

Appendix 2

Huncoat Garden Village Risk Register

V.2 - 12th September 2024 (Based on CPO programme and Homes England grant availability up to March 2028)

Risk No.	Date Opened	Description	Consequences	Risk Weight L M H	Control and Mitigation	Adjusted Risk L M H	Risk Owner	Date Updated	Comments / Actions/ Complete
General									
1	24/04/2024	Failure to secure BIL of £30m	1. HGV project does not proceed 2. HBC will not recover historic costs of circa £500K	M	1. Strong BIL submission bid 2. Homes England very supportive of HGV evidenced by financial and enabling support	L	MH	4.9.24	1. BIL submission to be determined on the 15th of May 2024 (now 29th of May) 2. Historic costs can be revered on entering BIL contract 3. HE has indicated that programme longstop date will be extended to the end of March 28 4. Complete - BIL offer received 28th Aug '24
2	24/04/2024	Pace of HBC decision making including political decision making	1. Project and programme uncertainty 2. Loss of stakeholder confidence	M	1. Senior management and Member engagement 2. Timely decision making in place	L	MH	4.9.24	1. New senior HGV HBC team in place meeting every two weeks 2. Regular briefings in place for political leaders 3. Opportunity for Cabinet to accept BIL offer on 18/9/24
3a	24/04/2024	Insufficient project management and delivery capacity within HBC Team	Project will suffer and potentially jeopardised from lack of expertise and additional capacity	H	HBC has established an experienced advisory and delivery Team via Avison Young (AY), Arcadis, and propose to appoint Pinsent Masons (PM) for Legal support	L	MH	4.9.24	1. Need to finalise AY contract 2. Need to appoint PM 3. Cabinet approval on 18/9 will allow prompt appointment of Avison Young and Pinsent Mason, and a further appointment for independent subsidy control advice 4. Complete

3b	24/04/2024	Delay in Homes England determining BIL bid	1. Programme slippage 2. Landowner and house builder uncertainty / loss of confidence	M	1. HBC to fund professional fees / consultancy costs at risk	L	MH	4.9.24	1. Direction from Political Leadership required 2. Report to Cabinet required - 11th June 2024 3. HE's decision to extend the grant availability to Mar 28 has reduced risk significantly
3c	24/04/2024	Subject to "3b" HBC do not fund professional fees	As above	M	HBC to seek urgent Cabinet decision to fund professional fees until BIL grant approved	L	MH with support from Finance		Some impact on programme cannot be avoided with a minimum 8-10 week slippage assuming Cabinet support early June 24 Cabinet report seeks budget for prof fees until GFA entered.
4	24/04/24	National Highway's holding objection to planning applications for development	Prevents approval of planning applications for development	H	Agreement in principle reached with NH to remove holding objection subject to HE grant and terms: legal agreement with NH required	L	MH with Legal support		Heads of Terms drafted with comments provided by NH
5	08/05/24	Lack of clear delivery strategy undermining stakeholder buy-in	1. Project is not supported 2. Progress is delayed 3. Potential objections to planning applications	M	1. Clear signs of house builder interest 2. Extensive stakeholder engagement has taken place during the Masterplan process, Local Plan process, road planning application process, and BIL bid process 3. Enter landowner agreements where required	L	MH with support from AY and Arcadis		Need to prioritise HoTs and landowner agreements

6	08/05/24	Capital costs exceed costs identified at BIL bid stage	Additional cost falls on HBC	M	1. BIL bid allowed for contingencies and inflation costs 2. Cap on grant towards remediation costs with additional cost met by landowners 3. Cap on costs for J8, M65 with additional cost met by National Highways	L	MH with support from AY	Risks have been restricted to land assembly and road construction costs - these are considered on this register.
7	08/05/24	Legal risks: actions of landowners could cause the Council to breach its obligations with Homes England	Financial penalties or grant recovery	M	HBC seeks indemnities in respect of any liabilities the Council incurs, especially in relation to grant repayment as a result of landowners failing to achieve outputs	L	MH with support of Pinsents	1. Draft landowner HoTs being prepared, need to go to Pinsents to review.
8a	08/05/24	Not Adopting emerging Local Plan	Masterplan dependent on emerging Local Plan's adoption, otherwise elements of HGV not deliverable	H	Emerging Local Plan prepared to Reg 19 stage and being prepared to submit to Planning Inspectorate	M	SP	No major objections to Plan following consultation. Emerging Local Plan needs Cabinet support and approval
8b	11/09/24	Emerging Local Plan rejected at Public Inquiry	As above	L	Following new planning proposals opportunity to consult with PINS on the Plan's soundness	L	SP	
<u>Relief Road (Huncoat Lane)</u>								

