

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LOCAL PLAN ADVISORY COMMITTEE – 20 JUNE 2017

Title of report	LOCAL PLAN – RISK MANAGEMENT
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Purpose of report	To advise members of the approach taken in respect of the management of risk associated with the Local Plan.
Council Priorities	These are taken from the Council Delivery Plan: Value for Money Business and Jobs Homes and Communities Green Footprints Challenge
Implications:	
Financial/Staff	None
Link to relevant CAT	None
Risk Management	A risk assessment of the project has been undertaken. As far as possible control measures have been put in place to minimise these risks, including monthly Project Board meetings where risk is reviewed
Equalities Impact Assessment	None
Human Rights	None

Transformational Government	Not applicable
Comments of Deputy Chief Executive	The report is satisfactory
Comments of Deputy Section 151 Officer	The report is satisfactory
Comments of Monitoring Officer	The report is satisfactory
Consultees	Local Plan Project Board
Background papers	None
Recommendations	THAT THE ADVISORY COMMITTEE NOTES AND COMMENTS ON THE CURRENT RISK ASSESSMENT

1.0 RISK MANAGEMENT

- 1.1 There are a number of potential risks associated with producing the Local Plan. It is important that such risks are managed as far as possible. To help with this a Risk Assessment was undertaken at the outset of producing the Local Plan and it is reviewed at every monthly officer Project Board meeting.
- 1.2 In accordance with the Council's agreed Risk Management Strategy all potential risks are assessed in terms of both the likelihood of the risk materialising and its potential impact with and without any mitigating controls. Each risk is given a score with those scoring 8 or more (after allowing for mitigation controls) representing the highest risk. There are a number of identified risks in regards to the Local Plan which fall in to this category.
- 1.3 Risks can be categorised in terms of whether they are external or internal to the Council (i.e. is the risk one which the Council can control entirely on its own or is it dependent upon the decisions and actions of external organisations) or are subject to local factors (i.e. something specific to a locality – for example the volume of responses to a consultation).
- 1.4 The current Risk Assessment is attached at Appendix A to this report.
- 1.5 In summary, the Risk Assessment identifies 23 specific potential risks at this current time. Of the risks identified there are 4 which are considered to be high risk. These are:
- Loss of staff Internal
 - Members unwilling to adopt the Local Plan Internal
 - Deliverability issues on potential allocations, delay, preparation and adoption of Local Plan Local Factors
 - Housing growth considered too high or too low External

- 1.6 The level of risks are expected to decrease as a project progresses. This is reflected in the Risk Assessment as the number of risks which are considered to be high is less than the last time this issue was considered by LPAC (September 2014).
- 1.7 Throughout the lifetime of the project new risks may emerge and so these will need to be added to the risk register which will assist with identifying risks to the delivery of the Local Plan. These risks will be kept under review to ensure that risks are addressed quickly should they arise.

APPENDIX A

Risk number	Risk Identified	Likelihood	Impact	Risk rating	Countermeasures	Likelihood	Impact	Risk rating
1	Loss of staff during preparation of Local Plan thus resulting in lack of resources to deliver to agreed timetable.	3	4	12	In the event of a vacancy it will be vital to ensure that it is filled as soon as possible, although this will conflict with vacancy savings built in to the budget. Taking a flexible approach to how vacancies are filled (for example by the employment of consultants/temporary staff to deal with specific tasks rather than a full time replacement) would also help although this will require careful management and would need to stay within budget.	3	3	9
2	New government guidance or decisions of PINs in respect of other Local Plans which affects approach being taken thus requiring additional work and hence delays.	3	3	9	Ensure that all Planning Policy team is aware of any emerging issues and guidance and immediately assess potential impact upon Local Plan.	3	2	6
3	Volume and nature of responses to any consultations results in need for additional work.	3	3	9	Generally the interest and expectations of public, developers and landowners in the Local Plan process is high. Consider the employment of temporary staff or redeployment of resources from elsewhere in the Planning and Regeneration department to assist with any capacity issues arising from consultations, particularly in respect of administrative duties so as to free up experienced planning officers.	3	2	6

Risk number	Risk Identified	Likelihood	Impact	Risk rating	Countermeasures	Likelihood	Impact	Risk rating
4	Insufficient budgetary resource available to undertake work necessary to support the Local Plan, including background studies and evidence gathering.	4	4	16	Local Plan a key corporate priority to which budgetary provision is attached.	1	1	3
5	Number of significant planning applications submitted and /or appeals which require input from Planning Policy staff.	3	3	9	Need to ensure that Local Plan work is prioritised and that this is communicated to staff in both Planning Policy and Development. Management to consider use of external consultants to provide assistance where appropriate. This will be managed on a case by case basis by the Head of Regeneration and Planning.	3	2	6
6	Un-prioritised corporate or external requirements impinge upon the resources available within the Planning Policy team.	2	3	6	Ensure that appropriate priority attached corporately and politically to Local Plan. Ensure that issues such as progress on HS2 are monitored and any potential implications for work of Planning Policy team are identified as early as possible. It is currently anticipated that final government decision will be towards the end of 2017 so any impact is likely to be after this date.	1	2	2
7	Local politics undermines the Local Plan process and confidence in the outcomes, and results in failure to adopt Local Plan.	4	4	16	The final decision to adopt the Local Plan rests with the Full Council. Previous experience suggests that large numbers of members have felt disenfranchised as they have not been involved in the preparation process. To help overcome this a Local Plan Advisory Committee has been	3	4	12

