

Public Examination of the Development Management Local Plan

London Borough of Lewisham response to the Inspector's initial query regarding DM18: Hot food take-away shops (A5 uses)

Is the embargo imposed by part 1 of the policy justified by particular sources of evidence identifying such outlets as a significant threat to health, as opposed to all the other many factors identified in the Foresight Report as bearing upon obesity?

What is significant about a 400m exclusion zone, rather than any other distance?

Concerning the exclusion zone around primary schools, how far is it likely that unaccompanied primary school children would be able to patronise A5 units?

Is there any evidence about the proportion of the turnover of A5 units gained from schoolchildren, as opposed to adults?

Bearing in mind the proportion of the Borough covered by the exclusion zones (figure 2.1), does the policy strike an appropriate balance between the NPPF's support for economic development and the extent of health threats stemming from A5 uses?

Concerning part 2 of the policy, what are the current numbers and percentages of A5 units in each of the Major, District Centres and Local Centres? [A table presenting this information would permit an understanding of the scope, or otherwise, for new units in the various centres.]

(Note a complete list of all the Inspector's initial questions are on the Examination website and can be accessed via the following link:

<http://www.lewisham.gov.uk/myservices/planning/policy/LDF/development-policies/Documents/DMLPInitialQueries.pdf>)

Planning Policy – 13 January 2014

Council Response

1. Introduction

- 1.1 There are high levels of deprivation in Lewisham, alongside high obesity levels and high numbers of take-away shops. These factors combined give rise to serious concern at a local level regarding the impact of hot food take-away shops on human health. The Council encourages all take-away shops to source their food from ethical and sustainable suppliers. The Council is working to implement the Healthier Catering Commitments Scheme in Lewisham which offers practical

solutions on how small changes can make food healthier, often at no cost to the business.

1.2 The Council is working to implement healthier eating schemes in the borough and at the same time seeks to manage the development of new hot food take-away premises. One way the Council is seeking to do this is through DM Policy 18: Hot food take-away shops (A5 uses).

1.3 A full justification for DM Policy 18 as a whole is set out in the Council's evidence based report '[Hot food take away shops: an evidence based study](#)' (CSD1.15e). The Council's response to the Inspector's initial queries is set out below, and where possible, provides further information to that presented in the evidence based report.

2. *Is the embargo imposed by part 1 of the policy justified by particular sources of evidence identifying such outlets as a significant threat to health, as opposed to all the other many factors identified in the Foresight Report as bearing upon obesity?*

2.1 The Council acknowledges that there are many influencing factors in relation to human health and obesity. In light of these many influencing factors this policy is intended as one part of a broader Council strategy to promote healthy weight.

2.2 This policy approach is supported by various sources of evidence that include recommendations to improve the food environment. National studies and Government reports highlight that the planning system, and planning policies, have an important role to play in improving health and wellbeing in England. The research also shows that obesity is one of the major health concerns to prioritise as there is a link between obesity and diseases such as type 2 diabetes, cancer and heart disease. There is a particular focus on children's health and reducing childhood obesity as obese children are more likely to become obese adults with associated health problems.

2.3 Dietary trends in recent years has seen an increase in the proportion of food purchased and often eaten outside the home, which is more likely to be high in calories. Hot food take-aways are a particular concern as they tend to be high in fat and salt, and low in fibre, fruit and vegetables and are particularly popular with young people.^{1, 2}

2.1 The Council's retail surveys (2011 and 2012) show that there are 282 hot food take-away shops across the borough and the National Obesity Observatory research shows that Lewisham has the thirteenth highest density

¹ Mintel (2012) Burger and Chicken Restaurants, September 2012, and referenced in Fast Food Takeaways: A review of the wider evidence base accessed at <http://www.citiesinstitute.org/fms/MRSite/Research/cities/Publications%202013/Fast%20Food%20Evidence%20Final.pdf>

² Barnardo's (2004) Burger boy and sporty girl

of hot food take-away shops per head of population in England³. This over-concentration of take-away uses in the borough, combined with Lewisham's comparatively high levels of deprivation is cause for serious concern.

