

Kirklees Council

**Hot Food Takeaway Supplementary Planning
Document (SPD)**

Consultation Statement

September 2022

1. Introduction

- 1.1 The Hot Food Takeaway Supplementary Planning Document (SPD) provides detailed guidance to businesses and the local community on how Kirklees Council will assess planning applications for new hot food takeaways in partnership with Public Health and Environmental Health. This Consultation Statement sets out details on the early engagement and formal public consultation carried out to inform the preparation of the Hot Food Takeaway SPD.
- 1.2 This Consultation Statement has been prepared in accordance with Town and Country Planning (Local Planning) (England) Regulations 2012 to support the adoption of the Hot Food Takeaway SPD and the council's Statement of Community Involvement (SCI). The SCI outlines how the council will work with local communities and stakeholders in developing planning policy documents, including SPDs.
- 1.3 In accordance with the Regulations, the consultation statement sets out:
- Who was consulted during the preparation of the SPD,
 - How they were consulted,
 - A summary of the main issues raised during the consultation,
 - How those issues have been addressed in the adopted SPD.

2. Background

- 2.1 The Hot Food Takeaway SPD provides detailed guidance to businesses and the local community on how Kirklees Council will assess planning applications for new hot food takeaways in partnership with Public Health and Environmental Health. The SPD is in accordance with the National Planning Policy Framework (NPPF) and supports Kirklees Local Plan policies LP16 (Food and drink and the evening economy) and LP47 (Healthy, active and safe lifestyles).
- 2.2 Policies LP16 (Food and drink and the evening economy) and LP47 (Healthy, active and safe lifestyles) form part of the Kirklees Local Plan Adopted February 2019.
- 2.3 The SPD explains the overall approach to the location of hot food takeaway proposals across Kirklees, including:
- Recognising the role of hot food takeaways on the vitality town and other centres;
 - The over concentration and appropriate level of clustering of hot food takeaways in centres;
 - Limiting opening hours of hot food takeaways within 400m of primary and secondary schools;
 - Limiting the impact of takeaways in relation to environmental health, highways issues and general residential amenity; and
 - Using local health intelligence to inform decision making via a health toolkit.
- 2.4 The 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 within the Hot Food Takeaway SPD, which aims to reduce the trends towards increasing levels of obesity and poor diet in Kirklees by tackling issues of over concentration of hot food takeaways and the exposure of particularly vulnerable groups, such as school children to hot food takeaways.

3. Timetable of SPD production

- 3.1 The Hot Food Takeaway SPD was prepared by a project team led by the council's Planning Policy team, including input from Planning Development Management, Highways Development Management, Public Health, West Yorkshire Police Designing Out Crime Officer, Waste Services and Environmental Health.
- 3.2 The production of the Hot Food Takeaway SPD has followed a number of stages. The timetable to produce the SPD is set out below.

Table 1: SPD Timetable

Dates	Stage or Consultation Topics/Event
October 2018 to September 2021	Evidence gathering and early engagement
August 2021 to September 2021	Strategic Environmental Assessment screening and consultation
9 November 2021 to 21 December 2021	Public consultation on the Hot Food Takeaway SPD

4. Early engagement on the preparation of the SPD

- 4.1 Early engagement on the preparation of the Hot Food Takeaway SPD was undertaken with internal stakeholders to understand their expectations and priorities to help inform the scope and content of the SPD. This period of early engagement was held from October 2018 until September 2021.
- 4.2 The following council specialisms were consulted as part of the preparation and initial drafting of the SPD and their input has shaped the content of the SPD:
- Public Health
 - Environmental Health
 - Planning Development Management
 - Highways Development Management
 - Waste Services
 - West Yorkshire Police Designing Out Crime Officer
- 4.3 A discussion was held with The Office for Health Improvement and Disparities (OHID) (formerly Public Health England) (November 2019).

- 4.4 Throughout this period of early engagement there was involvement of elected members through portfolio holder briefings including Cllr McBride, Cllr Mather and Cllr Khan, as follows:
- 4th March 2019
 - 15th April 2019
 - 25th November 2019
 - 2nd December 2019
 - 4th December 2019
- 4.5 Early engagement with the project team, wider internal specialisms and members, identified several issues which are set out in Table 2 below together with the council's response on how the draft SPD has addressed the issue.

Table 2: Draft Hot Food Takeaway SPD: Issues from Internal Early Engagement

Main issue raised	How it is addressed within the SPD
<p>Public health intelligence indicated increased levels of adult and child obesity with links to deprivation and hot food takeaways. Evidence is set out in the Draft Hot Food Takeaway SPD. In response to the evidence, Public Health considered that health issues needed to have a greater weight in decision making.</p>	<p>The draft SPD includes a Public Health Toolkit policy based on local evidence specific to Kirklees to determine the health impacts of a proposed hot food takeaway. While Kirklees evidence demonstrates that there are high levels of adult and child obesity in the district, the SPD allows for flexibility in the application of the policy through reference to other material considerations. This allows for the consideration of other factors such as the vitality and viability of a centre (see below as consultees considered that the balance of economic/social/health issues was an important consideration in the decision-making process).</p> <p>The toolkit was developed in consultation with Public Health, Development Management and the Policy team.</p>
<p>Impact on businesses and centres - concerns about the impact that restricting planning permission for hot food takeaways might have on the economy of an area particularly in areas where there may be high levels of vacant units in a centre.</p>	<p>The draft SPD contains guidance on town centre vitality and viability which recognises the role that hot food takeaways can play in the economy but also the need to balance this against the vitality and viability of the centre.</p> <p>Subject to consideration of the proposed Public Health Toolkit, the SPD does not promote a blanket approach to the refusal of hot food takeaways but looks to consider a flexible, proportionate approach based on</p>

