

Response ID ANON-8WHN-E3WA-N

Submitted to Consultation on the proposed London Housing Emergency Measures

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Enquiries and How to Respond

About you

2 What is your email address?

Please share your email address:

policy@londongandt.org.uk

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

Interest group or voluntary organisation

Please give your organisation:

London Gypsies and Travellers

Chapter 1. Introduction to this consultation

Chapter 2. Introduction to Part I

Chapter 3. Qualifying developments

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

Please share your views:

Yes I accept the justification for not applying the exemption to "excluded land" which should undergo more stringent application and review processes, and where development should benefit the community and general public even more due to loss of open space.

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.

Please share your views:

The relief should only be used more building residential units, of which social housing should form at least 20%, and half of that should be accessible for people with different forms of disability (sensory, cognitive and mental health disabilities as well as physical) and 1% should be culturally suitable housing for Gypsies and Travellers (including specialist housing in the form of bungalow sites and caravan pitches for private purchase or rent).

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.

Please share your views:

We are astounded that the proposal has not been modelled with regards to viability for developments of various sizes, with different proportions of social housing and of CIL relief, always aiming for the viability of the highest proportion of social housing, of which 1% should be Gypsy and Traveller accommodation. The modelling should be provided as part of the evidence for policy-making.

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?

Please share your views:

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

Please share your views:

There is a critical need for more social housing (not shared ownership or capped rent at 80%, but actually secure social housing). 20% should be considered a temporary measure for the first phase, with a review before the second phase.

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

Please share your views:

Additional criteria should be a proportion of the development (both private and and social housing sections) should be accessible to Disabled people, and a 1% proportion of the development (both private and social housing) should be culturally suitable accommodation for Gypsies and Travellers, who are disproportionately experiencing homelessness as well as other forms of deprivation, and discriminatory violations of their cultural and housing rights. Overall, throughout both tenures, 12.5% of the development should constitute homes accessible for people with different forms of disability (sensory, cognitive and mental health disabilities as well as physical) and 1% should be culturally suitable housing for Gypsies and Travellers (including specialist housing in the form of bungalow sites and caravan pitches for private purchase or rent, and some of those be adaptable to disability needs).

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.

Please share your views:

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

Please share your views:

We need to see the viability modelling of the different percentages of social rented / for sale units and the CIL relief on each forecast, and examples of where the exemptions have led to increased social housing provision.

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?

Please share your views:

Gypsies and Travellers in London are 20 times more likely to experience the most immiserated forms of homelessness than the London average, according to data from the London-wide GTANA measured against data from Trust for London.

Chapter 4. Process for securing relief

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.

Please share your views:

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

Please share your views:

The application fee is not enough to pay for a local authority employee working for a year on the London Living Wage. As a measure of the investment into the administrative systems that will be responsible for keeping track of the monitoring of the development, this is too low an application fee.

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.

Please share your views:

The other two routes for development should be promoted in parallel, with their own advantages.

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.

Please share your views:

There is no modelling and so the assessment of the balance cannot be based on thorough evidence needed for London.

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

Please share your views:

We need CIL to be invested into Disabled access to public transport, climate resilience and into activities for children and young people in deprived areas.

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.

Please share your views:

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.

Please share your views:

A system of pre-set evaluations that bring together the continuous monitoring information, measured against the benchmarks for the eligibility for the CIL relief and social housing target reductions, should be integrated into the developers' plans at the time of application. The results of the evaluation system would constitute an important means of securing social housing as and when the development proves to be more profitable or larger scale than estimated, or when developers do not meet the agreed timescales for starts and completions. Any profit above expectations would normally be caught in an Early Stage Review, and would go to provide additional affordable housing, and there is no reason not to expect the same for schemes under the new route in line with the current threshold approach. The developers would in any case retain their estimated profits, but all additional profits should be accounted for and repurposed towards CIL and especially higher targets for social housing. Developers would avoid these evaluations if they complete the scheme as required and on time, providing a positive incentive for completion. Absent such evaluations, the LHP asks the GLA what guardrails does it have in place to prevent developers exploiting the Emergency Measures in order to make additional profits at the expense of social housing, and of the GLA and MHCLG's policies to combat homelessness and cost-of-living crises?

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.

Please share your views:

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.

Please share your views:

There needs to be early evaluations of the changed viability of the scheme, entailing lesser CIL relief and higher proportions of social housing delivery, against rates of starts and completions of developments, and other complex and international factors that affect viability.

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

Please share your views:

The GLA needs to consider measures to check that the developers are not only starting but completing projects on time, and as required, and if not, have some instruments to reclaim some of the lost CIL and social housing.

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

Please share your views:

Chapter 5. Administration

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.

Please share your views:

A system of pre-set evaluations that bring together the continuous monitoring information, measured against the benchmarks for the eligibility for the CIL relief and social housing target reductions, should be integrated into the developers' plans at the time of application. The results of the evaluation system would constitute an important means of securing social housing as and when the development proves to be more profitable or larger scale than estimated, or when developers do not meet the agreed timescales for starts and completions. Any profit above expectations would normally be caught in an Early Stage Review, and would go to provide additional affordable housing, and there is no reason not to expect the same for schemes under the new route in line with the current threshold approach. The developers would in any case retain their estimated profits, but all additional profits should be accounted for and repurposed towards CIL and especially higher targets for social housing. Developers would avoid these evaluations if they complete the scheme as required and on time, providing a positive incentive for completion. Absent such evaluations, the LHP asks the GLA what guardrails does it have in place to prevent developers exploiting the Emergency Measures in order to make additional profits at the expense of social housing, and of the GLA and MHCLG's policies to combat homelessness and cost-of-living crises?

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

Please share your views:

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

Please share your views:

Chapter 6. Implementation

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

Please share your views:

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

Please share your views:

Chapter 7. Introduction to Part II

Chapter 8. Proposals for Greater Powers

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

No

Please give us your views:

50 homes should include culturally suitable accommodation for Gypsies and Travellers.

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

Not Answered

Please give us your views:

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.

Not Answered

Please give us your views:

Chapter 9. Public sector equality duty and Environmental Principles

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.

Please share your views:

We are concerned that there are no provisions for setting in-built components to include Gypsies and Travellers in new developments. There is a catastrophic shortage of culturally suitable accommodation for Gypsies and Travellers due to historical neglect, discriminatory laws prohibiting nomadic ways of life, and ongoing discriminatory outcomes of the planning system. Together with deprivation as measured by all social indicators, the lack of suitable accommodation entails social marginalisation of Gypsies and Travellers. Therefore we call for an integration of culturally suitable accommodation for Gypsies and Travellers, who members of ethnic groups protected under the Equalities Act, into all planning processes.

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

Please share your views:

Set a universal target of 1% Gypsy and Traveller accommodation for all developments, intersected with accommodation that is accessible for Disabled people (as there are high rates of disability among Gypsies and Travellers, who are cared for in the community in culturally appropriate ways).

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?

Please share your views:

Chapter 10. About this consultation

Chapter 11. Personal data