

Hybrid Bill Petition

House of Lords

Session 2017-19

High Speed Rail (West Midlands – Crewe) Bill

Please do not include any images or graphics in your petition. There will be an opportunity to present these later if you give evidence to the committee.

Your petition does not need to be signed.

Expand the size of the text boxes as you need.

1. Petitioner information

In the box below, give the name and address of each individual, business or organisation(s) submitting the petition.

David & Sian Froggatt t/a C H Froggatt & Son of Quintons Orchard Farm, Pipe Lane,
Blithbury, Rugeley, Staffordshire, WS15 3JL

c/o Tony Rimmer (Agent), Rostons, Westview House, Whitchurch Road, Hatton Heath,
Chester, CH3 9AU

In the box below, give a description of the petitioners. For example, “we are the owners/tenants of the addresses above”; “my company has offices at the address above”; “our organisation represents the interests of...”; “we are the parish council of...”.

We are the owner occupiers of Quintons Orchard Farm, Pipe Lane, Blithbury, Rugeley,
Staffordshire, WS15 3JL

2. Objections to the Bill

In the box below, write your objections to the Bill and why your property or other interests are directly and specially affected. Please number each paragraph.

Only objections outlined in this petition can be presented when giving evidence to the committee. You will not be entitled to be heard on new matters.

- Quintons Orchard is an 150 acres farm, owned by the Froggatt family for the last 100 years. The agricultural land at Quintons Orchard Farm forms part of an arable rotation including root vegetables and fodder beet. Quintons Orchard Farm forms part of the whole farming enterprise totalling approximately 700 acres farmed by the Froggatt family. The 700 acres is split over 9 blocks of land in an 8-mile radius; thus they are constantly moving farm machinery. As well as the arable enterprise the Froggatt's have also diversified into the following;
- A horse stud
- Fish rearing enterprise
- Energy crop production - miscanthus
- Woodlands
- Pedigree beef suckler herd
- Sheep
- Solar panels
- Biomass boilers for commercial drying
- 47 acres of environmental wildflowers and wild bird seed

They are specially and directly affected by the Bill due to the significant impact during construction and on completion due to the proximity of proposed route to the farmhouse, 2 barn conversions, office, stud farm and fish enterprise.

During construction and on completion the works will be less than 10 metres from the main stud farm ménage and will be adjacent to one of the main pools used for the fishing enterprise.

- If passed, the Bill will authorise the compulsory acquisition of interests in their land, the majority of which is their most productive. The land is in the Parishes of Mavesyn Ridware and Colwich.

Under the bill there have been four sets of plans - all of which have progressively

worsened the impact on the business and the Froggatt family.

The Petitioners now have the following on their land -

- An accommodation overbridge – pedestrian and agricultural vehicles
- Trackside access roads
- Diversion of utilities
- Ecological mitigation planting
- Trace road
- Haul road
- Parkgate pylons
- Loss of energy crop
- Loss of the most productive land both on a permanent and temporary basis
- Major risk to the fish farm business
- Potential impact on the bore hole, drainage and the underlying aquifer

The Petitioners now have the following on adjacent and nearby land –

- The Blithbury satellite and other compounds.
 - A large borrow pit south of the farm
 - The re location of Mayfield Children's Home to Blithbury from Moreton
 - Balancing Pond/Reed bed
 - Package Station
 - Major earthworks and Placement of soil
 - Ecological mitigation ponds
 - Road crossings and diversions on all access routes to their other land.
-
- The Froggatt family have petitioned in the House of Commons 3 times over the last 15 months, however the assurances and undertakings provided so far have been insufficient.

Access

1. **Issue A:** The proposals under the Bill will have a serious impact on access between their 9 blocks of land.

Electric gates have been installed at Longacre farm and are being installed at Quintons Orchard Farm in line with recent NFU recommendations.

2. **Request A:** The sole ownership and control of access to Quintons Orchard is imperative for both security and bio security and needs to remain with the Froggatt's - that no new rights of way are created.
3. **Issue B:** Mr David Froggatt has a genetic heart condition and has recently had a dual pacemaker and defibrillator fitted. Ambulances have been called to Quintons Orchard Farm on several occasions throughout the day and night.
4. **Issue C:** The sheer volume of 880 ADT movements and 77HGVs (obtained from FOI request), along the trace will make movements up the north drive very difficult and dangerous. Combined with the disruption along the east drive will make access very challenging.
5. **Request B & C:** To ensure that access to Quintons Orchard Farm is continually open not just that the promoter will use all "*reasonable endeavours*".

Quality of accommodation works

6. **Issue:** Land on the farm will be severed as a result of the construction of the proposed railway. Accommodation works in general and crossing points are matters of significant importance. The proposed Mavesyn Ridware Footpath 38 Accommodation Bridge will allow them to continue using their main access to Pipe Lane. However, the assurance already provided states the following in relation to "*minimum specification – means able to accommodate vehicles up to 19.920 metres in length, up to 2.500 metres in width, up to 0.438 metres in body height, a minimum ground clearance of 0.398 metres*".
7. **Request:** The assurance offered is not fit for purpose because the petitioners vehicles currently exceed these dimensions. Agricultural vehicles will only get bigger and therefore the size of the overbridge needs to be future proofed to ensure the business can continue to operate.

- 8. Issue:** The proposal to acquire land for a new haul road and HS2 maintenance access route from Pipe Lane and modifications to the existing highways, will result in works to Pipe Lane and may require further land acquired from the petitioner's ownership.
- 9. Request:** That the promoter is required to give an undertaking that the haul road and severed land is taken on a temporary basis only. They request that the haul road is tarmacked as this would reduce the requirement of suppressing dust by using sprinklers and run off which will have an adverse impact on the fishing pools and fish enterprise.

Inappropriate mitigation measures on farmland

Under the Bill, it is proposed that trees, grass and/or other vegetation will be planted on neighbouring landowners land in order to provide ecological compensation, visual screening, reduce visual impacts or integrate the railway into the surrounding area

- 10. Issue A:** Under the Bill an area of grassland habitat and woodland habitat creation is located on the boundary of our land. The grassland habitat is adjacent the ménage pool (utilised as part of the fish enterprise) and the ménage itself. The mitigation measures are surrounding a balancing pond on neighbouring land; however it is not clear if the mitigation measures around the balancing pond is all to be grassland habitat or reed bed system. This use of the land adjoining the ménage pool will determine the viability of the ménage pool to be used for the fish enterprise.
- 11. Request A:** The promoter to confirm the usage of the land around the balancing pond and environmental requirement for this use.
- 12. Issue B:** There is no noise mitigation provided to protect Quintons Orchard Farm farmhouse, the 3 pools near the house, the modern agricultural building utilised as part of the fish enterprise and stables (both adjoining the working area), the office, barn conversions, farmhouse. HS2 have stated "*due to the constraints in this location it is unlikely that a bund could be provided which would achieve a reduction in the assessed noise impact on the property*". This statement confirms that there is a noise impact on the property, however the promoter is not mitigating against this.

- 13. Request B:** The promoter to confirm why they knowingly are allowing mitigation measures for environmental requirements to be undertaken at the expense of the Froggatt family. The Bill should be amended to acquire land adjacent to Quintons Orchard Farm for a noise bund to be installed, thus mitigating future claims. Alternatively, the Bill to be amended to reduce the environmental mitigation land required around the balancing pond to allow for a noise bund to be located next to the petitioner's property.
- 14. Issue C:** The horse stud enterprise comprises of 14 horses with 4 foals and a Dutch warmblood stallion which utilises part of the land at Quintons Orchard Farm as well as stables and ménage. There have been no mitigation measures in place or proposed in relation to the horse stud enterprise.
- 15. Request C:** To provide noise and visual mitigation measures during construction and completion to ensure the horses are not impacted, such as stress which leads to breeding issues. Handling of foals and breaking in of youngstock needs to be undertaken in a controlled environment. The Bill is to be amended to provide an undertaking of suitable mitigation measures, to be agreed with the Petitioners.
- 16. Issue D:** Under the Bill, it is proposed that trees, grass and/or other vegetation will be planted on the petitioner's land in order to provide ecological compensation.—It is proposed to create grassland habitat and tree planting alongside the drive. However, this is some of their most productive land which is used for growing vegetables and is completely inappropriate given the statement made by HS2 that they would not take high grade agricultural land if possible.
- 17. Request D:** That this is moved to neighbouring land which is less productive agricultural land, which is in line with the promoters guidelines.

Fish Business

- 18. Issue A:** The fish enterprise consists of breeding and rearing fish up to 30LB plus. Over the 12 pools at Quintons Orchard Farm. The potential noise, dust, disease and poaching risk to the fish enterprise has been recognised by HS2 and an undertaking for a working group to be established to develop an Action Plan in relation to the impacts of the fish farm has been provided. However, this is only to be established upon Royal Assent.

- 19. Request A:** The promoter is to form the working group now to ensure that any specialist mitigation measures can be budgeted for or included in the Bill. If measures are required early, then compensation should also be paid prior to Royal Assent to allow the business to look to mitigate any against potential losses.

Balancing Ponds

- 20. Issue:** Under the Bill, it is proposed that a balancing pond will be constructed on the neighbouring owners land. However, the outfall from the balancing pond will then enter the drainage system of Quintons Orchard Farm - they will be unable to control the rate, volume and quality of runoff. The 12 pools utilised as part of the fishing enterprise are ground water fed and there is no way the petitioners can control the water from the balancing pond that could then flow into their fishing pools. Any pollutants need to be controlled accordingly.
- 21. Request:** The petitioners request the Bill to be amended or the promoter required to give an undertaking to relocate the balancing pond that would not result in the overflow/ runoff entering the fishing pools or significantly reduce the size of the balancing pond that would reduce the amount of potential runoff and environmental mitigation surrounding the balancing pond.

Placement site for surplus excavated material

- 22. Issue A:** It is proposed to remove and store top and subsoil, to raise the level by up to 3 metres using material unsuitable as engineering fill on our neighbours' field (local placement). This field runs alongside our ancient drive. HS2's guidance advises that surplus excavated materials should be used to improve mitigation ie noise bunds. The guidance further states that placement areas should avoid land where "placement could create local adverse or other potentially significant environmental effects". The petitioners strongly believe that this placement site will have a significant adverse visual effect and impact on their ability to rent/sell the barn conversions and their properties value.
- 23. Issue B:** There will be an adverse environmental effect i.e. dust and noise, water runoff. In most cases to control dust a sprinkler system is utilised, however, this then creates runoff.

24. Request A&B: The petitioners request that the net surplus of excavated material instead be used to construct a suitable noise bund together with tree planting.

Borrow Pit

25. Issue: Under the Bill, it is proposed that Borrow Pit BP193 will be constructed. Our main concern is the impact on the ground water of the 12 pools utilised as part of the fishing enterprise. HS2 have confirmed that a pipe route will be provided to ensure the baseflow conditions can be maintained, using water abstracted from the borrow pit.

26. Request: The Petitioners request an undertaking to ensure the baseflow conditions are not altered at any point due to the scheme or that the water from Luth Burn is contaminated or polluted in anyway, water sampling should commence now and form part of the working party and action plan prior to Royal Assent.

Utilities Diversion

27. Issue A: The proposed diversion of the BT line to Bentley Hall farm is an overhead line across the petitioners most profitable vegetable land.

28. Request A: That the line either be buried or run alongside the railway track.

29. Issue B: The Petitioner's internet line is amongst the worst 4% in the county and the existing connection is from Hamstall Ridware exchange.

30. Request B: A superfast broadband connection by way of an extension from the line to Pipe Lane Cottage.

3. What do you want to be done in response?

In the box below, tell us what you think should be done in response to your objections. You do not have to complete this box if you do not want to.

The committee cannot reject the Bill outright or propose amendments which conflict with the principle of the Bill. But it can require changes to the Government's plans in response to petitioners' concerns which can take the form of amendments to the Bill or commitments by HS2 Ltd.

You can include this information in your response to section 2 'Objections to the Bill' if you prefer. Please number each paragraph.

Please see above

Next steps

Once you have completed your petition template please save it and go to our website to submit it during the petitioning period. Alternatively, you can either email it to hlprivatebills@parliament.uk ; post it to the Private Bill Office, House of Lords, London SW1A 0AA; or call 020 7219 3231 to arrange a time to deliver it in person.

September 2019

**HIGH SPEED RAIL (WEST MIDLANDS -
CREWE) BILL**

**HOUSE OF LORDS
SELECT COMMITTEE**

**Petition No. HS2-HOL-028:
David & Sian Froggatt**

Promoter's Response Document

INTRODUCTION

This Promoter's Response Document (PRD) forms the Promoter's response to Petition No. HS2-HOL-028, from David & Sian Froggatt.

In this PRD, 'the Promoter' means the Secretary of State and HS2 Ltd acting on his behalf.

The purpose of the PRD is to advise you and the Select Committee of the Promoter's position in relation to the petitioning points raised. It is intended that the PRD will alleviate many of the concerns raised in the petition.

The Table of Contents overleaf lists the page number, petitioning points in the order they appear in the petition, and a summary statement of the issue(s) contained in the petition for quick reference. Other supporting material (e.g. reports, drawings and photographs) referred to in the response are attached where applicable.

Copies of the HS2 Phase 2A Information Papers referred to in the response can be found at
<http://www.gov.uk/government/collections/high-speed-rail-west-midlands-to-crewe-bill>.

Department for Transport
High Speed Two (HS2) Limited

BACKGROUND

The Petitioner's farm holding is made up of several sites. The main holding and buildings are situated at Quintons Orchard Farm and Longacre Farm in Blithbury. The Petitioners also own and farm land at Newlands Lane, Bromley Hurst, Yoxall and Kings Bromley as well as renting land at Moreton Farm, Wolseley Bridge and land at Blithbury Reservoir.

The Petitioners operate a mixed farming business consisting of arable, livestock farming and commercial breeding of horses. The business has diversified into fish farming, biomass boilers and energy crop production. Land would be required for construction and operation of the railway including for the proposed Blithbury Crossover Satellite Compound, for mitigation planting, utilities, habitat creation and for securing access for construction traffic.

In May 2018 the Petitioner was sent a Promoter's Response Document (PRD) for their Petition against the Bill in the House of Commons (Petition No. HS2-P2A-000175) and for their petition against Additional Provision 1 (AP1) to the Bill in the House of Commons (Petition No. HS2-AP1-020). A PRD was issued for their petition against Additional Provision 2 (AP2) to the Bill in the House of Commons (Petition No. HS2-

AP2-049). Copies of the PRDs are attached at Annexes A and B). The Petitioner appeared before the House of Commons Select Committee on 11 June 2018 and 30 April 2019.

In the Promoter's Response to the House of Commons Select Committee Third Special Report of Session 2017 – 2019¹, at paragraph 15 on page 5, it provides that : 'the Promoter will make an offer to acquire Norman's Bungalow at market value; this offer will open upon completion of the construction of the bungalow and close at 30 September 2022. The Promoter will work with the utilities provider to determine an appropriate route to provide water to Quinton's Orchard Farm, with the aim of avoiding the established native bluebell beds within Bill limits along Quintons Orchard Drive. The Promoter confirms that local placement will not be deposited on Mr and Mrs Froggatt's land and will give them an assurance to that effect.'

The Petitioner has been offered assurances in letters from the Promoter as follows:

- 25 May 2018 – Detailed design, agricultural soils, notice of entry;
- 5 June 2018 – Detailed design, agricultural soils, notice of entry;
- 6 July 2018 – Air quality;
- 11 July 2018 – Accommodation overbridge, haul route, mitigation planting;
- 19 July 2018 – Risk assessment, action plan, working group, balancing pond;
- 2 April 2019 – Detailed design;
- 8 July 2019 – Notice of entry and taking possession; and
- 15 August 2019 – Norman's Bungalow, Quintons Orchard, BT Utility Diversion.

¹ <https://www.gov.uk/government/publications/hs2-phase-2a-promoters-response-to-select-committees-third-special-report>

PETITION NO. HS2-HOL-028

DAVID & SIAN FROGGATT

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ATTACHMENTS

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Annex A	Promoter's Response Document for House of Commons Petition Nos. Petition No. HS2-P2A-000175 and Petition No. HS2-AP1-002
Annex B	Promoter's Response Document for House of Commons Petition No. HS2-AP2-049
Annex C	Assurance letter dated 11 July 2018
Annex D	Assurance letter dated 19 July 2018
Annex E	Assurance letter dated 15 August 2019
Annex F	Assurance letter dated 5 June 2018

HOUSE OF LORDS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: David & Sian Froggatt

PETITION NO: HS2-HOL-028

PARAGRAPH NO: 0

ISSUE RAISED: Description of affected property and impact on property

PETITION PARAGRAPH: 0. Quinton Orchard is an 150 acres farm, owned by the Froggatt Family for the last 100 years. The agricultural land at Quintons Orchard Farm forms part of an arable rotation including root vegetables and fodder beet. Quintons Orchard Farm forms part of the whole farming enterprise totalling approximately 700 acres farmed by the Froggatt family. The 700 acres is split over 9 blocks of land in an 8-mile radius; thus they are constantly moving farm machinery. As well as the arable enterprise the Froggatt's have also diversified into the following;

- A horse stud
- Fish rear enterprise
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- Solar panels
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They are specially and directly affected by the Bill due to significant impact during construction and on completion due to the proximity of proposed route to the farmhouse, 2 barn conversions, office, stud farm and fish enterprise.

During construction and on completion the works will be less than 10 metres from the main stud farm ménage and will be adjacent to one of the main pools used for the fishing enterprise.

- If passed, the Bill will authorize the compulsory acquisition of interests in their land, the majority of which is their most productive.

Under the bill there have been four sets of plans - all of which have progressively worsened the impact on the business and the Froggatt family.

The Petitioners now have the following on their land –

- An accommodation overbridge - pedestrian and agricultural vehicles
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The Petitioners now have the following on adjacent and nearby land –

- The Blithbury satellite and other compounds
- A large borrow pit south of the farm
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- Balancing Pond/Reed bed
- Package Station
- Major earthworks and Placement of soil
- Ecological mitigation ponds
- Road crossings and diversions on all access routes to their other land
- The Froggatt family have petitioned in the House of Commons 3 times over the last 15 months, however the assurances and undertakings so far have been insufficient.

PROMOTER'S RESPONSE:

1. The Promoter's response in relation to extent of land take is set out on page 5 - 7 of the Promoter's Response Document issued for Petition No. HS2-P2A-000175 and HS2-AP1-000020 against the Bill and against Additional Provision 1 to the Bill in the House of Commons, attached at Annex A.
2. The Environmental Statements detail two areas of grassland habitat creation as shown in the Supplementary Environmental Statement 2 (SES2) and Additional Provision 2 Environmental Statement (AP2 ES), Volume 2, Community Area (CA) 1 Map Book: Map CT-06-205, D5 and CT-06-204, C7.²
3. The Environmental Statements detail three areas of woodland habitat creation as shown in the SES2 and AP2 ES, Volume 2, CA1 Map Book: Map CT-06205, D5 and E6.
4. The Environmental Statements detail hedgerow habitat creation as shown in the SES2 and AP2 ES, Volume 2, CA1 Map Book: Map CT-06-205, D4, D5 and E6.
5. The Petitioner's property is affected by land permanently required to improve the visibility at the junction of Pipe Lane and an accommodation track (AP1-001-004), as shown in the Supplementary Environmental Statement 1 (SES1) and Additional Provision 1 Environmental Statement (AP1 ES), Volume 2, CA 1 Map Book: Map CT-05-205, D4.
6. The Petitioner's land would be required for the proposed permanent diversion of BT Openreach overhead telecommunications cable at Quinton's Orchard (AP1-001-105) as shown in the SES1 and AP1 ES, Volume 2, CA1 Map Book: Map CT-05-205, D4, F7 and G7.
7. The Petitioner's land would be affected by the proposed diversion of a water mains supply to Quinton's Orchard (AP2-001-104) as shown in the SES2 and AP2 ES, Volume 2, CA1 Map Book: Map CT-05-205, F7.
8. The Petitioner's land would be affected by the revised alignment of a site haul route (AP2-001-011) as shown in the SES2 and AP2 ES, Volume 2, CA1 Map Book: Map CT-05/06-204, C7 to C10.
9. The Petitioner's land would be required for the proposed connection to the National Grid Parkgate substation, the grid supply point that would provide traction power supply for HS2 Phase 2A, as shown in the SES2 and AP2 ES, Volume 2, CA1 Map Book: Map CT-05/06-207-R1, F2.
10. The Petitioner's land would be required for the Mavesyn Ridware Footpath 38 Accommodation Overbridge as shown in the Supplementary Environmental Statement 2 (SES2) and Additional Provision 2 Environmental Statement (AP2 ES) Volume 2, Community Area (CA) 1 Map Book: Map CT-05-205, E5 and E6. This accommodation

² <https://www.gov.uk/government/publications/volume-2-community-area-reports-and-map-books-for-the-hs2-phase-2a-supplementary-environmental-statement-2-and-additional-provision-2-environmental-s>

bridge also incorporates Mavesyn Ridware Footpath 8 Diversion and an access and maintenance track. As shown in the SES2 and AP2 ES Volume 2, CA1 Map Book: Map CT-05/06-205, E5 and E6. This accommodation bridge would also incorporate Mavesyn Ridware Footpath 8 Diversion and an access and maintenance track.

11. The Petitioner's land would be required for the Blithbury Crossover Satellite Compound as shown in the SES2 and AP2 ES, Volume 2, CA1 Map Book: Map CT-05-205, D5. This compound would provide site clearance and enabling works, and manage railway systems installation and track works.

12. The Petitioner is the leaseholder of land near Moreton Grange Farm. This land would be required for proposed temporary material stockpiles as shown in the SES2 and AP2 ES, Volume 2, CA2 Map Book: Map CT-05-210, G6. This land would also be required for the proposed construction of the Moreton North Embankment and provision of a noise fence barrier (SES2-002-001) as shown in the SES2 and AP2 ES, Volume 2, CA2 Map Book: Map CT-05/06-210, G6 to H6.

13. The Petitioner is the leaseholder of land near Moreton Grange Farm where the land would be affected by the diversion of a utility (AP2-002-101) as shown in the SES2 and AP2 ES Volume 2, Community Area (CA) 2 Map Book: Map CT-05-210, F5.

14. The Petitioner's leasehold land would also be required for ecological mitigation ponds, grassland habitat creation, woodland habitat creation, hedgerow creation, as shown in the SES2AP2 ES, Volume 2, CA2 Map Book: Map CT-05-210, F7, G7 H6, H7.

HOUSE OF LORDS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: David & Sian Froggatt

PETITION NO: HS2-HOL-028

PARAGRAPH NO: 1 - 5

ISSUE RAISED: Access

PETITION PARAGRAPH:

1. Issue A: The proposals under the Bill will have a serious impact on access between their 9 blocks of land.

Electric gates have been installed at Longacre farm and are being installed at Quintons Orchard Farm in line with recent NFU recommendations
2. Request A: The sole ownership and control of access to Quintons Orchard is imperative for both security and bio security and needs to remain within the Froggatt's - that no new rights of way are created.
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4. Issue C: The sheer volume of 880 ADT movements and 77 HGVs (obtained from FOI request), along the trace will make movements up the north drive very difficult. Combined with the disruption along the east drive will make access very challenging.
5. Request B & C: To ensure that access to Quintons Orchard Farm is continually open not just that the promoter will use all "*reasonable endeavours*".

PROMOTER'S RESPONSE:

Access

1. The Promoter's response on this issue is set out on page 21 - 25 of the Promoter's Response Document issued for Petition No. HS2-P2A-000175 and HS2-AP1-000020

against the Bill and Additional Provision 1 to the Bill in the House of Commons, a copy of which is attached at Annex B.

2. As HS2 Phase 2A Information Paper C2: Rural Landowners and Occupiers Guide sets out, “the provision of permanent accommodation works will depend on the individual circumstances on the holding and will usually be developed as the detailed design of the Proposed Scheme is undertaken. Accommodation works are taken to include accommodation bridges and access arrangements and will have regard to the commercial justification by the landowner, such as the value, use and location of the lands concerned”.

3. Paragraph 8.2 of the Information Paper says “the nominated undertaker will discuss with each land owner the provision and timing of accommodation works as part of the compensation package”.

