

NATTRAN/SE/S247/6126

PLANNING PERMISSION REF: 25/01047/FULLN

TEST VALLEY BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 247

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

STATEMENT OF COMMON GROUND

BETWEEN

TEST VALLEY BOROUGH COUNCIL

AND

ADRIAN TRUSS

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1. INTRODUCTION

- 1.1. This Statement of Common Ground ("SoCG") has been prepared in relation to the Test Valley Borough Council's application to the Secretary of State for Transport for a stopping up order ("**SUO Application**") made pursuant to section 247 of the Town and Country Planning Act 1990 ("**the Act**").
- 1.2. This SoCG sets out matters which have been agreed between the following parties:
 - 1.2.1. Test Valley Borough Council as the Applicant (the "**Council**"); and
 - 1.2.2. Adrian Truss(together referred to as the "**Parties**").
- 1.3. This SoCG sets out all matters agreed between the Parties with the aim of narrowing the issues in dispute and assisting the Inspector in determining the SUO Application. Paragraph 8 of this SoCG also sets out a number of matters in dispute between the Parties.

2. AGREED BACKGROUND

- 2.1. The Parties agree the following background:
 - 2.1.1. The SUO Application was submitted by the Council to the Secretary of State for Transport on 28 July 2025 under section 247 of the Act.
 - 2.1.2. A copy of the SUO Application and associated plans is appended to the Council's Statement of Case at Appendix 1 thereof.
 - 2.1.3. The SUO Application sought to stop up defined sections of highway maintainable at the public expense at Andover, in the Borough of Test Valley, being:
 - (a) A length of A3057 Western Avenue. It commences from its junction with Waterloo Court and extends in a generally north westerly direction for a maximum length of 206 metres.
 - (b) A length of West Street. It commences from its junction with A3057 Western Avenue and extends in a north easterly direction for 27.5 metres.
 - 2.1.4. The SUO Application was advertised by the Department for Transport (on behalf of the Secretary of State for Transport) and objections have been made.
 - 2.1.5. Following the submission of the SUO Application the Council has proposed modifications to the proposed stopping up order (and has provided a proposed modified draft Order and proposed modified Order Plan which are appended to the Council's Statement of Case at Appendix 3 thereof).
 - 2.1.6. An Inquiry is scheduled to be held at Test Valley Borough Council's Offices, Beech Hurst, Weyhill Road, Andover SP10 3AJ in respect of the SUO Application, listed for 3 days commencing on Tuesday 30 June 2026.
 - 2.1.7. A pre inquiry meeting was held on 19 May 2026 to discuss procedural and administrative aspects of the Inquiry and it was noted by the Inspector that the main issues are likely to be:
 - (a) Whether the proposed stopping up order is necessary to allow development to take place in accordance with planning permission 25/01047/FULLN;

(b) Whether, in the public interest, the benefits of the proposed stopping up order outweigh any harm, including any aspects arising from the implementation of the planning permission 25/01046/FULLN.

2.1.8. The SUO Application has been made to enable the implementation of the development authorised by planning permission reference 25/01047/FULLN (the "**Planning Permission**") on 3 October 2025 (the "**Development**").

3. DESCRIPTION OF THE DEVELOPMENT AND THE PLANNING PERMISSION

3.1. The Parties agree the following in relation to the Development and the Planning Permission.

3.1.1. Full Planning Permission was granted by Test Valley Borough Council on 3 October 2025 under planning reference 25/01047/FULLN for the development described as:

*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 (the "**Development**")*

3.1.2. There has been no legal challenge to the Planning Permission, and the Development is capable of being carried out, subject to compliance with planning conditions and the grant of the stopping up order sought.

4. SUMMARY OF CONSULTATION AND ENGAGEMENT UNDERTAKEN ON THE PLANNING PERMISSION

4.1. The Parties agree:

4.1.1. The Development forms part of the Andover Town Centre Masterplan ("**Masterplan**").

4.1.2. The Council ran a public consultation programme between July 2019 and June 2020 during the development of the Masterplan. This did not include the stopping up of West Street.

4.1.3. The Council did not consult the fire and rescue service or the ambulance service about stopping up West Street or blocking off the southern exit from West Street. Throughout the design of the Development the Council engaged with a wide variety of stakeholders and members of the community between 2024-2025.

5. DESCRIPTION OF THE LAND PROPOSED TO BE STOPPED UP AND PROPOSED MODIFICATION

5.1. The following description of the land to be stopped up has been agreed by the Parties:

5.1.1. The land to which SUO Application relates is within the administrative area of Test Valley Borough Council.

5.1.2. Following the submission of the SUO Application the Council has proposed modifications to the proposed stopping up order (and has provided a proposed modified draft Order and proposed modified Order Plan which are appended to the Council's Statement of Case at Appendix 3 thereof).

