

# WATERFORD CITY & COUNTY COUNCIL

## LOCAL IMPROVEMENT SCHEME APPLICATION FORM 2023

We, the undersigned, each being the occupier of a property in the townland(s) referred to at (1) overleaf, hereby apply to Waterford City & County Council for a grant towards the cost of work described in **Part 1 - Particulars of Works(1 – 3)** and, if the grant is made available, we apply to have the said work carried out by Waterford City & County Council and agree that Waterford City & County Council, in carrying out the work will be acting as agents on our behalf, and not in their capacity as a Road Authority and accordingly any work which consists of making or improving a road, shall, when completed not be regarded as a public road. 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 forth in **Schedule 1** of this application.

We the undersigned, as detailed in **List 1** and **List 2**, 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.

(1) **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 to be included)	Folio Number	State Type Agricultural Activity <i>(Relevant documents to be attached with application)</i>

**Notes: Each applicant must personally sign the form.**

*\*Each applicant should personally sign the form – (Further signatures may be written on a separate sheet)*

*\*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.*

(2) **I CERTIFY that List 1 above and List 2 on page 4 contain the signatures of all Landowners, and other beneficiaries 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: \_\_\_\_\_

**COMPLETED APPLICATION FORMS (PAGES 1 to 4 ONLY) TO BE RETURNED TO DEIRDRE MOORE, ROADS SECTION, WATERFORD CITY & COUNTY COUNCIL, CIVIC OFFICES, DUNGARVAN, CO. WATERFORD**

Telephone: 058 22023  
 Email: [dmoore@waterfordcouncil.ie](mailto:dmoore@waterfordcouncil.ie)

**Check List: Please tick that the following information has been included in this application:**

Lead Applicant's Name:	
Lead Applicant's Telephone No:	
Lead Email Address:	
Consent of Applicants Form	
Details of Occupied Dwelling(s):	
Required 2 Agricultural Landholder Names <i>(As per Scheme Outline)</i>	
BISS Application 2023 (current year) for each Agricultural Holding plus relevant maps	
Department correspondence detailing Herd/Flock Number for agricultural holding	
Harvesting (2 or more):	
Where there are right of ways for access to land, the legal Agreement/Deed indicating same must be submitted:	
Lease Agreement where relevant: <i>(A copy of the lease agreement must be submitted with this application and must be for a period of 5 years at the date of application and for not less than 6 months prior to LIS application date. <b><u>Leases for lesser periods will not be accepted.</u></b>)</i>	
Map of Road clearly indicating beginning and end of road of LIS Scheme:	

***Please note that Pages 1 to 4 to be returned, with relevant documents attached (as per Checklist), before the LIS Application Form will be accepted as valid. Incomplete LIS Applications will be returned.***

## PART I - PARTICULARS OF WORK FOR WHICH APPLICATION IS MADE

Please tick your relevant Municipal District:

- Dungarvan/Lismore
- Metropolitan District
- Comeragh District

1. Location of work and Townland(s): \_\_\_\_\_  
*(Map of location to be attached clearly marking the start/end of road)*
2. Type of Work Proposed: \_\_\_\_\_  
\_\_\_\_\_
3. (a) Approximate length (Metres) \_\_\_\_\_ Approx. Width of Road: \_\_\_\_\_
4. Has the proposed work ever been maintained by or repaired, or improved by the Council? \_\_\_\_\_
5. Does the proposal serve any outside families, or the public generally, and if so for what purpose?  
\_\_\_\_\_  
\_\_\_\_\_
6. Are all persons whose interests or lands would be affected in any way by the proposal, if carried out, prepared to give the necessary consent to the execution of the work? *(Please ensure Page 4 is signed where consent is required)*  
\_\_\_\_\_
8. Is there a Gate at Entrance to the Road? YES/NO \_\_\_\_\_
9. **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



# **SCHEDULE 1.**

## **LOCAL IMPROVEMENT SCHEME ELIGIBILITY CRITERIA AND TERMS AND CONDITIONS**

### **A: Eligibility Criteria:**

#### **Eligible Road Projects for Grant Assistance**

Eligible road projects are those that involve the construction or improvement of non- public roads which provide access:

- to parcels of land, of which, two or more are owned or occupied by different persons engaged in separate agricultural activities; or
- for harvesting purposes (*including turf or seaweed*) for two or more persons; or
- 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.