4. The Promoter has published the HS2 Phase 2A Farmers and Growers Guide which explains the Promoter’s policies on agricultural property matters, covering the relocation of farm buildings and facilities, the acquisition or occupation of land, and compensation. It also covers construction activity, accommodation works, access, fencing, land restoration, land drainage and floodplain replacement. The guide would include a bespoke farmer’s record of the undertakings and assurances made in respect of each holding.

5. At this stage, the guide principally covers matters leading up to the point of entry. It would be updated and reissued at regular intervals as the project develops.

6. Many site specific concerns that affect farm holdings can only be resolved when the detailed design stage is reached, and the Promoter recognises that this evolving situation may present difficulties for farmers. Through the implementation of the HS2 Phase 2A Farmers and Growers Guide the Promoter aims to engender a spirit of co-operation to assist farmers to prepare for the next stages of the design, construction and operation of the new railway.

Mavesyn Ridware Footpath 38 Accommodation Overbridge

7. The proposed Mavesyn Ridware Footpath 38 Accommodation Overbridge would be an accommodation access with shared use, replacing the existing access to Quinton’s Orchards Farm.

8. Paragraph 6.2 of HS2 Phase 2A Information Paper E6: Private Means of Access explains:

“Shared-use accommodation access will be provided with suitable gating arrangements to protect the interests of each party. These can include separate or shared gates, and any locking arrangements will be agreed as appropriate to the circumstances at each location”.

9. As requested by the Petitioner and explained to them during a meeting as part of a discussion on agricultural vehicles the Mavesyn Ridware Footpath 38 Accommodation Overbridge could be straightened to follow the alignment of the existing track more closely, however this would require a more skew overbridge structure with a longer span and greater structural depth. To ensure the minimum vertical clearance required above HS2 is achieved, this would require the vertical alignment for the Mavesyn Ridware Footpath 38 Accommodation Overbridge to be raised which would result in greater visual impacts and would be likely to result in greater cost and a longer construction time.

10. Vehicle swept path analysis for a 19.9m-long tractor and trailer vehicle has been completed in respect of the proposed Mavesyn Ridware Footpath 38 Accommodation Overbridge. The Accommodation Overbridge would be able to accommodate a vehicle with a length of 19.9m.

11. Section 7 of HS2 Phase 2A Information paper E6: Private Means of Access explains the Promoter's position with regard to farm accommodation bridges. Paragraph 7.5 explains "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". For more information on this, see the HS2 Phase 2A Guide for Farmers and Growers.'

12. As set out in HS2 Phase 2A Information Paper E3: Management of Traffic During Construction and paragraph 5.2 of HS2 Phase 2A Information Paper D10: Maintaining Access to Residential and Commercial Property During Construction, "Traffic management plans will be produced in consultation with the highway and traffic authorities and emergency services".

13. HS2 Phase 2A Information Paper E5: Roads and Public Rights of Way explains the Promoter's approach to preserving and maintaining the public rights of way network. Where the railway crosses footpaths, bridleways and byways they are generally carried over or under the railway by means of a bridge or underpass. Where a number of routes are affected then some may be conjoined at one crossing of the railway to utilise a bridge or a tunnel. In a few cases, users of a public right of way would be re-directed using a reasonably convenient alternative route to a nearby public right of way or road if suitable to non-motorised users. These solutions may give rise to alternative routes being longer than the original public rights of way, but this would be reduced so far as reasonably practicable.

14. Where a temporary or permanent realignment or diversion of a public right of way is unavoidable, the design objective has been to seek the shortest practicable route. In a few cases, users would be redirected using a reasonably convenient alternative route to a nearby public right of way – or road, if suitable for non-motorised users – prior to closure, with appropriate signage. Where several neighbouring public rights of way would be affected during construction, temporary closures would be phased, where reasonably practicable, to help maintain public access.

15. The intention is that any new, realigned or diverted routes should retain similar characteristics to other local public rights of way. Public rights of way would also be re-established to maintain access where cut and cover tunnelling techniques are used to create the proposed green tunnels. This is further explained in HS2 Phase 2A Information Paper E5: Roads and Public Rights of Way.

16. As explained in paragraph 5.4 of HS2 Phase 2A Information Paper E5: Roads and Public Rights of Way:

“As part of the detailed design process after Royal Assent, we will work with highways authorities, local access forums, user groups (e.g. the Ramblers) and communities to identify the best way of maintaining public rights of way during construction. Design will also continue to be informed by guidance produced by organisations such as the British Horse Society.”

HOUSE OF LORDS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: David & Sian Froggatt

PETITION NO: HS2-HOL-028

PARAGRAPH NO: 6 - 9

ISSUE RAISED: Quality of accommodation works

PETITION PARAGRAPH: 6. Issue: Land on the farm will be severed as a result of the construction of the proposed railway. Accommodation works in general and crossing points are matters of significant importance. The proposed Mavesyn Ridware Footpath 38 Accommodation Bridge will allow them to continue using their main access to Pipe Lane. However, the assurance already provided states the following in relation to *"minimum specification - means able to accommodate vehicles up to 19.920 metres in length, up to 2.500 metres in width, up to 0.438 metres in body height, a minimum ground clearance of 0.398 metres"*.

7. Request: The assurance offered is not fit for purpose because the petitioners vehicles currently exceed these dimensions. Agricultural vehicles will only get bigger and therefore the size of the overbridge needs to be future proofed to ensure the business can operate.

8. Issue: The proposal to acquire land for a new haul road and HS2 maintenance access route from Pipe Lane and modifications to existing highways, will result in works to Pipe Lane and may require further land acquired from the petitioner's ownership.

9. Request: The promoter is required to give an undertaking that the haul road and severed land is taken on a temporary basis only. They request that the haul road is tarmacked as this would reduce the requirement of supressing dust by using sprinklers and run off which will have adverse impact on the fishing pools and enterprise.

PROMOTER'S RESPONSE:

1. In respect of the issue set out in the paragraph 6 of the petition, the Promoter offered assurances in a letter dated 11 July 2018, a copy of which is attached at Annex C. The Promoter "requires the nominated undertaker to construct the Accommodation Overbridge to the Minimum Specification", subject to conditions set out in 1.2 of the assurance letter. In the same letter the Promoter offers an assurance in relation to the right to use the accommodation overbridge. A meeting is being arranged with the Petitioner where this issue can be discussed.

2. In respect of the issue set out in the Petitioner's paragraph 9, the Promoter offered an assurance regarding the haul route in a letter dated 11 July, a copy of which is attached at Annex C. The Promoter intends to discuss the matter of temporary powers with the Petitioner.

HOUSE OF LORDS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: David & Sian Froggatt

PETITION NO: HS2-HOL-028

PARAGRAPH NO: 10 - 17

ISSUE RAISED: Inappropriate mitigation measures on farmland

PETITION PARAGRAPH: Under the Bill, it is proposed that trees, grass and/or other vegetation will be planted on neighbouring landowners land in order to provide ecological compensation, visual screening, reduce visual impacts or integrate the railway into the surrounding area

10. Issue A: Under the Bill an area of grassland habitat and woodland habitat creation is located on the boundary of our land. The grassland habitat is adjacent the ménage pool (utilized as part of the fish enterprise) and the ménage itself. The mitigation measures are surrounding a balancing pond on neighbouring land; however, it is not clear if the mitigation measures around the balancing pond is all to be grassland or reed bed system. This use of the land adjoining the ménage pool will determine the viability of the ménage pool to be used for the fish enterprise.

11. Request A: The promoter to confirm the usage of the land around the balancing pond and environmental requirement for this use.

12. Issue B: There is no noise mitigation provided to protect Quintons Orchard Farm farmhouse, the 3 pools near the house, the modern agricultural building utilized as part of the fish enterprise and stables (both adjoining the working area), the office, barn conversions, farmhouse. HS2 have stated "*due to the constraints in this location it is unlikely that a bund could be provided which would achieve a reduction in the assessed noise impact on the property*". This statement confirms that there is a noise impact on the property, however the promoter is not mitigating against this.

13. Request B: The promoter to confirm why they knowingly are allowing mitigation measures for environmental

requirements to be undertaken at the expense of the Froggatt family. The Bill should be amended to acquire land adjacent to Quintons Orchard Farm for a noise bund to be installed, thus mitigating future claims. Alternatively, the Bill to be amended to reduce the environmental mitigation land required around the balancing pond to allow for a noise bund to be located next to the petitioner's property.

14. Issue C: The horse stud enterprise comprises of 14 horses with 4 foals and a Dutch warmblood stallion which utilizes part of the land at Quintons Orchard Farm as well as stables and ménage. There have been no mitigation measures in place or proposed in relation to the horse stud enterprise.

15. Request C: To provide noise and visual mitigation measures during construction and complete to ensure the horses are not impacted, such as stress which leads to breeding issues. Handling of foals and breaking in of youngstock needs to be undertaken in a controlled environment. The Bill is to be amended to provide an undertaking of suitable mitigation measures, to be agreed with the Petitioners.

16. Issue D: Under the Bill, it is proposed that trees, grass and/or other vegetation will be planted on the petitioner's land in order to provide ecological compensation. -It is proposed to create grassland habitat and tree planting alongside the drive. However, this is some of their most productive land which is used for growing vegetables and is completely inappropriate given the statement made by HS2 that they would not take high grade agricultural land if possible.

17. Request D: That this is moved to neighbouring land which is less productive agricultural land, which is in line with the promoters guidelines.

PROMOTER'S RESPONSE:

Proposed environmental mitigation

1. The Promoter's response on this issue is set out on page 28 - 31 of the Promoter's Response Document issued for Petition No. HS2-P2A-000175 and HS2-AP1-020 against the Bill and Additional Provision 1 to the Bill in the House of Commons, a copy of which is attached at Annex A.

2. In respect of this matter the Promoter offered the following assurance (subject to conditions) in a letter dated 11 July 2018, a copy of which attached at Annex C:

“The Secretary of State shall require the nominated undertaker to relocate the ecological mitigation area on the Green Land shown on plan 1 to the Blue Land shown on plan 2.”

Detailed design

3. The Promoter offered an assurance in a letter dated 5 June 2018, in respect of detailed design, a copy of which is attached at Annex F. This assurance states:

“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. ”

Balancing ponds

4. The Promoter’s response on this issue is set out on page 9 of the Promoter’s Response Document (PRD) issued for Petition No. HS2-AP2-049 against Additional Provision 2 to the Bill in the House of Commons, a copy of which is attached at Annex B

and on page 32 - 34 of the PRD issued for Petition No. HS2-P2A-000175 and HS2-AP1-000020 against the Bill and against Additional Provision 1 to the Bill in the House of Commons, attached at Annex A. Also see the Promoter's response below in respect of paragraphs 20 and 21.

Noise mitigation

5. The Promoter's response on this issue is set out on page 37 - 43 of the PRD issued for Petition No. HS2-P2A-000175 against the Bill and HS2-AP1-000020 against Additional Provision 1 to the Bill in the House of Commons, a copy of which is attached at Annex A.

Sound, noise and vibration

6. The operational assessment of the Propose Scheme takes into account the route-wide and localised control measures proposed in the Environmental Statement (ES). The construction assessment takes into account the implementation of the draft Code of Construction Practice (CoCP)³ and localised control measures proposed in the Environmental Statements. As the design progresses these proposals would continue to be reviewed to ensure that the Promoter's noise and vibration policy aims are met. These are set out in:

- HS2 Phase 2A Information Paper E9: Control of Airborne Noise;
- HS2 Phase 2A Information Paper E10: Control of Ground-borne Noise and Vibration from the Operation of Temporary and Permanent Railways;
- HS2 Phase 2A Information Paper E11: Control of Noise from the Operation of Stationary Systems;
- HS2 Phase 2A Information Paper E12: Operational Noise and Vibration Monitoring Framework; and
- HS2 Phase 2A Information Paper E13: Control of Construction Noise and Vibration.

7. At the properties identified in the petition, represented by location ID 11106, the Proposed Scheme is unlikely to cause a significant adverse noise effect during construction or operation.

8. Whilst the effects are unlikely to be significant on the properties, the nominated undertaker would be required to take all reasonable steps to minimise adverse effects during detailed design.

9. The Promoter's policy on assessing and controlling the noise and vibration impacts represents its interpretation of the Government's Noise Policy Statement for England (NPSE). The Promoter's setting of values for effect levels had due regard to established practice, research results, guidance in national and international standards, guidance from national and international agencies and independent review by academic, industry and Government employees. They have also been subjected to further independent

³ <https://www.gov.uk/government/publications/draft-code-of-construction-practice-for-hs2-phase-2a>

scrutiny during Parliamentary proceedings and are provided as draft route-wide assurances for the Proposed Scheme.

Construction noise assessment

10. The LOAELs set by the Promoter include 65dB for the 0800-1800 LpAeq at the façade and 45dB for the 1 hour LpAeq at the façade during 2200-0700 to assess the impact of airborne noise caused by the construction of the new railway on permanent residential buildings. The use of these parameters, and the values assigned to them have been derived with consideration of the British Standard BS5228: Code of practice for noise and vibration control on construction and open sites. As required by Government noise policy all reasonable steps would be taken so that these levels are not exceeded. Further details can be found in HS2 Phase 2A Information Paper E13: Control of Construction Noise and Vibration.

11. Dwellings where the noise level is forecast to exceed a Significant Observed Adverse Effect Level (SOAEL) have been identified individually in the Environmental Statements as being likely to experience a significant adverse noise effect. This is an indication that noise insulation would be offered as a means of aiming to avoid any significant noise adverse effect on the health and quality of life of those living there caused by airborne construction noise.

Operational noise assessment

12. The LOAELs set by the Promoter include 40 dB for the 2300-0700 LpAeq and 60 dB for the LpAFmax (façade) to assess the impact of airborne noise caused by the operation of the new railway on permanent residential buildings. The second of these parameters is used to assess the impact of noise from individual train pass-bys. The use of these parameters, and the values assigned to them have been derived with consideration of the WHO guidelines for community and night noise. As required by Government noise policy all reasonable steps would be taken to design, construct, operate and maintain the operational railway so that these levels are not exceeded. Further details can be found in HS2 Phase 2A Information Paper E9: Control of Airborne Noise.

13. Dwellings where the noise level during the operation of the railway are predicted to exceed the Significant Observed Adverse Effect Level (SOAEL) have been identified individually in the ES as being likely to experience a significant adverse operational noise effect. This is an indication that the noise insulation and ventilation package would be offered as a means of avoiding any significant adverse effect on the health and quality of life of those living inside.

Vibration assessment

14. The LOAELs set by the Promoter include Vibration Dose Values of 0.1 m/s^{1.75}night 2300-0700 and 0.2 m/s^{1.75} day 0700-2300 (indoors, near the centre of any dwelling room on the ground floor) and a ground borne noise level of 35 dBLpASmax (measured in any habitable room). The use of these vibration parameters, and the values assigned to

them have been derived with consideration of the British Standard BS6472-1 Guide to evaluation of human exposure to vibration in buildings. Vibration at or below these values would suggest a low probability of adverse comment and ground-borne noise levels at or below 35 dB LpASmax would be expected to result in a low level of annoyance. As required by Government noise policy all reasonable steps would be taken to design, construct, operate and maintain the permanent railway such that, in all reasonably foreseeable circumstances, ground-borne noise and vibration does not exceed these levels. Further details can be found in HS2 Phase 2A Information Paper E10: Control of Ground-borne Noise and Vibration from the Operation of Temporary and Permanent Railways.

Sound, noise and vibration impacts on outdoor spaces

15. With respect to the effects of noise on outdoor recreational and leisure spaces and facilities including bridleways, footpaths, canal towpaths, sports grounds, racecourses, golf courses, show grounds, nature reserves, principally because of the transitory nature of their use, no likely significant adverse noise effects on people, wildlife, horses and livestock have been identified. There is further detail in the main ES: Sound, noise and vibration: methodology, assumptions and assessment (route-wide) (see: main ES, Volume 5 appendix: SV-001-000, 3.5.0.10 Annexes F and G). Such facilities and spaces may benefit collaterally from measures provided to reduce impacts at dwellings and other noise sensitive receptors in the vicinity.

Noise and visual mitigation for the horse stud

16. The Promoter has approached the Petitioner to request a meeting to discuss their concerns on this matter.

HOUSE OF LORDS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: David & Sian Froggatt

PETITION NO: HS2-HOL-028

PARAGRAPH NO: 18 - 19

ISSUE RAISED: Fishing business

PETITION PARAGRAPH: 18. Issue A: The fish enterprise consists of breeding and rearing fish up to 30LB plus. Over the 12 pools at Quintons Orchard Farm. The potential noise, dust, disease and poaching risk to the risk enterprise has been recognized by HS2 and an undertaking for a working group to be established to develop an Action Plan in relation to the impacts of the fish farm has been provided. However, this is only to be established upon Royal Assent.

19. Request A: The promoter is to form the working group now to ensure that any specialist mitigation measures can be budgeted for or included in the Bill. If measures are required early, then compensation should also be paid prior to Royal Assent to allow the business to look to mitigate any against potential losses.

PROMOTER'S RESPONSE:

1. The Promoter offered an assurance in a letter dated 19 November 2018, a copy of which is attached at Annex D, in respect of this matter. The assurance letter sets out a proposed working group. The Promoter is arranging a meeting with the Petitioner to discuss their concerns, this being one of them.

HOUSE OF LORDS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: David & Sian Froggatt

PETITION NO: HS2-HOL-028

PARAGRAPH NO: 20 - 21

ISSUE RAISED: Balancing ponds

PETITION PARAGRAPH:

20. Issue: Under the Bill, it is proposed that a balancing pond will be constructed on the neighbouring owners land. However, the outfall from the balancing pond will then enter the drainage system of Quintons Orchard Farm - they will be unable to control the rate, volume and quality of runoff. The 12 pools utilized as part of the fishing enterprise are ground water fed and there is no way the petitioners can control the water from the balancing pond that could then flow into their fishing pools. Any pollutants need to be controlled accordingly.

21. Request: The petitioners request the Bill to be amended or the promoter required to give an undertaking to relocate the balancing pond that would not result in the overflow/runoff entering the fishing pools or significantly reduce the size of the balancing pond that would reduce the amount of potential runoff and environmental mitigation surrounding the balancing pond.

PROMOTER'S RESPONSE:

1. The approach and background to balancing ponds, which would be used to mitigate the impact on water resources and flood risk of the Proposed Scheme is set out in HS2 Phase 2A Information Paper E21: Balancing Ponds and Replacement Flood Storage Areas.

2. The Information Paper explains:

"The design of the Proposed Scheme includes various drainage measures to control the rate, volume and quality of water run-off from the rail corridor of the Proposed Scheme and other associated infrastructure, taking into account projected climate change impacts. These systems will help to avoid an increase in flood risk and will help to maintain natural water flow by encouraging storm water to soak into the ground or, where that is not reasonably practicable, will discharge it into watercourses or surface water/combined sewers at a controlled rate."

3. These ponds are of two types; attenuation ponds, and infiltration ponds. Attenuation ponds would attenuate peak flows so that run-off discharges at an agreed rate to a nearby watercourse, thereby reducing the risk of localised flooding. Infiltration ponds would allow run-off to be absorbed into the ground, where conditions are suitable. Many of the ponds would be a hybrid combining features of both types.

4. Balancing ponds would typically be unlined and have banks with a varying profile. Their size would depend on drainage requirements taking climate change allowances into account and many would not be designed to hold water permanently, but would be dry most of the time, except following intense rainfall events. Those required for land drainage purposes would often resemble depressions in the ground rather than actual ponds.

5. Balancing ponds are designed to ensure compliance with European legislation such as the Floods Directive and Water Framework Directive (as implemented through UK national regulations) and national legislation such as the Flood & Water Management Act 2010. Their design is also based on the requirements of the National Planning Policy Framework (NPPF) and the associated technical guidance document on flood risk produced by the Ministry for Housing, Communities and Local Government (MHCLG). Detailed arrangements (for example, maximum discharge rates and final storage capacity) would be finalised in conjunction with consenting bodies such as the Environment Agency and lead local flood. In many cases, it is not possible to combine several ponds as drainage systems should be kept separate, gravity drainage runs may not be possible and pumping should be avoided (due to risk of failure and for sustainability reasons) and subject to pond capacity threshold.

6. At the time of the Working Draft Environmental Impact Assessment (WDEIA) Consultation, the balancing pond was situated towards Bentley Farm, on land owned by the Petitioners. In their response to the WDEIA, the Petitioners stated 'It is unnecessary to site an attenuation pond here as it would be better placed further down the slope to the east. The land lost to the pond is currently used to grow vegetables and is considered to be some of the most productive land on the holding. Therefore the pond should be moved'.

7. The Promoter offered an assurance in a letter dated 19 November 2018, a copy of which is attached Annex D, which states:

"The Promoter will require the nominated undertaker to design and construct the balancing pond shown within cells F6 and G6 on plan CT06-205 of Volume 2 (Fradley to Colton) of the Environmental Statement, appended to this assurance ("the balancing pond") with an impermeable lining, which in tandem with the measures set out within the Code of Construction Practice (CoCP) will ensure compliance with the Environmental Minimum Requirements (EMRs)."

HOUSE OF LORDS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: David & Sian Froggatt

PETITION NO: HS2-HOL-028

PARAGRAPH NO: 22 - 24

ISSUE RAISED: Placement site for surplus excavated material

PETITION PARAGRAPH: 22. Issue A: It is proposed to remove and store top and subsoil, to raise the level by up to 3 metres using material unsuitable as engineering fill on our neighbours' field (local placement). This field runs alongside our ancient drive. HS2's guidance advises that surplus excavated materials should be used to improve mitigation ie noise bunds. The guidance further states that placement areas should avoid land where "placement could create local adverse or other potentially significant effects". The petitioners strongly believe that this placement site will have a significant adverse visual effect and impact on their ability to rent/sell the barn conversions and their properties value.

23. Issue B: There will be an adverse environmental effect i.e. dust and noise, water runoff. In most cases to control dust a sprinkler system is utilised, however this then creates runoff.

24. Request A & B: The petitioners request that the net surplus excavated material instead be used to construct a suitable noise bund together with tree planting.

PROMOTER'S RESPONSE:

1. The promoter's response on this issue is set out on page 7 - 8 of the Promoter's Response Document issued for Petition No. HS2-AP2-049 against the Bill in the House of Commons, a copy of which is attached at Annex B. The Petitioner has requested a noise bund together with tree planting on land that is not in the Petitioners' ownership. The Promoter has published Additional Provision 2 (AP2) and has considered the requests of Petitioners within the emergent design. However, the land is owned by an adjacent landowner who also petitioned and their requests for this land means there is limited opportunity to incorporate any noise bund into the design at this location. Notwithstanding this, the Promoter continues to engage with the Petitioners.

2. In paragraph 74, page 22 of the House of Commons Select Committee Third Special Report of Session 2017 – 2019, the Select Committee stated:

“HS2 must give an undertaking to Mr and Mrs Froggatt that no part of their land becomes a dumping area for soil. Local placement must be managed in a manner that does not affect Mr and Mrs Froggatt’s farm adversely.”

3. In the Promoter’s response to the Third Special Report of Session 2017 – 2019, at paragraph 15 on page 5, the Promoter confirmed that “local placement will not be deposited on Mr and Mrs Froggatt’s land and will give them an assurance to that effect”.

4. The Promoter offered an assurance in a letter dated 15 August 2019, a copy of which is attached at Annex E. This assurance states that the Promoter would require the nominated undertaker “not to use the Petitioners Land for the local placement of surplus materials.”

Environmental impact of local placement areas

5. As set out in the Volume 1 of the Supplementary Environmental Statement 2 (SES2) and Additional Provision 2 (AP2 ES), the local placement areas included within the design of the Proposed Scheme have only been included on land which would not create a local adverse visual or other potentially significant environmental effects.

HOUSE OF LORDS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: David & Sian Froggatt

PETITION NO: HS2-HOL-028

PARAGRAPH NO: 25 - 26

ISSUE RAISED: Borrow pit

PETITION PARAGRAPH: 25. Issue: Under the Bill, it is proposed that Borrow Pit BP193 will be constructed. Our main concern is the impact on the ground water of the 12 pools utilized as part of the fishing enterprise. HS2 have confirmed that a pipe route will be provided to ensure the baseflow conditions can be maintained, using water abstracted from the borrow pit.

26. Request: The Petitioners request an undertaking to ensure the baseflow conditions are not altered at any point due to the scheme or that the water from Luth Burn is contaminated or polluted in anyway, water sampling should commence now and form part of the working party and action plan prior to Royal Assent.

