

**An Bord Achomharc Um Cheadúnais Dobharshaothraithe  
Aquaculture Licences Appeals Board**



Ms. Sinead McSherry,  
Department of Agriculture, Food and the Marine,  
National Seafood Centre,  
Clonakilty, Co. Cork

25 August 2021

Our Ref: AP23/2020  
Site Ref: T08/115A

**Re: Appeal against the decision of the Minister for Agriculture, Food and the Marine ("Minister") to refuse an Aquaculture for the cultivation of Native and Pacific Oysters to Sliogeisc Siar Teoranta using bags and trestles, floats and bags, moulded baskets and longlines on the inter-tidal and sub-tidal foreshore on site ref T08/115A in Aughinish Peninsula, Co. Clare.**

Dear Ms. McSherry,

I refer to the above Appeal.

Pursuant to **Section 47(1)(a)** of the Fisheries (Amendment) Act, 1997, as amended, ("the Act"), where the Board is of the opinion that any document, particulars or other information is or are necessary for the purposes of enabling the Board determine the Appeal, it may serve a notice on a party requiring that party to submit to the Board such documents, particulars or other information as are specified in the Notice.

Having considered the appeal and the information provided to it, the Board has determined that further documents are necessary for the purposes of enabling the Board determine the Appeal.

In accordance with the provisions of Section 43(2) of the Act, certain documents have been provided to the board by the Minister. These includes a document entitled "**Submission AGR 00242-20: Recommendation to refuse an Aquaculture and Foreshore Licence**

**Application for 1 site (T08/115A)".** Page 3 of that document, under the heading "**Follow-up Site Inspection Findings and other relevant matters**" includes the following information

*"After the period of Public Consultation had concluded a member of the public contacted Aquaculture & Foreshore Management Division to advise staff that the Company of which he was Director held a Deed which he purported gave the Company exclusive claim to the area of a Natural Oyster Bed, which this application lies partially over. The Deed was sent to the Division for review. However an investigation into the ownership claim was not completed as the findings of the Appropriate Assessment and follow up survey meant the site was unsuitable for aquaculture licensing due to habitat and substrate issues. This matter was not reviewed further at this time."*

Please provide a copy of the Deed, together with all relevant correspondence and information relating to the Deed and to the purported claim to the area of the alleged Natural Oyster Bed as referred to in the part of the Submission referred to above, which is held by the Minister and/or DAFM.

In accordance with section 47 (1) (a) of the Act, the Board requires this information within **30 days** of receipt of this letter. Please note that if the documents, particulars or other information specified above are not received before the expiration of the period specified above, or such later period as may be agreed by the Board, the Board will, without further reference to you, determine the appeal.

Please also note that a person who refuses or fails to comply with a requirement under section 47 (1)(a) shall be guilty of an offence.

Yours sincerely



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Mary O'Hara  
Secretary to the Board

## Murphy, CiaraM

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**From:** Farrell, Geraldine  
**Sent:** Monday 23 December 2019 12:22  
**To:** 'Iarfhlaith Connellan'  
**Cc:** OMahony, Jane  
**Subject:** RE: Application for aquaculture licence T8 115A

Dear Mr Connellan,

Further to our return of the original copy of the Deed you provided. I wish to advise you that it will be necessary to have this document reviewed and your claim investigated by our Legal Service Division. Once I have any update on this I will revert.

As discussed on the telephone last week I have also provided your company postal details to the aquaculture applicant.

Regards,

Geraldine

<p>Geraldine Farrell Higher Executive Officer Aquaculture and Foreshore Management Division</p> <hr/> <p>Department of Agriculture, Food and the Marine National Seafood Centre, Clonakilty, Co. Cork, P85 TX47 Ionad Náisiúnta Bia Mara, Cloich na Coillte, Co. Chorcaí <a href="http://www.agriculture.gov.ie">www.agriculture.gov.ie</a>   Email: <a href="mailto:Geraldine.Farrell@agriculture.gov.ie">Geraldine.Farrell@agriculture.gov.ie</a> Tel: +353 23 8859519 (Direct Dial)   Tel: +353 23 8859500 (Switchboard)</p>	 <p><b>An Roinn Talmhaíochta, Bia agus Mara</b> Department of Agriculture, Food and the Marine</p>
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**From:** Iarfhlaith Connellan [<mailto:iarfhlaithconnellan@gmail.com>]  
**Sent:** 08 October 2019 15:44  
**To:** OMahony, Jane  
**Subject:** Application for aquaculture licence T8 115A

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Jane,

Please find as attachments maps of the private oyster bed the property of Jasconius Ltd and a chart of the proposed licence area the subject of an application T8 115A.

