

29 May 2026

Inquiry under S.247 Town and Country Planning Act 1990 (“the Act”) Inquiry Ref: 3378113

Application for Stopping up Order – Part of A3057 Western Avenue and Part of West Street Andover, Hampshire

Statement of Case Adrian Truss

1 I am a solicitor, of Chantry Lodge, Chantry Street, Andover, now semi-retired with experience of highways, planning and related areas of law gained in local government service. I appear to give evidence on behalf of some of the residents of Chantry Lodge. A list of those residents has been supplied to the Inspector.

2 Under S.247 (1) of the Act the Secretary of State may make an order stopping up the highway if satisfied that it is necessary in order to enable lawful development to be carried out.

3 Test Valley Borough Council (“the Council”) granted themselves planning permission for the approved development under reference 25/01047/FULLN. The description of the development reads as follows: *Closure/stopping up and removal of southbound carriageway of 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.*

4 That description does not include the stopping up of any part of West Street, given that the description of the development is at the core of any planning issue (*Barton Park Estates Ltd v Secretary of State for Housing, Communities and Local Government [2022] EWCA Civ 833*) that must bring into question whether there was any intention of stopping up West Street. In my experience, a change of that kind, the inclusion of an additional area of highway being stopped up, would have been evidenced by an additional consultation process and an appropriate amendment to the description of the development. Neither was, as far as I am aware. On 19 September 2024 the residents of Chantry Lodge and Portland Grove were told of the proposed changes, there was no consultation. A petition signed by 85 people from Chantry Lodge and Portland Grove was handed in to the Council offices opposing this change.

5 The consequence of this failure was that nobody was afforded an opportunity to make representations or raise objections to the stopping up of part of West Street as part of the planning process and thus the developer was able to proceed to the determination of the application without that issue being effectively considered.

6 My belief is that the studies commissioned by the Councils into highway safety, air quality and the benefits of the scheme proceeded from a starting point where the scheme was regarded as beneficial to the area and harmful aspects passed over. Any discussion of the matter proceeded from the starting point that the Riverside Park was included in the Andover Masterplan and therefore must be delivered regardless of any disadvantages it might have. It is noteworthy that residents of Chantry Lodge and Portland Grove, as the nearest neighbours to the park, who might be expected to make use of the park would be largely prevented from doing so due to being required to cross over two way traffic whichever route they might take. Priority has been given to the cycle path on the far side of the park and to casual visitors at the expense of local residents.

7 The common law definition of highway is 'land dedicated to the public use for the purpose of passing and repassing', and requires special procedures in order to cease being public highway under the relevant legislation.

8 As can be seen from the two plans attached to this statement (Existing Survey Plan and Landscape Illustrative Masterplan), whether West Street and its extension to Waterloo Court/West Street is included or not does not affect the delivery of the riverside park.

9 The only sense in which this is potentially an issue is if the approach taken to the road network is to assume that West Street starts at its northern end and ends at the side of the Chantry Centre. However, if that were the case there is no explanation for the detached portion of West Street shown on the Council's plans. I suggest considering the three lane section of Western Avenue, roughly from the northern corner of the Chantry Centre to its junction with Waterloo Court/West Street to the immediate south of the Chantry Centre as comprising the two lanes nearest to the northbound carriageway of the A3057 as being Western Avenue and the third lane is treated as a continuing West Street until it rejoins West Street/Waterloo Court.

10 The Council changed the original plan which did not stop up West Street and did not make it two way and claimed that the Town Mills pocket park and the Riverside Park would become uninterrupted by traffic. This explanation is not credible as this ignores the existence of Waterloo Court/West Street which carries the traffic to and from the multi-storey car park, new theatre and delivery yards in central Andover.

11 I turn to the harms in the scheme for West Street, reduced pavements to the detriment of all highway users and especially vulnerable users. The cutting off of a useful back route from the top of Andover High Street and the roundabout, New Street, Newbury Street and Vigo Road and an increased impact of air pollution and noise on residents of Chantry Lodge and Portland Grove. Sustained harm to the commercial viability of the Lidl store. Preventing or hindering access to the park by residents of Chantry Lodge and Portland Grove.

