



**Comhairle Chontae Liatroma
Leitrim County Council**

Section 38 Road Traffic Act 1994



Bus Stop Enhancement Programme 2025

Gubacreeny & Edenvella Townlands, Kinlough, 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 28 Road Traffic Act 1994 is the appropriate process for the assessment and implementation of the proposed works titled “Bus Stop Enhancement Programme 2025 – Gubacreeny & Edenvella Townlands, Kinlough, 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 “Bus Stop Enhancement Programme 2025 – Gubacreeny & Edenvella Townlands, Kinlough, 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.



Senior Executive Engineer,
Active Travel Department.

1. Introduction

Leitrim County Council has been actively working in collaboration with the National Transport Authority (NTA) to enhance bus stop infrastructure through various projects and programmes. As part of this effort, Leitrim County Council has submitted a Section 38 application to facilitate these improvements.

The works involved:

- Provision of Bus Stop Road Markings, signage poles & advance regulatory road signage.
- Installation of one bus shelter.
- Construction of a zebra crossing with belisha beacons and tactile paving.
- Surface water drainage, line marking, associated signage & upgrading of public lighting.
- Traffic management measures and all related 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.

There is a broad scope of interventions on public roads which fall within the definition of “traffic calming measures” for the purposes of the legislation. Items such as:

- Bus facilities such as lay-bys, accessible bus stops and bus shelters

Based on the proposed project, the following works qualify as traffic calming under Section 38(9) of the Road Traffic Act 1994:

The proposed works, including new Bus stop road markings, signage poles & advance regulatory road signage. Installation of one bus shelter. Construction of a zebra crossing with belisha beacons and tactile paving. Surface water drainage, line marking, associated signage & upgrading of public lighting. Traffic management measures and all related site development works.

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.”

Bus Stop Enhancement Programme 2025 Gubacreeny & Edenvilla Townlands, Kinlough, Co. Leitrim 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 provided for a Non-Statutory Public Consultation process to be undertaken to get local feedback from the local residents regarding the proposed works.

A notice of consultation was published on Leitrim County Councils Facebook and Instagram pages. 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/>

Submission and observations in relation to the proposed works could be emailed to roads@leitrimcoco.ie , up to 4pm on 21st October, 2025.

Three submissions were received within the above time frame. Below is a brief description and extracts of the submissions.

3.1 Submission 1 – William Kerr

I would like to give my support to the provision of bus stops in the Gubacreeny and Edenvilla townlands. The only comment I would make is that the bus shelter would have to be easily seen by the bus drivers as they head to Bundoran. All passengers will get on the bus on the opposite side of the road from the bus shelter.

3.2 Submission 2 – Tony Rooney

We would like to add our support for the proposed Bus stop and shelters in Edenvilla, Kinlough. The bus service is a vital part of the community and adding bus stops and shelters can only encourage more people to use the service.

3.3 Submission 3 – Cllr. Justin Warnock

I am fully supportive of the Kinlough - Bus Stop Enhancement Scheme proposed for Kinlough at the Northern approach to the village.

Also, on behalf of my constituent's thank you whose lives will be enhanced by these works and the delivery of a bus shelter.

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 especially for older people and those with mobility challenges. 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.