

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

OS GRID REFERENCE [436202, 145700 – 436283, 145515]

PROOF OF EVIDENCE

ON BEHALF OF THE APPLICANT

PLANNING AND THE

OVERARCHING CASE FOR THE STOPPING UP ORDER

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REGENERATION PLANNING MANAGER - STRATEGIC PLANNING & GROWTH

TEST VALLEY BOROUGH COUNCIL

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1. INTRODUCTION

- 1.1. This proof of evidence prepared on behalf of the applicant, Test Valley Borough Council (“the Council”) and produced in support of an application under section 247 of the Town and Country Planning Act 1990 (“TCPA 1990”) to stop up a section of highway in the Borough of Test Valley in relation to planning permission reference 25/01047/FULLN (“SUO Application”).
- 1.2. Reference to CD/[x] are to documents in the Core Documents.

2. QUALIFICATIONS, EXPERIENCE AND SCOPE OF EVIDENCE

Qualifications and Experience

- 2.1. My name is Fay Smiles and I am the Regeneration Planning Manager - Strategic Planning & Growth at the Council with responsibility for the delivery of the riverside park project at Western Avenue. I also lead on planning related matters for the Council’s strategic regeneration projects in Andover and Romsey.
- 2.2. I have been the Regeneration Planning Manager at the Council since 10th July 2023 and since that time I have procured the multi-disciplinary design team and project managed the delivery of the riverside park project through RIBA Stages 3-4 and led on engagement with the community, stakeholders and Councillors. This included the preparation and submission of the planning application for the Development, which secured planning permission on 3rd October 2025, and the review of all technical information submitted with the planning application in support of the proposal. I am responsible for monitoring the spend and predicted costs of the project and for ensuring the delivery of the project.
- 2.3. Prior to my role as the Regeneration Planning Manager, I was employed by Test Valley Borough Council as the Principal Planning Officer covering planning applications in northern Test Valley. I was employed in this role from 2019-2023.
- 2.4. I hold a BSc in Physical Geography from the University of Southampton and an MSc in Spatial Planning from Oxford Brookes University. I have been a Member of the Royal Town Planning Institute since 2013.
- 2.5. I have been involved with the Development as its Project Manager since August 2023.

Declaration

- 2.6. The evidence which I have prepared and provide in this proof of evidence is true to the best of my knowledge and belief and has been prepared and given in accordance with the guidance of my professional institution, the Royal Town Planning Institute. I confirm that the opinions expressed are my true and professional opinions and that this proof has not been written by Artificial Intelligence.

Scope of Evidence

- 2.7. This Proof of Evidence should be read in conjunction with the Statement of Case dated 29 May 2026 [CD/9.01] and the proofs of evidence of Phil Brady (Transport), David Jowsey (Highways), Ross Rawlings (Road Safety), Tim Rose (Air Quality and Noise).
- 2.8. My evidence refers to the planning application submitted material including the General Arrangement Plan for the Development [CD/1.05,1.06 and 1.07], Transport Assessment [CD/5.1.06], Stage 1 Road Safety Audit [CD/5.1.09], Air Quality Assessment [CD/5.1.08], Acoustics Assessment [CD/5.1.07] and the Statement of Community Involvement [CD/5.1.05]. My evidence also refers to the Andover Masterplan [CD/5.2.02] and the Council’s Levelling Up Fund bid [CD/3.05-3.09].
- 2.9. My evidence is made in support of the SUO Application which was submitted by the Council to the Secretary of State for Transport on 28 July 2025 and which is to be considered and determined by the Secretary of State for Transport following a Public Inquiry on 30th June – 2nd July 2026.

- 2.10. In my evidence I use the term:-
- 2.10.1. "SUO Application" to mean the application made pursuant to section 247 TCPA 1990 and submitted by the Council to the Secretary of State for Transport to stop up sections of highway at Western Avenue to enable the Development to be carried out;
 - 2.10.2. "Development" to mean the development authorised under planning permission reference 25/01047/FULLN 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'.
- 2.11. The purpose of my evidence is to provide evidence on planning matters and to undertake the overarching balancing exercise with regard to the proposed SUO Application. In particular, my evidence:
- 2.11.1. describes the Development which has received planning permission, including the history of the Development and the Andover Masterplan;
 - 2.11.2. explains the benefits of the Development and the strategic importance of the Development for the future of Andover;
 - 2.11.3. addresses the relationship between the highway proposed to be stopped up and the proposed Development the legal test under section 247 TCPA 1990 and the merits test for stopping up highway; and
 - 2.11.4. refers to and provides comments on the objections to the proposed SUO Application;

3. OVERVIEW

- 3.1. The Council is the applicant and the promoter of the Western Avenue Riverside Park, which is considered a priority project for the Council intended to improve the vibrancy of Andover Town Centre through significant public realm improvements that will improve the western entrance into the town centre. These public realm improvements include opening up access to the River Anton, providing more public green space, improving pedestrian and cycle connectivity and removing the Western Avenue gyratory. The Council applied for planning permission for the Development on 15 May 2025.
- 3.2. On 3 October 2025 full planning permission 25/01047/FULLN was granted by the Test Valley Borough Council (in its capacity as local planning authority) for the Development. The Development involves the closure 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 facilitate the creation of a new public park, referred to as 'riverside park' in my evidence.
- 3.3. A request for authority to pursue a stopping up order application pursuant to section 247 TCPA 1990 was submitted and granted by the Council's Cabinet on 9 April 2025 [CD/3.03].
- 3.4. An application was submitted by the Council on 28 July 2025 to the Secretary of State for the Department for Transport ("SoS DfT") to stop up the highway at West Street and Western Avenue, Andover under section 247 TCPA 1990. A copy of the SUO Application form and associated plans are included in [CDs/1.01-1.03].
- 3.5. The purpose of the proposed stopping up order is to enable the Development as authorised under the planning permission reference 25/01047/FULLN to proceed. In the absence of a stopping up order the Development cannot be constructed and completed as the Development conflicts with the highway.

- 3.6. The National Transport Casework Team, on behalf of the SoS DfT, 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.
- 3.7. The SUO Application was incorrectly advertised in the London Gazette and the Salisbury Journal. 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.
- 3.8. The National Transport Casework Team received 35 objections during the consultation period. The Council sent a response letter to objectors in 2026 to address the concerns raised; however none of these objections were withdrawn. Where objections are not withdrawn, in accordance with section 252 of the TCPA 1990, the Secretary of State for Transport is to hold a public inquiry before making its decision (unless satisfied in the circumstances it is not necessary). In this matter, a public inquiry will be held on 30 June – 2 July 2026.
- 3.9. The Council has presented a revised stopping up order drawing, reference CJ009625–HEH–LLO–40012558–DR–CH–0003 Rev P07 [CD/1.04], which was submitted on 29 May 2026 as part of the Council’s Statement of Case to the Secretary of State for Transport. This amendment was as a result of further consideration of the extent of highway necessary to be stopped up in order to allow the Development to proceed.
- 3.10. These revisions, as shown on drawing reference CJ009625–HEH–LLO–40012558–DR–CH–0003 Rev P07 [CD/1.04], affect the length and area of land to be retained as highway and maintained at public expense at West Street, Andover. The proposed modifications remove the part of West Street that was originally included when the application was made as the Council, on reflection, does not consider that it is necessary for this area of land to be stopped up for the permission to be implemented. Modest changes are also proposed to the areas demarcated as ‘new highway’ and ‘existing highway to be improved’. A plan showing the areas where these changes are proposed is included in [CD/9.11]. The Council submits that the proposed modifications are within the scope of the power under section 252(8) of the TCPA 1990.
- 3.11. If the Secretary of State is minded to make a stopping up order pursuant to the SUO Application the Council requests that the Secretary of State makes the stopping up order pursuant to their powers under section 252(8) TCPA 1990 subject to the modification that only the highways shown hatched black on drawing reference CJ009625–HEH–LLO–40012558–DR–CH–0003 Rev P07 [CD/1.04] are stopped up.
- 3.12. I understand that the legal tests for making a determination on a stopping up order application are set out in s247(1) of the TCPA 1990 [CD/2.01] Section 247(1) of the TCPA provides the power for 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.”*
- [Emphasis added]*
- 3.13. The first of the legal tests is the ‘necessity test’ – i.e. whether it is necessary to stop up and/or divert a highway to enable the carrying out of the development authorised by the permission. As is explained further below, consider that the SUO Application is necessary in order to enable the Development to be carried out.
- 3.14. The second of the tests is called the ‘merits test’. I am advised that whilst case-law has established that, for purposes of considering a section 247 TCPA application, the planning merits of the development should not be re-opened, the Inspector does have discretion to consider the overall public interest in diverting or stopping up a right of way and how it will affect

those concerned. This may include consideration of issues that were not material considerations at the planning stage and/or issues that are overlapping (i.e. relevant to both the planning merits and the merits of whether or not the stopping up order should be confirmed). I am advised that the test for the decision-maker to apply is to consider whether any disadvantages or losses arising as a result of the proposed stopping up would be of such significance or seriousness as to outweigh any countervailing advantages to the public of the order and the planning benefits of, and degree of importance attaching to, the development itself.

3.15. Both of the legal tests are considered further below.

4. DESCRIPTION OF THE SITE AND THE DEVELOPMENT

The Site

- 4.1. The Site that is the subject of the stopping up order application consists of the southbound carriageway of the Western Avenue gyratory, also referred to as the 'eastern arm' of the gyratory. The Site is bounded by the Chantry Centre multi-storey, Andover bus station and a Lidl store and car park to the east. Waterloo Court is located along the Site's southern boundary. To the west of the Site is vegetation and the banks of the river Anton and along the Site's northern boundary is West Street.
- 4.2. The Site is part of the Development which covers an area of 2.93ha and is located within the western part of Andover town centre. The permitted extent of the Development is shown in [CD/5.1.03]. The Development includes the area of existing landscaping within the Western Avenue gyratory and areas of adopted highway on West Street, the northbound carriageway of Western Avenue and Waterloo Court. The Development also includes the bus station forecourt and adjacent land as well as greenspace to the north and south of the gyratory.
- 4.3. Beyond the southern extent of the Development is the Town Mills Pocket Park, an existing area of greenspace which is well used by the community. Overlooking this space will be the new Andover theatre which is another regeneration project being delivered by the Council. Both the theatre and the Development form part of the Council's successful Levelling Up Fund (LUF) bid. The LUF investment area is shown in [CD/3.05].

