

# Response to Lewisham's proposed Policy DM18

## 1.00 Introduction

1.01 Lewisham's response to the Inspector's questions states that there are a number of factors at a local level regarding the impact of hot food take-away. We maintain our view that the proposed policy is unsound.

1.02 This response is in addition to our original objection to policy DM 18. (the original is appended to this submission at Appendix A).

1.03 In this submission we further elaborate on this, specifically to demonstrate that:

1. There is a lack of evidence to show a causal link between fast food, school proximity and obesity;
2. Food on the school fringe tends to be purchased in non-A5 properties, such as newsagents and other retail outlets;
3. School students can access fast food at only limited times of the day;
4. There is a lack of evidence to demonstrate that the food school age children purchase in fast food outlets is any more/less healthy than purchases made in newsagents and other retail outlets;
5. McDonald's has worked hard to extend the range of choice, reformulate menu products, and give customers nutritional information;
6. McDonald's food is of good quality, with many ingredients sourced from 17,500 British and Irish farmers;
7. McDonald's contributes to the community, and supports children's physical activity through their community football programme;
8. McDonald's also plays a major role supporting work-based learning, particularly for young people under the age of 25;
9. The policy effectively enforces a blanket restriction on the development of new A5 class fast food restaurants, and does not allow for decisions to be made on a case by case basis;
10. This is contrary to the NPPF's 'golden thread'. i.e. a 'presumption in favour of sustainable development'; and
11. For the reasons above, it does not comply with the Framework's tests of soundness. i.e. it is not positively prepared, justified, effective, or consistent with national planning policy.
12. Further, the NPPF's consideration of economic development (March 2012) should take precedence over previous guidance issued in the *Foresight Report (2007)*, the *Marmot Review (2010)*, *Healthy Lives, Healthy People (2010)*, and *Healthy Lives, Healthy People: a call to action on obesity in England (2011)*.
13. We respond to the questions raised by the Inspector and comment on Lewisham's answers.

- 2.00 **There is a lack of evidence to demonstrate the link between fast food, school proximity, and obesity**
- 2.01 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. (Appendix B)
- 2.02 The same paper states there are only ‘theoretical arguments for the value of restricting the growth in fast food outlets’.
- 2.03 Given the blanket nature of this restriction and the potential economic impact (see section 8), it is our assertion that there is no agreed evidential base for the proposed policy.
- 2.04 Similarly, research by Peter Dolton has stated ‘there is no causal impact of fast food on childhood obesity.’ (Appendix C)
- 2.05 Indeed, in their submission Lewisham cite research by the Cities Institute. This states ‘it is not clear whether living near fast-food restaurants actually results in greater levels of obesity’, and ‘the results here are conflicting’.
- 2.06 Instead of planning restrictions, the report calls for menu reformulation of fast food, a broadening menu choice, and firms ‘nudging’ consumers to make sensible choices. These are all steps McDonald’s has made (see section 5) – which this blanket restriction does not take account of.
- 2.07 This lack of evidence has also been confirmed in a number of planning decisions.
- 2.08 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’.(Appendix D)
- 2.09 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’.(Appendix E)
- 3.00 **Food in the school fringe tends to be purchased in non-A5 properties**
- 3.01 This has been confirmed by Professor Jack Winkler’s research of London Metropolitan University. His research into the School Fringe found that just 3/10 purchases by students in a 400m school fringe were made in A5 properties.(Appendix F)
- 3.02 His research found that 70% of purchases in the school fringe were made in non-fast food outlets, and concluded ‘the most popular shop near Urban was the supermarket, with more visits than all takeaways put together’.

- 3.03 His 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.' (Appendix B)
- 3.04 The Council identify a broader strategy to promote healthy weight; however this policy has not been set out in their response. It is clear that addressing obesity is perceived to be a priority. However, despite proposing restrictive planning policies on A5 units with a distinct lack of evidence to justify the proposed policy, no restrictions are proposed on A1 and A3 units.
- 3.05 Because this policy does not seek to impose restrictions on other A class premises – where the vast majority of school fringe purchases are made – we do not believe that this policy would be effective against the stated policy aim.
- 4.00 Students can access fast food at only limited times of the day. This blanket restriction is therefore not justified or effective.
- 4.01 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."(Appendix C)
- 4.02 Given the limited access that children have to fast food during the school day, this blanket restriction is disproportionate; is not justified; and would not be effective against the stated policy aim.

- 5.00 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.
- 5.01 Hot food take-aways are identified as “a particular concern” however 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.
- 5.02 We therefore assert that sole inclusion of A5 premises is irrational, will not be effective, and is therefore not justified.
- 6.00 McDonald’s has made major steps in recent years to expand the range of healthy offerings
- 6.01 As a responsible business, McDonald’s recognise that they have a role to play to support their staff, customers, and the communities in which they operate to make the choices that are right for them. For this reason, they have invested significantly to evolve their menu over the last 10 years – both to extend the range of choice, to reformulate their products and to provide accessible and easy to understand nutrition and allergy information. For example, McDonald’s have:
- Added porridge, salads, grilled chicken wraps, carrot sticks, fruit bags, orange juice, mineral water, and organic milk to their menu
  - Completely removed hydrogenated trans-fats from their menu
  - Reduced salt in their Chicken McNuggets by 36%, and their fries by a quarter since 2003
  - Reduced fat in their milkshakes by 34% per serving since 2010
  - Reduced fat in their deli rolls by 42% since 2011
  - Introduced Menu Board Labelling
- 6.02 This is in addition to the nutritional information that is already available on their website, on trayliners, on packaging, and via their mobile phone app. In 2012 alone, they received 2.2 million visits to their nutrition web page.
- 6.03 Furthermore, McDonald’s are 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 their advertising to children features at least one portion of fruit or vegetables, and a no added sugar beverage such as organic milk.
- 6.04 This blanket restriction does not take into account the menu on offer at various A class premises.



- 7.00 McDonald's is committed to sourcing high quality food from the UK
- 7.01 As a significant customer of British farming, McDonald's buys quality ingredients from 17,500 UK and Irish farmers. They now spend more than £360 million every year on British and Irish produce.
- 7.02 All of their burgers are made with 100% British and Irish beef. McDonald's use whole cuts of forequarter and flank, with nothing added or taken away in the process.
- 7.03 In addition, McDonald's use 100% British RSPCA Freedom Food Pork across their entire menu. As a result, all pork suppliers are required to meet strict animal welfare standards. This includes providing bright, airy environments for pigs, straw-bedded barns and space to roam.
- 7.04 McDonald's was also one of the first retailers to switch to using free range eggs – which they did back in 1998. Free range eggs are now used in their entire menu – including 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 their work in this area they have been awarded 'Food Business of the Year' by the British Free Range Egg Producers Association.
- 7.05 The strength of their supply chain has 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."
- 8.00 McDonald's contributes to the community
- 8.01 As the Community Partner of the Football Association, McDonald's have helped to train and recruit more than 30,000 coaches. These coaches in turn have provided more than 2 million hours of free quality coaching, to one million young players.
- 8.02 Over 1,000 restaurants across the UK are 'twinned' with a local team to provide free kit, equipment, advice and expertise.
- 8.03 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 are also the primary sponsor of the Mayor of London's Capital Clean Up campaign, to tackle litter across London.
- 8.04 Last year, their restaurants in Greater London organised over 50 community clean-up events, with over 1,400 volunteers taking part.
- 8.05 Further, Ronald McDonald House in Camberwell provides free accommodation, 365 days a year for families with sick children in hospital. The new 24-bedroom house opened in 2012, and was built at a cost of £2.7 million. Donations at McDonald's restaurants are the main

source of revenue for the charity. There are also Ronald McDonald houses at Guy's & St Thomas' and Moorfields.

- 9.00 This policy will have a major & disproportionate economic impact
- 9.01 McDonald's is a major employer of young people under the age of 25, and for many they provide a first step on the career ladder. McDonald's offer all of their 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.
- 9.02 They invest £43 million annually in staff training and development, and 90% of their restaurant managers started out as crew. With time and hard work, they run restaurants which employ at least 65 people.
- 9.03 In Lewisham alone, McDonald's have four restaurants through which they have over 40 staff that have either gained, or are working towards a Level 2 Apprenticeship in Hospitality, equivalent to 5 good GCSEs.
- 9.04 McDonald's currently employs 300 people in the London Borough of Lewisham, and has plans to create 200 additional jobs in the area in the next 10 years through new restaurant developments.
- 9.05 However, this blanket 400m fast food restriction, and the 5% limit on A5 shop fronts effectively eliminates any development opportunities for new A5 restaurants.
- 9.06 The policy is therefore neither proportionate, nor an effective response to the stated policy aim.
- 10.00 The policy does not comply with the NPPF's test of soundness
- 10.01 At the heart of the National Planning Policy Framework is the golden thread of 'a presumption in favour of sustainable development'.
- 10.02 For a policy to comply with the Framework, it must be sound, i.e. it should be:
- a) Positively prepared
  - b) Justified – based on 'proportionate evidence'
  - c) Effective
  - d) And consistent with national policy
- 10.03 We have demonstrated above, and in our original objection that the policy is not compliant with these tests, and therefore cannot be considered sound.
- 10.04 It lacks a proportionate evidence base – no evidence is provided to prove the link between fast food, school proximity, and obesity, and no evidence is provided to demonstrate the purchasing habits of school children in the school fringe.
- 10.05 We do not believe it will be effective – particularly as it excludes other A class premises where 70% of school fringe purchases are made (newsagents, cafes and supermarkets).

10.06 It is not justified, as it seeks to introduce a blanket restriction on new fast food outlets, which does not take into account the menu on offer, and the contribution the outlet can make to the community in terms of employment, training, and community projects.

10.07 Therefore, as with South Ribble and Newham – where the Planning Inspectorate raised similar concerns – we do not believe it is consistent with national planning policy. (Appendices D & E).

11.00 **The Framework should take precedence**

11.01 The Council's identification of a 400m exclusion zone is based on a Homes and Communities Agency document (Urban design compendium 2006, Chapter 3.1, The Movement Framework).

11.02 400m remains unjustified in Lewisham's evidence. Whilst 400m may be a five minute walking time, there is no justification of the relevance of this distance or how far children will walk, if at all during a school lunch break. Many schools have restrictions on leaving school grounds during lunch breaks.

11.03 A number of other documents referenced all predate the adoption of the Framework. The Framework does not include reference to medical health. By omission, Central Government did not consider that the planning system should be used to address medical health issues. If Central Government had intended the planning system to be used this way then reference would have been made to medical health in the Framework, particularly in section 8. This is not the Government's planning policy. The following reports include comments on healthy eating, but are not, and do not form the basis for planning policy.

The Foresight Report (2007)

The Marmot Review: Fair societies, healthy lives (2010)

The Department of Health paper, Healthy Lives, Healthy People (2010)

The Department of Health paper, Healthy Lives, Healthy People: A call to action on obesity in England (2011)

11.3 The National Planning Policy Framework (March 2012) sets out the Government's most recent planning policies for England, and how these should be applied by Councils. As such, this document, and the presumption in favour of sustainable development should be the basis for every plan, and every decision.

## 12.00 Response to the Inspectors questions

12.01 In respect of the Inspectors questions and the council's response to them, we comment below. Almost all of the points raised in this section have already been stated above.

### Question 1

- 12.02 The Inspector has asked if the embargo imposed by part 1 of the policy is justified by particular evidence identifying such outlets as a significant threat to health, as opposed to the many factors identified in the Foresight Report as bearing on Obesity.
- 12.03 We draw the Inspector to the comments made in the South Ribble examination. The Inspector 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 was impossible to 'assess their likely impact on the town, district or local centres'. (Appendix D)
- 12.04 Further, in Newham the inspector 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'. (Appendix E)
- 12.05 Food at the school fringe tends to be purchased in non-A5 shops. This has been confirmed by Professor Jack Winkler's research of London Metropolitan University. His research into the School Fringe found that just 30% purchases by students in a 400m school fringe were made in A5 properties. It found that 70% of purchases in the school fringe were made in non-fast food outlets (newsagents, cafes and supermarkets). It concluded 'the most popular shop near 'Urban' was the supermarket, with more visits than all takeaways put together. (Appendix F)
- 12.06 Despite this evidence, there are no proposed restrictions on other food outlets including A1 and A3 uses which provide for 70% of purchases. None of Lewisham's evidence considers this. Neither does it address sweets and other high-calorie food that children can buy in such shops.
- 12.07 The council confirm that there are many influencing factors and that this policy is one part of their broader strategy. In short, this answers the Inspector's question. The council statement that there are "many influencing factors" rather than "particular sources of evidence identifying such outlets as a significant threat to health", confirms that the evidence does not in itself justify the embargo.
- 12.08 Indeed, in their submission Lewisham cite research by the Cities Institute. This states 'it is not clear whether living near fast-food restaurants actually results in greater levels of obesity', and 'the results here are conflicting'.

- 12.09 Instead of planning restrictions, the report calls for menu reformulation of fast food, a broadening menu choice, and firms 'nudging' consumers to make sensible choices. These are all steps McDonald's has made (see section 6 & 7 above).
- 12.10 The evidence base used to support the policy is not conclusive to demonstrate that the location of A5 uses has a significant impact.
- 12.11 The council state that many Government reports highlight that the planning system and planning policies have an important role to play in improving health. Lewisham's document titled "Hot food take-away shops: An evidence base study" sets out their background research. It references a number of reports that, in the authority's view, support the policy. This is proposed as the background evidence for proposing the policy. As presented as evidence, we briefly comment on these as follows:

### **Section 2 – Hot food take-away shops: An evidence based study**

- 12.12 The councils document refers to "health issues" and "influence health outcomes" at para 2.3 with reference to the NPPF. This is a misinterpretation of section 8 of the Framework. The Framework does not reference medical health at section 8. Reference to health in section 8 refers to community wellbeing in land use planning terms. Nowhere in the Framework is there a reference to medical health or the like.
- 12.13 We note that the council consider how other London boroughs have approached the management of hot food takeaways. This is not evidence to support such a policy in Lewisham. The policy needs to be justified with evidence. Indeed we have provided examples in our original objection that other authorities have abandoned such policies due to lack of evidence to support such a case.
- 12.14 The conclusions of section 2 at para 2.13 and 2.15 of the document appear to repeat the mistake referenced above in relation to health and the Framework.

### **Section 3 – Hot food take-away shops: An evidence based study**

- 12.15 Para 3.1 to 3.8 refer to a number of reports completed by Government and independent bodies. The authority refers to the majority of these documents referencing the planning system as a tool to address medical health issues.
- 12.16 All of these reports were published prior to the publication of the Framework in March 2012. The Framework does not include reference to medical health. By omission, Central Government did not consider that the planning system should be used to address medical health issues. If Central Government had intended the planning system to be used this way then reference would have been made to medical health in the Framework, particularly in section 8. This is not Governments planning policy.
- 12.17 The conclusion at section 3 repeats the error above.

### **Section 4 – Hot food take-away shops: An evidence based study**

- 12.18 This section generally provides demographic details for the borough. Whilst these may be factual, they do not present a correlation to justify the policy.
- 12.19 Para 4.9 of the report – recommendation 20 – refers to Alcohol zones. These are engaged by specific legislation outside of planning which does not translate to A5 uses, nor provide a planning reason for the policy. Such zones have not been included in any planning policy.
- 12.20 The figures provided in this section provide general details. This is not evidence to support the policy, rather a statement of fact.

#### **Section 5 – Hot food take-away shops: An evidence based study**

- 12.21 This section sets out policy options and is not evidence to support the policy.
- 12.22 In summary, the authority have provided little or no evidence to justify policy DM18 within “Hot food take-away shops: An evidence base study”, but rather reference reports which state that the planning system should be used to address healthy eating. A view that was not carried through to national planning policy guidance (the Framework) published by Central Government.

#### **Question 2**

- 12.23 The Inspector asked about the significance of 400m, rather than any other distance.
- 12.24 400m remains unjustified in Lewisham’s evidence. Whilst 400m may be a five minute walking time, there is no justification of the relevance of this distance or how far children will walk, if at all during a school lunch break. Many schools have restrictions on leaving school grounds during lunch breaks.

