



## 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

10<sup>th</sup> December, 2024.

**TO: The Chairman & Each Member of Kilkenny County Council**

**RE: Section 85 Agreement between Kilkenny County Council and Tipperary, County Council**

Tipperary County Council is managing the formulation of a comprehensive Regional Electric Vehicle Infrastructure Strategy for the region (Kilkenny, Carlow, Waterford, Wexford and Tipperary). The Regional Strategy will form the basis for Infrastructure Planning and Implementation plans in each Local Authority and across the region.

It is recommended that a Section 85 Agreement be entered into with Tipperary County Council to prepare this Strategy to become effective from 16<sup>th</sup> December, 2024.

Mise, le meas,

Mary Mulholland

Director of Services.

**AN AGREEMENT** made the      day of                      2024

Between

**TIPPERARY COUNTY COUNCIL** of the First Part and **KILKENNY COUNTY COUNCIL** of the Second Part.

## **DEFINITIONS**

Except where expressly provided to the contrary in this Agreement:

- (a) 'The County Councils' shall mean Tipperary County Council and Kilkenny County Council.
- (b) 'The 2001 Act' shall mean the Local Government Act 2001.
- (c) 'The 1993 Act' shall mean the Roads Act 1993.
- (d) 'Section 85 Agreement' shall mean an agreement entered into under Section 85 of the 2001 Act.
- (e) 'Functions' includes powers and duties and a reference to the performance of functions includes, with respect to powers and duties, a reference to the exercise of the powers and the carrying out of the duties as provided in the interpretation section of the 2001 Act.

## **WHEREAS: -**

1. Tipperary County Council is desirous of appointing a technical consultant to provide support for the formulation of an Electric Vehicle (EV) infrastructure strategy for County Tipperary.
2. In accordance with the regional implementation strategy for National En-Route EV Charging Network Plan, Tipperary County Council is grouped with Kilkenny County Council, and the development of the EV infrastructure strategy for Tipperary County Council will be of relevance to the functional areas of both Tipperary County Council and Kilkenny County Council.
3. Kilkenny County Council is of the opinion and agrees that it would be more convenient that
  - 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 with the formulation of the EV infrastructure strategy within the functional area of Kilkenny County Council which may be exercised or performed by Kilkenny County Council should be exercised or performed by Tipperary County Council. Furthermore, Tipperary County Council are able and willing so 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. Kilkenny 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 formulation of the EV infrastructure strategy within the functional area of Kilkenny County Council should be exercised or performed by Tipperary County Council and Tipperary 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 Tipperary County Council and the technical consultant to formulate the EV infrastructure strategy within the functional area of Kilkenny 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  
TIPPERARY COUNTY COUNCIL**  
was affixed hereto:-

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Chief Executive

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Authorised Officer

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Mayor / Nominated Member

**PRESENT when the Seal of  
KILKENNY 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            2024

**BETWEEN**

**TIPPERARY COUNTY COUNCIL**

**(FIRST PART)**

**AND**

**KILKENNY COUNTY COUNCIL**

**(SECOND PART)**