

Code of Practice for Handling Inquiries under Section 62 and Schedule 8 to the Electricity Act 1989



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Planning and Environmental Appeals Division (DPEA)

Introduction

1. This Code of Practice applies where an inquiry is held under section 62 and/or Schedule 8 to the Electricity Act 1989. Section 62 provides that Scottish Ministers may hold an inquiry where they consider it advisable to do so. Subsections (2) to (8) of section 210 of the Local Government (Scotland) Act 1973 (which relate to giving evidence at, and defraying the costs of, local inquiries) apply to inquiries held under the Electricity Act.
2. Schedule 8 applies to consents under sections 36 or 37 of the Act. Section 36 provides that generating stations shall not be constructed, extended or operated without a consent granted by Scottish Ministers. The requirement for consent does not apply to a generating station whose capacity does not exceed 50 megawatts, which requires planning permission under the Town and Country Planning (Scotland) Act 1997. Section 37 of the Act provides that an electric line shall not be installed or kept above ground except in accordance with a consent granted by Scottish Ministers. This requirement does not apply where the electric line has a nominal voltage not exceeding 20 kilovolts and is used or intended to be used for supplying a single consumer.
3. The Electricity (Applications for Consent) Regulations 1990 require notice of applications under section 36, and applications under section 37 for an electric line of not less than 132 kilovolts, to be published. Third parties must be given a period of at least 28 days in which to object to the application.
4. For applications under section 36, a planning authority has 4 months in which to object, and a period of 2 months for applications under section 37. These periods may be extended with the agreement of Scottish Ministers and the applicant.
5. Where the planning authority objects to the application and the objection is not withdrawn, Scottish Ministers must cause a public inquiry to be held and,

before determining the application, must consider the objection and the report of the person who held the inquiry. There is no requirement to hold an inquiry where Ministers propose to grant the application subject to such modifications or conditions as will give effect to the objection.

6. Where the planning authority has not objected to the application, or has withdrawn its objection, there is no obligation to hold an inquiry. However, where objections have been made by other parties, Scottish Ministers must consider those objections, together with all other material considerations, and decide whether to hold a public inquiry, either in addition to or instead of any other hearing or opportunity of stating objections to the application.

7. Special provisions apply to applications for consent under section 37 where all necessary wayleaves have not been agreed with owners and occupiers of the land proposed to be crossed by the electric line.

8. There are no prescribed rules for the conduct of inquiries held under schedule 8 to the Act. The procedure to be followed at inquiry is a matter for the discretion of the reporter, the objective being to conduct proceedings in a fair, transparent and efficient manner. To this end, those appointed to hold the inquiry and to report to Ministers ('reporters') will seek views from the parties on whether any of the issues raised in objections, representations or comments from consultees can be dealt with on the basis of written submissions or a hearing, restricting the topics to be addressed at an inquiry session to those that require cross-examination or otherwise require to be dealt with by that form of procedure. This form of hybrid procedure will be adopted if the reporter considers that this would be the most efficient way of conducting the inquiry and where parties agree to this approach.

9. Ministers expect all parties to assist reporters and case officers in preparing for and conducting inquiries. They should make early and full disclosure of their case in a structured, consistent and

comprehensive manner; observe timescales fixed by the reporter; co-operate with one another and adopt a constructive approach to narrowing the range of issues to be considered at inquiry; conduct their case in a manner aimed to promote efficiency and best use of resources; and focus their evidence on the critical issues.

10. The Scottish Government has standards governing the timescales in which it is expected that replies to correspondence will be issued. In general, the relevant period is 20 working days. Our aim would be to respond to most correspondence well within that period, usually within 5 working days. However, it is unreasonable for parties to expect an immediate response to emails or letters. We would expect most questions relating to procedure to be resolved at the pre-examination meeting or at the start of the inquiry and it should not be necessary to enter into protracted correspondence on procedural matters or on rulings given by the reporter.

11. We expect our staff to treat parties with courtesy and respect. If you think that our staff have failed to observe those standards then it is open to you to make a complaint in line with the procedures set out in our Complaints policy <http://www.scotland.gov.uk/Publications/2011/01/11115220/0>. We also expect these principles to be reciprocated in parties' dealings with case officers and reporters. Parties should be aware of the Scottish Government's Fairness at Work policy under which we are obliged to investigate and take appropriate action in relation to complaints about external third parties.

