



Comhairle Chontae Chill Chainnigh

Halla an Chontae Sraid Eoin Cill Chainnigh
R95 A39T

Pobail agus Áiteanna Inbhuanaithe a Chruthú

Kilkenny County Council

County Hall John Street Kilkenny
R95 A39T

Creating Sustainable Communities and Places



17th February, 2025.

TO: The Chairman & Each Member of Kilkenny County Council

RE: Section 85 Agreement between Kilkenny County Council and Waterford City & County Council

Kilkenny County Council is managing a Road Design Scheme in Ferrybank, County Kilkenny. The Project is funded under the Urban Regeneration Development Fund (URDF) and is linked to funding provided for the North Quays Project currently under construction in County Waterford.

The Road Design Project includes improvements works to the R711 Belmont Road and the L-3412 Abbey Road to create a suitable streetscape in accordance with the requirements of DMURS and the Cycle Design Manual. To link the proposed scheme to the North Quays Project and to ensure consistency in facilities for Vulnerable Road Users (VRU's), works within Waterford County are required. This Scheme will link to the Part 8 approved South-North Access Road which is also funded as part of the North Quays Project URDF funding.

It is recommended that a Section 85 Agreement be entered into with Waterford City & County Council to prepare this Scheme and to become effective from 17th February, 2025.

Mise, le Meas,

Mary Mulholland
Director of Services.

- a. The carrying out of the relevant statutory procedures and the discharging of powers, functions and duties in relation to procuring and managing the Contract for the technical consultant charged to provide support for a Road Design project to the R711 Belmont Road and the L-3412 Abbey Road within the functional area of Waterford City & County Council which may be exercised or performed by Waterford & City County Council should be exercised or performed by Kilkenny County Council. Furthermore, Kilkenny County Council are able and willing to exercise said powers, functions and duties in accordance with Section 85 of the 2001 Act and Section 14 of the 1993 Act as amended in the manner hereinafter set forth

NOW THIS AGREEMENT WITNESSETH AS FOLLOWS: -

1. The parties hereto have agreed to enter into this agreement under the provisions of Section 85 of the 2001 Act and Section 14 of the 1993 Act as amended.
2. Waterford City & County Council is of the opinion and hereby agrees that it would be more convenient that the powers, functions and duties relating to procuring and managing the Contract for the technical consultant charged with the support for the Road Design project to the R711 Belmont Road and the L-3412 Abbey Road within the functional area of Waterford City & County Council should be exercised or performed by Kilkenny County Council and Kilkenny County Council are able and willing so to exercise or perform the said powers, functions and duties.
3. Kilkenny County Council hereby agrees that it will bear the portion of the costs related to the performance of the Contract entered into between Kilkenny County Council and the technical consultant charged with the support for the Road Design project to the R711 Belmont Road and the L-3412 Abbey Road within the functional area of Waterford City & County Council.
4. (i) Any dispute or difference arising out of or in connection with this Section 85 Agreement shall, in the first instance, be referred to a Mediator to be appointed by agreement between the parties and, in the absence of agreement within 5 working days, of the receipt by one party of a written notice to concur

in the appointment of a Mediator, by the Chairman of the Chartered Institute of Arbitrators, Irish Branch.

(ii) In the event that the dispute or difference is not resolved within 10 working days of the appointment of the Mediator, the dispute or difference shall be referred to an Arbitrator to be agreed between the parties and, in default of agreement within 5 working days of the receipt by one party of a written notice to concur in the appointment of an Arbitrator, by the Chairman of the Chartered Institute of Arbitrators, Irish Branch, such arbitration to be governed by the Arbitration Act 2010 as amended or replaced. The Arbitrator shall have no connection with the Mediator or the mediation proceedings unless both parties have otherwise consented in writing.

IN WITNESS WHEREOF the parties have hereunto affixed their Seals the day and year first above Written.

**PRESENT when the Seal of
KILKENNT COUNTY COUNCIL**
was affixed hereto:-

Chief Executive

Authorised Officer

Mayor / Nominated Member

**PRESENT when the Seal of
WATERFORD CITY & COUNTY COUNCIL**
was affixed hereto:

Chief Executive

Authorised Officer

Mayor / Nominated Member

Section 85 of the Local Government Act 2001

An Agreement made the day of 2025

BETWEEN

KILKENNY COUNTY COUNCIL

(FIRST PART)

AND

WATERFORD CITY & COUNTY COUNCIL

(SECOND PART)