- 2.2 The [Foresight report](#) found that obesity levels tend to be higher in deprived areas than in wealthy areas and recent work by the National Obesity Observatory (NOO) (2012) has found that there is a strong association between deprivation and the density of fast food outlets, with more deprived areas having more fast food outlets per population⁴. A recent UK review of 33 studies looking at the location of take-away shops points out "*[m]ost of the studies have found a positive association between availability . . . of fast-food outlets and increasing deprivation . . . This is an important issue to highlight to policy decision makers as land use restrictions on new fast-food outlets may help to stop the 'deprivation amplification' effect*".⁵
- 2.4 The [Foresight report](#) shows the connection between the consumption of take away food and obesity and Government reports state that the planning system can and should play a role in reducing the number and managing the location of take away shops, particularly in relation to schools.
- 2.5 The Marmot Review [Fair societies, healthy lives \(2010\)](#) recommends that local planning authorities have a role to play in public health, specifically in relation to improving the food environment in local areas.
- 2.6 The Department of Health paper [Healthy Lives, Healthy People \(2010\)](#) states that "*health considerations are an important part of planning policy*".⁶ It specifically acknowledges that the planning system can be used to limit the growth of take-away shops and encourages local government to decide on what action is needed locally. The follow up paper [Healthy Lives, Healthy People: A call to action on obesity in England \(2011\)](#), recognises that local areas are best placed to create tailored strategies to meet the needs of local communities. It outlines areas where local government can influence health and wellbeing, one area being "*making the most of the potential for the planning system to create a healthier built environment*".⁷
- 2.7 Public Health England recently published [Obesity and the environment: regulating the growth of fast food outlets \(November 2013\)](#). This briefing paper is aimed at local authorities and looks at opportunities to limit the number of fast food

³ National Obesity Observatory (2012) Obesity and the Environment: Fast food outlets (Data). Source: <http://www.noo.org.uk/visualisation>, accessed 4/9/2012 .

⁴ National Obesity Observatory (2012) Obesity and the Environment: Fast food outlets (Report). Source: http://www.noo.org.uk/uploads/doc/vid_15683_FastFoodOutletMap2.pdf, accessed 4/9/2012.

⁵ Fraser et al. (2010) "The Geography of Fast Food Outlets: A Review" in International Journal of Environmental Research and Public Health, 7, pp2290-2308

⁶ Department of Health (2010) Healthy Lives, Healthy People: Our Strategy for Public Health in England. Department of Health, London, page 56.

⁷ Department of Health (2011) Healthy Lives, Healthy People: A call to action on obesity in England. Department of Health, London, page 28.

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.

- 2.8 The briefing paper notes that it is only recently that the legal and planning systems have been used to regulate the growth of fast food restaurants, including those near schools. This means that there is 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, as well as with interventions to encourage children to stay in school for lunch.' The report goes on to note that 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.'
- 2.9 There is emerging evidence showing that there is a positive relationship between the density of fast food outlets per area and the obesity status of children in Leeds⁸. This also shows a significant association between fast food outlet density and areas of higher deprivation. An American study also shows some evidence of associations between obesity and fast food.⁹
- 2.10 The Council is satisfied that sufficient evidence exists to justify a restrictive planning policy in relation to hot food take-away shops (A5 uses), as one part of a wider suite of initiatives in relation to healthier eating and healthy weight.
- 3. *What is significant about a 400m exclusion zone, rather than any other distance?***
- 3.1 400m equates to a walking time of approximately five minutes¹⁰. This is a time and distance that children are likely to cover by walking, rather than taking other forms of transport, such as buses. It is therefore a distance that is achievable during a lunch break (where relevant), before and after school, and to and from public transportation.
- 4. *Concerning the exclusion zone around primary schools, how far is it likely that unaccompanied primary school children would be able to patronise A5 units?***
- 4.1 Some primary school children, such as those in year 6, are allowed to walk to and from school on their own, in preparation for the transfer to secondary schools. It is noted that families frequent fast food outlets on the way home from school and the

⁸ Fraser LK, Edwards KL (2010) The association between the geography of fast food outlets and childhood obesity rates in Leeds, UK. Health & Place, 01 November 2010, vol./is. 16/6(1124-1128), 13538292

⁹ Kruger DJ, Greenberg E, et al (2013) Local concentration of fast food outlets is associated with poor nutrition and obesity. American journal of Health Promotion .AJHP 2013 Aug 13.