Policy and strategic direction

Relevant Local Planning Policy

- 4.4. The Site subject of the stopping up order lies on the north-western boundary of the town centre area, as defined by the Test Valley Borough Revised Local Plan (RLP) inset map 2 [CD/5.2.08]. The Site lies outside of, but adjacent to, Andover's primary shopping area. Policy LE11 of the RLP encourages main town centre uses within Andover town centre, including leisure uses, to maintain the vitality and viability of the town centre. The proposal complies with the objectives of this policy and this is confirmed by the LPA in the Officer Report for the Development [CD/5.1.11] presented to the Northern Area Planning Committee on 25th September 2025 with a recommendation to grant full planning permission, subject to 17 conditions and 5 notes. A copy of the Decision Notice is included in [CD/5.1.12].
- 4.5. In terms of emerging planning policy, the site is situated within the town centre boundary, as shown on the Draft Local Plan 2042 (Regulation 18) Andover Town Centre Inset Map 2 [CD/5.2.05]

Andover Town Centre Masterplan

- 4.6. The riverside park project at Western Avenue was first conceptualised in the Andover Town Centre Masterplan dated 2020 (hereafter referred to as the Masterplan) which was informed by a programme of extensive community consultation. 987 of the responses received from the community asked for more green space in the town centre and access to the River Anton, which is hidden within the Western Avenue gyratory [CD/5.2.02, page 38]. 95% of survey

respondents also supported improving public access to the River Anton, improving ecology and providing space to play [CD/5.2.02, page 46].

- 4.7. As such, two of the key priorities within the Masterplan are to open up accessibility to the River Anton and bring more green space into the town centre [CD/5.2.02, pages 22-23 and 44]. The riverside park scheme will achieve this, building on the success of the Town Mills Park and providing an extension of this space.
- 4.8. The Masterplan engagement also identified the perceived distance between the town centre and key facilities, such as the Leisure Centre and Andover College and that this reduces the likelihood of people walking into the town centre from these locations [CD/5.2.02, page 32]. This is exacerbated by the quality of existing pedestrian and cycle routes [CD/5.2.02, page 32]. A survey response from the Masterplan stated: 'Improving the experience of getting into town would help, i.e. there are large roads that surround the centre and make walking a less desirable choice' [CD/5.2.02, page 32].
- 4.9. 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 [CD/5.2.02, page 44]. The Masterplan highlighted the barrier of the ring road on accessing the town centre, creating poor arrival experiences for pedestrians and cyclists [CD/5.2.02, page 35].
- 4.10. The Masterplan identified an opportunity to address these issues and proposed the reconfiguring of the Western Avenue gyratory 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 [CD/5.02.02, pages 67-69]. An image of the Masterplan concept scheme for the riverside park is shown in (Appendix 1).
- 4.11. Public support for change in the town centre was recorded as the 97% (2,587 respondents) from the first online survey undertaken to inform the Masterplan [CD/5.2.02, page 38]. Respondents were asked to rate specific interventions from 1 (unnecessary) to 5 (essential). The following outcomes from this consultation informed the Council's decision to progress with the development and delivery of the riverside park project:
 - 4.11.1. 87% ranked providing public access to the River Anton with a score of 3 or above, with 34% saying it was essential [CD/5.2.02, page 44].
 - 4.11.2. 75% ranked transforming the Western Avenue gyratory with a score of 3 or above, with 28% saying it was essential [CD/5.2.02, page 43].
 - 4.11.3. 90% ranked providing a new public space for events and markets with a score of 3 or above, with 47% saying it was essential and one of the potential spaces identified was adjacent to the river Anton in the location of the Development [CD/5.2.02, page 57].

Transport Modelling – June 2022

- 4.12. In June 2022, Hampshire County Council (HCC) commissioned consultants Atkins Realis to undertake transport modelling to consider the strategic impact of the proposed Andover town centre masterplan on the highway network. Atkins Realis used the North Hampshire Transport Model (NHTM19), which is the strategic-level transport model used to assess transport impacts across the network in north Hampshire, as well as microsimulation modelling to consider individual junctions. Further details on the modelling undertaken and the outputs can be found in chapter 9 of the Transport Assessment [CD/5.1.06].
- 4.13. The scenarios tested involved a reduction in the capacity of the highway network within Andover town centre, including the Masterplan version of the Western Avenue scheme. The modelling did identify potential for some localised queuing and minor delays in both the AM and PM peak, along with increasing bus journey times for some movements in and out of the bus station. However, crucially it also demonstrated that the removal of highway capacity for motorised

vehicles was not likely to lead to significant issues with congestion and journey times as junctions would still be operating within capacity.

- 4.14. As a result of this work, on 3 October 2022 a Report to the Executive Lead Member for Transport and Environment Strategy at HCC [CD/4.01] approved the principle of road space reallocation subject to conditions being met. These are listed in paragraph 27 of [CD/4.01] and in summary are:
- 4.14.1. Further discussion and study of the land to be de-classified as highway and that this may require a formal process to be built into the programme of the Development.
 - 4.14.2. That the approval in principal is not approval to implement, it is a high-level acceptance that there is transport merit in the concepts proposed that give confidence they can be taken to the next level of development. Significantly more detailed technical appraisal and design work is required to achieve formal approval of this, and it may not be forthcoming if at detailed design the proposals cannot be made to work if they have a severe highways impact.
 - 4.14.3. Further work will be required to progress the designs to seek to avoid negative highway impacts.
 - 4.14.4. Further work will be required to ensure that bus services and associated infrastructure through the detailed design process.
 - 4.14.5. That the approval is subject to the Council implementing complementary land use, parking management and other factors within its control.
 - 4.14.6. That the project is managed through effective joint Governance mechanisms such as the Local Growth and Regeneration Partnership.
- 4.15. The support from HCC provided the Council with the confidence to proceed with developing the proposals for the riverside park project. In February 2023, the Council approved the prioritisation of resources and funding towards the delivery of this project as the first phase in the delivery of the Andover Town Centre Masterplan [CD/3.01]. Paragraph 13 of [CD/3.01] states: 'prioritising the funding of this project will create a linear riverside park that will transform perceptions of the town as a place to live and invest. This scheme alone will have a positive impact on the ability to bring subsequent development phases to investors and developers with confidence'.

Progression of the design for the riverside park project

- 4.16. Following the adoption of the Masterplan in 2020, the Council undertook further feasibility working through the appointment of a multidisciplinary consultancy team led by architects Untitled Practice. This feasibility work identified and sought to address the following issues that were identified by the Council with the concept riverside park scheme shown in the Masterplan:
- 4.16.1. The Masterplan concept scheme indicated a bus-only exit lane through the northern section of the proposed park. The inclusion of this bus lane created a break in pedestrian and cycle connectivity and would create conflict between pedestrians, cyclists and buses.
 - 4.16.2. The Masterplan did not address how other traffic along West Street would exit onto Western Avenue, including vehicle movements from Lidl, Andover Leisure Centre, Portland Grove, Chantry Lodge, Deliveries to the Chantry Centre and traffic from the east of the town centre. This meant that the proposed bus-only exit lane would have to be used for all vehicular traffic unless changes were made to West Street to make it suitable for two-way vehicular traffic.
 - 4.16.3. The quality and amenity of the proposed park and connectivity to the river would be compromised by the space required for the bus lane as well as noise emissions from vehicles using the northern exit only route.

- 4.17. To address these issues, the Council explored with HCC whether West Street could be changed to accommodate two-way vehicular movements. Doing so would allow for the exit only route through the northern section of the park to be removed, thereby creating a larger and improved area of public realm and green space that would allow better pedestrian and cycling connectivity through the town and remove any potential conflict between pedestrians and vehicular movements within the new park, achieving a scheme which delivered the aspirations of the Masterplan.
- 4.18. The initial feasibility work suggested that, in principle, there is space to widen West Street to accommodate two-way vehicular traffic within the adopted highway boundary and land owned by the Council. Untitled Practice prepared a further iteration of the design for the park [CD/ 3.06] based on this principle which included the 'stopping up' of the eastern arm of the Western Avenue gyratory to create a longer linear park without the northern only exit. This scheme was submitted with the Council's LUF bid.

LUF Bid, July 2022

- 4.19. In July 2022, the Council submitted a bid to the government's LUF under the project title 'Andover Revealed'. The LUF investment area, Strategic Case and Economic Case have been included as [CD/ 3.05], [CD/ 3.06] and [CD/ 3.07]. The Levelling Up Fund was announced in November 2020 as part of the UK government's levelling up agenda, which aimed to address economic and social inequalities across the UK. The fund focuses on investing in 'local infrastructure that has a visible impact on communities and will support economic recovery'.
- 4.20. The riverside park project was included in the bid alongside the creation of a new theatre in the town centre which will be within walking distance of the proposed riverside park. In November 2023 under Round 3 of the LUF, £18.3M of funding was awarded by central government for the delivery of these projects, which included a more developed scheme for the riverside park project than that shown in the Masterplan. This demonstrates the government's support for the Development in regenerating Andover town centre and their recognition of the social, economic and environmental benefits this will bring.

Progression of highway design for the riverside park project

- 4.21. In March 2024 the Council commissioned Hampshire Engineering Services (HES), the highway design consultancy team within HCC, to progress the highway design for the Development. This involved undertaking an options appraisal of the potential changes to the road layout that would facilitate the creation of the park. In September 2024 HES completed this options appraisal. The outcome supported the outcomes of the initial feasibility assessment (see paragraph 4.15) and was supported by a Feasibility Road Safety Audit [CD/5.1.23] which demonstrated that there were no highway safety concerns with widening West Street to accommodate two-way vehicular traffic or the wider changes to the road network to facilitate the Development.
- 4.22. On 2 October 2024 the Council's Cabinet [CD/3.14] approved the progression of the detailed design for the riverside park project which included the 'stopping up' of the southbound carriageway of the Western Avenue gyratory in its entirety to create the space for the park as well as the widening of West Street to accommodate two-way vehicular traffic. It also included new junction arrangements at Western Avenue/Waterloo Court and Western Avenue/West Street and the re-lining of the northbound carriageway of Western Avenue to accommodate both north and southbound traffic.
- 4.23. On 24 October 2024 the Executive Lead Member for Transport and Environment Strategy at HCC considered and approved the recommendations in a Decision Day paper [CD/4.04] for the alterations to the highway network to facilitate the creation of the park and the progression of all detailed designs of the highway network to enable completion of the detailed design phase of the project.
- 4.24. The design of the park and road network, as approved by the Council's Cabinet and HCC's Executive Lead Member for Transport and Environment Strategy, were then progressed by the

Council and their appointed consultants to develop the scheme and all technical information required to support the planning application, which was submitted on 25 May 2025 and full planning permission granted on 3 October 2025.

