5. Alternative Approaches Considered

5.1 Grainger has considered the alternative planning application processes which could be used to deliver the remainder of the infrastructure and residential units approved under the outline consent, as follows:

Outline application: The option of allowing the existing consent to lapse has been considered in the context of Grainger seeking to progress a new outline application for the remaining land parcels. Not only would the submission of a new outline application be a lengthy process in terms of both its preparation and determination, but the submission of a new outline consent on land subject to Reserved Matters consents and the parts of those consents still being built would have Hillside implications for the 2012 outline consent. It is also likely that the submission of a new outline consent would lead to a viability assessment being submitted alongside it, with the potential to reduce the level of affordable housing delivered across the development. The combined implications are that the submission of a new outline consent would result a in significant delays to the delivery of the remaining much-needed housing.

Reserved Matters: An RMA approach has been considered to enable all outstanding applications to be submitted ahead of the March 2027 deadline. This is considered both a costly and cumbersome approach. Grainger, as Master Developer for the site, does not deliver the housing requirements which require RMA submissions. This approach would require Grainger to prepare and submit RMAs for the remaining land parcels ahead of the land sales, with all applications to be made within a six-month period. This would put additional strain on the Local Authority's resources and is likely to result in a number of the RM applications requiring subsequent amendments through NMA or S.73 applications as land parcels are transferred to individual developers.

In addition, even with RM consents granted for the remaining land parcels, Grainger would still be required to phase the land sales as housebuilders will want to limit the number of homes on the market at any one time to prevent oversaturation of the market. The submission of a tranche of RMs prior to the March 2027 deadline would not, therefore, result in the delivery of housing (including affordable housing) any sooner than if the requested S.97A is granted.

Full 'drop in' applications: the submission of 'drop in' full planning applications for the remaining land parcels has been considered but raises considerations around the Hillside principles and ultimately results in the same viability considerations as set out against the outline application requirements. There remains a requirement to ensure that any extant S106 requirements of the outline consent would be tied into the relevant full planning applications which is likely to result in complications to negotiations and the timescales for approval and delivery of the land parcels.

Section 97(1)(a) – The implementation of Section 97a has been explored by Grainger. While this approach has validity, given the time required for implementation and the expiry of the outlined timeframe, it is not considered appropriate to pursue this option at present.

5.2 As presented, the alternative options do not provide Grainger with the ability to secure an extension to the outline application in a timely and affordable manner. It is therefore the intention to pursue the submission of a S.96A application.

6. S.96A Submission

6.1 Given the March 2027 deadline, it is imperative that Grainger pursues the most expedient planning route to extend the timescales for the submission of RM applications and maintain delivery of the this strategically important site.

6.2 In line with Counsel's advice, this would involve submitting a Section 96A application to Winchester and Havant Councils to amend Condition 1 of the outline consent, extending the timeframe for submitting reserved matters applications by a further three years. A Section 96A application offers the most efficient process, with applications required to be determined within 28 days of validation.

6.3 In planning law, there is no statutory definition of a 'non-material' amendment with it being a matter for local authority discretion. As set out in planning guidance, the assessment of whether a change is material is a matter of planning judgement for the local planning authority with the key considerations to be given to the effects of the amendment, both individually and cumulatively with any previous non-material changes, on the planning permission as originally granted and within the context of the overall scheme. Therefore, whether or not a proposal is non-material depends on the context, the outcome of the change and implications for anyone who may be affected by the development.

6.4 In the 14 years and six months since the granting of the outline consent, Grainger has enabled the delivery of 80% of the outline consent, with 20% remaining in the form of land for 504 residential units, mixed-use employment provision, delivery of the local centre (including a community centre and extra care), on-site infrastructure, landscape and SuDS delivery and off-site works relating to the Southern Access Junction.

6.5 As demonstrated in Table 1.0 of this report, Grainger will go to the market with the remaining parcels within the forthcoming two years, enabling all reserved matters applications to be submitted within a three year period. Importantly, the wording of the condition requires the reserved matters applications to be submitted, not approved, within this time frame, thus allowing sufficient time for the applications to be made by incoming developers prior to March 2030.

