

Supplementary Paper

Local Plan – Risk Assessment of Submission Date Options

24 November 2023

Introduction

This report sets out a risk assessment for the preparation of the new Local Plan. Risks relating to the preparation of the Local Plan project are managed in accordance with Harborough District Council's ['Risk and Opportunity Management Framework'](#) and agreed project management methodology.

Summary

The existing Local Plan was adopted in 2019 and following a review undertaken in accordance with Policy IMR1 it has been determined that the trigger for replacement and updating has been reached.

Normally the Council would respond to these risks by embarking on the early preparation of a new Local Plan. However, the Government has enacted a new legal framework for plan-making, as part of the Levelling Up & Regeneration Act (LURA), which will be introduced in stages starting in Autumn 2024. Therefore, the Council now has two options for preparing a new local plan:

Option 1- Prepare and submit a new Local Plan under the existing system by June 2025 using transitional arrangements.

The Council can seek to use transitional arrangements to prepare and submit a new Local Plan under the current system by June 2025. This would mean that a new Local Plan should be adopted by **the end of 2026**.

The main benefits of this option are clear:

- the existing plan preparation process is well established and understood;
- the project risks are known and can be mitigated;
- it would minimise the period during which planning applications would need to be determined using outdated policies and policies which carry decreasing weight;
- it will employ key existing evidence already prepared, without aborting this work; and,
- it would give the Council the opportunity to update all of the strategic and detailed Local Plan policies which should lead to improved quality of development better able for instance to address climate change mitigation and adaptation.

The key risks of this approach are detailed in Table 1, but in summary include:

- the timescale for preparing and submitting the new local plan is challenging with only 18 months from December 2023;
- to meet this deadline it will be necessary to employ additional resources with cost implications; and,
- if the deadline for submission is missed some of the Local Plan evidence including new studies may become out of date and require updating before the Authority is invited to start preparing a new local plan under the new system, and it will be necessary to update it.

Option 2- Prepare the new Local Plan under the new development plan system

The potential benefits of using the new system are that the government proposes to streamline the plan-making process – it is intended to be streamlined with preparation and adoption taking 34 months (30 months preparation plus 4 months’ notice, scoping and early participation).

The key risks of this approach are detailed in Table 2.

In summary, the disadvantages are clear:

- the Council can’t begin to prepare the new plan until 2027;
- therefore, a new Plan is unlikely to be adopted **until 2030 – adoption being a minimum of 4 years later than for Option 1;**
- a consequence of is that the Authority will be operating without an up-to-date local plan for at least 7 years, increasing the likelihood of planning appeals and the associated costs;
- over time, the adopted Local Plan policies will become increasingly outdated, carrying less weight and effectiveness in delivering sustainable development and addressing current design and climate change issues; and,
- with it being a new system there is a greater risk for delay as Councils and PINS become familiar with new processes.

Summary of post mitigation risks for Option 1 and Option 2:

Option	Number of post mitigation risks			
	Green	Yellow	Amber	Red
Option 1: (Submission by June 2025)	1	8	4	0
Option 2: (Submission after June 2025)	2	4	1	7

The above summary table shows Option 1 (involving Submission by June 2025) results in fewer significant risks than Option 2.

Option 2 has 7 red risks remaining post mitigation. These risks remain after appropriate mitigation has been applied to either prevent them or minimise their impact. Of those remaining 7 Red risks, 2 are at a score of 25, the highest possible risk score and are identified as Extreme. The remaining 5 Red risks are at a score of 20 and identified as Major.

Detailed risks and mitigation measures for each option are set out in Table 1 and 2, overleaf.

Table 1 – Option 1 Risk Assessment - Preparing a new local plan for Submission BY June 2025

Ref	Risk	Pre-Mitigation			Mitigation	Post-Mitigation		
		I	L	Score		I	L	Score
Option 1, Risk 1	Failure to update the Local Plan will put the Council in breach of its own planning policy (Local Plan policy IMR1)	5	5	25	Resolve to update the local plan, for Submission by June 2025. Invest additional funds to boost local plan project resources.	2	2	4
Option 1, Risk 2	Short timescale to prepare and submit Local Plan by June 2023 (19 months from December 2023).	5	5	25	Increase resources available to the project. Boost budget allowance to enable increase of resources. Adopt detailed project management approach. Commission additional consultancy and specialist technical resources. Effective engagement with Councillors throughout plan preparation.	3	3	9

