## EXHIBIT LIST

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Petitioner: Robert and Joseph Hopley  
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Dear Mr Bedson


The Promoter is contacting agricultural petitioners to explain the justification for the location of the proposed environmental mitigation that has been identified within their land holdings. This approach was undertaken for the HS2 Phase 2A Bill and Additional Provision 1 schemes and the same approach is being adopted for landowners newly affected by Additional Provision 2 to the Bill. The information provided below sets out the reasons why environmental mitigation is proposed within Additional Provision 2 on your clients’ land, the rationale for its proposed location, and planned engagement with landowners during the detailed design stage regarding these matters.

In addition to this letter, a meeting was held between HS2 representatives, you and your clients at your offices on 11 April 2019 to discuss the design changes introduced as part of the Supplementary Environmental Statement 2 (SES2) and/or amendments introduced as part of Additional Provision 2 (AP2) which impact upon your clients’ land holding.

**Woodland habitat creation**

The proposed woodland habitat creation areas are located in two areas in proximity to Birchwood, and will cover two areas, which when combined are approximately 5ha.

The proposed woodland is to compensate for the impact on an area of nearby ancient woodland (unnamed) as a result of the Grid Supply Point Connection to National Grid Supply Point at Parkgate (AP2-001-015).

The location of the proposed woodland habitat creation areas have been designed to expand and reconnect these areas of existing woodland and providing renewed linkages between them, using relatively small bands of woodland.
Landscape mitigation planting

The Promoter aims to design a high speed railway that meets modern standards of design that will include landscape planting to reduce visual impacts on nearby dwellings and communities, and to also assist in integrating the scheme into the wider landscape. Within the Daisy Bank Farm landholding landscape mitigation planting has been proposed. This has been designed to screen views of the scheme to residents and users of Daisy Bank Farm. This landscape mitigation planting provides the additional function of habitat creation.

The Promoter would continue to engage with landowners who are directly affected by the scheme in order to discuss the proposals within the Bill and Additional Provisions to the Bill, and the developing design. This engagement will continue into the detailed design, as set out within the Farmers and Growers Guide.

Approach to environmental mitigation

The Promoter has a legal and regulatory obligation to provide specific habitats for protected species that may be affected by the Proposed Scheme. These include species such as bats, great crested newt, otter, water vole, badger and barn owl. Where habitats of principal importance (as listed under section 41 of the Natural Environment and Rural Communities Act 2006) would be lost, opportunities to create new compensatory habitat have been included.

The proposed mitigation measures have been identified by regularly reviewing the likely significant adverse environmental effects identified during the environmental assessment process and considering these at design workshops within the HS2 Ltd project teams. This has involved a multi-disciplinary approach to the design of the scheme. Consideration of mitigation is taken on a site by site basis, using information from ecology surveys, farm impact assessments, flood mapping and landscape assessment to feed into the overall mitigation strategy.

Due to the challenges and time in associated with establishing new habitat, the fundamental principle that a larger areas of new habitat creation required to compensate for loss of existing high quality habitat. It is also an important ecological principle that the new habitats should be as close as possible to the area of habitat affected. This is why it is not always possible to avoid locating new habitats on best and most versatile land.

The Promoter has sought to limit disturbance to agricultural holdings and farm management, and to use severed areas for ecological mitigation and tree planting, where reasonably practicable.

The Promoter would continue to engage with landowners who are directly affected by the Proposed Scheme in order to discuss the proposals within Additional Provision 2, and the developing design. This engagement would continue into the detailed design phase, as set out in the HS2 Phase 2A Farmers and Growers Guide. In my letter of 2 May 2018 we offered assurances to the National Farmers Union (NFU) on a range of matters including the detailed design of works. These assurances are subject to ongoing discussions with the NFU.

Detailed design assurance offered to the NFU

In particular, I draw your attention to the following assurance that the Promoter has offered to the NFU -

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1 High Speed Two Phase 2a Guide for Farmers and Growers. Available at www.gov.uk/HS2, last updated July 2017
“16.1. Prior to the completion of the detailed design of the works authorised by the High Speed Rail (West Midlands - Crewe) Bill ("the Bill"), the Secretary of State will require the Nominated Undertaker to consult an owner/tenant of an agricultural holding regarding the detailed design of works proposed to be constructed upon any part of that holding under the powers of the Bill and the use of land for the provision of ecological and any other mitigation that does not involve the construction of works.

16.2. The Nominated Undertaker shall have regard to the responses received to the consultation undertaken under paragraph 16.1 above and in so far as reasonably practicable, after taking into account all other relevant factors, including other relevant Undertaking and Assurances, associated with the design, construction, maintenance and operation of those works and other ecological or other mitigation,

16.2.1 seek to minimise the loss of Grade 1, 2 and 3a agricultural land as described in the Agricultural Land Classification of England and Wales, published by the Ministry of Agriculture, Fisheries and Food in October 1988; and

16.2.2 seek to accommodate reasonable proposals from the relevant owner/tenant to modify the detailed design of the works or provision of other ecological mitigation for the purposes of facilitating the efficient management of the agricultural holding in question following the completion of construction of the works.

