

## APPENDIX 4

### RISK ASSESSMENT FOR POLICIES / STRATEGIES

The risk assessment should be completed by the Responsible Policy Officer and should be used as part of the decision-making process in determining if the policy is viable for the Council.

**What are the risks to the Council in implementing this new policy?** *(The tables below should be used to identify and assess ALL risks to the Council in implementing the strategy / policy).*

**Name of Policy/Strategy:** Local Development Plan 3

**Lead Officer (Name and Position):** Peter Atkinson (Policy Planner)

Risk	Likelihood Score (L)*	Impact Score (I)*	Risk Rank = (Lx I)	Acceptable Risk Yes/ No
<b>Risks associated with proceeding with Local Development Plan 3 prior to the Regulations and Guidance being finalised</b>				
The scale of new responsibilities being placed on planning authorities and the impact on resources and skills not being fully known at this stage.	2	3	Medium	Yes
Government expectations changing as a result of updated transitional arrangements.	2	2	Medium	Yes
<b>Risks associated with not producing or adopting Local Development Plan 3</b>				
The Scottish Government, expects all planning authorities to have 'new-style' LDP's in place by the 5 <sup>th</sup> anniversary of the commencement of NPF4. As such the anticipated deadline for LDP3 will be February 2028. If the Council did not have an LDP in place by this time, there is a risk of minor reputational damage.	2	2	Low	Yes
If the Evidence Report or Proposed Plan is judged by a Reporter to be inadequate in terms of meeting the requirements of NPF4 (i.e. not exceeding the MATHLR figure) there is a risk that the Council would not be	2	3	Medium	Yes

<b>Risk</b>	<b>Likelihood Score (L)*</b>	<b>Impact Score (I)*</b>	<b>Risk Rank = (Lx I)</b>	<b>Acceptable Risk Yes/ No</b>
allowed to proceed with the plan. In this event, whilst there is no longer a presumption in favour of sustainable development to which the housing land supply can be challenged, it is still likely that housing developers would submit planning applications for unallocated sites on an ad hoc basis.				
<b>Risks associated with not carrying out LDP process correctly &amp; adequately in line with proposed work programme</b>				
Without appropriate publicity and consultation, the LDP3 would not meet its statutory requirements.	1	3	Low	Yes
A lack of interest from communities and stakeholders in the preparation of the LDP3.	2	3	Medium	Yes
Erroneous information by external stakeholders/ groups provided to local press and/or shared widely on social media.	2	3	Medium	Yes
Engagement/consultation does not produce meaningful data to support the Evidence Report	2	3	Medium	Yes
Without robust evidence base LDP3 would not meet its statutory requirements	1	3	Low	Yes
Time is spent gathering data that is neither meaningful nor translated into policy/action in LDP3	1	3	Low	Yes
Evidence/data gathered is not sufficiently robust to avoid issues at Gate Check/Examination	2	5	Medium	Yes
Without following the LDP procedures set out in legislation and regulations LDP3 would not meet its statutory requirements	1	5	Medium	No – However unlikely to occur
<b>Risks associated with the emergence of NPF4 / the examination of multiple LDPs in Scotland simultaneously</b>				
34 Planning Authorities submitting ER/Proposed Plan to Gate	4	3	High	Yes

Risk	Likelihood Score (L)*	Impact Score (I)*	Risk Rank = (Lx I)	Acceptable Risk Yes/ No
Check/Examination at similar time. In this instance the resources of the Planning & Environmental Appeals Division (DPEA), who undertake Gate Check and Examination, would be subject to considerable pressure. This could lead to delays to LDP3 adoption.				

\* See Risk Management Assessment Criteria on page 3 for scores.

### Risk Exposure Score Ranking Key

<p><b>HIGH</b> = 12 &amp; above</p> <p><b>Unacceptable level</b> of risk to the Council. Either additional controls are adopted to reduce the risk or policy should not be approved.</p>	<p><b>MEDIUM</b> = 4 -11</p> <p><b>Acceptable</b>, policy should be approved but with frequent monitoring of the risks to ensure no negative impact to the Council</p>	<p><b>LOW</b> = 4 or below</p> <p><b>Acceptable</b> level of risk for the Council.</p>
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### Risk Impacts

<p><b>What are the potential impacts to the Council and its objectives if the above risks occur?</b></p>	<p>If the current LDP was not updated or replaced in line with statutory requirements or adjustments were not made to the programme to take into account legislative change, two main scenarios could occur:</p> <ul style="list-style-type: none"> <li>• Development would be constrained; once all land allocations for development in the current plan was developed, there would be no further allocations available to meet for future needs.</li> <li>• Any additional development that took place over and above the agreed allocations in the current plan would likely to be piecemeal. There would be a lack of transparency to the decision-making process, and the public would lose their say in the process.</li> <li>• The appeals process would be undermined by the absence of an up-to-date LDP to implement a Plan-led system, which could result in ad hoc proposals that take place on non-allocated sites or which are otherwise not in accordance with the LDP, and a consequent weakening of control by the Council over where development takes place.</li> </ul>
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**Identify and list Controls in place to manage risks associated with the implementation of the new policy.**

<b>CONTROL NAME</b>	<b>DESCRIPTION</b>	<b>OWNER</b>
<b>1. Project Management</b>	Detailed project management of all stages of the LDP3 programme to ensure statutory requirements are met	LPP Team
<b>2. Member Liaison</b>	Input into the LDP3 process through Members Sessions at consultation periods and regular meetings of the LDP Working Party. Decision making relating to the requirement to produce LDP3 and legislative change through Council.	LPP Team
<b>3. Corporate Management Team Liaison</b>	Input into the LDP3 process and consideration of the requirement to produce LDP3 and legislative change through Council. Escalation of any issues relating to Covid-19.	LPP Team

**If the risk score is 12 or above and the decision is made to implement the policy, list the additional measures required to reduce the risk to an acceptable level?**

<b>Action Description</b>	<b>Owner</b>	<b>Target Delivery Date</b>
<b>Land Planning Policy will liaise with the DPEA to ensure that ensure that the Gate Check and Examination are undertaken in accordance with planned timescales.</b>	<b>LPP Team</b>	<b>2024-2025</b>
<b>An engagement programme will be put in place by Land Planning Policy to communicate the housing land requirement for LDP3 and explain the necessity to identify housing sites to meet that requirement. This will involve consultation with Elected Members, the general public and developers, with a view to reaching agreement.</b>	<b>LPP Team</b>	<b>2023-2026</b>