The Housing Infrastructure Fund

Subsidised house building and the viability myth

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smartgrowthuk

Smart Growth UK is an informal coalition of organisations and individuals who want to promote the Smart Growth approach to planning, transportation and communities. Smart Growth is an international movement dedicated to more sustainable approaches to these issues. In the UK it is based around a set of principles agreed by the organisations that support the Smart Growth UK coalition in 2013:-

- Urban areas work best when they are compact, with densities appropriate to local circumstances but generally significantly higher than low-density suburbia and avoiding high-rise. In addition to higher density, layouts are needed that prioritize walking, cycling and public transport so that they become the norm.
- We need to reduce our dependence on private motor vehicles by improving public transport, rail-based where possible, and concentrating development in urban areas.
- We should protect the countryside, farmland, natural beauty, open space, soil and biodiversity, avoiding urban sprawl and out-of-town development.
- We should protect and promote local distinctiveness and character and our heritage, respecting and making best use of historic buildings, street forms and settlement patterns.
- We should prioritize regeneration in urban areas and regions where it is needed, emphasising brownfield-first and promoting town centres with a healthy mix of facilities.
- Civic involvement and local economic activity improve the health of communities.

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Executive summary

If the 2010s were a decade of hypersprawl in England, one of its most striking features was the Housing Infrastructure Fund (HIF), almost £4bn of indirect subsidy to house builders to enable them to achieve the 20% rate of return they crave on major developments. Sometimes they have to repay the grants, so they are just interest-free loans, and sometimes they don't, making them just plain subsidy. The programme undermines the whole justification for including "viability" in planning guidance, theoretically to stop inclusion in plans of developments where high levels of profit would be unavailable but, in practice, to militate against brownfield in favour of greenfield. While viability requirements still allow developers to evade responsibility for things like affordable housing, subsidy has still been available to ensure they achieve high profit levels.

The Fund was launched with high-sounding ideals about meeting housing demand and ensuring developments got the infrastructure they necessitate. A range of requirements was imposed on bids for grants, but environmental and social effects were not mentioned.

The HIF consists of two funding streams. "Forward Funding" projects were grants up to a quarter of a billion pounds given to upper tier authorities. 23 councils secured 31 grants totalling £3,148,200,000. "Marginal Viability Funding" projects up to £10m were available to unitary and lower-tier councils and have allocated £735,000,000 to 95 schemes via 76 local authorities. Such grants were supposed to observe a £10m cap, but 15 of the schemes managed to negotiate this up, in two cases past the £20m mark.

The Fund made grants, not loans, to local authorities on a competitive basis to fund physical infrastructure directly in aid of specific housing schemes, though road building dominated. The scheme is administered by Homes England who entered Grant Determination Agreements with the councils. The money funded infrastructure directly but councils were, theoretically supposed to recoup "significant portions" through mechanisms like Section 106 from developers when the buildings were complete. Councils became aware of significant risks in the process but, such is the secrecy that's surrounded the process, it's hard to estimate the impacts on them. One danger, of course, is not getting the houses built and suffering Government action for failing to deliver its demands.

Grants could fund a range of infrastructure including some useful things like brownfield reclamation. But it's plain that more than half the money has gone on road building.

Guidance said councils should try to recover sums to cover part or all of the costs of the grant money they had spent on the infrastructure required for housing developments which should, had the plans been "viable", have been paid by the developers out of their profits. But it was nevertheless clearly not an actual requirement. In some cases it was made a requirement, but not in many cases. It is extremely hard to say what was the situation was in many cases given the secrecy with which most (though not all) councils surrounded the HIF process with.

But where grant money was recovered, the Government made it plain it would have to be reused for other housing infrastructure, potentially rewarding some of the same developers a second time. In at least one case where it was recoverable, the grant had made the scheme “viable” - though once it was recovered the scheme technically became unviable again, but too late to stop building of course.

The official guidance required councils to produce evidence of local support for HIF bids. But all that appeared to mean was that it was supported by the council making it, the developers benefiting and the local LEP. Communities merely had to be “involved”.

The existence of the HIF was evidence that “deliverability”, “viability” and “five-year supply” provisions in the *NPPF* had failed to achieve their stated objectives, though they may well have succeeded in their implicit aim of forcing local planning authorities to disgorge unsustainable levels of greenfield land and to militate against brownfield. Many HIF grants were made for huge, infrastructure-hungry, urban extensions or new settlements that proved especially difficult for their promoters to guarantee their sought-after 20% rate of return.

It is clear that viability was achieving neither its official aim of preventing schemes with little chance of commercial success being included in local plans or gaining consent nor its unofficial one of securing huge greenfield house building. Many local authority reports included little discussion of this, though a few did cover the issue.

Failed bids are even harder to find information on though it is clear that many council bids have failed. With so little published information, however, and councils and developers both facing embarrassment, it is very hard to say why they were rejected.

Scotland is now into the second round of its own Housing Infrastructure Fund though it works a little differently to the English scheme. The first round allocated £49m to 16 schemes via 14 bodies.

The Fund was born out of realisation that, although concerns about urban sprawl and car dependency could be ignored, along with strict observance of “deliverability” and “viability” provisions, what could not be ignored was that the building of high numbers of houses is critically dependent on developers’ desire for huge rates of return. Where grants are recovered, developers benefit from what is essentially a huge interest-free loan. Where they are not, they are simply huge subsidies, indirect perhaps, but real nevertheless.

Developers have thus received almost four billion pounds of subsidy over a four-year period via the Housing Infrastructure Fund, on top of all the other Government largesse.

1. Introduction

The 2010s may come to be remembered in England like the 1930s - a decade of hypersprawl. Increasingly lubricated by the Treasury's obsession with house building, Whitehall subservience to it and local government weakness, the development and property industries have been able to feast on England's environment and enrich themselves. Yet despite planning policies which effectively ensure builders receive the 20% rate of return they crave on housing developments, the Government has increasingly poured subsidies into their coffers, directly and indirectly.

One of the biggest (though well hidden) subsidies is the Housing Infrastructure Fund (HIF), launched by the Government in 2017 as a way of "helping ensure the right infrastructure is in place at the right time to unlock the high-quality new homes that this country [England] so badly needs".

It has since handed out nearly four billion pounds of public money via local authorities to build infrastructure – mostly roads - that house builders ought to be providing themselves as part of their commercial developments. Sometimes the developers are required to reimburse the council concerned with all or part of the money so it can subsidise future local housing developments (which they may also benefit from). And sometimes they can just reap all the benefits and leave the taxpayer to pick up the bill.

Either way it's a multi-billion pound subsidy to the house building industry all the more effective as it doesn't show up as income in their accounts.

In theory, building developments are supposed to be "viable"; the *National Planning Policy Framework*[1] (*NPPF*) says so. "To be considered developable, sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged," it says.

NPPF paragraph 68 makes clear that viability means "economic viability". And as *Planning Practice Guidance*[2] amplifies, this means profitability – "an assumption of 15-20% of gross development value (GDV) may be considered a suitable return to developers," says the *Guidance* (developers, however, seldom get out of bed for less than 20%).

One might perhaps assume this would mean that housing proposals – and the allocation of sites in local plans – might be rejected if they aren't "viable". But in case anyone thinks lack of such viability would be an important reason to refuse local plan allocations and planning consents, in practice "viability" really only achieves two things. Firstly it's a way of coshing councils at examination-in-public by ensuring they release greenfield sites before brownfield, an effective greenfield-first policy. And secondly it's a reliable way of restricting the things like affordable housing that local planning authorities are supposed to expect developers to provide - even when infrastructure etc. is necessitated by their developments.

So, for the building and property industries, viability is a win-win. But for the environment it's often lose-lose.

Many developments, especially the large-scale greenfield sprawl favoured by current policies, cannot go ahead without major infrastructure, most often highway infrastructure. Impecunious local authorities can seldom fund such things, even if they are minded to do so.

When “viability” was included in the 2012 *NPPF*, it was ostensibly to limit planning gain demands on developers but its inclusion was, in reality, a cynical move to force local planning authorities to release greenfield sites rather than more sustainable brownfield ones. Yet it has served to show up how expensive greenfield housing is in infrastructure terms.

So although the viability provisions often enabled developers to evade their responsibilities for things like affordable housing, that wasn’t enough. They took their complaints to the people that matter – the Treasury.

From this, the Housing Infrastructure Fund was born.

2. The Fund's rationale

Launching the Fund[3], the Government said it would:-

- deliver new physical infrastructure to support new and existing communities;
- make more land available for housing in high demand areas, resulting in new additional homes that otherwise would not have been built;
- support ambitious local authorities who want to step up their plans for growth and make a meaningful difference to overall housing supply; and
- enable local authorities to recycle the funding for other infrastructure projects, achieving more and delivering new homes in the future.

Bids were required to demonstrate they would fund infrastructure but only "to provide strong evidence" that the infrastructure was "necessary to unlock new homes" and cannot be funded through another route". This effectively blew apart the viability myth; if public subsidy were needed to allow the homes to be built, plainly the developments weren't "viable".

Bids would also need to support delivery of up-to-date local plans or speed their completion and to "have support locally". In practice the latter appears to have meant support – or at least weary acceptance - from the local authority applying for the bid.

Bids, said DCLG, would be assessed as to whether the proposal:-

- "takes a strategic approach, with strong local leadership and joint working to achieve higher levels of housing growth in the local area, in line with price signals, and supported by clear evidence";
- "is value for money, on the basis of an economic appraisal following the principles set out in the *Green Book* and the *DCLG Appraisal Guide*";
- "can be delivered. This is about both delivering the infrastructure and how that will then lead to the delivery of new homes. It also means all the key delivery partners need to be working together".

That was about the limit of the conditions on which a project to hand out billions of pounds of taxpayers' money to subsidise the house building and land sectors was launched, although there was a routine mention of value for money and a grudging concession that: "we may also take into account our funding profile, the geographical capacity of an area to deliver the infrastructure development, and wider economic considerations".

The environmental and social effects were not mentioned at all.

3. Two funding streams

The HIF consists of two funding streams: Forward Funding projects and Marginal Viability Funding projects.

Forward Funding projects were: "available to the uppermost tier of local authorities in England – for a small number of strategic and high-impact infrastructure projects". Grants were offered up to a quarter of a billion pounds so, not surprisingly, they account for the majority of the money allocated.

"We expect to fund bids up to £250 million," says the supporting documentation[4]. "This £250 million cap applies to the Housing Infrastructure Fund bid, and not the size of the overall scheme."

The stream has allocated £3,148,200,000 to 31 schemes via 23 local authorities.

Individual Forward Funding projects are listed in Appendix 1.

Marginal Viability Funding projects were: "available to all single and lower tier local authorities in England – to provide the final or missing piece of infrastructure funding to get additional sites allocated or existing sites unblocked quickly". Though, of course, if viability was to be taken seriously, it would be an all or nothing thing. "Marginal viability", i.e. requiring public subsidy, means none of the schemes were, in reality, viable.

"We expect to fund bids up to £10m," says supporting documentation[5]. "The £10m cap applies to the Housing Infrastructure Fund bid, and not the size of the overall scheme... Higher levels of funding may be awarded in **exceptional cases** to bids that can demonstrate a transformational delivery of new homes." [Their bold type]

The Marginal Viability Fund has allocated £735,800,000 to 95 schemes via 76 local authorities. The "exceptional cases" however, are not so exceptional. 15 of the schemes managed to negotiate the £10m cap upwards, in two cases past the £20m mark.

The individual schemes in the HIF's Marginal Viability Fund are set out in Appendix 2.

4. How it works

The Fund is capital grants, not loans, awarded to local authorities on a competitive basis over four years from 2018; bids are now closed. The money was to "fund physical infrastructure such as roads, community facilities and utilities", but the bulk of it has evidently gone on road building and comes on top of the Government's other streams for funding new roads. Inevitably, given that it laid emphasis on funding road infrastructure for new housing developments, the majority of funding has gone on what could be termed "car-dependent sprawl".

In theory, local authorities who made successful HIF bids were awarded the money by Homes England (HE) to build the specified infrastructure projects, mostly roads, to "unlock" specific numbers of houses. They were required to enter contractual Grant Determination Agreements (GDA) with HE covering such things as the infrastructure delivery programme, milestones, how the council intended to control the land to deliver that infrastructure, cash flow and a housing delivery trajectory to 2035. Monthly reports were normally required, though some councils were able to change this to quarterly.

The GDAs came with extensive conditions split into pre-contract conditions, conditions for an initial drawdown for design work and conditions for drawdown for construction works. The Marginal Viability HIF funding agreements were standard template agreements[6] with standard clauses. Homes England originally required the funding agreements to be signed up to by the end of September 2019. This was delayed by the pandemic.

Money, as always, comes with strings. Originally the expenditure was due to have been made by 31 March 2021[7], but this caused problems for numerous councils. Now expenditure on projects is still only allowed until March 2024, although councils will have to continue to report progress on the house building until 2035.

Councils are (theoretically) expected to recoup "significant proportions" of the funding from Section 106 and other mechanisms like electricity grid connection charges and land assembly until 2035, including additional sums if additional housing sites are approved (see section below).

However, this would do nothing to reduce the impact on the national purse. Contracts say: "Any monies recovered under the Recovery Provisions shall be retained and used by the Grant Recipient for unlocking housing delivery in the Local Authority area"[8]. Councils are required to create recovery and recycling strategies saying how they intend to "recycle" money into still more building.

There are clear risks for councils here as the volatility of the housing market may delay building and the recouping of funds through "recycling". Dangerously, councils are responsible for cost over-runs even though many projects were still at early design stages when funding was awarded and depend on a range of external factors outside the council's control. They are crucially dependent on contractors, utilities etc. delivering and these will have many commercial factors to consider.

“There is significant risk and challenge in this project which members need to be clear they are adopting,” Tameside’s Executive Cabinet was warned[9]. “This is because there is no legal certainty the Council has the powers to deliver this project so they will need to be kept under review throughout.”

There have been other risks too, but the Government was at pains to avoid financial risks to developers.

“Oxfordshire County Council through negotiations regarding all MVHIF and HIF agreements have expressed concerns about the level of risk they are exposed to across all of the agreements within the County,” Vale of White Horse’s Cabinet was told[10]. “Of concern in the WELR agreement was the condition that failure to spend the funding in specific timeframes meant that it could be recovered by Government. It has now been agreed by Homes England that only unspent funding can be recovered by them, should all relevant milestones for delivery of the infrastructure be met. This appropriately manages the financial risk to Oxfordshire County Council who will determine whether amendments are sufficient to enable the agreement and they have now confirmed that they are able to sign the agreements, subject to their democratic process.”

But throughout the process, local authorities were warned that the biggest danger would be the developers and land owners not playing along with the scheme and the council having to explain to Whitehall why it was failing to deliver the required number of homes, failing the “Housing Delivery Test” and facing sanctions like the so-called “presumption in favour of sustainable development”, designed to maximize unsustainable development.

“The main alternative is for the Council to decide not to enter into the Homes England funding agreement,” Teignbridge Council was warned[11]. “Failure to complete the agreement would clearly delay if not totally prejudice the project’s delivery, creating more uncertainty for the future development of housing the area.”

5. What the Housing Infrastructure Fund pays for

Any complete analysis of what the HIF has funded is impossible as so little information has been posted on the details of each individual grant. But it has certainly gone to fund these areas:-

- Link roads
- Access roads
- Road bridges
- Local distributor roads
- Increased capacity on main roads and junctions
- Schools
- Healthcare
- Water and wastewater work
- Gas and electricity
- Site clearance
- Flood control and drainage works
- Land reclamation and remediation
- Public transport (often unspecified, so presumably buses)
- Rail improvements
- Etc.

It's impossible to say how much has been spent on each, given all the secrecy, but it's plain that road spending makes up a great deal more than half of the four billion pounds spent, adding to the country's huge road building budget.

To be fair, some of the money has gone into useful things like brownfield land reclamation and public transport. But what's also clear is that billions of pounds has gone, albeit indirectly, to the profits enjoyed by shareholders of developers and land owners.

6. Grant recovery?

Government guidance was always a bit unclear about whether local authorities are expected to recover the financial benefit to developers, in which case it would just be a substantial interest free loan, or whether they're not, in which case it just becomes a full-blown cash subsidy to the developers.

"If a local authority is able to recover funding from developers and delivery partners in subsequent years, or make efficiency savings, then this money can be retained and recycled in order to help them to achieve more housing delivery in the future," said Forward Funding guidance[12].

If so, any cash recovered would have to be recycled into the local house building businesses, thus potentially resubsidising companies which had already benefited. "The final housing outcome expected is that the funding recovered by local authorities from developers and landowners on HIF FF [Forward Funding] sites is in line with expected recovery plans and prevailing conditions, with a resulting ***increase in spending on housing development by the local authorities***," says the HIF *Impact Evaluation Scoping Report*[13] [their ***bold italics***].

This says monitoring of the "delivery" phase would include the extent of councils' ability "to recover profit from developers and their plans for reinvesting that profit into further housebuilding". A requirement, to be include in all Forward Funding projects, was not that the money be recovered, but that the councils merely be required to provide the Government with details of any cash recovered: "to ensure that where the value of land or existing developments increases as a result of the new infrastructure delivered by the Forward Fund, some of the profit earned is passed back to the local authority and invested in further activities to promote housebuilding in the local area". Which sounds like a pretty good deal – for the developers involved.

Guidance on Marginal Viability Funding also makes clear there is no obligation to recover any of the largesse handed out, let alone all of it. It repeats[14] the mantra about: "if a local authority is able to make efficiency savings or recover funding from developers and delivery partners etc.".

It did, however, make the extraordinary statement that: "Funding recovery and recycling by the local authority can be expected if the developer makes a higher than expected profit."

