Consultation on London Housing Emergency Package
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Consultation on the proposed London Emergency Housing Package

Part I: A proposal for time-limited relief from the Community Infrastructure Levy to support housebuilding in London

Part II: A proposal for permanent changes to the Town and Country Planning (Mayor of London) Order 2008 to support housing delivery in the capital

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

Replying on behalf of the Home Builders Federation.

Opening comment

The Home Builders Federation (HBF) is the representative body of the home building industry in England and Wales. The HBF's member firms account for around 80% of all new homes built in England and Wales each year, and include companies of all sizes, ranging from national, household names through regionally based businesses to small local companies. Private sector home builders are also significant providers of affordable homes, building around 50% of all affordable homes built in the last five years, including all homes for social rent.

HBF welcomes the package of emergency interventions proposed by the Government and the Greater London Authority (GLA). We are grateful for the work of the Government and the GLA. We acknowledge the difficult political discussions that must have taken place in agreeing this package, and while criticism has been levelled at

the package from some quarters, we are also hearing of increased investor confidence in London as a consequence of the recognition by Government and the GLA that interventions are necessary to reverse the decline in housebuilding.

The package should lead to an improvement in starts and completions before 2029, but to be truly effective the package would need to be supported by other demand-side measures, such as support for first-time buyers and actions to encourage registered providers (RPs) to acquire S106 Affordable Homes.

Part I: A proposal for time-limited relief from the Community Infrastructure Levy (CIL) to support housebuilding in London

HBF supports the proposal to grant temporary relief from the payment of London local planning authority CIL by reducing these payments by half for a limited period. HBF remains very supportive of the principle of the CIL to collect money to fund non-site-specific infrastructure, however, it is frequently the case that local planning authorities can struggle to spend the monies collected. Therefore, in view of the dramatic fall in housing completions and starts in London, some of which will be attributed to problems with viability, we consider the proposal to provide CIL relief for a limited period to be a legitimate, short term, emergency response.

The potential benefits of the package do, however, threaten to be undermined by extensive additional bureaucracy associated with accessing the reliefs and the additional taxes being imposed on development in the capital during 2026 which will further harm viability. Landfill Tax increases and the introduction of the Building Safety Levy will disproportionately affect the economics of building homes in London compared with other parts of the country.

The duration of the time-limited relief for CIL and for the affordable housing is also too short. While we appreciate the desire to improve starts and completions within this parliament, but there may also be a need to avoid the relief measures coming to an abrupt end in 2028 (or sooner). To this end, we would recommend keeping the time limited interventions in place until at least the new London Plan is adopted (as opposed to published) if not longer. We suggest until December 2030.

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

We agree in the main that the CIL relief should not be available for excluded land, i.e. greenfield land within the jurisdiction of the Greater London Authority. However, we have concerns in connection with two exclusions in the definition of 'excluded land'.

First, it may be unwise to rule out entirely the possibility that a strategic scheme on Green Belt or Metropolitan Open Land (MOL) may not benefit from the relief where an early phase of that scheme is struggling owing to the need for major upfront infrastructure costs, such as highways and (increasingly) utilities, where provision is funded by the applicant directly, rather than through CIL. As it is likely that the next version of the London Plan will require that one third of its housing target will need to be provided on Green Belt or MOL, and because the London Plan may be adopted by 2028, there could be Green Belt / MOL proposals that could benefit from the CIL relief to help them get started and provide dwellings before 2029. This might include the Chase Park and Crews Hill new town proposal within the Green Belt in Enfield.

Second, the inclusion of "other locally designated open space" in bullet 3 risks allowing London boroughs to capture unused or inaccessible parcels of green space that form part of back-land sites, or smaller play spaces even though planning policy already protects such spaces through re-provision or seeks alternative compensation in the case of loss. We consider that the potential inclusion of back-land sites would be contrary to the direction of Government policy to encourage development within 800m of train-underground-tram stations.

We therefore recommend that the third bullet is omitted and replaced with the category of District Open Space which is used by the London Plan and London borough local plans. Where open space is re-provided as part of a development, relief should continue to apply.

In cases of dispute, the Mayor of London could allow a special application to be made for him to consider whether there might be a case for CIL relief.

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.

