

Hot Food Takeaways in Medway

A Guidance Note – June 2025

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Executive Summary

This guidance note has been produced to help tackle the issue of obesity through the built environment. It seeks to locate hot food takeaways in appropriate areas and avoid over-concentration of these uses in an effort to encourage people to eat more healthily. In accordance with the National Planning Policy Framework (NPPF), it seeks to ensure town centre viability and vitality (Ministry of Housing, Communities and Local Government, 2024). The issue of health has been addressed in both the NPPF, and the National Planning Practice Guidance (NPPG), and as such requires planning authorities to work with public health and to take account of the health status and needs of the local population to improve health and wellbeing (Ministry of Housing, Communities and Local Government, 2019). The guidance supplements the Medway Local Plan and its aspiration to support the health and wellbeing agenda, specifically Policy T27: *'Reducing Health Inequalities and Supporting Health and Wellbeing'*. The policy states that "Medway Council will maintain and improve the health and wellbeing of our residents, encouraging healthy lifestyles and tackling the causes of ill health and inequalities". This will be achieved by a range of measures including "Creating a healthy food environment by increasing opportunities for growing food, controlling the location of, and access to, unhealthy eating outlets, and improving the accessibility of retail facilities selling fresh food" (Medway Council, 2025).

Introduction

- 1.1 Obesity occurs when energy intake from food and drink consumption is greater than energy expenditure through the body's metabolism and physical activity over a prolonged period, resulting in the accumulation of excess body fat. Many factors can contribute to obesity, including sedentary lifestyles and excessive consumption of fast food. Fast food and ready meals are often high in calories, salt and fat (UK Health Security Agency, 2016).
- 1.2 The issue has been recognised nationally, and many local authorities have taken steps to exercise greater control over fast food outlets, particularly around schools and other places that attract large numbers of young people (PHE, 2020). This is because tackling the issue with younger people can prevent problems in later life.
- 1.3 In the case of schools the issue is with fast food consumption at lunchtimes and after school. Other places that attract large numbers of young people include playing fields and children's play spaces and some authorities have sought to control hot food takeaways within a certain distance of these.
- 1.4 Medway Council has considered the approaches that have been taken to combat obesity elsewhere through additional controls on hot food takeaways and has produced this guidance note. The advice in the note will be used in determining planning applications, taking into consideration other matters such as noise and litter, and in developing new policies for the location of development.
- 1.5 There has been some recent national policy changes with the National Planning Policy Framework (NPPF) Paragraph 97 stating that local planning authorities should refuse applications for hot food takeaways and fast-food outlets (Ministry of Housing, Communities and Local Government, 2024):

- a) within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or
 - b) in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social behaviour.
- 1.6 For the purposes of planning, a HFT is currently categorised as ‘sui generis’ that relates to the sale of hot food where consumption of that food is mostly undertaken off the premises. This means that they do not belong to any planning use class and do not benefit from any permitted development rights. It is the sui generis definition of a HFT that is the focus of this report. Until September 2020, hot food takeaway outlets were categorised within spatial planning as “Use Class A5”, but they now fall under class “sui generis” (i.e. “in a class by itself”) (appendix 1) (Town and Country Planning, 2020). The takeaway element of development that falls into retail Class E(b) is not explored (the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises) that includes restaurants.
- 1.7 Helping people to live well for longer, while giving them the freedom and opportunities to make their own decisions is a key factor for Public Health. It is within this, that concept of the precautionary principle can be applied to HFT. The precautionary principle arose from working traditions in law and medicine but can also be extended within the public health and planning context. Within urban planning, the precautionary principle mentions preventative action and has been defined as ‘the principle permits the taking of preventative measures without having to wait until the reality and seriousness of the threat become fully known’ (DEFRA, 2023). While this definition may relate to environmental issues, it is equally important in public health. It supports the ‘prevention is better than cure’ concept in that if healthy weight and food environments are the norm for our population, then there will be no need to combat the issues around unhealthy food, such as obesity and related illnesses that could be prevented.
- 1.8 Within Public Health this supports the need to take preventative action where it is known prevention is about helping people stay healthy, happy and independent for as long as possible. This means reducing the chances of problems from arising in the first place and, when they do, supporting people to manage them as effectively as possible. Prevention is as important at seventy years old as it is at age seven. Public Health therefore must take opportunities to have a positive impact on the population, using the methods and tools that are currently available.