Participation in the inquiry

12. On receiving a request from the Energy Consents and Deployment Unit to hold an inquiry DPEA will write to all those who submitted representations on the application (objectors, supporters, and consultees) advising that Ministers have decided that an inquiry should be held and asking whether they wish to take part in any further procedure.

They will be given details of the DPEA website where they can follow the progress of the case and will be advised that the date and venue for the inquiry will be published in a local newspaper. Only those who indicate that they wish to participate ('participants') will be included in further correspondence.

Identification of the Issues

13. It is not unusual for an application to be amended or modified in response to objections or representations made or for additional environmental assessment or appraisal to be carried out after the application is made. In cases in which an inquiry is to be held the Energy Consents and Deployment Unit will ask the applicant to provide an up to date Position Statement before the case is transferred to DPEA. . This should set out a brief description of the project for which consent is sought. For example, in wind farm cases this would include a description of the site and the number, location and height of the turbines, with an accompanying plan. Any changes to the application since its submission and any further environmental information that has been submitted should be clearly identified in the Statement. The purpose of the Position Statement is to provide the reporter with a brief overview of the case and to draw attention to the main issues and key documents to which the reporter should have regard in reading into the case and preparing for the pre-examination meeting. For example, where discussions have taken place with an objector or statutory consultee and this has resulted in an amendment to the application; or an agreement regarding a condition or mitigation; or where the scope of the original representation has changed as a result of discussions, the reporter's attention should be drawn to the correspondence or other documentation setting out the most up to date position. The Position Statement should also contain a brief response to the objections and representations that have been made and a response to comments made by the planning authority or authorities and consultees. The Position Statement should confirm that no further environmental information is outstanding or pending.

14. The reporter appointed to hold the inquiry will consider the application and supporting documents, the representations and responses from consultees and will identify the main issues in the case and make a provisional assessment of the appropriate procedure for examination of those issues.

Pre-examination meeting

15. A pre-examination meeting will be held in the vast majority of cases. DPEA will set the date, time and venue for the meeting and will give notice of the arrangements to the parties (the applicant, the planning authority, statutory consultees and other participants). The purpose of the pre-examination meeting is to discuss how the case can be conducted in the most efficient manner. DPEA will aim to hold the pre-examination meeting within 2 months of receiving the case file.

16. The reporter will set the agenda for the pre-examination meeting. Amongst other things the agenda will identify the reporter's provisional views on (a) the issues requiring no further procedure; and (b) the issues requiring further information or evidence and the reporter's proposed procedures for dealing with them, including the topics that the reporter considers should be dealt with by a hearing or inquiry session; and (c) the site inspections that may be required. Parties will be given the opportunity to make representations to the reporter on the identification of the issues, the proposed method of procedure and the arrangements for site inspections.

17. At the time when the agenda is issued to parties DPEA will identify the date on which, or the period of time within which, it is proposed the inquiry should commence.

18. At the pre-examination meeting the reporter will consider parties' representations on the procedure to be adopted and the likely duration of proceedings and will fix a timetable for the case and the dates of any

hearing or inquiry sessions. The availability of parties' first choice of legal or expert advisers or technical witnesses will not be accepted as a basis for delaying the start of the inquiry.

19. The reporter will issue a note of the pre-examination meeting that records the matters discussed and the reporter's decision on the procedure to be adopted. The note will set out which topics are to be dealt with by hearing or inquiry sessions and will specify what further written submissions, if any, the reporter requires. The note will specify the dates by which hearing statements and documents must be lodged for those topics that are to proceed by way of hearing session. For topics to be dealt with by an inquiry session, the note will specify the dates by which inquiry statements, precognitions and documents must be lodged. Where accompanied site inspections are to be undertaken in advance of hearing or inquiry sessions the note will also record this.

20. Parties must notify DPEA within 14 days of receiving the note of the pre-examination meeting whether or not they intend to participate in any hearing or inquiry sessions and, if so, in which they intend to participate.

Further written submissions

21. At any stage of a case the reporter may ask one or more parties for further written submissions on a particular topic or topics.

Site inspections

22. The purpose of a site inspection is to give the reporter an opportunity to familiarise him/herself with the location and how it relates to the issues raised by the application. Those attending will not be allowed to discuss the merits of the case with the reporter, although they may point out particular physical features or be asked to respond to factual questions about the site. In some cases where the site inspection relates to the subject of a hearing session, the reporter may allow

discussion from the hearing session to continue on site (see Appendix 1, paragraph 6).

