# Focused Policy Assessment: Local Improvement Scheme

Finance and Evaluation Unit
Department of Rural and Community Development

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# **Summary**

#### BACKGROUND

The Local Improvement Scheme (LIS) was established in 1968. The scheme provides exchequer funding for the construction or improvement of non-public roads which provide access:

- To land owned or occupied by at least two or more different persons engaged in agriculture; 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; or
- For public use (amenity roads) e.g. providing access to community amenities such as graveyards, beaches etc.

The scheme is specifically provided for in legislation (section 81 of the *Local Government Act 2001*), and has been referenced in a number of recent Government policies such as the Action Plan for Rural Development (2017), and the National Development Plan 2018 – 2027.

While the scheme is broadly set out in legislation, it is accompanied by a 2020 *Scheme Outline* which sets out the terms and conditions of the scheme. An important aspect of the scheme is the requirement for local contributions. That is, beneficiaries (landowners) of the scheme must contribute towards the cost of works undertaken for all non-public roads (except amenity roads). This has been set at a maximum cost of €1,200 per landowner since 2019. The 2020 Scheme Outline states local authorities must provide the contribution (a minimum of 15% of costs) for amenity roads.

Policy responsibility for the scheme has rested with various Government Departments over its lifetime. It has been under the remit of the Department of Rural and Community Development (DRCD) since 2017. However, the administration of the scheme is the responsibility of local authorities. Exchequer funding is allocated annually from the Department to local authorities for completion of works. Local authorities must ensure the terms and conditions of the scheme are met.

#### INPUTS (FUNDING) AND OUTPUTS

Approximately €296 million of exchequer funding has been provided to the scheme between 1968 and 2019. €47 million of exchequer funding was provided between 2017

and 2019, which, allied with local contributions (over €6 million) amounted to total project costs of €53 million between 2017 and 2019.

Exchequer funding is allocated to local authorities having regard to the total amount of funding available and the geographic size of the counties. On this basis seven counties accounted for approximately half of total payments between 2017 and 2019.

The total number of projects completed between 2017 and 2019 was 2,004 or a yearly average of 668, totalling 929 km in length, and serving 8,239 landowners. This compares to a total of 3,494 projects completed between 1992 and 1996 or a yearly average of 699 projects. Approximately 71% of project completions in 1992-1996 were accounted for by four counties. This compares to 70% project completions by 11 counties in 2017 - 2019. Therefore, while seven counties accounted for approximately half of total payments between 2017 and 2019, the concentration of project completions has lessened overtime likely reflecting a broader distribution of funding across counties compared to 1992 - 1996.

#### **EFFICIENCY AND EFFECTIVENESS**

Efficiency of the scheme is assessed by relating inputs (funding) to outputs over the period 2017-2019. In considering the information below, it should be noted that project costs are reflective of a number of variables such as the area (length and width) of the road, and the type of works undertaken. The data shows that while the majority of projects (82%) cost €40,000 or less, there is wide variation in the cost of projects i.e. from less than €10,000 to in excess of €100,000.

In aggregate terms the data shows that in the period 2017-2019 the average cost per:

- Project was €26,498.
- Kilometre (km) was €57,187.
- Landowner¹ was €6,225.

It is difficult to draw conclusions based on a relatively short time period of three years. In aggregate, indicators of efficiency show little change over the period in nominal terms except for amenity roads which saw larger changes (increases) in each of the measures above. It is notable that there was a large degree of variation in these measures on a county basis. For example, average costs ranged from:

<sup>&</sup>lt;sup>1</sup>This is not the cost incurred by each landowner. This is the cost of a project divided by the number of landowners benefitting from that project. It excludes amenity roads as having landowners on these roads is not a funding requirement.

- €13,000 to over €53,000 per project.
- Over €26,000 to over €130,000 per km.
- Less than €3,000 to over €16,000 per landowner.

The effectiveness of the scheme is assessed by the extent to which the scheme is meeting its objectives. There continues to be demand for the scheme as demonstrated by the fact that almost all funding allocations were drawn down between 2017 and 2019, and a secondary list of projects for 2019 indicated there were an additional 550 projects at a cost of over €21 million which could potentially be funded. The potential scale of the relevant road network has been considered by assessing the number of farms in Ireland and high level information on the road network in Ireland based on Ordnance Survey Ireland (OSi) data. In each of these cases not all of these farms nor roads are applicable to the LIS. Future work could aim to better understand the scale of the relevant road network, and thereby potentially improve the effectiveness of the scheme. This could be achieved through further exploration of roads network data gathered by the OSi.

Another consideration in relation to the effectiveness of the scheme relates to the impact of the scheme. The expected benefits have been broadly stated in Government policy in terms of support for rural living and quality of life. No assessment of the impact of the scheme on the beneficiaries has been undertaken. The benefits of the scheme are difficult to quantify or measure. While this could potentially be assessed in a qualitative manner, given the nature of the scheme this is unlikely to yield practical or useful information.

#### **CONTINUED RELEVANCE**

The scheme appears to be unique based on comparisons with a number of other jurisdictions in this paper (England and Wales, US (California and Florida) and Sweden). However, the analysis indicates that the scheme continues to be relevant on the basis that it is underpinned by both legislation and Government policy. In addition, there continues to be demand for the scheme and there is no alternative scheme in place which is a substitute to the LIS.

#### RECOMMENDATIONS

Four recommendations are made in this paper.

#### 1. Funding stability

The level of exchequer funding provided to the LIS has varied annually particularly since 1998. For example, it reached a peak of €27 million in 2007 before falling to €5 million in

2011 and varied from €10 to €20 million between 2017 and 2019². Providing a stable approach to annual funding, where feasible, will help provide more certainty for project planning and management purposes.

#### 2. Terms and conditions of the scheme

- a) The 2020 Scheme Outline states that over-elaborate or too costly improvements should be avoided. Data shows that the costs per project can be in excess of €100,000. It may not be economical to fund such projects, and in the context of continual demand for the scheme this could potentially allow a greater volume of lower cost projects to be undertaken. Consideration should be given to setting a limit on the exchequer funding allocated to projects funded under the scheme. Possible approaches could involve setting a limit per project or per km for example.
- b) A tiered approach to local contributions based on projects costs would help reduce complexity of administration of the scheme. For example, a range of percentage contributions could be set rising incrementally with the costs of projects.
- c) A time limit should be set on the extent to which projects can be considered for repeated funding under the scheme to ensure other relevant projects progress.

#### 3. Improved data collection

The information collected by the Department for funding approval could be further improved. For example, information on the condition of roads and remedial works undertaken would enhance the ability to assess the efficiency of the scheme. The information gathered should include details on the type of works undertaken including a manually rated uniform ratings scale to rate the condition of the roads, the nature of the works undertaken, and area (in square km) of works, as well as breakout of administration costs. In addition, it is important that xy coordinates are provided for each project to track how much of the network has been funded overtime, and thereby assist with more targeted funding of the scheme. For accessibility and use, the format of data collection should continue to be based on a Microsoft excel template.

#### 4. Estimating the scale of the relevant non-public road network

Improvements in the estimation of the scale of the network would help with the allocation of funding under the scheme, and assist with monitoring the extent to which the network is being funded. A survey of the applicable road network could be considered but this is likely to be time consuming and costly to undertake. A more practical and feasible solution would involve working with OSi in terms of their mapping data on the roads

<sup>&</sup>lt;sup>2</sup> The original allocations for scheme expenditure were consistent each year between 2017 and 2019 (i.e. €10 million), but savings in other areas allowed for greater expenditure on the scheme in 2017 and 2018.

network in Ireland to identify roads most closely aligned to the scheme. In the long term, the possibility of integrating the LIS into MapRoad GIS (the public roads asset management system) could be investigated to allow for consistency of approach to reporting and monitoring of State funded public and non-public roads.

## 1 Introduction

## 1.1 Purpose of this paper

This paper is a Focused Policy Assessment<sup>3</sup> (FPA) of the Local Improvement Scheme (LIS). The purpose of this paper is to assist with improving the understanding and informing the future operation of the scheme. The LIS is funded by the Department of Rural and Community Development (DRCD). The scheme provides for the construction or improvement of non-public roads that provide access to parcels of land used for agricultural purposes, and harvesting purposes (including turf or seaweed). Eligible non-public roads also include those which provide access to community amenities such as graveyards, beaches etc.

The following areas of the scheme are examined in this paper.

- Background including policy context and operation of the scheme.
- Rationale and objective(s).
- Level and trend in inputs in terms of exchequer funding, local contributions and administration costs.
- Level and trend in outputs in terms of the number and length (km) of non-public roads, as well as the number of landowners who have benefitted from the scheme
- Efficiency, by comparing inputs relative to outputs.
- Effectiveness, by assessing the extent to which the scheme is meeting its objective(s).
- Continued relevance.

## 1.2 Report structure

The structure of this report is as follows.

- Chapter 2: background, policy context, operation, rationale and objective(s).
- Chapter 3: inputs (funding) and outputs.
- Chapter 4: efficiency and effectiveness.
- Chapter 5: continued relevance and recommendations.
- Appendix A: notes to the data.

<sup>3</sup> FPAs are part of the evaluation process for public sector programmes which may examine various areas of a programme such as its rationale, inputs, outputs etc.

- Appendix B: international approaches to funding private roads.
- Appendix C: pavement surface condition index.
- Appendix D: the community involvement scheme (CIS).

#### 1.3 Data and stakeholder consultation

Analysis of the scheme has been conducted using readily available data and information. Although data collection has improved in recent years, there is a lack of data for assessing more long term trends. The majority of the data and information used in this paper has been sourced from DRCD. Other data sources include Oireachtas parliamentary questions and debates, and the Department of Transport, Tourism and Sport (DTTaS).

The following stakeholders were engaged to inform this review.

- The Department of Transport, Tourism and Sport.
  - The Government Department with policy responsibility for transport, tourism and sport.
- The Local Government Management Agency (LGMA).
  - An agency of local authorities which reports on the performance of the local government sector to the Department of Housing, Planning and Local Government.
- The Roads Management Office (RMO).
  - A shared service for local authorities which was established as part of the process of establishing a road asset management system, MapRoad GIS, for public local and regional roads.
- Carlow, Cork, Longford, Mayo, and Meath county councils.

# 2 Background, rationale and objectives

#### 2.1 Introduction

This chapter first sets out the background and policy context to the LIS. The operation of the scheme is then briefly discussed, followed by the rationale and objective(s). An overview of the approach to funding non-public roads in other jurisdictions is also briefly highlighted for comparison purposes.

## 2.2 Background

#### A SUPPORT FOR RURAL IRELAND

The economic and social well-being of rural Ireland is viewed as integral to the sustainable development of Ireland in Government policy. The peripheral nature<sup>4</sup> and economic and social vulnerability of rural areas means that they require Government support. In this context, the LIS is one of many Government schemes and programmes put in place to support rural Ireland.

#### **ESTABLISHMENT OF THE SCHEME**

The LIS evolved from schemes of grants provided via the former Employment and Emergency Schemes Vote<sup>5</sup>. The Vote made provision for a programme of employment schemes for those in receipt of unemployment assistance in urban and rural areas. It also made provision for other services such as grant aid towards costs of works benefitting lands of two or more farmers e.g. the construction or repair of road's to farmer houses, lands and bogs. The *Local Government (Roads and Drainage) Act 1968 (1968 Act)* was introduced to amalgamate a number of these schemes. The Government decided that to improve efficiency, schemes for farmer's roads, bog roads and minor drainage works should be administered under a single contributory scheme called the Local Improvement Scheme (LIS). County councils would be responsible for administration of the scheme subject to the control of central Government<sup>6</sup>.