National Context

- 2.1 Tackling obesity is one of the biggest health challenges facing the UK (DHSC, 2020). Currently one in four adults in England are obese (OHID, 2024). There is a clear link between increased body fat (obesity) and risk of medical conditions including type 2 diabetes, cancer, heart and liver disease. The UK-wide NHS costs attributable to overweight and obesity are projected to reach £9.7 billion by 2050, with wider costs to society estimated to reach £49.9 billion per year (PHE, 2017).

- 2.2 Obesity among 2–10-year-olds rose from 10.1% in 1995, to 13.9% in 2001. The prevalence of obesity among 11–15-year-olds was recorded in 2011 as 20.2% (NHS Digital, 2024). The 2023/24 National Child Measurement Programme (NCMP) showed that obesity prevalence among 4–5-year-olds was 9.6% and 22.1% among children aged 10–11-year-olds (NCMP, 2024).
- 2.3 There is a direct relationship between obesity and deprivation. Women in more deprived areas are more likely to be obese than those elsewhere (UKHSA, 2021). Obesity prevalence increases from 21.5% in the least deprived 20% of areas to 31.5% in the most deprived 20% (OHID, 2024).
- 2.4 Given this situation the 2018 UK Government strategy included an ambition to halve childhood obesity and significantly reduce the gap in obesity between children from the most and least deprived areas by 2030 (DHSC, 2018).

Medway Context

- 3.1 The situation in Medway is even more acute than the average picture nationally. An estimated 30 per cent of Medway's adult population and over 20 per cent of children (at the age of ten) are classified as obese (DHSC, 2025).
- 3.2 The National Child Measurement Programme 2023/24 data, showed Medway had rates above the England average. Medway obesity prevalence among 4–5-year-olds was 11.4% and 24.4% among children aged 10–11-year-olds (NCMP, 2024).
- 3.3 The Food Environment Assessment Tool (FEAT) uses food outlet locations from the Food Standards Agency's Food Hygiene Rating Scheme (FHRS) data. FHRS data contains information on food outlets submitted regularly by local authorities, who collect this data to facilitate food hygiene inspections. It is one of the most complete secondary sources of food outlet data in England. In April 2025 the FEAT tool showed that Medway had 272 hot food takeaways. This is a 14% increase in the last ten years (FEAT, 2025).
- 3.4 The majority of these premises are located in the core retail areas, town centres, neighbourhood centres and local centres however some are more widely distributed.
- 3.5 The Medway Joint Local Health and Wellbeing Strategy 2024-2028, goal is to improve the physical and mental health and wellbeing of Medway residents and reduce inequalities. A specific priority includes supporting residents to live healthy lives and supporting people and families to access healthy food (Medway Council, 2024).
- 3.6 The Kent and Medway Integrated Care System Strategy published in 2024, committed to addressing health inequalities including smoking in pregnancy, breastfeeding, immunisation and childhood obesity. Specifically, the system target was that by 2028, the percentage of children in Year 6 who are healthy weight will be maintained at the current level of 63 per cent and severe obesity will have reduced from five per cent (Kent and Medway Integrated Care System, 2024).
- 3.7 The Medway Healthy Weight Network was formed in 2014, bringing together organisations across Medway such as charities, voluntary sector, public sector, NHS, private businesses, educational organisations and residents to work together to tackle

the rising obesity levels. The network is overseen by the Medway Health and Wellbeing Board. The network includes the Medway Food Partnership who work with local businesses, public services and the not-for-profit sector to ensure everyone has access to sustainable and healthy food, build the public's education and skills around healthy food and create healthier communities and better futures for all residents. These networks are key elements of Medway's Whole System Obesity Approach.

- 3.8.1 The Medway Childhood Obesity Five Year Plan's (2025-2030), ultimate priority for the partners of the Medway Healthy Weight Network, is to see a reduction in childhood obesity. The specific targets include the proportion of children in Year R (age 4-5 years) that maintain a healthy weight will be the same or lower than the England average by 2026/27 and the proportion of children in Year 6 (age 10-11 years) with severe obesity will have reduced from 6.1% (Medway Council, 2024).

