

Frequently Asked Questions Document to support LIS 2024

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FREQUENTLY ASKED QUESTIONS DOCUMENT TO SUPPORT LIS 2024	
Q&A	Detail
1. General	
Q 1.1	What is LIS and legislation that governs it
A	<p>The Local Improvement Scheme supports the improvement of non-public roads and laneways that are not normally maintained by local authorities.</p> <p>The Local Improvement Scheme is governed by legislation under the Local Government Act of 2001. Section 81 of the Act dealing with, Assistance towards non-public roads states;</p> <p><i>(3) A road authority may provide assistance by way of the carrying out of works, a financial contribution or otherwise towards the construction or improvement of a non-public road which—</i></p> <p><i>(a) provides access to parcels of land of which at least 2 are owned or occupied by different persons, or</i></p> <p><i>(b) provides access for harvesting purposes (including turf or seaweed) for 2 or more persons, or</i></p> <p><i>(c) Shall in the opinion of the road authority, be used by the public.</i></p>
Q 1.2	Does the LIS Circular supersede Section 81 of the Local Government Act 2001 as part 3 section “(c) states that in the opinion of the road, authority be used by the public” - is that not stating that in the Road Authority’s opinion if a lane is used by the public (postman, utility companies etc.) and only has dwellings on the lane with no agricultural activity that this could qualify?
A	No, the Local Government Act 2001 gives the legal basis for the Local Improvement Scheme.
Q 1.3	Who is eligible for LIS? What if the application is a request for a completely new road?
A	<p>Eligible road projects are those that involve the construction or improvement of non-public roads as follows:</p> <ul style="list-style-type: none"> • Road projects which provide access to parcels of land of which two or more are owned or occupied by different persons, one of which must be engaged in agricultural activities; • Road projects which provide access for harvesting purposes (including turf or seaweed) for two or more persons; or • Road projects that provide access to at least one parcel of land owned or occupied by a person engaged in agricultural activities AND which separately provide access for harvesting purposes (including turf or seaweed) for at least one other person. <p>LIS funding may be used for the construction, improvement or reconstruction of roads or bridges on LIS roads. In addition, work 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 Department recommends that a parcel of land be at least 1 hectare in size, as per the scheme outline.</p>

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Q 1.4	Please Clarify: A road serves only houses or buildings occupied or used by persons not engaged in agriculture, save for those non-public roads that, in the opinion of the local authority, are necessary for use by the public
A	It is a matter for each local authority to determine the eligibility in line with legislation and scheme outline.
Q 1.5	Clarity on the following on part 3 of the 2024 Scheme, which states “ to parcels of land, of which, two or more are owned or occupied by different persons, <u>one of which must be engaged in separate agricultural activities;</u>
A	Under the revised scheme at least one person/owner must be involved in agricultural activity. The Department recommends that the roads/lanes in question should provide access to parcels of land at least 1 hectare in size as per the Scheme outline. The requirement for 2 landowners/occupiers remains.
Q 1.6	Can you clarify if “separate” means each landowner must engage in a separate agricultural activity? EG father & son both own land, does Father have to be involved in a separate agricultural activity than the Son and prove same. We understand from the Minister’s statement that we only require one herd number, but do we require supporting documents from the other to confirm a separate activity?
A	(Separate forming or viewed as a unit apart or by itself.)Under the revised scheme parcels of and, of wich two or more are owned or occupied by different persons, one of which must be engaged in separate agricultural activities; will be eligible The Department recommends that a parcel of land should be at least 1 hectare in size as per Scheme outline where they are involved in agriculture or not.
Q 1.7	Has the Department given any consideration as to the definition of a road for this scheme?
A	As per scheme outline Section 14 and Section 81 of the Local Government Act 2001, the glossary of terms provides the definition of a road as per Roads Act 1993. LIS funds works on non-public roads not normally maintained by local authorities. Each local authority is responsible for determining the eligibility of road projects and selecting priority road projects to be completed within each county.
Q 1.8	Are any of the following examples eligible under the new criteria? <ol style="list-style-type: none"> 1. Road with 1 house owned by 1 person and land with herd number owned by a different person. 2. Road with 2 or more houses owned by separate individuals and land with herd number owned by a different person.
A	Example one: The Department recommends that one of the houses be at least 1 hectare in size, as per the scheme outline, and the other party be involved in agriculture. Example two: The Department recommends that the 1 hectare in size as per the scheme outline would apply to each.
Q 1.9	Eligible road projects involve constructing or improving public-public roads that provide access. Please Clarify <ul style="list-style-type: none"> • 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.”
A	Roads that provide access to parcels of land of which at least 2 are owned or occupied by different persons, one of which must be for agricultural/harvesting purposes. The Department recommends that a parcel of land should be at least 1 hectare in size as per the Scheme outline.

