

**Meeting:** Council Meeting

**Date:** 6 April 2017

**Wards Affected:** All

**Report Title:** Healthy Torbay Supplementary Planning Document

**Is the decision a key decision?** Yes

**When does the decision need to be implemented?** Immediately

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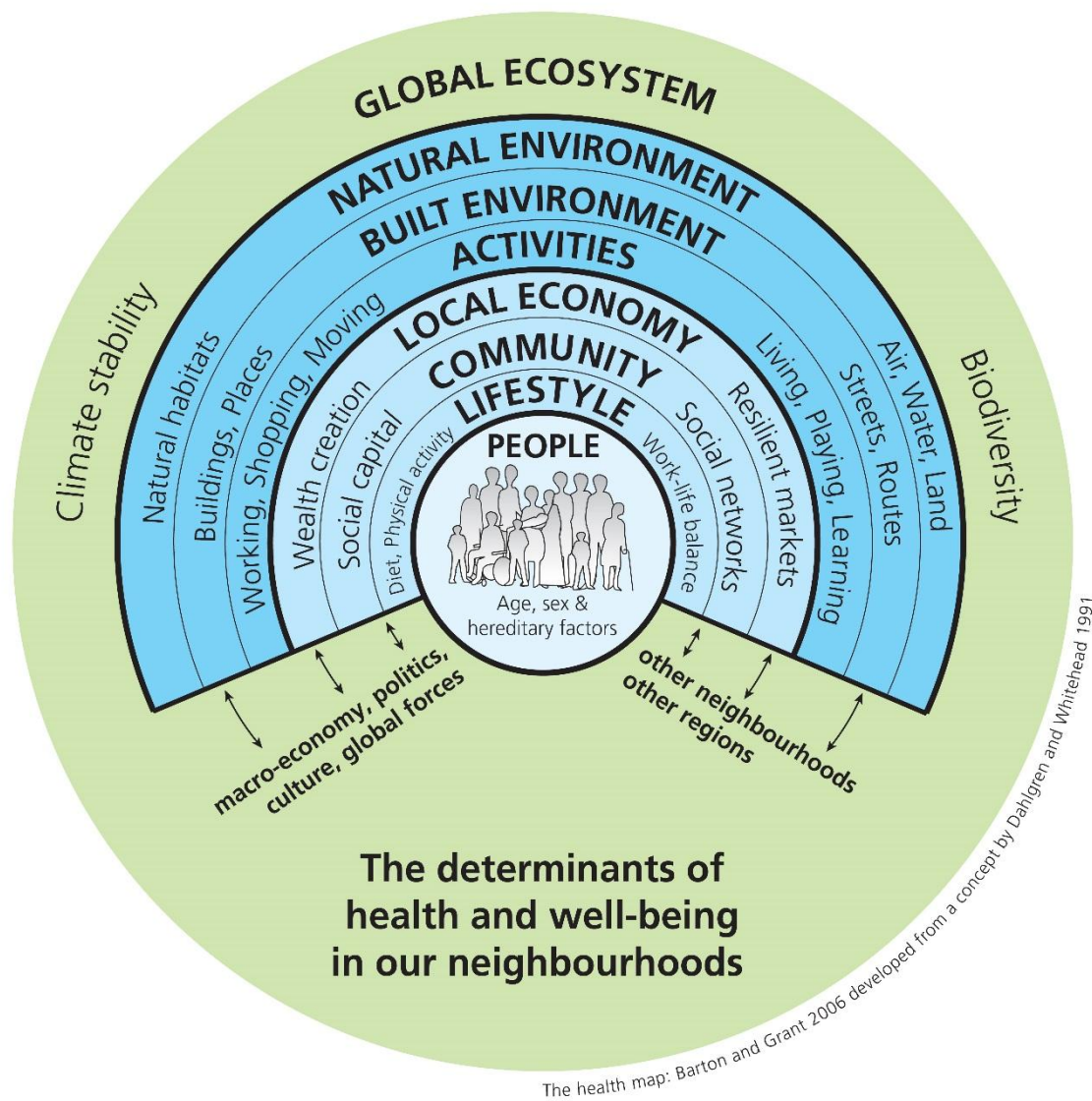
## 1. Proposal and Introduction

