



UNISON Scotland Evidence to the Local Government and Communities Committee re:

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 policy making process. UNISON represents the full range of staff in planning teams and welcomes the opportunity to share their views on the Planning (Scotland) Bill.

Evidence

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 is concerned that this suggests that planning must focus on economic development rather than community development. While the two are of course linked it should be made clearer that planning is about making lives better for people not businesses.

UNISON has been concerned about the Scottish government’s whole regulatory reform programme since its inception. It has been clear from the beginning that rather than improved regulation, the programme was aiming for less regulation in response to complaints from businesses. This despite the fact that there is no evidence that regulation is harming businesses. Despite this lack of evidence the Scottish government is undertaking a second radical reform of the planning system despite doing so as recently as 2009. Delays in the system are caused by severe cuts to planning budgets and staff shortages. It is resources they need not reorganisation.

Planners tell us that they are overwhelmed by the volume and complexity of their workloads. They are also extremely stressed by the personal interaction that they often experience with clients. Well-financed big companies use their resources to badger teams about developments. They experience a lot of personal attacks from members of the public. This adds more stress to their working lives. 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 community groups who 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 and empowering staff and giving them the time to do their work , 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 conflicting demands and interest groups alongside the policies and strategic plans in their area. They are balancing economic development with individual’s rights and environmental, safety and health concerns. They use their technical expertise on a range of subjects ensuring that communities are able to control the future of places where they live and balance those needs with both business’ and individual’s plans. This is why setting planning policy and strategic plans is so vital. It is these that allow fair and open decision making to be made and allow people and businesses to understand where they stand at the start of any plans they wish to apply for permission for. 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.*

UNISON would like to see more evidence to back up these cost claims but even if we accept them proper scrutiny of plans is vital and that does take time. Those figures do not take into account any costs saved by communities, local authorities and businesses that wrong or unsafe developments could have caused. 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. The current delays in the 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 from 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. It's not just planning jobs that have been cut but also specialists who support their work for example archaeologists. This severely impacts on the ability of teams to get work done. Since then local government budgets have been further squeezed and the situation is worse. Sadly demand for services does not fall in response to cuts in budgets. Demand is rising while resources to meet that demand are being cut. 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 overwhelmed 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 in individuals. They report that communication is often very hostile and aggressive towards them personally. All of these combine to make planning a highly stressful job. It is also very difficult to recruit and retain staff adding further pressure to the workloads of remaining staff.

The shortages of staff and delays are adding to the adversarial nature of the system. Policy planners play a vital role in ensuring that the voices of local people is heard in the planning process. It is through setting policies that proposals can be properly judged. UNISON believes it would be a mistake to move the focus away from setting local planning policies and focus only on development planning.

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

The system is already too adversarial, focusing on development with rights of appeal just adds to the conflict. Communities and local planning teams need to work together to set the vision for areas and then set out planning policies to meet that vision. Clear policy allows businesses and individuals to know where they stand when developing planning proposals. They need to fit in with local needs, geography and weather. This work needs to take into account the varied needs and power imbalances within local authority areas and local communities. It cannot just be the well-off and well-connected who can influence planning decisions whether by getting their favoured plans approved or preventing developments that would benefit the less well-off or the less-powerful.

UNISON is therefore concerned about the equality impact assessment that accompanies the Bill. While it is at least an improvement to see the assessment in place at this stage of the process it does not seem a very thorough analysis. Given the importance of planning it is surprising to see that it is only five pages long. It doesn't seem to address any of the issues that these less powerful groups have influencing local decision making in general or the planning process in particular and how the changes would impact on them.

It states that:

“This Equality Impact Assessment (EQIA) has considered the potential impacts of the Planning (Scotland) Bill (the Bill) on each of the protected characteristics. The provisions and how they impact on people across the protected characteristics are set out under Key Findings.

Since the Bill is intended to be of positive benefit to Scotland’s communities, regardless of whether they fall into one or more protected groups, the EQIA has not identified any Bill provisions that would adversely impact on such groups. The evidence gathered and data analysed indicate that overall the Bill provisions will have a positive impact on equality”.

The Bill may be “intended to be of positive benefit to Scotland’s communities” but the point of an assessment is to check whether that will actually be the case. Impact assessments are not to check intentions but to explore whether the needs of and the impact on those with protected characteristics are being overlooked and that there are no intended or unintended consequences of change for those groups. Just saying the Bill is trying to be good is not enough. There is no discussion at all about how cutting back on policy planning and empowering developers in the process may impact on less powerful groups within communities.

For example the assessment states:

“there is limited evidence concerning the different experiences of men and women of the planning process.” And that is the end of the section. The same is stated about gender reassignment. UNISON expects the equality impact assessment to investigate the differences. Did anyone think through why there may be little evidence? What processes/power structures may be in place that prevented anyone submitting evidence to them?

