










### Otterpool Park Strategic Risks (as at March 2024)

Link to Corporate Plan	Risk ID	Risk name	Chief Officer	Risk Owner	Risk Description and Triggers (short)	Previous Score (Dec 23)	Current Score (Mar 24)	Mitigation scheme	Target Score	On/Off target	Direction of Travel
All priorities	C2	Delivery of Otterpool Park	Samuel Aligbe	Ewan Green	Delivery must consider and mitigate factors in relation to governance, finance and delivery (skills/capacity)	12	6	Treat	6		
Risk Description and Triggers (detail)						Actions in place					
<p>As Otterpool Park moves into the delivery phase the Council must consider and mitigate significant factors in relation to governance, finance and delivery. These are:</p> <p>(1) ensuring that robust and effective governance arrangements are in place both for the internal Council client function, as Owners of Otterpool Park LLP, and engaging in collaboration or joint ventures with third parties;</p> <p>(2) ensuring that Council funding contribution to Otterpool Park is affordable and within a tolerable risk level; and</p> <p>(3) ensuring that the skills and capacity required to deliver the project are in place within the Council and the Otterpool Park LLP Board and Team.</p>						<p>A Governance Framework is in place and actively managed to ensure that business related to Otterpool Park LLP and delivery of the project is subject to regular and effective monitoring. The Otterpool Park LLP Members Agreement details specific delegations which govern the extent to which the LLP can operate within its own parameters or decisions which are required of the Council.</p> <p>The LLP five-year strategic business plan is updated annually subject to Cabinet approval. In addition, regular Owners Committee Meetings are held and an internal Corporate Oversight client group is in place.</p> <p>A Joint Operations Board between the Council as client and LLP has been established in order to ensure key matters affecting delivery of the project are fully considered. The Council MTFs and Capital Strategy include commitments for the project, and these are monitored in line with the Council's financial reporting processes.</p> <p>Specialist financial and delivery advice has been received by external specialists, and Cabinet, following review by Overview and Scrutiny Committee, has agreed that the Council seek a strategic joint venture partner to support delivery of the project.</p>					
Proposed actions						Key controls/sources of assurance					
<p>Governance Review to be completed by independent consultant. Improvement actions identified in a joint Council and OP LLP Governance Action Plan. A joint Council OP LLP Risk Register will be developed to ensure that risks are fully understood, and mitigation monitored and reported effectively. Funding Agreements to be concluded and agreed in line with delegations</p> <p>A Clienting Framework will be put in place to ensure that delivery actions and decisions are identified and monitored on a regular basis. In addition, an Estate Management Plan will be developed to map all required estate costs and ensure all corporate H&amp;S liabilities for the Council and OPLLP are actively managed.</p> <p>A due diligence assessment of affordability and future delivery options has been completed and as a result Cabinet agreed to seek to procure a strategic joint venture partner to join with the Council to deliver the project. An 18-month Transition Plan and budget for OPLLP will be put in place to ensure that key activities in relation to land acquisition, planning and infrastructure design are continued alongside procurement of a Joint Venture partner. A Service Level Agreement will be put in place between FHDC and OPLLP as the framework for delivering and carrying out the activities in the Land / Estates Management Plan, the Transition Plan and the Land Assembly activities, in line with the Strategic Land Agreement.</p>						<p>The Council is taking specialist technical advice on delivery options, funding, land valuation, client interface and stewardship model. Otterpool Park Owners' Meeting, Otterpool Joint Operation Board, Joint Governance Action Plan (monitored by East Kent Audit and reported to Audit and Governance Committee), Joint Risk Register, Council Capital Medium Term Financial Strategy and Capital Strategy monitored quarterly. Overview and Scrutiny Committee review of all key Otterpool Park reports in advance of Cabinet decisions. Council Corporate Risk Register. Specialist finance and property advisors in place</p>					
						<p><b>Timeframe:</b> Strategic direction agreed Q3 2023. LLP Delivery Plan and budget in place to Q4 2025.</p>					

Link to Corporate Plan	Risk ID	Risk name	Chief Officer	Risk Owner	Risk Description and Triggers (short)	Previous Score (Dec 23)	Current Score (Mar 24)	Mitigation scheme	Target Score	On/Off target	Direction of Travel
SA 4: Quality homes and infrastructure	C3	Otterpool Park Planning and Place	Llywelyn Lloyd	Ewan Green	Actions to be progressed to ensure delivery: Section 106 agreement; Planning conditions completed; Capacity in place to manage process	12	12	Treat	9		
<b>Risk Description and Triggers (detail)</b>						<b>Actions in place</b>					
<p>Following the resolution to grant Outline Planning Permission in April 2023; there are three essential planning actions which must be progressed to allow successful delivery of infrastructure and homes on the site:</p> <ol style="list-style-type: none"> <li>Section 106 (S.106) agreement being negotiated and completed.</li> <li>Planning conditions being refined and completed.</li> <li>Local planning authority planning capacity being in place to manage the tiered application process.</li> </ol>						<p>Regular meetings are in place with Otterpool Park LLP (OPLLP) and partners to work through S.106 and key conditions. A Planning Performance Agreement (PPA) is in place to support resource needs. Specialist legal and planning advisors are in place to support the S.106 agreement.</p> <p>The local planning authority staffing structure and resources required have been agreed by the Corporate Leadership Team and recruitment is underway. The Chief Planning Officer has identified staffing resources required by the local planning authority to ensure the S.106, planning conditions and tiered 2 and 3 applications can be managed effectively.</p> <p>A transition plan is being developed for the OPLLP and this will include clarity on the next steps regarding key planning actions and the overall delivery programme.</p>					
<b>Proposed actions</b>						<b>Key controls/sources of assurance</b>					
<p>Recruitment to agreed Development Management Team structure.</p> <p>Agreed updated PPA with OPLLP.</p> <p>Identify the external funding sources to support the planning function for Otterpool Park.</p> <p>Continue to support preparation of key strategies which support the discharge of conditions and the S.106 as identified in the Otterpool Park transition plan.</p> <p>Continue to progress the development of the S.106 agreement with key partners including Kent County Council and Homes England.</p>						<p>Local planning authority working closely with all involved parties. Education, affordable housing and open space sections of S106 shared with Otterpool Park LLP.</p> <p><b>Timeframe:</b> Potential planning permission Q3 / Q4 2024</p>					

<b>Key:</b>		On target		Risk has increased		Risk remains the same
		Off target		Risk has decreased		