

Evidence in Support of Policy EQ10

Controlling Hot Food Takeaways
(A5 Use Class) in Sefton

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Introduction

1.1 This document provides evidence to support controlling **Hot Food Takeaways (A5 use class)** in Sefton (Policy EQ10 of the Sefton Local Plan). This issue was raised during the Examination period of the Local Plan in question 7.4 of the Inspector's Matters, Issues and Questions.

1.2 The policy, in accompaniment to **EQ1** Planning for a Healthy Sefton and **EQ9** Provision of public open space, will contribute towards a key objective of Sefton's Local Plan to: 'to achieve high quality design and a **healthy environment**'. Any subsequent guidance produced will take on a **strategic approach** working alongside other Council departments such as Public Health and Education in order to produce a **robust and cohesive** line of attack against the Borough's significant obesity issue. Healthy and active lifestyles will be encouraged, and consumption of unhealthy food discouraged.

Policy Background

1.3 Paragraph 23 of the **NPPF** states **town centres** as being; "at the heart of their communities and policies should support their **viability and vitality**"¹. Paragraph 69 states; 'the planning system can play an important role in facilitating social interaction and **creating healthy, inclusive communities**'².

1.4 The National Planning Practice Guidance (NPPG) reinforces the policies of the NPPF and maintains that; 'The link between planning and health has been long established. The **built and natural environments** are major determinants of **health and wellbeing**'³. It also states that Local Planning Authorities should also '**promote access to healthier food**'³. Sefton Council considers that resisting applications for hot food takeaways therefore goes hand in hand with this guidance.

Scope

1.5 Policy EQ10 (in particular part 2) seeks to control the A5 use class which includes **kebab shops, fried chicken shops, fish and chip shops, pizza shops, drive through premises** (unless ancillary to use class A3) and other premises that primarily sell **hot food for consumption off the premises**.

Health Concerns in Sefton

1.6 The rate of obesity is rising in Sefton and the **Active People Survey (2012)** indicated **19.6%** of children in the Borough and **23.6%** of adults were obese, the same study concluded that **68.7%** of the Borough's adult population were overweight – all figures of which fare worse than national average⁴. Life expectancies are also considerably lower than national average, although within Sefton itself, this figure fluctuates by up to 12.2 years between the Borough's most and least deprived localities⁴.

1.7 Typical hot food takeaways provide meals with high salt and **low nutritional value** that have been directly linked to obesity, **high BMI** and **diabetes**⁵. It is estimated that health costs associated with overweight and obese individuals in the Borough is **£85 million per year**⁶. The density of hot food takeaways and general ease of access in certain areas has been proven to lead to increased levels of obesity. Addressing this significant health issue at an early stage is vital in order to support and encourage 'strong, vibrant and healthy communities'.

1.8 Studies have concluded that **hot food takeaways** are most likely to be **concentrated in deprived areas**, with The **Royal Society for Public Health (RSPH)** suggesting; 'this increased presence may be due to increased availability of premises, less resistance to new planning applications by the community and lower rental and purchasing cost as well as **greater demand for inexpensive and calorie dense food**'⁵. This statement has relevance in regards to Sefton where around 1 in 4 residents live in an area classed as within the **20% most deprived** areas in the country⁵. The highest number of hot food takeaways can be found in Church, Dukes, Derby, Linacre and Litherland wards, all of which are amongst the most deprived.

1.9 There is moderate evidence of a positive correlation between childhood obesity rates and exposure to hot food takeaways in Sefton. This means that as the **number of hot food takeaways in a ward increases**, there is an **increase in the percentage of overweight children**. Although this is not the singular contributing factor, greater access and availability to hot food takeaways can only worsen this health issue.

