

Department of Transport
FAO: Juliet Bradbury

Our Ref: KM/692/46

E-mail: [REDACTED]

By email only: [REDACTED];

15 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 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. The Council submitted the first post-Inquiry note on 7 July 2026. Mr Truss on behalf of the objectors, submitted a post-Inquiry note on 10 July 2026. The Council has reviewed the objector's note and submits this second post-Inquiry note in response to the comments made within.
4. As acknowledged by Mr Truss, there is no statutory requirement for the Council or HCC to draft or publish an Equalities Impact Assessment ("EqIA"). The relevant question is whether the public authorities had due regard to the matters identified in section 149 of the Equality Act 2010 when exercising their respective functions. The existence of both the Council's and Hampshire County Council's EqIA is, in itself, evidence that equality implications were actively considered as part of the development and assessment of the scheme.
5. One of the main purposes of the Council's EqIA has been to inform the design process of the approved scheme. The Council's Design and Access Statement [CD/5.1.26] demonstrates how the design of the

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park has evolved and pages 84-85 provides detail on how the park has been designed to ensure it is accessible and safe. The Council's Design and Access Statement was submitted with the planning application for the Development and was one of the documents considered by the Council's Northern Area Planning Committee ("NAPC") when planning permission was granted.

6. The Council's paper to Cabinet of 2 October 2024 [CD/3.03] sets out the changes to the road network that would result from the closing of the southbound carriageway of Western Avenue. The Council's Cabinet clearly had equality implications of the SUO in mind when deciding whether to approve the application as referred to in the paper to Cabinet. Equalities issues must be considered in all Cabinet and Council papers, as shown in section 10 of [CDs/3.01, 3.03 and 3.11].
7. Hampshire County Council's ("HCC") EqlA was undertaken on the basis of the preferred road scheme and accompanied the County Council's Decision Day Paper of 24 October 2024 [CD/4.03] to their Executive Member, which recommended approval of the preferred scheme. The preferred road scheme was then submitted with the planning application documents and were therefore also part of the suite of documents considered by the NAPC when planning permission was granted.
8. The Council's EqlA refers to potential measures that could be explored to reduce noise and air pollution and does not state that 'plans would be put in place' to deliver this. Mr Truss points to this in his note stating none were actually proposed for the Development. Mitigation measures have not been proposed in respect of air and noise pollution because the technical assessment work, as presented in the proof of evidence from Tim Rose [CD 11.21], did not require mitigation to be put in place in order to comply with relevant national policy. As already mentioned, the Council's EqlA has not yet been updated to reflect the outcome of the technical assessment work undertaken in respect of air and noise pollution.
9. Many of the points raised by Mr Truss are not points specific to the question of whether the authorities gave due regard to the PSED. They are instead points of disagreement with conclusions reached by the Council that have already been raised and fully explored through the inquiry process, such as the impact of narrower footways on West Street, the re-location of taxi space to Waterloo Court and the air quality and noise related impacts of the Development.
10. As Mr Truss recognises, the PSED applies to the Secretary of State in respect of the decision as to whether or not to make the stopping up order. It imposes a procedural requirement to "have due regard" to various specified equality considerations when taking decisions. It does not require the Secretary of State to reach a particular substantive result in respect of equality matters. The implications of the planning consent and the stopping up order for groups with protected characteristics such as the elderly has been the subject of evidence during the Inquiry. It is plain that there is sufficient evidence before the Inspector and in turn the Secretary of State for them to discharge the duty when making a recommendation and when making the final decision on the stopping up order application.
11. Ultimately, the criticisms in Mr Truss's post-Inquiry note are directed primarily at the conclusions reached within the EqlAs rather than the existence of the assessments themselves or the fact that equality impacts were considered. The Council's first post-Inquiry note and attachments demonstrate that both the Council and HCC actively considered equality implications throughout the development of the scheme, identified both positive and negative impacts, and took those matters into account when exercising their respective functions. The Council therefore maintains that there is no evidential basis for the objectors' assertion that the PSED has not been complied with.

Yours faithfully

Sharpe Pritchard LLP

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