

MEMORANDUM OF AGREEMENT made 12 day of December, 2005

BETWEEN THE MINISTER FOR COMMUNICATIONS, MARINE AND NATURAL RESOURCES (hereinafter called "the Minister") of the one part and CORK CITY COUNCIL, CITY HALL, CORK (hereinafter called "the Licensee") of the other part WHEREAS the Licensee has applied to the Minister for a Licence to use and occupy those parts of the foreshore of the River Lee in the County of Cork more particularly delineated on Drawing Number A4797-N128-C and listed on Schedule 1 annexed hereto for the purpose of laying using and maintaining river crossings and diffuser, pump stations, emergency overflows, storm water and surface water outfalls in connection with the Cork Main Drainage Scheme (Phase 2)

AND WHEREAS the Minister in exercise of the powers vested in him by Section 3 of the Foreshore Act, 1933 hereby grants to the Licensee licence to use and occupy the said part of the foreshore on the terms and conditions following:-

1. This Licence shall remain in force for the term of thirty five years commencing from the 1<sup>st</sup> day of January 2001.
2. The Licensee shall pay to the Minister the sum of €12,204.00 on the execution hereof (receipt of which is hereby acknowledged) and the annual sum of one euro (if demanded).
3. The Licensee shall use that part of the foreshore the subject matter of this Licence for the purpose of laying using and maintaining river crossings and diffuser, pump stations, emergency overflows, storm water and surface water outfalls and for no other purpose whatsoever.
4. The licensee shall at all times during the continuance of this Licence keep the said river crossings and diffuser, pump stations, emergency overflows, storm water and surface water outfalls in a good and proper state of repair and condition to the satisfaction of the Minister and ensure that they will not be injurious to navigation, the adjacent lands or the public interest.
5. The Licensee shall indemnify and keep indemnified the State and the Minister their officers, agents and employees against all actions, losses, claims, damages, costs, expenses and demands arising in any manner whatsoever in connection with the construction, maintenance or use of the said river crossings and diffuser, pump stations, emergency

overflows, storm water and surface water outfalls or in the exercise of the permission hereby granted.

6. The Minister shall be at liberty at any time to terminate this Licence by giving to the Licensee twelve months previous notice in writing ending on any day and upon determination of such notice the Licence and permission hereby granted shall be deemed to be revoked and withdrawn without the liability for the payment of any compensation by the Minister to the Licensee.
7. The Licensee shall if so required by the Minister within twelve months after receipt of such notice or on determination of this Licence from any other cause at its own expense remove ~~the said river crossings and diffuser, pump stations, emergency overflows, storm water and surface water outfalls~~ to the satisfaction of the Minister and if the Licensee refuses or fails to do so the Minister may cause the said river crossings and diffuser, pump stations, emergency overflows, storm water and surface water outfalls to be removed and shall be entitled to be paid by and to recover from the Licensee as a civil debt due to the State all costs and expenses incurred by him in connection with such removal and restoration.
8. In the event of the breach non performance or non-observance by the Licensee of any of the conditions herein contained the Minister may forthwith terminate this Licence without prior notice to the Licensee.
9. Any notice to be given by the Minister may be transmitted through the Post Office addressed to the Licensee at its last known address.
10. The Licensee shall monitor the temporary outfall.
11. The Licensee shall ensure that existing effluent pipes discharging into Cork Harbour shall as far as possible be incorporated into the Cork Main Drainage Scheme.
12. The Licensee shall take steps to ensure minimal disruption to migrating salmonids at Cork Harbour by the Drainage Scheme.
13. The Licensee shall agree to the future installation of Ultra Violet Treatment should such treatment become necessary and shall make provision for such treatment.

14. The Licensee shall inform the British Admiralty Hydrographer at Taunton, U.K. of the works upon completion.
15. The Licensee shall ensure that river crossings and diffuser, pump stations, emergency overflows, storm water and surface water outfalls are marked by light conducive to safe navigation such lights and marks to be approved by Port of Cork Company.
16. The Licensee shall ensure that pipe-laying operations shall be monitored by a suitably qualified Archaeologist with intertidal experience such Archaeologist to be licensed by Duchas.

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**IT IS HEREBY CERTIFIED** for the purpose of the stamping of this instrument that **this** is an instrument to which the provisions of Section 53 Stamp Duties Consolidation Act, 1999 does not apply to this instrument.

**PRESENT** when the Seal of office of )  
the **MINISTER FOR COMMUNICATIONS**)  
**MARINE AND NATURAL RESOURCES**)  
was affixed hereto and was authenticated )  
by the signature of:- )

JOE RYAN)

*Joe Ryan*)  
A person authorised by Section 15(1) of the )  
Ministers and Secretaries Act 1924 to )  
authenticate the Seal of the said Minister. )

Sharon Sexton)  
WITNESS )

Dept. of Communications & Natural Resources)  
ADDRESS )

Civil Servant)  
OCCUPATION )

**PRESENT** when the Common Seal of )  
**CORK CITY COUNCIL** was affixed )  
hereto **THE LORD MAYOR** also being )  
present )

*[Signature]*)  
CITY MANAGER )

*Batach Eaves*)  
Local Government Official )  
Cork City Council )  
City Hall, Cork. )

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**SCHEDULE 1**

**CORK MAIN DRAINAGE SCHEME-PHASE 2**

NR	Description	DRAWING NO
	Pump Station at Tivoli	A4797-N109-D
10	Emergency overflow (750mm dia.) at Tivoli Pump Station	A4797-N109-D
	Pump Station at Tivoli Industrial Estate	A4797-N110-D
11	Emergency overflow connecting to existing outfall pipe (450mm dia.) at Tivoli Industrial Estate	A4797-N110-D
12	Twin rising mains (400mm dia.) and alternative power duct (300mm dia.) at Tivoli	A4797-N111-D
16	Twin rising mains (700mm dia.) crossing the Tramore Estuary at Roynane's Court	A4797-N117-D
17	Twin (1200mm) siphon pipes crossing Lough Mahon	A4797-N141-A
	Pump Station at Wallingstown, Little Island	A4797-N121-D
18	Emergency overflow to existing outfall pipe (750mm dia.) at Wallingstown Pump Station, Little Island	A4797-N121-D
	Pump Station at Flaxfort	A4797-N122-E
19	Emergency overflow connecting to existing outfall pipe (900mm dia.) at Flaxfort	A4797-N122-E
20	Rising main (500mm dia.) from Flaxfort Pump Station	A4797-N122-E A4797-N123-C
	Pump Station at Courtstown	A4797-N124-D
21	Emergency overflow connecting to overflow pipe (900 mm dia.) at Courtstown	A4797-N124-D
23	Treated Effluent Pipe (1400 mm) and diffuser at Marino Point	A4797-N126-D
24	Surface water outfall pipe (600 mm dia.) at Marino Point	CCJV/SK/DB/128

Dated this      day of      2005

**THE MINISTER FOR COMMUNICATION, MARINE AND  
NATURAL RESOURCES**

**One Part**

**-WITH-**

**CORK CITY COUNCIL**

**Second Part**

**LICENCE**

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**DAVID J. O'HAGAN,  
CHIEF STATE SOLICITOR,  
OSMOND HOUSE,  
LITTLE SHIP STREET,  
DUBLIN 8.  
Our Ref: SMG/1938/2001**