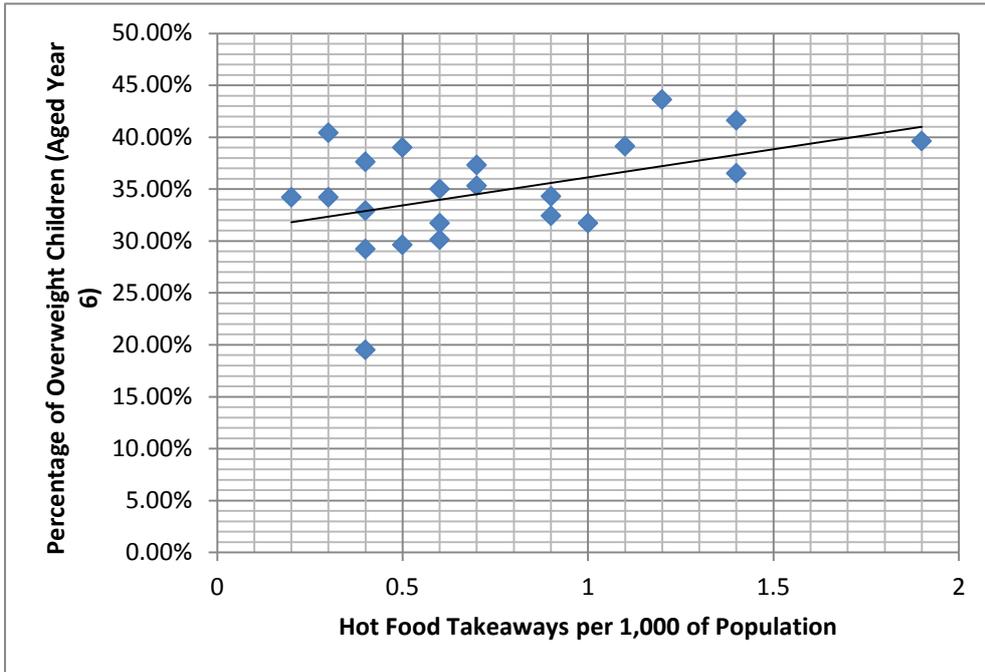


Figure 1: Graph detailing the moderate correlation between rates of excess weight amongst children in each of Sefton’s wards and the number of hot food takeaways in the ward.

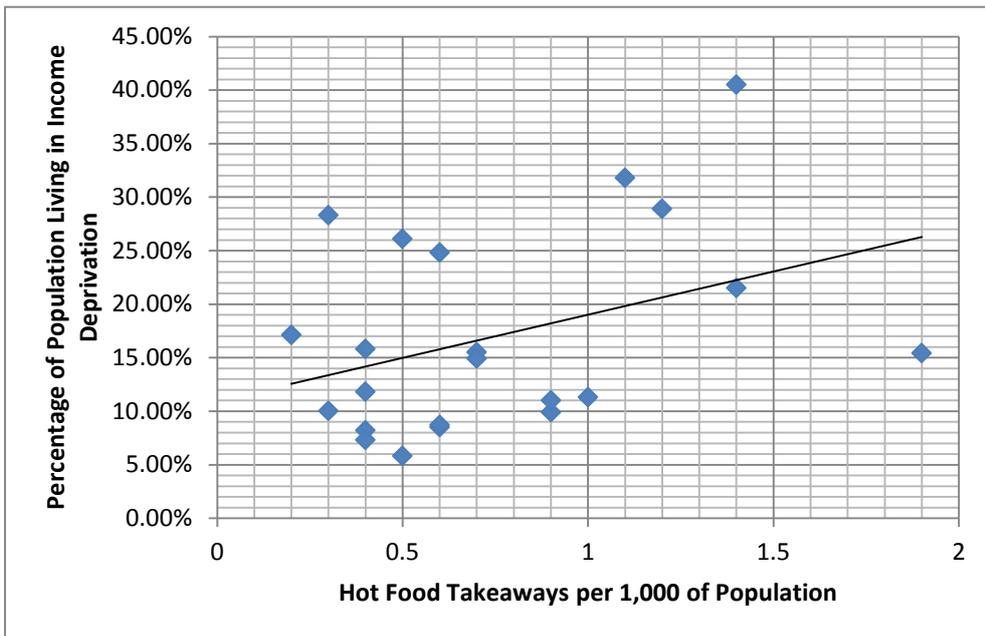


Figure 2: Graph detailing the moderate correlation between rates of income deprivation in each of Sefton’s wards and the number of hot food takeaways in the ward.