One of the startling aspects of the HIF is very often the absence of public information about individual grants, even in reports to local authorities or their committees about them. Local authorities' handling of such grants always requires at least committee approval, so given that a substantial number of the councils handling them make little or no mention of them in public documents, one must assume that some or all of the committee reports find their way on to Part 2 agenda (from which the public is excluded and which are unpublished). This is especially true in the case of cost recovery, which is seldom mentioned even in public reports on HIF grants.

Homes England's template for grant determination agreements[15], which was released in response to a Freedom of Information request, says very little about grant recovery. A short section on State Aid says grants must comply with these requirements, and individual grants sometimes make clear this includes recovery. Other provisions on recovery are mostly about where things go wrong.

What is certain is that many councils have been at pains to ensure their electors don't know what the situation is on this important matter by putting all or part of reports on Part 2 (confidential) agendas. Many public agenda reports on HIF grants make no mention whatsoever of grant recovery.

A few councils, however, do publicly report issues about their HIF processes though often these reports still omit discussion of the grant recovery issue. Where it is mentioned, it is often something of an aside. "All costs saved or recovered within the project may be retained by the Council for use on further housing delivery subject to Homes England approval," Sheffield City Council's Cabinet member for transport and development was told[16] for instance.

Tewkesbury Borough Council's Executive Committee was told[17] Homes England's grant determination agreement conditions include one which stipulates: "that funds are recoverable unless recycled to deliver additional homes including an obligation to pass these conditions down to contractors, developers and site owners".

Its deputy chief executive explained this is a recovery mechanism agreed and passed down to any developer.

"This is to ensure that any money received (e.g. sold prices higher than what was expected and thus the project is more viable) in excess of that which was anticipated on awarding the grant will be recycled back into the project or 'recovered' for the benefit of the project," said the report. "It has been accepted that CIL and S106 will address this requirement."

Reports and other published information certainly leave Homes England's role in the Housing Infrastructure Fund fairly impenetrable. In a letter[18] to Mid Devon District Council advising the Council its application had been successful, Homes England included four conditions including: "Any costs saved or recovered are retained by the local authority and to be used for further housing delivery". But this does not say whether the Council *needs* to pursue recovery.

Some councils appear to think they do.

"The intention is that once the dwellings start being constructed, the developer will repay the funds under an agreed repayment mechanism which are then recirculated by the local authority to bring forward further housing development," said a report to North Devon Council's Strategy and Resources Committee[19].

But the report lists possible risks and says; "Principle [*sic*] amongst these is that the Council should have legally enforceable methods of recovering the funds from the developer. The Council will also have various requirements to monitor the delivery of housing and to report this to Homes England". But a subsequent paragraph says a clause will require recovery of funds - apparently if the houses are not delivered and there is a risk the Council would have to repay the funds to Homes England, as required by the quango.

“The Council has obtained counsel’s opinion which states that the only reasonably certain way in which the Council can recover the amounts is through a charge placed on land within the ownership of the developer,” North Devon’s Committee was told. “A market interest rate would then be charged. The Council is currently in discussions with the developers over the terms of the necessary charges and the level and nature of security required.”

North Devon is not the only council in Devonshire believing grant recovery is not optional.

“The HIF is grant funding to DCC, with the expectation that DCC recovers funding from developers to repay the cost of delivering the infrastructure as housing is delivered,” Devon County Council’s Cabinet was told[20]. “The upfront delivery of the infrastructure provides greater certainty, addressing concerns that there is often a lag between the delivery of the housing and the supporting infrastructure, and supports the delivery of housing by reducing the upfront burden on developers, whilst maintaining the developers ultimately pay for the infrastructure that is required to deliver the housing.”

Somerset West and Taunton Council was told[21] that: “following submission of the HIF bid, the Government confirmed that the HIF funding will operate as recoverable grant to Somerset West and Taunton. SWT will be responsible for loaning the HIF funding to the developers, via quarterly claims to Homes England over the construction period for the spine road and the primary school up to March 2023. SWT is then responsible for recovering the HIF loan at a later date from the development.”

Norwich City Council’s Cabinet learned[22] of another risk – of having to repay Homes England where the housing site was sold off after infrastructure was delivered but houses were unbuilt and of the contracts to obviate this.

“These contracts will not only ensure that monies can only be spent on delivering required infrastructure but also will provide for repayment of monies in certain circumstances (such as planned housing not being delivered as planned or any element of the grant being found to breach state aid),” it was told. “It will be necessary for the Council to secure a restriction on title for the site under these contracts. This is required in order to prevent unauthorised disposal of the site once HIF funded infrastructure has been delivered. This provision is required by HE to protect its grant to the local authority, and is required by the local authority to mitigate the risk of HE’s clawback of funds already spent.”

The Cabinet was informed the site owners had been reluctant to accept this condition, but it was non-negotiable.

A key question over whether HIF grants are recoverable grants/non-recoverable grants or loans concerns viability. Housing developments are supposed to be viable if they’re to be included in local plans, but the existence of the HIF is proof that the imperative to build houses overcomes all other considerations (even current guidance) as it is tacit admission that many schemes are unviable. The Somerset West and Taunton report confirms this.

"As the HIF funding is now a loan to the developers, it does not alter the currently agreed viability position," the Special Full Council was told. "Evidence has been submitted by the developers to confirm this position and this has been independently verified, on behalf of the Council, by Three Dragons. However once the HIF loan is drawn down by the Staplegrove developers and recovered back to the Council, Somerset West and Taunton is able to utilise the recovered HIF funding to unlock further housing, on other development sites in Taunton."

In other words, pre-HIF grant the scheme was unviable, the "loan" made it viable and once it was repaid, it became unviable again, but too late to stop building. And presumably, where grants don't have to be repaid, they effectively remain unviable throughout the process.

Grant determination agreements do carry the requirement that grants be state aid compliant and this has affected the attitude to grant recovery. As Crawley Borough Council's Cabinet was told[23]: "Due to public money going into private developments in this way, the structure and terms of the funding is required to be state aid compliant, meaning the grant is effectively awarded to the Council, and the Council carries the state aid risk of providing this funding to the respective schemes. For this reason the terms of the grant funding requires any 'surplus' coming out of each respective scheme to be 'clawed-back' by the Council as a public body, up to the value of the HIF funding provided, and to be 'ring-fenced' for recycling back into housing delivery in the borough."

The Crawley report also notes the issue of how HIF grants affect schemes' viability.

"Due to the value of the grant to be received, and the consequent obligation to recover up to the same value if the scheme's viabilities improve to that extent, with restrictions on the future use of these funds in future years, officers require delegated authority to enter into such terms with Homes England and the respective developer partners," Crawley's Cabinet was told.

Most councils appear to assume that any cost recovery would be via Section 106 or CIL payments. But Swale Council planned to use a local infrastructure tariff "to be agreed to recycle the fund to facilitate further housing in the area,"[24]. Salford City Council set up its own Development Trust Account to channel recovered funds[25].

But it's clear that, in many cases, there is no actual requirement to recover the money. The only real *requirement* for cost recovery appears to have been the EU state aid rules. And Homes England was clear that wouldn't necessarily survive Brexit.

"Homes England may review this Agreement, at any time prior to or following the withdrawal of the United Kingdom from the European Union, to ensure that the provisions of the Agreement comply with any United Kingdom Competition Requirements which may be applicable to it or the parties and to ensure that no

Unlawful State Aid has or is likely to arise," according to its template on grant determination agreements[26].

7. Local support?

According to the official guidance[27], local authorities must be able to demonstrate that their HIF bids have support locally. “We are asking communities to accept that more housing is needed if future generations are to have the homes they need at a price they can afford,” it says.

Interpreted literally, this would have meant that several schemes dependent on HIF funding would not have gone ahead as they face substantial local opposition and enjoy little local support. But the guidance treads a fine line between ensuring such bids are successful and taking opposition seriously.

“This means we will seek evidence of a strong local commitment to delivery, including between different tiers of local government and with delivery partners and providers, the involvement of local communities and MPs and engagement with local enterprise partnerships,” it says.

So all that “able to demonstrate that their HIF bids have support locally” really means is that the local authority (which could be assumed to have supported the bid as it was the body that made it) is supported by the developers that stand to gain and the local LEP. All that local authorities must be able to demonstrate in terms of communities and MPs is that they were “involved”. As “involvement” could mean any sort of community involvement, up to and including a riot at the town hall, this is not exactly difficult to demonstrate.

It is cynicism of this kind which brings government into disrepute.

8. Deliverability, viability and five-year supplies

The 2012 *National Planning Policy Framework*[28] imposed a suite of policies to force English local planning authorities to release more land for house building. It did include a spray of fine words about sustainability but it was evident at the time, and experience has proved, these were nearly always trumped by the Treasury's obsession with building raw numbers of homes – wherever, whoever for and whatever the actual need.

Residential density standards had been abolished in 2010 and brownfield-first policies in 2012. So, when the *NPPF* introduced measures to force bigger releases of greenfield land, a perfect recipe had been created to deliver the house builders' most cherished – i.e. most profitable – dream: low-density, greenfield sprawl at car-dependent locations.

The *NPPF* seriously undermined local planning authorities' ability to pursue sustainable development. It said that housing developments should be "deliverable" and "viable" and, when councils were judged unable to demonstrate a "five-year supply" of house building land or where they failed the "Housing Delivery Test", the *Framework* made them subject to draconian measures to weaken their position further.

Although these measures were technically designed to simply ensure a "sustainable" flow of house building completions, it was an open secret at the time that they were primarily designed to force local planning authorities to release more greenfield land for building, whether this fitted with the rest of their policies - or sustainable development - or not. In the years since 2012, although the *Framework* has been tinkered with, this core of enforcing greenfield land release remains. The planning reforms proposed in 2020 were designed to accelerate this.

But "deliverability" and, especially, "viability" created problems for greenfield house builders, especially with the huge sprawl developments closest to their hearts. Viability can pose particular problems for land releases as it requires essentially they must generate an attractive level of profit – and house builders will seldom put a shovel in the ground unless they are confident of securing a huge 20% rate of return.

But such really big schemes are usually urban extensions or built at remote sites. These necessitate mostly or completely new provision of the most expensive infrastructure like schools, surgeries, water and sewage services and, most costly of all, new roads, instead of taking opportunities to use existing infrastructure more efficiently.

At the heart of both Housing Infrastructure Fund streams is a desire by Government to either speed up, or "unlock", major housing developments. These are fully consented developments, or expected to be so shortly, and the obstacle to their construction is the developers' inability, or unwillingness, to fund the expensive infrastructure necessitated by their commercial ambitions. Strictly speaking, as a result, they should be judged not deliverable, not viable and should not contribute to five-year supplies. The sites should not even feature in local plans, let alone receive planning consent.

In reality, however, deliverability, viability and five-year supplies are policies which have generated the huge greenfield land releases which necessitate vast expenditure on new infrastructure. In theory, if developers baulk at these costs, official policies should mean that many of these large developments should be rated undeliverable and unviable.

But that would hit the number of homes, mostly expensive market homes, whose construction (or at least consent) the policies facilitate. From this, the Housing Infrastructure Fund was born as a tacit but clear admission that existing planning policies have failed to facilitate the very extensive construction of unsustainable forms of housing at unsustainable locations the Treasury desires.

Some extended discussion of the malignant role that deliverability, viability and five-year supplies have played in the English planning system is included in Appendix 3.

9. Viability and the Housing Infrastructure Fund

It is clear, from examination of what published material there is on the HIF-subsidised projects across England that, despite all the carefully crafted *NPPF* provisions to ensure developers have a big supply of greenfield building land, there are big developments all over the country, included in local plans, where developers believe they cannot make the massive financial returns they seek on investment because of the cost of infrastructure.

Such developments should, of course, be rated “undeliverable” and hence “unviable” and should not, in theory, be included in local plans, let alone receive consent. Yet they are widespread.

Local planning authorities are well aware that many of the housing allocations in their local plans are “unviable” in *NPPF* terms and hence should be excluded from a local plan.

But HIF money - a public subsidy - is available to make them “viable”, masking the failure of this policy to achieve its official purpose of preventing unviable site allocations entering local plans.

Sometimes this is quite explicit, like the Yarm Back Lane site in Stockton, 2,150 homes requiring 135ha of farmland to be destroyed to make way for part of the West Stockton “Sustainable” Urban Extension. Stockton-on-Tees’ Planning Committee was told[29] that a planning application for the development allowed the Council to access £10m of HIF funding which would add to a developer contribution to allow a major road intersection on the A66 to be built.

“Without HIF funding, it is extremely unlikely that a single development scheme would be able to deliver the infrastructure required and the whole SUE will not be able to proceed,” the Committee was told. Or, to put it another way, the development wasn’t viable and shouldn’t even have made it into the local plan.

Teignbridge Council was warned[30] that rejecting its £4.9m HIF grant would delay, if not totally prejudice, the 860 sprawl homes it planned at its North West Scremerton Lane DA2 allocation. Without the HIF funding two elements necessary to the development, a new link road and a bridge to carry it across a stream would not have been possible.

The Council was warned that failure to agree the HIF cash would delay if not totally prejudice the project’s delivery.

“While there can be confidence that the developers would ultimately need to deliver the link road, the timescales cannot be certain,” said a Council report. “Road commencement would rely on housing development commencing first.”

The developers thus having been given permission to hold the Council’s feet to the fire, the report also warned HIF funding would be needed for the bridge. This was because the “associated financial contributions secured from developers” reflected early cost estimates. Sadly “more thoroughly prepared figures” had doubled the cost of the bridge and the Council expected the public purse, rather than the developer, to meet the cost of this shortcoming.

“The HIF is also paying to deliver a road that would ordinarily be required of the developers,” the report admits. “This is on the basis that development viability would otherwise be reduced. If the road and bridge are not funded through HIF there is a strong prospect that the amount of other infrastructure and/or affordable housing delivered on the development sites would need to be reviewed.”

So viability can be used by developers to point a gun at local authorities and the Treasury to extract subsidy to build the homes necessitated by pressure ultimately stemming from the Treasury’s obsession with building raw numbers of homes.

A key (but unspoken) objective of including viability in the *NPPF* was to militate against brownfield development and so force local planning authorities to allocate the more profitable greenfield sites. Such sites often need funding for reclamation and preparation, unlike cheap and profitable greenfield. Now that Whitehall finally admits that maximizing house building needs brownfield too, inevitably such sites have viability issues.

A clear example was provided to Manchester City Council’s Economic Scrutiny Committee and Executive[31] on the business plan for its Northern Gateway Joint Venture ambition. The report made clear that the plan’s financial model showed a minimal return against the overall projected gross development value and “would not be at a sufficiently market facing or viable level whereby a developer acting reasonably would undertake development without additional external public sector investment”. Viable, in this context, means the 20%+ rate of return expected by developers and so the development was not viable and should not proceed, in theory.

The report said these problems were the result of the huge site-wide infrastructure costs, estimated at £165m.

“When these infrastructure costs are coupled with the existing challenging sales values of the homes for open market sale in this part of the city, then it becomes clear why no development or regeneration has been able to come forward here previously without significant public sector investment in order to help address some of the funding challenges with regards to site-wide infrastructure, the provision of high quality public open space, affordable housing and zero carbon in order to make the initiative viable,” said the report. “Despite the viability challenges of the overall programme set out above, the JV proposes that these will be addressed on a phase by phase basis through mitigation matters such as HIF, the identification of an RP partner and constant engagement with Government and other funding bodies in order to lever in the required public sector financial investment.”

An HIF grant of £51.6m was secured.

Bath & North East Somerset’s Bath Riverside project is another example. The brownfield project received £7.5m from Homes England’s Accelerated Delivery Fund, £10m from a growth deal and £12.6m from the HIF. Such subsidies for brownfield reclamation may be entirely sensible, but with most greenfield sites they merely contribute to unsustainable development.

“Phase 1 at Bath Riverside delivered 205 rented and shared ownership homes, which met the 25% affordable housing provision of the policy at the time of consent (2010), which completed by March 2016,” the Council’s Planning, Housing and Economic Development Policy Development & Scrutiny Panel was told. “These homes were delivered with significant levels of public subsidy due to the severe viability constraints on the site. The Council and the HCA each invested over £6.5m to secure delivery, with an average grant rate of £100,000 for a rented home and £50,000 for a shared ownership home. These rates of subsidy are no longer available to our housing association partners to secure delivery on high value sites. All sites within the EZ can be classified as regeneration projects with significant infrastructure and existing uses impacting value and delivery. Viability remains a major impediment to the delivery and this typically impacts provision of affordable housing. Quays North and South sites fall into this category where the value of the residential elements is ensuring the delivery of the employment uses and meeting costs of infrastructure. On Bath Riverside, land assembly, gas holder decommissioning, decontamination, relocation of the waste transfer station and recycling centre are all significant costs that impact upon scheme viability. The levels of historic direct subsidy for affordable housing delivery are no longer sustainable, so the Council is working to secure capital finance through a number of possible grant/funding mechanisms.”

This is not viability or even marginal viability. These developments are clearly unviable, unless and until the developers’ profit margins are ensured by public subsidy.

As Reading West MP Alok Sharma said[32] in response to a £6m HIF grant to help 190 homes to be built in his constituency: “This funding will support local work that will make housing developments viable and get much-needed homes built more quickly. Without this financial support these projects would struggle to go ahead or take years for work to begin.”

So the scheme was not “viable” and should never have been allocated in the local plan or given planning consent.

The “South Lancaster Growth Catalyst”

Lancaster City Council and Lancashire County Council secured £140m of HIF money for road infrastructure to release land for housing and development in South Lancaster which includes the proposed Bailrigg Garden Village (BGV). This development will extend to over 9,000 homes over a 25-year period. Lancaster’s current population is 53,000, so this would be a new town within a city.

In financial terms, this is a clear case of the HIF cart leading the horse. The last housing needs survey and local plan estimated the Lancaster region required an additional 3,000 homes.

