



Planning (Scotland) Act 2019

2019 asp 13

PART 4

OTHER MATTERS

Promotion and use of mediation etc.

40 Promotion and use of mediation etc.

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 268 insert—

“Promotion and use of mediation etc.

268A Promotion and use of mediation etc.

- (1) The Scottish Ministers may issue guidance in relation to the promotion and use of mediation in relation to the following—
 - (a) the preparation of local development plans and related evidence reports under Part 2,
 - (b) a prospective applicant's compliance with any requirements in respect of pre-application consultation imposed under or by virtue of section 35B,
 - (c) assisting in the determination of an application for planning permission,
 - (d) any other matter related to planning that they consider appropriate.
- (2) Guidance under subsection (1) may include provision about—
 - (a) the form of mediation that is to be used in a particular circumstance, and
 - (b) the procedure to be followed in any such mediation.
- (3) Local authorities must have regard to any guidance issued under subsection (1).

Changes to legislation: Planning (Scotland) Act 2019, Section 40 is up to date with all changes known to be in force on or before 21 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) Before issuing any guidance under subsection (1), the Scottish Ministers must consult—
 - (a) planning authorities, and
 - (b) such other persons that the Scottish Ministers consider appropriate.
- (5) The Scottish Ministers must make any guidance issued under subsection (1) publicly available.
- (6) The power under subsection (1) to issue guidance includes power to—
 - (a) issue guidance that varies guidance issued under that subsection, and
 - (b) revoke guidance issued under that subsection.
- (7) For the purposes of this section, “mediation” includes any means of exploring, resolving or reducing disagreement between persons involving an impartial person that the Scottish Ministers consider appropriate.
- (8) The Scottish Ministers must issue guidance under subsection (1) within the period of two years beginning with the date on which the Planning (Scotland) Act 2019 received Royal Assent.”.

Commencement Information

II S. 40 in force at 17.7.2021 by [S.S.I. 2021/244](#), **reg. 2**

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.S.I. 2019/377, reg. 9 by [S.S.I. 2019/411 reg. 2](#)
- specified provision(s) amendment to earlier commencing S.S.I. 2021/101, regs. 3, 4 by [S.S.I. 2021/291 reg. 2](#)