Department for Communities and Local Government

New Homes Bonus: Sharpening the Incentive

Technical Consultation

December 2015
Department for Communities and Local Government

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Department for Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF
Telephone: 030 3444 0000

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Section 1: Consultation Procedure

Scope of the consultation

Topic of this consultation:	**This consultation seeks views on options on changes to the New Homes Bonus in order to better reflect authorities' delivery of new housing. It also seeks views on reducing the number of years in which current and future payments are made.**
Scope of this consultation:	This consultation sets out a variety of options for increasing the focus of the New Homes Bonus ("the Bonus") on delivery of new homes and freeing up resources to to be recycled within the local government settlement to support authorities with particular pressures, such as adult social care, following the outcome of the 2015 Spending Review. The options on which views are sought are: withholding the Bonus from areas where an authority does not have a Local Plan in place; abating the Bonus in circumstances where planning permission for a new development has only been granted on appeal; and adjusting the Bonus to reflect estimates of deadweight. The consultation also sets out proposals for reductions in the number of years for which the Bonus is paid from the current 6 years to 4 years. The consultation considers mechanisms by which the changes could be calculated and provides exemplifications to show how the changes would work in practice alongside indications of the total cost. The changes are only proposed for 2017-18 onwards so exemplifications of impacts on individual local authorities have not been provided.
Geographical scope:	This consultation is applicable to England only.
Impact Assessment:	Impact Assessments are required where policies have a potential regulatory impact. This consultation focuses on an existing spending policy - the New Homes Bonus - so is not accompanied by an Impact Assessment.

Basic Information

To:	Local Authorities Housing Bodies
Body/bodies responsible for the consultation:	Housing Markets Division Department for Communities and Local Government
Duration:	12 weeks

Enquiries:	newhomesbonus@communities.gsi.gov.uk Noemi Chlopecka Housing Markets Division Department for Communities and Local Government Fry Building 2 Marsham Street London SW1P 4DF Tel: 0303 444 4561
How to respond:	If possible, please respond to the questions in this consultation via the online form https://www.surveymonkey.co.uk/r/X8RHSH5 Responses may also be sent to: newhomesbonus@communities.gsi.gov.uk The deadline for responses is 10 March 2016.
After the consultation:	Comments received on the proposals set out in the consultation will be collated and a formal response document published within three months of the closing date of the consultation.
Compliance with the Consultation Principles:	This consultation document and consultation process adhere to the Government's consultation principles, these can be found at: https://www.gov.uk/government/publications/consultation-principles-guidance Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004). If you want the information that you provide to be treated as confidential, please be aware that, under the Freedom of Information Act, there is a statutory code of practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

	The Department for Communities and Local Government will process your personal data in accordance with the Data Protection Act and in the majority of circumstances this will mean that your personal data will not be acknowledged unless specifically requested. Your opinions are valuable to us. Thank you for taking the time to read this document and respond. If you have any observations about how we can improve the consultation process, please contact: DCLG Consultation Co-ordinator Department for Communities and Local Government Fry Building 2 Marsham Street London SW1P 4DF Or by email to: Consultationcoordinator@communities.gsi.gov.uk

Background

Getting to this stage:	The New Homes Bonus was introduced in 2011 to provide an incentive for local authorities to encourage housing growth in their areas. Since its launch, over £3.4 billion has been allocated, recognising delivery of over 700,000 homes and bringing over 100,000 long term empty homes back into use.
Previous engagement:	The Department for Communities and Local Government carried out a consultation on the New Homes Bonus in 2010. A further consultation on putting some of the Bonus into the Local Growth Fund was carried out in 2013.

Section 2: Introduction

Aim

2.1. The New Homes Bonus ("the Bonus") was introduced in order to provide a clear incentive to local authorities to encourage housing growth in their areas. The Government now thinks that it is appropriate to consider how the incentive element of the Bonus could be further tightened alongside possible changes to respond to the move towards full retention of business rates and the potential for further devolution of powers and responsibilities to local authorities.

Background

2.2. The New Homes Bonus reflects the crucial role local authorities play in supporting housing and wider economic growth by rewarding additional homes built in their areas. The Bonus rewards local authorities for each additional new build and conversion using the national average council tax in each band. Long-term empty properties brought back into use are also included and there is a premium for affordable homes. Each year's grant is paid for 6 years. The Bonus is not ring-fenced. In two-tier areas payments are split between both county (20%) and district (80%) authorities. From 2016-17, allocations to local authorities made under the Bonus are expected to total in the region of £1.4 billion to £1.5 billion annually. Since its introduction, payments to local authorities have totalled just under £3.4 billion reflecting over 700,000 new homes and conversions and over 100,000 empty homes brought back into use. Of the total, over 200,000 were affordable homes.