	<p>local evidence and material considerations.</p> <p>The SPD considers proximity to schools as part of the decision-making process on hot food takeaway applications. The guidance outlines the council's approach at limiting the impact of takeaways on child health in locations in proximity of schools by restricting opening times.</p>
The impact of further hot food takeaways on residential amenity.	<p>The draft SPD contains guidance on:</p> <ul style="list-style-type: none"> • Noise abatement and extraction of odours • Waste Disposal • Takeaway design and community safety • Highway safety <p>This guidance has been developed in consultation with Environmental Health, Waste Management, Community Safety, Highway Management and Development Management. It adds further detail to guidance set out in the Kirklees Local Plan.</p>
Additional information required on support for businesses to provide healthy food.	<p>Reference is made to other council strategies and policies, which provide further support for businesses. This includes:</p> <ul style="list-style-type: none"> • Kirklees Food Initiatives and Nutrition Education (FINE) Project • Getting it Right First Time (GIRFT) – this programme is about educating and supporting food businesses and is focused on how to comply with regulations. <p>Reference is also made under other considerations and legislation affecting hot food takeaways. This includes:</p> <ul style="list-style-type: none"> • Licensing • Food Safety • Environmental Health

4.6 In response to Covid-19, the Government introduced measures through the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2020 to allow pubs, restaurants, and cafes to operate temporarily as hot food takeaways. Usually, planning permission would be required for this. In the light of the temporary changes, early engagement on the SPD was put on hold. Early engagement on the SPD restarted in May 2021 with a review by the internal project group of the document and the previous issues raised as outlined in Table 2. A review of updated

local health intelligence data by Public Health was also undertaken to inform the SPD guidance and to update the public health toolkit.

4.7 Further member and officer engagement was then undertaken prior to formal public consultation, which included:

- 8th September 2021 - Senior Leadership Team
- 14th September 2021 - Executive Team
- 20th September 2021 - Portfolio Holder Briefing (Cllr Mc Bride, Cllr Firth and Cllr Khan)
- 23rd September 2021 - Briefing note and briefings offered to leaders of each political party and Planning Committee Chairs
- 7th October 2021 - Planning Committee Chairs briefed
- 11th October 2021 - Leadership Management Team
- 19th October 2021 - Economy and Neighbourhoods Scrutiny Panel
- 21st October 2021 - Green Party briefing

5. Consultation on Strategic Environmental Assessment Screening

5.1 As part of the process for developing the Hot Food Takeaway SPD, an assessment of the requirement for a Strategic Environmental Assessment (SEA) was undertaken. Consultation on the SEA Screening statement started on 5th August 2021 and finished 10th September 2021.

5.2 The council notified the following specified bodies of the SEA screening statement by email inviting comments in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004:

- Environment Agency
- Historic England
- Natural England

5.3 Responses were received from all three of the consulted bodies. A full summary of the responses received for the SEA consultation can be seen in the SEA determination statement.

5.4 The responses received confirmed the council's position that a further SEA was not required as the SPD will not change or introduce new planning policy over and above the Local Plan and, whilst there may be some environmental effects, these have already been covered in principle in the Sustainability Appraisal of the Local Plan.

6. Public Consultation on the Hot Food Takeaway SPD

6.1 Public consultation on the draft Hot Food Takeaway SPD was carried out for a 6-week period from Tuesday 9th November to Tuesday 21st December 2021. The consultation was carried out in accordance with the council's Statement of Community Involvement (SCI) December 2019. The consultation was available on-line and comments could be submitted by e-mail and post. Consultees are set out at Appendix 1.

6.2 In compliance with regulations 12, 13 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012, the following actions were undertaken:

- The draft Hot Food Takeaway SPD, SEA screening statement and SEA determination statement were published on the council’s online consultation portal.
- Details of the consultation and details of how to obtain hard copies of the documents were displayed in the windows of the customer service centres in Huddersfield and Dewsbury, all Kirklees libraries, on the council’s web page and on the council’s social media platforms.
- A press notice was published in the Huddersfield Examiner on 19th November 2021 and the Dewsbury Reporter on 18th November 2021 highlighting the consultation process.
- A feature space was placed on the council website on 9th November 2021 advertising the Hot Food Takeaway SPD consultation.
- A press release was posted on Kirklees Together on 9th November 2021 and on the Council’s social media platforms from 9th November 2021.
- An article was published in the ‘Heads Up’ Newsletter online on 8th November 2021 informing all schools (heads, business managers and other relevant parties) about the consultation.
- Statutory consultees, Neighbourhood Planning Groups, organisations and private individuals that expressed an interest in planning policy and future publication of SPDs (see Appendix 1) were contacted directly by letter or e-mail with details about the consultation, where to view the document, how to obtain hard copies and how to comment.
- Children’s groups, health related organisations, Kirklees Employee Networks, local groups, local businesses, 5% random sample of Kirklees takeaways, Kirklees based fast food chains, fast food related bodies, multi-nationals and Kirklees GP surgeries (see Appendix 1) were contacted directly by letter or e-mail with details about the consultation, where to view the document, how to obtain hard copies and how to comment.
- A notification email was sent to all councillors on 9th November 2021 detailing the start of the consultation.

