



For Office Use: - Ref no _____

LOCAL IMPROVEMENT SCHEME

(for improvement works on private non-public roads)

**Please read the attached terms and conditions before completing this Application Form and return the completed form to:
Roads Department, Carlow County Council, County Hall, Athy Road, Carlow,
R93 E7R7**

Please note that the making of an Application under the Local Improvement Scheme and its acceptance / approval by the Local Authority constitutes an Agreement between the Applicants / Beneficiaries and the Local Authority, for the purposes of Section 81(4)(a) of the Local Government Act 2001

- 1) We, the undersigned, hereby apply to Carlow County Council for a contribution towards the cost of the work described in Schedule - Part 1 overleaf and if the contribution is made available, we apply to have the said work carried out by Carlow County Council as Agent on our behalf and not in their capacity as a Road Authority. We and each of us hereby agree to be bound in all respects by the terms and conditions of the Scheme as set forth in Part I of the Schedule hereto.
- 2) We acknowledge that the Council's acceptance of our application is on the clear understanding that we (and other users) will, when the project is completed, thereafter maintain the work in good order and repair at our own charge and expense and that the carrying out of any further works will not involve any liability on the part of the Council for subsequent maintenance. The making of an application and its acceptance by the Local Authority will constitute an Agreement for the purpose of Section 81(5) of the Local Government Act, 2001.
- 3) We hereby appoint the Representative named below and delegate full power to act for him/her in all correspondence and other business arising out of this application. We agree to be bound by all correspondence and actions of our Representative



3 (a) Name of Representative (Block Capitals)	3 (b) Postal address of representative Eircode
3 (c) Telephone No. of Representative	
3 (d) Email address of Representative	

As appointed representative, I do solemnly and sincerely declare that that the names, signatures & other required details of all property / landowners and others whose lands/houses/properties who would be served or benefitted by the work being undertaken under this project are listed in List 1 of point 4 below and consent to these works.

I believe the details contained in the application to be true and accurate and by virtue of the Statutory Declarations Act 1938

.....
Signature of Representative [to be signed in front of an authorised witness - eg Notary Public, Commissioners for Oaths, practicing solicitor or a person authorised by law to take and receive statutory declarations]

On this _____ day of _____ 20____

Before me,

.....
Signature of authorised witness

On this _____ day of _____ 20____



4) .LIST 1

Names of all persons whose lands or interests would benefit by the proposed work outlined below under Particulars of the Works below and/or are willing to contribute financially.

Important Note: Beneficiaries on List below will be required to pay the additional contributions associated with works for those beneficiaries not willing to contribute as per the example in section 4 of the Schedule of terms and conditions attached

	Name of Property Owner/ Leasee of lands (PRINT)	Signature of Property Owner	Property Address & Eircode	Folio Map No	Contributing financially to the scheme Yes/No
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					



PARTICULARS OF WORKS FOR WHICH APPLICATION IS MADE

5) Name of Townland(s), the subject of the grant aided works (per attached map)

6)

Approximate Length (metres): _____ metres

Average Road Width (in metres): _____ metres

Total Area of Road (metres²) _____ metres²

7) Describe the start & end point of proposed works and submit a site location map showing the full length of the road between the start and end points, together with the individual parcels of land associated with each landowner/Leasee in List 1

8) Type of Work: _____

9) Description of works proposed under the application:

10) Does the proposal serve any outside families or the public generally?



11) Does the road serve any amenity such as public right of way, graveyard or heritage site?
Yes /No

If yes, provide details:

12) Was road improved under previous LIS grant scheme? Yes / No

If yes, please provide date and details of work completed under grant scheme.

13) Limited access may apply to accommodate works, during construction period. Please outline any **exceptional needs** that may require emergency access (e.g. wheelchair, special needs)

Yes/No

If yes, please give brief details and supporting documentary evidence substantiating the need must be attached to application.

14)

Names of applicants (minimum of 1) engaged in agricultural activities on the parcel of land accessed by the road project and a herd/flock number. Please attach a copy of the maps associated with Basic Income Support for Sustainability(BISS) application provided by the Department of Agriculture, Food and the Marine, or equivalent documentation. BISS Maps must be for the current year or the previous year of application.

LIST 2

NAME	Herd/Flock No.



Checklist for Submission:

Incomplete applications will be returned and deemed invalid.

All the required signatures of landowners/beneficiaries (see List 1 Point 4) and signature of representative (see point 3) and supporting evidence as outlined in checklist below (as appropriate) must be submitted with the fully completed application form.

Complete checklist below

		Applicable/Required Y/N	Submitted (Y/N)
(a)	Fully Completed application form		
(b)	Location Map of proposed works		
(c)	BISS Map for current or previous year for those listed in List 2		
(d)	Copy of Folios and Maps or other proof of ownership (in case of registered owner deceased) for all in List 1		
(e)	Copy of Land Agreement – in case of access for leased lands		
(f)	Documentary evidence for harvesting		
(g)	Supporting documentation to verify exceptional needs (Point 13 of application)		

- a) **Fully completed application form**
- b) A site location map **showing the full length of the road and clearly outlining start and finish of works**, together with the individual parcels of land associated with each landowner/Leasee in List 1, clearly outlined on the map.
- c) **Copy of the maps associated with Basic Income Support for Sustainability application** provided by the Department of Agriculture, Food and Marine, or equivalent documentation **for those listed in List 2**. BISS Map must be **for the current year or the previous year of application**.
- d) **Copy of Folios and Maps proving ownership of lands.** In case of proof of land ownership where registered owner is deceased, confirmation of written consent from beneficial owner with copy of the necessary legal proof of status of signatory must also be submitted e.g. copy of will confirming name as executor or a solicitor letter confirm status of beneficial owner.
- e) Copy of **Land Agreement** for those leasing lands/properties who will be benefiting from the scheme, if applicable.
- f) Copy of documentary evidence that lands are used for harvesting purposes, if applicable.
- g) Copy of **supporting documentary evidence to verify exceptional needs** as outlined in Point 13 above, if applicable.



