

Hot Food Takeaway (HFT) Guidance TCPA/APSE: Restricting the appeal and availability of junk food

Public Health East Sussex County Council

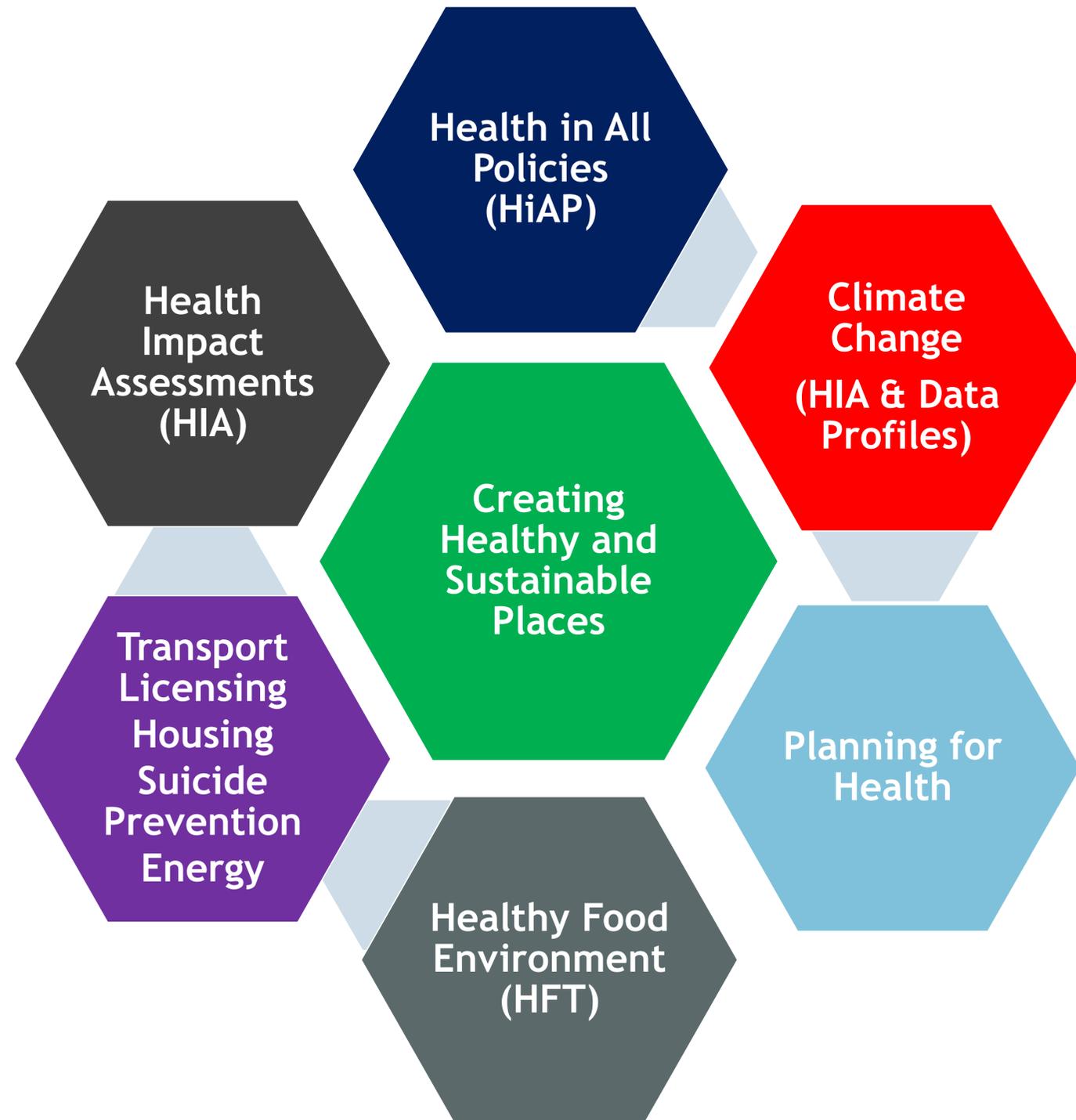
Beverley Bayliss - Healthy Places Specialist

What I will cover

- Team overview
- East Sussex context
- Healthy Places Partnership Working
- Hot Food Takeaway Guidance development processes
- Evidence and data
- Examples of draft HFT policies in emerging Local Plans