- 4.25. After the grant of planning permission, a delegated Decision Report was then approved by the Director of Universal Services on 28 November 2025 [CD/4.05] approving the final preferred road scheme following on from the completion of detailed design. The approval allows for HCC to undertake the necessary progression of orders, notices, statutory procedures and secure and enter into all appropriate agreements, licenses, consents, permissions, rights or easements necessary to enable implementation of the final scheme. Paragraph 9.1 of the Decision Report states: *'the preferred scheme for Western Avenue is fully in line with the Local Transport Plan 4 adopted by Hampshire County Council in February 2024. The guiding principle of giving people a choice of high-quality travel options is met through the significant improvements to the walking and cycling network facilitated by the proposals. The guiding principle of providing a transport system that promotes high quality, prosperous places and puts people first is met through the reallocation of highway to provide enhanced public realm and placemaking, which will support the regeneration objectives of the County Council.'*
- 4.26. Paragraph 14.2 of the Decision Report goes on to summarise that: *'The scheme has strong backing from both HCC and TVBC. It was endorsed through HCC Executive Member decisions in 2022 and 2024 and approved by TVBC Cabinet in October 2024. Members from both authorities have been engaged throughout via briefings and workshops, ensuring alignment with strategic priorities and local aspirations'*.

Overview of how the Western Avenue Riverside Park project was developed

- 4.27. During the development of the Andover Town Centre Masterplan, the Council ran a significant public consultation programme between July 2019 and June 2020. This included visioning events with the community, walking tours of the town with stakeholders, including Hampshire County Council, a five-day public exhibition of the draft proposals, an exhibition with approximately 100 stakeholders, an online survey and workshops with schools, churches and local employers. Almost 3,000 responses were received, and the online survey alone received 534 responses. A summary of the consultation programme can be found on page 8 of the Andover Town Centre Masterplan [CD/5.2.02].
- 4.28. To ensure that a broad range of input was captured, ages and postcodes of respondents were requested. Responses came from all age groups from 17 years and under, to 75 years and above. There was significant alignment on the key themes that should underpin development of the town across the age groups. In terms of geographic spread, whilst most responses came from residents of Andover itself, 37% came from the surrounding area of the SP11 postcode, which includes rural areas and small villages as well as the SP9 and SO20 postcodes, which include the smaller towns of Tidworth and Stockbridge.
- 4.29. The project has been developed in close collaboration with HCC from both a strategic and highways design perspective. HCC has contributed £1.1M in section 106 highway contributions towards the delivery of the Development and has outlined its support in the following Member and Officer Decision Papers:
- 4.29.1. On 3rd October 2022 a report to the Executive Lead Member for Transport and Environment Strategy approved the principle of road space reallocation subject to conditions being met [CD/4.01-4.02].
- 4.29.2. On 24th October 2024 a further report was considered by the Executive Lead Member for Transport and Environment Strategy that endorsed the stopping up of the highway between West Street and Waterloo Court and the highway rights being extinguished to create a new park and associated highway changes [CD/ 4.03-04].
- 4.29.3. A delegated Decision Report was then approved by the Director of Universal Services on 28 November 2025 to allow for HCC to undertake the necessary progression of orders, notices, statutory procedures and secure and enter into all

appropriate agreements, licenses, consents, permissions, rights or easements necessary to enable implementation of the final scheme [CD/ 4.05].

- 4.30. These approvals demonstrate how the Council has worked collaboratively with HCC since the development of the Andover Town Centre Masterplan and HCC's commitment to the delivery of the Development.
- 4.31. During the development of the Andover Town Centre Masterplan the Council directly engaged with numerous public and private sector organisations throughout the consultation period to ensure their priorities were considered. Letters of support from these organisations for the Council's LUF bid were submitted as part of the bid and can be found in [CD/3.07]. These letters of support included endorsement from Kit Malthouse MP and Hampshire County Council as well as other stakeholders such as Andover College, Sustrans and the Andover Vision partnership. It demonstrates that they were engaged during the preparation of the Masterplan, their support for the Masterplan proposals and their continued commitment to its delivery as part of the LUF bid through the 'Andover Revealed' projects.
- 4.32. Throughout the design of the Development the Council has engaged with a wide variety of stakeholders and members of the community between 2024-2025. This engagement has included the stopping up of the relevant parts of the highway to create the park, the changes to the highway network to accommodate this and the associated impacts as well as the design of the new riverside park. The Council's engagement with stakeholders and the community has been summarised in the Statement of Community Involvement [CD/5.1.05]. This has included four in person engagement sessions with the residents of Chantry Lodge and Portland Grove as well as discussions with nearest affected businesses; Lidl, Stagecoach, Places Leisure (including Brenntag their chemical delivery provider) and Unity.
- 4.33. The Council commissioned HES, HCC's highway consultancy team, to undertake the feasibility and detailed design of all changes to the highway network, including diversions and new connections of utility apparatus, that would be realised through the stopping up of the highway to create the space for the riverside park, as shown in the SUO Application. Through HCC's Place, Connectivity and Infrastructure Framework Stantec were appointed to prepare the Transport Assessment for the Development [CD/5.1.06] to assess the impact on the highway network and was submitted with the planning application for the Development.
- 4.34. The Council commissioned M-EC to undertake an Air Quality Assessment (AQA) [CD/5.1.08] and Acoustics Assessment [CD/5.1.07] during the development of the proposals for the Development. The AQA and Acoustic assessments considered the impact that the highway to be stopped up, as shown in the SUO Application, has on traffic re-distribution and the associated air quality and noise impacts on residential amenity. Both assessments were submitted with the planning application for the Development.
- 4.35. The design of the riverside park that would be developed in the space to be created by stopping up the highway subject of the SUO Application has been informed by a landscape architect led team of multidisciplinary consultants working in collaboration with HES to ensure that the interface between the new park and changes to the highway network are fully coordinated and integrated with one another. This team was appointed by the Council and has been led by LUC. It has included input from the following specialisms; planning, ecology, heritage, arboriculture, flood risk and drainage, lighting, ground conditions, contamination and structural, mechanical and electrical engineering. LUC has prepared a Design and Access Statement for the Development. This was submitted with the planning application documents and can be found in [CD/5.1.26].

Summary of the Development

- 4.36. On 3 October 2025 full planning permission 25/01047/FULLN was granted subject to conditions and notes by the Council (in its capacity as local planning authority) for the Development, being *'the 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.'

- 4.37. Paragraph 9.1 of the Case Officer's report to the Northern Area Planning Committee (NAPC) for the Development [CD/5.1.11] considered the importance of the Development and states: *'This project represents one of the major schemes that the SPD envisages being delivered in pursuance to the communities' aspirations. Significant weight is therefore afforded to the Andover Masterplan SPD, together with the associated public consultation exercise that took place prior to the document being adopted.'*
- 4.38. Paragraph 8.5 of the Case Officer's report considers the impact of the proposal on the character and appearance of the area and states: *'The section of the River Anton that runs through the site, together with the land immediately around it, effectively forms an island surrounded by a somewhat excessive (in engineering and traffic flow context) road network. Despite the resulting prominent position of the river in terms of its location, the screening provided by the existing trees and vegetation immediately surrounding it means that in visual terms, it is effectively hidden from any meaningful public views. The trees and vegetation surrounding the river do however form a strong green corridor, creating a verdant character to this part of the town. The proposals, in so far as they relate to the removal of part of the Western Avenue carriageway, and the creation of an enlarged area of green space surrounding the river to form a park, would be considered to significantly enhance the public visibility of and connectivity with the water course, and the overall verdancy of the area.'*
- 4.39. Paragraphs 8.17-8.32 of the Case Officer's report considered the traffic impacts of the Development and concluded that the impacts would be acceptable and compliant with policy T1 of the Test Valley Borough Council Revised Local Plan (RLP).
- 4.40. Paragraph 8.17 of the Case Officer's report states: *'The proposed development would result in the permanent closure and stopping up of the southbound dual carriageway of Western Avenue, with all vehicular traffic being redirected to the proposed two-way 30mph carriageway on the western side of the River Anton (which is currently a northbound dual carriageway). This would affect the current access arrangements into the Lidl car park and egress out of the bus station/West Street. West Street, which currently operates as a one-way carriageway, would therefore also be converted to accommodate two-way 20mph traffic in order to retain access to Lidl, Chantry Centre service yards, Andover bus station, and residential properties at Portland Grove and Chantry Lodge. This would result in the loss of the existing cycle lane, however a new continuous off-road cycleway connecting into National Cycle Network Route 246 (NCN Route 246) is proposed, which includes priority cycle crossings. New pedestrian routes through the site and crossings are also proposed. A new all movements signalised junction is proposed at the junction of Western Avenue and West Street, along with a priority junction at Waterloo Court. Alterations are proposed to the layout of the bus station forecourt, and the existing taxi rank on West Street is proposed to be used as a bus stand (to compensate the loss of the bus stand on Western Avenue), with taxi provision being replaced elsewhere within the town centre (indicated as being within Waterloo Court, but not forming part of this current application). The proposals have been designed to be in compliance with the principles contained within the Andover Town Access Plan, the Andover Masterplan, and the Test Valley (North) Local Cycling and Walking Infrastructure Plan (LCWIP), and the applicant has engaged the services of HCC's "ITS team" to confirm its approach to traffic movement surveys, and the design specification of junction improvements, and related, highway infrastructure.'*
- 4.41. In respect of Active travel benefits, paragraph 8.18 of the Case Officer's report states: *'The submitted TA identifies deficiencies in the existing highway network which currently deter walking and cycling within the area, including limited footway provision on the Western Avenue northbound arm, poorly defined crossing opportunities, inconsistent widths and surfacing on West Street, and substandard tactile paving along existing shared-use sections of NCN Route 246. It is considered that the active travel elements of the proposals, as described in the preceding paragraph, would represent a substantial uplift in the quality, safety and continuity of walking and cycling infrastructure within the town centre.'*