The area marked in Black on the chart is the area belonging to Jasconius Ltd and is included in the application for an Aquaculture licence.

This encroachment results from a major southerly shift in the channel since the deed of the property of Jasconius Ltd was drawn up based on the Ordinance Survey map current at that time.

Overlays of the more recent Ordinance maps show clearly the new position of the channel and the new low water mark but also show clearly the encroachment of the licence application.

In order to avoid litigation I would be very obliged if you were to bring this to the attention of the engineering division.

I regret the delay in sending you the maps as requested but I had to await the solicitor's provision of the deed and the parchment map attached.

Yours sincerely,

***Iarfhlaithe Connellan***

***Manager Jasconius Ltd***



Mumma & Ballyvelaghan

Eaminish Island  
BARONY OF BURREN

CO CLARE

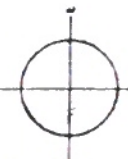
Scale - Six inches to the Statute Mile



ENLARGEMENT  
1/2500 Scale  
Ballyvelaghan  
Mumma & Ballyvelaghan

BALLYVELAGHAN

MORTYCLOUGH



*Register of Deeds  
File*

*Justiciary  
P. J. J.*

*Cushing  
Robert R. E.  
16 Dec 1912*

Explanation C.W. Centre of Mill, C.B. Centre of Road, H.W.M. High Water-Mark

REDUCED PHOTOGRAPHY

## Murphy, CiaraM

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**From:** OMahony, Jane  
**Sent:** Thursday 10 October 2019 11:34  
**To:** 'Iarfhlaith Connellan'  
**Subject:** Info re full title deeds  
**Attachments:** Registry of title deeds.pdf

Good morning Iarfhlaith,

Can you provide a full copy of the Deed/Folio to which the above map attaches? We will need the written details and full maps in order for Engineering Division to look into this.

Thank you.

Kind Regards,

**Jane O'Mahony**

*Aquaculture and Foreshore Management Division*

**An Roinn Talmhaíochta, Bia agus Mara**

*Department of Agriculture, Food and the Marine*

**An Lárionad Bia Mara Náisiúnta, An Cloichín, Cloich na Coillte, Corcaigh, P85 TX47**

National Seafood Centre, Clogheen, Clonakilty, Co. Cork, P85 TX47

T: +353 (023) 885 9577

[www.agriculture.gov.ie](http://www.agriculture.gov.ie)



