

Public Document Pack



**Service Director – Legal, Governance and
Commissioning**

Julie Muscroft

The Democracy Service

Civic Centre 3

High Street

Huddersfield

HD1 9EL

Tel: 01484 221000

Please ask for: Jodie Harris

Email: jodie.harris@kirklees.gov.uk

Friday 19 August 2022

Notice of Meeting

Dear Member

Economy and Neighbourhoods Scrutiny Panel

The **Economy and Neighbourhoods Scrutiny Panel** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.00 pm** on **Tuesday 30 August 2022**.

This meeting will be webcast live and will be available to view via the Council's website.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft", on a light-colored background.

Julie Muscroft

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Economy and Neighbourhoods Scrutiny Panel members are:-

Member

Councillor Yusra Hussain (Chair)

Councillor Aafaq Butt

Councillor Tyler Hawkins

Councillor Matthew McLoughlin

Councillor Martyn Bolt

Councillor John Taylor

Chris Friend (Co-Optee)

Jonathan Milner (Co-Optee)

Jane Emery (Co-Optee)

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Panel

To receive apologies for absence from those Members who are unable to attend the meeting.

2: Minutes of the Previous Meeting

1 - 6

To approve the Minutes of the meeting of the Panel held on 19th July 2022.

3: Interests

7 - 8

The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the items or participating in any vote upon the items, or any other interests.

4: Admission of the Public

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

5: Deputations/Petitions

The Panel will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation by emailing executive.governance@kirklees.gov.uk.

6: Public Question Time

The Panel will hear any questions from the public.

7: Work Programme 2022/23

9 - 14

The Panel will consider the work programme for the 2022/2023 municipal year.

8: Hot Food Takeaway Supplementary Planning Guidance (SPD)

15 - 118

The Panel will note the outcomes of the public consultation on the Hot Food Takeaway SPD and proposed modifications to the document ahead of Cabinet 20 September 2022.

Contact:

Hannah Morrison, Senior Planning Officer - Planning Policy Group

9: Affordable Housing and Housing Mix Supplementary Planning Guidance (SPD)

119 -
136

The Panel will consider the Draft Affordable Housing and Housing Mix SPD

Contact:

John Buddle, Team Leader Planning Policy

10: Winter Maintenance Policy Review

137 -
154

The Panel will consider a presentation in respect of the Winter Maintenance Policy Review.

Contacts:

Mark Scar, Head of Highways

11: Huddersfield District Energy Network

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180

The Panel will consider a report setting out the outcomes of the Huddersfield District Energy Network Outline Business Case Study, the draft Cabinet report and proposed next steps ahead of Cabinet considering this issue on 20th September 2022

Contacts:

John Atkinson, Group Leader – Energy and Climate Change

12: Exclusion of the Public

To resolve that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of the Schedule 12A of the Act.

13: Huddersfield District Energy Network

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414

The above report (item 11) is accompanied by a private appendix in which commercially sensitive information is provided. The Appendix to this report is private in accordance with Schedule 12A Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

It is considered that it would not be in the public interest to disclose the information included in the private appendix to the report as it contains information relating to the financial and business affairs of third parties (including the Authority holding that information). It is considered that the disclosure of the information would adversely affect those third parties including the Authority and therefore the public interest in maintaining the exemption, which would protect the rights of an individual or the Authority, outweighs the public interest in disclosing the information and providing greater openness and transparency in relation to public expenditure in the Authority's decision making.

(The Panel will consider the private appendix in relation to agenda item 11).

Contact:

John Atkinson, Group Leader – Energy and Climate Change

Economy and Neighbourhoods Scrutiny Panel

Tuesday 19th July 2022 at 1.00pm

Present:

Councillor Yusra Hussain (Chair)
Councillor Matthew McLoughlin
Councillor Tyler Hawkins
Councillor Aafaq Butt

Co-optees:

Jonathan Milner (Co-optee)
Jane Emery (Co-optee)

In Attendance:

Councillor Will Simpson, Cabinet Member for Culture and Greener Kirklees
Will Acornley, Head of Operational Services, Highways and Street Scene
Graham West, Service Director, Highways and Street Scene
Rachel Palmer, Project Manager

Apologies:

Councillor Martyn Bolt
Councillor John Taylor
Chris Friend (Co-optee)

1. Membership of the Committee

Apologies were received from Councillor John Taylor, Councillor Martyn Bolt and Chris Friend (Co-optee)

2. Minutes of the Previous Meeting

The Minutes of the meeting held on the 7th April 2022 were agreed as a correct record.

3. Interests

No Interests were declared.

4. Admission of the Public

All items were considered in the public session.

5. Deputations/Petitions

No deputation or petitions were received.

6. Public Question Time

No questions were received from the public.

7. Waste Strategy Capital Update

The Panel considered the Waste Strategy Capital Update presented by Will Acornley, Head of Operational Services, Highways and Street Scene and Rachel Palmer, Project Manager. Councillor Will Simpson, Cabinet Member for Culture and Greener Kirklees and Graham West, Service Director – Highways and Streetscene were also in attendance.

Will Acornley explained that a report was to be submitted to Cabinet on the 9th August 2022 to agree delegated authority to draw on funding (approximately 3 million) to allow the implementation and delivery of 7 key initiatives associated with the recently adopted Resources and Waste Strategy.

Rachel Palmer shared the presentation and provided an overview of each of these initiatives as follows:

- The Community Reward Scheme:
 - Was an initiative about giving back to communities to enrich their economy, environment, and wellbeing.
 - The funds would be used for the development of a ‘Community Chest’.
 - Small grants would be allocated to communities/local groups for practical items to support reuse and waste minimisation initiatives.
 - This was in the early planning stages, and there were several different ideas about how to take the approach forward.
 - The approach would ensure that each ward would be represented equally in terms of the funds available.
 - Grants may also be allocated through an application process determined by a Panel.
 - Rewards could also be used as an incentive to encourage local change, such as improving the use of communal bins or reducing contamination.
 - Rewards may be in the form of vouchers or the allocation of a community asset.
- The Reuse Shop:
 - The first phases of delivery were underway with 2 ReUse containers being placed at local household waste sites.
 - There was currently 1 ReUse container at a site in Huddersfield and 1 at a site in Dewsbury.
 - The second phase of delivery was the opening of a ReUse Shop in Huddersfield.
 - If this was successful a long term, a self-sustaining solution may be developed in Huddersfield and Dewsbury.
- Improved Litter Facilities:
 - There would be investment in the Street Cleansing Resource and litter bins were a key resident facing aspects of this service.
 - Phase 1 was underway, which was the comprehensive auditing of all litter bins.
 - The audit would be used to build a database of the location and condition of all litter bins across the borough.

- As a part of the replacement planning, ward level discussions would be held as local knowledge was key to understanding how bins were used.
- This feedback would be used to create the litter bin replacement programme which was planned to take place over 2-3 years.
- Phase 2 of delivery would include introducing on-street recycling bins.
- Trials would take place in selected locations such as schools to enhance education about recycling in schools.
- Investment in Innovative Technology to Target Environmental Enforcement:
 - The initiative was in a very early stage of research and information gathering.
 - Research was taking place into Automated Camera and AI technology to help tackle environmental crime more efficiently.
- The Glass Collection Trial.
 - Included trialling different types of bins and vehicles across all types of Kirklees communities.
 - The findings would be compiled into recommendations for an authority wide roll out taking a place-based approach.
- Bulky Collections – Third Sector Reuse Partner:
 - A fully automated booking system for Bulky Collections had been introduced.
 - The next step was to look at a way of collecting bulky items such as furniture which could be reused.
 - Ideas to be researched included an in house run bulky collection which would deliver to a partner organisation.
 - Or a trial partnership with a third sector reuse specialist to collect and distribute previously loved items to Kirklees communities most in need.
 - The partnership approach would be supported through asset provision such as vehicles.
- Depot Review:
 - The site in the north, George Street, was at maximum capacity and additional space in the South, Vine Street, was also required.
 - Additional depot space would be needed to collect glass and other recycling waste initiatives
 - Funds were required at this stage for early feasibility studies and site surveys to locate a suitable space for an expanded depot facility.

Will Acornley further highlighted to the Panel that all the initiatives were in the early stages of development and that there would be further engagement held with Councillors, the member reference group and scrutiny as the plans developed.

The Panel noted the presentation and the Chair invited questions from members. In the discussion to follow the Panel highlighted that the use of cameras as part of enforcing littering would be beneficial but noted challenges may arise around power supply for those cameras.

Responding to a question from the Panel about the potential timelines for research into emerging AI and enforcement technologies, Will Acornley advised that the next trial was forecast to take place in the next 12 months and would be used to inform the business case. He also added that research into self-powering cameras was to be undertaken to overcome the challenges around power supply.

Graham West, Service Director - Highways and Streetscene, added that he had oversight of the overarching Council CCTV Strategy and work has been undertaken to review best practice in relation to the use of CCTV as well as making sure that the Council wide approach was aligned with guidance. This would include any cameras used for enforcement purposes.

The Panel asked if there was potential within the Community Reward Scheme to reward individual businesses to recognise those companies who were demonstrating good litter disposal and recycling practices. In response Will Acornley advised that it was an idea to be taken on and considered when developing the future approach.

The Panel questioned whether the Bulky Waste Collection and Reuse shop could be joined up noting similarities between the projects. Rachel Palmer responded to agree that this was the vision which would begin with trialling small items with the reuse shops with a view to include bulky items in the long-term.

Will Acornley added that if trials were successful that the long-term plan would include working with multiple charities and local groups to set up a reuse network across the district, making sure everyone had equal opportunity to. This 'umbrella network' would also help to provide other social benefits including, upskilling, and training opportunities, as well as supporting other services such as homes and neighbourhoods to provide residents with reused furniture. The view was for this to become a properly procured and managed partnership, highlighting the success of this approach in Leeds.

Responding to a question about the use of the funding and costings around improving litter facilities, Will Acornley advised that the cost was for capital investment in new equipment and containers, following the outcomes of the audit which was to understand what type of container and how many was needed where. The second phase trials were to inform other data such as collection frequency, new compaction, and technology to be more cost effective and economic. This would be followed by ward level discussions where the results of the audit were presented.

Responding to a question about the timeline for the glass collection, Will Acornley advised glass collections were initially removed due to a need to balance a reduced budget following reductions in funding. The ambition was to reinstate glass collections, but the previous model used was unsustainable and caused significant operational issues. Following engagement, it was found that preferences differed significantly across wards suggesting that a place-based approach would be required when reintroducing glass collections. Implementation would require significant funding, and so it was important to ensure clarity about application for funding prior to deciding the approach.

The Panel acknowledged that lack of clarity around policy and supply chain issues were causing delays in the timeline. The Panel further asked if the ReUse shop could be expanded to other towns across the district. Will Acornley responded to agree with the Panel's comments about the importance of including other towns and advised that the plan going forward was to make the reuse initiative available borough wide if trials were successful.

Graham West added that comments from the Panel were well received. He added that a key benefit of taking a district wide approach to bulky waste and ReUse would help to support residents during the cost-of-living crisis. In respect of glass collection trials, it was important to make sure all resources were used in the best way to ensure value for money. A central approach was needed to be taken in response to the implementation of the glass collections noting risks in moving forward in one direction too early or too late.

The Panel welcomed the update highlighting those opportunities to uplift were key during the cost-of living crisis. Cllr Will Simpson added thanks to the presenting officers and the wider team highlighting the benefits of the schemes.

RESOLVED:

That the Panel noted the update and thanked officers and Cabinet Members involved in the process. It was also agreed that:

1. The idea of rewarding individual businesses be considered in the development of the Community Reward Scheme.
2. A joined up and borough wide approach be taken to the reuse shop and bulky waste initiatives in later stages of development.

8. Work Programme 2022/23

The Panel considered the draft work programme for the 2022/23 municipal year.

It was noted the Panel met informally on the 23rd June 2022 to produce the draft work programme. This had now been submitted to the next meeting of the Overview and Scrutiny Management Committee for approval.

RESOLVED:

That the draft work programme for the 2022/23 municipal year be noted.

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KIRKLEES COUNCIL					
COUNCIL/CABINET/COMMITTEE MEETINGS ETC					
DECLARATION OF INTERESTS					
Economy & Neighbourhoods Scrutiny Panel					
Name of Councillor					
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest		

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
(b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

ECONOMY & NEIGHBOURHOODS SCRUTINY PANEL

Agenda Plan 2022/23

	Items	Officer Contact	Notes
Thursday 23 rd June 2022	Informal Meeting of the Panel to plan the work programme	Jodie Harris	
Tuesday 19 th July 2022 Agenda Publication: Monday 11 th July 2022	Waste Strategy Capital Update	Will Acornley/ Rachel Palmer	Cabinet 2 nd August 2022

<p>Tuesday 30th August 2022</p> <p>Agenda Publication: Monday 22nd August 2022</p>	<p>Hot Food Takeaway SPD</p> <p>Affordable Housing SPD</p> <p>Kirklees District Heat Network</p> <p>Winter Maintenance Policy Review</p>	<p>Hannah Morrison/ Johanna Scrutton</p> <p>John Buddle/Steven Wright</p> <p>John Atkinson</p> <p>Graham West</p>	<p>Scrutiny requested prior to Consultation / Cabinet before the end of the year</p> <p>Cabinet September 2022</p>
<p>20 September 2022</p>	<p>Housing Allocations Policy</p> <p>Waste Procurement (Private Item) – TBC</p>	<p>Paul Howard</p> <p>Kate Parr / Graham West / Will Acornley</p>	<p>Cabinet 11th October 2022</p> <p>Cabinet 11th October 2022</p>
<p>Tuesday 18th October 2022</p>	<p>Road Safety – Speeding Enforcement</p>	<p>Graham West / Mark Scarr</p>	<p>No Cabinet. Joint discussion item with Police.</p>

<p>Agenda Publication: Monday 10th October 2022</p>	<p>Climate Change Action Plan</p> <p>Update on Bus Stations/ Future of Bus Patronage</p> <p>Kirklees Economic Strategy Refresh *TBC)</p>	<p>Katherine Armitage / Shaun Berry</p> <p>Edward Highfield/ Richard Hollinson</p> <p>Edward Highfield/Jonathan Nunn</p>	<p>Cabinet November 2022</p>
<p>Tuesday 22nd November 2022</p> <p>Agenda Publication: Monday 14th November 2022</p>	<p>Tourism, Heritage & Cultural Strategies</p> <p>Environmental Sustainability Strategy</p> <p>Grounds Maintenance Update</p>	<p>Adele Poppleton / Kath Wynne-Hague</p> <p>Katherine Armitage</p> <p>Graham West / Will Acornley</p>	<p>Tourism & Heritage Strategies to go to Cabinet on 17th January 2022. Cultural Strategy February Cabinet (TBC)</p> <p>Cabinet 17th January 2022</p>
<p>Tuesday 10th January 2023</p> <p>Agenda Publication: Wednesday 30th December 2022</p>	<p>Tree Policy Framework</p> <p>Post 16 Skills</p>	<p>Graham West / Will Acornley</p>	

<p>Tuesday 28th February 2023</p> <p>Agenda Publication: Monday 20th February 2023</p>	<p>EV Charging/Infrastructure Phase 1 Delivery / Phase 2 Development</p> <p>Future of Housing Homes and Neighbourhoods</p>	<p>Shaun Berry</p> <p>Jenny Frear / Paul Hawkins</p>	
<p>Tuesday 21st March 2023</p> <p>Agenda Publication: Monday 13th March 2023</p>	<p>Statutory Food Hygiene Plan 2023 - 2024</p> <p>Statutory Health & Safety Plan 2023 – 2024</p>	<p>Martin Wood / Judith Stones</p> <p>Martin Wood / Judith Stones</p>	

Items not yet scheduled:

- Future Bereavement Services Offer / A Poppleton (TBC)
- Highways capital programme (TBC)
- Trans Pennine Route Upgrade (TBC)
- Digital Update (TBC)
- Active Travel Update (TBC)
- Kirklees Transport Strategy

Reports to be viewed by Panel:

- Air Quality Action Plan (Annual status report/monitoring data) – To be received by the Panel during the autumn

Chair Briefed:

- 07.07.22 - Hot Food Takeaway SPD (outcomes of consultation be provided to scrutiny as agreed 19.10.2021)
- 05.07.22- Waste Strategy Capital Update

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Name of meeting: Economy and Neighbourhoods Scrutiny Panel

Date: 30 August 2022

Title of report: Hot Food Takeaway Supplementary Planning Guidance (SPD)

Purpose of report:

- To note the outcomes of the public consultation on the Hot Food Takeaway SPD and proposed modifications to the document.
- To note the Cabinet date 20 September 2022.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	N/A - this is a Scrutiny report
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	N/A - see above
The Decision - Is it eligible for call in by Scrutiny?	N/A
Date signed off by <u>Strategic Director</u> & name	David Shepherd (Strategic Director - Growth and Regeneration) (11th August 2022)
Is it also signed off by the Service Director for Finance?	Eamonn Croston (Service Director - Finance) (15th August 2022)
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft (Service Director - Legal, Governance and Commissioning) (15th August 2022)
Cabinet member http://www.kirklees.gov.uk/you-kmc/kmc-howcouncilworks/cabinet/cabinet.asp	Cllr Turner and Cllr Firth consulted at Portfolio Holder Briefing on 5th July 2022.

Electoral wards affected: All

Ward councillors consulted:

Since the consultation, the following briefings have occurred:

- Portfolio Holder Briefing (Cllr Turner and Cllr Firth) - 5th July 2022

- Briefing note sent to all Cabinet Members - 5th July 2022
- Briefing note and briefings offered to leaders of each political party and Planning Committee Chairs - 5th July 2022
- Briefed Cllr Lukic - 7th July 2022
- Briefed Cllr Lawson - 14th July 2022
- Cabinet members - 14th July 2022

All consultees were briefed on the outcomes of the consultation.

Public or private: Public

Has GDPR been considered?

The SPD does not contain any personal data. The storage of information received in relation to the consultation on this document is in accordance with the Planning Policy Privacy Notice which can be viewed on the council's website.

1. Summary

The Hot Food Takeaway SPD is identified in the council's Local Development Scheme (planning policy timetable of documents) to provide further guidance to businesses and the local community on how the Local Planning Authority will assess planning applications for new hot food takeaways under Local Plan policies. The Local Plan Planning Inspector sought confirmation that an SPD was going to be produced in relation to Local Plan policies LP16 (Food and drink uses and the evening economy) and LP47 (Healthy, active and safe lifestyles).

SPDs are guidance documents produced to add clarity in relation to the application of planning policies set out in the Local Plan. The Hot Food Takeaway SPD provides clear guidance about how the council will implement Local Plan policies LP16 and LP47 and how decisions will be made which balance the need to consider the vitality and viability of centres whilst promoting healthy, active and safe lifestyles.

The SPD has been produced through joint working with Public Health, Environmental Health, Waste Services, Planning Development Management, Highways Development Management, Designing Out Crime Officer and Planning Policy to ensure a joined up and justified approach. It is considered an important tool in supporting the council's health objectives and includes signposts to other council initiatives to promote healthy eating and lifestyles.

Once adopted, SPDs are a material consideration in planning decisions but are not part of the development plan. SPDs are subject to public consultation but not an Examination in Public. Now that the public consultation has taken place, the decision whether to adopt the SPD will be a Cabinet decision.

This emerging Hot Food Takeaway SPD has previously been presented to Scrutiny (19th October 2021) and a request was made to attend a further Scrutiny session to provide a briefing on the outcome of the public consultation. This report provides the requested details emerging from the public consultation as well as the next steps.

2. Information required to take a decision

Scope of the SPD

The National Planning Policy Framework (NPPF) highlights that planning should aim to achieve healthy, inclusive and safe places, which enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs for example access to healthier food (NPPF, Section 8, 92c). The Local Plan sets out the local approach through LP16 (Food and drink uses and the evening economy) and LP47 (Healthy, active and safe lifestyles).

The SPD will embed the objectives from the Council Plan, the Kirklees Health and Wellbeing Plan 2018-2023 and the Healthy Weight Declaration and provide the context around the wider determinants of health and the role that

the SPD can play alongside other initiatives to address the obesogenic environment.

The SPD will provide clear guidance to businesses and the local community how the Local Planning authority will assess planning applications for new hot food takeaways in partnership with Public Health and Environmental Health which is not currently set out in local planning policy. The SPD explains the overall approach to the location of new hot food takeaway development across Kirklees, including:

- Using local health intelligence to inform decision making via a health toolkit;
- Recognising the role of hot food takeaways in the vitality and viability of town and other centres;
- The over concentration and appropriate level of clustering of hot food takeaways in centres;
- Limiting opening hours within 400m of primary and secondary schools; and
- Limiting the impacts of takeaways in relation to environmental health, highways issues and general residential amenity.
- Providing signposts to other health initiatives and guidance.

The SPD does not include policies for restaurants. Planning applications for new restaurants will be dealt with by Kirklees Local Plan policy.

Consultation

The public consultation on the draft document (Appendix 1) took place for a period of 6 weeks (Tuesday 9th November to Tuesday 21st December 2021). Prior to adoption of the SPD, a Statement of Consultation must be produced stating who the council consulted, a summary of main issues and how they were addressed.

During previous consultation with Portfolio Holders and LMT, members concerns were raised about the impact on businesses, to address these concerns changes were made to the document to include signposting to healthy eating guidance and other council initiatives that together form the whole systems approach to support healthy environments and reduce obesity.

This signposting includes information on related matters such as such as licensing, food safety and hygiene, environmental health, waste management and healthy menu advice, providing a comprehensive set of guidance for prospective businesses.

All applications would be informed about the Kirklees Food Initiatives and Nutrition Education (FINE) Team, who offer free support and consultancy or specific masterclasses to takeaways across Kirklees to enable them to assess where they can make improvements and implement positive change within their business. This support aims to guide, encourage and inspire Kirklees independent food businesses into reviewing current practice and to continually make improvements to the menu offer which are of nutritional benefit.

The SPD seeks to provide a framework to support a balanced and fair approach to supporting local business and economic growth whilst also taking steps to ensure our environment supports the health and wellbeing of our residents.

25 comments from 9 consultees have been received (see Appendix 2). A summary of the significant key issues requiring a council response is set out below. Legal advice has been sought in relation to some of the issues highlighted below, this is to minimise the risk of legal challenge upon adoption.

The main objectors to some of the principles in the SPD were KFC and McDonalds (to which legal advice was sought). As a result, some minor changes have been made to the document. However, in most cases KFC and McDonalds are considered as restaurants under the Use Classes Order, therefore this SPD will not apply to them.

We have undertaken a comprehensive update of the evidence base with input from colleagues in The Office for Health Improvement and Disparities (OHID) (formerly Public Health England) who are supportive of our approach. Our approach is also consistent with that of other local authorities.

In addition, an updated Integrated Impact Assessment (IIA) has been completed since the public consultation period ended. This has concluded that a Stage 2 Assessment is not required.

HFT1 Public Health Toolkit

Key Issue	Council Response
Concerns that that this is not truly supplementary to policies of the development plan.	<i>SPDs are produced to add clarity in relation to the application of planning policies set out in the Local Plan. The Hot Food Takeaway SPD provides clear guidance about how the council will implement Local Plan policies LP16 and LP47 and how decisions will be made which balance the need to consider the vitality and viability of centres whilst promoting healthy, active and safe lifestyles.</i>
Concerns that this is unreasonable to the extent that it seems to lay the responsibility for poor scores entirely on hot food takeaways when nutritional quality in the rest of the food and drink sector (now within Class E) is very often worse.	<p><i>The Public Health Toolkit is one way in which the local authority is working to reduce obesity. It is recognised that there are a range of factors which influence obesity and the obesogenic environment, as highlighted in the SPD.</i></p> <p><i>The scores used in the tool cover a range of indicators which demonstrate the levels of obesity and associated indicators at local level. A range of indicators are used so it's not unfairly weighted if it performs badly in one area. These indicators are as follows:</i></p> <ul style="list-style-type: none"> • <i>Deprivation</i> • <i>Diabetes</i>

- *Coronary Heart Disease*
- *Adults Overweight*
- *Adults Obese*
- *5-year-olds with excess weight*
- *11-year-olds with excess weight*

The tool is proportionate, if the scores are significantly above Kirklees average for each indicator, then Public Health Improvement will advise consideration over the application, whilst recognising other mitigating factors.

In Kirklees we are taking a whole systems approach, through the application of a range of policy drivers, working with our partners and stakeholders to coproduce measures which enable communities to access the support they need and through creating health promoting environments where healthy choices are the easy choice.

Alongside the work we are undertaking concerning hot food takeaways, there are a broader set of system wide actions which support our healthy weight ambition:

- *Heathy Weight Declaration Commitments being delivered*
- *Work to ensure that good quality food and nutrition is available to everyone irrespective of where they live and what they earn*
- *Working with schools to ensure that good quality nutritional meals are provided to children, along with good quality opportunities to be physically active*
- *Working with Early Years to ensure that children and families are equipped to lead healthy lives in terms of food, joyful movement, good quality sleep, etc.*
- *Joint working between Planning and Public Health to ensure that the built environment is conducive to health*
- *Working with Transport Strategy and policy to ensure that the transport schemes, existing and the new transport networks is conducive to health by way of active travel*
- *Working with stakeholders to ensure that good quality opportunities to be physically active are offered to those not currently active*
- *Working to develop a 'weight neutral' approach to focus on healthy behaviours rather than weight, shape and body size.*

HFT2 Town Centre Vitality and Viability

Key Issue	Council Response
Some questions asked around why the threshold is 10% in Town Centres, and 15% elsewhere? Why not 10% everywhere?	<i>The threshold is 15% for district and local centres because these smaller centres have less shop units within them. When calculating the percentage of hot food takeaways within a defined centre boundary, one or two hot food takeaways could equate to 10%. For example, a local centre with 20 units surveyed that has 2 hot food takeaways would equate to 10%. District and local centres serve residential areas, hot food takeaways are a part of the local economy, they are part of the mix of uses within centres and provide consumer choice. Therefore, the threshold is slightly higher to allow for consumer choice and to support the local economy.</i>
The higher percentages for smaller centres often be rendered irrelevant as the lower-order centres are not excluded from the effect of draft HFT3, which covers large swathes of settlements.	<i>Policy HFT3 proximity to schools sets out conditions that limit opening hours of new hot food takeaways that are within 400m of primary and secondary schools. The policy does not seek to refuse applications in these areas and therefore the higher percentages allowed for in the smaller centres are still valid.</i>

HFT3 Proximity to Schools

Key Issue	Council Response
Appeal decisions and Local Plan Inspector's reports have consistently indicated that not only is there no evidence that the correlation between proximity and incidence implies causality, but that furthermore there is in the case of primary schools no mechanism by which causality could occur as primary school	<p><i>There are many appeal decisions which indicate that hot food takeaways close to schools exacerbate health and well-being issues in the area, as an example:</i></p> <p><i>A 2021 dismissed appeal decision is of particular relevance from Bristol City Council (APP/Z0116/W/21/3267875 100 Newquay Road, Knowle, Bristol). The inspector had regard to the location of the site within 400 metres of a primary school and an access to a planned secondary school. In the inspector's view, an additional takeaway alongside the existing convenience store and fish and chip shop would be likely to attract young people to the parade and may also attract parents looking for a quick meal or snack option</i></p>

<p>children are accompanied.</p> <p>Restricting the opening hours of restaurants that are within 400m of schools has no proven impact on obesity. Neither does restricting restaurants within 400m of schools. Primary and middle school children are almost always accompanied by adults and therefore any visits to restaurants will be a matter of choice for a responsible adult.</p> <p>There is no sound justification for proposed HFT3 which imposes commercial restrictions on restaurants that include an element of hot food takeaways within a 400m radius from a primary or secondary school.</p>	<p><i>after school or following after-school activities. In this location, the takeaway would not promote healthy lifestyles and would be likely to influence behaviour harmful to health, contrary to development plan policy.</i></p> <p><i>The obesity rates and percentage of children carrying excessive weight in primary schools are identified in the National Child Measurement Program (NCMP, 2018/19). In Kirklees 24.6% of reception children are overweight or obese and 36.7% of Year 6 children are overweight or obese. This demonstrates a need for the 400m restrictive zones around all schools in the Kirklees District.</i></p> <p><i>The percentages of overweight and obese reception and year 6 children have increased since the previous year which were 23.2% and 35.5% respectively.</i></p> <p><i>YouGov report that the average age for a child to begin walking themselves to school is 10. For most children this is the last year of primary school. The most common time for children to purchase fast food is after school on the journey home, with many children skipping lunch in order to spend the money outside the school gate (Caraher, 2014). Nutritional surveys show that primary school age children eat takeaways regularly. According to a 2017 resident survey in Southwark 2% of primary school age children were reported to have eaten a takeaway on the way home from school. Given a choice children will choose to purchase the food which they find most pleasurable to eat with little regard for nutritional or health related factors (Macdiarmid et al, 2015).</i></p> <p><i>There is evidence that the food environment, including the physical accessibility of fast-food outlets, influences the types of food consumed, and may in turn contribute to obesity levels. Placing a takeaway right next to a school produced a 5.2% increase in obesity among students, linking obesity levels in schoolchildren to the proximity of fast-food restaurants to schools (Pathania, V. 2016).</i></p> <p><i>Researchers have also successfully identified the link between the presence of a hot food takeaway within 400m of schools and childhood obesity (Fraser et al, 2010 & Barrett et al, 2017).</i></p>
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<p>Closing a restaurant for 2 hours in the afternoon is prohibitive.</p>	<p><i>The SPD requires that there be no over the counter sales during this period. In reality staff could still be in the premises, preparing for the evening for example.</i></p> <p><i>This is the minimum requirement; a business could choose not to open at all over a lunchtime and open at 5pm instead.</i></p> <p><i>The requirement to close between 3pm and 5pm weekdays will only apply to new hot food takeaways within 400m of primary schools. As primary school children are not allowed out of school at lunch, there is no reason for a premise to be closed at this time. It would be unreasonable to ask hot food takeaways to close over lunch when there is no justification for them to do so.</i></p> <p><i>Research indicates that the most popular time for purchasing food from shops is after school.</i></p>
<p>The guidance, specifically HTF3 conflicts with the Framework (Para 81).</p>	<p><i>This SPD seeks to provide a framework to support a balanced and fair approach to supporting local business and economic growth whilst also taking steps to ensure our environments support the health and wellbeing of our residents.</i></p> <p><i>Paragraph 92 of the Framework states that planning policies and decisions should enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs, for example access to healthier food.</i></p> <p><i>NPPG offers further guidance in that SPDs can seek to limit the proliferation of particular uses where evidence demonstrates this is appropriate. Having regard to:</i></p> <ul style="list-style-type: none"> <i>• proximity to locations where children and young people congregate such as schools, community centres and playgrounds</i> <i>• evidence indicating high levels of obesity, deprivation, health inequalities and general poor health in specific locations</i> <i>• over-concentration of certain uses within a specified area</i> <i>• odours and noise impact</i> <i>• traffic impact</i> <i>• refuse and litter</i> <p><i>The Government's Healthy Lives, Healthy People: A call to action on obesity in England (2011) recognises the role that the planning system can</i></p>

	<p><i>play in supporting public health and creating a healthier built environment, by for example, developing supplementary planning policies.</i></p> <p><i>Promoting healthy weight in children, young people and families: A resource to support local authorities (PHE, 2018) makes recommendations for local government, including a ‘whole systems’ approach to achieving aims such as improving the availability of healthy food. The report suggests that planning authorities should make full use of planning powers to restrict the proliferation of hot food takeaways near schools and the unacceptable clustering of hot food takeaways in town centres.</i></p>
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Appendix 2 sets out a full list of all the consultation comments received and the council’s response, this will form the basis of the statement of consultation. The responses will then be used to make the appropriate changes to the document, prior to adoption.

As set out in Appendix 2, the council also received a number of supportive comments about the SPD.

Planning Policy have worked with Public Health colleagues and taken feedback from members. We have worked to ensure clarity around the scope of the tool. This is to bring together local intelligence in order to support place-based decision making, enabling us to consider the health impacts of new hot food takeaway applications whilst also taking into account wider issues such as economic development.

The officer’s proposed modifications seek to clarify or update existing text. A further consultation exercise is therefore, not required.

Changes have been proposed to the document as a result of the comments received and advice from legal. Main changes include:

- Whole systems approach – this section of the document has been expanded to include all council initiatives that are part of the whole systems approach to support healthy environments and reduce obesity.
- Shutters – the wording has been amended to state that shutters can now be closed during the day, but they will need to be designed appropriately. This is to reflect consultation responses that it would not be reasonable to ask a business to close during the day, but not allow them to secure their premises. Solid grilles should be avoided, instead grilles that allow views through should be used.
- Appendix 1 – this has been updated to fully explain the obesogenic environment and how this SPD is just one part of tackling the problems associated with enabling healthy weight environments as part of a whole systems approach across Kirklees.

- Appendix 3 – this has been updated to add evidence relating to the link between the presence of a hot food takeaway within 400m of schools and childhood obesity.
- Updated tables and graphs to represent the most up to date data available (updated CLik survey and mid-year population estimates).

Appendix 3 sets out a full schedule of proposed modifications, including modifications to Appendices 1 and 3 of the SPD.

3. Implications for the Council

The main implications of the SPD for the council are that it adds greater clarity to the application of Local Plan Policy LP16 and LP47 and that it provides consistency and greater clarity for the local community and developers, agents, other stakeholders and development management to facilitate the determination of planning applications. It also provides clear guidance for developers submitting planning applications. The SPD will not only help deliver planning decisions but will support joint council and Public Health outcomes for children and healthy lifestyles.

3.1 Working with People

The SPD will enable communities to understand the council's expectations about the approach in considering appropriate locations for hot food takeaways. The council has undertaken public consultation on the SPD in accordance with the Kirklees Statement of Community Involvement (SCI).

3.2 Working with Partners

The SPD will enable developers and statutory consultees to understand the council's expectation with regard to the approach in considering appropriate locations for hot food takeaways. The SPD will signpost businesses and partners to sources of advice on providing healthy food options.

3.3 Place Based Working

The SPD will balance the need to consider the vitality and viability of centres with places that promote healthy, active lifestyles. The SPD content on impact on residential amenity seeks to protect the quality of places.

3.4 Climate Change and Air Quality

The SPD requires that all new hot food takeaways have effective kitchen odour control and extract systems. It also encourages recycling and other initiatives such as 'litter picks' in the vicinity of the takeaway. Applicants are also encouraged to consider the use of sustainable food

packaging, such as cardboard boxes and paper straws. Consideration is also given to adverse impacts on highway efficiency.

3.5 Improving outcomes for children

Where planning applications for new takeaways or variation of opening times are considered, the SPD will assist in seeking healthy outcomes for children through the appropriate location of hot food takeaways and principles relating to the opening times of takeaways in a 400m radius of a school. The potential for restricting opening times will also have positive impacts on improving the health of children.

3.6 Financial Implications for the people living or working in Kirklees

This guidance provides further clarity in relation to the implementation of Local Plan policies LP16 (Food and drink uses and the evening economy) and LP47 (Healthy, active and safe lifestyles), in doing so it provides detailed guidance for applicants. The work is included in the Local Development Scheme (LDS); therefore, it has been undertaken within existing budgets.

3.7 Other (eg Legal/Financial or Human Resources) Consultees and their opinions

- Legal - The requirements for producing SPD's are set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 including the consultation requirements and sets out that SPDs must not conflict with an adopted development plan.
- Legal advice has been sought on proposed amendments to the SPDs to reduce potential legal challenge risks following adoption.
- An assessment of the Council's public sector equality duty has been undertaken in accordance with Equality Act 2010, section 149.
- A Strategic Environmental Assessment (SEA) has been undertaken by the council in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004.
- SPDs must be consistent with the National Planning Policy Framework (July 2021). NPPF, Section 8 Promoting healthy and safe communities, paragraph 92c states that "Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: c) enable and support healthy lifestyles especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling."

- A stage 1 Integrated Impact Assessment (IIA) has been undertaken for the draft SPD, this concluded that no Stage 2 assessment was required with the assessment being neutral or positive in nature in relation to equality and environmental impacts.
- Human resources - The SPD is identified in the revised Local Development Scheme and as such existing resources have already been identified for the project. The SPD provides additional guidance to Local Plan policies and its use for development management purposes will help to improve clarity for all which will save time in decision making and enhance the development management process.
- Communication -
External - A Strategic Environmental Assessment (SEA) Screening has been undertaken by the council, which concluded that a full SEA is not required. The three statutory consultees (Environment Agency, Natural England and Historic England) agreed with this conclusion, and this is set out in the SEA Determination Statements published on the council's website.

Consultation included interested parties identified on the Local Plan consultation portal, statutory consultees, Kirklees schools, children's groups, health related organisations, Kirklees Employee Networks, Community Hubs, Local groups and businesses, 5% random sample of Kirklees takeaways, fast food related organisations, multi-nationals and Kirklees GP surgeries.

The appendices to this report set out the consultation comments received and the council's response including appropriate changes to the documents.

Internal (officers) - Consultation has taken place internally with council officers who input into planning applications (Public Health, Environmental Health) and officers who determine planning applications (Development Management).

Internal (members) - Since the consultation, the following briefings have occurred:

5 July 2022 – Cllr Turner and Cllr Firth briefed on the outcomes of the consultation and proposal to seek a Cabinet decision to adopt the SPD.

7 July 2022 – Cllr Lukic briefed on the SPD and the outcomes of the consultation.

14 July 2022 – Cllr Lawson briefed on the SPD and the outcomes of the consultation.

14 July 2022 – Cabinet members briefed on the outcomes of the consultation and proposal to seek a Cabinet decision to adopt the

SPD

4. Next steps and timelines

- **Key Decision Notice published - 27th July 2022**
- **Economy and Neighbourhoods Scrutiny Panel - 30th August 2022**
- **Cabinet - 20th September 2022** - it will then be a Cabinet decision whether to adopt the SPD

5. Officer recommendations and reasons

Scrutiny Panel to note the outcomes of the public consultation on the Hot Food Takeaway SPD and proposed modifications to the document and provide any appropriate feedback based on the Scrutiny Report and presentation during the Scrutiny Panel session.

Reason: Scrutiny Panel requested that an update on the outcomes of the consultation is provided once the consultation had been carried out.

6. Cabinet Portfolio Holder's recommendations

Cllr McBride (Note: Cllr McBride is no longer a councillor since May 2022), Cllr Khan and Cllr Firth were briefed on 20 September 2021 about the content of the draft SPD and were supportive of this document being prepared for public consultation.

Cllr Turner and Cllr Firth were briefed on the outcomes of the public consultation and the proposed modifications on 5 July 2022 and are supportive of this document going forward to adoption.

7. Contact officer

Hannah Morrison
Senior Planning Officer, Planning Policy Group
hannah.morrison@kirklees.gov.uk
(01484 221000)

8. Background Papers and History of Decisions

Council website links:

- Integrated Impact Assessments
[Integrated impact assessments | Kirklees Council](#)
- Local Plan adopted 27th February 2019
[Kirklees Development Plan | Kirklees Council](#)
- Local Plan Examination Library
[Local Plan examination library and examination news | Kirklees Council](#)
- Hot Food Takeaway SPD Consultation
[Hot food takeaway supplementary planning document \(SPD\) consultation | Kirklees Council](#)

9. Service Director responsible

David Shepherd
Strategic Director Growth & Regeneration
david.shepherd@kirklees.gov.uk
(01484) 221000

Appendix 1 – Consultation Draft Hot Food Takeaway SPD November 2021

Appendix 2 – Hot Food Takeaway SPD Consultation Comments and Responses Schedule May 2022

Appendix 3 – Full schedule of proposed modifications, including revised Appendices 1 and 3

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Hot Food Takeaway Supplementary Planning Document

Draft Version | November 2021

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1 Introduction

1 Introduction

Purpose of the Supplementary Planning Document

- 1.1** This Hot Food Takeaway Supplementary Planning Document (SPD) provides detailed guidance to businesses, applicants, agents and the local community on how the Local Planning Authority will assess applications for hot food takeaways where planning permission is required, for example new hot food takeaways or applications for a variation of opening times, in partnership with Public Health, Environmental Health and Highways. This SPD is a material consideration in the determination of a planning application and provides further information and guidance that is not currently set out in local planning policy to those involved in planning applications covering hot food takeaways. This SPD is in accordance with the National Planning Policy Framework and the Kirklees Health and Wellbeing Plan 2018-2023.
- 1.2** This SPD explains the overall approach to the principle of hot food takeaway proposals across Kirklees, including:
- Using local health intelligence to inform decision making via a health toolkit;
 - Recognising the role of hot food takeaways in the vitality and viability of town and other centres;
 - The over concentration and appropriate level of clustering of hot food takeaways in centres;
 - Limiting opening hours within 400m of primary and secondary schools; and
 - Limiting the impacts of takeaways in relation to environmental health, highways issues and general residential amenity.

- 1.3** In addition, the principles relating to limiting opening hours within 400m of primary and secondary schools, noise abatement and extraction of odours and takeaway design and community safety will apply to all Section 73 planning applications for the removal or variation of a condition following grant of planning permission in relation to existing hot food takeaways.
- 1.4** Anyone intending to submit a planning application for a new hot food takeaway or a Section 73 application in relation to an existing hot food takeaway is encouraged to read this SPD and contact the Council's Planning Department for further advice and information.

