

**Public Health and Planning**

**1. General Approach to Material Considerations**

- 1.1. The law has always made a clear distinction between the question of whether something is a material consideration and the weight which it should be given. The former is a question of law and the latter is a question of planning judgment, which is entirely a matter for the planning authority. Provided that the planning authority has regard to all material considerations, it is at liberty (provided that it does not lapse into *Wednesbury* irrationality) to give them whatever weight the planning authority thinks fit or no weight at all.
- 1.2. The fact that the law regards something as a material consideration therefore involves no view about the part, if any, which it should play in the decision-making process.
- 1.3. The expression "material considerations" is defined widely. Since March 2012 it has also included the National Planning Policy Framework ("the NPPF") which replaced many of the previous policy statements.

**2. Public Health as a Material Consideration**

- 2.1. Health considerations are capable of being material planning considerations. This is recognised in the NPPF which includes the following statement at paragraph 69:- "*The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.*"
- 2.2. Section 12 of the Health and Social Care Act 2012 imposes a duty on local authorities to take appropriate steps to improve the health of the people who live in their areas. Whilst the courts have yet to consider the impact of this new duty in general and in relation to the planning system in particular, there can be no real doubt that it has relevance to planning decision making in that it reinforces the need to consider whether there are health implications associated with planning decisions. Again, once health implications have been identified as material to a planning decision, the weight to be attached to this material consideration is a matter for the decision maker.

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