2.3. Last year, the then Government carried out an evaluation of the Bonus, examining its impact to date on attitudes and behaviours of key players in relation to housing delivery and examining the impact on the finances of local authorities. The findings of the evaluation can be found at https://www.gov.uk/government/publications/evaluation-of-the-new-homes-bonus and have been taken into account in designing this consultation proposal. Key findings were that almost 50% of planning officers agreed that the Bonus was a powerful incentive to support housing growth; the Bonus is seen to be simple, transparent and flexible; and that, in 2014-15, 75% of local authorities were net gainers from the policy.

2.4. Proposed changes to the distribution of the Bonus should be seen in the context of the outcome of the 2015 Spending Review. This confirmed the intention to move to full retention of business rates by 2020 and a preferred option for savings of at least £800 million, which can be used for social care. Savings in the overall cost of the Bonus will be redistributed with the local government settlement, in particular to support authorities with specific pressures, such as in adult social care budget.

2.5. Although the Government is not proposing changes for 2016-17 payments, reductions in payments will be necessary in order to stay within this new funding envelope from 2017-18 onwards. This can be combined with reforms to both sharpen its incentive

effect and free up resources for authorities with particular pressures, such as adult social care.

2.6. This consultation, therefore, seeks views on the options for change to two aspects of the Bonus: reducing overall costs by moving from 6 years to 4 of payments and reform of the Bonus in order to better reflect local authorities' performance on housing growth. It also considers options for staying within the funding envelope in the event of a sudden surge in housing growth.

Section 3: Options for Change

3.1. This section outlines the options that the Government has been considering for changes to the Bonus in more detail. It sets out the principles involved and describes the approach that could be taken. In most cases, the Government's preferred approach is described together with any other options that have been considered. Where appropriate, exemplifications are included to show how the proposed changes would work. The impact of each possible change on the total funds required by the Bonus is also exemplified for illustrative purposes only using the total provisional allocations for 2016-17.

3.2. It is important to stress that the changes proposed in this section would only be implemented for payments in 2017-18 onwards. **No changes are proposed for either calculation of 2016-17 allocations or payments due to be made in 2016-17 relating to previous years.** This is to ensure that local authorities have sufficient time to reflect the proposed changes in their forward planning.

Changing the number of years for which payments are made

3.3. At present, each year's allocation under the Bonus leads to "legacy" payments over 6 years. Originally, this was to compensate for reductions in settlement allocations which reflected growth in an authority's Council Tax base. However, since 2011, the decision has been taken not to reduce allocations in this way. At the same time, the way in which each year's allocations lead to commitments over several years leads to a build up of costs over time. Table 1 below shows how payments relating to allocations up to and including those for 2016-17 would, if allowed to continue unaltered, would lead to substantial costs even with no further new allocations.

£m	Payments already made
£m	Payments to be made
£m	Estimated future payment

Payment relating to:	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
2011/12	199	199	199	199	199	199				
2012/13		233	233	233	233	233	233			
2013/14			236	236	236	236	236	236		
2014/15				249	249	249	249	249	249	
2015/16					251	251	251	251	251	251
2016/17						293	293	293	293	293
2017/18							293	293	293	293
2018/19								293	293	293
2019/20									293	293
2020/21										293
Annual total (£m)	**199**	**432**	**668**	**917**	**1,168**	**1,461**	**1,555**	**1,615**	**1,672**	**1,716**

Chart 1: existing unreformed scheme[1]

[1] 2016-17 costs reflect provisional allocations for the year 2016-17 published alongside this document.

Legacy Payments

3.4. Allowing legacy payments to continue unchanged would also reduce the impact of the proposals in this section (see paragraphs 3.10 to 3.31) to increase the incentive effect of the Bonus since legacy payments relating to earlier, less focussed, allocations would, in the first few years, significantly outweigh new allocations calculated to better reflect local authorities' performance.

3.5. **The Government is therefore consulting on whether from from 2017-18, the number of years for which legacy payments under the Bonus are to be paid will be reduced from 6 years to 4 years.** This is the Government's preferred option. But it is considering whether to move further and reduce payments to 3 or 2 years.

Transition

3.6. There are several ways in which a reduction in the number of years over which payments would be made could be introduced. In considering options, the Government will aim to strike a balance between achieving the required level of reductions within the Spending Review period and protecting the forward planning which local authorities may have done in anticipation of the payments linked to past allocations.