The road infrastructure costs were seriously above average per house. The City Council did some calculations of what was needed to bring Lancaster in line with other similar developments. To recoup the total required to build the BGV and associated infrastructure would require £241m (at pre-pandemic prices). £140m of this would come from the HIF and most of the remaining £100m would be recouped from raising contributions from developers (roof tax).

Clearly, the contributions from 3,000 houses would not recoup anywhere near the £100m required so the number of houses was upped to 9,000+. Even this figure is bizarre as it suggests developers will pay in the order of £10,000 per home – at a time when even half of this sum appears to be aspirational at most similar-sized developments.

As has been pointed out by numerous expert individuals and interest groups, the correct procedure would be to identify housing need and work from there, not to work back from HIF and other sums of money on offer and equate that to a number of houses via a very obviously faulty formula. The £140m of HIF money – added to developer contributions – would go nowhere near adequate provision of health and education services, which are already at full capacity in the area.

In addition to the financial implications, there are huge concerns about environmental impact, brought into even sharper focus by the climate emergency declaration. The greenfield site is currently a mix of agricultural land and woodland. When the initial plans for 3,000 homes on the site were published, BGV planners promised a raft of environmental impact mitigations and retention of open land and wooded areas; now the site is expected to take three times as many homes, it is almost impossible for these promises to be met.

10. Failed bids

One of the hardest aspects of the Housing Infrastructure Fund to research is failed bids. This is not surprising as local authorities are most unhappy about admitting their bids to government for tens of millions of pounds have failed or even that developments they're allowing are unviable. Developers too are less than keen to publicise these things.

An article in *Inside Housing* magazine[33] in 2019 revealed that the first tranche of HIF funding had received bids from 110 councils but, at that stage, only 76 councils had been successful with 94 projects. Six councils had had bids rejected, five had withdrawn bids to seek money from other Government funds, three had had no correspondence with Homes England, six were still hopeful and 14 declined to comment. However, three years later, it is clear some of these were unsuccessful.

In 2021, MHCLG set out proposals for evaluating the HIF's Forward Fund[34]. This revealed that, by that stage, 102 councils had made Forward Fund bids, resulting in 32 successful and 70 unsuccessful bids.

Local authorities involved in Forward Funding bids

Stage	Local Authorities	
	Successful	*Unsuccessful/Drop Out*
EOI	**71** successful	**60** unsuccessful
Co-development	**64** submissions	**7** drop-outs
Award	**34** awarded funding	**30** unsuccessful
In contract	**31** accepted funding	**3** drop-outs
Total	**31**	**100**

[*Source:* MHCLG, 2021]

Given the secrecy involved in HIF transactions and the obvious embarrassment to both local authorities and developers after expensively prepared bids failed, it has not proved possible to assemble a complete list of unsuccessful bids to the Fund or to say why most failed. The number, however, was plainly substantial.

11. The Scottish Housing Infrastructure Fund

While secrecy surrounds many of the workings of the English Housing Infrastructure Fund, Scotland too is less than forthcoming about its own HIF. Some details only emerged as part of FoI requests[35].

It was originally launched in 2016 and works somewhat differently to the English scheme. As first arranged, it had £50m to make available as either grants or loans to either local authorities or registered social landlords.

In the first round, a total of £48.794m was allocated, 16 grants being made to 14 bodies and two loans to two bodies[36] by the time it ended in March 2021[37].

The aim of the first round was to fund infrastructure to support building of 12,600 homes, around 3,600 of them affordable. An FoI response revealed that, by December 2020, the fund had awarded £28.55m in grants to local authorities and RSLs and £13.899m in loans. Only 352 of the hoped for 12,600 homes had been completed by that stage, and only 95 affordable, against the Scottish Government's 50,000 target.

In 2021 a second five-year round was approved, with "a similar level of investment". The first grant made was to Fife Council for almost £5m to support new housing in Dunfermline[38].

The schemes are listed in Appendix 4.

12. Conclusions

Right from the start, the Housing Infrastructure Fund was an explicit – and expensive – admission of failure of policies like deliverability and viability.

"We hear time and again that putting infrastructure in early could make all the difference in making new land available and getting homes built," said the then communities secretary Sajid Javid launching the Fund[39] following a housing white paper in 2017. "Without the right infrastructure, no new community will thrive."

The need to counter the failure of viability policies was even explicit in the name of one of the two streams. It was called "Marginal Viability Funding" and the margins in question were plainly on the negative side of viability, itself coded speak for profitability. The other stream "Forward Funding" was an admission that "five-year supply" policies were also a failure.

"We recognise that infrastructure is funded in a variety of ways, and at different times in the development process," said the *Introduction*. "This can make it extremely difficult for local authorities to take a strategic approach and plan for infrastructure provision."

So the HIF was born out of realisation that, while sustainability concerns about greenfield, car-dependent sprawl could be ignored in the same way as *NPPF* policies on "deliverability" and "viability" when it suited the Treasury, developers' (and land owners') need to make substantial profits could not.

"The Housing Infrastructure Fund is not to be used to displace other sources of available funding or bail out developers," says *An Introduction to the Housing Infrastructure Fund*[40] published by the Government.

But by at least delaying (when grants are recovered) or wholly subsidising (when they're not) house builders' obligation to fund infrastructure necessitated by their developments they should be funding, it is at best offering them several years of interest free loans and at worst simply giving them millions of pounds in subsidy.

Four billion pounds of public subsidy later, this is not so much "bailing out developers" as massively subsidising them. At a time when there were so many demands on the public purse, deciding to enrich already extremely wealthy people by publicly subsidising them has been an extraordinary act of government.

Appendix 1: Forward Funding projects

Aylesbury garden town growth enabling infrastructure programme

Local authority: Buckinghamshire

Value: £172.3m

No. of houses: 9,114

Greenfield/brownfield: Mostly greenfield.

The plan is to build 1,046 houses by the end of the HIF period and a further 8,768 by 2035. It is not a "town" of any sort, but a series of urban extensions around Aylesbury. The HIF money is to fund "roads and schools" and "roads and energy projects". Kingsbrook Secondary School is mentioned specifically but there is evident public reticence to specify exactly what £172,300,000 is to be spent on.

Announcing the award, Buckinghamshire leader Martin Tett reportedly said that the bid was to help accelerate new schools building, ensure adequate energy supplies for new developments and move ahead with construction of link roads around Aylesbury[41].

"The authority is expected to recoup approximately a significant proportion of the funding award (from s106 and other mechanisms) until 2035 (or beyond)," Buckinghamshire's Cabinet was told. "Homes England will be looking for the Authority to (wherever possible) secure more than this, if additional housing sites are approved."[42].

Northern fringe east

Local authority: Cambridgeshire and Peterborough

Value: £227m

No. of houses: 7,600

Greenfield/brownfield: Brownfield

The funding was sought to subsidise redevelopment of Anglian Water's sewage treatment works on the north-east side of Cambridge by relocating it on to a greenfield site[43].

A Homes England press release[44] confirmed the development is not viable and so, in theory, should not have gone ahead.

"In an LLP joint venture with Anglian Water, the Council overcame a long-standing major barrier to make the development viable, when it will relocate an existing wastewater treatment plant to a new site, only made possible by using HIF FF funding," it said.

The sewage treatment works [*Homes England*]

Transformational growth in Biggleswade

Local authority: Central Biggleswade

Value: £69.6m

No. of houses: 3,000

Greenfield/brownfield: Greenfield

The money is to fund[45]:-

- New 240MW of power capacity for the whole of Central Bedfordshire (£40m);
- Secondary school
- New interchange at the railway station
- New bridge across the East Coast Main Line

North Cheshire garden village

Local authority: Cheshire East

Value: £21.7m

No. of houses: 1,500

Greenfield/brownfield: Mostly greenfield

The grant is to provide:-

- £6.6m for improvement works to some junctions of the A34 to provide access points;
- £6m for provision of new village high street and key distributor roads;
- £4.4m for replacement of the existing A34 footbridge with a more accessible design;
- £2.2m for extension and diversion of the current utilities network;
- £2.5m for land remediation.

Cheshire East's consultants, Hive Land & Planning, said its commission was extended to support the Council through the HIF contracting process. "The evidence to demonstrate that both the infrastructure was deliverable and that the houses would follow in a timely manner was Hive's responsibility," said Hive's press release[46]. It said the Infrastructure Delivery Statement showed the Council was on top of procurement, cost management and funding requirements. "This document articulated the type of works contained with the 4 infrastructure works packages to be procured with the HIF funding and detailed how these works packages would act as the catalyst for the release of housing land. This release of housing land and the subsequent recycling of funding from it would see the infrastructure works and the Garden Village site delivered in full."

In other words, the development would not have been viable without the HIF money.

Truro growth area – northern access road

Local authority: Cornwall

Value: £47.5m

No. of houses: 3,000

Greenfield/brownfield: Greenfield

The HIF grant is to be spent building a new northern access road from the A390 in the west to the Royal Cornwall Hospital in the east. The road is part of the car-dependent urban extension at Langarth.

Hayle junctions infrastructure project

Local authority: Cornwall

Value: £12.9m

No. of houses: 1,250

Greenfield/brownfield: Greenfield

The funding is to be used to increase capacity at the A30 Loggans Moor roundabout to allow access to housing in the "Hayle Growth Area" – an urban extension south of the town.

Carlisle southern link road

Local authority: Cumbria

Value: £134m

No. of houses: 10,325

Greenfield/brownfield: Greenfield

The 8km Carlisle southern link road (CSLR) scheme is designed to connect Junction 42 of the M6 with the A595 at Newby West. It includes four new roundabouts and three new bridges. Main works are due to begin in spring 2022. It is designed to allow the construction of 10,000 car-dependent, greenfield homes on farmland south of Carlisle known as "St Cuthbert's Garden Village". All £134m of the grant is to finance the road and Cumbria County Council and Carlisle City Council are each also contributing £5m towards the road. Capital receipts from sale of County Council land at Cummersdale will also be used to fund Garden Village infrastructure, possibly including the road[47].

Carlisle Southern Link Road [*Homes England*]

South-west Exeter

Local authority: Devon

Value: £55.14m

No. of houses:

Greenfield/brownfield:

"South-West Exeter" is a local plan allocation of 2,500 homes and 5ha of employment land on the edge of Exeter (2,000 homes in Teignbridge and 500 in Exeter). "The development straddles a key arterial road (the A379), is close to the Exe Estuary Special Protection Area, requiring additional mitigation, has difficult topography and has multiple land ownerships," Exeter's Cabinet was told on 14 October 2020[48]. "It requires a significant amount of infrastructure to enable the development to come forward, much of which is needed early, and involves coordination to minimise disruption."

The HIF funding is intended to pay for:-

- four signal junctions on the A379;
- realignment of Chudleigh Road;
- a southern Spine Road;
- an employment access roundabout at Peamore;
- Devon Hotel Roundabout upgrade;
- Alphington Village "enhancements";
- a school access road;
- pedestrian /cycle bridge;
- "alternative natural green space";
- utility upgrades including new primary electricity sub-station and foul drainage;
- a community building which is intended to include a GP surgery.

The Cabinet was told the Government has an "expectation" that the County Council will recover the cost from developers as the housing is built. "The HIF bid identified the potential to recover up to 90% of the funding, approximately £49m," it was told.

The grant will cover extensive road improvements including the A382 corridor. Its outline business case, however, includes a local contribution of £6.55m. It also covers realignment of a stretch of the A379 Chudleigh Road "to accommodate the expected increase in traffic flows from the proposed development". A pedestrian and cycle bridge across the A379 will also be necessitated.

Beaulieu station and north-east bypass

Local authority: Essex

Value: £218m

No. of houses: 9,000 up to 2036 + 5,000 after that time.

Greenfield/brownfield: Greenfield

Essex County Council is working with Chelmsford City Council and Network Rail to build a North-East By-pass for Chelmsford and a new railway station at Beaulieu to support sprawl.

As well as the £218m HIF grant, a further £34m is expected from the South East Local Enterprise Partnership and a developer "Countryside Zest".

The 8km By-pass from the A12 to the A131 was first approved in 2007 but work on the design has continued up to the present. The County Council imagines that increasing road capacity in this way would "relieve the high level of traffic congestion in Chelmsford and enable existing routes into the city centre to become sustainable transport corridors".[49]

Tendring Colchester borders garden community

Local authority: Essex

Value: £99.9m

No. of houses: 9,000

Greenfield/brownfield:

This was one of three "garden communities" proposed by Tendring District Council, two others of which were rejected by a planning inspector, but the Borders development was consulted on in 2020.

The proposal includes a A120/A133 link road which is intended to be built before the housing, as this is car-dependent-sprawl, although £30m of the HIF grant is supposed to fund a "rapid transport scheme" to Colchester, though no technology has been specified.

Docklands Light Railway – growth capacity

Local authority: GLA

Value: £280.7m

No. of houses: 18,000

Greenfield/brownfield: Brownfield

The HIF funding is to pay for 14 three-car DLR trains as part of its rolling stock replacement programme, expansion of its Beckton and Poplar depots and enabling works for a new station at Thames Wharf. The improvements are designed to assist building of up to 18,000 homes.

Meridian Water infrastructure

Local authority: GLA (Enfield Borough Council)

Value: £170m

No. of houses: 10,000

Greenfield/brownfield: Brownfield

Although HIF Forward Funding projects are supposed to be administered by higher-tier authorities, it appears Enfield Borough Council has progressed this bid for infrastructure at its Meridian Water project.

£116m of HIF cash is intended to fund (by April 2024)[50]:-

- land remediation;
- flood alleviation;
- construction of roads, bridges and utility services.

A further £40m of HIF work is to fund rail works

East London Line – growth capacity

Local authority: GLA

Value: £80.84m

No. of houses: "Up to 14,000"

Greenfield/brownfield: Brownfield

The grant is intended to fund a range of capacity enhancements to the East London Line to facilitate significant housing developments in the boroughs of Southwark and Lewisham.

M5 Junction 10 improvements scheme

Local authority: Gloucestershire

Value: £249.1m

No. of houses: 9,000

Greenfield/brownfield: Greenfield

The plan is to increase capacity at the junction with a grade separated roundabout centred on the existing junction with a new link road into Cheltenham, as well as capacity increases on the A4019. The work also includes expansion of Arle Court Park and Ride (renamed the Arle Court Transport Hub) and improvements to the A38/A4019 Coombe Hill junction.[51]

The work is intended to support car-dependent housing development west and north-west of Cheltenham, part of which is in Tewkesbury borough. This includes the North-West Cheltenham Development, the West Cheltenham Golden Valley Development and land safeguarded beside Junction 10 itself.

Manchester northern gateway urban growth programme

Local authority: Greater Manchester Combined Authority

Value: £51.6m

No. of houses: 15,000

Greenfield/brownfield: Predominantly brownfield

The funding is to pay for land remediation, road access, utility installations, drainage and creation of a new park on the site of Network Rail's former Red Bank Sidings[52].

However, the plan shows the limitations of "viability" as a concept. "Place making" infrastructure was assessed as £165m and the Council was told the gross development value would not be "sufficiently market facing or viable" without public subsidy. These were described as "viability challenges".

See Section 9 above

Swale transport infrastructure

Local authority: Kent

Value: £38.1m

No. of houses: 6,341

Greenfield/brownfield:

The grant will fund improvements to the A249 junctions at Grovehurst and Keycol/A2. Kent County Council says that should a new route to the M2 east of Sittingbourne be secured, with completion of the Northern Relief Road and a new Southern Relief Road to a new Junction 5a with the M2, this would open up: "a major opportunity for significant new development". The money also supports Kent Science Park by providing required access improvements to support expansion. The housing is likely not to be "viable" as Swale Local Plan, adopted in 2017, is only deliverable to 2022, as beyond this there are capacity and air quality issues on the local road network, specifically the A2 and its links with the strategic road network (A249). A local plan review is to be completed by April 2022 to show how the identified housing need can be met post 2022[53].

South Lancaster growth catalyst

Local authority: Lancashire

Value: £140m

No. of houses: 9,185

Greenfield/brownfield: Greenfield

Lancaster City Council and Lancashire County Council secured £140m of HIF money for road infrastructure to release land for housing and development in South Lancaster which includes the proposed Bailrigg Garden Village (BGV). This development will extend to over 9,000 homes over a 25-year period.

See box on page 24.

Melton Mowbray southern distributor road

Local authority: Leicestershire

Value: £14.7m

No. of houses: 1,500

Greenfield/brownfield: Greenfield

The County Council originally intended to seek £50m to fund the southern section of the Melton Mowbray Distributor Road and a South West Leicestershire Growth Area[54], although it admitted this would be informed by business case development and discussions with MHCLG and Homes England.

Melton distributor Road [*Leicestershire County Council*]

In the event, £14.7m HIF grant was secured to fund the Distributor Road between the A606 and the A607, intended to allow 1,500 houses in the so-called "Melton South Sustainable Neighbourhood". The Distributor Road had already received funding for the section north and east of the town and, when the HIF money was approved, the County noted: "That scheme has already received almost £50m of Government funding which brings investment into the Melton area to around £65m".[55]

New routes to good growth

Local authority: Medway

Value: £170m

No. of houses: 11,000

Greenfield/brownfield: Greenfield

The grant followed a bid to Homes England in 2017 to support construction of 12,100 homes on the Hoo Peninsula up to 2043. The funding was estimated to be £86m on roads, £67m on rail, and £17m on "essential development infrastructure".[56] The road works are extra lanes and junction improvements on the A289 between Four Elms Roundabout and Anthony's Way Roundabout, Four Elms Hill, a new A228-A289 link road and local road works. Rail works include a new station and chord line.

