Cabinet

Members of the Cabinet

Mr J Fuller
Chairman
Leader, External Affairs

Mr M Wilby
Vice-Chairman
Deputy Leader, Community Empowerment and Building the Big Society

Portfolio Holders

Mrs Y Bendle
Strategic Planning and Localism

Mr D Bills
Organisational Efficiency and Shared Services

Mr K Kiddie
Public Protection and Development Control

Mr G Wheatley
Corporate Resources and Governance

Group Meetings

Conservatives:
Cabinet Office 8.00 am

Liberal Democrats:
Kett Room 8.15 am

Agenda

Date
Monday 23 January 2012

Time
9.00 am

Place
Cavell and Colman Rooms
South Norfolk House
Swan Lane
Long Stratton Norwich
NR15 2XE

Contact
Claire White  tel (01508) 533669
South Norfolk District Council
Swan Lane
Long Stratton Norwich
NR15 2XE

Email: democracy@s-norfolk.gov.uk
Website: www.south-norfolk.gov.uk

If you have any special requirements in order to attend this meeting, please let us know in advance.

Large print version can be made available.
1. To report apologies for absence;

2. Any items of business which the Chairman decides should be considered as matters of urgency pursuant to Section 100 B (4) (b) of the Local Government Act, 1972; [Urgent business may only be taken if, “by reason of special circumstances” (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency.]

3. To receive Declarations of Interest from Members;
   (Please see guidance form and flow chart attached - page 5)

4. Minutes of the meeting held on Monday 28 November 2011; (attached – page 7)

5. HR Policy – Redeployment Policy and Procedure;
   (report & minutes from the JCC meeting attached – page 17)
   The Policy was discussed at the meeting of the Joint Consultative Committee on 21 December 2011. As consensus could not be reached it was referred to Cabinet for a decision. The JCC report and minutes are attached.

6. Further representations received to the 2010 consultation Sustainability Appraisal Scoping Report for site specific documents of the Council’s Local Development Framework; (report attached – page 27)

   This report summarises further representations received to the Sustainability Appraisal Scoping Report 2010 consultation for the two Area Action Plans and the Site Specific Policies and Allocations Development Plan Document and suggests responses for the Cabinet’s approval
7. **Review of the Joint Core Strategy;**

There is a need to ensure that the Council's Local Development Framework is kept up to date, reflecting changes in national policy and as well as in national and local development needs. The Core Strategy is an essential document in the Local Development Framework and was adopted in March 2011. Work started on the Joint Core Strategy in 2007, which gives an indication of the time it takes to produce such a local development document. While a review of the Joint Core Strategy may not take quite so long, it is prudent to consider when and how such a review will be undertaken.

An important factor in the initial review is the outcome of the legal challenge that has been mounted against the Joint Core Strategy. This legal challenge was heard in December 2011, but judgement has been reserved. It is prudent to await the judgement before the nature and scale of the review can be assessed. Therefore, it is proposed that a report on the review of the Joint Core Strategy be considered at a future Cabinet meeting, after the judgement on the legal challenge has been received.

Tim Horspole
The Planning and Housing Policy Manager

8. **Cabinet Core Agenda**

   (attached – page 31)

9. **Exclusion of the Public and Press;**

To exclude the public and the press from the meeting under Section 100A of the Local Government Act 1972 for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act (as amended)
Planning Systems (Development Control, Building Control, Land Charges, LLPG) and Environmental Services Systems (Environmental Health, Environmental Protection, Waste & Recycling and Street Cleaning/Grounds Maintenance) were reviewed through a procurement exercise using the buying solutions framework. This procurement was required due to the fact that the current leasing contract called LAMP comes to an end in May 2012. The Procurement was discussed with Cabinet on 17/10/11 and the Public Protection and Environment OSC on 02/11/11. Following these meetings it was agreed that we would use the Buying Solutions framework for this procurement in line with the contract standing orders as the value of the contract is below £250,000 Management Team approved the award of the contract to IDOX. This report is therefore to notify Cabinet of this decision. Cabinet are required to be assured that:

- Adequate budget provision exists for both capital and revenue expenditure.
- All relevant approvals have been obtained in accordance with the Council’s Project Management Guide.
- A full evaluation has been carried out which clearly demonstrates that the tender in question constitutes the best economic advantage to the Council, taking into account quality, price and sustainability.

