
Report to the Secretary of State for Transport

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an Inspector appointed by the Secretary of State for Transport

Date 6 August 2026

Town and Country Planning Act 1990 Section 247

The Stopping Up of Highway (South East) (No.) Order 202

The Proposed Stopping Up of Western Avenue South Bound Carriageway, Andover, Hampshire

Site Inspection made on 29 June 2026
Inquiry opened on 30 June 2026

File Ref: NATTRAN/SE/S247/6126

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- The draft order is made under Section 247 of the Town and Country Planning Act (T&CPA) 1990 to stop up a highway to enable development approved by the Test Valley Borough Council (Ref. 25/1047/FULLN) to take place.
- It is known as The Stopping Up of Highway (South East) (No.) Order 20 and comprises the closure/stopping up and removal of the south bound carriageway of Western Avenue gyratory system and associated changes to the highway network, including West Street and Waterloo Court, to allow for the development of a park (the Riverside Park) with areas of hard and soft landscaping, play areas, lighting, pavilion, river viewing platforms and an off road cycleway.
- The application for the Stopping Up Order, dated 25 July 2025, was made by the Test Valley Borough Council (the Council).
- There were originally 35 Objectors, including one Statutory Objector. The Statutory Objector (Vodafone) has since withdrawn, leaving 34 outstanding objections.

Summary of Recommendation: That the Order be made subject to a modification proposed by the Applicant

Procedural Matters

1. The Inquiry into the Stopping Up Order (SUO) application sat for three days from 30 June to 2 July 2026. I carried out an unaccompanied site visit, viewing all the locations suggested by the parties, on 29 June 2026.
2. A Pre-Inquiry Meeting (PIM) was held by video link on 19 May 2026. During the PIM, the Applicant gave notice that a modification to the Order would be requested, removing that part of West Street originally included in the Order, and making minor changes to the areas demarcated as 'new highway' and 'existing highway to be improved'. The proposed modified SUO and Plan were subsequently included in Appendix 3 of the Applicant's statement of case,¹ together with details of the proposed minor changes in Appendix 4.²
3. The Applicant confirmed that all necessary statutory formalities associated with the draft Stopping Up Order (dSUO) have been fulfilled.³
4. It was agreed that the Inquiry would proceed partly by formal presentation of evidence followed by cross examination, and partly by round table discussion. There were two round table discussions, the first focussed on the legal tests to be satisfied for the SUO to be made (Day 1), and the second on highways matters (Day 3).

The Order Land and Surroundings

5. The land to which the original SUO application relates lies in Andover town centre. It comprises the south bound carriageway of Western Avenue between its northern junction with West Street and a point north of Waterloo Court, together with part of West Street, eastwards from its southern junction with Western Avenue.
6. Western Avenue currently forms part of the A3057 gyratory system and is an adopted vehicular highway. It is used by general traffic, including private

¹ CD 9.11

² CD 9.12

³ CD 1.09 Certificate Confirming Posting of Public Notices (Revised Notice, Order and Plan)

vehicles and service vehicles, and forms part of a bus route through Andover town centre. A pedestrian footway runs alongside the carriageway providing access between different parts of Andover town centre.

7. The section of Western Avenue proposed for stopping up physically conflicts with the development of the Western Avenue Riverside Park authorised under planning permission reference 25/01047/FULLN.⁴
8. The modification removes West Street from the SUO application and shows some alterations to the highway maintainable at public expense. They relate to carriageway widening and realignment works within the existing highway, new footways and cycleways and alterations to junctions.

The Case for the Applicant

The material points are:

9. The proposed modification, to the SUO application, appended to the Council's Statement of Case,⁵ reduces the area of highway to be stopped up. At the Inquiry,⁶ Ms Smiles explained that the stopping up of part of West Street was originally proposed to simplify maintenance responsibilities. The Council reflected on the legal test under s247 TCPA 1990 and now considers that no part of West Street need be stopped up to undertake the approved Development and it can therefore remain as highway.
10. Mr Truss, witness for the represented Objectors, did not argue a case for the refusal of the application. He maintained that it should be made but based on modifications arising from his side's alternative proposals,⁷ rather than on the approved Development.

Public Sector Equality Duty

11. In closing submissions, Mr Ward, Counsel for the represented Objectors, raised points for the first time relating to the Public Sector Equality Duty (PSED). He alleged⁸ an absence of satisfactory evidence of due regard having been paid to the effects of noise and pollution, the relocation of the taxi rank, increased traffic movements, reduced pavement widths, and access to the Park, on those with protected characteristics
12. The Council undertook an Equality Impact Assessment (EqIA) for the Riverside Park Scheme in October 2024, which was most recently updated in June 2025 immediately before submission of the SUO application. Hampshire County Council (HCC), as Highways Authority, also undertook an EqIA.
13. The Council's EqIA expressly considers the possible impacts of the relocation of the taxi rank. It is yet to be updated to include assessments undertaken regarding noise and air quality submitted with the planning application. Because of this, the assumptions made on these topics in the EqIA are cautious.