7. Main Issues Raised and The Council’s Response

7.1 A total of 25 comments (from 9 consultees) were received to the public consultation on the Hot Food Takeaway SPD. The number of consultees by group is shown in table 3 below.

Table 3: Number of Consultees

Consultee Group	Number of Consultees
Regional/Local Organisations	0
National Organisations	6
Developers/Planning Agents	0
Residents/Individuals	3
Local Planning Authorities/Councils	0

Town/Parish Councils	0
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7.2 Comments were received from the following:

- Environment Agency
- Historic England
- Kentucky Fried Chicken (Great Britain) Limited
- Natural England
- Plan Ware Ltd (McDonald’s Restaurants LTD)
- The Coal Authority
- Private individual x3

7.3 A full list of public consultation comments received and the council’s responses to these can be found in Appendix 2. A summary of the main issues raised during consultation, including those from internal stakeholders, is set out below. It summarises the main points and the council’s response to how these issues have been addressed in the SPD.

Table 4: Summary of Main Issues and Council Response

Summary of Main Issue	Council Response
<p><u>HFT1 Public Health Toolkit</u></p> <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 is 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>

	<ul style="list-style-type: none"> • <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 the 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 system wide actions which support our healthy weight ambition:</i></p> <ul style="list-style-type: none"> • <i>Healthy 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>
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	<ul style="list-style-type: none"> Working to develop a 'weight neutral' approach to focus on healthy behaviours rather than weight, shape and body size.
<p><u>HFT2 Town Centre Vitality and Viability</u></p> <p>Some questions asked around why the threshold is 10% in Town Centres, and 15% elsewhere? Why not 10% everywhere?</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>
<p>The higher percentages for smaller centres can often be rendered irrelevant as the lower-order centres are not excluded from the effect of draft HFT3, which covers large swathes of settlements.</p>	<p>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.</p>
<p><u>HFT3 Proximity to Schools</u></p> <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</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 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>and therefore any visits to restaurants will be a matter of choice for a responsible adult.</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>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>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>

<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, prepping 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>

	<ul style="list-style-type: none"> • <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 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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7.4 All comments on to the public consultation have been considered in preparing the final SPD. There were some objections to the principles within the SPD, which resulted in some minor changes to the document. A number of comments were received that supported the preparation of the SPD. Appendix 2 contains all the comments received and the council’s response. A summary of main changes is outlined at 7.5. A comprehensive update of the evidence base has been undertaken with input from colleagues in The Office for Health Improvement and Disparities (OHID) (formally Public Health England).

7.5 The main changes to the SPD as a result of comments received are summarised as follows:

- 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 – these can now be closed during the day, but they will need to be designed appropriately. It is not 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).
- 7.6 The council has also taken the opportunity to make some minor additional changes to the SPD to provide clarification, corrections, or minor up-dates to text. The key changes are set out in Appendix 3 (please note Appendix 3 does not include changes that are de minimis in nature).
- 7.7 Further engagement post consultation has been undertaken with council members, Senior Leadership Teams and with Public Health including:
- 25th May 2022 - Growth and Regeneration Senior Leadership Team
 - 26th May 2022 - Corporate Strategy and Public Health Senior Leadership Team
 - 5th July 2022 - Portfolio Holder Briefing (Cllr Turner and Cllr Firth)
 - 5th July 2022 - Briefing note and briefings offered to leaders of each political party and Planning Committee Chairs
 - 5th July 2022 - Briefing note sent to all Cabinet Members
 - 7th July 2022 - Cllr Lukic briefed
 - 14th July 2022 - Cllr Lawson briefed
 - 14th July 2022 - Leadership Management Team
 - 30th August 2022 - Economy and Neighbourhoods Scrutiny Panel
 - Continued joint working with Planning policy and Public Health colleagues.

Appendix 1: Consultee List

Adjoining Authorities	
Barnsley Metropolitan Council Bradford Metropolitan District Council Calderdale Council City of York Council High Peak Borough Council	Leeds City Council Oldham Council Peak District National Park Authority Wakefield Council
Town & Parish Councils	
Cawthorne Parish Council Denby Dale Parish Council Dunford Parish Council Gunthwaite and Ingbirchworth Parish Council High Hoyland Parish Council Holme Valley Parish Council Kirkburton Parish Council	Meltham Town Council Mirfield Town Council Morley Town Council Ripponden Parish Council Saddleworth Parish Council Sitlington Parish Council Tintwistle Parish Council West Bretton Parish Council
Neighbourhood Planning Groups	
Holme Valley Kirkheaton Lepton	Mirfield Netherton & South Crosland
Statutory Consultees	
British Telecom Calderdale and Huddersfield NHS Foundation Trust Environment Agency Highways England Historic England Local Enterprise Partnership Leeds City Region Locala Mid Yorkshire Hospitals NHS Trust National Grid Natural England Network Rail	NHS Greater Huddersfield Clinical Commissioning Group NHS Property Services Northern Gas Networks NTL Group Ltd Southwest Yorkshire Foundation Trust Sport England The Coal Authority West Yorkshire Combined Authority West Yorkshire Police Authority Yorkshire Water Services Ltd
Kirklees Schools	
All nursery, infant, primary and secondary schools	Heads Up – Twice weekly newsletter (Tuesday & Friday)
Children's groups	
Huddersfield Town Foundation Ltd Kirklees Family Information Service	Kirklees Youth Alliance Thriving Kirklees
Health related organisations	
CCG Clinical Diabetes Chair CCG Clinical lead for cancer CCG Clinical lead for Covid	Kirklees Healthy Weight Declaration Strategic Steering Group NHS Greater Huddersfield CCG Clinical lead for diabetes

