

Post Inquiry Note Concerning Equalities Assessments

The cover note from Sharpe Pritchard, the solicitors for the Council, in paragraph 5 states the Council Assessment was updated in June 2025 but no version of that date is provided.

Of further concern is that in paragraph 7 of the cover note it is stated that improvements to the pathway between Bridge Street and the Odeon/Asda supermarket are no longer part of the scheme. That was specifically included in the original Council Assessment but no re-assessment as a result of its removal is mentioned. Also, the paragraph mentions that the assessment had not taken account of updated technical assessment of noise or air quality and specifically no consideration of the failure to meet WHO guidelines.

We note that the two assessments, that from Hampshire County Council (“the HCC Assessment”) and that of Test Valley Borough Council (“the Council Assessment”) were not provided to the inquiry held by Dr Novitzky. We further note that the HCC Assessment is dated 15 October 2024 and no update or any explanation of why no update has been undertaken has been provided. This is concerning because the duty is a continuing duty and the County Council is well aware of the progress of the overall project.

The Council Assessment has been expressed by the solicitors as being a ‘living document’ and as having been last updated in June 2025. This raises a number of issues, first, it has never as far as we are aware, been published anywhere or at any stage. Second, on examination of the version of the Council Assessment provided, it is described as a “template”, with a date of 16 October 2024 and as a “Draft” document and is unsigned. The Council Assessment has no date at the end of it nor is there any indication of who prepared or updated it and there is no publication date.

Neither the HCC Assessment nor the Council Assessment appear to have been provided to any Portfolio Holder or Committee of the respective authorities to inform their decision making. Instead a simple reference to equalities assessment being ‘ongoing’ appears in a number of official documents or reports without further explanation,

We agree that there is no absolute requirement to have or to publish any equality assessment, however, as this is a major project in local terms and claims community support, such an assessment should be provided as a matter of course. This is supported by the guidance on S.149 of the Equalities Act which requires public bodies to demonstrate compliance.

We suggest therefore that both the HCC Assessment and the Council Assessment fall below the standards that are expected of responsible public authorities and should be treated with caution.

In terms of the specific content of the HCC Assessment, it does not consider the impact of noise and pollution on those with relevant protected characteristics using and living in family homes in Portland Close or Chantry Lodge, fronting West Street, a block of 70 retirement flats for the over 60s. The HCC Assessment does not consider the impact of increased traffic and two way movement of vehicles on such persons. Nor is the effect of reducing pavement widths on such persons considered.

The Council Assessment, in section 5, discusses the meaning of impact and its measurement and mentions that relevant mitigations of negative impacts should be put in place.

Page 13 box 3 (who will be affected) taxi operators who use the taxi rank in West Street is noted but not the impact on users of taxi services. The evidence of Miss Entwisle is significant in this respect as she stated that she would be unable to use the taxi rank near the multi-storey car park as it is the

other side of the Chantry Centre. This is due to the slopes encountered within the Chantry Centre and the level changes between Waterloo Court, the proposed siting of a new taxi rank, and the bus station.

Page 22 of the Council Assessment considers negative impacts on users of the taxi rank. This is based on conversations with the Council's Licensing Manager who considered the rank itself was not popular and an alternative at Waterloo Court would be acceptable. There was no independent verification of this view nor that the Licensing Manager had regard to equalities in providing this opinion especially in view of Miss Entwisle's comments.

The Council Assessment is absent any mention of the impacts on those with protected characteristics of more than double the traffic movements if two way traffic is imposed on West Street. Similarly, the reduction of pavement widths is not addressed. It is noted that while the pavement width proposed in West Street fronting the Leisure Centre does indeed meet the County Councils' minimum design standards that completely ignores the fact that pavement is dual use for pedestrians and the parking of goods vehicles and the inevitable conflicts that would arise from that. Furthermore, the Council imposed conditions in the planning consent for both Chantry Lodge and the Leisure Centre in the interests of safety; the Council is ignoring the fact that these conditions were imposed by the Council within the last ten years.

Pages 20-21 of the Council Assessment considers, as a negative impact, noise and air pollution. It states that technical work was underway as of November 2024 to understand its extent and implications. No mention is made of this in any follow up assessment and no evidence provided that the proposals meet WHO guidelines nor identification of any mitigation measures. At pages 27-28 mention is made of plans to be put in place including noise barriers and planting to reduce excess noise and pollution in West Street and Portland Grove but none were actually proposed and where were these to be planted as West Street was designed and built as a one way street.

Finally, it will ultimately be for the Secretary of State to make a determination based on Dr Novitzky's report. This report should consider the PSED in making any recommendation and the Council should have provided evidence of compliance with the PSED in support of making the stopping up order, both in its original form or, as proposed to be modified.

The evidence now provided by the Council, in the form of the Council Assessment and the HCC Assessment is the evidence that the report will have to be based upon. Given the issues highlighted above, it is respectfully submitted that no confidence can be placed in the robustness or validity of those unpublished assessments and they cannot be relied upon.