In September 2021, a one-year extension of HIF until March 2025 was agreed.[57]

Milton Keynes east sustainable urban extension

Local authority: Milton Keynes

Value: £94.6m

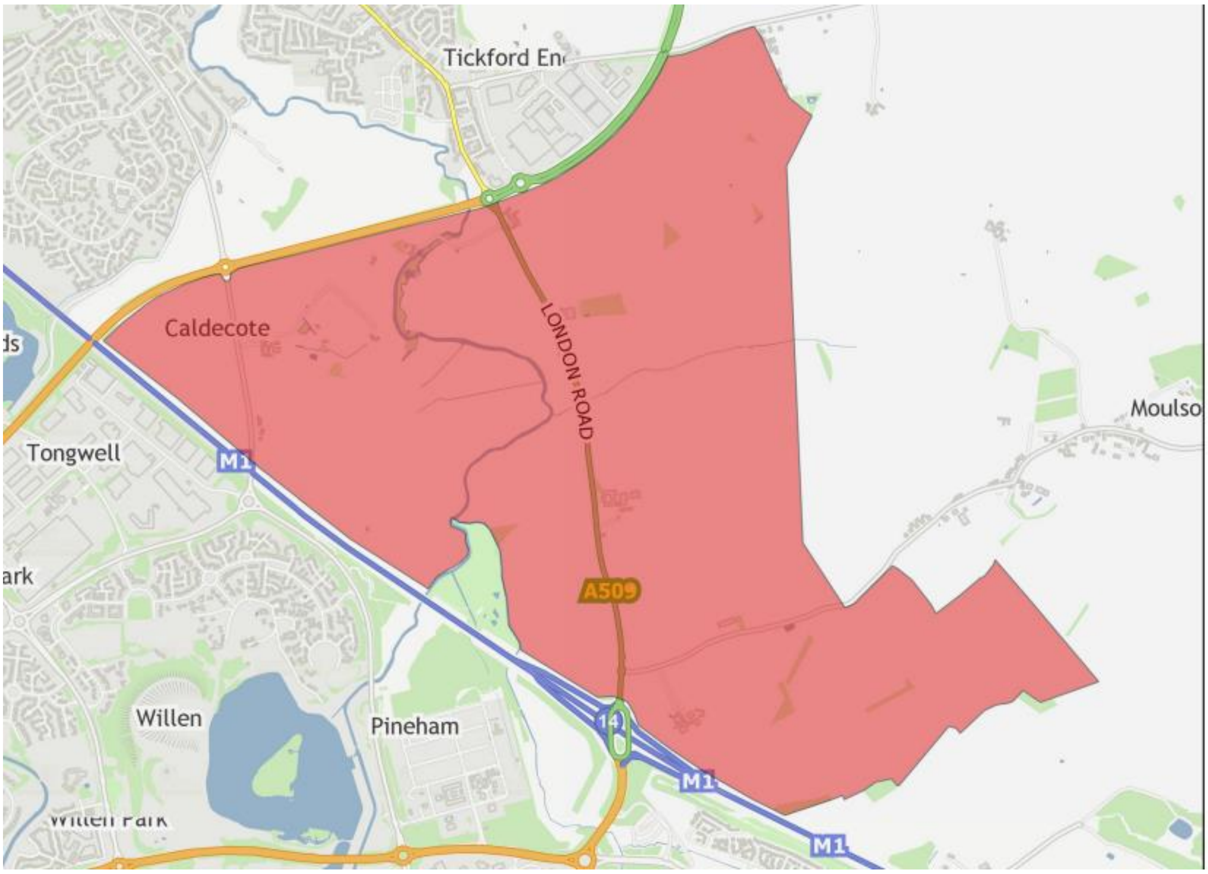
No. of houses: 5,000 (+105ha of employment land)

Greenfield/brownfield: Greenfield

A development framework for this urban extension which will occupy 440ha of farmland, further extending Milton Keynes to the east of the M1 motorway was approved in 2020.

The grant will pay for:-

- A healthcare facility and primary school;
- New roads;
- A new bridge across the M1.



Milton Keynes East [*Milton Keynes Council*]

South Sunderland growth area cluster

Local authority: North East Combined Authority

Value: £25.4m

No. of houses: 4,066

Greenfield/brownfield: Mostly greenfield

The funding is to pay for several projects connected to the 277ha "South Sunderland Growth Area" south of the City[58]. Projects include dualling of the B1286 from Monarch Way to Doxford Park Way[59]

West of England enabling infrastructure for M5-A38 strategic development locations

Local authority: North Somerset

Value: £97m

No. of houses: Not specified

Greenfield/brownfield: Not specified

The bid was designed "to provide infrastructure and educational provision to support the delivery of housing allocations"[60] - infrastructure for the Weston Villages and other housing development over the 2019-44 period. The money is to pay for:-

- a 900-place expansion of Winterstoke Hundred Academy ;
- Banwell By-pass;
- improvements to local roads and pathways in and around Banwell.

The By-pass is intended to "open up further areas of land for travel and housing". One of these could be "Banwell Garden Village" following an agreement by Terra Strategic with five land owners to promote 39ha of greenfield land for development.[61]

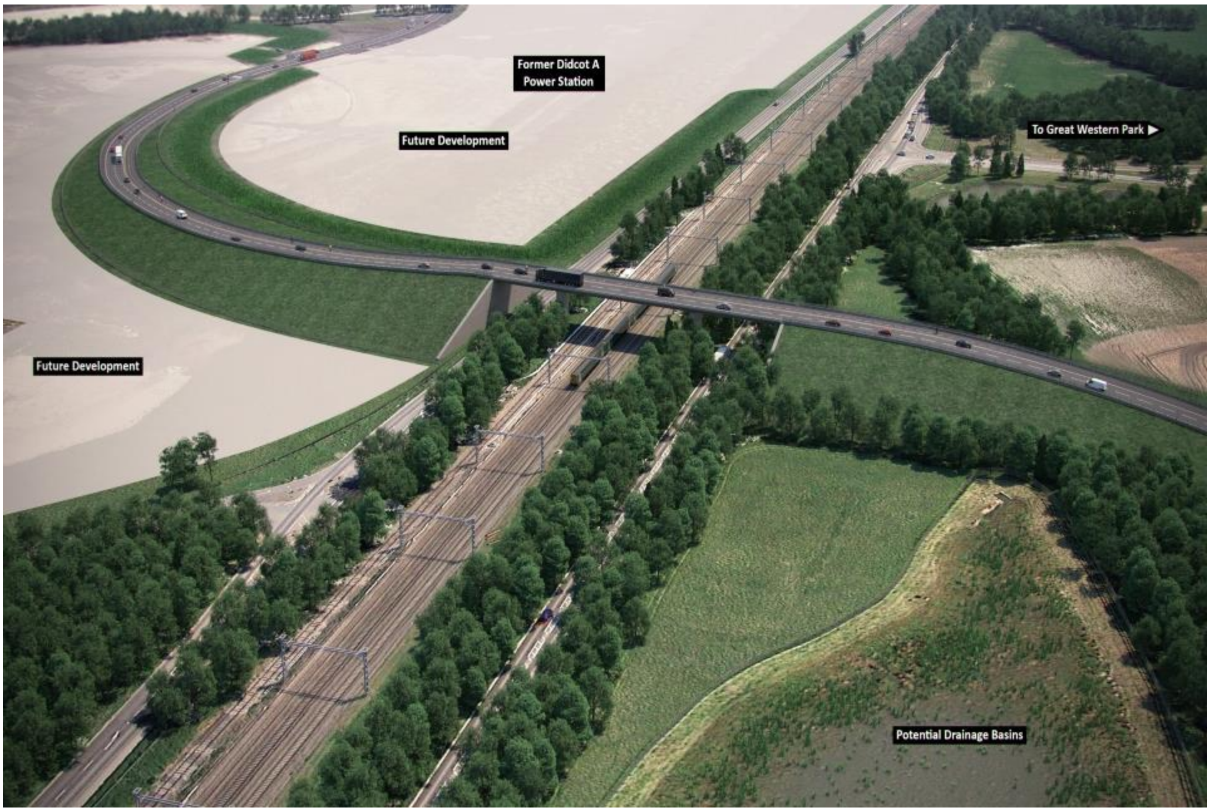
Access to Didcot garden town

Local authority: Oxfordshire

Value: £218m

No. of houses: 11,711 on 12 sites (+ support for a further 6,000), together with employment sites.

Greenfield/brownfield: Mixed



The new Didcot road bridge over the railway [*Homes England*]

The original bid in 2017 was £171m (for 22,000 homes) but this was seemingly upped later to £218m to provide £218m of the £234m cost of a packet of road building measures to support the new housing.[62]

The four schemes are:-

- A4130 widening from Milton Interchange to a new Science Bridge by making it a dual carriageway;
- a new Didcot Science Bridge from the A4130 over the Great Western Railway Mainline into the Didcot 'A' Power Station site and re-joining the A4130 Northern Perimeter Road north of the Purchas Road/Hawksworth roundabout;
- a new river crossing and link road between the A4130 at Didcot and A415 at Culham, including two new bridges;
- a Clifton Hampden Bypass between the A415 at Culham Science Centre and B4015 north of Clifton Hampden.

A40 smart corridor

Local authority: Oxfordshire

Value: £102m

No. of houses: 4,813

Greenfield/brownfield: Greenfield

Originally, in 2017, £135.4m was bid to pay for upgrades on the A40 to support sprawl housing[63]. The £102m grant secured is intended to help the County Council pay for a £153.2m programme of works along the A40 trunk road between Witney and north Oxford. A further £18m of the rest will come from the Government via the Housing and Growth Deal. According to the Council[64]: "It will not only expedite infrastructure delivery, but directly unlock 4,813 homes … and support the delivery of more than 10,000 new homes in the West Oxfordshire area committed through the Local Plan 2031".

Oxfordshire County Council says[65] its A40 programme consists of:-

- Eynsham Park and Ride;
- Dualling of the A40 between Witney and Eynsham;
- Bus lanes on the A40 between Eynsham and Duke's Cut;
- Widening of the Duke's Cut canal and railway bridges;
- Improvements to the Witney (Shores Green) junction to increase capacity;
- Road improvements, bus priority and cycle and walking provision between the A34 and Wolvercote Roundabout.

Beyond a mention of an intention to "support housing delivery in West Oxfordshire", there is little sign of the unlocking of delivery support for new housing. The Cabinet report referred to above says the works would extend highway capacity from Witney to Eynsham and says they will enable residents of two large sprawl sites at Eynsham to access local employment, retail and services in Witney.

Although it stresses increased bus capacity, it is clear that commuting by car is a key element of the new housing. "This part of Oxfordshire has some of the highest levels of 'out-commuting' in the county, over 20,000 West Oxfordshire residents commute to destinations outside of the District for work, the highest proportion of which at over 7,500 people commute to Oxford City," it says. "This means there is a high level of dependency on the A40 corridor, and the HIF proposals, to access a growing job market in Oxford."

The local authorities are relying on building four huge sites at Witney and Eynsham to meet more than its imposed housing target. "These homes, and HIF funding, contribute to the Oxfordshire Housing and Growth Deal commitment to support the delivery of 100,000 homes by 2031, without HIF this objective would be placed at risk, as WODC would have to consider the use of planning conditions to halt housing delivery until certainty around infrastructure funding could be secured." The four sites "identified as 'dependent' on the A40 improvements" are the "West Oxfordshire Garden Village" (2,200), West Eynsham (750), East Witney (450) and North Witney (1,400). Quite how it "supports the delivery" of 10,000 homes is unclear.

St George's barracks

Local authority: Rutland

Value: £29.4m

No. of houses: 2,215

Greenfield/brownfield: Mixed, but majority is greenfield.

St George's Barracks at North Luffenham is closing in 2021-2 as part of a run-down in defence capability to make way for a "garden community". The HIF grant was intended to pay for upgraded roads and junctions and healthcare facilities, although a substantial proportion was also intended to pay for remediation of contamination on site.

The development was included in the local plan approved in draft in February 2020 and submitted for examination. However, Rutland County Council voted in March 2021 to reject the £29.4m HIF grant, rendering the garden community no longer "viable" and, in turn, undermining the local plan. Work on a new local plan was begun[66] in September.

The Council vote to reject a recommendation to approve HIF funding[67] by 13 votes to 12 followed a stormy debate.

A320 north of Woking

Local authority: Surrey

Value: £41.8m

No. of houses: 3,000

Greenfield/brownfield: Predominantly greenfield

The money was awarded to Surrey County Council and Runnymede Borough Council to increase capacity on a stretch of the A320 north of the town. The work is needed to serve ten car-dependent sprawl sites, including 1,700 homes at "Longcross Garden Village".

"The local plan recognises that new housing is needed to meet demand, and it's important that the A320 as the key link road between the M25 and communities like Woking, Ottershaw and Chertsey is able to cope with increased numbers of vehicles," says the County Council.[68] However, the work will not include an Ottershaw Bypass as the County says: "adequate funding is not available to deliver it"; a new roundabout is what's proposed.

A320 Woking town centre

Local authority: Surrey

Value: £95m

No. of houses:

Greenfield/brownfield: Mostly brownfield

The grant is intended to support a £115m scheme to acquire the Triangle site in the town, and increase capacity in the town's road network including widening of a railway arch.

Woking Borough Council says the increased capacity would allow development of 13 housing sites in the town.

Slyfield area regeneration project

Local authority: Surrey

Value: £52.3m

No. of houses: 1,500

Greenfield/brownfield: Brownfield

Guildford Borough Council wants to relocate the existing sewage treatment works to a former landfill site and to use the Slyfield site for two new industrial units and 1,500 homes. The Council secured Homes England support for a loan of £90m from the Public Works Loan Board, plus a £600,000 grant from Homes England to review the scheme's finances and £300,000 from the EM3 LEP for ground investigations[69]. Bids to the HIF for £52.3m and to EM3 for £7.5m were also submitted.

The project was renamed "Weyside Urban Village" and the Borough Council has agreed a capital budget of £359m for infrastructure. Funding includes the HIF money and the £7.5m from EM3.

New eastern villages, southern connector road

Local authority: Swindon

Value: £18.9m

No. of houses: 8,000

Greenfield/brownfield: Greenfield

Swindon Borough Council's "New Eastern Villages" scheme is billed as "one of the largest greenfield developments in the country". The Council is building its 2.4km Southern Connector Road to link the sprawl development with the Commonhead Roundabout. The scheme was awarded £19m from the HIF and £11.6m from the Local Growth Fund and DTp in May 2021. As a result the Council will not need additional borrowing for the scheme[70].

Purfleet centre

Local authority: Thurrock

Value: £75.1m

No. of houses: 2,850

Greenfield/brownfield: Brownfield and greenfield

Thurrock Council is creating a major new development in Purfleet to include a town centre, school, employment space and 2,850 homes. It secured a £75.1m HIF grant to cover[71]:-

- Replacing a level crossing with a bridge;
- A health centre;
- A river wall;
- Drainage;
- Utility works.

Chippenham urban expansion

Local authority: Wiltshire

Value: £75.1m

No. of houses: 7,500

Greenfield/brownfield: Greenfield

Wiltshire Council applied for the HIF funding for its distributor road to support its "Chippenham Urban Expansion Project" and even though its local plan only requires 5,100 homes up to 2036[72], the project is designed "to support the provision of 7,500 additional homes up to and beyond 2036". It was approved in October 2020.

The Distributor Road [*Save Chippenham*]

In July 2021, following intense opposition to its proposals, Wiltshire's Cabinet approved a revised distributor road scheme to the south of the town from the A4 to the A350 to allow construction of 3,800-4,200 greenfield homes. "Under the funding agreement with Homes England… there are some significant risks to delivering the whole Future Chippenham programme such as the land assembly and levels of housing proposed in the Local Plan review," it said[73]. The decision[74] included a plan to discuss changes to the Grant Determination Agreement with Homes England.

Appendix 2: Marginal Viability Funding projects

Free Wharf – Western Harbour (Shoreham-By-Sea)

Local authority: Adur

Value: £10m

No. of houses: 540

Greenfield/brownfield: Brownfield

The grant is to pay for flood risk works and public realm[75].

Finchley Central Station

Local authority: Barnet

Value: £5.7m

No. of houses: 650

Greenfield/brownfield: Brownfield

Barnet Borough Council wants to build homes on car parks at Finchley Central and High Barnet and secured the funding for Finchley Central.

Seasons Phase 3, Thurnscoe housing development

Local authority: Barnsley

Value: £2m

No. of houses: 311

Greenfield/brownfield: Greenfield

Barnsley Borough Council obtained the funding to pay for Keepmoat Homes to build the houses. "Between 2011 and 2015, 160 new homes were built in the Season, now Willow Heights, Thurnscoe as part of phase one for the housing development," says the Council[76]. "The site then remained stalled due to the economic downturn and scheme viability. In 2018 work was able to re-start on site in the form of phase 2, helping to build an extra 129 homes. This was down to hard work from the council and Keepmoat Homes who managed to find solutions to address the viability issues associated with delivering the scheme."

The work is to bridge a funding gap which rendered the project "unviable" and which meant, in theory, that the site should not have been included in the local plan in the first place. The money will pay for roads, utilities and drainage.

Basildon Town Centre – East Square regeneration

Local authority: Basildon

Value: £9.8m

No. of houses: 54

Greenfield/brownfield: Brownfield

This funding is for two sites within Basildon Town Centre – the Post Office site and Car Park 2. Basildon Council wish to develop 54 residential units in a nine-storey development and increase the capacity of Car Park 2 from 360 to c.1200, maintaining provision of current parking and enabling resident parking to be supported. Also 3,800m^2 commercial/retail space and to relandscape the routes connecting East Square to Great Oaks Multistorey car park.[77]

Bath Riverside

Local authority: Bath and North East Somerset

Value: £12.5m

No. of houses: 3,500

Greenfield/brownfield: Brownfield

B&NES has an "enterprise zone" beside the Avon where it is creating 3,500 homes and office development.