3.7. One option is to reduce the numbers of years for which payments are made for both existing and future allocations to 5 years in 2017-18 and 4 years in 2018-19. The impact on total annual payments, assuming no other changes, is exemplified in Table 2 below. It has the advantage of protecting existing payments for both 2016-17 and 2017-18 whilst freeing up funding from 2018-19.

£m	Payments already made
£m	Payments to be made
£m	Estimated future payment

Payment relating to:	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
2011/12	199	199	199	199	199	199				
2012/13		233	233	233	233	233				
2013/14			236	236	236	236	236			
2014/15				249	249	249	249			
2015/16					251	251	251	251		
2016/17						293	293	293	293	
2017/18							293	293	293	293
2018/19								293	293	293
2019/20									293	293
2020/21										293
Annual total (£m)	**199**	**432**	**668**	**917**	**1,168**	**1,461**	**1,322**	**1,130**	**1,173**	**1,173**

Chart 2: Reducing payment period to 4 years (5 years in 2017/18 and 4 years form 2018/19 onward)

3.8. An **alternative** to this approach could be to introduce the reduction in years earlier or without the intermediate step to 5 years. Chart 3 below shows the impact this might have on overall costs. A **further alternative** would be to reduce the numbers of years for which payments are made to 3 or 2 years.

£m	Payments already made
£m	Payments to be made
£m	Estimated future payment

Payment relating to:	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
2011/12	199	199	199	199	199	199				
2012/13		233	233	233	233	233				
2013/14			236	236	236	236				
2014/15				249	249	249	249			
2015/16					251	251	251	251		
2016/17						293	293	293	293	
2017/18							293	293	293	293
2018/19								293	293	293
2019/20									293	293
2020/21										293
Annual total (£m)	**199**	**432**	**668**	**917**	**1,168**	**1,461**	**1,086**	**1,130**	**1,173**	**1,173**

Chart 3: reducing payment period to 4 years without an interim 5 year stage

Consultation question 1
What are you views on moving from 6 years of payments under the Bonus to 4 years, with an interim period for 5 year payments?

Consultation question 2
Should the number of years of payments under the Bonus be reduced further to 3 or 2 years?

3.9. Bonus allocations are currently calculated using the council tax returns. The net increases in numbers of homes falling within each council tax band are established by comparing successive years' returns. The numbers of homes falling outside band D are then scaled to reflect their equivalence to band D. The resulting total figure is then applied to the national average band D council tax bill for the year to generate the total allocation for that year. There are some concerns that this approach, by favouring higher band homes above those falling into lower bands, could result in some skewing of allocations in favour of areas with higher house prices although this may be partially mitigated by the use of an average value for the band D council tax bill.

Consultation question 3
Should the Government continue to use this approach? If not, what alternatives would work better?

Reforms to improve the incentive

3.10. At present, the Bonus rewards all net additions to housing in an area regardless of the path leading to their construction. It is possible to argue that the Bonus is, therefore, insufficiently focused on really strongly performing authorities. In order to counteract these effects, the Government has considered three ways in which the incentive impact of the Bonus could be improved:

(a) withholding new Bonus allocations in areas where no Local Plan has been produced in accordance with the Planning and Compulsory Purchase Act 2004;

(b) reducing payments for homes built on appeal; and

(c) only making payments for delivery above a baseline representing deadweight.

3.11. An option would be for the Government to only introduce the improved incentives. The illustrative costs are shown in chart 4. This model still frees up resources, but at reduced levels.

£m	Payments already made
£m	Payments to be made
£m	Estimated future payment

Payment relating to:	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
2011/12	199	199	199	199	199	199				
2012/13		233	233	233	233	233	233			
2013/14			236	236	236	236	236	236		
2014/15				249	249	249	249	249	249	
2015/16					251	251	251	251	251	251
2016/17						293	293	293	293	293
2017/18							168	168	168	168
2018/19								168	168	168
2019/20									168	168
2020/21										168
Annual total (£m)	**199**	**432**	**668**	**917**	**1,168**	**1,461**	**1,430**	**1,365**	**1,297**	**1,217**

Chart 4: introducing all the incentives in the government's prefered model from 17/18, but making payments for 6 years.

A. Withholding the Bonus where no Local Plan has been produced

3.12. Local Plans are the primary basis for identifying what development is needed in an area and deciding where it should go. Plans give communities and businesses alike certainty about what development is appropriate and where, and set out how local housing and other development needs will be met. Plans are the mechanism through which national policies are applied to specific localities. By identifying sites in a Local Plan authorities can guide development to the most suitable locations, supported by the right infrastructure. Plans provide the starting point for dealing with planning applications as applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. Where a plan is not in place an area may be more vulnerable to unwanted or speculative development.

