

NATTRAN/SE/S247/6126
PLANNING PERMISSION REF: 25/01047/FULLN

TEST VALLEY BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 247

PROPOSED STOPPING UP OF HIGHWAY AT WESTERN AVENUE, ANDOVER, HAMPSHIRE

STATEMENT OF CASE
ON BEHALF OF THE APPLICANT
TEST VALLEY BOROUGH COUNCIL

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1. INTRODUCTION

- 1.1. This Statement of Case is submitted on behalf of the applicant, the Test Valley Borough Council (the "**Council**"), in support of its application to the Secretary of State for Transport for a stopping up order made pursuant to section 247 of the Town and Country Planning Act 1990 (the "**TCPA 1990**").
- 1.2. An application for a stopping up order was submitted by the Council to the Secretary of State for Transport on 28 July 2025 under section 247 TCPA 1990 seeking to stop up defined sections of highway maintainable at the public expense at West Street and Western Avenue, Andover, Hampshire. A copy of this application and the accompanying plan(s) can be found at Appendix 1 of this Statement of Case ("**SUO Application**").
- 1.3. The National Transport Casework Team, on behalf of the Secretary of State for Transport, undertook its 28-day statutory consultation on the SUO Application which commenced on 16 October 2025 and closed on 13 November 2025 under reference NATTRAN/SE/S247/6126. The SUO Application was incorrectly advertised in the London Gazette and the Salisbury Journal. The Department for Transport ("**Dft**") acknowledged the error and re-advertised the SUO Application in the Andover Advertiser. As part of the re-advertisement the consultation period was started afresh and lasted for a further 28-day period from 21 November – 19 December 2025. The draft Order and draft Plan as publicised can be found at Appendix 2 of this Statement of Case.
- 1.4. The SUO Application has been made to enable the development of the Western Avenue Riverside Park project (as authorised under planning permission reference 25/01047/FULLN and granted by the Council in its capacity as local planning authority on 3 October 2025). The scheme drawings (as subsequently approved on 3 October 2025) were submitted with the SUO Application and have been included in Appendix 1 under Plan References 12766-LUC-XX-XX-DR-L-1000-S2-P01 (Landscape General Arrangement Plan) and 12766-LUC-XX-XX-DR-L-1002-S2-P01 (Illustrative Masterplan).
- 1.5. The Western Avenue Riverside Park project was first conceptualised in the Andover Town Centre Masterplan following a period of extensive public consultation with the community that received almost 3,000 responses. Two of the key priorities within the Masterplan, as identified through the public consultation undertaken, are to open accessibility to the River Anton and bring more green space into the town centre for the public to enjoy. The riverside park project will achieve these priorities; it will provide new areas of green space for relaxation, play and exercise and areas where the public can reconnect with nature and the River Anton, which is currently hidden away due to the presence of the Western Avenue gyratory. A new formal play area is also proposed where children can interact with the water environment. Importantly, the park will be free for anyone to use and enjoy.
- 1.6. The Western Avenue Riverside Park project was successful in being awarded Levelling Up Funding from central government in November 2023. This demonstrates the Government's support for the project in regenerating Andover town centre and their recognition of the social, economic and environmental benefits the project will bring.
- 1.7. The SUO Application was advertised by the Department for Transport (on behalf of the Secretary of State for Transport) in accordance with the relevant legal framework and 35 objections were received to the SUO Application. As none of those objections have currently been withdrawn, the SUO Application is to be determined following a public inquiry.
- 1.8. This Statement of Case:
 - 1.8.1. provides a description of the highway proposed to be stopped up including a proposed modification to the extent of the highway proposed to be stopped up in the draft order and plan;
 - 1.8.2. provides a summary of the proposed Development and Planning Permission;

- 1.8.3. sets out the legal framework that applies to applications made under section 247 of the TCPA 1990;
- 1.8.4. describes how the legal test in section 247 of the TCPA 1990 is met with reference to the effects and benefits of the stopping up and the Development; and
- 1.8.5. addresses in summary the objections received to the SUO Application, including the statement of case(s) received from objectors.