- 1.1 The Healthy Torbay Supplementary Planning Document (SPD) has been produced in order to provide spatial planning guidance (for use in determining planning applications by the local planning authority) on a number of matters related to health and wellbeing in Torbay.
- 1.2 The Council, as the Local Planning Authority (LPA), is able to produce SPDs and once adopted they hold material weight in the decision-making process for determining planning applications. The Healthy Torbay SPD articulates the relationship between spatial planning and public health in Torbay, i.e. that public health outcomes are intrinsically linked to the built and natural environment. The SPD then adds further guidance relating to a number of over-arching policies which seek to promote health that are contained within the Torbay Local Plan.
- 1.3 The Healthy Torbay SPD includes a range of guidance covering a range of matters relating to health and wellbeing, including but not limited to health impact assessment, healthy design, active travel, healthy food environments, community investment areas (tackling multiple deprivation), greenspaces, pollution, local employment and supporting new models of care.
- 1.4 The Policy Development and Decision Group (Joint Operations Team) considered the final draft Healthy Torbay Supplementary Planning Document (SPD) at its

meeting held on 29 March 2017. Members considered a revised officer recommendation which proposed that paragraph 4.5.1 of the Healthy Torbay Supplementary Planning Document be amended in respect of guidance promoting healthy food environments, as recommended by the cross-partnership Torbay Healthy Weights Steering Group. This is to provide clarity that new hot food takeaways within district, local and neighbourhood centres will be restricted where they would lead to more than 10% of the total existing retail frontage consisting of hot food takeaways. The Mayor recommended the Council adopts the SPD as set out in Appendix 1 to this report, which includes the revised paragraph 4.5.1.

## 2. Reason for Proposal

- 2.1. There is a significant evidence base which strongly concludes that health and wellbeing is considerably influenced by environmental, social and economic factors (referred to as 'the wider determinants of health'). That is to say, the places which people live, work and play have a large influence on population health



- 2.2. Decisions taken through the planning system, through influencing how our built and natural environment changes through development, is a major opportunity for the Council to influence these wider determinants of health.

- 2.3. The Council's Corporate Plan sets the ambition for delivering a *Prosperous and Healthy Torbay*. The relationship between economic success and a healthy population are closely linked. Economic factors such as socio-economic status and the rate of employment/unemployment have an influence on life-expectancy and morbidity as well as physical and mental wellbeing. Socio-economic status in particular is the major driver for inequality in health within our communities. The health of our population influences labour productivity, labour supply and education of the workforce. The economic cost and burden of illness weighs heavily and directly on public health finances. The cost of inequality of ill health in Torbay (difference between those in good health and bad health) is estimated at £160 million per year. In order to deliver positive economic outcomes, the Council and its partners must deliver good health outcomes for its communities (and vice-versa).
- 2.4. In Torbay, there is a gap in life expectancy of around 8 years between the most and least deprived communities. Torbay experiences the highest levels of deprivation in the South West, the main reasons for which are income, employment, health and disability. Obesity and physical activity rates are significantly higher in Torbay than the regional averages – 33% of 11 year olds are obese or overweight, 68.4% of adults have excess weight. 29.9% of adults are not physically active. Treating diseases related to obesity and excess weight cost the NHS in Torbay £47 million per year. Tackling the causes of ill health is complex and requires a multi-faceted and integrated approach between the wider public sector and society. The Healthy Torbay SPD provides a component of that approach in helping the local authority to promote good health through the development planning process.

