## EXHIBIT LIST

Reference No: HOC/00049
Petitioner: Peter Kenny (Deceased) & Val Kenny
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<table>
<thead>
<tr>
<th>No</th>
<th>Exhibit Name</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>P649 Location.pdf (P649)</td>
<td>2</td>
</tr>
<tr>
<td>2</td>
<td>P650 Construction.pdf (P650)</td>
<td>3</td>
</tr>
<tr>
<td>3</td>
<td>P651 Operation.pdf (P651)</td>
<td>4</td>
</tr>
<tr>
<td>4</td>
<td>P652 Ecological Mitigation Map.pdf (P652)</td>
<td>5 - 7</td>
</tr>
<tr>
<td>5</td>
<td>P653 Engineering.pdf (P653)</td>
<td>8 - 14</td>
</tr>
<tr>
<td>6</td>
<td>P654 NFU Environment Response.pdf (P654)</td>
<td>15 - 18</td>
</tr>
<tr>
<td>7</td>
<td>P655 PAL 30052018.pdf (P655)</td>
<td>19 - 23</td>
</tr>
</tbody>
</table>
HS2

Sandyford Farm
Executors of Mr Kenny (deceased) and Mrs Val Kenny
Tittensor Road highway balancing pond

Hybrid Bill location

Utility constraints

AP1 revised location
Justification for highway balancing pond and AP1 change

- Tittensor Road highway balancing pond has the function of balancing rainfall runoff from the proposed highway prior to discharge to the local watercourse.
- The pond size is dictated by the area of the highway which drains to the pond.
- To avoid pumping, the pond is located at a low point next to the proposed highway.
- A suitable location for this pond is constrained by the Tittensor Road diversion, the existing Tittensor Road, the local topography and the location of a gravity outfall to the watercourse.
- The pond has been located close to the proposed and existing highway, to allow access for maintenance, to reduce the visual impact and to avoid leaving unusable pockets of land.
- At AP1 the highway balancing was moved further north to avoid existing utilities and proposed utility diversions in this area.
Construction compound and stockpile layout

- Swynnerton embankment satellite compound and associate temporary stockpiles will be used to support:
  - construction of Swynnerton Estate South underbridge, Swynnerton New Bridleway accommodation underbridge, Swynnerton embankment, Swynnerton auto-transformer station, Swynnerton culvert (for the realignment of an unnamed watercourse);
  - receipt and temporary storage of material to construct the Swynnerton embankment; and
  - a complex sequence of temporary and permanent utility diversions.
- The area is highly constrained by existing utilities, the existing Tittensor Road and the area required to construct the Tittensor Road diversion and utility diversions. This limits opportunities to relocate or reconfigure the compound and stockpiles.
Tittensor Road diversion – Proposed Scheme

Tittensor Road is diverted as a result of HS2 mainline severing the existing Tittensor Road. The proposed alignment:

• minimises the need for extensive embankments for the Tittensor Road diversion to cross over the HS2 mainline;

• takes account of a minimum approach distance (60m) required for the provision of the safety barrier on the approach to the Tittensor Road Overbridge;

• ensures a compliant horizontal and vertical alignment design to cross over HS2; and

• ensures compliance with visibility requirements on the approach / through the overbridge and also at the junction with the A51.
Impacts of Petitioner’s proposal to move the road re-alignment to the west

- Reduces the distance between the A51 junction and the overbridge to below standards (i.e. presents difficulties in terms of achieving design standards without requiring departures).
- Requires a longer, wider and more costly overbridge.
- Moves the alignment closer to sensitive residential properties and a listed converted water tower.
- Additional land would be required to create the southern tie in point with the existing Tittensor Road.
- Could result in increased road safety risks at the northern and southern end of the diversion.
- Affects the vertical alignment and compliance to standards between the overbridge and the A51 junction.
- Potentially results in more significant earthworks due to the existing topography i.e. A51 Stone Road may need to be raised - resulting in additional land being required.
- Affects the National Grid High Pressure Pipeline diversion.
Landscape earthworks justification

- Landscape earthworks are proposed at a suitable gradient to allow for woodland to be planted on the embankments to aid landscape integration into the surrounding landscape context and provide landscape connectivity.
- The associated woodland habitat creation is primarily for ecological mitigation but also provides visual screening of the Proposed Scheme, including Swynnerton Embankment and Swynnerton New Bridleway Accommodation Underbridge from Sandyford Farm and surrounding properties and for users of the surrounding public right of way network.
- It would not be feasible to reduce the landscape earthworks without reducing their mitigation function, as it is likely to result in it becoming unfeasible to plant woodland to integrate and screen the Proposed Scheme. Any reduction in landscape earthworks is therefore likely to result in new or different significant effects.
Dear Mr Bedson


Following the appearance of the National Farmers Union (NFU) before the HS2 Phase 2A House of Commons Select Committee (‘the Select Committee’) on 30 April 2018, the Promoter informed the Select Committee that it would be contacting agricultural petitioners to explain the justification for the location of the proposed environmental mitigation that has been identified within their land holdings. The information provided below sets out the reasons why environmental mitigation is proposed within the Bill on your land, the rationale for its proposed location, and planned engagement with landowners during the detailed design stage regarding these matters.