We agree that the relief should be available for C3 (self-contained) and C4 residential (houses in multiple occupation – 3-6 persons) schemes only. HBF has become concerned increasingly in recent years by the rise in the supply of student accommodation which can constitute a large element of 'housing' supply within some London local planning authorities. This type of accommodation does not increase the stock of 'general needs' housing for the resident population. We acknowledge the need to provide for the student population but this should be accounted for separately from the housing targets for London. Student housing can be popular as a means for London boroughs to meet their housing targets as 2.5 bed spaces can be counted as equivalent to one self-contained dwelling. Based on the GLA's London Residential Datahub, we note that non-self-contained accommodation has accounted for 8 per cent of residential supply over the last 20 years.

The detrimental effects on viability that have taken hold in recent years have largely affected residential housing schemes, while providers of purpose-built student accommodation (PBSA) and Build to Rent developers have largely been unaffected by the tax and policy measures designed to extract more value out of private residential schemes. This includes the Residential Property Developer Tax.

It would be too complicated to disapply the CIL relief for C3 and C4 housing based on different land uses, e.g. commercial, retail or industrial land. The Government and the GLA should keep the rules relating to the relief simple in order that they can be understand and applied as quickly as possible and to generate the results desired quickly. If there is too much scope for interpretation this will militate against effective implementation, including, critically, securing the starts and completions desired by 2029.

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.

The proposal to limit the CIL relief to proposals where the total CIL liability would exceed £0.5 million or more would tend to discriminate against SME homebuilders operating in London. Achieving the housing targets in the current London Plan (52,000 net additions per year) depends to a very great extent on increasing the supply of housing from small sites (which the Mayor defines as a quarter hectare in size or less). The small sites housing target in the London Plan – 12,000 net additions per year - accounts for a fifth of the overall requirement.

The relief should be extended to smaller schemes. To this end, and to ease the administrative burden on local planning authorities, we recommended allowing all eligible schemes to benefit from the relief. Abandoning a liability threshold would reduce the administrative burden on local authorities as well as helping to increase the number of homes provided by SME homebuilders.

Extending the CIL relief to all schemes would also avoid the risk of perverse motives whereby schemes on the edge of the threshold for the relief would reduce the number of affordable homes provided merely to take advantage of the relief (because reducing the number of affordable homes means the applicant secures less CIL relief). We recognise that there is always a risk of these types of outcomes when setting a threshold, but in order to provide a real stimulus to delivery, and reducing delay in implementation, allowing all schemes to benefit would be preferred by the HBF irrespective of the overall size of the CIL liability.

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?

The CIL liability threshold should apply to the development as a whole. We consider this justified to ensure that the intervention is easy to implement and has the maximum beneficial effect – to drive up the number of starts and completions by 2029. It would be too messy and complicated to apply the relief to different phases, unless the scheme is of a truly 'strategic scale' where the build-out programme would take place over many years. We would recommend that all schemes, irrespective of size, should be able to benefit from the relief at the point that a scheme secures outline planning or full planning permission. Where schemes have already commenced, but a later phase has yet to commence, then the relief could apply to those later phases. Any scheme where the build-out is expected

to take place over a shorter period of time – say up to three years (so at least some dwellings will be completed by 2029) should benefit from the relief against the whole scheme.

The Government and the GLA should avoid the temptation to 'cheese-pare' too much with the mechanics of its emergency measures. They must be simple to understand so they can be applied quickly. We appreciate the desire for the government to secure a financial return from the land it is permitting for development, but too many conditions and qualifications risks undermining the effectiveness of this measure.

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

We agree that the proposed temporary threshold level for affordable housing of 20 per cent, or 35 per cent on public land, should be the criteria for eligibility for the CIL relief.

We have concerns relating to the requirement for 60 per cent social rent and whether Registered Providers (RPs) will be willing to acquire this proportion of social rented homes in all cases. We recommend that decisions on appropriate tenures of the affordable housing element should be considered as part of the planning application rather than the CIL relief process.

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

We agree that the proposed temporary threshold level for affordable housing of 20 per cent, or 35 per cent on public land, should be the criteria for eligibility for the CIL relief.

