

APPENDIX B - Planning Policy Risk Register

Ref:	Risk cause and event	Risk consequences	Risk Owner	L	I	RAG	Mitigating actions and responsibility	Status update	On Corporate register
1	Lack of five year housing land supply, including gypsy and traveller land	<ul style="list-style-type: none"> * Inability to meet government's standard methodology figure * Potential to lose control of where development takes place with risk to amount of affordable housing and minimum infrastructure. * Travellers could be granted permission within the greenbelt. *Increase in pressure to identify and support sites to accommodate traveller and show people sites outside of plan-making. * Ability to demonstrate compliance with Equalities Act regarding provision for travellers and showpeople. 	Head of Strategy	4	4	16	<ul style="list-style-type: none"> * Prepare a robust housing trajectory, through the Local Plan. * Apply an appropriate buffer to the housing supply to provide for flexibility through the Local Plan . * Allocate sites for housing and gypsy and travellers. * Adopt the Local Plan. * Monitor and maintain planning permissions. * Approve planning applications against the development plan. * Ongoing discussion with the Inspector via the Programme Officer. * Defend appeals. * Monitor appeal outcomes and seek legal advice as appropriate. 	<ul style="list-style-type: none"> * AMR and Housing Delivery Test Action Plan updated. * No update since previous committee, linked to progress of Local Plan. 	
2	Local plan is found unsound by the Inspector	<ul style="list-style-type: none"> * Impact on ability to reject inappropriate planning applications. * Unable to lobby and deliver infrastructure that meets the needs of local residents, public sector partners and businesses for the whole District. * More challenge to develop policies and working with others to support the building of affordable homes. * Inability to meet statutory requirement and risk of statutory intervention. * Unable to review Community Infrastructure Levy. * Additional costs associated with developing a new Plan. * Reputational damage. 	Chief Executive	4	4	16	<ul style="list-style-type: none"> * Dialogue maintained with the inspector following receipt of preliminary conclusions. * Continue to assess CIL bids to help support infrastructure delivery where possible. * Members to be made aware of any risks associated with responses / hearing sessions to the Inspector. * Ensure responses to the Inspector are submitted in a timely manner. * Work with statutory bodies where appropriate to ensure no objection. * Maintain and defend the strategy set out in the submitted Our Local Plan. * Consider legal advice appropriately. * Use consultants and experts in their field where appropriate to defend the Council's Local Plan. * Undertake additional evidence and main modifications as required by the Inspector. * Continue to have discussions with the Inspector via the Programme Officer. * Keep members updated. 	<ul style="list-style-type: none"> * Risk owner changed to Chief Executive as the position of Chief Planning Officer is currently vacant. * Early consideration of budgets and implications have been commenced. However these options cannot be concluded until transport modelling completed (relating to Junction 6), results were initially expected end of May 21, however these have been delayed due to the complexity of modelling and involvement of third parties. The results of the modelling are needed before further options can be considered. * Senior officers and relevant Councillors and committee members are being kept updated. 	Yes
3	Lack of capacity in Planning Department negatively impacts performance and delivery of service, such as determining applications in statutory timeframes and managing complaints and FOIs	<ul style="list-style-type: none"> * Inability to provide statutory services to a sufficient standard / quality / timeframe and reporting of poor performance. * Inability to provide non-statutory services which are valued because of prioritisation of providing statutory services. * Negative impact on staff health and wellbeing. * Risk of staff departure due to ongoing uncertainty and no continuity of planning officers, reliance of temps * Potential risks of costs claims, complaints and legal challenges. * Reputational damage. * Increase in complaints and FOIs adding further pressure to officer time required to respond/investigate * Costs claims and time impact of providing a defence; risk of award of costs against the Council 	Chief Executive	4	4	16	<ul style="list-style-type: none"> * Peer-review of development management department undertaken by Planning Advisory Service (PAS). * Local enterprise partnership supporting the Council's Community Infrastructure Levy (CIL) work. * Recruitment of temporary staff. * Continuing suspension of non-statutory services to enable focus on statutory services. * Maintain cross checking of reports and decision notices. * Maintain specialist (legal, policy and regulatory) input in decision taking. * IT have made changes to internal systems to pull through time sensitive applications. 	<ul style="list-style-type: none"> * Risk owner changed to Chief Executive as the position of Chief Planning Officer is currently vacant. The Chief Executive is currently progressing recruitment to this post. * Work underway to begin formulating a business case to make improvements to Planning following review of PAS report. * Previous risk 9 on the Planning Policy risk register regarding incorrectly determining applications combined with this risk following Planning DLT 12/7/21. * Risk agreed by the Executive Team to be included on the Corporate Risk Register. * Executive team are reviewing the draft PAS report ahead of briefing Members. 	Yes