CCG programme lead diabetes & Covid Diabetes UK Head of Public Health - Kirklees	NHS Kirklees Clinical Commissioning Group Public Health England
Kirklees Employee Network	
Black Minority Ethnic Network (BAME) Disabled Employee Network (DEN) Green Employee Network (GEN) Kirklees Youth Council	Lesbian, Gay, Bisexual, Trans Network (LGBT) Well-Being User Group (Well-BUG) Working Carers Support Network (WCSN) Well-Being User Group (Well-BUG)
Local Groups	
Auntie Pam's Food Network Health Watch Kirklees Honeyzz Diabetic Support Group Kirklees Wellness Service Local Workplace Health Group Mutual Aid Groups	Safer Kirklees – Community Safety Partnership Shape up together – healthy living and eating group The FINE (food initiatives nutrition education) Team Third Sector Leaders Worth Unlimited Huddersfield
Businesses	
Around Town Federation of Small Businesses Huddersfield BID Mid Yorkshire Chamber of Commerce Network B2B Huddersfield Perfect People Group LTD	Revell Ward – First Friday Club Switalskis Solicitors Business Networking in Batley The Yorkshire Asian Business Association The Yorkshire Mafia
Kirklees fast food chains	
Chickanos (Huddersfield, Batley & Dewsbury) Mother Hubbard's	Mr Ts UK Fried Chicken
5% random sample of Kirklees takeaways	
Al Faisal Asian Takeaway Amirs Indian Spice Bello Pizza Burger King Cheeky Chicken Chopsticks Elite Fastfood Foodies Express Golden Pizza Grange Moor Fisheries Gravy's Caribbean Flavours Harrys Takeaway Hill Side Kitchen Honley Fish and Chips Icon – The Burger Boss Istanbul Shawarma	Mamuz Sandwich Bar Newsome Fisheries Peking House Pizza Al Taglio Pizza Beach Pizza Republic Pizza Village Salam Fried Chicken Scholes Fisheries and Scholes on Tour Shakas Shell's Kitchen Super Wok Tarantino + The Netherton Chippy Tsuen Wan

Fast Food related bodies	
British Curry Award body Chinese Catering Association Food and Drink Federation	National Federation of Fish Fryers National Takeaway Association The Pizza Pasta and Italian Food Association
Multi Nationals	
Burger King Dominos German Doner Kebab KFC	McDonalds Papa John's Pizza Hut
Kirklees GP Surgeries	
All GP Surgeries	
Internal Consultees	
Community Cohesion Community Safety Heads of Communities	Homes and Neighbourhoods Learning and Early Support Public Health
Agents Forum	
Acumen Designers & Architects ADP Architecture AHJ Architects A N Designs AR Wilson Ltd Bamford Architectural B K Designs Barry Summers Chartered Surveyor Chris West Architect David Storrie Planning DB Architects Dencroft Garages Derrie O'Sullivan Architect Design Line Architectural DK Architects Emerson Farrar Bamforth Associates Ltd FCS Consultants Ltd Haigh Huddleston & Associates Hallam Design Associates	Hawdon Russell Architects Heppensalls Huddersfield Architects Society J A Oldroyd & sons Jade 3 Architects Jg-d John Elliott Surveyors Langtry Langton Architects Malcom Sizer Planning Ltd Martin Walsh Architectural Michael Clynych Architect Michael Denton Associates Ltd Paul Matthews Architectural Raja Riaz Robert Halstead – Chartered Surveyors & Town Planners S.A.R Architects Ltd SB Homes Ltd Wake Architects Ltd
Private Individuals	
Approximately 580 individuals who expressed an interest in being consulted and other agents who have expressed an interest in being consulted were invited to comment.	

