 <b>Regulatory Policy Committee</b>	<b>Opinion</b>	
<b>Impact Assessment (IA)</b>	Rights of Entry – HS2 Hybrid Bill	
<b>Lead Department/Agency</b>	Department for Transport	
<b>Stage</b>	Final	
<b>IA number</b>	DFT00243	
<b>Origin</b>	Domestic	
<b>Expected date of implementation (and SNR number)</b>	May 2015 SNR9	
<b>Date submitted to RPC</b>	11/09/2013	
<b>RPC Opinion date and reference</b>	10/10/2013	RPC13-DFT-1896
<b>Overall Assessment</b>	<b>GREEN</b>	
<p><b>RPC comments</b></p> <p>The IA is fit for purpose. The One-in, Two-out position appears to be robust. The right of entry is so that surveys can be undertaken to support the production of Environmental Impact Assessments and detailed engineering designs. The IA explains why the proposal should not be detrimental to small and micro businesses but it would have been helpful if more information had been provided, as indicated below.</p>		
<p><b>Background (extracts from IA)</b></p> <p><b>What is the problem under consideration? Why is government intervention necessary?</b></p> <p>Where a hybrid Bill process is chosen to promote a major project, promoters lack a right of entry to undertake surveys to support the production of Environmental Impact Assessments (as required by EU law) and detailed engineering designs. This restricts the promoter in the evidence they can use to produce the environmental assessments and cost-effective designs, which can slow down progress with the project and/or increase the costs of the scheme. Where infrastructure projects are promoted via other means the powers exist for promoters to seek authorisation to enter onto land to gather the relevant data. Government intervention is necessary as other approaches such as paying land owners have not proved effective.</p> <p><b>What are the policy objectives and the intended effects?</b></p> <p>Under EU law and to support effective decision making the promoter of a major infrastructure project is required to describe the likely environmental impacts, based on all the information that can be reasonably gathered. This proposal has been put together to maximise the range and quality of information available by giving promoters rights of entry so that they can more accurately assess likely environmental impacts, allowing the development of effective, cost efficient engineering design and appropriate environmental mitigation measures. This proposal will benefit future High Speed Rail projects promoted by hybrid Bills.</p> <p><b>What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)</b></p>		

Option 0 - 'do nothing'. It would continue to be difficult to gain access to land, with the associated problems this brings. Whilst the promoter would continue to attempt to negotiate access with landowners', it would remain at the land owners discretion whether access is allowed which limits the quality of environmental information available and potentially results in less effective mitigation and design which could force unanticipated changes to the scheme at a later stage therefore causing additional delays and costs.

Option 1 - Introduce a right of entry for future high speed rail projects promoted via hybrid Bill. This ensures that Phase Two of HS2 can be constructed efficiently with sufficient visibility of environmental issues. This proposal will not benefit Phase One of HS2.

### **Comments on the robustness of the OITO assessment**

The IA states (page 9) "*As this measure concerns the regulatory impacts associated with a significant spending decision it is out of scope of One-In, Two-out.*" Although this has yet to be reflected in the Better Regulation Framework Manual, we understand this assessment is in accordance with recently agreed OITO methodology and has been signed off at Ministerial level.

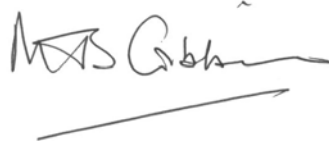
### **Comments on the robustness of the Small & Micro Business Assessment (SMBA)**

The proposals regulate business and are intended to come into force after 1 April 2014 and therefore the SMBA is applicable. The IA provides a satisfactory justification for why small and micro business cannot be excluded from the proposal and states that compensation payable will mean that the proposal will not be detrimental to them. This seems reasonable. However, it would have been helpful if the IA had provided information about the likely proportion of landowners that might be small businesses, perhaps drawing upon the experience so far for Phase One of HS2.

### **Quality of the analysis and evidence presented in the IA**

The IA would have benefitted if it provided further explanation as to how the additional administrative costs on page 7 were calculated.

**Signed**



**Michael Gibbons, Chairman**