#### **Question 3**

- 12.25 The inspector asked about exclusion zone around primary schools.
- 12.26 No evidence is provided regarding primary school children walking to school unaccompanied. This judgement is subjective. The council have not been able to substantiate this claim.

#### **Question 4**

- 12.27 The Inspector questioned whether the extent of the exclusion zones strike a balance between economic development and health threats from A5 uses.
- 12.28 Lewisham’s response relating to A5 uses locating near schools is again a subjective assessment. Indeed the reverse may be just as likely without supporting evidence. No evidence to support this claim or consider other land use implications of this has been considered.
- 12.29 The council’s response does not relate to any empirical evidence. The authority has not made an assessment of the balance between the significant exclusion zones and the impact

on the economy. Neither has the impact of the policy been considered in relation to the sequential test.

- 12.30 Each McDonald's restaurants employs at least 65 full and part time staff, equating to more than 45 full time equivalent jobs. McDonald's have an identified a requirement for new restaurants in the borough over the next ten years. This represents a significant economic benefit to the borough.
- 12.31 We have outlined above details of McDonald's employment, training and community involvement.
- 12.32 With the policy in place, all A5 development is likely to be directed away from major, district and local centres, contrary to the sequential test. If indeed any areas remain available for A5 development. Figure 2.1 suggests exceptionally limited availability.
- 12.33 The council repeat the reference to section 8 of the Framework with regard to health and medical health. Para 6.3 of their response to questions makes reference to working with public health leads. This is a reference from Para 171 of the Framework, which again refers to the built environment (provision of sports, recreation and places of worship) rather than medical health. The authority has provided a misleading quote in their response.
- 12.34 Para 6.5 is incorrect. The policy will have a detrimental impact on economic growth (one of the three golden threads of the Framework). We have demonstrated above my clients intend create over 200 jobs and invest over £6m in the borough over the next ten years in three new restaurants. This policy will preclude that development.

#### **Question 5**

- 12.35 The Inspector asked for details of existing percentages of A5 units in each of the centres.
- 12.36 Para 6.6 of Lewisham's response further confirms that the restrictions imposed on frontages has already been exceed. This is a further restriction on future A5 uses, with little justification. The proportion of major, district and local centres outside of the exclusion zones has not been examined, confirming little evidence has been taken into consideration when drafting the policy. The policy is not positively planned and is looking to reduce the number of A5 units during the plan period. This is confirmed in section 7 of the council's response.



## **Appendix A**

### **McDonald's original objection to Lewisham**

## **Appendix B**

**Public Health England and the Local Government Association  
(November 2013).**

**Healthy People, Healthy Places**

**Appendix C**

**Peter Dolton**

**Lessons to Take Away?**

**Is Fast Food a Factor in Childhood Obesity in the UK?**

## **Appendix D**

### **South Ribble response**

## **Appendix E**

### **Newham response**

**Appendix F**

**JT Winkler**

**The School Fringe**

### **Objection to Policy “DM Policy 18” – Hot food take-away shops (A5 uses)**

1. This objection relates to Part 1, 2a, 2b, 2c and 3b of the above policy, each of which are considered unsound for the reasons set out below. In principle, they are inconsistent with the National Planning Policy Framework (NPPF or Framework).
2. Planning policy must be consistent with the principles set out within the NPPF. Each policy should “plan” positively for development; be justified; effective; and consistent with the NPPF. If any policy that is not compliant with one of these four tests, it cannot be considered sound (see NPPF para 182).
3. We have identified why we consider the policy is not sound having regard to paragraph 182 of the NPPF.
4. We consider that the policy should be deleted along with the relevant supporting text. 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, nor is there any adequate evidence to justify the underlying assumption of the policy that locating any A5 use within certain distances of schools causes adverse health consequences which would in turn have negative land use planning consequences. The evidence does not support this chain of reasoning or the absolute ban within the exclusion zone which the policy seeks to impose.

#### **Part 1**

#### **The policy is not positively prepared, justified, effective or consistent with the Framework.**

5. Whilst the “aim” of the policy set out in the plan recognises that A5 uses can make an important contribution to vibrancy, this is not reflected in the policy wording which states that the authority “will not grant planning permission...”. This is a negative approach to development which is intended to restrict growth.
6. The policy will restrict almost all new take-away (A5) proposals within the borough, thus is not a positive approach to planning. The NPPF “foreword” sustainable development is about positive growth, making economic, environmental and social progress for this and future generations.
7. As worded, the draft policy takes an ambiguous view of hot food takeaways in relation to the proximity of schools. It applies a blanket approach to restrict development with little sound planning reasoning or planning justification. The policy is overly restrictive and not positive in its approach. This is contrary to para 14 of the NPPF which advises authorities to positively seek opportunities to meet development needs of their area.
8. Thus the policy is inconsistent with para 19 and 21 of the NPPF. 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.*

9. Para 21 states:

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

10. Preparing extensive "exclusion zones" is again not positive planning and thus also inconstant with paras 19 and 21 as set out above. Figure 2.1 of the plan which shows A5 uses excluded from almost the entire borough.
11. The policy takes a generic approach to restricting the location of A5 uses, rather than consideration of each application on a site by site basis. It does not differentiate between differing types of businesses within Class A5, many of which could be acceptable within the "exclusion zones". No consideration has been given to the menu on offer or the services an operator may provide. This is also not justified.
12. The policy does not allow for exceptions, rather restricts all A5 development. This is also unjustified.
13. The policy has a disproportionate effect on land use planning and the economy when taking into account the limited purchases made by school children who may only have the potential to visit A5 establishments at the end of the school day, and only during term time. This should also be considered in the justified section below.
14. No consideration is given to the achievement of sustainable development as required throughout the NPPF.
15. Notwithstanding our objection to the principle of the policy, the distance of 400m from a school requires clarification and justification. Given this distance is quoted as a walking distance; it is our view this should be from the principle school entrance and should not include playing fields or the like. Measuring from a property boundary is likely to provide significantly more than 400m walking distance in most circumstances and thus overly restrictive. This should be amended accordingly. Not only is this negative planning but should be considered unjustified.
16. The NPPF cannot be interpreted to allow blanket 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 NPPF which states that each local plan (and thus by definition its policy) should be based on adequate, up-to-date and relevant evidence. Compliance with the soundness test is still required. The presented policy fails the relevant tests.
17. No consideration has been given to other A class uses and their contribution or impact on daily diet or wellbeing. The policy is therefore not holistic in its approach and will not achieve the aim set out in the plan.



18. No consideration has been given to the potential negative impact that the policy may have on the local community, employment provision or to sustainability. No alternative considerations to this blanket approach have presented.
19. The policy does not restrict new A1, A3 or A4 uses within the planned exclusion zones and therefore the sale of food and drink will still occur. There is no evidence to assume that food or drink sold from an A1 shop is any more or less healthy than that available from an A5 use. The planned policy approach is therefore not effective and unjustified. The policy will place a moratorium against one use class of development, but will not meet the ambition set out in the policy 'aim'. It is not a proportionate or justified response the stated policy aim.
20. A basic assessment of the figure 2.1 on page 56 of the plan shows that approximately 85% of existing A5 uses is located within the proposed exclusion zones. Figure 2.1 only shows approximately 140 units. This number is inconsistent with the figure provided in para 6 on page 54 of the plan which states there are 282 hot food takeaways in the borough. Notwithstanding this, with the significantly high proportion of existing takeaways within the exclusion zones the policy is unlikely to have any, or at most limited effect of achieving the set aim of the policy. It is therefore likely to be ineffective.
21. We have demonstrated above that the policy is not consistent with national planning policy.
22. The proposal does not accord with the "golden thread" running through the NPPF which seeks to build a strong competitive economy. The policy potentially stifles economic development and is not consistent with the policy framework.
23. The policy is not supported by the NPPF. Indeed the supporting text incorrectly interprets section 8 of the NPPF - "healthy communities". That section does not refer to or mention dietary choices or takeaways or make reference to medical health. The section only refers to land use planning matters specifically relating to the community, ie social, recreational and cultural facilities. This is later confirmed in para 171 of the NPPF.
24. The policy is inconsistent with the sequential test and therefore inconsistent with national policy on the location of A5 uses. The sequential test sets out the criteria by which the merits of the location of an A5 use are to be judged. Proximity to schools is not relevant to the sequential test. Moreover, the proposed policy will restrict A5 uses which would comply with the sequential test, and therefore it will operate in conflict with the Framework. No consideration has been given to the conflict between this policy and the sequential approach set out in the plan and in section 2 of the NPPF. No exploration of this conflict appears to have been examined. Since many schools are located within or are close to town centres, district centres and local retail parades, this is a critical issue. Figure 2.1 would suggest that few centres are outside of the proposed exclusion zones, although no evidence is presented by the council to consider this point.
25. Such a policy conflict is considered inconsistent with the NPPF.

### **Soundness - summary**

26. The proposed policy is considered unsound and fails to meet the four tests of the Framework. It is not positively prepared; justified; effective; or consistent with national planning policy. It should therefore be deleted in its entirety. No alternative wording or alterations can be suggested that would make the proposed policy sound.
27. We reserve the right to expand on, and provide evidence to support the points raised above at any examination in public.
28. Part 2a, 2b and 2c
29. The percentage ceilings set by the policy are exceptionally high and are not justified by evidence. Such a significant restriction requires a substantial evidence base to support the policy as drafted. This does not appear to have been provided (see further objections in response to the supporting text).
30. Typically a restriction of around 70% non-A1 units is applied to primary frontages in town centres, with lower percentages in district centres. This level is further relaxed in local or neighbourhood parades.
31. The evidence to support the policy (see supporting text) confirms that borough wide averages of 12% of units in parades are in A5 use. The policy as written appears to restrict all new A5 uses (on average) by setting the ceiling above the average existing provision. No data is provided about the capacity of the existing retail provision to provide for further A5 units in the borough. This part of the policy creates a further moratorium against new A5 uses in the borough and would conflict with the NPPF.
32. These criteria are therefore unsound. They are inconsistent with the NPPF.
33. Part 3b
34. The principle of litter control is supported. However, this should not be controlled through the planning system. Many A5 operators have a positive approach to litter and its control.
35. Littering is an offence. The policy refers to customer litter which would be outside the control of any applicant. Litter is not a planning matter as it is covered by other legislation, specifically the Environmental Protection Act Sec 89 (1) and (2) and Sec 86 (9) which confirms that the matter is the responsibility of the Borough. This has been confirmed in a number of planning appeal decisions.
36. As stated above, the reference to litter is supported, but the reference to it should be removed from planning policy.

**Objection to the preceding and supporting text of policy “DM Policy 18” – Hot food take-away shops (A5 uses)**

**Para 1, page 54**

37. Reference is made to the Department of Health comments that the planning system can be used to limit the growth of take-away shops. Whilst this may be their view, no planning policy has been issued by Central Government to justify such an approach in local policy. There is no reference to healthy eating in the NPPF.
38. The paragraph should be removed.

**Para 2, page 54**

39. The paragraph makes reference to the NPPF and its promotion of “healthy communities” (para 69 – section 8). Section 8 of the NPPF makes no reference to dietary choices, takeaways or medical health. The whole section refers to land use planning matters specifically relating to community matters, ie social, recreational and cultural facilities. This is later confirmed in para 171 of the NPPF.
40. The word “Healthy” in the title of section 8 of the NPPF has been incorrectly interpreted by the authority and thus the paragraph should be removed.

**Para 3, page 54**

41. Policy 3.2 of the London Plan refers to the general wellbeing of Londoners and takes into account of a wide range of considerations for communities (similar to the approach of the NPPF – section 8). It does not look specifically at controlling specific use classes and does not promote the potential to restrict A5 development. The paragraph should be removed.

**Para 4, Page 54**

42. We support the references made to “local”, “ethical” and “sustainable” restaurant suppliers.

**Para 6 & 7, page 54**

43. Para 7 states that the borough are looking to control the location of A5 uses. As stated in the objection to the principle policy this is not based on sound planning reasoning and is not in accordance with the NPPF. The paragraph should therefore be removed.

**Para 8, page 54**

44. Notwithstanding this objection, should the policy be found sound, reference to the policy’s strict application to A5 uses only should be given more prominence.
45. The paragraph suggests that ancillary take-away may be controlled by condition. By its very nature ancillary uses are part of the primary use and cannot be differentiated. Such conditions would not accord with the principle tests and as such conditions are likely to be ultra vires. This paragraph should be deleted.

**Para 1, page 55**

46. Whilst the authority claim to have produced an evidence based study, we do not accept that the evidence that has been produced can justify the proposed policy. In any event, the policy remains inconsistent with the NPPF (see para 182) which requires planning policy to be consistent with the Framework. We have demonstrated that the policy itself is not sound.

**Para 3, page 55**

47. We have referred to the conflict between this policy and the sequential test, both in a local and national policy context. Such a conflict calls into question the soundness of the policy and supporting text. If the policy is found to conflict with national guidance, then this paragraph also conflicts with the NPPF and should be deleted.
48. We refer to our objection to the principle policy. This paragraph is unsound and therefore should be removed.
49. Notwithstanding our objection to the principle of the policy, the distance of 400m from a school requires clarification. Given this distance is quoted as a walking distance; it is our view this should be from the principle school entrance and should not include playing fields or the like. Measuring from a property boundary is likely to provide significantly more than 400m exclusion zone in most circumstances. This should be amended accordingly.

**Para 4, page 55**

50. We have previously objected to the principle policy in respect of issues raised in this paragraph. Those points are relevant again here and the paragraph should be deleted.

**Para 5, page 55 & map, page 56**

51. No assessment has been made in relation to the exclusions zones shown on the map with reference to the data relating to which parades or centres could accommodate future A5 uses. This is an important correlation to make.
52. The combination of the above is likely to prevent any further planning applications for A5 uses being approved. The policy and this paragraph are considered unsound and should be removed.
53. No consideration of how this policy and the sequential test will interact has been made.
54. A basic assessment of the map on page 56 demonstrates that 85% of existing A5 uses are within exclusion zones. As referred to in the policy objection, it is our view that the policy will therefore be ineffective in achieving its principle 'aims'.

**Para 6, page 55**

55. Reference is made to litter. We refer to our objection to the principle policy.

### **Inspectors approach to similar policy elsewhere**

56. We agree with the Planning Inspector's decision in relation to South Ribble District Council,<sup>i</sup> which proposed '400m exclusion zones around any primary, secondary, or special school and sixth form college'. She concluded that:

- 'the evidence base does not adequately justify the need for such a policy'
- 'Restrictions within the exclusion zones relating to the town, district and local centres only... [are] inconsistent'
- Due to the lack of information, it is impossible to 'assess their likely impact on the town, district or local centres'

57. Similarly, in regard to a policy proposed by Newham Borough Council, the Planning Inspectorate called for the 'deletion of an exclusion zone for A5 use class within 400m of secondary schools.<sup>ii</sup> Again, this conclusion was reached because:

- 'the policy is not supported by evidence at present';

58. The Planning Inspectorate had 'strong reservations that the approach to the problem is proportionate, as claimed by the Council'; and

- 'This part of the policy would be ineffective and therefore unsound'.

59. We feel there are strong parallels with the proposal put forward by Lewisham, South Ribble and Newham, and call for the deletion of this policy in its entirety.

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# **Lessons to Take Away? Is Fast Food a Factor in Childhood Obesity in the UK?**

**Peter Dolton**

**(Royal Holloway College, University of London and Centre for Economic  
Performance, London School of Economics)**

## **Abstract**

The incidence of childhood obesity in the UK is rising steadily and with its adverse health consequences it constitutes one of the biggest challenges for public health. Several recent papers from the US claim to have identified a causal link between the proximity of a fast food outlet to a child's school on childhood obesity. This paper examines if there is any confirming evidence of this link in the UK. As contextual evidence three cohorts are analysed to track the changes in childhood obesity over the period 1962-1986 by examining the Body Mass Index (BMI) of three birth cohorts, born in 1946, 1958 and 1970. The first cohort grew up in a period food rationing up to 1954 and the last grew up in an era of rapid fast food outlet expansion - whilst the 1970 cohort can be thought of as a 'control group' with no treatment. These cohorts are used to track the broad changes in BMI over the post war period. The paper examines the relationship between childhood obesity and the proximity to fast food restaurants to a child's home, in some detail for the 10 and 16 year old children from the British Cohort Survey of 1970. Since we also know the precise location and date of opening of each fast food outlet - unlike other papers - we can measure the intensity and duration of exposure to the fast food treatment with precision. The results of our investigation suggest that there is no causal impact of fast food on childhood obesity. This finding poses a serious threat to conventional wisdom and we explore possible explanations for this finding and its consequences and policy implications.

