Christine Whyte

From: Donna Smith <donna.smith@planware.co.uk>
Sent: 11 September 2015 11:45
To: Local Plan
Subject: Response to the Hertsmere Site Allocations and Development Management Policies Plan:Policy SADM48
Attachments: Response to the Hertsmere Site Allocations and Development Management Policies Plan Policy SADM48.pdf

Good Morning,

Please find attached our response to the Hertsmere Site Allocations and Development Management Policies Plan: Policy SADM48 Controlling Non Retail Uses.

If you could provide receipt of this email that would be great.

Kind regards,

Donna Smith BSc (Hons) MSc
Planware Ltd
T: 01787 468500

Response to the Hertsmere Site Allocations and Development Management Policies Plan

Response to Policy SADM48- Controlling Non Retail Uses

1. Introduction

1.1 We have considered the above policy and its supporting text with regard to the principles set out within the Framework. Local Plans should "plan" positively for development; be justified; effective; and consistent with the Framework.

1.2 We consider that limiting the location, concentration, and proximity to local secondary age schools of hot food takeaways would be unsound. By way of overview, the Framework provides no justification at all for using the development control system to seek to influence people's dietary choices.

1.3 There is no adequate evidence to justify the underlying assumption, that locating any A5 use within certain distances of secondary age schools causes adverse health consequences, which would in turn have negative land use planning consequences.

2. Such an approach is not positive, justified, effective or consistent with the Framework.

2.1 Restricting the concentration and location of new A5 proposals within the borough, is not a positive approach to planning. The Framework "foreword" sustainable development is about positive growth, making economic; environmental; and social progress, for this and future generations.

2.2 The suggested restrictions, take an ambiguous view of A5 uses in relation to the proximity to local secondary age schools. It would apply an over-generic approach to restrict 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.

2.3 Thus it is inconsistent with Para 19 and 21 of the Framework. Para 19 states:

Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

2.4 Para 21 states:

Investment in business should not be over-burdened by the combined requirements of planning policy expectations.

2.5 There is a lack of evidence to demonstrate the link between fast food, school proximity and obesity. We confirm this at **Appendix A**.

2.6 A systematic review of the existing evidence base by Oxford University (December 2013), funded by the NHS and the British Heart Foundation *'did not find strong evidence at this time*

to justify policies related to regulating the food environments around schools.' It instead highlighted the need to *'develop a higher quality evidence base'*.[1]

2.7 This lack of evidence has been confirmed in a number of planning decisions. For example, in South Ribble the Planning Inspectorate raised concerns about a similar 400m school proximity restriction on fast food, stating *'the evidence base does not adequately justify the need for such a policy'*, and due to the lack of information, it is impossible to *'assess their likely impact on the town, district or local centres'*.[2]

2.8 The evidence provided at **Appendix B** confirms that 70% of purchases by students in the school fringe are purchased in non A5 shops.[3]

2.9 No consideration has been given to other A class uses and their contribution or impact on daily diet or wellbeing. The suggest approach is therefore not holistic and will not achieve the principle aim.

2.10 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. Evidence confirming this is set out in **Appendix C.**

2.11 Research by Peter Dolton states that *"At least 50% of the days in a year kids don't go to school if we count weekends and holidays and absence. They are only there for 6 hours and all but 1 are lessons. So only around 2-3% of the time can [children] get fast food at school."*[4] This clarifies that a blanket restriction on opening hours is unjustified.

2.12 Similarly, research by Brighton & Hove concluded that *'the greatest influence over whether students choose to access unhealthy food is the policy of the individual schools regarding allowing students to leave school premises during the day'*.[5]

2.13 Only limited purchases of food are made at A5 uses on journeys to and from school. Further details are set out in **Appendix D.**

2.14 Given the limited access that children have to fast food during the school day, a generic restriction is disproportionate; is not justified; and would not be effective.

