



London Borough of Barking and Dagenham

Saturation Point: Addressing the Health Impacts of Hot Food Takeaways

Statement of Representations

February 2010

Introduction

This Statement of Representations has been prepared in accordance with Regulation 18(4)(b).

The Draft SPD, Saturation Point: Addressing the Health Impacts of Hot Food Takeaways, was consulted upon between 25 August 2009 and 3 November 2009.

Representations were received from 24 organisations / persons within this period.

This document includes the following:

1. A list of the 24 organisations / individuals that made representations.
2. A list of the 7 respondents that made no comment.
3. A summary of the main issues raised in those representations
 - The first column identifies who made the representation
 - The second column highlights which section of Draft SPD the representation relates to
 - The third column details the representation made
 - The fourth column details the Council's response to the representation
 - The fifth column contains, where it is deemed necessary, the Council's suggested change to the SPD. Deleted text is shown in strikethrough and additional text is underlined

Saturation Point: Addressing the health impacts of hot food takeaways

Organisations / Individuals that made representations

Title	First Name	Surname	Position	Company. Organisation	Representing on behalf of
Mr	Ahmed	Choudhury	Individual		
Mr	Trevor	Fisher	Individual		
Ms	Marcia	Goodall	Individual		
Ms	Jane	Quartermaine	Individual		
Mr	Andy	Long	Individual		
Ms	Mary	Lyttle	Individual		
Mr	Colin	Newman	Individual		
Mr	Dennis	Rayner	Individual		
Mrs	Glynis	Rogers	Individual		
Mr	Steve	Simms	Principal Planner	Andrew Martin Associates	KFC
Prof	Martin	Caraher		Centre for Food Policy, City University	
Ms	Tay	Potier	London Regional Policy Officer	Chartered Institute of Environmental Health	
Mr	Tam	Fry	Board Member / Honorary	Child Growth Foundation and National Obesity Forum	

Title	First Name	Surname	Position	Company. Organisation	Representing on behalf of
			Chairman		
Ms	Georgina	Wald	Corporate Communications Manager	Dominos	
Mrs	Sarah	Taylor		GVA Grimley	McDonalds
Dr	Amelia	Lake	Research Fellow	Human Nutrition Research Centre, Insatiate of Health and Society, Newcastle University	
Dr	Tim	Lobstein	Director	International Association for the Study of Obesity (IASO)	
Ms	Nichola	Davies	Policy Researcher	National Heart Forum	
Mr	Tim	Townshend		Newcastle University	
Ms	Nikki	Honan	Senior Planner	NHS London Healthy Urban Unit (HUDU)	
Prof	Jack	Winkler	Director	Nutrition Policy Unit, London Metropolitan University	
Mr	Jim	Winship	Director	Papa Pizza Pasta and Italian Food Association	
Mr	Raefer	Watkin-Rees	Commercial Director	Pizza Hut (UK) Limited	
Ms	Hannah	Williams		Sustain: the alliance for better food and farming	

LBB: Consultation Responses

SPD Saturation Point: Addressing the Health Impacts of Hot Food Takeaways

*Please note that the paragraph numbering has changed from the draft SPD to the final SPD with the removal of Section 4 (Consultation).

Organisations / Individuals that registered no comment

Title	First Name	Surname	Position	Company. Organisation
Ms	Sarah	Burgess	Senior Planning Advisor	CABE
Ms	Adina	Brown	Regional Planning Advisor	English Heritage
Ms	Elizabeth	Lightbourne	North London Planning	Environment Agency
Mr	Patrick	Blake	NO South East Planning	Highways Agency
Ms	Lisa	Walduck		Natural England
Mr	Leslie	Morris	Town Planner	National Grid
Ms	Rose	Freeman		Theatre Trusts

LBBB: Consultation Responses

SPD Saturation Point: Addressing the Health Impacts of Hot Food Takeaways

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Saturation Point: Addressing the health impacts of hot food takeaways

General Comments

Name / Organisation	Section of Document	Summary of Representation	Council Response	Proposed Changes to the SPD
Mr Ahmed Choudhury / Individual	Total Document	<p>I think it is vital to make reference to Children and Young People as early as possible. Our young people are the biggest customer base for such food outlets. The Children Act 2004 makes explicit reference about many aspects of developments for young people. Therefore, the boroughs Children and Young Peoples Plan needs to be acknowledged here. If we look at the Act holistically each and every strand of the Act is about child wellbeing. Eating healthy food has a cross cutting impact on a child's development. The council should be congratulated on this initiative. We must aim to ban any fast food outlets within 500-1000 yards of a school. Food Safety Team must also be more proactive in inspecting fast food premises more regularly and there should be lots of mystery shopping carried out by the council.</p>	<p>Support for the SPD is noted and welcomed. The Council and NHS Barking and Dagenham is in the process of initiating a project which seeks to work with existing hot food takeaways in the Borough. This will assist and encourage hot food takeaways to improve their menu choices.</p>	None
Mr Trevor Fisher / Individual	Total Document	<p>The key to reducing obesity is education, not restricting takeaways. As long as they meet health and satisfy requirements and can be satisfactorily policed, let them open and give employment.</p>	<p>The Council agrees that education is a key element in tackling the rising rates of obesity in the Borough. Through the Obesity Task Force, the Council is taking a coordinated approach which considers both educational and planning measures.</p>	None

LBBB: Consultation Responses

SPD Saturation Point: Addressing the Health Impacts of Hot Food Takeaways

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Name / Organisation	Section of Document	Summary of Representation	Council Response	Proposed Changes to the SPD
			As stated above, the Council is working with NHS Barking and Dagenham to support existing local hot food takeaways to enable them to adopt healthier means of preparing food.	
Ms Marcia Goodall / Individual	Total Document	I am pleased to see that the prevalence of hot food takeaways is finally being looked into – Chadwell Heath High Street has far too many; most of which appear to be used by school children to the detriment of their health.	Support for the SPD is noted and welcomed.	N/A
Ms Jane Quartermaine / Individual	Total Document	With regards to Dagenham Heathway there are far too many fast food places and not enough cafes / restaurants. With the large amount of new commuter flats being built there it would be a better idea to try and attract the Costa Coffee, Starbucks even the Pizza Express's. It would be great for the surrounding area and the commuter people (I'm hoping) the council are trying to attract with the new flats. It would also be a better shopping experience for the local people. There's no where 'decent' to sit and eat and that's not meant to offend the little independent food bars. The only good place is the pie and mash.	Support for the SPD is noted and welcomed.	N/A

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Mr Andy Long / Individual	Total Document	It would be an advantage to not have take away outlets at bus stops or train stations as the children will buy food to take with them to school or eat on the way home. The obesity point is not just the food that's being eaten we see children get on the bus to go 50 meters to the next stop get off and go straight into the kebab shop.	The Council considers that the measure introduced by the SPD to exclude hot food takeaways 400m from primary and secondary schools is an appropriate response and acts on the advice given in the Government's paper <i>Healthy Weight, Healthy Lives</i> (January 2008). The SPD also introduces measures to restrict opportunities for new hot food takeaways in town, district and neighbourhood centres.	None
Colin Newman / Individual	Total Document	<p>I am writing in support of your proposed policy.</p> <p>I have nothing against hot food takeaways in principle, but we badly need some healthy eating options available in hot food takeaway format.</p> <p>On television I saw a programme about single parents being trained to go back into paid work. The trainer pointed out that hot food takeaways often take on staff and that the trainees would expect to take those jobs. This is very hypocritical / counterproductive as maintaining / increasing employment in A5 outlets requires people to continue buying the food / to buy more of it.</p>	Support for the SPD is noted and welcomed.	N/A
Tam Fry / Child Growth Foundation /	Total Document	Both the Child Growth Foundation and the National Obesity Forum fully support your initiative laid out in Saturation Point. If only	Support for the SPD from the Child Growth Foundation and National Obesity Forum is noted and welcomed.	N/A