### ***Address for Correspondence:***

Prof Peter Dolton  
Royal Holloway College,  
University of London  
Egham, SURREY  
TW20 0EX

### ***Acknowledgements***

I would like to thank Shabana Jamil, Hector Mendoza, and Claire Blackman for research assistance and Diana Kuh and the Medical Research Council at UCL for allowing me to access the National Survey of Health and Development.







# The Planning Inspectorate

4/03 Kite Wing  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Direct Line:  
Customer Services: 0303 444 5000  
Fax No: 0117 372 8782  
e-mail:

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Forward Planning Team  
South Ribble Borough Council  
Civic Centre  
West Paddock  
Leyland  
Lancashire PR25 1DH

Your Ref:  
Our Ref: PINS/F2360/429/2  
Date: 29 April 2013

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Dear Sir / Madam

With regard to the ongoing examination into the Site Allocations and Development Management Policies DPD, I am currently giving consideration to the Council's suggested modifications set out in the Main and Minor Modifications Schedules (CD4.38 and 4.39). Before finalising the modifications to be incorporated into my report, I would be grateful for your comments on the following points at this stage.

I have given consideration to the Council's suggested modification of Policy D2. I note that this has removed details of the number of dwellings to be provided within each phase of the Plan, having regard to the discussion at the hearing sessions. However, the modified Policy D2 links to Table 2 and the housing figures within that Table. I still therefore have a reservation that the policy as modified may give the impression that the Council intends to impose a ceiling on the number of dwellings permitted within any phase of the Plan. I would welcome the Council's thoughts on how this could be clarified within the Plan.

The modifications to the retail policies propose to introduce a new criteria relating to the location of hot food takeaways, outside of identified 400m exclusion zones around schools. I note that this is included within the Access to Healthy Food SPD, however I have some concerns about this proposed modification. Firstly, this was not a matter which was discussed at the hearing sessions and I have concerns that the evidence base does not adequately justify the need for such a policy. In addition, inserting this wording into these policies would result in restrictions within the exclusion zones relating to the town, district and local centres only. Thus, a hot food takeaway could be located within 400m of a school outside of those defined areas. This would be inconsistent. Finally, the exclusion zones do not appear to be annotated on any of the maps provided and I cannot therefore assess their likely impact on the town, district or local centres. The Council may wish to re-consider the inclusion of these references in these policies. If the Council wishes to pursue this matter, it will need to be properly justified with reference to the evidence base, the above inconsistencies will need to be tackled and there may be the need for a further hearing session on this matter.

Can you also please take a look at the wording of the modifications to policy E4 in the main modifications document which is difficult to follow as currently drafted.

The modifications proposed to Policy G1 are still not entirely consistent with the wording in the Framework. In particular, the wording of paragraph (b) is subtly different, the 4<sup>th</sup> bullet point of paragraph 89 of the Framework is not included in the policy and the policy does not refer to the requirement to demonstrate very special circumstances; it simply states that planning permission will not be given for this type of development. I suggest that this latter point could be altered by inserting wording along the lines of "As set out in the National Planning Policy Framework there is a general presumption against inappropriate development within the Green Belt. Planning permission will not be given, except in very special circumstances, for the construction...". The wording thereafter should be amended in accordance with the remainder of paragraph 89 of the Framework.

In relation to the re-use of existing buildings, again there are slight differences between the wording in policy G1 and that in the Framework. Paragraph 90 of the Framework states that the re-use of buildings is not inappropriate as long as it preserves the openness of the Green Belt and does not conflict with its purposes. There is no reference to these aspects in policy G1. Furthermore the policy does not include the other developments in paragraph 90 of the Framework which are deemed not to be inappropriate. I also note that reference is made in the justification (para. 10.26) to residential garages being acceptable as long as they maintain openness. This is not in compliance with the Framework and should be deleted. Such proposals would then be considered on their merits having regard to the Framework and policy G1.

Turning to the modifications to policy G2, you will recall that at the hearing sessions I queried the restrictive stance to these matters set out in the policy. The policy has now been amended to include a 30% reconstruction criterion. I note that this figure is in the Rural Development SPD, but is the Council able to justify this figure having regard to the evidence base? In my view, this could still be said to be overly restrictive; would a development with, say 35% reconstruction, necessarily be harmful? I would also suggest that the Council alters the word 'change' in paragraph (b) in the modification to 'harm'. This would enable positive consideration to be given to additions or alterations which are not harmful.

Can the Council please clarify the reasoning behind the modification proposed to policy G10 and G11 as these were not discussed at the hearing sessions.

Finally, I consider that a number of the minor modifications suggested by the Council will be required for soundness and will therefore be main modifications to the Plan. I have attached a list of those modifications which I am minded, at this stage, to recommend to ensure the soundness of the Plan. This will be in addition to the suggested changes on the main modifications list and is provided without prejudice to the conclusions of my final report. Some of the other modifications put forward by the Council, either individually or in combination with other changes, may significantly alter the submitted Plan. It will be for the Council to determine whether to include other modifications in the public consultation exercise. Can the Council please clarify how you intend to take forward the public consultation on the modifications and whether there will be a need for a further SA. These will be matters for the Council to resolve. Further issues which may arise during the reporting process will be raised as necessary in due course. I would welcome your response to the above matters as soon as possible and at the latest by 13 May.

Yours faithfully

*Susan Heywood*

Senior Housing and Planning Inspector

**These modifications are based on the Minor Modifications Schedule suggested by the Council (CD4.39)**

Ref	Page	Policy/ Paragraph	Main Modification
	2	2.3 (new)	<p><u>To monitor the success of the policies in this DPD, a performance monitoring framework has been developed (shown at Appendix 8). This identifies indicators relevant to the objectives of the Central Lancashire Core Strategy, the key document of the Local Development Framework. These indicators will be monitored each year through the Annual Monitoring Report (AMR) so that a comparison can be made between the predicted effects of implementation of the Plan and the actual effects. Monitoring will help to identify how well the policies are working and also identify any adverse effects. If any adverse effects arise, the policies will be reviewed or mitigation measures developed to overcome and prevent further adverse effects. Appropriate contingency actions are set out in the performance monitoring framework.</u></p> <p>Please note: the Performance Monitoring Framework will become Appendix 8 of the Plan</p>
	8	3.6	<p>3.6 Outside of the areas already identified above, South Ribble has a number of smaller villages, in the interest of sustainable development, growth and investment in such places, development will be confined to small scale infill, conversion of rural buildings and proposals to meet local need and, <u>where there are exceptional reasons, larger scale redevelopment schemes may be appropriate.</u></p>
	16	Policy B3	<p>Within the area defined on the Proposals Map at South Rings Business Park, Bamber Bridge, new development, re-development or change of use will be permitted to provide the following uses only:  <del>Offices, non food retail, employment, leisure, recreation and tourism facilities, provided that:</del>  <del>a) comprehensive development of the site is demonstrated through the submission of a masterplan;</del>  <del>b) A phasing and infrastructure delivery schedule is set out; and</del>  <del>c) The implementation of a high quality development in accordance with an agreed Design Code.</del>  <u>Offices, non- food retail, employment, leisure, recreation and tourism facilities</u></p>
	18	Policy B6	<p>Policy B6 Design Criteria for New Development  <del>d) The proposal would not adversely affect the character or setting of a listed building and /or the character of a conservation area and/or any heritage asset;</del>   <u>d) the proposal would sustain, conserve and where appropriate enhance the significance, appearance, character and setting of a heritage asset itself and the surrounding historic environment. Where a proposed development would lead to substantial harm or loss of significance of a designated heritage asset, planning permission will only be granted where it can be</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>demonstrated that the substantial public benefits of the proposal outweigh the harm or loss to the asset.</p> <p>Justification New paragraph 5.21 <u>5.21 Heritage assets are buildings, monuments, sites, places, areas or landscapes that have heritage significance. They include designated heritage assets such as listed buildings and conservation areas and locally important assets such as locally listed buildings and locally important areas. The more important the asset, the greater the weight that will be given to its conservation. Where a proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, consent will only be granted where it can be demonstrated that the substantial public benefits outweigh that harm or loss as set out in Paragraph 133 of the National Planning Policy Framework.</u></p>
	22	6.13	6.13 The Moss Side Test Track site, covering an area of <del>45 ha</del> <u>40.6 ha</u> , lies to the north of the residential area and west of the employment area of Moss Side.
	23	6.13	6.18 . . . to serve the residential and employment areas <del>and off-site highway improvements and the provision of improved public transport to the development</del>
	24	6.22	<p><del>6.22 CIL contributions resulting from development could be used to contribute towards regeneration schemes in Leyland Town Centre, improvements to Leyland railway station, an extension to and enhancement of Worden Park, bus rapid transit route connecting Preston, Tardy Gate and Moss Side and the reopening of Midge Hall Railway Station.</del></p> <p><u>6.22 CIL contributions resulting from the development would be used to contribute towards local infrastructure needs. In line with Core Strategy Policy 3 – Travel, the Council will continue to explore the feasibility and deliverability of the re- opening of Midge Hall Railway Station, which would provide significant public transport benefits to the site and to the adjacent residential and employment areas.</u></p>
	24	6.25	6.25 Access to the site must be from Croston Road, Heatherleigh and Moss Lane (via the roundabout at Flensberg Way). <del>There is to be no access to the site from Bannister Lane. Bannister Lane shall not be used to provide a permanent primary or secondary vehicular access to the site so that the character and amenity of the Lane is maintained.</del> Section 106 or CIL contributions from the development would contribute towards local infrastructure improvements.
	25	Policy C4	a) An agreed masterplan for the comprehensive development of the site, to include <u>retail</u> , employment . . .
	26	6.31	6.31 Whilst this allocation will have an employment focus, there may be an opportunity for the provision of alternative uses such as ancillary retail, leisure and

Ref	Page	Policy/ Paragraph	Main Modification
			housing.
	27	6.37	6.37 ... A Masterplan approach will be required to secure the delivery of the necessary infrastructure. <u>In order to fully realise the economic benefits of the of the Enterprise Zone at Samlesbury, a new dedicated access will be designated and constructed into the Strategic Site from the A677.</u>
	27	6.39	. . against the loss of Green Belt and the impacts on the landscape and wider environment. <u>On part of the Enterprise Zone is a proposed Biological Heritage Site (BHS). The qualifying habitats and species of the proposed BHS should be retained, either in situ and/or through mitigation and/or compensation in accordance with Policy G16 – Biodiversity and Nature Conservation.</u>
	31	Policy D1	Second paragraph to read: The allocated housing land equates to a total of <del>4,108</del> <b>6,600</b> dwellings over the Plan period.
	31, 32, 33	Table 1 / Table 2	Revisions to Tables 1 and 2 to update the information and illustrate all residential allocations as such, rather than separate them on type based on status, ie with permission/with application. For the full change for these tables see appendix.
	32	Policy D2  SUBJECT TO COMMENTS IN THIS LETTER	The release of housing sites as listed in Table 2 will be managed in order to: <ul style="list-style-type: none"> <li>• Meet the scale of development required over the Plan period and</li> <li>• Ensure that the scale and timing of development is coordinated with the provision of new infrastructure that is required.</li> </ul> Development will be permitted on sites in the following phases: <ul style="list-style-type: none"> <li>• <del>Phase 1: 2010 – 2016 Total = 2,712</del></li> <li>• <del>Phase 2: 2016 – 2021 Total = 2,469</del></li> <li>• <del>Phase 3: 2021 – 2026 Total = 1,781</del></li> </ul> Phases 1, 2 and 3 are shown in Table 2. <b>New Wording</b> Policy D2 – Phasing, Delivery and Monitoring The release of housing sites as listed in Table 2 will be managed in order to: <ul style="list-style-type: none"> <li>• Meet the scale of development required over the Plan period and</li> <li>• Ensure that the scale and timing of development is coordinated with the provision of new infrastructure that is required.</li> </ul> Development will be permitted on sites in the following phases: <ul style="list-style-type: none"> <li>• <u>Phase 1: 2010 – 2016</u></li> <li>• <u>Phase 2: 2016 – 2021</u></li> <li>• <u>Phase 3: 2021 – 2026</u></li> </ul> Phases 1, 2 and 3 are shown in Table 2.
	47	Table 3	Allowance for Losses needs amending from <del>35 ha</del> to <u>17.5ha</u> in line with changes made to the now adopted Core Strategy Total column needs amending from <del>62ha</del> to <u>44.5ha</u> to

Ref	Page	Policy/ Paragraph	Main Modification
			reflect the above change.
	51	Policy E2	<p><b>Policy E2 – Protection of Employment Areas and Sites (Publication Version)</b> Land is protected for employment uses including business, general industrial or storage and distribution (Use Classes B1, B2 and B8) as shown on the Proposals Map: a) in line with Core Strategy Policies 9 and 10 and the <del>Controlling the Reuse of Employment Premises Supplementary Planning Document;</del> and b) to support the local economy by ensuring there are jobs for local people and to attract commuters from outside the borough, at the following sites:</p> <p><b>Policy E2 – Protection of Employment Areas and Sites (Modified Version)</b> Land is protected for employment uses including business, general industrial or storage and distribution (Use Classes B1, B2 and B8) as shown on the Proposals Map: a) in line with Core Strategy Policies 9 and 10 (<u>Policy 10 does include a set criteria for the change of use to protected employment land if it was deemed appropriate within the plan period</u>) b) <u>The Controlling the Reuse of Employment Premises Supplementary Planning Document;</u> and c) to support the local economy by ensuring there are jobs for local people and to attract commuters from outside the borough, at the following sites:</p>
	52	8.28/8.29	<p>8.27 <del>The retail hierarchy directs retail development and town centre uses to Leyland Town Centre. Retail growth elsewhere will need to be of levels which are appropriate to the location. With regards to District and Local Centres there is a reasonable degree of flexibility to be applied to ensure they can perform their important local community role and serve a different purpose to the town centre. Care will also be needed to avoid, for example, a single excessively large retail outlet which risks competing with the town centre or undermining the healthy mix of functions within the Local Centre. All new development within the centres should contribute to the attractiveness of the centre and enhance the use of the centre by offering vibrant, attractive, well designed centres with a good offer for local residents and visitors.</del></p> <p>8.29 <u>In line with Policy 11 in the Core Strategy there will be a presumption to focus main town centre uses in the defined centres. However, planning applications for retail schemes on edge of centre or out of centre locations will be assessed against the sequential approach within the NPPF.</u></p>
	66	Policy G1	Subject to further modifications
	68	Policy G2	Subject to further modifications
			INCLUDE MODIFICATIONS IN COUNCIL'S MAIN MODIFICATIONS SCHEDULE (CD4.38)

Date: 13 June 2013

Your ref: PINS/F2360/430/1

Our ref: JB

Please ask for: Jeni Barnes

Extension: 5213

Direct Dial Tel: 01772 625213

Fax:

email: [Forwardplanning@southribble.gov.uk](mailto:Forwardplanning@southribble.gov.uk)



The Planning Inspectorate  
4/03 Kite Wing  
Temple Quay House  
2 The Square  
BRISTOL  
BS1 6PN

Civic Centre, West Paddock,  
Leyland, Lancashire PR25 1DH  
Tel: 01772 421491  
Fax: 01772 622287  
email: [info@southribble.gov.uk](mailto:info@southribble.gov.uk)  
website: [www.southribble.gov.uk](http://www.southribble.gov.uk)

FAO Susan Heywood  
Senior Housing and Planning Inspector

Dear Ms Heywood,

**Re: Additional information relating to proposed Main and Additional Modifications**

This letter is the Council's official response to the letter received on 29 April 2013. Below we have indicated our response to each of the individual issues raised. If you require additional details or further information please let us know via the Programme Officer.