Statements of agreed matters

23. Those participating in a hearing or inquiry session should provide statements of agreed matters wherever possible. These should include one covering the relevant policies applicable to the case and another covering suggested conditions (and reasons) and the heads of terms of any legal agreements. The statement need not be agreed by all participants but should reflect areas of common ground between the applicant and any of those opposing the application. These should be lodged, in due course, as documents.

Hearing sessions

24. The procedure to be followed at a hearing session is set out in Appendix 1. The hearing session will take the form of a structured discussion between the parties on the topics identified by the reporter, which the reporter will lead, and at which no formal examination or cross examination will be permitted. An agenda for the session will be prepared by the reporter and circulated in advance. Each item on the agenda will be discussed. Parties will be given an opportunity to explain their position, elaborate areas of concern, put their point of view, and ask relevant questions informally through the reporter, subject only to discussion being conducted in an orderly manner. The reporter will seek contributions from parties at the relevant time and will indicate when he or she considers that they have sufficient information on each topic.

25. Each party participating in a hearing session must provide a hearing statement. This should contain the evidence that a party wishes to be considered at the hearing session so that other parties have adequate notice of the matters to be discussed. The hearing statement should specify which documents are to be referred to and state the names of those who are to speak.

Inquiry sessions

26. The procedure to be followed at an inquiry session is set out in Appendix 2. An inquiry statement must be lodged by every party who intends to participate in the inquiry session. It should provide full particulars of the case which that party intends to put forward, set out a list of documents which are to be referred to, and specify the witnesses who will give evidence.

27. Each person giving evidence at the inquiry session will also need to lodge a precognition which is a written statement of evidence that will be read out at the inquiry. This should be no more than 2000 words unless the reporter agrees that a longer precognition may be submitted. Where it is proposed to rely on topic papers these should be treated as documents and must be lodged at the same time as other documents. Precognitions should not include appendices or other technical information or other evidence such as photographs. These should be lodged as documents by the date specified by the reporter. Precognitions may refer to such documents.

Documents

28. The note of the pre-examination meeting will set a date by which documents must be lodged. The applicant, the planning authority and other parties participating on hearing or inquiry sessions should endeavour to agree a list of core documents and should agree who will lodge what, in order to avoid unnecessary duplication.

29. All documents should be submitted in a tidy and accessible manner. It would be desirable for the relevant parts to be highlighted. They must also be clearly numbered. Documents include not just written material but also such things as maps and photographs.

Distribution of paperwork

30. All relevant papers associated with the case (including the Environmental Statement) will be placed on deposit by the planning authority, for inspection by members of the public, at a local public building. The applicant and planning authority should co-operate in supplying this information.

31. Material provided for the purpose of hearing or inquiry sessions, or in response to requests for information by the reporter, should also be placed on deposit so an additional copy of this should be sent to the planning authority. The planning authority should bring the deposit set of documents to the hearing and inquiry sessions before they begin so that members of the public have access to them.

32. Each party taking part in an inquiry or hearing session should send the papers they are lodging to other parties taking part in the same session. They should also send a copy to DPEA at the same time and confirm that these exchanges have taken place.

33. In addition to hard (paper) copies of all material DPEA should be sent electronic versions of inquiry and hearing statements, any additional statements, precognitions and closing submissions. They should be in Word or PDF format (Word format only for any suggested conditions, reasons and terms of any legal agreement) and preferably be sent in an email attachment to the DPEA.

Closing Submissions

34. When all the procedures in a case have been concluded the reporter may ask parties to make closing submissions summarising their case. The submissions should address all the topics upon which a party wishes to make representations including any submissions on the evidence heard at any hearing or inquiry sessions.

35. The closing submissions should draw attention to any relevant statutory provisions such as:

- Section 36 and Schedule 8 to the Act
- Environmental impact assessment
- Habitats regulations

36. In cases where this is in dispute, the submissions should set out the party's case on what significant effects on the environment are likely and which European sites or species may be affected. Where relevant, parties should indicate whether they consider that the proposed development is likely to have a significant effect on European sites and explain why they are of this view. If a party considers that a significant effect on European sites is likely they should indicate on what basis they consider that Ministers could, or could not, conclude that the proposed development would not have an adverse effect on the integrity of that site. The submissions should take account of the mitigation proposed in respect of the project.