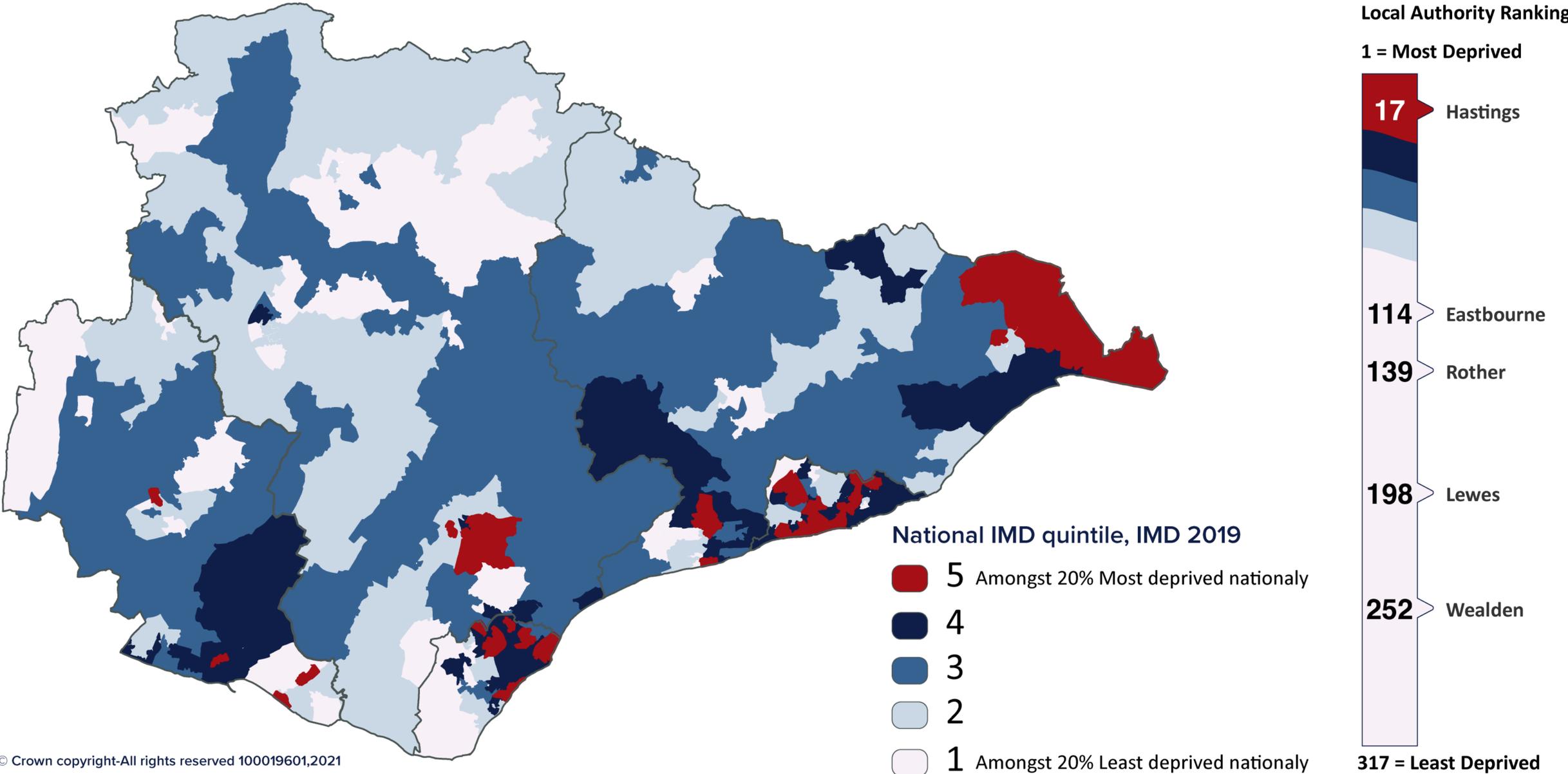
Healthy Places Team



- Creating Healthy and Sustainable Places enables healthy and sustainable lifestyles.
- Addresses ‘Wider determinants’ of health helping reduce health inequalities.
- Development of ‘Climate and Health in All Policies’ including within Local and Neighbourhood Plans.
- Championing, supporting and using Health Impact Assessments (HIA).
- Leading on ‘Planning for Health’ and supporting other Public Health and ESCC areas.
- Approach to Hot Food Take Aways supporting healthy food environment.