**Policy D2 and associated Table 1 and 2**

Please find the authority's response to your concerns regarding Policy D2 and Tables 1 and 2 specifically in relation to phasing in Appendix 1 and Appendix 2. The authority has re-written sections of the introductory text, policy and justification text to take account of your comments on restricting development within certain phase periods, which is not the authority's intention, but rather to demonstrate supply and manage delivery over the plan period.

**Access to Healthy Food SPD – 400m exclusion zones**

After careful consideration of your concerns the authority has decided to remove this suggested modification from the schedule. It was originally proposed in reaction to Chorley Borough Council's EiP in April 2013 and comments made by their Planning Inspector. The authority will now assess, with the other two Central Lancashire authorities, whether any modifications of the SPD will be required. If modifications are required then an additional 6 week consultation will take place as well as SA/HRA screening to assess if there will be any significant impacts as a result of any proposed modifications to the SPD.

**Wording of Policy E4**

Please see Appendix 3 which sets out the wording for Policy E4 without any track changes for ease of reading. Please note there have been a few minor amendments to this policy including removal of the reference to A5 Hot Food Takeaway exclusion zones which the authority has accepted to remove from the Plan.

## **Further proposed modifications to Policy G1 and Policy G2**

The Council accepts the proposed modifications to Policy G1 and has now included this change in the Main Modifications Schedule. In relation to Policy G2, the Council considers the following Main Modification could satisfy this point by removing the proposed percentage modification and instead relying on guidance contained within the Design SPD. We have proposed an updated modification below to satisfy this concern.

### **Policy G2 Clause C –**

#### **Original suggested modification**

'c) The building is capable of conversion with no more than 30% reconstruction;'

#### **Updated suggested modification**

'c) The building is capable of conversion with minimal reconstruction;

The authority agrees to add in the term 'harm' instead of 'change' in Clause A as suggested by you.

a) The building is of permanent and substantial construction, of sufficient size and suitable for conversion to the proposed use without the need for additions or alterations which would change harm its existing form or character.

Additionally, the authority seeks permission to add an additional sentence to paragraph 10.31 to reflect the adoption of the Central Lancashire Design Guide SPD.

10.31 It will be necessary to demonstrate in the case of proposals for residential conversions that the building is unsuitable for commercial, industrial or recreational use because of its size, form, general design, method of construction or relationship with neighbouring authorities. Planning applications will be expected to comply with Design policies in DPDs in the Local Plan, as well as the Design Guide SPD.

## **Clarification of proposed modifications to Policy G10 and Policy G11**

The proposed modifications to Policy G10 and Policy G11 currently contained within the Additional Modifications Schedule are as a direct result of updated evidence from the Open Space and Playing Pitch Study. This evidence was used to inform the draft Central Lancashire Open Space SPD including the appropriate provisions and open space standards. The figures were updated in the draft SPD and as such it was considered that proposing a modification at this time would allow for consistency between the two documents in respect of the appropriate provision levels and standards. The authority has moved this proposed modification into the Main Modification Schedule.



**Other modifications – Main or Additional Modifications Schedule?**

The Council accepts the recommendation to move some of the proposed modifications from the Additional Modifications Schedule to the Main Modifications Schedule as these modifications are soundness based.

The Council are intending to consult on the Main and Additional Modifications for a period of 6 weeks beginning as soon as we have received confirmation that it is appropriate for a consultation to begin. The Council will forward all consultation correspondence received from the Main Modification Consultation to the Inspectorate for your consideration. All of the responses the Council receive from the Additional Modification Consultation will be used for internal purposes only.

If you have any further questions or require additional information please contact me at your earliest convenience.

Yours Sincerely,



Jeni Barnes

Forward Planning, South Ribble Borough Council

## Appendix 1 – Authority’s response to concerns regarding Policy D2 and Table 1 and 2

### Phasing, Delivery and Monitoring of Housing Land Supply

#### Policy D2: Introduction

7.64 The Council is introducing a phasing policy to ~~ensure~~ encourage a steady supply of housing land availability across the Borough over the Plan period and secure the necessary infrastructure and other services required for sustainable forms of development. ~~Under Core Strategy Policy 4: Housing Delivery and Site Allocations Policy D1, the Council will review targets relating to housing completions or the use of brownfield land every year and adjust the phasing of sites included in Table 2 as appropriate to achieve a better match between the required targets and delivery.~~

7.65 Breaking down the forecast ~~need~~ delivery into five year ~~sections~~ phases shows that there are deliverable and available sites within the Borough during the life of the Plan. ~~will also secure a better match between forecasts and actual house building. The policy does not override the statutory requirement to keep plans under review.~~ House building activity will be monitored and measured against the indicative phasing in the ~~policy~~ Table 2. As monitoring is carried out it may become necessary to update the indicative phasing in Table 2 to reflect changing circumstances. ~~These figures will be monitored and updated annually in the Housing Land Position Statement.~~ move sites between phases e.g. if insufficient sites from Phase 1 are being developed, sites from Phase 2 can be moved forward to maintain supply. If more housing development occurs through windfall development, greenfield sites can be moved into later phases. There may also be occasions where sites anticipated in later phases, where a long lead in time can be justified to come forward earlier, due to their size or infrastructure needs. will be considered for release in advance of the phase in which they are identified to come forward.

7.66 The phasing of units is indicative and has been informed by housing land monitoring work that records the number of units with planning permission and under construction; the 2012 Central Lancashire Strategic Housing Land Availability Assessment (SHLAA); and other site-specific information about the deliverability and sustainability of sites.

7.67 Throughout the Borough a number of sites already have a current planning permission and it is likely that many of these sites will be built during the next few years. However, should any of these applications lapse, applications for their renewal will be reviewed and considered in light of the Core Strategy, other policies and the current build rates in the Borough.

7.68 The Council has identified three phases which are as follows:

- Phase 1: 2010/11 – 2015/16
- Phase 2: 2016/17 – 2020/21
- Phase 3: 2021/22 – 2025/26

7.69 In phasing sites, account has been taken of the likely timescales for delivery bearing in mind the need for any supporting infrastructure and the need to prioritise previously developed land as far as is practical. Consideration has also been given to the need to include a rolling six year supply (taking on board the NPPF) of deliverable sites and that all sites are developable.

## Policy D2 – Phasing, Delivery and Monitoring

~~The release of housing sites as listed in Table 2 will be managed in order to:~~  
Housing sites are phased through indicative timescales identified in Table 2, in order to:

- Meet the scale of development required over the Plan period and
- Ensure that the scale and timing of development is coordinated with the provision of new infrastructure that is required.

Development will be ~~permitted~~ encouraged on sites in the following phases:

- Phase 1: 2010/11 – 2015/16
- Phase 2: 2016/17 – 2020/21
- Phase 3: 2021/22 – 2025/26

Phases 1, 2 and 3 are shown in Table 2

### Control Mechanism

Annual monitoring of the delivery of housing will be undertaken. It will include a review of Sites and Phasing within Table 2 and aim to ensure that a 5 year supply of deliverable sites (including a 20% buffer if appropriate, and if performance approves, the Council will look at reducing the buffer to 5% as part of the monitoring process), is maintained in line with the predicted, sites may be brought forward from later phases and others put back.

~~If the total number of dwellings permitted is above the total number of dwellings acceptable within a particular phase, the Council will review the sites within the remaining phases and bring forward where appropriate.~~

Once a planning permission has expired, there will be no presumption that it will be renewed unless a start has been made on construction. Any application for renewal of permission will be considered having regard to a demonstration of the deliverability of the scheme and the annual monitoring of housing site delivery.

### Justification

7.70 The phasing of housing land shown in Table 2 demonstrates how existing commitments and proposed allocations contribute to meeting the housing requirement. Information about the delivery of sites has been drawn from assumptions made in the SHLAA and the Sustainability Appraisal.

7.71 Wherever possible, the Council will seek to bring forward previously developed sites during the first six years in line with the Core Strategy. Due to delivery issues with previously developed land, some greenfield land will need to be brought forward at a fairly early stage. The larger greenfield sites are also dependent on the delivery of significant infrastructure before the construction of any housing.

7.72 The pace of housing delivery will be monitored annually based on economic indicators and build rates. Depending on the results of monitoring, it may be necessary to adjust the indicative phasing of sites. ~~This might include looking at whether sites phased for future years can be brought forward if the delivery of homes in earlier phases is delayed.~~

**Appendix 2 – Update to Phasing in Table 1 and 2 as a result of recent applications/  
housing completions survey as at 31/03/13**

**Table 1 – Allocation of Housing Land & Supply 2010 – 2026**

<b>Proposals Map Ref</b>	<b>Site Name</b>	<b>Site Area (ha)</b>	<b>Estimated No of Dwellings</b>
A	Group One, off Central Avenue, Buckshaw Village, Leyland	14.9	260 211
AA	Fishwick's Depot, Hewitt Street, Leyland	0.5	19
B	Former Farington Business Park, Wheelton Lane, Farington	13.0	471
C	Land south of Centurion Way, Farington	3.2	68 64 68 <sup>1</sup>
CC	Land off Claytongate Drive, Lostock Hall	1.9	15
D	Former Prestolite Premises, Cleveland Road, Leyland	2.3	82
DD	Gas Holders Site, Lostock Hall	1.9	25
E	Former Arla Foods Premises, School Lane, Bamber Bridge	5.5	209
F	Roadferry Depot, Carr Lane, Farington	1.9	80
G	Dunkirk Mill, Dunkirk Lane, Leyland	0.7	35
GG	Wateringpool Lane, Lostock Hall	4.6	80
H	Vernon Carus and Land, Factory Lane, Penwortham	4.1	475
I	Hospital Inn Railway Crossing, Brindle Road, Bamber Bridge	1.9	42
JJ	Coupe Foundry, Kittlingbourne Brow, Higher Walton	2.3	80
K	Lostock Hall Gasworks, Lostock Hall	12.0	200 350 <sup>2</sup>
KK	Land off the Cawsey	2.8	70 75
L	Land off Grasmere Avenue, Farington	4.4	160
LL	Land off Long Moss Lane	1.2	27
M	South of Longton Hall, Chapel Lane, Longton	3.6	80
N	Land off Liverpool Road, Hutton	2.4	45
O	LCC Offices, Brindle Road, Bamber Bridge	0.6	22
P	Land between Altcar Lane/Shaw Brook Road, Leyland	30.4	430
Q	Rear of Chapel Meadow, Longton	1.1	10
R	Land off Wesley Street, Bamber Bridge	6.9	475 195 <sup>3</sup>
S	Land off Brindle Road, Bamber Bridge	22.7	250
T	Land off Browndedge Road, Bamber Bridge	2.7	60

<sup>1</sup> Amended to take account of planning application change.

<sup>2</sup> Updated to reflect recent planning application.

<sup>3</sup> Updated to reflect recent planning application.

Proposals Map Ref	Site Name	Site Area (ha)	Estimated No of Dwellings
U	Rear of Dunkirk Mill, Slater Lane, Leyland	1.2	47
V	Land off School Lane, Longton	3.7	83
X	Land at Longton Hall, Chapel Lane, Longton	2.4	48
Y	Liverpool Road/Jubilee Road, Walmer Bridge	3.5	69
Z	Lostock Hall Primary, Avondale Drive, Lostock Hall	1.5	72
	<b>Total</b>		<b>3900</b>
			<b>3876</b>
	<b>Major Sites</b>		
EE	Pickering's Farm, Penwortham	79	1350
FF	Moss Side Test Track, Leyland	40.6	750
W	Land Between Heatherleigh and Moss Lane, Farington Moss	40	600
	<b>Total</b>		<b>2700</b>
	<b>OVERALL TOTAL</b>		<b>6600</b>
			<b>6576</b>

Table 2<sup>4</sup>

#### Residential Allocations

Proposals Map Ref	Site Name	Site Area (ha)	Estimated No of Dwellings	2010/11-2015/16	2016/17-2020/21	2021/22-2025/26
A	Group One, off Central Avenue, Buckshaw Village, Leyland	14.9	260 211	200 144	6067	0
AA	Fishwick's Depot, Hewitt Street, Leyland	0.5	19	0	19	0
B	Former Farington Business Park, Wheelton Lane, Farington	13.0	471	100 80	200 220	171
C	Land south of Centurion Way, Farington	3.2	68 64 68	68 64 68	0	0
CC	Land off Claytongate Drive, Lostock	1.9	15	15 0	0 15	0

<sup>4</sup> Phasing figures adjusted to take account of position at 2012/13 year end.

Proposals Map Ref	Site Name	Site Area (ha)	<u>Estimated</u> No of Dwellings	<u>2010/11-</u> <u>2015/16</u>	<u>2016/17-</u> <u>2020/21</u>	<u>2021/22-</u> <u>2025/26</u>
	Hall					
D	Former Prestolite Premises, Cleveland Road, Leyland	2.3	82	<del>82</del> <u>72</u>	<del>0</del> <u>10</u>	0
DD	Gas Holders Site, Lostock Hall	1.9	25	0	25	0
E	Former Arla Foods Premises, School Lane, Bamber Bridge	5.5	<del>200</del> <u>209</u>	80	<del>420</del> <u>129</u>	0
F	Roadferry Depot, Carr Lane, Farington	1.9	80	<del>80</del> <u>55</u>	<del>0</del> <u>25</u>	0
G	Dunkirk Mill, Dunkirk Lane, Leyland	0.7	35	35	0	0
GG	Wateringpool Lane, Lostock Hall	4.6	<del>79</del> <u>80</u>	<del>79</del> <u>80</u>	0	0
H	Vernon Carus and Land, Factory Lane, Penwortham	4.1	475	50	175	250
I	Hospital Inn Railway Crossing, Brindle Road, Bamber Bridge	1.9	42	42	0	0
J JJ	Coupe Foundry, Kittlingbourne Brow, Higher Walton	2.3	80	20	60	0
K	Lostock Hall Gasworks, Lostock Hall	12.0	<del>200</del> <u>350</u>	<del>80</del> <u>0</u>	<del>420</del> <u>200</u>	<del>0</del> <u>150</u>
KK	<u>Land off the Cawsey</u>	<u>2.8</u>	<del>70</del> <u>75</u>	<u>40</u>	<del>30</del> <u>35</u>	<u>0</u>
L	Land off Grasmere Avenue, Farington	4.4	160	<del>140</del> <u>80</u>	<del>50</del> <u>80</u>	0
LL	<u>Land off Long Moss Lane</u>	<u>1.2</u>	<u>27</u>	<u>27</u>	<u>0</u>	<u>0</u>
M	South of Longton Hall, Chapel Lane, Longton	3.6	80	<del>40</del> <u>20</u>	<del>40</del> <u>60</u>	0
N	Land off Liverpool Road, Hutton	2.4	45	20	25	0
O	LCC Offices, Brindle Road, Bamber Bridge	0.6	22	22	0	0
P	Land between Altcar Lane/Shaw Brook Road,	30.4	430	<del>170</del> <u>70</u>	<del>120</del> <u>220</u>	140

Proposals Map Ref	Site Name	Site Area (ha)	Estimated No of Dwellings	2010/11- 2015/16	2016/17- 2020/21	2021/22- 2025/26
	Leyland					
Q	Rear of Chapel Meadow, Longton	1.1	10	10	0	0
R	Land off Wesley Street, Bamber Bridge	6.9	<del>175</del> 195	50	<del>125</del> 145	0
S	Land off Brindle Road, Bamber Bridge	22.7	250	<del>0</del> 20	<del>150</del> 190	<del>100</del> 40
T	Land off Browndge Road, Bamber Bridge	2.7	60	0	60	0
U	Rear of Dunkirk Mill, Slater Lane, Leyland	1.2	47	0	47	0
V	Land off School Lane, Longton	3.7	83	40	43	0
X	Land at Longton Hall, Chapel Lane, Longton	2.4	48	48	0	0
Y	Liverpool Road/Jubilee Road, Walmer Bridge	3.5	<del>69</del> 72	<del>69</del> 72	0	0
Z	Lostock Hall Primary, Avondale Drive, Lostock Hall	1.5	30	0	30	0
	<b>Total</b>		<b>3900</b> <b>3876</b>	<b>1574</b> <b>1245</b>	<b>1508</b> <b>1880</b>	<b>664</b> <b>751</b>