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National Obesity Forum		<p>you could in some way ban/restrict the sale of unhealthy snacks from Barking and Dagenham corner shops etc we would support you even more. The amount of less than healthy sugar-laden soft drinks, Coke, chocolate, biscuits and cakes that are consumed by young children when walking to and from school is appalling. But this is only part of the problem. Add the fat burgers and the salt-ridden crisps and you complete the picture. We hope that the National Childhood Measurement stats are better than last year when they are published in December: however, we believe that you shouldn't be holding your breath! Vending machines are also a danger-area worthy of your attention. We trust the B&D schools adhering to HMG's Healthy Schools policy are ensuring that machines carry only healthy consumables and that lunch boxes are equally 'healthy'.</p>		
Tay Potier / Chartered Institute of Environmental Health	Total Document	<p>The CIEH welcomes this supplementary planning document and supports the London Borough of Barking and Dagenham in using this to help control the numbers of hot food takeaway outlets in its borough. The CIEH welcomes the steps that Barking and Dagenham are taking in this area by producing a supplementary planning document to control the numbers of hot food takeaways in their borough.</p>	<p>Support for the SPD from the Chartered Institute of Environmental Health is noted and welcomed.</p>	N/A

Name / Organisation	Section of Document	Summary of Representation	Council Response	Proposed Changes to the SPD
Georgina Wald / Domino's Pizza UK & Ireland	Total Document	<p>In principle, Domino's would welcome any measure that promotes the nation's health and welcome any measure that promotes the nation's health and well-being. But we believe the measures proposed by the London Borough of Barking and Dagenham are flawed. We believe they will harm job creation and fail to address the challenges the authority is seeking to address.</p> <p>Encouraging exercise and educating people about healthy eating offer far more effective solutions. Domino's Pizza can and does form part of a balanced diet. It is a luxury item, at the premium end of the market. Our average order is over £6 per head and the average order is just once every 37 days.</p>	<p>The Council recognises that, when they are located and managed properly, hot food takeaways can provide a complimentary service in town centres and that they do contribute to the local economy, creating employment opportunities. This is recognised in paragraph 6.9 of the draft SPD. However, in response to the numbers of hot food takeaways in the Borough the Council considers that the measures it is proposing to introduce in the draft SPD are proportionate and considered.</p> <p>As stated in paragraph 3.5, the SPD is seen as 'one of a range of measures within the Barking and Dagenham Childhood Obesity Strategy and Action Plan which aims to reduce the risk of obesity amongst the Borough's population and in particular children...'. Encouraging exercise and education forms part of the Councils strategic approach to tackling obesity.</p>	None
Georgina Wald / Domino's Pizza UK & Ireland	Total Document	<p>Domino's are still opening stores in the current downturn, including many stores in locations where there are numerous empty outlets. We find it hard to believe that any local authority would prefer empty shells, which attract bill posting and anti-social behaviour, to a thriving business, run by a local business person, with the backing of a</p>	<p>The Council does not want to see empty retail units in the Borough's shopping frontages at the same time neither does it wish its retail centres to be dominated by hot food takeaways. It is worth restating that there are currently no less than 187 hot food takeaways in Barking and Dagenham. Controlling the numbers of hot food takeaways provides</p>	None

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		major national retailer. This must also be a consideration when placing restrictions on the number of A5 usage outlets within local and neighbourhood retail parades, as well as town centre and out of shopping areas.	opportunities for other uses to locate in vacant retail units. Neighbourhood centres are meant to meet the day to day needs of local residents and hot food takeaways can crowd out other uses. The SPD is not preventing all applications for A5 Use but managing the application process to ensure that hot food takeaways are situated in appropriate locations.	
Georgina Wald / Domino's Pizza UK & Ireland	Total Document	Over 70% of our business is delivered to people's homes and workplaces. Again, this makes a Domino's Pizza store a very different proposition to more traditional hot food takeaways. In addition, we do not fry any food – all our products are oven-baked, more akin to a bakery than a hot food takeaway, and we have a rigid franchise agreement in place to allow us to deal with any franchisee who does not operate his or her store to the high brand standards set by Domino's Pizza Group.	Noted.	None
Georgina Wald / Domino's Pizza UK & Ireland	Total Document	Domino's feel that the restrictions are short sighted, When you have a concentration of badly run poor looking establishments in an area, the arrival of a well run, brightly lit and well-designed store can be of benefit and attract other businesses to consider opening nearby. Domino's invests heavily in the look, feel and design of our stores. With our	The Council recognises that, when they are located and managed properly, hot food takeaways can provide a complimentary service in town centres and that they do contribute to the local economy, creating employment opportunities. This is reflected in paragraph 6.9 of the draft SPD.	None

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		franchisees, we also invest in CCTV inside and outside, which adds a security element to the local area. Not all takeaways will work to these standards. But removing the ability of any business to open A5 sites in areas of Barking and Dagenham, the local authority will lose the benefit of having new, well-run hot food retailers within the borough.	<p>The Council's notes that Domino's operates to certain standards however the Council's experience is that the majority of hot food takeaways in the Borough offer cheap, energy dense and nutrient poor foods.</p> <p>Therefore, the Council considers that the measures it is proposing to introduce in the draft SPD are proportionate and considered. As stated in paragraph 3.5, the SPD is seen as 'one of a range of measures within the Barking and Dagenham Childhood Obesity Strategy and Action Plan which aims to reduce the risk of obesity amongst the Borough's population and in particular children...'</p>	
Georgina Wald / Domino's Pizza UK & Ireland	Total Document	Domino's is a responsible retailer with an important role to play in any vibrant and growing community. Domino's believes that placing unnecessary restrictions on A5 usage across the board will deny access to future Domino's Pizza stores and relocations and, therefore, new jobs. Domino's believe that all planning applications should be considered on a site by site basis.	Please see above.	None
Mrs Sarah Taylor / GVA Grimley Ltd on behalf of McDonalds	Total Document	There are major elements of the SPD that McDonalds considers to be inappropriate, and which conflict with national and emerging Government guidance, adopted UDP policy, and emerging policies contained within draft	McDonalds comments with regards to conformity with national Government guidance and LDF policy are addressed below and in Section 3 of this document.	

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		<p>Development Plan Documents (the Core Strategy and Development Policies Development Plan Document).</p> <p>The SPD is based upon a series of Strategy Documents and selected scientific studies, none of which constitute planning policy or guidance. Furthermore, it is clear that the SPD is based upon selected 'extracts' from these documents. Some of the main objectives of Government Strategy are to enable individuals to make informed choices (via 'information and opportunity'), the role of physical exercise in healthy lives, and an emphasis on healthy diets more generally (including ready meals at home), rather than encouraging solely the restriction of A5 uses.</p>	<p>The SPD is founded on national Government guidance in addition to peer reviewed scientific papers.</p> <p>Whilst the documents referred to in Section 5 of the SPD are not official planning documents they do constitute Government strategies and, as such, are indicative of national priorities. The SPD is seeking to align with current local and regional and national priorities. Indeed, the Department of Health's website states that:</p> <p>'The Government is committed to taking action to prevent more serious illness and much bigger costs to the health service and the country in years to come. The Government's ambition is to be the first major nation to reverse the rising tide of obesity and overweight in the population, by enabling everyone to achieve and maintain a healthy weight.' Source: http://www.dh.gov.uk/en/publichealth/healthimprovement/obesity/index.htm</p> <p>Further to this the HUDU, CIEH, Child Growth Foundation, the National Heart Forum, the Department of Health and the National Obesity Forum have lent their support to the SPD, the documents evidence base and intended objectives.</p>	