6.6 Extending the time of the outline consent by three years will not materially alter the original approval, enabling the principles of the masterplan to be delivered in full, including the delivery of 40% affordable homes. Furthermore, the additional time will allow the remaining land parcels to be delivered to the market in line with a typical land sale trajectory. Releasing all parcels to the market prior to the March 2027 deadline would not result in more market or affordable homes being brought forward any sooner than if the S.96A amendment is granted.

6.7 In this instance, the change requested does not materially alter the consent as originally sought, it merely seeks more time to implement the consent to enable it to be delivered in its entirety.

6.8 The proposed amendment will not result in a change to the principles of the outline consent. There are no changes sought to the parameters of the outline consent, and its approval will not alter the considerations of the outline Environmental Statement.

6.9 Considerations of third-party objections made at the time of the outline consent will not be altered due to there being no change to the principles, parameters or development to be delivered, thus ensuring that there are no prejudicial outcomes as a result of the Council granting the S.96A as requested.

6.10 Previous non-material amendment applications made to the scheme have centred on minor changes to the Design Code and Parameter plans, which, did not go to the heart of the consent nor alter the development to be delivered by way of the outline consent.

6.11 Securing approval of the S.96A as sought would avoid delays to the scheme, enabling on-site works, land sale negotiations and the submission of reserved matters applications to continue uninterrupted.

6.12 The ability for a non-material amendment application to be made to enable the remainder of the scheme to be delivered should be regarded as a benefit, particularly in the context of ensuring that the private and affordable housing as included within the adopted Local Plan housing delivery figures are delivered.

6.13 The recently adopted Winchester District Local Plan continues to allocate the entirety of the West of Waterlooville major development area on the basis of an indicative number 1,450 of homes being delivered, 1,100 of which are approved by way of the extant outline consent. The supporting text accompanying the policy identifies the importance of continuing the allocation to ensure the remaining infrastructure, facilities and other requirements of the outline consent are delivered.

6.14 The site is allocated by way of policy SH1 of the Local Plan (Newlands – West of Waterlooville) the requirements of which reiterate the requirements of the outline consent with site specific requirements, including:

1. Integration with Waterlooville town centre.
2. Retail provision within a modest local centre.
3. Twenty-three hectares of employment land.
4. A new access road through the development between A3/Ladybridge Road roundabout and the A3 Maurepas Way roundtable.
5. Provision of onsite primary school provision and contributions towards secondary school payments.
6. A site specific Flood Risk Assessment.
7. Phasing the occupation of the development.
8. Implementation of a Green Infrastructure Strategy for dwellings approved beyond those consented by way of the extant outline consent.

6.15 Points 1 to 5 as above have either all been met through the development delivered on site to date, or are required to be delivered by way of the extant outline consent. The submission of a flood risk assessment is now necessary with a reserved matters application due to recent changes to EA's Flood Mapping and the delivery of the development is currently phased which will ensure occupations are phased. The only element of the policy SH1 which is not covered by the outline consent, is the requirement for a Green Infrastructure Strategy to be submitted alongside any application for dwellings beyond the consented 2,500.

6.16 The remaining development parcels are located within Winchester District. Winchester City Council's Housing Land Supply Update (March 2026) relies upon the delivery of strategic allocations within the current Local Plan to demonstrate a five-year housing land supply. Of the Council's identified supply of 4,440 dwellings, approximately 1,100 units are to be delivered under the extant planning consent.

6.17 The Winchester Local Plan housing trajectory, set out in Appendix 2 of the adopted Local Plan, anticipates housing delivery at Berewood through to 2034/35. Within the document, the Council recognises that the site has a significant remaining delivery period extending over an eight-year period. In this context, allowing a further three years for the submission of Reserved Matters

applications would not materially alter the anticipated build-out programme or the expected timescales for completion of the development.

