**KILKENNY COUNTY COUNCIL**

**LOCAL IMPROVEMENT SCHEME**

**APPLICATION FOR CONTRIBUTION TO THE COST OF WORKS**

1. We, the undersigned, each being the owner/occupier of land in the townsland(s) referred to at (i) overleaf, hereby apply to Kilkenny County Council for a contribution towards the cost of works described in (i) – (xii) overleaf, and if the contribution is made available, we apply to have the said work carried out by Kilkenny 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 each and every condition of the scheme as set out in this application form and Schedules 1-3 attached.
2. We hereby appoint and delegate full power to (name and address)

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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 by all acts of the said representative.

1. We acknowledge that the Council’s acceptance of our application is on the 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
2. Names of all persons whose lands or interests would benefit by the proposed work and who have no objection to the proposed works.

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| --- | --- | --- | --- |
| **Name of Property Owner (PRINT)** | **Signature of Property Owner** | **Property Address & Eircode** | **Contributing financially to the scheme Yes/No** |
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**I CERTIFY THAT** the above list contains the names of all landowners and others whose land, houses or other property would be served by this scheme and who have no objection to the proposed works. I will act as the Applicants’ Representative.

**Signature of Applicants’ Representative:**

**(Nominated at paragraph 2 above)**

**Postal Address:**

**Eircode:**

**Email Address:**

**Telephone Number:**

**Date: / / 20 .**

**Particulars of work for which application is made. Please answer all questions.**

**Incomplete applications will be returned.**

1. Townsland:
2. Type of Work:
3. Approximate Length of Road(metres):
4. Exact location of work (describe where it starts and ends and include a map showing the location):
5. Is the road in an Amenity Area: YES/NO:

(Amenity roads are non-public roads leading to important community amenities such as graveyards, beaches, piers, mountain access points or other tourist/heritage sites)

1. Has an application for this work been made previously:
2. Does the proposal serve any outside families, or the public generally, and if so what purposes?
3. Number of houses which would benefit from the works:
4. Number of parcels of land (non-residential) which would benefit from the works:
5. Are all persons whose land or interests would be affected in any way by the proposed work, if carried out, prepared to give the necessary consent to the execution of the work?

1. Are there any special circumstances to be considered? (e.g. wheelchair user, elderly, special needs – if so please supply supporting documentation)
2. Names of applicants **(minimum of 1)** engaged in agricultural activities on the parcel of land accessed by the road project, folio number and/or lease agreement, and herd/flock number.

**Please also attach a copy of the current years maps associated with the Basic Payment Scheme application provided by the Dept. of Agriculture, Food and the Marine, or equivalent documentation.**

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| **Name** | Folio No. – **Please attach copy of** **Folios and/or lease agreements** **where applicable** | **Herd/Flock No.**  |
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**OR** Community Amenity Details

**Privacy & Data Protection:**

Personal information is collected by Kilkenny County Council to enable the processing of your LIS application. Kilkenny County Council can legally process this information under the terms of the Local Improvement Scheme 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.kilkennycoco.ie](http://www.kilkennycoco.ie).

**Completed Application Forms should be forwarded to the relevant Area Office as follows:**

(For any queries in relation to this application please contact the Area Office directly)

|  |  |  |
| --- | --- | --- |
| **Area Office** | **Addresss** | **Telephone No.**  |
| **Callan Area Office** | Kilkenny County Council, Prologue, Callan, Co. Kilkenny | 056 7755520 |
| **Castlecomer Area Office** | Kilkenny County Council, Kilkenny Road, Castlecomer, Co. Kilkenny | 056 7794450 |
| **Thomastown Area Office** | Kilkenny County Council, Ladywell, Thomastown, Co. Kilkenny | 056 7793340 |
| **Ferrybank Area Office** | Kilkenny County Council, FerrybankShopping Centre, via Waterford, Co. Kilkenny | 051 831370 |