⁴ CD 5.1

⁵ CD 9.10, 9.11, 9.12

⁶ In response to Inspector's question

⁷ CD 14.02

⁸ Para 16

14. The Council's Design and Access Statement (DAS)⁹ shows how the Riverside Park was designed to ensure accessibility and safety. Equalities matters relevant to changes in the road network, highways geometry, and the volume and pattern of traffic movement, were fully considered by the Council's Cabinet in approving the planning application.
15. Many of Mr Truss's points¹⁰ made in response to the Council's post-Inquiry note,¹¹ are not about having due regard to the PSED. They simply express disagreement with the Council's conclusions on matters discussed during the Inquiry, or reached in the EqIAs.

The Necessity Test

16. The Secretary of State may only exercise powers to make a stopping up order, '*...if he is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission.*¹²' Making an order to enable development to be carried out without planning permission would, therefore, be *ultra vires*.
17. Responding to questioning, Mr Truss agreed that the Council's modified SUO would allow the carrying out of the approved Development in accordance with the planning permission, resolving the conflict between the Development and existing highway rights.¹³ Nevertheless, he argues that an order should only be made if based on his side's modified scheme. However, this scheme would not allow the Development to be carried out in accordance with the approved planning permission since:
 - The new bay serving the Unity Community bus at the Bus Station could not be delivered.
 - The space available for the Riverside Park, particularly to the south, would be severely reduced.
 - The Central Square could not be delivered in its consented location.
 - The shared pedestrian cycle footway south of the Central Square could not be delivered as consented.
 - The shared pedestrian cycle crossing of Waterloo Court could not be delivered as consented.
18. The Objectors' alternative proposal does not have planning permission. Mr Truss maintains that the approved planning permission could be subject to a non-material amendment application under s96 of the TCPA, involving alteration of a small number of plans, to make it accord with his scheme. However, as Ms Smiles explained,¹⁴ the alternative proposal differs significantly from the approved planning permission and could not be implemented without grant of a fresh planning permission.
19. It would be extraordinary if such a complete scheme redesign could be consented through the non-material amendment process. Even if it could, no such

⁹ CD 5.1.26

¹⁰ CD 15.04 (inquiry Document 14)

¹¹ CD 15.01 (Inquiry Document 11)

¹² S247(1) TCPA

¹³ Round Table, Day 1

¹⁴ Rebuttal PoE CD 11.33, paras 3.4-3.6 amplified at the Day 1 Round Table session.

application has been made, nor has anyone indicated a willingness to make one. Moreover, the outcome of such an application is completely unknowable. This means that making an order to allow the alternative proposal to proceed would be outside the Secretary of State's powers, since it would be directed towards development that does not have planning permission.

20. The necessity test is passed for the Council's dSUO and accompanying plan, but not for the Objectors' alternative proposal.

The Merits Test

21. The Council has given careful thought to ways of making best use of the space available, taking advantage of its location by the River Anton, and its potential as a gateway to the town centre. No real concerns have been expressed regarding the principle of the Park, or its detailed design. The public benefits of the Development are considerable and include:
- The creation of an attractive, accessible and safe area of public space in the town for the community to enjoy, including a pavilion in the Central Square for community gatherings and events, extended river platforms and balconies, formal and informal play areas for children, water features, and seating. The renewed perception of Andover town centre as a place to visit, arising from the development of the Riverside Park, would encourage visitors, increase footfall, and improve the town centre's vitality and vibrancy.
 - Mental and physical health benefits would be delivered with the provision of new green space and improved walking and cycling routes. No-one cast doubt on the value of these benefits at the Inquiry.
 - Improvements in the connectivity and quality of routes delivered by a new segregated cycle route and separate pedestrian/cycle route through the park; new signalised and priority crossings for cyclists and pedestrians at the Western Avenue/West Street and the Western Avenue/Waterloo Court junctions respectively; improvements to existing pedestrian crossings on West Street, including the relocation of the crossing south of Portland Grove in response to consultation with residents; and improvements to intermodal connectivity between the train and bus stations. There is no evidence that improvements to the crossings would have been delivered through general powers or duties, absent the SUO.
 - Mr Jowsey (HCC) described the scheme as an exemplar in its active travel and placemaking benefits through the use of spare highway capacity, with an extremely strong local and national policy fit.
 - Removal of the existing conflict between vehicles southbound on Western Avenue and eastbound on West Street.
 - Speed limit reductions from 40mph to 30mph on Western Avenue and from 30mph to 20mph on West Street and Waterloo Court. The speed limit reduction on West Street arose from a request by Chantry Lodge residents at a consultation event.
 - A new dedicated bay in the bus station to serve the Unity Community Bus.
 - A 12.83% biodiversity net gain, exceeding the 10% gain required under the Environment Act 2021.