Context

- 1.5** Kirklees Council is committed to improving the health and wellbeing of its residents, workers and visitors. This commitment is established through the Kirklees Council Plan 2021/23, the Kirklees Health and Wellbeing Plan 2018-2023 and the Kirklees Healthy Weight Declaration. The commitment is further articulated through this Hot Food Takeaway SPD, which aims to reduce the trend towards increasing levels of obesity and poor diet in Kirklees by preventing the over concentration of hot food takeaways thereby reducing the exposure of particularly vulnerable groups, such as school children, to hot food takeaways.

2 Background

2.1 National Policy and Health Context

National Planning Policy

National Planning Policy Framework (NPPF)

- 2.1** The NPPF⁽¹⁾ endorses local policies that support the vitality and viability of town centres. It promotes healthy communities and the adoption of local plans that limit change of use where this change does not benefit the local community.
- 2.2** At the heart of the NPPF is a presumption in favour of sustainable development, achieved through economic, social and environmental objectives. Paragraph 87 of the NPPF aims to support the vitality of existing town centres by applying a sequential test to main town centre uses (which includes hot food takeaways) so they are not located in edge of centre or out of centre locations. Paragraph 92 promotes social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other, for example through mixed use developments, strong neighbourhood centres, and active street frontages. Paragraph 92 also states that planning policies and decisions should also enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs, for example access to healthier food. The NPPF aims to support strong, vibrant and healthy communities by creating a high quality built environment reflecting the community's needs. The core principles encourage planning to be a creative exercise in finding ways to enhance and improve the places in which people live their lives. It emphasises that planning should take account of and support local strategies to improve health, social and cultural wellbeing for all.

Planning Practice Guidance (PPG) - Healthy and Safe Communities and Town Centres and Retail

- 2.3** PPG is statutory guidance which underpins the NPPF. The following paragraph: **How can planning help create a healthier food environment?** supports the guidance in this SPD:

'Planning can influence the built environment to improve health and reduce obesity and excess weight in local communities. Local planning authorities can have a role by supporting opportunities for communities to access a wide range of healthier food production and consumption choices. Planning policies and supplementary planning documents can, where justified, seek to limit the proliferation of particular uses where evidence demonstrates this is appropriate (and where such uses require planning permission).....Planning policies and proposals may need to have particular regard to the following issues:

- *proximity to locations where children and young people congregate such as schools, community centres and playgrounds*
- *evidence indicating high levels of obesity, deprivation, health inequalities and general poor health in specific locations*
- *over-concentration of certain uses within a specified area*
- *odours and noise impact*
- *traffic impact*
- *refuse and litter'*

- 2.4** In relation to town centres PPG states;

'Local planning authorities can take a leading role in promoting a positive vision for these areas, bringing together stakeholders and supporting sustainable economic and employment growth. They need to consider structural changes in the economy, in particular changes in shopping and

2 Background

leisure patterns and formats, the impact these are likely to have on individual town centres, and how the planning tools available to them can support necessary adaptation and change.'

2.5 The range of issues that can be considered through the plan-making and decision-making processes in respect of the vitality of town centres include considerations of: complementary uses within centres to support vitality of centres, including residential development, fostering evening and night time activities to stimulate economic growth, the identification of primary and secondary shopping frontages, utilisation of various planning mechanisms to stimulate growth, creation of town centre strategies, monitoring town centre uses, permitted development rights and the location of main town centre uses outside of town centres.

National Health Context

Healthy Eating, Obesity and the Role of the Planning System

2.6 During the last decade the consumption of food away from the home has increased by 29% with the number of takeaways or fast food outlets increasing dramatically. Takeaway food has been demonstrated to be energy dense and to have high levels of sugar, salt and fat and low levels of micro nutrients. Single large meals and snacks obtained in hot food takeaway outlets often approach or exceed recommended daily requirements for energy, fats, sugar and salt thereby increasing the risk of obesity if eaten regularly (more than once a week).

2.7 Research conducted in 2007 as part of the government foresight project "Tackling Obesity - future choices" has suggested that these social and environmental trends could be contributing to rising levels of overweight

and obese people in the UK. Unhealthy eating, a poor diet and being overweight or obese has a significant impact on health. Obesity both in adults and children is linked with an increased risk of significant health issues, including diabetes, cardiovascular disease, cancer, musculoskeletal problems and both maternal and infant death. Obese or overweight children are also more likely to experience bullying, low self-esteem and a diminished quality of life and in adulthood they are also likely to be overweight. They are also disproportionately from low-income households and black and minority ethnic families. Obesity also increases sickness absence and demands on social care services with severely obese people being more likely to need social care than those who are a healthy weight.

2.8 It is estimated that obesity is responsible for more than 30,000 deaths each year. On average, obesity deprives an individual of an extra 9 years of life, preventing many individuals from reaching retirement age⁽²⁾.

2.9 In 2011, the Secretary of State issued Healthy Lives, Healthy People⁽³⁾ which also recognised the role that could be played by the planning system in supporting public health e.g. the use of Supplementary Planning Documents to include planning measures aimed at reducing obesity⁽⁴⁾.

2.10 The Briefing Paper *Obesity and the environment: regulating the growth of fast food outlets* which was issued in 2014⁽⁵⁾, addresses the opportunities to limit the number of fast food outlets (especially near schools) and to make fast food, healthier, one of which is using planning measures to address the proliferation of hot food takeaways.

Health matters: obesity and the food environment; Public Health England; 31 March 2017

Healthy Lives, Healthy People: A call to action on obesity in England, 2011

White Paper: Healthy Lives, Healthy People: Our strategy for public health in England. HM Government Department of Health, 2010

Obesity and the environment: regulating the growth of fast food outlets. Public Health England, March 2014

2.11 Health matters, published by Public Health England (PHE)⁽⁶⁾ shows that the typical adult diet exceeds recommended dietary levels of sugar and fat. In recent years, the proportion of food eaten outside the home has increased and this food tends to have a higher calorie content. Over half of British adults have experienced an increase in the number of fast food shops on their nearest high street. Living within close proximity to fast food takeaway outlets has been associated with higher rates of obesity and weight gain⁽⁷⁾. This document also advises town planners that: *'Supported by local evidence, and working alongside public health teams, town planners can develop planning documents and policies to support the creation of healthy environments promoting opportunities for the production and consumption of healthier food, and restricting the proliferation of hot food takeaways.'*

2.12 In 2018, PHE set out further guidance in a report titled *Promoting healthy weight in children, young people and families: A resource to support local authorities*⁽⁸⁾. The report makes recommendations for local government, including a 'whole systems' approach to achieving aims such as improving the availability of healthy food. The report suggests that planning authorities should make full use of planning powers to restrict the proliferation of hot food takeaways near schools and the unacceptable clustering of hot food takeaways in town centres.

2.13 In 2020, PHE published a guidance document, which aims to provide practical support for local authorities that wish to use the planning system to achieve important public health outcomes around diet, obesity and physical activity⁽⁹⁾. The document says that it "aims to support a consistent evidence-based approach to developing local planning policy and guidance, including SPD's, and making planning decisions on

planning applications". "This guidance will encourage and support more local authorities in taking appropriate action through the planning system on ensuring healthy weight environments," it adds.

2.14 The document says that, in refusing applications for new fast food outlets, local authorities have had planning decisions challenged through the appeals process. "Healthy eating and proximity to a school has been a consideration in a number of planning appeals," it says. "It has often not been the only determining factor in the decision. But healthy eating and proximity to a school have been given substantial weight when there is an adopted local plan policy or SPD in place, local evidence on childhood obesity and healthy eating initiatives, and representations from the relevant school."

2.15 The document says that the "adoption of policies restricting hot food takeaways near schools by an increasing number of local planning authorities following examination in public, and evidence from planning appeals, demonstrates that the Planning Inspectorate supports such policies where the appropriate evidence has been provided to support those policies".

National Child Measurement Programme

2.16 As part of the National Child Measurement Programme (NCMP)⁽¹⁰⁾, children are weighed and measured at school. The information is used by the NHS to plan and provide better health services for children.

2.17 Table 1 below also shows the percentage of overweight and obese reception and year 6 children in Kirklees from the NCMP (2019/20) in comparison to the region and England as a whole.

⁶ Public Health England was replaced by the Office for Health Improvement and Disparities (OHID) on 1st October 2021

Health matters: obesity and the food environment; Public Health England; 31 March 2017

Promoting healthy weight in children, young people and families: A resource to support local authorities. Public Health England, October 2018

Using the planning system to promote healthy weight environments Guidance and supplementary planning document template for local authority public health and planning teams. Public Health England, 2020

<https://www.nhs.uk/live-well/healthy-weight/national-child-measurement-programme/>

2 Background

	Reception			Year 6		
	Underweight	Healthy Weight	Overweight and Obese Combined	Underweight	Healthy Weight	Overweight and Obese Combined
England	0.9%	76.1%	23.0%	1.4%	63.4%	35.2%
Yorkshire and the Humber	0.8%	75.2%	24.1%	1.4%	62.9%	35.8%
Kirklees	0.9%	74.6%	24.6%	1.5%	61.8%	36.7%

Table 1 Source: National Child Measurement Programme 2019/20

2.18 The percentages of overweight and obese reception and year 6 children have increased since the previous year which were 23.2% and 35.5% respectively. Also, the percentages of children with a healthy weight in Kirklees have reduced for both cohorts⁽¹¹⁾.

Density of Fast Food Outlets

2.19 PHE has provided a definition of a fast food outlet⁽¹²⁾ and also released data on the density of fast food outlets in local authority areas. The table below shows how Kirklees compares with other local authorities in West Yorkshire and England as a whole.

Area	Fast Food Outlets per 100,000 Population
England	96.1
Bradford	142.1

Area	Fast Food Outlets per 100,000 Population
Calderdale	137.3
Kirklees	143.4
Leeds	122.5
Wakefield	137.9

Table 2 Density of Fast Food Outlets Source: Public Health England at 31/12/2017

2.20 This data shows that the local authorities in West Yorkshire already have high concentrations of fast food outlets compared to England. The density of fast food outlets in Kirklees is currently the highest in West Yorkshire and this evidence highlights the requirement for the authority to intervene.

Dietary Choices (adults)

2.21 Public Health England also gather data on dietary choices and the results for 2019/20 are set out in table 3 below⁽¹³⁾:

Area	Proportion of the adult population meeting the recommended '5-a-day' on a usual day
England	55.4%
Yorkshire and the Humber	53.5%
Kirklees	50.0%

Table 3 Adult Dietary Choices (Public Health England (based on Active Lives, Sport England) (2019/20))

National Child Measurement programme 2018/19

Fast Food Outlets as defined by Public Health England as 'energy dense food that is available quickly, therefore it covers a range of outlets that include, but are not limited to, burger bars, kebab and chicken shops, chip shops and pizza outlets'.

<https://fingertips.phe.org.uk/search/fruit#page/3/gid/1/pat/6/par/E12000003/ati/102/are/E08000034/iid/93077/age/164/sex/4/cid/4/tbm/1:>

2.22 This data shows that compared with England and the rest of Yorkshire and the Humber, a lower proportion of adults eat the recommended 5-a-day serving of fruit and vegetables. This, along with the fact there is a high concentration of fast food outlets in Kirklees could contribute to greater consumption of takeaway food in Kirklees.

2.2 Local Policy

Kirklees Local Plan Strategy and Policies (February 2019)

2.23 This SPD has been developed to support the Kirklees Local Plan which was adopted in February 2019. The Local Plan identifies a number of strategic objectives which aim to deliver the vision for Kirklees. The relevant objectives relating to health and wellbeing and sustainable economy are;

Objective 1: *Support the growth and diversification of the economy, to increase skill levels and employment opportunities including the provision of a high quality communication infrastructure.*

Objective 2: *Strengthen the role of town centres, particularly Huddersfield, Dewsbury and Batley, to support their vitality and viability.*

Objective 5: *Tackle inequality and give all residents the opportunity of a healthy lifestyle, free from crime and to achieve their potential in work and education.*

2.24 The Local Plan is the catalyst for the spatial implementation of the above objectives, and the policies and guidance in the Local Plan together with this SPD will be part of a range of initiatives to help deliver these corporate goals. Policies **LP16 Food and drink uses and the evening economy** and **LP47 Healthy, active and safe lifestyles** are the most relevant policies relating to hot food takeaways. Other Local Plan policies relate to town centres and environmental protection.

Policy LP16

Food and drink uses and the evening economy

Proposals for food and drink, licensed entertainment uses and associated proposals will be supported, provided they are located within a defined centre, and subject to:

- ensuring the concentration of food and drink and licensed entertainment uses are not located in a particular centre or part of a centre, where they would result in harm to the character, function, vitality and viability of the centre, either individually or cumulatively.

In order to assess the potential harm of food and drink and licensed entertainment proposals on a centre, the following criteria will be considered with a planning application:

- a. the number, distribution and proximity of other food and drink uses, including those with unimplemented planning permission in a particular centre;
- b. the impacts of noise, general disturbance, fumes, smells, litter and late night activity, including those impacts arising from the use of external areas;
- c. the potential for anti-social behaviour to arise from the development, having regard to the effectiveness of available measures to manage potential harm through the use of planning conditions and / or obligations;
- d. the availability of public transport, parking and servicing;
- e. highway safety;
- f. the provision of refuse storage and collection; and
- g. the appearance of any associated extensions, flues and installations.

2 Background

Proposals for food and drink uses and licensed entertainment uses located outside of defined centres will be subject to criteria b to g set out above and also require the submission of a Sequential Test and Impact Assessment.

Policy LP47

Healthy, active and safe lifestyles

The council will, with its partners, create an environment which supports healthy, active and safe communities and reduces inequality.

Healthy, active and safe lifestyles will be enabled by:

- a. facilitating access to a range of high quality, well maintained and accessible open spaces and play, sports, leisure and cultural facilities;
- b. increasing access to green spaces and green infrastructure to promote health and mental well-being;
- c. the protection and improvement of the stock of playing pitches;
- d. supporting initiatives which enable or improve access to healthy food. For example, land for local food growing or allotments;
- e. increasing opportunities for walking, cycling and encouraging more sustainable travel choices;
- f. supporting energy efficient design and location of development;
- g. ensuring that the current air quality in the district is monitored and maintained and, where required, appropriate mitigation measures included as part of new development proposals;
- h. creating high-quality and inclusive environments incorporating active design and the creation of safe, accessible and green environments

which minimise and mitigate against potential harm from risks such as pollution and other environmental hazards;

- i. encouraging the co-location of facilities so that different types of open space and facilities for sport and recreation can be located next to each other and in close proximity to other community facilities for education and health;
- j. working with partners to manage the location of hot food take-aways particularly in areas of poor health;
- k. encouraging initiatives to promote energy efficiency within homes; and
- l. supporting appropriate initiatives which address poor health indicators and anti-social behaviour in the district.

Health Impact Assessments will be carried out for all proposals that are likely to have a significant impact on the health and well-being of the local communities, or particular groups within it, in order to identify measures to maximise the health benefits of the development and avoid any potential adverse impacts.

Other Related Kirklees Local Plan Policies

- LP1 Presumption in favour of sustainable development
- LP2 Place shaping
- LP13 Town centre uses
- LP14 Shopping frontages
- LP21 Highways and access
- LP22 Parking
- LP24 Design
- LP25 Advertisements and shop fronts
- LP52 Protection and improvement of local environmental quality

Our Council Plan 2021/23

2.25 The Kirklees Plan's vision for Kirklees is to be a district that combines a strong, sustainable economy with a great quality of life - leading to thriving communities, growing businesses, high prosperity and low inequality where people enjoy better health throughout their lives and encompasses the theme 'well' whereby no matter where they live, people in Kirklees should be able to live their lives confidently, in better health and for longer. Preventing problems and supporting people early will help people choose healthy lifestyles and increase physical and mental health and wellbeing.

Kirklees Health and Wellbeing Plan 2018-2023

2.26 The Kirklees Health and Wellbeing Plan has a vision to ensure that no matter where they live, people in Kirklees live their lives confidently and responsibly, in better health, for longer and experience less inequality.

2.27 The Health and Wellbeing Plan brings together partners to focus on the people who live in Kirklees and how, working collectively, we can improve the health and wellbeing of the whole population. One of the opportunities identified in the plan is tackling the underlying causes of poor health and wellbeing, with a strong focus on creating 'Quality Places' as part of which, people have the opportunity of a healthy lifestyle, this includes the recognition that the planning process can influence choices over food, diet and lifestyles choices when considering new proposals for such uses and can influence the range of services provided within a particular centre.

Healthy Weight Declaration

2.28 Kirklees Council and partners have committed to the 'Kirklees Healthy Weight Declaration', which follows a national initiative led by Food Active that is being adopted by local authorities to address obesity levels. The

Healthy Weight Declaration acknowledges the need to create environments that enable healthy behaviours, including making healthy choices easier. It is underpinned by 14 standard commitments including considering commercial partnerships, provision of food and drink in public buildings, facilities and providers, and infrastructure needed to influence active travel.

2.29 One specific element of the Kirklees Healthy Weight Declaration is the consideration of supplementary planning guidance for hot food takeaways, specifically in areas around schools, parks and where access to healthier alternatives are limited.

2.3 Local Evidence

2.30 In Kirklees there is recognition that decisions and behaviours are influenced by a complex and broad range of factors which can be defined as the 'wider determinants of health'. Obesity is more complex than just a result of the food people eat, it is also about levels of physical activity, how easy it is for people to walk and cycle around their communities, incomes, skills and understanding of cooking healthy food, social norms and people's access to healthy food. This complex relationship can create what is known as an obesogenic environment. This is where the environments in which individuals, families and communities live make it difficult for people to make healthy choices, which increases the risk of becoming overweight or obese. This is explored in more detail in Appendix 1.

Hot Food Takeaways in Kirklees

2.31 The Current Living in Kirklees (CLiK) survey undertaken in 2016 found that 19% of adults have fast food or a takeaway at least once a week. Those living in the most deprived areas are the most likely to eat takeaway food at least once a week (21%) and those living in the least deprived areas are the least likely (14%).

2 Background

2.32 More information on the prevalence of hot food takeaways is provided through the Public Health England data. Public Health England have provided the number of fast food outlets in each ward in Kirklees and from this the Council have calculated the number of fast food outlets per 1,000 population. This information can be found in Appendix 1.

Childhood Obesity in Kirklees

2.33 Based on the 2018/19 National Child Measurement Programme, in Kirklees, approximately 1 in 4 (23.2%) of reception age children and 1 in 3 (35.5%) of year 6 children had excess weight (overweight and obese) in 2018/19. It is important to recognise that the numbers of children that have excess weight can vary significantly between different wards in Kirklees. These differences are detailed in a table in Appendix 1, where the data is shown by ward.

Adult Obesity in Kirklees

2.34 Over half of all adults in Kirklees are overweight or obese. The proportion of adults who are obese has increased from 1 in 6 (17%) in 2005 to 1 in 5 (22%) in 2016⁽¹⁴⁾. It is important to recognise that levels of adults who are overweight or obese can vary significantly between different wards in Kirklees. This data is shown by ward in a table in Appendix 1.

Links between Obesity and Deprivation

2.35 In **Kirklees**, **14.3%** of the population was income-deprived in 2019. Of the 316 local authorities in England (excluding the Isles of Scilly), Kirklees is ranked **87th most income-deprived**.

2.36 There is a strong relationship between deprivation and childhood obesity. Analysis of data from the NCMP⁽¹⁵⁾ shows that obesity prevalence among children in both Reception and Year 6 increases with increased socioeconomic deprivation (measured by the Index of Multiple Deprivation (IMD) score). Obesity prevalence in the most deprived 10% of children is approximately twice that of the least deprived 10%.

2.37 The graph below compares deprivation ranking (IMD 2019) with percentage of adults classed as obese in Kirklees⁽¹⁶⁾. This data reinforces the point that there is a link between deprivation and obesity levels as it shows that the highest percentage of obese adults live in the worst deprived areas.

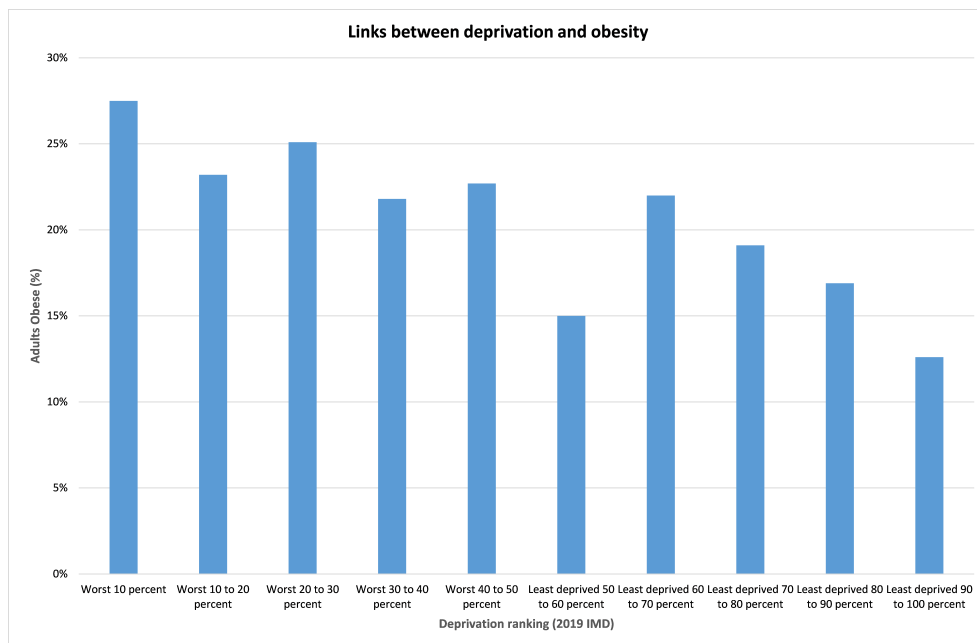


Figure 1 Links between deprivation and obesity (Current Living in Kirklees (CLik) Survey 2016 and IMD 2019)

Links between Deprivation and Fast Food Outlets

2.38 As well as the link between deprivation and obesity, research has also established a link between levels of deprivation and the proliferation of fast food outlets⁽¹⁷⁾. The graph below compares deprivation ranking with the number and density of fast food outlets. This evidence demonstrates that there is a link as it shows that the highest density of fast food outlets are in the most deprived areas.

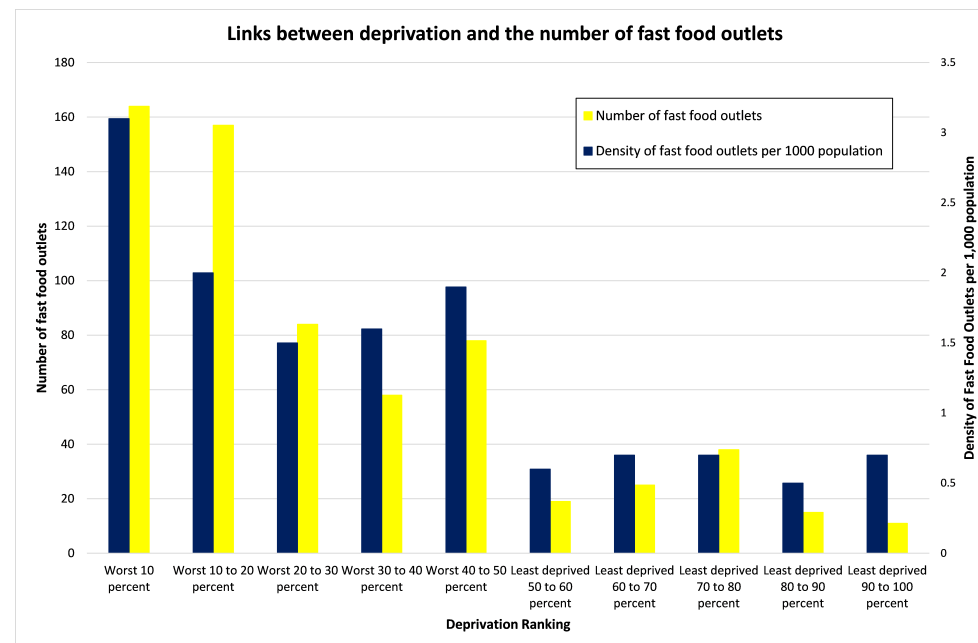


Figure 2 Links between deprivation and the number of fast food outlets

2.4 Kirklees Council Food Strategies and Initiatives

2.39 There are a number of food initiatives available within Kirklees to assist and raise awareness of healthy alternatives for fast food operatives.

2 Background

Kirklees Food Initiatives and Nutrition Education (FINE) Project

- 2.40** Kirklees Food Initiatives and Nutrition Education (FINE) Project offers free one-to-one support and consultancy or specific masterclasses to fast food takeaways across Kirklees to enable them to assess where they can make improvements and implement positive change within their business.
- 2.41** The masterclasses aim to guide, encourage and inspire Kirklees independent food businesses into reviewing current practice and to continually make improvements to the menu offer.

The FINE Team

Flint Street
Fartown
Huddersfield
HD1 6LG
Tel: 01484 221000
email: fine.project@kirklees.gov.uk

Getting It Right First Time (GIRFT)

- 2.42** Getting It Right First Time (GIRFT) is a 3 hour session open to food businesses who register at least 28 days before they open (which is the legal requirement). The session summarises the main relevant requirements for food hygiene but also licensing, waste etc. that apply to most businesses in the one session. The aim is to provide information and advice to assist food operators to have a safe and compliant business and to have a positive first (and subsequent) food inspection and hopefully achieve a good food hygiene rating.

Thriving Kirklees (Healthy Child Programme)

- 2.43** The Kirklees Integrated Healthy Child Programme covers a range of support for children and young people's health and wellbeing. From health improvement and prevention, to support and interventions for children and young people who have existing or emerging mental health problems.
- 2.44** Further information about this programme can be found by accessing the following website: www.thrivingkirklees.org.uk

Fusion Housing

- 2.45** Fusion Housing offer a number of workshops and courses, including 'Come Dine With Me' Healthy Eating Course, and a Healthy Eating and Cooking workshop, both courses cover topics including a balanced diet, how to eat healthily and the importance of having a good diet.
- 2.46** Further information about Fusion Housing and the courses that they have to offer can be found here:
- 2.47** www.fusionhousing.org.uk/Our-Services/learning-and-employment/

3 What is a Hot Food Takeaway?

- 3.1** The Town and Country Planning (Use Classes) Order 1987 (as amended) draws a distinction between a shop (including sandwich shops), a restaurant or café which are in Use Class E and a hot food takeaway. Establishments whose primary business is the sale of hot food where the consumption is mostly undertaken off the premises is Sui Generis (in a class of its own).
- 3.2** Takeaways are differentiated from restaurant or café uses because they can raise different environmental issues. These include litter, longer and sometimes later opening hours, extra traffic and increased pedestrian activity.
- 3.3** In deciding whether an application is for a hot food takeaway, consideration will be given to the proportion of space designated for hot food preparation. Restaurants and cafes often have an ancillary takeaway element and hot food takeaways can have ancillary eat-in facilities.
- 3.4** Where an application is submitted for a range of explicitly stated uses including a hot food takeaway, it would be assessed against this guidance as if it was a hot food takeaway.
- 3.5** Where the hot food takeaway element of a proposal is equal to or larger than the non-hot food takeaway element the guidance in this SPD will apply to that proposal. To determine the nature of a proposal the operation of the premises will be considered, particularly:
- The proportion of space designated for food preparation and other servicing in relation to designated customer circulation space;
 - The number of tables and chairs to be provided for customer use;

- The hours of opening; and
- The percentage of the hot food takeaway use to the overall turnover of the business.

- 3.6** The applicant will be expected to provide detailed floor plans to demonstrate the above and that the proposed use will be the primary business activity. For clarity, Table 4 sets out examples of uses which are considered to be hot food takeaways, and those which are not. This list is not exhaustive:

Examples of Hot Food Takeaways	Examples of other uses
Fish and Chip Shops	Restaurants/Snack Bars/Cafes
Pizza Takeaway	Sandwich/Deli shops
Chinese/Thai Takeaway	Bakeries
Indian Takeaway	Coffee shops
Kebab Takeaway	Public houses (pubs)/Wine bars
Burger Takeaway	Ice cream shops/parlours
Chicken/Southern Fried Chicken/Fried Chicken shops	Shisha bars
Fast Food Drive Through	Night club

Table 4 Examples of Hot Food Takeaway Sui Generis Use

4 Requirements for Hot Food Takeaway Applications

4 Requirements for Hot Food Takeaway Applications

4.1 This SPD sets out seven principles that apply to hot food takeaways (as defined in Section 3) where planning permission is required, for example, new hot food takeaways or applications for a variation of opening times (Section 73 application).

4.1 HFT1 Public Health Toolkit

HFT 1

Public Health Toolkit

Proposals for all new hot food takeaways will be assessed against the Kirklees Council Public Health Toolkit. Proposals that are not accepted by the toolkit will be refused, unless other material considerations indicate otherwise.

HFT1 will not apply where the application site is within the designated Principal Centres of Huddersfield and Dewsbury and the designated Town Centres of Batley, Cleckheaton, Holmfirth and Heckmondwike.

4.2 In order to reflect the complexities of the obesogenic environment, the council has developed a tool which will support the decision making process for hot food takeaway proposals. The assessment tool uses a range of local data, known as indicators, these are:

- Index of Multiple Deprivation (IMD) quintile
- Percentage of adults overweight
- Percentage of adults obese

- Percentage of 5-year olds (reception) with excess weight
- Percentage of 11-year olds (year 6) with excess weight
- Diabetes prevalence rate
- Coronary heart disease prevalence rate

4.3 Each indicator is assessed and allocated points using the postcode of the proposed hot food takeaway.

4.4 A hot food takeaway will be refused permission if it is located within a postcode that has a combined points total above 20 (21 or above) across the seven indicators of deprivation, obesity and related health conditions out of a possible 42 (unless other material considerations indicate otherwise).

4.5 The council wants to take a balanced and fair approach to supporting local business and economic growth whilst also taking steps to ensure our environments support the health and wellbeing of our residents.

4.6 The tool utilises data from a range of sources, some refreshed annually and others updated less frequently. The latest available data will be imported into the tool by the end of each calendar year, with the latest version of the tool being available for use with all planning applications from January of the following year.

4.7 Background and an explanation of the obesogenic environment, the methodology behind the toolkit points system, data sources used by the toolkit and a worked example of the Public Health Toolkit can all be found in Appendix 1.

Relevant Local Plan Policy

LP47 (j)

4.2 HFT2 Town Centre Vitality and Viability

HFT 2

Town Centre Vitality and Viability

Hot food takeaways (Sui Generis) will not be supported in a principal town, town, district or local centre where the cumulative impact of introducing the facility would be detrimental to the vitality and viability of that centre.

A proposal will be considered to be harmful to the vitality and viability of a centre if it meets one or more of the three criteria below:

1. Hot Food Takeaway Unit Threshold

Level	Hot Food Takeaway Threshold
1.Principal Town Centre	Within the Primary Shopping Area (PSA) increases the concentration of hot food takeaway ground floor units to more than 10% of all main town centre uses.
2.Town Centre	Increases the concentration of hot food takeaway ground floor units in a centre to more than 10% of all main town centre uses.
3. District Centre	Increases the concentration of hot food takeaway ground floor units in a centre to more than 15% of all main town centre uses.
4. Local Centre	Increases the concentration of hot food takeaway ground floor units in a centre to more than 15 % of all main town centre uses.

Table 5 Shopping Centre Hierarchy Hot Food Takeaway Threshold

2. Creates a cluster of three or more hot food takeaways together
3. Reduces the number of units between hot food takeaway clusters to one or none.

Vacancy level considerations:

In centres where vacancy levels are more than 10% (or 25% in local centres) the Council requires evidence that occupancy of the unit has been attempted with a main town centre use other than a hot food takeaway before it will be supported. Where evidence suggests there is no demand for an alternative use, hot food takeaways could be considered favourably even if this would increase the proportion of hot food takeaways to above the threshold set out in this guidance.

Conditions will be attached to any planning approval to ensure shutters are not used between the hours of 9am and 5.30pm to prevent any harmful effects on the visual amenity of the street scene.

- 4.8** Hot food takeaways provide a service to local communities. They form part of the local economy particularly when located within defined centres which have a good mix of main town centre uses including shops selling food and non-food goods, offices and leisure facilities such as cafes, restaurants and pubs.
- 4.9** Shopping centres have changed over time with traditional shops such as greengrocers, newsagents and convenience stores being replaced by retail service uses such as hairdressers, health and beauty salons and hot food takeaways. This has detrimentally affected the mix of uses raising concerns about the vitality and viability of centres. It has also resulted in a dominance of uses that are generally open in the evening, creating dead frontages during the day particularly where shutters are closed.

4 Requirements for Hot Food Takeaway Applications

- 4.10** The role and function of centres in Kirklees is set out in Local Plan Policy LP13 Town Centre Uses. The characteristics of the centres vary considerably but it is important they are retained as they provide a focus for the local community, support social interaction and contribute to sustainability.
- 4.11** Principal Town Centres are the largest in Kirklees, their primary shopping areas are the focus for retailing and other main town centre uses incorporating those which serve the evening/night-time economy including hot food takeaways. The policy threshold for principal centres applies to the primary shopping area to support a strong retail core and the health of these centres. Between the primary shopping area and the town centre boundary criteria 2 and 3 apply.
- 4.12** The health and vitality of centres in the district is monitored through the Town Centre Audit programme. Further details are set out in Appendix 2 including the number of different uses within each defined centre in the Local Plan. The balance of uses needs to be managed to ensure that centres remain attractive to shoppers, visitors, residents and businesses during the day and in the evening. In centres where the number of hot food takeaways has not reached the threshold set out in HFT2, this SPD also seeks to limit the number of hot food takeaways concentrating next to each other and their impact on the mix of uses along an active street frontage.
- 4.13** Where there are a significant number of vacant units in proportion to the size of the centre, it also has a detrimental impact on the vitality and viability of a centre by reducing pedestrian footfall and economic activity. Therefore this guidance gives consideration for a unit to be occupied by a hot food takeaway even if the threshold has already been reached and there is no demand for an alternative use. The applicant needs to demonstrate that the premises have been marketed for a period of at least 6 months for an alternative main town centre use.

- 4.14** Shutters closed during the day can have a negative impact on the street frontage. The dead frontages created can deter shoppers and even deter other uses from locating on the high street. To encourage shoppers and visitors and create active and vibrant streets it is therefore important to ensure that shutters are not closed during the day.

Relevant Local Plan Policy

LP13, LP14, LP16

4.3 HFT3 Proximity to Schools

HFT 3

Proximity to Schools

Where planning permission is sought for a hot food takeaway (new or variation of condition) within 400m of the principal entry point to a primary (infant and/or junior or middle) or secondary school, and the proposal meets planning policy in all other respects, planning permission will only be permitted subject to the condition that opening hours are restricted to the following:

A primary school (infant and/or junior or middle): the hot food takeaway is not open to the public between 3pm to 5pm weekdays and there are no over the counter sales during these times.

A secondary school: the hot food takeaway is not open to the public before 5pm on weekdays and there are no over the counter sales before that time.

4 Requirements for Hot Food Takeaway Applications

HFT3 will not apply where the application site is within the designated Principal Centres of Huddersfield and Dewsbury and the designated Town Centres of Batley, Cleckheaton, Holmfirth and Heckmondwike.

In all cases HFT2 Town Centre Vitality and Viability will also need to be complied with.

- 4.15** Reducing children's exposure to foods contributing towards obesity such as those sold in hot food takeaways can reduce access to food and drink that is high in fat, salt and sugar.
- 4.16** A specific issue has been identified with teenagers leaving secondary schools at lunchtimes to access hot food takeaways. Children in primary school do not normally leave school premises during school hours but research indicates that the most popular time for purchasing food from shops is after school.
- 4.17** The aim of this guidance is to ensure that during times when children are making food choices, such as lunchtime and after school, the environment and availability of hot food takeaways is not encouraging unhealthy choices.
- 4.18** Hot food takeaways within easy walking distance of schools can provide an attractive and affordable food option for pupils. In an effort to establish appropriate healthy eating habits and reduce the rate of childhood obesity in the local population the Council therefore considers it appropriate to restrict the hours of operation of hot food takeaways within 400m of primary (infant and/or junior or middle) and secondary schools.
- 4.19** The council has created 'restrictive zones' which represent a realistic 5 minute walk-time (400m) (10 minutes there and back) from the entrance points of every relevant school in the district. These restrictive zones represent the ease with which pupils may walk along certain

routes. A greater distance can usually be walked in 10 minutes along a straight main road for example than could be walked where there are barriers to movement such as busy junctions. Further information on the reasoning for a 5 minute walk as a restrictive zone is shown in Appendix 3. HFT3 will apply in all circumstances where any of the application site (red line boundary) falls within the restrictive zone.

- 4.20** Primary, middle and secondary school locations may change over time, sometimes with new ones opening or an existing one relocating or expanding. In these cases the new location of the school entrances will automatically have a restrictive zone as per this SPD. Where an existing school closes without a replacement at the same site, the restrictive zone will no longer apply.
- 4.21** A series of detailed maps showing the 400m restrictive zones around schools (including infant, junior, primary, middle, secondary and special schools) are available as part of this consultation. These maps are to be used by potential applicants and those involved in the determination of planning applications to ascertain whether a premises falls within a 400m zone.

Relevant Local Plan Policy

LP47 (j)

4 Requirements for Hot Food Takeaway Applications

4.4 HFT4 Noise Abatement and Extraction of Odours

HFT 4

Noise abatement and extraction of odours

Proposals for new hot food takeaways must demonstrate effective kitchen odour control and extract systems and appropriate noise attenuation measures. Noise attenuation and odour control measures must:

- Be acceptable in terms of visual amenity, including location and external finish;
- Not adversely impact on neighbouring occupiers by virtue of noise, vibration or odour; and
- Remain appropriate to the type of food being prepared and be routinely and properly maintained.

Proposals must demonstrate appropriate sound proofing of party walls and ceilings where necessary.

Where appropriate, restrictions on the hours of operation will be considered.

All applications must be accompanied by an Odour and Noise Impact Assessment. This should include full details of the extraction system proposed including the internal layout and external appearance showing the location of all the main components of the system, together with details of any necessary noise attenuation and odour abatement measures.

4.22 A common concern associated with hot food takeaways is the impact on the amenity of adjoining occupiers through the generation of noise and odour, usually from ineffective, inappropriate and/or badly maintained kitchen odour control and extract systems or inadequate noise attenuation measures.

4.23 Noise can be generated both from odour control and extract equipment and from the normal operation of the premises itself. Badly installed, poorly maintained or inappropriate equipment is not only unsightly but can lead to significant odour, noise and vibration disturbance. Noise generated internally usually from the kitchen can also be a nuisance to occupiers of premises adjacent to the hot food takeaway, as can noise generated from normal customer activity such as vehicle movements, particularly motorcycle delivery vehicles and slamming car doors and general customer noise outside the premises.

4.24 The position and appearance of flues providing odour extraction for hot food takeaways can be detrimental to the street scene if they are prominently located, of poor quality and/or inadequately maintained. Consideration will therefore be given to the location and appearance of the proposed extraction equipment as well as to the proposed maintenance regime to ensure that there is minimum detriment to visual amenity. In sensitive locations such as Conservation Areas extraction equipment should be installed as much as possible within the building if practicable and appropriate.

4.25 The design of kitchen odour control and extract systems and ventilation equipment should ensure that odours, fumes and/or noise do not negatively impact on the amenity of neighbours. The use of equipment appropriate to the type of food being produced is also essential to reduce cooking smells. Such equipment should at the least meet minimum industry standards so that odour is effectively dispersed externally and

4 Requirements for Hot Food Takeaway Applications

also cannot penetrate through the building into neighbouring property. Such equipment must also be properly maintained so that such measures continue while ever the premises are in operation.

- 4.26** Applications must be accompanied by an Odour and Noise Impact Assessment which should include suitable mitigation measures and must include full details of the extraction system proposed including the internal layout and external appearance and location. This should also show the location of the flue termination point in relation to adjacent properties and any necessary noise attenuation measures. The applicant will be expected to demonstrate that the proposed extract system will not cause a noise or vibration problem. This is to ensure that odour control and extract systems are properly designed and installed so that they are effective and do not require remedial work or replacement⁽¹⁸⁾.
- 4.27** The takeaway operating hours are also relevant to noise issues that can arise from the operation of a hot food takeaway. Noise can occur from food preparation or delivery activities even though the takeaway is not open for customers. Noise from multiple movements of delivery vehicles, especially if they are using motorcycles, can cause significant noise issues. Consideration will therefore be given to restricting the hours of operation of the proposed hot food takeaway in predominantly residential areas or other areas where noise sensitive premises are attached or in close proximity.
- 4.28** A takeaway proposed where there is residential accommodation on the floor directly above will not normally be acceptable unless the residential accommodation is occupied by the operator of the takeaway (or their family or employee of the takeaway). In some circumstances it may be acceptable if the applicant can demonstrate that there is (or will be) a significant level of sound insulation in the separation floor between the

two uses, but permission is unlikely to be forthcoming for late night/early morning use. The demonstration of adequate sound insulation should be in the form of an acoustics report from a suitably qualified person.

