

Western Avenue Stopping Up Order

Report of the Strategic Regeneration and Partnerships (North) Portfolio Holder

Recommended:

1. That an application be made to the Secretary of State for Transport under section 247 of the Town and Country Planning Act 1990 for an order to Stop Up the highway identified indicatively in the Annex to the report as necessary to facilitate the delivery of the riverside park at Western Avenue.
2. That the Head of Planning Policy and Economic Development be authorised if necessary to secure a deed of dedication incorporating any necessary land within Council ownership as publicly adopted highway in order to facilitate the delivery of the riverside park at Western Avenue.

Recommendation to Council

SUMMARY:

The report seeks authority to proceed with the application for a Stopping Up Order to the eastern carriageway of Western Avenue. Authority is also sought to allow for land within the Council's ownership to be dedicated as adopted highway to facilitate the delivery of the riverside park.

1 Introduction

- 1.1 The Western Avenue and River Anton riverside park project is one of two priority projects being brought forward by the Council as part of the Andover Masterplan, the other being a new theatre for the town.
- 1.2 The purpose of this report is to seek authority to proceed with the application for a Stopping Up Order to the eastern carriageway of Western Avenue (the extent of the Stopping Up Order is shown indicatively in the Annex as necessary to facilitate the delivery of the riverside park.
- 1.3 Authority is also sought to allow for land within the Council's ownership to be dedicated as adopted highway, where necessary, to secure the necessary changes the road network as part of this scheme.

2 Background

- 2.1 The Andover Masterplan proposed several regeneration schemes which would improve the vibrancy of the town. Two key priorities identified to achieve this were to open-up the River Anton, which is largely hidden within the Western Avenue gyratory, and to bring more green space into the town.

- 2.2 The stretch of river between Town Mills and Andover College was identified during the consultation on the Masterplan as a priority for improvement, building on the improvements made around Town Mills. The Masterplan also recognised that existing pedestrian and cycle routes extend north to Anton Lakes and south to Rooksbury Mill Nature Reserve, but the town centre stretch north of Town Mills represents a significant break in connectivity.
- 2.3 The Masterplan identified an opportunity to address these issues and proposed the removal of the eastern carriageway of Western Avenue to create a new area of public space adjacent to the River Anton that would provide access to the river and space for informal recreation. A green 'trailway' was also proposed between Andover College and Town Mills that would promote awareness of the ecological value of the river.
- 2.4 The Cabinet decision of 4 October 2024 provided authorisation for named officers and relevant portfolio holders to progress all design and development work necessary to enable completion of detailed design, up to and including the submission of a planning application to include production of tender documents and pre-tender cost estimates for construction stages.
- 2.5 An important step in securing the delivery of the improvements is the closure, or stopping up, of the eastern carriageway of Western Avenue to become the riverside park and a section of West Street which will become a part of the bus station forecourt.
- 2.6 It is recommended that a Stopping Up Order is applied for under Section 247 of the Town and Country Planning Act 1990. Using this power a highway can be 'stopped up' to allow development to take place if it has received or may receive planning permission. Once the order is made the land will cease to be a highway as the highway rights are extinguished in law.
- 2.7 Hampshire County Council as Highways Authority has concurrent powers to stop up a Highway, however it is recommended that Test Valley Borough Council leads this application in order to expediate and retain control over it in so far as is possible.
- 2.8 The recommendation is that the application to the Secretary of State (SoS) for the stopping up order will take place following the submission of the planning application but in advance of determining that planning application. Such an application can only be made after a planning application is submitted.
- 2.9 As part of the scheme West Street will need to be widened to accommodate two-way traffic. Additional crossing points for pedestrians/cyclists at the north and south of the new park also form an important part of the scheme, in addition to the creation of a new segregated cycle way, a signalised junction at West Street/Western Avenue and a give-way junction at Waterloo Court/Western Avenue. As such a recommendation has been included to allow any necessary Council land to be dedicated as publicly adopted highway to facilitate these works, and any other works associated with the changes to the highway to facilitate the delivery of the scheme.