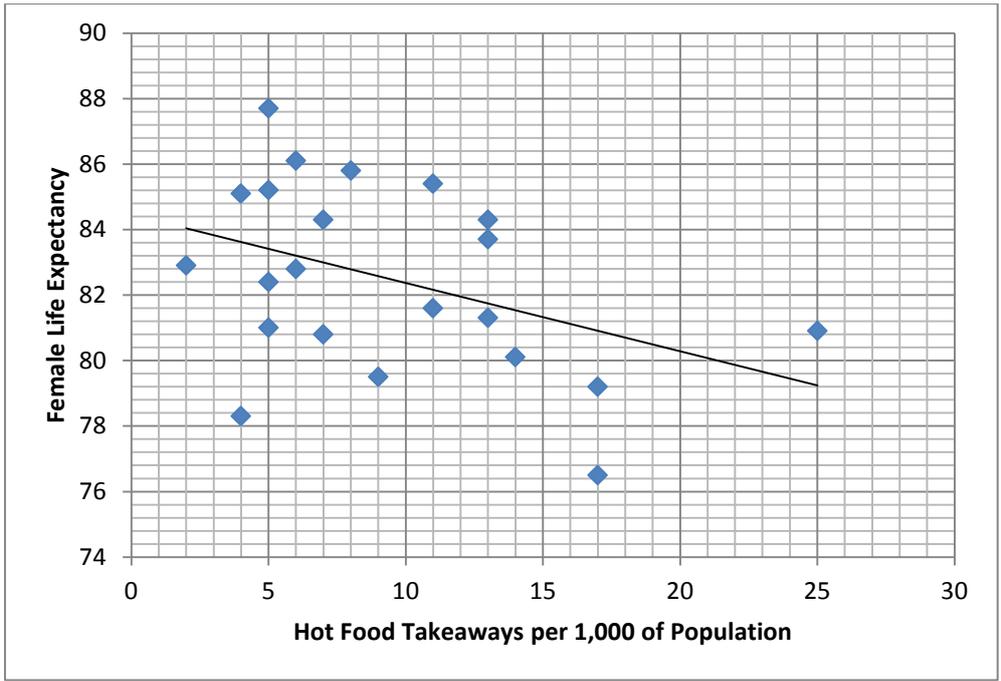


Figure 3: Graph detailing the strong correlation between female life expectancy in each of Sefton’s wards and the number of hot food takeaways in the ward.

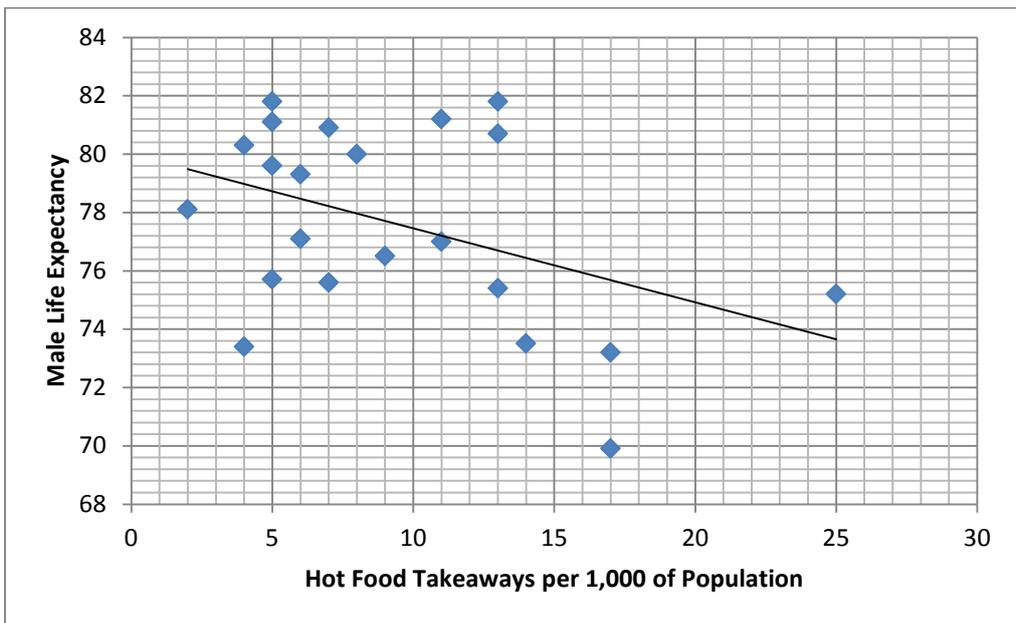


Figure 4: Graph detailing the strong correlation between male life expectancy in each of Sefton’s wards and the number of hot food takeaways in the ward.