Relevant Local Plan Policy

LP16 (b) and (g), LP52

4.5 HFT5 Waste Disposal

HFT 5

Waste Disposal

Any proposal for a hot food takeaway should;

- Accommodate commercial bin stores within the building where practicable. If this is not possible the bin store must be on site and adequately screened in a manner and location that does not detract from the street scene or the character of the area and that does not cause odour nuisance to neighbouring occupiers;
- Locate bin stores to enable access for refuse collection vehicles; and
- Consider the provision of bins for customer's litter in locations that do not cause a nuisance or obstruction on the highway or any other public or private space.

4 Requirements for Hot Food Takeaway Applications

All applications must be accompanied by a Waste Management Strategy which should cover storage and disposal of waste including provision of grease traps where appropriate. It should also consider recycling and the use of sustainable food packaging, such as cardboard boxes and paper straws.

- 4.29** As it is a legal requirement that businesses that produce waste comply with the Environmental Protection Act 1990 (s34 Duty of Care etc as respects waste), the appropriate disposal of all waste arising from the operation of a hot food takeaway will be a material consideration when such applications are received.
- 4.30** It is important that the waste generated by the operation of a hot food takeaway does not detract from the character of the area or cause nuisance to other users or occupiers in the vicinity. Proposals will not be acceptable if waste cannot be adequately stored and if proper access for refuse collection vehicles cannot be safely provided.
- 4.31** All applications must be accompanied by a Waste Management Strategy so that waste disposal details can be properly assessed. The Waste Management Strategy should include details of the storage of trade waste including the number and size of bins, the size and storage facilities for which must be commensurate with the amount of waste produced, the provision of bins for customer's litter at the premises and elsewhere if appropriate, screening measures, access for service vehicles, the frequency of disposal of waste/council refuse collection and the provision of grease traps appropriate for the use proposed to avoid grease and fat entering the public sewerage system.
- 4.32** The Waste Management Strategy should also include measures to deter vermin, for example smaller bins that are emptied more frequently are less likely to attract rats and will help to keep odour release to a

minimum. The Waste Management Strategy will be considered against policies in this SPD and other appropriate requirements such as those set out by Yorkshire Water relating to wastewater discharge.

- 4.33** Consideration should also be given to the Kirklees Council Waste Management Design Guide for New Developments (Waste Collection, Recycling and Storage Facilities Guidance) to ensure that effective waste management provision is made.
- 4.34** The council also encourages the Waste Management Strategy to consider recycling and other initiatives such as 'litter picks' in the vicinity of the takeaway. Applicants are also encouraged to consider the use of sustainable food packaging, such as cardboard boxes and paper straws.

Relevant Local Plan Policy

LP16 (b) and (f), LP52

4.6 HFT6 Takeaway Design and Community Safety

HFT 6

Takeaway design and community safety

When determining applications for hot food takeaways consideration will be given to safety and residential amenity. This includes the design of the premises and any outdoor areas.

4 Requirements for Hot Food Takeaway Applications

The advice of West Yorkshire Police and the Community Safety Partnership in relation to personal safety or crime and disorder will be given significant weight in determining such planning applications.

Where appropriate, restrictions in opening hours may be required and applicants may need to provide and/or contribute to deterrent measures.

4.35 Hot food takeaways can make a valuable contribution to the vibrancy of the night time economy. In this context, when considering proposals for hot food takeaways it is important to ensure that the safety of both takeaway operators and users as well as residential amenity in the local area is considered. The aim is to manage the impact of people congregating around such venues which could lead to problems of noise, disturbance and anti-social behaviour.

4.36 It is therefore important to consider community safety in the design of the takeaway. This will include associated outdoor spaces and the consideration of natural surveillance as well as reducing the risk of conflict with vehicles. Many hot food takeaways are focused on the night time economy so it is also important to consider the impact of premises which are closed during the day through consideration of the design of shutters, shop fronts and natural surveillance to seek to ensure a welcoming environment at all times of the day. Such design elements will be considered in accordance with the Local Plan Design Policy (LP24).

4.37 Local Planning Authorities are required to take Section 17 of the Crime and Disorder Act into account when making decisions on planning applications and this would involve consideration of whether or not a proposal would generate crime and disorder if it were to be approved. The West Yorkshire Police Designing Out Crime Officer at Kirklees Council will assess the merits of individual applications following consultation with West Yorkshire Police and an assessment of crime

data in the area. Where potential crime and disorder concerns are identified, it is likely they will recommend refusal or amendment of the application.

4.38 The Council will also liaise with 'Safer Kirklees', the Kirklees Community Safety Partnership which brings together various groups to enable the Council to consider community safety. This group will be able to advise on appropriate deterrent measures such as CCTV cameras. More information on the work of the Community Safety Partnership can be accessed at: www.kirklees.gov.uk/saferkirklees.

Relevant Local Plan Policy

LP16 (b) and (c)

4.7 HFT7 Highway Safety

HFT 7

Highway safety

Applications for hot food takeaways will be refused where the use is considered to have an unacceptable adverse impact on highway efficiency and safety, including the consideration of:

- The existing use and location of the site or premises;
- Accessibility for pedestrians, cyclists and vehicular traffic; and
- The operational requirements of the business.

4 Requirements for Hot Food Takeaway Applications

- 4.39** Hot food takeaways usually generate high numbers of short visits, by customers either with or without a car, by delivery and other service vehicles needed for the normal operation of the business and also increasingly cycles, mopeds or motorbikes picking up orders for delivery to customers' homes. Delivery vehicles will therefore be taken to mean those vehicles delivering both to and from the premises. These visits also tend to be concentrated at certain times, at lunchtime and in the evening depending on opening hours.
- 4.40** It is important when considering applications for hot food takeaways that the safety of all users, as well as the amenity of the occupiers of nearby homes and businesses is not adversely affected. It is important that vehicle movements associated with hot food takeaways do not worsen existing traffic conditions in the immediate area such that highway or pedestrian safety is compromised. Consideration will therefore be given as to whether the proposal is detrimental compared to the existing use of the site or premises and whether the proposal is located where there is an existing evening economy or other conditions where a certain amount of activity would be expected when the premises are open. The existing circulation by pedestrian and vehicular traffic should not be materially worsened by the proposal even where such uses would normally be expected to operate. This will include the consideration of road safety incidents.
- 4.41** Hot food takeaways can generate a high number of car borne visits that require short term parking. If there is a lack of suitable parking spaces nearby, customers and delivery drivers may choose to, or have no alternative but to park for short periods in inappropriate locations. This can lead to conflict with other road users and dangerous conditions for pedestrians. Consideration will therefore be given to the presence of existing traffic controls such as double yellow lines, laybys used for bus stops, zebra crossings or other crossings or controls or the presence of junctions where inconsiderate parking would cause a danger to pedestrians or other road users or which would disperse short term

parking resulting in loss of amenity for residents or other businesses. If parking arrangements in the vicinity of the premises cannot safely accommodate the increased need for short stay parking the proposal will not be acceptable if it cannot demonstrate that such arrangements could be put in place.

- 4.42** The normal operational requirements of hot food takeaway premises also generate a certain amount of vehicle movement, including delivery vehicles both loading and unloading, waste disposal and other service vehicles, as well as parking arrangements for staff. Any application for a hot food takeaway will need to demonstrate that appropriate existing or proposed off-street parking arrangements or other acceptable on-street parking arrangements needed for the proper and safe functioning of the premises are or can be made available.

Relevant Local Plan Policy

LP16 (d) and (e)

5 Other Considerations and Legislation affecting Hot Food Takeaways

Licensing

5.1 A premises licence is required for any business selling hot food and drink between the hours of 11pm and 5am, and this is issued by the council under the Licensing Act 2003. The Licensing Act is a permissive regime which means that unless the authority receives representation in objection to the application for a licence, it is automatically granted. If a representation is received, then it must be relevant to the application and show how the proposed activities will impact on one or more of the four licensing objectives which are:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

5.2 For further information please contact the Licensing Service:

www.kirklees.gov.uk/entertainment

Kirklees Licensing Service

Huddersfield Customer Service Centre
Civic Centre 3
Market Street
Huddersfield
HD1 2EY
Tel: 01484 456868
email: licensing@kirklees.gov.uk

Food Safety

5.3 The food business operator of any new food business must register the premises as a food business with the Council at least 28 days prior to starting to operate or taking it over if it is an existing business. It is also a legal requirement to notify the Council of any significant change (e.g. where you change what you do or if there is a change in partnership or you set up a limited company etc.) or closure of an establishment. It is free to register. If you make, prepare or handle food that comes from animals (products of animal origin), for example meat or dairy products, other than for direct sale to the consumer, you may need to be approved by the Council. You should contact Environmental Services for advice before starting to prepare/sell products of animal origin as you must have approval before starting to operate.

5.4 It is strongly advised that the applicant should contact the food safety team prior to submitting an application for planning permission. Food safety officers can provide detailed advice on the current requirements of food hygiene and health and safety legislation. Advice provided before any application is submitted can help ensure that all necessary requirements are met prior to the commencement of the business.

5.5 More information can be found on the Council's website: www.kirklees.gov.uk/foodbusiness

Kirklees Council - Environmental Services

Flint Street
Fartown
Huddersfield
HD1 6LG
Tel: 01484 221000 and ask for Food Safety
email: food.safety@kirklees.gov.uk

5 Other Considerations and Legislation affecting Hot Food Takeaways

- 5.6** There is also large amount of information on setting up a food business and the legal requirements for food businesses at the Food Standards Agency website: www.food.gov.uk

Environmental Health

- 5.7** Environmental Health can be consulted on planning applications where the application may create harmful impacts from noise, odour, litter and light.
- 5.8** Through the planning process Environmental Health can ensure that the extract system at a new hot food takeaway is suitable to effectively control odours without causing excessive noise. This should prevent statutory odour and noise nuisance from the system and therefore avoid the need for any enforcement action under the Environmental Protection Act 1990.
- 5.9** Guidance on bin storage and waste management can be found within the Environmental Protection Act 1990. The applicant needs to consider their duty of care to dispose of waste lawfully under the Environmental Protection Act. More information on this can be found at paragraphs 4.30 and 4.32 of this document.
- 5.10** Please visit the Kirklees website for further information: www.kirklees.gov.uk/noise

6 Monitoring, Implementation and Review

Monitoring

- 6.1** The successful implementation of this SPD will be assessed through the Annual Monitoring Report (AMR). The AMR will note when the SPD has been used in determining planning applications, the number and location of new hot food takeaways permitted and refused and the new hot food takeaways approved with restricted opening hours. Monitoring will also include noting changes in school entrances and the opening of new primary, middle, secondary and special schools.

Implementation

- 6.2** The SPD will be primarily implemented through the development management process and the determination of planning applications. The SPD does not have the status of the development plan (for the purpose of Section 38 of the Planning and Compulsory Purchase Act 2004), but it will be an important material consideration in determining planning applications.

Review

- 6.3** The Council's AMR will highlight any issues that may need a review. Where such a review is required, a timetable for this activity will be included in the Local Development Scheme as resources permit.
- 6.4** Changes in National or Regional Planning Policy or progress on Development Plan Documents, which form a part of the Local Plan, may also prompt the need for further reviews.

Appendix 1: Supporting information and evidence for HFT1 Public Health Toolkit

Appendix 1: Supporting information and evidence for HFT1 Public Health Toolkit

This is an evidence base focusing on the harms of excess weight and the relationship between hot food takeaways and levels of obesity. It provides the evidence to support the requirement shown in HFT1. This appendix covers the impacts of obesity and the current situation locally.

Explanation of points based Public Health Toolkit

The council has a responsibility to enable and support residents to live in and access healthy environments. In order to reflect the complexities of the obesogenic environment, the council has developed a tool which will support the decision-making process for hot food takeaway proposals. The assessment tool uses a range of local data, known as indicators. These indicators were chosen to represent the health of the population living in a particular location. These indicators are also susceptible to be negatively impacted by fast food takeaways due to the types of the foods sold at such establishments so are important to consider during the application process. The indicators include:

- Index of Multiple Deprivation (IMD)* quintile
- Percentage of adults overweight
- Percentage of adults obese
- Percentage of 5-year olds with excess weight
- Percentage of 11-year olds with excess weight
- Diabetes prevalence rate
- Coronary heart disease prevalence rate

*The Indices of Deprivation are a unique measure of relative deprivation at a small local area level (Lower-layer Super Output Areas) across England and have been produced by the Government in similar way since 2000. The Indices provide a set of relative measures of deprivation for small areas across England, based on seven different domains, or facets, of deprivation:

- Income Deprivation
- Employment Deprivation
- Education, Skills and Training Deprivation
- Health Deprivation and Disability
- Crime
- Barriers to Housing and Services
- Living Environment Deprivation

Combining information from the seven domains produces an overall relative measure of deprivation, the Index of Multiple Deprivation (IMD).

Postcodes are scored against each of these indicators using the following criteria:

INDICATOR	Category	Worst	2	3	4	Best
IMD RANK	Range	Most deprived 20%	Most deprived 20-40%	Most deprived 40-60%	Least deprived 60-80%	Least deprived 80-100%
	Score	6	4	2	0	0
ADULTS OVERWEIGHT	Range	>=38%	36%-38%	34%-36%	32%-34%	<32%
	Score	6	4	2	0	0
ADULTS OBESE	Range	>=13%	12%-13%	11%-12%	10%-11%	<10%
	Score	6	4	2	0	0
5 YEAR OLDS WITH EXCESS WEIGHT	Range	>=29%	26%-29%	23%-26%	20%-23%	<20%
	Score	6	4	2	0	0
11 YEAR OLDS WITH EXCESS WEIGHT	Range	>=40%	38%-40%	36%-38%	34%-36%	<34%
	Score	6	4	2	0	0

Appendix 1: Supporting information and evidence for HFT1 Public Health Toolkit

INDICATOR	Category	Worst	2	3	4	Best
DIABETES PREVALENCE	Range	>=11.5%	9.5%-11.5%	7.5%-9.5%	5.5%-7.5%	<5.5%
	Score	6	4	2	0	0
CORONARY HEART DISEASE PREVALENCE	Range	>=4%	3.5%-4%	3%-3.5%	2.5%-3%	<2.5%
	Score	6	4	2	0	0

Table 6 Public Health Toolkit Scoring

The middle scoring category is set around the Kirklees average, with consistent ranges above and below the mid-point to the ‘worst’ and ‘best’ categories, respectively. Locations score points where they are around the average or above, and score most points when they fall into the ‘worst’ category. Any location that is the same as or below the Kirklees average for any of the indicators does not score any points and fall into the ‘best’ category. A postcode would be refused permission where it has a combined points total of more than 20 across the seven indicators of deprivation, obesity and related health conditions (out of a maximum possible score of 42, with mean and median scores for all Kirklees postcodes of 15 and 14, respectively). The threshold of more than 20 will encompass 20% of postcodes in Kirklees.

The tool utilises data from a range of sources, some refreshed annually, and others updated less frequently (see details below). The data in the tool will be updated in November each year, with the latest version of the tool being available for use with all planning applications from January of the following year.

Examples of how the tool works

Location: BD19 4HE

IMD rank: Most deprived 20-30% Score: 4 points

Adults overweight: 29% Score: 0 points
 Adults obese: 13.3% Score: 6 points
 5 year olds with excess weight: 22.6% Score: 0 points
 11 year olds with excess weight: 37.2% Score: 2 points
 Diabetes prevalence: 8.5% Score: 2 points
 Coronary heart disease prevalence: 4.1% Score: 6 points

TOTAL SCORE: 20 points Accepted

Location: HD2 1BT

IMD rank: Most deprived 10-20% Score: 6 points
 Adults overweight: 36.4% Score: 4 points
 Adults obese: 13.5% Score: 6 points
 5 year olds with excess weight: 24.2% Score: 2 points
 11 year olds with excess weight: 46.6% Score: 6 points
 Diabetes prevalence: 9.8% Score: 4 points
 Coronary heart disease prevalence: 3.7% Score: 4 points

TOTAL SCORE: 32 points Rejected

Data Sources

Index of Multiple Deprivation (IMD)

Relative deprivation quintile at Lower Super Output Area (LSOA) level based on English Indices of Deprivation 2019, provided by Ministry of Housing, Communities and Local Government. Last updated: September 2019. Next update: Not known (likely to be 2024-25 based on previous updates).

Appendix 1: Supporting information and evidence for HFT1 Public Health Toolkit

Overweight adults

Percentage of adults with a Body Mass Index of 25-30 kg/m² at Ward level (not including obese adults, BMI 30+ kg/m²) from 2016 Current Living in Kirklees survey. Last updated: July 2016. Next update: 2022 (CLiK survey should be released late 2021).

Obese adults

Percentage of adults (age 18+) with a Body Mass Index of 30+ kg/m² from GP practice Quality Outcome Framework registers in 2019/20. Composite obesity rates at LSOA level were created by apportioning GP practice values in proportion to the LSOA population registered to each practice (population from January 2021, provided by NHS Digital). Last updated: August 2020. Next update: October 2022.

5 year olds with excess weight

Percentage of Reception pupils with a Body Mass Index in the overweight or obese category (using population monitoring thresholds) at Ward level from 2018/19 National Child Measurement Programme. Last updated: September 2019. Next update: July 2022.

11 year olds with excess weight

Percentage of Year 6 pupils with a Body Mass Index in the overweight or obese category (using population monitoring thresholds) at Ward level from 2018/19 National Child Measurement Programme. Last updated: September 2019. Next update: July 2022.

Diabetes prevalence

Percentage of adults (age 17+) on the diabetes GP practice Quality Outcome Framework registers in 2019/20. Composite rates at LSOA level were created by apportioning GP practice values in proportion to the LSOA population registered to each practice (population from January 2021, provided by NHS Digital). Last updated: August 2020. Next update: October 2022.

Coronary heart disease prevalence

Percentage of people (all ages) on the coronary heart disease GP practice Quality Outcome Framework registers in 2019/20. Composite rates at LSOA level were created by apportioning GP practice values in proportion to the LSOA population registered to each practice (population from January 2021, provided by NHS Digital). Last updated: August 2020. Next update: October 2022.

Wider Determinants of Health

Kirklees Council recognises that the decisions and behaviours of individuals are influenced by a complex relationship with a broad range of factors. This can be defined as the 'wider determinants of health'. Obesity is more complex than what we eat, it's about how physically active we are, how easy it is to walk and cycle around our communities, our income, our skills and understanding of cooking healthy food, our social norms and our access to healthy food. This complex relationship can create what is known as an obesogenic environment. This is where the environments in which individuals, families and communities live make it challenging for people to make healthy choices, which increases the risk of becoming overweight or obese. This is demonstrated visually below:

Appendix 1: Supporting information and evidence for HFT1 Public Health Toolkit

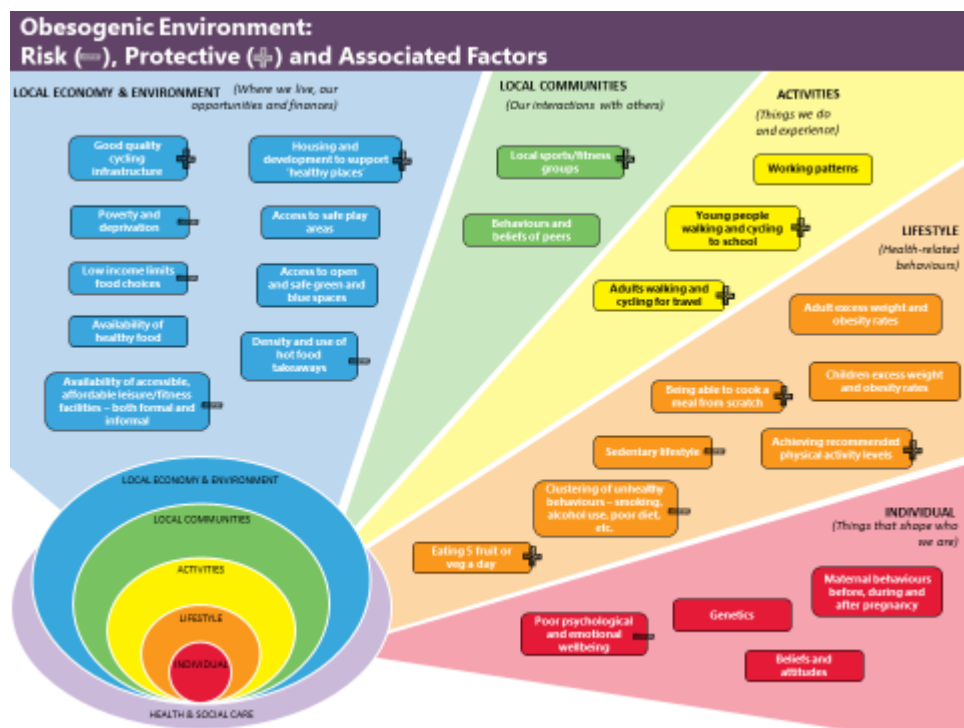


Figure 3 Obesogenic Environment

The impact of obesity

The rise in obesity is one of the biggest threats to health in the UK. In England, among adults 16 and over, 68% of men and 60% of women were overweight or obese in 2019, among children, 18% of boys and 13% of girls were obese and children with an obese parent were more likely to be obese⁽¹⁹⁾.

Food and nutrition, and our levels of physical activity, are second only to smoking tobacco in the impact on our health. A combination of eating too much energy as calories and a lack of physical activity leads to obesity, diabetes, heart disease, stroke and some cancers. Eating habits established in childhood and adolescence tends to continue and affect adult health. Individuals with irregular meal patterns are more likely to become overweight and obese⁽²⁰⁾.

Obesity is associated with an increased risk of earlier death and a range of diseases that have a significant health impact on individuals, such as diabetes, heart disease, cancer and muscular skeletal problems. Additionally, the risk of maternal death from childbirth and infant death are increased⁽²¹⁾.

It is estimated that obesity is responsible for more than 30,000 deaths each year. On average, obesity deprives an individual of an extra 9 years of life, preventing many individuals from reaching retirement age⁽²²⁾.

Obesity is caused by the imbalance between calories (or energy) taken into the body and calories used by the body and burnt off in physical activity, over a prolonged period. Excess energy results in the accumulation of excess body fat. Therefore it is an individual's biology, for example, genetics and metabolism, and their eating and physical activity behaviour that are primarily responsible for maintaining a healthy body weight⁽²³⁾.

The typical adult diet exceeds recommended dietary levels of sugar and fat⁽²⁴⁾. One of the dietary trends in recent years has been an increase in the proportion of food eaten outside the home, which is more likely to be high in calories. Over half of British adults have experienced an increase in the

19 Health Survey for England 2019 <https://digital.nhs.uk/data-and-information/publications/statistical/health-survey-for-england/2019>

20 Kirklees Joint Strategic Needs Assessment, 2013

21 Kirklees Joint Strategic Needs Assessment, 2013

22 Health matters: obesity and the food environment; Public Health England; 31 March 2017

23 Kirklees Joint Strategic Needs Assessment, 2013

24 Health matters: obesity and the food environment; Public Health England; 31 March 2017

Appendix 1: Supporting information and evidence for HFT1 Public Health Toolkit

number of fast food shops on their nearest high street since they started living there⁽²⁵⁾. The Greater London Authority takeaways toolkit states that ‘the increase in fast food outlets will be a contributory factor in the growth of the obesogenic environment’⁽²⁶⁾.

Children who are obese or overweight are increasingly developing type 2 diabetes and liver problems during childhood. They are more likely to experience bullying, low-esteem and a lower quality of life. They are highly likely to go on to become overweight adults at risk of cancer, heart and liver disease. They are also disproportionately from low-income households and black and minority ethnic families⁽²⁷⁾.

Research shows that fast-food outlets are more prevalent in areas of deprivation and this research supports the supposition that fast-food outlets are associated with weight gain in children⁽²⁸⁾.

Adults living in the most deprived areas were the most likely to be obese. This difference was particularly pronounced for women, where 39% of women in the most deprived areas were obese, compared with 22% in the least deprived areas⁽²⁹⁾.

There are also inequalities in obesity rates between different socioeconomic groups, among children in reception and year 6, the prevalence of obesity in the 10% most deprived groups is approximately double that in the 10% least deprived. There is also a marked gradient in obesity levels among adults⁽³⁰⁾⁽³¹⁾.

Reducing obesity, particularly among children, is one of the priorities of PHE. PHE aims to increase the proportion of children leaving primary school with a healthy weight, as well as reductions in levels of excess weight in adults⁽³²⁾.

In Kirklees, levels of childhood obesity are rising in line with nationally. Obesity in children starting school is around twice as prevalent in those living in the most deprived areas compared to the least and only a small number of overweight and obese children return to a healthy weight in Year 6. A substantial number of children move out of the healthy weight category as they move through Primary school. This trend then continues into adulthood with 41% of 18-34 year olds in Kirklees been above a healthy weight⁽³³⁾.

In Kirklees, parents believe weight gain is a result of an external uncontrollable factor i.e. genetics or medication. Children give other reasons such as availability of cheap junk food, laziness and their parents working long hours, resulting in them eating whatever they can find when they return from school and turning to easy fast food for evening meals⁽³⁴⁾.

Covid-19 and obesity

Throughout 2020, we have seen that being overweight or living with obesity puts you at risk of dying from COVID-19. As PHE’s recent assessment has made clear, new evidence in the UK and internationally, indicates that being overweight or living with obesity is associated with an increased risk of hospitalisation, severe symptoms, advanced levels of treatment such as

25 Butland B, Jebb S, Kopelman P, McPherson K, Thomas S, Mardell J, et al. Tackling Obesities: Future Choices – Project report. Government Office for Science, 2007
26 Takeaways Toolkit: Tools, interventions and case studies to help local authorities develop a response to the health impacts of fast food takeaways. Greater London Authority, November 2012
27 Childhood Obesity, A Plan for Action, Department of Health and Social Care, 2018
28 Pearce M, Bray I, Horswell M. Weight gain in mid-childhood and its relationship with the fast food environment. Journal of Public Health Volume 40, Issue 2, June 2018, Pages 237–244
29 Health Survey for England 2019 Overweight and obesity in adults and children <https://files.digital.nhs.uk/9D/4195D5/HSE19-Overweight-obesity-rep.pdf>
30 Obesity and the environment: regulating the growth of fast food outlets. Public Health England, March 2014
31 Butland B, Jebb S, Kopelman P, McPherson K, Thomas S, Mardell J, et al. Tackling Obesities: Future Choices – Project report. Government Office for Science, 2007
32 Health matters: obesity and the food environment, Public Health England March 2017
33 Health and Inequalities Across the Life Course. Director of Public Health Kirklees Annual Report 2020-21 <https://www.kirklees.gov.uk/beta/delivering-services/pdf/public-health-report.pdf>
34 Kirklees Joint Strategic Needs Assessment, 2013

Appendix 1: Supporting information and evidence for HFT1 Public Health Toolkit

mechanical ventilation or admission to Intensive Care Units and death from COVID-19. These risks increase progressively as an individual's body mass index (BMI) increases. It suggests that the risk posed by being overweight or living with obesity to people with COVID-19 is relatively high.

Excess weight is one of the few modifiable factors for COVID-19 and so supporting people to achieve a healthier weight will be crucial to keeping people fit and well as we move forward. We must take action to help everyone, especially children to prevent obesity developing⁽³⁵⁾.

Density of Fast Food Outlets in England

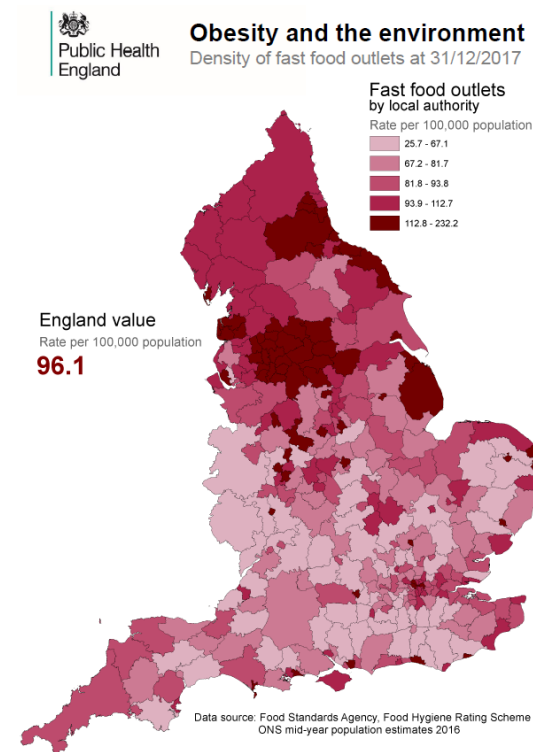


Figure 4 Density of Fast Food Outlets 2017 (PHE)

In December 2017 Kirklees recorded **143.4 density of fast food outlets / per 100,000 population**. This is worse compared to the benchmarks of England recorded at 96.1 and is worse than all the West Yorkshire Authorities.

Appendix 1: Supporting information and evidence for HFT1 Public Health Toolkit

Fast Food Outlets in Kirklees

Ward	Number of Fast Food Outlets	Fast Food Outlets per 1,000 population
Newsome (inc. Huddersfield Town centre)	75	3.14
Dalton	47	2.69
Greenhead	56	2.68
Cleckheaton	34	1.97
Heckmondwike	34	1.94
Dewsbury East	35	1.78
Batley East	28	1.43
Colne Valley	24	1.37
Dewsbury South	26	1.35
Crosland Moor and Netherton	25	1.29
Golcar	23	1.26
Birstall and Birkenshaw	20	1.19
Dewsbury West	24	1.08
Denby Dale	17	1.02
Mirfield	20	1.00
Liversedge and Gomersal	20	1.00
Batley West	20	0.98
Holme Valley North	16	0.94

Ward	Number of Fast Food Outlets	Fast Food Outlets per 1,000 population
Lindley	17	0.83
Ashbrow	16	0.78
Holme Valley South	13	0.68
Almondbury	12	0.66
Kirkburton	10	0.61

Table 7 Number of fast food outlets per 1,000 population by ward. Source: Public Health England Fast Food Outlets at 31/12/2017 and ONS mid-2018 population estimates

Childhood Obesity in Kirklees

Based on the 2018/19 National Child Measurement Programme, approximately 1 in 4 (23.2%) of reception age children and 1 in 3 (35.6%) of year 6 children had excess weight in 2018/19. It is important to recognise that the numbers of children have excess weight can vary significantly between different wards in Kirklees. This is detailed below:

Kirklees Ward	Reception excess weight (%)	Year 6 excess weight (%)
Almondbury	23.3	31.6
Ashbrow	24.2	46.6
Batley East	20.3	34.6
Batley West	21.7	33.9
Birstall and Birkenshaw	19.9	37.7

Appendix 1: Supporting information and evidence for HFT1 Public Health Toolkit

Kirklees Ward	Reception excess weight (%)	Year 6 excess weight (%)
Cleckheaton	32.4	42.0
Colne Valley	20.7	31.3
Crosland Moor and Netherton	20.1	38.7
Dalton	32.6	35.9
Denby Dale	28.0	35.2
Dewsbury East	26.1	37.6
Dewsbury South	28.0	37.4
Dewsbury West	25.1	42.0
Golcar	17.4	34.4
Greenhead	24.1	34.2
Heckmondwike	22.0	42.0
Holme Valley North	15.5	30.5
Holme Valley South	20.8	28.2
Kirkburton	19.0	32.6
Lindley	22.0	27.9
Liversedge and Gomersal	22.6	37.2
Mirfield	19.0	27.8

Kirklees Ward	Reception excess weight (%)	Year 6 excess weight (%)
Newsome	26.5	33.5

Table 8 Childhood obesity in Kirklees by ward NCMP (Year 2018/19)

Adult Obesity in Kirklees

Over half of all adults in Kirklees are overweight or obese. The proportion of adults who are obese has increased from 1 in 6 (17%) in 2005 to 1 in 5 (22%) in 2016⁽³⁶⁾. It is important to recognise that levels of adults who are overweight or obese can vary significantly between different wards in Kirklees. The areas with the highest percentage of overweight or obese adults are Heckmondwike, Golcar and Dewsbury West (62%) whilst the lowest proportions of overweight or obese adults are in Dewsbury South (50%) and Batley West (51%).

Ward	Adults overweight or obese total	Adults overweight	Adults obese
Almondbury	52%	29%	23%
Ashbrow	54%	36%	18%
Batley East	54%	34%	20%
Batley West	51%	31%	20%
Birstall and Birkenshaw	60%	35%	25%
Cleckheaton	58%	40%	18%
Colne Valley	55%	39%	16%

Appendix 1: Supporting information and evidence for HFT1 Public Health Toolkit

Ward	Adults overweight or obese total	Adults overweight	Adults obese
Crosland Moor and Netherton	52%	32%	20%
Dalton	59%	32%	27%
Denby Dale	56%	30%	26%
Dewsbury East	57%	31%	26%
Dewsbury South	50%	28%	22%
Dewsbury West	62%	32%	30%
Golcar	62%	40%	22%
Greenhead	53%	33%	20%
Heckmondwike	62%	34%	28%
Holme Valley North	53%	33%	20%
Holme Valley South	52%	36%	16%
Kirkburton	59%	43%	16%
Lindley	59%	40%	19%
Liversedge and Gomersal	56%	29%	27%
Mirfield	61%	38%	23%
Newsome	52%	33%	19%
Kirklees Average	56%	34%	22%

The toolkit uses derived obesity rates at LSOA level based on the proportion of obese patients on GP registers. CLiK survey figures are self-reported, but the sample size is too small to enable figures at LSOA level to be used. As the methodologies differ, CLiK survey obesity rates are not comparable to GP register rates.

To summarise, the above information shows that obesity, and the long term consequences of obesity, is a growing problem with a significant burden on health and society. In addition, our food choices also directly cause and exacerbate other health risks un-related to obesity, such as the impact of trans-fat use on cardiovascular risk; and impact of salt in food on the risks from high blood pressure.

This appendix also shows that obesity is influenced by many factors, and hot food takeaways are just one of those factors. For this reason, the requirements shown in section 4 with regard to planning applications for hot food takeaways is not seen as the sole solution to reducing obesity in Kirklees. Kirklees Council and its partners are taking a broader approach to tackling obesity, which the requirements in the Hot Food Takeaway SPD can contribute to. More information on this whole systems, holistic approach (including working with schools, healthy eating campaigns and community cooking skills) can be found on the Kirklees Council web pages.

Table 9 Adult obesity levels in Kirklees by ward Source: Current Living in Kirklees Survey 2016

Appendix 2: Supporting information and evidence for HFT2 Town Centre Vitality and Viability

National Town Centre context

In recent years, there has been much research done considering the issues relating to town centres and the high street by Government and many other bodies. The Government published a report on High streets and town centres in 2030 in February 2019 concluding that;

'We are convinced that high streets and town centres will survive, and thrive, in 2030 if they adapt, becoming activity-based community gathering places where retail is a smaller part of a wider range of uses and activities....Individual areas will need to identify the mix that best suits their specific characteristics, local strengths, culture and heritage. Fundamentally, community must be at the heart of all high streets and town centres in 2030'.

The Royal Society for Public Health's latest report published October 2018 on 'Health on the High Street Running on empty' has identified that the clustering of unhealthy outlets is leading to a lack of diversity on the High Street which is not healthy for local communities, economically or otherwise. It highlights that limits for different types of outlets through legislation would be particularly useful in particular where clustering of fast food outlets is a local concern.

Local Evidence

The Local Planning Authority assesses the health and vitality of defined centres within the Kirklees District on an annual/bi annual basis through the town centre audit programme. Principal, town and district centres are assessed

annually and local centres are assessed every other year. The occupancy of ground floor units and gross ground floor floorspace within defined town centre boundaries are monitored including the number of hot food takeaways.

The occupancy surveys of principal, town and district centres undertaken in 2019 and local centres undertaken in 2018 as shown in the table below has identified that the number of hot food takeaways within the principal centres primary shopping areas (PSA) is 2.6 %, town centres is 6.7% and in district centres it is 10.3% of all the units recorded in main town centre uses (as defined in the glossary of the Local Plan and National Planning Policy Framework) including those that are vacant. The number of hot food takeaway units cumulatively within the 61 defined local centres is 15%, however, this ranges from an individual centre having no hot food takeaways at all to the highest of 40%. Over half, 33 local centres are already above the threshold of 15%. The thresholds set out in this guidance reflect the role and function that the centres undertake.

The vacancy rate as identified in the 2019 town centre occupancy survey shows that within principal, town and district centres, it ranges from 0 to 30%. In the local centres (2018 occupancy survey data) which vary from the largest that have above 40 units to the smallest which have less than 10 units within them, the vacancy rate ranges from 0 to 33%. The Footfall and Vacancies Monitor⁽³⁷⁾ from the British Retail Consortium and Springboard has reported that the national town centre vacancy rate was 10.3% in July 2019, the highest since January 2015.

