

The Planning Inspectorate

PINS NOTE 4/2011

To: All Inspectors

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MATERIALITY AND WEIGHT OF A BILL BEFORE ROYAL ASSENT

Background

1. As the Localism Bill proceeds through its Parliamentary stages, Inspectors will receive submissions on the materiality and weight to be applied to its clauses as indications of the Government's policy intent.
2. The [Cala 2 litigation](#) makes clear that the government's intention to legislate to achieve a policy outcome is capable of being a material consideration. The weight to be accorded to a material consideration remains a matter for the decision maker, taking the facts before them fully into account.
3. In considering weight, one issue you may wish to consider is the time frame in which a particular need material to the matter before you and referred to (say) in regional policy is expected to be met, in comparison with the timetable for the Bill.
4. It should also be borne in mind that a Bill early in its progress may well be open to significant changes as amendments are made.

Action

5. Inspectors should note the above when considering the materiality and weight to be attached to clauses in a Bill and take into account what Parliamentary stage a Bill has reached in a decision or report.
6. It can be useful to consider recent Secretary of State (SoS) decisions where the question of the SoS's intended revocation of Regional Strategies has arisen¹. PINS will provide

¹ [APP/Z0116/A/10/2126342](#) - W4B Bristol Ltd at Former Sevalco Site, Avonmouth, Bristol;
[APP/P1750/A/09/2118357](#) - TAG Farnborough Airport Ltd at Farnborough Road, Farnborough, Hampshire;
[APP/D0840/A/10/2130022](#) - Wainhomes (South West) Holdings Ltd, Treverbyn Road, St Austell, Cornwall.

links to further cases as these are decided and the Bill passes through its Parliamentary stages.

7. Please contact XXXX if you have any queries on this Note.

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Director of Policy, Quality and Development Plans