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4	Failure to determine a Planning application within the statutory period	<ul style="list-style-type: none"> * Risk of non-determination appeals and decisions not made locally * Risk of costs claims being awarded. * Reputational damage. * Unable to fully deliver a statutory function of the Council. 	Chief Executive	4	4	16	<ul style="list-style-type: none"> * Additional permanent resources being recruited. * Additional temporary staff recruited. * This area of work is closely monitored. 	<ul style="list-style-type: none"> * Risk owner changed to Chief Executive as the position of Chief Planning Officer is currently vacant. * Work underway to begin formulating a business case to make improvements to Planning following review of PAS report. 	
5	Significant increase in number of Complaints and FOIs in Planning	<ul style="list-style-type: none"> * No designated officer has capacity in existing team to manage Complaints/FOIs. * Taking staff in Planning away from their planning duties. * Impact on Statutory service and causing delays in Validation. * Unprecedented backlogs. * Applications not being determined in time. * Negative impact on Member / Officer relations. 	Chief Executive	4	4	16	<ul style="list-style-type: none"> * Member training on Planning as part of induction programme. * FOI admin team send regular reminders for overdue FOIs, and overdue FOIs are reported corporately. 	<ul style="list-style-type: none"> * Linked to resources - additional staff are being recruited and improvement project will also address this issue. * Risk owner changed to Chief Executive as the position of Chief Planning Officer is currently vacant. * Work underway to begin formulating a business case to make improvements to Planning following review of PAS report. 	
15	Challenges regarding capacity of M25 J6 and the need to agree and deliver a medium-long term mitigation scheme.	<ul style="list-style-type: none"> * Implications for Development Management colleagues when determining planning applications. e.g. cumulative impact of smaller sites on road pressures and questions around ability to respond to applications appropriately based on the capacity information * Inability to provide housing need to an acceptable level. * No financial or strategic support from central government if capacity situation not worked up and agreed. * Inability to adopt an up to date Local Plan in the absence of a solution. * Capacity issues at Junction 6 have wider strategic implications for future development in the neighbouring districts, not just Tandridge. * Complex partnership working, due to multiple organisations involved, with responsibility for different parts of the road network. This make progress slow. * Uncertainty around whether an agreement regarding outputs of transport modelling work, or the proposed scheme, can be achieved. * Delays could result in the Planning Inspector finding the emerging Local Plan unsound. Issues would remain, impacting on the district's residents and economy, and would still need to be addressed 	Chief Executive	4	4	16	<ul style="list-style-type: none"> * M25 J6 transport modelling to identify how much capacity in existing design of junction and how much LP growth can be accommodated. * Ongoing work to identify and deliver interim scheme in the short to medium-term. * Seek to raise profile through Highways England's Route Strategy consultation, with the aim of it being identified in DfT's Road Investment Strategy. * Seek to raise profile and gain support through ongoing dialogue and engagement, including with Transport for South East and Coast to Capital LEP. This will explore options for how Councillors can be involved in lobbying tec. * Monitor and maintain planning permissions. * Monitor appeal outcomes and seek legal advice as appropriate. * Maintain ongoing open and collaborative discussions between consultants, Highways England and SCC, seeking the agreement of key organisations at key stages. * Ongoing correspondence with the Planning Inspector demonstrating our commitment and positive working relationships with Highways England and SCC. 	<ul style="list-style-type: none"> * Ongoing joint working with transport consultants, Highways England and SCC on transport modelling to identify an interim scheme. The results of the modelling are needed before further options can be considered. * Contact third party organisations to raise profile of Junction 6 of the M25. 	