3 Corporate Objectives and Priorities

- 3.1 A Place for Everyone – Supporting our Communities to Thrive is the Council's Corporate Plan (2023-2027). Based on the results of community engagement with residents from across the borough, this Corporate Plan outlines five strategic priorities that will provide the focus for the Council's activities over the next four years. These priorities are sustainability, connection, environment, inclusion and prosperity.
- 3.2 The riverside park would create more green space in the town centre alongside ecological enhancement to the river Anton corridor thereby improving the natural environment and biodiversity within the Borough. The park would be inclusive to all and improve pedestrian and cycle connections through the town centre and encouraging more sustainable modes of travel. These are all considered to be positive enhancement to the town centre which will support investment into the town and improve its prosperity.

4 Consultations/Communications

- 4.1 Engagement has been held with neighbouring landowners, residents and the wider community both through Andover Vision and through exhibitions. The Council has been working with Lidl and Stagecoach, as the nearest businesses to the scheme, to inform the design and respond to their requirements.
- 4.2 Hampshire County Council, as Highway Authority are supportive of the application. They will be statutory consultees as part of the Stopping Up Order process.

5 Options

- 5.1 Option 1 - To approve the Recommendations set out in this report and approve application for a Stopping Up Order and any necessary dedication as Highways Land.
- 5.2 Option 2- To not approve the Recommendations and not apply for a Stopping Up order.

6 Option Appraisal

- 6.1 Undertaking the Stopping Up Order application recommended would enable the creation of more green space in the town centre, opening up the river Anton and improving pedestrian and cycle connectivity through the town. This would enable works to the Western Avenue and River Anton riverside park to progress to delivery.
- 6.2 To not apply for a Stopping Up Order would prevent the delivery of one of the identified priority regeneration schemes in Andover with the loss of the benefits described in the above paragraphs.
- 6.3 The project is part funded by government's Levelling-Up Fund. Not proceeding with the recommended option may result in this funding be lost and all costs incurred to date being abortive.

7 Risk Management

- 7.1 Risks on this project are being managed through a comprehensive project risk register. The most significant risk is that the application for the Stopping Up Order is not approved. The implication would mean that the scheme would not proceed as set out in the masterplan and the more detailed plans which have been subject to more recent public engagement. To mitigate this risk the Council has sought specialist legal advice.
- 7.2 As with any application process there is the risk of third-party representations objecting to the order. This would have consequence for the timescale of the SoS decision and the overall project delivery. The Council has worked in partnership with Hampshire County Council, as Highway Authority, to secure their commitment and support for the recommendation and has engaged with stakeholders and members of the public on the benefits of the scheme and the manageable change to traffic movement arising from the closure of the eastern carriageway of Western Avenue gyratory and changes to the bus station forecourt.

8 Resource Implications

- 8.1 The budget for this project was approved by Council on 29 February 2024. £9.5M has been allocated to deliver the highways improvements and creation of the park. No additional funding is required to complete this stage of the project as set out in this report.

9 Legal Implications

- 9.1 External legal advice has been sought and will continue through the application and decision making process.
- 9.2 Section 247 of Town and Country Planning Act (1990) permits the SoS to authorise the stopping up of the highway if they are satisfied it is necessary to do so in order for the development to be carried out in accordance with a planning permission.

10 Equality Issues

- 10.1 The Western Avenue and River Anton riverside park regeneration scheme is aimed at creating an accessible and inclusive new park within the town centre. This will include access to green space to promote health and wellbeing as well as improving the accessibility of pedestrian and cycling connectivity through the town for all groups. Wider connectivity from the proposed park would also seek to benefit all users.
- 10.2 The removal of the eastern arm of the gyratory would necessitate for a new location to be found for the Unity minibus. This has been addressed within the design and a new bay for Unity is proposed within the bus station forecourt a comparable distance from the Unity/Shopmobility office.

11 Other Issues

11.1 Sustainability and Addressing a Changing Climate

11.1.1 The completed riverside park will make a significant contribution to the quality of the environment in Andover Town Centre through habitat creation and promoting sustainable, non-car modes of travel.

11.2 Property Issues

11.2.1 All the relevant land is within the adopted highway boundary and within the Council's ownership.

11.3 Wards/Communities Affected

11.3.1 As the recommendation is critical to the delivery of one of the key regeneration projects the outcome could affect all Andover wards and surrounding areas.

12 Conclusion

12.1 The application for a Stopping Up Order on the eastern carriageway of Western Avenue and the bus station forecourt is a necessary step in securing the delivery of the riverside park scheme.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	1	File Ref:	N/A
(Portfolio: Strategic Regeneration and Partnerships (North)) Councillor P North			
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