#### Major Sites for Development (Residential Led)

Proposals Map Ref	Site Name	Site Area (ha)	No of Dwellings	2010/11- 2015/16	2016/17- 2020/21	2021/22- 2025/26
EE	Pickering's Farm, Penwortham	79	1350	<del>300</del> 150	<del>475</del> 600	<del>575</del> 600
FF	Moss Side Test Track, Leyland	40.6	750	<del>80</del> 50	<del>325</del> 365	<del>345</del> 335
W	Land Between Heatherleigh and Moss Lane	40	600	<del>200</del> 144	<del>200</del> 360	<del>200</del> 96
	<b>Total</b>		<b>2700</b>	<b>580</b> <b>344</b>	<b>1000</b> <b>1325</b>	<b>1120</b> <b>1031</b>

**Other Sites (at June 2012 31/3/13)**

Site Name	No of Dwellings	2010- /11- 2015/16	2016/17- 2020/21	2021/22- 2025/26
Small sites with planning permission (<0.4ha)	246 170	246 170	0	0
Small Sites identified from the SHLAA (<0.4ha)	478 121	478 121	0	0
Large sites under construction (≥0.4ha) not listed elsewhere	498 38	498 38	0	0
<b>Total</b>	<b>622</b> <b>329</b>	<b>622</b> <b>329</b>	<b>0</b>	<b>0</b>

**Totals**

Source	No of Dwellings	2010- /11- 2015/16	2016/17- 2020/21	2021/22- 2025/26
Sites with Planning Permission	1397	786	440	171
Sites with Current Application	835	240	345	250
New Allocations	1408	484	684	240
Residential Allocations	3743	1574	1508	661
	3876	1245	1880	751
Major Sites for Development (Residential Led)	2700	580	1000	1120
		344	1325	1031
Other Sites	622	622	0	0
	329	329		
<b>Total</b>	<b>6962</b>	<b>2712</b>	<b>2469</b>	<b>1781</b>
	<b>7065</b>	<b>2776</b>	<b>2508</b>	<b>1781</b>
	<b>6905</b>	<b>1918</b>	<b>3205</b>	<b>1782</b>



### Appendix 3 – Policy E4 minor clarification (policy without track changes)

#### Policy E4 – District Centres

District Centres are allocated at:

- Liverpool Road, Penwortham
- Station Road, Bamber Bridge
- Tardy Gate
- Longton

The District Centre boundaries are set out in Appendix 4 of this document.

The District Centres will be protected and enhanced to maintain their vitality and viability.

Planning permission will be granted for new buildings, redevelopment of existing sites, extensions to, or changes of use of existing buildings for the following uses:

#### Retail

- a) A1 retail uses, which will be encouraged to achieve a minimum of 60% of the overall units:
- b) A3 (Cafes and Restaurants) uses.

Applications for other District Centre uses including A2 (Financial and Professional Services), A4 (Drinking Establishments) and B1 (Offices) will need to include a six month marketing assessment to provide evidence for a change of use from A1 (Retail).

~~Applications for A5 (Hot Food Takeaway) use within the District Centre will only be permitted if the unit falls outside of the 400m school exclusion zone, identified on the map in Appendix 4.~~





The Planning  
Inspectorate

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## **Report to London Borough of Newham Council**

by **Geoff Salter BA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 13<sup>th</sup> January 2012

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PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

**REPORT ON THE EXAMINATION INTO NEWHAM CORE STRATEGY**

**DEVELOPMENT PLAN DOCUMENT**

Document submitted for examination on 31 March 2011

Examination hearings held between 13 September and 29 September 2011

File Ref: G5750/429/6

### **Non-Technical Summary**

This report concludes that the Newham Development Plan Document provides an appropriate basis for the planning of the Borough over the next 15 years. The Council has sufficient evidence to support the strategy and can show that it has a reasonable chance of being delivered.

A limited number of changes are needed to meet legal and statutory requirements. These can be summarised as follows:

- Revisions to a proposal for the release of Strategic Industrial Land and a Protected Wharf to ensure consistency with the London Plan
- Affordable housing policy definitions have been changed to accord with revisions to PPS3 and to ensure provision on-site wherever possible;
- Tall buildings policy has been clarified and made more flexible;
- A number of changes to policies and schedules for Strategic Sites to ensure consistency and to be consistent with government policy;
- Introducing a commitment to meet requirements for gypsy and traveller site provision;
- Deletion of an exclusion zone for Class A5 uses within 400m of secondary schools.

All but two of the changes recommended in this report are based on proposals put forward by the Council in response to points raised and suggestions discussed during the public examination. The changes do not alter the thrust of the Council's overall strategy.



catchment beyond the Borough and even London. It is complemented by another potential Major town centre at Canning Town, which is also undergoing considerable change. If this strategy to direct trade to main centres is to be effective, new floorspace in other centres is likely to be limited. The broad thrust of the strategy is realistic, is supported by the background evidence, in particular the Retail and Town centre Study and is well on the way to being delivered.

30. The role of Green Street district centre was discussed in some detail at the hearings. The centre is designated as a District Centre in the retail hierarchy but also has a particular role as a specialist ethnic retail area, encompassing Queens Market and a long row of outlets on both sides of the street stretching well beyond the town centre boundary identified on the Proposals Map, carried forward from the UDP. As I saw during visits on weekdays and on a Sunday, the centre is vibrant and appears to be thriving as a provider of both convenience and comparison specialist goods. Evidence from traders indicates that the centre has a wider role than serving just a local market. It is clear that this important retail area functions well beyond its existing defined boundary. However, I think it appropriate that the role of the centre should be considered in depth by the Development Management and Site Allocations DPD, as the Council intends. Its potential expansion is not a strategic matter and any revisions to the boundary should be considered at a later date. However, the Council has suggested some helpful minor changes to the CS which, while they do not go to soundness, delete a reference to the linearity of the centre and emphasise its support of the role and function of the centre.

## **Environment**

Will the CS be effective in protecting the Borough's environmental assets?

31. The Lee Valley Park is shown on the key diagram and the CS contains a strategic policy context to ensure adequate/sufficient protection of the park in principle. Nevertheless the Council has agreed to a change to meet the London Thames Gateway Development Corporation (LTGDC) concerns that the policy would not be effective; I consider this to be a minor matter that does not go to soundness.

Is the tall buildings policy justified and effective?

32. The CS contains a significant amount of detail about tall buildings in Policy SP4, which seeks to direct the tallest buildings (exceeding 20 storeys) to Stratford and Canning Town. The broad guidelines contained in the policy and supporting Table indicate the preferred location for other substantial buildings of 8-12 storeys, in accordance with the overall strategy to concentrate development in the AoO. However, there may be other locations, for example in Docklands, where buildings which do not specifically comply with these guidelines might not be out of place. Critically, the Council has put forward changes which make clear that the Table is indicative and also include a cross-reference in the policy to the definition of tall buildings as those which are noticeably taller than their surroundings. This would provide sufficient flexibility to ensure that development opportunities in areas which already contain significant numbers of tall buildings would be optimised if further tall

buildings would be appropriate. These changes are needed to make the policy effective [CC2-18].

Are the policies and proposals for open space, green infrastructure and recreation appropriate to reflect local needs and opportunities?

33. At present there is a deficiency of open space in the borough, particularly in Urban Newham. The CS seeks to address this by providing for additional green areas in the AoO, especially through the designation of the Olympic Park along the Lea Valley as Metropolitan Open Land. Policy INF6 provides adequate protection for existing spaces and provides the strategic basis for more open space. The CS is sound in this respect.

Are the criteria of Policy SP2 regarding healthy neighbourhoods justified? How will the policy be delivered?

34. Criterion 1 of Policy SP2 seeks to support the health and well being of the Borough's residents through an exclusion zone of 400m for all Class A5 uses around secondary schools. The policy responds to local concerns about some outlets within the use class, in particular 'chicken shops', which are thought to provide an insufficiently balanced diet for those who rely on them. However, the policy is not supported by evidence at present; a map plotting the incidence of Class A5 outlets shows clusters in local and district centres but not near secondary schools. As the Council admitted, significant health problems develop at primary school age. As worded, the policy would preclude any type of Class A5 outlet, however healthy the type of food being sold, which falls outside town planning control. The Council refers to some support for the approach by a Section 78 appeal decision in the adjoining Borough of Tower Hamlets but the particular issues in that appeal may not be applicable as a basis for Borough-wide policy. While the objective of the policy is laudable, I have strong reservations that the approach to the problem is proportionate, as claimed by the Council. I consider this part of the policy would be ineffective and therefore unsound; it should be deleted as shown in [IC2].

### Strategic sites

35. The CS identifies 29 strategic sites, which were selected using two criteria: location within the AoO and/or location in a town centre where there is a need for a new local centre. These criteria are logical in the context of the plan. Even though some relatively small sites have been included in the plan, all are important and there are a number of large areas where substantial amounts of new development are planned to meet the intended ambitious transformation of the Borough. The approach is consistent with PPS12. The CS includes some duplication of the proposals for each site, which are set out in both the area sections and Appendix 1; during the examinations some inconsistencies between the two came to light which have been rectified through the Council's changes [CC25 part]. Other changes concern the broad parameters for redevelopment, such as land use and density criteria, as discussed for individual sites in more detail below.

## Appendix C – Changes that the Inspector considers are needed to make the plan sound

*This change is required in order to make the Core Strategy sound.*

Inspector Change No	Policy/Paragraph/Page	Change
IC1	Policy H3	Insert: <i>'Site provision for gypsies and travellers to meet the required number of pitches identified in the GTAA, will be progressed through a further DPD / the Site Allocations DPD.'</i>
IC2	Policy SP2	Delete: <i>'and the establishment of a 400m exclusion zone for these uses around secondary schools.'</i>





# **The School Fringe**

WHAT PUPILS BUY AND EAT FROM SHOPS  
SURROUNDING SECONDARY SCHOOLS

## **Key Findings**

**Sarah Sinclair**  
**J T Winkler**

Nutrition Policy Unit  
London Metropolitan University  
July 2008

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## **THE CONTEXT**

The government is investing a great deal in improving the food and facilities provided in schools --- and it needs to.

Substantial sums are being spent on new kitchens, staff retrained, recipes improved, ingredients subsidised, new standards for school meals introduced and inspected, junk food eliminated from vending machines, fruit distributed free, cookery classes made mandatory and gardening clubs created. These and still other initiatives are responses to increasing evidence of poor diets among schoolchildren, especially rising obesity.

But gaps exist in both our understanding and our action on school feeding. During the "school day" (between leaving and returning home), there are three sources for the food that secondary pupils eat --- what they bring from home, what they obtain in school, and what they buy on the "school fringe", the doughnut of shops that surround secondary schools.

In the past, there has been much research on school meals, but little focussed on the fringe. New policies have improved the food inside schools, but paid scant attention to what is available outside, in adjacent shops. In 2008, however, both the Department of Health and the School Foods Trust (SFT) have drawn attention to "junk food" establishments near schools. Nonetheless...

This is the first research project to record what pupils actually buy from fringe shops, the full range of their purchases, at all times of the school day. It is a small study, but it starts to fill a gap in our knowledge of what schoolchildren eat, where and why. It offers an input into future policy-making.

## **HOW WE DID THE RESEARCH**

We selected two large, mixed comprehensive schools, one in leafy, affluent suburbia, the other in a poor, gritty city. Suburban school had a large catchment area, many pupils arriving by train or bus. Urban was a community school, to which most walked or cycled.

Both were in modern buildings, had their own kitchens, tuck shops and dedicated, if small, canteens. Compared with many secondary schools, they were well equipped.

Urban allowed pupils to leave at lunchtime if they had parental permission, which most did. Suburban let Sixth Formers out, but had a "locked gate" / "stay-on-site" policy for younger groups.

Next, we plotted all the nearby food shops that were actually patronised by pupils --- supermarkets, newsagents, bakeries, cafes, takeaways, and a mixed group of multiples and others. And we identified when schoolchildren used each of them --- enroute to school, at lunchtime, on the way home, or at multiple times.

For initial orientation, we interviewed teachers, catering managers, parents and shopkeepers. We had five group discussions with a dozen pupils each. We also asked them to provide details of what they had eaten during the whole 24 hours of the previous weekday.

Then, 322 pupils completed a 5-day "food frequency questionnaire" (FFQ), recording how often they normally ate common foods during the "school day" time frame. And where they obtained them -- from home, school or fringe. Most were in years nine and ten, aged 13-15, but at Suburban we included year twelve, aged 16-17, the ones allowed out at lunchtime.

However, adolescents seldom tell researchers fully or accurately what they eat. Just like their parents, only more so. For both boys and girls, this "underreporting" exceeds 30% of their daily intakes.

To measure fringe feeding independent of pupils' self-reports, the heart of the research involved observation in 16 shops, during three time periods, before, during and after school hours. We designed a special recording form, then noted what pupils bought, how much, when, and what they paid for it, including a variety of special offers.

We observed 631 purchases. But 44 of these were very large, later shared among friends or saved for eating throughout the week. Eliminating them left 587 "individual purchases", consumed by one pupil in one day. Next, we analysed their nutritional quality, using manufacturers data and British food composition tables. We then compared the nutrient profiles of purchases between boys and girls, the two schools, the three times of day, plus different types of shops, especially takeaways and others.

## **WHAT WE FOUND**

This report summarises key findings of the research and the core evidence that supports them. It is intended as a concise overview

for everyone interested in school feeding. Later, longer documents will describe specialist aspects of the work and policy options.

**Significance of the Fringe:** Food bought in fringe shops provided users with at least 23% of recommended energy intakes for this age group. This is intentionally a minimum estimate, based solely on hard observational evidence. Potential additional sources of fringe food are described in the sections that follow, and brought together in a more comprehensive assessment at the end.

**Nutritional Quality of Fringe Food:** Fringe purchases contained on average 38% of calories from fat, compared with the Dietary Reference Value (DRV) of 35%. Total carbohydrate intake was roughly on target at 52%. Much of that, however, was sugar. Total sugars provided almost a quarter of energy, "non-milk extrinsic sugars" (NMES) 15%, more than a third above the recommended maximum of 11%. The salt content of fringe food was relatively low, at least as sold. But many pupils added salt to products in takeaways. The proportion of protein was adequate. In sum, the main nutritional problem with fringe food and drink is sugar.

### Nutritional Quality of All Fringe Purchases

Percentage of energy intake	All pupils	Boys	Girls	Suburban	Urban
Fat %	<b>38</b>	39	37	38	38
Total carbohydrate %	<b>52</b>	52	54	55	48
Total sugar %	<b>22</b>	20	25	23	20
Non-milk extrinsic sugar %	<b>15</b>	12	21	17	12
Percentage of daily DRV					
Energy %	<b>23</b>	22	23	23	21
Protein %	<b>26</b>	27	25	21	35
Salt %	<b>13</b>	14	12	14	12

**Food Sources:** Of the three sources of food available during the school day (home, school, fringe), shops on the fringe were the most widely used. 80% of pupils bought something from them at

least once a week, so they said on the FFQ. Among those allowed out at lunch, usage rose to 97% at Urban and included everyone at Suburban. Food was brought from home by 68% of pupils. Schools were the least common source of food, used by only 59%. That is, over two-fifths of pupils never obtained any food from within school -- from canteen, tuck shop or vending machines.

**Multiple Sourcing:** The percentages above total to over 200%. That is because most pupils obtained food from more than one of the three sources available (home, school, fringe). Only 18% of pupils used just one. This is not unexpected. Most people compile their daily diet from multiple sources. But it does mean that policies to improve schoolchildren's diets must take account of the multiple sources from which they obtain their food.

**Which Shops?:** Pupils did not patronise all shops within a fixed distance of schools. Rather, our mapping showed pertinent shops concentrated along transport routes they used to get to school. For practical reasons, we studied only shops near the end of their journeys, on the fringe of the two schools. But, in all probability, they also bought food from shops near the start of those journeys, in their home neighbourhoods and, for Suburban pupils who travelled to school by train, around railway stations at both ends.

