

Healthy Places Background Information



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Planning

The planning system

The English government introduced a new 'plan-led' system of planning in 2004. Planning bodies are now required to draw up long-term frameworks for land use which are designed to meet broader policy goals. These will guide and mark the statutory starting point for all planning decisions in their area.

Below is an outline of the planning system in England. Scotland and Wales have similar planning structures and Northern Ireland is embarking on a reform of its whole planning system.

Figure 5 demonstrates the hierarchy of the planning system in England.

National level

The department of Communities and Local Government develops national policy which is then set out in Planning Policy Statements (PPSs). These are replacing Planning Policy Guidance notes (PPGs). Government will also produce National Policy Statements on the development of important infrastructure like motorways, railways, and energy generation and supply lines. Decisions on these infrastructure projects will be made by a new Infrastructure Planning Commission, and not by local or regional bodies.

Regional level

Until 2010, regional planning bodies were required to produce a Regional Spatial Strategy (RSS) reflecting their development and land-use aims over a 10 to 15 year period. The strategy would reflect national planning policies and was drawn up in collaboration with a number of stakeholders including all the local authorities in a region. Following the abolition of regional assemblies (outside London) the regional planning function was transferred to Regional LA Leaders' Boards.

Regional Spatial Strategies were revoked in July 2010 and no longer form part of the Statutory Plan. However, in London, regional planning is still the responsibility of the Mayor of London who produces a Spatial Development Strategy – The London Plan.

Local level

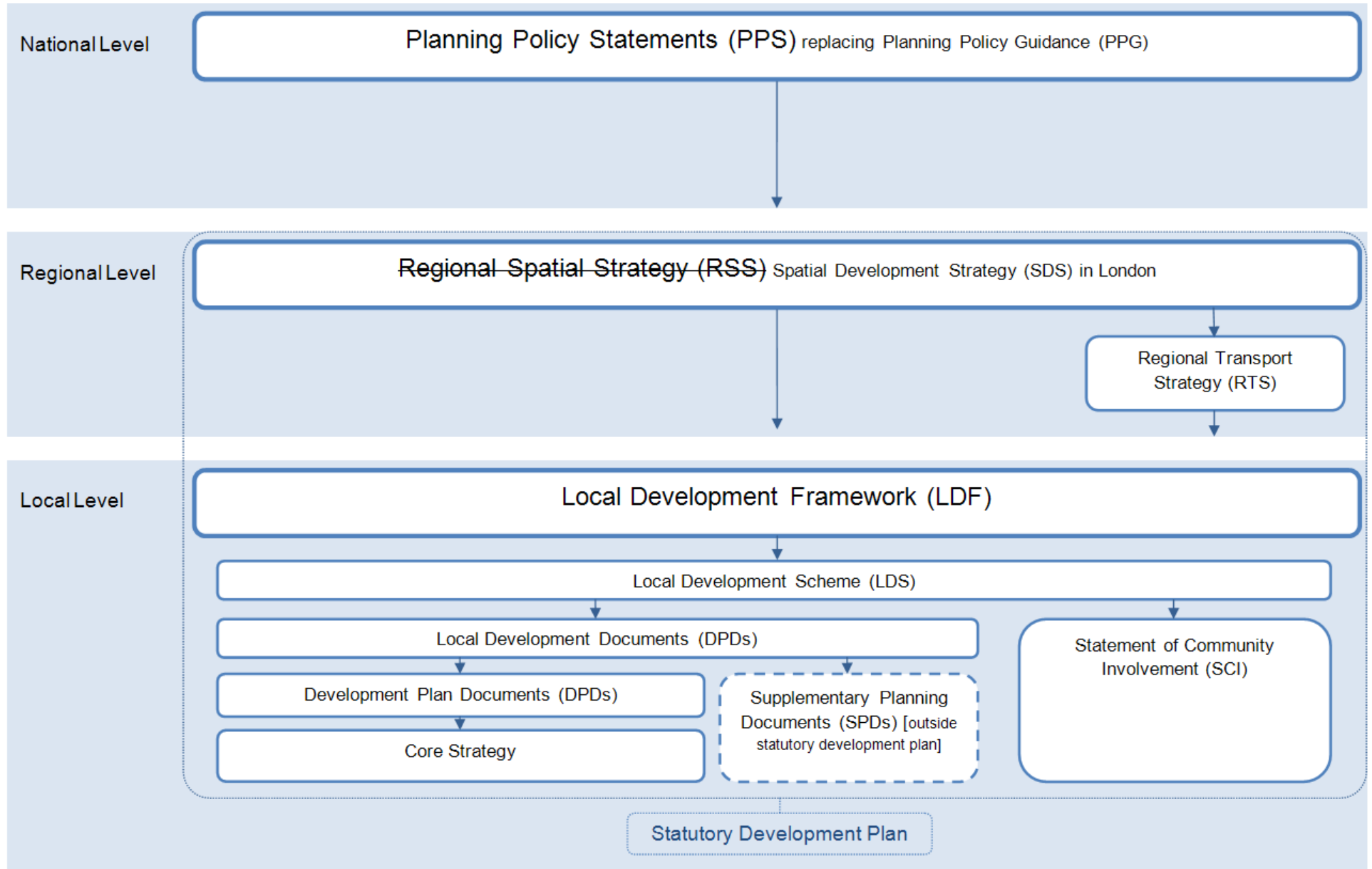
Local planning authorities (mainly lower-tier local authorities) must now prepare a **Local Development Framework (LDF)**, which (until 2010 with the RSS) forms the statutory **development plan** for all planning decisions. This plan must be the starting place for decisions, but other considerations may be relevant.

