Planning for Health
Supplementary Planning Document

April 2016

BLACKBURN WITH DARwen BOROUGH COUNCIL
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1. Introduction and Scope

1.1 The purpose of this Supplementary Planning Document (SPD) is to provide supporting information and guidance on how our environment, and the planning decisions made, impacts upon the health of the population of Blackburn with Darwen. It is to assist in interpreting the policy requirements of the development plan within the context of Health and sets out good practice that developers/applicants should follow when submitting planning applications.

1.2 This SPD is a material consideration in the determination of planning applications. It is intended to expand on existing policies rather than duplicate other planning documents. It should be read in conjunction with the Council’s Core Strategy policies and Local Plan Part 2: Site Allocations and Development Management policies to gain an understanding of the Council’s priorities, aims and objectives for the Borough.

1.3 Modern town planning arose as an instrument for dealing with poor health and inadequate sanitary conditions in the nineteenth century. However, over time planning became less explicitly integrated with health until recent concerns regarding obesity, lack of physical activity and environmental inequalities reignited awareness of the inherent link between health and planning. It is now recognised that the development of the built environment and how people live in their communities has a significant impact upon behaviour and health (both physical and mental). The transfer of public health teams to upper tier and unitary local authority control in April 2013 is helping to re-unite health with planning.

1.4 Blackburn with Darwen Borough Council recognises the important contribution that planning can make to improving public health and wellbeing. Well-designed development proposals can support strong, vibrant and healthy communities and help create healthy living environments that encourage people to adopt healthier lifestyles. The Council and its partners are engaged in a range of long term actions to address these issues, as well encouraging people to take greater responsibility for the choices they make themselves. Planning is one aspect of these actions, where we can make a positive impact towards improving health within the borough. In some instances a proposed development may have a positive impact on people’s health, for example, a new sports centre. In other cases it has the potential to contribute to poor health by encouraging or making it easy for individuals to make unhealthy choices, for example, a new hot food takeaway. Our evidence\(^1\) clearly shows that making it more difficult for people to make these unhealthy choices reduces the

\(^1\) Public Health Annual Report 2014(Blackburn with Darwen Borough Council, 2014)
likelihood that they will do so; and that this change in behaviour will improve health outcomes over time.

1.5 The Health and Wellbeing Board is firmly committed to improving the physical and mental health and wellbeing of the borough’s residents. Blackburn with Darwen has high levels of deprivation in certain wards, which contributes to the poor health issues. As such, the borough experiences significantly higher than average levels of poor health among its population. Furthermore, the health of people in Blackburn with Darwen is generally worse than the England average$^2$. Particular issues are obesity and related illnesses, diseases related to smoking, and the effects of alcohol$^3$. The Council and its partners are also particularly concerned about the health of young people, both in terms of immediate term safeguarding and the potential long term consequences that aspects of their lifestyles will have for their health.

1.6 This document has been drawn up in consultation with the Council’s Public Health teams and other interested parties. The scope of this SPD is set out below, and deals with areas that can be controlled through planning. There are other areas of legislation outside of planning control, which will contribute towards improving health, using multifactorial departments and organisations.

1.7 Therefore, the scope of the SPD is:

- To provide supporting information and guidance on planning for health for decision-makers and developers in line with the policies set out in the Core Strategy and Local Plan Part 2.
- To promote healthy developments and to be an important material consideration in the determination of planning applications by providing key concerns against which to assess development proposals.
- To provide guidance on Health Impact Assessments.
- To impose distance restrictions on the creation of new takeaways, or hybrid uses incorporating such uses, in proximity to all educational facilities in the Borough, controlling opening hours in some circumstances.
- To set out controls over the sale of alcohol in proposals for new local/convenience shops.
- To set out controls over the health impact of Shisha Cafés.
- To promote/protect Allotments and Community Food Growing Spaces.

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$^2$ Blackburn with Darwen: Health Profile, (Public Health England, 2014)
2. Planning and Public Health Context

2.1 This section provides an overview of current planning policy and Council documents relating to health in planning. Current policy recognises the important contribution that planning can make to improving public health and wellbeing. Development proposals can support strong, vibrant and healthy communities and help create healthy living environments which should encourage people to adopt healthier lifestyles.

2.2 The Council and its partners are engaged in a range of long term actions to address these issues, as well as to encourage people to take greater responsibility for the choices they make themselves. Through supporting truly sustainable development, planning will contribute positively towards improving health.

National Planning Policy Framework

2.3 The National Planning Policy Framework (NPPF) provides Government guidance on planning policy. The NPPF is a material consideration when preparing planning policy documents and determining planning applications.

2.4 Paragraph 14 of the NPPF describes that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.\textsuperscript{4}

2.5 Paragraph 7 of the NPPF sets out that to provide sustainable development, LPA’s should support strong, vibrant and healthy communities; and to do so must work with public health leads and health organisations to understand and take account of the health status and needs of the local population (such as for sports, recreation and places of worship), including expected future changes, and any information about relevant barriers to improving health and well-being.\textsuperscript{5}

2.6 Paragraph 69 of the NPPF highlights that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Planning decisions should aim to achieve places which are safe and accessible developments, containing clear

\textsuperscript{4} Paragraph 14, NPPF (Communities and Local Government, 2012)
\textsuperscript{5} Paragraph 7, NPPF (Communities and Local Government, 2012)
\textsuperscript{6} Paragraph 171, NPPF (Communities and Local Government, 2012)
\textsuperscript{7} Paragraph 69, NPPF (Communities and Local Government, 2012)
2.7 Paragraph 73 of the NPPF identifies that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. The Green Infrastructure SPD expands further on this element of how open space can positively contribute towards health; however, this SPD also encourages green infrastructure.

2.8 Paragraph 171 of the NPPF advises that local planning authorities should work with public health leads and health organisations to understand and take account of the health status and needs of the local population (such as for sports, recreation and places of worship), including expected future changes, and any information about relevant barriers to improving health and well-being. As such, this SPD takes into account the Public Health documents and evidence base.

Blackburn with Darwen Local Plan Part 1: The Core Strategy

2.9 The Core Strategy for the Borough was adopted in January 2011 and forms part of the Development Plan for Blackburn with Darwen and can be viewed on the Council’s website at www.blackburn.gov.uk. In developing the Core Strategy and the Local Plan Part 2, the Council consulted with Public Health and other relevant organisations. This has informed relevant polices through our evidence base of the Borough’s health, and is also in line with the Council’s corporate Priority 3: Improving Health and Wellbeing.

2.10 The policies within the Blackburn with Darwen Core Strategy relevant to this SPD are:

- Policy CS7: Types of Housing
- Policy CS11: Facilities and Services
- Policy CS13: Environmental Strategy
- Policy CS16: Form and Design of New Development
- Policy CS19: Green Infrastructure
- Policy CS20: Cleaner, Safer, Greener
- Policy CS22: Mitigation of Impacts/Planning Gain
- Policy CS23: Tackling Worklessness

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8 Paragraph 73, NPPF (Communities and Local Government, 2012)
9 Paragraph 171, NPPF (Communities and Local Government, 2012)
10 Blackburn with Darwen Borough Council (2011)
2.11 The Local Plan Part 2 was adopted in December 2015. It contains development management policies and site allocations in order to deliver the Core Strategy.