This report also provides a high level business case highlighting the risks and timelines involved in the implementation of the System.

The report details the proposed lease of Unit 13, Wymondham Business Park and seeks Cabinet approval under the Rules of Financial Governance.
AGENDA ITEM 3

DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether the interest is a personal one only or one which is also prejudicial. The declaration should indicate the nature of the interest and the agenda item to which it relates. In the case of a personal interest, the member may speak and vote. If it is a prejudicial interest, a member has the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. A member can participate fully where the interest is shared with the majority of residents in that particular ward. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

Is (or should) the Interest be registered in the Register of Members' Interests?

If not, whose well being or financial position is affected to a greater extent than the majority of other people in the ward?

<table>
<thead>
<tr>
<th>Your own</th>
<th>A family member</th>
<th>A close associate</th>
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<tbody>
<tr>
<td>Any person or body who has employed or appointed your family member/close associate</td>
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<tr>
<td>Any firm in which your family member/close associate is a partner or company of which they are directors</td>
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<tr>
<td>Any company in which your family member/close associate has shares with a face value more than £25,000</td>
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<tr>
<td>Any of the following in which you hold a position of general control or management: outside organisations, other public authorities, charities, pressure groups, political parties or trade unions</td>
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</table>

Does the interest:

(a) affect your financial position or the financial position of a person or body described above?  *(If Yes the interest may be prejudicial)*

(b) relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described above?  *(If Yes the interest may be prejudicial)*

(c) relate to scrutiny by the Overview and Scrutiny committee of a decision you were party to?  *(If Yes the interest is prejudicial)*

(d) relate to the functions of the council in respect of housing (except your tenancy), statutory sick pay, an allowance, payment or indemnity given to members, any ceremonial honour given to members, or setting the council tax or a precept under the Local Government Finance Act 1992.  *(If Yes the interest is NOT PREJUDICIAL)*

PREJUDICIAL INTEREST

If you answered Yes to (a) or (b) is the interest one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that that it is likely to prejudice your judgement of the public interest?  *If Yes the interest is PREJUDICIAL*

If you answered Yes to (c) the interest is PREJUDICIAL

If prejudicial do you intend to attend the meeting to make representations, answer questions or give evidence?

FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF
DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

What matters are being discussed at the meeting?

Do any relate to my interests?

A. Does it affect my entries in the Register of Interests?

OR

B. Does it affect the well being or financial position of me, my family or close associates; or my family’s or close associates’
   • employment, employers or businesses;
   • companies in which they are a director or where they have a shareholding of more than £25,000 face value;
   • business partnerships; or

C. Does it affect the well being or financial position of the following organisations in which I hold a position of general control or management:
   • other bodies to which I have been appointed or nominated by the council;
   • other public authorities;
   • charitable bodies;
   • bodies whose main purpose is to influence public opinion or policy

More than the majority of other people in the ward?

D. Is Overview and Scrutiny considering a decision I made? If so you have a prejudicial interest.

Disclose the existence & nature of your interest

You have a personal interest in the matter

Is the interest financial or relating to a regulatory issue e.g. planning permission?

YES

You may have a prejudicial interest

The interest is not prejudicial you can participate in the meeting and vote

This matter relates to
   • housing (except your tenancy)
   • statutory sick pay from the council
   • an allowance, payment or indemnity given to members
   • any ceremonial honour given to members
   • setting the council tax or a precept

The interest is prejudicial withdraw from the meeting by leaving the room (after making representations, answering questions or giving evidence). Do not try to improperly influence the decision

Would a member of the public – if he or she knew all the facts – reasonably think that personal interest was so significant that my decision on the matter would be affected by it?