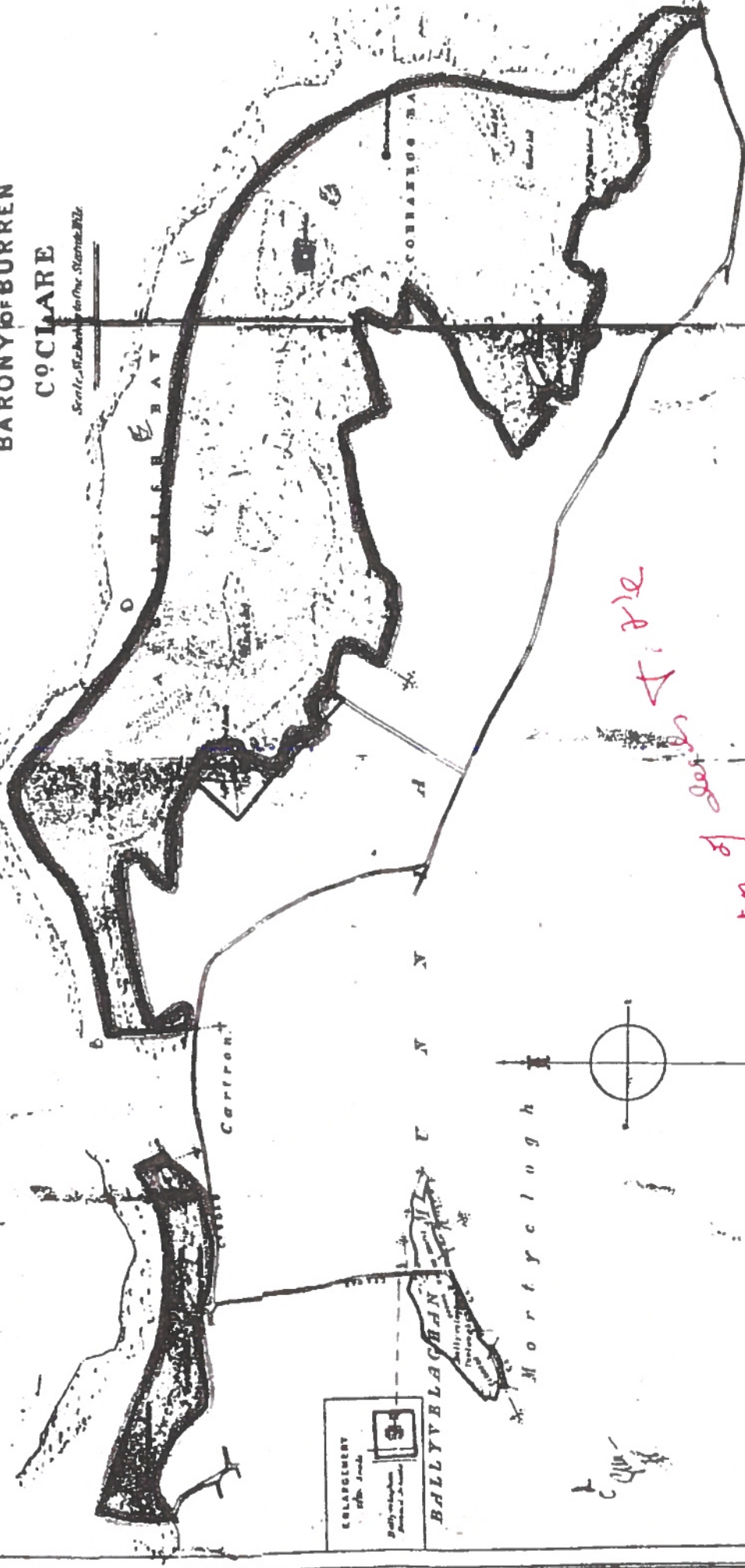


Munnia & Ballyvelaghan

Barony of Burren

Co. Clare

Scale: 1 inch = 1 mile



*Cuisling*  
*Robert DE*  
*16 Dec 1912*

*Justification*

*Registration of goods*

Explanation: C.W. Contour of Wall, C.B. Contour of Road, H.W.M. High Water-Mark

REDUCED PHOTOGRAPH



*The Registrar and  
I being duly sworn*

*This day of Dec 1912*

*being of the full*

In the High Court of Justice in Ireland,  
Chancery Division—Land Judges.

Dated *18 December* 1912

ESTATE OF THE HON. CHARLES W.F.  
WHITE AND ANOTHER.

**CONVEYANCE**

70

WILLIAM R. LANE JOYNT,  
Esq., B.L.



A. LANE JOYNT,  
A. Stephen's grocer, etc.

By Authority.

Printed by ALLEN TROSBY & CO., (LONDON, W.C. 2, 20, AVE. MARK L. BUILDING)  
(1883118)—0112/1912.—(G 6817).

"I certify that the transaction proposed to be effected by the within Conveyance does not (so far as is known to the Court) form part of a larger transaction or of a series of transactions in respect of which the amount or value or the aggregate amount or value of the consideration exceeds Five Hundred Pounds."

*Wm. K. ...*  
Registrar.

*11th Dec 1912.*

**ABANDONED**  
D2004RCR0765M

*Signature of the within Conveyance  
and not  
for the use of  
solicitor's firm's carriage*



I certify that the above-mentioned sums of One Hundred and Fifty Pounds and One Pound were respectively paid into the Bank of Ireland, to the account and credit above mentioned, on the Nineteenth day of August, One Thousand Nine Hundred and Twelve.