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Mrs Sarah Taylor / GVA Grimley Ltd on behalf of McDonalds	Total Document	Furthermore, there are a number of other uses (including shops and supermarkets) which contribute to issues of obesity and health inequality. The Council is not proposing to, nor should it, attempt to restrict the location of these other uses. Controlling numbers or locations will be ineffective with respect to the (implied) objectives because there is no control over what is sold, or how people purchase and consume food.	<p>There is a clear issue of young people in the Borough sourcing poor quality foods from hot food takeaways. Shops and supermarkets generally offer a far greater choice of food not to mention other services and therefore restricting them would be a disproportionate response.</p> <p>Whilst there is no overt means of controlling what is sold in our existing hot food takeaways the Council is working with NHS Barking and Dagenham to initiate a scheme which will assist existing takeaways to improve their menu choices and means of food preparation</p>	
Mrs Sarah Taylor / GVA Grimley Ltd on behalf of McDonalds	Total Document	<p>It is highly unlikely that restricting the future development of A5 uses across the Borough (which would be the result of the SPD) would contribute to the LAA target of “halting the year on year rise in obesity among children and young people”, as identified by the SPD. Indeed, the Consultation Statement confirms that there is no requirement for a Sustainability Appraisal on the basis that “it is not likely, by itself, to have any significant environmental, social or economic effects”.</p> <p>Instead, a more effective approach would be to holistically and strategically consider the Council's approaches to health and obesity</p>	<p>The Council is introducing the SPD as part of a strategic approach to tackling the Boroughs obesity levels and in particular childhood obesity. The SPD is an important component of the Borough's strategy but is by no means the complete answer.</p> <p>This is clearly illustrated in Section 7 and through the partnership work with NHS Barking and Dagenham on the Obesity Task Force.</p> <p>From the outset the SPD is clear that it is part of a strategic approach to tackling the Borough's obesity problem. It is hoped that this strategic approach will have a significant effect</p>	

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		<p>as set out within Section 7.0. In particular, working with schools and educational programmes, and linking these to incentives for operators selling fresh fruit and healthy options, access to leisure and recreation, and encouragement of walking/cycling and similar modes of travel (particularly on the school run) within the Borough, would be a more positive approach to tackling childhood obesity.</p>	<p>in halting the borough's rising obesity trend . The SPD is an important tool in this strategic approach as evidenced by the fact it has been jointly produced by the London Borough of Barking and Dagenham and NHS Barking and Dagenham. This is consistent with the move to spatial planning as set out in PPS1 and PPS12.</p>	
<p>Mrs Sarah Taylor / GVA Grimley Ltd on behalf of McDonalds</p>	<p>Total Document</p>	<p>The approach adopted by the SPD is not consistent with the emerging policies contained within the Core and Borough Wide Development Plan Policies DPD's, which seek to tackle childhood obesity by focusing on diet and exercise, and as a key policy objective seeks to improve health outcomes by planning intervention in terms of the propensity for people to exercise. Nowhere in the 'Healthy Environment' chapter of the Core Strategy is there mention of either preventing or limiting the development of A5 uses in the Borough, and nor should there be. We consider that the management of fast food outlets could be achieved by developing policy approaches that allow decisions to be made based upon individual circumstances, rather than a blanket approach to excluding A5 uses from large parts of the Borough, which prevents the assessment of</p>	<p>The reasoned justification to policy BC10 clearly states that improving standards of health in Barking and Dagenham is essential for tackling poor health and social deprivation in the borough. Leading on from this policy BE1 makes special mention of the need to restrict hot food takeaways.</p> <p>There is no "Healthy Environment" chapter.</p>	

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		applications on a case by case basis. Section 7 Strategic Working is the only element of the SPD that allows a comprehensive and balanced approach to tackling health issues in the Borough.		
Mrs Sarah Taylor / GVA Grimley Ltd on behalf of McDonalds	Total Document	The SPD also fails to recognise the benefits that can be delivered by proposals. PPS 1 directs that planning should facilitate sustainable economic development and the delivery of high levels of employment, and should be transparent, flexible, predictable, efficient and effective. Decisions should be based upon an assessment of the potential impacts, positive and negative, short term and long term, direct and indirect.	The Council addresses McDonalds' comments with regards to PPS1 in Section 3.	
Mrs Sarah Taylor / GVA Grimley Ltd on behalf of McDonalds	Total Document	Draft PPS 4 indicates that competition between retailers and consumer choice are important drivers for economic growth, and that local authorities should support the diversification of uses in town centres, and plan for a range of activities which appeal to a wide range of age and social groups. The development of A3/A5 uses as outlined can make a significant contribution to vital and viable town centres (as identified within PPS 6 and the adopted UDP), and deliver a range of employment opportunities.	The Council addresses McDonalds' comments with regards to PPS4 in Section 3.	

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Mrs Sarah Taylor / GVA Grimley Ltd on behalf of McDonalds	Total Document	An SPD on Hot Food Takeaways has been adopted by Salford City Council (2007) which recognises that hot food takeaways represent a popular service for local communities, an important complementary use, and important economic development and employment opportunities. McDonalds restaurants in particular contribute to the amount and type of local employment opportunities, and is recognised nationally as a 'good employer'. A standard drive through restaurant employs between 50-60 full and part time members of staff, and McDonalds has benefited from 'Investors in People' status for the past 8 years, winning a number of awards as a place of work. It is named as one of the UK's 'Top 50 workplaces', the 'Top 50 Companies where Women want to Work', and 'Top 100 Graduate Employers' by the Financial Times. The company promotes equal opportunities and is a Gold certified member of 'Race for Opportunity', 'Employers Forum on Age' and 'Employers Forum on Disability'. It has a proven track record of investing in the development of its employees and offering flexibility as part of its commitment to being a modern and progressive company. Although the draft SPD does recognise that hot food takeaways can provide a complementary service in centres, there is limited recognition of the	<p>It is important to recognise that Hot Food Takeaways are already an important employer in the Borough as there 187 of them.</p> <p>With regards to Salford City Council, paragraph 5.8 of its SPD states that:</p> <p>'It is acknowledged that hot food takeaways offer a popular service to local communities and have a significant role to play within town centres and other shopping areas. However, it is important to evaluate the possible adverse effects of over-abundance of hot food takeaways on vitality and viability of existing town and neighbourhood centres'.</p> <p>This approach does not contradict the London Borough of Barking and Dagenham's stance on hot food takeaways. Indeed paragraph 5.16 of the draft SPD reiterates that hot food takeaways are seen as part of the retail mix.</p> <p>The Council applaud McDonalds for its approach to employment and recognises the contribution it makes to the local economy.</p>	None

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		economic and employment benefits from such uses and the description of A5 uses is largely negative.		
Mrs Sarah Taylor / GVA Grimley Ltd on behalf of McDonalds	Total Document	We consider that a number of the policies contained within the SPD do not accord with either adopted development plan policy or national Government guidance. Therefore, if the Borough wishes to pursue the adoption of a number of the policies it should do so through the preparation of a DPD, which is examined in public. Alternatively, if the Borough Council wishes to continue to adopt an SPD based upon health and obesity issues, it should ensure that the SPD complies with adopted development plan policy and national Government guidance. We therefore object to the adoption of the SPD in its entirety.	<p>Paragraph 27 of PPS1 states:</p> <p>In preparing development plans local authorities should seek to:</p> <p>‘Promote communities which are inclusive, healthy, safe and crime free, whilst respecting the diverse needs of communities and the special needs of particular sectors of the community.’</p> <p>The adopted London Plan forms part of the Development Plan.</p> <p>Objective 2 of the London Plan is to make London a healthier and better city for people to live in. It then lists a key policy direction as:</p> <ul style="list-style-type: none"> To promote policies to address health inequalities and the determinants of health in London and to improve the health of Londoners 	None
Mrs Sarah Taylor / GVA Grimley Ltd on behalf of	Total Document	Section 1 Introduction Para 1.11 – The SPD specifically identifies drive through uses as falling within the A5 use class. In reality, most drive throughs also have eat-in restaurants	The Council accepts that the table at paragraph 1.11 is not intended to be categorical and will clarify that each application will be assessed on its merits with regard to	The Council will expect the applicant to demonstrate that the proposed use will be the primary business activity, For clarity the

