

Community Stadium Project Risk Register - 19 April 2011 F2

No.	Risk Title	Project Element	Cause	Consequence	Gross Risk Score (pre-mitigation)		Score	Controls are things that already exist and are in place	Net Risk Score (post-mitigation)		Score	Actions are things that are not already in place but there is a plan to implement them in the future	Risk Owner
					Impact	Likelihood		Controls	Impact	likelihood		Actions	
1	Capital Funding.	Financial	Insufficient funds to effectively fund capital for project.	Fail to meet vision for community benefit.	Major	Probable	20	1) Planning Strategy. 2) CYC capital programme. 3) Other external funding sources.	Moderate	Possible	14	1) Undertake S106 discussions to assess available capital/finalise development appraisals. 2) Assess alternative commercial components. 3) Develop prioritised specification for cost / quality reduction.	Tim Atkins
2	Stadium Operational Revenue Funding.	Financial	Stadium development is not commercially sustainable.	Could result in future CYC revenue pressure.	Moderate	Possible	14	Inclusion of sufficient commercial activity to ensure positive revenue streams.	Moderate	Unlikely	13	1. Development and ongoing management of robust business model. 2. Market testing of the Business Plan	Tim Atkins
3	Costs of running project cannot be sustained.	Financial	Insufficient funds to effectively resource project.	Key risks are not effectively managed. Quality of feasibility and development work insufficient.	Major	Possible	20	1) Resource plan with commitment of necessary funds.	Major	Unlikely	18	1. Ongoing review and management of resource plan on rolling basis.	Tim Atkins
4	Impact VAT may have on capital / revenue model and council's VAT Partial Exemption Limits.	Financial	VAT payable on capital spend.	Council may exceed practical exemption limit.	Major	Unlikely	18	1) Procurement Strategy. 2) Cost model.	Major	Remote	12	1) Specialist VAT advice relating to procurement strategy. 2) Cost modelling.	Ross Brown
5	Ability to meet FSIF's grant funding requirements.	Financial	FSIF 'call-in' loan or timescales exceed loan agreement.	Capital available for project reduces by £2M.	Major	Possible	19	1) Procurement strategy. 2) Funding model. 3) Communications with FSIF.	Moderate	Unlikely	13	1) Regular review of project timetable and communication / discussions with FSIF. 2) Consider options for reduced specification. 3) Alternative funding options.	Tim Atkins
6	Council's ability to continue to provide funding for project.	Financial	Financial pressure on council or change in policy.	The project does not progress or the number of community benefits and specification / quality of the stadium is reduced. This will affect its commercial viability.	Major	Possible	19	1) Other identified funding streams. 2) Consider reduced specification scheme.	Moderate	Possible	14	1) To ensure achieve best value is achieved through S106, design and operating structures. 2) Develop fall-back option and investigate alternative funding streams. 3) Ensure on-going communication with funding bodies and stakeholders.	Tim Atkins
7	Commercial Development does not progress.	Financial	The developer has problems raising funds.	1. No enabling funds available resulting in a shortfall of capital. 2. Scheme delayed and / or alternative developer required.	Major	Possible	19	Financial protocols	Major	Unlikely	18	1. Due diligence. 2. Soft market test another developer/partner.	Tim Atkins
8	Commercial funds not sufficient to meet CYC vision.	Financial	Developer cannot offer sufficient enabling funds through S106 agreement.	CYC cannot support the scheme as it fails to deliver community stadium vision	Major	Possible	19	1. Planning Strategy. 2. Development Appraisal process.	Moderate	Possible	14	1. Contingency: identification of alternative schemes. 2. Reduced specification options.	Tim Atkins

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9	Scope for potential community and commercial uses within the stadium in relation to the title.	Property	Limitations of the restricted covenant.	This will have a knock-on impact to the commercial viability of the development or may result in the scheme not progressing.	Major	Possible	19	1. Master Planning. 2. Planning Strategy. 3. Validity of covenant established	Moderate	Possible	14	1. Establish options for removal of the covenant. 2. Potential to alter the development/layout of the scheme. 3. Determine validity of transfer document. 4. Understand potential of case laws to override covenant.	Philip Callow
10	Athletics facility cannot be built at University.	Property	Unable to reach terms with University regarding new shared provision.	1. Replacement athletics facility cannot be provided. 2. Planning case for stadium redevelopment may be harder to make.	Major	Possible	19	1. Discussions with the University. 2. University have outline planning permission for an athletics track.	Moderate	Unlikely	13	1. Contingency: Develop alternative options for other sites. 2. Develop, discuss and sign Heads of Terms with University.	Charlie Croft
11	Financial impact of breaking the Nuffield lease.	Property	Planning permission not achieved prior to lease expiring.	Impact on the stadium development budget because of potential compensation.	Moderate	Possible	14	1. Planning Strategy.	Moderate	Unlikely	13	1. Dialogue with Nuffield. 2. Explore other legal channels.	Philip Callow
12	Making the planning policy case for the major development.	Planning	1) Retail and / or transport impact assessments do not support the case for development. 2) The community benefits of the overall proposal do not outweigh the harm of the enabling development.	This could result in the stadium project not going forward or cause a delay while an alternative enabling proposal is worked up.	Major	Possible	19	1. Planning Strategy. 2. Specialist Planning Advice. 3. Benefits of Stadium Development identified.	Major	Unlikely	18	1. Alternative options for site development. 2. Schedule of pre-application meetings between developer and LPA.	Tim Atkins
13	Time delay / cost of Call-In or legal challenge.	Planning	A third party may wish to challenge the decision made and / or the SOS may call-in the application and decision making power from the LPA.	The planning decision is called-in or subject to judicial review which could cause a time delay (6-12 mths in each case), increased costs and could impact York City Football Clubs position on FSIF loan.	Major	Possible	19	1. Project Plan. 2. Resource Plan. 3. Planning Strategy.	Moderate	Possible	14	1. Develop contingencies in project plan. 2. Assess potential costs.	Tim Atkins