3.13. Local authorities have had more than a decade to produce Local Plans in accordance with the Planning and Compulsory Purchase Act 2004[2] ("the 2004 Act"). Most have done so – 83% of local planning authorities have published a Local Plan and 66% of

[2] Local Plan means any document of the description referred to in regulation 5(1)(a)(i), (ii) or (iv) or 5(2)(a) or (b), and for purposes of section 17(7)(a) of the Act these documents are prescribed as development plan documents. See Town and Country Planning (Local Planning) (England) Regulations 2012 http://www.legislation.gov.uk/uksi/2012/767/pdfs/uksi_20120767_en.pdf. The National Planning Policy Framework sets an expectation that each local planning authority should produce a single Local Plan which sets out the strategic planning priorities for the area. In practice authorities may adopt multiple development plan documents which collectively constitute the area's Local Plan.

planning authorities have an adopted Local Plan[3]. At present, local authorities currently receive Bonus payments even where they have not yet put a Local Plan in place[4]. Given the importance of a Local Plan in identifying housing needs in an area and setting the framework for decisions on individual planning applications the Government is considering options for withholding some or all of the Bonus from local authorities that have not yet produced a Local Plan.

3.14. The **Government's preferred option** is that from 2017-18 onwards, local authorities who have not submitted a Local Plan prepared under the 2004 Act should not receive new New Homes Bonus allocations for the years for which that remains the case. Their legacy payments relating to allocations in previous years would be unaffected. An alternative would be for local authorities to receive a set percentage (50%) of the Bonus allocation where they have published a Local Plan but not yet submitted it to the Secretary of State for examination. This approach would recognise progress against the different stages in the plan-making process.

3.15. In July 2011, the Government wrote to local planning authorities and asked that they notify the Planning Inspectorate three months before the publication date of any development plan document and then continue with regular contact prior to the formal submission[5]. The Planning Inspectorate uses this information to maintain a list of how local planning authorities across England are progressing their Local Plans. The Government proposes to use this information to determine the level of abatement. Local authorities will, of course have the usual opportunity between the publication of provisional and confirmed allocations to challenge where they believe that an error has been made in the calculation of the allocation.

Consultation question 4
Do you agree that local authorities should lose their Bonus allocation in the years during which their Local Plan has not been submitted? If not, what alternative arrangement should be in place?

3.16. To be effective, Local Plans need to be kept up-to-date. Policies will age at different rates depending on local circumstances, and local planning authorities should review the relevance of the Local Plan at regular intervals to assess whether some or all of it may need updating. Most Local Plans are likely to require updating in whole or in part at least every five years. The Government has, therefore, considered an alternative approach to abatement based on a banded mechanism whereby authorities would lose a fixed percentage of the Bonus they would otherwise have received based on the date of their adopted Local Plan. However, while this would provide an incentive for authorities to keep their plans up-to-date, this option would bring more complexity to the bonus calculation.

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[3] Figures based on 336 relevant local planning authorities as at end November 2015.

[4] By Local Plan we mean a development plan document that sets the strategic planning policies for the whole of an authority's administrative area, and which has been prepared, examined, and adopted under the provisions of the 2004 Act. Such documents are often referred to as a "Core Strategy", a "Local Plan" or a "Local Plan (Part 1)."

[5] For further details see: https://www.gov.uk/guidance/local-plans#monitoring-local-plans.

Consultation question 5
Is there merit in a mechanism for abatement which reflects the date of the adopted plan?

3.17. The Government wants to ensure that plans are in place that set out the strategic priorities for an area, including a clear assessment of housing needs, and that identify key sites which are critical to the delivery of the housing strategy over the plan period. The Government is not, therefore, proposing to link Bonus payments to the type of plans that are commonly prepared by County Councils in two tier areas. County Councils do, however, have an important role in delivering essential infrastructure. Arguably this could have an impact on the ability of District Councils to produce their Local Plan. We would, therefore, welcome views on whether in two tier areas where a Local Plan has not been published, there should be a corresponding percentage reduction in the bonus available to County Councils.

3.18. If the Government's preferred option outlined in paragraph 3.14 (but not those in 3.16 and 3.17) for withholding and reducing the Bonus had applied in 2016-17, there would have been a £34 million increase in resource available for other pressures.

3.19. As described in paragraph 3.12, the impacts on Bonus payments would only apply during the years for which a local authority had not published or submitted a Local Plan. For instance, if, in normal circumstances, a local authority would have been entitled to grant payments under the Bonus in 2017-18, but had not published its Local Plan until 2019-20, that authority would not receive any payments in the years 2017-18 and 2018-19. But it would receive legacy payments relating to allocations in previous years including 2017-18 and 2018-19, alongside any new allocation, in 2019-20.