2. DESCRIPTION OF LAND PROPOSED TO BE STOPPED UP

- 2.1. The land to which SUO Application relates is within the administrative area of Test Valley Borough Council and more particularly lies within Andover town centre. The highway proposed to be stopped up as shown on the draft Plan at Appendix 2 is recorded as highway maintainable at the public expense and comprises part of Western Avenue and West Street in Andover town centre.
- 2.2. The Council has prepared a modified draft order and order plan included at Appendix 3 of this Statement of Case since the SUO Application was made and following the publication of the draft Order and draft Plan. These proposed modifications affect the section of highway at West Street that would be stopped up with the area for stopping up being reduced so that no part of West Street is now proposed to be stopped up. Having reflected on the legal test under section 247 TCPA 1990, the Council considers that the stopping up of West Street is not necessary to enable the Development to be undertaken. This is because there is no conflict between the public right of way on West Street and implementing the development for which permission has been granted. The proposed modified order plan included at Appendix 3 of this Statement of Case shows the precise and full extent of the highway that the Council now proposes be stopped up (the "**Highway**").
- 2.3. Western Avenue currently forms part of the A3057 gyratory system and functions as an adopted vehicular highway within the Andover town centre road network. The section of Western Avenue proposed to be stopped up pursuant to the SUO Application comprises the southbound carriageway of the Western Avenue gyratory, extending between its junction with West Street and a point to the north of Waterloo Court. This section of highway is presently used by general traffic, including private vehicles and service vehicles and also forms part of a bus route through the Andover town centre. A pedestrian footway runs alongside the southbound carriageway and provides pedestrian access between different parts of the Andover town centre, including retail, leisure and transport facilities, and routes adjacent to the River Anton.
- 2.4. The area of Highway proposed to be stopped up as shown on the draft modified order plan at Appendix 3 of this Statement of Case physically conflicts with the development of the Western Avenue Riverside Park authorised under planning permission reference 25/01047/FULLN.
- 2.5. The proposed modified order plan at Appendix 3 also shows some improvements to the highway maintainable at the public expense. These improvements relate to carriageway widening and realignment works within the existing highway maintainable at the public expense, new footways and cycleways and improvements to junctions.

3. THE DEVELOPMENT AND PLANNING PERMISSION

- 3.1. The Council is the applicant and the promoter of the Western Avenue Riverside Park project, which is considered a priority project for the Council intended to improve the vibrancy of Andover town centre by opening up the River Anton, and allowing for the development of green space and active travel routes.
- 3.2. On 12th May 2025, the Council applied for planning permission for the closure / stopping up and removal of the southbound carriageway of the Western Avenue gyratory and associated changes to the highway network, including West Street and Waterloo Court, to allow for the development of a park with areas of hard and soft landscaping, play areas, lighting, pavilion, river viewing platforms and an off-road cycleway in Andover, Hampshire (the "**Development**").

- 3.3. On 3 October 2025 the Council (in its capacity as local planning authority) granted full planning permission under reference 25/01047/FULLN for the Development (the "**Planning Permission**").
- 3.4. There has been no legal challenge to the Planning Permission, and the Development is capable of being carried out, subject to compliance with planning conditions and the making of the stopping up order sought.