Appendix 2: Full list of comments received on the public consultation and the council's response

ID	Organisation	Document Section / Page	Comment	Change(s) Required	Council response and proposed changes to the SPD
HFT_SPD7	Private individual	1.1	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>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</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>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>Strategic Environmental Assessment/Habitats Regulations Assessment</p> <p>An 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	Thank you for your consultation email of 9 December 2021.		<p>No change.</p> <p>Comment noted.</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>		
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 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>No change.</p> <p>Comment noted.</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.		
HFT_SPD3	Private individual	2.8	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.		No change. The SPD is part of a package of measures to promote and support healthy eating choices.
HFT_SPD14	Kentucky Fried Chicken	3.3	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.	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 and the number of tables and chairs can be useful predictors.	Comment noted. Proposed Modification: 3.3 <u>It is for the applicant to determine whether their business will trade as a hot food takeaway which sells 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</u>

				Applicants should be aware that it is their responsibility to apply for the correct use.	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.	<p>Comment noted.</p> <p>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.</p> <p>It is the applicant's responsibility to apply for the correct use.</p> <p>Proposed Modification: Fast Food <u>Some Drive Throughs</u></p>
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).		<p>Comment noted.</p> <p>No change.</p> <p>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</p>

			<p>Attached: Robinson et al (2018) (Over)eating out at major UK restaurant chains: observational study of energy content of main meals.</p>	<p>centres whilst promoting healthy, active and safe lifestyles.</p> <p>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.</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</p>
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					<p>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 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"> • Healthy 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
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					<p>programmes and enrichment activities supported by the schools.</p> <ul style="list-style-type: none"> • 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 Table 5 Shopping Centre Hierarchy Hot Food	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 centres are not excluded from the effect of draft HFT3, which covers large swathes of settlements.		<p>Comment noted.</p> <p>No change.</p> <p>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</p>

		Takeaway Threshold			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</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</p>

			<p>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 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>defined centres which have been supplemented by policies the Hot Food Takeaway SPD.</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 opposed 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</p>
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					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.
HFT_SPD21	Kentucky Fried Chicken	Policy HFT2 Town Centre Vitality and Viability Table 5 Shopping Centre Hierarchy Hot Food Takeaway Threshold	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.		Support. No change. Comment noted.
HFT_SPD18	Kentucky Fried Chicken	Policy HFT3 Proximity to Schools	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	Include exemptions for all town centres and delete references to primary schools throughout.	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. 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>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>		<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 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</p>
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					<p>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). Nutritional surveys</p>
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					<p>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>
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HFT_SPD22	McDonald's Restaurants LTD	Policy HFT3 Proximity to Schools	<p>Objection 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 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</p>	<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 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</p>	<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 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
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			<p>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. 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</p>	<p>opening hours should be removed</p>	<ul style="list-style-type: none"> • 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 the proliferation of hot food takeaways near schools and the unacceptable clustering of hot food takeaways in town centres.</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,</p>
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		<p>a disproportionate effect on operations with a Sui Generis use.</p> <p>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?</p> <p>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.”</p> <p>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.</p>	<p>whilst recognising other mitigating factors.</p> <p>The approach seeks to balance health and economy aims.</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>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>
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			<p>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’.</p> <p>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’.</p> <p>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</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). 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</p>
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		<p>reasons for the policy do not withstand scrutiny, they must be regarded as unsound.</p> <p>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 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.</p> <p>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</p>		<p>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> <p>This guidance applies to hot food takeaways and not restaurants. However, the local authority has also committed to a range of other measures to contribute towards tackling obesity.</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 concerning hot food takeaways, there are a broader set of system wide actions which support our healthy weight ambition:</p>
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			<p>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”.</p> <p>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 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”.</p> <p>Planware Ltd considers there is no sound justification for proposed Policy HFT3 which</p>		<ul style="list-style-type: none"> • Healthy 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
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			<p>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.</p>		<p>opportunities to be physically active are offered to those not currently active</p> <ul style="list-style-type: none"> • Working to develop a ‘weight neutral’ approach to focus on healthy behaviours rather than weight, shape and body size. <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 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</p>
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					<p>harmful to health, contrary to development plan policy.</p> <p>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.</p>
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</p>		<p>Support.</p> <p>No change.</p> <p>Comment noted. See response to HFT_SPD19.</p>

			<p>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 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</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>

			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.		
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 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>If you have any queries or would like to discuss anything further, please do not hesitate to contact me.</p>		<p>Support.</p> <p>No change.</p> <p>Comment noted.</p>
HFT_SPD23	Private individual	Policy HFT5 Waste Disposal	We wish to comment on the Hot Food Takeaway Supplementary Planning Document.		<p>Support.</p> <p>No change.</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>Comment noted. See response to HFT_SPD19.</p>
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			<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 		<p>Comment noted.</p> <p>Proposed Modification: Add: <u>LP24, LP25, LP35</u> To the 'Relevant Local Plan Policy' Box</p>

			<p>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 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</p>		<p>Support.</p> <p>No change.</p> <p>Comment noted. See response to HFT_SPD19.</p>

			<p>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 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	We wish to comment on the Hot Food Takeaway Supplementary Planning Document.		<p>Support.</p> <p>No change.</p> <p>Comment noted. See response to HFT_SPD19.</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>		
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			<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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Appendix 3: List of Minor Changes (Changes from internal comments including those listed in Appendix 3)

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 (10% <u>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: <u>REVISED FIGURE 1 TO BE INSERTED TO REFLECT UP TO DATE ADULT OBESITY DATA FROM 2021 CLiK SURVEY</u>
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> <i><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></i>
HFT_M8	2 Background	12	New Paragraph 2.47	Insert text: <u>Kirklees Food Charter 2020</u> <i><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></i>
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: <i><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></i>

