

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



Inland Fisheries Ireland,
3044 Lake Drive,
Citywest Business Campus,
Dublin

1 October 2021

Our Ref: AP11/2019

Site Ref: T08/106 B, C&D

Re: Appeal against the decision of the Minister for Agriculture, Food and the Marine to refuse to grant a Licence to Moyasta Oysters for authorisation to cultivate Pacific Oysters using bags and trestles/hanging baskets and trestles on sites T08/106 B, C&D at Querrin, Poulnisherry Bay and Cammoge South, Shannon Estuary, Co Clare

To whom it may concern,

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, particulars or information are necessary for the purposes of enabling the Board determine these Appeals.

The Board understands your agency is responsible for the issuing of oyster fishery orders. The Board requires any information your agency holds on levels and area of use of oyster orders active in the Lower River Shannon, specifically T08/004A, T08/004B & T08/008. A

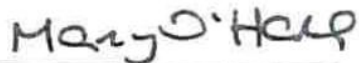
copy of this notice has also been sent to the Department of the Environment, Climate and Communications.

If you require further clarification of the Board's requirements, please contact the Board's Technical Advisor, Dr Ciar O'Toole on 087-4097160 or ciar.otoole@alab.ie.

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



Mary O'Hara
Secretary to the Board

An Bord Achomharc Um Cheadúnais Dobharshaothraithe
Aquaculture Licences Appeals Board



Inland Fisheries Ireland
3044 Lake Drive
Citywest Business Campus
Dublin 24
D24 Y265
Email info@fisheriesireland.ie

7 December 2021

Our Ref: AP11/2019
Site Ref: T08/106 B, C&D

Re: Appeal against the decision of the Minister for Agriculture, Food and the Marine to refuse to grant a Licence to Moyasta Oysters for authorisation to cultivate Pacific Oysters using bags and trestles/hanging baskets and trestles on sites T08/106 B, C&D at Querrin, Poulnasherry Bay and Cammoge South, Shannon Estuary, Co Clare