9	24/04/24	Failure to secure planning consent for road	Project would not be able to proceed	H	1. Approved Masterplan framework which is a material consideration to any planning application 2. Draft new Local Plan includes provision for relief road 3. Planning previously granted for road (which wasn't subsequently constructed) 4. LCC Highways were party to Masterplan and have been heavily consulted on proposed road	H	HMM with AY and Arcadis support	4.9.24	Need to finalise planning application and submit application for determination Planning application 95% ready to submit
10a	24/04/24	Land acquisition and agreements with landowners for Huncoat Lane not secured by end of September 2025 Grant term extended to the end of March 28 which extends timescale for road land assembly to August 26	1. Risk of losing road contractor, with subsequent delay 2. Delay in road construction and subsequent programme delay 3. Any grant paid out will be recoverable	H	1. Maintain dialogue with landowners 2. Realistic and pragmatic on land value to remove requirement for a CPO subject to public sector spending rules 3. Maintain dialogue with contractor 4. Use CPO powers	H	MH with AY and Legal support	12.9.24	1. Landowner Agreements Heads of Terms drafted. Require legal check (Pincent). 2. Need to confirm with LCC that they will lead on CPO using Highway Act 3. Once grant is approved, any programme slippage will require Homes England support 4. Timescale for acquiring land extended to Aug 26 * Risk remains H because of uncertainty on CPO power and a CPO could be refused
10b	12/09/24	Relief road passes over unregistered / unknown ownerships	Delay in land assembling land for the relief road	H	Use CPO to address any unregistered / unknown ownerships	H	MH with AY and Legal support	12.9.24	See above And refer to "12" below - LCC will require this issue to be resolved to adopt the road
10c	12/09/24	Piecemeal land assembly	Road construction commences without having all ownerships secured	H	Secure options to purchase conditional on HBC acquiring title to entire route of the road	M	MH with AY and Legal support	12.9.24	

11	24/04/24	All land and licences for construction work not acquired simultaneously / by end of Sept 25	As above	H	1. As above 2. Money to be reimbursed for early acquisitions 3. Or HBC becomes "sterile" landowner		MH with AY and Legal support	9.9.24	As "9" above
12	08/05/24	LCC refuse to provide support to use Highway Act powers for CPO (should CPO be required)	Unable to acquire land for relief road	H	1. Engage with LCC at senior level 2. Underwrite LCC's costs 3. Consider alternative powers including Homes England and Planning Act	M	MH with DW support	9.9.24	1. Prepare briefing paper for LCC 2. Engage with LCC at senior level 3. Seek Legal advice on alternative legal powers 4. Potential to use HE CPO powers 5. If "4" is not an option, use Planning Act CPO powers
13	24/04/24	Land acquisition costs exceeds budget for Huncoat Lane. Includes potential for landowner ransom ask	HBC required to meet costs exceeding budget	H	1. £1.85m land assembly budget within BIL bid 2. Obtain legal and valuation advice on ransom risk and potential amount 3. Equalisation arrangements include additional land assembly costs above BIL grant	M	MH with AY support	9.9.24	Urgent need to obtain up to date valuations and agree terms with landowners No Change
14	24/04/24	Road construction costs exceed budget within BIL	HBC required to meet costs exceeding budget	M	1. Early tender process to select preferred contractor and help understand cost 2. Preferred contractors tender £1m under budget	L	HMM with AY support	9.9.24	RIBA Stage 4 design will lead to review of construction cost No Change
15	24/04/24	Planning, delayed, refused or onerous planning conditions	1. Redesign and resubmission required 2. Programme delay 3. Potential for project to be scrapped	M	1. Liason with HBC Planning, LCC Highways and Nat' Highways prior to submission of planning application 2. HBC to consider funding additional fees at further risk	L	HMM with AY and Arcadis support	9.9.24	1. Planning application submission delayed due to lack of budget for consultancy support No Change