2.15 Such an approach would have a disproportionate effect on land use planning and the economy when taking into account the limited purchases made by school children who may

---

[1] J Williams, P Scarborough, A Matthews, G Cowburn, C Foster, N Roberts and M Rayner, Nuffield Department of Population Health, University of Oxford, page 13, 11th December 2013. *A systematic review of the influence of the retail food environment around schools on obesity-related outcomes.*

[2] Letter to South Ribble Borough Council, 29th April 2013, from Susan Heywood, Senior Housing & Planning Inspector, The Planning Inspectorate

[3] The School Fringe: *What Pupils Buy and Eat From Shops Surrounding Secondary Schools*, July 2008, Sarah Sinclair and Professor J T Winkler, Nutrition Policy Unit of London Metropolitan University

[4] Peter Dolton, Royal Holloway College, University of London & Centre for Economic Performance, London School of Economics, *Childhood Obesity in the UK: Is Fast Food a Factor?* http://www.made.org.uk/images/uploads/2_Prof_P_Dolton_presentation.ppt

[5] Brighton & Hove City Council & NHS Sussex, *Hot-food takeaways near schools; An impact study on takeaways near secondary schools in Brighton and Hove*, page 30, September 2011

only have the potential to visit A5 establishments at the end of the school day, and only during term time.

2.16 The Framework cannot be interpreted to provide generic restrictions on a particular use class. Moreover, the evidence does not support such restrictions. The need for evidence is emphasised in para 158 of the Framework which states that each local plan should be based on adequate, up-to-date and relevant evidence. Compliance with the soundness test is still required.

2.17 The proposal does not accord with the "golden thread" running through the Framework which seeks to build a strong competitive economy. Such a policy could potentially stifle economic development and is not consistent with the Framework.

3. Soundness - summary

3.1 We consider that restricting the concentration and proximity of hot food takeaways to local secondary age schools would be unsound and fails to meet the four tests of the Framework. It is not a positively approach to planning; justified; effective; or consistent with national planning policy. Such a policy should therefore not be taken forward to the next stage of the plan making process.

3.2 Many restaurant operators have made major steps to expand the range of healthy options and work with the communities within which they are / will be part of.

4. McDonald's has made major steps in recent years to expand the range of healthy offerings

4.1 As a responsible business, McDonald's recognises it has a role to play to support its staff, customers, and the communities in which it operates to live healthier lifestyles. For this reason, McDonald's has invested significantly to evolve its menu over the last 10 years – both to extend the range of choice, and to reformulate our products. For example, McDonald's has:

- Added porridge, salads, grilled chicken wraps, carrot sticks, fruit bags, orange juice, mineral water, and organic milk to its menu
- Completely removed hydrogenated trans-fats from its menu
- Reduced salt in our Chicken McNuggets by 36%, and our fries by a quarter since 2003
- Reduced fat in its milkshakes by 34% per serving since 2010
- Reduced fat in its deli rolls by 42% since 2011

4.2 McDonald's has also led the way displaying nutritional information to help its customers make informed choices. Since 2011, McDonald's has provided calorie information on every one of its 1,200+ menu boards in restaurants across the UK.

4.3 This is in addition to the nutritional information that is already available on its website, on its tray liners, on its packaging, and via McDonald's mobile phone app. In 2012 alone, McDonald's received 2.2 million visits to its nutrition web page.

4.4 Furthermore, McDonald's is committed to responsible advertising, and advertise to children only food items that are not classified by the Government's nutrient scoring criteria as High in Fat, Salt or Sugar "non-HFSS". All of McDonald's advertising to children features at least one portion of fruit or vegetables, and a no added sugar beverage such as milk.

4.5 As a significant customer of British farming, McDonald's buys quality ingredients from 17,500 UK and Irish farmers. It now spends more than £390 million every year on British and Irish produce, compared to £269 million in 2009.

4.6 All of McDonald's burgers are made with 100% British and Irish beef. We use whole cuts of forequarter and flank, with nothing added or taken away in the process.

4.7 In addition, McDonald's only uses 100% British RSPCA Freedom Food Pork across its entire menu. As a result, all pork suppliers are required to meet strict animal welfare standards.

4.8 McDonald's was also one of the first retailers to switch to using free range eggs – which it did back in 1998. Free range eggs are now used in its entire menu – including its sauces, muffins and the coating on chicken nuggets. Every year McDonald's use over 100 million free range eggs, sourced from more than 200 UK producers, and for its work in this area they have been awarded 'Food Business of the Year' by the British Free Range Egg Producers Association.

4.9 The strength of McDonald's supply chain – which was clear of any horsemeat – has also been confirmed by Professor Chris Elliott, who said in light of the horsemeat scandal: *"McDonald's invited us to look at farms and abattoirs – it was a very simple supply chain. The other thing I was very impressed about was the length of contract McDonald's had with its suppliers."*[6]

5. McDonald's also contributes to the community

5.1 As the Community Partner of the Football Association, McDonald's has helped to train and recruit more than 25,000 coaches. These coaches in turn have provided more than 2 million hours of free quality coaching, to one million young players.