2.12 The Local Plan Part 2 contains several policies relevant to this SPD which set out the Council’s approach to improving health:

- Policy 33: Health
- Policy 9: Development and the Environment
- Policy 38: Green Infrastructure on the Adopted Policies Map
- Policy 40: Integrating Green Infrastructure with New Development
- Policy 47: The Effect of Development on Public Services

2.13 The key policy in relation to this SPD is Policy 33:

<table>
<thead>
<tr>
<th>Policy 33. Health</th>
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<tbody>
<tr>
<td>1. Where a form of development is proposed that has the potential to impact on public health, with particular reference to obesity and related disorders, and illnesses associated with alcohol or smoking, the Council will require the developer to demonstrate how public health issues have been taken into account in formulating the development proposal and how any impacts are to be mitigated. Such development will only be permitted where it is demonstrated that it will not, in isolation or in conjunction with other planned, committed or completed development, contribute to a negative impact on the health of the Borough’s population. In assessing the likely health impact of new development, the Council will take into account evidence indicating the expected effect of the development on individuals’ behaviour and choices.</td>
</tr>
<tr>
<td>2. The development of hot food takeaways (use class A5), or of hybrid uses incorporating such uses, will not be permitted in locations where it is likely to lead to an increase in the consumption of takeaway food by young people, including the vicinity of any primary or secondary school or tertiary college. Where appropriate, the Council will consider imposing a condition restricting a business’ opening hours to reduce the likelihood of it being visited by young people.</td>
</tr>
<tr>
<td>3. Where the development of a new local shop is acceptable in principle under other policies, planning permission will only be granted where a condition can be imposed that prevents the subsequent establishment of a stand-alone off-licence without the need to apply for planning permission.</td>
</tr>
<tr>
<td>4. Where the balance of uses in a shisha cafe is such that the use of the premises is predominantly for shisha smoking, the Council will regard the premises as falling into a sui generis use subject to specific planning control. Development having these characteristics will not be granted planning permission unless it is very clearly demonstrated that the proposed use will have no negative impact on the health of individuals or the public at large.</td>
</tr>
</tbody>
</table>
2.14 **Planning Practice Guidance** advises that LPA’s should ensure that health and wellbeing, and health infrastructure are considered in local and neighbourhood plans and in planning decision making. Public health organisations, health service organisations, commissioners and providers, and local communities should use this guidance to help them work effectively with local planning authorities in order to promote healthy communities and support appropriate health infrastructure.

Other Blackburn with Darwen Public Health Documents

2.15 The Blackburn with Darwen **Public Health Annual Report 2014** concludes that what keeps most people healthy - or makes them ill - are their personal circumstances; their homes, education, employment, transport, food and physical activity, family, friends and community. The ‘problem’ and its solution lie in the way we allow outside influences to shape our lives in unhealthy ways, and understanding how we can reclaim an environment where healthy choices are easier, and why it is so important to do so.

2.16 **Blackburn with Darwen Joint Health & Wellbeing Strategy 2012-2015** set out that the health of any given population is determined by how communities live, work and play. According to the Department of Health, health services (whilst vitally important to health and wellbeing) determine only about 20% of the health status of the population. The other 80% is determined by access to good housing, education, transport, employment, income and supportive social networks.

2.17 Figure 1 - Determinants of Health sets out the complex, multi-layered factors which impact on the health of individuals. At the centre are those things over which individuals have little influence, including their age, gender and genetic inheritance. In the second layer are behavioural patterns such as smoking, diet and physical activity. In the third layer are social position, and relationships with family, friends and the wider community. The fourth layer includes the wider or underlying determinants of health, such as work environment, housing and living conditions, education and transport. In the outer layer are the economic, political, cultural and environmental conditions present in society as a whole. Tackling health inequalities requires action within all these layers of influence. This SPD, together with the Core Strategy, Local Plan Part 2 and other SPD’s (for example, the Green Infrastructure SPD and the Environmental Protection SPD), intend to provide guidance and policies which will

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11 (Department for Communities and Local Government, 2015)  
12 **Public Health Annual Report 2014** (Blackburn with Darwen Borough Council, 2014)  
13 (Blackburn with Darwen Borough Council, 2012)
positively affect the wider or underlying determinants of health by improving the environment.

Figure 1 - Determinants of Health (Whitehead and Dahlgren, 1991)

2.18 The Blackburn with Darwen Integrated Strategic Needs Assessment (Story of Place) provides a detailed narrative on the challenges for the next 5-10 years of the borough and the opportunities to improve the place for residents, businesses and communities. The information which provides the evidence for this document is found in the Integrated Strategic Needs Assessment Summary Review 2014-15; both follow three main themes of ‘Start Well’, ‘Live Well’ and ‘Age Well’.

14 (Blackburn with Darwen Borough Council, March 2015)
15 (Blackburn with Darwen Borough Council, 2015)
3. Key Considerations

Promoting Healthy Developments

**Key Consideration 1 – Promoting Healthy Developments**

_Proposals which have a positive impact upon health will be supported in principle._

3.1 The Council are keen to see the health of the Borough’s residents improved. Development proposals can support strong, vibrant and healthy communities and help create healthy living environments which should, where possible, include making physical activity easy to do and create places and spaces to meet to support community engagement and social capital\(^\text{16}\). As such, proposals for development which will encourage improvements to health will be welcomed in principle.

Health Impact Assessments

**Key Consideration 2 – Health Impact Assessments**

**Health Impact Assessments will be required for all developments which have the potential to impact on public health, with particular reference to obesity and related disorders, and illnesses associated with alcohol or smoking.**

**A Health Impact Assessment will be required for residential developments of 100 or more units, non-residential developments of 10,000m\(^2\) or more and for other developments where the proposal is likely to have a significant impact on health and wellbeing. Where significant impacts are identified, measures to mitigate the adverse impact of the development will be provided and/or secured by planning obligations.**

3.2 Where a form of development proposed would have an impact upon public health, triggering the requirements of Policy 33 (above) to be applied, a Health Impact Assessment (HIA) would be a useful tool in assessing this impact and providing measures to enhance positive impacts and mitigate negative impacts.

3.3 A Health Impact Assessment (HIA) has been defined as a combination of procedures, methods and tools by which a policy, programme or project may be judged as to its potential

\(^{16}\) (DCLG, 2015)
effects on the health of the population, and the distribution of those effects within a population.\(^{17}\) In practice, a HIA is a useful way to:

- Ensure that health and health disparities are considered in decision making
- Engage stakeholders in the process.

3.4 In addition to assessing the health implications, it also produces recommendations as to how the positive outcomes for health can be enhanced and how the negative consequences can be avoided or minimised. It aims to predict not only the overall consequences for a population but also the distribution of health impacts, for instance which groups will benefit and which groups lose or (at least) benefit less. It allows the overall equity impact of developments to be considered and is a valuable part of the planning process in considering the impacts in the round.

3.5 The Council has a screening toolkit and can assess whether a proposal would require a HIA prior to the application being submitted. This would be carried out as part of the pre-application process or can be carried out by the applicants. The completion of a HIA would be required where a proposed development may have the potential to impact on public health, with particular reference to food production or sale related developments due to the growing concern for local residents regarding obesity and related disorders, and illnesses associated with alcohol and smoking. The screening toolkit can be found in Appendix B. Health Impact Assessment Screening Tool.

