



**Roads Department
Tipperary County Council
Civic Offices
Limerick Road
Nenagh
Co. Tipperary E45 A099**

Date: January 2023

LOCAL IMPROVEMENT SCHEME 2023

Dear Sir/Madam

I refer to your request for an application for a grant to carry out improvements under the Local Improvement Scheme for non-public accommodation roads, which is operated by Tipperary County Council. I attach the relevant application form incorporating particulars of the Scheme. Due to changes to the guidelines in recent years, **all previous applicants who were unsuccessful are required to re-apply in 2023.**

Proposals for which **fully completed** application forms are submitted will be investigated and prioritised in accordance with Tipperary County Council's Policy on Local Improvement Schemes. Works prioritised for execution under the scheme will be progressed subject to the allocation of funding by the Department of Rural and Community Development. No approved work will however be undertaken unless and until the joint cash contribution from benefitting landowners is paid to the Council.

It is likely that the value of applications for the Local Improvement Scheme 2023 will far exceed the annual allocation by the Department of Rural and Community Development and consequently it will be necessary to place applications on a waiting list.

Please ensure that all sections of the form are fully completed and submitted with the following documents:

- **Copy of at least 2 Folios with Maps showing two (2) registered owners (or Lease Agreement). Where a Lease Agreement is submitted, written consent of the Registered Owner must also be provided.**
- **Copy of map with location and length of roadway indicated thereon.**
- **Herd Number(s) and copy of Basic Scheme Maps provided by Department of Agriculture, Food and the Marine, or other documentation which demonstrates engagement in agricultural activity, for at least two (2) landowners / leaseholders.**

An application is not included on the Local Improvement Scheme List until fully completed and approved.

Yours faithfully

Michèle Maher.

for **Director of Services
Roads & Transportation.**



LOCAL IMPROVEMENT SCHEME

Instructions on how to fill in the application form

1. SCOPE OF THE SCHEME

The Local Improvement Scheme applies only to works which provide access to parcels of land of which at least two are owned or occupied by different persons engaged in separate agricultural activities, or provide access for harvesting purposes (including turf or seaweed) for two or more persons.

The work must be strictly necessary and not simply ordinary maintenance, or of a kind which the applicants could reasonably be expected to do for themselves. The Scheme does not apply to roads maintained by the County Council or to any works which are for the benefit of only one landowner or to roads serving only houses or buildings occupied by persons not engaged in agriculture.

Applicants must provide proof of Herd numbers/Flock numbers and copies of maps associated with their Basic Payment Scheme applications provided by the Department of Agriculture, Food and the Marine, or equivalent documentation. 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.

2. APPOINTMENT OF REPRESENTATIVE

The appointed representative should be **one of the applicants** named on the application form. The nominated person's name and contact details should be inserted in the space provided on the form. All correspondence concerning this application will be addressed to that person and therefore it is important that the full contact details are provided.

3. INSTRUCTIONS REGARDING SIGNATURES - VERY IMPORTANT

- (a) Each person named on the application should sign the form personally - it will not suffice if another person signs on their behalf.
- (b) An applicant who is unable to sign his/her name should make a mark in the space provided for signatures and the representative for the scheme should then fill in this applicant's name and also sign his/her own name as witness to the applicant's mark. **N.B.** It must be clearly understood by the representative that in no case is an applicant to sign by his/her mark until the representative has truly and audibly read over the application form to him/her and he/she has stated that he/she understands its contents and is willing to have his/her name included as an applicant.



4. **HOW TO DESCRIBE THE LOCATION OF THE WORK**

State where the proposed work begins and ends by referring to local landmarks or to houses or farms. The location should be clearly marked on an accompanying map.

5. **PERSON WHO DECLINES TO SIGN THE FORM**

Residents/land owners/occupiers whose houses or lands would be served by the intended work may decline to sign the form, either because they are not prepared to contribute, or for other reasons. The names and addresses of persons who decline to sign must be given in List 2 of the Application Form, indicating that they have no objection to the proposed works outlined and consent to same in accordance with the terms and conditions of this scheme.



LOCAL IMPROVEMENT SCHEME 2023

Application for grant to the cost of works to non-public road

**To Director of Services
Roads & Transportation
Tipperary County Council
Civic Offices
Limerick Road
Nenagh
Co Tipperary E45 A099**

(1) We the undersigned, each being the owner/occupier of agricultural land in the townland(s) referred to at Part I (1) hereunder, hereby apply to Tipperary County Council for a grant towards the cost of work described in (1) – (4) Part I of the application overleaf, and, if the grant is made available, we apply to have the said work carried out by Tipperary County Council as Agent for each of us. We and each of us hereby agree to be bound in all respects by each and every one of the terms and conditions of the Scheme as set out in Part II of the schedule hereto.