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Q 1.10	<i>“Parcel of Land: any owned or occupied land accessed by the road and used for agricultural purposes. The parcel is recommended to be at least 1 hectare in size.”</i> If that is the case, we will need two parcels of land engaged in agricultural activities, but we only require documentation for one. How will we comply with this if we do not request documentation for the second parcel of land? Am I correct in saying that if there is a road with one agricultural landholding of 10 hectares, that can supply documentation? There are 3 separately owned houses situated on individual sites sized 0.5 hectares each, so this application will be ineligible because only one parcel of land is used for agricultural purposes, and the size of the other landholdings is less than 1 hectare.
A	In this example, the Department recommends that the local authority should determine whether the cost should represent value for money and be commensurate with the benefits which the improved road will provide. Regard should be had to the cost of applications on hand and the allocation from the Department in a particular year.
Q1.11	2nd Bullet Point - Do we still require harvesting for two persons even though we only require one agricultural use in the first bullet point?
A	No but the Department recommends that a parcel of land should be at least 1 hectare in size as per the Scheme outline if involved in an agricultural activity or not.
Q1.12	3rd Bullet Point - Do we still require one harvesting AND one agricultural land use even though in the first bullet point, we only require one agricultural use?
A	No, one or the other will suffice; however, the department recommends that a parcel of land should be at least 1 hectare in size as per the Scheme outline if involved in agricultural activity or not
Q 1.13	Can we get clarification from the inspectors regarding <ul style="list-style-type: none"> • <i>The Department recommends that a parcel of land is at least 1 hectare in size.</i> • In what situations would the department accept parcels of land less than 1ha? This will be important for audit purposes.
A	This is a recommendation from the Department contained in the scheme outline. It is the responsibility of the local authority to determine whether the cost of repair works on a non-public road that provides access to parcels of land less than 1 hectare that otherwise meet the eligibility criteria represents value for money and be commensurate with the benefits which the improved road will provide.
2 Access	
Q 2.1	Where a landowner is advising that they use a laneway to access a bog or forestry, what type of documentary proof is required to confirm eligibility? Is photographic evidence sufficient?
A	Where forestry is involved, any documentation proving the planting and ownership of the property should be provided. For harvesting of peat or seaweed, any evidence of land ownership should be provided and the use of harvested produce.
Q 2.2	The road leading to the farmyard was once used by parents and is now owned by other family members. Their parents are still farming nearby and have sent in a signed affidavit stating they use the roadway to access water and turf for agricultural use – does this qualify?

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A	<p>Access to parcels of land should be the closest access point from the non-public road or lane. Access through other individuals' property, unless under the presence of a Public Right of Way or a lease arrangement, should not be entertained, as future access cannot be guaranteed. It should be noted that Public Right of Way would be shown as a yellow line on Land Direct. <u>Private rights of way would need to have a signed agreement in place to ensure access across another individual's property can be guaranteed for a period.</u> Where forestry is involved, any documentation proving the planting and ownership of the property should be provided. <u>For harvesting of peat or seaweed, any evidence of land ownership should be provided and the use of harvested produce.</u></p>
Q 2.3	<p>The previous FAQ stated that 'Access through other individuals' property unless under the presence of a Public Right of Way or a lease arrangement should not be entertained, as future access cannot be guaranteed. It should be noted that Public Right of Way would be shown as a yellow line on Land Direct.' The right of way on private property is generally registered rather than public. If public access is a crucial requirement, then I believe a Public Right of Way should be a condition for eligibility however, if this is not the case then the reference to the public right of way needs to be clarified or perhaps removed.</p>
A	<p>Access to parcels of land should be the closest access point from the non-public road or lane. Access through other individuals' property, unless under the presence of a Public Right of Way or a lease arrangement, should not be entertained, as future access cannot be guaranteed. It should be noted that Public Right of Way would be shown as a yellow line on Land Direct. Private rights of way would need a signed agreement to ensure access across another individual's property can be guaranteed for a period. Lease agreements or access agreements from a Solicitor signed by all parties can be accepted by the local authority once all other criteria have been satisfied.</p>
Q 2.4	<p>Where lands are accessed directly from the public road, and applicants are seeking works to provide access to sheds, dwellings, etc., can it be confirmed that such applicants should be deemed ineligible</p>
A	<p>The last access point on the road or laneway serving the last beneficiary would be the cut-off point for improvement works unless a case can be made otherwise; all cases should be dealt with individually. We recommend that the LA determine the degree of agricultural activity in the retained farmyard – possibly through a site visit and be satisfied that the outhouses are being used for agricultural activity. The LA should also note from the scheme document that the responsibility for determining the eligibility of road projects and for selecting priority road projects to be completed within each county is a matter for each local authority. To ensure a consistent and uniform approach by all local authorities, Projects that require the most attention in the county should be prioritised.</p>
Q 2.5	<p>Where are lands accessed directly from the public road, but which may have secondary access from the LIS road? Should such lands be excluded to determine eligibility?</p>
A	<p>About eligibility for the Scheme, you must be satisfied that the road provides access to the parcels of land subject to the application and in the ownership or control of the beneficiary. If the lands in question already have access, then there should not be the need to improve an additional route. If the current access is on a major road and could be deemed unsafe or inadequate, the LA may see fit to include the alternative access route. These factors, among others, would need to be considered by the LA in prioritising any project for inclusion on the priority list once eligibility has been determined.</p>

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Q 2.6	Land without direct access to the lane and without the historical right of way on folio. If they have an alternative route—a public road or another private lane closer—we are saying they are ineligible. There is a lot of political pressure to accept solicitor agreement on this as the right of way is not sought legally anymore, but we are saying if there is a closer alternate route where no direct access is available, it is not eligible. Are we correct?
A	Ultimately, the determination of eligibility is a matter for each local authority.
3 Administration of Fund	
Q 3.1	What financial material should be provided at the drawdown stage?
A	Agresso printouts or similar should be provided to verify the total expenditure incurred by the local authority for the list of approved roads and laneways. One report will suffice to cover the total combined expenditure for all roads. If separate reports are generated, then a cover sheet totalling all roads and laneways should be provided. On some Agresso reports, depending on the coding applied by the local authority, the 10% administration may not be included if this is the case, the LIS unit should be advised accordingly, and the admin amount should be added to the overall costing reports.
Q 3.2	Can a local authority submit multiple substitutions? Where schemes included on the original and secondary list are not proceeding, will additional schemes be permitted?
A	During the year, at any point up to the drawdown stage, substitutions can be permitted, but only once prior approval has been sought and received. Works completed on roads which have not been approved; may be deemed ineligible, and no funding provided to cover any improvement works completed on such roads or laneways.
Q 3.3	What if a road cannot proceed?
A	In the event that a road on your Priority list cannot proceed, you should select a road from your Secondary list and request approval from the LIS unit of the Department before any work/s commences. The Priority list should be updated to reflect the changes, highlighting the road to be removed and the proposed substitution. Once the LIS unit of the Department has approved the substitution, works can commence on the substituted road.
Q 3.4	Costings- if works were costed a considerable time ago. Is there flexibility to re-cost each application? Condition – it is now a couple of years since these roads were inspected. The condition, in some cases, is worse. Is there flexibility to re-cost for deterioration? Does funding cover 806 surface dressing or black-top?
A	Prior to submitting a Priority list in any given year, the local authority should ensure that eligibility has been reviewed and established as the application may have been made some years previous, and circumstances may have changed in the intervening years. The Scheme Outline advises that work should be completed to an adequate standard to withstand wear and tear. It is a matter for the local authority to prioritise roads.
Q 3.5	Flooding – If proposed schemes suffer from flooding, is there any direction on surfacing works subject to flooding and parts of those roads being submerged? Where LIS roads had works completed and were subsequently damaged by flooding or other matters – can you confirm that we have no obligation to repair them?
A	Local authority Engineering staff should advise on such matters regarding adequate improvement works in areas that may be prone to flooding. The 2024 scheme outline – The LA's have discretion to include roads previously repaired under LIS but