5.2 Over 1,000 McDonald's restaurants across the UK are 'twinned' with a local team to provide free kit, equipment, advice and expertise.

5.3 Each of McDonald's restaurants also conduct a minimum of three litter patrols on a daily basis, and conduct larger Love Where You Live 'clean up' events. McDonald's is also the primary sponsor of the Mayor of London's Capital Clean Up campaign, to tackle litter across London.

5.4 Last year, McDonald's restaurants in Greater London organised over 50 community clean-up events, with over 1,400 volunteers taking part.

6. McDonald's is a major employer of young people

6.1 McDonald's is a major employer of young people under the age of 25, and for many it provides a first step on the career ladder. McDonald's offers all staff the opportunity to gain qualifications which include Adult Certificates in English and Maths, a Level 2 Apprenticeship, and a Foundation Degree in Managing Business Operations.

6.2 McDonald's invest £43 million annually in staff training and development.

[6] Evidence at Environment, Food & Rural Affairs Select Committee Inquiry, January 2014

7. There is a lack of evidence to demonstrate whether fast food is located by schools, or whether schools are located by town centres

7.1 When McDonald's looks at the economic viability of a new site, it does not factor in predicted sales from school children or proximity to schools.

7.2 Research by Christoph Buck has identified a similar approach with other retailers. His research suggests that *'food retailers are mainly located near major roads and in inner cities."*[7]

7.3 Indeed, *'food retailers are not clustered around schools for up to 1.5 km"*[8] Correlations between schools and fast food density are therefore due to the proximity of both to town centres, where there is a broad mix of retail on offer.

7.4 With a policy restricting location in place, all A5 development would likely be directed away from major, district and local centres – contrary to the sequential test.

8. Conclusion

8.1 It has been highlighted above that there is no appropriate reason to restrict A5 uses from local secondary age schools or their concentration.

8.2 It is unsound to introduce such a widespread land use policy to protect the amenity of such uses, which could be dealt with on a case by case basis via conditions. Further to this, the supporting text itself outlines that there is no direct link between the location of hot food takeaways and such land uses, therefore such an approach is unjustifiable.

8.3 The proposed approach in direct conflict with the Framework. The policy attempts to introduce a widespread land use restriction on a specific use class without providing a single map to outline the specific limitations it would have. Without a map it is impossible to indicate the extent of the policies implications on the borough.

[7] Buck et al. International Journal of Behavioural Nutrition & Physical Activity, Page 7, 2013 - http://www.ijbnpa.org/content/pdf/1479-5868-10-65.pdf

[8] Christoph Buck et al. Clustering of unhealthy food around German schools and its influence on dietary behaviour in school children: a pilot study, page 6, 2013

Appendix A – There is a lack of evidence to demonstrate the link between fast food, school proximity, and obesity.

1. This has been confirmed by Public Health England and the Local Government Association (November 2013). Their paper, *Healthy People, Healthy Places* states there is *'an unavoidable lack of evidence that can demonstrate a causal link'* between fast food, school proximity and obesity.[9]

2. The same paper states there are only *'theoretical arguments for the value of restricting the growth in fast food outlets'.*

3. Oxford University's Department of Population Health conducted *'A systematic review of the influence of the retail food environment around schools on obesity-related outcomes'* (December 2013).[10] This was funded by NHS Berkshire and the British Heart Foundation, and is a comprehensive analysis of the existing evidence base.

4. The research *'did not find strong evidence at this time to justify policies related to regulating the food environments around schools'.* It instead highlighted the need to develop a *'higher quality evidence base'* which for instance:

   - Uses a consistent way to classify a food outlet, in order to compare results from different studies
   - Looks at the age range of children, and their interaction with the environment. Age can influence travel time, distance travelled, the availability of pocket change, and other factors
   - Understands the need to assess a child's mode of travel to and from school in decisions about appropriate buffer distances
   - Recognises that food environments vary between countries – most associations between food environment and obesity came from North America

5. The review did find some limited evidence for an effect of the school environment on body weight, but it added *'these results should be interpreted cautiously'*. Of 72 associations, only 19 showed a statistically significant positive relationship between body weight and exposure to food outlets. The review also identified associations with convenience stores as well as fast food outlets.