Responding to the Issue

- 4.1 The National Planning Policy Framework (NPPF), sets out the Government's economic, environmental and social planning policies for England. The policies in NPPF apply to the preparation of local and neighbourhood plans and to decisions on planning applications.
- 4.2 The NPPF requires public health to be considered in both plan-making and decision making and states the purpose of planning is to contribute to the achievement of sustainable development, with delivery of the social objective of sustainable development being paramount to supporting health (Ministry of Housing, Communities and Local Government, 2024).
- 4.3 Section 8 of the NPPF 'Promoting healthy and Safe Communities' paragraph 96, requires planning policies and decisions to aim to achieve healthy, inclusive, and safe places which promote social interaction, that are safe and accessible, and enable and support healthy lives, especially where this would address identified local health and wellbeing needs, with specific reference to the provision of access to healthier food, allotments and layouts that encourage walking and cycling (Ministry of Housing, Communities and Local Government, 2024).
- 4.4 The National Planning Policy Framework (NPPF) Paragraph 97 states that local planning authorities should refuse applications for hot food takeaways and fast-food outlets (Ministry of Housing, Communities and Local Government, 2024):
- a) within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or
 - b) in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social behaviour.
- 4.6 Addressing the wider determinants of health and wellbeing has been identified as the basis of the new public health service. The Marmot Review recommended strengthening the role and impact of ill-health prevention including by tackling obesity (Marmot, 2010).

Local authorities are part of the response to tackling obesity with a whole systems approach, which should include integrated policies. Sustainable Community Strategies should be used as a critical planning tool to develop local strategies to reduce obesity. Medway has publicly stated its aspiration to become a Marmot place in April 2025.

- 4.7 National research has shown that the density of fast-food outlets is higher in deprived areas making it harder for people in these areas to access healthier food options (PHE, 2018).

Proximity to Schools

- 5.1 Evidence shows that once obesity is developed it is difficult to treat. If in adolescence obesity develops, it is likely to remain into adulthood (Simmonds, 2016). In an effort to establish appropriate healthy eating habits and reduce the rate of childhood obesity in the local population the Council therefore considers it appropriate to restrict the hours of operation of hot food takeaways within 400m of schools.
- 5.2 Having fast food outlets in close proximity to schools negates some of the independent health promotion initiatives implemented in schools and is a contributing factor in the rise of obesity in the area (Lorna K Fraser, 2010). It is for this reason that a buffer zone is set at 400m from both secondary and primary schools. This distance is equivalent to a five-minute walk, and it is widely used across the country (PHE, 2020).
- 5.3 A specific issue has been identified with teenagers leaving secondary schools at lunchtimes to access hot food outlets. In contrast, children in primary school do not typically leave school premises during school hours, but research indicates that the most popular time for purchasing food from shops is after school. A study by the National Institute for Health and Care Research (NIHR) found that teenagers often use their limited freedom to buy food they enjoy—typically fast food—during lunch breaks or after school, influenced by socialising and the availability of nearby outlets (Sarah Shaw, 2023).
- 5.4 In the UK, 27% of adults and 19% of children eat meals out of the home at least once a week, and takeaway food consumption peaks in young adults aged 19-29 years. Takeaway foods tend to contain high levels of fat, saturated fats, sugar, and salt, and lower levels of micronutrients, and therefore regular consumption of takeaway food over time has been linked to weight gain (OHID, 2017).
- 5.5 This impact is worsened by high exposure to hot food takeaways. Adults with increased exposure to hot food takeaways have increased takeaway consumption, and as such have a higher average body weight. This relationship is especially pronounced in groups with lower levels of education, as therefore is a contributor to health inequalities (UKCRC Centre for Diet and Activity Research (CEDAR), 2014).

Medway Public Health Hot Food Takeaway (HFT) Guidance

- 6.1 Given current levels of obesity, national and local policy context and evidence of good practice from other areas the following guidance now applies to all HFT applications