6.18 Furthermore, the extant outline planning permission secures the delivery of 40% affordable housing and is consistent with the requirements of Policy H5 of the recently adopted Local Plan. The Berewood Section 106 Agreement provides flexibility for the affordable housing tenure and unit mix to be reviewed and amended, where necessary, through updates to the Affordable Housing Masterplan Strategy to ensure it continues to respond to identified housing needs and market conditions.

6.19 Policy requirements relating to design, energy and sustainability are considered through the Design Code and Sustainability documents approved by way of the outline consent and there are no required updates or change to the education and NHS provisions of the outline consent.

6.20 The site is to deliver 184 acres of green infrastructure, which includes the restoration of the River Wallington and the creation of two community nature reserves and a Town Park which provides for play and sports areas, walking routes and improved nature spaces and habitats thus providing a range of recreational options for local residents which will reduce pressure on use of the Solent coast, and allow for significant landscape and planting to improve habitats on site. The provision of the green infrastructure on site is and will continue to mitigate against the impacts of the development in the context of environmental protection and enhancement considerations which updated policy would apply by way of BNG and Solent Recreation Mitigation contributions. The ability for the scheme to demonstrate a betterment in these respects, and the fact that any new outline consent would simply apply the same principles to the delivery of on-site green infrastructure for the remaining units of the outline consent, leads to the conclusion that such considerations are not material in the context of the site when taken as a whole.

6.21 The materiality of any policy change since the approval of the outline consent must be outweighed by the importance of ensuring a continued and assured delivery of housing on which the Council's five year housing land supply relies.

6.22 For the reasons provided within this report, Grainger proposes amending the wording of Condition 1 to extend the timescale for the submission of reserved maters applications by an additional three years is non-material when considered within the context of the existing outline consent and should be supported by the local authority to enable the ongoing delivery of the scheme.

6.23 It is proposed that Condition 1 is amended as follows:

"*The first application for approval of reserved matters shall be made to the local planning authority before the expiration of five years from the date of this permission. All subsequent reserved matters applications shall be submitted no later than 15 years from the date of this permission subject to condition 1a.*

Reason: To comply with the provisions of section 92(2) of the Town and Country Planning Act 1990."

6.24 The wording of a new condition, Condition 1A is suggested as follows:

"Reserved matters applications relating to Phases E1, E2,02, 04, 05, 06, 07, 09, and 13 as shown on the strategic phasing plan page 95 of the Newlands Masterplan Design Document (November 2010) shall be submitted no later than 30th March 2030.

Reason: To comply with the provisions of section 92(2) of the Town and Country Planning Act 1990".

7. Conclusion

7.1 The West of Waterlooville Major Development (Berewood) has been allocated within the Winchester and Havant Local Plans since 2006 and represents a significant strategic development for the South Hampshire area. Once complete, the scheme will deliver approximately 2,500 dwellings, two primary schools, a local centre, employment land, and extensive green infrastructure to support both the development and the wider community. However, unforeseen macroeconomic factors have resulted in delays beyond those anticipated when development commenced in 2012. Consequently, it is no longer feasible to deliver the remaining parcels within the existing timescales of the planning permission.

7.2 Independent legal advice provided by Leading Counsel on behalf of both Grainger and Winchester City Council agree that the timescales for the submission of the remaining reserved matters applications may be extended through a Non-Material Amendment (NMA) application, subject to the submission documents clearly demonstrating that the proposed amendment would not result in a material change to the approved development.

7.3 Grainger therefore proposes to submit an NMA application to Winchester City Council and Havant Borough Council seeking amendments to the wording of Condition 1 and the introduction of a new Condition 1A. The proposed amendments would provide an additional three-year period for the submission of the remaining reserved matters applications, thereby supporting the continued delivery of the development in response to prevailing market conditions.

7.4 This report demonstrates that Grainger has given due consideration to the alternative planning mechanisms open to Grainger to enable the ongoing delivery of the Berewood Major Development scheme. As explained, none of the alternative options provide a timely or effective route to enable the ongoing delivery of the consent. In contrast, the proposed S.96A route represents the most appropriate and expedient route to address the time constraints associated with the expiration of the outline consent.