HFT_M11	HFT2 Town Centre Vitality and Viability	15	HFT2 Vacancy level considerations	<p>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.</p> <p><i><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 they meet planning policy in all other respects.</u></i></p>
HFT_M12	HFT2 Town Centre Vitality and Viability	15	HFT2 Shutters	<p>Delete and insert text: Conditions will be attached to any planning approval to ensure <i>that</i> shutters are not used between the hours of 9am and 5.30pm <i>designed</i> to prevent any harmful effects on the visual amenity of the street scene.</p>
HFT_M13	HFT2 Town Centre Vitality and Viability	16	Paragraph 4.14	<p>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 <i>designed appropriately</i>. <i>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.</i></p>
HFT_M14	HFT3 Proximity to Schools	16	HFT3	<p>Added definition of 'over the counter' as a footnote: <i>The selling of a product directly to the public in the premise</i></p>
HFT_M15	HFT3 Proximity to Schools	17	Paragraph 4.16	<p>Insert footnote: http://www.fhf.org.uk/meetings/2008-07-08_School_Fringe.pdf</p>

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 The 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.</u> to ensure that effective waste management provision is made.

				Insert Footnote: <u>Waste Management Design Guide for New Developments (kirklees.gov.uk)</u>
HFT_M22	HFT5 Waste Disposal	20	Paragraph 4.34	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: July <u>September</u> 2022 11-year-olds with excess weight Next update: July <u>September</u> 2022
HFT_M27	Appendix 1	28	Wider Determinants of Health	See attached documents 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: <u>REVISED TABLE 7 TO BE INSERTED TO REFLECT CHANGES IN MID-YEAR POPULATION ESTIMATES</u>

HFT_M29	Appendix 1	33	Adult Obesity in Kirklees	<p>Delete and insert text:</p> <p>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>. 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 <u>Dalton (65%)</u> and Dewsbury West (62% <u>74%</u>) whilst the lowest proportions of overweight or obese adults are in Dewsbury South (50%) and Batley West (51%) <u>Holme Valley South (51%) and Liversedge and Gomersal (53%)</u>.</p>
HFT_M30	Appendix 1	33	Table 9 Adult obesity levels in Kirklees by ward	<p>Insert revised Table 9:</p> <p><u>REVISED TABLE 9 TO BE INSERTED TO REFLECT 2021 CLIK SURVEY</u></p>
HFT_M31	Appendix 2	37	National Town Centre context	<p>Delete and insert text:</p> <p>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.</p> <p><u>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.</u></p> <p>Add footnote: <u>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</u></p>
HFT_M32	Appendix 2	37	Local Evidence	<p>Delete and insert text:</p> <p>The Local Planning Authority assesses the health and vitality of defined centres within the Kirklees District on an annual/biannual basis through the</p>

				<p>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.</p> <p><u>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.</u></p> <p>The data in Table 10 is from the occupancy surveys of principal, town and district centres undertaken in 2019 and local centres undertaken in 2018 prior to the Covid pandemic. as shown in the table below <u>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</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%.</p> <p><u>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.</u></p> <p><u>Principal town centres and town centres provide for the shopping needs of</u></p>
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				<p><u>residents across Kirklees and are the focus for financial services, offices, entertainment and leisure, arts, culture, tourism, further education, and health services.</u></p> <p><u>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.</u></p> <p><u>Some centres have existing high concentrations of Hot Food Takeaways for their role and function such as Heckmondwike Town Centre at 12.4%, Marsh, Moldgreen, Ravensthorpe, Skelmanthorpe district centres at 15.4%, 19.4%, 17.5%, 15.6% respectively and over half of the local centres (33) are above 15%. Centres need to be allowed to grow and diversify with a suitable mix of uses to promote their long-term vitality and viability and the overconcentration of one type of use is detrimental to mix and balance of uses within them.</u></p> <p>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. <u>However, long term vacant units are also detrimental to the vitality and viability of centres and where there is no demand for other town centre uses it can be preferable for it to be occupied by a hot food takeaway.</u> 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.</p>
HFT_M33	Appendix 3	42	Further evidence supporting a restrictive	See attached document for all amendments to this section of Appendix 3

			buffer around Kirklees schools	
HFT_M34	Appendix 3	43	Evidence for using a 400m-walking-distance restrictive buffer relative to Kirklees schools	<p>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 <u>foot or</u> 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<u>10</u> minute walk time, <u>resulting in a total 10-minute walk time</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.</p> <p>A 10-minute walk <u>one way (total 20 minutes' walk time there and back)</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),.....</p>
HFT_M35	New		New Appendix 4: Explanation of points based Public Health Toolkit	New Appendix 4: Explanation of points based Public Health Toolkit

