



Appeal Decision

Site visit made on 23 August 2021

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretaries of State for Transport and for Housing, Communities and Local Government

Decision date: 03 September 2021

Appeal Ref: APP/HS2/16

Wendover Green Tunnel North Portal Compound to the Strategic Road Network

- The appeal is made under paragraph 22 of Schedule 17 of the High Speed Rail (London to West Midlands) Act 2017.
 - The appeal is made by High Speed Two Limited (HS2L) against the failure of Buckinghamshire Council to give notice of a decision within the prescribed period, on an application to approve a submission made under paragraph 6 of the Schedule.
 - The submission, dated 17 June 2020 and submitted on 3 March 2021, was for the approval of a lorry route in connection with the Wendover Green Tunnel North Portal Compound.
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Decision

1. The appeal is allowed, and approval is granted for a lorry route from the Wendover Green Tunnel North Portal Compound to the strategic road network, as set out in the submission dated 17 June 2020.

Legal framework and related matters

2. Deemed planning permission for the construction of a high-speed railway line from London to the West Midlands was granted by the High Speed Rail (London to West Midlands) Act 2017 ('the HS2 Act'). Schedule 17 of the HS2 Act sets out the conditions of that permission.
3. Paragraph 6 of Schedule 17 provides that, where the relevant planning authority is a qualifying authority (as is the case in this appeal), the routes to be used by large goods vehicles (LGVs) are subject to approval. The grounds on which such approval may be refused are limited. Under sub-paragraph 6(5)(b), these grounds include where the proposed arrangements ought to be modified to prevent or reduce prejudicial effects on road safety or the free flow of traffic, and are reasonably capable of being so modified. The circumstances in which conditions can be imposed on an approval under this paragraph are similarly restricted, as set out in sub-paragraph 6(6), and in addition conditions may only be imposed with the agreement of HS2L as the nominated undertaker.
4. Paragraph 26 of Schedule 17 provides that, in the determination of applications under Schedule 17, regard shall be had to guidance to be issued by the relevant Secretary of State (SoS). Such guidance has been issued by the SoS for Transport and was updated in May 2021, referred to here as 'the Statutory Guidance'¹.

¹ High Speed Rail (London - West Midlands) Act 2017 Schedule 17 Statutory Guidance, updated May 2021

5. Amongst other things, the Statutory Guidance draws attention to a suite of documents known as the Environmental Minimum Requirements (the EMRs), to which HS2L as the nominated undertaker is contractually bound by a Development Agreement, and the qualifying authorities are bound by various individual agreements and undertakings. These EMRs include the Environmental Statement (the ES), Transport Assessment (TA) and Additional Provisions reports (the APs), the Planning, Environmental and Heritage Memoranda, Planning Forum Notes (PFNs), a Code of Construction Practice, and various route-wide and local traffic management documents derived from these. Together, these EMRs provide for a series of additional control mechanisms which operate alongside Schedule 17.
6. The relevant legal framework also includes the judgement of the Court of Appeal in *R(London Borough of Hillingdon) v SoS for Transport and Another*², which is now generally referred to as '*Hillingdon 1*'; and that of the Hon. Mr Justice Ouseley in a second case involving the same parties³, in the High Court, known as '*Hillingdon 2*'.