4. LEGAL FRAMEWORK

- 4.1. Planning permission does not automatically confer approval for works to the highway for a scheme that has an impact on the public highway. To remove highway rights from an area of land a stopping up order is required.
- 4.2. In this matter, given that the stopping up order is required to 'enable development' as authorised pursuant to the Planning Permission, the SUO Application is made pursuant to section 247 TCPA 1990.
- 4.3. Section 247(1) of the TCPA 1990 empowers the Secretary of State to:
- "authorise the stopping up or diversion of any highway outside Greater London if he is satisfied that it is necessary to do so in order to enable development to be carried out—*
- (a) in accordance with planning permission or*
- (b) by a government department."*
- 4.4. Accordingly, the statutory test is one of necessity to enable the development (as permitted) to be carried out.
- 4.5. Case law¹ establishes that the determination of an application made pursuant to section 247 TCPA 1990 is not a re-run of the planning merits of a development, which fall to be determined through the planning process.
- 4.6. The Secretary of State's role in determining an application made pursuant to section 247 TCPA 1990 is confined to considering whether the statutory test is met and whether, in the exercise of discretion, it is appropriate to make the stopping up order, having regard to the overall public interest, including any significant disadvantages flowing directly from the stopping up either to the public generally or to affected individuals whose rights of access would be extinguished and any countervailing advantages to the public or those individuals, alongside the planning benefits of, and degree of importance attaching to, the permitted development. The Secretary of State must judge whether any disadvantages or losses caused to the public or individuals as a result of the proposed stopping up order would be of such significance or seriousness as to outweigh any countervailing advantages to the public of the stopping up order and the planning benefits of, and degree of importance attaching to, the development itself.²
- 4.7. The procedure for stopping up is outlined in section 252 TCPA 1990. Section 252(5) TCPA 1990 provides that if objections are received to the proposed stopping up order and those objection(s) are not withdrawn the Secretary of State shall cause a local inquiry to be held unless he decides that in the special circumstances of the case the holding of such inquiry is unnecessary.
- 4.8. Section 252(8) TCPA 1990 also provides the power for the Secretary of State to make a stopping up order either in the terms originally proposed or with such modifications as he thinks

¹ See Vasiliou v Secretary of State for Transport [1991] 2 All ER 77 and R (Network Rail Infrastructure Ltd) v Secretary of State for Environment, Food and Rural Affairs [2017] EWHC 2259 (Admin) at paragraph 49.

² R (Network Rail Infrastructure Ltd) v Secretary of State for Environment, Food and Rural Affairs [2017] EWHC 2259 (Admin) at paragraph 49(3).

fit after considering (i) any objections to the order which are not withdrawn, and, (ii) where a public inquiry is held, the report of the person who held the inquiry.

- 4.9. The power in section 252(8) of the TCPA 1990 is subject to Section 252(9) of the TCPA 1990. Section 252(9) of the TCPA 1990 relates to matters where the stopping up order contains provisions regarding payments, repayments or contributions and the person who would be required to make that payment, repayment or contribution objects and in such cases the order shall be subject to the special parliamentary procedure. For the avoidance of doubt, it is not proposed that the stopping up order in this matter contains provisions relating to payment, repayment or contributions and therefore section 252(9) TCPA 1990 is not relevant to this application.

5. THE PROPOSED MODIFICATION

- 5.1. The Council respectfully invites the Secretary of State, in the exercise of the statutory power under section 252(8) of the TCPA 1990, to make the order on the basis of the proposed modified stopping up order and order plan (revised drawing CJ009625-HEH-LLO-40012558-DR-CH-0003 Rev P07 as appended to this Statement of Case at Appendix 3) and for the draft Order to be modified so as to remove reference to West Street in the description of land to be stopped up (see draft proposed modified order at Appendix 3).
- 5.2. The Council submits that the proposed modifications are within the scope of the power under section 252(8) of the TCPA 1990. The proposed modifications reduce the area of land to be stopped up and removes the part of West Street that was originally included when the application was made. Modest changes are also proposed to the areas demarcated as 'new highway' and 'existing highway to be improved'. These changes do not affect the area proposed to be stopped up. Included in Appendix 4 of this Statement of Case is a version of the proposed modified order plan highlighting the following areas where these modifications are proposed and detailed below:
 - 5.2.1. Green Box: reduction in the extent of 'new highway' to be created near the junction of Western Avenue and Waterloo Court.
 - 5.2.2. Orange Box: new areas of 'existing highway to be improved' on West Street.
 - 5.2.3. Pink Box: extended area of 'new highway' to be created at the junction of West Street and Chantry Street.
- 5.3. The essence of the stopping up order ("SUO") remains the same with the proposed modifications in place. The purpose of the SUO remains to enable the Development authorised by planning permission reference 25/01047/FULLN to be carried out. The modification refines the extent and form of the land to be stopped up and accords with the statutory framework. Any objectors that may wish to comment on the proposed modifications will have an opportunity to do so in their written evidence and at the inquiry itself.