12 The students from the sixth form college and Leisure Centre users make extensive use of West Street as pedestrians in getting to and from Lidl, the town centre and bus station, their needs and safety has not been properly considered.

13 Reports from consultants addressing highway and air quality issues have been commissioned but not yet received. I will provide these as soon as they become available. I made it clear at the pre-inquiry meeting I contacted numerous highway and air quality specialists but many were prevented from acting because of their relationship with the County Council so was forced to look further afield.

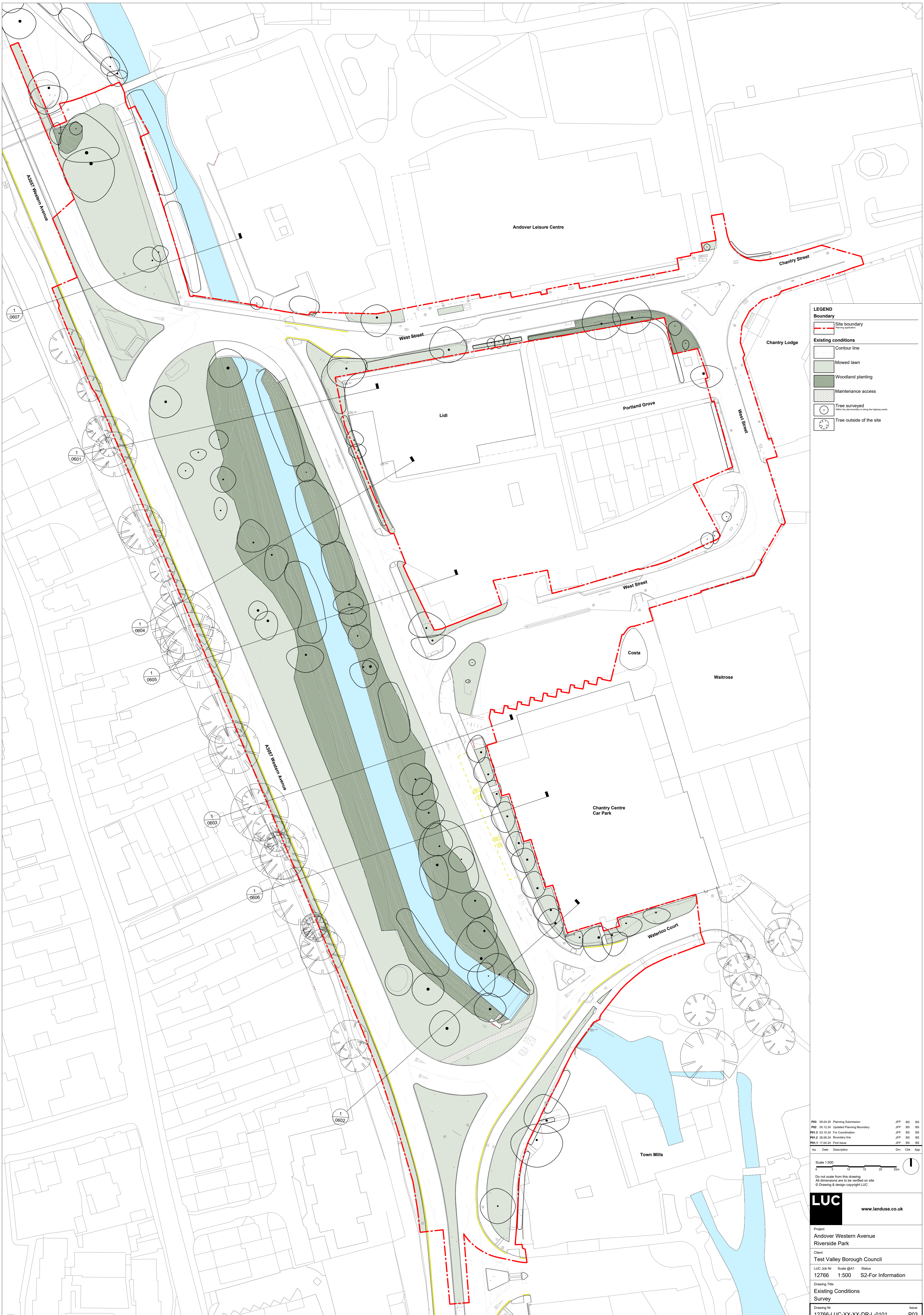
14 The applicant has asked to introduce a revised stopping up order plan, to assist the inquiry I intend to produce a revised stopping up Order plan showing an alternative arrangement retaining the key feature of stopping up part of the A3057 together with revised wording of the Schedule to the draft Order. The Schedule to the draft stopping up Order is in two parts