PROMOTER'S RESPONSE:

1. The Promoter's response on this issue is set out on page 10 of the Promoter's Response Document issued for Petition No. HS2-AP2-049 against the Bill in the House of Commons, a copy of which is attached at Annex B. The Protective provisions, under Part 4 of Schedule 32 to the Bill, require the approval for works likely to affect flood risk, water discharge, or groundwater activities, by the appropriate body, prior to undertaking works. In relation to surface water the appropriate body is further explained in HS2 Phase 2A Information Paper E15: Water Resources, Flood Risk and Authorisation of Related Works. The appropriate body in relation to groundwater is the Environment Agency.

2. Therefore, no works affecting groundwater or surface water could be undertaken until the appropriate body is satisfied that the impacts from construction are properly understood and that any mitigation and monitoring is adequate.

HOUSE OF LORDS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: David & Sian Froggatt

PETITION NO: HS2-HOL-028

PARAGRAPH NO: 27 - 30

ISSUE RAISED: Utilities diversion

PETITION PARAGRAPH: 27. Issue A: The proposed diversion of the BT line to Bentley Hall farm is an overhead line across the petitioners most profitable vegetable land.

28. Request A: That the line either be buried or run alongside the railway track.

29. Issue B: The Petitioner's internet line is amongst the worst 4% in the county and the existing connection is from Hamstall Ridware exchange.

30. Request B: A superfast broadband connection by way of an extension from the line to Pipe Lane Cottage.

PROMOTER'S RESPONSE:

1. The House of Commons Select Committee heard evidence on the British Telecom (BT) line to Bentley Hall Farm on 30 April 2019. During that appearance the Promoter explained that engagement with the neighbouring farm may allow the outcome that the Petitioner requested.

2. The Promoter subsequently offered an assurance in relation to the BT utility diversion in a letter dated 15 August 2019, a copy of which is attached at Annex E.

MAY 2018

**HIGH SPEED RAIL (WEST MIDLANDS -
CREWE) BILL**

**HOUSE OF COMMONS
SELECT COMMITTEE**

**Petition No. HS2-P2A-000175 &
HS2-AP1-000020:
David and Sian Froggatt**

Promoter's Response Document

INTRODUCTION

This Promoter's Response Document (PRD) forms the Promoter's response to Petition No. HS2-P2A-000175 & HS2-AP1-000020, from David & Sian Froggatt.

In this PRD, 'the Promoter' means the Secretary of State and HS2 Ltd acting on his behalf.

The purpose of the PRD is to advise you and the Select Committee of the Promoter's position in relation to the petitioning points raised. It is intended that the PRD will alleviate many of the concerns raised in the petition.

The Table of Contents overleaf lists the page number, petitioning points in the order they appear in the petition, and a summary statement of the issue(s) contained in the petition for quick reference. Other supporting material (e.g. reports, drawings and photographs) referred to in the response are attached where applicable.

Copies of the HS2 Phase 2A Information Papers referred to in the response can be found at <https://www.gov.uk/government/collections/high-speed-rail-west-midlands-to-crewe-bill#the-bill>.

Department for Transport
High Speed Two (HS2) Limited

BACKGROUND

The Petitioners farm holding is made up of several sites. The main holding and buildings are situated at Quintons Orchard Farm and Longacre Farm in Blithbury. The Petitioners also own and farm land at Newlands Lane, Bromley Hurst, Yoxall and Kings Bromley as well as renting land at Moreton Farm, Wolseley Bridge and land at Blithbury Reservoir.

The Petitioners operate a mixed farming business consisting of arable and livestock farming and commercial breeding of horses. The business has diversified into a fish farm and biomass boilers and energy crop production.

Land is required for the railway, for Blithbury Crossover Satellite Compound, for mitigation planting, utilities, habitat creation and for securing access for construction traffic.

PETITION NO. HS2-P2A-000175 & HS2-AP1-000020**DAVID & SIAN FROGGATT****TABLE OF CONTENTS**

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HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: David and Sian Froggatt

PETITION NO: HS2-P2A-000175 & HS2-AP1-000020

PARAGRAPH NO: HS2-P2A-000175 paragraph 4 – 5, HS2-AP1-000020 paragraph 4 – 8

ISSUE RAISED: Extent of land take

PETITION PARAGRAPH: HS2-P2A-000175 paragraph 4. Issue: The limits of deviation and of land to be acquired and used are drawn very widely over our land. Far too much of our good productive arable land used for growing vegetables is designated as ecological mitigation or infrastructure of maintenance roads.

HS2-P2A-000175 paragraph 5. Request: If the promoter of the Bill fails to provide a satisfactory explanation for the extent of acquisition, then we would like the Bill to be amended: to reduce the geographical extent of compulsory purchase of our land; and to ensure that land of lower grade is used for the purposes for which it is required by the Promoter.

HS2-AP1-000020 paragraph 4. Issue: The limits of deviation and of land to be acquired and used are drawn very widely over our land. Under the original Hybrid Bill far too much of our good productive arable land used for growing vegetables has been designated as ecological mitigation or infrastructure of maintenance roads and the railway. The Additional Provision now includes one of most productive fields used for growing vegetables and listed as Grade 2.

HS2-AP1-000020 paragraph 5 - 7. Issue: If the promoter of the Additional Provision fails to provide a satisfactory explanation for the extent of acquisition, then we would like the Additional Provision to be amended: 6. to reduce the geographical extent of compulsory purchase of our land; and 7. to ensure that land of lower grade is used for the purposes for which it is required by the Promoter.

HS2-AP1-000020 paragraph 8. Issue (a): The proposed haul route will cut through one of the most productive fields on our

farm which is used to grow vegetables and is a Grade 2 area of arable land. The loss of a significant part of this field will potentially cause major profitability issues for our business as growing vegetables is an expensive but lucrative market. The haul road will bisect through the middle of our field leaving it difficult for us to farm.

PROMOTER'S RESPONSE:

Limits of deviation

1. The Provision of horizontal and vertical limits of deviation is normal practice for private and hybrid railways Bills. The Bill has to contain sufficient horizontal and vertical limits of deviation to allow for refinement of the preliminary design, on which the Bill plans are based, during detailed design, and to maintain construction tolerances.
2. The horizontal limits of deviation shown on the deposited plans define the maximum extent of the railway and ancillary works listed in Schedule 1 to the Bill. In addition, there are vertical limits of deviation which are generally standard; not exceeding 3 metres upwards and to any extent downwards. In many cases deviation to the full extent permitted is not a practical possibility and where it is, this has been assessed in the Environmental Statement. In relation to depots and shafts where maximum heights are shown on the deposited sections, it is not permitted to deviate above these levels.
3. The limits of deviation are needed to ensure that the Promoter can have reasonable flexibility to develop the design of the scheme. Taking into account the complexity of the high speed railway alignment and its sensitivity to change, the limits are considered the minimum that could be applied to the design. A 3 metres limit of deviation is standard in railway projects.
4. It is not proposed to reduce these limits. The use and need for limits of deviation is explained in the HS2 Phase 2A Information Paper B3: Limits on Parliamentary Plans.

Land take

5. With regard to land acquisition, as detailed in paragraph 3.3 of HS2 Phase 2A Information Paper C3: Land Acquisition Policy, the Bill generally includes full land acquisition powers. However, in any individual case "the exercise of these powers will operate on the basis that the Secretary of State will acquire no greater amount of land than that which appears to him to be reasonably required following detailed design of the Proposed Scheme".
6. Paragraph 3.4 of the Information Paper adds that:

"If it is practicable to acquire a smaller area of land without compromising the Secretary of State's ability to secure the construction and implementation of the

Proposed Scheme in a timely and economic manner and it becomes clear not all the land within limits is required, the Secretary of State will not generally seek to acquire this land and will be prepared to give necessary assurances to the landowners in question.”

Best and Most Versatile agricultural land

7. In selecting the proposed route, the design of the scheme has sought to avoid Best and Most Versatile agricultural land, balanced against a number of other environmental and engineering considerations.

8. The approach adopted to assessing the impacts on agriculture, forestry and soils in the Environmental Statement (ES) is derived from national policy and accords with the advice given in good practice guides for the preparation of Environmental Impact Assessments (EIA). It has been a long-standing feature of national policy to seek to safeguard higher quality (or the Best and Most Versatile) agricultural land by directing development to areas of lower quality land, wherever possible.

9. The method employed to determine the quality of agricultural land that would be affected by Proposed Scheme relies on the well-established Agricultural Land Classification (ALC) guidance and criteria which grade agricultural land between Grades 1 and 5, depending on the extent and severity of limitations to agricultural use. The best and most versatile agricultural land comprises Grades 1, 2 and 3a.

10. The ALC survey undertaken for the Proposed Scheme determines the agricultural land quality of the land within the construction boundary on the basis of existing geology, soil, topographic and agro-climatic information, supplemented by the results of existing detailed ALC surveys and targeted detailed ALC surveys undertaken for the project. This approach to classifying the agricultural land affected has been agreed with DEFRA and Natural England, and was set out in the Scope and Methodology Report, Volume 5 of the ES.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: David and Sian Froggatt

PETITION NO: HS2-P2A-000175 & HS2-AP1-000020

PARAGRAPH NO: HS2-P2A-000175 paragraph 6 – 9, HS2-AP1-000020 paragraph 39

ISSUE RAISED: Powers of temporary possession

PETITION PARAGRAPH: HS2-P2A-000175 paragraph 6. Issue: The Bill allows the promoter to acquire our land permanently (under clause 4) or take possession of it temporarily (under Schedules 15 and 16). We understand that in implementing Phase One of HS2 under the High Speed Rail (London-West Midlands) Act 2017, the nominated undertaker is exercising the equivalent powers of temporary possession over large areas of land, including land required for the permanent railway, during the very long construction period, and will follow up later by using powers of compulsory acquisition over the land that is required for the permanent works. The temporary possession provisions of the Bill allow the Nominated undertaker to remain in possession of land for as long as is required for the construction of the works, and then for a further maintenance period of up to one year after the works are completed. In total, this could amount to a considerable number of years.

HS2-P2A-000175 paragraph 7. This presents a number of problems. The first relates to the timing of compensation payments for the capital value of the land. Paragraph 4 of Schedule 15 requires the Nominated undertaker to pay compensation to the owners and occupiers of land of which possession is taken for any loss which they may suffer. But, unlike the case where land is acquired compulsorily, there is no procedure in place for advanced payments of compensation for the capital value. This means that if our land is occupied using the temporary powers, even though it is clear that it will eventually be acquired permanently, we may not obtain any compensation for many years. This could present us with serious cash flow issues. This problem is compounded by the lack of certainty about when the land will be returned or permanently acquired.

HS2-P2A-000175 paragraph 8. Request (a): The first request under this heading is that where it is clear that the land will be required on a permanent basis for the railway tracks and associated earthworks and cuttings then the Nominated undertaker must be required to exercise compulsory purchase powers at the outset rather than temporary powers.

HS2-P2A-000175 paragraph 9. Request (b): The Nominated undertaker should be required to provide interim payments in respect of losses suffered as a result of the exercise of the temporary possession powers.

HS2-AP1-000020 paragraph 39. Request (b): Your petitioners are members of both the NFU and CLA and would ask the Select Committee to endorse the requests and recommendation of the representative bodies.

PROMOTER'S RESPONSE:

1. HS2 Phase 2A Information Paper C3: Land Acquisition Policy outlines how landowners would be compensated for the acquisition of their land required for the construction and operation of the Proposed Scheme. It states that:

"where the nature of the site will materially change (e.g. through demolition of existing buildings or construction of railway works on the site) or where land or property is planned to be developed, the freehold interest will be acquired."

In its letter of 2 May 2018 the Promoter offered assurances to the National Farmers Union (NFU) on a range of matters including arrangements for the temporary possession of land and, in particular, circumstances where compulsory powers would not be exercised and temporary powers would be used. These assurances are subject to ongoing discussions with the NFU. The Petitioner's land agent met with the Promoter on 2 May 2018 to discuss these assurances.

2. The assurance offered to the NFU includes the following commitment. This is contained within Part B – Generic assurances to be offered to farmers or rural business owner petitioners on a case-by-case basis:

"Where land is materially changed but there is no need for maintenance of that change."

13.3. Subject to the Petitioner entering an agreement in a form satisfactory to the Secretary of State which provides that the Property [describe] need not be restored to its former condition following completion of construction activity on the land, the Secretary of State shall not exercise the powers of compulsory acquisition conferred by the Bill in relation to the Property [describe] but instead

the Nominated undertaker may exercise the powers of Schedule 15 to the Bill to enter and take temporary possession of the Property.

Where land is materially changed and there is a need for an obligation to maintain.

13.4. Provided that–

13.4.1 the Petitioner enters into an agreement in a form satisfactory to the Secretary of State which–

13.4.1.1 provides that the Property [describe] need not be restored to its former condition following completion of construction activity on the land; and

13.4.1.2 restricts removal or interference with land or works adjoining the railway which are to provide support or protection to the railway; and

13.4.1.3 provides for the maintenance of the environmental mitigation to be provided on that land; [and

13.4.2 the Secretary of State is satisfied that the Petitioner is an appropriate person, having regard to the nature and objectives of the mitigation required to be provided, to be responsible for securing the maintenance of that mitigation;] [N.B. only relevant where this is a site identified for ecological mitigation]

the Secretary of State shall not exercise the powers of compulsory acquisition conferred by the Bill in relation to the Property but instead the Nominated undertaker may exercise the powers of Schedule 15 to the Bill to enter and take temporary possession of the Property.

13.5 Where the Nominated undertaker exercises powers of temporary occupation over land under the Bill which is subject to compulsory acquisition and the Nominated undertaker proposes to the Petitioner that the Petitioner enters into an agreement with the Secretary of State for the purposes of assurances 13.3 and 13.4, the Petitioner may at any time prior to entry into an agreement under assurances 13.3 and 13.4, make a written request to the Nominated undertaker to request that the Secretary of State exercises the powers of compulsory acquisition conferred by the Bill in relation to the Property.

13.6 On receipt of a request pursuant to paragraph 13.5 the Secretary of State will review the need to acquire the land in question and where he is satisfied that it is required for permanent works for Phase 2a purposes he will give notice of acquisition as soon as is reasonably practicable.

13.7 In reaching a decision pursuant to paragraph 13.6 the Secretary of State will need to be satisfied that necessary rights of access can be secured to the land in question.

13.8 In this assurance "Petitioner" means a Petitioner who is the freehold owner and occupier of land which is the proposed subject of an agreement referred to in assurance 13.3 and 13.4.

Where land is temporarily occupied and permanent ownership is required.

13.9 Where the Nominated undertaker exercises powers of temporary occupation over land under the Bill which is subject to compulsory acquisition, (other than land required for utility diversions, highway related works or other advanced works) the Secretary of State will prior to the exercise over that land of compulsory powers of acquisition:-

13.9.1 consider the extent of land to be acquired for permanent works required to construct and maintain the Phase 2a railway; and

13.9.2 seek to acquire that land permanently as soon as reasonably practicable following appointment of the main works contractor and when detailed design plans are sufficiently advanced to enable the Secretary of State to identify the required land and having regard to the economic and efficient construction of the Phase 2a project.

13.10 Subject to paragraph 13.11 the Secretary of State shall not exercise the powers of compulsory acquisition conferred by the Bill in relation to the Property [describe] but instead the Nominated undertaker may exercise the powers of Schedule 15 to the Bill to enter and take temporary possession of the Property.

13.11 The Secretary of State [or any statutory undertaker authorised by the Secretary of State] may exercise the powers of the Bill so as to acquire permanent rights over the Property in respect of [installing, maintaining, renewing, replacing or upgrading cable, pipes, ducts and other services and to have access to the Property in order to maintain, renew, replace or upgrade such cable, pipes, ducts or other services] or [access over the Property as required in connection with the construction, implementation, renewal, operation or maintenance of the work authorised by the Bill].

N.B.1 All these assurances assume that the economic criteria for exercising temporary rather than permanent powers has been satisfied. In cases where there is some concern about the amount of compensation that may be payable on temporary occupation of the land it may be necessary to add the following qualification to each of the assurances:

“This assurance is subject to agreement, in a form acceptable to the Secretary of State, as to the level of compensation payable in respect of the exercise of the temporary powers of the Bill in advance of the Nominated undertaker taking temporary possession of the Property.”

N.B.2 The description of the Property in assurances 13.1, 13.3, 13.4 and 13.5 should make clear that the precise area to which the assurance applies can only be determined following detailed design.”

3. These assurances require agreement with the landowner before land materially altered in nature will be possessed on a temporary basis rather than proceeding with outright acquisition. The landowner can already choose not to enter into such arrangements and request the Secretary of State to acquire such land outright. The Promoter therefore considers that the new provisions sought are unnecessary.
4. Where land is not changed in character by the HS2 works, generally land is possessed temporarily because landowners generally wish to retain ownership. The factors taken into consideration by the Secretary of State in deciding whether or not to occupy land not changed in nature by HS2 works are outlined in more detail in the HS2 Phase 2A Farmers and Growers Guide.
5. This provides both the Promoter and affected landowners with the flexibility to take decisions on a case-by-case basis through engagement and negotiation. The Promoter is preparing a management agreement template, which they will share with the Petitioner before the Phase 2A Bill House of Commons Select Committee proceedings finish.
6. The HS2 Phase 2A Farmers and Growers Guide sets out that the Promoter can make annual payments where the proposed occupation of land is for a number of years. This addresses the concerns that the Petitioner has raised in their second request that the Promoter could occupy land without making any payment.
7. The Promoter has developed the position set out in the HS2 Phase 2A Farmers and Growers Guide into an agreement for compensation for temporary possession Temporary and shared a draft of this with the NFU, Central Association of Agricultural Valuers, land agents acting for farmers and land owners and other stakeholders for their comments.
8. The proposed agreement sets out a mechanism for owner-occupiers to submit a request (with supporting information) to the Promoter for an interim payment and the process for the Promoter to consider the claim and make an interim payment.
9. Where an agreement is entered into between the parties and the terms of it are followed, the Promoter can make interim payments of compensation.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: David and Sian Froggatt

PETITION NO: HS2-P2A-000175 & HS2-AP1-000020

PARAGRAPH NO: HS2-P2A-000175 paragraph 10 - 11

ISSUE RAISED: Compensation for ecological mitigation works

PETITION PARAGRAPH: HS2-P2A-000175 paragraph 10. In addition to the problem of delayed compensation for capital value, there is the uncertainty of what will happen to the land in the long term. As mentioned above, it appears likely that the Nominated undertaker will use temporary possession powers at the outset even when it is clear that the land is to be needed permanently. Where land is required permanently for ecological mitigation, for example tree planting, the nominated undertaker is likely, eventually, to offer the landowner the choice as to whether to keep the land and manage it in accordance with arrangements prescribed by the Nominated undertaker, or to require the Nominated undertaker to acquire the land permanently so it can make other arrangements for its stewardship. The landowner should be given the opportunity to make that choice as soon as the Nominated undertaker gives notice of its intention to take possession of the land.

HS2-P2A-000175 paragraph 11. Request: The Bill should be amended so that it includes provisions which enable us to serve a counter-notice on the Nominated undertaker in cases where the Nominated undertaker has served a notice under paragraph 4(1) of Schedule 15 of its intention to enter and take possession of our land, in cases where the Bill or the environmental statement indicates that the land is required permanently for purposes of ecological mitigation, or the Nominated undertaker has given that indication in some other manner. The counter-notice would have the effect of requiring the Nominated undertaker to acquire the land compulsorily at an early stage, hence providing certainty and enabling compensation for capital value to be obtained, and an advanced payment requested.

PROMOTER'S RESPONSE:

Possession of land required for ecological mitigation

1. HS2 Phase 2A Information Paper C3: Land Acquisition Policy outlines how landowners would be compensated for the acquisition of their land required for the construction and operation of the Proposed Scheme. It states that:

“3.3 The Bill generally includes full land acquisition powers. However, in any individual case, the exercise of these powers will operate on the basis that the Secretary of State will acquire no greater amount of land than appears to him to be reasonably required following the detailed design of the Proposed Scheme.

3.4 If it is practicable to acquire a smaller area of land without compromising the Secretary of State's ability to secure the construction and implementation of the Proposed Scheme in a timely and economic manner, and it becomes clear that not all the land within limits is required, the Secretary of State will not generally seek to acquire this land and will be prepared to give necessary assurances to the landowners in question.”

2. Paragraph 4.2 of the Information Paper states that:

“where the nature of the site will materially change (e.g. through demolition of existing buildings or construction of railway works on the site) or where land or property is planned to be developed, the freehold interest will be acquired.”

3. For the reasons described in the Promoter's response to paragraphs 6 to 9 of Petition No. HS2-P2A-175, the Promoter considers that the new provisions sought are unnecessary.

Maintenance of environmental mitigation

4. As explained in the Promoter's response to paragraphs 6 to 9 of Petition No. HS2-P2A-175, the Promoter has acknowledged that interim payments can be made for long periods of occupation and has incorporated this into the proposed agreement for temporary possession.

5. The Promoter's response to paragraphs 6 to 9 of Petition No. HS2-P2A-175 addresses the Petitioner's request for an agreement which provides for the maintenance of the environmental mitigation.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: David and Sian Froggatt

PETITION NO: HS2-P2A-000175 & HS2-AP1-000020

PARAGRAPH NO: HS2-P2A-000175 paragraph 12 - 13

ISSUE RAISED: Powers of compulsory purchase

PETITION PARAGRAPH: HS2-P2A-000175 paragraph 12. Issue: The way the Bill is drafted means there is a possibility of land being acquired permanently even though it is only needed for a temporary purpose. It is inappropriate for the Bill to contain compulsory purchase powers in respect of land when it is required temporarily, for construction purposes. For example, in relation to our land it is proposed that the Blithbury Crossover Satellite Compound is positioned on our land. This is only a very small compound site which is within close distance of other larger compound sites within the Blithbury area. Therefore it should be included within existing compounds.

HS2-P2A-000175 paragraph 13. Request: If the promoter of the Bill fails to provide a satisfactory explanation for the extent and method of acquisition, then we would like the Bill to be amended so that any part of our land which is needed only for construction works may be occupied on a temporary basis only (subject to the points we make above and below in this petition about the use of the temporary possession powers in the Bill).

PROMOTER'S RESPONSE:

Blithbury Crossover Satellite Compound

1. The Blithbury Crossover Satellite Compound has been proposed to manage railways systems installation and track works. This compound would:

- Be operational for nine months, commencing during 2025;
- Support 10 railway systems workers per day (15 workers at peak times); and
- Be accessed via an access road from Pipe Lane

- There would be no worker accommodation associated with this compound and works to be managed from this compound would not require demolition of any buildings.

2. The Blithbury Crossover Satellite Compound has been proposed in its location due to the compounds requirements to outfit the rail systems in the immediate vicinity. The closest construction compound for civil engineering works is Pipe Ridware Embankment Compound more than 1km to the south.

Acquisition policy

3. As detailed in paragraph 3.3 of HS2 Phase 2A Information Paper C3: Land Acquisition Policy, the Bill generally includes full land acquisition powers. However, in any individual case “the exercise of these powers will operate on the basis that the Secretary of State will acquire no greater amount of land than appears to him to be reasonably required following detailed design of the scheme”.

4. Paragraph 3.4 of the Information Paper adds that:

“If it is practicable to acquire a smaller area of land without compromising the Secretary of State’s ability to secure the construction and implementation of the project in a timely and economic manner and it becomes clear not all the land within limits is required, the Secretary of State will not generally seek to acquire this land and will be prepared to give necessary assurances to the landowners in question.”

5. The Promoter has already initiated discussions on the potential impact of the Proposed Scheme regarding compulsory purchase with a number of affected parties.

6. In its letter of 2 May 2018 the Promoter offered assurances to the National Farmers Union (NFU) on a range of matters including arrangements for the temporary possession of land and, in particular, circumstances where compulsory powers would not be exercised and temporary powers would be used. These assurances are subject to ongoing discussions with the NFU. The Petitioner’s land agent met with the Promoter on 2 May 2018 to discuss these assurances.

7. The assurance offered to the NFU includes the following commitment. This is contained within Part B – Generic assurances to be offered to farmers or rural business owner petitioners on a case-by-case basis:

“Where land can be identified at this stage as not being required for permanent works and is not materially changed.