- The delivery of a very important project for the Council, which meets two key Andover Masterplan¹⁵ priorities in opening up accessibility to the River Anton and bringing more green space into the town centre. Both the Council and HCC have allocated significant approved funding to the project and the Ministry of Housing Communities and Local Government (MHCLG) regard it as important since the scheme was awarded Levelling Up Funding.
 - The Active Travel England route review tool assessment¹⁶ shows that the Western Avenue score would improve by 46% in Street Level of Service and by 48% in Placemaking, and the West Street score would improve by 11% and 10% respectively.
22. The Council recognises some limited and modest disadvantages of the Development:
- A minor impact on journey times arising from localised queuing and network delays. However, queuing at the junction of West Street and Western Avenue would be expected to clear in one cycle and the junctions would operate well within capacity even in the 2040 worst case scenario.
 - Limited additional traffic movements on the northern section of West Street between its junction with Chantry Street and Western Avenue. The Transport Assessment (TA),¹⁷ was not challenged at the Inquiry.
 - A small increase in walking distance from the bus station to the location of the new taxi arrangements in Waterloo Court. However, the previous drop off taxi bay at the bus station is no longer open and never functioned as a rank where taxis could wait to pick up passengers.
 - A small increase in the distance walked by children attending school swimming lessons from the bus drop off point to the Leisure Centre. It became apparent during the Inquiry that Mr Truss had thought schoolchildren would be required to cross a two-way road to reach the Leisure Centre. Neither of the two walking options available would involve such a crossing.
 - Higher noise levels at Junction Road and Portland Grove North because of increasing traffic arising from the two-way flow. The effect is classified in the short term (2028) as negligible for Junction Road and minor for Portland Grove North. In the long term (2040) the classification for Portland Grove North is minor and negligible for all other receptors. No affected resident need adjust their everyday activities by, for instance raising their voice or adjusting the volume of their TV, because of changes in noise level. Furthermore, no technical evidence has been produced by the Objectors, seeking to challenge the noise report.
 - An increase in concentrations of nitrogen dioxide (NO₂) and particulates (PM₁₀ and PM_{2.5}) is predicted. These concentrations would remain within Air Quality Objective Levels (AQOL) giving rise to classifications from negligible to slight. The changes fall very comfortably within the current air quality objective levels

¹⁵ CD 5.2.02

¹⁶ CD 5.1.06, Transport Assessment Appendix F - used to assess the proposals' contribution to 'Street Level of Service' (safety, accessibility, comfort, directness, attractiveness, and cohesion) and 'Placemaking' (social activity, personal security, character and legibility, and environmental).

¹⁷ CD 5.1.06

and, for most receptors, within the World Health Organisation (WHO) levels, albeit the WHO levels have no status in legislation, policy, or guidance in the UK. Moreover, the projections take no account of probable reductions in emissions as fleet compositions move away from petrol and diesel operation in the coming years.

- The Objectors' air quality witness, Dr Holman's, criticisms of Mr Rose's analytical approach could have been resolved satisfactorily by asking questions concerning his modelling before she wrote her report. Dr Holman also noted¹⁸ that the adopted guidance of the IAQM is out of date yet agreed that it currently remains the gold standard for air quality professionals. The next iteration of the guidance is not in the public domain and may take some time to appear. Dr Holman did not explain the nature of any alternative approach Mr Rose might have taken.
23. Concerns have been raised about the proposed changes to West Street, ranging from the safety of crossing two-way traffic, to the space allowed for vehicle turning movements, to the precise arrangements for weekly chemical deliveries to the Leisure Centre. These and other points have been considered in depth by the Council, engaging in live exercises with Stagecoach, extensive discussions with Lidl and the chemical delivery contractor, the completion of Road Safety Audits (RSAs),¹⁹ and continued consultation with HCC as local highway authority.
24. The Council judges that, on balance, the disadvantages brought about by the SUO would not outweigh its advantages to the public. These include the benefits arising from development of the approved planning permission enabled by the SUO. Both the necessity and merits tests are met.

Alternative Proposals

25. A modified SUO, facilitating the alternative proposals put forward by Mr Truss and Mr Briggs, would be outside the Secretary of State's powers. Moreover, no design or technical work on the proposals has been carried out concerning highways, road safety, air quality or noise, and no cost estimates have been drawn up. Therefore, there can be no confidence that the alternative proposals would be feasible or viable.
26. It is not possible, therefore, to undertake an informed analysis of the benefits and harm of the alternative proposals. The significant advantage, from the point of view of the Objectors, is that West Street would remain one-way. There are clear disadvantages:
- The road shown running next to the Chantry Centre multi-storey car park would significantly reduce public space within the Park, since it would have to be at least 6 metres wide to allow overtaking of a broken-down vehicle.
 - Consequently, there would be much less space in the Park for leisure activities, planting and biodiversity enhancement.
 - The quality and amenity of public space would suffer from the pressure of traffic, including HGVs and buses, being driven close to the pedestrian route through the southern part of the park.

