

TRAINING NOTES SECTION 8March 2016

CONDUCT OF SITE INSPECTIONS**Scope of the Guidance**

This note gives advice on how to prepare for and conduct site visits. It covers Secretary of State and transferred casework and applies to inspections associated with inquiries and hearings as well as written representation cases. The advice includes how an Inspector should conduct himself / herself and how to deal with the parties and interested persons at an accompanied site visit, plus advice on what to do if one of the parties fails to arrive. The advice also covers unaccompanied site visits and what to do if it is discovered that it is not possible to see all the relevant features. Finally, there is advice to Inspectors relating to looking after their own health and safety whilst out on a site visit.

Actions before a Site Inspection

- 8.1 The Procedure Team will have contacted the Inspector about the site visit(s) to be undertaken.
- 8.2 Inspectors must study the file carefully and in good time before making a site inspection so that they are fully aware of the issues to be decided and the relevant factors that may have a bearing on the case and so that they can recognise the features of the site and its surroundings that may be relevant. A list of these features, made before the visit, will ensure that the Inspector obtains all the information required from it.
- 8.3 Where the site visit relates to an order to be determined by the Secretary of State, it is important for Inspectors to bear in mind that they are acting as the eyes of someone else. Before inspecting the site, therefore, they should consider what questions might arise at the decision stage and seek to provide answers to them in their reports, to the extent that is appropriate.
- 8.4 The Inspector should also study the file on receipt in order to:-
 - i). understand the extent and nature of the order,

- ii). (in a transferred case) ensure that the file contains a minute appointing the Inspector to determine the order.
- 8.5 Inspectors should also consider whether it might be inappropriate to make the inspection because of some personal interest or relationship or because of previous decisions or recommendations by them which might cast doubts on their suitability for the present task (see Section 3 of the Training Notes for advice on potential conflicts of interest). If so, they should discuss the matter with the Enforcement, & Specialist Casework Group Manager ("GM"). If it is agreed that it would be inappropriate for the Inspector to determine a particular order, the file should be returned to the RoW Procedure Team with a brief written note of explanation. Similarly, if for any reason an Inspector will be or has been unable to attend a site visit that has been arranged (for example, due to illness) the RoW Procedure Team should be informed immediately. The file should then be returned to the office with a written note explaining the circumstances.
- 8.6 If the Inspector has a procedural query about a case, the following action should be taken:
- i). if it relates to details regarding arrangements for the site visit, the Inspector should contact the Charting Manager ().
 - ii). if there are any other procedural matters, prior to the site visit, the Inspector should contact the RoW Procedure Team
 - iii). if there are any queries after the site visit including, for example, the need to write to the parties, the Inspector should contact the RoW Procedure Team setting out in a minute those matters on which further information from the parties is requested. This should be done sparingly, and only when essential to the outcome.

Conduct of Accompanied Site Visits

- 8.7 Inspectors' dress at site visits (whether accompanied or unaccompanied) should be smart, formal and practical. Club ties are not appropriate and badges should not be displayed on cars. At accompanied site visits the Inspector's official name badge should be worn where it can be seen by those present.
- 8.8 At accompanied site visits Inspectors should introduce themselves and take charge of the proceedings in a firm, polite and authoritative manner. They should take the names and appointments of all those present. It is left to the discretion of the Inspector whether or not to shake hands at either the beginning or the end of the visit. However, in the interests of being seen to be fair and impartial, if hands are shaken the Inspector should shake hands with everyone present.
- 8.9 It is for the parties to decide who should represent them and Inspectors should not expect any particular officer to attend. Provided that the representative is sufficiently familiar with the case to be able to point out
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important site features and verify the plans this will be all that is required.

- 8.10 Inspectors should make it clear at the outset to those present that they are unable to hear representations or discussions about the case during the site inspection. If necessary, they should remind the parties of this during the course of the site visit. However, the parties should be asked to draw attention to any physical features on the site and in its vicinity which are relevant to the case or have been mentioned in their representations. In turn, the Inspector may wish to confirm particular features referred to by one or more of the parties at the site visit. Before the close of the inspection, the parties should be asked if there is anything else which they wish to point out and if they are content that the Inspector has seen everything that is necessary.
- 8.11 As part of the preliminaries, Inspectors should always confirm with the principal parties that they have the order plan(s). If there are matters which are disputed at the site visit the parties should be asked to submit further information in writing via the office. The Inspector should not become involved in discussions over disputed matters. However, the Inspector must determine the order strictly in accordance with the order and order plan(s).
- 8.12 The Inspector should refuse to accept late representations which are offered by any party at the site visit. If the party insists on wishing to submit late documents they should be asked to send the papers to the RoW Procedure Team.
- 8.13 Throughout the inspection, the Inspector should scrupulously avoid making comments about the case; remarks which seem harmless at the time may be misrepresented later. Questions should be framed neutrally and discreetly and should normally be limited to those needed to identify physical features and uses.
- 8.14 Inspectors are often asked when the decision is likely to be issued. They should respond with an assurance that the case will be dealt with as quickly as possible.
- 8.15 As is addressed further at paragraphs 8.21-8.24, Inspectors should not be accompanied at any stage of the site visit by a representative of one party without the representative of the other party being present. Consequently, Inspectors should not arrive early at the site visit and should always try to be the first to leave at the end of the inspection. They should always travel independently and should not accept nor offer transport or hospitality from one party, even if the other party is agreeable to this course of action.
- 8.16 It is sometimes necessary to view a site from nearby land (or buildings) at the request of an objector or interested person who has made representations regarding the order. However, before doing so, the Inspector must be satisfied that it is necessary. Inspectors are entitled

