



Comhairle Chontae Liatroma
Leitrim County Council

Section 38 Road Traffic Act 1994



Bus Stop Enhancement Programme 2026 Main Street, Ballinamore, Co. Leitrim

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INTRODUCTION

The purpose of this document is to determine if the works described herein, which are proposed to be carried out by Leitrim County Council Roads Section, are appropriate for assessment and implementation in accordance with Section 38 of the Road Traffic Act 1994. The Department of Transport have published a guidance document on Section 38 procedures, and it sets out the types of works that can be undertaken, processes that apply for permanent works and procedures for temporary or ‘trial’ works. Such processes and procedures allow for consultation and related Traffic Works Orders (Chief Executive Orders).

It is an essential part of this process that there is a Recorded Determination of whether the works can progress under the provisions of the Section 38 procedure outlined in the October 2023 Guidance Document. This is the record of that determination.

SELECTING APPROPRIATE PROCEDURE

Stage 1: Is Section 38 appropriate?

Identify the scope of works and assess if these constitute Traffic Calming Section 38 (9).

As part of the 2026 Bus Stop Enhancement Programme, Leitrim County Council proposes to upgrade existing Bus Stops and related infrastructure. The primary objective is the enhancement of bus stop infrastructure, to enhance accessibility, comfort, and convenience for public transport users, in line with National Transport Authority (NTA) guidelines.

The proposed works as detailed on the attached drawings (See Book of Drawings), will consist of the following elements:

- Provision of 2 no. Bus Stops, road markings, signage poles and advance regulatory road signage.
- Installation of 2 no. two bay bus shelters.
- Alterations to existing kerb lines, kerb type, street furniture and widening of footpaths.
- Relocation of existing accessible parking bay and installation of Age Friendly parking space.
- Surface water drainage, line marking, associated signage and upgrading of public lighting.
- Traffic management measures and all related site development works.

On this basis these works fall within the definition of “Traffic Calming” as outlined in Section 38 (9) of the 1994 Road Traffic Act.

Are the proposed measures within boundaries of a public road?

Yes, all the works proposed are within the public realm area which constitutes only the roadway paved areas, and the adjacent public footpaths. All these are classified as part of the public road in accordance with Section 2 of the 1993 Roads Act.

On this basis it can be concluded that Section 38 may be appropriate unless other additional development consents or processes are required.

Stage 2: EIA and AA Screening**EIA Screening**

EIAR is not required as the proposed works do not fall into the classification or project thresholds requiring EIAR.

In accordance with EU Directive 2011/92/EU thresholds for which an EIA is required for projects are: -

Annex I projects (EIA required by Directive) are:

“(b) Construction of motorways and express roads,
(c) Construction of a new road of four or more lanes, or realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes, where such new road or realigned and/or widened section of road would be 10 km or more in a continuous length.”

Annex II projects (Irish requirements specifying thresholds which trigger an EIA),

Includes busway (not bus lanes), service area, new 100m bridge, new 100m tunnel, four-lane road of 500m or more in an urban area and 8 km in a rural area.

Given the nature and size of this project, and its minimal impacts on the environment it can be concluded that an EIA is not required.

AA Screening

The project is located in the Townlands of Tully and Stradermot, Ballinamore, Co. Leitrim.

ITM Coordinates: 54.052454, -7.801973

There is a European site within 10 – 12 km of the proposed scheme. Cuilcagh - Anierin Uplands SAC is situated approximately 10 – 12 km to the North of the site of the proposed scheme.

In view of the best scientific knowledge and on the basis of objective information, it can be excluded that the proposed project, either individually or in combination with other plans or projects, is likely to have any significant effects on any European site(s) in view of their conservation objectives.

Stage 3: Planning (Applicability of Part 8 Planning and Development Regs, 2001.)

This project does not exceed the following limits:

- More than €126,000 in value (current estimate is approximately €70k).
- Construction of new or widening or realignment of an existing road greater than 100m, for Urban Area or 1km, for Rural Area.
- Construction of a bridge or tunnel.

Therefore, it can be concluded that the works do not require a Part 8 process in accordance with the Planning and Development Regulations, 2001.

CONCLUSION

It can therefore be concluded that the proposed works fall within the ambit of Section 38 and no other additional development consents or processes are required.

Therefore, these proposals can be progressed under the provisions of the Section 38 procedure outlined in the October 2023 Guidance Document.

As these works are to be in the form of Permanent Works, then the **Standard Procedure** as outlined in the Section 38 Guidance Document is the appropriate procedure.

RECORDING OF THIS DETERMINATION

It is necessary to record this formal determination of the suitability of Section 38 Procedure and therefore I request that this decision should be recorded in a formal decision record and published on the local authority's website. This allows the public to become aware that such a decision has been taken in respect of the applicable proposal.

I so recommend,



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