¹⁸ Round Table, Day 3

¹⁹ CD 5.1.09 and 5.1.10

- Those arriving at the bus station would have to cross the road to enter the Park.
- The central pavilion would be displaced from its intended position, which was carefully chosen following ground and ecological surveys. It is not clear where it could go.
- The Unity community bus bay could not be provided.
- 24/7 vehicular movement would continue past Chantry Lodge.
- The proposed roundabout would consume significant space, displacing proposed new areas of green space and planting, meaning that it would not be possible to provide the Waterloo Court safe cycle crossing.

Conclusion

27. The Council's modified dSUO and Plan is the only form of order that would meet the necessity test. Regarding the merits test, any disadvantages would be limited and would be far outweighed by the significant public benefits arising from the modified SUO and approved Development.

The Case for the represented Objectors at the Inquiry

The material points are:

28. The determination of the SUO, or any modifications, including those suggested by Mr Truss, will depend on the necessity and merits tests. Although the application for the SUO was submitted on 28 July 2025, the Council only sought its modification in June 2026, just a few weeks before the Inquiry. For more than a year the Council had insisted that it was necessary to close part of West Street, despite it being clear that:
- The highway authority has a duty under s130 of the Highway Act 1980 to protect the use and enjoyment of highway rights.
 - A stopping up order should only apply to that part of the highway necessary to allow the development.
 - Many objections were made regarding the extent of closure following the application.
29. The application dSUO fails the necessity test, and consequently assessment should be based on the Council's proposed modified dSUO. One should question what else the Council may have got wrong.

The Andover Masterplan 2020

30. The Council says that the dSUO would allow the Masterplan's aspirations for the Riverside Park to be achieved. However, the Masterplan's vision is very different from the scheme based on the dSUO. The Masterplan shows an all-vehicle road routed through the park, with an exit northward from West Street, allowing the existing one-way system to continue. Ms Smiles, the Council's planning witness, accepts she was wrong to claim that the Masterplan indicated a bus-only exit route and that West Street would have to become two-way.²⁰

²⁰ POE para 14.16-14.16.3

31. She states that the Council began feasibility work to make West Street suitable for two-way traffic because it (wrongly) thought that the road through the park was for buses only. However, this was not the correct starting point. What the Council should have considered was how best to deliver the Riverside Park whilst retaining West Street as one-way, with an exit road somewhere in or on the edge of the park.
32. The feasibility studies carried out have not been put before the Inquiry. We do not know, therefore, what factors the Council weighed up, and what methodology and options were considered. However, since the aim of the feasibility work was to investigate how to make West Street two-way, it is difficult to see how one-way options would have been considered.
33. The Council became fixated on the idea of the scheme as at CD 3.06, establishing the principle of West Street as a two-way cul-de-sac, a radically different outcome from that shown on the Masterplan, producing many different adverse impacts.

The Briggs/Edgell Traffic Scheme

34. The Objectors' alternative scheme offers a conceptual route towards the Masterplan's aspirations to create a riverside park. It retains West Street as a one-way through route, with an all-vehicle road running alongside the park, albeit southbound rather than northbound as in the Masterplan. The all-vehicle road would take no more space than the road shown on the Master Plan and its impact on the park would be no greater.
35. West Street would remain as it is and many, if not all, of the disadvantages created by the dSUO would be overcome. Moreover, there is no reason to believe that the riverside park could not operate in a similar way to that in the approved Development, delivering substantially the same benefits.
36. The scheme does not have planning permission. However, it is not the purpose of this Inquiry to examine whether planning permission would be required and, in practice, the scheme does not differ materially from the approved development. It is possible that, with a few non-material changes to the plans, the scheme could benefit from the extant permission. In any event, there is no reason to believe that the Council would not grant permission, and the General Permitted Development Order 2015 would apply to the new roundabout suggested for Waterloo Court, together with any crossings required.

Public Sector Equality Duty (PSED)

37. The PSED, set out in section 149 of the Equality Act 2010, applies both to the SUO application and to the decision arising from this Inquiry. Section 149(3) refers to equality of opportunity between those who share a relevant protected characteristic and those who do not. Section 149(4) refers specifically to the need to take steps to take account of a person's disabilities. There is no satisfactory evidence to suggest that the Council or HCC had due regard to these duties in applying for the SUO.
38. Although there is no absolute requirement to conduct or publish an equality assessment, it is demanded as a matter of course for this locally important project. The assessments by the Council and HCC were not provided to the Inquiry and, as living documents, they do not appear to have been appropriately

updated. Significant omissions include the impact on those with relevant protected characteristics of:

- Noise and pollution in Portland Grove and Chantry Lodge.
- Relocation of the taxi rank.
- Increased traffic movements with the introduction of two-way movements on West Street, not mitigated by changed speed limits.
- Reduced pavement widths.
- Access to the park.

The Necessity Test

39. Whilst the SUO might be necessary to deliver the approved Development, a lesser area of stopped up highway²¹ would be required to deliver the Objectors' alternative scheme.

