

LOCAL GOVERNMENT ACT 2001

SECTION 85 AGREEMENT

Between

MEATH COUNTY COUNCIL

And

WESTMEATH COUNTY COUNCIL

And

EIRGRID PLC

For the

**ADMINISTRATION OF THE EIRGRID COMMUNITY GAIN FUND FOR THE
MULLINGAR REINFORCEMENT PROJECT IN THE JURISDICTION OF
WESTMEATH COUNTY COUNCIL AND MEATH COUNTY COUNCIL**

AN AGREEMENT made the Day of 2016

BETWEEN **MEATH COUNTY COUNCIL** having its principal offices at Aras an Chontae, Navan, County Meath, of the one part and **WESTMEATH COUNTY COUNCIL** having its principal offices at Aras an Chontae, Mullingar, Co. Westmeath, of the other and **EIRGRID PLC**, a statutory corporation incorporated in Ireland with registered number 338522 and registered office at The Oval, 160 Shelbourne Road, Ballsbridge, Dublin 4 (referred to in this Agreement as “**EirGrid**”).

WHEREAS:

1. Meath County Council at a Council meeting on the _____ 2016 resolved pursuant to Section 85 of the Local Government Act 2001 that they would enter into an agreement with Westmeath County Council to authorise Westmeath County Council to perform the powers, duties and functions of Meath County Council relating to the administration of the EirGrid Community Gain Fund for the Mullingar Grid Reinforcement Project within the jurisdiction of Meath County Council
2. Westmeath County Council at a Council meeting on the _____ 2016 resolved pursuant to Section 85 of the Local Government Act 2001 that they would enter into an agreement with Meath County Council agreeing to perform the powers, duties and functions of Meath County Council relating to the administration of the EirGrid Community Gain Fund for the Mullingar Grid Reinforcement Project within the jurisdiction of Meath County Council
3. EirGrid PLC as a Public Authority, within the meaning of Section 2 of the Local Government Act 2001, has resolved pursuant to Section 85(2) of the said Act that certain of its functions as detailed hereunder may be properly performed by Westmeath County Council as detailed hereunder.
- 4.A EirGrid is the licensed Transmission System Operator (TSO) in Ireland with responsibility for the operation, maintenance and development of a safe, secure, reliable, economical and efficient electricity transmission system.

4.B In the Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure dated 17 July 2012, the Government underlined the imperative for State Companies, and all developers of energy projects, of early, transparent engagement and consultation with local communities and stakeholder and the appropriateness of building community gain considerations into project planning and budgeting and as an intrinsic part of the on-going consultation with local communities and local authorities, and stated it was fully supportive of a community gain approach in the delivery of energy infrastructure.

4.C EirGrid is developing a new electricity line on the transmission system from Mullingar to Kinnegad (“the proposed development”) and, in line with Government policy, EirGrid wishes to follow a community gain approach in the delivery of this infrastructure and has consequently established a fund for communities in proximity to the new transmission lines and rural transmission stations for this purpose. EirGrid intends to use the Mullingar to Kinnegad development as a pilot project to trial different models for management of a community gain fund, namely management by local authorities and management by a specialist organisation.

A. The total amount of funding available is €360,000 for the Mullingar project.

B. The available fund will be separated into two streams;

- Minor works projects – a single payment of up to a maximum of €10,000;
- Significant social impact projects – projects that demonstrate a medium/long term benefit to the community up to a maximum of €50,000.

4.D Westmeath County Council will be responsible for the management of the minor works stream. The significant social impact projects will be managed by an ‘Other Party’ in agreement with EirGrid.

4.E Westmeath County Council and the Other Party will work together with EirGrid to ensure that there is no overlap of applications, and to

ensure that the most relevant applications are submitted to the correct allocating authority.

- 4.F Westmeath County Council is the competent Local Authority in whose functional area, the vast majority of the proposed development will be situated. Westmeath County Council have experience in the provision of grants to assist with actions and projects being undertaken by communities within its functional area. EirGrid recognise the expertise and local knowledge which the Council can provide in relation to the distribution of its community gain fund.
- 4.H The Parties have therefore agreed to enter into this Agreement to set out the terms and conditions under which the Council shall distribute monies, which to be made available by EirGrid, to local communities and groups near the proposed development.
- 4.I By virtue of the provisions of S85 of the Local Government Act 2001 the functions of a local authority or a body which is a public authority may by agreement be performed by another local authority.
- 4.J Meath County Council and EirGrid desire that Westmeath County Council administer the EirGrid Community Gain Fund for the Mullingar Reinforcement Project in the jurisdictions of Westmeath and Meath County Councils.