13.1. The Secretary of State shall not exercise the powers of compulsory acquisition conferred by the Bill in relation to the Property [describe] but instead the Nominated undertaker may exercise the powers of Schedule 15 to the Bill to enter and take temporary possession of the Property.

Where land cannot be identified at this stage, but it may be possible to do so following detailed design.

13.2. If at the date when it is proposed to implement the powers of the Bill in relation to the Property [describe] the Secretary of State is satisfied, in the light of detailed design of the project, that any part of the property will not be required for the accommodation of any permanent works authorised by the Bill the Secretary of State shall not exercise the powers of compulsory acquisition conferred by the Bill in relation to that part of the Property but instead the Nominated undertaker may exercise the powers of Schedule 15 to the Bill to enter and take temporary possession of the Property."

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: David and Sian Froggatt

PETITION NO: HS2-P2A-000175 & HS2-AP1-000020

PARAGRAPH NO: HS2-P2A-000175 paragraph 14 - 16

ISSUE RAISED: Notice period relating to temporary possession

PETITION PARAGRAPH: HS2-P2A-000175 paragraph 14. Issue: As mentioned above, Schedule 15 to the Bill makes provision about temporary possession. Under paragraph 4(1) of Schedule 15, the nominated undertaker is required to give only 28 days' notice to the landowner before entering the land and taking possession. This contrasts with the period of 3 months that is required to be given for permanent acquisition.

HS2-P2A-000175 paragraph 15. Were the powers of temporary possession to be limited to small periods of time and small areas of land, then the shorter notice period might be easier to justify. But We understand that the nominated undertaker is likely to exercise the powers of temporary possession over large areas of land for long periods. If that is correct, then the period of 28 days' notice is inadequate, particularly given the need for farmers to be able to make plans for the use of their land a long time in advance.

HS2-P2A-000175 paragraph 16. Request: Paragraph 4(1) of Schedule 15 should be amended to provide for a notice period of at least 3 months before the powers of temporary possession are exercised on our land.

PROMOTER'S RESPONSE:

1. A twenty-eight day notice and approval period for commencement of proposed works is consistent with the timescale applied to the exercise of equivalent powers conferred under the High Speed Rail (London-West Midlands) Act 2017. However, where possible, discussions are normally opened with the landowner or occupier prior to this point.
2. In its letter of 2 May 2018 the Promoter offered assurances to the National Farmers Union (NFU) on a range of matters including notices of entry and taking possession of land. These assurances are subject to ongoing discussions with the NFU.

3. The assurance offered to the NFU includes the following commitment. This is contained within Part B – Generic assurances to be offered to farmers or rural business owner petitioners on a case-by-case basis:

“9.1. 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.

9.2 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.

9.3 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 Petitioner’s land and shall from time to time update the Petitioner with further information as to the likely extent of the period of temporary occupation.”

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: David and Sian Froggatt

PETITION NO: HS2-P2A-000175 & HS2-AP1-000020

PARAGRAPH NO: HS2-P2A-000175 paragraph 17 - 18

ISSUE RAISED: Compensation generally

PETITION PARAGRAPH: HS2-P2A-000175 paragraph 17. Issue: The compensation regime set out in the Bill is inadequate and must be improved. In any event, any payment of compensation that is due to us must be made as early as possible and must carry interest at a rate higher than is proposed under the Bill.

HS2-P2A-000175 paragraph 18. Request: The Bill should be amended so as to ensure that payment of compensation is made promptly and that the interest rate on outstanding compensation payments should be increased to an appropriate level reflecting the property market.

PROMOTER'S RESPONSE:

1. The rate of interest to be paid by an acquiring authority is set out under the Acquisition of Land (Rate of Interest after Entry) Regulations 1995. The 1995 Regulations were amended by the Acquisition of Land (Rate of Interest after Entry) (Amendment) Regulations 2016 which sets the interest rate at zero subject to the base rate set by the Bank of England being less than 0.5%.

2. Consequently, there is no need for the Bill to provide for new regulations relating to interest payable as section 32 of the Land Compensation Act 1961 already provides that the rate of interest be 'such rate as may from time to time be prescribed by regulation made by the Treasury'. The Promoter sees no case to treat landowners affected by compulsory purchase any differently from other landowners subject to compulsory purchase for other public schemes.

3. Any new regulations are to be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament. There is already provision in existing statute for new regulations to be made should policy demand. For the purpose of clarity, the Acquisition of Land (Rate of Interest After Entry) Regulations 1995 do not apply interest to 'Compensation amounts agreed but not paid' but to all compensation from valuation date up until the date of payment whether agreed or not.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

**PROMOTER'S RESPONSE TO PETITION
OF:**

David and Sian Froggatt

PETITION NO:

HS2-P2A-000175 & HS2-AP1-000020

PARAGRAPH NO:

HS2-P2A-000175 paragraph 19 – 22 and
24 – 26, HS2-AP1-000020 paragraph 10 –
11 and 32 - 33

ISSUE RAISED:

Access

**PETITION
PARAGRAPH:**

HS2-P2A-000175 paragraph 19. Issue (a): The proposals under the Bill will have a serious impact on access between our land and the highway and between different parts of our land. For example, our land is split over 11 different sites. All of these sites are affected in some way by HS2 either because they are needed for the construction of the railway or that the roads connecting them are due to be realigned or altered in some way to accommodate the railway. This will cause extensive disruption and excessive time spent travelling between the sites.

HS2-P2A-000175 paragraph 20. Issue (b): The Mavesyn Ridware Accommodation overbridge will carry the private access track leading from the public highway to Quintons Orchard Farm as well as Footpath 38. The approaches to the overbridge must not be too steep or curved to allow large agricultural machinery with trailers to be able to access it safely. We want to ensure footpath traffic and farm traffic are separate. We need to ensure that the bridge is adequate for existing and future machinery. We believe that the bends are too tight to be negotiated easily with long trailers

HS2-P2A-000175 paragraph 21. Issue (c): There has also been no information forthcoming as to how the main access to Quintons Orchard will be treated i.e. will we have a right of access over the overbridge as the access track. The track is within our sole ownership and no-one has access along it at the current time. We want the access driveway to remain in our sole ownership and be gated in order to maintain our security on site.

HS2-P2A-000175 paragraph 22. Issue (d): David Froggatt has a genetic heart condition called hypertrophic cardiomyopathy (HCM). This has meant that we have had to have ambulance call outs at all times of the day and night if David has been taken unwell. Therefore it is imperative that access is kept open to our property at all times for any emergency vehicles to be able to reach us.

HS2-P2A-000175 paragraph 24. Request: We request an undertaking to ensure that suitable access is provided including in those cases mentioned above. We request engagement with the promoter to agree the route, access and specification.

HS2-P2A-000175 paragraph 25. Request: The promoter provides plans and a traffic study to state the highway access routes and restrictions in place during construction with alternative routes, traffic management measures and estimates timescales and duration to ensure the petitioner can plan their journeys accordingly. The promoter to engage with the petitioner to divert footpath 24 or extinguish footpath 24 from the point at which it meets FP19 and runs to the east.

HS2-P2A-000175 paragraph 26. Request: If the promoter of the Bill fails to provide a satisfactory explanation, then we would like the Bill to be amended or the promoter to be required to give an undertaking to ensure that suitable access is provided, including in those cases mentioned above.

HS2-AP1-000020 paragraph 11. Issue (d): We are gravely concerned about the access to our farm for goods vehicles along Pipe Lane due to the constant traffic along the haul road accessing the "Trace". We require uninterrupted access at all times for farming and our own personal needs as we have had occasions to call out an ambulance to David for his heart condition (previously mentioned in the original petition).

HS2-AP1-000020 paragraph 10. Issue (c): We have been advised by H52 that post construction, the haul road will be used to access the railway systems compound, possibly every 2-3 months by a van. We therefore see no reason for the haul road to be constructed as a permanent road on this basis and believe it should be of temporary use for the duration of the railway construction only. We believe the road would also encourage the general public to walk along it as Common Lane

is already popular with local dog walkers and will pose a risk to the security and biosecurity of our fish pools.

HS2-AP1-000020 paragraph 32. Issue: The Additional Provision shows the main farm access driveway into Quintons Orchard being widened to accommodate maintenance vehicle access along the access track. There has also been no information forthcoming as to how the main access to Quintons Orchard will be treated. The track is within our sole ownership and no-one has access along it at the current time. We want the access driveway to remain in our sole ownership and be gated in order to maintain our security on site. Widening the entrance and removing large areas of hedgerow will have an adverse effect on the security of the farm because it makes our property more conspicuous. The property will have a reduced value and a massive adverse effect on the Petitioners if the drive is no longer private and can be accessed by third parties. However there is very little information provided as to how this will be achieved particularly as the entrance way apparently needs to be changed.

HS2-AP1-000020 paragraph 33. Request: We request the driveway is to remain in our sole ownership and be gated in order to maintain our security on site. We request engagement with the promoter to agree the access and widening specification is kept to a minimum.

PROMOTER'S RESPONSE:

1. As HS2 Phase 2A Information Paper C2: Rural Landowners and Occupiers Guide sets out, "the provision of permanent accommodation works will depend on the individual circumstances on the holding and will usually be developed as the detailed design of the Proposed Scheme is undertaken. Accommodation works are taken to include accommodation bridges and access arrangements and will have regard to the commercial justification by the landowner, such as the value, use and location of the lands concerned".
2. Paragraph 8.2 of the Information Paper says "the nominated undertaker will discuss with each land owner the provision and timing of accommodation works as part of the compensation package".
3. HS2 Ltd has published an HS2 Phase 2A Farmers and Growers Guide which explains the Promoters policies on agricultural property matters, covering the relocation of farm buildings and facilities, the acquisition or occupation of land, and compensation. It also covers construction activity, accommodation works, access, fencing, land restoration, land drainage and floodplain replacement. The guide would include a

bespoke farmer's record of the undertakings and assurances made in respect of each holding.

4. At this stage, the guide principally covers matters leading up to the point of entry. It would be updated and reissued at regular intervals as the project develops.

5. Many site specific concerns that effect farm holdings can only be resolved when the detailed design stage is reached, and the Promoter recognises that this evolving situation may present difficulties for farmers. Through the implementation of the HS2 Phase 2A Farmers and Growers Guide the Promoter aims to engender a spirit of co-operation to assist farmers to prepare for the next stages of the design, construction and operation of the new railway.

6. The Mavesyn Ridware Footpath 38 Accommodation Overbridge would be an accommodation access with shared use. Paragraph 6.2 of HS2 Phase 2A Information Paper E6: Private Means of Access explains 'Shared-use accommodation access will be provided with suitable gating arrangements to protect the interests of each party. These can include separate or shared gates, and any locking arrangements will be agreed as appropriate to the circumstances at each location'.

7. The Mavesyn Ridware Footpath 38 Accommodation Overbridge could be straightened to follow the alignment of the existing track more closely, however this would require a more skew overbridge structure with a longer span and greater structural depth. To ensure the minimum vertical clearance required above HS2 is achieved, this would require the vertical alignment for the Mavesyn Ridware Footpath 38 Accommodation Overbridge to be raised which would result in greater visual impacts and would be likely to result in greater cost and a longer construction time.

8. Swept turning path analysis for tractor and trailer vehicle of 19.1m long has been completed in respect of the proposed Mavesyn Ridware Footpath 38 Accommodation Overbridge. The Accommodation Overbridge would be able to accommodate a vehicle with a length of 19.1m.

9. Section 7 of HS2 Phase 2A Information paper E6: Private Means of Access explains the Promoter's position with regard to farm accommodation bridges. Paragraph 7.5 explains "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". For more information on this, see the HS2 Phase 2A Guide for Farmers and Growers.'

10. As set out in HS2 Phase 2A Information Paper E3: Management of Traffic During Construction and paragraph 5.2 of HS2 Phase 2A Information Paper D10: Maintaining Access Residential and Commercial Property During Construction, "Traffic management plans will be produced in consultation with the highway and traffic authorities and emergency services".

11. HS2 Phase 2A Information Paper E5: Roads and Public Rights of Way explains the Promoter's approach to preserving and maintaining the public rights of way network. Where the railway crosses footpaths bridleways and byways they are generally carried over or under the railway by means of a bridge or underpass. Where a number of routes are affected then some may be conjoined at one crossing of the railway to utilise a bridge or a tunnel. In a few cases, users of a public right of way would be re-directed using a reasonably convenient alternative route to a nearby public right of way or road if suitable to non-motorised users. These solutions may give rise to alternative routes being longer than the original public rights of way, but this would be minimised so far as reasonably practicable.

12. Where a temporary or permanent realignment or diversion of a public right of way is unavoidable, the design objective has been to seek the shortest practicable route. In a few cases, users would be redirected using a reasonably convenient alternative route to a nearby public right of way – or road, if suitable for non-motorised users – prior to closure, with appropriate signage. Where several neighbouring public rights of way are affected during construction, temporary closures would be phased, where reasonably practicable, to help maintain public access.

13. The intention is that any new, realigned or diverted routes should retain similar characteristics to other local public rights of way. Public rights of way would also be re-established to maintain access where cut and cover tunnelling techniques are used to create the proposed green tunnels. This is further explained in HS2 Phase 2A Information Paper E5: Roads and Public Rights of Way.

14. As explained in paragraph 5.4 of HS2 Phase 2A Information Paper E5: Roads and Public Rights of Way:

“As part of the detailed design process after Royal Assent, we will work with highways authorities, local access forums, user groups (e.g. the Ramblers) and communities to identify the best way of maintaining public rights of way during construction. Design will also continue to be informed by guidance produced by organisations such as the British Horse Society.”

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: David and Sian Froggatt

PETITION NO: HS2-P2A-000175 & HS2-AP1-000020

PARAGRAPH NO: HS2-P2A-000175 paragraph 27 - 28

ISSUE RAISED: Quality of accommodation works

PETITION PARAGRAPH: HS2-P2A-000175 paragraph 27. Issue: Land on our farm will be severed as a result of the construction of the proposed railway. Accommodation works in general and crossing points in particular are matters of significant importance for us. As explained above in Paragraph 20, the accommodation overbridge must be able to accommodate large agricultural vehicles such as combine harvesters, potato harvesters as well as tractors and trailers and HGVs. Well-designed accommodation works which meet our needs are likely to reduce substantially a claim for compensation.

HS2-P2A-000175 paragraph 28. Request: HS2 Ltd should be required to undertake that it will, at a very early stage, seek to agree with us a suitable specification for accommodation works where they are required as a result of the construction of the Authorised Works. For crossing points, such a specification might include the width, height, weight limit and final surface. The specification, once agreed, must be binding on the Nominated undertaker. The design of the Mavesyn Ridware Footpath 38 Accommodation Overbridge currently shows sharp almost 90 degree turn once the mainline is crossed. The farming enterprise uses large modern vehicles and machinery and The Overbridge needs to accommodate the public footpath and the farm traffic therefore the design and width will need to be suitable to ensure both pedestrians and vehicles can cross safely.

PROMOTER'S RESPONSE:

1. Please refer to the Promoter's response to paragraphs 19 -26 of Petition No. HS2-P2A-175.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

**PROMOTER'S RESPONSE TO PETITION
OF:**

David and Sian Froggatt

PETITION NO:

HS2-P2A-000175 & HS2-AP1-000020

PARAGRAPH NO:

HS2-P2A-000175 paragraph 29 – 30, HS2-AP1-000020 paragraph 17

ISSUE RAISED:

Ecological and other mitigation measures on farmland

**PETITION
PARAGRAPH:**

HS2-P2A-000175 paragraph 29. Issue: Under the Bill, it is proposed that trees, grass and/or other vegetation will be planted on our land or land will be put to other uses in order to provide ecological compensation. On our land it is proposed we shall have grassland habitat created. However, this is some of our most productive land which is used for growing vegetables and is completely inappropriate given the statement made by HS2 that they would not take high Grade agricultural land if possible.

HS2-P2A-000175 paragraph 30. Request: If the promoter of the Bill fails to provide a satisfactory explanation, then we would like the Bill to be amended or the promoter to be required to give an undertaking to use neighbouring land which is currently used only for grazing which would be far more suitable and appropriate to meet the promoter's needs. We request further dialogue with the Promoter and ask that if a proportion of the environmental mitigation works are to be located on our holding that these areas are agreed through negotiation and can include land outside of the safeguarding area, subject to the same restrictions.

HS2-AP1-000020 paragraph 17. Ecological Mitigation: we strongly believe that the mitigation for Otters and Newts (as per the community Area Report Additional Summary), directly conflicts with our status as a well established fish farm. Otters eat fish and amphibians - we believe that our fish will be at risk from both loss and risk of contamination (otters travelling from adjacent waters outside of our control). We believe that encouraging Otters and providing a culvert would be catastrophic on our fishing enterprise.

HS2-AP1-000020 paragraph 20. Request (c): In order to prevent loss of our fish stock to Otters we will require Otter fencing to all of our fish pools.

PROMOTER'S RESPONSE:

Approach to environmental mitigation

1. The purpose of the Environmental Statement (ES) is to report the likely significant effects that were identified as part of the Environmental Impact Assessment (EIA). This is undertaken by identifying the current (baseline) conditions, anticipating how these may change in the future, and predicting the potential impacts of the Proposed Scheme across a range of environmental topics.
2. Assessment of the impacts and effects for each topic has been undertaken in accordance with the methodology outlined in the Scope and Methodology Report and SMR Addendum, in Volume 5, of the ES. The assessment has identified the likely significant effects, the measures proposed to mitigate adverse effects, and the likely significant residual effects (i.e. effects remaining following mitigation), for the construction and operation phase, which are reported in the relevant Community Area Reports, in Volume 2, of the ES.
3. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (SI 2017/571) (the 'EIA Regulations') require the Promoter to produce an ES to include a description of the measures proposed in order to avoid, prevent or reduce the likely significant adverse effects on the environment. Such measures are described generally in the ES as mitigation measures.
4. 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 principle 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 explored.
5. The proposed mitigation measures have been identified by regularly reviewing the likely significant adverse environmental effects identified during the 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, for example using information from ecology surveys, farm impact assessments, flood mapping and landscape assessment to feed into the overall mitigation strategy.
6. It is a fundamental principle that a larger area of new habitat is 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

7. 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 this size. 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.

Woodland

8. While the design has sought to avoid or minimise the loss to woodland, there are instances where woodland will be lost and/or severed during construction of the Proposed Scheme. In total the loss of non-ancient woodland that would occur as a consequence of the construction of the Proposed Scheme is approximately 46 ha. These are reported in the relevant Community Area Report, Volume 2, of the ES. Where the ecological assessment has reported a significant effect, new areas of woodland habitat creation have been proposed. These comprise areas of woodland planted primarily for ecological purposes as well as other landscape planting of native broadleaf woodland. For further information, see section 7.3.7 of Volume 3 of the ES.

9. In some cases proposed new areas of woodland habitat would connect and help maintain the integrity of remaining areas of woodland. A temporary adverse effect is expected until these woodland areas have become established, after which there would be a beneficial effect.

Grassland

10. In total the loss of unimproved and semi-improved neutral grassland that would occur as a consequence of construction of the Proposed Scheme is approximately 102 ha. To provide compensation for losses, new areas of grassland creation have been proposed. Such areas would be targeted at providing new areas of habitat of principal importance as defined under Section 41 of the Natural Environment and Rural Communities Act (1996).

11. In such cases efforts would be made to ensure that areas identified for provision of grassland habitat creation are compatible with the target community identified. This as a minimum would include consideration of topography, drainage, aspect, and underlying soil type. Only native species would be utilised and seed mixes would aim to broadly mimic the species composition of those areas to be lost.

Ponds

12. Where ponds supporting great crested newt are lost then they would be compensated through either:

- provision of two replacement ponds (of similar size) for each pond lost (a minimum pond surface area of 100m² would be applied); or

- provision of approximately double the surface area of suitable aquatic habitat through the creation of larger ponds than those lost (a minimum pond surface area of 100m² and a maximum of 300m² will apply).

13. For further information, see section 7.3.7 of Volume 3 of the ES.

14. Where non-great crested newt breeding ponds are lost then these would be replaced on at least a 1:1 basis, and be of similar size and form to those lost.

Stakeholder engagement

15. Engagement has been undertaken throughout the design and assessment of the Proposed Scheme with technical and specialist organisations, including Natural England and DEFRA. This engagement has focused on ensuring that technical and specialist stakeholders inform the design and assessment of the impacts of the Proposed Scheme and has helped identify specific mitigation.

16. The Promoter has also engaged 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 HS2 Phase 2A Farmers and Growers Guide.

17. The Promoter is aware of the Petitioners request to reconfigure environmental mitigation and is considering the request.

Impact on agricultural holdings

18. In its letter of 2 May 2018 the Promoter offered assurances to the National Farmers Union (NFU) on a range of matters including detailed design of works. These assurances are subject to ongoing discussions with the NFU. The Petitioner's land agent met with the Promoter on 2 May 2018 to discuss these assurances.

19. The assurance offered to the NFU includes the following commitment. This is contained within Part B – Generic assurances to be offered to farmers or rural business owner petitioners on a case-by-case basis:

“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.’

20. In addition, please refer to the Promoter’s response to paragraphs 4 - 5 of Petition No. HS2-P2A-175.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: David and Sian Froggatt

PETITION NO: HS2-P2A-000175 & HS2-AP1-000020

PARAGRAPH NO: HS2-P2A-000175 paragraph 31 - 34

ISSUE RAISED: Balancing ponds

PETITION PARAGRAPH: HS2-P2A-000175 paragraph 31. Issue: Under the Bill, it is proposed that a large balancing pond will be constructed on land neighbouring our property to control the rate, volume and quality of runoff. This is deemed to be completely inappropriate as this will have a detrimental impact upon the surrounding water quality within the catchment area. The water will apparently be filtered into local watercourses however this water also feeds our fish farm pools which needs to be without any pollution or contamination which could affect our fish.

HS2-P2A-000175 paragraph 32. Request: If the promoter of the Bill fails to provide a satisfactory explanation, then we would like the Bill to be amended or the promoter to be required to give an undertaking to ensure there are suitable provisions made for pollution and contaminants coming from the rail line to be blocked or prevented from entering into the local water course. No details have been forthcoming on this despite us raising this issue with HS2 consistently since 2016.

HS2-P2A-000175 paragraph 33. Request: We request a detailed hydrology survey and action plan to illustrate the effects of the scheme on the local water table and watercourses and how they will be protected.

HS2-P2A-000175 paragraph 34. Request: We request the hydrology survey and plan considers the alternative option of siting the drainage pond away from Quinton Orchard Farm's existing fish growing pools. This re-siting will ensure the local watercourse is protected and the fish pool business can continue, mitigating a future claim for financial losses. The re-positioning of the balancing pond would enable direct access from Pipe Lane and negate the requirement for the access road to the drainage pond section, providing the promoter an

additional cost saving. Additionally this will increase security for the petitioner as the promoter will not require access to the farm.

PROMOTER'S RESPONSE:

1. The approach and background to balancing ponds, which are used to mitigate the impact on water resources and flood risk of the Proposed Scheme is set out in HS2 Phase 2A Information Paper E21: Balancing Ponds and Replacement Flood Storage Areas.

2. The Information Paper explains:

“The design of the Proposed Scheme includes various drainage measures to control the rate, volume and quality of water run-off from the rail corridor of the Proposed Scheme and other associated infrastructure, taking into account projected climate change impacts. These systems will help to avoid an increase in flood risk and will help to maintain natural water flow by encouraging storm water to soak into the ground or, where that is not reasonably practicable, will discharge it into watercourses or surface water/combined sewers at a controlled rate.”

3. These ponds are of two types; attenuation ponds, and infiltration ponds.

4. Attenuation ponds would attenuate peak flows so that run-off discharges at an agreed rate to a nearby watercourse, thereby reducing the risk of localised flooding. Infiltration ponds would allow run-off to be absorbed into the ground, where conditions are suitable. Many of the ponds would be a hybrid combining features of both types.

5. Balancing ponds would typically be unlined and have banks with a varying profile. Their size would depend on drainage requirements taking climate change allowances into account and many would not be designed to hold water permanently, but would be dry most of the time, except following intense rainfall events. Those required for land drainage purposes would often resemble depressions in the ground rather than actual ponds.

