

London Emergency Housing Package
Planning Directorate
Ministry of Housing, Communities and Local Government
Third Floor SE, Fry Building
2 Marsham Street
London
SW1P 4DF

14 January 2026

Dear Sir / Madam

Re : Consultation on the Proposed London Emergency Housing Package

Please find below the response of the Land, Planning and Development Federation (LPDF) to the current consultation on the proposed 'London Emergency Housing Package'.

As a consequence of our members' daily interactions with Local Planning Authorities (LPAs) and consultees throughout the country, the LPDF is uniquely placed to comment on the operation of both the plan making and decision taking components of our planning system. It has been estimated that the land promotion sector is responsible for over half of the outline planning consents for residential development on an annual basis.

Question 1: What is your name?

Phill Bamford

Question 2: What is your email address?

phillb@lpdf.co.uk

Question 3: Are you replying as an individual or submitting a response on behalf of an organisation?

I am responding on behalf of the LPDF.



The LPDF is a trade body representing land promoters, housebuilders (of all sizes), and commercial developers. Our members take on significant financial risk in navigating the planning system to establish the principle of development, unlocking land for new homes, employment space and infrastructure that supports thriving communities across the country. The LPDF encourages its members to deliver well-designed, high-quality, sustainable places that deliver a mix of housing types and tenures, commercial spaces, and community uses that have a positive social, environmental, and economic impact.

Question 4: Do you agree that the relief should not apply to development on “excluded land” as defined? Please explain your answer

The LPDF supports the application of CIL relief to development, but we do not consider that this should be limited to excluded land only. Whilst the development of brownfield land in London faces significant viability challenges, the scale of the housing need in London for both family and affordable housing, makes it inevitable that greenfield land, Green Belt land and potentially Metropolitan Open Land (MOL) will be required to be released to meet the need.

London is in the grips of a critical housing crisis as the capital has consistently under-delivered against its housing targets. This crisis has been exacerbated over the last 18 months with the viability concerns which have led to a significant reduction in the level of starts on sites, with just over 7,000 homes started in 2024/25. Completions have averaged below 40,000 units per annum and this has to be set against an annual London Plan target of 52,000 homes per annum and 88,000 homes per annum under the new standard method.

If London is serious about tackling its housing crisis, and helping the Government to deliver on its ambition for 1.5 million new homes across the parliament, then it needs to commit to delivery from all possible sources, not just rely on estate renewal, brownfield land and small sites. A strategic review of Green Belt and MOL is a necessity.

As such, there may be circumstances where viability concerns on greenfield, Green Belt and MOL, prevent sites from coming forward which could contribute significantly to meeting the stretching target for housing across London. Therefore, there needs to be flexibility built into the CIL exemption procedure to allow for such sites to qualify, if the circumstances can be clearly justified.

Question 5: The Government welcomes views on approaches restricting relief to certain land uses – including the merits of whether the policy should apply based on established use classes, or something more bespoke.

The LPDF agrees that CIL relief should only apply to C3 residential schemes. The CIL relief procedure should be easy and simple to operate to ensure its success and applying it to C3 alone will help to achieve simplicity.



Question 6: The Government welcomes views on the application and level of the proposed borough-level CIL liability threshold, including whether this would have significant negative implications for SME builders.

It is considered that setting the threshold on development with a borough-level CIL liability in excess of £500,000, would disproportionately disadvantage SME developers as they tend to bring forward smaller sites that do not generate this level of CIL requirement. However, they are similarly impacted by viability issues and setting the CIL relief threshold at such a level may mean that small sites are simply not delivered in significant numbers. As the current London Plan relies on a meaningful proportion of housing delivery on small sites, not applying CIL relief to such sites could seriously jeopardise the GLA's ability to meet its housing targets.

The LPDF therefore considers that no thresholds should be introduced as this would ensure that CIL relief has the maximum impact on delivery, and SME builders would not be disadvantaged as a result of the process.

Question 7: The Government welcomes views on the threshold applying to a development as a whole, and whether this presents any challenges for phased developments where each phase is a separate chargeable development for CIL purposes. If so, should a lower threshold apply for each phase of a phased development?

If the Government proceed with the introduction of a threshold, which we do not consider they should, there should be a lower threshold introduced for each phase of development. Each phase of development is considered as separate for CIL purposes and therefore, in order for the CIL relief to have maximum impact, a lower threshold should be applied to each phase.

