

R198 Aghadegnan to Clonbalt, Footpath Improvement Scheme

Section 38

Section 38 Road Traffic Act 1994 Determination Report



Longford County Council

July 2025

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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, 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 documents 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:

The proposed scheme will consist of a new 3m wide Shared footpath aimed at enhancing safety for vulnerable road users. This will reduce the width of the existing carriageway. The works will include:

- Provision of improved pedestrian Footpath from McGraths Service Station to Clonbalt Housing Estate
- Improvements to existing drainage networks where necessary
- All associated site works

3 Stage 1: Determining the Applicability of Section 38

3.1 Assessment of Traffic Calming Measures

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

1. Carriageway Narrowing (R198) – Reduces vehicle speeds and enhances pedestrian safety.

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

AA Screening Report has been completed internally and the following is a summary of the report:

It is of the opinion of the author that an AA of the proposed development is not required as it can be excluded, on the basis of objective information provided in this report, that the proposed development, individually or in combination with other plans or projects, will not have a significant effect on any European sites.

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 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,

A handwritten signature in black ink, appearing to read 'Peter Brady', written over a horizontal line.

Peter Brady
Senior Executive Engineer
Longford MD,
Longford County Council.

8th July 2025