6. Balancing ponds are designed to ensure compliance with European legislation such as the Floods Directive and Water Framework Directive (as implemented through UK national regulations) and national legislation such as the Flood & Water Management Act 2010. Their design is also based on the requirements of the National Planning Policy Framework (NPPF) and the associated technical guidance document on flood risk produced by the Ministry for Housing, Communities and Local Government (MHCLG). Detailed arrangements (for example, maximum discharge rates and final storage capacity) would be finalised in conjunction with consenting bodies such as the Environment Agency and lead local flood. In many cases, it is not possible to combine several ponds as drainage systems should be kept separate, gravity drainage runs may

not be possible and pumping should be avoided (due to risk of failure and for sustainability reasons) and subject to pond capacity threshold.

7. At the time of the Working Draft Environmental Impact Assessment (WDEIA) Consultation, the balancing pond was situated towards Bentley Farm, on land owned by the Petitioners. In their response to the WDEIA, the Petitioners stated 'It is unnecessary to site an attenuation pond here as it would be better placed further down the slope to the east. The land lost to the pond is currently used to grow vegetables and is considered to be some of the most productive land on the holding. Therefore the pond should be moved'.

8. Please also refer to the Promoter's response to paragraphs 33 – 34 and 38 – 46 of Petition No. HS2-P2A-175 and paragraphs 12 -14, 18 and 21 – 23 of Petition No. HS2-AP1-000020.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

**PROMOTER'S RESPONSE TO PETITION
OF:**

David and Sian Froggatt

PETITION NO:

HS2-P2A-000175 & HS2-AP1-000020

PARAGRAPH NO:

HS2-P2A-000175 paragraph 35 – 37,
HS2-AP1-000020 paragraph 19

ISSUE RAISED:

Maintenance of earthworks and made-up ground

**PETITION
PARAGRAPH:**

HS2-P2A-000175 paragraph 35. Issue: On our property it is proposed that there will be lengths of earthworks, made-up ground and ground reprofiling alongside the proposed railway, much of it on good quality agricultural land. The edges of the Blithbury South Cutting Embankment has been positioned on our land however the field parcel identified is some of our most productive arable land used for growing vegetables. The loss of land here would have a detrimental impact upon our farming business.

HS2-P2A-000175 paragraph 36. Request: The Bill should be amended or the promoter required to give an undertaking so as to require the Nominated undertaker, unless the landowner agrees otherwise, to remain responsible for the safety and maintenance of land which is altered as described above and to be responsible for liability for any losses associated with the failure of such operations, such as settlement or slippage.

HS2-P2A-000175 paragraph 37. The Bill should also be amended to alter the proposed earthworks to make the embankment shorter so it does not encroach on to our land at all. It is understood this embankment is being used to provide a noise barrier for the school in Blithbury, however this use would not be affected if the embankment was made shorter as we have suggested.

HS2-AP1-000020 paragraph 19. Request (b): Our prime vegetable growing land is not taken permanently to build the haul road but is taken on a temporary basis only and returned to us in an acceptable state for agricultural use.

PROMOTER'S RESPONSE:

Design and maintenance of landscaped areas

1. HS2 Phase 2A Information Paper D1: Design sets out the Promoter's general design policy for the Proposed Scheme which includes aesthetics and quality. As stated in paragraph 3.1 of the Information Paper, the Promoter and the nominated undertaker would seek to ensure that "the design is safe, efficient, and meets with the requirements of whole life operation and maintenance alongside initial buildability".

2. In addition the Promoter would seek to liaise with the Petitioner with the aim of revising earthworks proposals where necessary to reduce impacts on agricultural land where this can be achieved without compromising the Proposed Scheme. Such impacts would include loss of land and the measures required to maintain land re-profiled by the nominated undertaker.

3. HS2 Phase 2A Information Paper E20: Maintenance of Landscaped Areas, sets out the proposed approach to the maintenance of landscaped areas created for the Proposed Scheme:

"After an initial period of maintenance, the nominated undertaker will seek to return the majority of land to previous landowners or other interested parties (such as local wildlife trusts, woodland trust, local authorities), where agreement can be reached that will ensure the continued objectives of the landscaping are maintained into the future.

Where agreement cannot be reached, the land will be retained and maintained by the nominated undertaker until agreement is put in place with a suitable owner or party. This could mean that such land will remain within the land boundary of the Proposed Scheme.

For the smaller percentage of land that is required to remain within the land boundary of the Proposed Scheme, the nominated undertaker will appoint a managing company (or companies) to ensure the adequate maintenance of landscapes. Primarily, this will involve screen planting and grassland on railway earthworks within the security fence lines."

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

**PROMOTER'S RESPONSE TO PETITION
OF:**

David and Sian Froggatt

PETITION NO:

HS2-P2A-000175 & HS2-AP1-000020

PARAGRAPH NO:

HS2-P2A-000175 paragraph 38 – 46, HS2-AP1-000020 paragraph 12 -14, 18 and 21 - 23

ISSUE RAISED:

Noise, dust and ground vibrations

**PETITION
PARAGRAPH:**

HS2-P2A-000175 paragraph 38. Issue (a): Under the Bill, it is proposed that the railway will be constructed on our land. We have read through the Environmental Statement and do not believe that adequate measures have put in place to mitigate any of the noise, dust and ground vibrations we will experience being located so close to the railway. We fundamentally do not agree with the statements made in the Environmental Statement that our property at Quintons Orchard has not been identified as one which will require noise mitigation measures. We believe the noise surveys which have been carried out have not been done so correctly. We understand from information provided to us by the promoter that the noise surveys average out anticipated operational and construction noise over the specified day and night time periods which does not accurately measure the sudden noise burst of a passing high speed train.

HS2-P2A-000175 paragraph 39. Issue (b): The noise and ground borne vibrations prediction methodology has been based on assumptions which cannot be currently proven. For example, the prediction methodology is based mainly on figures of existing European High Speed trains. However the rolling stock for HS2 trains will apparently be specified to be quieter than the current European standards. We have no way of knowing if this will be the case and basing evidence of noise on such a spurious assumption does not seem a correct or adequate methodology when dealing with a construction project of this size.

HS2-P2A-000175 paragraph 40. Issue (c): The train rolling stock is yet to be decided on but the train source sounds are all dependant on the length of the train, its configuration, the

gaps between coaches, door handle projection, location of pantograph recesses etc. The assumptions based upon this information which has not yet been confirmed, seem to reach conclusions which the promoter cannot possibly be sure is the case at this early stage.

HS2-P2A-000175 paragraph 41. Issue (d): HS2 recognise in their Sound Noise and Vibrations Technical Appendices that HS2 trains operating on ballast track would reduce noise. However HS2 have announced plans to operate trains on slab track instead which has different noise emission characteristics and can lead to higher noise as a result.

HS2-P2A-000175 paragraph 42. Issue (e): In the Technical Appendices for Sound, Noise and Vibrations, HS2 recognise that the pass by sound for HS2 source trains at 25m from the track can range depending on the speed of the high speed train, at anything between 75dB to 94dB. With TSI-complaint trains (which we are told will also be using the track) the pass by sound at 25m from the track (dependant on speed) can range between 79dB to 96dB. However according to the Operational Noise and Vibration Impacts Maps in the Environmental Statement map books, sound in the closest areas to the track will not get above 65dB. Even with the noise barriers at the correct height, the noise would only be mitigated by at most 3dB, therefore the figures and plans do make any sense.

HS2-P2A-000175 paragraph 43. Issue (f): David Froggatt has a genetic heart condition called hypertrophic cardiomyopathy (HCM). The Environmental Statement directly references issues between noise and cardiovascular effects including hypertension and acute myocardial infarction as a result of proximity to construction sites. Therefore there is a direct link between the construction and David's existing heart condition.

HS2-P2A-000175 paragraph 44. Issue (g): We run a very successful fish farm business at Quintons Orchard. There will be a very significant impact upon the business due to its proximity to the construction site. This is due to the following reasons:

- Dust and Airborne Particles: Site works and movement of large plant on a construction site will create a large amount of dust. This dust blowing on the wind will be more likely to accumulate in local water bodies. Dust and airborne particles by the very nature tend to create

suspended soils in water bodies i.e. they are small and do not settle out quickly in water. Suspended soils in water can damage the gill tissue and make the respiration of fish more difficult. David Froggatt also suffers from atrial fibrillation but we believe there is a health implication for all residents due to the spoil heaps and dust, noise etc from construction.

- Noise Pollution: As with any large scale construction site there is likely to be considerable noise and disturbance from heavy plant movements, excavation works and piling. All these construction works will also generate sound and vibration which subsequently enters adjacent water bodies such as Quintons Orchard fish farm ponds. The sounds and vibration have the potential to change the behaviour of fish and in some cases even cause direct damage to the fish. Any changes in behaviour in fish kept on a fish farm will have a direct impact on their feeding and therefore growth rates and they affect their long term health and condition.

HS2-P2A-000175 paragraph 45. Request: If the promoter of the Bill fails to provide a satisfactory explanation, then we would like the Bill to be amended or the promoter to be required to give an undertaking to mitigate the dust, noise and ground vibrations so they will not have a detrimental impact upon our fish farming business.

HS2-P2A-000175 paragraph 46. Request: We request the Bill to be amended or the promoter to be required to give an undertaking and assurance to remove, reduce, re-position or mitigate the dust, noise and ground vibrations so they will not have a detrimental impact upon the occupation of Quintons Orchard Farm and the fish farming business.

HS2-AP1-000020 paragraph 12. Issue (e): The route of the haul road is shown to be positioned very close to one of our fish growing pools on the plans (Replacement Sheet 1-12). This is known as the Reservoir Pool and is vital to the fish growing business. The benefit it offers is irreplaceable and cannot be replicated elsewhere on the farm. Damage to or loss of the Reservoir Pool would have catastrophic implications for the fish farm as for many years we have geared our business plan towards the significant returns we can achieve from the large fish stock being grown in this pool now and in the future. Due to its proximity to the construction site of the haul road and its

eventual use, we have grave concerns for our fish farm business for following reasons:

HS2-AP1-000020 paragraph 13. Dust and Airborne Particles: Site works and movement of large plant on a construction site for the haul road and afterwards as it carries vehicles to the main construction site of the railway will create a large amount of dust. This dust blowing on the wind will be more likely to accumulate in local water bodies. Dust and airborne particles by the very nature tend to create suspended soils in water bodies i.e. they are small and do not settle out quickly in water. Suspended soils in water can damage the gill tissue and make the respiration of fish more difficult.

HS2-AP1-000020 paragraph 14. Noise Pollution and Vibration: As with any large scale construction site there is likely to be considerable noise and disturbance from heavy plant movements, excavation works and piling. All these construction works will also generate sound and vibration which subsequently enters adjacent water bodies such as fish farm pond adjacent to the proposed haul road. The sounds and vibration have the potential to change the behaviour of fish and in some cases even cause direct damage to the fish. Any changes in behaviour in fish kept on the fish farm will have a direct impact on their feeding and breeding. It therefore affects growth rates, breeding and their long term health and condition.

HS2-AP1-000020 paragraph 18. Request (a): If the promoter of the Bill fails to provide a satisfactory explanation, then we would like the Bill to be amended or the promoter to be required to give an undertaking to mitigate the dust, noise and ground vibrations so they will not have a detrimental impact upon our fish farming business.

HS2-AP1-000020 paragraph 21. Request (d): In regards to our biosecurity concerns we will require disinfectant dips and pads to be placed at strategic points in order to mitigate disease spreading to our holding. In addition to this we request that all water brought to site by bowsers is monitored and documented at all times to ensure it is bacteria free.

HS2-AP1-000020 paragraph 22. Request (e): We request speed restrictions to the haul road and the "trace" to reduce the effect of the dust and ask that air quality monitors are placed at strategic points around the farm so the quality of the air can

be monitored and at times of very high levels of pollution, work can be reduced.

HS2-AP1-000020 paragraph 23. Request (f): Bearing in mind our concerns of the likely effect on the Reservoir Pool as mentioned above, we suggest it would be prudent to get an independent expert on commercial fish farming to be engaged at a cost to HS2 to determine what mitigation measures, if any, could be taken.

PROMOTER'S RESPONSE:

Sound, noise and vibration

1. The operational assessment of the Proposed Scheme takes into account the route-wide and localised control measures proposed in the Environmental Statement (ES). The construction assessment takes into account the implementation of the draft Code of Construction Practice (CoCP) and localised control measures proposed in the ES. As the design progresses these proposals would continue to be reviewed to ensure that the Promoter's noise and vibration policy aims are met. These are set out in:

- HS2 Phase 2A Information Paper E9: Control of Airborne Noise;
- HS2 Phase 2A Information Paper E10: Control of Ground-borne Noise and Vibration from the Operation of Temporary and Permanent Railways;
- HS2 Phase 2A Information Paper E11: Control of Noise from the Operation of Stationary Systems;
- HS2 Phase 2A Information Paper E12: Operational Noise and Vibration Monitoring Framework; and
- HS2 Phase 2A Information Paper E13: Control of Construction Noise and Vibration.

2. At the properties identified in the Petition, represented by location ID 11106, the Proposed Scheme is unlikely to cause an adverse noise effect during construction and is unlikely to cause a significant adverse noise effect during operation.

3. The Promoter's policy on assessing and controlling the noise and vibration impacts represents its interpretation of the Government's Noise Policy Statement for England (NPSE). The Promoter's setting of values for effect levels had due regard to established practice, research results, guidance in national and international standards, guidance from national and international agencies and independent review by academic, industry and Government employees. They have also been subjected to further independent scrutiny during Parliamentary proceedings and are provided as draft route-wide assurances for the Proposed Scheme.

Construction noise assessment

4. The LOAELs set by the Promoter include 65 dB for the 0800-1800 LpAeq at the façade and 45 dB for the 1 hour LpAeq at the façade during 2200-0700 to assess the

impact of airborne noise caused by the construction of the new railway on permanent residential buildings. The use of these parameters, and the values assigned to them have been derived with consideration of the British Standard BS5228: Code of practice for noise and vibration control on construction and open sites. As required by Government noise policy all reasonable steps would be taken so that these levels are not exceeded. Further details can be found in HS2 Phase 2A Information Paper E13: Control of Construction Noise and Vibration.

5. Dwellings where the noise level is forecast to exceed a Significant Observed Adverse Effect Level (SOAEL) have been identified individually in the ES as being likely to experience a significant adverse noise effect. This is an indication that noise insulation would be offered as a means of aiming to avoid any significant noise adverse effect on the health and quality of life of those living there caused by airborne construction noise.

Operational noise assessment

6. The LOAELs set by the Promoter include 40 dB for the 2300-0700 LpAeq and 60 dB for the LpAFmax (façade) to assess the impact of airborne noise caused by the operation of the new railway on permanent residential buildings. The second of these parameters is used to assess the impact of noise from individual train pass-bys. The use of these parameters, and the values assigned to them have been derived with consideration of the WHO guidelines for community and night noise. As required by Government noise policy all reasonable steps would be taken to design, construct, operate and maintain the operational railway so that these levels are not exceeded. Further details can be found in HS2 Phase 2A Information Paper E9: Control of Airborne Noise.

7. Dwellings where the noise level during the operation of the railway are predicted to exceed the Significant Observed Adverse Effect Level (SOAEL) have been identified individually in the ES as being likely to experience a significant adverse operational noise effect. This is an indication that the noise insulation and ventilation package would be offered as a means of avoiding any significant adverse effect on the health and quality of life of those living inside.

Vibration assessment

8. The LOAELs set by the Promoter include Vibration Dose Values of $0.1 \text{ m/s}^{1.75}$ night 2300-0700 and $0.2 \text{ m/s}^{1.75}$ day 0700-2300 (indoors, near the centre of any dwelling room on the ground floor) and a ground borne noise level of 35 dB LpASmax (measured in any habitable room). The use of these vibration parameters, and the values assigned to them have been derived with consideration of the British Standard BS6472-1 Guide to evaluation of human exposure to vibration in buildings. Vibration at or below these values would suggest a low probability of adverse comment and ground-borne noise levels at or below 35 dB LpASmax would be expected to result in a low level of annoyance. As required by Government noise policy all reasonable steps would be taken to design, construct, operate and maintain the permanent railway

such that, in all reasonably foreseeable circumstances, ground-borne noise and vibration does not exceed these levels. Further details can be found in HS2 Phase 2A Information Paper E10: Control of Ground-borne Noise and Vibration from the Operation of Temporary and Permanent Railways.

Sound, noise and vibration impacts on outdoor spaces

9. With respect to the effects of noise on outdoor recreational and leisure spaces and facilities including bridleways, footpaths, canal towpaths, sports grounds, racecourses, golf courses, show grounds, nature reserves, principally because of the transitory nature of their use, no likely significant adverse noise effects on people, wildlife, horses and livestock have been identified. There is further detail in the ES: Sound, noise and vibration: methodology, assumptions and assessment (route-wide) (see: Volume 5 appendix SV-001-000, ES 3.5.0.10 Annexes F and G). Such facilities and spaces may benefit collaterally from measures provided to reduce impacts at dwellings and other noise sensitive receptors in the vicinity.

Air quality

10. Emissions to the atmosphere would be controlled and managed during construction through the route-wide implementation of the CoCP. The draft CoCP includes a range of mitigation measures that are accepted by the Institute of Air Quality Management (IAQM) as being suitable to reduce impacts to as low a level as is reasonably practicable. As a result of the application of these control measures the ES reports that significant effects from dust and air quality are avoided during construction at Quinton's Orchard.

11. The ES reports that no significant effects with regards to air quality are predicted at Quinton's Orchard during operation.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

**PROMOTER'S RESPONSE TO PETITION
OF:**

David and Sian Froggatt

PETITION NO:

HS2-P2A-000175 & HS2-AP1-000020

PARAGRAPH NO:

HS2-P2A-000175 paragraph 47 – 49, HS2-AP1-000020 paragraph 16 and 24 -26

ISSUE RAISED:

Land drainage and ground water

**PETITION
PARAGRAPH:**

HS2-P2A-000175 paragraph 47. Issue (a): We have a bore hole located at Quintons Orchard which directly feeds our fish growing shed, fish pools and supplies drinking water to Quintons Orchard Farm, as well as to the barns with planning permission, horses and livestock. Any pollution under the construction site can flow with the ground water onto the Quintons Orchard site and also leak into the aquafer as a result of the underlying sandstone geology and therefore find its way into the fish farm ponds which are directly fed from the local aquafer.

HS2-P2A-000175 paragraph 48. Issue (b): The fish ponds on Quintons Orchard fish pond are filled largely with ground water from the local aquafer i.e. they fill naturally from underground springs and maintain their levels through the Summer. Any works within that aquafer for example the construction of a balancing pond close to the fish farm pond has the potential not only to affect drainage but also change the water levels within the aquafer. This may also impact the bore hole which Quintons Orchard fish farm use to obtain additional water for the fish growing pools and hatchery.

HS2-P2A-000175 paragraph 49. Request: If the promoter of the Bill fails to provide a satisfactory explanation, then we would like the Bill to be amended or the promoter to be required to give an undertaking to provide a proper and cohesive plan as to how the local aquifer will be maintained and how pollution from the construction and railway site will be managed.

HS2-AP1-000020 paragraph 16. Bio Security: We are extremely concerned that we will be subject to increased bio-security risks (as referred to in our original submecologicalission) due

to the massive increase in activity around the farm. We believe HS2 will attempt to minimise the effect of the dust by using bowzers to dampen down the soil. However, this will bring water onto our land and then the run-off water from the bowzers will end up on our land.

HS2-AP1-000020 paragraph 24. Issue (a): The Additional Provision shows the haul route joining on to Pipe Lane on a particular part of the lane which is prone to severe flooding. The lane at this point is often impassable during heavy rain as it suffers very badly from heavy flooding. The route of the proposed haul road will disrupt this further and will further detrimentally effect the flooding in this area.

HS2-AP1-000020 paragraph 25. Issue (b): The field which has been highlighted in the Additional Provision for the proposed haul route to be built on is quite low lying land with extensive drainage used to drain the field effectively to allow for its productive capacity to be maximised. The land drains will be severely disrupted and compromised entirely by the route of the road which will then cause further flooding and land drainage issues as existing drains will back up in the rest of the field making it wet and unusable.

HS2-AP1-000020 paragraph 26. Request: If the promoter of the Bill fails to provide a satisfactory explanation, then we would like the Bill to be amended or the promoter to be required to give an undertaking to ensure that land drains will be provided and accessed maintained, including in those cases mentioned above. It would better to bring the haul road directly over the River Trent via a Bailey Bridge so any construction / borrow pit traffic does not use the narrow country lanes and remains solely on the major A roads in the area.

PROMOTER'S RESPONSE:

1. The protective provisions, under Part 4 of Schedule 32 to the Bill, require the approval for works likely to affect flood risk, water discharge, or groundwater activities, by the appropriate body, prior to undertaking works. In relation to surface water the appropriate body is further explained in HS2 Phase 2A Information Paper E15: Water Resources, Flood Risk and Authorisation of Related Works. The appropriate body in relation to groundwater is the Environment Agency. Therefore, no works affecting groundwater or surface water could be undertaken until the appropriate body is satisfied that the impacts from construction are properly understood and that any mitigation and monitoring is adequate.

Control of construction impacts

2. Section 15 of the draft Code of Construction Practice (CoCP) defines the controls and guidance that would be followed in order to obtain agreement with the Environment Agency to obtain an appropriate permit or exemption from permitting.

3. In its letter of 2 May 2018 the Promoter offered assurances to the National Farmers Union (NFU) on a range of matters including arrangements for the drainage. These assurances are subject to ongoing discussions with the NFU. The Petitioners' land agent met with the Promoter on 2 May 2018 to discuss these assurances.

4. The assurance offered to the NFU includes the following commitment. This is contained within Part B – Generic assurances to be offered to farmers or rural business owner petitioners on a case-by-case basis:

“15.1. The Nominated undertaker will identify with the farmer existing drainage arrangements on the holding. This will include the carrying out, where reasonable, of inspections of the site and of any existing plans.

15.2. The location of drains cut or disturbed by the construction works will be recorded by the Nominated undertaker.

15.3. The Nominated undertaker will utilise appropriate drainage consultants to advise on drainage works and will engage with the farmer in respect of the pre and post drainage schemes that are required. The Nominated undertaker will use reasonable endeavours to engage drainage consultants with working knowledge of the local conditions.

15.4. Prior to the commencement of significant construction works, land drains affected by the HS2 works will, where practicable, be intercepted in a manner which maintains their efficiency. Work will be carried out to an appropriate specification after discussion with the farmer which may include the design (e.g. layout, falls, pipe sizes and types, outfall arrangements) and timing of any land drainage works required.

15.5 As-built plans of modifications to existing land drainage and of any new drainage works will be provided to the farmer or the Landowner as appropriate by the Nominated undertaker.

15.6. Where natural drainage patterns are adversely affected by the HS2 works, the provision of supplementary drainage or irrigation works will be considered having regard to an assessment of compensation and the commercial justification by the farmer.”

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

**PROMOTER'S RESPONSE TO PETITION
OF:**

David and Sian Froggatt

PETITION NO:

HS2-P2A-000175 & HS2-AP1-000020

PARAGRAPH NO:

HS2-P2A-000175 paragraph 50 – 52, HS2-AP1-000020 paragraph 15

ISSUE RAISED:

Bio security and disease contamination

**PETITION
PARAGRAPH:**

HS2-P2A-000175 paragraph 50. Issue (a): We are gravely concerned regarding the increased biosecurity risk to the fish growing pool over the course of the construction. This could be in the form of security.

HS2-P2A-000175 paragraph 51. Issue (b): Further to the point made above, there is a further concern regarding poaching at Quintons Orchard. The property does not currently experience poaching but that is credited to the isolated nature of the property. With a large construction site being located very close by, it is anticipated that poachers will become aware of the fish growing pools and may begin poaching as a result. This in turn could lead to the spread of the Koi Herpes Virus due to the poachers using unclean equipment to poach the fish.

HS2-P2A-000175 paragraph 52. Request: If the promoter of the Bill fails to provide a satisfactory explanation, then we would like the Bill to be amended or the promoter to be required to give an undertaking to ensure the fishing pools are not interfered with in anyway during the construction phase. In addition to this we would like guarantees of security patrols within the immediate locality to prevent any poachers accessing our land.

HS2-AP1-000020 paragraph 15. Security: We believe the security of the reservoir pool will be adversely affected by the increased traffic and location of a satellite compound close by. We will not be able to monitor activity and security on our farm.