Preliminary matter: validity of the appeal

7. The Council contends that the submission made to them by HS2L was invalid, for lack of adequate information. On that basis, the Council's view is that the prescribed period for determination of the submission was never commenced, and the appeal is therefore invalid.
8. In Schedule 17, the provisions relating to appeals are set out at paragraphs 22-25. Paragraph 22 contains the right to appeal. Sub-paragraph 22(3) states, without qualification, that where a planning authority receives a request for approval under Schedule 17 and fails to issue a decision within the prescribed period (or such extended period as may be agreed), then the provisions of that paragraph, relating to appeals, shall apply as if the request had been refused. In the present case, there is no dispute that the Council did not make a decision, within the relevant prescribed period.
9. Sub-paragraph 22(2) also states that, on appeal, the determination may only be one resulting in the approval or refusal of the submitted proposal, or the imposition of conditions. The Schedule makes no reference to any circumstances in which an appeal may be treated as invalid or turned away for any other reason.
10. The Statutory Guidance, at paragraphs 25 and 26, states that the information required to support a Schedule 17 application will generally be that set out in the PFNs. In this context the most relevant PFNs, at the date when the application was made, were Nos 1, 3 and 6. For lorry routes, the documents required are specified in PFN 6: these are a list of roads, a declaration relating to local suppliers, a covering letter, a plan of the route(s), a written statement including the content specified in the PFN, and a Route Management, Improvement and Safety Plan (a ROMIS), the latter also to include specified content. In the present case, the original submission by HS2L appears to have included all of these items.

² [2020] EWCA Civ 1005

³ [2021] EWHC 871 (Admin)

11. The Council, in its appeal statement, lists a number of items of additional information which it considers should have been submitted, and which in their view was lacking. I note that the latter point is disputed by the appellants. But be that as it may, there is nothing in PFN 6, nor in the more general guidance in PFNs 1 or 3, that supports the Council's requests for further information on these matters. Subsequently, a new PFN 17 has been issued, on Information for Decision Making, and this expands on the kinds of information that might be sought. There is no dispute that this new PFN is a material consideration in the present appeal. But given that its introduction came after the date of submission of the original application, any failure on HS2L's part to comply with the new PFN (albeit that this too is disputed by the appellants) would not make the application invalid retrospectively, and thus cannot affect the validity of the appeal.
12. The Council also suggests that the lorry route now proposed should not have been submitted as a separate application, but should have been made part of a single composite submission, together with the routes proposed in four other applications, all relating to worksites in the A413 corridor. In this context, I also note that these other four applications are all now the subject of further appeals. But there is nothing in the Act itself, or in the Statutory Guidance or PFNs, that prevents lorry route applications being made in relation to individual worksites, and indeed the wording of paragraph 6(2) of Schedule 17 seems to me to envisage applications being made on just such a basis. To my mind, this cannot give rise to a finding of invalidity.
13. In the *Hillingdon 1* judgement at paragraph 70, the Court of Appeal held that the information and evidence provided with an application under Schedule 17 should be sufficient to enable the determining authority to perform its duty; and that the prescribed 8-week period should not start until adequate information has been provided. Further guidance on how this ruling should be applied is contained in paragraphs 208 and 209 of the *Hillingdon 2* judgement. However, neither of the two judgements suggests that information may be required which is not necessary or relevant for the decision that is required. To my mind it is clear from these judgements that the question of what type and amount of information is necessary in a particular case, to enable a lawful decision to be made, will still be a matter of planning judgement, dependant on the facts and circumstances of that case.
14. Having regard to all the above matters, I find no grounds on which to turn the appeal away on grounds of invalidity. Instead, where relevant, I will address matters relating to the adequacy of the information provided, in the context of the substantive issue, as discussed below.

Main issues

15. The Council's stated position, in the event that the appeal is found to be valid, is that the appeal should be dismissed. Although the grounds for such a dismissal are not specified, the matters raised in the authority's statement are concerned with the numbers of vehicles that would use the proposed route.
16. Having regard to the requirements of Schedule 17 paragraph 6, and all the submissions before me, I consider that the main issue in the appeal is whether the arrangements relating to the proposed lorry route ought to be modified, and are reasonably capable of being so modified, having regard to matters of road safety and the free flow of traffic.

