

TERMS AND CONDITIONS OF THE LOCAL IMPROVEMENT SCHEME

Eligible Roads

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.

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.

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 Payment Scheme application provided by the Department of Agriculture, Food and the Marine, or equivalent documentation. The onus shall be on 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).

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 work must be strictly necessary and not merely ordinary maintenance of a kind which, the applicants could be reasonably expected to do for themselves.

Local Contribution

- 10% of estimated cost for eligible roads with up to and including 5 beneficiaries
- 15% of estimated cost for eligible roads with 6 or more beneficiaries
- The local contribution must be paid before any works commence
- The apportionment of the local contribution is a matter for the applicants to agree

General

- (1) The landowners and residential householders whose lands or interests appear to be affected by the proposed works must, prior to the commencement of the works, sign the prescribed form giving their full consent to the execution of the works including entry to their lands, etc.
- (2) The applicants must arrange amongst themselves for the provision without cost to Clare County Council of any lands which may be required for the construction, widening or drainage of the roadway.
- (3) Clare County Council will employ the necessary labour and will arrange to carry out the work subject to the conditions that (i) the supervisor in charge of the work will be appointed by the Council, (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 supervisor or other official in charge, Failing the fulfillment of any of these conditions the works will not commence. If already started the works will be closed down and any unexpended portion of the applicant's contribution returned to them through their representative.

- (4) Clare 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 the 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.
- (5) Clare County Council will expend the sum agreed upon, (i.e. the estimated cost) and in the event of that sum not being sufficient to complete the entire works specified the Council will not have any liability to be bound to expend any sum in addition to the agreed estimated cost.
- (6) When the work has been carried out, the applicants shall maintain it in good order and repair at their own charge and expense, and Clare County Council will not have any liability for maintenance of the work.
- (7) Clare County Council will only consider applications for funding subject to the necessary national funding being provided.