(2) We hereby designate the following person as our **Appointed Representative** and delegate full power to: **(BLOCK CAPITALS)**

Mr/Mrs/Ms _____ **of** _____

to act for us in all correspondence and other business arising out of this application and we and each of us agree to be bound by such correspondence and actions of the said Representative.

(3) List 1 – persons whose lands or interests would benefit by the proposed work, and who have joined in this application:

Name (Block Capitals)	Signature	Postal Address	Eircode	Folio Number

Notes: Each applicant must personally sign the form.

Further signatures, with postal addresses and Folios may be written on a separate sheet.

Folio details, which are available from the Land Registry Office, must be provided and detailed on the supporting documentation.



(4) I CERTIFY that List 1 above and List 2 on page 7 contain the signatures of all Landowners and others whose lands, houses or other property would be served or benefitted by the proposed work.

I have the consent of all landowners/occupiers affected by the works applied for, to act on their behalf in relation to this application.

All information provided and supporting documentation is accurate to the best of my knowledge.

Appointed Representative:(block capitals) _____

Signature: _____

Postal Address: _____

Eircode: _____

Telephone No. _____

Email Address: _____

Date: _____

Closing date for receipt of applications is Monday 13th February 2023 @ 4.30pm

For Office Use Only	
File Ref:	_____
Year of Application:	_____



PART I - PARTICULARS OF WORK FOR WHICH APPLICATION IS MADE

1. Municipal District: Carrick-on-Suir Clonmel Nenagh
 Thurles Tipperary/Cahir/Cashel

Townland(s): _____

2. Type of Work proposed:

3. Approximate length of road to be improved (metres): _____

4. Exact location of work (describe where it starts and ends):

5. Has the proposed work ever been maintained by or repaired by Tipperary County Council?
YES/NO and if so give details:

Is Road in an Amenity Area: **YES/NO** if so give details:

(Amenity roads are non-public roads leading to important community amenities such as graveyards, beaches, piers, mountain access points or other tourist/heritage sites. Sports grounds can qualify except no parking, set-down or curtilage areas can be included, the road from main road to gate or access point is eligible).

6. Does the proposal serve any outside families, or the public generally, and if so for what purposes?

7. Number of Houses which would benefit from the works:

8. Number of Parcels of Land (Non-Residential): _____



9.	Name of Landowner / Householder	Folio Number (Attach copy of Folios and/or Lease Agreements)

10. Are there any special circumstances to be considered? e.g. Physical Disability, Elderly, etc.

11. Is there a Gate at Entrance to Road? **YES/NO**

12. Are all persons whose interests or lands would be affected in any way by the proposed work, if carried out, prepared to give the necessary consent to the execution of work? **YES/NO**

13. **List 2:** The signatures of all other persons whose lands would benefit by the proposed work, but who would not have joined in this application are required below, indicating that they have no objection to the proposed works outlined above. **If there are no beneficiaries other than those who have signed at List 1 the word "None" should be written here.**

Name (Block Capitals)	Signature	Postal Address	Eircode



PART II - SCHEDULE

A road must be open to the public and benefit two or more parcels of land owned or occupied by different persons, or, in relation to rights of turbary etc. serve two or more persons entitled to such rights.

The following roads would not satisfy the requirements of the Scheme:

- a) A road open to the public which only benefits one landowner.
- b) A road serving only houses or buildings occupied or used by persons not engaged in agriculture.
- c) A road serving only Local Authority properties.
- d) A road leading to bogs developed commercially for large scale turf production.
- e) Projects involving drainage works only.
- f) A road leading to commercial enterprises.
- g) A road involving minor works which is within the competence of the applicants to do themselves.
- h) A road which, because of its small size would involve work which the Local Authority would consider as being uneconomical to carry out.

TERMS AND CONDITIONS

- (1) Road projects may provide for the construction improvement or reconstruction of roads or bridges. The works 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. The provision of new fencing or replacement of existing fencing on its own is not eligible for grant assistance.
- (2) The applicants must agree the necessary apportionment amongst themselves of their respective portions of the joint contribution, must arrange to collect the agreed amount and make one lodgement with Tipperary County Council before the work can commence.