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	which have since sustained flooding damage in 2023. Documentary evidence should be supplied to state when previous LIS repairs were carried out and photographic evidence of damage sustained as a result of flooding should also be submitted. However, it remains a matter for the local authority to prioritise roads.
Q 3.6	Can a road be completed in two stages? If so, does one contribution per beneficiary suffice over the two years?
A	Yes, a road can be completed in two stages. The local contribution can be calculated on the entire length and collected in one part. However, it should be noted that there is no guarantee that funding will be available in any subsequent years to complete additional sections.
4 Agricultural or Harvesting Activity	
Q 4.1	What defines Agricultural or Harvesting activity?
A	Agricultural activity can refer to the practice of herding cattle, sheep, pigs, horses or Poultry in a non-large scale commercial practice. Harvesting activity can relate to peat, seaweed, timber, fruit, vegetables or flowers, again in a non-large commercial Scale.
Q 4.2	What is the meaning of a parcel of land? Is it as per the folio number?
A	Parcel of Land: is any owned or occupied land that is accessed by the road and that may be used for agricultural purposes. The Department recommends that a parcel of land be at least 1 hectare in size as per Scheme outline.
Q 4.3	This definition requires the land to be used for agricultural purposes, so a house on a large site is unlikely to comply with this requirement. Is this the correct interpretation of eligibility?
A	The Department recommends that a parcel of land should be at least 1 hectare in size as per the Scheme outline. It is also important to note the improvement works would only be carried out to the access point of the property, not inside the property itself as this is deemed to be private.
Q. 4.4	Two parcels of land—can one of these be a house with gardens once it is one hectare or greater to be eligible?
A	The Department recommends that a parcel of land be at least 1 hectare in size. If the second house has a garden a hectare or greater it would be deemed eligible
Q 4.5	The recommendation within the scheme outlines that a parcel of land be at least 1 hectare in size is leading to questions from members and the public as to whether this is at the local authority’s discretion. Please confirm whether this recommendation can be set aside at the local authority’s discretion.
A	The Department recommends that a parcel of land be at least 1 hectare in size as per Scheme outline. It is a matter of discretion for each local authority to determine whether a particular non-public road is necessary for use by the public. The Department has no role in prescribing the specific circumstances in which a local authority may wish to use this provision.
Q 4.6	If a farmer gives documentary evidence that they are in receipt of the Single Farmers Payment Grant with the address of the laneway but don’t provide a BISS map, will the statements be adequate to link to the land?
A	The determination of eligibility is a matter for the local authority. The onus is on the applicant to make all information available so that a full assessment can be made on the application and a decision made.
Q 4.7	If the land is being used for ‘grazing only’, does this qualify as agricultural use? Whether animals are moved onto the land throughout the year or if fodder is

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	harvested from the land during the year (this includes grass)? If land is not registered for BPS but is used for agricultural purposes of harvesting hay/silage, is this acceptable for eligibility?
A	If access to the property is necessary for agricultural activity, the property can be classed as eligible once used for grazing or harvesting crops for feedstuffs. Each case will be reviewed in its own right. <u>Once the necessary qualifying criteria have been established, it is a matter for the local authority to prioritise the road.</u>
Q 4.8	Where the applicant grows fruit/vegetables, what evidence should be requested? I assume if they are growing fruit/veg for family consumption only, this would not be eligible?
A	Land ownership should be verified, and the use of any produce harvested from the property. Farmers Markets permit, etc. Sales to local shops or restaurants.
Q 4.9	Can you clarify what documentation verifying the nature of equine activity is acceptable?
A	Any documentation verifying land ownership and the nature of the equine activity should be presented to the local authority for consideration.
Q 4.10	Keeping of Beehives – is this a harvesting activity? Also, where the beekeeping is for family consumption only, can this be considered?
A	Keeping of Beehives can be considered a harvesting activity, but not if for personal/family consumption only.
Q 4.11	We have an LIS application for a road which serves farming activities and turf banks. There are between 18 – 30 turf banks served by the road, all registered under different Folio Nos. and owned by different people. As they are all owned by different people, are they all considered full beneficiaries – will they all have to sign consent and pay a contribution? Would turf banks be treated similarly to land or a house and, therefore, be treated as full beneficiaries?
A	All people accessing the land from the road in question will benefit. The outline makes reference to the fact that not all beneficiaries may be willing to contribute, but there is a need to consider all beneficiaries in calculating the voluntary total contribution. Therefore, the correct number of beneficiaries needs to be noted at the start of the project as this impacts on the % contribution from DRCD. The scheme outline also further states that under 11. Agreement with the Beneficiaries; a prior written agreement between the beneficiaries and the road authority is required, and a project cannot commence without such an agreement being in place. This would indicate that all beneficiaries (contributing and non-contributing) need to provide a written agreement to proceed.
Q 4.12	Where harvesting is active on a bog, how do individual plot holders provide evidence that they save turf?
A	Proof to verify harvesting of turf could be proof of ownership of bog or wooded area, then the use of the harvested material, turf for own use, seaweed or timber, proof of sale etc. As with the agricultural activity, the onus is on the individual to provide such evidence to the LA to verify.
Q 4.13	The applicant has submitted an application which includes a lease for the purposes of cutting a meadow of a plot of 0.27 hectares. A BISS map has been submitted to include the folio.
A	Glossary on page 14 of the Scheme outline states definitively that a parcel of land should be at least 1 hectare in size. Irrespective of a 2 nd party renting this amount of land, the scheme outline would indicate that the amount of land concerned does not meet the eligibility criteria.
Q 4.14	We have an LIS Application for a road, and the position is as follows: -