PROMOTER'S RESPONSE:

1. The Promoter disagrees with the Petitioner that there would be any increased crime risk as a result of the Proposed Scheme being constructed in the area.
2. As part of the controls within the Code of Construction Practice, the lead contractor would carry out site-specific assessments of the security and trespass risk and control measures at each site. Measures to control security risk would include where appropriate, consultation with neighbours on site security matters, and consultation with local crime prevention officers on security proposals for each site with regular liaison to review security effectiveness and response to incidents.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: David and Sian Froggatt

PETITION NO: HS2-P2A-000175 & HS2-AP1-000020

PARAGRAPH NO: HS2-P2A-000175 paragraph 53 - 54

ISSUE RAISED: Blithbury package substation

PETITION PARAGRAPH: HS2-P2A-000175 paragraph 53. Issue: The proposed scheme plan (CT-06-205) shows Blithbury Package Substation located in close proximity to Quintons Orchard farm. David Froggatt's genetic heart condition as previously referred to leads to an increased likelihood that a pacemaker or similar device will be required in the future.

HS2-P2A-000175 paragraph 54. Request: We request full details relating to the siting, design and capacity of Blithbury Package Substation. We request the substation is positioned away from Quintons Orchard Farm to ensure there is no risk to the ongoing health of David Froggatt and his family. Within our access request, with the drainage pond re-sited, the access to the pond will be removed and the package substation can be positioned together with the access and drainage pond away from the farm.

PROMOTER'S RESPONSE:

1. The purpose of the Blithbury Package Substation is for railways systems power supply. Its proposed location has been judged as being the most efficient for the power demands of railway systems equipment in the area. The design of the package substation would control the Electro-Magnetic Fields (EMF) of the equipment contained within to ensure they are within the safe legislative limits for people, regardless of capacity.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

**PROMOTER'S RESPONSE TO PETITION
OF:**

David and Sian Froggatt

PETITION NO:

HS2-P2A-000175 & HS2-AP1-000020

PARAGRAPH NO:

HS2-P2A-000175 paragraph 55 – 56, HS2-AP1-000020 paragraph 40 - 41

ISSUE RAISED:

Petition costs

**PETITION
PARAGRAPH:**

HS2-P2A-000175 paragraph 55. Issue: We have been informed by HS2 that we must pay for our Agents fees in order to petition against the Hybrid Bill. We would state however that if we had had any meaningful and positive feedback from HS2 in terms of engagement with their land and property team, we would not be in the position in order to petition in the first place. We had tried to engage as early as possible and although some issues have been resolved, others remain outstanding as you will see above.

HS2-P2A-000175 paragraph 56. Request: We believe the promoter should pay all of our Agents fees incurred during this process or at the very least make a contribution towards them.

HS2-AP1-000020 paragraph 40. Issue: We have been informed by HS2 that we must pay for our Agents fees in order to petition against the Hybrid Bill. We would state however that if we had had any meaningful and positive feedback from HS2 in terms of engagement with their land and property team, we would not be in the position in order to petition in the first place, We had tried to engage as early as possible and although some issues have been resolved, others remain outstanding as you will see above.

HS2-AP1-000020 paragraph 41. Request: We believe the promoter should pay not only all of our Agents fees but also the costs for our own time incurred during this process or at the very least make a contribution towards them.

PROMOTER'S RESPONSE:

Payment of petitioning costs

1. HS2 Information Paper C9: Recovery of Costs by Property Owners provides guidance on the circumstances in which owners of land and property affected by the Proposed Scheme can expect to recover costs and fees that they incur in relation to the Proposed Scheme and the extent of such recovery.

2. The Information Paper goes on to set out costs and fees that are outside the scope of reimbursement. Paragraph 4.2 states:

“In accordance with previous established practice on hybrid Bills, costs and fees which owners incur in drafting and depositing their petitions, considering or responding to Petition Response Documents, assurance letters or undertakings, attendance and presentation of their petition in Select Committee, or in attendance at meetings with HS2 Ltd to discuss their petition or subsequent exchanges (unless otherwise agreed) will not be reimbursed.”

3. A series of Property Consultation Events took place in December 2015 and January 2016 including one in Kings Bromley on 15 January 2016. A Farm Impact Assessment took place on 26 May 2016. A series of Working Draft Environmental Impact Assessment (WDEIA) and Design Refinement Consultation Events took place in September and October 2016 including one in Kings Bromley on 5 October 2016. A stakeholder meeting took place on 6 March 2017. A series of Information Events took place in August 2017 including one in Kings Bromley on 2 August 2017. An Agent meeting took place on 10 August 2017. A Surgery and Drop-in Event took place in Hill Ridware on 27 November 2017 which the Petitioner attended. Meetings proposed to take place on 4 December 2017 were cancelled by the Agent. An Agent meeting took place on 22 January 2018 which the Petitioner declined to attend. Stakeholder meetings took place on 9 April 2018 and on 16 April 2018.

4. HS2 Phase 2A Information Paper G1: Consultation and Engagement provides details of the consultation and engagement carried out during development of the Proposed Scheme.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: David and Sian Froggatt

PETITION NO: HS2-P2A-000175 & HS2-AP1-000020

PARAGRAPH NO: HS2-AP1-000020 paragraph 9, 27 – 31, 36
- 38

And ISSUE RAISED: Construction traffic

PETITION PARAGRAPH: HS2-AP1-000020 paragraph 9. Issue (b): At a meeting with Bob Flynn from Arup (on behalf of HS2) on 16th April 2018 we were informed that the anticipated HGV movements would be 60-120 per day. The maximum movement of 120 per day were to be for a period of 3 months. This is based on a load being 1 tonnes. We have subsequently obtained information from Staffordshire County Council stating that they believe the HGV movements to be one every 2.5 minutes (24 per hour). The HGVs could be up to a legal weight of 44 tonnes. There will also be considerable car movements which we understand to be 59 cars in and out to the Pipe Ridware Embankment Satellite Compound. We asked what redress we would have if their calculations were incorrect and we were told by the HS2 and Arup representatives that we had no redress. It is not acceptable that we are not being provided with accurate information on which to base our petitions.

Railway Track- Trace Route

HS2-AP1-000020 paragraph 27. Issue: The proposed haul road will be used to re-direct construction traffic previously routed through the village of Hill Ridware and along the trace route below Quintons Orchard. The reason for the diversion was to reduce the impact on the occupants of Hill Ridware. This will massively increase the impact to Quintons Orchard on the fish pools and the fish tanks in the shed adjacent to the proposed balancing pond. It will have an adverse impact in regards to the level of construction noise we will experience if more construction vehicles are to use the "trace" route past our farm. We specifically asked about the anticipated activity of construction vehicles, operators and equipment along the trace. We have been told by HS2 representatives during a

meeting at Quintons Orchard on 16th April 2018 that HS2 were not prepared to divulge the statistical traffic volume information other than that already provided in the Environmental Statement booklets released in July 2017. It is therefore impossible for us to work out the impact the Additional Provisions will have on our business, health and wellbeing (particular pertinent to David's health) because we do not know the size, numbers or weight of the construction vehicles and equipment.

HS2-AP1-000020 paragraph 28. Request (a): As the traffic volume and consequently dust will be greatly increased on the trace route, we require the regular cleaning of our solar panels and maintenance. This is to prevent loose connections due to the disturbance closing down the entire system.

HS2-AP1-000020 paragraph 29. Request (b): We request that traffic is driven slowly past our property and that works are kept between the hours of 7am and 7pm and for 5.5 days per week to minimise the effect on our quality of life.

HS2-AP1-000020 paragraph 30. Request (c): We would request that accurate traffic information is released to us as one of the properties adversely affected by the proposed haul road and "trace" route.

HS2-AP1-000020 paragraph 31. Request (d): We require an undertaking to remove, reduce, re-position or mitigate the dust, noise and ground vibrations so they will not have a detrimental impact upon the occupation of Quintons Orchard Farm and the fish business.

HS2-AP1-000020 paragraph 36. Issue (a): During meetings with the Land and Property team of HS2, we have been told that should HS2 have got any of their calculations in relation to the amount of vehicle movements, noise, vibrations, dust etc, wrong in anyway, we will have no further redress to them. To behave in this many is grossly unfair to those who are having to live with this situation attempting to manage their businesses for the future with no proper information or meaningful engagement on how the situation will be mitigated.

HS2-AP1-000020 paragraph 37. Issue (b): CH Froggatt is a farming partnership which the next generation are committed to continuing. The impact of the proposed Additional

Provisions will have a massive disruption to our access routes which makes developing our business extremely difficult. The identified future investment opportunities and business opportunities have effectively been terminated due to the H52 scheme. This will have a major adverse effect on the viability and profitability of the farm business and health and wellbeing of the occupants and is completely outside their control.

HS2-AP1-000020 paragraph 38. Request (a): We would respectfully question the methodology HS2 appear to be using to make many of their assumptions and statements which according to HS2 can be made with impunity without any form of redress if it is incorrect from those affected by the scheme in the future. We would ask that HS2 provides ALL its current information to affected landowners concerning the use of the trace route and its operations immediately.

PROMOTER'S RESPONSE:

1. The Promoter has offered a number of assurances to Staffordshire County Council on a range of matters, and issued an agreed statement on 5 May 2018. The assurances included that haul roads are to be put in place as soon as possible and their use is to be maximised.
2. The assurance offered to Staffordshire County Council states:

"Haul Roads

11.(a) In managing the HS2 Large Goods Vehicle construction traffic within the Petitioner's administrative boundary and in order to reduce the impact of HS2 Large Goods Vehicle construction traffic on the local network, the Promoter shall, subject to the conditions in paragraph (b), require the nominated undertaker to use reasonable endeavours to:

(i) commence construction of each Haul Road as soon as reasonably practicable following commencement of main civil engineering works in the construction programme for the Proposed Scheme, having regard to the purpose of each Haul Road; and

(ii) prioritise the use of the Haul Roads by HS2 LGV construction traffic so far as reasonably practicable above the use of the local road network.

(b) The conditions referred to in paragraph (a) above are:

(i) the securing of any necessary consents and approvals; and

(ii) the Promoter being satisfied that doing so would not prejudice the safe, timely and economic construction of the Proposed Scheme.

In this assurance “Haul Roads” means those haul routes described in the Environmental Statement as proposed within the limits to be acquired or used as shown on the plans deposited with the Bill.”

Adequacy and accuracy – route-wide transport assessment

3. The count data and the traffic analysis undertaken is appropriate for this stage in the development of the project. It is sufficient for the purposes of developing the highway proposals and mitigations in sufficient detail to determine the necessary limits of the Bill powers and for assessing the environmental effects of the proposals.

4. Precise traffic impacts would depend to a considerable extent on details of design and construction planning which would not be undertaken until after Royal Assent. The Promoter’s approach has been to make reasonable worst case assumptions on likely peak traffic generation and highway requirements so as not to risk underestimating adverse environmental effects and undertake the traffic assessment that, though at a high level, is sufficiently robust to draw conclusions on the significant environmental effects.

5. In relation to assessment of off-peak traffic flows, the time periods (08:00-09:00 and 17:00-18:00) against which the construction has been assessed were selected as they represent the time when the road network is likely to be at its most busy and HS2 construction traffic at its highest. Checks were conducted to ensure that the selected AM/PM peaks periods were the busiest for baseline traffic. Assumptions for HS2 construction traffic flows are consistent throughout the day – the number of vehicles per hour (over a ten hour period). Construction traffic assessments assume 10 percent of construction traffic arrivals at each worksite with 50 percent of the workforce travelling in the AM Peak; the workforce assumption is a reasonable worst case assumption since the site start time is 09:00 and closure will be 18:00 and consequently employees are more likely to arrive in the hour prior to the AM peak and leave an hour following the PM peak. As explained in paragraph 3.9.7, Volume 5 Traffic and Transport Assessment (TR-001-000) Part 1, in the Environmental Statement (ES).

6. During construction works for the Proposed Scheme, the nominated undertaker would require that the impacts on the local community from construction traffic are minimised by its contractors and that public access is maintained where reasonably practicable. Impacts on local traffic would be managed in accordance with Local Traffic Management Plans, which would be developed with the relevant highway authority and other key stakeholders.

7. This and other measures to control traffic impacts are set out in the draft Code of Construction Practice (CoCP) and would be developed further during the detailed design phase.

8. The Environmental Minimum Requirements (EMRs) provide effective safeguards to ensure that detailed design and implementation of the Proposed Scheme would have no greater effects than the adverse effects reported in the ES.

Impacts of construction traffic on holdings

9. Construction materials would, where reasonably practicable, be moved on dedicated haul roads along the line of the route. Borrow pits are also being used to reduce the need to import materials by road and to export surplus excavated material by road.
10. In a number of cases new site haul routes would be created to transport construction materials and equipment. Rail transport would also be used. Where this is not possible, HGVs would be routed along the motorways and the main A road network where reasonably practicable to minimise the use of local roads.
11. Changes would also be made to the existing road network to mitigate impacts of construction traffic where it is appropriate.
12. Traffic Management Plans would be produced, in liaison with highway and traffic authorities and the emergency services. These would set out the strategy for design and consultation for traffic management and managing lorry flows. The Promoter would work closely with local authorities to make sure that impacts on local communities and traffic are reduced as far as reasonably practicable.
13. Construction vehicles and their impact on road safety would be managed, monitored and controlled throughout the construction programme.
14. The draft CoCP sets out how noise, air quality, visual and construction traffic effects would be controlled to reduce and minimise the effects on community facilities, residential properties and open space.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: David and Sian Froggatt

PETITION NO: HS2-P2A-000175 & HS2-AP1-000020

PARAGRAPH NO: HS2-AP1-000020 paragraph 34 - 35

ISSUE RAISED: Utilities connection

PETITION PARAGRAPH: HS2-AP1-000020 paragraph 34. Issue: Under the Additional Provision it is proposed that additional land be taken for the permanent diversion of BT Openreach overhead telecommunications cable at Quintons Orchard farm along the bottom driveway. Currently the existing overhead line comes down the top drive along with the historic water pipe from Pipe Lane. There are no services at all in the bottom driveway.

HS2-AP1-000020 paragraph 35. Request: We would request the existing routes be maintained via a suitable conduit for the passage of service to be installed within the proposed overbridge leaving sufficient room should any additional services be required to Quintons Orchard farm or the barn conversions in later years.

PROMOTER'S RESPONSE:

Utilities

1. In line with similar schemes, the Bill makes specific provision for maintenance and protection of public utilities in private land (Part 2 of Schedule 32 to the Bill). The general principle is set out (at paragraph 19 of that Schedule) that apparatus is not to be moved under the powers of the Bill until replacement apparatus has been provided and is in operation. Similar protection is included for electronic communications code operators in Part 3 of Schedule 32 which applies the code in Schedule 2 to the Telecommunications Act 1984.

2. Where diversion of existing utility infrastructure is planned, the nominated undertaker is required to agree its plans with the utility statutory undertaker.

3. Where the apparatus would remain in place then the nominated undertaker is required to incorporate the reasonable requirements of the statutory undertaker for the alteration or protection of its apparatus. In some instances, the existing

apparatus may become surplus to requirements, and can be decommissioned and either made safe or removed.

4. Working with the utility companies, the nominated undertaker would undertake further work to identify and protect utility plant and equipment affected by the Proposed Scheme. On a site-specific basis, this work would also include preliminary site investigations: these would confirm the accuracy of existing records in identifying the location of underground infrastructure. Even with these precautions, there remains a risk that unrecorded infrastructure may be encountered, especially in locations of old apparatus or in densely developed urban locations. In advance of commencing construction work, specific contingency plans would be prepared to manage this risk.

5. Contractors that undertake utility diversions for the nominated undertaker would be required to establish and maintain community liaison arrangements with the owners and occupiers of property affected by their work. The contractors would be required to produce advance information sheets that would be circulated at least two weeks before the construction works are due to start, where it is reasonably possible to do so.

6. Further details are set out in HS2 Phase 2A Information Paper D8: Maintenance of Public Utilities.

April 2019

**HIGH SPEED RAIL (WEST MIDLANDS -
CREWE) BILL**

**HOUSE OF COMMONS
SELECT COMMITTEE**

**Petition No. HS2-AP2-049:
David & Sian Froggatt**

Promoter's Response Document

INTRODUCTION

This Promoter's Response Document (PRD) forms the Promoter's response to Petition No. HS2-AP2-049, from David & Sian Froggatt.

In this PRD, 'the Promoter' means the Secretary of State and HS2 Ltd acting on his behalf.

The purpose of the PRD is to advise you and the Select Committee of the Promoter's position in relation to the petitioning points raised. It is intended that the PRD will alleviate many of the concerns raised in the petition.

The Table of Contents overleaf lists the page number, petitioning points in the order they appear in the petition, and a summary statement of the issue(s) contained in the petition for quick reference. Other supporting material (e.g. reports, drawings and photographs) referred to in the response are attached where applicable.

Copies of the HS2 Phase 2a Information Papers referred to in the response can be found at
<http://www.gov.uk/government/collections/high-speed-rail-west-midlands-to-crewe-bill>.

Department for Transport
High Speed Two (HS2) Limited

BACKGROUND

The Petitioners farm holding is made up of several sites. The main holding and buildings are situated at Quintons Orchard Farm and Longacre Farm in Blithbury. The Petitioners also own and farm land at Newlands Lane, Bromley Hurst, Yoxall and Kings Bromley as well as renting land at Moreton Farm, Wolseley Bridge and land at Blithbury Reservoir.

The Petitioners operate a mixed farming business consisting of arable, livestock farming and commercial breeding of horses. The business has diversified into fish farming, biomass boilers and energy crop production.

Land is required for the railway, for Blithbury Crossover Satellite Compound, for mitigation planting, utilities, habitat creation and for securing access for construction traffic.

In May 2018 the Petitioner was sent a PRD for their Petition against the Bill and Additional Provision 1 to the Bill (Petition No. HS2-P2A-000175 and HS2-AP1-000020, attached at Annex A). The Petitioner appeared before the House of Commons Select Committee on 11 July 2018.

PETITION NO. HS2-AP2-049

DAVID & SIAN FROGGATT

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ATTACHMENTS

Title	
Annex A	PRD in response to Petition Nos. HS2-P2A-000175 and HS2-AP1-000020

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: David & Sian Froggatt

PETITION NO: HS2-AP2-049

PARAGRAPH NO: 1

ISSUE RAISED: Description of affected property and replacement facility for Mayfield Children's Home

PETITION PARAGRAPH: Description of affected property

As a family, we have been farming at Quintons Orchard Farm for 100 years and wish to remain at the property where our roots are. We farm a total of approximately 700 acres in different blocks, the majority of which is owned and now all of which in some way or another is affected by the HS2 project. We also have a farm business tenancy of some 40 acres of land at Moreton which is also affected by HS2.

Why we are specially and directly affected by the Additional Provision Bill ("AP2")

1. AP2-002-001 – Replacement facility for Mayfield Children's Home

Proposal

It is proposed to build a replacement school for Mayfield Children's Home. Our understanding is that these children have ASD and are affected by disruption, noise etc.

Issue 1

Our family owned the former headmaster's bungalow to the old site and this was our first home. It was jointly owned with our late brother in law who left his share to our children. The property was destroyed by fire and we obtained permission to build a new property, which we are currently completing. Planning was restricted to a bungalow to be in keeping with the school site of single storey units.

We understand that the proposed development could include buildings up to 40ft tall and could impact on the garden. We

are concerned about our ability to sell the bungalow - both children need to sell to fund deposits.

Issue 2

Longacre Farm is immediately opposite the entrance. We are concerned that the relationship between the proximity of the new school and Longacre Farm could jeopardize future development plans.

Request

We require assurances that the design be sufficient to safeguard the school from the business and future diversification of Longacre farm. We seek assurance that our ability to sell the bungalow at full market value will be unaffected.

PROMOTER'S RESPONSE:

1. The freehold title to the bungalow 'Greenacre' is registered in the name of the Petitioners and not their children. There have been at least three planning applications in recent years in relation to the site of the bungalow, namely 02/00918/FUL, 06/00392/FUL and 11/00546/FUL. The last of these planning applications was permitted on 8 July 2011 and relates to the demolition of an existing bungalow and replacement bungalow and garage.
2. No land is required from the bungalow for the Proposed Scheme. The bungalow is adjacent to a development site where a previous planning application 17/00190/OUTFLM was made and refused for construction of a new estate road and communal landscaping areas and outline application for the provision of 20 serviced self-build plots.
3. The Petitioners own Longacre Farm which is situated opposite the Priory Education Facility. Mr Froggatt is the reputed owner or owner of rights to the half width of the adjacent highway subsoil in respect of plot AP2-42 in the Parish of Maesvyn Ridware. Plot AP2-42 is identified for Schedule 12 purposes in the Bill. Schedule 12 relates to highways: restrictions on powers to use subsoil and acquire land. Therefore the Promoter is not seeking powers to acquire the subsoil at plot AP2-42. The Petitioners have made planning application 13/00954/COU and varied 17/00302/FUL for the conversion of an agricultural outbuilding to a three bedroom dwelling with associated two bedroom annex at Longacre Farm. Consequently there is no reason to believe that the Promoter's scheme would inhibit the Petitioners' latent and permitted development ambitions.
4. The Petitioners have been longstanding neighbours of the Priory Education facility and should be aware of school activities at this site. The bungalow is not yet

completed and no one is resident at this site. The bungalow is not affected by the Proposed Scheme.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: David & Sian Frogatt

PETITION NO: HS2-AP2-049

PARAGRAPH NO: 2

ISSUE RAISED: Local placement of surplus excavated material

PETITION PARAGRAPH: 2. SES2-001-004 Local placement of surplus excavated material
See Select Committee Recommendation Summary briefing note 3768 item 3.

Note - The current map CA1 Feb 2019 does not show an agreed noise soil bund at Bentley Hall Farm.

Proposal

To remove and store top and subsoil, to raise the level by up to 3 metres using material unsuitable as engineering fill.

Issue

HS2 Introduction and Methodology Vol 1 page 7 refers to using surplus excavated "materials to improve mitigation such as noise bunds".

It also states that placement areas should avoid land where "placement could create local adverse or other potentially significant environmental effects".

a. The 3 properties at Quintons Orchard Farm are recorded as being in the major affected noise zone. New guidelines recommending a further reduction in railway noise were drawn up by the World Health Organisation in October 2018.

b. We strongly believe that SE2-001-004 will have a significant adverse visual affect and potential environmental effect on Quintons Orchard Farm

Request

We request that the net surplus of excavated material instead be used to construct a suitable noise bund together with tree planting.

PROMOTER'S RESPONSE:

1. The Petitioner has requested a suitable noise bund together with tree planting on land that is not in the Petitioners' ownership. The Promoter has published Additional Provision 2 (AP2) and has considered the requests of petitioners within the emergent design. However the balancing pond land is owned by an adjacent landowner who also petitioned and their requests for this land mean there is limited opportunity to incorporate any noise bund into the design at this location. Notwithstanding this, the Promoter continues to engage with the Petitioners.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: David & Sian Froggatt

PETITION NO: HS2-AP2-049

PARAGRAPH NO: 3

ISSUE RAISED: Balancing ponds

PETITION PARAGRAPH: 3. Balancing Pond

See Select Committee Recommendation Summary
briefing note 3768 item 1

Issue

We are in preliminary stages of negotiation to supply a particular type of carp for food production. This is due to EU Exit as currently fish are imported from Europe.

The guaranteed quality of our water in our pools and the supply from the bore hole is imperative. Our professional hydrological report raised concerns.

Request

That the balancing pond is moved to a more suitable location. We require written assurance that our pools, bore hole and fish business will be unaffected.

PROMOTER'S RESPONSE:

1. The Petitioners have an assurance dated 19 November 2018 confirming that a risk assessment action plan and working group would be established with the Promoter and the Petitioners to identify any risks and mitigation on the Petitioners' fish farming business together with a requirement for the Promoter to the nominated undertaker that the proposed balancing pond would be required to be constructed with an impermeable lining.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: David & Sian Froggatt

PETITION NO: HS2-AP2-049

PARAGRAPH NO: 4

ISSUE RAISED: Provision of pipework for groundwater recharge

PETITION PARAGRAPH: 4. AP2-001-009 – Provision of pipework for groundwater recharge

Proposal

To control the impacts on groundwater flows it is proposed to pump water from Blithbury borrow pit into Luth Burn and River Trent. The first pipe from Blithbury borrow pit to discharge to Luth Burn Vol 2 map book CA1 CT-05-204 C7

Issue

The Hydrological Report commissioned June 2018 highlights the dangers of the borrow pit being hydraulically connected to our reservoir fish pool.

