

Case Name: *Buckinghamshire Council v Secretary of State for Transport Secretary of State for Levelling Up, Housing and Communities* [2022] EWHC 1923 (Admin) (21 July 2022)

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Commentary: This case involved three challenges by way of applications for judicial review of three decisions of the Secretary of State for Transport and Secretary of State for Levelling Up, Housing and Communities (the joint Defendants), acting in their capacity under the High Speed Rail (London-West Midlands) Act 2017 (“the 2017 Act”). The 2017 Act deems that planning permission is granted for the HS2 project and provides that HS2 Limited must make requests to local authorities for approval of various matters relating to the construction of HS2. Appeals against refusal or non-determination of requests are made to the two Secretaries of State.

The Secretaries of State had allowed appeals brought by HS2 Ltd (the Interested Party) against the non-determination by Buckinghamshire Council (the Claimant) for requests for approval of routing arrangements for Large Goods Vehicles to and from construction sites for the HS2 project.

There were three main grounds of challenge.

Ground 1 concerned the information to be provided to the local authority for the request for approval to be valid, and how a dispute about the necessity for the information sought affects the appeal rights to the Secretaries of State under the 2017 Act.

Ground 2 concerned the scope paragraph 6 of Schedule 17 of the 2017 Act provides to the local authority to seek to modify the routes proposed by conditions.

Ground 3, which concerned only two of the appeal decisions, alleged that an important aspect of cumulative impact was ignored by each decision when it should have been covered in at least one decision.

All three grounds were refused and accordingly the applications for judicial review were dismissed.

Case summary prepared by Stephanie Bruce-Smith