We note this will include a requirement for 60 per cent of the proposed affordable housing threshold to be provided as social rented housing. This may prove an obstacle to the successful implementation of the emergency measures. As documented by HBF elsewhere (https://www.hbf.co.uk/news/uncontracted-section-106-affordable-homes-october-2025) homebuilders are struggling currently to sell their S106 affordable homes owing to a reduced appetite among Registered Providers (RP) to acquire these. Tenure requirements that do not match the preferences of RPs could become an obstacle to the successful implementation of the emergency package. To avoid this we recommend that the Government and the GLA allow the applicant to agree an acceptable tenure mix with the registered provider. In addition, where a scheme is entirely affordable housing – irrespective of tenure type – then there should be no requirement to provide 60 per cent social rent.

We note that providers of Build-to-Rent dwellings are not required to provide 60 per cent social rent so this is an opportunity to align the requirements for market housing with current requirements for Build-to-Rent.

We agree that applicants seeking to benefit from the time limited measures, should demonstrate that they have endeavoured to engage with RPs to explore the availability of grant prior to, or at an early stage, in the planning process. However, this needs to be kept as simple as possible, without too many stipulations, to ensure that the emergency package takes effect in time.

We are less enthusiastic about the proposal that the applicant needs to demonstrate to the GLA that it is applying for CIL relief to be eligible for the 20 per cent affordable housing threshold, and the risks associated with a discussion between the GLA and the relevant LPA about whether this is acceptable. We doubt also the efficacy of requiring applicants to demonstrate that they have attempted to achieve 35 per cent affordable housing where accessing grant and CIL relief is sought, before the applicant can benefit from the 20 per cent threshold.

If the housing package is to be effective it must minimise as much as possible the scope for the government, the GLA and local authorities to query elements. Ideally, the 20 per cent Affordable Housing threshold and the CIL relief should be available to all qualifying schemes without further debate or extensive challenge, subject to the payment of the administrative fee. If this is not possible, there should be a combined point of assessment, where the affordable housing and CIL reliefs can be judged together.

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.

While the temporary relief is likely to assist with the viability of residential schemes in the short-term, it should be noted that during 2026, two major tax increases or new taxes will be introduced by government which will both have a disproportionately large impact on home building in London.

In April 2026, Landfill Tax Lower Rate, applied to most of the spoil leaving home building sites, will more than double from £4.05 per tonne to £8.65 per tonne and continue to rise each year thereafter. This will harm development viability across the country but will particularly disadvantage developers of smaller or constrained sites because of the lack of options to reuse materials on site in such circumstances.

This will be followed in October 2026 by the introduction of the Building Safety Levy. Even allowing for the majority of new homes in London being built on brownfield land, the per plot costs in the capital will be significant and threatens to undermine the CIL relief and other measures of this emergency housing package because the rates are linked to local housing prices. By way of example, we expect the average new build apartment on brownfield land to attract Building Safety Levy costs of around:

- £4,000 per plot in Hammersmith and Fulham
- £3,000 per plot in Haringey
- £2,000 per plot in Havering

A temporary relief from CIL, therefore, would be justified and would help to compensate for the additional costs described above. It is also justified as many collecting authorities struggle to spend these monies. HBF's report in 2024 *Unspent Developer Contributions: S106 and Community Infrastructure Levy Funds Held by Local Authorities* revealed the extent of unspent CIL monies. The responses to the freedom of information request demonstrated:

- An average of £11.4m of CIL contributions is held per council.

- Extrapolating this out to all councils which have a CIL, there is an estimated £1.8bn of CIL held unspent in total across England and Wales – raising the total combined estimate of unspent developer contributions to over £8bn.

- In terms of London specifically, of the 15 London boroughs who provided figures on unspent CIL money, the average unspent was £32.7 million per authority, although there is significant variation within that average figure.

- The London Borough of Brent holds the most in unspent CIL contributions (£167.6m)

We do recognise that often CIL monies must be accumulated in sufficient quantity before they can be spent on strategic infrastructure items, so there will be a delay, but in view of the current crisis in the delivery of housing in London, granting CIL relief would be justified as a short-term measure.

To encourage the identification of new land for development, the eligibility period should extend beyond the point at which schemes must be well advanced. To this end the relief should be extended to apply to schemes that commence up to at least December 2030.