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	<ul style="list-style-type: none"> The LIS serves one active agricultural activity owned and operated by one person – This person has a Herd No. and his land along the LIS road is included in his BISS application There is a house on the road with outbuildings which are owned by a 2nd Landowner - This 2nd landowner owns land close to the LIS road but not served by the LIS road and claims to use the outbuildings (beside the house), which he owns and which are all on the LIS road for his farming activities – he has a separate Herd No. to the other landowner <p>Is this eligible?</p>
A	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, one of which must be engaged in agricultural activities. The LA should also note from the scheme. The responsibility for determining the eligibility of road projects and selecting priority road projects to be completed within each county is a matter for each local authority. To ensure a consistent and uniform approach by all local authorities, Projects that require the most attention in the county should be prioritised.
Q 4.15	Can you please advise if someone has recently applied for a Poultry number and has a few chickens/hens is that person deemed to be engaged in Agricultural activity?
A	Agricultural activity can refer to the practice of herding cattle, sheep, pigs, horses or poultry in a non-large scale commercial practice . Land ownership should be verified, and the use of any produce harvested from the property. Farmers Markets permit etc. Sales to local shops or restaurants. Any documentation verifying land ownership and the nature of the poultry activity should be presented to the local authority for consideration.
Q 4.16	Two different persons – if some land is held in joint names on the land registry – sister/brother, mother/son, and the rest of land is in one of their names only. Only one BPS map for all land. Is this eligible?
A	With only one BPS From 2023, the Basic Payment Scheme (BPS) is now BISS gov - Basic Income Support for Sustainability (BISS) Scheme (www.gov.ie) ; this would be seen as a Joint enterprise, thus a single entity. In this case, a second landowner would be required. The Department recommends the parcel of land should be at least 1 hectare in size as per the Scheme outline whether they are involved in agriculture or not
5 Amenity Roads	
Q 5.1	What is an Amenity Road?
A	Amenity roads are roads that have an added community value. These could be access Roads to a beach, pier, cemetery, historic site etc. Community Centres and sports grounds can also qualify; however, no parking, set-down, or curtilage areas can be included, and the road from the main road to a gate or access point is eligible. 15% contribution applies here regardless of any beneficiaries.
Q 5.2	Do landowners on Amenity Roads contribute?
A	A 15% local contribution is applicable to all Amenity Roads regardless of whether beneficiaries are present or not. If there are beneficiaries along the road or laneway, a contribution can be collected, however the €1,200 cap will apply. The local authority will have to make up the remainder of up to 15% of the total cost of the improvement works.

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Q 5.3	Are GAA/Rugby pitches/Community Developments an amenity?
A	Yes, but only the access road, no set-down, parking or curtilage areas of the building should be included.
Q 5.4	What determines whether a road is necessary for public use?
A	It is a matter of discretion for each local authority to determine whether a particular non-public road is necessary for use by the public. The Department has no role in prescribing the specific circumstances in which a local authority may wish to use this provision.
Q 5.5	Could an example be given on calculating the contribution for amenities?
A	Amenity roads, regardless of the number of beneficiaries, attract a 15% Local Contribution of the total cost of the road. If there are beneficiaries along the road willing to contribute, they should be afforded the Local Contribution cap, with a difference of up to 15% being made by the local authority. Amenity Roads cannot exceed 25% of the local authority's annual allocation.
Q5.6	If a road is deemed an amenity road, are you still required to use a lane that provides access to parcels of land of which two or more are owned or occupied by different persons, one of which must be engaged in agriculture?
A	No, the requirement for eligible landowners or beneficiaries does not apply in the case of an Amenity Road. Hence, the requirements in relation to agricultural activity also shall not apply in such cases.
Q 5.7	The area around Amenity Roads – we would like further clarification on it. Does the Council need an application form submitted? If the owner of the road doesn't want to submit the form but consents to the works being done, who completes the form? If we can't establish the owner of the road, what happens e.g.? The road to a beach Applicants often claim a road leads to an amenity or has an amenity value. What if LA does not classify it as an Amenity, but locals do and are willing to pay – what contribution applies then?
A	The selection and submission of Amenity Roads are a matter for the local authority. The Department shall have no role in determining whether a road is to be considered within the framework of the Amenity Road provision or not. The local authority will be the applicant in such cases.
Q 5.8	What is the eligibility of proposed amenity schemes directly linked to the private road or access through another landholding where no registered right of way, private or public, is in place?
A	The selection of Amenity Roads is a matter for the local authorities. If the local authority deems the road or lane to have a community value whereby it provides access to one of the amenities listed in the Scheme Outline, it can be considered as an Amenity road with a 15% Local Contribution and not exceeding the 25% overall cap of the local authority annual allocation.
Q 5.9	With respect to works on amenity roads in the absence of a registered public right of way, would a permissive access agreement be acceptable?
A	As part of permissive access, the trail has to be closed for one day a year, which maintains the permissive access status and protects the landowner's rights. However, as with all instances, in relation to LIS eligibility, it is a matter for the local authorities to ensure that they have taken sufficient steps to identify owners and seek permission where required. Access routes under individual ownership would require the permission of that owner for others to use them for access to their property.
Q 5.10	Regarding an LIS application for an amenity road. This road leads into a cemetery. As the location is unregistered on land directly, they are unable to confirm