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16	Consultations by Gatwick Airport Limited in relation to its application for Development Consent Order for second (northern) runway.	*Implications of the northern runway proposals for the district, particularly from an environmental perspective. *Post section 42 consultations and responses to Inspector questions likely to have quick turn-around times. Potential resourcing issues given other work commitments and lack of ability to control/manage workload. *Consultations likely to require input from officers across the authority. Potential for a disjointed approach and lack of clear lead. This also raises issues with sufficient resourcing. *Tight timescales could impinge on councillors' opportunity to give/comment on the proposed response due consideration and to provide input. This may also prevent suitable committee meetings being arranged. *Lack of appropriate expertise in some topic areas may limit how we respond or could lead to additional costs and/or not being able to respond to in the best way.	Chief Executive	4	4	16	* Form Gatwick Project Board for relevant officers within Tandridge. A forum to manage, discuss, draw together and formulate proposed responses. * Securing expertise through joint working with other relevant local authorities. * Proposed governance structure for post section 42 consultation responses to enable a timely response and PPC member involvement. * Membership/involvement in pan authority groups at various levels including the Gatwick Officer Group. Forum to discuss cross-boundary implications and share knowledge on proposals for northern runway. * Present proposed section 42 response at PPC.	* Form a Gatwick Project Board for relevant officers in the organisation. * Continue to attend Gatwick Officer Group. * Present Governance structure for post section 42 consultation responses to PPC.
6	Local Plan needs further evidence, topic papers or main modifications prior to considering it sound, dependent on how Council chooses to progress the plan following receipt of Inspector's letter	* Changes the policies within the submitted plan. * Despite being a transitional plan under the NPPF 2012, will likely need to reflect some updated national policies where Inspector feels its appropriate to do so. * Requires additional finance. * Staff to carry out the changes, although not currently resourced to do so.	Head of Strategy	4	3	12	* Prepare additional evidence where required by the Inspector. * Respond to the Inspectors questions in a timely manner. * Prepare main modifications and provide these to the Inspector when requested. * Retain staffing levels to accommodate need for additional work and on reflection of timetable of works to be pursued. * Organise hearings or Inspector led consultations if required. * Continue to utilise counsel where necessary. * Ensure the Council understand the main modifications process and that the Inspector remains the leader in all examination matters. * Liaise with the inspector via the Programme Officer as and when needed. * Forecast and monitor budget.	* Risk wording amended in light of inspector's letters.
7	Lack of capacity in Strategy team delays progress in planning policy workstreams	* Delays to progression of corporate projects and workstreams (e.g. the Local Plan, flood alleviation etc.).	Chief Executive	4	3	12	* Review appropriate levels of resourcing following Council's decision on how to progress with the Local Plan.	* Risk owner changed to Chief Executive as the position of Chief Planning Officer is currently vacant. * Work underway to begin formulating a business case to make improvements to Planning following review of PAS report.
8	Budget constraints in defending Public Inquiry appeals	* Reputational damage. * Impact on Council's budget. * Going over budget due to being unable to predict number of Public Inquiries per annum. * Potential high cost awards if Council does not invest in strong Counsel defence.	Chief Executive	3	4	12	* Reviewing budget for Counsel. * Seek Legal advice before determination on complex / major schemes before determination to ensure robustness in case. * This area of work is closely monitored.	* Risk owner changed to Chief Executive as the position of Chief Planning Officer is currently vacant. * Work underway to begin formulating a business case to make improvements to Planning following review of PAS report.
10	Inability to explore and exploit potential efficiency gains of new IT systems due to lack of capacity	* Strain on development management team capacity. * Unable to improve processing times for applications. * Transition between old and new IT system problematic and processes lost/changed * Very manual and time consuming process while errors/issues are investigated and corrected	Head of Planning	3	4	12	* Head of Planning updating relevant colleagues in IT. * Regular meetings between Planning and IT.	* Work underway to begin formulating a business case to make improvements to Planning following review of PAS report.

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11	Failure to determine a Building Control application within the statutory period	* Unable to meet Partnership key performance indicators. * Reputational damage.	Building Control Manager	2	4	8	* Highly trained staff able to work flexibly on different tasks.	* Team continue to process 100% of applications on time in April 2021.	
10	Inability to re-launch planning pre-app service due to lack of resources	* Reputational impact as developers value this service. * Less efficient processing of applications given issues cannot be discussed in advance.	Chief Executive	3	2	6	* Partial-re-opening of residential pre-app (with constraints) now live. Limits on caseloads for Officers to ensure priority application work is not disrupted. * Assessing cases on individual basis and applying an exemption to suspension if justified	* Risk owner changed to Chief Executive as the position of Chief Planning Officer is currently vacant. * Work underway to begin formulating a business case to make improvements to Planning following review of PAS report. * Partial opening of service now live.	
13	Lack of appointment to the Infrastructure Delivery post within the Strategy Team undermines CIL processes	* The complexity of the financial frameworks and funding assembly for the project bids for CIL funding has been underestimated. Therefore lack of Specialist role could lead to delays and/or errors.	Team Leader Strategy	3	2	6	* A new module for monitoring CIL bids is in the process of being designed. * Additional officer has begun training to assist lead CIL officer with the monitoring aspect to free the lead officer up for more complex work.	* New risk added, and agreed at DLT 12/07/21.	
14	Risk of the building control partnership dissolving	* Increased costs to the Council due to lack of economies of scale. * Service disruption whilst new arrange is sought. * New building control database required. * Staff may choose to work for another authority.	Chief Executive	1	4	4	* Quarterly partnership board meetings. * Planning leadership team meetings. * Regular communications in place with relevant heads of service at partner authorities. * Allocated Finance business partner. * Performance monitoring in place (for Board and TDC). * Partnership authorities committed to reviewing the current inter-authority agreement.	* New risk added 10/08/2021. * Review of inter-authority agreement underway.	
12	Reduction in planning applications and associated CIL income	* Lack of infrastructure funding. * Have to administer CIL without additional income. * Reputational impact of not being able to deliver infrastructure.	Head of Strategy	1	2	2	* Continue to administer CIL. * Regular communications between relevant officers in Planning and CIL administration.	* Risk will be removed from the register, as the trends indicate rising numbers of applications, rather than reducing numbers.	