But the 205 homes built by March 2016 "were delivered with significant levels of public subsidy due to the severe viability constraints on the site". The Council and the then Homes & Communities Agency paid over £6.5m each (£100,000 per rented home and £50,000 per shared ownership) to overcome the viability failure – which should of course have meant the site was not included in the local plan.[78]

"All sites within the EZ can be classified as regeneration projects with significant infrastructure and existing uses impacting value and delivery," the Council's Planning, Housing and Economic Development Policy Development & Scrutiny Panel was told. "Viability remains a major impediment to the delivery and this typically impacts provision of affordable housing."

Scrutiny here did not necessarily consider the *NPPF* requirement that: "planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability".

The HIF money is contributing to land remediation, a school and other infrastructure.

Rivington Chase

Local authority: Bolton

Value: £12m

No. of houses: Unclear

Greenfield/brownfield: Brownfield

The money is to pay for an access road linking the former locomotive works site with Middlebrook Retail Park, Horwich station and the M61.[79]

Quadrant Q1 Boston

Local authority: Boston

Value: £3.5m

No. of houses: Unclear

Greenfield/brownfield: Greenfield

The Quadrant is a 29ha mixed use development by Chestnut Homes involving 500 homes, a football stadium, out-of-town retail and other development beside the A16 trunk road.[80]

It is unclear what the HIF funds are for.

Thetford Northern SUE

Local authority: Breckland

Value: £14.1m

No. of houses: 5,000

Greenfield/brownfield: Greenfield

Thetford's so-called "sustainable" urban extension – later renamed Kingsfleet - involves 5,000 homes and employment space on a 7.71 square km site. Breckland Council was awarded £9.95m in 2018 for power and water supplies for the sprawl development. This was apparently increased to £14.1m.

The development obviously had viability issues, necessitating the HIF money. The development required a new £6.5m 33kV primary substation to serve the new housing and employment space (with 11MVA for the urban extension and a further 1MVA, adding a further £1m, for Thetford Enterprise Park)[81].

Breckland Council set out its approach to viability in a statement to the local plan examination-in-public[82]. It said its viability study followed the methodology outlined in the widely-used Harman Guidance[83] for plan-making “the use of which was supported by the developer industry at the first consultation event”.

“The viability assessment does not test each of the individual allocations within the local plan,” the hearing was told. “Instead in accordance with the *NPPF*, the viability assessment shows that a typical site within Breckland District can bear the Council’s requirements, so demonstrating, with a reasonable degree of confidence, that the local plan is deliverable. The study uses a selection of example sites of different sizes, general locations and also considers whether it is a brownfield or greenfield site, based on information published in the Council’s SHLAA.”

Quite how this shows any individual site is “viable” is unclear. “The viability assessment shows the level of contributions required through the local plan to be deliverable on typical sites within the District,” it said. “The Council consider the study represents a sound basis for understanding of financial viability and it has been used to support the allocation of sites.”

Northwick Park

Local authority: Brent

Value: £10m

No. of houses: 1,600

Greenfield/brownfield: Brownfield

The Council submitted three bids for HIF funding and two were successful. It secured funding of £9.9m for the area around Northwick Park Hospital to fund improvements to Watford Road and other infrastructure to allow a joint venture development with London North West NHS Health Authority, the University of Westminster and Network Homes to proceed.

“To ensure timely progression of the road design, procurement, delivery and completion it is proposed that £10m of CIL – equalling the amount securing by the HIF grant - is allocated to the project to cash flow it through to completion,” the Council’s Cabinet was told[84]. “The CIL would be replenished by the HIF grant during the project programme period.”

The Cabinet was warned that: “The terms of the HIF funding award stipulates that the grant is ‘claim based’, meaning that the council will be required to incur infrastructure costs in advance of grant income being received. This will create timing differences between the HIF grant draw down and the programme cost milestones meaning the project will need to be temporarily cash flowed”.

Peel Development – South Kilburn

Local authority: Brent

Value: £10m

No. of houses: Unclear

Greenfield/brownfield: Brownfield

The original proposal[85] was to assist reconnection of the South Kilburn estate to the wider area, providing physical infrastructure and community services, by physically reconnecting cul-de-sacs to encourage vehicle connection through the estate, but also giving a greater emphasis to pedestrians and encouraging cyclists, and including funding to a new health centre at the Peel and services work. The Peel project was expected not to be self-financing due to inclusion of the health centre, to be delivered by the selected developer. However, as the procurement process progressed, officers worked to produce a procurement package appealing to the market. So road works were amended alongside site assembly to acquire properties for future phase(s) for South Kilburn.

Glencoyne Square access (Arnside and Glencoyne Square regeneration)

Local authority: Bristol

Value: £3.6m

No. of houses: 120 (300 involved in total)

Greenfield/brownfield: Greenfield

The grant is to support public realm and site acquisition for this part of the Southmead masterplan project. The development of what is currently public open space involves up to 120 residential units, a health centre, library, live-work accommodation and other uses potentially including offices, activity space and a launderette, together with associated landscaping, parking and infrastructure[86].

Unlocking Lockleaze Development

Local authority: Bristol

Value: £6.7m

No. of houses: 800

Greenfield/brownfield: Brownfield

Lockleaze has been a priority regeneration area in Bristol and the Council wants the HIF money as part of the £178m overall costs of Locklease Estate Regeneration & Housing Delivery project (with £1.081m from DCLG Estate Regenerration Grant, £505,000 for the WECA Early Investment Programme and £841,967 from Section 106 allocations (the bulk was to come from the private sector and further grant applications)[87].

Specifics about what the HIF grant is to fund are harder to come by, however.

Beaconsfield relief road

Local authority: Buckinghamshire

Value: £3.3m

No. of houses: Unclear

Greenfield/brownfield: Brownfield and greenfield

The Council had already received £6.1m through the Bucks Thames Valley LEP for the relief road[88] and it was awarded £4,472,144 from the HIF in 2018 to build the Road. This has now been reduced to £3.3m.

The Relief Road was approved in 2014 to be built in three sections. Stage One was a short arm at the southern end built by developer Inland Homes in 2017. The second stage was opened by (the former) Buckinghamshire County Council in 2019. That year permission was given to redevelop the former Witton Park MoD site and Inland Homes was given responsibility for building the third stage of the Road. It was required to be completed as soon as 99 homes were occupied[89].

Partial completion of the road led to extensive traffic congestion.

Princes Risborough expansion area

Local authority: Buckinghamshire

Value: £12m

No. of houses: 2,500

Greenfield/brownfield: Greenfield

The Princes Risborough Expansion Area (PREA) envisages 2,500 greenfield homes on farmland to the north-west of the town.

An independent viability appraisal of PREA concluded that, although the scheme was viable, early cash flow would be a problem[90]. The £12m HIF grant is to fund the Princes Risborough Southern Road Links (SRL) to meet this cash flow problem with the road - as the sprawl is car-dependent.

"The appraisal indicates that the development is able to fund the balance of the cost of the SRL (while taking account of finance costs incurred) while remaining viable and the Council has requested that developers make these funds available to enable the Council to deliver the SRL and unlock the main phase of housing delivery," says the supplementary planning document. "If this funding is not available, the Council will not be in a position to deliver the SRL or to make use of HIF funding. In these circumstances the delivery role for this section of the relief road rests with developers, and this will add to the cashflow and hence the infrastructure delivery challenge. Viability work indicates that overall the development would generate sufficient value to enable this, however this could delay the delivery of homes in phase 2."

Realignment of Abbey Barn Lane and junction reconfiguration

Local authority: Buckinghamshire

Value: £7.5m

No. of houses: 640

Greenfield/brownfield: Greenfield

The "Wycombe Reserve Sites" - Abbey Barn North, Abbey Barn South, Gomm Valley & Ashwells, Terriers Farm and Slate Meadow – were approved for development in the local plan. But modelling of the High Wycombe Transport Framework showed that the Abbey Barn area could not sustain the traffic growth from this car-dependent sprawl. The Abbey Barn Lane/Abbey Barn Road/Kingsmead Road junction would also need more capacity.

Costs were estimated at £11.4m, considered in excess of what would be viable for the adjacent Abbey Barn sites so an application was made to the HIF Marginal Viability Fund. £7.5m was awarded, leaving only £4m to be provided by the developers.

Abbey

Local authority: Camden

Value: £10m

No. of houses: 105

Greenfield/brownfield:

The first phase of Camden's project at the Abbey Estate consisted of 141 homes completed in March 2019[91]. The remaining 105 homes will be delivered in the final phase. The grant is to be used to fund infrastructure consisting of leasehold acquisitions, provision of a new health and community centre, tenant management office fit-out, removal of the footbridge over Abbey Road, landscaping, sub-station upgrade, pedestrian crossing upgrade and associated professional fees and project contingency.

Dunstable Town Centre regeneration

Local authority: Central Bedfordshire

Value: £6.2m

No. of houses: Unclear

Greenfield/brownfield: Predominantly brownfield.

The Dunstable Town Centre Masterplan was published in 2011 with the aim of dealing with a range of regeneration issues including a new leisure and library facility, town centre and shop front improvements and works in the High Street.

In 2017, the Council sought the HIF grant as a health and social care hub and brownfield housing had been added on[92]. The funding was sought for three housing sites (Vernon Place, the Magistrates' Court area and a football pitch) to demolish a former library and provide the highway and power infrastructure for one site, to amalgamate two sites, to relocate the football pitch and to upgrade a junction and drainage.

Chelmer Waterside

Local authority: Chelmsford

Value: £13.7m

No. of houses: 570

Greenfield/brownfield: Brownfield

Funding is for a new link road and remediation works to six sites to support 570 homes[93]. Development on Sites 2-7 was constrained by the capacity of the road network, so a new link road was designed to provide access. This, with the removal of the gas towers and decontamination of land was judged to make the unviable. Sites 2-7 were viable. HIF funding was designed to enable development on the remaining six sites accommodating 570 units.

Howes Lane Tunnel

Local authority: Cherwell

Value: £6.7m

No. of houses: 6,000

Greenfield/brownfield: Greenfield

The funding was sought by Cherwell District Council to support its north-west Bicester housing allocation to fund construction of a new rail-over-road bridge to facilitate the realignment of the A4095 in the vicinity of Howes Lane and Lords Lane, Bicester. The realignment was allocated as a Housing and Growth Deal scheme and so Oxfordshire County Council led on much of the realignment and CDC requested it take forward the delivery of the MVHIF infrastructure.

"To resolve the existing junction constraint at Howes Lane and Bucknell Road it is necessary to build both the new road and the rail bridge, the total cost of which would have exceeded the maximum MVHIF funding bid (£10m)," the County Council Cabinet was told[94]. “The bid made therefore sought the cost of the bridge works only (£6.7m). This decision was based on trying to improve the viability of the NW Bicester development by working with Network Rail to address the more complex delivery of the rail bridge. Further funding is being sought to enable the forward funding and delivery of the road and underpass to unlock the site. The full funding required is not yet secured.”

This effectively said the North West Bicester scheme was not “viable” and should not, therefore, have been included in the local plan. “It has been demonstrated that funding from Homes England is required in order to resolve existing viability issues to enable and facilitate the delivery of up to 6,000 homes across the development site,” said the report.

North West Crewe

Local authority: Cheshire East

Value: £10m

No. of houses: 1,350

Greenfield/brownfield: Greenfield

The “North West Crewe Package” is seen by Cheshire East Council as “unlocking” housing and employment sites in its local plan but, perhaps more important, it would “deliver an improved highway network for the town”[95]. The Package was intended to allow development of 850 homes at Leighton West, 500 at Leighton and 5ha of employment land.

South Macclesfield development area

Local authority: Cheshire East

Value: £10m

No. of houses: 850

Greenfield/brownfield: Greenfield

The money is to help fund a £19.5m link road which forms a key part of the development area.

Northern Gateway

Local authority: Colchester

Value: £5.5m

No. of houses: 560

Greenfield/brownfield: Greenfield

This is funding to relocate Colchester rugby club and other associated sports facilities to release and accelerate nine hectares for housing development providing 560 homes on the sports site[96].

A43/Steel Road

Local authority: Corby

Value: £4m

No. of houses: Unclear

Greenfield/brownfield: Greenfield

The bid was to fund work at the A43/Steel Road junction deemed necessary to allow the Priors Hall "Sustainable" Urban Extension to proceed.

Hayle Harbour North Quay Redevelopment

Local authority: Cornwall

Value: £5.7m

No. of houses: 580

Greenfield/brownfield: Brownfield

Some £23m of Government funding was secured in 2010 to provide access and road infrastructure for redevelopment of Hayle Harbour. A further £5.7m of HIF funding was eventually committed to complete the work.

West Carclaze Garden Village

Local authority: Cornwall

Value: £3.4m

No. of houses: 1,500

Greenfield/brownfield: Greenfield

The money is required to pay for increased capacity on Carbis Road and water connections for the car-dependent sprawl[97].

Newton Aycliffe housing growth

Local authority: County Durham

Value: £7.1m

No. of houses: 1,500

Greenfield/brownfield: Greenfield

The funding (originally £6.8m) was obtained to be used at Low Copelaw[98] to increase road capacity and widen three junctions and signal improvements to allow access to housing sites. Details are hard to find.

Searching on Housing Infrastructure Fund found no results

[Durham County Council website]

Eastern Green unlocking development

Local authority: Coventry

Value: £15.6m

No. of houses: 2,250-2,400

Greenfield/brownfield: Mostly greenfield

The funding (originally £12.7m) was obtained to allow development of three parcels of land for housing and employment with a new grade-separated junction on the A45 and primary access road to the urban extension[99].

Forge Wood

Local authority: Crawley

Value: £4.4m

No. of houses: 420

Greenfield/brownfield: Greenfield

The funding was sought to resolve viability issues with Phases 2B and 2C of the Forge Wood development to provide an acoustic barrier[100].

Telford Place

Local authority: Crawley

Value: £2m

No. of houses: 200

Greenfield/brownfield: Brownfield

The funding was sought to enable the development to have a new highway access, together with site decontamination and public realm works[101].

West Park garden village

Local authority: Darlington

Value: £2.8m

No. of houses: 1,200

Greenfield/brownfield: Half greenfield, half brownfield.

The site is partly farmland, partly a former chemical works and is located by the A1(M) and A68 junction. It has not yet proved possible to identify from published material why £2.78m of HIF funding is required.

Castleward urban village

Local authority: Derby

Value: £7.5m

No. of houses: 800

Greenfield/brownfield: Brownfield

The 12ha site is receiving £1.5m from the D2N2 LEP and £4.5m from the HIF for a new primary school[102].

Gillingham strategic site allocation

Local authority: Dorset

Value: £6.3m

No. of houses: 961

Greenfield/brownfield: Greenfield

The Gillingham Strategic Site Allocation is part of a mixed use urban extension being built by a consortium including Welbeck Strategic Land, CG Fry & Son and Taylor Wimpey. The HIF grant was obtained to allow construction of the principal road within the Welbeck area and the Cabinet was told it is conditional on recovering the grant in full from the beneficiaries who would be assured the money would be used for reinvestment in further housing projects throughout Dorset.

However, it demonstrates the fragility of the whole “marginal viability” concept.

"Officers were advised by the consortium that the development of the Gillingham Strategic Site Allocation is marginally economically viable due to the need to deliver large scale infrastructure in the early stages of development," the Cabinet was told[103]. "Viability appraisals have been prepared by the consortium to demonstrate this position. To prevent the development of this land from stalling, the former North Dorset District Council applied to Homes England for Housing Infrastructure Funding with the aim of receiving a grant which would enable the principal street of the Gillingham Strategic Site Allocation to be delivered at no upfront cost to the consortium. It is anticipated that the upfront principal street will enable the wider development to come forward in full by 2038. Without this assistance it is predicted that the delivery of development will take place at a slower pace with the principal street constructed piecemeal, as and when individual phases of the development come forward."

So it is unclear whether the development would take place at a much slower pace or would actually stall without the HIF cash. Either way it stretches the concept of "viability".

Dover bus rapid transit

Local authority: Dover

Value: £16.1m

No. of houses: 6,250

Greenfield/brownfield: Majority greenfield

The funding was to provide a so-called "bus rapid transit" system (BRT) between Whitfield, Dover Town Centre and Dover Priory station (a bridge across the A2 to carry the BRT and a combined foot/cycleway), deemed essential for two major housing allocations in the core strategy: the Whitfield Urban Expansion (5,750 homes) and the former Connaught Barracks site (500 homes)[104].

Healum Avenue (Grand Union Avenue) phase 3

Local authority: Ealing

Value: £1m

No. of houses: 171

Greenfield/brownfield:

The first phase, consisting of 287 homes, was completed in 2019[105]. The Council and Catalyst Homes Limited are currently reviewing the masterplan with a view to including additional development areas and increasing density. The marginal viability funding was expected to unlock the next phase of the development, enabling 171 additional homes to be provided. It was to be used to fund infrastructure works consisting of site acquisition and works to construct a new section of public highway.

Bedfordwell Road

Local authority: Eastbourne

Value: £1.23m

No. of houses: 102

Greenfield/brownfield: Brownfield

The funding is to pay for decontamination and flood remediation to create a development platform for the Bedfordwell Road development and provide 102 new homes.[106]

Construction of a by-pass

Local authority: Eastleigh

Value: £10m

No. of houses: Unclear

Greenfield/brownfield: Greenfield

The funding was allocated[107] to Eastleigh to pay towards the £26m cost of the Botley By-pass.

Ash Road bridge, to unlock housing near Ash and Tongham

Local authority: Guildford

Value: £23.9m

No. of houses: 750

Greenfield/brownfield: Greenfield

Guildford Dragon NEWS | The Guildford Dragon (guildford-dragon.com)

The Council planned to close the A323 level crossing beside Ash railway station to improve traffic flow as major development was planned. The bridge was estimated to cost £22.8m and, in March 2019, the Council said “the project is expected to be fully funded by a £12.5m grants and developer contributions to be determined”[108]. This included a £10m HIF grant. The bridge was deemed essential to allow construction of 750 homes, part of an allocation of 1,750 sprawl homes for the Ash and Tongham area.