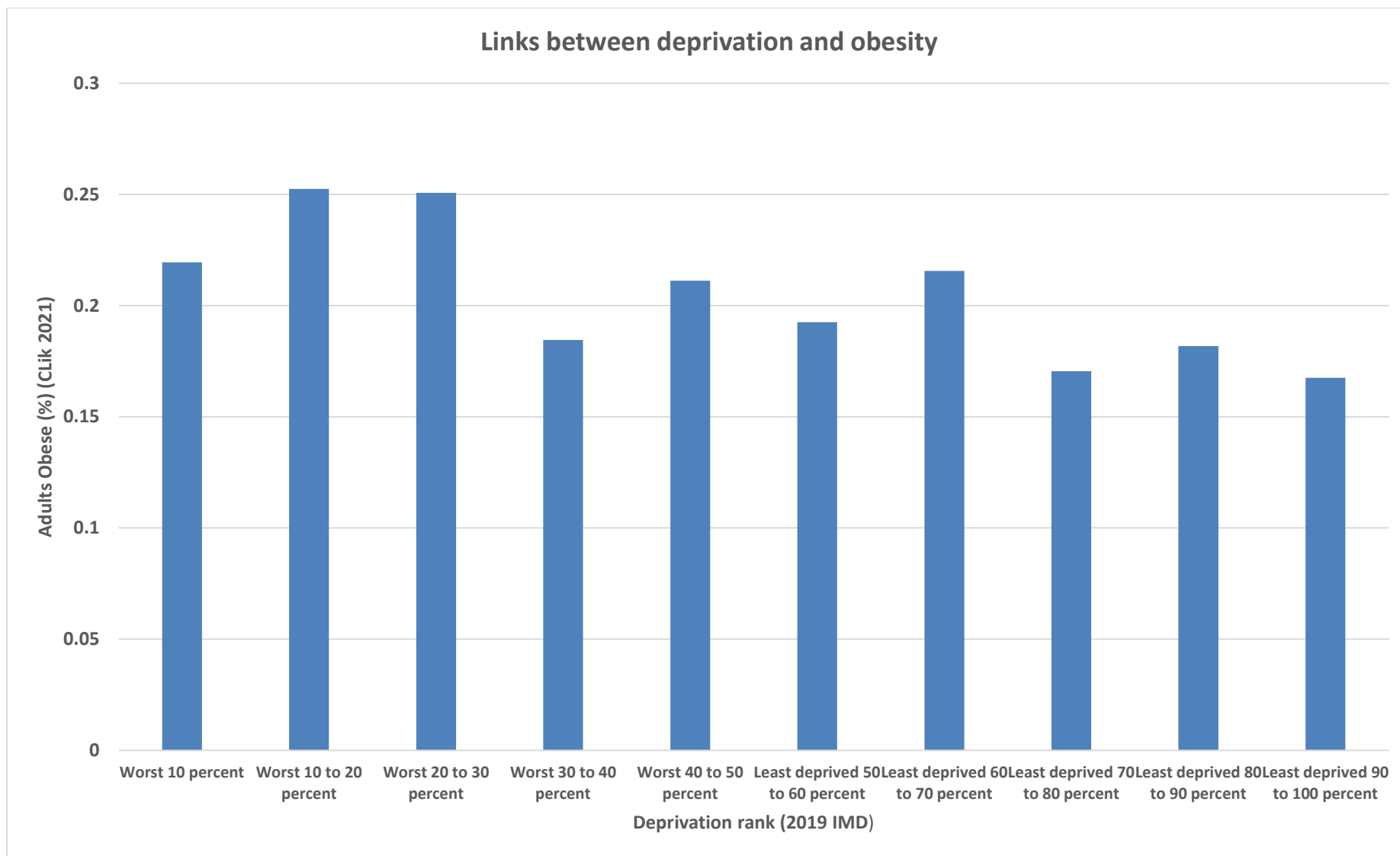


Figure 1 Links between deprivation and obesity (Current Living in Kirklees (CLik) Survey 2016 2021 and IMD 2019)

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.

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

Table 9 Adult obesity levels in Kirklees by ward

Appendix 1 - The Obesogenic Environment

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 Country 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

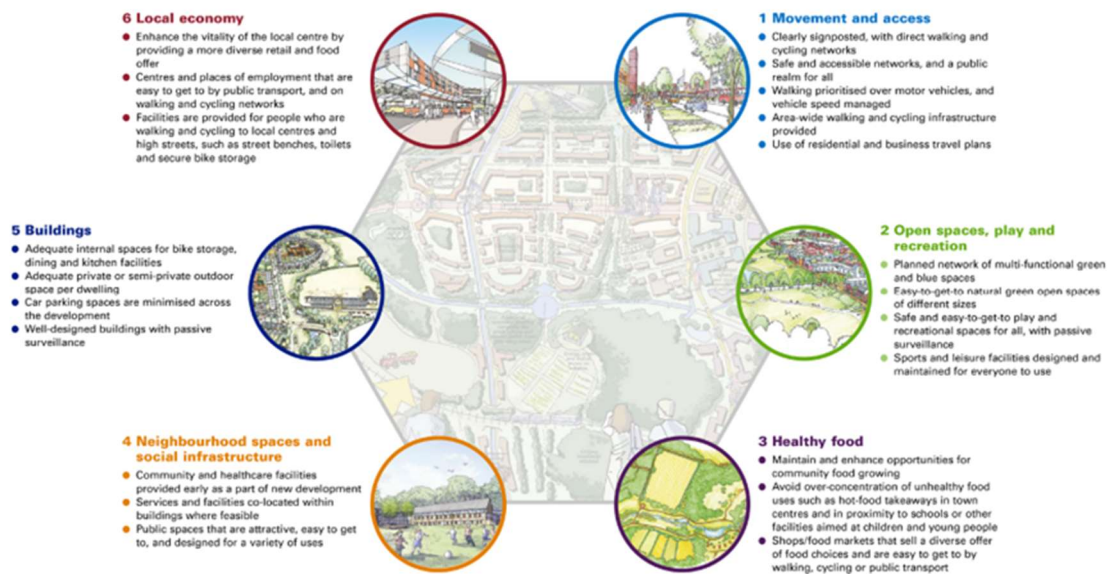


Figure 2. Planning Healthy Weight Environments Framework and the six themes (Ross & Chang, 2014).

