

Enquiry from Richard Tice MP:

I would like to request that the Planning Inspectorate (PINS) reconsider its interpretation of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and include Parish Meetings as statutory consultees in areas where there is no Parish Council. Furthermore, I urge PINS to reinstate Well Parish Meeting's submission to the EIA scoping opinion for the Grimsby to Walpole project, ensuring that the views of all affected communities are fairly represented.

This position [to only consult with Parish Councils] appears to directly contradict the response we received from the Department of Housing, Communities, and Local Government, which stated unequivocally that "In areas with no Parish Council, Parish Meetings can make representations in relation to planning appeals and wider planning consultations." We note that Well Parish Meeting, as the statutory local body in an area without a Parish Council, has had its ability to participate in the process effectively disregarded by PINS. We must insist on an explanation as to why PINS has taken a position that seemingly contradicts the department's assertion regarding the role of Parish Meetings. On what specific grounds does PINS reject the legitimacy of Well Parish Meeting's involvement in the consultation and planning processes, particularly in light of the broader recognition granted to Parish Meetings by the Department of Housing, Communities, and Local Government?

Advice to Richard Tice MP:

Prescribed consultees for the purposes of consultation on an environmental impact assessment scoping opinion are defined in regulation 3(1) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. This regulation in turn refers to Schedule 1 to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations. These bodies are under a statutory duty to share any relevant information which they hold with NSIP applicants. Schedule 1 specifically refers to parish councils or community councils; our understanding of the legal position is that parish meetings are not parish councils within the meaning of the regulations and so are not prescribed consultees. Parish meetings can become a prescribed body under the relevant legislation where the meeting has received an order from the relevant district council conferring all the functions of a parish council; however, there is no clear list of what the functions of a parish council are, making it difficult to determine if a parish meeting does have equivalent functions to a parish council. Given the ambiguity around the status of parish meetings, we are reluctant to treat them as full parish councils as this would impose a statutory obligation on them which may not be justified.

The Planning Inspectorate does have the capacity to consult non-prescribed consultees (bodies not subject to the statutory duty to share relevant information referred to above) – for the sake of transparency and to make it clear which bodies can expect to be consulted on scoping reports, at present the Inspectorate goes only to the bodies listed in our advice page on EIA notification and consultation which is available [here](#).

We do not consider that the Inspectorate's position conflicts with the advice from MHCLG – as we have previously explained, consultations on a scoping request are constrained by the requirements of the EIA Regulations. Production of a scoping opinion is a technical process designed to inform the matters that the applicant must assess and document within an environmental statement to be provided with the application. It is not the consultation for the proposed development as required by the Planning Act. Section 47 of the Act specifically requires consultation with the local community before any application is made for a Development Consent Order. The parish meeting can also go directly to the applicant using the contact details on the project web page, available [here](#). If the application is accepted for examination, there will be an opportunity for Wells Parish Meeting to register as an interested party and make representations to the panel of inspectors appointed to examine the case. The capacity of the parish meeting to participate in the wider planning consultation on the Grimsby to Walpole Nationally Significant Infrastructure Project has not been affected.

Please be aware that the scoping opinion for this project has been adopted by the Secretary of State, in line with the EIA Regulations which require a scoping opinion to be adopted by 42 days after a valid request has been received. We do not have the power to alter the scoping opinion once it has been adopted unless we receive a further request for another scoping opinion.

Date advice given: 20 February 2025