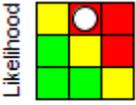


Corporate Risk Code & Title	<u>CR52.01 National and Regional Planning Issues</u>		
Description	<p>There are a variety of national and regional planning issues that NHDC has to comply with that have a presumption in favour of sustainable development, as well as taking into consideration changes in government legislation and guidance. If the Council fails to properly interpret or implement planning legislation there is a risk of:</p> <ul style="list-style-type: none"> - Failure to comply with legislation - Challenge of NHDC planning decisions - Unfavourable outcomes at examination by inspector - Poor advice provided to third parties <p>This could lead to:</p> <ul style="list-style-type: none"> - Inappropriate development - Additional costs for examinations - Legal challenges from others, e.g. Judicial Review <p>As a result of Local Growth Fund funding being allocated through competitive bidding, there is a risk that:</p> <ul style="list-style-type: none"> - Local Enterprise Partnerships (LEP) fail to bid successfully for funding <p>This could lead to:</p> <ul style="list-style-type: none"> - LEPs, along with the Council, missing out on opportunities to improve infrastructure provision, nurture science-based businesses, improve links with London and develop its towns <p>Future Government policy could pose a risk that:</p> <ul style="list-style-type: none"> - New Homes Bonus is not paid upon successful appeal of planning applications or non-progression of a Local Plan <p>This could lead to:</p> <ul style="list-style-type: none"> - Further loss of income to the Council 		
Opportunities	- Planning system becomes more democratic and effective		
Consequences	<p>The consequences of this risk include:</p> <ul style="list-style-type: none"> - Impact on revenue from decrease in New Homes Bonus, planning fee income and section 106 monies - Strategic development needs of the district are not attained - Loss of character of the district - Impact on infrastructure 		
Service Area	Regulatory		
Lead Officer	Ian Fullstone	Cabinet Member	Executive Member for Planning and Transport
Current Risk Matrix			
Date Reviewed	21-Oct-2020	Next Review Date	31-Mar-2021
Work Completed	<ul style="list-style-type: none"> - Permitted development legislation guidelines in place by Development Management - Responded to Central Government consultations, as reported through the Strategic Planning Matters reports to Cabinet - Introduced a register of individuals and associations seeking to acquire serviced plots of land for self-build homes - Endorsement by Full Council of strategic policies and site allocations relating to the preparation of the Local Plan - Submission of Local Plan to the Secretary of State for examination and hearings underway - Financial risk identified for 2019/20: 		

	<ul style="list-style-type: none"> -- New duties and obligations associated with changes to government policy (£25K/Low) - Financial risk identified for 2020/21: -- New duties and obligations associated with government policy, e.g. Brexit, require additional and/or specialist staff or consultancy support to deliver (£100K/Medium)
Ongoing Work	<ul style="list-style-type: none"> - Engage consultants for external legal and professional expertise where needed - The Council's Economic Development Officer (a joint post with East Hertfordshire) will engage with the LEPs and other stakeholders to support their Growth Strategies to maximise funding for Hertfordshire and North Hertfordshire - Monitoring of performance levels and fee incoming in Development Control to determine appropriate level of staff resources now and in the future - Maximise s.106 and Unilateral Undertaking monies from applications - Monitoring Government policy/consultations/statements and responding as required - Regular Strategic Planning Matters reports to Cabinet - Examinations for neighbourhood and local plans - Responding to central government consultations regarding national and regional planning issues - Following approval by Cabinet on 29 January 2019, progressing the making of, and consultation on, a non-immediate Article 4 Direction for the district's defined employment areas

Corporate Risk Code & Title	<u>CR52.02 Neighbouring Authorities</u>
Description	<p>The Strategic Planning strategies, policies and decisions of neighbouring authorities can have a significant impact on NHDC and on the Local Plan duty to co-operate. The main risks to NHDC arise from:</p> <ul style="list-style-type: none"> - The unmet need for housing from Luton and Stevenage - The potential increase in capacity at London Luton Airport and Century Park - The accumulative impact of neighbouring authorities growth aspirations <p>The risks arising from these include:</p> <ul style="list-style-type: none"> - Planning applications are given approval in neighbouring authorities prior to our Local Plan being agreed - Failing to respond to consultations/strategies/plans in neighbouring authorities in a timely manner due to insufficient staff resources - Having to accommodate additional housing from neighbouring districts within North Herts borders - Having to challenge neighbours legally <p>This could lead to:</p> <ul style="list-style-type: none"> - Housing and other development being developed adjacent to and/or within the North Herts area that would impact on our strategic planning including site allocation in locally determined areas - Representations or challenges by NHDC fail to be considered by neighbouring authorities and by the Planning Inspectorate at examination - Having to accommodate housing with inadequate supporting infrastructure within North Herts - Challenges from others against North Herts Local Plan - Increased legal costs
Opportunities	<ul style="list-style-type: none"> - Sustainable development by neighbouring authorities that has a beneficial impact for NHDC in terms of meeting housing needs nationally
Consequences	<p>The consequences of this risk include:</p> <ul style="list-style-type: none"> - Housing land allocations to meet needs of adjoining districts are made within North Hertfordshire - Loss of character of the district