The section on race mentions only the needs of gypsy/travellers and then not in much detail. This is extraordinary given the controversy over travellers’ sites and the challenges they face finding sites and accessing public services. There is no discussion at all of the needs of other minority ethnic groups and any difficulties they may face in trying to influence or interact with the planning process. Has anyone looked to see if there is any link between ethnicity and refused planning permission/objections to the development of mosques, temples etc?

Do people with disabilities meet opposition from neighbours when they apply for planning permission to adapt the outside of their homes? or is there opposition locally to attempts to change public places to make them more accessible?

The Equality Act places a duty on the public sector to “advance equality of opportunity” the Impact assessment should look at ways that amendments to the Bill could advance equality of opportunity.

Proper scrutiny of Bills 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 more adequate scrutiny of those Bills. UNISON believes that this Bill requires detailed scrutiny and is concerned that the current timescale will not allow for that. UNISON members struggled to fully scrutinise these papers and feed back to us with the detail they would have liked and hope to have further opportunities to participate in this process.

The government states that much of the detail will be contained in future secondary legislation and guidance. This makes proper scrutiny of the Bill difficult. There needs to be much more detail on what will be involved to allow proper understanding of the proposals and their implications.

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. An obvious example is housing where different types of housing development suitable for islands, suburbs, cities and towns. This isn't just in terms of size and layout of developments but across Scotland even the weather means that there needs to be very different design standards. That diversity does have costs in financial terms but this is a price worth paying for that diversity.

UNISON is concerned that these changes will weaken rather than empower communities and particularly the less powerful within communities. Not only do we not believe that the equality impact assessment has not fully detailed the issues for protected groups, there is no real discussion about the implications for those who are disadvantaged because of their socio economic status. It is essential that the voices of the powerless are heard in the process: those who need the affordable housing, those who need drug rehabilitation centres. Local authorities play a vital role in balancing those sometimes conflicting views within communities.

People on low incomes need access to cheaper energy; we need to move away from carbon production, that means we need to be able to get sites for wind farms and other renewable. Local authorities are directly elected and accountable to their communities. It is vital that they maintain a strong role in the planning system. Drawing up agreed local planning policies is a vital part of that process.

UNISON supports the plan for compulsory training for councillors. There is a widespread misunderstanding about the planning system. It is too often treated as a barrier than a protector. Perhaps the training could also be available to other elected members such as MPs and MSPs. UNISON would also like to see more information provided in an accessible manner to the wider public about the planning system. This could also help reduce the abuse that members in planning are exposed to regularly in their workplace.

While UNISON believes that public services should be funded through progressive taxation there is a role for fees for certain local government services. UNISON is therefore generally supportive of increasing fees as proposed. Planning teams and local government budgets are under enormous pressure and the proposed increase in income would be welcome. UNISON does not support ring-fencing of local government monies and believes that it is up to the democratically elected authority to set its own funding priorities. That should though include

adequate funding of planning teams in order to ensure they can meet the demand placed upon them.

The revised Section 3AA of the Bill lists what information planning authorities/regional partnerships would be asked to contribute towards the National Planning Framework, the affordable housing needs and Climate Change Act duties need to be included. The Planning Bill still relies on the private sector led approach to delivering affordable housing which has been tried and failed across Scotland and the UK. The delivery of affordable housing by the public sector, particularly local authorities, needs to be recognised and given due statutory support in the Planning Bill especially for the acquisition of land.

The Planning Bill makes no reference for Climate Change Resilience which is worrying given the Bill changes the timescale of Local Development Plans from 5 years to 10 years and promotes a more active engagement for councils (planning authorities) through a regional partnership with the National Planning Framework to provide strategic guidance across the regional areas.

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 members' experience to provide evidence to inform the policy process. UNISON has been concerned about the Scottish governments whole regulatory reform programme since its inception. It has been clear from the beginning that, rather than improved regulation, the programme was aiming for less regulation in response to complaints from businesses. This despite the fact that there is no evidence that regulation is harming businesses.

Planners tell us that they are overwhelmed by the volume and complexity of their workloads. They are also extremely stressed by the personal interaction that they often experience with clients. Good planning doesn't require yet another reform programme. Improvement will come through adequate funding and staffing levels and empowering staff and giving them the time to do their work, reflect, learn and implement change. It is resources they need not reorganisation. We therefore welcome the opportunity to submit written evidence to the committee and would welcome the opportunity to further participate in the scrutiny process.

For further information, please contact:

Dave Watson d.watson@unison.co.uk

Kay Sillars: k.sillars@unison.co.uk

Mike Kirby, Scottish Secretary
UNISON Scotland,
UNISON House,
14, West Campbell Street,
Glasgow
G2 6RX