B. Reducing payments for homes allowed on appeal

3.20. Currently, where a development is granted planning permission on appeal, overturning the original decision made by a local planning authoritiy (or in place of a decision by the authority in the case of appeals against non-determination), councils receive the same reward as when development takes place that the local planning authority has permitted. This means that Bonus payments do not always reflect positive decisions to allow development, and nor do they reflect the additional costs and delays for applicants arising as a result of the appeal process. The Government is, therefore, proposing to reduce new in-year allocations payments to individual authorities where residential development is allowed on appeal.

3.21. Government's **preferred approach** is to use existing data collected by the Plannning Inspectorate as the basis for these adjustments. The Inspectorate record the number of houses associated with each planning appeal decision (which may be indicative numbers in the case of applications for outline planning permission). This data would be used on an annual basis to calculate the change required to the overall New Homes Bonus grant for each local authority, to reflect the total number of homes allowed on appeal in a given year. This would allow adjustments to be calculated in a relatively straightforward and transparent manner.

3.22. Some time can elapse between a decision by a local planning authority to refuse an application, any subsequent appeal decision and when the resulting homes get built and

added to the council tax base. To allow for this, there would be a time lag between the appeal outcomes that are counted for the purposes of New Homes Bonus adjustments, and the point at which those changes are then applied to Bonus payments. This will reduce any possibility of a significant mismatch between the pattern of current planning decisions by an authority and any change in Bonus payments which is made.

3.23. The Government has considered whether, as an alternative option, individual planning appeal decisions involving housing could be tracked through to completion, so that adjustments to New Homes Bonus payments are made only when the properties concerned are built and occupied (with the change then reflected in the next applicable New Homes Bonus calculation). However this would add significantly to the data that needs to be collected and reported by local planning authorities, so it is not government's preferred approach.

Consultation question 6
Do you agree to this mechanism for reflecting homes only allowed on appeal in Bonus payments?

3.24. Government proposes that there would be a reduction in the New Homes Bonus payment per home allowed on appeal, rather than it being withheld in full. This is for two reasons:

- Not all refusals of permission – and subsequent appeals – result from authorities opposing the principle of development (some, for example, arise from unresolved disagreements over technical issues such as the adequacy of highways access).
- The New Homes Bonus is intended to provide a benefit to the community as a whole, and there is a limit to the extent to which local people should be penalised as a result of poor decisions made by their local planning authority.

3.25. The Government is therefore consulting on whether to reduce New Homes Bonus payments by 50%, or 100% where homes are allowed on appeal, although we are interested in views on other percentage reductions that could be applied. This adjustment would be applied to all six years for which the Bonus would otherwise have been paid in full.

Consultation question 7
Do you agree that New Homes Bonus payments should be reduced by 50%, or 100%, where homes are allowed on appeal? If not, what other adjustment would you propose, and why?

3.26. At the time of an appeal decision the ultimate council tax banding of the homes being proposed is not known (as this will depend on their valuation once built). For this reason the calculation of what adjustment should be made, where homes are allowed on appeal, will need to be based on a proxy value. Government's preferred approach is to use the standardised flat rate reduction in payments – for example based on a national average New Homes Bonus figure for Band D properties[6]. The use of the average council tax, for the existing housing stock in each authority was considered as an alternative proxy value, to avoid the risk of over-penalising authorities with high percentages of stock in lower

[6] This is in line with the current approach of calculating the New Homes Bonus.

council tax banding (and, conversely, of applying a reduced penalty in areas where high value properties predominate). In order to maintain consistency with the rest of the New Homes Bonus allocations process this was rejected in favour of the simplicity and transparency inherent in the national Band D average.

Consultation question 8
Do you agree that reductions should be based on the national average Band D council tax? If this were to change (see question 2) should the new model also be adopted for this purpose?

3.27. We estimate that the overall impact of the Government's preferred approach to abatement to reflect housing permissions given on appeal would have been a reduction in 2016-17 New Homes Bonus allocations of around £17m. To understand the process in detail a worked **example** for a "typical" authority, is provided in the Annex to this consultation paper.

C. Removing deadweight

3.28. The Bonus is currently paid on all new housing regardless of whether or not it would have been built without an incentive. Removing this deadweight from the calculation of the Bonus would allow payments to be more focussed on local authorities demonstrating a stronger than average commitment to growth.