The report to Guildford’s Executive in March 2019 included appendices on project delivery, financial implications, risks and opportunities and the procurement strategy, all of which were declared “not for publication” on the grounds that they would involve:

"the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972".

In May 2019, a Freedom of Information request was made to Homes England[109] by an unnamed party seeking the Borough Council's responses to questions about the Treasury's *Green Book* and DCLG *Appraisal Guide*, the scheme's benefit-cost ratio, evidence of strong local leadership, clear evidence base, diversification and collaborative working across boundaries. Information was also sought about the senior officer or civil servant named as lead, consultants used and documentation about the application and evidence of community involvement.

Homes England responded by rejecting all the requests. It said release of the information would be likely to prejudice the commercial interests of the Agency and of a third party, and it believed the public interest defence applied.

"Some of the information held relates to unverified approvals and to disclose the information makes a presumption on the outcome and therefore could be used to influence decisions," it told the applicant. "We believe that to disclose the information held would be likely to prejudice the commercial interests of the third parties concerned and would also pose a threat to the Agency's HIF process. To disclose information surrounding the consultants would be likely to prejudice ongoing and future commercial and contractual obligations between the Agency and third party concerned. This would prejudice the ability of Homes England to effectively manage the terms of the process which would not be an effective use of public money. It is also our view that disclosure could be detrimental concerning the future requests of a similar nature, if the wider public is provided with information it could be used to exploit the HIF process for profit or other gain. If we were to redact all commercially sensitive, information held within the documentation this could result in a misleading, interpretation and therefore the information held would be of little advantage to the wider public. Therefore after careful consideration we have concluded that at this time, the balance of the public interest favours the non-disclosure."

A report to the Council in April 2021[110] was rather more forthcoming. Although the 2019 report said that Homes England's HIF funding timescale had a requirement to be utilised by the end of March 2021, the new report covered a management strategy for the project. It revealed the senior officers and consultants involved.

In discussing contract and change management and performance indicators, the report noted that, in the pre-construction phase: "risk management profiling will be implemented to reflect the HM Treasury *Green Book 5* case business model. (However, the project did not follow the HM Treasury model from inception)". It did not explain the discrepancy, however.

The report also confirmed that the HIF bid now stood at £23.9m and had "a requirement to be utilised by the end of March 2023". In an Appendix[111], it noted that the budget for the bridge had now risen to £33.77m. Homes England had agreed to provide a further £13.9m ("following extensive negotiations") with a deed of amendment being executed by the Council. The difference between the budget and the HIF funding was expected to be met through a combination of savings on the budget and Council reserves and funds", though details were reserved for the Part 2 report.

"The terms of the original funding agreement and deed of amendment are largely confidential, but Homes England has given the Council permission to disclose the amount of HIF funding being provided," said the Appendix.

This said the Council had decided that any new planning applications for allocation A31 or benefiting from the bridge should contribute to it through Section 106 – including retrospective development contributions being allowed. Only £3m in Section 106, with a further £1.23m subject to planning, had been secured.

Grange Farm

Local authority: Harrow

Value: £10m

No. of houses: 574

Greenfield/brownfield: Brownfield

Harrow Borough Council gave hybrid planning permission for redevelopment of the Grange Farm Estate in South Harrow in 2019 in four stages[112]. 300 homes were to be for private sale, 249 for social rent and 25 for shared ownership.

The HIF funding was for land assembly and associated acquisitions to facilitate the first two phases plus demolition of properties, land preparation, highway diversions and an energy centre.

A contractual condition was placed on the Borough Council that it would fund any cost over-runs.

Hogshaw and Granby Road sites, Buxton

Local authority: High Peak

Value: £2.5m

No. of houses: 675

Greenfield/brownfield: Greenfield

The grant covers two sites in Buxton, at Hogshaw (263 homes) north of the A6 and Granby Road (268 homes) to the south[113], to pay for new access roads and a roundabout. "The development site needs to be brought together into a single ownership in order to deliver a comprehensive scheme of new homes, supported by appropriate open space and play facilities for new and existing residents," said the Council[114].

"In addition, it will release and accelerate the development of a privately owned site at Waterswallows, which has the potential to provide an additional 268 homes," the Council's Economy and Growth Select Committee was told[115] in 2020. "Housing delivery on all sites is reliant upon the construction of the roundabout and link roads."

The Committee was told the Grant Funding Agreement with Homes England had been subject to lengthy discussions and pre-drawdown conditions had been imposed, though these were described as "complex" and requiring "further negotiation". HE had agreed to assist the Council to fund consultants "to deliver the conditions when they are settled". A quote for this work was obtained of £31,936, but no details of the conditions or the work were made public.

Ipswich garden suburb

Local authority: Ipswich

Value: £9.9m

No. of houses: 3,400

Greenfield/brownfield: Greenfield

"Ipswich Garden Suburb" was formerly known as the "Northern Fringe" and covers 195ha where Ipswich Borough Council decided to build 3,500 homes.

The HIF grant covers three infrastructure items – new roads and drainage, bridges over a railway and a country park - and the Borough appointed Crest Nicholson to deliver them as part of their development of the Henley Gate area. Homes England pre-contract conditions included a requirement that the Council had sought independent legal advice to ensure the HIF transaction complied with state aid requirements[116].

8 Albert Embankment

Local authority: Lambeth

Value: £10m

No. of houses: 443

Greenfield/brownfield: Brownfield

Lambeth secured the HIF funding to provide additional affordable housing and infrastructure for the redevelopment of the former Fire Brigade headquarters being undertaken by U and I plc[117]. The scheme involves conversion of existing offices into a 143 bedroom hotel, and construction on adjoining land of 15,700 square metres of office space, a replacement fire station, a Fire Brigade Museum, and a new leisure and retail complex, as well as 443 residential units

The HIF cash was to fund electrical power, site clearance and demolition, and excavation of a basement and substructure works.

Somerleyton Road, Brixton

Local authority: Lambeth

Value: £10m

No. of houses: 268

Greenfield/brownfield: Brownfield

The scheme involves redevelopment of land in central Brixton to comprise 268 homes, a new theatre, creative workspace and commercial units. It achieved planning permission in 2017[118].

The HIF money was allocated to fund infrastructure works consisting of land assembly and associated acquisition costs to enable delivery of phases 1 and 2 of the wider project, together with demolitions of acquired properties including specialist removal of materials, land preparation, services, road diversions and an energy centre.

Land east of Otley

Local authority: Leeds

Value: £6.3m

No. of houses: 550

Greenfield/brownfield: Greenfield

Leeds City Council has long had plans for an urban extension to Otley. However, the site necessitated construction of the 1.4km East of Otley Relief Road and the Council's Executive Board was told[119] this: "will be a highly technical, and challenging engineering project with costs significantly exceeding that of a standard highway, requiring collaboration and motivation of all the landowners across the site. The site is also in multiple ownerships with complex commercial, legal, land and planning challenges to be addressed".

The HIF grant was obtained to build the Road because, the Executive Board was told: "these challenges have to date prevented the site coming forward as a viable, coherent and properly planned proposition for development that would unlock the benefits locally."

Put another way, this means the site was not viable and should not therefore have been included in the local plan.

Leopold Street

Local authority: Leeds

Value: £1.34m

No. of houses: 63

Greenfield/brownfield: Brownfield

The co-housing scheme was a joint venture between Unity Homes & Enterprise and Chapeltown Cohousing. The HIF funding was obtained to meet remediation costs[120].

Ashton Green

Local authority: Leicester

Value: £10m

No. of houses: 1,080

Greenfield/brownfield: Greenfield

The HIF money is to fund new roads to "unlock" further building at Leicester City Council's Ashton Green area[121]. It is funding 2.8km of spine roads to allow destruction of 40ha of land to accommodate 1,080 homes. The City Council is land owner of the 130ha farmland where 3,000 homes are threatened.

"As the grant is provided by Homes England the Council will be required to comply with the grant conditions including any relating to evidence of spend and clawback," the Council's City Mayor was told[122]. The public was not, however, informed what these conditions are.

North Street quarter, Lewes

Local authority: Lewes

Value: £10m

No. of houses: 400

Greenfield/brownfield: Brownfield

Lewes has repeatedly suffered from flooding and the funding is to provide infrastructure to redevelop the site.[123]

Lewisham gateway

Local authority: Lewisham

Value: £13.5m

No. of houses: 530

Greenfield/brownfield: Brownfield

Lewisham Gateway is a redevelopment project on a former bus interchange and roundabout in Lewisham. Planning consent in 2009 permitted 100,000m^2 of retail, office, hotel, residential, education, health and leisure space. 20% of the homes were intended to be affordable.

Part of the deal with the developer involved the actual percentage of affordable homes (in shared ownership) being dependent on "financial viability". As the Council wished to increasing the affordable percentage, "a risk sharing mechanism" was agreed that ring-fenced a proportion of land value above specified levels for increasing – or decreasing if values fell - the affordable housing percentage. This was secured as part of a Section 106 agreement[124].

But, as part of confidential negotiations during reserved matters submissions in 2013 and 2014, the applicant indicated "it was not viable to provide affordable housing in the first phase of the development", thanks to infrastructure work. Further amendments to the scheme in 2016 included a new viability statement indicating the scheme was still unable to provide affordable housing despite an increase in the number of units.

The HIF funding was sought for infrastructure (after the fresh application was refused) by the Council on behalf of the developer. Approval of the £10m grant prompted the developer to put in a fresh application with 10% affordable (London living rent).[125] The HIF grant was subsequently raised to £13.5m.

South Circular Road – Catford town centre

Local authority: Lewisham

Value: £10m

No. of houses: 1,500

Greenfield/brownfield: Brownfield

The HIF funding was sought to realign the A205 South Circular Road to allow housing development on several council-controlled sites[126]. The money was to pay for utilities diversions, land acquisition, site preparation, surveys and professional fees.

New Victoria Corporation

Local authority: Manchester

Value: £11.4m

No. of houses: Unclear

Greenfield/brownfield: Brownfield

New Victoria is a high-rise development in Manchester on former railway land close to Victoria station by Muse Developments. In 2019 Manchester City Council obtained a HIF grant to accelerate delivery of the infrastructure[127].

Cullompton and Culm

Local authority: Mid Devon

Value: £10m

No. of houses: 2,000

Greenfield/brownfield: Greenfield

The HIF funding was sought to fund: "a relief road to alleviate existing queuing back onto the M5 J28 slip road, which would be exacerbated by the proposed development as well as removing traffic from Cullompton High Street"[128]. This covers a number of sites including "Culm Garden Village" and is also designed to "unlock" 10,000m^2 of employment land.

The Heart of South West LEP was told[129] that it would resolve: "a transport infrastructure barrier to unlock and drive an increase in the delivery of planned housing growth at a strategic site. Thereby creating the conditions for growth, maximising productivity and employment opportunities. The garden village also capitalises on distinctive assets".

Tiverton eastern urban extension

Local authority: Mid Devon

Value: £8.2m

No. of houses: 1,000

Greenfield/brownfield: Greenfield

The HIF money was to fund the second phase of work to complete an access junction to the A361 at Tiverton[130]. This was designed to resolve: "a transport infrastructure barrier to unlock and drive an increase in the delivery of planned housing growth at a strategic site"[131].

Northern arc, western gateway

Local authority: Mid Sussex

Value: £6.5m

No. of houses: 3,500

Greenfield/brownfield: Greenfield

The Northern Arc is an extensive sprawl development of 3,500 homes north and north-west of Burgess Hill, with extensive infrastructure demands[132]. Exact details of what constitutes its "Western Gateway" and what infrastructure that involves are hard to find, however.

"A key project within the Burgess Hill Place and Connectivity Programme is the Western Gateway, Burgess Hill and Wivelsfield Station," according to West Sussex County Council's *Forward Plan of Key Decisions*[133]". "Detailed Designs have been completed for the scheme and it is now proposed that scheme delivery is progressed to procurement of a build partner from the WSCC Highways Maintenance Framework".

Ouseburn – Ouseburn Mouth

Local authority: Newcastle upon Tyne

Value: £1.8m

No. of houses: 221

Greenfield/brownfield: Brownfield

Redevelopment of Malmo Quay and Spillers Quay on the north bank of the Tyne has long been controversial. The 32-storey Wimpey Tower did not proceed, nor did a 13-storey development approved on appeal. The most recent proposal is an 18-storey tower and other blocks, but Newcastle upon Tyne City Council had been granted the HIF money "to sort out problems beneath a pumping station and lay new foundations for buildings"[134].

"Malmo Quay that sits between the mouth of the Ouseburn and Newcastle's quayside has a range of constraints below ground including contaminated land, mine workings, historic and redundant services, and the remains of the mineral line terminus that served the coal staithes that previously occupied the site," say consultants[135].

Outer west infrastructure

Local authority: Newcastle upon Tyne

Value: £9.9m

No. of houses: 4.265

Greenfield/brownfield: Unclear

The HIF money is to build a new secondary school at Outer West and the Simonside Primary school relocated so it is within the new school's site. Six road junctions are also being rebuilt[136].

Science Central – now Newcastle Helix

Local authority: Newcastle upon Tyne

Value: £6m

No. of houses: 398

Greenfield/brownfield: Brownfield

The HIF money is being used for paths, roads, open spaces, greenspaces and water drainage at the Newcastle Helix development, formerly Science Central[137].

Ilfracombe

Local authority: North Devon

Value: £6.5m

No. of houses: Unclear

Greenfield/brownfield: Greenfield

The HIF money is for the Ilfracombe Southern Extension to provide roads, drainage and community facilities including a serviced school site. "The package replaces the original request to be used to forward fund a school at this site as the money had to be spent by 2021, but it was not possible to build the school within the timescale," says the release[138]. "A school would still be delivered, but not alongside the first phase of housing."

The Council's Strategy and Resources Committee was told[139] that, initially, the Council had expected the money to be a simple grant, but Homes England had made specific provisions. Four conditions were laid down for agreement before any contract was entered into and four more before any money could be drawn down.

"Some of the requirements contain provisions which could be said to present a risk to the Council," the Committee was told. "Principle [*sic*] amongst these is that the Council should have legally enforceable methods of recovering the funds from the developer. The Council will also have various requirements to monitor the delivery of housing and to report this to Homes England. The Council need to be comfortable that any timetable presented by the developer is deliverable."

Westacott, Barnstaple

Local authority: North Devon

Value: £2.6m

No. of houses: 820

Greenfield/brownfield: Greenfield

The money was required to fund a roundabout off the A361 to access the Westacott development[140].

Anglia Square

Local authority: Norwich

Value: £15m

No. of houses: 1,234

Greenfield/brownfield: Brownfield

The Anglia Square development involved 1,234 homes, a cinema, car parks, shops, a hotel and a 20-storey tower in the medieval centre of Norwich and attracted fierce opposition. It was approved by Norwich City Council in 2018 and also by an inspector. The Council had obtained a MVF HIF grant of £12.2m in February 2018 to fund decontamination, archaeology, demolition, drainage, roads and parking, water, electricals and gas[141]. In March 2019 after "further information was submitted", this was increased to £15m.

The plan attracted fierce opposition. It was called in by the communities secretary James Brokenshire after Historic England warned the tower would have a serious impact on the character of the city. It was refused by Robert Jenrick in November 2020[142].

The secretary-of-state's call-in meant that Homes England's condition on timing could not be met and HE confirmed:[143] "that they are prepared to relax the timetable requirements so that if the planning application is approved by the Secretary of State there will still be sufficient time to spend the HIF money, and that they wish to formally enter into the contract with the city council promptly".

The developers initially threatened judicial review, but did not proceed[144] and are working on revised proposals.

Broadway Green phase 2

Local authority: Oldham

Value: £4.9m

No. of houses: 373

Greenfield/brownfield: Greenfield

The Broadway Green development (formerly Foxdenton) involves 70,000m^2 of employment space and 470 homes. The employment space was phase 1 and involved a new link road between the A663 and the B6189. HIF funding was obtained for Broadway Green Phase 2 for continuation of the link road[145].

The scheme was promoted by a joint venture involving Oldham Council, Grasscroft Property and Seddon Construction. The final phase of the link road concerned the Broadway Junction: "involving the removal of the disused Crosley Bridge which supports the A663 Broadway above and the subsequent infill of the remaining void," the Council's Cabinet was told[146]. "The A663 Broadway must remain open throughout the works."

As Highways England planned to adopt the road, it insisted on a bond to cover the cost of any works: "if there is an issue which requires attention".

Blackbird Leys district centre regeneration scheme

Local authority: Oxford

Value: £6.3m

No. of houses: Unclear

Greenfield/brownfield: Brownfield

Oxford City Council originally secured £3.75m of HIF money for 300 homes and other projects on Blackbird Leys in 2018. The work included modernising the central area shopping parade, a new community centre, and more attractive public space on Blackbird Leys Road[147].

Northern gateway

Local authority: Oxford

Value: £10m

No. of houses: 480

Greenfield/brownfield: Greenfield.

The Northern Gateway project involves 44ha of employment land with 90,000m^2 commercial space, a hotel, highway works and 480 homes north of Wolvercote[148].

Osney Mead innovation quarter

Local authority: Oxford

Value: £6.1m

No. of houses: 600

Greenfield/brownfield:

The project aimed to create a mixed-use commercial and residential development. The site was mostly owned by the University of Oxford and 600 homes were to be created for university staff and students[149]. “The plans aim to ensure that the number of University of Oxford students that live within Oxford’s private housing market does not exceed 3,000”.

The HIF money is to fund a contribution to the Oxford Flood Alleviation Scheme and active travel works.

