



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).

Status: This is the original version (as it was originally enacted).

- (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.”.