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McDonalds		and the use class will therefore depend on the dominant use. The table at paragraph 1.11 is therefore over simplistic and unhelpful. We request deletion of 'drive through premises' from the table, or alternatively, request further clarification of how such uses would be considered.	determining which use class it falls within	table below provides examples indicates which shop types fall within the A5 use class. Please note this is not intended to be a definitive list. Distinguishing between shop types that would either fall within this Class or not. This list is not exhaustive
Dr Amelia Lake / Newcastle University	Total Document	What would be useful are studies which explore behaviours pre and post this intervention. You will need to look at the current food environment but also people's behaviours within the environments. This in an area of research I have been working on and have developed tools and methods to measure the food environment. You are conducting a public health intervention and it is really important to evaluate this intervention – not just at an area level but how it influences individual's food and lifestyle behaviours.	The Council welcomes the advice given and is seeking to peruse an academic institution to conduct a longitudinal study as suggested. It is envisaged that this will be of benefit to the monitoring of the SPD in addition to providing valuable case study based research, which would be of assistance to other local authorities in the United Kingdom.	None
Dr Tim Lobstein / The International Association for the Study of Obesity (IASO)		I am writing in response to your consultation on fast food take-aways near schools in the London Borough of Barking and Dagenham. My organisation – the International Association for the Study of Obesity (IASO) – has a membership of over 10,000 obesity researchers and clinical practitioners around	Support for the SPD is noted and welcomed.	N/A

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		<p>the world, in over 50 national and regional Associations for the Study of Obesity. My responsibility is to develop the scientific base of the organisation and to promote its policies. Among the policies are to encourage local and national governments to take action to ensure that healthy choices are the easier ones to make, and to limit the promotion of fatty and sugary foods, especially to children. We are therefore very encouraged to see that LB Barking and Dagenham have taken up the issue of fast food and take away food outlets located near to schools. We have witnessed the power of these local shops to tap into children's desire for fatty and sugary foods by selling 'special deal' foods and beverages at 'pocket money' prices, available at the times when children are likely to be passing – during breaks and at the end of the school day. I cannot offer the full endorsement of my organisation as the topic has not been put to the trustees board. However, in a personal capacity I fully support the Borough's proposals to restrict availability of fast foods near to schools, and urge the Borough to continue to ensure that children's health and future welfare are given a high priority.</p>		
Nichola Davies /	Total Document	The NHF is pleased that Barking and Dagenham's consultation draft	Support for the SPD is noted and welcomed.	

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National Heart Forum		<p>Supplementary Planning Document (SPD) clearly recognises the link between the built environment and health and wellbeing.</p> <p>In identifying the health co-benefits of specific planning decisions, as outlined in this particular draft SPD, Barking and Dagenham demonstrates how good policy guidance and urban planning can make healthy choices easier, encourage active and healthy living, and help address health inequalities within a community.</p> <p>Planning policy must consider not just a community's economic health, but the health and wellbeing of the people living, working and shopping in the area.</p> <p>Once adopted, this proposed draft SPD would help to make the implementation of DPD policy an effective tool to improve population health and address health inequalities.</p> <p>It is appropriate to recognise that there is a place for hot food takeaways within the Borough of Barking and Dagenham. The objective of this draft SPD is correctly aimed at addressing the existing imbalance of food options on offer within the local area.</p>	<p>The Council is especially pleased to see that the National Heart Forum recognises the vital link between the built environment and health and well-being.</p> <p>The Council's focus is on working with existing hot food takeaway operators to improve the nutritional value of their products.</p>	

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		<p>The NHF would like to stress the importance of having clear guidelines to work within when determining if there is in fact a need to allow a new hot food takeaway. There should be a robust and well-informed, evidence based framework that guides decision making in this area, in order to ensure that healthy food options are, and will continue to be, easily available within the area.</p>		
<p>Ms Nikki Honan / NHS London Healthy Urban Development Unit</p>	<p>Total Document</p>	<p>We strongly support the aim and purpose of the document and the strategic approach to tackling obesity in the borough to deliver the Childhood Obesity Strategy and Action Plan.</p> <p>We are pleased to see the assessment of existing A5 premises, which has been mapped against existing schools and leisure spaces in the borough.</p> <p>We strongly support the use of health evidence to explore relationships with possible spatial planning interventions to reduce negative health impacts, improve health and reduce inequalities.</p> <p>We also support the references to PPS1, the London Plan and the Local Development Framework. We are also pleased to see this document had been issued following joint</p>	<p>Support for the SPD from NHS London Healthy Urban Development Unit is noted and welcomed.</p>	<p>N/A</p>

Name / Organisation	Section of Document	Summary of Representation	Council Response	Proposed Changes to the SPD
		<p>working between London Borough of Barking and Dagenham and NHS Barking and Dagenham and in particular the establishment of a Childhood Obesity Task Force.</p> <p>We are pleased to support this draft SPD, as a way of actively improving the health of the borough through the spatial planning process.</p>		
Ms Nikki Honan / NHS London Healthy Urban Development Unit	Total Document	<p>We note the '<i>Waltham Forest SPD – Hot Food Takeaway Shops</i>' (March 2009) contains a comprehensive set of policies such as clustering, hours of operation, litter and safety, crime and anti-social behaviour. The supporting text includes a range of justifications for these policies in addition to health, such as highway safety, reducing anti-social behaviour, vitality and viability and protection of residential amenity. Although the draft Barking and Dagenham SPD makes some reference to these wider justifications, the predominant justification appears to be the health implications of takeaway uses. We would therefore encourage a more comprehensive approach, considering the wider implications of takeaway uses, and referring to the many justifications for such intervention.</p>	<p>Barking and Dagenham's SPD has been specifically prepared to address the health impacts of hot food takeaways.</p> <p>Implementation Point 2 of the draft SPD addresses the issue of clustering and concentration of hot food takeaways and to readdress the number and clustering of A5 use in the Borough's retail frontages.</p> <p>The Council does not believe that the SPD should address issues such as safety, crime and antisocial behaviour since policies in the Core Strategy, the Borough Wide Development Plan Documents and the adopted UDP consider these matters.</p>	None

Name / Organisation	Section of Document	Summary of Representation	Council Response	Proposed Changes to the SPD
Prof Jack Winkler / Nutrition Policy Unit, London Metropolitan University	Total Document	<p>Barking and Dagenham has placed itself at the forefront of a progressive movement for cultural and nutritional change. Your SPD on hot food takeaways advances the policy framework, now being considered by many other London boroughs, for improving the supply of food available to residents. B&D's document is distinctive, compared with others, in three ways.</p> <ol style="list-style-type: none"> 1. It focuses primarily on health 2. The levy of £1000 per shop is a constructive part of such a policy 3. B&D has faced head-on the principal problem with this initiative. It is one thing to control new hot food takeaways, but that leaves the many existing takeaways unchanged. So the real challenge is to improve the quality of the popular meals served in your 187 current hot food shops. 	Support for the SPD, from Prof Jack Winkler (co-author of School Fringe, 2007) is noted and welcomed.	N/A
Prof Jack Winkler / Nutrition Policy Unit, London Metropolitan University	Total Document	The SPD focuses primarily on health. This is important when we are in the midst of an obesity epidemic, with a catastrophic diabetes epidemic following on behind. We have to take action now. Improving hot food takeaways is not the complete answer to our diet problems, but given the proliferation of hot food takeaways in recent years, it is an	Support for the SPD, from Prof Jack Winkler) is noted and welcomed.	N/A

