

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]

REBUTTAL 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. My name is Fay Smiles. The details of my qualifications and experience are included in my main proof of evidence dated 9 June 2026.
- 1.2. In this rebuttal proof of evidence, the defined terms in my proof of evidence apply unless specified otherwise.
- 1.3. This rebuttal proof of evidence is prepared on behalf of the Council and produced in support of an application under section 247 of the TCPA 1990 to stop up highway in the Borough of Test Valley in relation to planning permission reference 25/01047/FULLN.
- 1.4. Reference to CD/[x] are to documents in the Core Documents.
- 1.5. Reference to the term “Development” means 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’.

Declaration

- 1.6. The evidence which I have prepared and provide in this rebuttal 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.

2. SCOPE OF EVIDENCE

- 2.1. This rebuttal proof of evidence should be read in conjunction with my proof of evidence dated 9 June 2026, along with the Statement of Case dated 29th May 2026 [CD/9.01] and the proofs of evidence of David Jowsey (Local Highway Authority) [CD/11.22], Ross Rawlings (Road Safety) [CD/11.06], Tim Rose (Air Quality and Noise) [CD/11.21] and Phil Brady (Transport) [CD/11.01] dated 9 June 2026 and the rebuttal proofs of evidence of Phil Brady (Transport) dated 16 June 2026 and Ross Rawlings (Road Safety) dated 16 June 2026.
- 2.2. The purpose of my rebuttal proof of evidence is to respond to additional issues raised by the objectors to the SUO Application in proofs of evidence received. My rebuttal proof of evidence is not intended to be an exhaustive response on all matters and deals only with certain points where it is considered appropriate or helpful to respond in writing at this stage. Where a specific point has not been dealt with, this does not mean that these points are accepted, and they may be addressed further at the Inquiry.

3. ALTERNATIVE STOPPING UP PLAN

- 3.1. The additional statement submitted by Bob Briggs on 3 June 2026 [CD/10.09] includes a map showing an alternative proposal for the stopping up order.
- 3.2. A very similar alternative proposal has been put forward by Adrian Truss as well in his proof of evidence submitted on 7 June 2026 [CD/12.01].
- 3.3. I understand that the alternative proposal submitted by Bob Briggs shows the following:
 - 3.3.1. The road network where traffic enters West Street from Western Avenue would remain unchanged.
 - 3.3.2. West Street would remain unchanged and traffic would remain one-way.
 - 3.3.3. A new roundabout is proposed at the junction of Waterloo Court and Western Avenue.

- 3.3.4. Traffic would enter West Street from Western Avenue as it does at present and would exit out southbound onto a new road adjacent to the Chantry Centre multi-storey car park. The road would be partially on the alignment of the existing footway and partially on the alignment of the existing bus stand.
 - 3.3.5. The entrance from Western Avenue into the Lidl car park would close. Vehicles travelling to Lidl would enter and exit via West Street.
 - 3.3.6. The northern section of the Western Avenue gyratory would be removed.
 - 3.3.7. A pedestrian footway is proposed running north-south between Waterloo Court and West Street and a cycleway is proposed on the western bank of the river Anton.
 - 3.3.8. The northbound carriageway of Western Avenue would be changed to accommodate both northbound and southbound traffic.
 - 3.3.9. A crossing point on Waterloo Court, which for the purposes of this rebuttal I have assumed to be for pedestrians and cyclists.
- 3.4. The alternative proposal differs from the consented scheme in the following ways:
- 3.4.1. A road is proposed through the southern section of the park.
 - 3.4.2. The space within the park is reduced and no river platforms, water features or play areas are proposed.
 - 3.4.3. No signalised junction at Western Avenue/West Street is proposed.
 - 3.4.4. A roundabout is proposed at the junction between Western Avenue and Waterloo Court.
 - 3.4.5. The road network on West Street would remain unchanged.
 - 3.4.6. No segregated cycle crossing is proposed across Waterloo Court.
 - 3.4.7. No segregated pedestrian crossing or cycle crossing is proposed to facilitate access across West Street/Western Avenue from the new park.
 - 3.4.8. No refuge island is shown on West Street.
- 3.5. The description of the development for which planning permission was granted on 3rd October 2025 (planning permission reference 25/01047/FULLN) was for 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.*
- 3.6. The alternative proposal could not be implemented without requiring a new planning permission as it significantly differs from the description of the development that planning permission was granted for and conflicts with all the plans submitted and approved in support of that planning permission. The alternative proposal does not have planning permission and would not comply with the legal test for making a determination on a stopping up order application as set out in section 247 (1) of the TCPA 1990 [CD/2.01] which provides the power for the Secretary of State to:
- 3.6.1. "authorise the stopping up or diversion of any highway outside of 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]
- 3.7. I do not consider that the alternative proposal could be funded using the Levelling Up Fund (LUF) that was awarded from central government. This is because the grant funding was