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

If the housing package is to be effective it must minimise as much as possible the scope for central and local government to query elements of the reliefs. Ideally, the 20 per cent affordable housing threshold and the CIL relief should be available to all qualifying schemes without further discussion, subject to the eligibility criteria and payment of the administrative fee (although this may be unnecessary if the reliefs are applied universally). As this is a time limited intervention, designed to provide an immediate stimulus to housing delivery in London, resulting in an increase in starts and completions by 2029, the measures must be as simple as possible to comprehend and implement.

We note in paragraph 4.4 that the applicant will be required to provide evidence for the 'financial impact' of having to pay the CIL liability in full, to justify the relief. Although the process described is simpler than the current open book approach deployed. as argued elsewhere, it would probably be even simpler and more beneficial

in terms of increasing starts and completions before 2029 to apply the relief across the board without the need for further assessment.

At the very least, a single point of assessment should be introduced allowing both the CIL and affordable housing reliefs to be considered together.

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. The mechanics of awarding the CIL relief is complicated enough with its many qualifications. We are concerned that the administrative requirements proposed, particularly the scope for the GLA or the LPA to query any application made to benefit from the time limited measures, might mean that too few schemes will be able to benefit before the initiative expires at the end of 2028. Local government elections in London boroughs in May 2026 will introduce additional delays, possibly a further six months. To ensure that the relief takes proper effect, the CIL relief should apply up to December 2030.

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 process is too complicated and uncertain. As described in section 4.1, to benefit from the CIL relief, it requires the applicant to engage in various seemingly overlapping requirements, such as (as described in the consultation document):

a) agree planning obligations in a signed S106 agreement
b) confirm any grant funding that the scheme may receive
c) secure confirmation from the GLA for the time-limited planning threshold (20 per cent)
d) engage with registered providers who can explore availability of grant
e) discussion between LPAs, the GLA and applicants about the potential to secure CIL relief as part of pre-application engagement
f) the applicant must give consent for the GLA to share information with the LPA considering the CIL relief request, to provide information on the project which was used to determine the grant provision.
g) Once the new time-limited planning route comes into effect, applicants with planning consent, and which have not commenced development, will be expected to seek grant to maintain or increase affordable housing in existing s106 agreements where needed.

Frankly, the process described in section 4.1, and how it relates to securing the lower affordable housing threshold is unclear and bureaucratic. We are concerned that this will militate against the ability of the various emergency reliefs (CIL, affordable housing, design etc) to have any beneficial effect within the timescale proposed (by end of March 2028). Local government elections in London in May 2026 will add further delay.

Since this is a time limited intervention, we propose instead that the CIL relief (and 20 per cent threshold) should be available for all schemes without qualification, where it has been applied for, subject to the rapid assessment procedure to see if grant can be available to increase the affordable housing level above 20 per cent (the Accelerated Funding Route). While we acknowledge the desire of government (central and local) to secure planning gain, but this must be balanced against a more pressing priority: the need to stimulate housing delivery in the short term.

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.

We consider that the fee proposed is unnecessary and too high.

As we have argued above, the CIL relief should be available for all schemes that meet the eligibility criteria (e.g. that commit to providing 20 per cent affordable housing, or 35 per cent on public land) irrespective of size. If this agreed, there is no need for officer time to be spent on assessing the credentials of applications for the relief. This would reduce bureaucracy and improve the prospect of more schemes delivering starts and completions by 2029. For context we note that there is no current requirement to pay a fee if an applicant is seeking relief from payment of a CIL. There should be no need for one in this instance either, especially if the Government is to agree that the

CIL relief will be applied automatically for all qualifying proposals.

If the Government disagrees and wishes to apply an application fee, then we recommend that it sets tiered levels of payment based on the size of the scheme involved. This is necessary to ensure that the fee is proportionate to the size of the development in question. This would help to ensure that SME developers are not unduly disadvantaged (although we acknowledge that the proposed CIL liability threshold of £0.5 million may discount many small schemes).

For example, the government could set a fixed application fee schedule based on site size, for example: 1–150 homes, 151-500 homes, and schemes involving 501 homes and over. Lower fees would apply to smaller, single-phase schemes where CIL calculations are materially less complex, with higher fees only where scheme scale or phasing requires additional assessment. This approach would ensure fees remain proportionate to avoid disproportionate costs on smaller sites.

We also recommend that the assessment for eligibility for both the affordable housing and CIL relief is combined.

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.

We support the proposal to halve the CIL contribution where 20 per cent affordable housing is being provided.

