

## Local Plan/IDP/CIL Risk Register 25/2/13

Risk	Description of Risk	Likelihood*	Impact	Score	Mitigation
<b>DELIVERING A SOUND PLAN</b>					
Failure to satisfy Inspector that we are planning for objectively assessed growth	The level of growth required, as assessed through objective studies, is higher than the vast majority of residents would like and will be hard to provide for. However, this is the most common reason why Local Plans are found unsound.	2	5	10	<ul style="list-style-type: none"> <li>• Ensure we have clear and sound evidence for the level of growth we plan for.</li> <li>• Be able to explain/justify this to the public, developers and an inspector.</li> </ul>
Failure to satisfy inspector that we are planning to deliver a 5 year supply of housing land	Para 47 of NPPF requires us to have a 5 year supply. The nature of our potential sites means that even if we plan for whole requirement over the plan period, we may have difficulty demonstrating deliverability of enough homes in first 5 years. Failure to do so could mean the Plan is found unsound	3	4	12	<ul style="list-style-type: none"> <li>• Advice from PAS</li> <li>• Discussions with IPs and developers on suitable sites to bring forward early</li> <li>• Explore whether we could get away with a “trajectory” approach which reduces requirements in first 5 years</li> </ul>
Failure to satisfy an inspector that we have a 5 year supply of sites for Gypsy and Traveller Accommodation	We are required to have a 5 year supply of land for G&T sites. We require 25 permanent pitches for the first 5 years of the Plan. At present we do not have sites allocated. Failure to do so could mean the Plan is found unsound	3	3	9	<ul style="list-style-type: none"> <li>• Work with WCC to identify potential publically owned sites</li> <li>• Develop a separate DPD to allow sufficient time to identify and consult on the best sites</li> <li>• Be prepared to “roll in” to the Local Plan if required by Inspector</li> </ul> <p>(risk decreased to reflect agreement to separate G&amp;T in to DPD – supported by legal advice)</p>
Failure to satisfy an inspector that the Plan can be delivered:	Inspectors are increasing placing an emphasis on whether a plan can be delivered. We have a number of areas which will come under scrutiny in this respect: <ul style="list-style-type: none"> <li>• Village allocations</li> <li>• Brownfield sites</li> <li>• Site Complexities to south</li> <li>• Viability (can we deliver the infrastructure?)</li> </ul>	3	4	12	<ul style="list-style-type: none"> <li>• Work on developing specific proposals for villages in combination with allocations DPD</li> <li>• Work on contingency sites</li> <li>• South sites developers Forum</li> <li>• Viability study and infrastructure evidence</li> </ul> <p>(risk increased reflect advice from PAS on focus on delivery)</p>
Failure to comply with Duty to Cooperate (DtC)	The DtC needs to be fulfilled before an Examination in Public takes place. Failure to do so will, in effect, render the plan unsound.	3	4	12	<ul style="list-style-type: none"> <li>• Sub-regional agreement in place.</li> <li>• Joint housing requirement study commissioned with CCC</li> <li>• Ask GL Hearn to look at SHMA cross borders</li> <li>• Documented, bilateral discussions with all neighbouring LAs needed</li> <li>• Develop and implement a DtC Plan</li> </ul>
Failure to justify proposals and polices	All proposals and polices need to be fully justified to be found sound.	1	3	3	<ul style="list-style-type: none"> <li>• Ensure we have a complete, up to date evidence base for the Plan</li> </ul> <p>(risk decreased to reflect progress on evidence base and feedback from PAS)</p>

ADOPTING THE PLAN TO TIMETABLE					
Strategic uncertainty: failure to agree the level of growth	A clear and early strategic steer on growth levels is needed to enable the Plan to be developed to timetable (e.g. planning for infrastructure). There is not a consensus amongst all members about appropriate level of growth	1	3	3	<ul style="list-style-type: none"> <li>• In place</li> </ul>
Strategic uncertainty: failure to agree the strategic sites to deliver the growth	A clear and early strategic steer the location of development is needed to enable the Plan to be developed to timetable (e.g. planning for infrastructure). Whilst this is now in place, there is a) no consensus amongst all members about the most appropriate sites. b) More work to be done to de confident these sites can deliver housing requirement However the proposals also need to be evidence based and sound and some further assessment is required to demonstrate all the proposed sites are deliverable.	3	3	9	<ul style="list-style-type: none"> <li>• Possible collection of sites agreed – work on the capacity of these (along with windfalls etc) to ensure numbers can be delivered</li> <li>• Continued involvement of members as assessments are done.</li> <li>• Ensure robust evidence base – especially for brownfield approach</li> <li>• Ongoing involvement of the Local Plan Board</li> </ul>
Strategic uncertainty: Late changes to proposals	There are a number of factors that could result in changes to the plan’s proposals at a time which could result in delay. These factors include change of political direction; viability of infrastructure; impacts of plans being prepared by neighbours.	3	3	9	<ul style="list-style-type: none"> <li>• Ongoing involvement of the Local Plan Board</li> </ul>
The need to consult on new/alternative sites	Legal advice is being taken as to whether the brownfield site proposals and the emergence of other potential sites through the consultation means we have to do another section 18 consultation	1	3	3	<ul style="list-style-type: none"> <li>• Legal advice</li> <li>• Contingency timetable being prepared</li> </ul> <p>(risk decreased to reflect legal advice)</p>
Delays resulting from a Legal Challenge	A Legal challenge to our Local Plan and the process for its development is a possibility given the possibility of significant public and/or developer opposition. The impact of this on the timetable could be significant if the challenge has substance.	3	4	12	<ul style="list-style-type: none"> <li>• Ensure compliance with the legal from for Local Plan development.</li> <li>• Ensure resources are in place to seek legal advice as and when required</li> </ul>
Delays in preparing the draft as a result of the requirement for further work on soundness risks above	Some of the risks in the section of this risk register on “delivering a sound plan” could be mitigated by delaying the Plan timetable. (eg G&T site selection)	3	4	12	<ul style="list-style-type: none"> <li>• See mitigation under delivering a sound plan</li> </ul> <p>(risk decreased to reflect proposals for separate G&amp;T DPD)</p>
Insufficient resources to deliver the Plan to timetable	Insufficient resources in Planning Policy team could either delay the Plan timetable or could result in the Plan being found unsound if proposals are not fully justified.	2	4	8	<ul style="list-style-type: none"> <li>• A clear, prioritised project and resource plan</li> <li>• Early liaison with infrastructure providers including discussions about resources</li> </ul>