Reasons for decision

The Statutory Guidance

17. Paragraphs 20-22 of the Statutory Guidance give advice on the scope of matters that may be considered under Schedule 17, and the relationship between such approvals under the Schedule and the other controls available through the EMRs. Authorities should not revisit matters settled through the HS2 Parliamentary process. Requests for approval should be determined on the basis of the EMR controls already in place. Authorities should not seek to modify those existing controls, nor should they replicate them except where necessary and relevant to the specified grounds.
18. Paragraphs 31-34 relate to the specified grounds for determination. In passing the HS2 Act in 2017, Parliament has taken account of the impacts assessed in the ES, and judged these to be acceptable. The purpose of Schedule 17 is therefore not to eliminate all adverse impacts, including those relating to traffic, and in some cases submissions will need to be approved even though a negative impact has been identified. Modifications may be sought to reduce such impacts, but only where justified, and where they relate to the specified grounds for determination.
19. Paragraphs 42-43 cover lorry route submissions. The Guidance makes clear that the arrangements that are approved must relate only to the routes themselves. Modifications may be made by substituting one route for another. Conditions limiting times or numbers of vehicles must be justified, and should have regard to the effects on the HS2 project's costs and programming.

The proposed route

20. I saw on my visit that the proposed lorry route leaves the strategic route network at junction 2 of the M40 motorway. The first 700m is via the A355, which on this stretch is an inter-urban dual carriageway, designed solely for motorised traffic. This part of the road has a grassed central reservation, two lanes in each direction, laybys on either side, and lighting throughout. It runs between dense tree belts, through open countryside, with no frontage development of any kind. At the end of this section of the A355 is the 3-arm Pyebush roundabout, which is designed to handle significant volumes of traffic, with a large central island, splitter islands on the entry points, wide radii, and road markings.
21. At this point, the route turns onto the A40 London Road, for a distance of about 500m. This section of the A40 is a single carriageway rural A-class road, with two lanes on the westbound side, which includes a modest incline, and a single lane on the return, and is lit throughout. For the most part, this section of road runs through a primarily rural area, with only occasional accesses to agricultural and similar uses, and a cricket field. The final 250m or so passes housing on the southern side, with two minor side roads and a handful of individual residential accesses. This section has footways westwards from the junction with Burnham Avenue and the cricket club entrance; the remainder of the road has no uses likely to attract pedestrians.
22. At the London End/Minerva Way mini-roundabout, the proposed route turns right, re-joining the A355. The roundabout is on the edge of the Beaconsfield urban area. It has clear signage, road markings, crossing islands and lighting. The 7km length of the A355 that follows is a single-carriageway A-class road.

- For the first 1.5km, there is development on the western side only, with individual residential accesses and several side roads. This section is lit throughout, and has centre hatchings, right-turning lanes at the junctions, occasional crossing points, and a continuous footway on the developed side. Beyond Ledborough Lane, the A355 becomes rural in nature on both sides, passing through agricultural land and woodlands. In this section of the road, the width is adequate, its alignment is reasonably straight, and forward visibility is generally good. Accesses and side roads are few. The road markings and signage are clear.
23. At the Gore Hill roundabout on the edge of Amersham, the route turns westwards, onto the A413. The roundabout itself is designed to modern standards, with two circulating lanes, splitter islands, pedestrian facilities and lighting. For the next 2km, the A413 forms the Amersham By-Pass. This section is a 3-lane, single-carriageway road, with the direction of the centre lane alternating according to the direction of the gradient. Centre hatchings and 'no overtaking' solid centre lines are provided over much of this section. Lighting is provided at the roundabout junctions with the A404 and with Bow Road. This section of the road runs outside the urban area, largely between embankments and tree belts, with no other junctions or accesses of any kind.
 24. For about the next 11 km, the proposed route continues to follow the A413, heading north-west. Of this, the first 2km stretch is dual carriageway, as far as Little Missenden. This section of the road has a wide, grassed central reservation, and very few side roads or accesses. The remainder of this part of the route is a single-carriageway, rural A-class road. This section has occasional side road junctions and accesses to individual properties and commercial premises, but for the most part passes through agricultural land and woodland. Some sections also have lighting, central hatchings and crossing islands at junctions.
 25. The final 2km of the route is on the Wendover By-Pass section of the A413, which is a more recently built, high-standard single-carriageway road with lighting in parts, steel crash-barriers, and no accesses of any kind. Access to the HS2 worksite at the Wendover Green Tunnel North Portal Compound, would be via an existing lay-by, which I note has already been temporarily closed to other traffic. Both in and out movements would be left-only, with return movements initially continuing northwards for about 600m, before turning through 360 degrees at the Nash Lee Road roundabout, and then retracing the route back to M40 junction 2.
 26. Along this part of the A413, the main settlements of Amersham, Great and Little Missenden, Little Kingshill, Hyde Heath, South Heath and Wendover are all bypassed in their entirety. In most cases, the junctions serving these villages are provided with safe turning and crossing facilities. The two main junctions adjacent to Great Missenden are roundabouts, with islands and lighting. The only settlement that the road passes through is the small linear hamlet of Little London, where a reduced speed limit of 40 mph is in force. Throughout the length of the proposed route, the A413 is of adequate and consistent width, apparently of sound construction, and has a reasonably straight alignment and good visibility.
 27. Looking at the proposed route as a whole, two principal characteristics are apparent. Firstly, it relies only on roads classified as 'A' class. As such, these