3.6 Please note this is not an exhaustive list and there may be other categories of development where the council considers that the submission of an HIA is necessary. The Council is committed to ensuring that developments have a positive community impact and contribute towards addressing the wider determinants of health by promoting physical spaces and structures that have a positive impact of physical and mental health and wellbeing.

Hot Food Takeaways

**Key Consideration 3 – School Exclusion Zones**

Planning permission will not be granted for any new Use Class A5 (takeaway), or hybrid uses incorporating such uses, where proposals are located within the 400m exclusion zones (see Appendix A) around any primary or secondary school, madrassa, nursery or tertiary college; unless there are less than 5 existing takeaways within the 400m exclusion zone and the proposed hours of operation are outside the hours of use of the educational facility, in order to avoid influence.

\(^{17}\) Health Impact Assessment Guidance, (Blackburn with Darwen Borough Council, June 2014)
NB: In order to “avoid influence”, the Council would expect at least a 30 minute buffer between the opening time of the A5 use, or hybrid uses incorporating such uses, and the closing time of the education/teaching facility in liaison with the affected education/teaching facility.

3.7 For the first time, survey-based estimates of excess weight in adults are available at the local authority level\(^{18}\). These show that around 67.9% of Blackburn with Darwen adults are overweight or obese, which is significantly above the England average of 63.8%. Undeniably, the England average itself is hardly ideal, and the UK has one of the highest obesity rates in Europe. However, children in Blackburn with Darwen are not as likely to be overweight or obese as might be expected given the levels of deprivation in the Borough. In 2013-14, 23.5% of children came into this combined category in Reception year, rising to 32.5% in Year 6, but these proportions are not significantly different from the England average.

3.8 Research indicates that once obesity is reached, it is difficult to treat\(^{19}\). An obese adolescent is likely to remain so during adulthood, increasing the risk of many serious diseases such as type 2 diabetes, heart disease and reduced life expectancy. A report from the Nutrition Policy Unit of London Metropolitan University\(^{20}\) found that food outlets in close proximity to, and surrounding, schools were an obstacle to secondary school children eating healthily. As such, it is considered that takeaways, or hybrid uses incorporating such uses, within walking distance of schools are a contributing factor to the rising levels of obesity in the borough. Furthermore, whilst pupils in primary education should not be allowed out of school premises during the school day, research has indicated that the most popular time for purchasing food from shops is after school\(^{21}\).

3.9 In an effort to establish appropriate healthy eating habits and reduce the rate of childhood obesity, we are seeking to restrict the number of new hot food takeaways, or hybrid uses incorporating such uses, within the vicinity of primary schools, secondary schools, madrassas, nursery and tertiary colleges. It is appropriate to also apply an exclusion zone to primary schools/madrassas and nursery’s as this will help to support parents accompanying their children home, to make healthier choices.

3.10 The Council have determined that 400 metres is the nominal distance to propose “exclusion zones”. 400 metres is considered to be a reasonable walking distance, representing approximately a 5-10 minute walk, along with it being the standard distance between bus.

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18 (Story of Place) Integrated Strategic Needs Assessment, (Blackburn with Darwen Borough Council, March 2015)
19 (Summerbell, et al., 2011)
20 (Sinclair & Winkler, 2008)
21 (Sinclair & Winkler, 2008)
stops. Additionally, 400 metres is outlined within the Urban Design Compendium\textsuperscript{22} as a reasonable walking distance. Given the length of school break times, this is considered to be an appropriate distance to exclude new takeaway developments.

3.11 The 400m exclusion zone for each education facility is illustrated within Appendix A. Existing takeaways surrounding all primary or secondary schools, madrassas, nurseries or tertiary colleges have also been plotted. It is clearly apparent that in some areas there are significant clusters of takeaways.

3.12 In line with Policy 33, in certain circumstances, the Council may consider that a condition controlling the hours of opening may enable permission for the hot food takeaway, or hybrid uses incorporating such uses, to be granted; should the takeaway, or hybrid uses incorporating such uses, and education facility operate at different times in order to avoid influence on the nearby educational use. This will only be appropriate in areas where there are less than 5 existing takeaways within the 400m exclusion zone. This is because the LPA consider that there would not be a significant cluster of existing takeaways if there are less than 5 within a 400m exclusion zone.

3.13 In order to support our town centre first approach, the 400m exclusion zones will not exist within Blackburn and Darwen town centre boundaries.

Alcohol

Key Consideration 4 – Control of Alcohol Sales from Local and Convenience Shops

| Where new shops are permitted, the use will be restricted to ensure that the subsequent establishment of a stand-alone off-licence is not possible, without first needing to apply for planning permission. |

3.14 In the case of our Borough, it is the harm from alcohol consumption, rather than alcohol consumption itself, that displays a health concern. A convenient proxy measure of this harm is the number of alcohol-related hospital admissions. Out of 328 lower-tier local authorities, the Borough has the 30th highest rate, but does appear to be on an improving trend\textsuperscript{23}. The 2013 Trading Standards North West Young Persons’ Alcohol and Tobacco Survey found well over half of respondents (mainly aged 15-16) said they were at least ‘occasional’ binge drinkers. However, this may be an over-statement, as Indian and Pakistani pupils were

\textsuperscript{22} Urban Design Compendium, (Homes and Communities Agency, 2006)
\textsuperscript{23} Integrated Strategic Needs Assessment Summary Review 2014-2015 (Blackburn with Darwen Borough Council, 2015)
under-represented in the sample, and many Muslim young people do not drink at all. On the other hand, Blackburn with Darwen’s rate of hospital admissions of under-18s for alcohol-specific conditions is in the highest quintile nationally (although it is unexceptional for the North West)\(^24\).

**Smoking**

**Key Consideration 5 – Control of Shisha Cafés**

| Proposals for a shisha café will not be granted planning permission, unless it is very clearly demonstrated by the applicant that the proposed use will have no negative impact on the health of individuals or the public at large. |

\(3.15\) In 2013, the prevalence of smoking in Blackburn with Darwen improved to 22.5%, although this is still one of the higher rates in the North West, and significantly above the England average of 18.4%. Residents in the ‘Routine & Manual’ employment category are considerably more likely to smoke (29.6%), but this is also an improvement on previous years. It has been estimated that smoking costs the Borough’s economy £41.8m each year, when factors such as healthcare, lost productivity and fires are taken into account. We have improved on our smoking figures over recent years, but we still rank at 26th highest out of 150 upper-tier authorities; and the borough still compares poorly, however, on many smoking-related health outcomes, particularly smoking-attributable deaths from heart disease and stroke.\(^25\)

\(3.16\) The 2013 Trading Standards North West Young Persons’ Alcohol and Tobacco Survey found that of the 50% of pupils who had ever tried smoking, 21% were current smokers, and a high proportion (38%) had experimented with shisha smoking.\(^26\) Work is also under way to reduce the harms associated with smoking Shisha, which plays an increasingly important part in the social lives of young Asian people in the borough. Blackburn with Darwen and Lancashire Councils commissioned research from Durham University to investigate the facts, perceptions and policy implications surrounding Shisha smoking. This study found that almost half of Asian students surveyed at Preston and Blackburn Colleges had smoked Shisha in the preceding month.\(^27\)

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\(^24\) (Story of Place) Integrated Strategic Needs Assessment (Blackburn with Darwen Borough Council, March 2015)
\(^26\) (Story of Place) Integrated Strategic Needs Assessment (Blackburn with Darwen Borough Council, March 2015)
\(^27\) (Blackburn with Darwen Borough Council, 2015)
3.17 A study published by the British Medical Journal\textsuperscript{28} described shisha smoking as a “major global public health epidemic” with potential health consequences including acute carbon monoxide poisoning, lung cancer and heart disease. Given this mounting evidence, it is difficult to see how this could be demonstrated to have no impact on the health of individuals.