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	ownership of this entranceway. The location is maintained by CC as a public access route to the cemetery on Health & Safety grounds.
A	As there has been maintenance of the route by the LA in the absence of ownership, it would really be a matter for the local authority to decide if it can now be listed as an amenity road.
Q 5.11	Access is provided to landholders and a burial ground. The applicants are seeking refurbishment of the existing access road and works to provide a road base and surface to the burial ground to provide vehicle access.
A	Amenity Road, the level of finish etc., is a matter for the LA to agree with any beneficiaries taking account of the current condition, expected usage etc.
Q 5.12	I have an application for an amenity road. It is for a soccer club. They have a walled entrance with a gate into a lane/road that stretches approx. 500 metres to the clubhouse/ pitch. The soccer club lease the land from a different owner. The soccer club is the only beneficiary on the road. With regards; to the documentation required – the applicant has completed the application form, and they have provided the folio for the land – which includes the road and football pitch. The folio shows that it is owned by a different person, not the soccer club. What additional information should I seek to support the application? - Lease agreement between football club and land owner? - Letter of consent from land owner for works to be completed? - Is there anything else I would require?
A	With regard to the amenity road stretching to the clubhouse/pitch of the soccer club. Proof of the lease between the owner and the soccer club and consent for works to be completed would be required. Please note that the LIS scheme is only eligible for improvement of the access road; no set down, parking or curtilage areas of the building should be included.
Q 5.13	Are non-public roads leading to an amenity that has car parking adjacent to the road in question covered under the Scheme? Where the non-public road leads to a sporting facility e.g. soccer pitch; or Gaelic pitch, is this considered an amenity road and covered under the LIS Scheme?
A	Amenity roads can be a lane leading to a community centre, soccer pitch etc. If the facility is deemed to be for the good of the community and used by the community, it cannot, however, include any of the area around the building, set-down, car parking etc., just the lane from the road to the gate. The lane can be covered, but only to the standard width; any adjacent parking cannot be included.
Q 5.14	<ul style="list-style-type: none"> • One scheme is to a school, GAA ground out hall etc. Am I correct that a road can be completed? However, any parking areas are not to be completed, the layout of this area is a bit confusing, and some areas are sometimes used as a road, but at other times can be used as a car park or play area. • Another scheme is a private airstrip runway and parking area – this area is at the end of a cul-de-sac public roadway at the sea edge. The public uses this area to run community events. The runway is very important to the area for emergency services and, in the past, facilitated the ro-ro ferry to xx island, which left from the end of the airstrip; therefore, vehicles regularly used the airstrip as a road. During community events, the airstrip is used as a road to access the grounds.
A	These roads may be eligible as amenity roads if they are non-public roads leading to important community amenities or if, in the opinion of the local authority, they are necessary for use by the public. However, the roads may not account for more than 25% of your annual allocation, and it will ultimately be the decision of the local authority if they fit the criteria laid down in the Scheme Outline: -

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	<ul style="list-style-type: none"> • Parking areas would be ineligible as they are not non-public roads so too would any area that constitutes a play area. If used as a play area to ensure safety, this would suggest that it should not allow car access. • If a road is used as access to community events and fulfils all other eligibility criteria for LIS, then it could be eligible. We fund the access to the amenity, not the amenity itself. There could be confusion here as if the entire project is the strip and parking, then that would be the amenity rather than the access to it. Noting Amenity roads in any one year cannot exceed 25% of your annual allocation, it would be a matter for the local authority to prioritise all other projects if this one outweighs the other in order of priority.
6 Applications	
<u>LOCAL AUTHORITIES ACCEPT APPLICATIONS, AND THE SELECTION OF ROADS FOR SUBMISSION TO THE DEPARTMENT FOR APPROVAL IS A MATTER FOR THE LOCAL AUTHORITY.</u>	
Q 6.1	When do applications open? Are there any plans to keep the application process open 365 days rather days rather than an annual funding call?
A	This varies from one local authority to another. Funding has been announced and allocated for the 2025 scheme; Department will begin accepting 2025 priority lists from January 2025
Q 6.2	Are there restrictions on how often a group can apply?
A	See answer 3.5
Q 6.3	Does forestry qualify as one landowner?
A	Large Commercial forestry does not qualify.
Q 6.4	What if the Applicant is not the landowner?
A	Where the occupier of the land is not the registered owner, the occupier should provide a copy of the lease arrangement in place for the land in question together with the confirmation of the consent of the registered owner (or beneficial owner in the event that the registered owner is deceased) Also see FAQ 4.12
Q 6.5	As a local authority, we are responsible for administering the Local Improvement Scheme and determining eligibility in accordance with the scheme criteria as issued by the DRCD. It is my understanding that applicants may appeal a decision of the local authority to the DRCD.
A	Each local authority is responsible for administering the Local Improvement Scheme. Thus, responsibility for determining the eligibility of road projects and for selecting priority road projects to be completed within each county is a matter for each local authority.
7 Appropriate Assessments	
Q 7.1	Per the scheme criteria
A	The Local Improvement Scheme does not provide funding to cover any assessments that may be required in designated areas.
Q 7.2	Who will pay for the Appropriate Assessments, as grants only apply when the job is approved for funding, and AA can take a while?
A	This would be a matter for the local authority.