YES

NO

NO

YES
Update on award of PFI credits for Norfolk Energy from Waste Plant

The purpose of this report is to update Cabinet on the Environment Secretary Caroline Spelman’s award of PFI credits for the Energy from Waste Scheme at Saddlebow in Kings Lynn.

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<thead>
<tr>
<th>Cabinet member(s):</th>
<th>Ward(s) affected:</th>
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<td>Keith Kiddie</td>
<td>All</td>
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Contact Officer, telephone number, and e-mail:

Andy Jarvis, Director of Development and Environment. Tel. 01508 533703 ajarvis@s-norfolk.gov.uk

1. Background

1.1. At its meeting on Monday 11 September 2006 Cabinet considered and resolved to adopt the amended second revision of the Joint Municipal Waste Strategy for Norfolk following agreement that suitable wording would be added to that part concerning the procurement of a residual waste treatment process(es) to make it non-specific to any technology.

1.2. Since Norfolk County Council as the Waste Disposal Authority for Norfolk has undertaken a technology non-specific procurement process for a residual waste treatment facility. The County Council has since appointed Cory Wheelabrator to build and run an energy from waste plant at Saddlebow near King's Lynn. The facility would process about 260,000 tonnes of rubbish every year.

2. Current Position and Issues

2.1. The County Council has applied to the Government for PFI credits to support the project. This application has been delayed following a request from the Secretary of State of the Environment Caroline Spelman for supplementary evidence of support for the application.

2.2. On 18 January 2012, having carefully considered the project’s case for waste infrastructure credits in light of all the information available, including the additional material and evidence of support the Secretary of State announced that the project did meet her criteria for support and that a promissory note would
be issued. This ends the recent delay and uncertainty and enables the project to move forward to the regulatory Planning and Permitting phase.

3. **Relevant Corporate Priorities**

3.1. Enhancing our quality of life and the environment we live in.

3.2. Promoting a thriving local economy.

3.3. Driving services through being businesslike, efficient and customer aware.

4. **Conclusion**

4.1 Waste management is a Norfolk-wide issue on which all authorities need to work together. The Council has consistently supported the Norfolk Waste Strategy and the priority remains waste minimisation, recycling and composting. It must be remembered however, that this will not eliminate all waste and as wholesale landfill is no longer an option an effective means is therefore required to deal with the remaining waste, using it as a resource and recovering value wherever possible.

5. **Recommendations**

5.1. Cabinet is asked to note the report.
HR Policy – Redeployment Policy and Procedure

Purpose of Report and Summary
The Redeployment Policy and Procedure has been reviewed to ensure that it meets the needs of the organisation at a time of organisational change and budgetary pressures that inevitably impact on the size and composition of the workforce.

A new policy has been developed as it is recognised that in order to continuously improve our performance and the services we deliver, within budget, we may need from time to time to redeploy staff. The policy has been amended and designed to help retain skilled employees while ensuring that the organisation is fair to both employees and local ratepayers.

The report summarises the main changes that are proposed to the Redeployment policy and highlights employee relations issues that may arise. The main changes are:

- The salary protection is reduced to 1 year and will normally only apply to one grade below.
- Time in redeployment pool is a minimum of 4 weeks which will run concurrently with the notice period.
- Employees who are redeployed due to illness or capability will immediately be paid ‘the rate for the job’. No protection will be provided.

The scope of the policy has been reduced. Those on disciplinary will no longer be covered by this policy.

Cabinet member(s): Ward(s) affected:
All

Contact Officer, telephone number, and e-mail:

1. Background
1.1. At present, where staff are redeployed into a role on a lower grade, they receive pay protection for three years.