are roads that are designed to accommodate all types of traffic, and to handle significant traffic volumes with relative safety. Secondly, the route largely avoids any towns or villages of any significant size, thus minimising the potential for environmental impacts on residential occupiers. These seem to me to be highly desirable characteristics that clearly weigh in favour of the proposed route.

28. Conversely, none of the evidence identifies any physical limitations or weaknesses, that would make the proposed route unsuitable for use by LGVs, for the purpose of accessing the Wendover Green worksite. No specific shortcomings or drawbacks of any kind have been suggested that would count against this choice of route.
29. This assessment is further reinforced by the fact that the route now proposed appears to be the same as that which was assumed for the purposes of the original ES and TA assessments carried out for the HS2 project in 2013, and also in the subsequent APs. The route has therefore already been taken into account by the relevant Select Committees during the passage of the HS2 Bill. In the absence of any convincing evidence to the contrary, this seems to me a particularly weighty consideration.
30. I therefore conclude that the proposed lorry route, via the A355, A40 and A413, is suitable and acceptable in principle for its intended purpose of accessing the Wendover Green Tunnel North Portal Compound.

Alternative routes

31. On my visit I was also able to view in more general terms the most likely possibilities for any alternative routes.
32. The most obvious of these alternatives, leaving the M40 at junction 4, then travelling via the A4010, would have to pass extensively through the main built-up areas of High Wycombe and Princes Risborough, as well as some smaller settlements. Alternatively, the use of the A404 or A4128, starting from the same M40 junction, would pass through the centres of High Wycombe and then either Hazlemere or Prestwood and Great Missenden.
33. The route from the M40's junction 6, via the B4009, would rely on a road of significantly lower standard, and would pass through the large village of Chinnor, as well as several smaller ones. It would also have to pass under the railway bridge at Little Kimble, which is restricted in both height and width. Any route starting from Junctions 7 or 8a, via the Thame ring road and the A4129, would have to pass through the village of Longwick, and then would join with one or other of the two preceding routes, and thus would share at least some of their drawbacks.
34. The possible route from M40 junction 1, via the eastern A40 and the southern leg of the A413, would traverse the towns of Chalfont St Peter and Chalfont St Giles. Any other route from this direction, commencing from the M25, would be likely to have to pass through Amersham. Any route from the A41 would either pass through the town of Aylesbury, or else would have to use wholly unsuitable minor roads, as well as in all probability involving other sizeable settlements such as Chesham or Wendover.
35. In all these cases, the likely environmental and potential safety impacts of the possible alternative options would clearly be greater than those of the route

currently proposed. None of these matters appears to be in dispute. Unsurprisingly, none of these alternative routes, nor indeed any others that I am aware of, have been proposed by the Council or any other party.