Appendix 2: Supporting information and evidence for HFT2 Town Centre Vitality and Viability

2018/2019 Town Centre Occupancy Data

Local Plan Town Code	Defined Centre	Comparison (non food goods)	Convenience (food goods)	Financial & Business	Leisure Services	Retail Services	Vacant outlets	Total	%Vacant	HFT's (count)	HFTA's % of total units	Average of the count (No. of HFT/No of centres).
TCB1	Huddersfield PSA	175	38	36	97	57	88	491	17.9	10	2	
TCB2	Dewsbury PSA	52	12	14	26	24	42	170	24.7	7	4.1	
Principal Centres (2019)	Total	227	50	50	123	81	130	661	19.7	17	2.6	8.5
TCB 3	Batley	30	16	9	26	29	22	132	16.7	7	5.3	
TCB 4	Cleckheaton	48	15	22	34	30	9	158	5.7	11	7	
TCB 5	Holmfirth	52	13	16	39	26	11	157	7.0	5	6.7	
TCB 6	Heckmondwike	36	11	5	28	28	13	121	10.7	15	12.4	
Town Centres (2019)	Total	166	55	52	127	113	55	568	9.7	38	6.7	9.5
DCB 1	Almondbury	9	4	0	4	6	1	24	4.2	1	4.2	
DCB 2	Birstall	11	5	6	18	18	3	61	4.9	7	11.5	
DCB 3	Denby Dale	8	5	3	3	4	0	23	0.0	3	13	
DCB 4	Honley	8	4	4	9	7	1	33	3.0	0	0	
DCB 5	Kirkburton	7	4	4	3	10	1	29	7.1	1	3.5	
DCB 6	Lindley	14	7	2	15	13	2	53	3.8	5	3.8	
DCB 7	Marsden	10	6	0	11	2	1	30	3.3	2	6.7	

Appendix 2: Supporting information and evidence for HFT2 Town Centre Vitality and Viability

Local Plan Town Code	Defined Centre	Comparison (non food goods)	Convenience (food goods)	Financial & Business	Leisure Services	Retail Services	Vacant outlets	Total	%Vacant	HFT's (count)	HFTA's % of total units	Average of the count (No. of HFT/No of centres).
DCB 8	Marsh	17	5	4	20	18	1	65	1.5	10	15.4	
DCB 9	Meltham	11	5	3	13	10	1	43	2.3	5	11.6	
DCB 10	Milnsbridge	18	5	5	14	10	7	59	11.9	7	11.9	
DCB 11	Mirfield	32	7	9	15	17	4	84	4.8	4	4.8	
DCB 12	Moldgreen	8	3	1	13	10	1	36	2.8	7	19.4	
DCB 13	Ravensthorpe	20	11	2	16	9	5	63	7.9	11	17.5	
DCB 14	Skelmanthorpe	5	4	3	11	7	2	32	6.3	5	15.6	
DCB 15	Slaithwaite	12	7	4	23	9	1	56	1.8	6	10.7	
District Centres (2019)	Total	190	82	50	188	150	31	691	4.5	71	10.3	4.7
LCB 1	Aspley	9	6	0	13	6	4	38	10.5	8	21.1	
LCB 2	Batley Carr	1	1	0	2	2	0	6	0.0	1	16.7	
LCB 3	Batley Rd	5	2	0	4	5	4	20	20.0	2	10.0	
LCB 4	Berry Brow	0	1	0	3	2	2	8	25.0	1	12.5	
LCB 5	Birchencliffe	0	2	1	3	3	0	9	0.0	0	0.0	
LCB 6	Birkby	11	14	4	16	12	4	61	6.6	11	18.0	
LCB 7	Birkenshaw	2	3	2	5	3	1	16	6.3	1	6.3	

Appendix 2: Supporting information and evidence for HFT2 Town Centre Vitality and Viability

Local Plan Town Code	Defined Centre	Comparison (non food goods)	Convenience (food goods)	Financial & Business	Leisure Services	Retail Services	Vacant outlets	Total	%Vacant	HFT's (count)	HFTA's % of total units	Average of the count (No. of HFT/No of centres).
LCB 8	Blackmoorfoot Road	1	4	1	3	3	0	12	0.0	2	16.7	
LCB 9	Brockholes	0	1	0	3	2	0	6	0.0	1	16.7	
LCB 10	Chickenley	1	2	0	3	2	0	8	0.0	1	12.5	
LCB 11	Copthorn Gdns/ Keldergate	3	1	0	0	2	1	7	14.3	1	14.3	
LCB 12	Crosland Moor	6	2	1	12	8	3	32	9.4	8	25.0	
LCB 13	Cross Bank Carlinghow	0	1	0	1	2	1	5	20.0	1	20.0	
LCB 14	Earlsheaton	1	3	0	6	4	0	14	0.0	1	7.1	
LCB 15	Edge Top Road Thornhill	2	2	0	2	1	0	7	0.0	1	14.3	
LCB 16	Fartown Bar	9	6	4	11	12	2	44	4.5	6	13.6	
LCB 17	Golcar	4	3	0	2	4	1	14	7.1	0	0.0	
LCB 18	Gomersal	5	2	1	3	5	2	18	11.1	1	5.6	
LCB 19	Greenside	3	3	0	5	1	0	12	0.0	2	16.7	
LCB 20	Halifax Rd, Dewsbury	1	1	0	0	2	2	6	33.3	0	0.0	
LCB 21	Hillhouse	8	6	4	10	10	1	39	2.6	2	5.1	
LCB 22	James Street	0	1	0	3	1	0	5	0.0	2	40.0	

Appendix 2: Supporting information and evidence for HFT2 Town Centre Vitality and Viability

Local Plan Town Code	Defined Centre	Comparison (non food goods)	Convenience (food goods)	Financial & Business	Leisure Services	Retail Services	Vacant outlets	Total	%Vacant	HFT's (count)	HFTA's % of total units	Average of the count (No. of HFT/No of centres).
LCB 23	Kirkheaton	4	3	0	5	7	1	20	5.0	3	15.0	
LCB 24	Lepton	2	3	0	3	0	0	8	0.0	3	3.5	
LCB 25	Linthwaite	2	2	0	11	4	0	19	0.0	5	26.3	
LCB 26	Littletown	2	2	0	5	3	1	13	7.7	2	15.4	
LCB 27	Lockwood	13	5	0	15	11	9	53	17.0	7	13.2	
LCB 28	Long Lane, Dalton	0	1	0	2	2	0	5	0.0	0	0.0	
LCB 29	Lower Hopton	1	1	0	2	2	2	8	25.0	1	12.5	
LCB 30	Lower Staincliffe	0	2	0	3	2	0	7	0.0	1	14.3	
LCB 31	Manchester Rd/ Longroyd Lane	2	3	0	5	1	1	12	8.3	3	25.0	
LCB 32	Moorend	5	4	0	10	4	2	25	8.0	5	20.0	
LCB 33	Mount Pleasant	5	6	0	1	7	0	19	0.0	1	5.3	
LCB 34	Mount St	1	1	0	2	1	0	5	0.0	1	20.0	
LCB 35	Netherton	4	4	0	5	7	0	20	0.0	4	20.0	
LCB 36	New Hey Rd	2	2	2	5	4	0	15	0.0	2	13.3	
LCB 37	New Mill	1	2	0	5	3	1	12	8.3	2	16.7	
LCB 38	Newsome	3	4	0	6	3	1	17	5.9	3	17.6	
LCB 39	Oakenshaw	4	2	1	2	1	4	14	28.6	2	14.3	

Appendix 2: Supporting information and evidence for HFT2 Town Centre Vitality and Viability

Local Plan Town Code	Defined Centre	Comparison (non food goods)	Convenience (food goods)	Financial & Business	Leisure Services	Retail Services	Vacant outlets	Total	%Vacant	HFT's (count)	HFTA's % of total units	Average of the count (No. of HFT/No of centres).
LCB 40	Old Bank Rd	2	0	0	7	4	0	13	0.0	4	30.8	
LCB 41	Paddock	9	7	0	10	4	0	30	0.0	7	23.3	
LCB 42	Paddock Foot	3	2	2	4	2	2	15	13.3	2	13.3	
LCB 43	Rawthorpe	1	2	0	2	0	0	5	0.0	2	40.0	
LCB 44	Roberttown	5	3	0	6	6	0	20	0.0	2	10.0	
LCB 45	Salendine Nook	4	1	1	3	5	0	14	0.0	1	7.1	
LCB 46	Saviletown	7	3	0	2	4	2	18	11.1	1	5.6	
LCB 47	Scholes (HW)	2	3	0	7	4	1	17	5.9	4	23.5	
LCB 48	Scissett	21	2	0	8	11	1	43	2.3	2	4.7	
LCB 49	Sheepridge	1	1	0	4	2	1	9	11.1	2	22.2	
LCB 50	Shepley	1	2	1	2	4	0	10	0.0	1	10.0	
LCB 51	Six Lane Ends	1	2	1	3	3	0	10	0.0	3	30.0	
LCB 52	Slaithwaite Road	2	2	0	5	3	0	12	0.0	3	25.0	
LCB 53	Staincliffe	1	1	0	5	3	0	10	0.0	2	20.0	
LCB 54	The Knowl	0	4	0	1	7	2	14	14.3	1	7.1	
LCB 55	Thornhill	4	3	0	3	4	1	15	6.7	3	20.0	
LCB 56	Thornhill Lees	2	2	0	4	4	3	15	20.0	3	20.0	
LCB 57	Thornton Lodge	9	2	2	2	9	9	33	27.3	1	3.0	

Appendix 2: Supporting information and evidence for HFT2 Town Centre Vitality and Viability

Local Plan Town Code	Defined Centre	Comparison (non food goods)	Convenience (food goods)	Financial & Business	Leisure Services	Retail Services	Vacant outlets	Total	%Vacant	HFT's (count)	HFTA's % of total units	Average of the count (No. of HFT/No of centres).
LCB 58	Trinity Street	3	2	2	9	1	1	18	5.6	4	22.2	
LCB 59	Wakefield Road, Earlsheaton	2	0	0	1	2	1	6	16.7	1	16.7	
LCB 60	Wakefield Road/ Dalton Green Lane	2	1	0	4	6	1	14	7.1	2	14.3	
LCB 61	Waterloo	5	2	2	12	6	0	27	0.0	6	22.2	
Local Centres (2018)	Total	210	161	32	301	248	75	1027	7.3	155	15.1	2.6

Table 10 Town Centre Occupancy Data 2018/2019

Appendix 3: Supporting information and evidence for HFT3 Proximity to Schools

Appendix 3: Supporting information and evidence for HFT3 Proximity to Schools

Further evidence supporting a restrictive buffer around Kirklees schools

This is an evidence base focusing on the harms of excess weight and the relationship between hot food takeaways within close proximity of schools and levels of obesity. It provides the evidence to support the requirement shown in HFT3. This appendix covers the impacts of obesity, particularly childhood obesity, and the current situation locally.

In Kirklees there are increasing numbers of children and adults who are overweight or obese and physically inactive. The evidence from the National Child Measurement Programme (2018/19) shows that in Kirklees approximately 1 in 4 (23.2%) of reception age children (5 year olds) and 1 in 3 (35.6%) of year 6 children (11 year olds) had excess weight in 2018/19.

As children move into secondary school weight management continues to be a concern across Kirklees. In 2009, 1 in 5 (18%) 14-year olds reported that they were on a diet or trying to lose weight, but they may not necessarily need to. Nationally, 4 in 5 obese teenagers went on to be obese adults⁽³⁸⁾.

Increased obesity from a younger age contributes to a negative impact on the ability of children to live a healthier lifestyle⁽³⁹⁾. Obese children are more likely to be ill, be absent from school due to illness, experience health-related limitations and require more GP appointments than normal weight children. As

children constitute the future workforce of an economy, this is also associated with a reduction in employee productivity and increased spending on health care over the lifetime⁽⁴⁰⁾. This clearly illustrates the importance and relevance of addressing childhood obesity in the UK, if the UK economy and society is to make the most of the available human resources.

Research and reports into the impact of hot food takeaways near schools is an area that continues to expand. There are a number of case studies that look at councils who are using the planning system to introduce restrictions on the proliferation of fast food takeaways, taking a holistic approach to tackling the challenge of obesity⁽⁴¹⁾.

Hot food takeaways within easy walking distance of schools can provide an attractive and affordable food option for pupils. Research has indicated that children attending schools near fast food outlets are more likely to be obese than those whose schools are more inaccessible to such outlets⁽⁴²⁾.

Further to this, research found that '*more frequent takeaway meal consumption in children was associated with unhealthy dietary nutrient intake patterns and potentially with adverse longer term consequences for obesity and coronary heart disease risk.*'⁽⁴³⁾. Researchers have found that schools have more fast food outlets in close vicinity than would be expected by chance and that this was amplified in more deprived areas and that banning any new fast food outlets opening within 400m of schools could help reduce children's exposure to fast food⁽⁴⁴⁾.

38 The Kirklees Joint Strategic Assessment (KJSA)

39 Janssen, H. G., Davies, I. G., Richardson, L. D., & Stevenson, L. (2017). Determinants of takeaway and fast food consumption: a narrative review. *Nutrition research reviews*, 1-19

40 Cawley J. The Economics Of Childhood Obesity. *Health Affairs* 29, NO. 3 (2010): 364-371

41 Tipping the scales Case studies on the use of planning powers to restrict hot food takeaways. Local Government Association, 2016

42 Engler-Stringer, R., Ha, L., Gerrard, A. and Muhajarine, N. (2014). The community and consumer food environment and children's diet: a systematic review. *BMC Public Health*. 14 (522)

43 Donin A, Nightingale C, Owen C, Rudnicka A, Cook D and Whincup P. Takeaway meal consumption and risk markers for coronary heart disease, type 2 diabetes and obesity in children aged 9–10 years: a cross-sectional study *Archives of Disease in Childhood. Population Health Research Institute, St George's, University of London, London, 2017*

44 Davis B & Carpenter C. Proximity of Fast-Food Restaurants to Schools and Adolescent Obesity. *American Journal of Public Health*, March 2009; 99(3): 505–510

Appendix 3: Supporting information and evidence for HFT3 Proximity to Schools

In 2019, the Royal Society for Public Health (RSPH) published a document⁽⁴⁵⁾, one of the key learnings from this piece of work is that there is often a crucial window of exposure to obesogenic environments for children during their daily routes to and from school, which can have a substantial impact on food consumption and that unhealthy fast food outlets have in some cases become de facto extensions of the school environment. This often isn't driven by a desire for food but by a lack of other appropriate, safe, affordable and socially acceptable spaces for young people after school.

Where we live has a huge role to play in tackling childhood obesity, whether it is the way our towns and cities are designed or how many fast food outlets can operate near schools. Local authorities have a range of powers and opportunities to create healthier environments, they have the power to develop planning policies to limit the opening of additional fast food outlets close to schools and in areas of over-concentration. They can also offer professional training, parenting support, social marketing campaigns and weight management services⁽⁴⁶⁾.

Kirklees considers that this guidance should be applied to both primary and secondary schools, as this approach takes into account the overall influence of the "obesogenic environment" – "While the causes of obesity are complex and obesity is multifaceted in aetiology, it is plausible that the condition is driven largely by environmental factors, which undermine the self-regulatory capacity that people have to make responsible decisions about personal diet and physical activity". So in this context it is not just about the food choices that a secondary school pupil might make at lunch time or walking to and from home, but also about the food that the parents of primary age children might purchase for their children, and also the influence that heavily marketed 'fast-food' might have on the attitudes of impressionable young children.

Evidence for using a 400m-walking-distance restrictive buffer relative to Kirklees schools

One of the assumptions used to support the criteria is that 0.4km (or 400m) is a convenient distance people are willing to walk to either access facilities or services on foot, or walk to a bus stop to access a facility, this distance is used by many local authorities who have adopted similar policies. This distance is approximately equivalent to a 10 minute walk time (five minutes in each direction)⁽⁴⁷⁾. The 400m distance and the resultant 10 minute walking duration leaves sufficient time for pupils to leave school, purchase the hot food and subsequently return for the afternoon lessons.

A 10 minute walk was considered as there is some evidence to show that it is this greater distance that can impact on the consumption of food from hot food takeaways by pupils⁽⁴⁸⁾, but this evidence is currently limited and therefore Kirklees will be using the more robust and evidenced 5 minute walk approach. The same study observed hundreds of pupils leaving schools during a lunchtime, with a vast majority of the observed pupils purchasing unhealthy food types. The popular diet for those who ate off-campus consisted of fizzy drinks, chips and confectionery items.

There is acknowledgement that a 400m circumference as the crow flies (used by some local authorities) may have different walking times dependent on the street geography of the area. The zones are based on a 5 minute walk from the entrances of a school, created using RouteFinder™ and therefore include consideration of the street geography and create a more accurate indication of a 5 minute walk from the school gates. This will guide those involved in submitting hot food takeaway applications and those involved in the determination of these applications. Additionally, using this approach will contribute towards avoiding legal challenge when enforcing the requirement

⁴⁵ Routing out childhood obesity. Royal Society for Public Health, 2019

⁴⁶ Childhood obesity: a plan for action Chapter 2. HM Government June 2018

⁴⁷ Obesity and the environment: regulating the growth of fast food outlets. Public Health England, March 2014

⁴⁸ Hot-food takeaways near schools; An impact study on takeaways near secondary schools in Brighton and Hove. Brighton and Hove City Council, September 2011

Appendix 3: Supporting information and evidence for HFT3 Proximity to Schools

in the SPD. For example, a planning appeal in Barking and Dagenham was allowed as the Inspector considered that 400m would equate to a 5 minute walk as the crow flies and that taking into account site specific factors the actual journey time from the nearest school would take longer than 5 minutes. As a result, the inspector considered it unlikely that the proposed takeaway would therefore attract custom from pupils of the school⁽⁴⁹⁾.

The Inspector for an appeal in the London Borough of Lambeth, considered that it is more appropriate to use a typical walking route as a guide rather than a direct linear measurement. This is because this is typically the route that children would take whereas a linear route may cut across roads, gardens, railway lines etc⁽⁵⁰⁾.

Walking speeds can vary greatly depending on many factors such as height, weight, age, terrain, surface, load, effort and fitness. The average human walking speed is about 5.0 km per hour (3.1 miles per hour). Specific studies have found pedestrian walking speeds ranging from 4.51 km per hour (2.80 mph) to 4.75 km per hour (29.95 mph) for older individuals and from 5.32 km per hour (3.31 mph) to 5.43 km per hour (3.37 mph) for younger individuals and a brisk walking speed can be around 6.5 km per hour (4.0mph)⁽⁵¹⁾⁽⁵²⁾. With this in mind, and to encompass the variety in age of the pupils, students and families that this requirement is aimed at, the 400m walking distance restrictive buffer has been created using the overall average walking speed of 4.8km per hour, this equates to a 5 minute walk time of 0.4km (or 400m), which is a convenient distance people are willing to walk to either access facilities and services on foot, or walk to a bus stop to access a facility⁽⁵³⁾.

Methodology used to generate a 400m-walking-distance restrictive buffer relative to Kirklees schools

A convenient method to map areas within a fixed walking distance of a source location is to use standard point-buffer functionality within a GIS. However, such an approach is premised on the notion that all parts of the resultant circular buffer are uniformly accessible from a given source point (e.g. school) and not constrained by real-world barriers/obstacles on the ground. In reality, (unconstrained) as-the-crow-flies movement on the ground from a source point is usually limited in occurrence. The circular-buffer approach therefore tends to exaggerate the overall areal extent of a source point's surroundings that are within a given walking distance in practice. Such a shortcoming does not provide a particularly sound basis for defining a restrictive zone intended to limit access to takeaways in proximity to schools.

As an alternative, two further means of generating appropriate 'restrictive' buffers were also examined. Specifically use of: (i) isodistance-distance buffering in MapInfo using the Drivetime web service; and (ii) distance buffering with RouteFinder™ (Network Analysis System for MapInfo) software. Both methods require use of a route network and source-location layer as input. Drivetime-isodistance output was characterised by a buffer that tapered markedly with increased distance from the source location, yielding a poor correspondence to properties alongside the route layer used. Results using RouteFinder™ software were better, with reliable distances along input routes obtained.

Kirklees Council has opted for a hybrid approach to produce a mapped-restriction zone based on a 400m walking distance of primary and secondary schools (within which, establishment of hot food takeaway outlets

49 122 Fanshawe Avenue, Barking, Change of use from A2 to A5 takeaway (Ref: APP/Z5060/A/11/2167225)

489-491 Norwood Road, London SE27 9DJ Change of use of vacant ground floor commercial premises to mixed A3/A5 (restaurant and hot food takeaway) use (Ref: APP/N5660/W/17/3178462)

Study Compares Older and Younger Pedestrian Walking Speeds. TranSafety, Inc. 1997 – 10 -01

Aspelin, Karen (2005-05-25). Establishing Pedestrian Walking Speeds. Portland State University

Providing for Journeys on Foot. CIHT 2000

Appendix 3: Supporting information and evidence for HFT3 Proximity to Schools

will be restricted). The approach utilises (a) RouteFinder™ output (to determine only those portions of a constructed, district-wide walkable routes network within a specified distance of mapped access points (in/out of the school grounds); with (b) standard, 30m-line-buffer output applied to the output obtained at (a). Use of mapped access points (in/out of the school grounds) was considered preferable to the use of a single point (or polygon centroid) often used to depict a point within the footprint of the principal school building.

An essential pre-requisite of this methodology involves the acquisition/production of a district-wide, walkable-routes network (WRN). The WRN for Kirklees was constructed by combining these GIS data: (i) OS MasterMap Highways Network data – specifically “RoadLink (excluding motorways)”, “PathLink” and “ConnLink”; with (ii) the Local Authority’s Public Rights of Way (PROW) map layer. Network topology and error identification/correction was assisted using the PolyBuilder tool in MapInfo. School access points (SAPs) were based substantially on Ordnance Survey (OS) MasterMap® Sites Layer data, with limited amendment to rectify recognised/identified omissions. Using the WRN and SAPs as input, 370m-walking-distance output was obtained using RouteFinder™, from which only those portions of the district-wide WRN within 370m of SAPs could be selected. Applying a standard, 30m-line buffer to that reduced-selection WRN_(rs) yielded the final (370 + 30 = 400m) buffer (strictly, a 30m buffer of all walkable routes within 370m of SAPs). This approach provides good identification of properties alongside the WRN_(rs).

Hot Food Takeaway SPD Consultation Comments and Responses Schedule May 2022

ID	Organisation	Document Section / Page	Comment	Change(s) Required	Council response and proposed changes to the SPD
HFT_SPD7	Private individual	1.1	<p>How can any committee, possibly conceive, that there are not enough fast-food outlets in Batley Town centre? This planning section notes that all impacts must be considered, including health, and highways! None of this is being considered in the slightest.</p>		<p>No change.</p> <p>Comment noted.</p> <p>This SPD provides guidance on health and highways impacts, that must be considered as part of any planning application for a hot food takeaway.</p>
HFT_SPD8	Natural England	1.1	<p>Thank you for your consultation on the above dated 9 November 2021, which was received by Natural England on 9 November 2021.</p> <p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Our remit includes protected sites and landscapes, biodiversity, geodiversity, soils, protected species, landscape character, green infrastructure, and access to and enjoyment of nature.</p> <p>Whilst we welcome this opportunity to give our views, the topic of the Supplementary Planning Document does not appear to relate to our interests to any significant extent. We therefore do not wish to comment.</p> <p>Should the plan be amended in a way which significantly affects its impact on the natural environment, then, please consult Natural England again.</p>		<p>No change.</p> <p>The requirement for Strategic Environmental Assessment (SEA) was fully considered through the Screening Statement and Determination Statement, which can be viewed at: Hot food takeaway Supplementary Planning Document Consultation Kirklees Council</p>

			<p>Strategic Environmental Assessment/Habitats Regulations Assessment</p> <p>A SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance here. While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project. If your SPD requires a Strategic Environmental Assessment or Habitats Regulation Assessment, you are required to consult us at certain stages as set out in the Planning Practice Guidance.</p> <p>Please send all planning consultations electronically to the consultation hub at consultations@naturalengland.org.uk.</p>		
HFT_SPD9	Historic England	1.1	<p>Thank you for your consultation email of 9 December 2021.</p> <p>Our specialist staff have considered the information submitted and we do not have any comments to make on the proposals.</p> <p>Please do not hesitate to contact us again if you require any further information or have any future proposals for us to consider.</p>		<p>No change.</p> <p>Comment noted.</p>
HFT_SPD10	Environment Agency	1.1	<p>Thank you for consulting the Environment Agency on the above SPD.</p> <p>We will not be making any comments on this document as it does not relate directly to any of the issues within our remit.</p>		<p>No change.</p> <p>Comment noted.</p>
HFT_SPD11	The Coal Authority	1.1	<p>Thank you for your notification received on the 9th November 2021 in respect of the above consultation.</p> <p>The Coal Authority is a non-departmental public</p>		<p>No change.</p> <p>Comment noted.</p>

			<p>body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.</p> <p>Our records indicate that within the Kirklees Council area there are recorded coal mining features at surface and shallow depth including; 3885 mine entries, shallow workings, surface mining activity and reported surface hazards. These features pose a potential risk to surface stability and public safety.</p> <p>However, we note that this current consultation relates to a Hot Food Takeaway SPD and can confirm that the Planning team at the Coal Authority have no specific comments to make on this document.</p>		
HFT_SPD3	Private individual	2.8	<p>What has been said is correct in every particular. What hasn't been mentioned is that hot food takeaways are endemic in most countries; yet they don't have as great an obesity problem. This policy is moving towards a nanny state.</p>		<p>No change.</p> <p>The SPD is part of a package of measures to promote and support healthy eating choices.</p>
HFT_SPD14	Kentucky Fried Chicken	3.3	<p>Amendments to the Use Classes Order in 2020 seem to remove the possibility of ancillary hot food takeaway activity and, therefore, of mixed uses that comprise it. Instead, the threshold for such a use falling outside Class E is either when sale is no longer principally to visiting members of the public or when consumption of hot food sold there is mostly (i.e. more than half) off the premises. It is for the applicant to decide what to apply for, but guidance as to how premises may trade and thus what ought to be applied for will certainly reduce the chances of unlawful development.</p>	<p>In deciding what to apply for, applicants must consider the likely proportions of visiting members of the public and of hot food consumed off the premises. Experience from similar premises elsewhere will be most useful in predicting these, but in the absence of this, the proportion of space for hot food preparation</p>	<p>Comment noted.</p> <p>Proposed Modification: <u>3.3 It is for the applicant to determine whether their business will trade as a hot food takeaway which sell hot food where the consumption of that food is mostly undertaken off the premises and apply for planning permission for the correct use. In deciding whether an application is for a hot food takeaway, consideration will be given to the proportion of space designated for hot food preparation. To help with this, key considerations of how the business will operate are set out in paragraph 3.5. Where</u></p>

				and the number of tables and chairs can be useful predictors. Applicants should be aware that it is their responsibility to apply for the correct use.	clarification is required, applicants are advised to consult with Kirklees Council. Restaurants and cafes often have an ancillary takeaway element and hot food takeaways can have ancillary eat in facilities.
HFT_SPD15	Kentucky Fried Chicken	Table 4 Examples of Hot Food Takeaway Sui Generis Use	We do not consider that the list of uses is accurate or useful, as many of the uses listed are often combined with a restaurant within the same planning unit and the proportion of visiting members of the public and of hot food consumed off the premises can vary both from site to site and seasonally. Drive-throughs in particular can be difficult to categorise, as customer behaviour (e.g. eating in the restaurant or their car whilst still on site, taking-away from the counter then eating in their car, eating some in their car whilst still on site and then driving away) can all affect how premises are categorised.	Ideally delete table, but at least replace "fast food" with "Some" before "Drive Through" and pluralise latter.	Comment noted. Table 4 sets out examples of uses which are considered to be hot food takeaways, and those which are not. This list is not exhaustive. It is the applicant's responsibility to apply for the correct use. Proposed Modification: Fast Food <u>Some Drive Throughs</u>
HFT_SPD16	Kentucky Fried Chicken	Policy HFT1 Public Health Toolkit	We are concerned that this is not truly supplementary to policies of the development plan, not least because, if it were, then the relevant policy would have required the scale of its effect to be mapped with evidence for why the particular scoring has been used. It is also unreasonable to the extent that it seems to lay the responsibility for poor scores entirely on hot food takeaways, when nutritional quality in the rest of the food and drink sector (now within Class E) is very often worse (Robinson et al, 2018). Attached: Robinson et al (2018) (Over)eating out at major UK restaurant chains: observational study of energy content of main meals.		Comment noted. No change. SPDs are produced to add clarity in relation to the application of planning policies set out in the Local Plan. The Hot Food Takeaway SPD provides clear guidance about how the council will implement Local Plan policies LP16 and LP47 and how decisions will be made which balance the need to consider the vitality and viability of centres whilst promoting healthy, active and safe lifestyles. The Public Health Toolkit is one way in which the local authority is working to reduce obesity. It is recognised that there are a range of factors which influence obesity and

					<p>the obesogenic environment, as highlighted in the SPD.</p> <p>The scores used in the tool cover a range of indicators which demonstrate the levels of obesity and associated indicators at local level.</p> <p>A range of indicators are used so it's not unfairly weighted if it performs badly in one area.</p> <p>These indicators are as follows:</p> <ul style="list-style-type: none">• Deprivation• Diabetes• Coronary Heart Disease• Adults Overweight• Adults Obese• 5-year-olds with excess weight• 11-year-olds with excess weight <p>The tool is proportionate, if the scores are significantly above Kirklees average for each indicator, then Public Health Improvement will advise consideration over the application, whilst recognising other mitigating factors.</p> <p>In Kirklees we are taking a whole systems approach, through the application of a range of policy drivers, working with our partners and stakeholders to coproduce measures which enable communities to access the support they need and through creating health promoting environments where healthy choices are the easy choice.</p> <p>Alongside the work we are undertaking</p>
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					<p>concerning hot food takeaways, there are a broader set of system wide actions which support our healthy weight ambition:</p> <ul style="list-style-type: none"> • Heathy Weight Declaration Commitments being delivered • Work to ensure that good quality food and nutrition is available to everyone irrespective of where they live and what they earn • Working with schools to ensure that good quality nutritional meals are provided to children, along with good quality opportunities to be physically active. These opportunities are extended into the Holiday Activity and Food programmes and enrichment activities supported by the schools. • Working with Early Years to ensure that children and families are equipped to lead healthy lives in terms of food, joyful movement, good quality sleep, etc. • Joint working between Planning and Public Health to ensure that the built environment is conducive to health • Working with Transport Strategy and Policy to ensure that the transport schemes, existing and the new transport networks is conducive to health by way of active travel • Working with stakeholders to ensure that good quality opportunities to be physically active are offered to those not currently active.
HFT_SPD17	Kentucky Fried Chicken	Policy HFT2 Town Centre Vitality and Viability	We appreciate the recognition in the higher percentages for smaller centres that hot food takeaways are often a lower-order use in the retail hierarchy. However, as the mapping shows, this will often be rendered irrelevant as the lower-order		<p>Comment noted.</p> <p>No change.</p> <p>Policy HFT3 proximity to schools sets out</p>

		Table 5 Shopping Centre Hierarchy Hot Food Takeaway Threshold	centres are not excluded from the effect of draft HFT3, which covers large swathes of settlements.		conditions that limit opening hours of new hot food takeaways that are within 400m of primary and secondary schools. The policy does not seek to refuse applications in these areas and therefore the higher percentages allowed for in the smaller centres are still valid.
HFT_SPD19	Private individual	Policy HFT2 Town Centre Vitality and Viability Table 5 Shopping Centre Hierarchy Hot Food Takeaway Threshold	<p>We wish to comment on the Hot Food Takeaway Supplementary Planning Document.</p> <p>We have attempted to use the Online System to comment, but it is just way too long & complex, so we are emailing you instead.</p> <p>This policy is well overdue. There is an obvious need to restrict the number of hot food takeaways in a given area – both from a nuisance & public health perspective.</p> <p>However, the policy is useless unless it is enforced by KMC.</p> <p>We live in Marsh, so this area is of particular interest to us. In appendix 2, Marsh is classed as a District Centre. By our reckoning, the numbers for takeaways are a little low. Do you only include the premises on the main road? Surely the fish & chip shops on Jim Lane & Smiths Ave should be included? If it does only include the main road, then surely this policy would serve to drive new hot food takeaways in Marsh, but away from the main road.</p> <p>The KFC in Marsh expanded some time ago into a 2nd shop unit. Presumably it only counts as one hot food takeaway in your counts? What is to stop someone merging a whole row of shops into a single unit, which inside has multiple stalls selling different</p>		<p>Support.</p> <p>The boundary of Marsh district centre is defined in the Kirklees Local Plan which was adopted on 27 February 2019.</p> <p>Marsh District centre boundary encompasses the area on Westbourne Road that is predominately occupied by retail, leisure and other commercial uses and has been defined in accordance with the National Planning Policy Framework. It does not include the fish and chip shops on Jim Lane and Smiths Avenue as these are separated from the district centre by residential properties.</p> <p>The purpose of policy HFT2 is to ensure that the introduction of a new hot food takeaway within a defined centre is not harmful to its vitality and viability.</p> <p>Local Plan policy LP16 Food and drink uses, and the evening economy sets out several criteria that will be considered for a planning application including those located outside of defined centres which have been supplemented by policies the Hot Food Takeaway SPD.</p>

			<p>takeaways – would this only count as 1?</p> <p>In any event, Marsh exceeds the 15% threshold for District Centres, so we would expect the policy to allow refusal of further hot food takeaways in the area.</p> <p>We do not understand why the threshold is 10% in Town Centres, and 15% elsewhere. Why not 10% everywhere?</p> <p>The fact that new takeaway applications will be subject to stricter requirements on Noise Abatement & Odours, Waste Disposal, Design & Highway Safety is a good thing.</p>		<p>KFC in Marsh is counted as one unit and is a fast-food restaurant rather than a hot food takeaway. It is classed as a fast-food restaurant because the proportion of the premise used for the hot food takeaway element (as oppose to a seating area) is equal to or smaller than the non-hot food takeaway element.</p> <p>Where adjacent shop units are occupied by different uses such as hairdressers, opticians, convenience store, hot food takeaway for example, planning permission is required to merge units into one and as such the proposal would be subject to local and national planning policy.</p> <p>The threshold is 15% for district and local centres because these smaller centres have less shop units within them. When calculating the percentage of hot food takeaways within a defined centre boundary, one or two hot food takeaways could equate to 10%. For example, a local centre with 20 units surveyed that has 2 hot food takeaways would equate to 10%. District and local centres serve residential areas, hot food takeaways are a part of the local economy, they are part of the mix of uses within centres and provide consumer choice. Therefore, the threshold is slightly higher to allow for consumer choice and to support the local economy.</p>
HFT_SPD21	Kentucky Fried Chicken	Policy HFT2 Town Centre Vitality and Viability	We appreciate the recognition in draft HFT2 that hot food takeaways are often a lower-order use in the retail hierarchy with the higher percentages therein for smaller centres.		<p>Support.</p> <p>No change.</p> <p>Comment noted.</p>

		Table 5 Shopping Centre Hierarchy Hot Food Takeaway Threshold			
HFT_SPD18	Kentucky Fried Chicken	Policy HFT3 Proximity to Schools	<p>We appreciate the recognition in draft HFT2 that hot food takeaways are often a lower-order use in the retail hierarchy with the higher percentages therein for smaller centres. However, as the mapping shows, this will often be rendered irrelevant as lower-order centres are not excluded from the effect of draft HFT3. This would be in direct conflict with the sequential approach and result in progressively less sustainable development patterns and loss of footfall for co-located lower-order uses (e.g. convenience stores).</p> <p>Similarly, we appreciate some of the thinking behind the different time restrictions for primary and secondary schools, but appeal decisions (see 2159082 attached) and Local Plan Inspector's reports have consistently indicated that not only is there no evidence that the (weak and often conflicting) correlation between proximity and incidence implies causality, but that furthermore there is in the case of primary schools no mechanism by which causality could occur as primary school children are accompanied.</p> <p>As there are about four or five primary schools for each secondary school, it can easily be seen that the downside impacts are far greater in scale from such a policy where primary schools are included than they are for one that does not.</p>	Include exemptions for all town centres and delete references to primary schools throughout.	<p>HFT2 would be the first principle that any planning application would need to comply with, if it does and is within 400m of a school restricted opening hours would apply, as per HFT3.</p> <p>Supporting information and evidence for HFT3 can be found in Appendix 3 of the SPD, including further evidence supporting a restrictive buffer around schools and evidence for using a 400m-walking-distance restrictive buffer.</p> <p>Our approach is proportionate and demonstrates flexibility. If the scores are significantly above Kirklees average for each indicator then Public Health Improvement will advise consideration over the application, whilst recognising other mitigating factors.</p> <p>There are many appeal decisions which indicate that hot food takeaways close to schools exacerbate health and well-being issues in the area, as an example:</p> <p>A 2021 dismissed appeal decision is of particular relevance from Bristol City Council (APP/Z0116/W/21/3267875 100 Newquay Road, Knowle, Bristol). The inspector had regard to the location of the site within 400</p>

					<p>metres of a primary school and an access to a planned secondary school. In the inspector's view, an additional takeaway alongside the existing convenience store and fish and chip shop would be likely to attract young people to the parade and may also attract parents looking for a quick meal or snack option after school or following after-school activities. In this location, the takeaway would not promote healthy lifestyles and would be likely to influence behaviour harmful to health, contrary to development plan policy.</p> <p>The obesity rates and percentage of children carrying excessive weight in primary schools as identified in the National Child Measurement Program (NCMP, 2018/19). In Kirklees 24.6% of reception children are overweight or obese and 36.7% of Year 6 children are overweight or obese. This demonstrates a need for the 400m restrictive zones around all schools in the Kirklees District.</p> <p>The percentages of overweight and obese reception and year 6 children have increased since the previous year which were 23.2% and 35.5% respectively.</p> <p>YouGov report that the average age for a child to begin walking themselves to school is 10. For most children this is the last year of primary school. The most common time for children to purchase fast food is after school on the journey home, with many children skipping lunch in order to spend the money outside the school gate (Caraher, 2014).</p>
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					<p>Nutritional surveys show that primary school age children eat takeaways regularly. According to a 2017 resident survey in Southwark 2% of primary school age children were reported to have eaten a takeaway on the way home from school. Given a choice children will choose to purchase the food which they find most pleasurable to eat with little regard for nutritional or health related factors (Macdiarmid et al, 2015).</p> <p>There is evidence that the food environment, including the physical accessibility of fast-food outlets, influences the types of food consumed, and may in turn contribute to obesity levels. Placing a takeaway right next to a school produced a 5.2% increase in obesity among students, linking obesity levels in schoolchildren to the proximity of fast-food restaurants to schools (Pathania, V. 2016)</p> <p>Researchers have also successfully identified the link between the presence of a hot food takeaway within 400m of schools and childhood obesity (Fraser et al, 2010 & Barrett et al, 2017).</p>
HFT_SPD22	McDonald's Restaurants LTD	Policy HFT3 Proximity to Schools	<p>Objection</p> <p>We have considered the proposed Supplementary Planning Document, with regard to the principles set out within the Framework. We fully support the documents' aim of promoting healthier living and tackling obesity. However, the proposed guidance in HFT3 and its approach is unsound.</p> <p>Restricting the opening hours of restaurants that are within 400m of schools has no proven impact on obesity. Neither does restricting restaurants within</p>	Planware Ltd would welcome and support proposals for a wider study of the causes of obesity and their relationship with development, including examination of how new development can best support healthy lifestyles and the	<p>This SPD seeks to provide a framework to support a balanced and fair approach to supporting local business and economic growth whilst also taking steps to ensure our environments support the health and wellbeing of our residents.</p> <p>Paragraph 92 of the Framework states that planning policies and decisions should enable and support healthy lifestyles, especially where this would address</p>

		<p>400m of schools. Primary & middle school children are almost always accompanied by adults and therefore any visits to restaurants will be a matter of choice for a responsible adult. If primary children are unaccompanied, they are unlikely to have the financial capacity to purchase a meal. Closing a restaurant for 2 hours in the afternoon is prohibitive, especially as the guidance makes no allowance for when schools are closed (almost half the year, or approximately 170 days per year).</p> <p>McDonald's and most other restaurants do not choose to locate near schools as a matter of choice or principle. However, with the predominance of primary schools it is almost impossible to find locations for new restaurants that are in sustainable locations close to the residential population. Schools are located near residential populations too. Requiring a restaurant to closed for 2 hours in the afternoon will preclude good quality restaurants and encourage those that just serve the evening economy such as kebab or pizza takeaway. Such takeaways have less of an incentive to consider healthy eating. The diversion of jobs and investment to less restrictive and less sustainable areas will occur.</p> <p>The guidance is also unclear on the matter of takeaway from drive-thrus or deliveries from those stores as it references counter sales. Drive-thru lanes are not typically used by unaccompanied children as one must use a vehicle to use the lane. Delivery is age restricted in the app and by purchase method.</p> <p>The SPG guidance takes no account of food sold from other retail establishments, such as supermarkets, filling stations, local shops and CNT's.</p>	<p>tackling of obesity. When a cogent evidence base has been assembled, this can then inform an appropriate policy response. That time has not yet been reached.</p> <p>It is considered until such a time has been reached, HFT3 should be removed. At the very least, reference to primary schools and the associated restrictions on opening hours should be removed</p>	<p>identified local health and wellbeing needs, for example access to healthier food.</p> <p>NPPG offers further guidance in that SPDs can seek to limit the proliferation of particular uses where evidence demonstrates this is appropriate. Having regard to:</p> <ul style="list-style-type: none"> • proximity to locations where children and young people congregate such as schools, community centres and playgrounds • evidence indicating high levels of obesity, deprivation, health inequalities and general poor health in specific locations • over-concentration of certain uses within a specified area • odours and noise impact • traffic impact • refuse and litter <p>The Government's Healthy Lives, Healthy People: A call to action on obesity in England (2011) recognises the role that the planning system can play in supporting public health and creating a healthier built environment, by for example, developing supplementary planning policies.</p> <p>Promoting healthy weight in children, young people and families: A resource to support local authorities (PHE, 2018) makes recommendations for local government, including a 'whole systems' approach to achieving aims such as improving the availability of healthy food. The report suggests that planning authorities should make full use of planning powers to restrict</p>
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All of these are located in residential areas, and thus in proximity to primary and secondary schools. Class E retail outlets and food and drink uses can also sell food that is high in calories, fat, salt and sugar, and low in fibre, fruit and vegetables. This means that the policy takes an inconsistent approach towards new development that sells food and discriminates against operations with a Sui Generis use. It also means that the policy has a disproportionate effect on operations with a Sui Generis use.

If a restaurant is required to close for 2 hours, what happens to the staff for that period of time? Staff cannot be expected to take a 2 hour unpaid break during their working hours. No thought to the practical approach of the policy has been made. What implications will this have on the local working population? What impacts will it have on the general public and other customers of the restaurant who need refreshments or a place to meet at these times?

The guidance, specifically HTF3 conflicts with the Framework. Para 81 states: "Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future."

The lack of evidence of a causal link between proximity of takeaways to local schools and its impact on obesity has been confirmed in a number of planning decisions.

the proliferation of hot food takeaways near schools and the unacceptable clustering of hot food takeaways in town centres.

Our approach is proportionate and demonstrates flexibility. If the scores are significantly above Kirklees average for each indicator, then Public Health Improvement will advise consideration over the application, whilst recognising other mitigating factors.

The approach seeks to balance health and economy aims.

The obesity rates and percentage of children carrying excessive weight in primary schools as identified in the National Child Measurement Program (NCMP, 2018/19). In Kirklees 24.6% of reception children are overweight or obese and 36.7% of Year 6 children are overweight or obese. This demonstrates a need for the 400m restrictive zones around all schools in the Kirklees District.

The percentages of overweight and obese reception and year 6 children have increased since the previous year which were 23.2% and 35.5% respectively.

Supporting information and evidence for HFT3 can be found in Appendix 3 of the SPD, including further evidence supporting a restrictive buffer around schools and evidence for using a 400m-walking-distance restrictive buffer.

In South Ribble the Planning Inspectorate raised concerns about a similar 400m school proximity restriction on fast food, stating ‘the evidence base does not adequately justify the need for such a policy’, and due to the lack of information, it is impossible to ‘assess their likely impact on the town, district or local centres’.

Similarly, research by Brighton & Hove concluded that ‘the greatest influence over whether students choose to access unhealthy food is the policy of the individual schools regarding allowing students to leave school premises during the day’.

The recent Inspectors response to the London Borough of Croydon (January 2018) regarding a similar prohibition on hot food takeaways, (where a similar campaign to persuade takeaway proprietors to adopt healthy food options existed) confirmed that the councils own ‘healthy’ plans would be stymied by the proposed policy, as would purveyors of less healthy food. The policy failed to distinguish between healthy and unhealthy takeaway food, and “confounds its own efforts to improve healthiness of the food provided by takeaway outlets” and failed to “address the demand for the provision of convenience food”. The Inspector concluded that because the reasons for the policy do not withstand scrutiny, they must be regarded as unsound.