We are concerned that the pumping of water from the borrow pit could reduce the water levels in the reservoir.

Request

That action is taken to ensure the water levels of the fish pools are not adversely impacted for the duration of the borrow pit and HS2 activity. We request engagement with engineers to ensure the water levels are protected.

PROMOTER'S RESPONSE:

1. The protective provisions, under Part 4 of Schedule 32 to the Bill, require the approval for works likely to affect flood risk, water discharge, or groundwater activities, by the appropriate body, prior to undertaking works. In relation to surface water the appropriate body is further explained in HS2 Phase 2A Information Paper E15: Water Resources, Flood Risk and Authorisation of Related Works. The appropriate body in relation to groundwater is the Environment Agency.

2. Therefore, no works affecting groundwater or surface water could be undertaken until the appropriate body is satisfied that the impacts from construction are properly understood and that any mitigation and monitoring is adequate.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: David & Sian Froggatt

PETITION NO: HS2-AP2-049

PARAGRAPH NO: 5

ISSUE RAISED: Broadband connection

PETITION PARAGRAPH: 5. AP2-001-105 Diversion of a utility Proposal

The additional provision wishes to provide an overhead and underground diversion of BT line to Bentley Hall Farm.

Issue

1. The current phone line to Quintons Orchard is along the north drive.

2. We are unclear what is meant by this additional provision because CA1: Fradley to Colton book reference gives wide ranging map coordinates CT-06-205 I7-D3 (which covers both drives), and states there is an overlap in land required with AP2-001-004. It is also dependent on AP1-001-105 being approved.

3. We petitioned under AP1-001-105 because it was proposed to redirect the BT line down our east drive and across our existing buildings. We have heard nothing regarding this.

4. The old drive (east) is an historic drive to the old hall and has an ancient hedgerow, wild flowers and daffodil planting. We do not think it necessary to disturb this by installing a new line.

5. The AP2 proposal involves more disruption to Quintons Orchard Farm. It involves land take from our most valuable ground by the construction of over ground cables to Bentley Farm.

Request

Our current phone line together with that of Bentley Farm is amongst the worst 4% in the county. The existing connection is from Hamstall Ridware exchange some distance away.

2 We request a superfast broadband connection in accordance with government recommendations. There is a closer connection in Blithbury and we request the line is supplied from this location and down the north drive direct to Quintons Orchard Farm.

3 We request that the BT line to Bentley Hall Farm line is underground and is diverted alongside the access road to the railway track. Bentley Hall Farm supports us in this request.

PROMOTER'S RESPONSE:

1. The Promoter has been working with the Department of Culture Media and Sport (DCMS) and Broadband UK to consider the potential benefits of providing a broadband fibre network alongside the Proposed Scheme route. The Promoter remains open-minded to the possibility of considering, together with DCMS and industry partners, how the construction of the Proposed Scheme may facilitate the delivery of new commercially viable broadband fibre networks. The Promoter is continuing to engage with relevant stakeholders regarding this issue.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: David & Sian Froggatt

PETITION NO: HS2-AP2-049

PARAGRAPH NO: 6

ISSUE RAISED: Diversion of an existing water supply

PETITION PARAGRAPH: 6. AP2-001-104 – Diversion of a utility

Proposal

To divert permanently the South Staffs Water mains, supply along a new alignment. The diversion will be 650 metres in length running from Pipe Lane along the access road to Vol 2 map book CA1 CT-06-205 I7-D3

Issue

The current supply and way leave to Quintons Orchard Farm comes across the field from Woodhouse Farm. The proposals to divert the water main will involve digging up and disturbing the ancient road to the old hall. This drive has bluebells and daffodils which would be disturbed. The lane is narrow and not suitable for laying a pipe.

Request

That the water pipe continues from Woodhouse Farm across the Mavesyn Ridware Footpath 38 Accommodation Overbridge in ducting along with new irrigation pipe and telephone line.

PROMOTER'S RESPONSE:

1. As set out in Section 8 of HS2 Phase 2a Information Paper: C2 Rural Landowners and Occupiers Guide, where private utilities for a holding are affected by proposed works, alternative supplies would be provided where practicable.

2. Where the public utilities for a holding are affected by proposed works, except when agreed otherwise, alternative supplies would be installed before the existing supply is disconnected. Further information can be found in HS2 Phase 2A Information Paper D8: Maintenance of Public Utilities.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: David & Sian Froggatt

PETITION NO: HS2-AP2-049

PARAGRAPH NO: 7

ISSUE RAISED: Potential impact of gas diversion

PETITION PARAGRAPH: 7. AP2-001-010 – Re alignment of a utility diversion and provision of a utility

Proposal

Permanent diversion of an underground Gas Transmission taking 9 months to complete – commencing 2021 Vol 2 map book CA1CT-06-204 E4-B7

Issue

Our land is affected by this utility diversion. The gas pipe is a 42inch gas main and is in close location to our fish pools. The grid map reference is E4-B7 and covers a large area. It is therefore not possible to calculate the potential impact in the form of noise, dust, disruption etc.

Request

Request discussions with engineers to ensure that access is kept open at all times to allow for farm vehicles to carry on moving between holdings and lessen disruption.

Request assurances that fish pools will be closely monitored and action taken to ensure they are unaffected by this additional provision.

PROMOTER'S RESPONSE:

1. As outlined in Section 10.1.2 of the Guide for Farmers and Growers, during construction, the nominated undertaker would maintain access to the rural landowner's land under controlled conditions and where necessary and reasonably practicable, and without prejudice right to claim disturbance compensation (see HS2 Phase 2A Information Paper D10: Maintaining Access to Residential and Commercial Property During Construction.) Similarly, access across or around construction works

for livestock and machinery would be provided under controlled conditions where necessary and reasonably practicable, and without prejudice to the rights to disturbance compensation under the Compensation Code.

2. An assurance has been offered to the Petitioner dated 2 April 2019 that “the Secretary of State will require the nominated undertaker, during detailed design of the authorised works in the vicinity of Pipe Lane, to seek to engage with the Petitioners regarding the movement of their farm machinery and vehicles between Quintons Orchard Farm and Longacre Farm along Pipe Lane, with a view to reducing, so far as is reasonably practicable, the impacts on the Petitioners’ farming operations of the utility diversion works connecting to Quintons Orchard Farm from Pipe Lane”.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: David & Sian Froggatt

PETITION NO: HS2-AP2-049

PARAGRAPH NO: 8

ISSUE RAISED: Dust

8. AP2-001-011 Revised alignment of haul road CT-05-204

Proposal
Revised alignment of site haul route.

Issue
Creation of dust.

Request
The haul road is tarmacked.

The severed land to the east of the haul road is taken on a temporary basis only by HS2.

PROMOTER'S RESPONSE:

1. The construction of the railway has the potential to give rise to emissions of dust from work sites.

2. On the basis that Best Practicable Means are applied to manage dust as set out in the draft Code of Construction Practice (CoCP), the conclusion of the environmental impact assessment is that dust would not cause significant impacts at any locations. The assessment of the potential impacts has been made using the Institute of Air Quality Management's "Guidance on the assessment of dust from demolition and construction" (2012). The assessment for each Community Area is presented in Volume 2 of the Environmental Statements (ESs).

3. The nominated undertaker would comply as a minimum with applicable environmental legislation at the time of construction together with any additional environmental controls imposed by the Bill. Part III of the Environmental Protection Act 1990 makes provision for statutory nuisance to be used to control emissions of dust.

4. The provisions to control potential sources and emissions of dust are set out in section 7 – Air Quality of the draft CoCP.

5. Measures to control dust are to be applied where appropriate with respect to:

- General provisions to manage dust
- Site management
- Construction plant, vehicles and equipment
- Transportation and handling of materials
- Haul routes
- Demolition activities
- Excavations and earthworks activities
- Grouting activities
- Conveying, processing, crushing, cutting and grinding activities
- Road cleanliness
- Monitoring procedures to assess the effectiveness of measures to prevent dust emissions

6. The draft CoCP would evolve and is subject to refinement, amendment and expansion as necessary as the project design, assessment and Parliamentary processes develop. Engagement with stakeholders especially through the Phase 2A Planning Forum and the National Environment Forum would inform its future development.

7. This is explained further in HS2 Phase 2A Information Paper D3: Code of Construction Practice (CoCP).

8. The Petitioners have been offered an assurance dated 11 July 2018 in respect of the haul route that is subject to the successful promotion of an Additional Provision and any further approvals required under Schedule 17 to the Bill, requiring the nominated undertaker to construct the Alternative Haul Route Alignment, use it only in connection with the construction of the Proposed Scheme and remove it following the completion of such construction.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

PROMOTER'S RESPONSE TO PETITION OF: David & Sian Froggatt

PETITION NO: HS2-AP2-049

PARAGRAPH NO: 9

ISSUE RAISED: Location of power supply

PETITION PARAGRAPH: 9. Parkgate Connection Route - Newlands Lane

Proposal

Under AP2, a new permanent grid supply point connection is proposed between a new National Grid Parkgate substation and the Newlands Lane auto-transformer feeder station, via a three-circuit power line 7.7km in length.

Issue

This land was purchased some months ago to mitigate the effects of HS2 on the farm

2 x pylons are currently shown on our land vol 2 map book CA1 Fradley – Colton CT-05-207-R1.

Request

That the power supply is taken underground.

PROMOTER'S RESPONSE:

Impact of underground power cables

1. This possibility has been considered, however it is not proposed for several reasons, including:

- burying power lines underground means a larger area of land is affected by construction, compared to overhead lines. This is due to various reasons including the size of the cables and the space required between them. This can mean a greater impact on agriculture, ecology and archaeology than overhead powerlines;
- the construction and installation period would likely be longer, and could disrupt existing underground services. There would also be restrictions on the use of the land above an underground cable route; and

- underground solutions typically cost significantly more to build than overhead lines.

2. The Promoter published a report on the Parkgate proposals in February 2019 and an addendum to it, published on 2 April 2019, compares the overground line proposed in Additional Provision 2 to the Bill with an underground one. Both reports can be found at <https://www.gov.uk/government/publications/hs2-phase-2a-select-committee-grid-supply-point-connection-at-parkgate>.

Malcolm Gale
Bagshaws LLP
69 Derby Road
Uttoxeter
Staffordshire
ST14 8EB

11 July 2018

Dear Mr Gale

**HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL – HOUSE OF COMMONS SELECT COMMITTEE:
PETITIONS HS2-P2A-000175 & HS2-AP1-000020 – DAVID AND SIAN FROGGATT, QUINTONS
ORCHARD FARM**

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 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 and the Additional Provision in the House of Commons.

Following recent discussions, I am writing to you, on behalf of the Secretary of State for Transport, to offer your clients the following assurances:

"In these assurances:

"Accommodation Overbridge" means the Mavesyn Ridware Footpath 38 Accommodation Overbridge forming part of Work No.16 as shown indicatively on plan CT-06-205;

"Additional Provision" means an amendment to the Bill, and any requisite supplemental environmental information which confers on the Secretary of State additional land and / or works powers;

"AP1" means the Additional Provision to the Bill as deposited in the House of Commons on 23 March 2018;

"AP1 Plans" means the plans deposited in the House of Commons with AP1;

"the Bill" means the High Speed Rail (West Midlands – Crewe) Bill as deposited in the House of Commons on 17 July 2017;

"Environmental Statement" means the environmental statement prepared for the Proposed Scheme and deposited in Parliament with the Bill;

“the Green Land” means the land edged green on the attached plan being part of the land in plot 82 in the Parish of Mavesyn Ridware in the County of Staffordshire as shown in Sheet No. 1-13 of the plans deposited in Parliament with the Bill;

“the Blue Land” means the land edged blue on the attached plan being part of the land in plot 22 in the Parish of Colwich in the County of Staffordshire as shown on Sheet No. 1-21 of the plans deposited in Parliament with the Bill;

“Haul Route” means the haul route and maintenance access proposed to be constructed on the Petitioner’s Property under the Proposed Scheme;

“Minimum Specification” means able to accommodate vehicles of up to 19.920 metres in length, up to 2.500 metres in width, up to 0.438 metres in body height, a minimum ground clearance of 0.398 metres, a maximum vehicle track width of 2.500 metres, a lock to lock time of up to 4.00 seconds and a kerb to kerb turning radius of up to 4.630 metres (as is shown more particularly in the path analysis modelling attached to this assurance - Plan 3);

“the nominated undertaker” refers to the body or bodies appointed by the Secretary of State to exercise the powers conferred by the Bill to construct and maintain the Proposed Scheme. The nominated undertaker may be HS2 Ltd, or it may be another body or bodies appointed to oversee the construction and operation of the Proposed Scheme;

“Petitioner’s Property” means Agricultural land, hedgerows and access track (Pipe Lane) at Quinton’s Orchard Farm, Blithbury, Rugeley, WS15 3JL;

“Proposed Scheme” means Phase 2a of HS2 as defined further in the Bill;

“Secretary of State” means the Secretary of State for Transport;

“Work No.16” means the scheduled work as shown on the parliamentary plans deposited with the Bill.

1. Accommodation Overbridge

- 1.1. The Secretary of State will require the nominated undertaker to construct the Accommodation Overbridge to the Minimum Specification.
- 1.2. The assurance in paragraph 1.1 is subject to the nominated undertaker concluding that construction of the Accommodation Overbridge to the Minimum Specification would not prejudice the safe, timely and economic delivery of the Proposed Scheme.

2. Right to use Accommodation Overbridge

- 2.1 Following the completion of the construction of the Proposed Scheme, the Secretary of State will grant to the Petitioner a right to use the Accommodation Overbridge.
- 2.2 The grant of the right of access under paragraph 2.1 shall be subject to the nominated undertaker imposing restrictions on the maximum weight and size of vehicles that may be used over and along the right of access over the Accommodation Overbridge.

- 2.3 Any restrictions imposed under paragraph 2.2 will only be imposed so far as is necessary to ensure the safety and integrity of the operational railway and its infrastructure.

3. Haul Route

- 3.1 The Secretary of State will promote an Additional Provision to enable the construction of the Haul Route on an alternative alignment to the alignment currently proposed under AP1 and shown on the AP1 Plans (the "Alternative Haul Route Alignment").

- 3.2 Subject to the successful promotion of an Additional Provision to enable the construction of the Alternative Haul Route Alignment and any further approvals required under Schedule 17 to the Bill, the Secretary of State will require the nominated undertaker to:

3.2.1 construct the Alternative Haul Route Alignment;

3.2.2 use the Alternative Haul Route Alignment only in connection with the construction of the Proposed Scheme; and

3.2.3 to remove the Alternative Haul Route Alignment following the completion of such construction.

4. Mitigation Planting

- 4.1 The Secretary of State shall require the nominated undertaker to relocate the ecological mitigation area on the Green Land shown on plan 1 to the Blue Land shown on plan 2;

- 4.2 The assurance in paragraph 4.1 is subject to:

- (a) the Secretary of State being satisfied that the ecological mitigation can be delivered on the 'Blue Land' without giving rise to any new or different significant environmental effects from those assessed in the Environmental Statement accompanying the Bill;
- (b) the Petitioners obtaining and providing to the Secretary of State evidence of a written consent of the freehold owner of the Blue Land to the location of the ecological mitigation area on the Blue Land;
- (c) a management agreement between the Petitioners, the Secretary of State and the freehold owner of the Blue Land, setting out the principles of management of the ecological mitigation area on the Blue Land;
- (d) the Secretary of State securing any and all necessary consents for delivering the ecological mitigation area on the Blue Land; and
- (e) the Secretary of State being of the view that the relocation of the ecological mitigation area to the Blue Land does not prejudice the safe, timely and economic delivery of the Proposed Scheme."

If accepted, these assurances set out above will be included in the 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. 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 Assurances¹.

If you have any queries please don't hesitate to contact Connolly Meagher, Petition Manager, on 020 7944 0811 and Connolly.meagher@hs2.org.uk.

Yours sincerely



Oliver Bayne

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

¹ A copy can be found at <https://www.gov.uk/government/publications/understanding-the-hybrid-bill-hs2-phase-2a-information-papers>

COUNTY OF STAFFORDSHIRE
DISTRICT OF LICHFIELD
PARISH OF MAVESYN RIDWARE
PLAN

SHEET No. 1-13

IN PARLIAMENT - SESSION 2017-19

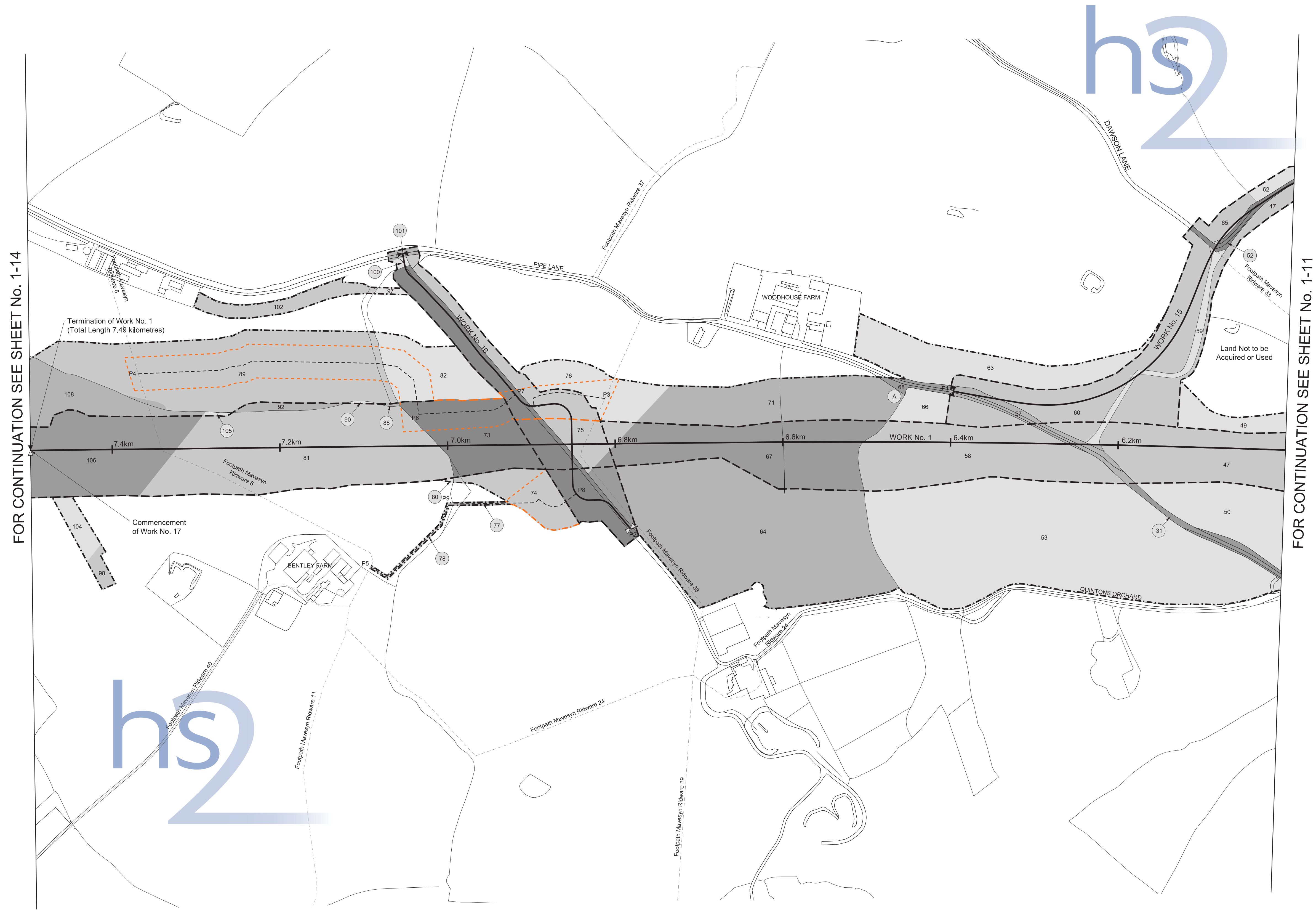
HIGH SPEED RAIL
(WEST MIDLANDS - CREWE)

Work No. 1 (Railway)
Work No. 15 (Road)
Work No. 16 (Access Road)

For Section of Work No. 1 see Sheet No. 2-03
For Section of Work No. 15 see Sheet No. 2-08
For Section of Work No. 16 see Sheet No. 2-09

The area enclosed by any limit of deviation or by any limit of land to be acquired or used is the area extending to the outer edge of the line marking those limits

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scale 1:2500 at A1 size, 1:5000 at A3 size
metres 100 0 100 200 300

Drawing No.
C861-ARP-HY-DPL-000-120005

RevHB01

COUNTY OF STAFFORDSHIRE
PLAN

SHEET No. 1-21

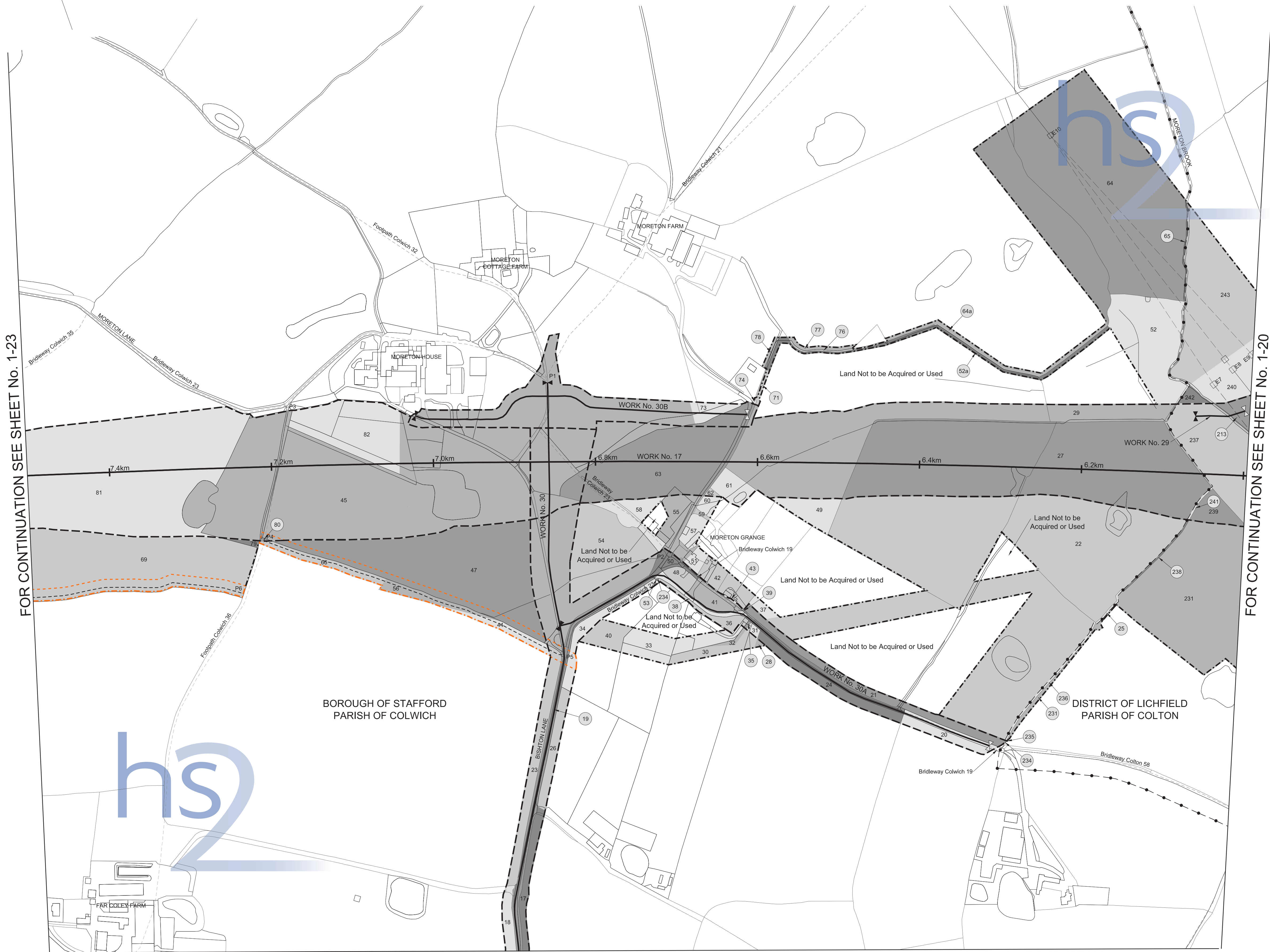
IN PARLIAMENT - SESSION 2017-19

HIGH SPEED RAIL
(WEST MIDLANDS - CREWE)

Work No. 17 (Railway)
Work No. 29 (Temporary Bridge)
Work No. 30 (Road)
Works Nos. 30A, 30B (Access Roads)
For Section of Work No. 17 see Sheet No. 2-12
For Section of Work No. 29 see Sheet No. 2-19
For Section of Work No. 30 see Sheet No. 2-20
For Section of Work No. 30A see Sheet No. 2-20
For Section of Work No. 30B see Sheet No. 2-20

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scale 1:2500 at A1 size, 1:5000 at A3 size
metres 100 0 100 200 300

Ponds

Pond

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London SW1P 3BT

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Minicom: 08081 456 472
Email: hs2enquiries@hs2.org.uk
[gov.uk/hs2](https://www.gov.uk/hs2)

19 November 2018

Dear Mr Gale

**HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL – HOUSE OF COMMONS SELECT COMMITTEE:
PETITION HS2-P2A-000175 & HS2-AP1-000020 – DAVID & SIAN FROGGATT, QUINTONS ORCHARD
FARM**

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 client has a number of concerns about the impact of Phase 2A of HS2 (known as 'the Proposed Scheme') and has submitted petitions on that basis against the Bill in the House of Commons.