36. From my observations, and all the evidence before me, I am satisfied that there is no identified alternative route available which would be preferable to the route now proposed. On this basis, it follows that the proposed route is not only suitable in itself, but must also be considered the best and most suitable option available for its purpose.

Free flow of traffic

37. The existing traffic flows on some sections of the proposed route are already quite high, particularly in the peak hours and around key junctions. Even without HS2, the trend is for these background levels to increase over time, due to growth in population, car ownership and the economy. Irrespective of the lorry route now proposed, HS2 will add to these rising background flows, with cars and smaller commercial vehicles, which are not subject to specific controls. Although my visit necessarily took place during the holiday season, I am fully aware that traffic flows would normally be higher. Relevant survey data and forecasts are contained in the ES, TA and APs, and I have taken account of all the available evidence on these matters that is before me.
38. The HS2 works at the Wendover Green Tunnel North Portal Compound are expected to generate around 175 LGVs per average day, equating to 350 LGV movements per day, over a construction period that is expected to last for about four years. In the busiest period, of about 8 months, this would rise to 536 movements per day. In the context of the existing traffic flows and other expected background growth, the additional LGVs generated by the Wendover worksite would have the potential to add to existing congestion problems where they already occur, or to cause new problems in other parts of the route. I appreciate the concerns of the Council and others at that prospect.
39. However, amongst the various highway works set out in the Local Traffic Management Plan (the LTMP) are a number which are aimed at managing traffic flows and easing conditions at particular junctions. These include temporary junction improvement or upgrading works at the A355/A413 Gore Hill roundabout, and at the A413/B485 Frith Hill roundabout at Great Missenden, and also at the A355/Longbottom Lane and A40/A355/Minerva Way junctions, both at Beaconsfield. It has not been disputed that the effect of these planned works will be beneficial to traffic flows. I see no reason why they should not be effective in helping to mitigate the effects of LGV traffic in terms of congestion on the proposed route during the HS2 construction period.
40. In addition, the undertakings and assurances relevant to the Buckinghamshire section of the HS2 works are set out in Table 15 of the ROMIS. Amongst these there is a further specific provision for the upgrading of the A413/A4128 Link Road roundabout (U&A Ref 2728). There is also a general provision which allows for additional works to be required, to increase junction capacities if a material impact is predicted (U&A 1823). In addition there are obligations on HS2L to mitigate traffic impacts on local communities as far as reasonably practicable (U&A 1837); to ensure that the local economy and transport networks continue to operate effectively, to control vehicle types, site operating hours and parking, and to install signage (U&A 1840); to implement site specific traffic management measures (U&A 1841); to implement

workforce travel plans (U&As 990 and 1836); and to carry out monitoring (U&As 1840 and 1842). In this context I also note HS2L's contention that the Vehicle Management and Booking System (the VMBS) now in use will enable contractors to exercise detailed control over the timing of deliveries, in order to avoid or minimise significant traffic impacts, and that the VMBS records can be shared with the Council through the Local Traffic Group (the LTG) to ensure transparency and facilitate co-operation.