The inspector at Nottingham City Council stated “There is insufficient evidence to support the link between childhood obesity and the concentration or siting of A3, A4 and A5 uses within 400m of a secondary school to justify the criterion of policy LS1 that proposals for A3, A4 and A5 uses will not be supported outside established centres if they are

YouGov report that the average age for a child to begin walking themselves to school is 10. For most children this is the last year of primary school. The most common time for children to purchase fast food is after school on the journey home, with many children skipping lunch in order to spend the money outside the school gate (Caraher, 2014). Nutritional surveys show that primary school age children eat takeaways regularly. According to a 2017 resident survey in Southwark 2% of primary school age children were reported to have eaten a takeaway on the way home from school. Given a choice children will choose to purchase the food which they find most pleasurable to eat with little regard for nutritional or health related factors (Macdiarmid et al, 2015).

There is evidence that the food environment, including the physical accessibility of fast-food outlets, influences the types of food consumed, and may in turn contribute to obesity levels. Placing a takeaway right next to a school produced a 5.2% increase in obesity among students, linking obesity levels in schoolchildren to the proximity of fast-food restaurants to schools (Pathania, V. 2016).

Researchers have also successfully identified the link between the presence of a hot food takeaway within 400m of schools and childhood obesity (Fraser et al, 2010 & Barrett et al, 2017).

This guidance applies to hot food takeaways and not restaurants. However, the local

located within 400m of a secondary school unless it can be clearly demonstrated that the proposal will not have a negative impact on health and well-being the criterion and justification should therefore be deleted/amended.

The inspector at Rotherham stated “Policy SP25 sets out various criteria against which proposals for hot food takeaways will be assessed. One of the criteria is designed to prevent hot food takeaways within 800 metres of a primary school, secondary school or college when the proposed site is outside a defined town, district or local centres. Having carefully considered the material before me and the discussion at the Hearing I do not consider there is sufficient local evidence to demonstrate a causal link between the proximity of hot food takeaways to schools and colleges and levels of childhood obesity. Although I accept that levels of childhood obesity need to be tackled by both local and national initiatives I do not consider there are sufficient grounds at the present time to include this particular aspect of land use policy in the RSPP”.

In Guildford, the inspector stated “Finally, the submitted Plan contains a requirement common to Policy E7 Guildford town centre, E8 District Centres and E9 Local Centres and isolated retail units that resists proposals for new hot food takeaways within 500 metres of schools. However, the evidence indicates that childhood obesity in Guildford is lower than the average for England. Childhood obesity may be a product of a number of factors, not necessarily attributable to takeaway food; takeaways often sell salads as well as nutritious foods; not all kinds of takeaway food are bought by children; children have traditionally resorted to shops selling sweets and fizzy drinks, which would be untouched by the

authority has also committed to a range of other measures to contribute towards tackling obesity.

In Kirklees we are taking a whole systems approach, through the application of a range of policy drivers, working with our partners and stakeholders to coproduce measures which enable communities to access the support they need and through creating health promoting environments where healthy choices are the easy choice.

Alongside the work we are undertaking concerning hot food takeaways, there are a broader set of system wide actions which support our healthy weight ambition:

- Heathy Weight Declaration Commitments being delivered
- Work to ensure that good quality food and nutrition is available to everyone irrespective of where they live and what they earn
- Working with schools to ensure that good quality nutritional meals are provided to children, along with good quality opportunities to be physically active. These opportunities are extended into the Holiday Activity and Food programmes and enrichment activities supported by the schools.
- Working with Early Years to ensure that children and families are equipped to lead healthy lives in terms of food, joyful movement, good quality sleep, etc.
- Joint working between Planning and Public Health to ensure that the built environment is conducive to health

policy; and the policy would have no bearing on the many existing takeaways. In this context there is no evidence that the requirement would be effective in safeguarding or improving childhood health. It would be an inappropriate interference in the market without any supporting evidence and would therefore be unsound”.

Planware Ltd considers there is no sound justification for proposed Policy HFT3 which imposes commercial restrictions on restaurants that include an element of hot food takeaways within a 400m radius from a primary or secondary school. Policy HFT3 should therefore be removed to provide consistency and to abide by the Framework.

- Working with Transport Strategy and policy to ensure that the transport schemes, existing and the new transport networks is conducive to health by way of active travel
- Working with stakeholders to ensure that good quality opportunities to be physically active are offered to those not currently active
- Working to develop a ‘weight neutral’ approach to focus on healthy behaviours rather than weight, shape and body size.

There are many appeal decisions which indicate that hot food takeaways close to schools exacerbate health and well-being issues in the area, as an example:

A 2021 dismissed appeal decision is of particular relevance from Bristol City Council (APP/Z0116/W/21/3267875 100 Newquay Road, Knowle, Bristol). The inspector had regard to the location of the site within 400 metres of a primary school and an access to a planned secondary school. In the inspector's view, an additional takeaway alongside the existing convenience store and fish and chip shop would be likely to attract young people to the parade and may also attract parents looking for a quick meal or snack option after school or following after-school activities. In this location, the takeaway would not promote healthy lifestyles and would be likely to influence behaviour harmful to health, contrary to development plan policy.

In conclusion, the SPD is supported by robust

					evidence based on Kirklees health indicators. The policy approach is proportionate and flexible through the consideration of material considerations which seek to balance health and economic aims.
HFT_SPD20	Private individual	Policy HFT4 Noise Abatement & extraction of Odours	<p>We wish to comment on the Hot Food Takeaway Supplementary Planning Document.</p> <p>We have attempted to use the Online System to comment, but it is just way too long & complex, so we are emailing you instead.</p> <p>This policy is well overdue. There is an obvious need to restrict the number of hot food takeaways in a given area – both from a nuisance & public health perspective.</p> <p>However, the policy is useless unless it is enforced by KMC.</p> <p>We live in Marsh, so this area is of particular interest to us. In appendix 2, Marsh is classed as a District Centre. By our reckoning, the numbers for takeaways are a little low. Do you only include the premises on the main road? Surely the fish & chip shops on Jim Lane & Smiths Ave should be included? If it does only include the main road, then surely this policy would serve to drive new hot food takeaways in Marsh, but away from the main road.</p> <p>The KFC in Marsh expanded some time ago into a 2nd shop unit. Presumably it only counts as one hot food takeaway in your counts? What is to stop someone merging a whole row of shops into a single unit, which inside has multiple stalls selling different takeaways – would this only count as 1?</p> <p>In any event, Marsh exceeds the 15% threshold for</p>		<p>Support.</p> <p>No change.</p> <p>Comment noted. See response to HFT_SPD19.</p>

			<p>District Centres, so we would expect the policy to allow refusal of further hot food takeaways in the area.</p> <p>We do not understand why the threshold is 10% in Town Centres, and 15% elsewhere. Why not 10% everywhere?</p> <p>The fact that new takeaway applications will be subject to stricter requirements on Noise Abatement & Odours, Waste Disposal, Design & Highway Safety is a good thing.</p>		
HFT_SPD4	Private individual	Policy HFT5 Waste Disposal	<p>Litter in the vicinity of hot food takeaways is a major problem. Food debris attracts vermin; and the streets are a mess. All premises should be obliged to provide lidded bins, which owners should empty. They also should clear up outside their premises. Whilst only a small percentage of food is consumed in the immediate area, it is obvious by the amount of litter that these customers seem particularly negligent about disposing of their litter.</p>		<p>No change.</p> <p>Comment noted.</p> <p>This SPD requires applicants to submit a Waste Strategy as part of any planning application.</p>
HFT_SPD12	Historic England	Policy HFT5 Waste Disposal	<p>Historic England is the Government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.</p> <p>Thank you for consulting Historic England on the above document. Our comments are confined to the following:</p> <ul style="list-style-type: none"> • We support the first bullet reference under HFT 5 Waste Disposal to bin stores external to the building 		<p>Support.</p> <p>No change.</p> <p>Comment noted.</p>

			<p>needing to be adequately screened in a manner and location that does not detract from the street scene or the character of the area.</p> <p>If you have any queries or would like to discuss anything further, please do not hesitate to contact me.</p>		
HFT_SPD23	Private individual	Policy HFT5 Waste Disposal	<p>We wish to comment on the Hot Food Takeaway Supplementary Planning Document.</p> <p>We have attempted to use the Online System to comment, but it is just way too long & complex, so we are emailing you instead.</p> <p>This policy is well overdue. There is an obvious need to restrict the number of hot food takeaways in a given area – both from a nuisance & public health perspective.</p> <p>However, the policy is useless unless it is enforced by KMC.</p> <p>We live in Marsh, so this area is of particular interest to us. In appendix 2, Marsh is classed as a District Centre. By our reckoning, the numbers for takeaways are a little low. Do you only include the premises on the main road? Surely the fish & chip shops on Jim Lane & Smiths Ave should be included? If it does only include the main road, then surely this policy would serve to drive new hot food takeaways in Marsh, but away from the main road.</p> <p>The KFC in Marsh expanded some time ago into a 2nd shop unit. Presumably it only counts as one hot food takeaway in your counts? What is to stop someone merging a whole row of shops into a single unit, which inside has multiple stalls selling different takeaways – would this only count as 1?</p>		<p>Support.</p> <p>No change.</p> <p>Comment noted. See response to HFT_SPD19.</p>

			<p>In any event, Marsh exceeds the 15% threshold for District Centres, so we would expect the policy to allow refusal of further hot food takeaways in the area.</p> <p>We do not understand why the threshold is 10% in Town Centres, and 15% elsewhere. Why not 10% everywhere?</p> <p>The fact that new takeaway applications will be subject to stricter requirements on Noise Abatement & Odours, Waste Disposal, Design & Highway Safety is a good thing.</p>		
HFT_SPD13	Historic England	Policy HFT6 Takeaway Design and Community Safety	<p>Historic England is the Government’s statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England’s historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.</p> <p>Thank you for consulting Historic England on the above document. Our comments are confined to the following:</p> <ul style="list-style-type: none"> • We note that HTF 6 Takeaway Design and Community Safety is restricted to the control of the design of takeaways as it relates to safety and residential amenity. However, we would suggest that the supporting text highlights that policies within the Local Plan covering design and the historic environment (namely policies LP24, LP25 and LP35) will continue to control all other aspects of a 		<p>Comment noted.</p> <p>Proposed Modification: Add: <u>LP24, LP25, LP35</u> To the ‘Relevant Local Plan Policy’ Box</p>

			<p>proposals design and interaction with heritage assets.</p> <p>If you have any queries or would like to discuss anything further, please do not hesitate to contact me.</p>		
HFT_SPD24	Private individual	Policy HFT6 Takeaway Design and Community Safety	<p>We wish to comment on the Hot Food Takeaway Supplementary Planning Document. We have attempted to use the Online System to comment, but it is just way too long & complex, so we are emailing you instead.</p> <p>This policy is well overdue. There is an obvious need to restrict the number of hot food takeaways in a given area – both from a nuisance & public health perspective.</p> <p>However, the policy is useless unless it is enforced by KMC.</p> <p>We live in Marsh, so this area is of particular interest to us. In appendix 2, Marsh is classed as a District Centre. By our reckoning, the numbers for takeaways are a little low. Do you only include the premises on the main road? Surely the fish & chip shops on Jim Lane & Smiths Ave should be included? If it does only include the main road, then surely this policy would serve to drive new hot food takeaways in Marsh, but away from the main road.</p> <p>The KFC in Marsh expanded some time ago into a 2nd shop unit. Presumably it only counts as one hot food takeaway in your counts? What is to stop someone merging a whole row of shops into a single unit, which inside has multiple stalls selling different takeaways – would this only count as 1?</p> <p>In any event, Marsh exceeds the 15% threshold for</p>		<p>Support.</p> <p>No change.</p> <p>Comment noted. See response to HFT_SPD19.</p>

			<p>District Centres, so we would expect the policy to allow refusal of further hot food takeaways in the area.</p> <p>We do not understand why the threshold is 10% in Town Centres, and 15% elsewhere. Why not 10% everywhere?</p> <p>The fact that new takeaway applications will be subject to stricter requirements on Noise Abatement & Odours, Waste Disposal, Design & Highway Safety is a good thing.</p>		
HFT_SPD25	Private individual	Policy HFT7 Highway Safety	<p>We wish to comment on the Hot Food Takeaway Supplementary Planning Document. We have attempted to use the Online System to comment, but it is just way too long & complex, so we are emailing you instead.</p> <p>This policy is well overdue. There is an obvious need to restrict the number of hot food takeaways in a given area – both from a nuisance & public health perspective.</p> <p>However, the policy is useless unless it is enforced by KMC.</p> <p>We live in Marsh, so this area is of particular interest to us. In appendix 2, Marsh is classed as a District Centre. By our reckoning, the numbers for takeaways are a little low. Do you only include the premises on the main road? Surely the fish & chip shops on Jim Lane & Smiths Ave should be included? If it does only include the main road, then surely this policy would serve to drive new hot food takeaways in Marsh, but away from the main road.</p> <p>The KFC in Marsh expanded some time ago into a 2nd shop unit. Presumably it only counts as one hot food</p>		<p>Support.</p> <p>No change.</p> <p>Comment noted. See response to HFT_SPD19.</p>

		<p>takeaway in your counts? What is to stop someone merging a whole row of shops into a single unit, which inside has multiple stalls selling different takeaways – would this only count as 1?</p> <p>In any event, Marsh exceeds the 15% threshold for District Centres, so we would expect the policy to allow refusal of further hot food takeaways in the area.</p> <p>We do not understand why the threshold is 10% in Town Centres, and 15% elsewhere. Why not 10% everywhere?</p> <p>The fact that new takeaway applications will be subject to stricter requirements on Noise Abatement & Odours, Waste Disposal, Design & Highway Safety is a good thing.</p>		
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Wider Determinants of Health

Whole systems approach to support healthy environments and reduce obesity

Kirklees Council recognises that the decisions and behaviours of individuals, including the use of hot food takeaways are influenced by a complex relationship with a broad range of factors. This can be defined as the 'wider determinants of health'. Obesity is ~~more~~ complex. It is influenced by ~~than~~ what we eat, how we access our food, availability and affordability of healthy food and our skills and understanding of cooking healthy food. It is also ~~it's~~ about how physically active we are, how easy it is to walk and cycle around our communities, our income, ~~our skills and understanding of cooking healthy food, and~~ our social norms, ~~and our access to healthy food.~~ This complex relationship can create what is known as an obesogenic environment-(1). This is where the environments in which individuals, families and communities live make it challenging for people for make healthy choices, which increases the risk of becoming overweight or obese. The Foresight Report(2) also states that "Changes to our environment (including both the activity- and food-related environment) are a necessary part of any response to support behaviour change and appropriate behaviour patterns." This is demonstrated visually below:

While the planning system alone cannot solve the obesity crisis, when utilised effectively it can be a powerful tool for positively influencing healthy behaviours and providing healthy options through the built and natural environment(3).

Having a positive policy framework for a healthier food environment benefits Local Planning Authorities, public health, businesses and most importantly consumers and communities. It allows for all interests to be considered and balanced during development planning. The planning system should consider the impact of developments on people's eating behaviours and their health implications. Building on the evidence of existing literature, the Town and County Planning Association and The Office for Health Improvement and Disparities (OHID) (formerly Public Health England), developed a framework for influencing and planning for healthy weight environments(4). One element focus's on 'Healthy Food measures aimed at improving the food environment for access to, consumption and production of healthier food choices:

Planning Healthy-Weight Environments – Six Elements

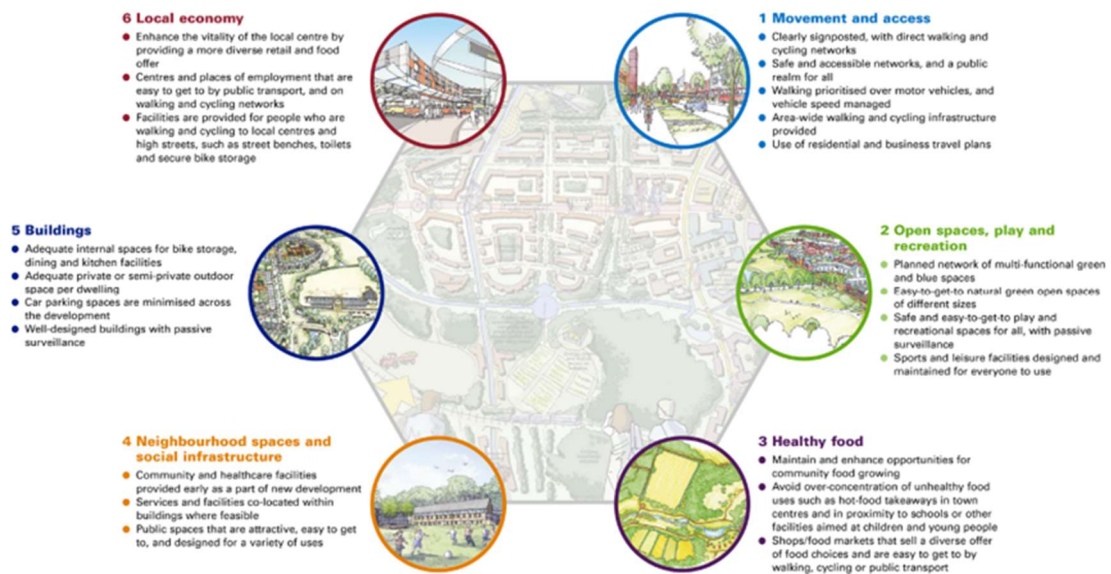


Figure 2. Planning Healthy Weight Environments Framework and the six themes (Ross & Chang, 2014).

It is therefore within this context in which the Hot Food Takeaway SPD plays a vital role in terms of enabling healthy environments across Kirklees.

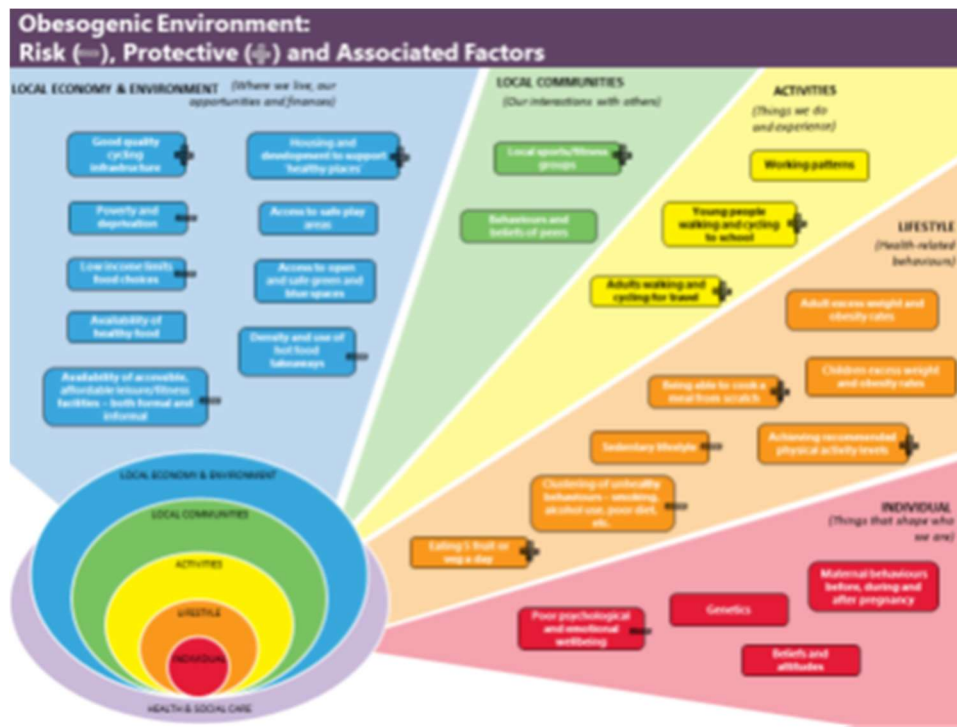
Obesity is determined by a wide range of factors sitting within the wider determinants of health, including the environment and therefore actions to reduce obesity prevalence requires a whole systems approach(5).

Exploding Rainbows Diagram inserted here

The obesogenic environment

Evidence shows that the environment can help people access and choose healthier food options on our high streets, around schools and in our town centres(6). The quality of the local environment in which people live and work are contributing factors to excess calorie consumption and inactive lifestyles which make it challenging for people to make healthy choices and increase the risk of becoming overweight or obese(7).

This complex relationship can create what is known as an obesogenic environment and is demonstrated visually below:



The impact of obesity

The rise in obesity is one of the biggest threats to health in the UK. In England, among adults 16 and over, 68% of men and 60% of women were overweight or obese in 2019, among children, 18% of boys and 13% of girls were obese and children with an obese parent were more likely to be obese(819) .

Food and nutrition, and our levels of physical activity, are second only to smoking tobacco in the impact on our health. A combination of eating too much energy as calories and a lack of physical activity leads to obesity, diabetes, heart disease, stroke and some cancers. Eating habits established in childhood and adolescence tends to continue and affect adult health. Individuals with irregular meal patterns are more likely to become overweight and obese(920) .

Obesity is associated with an increased risk of earlier death and a range of diseases that have a significant health impact on individuals, such as diabetes, heart disease, cancer and muscular skeletal problems. Additionally, the risk of maternal death from childbirth and infant death are increased(1024) .

It is estimated that obesity is responsible for more than 30,000 deaths each year. On average, obesity deprives an individual of an extra 9 years of life, preventing many individuals from reaching retirement age(1122) .

Obesity is caused by the imbalance between calories (or energy) taken into the body and calories used by the body and burnt off in physical activity, over a prolonged period. Excess energy results in the accumulation of excess body fat. Therefore it is an individual's biology, for example, genetics and metabolism, and their eating and physical activity behaviour that are primarily responsible for maintaining a healthy body weight(1223) .

The typical adult diet exceeds recommended dietary levels of sugar and fat(1324) . One of the dietary trends in recent years has been an increase in the proportion of food eaten outside the

home, which is more likely to be high in calories. Over half of British adults have experienced an increase in the number of fast food shops on their nearest high street since they started living there(1425) . The Greater London Authority takeaways toolkit states that 'the increase in fast food outlets will be a contributory factor in the growth of the obesogenic environment'(1526) .

Children who are obese or overweight are increasingly developing type 2 diabetes and liver problems during childhood. They are more likely to experience bullying, low-esteem and a lower quality of life. They are highly likely to go on to become overweight adults at risk of cancer, heart and liver disease. They are also disproportionately from low-income households and black and minority ethnic families(1627) .

The regular consumption of takeaway food is linked to obesity in children and young adults. A study carried out involving 9 -10 years children in three English cities, found that regular consumption of takeaway food, higher body fat weight, raised blood cholesterol and poor diets was greater when compared to children who rarely or never consumed takeaways(17). Additional calorie consumption was noted among children who ate takeaway food in the home compared to children who rarely eat these meals(18).

Prevalence of fast-food outlets in deprived areas

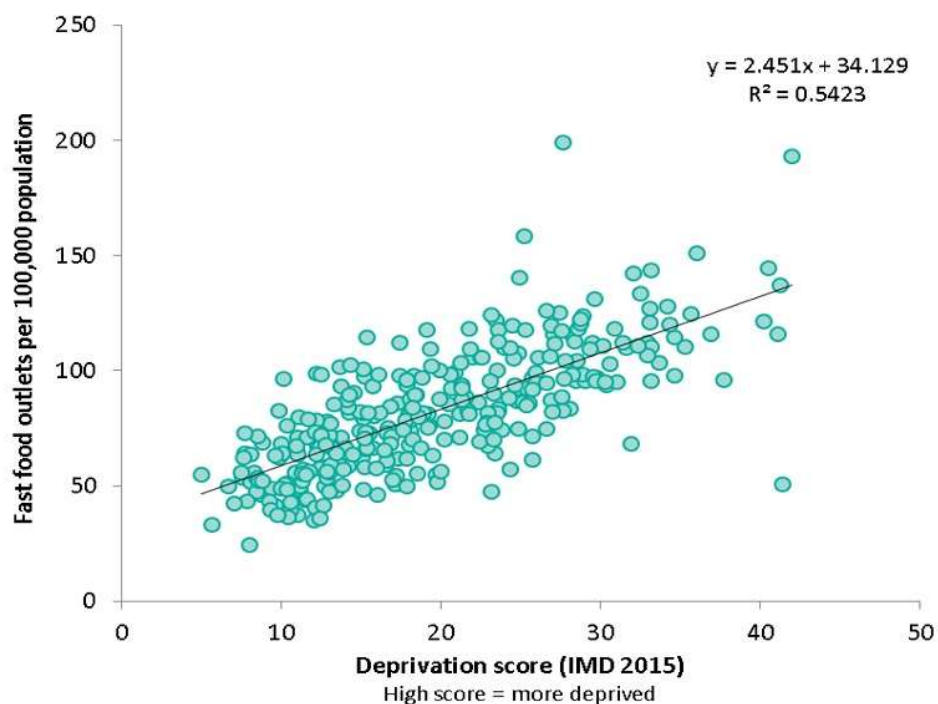
Research shows that fast-food outlets are more prevalent in areas of deprivation and this research supports the supposition that fast-food outlets are associated with weight gain in children(1928) .

Research also shows that takeaway food can be a low-cost option for purchasers(20). Takeaway food outlets are 2-3 times as many in the most deprived parts of England compared to the least deprived areas (21). Furthermore, the frequency of takeaway food consumption among children from lower socio-economic groups (22), led to greater total calorie consumption than children in higher socio-economic groups (23).

The chart below illustrates the association between density of fast-food outlets and area level deprivation. The local authorities with a higher deprivation score (more deprived) have a greater density of fast food outlets(24):

Relationship between density of fast food outlets and deprivation

by local authority



Source: PHE

Adults living in the most deprived areas were the most likely to be obese. This difference was particularly pronounced for women, where 39% of women in the most deprived areas were obese, compared with 22% in the least deprived areas(2529) .

There are also inequalities in obesity rates between different socioeconomic groups, among children in reception and year 6, the prevalence of obesity in the 10% most deprived groups is approximately double that in the 10% least deprived. There is also a marked gradient in obesity levels among adults(2630)(2731) .

Tackling and preventing obesity is a high priority for the Government. OHID continues to prioritise reducing obesity, particularly among children and will work across the Department of Health and Social Care, the rest of government, the healthcare system, local government and industry to focus towards preventing ill health, in particular in the places and communities where there are the most significant disparities (28).

Reducing obesity, particularly among children, is one of the priorities of PHE. PHE aims to increase the proportion of children leaving primary school with a healthy weight, as well as reductions in levels of excess weight in adults(32).

In Kirklees, levels of childhood obesity are rising in line with national trends nationally. Obesity in children starting school is around twice as prevalent in those living in the most deprived areas compared to the least deprived areas, and with only a small number of overweight and obese children returning to a healthy weight in Year 6. A substantial number of children move out of the healthy weight category as they move through Primary school. This trend then continues into adulthood with 41% of 18-34 year olds in Kirklees been above a healthy weight(2933) .

In Kirklees, parents believe weight gain is a result of an external uncontrollable factor i.e. genetics or medication. Children give other reasons such as availability of cheap junk food, laziness and their parents working long hours, resulting in them eating whatever they can find when they return from school and turning to easy fast food for evening meals(3034) .

Wider economic related impacts

The rising prevalence of obesity is a concern beyond the related poor health outcomes and mortality. Studies have projected an upward trend in obesity cases which will add further economic burden to healthcare services and wider society. The combined medical costs associated with treatment of obesity and associated diseases is estimated to increase by £1.9 -2 billion a year in the UK by 2030 compared to £6.1 billion in 2014 to 2015 (31) (32). Obesity also affects economic development, with the overall cost of obesity to the wider society estimated to be £27 billion (33).

Covid-19 and obesity

Throughout 2020, we have seen that being overweight or living with obesity puts you at risk of dying from COVID-19. ~~As PHE's recent assessment has made clear, n~~New evidence in the UK and internationally, indicates that being overweight or living with obesity is associated with an increased risk of hospitalisation, severe symptoms, advanced levels of treatment such as mechanical ventilation or admission to Intensive Care Units and death from COVID-19. These risks increase progressively as an individual's body mass index (BMI) increases. ~~It suggests that the risk posed by being overweight or living with obesity to people with COVID-19 is relatively high.~~ Throughout 2020, we have seen that being overweight or living with obesity puts you at risk of dying from COVID-19. New evidence in the UK and internationally, indicates that being overweight or living with obesity is associated with an increased risk of hospitalisation, severe symptoms, advanced levels of treatment such as mechanical ventilation or admission to Intensive Care Units and death from COVID-19. These risks increase progressively as an individual's body mass index (BMI) increases. The risk posed by being overweight or living with obesity to people with COVID-19 is relatively high (34).

Excess weight is one of the few modifiable factors for COVID-19 and so supporting people to achieve a healthier weight will be crucial to keeping people fit and well as we move forward. ~~We must take action to to help everyone, especially children to prevent obesity developing~~(35) .

Takeaway meals in England

Access to takeaway food outlets has been associated with increased takeaway food consumption and higher body weight (36).

The Ordnance Survey data shows that since 2017, the number of takeaway food outlets in England has risen in the last three years from 56,638 outlets to an additional 4,000 (8%) during this period (37). The takeaway industry has reported an increase in nominal expenditure on takeaway food from £7.9 billion in 2009 to £9.9 billion in 2016 and is set to grow further in the next five to 6 years (38). Annual growth of 2.6% per annum is forecasted over the next five years 6 (39).

Takeaway food outlets are particularly associated with obesity, whereas restaurants and supermarkets are not. The food choices available in restaurant and meals eaten out of the home may be 'unhealthy', however, there is more varied food options available which include more healthy options and the portion sizes tend to be smaller than takeaway food portions. In one UK study (of adults) only frequent use of takeaways (not cafes and not restaurants) was associated with

obesity (40) (41). Access to supermarkets has been shown to be protective of obesity in adults (42) (43).

Footnotes:

1. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/287937/07-1184x-tackling-obesities-future-choices-report.pdf.
 2. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/287937/07-1184x-tackling-obesities-future-choices-report.pdf
 3. Hamidi S, Ewing R. Compact Development and BMI for Young Adults. 2020, J Am Plann Assoc., pp. 86(3): 349-363.
 4. https://pdfs.semanticscholar.org/6997/d79b4e4d62bb9fea8d0a14f64051c3389c51.pdf?_ga=2.81305490.447073067.1647425935-1568852899.1647425935
 5. [Using planning powers to promote healthy weight environments in England \[version 1; peer review: 2 approved\]. Emerald Open Res 2020, 2:68](https://doi.org/10.35241/emeraldopenres.13979.1)
<https://doi.org/10.35241/emeraldopenres.13979.1>
 6. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/863821/PHE_Planning_healthy_weight_environments_guidance_1_.pdf
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/863821/PHE_Planning_healthy_weight_environments_guidance_1_.pdf.
 8. Health Survey for England 2019
<https://digital.nhs.uk/data-and-information/publications/statistical/health-survey-for-england/2019>
 9. Kirklees Joint Strategic Needs Assessment, 2013
 10. Kirklees Joint Strategic Needs Assessment, 2013
 11. Health matters: obesity and the food environment; Public Health England; 31 March 2017
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 13. Health matters: obesity and the food environment; Public Health England; 31 March 2017
 14. Butland B, Jebb S, Kopelman P, McPherson K, Thomas S, Mardell J, et al. Tackling Obesities: Future Choices – Project report. Government Office for Science, 2007
 15. Takeaways Toolkit: Tools, interventions and case studies to help local authorities develop a response to the health impacts of fast food takeaways. Greater London Authority, November 2012
 16. Childhood Obesity, A Plan for Action, Department of Health and Social Care, 2018
 17. Pearce M, Bray I, Horswell M. Weight gain in mid-childhood and its relationship with the fast-food environment. *Journal of Public Health* Volume 40, Issue 2, June 2018, Pages 237–244
 18. Donin, A. S. et al. Takeaway meal consumption and risk markers for coronary heart disease, type 2 diabetes and obesity in children aged 9-10 years: a cross-sectional study. *Arch. Dis. Child.* [archdischild-2017-312981](https://doi.org/10.1136/archdischild-2017-312981) (2017). doi:10.1136/archdischild-2017-312981
 19. Pearce M, Bray I, Horswell M. Weight gain in mid-childhood and its relationship with the fast food environment. *Journal of Public Health* Volume 40, Issue 2, June 2018, Pages 237–244
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 21. Drewnowski, A. & Spector, S. E. Poverty and obesity: the role of energy density and energy costs. *Am. J. Clin. Nutr.* 79, 6–16 (2004).
 22. Public Health England. Obesity and the environment Density of fast food outlets. (2016).
 23. Donin, A. S. et al. Takeaway meal consumption and risk markers for coronary heart disease, type 2 diabetes and obesity in children aged 9-10 years: a cross-sectional study. *Arch. Dis. Child.* [archdischild-2017-312981](https://doi.org/10.1136/archdischild-2017-312981) (2017). doi:10.1136/archdischild-2017-312981
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25. Health Survey for England 2019 Overweight and obesity in adults and children
<https://files.digital.nhs.uk/9D/4195D5/HSE19-Overweight-obesity-rep.pdf>
26. Obesity and the environment: regulating the growth of fast food outlets. Public Health England, March 2014
27. Butland B, Jebb S, Kopelman P, McPherson K, Thomas S, Mardell J, et al. Tackling Obesities: Future Choices – Project report. Government Office for Science, 2007
28. [Obesity Profile - OHID \(phe.org.uk\)](#)
~~Health matters: obesity and the food environment, Public Health England March 2017~~
29. Health and Inequalities Across the Life Course. Director of Public Health Kirklees Annual Report 2020-21 <https://www.kirklees.gov.uk/beta/delivering-services/pdf/public-health-report.pdf>
30. Kirklees Joint Strategic Needs Assessment, 2013
31. [Health and economic burden of the projected obesity trends in the USA and the UK - The Lancet](#)
32. [Health matters: obesity and the food environment; Public Health England; 31 March 2017](#)
33. [Health matters: obesity and the food environment, Public Health England March 2017](#)
34. [Tackling obesity: empowering adults and children to live healthier lives. Department of Health & Social Care, July 2020](#)
35. [Tackling obesity: empowering adults and children to live healthier lives. Department of Health & Social Care, July 2020](#)
36. [Tackling obesity: empowering adults and children to live healthier lives. Department of Health & Social Care, July 2020](#)
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38. [Maguire, E. R., Burgoine, T. & Monsivais, P. Area deprivation and the food environment over time: A repeated cross-sectional study on takeaway outlet density and supermarket presence in Norfolk, UK, 1990-2008. *Health Place* 33, 142–7 \(2015\).](#)
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41. [Penney, T. L. et al. Utilization of Away-From-Home Food Establishments, Dietary Approaches to Stop Hypertension Dietary Pattern, and Obesity. *Am. J. Prev. Med.* 53, e155–e163 \(2017\).](#)
42. [Mackenbach, J. D. et al. Accessibility and Affordability of Supermarkets: Associations with the DASH Diet. *Am. J. Prev. Med.* 53, 55– 62 \(2017\).](#)
43. [Burgoine, T. et al. Interplay of Socioeconomic Status and Supermarket Distance Is Associated with Excess Obesity Risk: A UK Cross Sectional Study. *Int. J. Environ. Res. Public Health* 14, 1290 \(2017\).](#)

Hot Food Takeaway SPD – Appendix 3 Modifications April 2022

Further evidence supporting a restrictive buffer around Kirklees schools

This is an evidence base focusing on the harms of excess weight and the relationship between hot food takeaways within close proximity of schools and levels of obesity. It provides the evidence to support the requirement shown in HFT3. This appendix covers the impacts of obesity, particularly childhood obesity, and the current situation locally.

In Kirklees there are increasing numbers of children and adults who are overweight or obese and physically inactive. The evidence from the National Child Measurement Programme (2018/19) shows that in Kirklees approximately 1 in 4 (23.2%) of reception age children (5 year olds) and 1 in 3 (35.6%) of year 6 children (11 year olds) had excess weight in 2018/19. As children move into secondary school weight management continues to be a concern across Kirklees.

~~As children move into secondary school weight management continues to be a concern across Kirklees. In 2009, 1 in 5 (18%) 14-year olds reported that they were on a diet or trying to lose weight, but they may not necessarily need to. Nationally, 4 in 5 obese teenagers went on to be obese adults(38).~~

Increased obesity from a younger age contributes to a negative impact on the ability of children to live a healthier lifestyle(39) . Obese children are more likely to be ill, be absent from school due to illness, experience health-related limitations and require more GP appointments than normal weight children. As children constitute the future workforce of an economy, this is also associated with a reduction in employee productivity and increased spending on health care over the lifetime(40) . This clearly illustrates the importance and relevance of addressing childhood obesity in the UK, if the UK economy and society is to make the most of the available human resources.

Research and reports into the impact of hot food takeaways near schools is an area that continues to expand. There are a number of case studies that look at councils who are using the planning system to introduce restrictions on the proliferation of fast food takeaways, taking a holistic approach to tackling the challenge of obesity(41) .

Hot food takeaways within easy walking distance of schools can provide an attractive and affordable food option for pupils. Research has indicated that children attending schools near fast food outlets are more likely to be obese than those whose schools are more inaccessible to such outlets(42) .

A concentration of hot food takeaways in a particular area can create what are termed “obesogenic environments” (see Appendix 1) in which pupils have ready access to fast food outlets when travelling to and from school (43).

Researchers have also successfully identified the link between the presence of a hot food takeaway within 400m of schools and childhood obesity (44, 45). There is evidence to show that children regularly eat from hot food takeaways if they are located within the places where they spend time, i.e. either the school or home environment.

A survey of nearly 2,500 Brent secondary school pupils showed that pupils attending schools with takeaways within 400m are more likely to visit a hot food takeaway after school at least once a week (62 per cent) than pupils at schools with no takeaways within a 400m radius (43 per cent) (46).

Southwark carried out a survey in support of their local plan which showed pupils from schools with a closed gate policy would skip lunch in order to save money to spend in takeaways on the way home (47).

Research on the impact of local food environment round schools and its impact on diet, with a specific focus on primary and secondary schools in East London, concluded that the close proximity of hot food takeaway not only influences the obesity of the secondary school students but also the primary school students (48). This is because although primary school children are not allowed to leave by themselves, the lack of awareness amongst parents regarding child healthcare and obesity means parents are likely to walk the children to the takeaway.

Further to this, research found that 'more frequent takeaway meal consumption in children was associated with unhealthy dietary nutrient intake patterns and potentially with adverse longer term consequences for obesity and coronary heart disease risk.'(4943).

In an analysis of the Millennium Cohort Study data the researchers found for certain children, in particular those with maternal education below degree level and those with lower self-regulation, that living near fast food restaurants or attending schools near fast food restaurants was associated with an increased Body Mass Index (50).

Researchers have found that schools have more fast food outlets in close vicinity than would be expected by chance and that this was amplified in more deprived areas and that banning any new fast food outlets opening within 400m of schools could help reduce children's exposure to fast food(5144) .

In 2019, the Royal Society for Public Health (RSPH) published a document(5245) , one of the key learnings from this piece of work is that there is often a crucial window of exposure to obesogenic environments for children during their daily routes to and from school, which can have a substantial impact on food consumption and that unhealthy fast food outlets have in some cases become de facto extensions of the school environment. This often isn't driven by a desire for food but by a lack of other appropriate, safe, affordable and socially acceptable spaces for young people after school.

Where we live has a huge role to play in tackling childhood obesity, whether it is the way our towns and cities are designed or how many fast food outlets can operate near schools. Local authorities have a range of powers and opportunities to create healthier environments, including they have the power to developing planning policies to limit the opening of additional fast food outlets close to schools and in areas of over-concentration. They can also offer professional training, parenting support, social marketing campaigns and weight management services(5346) .

Kirklees considers that this guidance should be applied to both primary and secondary schools, as this approach takes into account the overall influence of the "obesogenic environment" . It is acknowledged that the majority of primary school pupils are likely to be accompanied by a supervising parent, guardian or adult, during the journeys to and from school. Some primary school children, such as those in year 6, are allowed to walk to and from school on their own, in preparation for the transfer to secondary schools.~~"While the causes of obesity are complex and obesity is multifaceted in aetiology, it is plausible that the condition is driven largely by environmental factors, which undermine the self-regulatory capacity that people have to make responsible decisions about personal diet and physical activity". So in this context it~~ is not just about the food choices that a secondary school pupil might make at lunch time or walking to and from home, but also about the food that the parents of primary age children might purchase for their children, and also the influence that heavily marketed 'fast-food' might have on the attitudes of impressionable young

children. The Council considers the issue of primary school children using A5 units is a concern that should be addressed alongside secondary school pupils.

Footnotes:

38 The Kirklees Joint Strategic Assessment (KJSA)

39 Janssen, H. G., Davies, I. G., Richardson, L. D., & Stevenson, L. (2017). Determinants of takeaway and fast food consumption: a narrative review. *Nutrition research reviews*, 1-19

40 Cawley J. The Economics Of Childhood Obesity. *Health Affairs* 29, NO. 3 (2010): 364-371

41 Tipping the scales Case studies on the use of planning powers to restrict hot food takeaways. Local Government Association, 2016

42 Engler-Stringer, R., Ha, L., Gerrard, A. and Muhajarine, N. (2014). The community and consumer food environment and children's diet: a systematic review. *BMC Public Health*. 14 (522)

43. <http://hej.sagepub.com/content/69/2/200.full.pdf+html>

44. Fraser, L. K., Edwards, K. L., Cade, J., & Clarke, G. P. (2010). The geography of fast food outlets: a review. *International journal of environmental research and public health*, 7(5), 2290-2308.