¹⁰ Homes and Communities Agency. Urban design compendium 2006, Chapter 3.1 The Movement Framework

presence of an adult does not necessarily mean that take away food will not be purchased and subsequently consumed by children.

4.2 Childhood obesity is a growing threat to children's health and Lewisham has a high proportion of children identified at risk of obesity. Obesity in school children in Lewisham is significantly higher than the England average and results for 2011/2012 show that 11.4% of Reception children and 25% of children in Year 6 are obese in Lewisham, compared to 9.5% of Reception children and 19.2% of Year 6 children in England.

4.3 The Council considers the issue of primary school children patronising A5 units is a concern that should be addressed alongside secondary school pupils.

5. *Is there any evidence about the proportion of the turnover of A5 units gained from schoolchildren, as opposed to adults?*

5.1 The Council does not collect data on the turnover of takeaway units or monitor whether those purchasing the take-away food are school children or adults. It is however worth noting that takeaways are frequently positioned near schools, which could be a reflection on marketing and customer profile. Furthermore, young consumers aged 16-24 are the heaviest users of chicken and burger restaurants¹¹.

6. *Bearing in mind the proportion of the Borough covered by the exclusion zones (figure 2.1), does the policy strike an appropriate balance between the NPPF's support for economic development and the extent of health threats stemming from A5 uses?*

6.1 The Council considers that an appropriate balance has been met between economic development and the Council's responsibility to promote healthy communities.

6.2 In section 8, the NPPF focuses specifically on the important role that the planning system can play in facilitating social interaction and creating healthy, inclusive communities (paragraph 69). Local policies should promote opportunities for meeting through mixed use development, strong neighbourhood centres and active street frontages; safe and accessible environments and developments. A range of social, recreational and cultural facilities and services should be delivered including school places and access to quality open spaces.

6.3 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".

¹¹ Mintel (2012) Burger and Chicken Restaurants, September 2012, and referenced in Fast Food Takeaways: A review of the wider evidence base accessed at <http://www.citiesinstitute.org/fms/MRSite/Research/cities/Publications%202013/Fast%20Food%20Evidence%20Final.pdf>

- 6.4 Section 2 above outlines some of the reports and evidence available that link unhealthy eating to health issues such as obesity. There is also a growing body of evidence that focuses on linking A5 takeaway uses with health threats.
- 6.5 The Council acknowledges that the NPPF supports economic development and states that planning should encourage, rather than impede economic growth. However, as there is an over-concentration of existing takeaway units in the borough¹², the Council considers that restricting any additional takeaway units would not have a detrimental effect on the level of economic growth in the borough.
- 6.6 Furthermore, for areas outside the 'exclusion zone', all the Major, District and Local Centres apart from Blackheath District Centre have existing percentages of A5 uses at or above the percentage restriction identified in the policy.
- 6.7 On balance, the Council considers that the potential loss in economic activity is justified given the strong public health arguments and in the context of the Government and Council's wider aims in increasing healthy eating and reducing obesity.
7. ***Concerning part 2 of the policy, what are the current numbers and percentages of A5 units in each of the Major, District Centres and Local Centres? [A table presenting this information would permit an understanding of the scope, or otherwise, for new units in the various centres.]***
- 7.1 The numbers and percentages of A5 units in each of the major, district and local centres in 2012 can be found at Appendix 1 of the evidence base document [Hot food take-away shops: An evidence base study \(CSD1.15e\)](#).
- 7.2 The Major and District centres have percentages of A5 units at 5% or above, aside from Blackheath District Centre, and the Local Centres all have percentages of A5 units at 10% or above. In practice this means that a managed contraction of take away units over a number of years may take place. Units that are already established with planning permission could remain in their existing A5 use and ownership/management could change freely with the Use Class. Where existing A5 uses change to another Use Class, for example a permitted change to an A1 use, a subsequent planning permission would not be given to change back to A5, resulting in the loss of a unit.

¹² Lewisham has the thirteenth highest density of hot food take-away shops per head of the population in England. National Obesity Observatory (2012) Obesity and the Environment: Fast food outlets (Data). Source: <http://www.noo.org.uk/visualisation> , accessed 4/9/2012.