the tax payers to take care of." The reality is that for us farmers, it is a battle involving David and Goliath. We have very little resources but must risk them to survive. In my view, things have to change.

I would like to personally meet with the board at some convenient available time, either individually or with other licence holders to discuss the many negative issues and hurdles placed in the way of progress for those involved in Aquaculture.

To address the Group's terms of references:

1. A timeline of six months, maximum nine months, for a defined result to a renewal or application for a new licence.
Limit the number of departments involved in the process.
All the relative departments must be copied with the application within four weeks of the application receipt, comments must be addressed and replied and returned to the licensing sector within twelve weeks and licence issued or refused within the six month time frame.
2. Please note, "AVOID" a complete overhaul of the current system.
Make some key modifications, noting relevant National & EU directives, appoint an independent advisory body with appropriate skills & resources (BIM, Marine Institute) who understand the elements of Aquaculture, their knowledge of the relevant briefs and individual department responsibilities such as Navigational Buoys, EIS requirements and Local Harbour authorities inputs, also to advise, assist & interpret directives and legal terminology on behalf the applicant who may not be completely familiar or understand current legislation.
This will address misunderstandings and misinterpretations that are delaying the untapped resource outlined in the National Strategic Plan for Sustainable Aquaculture Development.
What about instructing the Marine Institute giving them the responsibility for Environment issues & Fish Health. The Engineering Dept DAFM, for the Structural & Design, Irish Lights for Navigational structures, BIM as the independent advisory intermediate utilising their existing resources, knowledge, Skills and experiences following their application and recent withdrawal of the 15,000 tonne, Galway Licence Application. Following the consideration of this, Clarity on the individual body's defined roles needs to be formalised to prevent limited overlapping and a smooth delivery and its consultancy process.
3. Under the current regime in DAFM in the Aquaculture Licencing sector, it is apparent that rules and regulations are made up as things move along, what is relevant today can be changed next week, with one rule for one licence holder and different rule for another. Transparency is a requirement going forward, to be fair to all applicants(this to be adjudicated by the independent advisory agency). I have over the years in trying to liaise, communicate, discuss with the department on ongoing Licencing issues, but have been met met with inefficiency, lethargy, disinterest, negativity and a complete lack of accomplishment, cooperation or any solutions that could resolve issues.
4. Licenses must be robust and stand the test. Currently there are many versions and variations of same species Aquaculture Licences available. Key issues are identified and now a requirement;
Term of the licence to be 20/25 years.

Allow appropriate space for maintenance, servicing and Mooring grids, also taking local conditions into account,

Apply Biomass to Licences, disregard smolts input, and harvested annual tonnage. Apply appendices, (that can be changed) onto a simple basic legal Licencing Agreement, renewal to be based on historic operating procedures and compliance. Requesting a complete new EIS for renewal of licences is not acceptable. The update of existing EIS to a specific specification, has to be acceptable.

I trust you will consider what I have outlined in the aforementioned as an individual farmer. These are real challenges encountered with the current Licensing Authority in endeavouring to grow a business, employ people, and produce an exceptional quality Irish product. There needs to be more understanding and consideration of what it takes to survive, be competitive and address the challenges of business in the private sector.

Yours Sincerely

John Murphy

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Check out our video on Murphy's Irish Organic Salmon on YouTube;

<https://www.youtube.com/watch?v=NAFPoZwH62I>

Kindly "reply to all" so those copied can also react to your response.