[9] Public Health England & LGA, *Healthy people, healthy places briefing: Obesity and the environment: regulating the growth of fast food outlets,* page 5, November 2013

[10] J Williams, P Scarborough, A Matthews, G Cowburn, C Foster, N Roberts and M Rayner, Nuffield Department of Population Health, University of Oxford, page 13, 11th December 2013. *A systematic review of the influence of the retail food environment around schools on obesity-related outcomes.*

6. A number of studies have reached similar conclusions. These include, but are not limited to:

- David Harris – '*no correlation between students' being overweight risk and the presence of stores with unhealthful food choices near their schools.*'[11]
- Philip Howard – Research *'failed to find a consistent association between school overweight rates and nearby fast food restaurants'.*[12] If anything, this research found *'Convenience stores demonstrated stronger correlations with school overweight rates'.*
- An and Sturm – *'no evidence to support the hypotheses that… less exposure to fast-food restaurants or convenience stores within walking distance improve diet quality or reduce BMI among Californian youth.'*[13]
- Fleischhacker – This systematic review of fast food access studies concluded 53% did not find any significant associations between the fast food environment and obesity. *'In children, only one of five studies found an association between BMI and the fast food environment.'*[14]

7. This lack of evidence has also been confirmed in a number of planning decisions.

- For example, in South Ribble the Planning Inspectorate raised concerns about a similar 400m school proximity restriction on fast food, stating *'the evidence base does not adequately justify the need for such a policy', and due to the lack of information, it is impossible to 'assess their likely impact on the town, district or local centres'*.[15]

- Further, in Newham the Planning Inspectorate called for *'deletion of an exclusion zone for A5 use class within 400m of secondary schools'* as *'the policy is not supported by the evidence at present'*.[16]

[11] David Harris et al. Location of Food Stores Near Schools Does Not Predict the Weight Status of Maine High School Students, page 276, 2011 - http://ac.els-cdn.com/S1499404610004574/1-s2.0-S1499404610004574-main.pdf?_tid=720c269e-c3d7-11e3-874e-00000aab0f01&acdnat=1397481765_c271ecb04c8e2d5970dbc420d656f128

[12] Philip Howard et al. Proximity of food retailers to schools and rates of ninth grade students: an ecological study in California, page 6, 2011

[13] Ruopeng An, & Roland Sturm, School and Residential Neighborhood Food Environment and Dietary Intake among California Children and Adolescents, page 5, February 2012 - http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3298889/pdf/nihms358700.pdf

[14] S Fleischhacker et al. A systematic review of fast food access studies, page 8, 17th December 2009

[15] Letter to South Ribble Borough Council, 29th April 2013, from Susan Heywood, Senior Housing & Planning Inspector, The Planning Inspectorate

[16] Report to London Borough of Newham Council, 13th January 2012, Geoff Salter BA MRTPI, The Planning Inspectorate

Appendix B – Food in the school fringe tends to be purchased in non-A5 properties.

1. Research by Professor Jack Winkler (London Metropolitan University) into the 'school fringe' – found just 3/10 purchases by students in a 400m school fringe were made in A5 properties.[17]

2. 70% of purchases in the school fringe were made in non-fast food outlets, and the same research concluded *'the most popular shop near Urban was the supermarket, with more visits than all takeaways put together'.*

3. Professor Winkler's findings are not an isolated case. A report by Public Health England and the LGA states that fast food school proximity restrictions do *'not address sweets and other high-calorie food that children can buy in shops near schools.'*[18]

4. Research by Brighton and Hove found that *'Newsagents were the most popular premises [in the school fringe], with more pupils visiting newsagents than any A5 premises'.*[19]

5. Likewise, research for the Food Standards Agency on purchasing habits in Scotland found that *'Supermarkets were the place that children reported they most frequently bought food or drinks from at lunchtime'.*[20]

6. Indeed, there are several more researchers who have found no evidence to support the hypothesis that less exposure to fast food, or better access to supermarkets are related to higher diet quality or lower BMI in children.[21] [22] [23]

---

[17] The School Fringe: *What Pupils Buy and Eat From Shops Surrounding Secondary Schools*, July 2008, Sarah Sinclair and Professor J T Winkler, Nutrition Policy Unit of London Metropolitan University

[18] Public Health England & LGA, *Healthy people, healthy places briefing: Obesity and the environment: regulating the growth of fast food outlets,* page 5, November 2013

[19] Brighton & Hove City Council & NHS Sussex, *Hot-food takeaways near schools; An impact study on takeaways near secondary schools in Brighton and Hove*, page 28, September 2011

[20] Jennie Macdiarmid et al. Food Standards Agency. Survey of Diet Among Children in Scotland (2010) - http://www.esds.ac.uk/doc/7200/mrdoc/pdf/7200_final_report_part_2.pdf

[21] Forsyth, A., et al., *Do adolescents who live or go to school near fast-food restaurants eat more frequently from fast-food restaurants?* Health and Place,, 2012. 18(6): p. 1261-9.