16.3. In this assurance, “works” means the construction within Bill limits of accommodation works, landscaping and other mitigation works, drainage works and the construction of balancing ponds, embankments, bunds and made-up ground required for Phase 2a purposes.

16.4. Nothing in this assurance shall require any modification to the works which gives rise to any significant impact on the environment which has not been addressed in the Environmental Statement for the HS2 Project but that does not preclude consideration being given to any proposals for such modifications.”

Correspondence

I hope that the information set out above gives your clients comfort in relation to the justification for the proposed ecological mitigation raised in their petition. Should you wish to receive an assurance from the Promoter in these terms, please let me know. If you have any further questions, please do not hesitate to contact Rachna Shah, Petition Manager, on 020 7944 0159 or Rachna.Shah@HS2.org.uk.

Yours sincerely

Oliver Bayne
Director, Hybrid Bill Delivery
High Speed Two (HS2) Limited
Dear Mr Bedson


I am writing to you in my capacity as the Director of Hybrid Bill Delivery at HS2 Ltd, which is acting on behalf of the Promoter of the High Speed Rail (West Midlands-Crewe) Bill ('the Bill') currently before Parliament. I understand that your clients have some concerns about the impact of the proposals in Additional Provision 2 (AP2) to the Bill in the House of Commons and have submitted a petition on that basis.

This letter sets out the Promoter’s position in relation to the issues your clients have raised and the measures identified to address their concerns.

Access

I refer you to the Promoter’s response to request 1 of your client’s petition. I understand my colleagues met with you and your clients on 11 April to discuss proposed arrangements for access to your clients’ land. Following that discussion I wrote to you on 17 April to offer the following assurance:

"1. Access

1.1 During detailed design of the Proposed Scheme, the Secretary of State shall require the nominated undertaker to use reasonable endeavours carry out the Access Works illustrated on the Plan for the purposes of maintaining the Petitioner’s access to its agricultural land holdings at the Property subject to the conditions in paragraph 1.2.

1.2 The conditions referred to in paragraph 1.1 above are:

   1.2.1 the Bill confers all necessary powers and consents required in order to deliver the Access Works;"
1.2.2 the Access Works do not create any new or different environmental effects than those assessed in the Environmental Statement with the Bill;

1.2.3 the Access Works do not prejudice the safe, timely and economic delivery of the Proposed Scheme;

1.2.4 the nominated undertaker obtaining the necessary approvals under Schedule 4 of the Bill for Access Works to construct Access 1; and

1.2.5 the nominated undertaker obtaining all necessary approvals:
   (i) under paragraph 9 of Schedule 17 of the Bill in connection with any revision of the Woodland Mitigation area which may be required as a result of the construction of Access 2; and/or
   (ii) from the relevant drainage authority (if appropriate) to construct Access 2.”

Woodland mitigation

I refer you to the Promoter’s response to paragraphs 1-3 and requests 2-3 of your client’s petition. At the meeting with you and your clients on 11 April I understand my colleagues also discussed your clients’ suggestion of alternative locations within your clients’ property for the woodland mitigation proposed under AP2. In my second letter to you on 17 April I offered your clients the following assurances:

“1. Woodland Mitigation

1.1 During the detailed design of the Proposed Scheme, the Secretary of State will require the nominated undertaker, subject to conditions in paragraph 1.2, to use reasonable endeavours to reconfigure the location of the Woodland Mitigation at the Property by relocating some of the Woodland Mitigation at the Pink Land to the Orange Land for the purposes of the Petitioner’s efficient management of agricultural operations at the Property.

1.2 The conditions referred to in paragraph 1.1 are that:

   1.2.1 the Secretary of State is satisfied that the relocation of the Woodland Mitigation can be delivered without giving rise to any new or different significant effects from those assessed in the Environmental Statement;

   1.2.2 the Woodland Mitigation does not prejudice the safe, timely and economic delivery of the Proposed Scheme;

   1.2.3 the nominated undertaker obtains any required consents and approvals from the local planning authority for the use of the Orange Land for Woodland Mitigation, provided that such consents can be reasonably implemented, and any approval required under paragraph 9 of Schedule 17 of the Bill is received;

   1.2.4 the Petitioner, being the freehold owner and occupier of the Orange Land entering into an agreement in a form satisfactory to the Secretary of State which:

       1.2.4.1 grants all and any necessary rights over the Orange Land sufficient to enable the Secretary of State to use that land for Woodland Mitigation including,
for the avoidance of doubt, any access required for the establishment, maintenance and inspection of the Woodland Mitigation;

1.2.4.2 provides for the construction and maintenance of the Woodland Mitigation to be provided on the Orange Land, subject to a management and maintenance agreement being entered into between the Petitioner and the Secretary of State; and

1.2.4.3 provides that the consideration payable to the Petitioner for using the Orange Land for Woodland Mitigation shall be calculated as if the Secretary of State had done so in the exercise of the powers of the Bill;

1.2.5 the Orange Land not being subject to any third party rights of any description which would prejudice the construction, maintenance or the objectives of the Woodland Mitigation to be provided.