6. ASSESSMENT OF LEGAL TEST UNDER SECTION 247 TCPA 1990

Necessity for the Stopping Up Order

- 6.1. The Council considers that the stopping up of the Highway is **necessary** to enable the Development to be carried out in accordance with planning permission reference 25/01047/FULLN.
- 6.2. In the absence of a stopping up order, the Council would be unable to lawfully remove or alter the existing highway infrastructure required to deliver the Development. The retention of the Highway would prevent the Development from being constructed, completed and then used as authorised pursuant to the Planning Permission.
- 6.3. The area of land proposed to be stopped up and as described and shown on the proposed modified order and order plan (Appendix 3) sits exactly within the area where the Council proposes to construct the new public park under the Planning Permission. The public park, as

permitted under the Planning Permission, would include the development of new areas of hard and soft landscaping to create spaces for the community to enjoy, including a new central pavilion, areas of formal and informal space for recreation and play, water features and two new river viewing platforms that would provide views over the chalk stream habitat of the River Anton. Partial stopping up would not allow for the full Development to come forward. Temporary stopping up would also be insufficient as the land is to be permanently changed to a park.

- 6.4. The full extent of Highway land (as shown on proposed modified order plan at Appendix 3) is required to be stopped up. A reduced or alternative extent of stopping up would not enable the Development, as approved, to be carried out.
- 6.5. On that basis, the statutory test under section 247 TCPA 1990 of whether the stopping up is 'necessary' to enable the Development to be carried out, is met.

Assessment of impacts and benefits of the Stopping Up and the Planning Permission

- 6.6. As mentioned above, the Secretary of State for Transport may, in the exercise of its discretion when granting a stopping up order application, have regard to the overall public interest, including any significant disadvantages flowing directly from the stopping up either to the public generally or to affected individuals whose rights of access would be extinguished and any countervailing advantages to the public or those individuals, alongside the planning benefits of, and degree of importance attaching to, the permitted development.
- 6.7. Proofs of Evidence in support of the SUO Application will be submitted prior to the Inquiry which will provide technical detail on the impacts and benefits of the stopping up order, and the permitted development for the purposes of demonstrating how the legal test is met. These are summarised below and demonstrate that the public benefits of the Western Avenue and River Anton Riverside Park Project and the importance of delivering the strategic development for Andover far outweigh any disadvantages that arise from stopping up the Highway.
- 6.8. Highways, Transport and Safety Considerations

- 6.8.1. The planning application for the Development was supported by a comprehensive Transport Assessment prepared by specialist consultants, together with road safety audits and associated technical evidence.
- 6.8.2. That evidence assessed the effects of the proposed changes to the highway network, including the introduction of two-way traffic on West Street, impacts on private vehicles, buses, servicing, emergency vehicles, pedestrians and cyclists and future growth in traffic in the local area.
- 6.8.3. The Transport Assessment and associated road safety audits concluded that the Development and associated stopping up and highway alterations do not have an adverse impact on the safety or operation of the local or strategic highway network, and in fact, provide a number of transport benefits, particularly in respect of active travel, improved junction arrangements and reduced traffic speeds.
- 6.8.4. The Hampshire County Council considered the planning application for the Development in its capacity as Highway Authority and did not object to the proposed highway arrangements required to stop up the necessary sections of the Highway to create the space for the proposed park.
- 6.8.5. The Transport Assessment and the Road Safety Audits recognise the changes to the layout of the highway and the introduction of two-way traffic on West Street will alter how users interact with the road network. It is recognised that pedestrians will have to look both ways before they cross the street, that some vehicles will be required to turn right across traffic on West Street, and there would be an increased number of vehicle movements on West Street as a result of two-way vehicular traffic roads. However, the assessments demonstrate these changes do not result in a risk to the safety of the road or users and do not create adverse impacts on the

operation of the highway. On that basis, the Council considers any disadvantages of the stopping up are limited and when considered with the wider safety and accessibility improvements of the scheme, can be outweighed by the overall public benefits.