To whom it may concern,

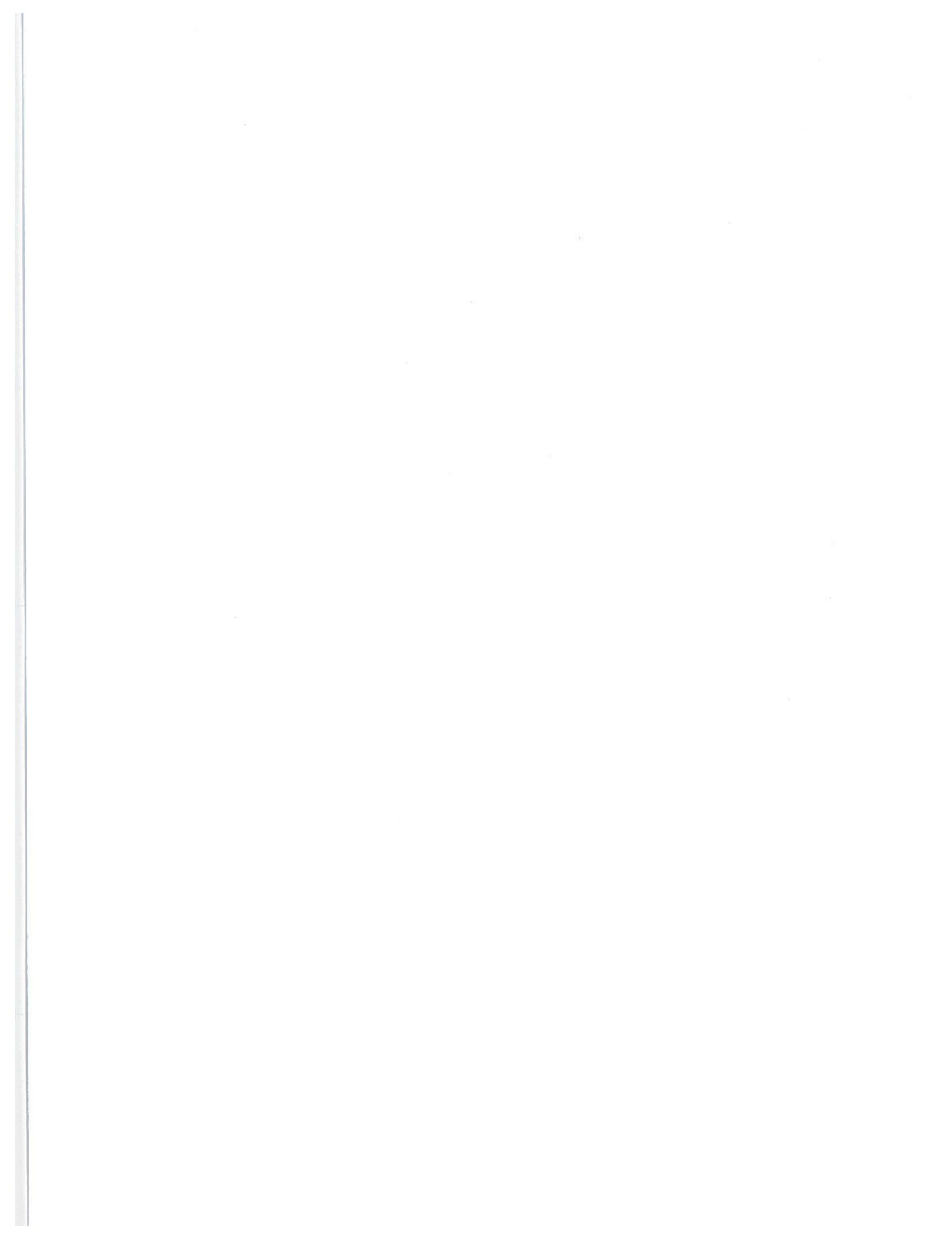
I refer to the above Appeal and our letter to you of 1 October last re **Section 47(1)(a)** of the Fisheries (Amendment) Act, 1997, as amended, ("the Act").

We acknowledge and thank you for your telephone call to our Technical Advisor in relation to the above letter. However, requests under the above-mentioned section require a written response to the queries raised.

Please provide a written response to the Section 47 letter of 1 October as soon as possible.

Yours sincerely

Antoinette Conroy
Secretary to the Board



Aquaculture Licence Appeals Board
Kilminchy Court
Dublin Road
Portlaoise
Co. Laois
R32DTW5



**Iascach Intíre Éireann
Inland Fisheries Ireland**

08.12.2021

Your Ref: AP11/2019

Re: Appeal against the decision of the Minister for Agriculture, Food and the Marine to refuse to grant a Licence to Moyasta Oysters for authorisation to cultivate Pacific Oysters using bags and trestles/hanging baskets and trestles on sites T08/106 B, C&D at Querrin, Poulnasherry Bay and Cammoge South, Shannon Estuary, Co Clare

Dear Antoinette,

Thank you for your letter dated December 7th requesting a written reply to your query re. the above appeal.

Inland Fisheries Ireland can confirm that there is oyster activity within the Poulnasherry Bay area but are unable to confirm if there is activity in the specific licence areas mentioned.

With regard to active Oyster Orders in the area, the responsibility for the issuing of Orders lies with the Minister and as such the records should be available from the Department of Energy, Climate and Communications.

The Electricity Supply Board were given statutory responsibility for the fisheries of the River Shannon under the 1938 Shannon Fisheries Act. Under this act they applied for and were issued an Oyster Order for a period of 50 years (S.I. No. 159/1939 Oyster Fishing (River Shannon) Order 1939). This expired in 1989.

A subsequent Order was issued in 1961 the Oyster Fishery (River Shannon) (No. 2) Order, 1961. This order specifically excludes Poulnasherry Bay. Finally, an Oyster Fishery (Poulnasherry Bay) Order, 1978 issued to a Mr. & Mrs. Glenn Driver. A copy of both of these orders is attached.

