

# **COMHAIRLE CONTAE ÁTHA CLIATH THEAS** **SOUTH DUBLIN COUNTY COUNCIL**



## **MEETING OF SOUTH DUBLIN COUNTY COUNCIL**

**Monday, June 11, 2018**

### **HEADED ITEM NO. 18**

**HEADED ITEM: D. of Corporate Performance & Change Management**

### **SECTION 85 – REPORT ON PROPOSED EXTENSION OF GREENWAY ALONG GRAND CANAL FROM 12<sup>TH</sup> LOCK TO KILDARE BORDER**

#### **REPLY:**

At the May CPG, Council, Lucan Area Committee and Economic, Enterprise and Tourism Development SPC meetings briefings were given to the members on proposals for Greenway projects along the Grand Canal. Waterways Ireland have requested that Dublin City, South Dublin and Kildare County Councils prepare plans for the Greenway. They have also indicated that they would like to commence the scheme next year.

The Grand Canal in South Dublin traverses the Kildare County Border before reaching Aylmer Bridge. In order to deliver the scheme at the earliest possible date it is recommended that Section 85 Agreement be entered into by this Council and Kildare County Council to allow for the project to be delivered from the 12<sup>th</sup> Lock to Aylmer Bridge by South Dublin County Council.

**[Section 85 of the Local Government Act 2001](#)** provides:-

(1) Where in the opinion of a Local Authority any function performable by it should be performed, generally or in a particular case, by another Local Authority, and that other authority is able and willing so to perform the function, then the authorities may enter into an agreement that:-

(a) The function shall be so performed on behalf of the first mentioned authority by the other authority, and

(b) It becomes so performable by that other authority in accordance with the agreement.

The making of an agreement under Section 85 of the Local Government Act 2001 is a reserved function.

Accordingly, the following resolution is recommended for adoption by the Council:

“That South Dublin County Council hereby resolves to enter into an agreement, under Section 85 of the Local Government Act 2001, with Kildare County Council in respect of the proposed Greenway from the 12<sup>th</sup> Lock to Aylmer Bridge whereby South Dublin County Council will act as lead authority and will be enabled to carry out all work as may be necessary in the Administrative area of Kildare County Council to allow for the works to be undertaken.”