6.9. Noise and Air Quality

- 6.9.1. The planning application for the Development was supported by both a Noise Assessment and Air Quality Assessment which were prepared by MEC Consulting Group.
- 6.9.2. The additional vehicle movements on West Street which would result from the proposed Development were modelled and assessed in terms of their impact in respect of air quality and noise pollution.
- 6.9.3. In respect of noise, the assessments compared conditions in both the opening year and future year, with and without the Development and concluded that the majority of receptors would experience either no material change or negligible changes in road traffic noise levels. A limited increase in noise is predicted at properties in close proximity to West Street (notably at Portland Grove). However, no significant adverse effects were identified, and the changes are not of a level requiring mitigation or compensation. The evidence also identifies a degree of beneficial effect, with a reduction in ambient noise levels within the proposed riverside park area as a result of removing part of the existing gyratory.
- 6.9.4. In respect of air quality, the assessment indicates there may be small increases in nitrogen dioxide (NO₂) and particulate matter (PM₁₀ and PM_{2.5}) at some locations due to traffic redistribution, however this is considered negligible overall. Despite this, pollutant levels remain below air quality objectives at all receptors. The assessment also indicates that in practice, future conditions are expected to improve over time due to reductions in vehicle emissions.
- 6.9.5. The Council accepts that as a result of the stopping up and changes to traffic routing, some limited and localised environmental disadvantages may be experienced, being minor increases in noise at a small number of receptors and small increases in air pollutant concentrations. However, the assessments concluded that the Development would not result in an unacceptable detrimental impact on the living conditions of residents or the local community in respect of air and noise pollution.
- 6.9.6. The Council is therefore of the view that these minor disadvantages are clearly outweighed by the substantial benefits of the Development which are discussed below.

6.10. Alternative Routes and Public Convenience

- 6.10.1. The Development provides for enhanced pedestrian and cycle connectivity through a new riverside park and a dedicated off-road cycle route, replacing existing vehicular infrastructure.
- 6.10.2. Improved pedestrian crossings, reductions in traffic speed, and a revised layout of West Street form part of the approved Development and ensure safe and convenient movement for all users.
- 6.10.3. The Development provides for a new bus bay within the forecourt of Andover Bus Station to accommodate the Unity community bus. Replacement bus layover space is also proposed on West Street. This will replace the existing bus stand on the part of the Highway to be stopped up.
- 6.10.4. The stopping up of sections of Highway will result in the closure of an access into Lidl. New vehicular access and egress arrangements on West Street are proposed to accommodate customers and deliveries into Lidl. A pedestrian access from the

park into Lidl has also been incorporated into the design of the proposed park. Whilst the Council acknowledges that the access and egress to and from Lidl would take longer for customers reach, no objections in respect of public inconvenience have been raised from the public. Further, these new arrangements have been developed in conjunction with Lidl, who have not objected to the Development or the stopping up order proposals.

- 6.10.5. The stopping up of sections of the Highway will result in changes to the exit arrangements for buses operated by Stagecoach out of Andover Bus Station and longer bus journey times. The design of West Street to accommodate two-way vehicular traffic and the reconfiguration of the bus station to create a turning area has been developed in conjunction with Stagecoach, who have not objected to the Development or the stopping up order proposals. No objections have been raised by the public in respect of bus operations.