However, if an Order is active this would convey exclusive rights to access to the grantee to make, maintain and collect oysters within the Order area. The policy of Inland Fisheries Ireland is to preserve the rights granted in these Orders unless it can be conclusively shown that they have been revoked.



Iascach Intíre Éireann
Inland Fisheries Ireland

To sum up, Oyster Orders are issued by DECC and they should have any further relevant files.

Jane Gilleran

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Jane Gilleran
Fisheries Environmental Officer
Inland Fisheries Ireland, Limerick

Oyster Fishery (Poulnasherry Bay) Order, 1978

I, BRIAN LENIHAN, Minister for Fisheries and Forestry, in exercise of the powers conferred on me by sections 256 and 260 of the Fisheries (Consolidation) Act, 1959 (No. 14 of 1959), and the Fisheries (Transfer of Departmental Administration and Ministerial Functions) Order, 1977 (S.I. No. 30 of 1977) (as adapted by the Fisheries (Alteration of Name of Department and Title of Minister) Order, 1978 (S.I. No. 195 of 1978)), and after compliance with sections 257 to 260 of that Act, do hereby, with the consent of the Minister for Tourism and Transport, order as follows:

- 1 (1) This Order may be cited as the Oyster Fishery (Poulnasherry Bay) Order, 1978.
- (2) This Order shall come into operation on the 21 day of September, 1978.

2 Subject to section 267 of the Fisheries (Consolidation) Act, 1959 (No. 14 of 1959), and to the Foreshore Act, 1933 (No. 12 of 1933), Mr Glenn Driver and Mrs Mary Driver, Kiltale, Dunsany, in the county of Meath (hereinafter referred to as the Grantees) are hereby granted, within the limits of the oyster fishery described in the Schedule to this Order, the exclusive right of depositing, propagating, dredging and fishing for and taking oysters, and, in exercise of that right, may, within the limits of the said fishery, make and maintain oyster beds, and at any season collect oysters and remove them from place to place and deposit them as and where the Grantees think fit, and do all other things which the Grantees think proper for obtaining, storing and disposing of the produce of the said fishery or for the regulation of the said fishery.

- 3 (a) Whenever the Minister for Fisheries and Forestry, after consultation with the Minister for Tourism and Transport, is satisfied that it is in the public interest so to do, he may, by order, either determine this Order or amend the limit and extent of the oyster fishery granted by this Order.
- (b) Whenever this Order is determined by an order made under paragraph (a) of this Article or the limit and extent of the oyster fishery granted by this Order is amended by such an order, the Grantees shall be entitled to compensation for any money they have reasonably expended -
- (i) within the previous six years, or
 - (ii) since the coming into operation of this Order,
- whichever period is the lesser, on such part of the oyster fishery granted by this Order as may be specified in the order made pursuant to paragraph (a) of this Article.
- (c) The amount of any compensation due to the Grantees pursuant to paragraph (b)

of this Article may, in the case of any dispute, be referred for decision to an Arbitrator to be agreed by the Minister for Fisheries and Forestry and the Grantees or, in default of such agreement, to such person who may be nominated as Arbitrator by the President of the High Court.

- 4 The rights granted under this Order do not include the right to erect any structure which might obstruct navigation or curtail in any way normal navigational activities.

SCHEDULE

Limits and Extent of Oyster Fishery Granted by this Order

That area of seashore of Poulmasherry Bay and the tidal creeks and inlets thereof above or below or partly above and partly below low water mark adjoining the townland of Cammoge enclosed by a line joining the most easterly point, of high water mark at Cammoge Point in the townland of Cammoge, barony of Moyarta, county of Clare with the most westerly point of high water mark of the townland of Carrownealla South, barony of Moyarta, county of Clare and thence to the most southerly point of high water mark of Illaunaclaggin townland, barony of Moyarta, county of Clare and thence in a south westerly direction and terminating at the point of juncture at high water mark of the townlands of Cammoge and Clarefield both in the barony of Moyarta and in the county of Clare.