45. Barrett, M., Crozier, S., Lewis, D., Godfrey, K., Robinson, S., Cooper, C., ... & Vogel, C. (2017). Greater access to healthy food outlets in the home and school environment is associated with better dietary quality in young children. *Public health nutrition*, 20(18), 3316-3325.

46. Mayor of London,. M91 Hot Food Takeaways. [Online] 2019. [Cited: 02 09, 2022.]

https://www.london.gov.uk/sites/default/files/mayor_of_london_-_m91_hot_food_takeaways.pdf.

47. London Borough of Southwark,. P45 Hot Food Takeaways A Review of the Evidence. [Online] 2018. [Cited: 02 09, 2022.] file:///C:/Users/Claire.Turbutt/Downloads/SP501%20-%20Southwark%20Hot%20Food%20Takeaways%20Report%20(2018)%20(2).pdf.

48. Smith, D., Cummins, S., Clark, C., & Stansfeld, S. (2013). Does the local food environment around schools affect diet? Longitudinal associations in adolescents attending secondary schools in East London. *BMC public health*, 13(1), 70

49 Donin A, Nightingale C, Owen C, Rudnicka A, Cook D and Whincup P. Takeaway meal consumption and risk markers for coronary heart disease, type 2 diabetes and obesity in children aged 9–10 years: a cross-sectional study *Archives of Disease in Childhood*. Population Health Research Institute, St George's, University of London, London, 2017

50. Libuy A, Church D, Ploubidis G B, Fitzsimons E. Fast Food and Childhood Obesity: Evidence from Great Britain. CLS Working Paper. London: UCL Centre for Longitudinal Studies, 2022

5144 Davis B & Carpenter C. Proximity of Fast-Food Restaurants to Schools and Adolescent Obesity. *American Journal of Public Health*, March 2009; 99(3): 505–510

5245 Routing out childhood obesity. Royal Society for Public Health, 2019

5346 Childhood obesity: a plan for action Chapter 2. HM Government June 2018

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Modification Ref	Section	Page in draft	Policy/Para/Table/Figure	Tracked Change/Change
HFT_M1	2 Background	9	Paragraph 2.31 Hot Food Takeaways in Kirklees	Delete and insert text: The Current Living in Kirklees (CLIK) survey undertaken in 2016 <u>2021</u> found that 19% <u>24%</u> of adults have fast food or a takeaway at least once a week. Those living in the most deprived areas (<u>10% most deprived</u>) are the most likely to eat takeaway food at least once a week (21% <u>30%</u>) and those living in the least deprived areas are <u>among</u> the least likely (14% <u>18%</u>).
HFT_M2	2 Background	10	Paragraph 2.34 Adult Obesity in Kirklees	Delete and insert text: Over half of all adults in Kirklees are overweight or obese. The proportion of adults who are obese has increased from 1 in 6 (17%) in 2005 to 1 in 5 (22% <u>21%</u>) in 2016 <u>2021</u> .
HFT_M3	2 Background	11	Figure 1 Links between deprivation and obesity	Insert revised Figure 1: REVISED FIGURE 1 TO BE INSERTED TO REFLECT UP TO DATE ADULT OBESITY DATA FROM 2021 CLIK SURVEY
HFT_M4	2 Background	11	2.4 Kirklees Council Food Strategies and Initiatives	Delete and insert text: <u>A whole systems approach to support healthy environments and reduce obesity</u> Kirklees Council Food Strategies and Initiatives
HFT_M5	2 Background	11	Paragraph 2.39	Delete and insert text: <u>Within Kirklees there</u> There are a number of food initiatives <u>and a broader set of system wide actions which support our healthy weight ambition and to</u> available within Kirklees to assist and raise awareness of healthy alternatives for fast food operatives.
HFT_M6	2 Background	12	Paragraph 2.45 Fusion Housing	Delete text: 2.45 Fusion Housing offer a number of workshops and courses, including 'Come Dine With Me' Healthy Eating Course, and a Healthy Eating and Cooking workshop, both courses cover topics including a balanced diet, how to eat healthily and the importance of having a good diet. 2.46 Further information about Fusion Housing and the courses that they have to offer can be found here: 2.47 www.fusionhousing.org.uk/Our-Services/learning-and-employment/
HFT_M7	2 Background	12	New Paragraph 2.45	Insert text: <u>Everybody Active: Kirklees Physical Activity and Sport Strategy 2015-2020</u> <u>Everybody Active is a Kirklees-wide partnership that makes it easier for people to be active and for activity to be an enjoyable part of everyday life. The Everybody Active vision is more people, more active, more often in Kirklees. Which seeks to create conditions to encourage and make it easier for people to be more active. By making changes across all sectors like workplace, schools, travel, regeneration, community development, it can make it much easier for us all to be active and for activity to be an enjoyable part of everyday life.</u>
HFT_M8	2 Background	12	New Paragraph 2.47	Insert text: <u>Kirklees Food Charter 2020</u> <u>This is designed to drive change in the Kirklees food culture. It has action plans to impact on health, the economy and environment by promoting better local food, skills training, local food businesses and healthy eating. A culture that promotes safe, affordable, accessible, sustainable local food and that supports the environment.</u>
HFT_M9	3 What is a Hot Food Takeaway?	13	Table 4 Examples of Hot Food Takeaway Sui Generis Use	Delete and insert text: Fast Food <u>Some</u> Drive Throughs
HFT_M10	3 What is a Hot Food Takeaway?	13	Paragraph 3.3	Delete and insert text: <u>It is for the applicant to determine whether their business will trade as a hot food takeaway which sell hot food where the consumption of that food is mostly undertaken off the premises and apply for planning permission for the correct use. In deciding whether an application is for a hot food takeaway, consideration will be given to the proportion of space designated for hot food preparation. To help with this, key considerations of how the business will operate are set out in paragraph 3.5. Where clarification is required, applicants are advised to consult with Kirklees Council. Restaurants and cafes often have an ancillary takeaway element and hot food takeaways can have ancillary eat-in facilities.</u>
HFT_M11	HFT2 Town Centre Vitality and Viability	15	HFT2 Vacancy level considerations	Delete and insert text: In centres where vacancy levels are more than 10% (or 25% in local centres) the Council requires evidence that occupancy of the unit has been attempted with a main town centre use other than a hot food takeaway before it will be supported. Where evidence suggests there is no demand for an alternative use, hot food takeaways could be considered favourably even if this would increase the proportion of hot food takeaways to above the threshold set out in this guidance. <u>Hot food takeaways will be supported in centres that have reached the threshold in this guidance where it can be demonstrated that there is no demand for an alternative use and there is a vacancy level of 10% or more in principal, town, and district centres or a vacancy level of 25% or more in local centres and at least one alternative use in all other centres.</u>
HFT_M12	HFT2 Town Centre Vitality and Viability	15	HFT2 Shutters	Delete and insert text: Conditions will be attached to any planning approval to ensure <u>that</u> shutters are not used between the hours of 9am and 5.30pm <u>designed</u> to prevent any harmful effects on the visual amenity of the street scene.
HFT_M13	HFT2 Town Centre Vitality and Viability	16	Paragraph 4.14	Delete and insert text: Shutters closed during the day can have a negative impact on the street frontage. The dead frontages created can deter shoppers and even deter other uses from locating on the high street. To encourage shoppers and visitors and create active and vibrant streets it is therefore important to ensure that shutters are not closed during the day <u>designed appropriately</u> . <u>There are a number of different grille options available in modern shutters. Grilles that allow views through are preferred and can be open mesh or transparent. Solid grilles are to be avoided.</u>
HFT_M14	HFT3 Proximity to Schools	16	HFT3	Added definition of 'over the counter' as a footnote: <u>The selling of a product directly to the public in the premise</u>
HFT_M15	HFT3 Proximity to Schools	17	Paragraph 4.16	Insert footnote: <u>http://www.fhf.org.uk/meetings/2008-07-08_School_Fringe.pdf</u>
HFT_M16	HFT4 Noise Abatement and Extraction of Odours	18	Paragraph 4.22	Delete text: A common concern associated with hot food takeaways is the impact on the amenity of adjoining occupiers through the generation of noise and odour.....
HFT_M17	HFT4 Noise Abatement and Extraction of Odours	18	Paragraph 4.23	Delete text: Noise generated internally usually from the kitchen can also be a nuisance to occupiers of premises adjacent to the hot food takeaway, as can noise generated from normal customer activity such as vehicle movements, particularly motorcycle delivery vehicles and slamming car doors and general customer noise outside the premises.
HFT_M18	HFT4 Noise Abatement and Extraction of Odours	18	Paragraph 4.24	Delete text: The position and appearance of flues providing odour extraction for hot food takeaways can be detrimental to the street scene if they are prominently located, of poor quality and/or inadequately maintained.....
HFT_M19	HFT4 Noise Abatement and Extraction of Odours	19	Paragraph 4.27	Delete text: The takeaway operating hours are also relevant to noise issues that can arise from the operation of a hot food takeaway.
HFT_M20	HFT5 Waste Disposal	20	Paragraph 4.31	Insert text: All applications must be accompanied by a Waste Management Strategy so that waste disposal details can be properly assessed. The Waste Management Strategy should include details of the storage of trade waste including the <u>location</u> , number and size of bins, the size and storage facilities for which must be commensurate with the amount of waste produced,
HFT_M21	HFT5 Waste Disposal	20	Paragraph 4.33	Delete and insert text: Consideration should also be given to t he Kirklees Council Waste Management Design Guide for New Developments (Waste Collection, Recycling and Storage Facilities Guidance) <u>contains guidance on the storage and collection of commercial waste, including size, nuisance issues, security, access and fire risk. This guidance should be taken into account when preparing a Waste Management Strategy. to ensure that effective waste management provision is made.</u>
HFT_M22	HFT5 Waste Disposal	20	Paragraph 4.34	Insert Footnote: <u>Waste Management Design Guide for New Developments (kirklees.gov.uk)</u> Insert text: The council also encourages the Waste Management Strategy to consider recycling and other initiatives such as 'litter picks' in the vicinity of the takeaway. <u>There should be enough space within the bin storage area to include separate bins for dry mixed recyclables and glass.</u> Applicants are also encouraged to consider the use of sustainable food packaging, such as cardboard boxes and paper straws.
HFT_M23	HFT6 Takeaway Design and Community Safety	21	Relevant Local Plan Policy	Insert text: <u>LP24, LP25, LP35</u>
HFT_M24	Appendix 1	26	Supporting information and evidence for HFT1 Public Health Toolkit	Delete and insert text: Appendix 1: Supporting information and evidence for HFT1 Public Health Toolkit <u>The Obesogenic Environment</u> This is an evidence base focusing on the harms of excess weight and the relationship between hot food takeaways and levels of obesity. It provides the evidence to support the requirements shown in HFT1 <u>and HFT3</u> . This appendix covers the impacts of obesity and the current situation locally.
HFT_M25	Appendix 1	26	Explanation of points based Public Health Toolkit	Move this section to a new Appendix 4.
HFT_M26	Appendix 1	28	Explanation of points based Public Health Toolkit	Delete and insert text: 5 year olds with excess weight Next update: <u>July September</u> 2022 11 year olds with excess weight Next update: <u>July September</u> 2022
HFT_M27	Appendix 1	28	Wider Determinants of Health	See attached document for all amendments to this section of Appendix 1

HFT_M28	Appendix 1	32	Table 7 Number of fast food outlets per 1,000 population by ward	Insert revised Table 7: REVISED TABLE 7 TO BE INSERTED TO REFLECT CHANGES IN MID-YEAR POPULATION ESTIMATES
HFT_M29	Appendix 1	33	Adult Obesity in Kirklees	Delete and insert text: Over half of all adults in Kirklees are overweight or obese. The proportion of adults who are obese has increased from 1 in 6 (17%) in 2005 to 1 in 5 (22% 21%) in 2016 2021 . It is important to recognise that levels of adults who are overweight or obese can vary significantly between different wards in Kirklees. The areas with the highest percentage of overweight or obese adults are Heckmondwike, Golcar Dalton (65%) and Dewsbury West (62% 74%) whilst the lowest proportions of overweight or obese adults are in Dewsbury South (50%) and Batley West (51%) Holme Valley South (51%) and Liversedge and Gomersal (53%) .
HFT_M30	Appendix 1	33	Table 9 Adult obesity levels in Kirklees by ward	Insert revised Table 9: REVISED TABLE 9 TO BE INSERTED TO REFLECT 2021 CLIK SURVEY
HFT_M31	Appendix 2	37	National Town Centre context	Delete and insert text: The Royal Society for Public Health's latest report published October 2018 on 'Health on the High Street Running on empty' has identified that the clustering of unhealthy outlets is leading to a lack of diversity on the High Street which is not healthy for local communities, economically or otherwise. It highlights that limits for different types of outlets through legislation would be particularly useful in particular where clustering of fast food outlets is a local concern. <u><i>A lack of diversity on high streets where there is the clustering of unhealthy outlets including fast food outlets has been identified and it is not healthy for local communities or the economy.</i></u> Add footnote: <u><i>Royal Society for Public Health, Health on the High Street Running on empty 2018 https://www.rsph.org.uk/static/uploaded/dbdbb8e5-4375-4143-a3bb7c6455f398de.pdf</i></u> Delete and insert text: The Local Planning Authority assesses the health and vitality of defined centres within the Kirklees District on an annual/bi annual basis through the town centre audit programme. Principal, town and district centres are assessed annually and local centres are assessed every other year. The occupancy of ground floor units and gross ground floor floorspace within defined town centre boundaries are monitored including the number of hot food takeaways. <u><i>The audit programme data provides a snapshot of the occupancy of centres at the time the survey was undertaken. Therefore, the number and occupancy of shop units including those in use as hot food takeaways will change over time effecting the mix and balance of the type of shops, services, and unit vacancy within centres. Therefore, the percentage of hot food takeaway units, vacant units and total number of shop units surveyed will also change overtime. The latest occupancy data is published in the council's authority monitoring report and is used as a starting point for the consideration of planning applications.</i></u> The <u><i>data in Table 10 is from the</i></u> occupancy surveys of principal, town and district centres undertaken in 2019 and local centres undertaken in 2018 <u><i>prior to the Covid pandemic, as shown in the table below This data highlights the mix of main town centre uses within each of the defined centres at the time of the survey. As part of that mix the survey</i></u> has identified that the number of hot food takeaways within the principal centres primary shopping areas (PSA) is 2.6 %, town centres is 6.7% and in district centres it is 10.3% of all the units recorded in main town centre uses (as defined in the glossary of the Local Plan and National Planning Policy Framework) including those that are vacant. The number of hot food takeaway units cumulatively within the 61 defined local centres is 15%, however, this ranges from an individual centre having no hot food takeaways at all to the highest of 40%. <u><i>The hot food takeaway thresholds set out in this guidance reflect the role and function that the centres undertake which are set out in Local Plan policy LP13 Town centre uses.</i></u> <u><i>Principal town centres and town centres provide for the shopping needs of residents across Kirklees and are the focus for financial services, offices, entertainment and leisure, arts, culture, tourism, further education, and health services.</i></u> <u><i>District Centres provide a range of shopping for everyday needs and are the local focus for basic financial services, food and drink, entertainment, leisure and tourist facilities and health services with Local centres providing for top-up shopping and food and drink.</i></u> <u><i>Some centres have existing high concentrations of Hot Food Takeaways for their role and function such as Heckmondwike Town Centre at 12.4%.</i></u>
HFT_M33	Appendix 3	42	Further evidence supporting a restrictive buffer around Kirklees schools	See attached document for all amendments to this section of Appendix 3
HFT_M34	Appendix 3	43	Evidence for using a 400m-walking-distance restrictive buffer relative to Kirklees schools	Delete and insert text: One of the assumptions used to support the criteria is that 0.4km (or 400m) is a convenient distance people are willing to walk to either access facilities or services on foot or foot or walk to a bus stop to access a facility, this distance is used by many local authorities who have adopted similar policies. This distance is approximately equivalent to a 5-10 minute walk time, <u><i>resulting in a total 10 minute walk time</i></u> (five minutes in each direction)(47) . The 400m distance and the resultant 10 minute walking duration leaves sufficient time for pupils to leave school, purchase the hot food and subsequently return for the afternoon lessons. A 10 minute walk <u><i>one way (total 20 minutes' walk time there and back)</i></u> was considered as there is some evidence to show that it is this greater distance that can impact on the consumption of food from hot food takeaways by pupils(48) ,.....
HFT_M35	New		New Appendix 4: Explanation of points based Public Health Toolkit	New Appendix 4: Explanation of points based Public Health Toolkit

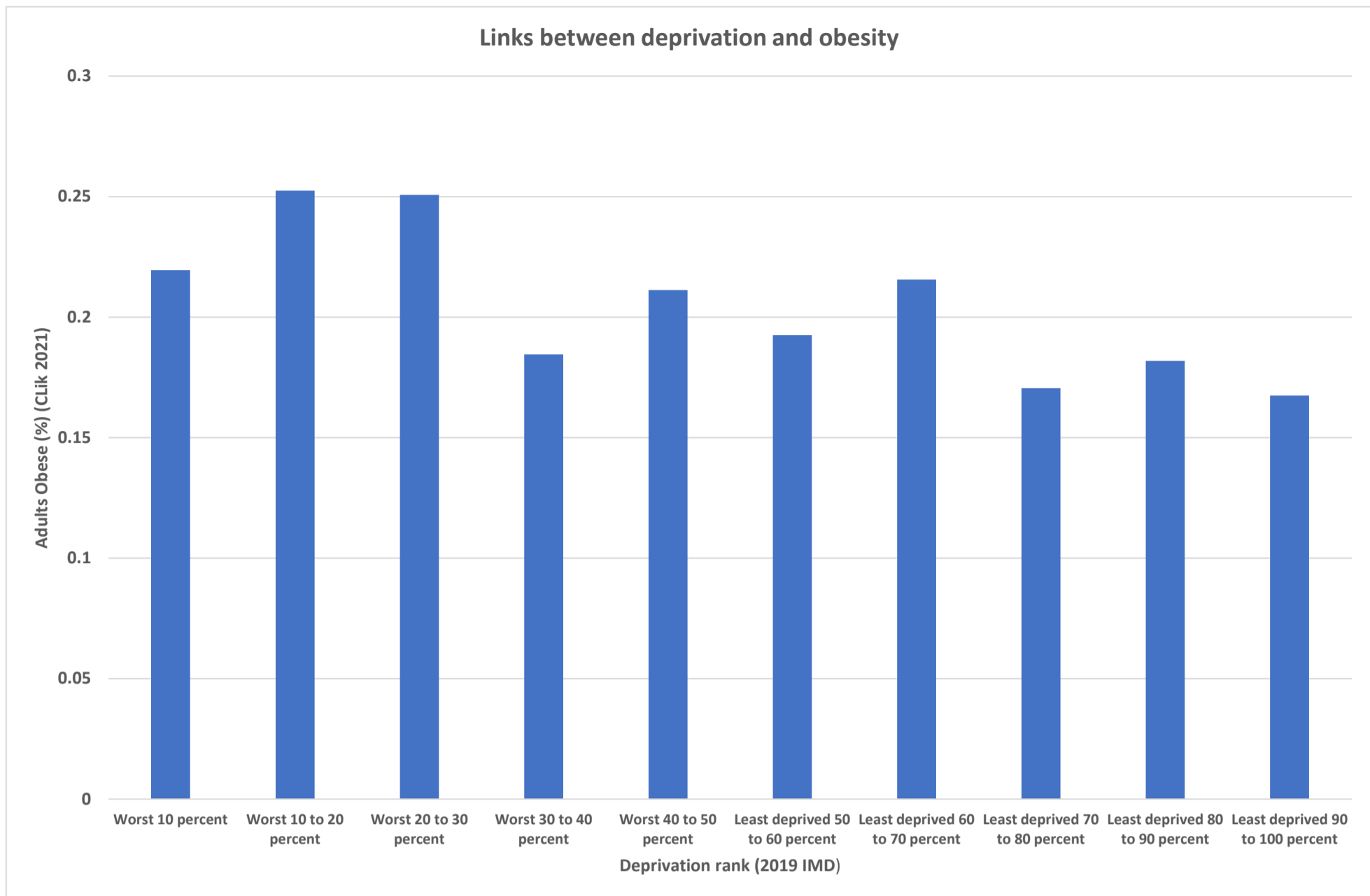


Figure 1 Links between deprivation and obesity (Current Living in Kirklees (CLik) Survey ~~2016~~ 2021 and IMD 2019)

Ward	Number of Fast Food Outlets	Fast Food Outlets per 1,000 population
Newsome (inc. Huddersfield Town centre)	75	3.14 <u>3.09</u>
Dalton	47	2.69 <u>2.72</u>
Greenhead	56	2.68 <u>2.64</u>
Cleckheaton	34	1.97 <u>1.96</u>
Heckmondwike	34	1.94 <u>1.96</u>
Dewsbury East	35	1.78 <u>1.74</u>
Batley East	28	1.43 <u>1.45</u>
Colne Valley	24	1.37 <u>1.35</u>
Dewsbury South	26	1.35
Crosland Moor and Netherton	25	1.29 <u>1.28</u>
Golcar	23	1.26
Birstall and Birkenshaw	20	1.19 <u>1.18</u>
Dewsbury West	24	1.08 <u>1.07</u>
Denby Dale	17	1.02 <u>1.01</u>
Mirfield	20	1
Liversedge and Gomersal	20	1
Batley West	20	0.98 <u>0.96</u>
Holme Valley North	16	0.94 <u>0.93</u>
Lindley	17	0.83 <u>0.82</u>
Ashbrow	16	0.78
Holme Valley South	13	0.68 <u>0.67</u>
Almondbury	12	0.66
Kirkburton	10	0.61

Table 7 Number of fast food outlets per 1,000 population by ward.

Source: Public Health England Fast Food Outlets at 31/12/2017 and ONS mid-2018 ~~2018~~ 2020 population estimates

Ward	Adults overweight or obese	Adults overweight	Adults obese
Almondbury	52% 58%	29% 30%	23%
Ashbrow	54% 59%	36% 35%	18% 21%
Batley East	54% 57%	34%	20% 19%
Batley West	51% 63%	31% 34%	20% 25%
Birstall and Birkenshaw	60% 64%	35% 38%	25% 19%
Cleckheaton	58% 64%	40% 38%	18% 26%
Colne Valley	55%	39% 38%	16% 15%
Crosland Moor and Netherton	52% 54%	32% 31%	20% 21%
Dalton	59% 65%	32%	27%
Denby Dale	56% 53%	30% 27%	26% 18%
Dewsbury East	57% 63%	31% 28%	26% 31%
Dewsbury South	50% 64%	28% 43%	22% 19%
Dewsbury West	62% 74%	32% 42%	30% 25%
Golcar	62% 57%	40% 32%	22% 20%
Greenhead	53% 60%	33% 32%	20% 26%
Heckmondwike	62% 61%	34% 29%	28% 24%
Holme Valley North	53% 54%	33% 36%	20% 14%
Holme Valley South	52% 51%	36% 34%	16% 15%
Kirkburton	59% 57%	43% 37%	16%
Lindley	59% 55%	40% 38%	19% 17%
Liversedge and Gomersal	56% 53%	29% 35%	27% 14%
Mirfield	61% 64%	38% 37%	23% 24%
Newsome	52% 56%	33% 27%	19% 27%
Kirklees Average	56% 59%	34%	22% 21%

Table 9 Adult obesity levels in Kirklees by ward

Source: Current Living in Kirklees Survey 2016 2021

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Name of meeting: Economy and Neighbourhoods Scrutiny Panel

Date: 30 August 2022

Title of report: Affordable Housing and Housing Mix Supplementary Planning Guidance (SPD)

Purpose of report:

- To highlight the scope of the Draft Affordable Housing and Housing Mix SPD for the purposes of consultation and allow questions and comments about the scope of the document. Details of the scope and content of the SPD will be presented at the Scrutiny session
- To note the timeline for next steps for public consultation and adoption of the SPD.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	N/A - this is a Scrutiny report
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	N/A - see above
The Decision - Is it eligible for call in by Scrutiny?	N/A
Date signed off by <u>Strategic Director</u> & name	David Shepherd (Strategic Director - Growth and Regeneration): 11/08/22
Is it also signed off by the Service Director for Finance?	Eamonn Croston (Service Director - Finance) 15/08/22
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft (Service Director - Legal, Governance and Commissioning) 12/08/22
Cabinet member http://www.kirklees.gov.uk/you-kmc/kmc-howcouncilworks/cabinet/cabinet.asp	Cllr Graham Turner Cllr Cathy Scott

Electoral wards affected: All

Ward councillors consulted:

Date	Briefing
14 December 2021	Portfolio Holders Cllr McBride Regeneration PHB (Including Cllr Mather, Cllr Scott). Cllr McBride is no longer a councillor since May 2022.
2 August 2022	Portfolio Holders - Cllr Turner's Regeneration PHB
2 August 2022	Cllr Cathy Scott briefing

Public or private: Public

Has GDPR been considered? Yes. The draft SPD does not contain any personal data

1. Summary

The draft SPD provides guidance on the implementation of the Kirklees Local Plan Housing Mix and Affordable Housing Policy (LP11) (appendix 1) which seeks to ensure provision of affordable housing in new housing developments and ensure that the housing mix meets local needs. This Supplementary Planning Document (SPD) will be used as a material planning consideration when securing affordable housing as part of the determination of planning applications. It will replace guidance set out in the Council's Interim Affordable Housing Policy (approved by the Cabinet on 14th January 2020) and SPD2 (Affordable Housing) which was adopted in 2008.

The draft SPD has been prepared with a view to consulting on the SPD in Autumn 2022, the detailed timeline including member engagement is set out in section 4 of this report. The work has been prepared with input from Planning Policy, Housing and Housing Growth. The document has also been subject to critical friend review by Leeds City Council, the approach was viewed positively with minor suggested inclusions to reflect recent issues they had experienced such as the approach to Build to Rent.

As set out in the National Planning Policy Framework (NPPF), Supplementary planning documents (SPDs) are *“Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan”*.

This SPD therefore adds clarity to Local Plan Policy LP11. SPDs are subject to consultation but not an Examination in Public. The decision to adopt the SPD will be a Cabinet decision following the consultation period. As with all SPDs, we will apply a 'comply or justify' approach where the applicant will need to comply with the guidance unless the council is satisfied evidence provided by the developer warrants a different approach.

2. Information required to take a decision

This SPD has been produced in accordance with the Kirklees Local Plan, specifically Policy LP11 and NPPF (Section 5). It refreshes the 2008 version by updating the approach with the latest evidence and introduces a new component to the SPD providing a more detailed sub-area approach to the mix of housing on sites. A summary of the principles within the SPD is set out below:

Principle 1: Market Housing Mix (increased level of detail than existing SPD)

This section sets out that all proposals for housing must aim to provide a mix (size and tenure) of housing suitable for different household types which reflect changes in household composition in Kirklees in the types of dwelling they provide, taking into account evidence of the need for different types of housing.

The new SPD provides a finer level of detail than the existing SPD sub-dividing housing mix in the district into the 6 sub-areas (Batley & Spen, Dewsbury and Mirfield, Huddersfield North, Huddersfield South, Kirklees Rural East, Kirklees Rural West).

The sub-areas are already well-established as part of the Local Plan evidence base in the Strategic Housing Market Assessment (SHMA). The Local Plan allows applicants to provide evidence to justify a different housing mix based on local circumstances which will be assessed as part of the planning applications process.

Principle 2: Approach to affordable housing calculations (Existing SPD refresh)

This principle re-iterates that the council will require 20% affordable housing on all qualifying developments of more than 10 dwellings in accordance with the local plan policy. It also confirms that smaller land parcels on one site developed incrementally will also need to provide affordable housing if the overall site capacity is more than 10 dwellings.

Principle 3: Affordable Housing types and Mix (increased level of detail than existing SPD)

This section sets out that the Affordable Housing provision should cater for the type of affordable need identified in the latest housing evidence in terms of type, tenure, size and suitability to meet the needs of specific groups, taking into account evidence in the latest housing needs evidence.

The new SPD provides a finer level of detail than the existing SPD sub-dividing affordable housing need in the district into the 6 sub-areas (Batley & Spen, Dewsbury and Mirfield, Huddersfield North, Huddersfield South, Kirklees Rural East, Kirklees Rural West).

Principle 4: First Homes, Starter Homes and Discounted Market Sale (New section)

This section provides clarity about the councils approach to different affordable housing products including Starter Homes, Discount Market Sale and First Homes.

Principle 5: Design (Existing SPD refresh)

This section sets out that Affordable housing provision should be indistinguishable from market housing in terms of achieving the same high quality of design and should promote the provision of mixed and balanced communities by dispersing the affordable housing throughout the site.

Principle 6: Affordable housing delivery (Existing SPD refresh)

This section details that affordable housing will be expected to be delivered in partnership with a Registered Provider in most circumstances and will be secured through S106 obligations.

Principle 7: Transfer Values (Existing SPD refresh and updating evidence)

This section provides transfer values set by the council, which are the costs it expects developers to transfer affordable housing to Registered Providers. These are based on a price per sq.m. to ensure clarity for developers and Registered Providers through the planning process. Under the comply or justify approach there is the opportunity for different rates to be justified through the planning applications process. These will be reviewed periodically to ensure transfer values remain appropriate.

The transfer values have been updated from the rates set in 2008 increasing the figures to up-to-date figures. Revised figures have been produced by external Chartered Surveyors and are higher than the 2008 transfer values which reflects the changes to build costs over time.

Principle 8: Provision of affordable homes off-site (Existing SPD refresh)

This section sets out that the affordable housing should be incorporated within the development (on site). Where this is not possible, this section sets out the required approach to the off site provision of affordable housing.

Principle 9: Town Centres (New section to the SPD)

New to the SPD, this section recognises that town centres have a changing role and that the council broadly supports residential development in town centres alongside supporting existing town centres uses.

Principle 10: Huddersfield Town Centre (New section to the SPD)

New to the SPD, this section builds on the town centres section and provides a bespoke Huddersfield context, including referencing the Huddersfield Blueprint. This principle will ensure a more balanced housing mix is achieved and provide high quality town centre living.

Principle 11: Dewsbury Town Centre (New section to the SPD)

New to the SPD this section builds on the town centres section and provides a bespoke Dewsbury context, including referencing the Dewsbury Blueprint. This principle will ensure a more balanced housing mix is achieved and provide high quality town centre living.

3. Implications for the Council

The main implication for the Council in producing the draft Affordable Housing and Housing Mix SPD is that it will provide consistency, greater clarity and improve certainty for housebuilders, developers, agents and Registered Providers submitting planning applications for new housing in the district. It will assist applicants in the early design and layout of residential development to identify key matters likely to be raised within pre-application discussions and will help to bring forward policy-compliant schemes. This will, in turn, ensure an improved mix of house sizes for Kirklees residents to reflect local need.

The draft SPD will also help facilitate the council's Development Management service in the determination of planning applications and provide clear guidance

and certainty for the local community, elected members, officers and statutory consultees in relation to the delivery of affordable housing and the mix of house types within high quality well-designed housing developments.

3.1 Working with People

The draft Affordable Housing and Housing Mix SPD will enable communities to understand the council's expectations regarding the delivery of affordable housing and the mix of house types within well-designed housing developments. It will have the benefit of seeking a greater mix of house types and tenures which will benefit future occupiers. The council will undertake public consultation on the draft SPD in accordance with the Statement of Community Involvement (SCI).

3.2 Working with Partners

The draft Affordable Housing and Housing Mix SPD will enable housebuilders, developers, agents, Registered Providers and external partners, such as statutory consultees, to understand the council's expectations regarding the delivery of affordable housing and the mix of house types within well-designed housing developments. Such parties will be consulted on the draft SPD as part of the wider public consultation.

3.3 Place Based Working

The draft Affordable Housing and Housing Mix SPD uses Local Plan evidence in the Strategic Housing Market Assessment to determine the local need for the mix of houses that should be provided within the six sub areas within Kirklees namely Batley and Spen, Dewsbury and Mirfield, Huddersfield North, Huddersfield South, Kirklees Rural East and Kirklees Rural West. It also enables applicants to submit further specific needs information to be assessed through planning applications to justify an alternative approach to the housing mix in the SPD.

3.4 Climate Change and Air Quality

The draft Affordable Housing and Housing Mix SPD details the mechanism to secure affordable housing and details the mix of house types the councils expects to be delivered through planning permissions. Whilst its remit doesn't include setting environmental standards it does signpost to the Housebuilders Design SPD which addresses the quality of housing we expect to be delivered within Kirklees.

3.5 Improving outcomes for children

The draft Affordable Housing and Housing Mix SPD sets out how affordable housing and a mix of local house types and tenure will be

delivered through the planning system including the provision of family housing to meet local need.

3.6 Financial Implications for the people living or working in Kirklees

The draft Affordable Housing sets out how affordable housing will be delivered through the planning system providing opportunities for affordable rented and home ownership products for people living and working in Kirklees.

3.7 Other (eg Legal/Financial or Human Resources) Consultees and their opinions

- Legal:
 - The requirements for producing SPDs are set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 including the consultation requirements and sets out that SPDs must not conflict with an adopted development plan.
 - Equality Act 2010, Section 149
- Human resources - The proposal for the SPD is identified in the LDS and as such existing staff resources are being used for the project.
- A stage 1 Integrated Impact Assessment (IIA) has been undertaken for the draft SPD, this concluded that no Stage 2 assessment was required with the assessment being neutral or positive in nature in relation to equality and environmental impacts (see appendix 2).
- Communication

External

- A Strategic Environmental Assessment (SEA) Screening has been undertaken by the council, which concluded that a full SEA is not required. This screening outcome has been sent to the three statutory consultees (Environment Agency, Natural England and Historic England) to seek their views on this conclusion who have all have commented that no SEA is required.
- The document has also been subject to critical friend review by Leeds City Council
- There will be a six week public consultation on this document

Internal

- The SPD has been prepared with input from Planning Policy, Housing and Housing Growth.
- Cllr McBride Regeneration PHB (Incl. Cllr Scott) (Cllr McBride is no longer a councillor since May 2022) – 02/12/2021
- Cllr Turner Regeneration PHB – 02/08/2022

- Cllr Scott Briefing – 02/08/2022
- LMT – 15/08/2022

4. Next steps and timelines

It is intended the Council will consult on the draft Affordable Housing and Housing Mix SPD in Autumn 2022 for a period of six weeks (the minimum legal requirement is four weeks). The consultation will be carried out in accordance with Statement of Community Involvement. The council will proactively contact interested parties on the local plan mailing list, the planning agents forum and raise awareness through social media, and the council's website which will host the consultation. Following the consultation, all comments will be considered, enabling any changes to be incorporated in the SPD. It will be a decision for Cabinet to adopt the SPD at that stage.

The next steps:

- **Public consultation** on the draft Affordable Housing and Housing Mix SPD – proposed for Autumn 2022
- **Anticipated Cabinet** decision on the adoption of Affordable Housing and Housing Mix SPD – late 2022/early 2023

5. Officer recommendations and reasons

- Scrutiny Panel to note the content and timeline of the draft SPD and provide feedback during the Scrutiny Panel session.

Reason: Scrutiny Panel requested to have early input into the content of draft SPDs.

6. Cabinet Portfolio Holder's recommendations

Cllr McBride (no longer a councillor since May 2022) and Cllr Scott were briefed on the draft Affordable Housing and Housing Mix SPD on 02/12/21 with Cllr Turner and Cllr Scott briefed on 02/08/22. All were supportive of the document being prepared for public consultation.

7. Contact officer

John Buddle
 Team Leader Planning Policy
john.buddle@kirklees.gov.uk
 (01484 221000)

8. Background Papers and History of Decisions

Council website links:

- Local Plan adopted 27th February 2019
[Kirklees Development Plan | Kirklees Council](#)
- Local Plan Examination Library
[Local Plan examination library and examination news | Kirklees Council](#)

9. Service Director responsible

David Shepherd
Strategic Director Growth & Regeneration
david.shepherd@kirklees.gov.uk
(01484) 221000

10. Appendices:

- Appendix 1 – Local Plan Policy
- Appendix 2 – Integrated Impact Assessment

Appendix 1 – Local Plan policy

Policy LP11

Housing Mix and Affordable Housing

All proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need.

All proposals for housing must aim to provide a mix (size and tenure) of housing suitable for different household types which reflect changes in household composition in Kirklees in the types of dwelling they provide, taking into account the latest evidence of the need for different types of housing. This includes consideration of provision for those with specialist needs. For schemes of more than 10 dwellings or those of 0.4ha or greater in size, the housing mix should reflect the proportions of households that require housing, achieving a mix of house size and tenure. The council encourages the inclusion of appropriate design elements that ensure buildings are suitable or can be adapted to meet the needs of people needing specialist accommodation at present and into later life. The council will encourage proposals for custom/self build homes where consistent with other policies in the Local Plan.

Taking into account the annual overall shortfall in affordable homes, the council will negotiate with developers for the inclusion of an element of affordable homes in planning applications for housing developments of more than 10 homes, including proposals involving self-contained residential units. The proportion of affordable homes should be 20% of the total units on market housing sites. The proportion may be less where viability evidence demonstrates that there are development costs which would otherwise prejudice the implementation of the proposal. Achievement of a higher proportion of affordable housing on sites will be encouraged.

The affordable homes should be incorporated within the development but where justified, a financial contribution of at least equal value may be accepted to provide affordable homes elsewhere or to re-use or improve the existing housing stock.

The affordable housing provision should:

- a. cater for the type of affordable need identified in the latest housing evidence in terms type, tenure, size and suitability to meet the needs of specific groups;
- b. incorporate appropriate arrangements to retain the benefits of affordability for initial and subsequent occupiers or for the subsidy to be recycled for alternative affordable housing provision; and
- c. be indistinguishable from market housing in terms of achieving the same high quality of design.

Exceptionally, planning permission may be granted for affordable homes on land which would not normally be permitted for housing development, where there is otherwise little prospect of meeting robustly evidenced local needs particularly for housing to rent by people who work locally. Where appropriate, such schemes must include arrangements for the homes to remain affordable in perpetuity.

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EIA STAGE 1 – SCREENING ASSESSMENT

PROJECT DETAILS

Name of project or policy:	
Affordable Housing and Housing Mix Supplementary Planning Document (SPD)	
Directorate:	Senior Officer responsible for policy/service:
Housing and Growth	Mathias Franklin, Head of Planning and Development
Service:	Lead Officer responsible for EIA:
Planning	Steven Wright, Planning Policy Group Leader
Specific Service Area/Policy:	Date of EIA (Stage 1):
Planning Policy	06/12/21

Brief outline of proposal and the overall aims/purpose of making this change:

The purpose of the draft Supplementary Planning Document is to provide guidance for interested parties submitting a planning application (applicants and developers), the local community, other stakeholders and development management officers on how the Local Planning Authority will seek and determine affordable housing and the housing mix that the council would normally expect to be provided for new housing developments. The Supplementary Planning Document provides detailed guidance and additional information about the

ASSESSMENT SUMMARY

Theme	Calculated Scores						Stage 2 Assessment Required
	Proposal	Impact	P + I	Mitigation	Evidence	M + E	
Equalities	0	4.3	4.3	0	4	4	No
Environment		4.5	4.5	0	4	4	No

NATURE OF CHANGE

WHAT IS YOUR PROPOSAL?	Please select YES or NO
To introduce a service, activity or policy (i.e. start doing something)	NO
To remove a service, activity or policy (i.e. stop doing something)	NO
To reduce a service or activity (i.e. do less of something)	NO
To increase a service or activity (i.e. do more of something)	NO
To change a service, activity or policy (i.e. redesign it)	NO
To start charging for (or increase the charge for) a service or activity (i.e. ask people to pay for or to pay more for something)	NO

WHAT LEVEL OF IMPACT DO YOU THINK YOUR PROPOSAL WILL HAVE ON...	Level of Impact Please select from drop down
Kirklees employees within this service/directorate? (overall)	Positive
Kirklees residents living in a specific ward/local area?	Positive
Please tell us which area/ward will be affected:	All wards
Residents across Kirklees? (i.e. most/all local people)	Positive
Existing service users ?	Neutral

Each of the following groups?		Please select from drop down
<i>(Think about how your proposal might affect, either positively or negatively, any individuals/communities. Please consider the impact for both employees and residents - within these protected characteristic groups).</i>		
...age	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Positive
...disability	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Positive
...gender reassignment	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...marriage/ civil partnership	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...pregnancy & maternity	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...race	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...religion & belief	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...sex	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...sexual orientation	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...those in poverty or low-income	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...unpaid carers	What impact is there on Kirklees employees /internal working practices?	Neutral

...unpaid carers

What impact is there on Kirklees **residents**/external service delivery?