Name / Organisation	Section of Document	Summary of Representation	Council Response	Proposed Changes to the SPD
		important component in any effective nutrition policy. And local authorities like you are in the frontline of that sector.		
Jim Winship / PAPA (Pizza Pasta and Italian Food Association)	Total Document	<p>PAPA applaud LBBD's initiative to improve public health and reduce the problems of obesity that clearly exists in the area.</p> <p>However, we are concerned that the approach does not take into account the variations in food business, some of which work hard to offer healthy food options. The pizza delivery business is a case in point. Most pizza delivery operators are not open during school hours and virtually all their business is traded on the basis of delivery hot to the home.</p> <p>Takeaway trade is generally a very small part of the business. Further more pizza is generally considered a very small part of the business.</p> <p>Furthermore, pizza is generally considered to be a healthy food option and should not be classified and 'junk food' as some other hot food takeaway foods are.</p> <p>We believe that the blanket ban being proposed by LBBD fails to recognise the differences between businesses, both in</p>	The Council recognises that not all hot food takeaways operators are the same. At the same time the Borough is facing an obesity crisis amongst its young people and it must do something to control access to convenient, cheap and nutritionally poor food. Doing nothing is not an option. It is worth restating that there are 187 existing hot food takeaways in the Borough and planning permission is not required where there is no change of use. This SPD focuses on controlling new hot food takeaways and the Council considers it is a proportionate response.	None

Name / Organisation	Section of Document	Summary of Representation	Council Response	Proposed Changes to the SPD
		<p>terms of the foods they offer and the trade they do. Furthermore, it fails to recognise that foods (and sweets) from other retail outlets, such as supermarkets and convenience stores, can be equally harmful to health if consumed inappropriately. This proposal, therefore, potentially discriminates unfairly between those food businesses and takeaways, particularly those that offer healthy food portions. On the basis of this, PAPA believe that rather than a blanket ban the Council should adopt a policy based on conditions that would enable it to consider applications on individual merit but at the same time impose restrictions that would meet its objectives.</p>		
R Watkin-Rees / Pizza Hut	Total Document	<p>Pizza Hut share the Borough's aims to see a healthier society and see this being achieved through a combination of diet and exercise and opportunity. The increasing publicity on these issues is fortunately starting to get through as articles published today show a distinct improvement in the forecasted obesity rates for children going forward. No-one will pretend that this battle is won or even that the forecast rates are acceptable but the solution to the problem will not be achieved by demonising a sector of the retail industry which provided so much employment and entrepreneurial opportunity,</p>	<p>The SPD is founded on national Government guidance in addition to peer reviewed scientific papers. Work to establish an evidence link between the location of hot food takeaways and their proximity of schools and the obesity levels in the UK is growing. The SPD refers to research conducted by the Metropolitan University published in 2008. This work revealed that 'three out of ten fringe purchases were made in takeaways and were generally hot food such as chips, chicken and chips or pizza' this study also established that the average fat content of a £1.00 portion of chicken and chips was 53.2g, well over half</p>	None

Name / Organisation	Section of Document	Summary of Representation	Council Response	Proposed Changes to the SPD
		<p>especially in this difficult economic climate.</p> <p>Pizza Hut has 3 broad areas of objection:</p> <ol style="list-style-type: none"> 1. The lack of evidence in support of the policy objectives, 2. The broad nature of the application of the policy which could be contradictory to the stated policy aims, 3. The lack of recognition of the positive aspects of A5 businesses. <p>Pizza Hut therefore believes that the Borough is creating a policy which is contrary to planning law and unfortunately lead the Borough to future costly legal challenge.</p>	<p>the amount of fat a child should be eating in the whole day.' Source: Secondary school pupils get more from 'fringe' shops than from the school canteen, http://www.londonmet.ac.uk/londonmet/library/w44700_3.pdf)</p> <p>A study published by Currie et al. in February 2009, found that 'a fast food restaurant within a tenth of a mile of a school is associated with at least a 5.2 percent increase in obesity rate in that school' (p.31). The paper also states that 'policies aimed at limiting access to fast food near schools could have a sizable impact on affected children.' (p.32). Source: http://www.wine-economics.org/workingpapers/AAWE_WP33.pdf</p> <p>Another recent paper published by Smith et al. in May 2009, in the International Journal of Behavioural Nutrition and Physical Activity, conducted a national study of young adults in Australia (sample of 2862 individuals). The paper found that 'young adults eating takeaway more frequently have a some what higher prevalence of moderate abdominal obesity...' (p.9). It also revealed that '...participants consuming takeaway food at least twice per week met fewer of the dietary recommendations' (p.9). Source:</p>	

Name / Organisation	Section of Document	Summary of Representation	Council Response	Proposed Changes to the SPD
			<p>http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2694758/pdf/1479-5868-6-29.pdf</p> <p>It is also prudent to note that the Government commissioned Foresight Report calls on policy makers to take a precautionary approach. It states that ‘...expert opinion suggests there are barriers and opportunities for changes to the way we configure the built environment. Better use could be made of existing planning regulations...’ and that ‘there is also a desire for new policy levers and better leadership and policy implementation.’</p> <p>Source: Foresight, Tackling Obesities: Future Choices – Project Report, 2nd Edition, Government Office for Science, October 2007</p> <p>The Council recognises that, when they are located and managed properly, hot food takeaways can provide a complimentary service in town centres and that they do contribute to the local economy, creating employment opportunities. This is reflected in paragraph 6.9 of the draft SPD.</p> <p>However, in response to the numbers of hot food takeaways in Barking and Dagenham the Council considers that the measures it is proposing to introduce in the draft SPD are proportionate and considered. As stated in paragraph 3.5, the SPD is seen as ‘one of a</p>	

Name / Organisation	Section of Document	Summary of Representation	Council Response	Proposed Changes to the SPD
			range of measures within the Barking and Dagenham Childhood Obesity Strategy and Action Plan which aims to reduce the risk of obesity amongst the Borough's population and in particular children...'. ¹	
R Watkin-Rees / Pizza Hut	Total Document	<p>The policy seems to assume that by restricting A5 supply, overall health will improve in the Borough. There is no evidence that we are aware of that shows this to be the case. We do not believe that Barking and Dagenham has a lower or higher ratio of A5 outlets to other parts of the country. Yet across the country there are wide variations in obesity rates despite an almost uniform A5 availability. If the obesity rates in the Borough are seen to be a problem then is fact alone would suggest that other factors are at stake.</p> <p>Additionally, if A5's were not allowed then people would find other avenues to eat takeaway food. We already know of non A5 outlets that sell takeaway food (supermarkets, sandwich shops, newsagents) and the food they sell can be even more unhealthy for consumers (sweets, cakes, parties, fizzy drinks, microwave meals).</p>	<p>Please see above with regards to evidence to support the introduction of an exclusion zone around schools in the Borough.</p> <p>It should also be noted that the Council is introducing the SPD as part of a strategic approach to tackling the Boroughs obesity levels and in particular childhood obesity. The SPD is an important component of the Borough's strategy but is by no means the complete answer. This is clearly illustrated in Section 7 and through the partnership work with NHS Barking and Dagenham on the Obesity Task Force.</p> <p>The Mayor of London's London Town Centre Assessment, Stage 1: Comparison Goods Floorspace Need, GLA, 2004, and supplementary information shows that Barking is the 45th ranked town centre in London in terms of total floorspace but 10th in terms of fast food floorspace.¹</p>	None

¹ Mayor of London. London Town Centre Assessment, Stage 1: Comparison Goods Floorspace Need, GLA, 2004, and supplementary information.