<sup>&</sup>lt;sup>4</sup> CSO, <u>Measuring Distance to Everyday Services in Ireland</u>, November 2019.

<sup>&</sup>lt;sup>5</sup> The earliest reference to the Vote on the debates section of the Oireachtas website is from the 1940s.

<sup>&</sup>lt;sup>6</sup> Oireachtas Debates, <u>Local Government (Roads and Drainage) Bill, 1968: Second Stage</u>, Seanad Éireann, 20 March 1968.

In the early to mid-1980s funding of the LIS was largely adapted to take account of European Commission (EC) aid under the Western Package for farm road projects covering the western region of the country designated as less favoured, (areas at risk of agricultural abandonment and loss of rural landscape) under EC Regulations. In the late 1980s the scope of the scheme was extended on a broader geographical basis to the rest of the country. The legislative basis for the scheme was later established in the *Local Government Act 2001* (2001 Act) following repeal of the 1968 Act, and continues to apply today. This is summarized in text box 1 overleaf.

More recently, due to pressures on public finances during the recession, the LIS ceased operation as a standalone scheme from 2012. This was because in a situation of constrained resources, funding for public roads remained the priority. While local authorities could use a proportion of their discretionary grant and supplement a percentage of the grant with their own resources for non-public roads during this period, most chose to focus their funding on public roads<sup>11</sup>. However, in 2016 A Programme for a Partnership Government<sup>12</sup> (PFPG) committed to reinstating the LIS in order to contribute to the Government's objective of prioritizing new investment in local and regional road maintenance and improvements. The scheme was subsequently reintroduced in 2017 under the remit of the Department for Rural and Community Development (DRCD).

<sup>&</sup>lt;sup>7</sup> European Commission, <u>Less Favoured Areas Scheme</u>.

<sup>&</sup>lt;sup>8</sup> Oireachtas Debates, <u>Local Improvements Scheme</u>, number 264, 07 July 1983; Committee on Finance, <u>Vote 10 – Employment and Emergency Schemes</u>, 12 July 1950; and Committee on Finance, Vote 10 – <u>Employment and Emergency Schemes</u>, 26 May 1959.

<sup>&</sup>lt;sup>9</sup> Oireachtas Debates, <u>Local Improvement Scheme Grants</u>, number 71, 05 December 1990.

<sup>&</sup>lt;sup>10</sup> Identified as an Act to make further and better provisions in relation to local government.

<sup>&</sup>lt;sup>11</sup> Oireachtas debates, <u>Local Improvement Scheme Funding</u>, number 9, 21 November 2019; and Local Improvement Scheme Funding, Seanad Éireann, 31 March 2015.

<sup>&</sup>lt;sup>12</sup> A Programme for a Partnership Government (May 2016).

#### Text box 1: Legislative basis for the LIS

Section 81 of the *Local Government Act 2001* states that the Minister may make a grant to a county council in relation to assistance towards construction or improvement of non-public roads (not a road within the meaning of the *Roads Act 1993\**) in its functional area.

A county council may provide assistance by carrying out works, making a financial contribution or otherwise to the construction or improvement of a non-public road which:

- Provides access to parcels of land of which at least two are owned or occupied by different persons; or,
- Provides access for harvesting purposes (including turf or seaweed) for two or more persons; or,
- Will, in the opinion of the county council, be used by the public.

#### Assistance is conditional on:

- A written agreement and financial contribution by the parties concerned; and,
- Subject to other terms and conditions that the Minister may consider appropriate.

The county council is not liable for maintenance or other duties or liabilities of the non-public road.

\* The legislative basis for Ireland's public road network and related matters is set out in the *Roads Act 1993*. A public road is a road over which a public right of way exists and the responsibility for maintenance lies on a road authority i.e. a local authority except in Part V (Toll Roads) of the Act.

#### TERMS AND CONDITIONS OF THE SCHEME

A *Scheme Outline* was issued to local authorities in April 2020 to clarify the terms and conditions of the scheme. This was issued in light of the length of time elapsed since the terms and conditions were set out in a previous *2002 Memorandum*<sup>13</sup>, and requests from local authorities for greater clarity on the interpretation of terms and conditions of the scheme.

<sup>&</sup>lt;sup>13</sup> LIS Scheme Circular documents to LA CEOs, 2017.

The 2020 Scheme Outline replaces the 2002 Memorandum and an accompanying list of clarifications and modifications<sup>14</sup> which were issued by DRCD in 2019. Some key features of the terms and conditions of the scheme and how these have changed overtime are outlined below.

#### Eligible projects

While the 2001 Act broadly sets out eligible projects under the scheme, the 2020 Scheme Outline provides more detail on eligible projects. It states that eligible projects include:

- 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; or
- Amenity roads (non-public roads which will be used by the public) i.e. non-public roads leading to important community amenities such as graveyards, beaches, piers, mountain access points or other tourist/heritage sites.

Projects are meant to provide for essential works of a substantial kind. Projects can include the construction, improvement or reconstruction of roads and bridges. However, there is a cap on the value of amenity roads which can be funded whereby they cannot not make up more than 25% of exchequer grant payments.

#### Local contributions

As set out in legislation, local contributions are required from beneficiaries or local authorities in the case of amenity roads. Table 1 sets out changes in local contribution requirements between 1968 and 2020.

<sup>&</sup>lt;sup>14</sup> Relating to completion/submission of project lists, local contributions, GPS co-ordinates, and eligible roads.

Table 1: Local contributions, 1968 – 2020

| Year  | Rate of local contribution                                                     |
|-------|--------------------------------------------------------------------------------|
| 1968  | The rate varied based on land valuations, from 2.5% where valuations were      |
|       | less than £5 to 60% for valuations in excess of £10015.                        |
| 1980s | EC regulations required a minimum contribution of 10% of the cost of           |
|       | projects. However, it was open to local authorities to offer beneficiaries the |
|       | option of having their contributions determined on the basis of average land   |
|       | valuations <sup>16</sup> .                                                     |
| 2002  | The 2002 Memorandum set the contribution at 10% for projects up to €25,393     |
|       | and 15% for projects at and above that level.                                  |
| 2011  | The contribution requirements were set at 20% regardless of the cost of        |
|       | projects <sup>17</sup> .                                                       |
| 2019  | In order to encourage take-up of the scheme, the contribution was changed to   |
|       | 10% for eligible roads with up to and including five householders /            |
|       | landowners, and 15% for those with six or more householders / landowners.      |
|       | The maximum amount any individual householder / landowner must                 |
|       | contribute is capped at €1,200. This maximum cap does not apply to the local   |
|       | authority contribution for amenity roads which must be a minimum of 15%.       |
| 2020  | The local contribution requirements in the 2020 Scheme Outline remain the      |
|       | same as the requirements in 2019. The Scheme Outline clarifies that local      |
|       | authorities are permitted to seek a portion of the contribution for an amenity |
|       | road from any beneficiary on that road subject to a cap of €1,200.             |

Source: Oireachtas debates, the 2002 Memorandum, and 2020 Scheme Outline.

#### Local authority administration fees

Another important aspect of the scheme is the rate of allowance for local authority administration fees. As in 2019, the *2020 Scheme Outline* sets the recoupment of local authority expenses at 10% of the net cost of the project (cost of labour, materials and equipment before landowners' contributions are applied). The 10% rate in 2019 and 2020 is down from a rate of 15% which applied when the scheme was reintroduced in 2017.

<sup>&</sup>lt;sup>15</sup> Oireachtas debates, <u>Local Government (Roads and Drainage) Bill, 1968: Second Stage,</u> Seanad Éireann, 20 March 1968.

<sup>&</sup>lt;sup>16</sup> Oireachtas debates, <u>Local Improvement Scheme</u>, 23 May 1984.

<sup>&</sup>lt;sup>17</sup> Oireachtas debates, <u>Local Improvement Scheme Funding</u>, 27 June 2017.

The administration fee permitted was previously capped at 15% in the 2002 Memo, increasing from 12.5% which was set out in a 1997-1999 Memo. A 10% rate was put in place when the LIS was established in 1968<sup>18</sup>. Changes in the rate between 1997 and 2020 are set out in table 2 below.

Table 2: Local authority maximum administration fee allowed (%), 1997 - 2020

|                    | 1997  | 2002 | 2017 | 2019 | 2020 |
|--------------------|-------|------|------|------|------|
| Administration fee | 12.5% | 15%  | 15%  | 10%  | 10%  |
| permitted (% of    |       |      |      |      |      |
| exchequer funding) |       |      |      |      |      |

Source: Oireachtas debates, the 2002 Memorandum, and 2020 Scheme Outline.

## 2.3 Policy context

As previously mentioned, the LIS is one of a number of Government supports aimed at benefitting rural areas. As such, the scheme has been included in a number of recent Government policies.

Following the commitments made in the PFPG (2016), action 259 of the Government's 2017 Action Plan for Rural Development<sup>19</sup> (APRD) aimed to promote increased funding for the scheme on an annual basis, as resources permitted. The APRD stated that a high quality, inter-connected system of transport in rural Ireland is key to the social and economic potential of rural areas by having a positive impact on communities and business by reducing travel times and business costs.

The LIS was also referred to in the National Development Plan 2018 - 2027<sup>20</sup> (NDP 2018 - 2027) which sets out investment priorities for implementation of the National Planning Framework 2040<sup>21</sup>. The NDP states that public capital investment has a vital role to play to support regions, including rural areas, in achieving their economic and social potential. It notes that the Government is supporting rural towns and villages across the

<sup>&</sup>lt;sup>18</sup> Oireachtas debates, <u>Local Government (Roads and Drainage) Bill, 1968: Second Stage</u>, Seanad Éireann, 20 March 1968.

<sup>&</sup>lt;sup>19</sup> DRCD, Realising our Rural Potential – Action Plan for Rural Development, (2017).

<sup>&</sup>lt;sup>20</sup> Project Ireland 2040, National Development Plan 2018-2027.

<sup>&</sup>lt;sup>21</sup> The NPF is the strategic plan for growth and development of Ireland which sets out a number of policy objectives including investment in roads infrastructure. <u>Project Ireland 2040 National Planning Framework.</u>

country through a range of initiatives including the LIS to support rural revitalisation and economic growth.

Most recently, the Programme for Government – Our Shared Future (2020) committed to ensuring that the LIS is funded into the future.

## 2.4 Operation of the scheme

Policy and exchequer funding responsibility has resided with a number of Government Departments during the lifetime of the scheme but administration of the scheme is the responsibility of local government.

The scheme rested with the Department of Environment, Community and Local Government prior to 2007 when it then transferred to DTTaS. However, limited provision of funding for non-public roads was also made available by the Department of Community, Rural and Gaeltacht Affairs to designated areas as part of the CLÁR<sup>22</sup> scheme between 2002 and 2008<sup>23</sup>. The LIS has been under the remit of DRCD since 2017.

Exchequer funding is allocated by DRCD to local authorities annually. The dates of funding allocations and drawn down have varied since 2017<sup>24</sup>. Allocations are based on the overall amount of funding available for the scheme, and the geographical size of the county to account for the likely higher volume of non-public roads in larger counties.