### **3. Recommendation(s) / Proposed Decision**

That the Council be recommended:

- 3.1 That, following consideration of representations made on the Draft Healthy Torbay Supplementary Planning Document (SPD), the SPD be adopted, with minor modifications as set out in Appendix 1 to the submitted report.
- 3.2 That the Executive Head of Business Services and Director of Public Health, in consultation with the Executive Lead for Planning, Transport and Housing and the Executive Lead for Health and Wellbeing and Corporate Services be given delegated powers to make minor amendments to the Healthy Torbay Supplementary Planning Document to ensure legibility and clarity.

### **Appendices**

Appendix 1: Healthy Torbay Supplementary Planning Document

### **Background Documents**

- Health Torbay Supplementary Planning Document Consultation Draft (February 2017) - <http://www.torbay.gov.uk/media/8994/healthy-torbay-spd-draft-for-public-consultation.pdf>

## Section 1: Background Information

### 1. What is the proposal / issue?

The Council adopted the Torbay Local Plan in December 2015. This document forms the Council's statutory 'development plan' which guides decision-making in respect of planning decisions. As part of the toolkit of planning policy measures available to a local planning authority (LPA) and as enabled by the adoption of the latest Torbay Local Plan, the Council is able to produce and adopt Supplementary Planning Documents (SPD) which add useful detail to the Local Plan policies in order to better secure environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land. Once adopted by the Council (having been through a process of production in accordance with the Town and Country Planning Regulations) SPDs hold legal weight as material considerations in the consideration of planning applications.

The Council has produced a number of SPDs in this regard including the town centre and future growth area Masterplans and, most recently, the Planning Contributions and Affordable Housing SPD.

Within the Local Plan, the Council has committed to producing SPD's to further the practical implementation of policies in the Local Plan. Further information in this regards is detailed in the latest version of the Torbay Local Development Scheme (LDS). One of those documents is a 'Healthy Torbay SPD' to add further detail on a number of issues relating to the attainment of health and wellbeing through the development management process including health impact assessment (HIA), healthy design, healthy food environments and tackling health inequalities.

### 2. What is the current situation?

Currently the Council has no SPD guidance which expands on the Council's approach to ensuring new development contributes to improving the health and wellbeing of the community. Although the headline policies in the adopted Torbay Local Plan relating to health and wellbeing (perhaps most obviously SS11 Sustainable Communities and SC1 Healthy Bay) are currently being positively used to guide development towards better health outcomes, the Local Plan is very clear that further guidance on these matters is necessary and will be forthcoming in order to provide certainty to the development industry on the LPA's requirements of development and help guide the production of successful planning applications. Furthermore, the production of the SPD has drawn upon the latest local evidence on health matters in Torbay, experience of implementing the Local Plan over the past 12 months and best practice guidance. Bringing these elements together within a formal SPD gives these matters material weight for decision making, provides greater clarity to the development industry and decision-makers and therefore allows the LPA to better realise development which contributes to better health and wellbeing outcomes.

### 3. What options have been considered?

	<p>The Spatial Planning and Public Health teams have considered a number of options relating to the matter of helping to secure positive health and wellbeing outcomes through the planning process:</p> <ul style="list-style-type: none"> <li>(i) Produce no further formal guidance in respect of matters relating to health and wellbeing which are referred to in the Local Plan.</li> </ul> <p>This option was considered but dismissed. Firstly, there is a need for further guidance in respect of a number of planning policy matters relating to health and wellbeing. This is evidenced through practical experience of implementing the Local Plan over the last 12 months since its adoption in terms of feedback from Development Management staff and the development industry.</p> <ul style="list-style-type: none"> <li>(ii) Incorporate health and wellbeing guidance under a different form of guidance i.e. not an SPD</li> </ul> <p>This option was considered but dismissed. If new guidance is produced the best way to give it material weight for decision-making in the planning process is to adopt it as an SPD. This ensures that it has the best chance of positively influencing development outcomes.</p> <ul style="list-style-type: none"> <li>(iii) Produce a Healthy Torbay SPD</li> </ul> <p>This was the preferred option. Thought has been given to the scope of the document in terms of what policy areas need most attention. The advantage of this document is that it will help to communicate and give a greater profile to the role that the built and natural environment plays as a key wider determinant of health in Torbay. There is a significant evidence base which supports the role of planning in being an important influence on health and wellbeing. The Healthy Torbay SPD helps to holistically identify those opportunities and show how development can help achieve positive, local outcomes for health and wellbeing.</p>
<p><b>4.</b></p>	<p><b>How does this proposal support the ambitions, principles and delivery of the Corporate Plan 2015-19?</b></p> <p>The Healthy Torbay SPD will help to deliver better quality development in Torbay, particularly in respect of health and wellbeing. This document will help achieve the ambition of the Corporate Plan to deliver a Prosperous and Healthy Torbay particularly through helping the LPA to better address the economic, social and environmental factors (wider determinants) which cause ill health and those which sustain good health.</p> <p>The Healthy Torbay SPD supports the principles of the Corporate Plan in a number of ways.</p> <ul style="list-style-type: none"> <li>(i) <i>Use reducing resources to best effect:</i></li> </ul> <p>The SPD provides guidance to enable informed decision-making and support efficient development management processes therefore making the best use of the time and resources of Council officers and the development industry.</p>