1.10 Figures 1, 2 (page 5) and 4 (page 10) provide evidence that hot food takeaways in Sefton tend to be concentrated in area with high rates of obesity and deprivation. A **multi-disciplinary approach** is therefore required to address this issue, including through planning and controlling any greater proliferation of hot food takeaways, especially for the benefit of children.

Existing Guidance, Strategies and Studies

1.11 Concerns over hot food takeaways and their accompanying health and wellbeing issues in Sefton have been addressed in a number of recent documents and campaigns. **Sefton Council's** overarching **Health and Wellbeing Strategy** aims to improve care, health and wellbeing and narrow the gap between those with the best and worst health and wellbeing prospects. A strategic objective of the strategy is to 'ensure all children have a positive start in life' and by 2020 Sefton's **children and young people** will have 'good physical and emotional health and wellbeing and will lead **healthy lifestyles**'⁷.

1.12 A report to the **Shadow Health and Wellbeing Board** in 2012 '**Childhood Obesity in Sefton**' identifies a number of approaches that could be pursued in order to reduce the rate of childhood obesity in the Borough; one suggestion being the introduction of **greater controls over the establishment of hot food takeaways**⁸.

1.13 The 2008 **Government** document '**Healthy Weight, Healthy Lives: a Cross-Government Strategy for England**' states that 'Local authorities can use existing planning powers to **control** more carefully the **number and location of fast food outlets** in their local areas'⁹. Sefton Council seeks to demonstrate this power within Policy EQ10 part 2 in order to control access to hot food takeaways close to secondary schools and further education colleges.

1.14 **Healthy People, Healthy Places** is a programme commissioned by **Public Health England** that published a briefing in 2014, '**Obesity and the environment: regulating the growth of fast food outlets**'. The document stresses the importance of improving the quality of food environments around schools and how a number of local authorities are producing guidance in the hope of restricting access to unhealthy uses and improving children's dietary habits¹⁰. The briefing references a recommendation by **NICE** which encourages planning authorities 'to restrict planning permission for takeaways and other food retail outlets in specific areas (for example, within walking distance of schools)'¹¹.

1.15 Also referenced in the above Public Health England briefing is the **Takeaways toolkit** which was produced by the **London Food Board** and **Chartered Institute of Environmental Health** in 2012. It recommends four broad approaches that could be taken to address the proliferation of hot food takeaways in certain locations, including around schools, one recommendation is through **planning measures**¹². It also highlights that any case for action

should be built on an understanding of the local area and the health needs of the local population. With a high rate of childhood obesity in Sefton, action at this point is necessary¹³.

1.16 The 2007 **Government Office for Science** Foresight report '**Tackling obesities: future choices - project report (2nd edition)**' acknowledges how complex of an issue tackling the national obesity epidemic is, however is direct in stating the importance of **planning and controlling the built environment** around us in order to improve health and wellbeing¹⁴. Other mechanisms referred to in the report include education and media as well as overcoming influential barriers such as nature of work, early life experiences, economic drivers and food production and supply¹⁵.

Existing Hot Food Takeaways

1.17 The table below details existing hot food takeaways within the Borough organised by ward (July 2015). Sefton has an abundance of hot food takeaways, with 1 such premises per **1,330 people**. As would be expected, a high number of such uses are located in Sefton's town centres. These areas are however also amongst the **most deprived**, which has been established as principle consideration in the drafting of Policy EQ10. Around a **quarter** of Sefton's hot food takeaways are located within **400 metres** (approximately a five minute walk) of secondary schools and further education institutes.

Ward	Hot Food Takeaways	
	Number	Number per 1,000
Ainsdale	5	0.4
Birkdale	13	1.0
Blundellsands	7	0.6
Cambridge	5	0.4
Church	17	1.4
Derby	14	1.1
Dukes	25	1.9
Ford	6	0.5
Harington	6	0.5
Kew	9	0.7
Linacre	17	1.4
Litherland	13	1.2
Manor	2	0.2
Meols	4	0.3
Molyneux	11	0.9
Netherton & Orrell	7	0.6
Norwood	11	0.7
Park	5	0.4
Ravenmeols	5	0.4
St Oswald	4	0.3
Sudell	8	0.6
Victoria	13	0.9
Total	206	0.8

Figure 5: Number and rate of existing hot food takeaways in Sefton per ward.