1.2. Justification for change
Cost – SNC needs to identify savings that can be made and this needs to be done in a fair and balanced manner. The current policy was developed for a different era and with the challenges facing SNC it is no longer sustainable.

The current annual cost of the policy is approx £70k excluding on costs. Over a 3 years period this is £210k.

Fairness – it is unfair to staff who are working alongside those on protected salaries for such a long period of time but doing the same work. It is also unfair to ratepayers to be paying above the rate for the job for such a long period of time.

1.3. Aim

To assist and support redeployees by providing a reasonable period of time to adjust their lifestyle before the rate for the job is applied.

2. Proposed Changes incorporated in draft policy

2.1. Scope

The policy applies to employees at risk of redundancy following a reorganisation and those who are redeployed due to ill health. The scope of the policy has been reduced. It no longer applies to those who need to be redeployed due to disciplinary issues.

2.2. Time on the redeployment register

There is a guaranteed minimum of 4 weeks on the redeployment register which will run concurrently with the notice period. This ensures that the organisation has a reasonable amount of time to seek alternative employment for those members of staff that have 3 or less years service. (See point 4.8 of the policy)

Displaced employees will remain on the redeployment register until they are redeployed or until their notice period expires.

The redeployment period will commence when the reorganisation is complete and employees will be notified that they have been placed on the redeployment register.

2.3. Length of Pay Protection Period
• In April 2011 a survey of East of England Local authorities reported pay protection arrangements varying between 6 months to 3 years. Others were looking into reducing protection. The guidance from the Eastern Regional Employers is that it is permissible to reduce the level of pay protection, subject to a 12-month minimum.

• The proposed change is to reduce pay protection from 3 years to 1 year. (See Section 6.3.3 in the policy) This will result in cost savings and employees being paid the rate for the job at an earlier stage, and will increase the level of fairness and transparency to all staff. However it should also be noted that it may reduce the willingness of staff to accept any changes to their roles that results in a downgrading. Some may claim that due to the reduction in grade and the limited protection that the role is not suitable alternative employment and so they are entitled to a redundancy payment. It may therefore reduce the flexibility that SNC has previously enjoyed and may lead to some challenges from staff.

• Employees redeployed due to capability or ill health will receive the rate for the job and no protection will apply. This is a change to our current policy but it needs to be noted that all medical redeployments for at least the last six years have been paid the rate for the job and therefore is not a move away from custom and practice. It is a practice adopted by a number of authorities.

2.4. Protection and Redeployment - Number of Grades

• The current policy states that redeployment can be to one grade higher or lower.
• The new policy has been amended to reflect the view that protection would ‘normally’ be restricted to 1 grade lower.
• The possibility of redeploying to one grade higher has been removed. We no longer have overlapping grades and therefore if a redeployee were to secure a higher graded role this would naturally provide an increase in salary and therefore no requirement for salary protection. There is an expectation that in applying for a higher graded job that they would go through a competitive process.

2.5. Redeployment – legal requirements

• There is a legal requirement for any employer to take active steps to identify alternative employment for an employee who is at risk of redundancy. This applies from the start of any reorganisation until the employee is dismissed on grounds of redundancy.
• Employees at risk have priority consideration for any posts that they would with some training be able to carry out. The alternative roles would be on similar but not identical terms and conditions. The Council needs to be aware
of this as failure to consider redeployees for such roles could result in successful claims for unfair dismissal.

- The policy had stated that it applied only to permanent staff. This is not legally compliant since the introduction of the Fixed Term workers directive and has been amended to reflect this requirement.

2.6. Organisational Change

- Elements of organisational change were incorporated in the redeployment policy and this can lead to confusion and inconsistency. The policy has been amended to ensure that it concentrates on redeployment at the point when the reorganisation has been completed.

3. Benchmarking

3.1. Salary Protection

We have looked at what other local authorities offer in terms of salary protection.