The Merits Test – alleged benefits

40. Clearance and improvement works for the River Anton are cited. However, these benefits do not depend on the SUO and could be carried out regardless.
41. The Council points to the reduction from 30mph to 20mph in the West Street speed limit. However, any possible need for the change in speed limit would arise from the creation of a two-way cul-de-sac. In any event, it could be achieved without the SUO.
42. The proposal for improved crossings is noted. However, the highway authority has the power and duty to provide improved crossings, if necessary, regardless of the SUO.
43. The creation of a new, signalised junction at Western Avenue/West Street, championed by the Council, would be required, if at all, to mitigate the harm caused by the reduction in carriageway capacity and the loss of the gyratory system.
44. Delivery of the Masterplan is cited. However, many of its benefits are not dependent on the SUO and, in any event, the approved scheme would be very different from the Masterplan vision.
45. Benefits to Andover residents claimed by the Council are doubtful. Indeed, the Town Council objects to the dSUO.
46. Biodiversity gains are real but minor and would be delivered by any development.
47. Cycle and pedestrian routes through the park are of benefit but would be negated by harm to pedestrians and cyclists using West Street in two-way traffic with reduced pavement widths and the loss of the advisory cycle lane.
48. The extension of Town Mills Park is cited, but it would be cut off from the Riverside Park by Waterloo Court.
49. Improved connectivity would be of benefit in a north-south direction, but not for east-west movement where West Street would represent a key obstruction in its disadvantaged state.

²¹ CD 14.02

50. The removal of all vehicle turnings on the Western Avenue gyratory, eliminating right hand turns across traffic, would be beneficial. However, it would be at the expense of creating four new turns across traffic in West Street.
51. Implementation of the planning permission would provide opportunities for informal outdoor recreation, but it would not increase footfall for town centre businesses.

The Merits Test – negative impacts

52. Visitors to the Riverside Park would not be disturbed by noise. However, increased traffic noise in West Street would be experienced by residents in their homes throughout the day and night.
53. Likewise, Park visitors would experience good air quality whilst it would worsen for the residents of West Street and Portland Grove. The Council suggests that, despite deterioration, it would remain within acceptable limits. This conclusion is open to serious doubt for several reasons:
 - The use of out-of-date guidance and standards.
 - Failure to include a DEFRA assessment simply because the Council's environmental health officer (EHO) did not require one.
 - No provision being made for diurnal variation.
 - The location of sites chosen for baseline model verification is not appropriate. They were chosen because they are the only ones having existing data.
 - The PM2.5 levels would significantly exceed WHO revised air quality guidelines. The consequential health impacts would not align with local plan policy.
54. The relocation of the taxi rank would have a serious effect on many of those with protected characteristics including age, disability, maternity and pregnancy, as explained by Judith Entwistle.²²
55. Mr Whittaker, the Objectors' Highways witness, stressed the importance of routes representing desire lines to amenities close to the scheme, such as Andover College and the Leisure Centre, Chantry Lodge, and the supermarkets. These generate active pedestrian and cycle trips, mostly via West Street, where footway provision and crossing facilities would suffer under the approved Development. Legibility would be poorer and the need to cross the road greater, factors particularly significant for vulnerable users.²³
56. Footway widths would be reduced in locations where, in recent grants of planning permission, the Council required wider pavements. Furthermore, Mr Rawlings, Principal Road Safety Engineer for Hampshire Engineering Services, agreed that the traffic scheme relied on cars voluntarily giving way to pedestrians who might wish to cross.²⁴ In these circumstances, signalised crossings are necessary.

Conclusion

57. The harm arising from the modified SUO proposed by the Council would clearly outweigh its benefits. By contrast, the modifications suggested by Mr Truss would avoid all, or most of the negative impacts of the Council's proposed SUO.

²² See below and CD 12.09

²³ CD 12.04, paras 2.1.2-2.1.6 Charles and Associates Technical Note.

²⁴ Round Table, Day 3

Recommending refusal would allow other options to be explored and properly considered.

58. If the Council's modified SUO were allowed, the consequences would be irreversible. A far more cautious approach is required, highlighted by the Council's unnecessary inclusion of West Street in the SUO.

Unrepresented Objectors

Councillor Burley, Andover Town Council

59. A written representation was made by Andover Town Council.²⁵ Councillor Burley gave voice to the concerns expressed in the representation. In particular, he pointed to increased volumes of traffic and the difficulties of delivery vehicles making turnings.