**Frequency of Frequenting the Fringe:** Pupils who bought food on the fringe said, on the FFQ, that they did so over six times a week each, on average more than once every day. But that figure was reduced by the many Suburban pupils locked in at lunchtime. They used fringe shops on average only 3.6x/wk. Suburban Sixth Formers, licensed to leave, bought fringe food 8.8x/wk. At Urban, usage was even higher, 11.5x/wk, on average more than twice a day. In contrast, those using the school as a source of food did so less than 5x/wk. Food brought from home was consumed 7.5x/wk.

**Meal Pattern:** That final number is odd, but revealing. Food brought from home is usually called a "packed lunch". But this "lunch" was consumed 7.5 times in a school week that contains only five lunch periods. It was eaten at various times of day, sometimes not during the lunch break at all. Almost a third of pupils skipped lunch altogether, rising to 45% of those kept in. Schoolchildren do not follow the conventional adult pattern of three meals a day --- breakfast, lunch, dinner. Morning break is the most common eating occasion, after school the most popular time for fringe feeding.

**Breakfast:** Breakfast was eaten irregularly by a third of pupils, and never by 11% of them. Both schools offered early morning food in their tuck shops, but had few takers. Over half the pupils claimed, in the FFQ, that they bought something from fringe shops enroute to school, mainly sweet foods and drinks. However, these were not breakfast substitutes. 86% of buyers said they saved such purchases for later. Anecdotal evidence from frontline staff and pupils, plus media reports, all suggest that some entrepreneurial schoolchildren are buying popular products, recently prohibited inside schools, on a larger scale, for later resale to friends. Some displacement of consumption from school to fringe appears to be taking place.

### **Nutritional Quality of Fringe Purchases by Time of Day**

Percentage of energy intake	Before school	During school	After school
Fat %	<b>28</b>	<b>43</b>	<b>41</b>
Total carbohydrate %	<b>66</b>	<b>48</b>	<b>51</b>
Sugar %	<b>46</b>	<b>17</b>	<b>18</b>
Percentage of daily DRV			
Energy %	<b>14</b>	<b>28</b>	<b>25</b>
Protein %	<b>8</b>	<b>45</b>	<b>25</b>
Salt %	<b>7</b>	<b>25</b>	<b>10</b>

**Hot Lunches:** In the current debate about school feeding, much attention has focussed on hot school meals, in part because of the popularity of the Jamie Oliver television series. In both our schools, catering managers reported that only 6% of pupils ate any of the hot meals on any given day. In Urban, that is considerably less than half those entitled to free school meals. Some may, as critics suggest, intentionally avoid the new "healthy" dishes. But that is not what pupils said in group discussions, nor after sample tasting sessions. Many have never tried the new recipes. What they are avoiding is not healthy meals, but the canteens in which they are served. Daily canteen use was 44% in Suburban, only 15% in Urban. 43% of pupils never visit the canteen at all. Why not?

**Diversion from Canteen:** Pupils are diverted from school canteens by several forms of alienation. Eating at school involves long queues, in sometimes raucous disorder. Both canteens provided seats for less than a quarter of pupils. So entry during the hour-long lunch break is divided into staggered short sessions for different year groups. Attractive foods sell out early. Prices are perceived to be high. Boys especially prefer sport or other activities during lunch, eating during morning break instead, often with food bought in fringe shops. For older students, leaving school at lunchtime is a sign of maturity. School dinners and packed lunches are uncool. In sum, there are pull factors that draw pupils to fringe shops, but also push factors within schools that drive them out.

**Takeaways:** Fast food shops near schools raise concern. Their products are assumed to be fatty. Seven of our 16 shops fit this category. Ironically, the archetypal unhealthy fast food shop, McDonalds, was near Urban, but seldom used by pupils; it was too expensive. Local independent shops offered child-size portions at child-size prices. They organised fast service in busy periods, even took on extra staff. Their food was fattier, on average 45% of calories from fat, versus 32% from other fringe shops. But, the six takeaways around Urban, offering meat meals, also provided 70% of users' daily protein needs. Despite the surfeit of fast food outlets, our observations showed the most popular shop near Urban was the supermarket, with more visits than all takeaways put together. Hence, over-consumption of sugar was even greater than of fat.

### Nutritional Quality of Food from Takeaways and Other Shops

Percentage of energy intake	All purchases		Suburban		Urban	
	Take away	Other	Take away	Other	Take away	Other
Fat %	<b>45</b>	<b>32</b>	45	34	44	25
Total carbohydrate %	<b>44</b>	<b>60</b>	49	58	39	68
Sugar %	<b>4</b>	<b>39</b>	3	35	4	53
Percentage of daily DRV						
Energy %	<b>38</b>	<b>17</b>	43	18	33	13
Protein %	<b>53</b>	<b>15</b>	31	19	70	8
Salt %	<b>16</b>	<b>12</b>	10	15	20	6



**Price:** Schoolchildren are very price-sensitive consumers. Not just McDonalds, but other shops, like coffee bars, were avoided on cost grounds. In discussions, pupils said school canteens were expensive compared to fringe shops, pizza particularly --- £1-30 a slice inside, £1 for a whole pie outside. "Nothing costs less than 70p; in the shops it's only 20p." Over a quarter of purchases we observed were in response to special offers --- percentage discounts, buy-one-get-one-free, multi-buys, child prices. Pupils sometimes pooled funds to take advantage of these incentives, sharing out food later.

**Shop Theft:** Some preferred not to pay at all. During our observation, one Suburban supermarket called in the police to check pupils' rucksacks, because 50% of doughnuts disappeared without reaching the till, 80% of some popular sweets, a whole case of Red Bull. Five local retailers then organised to protest to the school about pilferage. It is impossible to know the volume of food consumed in this way, or its nutritional quality. We assume stolen food was not recorded in the FFQ either, a novel form of underreporting. We asked pupils if they knew anyone who stole from fringe shops. Over half said they did. The principal objects of desire were sweet foods and drinks, purloined as well as purchased.

## SOME PRACTICAL OPTIONS

**Locked Gate / Stay-on-Site Policy:** Improving or controlling what pupils buy on the fringe is difficult, both practically and politically. One option is a "locked gate" policy, not allowing pupils to leave school premises at lunchtime. This would never be a complete solution. Pupils could still bring in food from fringe shops, as many of ours did. The restrictions may even provoke pupil pedlars. Hence, keeping schoolchildren in school does not mean they will eat school meals. Nonetheless, this research indicates that such controls could have a substantial effect in reducing fringe feeding. The difference in fringe shopping between younger children at Suburban, who were kept in, and older pupils, who were allowed out, was 5x/wk --- suggesting, if not proving, that most were eating lunch out most days.

**Small Portions:** One strategy in the debate about obesity is portion control --- food should be packaged or served in smaller amounts. Of course, price-conscious pupils responded to special offers for large packs, like two litre soft drinks and 500g chocolate bars. However, much fringe food already comes in small portions.

Virtually all takeaway food was sold in smaller, cheaper, children's portions. Near our schools, independent shops and even supermarkets offered branded confectionery in tiny sizes with a price point of 10p per pack. Pupils bought handfuls at a time.

**Restricting Fast Food Shops:** Announcing the government's Obesity Strategy in January, the Secretary of State for Health proposed using planning controls to limit new fast food shops near schools. The idea provoked instant dissent from local authorities. The value of the initiative, in any case, substantially depends on the existing mix of fringe shops. For example, around Suburban, there was one takeaway. Urban already had six. The real significance of the proposal is that, for the first time, the fringe attained a place on the policy agenda. The nutritional problems created by fringe feeding were well documented in a official survey conducted in 1983. But successive governments have heretofore declined to engage with the issue.

## CONCLUSIONS

**Limitations of This Research:** This is a small piece of research, more than a pilot study, less than a representative survey. It covered only two schools, both in southeast England, neither in a conurbation. It is no basis for generalising about fringe feeding in the whole UK. However, it provides the only credible information available on what pupils actually eat from the shops around schools. It is a start, on a subject now belatedly recognised as significant for children's health, on which action needs to be taken.

**Nutritional Quality of All Food Sources:** This research provides the first nutritional analysis of fringe purchases. As a result, in the UK, there are recent nutritional profiles of all three sources of pupils' food during the school day. Nelson and colleagues conducted a large study of secondary school lunches in 2004. In the same year, Jefferson and Cowbrough researched the packed lunches of secondary school pupils. Inconveniently, all three studies present their results in slightly different ways. But all agree on the most important point --- the nutritional quality of secondary schoolchildren's diet is not what is required. We have partly adjusted the data to be on as comparable a basis as possible. The results are set out in the following table.

## Nutritional Quality of Food from All Three Sources

Percentage of energy intake	Fringe shops		Packed lunches		School food	
	Boys	Girls	Boys	Girls	Boys	Girls
Fat %	39	37	37	37	41	41
Total carbohydrate %	52	54	52	52	47	48
Total sugar %	20	25	23	24	-	-
Non-milk extrinsic sugar %	12	21	-	-	13	14
Percentage of daily DRV						
Energy %	22	23	31	37	29	31
Protein %	27	25	44	45	45	41
Salt %	14	12	16	16	18	15

Together, they confirm the problem. None of the three sources meet the dietary recommendations for schoolchildren. Any serious programme to improve schoolchildren's diets must pay attention to all of them.

**Why this Research Underestimates the Fringe:** A very condensed summary of our results, including price data, is presented in the final table below. In fact, the true situation with fringe feeding is almost certainly worse than it describes.

Earlier, in an intentionally conservative estimate, we said fringe shops provided users with at least 23% of their energy requirements. That is what we actually observed and recorded. But there are several reasons why the significance of the fringe in schoolchildren's diets is likely to be higher.

\* Most important, each of our observations recorded what one pupil bought in one shop. But we know that many pupils, those allowed out at lunchtime, visited more than one shop a day, sometimes more than two. What they bought and consumed from these additional visits would substantially increase, perhaps even multiply, the amount the fringe contributed to their intakes.

\* We were only able to study shops close to schools, hence "the school fringe". But pupils may buy additional food and drink from other shops on their journeys between home and school and back.

If we were able to measure all those purchases, the contribution of shops to pupils' diets during "the school day" would again rise.

\* In order not to exaggerate the significance of the fringe in each individual's intake, we excluded large purchases that the buyer later shared out with friends. But our methods did not allow us to calculate how much individual pupils received from such sharing.

\* We know that theft of food and drink from fringe shops occurs. We do not know how much, but some evidence suggests the amount is not trivial. However much pupils obtain illicitly, it enlarges the contribution from legitimate purchases.

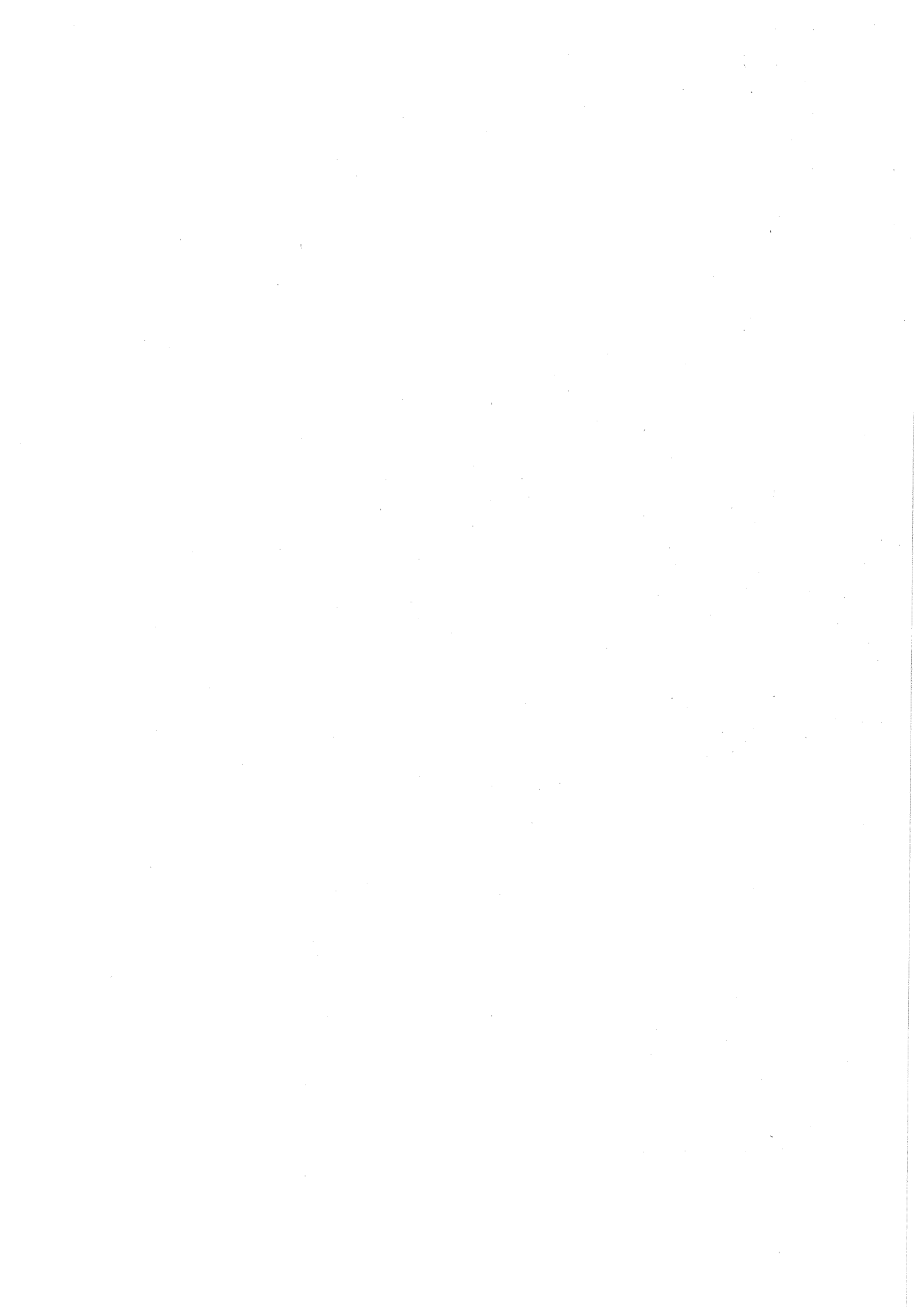
In sum, we made unique and rigorous efforts to measure what pupils bought on the fringe, independent of their often misleading self-reports. Nonetheless, our recorded results on fringe feeding are certainly underestimates. And, for pupils allowed out of school at lunchtime, substantial underestimates.

\* \* \* \* \*

SUMMARY TABLE**Shop Purchases by Pupils**

N	Mean values		Description	Weight (g)	Mean weight in Grams per purchase					
	Cost (£)	Price Offer			kcal	Protein	Fat	CHO	Sugar	Salt (mg)
631	1.09	28%	All purchases	363	563	12.5	22.8	76.6	37.1	790
44	1.61	36%	Multiple purchases	804	1317	19.8	41.8	212.9	159.8	985
<b>587</b>	<b>1.05</b>	<b>27%</b>	<b>Individual purchases</b>	<b>330</b>	<b>506</b>	<b>11.9</b>	<b>21.4</b>	<b>66.4</b>	<b>27.9</b>	<b>775</b>
349	1.01	32%	Boys	349	540	12.7	23.2	69.6	27.5	829
238	1.11	20%	Girls	301	456	10.7	18.6	61.7	28.4	695
367	1.12	22%	Suburban	333	520	9.6	22.0	71.3	29.9	802
220	0.93	35%	Urban	323	483	15.9	20.3	58.2	24.5	729

"Price Offer" records the percentage of purchases that were obtained at a discounted price. These included multi-buys, child portion/price, reduced prices and buy-one-get-one-free.