Allotments and Community Food Growing Spaces

\textit{Key Consideration 6 – Protection of Allotments and Community Food Growing Spaces}

The re-development of existing allotments/community food growing spaces will be discouraged where there is a proven demand\textsuperscript{29} for allotments/community food growing spaces in the local area. The re-development of an allotment/community food growing space should only be allowed if:

(i) The development can be accommodated without the loss of the function of the allotments/community food growing spaces;
(ii) The impact can be mitigated or compensated for through the direct provision of new or improved allotments/community food growing spaces elsewhere, or through the provision of a financial contribution to enable this to occur; or
(iii) The need for or benefits arising from the development demonstrably outweigh the harm caused, and the harm has been mitigated or compensated for so far as is reasonable.

\textit{Key Consideration 7 – Provision of new Allotments and Community Food Growing Spaces}

Proposals for new Allotments and Community Food Growing Spaces will be encouraged, particularly within major housing developments.\textsuperscript{30}

3.18 Allotments and community food growing spaces, in addition to providing green space in an area, provide opportunities for outdoor recreation, contributing to physical and mental wellbeing. Allotments and community food growing spaces provide a place for people to interact, and to produce healthy locally grown food, which can help to improve the diet of residents. The Green Infrastructure & Ecological Networks SPD advises that the Council will expect developers to explore opportunities to provide a range of green infrastructure on site, including allotments, amenity spaces, children’s play space, recreational areas and natural and semi-natural open spaces.

\textsuperscript{28} (Maziak, 2015)
\textsuperscript{29} “proven demand” needs to demonstrate a period of at least 6 months marketing of the site.
\textsuperscript{30} Advice to developers on how to include food growing in their development is available \textbf{here} and for more information on Council allotments, please see \textbf{here}. 

Key Considerations
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3.19 However, for the purposes of this SPD, we will focus on allotments and community food growing spaces, as growing your own food can contribute towards healthy eating that would ultimately improve the health of the borough’s residents. Furthermore, there has recently been an increased interest in ‘grow-your-own’ gardening as we have increasingly appreciated both the health and environmental benefits from locally growing your own fruit and vegetables. This growing popularity of ‘grow-your-own’ has resulted in a hefty waiting list for the Borough’s own garden plots, along with waiting lists for individual statutory allotment plots.
4. Planning Application Process

4.1 The guidance and best practice contained within this document will be used by the Council’s Planning Service as one of a number of considerations in the determination of planning applications.

4.2 Applicants are therefore strongly advised to have regard to this SPD when preparing planning applications within the Borough and are also encouraged, prior to the submission of applications, to request pre-application advice, including guidance on the implementation of this SPD. Please note that the provision of pre-application advice will involve a charge. Further information can be found on the Council’s website at www.blackburn.gov.uk.

4.3 You can contact the Council for advice about the planning application process by:

- Email: planning@blackburn.gov.uk
- Telephone 01254 585960 to speak to the Duty Planning Officer.
5. References

Blackburn with Darwen Borough Council. (March 2015). (Story of Place) Integrated Strategic Needs Assessment (ISNA).
NHS. (2015, April 04). Retrieved from Change for Life: www.nhs.co.uk/change4life
6. Appendices

A. 400m exclusion zones.
B. Health Impact Assessment Screening Tool.
C. Consultation Statement.
D. Adoption Statement.
E. Consolidated Screening Statement on the determination of the need for Strategic Environmental Assessment (SEA).
F. Summary of consultation responses on the draft SPD and the Sustainability Appraisal.
A. 400m Exclusion Zones

Map to show proximity of takeaways to schools in Darwen (400 metre radius)
A. 400m Exclusion Zones

Map to show proximity of takeaways to schools in the south of the Borough (400 metre radius)
**B. Health Impact Assessment Screening Tool**

<table>
<thead>
<tr>
<th>Project, programme of policy (&quot;development/activity&quot;) to be assessed:</th>
</tr>
</thead>
<tbody>
<tr>
<td>What is the development for? What is the context, history and/or background?</td>
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<tr>
<td>Does the activity concern any of the following determinants?</td>
</tr>
<tr>
<td><strong>Lifestyle</strong></td>
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<tr>
<td><strong>Physical environment</strong></td>
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<tr>
<td><strong>Social / economic environment</strong></td>
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<tr>
<td><strong>Other, please specify</strong></td>
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*If no health impacts are identified then the screening does not need to continue, but please ensure that this has been discussed with the appropriate Planning/Public Health colleague prior to discontinuation*

<table>
<thead>
<tr>
<th>Does this development have the potential to impact on health? Explain</th>
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<tbody>
<tr>
<td>What are the potential positive impacts?</td>
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<tr>
<td>What are the potential negative impacts?</td>
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<tr>
<td>Question</td>
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<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>What are the assumptions/risks embedded in or underpinning the development?</td>
</tr>
<tr>
<td>Are there any external factors which identify the nature and extent of the impacts on health for this type of development (e.g. research; policy changes etc.)</td>
</tr>
<tr>
<td>List the groups most likely to be affected by this proposal</td>
</tr>
<tr>
<td>What are some of the potential equity issues?</td>
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<tr>
<td>What (if any) are the mitigation measures proposed?</td>
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### Checklist