Judith Entwhisle

60. Ms Entwhisle, an Andover resident, is disabled and has used a wheelchair for over 70 years. She is a retired teacher and has been active for many years in local disability organisations.
61. Ms Entwhisle encounters large numbers of people crossing West Street between the college, the bus station, and the Chantry Centre. Those with mobility problems move at a slow pace and may use mobility aids. Having to negotiate two-way traffic would bring additional difficulties and potential dangers. Coming into town every week, Ms Entwhisle notes that even with one-way traffic, crossing the road can take some time.
62. Ms Entwhisle supplied photographs of vehicles parked legitimately adjacent to the sports centre. If the pavement were made narrower as proposed, it would be difficult for scooters, wheelchairs and double buggies to pass, particularly were a lorry parked at times.
63. Repositioning the taxi rank would cause difficulties. Those requiring a taxi after bus travel would have to make their way down a steep slope to Waterloo Court, a long way for those with mobility problems, perhaps carrying bags or luggage. A parking place, located at present behind the taxi rank, acts as a drop off and pick up point. Those dropped off near the proposed taxi rank would be forced to negotiate a steep slope.

Ed Morgan

64. Mr Morgan is a resident of Chantry Street, having spent thirty years running logistics businesses in Andover, and is able to drive vehicles of up to 44 tonnes. He criticised the delivery arrangements to supermarkets, necessary under the proposals. Delivery to Lidl, at present straightforward, would require executing opposing 90 degree turns with carriageway overruns.
65. He also pointed to the difficulties in turning right across traffic at particular junctions under the proposals. These include the Chantry Street junction with West Street, and both the multi-storey car park and the West Street car park junctions.

²⁵ CD 6.32

Peter Hughes

66. In addition to the points made in his written representation,²⁶ Mr Hughes expressed concerns regarding the operation of weekly vehicle deliveries of chemicals to the Leisure Centre. His concerns focussed in particular on the vehicle's turning movements and the obstructions it might cause.

Written Representations

67. Written representations are contained in Volume 6, and the Council's responses in Volume 7 of the CDs. Their content was recognised and discussed at the Inquiry.

INSPECTOR'S CONCLUSIONS

68. Under s247(1) of the T&CPA 1990, the Secretary of State may authorise the stopping up of any highway if he is satisfied that it is necessary to do so to enable development to be carried out in accordance with planning permission. This is known as the necessity test. It is not open to objectors to argue that development could be carried out in a different manner which would make closure unnecessary, and it is not possible to reopen consideration of the planning permission.
69. The Secretary of State's decision is discretionary and will normally take into account the balance of public benefit against harm, or advantages versus disadvantages, known as the merits test. The balance arises from assessment of the circumstances brought about by the SUO itself and by the development enabled by the planning permission.

The Necessity Test

70. The modified SUO proposed by the Council is necessary to allow the approved development to proceed. This is because the southbound carriageway of Western Avenue would become an integral part of the Riverside Park, occupied with landscaping, community uses, and pedestrian and cycle circulation. Without the SUO the approved Development would not be possible.

The Merits Test

71. The balance of public benefit against harm will be examined under various sub-headings.

The Public Realm

72. The Development would repurpose a section of non-essential, underused highway to help produce active public green space, a key principle of the Andover Masterplan. The site of the Development is close to the heart of the town centre, but at present encircled and cut off from public access by the gyratory system and therefore functions simply as a central roundabout. It has the environmentally significant River Anton chalk stream running through it as a defining feature, and would become a landscaped and planted riverside park, operating as an important public asset for Andover.
73. As set out in the Applicant's case, the Park would provide access to the river, also a Masterplan key principle. Facilities on the east bank would be linked by a

²⁶ CD 6.33

pedestrian and cycle route, including a central square with a balconied pavilion overlooking the river, play areas, water features, river platforms, and areas for public seating encouraging repose and contemplation. On the west bank, a segregated cycle route would form part of the National Cycle Network. The Park would enable and encourage beneficial patterns of individual and community use.

74. The public realm would also extend visually and physically to the existing Town Mills Riverside Park to the south-east, at present isolated from the approved development by the section of Western Avenue which would be stopped up. Access between the two parks would be by means of a priority pedestrian and cycle crossing at Waterloo Court.
75. The ATE route review²⁷ assesses Placemaking as improving by 48% for Western Avenue and by 10% for West Street under the proposals. This represents a significant endorsement of the dSUO and the Development's combined positive effects on the public realm.
76. The SUO, and implementation of the Development, would greatly enrich the public realm without causing it any discernible harm. I place great weight on the beneficial effect of the SUO on the public realm.

Connectivity

77. The Riverside Park would certainly attract visitors from the immediate locality, its connectivity enhanced by internal and external pedestrian and cycling routes. With the resources of the bus station and car parking nearby, and with easier links to the railway station, it would also be a magnet for visitors from the surrounding area.
78. In addition, the Park would connect easily with the Leisure Centre, Andover College and other nearby facilities, and onwards to the main town centre and its historic core. Moreover, intermodal connection between the railway station and bus station would be much easier, and connectivity would be improved with the installation of a dedicated bay at the bus station for the Unity Community Bus.
79. The signalised crossing at the junction of Western Avenue and West Street, and the priority crossing of Waterloo Court would assist connectivity on a north-south axis. Objectors assert that changing West Street to two-way traffic with greater overall volume would hinder east-west connectivity. However, there is no persuasive evidence to suggest that this would be the case, and the TA indicates otherwise.
80. Access from the bus station to taxis would be a little more difficult, because of the extra distance and the ramped surfaces, albeit negotiable for those with protected characteristics. However, the taxi drop off point at the bus station no longer operates, and it never functioned as a rank where taxis would await fares. There would also be a small increase in the distance children would have to walk from the bus drop off point to the Leisure Centre for swimming lessons, albeit through safe and pleasant surroundings.
81. Altogether, with the operation of the SUO and the implementation of the approved Development, connectivity would be greatly increased. The improved connectivity, on which I place great weight, would enhance the enrichment of the public realm already described.