Embargoed until 00.01, on Monday 7 July 2008

## UK pupils shun school dinners for local chippie

- 80% buy food from local shops
- 41% never go in to the school canteen
- only 6% eat the school's set hot lunch

New research from the Nutrition Policy Unit of London Metropolitan University, reveals for the first time the role of the 'school fringe' – food outlets close to their school – in the diet of secondary school children [1]. The research comes as Kevin Brennan, children's minister, has called for secondary schools to keep students under the age of 16 in at lunchtime to prevent them from eating junk food.

***The School Fringe: What pupils buy and eat from shops surrounding secondary schools*** by Sarah Sinclair and Jack Winkler is the first study of its kind. The experts directly observed the food purchasing habits of pupils from two large, mixed comprehensive schools – one local community school in a deprived urban setting and one school with a wider catchment in an affluent suburban area. The researchers recorded 631 separate transactions, involving a range of 351 different food items from the 'fringe' of local shops, supermarkets and takeaways surrounding the schools.

The observational methodology meant that the researchers could note exactly what was purchased and did not rely on asking the children to recall what they had bought. Pupils and parents were also asked their opinions on new school menus and eating in the canteen. The report is intended to complement the work currently being done by the School Food Trust in improving the quality of school food in the UK.

Of the pupils who were allowed out at lunchtime, 97% of the pupils at the urban school bought food on the fringe and 100% of those allowed out at the suburban school (only sixth-formers) did so. The pupils who were able to shop locally at lunchtime bought food from the fringe on average around twice a day. Those who were kept in at lunchtime made fringe purchases on average less than once a day.

This suggests that a stay-on-site policy has some effect, but not always the effect that was intended, as many children bought food and confectionery before coming in to school that was saved for eating later in the day – at break or lunchtime. In the school where pupils had to stay on site, less than half (44%) bought some food from

the school canteen, usually sandwiches or wraps rather than the full hot meal. In the urban school, only 15% went into the canteen at all, and fewer than half of these bought the set meals.

Overall, the research found that food bought by school children in 'fringe' shops provided at least 23% of their daily energy requirement, and was often high in fat or sugar. The sugar content of fringe purchases is particularly worrying – the average purchase contained around 28g, equivalent to seven teaspoons [2]. The top ten foods bought in fringe shops included fizzy drinks, chocolate, sweets, crisps, cakes, biscuits and chips [3].

Three out of ten fringe purchases were made in takeaways and were generally hot food such as chips, chicken and chips or pizza. Broadly speaking, the fat content of purchases from takeaways was high (an average of 42g of fat per purchase) [4]. The average fat content of a £1.00 portion of chicken and chips was 53.2g, well over half the amount of fat a child of this age should be eating in a whole day.

Many more purchases - 70% - were from supermarkets and newsagents. Here sugar was the main problem, with each purchase containing an average 36g (nine teaspoons) of sugar [4]. One of the most popular products, a 500ml bottle of Ribena, contains 60.5g of sugar, more than a teenage girl should have in a whole day.

"Improving the quality of food and drink available inside schools is the most active area of nutrition policy in the UK at present," says Sarah Sinclair, Lead Researcher on the School Fringe project at London Metropolitan University. "But there has been recognition for some time now that many children do not eat the food provided by the school canteen, preferring to buy from local shops and takeaways. This is the first proper observational study that has been carried out into what pupils buy and what those purchases contribute to their daily nutritional requirements.

"School meals have been substantially improved over the past few years, so why is it that only 6% of our study sample actually chose the full hot meal option in the canteen? It certainly wasn't that they didn't like the Jamie Oliver menus or were rejecting healthy eating. Our discussion groups with pupils and parents showed the main reason was that the canteen is too small to accommodate all the pupils it needs to, and long queues mean that pupils have no time left in their lunch break for any other activity such as sport or play. Instead, they choose to buy food on their way to school to eat later, or, if they are allowed out at lunchtime, they make a quick trip to a local shop [5]."

"Our research found that local takeaways in the school fringe were undercutting the school canteen by offering child-sized portions for £1," said Jack Winkler, Professor of Nutrition Policy at London Metropolitan University and the report's other author. "This meant that for the equivalent price of a school meal, pupils could buy chicken and chips or a whole pizza and still have money left over for a drink or sweets.



"Shops had special offers targeted at the children – price reductions and 'two-for-one' savings, which meant that pupils could pool their money and buy more food to share between them. The local takeaways were also well-staffed and could serve a large number of children very quickly, to ensure that they did not have to spend time queuing. One takeaway we observed served 63 pupils with chips, burgers and sausages within half an hour."

The report's authors conclude that the obstacles to secondary school children eating healthily do not include the new Jamie Oliver menus. Instead, action needs to be taken to improve facilities in canteens so that more children can be served more quickly and more space provided for pupils to eat. Prices need to be lowered, and more food needs to be available at morning break time, so that children have the option of buying their lunch then to eat later. Once these areas have been addressed, then schools should adopt a stay-on-site policy. At the same time as internal factors are being improved, schools should proactively engage with fringe shops about stocking healthy foods and supporting them with 'special offers' to encourage pupils to choose more nutritious options.

**-Ends-**

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#### Notes to editors:

The full report please contact one of the authors, as detailed below.

#### References:

[1] *The School Fringe: What pupils buy and eat from shops surrounding secondary schools*. Sarah Sinclair and Jack Winkler. Nutrition Policy Unit. London Metropolitan University.

[2] One level teaspoon of sugar weighs 4g (Source: Food Standards Agency (2002), *Food Portion Sizes*, 3<sup>rd</sup> Edition, London, TSO)

[3] This table shows the top ten categories of food and drink items bought by school children in the study. In each category we have also given nutritional details for the most popular brand or purchase. (Costs are averages across all shops in the study):

	Description	Top purchase brand/	Cost (£)	Weight (g)	Kcal	Sugar (g)	Fat (g)
1	Fizzy drinks	Coca Cola	0.50	330	139	35.0	0.0
2	Sweets	Starburst Choozers	0.42	41	162	26.7	2.5

3	Chocolate bars and confectionery	Dairy Milk chocolate bar	0.46	49	255	27.8	14.6
4	Chips	Portion chips	0.60	374	922	6.4	46.4
5	Crisps/Savoury snacks	McCoy's (Steak flavour)	0.49	50	258	1.2	15.4
6	Cakes/Sweet pastries	Doughnuts (3 pack)	0.35	210	732	39.5	30.5
7	Still drinks	Fibena bottle	1.05	500	255	60.5	0.0
8	Biscuits/Cookies	Chocolate bourbon biscuits	0.44	200	962	61.4	43.2
9	Sandwiches/Paninis/Wraps	Chicken Caesar wrap	2.09	204	583	5.3	33.3
10	Fried chicken	Chicken and chips	1.00	406	971	4.1	53.2

[4] This table shows the differences in the nutritional contents of purchases from takeaways and other shops:

Mean values N	Cost (£)	Description	Total Weight (g)	Mean weight (Grams per purchase)		
				kcal	Fat	Sugar
169	1.01	Takeaways	358	845	42.0	7.5
418	1.07	Other shops	318	369	13.0	36.1

[5] The research project included a number of discussion groups with pupils and parents at both schools. Pupils rarely said they disliked the food available. Instead, they were far more concerned with the difficulty of using the canteen and the price of the food. When asked about the school canteen, these were the typical responses:

"I hate the queues." (Year 10 boy)

"It's too much hassle." (Year 10 boy)

"Sometimes I buy a chicken wrap, you have to get there early if you want the good ones." (Year 9 girl)

"It's expensive: nothing costs less than 70p. In the shops it's only 20p." (Year 9 girl)

"The healthy food is expensive." (Year 9 girl)

"I would love my children to have a school dinner, the two course meal, but what really puts them off is the queues." (Parent)

"By the time they have queued and eaten there is no time to play football." (Parent)

"The ultimate aim is to achieve more people coming to the canteen. Will that not make it worse, will they be able to cope?" (Parent)

"Since they changed the food to this new organic healthy menu it's too expensive. I have three kids, it's just too much to pay for the meals so I had to start making them packed lunches instead." (Parent)

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**For further information please contact:**

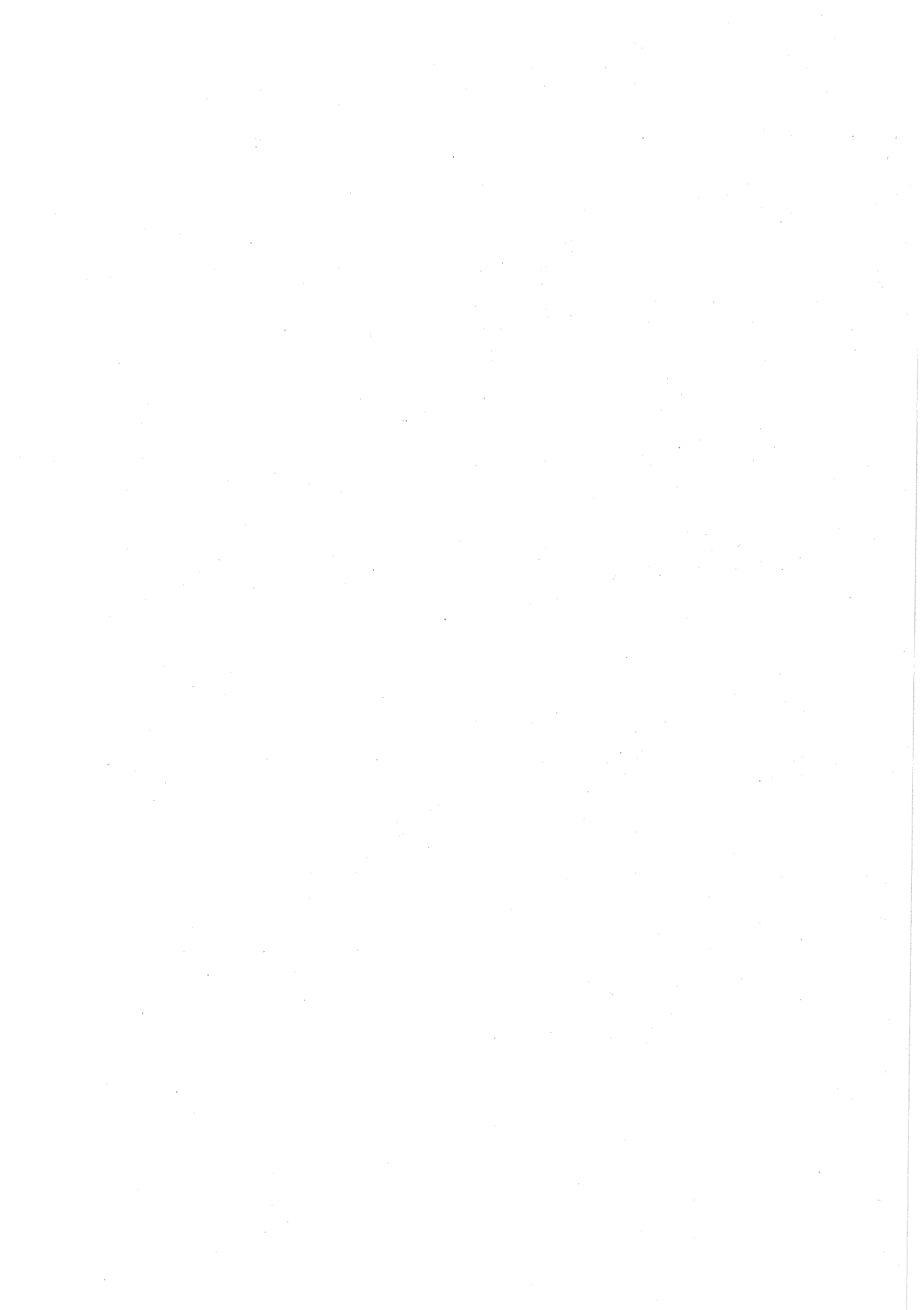
Irene Constantinides  
Press Officer  
London Metropolitan University

Phone: 020 7320 2346  
Email: [i.constantinides@londonmet.ac.uk](mailto:i.constantinides@londonmet.ac.uk)

Sarah Sinclair, Lead Researcher: 07841 908128, [sarah-sinclair-@hotmail.com](mailto:sarah-sinclair-@hotmail.com)

Prof Jack Winkler, Unit Director: 07880 752788, [j.winkler@londonmet.ac.uk](mailto:j.winkler@londonmet.ac.uk)

Wendy Jarrett, Comms officer: 07711 698984, [jarrettwj@aol.com](mailto:jarrettwj@aol.com)





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Healthy people, healthy places briefing

# Obesity and the environment: regulating the growth of fast food outlets



November 2013

## About PHE

Public Health England's mission is to protect and improve the nation's health and to address inequalities through working with national and local government, the NHS, industry and the voluntary and community sector. PHE is an operationally autonomous executive agency of the Department of Health.

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## About this briefing

This briefing has been written in conjunction with the Local Government Association (LGA) and the Chartered Institute of Environmental Health (CIEH). It is aimed at those who work in or represent local authorities. It addresses the opportunities to limit the number of fast food takeaways (primarily hot food takeaways, especially near schools) and ways in which fast food offers can be made healthier. It summarises the importance of action on obesity and a specific focus on fast food takeaways, and outlines the regulatory and other approaches that can be taken at local level.

This briefing was written for PHE by Dr Nick Cavill and Professor Harry Rutter.

We would like to thank all those on our advisory group who commented on the drafts of this briefing, with special thanks to Angela Hands, public health practitioner, planning and transport, Coventry City Council and Andrew Ross, writer and editor, Final Draft Consulting for their additional expert advice.

We would welcome your views on this briefing and how we might develop or improve these in future. If you have ideas for future topics, let us know. Enquiries to [Healthypeople.healthyplaces@phe.gov.uk](mailto:Healthypeople.healthyplaces@phe.gov.uk)

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# Obesity and the environment: regulating the growth of fast food outlets

## 1. The importance of action on obesity

In 2011 the government published 'Healthy lives, healthy people: a call to action on obesity in England',<sup>1</sup> which described the scale of the obesity epidemic and set out plans for action across England.\*

Obesity impacts on health in many ways. It is a cause of chronic disease leading to early death. It increases the risk of type 2 diabetes (fivefold in men and twelvefold in women), raised blood pressure (two and four times respectively) and colorectal cancer (three and two times respectively).<sup>2</sup>

Two-thirds of English adults, one fifth of children in reception (four to five years old), and a third in year 6 (ten to 11 years) are obese or overweight.<sup>2,3</sup> Obesity tends to track into adulthood, so obese children are more likely to become obese adults.<sup>3</sup>

There are stark inequalities in obesity rates between different socioeconomic groups: among children in reception and year 6, the prevalence of obesity in the 10% most deprived groups is approximately double that in the 10% least deprived.

## 2. The role of the environment

The 2007 UK government Foresight report 'Tackling obesity: future choices'<sup>4</sup> remains the most comprehensive investigation into obesity and its causes. It described

\* In adults, obesity is commonly defined as a body mass index (BMI) of 30 or more. BMI is weight (in KG) divided by the square of height (in metres). For children in the UK, the British 1990 growth reference charts are used to define weight status. See [www.noo.org.uk/NOO\\_about\\_obesity](http://www.noo.org.uk/NOO_about_obesity) for details

the complex relations between the social, economic and physical environments and individual factors that underlie the development of obesity.

Obesity is a complex problem that requires action from individuals and society across multiple sectors. One important action is to modify the environment so that it does not promote sedentary behaviour or provide easy access to energy-dense food.<sup>5</sup> The aim is to help make the healthy choice the easy choice via environmental change and action at population and individual levels. This provides the opportunity to build the partnerships that are important for creating healthier places, and around which local leaders and communities can engage.<sup>6</sup>

Local authorities have a range of legislative and policy levers at their disposal, alongside wider influences on healthy lifestyles, that can help to create places where people are supported to maintain a healthy weight. Public health professionals should work with their colleagues across local authorities to use these and other approaches to maximise health benefits.

## 3. Planning and health: the policy context

Planning authorities can influence the built environment to improve health and reduce the extent to which it promotes obesity.<sup>7,8</sup> The government's public health strategy 'Healthy lives, healthy people', explicitly recognises that "health considerations are

an important part of planning policy”,<sup>1</sup> and the Department of the Environment 2011 white paper made many explicit connections between planning and health.<sup>9</sup> One of the ten recommendations of the Academy of Medical Royal Colleges’ 2013 report on obesity was that “Public Health England should, in its first 18 months of operation, undertake an audit of local authority licensing and catering arrangements with the intention of developing formal recommendations on reducing the proximity of fast food outlets to schools, colleges, leisure centres and other places where children gather”.<sup>10</sup> It also recommended that local authority planning decisions should be subject to a health impact assessment.