3.29. **One option** for removing deadweight from payments would be to set a single baseline for all areas and only make payments under new allocations relating to housing above that baseline. Details of the calculation are outlined in the Annex to this consultation. A possible level of the baseline is 0.25%. This is lower than the average housing growth over the years prior to the introduction of the Bonus in order to ensure that, whilst it acts as an incentive, not too many authorities fall outside the Bonus entirely. The approach proposed also has the advantage of setting an expectation for growth for all authorities and allowing some flexibility to respond to a changing funding envelope if necessary.

Consultation question 9
Do you agree that setting a national baseline offers the best incentive effect for the Bonus?

Consultation question 10
Do you agree that the right level for the baseline is 0.25%?

3.30. An **alternative option** would be to set a baseline based on the average growth rate of dwellings in each local authority or local area. However, potentially, this would have the impact of "rewarding" authorities who had only achieved low growth in the past and penalising those who had done well. In addition, it could result in large numbers of authorities not receiving a Bonus payment at all (using 2016-17 provisional figures, we estimate that around 65 authorities would fall outside the Bonus with a "moderate" baseline of 0.5%). This could have the perverse impact of reducing the significance of the Bonus for those authorities and, thus, eroding its incentive effect overall.

3.31. Government would also make **adjustments to the baseline in order to reflect significant and unexpected housing growth**. Under the current proposals for calculation of allocations, there is a risk that the overall cost of the Bonus could go over budget in a given year in the event of a sudden national surge in housing building leading to increased allocations. As explained above, the current proposed level for the deadweight threshold is set around a third of historic levels of housing growth. This leaves considerable scope to increase the threshold without impinging significantly on additional growth. Increasing the threshold would allow the cost of the Bonus to be brought back within budget. It would also be consistent with the Government's intention to ensure that the Bonus acts as a true incentive to housing growth. Changes to the baseline would only be implemented where there was concern that budgets would be breached and would be included in the annual consultation on provisional allocations.

Consultation question 11
Do you agree that adjustments to the baseline should be used to reflect significant and unexpected housing growth? If not, what other mechanism could be used to ensure that the costs of the Bonus stay within the funding envelope and ensure that we have the necessary resources for adult social care?

Impacts on equalities groups

3.32. In exercising its functions, the Government is required to comply with the public sector equality duty. This means that the government must have due regard, in making any decision, to the need to eliminate discrimination and other conduct prohibited under the Equality Act 2010, advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

3.33. Government would welcome information on any impacts that consultees can foresee these proposals having on specific protected equalities groups under the Equalities Act 2010. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

Worked examples

3.34. Chart 5 below exemplifies the overall impact of the changes proposed using the provisional allocations published alongside this consultation for 2016-17 and assuming that these would be unchanged in future years without the proposals in this consultation. A detailed example showing the impact on an imaginary local authority is set out in the Annex to this consultation paper.

£m	Payments already made
£m	Payments to be made
£m	Estimated future payment

Payment relating to:	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
2011/12	199	199	199	199	199	199				
2012/13		233	233	233	233	233				
2013/14			236	236	236	236	236			
2014/15				249	249	249	249			
2015/16					251	251	251	251		
2016/17						293	293	293	293	
2017/18							168	168	168	168
2018/19								168	168	168
2019/20									168	168
2020/21										168
Annual total (£m)	**199**	**432**	**668**	**917**	**1,168**	**1,461**	**1,197**	**880**	**798**	**673**

Chart 5 – preferred option, combined impact

National parks, development corporations and county councils

3.35. National Park Authorities (and the Broads Authority) are responsible for decisions on planning applications in their areas, and for producing a Local Plan; whereas New Homes Bonus payments are made to the relevant district and county councils. This reflects the fact that local authorities are responsible for many of the services that would be affected by increased population in their areas. The original scheme design for the New Homes Bonus[i] did, however, make clear that billing authorities were expected to discuss with National Park Authorities and the Broads Authority the use of Bonus receipts in their areas. This could, for example, conclude in an agreement to split New Homes Bonus funding between them at a locally determined rate, or to reach an agreement on funding a specific community project.

3.36. Government has considered whether, in such areas, the Bonus paid to local authorities should be removed or reduced in the circumstances set out in this consultation: that is, where a local plan is not yet in place, where homes are allowed on appeal or where the homes being delivered are not additional to planned targets. As a more tightly-focused Bonus would have an increased focus on rewarding proactive planning, we think that the same approach should apply in these areas as elsewhere: in other words, the appropriate reductions would apply.

3.37. The same considerations apply where development corporations are established – whether Urban Development Corporations, or Mayoral Development Corporations in London. These bodies are again the local planning authority for Local Plan preparation and decsions on planning applications and, in some cases, plan making, but not the recipients of the New Homes Bonus.

