

# **SSA** *Planning*

## **REPRESENTATIONS TO THE DRAFT HERTSMERE BOROUGH SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN**

**ON BEHALF OF**

**KENTUCKY FRIED CHICKEN  
(GREAT BRITAIN) LIMITED**

**PREPARED BY**

**Steve Simms MA MRPTI  
Director**

**SSA Planning Ltd  
PO Box 10201  
Nottingham  
NG9 9FZ**

**0115 849 1234  
info@ssaplanning.co.uk**

*SSA Planning Limited  
Registered in England  
Company no. 08454755  
VAT number 159091394*

*Registered office:  
22 Eldon Business Park  
Beeston  
Nottingham  
NG9 6DZ*

**CONTENTS**

	<b>Page</b>
1 Introduction.....	5
2 Compliance.....	6
3 Soundness.....	7
4 Summary .....	9

**APPENDICES**

	<b>Page</b>
A KFC Product Information .....	10



## 1 INTRODUCTION

1.1 This Representation is made by SSA Planning Limited, on behalf of Kentucky Fried Chicken (Great Britain) Limited (KFC), in relation to Policies SADM44 and SADM48 of the draft Hertsmere Site Allocations and Development Management (SADM) Policies. Our Representation in respect of Policy SADM44 is included on the Form supplied by the Council and this document relates to our response to Policy SADM48.

1.2 KFC is committed to working in partnership with government to increase the availability of healthy diet and exercise choices. It has delivered on this by:

- Signing up to the Department for Health Responsibility Deal.
- Displaying calorie information in all 830 of its UK restaurants.
- Engaging in a programme of salt reduction across its menu.
- Not automatically salting fries and reducing salt sachet sizes.
- Removing all artificial trans fats from its menu six years ago.
- Working with the Food Standards Agency to improve its menu.
- Offering healthier choices such as salads and grilled chicken.
- Taking a responsible approach to marketing.

1.3 Further detail on the practical measures that KFC has already taken and is continuing to take as part of this commitment is contained in Appendix A.

1.4 Consequently, KFC agrees with any reasonable and fair strategy that has an objective of increasing the availability of healthy diet and exercise choices. It cannot agree with measures which may be unlawful and which simply restrict choice for all members of the public without good evidence of effectiveness.

1.5 SSA Planning Limited is an independent town planning consultancy with expertise in strategic promotion, policy design, infrastructure, environmental assessment and the management of application and appeal processes. Based in the East Midlands, SSA Planning Limited operates across the UK.

## **2 COMPLIANCE**

- 2.1 We consider that regard has not been had to national policies and advice in preparing Policy SADM48, as the National Planning Policy Framework (NPPF) does not deal with dietary issues. This means that the draft SADM does not comply with sub-section 19 (2) (a) of The Planning and Compulsory Purchase Act 2004 (PCPA04).
- 2.2 Specifically, taking into account the proximity of hot food takeaways in criterion (v) has no basis in national policy and the national practice guidance simply refers to a briefing paper that contains case studies. This does not represent national policies or advice requiring or recommending policy based on such criteria.
- 2.3 We consider that no regard has been given to national policy and advice in preparing Policy SADM48 criterion (v) since the draft SADM would furthermore be rendered unsound in terms of the criteria set out at NPPF paragraph 182. This also means that the draft SADM does not comply with sub-section 19 (2) (a) of PCPA04.
- 2.4 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 Country Planning (Local Planning) (England) Regulations 2012. The supporting text at paragraph 7.18 contains assertions and generalisations rather than any reference to the evidence base.
- 2.5 It is furthermore unclear why, when such a criterion was not included in the equivalent Policy SADM41 in the earlier draft, it has now been included. Neither any response to consultation nor change in national policy appears to have given rise to its inclusion and, in the absence of any new evidence, it cannot therefore be justified.