<table>
<thead>
<tr>
<th>Answers favouring doing an HIA</th>
<th>To your knowledge</th>
<th>Answers favouring not doing a HIA</th>
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<tbody>
<tr>
<td><strong>Health impacts</strong></td>
<td></td>
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</tr>
<tr>
<td>☐ Yes ☐ Not sure</td>
<td>Does the development affect health directly?</td>
<td>☐ No</td>
</tr>
<tr>
<td>☐ Yes ☐ Not sure</td>
<td>Does the development affect health indirectly?</td>
<td>☐ No</td>
</tr>
<tr>
<td>☐ Yes ☐ Not sure</td>
<td>Are there any potential serious negative health impacts that you currently know of?</td>
<td>☐ No</td>
</tr>
<tr>
<td>☐ Yes ☐ Not sure</td>
<td>Is further investigation necessary because more information is required on the potential health impacts?</td>
<td>☐ No</td>
</tr>
<tr>
<td>☐ No</td>
<td>Are the potential health impacts well known and is it straightforward to identify effective ways in which beneficial effects can be maximised and harmful effects minimised?</td>
<td>☐ Yes</td>
</tr>
<tr>
<td><strong>Community</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Yes ☐ Not sure</td>
<td>Is a large proportion of the population likely to be affected by the development (over 25% of the resident population)?</td>
<td>☐ No</td>
</tr>
<tr>
<td>☐ Yes ☐ Not sure</td>
<td>Are there any socially excluded, vulnerable, disadvantaged groups likely to be affected?</td>
<td>☐ No</td>
</tr>
<tr>
<td>☐ Yes ☐ Not sure</td>
<td>Are there any community concerns about any potential health impacts?</td>
<td>☐ No</td>
</tr>
<tr>
<td><strong>Initiative</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Yes ☐ Maybe</td>
<td>Is there some reason to suspect that health issues not considered in the planning process of this initiative might become more visible by doing an HIA?</td>
<td>☐ No</td>
</tr>
<tr>
<td>☐ Yes ☐ Maybe</td>
<td>Is the cost of the development high (over £100,000)?</td>
<td>☐ No</td>
</tr>
<tr>
<td>☐ Yes ☐ Maybe</td>
<td>Is the nature and extent of the disruption to the affected population likely to be major?</td>
<td>☐ No</td>
</tr>
<tr>
<td><strong>Organisation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Yes</td>
<td>Is the development a high priority/important for the organisation/partnership?</td>
<td>☐ No</td>
</tr>
<tr>
<td>☐ Yes ☐ Maybe</td>
<td>Are the individuals and organisations with a stake in this development likely to buy into the HIA process?</td>
<td>☐ No</td>
</tr>
<tr>
<td>☐ Yes ☐ Maybe</td>
<td>Is there potential to change the proposal? Will there be any other similar proposals in the future?</td>
<td>☐ No</td>
</tr>
</tbody>
</table>

FOR = [Total]

AGAINST = [Total]
Choosing which HIA to do

<table>
<thead>
<tr>
<th>Health Impact Statement</th>
<th>Type of HIA</th>
<th>Comprehensive</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Yes</td>
<td>Is there only limited time in which to conduct the HIA?</td>
<td>☐ No</td>
</tr>
<tr>
<td>☐ Yes</td>
<td>Is there only limited opportunity to influence the decision?</td>
<td>☐ No</td>
</tr>
<tr>
<td>☐ Yes</td>
<td>Is the timeframe for the decision-making process set by external factors beyond your control?</td>
<td>☐ No</td>
</tr>
<tr>
<td>☐ Yes</td>
<td>Are there only very limited resources available to conduct the HIA?</td>
<td>☐ No</td>
</tr>
</tbody>
</table>

Is a HIA appropriate?  ☐ Yes  ☐ No

Why or why not?

If yes, what type and how?

Recommendations / comments

Completed by:  Date:
C. Consultation Statement

In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012: Regulation 12, which came into effect on 6 April 2012, the Council is obliged to prepare a statement relating to preliminary consultations carried out during its preparation of the draft SPD. The regulations require a copy of the statement to be made available with the consultation draft SPD.

This statement is intended to provide information on the persons consulted during the preparation of the document, a summary of the main issues raised and an explanation of how these issues have been addressed in the consultation draft.

A scoping letter was sent in April 2015 to health professionals, businesses, education facilities and parish councils on the Council’s list of consultation bodies. No responses were received to the scoping letter.

The public consultation process on the Draft SPD was carried out from 18 September to 30 October 2015. A number of statutory consultees and organisations/individuals on the Council’s list of consultation bodies were consulted and the SPD was placed on the Council’s website. 5no. consultation responses were received and considered; and changes to the document made as necessary. A summary of the consultation responses is set out within Appendix E below.
D. Adoption Statement

Planning and Compulsory Purchase Act 2004


Planning for Health Supplementary Planning Document


Under Regulation 11 and the following paragraphs of the Town and Country Planning (Local Planning) (England) Regulations 2012 (SI 2012 No.767):-
Para 2 (b) no modifications were made to the SPD pursuant to section 23(1) of the Planning and Compulsory Purchase Act 2004;
Para 2(c) any person with sufficient interest in the SPD may apply to the High Court for permission to apply for judicial review of the decision to adopt the SPD;
Para 2(d) any application for a judicial review must be made promptly and in any event not later than three months after the date on which the SPD was adopted.
E. Consolidated Screening Statement on the determination of the need for Strategic Environmental Assessment (SEA)

Consolidated Screening Statement on the determination of the need for Strategic Environmental Assessment and / or Appropriate Assessment for:

Planning for Health
Supplementary Planning Document

June 2015
Updated January 2016 (to take account of adoption of Local Plan Part 2)

1. Introduction

Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009

The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009 came into force on 06 April 2009. This change to legislation in England removed the automatic need for a Sustainability Appraisal (SA) of Supplementary Planning Documents (SPDs). An explanatory note from the Office of Public Sector Information confirms that a SA will still be required if an SPD requires Strategic Environmental Assessment (SEA). The note states:

“LPAs will still need to screen their SPDs to ensure that legal requirements for SA are met where there are impacts that have not been covered in the appraisal of the parent DPD or where an assessment is required by the SEA Directive”.

The Planning Practice Guidance states that Supplementary Planning Documents do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already been assessed during the preparation of the Local Plan, or deal only with a small area at a local level. In order to determine whether significant environment effects are likely the Council should take into account the criteria specified in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004 and consult the consultation bodies.


The Habitats Regulations require policies to be screened to consider whether they have any significant impacts on designated habitats of European importance (“Natura 2000 sites”).

2. The Supplementary Planning Document (SPD)
The SPD will form part of the Council’s suite of planning policies and guidance. Blackburn with Darwen experiences significantly higher than average levels of poor health among its population and the health of people in Blackburn with Darwen is generally worse than the England average\textsuperscript{32}. Particular issues are obesity and related illnesses, diseases related to smoking, and the effects of alcohol\textsuperscript{33}. The Council and its partners are also particularly concerned about the health of young people, both in terms of immediate term safeguarding and the potential long term consequences that aspects of their lifestyles will have for their health.

Blackburn with Darwen Borough Council recognises the important contribution that planning can make to improving public health and wellbeing. Well-designed development proposals can support strong, vibrant and healthy communities and help create healthy living environments that encourage people to adopt healthier lifestyles. The Council and its partners are engaged in a range of long term actions to address these issues, as well encouraging people to take greater responsibility for the choices they make themselves. Planning is one aspect of these actions, where we can make a positive impact towards improving health within the borough. As such, the SPD will provide supporting information and guidance on how our environment, and the planning decisions made, impacts upon the health of the population of Blackburn with Darwen. The SPD does not itself propose any development or include any information on specific sites.

3. The SPD within the plan hierarchy
The SPD is a lower level document in the plan hierarchy below the Core Strategy. It supplements and interprets the following policies in the Core Strategy:-

- Policy CS1: A Targeted Growth Strategy
- Policy CS7: Types of Housing
- Policy CS11: Facilities and Services
- Policy CS13: Environmental Strategy
- Policy CS16: Form and Design of New Development
- Policy CS19: Green Infrastructure
- Policy CS20: Cleaner, Safer, Greenerer
- Policy CS22: Mitigation of Impacts/Planning Gain
- Policy CS23: Tackling Worklessness

In addition, the SPD will principally address the following adopted Local Plan Part 2 policies:

- Policy 33: Health
- Policy 9: Development and the Environment
- Policy 38: Green Infrastructure on the Adopted Policies Map
- Policy 40: Integrating Green Infrastructure with New Development

\textsuperscript{32} Blackburn with Darwen: Health Profile, Public Health England, 2014
\textsuperscript{33} Integrated Strategic Needs Assessment Summary Review 2014-2015, Blackburn with Darwen Borough Council, 2015
The SPD does not (and cannot) create new policy in its own right.