Of 20 Local Authorities:
- 8 currently provide employees with a 3 year pay protection arrangement upon redeployment. (3 of these gradually reduce the protection over the period and 1 advised that they are considering a move towards a 1 year pay protection arrangement.)
- 2 advised the protection is for 2 years.
- 1 for 18 months
- 7 of those surveyed already have a 1 year pay protection arrangement in place,
- 2 provide 6 months protection

3.2. The proposed change for SNC is to reduce the pay protection in line with the majority of other authorities in the region who have moved (or intend to move) to one-year pay protection.

4. Practical Issues and Implications

4.1. The main element of this policy that may concern staff is the 3 year salary protection and so we may be challenged on this. A point to note is that this policy has allowed SNC a degree of flexibility in moving staff to alternative roles at a lower level. Once the policy has been changed there may be more resistance to being moved into roles at a lower grade as it increases the risk that any alternative role would not be viewed as suitable alternative employment.

4.2. Care needs to be taken about how this would be communicated to staff as it will not affect the vast majority but may be emotive.
5. Recommendations

5.1. That JCC approve the attached policy and procedure – Appendix 1.

6. Relevant Corporate Priorities

   a. Driving services through being businesslike, efficient and customer aware.

7. Implications and Risks

   a. Legal - The Council is required by law to seek suitable alternative employment for staff at risk of redundancy.

   b. Equalities – It is fair to enable employees who have accepted a new role as an alternative to redundancy a period of time to adjust to the new salary level on offer.
REDEPLOYMENT POLICY AND PROCEDURE

1. INTRODUCTION

South Norfolk Council recognises the need to provide security of employment to staff and the benefits to be gained in trying to avoid compulsory redundancies or medical termination of employment. When such situations arise attempts will be made to identify suitable alternative employment wherever reasonably practicable.

2. SCOPE

This policy applies:

- Where an employee has been identified as requiring redeployment to avoid redundancy, or

- Where the employee has a medical condition, which prevents them from continuing in their current post, and all reasonable adjustments have been exhausted.

The aim is to be fair, consistent and sensitive to the rights of the employee as well as the organisation’s needs.

3. REORGANISATION

A review in the Council may result in the number of posts being reduced when departments or services are merged or work is reorganised. Affected employees who are displaced following reorganisations will be placed on the redeployment register and considered for alternative posts within South Norfolk Council.

4. PROCESS

4.1 Following a reorganisation any employee who is displaced and so is it at risk of dismissal on the grounds of redundancy will be placed on the redeployment register.

4.2 Such employees will be given prior consideration for any post, at an equivalent level or below, available or becoming available, prior to any advertisement of the vacancy.

4.3 When there are any members of staff on the redeployment register, the recruitment process will be delayed by one week until they have been given full consideration for the vacancy. Only when there are no members of staff that can be redeployed on a ‘best fit’ basis will the post be advertised.
Appendix 1

4.4 Consideration for redeployment should be not only on the basis of fitting the need for the job but the capability of being trained in a reasonable period to meet the requirements of the job.

4.5 If an employee on the redeployment register wishes to be considered for a higher grade job, the Council will normally advertise the vacancy to include other eligible applicants. Higher graded roles will be subject to open competition and standard recruitment practices will apply.

4.6 Pending redeployment under this procedure a member of staff placed on the redeployment register may be temporarily allocated to other duties elsewhere in the Authority. This will be monitored by HR in conjunction with the nominated line manager.

4.7 Where a member of staff is redeployed to a temporary post or a permanent post in a temporary capacity the member of staff will be considered for retention on the redeployment register for a further 12 months.

4.8 Redeployment will normally run concurrently with the notice of dismissal and may also precede it. Displaced employees will be guaranteed 4 weeks on redeployment irrespective of the length of their contractual notice period.

5. TRIAL PERIOD

5.1 If the new post offered is substantially the same as the redundant post, then a trial period would not normally be applicable. In other cases it may be appropriate to agree a trial for a specified period of up to 12 weeks.