Neutral

WHAT LEVEL OF IMPACT DO YOU THINK YOUR PROPOSAL WILL HAVE ON...		Level of Impact	
		Please select from drop down	
Kirklees Council's internal practices ?		Positive	
Lifestyles of those who live and work in Kirklees?		Positive	
Practices of suppliers to Kirklees council?		Neutral	
Practices of other partners of Kirklees council?		Positive	
Each of the following environmental themes ? (Please select from the drop down list)			
	People	Partners	Places
...clean air (including Climate Changing Gases)	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2
...Clean and plentiful water	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2
... Wildlife and habitats	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2
...Resilience to harm from environmental hazards	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2
... Sustainability and efficiency of use of resources from nature	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2
...Beauty, heritage and engagement with the natural environment	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2
... Resilience to the effects of climate change	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2
...Production, recycling or disposal of waste	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2
... Exposure to chemicals	Neutral	Neutral	Neutral
	Score: 2	Score: 2	Score: 2

HOW ARE YOU USING ADVICE AND EVIDENCE/INTELLIGENCE TO HELP YOU?

Please select YES or NO

Equality Themes

Have you taken any specialist advice linked to your proposal? (Legal, HR etc)?	Yes
...employees?	Yes
Do you have any evidence/intelligence to support your assessment (in section 2) of the impact of your proposal on...	Yes
...Kirklees residents?	Yes
...service users?	No
...any protected characteristic groups?	No

Please list your **equalities** evidence/intelligence here [you can include hyperlinks to files/research/websites]:
The Supplementary Planning Document provides additional guidance to help implement Local Plan policies and its use by employees for development management purposes will have a positive impact facilitating the development management process in helping determine planning applications.

The Supplementary Planning Document aims to secure affordable housing and a housing mix that will be of high quality and design and will contribute to creating mixed and balanced communities in line with the latest evidence of need. The latest

	Please select from drop down
To what extent do you feel you are able to mitigate any potential negative impact of your proposal outlined on the different groups of people?	FULLY
To what extent do you feel you have considered your Public Sector Equality Duty?	FULLY

Environmental Themes

Have you taken any specialist advice linked to your proposal?	Yes
...Kirklees Council practices?	Yes
Do you have any evidence/intelligence to support your assessment (in section 2) of the impact of your proposal on...	Yes
...resident and worker lifestyles?	Yes
...Practices of Supplier to Kirklees Council?	No
...Practices of other Kirklees Council partners?	No

Please list your environmental evidence/intelligence here [you can include hyperlinks to files/research/websites]:
The Supplementary Planning Document provides additional guidance to help implement Local Plan policies and its use by employees for development management purposes will have a positive impact facilitating the development management process in helping determine planning applications.

The Supplementary Planning Document aims to secure affordable housing and a housing mix that will be of high quality and design and will contribute to creating mixed and balanced communities in line with the latest evidence of need. The latest evidence of need is provided by the Kirklees Strategic Housing Market Assessment (2016), the Kirklees Dwelling Mix

	Please select from drop down
To what extent do you feel you are able to mitigate any potential negative impact of your proposal on the environmental issues identified?	FULLY

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Winter Maintenance Policy Review

Economy & Neighbourhoods Scrutiny Panel

30th August 2022

Graham West – Service Director (Highways & Streetscene)

Mark Scarr – Head of Highways

Nick Jenkin – Business Development Manager



Background

- Winter maintenance policy was last reviewed in 2018/19
- Need to consider and respond to issues raised by Scrutiny Panel & Severe Weather Board (Sept 2021)
- Highways Working Group established to undertake the required review



Issues raised at Scrutiny Panel

1. Network review to be undertaken - in respect of the criteria required for roads to be included on a gritting route
2. The Cabinet should assess the current policy for Winter maintenance and consider this as an item for growth in the budget (Note – budget increased from £1.2m to £1.8m in 2021/22)
3. Clarification to be provided in respect of Supplementary Planning Documents and Section 106 and the scope for Winter maintenance provisions
4. The maintenance of Active Travel routes during Winter should be provided for



West Yorkshire – Gritting lengths and treatment times.

Local Authority	Length of Carriageway (km)	Length of Footway (km)	% Length of Network Gritted As Priority or Normal Routes	Time to Complete Route After Leaving Depot
Kirklees	1960	2333	53%	2 hours
Leeds	2900	>5000	43%	2 hours
Wakefield	1400	>2000	40%	2hrs 30 mins
Bradford	1842	3042	62%	2hrs 50 mins
Calderdale	1130	1093	62%	Less than 3 hrs

Kirklees has:-

- shortest treatment time (on par with Leeds Council)
- grits a higher percentage of the carriageway network



West Yorkshire – Grit bin provision.

Local Authority	Length of Carriageway (km)	Length of Footway (km)	Number of Grit Bins	Average km length of untreated carriageway per grit bin
Kirklees	1960	2333	1450	0.64
Calderdale	1130	1093	650	0.66
Leeds	2900	>5000	1263 + 285 councillor bins	1.07
Bradford	1842	3042	500+	1.40
Wakefield	1400	>2000	Grit Bins 383+ some 3 rd party funded.	2.19

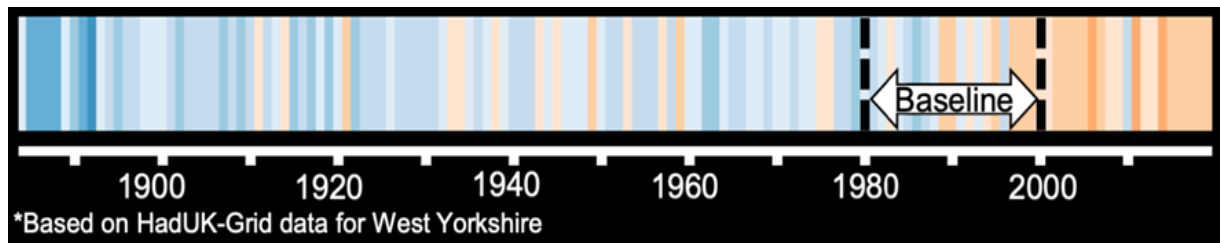
Kirklees has:-

- the highest number of bin grits on its untreated carriageway network

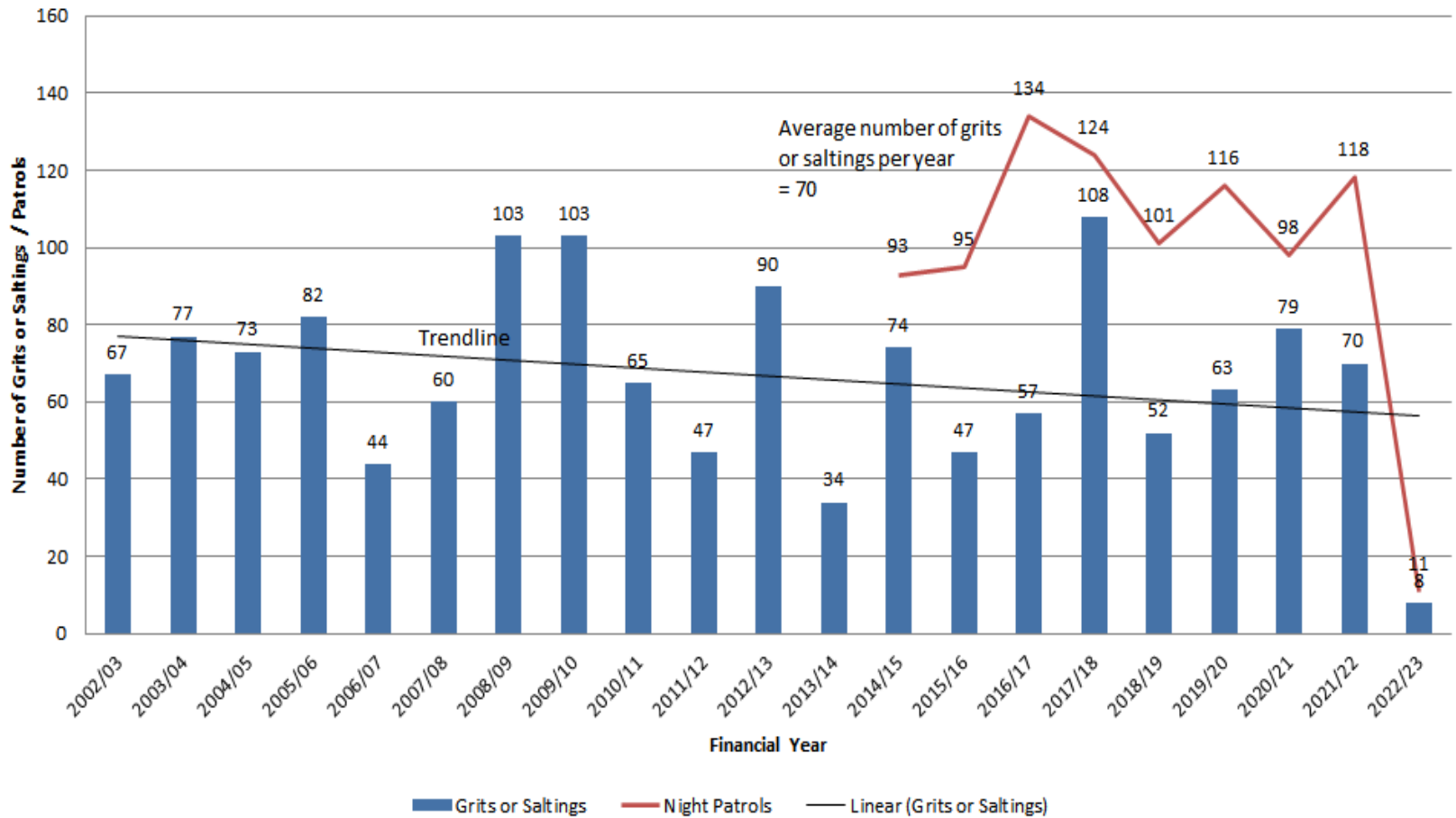


Local Climate Change Impact Profile LCLIP

- More extreme and complex weather events with more frequent storm events eg Storm Dudley, Eunice and Franklin Feb 2022
- Impact of climate changes - warmer winters, less frequent but more intense rainfall
- Anticipated decline in the number of snow events



Historic number of Grits or Saltings and Night Patrols



Recent Service Improvements

- Automated the grit bin recording and filling process
- Extended winter standby by 3 weeks to reflect extended season (now 27 weeks)
- Social media is our most effective communications medium for advising and informing public – it supports place-based working
- Review of existing Volunteers scheme:-
 - Recently contacted all groups – happy and feel it works well
 - Issued volunteers with sheet with useful information and details of a single point of contact for Kirklees



Gritter Twitter – Key Points

- Number of Gritter Twitter followers has increased to 9,600
- Link clicks went up throughout the season, especially during extreme weather events
- Viewed worldwide - America, Germany and France
- Reached 1.1 million people during snow event in November and Storm Dudley, Eunice and Franklyn in February
- Overall, we have very positive comments throughout the season and good engagement with residents through the posts we publish



Gritter Twitter – Positive Comments/Photos and Videos

Positive Feedback

- @jacksonuk2001 said "Thank you for another season and the work you do always keeping us informed with a splash of humour too."
- @venetiangmabler "Thanks for the usual service – see you again in the autumn!"
- @Calvinotis "You've all been super"

Link to Video Clips

[\(4\) Kirklees Winter on Twitter: "It's been a busy winter! Our team did an amazing job during the storm! Sometimes it's not an easy job, but we smashed it 🍷" / Twitter](#)

[\(6\) Kirklees Winter on Twitter: "🚧 Road closed 🚧 Our team have taken action to close the A640 Buckstones Road. Our night patrol has reported that it's the worst conditions they have ever seen up there. Video from around midnight. Plan your route and take extra care 🚧 https://t.co/hXY2CCG36F" / Twitter](#)

and Videos



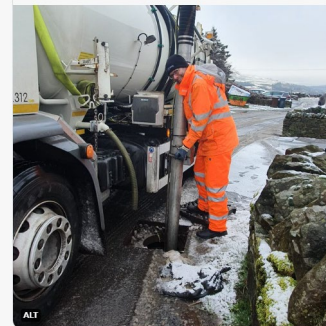
First up... heading out on the first grit of the season way back in November ❄️

• Kirklees Winter @KirkleesWinter · Nov 4, 2021
Our teams getting ready to go out on the first grit of the season! Winter is coming ❄️



• Kirklees Winter @KirkleesWinter · Apr 27
We had 3 storms in one weekend #Dudley #Eunice and #Franklin. We had the teams out clearing the gullies in advance of any flooding as well as dealing with the snow ❄️

• Kirklees Winter @KirkleesWinter · Feb 19
The weather is warming up but there is lots of rain on the way. We're doing what we can to prepare for the likely standing water running into the road gullies by clearing as many as we can. 🌧️ #stillsmiling #staysafe #drivecarefully



• Kirklees Winter @KirkleesWinter · Apr 27
When the snow falls our teams are not just out during the day, they go out at night and all hours in the morning too! It takes a lot of skill to drive in these challenging conditions ❄️

• Kirklees Winter @KirkleesWinter · Feb 19
We're getting ready to go out on our usual gritting route from 2pm and we'll be keeping an eye on things overnight, especially on higher ground. Please travel safely. You can check to see which routes we grit here: orfo.uk/hN8wo



Snow Wardens

- Scheme aim - empower residents to clear paths connecting them to our normal gritting routes
- Trial over two winter seasons beginning Oct 2022 - April 2024
- Two trial locations in each ward - identified by elected members
- Providing residents with grit, PPE and small scale equipment
- Grit refills - beginning of the season & mid season



Policy Update Highlights - 2022

- Overall the winter service works well and stands comparison with other WY authorities
- Service recommends that :-
 - Winter Resilient network identified and details included in updated policy - 26% of network over 16 routes
 - Include protocol for requesting changes to routes
 - Reference to community groups but no specific mention of snow wardens



Protocol for Requesting Changes to Routes - 1

- Any new routes must be considered in accordance with the recommendations of the “Well-Managed Highway Infrastructure” DfT CoP
- Protocol established
- Changes to be considered April – June
- Need to maintain existing service levels - Normal Gritting Network routes, must be completed in two hours.
- Must take account of the safety implications of any changes in relation to road users and service delivery
- All ward cllrs would need to agree which sections of route to add and which would be removed



Protocol for Requesting Changes to Routes - 2

- Any additional routes must be operationally suitable for a gritting vehicle to access, drive along and turn round in
- Ward Councillors to consult with residents & stakeholders impacted by any changes to the Normal Gritting Route
- The cabinet portfolio holder member for E&CC will make any final approval to changes to a gritting route



Planning Approval & Winter Maintenance Provision

Mathias Franklin, Head of Planning

"Winter gritting and maintenance would not fall within the planning system or the reasonableness of S106 provisions and therefore the advice you gave to scrutiny previously is the only advice we can sustain"

Chris Dows, Highways Development Management

"Future maintenance is not a matter for the planning system and would not meet planning tests in terms of reasonableness for S106 contributions and we could not progress any SPG on this point".



Gritting Active Travel Routes

In considering any requests to grit active travel routes, consideration must be given to the following:-

- Currently 53% of the highway network is gritted. This leaves 47% of the road network ungritted
- The greater risk – in terms of financial and reputation – lies with not gritting the highway network, as opposed to not gritting active travel routes
- Active travel routes are predominantly used for social benefit and usage remains low, relative to use of the road and footway network
- If active travel routes are to be considered for gritting a priority criteria would need to be developed



Any questions



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Name of meeting: Economy & Neighbourhoods Scrutiny Panel
Date: 30th August 2022
Title of report: Pre-Cabinet Decision Scrutiny Briefing: Huddersfield District Energy Network (HDEN) Outline Business Case Approval

Purpose of report:

- To update the Panel on the outcome of the Huddersfield District Energy Network Outline Business Case Study, draft Cabinet report and proposed next steps ahead of Cabinet considering this issue on 20th September 2022

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	N/A
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	N/A
The Decision - Is it eligible for call in by Scrutiny?	N/A
Date signed off by <u>Strategic Director</u> & name	Colin Parr, Strategic Director for Environment & Climate Change, 7 th July 2022
Is it also signed off by the Service Director for Finance?	Eamonn Croston, Service Director, 15 August 2022
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft, Service Director for Legal, Governance and Commissioning, 10 August 2022
Cabinet member http://www.kirklees.gov.uk/you-kmc/kmc-howcouncilworks/cabinet/cabinet.asp	Cllr Naheed Mather, Environment Cllr Will Simpson, Culture & Greener Kirklees The following Cabinet Members have also been consulted due to the relevance to their portfolios: Cllr Paul Davies (Corporate) Cllr Graham Turner (Regeneration)

Electoral wards affected: Huddersfield Town Centre (Dalton & Newsome)

Ward councillors consulted: None

Public or private:

This report is public with a private appendix.

This report is accompanied by a private appendix in which commercially sensitive information is provided. The Appendix to this report is private in accordance with Schedule 12A Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, namely it contains information relating to the financial and business affairs of third parties (including the Authority holding that information). It is considered that the disclosure of the information would adversely affect those third parties including the Authority and therefore the public interest in maintaining the exemption, which would protect the rights of an individual or the Authority, outweighs

the public interest in disclosing the information and providing greater openness and transparency in relation to public expenditure in the Authority's decision making.

Has GDPR been considered? Yes

Report Note

1. This report presents the attached draft Cabinet report and accompanying appendices and private appendices for consideration by the Economy & Neighbourhoods Scrutiny Panel on 30th August 2022.
2. The purpose of the report is to provide an update on the outcome of the Huddersfield District Energy Network Outline Business Case Study, draft Cabinet report and proposed next steps ahead of Cabinet considering this issue on 20th September 2022.
3. **The Panel is requested to note that the Private Appendices contain exempt information and are confidential.** The intention is for this information to help Panel members consider the issue and proposal and is not to be shared further.
4. It should also be noted that the report to Cabinet is still a draft work-in-progress and is subject to further amendments and revisions ahead of the Cabinet date on 20th September 2022. This will include the intention to take into account comments from the Panel.
5. The Draft Cabinet Report follows on Page 3.

Name of meeting: Draft Report for Cabinet
Date: 20th September 2022
Title of report: Huddersfield District Energy Network (HDEN) Outline Business Case Approval

Purpose of report:

- To update Cabinet on the outcome of the Huddersfield District Energy Network Outline Business Case Study and request approval in principle to progress to the Full Business Case stage
- For Cabinet to indicate their support in principle to taking forward the capital requirements of the scheme for consideration as part of the Council's Medium Term Financial Strategy for 2023/24 onwards.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes If yes give the reason why: Spending of more than £250k
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	Key Decision – Yes Private Report/Private Appendix – Yes – Public report with a private appendix
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	Colin Parr, Strategic Director for Environment & Climate Change, 7th July 2022
Is it also signed off by the Service Director for Finance?	Eamonn Croston, Service Director, XX August 2022
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft, Service Director for Legal, Governance and Commissioning, XX August 2022
Cabinet member http://www.kirklees.gov.uk/you-kmc/kmc-howcouncilworks/cabinet/cabinet.asp	Cllr Naheed Mather, Environment Cllr Will Simpson, Culture & Greener Kirklees The following Cabinet Members have also been consulted due to the relevance to their portfolios: Cllr Paul Davies (Corporate) Cllr Graham Turner (Regeneration)

Electoral wards affected: Huddersfield Town Centre (Dalton & Newsome)

Ward councillors consulted: None

Public or private:

This report is public with a private appendix.

The Key Decision Notice has been issued and this report is accompanied by a private appendix

in which commercially sensitive information is provided. The Appendix to this report is private in accordance with Schedule 12A Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, namely it contains information relating to the financial and business affairs of third parties (including the Authority holding that information). It is considered that the disclosure of the information would adversely affect those third parties including the Authority and therefore the public interest in maintaining the exemption, which would protect the rights of an individual or the Authority, outweighs the public interest in disclosing the information and providing greater openness and transparency in relation to public expenditure in the Authority's decision making.

Has GDPR been considered? Yes

1. Summary

- 1.1. In January 2019, Kirklees Council declared a Climate Emergency and proposed an ambitious programme of activity to address the emergency¹. 'Net Zero' carbon emissions require significant societal changes to how we all live and work, with an urgent need to dramatically reduce our emissions and to adapt locally to a changing climate.
- 1.2. Kirklees Council wishes to rise to this challenge and be a leader to achieve this change with our local partner organisations, businesses and residents with the help and support of the national government and regional partners and aligned to our corporate ambitions for People, Places and Partners. This will be a challenging ambition, but it is also a great opportunity to improve our quality of life and create a borough that is healthier, more sustainable and fairer for everyone.
- 1.3. This report summarises the work undertaken to date regarding a Huddersfield District Energy Network (HDEN, also known as a 'heat network'), one of the Council's key carbon reduction projects, following a Cabinet Decision to undertake an Outline Business Case in February 2021. It presents and summarises the results of the Outline Business Case stage of work and sets out decisions required for the next phase including progressing the Outline Business Case to Full Business Case and how the Council can achieve the successful delivery of a Heat Network.
- 1.4. The report sets out recommendations for Cabinet to approve the OBC, agree in principle proposed capital borrowing requirements (subject to subsequent Full Business Case approval) for the Huddersfield District Energy Network (HDEN), and delegate authority to the Strategic Director for Environment and Climate Change in order to develop the scheme to Full Business Case stage (this stage of work is collectively referred to as Commercialisation).
- 1.5. The report private appendix (the Outline Business Case (OBC)) is to be considered in private, due to the content containing commercially sensitive information about future commercial negotiations and commercially sensitive information relating to the Council and HDEN potential customers (also known as off-takers).

2. Information required to take a decision

Background

- 2.1. The decarbonisation of heat supply is recognised by government as a key challenge to address to achieving the Paris Agreement (2015) aim of limiting the global rise in temperature to well below 2°C. Kirklees Council declared a Climate Emergency in 2019, recognising the challenges of a changing climate facing the area and has adopted an over-arching target for achieving net-zero carbon emissions for the district by 2038.
- 2.2. Government policy promotes the installation of District Energy Networks (DENs) as one of the most favourable means to decarbonise the local heat supply². By utilising a low carbon energy source, a DEN can very efficiently deliver heat and power to end users where there is sufficient density of demand.
- 2.3. District heat networks feature a system of insulated pipes which distribute heat (in the form of hot water) from a centralised heat generation plant to a number of different buildings to provide space heating and hot water. Instead of individual boilers, each building has a heat interface unit (HIU) which supplies heat from the network to the local building distribution system. For power

¹ <https://www.kirklees.gov.uk/beta/climate-emergency/index.aspx>

² For further detail see the HM Government – Heat and Buildings Strategy 2021 (<https://www.gov.uk/government/publications/heat-and-buildings-strategy>) and HM Government Guidance on Heat Networks (<https://www.gov.uk/guidance/heat-networks-overview>)

(electricity), a local 'private wire' electricity network is can be installed in order to connect the energy source to the end customer.

- 2.4. Schemes can range in size from simply linking two buildings together, to spanning entire cities. In some countries the use of district heating is widespread. For example, in Denmark around 60% of the country's homes are connected to heat networks, including a scheme which supplies the whole of Copenhagen (these larger schemes tend to 'grow' incrementally over time as more heat sources and customers are added).
- 2.5. Generating and distributing heat at a district scale allows lower carbon forms of heat generation to be used which would not be viable at a building scale, including the capture and delivery of waste heat from power generation, energy from waste, or the transition to technologies such as combined heat and power engines and heat pumps.
- 2.6. DENs are considered a key low/zero carbon 'enabling' infrastructure, as once the network infrastructure is in place, it is both long-lasting (pipework typically lasts 40-50 years plus) and able to accommodate different sources of heat. This means that once an existing source of energy (e.g. the EfW) reaches end of life, it can be 'unplugged' and replaced by a new source that potentially has better 'net zero' carbon emissions credentials. For this reason, heat networks are considered by Government to be a key enabler in delivering net zero for urban environments.
- 2.7. Furthermore, DENs can develop and evolve over time, provided that the end customers can be matched to the amount of energy being fed into the network. The development of the HDEN has been predicated for identifying a sustainable basis for establishing a viable DEN. Once this first phase has been established and a cash-flow established, options can then be considered for how the network may evolve and grow over time.
- 2.8. DEN development is a step-by-step process, supported by Grant funding from the Department of Business, Energy and Industrial Strategy (BEIS) Heat Networks Delivery Unit (HNDU). The Council has previously benefitted from project development funding support from HNDU in order to undertake a Feasibility Study into the potential for a Huddersfield DEN, which was completed in 2018. The Council subsequently was successful in a further funding allocation from HNDU in order to further develop the opportunity to the completion of an Outline Business Case. This is known as the 'Detailed Project Development' (DPD) stage.
- 2.9. The development of DENs has been consistently supported by Government since 2014. The Government is supporting DEN development beyond the DPD stage through the new 'Green Heat Networks Fund' (GHNF), which launched in March 2022. This is a 3 year £288m capital grant fund that can support the commercialisation and construction of new low and zero carbon DENs. The scheme can support up to 50% of the construction and delivery costs of a DEN (and as part of these overall 50% of costs up to 100% of the costs of commercialisation – i.e. progressing the scheme to Full Business Case).
- 2.10. In Huddersfield there is a DEN opportunity arising from utilising the potential heat and power from the existing Huddersfield Energy from Waste (EfW) plant and delivering this as a low carbon energy solution for sites within the town centre. Furthermore, DENs are 'technology agnostic' meaning that when a heat source reaches end of life, it can be 'unplugged' and replaced with a new lower-carbon heat source, due to the long-lasting nature of the network infrastructure itself. Because of this, DENs play a key role in the Government's strategy for the decarbonisation of heat. EfW plants are included by Government as a source low carbon heat. Utilising the EfW is expected to deliver carbon savings in the region of 68% when considered against a 'business as usual' scenario of individual gas-fired boilers.
- 2.11. This Cabinet report follows on from an earlier report considered on 16th February 2021, which provided authorisation for the authority to undertake the next 'Detailed Project Development' stage of heat network development, resulting in a completed Outline Business Case (OBC). This

is now complete and appended to this cabinet report. Key findings are summarised in this report. The OBC follows the HM Treasury's 'Five Case' Model and is comprised of five separate cases, as follows:

- **Strategic Case:** Sets out the strategic context, requirements, and benefits of undertaking the delivery of a District Energy Network in Huddersfield
- **Economic Case:** Summarises the analysis, decisions and steps taken by the project team to go from a longlist of options to a shortlist and finally a preferred option for the DEN.
- **Commercial Case:** provides detail of the commercial, legal and governance considerations that have been examined to develop a robust approach for the delivery of the DEN.
- **Financial Case:** Sets out the financial performance of the preferred option that was established in the Economic Case and it seeks to demonstrate the financial robustness of the preferred option under a set of clearly stated assumptions.
- **Management Case:** Sets out the next steps on the project in order to progress from OBC to Full Business Case (FBC).

2.12. Project Objectives and Critical Success Factors were agreed for the scheme in consultation with relevant internal Senior Officers and Portfolio holders. These are set out in the Strategic Case and are also summarised below:

Project Objectives

Item	Project Objectives (in order of priority)	Related Critical Success Factors
1	Help meet Kirklees Council's climate objectives and contribute to achieving district net zero by 2038.	3
2	To deliver a large-scale, long-term energy infrastructure project that delivers measurable decarbonisation and air quality improvements to the local area.	3
3	To contribute to the regeneration of Huddersfield by facilitating supply of low carbon energy to a mix of private and public sector buildings including new and existing buildings.	3, 6
4	To deliver the project in a way which provides the best overall balance of value and risk to the council , acting as an early adopter of district energy in the UK.	1, 4, 7, 8
5	Delivers energy for a fair price , delivers good levels of customer service and protects its customers, including those that are vulnerable. ³	2, 4, 6, 7
6	Provides a stimulus to the local economy by retaining wealth locally, and by providing job opportunities throughout construction and operation.	1, 4, 6, 7
7	Act as a catalyst for the development of further decarbonisation projects in the borough, through in-house capacity and knowledge building.	1, 3, 5, 6
8	Be an enabler and attractive to the future re-investment in the Kirklees EfW.	4, 5, 8

³ Whilst the aspiration towards customer service is valid, vulnerable customers are not currently within the planned off-taker customers for the first phase of the network. Off-takers have been identified on the basis of being stable, usually public sector partners considered able to commit to longer term power purchase agreements in order to facilitate the establishment of a stable, economically viable network.

Critical Success Factors (CSFs)

Item	Critical Success Factor
1	<p>PROCUREMENT</p> <p>The project must be set up and procured in accordance with the Council's procurement strategy with consideration to social value and insourcing.</p>
2	<p>CUSTOMER PROTECTION</p> <p>The scheme must ensure customers are receiving levels of service which reflect market good practice, and at least as good service vs. alternative heating options in terms of price, quality of service and protection.</p>
3	<p>ADDRESSING THE CLIMATE EMERGENCY</p> <p>The scheme must have a clear strategy for providing an affordable, secure, low carbon supply of heat in the short, medium and long-term, including supporting a zero-carbon objective and improvements to local air quality.</p>
4	<p>FINANCIAL RETURNS</p> <p>Council has control of where the financial benefits of the scheme accrue. Project must deliver a threshold IRR to Council to justify investment against associated risk and non-fiscal reward.</p>
5	<p>FUTURE DEVELOPMENT</p> <p>Scheme structure supports further expansion, connections, or changes in technology which may create beneficial outcomes.</p>
6	<p>SOCIAL</p> <p>The project must support the Council's wider objectives of regeneration and enhancement.</p>
7	<p>CONTROL</p> <p>The Council can control the scheme with the aim of ensuring project outcomes are met in terms of risk transfer and pricing.</p>
8	<p>FUNDING</p> <p>Scheme enables access to external funding.</p>

2.13. To undertake the completion of this OBC, the Council has procured the support of the following specialist external consultants:

- AECOM – Technical
- Hermetica Black – Commercial
- Asteros Ltd – Financial
- Womble Bond Dickinson – Legal
- Avieco – Project Management support

2.14. The scheme has been managed by the Council's Air Quality, Energy and Climate Change Team, part of the Environment and Climate Change Directorate.

Proposed Preferred Option for HDEN Development

Techno-Economic Summary (Economic Case)

2.15. As referred to above and set out in more detail in the Economic Case, the development of a DEN is an iterative process of refinement to go from longlist to shortlist to preferred option for delivering the DEN. This continues and further refines the favoured option set out in the 2018 Feasibility study report.

2.16. The preferred option is identified as being the delivery of low carbon heat and electricity from the existing Huddersfield Energy-from-Waste (EfW) plant to serve a mixture of Council and non-Council sites in and around the town centre. Heat is provided via a network of underground insulated pipes carrying hot water. Electricity will be delivered via a separate 'private wire' electricity network. A separate energy centre is proposed to be located at a Council-owned site at

37 Old Leeds Road. This will house pumps (for pumping the water around the network), plus accumulator vessels to store heat (hot water) and help smooth the network demand. It will also contain back-up gas boilers for providing heat during periods when the EfW is offline (due to planned maintenance or unexpected outages). Back-up electricity will be provided via the national grid.

- 2.17. The preferred option utilises the existing EfW (itself originally designed to output heat into a heat network) and has been assessed as best meeting the above CSFs.
- 2.18. As per the CSFs, the scheme is intended primarily as a carbon reduction scheme, designed to increase the energy efficiency of the infrastructure associated with Huddersfield Town Centre (currently overwhelmingly derived from gas-fired boilers). Over the scheme lifespan (40 years) the HDEN is assessed on the Economic Case as saving 111,400 tonnes of CO₂. To put into context relative to the current 'business as usual' scenario (natural gas-fired boilers), the scheme is expected to achieve carbon savings of approximately 70%.
- 2.19. The scheme is also considered comparatively commercially attractive and self-financing in its own right (over a reference 40 year period – the network's nominal lifespan) in that it is designed to generate a financial operating surplus to repay any Council investment in the scheme and achieve an internal rate of return (IRR) greater than 6%, the rate typically considered viable for public sector schemes. Once the potential carbon savings achieved by the scheme are considered, which is included in the Social IRR (SIRR), a rate of above 11% is expected to be achieved for providing heat and power from the EfW. This is discussed further in the Private Appendix OBC Economic case. Current alternatives to a DEN, such as building-specific Air Source Heat Pumps are not considered likely to generate an equivalent return.
- 2.20. An alternative to facilitating low carbon heat solutions to buildings are site specific solutions. This is effectively the current situation due to the historic prevalence of gas boilers fired by natural gas and the historically relatively low price of this fuel source. However, for reasons of comparatively high carbon intensity of natural gas this approach is expected to be phased out by Government over the medium term. In addition, when coupled with the current price spikes and fluctuations it can be argued that the status quo delivers neither sufficiently low carbon heat, nor stable pricing to assist with financial planning. A DEN is considered to help deliver both of these points.
- 2.21. Operating a DEN infrastructure allows the heat source to be optimised for maximum efficient delivery and avoids the need to manage tens of individual boiler plants in individual sites. It also provides resilience and facilitates future decarbonisation through replacement of the heat source at a single point – such as the potential replacement of the EfW with a new facility when the current EfW reaches end of life, or replacement with a different low/zero carbon technology, such as heat pumps. In this way the benefits of the existing EfW can be utilised, whilst also allowing time for future potential heat sources to be considered.

It should also be noted that a DEN infrastructure is complex and requires careful design and optimisation, alongside significant engineering required to install the insulated pipework. Each option has considered a similar proposed route layout which has been considered with input from key Officer stakeholders managing the highways network and current and planned highways projects. Nonetheless, the route will be subject to further consultation and, if necessary, amendment following at the Commercialisation stage of the scheme.

Preferred Low and Zero Carbon Energy Options

- 2.22. Following a process of refinement and shortlisting, the Economic Case presents three shortlisted options for supplying the HDEN:
- **Option 1: EfW (heat and power):** taking heat and electricity from the existing energy from waste (EfW) plant, surplus electricity (around 40% of annual output) would continue to be exported to the national grid as it is currently).

- **Option 2: EfW (heat only):** taking heat only from the existing EfW (all electricity would continue to be exported to the national grid as it is currently).
- **Option 3: Heat pump (heat only):** constructing a purpose-built heat pump system consisting of a water source heat pump (WSHP) drawing heat from the River Colne and an air source heat pump (ASHP). These heat pumps would run on electricity to extract air from the river and ambient air to supply the HDEN with heat only, no electricity is produced through this process.

2.23. Utilising the EfW (Options 1 and 2) is expected to generate significant carbon savings versus 'business as usual' (i.e. individual gas boilers), and both options are expected to generate significant carbon savings. These have been modelled in the economic case as well over 111,000 tonnes over the 40 year period (assuming EfW as the energy source). Broadly speaking, this represents a carbon saving of approximately 68% versus individual gas boilers. Further decarbonisation could also be achieved depending upon future energy sources considered for the network.

2.24. It is noted that the EfW is part-way through its anticipated operating lifespan. This provides the basis for a HDEN heat source whilst allowing for ample time to consider subsequent energy source options. This is considered in more detail in the Private Appendix OBC Strategic Case.

2.25. Modelling of these three potential energy sources established that the only option which was calculated to deliver positive economic returns is option 1, taking heat and power from the EfW plant. This means that at the time of writing, only a heat and power network using the EfW plant achieves an economically viable option. The EfW is the lead low carbon heat and power source, with a separate purpose-built energy centre providing gas backup and thermal storage. This option achieves both positive Internal Rate of Return and Social Internal Rate of Return scores (prior to the additional financial considerations of the financial case). Option 2 (EfW-derived heat only) does not achieve the required level of economic viability.

Network Route and Extent

2.26. As set out in the Private Appendix Full OBC Economic Case (section 2.3), the network route has been designed to serve a core group of town centre buildings, with the network extent (and cost of pipework) balanced with the energy available from the EfW, alongside connecting sufficient off-takers to achieve a commercial return, whilst also managing other constraints, such as crossing trunk roads and waterways. This means that the network requires approximately 6.2km of heating pipework and 14.1km of private wire cabling. This is intended as 'phase 1' of the HDEN with the aim of establishing a viable a network whilst also minimising risk through focusing on primarily Council and public sector sites as off-takers, plus a small number of commercial clients. This analysis is based upon this configuration of the network. This is intended to be flexible, and over time, further expansion of the network could take place. The proposed network route is illustrated in the diagram below.

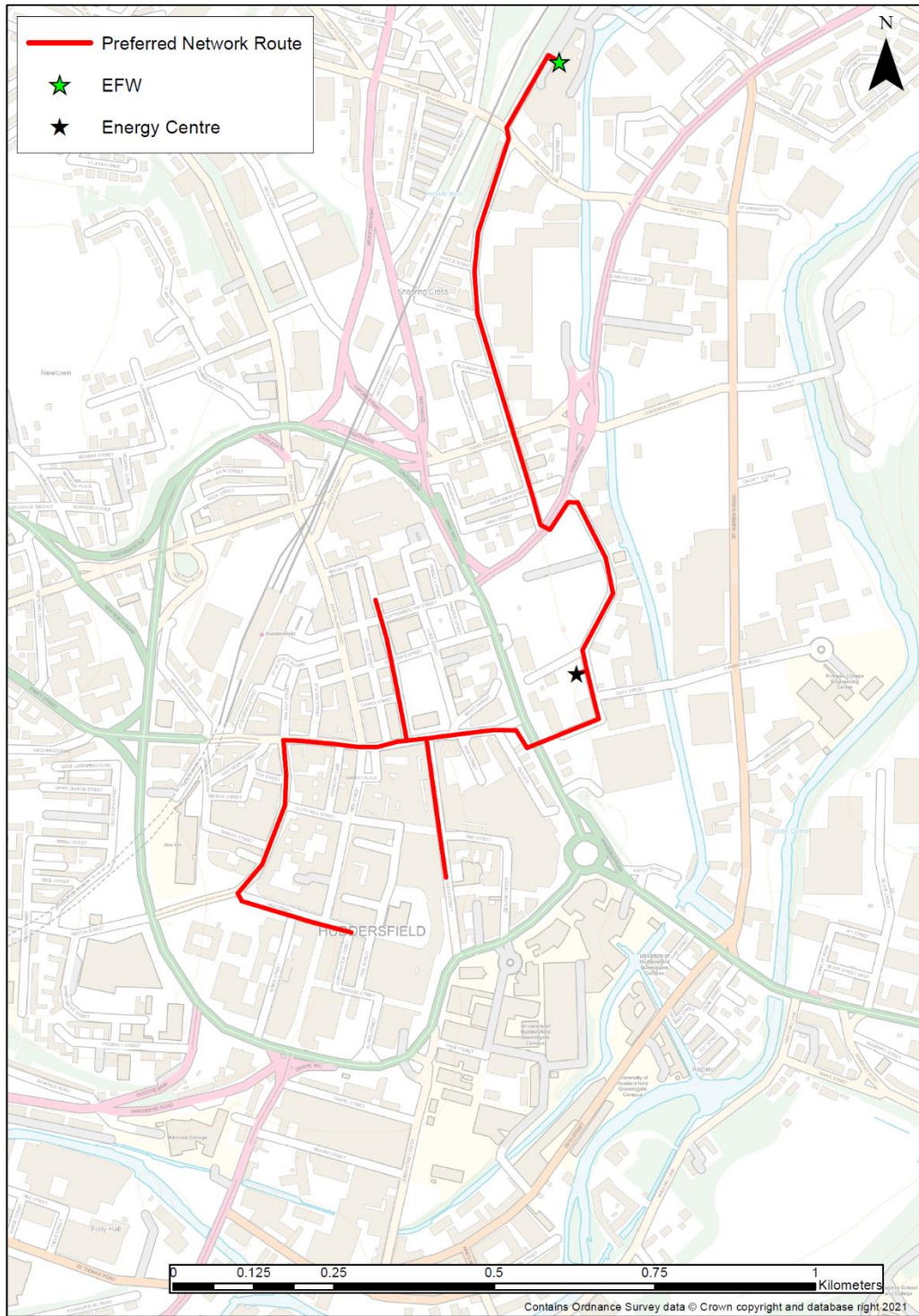


Figure 1 Proposed Network Route

2.27. The Network route has been carefully considered in order to ensure the network is able to balance connecting a sufficient number of town centre premises with a pipe network that is not disproportionately costly and that ensures that the network retains viable. It is important to note that this route represents the first phase of the network and that in future the network is designed to be able to be added to in order to connect additional buildings and alternative energy sources. The network route has been designed following consultation with internal stakeholders in relation to other schemes currently planned or underway and affecting the highway that could potentially be in conflict with this scheme. The route will be revisited at the commercialisation stage along with this related engagement to ensure that these assumptions remain valid. Ground-penetrating survey work will also be undertaken for identified route 'pinch points' where further detailed evidence may be needed.