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					<p>established to oversee the preparation of the Local Plan. This provides an opportunity to engage with more Members and for those Members on the Advisory Committee to act as champions for the Local Plan and to discuss issues within their respective groups so as to minimise the potential for lack of support when the Local Plan goes before Full Council.</p> <p>Ensure that Members are made aware of the importance of having an up-to-date Local plan in place.</p>			
8	Deliverability issues on development sites delay preparation and adoption of Local Plan.	3	4	12	Work with site promoters to identify issues early on and ensure that evidence base is comprehensive and robust. All allocations in the draft Local Plan have been subject to viability testing.	2	4	8
9	Challenge by third party that definition of the housing market area is not appropriate.	1	2	2	Ensure that HEDNA addresses issue of appropriateness of the HMA.	1	2	2
10	New household projections published by DCLG which are significantly different to current projections.	1	1	1	Officers to review projections when published and advise of any implications.	1	1	1
11	Housing growth aspirations in Local Plan challenged as either being too high or too low.	4	4	16	Ensure that in defining housing requirements that regard is had to advice in Planning Policy Guidance and to any emerging decisions from PINs elsewhere.	3	4	12

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					<p>Review any evidence submitted which suggests different housing requirements, including use of consultants if required.</p> <p>Engage consultants to help defend HEDNA at examination hearing.</p>			
12	<p>Infrastructure Development Plan not developed sufficiently to provide robust evidence.</p> <p>At worst could result in soundness issue if Inspector has concerns regarding deliverability of proposals.</p>	3	4	12	<p>Ensure that sufficient resource is made available, including use of consultants if required.</p> <p>Seek input from development industry to ensure that they are supportive.</p> <p>Seek views and information from public utility companies.</p>	2	3	6
13	Failure to comply with the Duty to Cooperate.	3	4	12	<p>Ensure that all HMA authorities are consulted throughout process of preparing the Local Plan.</p> <p>Strategic Planning Group in place which provides forum for sharing information and agreeing way forward on key issues.</p> <p>Maintain a Duty To Cooperate log to demonstrate compliance with duty.</p>	2	3	6
14	HMA authorities raise objections to housing requirements being over and above those set out in the SHMA and the Memorandum Of Understanding.	4	4	16	<p>Ensure that all HMA authorities are consulted throughout process of preparing the Local Plan.</p> <p>Meet with authorities who raise concerns to understand nature of those concerns and explore how these can be addressed, whilst recognising</p>	2	3	6

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					that the Council has to make adequate provision for new housing.			
15	Failure to progress the preparation of the Gypsy and Traveller DPD has consequences for Local Plan at examination whereby Inspector considers that Local plan is not sound.	3	4	12	Ensure that Members are fully aware of the need to progress the Gypsy and Traveller DPD and get support from LPAC. Develop Project Plan for preparation of Gypsy and Traveller DPD.	1	3	3
16	Inconsistencies between Local Plan and Neighbourhood Plans puts one or both plans at risk and/or results in delays.	4	3	12	Provide advice to Neighbourhood Plan groups where requested. Keep Neighbourhood Plan group informed of progress on Local Plan. Seek regular updates on progress from Neighbourhood Plan groups.	2	2	4
17	Coalville Project and Local Plan not aligned resulting in confusion and inconsistency.	3	3	9	Kay Greenbank to become part of Local Plan Project Board. Standing item on Project Board agendas.	1	3	3
18	The Leisure Centre Project identifies a preferred site to replace the Hermitage Leisure Centre but which is not specifically allocated in the emerging Local Plan for that purpose.	4	3	12	Standing item on Project Board agendas. Director of Services (and in his absence the Head of Economic Development) to oversee Leisure Project and to provide updates to Local Plan Project Board as study progresses.	3	3	9
19	Issues in respect of river	3	4	12	Work with Natural England,	2	3	6

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	Mease including timing of pumping out of catchment option may impact upon delivery of proposals in the Local Plan.				Environment Agency, Severn Trent Water and other local authorities to ensure that up-to-date information is available in respect of water quality and available capacity. Work with Natural England, Environment Agency, Severn Trent Water and other local authorities to identify potential schemes which can be implemented as part of a Developer Contributions Scheme and to develop proposals for pumping out of catchment to be implemented as early as possible.			
20	Possible legal challenge post adoption.	4	4	16	Ensure that Project Board is aware of any emerging issues and guidance and immediately assess potential impact upon Local Plan. Take external legal advice through work of Project Board.	3	2	6
21	The impact of the outcome of EU referendum.	1	1	1	To ensure the Project Board are aware of any emerging issues and assess the impact on the Local Plan.	1	1	1
22	Inconsistency between emerging HEDNA and PACEC study in respect of employment land.	3	4	12	Challenge consultants to explain fully how they have arrived at figures. Review methodologies of the two studies to identify where discrepancies are and assess how this impacts on results.	3	3	9

Risk number	Risk Identified	Likelihood	Impact	Risk rating	Countermeasures	Likelihood	Impact	Risk rating
23	Results from HEDNA which identify need for additional and different make up of employment land compared to that planned for results in delay to adoption of plan.	3	4	12	<p>Demonstrate to Inspector that current level of supply is adequate for the immediate future so issue can be addressed as part of review.</p> <p>Provide commitment to undertake early review of plan irrespective of outcome from MOU.</p>	2	4	8