5.2 If the new employing manager wishes to extend the trial period, they may do so, by agreement, for a maximum of 12 weeks, in order to ensure suitability for the post.

5.3 If, at the end of the trial period, the new employing manager and employee are satisfied that the post is suitable then the employee’s appointment to that post will be confirmed in writing and a new contract or amendment to their current contract will be issued.

5.4 At the end of a trial period the employee may still be entitled to a redundancy payment if the alternative post is deemed unsuitable. However, in accordance with the Employment Rights Act 1996 the Authority will not be liable for a redundancy payment if the member of staff turns down a reasonable offer of suitable alternative employment.

5.5 If, during or at the end of the trial period, the employee is considered not to be suitable for the vacancy they must be notified in writing as to the reasons for this decision. The employee has the right to appeal against the decision. Appeals should be submitted to their manager within 7 days of receiving notification.

5.6 Employees who have an unsuccessful trial period will be considered for other redeployment opportunities prior to the expiry of their notice period.
6. PAY PROTECTION

6.1 Purpose of the Pay Protection Policy

6.1.1 The purpose of protection from financial detriment is to encourage members of staff who wish to continue their career with the Authority to do so. It gives them the opportunity of continued employment where the rate of pay offered is lower than their existing salary rather than the Authority having no alternative other than redundancy.

6.1.2 These protection arrangements will also apply to members of staff where the rate of pay attached to the existing post is reduced by organisational changes.

6.2 Eligibility/Application

6.2.1 Protection arrangements apply to members of staff irrespective of length of Council service.

6.2.2 The member of staff affected must either:

(i) be subject to the redeployment policy due to organisational change;

(ii) have had their hourly earnings reduced by an organisational change;

6.2.3 Any questions relating to your pension requirements should be directed to Norfolk Pension Services.

6.3 Basis of Calculation

6.3.1 Members of staff will be assimilated on the equivalent rate of pay or the maximum basic rate of the lower grade (whichever is the lower) with effect from the date of the reorganisation/change being effected. It is expected that the “new” post will normally be a maximum of one grade below the original grade.

6.3.2 The protected payment made to eligible members of staff is defined as the difference between:

(i) the gross weekly remuneration but excluding any casual overtime or casual standby payments received during the last 13 weeks in the previous job, and;

(ii) the gross weekly remuneration, which will normally be received in the new job.

(iii) Cost of living rises will not be applied as the member of staff will be “marking time” until the former rate of pay is equivalent or greater to the new. Where this does not happen the member of staff will be reminded one month in advance of the reduction that it is due to take place.
6.3.3 Protection of earnings will cease when:

(i) the member of staff has obtained employment at an equivalent or improved level to their protection;

(ii) the period of pay protection has been for a period of one year;

(iii) earnings in the new post reach the value of the protected pay level;

whichever is the shortest period.

7. OTHER REDEPLOYMENT SITUATIONS

7.1 A member of staff’s health or capabilities may change in relation to the duties they are expected to fulfil. Where a member of staff has difficulty in meeting the demands of their post, it may be necessary to discuss alternative employment options.

7.2 The Manager, in conjunction with HR, will discuss the situation fully with the member of staff, obtaining medical advice where appropriate. They will be considered for vacancies arising when it becomes clear that they cannot continue to work effectively in their own post. In these circumstances if redeployment is agreed there will be no salary protection and the employee will receive the rate of pay applicable to the new post.

7.3 The Council will make every effort when a member of staff becomes disabled, to make reasonable adjustments and/or adaptations to retain the disabled person in their post.