to decline a request to view the site from the property or land of an objector or interested person if they are satisfied they can judge properly the effect of the order without doing so. An Inspector should not enter private property or approach neighbours who have not requested the Inspector to view the site from their land or premises.

- 8.17 Inspectors may not invite objectors or the third parties to go on to private land unless the land owner agrees - it is his / her property and there is no general right of access and the Inspector has no authority to give right of access. Also, there may be health and safety or insurance implications for unauthorised persons entering land or buildings. When visiting private properties or land the Inspector should only do so in the company of all the parties. If the landowner refuses to permit the order making authority or the objectors to go onto the land, it may be appropriate for the Inspector to make an unaccompanied site visit, providing all the parties have the Inspector in clear view. As far as buildings are concerned, Inspectors should not enter those belonging to a third party or interested person without being accompanied by representatives of the principal parties and either the owner of the property or his / her representative.
- 8.18 If a person who has requested the Inspector to view the order land from his / her property is not present when the site visit begins the Inspector should knock at the door of the property. If the person is in, the Inspector should explain the intention to view the property but that this must be done in the company of the representatives of the main parties. If no one is in, the Inspector should not view the site from this adjoining land. If it is necessary, the Inspector should arrange to revisit the site.

Unaccompanied Site Visits

- 8.19 Many site visits are carried out on an unaccompanied basis. In these circumstances Inspectors are only entitled to view the order land from the public highway; they are not entitled to enter onto private property and should never do so unless prior permission has been obtained through the RoW Section in Temple Quay House. Public footpaths and bridleways are public highways but often rear access drives are not. If the order land cannot be seen properly from a public viewpoint (and no other arrangements have been made), the Inspector should abandon the site visit and inform the Charting Manager in writing, explaining that an accompanied site visit is required. The Charting Manager will rearrange the site visit and will inform the Inspector whether or not a new Inspector is to carry out the accompanied site visit.
- 8.20 Inspectors approached by objectors or local residents while carrying out an unaccompanied site visit should stress the function and purpose of their presence. Inspectors should explain that they are unable to discuss the merits of the case or take comments or representations verbally at the site visit. If an objector or interested person indicates that they wish to make their views known, the Inspector should explain that they should do so by writing to the Inspectorate. On unaccompanied site

visits, wearing formal clothes which are appropriate to the nature of the work being undertaken reinforces the authority of the Inspector.

Failure of One Party to Appear

- 8.21 If the representative of one party fails to arrive for an accompanied site visit (ASV), the Inspector should introduce themselves to those present and then wait for about 15 minutes during which time, if practicable, the missing party should be contacted to enquire as to whether they would be able to send a representative. The Inspector should wait a reasonable time, provided it is practical to do so and other commitments do not preclude this. In the interests of being seen to be open, fair and impartial, an Inspector should not normally carry out a site visit accompanied by representatives of only one of the principal parties. However, there may be circumstances where, without prejudicing the principles of openness, fairness and impartiality, and in the interests of not delaying the writing and submission of the Inspector's Decision, it may be possible to carry out an ASV without all of the expected parties being present.
- 8.22 Where it is the Order Making Authority (OMA) who failed to arrive, (or cannot attend in time), if there are third party supporters present, the Inspector should seek agreement to carry out the ASV with the objector(s) and the third party supporters. Where there are no supporters and the OMA failed to arrive, the Inspector should seek agreement from the OMA to make the site visit in the company of the objector/s only. If this is not appropriate Inspectors should seek agreement from the objector(s) to enter the site unaccompanied to complete the visit, and ask the objector(s) to leave or stand aside whilst this is done. Circumstances where this would not be appropriate include where it would be necessary to enter a private dwelling, or where there are safety issues. Other than the usual courtesies of thanks and farewell, the Inspector should not be drawn into any other conversation relating to the Order. If those present do have queries they should be politely told to send any queries to the Procedure Team.
- 8.23 If however, an unaccompanied inspection is not possible because, for example, site access is needed but cannot be obtained, the inspection should be abandoned and the file returned to the Charting Manager with an appropriate covering minute. New arrangements for an inspection will subsequently be made.
- 8.24 If what was programmed as an accompanied site visit is carried out unaccompanied (due to the non-attendance of one or more parties), it is no longer necessary for the Inspector to arrange with the Procedure Team for a letter to be sent to the objector(s) explaining that an unaccompanied inspection has been made, and that the Inspector will proceed with the report or decision on that basis. There is no legal requirement to write to parties after the event has taken