NOW THEREFORE, in consideration for the mutual undertakings herein contained, it is agreed as follows:

1. The Fund

A fund will be established in the name of the ‘**EirGrid Local Fund**’ (hereinafter referred to as “**The Fund**”)

Westmeath County Council will be identified as the relevant allocating Authority for the minor works element of the fund.

- 1.1 The Council shall establish an evaluation committee to consider applications for funding when they are received by the Council

- 1.2 The evaluation committee shall meet at least twice consider applications to the Fund and to make a recommendation to EirGrid.
- 1.3 The evaluation committee, in making a decision on an application shall consider the evaluation criteria outlined below.
- 1.4 The Fund shall be determined on the expiry of 24 months maximum following the completion of the proposed development. The evaluation committee shall meet prior to such dissolution to recommend the distribution of any remaining fund.
- 1.5 The Council shall submit to EirGrid on a quarterly basis an account of its reasonable expenses incurred in implementing this Agreement, and EirGrid undertakes to discharge such reasonable expenses within two months of the receipt of the applicable Invoice.

2. Applications

- 2.1 Applications shall be submitted to the Council on an application form to be agreed between the Parties, together with an accompanying information document, which shall be made available in a prominent position on the website of the Council.
- 2.2 Only those applications which are accompanied by all relevant information and documents shall be considered.
- 2.3 Applications will only be accepted from a bona fide community or voluntary organisation, operating in the vicinity of the proposed development.
- 2.4 It is understood that priority will be given to applications that are closest to the development.
- 2.5 In the event that insufficient applications are received, or it is determined that excessive numbers of applications received fail to meet the requirements of the Fund, EirGrid shall advertise a 'Second-Round' of Funding which shall be open to statutory agencies, public bodies and all other entities which can demonstrate how their application can meet the evaluation criteria.

3. Evaluation Criteria

- 3.1 In making a recommendation for payment of monies from the Fund the evaluation committee shall have regard to:
- a. The extent to which the application demonstrates the potential for a positive impact on the community in the vicinity of the project;
 - b. the physical proximity of the subject matter of each application from the proposed development.
- 3.2 When making a decision on an application, the committee shall consider the extent to which the application addresses the following criteria:
- (a) The enhancement of community amenities;
 - (b) The provision of leisure amenities;
 - (c) The provision of environmental awareness measures;
 - (d) The provision of amenities for children and young people;
 - (e) The provision of amenities for older people;
 - (f) The provision of additional educational facilities and initiatives;
 - (g) Assisting an arts, language, local heritage or cultural initiative;
 - (h) Assisting an initiative led by a sporting organisation;
 - (i) Assisting particular local needs.

4. Grant making

- 4.1 The Evaluation Committee shall draw up a list of proposed beneficiaries, and shall submit the list to a designated member of the staff of the Council who shall verify that the application meets the satisfactory technical requirements.
- 4.2 No funds shall be disbursed from the Fund before the completion of the proposed development, which shall be the day that the overhead power line is energised.
- 4.3 The Council shall, in so far as it is practicable, take in charge all public amenities and public structures in receipt of monies from the Fund.

4.4 The minimum amount for an award from The Fund is €500 and the maximum is €10,000

5. Changes to this agreement

By mutual consent the Council and EirGrid may make changes to this Agreement, from time to time.

6. Legal context

This Agreement shall be governed by and construed in accordance with the laws of Ireland.

In witness whereof the parties thereto have hereunto set their Seals the day and year first herein written

Present when the Seal of Westmeath County Council

Was affixed hereto:

Nominated Employee for the purpose of authenticating the seal

Chief Executive

Present when the Seal of

Meath County Council

Was affixed hereto:

Nominated Employee for the purpose of authenticating the seal

Chief Executive

Present when the Seal of

EIRGRID Plc

Was affixed hereto:

Nominated Employee for the purpose of authenticating the seal

Chief Executive Officer

Company Secretary