Context for East Sussex

Local situation and priorities for East Sussex



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Memorandum of Understanding (MOU):

Overarching agreement and intention for Public Health East Sussex and Planning to work together countywide to improve the health and wellbeing of residents and places



Signed by Public Health and all Local Planning Authorities.



Provides the policy context and links between planning and health.



Sets out how we will work together fulfilling the duty to cooperate.



High level actions that Public Health and Local Planning Authorities will do.



Action to work together to agree specific actions on processes and engagement to establish robust working outcomes and objectives.



Builds consistency, consensus and mutual understanding across the county.

eastsussex.gov.uk



Signed on behalf of Public Health, East Sussex County Council

Print Name: Darrell Gale
Date: 22.09.22
Position: Director of Public Health

Signed On behalf of Eastbourne Borough Council

Print Name: Leigh Palmer
Date: 12/08/22
Position: Head of Planning

Signed on behalf of Hastings Borough Council

Print Name: Jane Hartnell
Date: 26/09/22
Position: Managing Director

Signed on behalf of Lewes District Council

Print Name: Leigh Palmer
Date: 12/08/22
Position: Head of Planning

Signed on behalf of Rother District Council

Print Name: Ben Hook
Date: 16 August 2022
Position: Director of Place and Climate Change

Signed on behalf of South Downs National Park Authority

Print Name: Lucy Howard
Date: 01-09-22
Position: Planning Policy Manager

Signed on behalf of Wealden District Council

Print Name: Nichola Watters
Date: 30.09.22
Position: Head of Planning Policy, Economy, and Climate Change

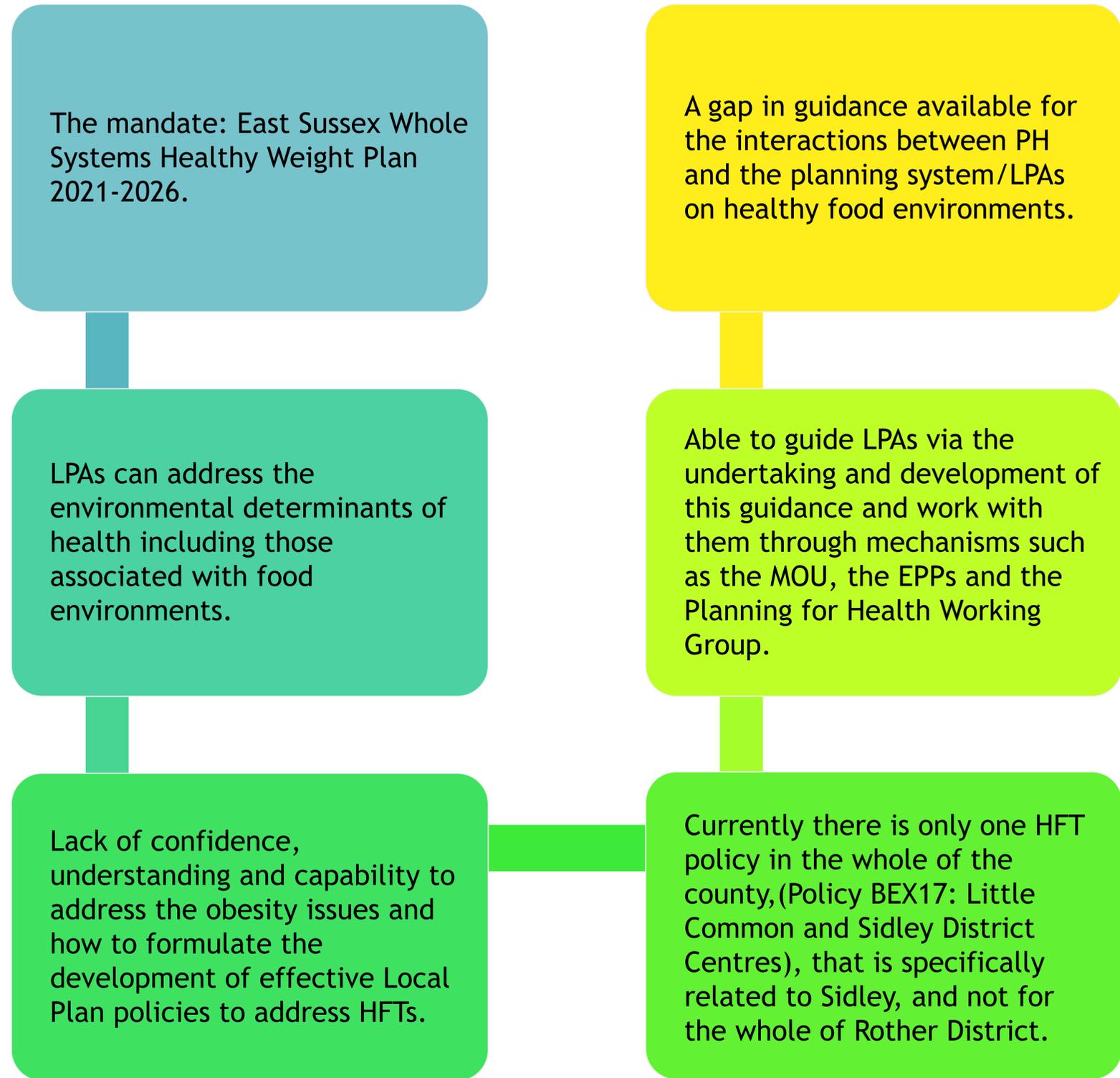
Signed on behalf of East Sussex County Council as County Planning Authority