	<p><i>(ii) Reduce demand through prevention and innovation:</i></p> <p>The SPD supports targeted action on the wider determinants of health in Torbay ('the causes of the causes of health') that can be affected through the built environment. This approach supports prevention of ill health amongst the population of Torbay. Producing an SPD specifically focused on tackling the causes of ill health represents an innovative method of embedding health and wellbeing into LPA decision-making and has been supported by the close working relationship that Torbay Council has between its Spatial Planning and Public Health teams. This report and SPD represents a joint piece of work between both departments.</p> <p><i>(iii) Integrated and joined-up approach:</i></p> <p>The SPD complements integrated plans the Council has with its partners through structures such as the Health and Wellbeing Board and Integrated Care organisation and plans such as the Joint Health and Wellbeing Strategy and Healthy Torbay Strategy.</p> <p>The targeted actions of the Corporate Plan are supported by this SPD in terms of the opportunity the guidance provides to support positive interventions to be made through the planning process in respect of health and wellbeing. For instance:</p> <ul style="list-style-type: none"> <li>- The opportunity to support healthy lifestyles through creating environments which support physical activity and health nutrition</li> <li>- A healthier environment supports health across the 'life-course' including children and vulnerable adults.</li> <li>- A healthier population is good for a prosperous Torbay in terms of reduced costs borne by the public sector in treatment of ill health and increased productivity from a healthier workforce. There is evidence to suggest that action taken to deliver healthier environments can promote inward investment by people who want to live and work in Torbay.</li> </ul>
<p><b>5.</b></p>	<p><b>Who will be affected by this proposal and who do you need to consult with?</b></p> <p>The Healthy Torbay SPD will apply to and potentially influence (to varying degrees depending on the scale and nature of proposals) all development in Torbay but in particular major planning applications.</p> <p>The whole population of Torbay is potentially affected indirectly or directly by choices which are made through the development management process therefore the consultation must provide the opportunity for anyone who lives, works or carries out business in Torbay to provide their views. Within the population of Torbay there are certain groups and actors who will take keener interest in the matters covered by the SPD, e.g. the development industry, the neighbourhood forums, businesses, the Clinical Commissioning Group, etc. These groups have been identified as part of the consultation process and approached directly for their views.</p>

**6.**

**How will you propose to consult?**

The consultation requirements for SPDs are specified through the Town and Country Planning Regulations 2012 and this includes 4 weeks of consultation with the public. The Council's adopted Statement of Community Involvement details how the LPA consults on SPDs and includes a range of consultation methods. A 'statement of public participation' is requirement to be produced alongside an SPD detailing how the LPA consulted with the public, statutory consultees, etc. and how comments from them have been taken on board during the production of the SPD. The LPA has access to a Spatial Planning consultation database of groups, organisations, companies and individuals who have registered their interest to be notified about the production of Spatial Planning document in Torbay. Additional groups who may be particularly interested, were identified as part of the consultation process for direct contact during the consultation period. 4 weeks of public consultation (20 February – 20 March) has been carried out on a draft version of the SPD.