**SCHEDULE 1**

**ELIGIBILITY**

Eligible road projects are those that involve the construction or improvement of a **non-public road.**

1. 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
2. for harvesting purposes (including turf or seaweed) for two or more persons; or
3. 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 following projects DO NOT COMPLY with the conditions of the Scheme**

1. Roads serving only houses or buildings occupied or used by persons not engaged in agriculture.
2. Roads serving only Council cottages i.e. non-vested cottages
3. Roads or drains on bogs being developed commercially for large scale turf production for sale
4. Drainage only works
5. A road leading to commercial enterprises
6. A road involving minor works which is within the competence of the applicants to carry out themselves
7. A road which, because of its small size would involve work which the Local Authority would consider as being uneconomical to carry out.

**SCHEDULE 2**

**DOCUMENTATION**

All applications must be accompanied by:-

1. **An ordnance survey sheet with the road which is the subject of the application and each parcel of land to which it provides access clearly marked thereon.**
2. **Documentation to verify that landowners are engaged in Agricultural activity or harvesting on the parcels of land accessed by the road project (The current years Basic Payment Scheme Map and herd number, or equivalent documentation). The onus will be on the applicants to submit the required documentation in support of the application.**
3. **Copy of any relevant lease agreement and confirmation of the registered owner’s consent to this application.**

**Further Information on any application may be requested by the Council in due course.**

Failure to provide all required documentation will result in the application being rejected.

**SCHEDULE 3**

**TERMS & CONDITIONS**

1. The level of local contribution will be determined in accordance with Department instructions and scheme criteria in place at that time. As of October 2017, the local contribution is calculated at 10% in respect of eligible road with up to and including 5 residents and 15% for those with 6 or more residents. Note: the maximum amount of contribution payable by any beneficiary is capped at €1200, provided that all beneficiaries are contributing to the cost of the works. Where all beneficiaries are not willing to contribute, the local contribution will still be calculated on the basis that all beneficiaries are contributing.
2. The standard of work undertaken is a matter for the Council to decide but the benefits derived must reasonably be commensurate with the cost.
3. The work must be strictly necessary and not merely ordinary maintenance which the applicant could reasonably be expected to do themselves.
4. Contributors or any other persons whose land or interests appear to be affected by the proposed work must, when required, prior to commencement of operation, sign the prescribed form giving full consent to the execution of the work including entry to their land.
5. The applicants must arrange amongst themselves for the provision without cost to Kilkenny County Council, of any lands which may be required for the construction of widening of the roadway or drain as the case may be.
6. Landholders contribution is payable in advance of starting the work. The balance of funding is provided by the Dept. of Rural and Community Development under Project Ireland 2040. **Free labour and materials are not acceptable as a contribution. The contribution is to be paid as a single sum by the contact person on behalf of all beneficiaries.**
7. The provision of assistance by a road authority does not render the authority liable for the maintenance of the non public road in question, nor does it impose any other duties or liabilities on the authority in respect of such a road.
8. The Council undertakes only to expend the estimate sum. In the event that this sum is insufficient to complete the work, the Council has no liability to expend any further sum.
9. Kilkenny County Council will employ the necessary labour and will arrange to carry out the work subject to the conditions that (1) the Ganger in charge of the work will be appointed by the Council or its Agent; (2) no person whether a contributor or not will impede the execution of the work by making unreasonable demands on the Ganger or official in charge.
10. Kilkenny County Council in their discretion will decide on the specification of the work to be done. The applicants will not have any claim against Kilkenny County Council for any imperfections which may exist in the finished work nor for any failure to complete the full amount of the work which was envisaged.
11. When the work has been carried out, the applicants shall maintain it in good order and repair at their own cost – Kilkenny County Council will have no liability for the maintenance of the work.
12. On completion of a project, the beneficiaries should be notified that the responsibility of the Local Authority has ended. Roads where LIS works are completed will not subsequently be taken in charge by the Local Authority.