41. I appreciate that the degree of control available to the Council in relation to these undertakings and assurances is not the same as that which could be applied through conditions or obligations entered into under Planning legislation. But nevertheless, it is right to assume that the undertakings and assurances will be honoured, and also that they are capable of being enforced if necessary. I consider that these provisions are likely to have some beneficial effect in mitigating the effects of the HS2 construction programme on the free flow of traffic in Buckinghamshire, including on the LGV route now proposed.
42. I agree that none of these measures is guaranteed to succeed in preventing an increase in congestion. But it would never have been realistic to expect that a project on the scale of HS2 could be carried out without some impact on traffic conditions during the construction period. It is evident that the likelihood of such adverse impacts was understood and taken account of in Parliament's decision to grant deemed planning permission through the HS2 Act. The Statutory Guidance makes it clear that applications for Schedule 17 approval are not an opportunity to revisit that decision, or to undermine it by introducing new conditions or restrictions that were not provided for in the Act itself.
43. In the present case, it is not disputed that some of the updated traffic generation and junction modelling figures now envisaged are higher than those that were produced previously. However, to my mind it is only to be expected that assumptions and forecasts of this type will change over time. Where such changes are significant, or could result in new adverse effects, the way that the HS2 regime allows for additional mitigation is through the EMRs, including the on-going processes of updating the LTMP and the ROMIS, and through the operation of the undertakings and assurances that I have identified. Given the existence of these other mechanisms, it seems to me that in dealing with the present lorry route application, giving further detailed consideration to any new traffic figures or forecasts would be unnecessary and duplicatory. There is no suggestion that the updated figures mean that the route now proposed is no longer the most suitable. In these circumstances, I can see nothing in either the Act itself or the Statutory Guidance that makes it necessary to consider any new traffic figures, or indeed any matters other than the route itself and its planning merits.
44. In summary, from the evidence available, it seems likely that traffic flow conditions on the proposed lorry route would suffer some deterioration, for the duration of the construction period. Whilst some specific mitigation measures are already planned, and additional measures could be secured under the undertakings, assurances and other EMRs, there is no certainty that these would be completely successful in avoiding any additional congestion. However, there is no evidence to suggest that the effects on traffic flow would be worse as a result of choosing this route compared to any other. For the reasons already explained, I have found that the route now proposed is the

best available. In the circumstances, the prospect that some congestion might occur, or be temporarily exacerbated, does not change that conclusion.

Highway safety

45. The considerations relating to highway safety are similar to those relating to traffic flow. Statistically, it is likely that the increase in LGVs on the proposed route will tend to increase the risks faced by other road users. But the need for large quantities of materials to be transported by LGVs, on the public road network, was inherent in the passing of the HS2 Act, and the decision now required is simply about the relative merits of one route compared to any others.
46. In the present case there is no evidence that I am aware of that suggests that any part of the proposed route has a notable accident record, nor that any part should be regarded as dangerous for any other reason. But nevertheless, I note that specific safety measures are proposed in some sections. These include at the A413/Small Dean Lane roundabout, where the ROMIS makes provision for kerb realignment and the clearance of vegetation, and where there is a specific undertaking for a temporary off-carriageway route for non-motorised users (U&A 979); and at the A413/A4128 junction where the planned improvement scheme includes specific provision for a safety barrier (U&A 2728). The LTMP also makes provision for the installation of a traffic management system on the Wendover Bypass section of the A413, to control speeds in the vicinity of the worksite entrance. In addition, it seems likely that the other planned junction improvements referred to earlier, at the A355/A413, A413/B485, A355/Longbottom Lane and A40/A355/Minerva Way junctions will all offer further opportunities to improve safety.
47. Over and above these specific proposals, the undertakings and assurances listed in the ROMIS contain various other wide-ranging general provisions relevant to safety. These include requirements for HS2L to engage with the Council to identify temporary safety measures at a list of specified junctions which includes at least 12 locations on the route now proposed (U&A 1826); to agree and implement any other reasonable safety measures that may be required (U&A 994); to maintain public access for pedestrians and cyclists wherever it is safe to do so (U&A 1840); and to implement or fund any safety measures reasonably required in the vicinity of schools (U&A 1848).
48. No particular safety hazards associated with the proposed route have been identified which are not addressed, or capable of being addressed, through these measures and obligations. My own observations on my visit did not point to any such hazards which have been hitherto unidentified. Based on all the evidence before me, I am satisfied that the use of the proposed route by HS2 LGVs for the purpose of accessing the Wendover Green Compound would not give rise to any undue risks to highway safety.
49. In any event, there is no suggestion by any party that, in terms of safety, a different choice of route would be preferable. Consequently, I find no reason on safety grounds to depart from my earlier conclusion that the route now proposed is suitable, and represents the best option available.