awarded based on the concept scheme submitted with the Council's LUF bid [CD/ 3.06] and the associated benefits that this would bring. The concept scheme submitted with the Council's LUF bid shows the complete removal of the southbound carriageway of the Western Avenue gyratory and it is my opinion that the alternative proposal is significantly different from this and would not realise the same benefits.

- 3.8. Mr Briggs' statement in paragraph 4 that the alternative proposal would deliver significant cost savings is not evidenced as the alternative proposal has also not been costed.
- 3.9. Based on my understanding the alternative proposal and the basic sketch of it proposed by Mr Briggs, I consider the following to be disadvantages of it:
- 3.9.1. The plans have not taken account of the difference in ground levels and the significant amount of existing landscaping, including a number of mature trees, situated along the banks of the river Anton. This existing landscaping and the steep gradient of the riverbank reduce the amount of useable public space proposed as part of this alternative proposal.
 - 3.9.2. A reduction in space dedicated to creating a new park would reduce the space for new planting and biodiversity enhancements.
 - 3.9.3. The proposed road running adjacent to the Chantry Centre multi-storey car park would further reduce the amount of public space available within the park.
 - 3.9.4. The route proposed along the western side of the riverbank would be unlikely to be deliverable because of the steep gradient of the bank in this location. No crossings are shown over Western Avenue or Waterloo Court to facilitate safe movements across these roads for users of this route.
 - 3.9.5. No crossing facility is proposed to facilitate pedestrians and cyclists heading north from the park.
 - 3.9.6. The distance between the pedestrian route through the park and the southbound carriageway is narrow and would create a situation where traffic would be moving in close proximity to the public. This would affect the quality and amenity of the public space to be created.
 - 3.9.7. The roundabout is a very urban feature that would not improve the character and appearance of the area. It would use up a significant amount of space that under the approved Development is dedicated towards new areas of green space, planting and providing a safe crossing for cyclists across Waterloo Court.
 - 3.9.8. Access for maintenance vehicles into and out of the park has not been considered.
 - 3.9.9. No formal or informal areas of play area proposed.
 - 3.9.10. No central pavilion for events is proposed.
 - 3.9.11. No river viewing platforms overlooking the river Anton are proposed.
 - 3.9.12. No dedicated bay for the Unity bus is provided.
 - 3.9.13. No layover space for buses is provided to replace the bus stand that would be lost on the southbound carriageway of Western Avenue.
- 3.10. The advantage of the alternative proposal is that traffic would continue to move one-way on West Street, however I consider that it would not deliver as many of the advantages and benefits as the consented Development.

4. EVIDENCE OF ADRIAN TRUSS

- 4.1. Adrian Truss submitted a proof of evidence on 7 June 2026 [CD/12.01], a supplemental proof of evidence on 8 June 2026 [CD/12.02] with an accompanying technical assessment from Charles and Associates [CD/12.04].

