

**SSA PLANNING LIMITED
(STEVE SIMMS) FOR**

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

REPRESENTOR REFERENCE ID 43

**HARINGEY DEVELOPMENT MANAGEMENT
LOCAL PLAN**

POLICY DM47 – ISSUE 22

Haringey Development Management Local Plan Examination

1. Whether the policies are consistent with National Policy and the Strategic Policies (including Alterations), and in conformity with the London Plan

National policy does not refer to dietary issues or support the creation of zones within which takeaway uses will be refused based on proximity to other land uses. Indeed, it tends to support the location of such uses in accessible places.

London Plan Policy 3.2 ‘Improving health and addressing health inequalities’ focuses on the housing quality, design and amenity with access to infrastructure including green spaces, but the supporting text goes on to suggest that this can be complemented by:

“other measures, such as local policies to address concerns over the development of fast food outlets close to schools.”

This is optional. It leaves open what the policies might be or whether the concerns are well founded. This is to avoid defining “fast food” or “fast food outlets” or examining whether evidence exist that proximity of them to schools causes obesity.

London Plan Policy 4.8 ‘Supporting a successful and diverse retail sector and related facilities and services’ focuses on positive steps to securing diversity of retail offer. The supporting text refers to managing over-concentrations and refers to the Town Centres SPG.

The supporting text and the SPG both deal with over-concentrations of uses that harm the diversity of retail offer in town centres. Broadly, this is positive policy aimed at creating and maintaining healthy centres. It does not sanction exclusion zones around any land use.

2. Do the policies meet the tests of soundness:

a. positively prepared?

There has been no assessment of the number of takeaways already located within the zones identified or whether those zones with higher numbers have a higher incidence of obesity or overweight.

Figure 6.1 demonstrates that the policy will effectively ban hot food takeaways from the vast majority of the Borough. No assessment has been made of the impacts of such a ban.

There has been no assessment of the number or concentration of takeaways within the zones identified that would typically be either needed or conversely problematic.

There has been no assessment of the distance at which the supposed harm ceases, peaks or even occurs at all. The possibility that there is no distance and that other factors are relevant has not been explored.

The draft policy takes no account of whether schools have ‘open gates’ policies at lunchtime, or, indeed, where gates, walking routes or public transport are in relation to the zones.

The draft policy is negative in that it will restrict customer choice. Any customer that lives near a school will have fewer or no facilities within walking distance and are more likely then to drive to reach them.

Schools are often purposely in accessible locations, so that very often this will result in the choices of large numbers of customers being restricted to uses that happen to be outside Class A5.

Food high in fat, salt or sugar is sold at a variety of facilities, including many in Class A1, such as coffee or sandwich shops, bakeries and supermarkets. Focussing on Class A5 uses is unhelpful and unfair.

The draft policy assumes all hot food takeaways offer little choice and serve the same type and standard of food. Our client works hard with Government to reformulate and offer healthier choices.

The draft policy does not recognise these efforts, but instead effectively penalises them by treating those committed to working positively in the same way as those who have no intention of doing so.

b. justified?

The evidence adduced by the local planning authority does not show any link between the location of hot food takeaways and the incidence of overweight, obesity or other adverse health outcomes. Indeed, much of the “evidence” simply comprises other policies and reviews.

Overall, evidence on the matter shows at the most a weak correlation in contexts outside the United Kingdom, specifically a study in the United

States, which used a different and wider definition of “fast food outlets” to Class A5 and saw an effect only at very short distances.

The planning and urban context of the United Kingdom is very different to the United States, where car dependency is far higher and non-car-ownership tends to correlate with deprivation to a much greater degree, limiting the transferability of that evidence.

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 and clearly justifiable strategy for reducing childhood obesity.

The Strategic Review of Health Inequalities in England post-2010 (Marmot et al, 2010), concluded that studies that show association between proximity, or lack of, to healthy food, and health outcomes such as obesity or malnutrition "...should be approached with caution. They are most often observational and so do not show causality between inadequate access and health outcomes."

Indeed, The Marmot Review: Implications for Spatial Planning (Geddes et al, 2011) focussed entirely on the provision of accessible good-quality public open space, community facilities, allotments, pedestrian-friendly streets, cycle parking, public transport, mixed uses and improved access to healthy food options. It did not advocate restricting access to particular land uses.

Earlier reviews (Barton, 2009) had found that: "Studies of the location of fast food outlets affecting diet are also inconclusive. It seems that eating habits are largely a cultural, habitual matter, and are not heavily influenced by spatial planning." In this context, it is impossible to justify a policy that will certainly lead to the loss of catering and supply jobs.

More recent studies in the United Kingdom (Williams, J et al, 2014) did not find strong evidence to justify policies related to regulating the food environments around schools, recognising inconsistencies across studies in definitions of “fast food outlets” and other key variables.

This lack of evidence has been reflected on a number of occasions in appeal decisions including those identified. Indeed, the Council’s own Technical Paper states in its final paragraph that “Gold-standard evidence is unlikely to come by...”

The law requires evidence for policies in local plans. We would be content with any evidence at all of a causal link and do not consider that opinions are an adequate substitute in the face of clear statistical findings to the contrary.

c. effective?

The draft policy will be effective in limiting the number of takeaways within 400 metres of schools, but there is no evidence that this will be effective in reducing the incidence of overweight or obesity.

In the light of appeal decisions (see, for example, Appendix B appeal reference APP/P4415/A/11/2159082), it is unclear how banning hot food takeaways near primary schools could ever be effective.

Furthermore, the fact that the draft policy amounts to a near-complete ban on new hot food takeaways, it will be almost impossible to assess its effectiveness or any aspects of it that are failing.

It would be impossible to assess whether number, concentration, distance, visibility, school type, use class, proximity to walking routes or public transport, or, indeed, any of these factors at all are effective.

Consequently, it would be impossible to determine whether the zones should be varied based on any of these factors or ultimately withdrawn if the incidence of obesity decreased or indeed increased.

3. Are the policies clearly worded? Will they be a succinct and easily understood guide to development?

In many cases, the hot food takeaway element is ancillary or one part of a mixed use, the proportion of which may vary with customer trends. It is unclear how the policy will bear on this.

It is unclear whether town centre policies will take precedence and permit hot food takeaways (subject to those policies) where a town centre is within 400 metres of a school.

References:

- (a) Appeal decision APP/A5270/13/2195221 73, Western Road, Southall, UB2 5HQ
- (b) Appeal decision APP/P4415/A/11/2159082 Canklow Hotel, Canklow Road, Rotherham, S60 2JH
- (c) Barton, Hugh; (2009) 'Land use planning and health and well-being' Land Use Policy 26S. S115–S123
- (d) Marmot, Michael et al; (2010) 'Fair Society, Healthy Lives' The Strategic Review of Health Inequalities in England post-2010.
- (e) Geddes, Ilaria et al; (2011) 'The Marmot Review: Implications for Spatial Planning' NICE website www.nice.org.uk retrieved on 20 January 2014.
- (f) Williams, J et al (2014) 'A systematic review of the influence of the retail food environment around schools on obesity-related outcomes ' Obesity Reviews 15, 359-374