Local authorities submit a list of proposed priority projects using a template supplied by the Department for funding approval purposes<sup>25</sup>. A secondary list of projects which could potentially be funded should there be substitution with projects on the priority list, or if additional funding becomes available, is also submitted. It is the local authorities who determine which projects are prioritised and who must also ensure projects meet the terms and conditions of the scheme.

Conversations with a number of local authorities indicate that they may advertise for applications to the scheme, and / or may also use existing lists of projects from previous

<sup>&</sup>lt;sup>22</sup> This scheme is a targeted investment programme in rural disadvantaged areas. At the time it co-funded investment in projects with other Departments.

<sup>&</sup>lt;sup>23</sup> Oireachtas debates, <u>Departmental Programmes</u>, number 3, 14 April 2005.

<sup>&</sup>lt;sup>24</sup> For example, in 2018 there were two rounds of allocations; one beginning early in the year and the other late in the year. In 2019 and 2020 allocations were announced early in the year with the drawn down date then set later in the year.

<sup>&</sup>lt;sup>25</sup> See Appendix A.

applications. Projects are prioritised by local authorities based on scoring criteria such as the number of landowners being served, the length of time the project is waiting to be funded, those most in need of attention etc. Once projects have been approved for funding, the local authority makes an offer to applicants who may then either accept or reject the offer. Local authorities later submit a final list of projects to the Department, when completed, in order to draw down on exchequer funding allocated to them.

A brief description of the operation of the Community Involvement Scheme (CIS) is provided below for comparison purposes as it has a number of similarities to the LIS in terms of its operation.

#### COMPARISON WITH THE COMMUNITY INVOLVEMENT SCHEME

The CIS operates under the remit of DTTaS. It is a joint approach between the community and local authorities to improve the quality of public local roads in need of repair i.e. communities contribute through monetary and / or non-monetary means i.e. towards the works undertaken. The CIS provides for multi-annual funding i.e. funding covering a two year period. Circa €12 million was spent under the scheme in 2018, and €15 million was allocated to the scheme in 2019.

Community contribution requirements under the CIS range from 15% and 30% depending on particular circumstances. In addition, local authorities must:

- Rate the condition of local roads before and after works are undertaken using the Pavement Surface Condition Index<sup>26</sup> (PSCI).
- Record the road length, width and number of dwellings on the roads under consideration.

Local authorities prioritise roads eligible for the two year funding period and apply to the Department by submitting an excel file with the information required as part of the process. Records of works must be maintained on MapRoad GIS which is a roads management system using mapping information on the road network in Ireland provided by Ordnance Survey Ireland (OSi).

There are a number of differences in the approach to how the LIS and CIS operate including:

• The period covered by funding allocations i.e. annual allocations under the LIS versus multi-annual allocations under the CIS.

 $<sup>^{26}</sup>$  The PSCI is a ratings system used for assessing the condition of public regional and local roads. See Appendix B for more details.

- The level of contributions required range from 15% to 30% under the CIS, compared to 10% to 15% under the LIS which is also subject to a maximum cap of €1,200 per landowner.
- What qualifies as a local contribution requirement i.e. the LIS allows for monetary payments only while the CIS allows for contributions in the form of monetary payments and / or to the works.

Further details on the CIS can be found in Appendix D of this paper.

## 2.5 Rationale and objectives

The preceding sections of this chapter have discussed the establishment of the LIS arising from the amalgamation of a number of schemes which provided access to farmers' land and houses, access to bogs, and for minor drainage works. It has also been noted that the scheme is specifically stated as a support for the economic and social well-being of rural Ireland in Government policies such as the APRD (2017) and the NDP 2018 - 2027.

In addition, the basis for the LIS can also be inferred by reasons for investment in the public road network more generally as the PFPG (2016) stated that the LIS is part of the Government's objective of investment in the local and regional roads network. Value for money reviews of the regional and local roads<sup>27</sup> (2008) and the maintenance expenditure for national roads<sup>28</sup> have outlined the justification for investment in the public road network. The stated rationale for investment includes that the public road network is a quasi-public good, and provides economic and social benefits (access to products, services, labour markets, facilitates trade and social links). The purpose of the LIS is outlined in legislation and the accompanying 2020 Scheme Outline. The LIS provides for the construction or improvement of non-public roads to provide access:

- To land owned or occupied by at least two or more different persons engaged in agriculture; 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; or

<sup>&</sup>lt;sup>27</sup> DTTaS, Value for Money Review of the Strategic Non-National (Regional and Local) Roads Programme (July 2008).

<sup>&</sup>lt;sup>28</sup> DTTaS, Value for Money and Policy Review of Current Expenditure on National Road Maintenance, (December 2015).

• For public use (amenity roads) e.g. providing access to community amenities such as graveyards, beaches etc.

## 2.6 International approaches to funding private roads

A comparison of approaches to funding private roads internationally (England and Wales, the US (California and Martin County Florida), and Sweden) based on publicly available information is highlighted below. More detail can be found in Appendix B of this paper. It should be noted however that the definition of a private or non-public road may not be exactly like for like in each country, and they do not take full account of the context of the public / private roads network or policy approach in each country.

In England and Wales private roads are the responsibility of road owners or residents. These roads can be adopted by the council but the road must be brought up to certain standards to allow for this. In the US easements for right of way and private maintenance agreements are generally used for private roads. In the case of California for example, civil law states that maintenance costs must be shared by landowners. In Sweden the Government provides legal and financial incentives to private road associations to manage a substantial portion of the private road network.

Therefore, the LIS differs to the approaches adopted in these jurisdictions. Responsibilities for private roads in England, Wales and the US (California and Florida) rests with the landowners, while the model in Sweden contributes substantially to the private road network under a legal framework of public private partnership.

## 2.7 Summary and conclusions

The LIS has existed for 52 years having first been established in the *Local Government* (*Roads and Drainage*) *Act 1968*. The *1968 Act* has since been repealed but the scheme continues to have a basis in Government legislation (section 81 of the *Local Government Act 2001*). The scheme also continues to have support in Government policy as it was committed to in the Programme for Government in 2016 and 2020, and referred to in the APRD (2017) and the NDP 2018 - 2027.

Policy responsibility has resided with DRCD since 2017 but the administration of the scheme is devolved to local government. A *2020 Scheme Outline* sets out the conditions which apply to the scheme. These include requirements for local contributions from beneficiaries and a cap on local authority administration fees.

The purpose of the LIS is described in legislation and the accompanying 2020 Scheme Outline. The LIS provides for the construction or improvement of non-public roads to provide access:

- To parcels of land owned or occupied by at least two different persons engaged in agriculture; or
- For harvesting purposes for two or more persons (including turf or seaweed); 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; or
- For public use i.e. access to amenities such as beaches and commonage for example.

A comparison of approaches to funding private roads in a number of other jurisdictions (England, Wales, US (California and Florida) and Sweden) indicates that the LIS appears to be unique. In most other jurisdictions the maintenance and improvement of private roads rests with private landowners.

# 3 Inputs and outputs

#### 3.1 Introduction

This chapter examines the inputs (funding) and outputs (number of projects, length of projects (km) and landowners) collected by the Department. There is a lack of data on the scheme for the purpose of assessing long term trends and so the majority of data examined relates to the three year period in which the scheme has been within the remit of DRCD (i.e. 2017 - 2019). However, total exchequer grant payments since the establishment of the scheme in 1968<sup>29</sup>, and the number of projects completed between 1992 -1996 are also examined in this chapter.

## 3.2 Inputs (funding)

The following information is examined in this section.

- Total project costs.
- · Exchequer grant payments.
- Local contributions (from landowners and local authorities).
- Local authority administration costs.

#### TOTAL PROJECT COSTS

The total cost of a project is the sum of exchequer grant payments and local contributions. Between 2017 and 2019 total project costs amounted to over €53 million. 12% and 11% of costs were funded by local contributions in 2017/2018 and 2019 respectively. It should be noted that grant payments for 2017 - 2019 relate to costs attributable or approved payments to projects listed for completion for the year in question, and not outturn in the year.

Table 3: Total project costs € millions, (2017 – 2019)

| € millions               | 2017 | 2018 | 2019 | Total |
|--------------------------|------|------|------|-------|
| Exchequer grant payments | 17.0 | 20.1 | 9.7  | 46.9  |
| Local contributions      | 2.3  | 2.7  | 1.1  | 6.2   |
| Total project costs      | 19.4 | 22.9 | 10.9 | 53.1  |

Source: DRCD.

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<sup>&</sup>lt;sup>29</sup> This data has been sourced from the Oireachtas website, DTTaS and DRCD.

As previously mentioned in chapter 2, as part of the terms and conditions of the scheme there is a cap on the degree to which amenity roads can be funded i.e. they cannot make up more than 25% of exchequer grant payments. The value of exchequer grant payments for amenity roads (9%) was substantially below this limit between 2017 and 2019.

Data on a county basis shows that the level of project costs varied substantially across counties between 2017 and 2019. For example, Donegal had the highest level of aggregate project costs at €5.7 million while Kildare had the lowest level of costs at less than €1 million. This variation reflects the distribution of exchequer funding across counties. Exchequer funding is currently allocated to local authorities based on overall funding availability and the geographical size of the county to account for the likely higher volume of non-public roads in larger counties.

On this basis, seven counties received a relatively higher proportion of exchequer grant payments than other counties. Between 2017 and 2019, Donegal (11%), Galway (9%), Cork (7%), Mayo (7%), Meath (6%), Kerry (5%) and Clare (5%) accounted for half of exchequer grant payments. Other counties each received 3% or less of grant payments over the period.

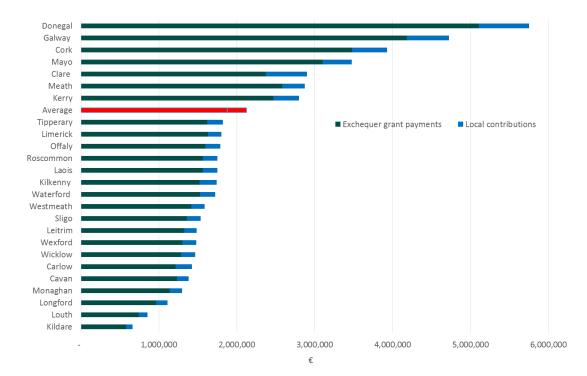


Figure 1: Total project costs € by county, (2017 - 2019)<sup>∞</sup>

Source: DRCD.

#### TOTAL EXCHEQUER GRANT PAYMENTS<sup>31</sup>

While not on the same scale as funding for public regional and local roads (€483 million in exchequer funding was provided in 2019), aggregate grant payments under the LIS have been substantial. Between 1968 and 2019 payments amounted to approximately €296 million in nominal value. The vast majority of this (€207 million or 70%) was provided over the last 20 years (1999 - 2019).

Figure 2 shows the change in grant payments between 1968 and 2019. Funding of the scheme has varied from year to year, particularly in the latter part of the period. For example, up to 1998 the maximum amount of funding was €5 million or less. Thereafter it rose to a peak of almost €27 million in 2007 before falling to less than €5 million in 2011. This variability is likely to make it more difficult for local authorities to plan and

<sup>31</sup> Data for 1995 - 1998 represents funding allocations.

