

Fianna Fáil Submission Paper

Independent Aquaculture Licensing Review Group.

By

Pat the Cope Gallagher T.D.
Marine Spokesperson.

8th of February 2017.



As Marine spokesperson for Fianna Fail I wish to make the following submission to your current review of procedures of issuing licenses for Aquaculture, the review of Aquaculture Licensing procedures and the process by which they are issued including associated frameworks is both very complex procedure and it is also far from a consumer friendly experience either from the part of the applicant or for the general public. The current framework is outdated and fails to meet modern day standards expected of issuing public licenses in terms of transparency, in terms of accountability and consumer confidence, that being said the process is complicated by the amount of legislation which covers this sector and the fact that a number of departments can be directly involved. The relevant pieces of legislation involved are as follows –

- **Fisheries Act 1997 and S.I 236 of 1998.**
- **Foreshore Act 1993**
- **EU habitats Directive (92/43/EEC)**
- **EU Birds Directive (79/409/EEC)**
- **Consolidated Environmental Impact Assessment Directives (2011/92/EU)**

The Minister at his launch spoke at length on the process, the legal requirements and framework surrounding Aquaculture Licensing - I quote directly from his press release of that day.

To achieve that ambition, we need to revamp our aquaculture licensing process and its associated legal frameworks, so that an operator can have a decision on an aquaculture license application within timeframes that compare favourably to our competitors. But any changes must ensure that all stakeholders can participate in a transparent licensing process and have confidence that any licensing decision complies with all EU and national legal requirements and protects our oceans for future generations.”

Minister Creed – 20/12/2016.

Before I submit the finer details of my submission I wish to draw your attention to an example of the current system of licensing , the case example I give is indicative of any application regardless of where it would be lodged from.

Case example

Recently in Donegal a decision was issued for an Aquaculture licence application which was lodged in 2011 – therefore from the general public perspective it is very difficult for them to understand that a process allows something to start in 2011 with one public notice and public file in a district Garda Station some 40 miles away, no interim developments on that file - no further access to the file. Yet the 2011 application remains active and was subsequently granted a licence – needless to say this causes major local issues as this process is impossible to defend or understand. No doubt we have fundamental transparency issues to deal with from the General Public's view; we need to as party equally articulate the general public's rights as well as those of the sector.

Equally so, it is the case from the applicants view – the process completely lacks any timeframe, any structure and more often than not they are just left hanging, referring to the above case again it took 5 years and 4 months to grant a licence. Therefore we must strike a balance between developing the sector and the individual's right to express a view or object to such developments. Licences should only be issued after a robust process, which is fair, open and accessible and above all completely transparent.

This case file I reference is no different to any other coastal community along the coastal counties within Ireland, until we have a framework for dealing with Aquaculture licences which is as equally fair to applicant and general public in terms of their rights for applying and the others rights to query and object we will never have harmony within our coastal communities or sustainable development of the sector leading forward.

My proposals.

In framing my proposals together I am conscious that we require a framework which we can have complete buy in from both the sectoral interests and our broader communities, this can only be attained by treating both equally, asserting equal rights to both in compiling our procedural framework.

Part 1 – The initial Process of Application.

- **To streamline the process for Fisheries and Aquaculture Licensing into a single Government Department , that the entire decision making functions remain within one Department except of course the right of appeal to remain independent of the Department – furthermore that a unit within the department deal exclusively with such applications.**
- **I propose that an Aquaculture Licence Unit be established, that the unit be properly staffed, resourced and that they retain the authority to deal with the issuing of licences from initial application to subsequent decision making on the application. Such applications are universal in approach – starting with a standardised application form – with set requirements and information which is relevant for public information, relevant to the necessary legal requirements and directives.**
- **I propose that a clear and proper defined public consultation be required, the current requirement is inadequate by modern day standards – emphasis on local press, web available information, proper site notice be provided and followed by a designated point within the immediate local community (no further than 8 kms from site) for meaningful consultation with the respective communities.**
- **I propose that the Department of Marine have a designated part of their web page clearly identified for Aquaculture licensing Unit – which would be the first point of call for information regarding current and live aquaculture licences and that this portal be linked with all relevant/ home local authority planning web pages of the applicant in question. This I believe is the basic requirement for transparency and public access to information and their right to obtain information.**
- **I propose that the new Aquaculture licensing Unit which would deal with Aquaculture licensing will facilitate an efficient decision making process for aquaculture license applicants, reduce the negative impact of**

excessive bureaucracy, and provide for a transparent process allowing both applicant and general public equal opportunity to express their views and access to the application process. This will necessitate a clearly defined process and a timeframe for dealing with all applications equally as part of a universal process.

- I propose the following as an outline of framework for dealing with applications - Initial application by applicant – a requirement to place a public notice 2 weeks in advance indicating their intention to submit an application for an area – clearly marked, the second notice to be submitted must inform the general public of their rights – where the application which is lodged can be assessed and viewed, where is is available for public consultation – the current system of displaying within Garda Barracks is no longer practical due to Garda barracks closures and limited opening hours due to staffing reductions. That a period of 2 months of public consultation be prescribed as a statutory requirement for aquaculture licenses. The Departmental Aquaculture Licensing Unit be restricted to reaching a decision by 5 months of initial application – and a further 28 days be permitted for appeals to be lodged with ALAB, should an appeal be lodged that ALAB will have a maximum of 8 months to decide on the application subject to appeal. Therefore for an application not subject to appeal will take in total 5 months and 28 days to decide – an application subject to appeal would take 14 months in total to conclude. The process for applying for an Aquaculture licence should be similar to that of applying for any permission within the state – statutory placed and defined process from the outset, one which is assessable to the public at all times and which attributes equal rights to applicant and general public and the coastal communities..**
- The duration for issuing an Aquaculture licence be clearly defined by timeframe, public consultation clearly defined, the application from time of lodgement be made assessable to the General public for viewing on the Departmental web page with a linked portal to the relevant local authority of the application. The current situation cannot be allowed to continue whereby the process is not open to the general public, whereby information is not readily available to the public or applicant. The same is the case for the applicant for a licence it is not realistic to expect anyone to seek to invest in a sector which in the first instance has not got a clear defined and assessable licensing process, a process which at present can leave them waiting for 4/5 years or more for a final decision.**

- **I believe nothing short of a full and complete overhaul of the current system is acceptable; the current procedures are archaic and outdated. The current process of issuing aquaculture licences would not stand up to independent assessment and on all accounts fail and fall short of present day standards of public standards in dealing with public licenses. The General Public demand the highest standards in dealing with the issuing of public licenses- a process which must remain open and accessible in terms of individuals rights, fair and open to all, completely transparent from initial application until eventual decision reached and one which will stand up to independent assessment and scrutiny should that be required.**

I submit the following document and hope that your group will take on board the points which I raise and make when you as a group make your final recommendations to the Minister.

Pat the Cope Gallagher T.D.

Marine Spokesperson

