

**Strategic Environment Impact
Assessment
SCREENING REPORT**

STEP 1 – DETAILS OF THE PLAN

Responsible Authority:

Transport Scotland: Roads Directorate: Road Policy Team

Title of the plan:

The Pavement Parking Prohibition (Exemption Orders Procedure) (Scotland) Regulations 2022

What prompted the plan:

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

The Scottish Government has been working to improve parking legislation in Scotland in order to tackle the impact of inconsiderate and obstructive parking and ensure that our roads and pavements are accessible for all.

As part of this work, The Transport (Scotland) Act 2019 bans pavement parking, double parking and parking at dropped kerbs, and gives local authorities the relevant powers to enforce these new provisions. The Act also gives local authorities the power to exempt sections of footway from the pavement parking prohibition in certain circumstances and in accordance with Ministerial directions.

To support these provisions, a suite of secondary legislation is required, including these regulations which are needed to ensure operability of the new legislation and provide for procedural consistency on certain key elements of the process. Regulations will also be needed to bring the relevant provisions of the Act into force in due course, with further regulations relating to enforcement being developed. This suite of legislation will give local authorities the tools they need to be able to effectively tackle the issues of inconsiderate and obstructive parking.

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:

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

Section 5(3)

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:

22 September 2022

STEP 2 – CONTEXT AND DESCRIPTION OF THE PLAN

Context of the Plan:

The content of the Regulations was consulted on publically for 12 weeks between 17 December 2021 and 11 March 2022. The consultation was designed to gather the views of stakeholders and individuals to help inform the Scottish Government's policy in relation to the Regulations (Exemption Order Process).

The final number of responses received was 626. Of these, 20 were submitted by local authorities and 3 by Community Councils. 15 other respondents also identified their organisation, and 589 were listed as individuals. The analysis report was published on 8 June 2022.

It may be worthwhile noting at this point that the power to make Exemption Orders is already in the primary legislation (Transport (Scotland) Act 2019). This consultation and the subsequent Regulations relate to the process for making an Exemption Order.

Description of the Plan:

The purpose of the Regulations is to give local authorities a procedure to follow to exempt appropriate sections of footway from the national pavement parking ban.

The national pavement parking prohibition is vital in ensuring people can get about their day to day business, but there is recognition that there may be certain sections of a footway, having specified characteristics, that it may be appropriate to exempt from the ban.

What are the key components of the plan?

The Act gives local authorities the power to promote and make Orders to exempt footways from the pavement parking prohibition in certain circumstances and in accordance with Ministerial directions. The Regulations are required for Scottish Ministers to make provision in connection with the process for making, amendment and revocation of exemption orders.

The main aim of the parking provisions is to improve the safety and accessibility for all road users through more effective management and enforcement of parking restrictions. Scottish Ministers acknowledge that a 'one size fits all' approach is not appropriate given the different layouts of towns and cities across Scotland.

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

The details of the SSI provisions have not previously been considered in SEA work. Any proposed changes to the road network is covered elsewhere in legislation and the changes proposed here do not effect that.

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. Local authorities will of course have to follow all existing protocols and legislation such as the New Roads and Street Works 1991 and any guidance laid down by the Scottish Road Work Commissioner.	There will no significant impacts

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.)

Roads Authorities must ensure that proper processes and appropriate techniques to ensure responsible environmental protection is applied when undertaking any works on their streets.
 Any potential impacts should be assessed in line with current practises at the time of the work to install any new schemes. A full Strategic Environment Impact Assessment is not required at this stage.

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.