- 4.42. Paragraph 8.32 of the Case Officer's report concludes in transport terms that: *'Overall, it is considered that the proposed development would comply with RLP policy T1, by providing good connections with existing and proposed pedestrian, cycle and public transport links and networks; by minimising impacts on the highway and rights of way network and pedestrian, cycle and public transport users; the proposed internal layout, access and highway network would be safe, attractive, in character, functional and accessible for all users and would not discourage existing and proposed users; the proposals would not have an adverse impact on the function, safety and character of and accessibility to the local or strategic highway network or rights of way network; and provision has been made to support and promote the use of sustainable transport.'*
- 4.43. Paragraphs 8.45-8.52 of the Case Officer's report considers the noise and air quality impacts of the Development and concluded that the impacts would be acceptable and compliant with policy E8 (amenity) of the RLP. Paragraph 8.53 states: *'Overall, in respect of pollution, it is considered that the submitted reports have demonstrated that the likely impacts on existing receptors from the proposed development would not be significant for noise or air impacts likely to arise from traffic following the proposed road realignments, and remedial works would not be required. Subject to conditions in relation to land contamination, demolition/construction, and lighting, it is considered that the proposed development would have no adverse impacts in respect of pollution, and would comply with RLP policy E8.'*

5. BENEFITS OF THE DEVELOPMENT

Importance of the Development

- 5.1. The creation of a riverside park was requested by the local community during the formation of the Masterplan. The Development responds to the aspirations of the community in creating more green space in the town centre that open up access to the river Anton whilst improving pedestrian and cycle connectivity and removing the barrier of the Western Avenue gyratory that forms part of the ring road around Andover town centre. These were all improvements that residents who responded to the Masterplan consultation wanted for the town centre.
- 5.2. The delivery of the Development is of high importance to the Council because the Council has a mandate from its Councillors to deliver the aspirations in the Masterplan and is committed to delivering on the aspirations of the community through the creation of the Development. The Council and HCC have approved and allocated significant funding to the delivery of the Development (see [CD/ 3.01], paragraph 8.4 and [CD/3.15], paragraphs 7.2-7.3).
- 5.3. The Development is also plainly of importance to the Ministry of Housing, Communities and Local Government as a project that has been awarded LUF funding. The LUF was part of a wider levelling up agenda under the previous UK government 'designed to address the longstanding problem of the UK's regional economic disparities.' The allocation of LUF to the Development is recognition by the previous UK government of the disparities faced by Andover, particularly in the town centre.
- 5.4. Whilst Test Valley has some areas of affluence, there is a complex pattern of deprivation, with parts of Andover in the top 20% of deprived areas in the country. [CD/3.10] shows the concentration of deprivation in Test Valley is centred in Andover near to the town centre. Specific challenges in Andover include a lack of greenspace, physical environment, health and footfall:
- 5.4.1. **Lack of Greenspace:** The Development is located in St Mary's Ward. Adjacent Wards including Harroway Ward and Romans Ward. Compared to the south-east average (394.33m) the average distance to the nearest park, public garden or playing field in Harroway, Romans and St Mary's Wards in Andover are on average further (486.29m) [CD/3.08].
- 5.4.2. **Environment:** In 2018/19 the proportion of adults in Test Valley who do any walking or cycling once per month (81.6), once per week (75.6), three per week (46.7) and

five times per week (33.2) was lower than the Hampshire and Southeast average [CD/3.08].

5.4.3. **Health:** IMD data for the risk of premature death and the impairment of quality of life through poor mental and physical health shows that LSOA 002C (Appendix 2) situated in Harroway Ward is amongst the top 30% of most deprived areas in England [CD/3.07].

5.4.4. **Footfall & Vacancy Rates:** Andover's town centre footfall fell by more than a quarter between 2013-2019 and the primary shopping area vacancy rate rose from 10.09% to 17% in October 2020 [CD/3.08], higher than the average for the South East at 14%) [CD/3.07].

5.5. The LUF Strategic Case [CD/3.07] states that the riverside park will provide benefits to these deprived communities and the wider community through providing new green spaces and the physical, social, economic and mental health benefits they bring, as outlined further in the following paragraphs.

Improving the vitality and vibrancy of the town centre

5.6. 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 is envisaged to increase footfall, improving the vitality and vibrancy of the town centre.

Health Benefits

5.7. The Development will provide a green space for exercise, relaxation, play, social connection and connection to nature as well as providing new and improved walking and cycling routes. This will provide physical and mental health benefits for the community. A recent report by UN-Habitat titled 'Healthier Cities and Communities through Public Spaces – a guidance paper' (Appendix 3) highlights the importance of green and open public spaces in urban communities for enhancing health and well-being.

5.8. Page 3 of the guidance paper states that: '*Incorporating public spaces into urban planning strategies helps address spatial and environmental inequalities as well as health disparities. A well-planned network of public spaces ensures that all residents, regardless of their socioeconomic background, can benefit from recreational and green areas, which are vital for physical and mental health*' and '*Designing public spaces that are multi-functional and inclusive is essential. Versatile public spaces that cater to different age groups and activities, such as playgrounds, openair gyms, and relaxation areas, encourage active and healthy lifestyles and accommodate diverse community needs.*'

5.9. Page 5 of the guidance paper states that '*open public spaces provide opportunities for leisure, socialising, and physical activity, fostering healthy habits and reducing the incidence of diseases associated with sedentary or isolated lifestyles. A street network characterised by high connectivity and safety can promote active mobility and interaction among citizens, encouraging walking and cycling, which provides a daily dose of low-intensity exercise*' and '*The holistic benefits of public spaces are multifaceted and extend to various aspects of urban life. For instance, green spaces can serve as community hubs where people from diverse backgrounds come together, fostering social cohesion and inclusivity. These spaces can host community events, cultural activities, and social gatherings, enhancing the social fabric of urban areas and creating a sense of community belonging.*'

5.10. The World Health Organisation also recognises that 'urban green spaces, such as parks, playgrounds, and residential greenery, can promote mental and physical health, and reduce morbidity and mortality in urban residents by providing psychological relaxation and stress

alleviation, stimulating social cohesion, supporting physical activity, and reducing exposure to air pollutants, noise and excessive heat¹.

Enhanced Active Travel and Intermodal Connectivity

- 5.11. New 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 following proposed improvements to walking and cycling routes would strengthen intermodal connectivity and support uptake of sustainable and active modes of transport:

Segregated off-road cycle path

- 5.11.1. Improvements to the existing cycleway north of the gyratory (widening, resurfacing 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 and contributing to the preferred future cycle routes identified within the Northern Test Valley Local Cycling and Walking Infrastructure Plan [CD/5.2.06]. This would provide an improved alternative to the on-road cycleway on West Street between Chantry Street and the taxi rank.

New Pedestrian and Cycle Crossings

- 5.11.2. 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.

Intermodal Connectivity

- 5.11.3. The Development will also improve the accessibility of the town centre for both pedestrians and cyclists travelling from Andover train station as the proposals tie into the existing underpass underneath Western Avenue. The proposed shared footway/cycleway within the park would also connect into the Andover bus station.
- 5.12. The Active Travel England (ATE) route review tool (within Appendix F of [CD/5.1.06]), was used to assess the how the Development contributes to the 'Street Level of Service' (safety, accessibility, comfort, directness, attractiveness and cohesion) and 'Placemaking' (social activity, personal security, character and legibility and environmental) of both the proposed routes at Western Avenue and West Street compared to the existing layout. The tool showed that Western Avenue score would improve in Street Level of Service by 46% and 48% in Placemaking. West Street would improve by 11% and 10% respectively.

Speed Limit Reduction

- 5.13. As part of the Development it is proposed to reduce speed limits along West Street from 20mph to 30mph and along the remaining western carriageway at Western Avenue from 40mph to 30mph. The intention behind reducing the speed limit on these roads is to make improvements to the area from a placemaking perspective by creating a more attractive environment that encourages walking and cycling. The Proof of Evidence by Ross Rawlings (Road Safety) states in paragraph 4.5 that the reduction in speed limit from 40mph to 30mph on the remaining section

¹ World Health Organization. Regional Office for Europe (2016). Urban green spaces and health. World Health Organization. Regional Office for Europe. <https://iris.who.int/handle/10665/345751>

of carriageway at Western Avenue would be a positive from a road safety perspective as it would promote a lower speed environment.

A new bay for the Unity community bus

- 5.14. Unity is a non-profit incorporated UK charity that is part-funded by Test Valley Borough Council. The charity works with local organisations to support vulnerable members of the Test Valley community. Unity provides a community bus that provides a service whereby anyone who has a mobility or sensory impairment which means they are unable to or experience difficulty or discomfort in using a bus service can be collected by the Unity community bus, which is accessible to accommodate mobility and sensory needs, and taken into Andover and Romsey to access local amenities.
- 5.15. The stopping up order would result in the closure of the bus stand which is used by the Unity community bus, but this space is not dedicated for Unity and is shared with other buses, including bus layover space associated with Stagecoach's operations at Andover bus station. New bus layover space would be provided on West Street to accommodate Stagecoach's operations and a dedicated and permanent bus bay for Unity will be accommodated within the proposed new forecourt of the bus station. A dedicated bay for Unity will provide certainty of a parking space which would be of benefit to users of this service.

Improvements to existing pedestrian crossings on West Street

- 5.16. The Development would result in the relocation of an existing crossing on West Street so that it is better positioned to service residents from Portland Grove crossing to the eastern side as it is closer to the desire line from the entrance/exit into Portland Grove. The location of the existing crossing, as is shown in [Appendix 4], is further south closer to the proposed entrance into the Lidl car park. The existing footway provision on the southern side of West Street as it bends rounds past the service yard into the Chantry Centre and the proposed new bus layover area is poor, not well defined and gives vehicles priority access to the service access points. The footway at this point is to be reduced in width and as part of the Development, the footway on the northern side between the location of the new crossing point at the entrance/exit of Portland Grove travelling southwards towards is to be widened on average by approximately 0.75m, providing an improvement to the defined route that will be an improvement for pedestrians. The existing buff tactile blister paving will also be replaced at all crossing points on West Street.

