



**UNISON Scotland Evidence to Finance and Constitution
Committee regarding
The Planning (Scotland) Bill
January 2018**

Introduction

UNISON is the largest trade union in Scottish public services. Our members deliver services, pay taxes and also have a wider citizenship interest in how services are provided and paid for. Members have a unique perspective on public service delivery meaning they can make a valuable contribution to the policymaking process. UNISON represents the full range of staff in planning teams and welcomes the opportunity to share their views on the Planning (Scotland) Bill Financial Memorandum.

Evidence

At the outset the government states that

“The planning system supports the Scottish government’s purpose of creating a more successful country with opportunities for all to flourish through increasing sustainable economic growth.”

UNISON has been concerned about the Scottish government’s regulatory reform programme since its inception. It is clear that rather than improved regulation the government is aiming for less regulation in response to complaints from businesses. This despite the fact that there is no evidence that regulation is harming businesses. As part of this programme the Scottish government is undertaking a second radical reform of the planning system despite doing so as recently as 2009. The real issues in planning are constrained planning budgets and staff shortages. Delays are due to underfunding and heavy workloads.

Large developers are able to use their substantial resources to resubmit plans over and over again to under-resourced planning departments. Teams feel overwhelmed and those who do object to plans often struggle to find the resources to mount or maintain their campaigns. Good planning doesn’t require yet another reform programme. Improvement will come through adequate funding and staffing levels, empowering staff and giving them the time to reflect, learn and implement change.

Planning is not a straight forward tick box exercise. It is a complex activity where staff are required to balance often competing demands and interest groups alongside the strategic plans and policy aims drawn up by their authority. The number of planning disputes and often bitter and lengthy neighbourhood feuds over boundaries, extensions and hedges show how complex and controversial planning can be. Planners are balancing economic development with individual’s rights and environmental, safety and health concerns. They use their technical expertise on a range of subjects with ensuring that communities are able to control the future of places where they live and balance those needs with both businesses and individual plans. The planning system is complex because it needs to be.

UNISON is concerned that the overriding aims of the Bill are to make developments quicker and cheaper for developers not to improve the planning process. For example

Point 6. More specifically, delays and uncertainty in the planning system are considered to cause significant costs to the development industry, in relation to holding land, business planning and cashflow as well as keeping staff and contractors available. The Scottish Property Federation has estimated that reducing delays and providing greater certainty to developers, as the reforms are

intended to do, could reduce project costs in some cases by 25% to 30%, and would also attract more people to invest in Scottish developments.

Even if we accept those estimates, they do not take into account savings made for all concerned by avoiding costly mistakes and the wrong developments through a detailed planning process. The so-called red tape that many complain about is about meeting rules which protect others.

That is not to say that there aren't problems in planning departments. Much of the current delay in system are caused by budget cuts and staff shortages. Local Government budgets have been decimated. UNISON series of Damage reports¹ allow readers to hear directly form a range of workers in local government about the pressures they are under trying to maintain service levels under austerity.

UNISON last surveyed planning members in 2013. Staff levels across planning departments had decreased by approximately 20% (compared to 2009). Since then local government budgets have been further squeezed and the situation is worse. Not only have posts been lost but as it is senior staff who tend to volunteer for redundancy there is a loss of experience and expertise.

Many local authority planners already feel that they are overpowered by the resources that big developers can bring to bear when trying to get approval for their plans. The pay freeze means that the declining value of the staff's pay in comparison to the planning and legal consultants wielded by the developers also undermines their morale in an already highly pressured situation.

Planners often feel under siege with individual members of the public, community groups and developers placing pressure on them as individuals. They report that communication is often very hostile and aggressive towards them personally. All of these combine to make it very difficult to recruit and retain staff adding further pressure to the workloads of remaining staff.