6.11. Public Interest and Benefits

- 6.11.1. The Development is a priority regeneration project for Andover town centre and is identified within the Andover Town Centre Masterplan ("the **Masterplan**"). The Masterplan was informed by extensive community engagement led by Test Valley Borough Council between July 2019 – June 2020. Almost 3,000 responses from the community were received. 987 of the responses received from the community wished for more green space and access to the River Anton which is hidden within the Western Avenue gyratory. The riverside park scheme will achieve this community aspiration.
- 6.11.2. The community engagement undertaken during the Masterplan development also identified the perceived distance between the town centre and key facilities, such as the Leisure Centre, Andover College and Simplyhealth and that this is exacerbated by the quality of existing pedestrian and cycle routes. Comments from the community also highlighted the barrier of the ring road in accessing the town centre, creating poor arrival experiences for pedestrians and cyclists. The delivery of the riverside park scheme will improve these connections and the arrival experience into the town centre from the west.
- 6.11.3. The Development is part of a wider regeneration project called 'Andover Revealed' which was successful in 2023 in receiving £18.3M of Levelling Up Funding ("LUF") from central government to partially fund the delivery of the riverside park project and a new theatre. The LUF award reflects the government's commitment to the regeneration of Andover town centre to improve its vitality and economic prospects. The award reflects the government's recognition that Andover has several areas which suffer multiple indices of deprivation and that these are in the top 20% of deprived areas in the country. The Development will realise social, environmental and economic public benefits that will improve outcomes for the local community.
- 6.11.4. Specifically, the Development will deliver the following public benefits:
- a) The creation of an attractive, accessible and safe area of public space in the town centre for the community to enjoy, including a central pavilion for community events, spaces for informal recreation and play areas for children. This will encourage visitors through improving the perception of Andover town centre as a place to visit and increase footfall improving the vitality and vibrancy of the town centre.
 - b) Improvements to the existing cycleway north of the gyratory (widening, re-surfacing and improved pedestrian/cycle segregation) and the creation of a new 3m wide segregated off-road cycle path extending 228m in length that would form part of the National Cycle Network (NCN) Route 246, providing improved and safer opportunities for cyclists separated from traffic and pedestrians. This

would provide an improved alternative to the on-road cycleway on West Street between Chantry Street and the taxi rank. The existing two-way cycleway from Waterloo Court would be amended to connect to the new off-road cycleway.

- c) Currently, there are no controlled pedestrian or cycle priority crossings north and south of the gyratory where Western Avenue meets West Street and Waterloo Court. A Toucan crossing is proposed at the Western Avenue / West Street junction to provide a safe connection north towards Andover Station and towards the Folly Roundabout. To the south of the proposed riverside park two Non-Motorised User crossings are proposed on Waterloo Court; a priority cycle crossing for the NCN 246 cycle-track and a parallel crossing including segregated pedestrian (zebra) and cycle facilities that provides connectivity to the Town Mills park.
- d) Improved walking and cycling routes through the park with new crossings north and south of the park will create an easier, attractive and more accessible route for the public to use when travelling north and south of the town centre and into Andover Bus Station. The site is also within a ten -minute walk of Andover Railway Station. The proposed improvements to walking and cycling routes would strengthen intermodal connectivity and support uptake of sustainable and active modes of transport.
- e) A permanent and dedicated bus bay for the Unity community bus within the forecourt of Andover bus station will replace use of the bus stand on Western Avenue which Unity currently share with other buses. A dedicated bay will provide certainty of a parking space.
- f) Health benefits will be realised from providing people with better access to green space and nature to exercise and relax.
- g) New areas of planting which will improve the biodiversity and landscape quality of the town centre.
- h) Improved surfacing and alignment of pedestrian crossings on West Street.
- i) Reduction in speed limit from 40mph to 30mph on Western Avenue and from 30mph to 20mph on West Street will create an improved traffic calming environment.

6.11.5. The Development will deliver significant public benefits, including the removal of highway infrastructure which acts as a barrier to walking and cycling and the creation of a new riverside park, enhanced walking and cycling routes, environmental improvements, and wider economic and social benefits to the public and to Andover town centre; and those benefits are material considerations weighing strongly in favour of making the stopping up order.

Conclusion on legal test

- 6.12. Having regard to the impacts and benefits identified, the Council judges that the disadvantages arising from the stopping up are not of such significance or seriousness to outweigh the significant public benefits arising from the stopping up order and the approved Development and the importance of the Development. The above demonstrates that the legal test for a stopping up order under section 247 TCPA 1990 is met.

