



**Comhairle Chontae Liatroma  
Leitrim County Council**

## **Section 38 Road Traffic Act 1994**



**Active Travel Project 2026  
Clooncorick and Bredagh Townlands, Carrigallen,  
Co. Leitrim**

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**To: David Minton, Director of Services for  
Economic Development, Regeneration, Sustainable Transport & Emergency Services, and  
Ballinamore MD.**

Following on from an earlier determination that Section 38 Road Traffic Act 1994 is the appropriate process for the assessment and implementation of the proposed works title “Active Travel Project 2026 Clooncorick and Bredagh Townlands, Carrigallen, Co. Leitrim”, a non-statutory public consultation process was undertaken to determine local attitudes and responses to the proposed works. This report outlines this consultation process and the decisions and actions that arise from it.

As mentioned, an earlier determination process was carried out to determine if Section 38 Road Traffic Act 1994 was the appropriate process for the assessment and implementation of the proposed works “Active Travel Project 2026 Clooncorick and Bredagh Townlands, Carrigallen, Co. Leitrim”. A copy of this determination report is attached.

Being satisfied that the requirements of the Section 38 Guidelines (issued by the Department of Transport in Oct 2023,) have been fully complied with in relation to the above proposed development, I have prepared the following report in accordance with the requirements of Section 8 of the above Guidelines and formally submit same to you for a Traffic Works Order to be signed off.

This report concludes by requesting a “Traffic Works Order” to be formally signed off in the form of a Chief Executive’s Order approving the proposed works outlined hereafter.



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Senior Executive Engineer,  
Active Travel Department.

### 1. Introduction

The proposed scheme will consist of upgrading of existing facilities for cyclists and ancillary elements such as improvements for pedestrians. The primary objective is to improve facilities for cyclists in accordance with the guidelines published by the National Transport Authority (NTA).

The proposed works will consist of the following:

- 60m of two-way cycle track along existing laneway.
- 120m resurfacing / repair of existing mixed-use laneway.
- 180m of segregated pedestrian path along existing mixed-use laneway.
- 45m of repairs & widening of existing footpath along Eastern side of the L5592.
- 20m of repairs & widening to existing footpath along Western side of the L5592.
- 50m of new 2m wide footpath along the Western side of the L5592.
- Upgrade public lighting.
- Traffic Management.
- Provision of Road signage including advanced regulatory signage.
- Road safety improvements including drainage / installation of road gullies, pedestrian crossing point, segregation of road users and all associated site development works.

### 2. Is Section 38 of the Road Traffic Act 1994 Appropriate.

#### 2.1 Determining the Applicability of Section 38

The Guidelines on Traffic Works Procedures, issued by the Department of Transport in October, 2023 requires that a separate determination exercise is undertaken to determine the works described herein, which are proposed to be carried out by Active Travel Section, are appropriate for assessment and implementation in accordance with Section 38 of the Road Traffic Act 1994.

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

#### 2.2 Planning Considerations.

There are a number of exemptions from the Part 8 Procedure, with one of those exemptions relating to certain proposals under Section 38 of the Road Traffic Act 1994.

“Works, other than works involving road widening, to enhance public bus services or improve facilities for cyclists provided under section 95 (as amended by section 37 of the Road Traffic Act 1994) of the Road Traffic Act 1961 or under section 38 of the Road Traffic Act 1994”. Accordingly, any works “to enhance public bus services or improve facilities for cyclists” which are delivered under Section 38 of the Road Traffic Act 1994, are exempted from the normal local authority Part VIII planning process.”

“Active Travel Project 2026 Clooncorick and Bredagh Townlands, Carrigallen, Co. Leitrim Scheme, is therefore exempt under the legislation, a Part VIII planning process was not required.

### 3. Non-Statutory Public Consultation, Submissions, etc.

Once it was decided that Section 38 was the appropriate process, Section 8 of the Guidelines Document provides for a Non-Statutory Public Consultation process to be undertaken.

The following non-statutory public consultation took place:

1. Website & Social Media

A notice of consultation was published on Leitrim County Councils Facebook and Instagram pages. In addition, plans and particulars of the proposed scheme were made available on Leitrim County Council web page,

<https://www.leitrim.ie/council/services/roads-and-transportation/active-travel/active-travel-section-38s/>

2. In Person

An in person consultation took place in the Community Centre in Carrigallen between 7pm and 9pm on the 18<sup>th</sup> of December 2025.

The deadline for receipt of submissions was ***no later than 4.00 pm on the 6<sup>th</sup> January 2026.***

Representations in relation to the proposed Schemes could be made in writing through the following three options:

- By Email - [activetravel@leitrimcoco.ie](mailto:activetravel@leitrimcoco.ie)
- In person in at Carrigallen Community Centre between 7pm and 9pm on the 18<sup>th</sup> of December 2025.
- By post to Leitrim County Council, Active Travel Team, Park Lane House, Priests Lane, Carrick on Shannon, Co. Leitrim, N41 RX53.

One number submission was received within the above time frame. Below is a brief description and extracts of the submissions.

#### 3.1 Submission 1 – Michael Reilly, request to meet on site.

#### **4. Conclusion**

Having regard to the above-mentioned public submissions received, it is considered that the proposed development would provide significant improvements for the general public and vulnerable road users. It is therefore proposed that the development should proceed.

#### **5. Recommendation**

In accordance with Section 38 of the Road Traffic Act (1994) and the associated guidelines issued by the Department of Transport in October, 2023, a decision to proceed with the proposed works is an Executive decision, to be recorded by way of a Chief Executive's Order (Traffic Works Order).

I therefore recommend that the proposals should proceed and that the decision to proceed be formally recorded as a Chief Executive's Order (Traffic Works Order) and should be published on the Local Authority's website.



Signed: \_\_\_\_\_

Marie Mulligan,  
Senior Executive Engineer,  
Leitrim County Council.