Central pool

Local authority: Reading

Value: £1m

No. of houses: 74

Greenfield/brownfield: Brownfield

The Central Pool closed in 2018 and was demolished, and plans were made to turn the site into housing and an adult social care hub. In 2021 a temporary car park was established on the site[150].

The Council has planned 74 council flats including both sheltered and general housing[151].

Dee Park Regeneration

Local authority: Reading

Value: £6m

No. of houses: 190

Greenfield/brownfield: Brownfield

The HIF funding is supposed to facilitate Phase 3 of the Dee Park scheme by funding replacement of the Ranikhet Academy School (primary school and nursery) and public space works[152].

Blackfriars, Battle

Local authority: Rother

Value: £8.7m (Originally £3.24m)

No. of houses: 252

Greenfield/brownfield: Greenfield

HIF funding was sought to fund construction of a spine road and supporting infrastructure, enabling development of c252 dwellings. The road was a requirement of the local plan policy to avoid traffic congestion and therefore an essential prerequisite to development[153].

Aldershot town centre

Local authority: Rushmoor

Value: £8.4m

No. of houses: 596

Greenfield/brownfield: Brownfield

Rushmoor Council has given planning approval to demolition of the former Galleries and Arcade shopping centres and a car park in Aldershot and their redevelopment for 596 flats[154]. The HIF money is to divert an existing main sewer.

Despite the assistance of £8.4m from Homes England's Marginal Viability Fund, however, the scheme's viability remained worse than marginal, according to the developers.

"The applicant has submitted a financial viability assessment which concludes that the development cannot viably support any affordable housing," the Council's Development Management Committee was told. "In this respect it is clear from the Applicants' appraisal that current market conditions, a significant s106 financial contributions for SPA and POS, together with the obligation to provide 250 public spaces alongside residents' parking at a ratio of 1:1 within the scheme in a manner which preserves the design quality of the development has a significant impact upon the scheme's viability to the extent affordable housing provision is not currently viable. Nevertheless, the Applicant has committed to further stages of review during the course of the development programme so that affordable housing can be provided if deemed viable at future stages."

In such cases, Rushmoor's local plan demands an independent review of viability. The Council commissioned BPS Chartered Surveyors to produce such a review. This agreed with the conclusions of the viability case submitted by the developers.

Rushmoor granted the application with just the proviso that middle and late stage review mechanisms of viability were incorporated into the S106 agreement.

Plot E7/E8 Chapel Street

Local authority: Salford

Value: £1.2m

No. of houses: Unclear

Greenfield/brownfield: Brownfield

The HIF money was obtained for remediation, mitigation, services diversions and disconnections including sewer diversions, public realm works, the building over and around and securing of a BT Shaft Head and upgrading incoming electrical supplies for the Chapel Street Plot E7/E8, a cleared site in central Salford. This was a project by the English Cities Fund (ECF), a joint venture between Muse, L&G and Homes England[155].

Under an Overarching Development Agreement (ODA), the joint venture was entitled to a return of 15% on development costs and phases were subject to viability tests[156]. But the HIF grant was apparently inadequate to secure viability.

“The viability appraisal submitted with the DPN demonstrates that in order for ECf to achieve their required level of return, a subsidy of £6,437,848 is required from the Salford Central Development Trust Account (DTA) as well as funding from the Housing Infrastructure Fund of £1,673,413,” the City Mayor’s Property and Regeneration Briefing was told. “The DTA is provided for in the ODA with the intention that as much of the value created by the project is ‘locked-in’ and any overage achieved from a phase is paid into the DTA and re-cycled into the development, for example and such as in this case, to cross subsidise development of non-viable phases. The viability appraisal for the scheme has been scrutinised and challenged, particularly around the costs of the project, with responses received by the ECf explaining and justifying the values within the appraisal.”

Essentially, therefore, money from profit-making sites is channelled into non-viable sites via the DTA. Projects which are non-viable have continued to be approved thanks to this cross-subsidy. In October 2019, the Council approved the 23-storey Stanley Street tower flats and ECf sought £4.7m from the DTA[157] “because the site is non-viable without the contribution”.

“The DTA account was set up in 2006 to ‘lock in’ the value created from more profitable developments in the Salford Central master-plan area to support less viable projects,” said the Council.

Manor cluster

Local authority: Sheffield

Value: £3.2m

No. of houses: 351

Greenfield/brownfield: Brownfield

The HIF grant covers four stalled housing development sites (originally 419 units) within Manor ward, part of the Sheffield Housing Company project. “The initial Sheffield Housing Company (SHC) development appraisal on these sites, known as Phase 5a ‘Manor Cluster’, identified an estimated viability gap of £3.55m due to additional infrastructure costs required to develop a previously cleared housing site,” said a report[158] to the City Council’s Cabinet Member for Transport and Development.

Subsequently the number of units was reduced to 351 and the "viability gap" reduced to £3.22m, which Homes England accepted for HIF funding. This covered an off-site sustainable drainage solution (SuDS), utility services diversions and connections and a contribution to improvements to roads and footpaths.

"SHC have considered phased delivery of these sites alongside more profitable developments in an attempt to produce a viable business case," said the report. "However, this has not been possible due to the size of the viability gap."

Western Shropshire interchange improvements – unlocking the Marches gateway for housing & employment growth

Local authority: Shropshire

Value: £9.3m

No. of houses: 750

Greenfield/brownfield: Greenfield

Shropshire Council sought the HIF funding for junction capacity increases[159] on the A5/A483 to allow construction of a 40ha housing and employment sprawl extension on the south side of Oswestry in a project called "unlocking the Marches gateway for housing & employment growth".

Staplegrove spine road

Local authority: Somerset West and Taunton

Value: £14.2m

No. of houses: 1,628

Greenfield/brownfield: Greenfield

The HIF bid was approved to pay for the Staplegrove/North Taunton Spine Road and associated infrastructure in connection with the Staplegrove development[160]. Staplegrove West is a mixed-use development with 713 homes etc while Staplegrove East is a mixed-use development with 915 homes etc.. An internal spine road links to the two.

The developer said the developments were not viable with the 25% affordable demanded by the *NPPF* and negotiated that down to 15%; a resolution to grant was agreed in 2017 with a clause to increase the affordable up to 25% if HIF money were provided.

"The HIF grant application was submitted in September 2017 on the understanding that this would deliver grant funding to assist viability on the Staplegrove site, thereby delivering a more policy compliant affordable housing scheme," the Council was told.

But the Government specified that this HIF grant at least would operate as a recoverable grant and so the Council would be responsible for "loaning" the money to the developers via quarterly claims to Homes England during construction of the spine road and a primary school and would be responsible for recovering the "loan" at a later date from the development.

"As the HIF funding is now a loan to the developers, it does not alter the currently agreed viability position," the Council was told. "Evidence has been submitted by the developers to confirm this position and this has been independently verified, on behalf of the Council, by Three Dragons. However once the HIF loan is drawn down by the Staplegrove developers and recovered back to the Council, Somerset West and Taunton is able to utilise the recovered HIF funding to unlock further housing, on other development sites in Taunton."

Subsequent S106 negotiations over education with the Staplegrove East development caused "reprofiling" of the bid and negotiations with Somerset County Council to "reduce the risk of SCC's future education funding requirements negatively impacting on development viability".

The Council used housing and viability consultant Three Dragons to verify evidence submitted by the developers[161].

Northern Spalding sustainable urban extension and section 5 of the Spalding western relief road

Local authority: South Holland

Value: £20.1m

No. of houses: 4,000

Greenfield/brownfield: Greenfield

The proposed urban extension to Spalding north of Vernatt's Drain is believed by the local authorities to require the first part of the northern section of the Spalding Western Relief Road[162]. A £12m HIF grant was secured to contribute to the overall £27.6m cost of Section 5 of the road in February 2018, well above the £10m which is the theoretical maximum grant from the Marginal Viability Fund.

On 3 December 2019, the Council's deputy leader approved all necessary executive actions to implement the Section of the Relief Road necessary for the urban extension in accordance with the HIF grant agreement. This followed negotiation of the grant agreement with Homes England in respect of the £12m HIF grant. "Homes England have sought to press that the council enters in the grant agreement in respect of the HIF funding without further delay, and significantly in advance of the general election planned for December 12th 2019," said a report[163][164].

[*Lincolnshire County Council*]

According to DLUHC published material on the Marginal Viability Fund[165], the current HIF grant for Northern Spalding is £20.1m, more than twice the Fund's theoretical maximum. It has not yet proved possible to discover why the grant was increased.

Brimsmore key site

Local authority: South Somerset

Value: £2m

No. of houses: 569

Greenfield/brownfield:

South Somerset Council sought the HIF funding to allow the Brismore development (of 977 homes) to continue to completion. "Without Marginal Viability Fund (MVF) funding the housing delivery rate will slow, given overall scheme viability and the large capital investment required to facilitate the road construction and the cost of undergrounding 33kv overhead cables," said a Council report[166].

Townhill Park regeneration

Local authority: Southampton

Value: £3.8m

No. of houses: 40

Greenfield/brownfield: Brownfield

Southampton City Council has been redeveloping the Townhill Park Estate. As part of the Phase 2 works, the HIF funding was sought for public realm works, traffic calming along Meggeson Avenue and the provision of a new local park[167].

Better Queensway

Local authority: Southend-on-Sea

Value: £15m

No. of houses: 1,297

Greenfield/brownfield: Brownfield

Southend on Sea Borough Council sought the HIF money for its 5.2ha Better Queensway project[168]. This involves a major redevelopment of the Estate, but details of what the HIF funding is for are hard to find. The project included demolition of 4 tower blocks, the covering over of an underpass, the creation of 1,297 new homes, a new green space and commercial units.[169]

Hopes Carr, Stockport Interchnage and Weir Mill

Local authority: Stockport

Value: £8.5m

No. of houses: 500

Greenfield/brownfield: Brownfield

Stockport Council won three HIF bids for schemes in the town centre to address infrastructure needs and poor land conditions[170]. Details are hard to find, however.

West Stockton SUE

Local authority: Stockton-on-Tees

Value: £10m

No. of houses: 2,550

Greenfield/brownfield: Greenfield

Stockton-on-Tees Council plans to destroy 135ha of farmland west of Stockton to make way for 2,150 homes. It applied for the HIF money to improve the Elton/A66 interchange. “Without HIF funding, it is extremely unlikely that a single development scheme would be able to deliver the infrastructure required and the whole SUE will not be able to proceed,” the Council’s Planning Committee was told[171]. “As part of the overall masterplan, the developments would be repaying a proportion of the HIF funding which can then be recycled to the Council to support future housing delivery. Securing the required Elton Interchange is a significant piece of infrastructure to facilitate and unlock the rest of the West Stockton SUE."

Burslem town centre

Local authority: Stoke-on-Trent

Value: £10m

No. of houses: Unclear

Greenfield/brownfield: Brownfield

The Council's HIF bid was for "land remediation on nine sites identified around Burslem town centre, which could hold 1,100 homes but had stalled because of contamination and stability issues"[172].

Long Marston airfield

Local authority: Stratford-on-Avon

Value: £13.4m

No. of houses: 3,500

Greenfield/brownfield: Mostly greenfield

The Council sought the HIF grant for the garden village development to divert a gas main, install new gas supply and increase local road capacity[173].

Warwickshire County Council also submitted expressions of interest to Homes England for "Forward Funding" HIF money for three schemes, including the Stratford-upon-Avon South Western Relief Road (SWRR). Two of the schemes, including the SWRR, were successful in progressing to the second (co-development) stage of the HIF Forward Funding process[174], following funding from MHCLG to develop full bids[175].

Although 400 homes already had planning consent and sufficient highway capacity was available to serve them, the 3km SWRR, linking the A3400 with the B439, was necessary, Warwickshire County Council's Cabinet was told, to mitigate the impact of Long Marston Airfield Garden Village by accommodating the traffic the 3,100 extra homes would generate.

The estimated £130m cost would be met in part by a £44m contribution from developer CALA Homes, leaving a funding gap of £86m for which HIF funding was necessary as no other external funding sources are available.

"It is unlikely that the SWRR and therefore the Long Marston Garden Village 3,100 will proceed without HIF funding for the road since it is doubtful that CALA Homes could fund the full project costs and there is no alternative source of funding currently available, the Cabinet was told.

"As part of the business case preparation, alternative 'do-less' options are being assessed to identify whether a lower cost alternative option to the SWRR proposal may be available. Initial work suggests there is unlikely to be a viable do-less option, primarily due to the highway constraints and limited opportunities to bring forward alternative highway improvements within Stratford-upon-Avon."

The District Council has now extended the planning performance agreements for both the SWRR and the bulk of the garden village homes until 31 March 2022 so they remain under active consideration[176].

Given that the bulk of the garden village required both HIF funding for local infrastructure (which was forthcoming) and for a £130m relief road, which was not, it brings into question the whole issue of viability.

Queenborough & Rushenden regeneration

Local authority: Swale

Value: £6.2m [Originally £3.5m]

No. of houses: 990

Greenfield/brownfield: Brownfield

The funding was sought to pay for demolition and remediation of the site.[177]

Godley Green garden village

Local authority: Tameside

Value: £10m

No. of houses: 2,350

Greenfield/brownfield: Greenfield

The HIF money was obtained "to provide critical early infrastructure that will help to unlock the site for development"[178]. This apparently included an access road, spurs and roundabouts on the green belt site.

In September 2019, Homes England told Tameside Council that the Grant Funding Agreement would need to be signed and delivered by 30 September but the date was not met and the Council's Executive cabinet was told the following month that pressure was being put on the Council with a significant threat of the £10m grant being withdrawn. "This sudden announcement has meant there is now insufficient time remaining to negotiate the contract conditions and milestones. Homes England has maintained throughout the contract negotiations that the milestones and contract are standard and cannot be changed. This is because the assessment of the submission was based on *Green Book* principles and determined by a cross-government panel with MHCLG Ministerial Agreement, with projects selected demonstrating the strongest business cases, particularly around delivery".

The Council obtained legal advice and was warned that Homes England had powers to claw back the HIF funding if there was a breach, including failure to hit milestones or outcomes. It complained that the Agreement linked milestones for the agreement to the wider project as a whole and these might not be met by the 2022 timescale.

Dawlish link bridge

Local authority: Teignbridge

Value: £4.9m

No. of houses: 407

Greenfield/brownfield: Greenfield

The HIF funding is for a link road through Dawlish's North West Secmaton Lane local plan allocation of 860 homes to enable Areas 3 and 4 (407 homes) to proceed[179]. The road includes a bridge over Shutterton Brook.

Teignbridge Council was told lack of the HIF money would either delay or "totally prejudice" the whole project, and while developers would need to deliver the road, it might depend on building the houses first. The bridge would also be challenging. "This is because the associated financial contributions secured from developers reflect early and less detailed bridge cost estimates that were around half of the current and up to date cost assessment based upon more thoroughly prepared figures". Viability would be "reduced", councillors were told.

Tewkesbury Ashchurch housing zone – access to the north

Local authority: Tewkesbury

Value: £8.1m

No. of houses: 826

Greenfield/brownfield:

The bid was one of several submitted by Tewkesbury Borough Council for a bridge over a railway line at Ashchurch to open up sprawl development[180].

This grant was one of those where Homes England specified grant recovery – through CIL and S106 in this case. "Of note is the requirement to ensure a recovery mechanism is agreed and passed down to any developer," the Council's Executive Committee was told[181]. "This is to ensure that any money received (e.g. sold prices higher than what was expected and thus the project is more viable) in excess of that which was anticipated on awarding the grant will be recycled back into the project or 'recovered' for the benefit of the project. It has been accepted that CIL and S106 will address this requirement."

Claudian Way, Chadwell St Mary

Local authority: Thurrock

Value: £0.7m

No. of houses: 50

Greenfield/brownfield:

The bid was to pay for utility infrastructure[182].

Future Carrington – phase 1

Local authority: Trafford

Value: £8.4m

No. of houses: Unclear

Greenfield/brownfield: Brownfield

The Future Carrington site is to accommodate 725 homes and extensive commercial space. The HIF allocation is to build a new link road through the site to accelerate development of the first phase of development[183].

Trafford waters

Local authority: Trafford

Value: £4.1m

No. of houses: 350

Greenfield/brownfield: Brownfield

The Trafford Waters site is owned by Peel Holdings and planning consent was made for up to 3,000 homes and substantial commercial development[184]. The HIF allocation supports the first phase by providing new junctions on Redclyffe Road and Trafford Way, accelerating building of 350 homes.

Wantage eastern link

Local authority: Vale of White Horse

Value: £2m

No. of houses: Unclear

Greenfield/brownfield:

“The planned Wantage Eastern Link Road is aimed at relieving existing congestion and increasing the capacity of the highway network in the area to help address the projected growth in vehicle journeys over the coming years,” Vale of White Horse District Council’s Cabinet was told[185]. “It will provide a strategic transport link between the A338 to the north of Wantage and the A417 to the east.”

The Council obviously believes highway construction reduces congestion and the Cabinet was told congestion would become a major issue without its construction. Despite this being its main objective, it was also the subject of a successful HIF bid.

“The link road will also help to accelerate housing delivery on developments such as Crab Hill, Grove Airfield and North West Grove,” the Cabinet was told. However, although £7.71m was bid for, Homes England only granted £1.951m.

“While the Council’s original bid included sites in addition to the Crab Hill site, Homes England’s focus has been on the early delivery of homes, particularly on the Crab Hill site. Additionally, when considered alongside the Housing and Growth Deal, the amount awarded to the Council is to ‘plug the shortfall’ in funding thereby enabling the delivery of the Wantage Eastern Link Road earlier than envisaged, accelerating new homes on Crab Hill (Kingsgrove).”

The bid was also made subject to S106 funding of £5.767m being secured.