Customers/Energy Off-takers

2.28. Network Customers have been considered in terms of their ability to commit to longer term power-purchase agreements (which the public sector is typically able to do) alongside their strategic town centre locations. It is therefore expected that Council sites will connect where their location allows and where technically possible. The HDEN provides a means of decarbonising the supply of heat at the point of entry of the building, reducing the dependence on building fabric improvement in order to achieve the Council's net zero commitments. Off-takers are detailed in the Private Appendix OBC Economic Case and can be broken down as follows in the table below. The extent of connections represents a balance between sufficient customers to justify the first phase of the network, whilst also remaining economically viable

Off-taker	Engagement through the OBC process
Existing Council-owned sites in the town centre.	Engagement meetings between the HDEN project team and internal Asset Strategy and Technical Services teams along with the Council's Energy Engineer. Representation invited from all on the project Board.
Future Council developments (such as those coming forward through the Huddersfield Blueprint, including the Cultural Heart scheme)	Engagement meetings with the following: <ul style="list-style-type: none"> • Relevant Blueprint Programme Managers to identify where project completion dates can align with the HDEN. • Town Centre Highways scheme managers to identify a network route that takes into account current and planned highways schemes • Two specific HDEN meetings have taken place with the team managing the sustainability approach for the Cultural Heart Scheme. The HDEN provides a significant opportunity to provide low carbon heat to this significant redevelopment in the town centre.
External Partners (Four potential external organisations within Huddersfield Town Centre)	Individual stakeholder engagement with each separate party in order to provide information on the scheme opportunities and to gain asset information and energy usage data. The latter has been used to inform the assessments made in the production of the Economic Case.

2.29. For sites that cannot connect on day one (e.g. if there is existing energy plant infrastructure not yet close to end of life or if the site development timescales cannot align with the HDEN) then there is a potential for a future phased connection to the network.

2.30. External partners have been identified though being considered able to commit to longer power-purchase arrangements or to be located in a strategically beneficial location for the HDEN.. It is important to note that at this stage external partners have been engaged in the development of the scheme and OBC, as a mutually beneficial opportunity. There has been no formal commitment to the scheme agreed as yet, and this customer acquisition process is intended as a key task for the Commercialisation stage (i.e. for the Full Business Case).

Design of the Energy Centre

2.31. The Economic Case sets out the proposed rationale for the location and shortlisting process for agreeing the site at 37 Old Leeds Road for this purpose. This was supported by the Council's Asset Governance Board in September 2021. Following consultation with internal stakeholders, the desire to use this facility to make a bold visual statement of the building's purpose was agreed, which would also help support the regeneration of this area of the Town Centre. Illustrations of the preferred Energy Centre Design are included in the Private Appendix OBC Economic Case. At the appropriate point during Commercialisation the Strategic Director (Development) will be requested to formalise the decision to allocate the land for the Energy Centre.

Commercial Preferred Option

2.32. The Commercial Case sets out the details of the commercial, legal and governance considerations for the delivery of the HDEN. Five key commercial factors are set out which determine the proposed Commercial structure:

- The Council cannot operate a DEN on a commercial basis without establishing a standalone company (a special purpose vehicle or also known as an Energy Services Company, or ESCo).
- The DEN operator cannot be the private wire supplier without a supply licence (in practice, this means that either an organisation with a supply licence is needed as the supplier, or in the case of the EfW, the operator of the plant is considered to qualify for supply exemptions)
- The DEN depends upon close integration with the EfW Plant and Waste contract. The procurement of a new waste services contract provides a key strategic opportunity achieve mutual benefits for both schemes.
- The economic viability of the private wire element of the DEN is sensitive to current and future electricity market governance changes.
- The profitability of the DEN depends on an appropriate level of heat and power demand being secured from customers.

2.33. Following internal consultation and engagement with senior officers, relevant portfolio holders and other council officers, the recommended commercial structure for the HDEN that best meets the critical success factors is the establishment of a wholly council-owned Energy Services Company (ESCo) to install, own and operate the network, including the private wire assets. This is proposed to be a company limited by shares, with Kirklees Council the sole shareholder. This is set out in more detail in the Private Appendix OBC Commercial Case, alongside the other options considered. In summary, this model allows the following:

- The Council can engage in commercial activity without breaching its mandate
- Allows the most ability to manage the interaction between the procurement of the HDEN and the waste services contract.
- Balances profitability with achieving Kirklees' carbon reduction, regeneration and affordability goals,
- Provides a means for the council to benefit from the financial returns of the project; and
- Provides flexibility to allow a future change in commercial direction if required

Whilst a wholly-owned ESCo is considered the 'best fit' for the scheme, it is also important to note that any commercial structure will incur an element of risk to the authority. In the case of a wholly-owned ESCo there are also risks incurred through the need to potentially absorb losses and fund cash flow and future investment need The Council will need subsidy control advice from legal advisors to ensure that the arrangements meet the appropriate arms-length requirements. There would also be a reputational risk, should the scheme not achieve the anticipated benefits..

2.34. There are two sources of revenue for the HDEN, which are detailed in the Private Appendix OBC Commercial Case.

- a) Sale of heat to commercial (and, in future, domestic) customers; and

- b) A “use of system” charge for the private wire. The Electricity Order 2001 prevents the ESCo from acting as the supplier of electricity to customers over the private wire without a supply license, and so the EfW Operator is required to play this role.

2.35. Because of the above, the procurement of the new waste services contract (including operation of the EfW) for the Council is a critical strategic opportunity to align with the HDEN in order to benefit both contracts. Whilst a principle of the HDEN project is that it should also offer benefits to the Waste/EfW Contract, the obligation may have impacts upon the commercial position of the contractor, which may influence the cost of waste disposal or create contractual complications in the event of the DEN project not progressing

2.36. Further Commercial and Financial considerations relevant to the Council are set out at section 3 of this report.

2.37. Taking into account the above elements of the scheme, the Management Case sets out the tasks required for the delivery of the Commercialisation Stage, which is intended to develop the scheme from the Outline Business Case to the Full business Case Stage. These tasks are summarised in the Private Appendix OBC Management Case and form the basis of the Officer recommendations in this report.

The tasks identified for Commercialisation are divided between two elements of work:

<p>1) ‘Bridging’ activities - Funding required for interim activities required to take place /ahead of/in parallel with the OBC approval by Cabinet.</p>	<p>This is comprised of:</p> <ul style="list-style-type: none"> • ‘Bridging’ activities needed to align the HDEN project and the EfW re-contracting process, such as the “Enabling works and Interdependencies”. This needs to take place ahead of OBC approval to meet the Council’s deadlines for the re-contracting of the waste and EfW contract (a process commencing in November 2022). • To provide external support to prepare and submit a bid to the Green Heat Network Fund in conjunction with the Council. Round 2 of the GHNF closes on 26 August, so it is therefore required for this application to take place ahead of the OBC Cabinet Approval.
<p>2) Main Commercialisation programme (OBC to FBC)</p>	<p>To progress the scheme from OBC to Full Business Case and undertake the remaining tasks in the table above. A breakdown of these costs is provided within the full OBC document Management Case. Subject to Cabinet approval, this stage will commence immediately.</p>

2.38. As noted above, the Council has prepared a grant submission to the Government’s Green Heat Networks Fund (GHNF). This is the Government’s primary means of supporting DEN development post-OBC and is an important potential source of grant funding for the Commercialisation phase (developing the OBC to Full business Case) and also up to 50% of the overall eligible scheme construction costs. The GHNF scheme was being launched in March 2022 as the HDEN OBC was being finalised. Whilst grant support is considered highly beneficial to the HDEN (and the scheme is considered likely to be supported by the GHNF), there are restrictions to the GHNF that will need to be managed. The primary issue is that the full GHNF grant (for construction) must be drawn down before 31 March 2025. This means that the proposed approach set out in the Private Appendix (Full OBC document) to align the construction start date with the anticipated award of the Council’s Waste Contract would not be likely to be eligible for grant support from the scheme. In order to mitigate this, the anticipated construction start date for the HDEN would need to be brought forward to April 2024-March 2025 to occur in advance of the new

waste contract anticipated start date (and is a change to the sequence set out in the Full OBC (see Private Appendix). This would allow draw-down of the full, anticipated GHNF grant.

2.39. The HDEN project team considers that the risks and changes to the timescales (including the reduced time period for commercialisation) are manageable and are outweighed by the anticipated benefits of accessing the GHNF. The anticipated risk and mitigation of this issue is set out at the Risk management section below. N.B. The draw-down of the anticipated GHNF construction grant (as opposed to the commercialisation GHNF funding), would only take place in any case following the completion of Commercialisation and approval of the resulting Full Business Case. These timescales are set out at section 5.

Benefits and Risks

Project Benefits

2.40. As set out in the Strategic Case, the scheme is expected to offer a number of anticipated benefits:

- Significant carbon reductions through accessing low carbon heat available from the EfW and not otherwise available to individual sites. Modest improvements to Air Quality are also expected through the removal of typically old individual gas boiler plants.
- Reduction in energy bills through the potential for the EfW heat being available at a lower cost than natural gas and less susceptible to price fluctuations
- A Local dividend through the opportunity to build revenue from the energy sold to local customers and the retention of this income locally.
- Social benefits achieved through the development of the pricing strategy
- The wider benefits of investment in the local area and economy creating employment and supply chain opportunities

Risk Management

2.41. The project team has sought to maintain a proactive approach to risk management throughout the development of the OBC. Each case summarises the key risks associated with that particular element of the scheme. The management case addresses the main risks identified within the commercialisation phase, as the project moves to issue of FBC. These key project risks are detailed within the Management Case, with each case set out in detail in the Private Appendix (Outline Business Case Full Report)

2.42. Whilst the OBC sets out the basis for an economically viable scheme, it is also important to recognise that a scheme of this nature is subject to a range of interrelated risks resulting from the contractual relationships required for the scheme to be successful:

2.42.1. The relationship with the EfW. The presence of the HDEN is considered to offer a significant opportunity for the Council's core waste contract to also deliver wider strategic outcomes related to carbon saving. However, it is also recognised as risk to the council's waste contract process, should the HDEN not happen.

2.42.2. The scheme is also dependent on several external energy customers (off-takers), who have been identified based upon their ability to potentially agree longer term power-purchase agreements. However, should these partners choose not to participate in the scheme, it is likely to have an impact on the project viability. These sensitivities are modelled in the economic case.

2.42.3. The need for 'private wire' electricity supply to be built into the scheme in order to deliver commercial return. This is the only scheme option which is economically viable, but also adds a further contractual element to the relationship with the EfW Operator. Due to licensing requirements relating to the supply of electricity the generator (the EfW Operator) will need to be the supplier to the end customer that will use the HDEN ESCo's private wire network for transmission (and generate a 'use of system' charge for the HDEN). This relationship is set out in more detail in the Private Appendix OBC Commercial Case. The OBC concludes that the benefits of the private wire outweigh these further complications.

2.43. As a consequence of the GHNF application (set out at 2.38), the construction of the HDEN (assuming FBC approval) will need to have commenced ahead of the Council's securing of a new EfW operator through the Waste contract process, leaving the network at risk of prolonged operation solely by back-up gas boilers. This risk will be mitigated by the following:

- Maintaining the ongoing focus on the alignment between the EfW Contract and HDEN teams to ensure that a future operator is able to supply heat.
- As part of Commercialisation to develop a robust plan for delay of the EfW procurement process in relation to back up heat supply (utilising the proposed back up gas boilers for the scheme in the interim)
- Continue to engage with Government partners for HDEN and Waste (BEIS and the Department for Environment, Food and Rural Affairs (DEFRA), respectively to promote alignment between the waste and DEN agendas.
- There will be a further decision point at Full Business Case, at which the HDEN would not proceed in the absence of resolution to this issue or would require further consideration if the supply of heat cannot be secured from the EfW Operator.

3. Implications for the Council

- **Working with People**

3.1. This proposal can be considered an 'enabling' scheme to facilitate the future ability of Huddersfield businesses and residents to access low carbon, resilient energy. The scale of the scheme at present is primarily aimed at establishing an economically viable DEN. In future, options can be considered for how the network can expand. Part of this includes how the Council may use this infrastructure to help Huddersfield businesses and residents on carbon reduction journeys.

- **Working with Partners**

3.2. Collaboration with partners has and will continue to be a key principle of the scheme. The Council and the potential off-takers have collaborated in order to develop the feasibility study and OBC to this point, recognising the future infrastructure potential of the HDEN in facilitating 'net zero'. Utilising energy from the EfW helps achieve additional value from the core function of processing waste, and can help add value for the EfW plant operator as well as the HDEN ESCo and the Council.

- **Place Based Working**

3.3. This scheme is intended to be a low carbon enabling infrastructure for Huddersfield, the district's largest town. The relatively large urban area provides the justification for the scale of infrastructure for the HDEN. Other solutions to help them decarbonise will be more appropriate for other communities across the district. The Council has recently undertaken a Climate Change public survey exercise in order to gather views from residents This information will be used to help inform the design of other actions in order to work with Kirklees communities to achieve the Council's 'net zero' target.

- **Climate Change and Air Quality**

3.4. The HDEN is considered to be a key enabling infrastructure to help the district achieve the target of 'net zero' emissions by 2038. If approved and constructed the scheme is expected to achieve carbon emission savings and air quality improvements linked to the removal of existing natural gas-fired boiler plants at sites that will connect to the network.

3.5. Over the longer term, the scheme is considered to be a key enabling element to facilitate the decarbonisation of Huddersfield Town Centre, by providing energy delivery infrastructure that can

accommodate future low and zero-carbon sources of heat and power and deliver this efficiently around the town centre.

- **Improving outcomes for children**

3.6. The HDEN is infrastructure that will contribute towards energy resilience and security for Huddersfield Town Centre, whilst also being intended to deliver competitively-priced energy. The network is also designed to be able to grow and expand over time. At the time of writing, the cost of living is a significant concern across society, which in turn can impact upon outcomes for children. Through reducing dependency on fossil-fuel derived heating, the HDEN can be regarded as 'future-proofing' infrastructure that can help address the cost of living over the longer term. Children, alongside other groups can benefit from this.

- **Other (e.g. Legal/Financial or Human Resources)**

3.7. By its nature, the HDEN scheme, has significant Legal and Financial implications for the Council, in terms of the structures required to be set up for delivery, the relationship with the Council's Waste contract, and the significant Council borrowing required. In considering this report the Council must have regard to its public sector equality duty under section 149 of the Equalities Act 2010 and its fiduciary duty to council tax payers and the duty of best value under the Local Government Act 1999. It is also important to note that whilst intended primarily as a carbon reduction scheme, the project is also predicted by the business case to generate a return for the Council and is expected to achieve a positive Internal Rate of Return in excess of 6% over a 40 year period. Key implications from the Commercial and Financial Cases are included in this section of the report. It is also anticipated that there will be grant conditions for the Council to comply with.

Commercial Considerations for the Council

3.8. The favoured option set out in the Commercial case identified as wholly-owned Special Purpose Vehicle (SPV) Energy Services Company (ESCO) set up to construct and operate the HDEN. The SPV will be a trading company with a separate legal identity from the council, notwithstanding that the Council will, be a shareholder. The company will need its own bank account and insurances such as employers liability, third party cover, Directors and Officers liability cover.

3.9. The SPV is proposed to be set up through powers granted to the Local Authority through Section 95 of the Local Government Act 2003 (this rationale is set out in Appendix K (Legal Compliance Check), and is proposed to take place during the Commercialisation stage. In line with Contract Procedure Rule 12.1, this is expected to require a further Cabinet approval following detailed evaluation by the Solicitor to the Council and the Chief Financial Officer

3.10. It is noted that as the sole owner of the ESCo, the Council will need to set up a 'HDEN Board' for the oversight of the company, and also to agree representation on the ESCo Board of Directors. This is proposed to be further developed during the subsequent Commercialisation stage of DEN development and agreed at the FBC stage.

3.11. The proposed approach to customer pricing for energy is set out in the Commercial case, with the aim of being lower cost to the consumer than the prevailing business-as-usual alternatives, in order to create an incentive for connection. This pricing strategy will be refined through the proposed alignment between the HDEN and Waste Contracts and finalised during the Commercialisation stage.

Procurement Route for Delivery of the HDEN

3.12. The Commercial Case proposes a separate specific and compliant procurement exercise to procure the different contractual elements required for the ESCo to deliver the scheme. This includes Design, Build, Operate and Maintain (DBOM) considerations alongside Customer Service and Billing. Authorisation for this exercise is required as part of this approval, which is proposed

to be set up to complete at the point of the Council approving the FBC (i.e. at the completion of the Commercialisation stage of development), as follows:

- 3.13. The procurement approach is set out in section 3.6 of the Private Appendix (Commercial Case of the OBC) which sets out a single, Public Contracts Regulations (PCR) compliant procurement. The procurements will be carried out by the Council (and later novated to the SPV/ESCo) and also the SPV/ESCo directly. The proposed approach is to follow a “holistic” approach and all the procured services to fall under one regulation, the Public Contracts Regulations 2015 (PCR). Therefore, the procurement strategy will be structured to comply with PCR which not exclude from services procured in the future to fall under the Utilities Contracts Regulations 2016 (UCR) as required.
- 3.14. The final decision by the Council to proceed with the project will occur shortly before financial close of the procurement exercise. All of the core commercial contracts (including all those listed above) will be entered into at the same time (at financial close).

Financial Summary and Considerations for the Council

- 3.15. Aside from the costs associated with the construction and delivery of the network, costs will also be incurred in order to undertake the Commercialisation stage of project development (i.e. to take the OBC and develop to the FBC stage). These costs are anticipated to be £1.21m, up to £1m of which could be accessed from a successful GHNF bid (NB. Commercialisation costs can be accessed via the GHNF as part of the 50% of project costs referred to above). This includes the provision of external specialist consultant support in order to progress to FBC, alongside additional Council Officer capacity for approximately two year to manage this stage of the scheme, recognising the increased complexity as the scheme moves closer to delivery.
- 3.16. The Private Appendix OBC Financial Case establishes and sets out the financial performance of the preferred option detail in the Economic Case and takes into account anticipated cashflow, financing and tax costs for the HDEN. Once these elements are taken into account, the Internal Rate of Return (over 40 years) is positive and in excess of 6%.
- 3.17. The Financial Case anticipates a successful Council bid to the Government’s Green Heat Network Fund (GHNF) in order to access up to 50% capital grant funding for eligible construction and delivery of the HDEN. Whilst the Financial case assumes a conservative assumption of a 40% successful bid to the GHNF, it is recommended that retrospective delegated authority is given to the Strategic Director in order to make a decision at the point of bidding for GHNF in order to maximise potential grant income balanced with a likely outcome of success. The remaining project capital requirements are anticipated to be achieved through Council borrowing with a nominal amount required for Council equity in the ESCo. This is required as consideration for the Council’s proposed 100% share ownership in the ESCo.
- 3.18. The funding requirements for the network are anticipated to be required in three tranches between 2025/26 and 2036/37 as set out in the Private Appendix (OBC Financial Case).
- 3.19. Capital borrowing is required from the Council in order to meet the scheme costs not covered by an anticipated grant application to the GHNF. This is set out in the Private Appendix (Financial Case) and is expected to take the form of a loan from the Council to the ESCo, which will be repaid via the return generated from the commercial activities (the sale of heat energy and use of system charge for electricity). The Financial Case has made relatively robust assumptions in relation to inflation, but it is recognised that this is a changing situation due to the external situation. The potential impacts of the inflationary environment will be kept under review with regard to the project costs.
- 3.20. The scheme as set out in the OBC is intended to generate revenues sufficient to repay the debt incurred by the Special Purpose Vehicle (i.e. the council borrowing). This is set out in more

detail Private Appendix OBC Financial Case (section 4.3) and also at Private Appendix OBC Appendix L & M. Potential adverse events that could have a detrimental financial impact on the scheme have been modelled as sensitivities at paragraph 4.3.7 (and Private Appendix OBC Appendix N) of the Financial Case. This section shows the impact of the different sensitivities considered most likely in comparison to the base case. This also includes certain positive event sensitivities (in finance terms) such as an increase in heat tariffs.

3.21. This also anticipates that an application to the GHNF needs to take place ahead of this Cabinet Decision under the authority of the Strategic Director, in order to meet the deadline for Round 2 of the GHNF, which closes on 26 August 2022.

3.22. Cabinet is asked to indicate their support for the HDEN scheme along with support for taking forward these outlined capital implications into the Council's Medium Term Financial Strategy at the next decision point. This will require a revision to the existing Council Capital Plan profile for the heat network (which assumes 100% grant funding) to take into account the above borrowing requirements and split between anticipated grant funding and council borrowing.

Alignment with the Waste and EfW Contract

3.23. As described earlier, the interrelationship with the Waste/EfW Contract procurement is a key interdependency for this project, with this procurement process commencing in Autumn 2022. As such, preparatory work around the alignment of these two schemes needs to be substantively complete by the time this Cabinet Decision take place, which requires this work package to be brought forward from the Commercialisation stage now taking place pre-OBC approval in order to take place in Summer-Autumn 2022.

3.24. Through consultation with Portfolio holders, a further £200k of Council borrowing has been identified and agreed in order to undertake this 'bridging' and early commercialisation work ahead of the OBC approval in order to avoid any disruption to the EfW/Waste Procurement process.

Do you need an Integrated Impact Assessment (IIA)?

3.25. An Integrated Impact Assessment for this proposal has been completed and is included at appendix 2.

4. Consultees and their opinions

4.1. The Council's Head of Risk has been a member of the HDEN Internal Board and a regular consultee through the OBC process. They have made the following comments for this report:

"Although the project demonstrates a potentially viable business case it is dependent on a few assumptions which may or may not be achieved.

The project

- Is dependent on the continued operation of the waste to energy plant (and the cooperation of its operator).*
- Is only viable because of the private wire electricity arrangements (which depends on the operator of the waste to energy plant).*
- Viability is dependent on the other proposed partners being willing to join on the commercial terms proposed, or terms that are very similar.*

The projected rates of return are lower than would be sought by a commercial operator. Any rise in construction costs would impact on viability. Conversely, rising energy prices may improve viability.

Overall the project can not be predicted as certainly risk free, and the council may be constrained in future choices (beyond the full business case), by grant obligations, and being project lender."

4.2. The Council’s Head of Commercial Services has been a member of the HDEN Internal Board and a regular consultee through the OBC process. They have made the following comments for this report:

“The IRR is above 6% and the economic viability of the project is dependent on the private wire network. The project’s viability is sensitive to changes in customer demand and pricing, and any negative changes to the IRR will need to be considered further. The Waste Contract and DEN procurement need to be aligned and the overall cost/benefits/risk/operational implications need to be considered together rather than singularly”

4.3. Representatives from the Council’s Waste Services have attended the HDEN Internal Board and helped identify the key alignments required alongside the procurement of the Council’s Waste contract. The Head of Operational Services has provided the following comments for this report:

“The HDEN provides an exciting opportunity to help achieve the aspirations of the Council’s Waste Strategy in relation to helping to achieve the Council’s ‘net zero’ carbon emissions target. The HDEN does present some challenges and complexities to address for the Waste contract process, but by working closely together on the alignment of the two schemes, these can be addressed. The ultimate results are considered beneficial both in terms of energy efficiency and carbon reduction as well as achieving additional benefits via the Council’s Waste Contract.”

4.4. By its nature, the HDEN has a wide range of stakeholders, both externally and internally. In development of the OBC, the HDEN project team has been supported by the following internal consultees and stakeholders:

- Regular briefings with Portfolio Holders for Environment, Culture & Greener Kirklees, plus Portfolio holders for the Corporate and Regeneration portfolios where necessary.
- Internal Board representation including Highways, Waste Services, Corporate Landlord Technical Services, Energy, Risk, Legal, Finance, Procurement and Business & Skills
- Planning Service informal consultation has taken
- Asset Governance Board to update on the scope of the scheme and achieve permissions for the use of the 37 Old Leeds Road as the location for the HDEN Energy Centre.
- Capital Governance Board in order to consider the capital implications of the proposal
- Project teams engaged with Huddersfield Blueprint and Highways improvements schemes across the town centre area

Ahead of this Cabinet decision, it is intended to engage and brief the following Member groups:

- Pre-Cabinet Decision Economy & Neighbourhoods Scrutiny Panel (30th August 2022)

5. Next steps and timelines

Scheme Timescales

Task Name	Date
Green Heat Network Fund application submission	August 2022
Alignment of EfW Contract and HDEN Proposals	October 2022
Commercialisation stage (OBC to FBC) workstreams	October 2022-January 2024
Full Business Case Approval	January 2024-March 2024
Construction of the HDEN	April 2024-March 2025

5.1. Concurrently with this decision process, the workstream will be undertaken:

- Alignment of the HDEN process with the Council’s Waste/EfW Contract procurement process in order to achieve mutually beneficial outcomes for both, ahead of the formal EfW procurement process commencing in November 2022.

- 5.2. Following this Cabinet decision, and anticipating a successful outcome of the GHNF bid, the Council will commence the commercialisation stage of the project to develop the OBC to FBC stage.
- 5.3. The timescales set out in this section 5 replace those set out in the Private Appendix (OBC Management Case).

6. Officer recommendations and reasons

1. That the results of the Outline Business Case dated 30 March 2022 are noted, along with the considerations relating to the Green Heat Network Fund application timing (set out at section 2.38 and 2.42 of this report).

Reason: To allow Cabinet to recognise that the Outline Business Case has identified that a viable and attractive heat network opportunity exists for Huddersfield as detailed in this report and the OBC. Positive results include the delivery of significant carbon savings derived from heat provided by the network established alongside an economically viable network that can operate on a commercial basis. This should be considered alongside the risks highlighted earlier in this report.

2. That Cabinet agrees the proposed commercial delivery model, procurement and funding strategy up to Full Business Case as set out in the Outline Business Case

Reason: To recognise and accept the findings of the Outline Business Case and accept the strategy set out to progress the scheme to the next key milestone, Full Business Case stage.

3. That Cabinet delegate authority to the Strategic Director for Environment & Climate Change to apply for (in retrospect) and to accept in principle external funding of the Huddersfield District Energy Network (HDEN) from the Green Heat Networks Fund (GHNF) and other appropriate sources of external funding necessary to progress the project to Full Business Case, in accordance with the Council's Financial Procedure Rule 22.

Reason: To anticipate a successful outcome from an application to the GHNF and to anticipate any further sources of appropriate external funds that may become available. These funding opportunities are normally constrained by challenging bid timelines and delegating authority to the Strategic Director will allow these opportunities to be progressed without delays to the HDEN timelines.

4. To delegate authority to the Strategic Director for Environment & Climate Change in consultation with the Portfolio Holders for Environment and Culture & Greener Kirklees in order to progress the next steps set out in the Commercial and Management cases, specifically:
 - a. Detailed assessment of the Energy from Waste (EfW) power export value
 - b. Alignment with procurement of Waste Services Contract (including the EfW) to agree the supply of heat and power
 - c. To agree the compliant procurement route, prepare and undertake the procurement exercise for the delivery of the HDEN as set out in the Commercial Case of the OBC
 - d. Customer Acquisition - preparation and agreement in principle of heat and electricity supply arrangements with District Energy Network customers (including Council-owned sites)
 - e. Securing funding for the HDEN Commercialisation stage
 - f. Procurement and Operation of HDEN assets
 - g. HDEN operational arrangements
 - h. Heat Offtake agreement between the HDEN and EfW

- i. to prepare and submit a full planning application(s) for the construction of the proposed Energy Centre and the other elements of the HDEN falling within the scope of Planning Permission regulations.
- j. Any further steps to progress the scheme from Outline Business Case to Full Business Case, which could reasonably be anticipated

Reason: Progressing the scheme to Full Business Case will require a number of separate commercial negotiations and interrelated work streams. This delegates authority to the Strategic Director in order for the project to be delivered as envisaged, up to the FBC stage, whilst also being able to respond and adapt to the negotiations and changing circumstances (recognising that the nature of the feasibility process is that sometimes minor alterations are required in order to keep the project on track, possibly in response to unexpected or unanticipated events) that do not substantively change the nature of the scheme.

5. That Cabinet delegate authority to the Strategic Director – Environment & Climate Change in consultation with the portfolio holder in order to deliver any minor alterations to what is set out in the Outline Business Case and which are in the interests of the Council to ensure that the project is delivered up to Full Business Case completion. Significant alterations to the OBC will be referred back to Cabinet.

Reason: The nature of the feasibility process is that sometimes minor alterations are required in order to keep the project on track, possibly in response to unexpected or unanticipated events. This delegates authority to the Strategic Director in order for the project to be delivered as envisaged, up to outline business case stage.

6. To note the funding requirements for the HDEN as set out in the Financial Case of the OBC and for Cabinet to agree to support the Council investment and borrowing requirements as set out in the Financial and Management Cases (and summarised at sections 3.15 to 3.22 above) in conjunction with (and anticipating) a successful application to the Green Heat Networks Fund.

Reason: To provide clarity and indicate Cabinet's support for the capital costs associated with delivering the network and to provide certainty to allow the HDEN to progress to FBC and to seek to access external sources of funding. To ensure that there will be sufficient resources in place to undertake the development of the project to FBC stage.

7. To delegate to the Strategic Director for Environment & Climate Change all necessary preparations to set up the Special Purpose Vehicle/ESCo so that a further report is brought to Cabinet following the detailed evaluation by the Solicitor to the Council and the Chief Financial Officer to agree the establishment of the Special Purpose Vehicle for the Huddersfield District Energy Network.

Reason: To ensure compliance with the Council's Contract Procedure Rule 12.1 governing the establishment of Special Purpose Vehicles. This will take place before the anticipated Cabinet consideration of the Full Business Case

8. That a further report is brought to Cabinet following the completion of the Commercialisation stage of work, in order to consider the resulting Full Business Case for the HDEN and whether to progress the scheme to construction and delivery.

Reason: This report is the decision point to progress to the Commercialisation stage of HDEN development, which will progress the OBC to FBC status. The next decision point for Cabinet will be to present the FBC to cabinet in order to consider whether the scheme should progress to construction and delivery.

9. For Cabinet to authorise the Service Director – Legal, Governance and Commissioning to sign any legal agreements, documents or instruments which the Council is required to enter into up to Full Business Case stage. This does not extend to the transaction documents which will be entered into at financial close for which specific authority will be sought as part of the approval of the Final Business case .

Reason: The Commercialisation stage of HDEN development will require legal and commercial agreements setting up between the Council and the parties as set out in the Commercial Case.

10. For Cabinet to authorise the Service Director – Development to appropriate the Council-owned land at 37 Old Leeds Road for the purposes of the proposed Energy Centre for the Huddersfield District Energy Network.

Reason: Following a recommendation from the Council's Asset Governance Board in September 2021, to formalise and agree the use of the site for the purpose of the HDEN's Energy Centre.

7. Cabinet Portfolio Holder's recommendations

To add Portfolio Recommendations (Environment, Culture and Greener Kirklees, Corporate and Resources)

8. Contact officer

John Atkinson, Group Leader – Energy & Climate Change
John.atkinson@kirklees.gov.uk
01484 221000

9. Background Papers and History of Decisions

12th November 2019 - Kirklees Climate Emergency Declaration and the Kirklees Air Quality Strategy and Five Year Air Quality Action Plan

16th February 2021 - Huddersfield District Heat & Energy Network Cabinet Report

10. Service Director responsible

Katherine Armitage, Service Director for Environmental Strategy and Climate Change

11. Appendices

1. HDEN Letter of Support for the HDEN from the BEIS Heat Network Delivery Unit Head of Commercial & Investment
2. HDEN Integrated Impact Assessment

Private Appendices:

3. HDEN Outline Business Case Executive Summary (Exemption Clause 3)
4. HDEN Outline Business Case – Full Report (Exemption Clause 3)
5. HDEN OBC Full Report Appendix K – Legal Compliance Check (Exemption Clause 5)

EIA STAGE 1 – SCREENING ASSESSMENT

PROJECT DETAILS

Name of project or policy:	
Huddersfield District Energy Network (HDEN) Outline Business Case Approval	
Directorate:	Senior Officer responsible for policy/service:
Environment & Climate Change	Katherine Armitage
Service:	Lead Officer responsible for EIA:
Environmental Strategy & Climate Change	John Atkinson
Specific Service Area/Policy:	Date of EIA (Stage 1):
Energy and Climate Change	20/07/22

Brief outline of proposal and the overall aims/purpose of making this change:

In Huddersfield, there is a District Energy Network (DEN) opportunity arising from utilising the heat and power from the existing Energy from Waste (EfW) plant and delivering this as a low carbon energy solution for sites within the town centre. This aligns with our Climate Emergency declaration and target of net-zero carbon emissions for the district by 2038. If approved, the scheme would reduce emissions and improve air quality, by removing of existing natural gas-fired boiler plants at connected sites.

ASSESSMENT SUMMARY

Theme	Calculated Scores						Stage 2 Assessment Required
	Proposal	Impact	P + I	Mitigation	Evidence	M + E	
Equalities	6	3.8	9.8	2.5	2	4.5	No
Environment		3	3	0	0	0	No

NATURE OF CHANGE

WHAT IS YOUR PROPOSAL?	Please select YES or NO
To introduce a service, activity or policy (i.e. start doing something)	YES
To remove a service, activity or policy (i.e. stop doing something)	NO
To reduce a service or activity (i.e. do less of something)	NO
To increase a service or activity (i.e. do more of something)	NO
To change a service, activity or policy (i.e. redesign it)	NO
To start charging for (or increase the charge for) a service or activity (i.e. ask people to pay for or to pay more for something)	YES

WHAT LEVEL OF IMPACT DO YOU THINK YOUR PROPOSAL WILL HAVE ON...	Level of Impact Please select from drop down
Kirklees employees within this service/directorate? (overall)	Very Positive
Kirklees residents living in a specific ward/local area?	Very Positive
Please tell us which area/ward will be affected:	Huddersfield: Ashbrow, Dalton, Newsome
Residents across Kirklees? (i.e. most/all local people)	Positive
Existing service users ?	Positive

Each of the following groups?		Please select from drop down
<i>(Think about how your proposal might affect, either positively or negatively, any individuals/communities. Please consider the impact for both employees and residents - within these protected characteristic groups).</i>		
...age	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Positive
...disability	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...gender reassignment	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...marriage/ civil partnership	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...pregnancy & maternity	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...race	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...religion & belief	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...sex	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...sexual orientation	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...those in poverty or low-income	What impact is there on Kirklees employees /internal working practices?	Positive
	What impact is there on Kirklees residents /external service delivery?	Positive
...unpaid carers	What impact is there on Kirklees employees /internal working practices?	Positive

What impact is there on Kirklees **residents**/external service delivery?

Positive

WHAT LEVEL OF IMPACT DO YOU THINK YOUR PROPOSAL WILL HAVE ON...		Level of Impact	
		Please select from drop down	
Kirklees Council's internal practices ?		Neutral	
Lifestyles of those who live and work in Kirklees?		Neutral	
Practices of suppliers to Kirklees council?		Neutral	
Practices of other partners of Kirklees council?		Very Positive	
Each of the following environmental themes ? (Please select from the drop down list)			
	People	Partners	Places
...clean air (including Climate Changing Gases)	Very Positive Score: 0	Very Positive Score: 0	Very Positive Score: 0
...Clean and plentiful water	Neutral Score: 2	Neutral Score: 2	Neutral Score: 2
... Wildlife and habitats	Neutral Score: 2	Neutral Score: 2	Neutral Score: 2
...Resilience to harm from environmental hazards	Positive Score: 1	Positive Score: 1	Positive Score: 1
... Sustainability and efficiency of use of resources from nature	Positive Score: 1	Positive Score: 1	Positive Score: 1
...Beauty, heritage and engagement with the natural environment	Neutral Score: 2	Neutral Score: 2	Neutral Score: 2
... Resilience to the effects of climate change	Positive Score: 1	Positive Score: 1	Positive Score: 1
...Production, recycling or disposal of waste	Very Positive Score: 0	Very Positive Score: 0	Very Positive Score: 0
... Exposure to chemicals	Neutral Score: 2	Neutral Score: 2	Neutral Score: 2

HOW ARE YOU USING ADVICE AND EVIDENCE/INTELLIGENCE TO HELP YOU?

Please select YES or NO

Equality Themes

Have you taken any specialist advice linked to your proposal? (Legal, HR etc)?	Yes
...employees?	Yes
Do you have any evidence/intelligence to support your assessment (in section 2) of the impact of your proposal on...	Yes
...Kirklees residents?	Yes
...service users?	Yes
...any protected characteristic groups?	No

Please list your **equalities** evidence/intelligence here [you can include hyperlinks to files/research/websites]:

The Huddersfield District Energy Network Outline Business Case document includes information on the Social Benefits of the scheme. Due to the proposal being a decarbonisation 'enabling' scheme, it is considered to offer future social benefits through increased energy resilience to those in the Huddersfield Town Centre footprint area.

	Please select from drop down
To what extent do you feel you are able to mitigate any potential negative impact of your proposal outlined on the different groups of people?	TO SOME EXTENT
To what extent do you feel you have considered your Public Sector Equality Duty?	FULLY

Environmental Themes

Have you taken any specialist advice linked to your proposal?	Yes
...Kirklees Council practices?	Yes
Do you have any evidence/intelligence to support your assessment (in section 2) of the impact of your proposal on...	Yes
...resident and worker lifestyles?	Yes
...Practices of Supplier to Kirklees Council?	Yes
...Practices of other Kirklees Council partners?	Yes

Please list your environmental evidence/intelligence here [you can include hyperlinks to files/research/websites]:

The Huddersfield District Energy Network Outline Business Case document includes information on the environmental benefits of the proposal, in particular the anticipated carbon savings.

	Please select from drop down
To what extent do you feel you are able to mitigate any potential negative impact of your proposal on the environmental issues identified?	FULLY

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Department for
Business, Energy
& Industrial Strategy

1 Victoria Street
London SW1H 0ET
hndu@beis.gov.uk

Our ref: 100761_DPD

Colin Parr
Strategic Director for Environment & Climate Change
Environment & Climate Change Directorate
Kirklees Council
Civic Centre 3
Huddersfield
HD1 2TG

6th July 2022

Dear Colin,

The Department for Business, Energy and Industrial Strategy (BEIS) recently published the Heat and Buildings Strategy, setting out how the UK will decarbonise our homes, and our commercial, industrial and public sector buildings, as part of setting a path to net zero by 2050.

We've made huge progress on the transformation of our power sector and recognise that heat is the next big challenge, accounting for almost half of energy use and around a third of carbon emissions. With millions of homes and businesses across the UK and a need for heat to be close to zero carbon by 2050 to meet these targets, we recognise the scale of the challenge.

The Heat and Buildings Strategy makes it clear that heat networks will play a vital role in the long-term decarbonisation of heating. It demonstrates a strong commitment to significantly expanding the sector – we are working with local actors across England and Wales to deploy low-carbon heat networks in suitable areas, developing our Heat Network Zoning approach, and providing capital support through Heat Networks Investment Project and Green Heat Network Fund (GHNF). Through our Heat Network Transformation Programme we will develop regulations to drive decarbonisation, improve consumer protection and performance of legacy networks, grow supply chains and upskill the workforce.

Heat networks are one of the most cost-effective ways of reducing carbon emissions from heating. They present an opportunity to exploit larger scale renewable and recovered heat sources, can mean lower bills for consumers and have an increasing role in playing a part in our dynamic energy system.

To help Local Authorities across England and Wales understand the opportunity for heat networks in the local area, identifying the benefits which could be delivered to local residents and businesses and the role of local government, BEIS formed the Heat Networks Delivery Unit in 2013. The team consists of technical, commercial and financial specialists who have provided support and funding of over £30m to Local Authorities. One of these is Kirklees Council, whom we have supported to carry out a feasibility assessment (2018) to identify and quantify the extent of the Huddersfield opportunity, and more recently Detailed Project Development (DPD, 2021-22) stage work which has delivered an Outline Business Case for Kirklees scrutiny. This work has now largely been completed.

The outputs of these pieces of work leads me to strongly believe that the Huddersfield Town Centre project opportunity has the hallmarks of a viable and investable scheme:

- Accessible heat and power available from the Diamond Street Energy from Waste (EfW) facility;
- A project approach whereby the use of the heat and power from the EfW plant is mutually beneficial for both the operators of the heat network and the EfW plant;
- An opportunity to decouple Huddersfield buildings from fossil fuels and fossil fuel price fluctuations;
- A number of public sector customers underpinning the project viability;

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- Alignment with other important infrastructure, energy and Planning related Kirklees initiatives (e.g. the Council's vision for a 'net zero' and 'climate ready' Kirklees by 2038, the Kirklees Resources & Waste Strategy 2021-2030, and the Huddersfield Blueprint vision for the town);
- Healthy economic returns in the region of 6-7% IRR / £7.1m NPV over a 40-year period, including capital grant support from BEIS (£6.8m of GHNF grant contributing to a total upfront capital costs of approximately £17.3m).

To put this in context, the Huddersfield Town Centre is one of the most exciting opportunities within our sizable portfolio of projects nationally. I would encourage Kirklees Council to progress this project to the next stage of development: Commercialisation. This will continue preparation for the project Full Business Case, including further alignment with the Waste Services Contract and other Kirklees strategic initiatives, developing proposals for a project delivery vehicle, and preparing for tendering for delivery of this exciting opportunity. I would encourage you to make a bid to BEIS for further funding through our Green Heat Network Fund, and I am keen to continue to commit specialist support to help the Council take this project from development to delivery and look forward to hearing more about the opportunity as it progresses.

If required we would be delighted to further discuss any aspect of the above.

Kind regards,



George Robinson
Head of Investment and Commercial, Heat Networks

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