

SCREENING REPORT

STEP 1 – DETAILS OF THE PLAN

Responsible Authority:

Transport Scotland: Roads Directorate: Road Policy Team

Title of the plan:

The Motorsport on Public Roads (Scotland) Regulations 2019 SSI 2019/XXX

What prompted the plan:

(e.g. a legislative, regulatory or administrative provision)

Scotland has a long and proud tradition in the world of motorsports and the Scottish Government recognise the need to balance the potential for economic benefit and public enjoyment from such events with a high degree of safety, both for spectators and road users. The Scottish Government wishes to promote a wealthier and fairer Scotland and recognises the important contribution that motorsport events can bring to local economies.

The Scottish Ministers have the power, under Sections 12G to 12I of the Road Traffic Act 1988 (added by the Deregulation Act 2015), to make provision for authorising the holding of races or trials of speed on public roads in Scotland. The powers in the 1988 Act were granted following a UK Government consultation on a proposal to authorise motorsport events on public roads. The Department for Transport have completed the work necessary to bring the Deregulation Act provisions on motor racing in England into effect, with Regulations specifying the motorsports governing bodies who are authorised to issue the necessary permits coming into force in April 2017. Wales followed suit in February 2018.

The Scottish Government also wish to see those who have an understanding for the sport enabled to assess all aspects of events. It also values the benefits of decisions regarding these events being taken at a local level therefore empowering communities to hold events for the local areas benefit.

Plan subject:

(e.g. transport)

Transport

Screening is required by the Environmental Assessment (Scotland) Act 2005.

Based on Boxes 3 and 4, our view is that:

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An SEA is required, as the environmental effects are likely to be significant: Please indicate below what Section of the 2005 Act this plan falls within

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Section 5(3)

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Section 5(4)



An SEA is not required, as the environmental effects are unlikely to be significant: Please indicate below what Section of the 2005 Act this plan falls within



Section 5(3)



Section 5(4)

Contact details:

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Date:

26 February 2019

STEP 2 – CONTEXT AND DESCRIPTION OF THE PLAN

Context of the Plan:

Currently it is a criminal offence to promote or take part in a race or trial of speed on public roads in Scotland. The only exceptions to this in Scotland are events authorised under the Scottish Borders Council (Jim Clark Memorial Rally) Order Confirmation Act 1996 and the Strathclyde Regional Council Order Confirmation Act 1990. Both pieces of private legislation made at Westminster authorise and allow, respectively, the Jim Clark Rally and the Isle of Mull Rally. Other motor vehicle competitions such as navigational rallies and treasure hunts are permitted on public roads, subject to an authorisation procedure. Racing is permitted off the public road subject to a similar authorisation process.

Local authorities do currently have the power to authorise a road closure for sporting and leisure events on public roads under the Road Traffic Regulations Act 1984 (RTRA). This does not currently extend to the closure of public roads for motor vehicle races or trials of speed.

Description of the Plan:

The purpose of the Scottish Statutory Instrument is to introduce a two stage authorisation process to allow motor sports to be held on closed public roads in Scotland. It is not envisaged that there will be a large number of events authorised under this SSI which is initially targeted to cover the Jim Clark Rally and the Isle of Mull Rally which are the only two closed road events that have taken place in Scotland in recent years. There is however scope to extend the number of events in future years if there is appetite to do so.

What are the key components of the plan?

This SSI contains provisions which would allow local authorities to authorise motorsport events jointly with the relevant Motor Sport Governing Body, potentially unlocking benefits at a local level, by issuing a motor sport order. The local authority will determine whether or not to make a motor sport order by considering the likely impact of the event on the local community alongside the potential local economic and other benefits. The local authority would also need to be satisfied that the views of the local community have been taken into account and that adequate public safety and traffic management arrangements have been made. It is envisaged that this would be done in consultation with the local authority's Safety Advisory Group (SAG) and Police Scotland.

Additionally, local authorities do not currently have powers to suspend speed limits or other road traffic regulations. This SSI operates, via the issuing of a motor sport order, so as to suspend a prescribed list of road traffic regulations such as speed limits for those participating in an authorised event.

This SSI also places the relevant motor sport governing bodies at the heart of the authorisation process to ensure that the organisations with the experience and skills of authorising and running events can use their skill and experience to oversee the events. Organisers of events, before applying to a local authority for a Motor Sport Order, will be required to approach the relevant Motor Sport Governing Body who will have the ability to issue a motorsports permit.