Ref	Risk	Pre-Mitigation			Mitigation	Post-Mitigation		
		I	L	Score		I	L	Score
Option 1, Risk 3	Harborough District Council does not qualify for the government's proposed 30 months of safeguarding for existing local plans because the adopted plan will already be more than 5 years old before such transitional arrangements come into effect. Under LURA it will be about 7 years from January 2023, until a new local plan is adopted in 2030.	5	5	25	Follow Option 1: Prepare a new local plan ready for June 2025 Submission.	5	2	10
Option 1, Risk 4	Submission deadline under current legislative framework places a time constraint on the Statement of Common Ground decision.	5	4	20	<p>Continue engagement with Councillors and other stakeholders on the Statement of Common Ground.</p> <p>Retain evidence of engagement and cooperation for examination.</p> <p>Familiarise with new requirements under the LURA Regs regarding the Duty to Align (when published), and undertake any necessary duties.</p>	3	4	12

Ref	Risk	Pre-Mitigation			Mitigation	Post-Mitigation		
		I	L	Score		I	L	Score
Option 1, Risk 5	Delays in the procurement of necessary technical support and evidence may mean that the plan preparation and submission deadline is not achievable	5	4	20	Expedite procurement and ensure that partners are aware of the need for early turnaround of contract approvals and impact of delay. Project manage closely.	4	2	8
Option 1, Risk 6	Staffing resources become insufficient to deliver the project	5	5	25	Plan for additional resources under a range of mechanisms, including direct recruitment and commissioning a flexible consultancy partner arrangement. Ensure there is sufficient flexibility in the project budget to employ temporary staff, in the event of significant internal staff absence.	3	4	12
Option 1, Risk 7	Unforeseen costs result in insufficient budget to deliver a new Local Plan by the submission deadline	5	5	25	Forecast requirements based on recent experience.	1	2	2
Option 1, Risk 8	Further changes to national Planning Policy and/or the legislative framework for local plans	4	4	16	Continue to monitor and engage with government and other internal and external subject matter experts. Continue to keep Councillors informed on government progress with the new NPPF. Use of formal change control processes as required. Seek advice from retained specialists or consultants.	3	4	12

Ref	Risk	Pre-Mitigation			Mitigation	Post-Mitigation		
		I	L	Score		I	L	Score
Option 1, Risk 9	Delayed delivery from allocated sites (Lutterworth East / Scraftoft North), or decisions against may impact on 5-year land supply.	4	4	16	<p>Work collaboratively with site promoters to facilitate delivery, bring in additional resources to support this activity if needed.</p> <p>Continue to monitor and report on land supply projections.</p> <p>Submitting a new local plan by June 2025 will ensure that HDC has an up-to-date plan as soon as 2026, reducing the possibility of speculative development.</p> <p>Identify additional sites to meet shortfall in housing and employment delivery.</p>	4	2	8
Option 1, Risk 10	High numbers of local planning authorities all trying to meet the same deadline may impact upon availability of consultants to produce evidence and provide technical assistance within the required timescales.	4	4	16	<p>Consider ordering evidence in batches to provide leverage for prioritisation.</p> <p>Appoint evidence suppliers via Framework to reduce contract delays.</p> <p>Complete drafting briefs for remainder of evidence studies and initiate procurement from suppliers.</p>	3	3	9

Ref	Risk	Pre-Mitigation			Mitigation	Post-Mitigation		
		I	L	Score		I	L	Score
Option 1, Risk 11	Evidence studies are unforeseeably delayed.	5	3	15	<p>Complete drafting briefs for remainder of evidence studies and commence procurement from suppliers.</p> <p>Ensure contract agreements protect the Authority's interests.</p> <p>Ensure consultant team have necessary experience.</p> <p>Regular progress and monitoring meetings with consultants to closely manage each project.</p>	3	3	9
Option 1, Risk 12	Delays in production of Leicestershire level evidence for plan-making	4	3	12	<p>Ensure that external partners are aware of the council's milestones and impact of delay.</p> <p>Ensure consultant team have necessary experience.</p> <p>Regular progress and monitoring meetings with consultants.</p> <p>Commission evidence production with speed in mind.</p> <p>Prioritise procurement in accordance with need.</p> <p>Note that the new local plan is not dependent on outcomes from 100% of the Leicestershire wide studies.</p>	3	2	6

Ref	Risk	Pre-Mitigation			Mitigation	Post-Mitigation		
		I	L	Score		I	L	Score
Option 1, Risk 13	Use of proposed consultancy support are new and unfamiliar	3	3	9	Ensure that project planning accounts for the need to produce detailed briefs for an external partner on activity required.	2	2	4
					Ensure contract agreements protect the Authority's interests.			