16	24/04/24	Delay with S278 & 38 Agreements	1. Delay with implementing planning approval	M	HBC to commence discussion / negotiations with LCC Highways	L	HMM with Arcadis support	9.9.24	No Change
17	24/04/24	Relief road land lies within land currently allocated as green belt. The Local Plan is being prepared for submission to Planning Inspectorate following Regulation 19 consultation	Delay whilst road route is omitted from the greenbelt designation within draft Local Plan, or is considered reasonable development within green belt and needs secretary of state approval	M	1. Once draft Local Plan is submitted to Planning Inspectorate, the draft can be considered a material consideration 2. KC advice as been sought and advises risk is subject to nature of Local Plan objections. AY to review current objections	L	HMM with AY support	9.9.24	1. Existing Core Strategy envisages link road which has previously granted approval No change
18	08/05/24	Failure to procure contractor for road within budget or within programme timescale	1. Cost overruns could increase liability on HBC 2. Programme delay would undermine ability to spend grant within programme, and could result in loss of grant, and grant lost / recovered	H	1. Two stage tender process commenced with preferred contractor selected and with bid circa £1m within budget BIL grant award 2. Early procurement of contractor started	M	HMM with AY support	9.9.24	1. Stage 1 tender process selected preferred contractor 2. Start of Stage 2 delayed due to delay in determining HBC's BIL bid, and subsequent revenue shortfall No Change
19	08/05/24	Loss of contractor due to capacity issues / programme delay	1. Delay in programme whilst new contractor procured 2. Difficulty in procuring new contractor due to small field of suitable contractors 3. Could result in increase of cost	H	1. Prioritise securing additional revenue funding until BIL grant finalised with access to additional revenue to accelerate road planning application and detailed design work 2. Need to enter legal agreements with all landowners as soon as possible to avoid programme slippage	M	MH with support of AY and Arcadis	9.9.24	1. Liaise with new political leadership to establish support 2. Prepare Cabinet report for additional revenue funding should HBC's BIL bid be approved on the 15th of May (now 29th of May) 3. As above - timescale moved to 18/9. Remain in contact with contractor who currently remains committed to contract.
Land Remediation									

20	24/04/24	Land remediation costs exceed costs of remediation	HBC required to meet costs exceeding budget	M	1. BIL includes allowances for cost and inflation increases 2. Landowner agreements includes cap at BIL grant award	L	MH with Legal support	9.9.24	1. Heads of Terms drafted. 2. Pinsents to review HoT's 3. Remediation costs to be capped at BIL award level.
21	08/05/24	Unable to agree terms with landowners	1. Programme implications: Unable to complete land remediation and spend within grant availability period 2. Potential for grant recovery	M	1. BIL grant includes significant allocation for land remediation 2. Landowner agreements passport to landowners grant recovery provision	L	MH with Legal support	9.9.24	1. Landowners of the two remediation sites have fully engaged and very keen to progress with remediation works 2. Remediation sites are not viable without grant, hence landowner support 3. Need to urgently share HoT's with land owners No change
22	08/05/24	Remediation works starts / completed without relief road agreements and contract in place	1. Grant recovery 2. Maximum of 500 houses can be built without the relief road	H	1. Programme remediation works to synchronise with relief road agreements and construction 2. Landowner agreements passport to landowners grant recovery 3. Up to 500 new houses allowed without relief road	M	MH with AY and Legal support (Pinsents)	12.9.24	1. Need to urgently understand Homes England's position on this 2. Landowner agreements need to be clear on when remediation works can commence 3. GFA Heads of Terms acknowledge that site remediation cannot start until all land for relief road is acquired with a milestone date for both of the Feb 25. This needs to be amended to October 26, which is consistent with the new project programme agreed with Homes England
23	12/09/24	Enter agreements with utility providers in advance of road construction	Could lead to road construction delay	M	1. Early engagement with utility companies 2. Installation of utilities form part of road contract	L	HMM with AY support	12.9.24	Engagement with Electricity NW about electricity supply commenced