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8 Beneficiaries	
Q 8.1	If a beneficiary refuses to sign the application or submit the Herd number, maps or any details, will the application be deemed unapproved if there is only one other person named on the application, even if the person who refuses to sign the form is ok with the works going ahead?
A	All beneficiaries along the road or lane must agree to the works proceeding; if all parties are not in agreement, the road cannot proceed.
Q 8.2	If a beneficiary on the original application is deceased but the land is still registered in their name, is the application no longer valid if there are two beneficiaries, albeit tied up in probate?
A	All beneficiaries along the road or lane must agree to the works proceeding; if all parties are not in agreement, the road cannot proceed
Q 8.3	In a situation where an entire landholding is rented or leased, given that the works completed will be of benefit beyond the length of any lease, should the landholder be deemed a beneficiary as well as the occupier?
A	Either the landowner or the land user would be considered a beneficiary, provided only one of them is currently active on the parcel of land; if both are carrying out agricultural or harvesting activities at once, then both should be included.
Q 8.4	Can a Husband and Wife be considered as separate beneficiaries?
A	Eligible road projects should provide access to parcels of land of which two or more are owned or occupied by different persons, one of which must be engaged in agricultural activity.
Q 8.5	In an LIS application with 7 beneficiaries, 4 of the beneficiaries are engaged in agricultural activity on the road in question, while there are 3 other beneficiaries living on the road that are not engaged in either agricultural or harvesting activities.
A	We confirm that it is necessary to obtain consent from all beneficiaries of a non-public road for works to proceed under the LIS scheme.
Q 8.6	Before work begins on the LIS project, our GSS or local engineer calls to all the people on the road to get their signatures to ensure nobody has any objection. This would be a separate list of signatures to the original application form. We are considering putting the onus on the Rep for the LIS scheme to gather the signatures and to confirm in writing that there are no objections to proceeding with the road works.
A	We have yet to get any specific information on how other areas operate the consent and signature process; it would be a matter for each LA to decide. When the application is being submitted, the lead beneficiary could ensure all beneficiaries would sign the form, thereby consenting to the works proceeding.
Q 8.7	An application was approved under 2022 funding, and part of the lane was completed. The beneficiaries on the lane paid the maximum local contribution of €1,200, and the works were completed. It is intended to complete the remainder of the lane now with 2023 funding and enquire if the beneficiaries are required to pay the maximum contribution again (I,e €1,200).
A	It is possible for roads to be spread out over two sections of funding. In these cases, the local contribution should be calculated based on the total length and total cost of the entire project.
Q 8.8	Spurs, which must be done separately to the main lane and a separate application do they also have to be regarded as a contributor to the main lane also so technically paying twice.

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A	A road project may be extended to include a spur road or terminal section serving only one user if the particular road or section forms an integral part of the whole road and the cost of including it is not disproportionate to the cost of the road project.
9 Funding / Allocations	
Q 9.1	How much funding is available?
A	Following the budget each year, if an allocation is made for the Local Improvement Scheme, the Department will officially launch the scheme and advise local authorities of the particulars pertaining to the scheme in that year. They will also advise the county allocations. Funding for 2025 LIS has also been announced – the Department will accept priority lists for 2025 from January 2025
Q 9.2	The priority and secondary list are for 2024 only I presume and a new priority and secondary list to be submitted in 2025.
A	Correct: A priority and secondary list must be submitted each year.
Q 9.3	Multi-annual funding – is it possible to complete works beyond the current year and claim the expenditure in the following year (like DOT, which recently amended LIS funding)? Where there is an over-expenditure on an LIS Scheme; and an under-expenditure on another, can we offset the over-spend on the underspent scheme? Would the DRCD consider a multi-annual programme, as our local authority has capacity to complete schemes during December/January?
A	Allowing carryover of projects would require pre-funding, which is not possible currently. Any funds unspent by year-end are returned to the exchequer and are lost to the Local Improvement Scheme.
Q 9.4	If we do part of a road this year and have to finish it the following year –is there any way we could do the whole road the first year and drawdown monies out of the following year’s allocation? If an individual scheme goes over/under budget, is the local authority bound to the estimated figure, or is it acceptable once the local authority remains within their overall allocation?
A	Sections of a road can be done in separate years; it should be noted that until after the budgets have been agreed, there is no guarantee of funding for the scheme in any year. If a particular road comes in under budget, the final total cost less local contributions will be the grant amount; where the road comes in over budget, the final costs can be presented to the Department for payment once the local authority remains within their annual allocation.
Q 9.5	Can local authorities receive details and funding earlier in the year as, come year-end, there is significant pressure trying to get everything returned in time to the DRCD?
A	The Department will endeavour to launch the scheme as early as possible each year. Funding for 2025 LIS has already been announced and local authorities can submit their 2025 priority lists from January 2025.
Q 9.6	Is match funding required?
A	Grant aid is based on the number of beneficiaries along the road or laneway. For roads with up to five beneficiaries, grant aid of 90% is available; where there are more than five beneficiaries, 85% is available. A local contribution makes up the remainder, subject to certain conditions.
Q 9.7	Can a local authority spend over their allocated amount?