<sup>&</sup>lt;sup>30</sup> Weighted averages are used in this paper i.e. costs divided by quantity. However, simple averages are also used where the calculation of weighted averages is not possible.

manage projects from year to year. More recently it has varied from over €10 to €20 million between 2017 and 2019.

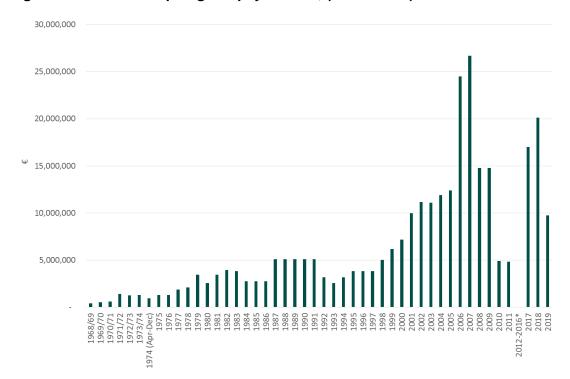


Figure 2: Total exchequer grant payments €, (1968 - 2019)32

Source: Oireachtas parliamentary questions, DTTaS and DRCD. \*Scheme did not operate as a specific standalone scheme.

#### LOCAL CONTRIBUTIONS

As discussed in chapter 2, contributions are required from landowners for all non-public roads except for amenity roads. Local authorities must provide the contributions (set at a minimum of 15% of costs in the 2020 Scheme Outline) for amenity roads. However, local authorities are permitted to seek a portion of this contribution from any beneficiary on the amenity road subject to a cap of €1,200. The current rate of local contributions for landowners was introduced in 2019. It is set at 10% for eligible roads with up to and including five householders / landowners, and 15% for those with six or more individuals. The maximum amount any individual householder / landowner must

<sup>&</sup>lt;sup>32</sup> Excludes years 2012 - 2016 inclusive as the LIS did not operate as a specific standalone scheme during this period.

contribute is capped at €1,200. The level of local contributions by landowners³³ was 10% of total costs in 2019 compared to an average of 12% between 2017 and 2018. If the level of landowner contributions had remained unchanged (i.e. 12%) in 2019, local contributions would have been over €100,000 higher (1% of total costs).

Figure 3 shows the level of local contributions as a proportion of total project costs on a county basis between 2017 and 2019. Nine counties were above the average level of local contributions over the period. The proportion of local contributions varied from a low of approximately 10% to a high of 18%.

Clare Carlow Louth Kildare Longford Wicklow Kilkenny Wexford Monaghan Galway Cork Sligo Waterford Donegal Westmeath Mayo Roscommon Offaly Cavan Leitrin Meath Limerick

Figure 3: Local contributions (landowners and local authorities) by county (%), (2017 – 2019)

Source: DRCD.

0%

2%

4%

#### LOCAL AUTHORITY ADMINISTRATION FEES

6%

8%

10%

As noted in chapter 2, the rate of allowance for local authority administration fees has changed overtime. For example, between 1997 and 2019 it ranged from a high of 15% to a low of 10% (the current rate of allowance).

12%

14%

16%

18%

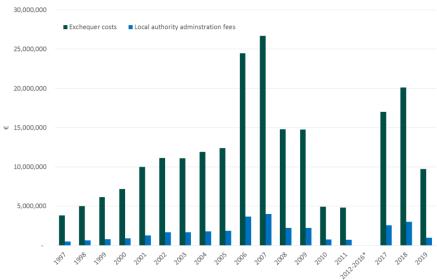
20%

In total, this amounted to approximately €31 million in nominal value between 1997 and 2019 as shown in figure 4 below. This represented an average of 14% of exchequer

<sup>&</sup>lt;sup>33</sup> Excluding amenity roads as landowners on these roads is not a funding requirement.

grant payments over the period. Conversations with a number of local authorities indicated that a significant proportion of their administration of the scheme relates to the application process and repeated interaction with applicants to confirm adherence to the criteria of the scheme.

Figure 4: Total exchequer grant payments and local authority administration fees €, (1997 – 2019)



Source: Oireachtas parliamentary questions, DTTaS and DRCD. \*Scheme did not operate as a specific standalone scheme.

## 3.3 Outputs

A description of the outputs of the scheme is provided in this section based on the data submitted by local authorities to DRCD for the purpose of funding approval. This includes:

- The total number of projects (including the number of amenity projects).
- The length (km) of projects.
- The number of landowners benefitting from the scheme.

As previously stated, there is a lack of data on the scheme for the purpose of assessing long term trends and so the majority of data examined relates to the period 2017-2019. Table 4 below shows this data in aggregated format. 2018 was the year with the highest

level of funding allocations to the scheme which is reflected in the increase in the amount of projects funded that year.

The volume of amenity roads was relatively low (7%) between 2017 and 2019, with the majority of projects focussed on serving private landowners, which reflects the origins of the scheme.

Table 4: LIS outputs, (2017 - 2019)

| Indicators                 | 2017  | 2018  | 2019  | Total |  |
|----------------------------|-------|-------|-------|-------|--|
| Total number of projects   | 702   | 893   | 409   | 2,004 |  |
| Number of amenity projects | 65    | 55    | 11    | 131   |  |
| Number of landowners       | 2,895 | 3,490 | 1,854 | 8,239 |  |
| Project length (km)        | 326   | 421   | 181   | 929   |  |

Source: DRCD.

Data from Oireachtas parliamentary questions<sup>34</sup> shows that over the five year period 1992 - 1996, 3,494 roads were completed representing an average of 699 road completions per year. This compares to a total of 2,004 roads completed at an average rate of 668 yearly completions between 2017 and 2019.

Figure 5 below shows the number of projects completed on a county basis between 1992 – 1996, and 2017 - 2019. Compared to 1992 - 1996, the volume of projects completed was less concentrated in 2017 - 2019. 70% of the projects completed in 2017 - 2019 were accounted for by 11 counties with the largest volume of projects in Donegal (15%), and Mayo (13%) followed by Galway (8%). However, 71% of projects completed in 1992 - 1996 were accounted for by four counties i.e. Donegal (32%), Mayo (24%), Kerry (8%) and Cavan (7%). This shows that the concentration of project completions has lessened overtime, likely reflecting broader distribution of funding across counties in 2017-2019 compared to 1992-1996. This may be attributable to a change in the method of funding allocations overtime. Allocations are now made on the basis of geographic size of the county but in the past allocations were made based on the number of applications on hand by each county at the end of the previous year<sup>35</sup>.

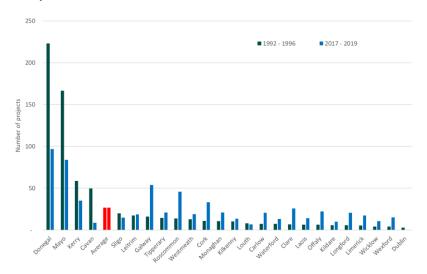
The length (km) of roads and number of landowners funded on a county basis between 2017 and 2019 is shown in figure 6. The numbers vary by county generally reflecting funding allocations. However, there is no clear one to one relationship between the level

<sup>&</sup>lt;sup>34</sup> Oireachtas debates, <u>Local Improvements Scheme</u>, number 138, 20 November 1997.

<sup>&</sup>lt;sup>35</sup> Oireachtas debates, <u>Local Improvement Scheme</u>, 11 December 2003.

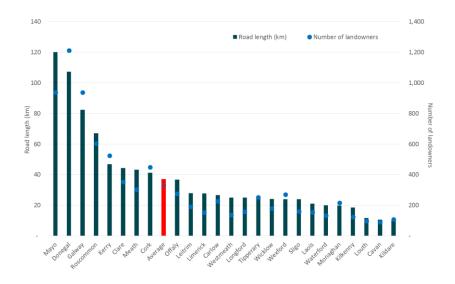
of funding and outputs. This may be reflective of the nature / type of works undertaken across different projects.

Figure 5: Annual average number of projects by county, (1992 – 1996 and 2017 – 2019)



Source: DRCD.

Figure 6: Length (km) of projects and number of landowners by county, (2017 – 2019)



Source: DRCD.

## 3.4 Summary and conclusions

This chapter examined inputs (funding) and outputs (number of projects, length (km) of projects, and number of landowners) of the scheme. Due to a lack of more long-term data, this chapter mainly focused on the period 2017 - 2019. The key points of this chapter are outlined below.

#### Inputs (funding)

- The total cost of a project is the sum of exchequer grant payments and local contributions. A substantial amount of exchequer funding (approximately €296 million) has been invested in the scheme since 1968. Approximately 16% of this (€47 million) was provided between 2017 and 2019.
- Allocations of exchequer funding to local authorities is based on the overall size
  of funding available and the geographical size of the county to allow for the likely
  higher volume of non-public roads in larger counties. This has resulted in seven
  counties receiving approximately 50% of exchequer payments between 2017
  and 2019.
- The average local contribution was 12% between 2017 and 2018, and fell to 10% in 2019. On a county basis, the level of local contributions has varied substantially from approximately 10% to 18%.
- Since 1997 the rate of allowance for local authority administration fees has varied from a high of 15% to a low of 10%. This amounted to a nominal value of circa €31 million between 1997 and 2019.

#### **Outputs**

- The total number of projects completed was 3,494 in 1992 1996, and 2,004 in 2017 - 2019. This means there has been a reduction in the volume of annual project completions between the two periods. An average of 699 projects were completed each year between 1992 and 1996 compared to an average of 668 between 2017 and 2019.
- The majority of projects completed between 2017 and 2019 were for the benefit of private landowners. 131 projects or 7% of the total projects completed were amenity roads.
- There was a much higher concentration of projects completed on a county basis in 1992 1996 compared to 2017 2019. Approximately 71% of projects were completed by four counties in 1992 1996 while 70% were completed by 11 counties in 2017 2019. This is likely reflective of a broader distribution of funding allocations which may be attributable to a change in the method of funding allocations overtime.
- Between 2017 and 2019 the total number of landowners benefitting from projects was 8,239. The total length of roads completed was 929 km.

# 4 Efficiency and effectiveness

#### 4.1 Introduction

The focus of this chapter is on the efficiency and effectiveness of the LIS. The efficiency of the scheme is examined by relating the inputs (funding) to the outputs discussed in chapter 3. The effectiveness of the scheme is assessed by examining the extent to which the scheme is meeting its objectives(s) identified in chapter 2. Again, in line with the data assessed in chapter 3, the focus is mainly on the period 2017-2019 due to a lack of long term data.

## 4.2 Efficiency

The following measures are used to assess efficiency of the scheme on an aggregate and county level basis.

- Project costs by cost category.
- · Average cost per project.
- Average cost per project length (km).
- Number of landowners per project.
- Average cost per landowner (project costs divided by the number of landowners benefitting from the projects).

#### ASSESSMENT OF AGGREGATE DATA

When reading the information presented in this chapter, it is important to note that project costs are not just a function of length of the road but also width of the road i.e. the area, and the nature of the works undertaken. This was confirmed in conversations with local authorities. The National Oversight & Audit Commission (NOAC) have also noted that local authorities' estimate costs of projects by road area i.e. price per square metre. Furthermore, costs in this paper are examined on a nominal basis i.e. inclusive of inflation.

It should also be noted that although there may be landowners on amenity roads, this is not a requirement for funding of those roads. Therefore, amenity roads are excluded in the number of landowners per project and the average cost per landowner.