*Please note that the paragraph numbering has changed from the draft SPD to the final SPD with the removal of Section 4 (Consultation).

Name / Organisation	Section of Document	Summary of Representation	Council Response	Proposed Changes to the SPD
R Watkin-Rees / Pizza Hut	Total Document	<p>The policy seems to assume that all A5 sell poor quality food and target children. This simply is not the case. Within Pizza Hut we work closely with the Food Standards Agency and were the first restaurant group to publish its calorific content. We will meet salt 2010 requirements and have active programmes to reduce fat content, such as offering on our menus half fat cheese options to our customers. We publish our nutritional information on our website and our products offer both vegetable and meat toppings. Additionally our products are baked and not fried which shows that not all A5 outlets sell fried foods alone. Pizza Hut's average meal price is over £10 which puts it out of the reach of children and not in a 'snack' category and be restricting where we can open will deprive families of an opportunity to have a 'restaurant quality meal' delivered to their home. There are A5 concepts that sell foods that are perceived to be healthy and those that are less healthy. All would be barred as a result of this policy.</p>	<p>The Council applaud Pizza Hut for the work it is doing with the FSA to improve the nutritional value of its menu and recognises that some hot food takeaways offer healthier options. Therefore, the Council proposes to acknowledge this in paragraph 5.15.</p>	<p>The Council will amend paragraph 5.15 as follows:</p> <p>5.15 Diet is a key determinant both of general health and obesity levels. <u>Most</u> fast food takeaways are a source of cheap, energy dense and nutrient poor foods²¹.</p>
R Watkin-Rees / Pizza Hut	Total Document	<p>Hot food takeaways are an established part of all economies around the world. They provide a service to customers for they would not survive unless they gave the consumer</p>	<p>The Council recognises that, when they are located and managed properly, hot food takeaways can provide a complimentary service in town centres and that they</p>	None

Name / Organisation	Section of Document	Summary of Representation	Council Response	Proposed Changes to the SPD
		<p>what they wanted. Any new A5 will bring investment into a town or borough and will bring employment, As stated typical Pizza hut will employ around 25 people in both full and part time work. By franchising our stores we give local people the opportunity to invest and become a successful part of the business community. A5 occupation no longer means dead frontages. Shop fronts are typically open and opening hours are longer. Longer opening hours means extra street presence in the evenings bringing more vitality to neighbourhoods. The Borough will be aware of a number of empty shops in its geography. This policy will make it harder to find occupiers for those shops and I would argue that it is more damaging to the Borough.</p>	<p>contribute to the local economy, creating employment opportunities. This is recognised in paragraph 6.9 of the draft SPD.</p> <p>The Council does not want to see empty retail units in the Borough's shopping frontages at the same time neither does it wish its retail centres to be dominated by hot food takeaways. It is worth restating that there are currently no less than 187 hot food takeaways in Barking and Dagenham, so they already provide an important source of employment. Controlling the numbers of hot food takeaways provides opportunities for other uses to locate in vacant retail units. Neighbourhood centres are meant to meet the day to day needs of local residents and hot food takeaways can crowd out other uses.</p> <p>The Council considers that the measures it is proposing to introduce in the draft SPD are proportionate and considered. As stated in paragraph 3.5, the SPD is seen as 'one of a range of measures within the Barking and Dagenham Childhood Obesity Strategy and Action Plan which aims to reduce the risk of obesity amongst the Borough's population and in particular children...'. By controlling the number of Hot Food Takeaways in Barking and Dagenham's retail</p>	

Name / Organisation	Section of Document	Summary of Representation	Council Response	Proposed Changes to the SPD
			frontages the SPD will maximise opportunities for choice.	
R Watkin-Rees / Pizza Hut	Total Document	<p>Pizza Hut believe that blaming A5 for obesity in the Country is a convenient policy that overlooks the real cause of the problem.</p> <p>The proposed policies will not achieve their stated aims as they contribute only in a small way to the overall problem.</p> <p>The proposed policies will in fact do economic harm as employment and investment opportunities will be restricted in a borough that should be doing its utmost to attract new investment and jobs.</p>	<p>The Council is not solely blaming takeaways for the rise in obesity levels in the UK.</p> <p>The Council recognises that the causal factors of obesity are multifaceted, be they genetic, cultural, behavioural or psychological. All have an important role to play. As such, the response to the obesity epidemic needs to be equally multifaceted.</p> <p>Section 7.0 of the SPD clearly states that the Council and its partners will implement a number of initiatives to reduce obesity. The SPD is just one element of a coordinated approach Council is taking in collaboration with NHS Barking and Dagenham to reduce levels of obesity in the Borough.</p>	None
Ms Hannah Williams / Sustain: the alliance for better food and farming	Total Document	Sustain welcomes the SPD. We think it is a good initiative and that it will help to address obesity and diet-related ill health in the borough. If it is successful we would urge the council to ensure that it is mentioned in more strategic planning documents such as the core strategy, and also in the sustainable communities strategy when they are being revised. We have concern that a rejected applicant may win on appeal if this initiative is	<p>Support for the SPD from Sustain: the alliance for better food and farming is noted and welcomed.</p> <p>Objective 4c of the Council's Community Plan is focused on reducing childhood obesity.</p>	N/A

Name / Organisation	Section of Document	Summary of Representation	Council Response	Proposed Changes to the SPD
		not embedded in strategic documents.		

Summary of main issues

Individual

- Welcome and support for the initiative LBBB is taking to control the numbers of hot food takeaways in the Borough
- It is vital to restrict hot food takeaways round schools
- There are far too many hot food takeaways in the Borough
- There are not enough cafes and restaurants
- Restrict hot food takeaways around bus stops and train stations
- Education is the key to reducing obesity

Academic

- Barking and Dagenham has placed itself at the forefront of a progressive movement for cultural and nutritional change
- Improving hot food takeaways is not the complete answer to our diet problems, but given the proliferation of hot food takeaways in recent years, it is an important component in any effective nutrition policy
- LBBB should produce an academic study on the current food environment and the subsequent impact of the SPD
- Ban / restrict the sale of unhealthy snacks in corner shops

Health Organisation

- The draft SPD clearly recognises the link between the built environment and health and wellbeing
- Demonstrates how good policy guidance and urban planning can make healthy choices easier, encourage active and healthy living, and help address health inequalities within a community
- Planning policy must consider not just a community's economic health, but the health and wellbeing of the people living, working and shopping in the area
- The objective of this draft SPD is correctly aimed at addressing the existing imbalance of food options
- Strongly support the use of health evidence to explore relationships with possible spatial planning interventions to reduce negative health impacts, improve health and reduce inequalities
- Support the references to PPS1, the London Plan and the Local Development Framework

- Pleased to see an assessment of existing A5 Uses, which have been mapped against schools and leisure spaces in the Borough
- Pleased to see this document had been issued following joint working between London Borough of Barking and Dagenham and NHS Barking and Dagenham and in particular the establishment of a Childhood Obesity Task Force