## Section 2: Implications and Impact Assessment

<b>7.</b>	<b>What are the financial and legal implications?</b>  There are no specific, further financial and resource implications of adopting the SPD. It is envisaged that the SPD will bring greater efficiency and clarity to the development management process in terms implementing policies contained within the Torbay Local Plan.  The SPD will be adopted within the legal framework of the Town and Country Planning Regulations 2012. Once adopted the guidance contained within the SPD is capable of being a material consideration within the decision-making process for planning applications, therefore influencing development proposals and decisions.
<b>8.</b>	<b>What are the risks?</b>  If the proposal is not implemented and the SPD is not adopted by the Council, then the opportunity to give material planning weight to the guidance contained within the document will not be taken. This report and accompanying proposed SPD outlines a number of potential benefits for health and wellbeing, through supporting the delivery of healthier outcomes in the built environment, which are being sought through this guidance.
<b>9.</b>	<b>Public Services Value (Social Value) Act 2012</b>  Not applicable as this proposal does not relate to the procurement of services or the purchase or hire of goods.
<b>10.</b>	<b>What evidence / data / research have you gathered in relation to this proposal?</b>  The basis for the production of the SPD (action on the wider determinants of health) is supported by a range of evidence which indicates very strongly that health and wellbeing is significantly determined by environmental factors which can be influenced through the planning process. In producing this SPD, evidence from national sources such as the National Institute for Care and Excellence (NICE) and peer-reviewed journals, best practice guidance from organisations such as the Royal Town Planning Institute (RTPI) and Public Health England and local evidence such as the Joint Strategic Needs Assessment (JSNA) have helped to underpin the specific guidance contained within the SPD.
<b>11.</b>	<b>What are key findings from the consultation you have carried out?</b>  During the consultation period on the SPD the Council received 8 formal written responses which have resulted in some minor amendments to the Healthy Torbay SPD, as set out in Appendix 1 (see 'yellow highlighting' as track changes). Most comments were in support. One objection was received in respect of guidance



	<p>regarding A5 hot food takeaway uses. The updated document has taken on board some of those comments. Further detail on the comments received and how they were treated will be provided in a Public Participation statement when the Council publishes the final version of the adopted SPD. In addition, feedback from Council and partner groups such as the Overview and Scrutiny Board, the Health and Wellbeing Board and the Healthy Weights Steering Group was provided during the consultation period –these groups provided their support for the document.</p>
<b>12.</b>	<p><b>Amendments to Proposal / Mitigating Actions</b></p> <p>Minor amendments to the consultation version of the SPD as set out in Appendix 1.</p>

## Equality Impacts

13	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	<p>The SPD contains a variety of guidance which will support the health and wellbeing of the population. Action taking to deliver better health outcomes through development, by influencing the wider determinants of health, have the potential to benefit the whole population. Guidance relating to Health Impact Assessment (HIA) is contained within the SPD and it is stated that HIA should consider the differential impacts on different population groups including older and younger people.</p>		
	People with caring Responsibilities	<p>The SPD contains a variety of guidance which will support the health and wellbeing of the population. Action taking to deliver better health outcomes through development, by influencing the wider determinants of health, have the potential to benefit the whole population. Guidance relating to</p>		

	Health Impact Assessment (HIA) is contained within the SPD and it is stated that HIA should consider the differential impacts on different population groups including older and younger people.		
People with a disability	The SPD contains a variety of guidance which will support the health and wellbeing of the population. Action taking to deliver better health outcomes through development, by influencing the wider determinants of health, have the potential to benefit the whole population. Guidance relating to Health Impact Assessment (HIA) is contained within the SPD and it is stated that HIA should consider the differential impacts on different population groups including older and younger people.		
Women or men	The SPD contains a variety of guidance which will support the health and wellbeing of the population. Action taking to deliver better health outcomes through development, by influencing the wider determinants of health, have the potential to benefit the whole population. Guidance relating to		

