

Local Improvement Scheme 2020

Briefing to T&T SPC

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Local Improvement Scheme (LIS)

- Overview of presentation

- ▶ 1. Background Nature of Scheme
- ▶ 2. Changes introduced in 2020
- ▶ 3. Prioritisation & Ranking of applications

1. LIS Background History

- ▶ 1997-1999 LIS Memorandum
 - ▶ 2001 LIS Memorandum
 - ▶ 2002 Memorandum
 - ▶ 2020 Scheme Outline
- ▶ 2002 Memorandum
 - ▶ Statutory basis provided under Section 81 of the Local Government Act, 2001 with effect from 1 January, 2002
 - ▶ Section 81(2)
 - ▶ Provides basis for RA to construct non-public road
 - ▶ Section 81(3)
 - ▶ LA Works, Contribution towards works

1. LIS Background

Legislative provision - Section 81 LG Act 2001

Section 81(3) LA Works, Contribution towards works which

- ▶ provides access to Parcels of Land of which at least 2 are owned or occupied by different persons, or
- ▶ provides access for harvesting purposes (including turf or seaweed) for 2 or more persons, or
- ▶ shall in the opinion of the road authority be used by the public

Section 81(4): Assistance by a road authority under this section shall be-

- ▶ conditional on a prior written agreement (*e.g Signed Application Form*) by the parties concerned with the road authority and a financial contribution by such parties, and
- ▶ subject to such other terms and conditions as the Minister may consider appropriate.

Section 81(5): - LA not liable for maintenance or TIC

1. LIS - Background

Summary of current status

- ▶ 2017 - LIS was re-commenced but now operated by DCRD
- ▶ Existing LCCC list in place since previous funding programme
- ▶ Scheme continued to operate from 2017 up to 2019 under
 - ▶ *2002 Department of Environment and Local Government Memorandum*
- ▶ 2020
 - ▶ 13th March - Allocation advised
 - ▶ 25th March - DCRD correspond
 - ▶ Letter to LCCC to return list by 24th April
 - ▶ Appendix 1 - €384,090 confirmed
 - ▶ Appendix 2 - Priority List
 - ▶ Appendix 3 - Secondary List
 - ▶ Appendix 4 - *LIS 2020 Scheme Outline**

2. LIS Changes

- Eligibility of Schemes 2019 v 2020 Criteria

2002 - 2019

works which

- ▶ provides access to Parcels of Land of which at least 2 are owned or occupied by different persons, or
- ▶ provides access for harvesting purposes (including turf or seaweed) for 2 or more persons, or
- ▶ shall in the opinion of the road authority be used by the public

▶ 2020

▶ Eligible road projects are those that involve the construction or improvement of non-public roads as follows:

- ▶ Road projects 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
- ▶ Road projects which provide access for harvesting purposes (including turf or seaweed) for two or more persons; or
- ▶ Road projects which provide access 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.

2. LIS Changes

- Ineligible schemes - Summary 2019 v 2020

2019 (based on 2002 memo) ineligible

- ▶ roads serving only houses or buildings occupied or used by persons not engaged in agriculture.
- ▶ roads serving only Council cottages, i.e. non-vested cottages.
- ▶ roads or drains on bogs being developed commercially for large scale turf production for sale.
- ▶ drainage only works

2020 ineligible ([new](#))

- ▶ [A road open to the public which only benefits one landowner.](#)
- ▶ A road serving only houses or buildings occupied or used by persons not engaged in agriculture.
- ▶ [A road with gates \(entry or exit\) restricting access as it is not considered open to the public.](#)
- ▶ 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.](#)

3. LIS Prioritisation

2002 v 2020 Priority guidance from Memo

2002 Memo (up to 2019)

- ▶ cost of projects and decisions on eligibility are matters to be determined by the Council's engineering staff
- ▶ **must** target the worst roads in the county
- ▶ Can consider dividing by MD\EA but should be proportional to applications & condition of roads

- ▶ 2020 Scheme Outline
- ▶ Not allocated by MD
- ▶ Not allocated solely on a first come basis

3. LIS Prioritisation

- DCRD Guidance on prioritisation

- ▶ 2002
 - ▶ the number of schemes on hand,
 - ▶ the estimated cost of these schemes,
 - ▶ the Council's allocation for the year
 - ▶ the length of time the scheme has been on hands.
 - ▶ The number of parcels of land served/occupied houses served with those serving most to receive consideration for value for money reasons.
 - ▶ **The number of beneficiaries.**
 - ▶ The length of the scheme and extent of work required
 - ▶ Whether there is a need to consider special circumstances in some cases, i.e. hardship, elderly or disabled occupants, etc.
 - ▶ The condition of the non-public road.
- ▶ 2020
 - ▶ The number of applications on hands;
 - ▶ The estimated cost of completing the works associated with each application;
 - ▶ The Local Authority's funding allocation for the year;
 - ▶ The length of time the application is on hand;
 - ▶ The number of parcels of land served;
 - ▶ The number of occupied houses served;
 - ▶ The length of the road and extent of work required;
 - ▶ Special circumstances such as hardship cases, or access for elderly or disabled occupants.
 - ▶ The condition of the road;

The weighting applied to the above criteria is at the discretion of the Local Authority.

3. LIS Prioritisation

- ▶ Current list

- ▶ priority based on.....
- ▶ Number of approved schemes....
- ▶ Typical Waiting period.....

- ▶ Briefings with Members at District Level

- ▶ SPC Briefing

- ▶ *MD Workshop*

- ▶ *SPC Prioritisation approval*

- ▶ Current position

- ▶ Chronology - first in\first done
- ▶ Circa 40 No. on list
- ▶ 2 to 4 years

- ▶ November\December 2020

- ▶ Nov 4th Newcastle West
- ▶ Nov 10th Adare-Rathkeale
- ▶ Nov 19th Cappamore - Kilmallock
- ▶ Dec 21st Metropolitan
- ▶ Dec 15th (Briefing)
- ▶ *January 2021*
- ▶ *February 2021 SPC meeting*

3. LIS Prioritisation for 2021

What Next?

- ▶ Agree a prioritisation
- ▶ Option 1 - Do Nothing
- ▶ Option 2 - Priorisation scheme to be agreed at SPC in compliance with DCRD guidance but with weighting
- ▶ Executive to prepare recommended prioritisation options that are compliant with funding requirements for approval of SPC
- ▶ Not compliant with DCRD -no funding
- ▶ Get agreement on nature & weighting of priorities
- ▶ Report for Feb 2021 or after Workshops are held.