CONDITIONS ATTACHED TO PERMISSION GRANTED TO CORK COUNTY COUNCIL ON 1ST AUGUST 2008 BY THE MINISTER FOR AGRICULTURE, FISHERIES & FOOD UNDER SECTION 10 OF THE FORESHORE ACT, 1933 IN RESPECT OF THE BANTRY SEWERAGE SCHEME

1. The Grantee:

(i) shall use that part of the foreshore, the subject matter of this permission, for the purpose of constructing and maintaining (a) a 400mm diameter Emergency Outfall at Old Quay Pump House, (b) a 200mm diameter Scour Valve Chamber and (c) a 250mm diameter Rising Main and for expanding the capacity and maintaining a 250mm diameter outfall at Black Rock as part of Cork County Councils Sewerage Treatment Plant development for the town of Bantry, Co Cork (hereinafter referred to as the works), in accordance with the plan and location drawings*, as submitted to, and approved by, the Minister for Agriculture Fisheries and Food; (hereinafter referred to as the Minister) and for no other purpose whatsoever;

* Drawing No’s. A8763-N306-D & A8763-N307-D (delineated in blue)

(ii) may also use adjacent foreshore but only to the extent necessary for the purpose of constructing and maintaining the said works and shall restore the said foreshore to its proper condition immediately after such use.

2. The Grantee shall, prior to commencement of works:

(i) provide certification by a Chartered Engineer stating that the works have been designed in accordance with relevant Irish or British Standard Specifications or Codes of Practice for strength, stability and durability, taking into account current building regulations and safety legislation;

(ii) provide for the approval of the Minister, a detailed Construction and Method Statement for carrying out the works and for the disposal of excavated material;

(iii) give the Minister for Agriculture, Fisheries & Food 14 days notice;

(iv) apply to the Commissioners of Irish Lights for sanction of new navigational aids/buoyage and/or alteration of existing navigational aids/buoyage;

(v) notify the British Admiralty Hydrographic Office, of the location, nature and timing of the works;
(vi) arrange for the publication of a local marine notice. This local marine notice should give a general description of operations and approximate dates of commencement and completion. A notice in a locally read newspaper at least two weeks prior to commencement of operations will suffice;

(vii) notify the local Harbour Master with respect to the safety of navigation of marine traffic in the river.

3. The Grantee shall, during the construction phase:

(i) ensure that floating plant or machinery used in connection with the works is adequately lit if in place at night or during times of poor visibility;

(ii) ensure that all vessels engaged in the works comply fully with the relevant certification requirements;

(iii) ensure that work is carried out in an environmentally friendly manner so as to minimise the impact on the foreshore and the surrounding environs;

(iv) ensure that proper environmental controls and monitoring are carried out during the construction phase of the various elements, as there are major aquaculture farming activities in the harbour. It is essential that construction/excavation/dredging sediments are not released into the water column;

(v) comply with all lawful instructions given by the Heritage and Planning Division of the Department of the Environment, Heritage and Local Government in relation to work on the foreshore area the subject of this Permission or the surrounding area;

(vi) ensure that all impacts into the foreshore and sub-tidal zone are subject to archaeological monitoring. This should be undertaken by a suitably qualified archaeologist with marine/underwater experience and should be licensed to the Department of Environment, Heritage and Local Government;

(vii) ensure that the monitoring licence application is accompanied by a detailed method statement and this should include details of plant/dredger type, duration of works and extent of works. The methodology should also include a find’s retrieval strategy and details of the proposed archaeological monitoring team;

(viii) ensure that if significant archaeological remains are found during the archaeological monitoring, the monitoring archaeologist will have the power to have the works stopped. The works operator shall be prepared to move away from the area until the potential archaeology has been properly inspected and fully resolved. The developer shall be prepared to be advised by the Underwater Archaeology Unit of the Department of Environment, Heritage and Local Government in this regard;

(ix) ensure the diffusers are marked by a high visibility coloured float or similar to indicate position of same and hence discourage vessels anchoring in close proximity.
4. The Grantee shall ensure, that, in the event of any spillage or accident occurring below the high water mark of ordinary or medium tides, or above the high water mark, which may impact on the foreshore during the carrying out of the works the subject of this Permission, or during operations following the completion of the works, the Irish Coast Guard is notified immediately by telephone.

5. (a) The effluent discharged from the treatment plant outfall pipe shall have a maximum 5-day B.O.D. concentration of 25 mg/l and a maximum suspended solids concentration of 35 mg/l, on a 95% basis. The maximum total daily B.O.D. load discharged from the treatment plant outfall shall not exceed 40 kgs;

(b) The effluent from the Waste Water Treatment Plant shall be sampled twice monthly immediately downstream from the plant and immediately prior to discharge. These samples shall be tested for 5-day B.O.D. and for suspended solids concentration;

(c) A report on the operation of the treatment plant and compliance with these discharge conditions, including the results of the sample analyses above, shall be submitted to the Department of Agriculture, Fisheries & Food, Coastal Zone Management Division, annually;

(d) Should sample analysis indicate that the plant is not operating to design specifications the Grantee shall inform the Department of Agriculture, Fisheries & Food, Coastal Zone Management Division, as soon as possible;

(e) The analyses should be carried out in an accredited laboratory;

(f) The cost of all the aforementioned sampling and monitoring shall be borne by the Grantee.

6. The Grantee shall ensure that any malfunction or stoppage breakdown of the effluent treatment system shall be notified immediately to the local Sea Fishery Officers of the Sea Fisheries Protection Authority,(Udaras um Chosaínt Iascaigh Mhara) so that any health problems posed for shellfish downstream can be contained.

7. The Grantee shall, on completion of the works:

   (i) provide detailed location coordinates for the completed work;

   (ii) within two months, provide certification by a Chartered Engineer that the works have been completed in accordance with the plans/drawings approved of by the Minister and with the said Specifications or Codes of Practice;
(iii) agree a sampling programme to monitor water quality with the Department of Agriculture, Fisheries & Food before the scheme comes into operation in order to ensure compliance with SI No, 268 of 2006.

8. The Grantee shall ensure that the engineering detail of the emergency stormwater outfall (400mm diameter) at Old Quay Pump House will be amended as part of the proposed marina development when the layout for same is finalised.

9. The conditions of this permission are subject to review in the light of any legislative changes or improved standards in the interest of public health.

Signed on behalf of Cork County Council

Date 29/9/08