<sup>&</sup>lt;sup>36</sup> The NOAC is a statutory body established by Ministerial order under section 126B of the Local Government Act 2001, to oversee the local government sector. See <u>Local Authority Quality</u> Assurance Report 2017 (October 2018).

#### Project costs by cost category

The number and total costs of projects by cost category is shown in table 5 below. The data indicates that the majority of all projects (82%) were €40,000 or less, while 93% of projects were €60,000 or less. However, costs varied widely from €10,000 or less (17%) to in excess of €100,000 (1%). 70% of total project costs were €50,000 or less, and 90% of total costs were €80,000 or less.

A breakdown of these numbers excluding amenity projects and for amenity projects only is provided in Appendix A. This shows that amenity projects represented 7% of the total number of projects and 9% of the cost of projects. Amenity projects represented 15% of the number projects and 18% of the value of projects over €70,000. 25% of the number projects and 30% of the value of projects over €90,000 were amenity projects. Therefore the majority of higher cost projects were undertaken for the benefit of private landowners.

Table 5: Project cost categories, (2017-2019)

| Total cost<br>category € | Number of projects | % number of projects | Cost of projects € millions | % cost of projects |
|--------------------------|--------------------|----------------------|-----------------------------|--------------------|
| 0 - 10,000               | 334                | 17%                  | 2.2                         | 4%                 |
| 10,001 - 20,000          | 634                | 32%                  | 9.2                         | 17%                |
| 20,001 - 30,000          | 406                | 20%                  | 10.1                        | 19%                |
| 30,001 - 40,000          | 266                | 13%                  | 9.2                         | 17%                |
| 40,001 - 50,000          | 138                | 7%                   | 6.2                         | 12%                |
| 50,001 - 60,000          | 88                 | 4%                   | 4.8                         | 9%                 |
| 60,001 - 70,000          | 50                 | 2%                   | 3.2                         | 6%                 |
| 70,001 - 80,000          | 37                 | 2%                   | 2.7                         | 5%                 |
| 80,001 - 90,000          | 23                 | 1%                   | 2.0                         | 4%                 |
| 90,001 - 100,000         | 7                  | 0%                   | 0.7                         | 1%                 |
| 100,001+                 | 21                 | 1%                   | 2.6                         | 5%                 |

Source: DRCD.

Table 6 outlines the cost per project, cost per project length (km), number of landowners per project, and cost per landowner between 2017 and 2019. The data shows that the average:

- Cost per project was €26,498. Excluding amenity roads the average cost was €25,909. For amenity roads only, the average cost was €34,914.
- Cost per km was €57,187. Excluding amenity roads the average cost was €56,488. For amenity roads only, the average cost was €65,826.
- Number of landowners per project (excluding amenity roads) was 4.2.
- Cost per landowner (excluding amenity roads) was €6,225.

Table 6: Efficiency indicators, (2017 – 2019)

| Indicators                                             | 2017   | 2018   | 2019   | 2017-2019 |
|--------------------------------------------------------|--------|--------|--------|-----------|
| Average cost € per project                             | 27,575 | 25,595 | 26,622 | 26,498    |
| Average cost € per project (ex. amenity projects)      | 27,143 | 24,983 | 25,887 | 25,909    |
| Average cost € per amenity project                     | 31,809 | 34,923 | 53,214 | 34,914    |
| Average cost per km of projects                        | 59,319 | 54,313 | 60,016 | 57,187    |
| Average cost per km of projects (ex. amenity projects) | 59,304 | 53,221 | 59,151 | 56,488    |
| Average cost per km of amenity projects                | 59,442 | 69,961 | 80,805 | 65,826    |
| Number of landowners per project ex. amenity projects  | 4.2    | 4.0    | 4.5    | 4.2       |
| Average cost € per landowner ex. amenity projects      | 6,408  | 6,310  | 5,788  | 6,225     |

Source: DRCD.

It is difficult to draw conclusions on the efficiency of the scheme over a short time period i.e. three years. The data shows that there has not been a significant degree of change in indicators of efficiency over the period though there is wider variation in terms of amenity roads.

As previously noted, the number of project completions (3,494) and total exchequer funding<sup>37</sup> (€16.5 million) is available for the period 1992 - 1996. On this basis the

<sup>&</sup>lt;sup>37</sup> 1992-1994 represents grant payments. 1995 and 1996 represents funding allocations.

average cost per project was less than €5,000 in 1992 - 1996 compared to over €26,000 between 2017 and 2019. However, these costs do not take account of the rate of inflation. Inflation will reflect changes in the costs of labour, materials, equipment etc. Data from the CSO's wholesale price index shows that material costs alone (for sand, gravel, stone and bituminous macadam and asphalt) increased by a factor of four since 1990. Therefore, project costs are not likely to be significantly different between both periods.

#### ASSESSMENT OF COUNTY LEVEL DATA

As previously discussed, variation across counties will be reflective of the type and nature of the works undertaken. For example:

- Costs are reflective of the area (length by width) not just the length of the road.
- The approach to improvement works may differ e.g. some local authorities might aim to bring some roads up to tertiary public road quality.
- Materials used may differ depending on the initial condition of the road.
- Works may be undertaken by the local authority itself or they may be contracted.

Having regard to the above, measures examined in aggregate form above are examined on a county basis in figures 7 to 9 overleaf.

#### Average cost per project

The average cost per project varies at a county level from approximately €13,000 to just over €53,000. The cost for 17 of 25 counties is above the average cost of over €26,000. There does not appear to be a clear relationship between exchequer grant payments and the cost of projects on a county basis. Some counties which received the highest exchequer grant payments such as Donegal and Mayo had the lowest level of costs per project.

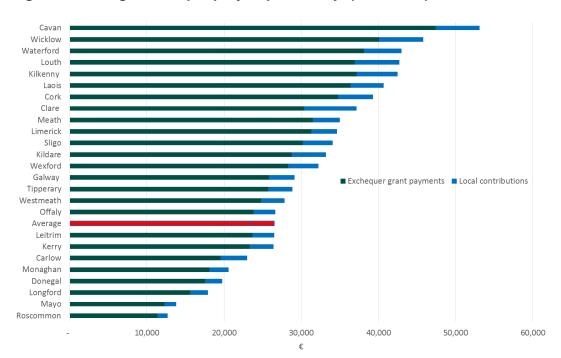


Figure 7: Average cost € per project per county, (2017-2019)

Source: DRCD.

#### Average cost per project length (km)

The usefulness of this metric is limited by the fact that project costs are reflective of the area (length by width) of a road. While the aggregate cost per km increased slightly over the period, at a county level the cost varies substantially from just over €26,000 to over €130,000. 18 of the 25 counties were above the average of over €57,000.

Cavan Kilkenny Cork Louth Waterford Laois Tipperary Kildare Meath Monaghan Clare ■ Exchequer grant payments Local contributions Limerick Sligo Wexford Westmeath Wicklow Kerry Galway Average Donegal Carlow Leitrim Longford Offaly Mayo Roscommon 20,000 80,000 100,000 120,000 140,000 40,000 60,000

Figure 8: Average cost € per km per county, (2017-2019)

Source: DRCD.

#### Average cost per landowner

Costs per landowner also vary widely on a county basis. The average cost per landowner excluding pubic amenity roads ranged from under €3,000 to almost €16,000. 16 of the 25 counties had a cost above the average of over €6,000. As noted for the average cost per project, some of the counties which received the highest proportions of funding over the period had lower costs than other counties.

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12,000

10,000

4,000

2,000

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Figure 9: Average cost € per landowner ex. amenity projects per county, (2017-2019)

Source: DRCD.

As previously stated, it is difficult to make definitive comparisons of costs across counties as a range of factors (e.g. type of works, the area of projects etc.) can influence the cost of projects. Nonetheless, based on the data above, it is notable that there is wide variation across counties in each of the measures assessed.

### 4.3 Effectiveness

Effectiveness refers to the extent to which the scheme is meeting its objective(s). As outlined in chapter 2, the scheme provides for the construction or improvement of non-

public roads to provide access to land and property for agriculture, harvesting, or public use. Therefore, questions examined in this section are:

- To what extent is the scheme addressing demand for funding of the relevant non-public road network in Ireland.
- What is the result of the investment in the scheme in terms of supporting the economic and social wellbeing of rural Ireland.

#### SCALE OF THE NON-PUBLIC ROAD NETWORK

There continues to be demand for the scheme as demonstrated by the fact that virtually all of the funding allocations under the scheme were drawn down by local authorities between 2017 and 2019. Furthermore, local authorities have additional lists of applications seeking funding under the scheme e.g. 550 projects at a total cost of over €21 million in a secondary list of projects submitted to the Department in 2019.

8,239 landowners have benefitted from investment of almost €47 million of exchequer funding between 2017 and 2019. Therefore, a substantial number of landowners will have benefitted over the lifetime of the scheme as a result of €296 million exchequer funding since 1968. However, it is worth noting that the number of roads relevant to the scheme can change overtime e.g. as they come in and out of use. In addition, some local authorities indicated that projects may be repeatedly funded over the lifetime of scheme.

The potential scale of the relevant road network has been considered by assessing the number of farms in Ireland based on CSO data, and initial information on the road network in Ireland based on Ordnance Survey Ireland (OSi) mapping data. However, many farms are likely to have public road access and therefore would not be applicable to the scheme. Furthermore, many of the non-public roads included in OSi mapping data are not relevant. Future work could aim to better understand the scale of the relevant road network, and thereby potentially improve the effectiveness of the scheme. This could be achieved through further exploration of roads network data gathered by the OSi.

### RESULTS OF THE SCHEME

The expected benefits of the scheme are broadly stated in Government policy in terms of support for rural living and quality of life. In the majority of cases the benefits of the scheme are likely to be more identifiable for the direct beneficiaries of the scheme rather than the wider community as most projects funded under the scheme are directed at improving access for private landowners. These benefits are also more likely to be

social than economic given the nature of the scheme. The type of benefits which the scheme might be expected to deliver could include:

- A positive effect on farming and harvesting business operations through productivity improvements or business cost savings for example.
- Improvement in quality of life through changes in perceptions of safety, reduced isolation and access to services.
- Increased access and usage to community amenities.

No assessment of the impact of the scheme on the beneficiaries has been undertaken. The benefits of the scheme are difficultly to quantify or measure. While this could potentially be assessed in a qualitative manner, given the nature of the scheme this is unlikely to yield practical or useful information.

# 4.4 Summary and conclusions

As noted in this chapter it is more difficult to assess the efficiency and effectiveness of the scheme in the absence of relevant data (such as data over a longer time period and information on the type of works undertaken etc.). However, the following observations are made.

#### **Efficiency**

- Project costs varied widely from less than €10,000 to over €100,000 between 2017 and 2019. However, most projects (82%) cost €40,000 or less. Project costs showed little change over the period with the exception of amenity roads.
- Between 2017 and 2019 the average:
  - o Cost per project was €26,498. Excluding amenity roads, the average cost was €25,909. For amenity roads only, the average cost was €34,914.
  - o Cost per km was €57,187. Excluding amenity roads, the average cost was €56,488. For amenity roads only, the average cost was €65,826.
  - Number of landowners per project (excluding amenity roads) was 4.2.
  - Cost per landowner (excluding amenity roads) was €6,225.
- Average costs across counties varied substantially. For example, between 2017 and 2019, average costs varied from:
  - Less than €13,000 to over €53,000 per project.
  - Over €26,000 to over €130,000 per km.
  - Less than €3,000 to over €16,000 per landowner.
- There is wide variation in the metrics examined in this chapter across counties.
   Project costs can be reflective of a number of variables such as the area of the road and type of works undertaken. However, given the wide degree of variation in costs there may be potential for efficiencies to be addressed.