37. Where Ministers are invited to grant deemed planning permission the submissions should also identify the relevant provisions of the development plan and any material considerations that are relevant to the proposal.

38. The submissions should explain, by reference to the evidence submitted, including by other parties, or based on the features of the site and its surroundings which would be seen during the site inspection, why consent would be consistent with those duties or policies, or why it would not. The submissions must not introduce any new evidence.

39. The submissions should specify what recommendation the reporter should make to Ministers and, without prejudice, what conditions or legal obligations should be attached to the consent or deemed planning permission, and explain why these are proposed.

Appointment of assessor

40. The Scottish Ministers may appoint someone as an assessor, to sit with the reporter at the hearing or inquiry session and to advise the reporter on specific matters. Where this happens, DPEA will advise all hearing/inquiry participants of the identity of the assessor and the specific matters on which s/he has been appointed to advise.

Expenses

41. The Local Government (Scotland) Act 1973 (section 210) enables Scottish Ministers to make awards to any party in relation to expenses they have incurred, to be paid by another party. This code of practice sets out the criteria that DPEA will apply in exercising that power. Parties will normally be expected to pay their own expenses. An applicant will not be awarded expenses simply because consent is granted, nor will a planning authority or objector be awarded expenses simply on the grounds that the application is refused. Awards of expenses will only be made in cases where a party has, in the opinion of the reporter, acted unreasonably and, as a result, has caused unnecessary expense for the party making the claim.

42. In cases where a hearing session or inquiry session is held, an application for an award of expenses should be made before the end of the hearing session or inquiry session.

43. An award of expenses can be made only in relation to the costs incurred in participating in the proceedings. It cannot take the form of a compensation payment for matters such as loss of business during the proceedings, reputational damage or any other impacts not directly linked to the proceedings themselves.

44. An award of expenses will not necessarily mean that a claimant will receive the full cost of the

proceedings. Any award made will relate to the amount of the expenses that have been incurred as a result of the unreasonable behaviour. While this might sometimes mean the full cost of the inquiry is awarded, in most cases it will lead to a partial award. Where a partial award is made, the extent of the award will be clearly explained.

45. The reporter will make a separate report to the Scottish Ministers on his or her recommendations in relation to any claims for expenses.

DPEA publication policy

46. In cases to which this code applies DPEA will publish on the website all key inquiry documents such as the application for consent and supporting documentation submitted to Scottish Ministers, the objections (if any) made by the relevant planning authorities and objections made by third parties. Where there are a large number of objections in the same terms DPEA will publish a copy of the standard letter and a note of the number of objections submitted. Similarly, where the objection takes the form of a petition a copy of the petition and the number of signatures will be published. Where the volume of objections makes it impracticable to publish all objections these will be available for inspection at the DPEA office. We will generally publish the representations of those who have opted to participate in hearing or inquiry sessions or otherwise participated in further procedure.

47. DPEA will also publish key correspondence and documents regarding the progress and conduct of the inquiry such as

- requests by DPEA for further information and the responses to those requests
- agendas for pre-examination meetings and the reporter's provisional views on further procedure
- notes of discussions at pre-examination meetings and the reporter's decision on further procedure
- hearing and inquiry statements

- documents lodged by parties for a hearing or inquiry session and precognitions.

Data protection

48. In order to comply with data protection principles DPEA will remove all personal telephone numbers, email addresses and signatures before publishing documents to the website. If you do not want a document that you have submitted to be published on the website please explain the reason for this when you submit the document. Please note that anonymous or confidential representations are unlikely to be given the same weight as other representations.

49. DPEA's aim is to ensure that anything that is abusive, indecent, unlawful or defamatory is not displayed. However, individuals must take personal responsibility for the comments that they make and submit.

Further information and contacts

50. DPEA will ensure all parties involved in the inquiry are kept informed of what will happen and what action is expected of them. There will always be a named official included in any communication from DPEA, who will be the first point of contact on the case.