Print Name: Edward Sheath
Date: 5 October 2022
Position: Head of Planning & Environment

The East Sussex Approach

Developing a HFT Guidance across a Two-Tier Authority

What has driven the development of this guidance?



Action area	Creating a healthier weight environment
Event level actions	Support partners to implement improvements to local areas which promote a 'healthier weight' environment.
System structures level actions	Work with the local planning authorities to embed a 'health in all policies' approach into their planning processes e.g. health impact assessments, design guides, supplementary planning documents, etc. which support a 'healthier weight' environment.
System goals level action	Develop and implement a 'creating healthy places' strategic framework for the county which supports a health into place approach.
System beliefs level action	All organisations with responsibility for planning in East Sussex recognise and prioritise getting 'health into place' in their local areas.

Purpose of the Guidance

Public Health information and background to the obesity crisis and an explanation of the elements of HFT justifications and approaches

Provide information and evidence between the links to healthy weight, lifestyles and environments that reduce health inequalities in East Sussex

Identifying tools and mechanisms for developing HFT approaches, including evidence to support the development of a HFT policy

Provide clarity on how the requirements set out in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) on healthy and safe communities can be met

To provide public health guidance to decision makers about hot food takeaways (HFT)

To build the case and argument to 'do no harm' and apply the 'precautionary principle'



How will the Guidance be used and what will it influence?

- Evidence for LPAs to produce to **justify** HFT policies within their Local Plans.
- Influence the decision of a **Planning Inspector** in deciding whether the restrictive policy should be included in Local Plans.
- Give **confidence to LPAs on the capacity of PH** to support with policy making and provision of evidence.
- Influence planning application decisions by demonstrating how PH will respond to planning applications for HFTs.
- Encourage/influence developers and applicants to consider healthier food options as an alternative to traditional HFTs, therefore creation of healthier food environment.
- Supports the premise of the **MOU** as a practical demonstration of what can be done in the built environment to enable healthy living and lifestyles.
- Supports the future health of East Sussex population by replicating **national efforts** to tackle obesity and health inequalities at a local level.
- Use to focus efforts for restrictive policies by targeting **areas most at need**, where obesity levels are highest and considering the most deprived areas - proportionate approach.
- Using planning and associated levers/tools to **deliver on the prevention** agenda.



Developing clear Guidance and managing expectations

Building the Case

What is within the gift of this guidance

- The guidance is to help LPAs formulate restrictive planning policies within Local Plans that are used to assess planning applications against. It provides guidance to Local Planning Authorities (LPAs) on the process to introduce restrictive local plan policies regarding HFT - The guidance has to take a proportionate approach.
- With robust policies adopted in Local Plans, this allows the LPA and PH to tackle unhealthy HFT developments.
- Therefore, the guidance is structured in a standard format that is used across the planning system and meets the expectations of planning policy officers so that it is a practical and user-friendly document (developed in conjunction with the Planning for Health Working Group).