Have any of the components of the plan been considered in previous SEA work?

The details of the SSL provisions have not previously been considered in SEA work. This is because the governing bodies and rally organisers engage in proper processes that have applied precaution and appropriate techniques to ensure responsible environmental protection is applied at all events. When applying to the governing body they discuss all aspects of the Rally with the relevant local authority's Safety Action Group which is made up of key stakeholders from the emergency services, local authority officials and rally organisers. They are required to undertake risk assessments, complete a safety report and meet the requirements of the governing body Motorsport UK (MSUK) Scottish Auto-Cycle Union Annual Handbooks.

The MSUK remains committed to creating a sustainable and responsible model for British motor sport. Primarily this is achieved through regulation, for example.

- Limiting Air and Noise pollution is extremely important to the MSUK and they have set mandatory limits for noise and air through their annual handbook.
- Water courses can be protected by vehicle restraint systems if it is deemed necessary.
- List of acceptable tyres for stage rallying, with treads that limit the damage caused to road surfaces.
- Window film is mandated on stage rally cars to minimise the spread of glass if there is an accident.
- Mud flaps are required on stage rally cars to keep displaced gravel on the road surface.
- Mandatory use of spill kits at all events limits the potential environmental impact of spilt substances.

MSUK regulations also allow for the development of vehicles powered by alternative fuels and technologies, which are permitted to compete on a level playing field with the risk managed appropriately. Technologies developed within motorsport that yield environmental benefits include fuel management and energy recovery systems. Venue operators and rally organisers are acutely aware of their environmental responsibilities and are actively minimising their environmental impact by recycling waste, disposing of used tyres appropriately, using recycled materials wherever possible and using electronic communications.

The Scottish Rally Championship Environmental Scrutineer plays a significant role to ensure that all necessary precautions are taken should any spillage occur on the race route. Environmental inspectors are also in place to ensure that refuelling areas have a high level of safety applied to the site and that any waste needing disposed of will do so in accordance with Section 34 (Duty of Care) of the Environmental Protection Act 1990.

In terms of your response to Boxes 7 and 8 above, set out those components of the plan that are likely to require screening:

N/A

STEP 3 – IDENTIFYING INTERACTIONS OF THE PLAN WITH THE ENVIRONMENT AND
CONSIDERING THE LIKELY SIGNIFICANCE OF ANY INTERACTIONS (Error! Reference source not found.)

Plan Components	Environmental Topic Areas										Explanation of Potential Environmental Effects	Explanation of Significance
	Biodiversity, flora and fauna	Population and human health	Soil	Water	Air	Climatic factors	Material assets	Cultural heritage	Landscape	Inter-relationship issues		
Component 1	✗	✓	✓	✓	✓	✗	✗	✓	✗	✗	There will be limited potential environmental effects and if there is any they will be managed in accordance with the governing bodies regulations	There will no significant impacts
Component 2												
Component 3												
Example: Policy to facilitate greater access for the testing of water quality within river catchment.	✓	✓	✓	✓	✗	✓	✗	✗	✗	✗	Protection of existing water quality, enabling the maintenance and possible enhancement of existing standards. This should trigger actions that reduce impacts on soil, biodiversity and human health. Possible additional impacts on climatic factors associated with energy required to process water to drinking quality standards.	Potential for significant effects identified, particularly given the importance of good water quality. A SEA should explore the significant of potential secondary effects on the other topics as identified. For example, the ability of the policy to reduce emissions and pollution in line with quality targets and standards.

STEP 4 – STATEMENT OF THE FINDINGS OF THE SCREENING

Summary of interactions with the environment and statement of the findings of the Screening:
(Including an outline of the likely significance of any interactions, positive or negative, and explanation of conclusion of the screening exercise.)

The governing bodies and rally organisers engage in proper processes that have applied precaution and appropriate techniques to ensure responsible environmental protection is applied at all events. They are required to undertake risk assessments, complete a safety report and meet the requirements of the governing body Motorsports UK (MSUK) Scottish Auto-Cycle Union Annual Handbooks.

Each event is likely to run over no more than three days at a time, therefore we feel there will be no significant impact on the local environment. Any potential impacts are already mitigated by regulations set by governing bodies and therefore a full Strategic Environment Impact Assessment is required.

When completed send to: SEA.gateway@scotland.gsi.gov.uk or to the SEA Gateway, Scottish Government, Area 2H (South), Victoria Quay, Edinburgh, EH6 6QQ.

