Active Travel Scheme LD/25/0005 Longford, Phase 2, Bus Stop Enhancement Programme (BSEP)

Section 38 Road Traffic Act 1994
Determination Report

Longford County Council

Nov 2026

Contents

1 Introduction 3
2 The proposed development will consist of: 3
3 Stage 1: Determining the Applicability of Section 38 4
3.1 Assessment of Traffic Calming Measures 4
3.2 Public Road Boundaries 4
3.1 Conclusion for Stage 1 4
4 Stage 2: Environmental Impact Assessment (EIA) & Appropriate Assessment (AA) Screening 4
4.1 Environmental Impact Assessment (EIA) Screening 4
4.2 Appropriate Assessment (AA) Screening 5
5 Stage 3: Planning Considerations (Part 8 of the Planning and Development Regulations, 2001) 5
6 Final Conclusion 6
7 Recording of this Determination 6

1 Introduction

The purpose of this document is to determine if the works described herein, which are proposed to be carried out by Longford County Council Active Travel 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 works and it sets out 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 outline in the Oct 2023 Guidance Document. This is the record of that determination.

2 The proposed development will consist of:

Longford County Council, in partnership with the National Transport Authority (NTA), is continuing its programme of bus stop infrastructure improvements across the county. Building on Phase one of the programme, the Council is now proposing to develop Phase two under Section 38 of the Road Traffic Act 1994 (as amended), with the aim of improving the accessibility, safety, and overall quality of bus stop facilities for public transport users.

Upgrade of Bus stops will include the following works:

The provision of new Bus Shelters, improvements in accessibility for wheelchair users and individuals with impaired vision, installation of new TFI bus poles, improved hardstanding areas, installation of uncontrolled crossings and upgraded road markings to meet minimum accessibility and safety standards. The works will also include the provision of required drainage, access ramps, lighting and all other required works.

Phase two will be carried out at the following locations.

1. Ballymahon NB – No. 74
2. Ballymahon SB – No. 75
3. Granard NB – No. 76
4. Granard SB – No. 77
5. Lanesborough WB – No. 80
6. Lanesborough EB – No. 81
7. Longford Town Main St NB - No. 82
8. Longford Town Main St SB – No. 83
9. Newtownforbes NB - No 84
10. Newtownforbes SB - No 85

11. Ballinamuck SB – No 54

12. Ballinamuck NB – No 54

3 Stage 1: Determining the Applicability of Section 38

3.1 Assessment of Traffic Calming Measures

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 shelters, improved accessibility for wheelchair users and individuals with impaired vision, installation of new TFI bus poles, enhanced hardstanding areas, and upgraded road markings, fall within the scope of traffic calming measures as defined in the relevant legislation. Traffic calming measures are intended to enhance road safety, improve pedestrian and public transport access, and create a more structured and organized road environment.

3.2 Public Road Boundaries

All proposed works are within the public realm, comprising the roadway, paved areas, and adjacent public footpaths. In accordance with Section 2 of the Roads Act 1993, these areas are classified as public roads.

3.1 Conclusion for Stage 1

Based on the assessment, the proposed works meet the definition of traffic calming under Section 38(9) and are within the public road boundaries. Therefore, Section 38 is the appropriate procedural mechanism unless additional development consents or approvals are necessary.

4 Stage 2: Environmental Impact Assessment (EIA) & Appropriate Assessment (AA) Screening

4.1 Environmental Impact Assessment (EIA) Screening

The proposed works do not fall under the project classifications or thresholds requiring an Environmental Impact Assessment (EIA) under EU Directive 2011/92/EU:

- **Annex I Projects (EIA Mandatory)**:
    - Motorways and express roads.

- Construction of a new four-lane road or widening of an existing two-lane road over 10 km.

- **Annex II Projects (Irish Regulations for EIA Thresholds)**:
    - Busways (not bus lanes), service areas, new bridges over 100m, tunnels over 100m.
    - Four-lane road construction of 500m+ in urban areas or 8km+ in rural areas.

Given the limited scope and environmental impact of this project, an EIA is not required.

4.2 Appropriate Assessment (AA) Screening

As the works are very limited in nature and will not have a significant effect on adjacent Natura sites, the following conclusion was reached on each site

- The proposed development will not have significant effects on the integrity of any Natura 2000 site.
- No further Appropriate Assessment is required.
- A Natura Impact Statement (NIS) is not necessary.

5 Stage 3: Planning Considerations (Part 8 of the Planning and Development Regulations, 2001)

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.”

The Bus Stop Enhancement Programme is exempt under the legislation, a Part 8 planning process is not required.

The project does not exceed the following Part 8 thresholds:

- New road construction or realignment exceeding 100m (urban) or 1km (rural).
- Construction of a new bridge or tunnel.

As the works do not surpass these limits, a Part 8 planning process is not required.

6 Final Conclusion

The proposed works fall within the scope of Section 38 and do not require additional development consents. The project may proceed under the Section 38 procedure outlined in the October 2023 Guidance Document (Appendix 2).

Furthermore, in line with Section 95 of the Road Traffic Act 1961, consultation with An Garda Síochána is required. As these works are permanent, the Standard Procedure specified in the Section 38 Guidance Document should be followed.

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.

7 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,

Signed: Brian Kelly

Brian Kelly Senior Executive Engineer –
Active Travel Section,
Longford County Council.

Date 5/11/2026