4. The screening process: Sustainability Appraisal

The screening process as set out in Regulation 9 and Schedule 1 of the Regulations includes two sets of criteria for determining the likely significance of effects on the environment. These relate to firstly the characteristics of the SPD and secondly the characteristics of the effects and of the area likely to be affected. There are criteria and questions relating to each of these which are set out in the following tables:

Table 1: Characteristics of the SPD

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Is there an effect?</th>
<th>Significant environmental effect?</th>
<th>Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td>a)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The degree to which the SPD sets a framework for projects and other activities, either with regard to location, nature, size and operating conditions or by allocating resources.</td>
<td>Yes</td>
<td>No</td>
<td>The Blackburn with Darwen Core Strategy sets the planning framework for the borough. The SPD is a lower level document in the hierarchy of plans and is below the Core Strategy and Local Plan Part 2. The SPD will provide supporting information and guidance on planning for health for decision-makers and developers, along with setting out key considerations for assessing developments with particular reference to obesity and related disorders, and illnesses associated with alcohol or smoking.</td>
</tr>
<tr>
<td>b)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The degree to which the SPD influences other plans including those in a hierarchy.</td>
<td>No</td>
<td>No</td>
<td>The SPD is the lowest tier of the plan hierarchy as set out above. As such it is influenced by them but does not have any significant influence on them.</td>
</tr>
<tr>
<td>c)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The relevance of the SPD for the integration of environmental considerations in particular</td>
<td>Yes</td>
<td>No</td>
<td>The SPD provides additional guidance on the delivery of the higher level Development Plan policies. Through following the key</td>
</tr>
<tr>
<td>Criteria</td>
<td>Is there an effect?</td>
<td>Significant environmental effect?</td>
<td>Justification</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>---------------------</td>
<td>-----------------------------------</td>
<td>-------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>with a view to promoting sustainable development.</td>
<td></td>
<td></td>
<td>considerations in the SPD, planning will contribute positively towards improving health and support sustainable development.</td>
</tr>
<tr>
<td>d) Environmental problems relevant to the SPD.</td>
<td>Yes</td>
<td>No</td>
<td>The SPD supplements adopted policy and does not introduce new policy. There are no environmental problems relevant to the plan, as it does not make provision for any additional development. Its provisions will enable environmental improvements and although this effect should be positive, it is not considered to be significant in its magnitude and does not go beyond national and local policy frameworks.</td>
</tr>
<tr>
<td>e) The relevance of the SPD for the implementation of Community (EC) legislation on the environment (e.g. plans and programmes linked to waste management or water protection).</td>
<td>No</td>
<td>No</td>
<td>The SPD supplements the higher level Development Plan policies but does not introduce any new policy initiatives.</td>
</tr>
</tbody>
</table>

Table 2: Characteristics of the effects and of the area likely to be affected

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Significant environmental effect?</th>
<th>Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) The probability, duration, frequency and reversibility of the effects of the SPD.</td>
<td>No</td>
<td>The SPD supplements the higher level Development Plan policies but does not introduce any new policy initiatives. The overall outcome is anticipated to improve the health of the borough’s population. Although this effect should be positive, it is not considered to be significant in its magnitude and does not go beyond national and local policy frameworks.</td>
</tr>
<tr>
<td>b)</td>
<td>The cumulative nature of the effects</td>
<td>No</td>
</tr>
<tr>
<td>c)</td>
<td>The transboundary nature of the effects of the SPD</td>
<td>No</td>
</tr>
<tr>
<td>d)</td>
<td>The risks to human health or the environment (e.g. due to accidents)</td>
<td>No</td>
</tr>
<tr>
<td>e)</td>
<td>The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)</td>
<td>No</td>
</tr>
<tr>
<td>f)</td>
<td>The value and vulnerability of the area likely to be affected due to: i. Special natural characteristics or cultural heritage; ii. Exceeded environmental quality standards or limit values; or iii. Intensive land use.</td>
<td>No</td>
</tr>
</tbody>
</table>

Appendix D
Page 34
5. Statement of Determination of the need for Strategic Environmental Assessment / Sustainability Appraisal

Determination of the need for SEA
The screening exercise (Section 4 above) established that the Planning for Health SPD is unlikely to give rise to any significant environmental effects. This is primarily because the SPD elaborates existing Core Strategy and Local Plan Part 2: Site Allocations and Development Management Policies, without introducing an overall change in policy direction. Therefore it is considered that a Strategic Environmental Assessment is not required for the Planning for Health SPD.

The document will not put forward new policies, rather it will only expand or provide further details to existing policies. As such it will only have negligible and localised positive impacts, rather than the broader impacts that may be seen from a strategy / supplementary planning document directing both the form and location of new development.

6. The Screening Process: Habitats Regulations
Blackburn with Darwen’s Core Strategy has already been subject to a Habitats Regulations screening exercise which concluded that no Appropriate Assessment was needed for the Core Strategy. The only potential significant effect identified arose from the potential development of specific sites which may have been used by birds migrating to a Natura 2000 site outside the Borough. The screening report concluded that this was best addressed in relation to the Council’s Local Plan Part 2: Site Allocations and Development Management Policies.

The Local Plan Part 2: Site Allocations and Development Management Policies has also been subject to a Habitats Regulations screening exercise, which also concluded that there would be no likely significant effects on any European sites. Furthermore, the Blackburn with Darwen Borough Submission Version Local Plan: Part 2 (July 2014) Table of Modifications was determined to have no likely significant effects either alone or in combination upon any internationally designated site.

Therefore due to the nature of the SPD and existing higher tier policies and assessment, the SPD is unlikely to have a significant effect on any European site and can therefore be screened out from any requirement for further assessment.

7. Statement of Determination of the need for Appropriate Assessment of the SPD
The SPD does not propose the development of any site. It is concluded that the requirements of the Habitats Regulations are adequately addressed by the screening carried out in relation to the Core Strategy, and the Local Plan Part 2: Site Allocations and Development Management Policies.

8. Consultation with statutory bodies
We have consulted with the following statutory bodies. All responses will be recorded in Appendix D of the SPD.