Biodiversity

- 5.17. The replacement of the southbound carriageway of the gyratory with new areas of soft landscaping would result in an improvement for biodiversity. The Development would result in biodiversity net gain of 12.83%, which is 2.83% above the mandatory 10% requirement under the Environment Act 2021.

6. RELATIONSHIP BETWEEN THE HIGHWAY PROPOSED TO BE STOPPED UP AND THE PROPOSED DEVELOPMENT

Area of Highway to be stopped up

- 6.1. The area of highway to be stopped up consists of the southbound carriageway of Western Avenue that runs parallel and to the west of Lidl and its car park, West Street, Andover bus station and the Chantry Centre multi-storey car park. Also included in the area of highway to be stopped up is the footway that runs north-south along the eastern boundary of the carriageway.

The need for the Stopping Up Order - Justification

Legal Test - Necessity

- 6.2. Section 247(1) of the TCPA 1990 provides the power for 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.”

- 6.3. On consideration of the drawings and the planning permission for the Development I consider that there is clearly a conflict between the planning permission and the existence of highway rights on the present layout of Western Avenue in that the Development will not be able to be fully constructed and the riverside park created in the event that the southbound carriageway of the Western Avenue gyratory remains highway maintainable at the public expense.
- 6.4. The description of Development explicitly refers to the ‘closure/stopping up and removal of the southbound carriageway of the Western Avenue gyratory’ and condition 2 approves the Plans showing its closure and in its place the construction of the new riverside park. As such, the description of Development and the approved plans under condition 2 of planning permission 25/01047/FULLN demonstrate conflict with the highway should the southbound carriageway of the Western Avenue remain highway maintainable at public expense.
- 6.5. The Development therefore cannot proceed without the proposed stopping up order. Should works be carried out to create the park over the sections of highway that are proposed to be stopped up, in the absence of a stopping up order, an offence under section 137 Highways Act 1980 (for obstruction of highway) would be committed. As such it is considered that the stopping up order is necessary in order to enable the Development (as authorised under the planning permission) to proceed.
- 6.6. A temporary or partial stopping up of the eastern arm of the gyratory would not be sufficient to allow the Development to proceed. For the reasons outlined in paragraph 4.15 of this proof, a partial stopping up of Western Avenue was not considered by the Council to be the best way to deliver on the community’s aspirations to deliver the priorities in the Masterplan. This is because of the conflicts that would arise between pedestrians, cyclists and vehicles, the compromise that would result to the amenity and amount of green space within the new park and the reduced connectivity for pedestrian and cycle enhancements. A reduced or alternative extent of stopping up would not enable the Development, as approved, to be carried out.

Merits Test - impact on Highway users and public access

- 6.7. The stopping up of the existing southbound carriageway of the Western Avenue would remove the option for vehicles to exit West Street next to the bus station and travel southbound along Western Avenue. It would result in the closure of an entrance into the Lidl car park and changes to the existing entrance and exit arrangements along West Street into the Lidl car park. To ensure that vehicular traffic can still exit West Street when the existing southbound carriageway is stopped up, West Street must be widened to accommodate two-way vehicular traffic. A new signalised junction is proposed at Western Avenue/West Street and a priority junction with right turn ghost lane on Western Avenue to facilitate traffic movements into and out of Waterloo Court. The existing northern carriageway must also be re-configured to accommodate southbound traffic.

Pedestrians crossing West Street and Chantry Street

- 6.8. Introducing two-way traffic on West Street would require pedestrians to assess traffic travelling in both directions before deciding to cross West Street. The subsequent increase in traffic flows along West Street would also impact pedestrians attempting to cross the road.
- 6.9. The Proof of Evidence from Ross Rawlings (Road Safety) states in paragraph 4.2 that whilst it is acknowledged that pedestrians crossing the road will have to negotiate a higher level of traffic and assess traffic travelling in both directions, projected volumes of traffic are still considered acceptable for the type of pedestrian crossings proposed and pedestrians would still be able to cross West Street and Chantry Street without difficulty. Paragraph 5.6 of his evidence confirms that the uncontrolled pedestrian crossings proposed are appropriate for the projected speed and volumes of traffic using West Street and Chantry Street and is in compliance with the

guidance from the CIHT Designing for Walking Guidance (2015) which includes guidance on appropriate forms of pedestrian crossings.

- 6.10. Paragraph 5.7 of the Proof of Evidence from Ross Rawlings (Road Safety) goes on to state that the projected peak hour traffic flow for West Street and Chantry Street site is within the low/medium classification of the Road Safety GB Assessment of Walked Routes to School Guidance 2025. Ross Rawlings concludes at paragraph 5.7 by stating that the signalised junction at Western Avenue/West Street will create extended multiple gaps which will enable all users, including those with mobility impairment, to cross safely between slow moving traffic.
- 6.11. Accordingly, whilst it is noted that pedestrians would have to negotiate two-way traffic, Ross Rawlings considers that the crossings are safe and that pedestrians would be able to cross without difficulty. As such, I consider this to be a neutral impact of the stopping up order.

Reduction in pavement widths

- 6.12. The widening of West Street necessitates a reduction in the width of the pavement situated along the frontage of Chantry Lodge which fronts West Street. As stated in paragraphs 5.3 and 5.4 of the Proof of Evidence from Ross Rawlings (Road Safety), the proposed footway widths along this frontage would range from 3.78m at the midpoint to 4.72m which are above the minimum 3.0m width required outside community buildings, as specified in the HCC Technical Guidance Note TG10, and will have no adverse safety impacts for users. As such, I do not consider that the reduction in footway width in this location would disadvantage highway users and public access along West Street.
- 6.13. The widening of West Street also necessitates a reduction in pavement width along part of its northern extent that runs parallel with the Andover Leisure Centre. This would impact the width of the existing shared pedestrian/cycle footway. At its narrowest point the shared footway would be reducing from 3.68m to 3.0m. Paragraphs 5.3-5.4 of the Proof of Evidence from Ross Rawlings acknowledges this reduction, however stating it would still comply with the minimum standard required in HCC Technical Guidance Note 10 (TG10) [CD/5.1.25] for a shared cycle footway of this nature and the risk of conflict is considered to remain low. As such, I acknowledge that there will be a reduction in the width of the shared pedestrian/cycle footway in this location, but I consider this only to be a neutral impact as the width would still comply at its narrowest point, there would be no adverse safety impacts for users and the risk of conflict would remain low.

Network capacity & junction arrangements

- 6.14. The stopping up order would result in a reduction in carriageway capacity at Western Avenue through the closure of the eastern arm of the gyratory and the reconfiguration of the northbound carriageway of Western Avenue to accommodate southbound traffic. As a result of these changes, the creation of a new signalised junction at Western Avenue/West Street and a new priority junction with a ghost right turn lane at the Waterloo Court junction are proposed to facilitate traffic movements into West Street and Waterloo Court from traffic travelling north and south along Western Avenue.
- 6.15. The Proof of Evidence from Phil Brady (Transport) states in paragraph 6.11 that the preferred design would not have a significant impact on highway capacity, journey times or congestion in Andover town centre, however there would be localised queuing and minor delays in the peak hours at the proposed signalised junction.
- 6.16. However, as stated in Chapter 11 of the Transport Assessment [CD/5.1.06] and paragraph 8.9 of the evidence from Phil Brady, the local modelling outputs, which use a 2040 future year flows, show that the proposed junction arrangements at Western Avenue/West Street and Western Avenue/Waterloo Court would have significant levels of spare capacity in the future and therefore would not cause congestion issues despite a slight increase in queuing and delays. Paragraph 8.15 and 8.17 of the evidence from Phil Brady confirms that spare capacity at both junctions would also exist in the 2040 future year flows when taking account of the proposed new theatre development.

- 6.17. Paragraph 8.10 of the Proof of Evidence from Phil Brady (Transport) provides information on the Practical Reserve Capacity (PRC) of the Western Avenue/West Street signalised junction. During the AM peak hour (08:15-09:15) in 2040 the PRC of the proposed signalised West Street/Western Avenue junction would be 52.7%, during an average weekday PM Peak (16:30-17:30) the PRC would 19.5%, and during a Saturday peak hour (11.00-12.00) the PRC would 43.5%, all significantly above the 10% PRC whereby significant queuing and delays would occur. Paragraph 8.11 of the evidence from Phil Brady confirms that this spare capacity in the model outputs would be sufficient to accommodate a potential increase in traffic resulting from the additional dwellings that are proposed as part of the Council's Draft Local Plan 2042 (Regulation 18 (2025) Consultation).
- 6.18. With regards to the highway safety, the Proof of Evidence from Ross Rawlings (Road Safety) confirms the following:
- 6.18.1. Both the Western Avenue/West Street and the Western Avenue/Waterloo Court junctions have been designed to current standards with no identified departures (paragraph 4.5).
- 6.18.2. The signalisation of the Western Avenue/West Street junction and subsequent removal of the priority junction on the existing Western Avenue gyratory removes all existing vehicle turning conflicts at this junction (paragraph 4.3)
- 6.18.3. At the Western Avenue/Waterloo Court junction some queuing will occur. The right turn lane should accommodate the projected vehicle queue lengths and the signalised junctions either side should create acceptable gaps in traffic and this along with the proposed 30mph speed limit would assist drivers in safely making the right turn movements at this junction (paragraph 4.4).
- 6.18.4. The proposed speed limit reduction on the proposed north and southbound carriageway on Western Avenue would promote a lower speed environment along this section of road which would be a positive from a road safety perspective (paragraph 4.5)
- 6.19. Whilst the minor increases in network delays and localised queuing during peak hours would be a disadvantage of the stopping up order, all proposed junctions would have significant spare capacity, even with the new theatre coming forward and the delivery of new housing in the Borough as part of the Draft Local Plan 2042 (Regulation 18 (2025)). The evidence from Phil Brady states in paragraph 8.13 that he is of the opinion that the Development would only cause minor increases in delay and that this would have no significant impact on the operation of the local highway network.
- 6.20. No highway safety issues have been identified with the network delays that would occur or the localised queuing during peak hours and traffic modelling has shown that this will not materially impact on journey times and those passing through the new junction will clear within a single cycle. I consider that a benefit would be realised through the removal of all vehicle turning conflicts on the existing Western Avenue gyratory. On balance, I consider that the increases in network delays and localised queuing would be a minor impact of the stopping up order.
- Exiting from Chantry Street onto West Street*
- 6.21. As part of the Development the West Street/Chantry Street junction is being re-designed to accommodate two-way traffic on West Street. Currently, there is a 'give way' arrangement where traffic on Chantry Street must give way to traffic along West Street coming from the right before turning left. The works to West Street to accommodate two-way traffic require this junction to be changed [CD/5.1.15], Drawing CJ009625-HEH-HGN-4001255B-DR-CH-1021 so that users of Chantry Street would be required to give-way to vehicles from both the left and the right before exiting onto West Street.
- 6.22. The Proof of Evidence from Phil Brady (Transport) states in paragraph 8.29 that the change would result in there being an additional three flows a minute in the AM peak above existing (153 two-way flows) and five flows per minute above existing (293 two-way flows) in the PM

peak, which is not a large enough traffic flow to significantly delay the vehicles exiting Chantry Street onto West Street. The change in flows was included in the Transport Assessment [CD/5.1.06] and no comments were raised by the Highways Authority in their consultation responses to the planning application [CDs/ 5.1.19-5.1.21] in respect of any potential minor increase in delay from this junction.