UNISON welcomes the committee's scrutiny of the financial memorandum. This is a vital process which if done properly should avoid future problems. Currently parliamentary time is being taken up with two issues: the named person and offensive behaviour at football legislation. This could have been avoided with better scrutiny of those Bills. UNISON is concerned that the current timescale will not allow for that particularly as so much will only be clear once the secondary legislation and guidance is in place. UNISON members struggled with the timescale and wanted more time to fully scrutinise these papers and discuss with other planners before feeding back to us. They feel they have been able to provide as much detail they would have liked. Members hope to have further opportunities to participate in this process.

It is essential that reforms of the system don't lead to a one size fits all solution. While this might suit developers it would lead to a very homogenous Scotland rather than allowing diverse communities to thrive. That diversity does have costs but this is a price worth paying for that diversity.

UNISON has concerns about the figures in the financial memorandum as there seems to be no indication of the variations in costs across local authorities. There isn't enough detail about the figures to enable judgement about their accuracy. It is also clearly stated that much of the detail will be contained in secondary legislation and guidance rather than the bill itself. This also makes scrutiny, financial or otherwise, very difficult.

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Point 9 states

¹ <http://www.unison-scotland.org/campaigns/public-works/damage/>

*The operation of the planning system in Scotland is determined by a combination of primary and secondary legislation, supported by Scottish Government policies and guidance. **The impact of some of the changes made by the Bill will be dependent on procedures to be set out in secondary legislation under existing powers and in guidance.** There are also further elements of the reform programme **unrelated to the Bill which will affect the costs of the planning system**, such as widening permitted development rights and the use of digital technologies.*

It is clear from the policy and financial memorandum that a lot of the detail will be in the guidance and secondary legislation and other Scottish government reforms. This makes it very difficult to make any judgement of the figures in the financial memorandum as it is the guidance that provides the detail on day to day operations. While the paper does state that there will be further opportunities for scrutiny it is difficult to do so in such a piecemeal manner.

UNISON believes that we need much better detail before we can comment on the financial information given statements like this in the memorandum. The tables/information included seem to be “best guesses” rather than detailed costings. We are not sure how the Bill can proceed to its next stage without appropriate financial data. That after all is the point of the financial memorandum. It is therefore clear that much more financial information is required before judgements can be made about the bill and its costs.

Point 10: states that the Scottish government is working with COSLA and individual planning authorities to gather more meaningful information on future costs.

*Point 13: The consultation paper, Places, People and Planning¹, asked for views on the potential costs of the proposals for business and public sector delivery organisations. However, few respondents answered this question, and those who did provided only general comments. Many considered that the consultation paper did not give sufficient detail on how the proposals would be implemented to assess the potential costs and savings. Subsequently, questionnaires were sent to members of the Scottish Government’s planning review working groups representing the development sector, key agencies and communities. The questionnaires asked for information on the current costs of various activities, and for views on the possible impacts of the reform proposals on those costs. Thirteen responses were received from the development sector, three from key agencies and two from community organisations, **but the information provided was still limited.***

*Point 14. Heads of Planning Scotland (HOPS) undertook a similar exercise to obtain information on the costs of the proposals to planning authorities. COSLA has also provided views on the costs attributable to the Bill provisions. However, both of these note that many of the proposed changes made by the Bill relate to service areas where **costs are not currently separately identified or recorded.***

The figures on savings also give rise for concern. Recent reforms across colleges, police and fire services as well as many shared service proposal always offer up attractive savings figures a reason for moving ahead with a service change. They are seldom realised and in the shared service partnerships that have worked it has taken five years to achieve savings and often they are from staff cuts. Audit Scotland has already stated that there is little to show that the savings promised by college regionalisation have been realised. UNISON would like to see far more robust data on how these figures have been created.

Conclusion

UNISON is Scotland’s largest public sector trade union representing a range of public sector workers including Scotland’s planners. UNISON Scotland is able to collate and analyse member’s experience to provide evidence to inform the policy process. UNISON is concerned that the information in the financial memorandum is not comprehensive enough to allow proper

scrutiny of the Bill. We therefore welcome the opportunity to submit written evidence to the committee and would welcome the opportunity to further participate in the scrutiny process.

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