1471

*James Mackinnon*

*Tm*

*A. G. W. H. E.*

of  
Munnia & Ball

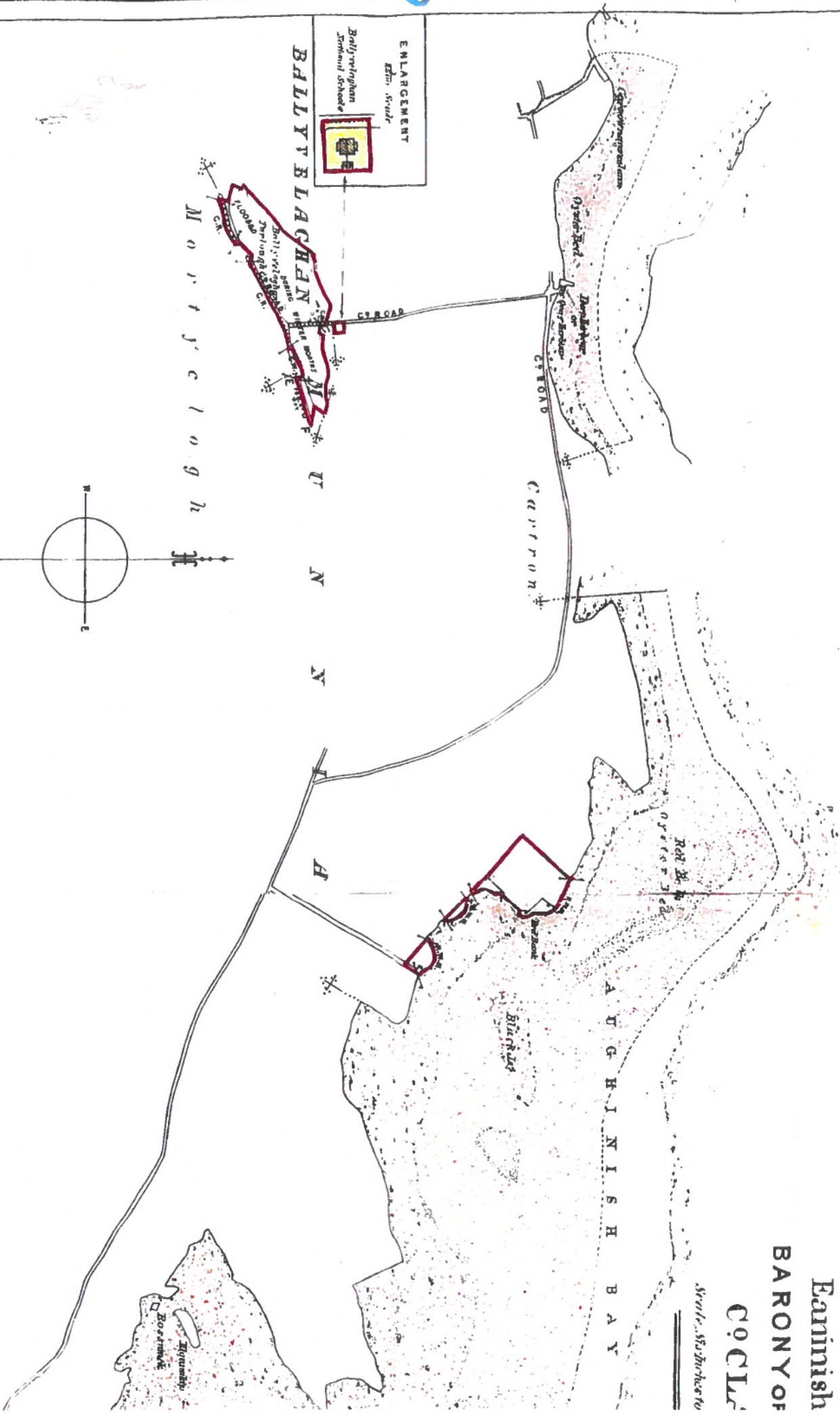
and

Eaminish

BARONY OF

COCLE

Scale: 50 inches to 1 mile



ENLARGEMENT

Estm. 1844

Ballyreelighan  
St. Michael's School