1.18 The following maps detail existing hot food takeaways within the Borough and their concentration amongst areas of deprivation.

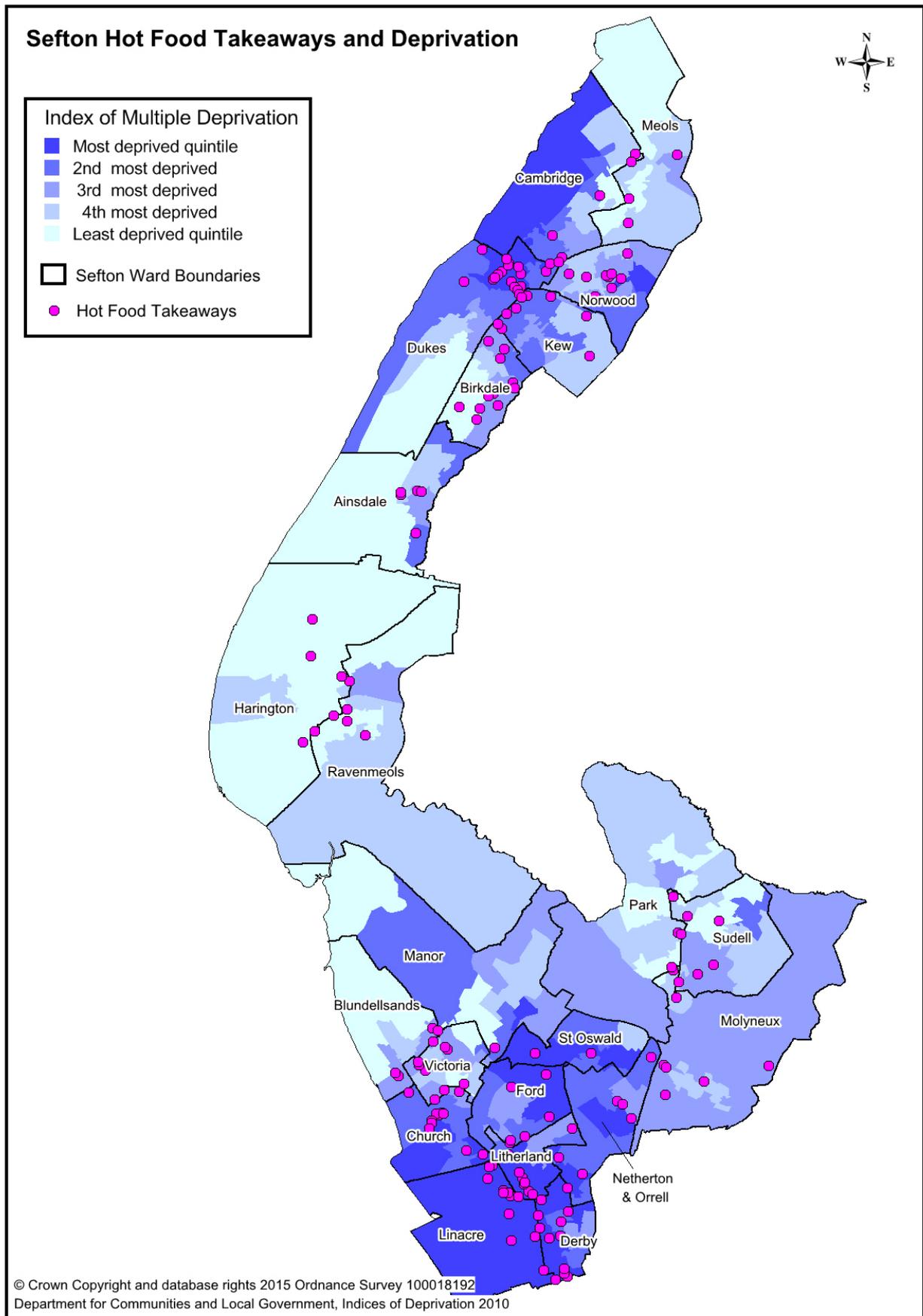


Figure 6: Maps Detailing Existing Hot Food Takeaways in Sefton against Deprivation

Core Strategies, Plans and SPDs

1.19 Numerous **Core Strategies** and **Local Plans** have been adopted throughout the UK that aim to control the A5 use class based on health and wellbeing concerns, however many policies fail to explicitly state how this should be implemented. This has instead been guided in **Supplementary Planning Documents** (examples include Barking and Dagenham, Halton, Sandwell and St Helens).

