

## Risk Log – Lower Tier Residential Development

No	Description	Impact	Likelihood	Severity	Counter Measure(s)
1	Grant Funding agreement not signed	Scheme is unviable and does not progress  Council is liable for costs incurred	L	H	Provide timely responses to Homes England and seek expert legal advice
2	Planning Permission for site not granted	Scheme does not progress	L	H	Carryout detailed consultation and pre-application process
3	Offsite works requiring Rother District Council planning approval not granted	Scheme does not progress	M	H	Continued joint working and consultation with RDC
4	Town & Village Green (TVG) Application upheld	TVG status is awarded  Scheme does not progress	L	H	Obtain expert legal advice  <b>Update on 4/6/2019:</b> Risk now mitigated – the TVG application has been refused and no right to reply exists
5	New case law is made which changes what constitutes a trigger event for TVG applications	Potential for TVG status to be awarded  If TVG status is awarded, scheme does not progress	L	H	Explore alternative trigger event options; obtain expert legal advice  <b>Update on 3/6/2019:</b> Risk now mitigated – the appeal was dismissed, which maintains position in respect of the Lower Tier that a relevant trigger event has occurred and that ESCC cannot accept any application to register the land as a TVG

7	JV development and investment partner not secured	Funding and expertise required for the project not available  Scheme does not progress	L	L	The stock transfer Registered Provider has expressed commitment to being a JV partner and funding it in a 50/50 partnership with the council; If they chose not to, the council could secure a new partner or look to deliver the scheme independently as appraisals evidence the viability of the scheme
8	MMC contractors unable to work to timescales	Failure to meet grant funding conditions	L	M	The council is recruiting Project Coordinators experienced with MMC delivery. The council has not committed to one type of MMC and there is considerable flexibility in how the MMC target can be achieved.
9	Unable to achieve build out rate agreed with Homes England	Failure to meet grant funding conditions	L	M	Build out rate target set at realistic level; Close working with Homes England to agree variances
10	Housing Market Failure	Failure to meet grant funding conditions & delay on ROI	L	M	The appraisal factors in a number of contingencies which should buffer changes in market conditions