7. OBJECTIONS MADE TO THE PROPOSED STOPPING UP ORDER

- 7.1. A number of objections were received from residents, the Andover Town Council and one statutory undertaker to the SUO Application. In summary, the objections:
- 7.1.1. allege that the stopping up is not necessary and is misconceived;
 - 7.1.2. seek to revisit or challenge the planning merits of the Development; and
 - 7.1.3. relate to highways safety, transport impacts, pedestrian and cyclist provision, congestion, environmental effects and their impact on residential amenity, and access.

Statutory Undertaker Objection - Update

- 7.2. The Council are continuing to negotiate with the statutory undertaker, Vodafone, who has objected to the SUO Application, in order to reach agreement and seek removal of their objection. Substantial progress has been made since the start of negotiations and a wayleave agreement has been agreed in principle, subject to signing by both the Council and Vodafone with the agreement only coming into effect if the Order is made. Accordingly, the Council anticipates that Vodafone will remove their objection to the SUO Application prior to the start of the Inquiry.

Resident Objections

- 7.3. The Council has responded in detail to the objections received to the SUO Application from residents. Council officers organised and attended a series of in person engagement sessions with residents of Chantry Lodge and Portland Grove to discuss their objections and concerns prior to the submission of the planning application for the Development. These sessions took place on 19th September 2024, 6th December 2024 and 17th March 2024. At the March engagement session, the Council presented the outcomes of the technical assessment work from the Transport Assessment, Noise Assessment and Air Quality Assessment in response to their concerns. These assessments were then submitted with the planning application for the Development.
- 7.4. Council officers organised a fourth engagement session with residents of Chantry Lodge and Portland Grove on Thursday 16th October 2025. This provided the opportunity for residents to ask questions about the planning permission for the Development and the SUO Application. The objections raised during the planning application process are similar in nature to the objections now raised as part of the SUO Application. Council officers provided a written response to all objectors that responded during the SUO Application publicity period³ in the document entitled "Response to Common Objections". A copy of this document was sent to residents on 23rd February 2026 and is appended to this Statement of Case at Appendix 5.

Andover Town Council Objection

- 7.5. Andover Town Council objection raised concerns relating to residential amenity, increased traffic, highways safety, noise, atmospheric pollution and traffic congestion. The Council responded to that objection in the document entitled "Response to Common Objections" appended to this Statement of Case at Appendix 5.

8. COUNCIL'S RESPONSE TO THE STATEMENT OF CASE OF JOANNE MUSSON

- 8.1. The Council notes the Statement of Case of Joanne Musson dated 13 April 2026 and responds as follows.

Necessity of the stopping up

- 8.2. The assertion that the Western Avenue Riverside Park development can proceed without the stopping up of the Highway is incorrect. The Planning Permission expressly authorises a

³ All objections received during the first and second publicity period for the draft order were responded to by Council officers.

development layout that physically occupies land currently forming part of the public highway. In the absence of a stopping up order under section 247 of the TCPA 1990, the Council would have no lawful power to remove or alter that highway land and the permitted development could not be carried out.

- 8.3. The statutory test is not whether an alternative development might theoretically be conceived, but whether the stopping up is necessary to enable the development to be carried out in accordance with the extant Planning Permission. That test is clearly met.

Traffic, highway operation and emergency access

- 8.4. Concerns regarding increased traffic, the introduction of two-way traffic on West Street, and the implications for residents' amenity and emergency access were fully assessed through the planning process by way of a Transport Assessment, road safety audits and associated technical evidence.
- 8.5. That evidence considered the effects of the revised highway layout on general traffic, buses, servicing vehicles, pedestrians, cyclists and emergency services. It concluded that the proposed arrangements would operate safely and effectively and would not give rise to unacceptable impacts on the local highway network or on access for emergency vehicles.
- 8.6. Hampshire County Council, as Highway Authority, reviewed the evidence and do not object to the proposed highway arrangements. These issues therefore amount to a re-opening of the planning merits of the Development, which is not the purpose of an inquiry under section 247 of the TCPA 1990.