7.5 The inclusion of an additional condition is non-material in the context of the approved scheme. It does not alter the scale, nature or principles of the development, nor does it give rise to any new or different environmental or third-party impacts. Instead, it enables the completion of the development as originally intended.

7.6 Granting the S.96A application will ensure the continued delivery of a strategically important site, including the provision of market and affordable housing, infrastructure and community facilities in accordance with the outline consent and adopted Local Plan objectives. It will also provide certainty to the market and allow land to be released in a manner that maintains the site's viability and demand from housebuilders.

7.7 In conclusion, the proposed extension is a pragmatic, justified and policy-compliant solution that will allow the successful completion of the Berewood development. For the reasons set out in this report, it is considered that the Section 96A application should be supported and approved by Winchester City Council and Havant Borough Council.

Appendix A – The Challenges of unlocking Section 106 delivery (Summer 2024)

Appendix B – The Challenges of unlocking Section 106 delivery (update paper Autumn 2025)

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UK Development and Affordable Housing – Summer 2024

SPOTLIGHT
Savills Research

The challenges of unlocking Section 106 delivery

savills

Survey results ▯ Existing supply ▯ Solutions

The challenges of Section 106 delivery

Demand for Section 106 homes has dropped off sharply, primarily driven by severely constrained financial capacity amongst Registered Providers and a renewed emphasis on investment in existing stock. Not only does this impact affordable housing delivery but also has the potential to significantly disrupt wider housing delivery. Urgent resolution is required to prevent a more prolonged impact on housing supply.

Section 106 has been the single largest method of delivering affordable homes since 2015-16 and also accounts for a significant share of total new home delivery. Without Section 106, the development pipeline is at risk of shrinking considerably. The impact will not be felt uniformly across the country and will have a disproportionate impact on local authorities which make the greatest contribution to overall new home delivery.

As Registered Providers are scaling back development more generally, Section 106 delivery is set to see the biggest reduction, with providers either no longer intending to acquire Section 106 or reducing their requirements. There does remain some appetite but from a limited pool of providers.

Larger Registered Providers are prioritising other routes to development, mainly land-led grant funded development, where they can have greater influence over design and the type of homes built. Grant funded delivery is expected to contribute over half of the future development pipeline for affordable housing over the next five years.

Restoring the financial capacity of Registered Providers is key. But is unlikely to be a short term fix. Substantial long term support around future social housing rents and grant levels for new and existing homes will be required.

In the short term, there is an urgent need for planning flexibility that enables housebuilding to keep going, even if that has a short term impact on affordable housing supply. The new Government will need to make interventions that are simple, targeted and fast.

Given the limited pool of buyers for Section 106, Registered Providers have become much more selective on which opportunities they pursue. There is a clear mismatch between what developers are building and what Registered Providers as regulated landlords are looking to buy, whether that's the type and specification of new homes, build standards or sustainability credentials. A more collaborative approach, with Registered Providers engaged earlier in planning and development, would provide greater assurances around stock quality.

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Our survey says...

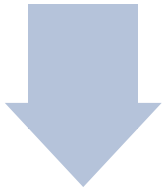
Our survey of developing Housing Associations revealed scaled back requirements for Section 106. This is driven primarily by a lack of financial capacity and a focus on delivering grant funded commitments. Underlying concerns around build standards and sustainability features of Section 106 homes have also gained prominence.

Here are five key takeaways from our survey of developing Housing Associations:

1 53% of Housing Associations no longer intend to acquire Section 106 homes or are reducing their requirements.

2 75% of Housing Associations reported that financial capacity had impacted appetite for Section 106 homes.

3 67% of Housing Associations reported that financial capacity will remain a challenge for at least the next two to five years or even longer.



4 A significant fall in the cost of debt alongside a long term rent settlement would provide Housing Associations with greater certainty to return to the Section 106 market.

5 Enhanced sustainability and energy efficiency standards were ranked as the second most important element developers could improve to encourage Housing Associations to return to buying Section 106 homes.