#### 4. Evidence for action on obesity

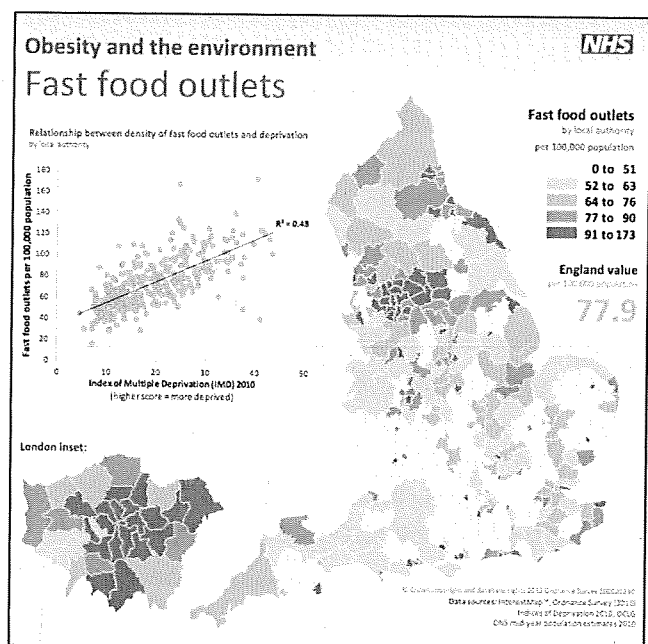
The typical adult diet exceeds recommended dietary levels of sugar and fat. Less than a third of adults currently meet the five a day target and around one in five children aged five to 15 meets the target, with the average being just three portions a day.<sup>11</sup> Healthy eating is associated with a reduced risk of being overweight or obesity and of chronic diseases, including type 2 diabetes, hypertension, and certain cancers.<sup>12</sup>

One of the dietary trends in recent years has been an increase in the proportion of food eaten outside the home, which is more likely to be high in calories.<sup>4</sup> Of particular concern are hot food takeaways, which tend to sell food that is high in fat and salt, and low in fibre, fruit and vegetables.<sup>13</sup>

Research into the link between food availability and obesity is still relatively undeveloped<sup>14</sup> although a US study has found evidence of elevated levels of obesity in communities with high concentrations of fast food outlets.<sup>15</sup>

PHE’s obesity knowledge and information team (formerly the National Obesity Observatory) has produced a briefing paper on fast food outlets, together with downloadable data on fast food outlets by local authority. This shows the density of outlets varies between 15 and 172 per 100,000 population (see below).

This data shows a strong association between deprivation and the density of fast food outlets, with more deprived areas having a higher proportion of fast food outlets per head of population than others.



#### School food

Children who eat school meals tend to consume a healthier diet than those who eat packed lunches or takeaway meals.<sup>17</sup> While there have been many initiatives to improve standards of school meals, including nutrient-based standards and the School Food Plan, these currently only affect around four in ten children who take school meals.<sup>4,18,19</sup> Uptake of school meals decreases when children move from primary to secondary school (46.3% compared to 39.8%), and in many



cases secondary school pupils are allowed to leave the school premises at lunchtime.

Improving the quality of the food environment around schools has the potential to influence children's food-purchasing habits, potentially influencing their future diets.<sup>19</sup> However, it is important to note that taking action on hot food takeaways is only part of the solution, as it does not address sweets and other high-calorie food that children can buy in shops near schools.

Action on the food environment is supported by the NICE public health guidance, 'Prevention of Cardiovascular Disease',<sup>20</sup> NICE recommends encouraging planning authorities "to restrict planning permission for takeaways and other food retail outlets in specific areas (for example, within walking distance of schools)".

It is only in recent years that local authorities have started to use the legal and planning systems to regulate the growth of fast food restaurants, including those near schools. There is thus an unavoidable lack of evidence that can demonstrate a causal link between actions and outcomes, although there is some limited evidence of associations between obesity and fast food,<sup>21</sup> as well as with interventions to encourage children to stay in school for lunch.<sup>13</sup> However, there are strong theoretical arguments for the value of restricting the growth in fast food outlets, and the complex nature of obesity is such that it is unlikely any single intervention would make a measurable difference to outcomes on its own.

There are several reasons why the presence of fast food outlets may be undesirable from a public health perspective, with implications for planners. For example:

- many hot food takeaways may generate substantial litter in an area well beyond their immediate vicinity
- discarded food waste and litter attracts foraging animals and pest species
- hot food takeaways may reduce the visual appeal of the local environment and generate night-time noise
- short-term car parking outside takeaways may contribute to traffic congestion
- improving access to healthier food in deprived communities may contribute to reducing health inequalities

The most relevant evidence of successful approaches in England tends to come from case studies of approaches being taken by local authorities using policy and regulatory approaches.

## 5. What tools are available?

The 'Takeaways toolkit'<sup>13</sup> noted that there were three broad approaches that could be taken to address the problem of over-proliferation of hot-food takeaways in city centres and near schools:

- working with the takeaway businesses and food industry to make food healthier
- working with schools to reduce fast food consumed by children
- using regulatory and planning measures to address the proliferation of hot food takeaways

This briefing focuses on the role of planning on the food environment and so addresses only the last of these approaches.

## Planning laws

The National Planning Policy Framework (NPPF) makes it clear that local planning authorities (LPAs) have a responsibility to promote healthy communities.<sup>8</sup> Local plans should “take account of and support local strategies to improve health, social and cultural wellbeing for all”.

LPAs should prepare planning policies and take decisions to achieve places that promote “strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity”.

The NPPF also gives clear advice that local planning authorities should “work with public health leads and organisations to understand and take account of the health status and needs of the local population... including expected changes, and any information about relevant barriers to improving health and wellbeing”. Important issues may be identified through health impact assessments\* that may be conducted as part of the planning process.

A number of local authorities\*\* have drawn up supplementary planning documents (SPDs) to restrict the development of new fast food premises near schools. However, it is recognised that due to consultation and other procedures, these can take a long time to prepare and agree. SPDs must also relate to a policy in the local plan, so the priority is to make sure the issue is addressed within the local plan in the first place.

The ‘Use Classes’ order defines commercial premises using a coding system. Therefore,

A5 hot-food takeaway premises are defined as “where the existing primary purpose is the sale of hot food to take away”. A3 premises are “restaurants where the primary purpose is the sale and consumption of food and light refreshment on the premises”.<sup>22</sup>

However, before 2005 all hot food takeaways were given Use of Class A3, when the 1987 Town and Country Planning (Use Classes) Order was amended. This means that, historically, hot food takeaways may have given planning permission under either Use Class A3 if they have been in existence since before 2005 or A5 if permission came after that date. This is important when considering over-concentration or cumulative impact in particular areas. Also, A3 premises can have ancillary A5 use – that is a restaurant that also provides hot food takeaways.

Planning permission is required for change of use to a different category but not change of use within the same category, although changes in permitted development rights that arose in June 2013 mean that clarification is being sought on this issue

### Proximity to schools used as a criterion

St Helen’s Council has implemented a wide-ranging policy including a number of restrictions, granting planning approval only “within identified centres, or beyond a 400m exclusion zone around any primary or secondary school and sixth form college either within or outside local education authority control”.<sup>23</sup> The council’s SPD is a material consideration in determining planning applications. As well as proximity to schools and health impact, it covers issues such as over-concentration and clustering, highway safety, cooking smells, and litter.

\* Health Impact Assessment (HIA) is a means of assessing the health impacts of policies, plans and projects in diverse economic sectors using quantitative, qualitative and participatory techniques. See [www.who.int/hia/en/](http://www.who.int/hia/en/) for details .

\*\*Within London, the following councils have been identified to have either proposed or adopted restrictive policies based around A5 usage: Barking and Dagenham; Greenwich; Hackney, Haringey; Havering; Islington, Kensington and Chelsea; Kingston-upon-Thames; Newham and Waltham Forest.

Most authorities have used a distance of 400m to define the boundaries of their fast food exclusion zone, as this is thought to equate to a walking time of approximately five minutes.<sup>24</sup> However, in Brighton and Hove this was found to be inadequate to cover the areas actually used by pupils: an 800m radius is used as it covers significantly more lunchtime journeys.

### **Development plan or supplementary plan documents**

Barking and Dagenham was nearing completion of its core strategy when it began to develop its A5 SPD, which was adopted in 2010. The council chose to develop its A5 policy as an SPD, but has reported that for local authorities developing local plans it is advisable to incorporate A5 policies within the development plan documents (DPD) rather than SPDs as they carry more policy weight. The downside of this is that DPDs face much more in the way of procedural challenges.<sup>25</sup>

### **Planning permission/appeals**

A number of authorities have had their planning decisions challenged through the appeals process. Some appeals have been successful but many have been rejected. A common challenge is a lack of direct evidence to link takeaway proximity with health outcomes. It appears that in many cases the existence of an exclusion zone may be a consideration in an appeal, but the decisions are often made on other planning grounds.<sup>26</sup>

### **Can proximity to schools be a consideration?**

In 2010 a High Court judge declared that Tower Hamlets Council in East London “acted unlawfully” when it gave the go-ahead for Fried & Fabulous to open for

business close to a school. The judge said councillors had voted in favour of permission after being wrongly directed that they could not take account of the proximity of the local secondary school because it was not “a material planning consideration”.<sup>27</sup>

However, planning permission was ultimately granted on appeal for a number of reasons, including the lack of evidence that “the location of a single take-away within walking distance of schools has a direct correlation with childhood obesity, or would undermine school healthier eating policies”. This prompted Tower Hamlets to review its policies with the aim of limiting such appeals in future.

### **The importance of engaging with stakeholders**

Sandwell Council adopted an SPD for hot food takeaways in 2012, which included a 400m buffer near schools. In one appeal, it was noted that as there was little support from the school affected and little secondary evidence, the application was approved. Council officers reported that they have subsequently made efforts to work more closely with public health colleagues and to engage with schools on the issue.<sup>28</sup>

All subsequent appeals that have gone to the Planning Inspectorate have been dismissed, so the SPD appears to have been effective.<sup>29</sup>

### **Environmental health and licensing**

Alongside planning policies, there are other measures available, mainly implemented by environmental health or licensing teams, to help local authorities regulate the sale of fast food. These include:

- street trading policies to restrict trading from fast food vans near schools
- policies to ensure that menus provide healthier options
- enforcement on other issues such as disposal of fat, storage of waste, and litter
- food safety controls and compliance
- restrictions on opening times
- using Section 106 agreements and the Community Infrastructure Levy to contribute to work on tackling the health impacts of fast food outlets

#### **No ice**

Hillingdon Council passed a resolution banning ice cream vans from the vicinity of schools and nurseries. One of the reasons cited for the ban was that ice cream trading near schools contradicted dietary recommendations and the aims of the Healthy Hillingdon Schools Scheme.<sup>7,13</sup>

#### **Encouraging healthier provision**

As an alternative to using legislation to restrict the proliferation of fast food takeaways, local authorities may choose to work with them to change the nature of their food provision.

The government procurement standards for food and catering services aim to set standards for more sustainable and healthier food provision. They provide criteria to reduce the salt, fat and sugar content of different food categories,<sup>30</sup> and sit alongside DH guidance on healthier, more sustainable catering.<sup>31</sup> The government's Responsibility Deal also offers a wide range of advice for small businesses on issues, including calorie labelling and reducing saturated fat.<sup>32</sup>

In London, the Healthier Catering Commitment is a voluntary scheme for food outlets, operating across 25 London boroughs by catering businesses in partnership with environmental health and public health teams. It provides information on healthier food together with offering healthier alternatives.<sup>33</sup>

#### **6. Ideas for action**

Public health professionals and others who wish to address the prevalence of fast food outlets in their area in order to support healthier lifestyles may find the following actions helpful:<sup>7</sup>

##### **Strategic leadership: local authority and health and wellbeing boards**

- identify a councillor who will be a champion on behalf of the local authority and provide leadership (and in two tier areas, to engage with work with district councillors)
- work with key partners: local authority public health teams and clinical commissioning groups, to identify a senior lead officer with responsibility for this work who will champion it within the health and wellbeing board
- work with other professional groups to identify lead officers, such as environmental health practitioners, to support this work early on, especially in two-tier authorities that may otherwise not be directly involved
- in addition to statutory consultees, ensure the engagement of planners and environmental health practitioners as early as possible when developing a policy

##### **Public health teams**

- identify a person within the public health team to liaise with planning officers

- establish a programme of health impact assessment (HIA) training for public health teams, planning officers, and others
- agree a process with the planning team for incorporating HIAs in the planning process. Some councils are writing such requirements into their assessment processes for planning or development applications over a certain size or scale
- use government buying standards for food and catering services as the basis for school food procurement
- conduct wider community engagement to incorporate the views of local residents, community groups and schools in planning decisions

### **Supporting data and information**

Planning officers will require evidence before including items in the development plan or SPD so:

- review all the publications in the 'additional resources section'. These contain detailed advice and case studies
- consider collecting other data such as surveys of school children's purchasing habits on the way to and from school

### **Evaluation**

Local authorities are required by law to publish an annual monitoring report. This is an excellent source of information on the impact of policies. Public health colleagues should work with planners and other local authority colleagues to ensure that appropriate and important information is recorded.

## Additional resources

'Takeaways toolkit'. A comprehensive briefing including tools, interventions and case studies to help local authorities develop a response to the health impact of fast food takeaways. Published in 2012 (updated in June 2013) by the London Food Board and Chartered Institute of Environmental Health, based on a consultancy report by Food Matters.. Available from [www.foodvision.cieh.org/document/view/326](http://www.foodvision.cieh.org/document/view/326)

'Fast food saturation'. A resource pack that collates good practice and key resources from across London and beyond on managing the impact of fast food shops on local health and wellbeing through the use of planning powers. Although developed for use in London, it is based on the use of national powers for local authorities and is directly applicable in all local areas in England. Published in July 2103 by the London Health Inequalities Network. Available from [www.lho.org.uk/viewResource.aspx?id=18208](http://www.lho.org.uk/viewResource.aspx?id=18208)

'Tackling the takeaways: a new policy to address fast-food outlets in Tower Hamlets'. This is a wide-ranging evidence review on the association between the over-concentration of hot-food takeaways and obesity, and an examination of practice (mainly in London). The evidence review and policy background are very comprehensive and will be likely to be very useful for drawing up policy options. Published in 2011 by NHS Tower Hamlets. Available from [www.towerhamlets.gov.uk/i doc.ashx?docid=2b285be6-9943-4fec-a762- 76c93d07ca50&version=-1](http://www.towerhamlets.gov.uk/i%20doc.ashx?docid=2b285be6-9943-4fec-a762-76c93d07ca50&version=-1)

'Hot-food takeaways near schools; an impact study on takeaways near secondary schools in Brighton and Hove'. This assesses the policy options for Brighton and Hove, but

contains a very useful review of the evidence and case studies on successful approaches to date. Published in 2011 by Brighton and Hove City Council and NHS Sussex. Available from [www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/downloads/ldf/Healthy\\_eating\\_Study-25-01-12.pdf](http://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/downloads/ldf/Healthy_eating_Study-25-01-12.pdf)

The UK Health Forum's website contains a wealth of useful information on the food environment, including an extensive resource on marketing food to children. [www.ukhealthforum.org.uk](http://www.ukhealthforum.org.uk) and [www.ukhealthforum.org.uk/who-we-are/our-work/policy/nutrition/marketing-food-and-drink-to-children/](http://www.ukhealthforum.org.uk/who-we-are/our-work/policy/nutrition/marketing-food-and-drink-to-children/)

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Public Health England  
Wellington House  
133-155 Waterloo Road  
London SE1 8UG  
[www.gov.uk/phe](http://www.gov.uk/phe)  
Twitter: @PHE\_uk

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