	<ul style="list-style-type: none"> - Impact on infrastructure - Resource impacts on planning services that would have to respond - Costs to NHDC in the case of legal fees at examination 		
Service Area	Regulatory		
Lead Officer	Ian Fullstone	Cabinet Member	Executive Member for Planning and Transport
Current Risk Matrix			
Date Reviewed	21-Oct-2020	Next Review Date	31-Mar-2021
Work Completed	<ul style="list-style-type: none"> - Representation through the Planning Committee made to Luton Borough Council and to the SoS with regard the application to extend and increase passenger numbers at London Luton Airport - Representation prepared with regard the speculative expansion of London Luton Airport to four runways - Representations prepared and submitted regarding the Central Bedfordshire, East Hertfordshire, Luton, Stevenage, St Albans and Welwyn Hatfield local plans - Cabinet allocated a reserve fund of £500K relating to the risks associated with neighbouring authorities - Consultation concluded on the NHDC Local Plan Main Modifications (April 2019) - Worked with neighbouring authorities to secure a Planning Performance Agreement regarding costs associated with the Council's representations on the expansion of London Luton Airport - Responded to Statutory Consultation on London Luton Airport expansion 		
Ongoing Work	<ul style="list-style-type: none"> - Regular reports to Cabinet so that neighbouring consultation is monitored and reported - Assessment of planning applications received for East of Luton - Ongoing duty to co-operate meetings with neighbouring authorities - Appearing and representing NHDC at examinations of neighbouring authorities - Under duty to co-operate, preparing memorandums of understanding or similar statements with neighbouring authorities - Representing NHDC at neighbouring authorities/consortium meetings - Neighbouring authorities at various stages of their own examination processes - Joint working with Central Bedfordshire, Luton and HCC to investigate implications and options relating to the significant planned and future housing/economic growth along the A505 corridor (Phase 3) - Working with neighbouring authorities to establish the appetite for developing joint plans relating to long-term growth options, e.g. new settlement schemes 		

Corporate Risk Code & Title	<u>CR54 Local Plan</u>
Description	<p>The risks from this and arising from this include:</p> <ul style="list-style-type: none"> - Failure to have sufficient resources to deal with unknown volume of representations to Local Development Documents - possibly significant public opposition - Failure to have sound Development Policy Documents - Failure to have software able to deliver statutory functions - Failure to retain or recruit officer resources to ensure delivery - Failure to achieve sufficient revenue - New Homes Bonus - Failure to adhere to government policy changes - Failure to have 5 year land supply (+20%) of readily available housing sites

	<ul style="list-style-type: none"> - Failure to proceed with developments - downturn in housing market will impact on willingness of builders to proceed with developments - Failure to recognise long term needs for Town Centres - Impact of delay on the validity of the Local Development Scheme - Failure to have an appropriate Infrastructure Delivery Plan to obtain levels of inward investment - Impact of delay in receiving government guidance and other data relevant to policy development - Impact of new household projections upon our Objectively Assessed Housing Need and that of our neighbours - Failure to meet the requirements under Duty to Cooperate - Impact of further government reforms, e.g. the Housing and Planning Act, Neighbourhood Planning Act, Housing White Paper and changes to the National Planning Policy Framework (NPPF) - Impact of changing local political priorities <p>These risks can lead to:</p> <ul style="list-style-type: none"> - Delay in adoption of the new Local Plan, resulting in a longer period without appropriate guidance - Increased uncertainty of planning policy base - Inspector at Examination finding Local Plan not sound - External imposition on our LDF - Costs of Independent Examination - Legal challenge to Local Plan - Intervention by the Secretary of State, i.e. issuing a holding direction - Detrimental impact on environment of additional buildings - Detrimental effect of economic situation on New Homes Bonus, as it is based on housing built 		
Opportunities	- Balancing the need for sustainable development against environmental protection		
Consequences	<ul style="list-style-type: none"> - Development not sustainable - Development harms the environment - Hostile planning applications if Local Plan found unsound - Hostile planning applications for development due to lack of 5 year land supply - Costs of challenge 		
Service Area	Regulatory		
Lead Officer	Ian Fullstone	Cabinet Member	Executive Member for Planning and Transport
Current Risk Matrix			
Date Reviewed	21-Oct-2020	Next Review Date	31-Mar-2021
Work Completed	<ul style="list-style-type: none"> - Internal Audit on LDF consultation process 2014 - Local Plan Preferred Options consultation published December 2014 - Local Plan Preferred Options consultation concluded February 2015 - Preferred Options Local Plan consulted on December 2014 - February 2015 - Strategic Housing Market Assessment completed with Stevenage Borough Council June 2015 - Employment provision study completed with Central Bedfordshire and Stevenage Borough Council July 2015 - Statement of Community Involvement updated and approved September 2015 - Housing Market Areas in Bedfordshire and Surrounding Areas completed with Luton, Central Bedfordshire and other neighbouring authorities December 2015 - Local Development Scheme updated and approved January 2016 - Successful appointment in December 2015 of Principal Strategic Planning Officer and Senior Planning Officer in May 2016 		

