



**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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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 Active Travel Programme, Leitrim County Council proposes to upgrade 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 as detailed on the attached drawings (See Book of Drawings), will consist of the following elements:

- 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.

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 Clooncorick & Bredagh, Carrigallen, Co. Leitrim.

ITM Coordinates: X = 623405.972 Y = 803087.036

There are two European sites within 15km of the proposed scheme. Derriskil Lough of the Lough Oughter and Associated Loughs SAC complex is situated approximately 5.5 km to the northeast of the site of the proposed scheme. Bawn Lough of the Lough Outer Complex SPA is located approximately 7.7 km to the northeast of the site.

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 €90k).
- 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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