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A	If the total costs of improvement works incurred by the local authority exceed their allocation, they must fund the overspending from their own resources. No additional funding can be sanctioned to address any overspends.
Q 9.8	What if a local authority is not able to spend their allocation?
A	If it becomes clear that an allocation is not going to be fully expended, the relevant local authority should notify the Department at the earliest opportunity. Any savings so advised may be reallocated at the discretion of the Minister.
Q 9.9	If one scheme goes over on expenditure and one under, can we balance them out?
A	Yes, provided the overall claim does not exceed the local authority's Annual allocation.
Q 9.10	What should the local authority do if works still need to be completed by the date for the drawdown of funds?
A	If the local authority envisages any issues with the delivery of improvement works on a particular road or laneway, they should inform the LIS unit of the Department at lis@drcd.gov.ie at the earliest opportunity. Each case will be reviewed individually.
10 Commercial Enterprise	
Q 10.1	What defines commercial enterprise? Does it include commercial forestry/ all forestry? How do we check if a forestry is commercial? Forestry: Under the LIS criteria, does forestry qualify as one of the agricultural holdings and if so, what supporting documentation needs to be submitted to support this and for audit purposes? Does Coillte forestry qualify?
A	Commercial Enterprise would relate to large-scale commercial activities; each case should be viewed individually. It is a matter for the local authority to ascertain if the beneficiary submitted falls under the term "Commercial Enterprise". Large Scale Commercial activity cannot be counted as a beneficiary, but the presence of such activity on a road would not deem it ineligible
Q 10.2	Where a road leads to a commercial facility but meets other criteria, please confirm if such a road is eligible.
A	The presence of a commercial enterprise along a road would not deem it ineligible once the criteria are established whereby a road project provides access to parcels of land of which two or more are owned or occupied by different persons, one of which must be engaged in agricultural activities; The volume of traffic as a result of the enterprise may be a factor in the level of improvement works required.
Q 10.3	Can LIS be considered if there is a private business operating on a lane?
A	Private Business cannot be counted as a beneficiary, but the presence of such activity on a road would not deem it ineligible.
Q 10.4	Where roads leading to commercially developed bogs are ineligible, if the roads also lead to turf plots used by multiple landholders, are these roads eligible?
A	The presence of a commercial developed bogs along a road would not deem it ineligible once the two separate landowner's criteria is established. The volume of traffic resulting from the enterprise may be a factor in the level of improvement works required.
Q 10.5	I have a query regarding farms that are set up as Limited Company eg. XXXX Farm Limited. Is this eligible under the criteria as being an agricultural holding?
A	As some farms are set up as limited companies for tax and income purposes, once the usual conditions are met, the fact that they are a limited company would not deem them ineligible once all other criteria have been met. NB: - We specify a minimum of 1 hectare but do not impose a maximum farm size.

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Q 10.6	Where we have land registered in private individual names, but the BPS maps submitted for the agricultural plots as evidence of agricultural activity are in company names (unlimited and limited companies), e.g. land registered in the name of “Joe Blogs’ and Dept. of Agriculture BPS map in the name of “Joe Blogs’ Farm Limited/Unlimited”. We’re assuming, based on our interpretation of the Scheme, that this is ok from an eligibility perspective. Can you confirm?
A	Landowners can have their agricultural activity registered as “limited or unlimited”; this would be an individual’s own decision and may have implications for their pension or taxation matters and segregate their agricultural activity from their personal situation. This is not of relevance to the Scheme Outline.
Q 10.7	A road leading to a commercial activity: Is this a road leading to a commercial enterprise only, or is it still deemed ineligible if it leads to an agricultural activity and a commercial enterprise, such as a tyre repair business?
A	The presence of a commercial enterprise along a road would not deem it ineligible once the criteria are established whereby a road project provides access to parcels of land of which two or more are owned or occupied by different persons, one of which must be engaged in agricultural activities; The volume of traffic as a result of the enterprise may be a factor in the level of improvement works required. Private Businesses cannot be counted as a beneficiaries, but such activity on the road would not be deemed ineligible.
11 Contributions	
Q 11.1	What is the local contribution?
A	A local contribution is payable by all beneficiaries along any road or laneway in receipt of funding under LIS.
Q 11.2	How much is the local contribution?
A	The local contribution is based on the number of beneficiaries. For roads or lanes with up to five beneficiaries, a combined local contribution of 10% of the total cost is applicable. Where the number of beneficiaries exceeds five, the local contribution is 15% of the total cost.
Q 11.3	Is there a cap on the local contribution?
A	There is currently a cap of €1,200 applicable, but this only applies if all beneficiaries contribute. Worked Example 1 The total cost of the road is €50,000 with four beneficiaries. Therefore, a 10% local contribution will apply. 10% of €50,000 is €5,000. Four beneficiaries all willing to contribute covering €5,000 would be €1,250 each; here, we apply the cap of €1,200, so the total local contribution will be €4,800. The grant here will be €45,200, slightly over 90%, which is acceptable. Worked Example 2 The total cost of the road is €50,000 with four beneficiaries. Therefore, a 10% local contribution will apply. 10% of €50,000 is €5,000. Only three beneficiaries are willing to contribute. As there are four beneficiaries, the total local contribution of €4,800 will apply, and each of the three contributing beneficiaries will each pay €1,600. Note; the cap does not apply as all beneficiaries are not contributing. Worked Example 3 The total cost of the road is €20,000 with six beneficiaries. Therefore, a 15% local contribution will apply. 15% of €20,000 is €3,000. All six beneficiaries are willing to contribute, therefore, the total local contribution of €3,000 will be equally divided, so each of the six will pay €500.