51. Any questions about this code can be directed to DPEA at:

Scottish Government
Planning and Environmental Appeals Division
4 The Courtyard
Callendar Business Park
Falkirk
FK1 1XR

E-mail: dpea@gov.scot

Tel: 01324 696400

Fax: 01324 696444

Appendix 1

HEARING SESSIONS

1. Notice of hearing session and specified matters

(1) The reporter will send a copy of the note of the pre-examination meeting setting out the scope of the hearing session to the applicant, the planning authority and to those who submitted an objection within the period specified in the notice of application published in accordance with the Electricity Act (Applications for Consent) Regulations 1990 and who have confirmed that they wish to participate (the parties).

(2) The note of the pre-examination meeting will set out the matters to be considered at the hearing session. Only those specified matters will be considered at the hearing session.

(3) The reporter may also send a note of the pre-examination meeting to any other person or body that, in the opinion of the reporter, may be able to provide information on the matters to be considered at the hearing.

(4) Anyone who has been sent a copy of the note of the pre-examination meeting and who intends to appear at the hearing session must, within 14 days of the date of the notice, inform the reporter in writing of that intention.

2. Appearances at hearing session

(1) Those entitled to appear at the hearing session are:

- (a) the applicant;
- (b) the planning authority; and
- (c) anybody else who, in response to the procedure notice, has informed the reporter of their intention to appear at the hearing session in accordance with paragraph 1(4) above.

3. Date and notification of hearing session

(1) The date, time and place of the hearing session will be set (and may subsequently be varied) by the reporter. Unless the parties agree to a shorter period of notice, the reporter will give at least 28 days' notice of those arrangements, or any subsequent variation of them, to all those entitled to appear at the hearing session.

4. Service of hearing statements and documents

(1) The reporter may, by notice, require those entitled to appear at the hearing session to send him/her, by the date specified in the notice,

- (a) a hearing statement; and
- (b) where the participant intends to refer to or rely on any documents when presenting their case, a copy of every document (or the relevant part of a document) on the list comprised in that hearing statement.

(2) The applicant and the planning authority must send copies of their hearing statement and supporting documents to each other and to others participating in the hearing. Other participants who have been asked to submit a hearing statement and any supporting documents must copy these to the applicant, and to the planning authority and, unless the reporter directs otherwise, to other participants at the same time as these are sent to the reporter.

(3) In this paragraph, "hearing statement" is a written statement which contains the evidence relating to the specified matters which a person wishes to be considered at a hearing session and—:

- (a) a list of documents (if any) which the hearing participant intends to refer to or rely on; and
- (b) a list of any other people who will attend and speak on that participant's behalf at the hearing session, noting any matters which those people are particularly to address and any relevant qualifications they hold in relation to those matters.

- (4) If required by notice in writing from the reporter, anybody who has served a hearing statement in accordance with this paragraph must—:
 - (a) provide such further information about the matters contained in the statement as the reporter may specify; and
 - (b) at the same time send a copy of that further information to anybody else on whom the hearing statement has been served.

5. Procedure at hearing session

- (1) Except as otherwise provided in this Appendix, the reporter will decide the procedure to be followed at a hearing session.
- (2) The reporter will, having considered any submission by hearing participants, state at the beginning of the hearing session the procedure s/he proposes to adopt.
- (3) A hearing session will take the form of a discussion led by the reporter. Cross-examination of participants will not be permitted.
- (4) Anyone entitled to appear at the hearing session may do so on their own behalf or be represented by another person.
- (5) Where two or more persons or bodies have a similar interest in the issues being considered at the hearing session, the reporter may allow or encourage one or more of them to appear on behalf of some or all.
- (6) The reporter may proceed with a hearing session in the absence of any person entitled to appear at the hearing session.
- (7) The reporter may from time to time adjourn the hearing session and, if the date, time and place of the adjourned hearing session are announced before the adjournment, no further formal notice is required. Otherwise participants will be advised of the new arrangements in line with paragraph 3.

6. Site inspection

- (1) Before the end of the hearing session, the reporter will decide whether there is to be an inspection of the site, specific to the matters which are the subject of the hearing session, accompanied by the parties involved in the hearing session. This may be in addition to an earlier inspection of the site made by the reporter. If appropriate, the reporter may allow further limited discussion of relevant matters on site before formally closing the hearing session.