1.3 Nothing in this assurance shall prevent the Secretary of State from exercising the powers conferred by the Bill over the Pink Land to the extent that the Orange Land is insufficient to accommodate the Woodland Mitigation.

2. Detailed Design

2.1 Prior to the completion of the detailed design of the works authorised by the Bill, the Secretary of State will require the nominated undertaker to consult the Petitioner regarding the detailed design of the Woodland Mitigation.

2.2. The nominated undertaker shall have regard to the responses received to the consultation undertaken under paragraph 2.1 and in so far as reasonably practicable, after taking into account all other relevant factors associated with the design, construction, maintenance and operation of those works authorised by the Bill:

2.2.1 seek to minimise the loss of Grade 1, 2 and 3a agricultural land as described in the Agricultural Land Classification of England and Wales, published by the Ministry of Agriculture, Fisheries and Food in October 1988; and

2.2.2 seek to accommodate reasonable proposals from the Petitioner to modify the detailed design of the Woodland Mitigation for the purpose of facilitating the efficient management of the Property for agricultural purposes following the completion of the construction of those works authorised by the Bill.

2.3. The relevant factors referred to in paragraph 2.2 are that:

2.3.1 the Woodland Mitigation can be delivered without giving rise to any new or different significant impact on the environment which has not been addressed in the Environmental Statement;

2.3.2 the Woodland Mitigation does not prejudice the safe, timely and economic delivery of the Proposed Scheme;

2.3.3 the nominated undertaker obtains any required consents and approvals from the local planning authority for reasonable modifications to the
detailed design of the Woodland Mitigation provided that such consents can be reasonably implemented;

2.3.4 any approval by the local planning authority under paragraph 9 of Schedule 17 to the Bill required being secured;

2.3.5 the Woodland Mitigation maintains connectivity to the existing woodland at the Property; and

2.3.6 the Woodland Mitigation complies with other relevant undertakings and assurances.”

I understand you spoke with Rachna Shah on 18 April about the classifications of land referred to in paragraph 2.2.2 of the detailed design assurance above. There is a well-established methodology for classifying the quality of agricultural land, contained within guidance issued by the then Ministry of Agriculture, Fisheries and Food (MAFF) in 1988. Under the Agricultural Land Classification (ALC) system agricultural land in England and Wales is graded between 1 and 5, depending on the extent to which physical or chemical characteristics impose long-term limitations on agricultural use. Grade 1 land is ‘excellent quality’ agricultural land with very minor or no limitations to agricultural use, and Grade 5 is ‘very poor quality’ land, with severe limitations due to adverse soil, relief, climate or a combination of these. Grade 3 land is subdivided into Subgrade 3a (‘good quality’ land) and Subgrade 3b (‘moderate quality’ land).

The approach that has been adopted to assess agricultural impacts of the HS2 Phase 2A scheme is derived from national planning policy and the revised EIA Directive.

The principal feature of national policies regarding agricultural land use is the emphasis on safeguarding scarce natural resources in the long-term national interest. Consequently, policies for development in the countryside give a measure of protection to the best and most versatile agricultural land (defined as Grades 1, 2 and 3a under the ALC system).

The HS2 Phase 2A Farmers and Growers Guide has been designed to explain to directly affected landowners the policies currently proposed by HS2 Ltd on agricultural property matters. It states that:

“the Secretary of State has agreed with the National Farmers’ Union (NFU), and the Country Land and Business Association (CLBA) that, prior to the completion of the detailed design process, the nominated undertaker will be required to consult the owner/tenant of an agricultural holding regarding the detailed design of works proposed to be undertaken on any part of that holding. The nominated undertaker will be required to have regard to those responses, and as far as reasonably practicable (having regard to all other relevant factors):

▪ Seek to minimise the loss of Grade 1, 2 and 3a agricultural land; and

▪ Through engagement, seek to accommodate reasonable proposals to modify the detailed design of the works for the purposes of facilitating the efficient management of the agricultural holding in question, following completion of construction of the Phase 2a works and in so far as reasonably practicable.”

Therefore, although the assurance refers to Grades 1, 2 and 3a agricultural land, as directed by national policy, it also provides assurance that the Promoter would engage with the landowner to modify works to facilitate the efficient management of their holding.
I hope that the information set out above in relation to the issues raised in your clients’ petition gives them the comfort that they seek.

If you have any further questions in advance of your appearance before the Select Committee next week, please do not hesitate to contact Rachna Shah, Petition Manager, on 020 7944 0159 or Rachna.Shah@HS2.org.uk.

Yours sincerely

Oliver Bayne
Director, Hybrid Bill Delivery
High Speed Two (HS2) Limited