Consultation question 12
Do you agree that the same adjustments as elsewhere should apply in areas covered by National Parks, the Broads Authority and development corporations?

3.38. Government has also considered the position of county councils in two tier areas, who receive 20%of Bonus payments, but are not the planning authority for decisions

involving residential development. Again, Government is not proposing to exempt county councils from the calculation of any adjustments, given the need to more tightly focus future Bonus payments.

Consultation question 13
Do you agree that county councils should not be exempted from adjustments to the Bonus payments?

Protecting individual local authorities

3.39. In proposing the reforms set out in this consultation, Government has sought to ensure that impacts strike the right balance between rewarding local authorities who are truly open to housing growth in their areas and the provision of sufficient resources, when taken with those provided under the wider local government settlement, to meet local needs. It is possible, however, that some local authorities might be particularly adversely affected by the changes which Government is proposing. Whilst this might reflect unwillingness to support and encourage housing growth in their areas, it might also suggest factors which are outside that local authority's control. Government would, therefore, welcome views on whether there is merit in some form of mechanism to protect local authorties who are particularly adversely affected by the reforms proposed in this consultation paper.

Consultation question 14
What are your views on whether there is merit in considering protection for those who may face an adverse impact from these proposals?

Section 4: Summary of Questions

Question 1 What are you views on moving from 6 years of payments under the Bonus to 4 years, with an interim period for 5 year payments?

Question 2 Should the number of years of payments under the Bonus be reduced further to 3 or 2 years?

Question 3 Should the Government continue to use this approach? If not, what alternatives would work better?

Question 4 Do you agree that local authorities should lose their Bonus allocation in the years during which their Local Plan has not been submitted? If not, what alternative arrangement should be in place?

Question 5 Is there merit in a mechanism for abatement which reflects the date of the adopted plan?

Question 6 Do you agree to this mechanism for reflecting homes only allowed on appeal in Bonus payments?

Question 7 Do you agree that New Homes Bonus payments should be reduced by 50%, or 100%, where homes are allowed on appeal? If not, what other adjustment would you propose, and why?

Question 8 Do you agree that reductions should be based on the national average Band D council tax? If this were to change (see question 3) should the new model also be adopted for this purpose?

Question 9 Do you agree that setting a national baseline offers the best incentive effect for the Bonus?

Question 10 Do you agree that the right level for the baseline is 0.25%?

Question 11 Do you agree that adjustments to the baseline should be used to reflect significant and unexpected housing growth? If not, what other mechanism could be used to ensure that the costs of the Bonus stay within the funding envelope and ensure that we have the necessary resources for adult social care?

Question 12 Do you agree that the same adjustments as elsewhere should apply in areas covered by National Parks, the Broads Authority and development corporations?

Question 13 Do you agree that county councils should not be exempted from adjustments to the Bonus payments?

Question 14 What are your views on whether there is merit in considering protection for those who may face an adverse impact from these proposals?

Section 5: Next Steps

Next steps

5.1 You should respond by 10 March 2016. If possible, please respond to the questions in this consultation via the online form: https://www.surveymonkey.co.uk/r/X8RHSH5. Responses may also be sent to: newhomesbonus@communities.gsi.gov.uk (With attachments in Microsoft Word only).

5.2 Comments received on the proposals set out in the consultation will be collated and a formal response document published within three months of the closing date of the consultation.

Annex – Worked Example

Suppose a unitary local authority has 10,000 dwellings in their council taxbase in October 2015 and these are spread evenly across the council tax bands. If there was a net increase of 80 dwellings added during the following year, evenly spread across the council tax bands, then this would equate to an increase of 97 band D equivalent dwellings.

	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Total
Adjustment factor for Band D	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
2015 council taxbase	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	**10,000**
Net additions	10	10	10	10	10	10	10	10	**80**
Additions (Band D equivalents)	7	8	9	10	12	14	17	20	**97**

Assuming 10 of these new dwellings were eligible for the affordable housing premium and applying the latest average Band D council tax rate (2015/16 - £1,483.58) then that local authority would be eligible for the following payments under an unreformed New Homes Bonus scheme in 2017/18:

Band D equivalents	97
Average band D	£1,483.58
Sub-total:	£143,413
Affordable housing premium (per unit)	£350
Affordable housing supply	10
Sub-total:	£3,500
Total Bonus:	**£146,913**

<u>The impact of policy proposals – withholding the Bonus where there is no Local Plan</u>

