

POLICY NOTE

THE PLANNING (SCOTLAND) ACT 2019 (COMMENCEMENT NO. 7) REGULATIONS 2021

SSI 2021/244 (C. 15)

The above instrument was made in exercise of the powers conferred by section 63(2) of the Planning (Scotland) Act 2019. The instrument is subject to no procedure.

Purpose of the instrument. The instrument brings into effect section 40 of the Planning (Scotland) Act 2019 which introduces new section 268A into the Town and Country Planning (Scotland) Act 1997. Section 268A makes provision in relation to guidance on the promotion and use of mediation in the Scottish planning system.

Policy Objectives

The purpose of this instrument is to activate these provisions including the requirement for Scottish Ministers to issue guidance on the promotion and use of mediation.

Section 268A provides for Ministers to issue guidance in relation to the promotion and use of mediation in relation to the following: the preparation of local development plans and related evidence reports; pre-application consultation; assisting in the determination of an application for planning permission; and any other matter related to planning that Ministers consider appropriate.

Local authorities must have regard to the guidance which may include: the form of mediation that is to be used in a particular circumstance; and the procedure to be followed in any such mediation.

It also defines “mediation” to include any means of exploring, resolving or reducing disagreement between persons involving an impartial person that Ministers consider appropriate.

It also requires Ministers to publish guidance within two years of the Royal Assent of the 2019 Act, namely 25 July 2021.

Consultation

As these regulations only bring into force provisions of the Act, no consultation has been carried out in relation to this instrument.

Impact Assessments

As these regulations only bring into force provisions of the Act, no impact assessments have been carried out in relation to this instrument.

Financial Effects

The Minister for Public Finance, Planning and Community Wealth confirms that no Business and Regulatory Impact Assessment is necessary, as the instrument only brings into force the provisions of the Act and in itself has no financial effects on the Scottish Government, local government or on business.

Scottish Government Directorate for Local Government and Communities
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