- 6.2 The development of HFTs, or of hybrid uses incorporating such uses, will not be permitted in wards where more than 10% of year 6 pupils are classified as obese. Where this is acceptable, the Council will only consider granting a planning permission where:
- i. The location and design is acceptable and the proposed use does not detrimentally affect the vitality of the shopping area:
 - ii. There is no harm or loss of amenity to the living conditions of nearby residents, including that created by noise and disturbance from other users and their vehicles, odour and litter;
 - iii. And parking traffic generation is not a danger to other road users, public transport operators or pedestrians
- 6.3 Planning applications will be refused where HFTs and fast-food outlets are within walking distance of locations where children and young people congregate or locations where a concentration of uses is having an adverse impact on local health, population, or anti-social behaviour. This includes schools, youth centres, leisure centres and parks. Parks are categorised as playing areas, Area parks over 5 hectares in size and Neighbourhood Open Spaces over 2 hectares in size
- 6.4 Over provision of takeaways within a commercial frontage, local centres or in proximity to schools outside recognised centres are not appropriate - either in terms of the vitality and viability of centres or from a health perspective. Too many units together can undermine the main retail function of a centre and appear to promote hot food takeaways in preference to healthier food options.
- 6.5 Whilst hot food takeaways contribute to the mix of town centres, it is important that they do not dominate the local retail food offer in the area. An overabundance of hot food takeaways displaces other shop, and food options and impacts on the vitality and viability of designated town and neighbourhood centres. Because of this some communities in Medway have a limited choice of and access to fresh, nutritious food.
- 6.6 The clustering of hot food takeaways breaks up the continuity of the retail frontage and can detract from the primary retail function resulting in the loss of shops, which is to the detriment of local residents and the vitality and viability of the centre as a whole. To ensure that shopping areas are diverse and balanced, especially in designated centres, applications for hot food takeaways will be assessed for their cumulative impact.
- 6.7 Planning applications for new HFTs will be denied where the number of approved establishments, within the ward, equals or exceeds the UK national average, per 1,000 population. New applications will also be denied where it would result in a clustering of A5 uses to the detriment of the character and function or vitality and viability of a centre or local parade or if it would have an adverse impact on the standard of amenity for existing and future occupants of land and buildings.
- 6.8 Hot food takeaways will be permitted provided they satisfy this guidance. To mitigate their impact on the health of local communities a fee will be levied on each new unit which is permitted. This will be done through a standard legal agreement known as a section 106 agreement. Money raised will be spent exclusively on initiatives to combat obesity, which will be identified in partnership with Public Health. New hot food takeaways over 100m² will be subject to a contribution of £1,000; £100 per 10m².

6.9 Any new (and existing) outlets will also be encouraged to adopt a wide range of cost-effective initiatives to improve the healthy eating level of food sold, including:

- The promotion of healthier menu options including lower fat, sugar and salt items, high fibre and increased fruit and vegetable options
- Cookery demonstrations and healthy eating advice in more deprived neighbourhoods and amongst specific target groups
- Healthy food promotions in conjunction with local markets and leisure centres
- Promotion of local food produce

Consultation and community support

7.1 During the local Reg 18 consultation on the Local Plan the comments and feedback received on Policy T27: *'Reducing Health Inequalities and Supporting Health and Wellbeing'* was overwhelmingly supportive from both public, organisations and Councillors. There were specific reference of support for the guidance on Hot Food Takeaways.

7.2 In October 2024, Medway's 5-year Childhood Obesity Plan (2024), was debated at Children and Young People Overview & Scrutiny Committee. Councillors endorsed the 5-year plan with emphasis on 'improving food choices' for children and young people across Medway (Medway Council, 2024). In addition, at the Health and Wellbeing Board in June 2025, support was provided from Councillors to explore more sustainable food options and tackle the increasing number of HFTs across Medway (Medway Council, 2025)

Appendices

Appendix 1: Hot food takeaways – Use Classes Order

The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'. In general, planning permission is needed to change from one use class to another (Town and Country Planning, 2020).

New regulations which came into force from 1 September 2020, changed use classes including those relating to food premises such as hot food takeaways. Table 1 below provides an overview of the changes made, in relation to food retail premises only:

Table 1: Old versus the new Use Classes Order for food retail premises

Use Class Order before 1 September 2020	Use Class Order from 1 September 2020
A3 Restaurants and cafés	Class E Commercial, business and service
A4 Drinking establishments	Sui generis
A5 Hot food takeaways	Sui generis

According to guidance published by the Office for Health Improvement and Disparities (OHID), 'Sui generis' is a term used for premises that do not fall within a defined use class, and that cannot, generally, change to any other use, including other "sui generis" uses without obtaining express planning permission. In this way, OHID state that the change of the A5 hot food takeaway use class "allows local authorities to have greater control, through using the planning application process, to prevent the proliferation of hot food takeaways" (PHE, 2021).

It is acknowledged that 'unhealthy food outlets' may encompass a broader range of planning uses than sui generis hot food takeaways alone and could also include restaurants and retail units. The focus of this note and the ensuing policy recommendations are, however, focussed on managing the proliferation of sui generis hot food takeaway uses only.

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