

Hot Food Takeaway SPD Consultation - Key Issues ad Council Response

HFT1 Public Health Toolkit

Key Issue	Council Response
<p>Concerns that that this is not truly supplementary to policies of the development plan.</p>	<p><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></p>
<p>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>	<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> <i>• Coronary Heart Disease</i> <i>• Adults Overweight</i> <i>• Adults Obese</i> <i>• 5-year-olds with excess weight</i> <i>• 11-year-olds with excess weight</i> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>Alongside the work we are undertaking concerning hot food takeaways, there are a broader set of</i></p>

	<p><i>system wide actions which support our healthy weight ambition:</i></p> <ul style="list-style-type: none"> • <i>Heathy Weight Declaration Commitments being delivered</i> • <i>Work to ensure that good quality food and nutrition is available to everyone irrespective of where they live and what they earn</i> • <i>Working with schools to ensure that good quality nutritional meals are provided to children, along with good quality opportunities to be physically active</i> • <i>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.</i> • <i>Joint working between Planning and Public Health to ensure that the built environment is conducive to health</i> • <i>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</i> • <i>Working with stakeholders to ensure that good quality opportunities to be physically active are offered to those not currently active</i> • <i>Working to develop a ‘weight neutral’ approach to focus on healthy behaviours rather than weight, shape and body size.</i>
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HFT2 Town Centre Vitality and Viability

Key Issue	Council Response
<p>Some questions asked around why the threshold is 10% in Town Centres, and 15% elsewhere? Why not 10% everywhere?</p>	<p><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></p>
<p>The higher percentages for smaller centres often be rendered</p>	<p><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</i></p>

irrelevant as the lower-order centres are not excluded from the effect of draft HFT3, which covers large swathes of settlements.	<i>applications in these areas and therefore the higher percentages allowed for in the smaller centres are still valid.</i>
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HFT3 Proximity to Schools

Key Issue	Council Response
<p>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 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><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 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>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</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>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).</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>
<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</i></p>

steps to ensure our environments support the health and wellbeing of our residents.

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.

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:

- 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*

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.

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.