	Resources provided by partners (e.g infrastructure providers) could also have an impact				<ul style="list-style-type: none"> <li>• Ongoing involvement of the Local Plan Board in reviewing the Project Plan</li> <li>• Clear and careful management of competing areas of work</li> </ul>
The impact of the Gateway	There remains continued uncertainty about the Gateway which could lead to the Plan being delayed	3	4	12	<ul style="list-style-type: none"> <li>• Progress the plan with the Gateway included</li> <li>• Consider contingencies if the Gateway is refused?</li> </ul>
Difficulties in identifying sites in and adjacent to villages	Because of the range of villages identified in the Preferred Options and the potential for selecting sites in many of these to be controversial, there is a possibility that this work will take considerable time	4	2	8	<ul style="list-style-type: none"> <li>• Work with partners/communities to identify possible sites</li> <li>• An alternative approach to village allocations is being discussed involving a separate DPD</li> </ul> <p>(risk decreased to reflect proposals for separate village allocations DPD)</p>
Difficulties indentifying Gypsies and Travellers Sites	There is a need to provide for G&T communities in the District, but identifying sites is likely to be difficult.	3	4	12	<ul style="list-style-type: none"> <li>• Work with partners to identify possible sites</li> <li>• Prepare separate DPD to ensure sufficient time allowed for this</li> <li>• Risk remains that Inspector will want to include allocation in Local Plan</li> </ul> <p>(risk decreased to reflect proposals for separate G&amp;T DPD)</p>
Failure to deliver correct technical process leading to EIP delays <ul style="list-style-type: none"> <li>○ Sustainability Appraisal</li> <li>○ DtC</li> <li>○ Evidence base</li> </ul>	EIPs elsewhere are falling down for a number of technical reasons leading to delays	2	4	8	<ul style="list-style-type: none"> <li>• Good project management</li> <li>• Ongoing involvement of Local Plan Board in monitoring progress</li> <li>• Keeping abreast of EIPs elsewhere</li> <li>• Advice from PAS</li> <li>• Applying resources to priorities</li> </ul> <p>(in general this risk has reduced, although DtC remains a significant factor)</p>
PINs unable to meet the timetable	Once the Local Plan is submitted, its progress is heavily dependent on the ability of the Planning Inspectorate to provide the resources required.	2	3	6	<ul style="list-style-type: none"> <li>• Continue to liaise with PINs on the timetable and provide them with early notification of when we intend to submit</li> </ul>
<b>INFRASTRUCTURE PLANNING AND COMUNITY INFRASTRUCTURE LEVY</b>					
Difficulties in working with Infrastructure providers within our timescales	Infrastructure providers may have different priorities in terms of resource deployment leading to uncertainty about infrastructure requirements	2	3	6	<ul style="list-style-type: none"> <li>• Early clarity on location of development</li> <li>• Early involvement of IPs in planning for infrastructure</li> <li>• Ongoing liaison with IPs and developers</li> <li>• Ongoing involvement of the Local Plan Board in reviewing the Project Plan</li> </ul> <p>(risk reduced to reflect constructive input from education, transport and health – although other areas remain less well progressed)</p>
Delays to Infrastructure Delivery Plan as a result of changes to configuration of sites	There are some significant unknowns about the configuration of sites which could have significant impacts on the infrastructure requirements. If sites change late in the plan process it will be hard to adjust infrastructure plans in time	2	3	6	<ul style="list-style-type: none"> <li>• Early involvement of IPs in planning for infrastructure</li> <li>• Ongoing liaison with IPs and developers</li> <li>• Prioritisation – ensure priority infrastructure is included in IDP by May 2013, but not necessarily all</li> <li>• Ongoing involvement of the Local Plan Board in reviewing the Project Plan</li> </ul>

CIL viability: Inability to deliver expectations on infrastructure	The viability of sites has not yet been assessed, yet expectations for infrastructure are high. There is currently no guarantee that all the infrastructure improvements can be delivered	4	3	12	<ul style="list-style-type: none"> <li>• Complete CIL viability work early in process</li> <li>• Commence discussions with infrastructure providers early to assess requirements and potential costs</li> <li>• Check and challenge infrastructure costs to ensure maximum benefit is achieved</li> <li>• Prioritise infrastructure requirements as required.</li> </ul>
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\*Likelihood ratings: as the Local Plan is a one-off process, the methodology for assessing likelihood has been adjusted as follows:

- 1 Very unlikely to happen prior to the Local Plan being adopted
- 2 Unlikely to happen prior to the Local Plan being adopted
- 3 A significant possibility that this could happen prior to the Local Plan being adopted
- 4 A probability that this could happen prior to the Local Plan being adopted
- 5 A strong probability that this could happen prior to the Local Plan being adopted