Grassland habitat creation

Within the land holding of Sandyford Farm, six parcels of grassland habitat creation are proposed, with a combined area of approximately 2.3 ha.

Three parcels of proposed grassland habitat creation planting areas are situated around drainage attenuation ponds within the Sandyford Farm land holding. An area comprising 0.3 ha is located at Swynnerton New Bridleway Accommodation Underbridge. Two further areas of grassland planting covering an area of approximately 0.5 ha each, also surround drainage attenuation ponds at Swynnerton Estate South underbridge and adjacent to Tittensor road diversion. The primary function of these grassland areas are to provide habitat creation for grassland habitat lost as a result of the construction of the Proposed Scheme, and provide ecological connectivity and assist with landscape integration of the schemes design elements.

An area of proposed grassland habitat creation approximately 0.5 ha in size is located on the western side of the Swynnerton embankment. This has been located along the woodland edge in order to aid wider ecological connectivity and retain a historical buffer edge to the existing woodland of Lodge Covert.

Two parcels of proposed grassland habitat creation on the Sandyford Farm land holding are specifically required for great crested newt mitigation. An area of approximately 0.2 ha is located just north of...
Swynnerton, immediately adjacent to Hall Lane and an area approximately 0.3 ha is located next to Closepit Plantation Local Wildlife Site. In both locations, grassland habitat and associated ecological mitigation ponds are required to mitigate great crested newt habitat affected by route alignment next to Closepit Plantation Ancient Woodland, mitigating for loss of terrestrial habitats within proximity to a lost pond with a confirmed great crested newt population.

**Woodland Habitat Creation**

There are five parcels woodland habitat creation proposed within the Sandyford Farm land holding, with a combined area of approximately 3.4 ha.

Three areas of woodland planting proposed on the Sandyford Farm landholding north of Swynnerton, have been located on sites of historic woodland which have been lost. Areas of planting in these locations include three small parcels of planting totalling approximately 1.1 ha. This woodland habitat creation is to partially mitigate the loss of woodland associated with Lodge Covert Local Wildlife Site.

A parcel of woodland habitat creation, approximately 1.5 ha in size, is located close to Hall Lane, near Swynnerton Estate South underbridge immediately adjacent to the Proposed Scheme. Woodland habitat creation in this location is required to aid the integration of the Proposed Scheme and mitigate the partial loss of Ancient woodland at Birchwood.

A parcel of woodland habitat creation, approximately 0.8 ha in size, is proposed adjacent to the A51 Stone Rod near Close pit Plantation Ancient Woodland and Local Wildlife Site. Creation of woodland planting in this location will provide connection to retained areas of woodland blocks whilst also providing compensation for impacts on the Close Pit Plantation Local Wildlife Site. Planting in this area also provides landscape integration for the Proposed Scheme.

**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 to assist in integrating the scheme into the wider landscape.

There are a number of areas of woodland planting which provide both landscape and habitat creation functions. Approximately 3.8 ha of landscape and woodland planting are proposed either side of the Proposed Scheme, including landscape earthworks to enable planting and integrate into the surrounding landscape. Areas of woodland planting will also provide landscape functions and will include the planting of native species woodland which will further provide habitat creation, compensation and landscape integration of the railway embankments into the wider landscape.

**Hedgerow habitat creation**

Hedgerow habitat creation are proposed primarily for ecological purposes to mitigate for the loss of hedgerows in the area as a result of construction, or improve the ecological value of existing hedgerows by additional planting and management. The reinstatement of hedgerows also play an important role in landscape mitigation and assisting to integrate the Proposed Scheme within the surrounding landscape.

Approximately 3.5 km of hedgerow planting is proposed within the Sandyford farm. Hedgerow habitat planting within Sandyford farm provides landscape integration around drainage attenuation ponds and
associated access tracks. Hedgerows in a number of locations provide integration and tie into existing field boundaries. Areas of planting are proposed along road diversion and along landscape earthworks.