City fields

Local authority: Wakefield

Value: £1.6m

No. of houses: 1,400

Greenfield/brownfield: Brownfield

City Fields is “a new 375 hectare high-quality living development to the east of Wakefield located alongside the River Calder and the Aire and the Calder Canal” and “a five minutes’ drive to the M1 motorway”, according to its website[186]. Around 2,500 homes are being built there in five phases “by five main land holders: the City Fields Housing Consortium, Wakefield Council, Keyland, and Stretton Estates and each landowner will develop their own sites”. There is also a “new relief road” which “is now complete which connects through the whole area, enabling house building to commence”. Miller Homes, Bellway and Redrow have already built homes. Countryside and Avant are also planning building.

It is hard to get information on what the HIF cash is for. According to the Wakefield Express, it will fund “£1.5m for a 'foul sewer' and pond which will allow 1,400 homes, a district centre and school facilities to be built at the City Fields site near Wakefield”[187].

Centre Park link

Local authority: Warrington

Value: £3.7m

No. of houses: Unclear

Greenfield/brownfield: Brownfield

The Centre Park Link is an £18.89m road bridge across the River Mersey with a 1.2km road link designed to free up land for development. £5.3m was contributed by Cheshire and Warrington Local Enterprise Partnership via the Local Growth Fund. Homes England contributed £3.7m as part of the Housing Infrastructure Fund. The remainder came from council borrowing[188].

Kenilworth education

Local authority: Warwick

Value: £9.6m

No. of houses: 380

Greenfield/brownfield: Brownfield

The HIF money was to allow relocation of Kenilworth School in Leyes Lane and Kenilworth Sixth Form College in Rouncil Lane to a new site to allow housing development on the land[189].

Sterling Cables

Local authority: West Berkshire

Value: £1.5m

No. of houses: 167

Greenfield/brownfield: Brownfield

The HIF funding was sought to pay for remediation of the Sterling Cables site where Amirantes plans 167 flats, a new link road and widening of the Boundary Road bridge[190].

Gainsborough southern urban extension

Local authority: West Lindsey

Value: £2.2m

No. of houses: 796

Greenfield/brownfield: Greenfield

The HIF grant was obtained by West Lindsey Council to help Keepmoat Homes build the urban extension.

"A roof tax of £2,755.25 per property will be payable, due when blocks of 45 properties are completed," says a Council document[191]. "As the roof tax is dependent on completion of properties, it is uncertain how quickly this money will be repaid to the Council."

Ashton Park urban expansion

Local authority: Wiltshire

Value: £8.8m

No. of houses: 2,600

Greenfield/brownfield: Greenfield

The funding was sought to construct a relief road from the A350 near Yarnbrook and West Ashton to allow development of the Ashton Park development of 2,600 homes and 15ha of employment land[192].

Northbank

Local authority: Wirral

Value: £6m

No. of houses: 1,106

Greenfield/brownfield: Brownfield

Wirral Council sought the HIF money to support housing in the Wirral Waters scheme which it judged the only scheme in Wirral that met the HIF programme criteria[193]. "The grant from the Housing Infrastructure Fund was to enable the delivery of a package of infrastructure works including land remediation, public realm works, and utilities provision," the Committee was told. "Delivery of these works will enable the delivery of 1,106 residential units at Wirral Waters including the Urban Splash/Peel development, the Belong Care Village, and the Wirral Waters One (Legacy) project."

Sheerwater regeneration

Local authority: Woking

Value: £9.4m

No. of houses: 1,142

Greenfield/brownfield: Brownfield

Woking's redevelopment of the Sheerwater Estate involves demolition of 573 homes and other buildings and construction of 1,142 homes and other buildings[194].

Churchfields urban village – highway infrastructure

Local authority: Wyre Forest

Value: £2.7m

No. of houses: 275

Greenfield/brownfield: Brownfield

The funding was sought to pay for highway improvements to make way for Churchfields Urban Village[195]. Works include a link road from the A456 to the development and to convert Churchfields into an A-road.

Appendix 3: Deliverability, viability and five-year supplies

The 2012 *National Planning Policy Framework*[196] imposed a suite of policies to force English local planning authorities to release more land for house building. It did include a spray of fine words about sustainability but it was evident at the time, and experience has proved, these were nearly always trumped by the Treasury's obsession with building raw numbers of homes – wherever, whoever for and whatever the actual need.

Residential density standards had been abolished in 2010 and brownfield-first policies in 2012. So, when the *NPPF* introduced measures to force bigger releases of greenfield land, a perfect recipe had been created to deliver the house builders' most cherished – i.e. most profitable – dream: low-density, greenfield sprawl at car-dependent locations.

The *NPPF* seriously undermined local planning authorities' ability to pursue sustainable development. It said that housing developments should be "deliverable" and "viable" and, when councils were judged unable to demonstrate a "five-year supply" of house building land, the *Framework* made them subject to the grotesquely misnamed "presumption in favour of sustainable development" which removed most of their ability to secure sustainable development.

Although these measures were technically designed to simply ensure a "sustainable" flow of house building completions, it was an open secret at the time that they were primarily designed to force local planning authorities to release more greenfield land for building, whether this fitted with the rest of their policies, or with sustainable development, or not. In the years since 2012, although the *Framework* has been tinkered with, this core of enforcing greenfield land release remains. The planning reforms proposed in 2020 were designed to accelerate this.

But "deliverability" and, especially, "viability" have created problems for greenfield house builders, especially with the huge sprawl developments closest to their hearts. Viability can pose problems for land releases, however, as it says essentially they must generate an attractive level of profit – and house builders will seldom even put a shovel in the ground unless they are confident of securing a huge 20% rate of return.

But such really big schemes are usually urban extensions or built at remote sites. These necessitate mostly or completely new provision of the most expensive infrastructure like schools, surgeries, water and sewage services and, most costly of all, new roads, instead of taking opportunities to use existing infrastructure more efficiently.

At the heart of both Housing Infrastructure Fund streams is a desire by Government to either speed up, or "unlock", major housing developments. These are fully consented developments, or expected to be so shortly, and the obstacle to their construction is the developers' inability, or unwillingness, to fund the expensive infrastructure necessitated by their commercial ambitions.

Deliverability: "To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years," says the *NPPF*. Taken literally, this would mean any site requiring HIF funding would be judged "undeliverable" and hence excluded from the local plan, as the sites it is explicitly intended to assist are sites with no realistic prospect of commencement within five years, if at all.

Housing, however, occupies a unique place in the *NPPF* as, unlike most other forms of development, the *Framework* is most reticent about saying which housing site allocations or planning applications should be rejected; such an idea is almost anathema. It's mostly about why such developments should be facilitated.

Other instructions in the *Framework* to secure accelerated release of greenfield land include "strategic housing land availability assessments" (SHLAs). Planning authorities are required to use their SHLAs to "identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies must identify a supply of (a) specific, deliverable sites for years one to five of the plan period and (b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan."

But housing developments, particularly major ones, necessitate infrastructure provision and the type of large-scale, low-density, greenfield, car-dependent sprawl favoured by current policies necessitates extra high levels of it. So plans must "align growth and infrastructure" and must set out contributions expected from development, including "infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure)".

Developers, says England's *Planning Practice Guidance*[197], can be "asked" to provide contributions for things including infrastructure and "affordable" housing. They have to comply with conditions attached to consents but these "should be kept to a minimum and only imposed where they are necessary, relevant, enforceable, precise and reasonable" – plenty of wriggle room there.

Where (and only where) unacceptable developments cannot be made acceptable by use of conditions, the *Framework* requires councils to consider planning obligations. Such obligations are only allowed where they are needed to make developments acceptable, are directly related to the development and are fairly and reasonably related in scale and kind to the development.

But it says planning obligations – Section 106 or Section 278 agreements – should only be used to address unacceptable impacts when they can't be addressed through conditions and are defined in the *NPPF* as legal agreements under section 106 to mitigate the impacts of a development proposal. Some areas have a "community infrastructure levy" (CIL) in place, a fixed charge levied on new development to fund infrastructure. In practice CIL has proved far from a universal panacea and the Government has considered ways to replace it So there is acceptance that current ways of seeking obligations from developers are unsatisfactory.

Councils can pool infrastructure funding from several routes, including CIL, and must set out how they propose to do so through Infrastructure Funding Statements (IFS). Since 2019 they have been able to pool more than five planning obligations towards a single piece of infrastructure, allowing funds from the CIL and Section 106 to pay for the same piece of infrastructure "regardless of how many planning obligations have already contributed towards an item of infrastructure".

Despite this increasingly desperate desire to overcome the restrictions imposed by its own deliverability rules, the scale of modern housing developments often means the scale of infrastructure needed is huge. "Plan makers should consider the combined total impact of such requests so they do not undermine the deliverability of the plan," warns the *Planning Practice Guidance*.

So, having imposed a deliverability requirement to force local planning authorities to release often unsuitable land to achieve accelerated levels of house building, its theoretical basis often would, were it to be taken seriously, actually decelerate building by rating development sites "undeliverable" when infrastructure requirements render them uncommercial.

However, "such policies should not undermine the deliverability of the plan," says *NPPF* paragraph 34. So essentially even unsustainable developments can be forced into local plans to ensure sufficient "deliverable" sites to satisfy builders, but it's very difficult to exclude them from plans because they're undeliverable.

Viability: To be "deliverable", developments must also be "viable".

The 2012 *NPPF* treated "viability" as part of the evidence base for local plans. The *Framework* required careful attention to viability, demanding that costs applied to any development "such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable".

So viability essentially means developer profitability and, from the start, it made this a central objective of the planning system.

Developers, of course, know what forms of development, and where, are most profitable and normally only build where they can secure a 20% rate of return.

The 2012 *NPPF* was launched with the aim of reducing planning guidance to 50 pages. This quickly proved absurdly unrealistic and, in 2014, *Planning Practice Guidance* provided the first guidance on *Viability*[198]. This confirmed that viability is critical to deliverability assessment and that local plan visions should be framed in the context of "local economic conditions and market realities". It warned that ambitions for high quality of design and social and environmental benefits "should be tested against the realistic likelihood of delivery."

Specifically, it said viability is not usually about individual schemes, except where obligations or other costs are introduced to ensure realistic decisions to "support development and promote economic growth".

But in case anyone thought that schemes failing all these tests might get excluded from local plans because they were unviable, it warned: "Where the viability of a development is in question, local planning authorities should look to be flexible in applying policy requirements wherever possible".

This was coded speech for leaving brownfield sites out of local plans where the cost of preparing the land would be higher, but to include greenfield land even when its infrastructure needs pushed costs up.

The 2014 *Guidance* gave a lot of advice about applying viability, including a little on the knotty question of infrastructure. Area-wide assessments of costs should be based on robust evidence of costs including "infrastructure costs, which might include roads, sustainable drainage systems, and other green infrastructure, connection to utilities and decentralised energy, and provision of social and cultural infrastructure" and "the potential cumulative costs of emerging policy requirements and standards, emerging planning obligations policy and Community Infrastructure Levy charges," it says.

And in case anyone missed it at the beginning, it reiterates that the *NPPF* requires viability to consider "competitive returns to a willing landowner and willing developer to enable the development to be deliverable".

The desire to enrich both land owners and developers was to prove problematic, however.

The blunt nature of the 2014 guidance was softened somewhat when it was revised in 2018[199] and further revisions were made in the light of the 2019 *NPPF*. Profitability and returns no longer had quite the prominence they'd had four years earlier, though they were still there. But the cost of infrastructure – its effect on viability was plainly beginning to tell - figured even more strongly.

"Viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it," it reminds us. "This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return."

It goes on to say that viability assessments should be supported by evidence on infrastructure and affordable housing and, once again, to discuss how gross development values and costs are defined. There is a very lengthy discussion of how viability assessments should be carried out; Whitehall was plainly struggling to reconcile its desire to force local planning authorities to release huge areas of land for building with the painful necessity of providing those sites with a range of services (especially roads) and developers' and land owners' desire to make very big profits.

In the end, something has to give and, were the *PPG* to be believed, this would be the land owner's land value uplift rather than the developers' profits. The challenges involved in the 2014 *Guidance*'s ambition to make both land owners and developers wealthy were beginning to show.

"Policy requirements should be clear so that they can be accurately accounted for in the price paid for land," it claims. So if a plot included in a local plan proves "unviable" in reality, it's the land owner who should lose out?

“Potential risk is accounted for in the assumed return for developers at the plan making stage,” it says. “It is the role of developers, not plan makers or decision makers, to mitigate these risks. The cost of fully complying with policy requirements should be accounted for in benchmark land value. Under no circumstances will the price paid for land be relevant justification for failing to accord with relevant policies in the plan.”

It says plan making should assume a 15-20% gross development value as “a suitable return to developers” to judge a plan viable, though councils are given the freedom to use alternatives when there is evidence”. Whether developers ever accept anything below 20% is shrouded in commercial confidentiality, but land owners plainly have no intention of being the fall guys in all this. Why sell the land in the first place if they can’t achieve the eye-watering uplift they are used to when their land is included for housing in a local plan? No developer (or council) wants to get involved in lengthy CPO proceedings.

So, if land owners’ and developers’ desire for huge profits must be met to secure “viability”, something else has to give.

And something else does give. The number of cases where developers have negotiated their affordable housing contribution down because of “viability” must now run into hundreds, if not thousands. Despite the *NPPF* making clear that a proportion of “affordable” housing (however defined) must be included in significant sized developments, the guidance notes that “a lower figure may be more appropriate in consideration of delivery of affordable housing in circumstances where this guarantees an end sale at a known value and reduces risk”.

So it is those in housing need who must suffer, not the developer. Even the land owner, who is theoretically supposed to bear the cost of development obligations, can still profit; all too often tales of 100x uplift in land values when planning consent is granted continue to appear. Governments since World War II have made four serious attempts to tax this, but land owners’ lobbies have proved far too strong.

Five-year supplies: Overall, both deliverability and viability have successfully directed local plans away from brownfield sites. There has been a significant a drop in brownfield development since 2012 and recent years have seen variously ineffective policies to restimulate it. But it is greenfield developments that Whitehall wants most to stimulate through measures like deliverability, viability and five-year supplies.

Abolition of house building targets in regional strategies in 2010 left the Treasury with the challenge of imposing building targets on local planning authorities. But ministers at that time were describing the regional strategies hitherto used to impose house building targets on local planning authorities as “hated”. Targets had, at least temporarily, become politically impossible. The Government’s answer was the provisions in the 2012 *NPPF*, including “five-year supplies”.

In the years since 2012, this policy has become so toxic that the Government has thrashed around looking for alternatives, including the disastrous 2020 planning reform proposals. A great deal of heated discussion has been generated by policies like the “dodgy algorithm”. This is not, however, the place to rehearse these arguments.

Appendix 4: Scottish Housing Infrastructure Fund projects

Dunbeg, Lorn/Kirk

Organisation: Argyll and Bute Council

Value: £2.129m

Road infrastructure works outwith the curtilage of the development site to open up access.

Maryhill Locks

Organisation: Glasgow City Council

Value: £623,000

Land remediation and grouting works outwith the curtilage of development site to open up access.

Evergreen Fund

Organisation: Highland Council

Value: £19m

Funding allocated to Council to operate HIF grant and loan schemes in the Highland Council area on the same basis as the main HIF fund.

Bilbohall – Expert Advice

Organisation: Moray Council

Value: £20,000

Expert advice funding to assisting master planning for the site.

Granton Waterfront

Organisation: CEC

Value: £100,000

Road infrastructure works outwith the curtilage of the development site to open up access.

M80 J7/A803

Organisation: Falkirk Council

Value: £2.544m

Motorway junction and road infrastructure works outwith the curtilage of the development site to open up access and support delivery of homes on adjacent sites.

Raploch, Stirling

Organisation: Stirling Council

Value: £1.66m

Land remediation and road improvements outwith the curtilage of the development site to open up access on various sites.

Blindwells 1 – Expert Advice

Organisation: East Lothian Council

Value: £131,000

Expert advice funding to assisting Masterplanning for site.

Edinburgh Fountainbridge

Organisation: CEC

Value: £1.1m

Decontamination, roads and services infrastructure works outwith the curtilage of the development site to open up access.

Gretna

Organisation: Dumfries and Galloway Council

Value: £2.5m

Major water capacity upgrade works outwith the curtilage to open up access and support delivery.

Blindwells 2 – Expert Advice

Organisation: East Lothian Council

Value: £75,000

Expert advice funding to assist a transport strategy for site.

Dunfermline

Organisation: Fife Council

Value: £5m

No. of houses: 8,000

Greenfield/brownfield:

The first grant of the second phase of Scotland's HIF is part of the Edinburgh and South East Scotland City Region Deal. It will pay for "strategic transport infrastructure".[200]

Ravenscraig Phase 1

Organisation: Link Housing Association

Value: £1.359m

Road infrastructure works linked to railway bridge works outwith the curtilage of the development site to open up access.

Ravenscraig Phase 2

Organisation: Link Housing Association

Value: £395,000

Road infrastructure works to a railway bridge linked to road junction works outwith the curtilage of the development site to open up access.

St Ninians Paisley

Organisation: Link Housing Association

Value: £426,000

Road infrastructure works outwith the curtilage of the development site to open up access.

Hamiltonhill, Glasgow

Organisation: Queens Cross Housing Association

Value: £2.488m

Canal drainage infrastructure works outwith the curtilage of the development site to open up access.

Balmaha

Organisation: Stirling Council

Value: £345,000

Access road, drainage and site treatment works outwith the curtilage to support delivery of housing on site.

Grandholme

Organisation: Grandholme Trust

Value: £7.9m (loan)

Roads, drainage and services infrastructure works to open up access.

Kingdom Park

Organisation: Kingdom Park Ltd

Value: £5.999m (loan)

Roads, drainage and services infrastructure works to open up access.

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