## 3 SOUNDNESS

3.1 We consider inclusion of Policy SADM48 renders the draft SADM unsound because the draft policy fails to meet the criteria set out at NPPF paragraph 182, as follows:

### **Positively Prepared**

3.2 Policy SADM48 criterion (v) is not based on any objectively assessed development requirement. It effectively assesses the requirement for hot food takeaways within 400 metres of the boundary of a secondary school as zero, but does so without evidence of either a link between the incidence of childhood obesity and the proximity of hot food takeaways to schools or of any particular distance at which that link is demonstrated. Consequently, the development requirement has not been objectively assessed.

3.3 In fact, the distance chosen may ban hot food takeaways from large areas. Because no assessment has been made of how many hot food takeaways may potentially be refused as a result of this or what the social, economic or environmental impacts of that might be, it is not possible to balance these impacts.

3.4 The supporting text to the policy uncritically accepts generalised negative assumptions about hot food takeaways referring to unspecific 'health concerns', which are unhelpful in isolation from an understanding of those eating the food, their health and lifestyle, and are at worst simply subjective. Furthermore, it assumes all hot food takeaways offer little choice and serve the same type and standard of food.

### **Justified**

3.5 There is no objective evidence for any link between the incidence of obesity and the proximity of hot food takeaways to schools, so it is at best unclear whether an effort to achieve the objective stated based on refusing planning applications for hot food takeaways within 400m of schools could ever work.

3.6 A further difficulty of using distance radii as shown in the 'Location of Takeaway Food Shops near Schools' Report 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 a 400m walk away.

- 3.7 Diet is clearly a key determinant both of general health and obesity levels. Exercise is the other key determinant which must be considered for a complete picture. Focussing on improving access to open space, sport and recreation facilities would be a far more appropriate strategy for reducing childhood obesity.

### **Effective**

- 3.8 Some hot food takeaways, together with restaurants, pubs and shops are clearly a source of cheap, energy dense and nutrient poor foods, however, not all hot food takeaways, restaurants, pubs and shops are, and the planning system is ineffective in distinguishing between those that are and those that are not.
- 3.9 It is difficult to see how the effectiveness of the extent of what amount to the exclusion zones the policy will create could be monitored. Would poor or negative achievement against the objective result in reduction or expansion of the zones? What corrective action might be taken short of its withdrawal?

### **Consistent with National Policy**

- 3.10 We consider that no regard has been had to national policy and advice in preparing Policy SADM48 criterion (v) because none of the NPPF policies include dietary issues.
- 3.11 The NPPF recognises the role planning takes in better enabling people to live healthier lifestyles. However, it seeks to do this by creating rather than restricting choice, by increasing access to recreation and health services, and by ensuring developments are within walkable distance of shops and other facilities.



## **4 SUMMARY**

- 4.1 In summary, Kentucky Fried Chicken (Great Britain) Limited considers that inclusion of Policy SADM48 criterion (v) renders the draft LP unsound and so OBJECTS to Policy SADM48 of the draft SADM on the above grounds.
- 4.2 The amendment sought by Kentucky Fried Chicken (Great Britain) Limited, and the only change to the draft LP that would render it sound, is the deletion of criterion (v) of Policy SADM48 of the draft SADM.

## **A KFC PRODUCT INFORMATION**

## PRODUCTS



### Our Approach

We take a responsible approach to marketing and to our menu by providing choice, a variety of portion sizes, and investing in improving the nutritional content of our menu.

In order to help our customers make the choices that are right for them, we provide nutritional information that is clear and easy to understand. We're proud to be part of the Public Health Responsibility Deal, partnering with the government and other stakeholders to help people make responsible food choices.

We don't directly target children with our marketing or offer toys with our kids' meals, in fact, kids' meals make up a very small proportion of our sales. A lighter option that we provide can entail swapping a side out for something lighter, like coleslaw, corn on the cob or BBQ baked beans and our kids' menu offers fruit drinks and beans, which both count as one of your five-a-day, in fact we have 5 different product choices on our menu that can contribute to 1 of your 5 a day. We also provide a broad range of choice on our drinks menu, including fruit juices as well as sugar-free soft drinks, coffees, tea and water.