[22] An, R. and R. Sturm, *School and residential neighborhood food environment and diet among California youth.* American Journal of Preventative Medicine, 2012. 42(2): p. 129-35.

[23] Timperio, A.F., et al., *Children's takeaway and fast-food intakes: associations with the neighbourhood food environment.* Public Health Nutrition,, 2009. 12(10): p. 1960-4.

Appendix C – There is a lack of evidence to demonstrate that purchases in fast food outlets are any more or less healthy than purchases in other A class premises.

1. A key finding of Brighton & Hove's research was that *'newsagents and supermarkets [are] equally as influential on the unhealthy choices of pupils.'*[24]

2. Hot food take-aways are identified as a particular concern, but there is a lack of evidence to inform why A5 units have been identified as a concern over other units, namely A1 and A3 units.

3. Research by the Children's Food Trust for instance found that *'Once outside school… students faced an environment designed to encourage less healthy food purchasing, mostly from corner shops and supermarkets near to school, outlets which successfully promoted less healthy foods to this population.'*[25]

4. The report added *'this study observed no visits to takeaway outlets'* – although it did qualify this saying a *'larger, more representative study'* was required to determine whether proposals to restrict A5 outlets are effective in promoting healthier eating habits in teenagers.

5. Similarly, research elsewhere found *'traditional fast food outlets offered a greater variety of healthier breakfast entrees, healthier lunch/dinner entrees, and healthier lunch/dinner side dishes*' than convenience stores, grocery stores, and supermarkets.[26]

6. We therefore assert that sole inclusion of A5 premises is irrational, will not be effective, and is therefore not justified.

---

[24] Brighton & Hove City Council & NHS Sussex, *Hot-food takeaways near schools; An impact study on takeaways near secondary schools in Brighton and Hove*, page 28, September 2011

[25] Children's Food Trust, Page 9, November 2011 - http://www.childrensfoodtrust.org.uk/assets/research-reports/journey_to_school_final_findings.pdf

[26] Jennifer S Creel et al. Availability of healthier options in traditional and non-traditional rural fast-food outlets, page 4, 28 November 2008 - http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2614433/pdf/1471-2458-8-395.pdf

Appendix D – Only a limited number of journeys to and from school involve a purchase at a food outlet.

1. This has been confirmed in research by the Children's Food Trust, which found that only 8% of all journeys to and from school included a purchasing visit to a food outlet.[27]

Table 3. Total number of journeys including a food outlet visit

	Number of journeys to school	Number of journeys from school	Total number of journeys	Percentage (%) of all journeys
n	*86*	*87*	*173*	
Journeys including a visit to a food outlet	11	6	17	10
Journeys including a purchase from a food outlet	8	6	14	8

2. Of the food purchases made on school journeys, confectionary was the most popular item sold – which McDonald's does not offer on its menu.

3. Likewise, research by Ashelsha Datar concluded that children *'may not purchase significant amounts of junk food in school'* – partly due to *'fewer discretionary resources to purchase them'.*[28]

4. Indeed, even where purchases were made, *'children may not change their overall consumption of junk food because junk food purchased in school simply substitutes for junk food brought from home.'*

5. Similarly, research by Fleischhacker highlighted the need for future school-based studies to *'gather information on whether or not the students attending the studied schools actually eat at the restaurants near their schools.'*[29]

6. This was also highlighted in the systematic review by Oxford University, which states *'future work should also incorporate a child's usual mode of travel to and from school into decisions about appropriate buffer distances.*' The review added that age should also be taken into consideration, as this can impact on travel time and the availability of pocket change.[30]

[27] Children's Food Trust – November 2011, page 1 http://www.childrensfoodtrust.org.uk/assets/research-reports/journey_to_school_final_findings.pdf

[28] Ashelsha Datar & Nancy Nicosia, Junk Food in Schools and Childhood Obesity, page 12, May 2013

[29] S Fleischhacker et al. A systematic review of fast food access studies, page 9, 17th December 2009

[30] J Williams, P Scarborough, A Matthews, G Cowburn, C Foster, N Roberts and M Rayner, Nuffield Department of Population Health, University of Oxford, page 13-14, 11th December 2013. *A systematic review of the influence of the retail food environment around schools on obesity-related outcomes.*