Adequacy of the information provided

50. The information that the Council considers to be lacking from the appeal proposal is that set out in the Council's email to HS2L dated 26 April 2021, and

repeated at paragraph 18 of the Council's appeal statement. In summary, that information comprises: cumulative traffic flows for all of the seven worksites in the A413 corridor, including non-LGV traffic, broken down by type of vehicle, and time of day; a methodology statement explaining how annual and monthly totals relate to forecast daily and hourly rates; an explanation of any variances from the LTMP and from the original ES; a comparison with cumulative figures derived from the ES; a detailed methodology for testing cumulative impacts; an analysis of residual significant effects, and a comparison between these and those in the ES.

51. However, as explained earlier in this decision, this information does not form part of the information required by PFNs 1, 3 or 6. The more recent PFN 17 provides that further information, including traffic assessments, modelling and cumulative information, may be required in some circumstances. But PFN 17 also makes it clear that this kind of information should not be expected in all cases, and indeed states that further information may only be requested where relevant to whether a modification is necessary, having regard to the grounds specified in Schedule 17 paragraph 6. The Statutory Guidance, at paragraphs 25 and 26, advises that where additional information is to be required, such information should be necessary to the decision, and the need for it explained by reference to the relevant ground for refusal. All requests for information should also be relevant, reasonable, proportionate and necessary.
52. I appreciate that the Council's reasons for wishing to have this information relate to the authority's desire to discharge what it sees as its responsibilities in respect of planning and highway matters. However, under the HS2 Act, the Council's powers in matters relating to the HS2 project are significantly more limited than they would be in most other developments. In the present case, for the reasons already set out above, I have found the proposed lorry route to be the best available for its purpose. There is no suggestion that the provision of the additional information requested by the Council could realistically lead to any reconsideration of that conclusion, or that it might lead to any modification of the proposed route. In the absence of such a possibility, the additional information is not necessary for the purposes of determining the application. Nor is the request either reasonable or proportionate in these circumstances.
53. I also accept that the *Hillingdon 1* judgement has established that the determining authority is entitled to seek information which is necessary for the purposes of making a lawful decision. In the present case however, that decision is simply whether the proposed lorry route is acceptable in the form now proposed, or should be modified. For the reasons already given, I am satisfied that I already have sufficient information for that purpose.
54. There is no dispute that the submitted documents are clear as to the proposed route. To my mind those documents include all of the relevant information needed for a decision. I am therefore satisfied the information and evidence before me are adequate for that purpose, and that no further information should be required before the decision is made.

Whether any modification ought to be made, and is reasonably capable of being made

55. No modifications of any kind to the proposed route have been proposed or identified by any party. Given my earlier findings as to the suitability of the

proposed route, and the lack of preferable alternatives, there is no apparent reason why any modification to the route ought to be made.

56. Nor have any modifications of any other kind been suggested. But in any event, nothing else is proposed for approval other than the route itself. Given that nothing in paragraph 6 of Schedule 17 requires consideration to be given to anything other than the route, there seems no reason why any such other modifications should be considered.

57. Furthermore, nothing in Schedule 17 prevents approval being granted unconditionally, without modification. Indeed, that seems to me the default position, except where there is a clear reason why the submitted proposal is unacceptable on one of the grounds specified.

58. In view of the above, it is not necessary for me to consider whether any modification is reasonably capable of being made.

59. I conclude that no modification to the proposed arrangements should be made.

Conclusion

60. For the above reasons, I conclude that the proposed LGV route to serve the Wendover Green Tunnel North Portal Compound is acceptable. It therefore follows that the appeal should succeed, and that the approval sought should be granted.

J S Felgate

INSPECTOR