**Please Note:** All projects must be available for use by members of the public.

#### **Non-eligible Roads:**

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.
- 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 Scheme *does not* apply to roads maintained by the City & 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.**

**The onus shall be on individual applicants to submit the required documentation in support of eligibility i.e., they are engaged in agricultural activities on the parcel of land accessed by the road project.**

**Failure to provide all the necessary documentation or further information requested from the Applicants or affected third parties will result in applications being returned and rejected.**

### **B. Terms and Conditions**

- (1) 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 will not proceed with a road project where the local contribution has not been paid by the beneficiaries. Free labour or materials are not acceptable as part of the local contribution.
- (2) The local contribution is set at 10% for eligible roads with up to and including 5 (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.
- (3) 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.
- (4) LIS funding may be used for the construction, improvement or reconstruction of road or bridges on an LIS road. The works should not involve ordinary maintenance which the applicants could reasonably be expected to do themselves but should provide for essential works of a more substantial nature such as strengthening weak sections, rut filling, resurfacing and opening water channels.
- (5) A project may be extended to include a spur road or terminal section serving only one owner if the road/section forms an integral part of the whole road and the cost of including it is not disproportionate to the cost of the road as a whole.
- (6) The applicants must make the necessary apportionment amongst themselves of their respective portions of the joint contribution and must arrange to collect the agreed amount and lodge it with Waterford City & County Council before the work is put in hand.
- (7) Prior to the carrying out of an approved project written consent must be obtained from all landholders whose land or interests are likely to be affected. This includes:
  - in the case of road works, the owners of the land on which the road is situated, and

- in the case of drains, all riparian owners, owners of downstream lands likely to be affected by the carrying out of the work, and
  - in certain cases, upstream landholders who may have a claim that their interests would be adversely affected by the lowering of water levels.
- (8) The contributors and any other persons whose lands or interest appear to be affected by the proposed work must, prior to commencement of operation, sign the prescribed form giving their full consent to the execution of the work including entry to their lands, etc. 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 the registered owner is deceased).
  - (9) Applicants must arrange amongst themselves for the provision of any lands, which may be required for the construction or widening of the roadway for drainage works associated with the LIS and no compensation for such land or rights of way may be made against the project.
  - (10) The standard of work undertaken is a matter for the Local Authority to decide. Waterford City & County Council in 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 Waterford City & 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.
  - (11) Waterford City & County Council will employ the necessary labour and will arrange to carry out the work subject to the conditions that (i) the GSS in charge of the work will be appointed by the Council or their agent, (ii) no person, whether a contributor or not, whose interests are affected will impede the execution of the work by making unreasonable demands on the ganger or other official in charge.
  - (12) The offer is subject to withdrawal or alteration without notice and subject to payment of the local contribution, conditional on the provision of sufficient funding to the Local Authority under the scheme and the time limit, in writing, on acceptance of the offer.
  - (13) On completion of the project the responsibility of the Local Authority has ended, and all future maintenance of the works is the responsibility of the beneficiaries. When the work has been carried out, the applicants shall maintain it in good order and repair at their own charge and expense, and Waterford City & County Council will not have any liability for the maintenance of the work.

### C. Documentation Required

Applicants should provide documentation to verify they are engaged in agricultural activities on the parcel of land accessed by the road project e.g.

- Copy of at least 2 Folios with Maps showing two (2) registered owners (or Lease Agreement).
- 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). Applications will not be considered if not signed by the owner of land/house.*
- A map of the location clearly indicating:
  - The start/end, length of roadway indicated thereon i.e. A - B
  - The relevant agricultural holdings and occupiers, that access their property from the road, to be clearly marked on the map.
  - Map detailing clear access from their landholding onto the private road.
- Herd Number(s) for at least two landowners/leaseholders.
- Copy of BISS Application Form for 2023 including relevant 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.

Further information on any application may be requested by Waterford City & County Council in due course.

**Return Form To:** Deirdre Moore, Roads Section, Waterford City & County Council, Civic Offices, Dungarvan, Co. Waterford

*Privacy & Data Protection: Personal information is collected by Waterford City & County Council to enable the processing of your LIS Application. Waterford City & 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 <https://www.waterfordcouncil.ie/>*