Hot Food Takeaway Organisation

- Section 7.0: Strategic Working, allows for a comprehensive and balanced approach to tackling health issues in the Borough
- Encouraging exercise is a more effective solution than restricting hot food takeaways
- The SPD will harm job creation / employment
- The SPD will not impact on obesity levels in the Borough
- There are a number of other uses which contribute to issues of obesity including corner shops and supermarkets
- The SPD is based on strategy documents and selected scientific studies none of which constitute planning policy or guidance
- The SPD is not consistent with emerging policies contained within National (PPS1/PPS4) and Local (Core and Borough Wide Development Plan Policies DPD's and UDP) planning policy
- The table at paragraph 1.11 is over simplistic and unhelpful
- Hot food takeaways bring vitality to the high street
- It fails to recognise that foods (and sweets) from other retail outlets, such as supermarkets and convenience stores, can be equally harmful to health if consumed inappropriately
- Lack of evidence in support of the policy objectives
- The broad nature of the application of the policy which could be contradictory to the stated policy aims
- The lack of recognition of the positive aspects of A5 businesses
- There is an important distinction between well-run multinational organisations which are responsible and badly run and poor looking independent organisations

1. Introduction

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
Steve Simms / Andrew Martin Associates on behalf of KFC	1. Introduction (1.2)	We do not consider the SPD supplements saved policies of the Unitary Development Plan (UDP) because none of them have to do with health or dietary issues. The first seven policies quoted identify town, district and local centres, which frontages are primary and secondary within them, and which types of use are appropriate to the impact to the vitality and viability of the centre and not health issues. The last-quoted policy seeks to ensure pubs, wine bars, restaurants and takeaways also provide adequate serving and eating areas, disabled access, parking, bins, grease traps, hygiene, ventilation and extraction, and that flues and vents have minimal visual impact. This means that the draft SPD does not comply with The Town and Country Planning (Local Development) (England) Regulations 2004 (as amended) regulation 13 (8) © and renders it open to legal challenge.	<p>The Council does not except that the SPD does not supplement the saved policies of the UDP.</p> <p>However the Council expects to adopt its Core Strategy in July 2010 and therefore this SPD supplements the policies of the Core Strategy and emerging Borough Wide Development Policies listed in paragraph 1.3 of the Draft SPD. The final version of the SPD will be amended accordingly.</p>	None
Steve Simms / Andrew Martin Associates on behalf of KFC	1. Introduction (1.3)	We do not consider that the SPD supplements any policies of the emerging Development Plan Documents (DPDs), because none, except Core Strategy Submission Draft (CS SD) Objective SO13, Borough-wide Development Policies Submission Draft (BWDP SD) Policy BC10 and possibly BWDP SD Policy BE13, have to do with health or dietary issues.	<p>Strategic Objective SO13 of the Core Strategy states that:</p> <p>SO.13: Improving the health and wellbeing of local residents and reducing health inequalities by making sure they have <u>ensuring good</u> access to high quality sports, leisure and recreation opportunities</p>	None

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
		<p>Instead these objectives and policies are directed at ensuring the vitality and viability of centres or securing infrastructure contributions through planning agreements.</p> <p>CS SD Objective SO13 seeks (quite properly) to improve the health and wellbeing of local residents by making sure they have access to high quality sports, leisure and recreation opportunities and health care provision. It does not seek to achieve this through restricting changes to food and drink uses or otherwise restricting choice.</p> <p>BWDP SD Policy BC10 is similarly directed at creating rather than restricting choice in health services and access to food retail, and at ensuring that the health impacts of major developments are assessed. This policy does not seek to restrict minor changes to food and drink uses.</p> <p>BWDP SD Policy BE3 seeks particularly to protect corner shops or shops in local parades that sell 'fresh food'. However, no definition of 'fresh food' is provided and since the planning system cannot in any case control the freshness of food sold, it is unclear how this could be implemented. Furthermore the SPD would control</p>	<p>and health care provision <u>and addressing the health impacts of new development</u></p> <p>The underlined and struck through text indicate the changes made during the Examination of the Core Strategy in response to a representation made by HUDU in November / December 2009.</p> <p>Policy BC10 of the Borough Wide Development Plan states that the Council will work in partnership with the PCT (NHS Barking and Dagenham) to improve the health of the local population and reduce health inequalities. The SPD, produced in partnership with NHS Barking and Dagenham, specifically aims to reduce inequalities and improve health by managing the location and clustering of hot food takeaways.</p> <p>Policy BE3 clearly states that planning permission will only be granted for edge or out of centre proposals primarily against the sequential test in addition to the applicant demonstrating the development 'fits in with our overall LDF vision, policies and objectives, and what contribution it would make to a sustainable borough'.</p>	

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
		<p>all changes of use to hot food takeaways, not just from shops that sell 'fresh food', and so exceeds the remit of this policy. This means that it does not comply with The Town and Country Planning (Local Development) (England) Regulations 2004 regulation 13 (8) (a-b) and renders it open to legal challenge.</p>	<p>Sustainability is widely understood to be about more than simply the vitality and vibrancy of a town centre. Indeed sustainable development is defined in PPS1 as '...ensuring a better quality of life for everyone, now and for future generations.' it further asserts that 'good planning ensures that we get the right development, in the right places and at the right time (p.2). The policy, which sets out the overarching planning policies on the delivery of sustainable development through the planning system also seeks a 'proactive approach which operated in the public interest through control over use of land' (p.15).</p> <p>With regards to what constitutes 'fresh food' the Council would assert that common sense would prevail in any planning permission regarding the loss stipulated in Policy BE3.</p>	
Steve Simms / Andrew Martin Associates on behalf of KFC	1. Introduction (1.4)	<p>We consider that, because the SPD does not comply with PPS12 paragraph 6.1 and in some respects may be unlawful, it should not be adopted and therefore not become a material consideration in determining planning applications.</p>	<p>Paragraph 6.1 of PPS12 states;</p> <p>'A planning authority may prepare Supplementary Planning Documents to provide greater detail on the policies in its DPDs. SPDs should not be prepared with the aim of avoiding the need for the</p>	None

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
			<p>examination of policy which should be examined.'</p> <p>As detailed above the SPD clearly provides greater detail on the policies in the Core Strategy and Borough Wide Development Policies DPD. The SPD does not contain any policies. It contains implementation points which provide greater detail on the implementation of DPD policy.</p>	
Steve Simms / Andrew Martin Associates on behalf of KFC	1. Introduction (1.10)	We disagree that the layouts of premises are necessarily a guide as to whether a use is within Use Classes A3 or A5, because it is how premises are used that matters. The criteria listed for determining dominant uses are also incomplete and miss important factors.	Paragraph 1.10 is not intended to be a definitive definition of an A5 use but to provide a guide as to some of the factors that will be taken into account	<p>The Council will amend paragraph 1.10 as follows:</p> <p>The proposed layouts of such premises provide a clear guide as to whether the use will fall into the A3 or the A5 Use Class.</p>
Steve Simms / Andrew Martin Associates on behalf of KFC	1. Introduction (1.11)	An applicant need not specify what class the use he is applying for is in, nor provide evidence on what business activities will occur. Indeed, in many cases, (e.g. an owner applicant intending to let the unit), the details of a future use will not be known. The table of uses is unhelpful, since it seeks to generalise where case-specifics are critical (e.g. a restaurant with drive-through facility may not be within Use Class A5 if the takeaway	<p>It is incorrect to state that an applicant need not specify Use Class when applying for planning permission or a change of use.</p> <p>Section 15 of the standardised planning application form (launched by the Government on 1 April 2008) requires applicants to describe the current use of a</p>	None

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
		<p>element does not dominate). It will depend on the proportions of activities and resultant character.</p>	<p>site. Further to this Section 19 of the form requires applicants to state whether there is to be any loss, gain or change to use of non-residential use class. The applicant must provide the planning authority with not only the type of use class proposed but also the intended amount (sq m).</p> <p>Whilst a planning application is often not required to change from one type of shop to another, permission is required to change from a retail shop to an A5 use. This requirement was introduced in The Town and Country Planning (Use Classes) (Amendment) (England) Order 2005.</p> <p>With regards to letting a property, a landlord is required to inform the tenant of the premises permitted use in the lease agreement. As before, any subsequent desire to change of use to A5 would require planning permission.</p>	
Dr Amelia Lake / Newcastle University	1. Introduction (1.11)	Food Chains such as McDonalds, KFC, Burger King do not fall under the class A5.	Hot food takeaways within the Borough's neighbourhood parades tend to be A5 uses as the size of their premises do not enable them to provide sufficient seating to be classified as a restaurant.	