Taxi provision and town centre access

- 8.7. The adequacy of parking and taxi provision formed part of the planning assessment and was accepted as acceptable when planning permission was granted.

Waitrose and Lidl applications

- 8.8. The applications relating to Lidl and Waitrose are separate regulatory matters:
- 8.8.1. The Lidl application (reference 26/00577/VARN) seeks only to vary the approved car parking layout and car park management plan to reflect changes to access arrangements arising from the Development. It does not seek to extend delivery hours beyond those already permitted.
- 8.8.2. The Waitrose application relates to a variation of a premises licence to facilitate the handling of alcohol for online order fulfilment. It is separate from the stopping up proposals and does not override or disapply planning controls or restrictions on opening hours.
- 8.9. Neither of these applications alters the conclusions reached in the Transport Assessment supporting the Planning Permission, nor do they undermine the necessity for the stopping up order sought.

9. COUNCIL'S RESPONSE TO THE STATEMENT OF CASE OF ROGER AND BARBARA ANN TURNER

- 9.1. The Council notes that Roger and Barbara Ann Turner have confirmed that they maintain their objection to the proposed plan to create new traffic flow and that their principal objection relates to traffic, noise, air quality and pedestrian safety arising from making West Street a two-way traffic system. The Council has considered and assessed traffic, noise and air pollution relating to the proposed Development as part of the planning process and the impacts were found to be acceptable. Whilst the Council recognises that there would be some increase in vehicular movements past residential properties on West Street, the changes proposed have not raised any matters of highway safety as part of the two road safety audits undertaken and the Transport Assessment demonstrates that the road network would still operate and function

effectively. As such, no objection was raised by the Highway Authority in respect of the proposals when the planning application was considered.

- 9.2. Whilst the Noise Assessment did identify a limited increase in noise at properties in close proximity to West Street (notably at Portland Grove) no significant adverse effects were identified as part of the Noise Assessment and the changes are not of a level requiring mitigation or compensation. In respect of air quality, whilst the Air Quality Assessment indicates there may be small increases in nitrogen dioxide and particulate matter these would be negligible and pollutant levels would remain below air quality objectives.
- 9.3. The proposed stopping up of the Highway and associated changes to the road network form part of a wider strategy to improve the town centre environment, including enhanced pedestrian infrastructure and the disadvantages of the order are significantly outweighed by the public benefits of the order and the approved development along with the importance of the development.

10. FURTHER OBJECTOR STATEMENTS OF CASE

- 10.1. During the week commencing 25 May 2026 the Council received some further Statements of Case submitted on behalf of objectors. Those Statements of Case are additional to the Statements of Case referred to in this Statement. The Council will respond to those further Statements of Case in the proofs of evidence to be submitted on behalf of the Council.

11. CONCLUSION

- 11.1. The stopping up of the Highway is necessary to enable the Development to be carried out in accordance with the Planning Permission and the statutory test under section 247 TCPA 1990 is therefore met for the SUO (as proposed to be modified).
- 11.2. The Council respectfully invites the Secretary of State to make the SUO (as proposed to be modified) on the basis that the disadvantages caused to the public or individuals as a result of the proposed SUO are not of such significance or seriousness to outweigh the countervailing advantages of the SUO alongside the planning benefits of and importance attached to the consented development.

Date: 29 May 2026

APPENDICES:

- 1. SUO APPLICATION DATED 28 JULY 2025 AND PLANS**
- 2. DRAFT SUO ORDER, PUBLIC NOTICE AND ORDER PLAN (AS PUBLICISED)**
- 3. PROPOSED MODIFIED ORDER AND MODIFIED ORDER PLAN (DRAWING NO CJ009625-HEH-LLO-40012558-DR-CH-0003 S2 REV P07)**
- 4. PROPOSED MODIFIED ORDER PLAN HIGHLIGHTING THE AREAS WHERE MODIFICATIONS ARE PROPOSED**
- 5. COUNCIL'S RESPONSE TO COMMON OBJECTIONS**