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.

- (3) Contributions in kind, e.g. free labour or materials, will not be accepted in lieu of cash. All materials forming part of a bridge or other structure to be demolished and replaced by a new structure, will be available for use if necessary, and without charge, in connection with the execution of the work.



- (4) The contributors and any other persons whose lands or interests appear to be affected by the proposed work must, if required prior to the commencement of operation, sign the prescribed form giving their full consent to the execution of the work including entry to their lands, etc.
- (5) Applicants must arrange amongst themselves for the provision of any land which may be required for the construction or widening of a road or for drainage works and no charge in respect of compensation for such land may be made against the project.
- (6) Tipperary County Council will employ the necessary labour and will arrange to carry out the work subject to the conditions that (1) the person in charge of the work will be appointed by the Council as their agent; (2) no person whether a contributor or not, whose interests are affected will impede the execution of the work by making unreasonable demands on that person or other officials in charge. Failing the fulfilment of any of these conditions the works would not be commenced and if already started would be closed down and any unexpended portion of the applicant's contribution returned to them through their representative.
- (7) Tipperary County Council, at their discretion 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 Tipperary County Council for any imperfection which may exist in the finished work, nor for any failure to complete the full amount of the work which was envisaged.
- (8) Tipperary County Council will expend upon the work, the sum agreed upon (i.e. the estimated cost) and in the event of that sum not being sufficient to complete the entire work specified Tipperary County Council will not have any liability to be bound to expend on the work for its completion any sum in addition to the agreed sum, but the making of a supplementary grant will be considered on its merits if the applicants request and agree to pay such sum as may be required by way of additional local contribution.
- (9) When the work has been carried out, the applicants shall maintain it in good order and repair at their own charge and expense, and Tipperary County Council will not have any liability for the maintenance of the work.

Important Note: Tipperary County Council will only accept applications where the application form has been fully completed, and all supporting documentation is enclosed. An application is not included on the Local Improvement Scheme List until fully completed and approved.

Return Form To: Lisa Noonan, Roads Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary E45 A099

Email to: lis@tipperarycoco.ie

**Closing date for receipt of applications is
Monday 13th February 2023 @ 4.30pm**

Privacy & Data Protection: Personal information is collected by Tipperary County Council to enable the processing of your LIS Application. Tipperary County Council can legally process this information under the terms of the Local Improvement Scheme and the Local Government Act 2001 and to determine eligibility for the Scheme. Such information will be processed in line with the Council's Privacy policy which is available at www.tipperarycoco.ie



PART III – LOCAL IMPROVEMENT SCHEME CONSENT FORM

CONSENT of affected landowners and beneficiaries

(to be signed by all affected landowners as detailed in the application)

Scheme Location as per Application:

PROPOSAL of Tipperary County Council to construct and/or repair and improve, on behalf of the adjoining landowners and other users of road as detailed in schedule hereunder.

We the persons whose names are stated in the Schedule hereunder who will benefit from the construction and/or repair and improvement of the said road and drains through our respective lands or holdings, for the purpose aforesaid we severally agree to give up the land required for the road and fences and drains thereof, and to provide such material on our respective holdings as may be necessary free of charge and without any reduction or deduction from the several rents, purchase monies or purchase annuities payable in respect of our several lands or holdings. We also note that the Council undertakes only to expend the estimated sum to the best advantage and in the event of the sum being insufficient to complete the specified work, the Council will not have any liability to expend any further sum.

AND we hereby authorise Tipperary County Council staff and all other persons acting as agents of the beneficiaries directed by them to enter upon our lands or holdings with or without vehicles to make, construct, lay down and/or repair and improve the road, erect fences, cut drains and take necessary materials and such land in addition to the width of the road aforesaid as may be required for the construction of such road, fence and drains and to do all things necessary for the completion of the road.

The beneficiaries are required, when the project is completed, to thereafter maintain the work in good order and repair, at own charge and expense, and the carrying out of further works will not involve any liability on the part of Tipperary County Council for subsequent maintenance.

In witness whereof, we have pledged our names in the Schedule hereunder on the date(s) shown against our respective names.



Name & Address of Beneficiary	Signature of Beneficiary	Date

To be signed by the Appointed Representative as specified on scheme application:

I _____ (as Appointed Representative), hereby confirm that all affected landowners and beneficiaries are detailed in the above schedule, AND have been made aware of the conditions of this scheme AND have given their consents as required.