### Our commitments

#### Nutrition

We will improve nutritional values across our menu and we will be open and transparent about the nutritional values of our menu in a meaningful and relevant way.

We will deliver credible, healthier choice on our menu by the introduction of 'better for you' products and lighten up options.

### For more information about products:

[kfc.co.uk](http://kfc.co.uk)

0203 0036373

## PRODUCTS

We often trial new concepts and menu items and we continually evaluate results, and adapt as necessary. Our kids' menu offers fruit drinks and beans, which both count as one of your five-a-day. We also provide a broad range of choice on our drinks menu, including fruit juices as well as sugar-free soft drinks, coffees, tea and water.

### Quality and sourcing

Quality and responsible sourcing are core to our products and we will ensure all of our chicken is purchased to rigorous quality standards and can be traced back to the farm it comes from; in fact, all of our Original Recipe chicken on the bone is British-sourced and farm assured.

### Our Progress

#### Responsibility Deal

As a responsible business we understand all food companies have a role to play in improving the health of the nation, and we became a partner in the Department of Health's Responsibility Deal in 2011. As part of our commitment to the Responsibility Deal we signed a pledge to roll out calorie information on all of our menu boards, which we completed in the autumn of 2011; this is alongside the information we already provide on tray liners and online. In February 2012 we launched a free mobile app that also provides nutritional information.

We know that no single initiative will solve the problem of obesity but providing calorie information will help customers who want to keep track of what they eat. We are also investing in reformulating our products to provide broader choice on our menu.

#### Nutrition and non-fried products

We have been working over the past few years to reduce calories, salt and fat in our menu and have added a credible, healthier choice with the introduction of 'better for you' products and lighten up options. In April 2011 we launched Brazer, our first ever non-fried griddled product. We followed this up with the launch of BBQ Rancher in February 2012 and invested £7m in all stores to install ovens to deliver this. This burger contains just 400 calories, lower than many high street sandwiches.

## PRODUCTS

### Salt and fat

We were the first quick service restaurant chain to stop salting our fries and recently became an early signatory of the Department of Health's Salt Pledge to further reduce salt and regularly report progress. Salt in our popcorn chicken has been reduced by 20% over the past two years and will be reduced by a further 10% in 2012. We reduced the salt in our Zinger chicken by 22% in 2012 and plan to continue to reduce salt in our largest selling items by 15% over the next 12 months.

We removed trans-fats several years ago and have switched to High Oleic Rape Seed Oil in our cooking. Over the past year we also cut saturated fat on our Original Recipe chicken by up to 25%.

### Removal of palm oil

In 2011 we removed palm oil in all our restaurants fryers and replaced it with high oleic rapeseed oil and sunflower oil at a cost £1million per annum thereby cutting saturated fat on our Original Recipe chicken, Original recipe fillets and mini fillets by up to 25%. In 2007 we removed artificial Trans Fats from all of our products and processes and continue to be 100% artificial Trans Fat free

### Quality and sourcing

In 2011 we were the first QSR to gain Red Tractor certification for our British fresh chicken on the bone, a nationally recognised guarantee of the welfare standard and provenance and we work closely with UK farms and our suppliers to make this a reality.

We use the same suppliers and farms as other major retailers and all our chicken is reared and produced to rigorous quality standards and can be traced back to the farm that produced it. When we do buy chicken from overseas, we make sure it either meets or exceeds the Red tractor standard. We also have our own robust Code of Practice on welfare that is closely monitored and regularly audited.

### Wellbeing

In addition, because the wellbeing of our staff is a key priority, throughout 2012 we are introducing a programme of training on healthy eating and nutrition for all restaurant employees.