SCHEDULE

TERMS & CONDITIONS

1) **Eligible road projects:**

Eligible road projects are those that involve the construction or improvement of non-public roads as follows:

- Road projects which provide access to parcels of land, of which, two or more are owned or occupied by different persons, **one of which must be** engaged in separate agricultural activities; or
- Road projects which provide access for harvesting purposes (including turf or seaweed) for two or more persons; or
- Road projects provide access to at least one parcel of land owned or occupied by a person engaged in agricultural activities AND which separately provides access for harvesting purposes (including turf or seaweed) for at least one other person.

In addition, works can also be carried out on Amenity Roads. Amenity Roads are non-public roads leading to important community amenities such as graveyards, beaches, piers, mountain access points or other tourist/heritage sites. Such roads may not account for more than 25% of the allocation provided to each Local Authority. The requirement for agricultural activity/BPS numbers shall not apply to applicants in the case of roads coming within the scope of the Amenity Roads provision.

All projects must be available for use by members of the public, i.e. access to the roads must not be inhibited or restricted.

Applicants should provide **current** (within the current or previous year) documentation to verify that they are engaged in agricultural activities on the parcel of land accessed by the road project e.g. a herd/flock number and a copy of the maps associated with their Basic Income Support for Sustainability application provided by the Department of Agriculture, Food and the Marine, or equivalent documentation. The onus shall be on the individual applicants to submit the required documentation in support of their eligibility.

Where the occupier of the land is not the registered owner, the occupier should provide a copy of the lease agreement in place for the land in question together with confirmation of the consent of the registered owner (or beneficial owner in the event that the registered owner is deceased).



2) **Non-eligible road projects**

The following road projects are not eligible for funding under the Scheme:

- A road serving only houses or buildings occupied or used by persons not engaged in agriculture, save for those non-public roads that in the opinion of the local authority are necessary for use by the public.
 - A road serving only Local Authority properties.
 - A road leading to bogs developed commercially for large scale turf production.
 - Projects involving drainage works only.
 - A road leading to commercial enterprises.
 - A road involving minor works which is within the competence of the applicants to do themselves.
 - A road which, because of its small size, would involve work which the Local Authority would consider as being uneconomic to carry out. The Department recommends that a parcel of land is at least 1 hectare in size.
- 3) The offer of a contribution from the County Council is subject to withdrawal or alteration without notice and **is subject to payment of a local contribution**. No action on the part of the Council is required until the landholders' contribution is paid.
- 4) The local contribution is an integral part of the Local Improvement Scheme. The local contribution must be paid before any works commence and the Local Authority may not proceed with a road project where the local contribution has not been paid by the beneficiaries. **Free labor or materials are not acceptable as part of the local contribution**. The amount to be paid by an individual beneficiary is a matter for arrangement between the beneficiaries themselves.

The local contribution is set at **10% for eligible roads with up to and including five beneficiaries** and is set at **15% for those with six or more beneficiaries**. The total contribution is based on the estimated cost of the project.

Provided that all beneficiaries are contributing to the cost of the works, the maximum amount that any beneficiary is required to contribute is capped at €1,200. Where all beneficiaries are not willing to contribute, the voluntary contribution should still be calculated on the basis that all of the beneficiaries are contributing as outlined in the following example:

Road with 5 beneficiaries where the cost of the works is €100,000 would require a local contribution of €10,000 based on a contribution rate of 10%.

- *If all beneficiaries are willing to contribute, the maximum that each shall pay is set at €1,200 (capped amount) resulting in a total contribution of €6,000.*



- *If only 4 beneficiaries are willing to contribute, the total contribution shall still be €6,000 i.e. the beneficiaries that contribute would be required to contribute €1,500 each.*

- 5) The local contribution should be paid as a single sum – the arrangement for payment by the individual beneficiaries is a matter to be decided between those beneficiaries. In circumstances where the land/property is rented/leased, the local contribution may be paid by the landowner and/or the occupier/leaseholder. The decision in this regard is a matter for agreement between the landowner and the occupier/leaseholder.
- 6) Road projects may provide for the construction, improvement or reconstruction of roads or bridges. The work should not be ordinary maintenance of a kind which the applicants could reasonably be expected to do themselves but should provide for essential works of a more substantial kind such as strengthening weak sections, rut filling, resurfacing and opening water channels. Existing fences may also be removed, or set back, and new fences provided, where necessary and feasible at reasonable cost.
- 7) The contributors and any other persons whose lands or interests appear to be affected by the proposed work must, when required prior to the commencement of operation, sign the prescribed form giving their full consent to the operation of the work including entry to their lands etc.
- 8) Applicants must arrange amongst themselves for the provision of any land which may be required for the construction or widening of a road or drain, and no charge in respect of compensation for such land may be made.
- 9) The Council will decide on the specification of the work to be done and on the best manner of carrying it out and the applicants shall not have any claim against the Council for any imperfection which may exist in the finished work, nor for any failure to complete the full amount of work that was envisaged.
- 10) In the event of the agreed estimate being insufficient to complete the specified work the Council will not have any liability to expend any further sum.
- 11) The carrying out of work will not involve any liability on the part of the Council for subsequent maintenance and the applicants shall maintain the works in good order and repair at their own charge and expense.