BALLYBLACHAN

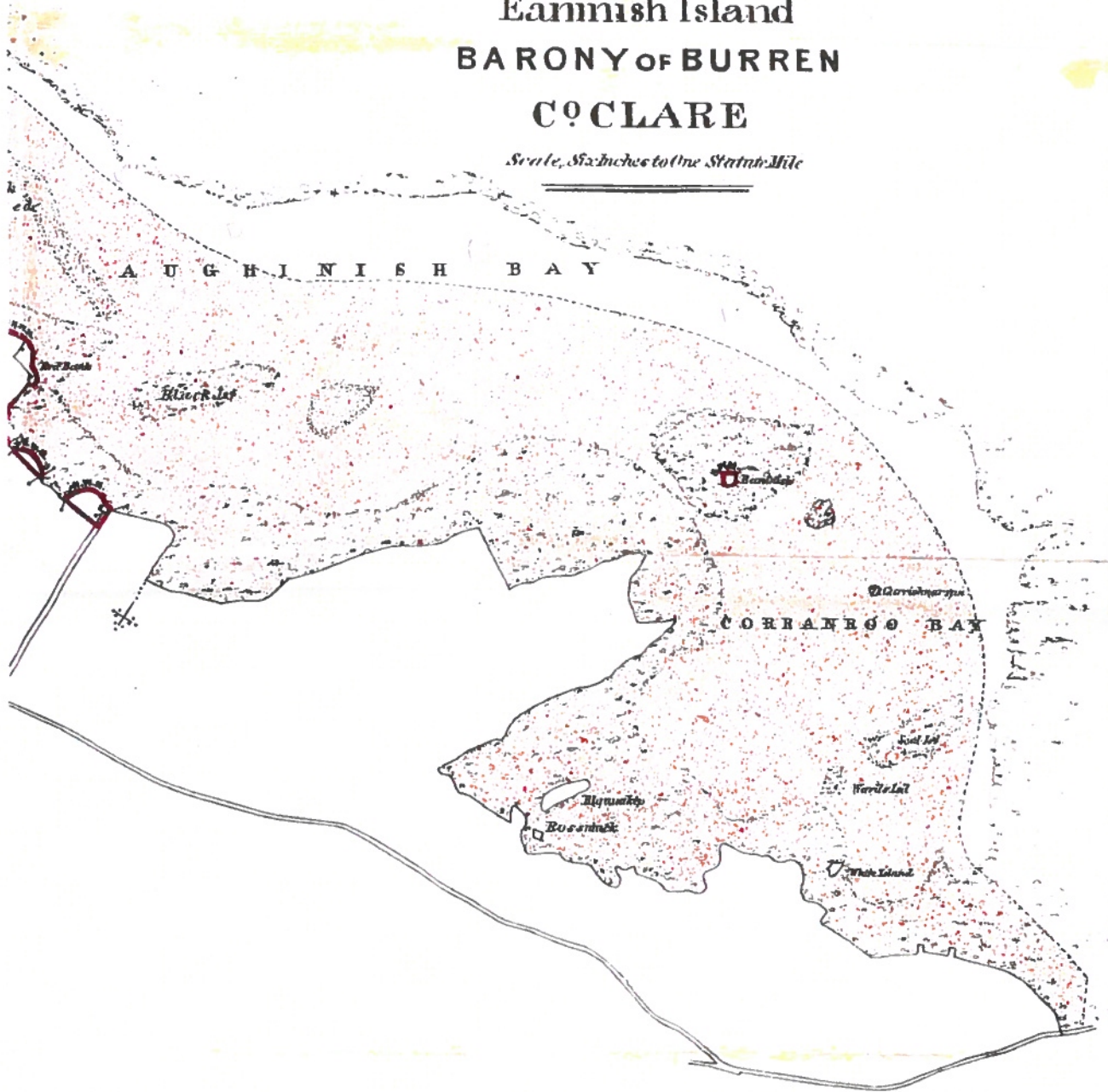
MUNNIA & BALL





Oyster Banks situate on the Shore of Aughinish Bay  
Parts of the Lands  
of  
Munnia & Ballyvelaghan  
and  
Eaninish Island  
BARONY OF BURREN  
CO CLARE