#### **Effectiveness**

- In terms of demand, almost all of the funding allocations were drawn down between 2017 and 2019. A secondary list of projects submitted by local authorities in 2019 indicated that there were an additional 550 projects which could potentially be funded at a total cost of over €21 million.
- Future work could aim to better understand the scale of the relevant road network, and thereby potentially improve the effectiveness of the scheme. This could be achieved through further exploration of roads network data gathered by the OSi.
- The expected benefits of the scheme have been broadly stated as supporting rural living and quality of life. Assessment of the impact of the scheme on beneficiaries has not been undertaken. While this could potentially be assessed in a qualitative manner, given the nature of the scheme this is unlikely to yield practical or useful information.

# 5 Continued relevance and recommendations

This chapter examines the continued relevance of the scheme based on the preceding analysis in this paper. It concludes by providing a number of recommendations in the following areas:

- Funding stability.
- Terms and conditions of the scheme.
- Improved data collection.
- Estimating the scale of the relevant non-public road network.

## 5.1 Continued relevance

When assessing the scheme's continued relevance, it is appropriate to consider the policy context, and other Government supports in order to assess its interaction with other relevant interventions. The economic and social wellbeing of rural Ireland continues to be of vital importance to the sustainable development of Ireland. The LIS has existed since 1968 as a State support for rural Ireland. Demand for the scheme continues, and the scheme has strong Government support as evidenced by its inclusion in legislation (*the Local Government Act 2001*), and recent policies such as the ARPD (2017), the NDP 2018 - 2027, and the Programme for Government (2020).

As the scheme provides support for those engaged in agricultural activities it is relevant to consider funding supports for this sector more generally. There are a wide array of agricultural schemes and payments<sup>38</sup> in place, but none of these specifically target access to agricultural lands as per the LIS. While the Targeted Agricultural Modernization Scheme (TAMS) does provide grant aid for on-farm capital investments it is not applicable in this context. The LIS is also relevant to consider in terms of roads policy. However, while it previously resided with DTTaS before it was transferred to DRCD in 2017, the current remit of DTTaS is for public roads only. Therefore, there are no other public supports in place which would provide for a like for like alternative to the LIS.

In conclusion, the scheme appears to be unique based on the sample of countries examined in chapter 2 of this paper. However, it continues to be relevant on the basis of

<sup>&</sup>lt;sup>38</sup> See <u>Farmer Schemes & Payments</u>, the Department of Agriculture, Food and the Marine.

continued demand, and its strong support in legislation and Government policy. Furthermore, there are no alternative schemes in place which provide a substitute for the LIS.

### 5.2 Recommendations

#### **RECOMMENDATION 1: FUNDING STABILITY**

The amount of exchequer funding provided for the LIS has varied from year to year, particularly since 1998. For example, since 1998 it rose to a peak of €27 million in 2007, before falling to €5 million in 2011. It then varied from €10 to €20 million between 2017 and 2019. It should be noted that the original allocations for scheme expenditure were consistent each year between 2017 and 2019 (i.e. €10 million). However savings in other areas allowed for greater expenditure on the scheme in 2017 and 2018. Variation in funding allocations is likely to make it more difficult for local authorities to plan and manage projects each year. Therefore, ensuring a more stable approach to funding each year, where feasible, will help provide more certainty for project planning and management purposes.

#### RECOMMENDATION 2: TERMS AND CONDITIONS OF THE SCHEME

A number of recommendations are made below relating to the terms and conditions of the scheme including:

- Project costs.
- Local contributions.
- Repeated funding of projects.

The appropriate approach to each of these may require further discussion with local authorities.

#### Project costs

The 2002 Memorandum, and current 2020 Scheme Outline states that responsibility for operation of the scheme is devolved to local authorities and county councils have discretion to judge as to whether projects are economic or not to undertake. However, over-elaborate or too costly improvements should be avoided.

The analysis in this paper shows that the total costs of projects can be in excess of €100,000 compared to an average of over €26,000. It may not be economical to fund such projects under this scheme. There continues to be demand for the scheme and this funding might otherwise allow a greater volume of lower cost projects to be undertaken.

Consideration should be given as to whether it would be appropriate to limit the amount of exchequer funding (i.e. excluding contributions from beneficiaries and local authorities) per project or per km for example. A limit on exchequer funding rather than the total cost of projects would allow for greater flexibility for project completions as local authority contributions could make up the difference in total costs where relevant.

The potential implication of setting a limit at different levels of exchequer funding can be seen in tables 5A and 6A (Appendix A). These tables are based on projects completed over the period 2017-2019. For example, table 5A shows that if a limit was set at €70,000 per project, 55 projects would have been above this limit. The total exchequer funding for these projects was €5 million. If none of these 55 projects had progressed, €5 million in exchequer funding could potentially have been used to fund 233 other projects based on the average cost per project up to €70,000. However, if the 55 projects had each been funded at €70,000, a total of €1.1 million would not have been incurred on these projects. This could have alternatively been used to fund an additional 54 projects based on the average cost per project up to €70,000. Table 6A shows the distribution profile of projects and related costs on a km basis.

However, an issue with setting a limit is that it is unclear the extent to which it might affect potential demand for the scheme. Therefore, it is important that, if a limit is put in place, it is subject to careful monitoring to assess the impact on demand.

### Local contributions

Local contributions are an important requirement of the scheme which have changed overtime. The maximum amount any individual beneficiary must contribute was capped at €1,200 in 2019. The stated intention of this cap was to encourage demand for the scheme. This approach may help to encourage more applications from people who might not otherwise be able to afford to apply. However, it also means that projects with less landowners pay less than projects which serve a greater number of landowners and encourages submission of projects of greater expense. Local authorities also stated that the local contribution requirements are now more complex to administer.

Consideration should be given to removing this cap and reapplying a tiered approach based on the cost of projects. In the *2002 Memorandum* for example, a contribution of 10% applied to projects costing up to €25,399 and 15% at or above this cost. Therefore, it may be appropriate to consider whether a 10% rate should apply to projects costing up to and including average cost per project (2017-2019) of €26,498 and 15% for projects which cost more than this. Alternatively, a greater range of percentage contributions could be set rising incrementally with the costs of projects.

#### Repeated funding of projects

The terms and conditions of the scheme indicate that maintenance and upkeep of projects is the responsibility of the landowners but they do not specifically preclude repeated funding of projects. Some local authorities indicated that repeated funding of projects does happen but they would only consider applications for the same projects after a period of time (i.e. years) has elapsed since previous works were undertaken (this may vary across local authorities). In the context of continued demand for the scheme, consideration should be given to putting measures in place to limit the extent to which repeated funding of the same projects can be undertaken to ensure other relevant projects are progressed. For example, a time limit before projects could reapply for funding could be set at 5 to 10 years. However, further information on the degree to which refunding of projects occurs, and the average length of time local authorities envisage works should last may be required in order to determine a suitable time limit.

#### **RECOMMENDATION 3: IMPROVED DATA COLLECTION**

Information collected by the Department for funding approval could be further improved by capturing similar information to the CIS. For example, information on the condition of the roads, and type of remedial works would help to improve assessment of the efficiency of the scheme in the future.

One approach to monitoring the type of works undertaken could be to devise a ratings scale like the Pavement Surface Condition Index (PSCI) for example<sup>39</sup>. The PSCI itself is not likely appropriate for the type of roads funded under the LIS but local authorities could nonetheless manually rate the condition of non-public roads using a uniform ratings scale to identify the condition of the road (e.g. very poor, poor, fair). This could then be used as a basis for understanding the works undertaken and costs of projects. As per the CIS, work codes could also be developed to reflect the type of eligible works in addition to more detailed description of the works undertaken. For example the CIS lists eligible works<sup>40</sup> under the scheme with codes based on alphabetical numbering e.g. repair of potholes (RP), surface dressing (SD) etc. For the LIS the appropriate approach to a uniform ratings scale and works code will require further discussion with local authorities.

<sup>&</sup>lt;sup>39</sup> See Appendix C.

<sup>&</sup>lt;sup>40</sup> See Appendix D.

The area of roads (square km) should also be collected as this is used by local authorities to estimate costs of works, and the actual level of local authority administration charges should be collected for monitoring the scheme.

In addition to the above, geo-mapping of projects which are funded under the scheme should be undertaken to track how much of the network has been addressed overtime. This would assist with more targeted funding of the scheme. Obtaining co-ordinates of projects is necessary to be able to accurately identify the location of projects. While 2019 application forms required xy co-ordinates for each project, in many cases these were not identified in the returns by local authorities.

Data and information suggested for collection both before and after works are completed is set out in table 7A in Appendix A. For accessibility and use, the format of the data and information reported to the Department should continue to use an excel template. To help ensure accuracy of reporting, data validation and other checks could potentially be built into the reporting template. Provision of exchequer funding could then be set as conditional on full completion of the reporting template.

# RECOMMENDATION 4: ESTIMATING THE SCALE OF THE RELEVANT NON-PUBLIC ROAD NETWORK

The LIS has been in place since 1968 and a significant volume of expenditure has been incurred to date. Improvements in the estimation of the scale of the network would help with the allocation of funding under the scheme, and assist with monitoring the extent to which the network is being funded. This could justify the undertaking of a one off survey over the medium to long term to identify the applicable non-public road network. However, this is likely to be time consuming and costly to undertake.

A more practical and feasible approach would involve working with the OSi in relation to their mapping data on the roads network in Ireland to identify roads most closely aligned to the scheme. The system (MapRoad GIS) set up for public roads in Ireland uses mapping information from Ordnance Survey Ireland (OSi) to identify public roads most in need of investment and to track funding of public roads. In the longer term, the possibility of integrating the LIS into MapRoad GIS could be investigated for consistency of approach to reporting and monitoring of State funded public and non-public roads.

# Appendix A – notes to the data

Table 1A shows the information which DRCD has collected from local authorities over the 2017 - 2019 period. In some instances there were gaps in the reported data. However, these gaps are not materially significant in terms of total aggregate numbers.

Table 1A: Information collected by DRCD on the LIS, 2017 - 2019

| 2017                         | 2018                      | 2019                      |
|------------------------------|---------------------------|---------------------------|
| Road number                  | Road number               | Road number               |
| Name of road                 | Name of road              | Road name/co-ordinates    |
| Townland/description of      | Townland/description of   | Townland/description of   |
| location                     | location                  | location                  |
| Number of landowners         | Number of landowners      | Number of                 |
|                              |                           | householders/landowners   |
| Name of applicant(s)         | Name of applicant(s)      | N/a                       |
| Length of road (metres)      | Length of road (metres)   | Length of road (metres)   |
| Road available to the public | Road available to the     | Road available to the     |
| (yes/no)                     | public (yes/no)           | public (yes/no)           |
| Road in amenity category     | Road in amenity category  | Road in amenity category  |
| (yes/no)                     | (yes/no)                  | (yes/no)                  |
| Proposed completion date     | Expected completion date  | Expected completion date  |
| in 2017                      | in 2018                   | in 2019                   |
| Local contribution agreed    | Local contribution agreed | Local contribution agreed |
| (yes/no)                     | (yes/no)                  | (yes/no)                  |
| Total cost €                 | Total cost €              | Total cost €              |
| Local contribution residents | Local contribution        | Local contribution        |
| €                            | householders/landowners   | householders/landowners   |
|                              | €                         | €                         |
| Local contribution local     | Local contribution local  | Local contribution local  |
| authority €                  | authority €               | authority €               |
| Grant amount €               | Grant amount €            | Grant amount €            |

Table 2A provides summary information used in this paper on a county basis.

