

5.1 BEFORE THE INQUIRY**5.1.1 Preparing for the Inquiry**

5.1.1.1 Before making a formal objection, objectors should carefully assess the merits of their case and the prospects of success objectively, together with the costs they are likely to incur, and the time needed to pursue the matter. Careful study of the policy background, national policy guidance and Departmental circulars is essential.

5.1.1.2 Potential objectors should also be aware that it is for the inspector to review the arguments and to make a recommendation in accordance with the merits of the proposal but that it is for the Department to make a decision having considered that recommendation and any other relevant material considerations.

5.1.1.3 Early, focused preparation by all parties, as well as by the inspector, is essential if the inquiry is to run as efficiently and effectively as possible. This preparation should be based on the structured, consistent and reasonably comprehensive advance disclosure of the main issues to be considered at the inquiry. This enables others to focus their own preparations more clearly and helps to avoid unnecessary delay or repetition at the inquiry itself.

5.1.1.4 It is essential for parties to ensure that the scope of their case and their interest in the issues to be considered at the inquiry are settled at the earliest possible point in the process. Any proposed additions or extensions to parties' cases should therefore be kept to the minimum consistent with and contributing to the effective consideration of the key issues at the inquiry.

- Any doubts about the procedure to be followed or the inquiry programme should be raised with the inquiry's Programme Officer before the inquiry starts or with the inspector at the opening of the inquiry. As previously mentioned, inspectors will normally be sympathetic to accommodating an interested party who has difficulty in attending throughout the proceedings.
- When listening to the evidence of others, note any additional points which should be answered, this can then be incorporated in the evidence of the interested party.
- There is no need to repeat arguments that have been adequately covered by other parties. It is normally more than sufficient to endorse the point that has been made.

5.1.2 **Suggesting alternative sites**

5.1.2.1 If a party intends to refer at the inquiry to an alternative site for the proposal, or in the case of a vesting order, proposes an alternative site for the purpose for which the Order is being promoted, he should inform the inspector at the earliest possible time. In doing so he should ensure that sufficient details of that site are provided to enable it to be properly identified. However, all concerned should bear in mind that an inquiry into a specific proposal for one site cannot turn itself into an inquiry into assumed proposals for other sites. An inspector may however, make a comparative appraisal of the alternative site on the information proffered before and during the inquiry.

5.1.2.2 If any party considers that there is good reason for a site inspection to be carried out at an early stage, this should be notified to the inquiry's Programme Officer (if one has been appointed) or to the inspector through Roads Service Headquarters Lands & Legislation Branch before the inquiry, or direct to the inspector at the opening of the inquiry.

5.2 **DURING THE INQUIRY**

5.2.1 **Attendance at the opening of the Inquiry**

5.2.1.1 It is important that all those who wish to make representations to the Inquiry attend the opening of the Inquiry to find out when they are likely to be called to speak.

5.2.1.2 There is no obligation for any party at an inquiry to be represented professionally. A person intending to present his own case might find the following points useful:

- During the course of the inquiry the Programme Officer will be available to provide assistance to members of the public seeking advice about the procedures of the inquiry.
- The inspector may afford an opportunity to an interested party to ask questions of witnesses. In such cases, questions should be concise and to the point. The inspector may be able to help inexperienced persons to frame questions, but it is often more effective to raise points in your own evidence and refer back to previous evidence as appropriate.
- Where witnesses are repeating evidence given previously by other witnesses and which has been the subject of cross-examination the inspector may limit or refuse further questioning.
- If an objector chooses to present a statement in evidence or question other witnesses he or his representative will, in turn, take the seat set aside, speak into the microphone giving his name and interest before commencing his statement / questioning.

5.3 **AFTER THE INQUIRY**

5.3.1 **Notification of Decision**

Any person entitled to receive notification of the Department's decision may apply to the Department in writing within 6 weeks of such notification (or of the supply of the report if that is later), for an opportunity to inspect any documents listed in the notification.