If the same hypothetical authority was allocated a New Homes Bonus payment of £120,000 in 2016/17 and each year from 2017/18 would generate the same payment, as outlined above (£146,913) the impact of the reforms will depend on the

status of their local plan in each year. Assuming that the local authority does not have a plan in place in 2017/18 but publishes one in 2018/19 and submits it in 2019/20 their new homes bonus payments are illustrated below:

			Payment received in:				
		Bonus amount:	2016/17	2017/18	2018/19	2019/20	2020/21
Payment relating to:	2016/17	£120,000	£120,000	£120,000	£120,000	£120,000	£120,000
	2017/18	£146,913	**n/a**	£0	£0	£146,913	£146,913
	2018/19	£146,913	**n/a**	**n/a**	£0	£146,913	£146,913
	2019/20	£146,913	**n/a**	**n/a**	**n/a**	£146,913	£146,913
	2020/21	£146,913	**n/a**	**n/a**	**n/a**	**n/a**	£146,913
Local plan status			No Local Plan	No Local Plan	Plan published	Plan submitted	

Having no plan in 2017/18 means that aside from payments from allocations on or before 2016/17 the local authority receives no additional New Homes Bonus allocation in that year, losing £146,913. In the following year on publication of their Local Plan they still do not receive a bonus allocation for 2017/18 and 2018/19. Once the local plan is submitted in 2019/20 all payments resume in full.

In two tier areas, we are proposing that the impacts would only affect the district authority and not the County Council (although, in paragraph 3.15, the question is explored further). As such, under the same circumstances the impacts would be 80% of the full payment outlined for the hypothetical unitary authority used in this example.

<u>The impact of policy proposals - reducing payments for homes allowed on appeal</u>

Suppose now the local authority had seen several recent planning decisions appealed and as a result the Planning Inspectorate had given permission for 10 dwellings on appeal. This would trigger a 50% reduction in the New Homes Bonus allocation awarded for 10 dwellings.

Band D equivalents	97
Average band D	£1,483.58
Affordable Homes premium	£3,500
Sub-total:	£146,913

50% of average Band D	£741.79
Homes permitted on appeal	10
Sub-total – reduction in bonus	£7,418
Total Bonus:	**£139,495**

If this were a two tier authority the reduction would be incurred by both tiers in the same proportions as the bonus is awarded because the reduction in award is determined as above before being distributed to local authorities according to the tier split. As such, under the same circumstances a district authority would receive £111,596 and the County Council £22,319, as opposed to £117,530 and £23,506 respectively.

In any local authority area where the level of appeals were so high in a year as to exceed the effective growth (measured in Band D equivalents) of their council taxbase, their only award would be based on the affordable housing premium with all other elements of the payment being reduced to zero.

<u>The impact of policy proposals – removing deadweight</u>

The baseline growth in the council taxbase proposed in this worked example is 0.25% of the growth in Band D equivalents and this is applied to all local authorities. This level of baseline removes an element of the allocation on the basis of underlying growth, whilst trying to limit the extent to which local authorities do not receive any award under the New Homes Bonus. This approach alone would affect all authorities to some extent but in 2016/17 provisional allocations only 8 would have failed to reach the threshold growth in their council taxbase to receive no payment whatsoever and two of those authorities would not have been rewarded anyway because they saw a decrease in total Band D equivalents.

	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Total
Adjustment factor for Band D	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
2015 council taxbase	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	**10,000**
Band D equivalents (start year)	833	972	1,111	1,250	1,528	1,806	2,083	2,500	**12,083**
Net additions	10	10	10	10	10	10	10	10	**80**

Additions (Band D equivalents)	7	8	9	10	12	14	17	20	**97**
Baseline growth (deadweight 0.25%)	2	2	3	3	4	5	5	6	**30**
Growth above baseline	5	5	6	7	8	10	11	14	**66***

*Totals may not sum due to rounding (after adjusting to Band D equivalent numbers)

Taking the example of the hypothetical authority described above once more. The growth in band D equivalents of 97 represents a 0.8% increase in their stock of Band D equivalents. Therefore the baseline growth of 0.25% would represent 30 of these and as such the New Homes Bonus allocation would be calculated by applying the national average Band D council tax (£1483.58) to the remaining 66, to give an allocation of £102,096. This represents a reduction of £44,816 when compared to the unreformed system.

The combined impact

Band D equivalents (growth)	97
Average band D	£1,483.58
Affordable Homes premium	£3,500
Sub-total:	£146,913
Reduction in bonus - appeals	£7,418
Reduction in bonus - deadweight	£44,816
Total reduction in bonus	**£52,234**
Final Bonus allocation:	**£94,678**