1.20 As is evident in the following section of this document, such SPDs have been a **material consideration** in several appeals, although hold less weight than specific Core Strategy and Local Plan policies. In a 2010 **Judicial Review** the London Borough of Tower Hamlets was deemed to have acted unlawfully after the council's planning committee granted planning permission for a hot food takeaway close to a school; having stated that the health impact was not a material consideration¹⁵.

1.21 In June 2015, the **Preston Local Plan** was found **sound** upon modification. Policy WB3 initially placed a 400 metre exclusion zone around secondary schools and sixth form colleges banning all new hot food takeaways regardless of location. The Inspector judged this approach as excessive and to be unsound¹⁶. Modifications were proposed to exempt **town and district centres** as well as to incorporate a clause which allows for new hot food takeaways within the exclusion zone, permitted that they are **subject to restricted opening times** that do not coincide with school lunch breaks¹⁶. It should be noted that Sefton is proposing through modifications a similar approach.

Success at Appeal

1.22 The main indicator of the success of implementing such policies and SPDs is the number of dismissals at appeal. The list below indicates cases where a Planning Inspector has placed weight on health and wellbeing when considering applications for A5 uses.

a) APP/C5690/A/14/2228987 209 Lewisham Way, London, SE4 1UY

On controlling A5 uses close to schools, in areas of deprivation and with high concentrations of hot food takeaways the Inspector stated: 'I note that the health gains from this approach in isolation could in fact be limited and that there are other causes of obesity. However, when considered in combination with other local and national initiatives, resisting proposals for hot food takeaway establishments could have a meaningful impact.'

b) APP/H4315/A/11/2164087 7 Waterdale Place, Sutton, St Helens, WA9 3XN

On Hot Food Exclusion Zones, the Inspector noted: 'The objective of the SPD, to establish healthy eating habits and reduce childhood obesity, is an important one and whilst not a main issue, the proposal's failure to comply with it adds weight to my decision.'

c) APP/G5750/A/11/2162904 77 Plashet Road, London E13 0RA

On overconcentration the Inspector noted: 'The proposal would add to a local clustering and as such is contrary to Policy SP6 of the CS.'

On health and wellbeing in general, the Inspector noted: 'I conclude the proposal would conflict with the Council's healthy living strategy contrary to Policy SP2 of the CS.'

d) APP/Z5060/A/10/2136264 233 Heathway, Dagenham, Essex RM9 5AN

On overconcentration the Inspector noted: 'while there is no dispute that the cumulative length of the non-retail frontages in the parade already exceeds the policy thresholds, this is not a good argument in favour of the proposal, as it could be repeated too often to the detriment of retail activity in the centre.'

On health and wellbeing in general, the Inspector noted: 'the appellant is willing to accept a condition requiring its counter service to close between 15.00hours and 16.30hours each afternoon on schooldays. If enforced, it would prevent over-the-counter sales to parents and children immediately after school.'

Collaborative Responses

1.23 As stated throughout this document, to successfully reduce levels of obesity in Sefton, a collaborative multi-disciplinary approach will be required. The following list details just some of the local and national programmes and strategies which are currently in place to tackle obesity which support the aims of Policy EQ10.

Sefton Council Policies, Programmes and Strategies

- EQ1 Planning for a Healthy Sefton
- EQ9 Provision of open space, strategic paths and trees in development
- Living Well in Sefton, Sefton's Health and Wellbeing Strategy
- Green Space Strategy
- Healthy Sefton
http://www.healthysefton.nhs.uk/food_weight.htm
- Active Sefton
<http://www.sefton.gov.uk/1267>
- Move It
<http://www.activelifestyles-sefton.co.uk/move-it>