Behind the survey scenes

We surveyed the top 50 developing Housing Associations identified by Inside Housing, to understand how much appetite for Section 106 has reduced and the main drivers of the current lack of demand. 30 out of the top 50 developing Housing Associations responded to the survey between 15th May and 10th June 2024. We also had a number of conversations with Housing Associations and For Profit Registered Providers across the country.

A declining market for Section 106

Housing Associations face a perfect storm of mounting pressures from severely constrained financial capacity, higher costs of finance, rising building costs and commitments to remediate existing stock to meet building safety and decarbonisation requirements, all of which have reduced sector capacity to finance and develop new affordable homes. The biggest drop off in new affordable housing delivery will be through the scaling back of Section 106 acquisitions.

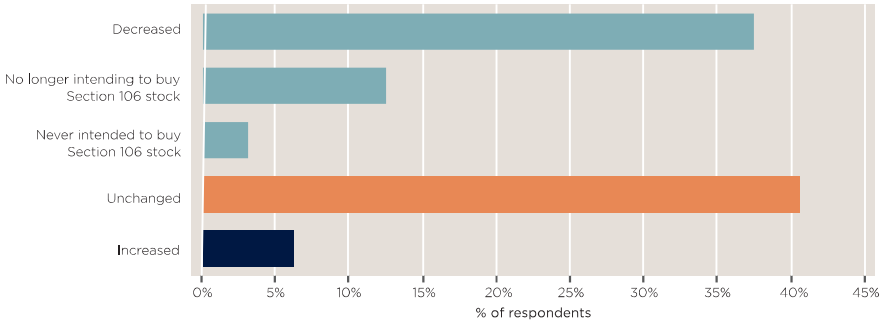
Just over half of Housing Associations surveyed (53%) reported that they were either no longer intending to acquire Section 106 homes or had reduced their requirements for them. In contrast, 6% of Housing Associations surveyed reported increased requirements for Section 106 homes. With providers scaling back their requirements in general, the market for Section 106 homes has diminished significantly. There does remain some appetite, but notably from a limited pool of providers.

Alongside a wider step back from development, the pattern of future affordable housing delivery is expected to shift. Housing Associations have other routes to development where they have greater control and ability to influence the design of homes than through Section 106.

Over the next five years, grant funded delivery is expected to contribute to over half of affordable housing delivery (53%) as providers focus on grant funded commitments, including through Strategic Partnerships. This is a considerable increase on the previous five years where grant funding has accounted for 36% of new affordable housing supply. This helps Housing Associations mitigate development risk and meet Affordable Homes Programme targets in which nil grant Section 106 homes do not count.

Almost a third (29%) of future affordable housing supply is expected to be comprised of nil or part grant Section 106 delivery. This is a significant reduction when compared to the last five years, where developer contributions have accounted for 51% of affordable housing supply in England.

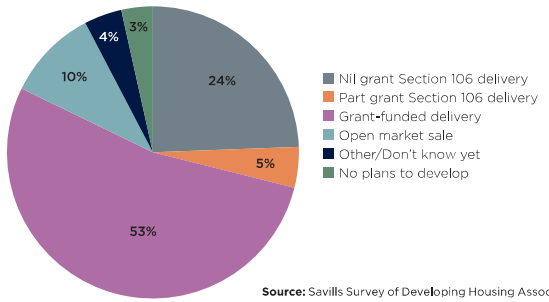
FIGURE 1: HOW HAVE YOUR ORGANISATION'S REQUIREMENTS FOR ACQUIRING SECTION 106 STOCK CHANGED IN THE LAST TWO YEARS?



Source: Savills Survey of Developing Housing Associations

29% of future affordable housing supply is expected to comprise of nil or part grant Section 106 delivery

FIGURE 2: WHAT PERCENTAGE OF YOUR ORGANISATION'S TOTAL NEW HOMES DELIVERY OVER THE NEXT FIVE YEARS WILL FALL INTO THE BELOW CATEGORIES?



Source: Savills Survey of Developing Housing Associations