Question 8: The Government welcomes views on the proposal to require a minimum level of affordable housing as set out in this sub-section.

It is agreed that the CIL relief procedure should apply to schemes which provide at least 20% affordable housing. However, the stipulation that 60% of the affordable housing provision be for social rent may be a barrier to the delivery of new homes. Developers are facing increasing difficulty getting Registered Providers (RPs) to acquire S106 affordable homes, as the mix of tenures agreed with LPAs often do not match the requirement of the RPs. Therefore, in order for the CIL relief to have maximum impact, developers, RPs and LPAs should be able to negotiate over the correct tenure split for each site, dependent upon local circumstances.

Question 9: Overall, are you supportive of the qualifying criteria outlined? Please set out your views.

Yes, subject to the qualifications set out above.



Question 10: The Government welcomes views and evidence on whether a time-limited borough-level CIL relief in London will have the desired effect of improving viability to support housebuilding in London? As part of this, the Government would welcome case studies on the impact that borough-level CIL has on development in London.

The LPDF does not have any examples of case studies in London.

Question 11: Are there any specific criteria that you think could be clarified or adjusted? If so, please give your reasons why.

It is considered that the CIL relief process should be simplistic in design in order to aid implementation and to avoid negotiations over whether the relief applies to a scheme or not. Any qualifying criteria should be definitive and not subject to the need for justification before an LPA accepts that the relief applies.

Question 12: Are there any additional eligibility criteria you think should be considered for the CIL relief beyond those proposed? Are there any other observations or comments you wish to make?

No.

Question 13: The Government welcomes views on the proposed steps before applying for relief as set out in this sub-section. This includes views on how the grant funding mechanism may interact with the proposed CIL relief, and any circumstances where following the order/choreography set out would be difficult.

The steps appear to be acceptable.

Question 14: The Government welcomes views on the proposed application fee, the level of fee that is proposed and whether this would create any difficulties.

The LPDF do not consider it to be justified to apply an additional application fee of £25k for the relief. If the process is simple to administer, then £25K is likely to be a significant over-estimation of the cost of implementing the scheme for each development proposal. If any fee is introduced, this should be based on the actual cost of implementation using evidence as the basis for setting the fee.

Question 15: The Government welcomes views and evidence on whether 50 per cent relief for qualifying schemes delivering 20 per cent affordable housing is appropriate, or whether an alternative approach should be considered.

It is supported that schemes providing 20% affordable housing should attract 50% CIL relief from LPAs.



Question 16: The Government welcomes views on whether this approach strikes an appropriate balance and provides a clear incentive for additional affordable housing to come forward.

The LPDF consider that the temporary CIL relief proposal, alongside the proposals to reduce affordable housing provision to 20%, will have an impact on improving viability such that some schemes which are currently stalled, will be able to come forward.

Question 17: The Government welcomes views on the optimal levels of relief to ensure development can proceed, while maximising CIL receipts and affordable housing delivery.

The LPDF have no comments on this question.

Question 18: The Government welcomes views as to whether boroughs should have any discretion in relation to the relief and if so in what circumstances, and how this may work such that robust incentives for additional affordable housing remain.

The LPDF strongly consider that LPAs should not be allowed to exercise discretion in relation to the relief. As stated above, the success of the scheme is based on its simplicity, and developers need certainty that the process will be implemented consistently across all LPAs. Any uncertainty generated by the implementation of the process will increase delay in delivery.

Question 19: The Government welcomes views on the appropriate and proportionate level of information that a developer must provide for a scheme in order to be able to qualify for the relief, ensuring that only those schemes which genuinely need the relief are able to benefit from it but avoiding the level of viability testing that would be required under the GLA's Viability Tested Route.

The Government has accepted that development viability issues are significant across London and have proposed the introduction of the relief process as a result. Therefore, developers should not be required to submit additional evidence to justify why any particular scheme should qualify for the relief. Introducing additional evidence requirements will increase the costs to developers and would introduce uncertainty and delay into the process which would reduce the effectiveness of measures.

Question 20: The Government welcomes views on whether existing enforcement mechanisms for (i) statutory declarations (see section 5 of the Perjury Act 1911), and (ii) prosecution under the CIL Regs (see Regulation 110 of the CIL Regs) for supplying false or misleading information that is required to be provided under those Regulations, are sufficient to deter gaming of the system, or whether other deterrents should be made available? If you think these are not sufficient, please set out your reasons and views on what kinds of other deterrents may be needed, noting the Government's aims of creating a streamlined and certain process.

