

READERS' CHECKLISTS

READER'S CHECKLIST – RIGHTS OF WAY ORDER DECISIONS

(Inspectors should bear it in mind when checking their work before submitting decisions)

Note: This Checklist should be used in the light of Section 11 of the Training Notes (March 2016) and ROW Note 4/2009. Please indicate by a tick (✓) or cross(x) in the relevant box whether or not the OD follows the guidance; if the guidance does not apply, leave the box blank.

Banner Heading & Bullet Points

1. If there is more than one Order, is the heading 'Order Decisions'?¹ ☐
2. Are the opening date of the inquiry/hearing and the date(s) of site visit(s) stated? ☐
3. Are the details of the Inspector and the appointing SoS properly shown? ☐
4. Is/are the FPS reference/s correctly shown, with multiple Orders distinguished by letters (e.g. Order A, Order B...)? ☐
5. Is the reference to the enabling Act correct? ☐
6. Is the title used for the Order the one that the Order itself states should be used (or, if there is no such statement, is it identical to the Order heading)? ☐
7. Is there a brief indication of what the Order proposes, including a reference to details in the Order Map and Schedule? ☐
8. Is the date on which the Order was made and the number of objections outstanding at the start of the inquiry/hearing stated? ☐
9. Is the Summary of Decision(s) unambiguous, in the case of multiple Orders referring to the relevant Order by its identification letter? ☐

NUMBERED PARAGRAPHS

10. Is the numbering consecutive and continuous? ☐

¹ In the event of multiple orders in Wales, the translation for 'Order Decisions' is 'Penderfyniadau ar y Gorchmynion'. Please take care to note that there is only one 'y' in the plural for Gorchmynyn!

11. Is there a section (usually headed 'Preliminary Matters') dealing, for example, with matters such as: the Decision being made solely on the basis of written representations; the OMA taking a neutral stance; a Costs application (and, in such circumstances; the precise duration of a multi-day inquiry); any possible errors in the Order(s) or formal procedures, their possible remedy & significance for a proper determination of the Order(s); any requests to the Inspector for rulings; any adjournment beyond one day; any other information relevant to the consideration of the Order(s) and not mentioned elsewhere? ☐
12. Is the Order Decision free from needless repetition of information given or referred to in the Heading and Bullet points (e.g. the name of the Order; route description details within the Order; details of the Inspector's appointment; dates of the inquiry/hearing and site visits)? ☐
- (Note: Repetition is acceptable if it is a necessary part of considering a point of procedure or weighing evidence)
13. Are the 'Main Issues' clearly identified in accordance with Section 11 of the Training Notes, so that the headings for the 'Reasons' that follow stand out? ☐
14. Are the sub-headings in bold italics and sub-sub-headings in plain italics? ☐
15. Are the matters raised under Other Matters relevant and in the appropriate place in the OD (e.g. they don't belong under 'Preliminary Matters')? ☐
16. Has a separate conclusion been reached for each heading? ☐
17. Is/are the Conclusion/s worded as in Section 11 of the Training Notes and is a separate Conclusion reached on each Order? ☐
18. Is/are the Formal Decision worded as in Section 11 of the Training Notes and is a separate Formal Decision made on each Order? ☐
19. Does the signature block contain just the Inspector's signature and the word 'Inspector' underneath? ☐
20. Are the Lists of Appearances and Documents laid out in accordance with the Section 11 of the Training Notes? ☐

Signed:for ESC

Name in capitals:

Date:FPS.....

READER'S CHECKLIST – RIGHTS OF WAY SCHEDULE 14 DECISIONS

(Inspectors should bear it in mind when checking their work before submitting decisions)

Banner Heading & Bullet Points

- 21. If a non-statutory inquiry was held, is the opening date of the inquiry shown? ☐
- 22. Are the details of the Inspector and the appointing SoS properly shown? ☐
- 23. Is/are the FPS reference/s correctly shown, with multiple Appeals distinguished by letters (e.g. Appeal A, Appeal B...)? ☐
- 24. Is the reference to the enabling Act correct? ☐
- 25. Are the dates when the application was made and when the Surveying authority refused the application specified?
- 26. Is there a brief indication of the nature of the Appeal, and what modification to the Definitive Map and Statement is sought? ☐
- 27. Is the Summary of Decision(s) unambiguous? ☐

NUMBERED PARAGRAPHS

- 28. Are the mandatory Preliminary Matters (paras 1-3) included? ☐
- 29. Is the numbering consecutive and continuous?
- 30. Have the relevant parts of WCA 81 s 53 been quoted?
- 31. Are the 'Main Issues' clearly identified in accordance with Section 11 of the Training Notes, so that the headings for the 'Reasons' that follow stand out? ☐
- 32. Are the sub-headings in bold italics and sub-sub-headings in plain italics? ☐
- 33. Are the matters raised under Other Matters relevant and in the appropriate place in the AD (e.g. they don't belong under 'Preliminary Matters')? ☐
- 34. Has a separate conclusion been reached for each heading? ☐

35. Is the Formal Decision worded as in Section 11 of the Training Notes? ☐
36. Does the signature block contain just the Inspector's signature and the word 'Inspector' underneath? ☐

Signed:for ESC

Name in capitals:

Date:FPS.....

READER'S CHECKLIST - FOR SCHEDULE 14 REPORTS

(Inspectors should bear it in mind prior to submitting reports)

Note: This checklist should be used in the light of Section 11 of the Training Notes (December 2014). Please indicate by a tick (✓) or cross(x) in the relevant box whether or not the Report follows the guidance; if the guidance does not apply, leave the box blank.

Banner Heading, Cover Sheet and Bullet Points

1. Is the cover sheet completed accurately and in accordance with the guidance? ☐
2. Do the case details of Appellant and OMA match the cover sheet? ☐
3. Are the paragraphs numbered sequentially? ☐

Numbered Paragraphs

4. Are the mandatory Preliminary Matters (paras 1-3) included? ☐
5. Are the reasons for the application clearly stated? ☐
6. Are the reasons for the appeal clearly stated? (it might not always be possible to differentiate between the two) ☐
7. Does the Council's case respond to all the points raised in the appeal? ☐
8. Where the answer to 7 is **NO (x)** has it been stated *the Council made no comment on...* or words to that effect? ☐
9. Is there an *Introduction* which quotes the relevant law upon which the **Conclusions** are based? ☐
10. Have the relevant parts of WCA 81 s 53 been quoted? ☐
11. Has the HA 80 s 31 been correctly quoted where 20 years of use is relied upon? ☐
12. Where Implied Dedication at Common Law is relevant, has the law been quoted? ☐
13. Where the case concerns any part of Circular 01/2009 has the relevant paragraph been referred to accurately or quoted? ☐
14. Where case law is quoted has the appropriate judgement been accurately quoted and applied? (e.g. *Trevelyan v Secretary of State for the Environment, Transport and the Regions [January 2000]* – *Trevelyan OR v SSE ex parte Mrs J Norton and Mr R Bagshaw – Norton & Bagshaw*) ☐
15. Does the analysis of the evidence consider only that which has already gone before without introducing anything new? ☐

16. Does the evidence lead logically to the **Conclusion**? ☐
17. Is the **Recommendation** set out as laid down in the guidance? ☐
18. Does the signature block contain just the Inspector's signature and the word 'Inspector' underneath? ☐

Signed: for ESC

Name in capitals:

Date:

GO File Ref(s):