8. Review of procedure

This policy and procedure is legally compliant and it will be reviewed on an annual basis, or sooner, if organisational needs or legislative changes require it.
280 REVIEW OF HR POLICIES

Redeployment Policy and Procedure:

The Deputy Chief Executive presented the report, which detailed a proposed review of the Redeployment Policy and Procedure, advising Members that the current policy had been determined to be more generous than that of many comparable employers. The driver for the proposed change was to enable greater flexibility in the organisation, giving greater fairness and transparency. Members considered the proposal to decrease the salary protection, given to staff who were redeployed into lower graded roles, down from three years to one year.

Members agreed that redeployment was a good alternative to redundancy but UNISON was disappointed that management would not negotiate regarding the proposal to decrease the period to one year.

After discussion, it was felt that an agreement could not be reached and the matter would be REFERRED TO CABINET.
Further representations received to the 2010 consultation Sustainability Appraisal Scoping Report for site specific documents of the Council’s Local Development Framework.

Chief Executive Officer

This report summarises further representations received to the Sustainability Appraisal Scoping Report 2010 consultation for the two Area Action Plans and the Site Specific Policies and Allocations Development Plan Document and suggests responses for the Cabinet’s approval.

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<thead>
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<th>Cabinet member(s):</th>
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<tr>
<td>John Fuller</td>
<td>All</td>
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Contact Officer, telephone number, and e-mail:
David Willis 01508 533809
dwillis@s-norfolk.gov.uk

1. **Background**

1.1. The Council is producing Area Action Plans (AAPs) for Long Stratton and Wymondham and a Site Specific Policies and Allocations DPD providing for development in the remainder of the district. The AAPs are intended to provide for more proactive policies where significant change is anticipated. The Sustainability Appraisal (SA) is a requirement of European legislation and forms an important part of the development of policies for the AAPs and the DPD. The SA is an iterative process that tests the likely effects of policies against a series of environmental, social and economic objectives which together define sustainable development. A SA framework based on these objectives has been produced as an integral part of the development of policies for the AAPs and Site Specific Policies and Allocations DPD. A draft of this framework was the subject of the SA Scoping Report consultation of 2010.

2. **Current Position and Issues**

2.1. Members may recall their approval of the SA Scoping Report in July 2010 to be published for consultation, and their approval of amendments to the SA framework in October 2010 arising from responses to that consultation. Further significant responses were received however as part of the initial site specific policies and allocations DPD consultation of late 2010 and these also require consideration.
3. Proposal and Reasons

3.1. Five consultees commented as part of the site specific policies DPD consultation. They included the Environment Agency, the Royal Society for the Protection of Birds (RSPB) and three planning consultancies. Summaries of their comments and suggested responses are shown in Appendix A. The suggested responses are intended to ensure that the SA framework remains both appropriate, up-to-date and “sound” in terms of government planning policy requirements.

4. Other Options

4.1. A Sustainability Appraisal is required to inform the development of DPD policies. An option of not acknowledging the further responses to the consultation would compromise the SA and incur the risks outlined below.

5. Relevant Corporate Objectives

5.1. Enhancing our quality of life and the environment we live in: The assessment of policies against the social and environmental objectives of the SA framework is intended to ensure that new development meets this objective.

5.2. Promoting a thriving local economy: The economic objectives of the SA framework are intended to ensure that new development meets this objective.

5.3. Supporting communities to realise their potential: The social and economic objectives of the SA are intended to ensure that this objective is met through the development of well located communities with good access to jobs and services that meet their daily needs.

6. Implications and Risks

6.1. A Sustainability Appraisal is required to inform the development of all DPDs. A SA with poorly structured decision-making criteria and/or one that fails to adequately consider the full range of sustainability issues and alternatives could lead to the DPD being found ‘unsound’, or provide the potential basis for a legal challenge. An unsound DPD would significantly delay production of the Site Specific Policies and Allocations DPD and increase the Council’s vulnerability to speculative developments.

7. Conclusion

7.1. The representations received suggest a number of minor and technical additions and corrections and do not raise any significant issues that would necessitate any major changes to the SA or a reconsultation.