Following your appearance before the Select Committee on 11 July 2018, I am writing to you, on behalf of the Secretary of State for Transport, to offer your client the following assurances. These assurances follow a verbal commitment made on our behalf in Select Committee:

"In these assurances:-

"the Bill" means the High Speed Rail (West Midlands – Crewe) Bill as deposited in the House of Commons on 17 July 2017;

"the Head of Acquisitions" means Michael Eckett or one of his direct reports or any successor which shall be communicated in advance to the Representative;

"the nominated undertaker" refers to the body or bodies appointed by the Secretary of State to exercise the powers conferred by the Bill to construct and maintain the Proposed Scheme. The nominated undertaker may be HS2 Ltd, or it may be another body or bodies appointed to oversee the construction and operation of the Proposed Scheme;

"the Petitioner's Fish Farming Activity" means the Quinton's Orchard Fish Farm carried out on the Petitioner's Property;

"the Petitioner's Property" means Quinton's Orchard Farm, Blithbury, Rugeley, Staffordshire, WS15 3JL;

"Promoter" means the Secretary of State (or any successor Secretary of State or Minister holding the transport portfolio) and includes so far as relevant any nominated undertakers exercising any powers or functions under the Bill once enacted;

"Proposed Scheme" means Phase 2a of HS2 as defined further in the Bill;

"the Representative" means a person appointed by the farmers to represent and liaise with HS2 Ltd on their behalf who can be contactable at all reasonable times;

"Royal Assent" means the date when Royal Assent is given to the Bill;

1. Risk Assessment

1.1 The nominated undertaker, liaising with representatives of the Petitioner and subject to being granted all necessary rights of access and being provided with any necessary consents for carrying out monitoring and other activities, shall ensure that, as soon as reasonably practicable and prior to the commencement of the works related to the construction of the Proposed Scheme within the vicinity of the Petitioner's Property, a risk assessment ("the Risk Assessment") is carried out by competent specialists of the potential impacts in relation to noise and vibration effects, potential dust effects, for potential biosecurity effects and for potential water contamination effects from the construction and operation of the Proposed Scheme on the Petitioner's Fish Farming Activity.

2. Action Plan

2.1 If the Risk Assessment identifies the potential for harmful effects on the Petitioner's Fish Farm Activity, the nominated undertaker will develop an action plan ("Action Plan") and will seek to reduce air quality impacts identified in the Risk Assessment. The Action Plan may include but will not necessarily be limited to the identification of control measures to be adopted, a monitoring regime (including the identification of trigger levels) and associated control mechanisms.

3. Working Group

3.1 Objective

An appropriate representation of the Promoter and the Petitioner, will form a working group to collaborate and review the implementation of the Action Plan and be consulted on monitoring data and the implementation of any control mechanisms.

3.2 Duration

The working group is to be established upon Royal Assent of the Bill and cease at the 'Testing and Commissioning Phase'.

3.3 Meetings

The working group shall meet at least once every quarter with additional meetings scheduled as necessary. The meetings will be chaired by the Head of Acquisitions.

3.4 Terms of Reference

The members agree to develop a terms of reference for the working group as soon as reasonably practicable.

4. Balancing Pond

4.1 The Promoter will require the nominated undertaker to design and construct the balancing pond shown within cells F6 and G6 on plan CT06-205 of Volume 2 (Fradley to Colton) of the Environmental Statement, appended to this assurance (“the balancing pond”) with an impermeable lining, which in tandem with the measures set out within the Code of Construction Practice (CoCP) will ensure compliance with the Environmental Minimum Requirements (EMRs).“

If accepted, the assurances set out in this letter will be included in the 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. 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. The assurance process is set out in the attached.

If you have any queries please don't hesitate to contact Connolly Meagher, Senior Property Acquisition Manager, at connolly.meagher@hs2.org.uk.

Yours sincerely

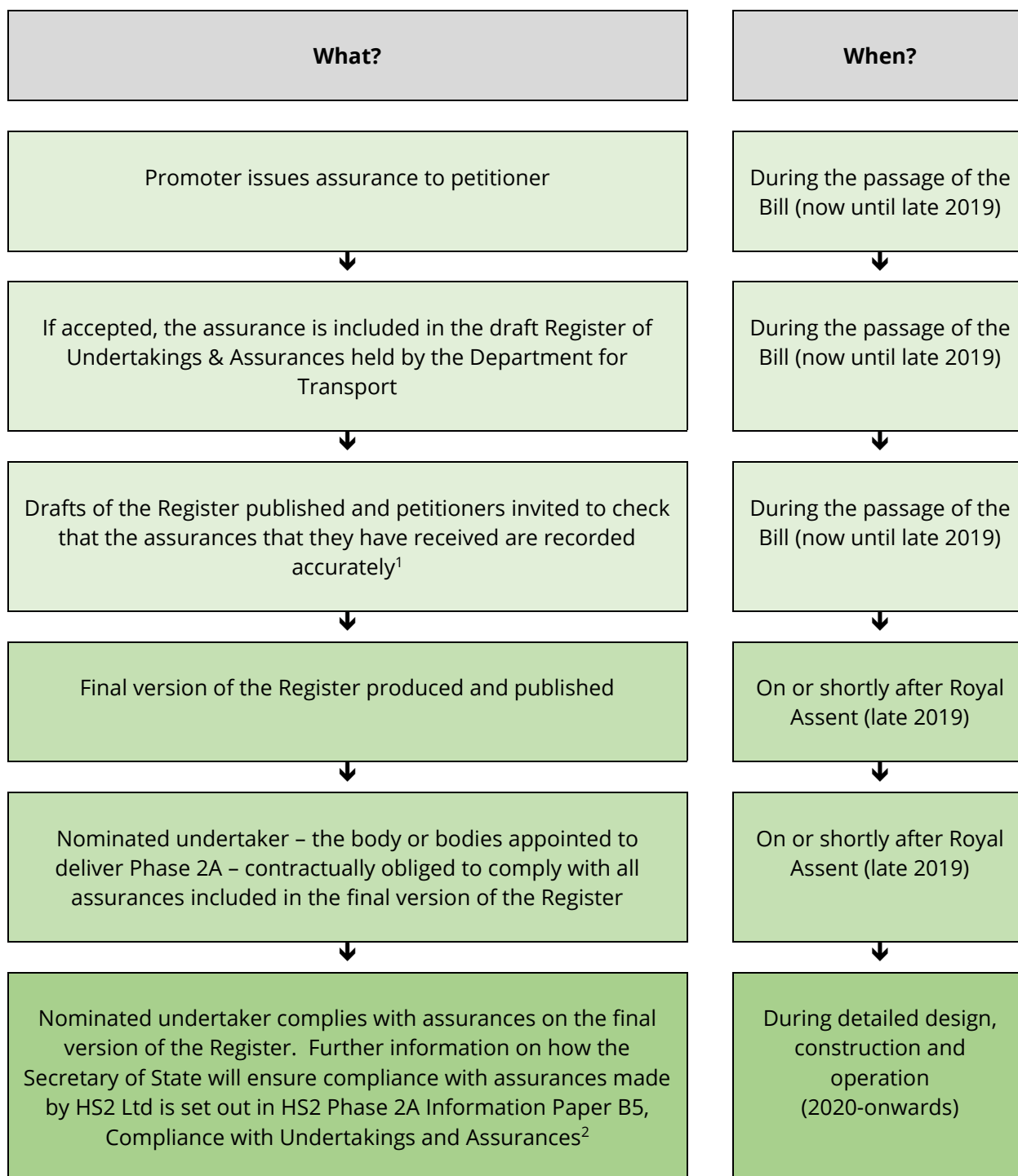


Oliver Bayne

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

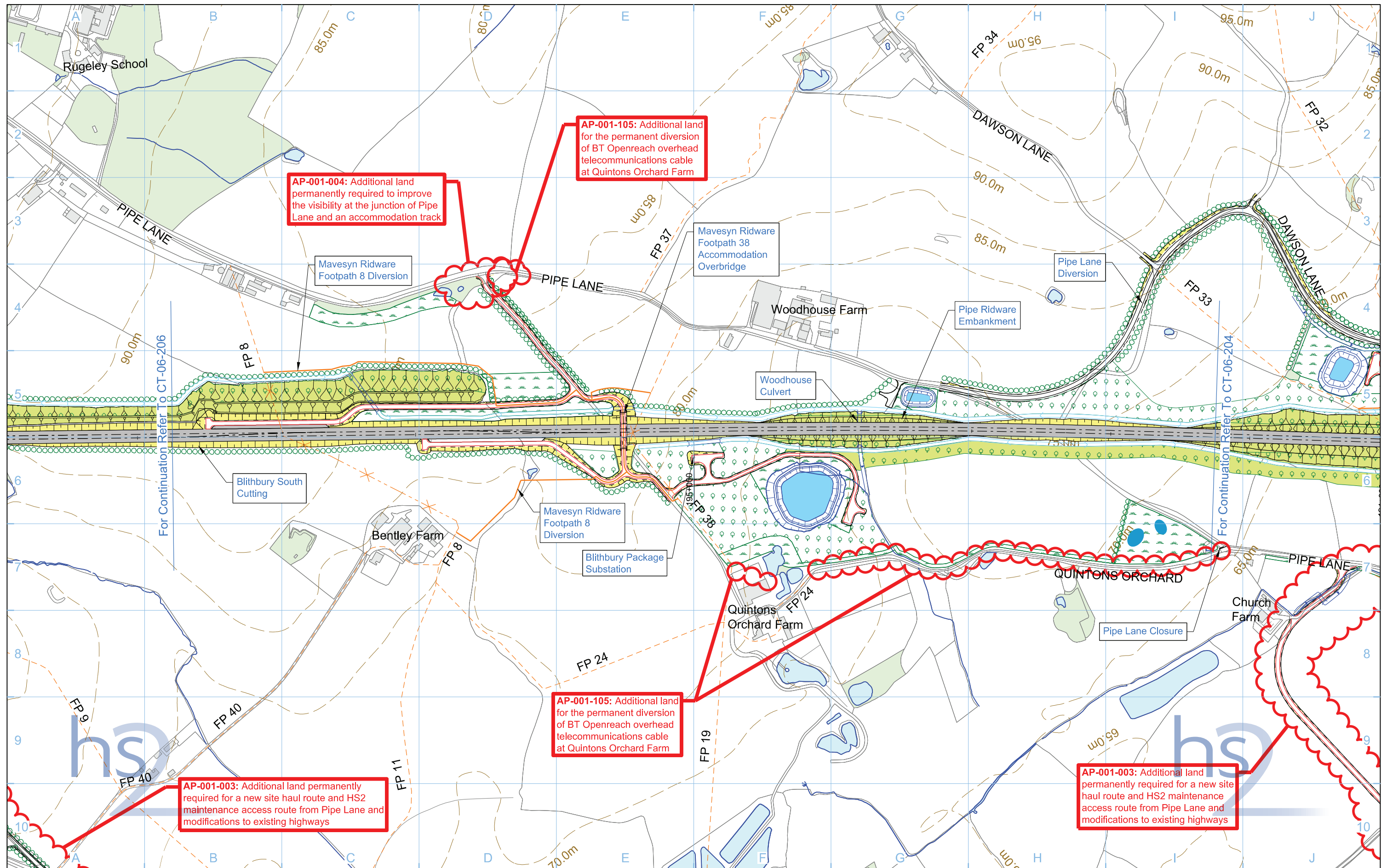
HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL

ASSURANCES: STEPS AND TIMING



¹ The latest draft of the Register can be found at <https://www.gov.uk/government/publications/hs2-phase-2a-register-of-undertakings-and-assurances>

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



Legend

Depot, station, headhouse or portal building	Replacement floodplain storage	Public realm/Replacement community facility	Community Area boundary	Existing woodland
Tunnel portal	Woodland habitat creation	Engineering earthworks	Watercourse diversion	Existing buildings
Electricity substation	Wetland habitat creation	Landscape earthworks	Existing watercourse	Existing inland water
Land drainage area	Grassland habitat creation	Rail alignment formation	Ditches - new	Existing contours
Ecological mitigation pond	Landscape mitigation planting (scrub / woodland)	Returned to suitable development use	Hedgerow habitat creation	HS2 access road
balancing pond	Grassed areas	County boundary	Main utility works	Noise fence barrier
	Sustainable placement	Borough / District boundary	Existing Public Right of Way (PRoW)	Rail alignment
			New, diverted or realigned PRoW	Chainage (e.g. 10+000)
			Stopped-up PRoW	
			Tunnels external extent	

Map Number
CT-06-205

Map Name
Proposed Scheme
SES and AP ES

Community Area
CA1 Fradley to Colton

hs2

HS2 Ltd accept no responsibility for any circumstances, which arise from the reproduction of this map after alteration, amendment or abbreviation or if it is issued in part or issued incomplete in any way.

Registered in England, Registration number 06791686
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Scale at A3: 1:5,000

0 50 100 150 200 250 Metres

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P04 **Date:** 27/02/18

John Uffold
The Livestock Market
The Ox Pasture
Ludlow
Shropshire
SY8 4AA

15 August 2019

Dear Mr Uffold

**HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL – HOUSE OF COMMONS SELECT COMMITTEE:
PETITION HS2-AP2-049 – DAVID FROGGATT AND SIAN FROGGATT**

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'). Your clients petitioned and appeared before the Select Committee regarding their concerns about the impact of Phase 2A of HS2 (known as 'the Proposed Scheme').

I am writing to you, on behalf of the Secretary of State for Transport, to offer the following assurances in relation to the matters you have raised in your clients' petitions against the Bill and AP2:

"In these assurances:-

"Additional Provision" means amendments to the Bill introduced following deposit of the Bill into Parliament;

"AP2-001-105" means the drawings with corresponding references as set out in the environmental statement submitted with AP2;

"AP2" means the Additional Provision to the High Speed Rail (West Midlands – Crewe) Bill as deposited in the House of Commons on 8 February 2019;

"the Bill" means the High Speed Rail (West Midlands- Crewe) Bill as deposited in the House of Commons on 17 July 2017 incorporating the Additional Provisions and references to the 'Bill' includes any Act of Parliament enacting that Bill;

"BT" means British Telecommunications plc;

"BT Utility Diversion" means the diversion of the BT Openreach overhead telecommunications line as set out in AP2-001-105;

"Compensation Code" means the code of statute and case law determining the compensation to be paid to landowners and occupiers where land or rights in land are authorised to be compulsorily acquired under the Bill;

“Environmental Statement” means the environmental statement prepared for the Proposed Scheme and deposited in Parliament with the Bill;

“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 the Proposed Scheme;

“Norman’s Bungalow” means the bungalow situated at Pipewood, Blithbury registered as HM Land Registry Title SF614048 and shown coloured Turquoise on the Plan A and being land outside of limits but shown on Replacement Sheet 1-14 Inset A;

“the Petitioners” means David Froggatt and Sian Froggatt of Quinton’s Orchard Farm, Pipe Lane, Blithbury, Rugeley, WS15 2JL;

“Petitioners Land” means the land in the freehold ownership of the Petitioners and being land registered at HM Land Registry as Titles SF432717, SF164048, SF424673, SF424676, SF527858, SF470816, SF470820 and SF630635 and shown edged red on Plan C;

“the Promoter” means the Secretary of State (or any successor Secretary of State or Minister holding the transport portfolio) and includes so far as relevant any nominated undertakers exercising any powers or functions under the Bill once enacted;

“Proposed Scheme” means Phase 2a of HS2 as defined further in the Bill;

“Quintons Orchard Drive” means the unadopted access track, identified as Plots AP1-27, AP1-28 and AP2-21 in the Parish of Maesvyn Ridware in the District of Lichfield and shown coloured Yellow on the Plan B and being land within limits and shown on Replacement Sheet 1-13;

“Replacement Sheet” means the extracts of the deposited plans identified and referred to in clause 53(2) of the Bill;

“the Secretary of State” means the Secretary of State for Transport or any successor Secretary of State or minister holding the Transport portfolio; and

“Utilities Provider” means South Staffordshire Water plc.

1.1 The Secretary of State will, subject to the conditions in paragraph 1.2, require the nominated undertaker to engage with the Petitioners with regard to the potential relocation of a BT Utility Diversion to Bentley Hall Farm as set out in AP2-001-105.

1.2 The conditions referred to in paragraph 1.1 are:-

- 1.2.1 the nominated undertaker obtaining any required consents from any third party landholders and subject to the agreement of BT;
- 1.2.2 the Petitioner making all required land available in order to facilitate any potential relocation of the BT Utility Diversion arising from this assurance;

- 1.2.3 BT consenting, and subsequently acting expeditiously (if required) to use their statutory powers as a statutory utility undertaker, to facilitate the BT Utility Diversion and to pay compensation for land acquired or used for the BT Utility Diversion in accordance with the Compensation Code; and
- 1.2.4 The relocation of the BT Utility Diversion not prejudicing the safe, timely and economic delivery of the Proposed Scheme and can be accommodated within the construction programme for the Proposed Scheme.

2.1 The Promoter will require the nominated undertaker:-

- 2.1.1 to work with the Utilities Provider to determine an appropriate route to provide piped water to Quinton's Orchard Farm, with the aim of avoiding the established native bluebell beds within Bill limits along Quintons Orchard Drive;
- 2.1.2 not to use the Petitioners Land for the local placement of surplus materials; and
- 2.1.3 to write as soon as reasonably practicable to the Petitioner setting out proposed terms for a negotiated acquisition of the freehold interest in "Norman's Bungalow" from the Petitioners."

These assurances will be included in the 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. The assurance process is set out in Annex A.

If you have any queries please don't hesitate to contact Connolly Meagher, Senior Property Acquisition Manager, on 020 7944 0811 and connolly.meagher@hs2.org.uk.

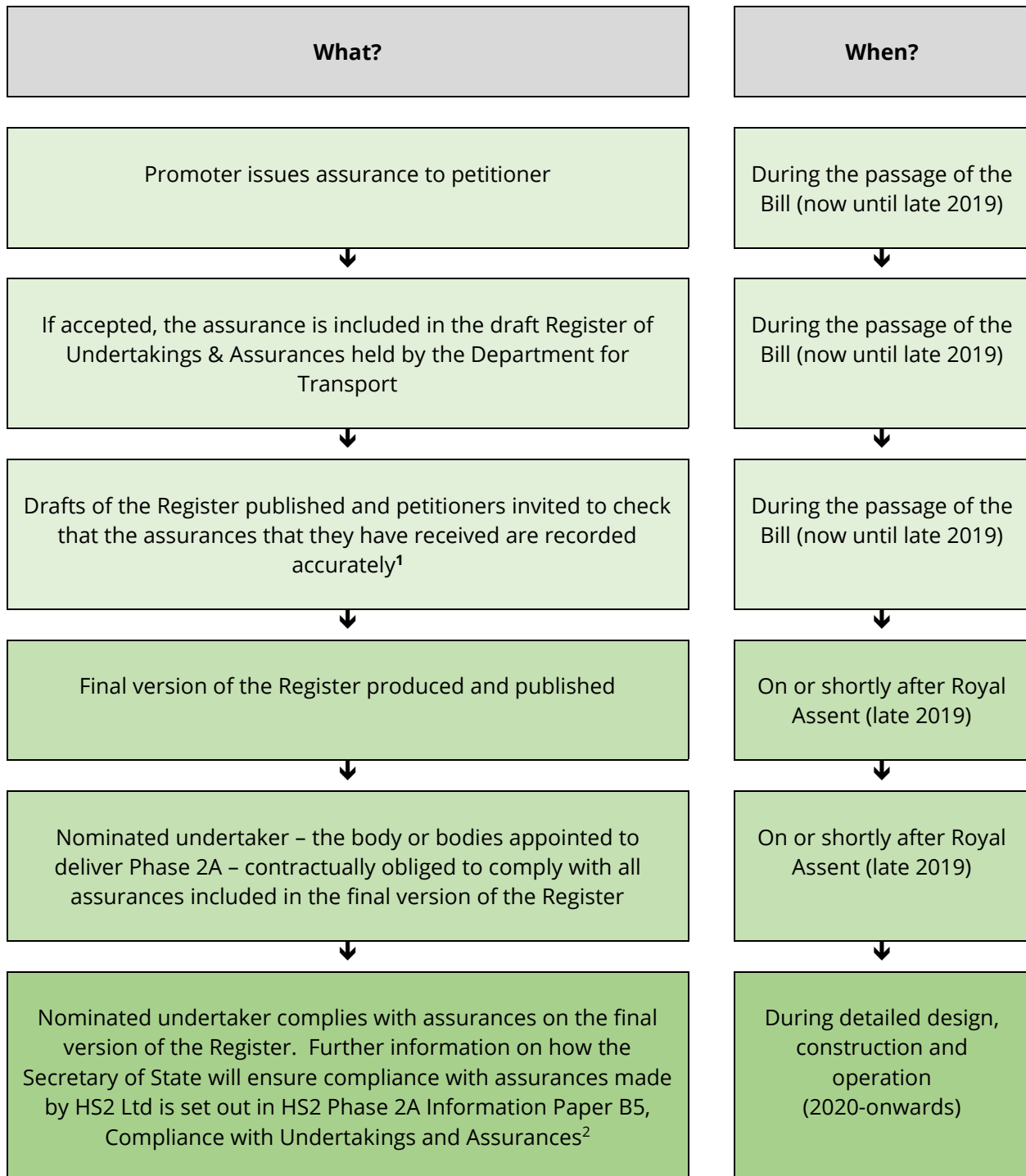
Yours sincerely



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

Annex A

ASSURANCES: STEPS AND TIMING



¹ The latest draft of the Register can be found at <https://www.gov.uk/government/publications/hs2-phase-2a-register-of-undertakings-and-assurances>

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

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David and Sian Froggatt
Quintins Orchard Farm
Blithbury
Rugeley
WS15 3JL

05 June 2018

Dear David and Sian Froggatt

**HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL – HOUSE OF COMMONS SELECT COMMITTEE:
PETITION P2A - 175 – DAVID AND SIAN FROGGATT – QUINTINS ORCHARD FARM, BLITHBURY,
RUGELEY, WS15 3JL**

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 NFU¹. 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

¹ A copy can be found at

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705541/NFU_-_Assurance_-_02052018.pdf

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:

- Extent of Land Take (paragraph 4-5)
- Notice Period relating to Temporary Possession (paragraph 14-16)
- Access and Quality of Accommodation Works (paragraph 19-28)
- Ecological and other mitigation measures on farmland (paragraph 29-30)
- Balancing Ponds (31-34)
- Maintenance of earthworks and made-up ground (paragraph 35-37)

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 Petitioner's land and shall from time to time update the Petitioner with further information as to the likely extent of the period of temporary occupation."

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 Assurances².

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

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