15 The swept path analysis of the northern arm of West Street, even with reduced pavement leaves little or no room for large vehicles travelling in opposite directions to pass each other. That is particularly so because the planning consents for the Leisure Centre placed a condition, requiring the pavement to be widened in order to meet the County Council's design standards in the interests of safety.

16 Swept path analysis of the central portion of West Street to allow two way traffic shows it would requires the cutting back of the pavement outside Chantry Lodge, despite a requirement on the part of the Council (planning condition & S.278 agreement) for it to be widened in the interests of residential amenity would be overturned.

17 The Council' scheme, without amendment to the highway component makes no positive contribution to road safety or residential amenity in the area and is actively harmful in many respects.

Statement of Case Public Inquiry V2.odt



LEGEND

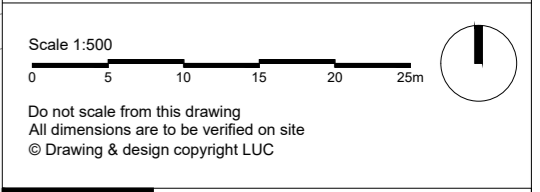
Boundary

- Site boundary (red dashed line)
- Existing location (grey dashed line)

Existing conditions

- Contour line (thin grey line)
- Mowed lawn (light green fill)
- Woodland planting (dark green fill)
- Maintenance access (hatched pattern)
- Tree surveyed (circle with dot)
- Tree outside of the site (circle with cross)

PS3	09.04.20	Planning Submission	JJP	BS	BS
PS2	05.12.24	Updated Planning Boundary	JJP	BS	BS
PS12	03.10.24	For Coordination	JJP	BS	BS
PS12	26.06.24	Boundary line	JJP	BS	BS
PS11	17.04.24	Final Issue	JJP	BS	BS
Iss	Date	Description	Drn	CHK	App



Project
**Andover Western Avenue
Riverside Park**

Client
Test Valley Borough Council

LUC Job Nr Scale @A1 Status
12766 1:500 S2-For Information

Drawing Title
**Existing Conditions
Survey**

Drawing Nr Issue
12766-LUC-XX-XX-DR-L-0101 P03



LEGEND
Boundary
 - - - Site boundary
 - - - Planning application

Iss	Date	Description	Drn	CHK	App
P04	08.05.20	Planning Submission	JJP	BS	BS
P02	09.04.20	Planning Submission	JJP	BS	BS
P02	14.02.20	HCC & SV Coordination	JJP	BS	BS
P01	07.10.24	Final Issue	JJP	BS	BS

Scale 1:500
 0 10 15 20 25m
 Do not scale from this drawing
 All dimensions are to be verified on site
 © Drawing & design copyright LUC



Project
**Andover Western Avenue
 Riverside Park**
 Client
Test Valley Borough Council
 LUC Job Nr Scale @A1 Status
12766 1:500 S2-For Information
 Drawing Title
**General Arrangement
 Illustrative Masterplan**
 Drawing Nr
12766-LUC-XX-XX-DR-L-0002 Issue
P04