

York and North Yorkshire Combined Authority Brownfield Housing Fund - Subsidy Scheme

This Subsidy Scheme has been made by York and North Yorkshire Combined Authority under the Subsidy Control Act 2022. It may be used to award subsidies, at the sole discretion of YNYCA, provided the relevant terms and conditions are met.

**York and North Yorkshire Combined Authority**

**Brownfield Housing Fund - Subsidy Scheme**

1. York and North Yorkshire Combined Authority ("YNYCA") makes the following subsidy scheme (the "Scheme") in compliance with the [Subsidy Control Act 2022](https://www.legislation.gov.uk/ukpga/2022/23/contents/enacted) (the "Act") having due regard to, inter alia, Section 10(1) of the Act and the Subsidy Control Principles set out at Schedule I of the Act and relevant [Statutory Guidance](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1176040/subsidy-control-statutory-guidance.pdf) ("SG").
2. The Scheme is made by Rachel Antonelli, Head of Legal and Monitoring Officer on behalf of York and North Yorkshire Combined Authority on 17 June 2025.
3. The purpose of the Scheme (hereafter "the Purpose") is to allow the YNYCA to award subsidies (using its own funds and funds from other public authorities) towards the capital costs incurred in developing brownfield sites, including (but not limited to) costs relating to site remediation, clearance, property acquisition, installing utilities, installing substations and other energy infrastructure in order to facilitate new and/or improved housing, including social and affordable housing, within York and North Yorkshire.
4. The Scheme is effective from 1 July 2025 until 31 March 2029 and shall apply to subsidies which are legally committed on or between these dates (the "Term") in line with the relevant terms and conditions within the Scheme.
5. A subsidy shall only be regarded as having been made under the Scheme where it can be demonstrated that the award:
6. is conferred by YNYCA, either using its funds or the funds of another public authority ("Relevant Funds"); and
7. fulfils each of the terms set out in the Scheme to the reasonable satisfaction of YNYCA .
8. The Scheme may be used to make awards of subsidy to:
9. any public body including any subsidiary company or division thereof; and
10. any developer or other organisation

which is engaged in or plans to engage in the development of a brownfield site in York and North Yorkshire. On award a list of the projects which are expected to be funded under this Scheme may be found on the [YNYCA website](https://yorknorthyorks-ca.gov.uk/york-and-north-yorkshire-brownfield-housing-fund/).

1. Subsidies may be awarded in the form of grants or sub-commercial loans or any other in-kind support which YNYCA regards to be appropriate. Where any support other than grant is provided, the value of the subsidy shall be determined, in advance, in line with any reasonable method and/or the Subsidy Control (Gross Cash Amount and Gross Cash Equivalent) Reg[ulations 2022](https://www.legislation.gov.uk/uksi/2022/1186/regulation/3/made/data.htm).

The budget of the Scheme shall be £30m over the Term. No subsidy made under the scheme shall exceed £10m to any eligible recipient and project during the term, but for avoidance of doubt this figure shall not include any other subsidy to the same recipient and project provided by another public body.

1. The Scheme may be used to provide a subsidy for the benefit of a recipient and a project which has not received any subsidy before, or one for which previous subsidy has already been provided by YNYCA or any other public body, provided in the latter case always that the project as a whole is facilitating the Purpose and due account is taken of any subsidy already received and this is factored into the assessment of compliance with the terms of the Scheme for any further subsidy to be awarded under the Scheme.
2. The legal basis for awards made by YNYCA under this Scheme shall be Section 1 of the Localism Act 2011 and the York and North Yorkshire Combined Authority Order 2023. YNYCA reserves the right to make awards under any other legal power available to it.
3. YNYCA shall have the right to take all reasonable steps to monitor and check the compliance of any award of subsidy made under this Scheme, including to ascertain that the subsidy is being used for the Purpose, and reserves the right to recover the subsidy in the event of misuse.
4. Any party receiving subsidy under the Scheme is responsible for making its own independent assessment of compliance with the requirements of the conditions of the Scheme and the Act. YNYCA shall not be liable for any act or omission if a measure is found not to meet the terms of the Scheme.
5. Nothing written in the Scheme should be interpreted as providing any potential recipient of subsidy with any entitlement to subsidy. In choosing whether to apply the Scheme to a particular proposed award of subsidy YNYCA's judgement shall be final and nor is YNYCA obliged to use the Scheme in making a subsidy or other award of financial assistance for the Purpose.
6. The Scheme shall not be used to award a subsidy which:
7. is subject to EU State aid law, either because it falls within [Article 10 of the](https://www.gov.uk/government/publications/the-northern-ireland-protocol) [Northern Ireland Protocol](https://www.gov.uk/government/publications/the-northern-ireland-protocol) (as amended by the Windsor Framework) or Arti[cle 138 of the Withdrawal Agreement 2019](https://www.gov.uk/government/publications/new-withdrawal-agreement-and-political-declaration);
8. would relieve the beneficiary from any liabilities arising from its responsibilities as a polluter under the law of England and Wales, Scotland or Northern Ireland; or
9. would, but for Section 30(1) of the Act, be subject to any of the prohibitions or any other requirement contained in Sections 15 to 29 of the Act.
10. YNYCA shall be responsible for ensuring that all transparency obligations are fulfilled with respect to each subsidy awarded under the Scheme. This shall include, where relevant, posting the required information on to the national [Subsidy Database](https://manageuksubsidies.beis.gov.uk/) in line with the requirements of the Act within not more than 3 months of awarding the subsidy.
11. The Scheme does not give cover to a subsidy which would be classed as a "Subsidy of Particular Interest" under the Act and any implementing Regulations including the [Subsidy Control (Subsidies and Schemes of Interest or Particular Interest) Regulations 2022](https://www.legislation.gov.uk/ukdsi/2022/9780348240023).
12. Where goods, works or services are obtained from third parties to deliver the works, appropriate steps shall be taken to demonstrate the remuneration is at or below market rate, including, where appropriate, undertaking an open and transparent procurement process.
13. Any grant which has not been spent by the end of the Term shall be repayable to YNYCA to the extent it has not been fully spent as at that date.
14. The value of the subsidy provided under the Scheme shall be limited to the minimum necessary via a viability gap calculated and evidenced by any reasonable method and to the reasonable satisfaction of YNYCA in advance of the subsidy being awarded, while also having regard to the form of subsidy being offered and the potential for repayment (if any) so afforded.
15. A subsidy may only be given under the Scheme where YNYCA has sufficient and reasonable grounds in its sole discretion to determine that the subsidy:
    1. will cause the recipient to act in a manner which is different from that which might reasonably be expected in the absence of the subsidy to be provided; and
    2. will be spent upon eligible costs not yet substantively committed or incurred which contribute to the development of one or more brownfield site(s) in York and North Yorkshire in line with the Purpose during the Term.