The LDF will contain a Local Development Scheme (LDS), which sets out the programme for the production of the framework. It will include Local Development Documents (LDDs) and a core strategy as the key plan within the framework.

A core strategy will contain an overall vision for the development of an area over a minimum of 15 years, alongside policy objectives and a strategy for their achievement. Other supplementary documents may add detail or further goals to the framework, but are not strictly part of the statutory plan.

Figure 5 Planning policy in England

Note: From 2010, the regional level applies only to London.



Public health and planning

Urban planning has a strong public health pedigree. In the 19th and early 20th centuries, green space was created to improve mental and physical wellbeing, community infrastructure (such as drinking water and sewage systems) were developed to control infectious disease, and land-use policies were formed to protect against industrial toxic and injury hazards. However, the health and planning disciplines drifted apart during the 20th century. The recognition of environmental factors behind modern-day epidemics of obesity and coronary heart disease has strengthened calls for resurgence in public health driven planningⁱ.

Sustainable development and planning

National policy recognises the imperative for development of healthy settlements and communities. The Planning and Compulsory Purchase Act 2004 imposes a legal duty to aim towards sustainable development in the creation of LDFsⁱⁱ. PPS 1 'Delivering sustainable development' places the principle of sustainable development at the core of the planning system.

This is a broad principle which incorporates social, environmental and economic aims. The objectives of sustainable development include the encouragement of 'safe, healthy and attractive places to live' and healthy communities.

Health is potentially an important factor in planning decisions. However, attention has been drawn to a policy/action gap in the planning system which has meant that this potential is all too infrequently metⁱⁱⁱ.

The examination of planning and public health has hitherto focused on construction of an environment which encourages physical activity. However, planning has also begun to be recognised as an important tool in the promotion of nutrition and the development of a healthy eating environment.

Advocacy and policy formation

There is scope for advocacy for a healthy planning framework at regional and local level. The construction of an LDF requires wide stakeholder and public consultation, and community involvement is one of the key principles of sustainable development (PPS 1). Local authorities are engaged in Local Strategic Partnerships (LSPs) with other public, private and third-sector bodies to form a strategy to improve their community. This will in turn influence the policy of an LDF.