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14	Call-in / legal challenge results in refusal of planning permission.	Planning	A third party may wish to challenge the decision made and / or the SOS may call-in the application and decision making power from the LPA.	Planning permission maybe refused or legal challenge may be successful.	Major	Possible	19	1. Retail Impact Assessment. 2. Transport Impact Assessment. 3. Advice from Independent specialists.	Moderate	Unlikely	13	1. Contingency: Alternative Development Plan.	Tim Atkins
15	Legality of the enabling case.	Planning	Unable to justify the links and scale of the enabling development in terms of value, proportionality and community benefits.	1. Planning case does not progress. 2. Potential Legal Challenge. 3. The project may not have the funds to go ahead.	Major	Possible	19	1. Statutory advice on agreements. 2. Open book appraisal. 3. Retail Impact Assessment. 4. Transport Impact Assessment.	Major	Unlikely	18	1. Contingency: Alternative Development Plan. 2. Reduce specification options. 3. On-going specialist legal advice. 4. Explore and analyse potential procurement routes which could make the planning enabling case stronger	Glen McClusker
16	Planning submission is delayed.	Planning	Project slippage or deferral or delay of the planning decision.	Scheme is delayed and critical path is pushed back. Potential to threaten other funding streams and partner confidence.	Moderate	Probable	15	1) Effective planning strategy. 2) Effective resource and procurement strategies. 3) Effective communications strategy.	Moderate	Possible	14	1) Regular review of project timetable and communication / discussions with developer and LPA. 2) Regular review of resource and procurement plan and strategy. 3) Regular update meetings with partners, stakeholders and other funding bodies.	Tim Atkins
17	Impact on Scheduled Ancient Monument.	Planning	Scheme backs on to Scheduled Ancient Monument.	English Heritage may object to scheme or requirements may increase complexity.	Major	Possible	19	1. Planning Strategy. 2. Discussions with English Heritage.	Moderate	Unlikely	13	1. Ongoing dialogue with EH. 2. Community Heritage Proposals. 3. Environmental Impact Study.	John Oxley
18	Increased demand on Sustainable Transport Measure and Highways Agency Network.	Transport	The extent to which the enabling development will impact on the volume and nature of transport strategies required to minimise the impact of such a development.	Potential for cost of Sustainable Transport Measures to impact on S106 monies for the stadium development and associated community facilities.	Major	Possible	19	1. Evidence of future demand. 2. Open book appraisal. 3. Negotiation with developer. 4. Transport Impact Assessment. 5. Retail Impact Assessment. 6. Halcrow assessment.	Minor	Possible	9	1. Highways Agency Consultation. 2. Discussions with North Yorkshire Police Force	Richard Bogg

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19	Highways Agency objection.	Transport	HA consider impact on the Hopgrove roundabout and ring road to be significant.	HA could make direction for refusal.	Major	Possible	19	1. Transport Impact Assessment. 2. Mitigation options as part of S106.	Major	Unlikely	18	1. Initiate discussions with HA. 2. Develop options for mitigation in line with views of HA and outcome of HIA. 3. Option to challenge HA decision.	Richard Bogg
20	Challenge to the selected final bidder/procurement process.	Procurement	Challenge may be made regarding compliance with EU Procurement regulations	A court can stop proceedings, time impacts to project, might have to start process again, chosen bidder may want damages.	Moderate	Possible	14	1 Robust Tender/ Contract documentation with legal review and support throughout the process. 2. Audit trail. 3. Procurement lawyers.	Moderate	Unlikely	13	1. Ensure legal services are involved as early as possible. 2. Legal advice and risk assessment of procurement options	Zara Carter
21	Insufficient bidders.	Procurement	Due to economic climate there could be a lack of interest from bidders in this development.	This could mean that there is a limited choice of bidders for achieving best value as well as potential impact on timescales and costs.	Moderate	Possible	14	1. Procurement strategy and commercially viable scheme.	Moderate	Unlikely	13	1. Due diligence. 2. Market testing. 3. Commercially viable proposal.	Tim Atkins
22	Potential procurement routes and associated timescales.	Procurement	The procurement route chosen can have an effect on the timescales / costs of the project.	Increased costs, impact on delivery and reputation.	Moderate	Possible	14	1. Exploration of potential procurement frameworks and associated timescales.	Moderate	Unlikely	13	1. Review of available frameworks/contracts. 2. Project Team decision regarding which procurement route to take.	Zara Carter