The Promoter will continue to engage with landowners who are directly affected by the Proposed Scheme in order to discuss the proposals within 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 associated with establishing new habitat, the fundamental principle is that larger areas of new habitat creation are required to compensate for the 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 use of farm land for the purposes of landscape planting and creation of new ecological habitat within the railway corridor is inevitable with a project of the size of the Proposed Scheme because of the extent of the environmental effects on the areas it goes through. 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 the Bill, 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 NFU on a range of matters including the detailed design of works. These assurances are subject to ongoing discussions with the NFU. You, as the land agent met with us on 2 May 2018 to discuss these assurances.

Detailed design assurance offered to the NFU

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

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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.”

I hope that the information set out above gives you comfort in relation to the justification for the proposed ecological mitigation raised in your 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 07500 126665, on 020 7944 0811 or connolly.meagher@HS2.org.uk.

Yours sincerely

Oliver Bayne
Director, Hybrid Bill Delivery
High Speed Two (HS2) Limited
Dear Executors of the late Peter Kenny and Mrs Val Kenny

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 you have a number of concerns about the impact of Phase 2A of HS2 (known as ‘the Proposed Scheme’) and have submitted a petition on that basis against the Bill in the House of Commons.

As you may be aware, a number of written assurances have been offered to the National Farmers Union (NFU). These are set out in Part A of Annex A to my letter of 2 May 2018 to the NFU. These assurances cover the following matters: provision of an agricultural liaison service; the prompt payment of compensation by the Promoter; arrangements for paying estimated claims for compensation; relocation matters; liability and claims arising from the Phase 2A works; private water supplies; and borrow pits. Further discussions are taking place with the NFU and the set of assurances offered on 2 May 2018 in Part A of Annex A may be updated following those discussions.

Although expressed to be for the benefit of NFU these assurances will benefit farmers and rural business owners affected by Phase 2A works.

These assurances will be included in a Register of Undertakings and Assurances, which is held by the Department for Transport. Drafts of the Register will be published regularly during the passage of the Bill and it will be finalised after Royal Assent. A Nominated Undertaker will be contractually obliged to comply with all relevant undertakings and assurances set out in the Register.

In addition to the above, you will see that Part B of my letter of 2 May 2018 includes a number of assurances that we have said will be issued to farmers or rural business owner petitioners on a case by case basis. I am therefore also writing to you, on behalf of the Secretary of State for Transport, to formally offer you a number of specific assurances in response to the following issues raised in your petition:

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In these assurances, “the Nominated Undertaker” refers to the body or bodies appointed by the Secretary of State to carry out the powers conferred under the Bill to construct and maintain the scheme. The Nominated Undertaker may be HS2 Ltd, or it may be another body or bodies appointed to oversee the construction and operation of Phase 2A.

“Detailed design

1.1. 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.

1.2. The Nominated Undertaker shall have regard to the responses received to the consultation undertaken under paragraph 1.1 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,

1.2.1 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

1.2.2 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 of facilitating the efficient management of the agricultural holding in question following the completion of construction of the works.

1.3. 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.

1.4. 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.

Agricultural soils

2.1. The Secretary of State will require the Nominated Undertaker to work with landowners and farmers whose productive agricultural soils are temporarily affected by the construction of the HS2 works and/or are affected temporarily as a result of land-raising, with the intention to bring agricultural soils back to enable their former use before construction of the HS2 works on the relevant land and shall prepare in consultation with the relevant landowner and relevant planning authority an agricultural soils plan in advance of construction that shall include:-

- A pre-disturbance record of the soil physical characteristics;
- A target specification, set by the Nominated Undertaker and informed by a suitably qualified agricultural soils scientist or practitioner, for agricultural soils being restored to agriculture after temporary use;
- A method of assessing the suitability of handling soils based on plastic limit (i.e. to avoid moving soils when wet and plastic so that they would not compact when replaced);
- Advice on stripping topsoil and subsoil to the correct depth;
- Recommendations of the most suitable equipment for soil handling;
- Advice on soil storage (e.g. heights and management of soil stores);
- Advice on alleviating compaction after replacement;
- A schedule of aftercare maintenance, to include soil testing, appropriate to the target specification for a period of up to five years (subject to paragraph 2.2) following completion of the relevant construction work; and
- A final report to determine the final handover condition of the agricultural soil.

2.2. Should the target specification not be met by the expiry of the period of five years for aftercare maintenance mentioned in paragraph 2.1 ("the initial period"), then, if the landowner has fully complied with a schedule of aftercare, the Nominated Undertaker, informed by a suitably qualified agricultural soils scientist or practitioner, has reasonable grounds to believe that the target specification could be met within a further period (being no longer than a further period of five years), and the initial period shall be extended by that period.