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Q 11.4	Do refunds have to be issued to contributors where there is an under spend on original costings?
A	Where the final cost is lower than the initial estimated cost, the local authority must refund the excess in the local contribution provided.
Q 11.5	When should the Local Contribution be paid?
A	The collection of the local contribution is a matter for the relevant local authority, but it is best practice to collect funds before the commencement of work on a project.
Q 11.6	An application was submitted in 2021 with 6 No. signatures and report from the Engineer states that there are 6 No. beneficiaries. It has been nominated for funding this year, and I have calculated the local cont. at 15%. They are now appealing this figure as 2 No. signatories have passed away and they claim the cont. should now be 10% Could you clarify the following, please:- <ol style="list-style-type: none"> 1. Is in order to proceed, considering that the successors of these two landowners have not signed the application form. 2. Should the local cont. remain at 15%.
A	The contribution would need to be calculated in the year of submission and the current status in that year. If the successors of the deceased are not contributing, they, or the estate of both parties, would still need to give consent. The solicitor acting on both parties' behalf; should be in a position to advise the LA and, with the agreement of the next of kin, give consent and ultimately agree contribution. As they would still be counted as a beneficiary, the calculation would still be based on a 15% contribution.
12 Documentary Evidence to Support Application	
Q 12.1	What if the Applicant is not the landowner?
A	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).
Q 12.2	What information is required to prove Agricultural or Harvesting activity? Can the evidence of agricultural activity be defined? Is it acceptable to accept any official documentation from various government departments?
A	The onus is on the landowner to provide evidence to the local authority to satisfy their eligibility under the scheme. The provision of a herd or flock number, the provision of area aid or BISS maps, the provision of mart receipts or herd test notifications can all suffice. The local authority should be flexible in this regard but should ensure that any material being supplied by a beneficiary is recent so as to ensure, as far as practicable that activity is still ongoing. By recent we would expect that is it from a current year or within twelve months of the road being submitted to the Department. Given that in some counties, applications may have been made some years back, eligibility should be re-established before the road or laneway is placed on the priority list.
Q 12.3	What evidence is required to support Right of Way entitlements i.e. should landholders provide a copy of a registered Right of Way and folio with the Right of Way noted on it?
A	Under the Local Government Act, LA's are to list all Public Right of Ways in the County. A PROW should be identified on a land registry map as a yellow line. The improvement works would not be carried out on the PROW as it is on private land.

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	The works would be carried out from point A to point B, where the lane meets the PROW and the main road from which the lane is accessed.
Q 12.4	Formal Leases – Where lands are held by a single landholder but herd numbers have been provided, can you confirm if formal leases registered with the PRTB (rather than the sale of meadows) should be in place to support the use of lands by third parties?
A	If lands are leased to third parties, those individuals must satisfy the agricultural or harvesting activity also. Herd numbers, DAFM scheme payment, or similar should be provided to the LA in order for the LA to determine eligibility. The onus is on the applicant to provide same. Some leases may be more informal, so a case-by-case approach should be applied.
Q 12.5	In relation to Rental Agreements – do we need a 5-year Lease Agreement from the applicants, or does the BISS map suffice?
A	Where the beneficiary is not the registered owner, a current lease or rental agreement should be provided with the landowner’s permission, as noted in the case of shorter-term agreements.
Q 12.6	If there are only 2 separate applicants on a lane who used to be engaged in agriculture but now, due to old age, have ceased farming activities and rented his land to the neighbour on the lane, does this make them in-eligible?
A	2024 amendment - Road projects which provide access to parcels of land of which two or more are owned or occupied by different persons, one of which must be engaged in agricultural activities are deemed eligible as per the scheme outline. The Department recommends that parcels of land should be at least 1 hectare in size as per the Scheme outline.
Q 12.7	If two or more BISS Scheme maps are provided in different names for different parts of the land owned by one landowner as per Land Registry, is this acceptable proof of two separate holdings or is a lease agreement necessary?
A	The land should be owned, leased or rented by separate individuals in order to satisfy the eligibility criteria.
Q 12.8	In the scenario of land being leased, what is the rationale for requesting a copy of the lease agreement <u>if</u> we have obtained a BISS map for this plot of land to satisfy the eligibility criteria? If the land has gone through the Department of Agriculture process of being registered in the lessee’s name for the Basic Payment Scheme and both the lessor (registered landowner) and lessee sign our consent form, why would we still need a copy of the lease? From a data protection viewpoint, would this not be considered an excessive request?
A	A copy of the lease or rental agreement should be obtained and files on the local authority file relating to the road for any possible audit or inspection.
Q 12.9	In relation to the BISS Maps. If the applicant cannot provide a map for the year in which the lane is proposed to be completed, is it only the map dated for the previous year that would be acceptable, or would the previous two years be acceptable?
A	Documentation for the previous year can suffice as the current material may still need to be available when the application is being submitted.
Q 12.10	If BISS maps are unavailable, are there any other acceptable types of documentary evidence? If formal documents for agricultural use do not exist, is a signed written statement acceptable? Should it be witnessed by a professional, for example, a Solicitor? Clarify what “alternative documentary evidence” will be acceptable and can this alternative be in place of a BPS map?

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A	The local authority should engage with applicants with regard to obtaining eligibility documentation. Alternative documents may include Herd or Flock number, proof of annual tests, Sales through Marts etc.
Q 12.11	If road projects which provide access for harvesting purposes (including turf or seaweed) for two or more persons are relying on this for eligibility, what information is requested?
A	Proof of harvesting, cost of cutting turf, invoices etc, proof of sea-weed collection, sale of same etc. The onus is on the applicant to provide proof of activity.
Q 12.12	What documentation verifying the nature of the equine activity is acceptable?
A	Our best advice would be any documentation that satisfies the local authority that the equine activity will meet the eligibility criteria of the scheme e.g. equine number, proof of equine activity, vet bills, horse feed receipts etc. Furthermore, the activity needs to be linked to the parcel of land in question being accessed from the proposed road or lane.
Q 12.13	Land leases
A	It might be best practice if there was a deed of transfer or legal/lease agreement in place, However, this is a matter for yourselves to satisfy. However, best practice would suggest that a letter of consent be obtained and retained on file as a minimum.
Q 12.14	In addition to herd test notification, with regard to equine activity – is submission of receipts for the purchase of horse feed sufficient evidence of involvement in equine activity?
A	The attached 'herd test notification' would be sufficient evidence of agricultural activity; however, it would need to specify the farm location, herd number, and the folio or parcel of land that the test relates to.

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