8. Recommendation

8.1. It is recommended that the Cabinet endorses the suggested responses shown in Appendix A to enable further amendments to the SA Framework to be used in
the development of policy options for the Area Action Plans and the Site Specific Policies and Allocations DPD.
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<th>Organisation</th>
<th>Summary of representation</th>
<th>Suggested response</th>
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<tr>
<td><strong>NB:</strong> Page numbers referred to are those in the Sustainability Appraisal Scoping Report as presented to Cabinet on 4th October 2010</td>
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<thead>
<tr>
<th>Environment Agency</th>
<th>Reference still made to August 2010 Guidance Note; which is no longer valid in its entirety. Request reference to it is removed from the Sustainability Appraisal.</th>
<th>Agreed. Remove reference to Guidance Note from pages 20, 24, 27 and 30.</th>
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<tr>
<td>RPS</td>
<td>Sustainability Appraisal requires further refinement to provide much clearer and fairer basis for assessing proposals against SA objectives. Range and breadth of objectives means there'll always be conflicts between objectives. Difficulty of assessing sites accurately and objectively, rather than subjectively can limit usefulness.</td>
<td>No change. No suggestion provided as to what refinements respondent would like to see. Agree that potential for conflict exists between objectives. Clear, accurate and transparent assessment of sites is vital to effective use of SA in decision making.</td>
</tr>
<tr>
<td>Bidwells</td>
<td>Sustainability Appraisal focuses too much on negative aspects of development. Should recognise positive aspects of development and its role in securing sustainability objectives, including employment close to residential.</td>
<td>Disagree – no change. The SA includes sufficient areas for the adequate discussion of both the positive and negative aspects of development.</td>
</tr>
<tr>
<td>RSPB</td>
<td>SA should recognise level of protection afforded to Broadland Special Protection Area and Broads Special Area of Conservation. The interest features of these sites should be noted and a range of mechanisms by which these could be adversely affected outlined. Appendix 1 - may require updating e.g. Birds Directive was updated in 2009 Appendix 2 – Parts of South Norfolk border the Broadland SPA and the Breckland SPA as such Birds Directive and should be included as part of evidence base. Inclusion of Habitats Regulations should also be considered.</td>
<td>Agree: Include further clarification on the importance of nearby SPAs and SACs. <strong>SA Framework (October 2010)</strong>, page 10, third paragraph: after first sentence ending in “development”, insert the words, “Internationally important sites include the protected Ramsar wetlands of the Broads, the Broadland Special Protection Area (SPA) designated to protect important bird habitats and the Broads Special Area of Conservation (SAC) designated to protect important wetland habitats for a range of species.” Also Appendix 4, SA objective ENV 1, “Indicator based concerns”, revise first bullet point to read, “Ability to enhance and protect Ramsar sites, SPAs, SACs, SSSIs, County Wildlife Sites and river quality.” Agree to suggested amendments to Appendices 1 and 2</td>
</tr>
<tr>
<td>Pegasus Planning Group</td>
<td>Inadequate coverage in table 3 with regard to the economic and social objectives arising at Long Stratton – weight that should be attached to those aspects may not form part of assessment. Task A4 gives insufficient attention to direction of JCS and SN Community Strategy. Objectives do not reflect wider goals or understanding of social/environmental benefits of development at Long Stratton</td>
<td>Disagree – no change. The JCS clearly identifies Long Stratton as a major growth location with all the associated sustainability benefits that development may deliver. SA will be used to assess the positive and negative aspects of all proposals – and is flexible enough to include wider appreciation of issues.</td>
</tr>
</tbody>
</table>

**Factual Corrections**

<table>
<thead>
<tr>
<th>RSPB</th>
<th>Include Birds Directive 2009 within Appendix 1</th>
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</thead>
<tbody>
<tr>
<td>RSPB</td>
<td>Include Birds Directive and Habitats Directive as part of evidence base at Appendix 2</td>
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