2.3. The reasonable cost of compliance by the relevant landowner with the schedule of aftercare shall be borne by the Nominated Undertaker save where such cost has been compensated under the compensation code.

2.4. The agricultural soils plan will be incorporated in and prepared as part of the Code of Construction.

Notices of entry and taking possession

3.1. Notwithstanding the requirements under the Bill to give 3 months' notice of entry in relation to the outright acquisition of land, where reasonably practicable, the Nominated Undertaker will provide a longer period of notice to the Petitioner in respect of any of the Petitioner's land to be acquired outright under the Bill.

3.2. Notwithstanding the requirements under the Bill to give 28 days' notice of entry under Part 1 of Schedule 15 in relation to the temporary occupation of land the Nominated Undertaker will use reasonable endeavours, and in advance of any formal notification required under the Bill, to notify the Petitioner of the expected quarter of the calendar year in which the Petitioner's land is planned to be occupied temporarily under the Bill.

3.3. Following the receipt by the Nominated Undertaker of the programme of works from the relevant works contractor in relation to the Petitioner's land, the Promoter will provide to, and discuss with, the Petitioner an estimate of the likely period of occupation of the Petitioners land and shall from time to time update the Petitioner with further information as to the likely extent of the period of temporary occupation.

Relocation of agricultural buildings

4.1. The Promoter will require the Nominated Undertaker to offer appropriate assistance to the Petitioner in respect of the relocation of any agricultural buildings displaced for the purposes of the project where the replacement is either:
4.1.1 to be provided for under a deemed planning consent granted by the Town and Country Planning (General Permitted Development) (England) Order 2015; or

4.1.2. the subject of a separate application for planning consent.

4.2. The assistance referred to in paragraph 10.1. shall (if requested by the Petitioner) include the provision of a statement of impact and timing for the Petitioner in respect of the need for relocation of an agricultural building.

4.3. Paragraph 10.4. applies where notwithstanding any assistance provided in paragraph 10.1., a Petitioner provides to the Promoter evidence to the reasonable satisfaction of the Promoter that consent referred to in paragraph 10.1. and required to give effect to the relocation of an agricultural building, is unlikely to be obtained and requests the Secretary of State to take steps to authorise the relocation of the displaced building by the exercise of the powers of clause 46 of the Bill.

4.4. Any request to the Secretary of State by the Petitioner under paragraph 10.3. shall be considered by the Secretary of State in accordance with the policy relating to reinstatement of undertakings set out in section 7 of HS2 Information Paper C7, Business Relocation.

4.5. In this assurance and in Assurances 11 and 12, “agricultural building” includes a residential building occupied as part of an agricultural building.

4.6. In this assurance, a “statement of impact and timing” means a statement describing the impact of the work proposed to be undertaken in relation to the agricultural building(s) in question and the timescales in which those impacts are intended to be implemented.

Identification of land for the relocation of agricultural buildings

5.1. If prior to the giving of notice of entry or prior to the notice of vesting under a general vesting declaration to acquire land permanently (whether or not before Royal Assent) the Petitioner identifies suitable land for the relocation of an agricultural building (whether within or outside Petitioner’s ownership) and the Petitioner provides to the Secretary of State a detailed course of action substantiating the relocation, the Secretary of State will confirm whether or not he accepts that the land identified and evidence supporting the course of action provides a reasonable basis for the Petitioner’s claim for compensation in the event that the Bill receives Royal Assent and the Secretary of State exercises his powers of compulsory acquisition.

Professional costs and fees

6.1. The Promoter acknowledges that proper professional costs and fees reasonably incurred by the Petitioner for the purposes of seeking to identify suitable alternative premises at which to relocate an agricultural building which is subject to the power of compulsory acquisition under the Bill, will form a Head of Claim as part of any disturbance claim arising from the acquisition of that land under the Bill.”

If accepted, these further assurances will be included in the Register.
Further information on how the Secretary of State will ensure compliance with assurances made by HS2 Ltd is set out in HS2 Phase 2A Information Paper B5: Compliance with Undertakings and Assurances. It is hoped that these further assurances will address some of the issues raised in your petition and we may write to you further regarding any issues not addressed by these assurances. In the meantime if you have any queries please do not hesitate to contact Connolly Meagher, Senior Property Acquisition Manager, on 020 7944 0811 and Connolly.Meagher@hs2.org.uk.

Yours sincerely

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

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2 A copy can be found at https://www.gov.uk/government/publications/understanding-the-hybrid-bill-hs2-phase-2a-informationpapers