A concrete positive step towards creating a positive and actionable mindset around HFTs, is it part of a phased step by step approach, as is the ES Healthy Weight Plan - each part of the system has its part to play. This guidance is one strand to address the issue of obesity and unhealthy food and weight environments - it cannot solve all the issues.

Public Health principles, context and approaches are integrated within the guidance to support and bring together practitioners from planning and public health working better together.



What is not within the gift of this guidance?



- The guidance is not a silver bullet - for solving current unhealthy HFT premises, it is to guide policy makers for new development and changes of use from an existing premise to a HFT.
- It is not telling LPAs what their thresholds are to refuse planning applications - Public Health is not a decision-making authority; this is for LPAs to decide.
- We have provided guidance, evidence and case studies to help LPAs identify and establish appropriate thresholds and refuse applications (Appendix A of the HFT briefing paper).
- The primary stakeholders for this guidance are the LPAs, and not PH (more for information about a complementary process where we can clearly set out and understand the planning policy options).
- The guidance recognises the influence of other unhealthy premises such as dark kitchens, delivery of food via apps, but it not within the powers of the planning system and therefore for the guidance to currently address these challenges which are unrelated to the category of development that HFT falls within.

Public Health ESCC Hot Food Takeaway (HFT) Guidance

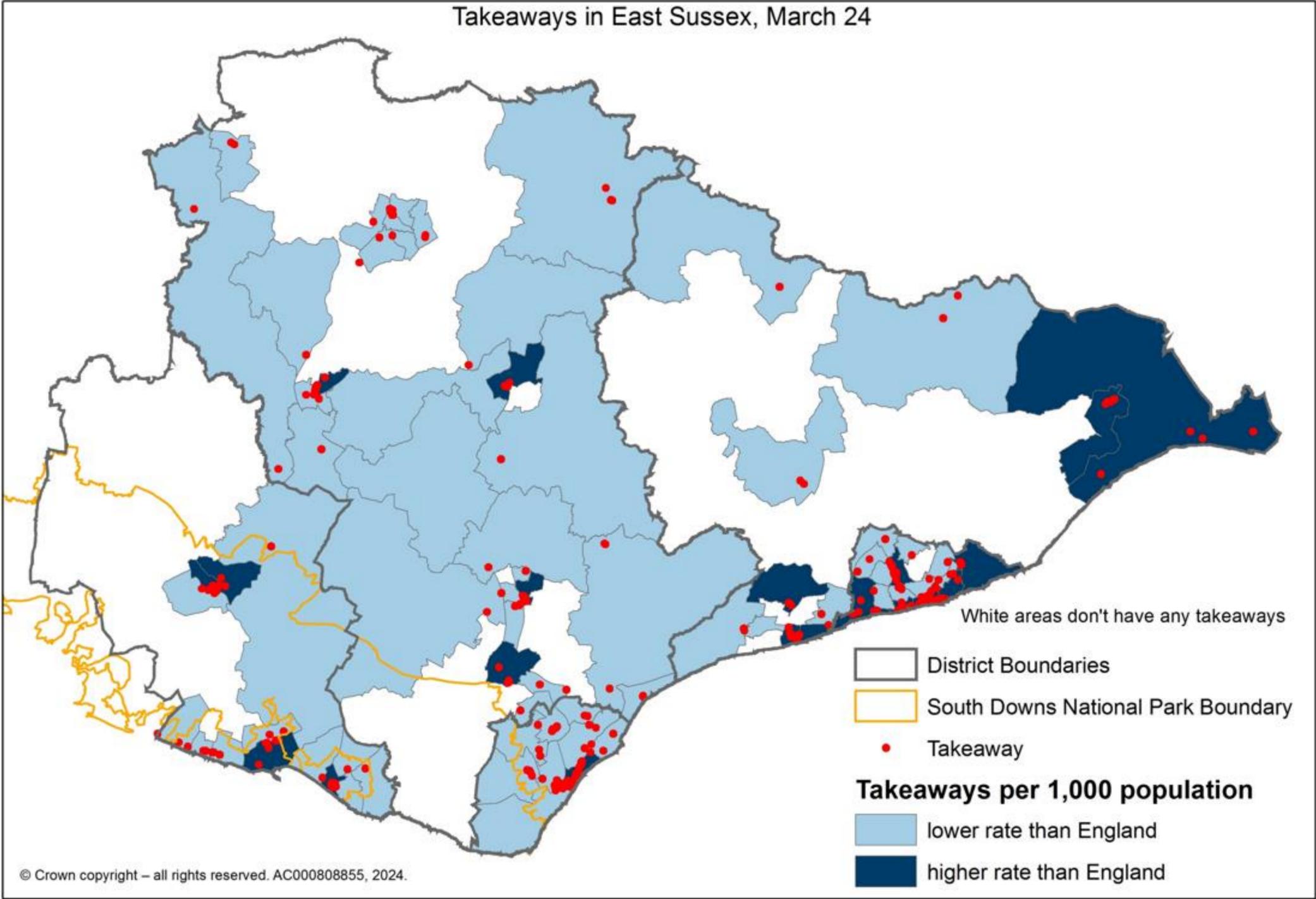
December 2024 - Public Health data and evidence