GIVEN under my Official Seal, this 16 day of August, 1978.

Brian Lewis

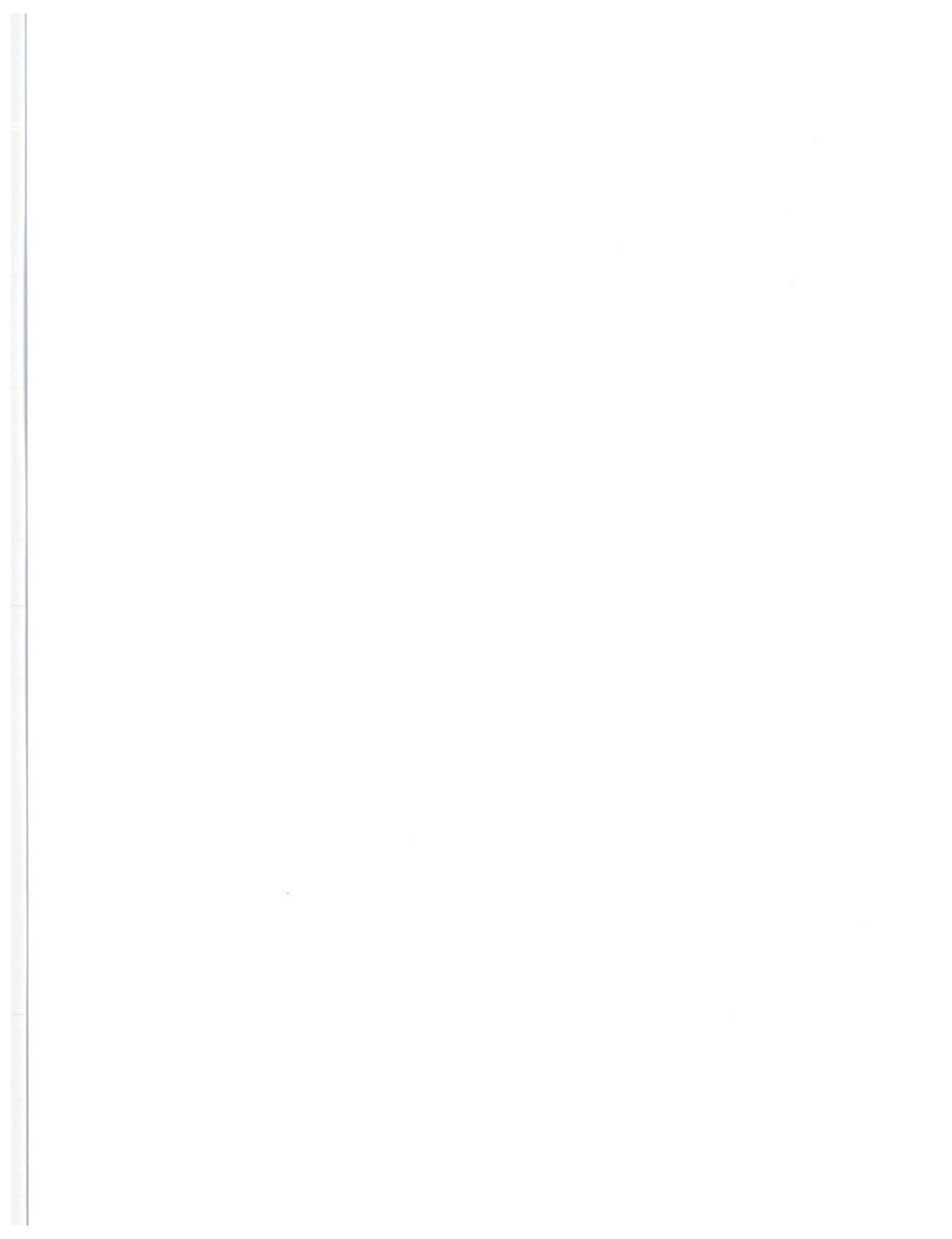
Minister for Fisheries and Forestry

The Minister for Tourism and Transport hereby consents to the making of the foregoing Order.