There are opportunities for involvement in the drafting of key documents during evidence-gathering processes, consultation stages and examinations in public. An authority is obliged to consider comments and take appropriate action. In preparing an LDF, a local authority must produce a **Statement of Community Involvement (SCI)** as part of their development scheme to describe their consultation programme. Similarly, regional bodies must produce a Statement of Public Participation (SPP) as part of any strategy revision. The plans are also reviewed by independent planning inspectors on behalf of the Secretary of State who will consider public representations.

It will be more difficult to influence a framework or strategy once it has been finalised and adopted, and many areas have already nearly completed their LDF. Any legal challenges to a strategy or framework must be brought within six weeks of approval by the Secretary of State.

Policy implementation and development control

Development control is conducted by planning officers and local officials through the consideration of planning applications on a case-by-case basis.

An application for planning permission for new development or for change of use^{iv} is made to the local planning authority, which will appoint a professional planning officer to review the case. The officer will produce a report on the relevant issues for the executive committee or council member and a recommendation on whether or not the application should be approved. The final decision is made by a committee or a single councillor under delegation.

The inspector's report and the decision should be in line with the statutory development plan unless other material considerations apply. Where other considerations are relevant, the statutory plan will be the starting point for the decision.

A decision may be challenged by an appeal to the Secretary of State (handled by the Planning Inspectorate). Third parties may comment on a planning application but may not appeal the decision.

Planning and advertising

Local planning authorities have control over some forms of advertising in their area. Posters, billboards and other signs are subject to consent rules, provided they are not of a class excluded from local authority control or deemed to be acceptable under national rules. Where an advert does require consent, the authority may only consider two issues: amenity and public safety. Amenity relates to the visual effect of the advert within the local environment; the content of the advert is not a relevant consideration. Public safety is confined to traffic or road safety only. This means that a local authority is not able to restrict static advertising on health grounds.

Local licensing

Certain activities require a licence from the local licensing authority under the Licensing Act 2003. This might provide an opportunity to promote healthy eating.

Licensing powers are to be exercised with a view to specific objectives^v:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance, and
- the protection of children from harm.

Scotland's licensing laws include a fifth objective of 'protecting and improving public health'^{vi} but this has only been in force since September 2009. Without a specific health objective in England and Wales it is not certain how far a health-based restriction on a licensable activity might be justified under the Act^{vii}.

In determining a licence application, any representations from an authorised person, interested party or a responsible authority must be taken into consideration^{viii}.

Late-night takeaway

The provision of hot food or drink (beyond certain exemptions) after 11pm and before 5am requires a premises licence^{ix}.

If public health can be brought into the licensing objectives, a licence to sell unhealthy late-night takeaway food may be refused or restricted on these grounds. Otherwise, late-night food can only be restricted in line with the current objectives.

Street trader licensing

This is governed by the Local Government (Miscellaneous Provisions) Act 1982 and does not have a set of statutory objectives.

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- i Kochtitzky CS, Frumkin H, Rodriguez R et al. Urban planning and public health at CDC. *Morbidity and Mortality Weekly Report* 2006; 55 suppl. 2: 34-38.
- ii "The person or body must exercise the function with a view to contributing to the achievement of sustainable development." Planning and Compulsory Purchase Act 2004, Section 39(2).
- iii National Heart Forum. *Building Health: Creating and Enhancing Places for Healthy, Active Lives: What Needs to be Done?* 2007. London: National Heart Forum.
- iv Some changes do not require permission. See: <http://www.planning-applications.co.uk/uconewchange.htm>
- v Licensing Act 2003, S.4.
- vi Licensing (Scotland) Act 2005, S.4(d).
- vii Bury Metropolitan Borough Council has submitted ideas under the Sustainable Communities Act 2007 to add a public health objective to this list. See: <http://www.lga.gov.uk/lga/core/page.do?pagelId=2860610>
- viii Licensing Act 2003 S.18 (3).
- ix Licensing Act 2003 S.1 (1) (d).