Appendix 2

INQUIRY SESSIONS

1. Notice of inquiry session and specified matters

- (1) The reporter will send a copy of the note of the pre-examination meeting setting out the scope of the inquiry session to the applicant, the planning authority and to those who submitted an objection within the period specified in the notice of application published in accordance with the Electricity Act (Applications for Consent) Regulations 1990 and who have confirmed that they wish to participate (the parties).
- (2) The note of the pre-examination meeting will set out the matters to be considered at the inquiry session. Only those specified matters will be considered at the inquiry session.
- (3) The reporter may also send a note of the pre-examination meeting to any other person or body that, in the opinion of the reporter, may be able to provide information on the matters that are to be considered at the inquiry session.
- (4) Anyone who is sent a copy of the note of the pre-examination meeting and who intends to appear at the inquiry session must, within 14 days of the date of the notice, inform the reporter in writing of that intention.

2. Appearances at inquiry session

- (1) Those entitled to appear at the inquiry session are—
 - (a) the applicant;
 - (b) the planning authority; and
 - (c) anybody else who, in response to the procedure notice, has informed the reporter of their intention to appear at the inquiry session in accordance with paragraph 1(4) above.

3. Date and notification of inquiry

- (1) The date, time and place for the inquiry session will be set (and may subsequently be varied) by the reporter. Unless the parties agree to a shorter period of notice, the reporter will give at least 28 days' notice of those arrangements, or any subsequent variation of them, to all those entitled to appear at the inquiry session.

4. Service of inquiry statements, documents and precognitions

- (1) The reporter may, by notice, require those entitled to appear at the inquiry session to send him/her, by the date specified in the notice,
 - (a) an inquiry statement;
 - (b) a copy of every document (or the relevant part of a document) on the list of documents comprised in that inquiry statement; and
 - (c) a precognition in respect of any evidence to be given to the inquiry session by a person included on the list of witnesses comprised in that inquiry statement.
- (2) The applicant and the planning authority must send copies of their inquiry statement, supporting documents and precognitions to each other and to others participating in the inquiry session. Other participants who have been asked to submit an inquiry statement and any supporting documents and precognitions must copy these to the applicant and to the planning authority and, unless the reporter directs otherwise, to other participants at the same time as these are sent to the reporter.
- (3) In this paragraph –

“inquiry statement” is a written statement which contains particulars of the case relating to the specified matters which a person proposes to put forward to an inquiry session, and includes:

 - (a) a list of documents (if any) which the inquiry participant intends to refer to, rely on or put in evidence; and

- (b) a list of witnesses, specifying the persons who will give (or be called to give) evidence at the inquiry session, noting the matters on which those people are to give evidence and any relevant qualifications they hold in relation to those matters.

“precognition” means a written statement of the evidence which a witness will give to the inquiry session. Unless the reporter otherwise agrees, it must not contain more than 2000 words.

5. Procedure at inquiry session

- (1) Except as otherwise provided in this Appendix, the reporter will decide the procedure to be followed at the inquiry session.
- (2) The reporter will, having considered any submission by inquiry participants, state at the beginning of the inquiry session the procedure which the reporter proposes to adopt. In particular, the reporter will state:
 - (a) the order in which the specified matters are to be considered at the inquiry session; and
 - (b) the order in which the inquiry participants will be heard in relation to a specified matter (a different order may be chosen for different specified matters).
- (3) Anyone entitled to appear at the inquiry session may do so on their own behalf or be represented by another person.
- (4) Where two or more persons or bodies have a similar interest in the matter under inquiry, the reporter may allow or encourage one or more of them to appear for the benefit of some or all.
- (5) Subject to sub-paragraph (6), any inquiry participant is entitled to call evidence and to cross-examine others giving evidence and to make a closing statement.

- (6) The reporter may refuse to permit:
 - (a) the giving or production of evidence;
 - (b) the cross-examination of persons giving evidence; or
 - (c) the presentation of any other matter, which the reporter considers to be irrelevant or repetitious.

- (7) If any person entitled to appear at the inquiry session fails to do so, the reporter may proceed with the inquiry session at his/her discretion.

- (8) The reporter may from time to time adjourn the inquiry session and, if the date, time and place of the adjourned inquiry session are announced before the adjournment, no further notice is required. Otherwise, participants will be advised of the new arrangements in line with paragraph 3.

6. Site inspection

- (1) Before the end of the inquiry session, the reporter will decide whether there is to be an inspection of the site, specific to the matters which are the subject of the inquiry session, accompanied by the parties involved in the inquiry session. This may be in addition to an earlier inspection of the site made by the reporter.