	<ul style="list-style-type: none"> - New IT consultation software system procured September 2015 - Local Plan Project Board set up to provide strategic guidance and oversee the delivery of the Local Plan - Housing growth options analysed and updated to inform agreed housing target and land allocations for inclusion in the Local Plan - Strategic policies and site allocations prepared and submitted to Full Council for endorsement in July 2016 - Local Plan Proposed Submission draft and supporting evidence base prepared and submitted to Cabinet in September 2016 for approval for public consultation - Consulted on the Proposed Submission Draft Local Plan between 19 October 2016 and 30 November 2016 - Implementation of new IT consultation software in time for Local Plan submission draft - Temporary staff brought in to assist processing representations to the Local Plan - Reviewed modifications to the Local Plan in light of representations submitted to the Proposed Submission Draft consultation - Considered Housing Growth Options in terms of NPPF - Held meetings with adjoining districts on duty to cooperate on redevelopment targets etc. - Held meetings with adjoining districts within housing market areas with regard joint Strategic Housing Market Assessments - Held meetings with adjoining districts within the Functional Economic Market Area with regard to joint working on employment provision - Independent Programme Officer appointed - On 11 April 2017, Full Council approved the submission of the new Local Plan for North Hertfordshire for examination by the Secretary of State and approved the revised Local Development Scheme for North Hertfordshire - NHDC submitted the Local Plan to the Planning Inspectorate (PINS) on 9 June 2017 - Examination in Public scheduled hearings completed on 27 March 2018 - Related Financial Risks identified for 2019/20 and retained for 2020/21: <ul style="list-style-type: none"> -- Specialist advice required with regard to planning applications, e.g. town centre schemes and hostile applications (£100K/Medium) -- Local Plan: additional costs associated with progressing the Local Plan (£250K/High) -- Local Plan: costs associated with a challenge to the Local Plan either from the Council or another stakeholder/authority (£450K/High) - Submitted relevant responses to the Planning Inspector, having reviewed actions and modifications in light of his requests - Planning Inspector published Main Modifications November 2018 - Main Modifications reported to Cabinet and approval granted for consultation on the proposals December 2018 - Concluded consultation on Main Modifications arising from the examination April 2019 - Inspector concluded the review of representations made in response to the Main Modifications - Inspector's letter dated 9 July 2019 received and NHDC issued a response on 18 July 2019 - Response from the Inspector dated 9 August 2019 received, which identified a number of further questions and queries - Officers, in consultation with the Local Plan Project Board, considered a realistic timetable for responding to the Inspector's wide-ranging requests (letters dated 9 July 2019 and 9 August 2019) and the Council responded to the Inspector's letters at the end of September 2019 - Inspector's queries responded to by 29 November 2019
Ongoing Work	<ul style="list-style-type: none"> - Monitoring Planning Inspectorate decisions on other authorities Local Plans and adapting or amending our approach as required - Expert legal and technical advice obtained from external consultants - Ongoing advice sought from PAS, Counsel and DCLG

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| | <ul style="list-style-type: none">- Ongoing meetings with neighbouring authorities under the legal duty to cooperate- Meeting with adjoining districts to produce a growth study for the Luton area- Regular Project Board meetings set up- Ongoing recruitment to vacant Planning Officer posts |
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