	Health Impact Assessment (HIA) is contained within the SPD and it is stated that HIA should consider the differential impacts on different population groups including older and younger people.		
People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>	The SPD contains a variety of guidance which will support the health and wellbeing of the population. Action taking to deliver better health outcomes through development, by influencing the wider determinants of health, have the potential to benefit the whole population. Guidance relating to Health Impact Assessment (HIA) is contained within the SPD and it is stated that HIA should consider the differential impacts on various population groups including age related groups.		
Religion or belief (including lack of belief)			No significant differential impact
People who are lesbian, gay or bisexual	The SPD contains a variety of guidance which will support the health and wellbeing of the population. Action taking to deliver better health outcomes through development, by influencing the wider determinants of health, have the		

	<p>potential to benefit the whole population. Guidance relating to Health Impact Assessment (HIA) is contained within the SPD and it is stated that HIA should consider the differential impacts on different population groups including the LGBT community.</p>		
<p>People who are transgendered</p>	<p>The SPD contains a variety of guidance which will support the health and wellbeing of the population. Action taking to deliver better health outcomes through development, by influencing the wider determinants of health, have the potential to benefit the whole population. Guidance relating to Health Impact Assessment (HIA) is contained within the SPD and it is stated that HIA should consider the differential impacts on different population groups including people who are transgendered.</p>		
<p>People who are in a marriage or civil partnership</p>	<p>The SPD contains a variety of guidance which will support the health and wellbeing of the population. Action taking to deliver better health outcomes through development, by influencing the wider determinants of health, have the potential to benefit the whole</p>		

	<p>population. Guidance relating to Health Impact Assessment (HIA) is contained within the SPD and it is stated that HIA should consider the differential impacts on different population groups including different household units (including families).</p>		
<p>Women who are pregnant / on maternity leave</p>			<p>No significant differential impact</p>
<p>Socio-economic impacts (Including impact on child poverty issues and deprivation)</p>	<p>The SPD contains a variety of guidance which will support the health and wellbeing of the population. Action taking to deliver better health outcomes through development, by influencing the wider determinants of health, have the potential to benefit the whole population. The SPD contains guidance which aims to reduce inequality in Torbay, heavily related to socio-economic circumstances and deprivation. For instance Community Investment Areas have been updated to reflect the latest data on deprivation and encourage positive planning interventions in these areas that will help to address factors in the built environment which can affect relative deprivation and</p>		

		associated health and economic impacts.		
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	The aim of the SPD is to facilitate positive action on the wider determinants of health and wellbeing in Torbay that relate to the built and natural environment. The planning system and the process of managing development proposals represents a major opportunity for the Council to take action on the wider determinants and this SPD will help facilitate that action.		
<b>14</b>	<b>Cumulative Impacts – Council wide</b> (proposed changes elsewhere which might worsen the impacts identified above)	The Healthy Torbay SPD will become part of the Council's policy framework, sitting underneath and adding detail to the Torbay Local Plan which provides the overarching planning policy framework to deliver sustainable development in Torbay. The SPD also embraces corporate priorities. Where changes are made in Council wide policy, those with spatial implications, including all Council-led development, have to be in accordance with the policies of the adopted Torbay Local Plan. As a consequence, the development management process should help both to reinforce the positive impacts of development and ensure mitigation of any harmful effects.		
<b>15</b>	<b>Cumulative Impacts – Other public services</b> (proposed changes elsewhere which might worsen the impacts identified above)	The Healthy Torbay SPD will become part of the Council's policy framework, sitting underneath and adding detail to the Torbay Local Plan which provides the overarching planning policy framework to deliver sustainable development in Torbay. The SPD also embraces corporate priorities. Where changes are made in Council wide policy, those with spatial implications, including all Council-led development, have to be in accordance with the policies of the adopted Torbay Local Plan. As a consequence, the development management process should help both to reinforce the positive impacts of development and ensure mitigation of any harmful effects.		