Other Policies, Programmes and Strategies

- Healthy Weight, Healthy Lives: a Cross-Government Strategy for England
- Children's Food Campaign
- Public Health Responsibility Deal regarding unhealthy food concentrated around supermarket checkouts
- Healthy Schools Programme and Healthy School Status
- Change 4 Life
<http://www.nhs.uk/Change4Life/Pages/change-for-life.aspx>
- UK Active
<http://ukactive.com/>
- Mind, Exercise, Nutrition and Do it!
<http://www.mendfoundation.org/home>

Conclusion

1.24 Obesity is a major issue in Sefton, costing local health providers millions each year. Addressing this at an early stage has therefore become a **key priority** for the Council. The rate of obesity amongst children in the Borough is higher than national average and a **collaborative approach** is required in order to tackle this epidemic. Unhealthy food is a principle cause of obesity, and the relatively low-cost and ease of access to such food is a significant cause for concern.

1.25 The study of how the built environment can influence our diets is an emerging one, however there is a strong indication that hot food takeaways tend to **cluster in areas of deprivation**. The links between obesity rates amongst children and hot food takeaways in proximity to schools is lesser so, although Sefton wards with the **highest levels of childhood obesity** and deprivation also have the **highest number of hot food takeaways**. Other factors are undoubtedly at play in these instances; however encouraging greater availability of unhealthy food is certainly not in line with local, regional and national strategic aims.

1.26 Numerous studies and strategies quoted in this document have recommended that introducing planning policies that **control hot food takeaways** in areas of **overconcentration** and **close to educational establishments are appropriate** and will be most successful when implemented **alongside other techniques and initiatives**.

1.27 It is proposed that Policy EQ10 and any subsequent guidance will form one of many methods being undertaken to tackle obesity in Sefton. Other policies within the Local Plan aim to increase **the provision of recreational open space** in order to promote **healthy and active lifestyles**, while initiatives such as the Healthy Schools Programme are already in place aimed at encouraging children to choose a healthy meal option in place of unhealthy food.

References

- ¹ Department for Communities and Local Government, National Planning Policy Framework, March 2012, p.7
- ² DCLG, National Planning Policy Framework, March 2012, p.17
- ³ DCLG, National Planning Practice Guidance, Health and wellbeing, March 2014, 53-002-20140306, paragraph 2
- ⁴ Public Health England. Health Profile for Sefton. Available online at: <http://www.apho.org.uk/resource/view.aspx?RID=171641> (accessed 27/11/2015)
- ⁵ Royal Society for Public Health, Health on the High Street, March 2015, P.11-12.
- ⁶ Sefton MBC, Discussion Paper on Childhood Obesity, March 2012, p.1.
- ⁷ Sefton Council, Living Well in Sefton: (*Sefton's Health & Wellbeing Strategy 2014 – 2020*) , May 2014, p.11
- ⁸ Sefton Council, Childhood Obesity in Sefton, Available online at: <http://modgov.sefton.gov.uk/moderngov/documents/s38128/Childhood%20obesity%20050312.pdf> (accessed 27/11/2015)
- ⁹ Department of Health and Department for Children, Schools and Families, Healthy Weight, Healthy Lives: *a Cross-Government Strategy for England*, January 2008, p.18
- ¹⁰ Public Health England, Healthy people, healthy places briefing: *Obesity and the environment: regulating the growth of fast food outlets'*, March 2014, p.6-7
- ¹¹ National Institute for Care Excellence, NICE guidelines [PH25]: *Cardiovascular disease prevention*, June 2010, Recommendation 11
- ¹² Mayor of London, Chartered Institute of Environmental Health, Takeaways toolkit, P.30-37
- ¹³ Mayor of London, CIEH, Takeaways toolkit, P.21
- ¹⁴ Government Office for Science, Foresight, *Tackling Obesities: Future Choices – Project Report*, P.66
- ¹⁵ Government Office for Science, Foresight, *Tackling Obesities: Future Choices – Project Report*, P.129
- ¹⁶ [2010] All ER (D) 72 (Jun): R (on the application of Copeland) v Tower Hamlets London Borough Council
- ¹⁷ The Planning Inspectorate, Report to Preston City Council: Report on the Examination into the Preston Local Plan (2012-2016), P.37-38, Available online at: <http://www.preston.gov.uk/GetAsset.aspx?id=fAAyADEAMQAYADkAfAB8AFQAcgB1AGUafAB8ADAAfAA1> (accessed 27/11/2015)