Table 2 - Option 2 Risk Assessment - Preparing a new local plan under the new planning system for Submission POST June 2025

Ref	Risk	Pre-Mitigation			Mitigation	Post-Mitigation		
		I	L	Score		I	L	Score
Option 2, Risk 1	Failure to update the Local Plan will put the Council in breach of its own planning policy (IMR1)	5	5	25	Wait for new local planning framework under the LURA and lose local planning control in the interim, allowing speculative development to meet local demand.	5	5	25
Option 2, Risk 2	Adoption of a new local plan under the new LURA regulations is expected to add a minimum delay of 4 years to adopt a new local plan (2030 at the earliest). In the interim, the Council's ability to control development will be reduced.	5	5	25	Identify impact upon internal planning resources and provide additional support and resources as needed, to process development applications and inevitable Appeal challenges.	4	5	20
Option 2, Risk 3	HDC is unable to demonstrate compliance with the 'Duty to Cooperate' (Ri004).	5	5	25	Continue engagement with Councillors and other stakeholders on the Statement of Common Ground. Retain evidence of engagement and cooperation for examination.	5	4	20

Ref	Risk	Pre-Mitigation			Mitigation	Post-Mitigation		
		I	L	Score		I	L	Score
Option 2, Risk 4	Harborough District Council does not qualify for the government's proposed 30 months of safeguarding for existing local plans because the adopted plan will already be more than 5 years old before such transitional arrangements will be put in place.	5	5	25	Wait for new local planning framework under the LURA and lose local planning control in the interim, allowing speculative development to meet local demand.	5	5	25
Option 2, Risk 5	Without an emerging / new local plan to address housing requirement changes, challenge by appeal increases; appeal outcomes can impose new housing requirements on local planning authorities where there is no up-to-date local plan.	5	5	25	Identify impact upon internal planning resources and provide additional support and resources as needed, to process development applications and inevitable Appeal challenges.	4	5	20
Option 2, Risk 6	Some existing evidence prepared to date may be outdated before new local plan can be prepared under the LURA - abortive work / money lost.	5	4	20	Review evidence for conformity with new requirements, update where needed - will need to be financially supported.	4	4	16

Ref	Risk	Pre-Mitigation			Mitigation	Post-Mitigation		
		I	L	Score		I	L	Score
Option 2, Risk 7	Housing & employment needs met via unplanned growth compromises the ability to deliver infrastructure improvements.	4	5	20	<p>Seek to negotiate best possible infrastructure improvements via planning conditions and S106 agreements using out-dated policy.</p> <p>Pool resources and prioritise distribution of S106 funds.</p>	4	5	20
Option 2, Risk 8	Housing & employment needs met via unplanned growth, potential to compromise the protection of important natural spaces and built heritage in the district and to address climate change.	4	5	20	<p>Seek to negotiate best possible planning outcomes using out-dated policy.</p> <p>Rely on national planning policy to determine planning applications.</p>	4	5	20

Ref	Risk	Pre-Mitigation			Mitigation	Post-Mitigation		
		I	L	Score		I	L	Score
Option 2, Risk 9	High numbers of local planning authorities all trying to meet the same deadline under the LURA may impact upon availability of contractors to produce evidence within the required timescales.	4	4	16	New batched system under the LURA may exacerbate this problem or may enable contractors predict and plan ahead for peaks in demand - we won't know until the new systems becomes established.	3	3	9
Option 2, Risk 10	Further changes to national Planning Policy and/or the legislative framework for local plans	3	4	12	<p>Continue to monitor and engage with government and other subject matter experts.</p> <p>Continue to keep Councillors informed on government progress with the new NPPF.</p> <p>Use of formal change control processes as required.</p>	2	4	8

Ref	Risk	Pre-Mitigation			Mitigation	Post-Mitigation		
		I	L	Score		I	L	Score
Option 2, Risk 11	Unforeseen costs result in insufficient budget to deliver a new Local Plan by the submission deadline.	2	2	4	Forecast requirements based on recent experience. Engage with the budget setting process and political decision-making to ensure required funding is secured.	2	2	4
Option 2, Risk 12	Staffing resources become insufficient to deliver the project.	1	2	2	Plan for additional resources under a range of mechanisms, including direct recruitment and commissioning a flexible consultancy partner arrangement.	1	1	1

Ref	Risk	Pre-Mitigation			Mitigation	Post-Mitigation		
		I	L	Score		I	L	Score
Option 2, Risk 13	Delays in production of Leicestershire level evidence for plan-making.	3	2	6	<p>Ensure that external partners are aware of the need for acceleration and impact of delay.</p> <p>Commission evidence production with speed in mind.</p> <p>Prioritise procurement in accordance with need.</p> <p>Note that the new local plan is not dependent on outcomes from 100% of the Leicestershire wide studies.</p>	2	1	2

Ref	Risk	Pre-Mitigation			Mitigation	Post-Mitigation		
		I	L	Score		I	L	Score
Option 2, Risk 14	Implementation of new system leads to delays arising out of lack of familiarity with the new system and associated untested processes for the Council and PINS.	4	3	12	<p>Ensure the progress of first wave of Councils is monitored with lessons learned.</p> <p>Monitor professional publications and reports.</p> <p>Attend appropriate training</p>	4	2	8