place. Furthermore, the appointed Inspector will decide how to proceed on site and on the day, therefore if you decide to change the procedure, for whatever reason, but more often than not because someone has not attended, then you are able to do so without the need for writing out afterwards. Any change to procedure on the day should not be taken lightly; neither should Inspectors place themselves in a difficult or unsafe situation. If you genuinely feel that you cannot proceed, then you must abort the site visit and provide the Procedure Team with a written explanation as to why. Only under these circumstances will the Procedure Team write to the parties to explain a fresh date will be arranged.

Health and Safety Considerations

- 8.25 Inspectors must at all times have regard for their own personal safety when conducting site inspections. Set out below is a brief digest of PINS Health & Safety Code of Practice for salaried Inspectors. Similar principles apply to Non-Salaried Inspectors, although here PINS does not accept direct responsibility for the health and safety of the Inspector.
- 8.26 Inspectors should give careful consideration to planning their journey. They should ensure they have plenty of time before the programmed visit; being pressed for time can have knock-on effects and lead to the Inspector feeling under pressure or stress and consequently judgement becoming impaired. Inspectors should give themselves sufficient time before starting a journey in a hire car to adjust the driving position, check the "feel" of the brakes and steering, and familiarise themselves with the location and operation of the usual controls (indicators, windscreen washers and wipers etc).
- 8.27 Whilst on a site visit, a good look out should be maintained for moving vehicles, low beams, holes and ditches, machinery, barbed wire fences, curious farm animals etc. If on a highway, particularly if traffic is heavy and / or width and visibility is restricted, Inspectors should wear a high visibility jacket or tabard. If on an active construction or demolition site, quarry, waste management site, or similar, a hard hat must be worn as well as a high visibility jacket. If there is a risk of injury to feet from rubble, bricks, heavy or sharp objects or chemicals, appropriate protective footwear must be worn - either shoes / boots with protective soles and toe caps, or Wellington boots with sole and toe protection. Although perhaps uncommon in rights of way site visits, in particularly noisy or dusty environments ear defenders, eye protection, dust masks and / or other appropriate protection equipment must be used. Where operational sites have their own health and safety protocols in force Inspectors should comply, guided by the site operator and borrowing the necessary equipment.
- 8.28 On an unaccompanied site visit particular care should be exercised because of the possibility that it may be difficult to summon help in the event of an accident. Salaried Inspectors are provided with a mobile phone handset which gives them access to a Lone Worker Protection
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Scheme. They should have this handset with them at all times when working away from their normal place of work. PINS do not supply Non-Salaried Inspectors with mobile telephones and if they own them they should ensure they have them available when working for PINS.

- 8.29 Appropriate protective clothing etc is supplied to salaried Inspectors on request to the Administrative Support Section in Temple Quay House (this can be ordered from the Admin Support pages on PINSnet). Non-Salaried Inspectors should note that they are not supplied with protective equipment by PINS. Non-Salaried Inspectors are also recommended to ensure they are adequately covered by their own insurance when carrying out site visits and other duties for PINS.
- 8.30 Any accident or injury incurred whilst carrying out official duties must be notified as soon as possible to your SGL. The Health & Safety Team in Human Resources will then require a report of the circumstances to include:

details of the case

whether the incident relates to remote working, site visit or event venue

individuals involved including names

brief description of the incident including date & times
what action was taken during the incident.

A form is available to use for this on PINSnet as a word document and should be e-mailed to the Health & Safety Team on completion. It would also be helpful to copy the completed form to the RoW Procedure Team, for information in case of queries. In the event of subsequent illness, further treatment or an insurance claim a proper record of these details is essential.

- 8.31 Access to the PINS Staff Handbook which includes the Health and Safety policy is available via the Human Resources pages on PINSnet. Comprehensive guidance on Health Safety & Wellbeing can be found at -

[REDACTED] This also includes a section of guidance specific to Inspectors, including further information that may be relevant whilst conducting site visits. A copy of additional advice available to Inspectors on Health and Safety matters is included as Annex 8.1.