- 6.23. Paragraph 5.11 in the Proof of Evidence from Ross Rawlings (Road Safety) confirms that although the stopping up order would introduce right turn movements on West Street, the Road Safety Audit team consider these to be standard junction types for this street environment. It is also expected that the proposed Western Avenue/West Street signalised junction would create extended gaps in eastbound traffic and this, along with the reduced 20mph speed limit would assist road safety users to safely make the rights turns on or across West Street.
- 6.24. The stopping up order would result in an additional delay over for users exiting Chantry Street onto West Street in comparison to existing and this disadvantage to users is acknowledged. However, on balance I consider this to be a minor disadvantage of the Development because this is a typical 'give way' junction arrangement for this type of street environment (as stated in paragraph 8.28 of the evidence from Phil Brady), the Highway Authority has raised no objections and no highway safety issues have been identified by Ross Rawlings.

Increase in traffic flows along West Street

- 6.25. There would be an increase in the traffic on sections of West Street resulting from its change to accommodate two-way vehicular traffic.

Change in traffic flows between the Western Avenue/West Street signalised junction and the West Street car park

- 6.26. Between the new signalised Western Avenue/West Street junction and the entrance/exit into the West Street car park, in the PM peak (the busiest period) under the 2040 future year scenario there would be an increase from 180 one-way flows into West Street to 592 two-way movements as vehicles travel in both directions (evidence of Phil Brady, paragraph 7.9.2). In the AM peak under the 2040 future year scenario it is a lesser increase, from 121 one-way flows to 312 two-way flows in 2040 (evidence from Phil Brady, paragraph 8.21). I consider the increase under the 2040 future year PM peak from 180 one-way vehicular movements to 592 two-way flows to be a material change to the highway in this location of West Street and this is supported by the evidence from Phil Brady in paragraph 7.9.2 of his evidence.
- 6.27. Phil Brady states in paragraph 7.9.2 that although the change in flow is a material increase on the current one-way operation, the characteristics of the new layout have been designed appropriately to accommodate this level of increase to support two-way traffic. Phil Brady considers in paragraph 7.9.2 of his evidence that the amended road and junction layout mitigates the change in flow pattern and only results in a minor increase in delays and queueing, with all queues clearing within one cycle of the junction operation. As such, Phil Brady concludes in paragraph 7.9.2 that this would not be significant and the Development would have a minor impact on the operation of the highway at this location. I agree with this conclusion.

Change in traffic flow along West Street between the junction with the West Street car park and Chantry Street.

- 6.28. Phil Brady states in paragraph 7.9.3 of his evidence that in the PM peak, which is the busiest period, there would be an increase from 183 one-way flows to 428 two-way flows in this location and that in the AM peak there would be 111 one-way flows increasing to 237 two-way flows. For the same reasons outlined in 6.27 above, Phil Brady considers in his evidence at paragraph 7.9.2 that this increase would have a minor impact on the operation of the highway in this location. I agree with this conclusion.

Change in traffic flows on the stretch of West Street outside of the western elevation of Chantry Lodge and entrance into Portland Grove.

- 6.29. Phil Brady states in his evidence in paragraph 7.9.4 that there would be an increase and change in traffic patterns on sections of West Street between the Chantry Street/West Street junction and the bus station. Phil Brady states in his evidence in paragraph 8.24 that under the current road layout it is estimated that 131 one-way vehicular movements would travel southbound in the AM peak past the entrance into Portland Grove under the 2040 future year scenario and that this would increase to 151 two-way flows as a result of the Development. In the PM peak, which is the busiest period, Phil Brady states in paragraphs 8.24 and 7.9.4 that under the current road layout it is estimated there would be 248 one-way vehicular movements travelling southbound past Portland Grove under the 2040 future year scenario and that this would increase to 287 two-way movements because of the Development. The impact is less in this location in comparison to the approach to the signalised junction because of the re-directed traffic flows from West Street car park and from Chantry Street towards the signalised junction instead of southbound on West Street. Phil Brady states in paragraph 7.9.4 that this section of West Street would remain low trafficked for a road of the parameters proposed and concludes that this would be a minor increase in traffic flow that which will have a neutral impact on the operation of West Street in this location. I agree with this conclusion.

Noise

- 6.30. Acoustic modelling has been undertaken at 6 representative Nearest Sensitive Receptors (NSRs) in the vicinity of the Development to predict traffic noise levels for both opening year (2028) and future year (2040) scenarios, with and without the Development.
- 6.31. The location of NSRs is located in Figure 4.1 of the Acoustics Assessment (CD/5.1.07) and shows NSR locations measured near to the northern line of properties at Portland Grove (referred to as Portland Grove North and NSR4 in the Acoustics Assessment), near to the southern line of properties at Portland Grove (referred to as Portland Grove South and NSR5 in the Acoustics Assessment) and near to the Western Elevation of Chantry Lodge (referred to as Chantry Lodge and NSR6). NSR locations 1, 2 and 3 were also chosen for properties along Junction Road to the west of the Development whose rear gardens are nearest Western Avenue.

Chantry Lodge and Portland Grove (NSRs 4, 5 and 6)

- 6.32. Paragraph 3.8 of the Acoustic Assessment [CD/5.1.07] states that at the time of the noise survey, sound levels at Portland Grove receptors were generally dominated by road traffic using the gyratory with occasional vehicles (including buses) passing on West Street. In the absence of road traffic, sound levels were relatively low.
- 6.33. Table 1, paragraph 4.4 of the Proof of Evidence from Tim Rose, Regional Director of MEC Consulting Group, states that under the short-term impact assessment (conditions on opening year 2028) there would not be a change in sound level at Portland Grove South (NSR5) or Chantry Lodge (NSR6) but that there would be a sound level change of +1.6dB at Portland Grove North.
- 6.34. The Acoustics Assessment has been undertaken in accordance with the procedures outlined in the Design Manual for Roads and Bridges LA 111 – Noise and Vibration 2020 and this guidance categorises operational road traffic in the short term into the following magnitude of change ‘bands’ measured in $L_{A10,18hr}$ dB; negligible (<1.0), Minor (1.0-2.9), Moderate (3.0-4.9) and Major (≥ 5.0) (paragraph 2.8, [CD/5.1.07]). Tim Rose confirms that the short-term change at Portland Grove North (NSR4) would fall into the ‘minor’ change band.
- 6.35. Table 2, paragraph 4.4 of the proof of evidence from Tim Rose states that the long-term sound level change (conditions under the future year 2040 scenario) at these receptors would be higher in comparison to the short-term impact assessment, however at Portland Grove South (NSR5) and Chantry Lodge (NSR6) the magnitude of change would still fall within the ‘Negligible’ change band and for Portland Grove this would still fall into the ‘Minor’ change band.
- 6.36. Paragraph 2.10 of the Acoustics Assessment [CD/5.1.07] states that the significance of the noise impact should be determined against contextual considerations and absolute predicted

sound levels. Tim Rose concludes in paragraph 4.3 that the proposed noise changes at Portland Grove North (NSR4), Portland Grove South (NSR5) and Chantry Lodge (NSR6) is considered 'Not Significant' given that the absolute noise levels would still fall in the same effect level and would not fall into the Significant Observed Adverse Effect Level category, as specified in Table 3.49.1 from DMRB LA 111 – Noise and Vibration, 2020) under both the short term and long term scenario assessments.

- 6.37. Tim Rose concludes in paragraph 4.5 of his Proof of Evidence that the outcomes of the Acoustics Assessment confirm that the magnitude of change in these locations is not such that compensation is required for any properties at Portland Grove or Chantry Lodge under the Noise Insulation Regulations 1975 and that no mitigation is required for operational noise resulting from traffic flows that would result from the Development.
- 6.38. As such, whilst there would be an increase in the long term sound level change at NSR locations at Portland Grove North, Portland Grove South and Chantry Lodge and an increase at Portland Grove North only in the short-term sound level change assessment, I consider this impact to be a disadvantage of the Development owing to the Negligible-Minor magnitude of change that, in accordance with DMRB LA 11 – Noise and Vibration 2020, Tim Rose concludes would be 'Not Significant'.

NSRs 1, 2 and 3, Junction Road.

- 6.39. It is noted that in paragraph 4.6 of the evidence from Tim Rose he states that the calculated absolute sound levels for the receptor NSR2 in closest proximity to the Western Avenue fall in the Significant Observed Adverse Effect Level in the short term and long term. However, Tim Rose goes on to state in paragraph 4.6 that as the sound level change has been calculated to be 0.2dB and 1.3 dB in the short term and long term, this is a 'Negligible' change and therefore 'Not Significant' in accordance with DMRB LA 111. NSR3 also showed an increase in sound level change but this is considered to be a 'Negligible' change in the short and long-term assessments (Tables 5.1 and 5.3 of [CD/5.1.07]). NSR1 showed no change in sound level change during the short-term assessment and an increase of 0.8dB in the long-term assessment, which was also considered to have a 'Negligible' impact in the long term (Tables 5.1 and 5.3 of [CD/5.1.07]).

