

Department of Transport
FAO: Juliet Bradbury

Our Ref: KM/692/46

E-mail: [REDACTED]

By email only: [REDACTED]

7 July 2026

Dear Ms Bradbury,

Town and Country Planning Act 1990 – Section 247
Proposed stopping up of highway at Western Avenue, Andover, Hampshire
Planning permission reference: 25/01047/FULLN
DfT ref: NATTRAN/SE/S247/6126

1. As you will appreciate, we act for the Test Valley Borough Council (the “Council”) in connection with its application to the Secretary of State for Transport for a stopping up order made pursuant to section 247 of the Town and Country Planning Act 1990. As you are aware, a Public Inquiry was held on the matter on 30 June – 2 July.
2. At the Public Inquiry, Mr Ward, Counsel for the objectors, raised points in closing submissions relating to the Council’s consideration of the Public Sector Equality Duty (“PSED”). As these points had not been raised by the objectors or their Counsel in Statements of Case, Proofs of Evidence, nor during the Public Inquiry, the Inspector afforded the Council the opportunity to respond to the specific alleged points with a post-Inquiry note. The Inspector has also allowed the objectors to respond to any note submitted by the Council, and the Council to respond to those comments, with this process to be concluded within 14 days following the close of the Public Inquiry.
3. This note therefore sets out the Council’s position in response to paragraphs 15-16 and 28 of Mr Ward’s closing submissions.
4. The closing statement by Mr Ward in paragraph 16 states that there is no satisfactory evidence that the Council or Hampshire County Council (“HCC”), as public bodies, have had due regard to the PSED under the Equality Act 2010 in applying for the Stopping Up Order (“SUO”). Mr Ward also states in paragraph 28 that the Council has failed to apply the PSED in concluding that there would be a very minor impact on those with protected characteristics in respect of the relocation of the taxi rank.
5. The Council has undertaken an Equality Impact Assessment (“EqIA”) for the Western Avenue Riverside Park scheme to demonstrate how the Council has fulfilled its legal duty under the Equality Act 2010. The Council’s EqIA was first drafted in October 2024 and is a ‘living’ document meaning it is reviewed and updated as the scheme progresses through the design phases of the project. The EqIA was most recently updated in June 2025 at the start of RIBA Stage 4. The Application for the SUO was submitted by the Council to the Secretary of State for Transport on 28 July 2025.

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6. The Council's EqIA considers the Western Avenue Riverside Park scheme as a whole, including the impacts arising from stopping up the highway which are the subject of the SUO Application.
7. The Council wishes to draw the Inspector's attention to the following matters in respect of its EqIA:
 - The improvements to the existing pathway between Bridge Street and the Odeon/ASDA complex are no longer part of the scheme.
 - The bus stand adjacent to the Chantry Centre Multi Storey car park is not used as a bus stop for Stagecoach buses and reference to its closure as a bus stop is incorrect.
 - The EqIA has not yet been updated to reflect the outcomes of the technical work undertaken within the Noise Assessment and Air Quality Assessment that were submitted in support of the planning application. This is because the author of the EqIA did not take account of these technical assessments at the time of updating the EqIA. The assumptions made about air quality and noise impacts in the EqIA in the absence of consideration of the outcomes of this technical assessment work are therefore more cautious.
8. HCC as Highways Authority also undertook an EqIA to accompany their Decision Day paper (CD/4.03) that approved the preferred option for the road layout which was then subsequently granted planning permission under reference 25/01047/FULLN.
9. A copy of both the Council and HCC's EqIA's have been appended to this post-Inquiry note.
10. In relation to paragraph 28 of Mr Ward's closing submissions, the Council's EqIA expressly considers the impacts of the relocation of the taxi rank and therefore this point is not accepted.
11. The Council submits there is clear evidence before the Inspector that both the Council and HCC considered the equality implications of the Western Avenue Riverside Park scheme in carrying out their functions. The Council therefore does not accept the submissions of Mr Ward that the Council and HCC failed to have due regard to the PSED in applying for the SUO, nor does it accept that the Council failed to apply the PSED in considering the impacts of the taxi rank relocation.

Yours faithfully

Sharpe Pritchard

Sharpe Pritchard LLP

Appendices

1. Test Valley Borough Council Equality Impact Assessment – Western Avenue Riverside Park.
2. Hampshire County Council Equality Impact Assessment accompanying the Decision Day approval of the preferred highway option.