The LPDF have no comments on this question.



Question 21: The Government is interested in obtaining views on the suitability of the proposed process for securing the relief. The process is intended to provide consistent, timely and proportionate decision-making, whilst ensuring that applications for relief are robust and honest. We welcome feedback on whether these steps are practical and effective in supporting the intended outcome.

All schemes which meet the qualifying criteria should be eligible for CIL relief.

Question 22: Are you supportive of the overall approach proposed to securing relief?

It would be simpler and more effective if all schemes that commenced before 31st December 2028 qualified for CIL relief.

Question 23: Do you foresee any challenges with particular aspects of the approach proposed to securing relief? If so, how might these be overcome?

See response to our questions above where we have some concerns about the process.

Question 24: The Government welcomes views on appropriate clawback provisions to ensure schemes which benefit from the relief contribute to urgent housing need. This will include clawback of relief if an incorrect/false statement is made about the viability evidence which is submitted to justify the need for relief from CIL.

It is reasonable for there to be a clawback provision if the scheme fails to be built out, or if the affordable housing delivered is below the level agreed. However, this clawback must be proportionate to the level of under delivery experienced.

It is likely to be problematic if the Government seek clawback on the basis of false information. Naturally, over time, there will be variations between the assumptions made in viability assessment at the time the application was made, and the reality at the time the development is delivered. It would be inappropriate for there to be a clawback provision in these circumstances.

Question 25: Are you supportive of the overall approach proposed to administering the relief?

Yes, subject to the responses given above.

Question 26: Do you foresee any challenges with particular aspects of the approach proposed to administering the relief? If so, how might these be overcome?

As stated a number of times above, it would be simpler and more effective if all schemes that commenced before 31st December 2028 qualified for CIL relief.

Question 27: Do you foresee any challenges with the proposed implementation process?

As stated a number of times above, it would be simpler and more effective if all schemes that commenced before 31st December 2028 qualified for CIL relief.



Question 28: The Government welcomes any views on other ways that developers could be supported through the CIL system to bring forward developments.

In order to further support the delivery of new homes and affordable housing units, all schemes that commenced before 31st December 2028 should qualify for CIL relief.

In addition, other measure which could be introduced to support developers and help them deliver new homes quicker include:

- Introducing measures to ensure that the CIL that is collected by LPAs is spent.
- Allowing RPs to use grant funding to purchase S106 homes which would increase their appetite for S106 and would help improve the absorption of S106 homes in the short term.
- Ensuring that there is additional capacity in LPAs and that officers are suitably skilled to be able to implement the CIL relief process efficiently and effectively.

Question 29: Do you agree with the new PSI category of 50 homes or more? Please state why.

The LPDF supports the introduction of a new PSI category of 50 homes or more, where the Mayor is informed of proposal but is not under obligation to respond.

Question 30: Do you agree with the streamlined process for the new PSI category? Please state why.

The exclusion of schemes for 50+ new homes from the Stage 1 process is supported as it will avoid causing unnecessary delay in the process.

The introduction of the new PSI category should not lead to the Mayor intervening in more cases than is absolutely necessary, as this will only cause delay in the process. It should be limited to cases where the LPA is minded to refuse applications for major residential development.

Question 31: Do you agree that development in Category 3D of the Schedule of the Mayor of London Order 2008 should be brought into scope of the Mayor's call-in power? Please state why.

No. The LPDF do not support to this proposal as it would mean that the Mayor would be involved in decisions of a non-strategic nature which do not require their involvement. Any change to call-in powers for decisions on Green Belt or MOL should correspond to the threshold proposed for category 1A (50 dwellings or more).



Question 32: Do you have any comments on any potential impacts for you, or the group or business you represent, and on anyone with a relevant protected characteristic that might arise under the Public Sector Equality Duty as a result of the proposals in this document? Please provide details.

The LPDF have no comments on this question.

Question 33: Is there anything that could be done to mitigate any impact identified?

The LPDF have no comments on this question.

Question 34: Do you have any views on the implications of these proposals for the considerations of the 5 environmental principles identified in the Environment Act 2021?

The LPDF have no comments on this question.