Table 2A: Summary information by county, 2017-2019

| County    | of landowners (km) of gra<br>projects projects pa |       | Exchequer<br>grant<br>payments<br>(€ millions) | Total<br>project<br>costs (€<br>millions) |      |
|-----------|---------------------------------------------------|-------|------------------------------------------------|-------------------------------------------|------|
| Carlow    | 62                                                | 227   | 27                                             | 1.2                                       | 1.4  |
| Cavan     | 26                                                | 89    | 11                                             | 1.2                                       | 1.4  |
| Clare     | 78                                                | 352   | 44                                             | 2.4                                       | 2.9  |
| Cork      | 100                                               | 448   | 41                                             | 3.5                                       | 3.9  |
| Donegal   | 291                                               | 1,213 | 107                                            | 5.1                                       | 5.7  |
| Galway    | 162                                               | 938   | 82                                             | 4.2                                       | 4.7  |
| Kerry     | 106                                               | 525   | 47                                             | 2.5                                       | 2.8  |
| Kildare   | 20                                                | 107   | 10                                             | 0.6                                       | 0.7  |
| Kilkenny  | 41                                                | 123   | 18                                             | 1.5                                       | 1.7  |
| Laois     | 43                                                | 155   | 21                                             | 1.6                                       | 1.8  |
| Leitrim   | 56                                                | 191   | 28                                             | 1.3                                       | 1.5  |
| Limerick  | 52                                                | 152   | 28                                             | 1.6                                       | 1.8  |
| Longford  | 62                                                | 158   | 25                                             | 1.0                                       | 1.1  |
| Louth     | 20                                                | 97    | 12                                             | 0.7                                       | 0.9  |
| Mayo      | 252                                               | 937   | 120                                            | 3.1                                       | 3.5  |
| Meath     | 82                                                | 302   | 43                                             | 2.6                                       | 2.9  |
| Monaghan  | 63                                                | 215   | 20                                             | 1.1                                       | 1.3  |
| Offaly    | 67                                                | 276   | 37                                             | 1.6                                       | 1.8  |
| Roscommon | 138                                               | 604   | 67                                             | 1.6                                       | 1.8  |
| Sligo     | 45                                                | 160   | 24                                             | 1.4                                       | 1.5  |
| Tipperary | 63                                                | 251   | 24                                             | 1.6                                       | 1.8  |
| Waterford | 40                                                | 133   | 20                                             | 1.5                                       | 1.7  |
| Westmeath | 57                                                | 136   | 25                                             | 1.4                                       | 1.6  |
| Wexford   | 46                                                | 270   | 24                                             | 1.3                                       | 1.5  |
| Wicklow   | 32                                                | 180   | 24                                             | 1.3                                       | 1.5  |
| Total     | 2,004                                             | 8,239 | 929                                            | 46.9                                      | 53.1 |

Source: DRCD

Table 3A: Project cost categories excluding amenity projects, (2017-2019)

| Cost category €  | Number of projects | % number of projects | Cost of projects € (millions) | % cost of projects |
|------------------|--------------------|----------------------|-------------------------------|--------------------|
| 0 - 10,000       | 323                | 17%                  | 2.2                           | 4%                 |
| 10,001 - 20,000  | 596                | 32%                  | 8.7                           | 18%                |
| 20,001 - 30,000  | 379                | 20%                  | 9.4                           | 19%                |
| 30,001 - 40,000  | 246                | 13%                  | 8.5                           | 18%                |
| 40,001 - 50,000  | 128                | 7%                   | 5.7                           | 12%                |
| 50,001 - 60,000  | 78                 | 4%                   | 4.3                           | 9%                 |
| 60,001 - 70,000  | 48                 | 3%                   | 3.1                           | 6%                 |
| 70,001 - 80,000  | 32                 | 2%                   | 2.4                           | 5%                 |
| 80,001 - 90,000  | 22                 | 1%                   | 1.9                           | 4%                 |
| 90,001 - 100,000 | 5                  | 0%                   | 0.5                           | 1%                 |
| 100,001+         | 16                 | 1%                   | 1.8                           | 4%                 |

Source: DRCD.

Table 4A: Project cost categories for amenity projects only, (2017-2019)

| Cost category €  | Number of projects | % number of projects | Cost of projects € (thousands) | % cost of projects |
|------------------|--------------------|----------------------|--------------------------------|--------------------|
| 0 - 10,000       | 11                 | 8%                   | 78                             | 2%                 |
| 10,001 - 20,000  | 38                 | 29%                  | 528                            | 12%                |
| 20,001 - 30,000  | 27                 | 21%                  | 680                            | 15%                |
| 30,001 - 40,000  | 20                 | 15%                  | 705                            | 15%                |
| 40,001 - 50,000  | 10                 | 8%                   | 449                            | 10%                |
| 50,001 - 60,000  | 10                 | 8%                   | 551                            | 12%                |
| 60,001 - 70,000  | 2                  | 2%                   | 137                            | 3%                 |
| 70,001 - 80,000  | 5                  | 4%                   | 363                            | 8%                 |
| 80,001 - 90,000  | 1                  | 1%                   | 90                             | 2%                 |
| 90,001 - 100,000 | 2                  | 2%                   | 196                            | 4%                 |
| 100,001+         | 5                  | 4%                   | 797                            | 17%                |

Source: DRCD.

Table 5A: Project categories by exchequer funding, (2017-2019)

| Project categories by exchequer funding (€) | No. of projects | Exchequer funding<br>€millions |
|---------------------------------------------|-----------------|--------------------------------|
| 0 – 10,000                                  | 431             | 2.8                            |
| 10,001 – 20,000                             | 645             | 9.3                            |
| 20,001 – 30,000                             | 414             | 10.1                           |
| 30,001 – 40,000                             | 234             | 8.1                            |
| 40,001 – 50,000                             | 123             | 5.5                            |
| 50,001 - 60,000                             | 59              | 3.2                            |
| 60,001 – 70,000                             | 43              | 2.7                            |
| 70,001 – 80,000                             | 21              | 1.6                            |
| 80,001 – 90,000                             | 16              | 1.4                            |
| 90,001 – 100,000                            | 10              | 1.0                            |
| 100,001+                                    | 8               | 1.1                            |

Source: DRCD.

Table 6A: Project categories by km length, (2017-2019)

| Project<br>categories by<br>km length | No. of projects | Total km<br>length | Exchequer<br>funding €000s | Average cost<br>€000s per km |
|---------------------------------------|-----------------|--------------------|----------------------------|------------------------------|
| 0 - 0.1                               | 189             | 19                 | 1,506                      | 80                           |
| 0.2                                   | 354             | 68                 | 4,598                      | 68                           |
| 0.3                                   | 356             | 103                | 5,832                      | 56                           |
| 0.4                                   | 287             | 112                | 5,904                      | 53                           |
| 0.5                                   | 220             | 108                | 5,630                      | 52                           |
| 0.6                                   | 169             | 100                | 4,828                      | 48                           |
| 0.7                                   | 103             | 71                 | 3,379                      | 48                           |
| 0.8                                   | 112             | 88                 | 4,420                      | 50                           |
| 0.9                                   | 52              | 46                 | 2,116                      | 46                           |
| 1.0                                   | 62              | 61                 | 2,533                      | 41                           |
| 1.1                                   | 22              | 24                 | 1,263                      | 52                           |
| 1.2                                   | 17              | 20                 | 880                        | 43                           |
| 1.3                                   | 12              | 15                 | 720                        | 47                           |
| 1.4                                   | 14              | 20                 | 585                        | 30                           |
| 1.5                                   | 10              | 15                 | 435                        | 29                           |

| 1.6  | 5 | 8  | 278 | 35 |
|------|---|----|-----|----|
| 1.7  | 6 | 10 | 393 | 39 |
| 1.8  | 3 | 5  | 251 | 47 |
| 1.9  | 3 | 6  | 237 | 42 |
| 2.0+ | 8 | 30 | 635 | 21 |

Source: DRCD. Excludes a small number of projects for which km length was not reported.

Table 7A: Data / information before and after completion of works<sup>41</sup>

| Project code      | Location of projects Pur |                 | Purpose       | Benefi              | ciaries    |            | Works detail |       |             | Costs (€)  |                      | LA admin (€) |           |       |           |
|-------------------|--------------------------|-----------------|---------------|---------------------|------------|------------|--------------|-------|-------------|------------|----------------------|--------------|-----------|-------|-----------|
|                   |                          |                 |               | Agriculture;        |            |            |              |       |             |            |                      |              |           |       |           |
|                   |                          |                 |               | Harvesting;         | Number of  | Number of  | Road         | Works |             |            | Brief description of | Local        | Exchequer | Total |           |
| (county_year_no.) | Townland                 | Start XY co-ord | End XY co-ord | Public use <b>▼</b> | landowners | households | condition▼   | code▼ | Length (km) | Area (km2) | works involved       | contribution | grant     | costs | Admin fee |
| county_2020_01    |                          |                 |               |                     |            |            |              |       |             |            |                      |              |           | -     |           |
| county_2020_02    |                          |                 |               |                     |            |            |              |       |             |            |                      |              |           | -     |           |
| county_2020_03    |                          |                 |               |                     |            |            |              |       |             |            |                      |              |           | -     |           |
| county_2020_04    |                          |                 |               |                     |            |            |              |       |             |            |                      |              |           | -     |           |

<sup>&</sup>lt;sup>41</sup> The appropriate approach identification of the condition of the road (using a uniform ratings scale) and works code will require further discussion with local authorities.

# Appendix B – International approaches to funding private roads

#### **ENGLAND AND WALES**

The law on maintenance and adoption of private roads in England and Wales is stated as being complex<sup>42</sup>. Private roads are not adopted or maintained by the council. Responsibility rests with road owners or residents. A public or adopted road is maintained by the council. For a road to be adopted it must be brought up to certain standards by owners or residents. A Department of Transport survey in 1972 estimated that there were approximately 40,000 unadopted roads (consisting of 4,000 miles) in England and Wales at the time.

### US (STATE OF CALIFORNIA AND FLORDIA)

In the US, easements serve as a legal right of way for shared private roads, and private road maintenance agreements are often used for roads privately maintained. For example, California law<sup>43</sup> requires costs for privately maintained roads to be shared by landowners benefitting from the road. This is enforced through civil action. In Martin County Florida, property owners of privately maintained roadways can request maintenance to be transferred to the county by bringing the roadway up to county road construction standards. The homeowners can assume responsibility for this, or request the county to perform the improvements. If the county board approve works to be undertaken by the county, this is funded by the property owner through a lump sum payment or an evenly financed 10 year assessment of the property owner's tax bill.