- 4.2. The modification to the Draft Order as proposed by Adrian Truss is directed towards facilitating the delivery of the alternative proposal put forward by Bob Briggs for which there is no planning permission in place.
- 4.3. For the reasons set out in paragraphs 3.4-3.6 of this rebuttal evidence I do not consider that the alternative proposal could be dealt with as a non-material amendment or any form of variation to the Development for which planning permission has been granted.
- 4.4. The Council has reviewed the section 278 agreement referred to by Adrian Truss in paragraph 7.4 of his evidence. The section 278 agreement does not include any wording to prevent future works on adopted highway in the area covered by the section 278 agreement.
- 4.5. At paragraph 7.8 of his evidence, Adrian Truss refers to condition 27 of planning permission 18/02807/VARN which permitted the development of the new Andover Leisure Centre. This condition does not prevent changes to delivery, servicing or customer pick-up and drop-off in the future. Alternative arrangements for chemical deliveries and school swim lessons have been provided as part of the Development.
- 4.6. Adrian Truss states in paragraph 11 that *'the loading bay on the other side of Chantry Lodge was removed by the Council in the interests of residential amenity and pedestrian safety'*. The loading bay was not removed in the interests of residential amenity and pedestrian safety. The loading bay was permitted as part of the development of Chantry Lodge under planning permission reference 18/00481/FULLN to service proposed commercial uses on the ground floor. The removal of the loading bay was permitted under planning permission 18/03331/VARN when planning permission was granted to convert the commercial units on the ground floor.
- 4.7. Adrian Truss states in paragraph 16 of his evidence that the Council never received the correct authority to include West Street in the stopping up order application. This is incorrect. The Council sought and gained approval for the area subject of the stopping up order application, which initially included West Street, from Cabinet on 9 April 2025 [CD/ 3.04].
- 4.8. Adrian Truss at paragraphs 7.3.14 and 8.4.5 of his evidence suggests that certain benefits provided by the Development are not capable of being considered a benefit as the local highway authority has a statutory duty or power to provide them. Mr Truss refers to the provision of crossings, alteration of speed limits, changing road layout and the provision of a parking bay for Unity. Mr Truss refers specifically to the following provisions:
 - 4.8.1. S. 16 Traffic Management Act 2004 – this provides for a general duty for a local traffic authority to manage their road network with a view to achieving, so far as may be reasonably predictable having regard to their other obligations, policies, and objectives, the objectives of securing the expeditious movement of traffic on the authority's road network and facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.
 - 4.8.2. S. 122 Road Traffic Regulation Act 1984 – this provides for another general duty for local authorities upon whom functions are conferred by the 1984 Act to exercise the functions so far as practicable having regard to various named factors to secure the expeditious, convenient and safe movement of vehicular and other traffic including pedestrians and the provision of suitable and adequate parking facilities.
 - 4.8.3. Road Traffic Regulation Act 1994 and the power to provide public service vehicle parking – no provision is referred to by Adrian Truss, but I am advised that he may be referring to Part IV of the Act, which includes powers to provide parking.
- 4.9. I am advised that the provisions referred to are general powers or duties, and that they do not require the specific amendments to the road network that will be delivered by the Development to be provided. The existence of these statutory powers or duties does not mean that the provision through the Development of altered road layouts, speed limits, the provision of crossings and a parking bay for Unity may not be considered as benefits.

5. EVIDENCE OF ANN TRUSS

- 5.1. Ann Truss submitted a proof of evidence on 11 June 2025 [CD/12.05].
- 5.2. Ann Truss states in paragraph 19 of her proof of evidence that the Council has claimed that the Town Mills park and riverside park would be contiguous under the scheme granted planning permission (planning reference 25/01047/FULLN). The Council does not claim this. The Council's position is that connectivity would be improved between Town Mills Park and the Development because of the improved pedestrian and cycle crossings at Waterloo Court and the removal of the gyratory.
- 5.3. I consider that all other matters raised by Ann Truss have been addressed in the Council's Response to Common Objections [CD/7.01] Statement of Case [CD 9.01-13] and Proofs of Evidence [CD 11.01-28].

6. PROOF OF EVIDENCE - AMENDMENT

- 6.1. In paragraph 5.13 of my proof of evidence it stated that '*As part of the Development it is proposed to reduce speed limits along West Street from 20mph to 30mph*'. This should read '*As part of the Development it is proposed to reduce speed limits along West Street from **30mph to 20mph***'. [Emphasis added to reflect amendment].

7. STATEMENT OF TRUTH

- 7.1. 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.
- 7.2. 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: 16 June 2026