²⁷ CD 5.1.06, Transport Assessment Appendix F

Highways

82. Many of the objections focus on the effects of highways changes proposed on the safety of various groups, and their ability to navigate their surroundings in a reasonably convenient way. They refer to West Street in particular. The alteration of the circulation pattern from a one-way through route to a two-way cul-de-sac underlies these changes.
83. An increase in the overall volume of traffic would take place, involving a minor impact on journey times. This would affect the northern section of West Street especially, since traffic exiting West Street Car Park, the Leisure Centre, and Chantry Street would turn right along this section rather than join the one-way flow leftwards. However, as the TA shows, flows would remain well within road capacity, considering future traffic growth, including that generated by possible future development in the area, even in the 2040 worst case scenario.
84. The need to look both ways in a situation of greater traffic flows with increased right turns would require greater attention than at present. This is an important point for the elderly, those with mobility problems, and children. However, careful positioning, or repositioning, of crossing points, including refuges, and the introduction of the signalised junction controlling flow between Western Avenue and West Street would help significantly, as might the reductions in speed limits.
85. The road geometry would change a little, with some reductions in pavement widths. However, none would fall below accepted standards and the use of mobility scooters would not be impeded unless obstructive parking on pavements took place. Delivery arrangements at the Leisure Centre, supermarkets and Chantry Centre, and vehicle movements at the bus station, appear to have been resolved, live tested, and agreed with operators.
86. The relevant stages of the RSA process have been completed, and no significant concerns remain after the incorporation of the scheme design modifications indicated. Also relevant are the results of the ATE Review Tool assessment, which indicates that the Street Level of Service would improve by 46% for Western Avenue and 11% for West Street.²⁸
87. The proposed highway changes might cause difficulties and inconveniences to some people using parts of West Street. However, significant highways advantages would be delivered, including improvements to existing crossings on West Street; signalised and priority crossings benefitting pedestrians and cyclists, and removing conflict between vehicles; the creation of safe and healthy cycling and walking routes associated with the Park, more than compensating for the loss of the advisory cycle route on West Street; and the road safety implications of reduced speed limits on Western Avenue and West Street.
88. The Objectors point to many of the highways improvements being possible as part of the normal duties of the authorities. However, I think it very unlikely that they would come about without the SUO.
89. Overall, the highways implications of the proposed modified SUO and the Development, in my view, weigh positive to a moderate extent.

²⁸ CD 5.1.06 Transport Assessment Appendix F

Noise and Air Quality

90. The Riverside Park would be relatively tranquil. However, noise levels would rise in certain locations, because of increased traffic with two-way operation. Junction Road to the west of the park and Portland Grove off West Street would be the locations most affected. However, the increase would be within acceptable limits both in the short and the long term. Moreover, long-term projections are likely to be overestimates, since fleet transitions to quieter electric vehicles would tend to reduce noise levels.
91. Turning to air quality, the rise in NO₂ levels would be negligible and would remain below current Air Quality Objectives. PM₁₀ and PM_{2.5} levels are projected to rise but would also remain within target levels. For the most part, air quality levels would be below the much more stringent non-statutory WHO recommended levels, except for some PM_{2.5} levels. Moreover, no account has been taken of probable reductions in air pollution from traffic as standards tighten and vehicle fleets move away from reliance on fossil fuels.
92. The air quality assessment methodology used accords with current published standards. No alternative methodologies have been suggested, and an alternative technical assessment has not been provided. The Objectors' technical witness concedes in her report that it is very unlikely that the air quality thresholds set in legislation will be exceeded.²⁹
93. Overall, noise and air quality concerns do not carry significant weight.

Health and Wellbeing

94. The Riverside Park would provide expanded scope for active travel arising from improved walking and cycling routes within central Andover. It would also open up a variety of opportunities for informal recreation, relaxation and the enjoyment of nature, enhanced by increased biodiversity. Many beneficial opportunities for casual and organised social and community interaction would be available.
95. Altogether, the proposed development would deliver significant mental and physical benefits for Andover's population. The very limited effects of additional traffic and the negligible or very minor effects of noise and on air quality in certain locations would not outweigh the significant health and wellbeing advantages of the Development as a whole.