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.

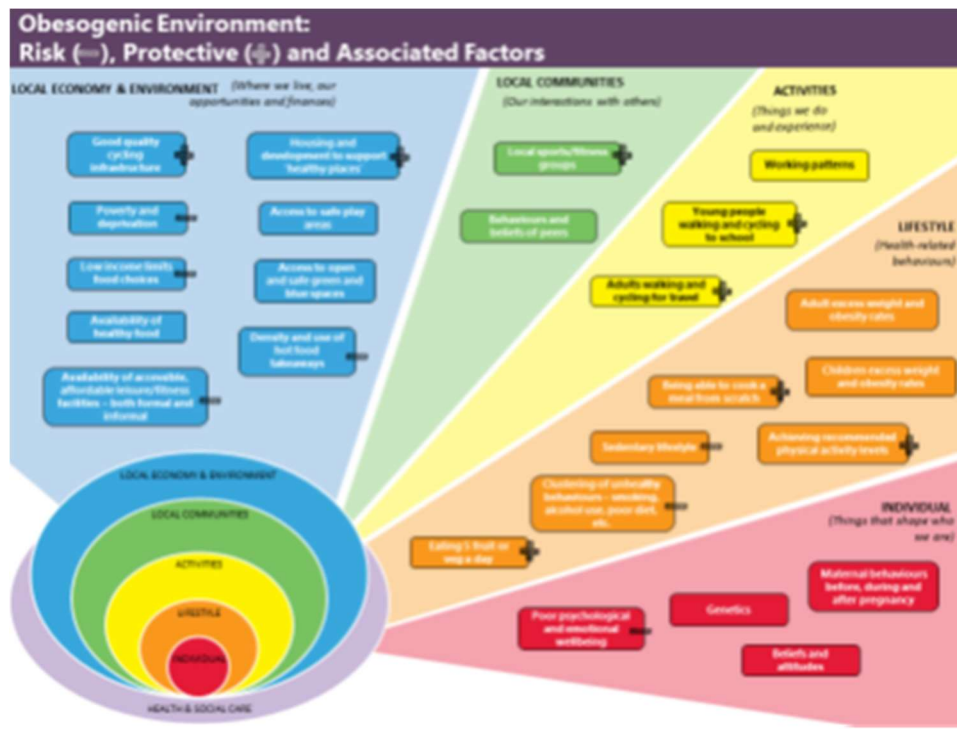
Obesity is determined by a wide range of factors sitting within the wider determinants of health, including the environment and therefore actions to reduce obesity prevalence requires a whole systems approach(5).

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).

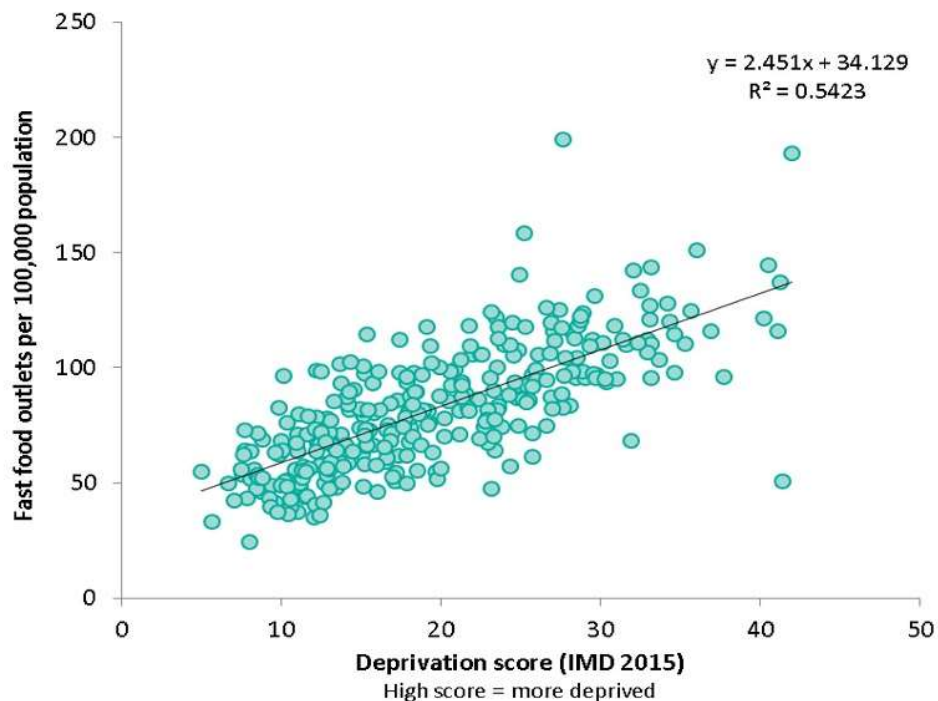
Prevalence of fast-food outlets in deprived areas

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:

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Appendix 3 - 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.

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