- Historic England
- Natural England
- Environment Agency
## F. Summary of consultation responses on the draft SPD and the Sustainability Appraisal

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Comments</th>
<th>Officer response to comment</th>
<th>Are amendments needed to the SPD? Is a SA required?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sustainability appraisal consultation: 17 June 2015</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Environment Agency</td>
<td>Agree that SEA is not required</td>
<td>Noted</td>
<td>No amendments needed. SA not required.</td>
</tr>
<tr>
<td>Historic England</td>
<td>Agree that SEA is not required</td>
<td>Noted</td>
<td>No amendments needed. SA not required.</td>
</tr>
<tr>
<td>Natural England</td>
<td>Agree that SEA is not required</td>
<td>Noted</td>
<td>No amendments needed. SA not required.</td>
</tr>
<tr>
<td><strong>Public consultation on draft Supplementary Planning Document (SPD)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Suggested the insertion of a hyperlink to advise developers on how to include food growing in developments.</td>
<td>Noted.</td>
<td>Yes - Suggestion inserted into the document.</td>
</tr>
<tr>
<td>Natural England</td>
<td>Natural England does not consider that this Draft Planning for Health Supplementary Planning Document poses any likely risk or opportunity in relation to our statutory purpose, and so does not wish to comment on this consultation.</td>
<td>Noted.</td>
<td>No.</td>
</tr>
<tr>
<td>Organisation</td>
<td>Comments</td>
<td>Officer response to comment</td>
<td>Are amendments needed to the SPD?</td>
</tr>
<tr>
<td>--------------</td>
<td>----------</td>
<td>-----------------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>SSA Planning (on behalf of Kentucky Fried Chicken (Great Britain) Limited)</td>
<td>We consider that no regard has been given to national policy and advice in preparing Key Consideration 3 because none of the National Planning Policy Framework (NPPF) policies deal with dietary issues. This means that the draft SPD does not comply with sub-section 19 (2) (a) of The Planning and Compulsory Purchase Act 2004 (PCPA04). Specifically, taking into account proximity of hot food takeaways to educational or childcare establishments has no basis in national policy and national practice guidance simply refers to a briefing paper containing case studies on the issue. Indeed, restricting accessibility to services and facilities is directly contrary to national policy. We consider that no regard has been given to national policy and advice in preparing Key Consideration 3 because the draft SPD conflicts with NPPF paragraph 153 in that it would clearly add unnecessarily to the financial burdens on development. We do not consider a reasoned justification for the draft policy has been substantially provided in accordance with regulation 8 (2) of The Town and</td>
<td>The NPPF does not provide specific national policy on hot food takeaways locations, and as such, restrictions on hot food takeaways can be incorporated into local policy. The NPPF does refer specifically to planning needing to take account of the health status and needs of the local population. Furthermore, the courts recognise the location of hot food premises is relation to a school as a material consideration – see R (on the application of Copeland) v Tower Hamlets London Borough Council (2010). The content of the SPD is compliant with the regulations. It expands upon adopted Policy 33 of the Local Plan Part 2, by defining and clarifying</td>
<td>No.</td>
</tr>
</tbody>
</table>

Appendix E
Page 38
<table>
<thead>
<tr>
<th>Organisation</th>
<th>Comments</th>
<th>Officer response to comment</th>
<th>Are amendments needed to the SPD? Is a SA required?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Country Planning (Local Planning) (England) Regulations 2012. Neither the text at paragraphs 3.8 – 3.14 nor the evidence base referred to support such restrictions on food and drink uses.</td>
<td>“vicinity” in relation to education facilities with regards to hot food, or hybrid, uses. It does not go beyond the scope of the adopted policy. Policy 33 has been found sound through examination and subsequently adopted as part of the Council’s Local Plan Part 2.</td>
<td>No.</td>
<td></td>
</tr>
<tr>
<td>Organisation</td>
<td>Comments</td>
<td>Officer response to comment</td>
<td>Are amendments needed to the SPD? Is a SA required?</td>
</tr>
<tr>
<td>--------------</td>
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<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>the SPD could rely on it as required by regulation 8 (3) of the Town and Country Planning (Local Development) (England) Regulations 2012.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>We remain of the view that there is so far no evidence of a causal spatial link between clusters of hot food takeaways and incidence of obesity or overweight. In order to be useful, there would need to be evidence of a specific intensity of cluster of hot food takeaways above which harm occurs or is noticeably greater. This is not demonstrated in evidence. Indeed, there is no evidence at all of a causal link between the proximity or clustering of hot food takeaways and obesity or overweight incidence.</td>
<td>There is a wealth of evidence to demonstrate the links between fast food, school proximity and obesity. See (Public Health England, March 2014).</td>
<td>No.</td>
</tr>
<tr>
<td></td>
<td>As it is usually impractical to apply a maximum frontage proportion outside centres, the suggested 400 m distance could be applied, within which the proportion (rather than number) of units, be they in- or out-of-centre,</td>
<td>As detailed within 3.11, the Council have determined that 400 metres is the nominal distance to propose “exclusion zones”. 400 metres is considered to be a reasonable walking distance, representing approximately a 5-10</td>
<td>No.</td>
</tr>
<tr>
<td>Organisation</td>
<td>Comments</td>
<td>Officer response to comment</td>
<td>Are amendments needed to the SPD?</td>
</tr>
<tr>
<td>--------------</td>
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</tr>
<tr>
<td></td>
<td>used as hot food takeaways would not be permitted to exceed the same threshold as set for centres. In adopting such an approach, it would be preferable to consider optimal proportions of all retail uses that could contribute to healthy centres or to a healthy offer generally, whether in- or out-of-centre, instead of focussing on particular uses considered to be a problem, apparently for wider social reasons unrelated to retail planning.</td>
<td>minute walk, along with it being the standard distance between bus stops. Additionally, 400 metres is outlined within the Urban Design Compendium(^\text{34}) as a reasonable walking distance. Given the length of school break times, this is considered to be an appropriate distance to exclude new takeaway developments.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>If the draft SPD remains specific to particular use classes, then it or its supporting text should clarify how development that merely contains an element of hot food takeaway use (for example, a restaurant and hot food takeaway with neither one predominating) would be considered and whether other factors might be considered.</td>
<td>Adopted Local Plan Policy 33 details that “The development of hot food takeaways (use class A5), or of hybrid uses incorporating such uses, will not be permitted in locations where it is likely to lead to an increase in the consumption of takeaway food by young people, including the vicinity of any primary or secondary school or</td>
<td></td>
</tr>
</tbody>
</table>

\(^{34}\) Urban Design Compendium, (Homes and Communities Agency, 2006)
<table>
<thead>
<tr>
<th>Organisation</th>
<th>Comments</th>
<th>Officer response to comment</th>
<th>Are amendments needed to the SPD?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The inclusion of primary schools is particularly problematic, as it is clear that children at primary schools are not usually permitted to leave the premises at lunchtime and, given their age, are unlikely to travel to or from school unaccompanied. Outside school time, children’s diets are quite properly the responsibility their parents or guardians.</td>
<td>It is deemed appropriate to also apply a takeaway exclusion zone to primary schools/madrasas and nursery’s as this will help to support parents accompanying their children home, to make healthier choices. Furthermore, this is also detailed within adopted Local Plan Policy 33.</td>
<td>No.</td>
</tr>
<tr>
<td></td>
<td>A further difficulty of using simple distance radii as shown on the maps is that it takes no account of real barriers, either physical or perceptual, so that premises on the other side of a line feature such as a canal or busy road could be affected despite in reality being more than that distance walk away.</td>
<td>Noted. 400m is a nominal distance and does not take account of “real barriers”, and each case will be assessed on its own merits.</td>
<td>No.</td>
</tr>
<tr>
<td>Organisation</td>
<td>Comments</td>
<td>Officer response to comment</td>
<td>Are amendments needed to the SPD?</td>
</tr>
<tr>
<td>--------------</td>
<td>----------</td>
<td>-----------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>Planware Ltd (on behalf of McDonald’s)</td>
<td>The content of the draft SPD is not compliant with the Framework and needs rewriting. It appears that the proposed SPD will add further restrictions to the location of A5 uses above and beyond the scope of the adopted policy. The draft SPD is not compliant with the Framework and therefore it is unlikely any revision would not be compliant with the Framework either.</td>
<td>The content of the SPD is compliant with the NPPF. It expands upon adopted Policy 33 of the Local Plan Part 2, by defining and clarifying “vicinity” in relation to education facilities. It does not go beyond the scope of the adopted policy. Policy 33 has been found sound through examination and subsequently adopted as part of the Council’s Local Plan Part 2.</td>
<td>No.</td>
</tr>
</tbody>
</table>

Restricting the location of new A5 proposals within the borough is not a positive approach to planning. The policy takes an ambiguous view of A5 uses in relation to the proximity to secondary schools, primary schools and colleges. It applies an over-generic approach to resist development with little sound planning reasoning or planning justification. This is contrary to Para 14 of the Framework which advises authorities to positively seek opportunities to meet development needs of their area.