As argued above, we consider that the CIL relief should be available for schemes of all sizes.

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.

In combination with the proposal to reduce the Affordable Housing threshold to 20 per cent (or 35 per cent on public land), the temporary CIL relief should assist with improving viability, thereby encouraging stalled schemes to progress. However, we do not have access to data to assess how many schemes in London are delayed because of the question of viability alone as opposed to delays associated with the Building Safety Regulator (BSR) process. We note, however, that Savills[1] has observed the following:

- According to Molior, as of Q3 2025, 156 sites are stalled (started construction but have stopped) with consent for c.44,000 homes; c.15,600 of which are affordable (35%)
- The largest share of the future pipeline are homes consented on sites with full planning permission (42%) that have yet to start. If built out, these sites could deliver c.208,000 homes including c.77,000 affordable homes.
- These sites have likely not progressed towards construction due to a large number of viability challenges and low market confidence that homes will sell upon completion.
- Two thirds of sites (66%) with full planning contain blocks over 18m so will also be subject to Gateways 2 and 3 regulations and associated delays.

It is likely that most large schemes that are stalled will be delayed by a combination of viability and BSR challenges. However, many smaller schemes are less likely to be delayed by BSR related challenges rather than planning ones. Delay with development management decisions has been cited SME housebuilders as a major reason for delay. HBF's recent research report on this question: *State of Play: Challenges and Opportunities facing SME home builders*, November 2025, identified delays in securing planning permission and discharging conditions as the foremost barrier facing SME home builders, followed by the lack of resources with local authority planning departments. Therefore, allowing all schemes of all sizes to benefit from the CIL relief would reduce the bureaucracy involved and should help to improve the number of starts and completions.

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.

We are unable to assist with data or case studies, but given that this is a time limited intervention, we consider this is a worthwhile exercise to see if the CIL relief will assist stalled schemes in coming forward.

[1] https://www.savills.co.uk/insight-and-opinion/savills-news/383103/gla-support-for-housebuilding--a-new-package-to-unlock-housing-delivery

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.

No. We are opposed strongly to allowing the boroughs to determine whether the CIL relief can be granted. This would introduce uncertainty and delay into the process detracting from the effectiveness of the emergency package. The emergency package needs to take effect quickly if it is going to generate results before 2029.

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.

There is a balance that needs to be struck. While we acknowledge the reluctance of the government to forego planning gain, especially where schemes may not need to benefit from the CIL relief (or the lower proposed rate of affordable housing) to progress it is also essential that the administration of the scheme does not become overly burdensome to the degree that the emergency package will have no meaningful beneficial effect before 2029. Assessing the viability for CIL relief seems contrary to the spirit of an 'emergency package'. The scope for procedural delay, quibbling, and resistance is considerable.

It might be more effective to simply provide the CIL relief to all existing and new applications that commence before 31 December 2028, without the need for evidence as to whether this is needed. We realise that this may be a very unpopular proposal with central and local government who will be unwilling to forfeit any planning gain created, but the converse is the system easier to implement and more likely yield beneficial results by 2029. HBF feels there is a need more generally across the planning system to pivot away from a system where the chief objective is the maximisation of planning gain – value capture - to one focused more upon production.

If the government and the GLA consider the approach proposed is the only politically acceptable route forward, then the process for the assessment for eligibility must be simple. It would be beneficial if the assessment for the application of 20 per cent affordable housing could be integrated with this assessment for CIL thereby ensuring a 'one stop' shop approach. If a form of viability assessment is required for qualifying proposals, it would be best if this could be done at a single step.

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.

We consider the existing safeguards are adequate. HBF recognises that this is a package of emergency measures that will be short-lived. The overriding objective is to increase the number of homes started and completed before 2029. Any safeguards proposed should be proportionate to ensure that the overriding objective can be achieved.

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.

We support the process both for assessing the need for the CIL relief and which schemes, including phases, will be eligible but question whether the process might become too complicated. It might be better to allow CIL relief on all schemes that commence before 31 December 2028 without the need for assessment.

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

We support the process both for assessing the need for the CIL relief and which schemes, including phases, will be eligible, but question whether the process might become too complicated. It might be better to allow CIL relief on

all schemes that commence before 31 December 2028 without the need for assessment.