5.1.3. The highway proposed to be stopped up is described in the proposed modified draft Order as "*A length of A3057 Western Avenue. It commences from its junction with*

6. LEGAL FRAMEWORK

6.1. The Parties agree:

- 6.1.1. The SUO Application falls to be determined by the Secretary of State under section 247 of the Act.
- 6.1.2. Section 247(1) of the Act empowers the Secretary of State to:
- “authorise the stopping up or diversion of any highway outside Greater London if he is satisfied that it is necessary to do so in order to enable development to be carried out—*
- (a) in accordance with planning permission or*
- (b) by a government department.”*
- 6.1.3. The statutory test (under section 247 of the Act) is one of necessity to enable the Development (as permitted) to be carried out.
- 6.1.4. The determination of an application made pursuant to section 247 of the Act is not a re-run of the planning merits of a development, which fall to be determined through the planning process.
- 6.1.5. the Secretary of State in determining an application made pursuant to section 247 of the Act must consider whether the statutory test is met and whether, in the exercise of discretion, it is appropriate to make the stopping up order, having regard to the overall public interest, including any significant disadvantages flowing directly from the stopping up either to the public generally or to affected individuals whose rights of access would be extinguished and any countervailing advantages to the public or those individuals, alongside the planning benefits of, and degree of importance attaching to, the permitted development.
- 6.1.6. In terms of procedure for stopping up, section 252(5) of the Act provides that if objections are received to the proposed stopping up order and those objection(s) are not withdrawn the Secretary of State shall cause a local inquiry to be held unless he decides that in the special circumstances of the case the holding of such Inquiry is unnecessary.
- 6.1.7. Section 252(8) of the Act provides the power for the Secretary of State to make a stopping up order either in the terms originally proposed or with such modifications as he thinks fit after considering (i) any objections to the order which are not withdrawn, and, (ii) where a public inquiry is held, the report of the person who held the inquiry.

7. ASSESSMENT OF LEGAL TEST UNDER SECTION 247 TCPA 1990

Assessment of effects and benefits of the Planning Permission

7.1. The Parties agree the following advantages to the public or individuals or planning benefits of the permitted development:

- 7.1.1. The Parties agree the Development will deliver the following public benefits:
- (a) An improved path for the National Cycle Network Route 246 and the creation of a dedicated new off-road cycle path that would integrate with this route providing improved opportunities for cyclists.

- (b) Improved walking and cycling routes through the park with new crossings north and south of the park will create an easier, attractive and more accessible route for the community to use when travelling north and south of the town centre and into Andover Bus Station.
- (c) Health benefits may come from providing people with better access to green space and nature. New walking and cycling routes encourage more active, sustainable travel through improving the existing footway and cycle network and making these a more attractive prospect for their use.
- (d) New areas of planting which will improve the biodiversity and landscape quality of the town centre.

8. MATTERS OF DISAGREEMENT

- 8.1. It is a matter of disagreement whether, in the absence of a stopping up order, the Council would be able to lawfully remove or alter the existing highway infrastructure required to deliver the Development. The Council considers that the Stopping Up Order (as proposed to be modified) is necessary for the delivery of the Development in accordance with the Planning Permission. Mr Truss considers that there are alternative means to achieve this goal under Part V of the Highways Act 1980 or the Road Traffic Regulation Act 1984.
- 8.2. The Parties do not agree the following impacts of the permitted development:
- 8.2.1. whether the Development includes the removal of existing highway infrastructure which acts as a barrier to walking and cycling and the creation of a new riverside park, enhanced walking and cycling routes, environmental improvements, and wider economic and social benefits to the Andover town centre;
 - 8.2.2. whether or not the Development is a priority regeneration project for Andover town centre and will deliver more green space and access to the River Anton which was sought by the community in 987 of the responses received from the community on the Masterplan consultation;
 - 8.2.3. whether the delivery of the Development will improve connections and the arrival experience into the Andover town centre from the west which was identified through community engagement as being of poor quality;
 - 8.2.4. whether or not the Development will realise social, environmental and economic public benefits that will improve outcomes for the local community;
 - 8.2.5. whether or not there will be an improvement to the perception of Andover town centre as a place to visit through the creation of an attractive, accessible and safe area of public space in the town centre for the community to enjoy, and whether or not this will encourage visitors and increase footfall and business rates, improving the vitality and vibrancy of the town centre;
 - 8.2.6. whether a dedicated bus bay for the Unity community bus within the forecourt of Andover bus station and level access from this bay for users to access the Unity shop mobility office will provide an improved offer for users with mobility or sensory impairment;
 - 8.2.7. whether or not new areas of planting which will improve the biodiversity and landscape quality of the town centre;
 - 8.2.8. whether the Development will harm connectivity between the upper part of the town centre, bus station, railway station and more distant destinations. Mr Truss's view is that connectivity will be harmed between these locations. The Council's view is

the Development will provide significant benefits to pedestrian and cycle connectivity.

9. STATEMENT OF AGREEMENT

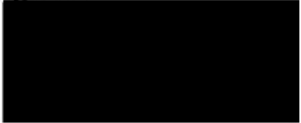
9.1. The contents of this Statement of Common Ground have been agreed by the following parties:

Signed on behalf of the applicant

Name: Fay Smiles

Position: Regeneration Planning Manager

Signed:



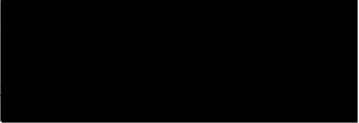
Date: 10/06/26

Signed by Adrian Truss on behalf of Chantry Lodge residents as listed in the suffix supplied to the Inspector

Name: Adrian Truss

Position: Solicitor

Signed



Date: 12/6/26