Lidl delivery vehicles

- 6.40. The stopping up order would result in the closure of the access from Western Avenue into Lidl. This access is used by customers and also delivery vehicles serving the store. An existing exit off of West Street serving the Lidl store would be reconfigured as an entrance, with the current in/out arrangement opposite the bus station being changed to exit only. The Acoustic Assessment also considered the potential noise impact on nearest residential receptors at Portland Grove associated with the re-routing of Heavy Goods Vehicles into the Lidl car park from the new entrance and exit arrangements.
- 6.41. Tim Rose states in paragraph 4.9 of his proof of evidence that the assessment demonstrated that the resulting rating level associated with these movements would be below the measured background sound level at the nearest receptors on Portland Grove, indicating a 'low impact' in accordance with BS 4142². Tim Rose goes on to state that such vehicle movements are not considered to be out of character with the existing acoustic environment which is already influenced by road traffic and commercial activity. As the noise associated with HGV movements would be below the measured sound level at nearest sensitive receptors, I do not consider that this would be a disadvantage of the Development and would have a neutral impact.

Air Quality

- 6.42. Paragraph 4.1 of the proof of evidence from Tim Rose states that the Air Quality Assessment [CD/5.1.08] considers the potential effects of changes in road traffic flows associated with the

² BS 4142:2014+A1:2019 Method for rating and assessing industrial and commercial sound.

proposed Development on existing receptors located along Western Avenue, West Street and the surrounding road network. Appendix D to the Air Quality Assessment shows the location of all receptors assessed. The assessment focused on nitrogen dioxide (NO₂), and particulates (PM₁₀ and PM_{2.5}).

- 6.43. The proof of evidence from Tim Rose confirms that under the baseline scenario, all receptors experience values below the relevant Air Quality Objective Levels (AQOL) (paragraph 4.13) in respect of absolute concentrations of (NO₂), and particulates (PM₁₀ and PM_{2.5}). Tim Rose confirms in paragraphs 4.14-4.16 of his evidence that the absolute concentrations of NO₂, and particulates (PM₁₀ and PM_{2.5}) would remain below the current AQOLs with the Development and its proposed new road configuration in place.
- 6.44. In respect of concentrations of NO₂, the increase in concentration levels as a result of the Development would be 1 µg/m³ or less in comparison to annual mean concentrations, which Tim Rose confirms in paragraph 4.14 of his proof of evidence would not have a significant impact on local air quality and, in accordance with the LAQM/EPUK³ guidance, is an impact classified as 'Negligible'.
- 6.45. In respect of concentrations of PM₁₀, the increase would be 0.42 µg/m³ or less in comparison to annual mean concentrations which Tim Rose also confirms in paragraph 4.15 of his evidence this would be classified as 'Negligible' in accordance with the LAQM/EPUK guidance and would not have a significant impact on air quality.
- 6.46. In respect of concentrations of PM_{2.5} there would there be an increase of 0.22 µg/m³ or less in comparison to annual mean concentrations of PM_{2.5}. Paragraph 5.15 of the Air Quality Assessment [CD/5.1.08] states that the impact significance in accordance with the EPUK/IAQM guidance indicates that for all receptors excluding the ground floor of receptors 4, 7, 15 and 16 the impact would be classified as 'Negligible'.
- 6.47. Receptors 4 and 7 are located near to the northern most properties at Portland Grove. Receptors 15 and 16 are properties located on Junction Road nearest the proposed reconfigured north and southbound Western Avenue carriageway. For the ground floor of receptors 4, 7, 15 and 16 the impact in accordance with the EPUK/IAQM guidance is classified as 'Slight' but still below the AQOL.
- 6.48. It is noted that there would be an increase in absolute concentrations of NO₂, and particulates (PM₁₀ and PM_{2.5}), however as these would remain within the AQOL and in accordance with EPUK/IAQM would result in impacts between 'Negligible' to 'Slight'.

Drop off location for school swim lessons

- 6.49. The widening of West Street will result in the relocation of the private bus drop off point for school children attending swim lessons at the Andover Leisure Centre being moved to a bus layby on the eastern side of Western Avenue, north of the park. The new arrangement would result in school children having to walk a greater distance from the drop off and pick up point when attending school swim lessons. The existing arrangement is adjacent to the leisure centre and a couple of minutes' walk from its entrance. The new arrangement would be within a five-minute walk and the route is served by a continuous footway. Paragraph 5.14 of the Proof of Evidence from Ross Rawlings (Road Safety) states that no adverse safety impacts would result from these new arrangements. Paragraph 8.35 of the evidence from Phil Brady also states that in his opinion the proposed drop off location would not impact on traffic movement along the southbound carriageway of Western Avenue and concludes that in traffic impact terms, this would have a neutral impact.
- 6.50. As such, I consider that the disadvantage from its relocation would be the increase walking distance to the leisure centre. The new route is safe and within a five-minute walk and as such considered to be a very minor impact of the Development.

³ Defra's LAQM.TG(22), the IAQM and EPUK's 'Guidance on Land-Use Planning and Development Control: Planning for Air Quality 2017 (v1.2).

Loss of Taxi Rank on West Street

- 6.51. The Development would result in the loss of a taxi rank on West Street, which currently accommodates 3 taxi spaces. A survey of the taxi rank and layby was undertaken by the Highway Authority in 2024 during peak morning and afternoon periods mid-week. The survey showed that the taxi rank was under-utilised and this was corroborated by the Council's Licensing Manager (responsible for the licensing of Hackney Carriages). As part of the development of the new theatre along Waterloo Court, additional taxi bay space will be provided. This was considered sufficient by the Licensing Manager to account for the loss of the taxi bay on West Street as part of the Development. This was considered acceptable by the planning authority and Highways Authority during the determination of the planning application for the Development (see paragraph 8.22 of CD/ 5.11). Phil Brady confirms in his evidence at paragraph 8.39 that he is in agreement with this position.
- 6.52. I acknowledge that there will be an increase in distance from the bus station to the taxi rank on Waterloo Court but this would be within a five-minute walk. I consider that this is an acceptable distance, using existing footways and pedestrian routes. As such, I consider the increase to be a very minor impact of the Development.

Access for emergency vehicles

- 6.53. West Street is being widened as part of the scheme to fully accommodate all expected vehicles, including emergency services. The proposed road layout for West Street has been designed in accordance with the relevant standards and fully assessed by Hampshire County Council as Highway Authority. No concerns were raised by the Highway Authority in respect of access for emergency services in their consultation responses on the Development [CD/ 5.1.19-21]. The Stage 2 Road Safety Audit demonstrates that the proposed road layout for West Street would be safe and accessible for all users. Vehicle tracking for emergency service vehicles has been undertaken and this demonstrates that there would be more than sufficient space for such vehicles to access and manoeuvre within the new road space. The proof of evidence from Phil Brady, paragraph 8.37, concludes that there would be more than sufficient space of emergency vehicles to access and manoeuvre on West Street.

Conclusion on merits test

- 6.54. In summary, I consider the disadvantages arising from the stopping up order to be:
- 6.54.1. Minor impact on journey times resulting from localised queuing and network delays.
 - 6.54.2. Minor impact resulting from additional traffic movements on the northern section of West Street between the Chantry Street/West Street junction and the new Western Avenue/West Street junction.
 - 6.54.3. Very minor impact resulting from an increase in distance from the bus station to the location of new taxi arrangements on Waterloo Court.
 - 6.54.4. Very minor impact resulting from an increase in distance for children to walk to the leisure centre for school swim lessons.
 - 6.54.5. Increase in noise levels in the short term at Junction Road (NSRs 2&3) and Portland Grove North (NSR4). This increase is classified as 'Negligible' for NSRs 2&3 and 'Minor' for NSR4 in accordance with the LAQM/EPUK4 guidance.
 - 6.54.6. Increase in noise levels at all receptors in the long-term. This increase is classified as 'Negligible' at all receptors and 'Minor' at Portland Grove North (NSR4) in accordance with the LAQM/EPUK guidance.
 - 6.54.7. Increase in concentrations of nitrogen dioxide (NO₂), and particulates (PM₁₀ and PM_{2.5}). These would remain within the Air Quality Objective Levels (AQOL) and in accordance with EPUK/IAQM would result in impacts between 'Negligible' to

⁴ Defra's LAQM.TG(22), the IAQM and EPUK's 'Guidance on Land-Use Planning and Development Control: Planning for Air Quality 2017 (v1.2).

‘Slight’. Those properties where there would be a ‘Slight’ impact will be properties on the northern section of Portland Grove nearest the Chantry Street/West Street junction and properties along Junction Road nearest to where the new junction arrangements would be.

Balancing of disadvantages against the planning benefits and importance of the Development

- 6.55. I am advised that the test for the decision-maker to apply is to consider whether any disadvantages or losses arising as a result of the proposed stopping up would be of such significance or seriousness as to outweigh any countervailing advantages to the public of the order and the planning benefits of, and degree of importance attaching to, the development itself.
- 6.56. The Development would deliver on a number of priorities in the Masterplan that were realised through extensive public consultation. Public support for providing public access to the River Anton, transforming the Western Avenue gyratory, and providing new public green space with the potential for this to host events and markets was supported by a significant number of respondents to the consultation. The Development would achieve these community aspirations and would enable the Council to deliver on the priorities set out in the Masterplan. This scheme is important to the Council because its delivery plays a key part in the improvement to and regeneration of Andover Town Centre which an overwhelming majority of respondents to the Masterplan requested. I attach significant weight to this when considering the importance of the Development as part of the merits test.
- 6.57. I also attach significant weight to the Development being a project that is of importance to the Ministry of Housing, Communities and Local Government as a project that has been awarded LUF funding. The successful award of funding is recognition by the UK government of the deprivation that is experienced in areas of Andover, particularly in respect of access to greenspace and quality of life indices in Harroway, Romans and St Mary’s Wards, which are in proximity of the town centre. The Development would contribute towards addressing and improving the deprivation that exists, and seek to address a declining town centre, by providing an attractive new area of green space for recreation, play and exercise that would be a free, accessible and public space for all to use.
- 6.58. I consider that there are a number of important benefits to the public that flow directly from the delivery of the Development that would not be realised if the stopping up was not granted. These benefits are the delivery of a significant new area of green space in the town centre and its associated, socio-economic and health benefits, the removal of an existing conflict point between southbound and eastbound travel entering West Street, improved pedestrian and cycle crossings and routes that would enhance accessibility into the town centre, the creation of a new shared space for pedestrians and cyclists through the new park, enhancements to intermodal connectivity, the provision of a dedicated, segregated cycleway that would enhance NCN Route 246 and contribute to the Northern Test Valley LCWIP, the improvements to active travel, the dedicated bus bay for the Unity community bus, the speed limit reductions on West Street, Western Avenue and Waterloo Court and the associated improvements from a placemaking perspective, improvements to the alignment and widths of pedestrian routes and crossing points on West Street and the net gain in biodiversity.
- 6.59. On balance, I do not consider that the disadvantages arising as a result of the proposed stopping up order would be of such a significance or seriousness to outweigh the advantages to the public of the order and the planning benefits of, and degree of importance attaching to, the development itself.