#### **SWEDEN**

In Sweden private road associations<sup>44</sup> (PRAs) manage a substantial portion of the road network<sup>45</sup>. The Government provides legal and financial incentives for local property associations to assume responsibility for private ownership of low traffic volume roads.

http://leginfo.legislature.ca.gov/faces/codes\_displaySection.xhtml?lawCode=CIV&sectionNum=845

<sup>&</sup>lt;sup>42</sup> House of Commons Library, Briefing Paper, <u>Private</u>, or 'unadopted' roads in <u>England and Wales</u>, (10 April 2018).

<sup>43</sup> California Civil Code

<sup>&</sup>lt;sup>44</sup> Made up of homeowners who live proximate to private roads.

<sup>&</sup>lt;sup>45</sup> It was stated in 2011 that of 419,000 km of road network in Sweden, 284,000 km are privately owned, 150,000 km used for forest transport and the rest owned by property owners or PRAs. Centre for Transport Studies, Stockholm, <u>Sharing costs in Swedish road ownership associations</u>, working paper, 2011.

This is a private public partnership where the government subsidizes roads costs with grants from the budget.

The Swedish National Road Administration (SNRA) determines whether a road should be government owned or private. A private road is not defined in law and is considered private by the level of daily traffic, among others. The SRNA provides a grant of between 40% and 80% of road maintenance costs. Statistics relating to the private road network which received grants in 1999 showed that total annual costs for 73,000 km of roads were up to \$70 million of central government funding (for operation, maintenance, upgrading and new construction), which had been consistently increasing overtime<sup>46</sup>.

It is decided what share of costs each property incurs based on road use and benefit depending on characteristics such as road length to connect to the property<sup>47</sup> for example. PRAs who receive Government subsidies must allow access to the public. It is stated<sup>48</sup> that apart from Sweden and Finland (Finland adapted the Swedish model for private roads) few countries have explicit legal arrangements for management of low volume private roads.

<sup>&</sup>lt;sup>46</sup> Private-Public Partnership for low volume roads: the Swedish Private Roads Associations (2003).

<sup>&</sup>lt;sup>47</sup> IBID footnote 28.

<sup>&</sup>lt;sup>48</sup> IBID footnote 29.

# Appendix C – pavement surface condition index (PSCI)

Table 1C: The PCSI rating system<sup>49</sup>

| Overall<br>PSCI<br>Rating | Primary<br>Rating<br>Indicators<br>*                                                                                                                                | Secondary<br>Rating<br>Indicators<br>*                                                                                                               |
|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10                        | No Visible Defects.                                                                                                                                                 | Road surface in perfect condition.                                                                                                                   |
| 9                         | Minor Surface Defects <sup>1</sup> . Ravelling or Bleeding <10%.                                                                                                    | Road surface in very good condition.                                                                                                                 |
| 8                         | Moderate Surface Defects <sup>1</sup> . Ravelling or Bleeding 10% to 30%.                                                                                           | Little or No Other defects.                                                                                                                          |
| 7                         | Extensive Surface Defects <sup>1</sup> .  Ravelling or Bleeding > 30%.                                                                                              | Little or No Other defects.  Old surface with aged appearance.                                                                                       |
| 6                         | Moderate Other Pavement Defects <sup>2</sup> .  Other Cracking < 20%.  Patching generally in Good condition.  Surface Distortion requiring some reduction in speed. | Surface defects <sup>1</sup> may be present. No structural distress <sup>3</sup> .                                                                   |
| 5                         | Significant Other Pavement Defects <sup>2</sup> .  Other Cracking  > 20%.  Patching in Fair  condition.  Surface Distortion requiring reduction in speed.           | Surface defects <sup>1</sup> may be present. <b>Very localised structural distress</b> <sup>3</sup> (< 5 m <sup>2</sup> or a few isolated potholes). |
| 4                         | Structural Distress <sup>3</sup> Present.  Rutting, Alligator Cracking or Poor Patching for 5% to 25%. Short lengths of Edge Breakup/Cracking.                      | Other defects may be present.                                                                                                                        |

<sup>&</sup>lt;sup>49</sup> DTTaS, <u>Rural Flexible Roads Manual</u>: Pavement Surface Condition Index, Volume 1 of 3, (October 2013).

|   | Frequent Potholes.                                                                                                                                                                            |                                              |
|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| 3 | Significant Areas of Structural Distress <sup>3</sup> .  Rutting, Alligator Cracking or Poor Patching for 25% to 50%. Continuous lengths with Edge Breakup/Cracking.  More frequent Potholes. | Other defects may be present.                |
| 2 | Large Areas of Structural Distress <sup>3</sup> .  Rutting, Alligator Cracking or Very Poor Patching for > 50%. Severe Rutting (> 75mm).  Extensive Very Poor Patching. Many Potholes.        | Very difficult to drive on.                  |
| 1 | Extensive Structural Distress <sup>3</sup> .  Road Disintegration of surface.  Pavement Failure. Many large and deep Potholes.  Extensive Failed Patching.                                    | Severe Deterioration. Virtually undriveable. |

<sup>\*</sup> Individual pavements will not have all the types of distress listed for any particular rating. They may have only one or two types.

Note 1: Surface Defects = Ravelling or Bleeding.

Note 2: Other Pavement Defects = Other Cracking (longitudinal, transverse, reflection or slippage), Surface Distortion (Shape problems, depressions/sags, shoving, bumps, settlement or heave), Good/Fair Patching.

Note 3: Structural Distress = Load-related defects comprising Rutting, Alligator Cracking, Edge Breakup/Cracking, Poor/Failed Patching, Potholes or Road Disintegration.

**Table 2C: Mapping rating to treatment measures** 

| Overall PSCI<br>Rating | Treatment Measures  | Surface      | Structure |
|------------------------|---------------------|--------------|-----------|
| 10                     | Routine Maintenance | Excellent    |           |
| 9                      |                     | Very<br>Good |           |

| 8 | Resealing & Restoration of Skid Resistance                                              | Fair                    | Good |
|---|-----------------------------------------------------------------------------------------|-------------------------|------|
| 7 |                                                                                         | Poor                    | О    |
| 6 | Surface Restoration  -                                                                  | Fair                    | Ŀ    |
| 5 | Carry out localised repairs and treat with surface treatment or thin overlay.           | Poor                    | Fair |
| 4 | Structural Overlay<br>-                                                                 | or<br>all               |      |
| 3 | Required to strengthen road.  Localised patching and repairs required prior to overlay. | Poor<br>Overall         |      |
| 2 | Road Reconstruction                                                                     | Very<br>Poor<br>Overall |      |
| 1 | - Needs full depth reconstruction with extensive base repair.                           | Failed<br>Overall       |      |

# Appendix D – community involvement scheme (CIS)

The Community Involvement Scheme<sup>50</sup> (CIS) operates under the remit of the DTTaS. It was introduced as a pilot scheme in 2013 to 2014. Due to funding cuts there was no ring fenced funding for the scheme between 2015 and 2017 but it was re-introduced in 2018. The cost of the works undertaken in 2018 was €12 million, and €15 million was allocated to the scheme for 2019<sup>51</sup>.

It involves a joint approach between the community and local authorities to improve the quality of public local roads in need of repair. It was introduced to facilitate local participation in repair of minor county roads to be made sooner than otherwise would be the case. Repairs to minor county roads would usually be considered at the end of a councils road works programme after roads with heavier traffic had been addressed.

The legislative provisions for members of a community carrying out works under the CIS are outlined in Section 13(6) of the *Roads Act, 1993* which provides that, a person or a group of persons may, with the consent of a road authority, carry out maintenance works on a local road. While it is envisaged that the CIS mainly relates to local roads, it may be carried out on a regional road where the local community contribution is monetary only.

Eligible works under the CIS include are identified in table 1D below.

Table 1D: Eligible works

| Works code   | Works description                                                                                                                                                                                                                                                                              |
|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| General (G)  | <ul> <li>Providing hard stands at field entrances.</li> </ul>                                                                                                                                                                                                                                  |
|              | <ul> <li>Removal of grass verges or banks.</li> </ul>                                                                                                                                                                                                                                          |
|              | <ul> <li>Site preparation works including the removal of grass<br/>from the centre of the road (where required).</li> </ul>                                                                                                                                                                    |
| Drainage (D) | <ul> <li>Opening, deepening and generally maintaining drains alongside roadway and adjoining land including the laying of drainage pipes, where appropriate.</li> <li>Providing gully traps at suitable locations and piping to drains, where appropriate.</li> <li>Opening inlets.</li> </ul> |

<sup>&</sup>lt;sup>50</sup> Information in this section is taken from a DTTaS letter to local authorities i.e. Community Involvement Schemes, RW 08/2019.

<sup>&</sup>lt;sup>51</sup> See Minister seeks applications for 2 year Community Involvement Regional and Local Road Grant Programme, MerrionStreet.ie, 23 May 2019.

| Pavement works (P) | <ul> <li>Opening backshores.</li> <li>Unblocking of shores/surface water drains.</li> <li>Repair of potholes (P-RP).</li> <li>Surface dressing works (P-SD).</li> <li>Road strengthening works (P- SR for Surface Restoration, P-SO for Structural Overlay, P-RR Road Reconstruction).</li> </ul> |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Footpaths (F)      | <ul><li>Repair of footpaths (FR).</li><li>Construction of new footpaths (FN).</li></ul>                                                                                                                                                                                                           |

Source: Local authorities

The CIS provides for multi-annual funding (i.e. a two year period). Community contributions under the CIS range from 15% and 30% depending on the following circumstances:

- Where the local community contribution is monetary only a minimum contribution rate of 15% applies.
- Where the local community contribution comprises works only the minimum contribution rate is 30%.
- Where the local community contribution is a combination of monetary and works then the local authority may set a minimum rate on a pro rata basis (between 15% and 30%).

#### Local authorities must:

- Rate the condition (Pavement Surface Condition Index or PCSI) of local roads before and after works undertaken.
- Record the road length and width and number of dwellings on the roads under consideration.
- Estimate the overall cost of the scheme.

Local authorities then prioritise roads eligible for the two year funding period and apply to the Department by submitting an excel file with the information outlined in table 2D below. The output form must be completed when works have been carried out but no later than the end of each year. Records of works must be maintained on MapRoad GIS. This is a roads management system which uses mapping information on the road network in Ireland from Ordnance Survey Ireland (OSi). Local authorities input information into the system which is managed by Road Management Office<sup>52</sup> (RMO). The RMO provides this data directly to the Local Government Management Agency

52 Established as a shared service between the local authorities.

(LGMA) and this forms the basis for performance reporting. DTTaS also has access to the system.

Table 2D: Information collected for the Community Involvement Scheme

## Before completion (Input form)

- General: Project number, road class, road number, road/townland name, engineering area, number of dwellings and works type code.
- The PSCI.
- Length of work (m).
- Total area of work (sq. metre).
- Estimated costs.
- % of local community contribution and community monetary contribution.
- Value of community work.
- Funding sought.
- Description of works involved.

#### **After completion (Output form)**

- General: Project number, road class, road number, road/townland name, engineering area, number of dwellings and works type code.
- The PSCI.
- Length of work (m).
- Total area of work (sq. metre).
- Overall cost of work.
- % of local community contribution and community monetary contribution.
- Value of community work.
- Amount spent by the council.

Source: Local authorities