- ❖ Health Inequalities
- ❖ Deprivation and fast-food exposure
- ❖ Data and Intelligence on obesity rates in East Sussex for adults, children and young people
- ❖ Deprivation and obesity for children
- ❖ Key findings and facts for ageing population and healthy eating/obesity and access to HFTs
- ❖ Prevalence of Hot Food Takeaways in East Sussex
- ❖ Overview of HFT in East Sussex (via FEAT)
- ❖ Links between HFT and inequalities
- ❖ Summary of evidence



East Sussex County Council Public Health Hot Food Takeaway (HFT) Guidance

December 2024 - Public Health data and evidence



The role and responsibility for other partner/parts in the system

Alongside planning policies, there are other measures available, mainly implemented by environmental health or licensing teams, to help local authorities regulate the sale of fast food. These include:

- Street trading policies to restrict trading from fast food vans near schools.
- Policies to ensure that menus provide healthier options.
- Enforcement on other issues such as disposal of fat, storage of waste, and litter.
- Food safety controls and compliance.
- Restrictions on opening times.
- Using Section 106 agreements and the Community Infrastructure Levy to contribute to work on tackling the health impacts of fast-food outlets.



Recent national policy changes

National Planning Policy Framework (NPPF) Paragraph 97

Paragraph 97. Local planning authorities should refuse applications for **hot food takeaways and fast food outlets**:

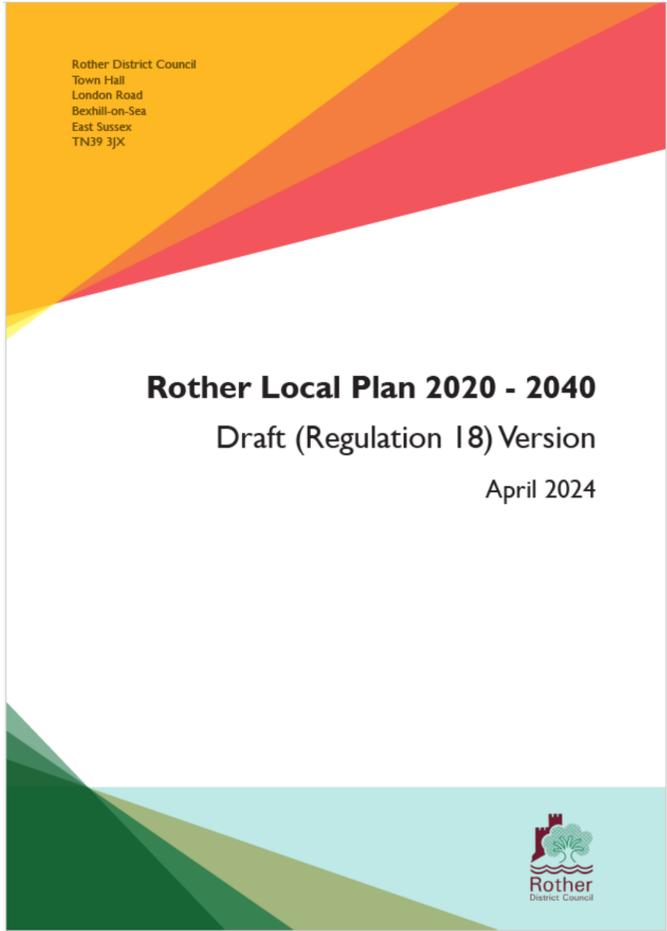
- a) within walking distance of **schools and other places** where children and young people congregate, unless the location is within a designated town centre; or
- b) in locations where there is **evidence** that a concentration of such uses is having an adverse impact on **local health**, pollution or anti-social-behaviour.