The NPPF does not provide specific national policy on hot food takeaways locations, and as such, restrictions on hot food takeaways can be incorporated into local policy. The NPPF does refer specifically to planning needing to take account of the health status and needs of the local population.

Furthermore, the courts recognise the location of hot food premises is relation to a school as a material consideration – see R (on the application of Copeland) v Tower Hamlets London Borough Council (2010).

<p>| Are a SA required? | No. | No. |</p>
<table>
<thead>
<tr>
<th>Organisation</th>
<th>Comments</th>
<th>Officer response to comment</th>
<th>Are amendments needed to the SPD?</th>
<th>Is a SA required?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The explanation of the policy at paragraph 2.5 of the plan refers to health and wellbeing in national planning policy. This is an incorrect interpretation of section 8 of the Framework. That section, and no other section makes reference to dietary choice or medical health and take aways. That section only refers to communities in terms of social, recreational and cultural facilities. There is no reference to “fitness” in the Framework.</td>
<td>NPPF Paragraph 171 titled Health and Wellbeing details that “Local planning authorities should work with public health leads and health organisations to understand and take account of the health status and needs of the local population (such as for sports, recreation and places of worship), including expected future changes, and any information about relevant barriers to improving health and well-being.” Fitness is encompassed in a person’s health and wellbeing.</td>
<td>No.</td>
<td></td>
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<td>Appendix A illustrates the significance of these restriction zones and highlights the extent and implications such a policy would have on prospective investment into the area from a land use perspective. This demonstrates the potential embargo against A5 uses.</td>
<td>The SPD clarifies part 2 of adopted Policy 33. There is no embargo against A5, or hybrid, uses intended. The uses may be acceptable, dependent upon their opening times or the number of other A5, or hybrid, uses in the vicinity.</td>
<td>No.</td>
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<td>There is a lack of evidence to demonstrate the link between fast food, school proximity and obesity.</td>
<td>There is a wealth of evidence to demonstrate the links between fast food, school proximity and obesity. See (Public Health England, March 2014).</td>
<td>No.</td>
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<td>The policy does not restrict the location of new A1, A3 or A4 uses within the 800m zones and therefore the sale of food and drink will still</td>
<td>Hot Food Takeaways, or hybrid uses, cause the most concern in terms of their impact upon obesity, which is supported by various evidence.</td>
<td>No.</td>
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<td>Organisation</td>
<td>Comments</td>
<td>Officer response to comment</td>
<td>Are amendments needed to the SPD? Is a SA required?</td>
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<td>occur. The proposed approach is therefore not effective and is unjustified. The policy will place a moratorium against one use class of development, but will not meet the ambition of the policy.</td>
<td>Whilst other uses may have an impact, the LPA feels that this approach may improve the health of the borough’s residents in the most sustainable manner.</td>
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<td>There is lack of evidence to demonstrate that purchases in fast food outlets are any more or less healthy than purchases in other A Class premises.</td>
<td>Noted – although in general terms, hot food takeaways offer more unhealthy food choices, as shown by our evidence.</td>
<td>No</td>
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<td>Only limited purchases of food are made at A5 uses on journeys to and from school.</td>
<td>Noted. This will also reduce on successful implementation of the SPD and Policy 33.</td>
<td>No</td>
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<td>We consider that restricting the location of hot food takeaways as proposed would be unsound and fails to meet the four tests of the Framework. It is not a positive approach to planning; justified; effective; or consistent with national planning policy.</td>
<td>The LPA does not agree with this statement. Policy 33 is adopted planning policy and the SPD simply expands and clarifies the details. Many other LPA’s SPDs have location zones for the sale of hot food. See St Helens, South Ribble, Bolton etc.</td>
<td>No</td>
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<td>Keith Murray</td>
<td>Allotments must be sited away from residential areas, they often look untidy, particularly untended plots, can create a smoke nuisance when burning rubbish, often contain home made and dilapidated buildings. They are an</td>
<td>Noted. This can be the case at some allotments or community food growing spaces. These concerns will be considered against adopted design and landscape polices.</td>
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<td>opportunity for vandalism and generally not appreciated by local residents as adding to their property value. Unless all allotments are in full use, some will be overgrown and untidy.</td>
<td>Noted. These issues would be dealt with during the detailed planning application process.</td>
<td>No.</td>
<td>No.</td>
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<td>If they are to be provided as part of site developments they need to be carefully considered, provided with adequate drainage, car parking, security fencing, water supply and an organised and responsible management organisation who will manage and administer the site. Will the allotments be Statutory, garden areas, community or private? None of these questions or the facilities to be provided are examined in this SPD but will influence the costs and commitments required to be a success rather than a problem.</td>
<td>Noted. These issues would be dealt with during the detailed planning application process.</td>
<td>No.</td>
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<td>I am pleased to see that Key consideration 6 is included, however the impact of moving already established allotments cannot be mitigated by simply providing an alternative site. It take many years to thoroughly cultivate each allotment, get the drainage working effectively organise which plants survive best in a particular area. The prevailing wind, siting relative to the south and</td>
<td>Noted. These issues would be dealt with during the detailed planning application process.</td>
<td>No.</td>
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<td>any slope all have a significant impact on growing conditions and what other provisions have to be made to shelter plants. Sub paras ii and iii cannot mitigate for moving an already established site.</td>
<td>Noted. This can be the case at some allotments or community food growing spaces, however, the Council is keen to encourage sustainable food sources.</td>
<td>No.</td>
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<td>Key Consideration 7 - As stated above, allotments and new housing will not mix well and need to be carefully sited with the right provisions for growing. My experience of Community gardens is that they start off with enthusiasm but quickly but are not adequately tended to produce crops. I am aware of at least one community allotment, just one year old which has failed to produce any harvestable crops due to a lack of commitment.</td>
<td>The SPD is not intended to designate statutory allotments.</td>
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<td>The provision of Statutory Allotments in Darwen on existing sites should be included in the SPD. Darwen always seems to lag behind Blackburn in being provided with most amenities and the lack of Statutory allotments needs to be corrected now. The Council can designate appropriate current garden sites and arrange Statutory protection now.</td>
<td>The SPD is not intended to designate statutory allotments.</td>
<td>No.</td>
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