

WESTMEATH COUNTY COUNCIL
LOCAL IMPROVEMENT SCHEME
APPLICATION FORM - 2016

To: Transportation Department,
 Westmeath County Council,
 Aras An Chontae,
 Mullingar.

To be submitted before 31 May 2016

We, the undersigned, each being the occupier of a property in the townland(s) referred to at (1) overleaf, hereby apply to Westmeath County Council for a grant towards the cost of work described in Part 1 of the Schedule overleaf, and, if the grant is made available, we apply to have the said work carried out by the County Council and agree that Westmeath 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 3 of this application.

We the undersigned, as detailed in **List 1**, as persons whose lands or interests would benefit by the proposed work, and who have joined in this application hereby appoint and delegate full power to _____ of _____ to act as our representative 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.

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	Folio No.*

***Each applicant should personally sign the form**

***A certified Folio available from the Land Registry Office or Area Aid Map must be attached in respect of each affected landowner**

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

I certify that List 1 and List 2 (on page 2) contain the names of all landholders and others whose lands, houses or other property would be served or benefited by the proposed work.

Applicant's Representative (Block Capitals): _____ **Signature:** _____

Contact Telephone No. _____ **Date:** _____

PART 1 - PARTICULARS OF WORK FOR WHICH APPLICATION IS MADE

(1) Electoral Division(s) _____

Townland(s) _____

(2) Type of Work Proposed _____

(3) Approximate Length (metres): _____ Approximate width (metres): _____

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

(5) Has the proposed road ever been maintained by, or repaired, or improved by the County Council?

(6) Does the proposal serve any outside families, or the public generally, and if so, for what purpose?

(7) Are all persons whose interest or lands would be affected in any way by the proposal, if carried out, prepared to give any necessary consent to the execution of the work?

LIST 2

Names of all other persons whose lands or interests would benefit by the proposed work, but who have not joined in this application.

Name	Postal Address	Folio No.*

***A certified Folio available from the Land Registry office must be attached in respect of each affected landowner**

SCHEDULE 1

Eligibility:

1. Local Improvement Schemes relate to assistance by Local Authorities towards the construction or improvement of **non public roads**.
2. Projects, which provide access to parcels of land of which **at least two** are owned or occupied by different persons, engaged in separate agricultural activities.
3. Projects, which provide access for harvesting purposes (including non-commercial turf harvesting) for two or more persons.
4. Projects relating to roads which, in the opinion of the County Council shall be used by the public, e.g., to lakeshore, green or common area.
5. In addition, the guidelines make provision for the Council to exercise discretion where there are special circumstances, e.g., hardship, elderly or disabled occupants.

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.

SCHEDULE 2

Documentation

All applications must be accompanied by:-

- (a) A copy of an ordnance survey sheet (scale 6" to 1 mile) with the road, the subject of the application, marked clearly thereon in different coloured ink. The same sheet should outline in different coloured inks, all lands which the roadway serves and which is in the ownership of the different applicants and also in the ownership of persons who, although they might not be party to the application, have lands which are also served by the road.
- (b) A certified Folio and map available from Land Registry **OR** Area Aid Map must be attached in respect of each affected landowner.

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

Failure to provide all necessary documentation or further information by the applicants or affected third parties (see item 6 in Terms and conditions) may result in the application being rejected.

SCHEDULE 3

Terms and Conditions:

1. The local contribution shall be **40%** of the cost of each project.
2. The local contribution shall be paid by the contact person on behalf of the individual beneficiaries prior to commencement of works on any project.
3. The work must be strictly necessary and not merely ordinary maintenance of a kind, which the applicants could reasonably be expected to do for themselves.
4. 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 Westmeath County Council before the work is put in hand.
5. Contribution 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 if necessary, and without charge in connection with the execution of the work.
6. 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. The contributors and any other persons whose lands or interest appear to be affected by the proposed work must, when required 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.
7. The applicants must arrange amongst themselves for the provision without cost to Westmeath County Council of any lands, which may be required for the construction, or widening of the roadway or drain as the case may be.
8. Westmeath 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 Westmeath 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.
9. Westmeath County Council will expend upon the work the sum agreed (i.e. the estimated cost) and in the event of that sum not being sufficient to complete the entire work specified, Westmeath 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 so request and agree to pay such sum as may be required by way of additional local contribution.
10. When the work has been carried out, the applicants shall maintain it in good order and repair at their own charge and expense, and Westmeath County Council will not have any liability for the maintenance of the work.