Scale, Six Inches to One Statute Mile



*John G. ...*

*... ..*

R. Colonel R.E.  
16<sup>th</sup> Decr 1912

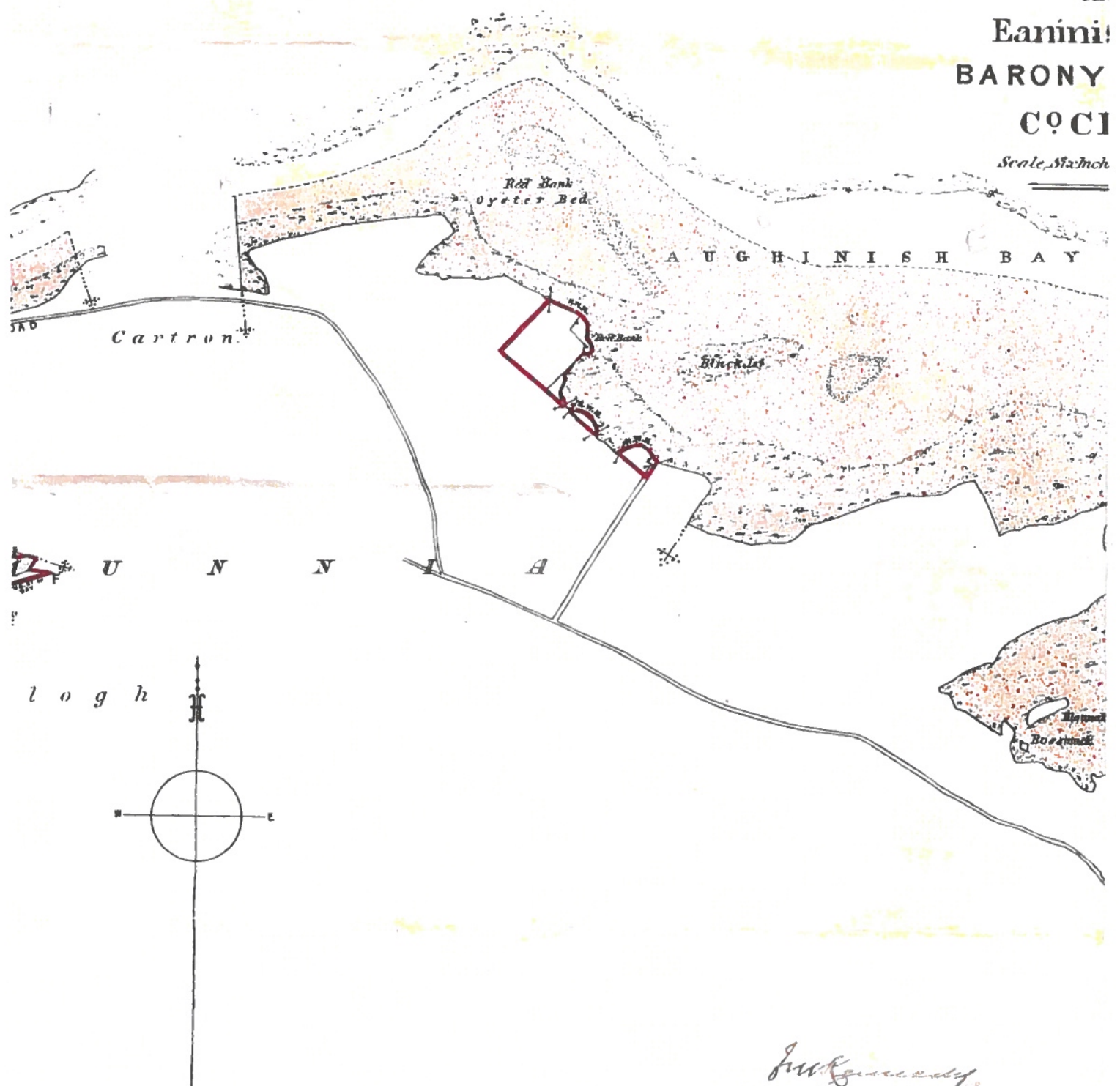


Oyster Banks situate on the  
Parts of the

0  
Munnia & Barony

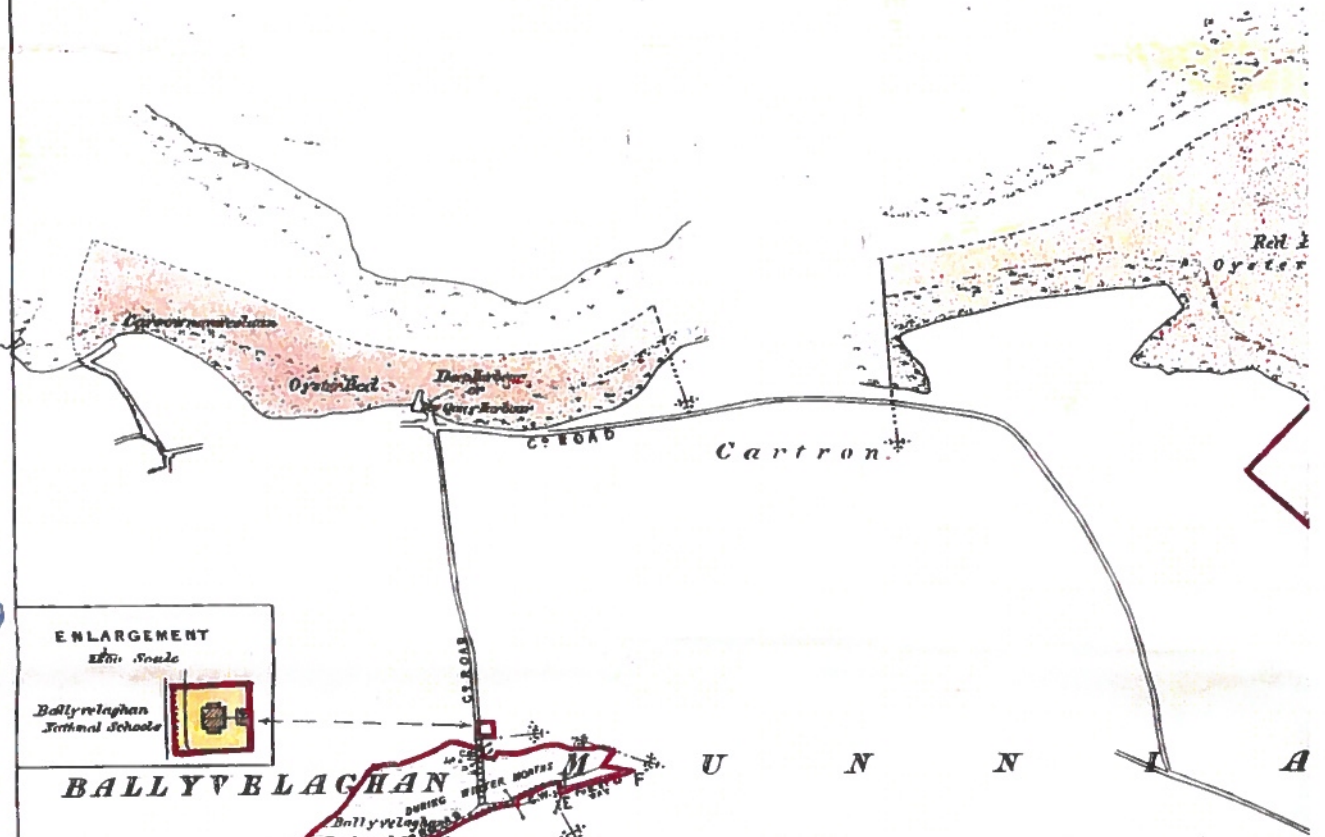
or  
Earinis  
BARONY  
CO. CL

Scale, 1/2 Inch



rad, H.W.M. High Water Mark

*J. W. G. 1850*



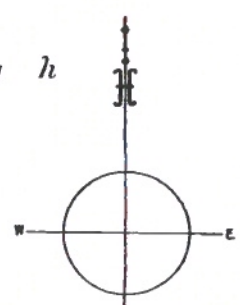
ENLARGEMENT  
 E.M. Soule  
 Ballyvelaghan  
 Terminal Schools

**BALLYVELLAGHAN**



U N N I A

Mortyclogh



Explanation C.W. Centre of Wall, C.R. Centre of Road, H.W.M. High Water Mark