Influencing Local Plans - Rother District Council

Proposed Policy HWB3:

Reducing Harmful Impacts on Health



Policy Status:	Strategic
New Policy?	Yes, but incorporating DaSA Policy BEX17's third paragraph
Overall Priorities:	Live Well Locally

Policy Wording:

Applications for new development or change of use for the following uses (currently defined as sui generis) will be required to demonstrate that the proposal would have no negative impact on the health and wellbeing of the local population. The potential proliferation (the number and percentage in a defined area) of these uses would also be a consideration in the decision-making process:

- i) Betting shops;
- ii) Casinos;
- iii) Pay day loan shops; and
- iv) Hot food takeaways.

In relation to hot food takeaways, applications within 400m of the boundary of a school or park will not be considered favourably, and opening times may need to be controlled (on a case-by-case basis via condition), where deemed reasonable and necessary.

Influencing Local Plans - Lewes District Council

DRAFT Policy HW6: Healthy Local Food

1. The council will work in partnership with public bodies, community and interest groups, developers and landowners to improve access to healthy food to reduce obesity and excess weight in local communities. Proposals that support the production of healthier food and increase access to healthy consumption choices will be supported at existing settlements. Proposals that lead to the loss of local food infrastructure will be resisted.
2. Proposals that will lead to the loss of Best and Most Versatile (BMV) agricultural land on unallocated sites will be resisted.
 - a. Where development is proposed on sites that include BMV agricultural land as identified with the Agricultural Land Classification (ALC), applicants will be required to demonstrate how opportunities for community food growing, agricultural or horticulture will be incorporated into the proposal in the areas with the highest grades of agricultural land.
 - b. Where site-specific ALC studies are not available and land has not been previously developed, applicants will be required to submit information on the agricultural potential of the development site and demonstrate how the scheme will retain any BMV agricultural land identified for food growing.
3. Proposals that would lead to a loss of allotments, orchards and community food growing spaces will only be supported where alternative provision of equal or better quality is provided within the local area.
4. The use of existing amenity open space for individuals growing food will be supported where either
 - a. the proposal is supported by the relevant town or parish council, taking into account any waiting lists there may be for allotment space.
 - b. the open space is surplus to requirements in accordance with the latest published open space assessment.
5. The provision of new community food growing space should form part of the open space provision that is required within residential development schemes. Productive trees and plants in landscaping schemes should be included where appropriate. Proposals for new allotments, orchards and community food growing, production and local distribution will be supported at existing settlements.
6. Proposals that would lead to the loss of food shops will be resisted where this would reduce the community's ability to meet its day to day needs or would lead to the total loss of physical food shopping opportunities within the settlement. The conversion of such food shops to alternative uses will only be supported where the business is no longer viable, and an assessment of suitability for designation as an Asset of Community Value has been undertaken.
7. Proposals for the development of hot food takeaways, including through change of use, will only be supported where:
 - a. a concentration of three or more hot food takeaways immediately adjacent to each other would not be created.
 - b. the number of hot food takeaways within the ward is at or below the English national average per 1000 population.

General Reflections

- There is currently no guidance like this nationally that guides local authorities in such a comprehensive way.
- Our guidance is bespoke and targeted to East Sussex to ensure a consistent and proportionate approach.
- The briefing was developed with input from the Planning for Health Working Group, who are agreed the content meets their needs.
- Implementation - using the approaches for Public Health (PH) to respond to planning applications.
- Has taken into account and demonstrated our duties under the Equalities Act by undertaking an Equalities Impact Assessment. A light touch was applied as it is guidance and not a decision-making tool.
- HFT guidance available on our website: [Public Health Hot Food Takeaway Guidance](#)

Thank you

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