7. POSITION IF THE SUO APPLICATION IS NOT GRANTED

- 7.1. Should the SUO Application not be granted, and the Western Avenue gyratory is to remain, I consider the consequences would be:
- 7.1.1. The priorities in the Masterplan would not be delivered and the Council would fail to deliver on its aspirations for the community.

- 7.1.2. The Council would not deliver a LUF funded project and the grant funding to improve Andover town centre would be retracted by MHCLG.
 - 7.1.3. The road network would remain unchanged and the benefits as summarised in section 5 would not be realised.
- 7.2. This outcome would be undesirable for the Council and for the Andover community as it would not allow the Council to achieve its aspirations for regeneration in the town centre that are important to improving its vibrancy, vitality and resilience to socio-economic changes.

8. COMMENTS ON OBJECTIONS TO THE PROPOSED SUO

- 8.1. I understand that 35 objections have been made to the SUO Application and these will be considered by an Inspector as part of the Inquiry. On behalf of the Council, I responded to the common themes in those objections and a copy of the Council's response can be found at [CD/7.01].
- 8.2. In addition, I agree with the responses to objections found in the evidence of Phil Brady (Transport), Tim Rose (Noise and Air Quality), Ross Rawlings (Road Safety) and David Jowsey (Highway Authority). I do not have anything further to add to respond to these objections that has not already been addressed in the Council's response at [CD/7.01], those proofs of evidence and my evidence in the earlier paragraphs.
- 8.3. **Statutory Undertaker Objection – Update**
- 8.4. As discussed in the Applicant's Statement of Case, the Council has been negotiating with the statutory undertaker, Vodafone, who objected to the SUO Application, in order to reach agreement and seek removal of their objection. The Council can confirm the Council and Vodafone have now signed a wayleave agreement with the agreement only coming into effect if the SUO Order is made. Accordingly, Vodafone withdrew its objection on 4 June 2026 and wrote to the National Transport Casework Team to confirm its withdrawal [CD/6.35].

9. COMMENTS ON STATEMENT OF CASE RECEIVED FROM OBJECTORS

- 9.1. I can confirm I have reviewed the Statements of Case received from the objectors that were received by 29th May 2026:
- 9.2. An additional point was raised in respect of the taxi rank on Waterloo Court and the steep gradient of the access ramp that the public would need to negotiate to access this. The access ramp and taxi rank on Waterloo Court are existing arrangements. As a result of the Development, an additional taxi space is to be provided on Waterloo Court to mitigate the loss of three, underutilised taxi spaces on West Street. The Council owns the Chantry Centre and is not aware of any accessibility issues experienced by the public who use this entrance and exit point. Level access parking for drivers with mobility impairments is also provided on the first floor of the Chantry Centre multi-storey car park, which is also owned by the Council, and the entirety of first floor parking in this location is dedicated for blue badge holders. Those who use these spaces would not have to negotiate the access ramp and a taxi would be able to pick up and drop off in one of these blue badge spaces if a customer had mobility requirements that lawfully allowed use of those spaces.

10. CONCLUSION AND SUMMARY

- 10.1. The Council submitted the SUO Application under section 247 TCPA 1990 to stop up part of the Highway on Western Avenue to enable the Development as authorised to proceed.
- 10.2. The Council requests that should the Secretary of State be minded to make a stopping up order pursuant to the SUO Application, that the Secretary of State makes the stopping up order pursuant to their powers under section 252(8) TCPA 1990 subject to the modification that only the highways shown hatched black on drawing reference [CD/1.04].
- 10.3. The Development has evolved through the Andover Town Centre Masterplan and extensive community consultation, with strong public support for more green space, improved access to

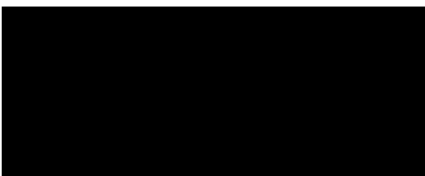
the River Anton and better walking and cycling routes. The scheme includes the creation of a riverside park with areas of hard and soft landscaping, play areas, lighting, pavilion, river viewing platforms and an off-road cycleway, alongside changes to the highway network including the widening of West Street and reconfiguration of Western Avenue. The Development has been supported through transport modelling, road safety audits, technical assessments on noise and air quality, and in collaboration with Hampshire County Council, and is funded in part through the Levelling Up Fund, demonstrating its strategic importance in regenerating Andover town centre.

- 10.4. In accordance with the legal test under section 247 TCPA 1990, the stopping up order is necessary to enable the Development to be carried out, as there is a clear conflict between the Development as authorised by the planning permission and the continued existence of highway rights over the southbound carriageway of the Western Avenue gyratory. The Development explicitly requires the closure and removal of this carriageway, and without a stopping up order the Development could not proceed and would give rise to obstruction of highway. A partial or temporary stopping up would not be sufficient to deliver the Development as approved or meet the aspirations of the Masterplan due to conflicts between pedestrians, cyclists and vehicles and reduced connectivity and public realm benefits.
- 10.5. In an assessment of the 'merits' test, I have considered the disadvantages arising as a result of the proposed stopping up alongside the advantages to the public of the order and the planning benefits of, and degree of importance attaching to, the development itself.
- 10.6. In summary, I consider the disadvantages arising from the stopping up order to be:
 - 10.6.1. Minor impact on journey times resulting from localised queuing and network delays.
 - 10.6.2. Minor impact resulting from additional traffic movements on the northern section of West Street between the Chantry Street/West Street junction and the new Western Avenue/West Street junction.
 - 10.6.3. Very minor impact resulting from an increase in distance from the bus station to the location of new taxi arrangements on Waterloo Court.
 - 10.6.4. Very minor impact resulting from an increase in distance for children to walk to the leisure centre for school swim lessons.
 - 10.6.5. Increase in noise levels in the short term at Junction Road (NSRs 2&3) and Portland Grove North (NSR4). This increase is classified as 'Negligible' for NSRs 2&3 and 'Minor' for NSR4 in accordance with the LAQM/EPUK4 guidance.
 - 10.6.6. Increase in noise levels at all receptors in the long-term. This increase is classified as 'Negligible' at all receptors and 'Minor' at Portland Grove North (NSR4) in accordance with the LAQM/EPUK guidance.
 - 10.6.7. Increase in concentrations of nitrogen dioxide (NO₂), and particulates (PM₁₀ and PM_{2.5}). These would remain within the Air Quality Objective Levels (AQOL) and in accordance with EPUK/IAQM would result in impacts between 'Negligible' to 'Slight'. Those properties where there would be a 'Slight' impact will be properties on the northern section of Portland Grove nearest the Chantry Street/West Street junction and properties along Junction Road nearest to where the new junction arrangements would be.
- 10.7. In my view, many of these effects are considered minor impacts, and the disadvantages are not of such significance or seriousness as to outweigh the benefits.
- 10.8. I also consider the following important benefits that flow directly from the delivery of the Development that would not be realised if the stopping up was not granted:
 - 10.8.1. delivery of a significant new area of green space in the town centre and its associated biodiversity, socio-economic and health benefits;

- 10.8.2. the removal of an existing conflict point between southbound and eastbound travel entering West Street;
 - 10.8.3. improved pedestrian and cycle crossings and routes that would enhance accessibility into the town centre;
 - 10.8.4. the creation of a new shared space for pedestrians and cyclists through the new park;
 - 10.8.5. enhancements to intermodal connectivity;
 - 10.8.6. the provision of a dedicated, segregated cycleway that would enhance NCN Route 246 and contribute to the Northern Test Valley LCWIP;
 - 10.8.7. the expected improvements to active travel;
 - 10.8.8. the dedicated bus bay for the Unity community bus;
 - 10.8.9. the speed limit reductions on West Street, Western Avenue and Waterloo Court; and the associated improvements from a placemaking perspective; and
 - 10.8.10. improvements to the alignment and widths of pedestrian routes and crossing points on West Street.
- 10.9. In addition, the delivery of the Development is of high importance to the Council because the Council has a mandate from its Councillors to deliver the aspirations in the Masterplan and is committed to delivering on its aspirations for the community through the creation of the Development. The Development is also plainly of importance to the Ministry of Housing, Communities and Local Government as a project that has been awarded LUF funding.
- 10.10. On balance, I do not consider that the disadvantages arising as a result of the proposed stopping up order would be of such a significance or seriousness to outweigh the significant advantages to the public of the order and the planning benefits of, and degree of importance attaching to, the development itself. On that basis, I am of the view the legal test under section 247 TCPA 1990 is met and the SUO justified.

11. STATEMENT OF TRUTH

- 11.1. I confirm that insofar as the facts stated in this Statement are within my own knowledge I have made clear which they are and I believe them to be true, and that the opinions I have expressed represent my true and complete professional opinion.
- 11.2. I confirm that my statement includes all facts which I regard as being relevant to the opinions which I have expressed and that attention has been drawn to any matter which would affect the validity of those opinions.



Signed:

Name: Fay Smiles

Date: 9 June 2026

Appendices

- 1 Masterplan Concept Scheme
- 2 Test Valley LSOA 002
- 3 UN-Habitat - Healthier Cities and Communities through Public Spaces – a guidance paper
- 4 Existing Road Conditions Plan RJ509237-HEH-HGN-40012558-DR-CH-1028