Given under the Official Seal of the Minister for Tourism and Transport, this 16 day of August, 1978.

[Signature]

A person authorised under Section 15(1) of the Ministers and Secretaries Act, 1924 to authenticate the Seal of the said Minister.



OYSTER FISHERY (RIVER SHANNON) (No. 2) ORDER, 1961.

WHEREAS the S.O. Company Limited, of 72, St. Stephen's Green, Dublin, has made application, under section 256 of the Fisheries (Consolidation) Act, 1959 (No. 14 of 1959), for an Oyster Fishery Order:

NOW, I, MICHEÁL Ó MÓRÁIN Minister for Lands, in exercise of the powers conferred on me by the said section, and after consultation with sections 257, 258, 259 and of the said Act, with the consent of the Minister of Agriculture and Fisheries:

This Order may be cited as the Oyster Fishery (River Shannon) (No. 2) Order, 1961.

This Order shall come into operation on the 1st day of July, 1962.

Subject to the provisions of section 267 of the Fisheries (Consolidation) Act, 1959 (No. 14 of 1959), and of the Foreshore Act, 1933 (No. 19 of 1933), the S.O. Company Limited is hereby granted, within the limits of the oyster fishery described in the Schedule hereto, the exclusive right of depositing, propagating, dredging and fishing for and taking oysters, and in exercise of that right, may, within the limits of the said fishery, make and maintain oyster beds, and at any season collect oysters and remove them from place to place and deposit them as and where the Company think fit, and do all other things which the Company think proper for obtaining, storing and disposing of the produce of the said fishery or for the regulation of the said fishery.

SCHEDULE.

Limits and Extent of Oyster Fishery granted by this Order.

Those parts of the River Shannon and the tidal creeks and tributaries thereof that -

1. Lie between a straight line drawn from Beal Point at most northerly point at high-water mark of the town of Corcas and Sandhills in the barony of Inaghliconnam and county of Kerry, to Doonaha Battery in the townland of Doonaha West, barony of Moyarta and county of Clare, and a straight line drawn from Beal Point to the most southerly point at high-water mark at Money Point in the townland of Carrowdotia South, barony of Clonderalaw county of Clare (but excluding that area enclosed straight line drawn from the point which is located ^{457m} hundred yards due south of the south-west corner of Quay at Querrin House and which is the most easterly high-water mark of the townland of Querrin in barony of Moyarta and county of Clare, on the spit land projecting in an easterly direction into the Shannon, to the round tower on Scatterry Island in the barony of Moyarta; and by a straight line drawn from north-easterly point at high-water mark of Scatterry Island at Mall Point to the most westerly point at high-water mark of Baurnahard Point in the townland of Carrowncelina th, barony of Moyarta and county of Clare);
2. Lie between a straight line drawn from Battery on Tapbert Island in the barony of Inaghliconnam and county of Kerry, to Kilkerrin Battery in the townland of Leah North, barony of Clonderalaw and county of Clare, and a straight line drawn from Poptallin Point at the most northerly point at high-water mark of the townland of Leahys in the barony of Shandon and county of Limerick to Rinealor/

to Rineillon point at the most south-westerly point at high-water mark of the townland of Shanakea Beg in the barony of ... and county of Clare.

GIVEN under my Official Seal, this day of 13th November, 1961.

Michael O'Riordan

MINISTER FOR TRANSPORT

The Minister for Transport ... regarding ... going Order.

GIVEN under the Official Seal of the Minister for Transport and Power, this 13th day of November, 1961.

J. J. ...

Secretary, Department of Transport and Power.

A ... authorised under Section of the Ministers and ... Act, 1924, to ... indicate the seal of the said ... aster.