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

As described above, including in answer to question 13, we are concerned that the procedures relating to assessing eligibility for CIL relief are too complicated. It might be simpler, and more effective (in terms of the outcomes sought), to allow CIL relief on all schemes that commence before 31 December 2028 without the need for assessment.

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 to include a clawback provision related to (a) build-out; and (b) securing the agreed level of affordable homes. Clawback of relief in relation to an incorrect or false statement about the viability evidence needs is more sensitive and may need to be qualified. Details could be contested at a later date, even if the applicant / developer concerned, was acting on good faith at the time and submitted what s/he considered was accurate information in line with the requirements in section 4.4. It would be more effective to be clear that the viability evidence is tested at the application stage and not revisited later on even if a claim is made subsequently based on different information coming to light relating to development costs, unless the information submitted at the time is found to be egregiously incorrect or false. Also, improvements in development value later on should not be used as a reason to 'clawback': the chief objective of the planning system at the moment must be about incentivising residential development to increase the number of housing completions rather than value capture. We consider these safeguards are essential to ensure the emergency package can be implemented and achieve results.

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

Yes, although we are concerned that the assessment of the cumulative impacts of CIL relief and other subsidies (e.g. grant funding) on individual developments, as well as engaging with the GLA, if necessary, in support of this, will potentially add more delay. This may jeopardise the effectiveness of the measure and the ability for developments to commence before 31 December 2028.

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?

The relationship between the 20 per cent affordable housing threshold and assessing applications for CIL relief could become complicated. A developer would need to secure planning permission (including the 20 per cent affordable housing) before being eligible for consideration for the CIL relief. If implementation is dependent upon securing the CIL relief then the cost of applying for planning permission would have been wasted (and revenues lost to administration rather than securing positive public outcomes). As argued above, it would be better if the assessment for the threshold route and grant availability, and the CIL and affordable housing relief was undertaken in one assessment. Conversely, the CIL relief could be granted to all schemes irrespective of need.

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

The process seems very complicated with many inter-related parts. It would be better to simply apply the CIL relief for all schemes permitted before December 2028 where they will provide 20 per cent affordable housing (or 35 per cent on public land).

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

Apply the CIL relief for all schemes permitted before the end of December 2028 where they will provide 20 per cent affordable housing.

Part II: A proposal for permanent changes to the Town and Country Planning (Mayor of London) Order 2008 to support housing delivery in the capital

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

This could be helpful although it would be more helpful for the Government to continue to focus its efforts on national reforms, including reform of planning committees, statutory consultees, and extending the definition of what constitutes non-major development, to ensure that fewer schemes are determined by members.

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

We support the proposed streamlined process for schemes that fall within the schedule 1A category. It would avoid the need for the Mayor to intervene in every circumstance – the Mayor would be notified but is not under a duty to reply - unless the Mayor considers it appropriate to do so following consideration of the evidence.

There might also be a case for the Mayor's powers to intervene to be extended to break a potential deadlock within local authorities where there are delays associated with making a decision on a planning application, or afterwards where there may be a delay with negotiating the S106 agreement or discharging conditions. The ability for the Mayor to be able to intervene in such cases could help to accelerate the planning decision process, enabling more schemes to start before the end of March 2028.

Of course, we acknowledge that this is not being proposed, and the regulatory hurdles to implementing this now, may delay the implementation of the emergency measures being consulted upon. Nevertheless, if this could be achieved easily, then it is a 'time limited' measure that the Government and the Mayor may wish to consider.

Alternatively, as the planning solicitor Simon Ricketts has suggested, it may be simpler and more effective to empower the Mayor to call-in schemes of fifty of more dwellings where the statutory determination period has elapsed. This would reflect the existing arrangement in the Mayor of London Order 2008 but at the lower threshold of fifty dwellings.

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, we are opposed to this proposed change. HBF is less supportive of this measure since it would entail the Mayor involving himself in decisions of a non-strategic nature, thereby dissipating GLA planning resources. If the change is to be made, the ability to call-in decisions on Green Belt or MOL should correspond to the threshold proposed for category 1A – i.e. 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.

Part I – No
Part II - No

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

Part I – No comment.
Part II – No comment.

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?

Part I – There are no implications.
Part II – There are no implications.

If an application requires an Environmental Impact Assessment this would be unaffected by the proposals in Part I and II of this consultation.

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