The Public Sector Equality Duty

96. This topic was introduced by Mr Ward in his closing submissions. There had, therefore, been no opportunity to hear evidence on the PSED during the Inquiry. I therefore agreed to the usual procedure of accepting a post-Inquiry note from the Applicant, a single response on behalf of the represented Objectors, and a final right of reply from the Applicant. The process was to be completed within 14 calendar days of the close in the Inquiry. I am therefore disregarding the Objectors' second response.
97. I am satisfied that the Council's PSED, in relation to the proposed SUO and the Development, was properly discharged during the process of consideration and

²⁹ CD 12.08 para 7.2

approval of the proposals. Moreover, I have had regard to the PSED in the conduct of the Inquiry. The Objectors' late introduction of the issue appears to be an attempt to seize an opportunity to reargue matters which had already been heard in evidence at the Inquiry.

The Balance

98. Despite understandable local concerns which carry some weight, the overall balance of public benefit is firmly in favour the modified SUO put forward by the Applicant.

Overall Conclusion

99. Subject to the modification proposed by the Applicant set out below, the proposed SUO is necessary to enable the Development to be carried out in accordance with the planning permission granted by the Council. There are no disadvantages or losses likely to impact individuals or the public, either separately or cumulatively, that would outweigh the advantages conferred by making the SUO.

RECOMMENDATION

100. I recommend that The Stopping Up of Highway (South East) (No.) Order 202.. be made, subject to the modification set out in the attached schedule.

Alan Novitzky

Inspector

SCHEDULE: RECOMMENDED MODIFIED STOPPING UP ORDER AND PLAN

Drawing No. CJ09625-HEH-LLO-40012558-DR-CH-0003 S2 REV P07

[Applicant's Statement of Case Appendix 3, CD 9.11]

APPEARANCES

FOR THE APPLICANT

Caroline Daly, of Counsel, Francis Taylor Building, instructed by Rachel Hey and Katie Millar of Sharpe Pritchard LLP on behalf of Test Valley Borough Council

She called:

Phil Brady BENG (Hons) ONC HNC (All Civil Engineering), Director: Stantec UK Ltd
Highways Matters

Fay Smiles BSc (Hons) MSc MRTPI: Regeneration Planning Manager, Strategic Planning and Growth, Test Valley Borough Council

Tim Rose BA(Hons) MCIHT MTPS: Regional Director, MEC Consulting Group
Noise and Air Quality

Ross Rawlings HNC MCIHT MSoRSA: Principal Road Safety Engineer, Hampshire Engineering Services, HCC
Road Safety Audit

David Jowsey MSc Transportation Planning and Engineering: Area Strategy and Scheme Development Manager, Integrated Transport, Hampshire County Council
Highway Authority

FOR THE REPRESENTED OBJECTORS

Trevor Ward, Barrister, Pallant Chambers, instructed by Adrian Truss, Solicitor

He called:

Adrian Truss

Ann Truss

Bob Briggs

Claire Holman BSc (Hons) PhD CSci CEnv FIEnvSc FIAQM, Director of Kalaco
(appeared by video link) Air Quality

Steve Whittaker, Director Charles Associates Consulting Engineers Ltd (appeared by video link)
Highways Technical Review

OTHER OBJECTORS

Councillor Burley Andover Town Council

Judith Entwisle, Retired Teacher - wheelchair user, Secretary to Andover Action Committee for Disabled People for 30 years

Ed Morgan, Qualified HGV Driver having long term involvement with logistics businesses in Andover

Peter Hughes, Local Resident

DOCUMENTS

Core Documents can be seen on Test Valley Borough Council's website.

DOCUMENTS SUBMITTED DURING THE INQUIRY

Document 1	Opening Statement for Test Valley Borough Council
Document 2	Opening Statement for the Objectors represented by Mr Ward
Document 3	Outline Agenda for the Round Table session, Day 1
Document 4	Corrections to the Fay Smiles Proof of Evidence and Rebuttal
Document 5	Key Inquiry Plans (Hard copies, Volume 14 of CDs, including CD 14.18, CD14.18, and CD14.19 added during the Inquiry)
Document 6	Hard copy of CD 5.208 added during the Inquiry
Document 7	Diagrammatic layout of Mr Briggs' proposal (CD 14.01 with added information)
Document 8	Outline Closing Submissions made by Mr Ward
Document 9	Supporting Documents to Mr Ward's Closing Submissions
Document 10	Closing Statement for Test Valley Borough Council

DOCUMENTS SUBMITTED AFTER THE INQUIRY

Document 11	The Council's comments on new matters in Mr Ward's closing (CD 15.01)
Document 12	Appendix 1, TVBC Equality Impact Assessment (CD 15.02)
Document 13	Appendix 2, HCC Equality Impact Assessment Andover Western Avenue (CD 15.03)
Document 14	Mr Truss's response to Document 11 (CD 15.04)
Document 15	The Council's Comments on Mr Truss's Document 14 (CD 15.05)