Agreement

Made the thirty first day of May, One Thousand Nine hundred and Sixty Five. Between the Minister for Transport and Power (hereinafter called "the Minister") of the One Part and the Urban District Council (hereinafter called "the licensees") of the Other Part. Whereas the licensees have applied to the Minister to grant them permission to use an area of State foreshore at both as hereinafter described and whereas the Minister has agreed to grant such permission in so far as the State's estate and interest permits. Now therefore this Agreement Witnesses that the Minister in exercise of the powers vested in him by the Foreshore Act 1953 and subject to the said Act hereby grants to the licensees licence to lay and maintain four outfall sewage pipes on the parts of the foreshore at both as more particularly delineated and shown in red colour on the map annexed hereto. And it is hereby agreed by and between the Minister and the licensees as follows, that is to say:

1. This licence shall remain in force for the term of Ninety-nine years from the date hereof but shall be subject to revocation as hereinafter mentioned.

2. The licensees shall pay to the Minister through the Superintendence, Mercantile Marine Office, Dublin the sum of Four Shillings on the first day of June in every year during the continuance of this licence. The first payment to be made on the execution of these presents.

3. The licensees shall lay and maintain the said pipes on the foreshore in such manner as to ensure that the said pipes will not cause any obstruction to navigation.

4. The licensees shall keep the said pipes in a good and proper state of repair and in a proper condition to the satisfaction of the Minister.
5. The following conditions shall be observed by the Licensees in the laying and maintenance of the said pipes:
   
   (1) the seaward end of each of the four outfall pipes shall be marked by a sign to the satisfaction of the Minister extending to at least five feet over high water of ordinary spring tides;
   
   (2) the Licensees shall take all necessary steps to the satisfaction of the Minister to prevent the discharge of sewage through the said pipes creating a nuisance.

6. In case of the breach, non-performance or non-observance by the Licensees of any of the covenants, conditions or agreements contained herein the Minister shall have power to terminate this Licence.

7. The Licensees shall indemnify and keep indemnified the Minister and the Port Harbours Commissioners against all actions, claims, damages costs and expenses arising in any manner whatsoever in connection with the laying and maintenance of the said pipes or in the exercise of the licence hereby granted.

8. Any Notice to be given to the Licensees in pursuance of this Licence may be transmitted through the Post Office addressed to the Licensees.

9. This Licence shall be enrolled by the Minister at the expense of the Licensees in the Central Office of the High Court.

In Witness Whereof the Minister and the Licensees have caused their respective seals to be hereunto affixed the day and year first herein written.

Present when the Seal of office of the Minister of Transport and Power was affixed and was authenticated by the signature of:

Mr. D. O'Neill

[Signature]

A sworn statement under the provisions of Section 150 of the Ministers of Transport Act
and Secretaries Act 1924 to authenticate the Seal of the said Minister.

Present when the Seal of the Licences was affixed:

[Signatures]

[Date]: 20/11/04