Summary of main issues

Individual

- No response

Academic

- Food Chains such as McDonalds, KFC, Burger King do not fall under the class A5

Health Organisations

- No response

Hot Food Takeaway Organisations

- The SPD does not supplement the saved policies of the UDP. Therefore it does not comply with The Town and Country Planning (Local Development) (England) Regulations 2004 (as amended) regulation 13 (8) (c) and renders it open to legal challenge
- The SPD does not supplement the saved policies of the emerging DPDs. Therefore it does not comply with The Town and Country Planning (Local Development) (England) Regulations 2004 regulation 13 (8) (a-b) and renders it open to legal challenge
- The SPD is seeking to avoid examination and therefore does not comply with PPS12
- The layout of a premises is not the best means of determining A5 use

2. Status

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
Steve Simms / Andrew Martin Associates on behalf of KFC	2. Status (2.2)	We do not believe this draft SPD has been prepared in accordance with Planning Policy Statement 12 'Local Spatial Planning' (PPS12). PPS12 paragraph 6.1 states (in bold) that "A planning authority may prepare SPDs to provide greater detail on the policies in its DPDs .SPDs should not be prepared with the aim of avoiding the need for the examination of policy	As previously detailed the Core Strategy is planned to be adopted in July 2010, it is consistent with PPS1 and the London Plan. The SPD does provide greater detail on the implementation of DPD policies. Moreover it helps implement the	None

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
		<p>which should be examined". As we have identified (see 1.2 and 1.3), the draft SPD does not provide greater detail on any DPD or old policies. In our view it would not withstand public examination because it is not justified, effective or consistent with national policy, as required by PPS12 paragraphs 4.52 or 5.2 (3). We would also point out that the Development Plan does not include draft DPDs, which have not yet been adopted.</p>	<p>spatial dimensions of the Borough's Community Plan. Therefore it is completely in line with PPS12.</p> <p>The Council considers that the SPD accords with PPS12.</p>	
Steve Simms / Andrew Martin Associates on behalf of KFC	2. Status (2.3)	<p>We consider that, because the SPD does not comply with PPS12 paragraph 6.1 and in some respects may be unlawful, it should not be adopted and therefore not become a material consideration in determining planning applications.</p>	As above.	None
Steve Simms / Andrew Martin Associates on behalf of KFC	2. Status (3.1)	<p>We disagree that this draft SPD draws upon national or regional planning policy or guidance, or that it expands on policies in the UDP (see 1.2) or the emerging LDF (see 1.3).</p>	<p>The Council has responded to this comment previously.</p> <p>The Council considers that the SPD accords with national, regional and local planning policy.</p>	None
Mrs Sarah Taylor / GVA Grimley Ltd	2. Status	<p>Section 2 Status Para 2.3 'Status' refers to the Development Plan comprising the London Plan (with Alterations), the Borough of Barking and Dagenham's DPD's, and the 'saved' UDP policies. Furthermore, Para 2.3 states that "once adopted, this SPD will provide further detail on the implementation of DPD policy that applicants must follow to ensure they meet the policy requirements". However, we note that the</p>	<p>The Council intends to adopt the Core Strategy DPD in July 2010 as it was recently found to be sound by the Planning Inspectorate.</p>	

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
		Core Strategy and Development Management DPD's have not yet been the subject of an Examination, nor have they been found 'sound'. The SPD should not therefore be based upon policies contained within these DPD's. We consider the relationship between the SPD and the saved policies of the UDP in our representations to Section 3, Planning Policy Framework.		

Summary of main issues

Individual

- No response

Academic

- No response

Health Organisations

- No response

Hot Food Takeaway Organisations

- The SPD does not provide greater detail on the policies in its DPD. Therefore, the SPD is unlawful because it is not in accordance with PPS12.
- The SPD does not draw on national, regional or local planning policy guidance
- The SPD should not be based upon draft DPDs which have not yet been adopted

LBB: Consultation Responses

SPD Saturation Point: Addressing the Health Impacts of Hot Food Takeaways

*Please note that the paragraph numbering has changed from the draft SPD to the final SPD with the removal of Section 4 (Consultation).

3. Planning Policy Framework

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
General Comments on Section 3				
Mrs Sarah Taylor / GVA Grimley Ltd	3. Planning Policy Framework	<p>Para 3.2 refers to PPS 1 and the role of development plans introducing inequalities and delivering safe and healthy places to live. It is not clear how restricting the development of A5 uses will achieve this. Indeed, the Mayor’s draft Strategy addresses the need for healthier choices by increasing the availability of affordable healthy food. This is a positive approach to addressing health inequalities, rather than the restrictive and limiting approach taken by the SPD. Furthermore, the SPD ignores many other elements of PPS 1, which directs that planning should facilitate sustainable economic development and the delivery of high levels of employment, and should be transparent, flexible, predictable, efficient and effective. Decisions should be based upon an assessment of the potential impacts, positive and negative, short term and long term, direct and indirect.</p>	<p>PPS1 strives for local authorities to take a spatial planning approach. Authorities should ‘consider the needs and problems of the communities in their areas and how they interact, and relate them to the use and development of land’ (paragraph 32.ii, p.13). Paragraphs 5.9 – 5.11 of the draft SPD clearly demonstrate statistically that the levels of obesity in Barking and Dagenham are above the national average.</p> <p>The SPD further accords with the spatial planning approach by seeking to integrate with other relevant strategies and programmes. The SPD clearly demonstrates this in Section 5 in paragraphs 5.12 - 5.14 with reference to the LAA and The Barking and Dagenham Childhood Obesity Strategy and Action Plan.</p> <p>PPS1 does indeed state that ‘decisions should be based upon an assessment of the potential impacts, positive and negative, short term and long term, direct and indirect’.</p>	None

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			<p>The Council therefore believes that the SPD is in accordance with PPS1 in that obesity is an issue, which, unless addressed now, will impact on the health of the community both directly and indirectly, on current and future generations. Not only will it have adverse health implications but the Government estimates that the annual cost of overweight and obese individuals to the NHS to be £4.2 billion currently, a figure which is predicted to more than double by 2050. Source: http://www.dh.gov.uk/en/Publichealth/Healthimprovement/Obesity/index.htm</p> <p>Tacking obesity is therefore an important concern for the Council and one which is echoed by regional and national government.</p>	
Mrs Sarah Taylor / GVA Grimley Ltd	3. Planning Policy Framework	The SPD wholly ignores Planning Policy Statement 6 (PPS 6) 'Planning for Town Centres' which is a key policy document when considering town centre uses. It fails to recognise the importance of A5 uses, and the potential to make a significant contribution to vital and viable town centres (and as identified within the adopted UDP), and deliver a range of employment opportunities. In particular, PPS12 contains guidance on the preparation of Local Development Frameworks, including	<p>The Council concedes that reference to PPS6 should have been included in the draft SPD. As such the Council is proposing to refer to PPS4 which, since publication of the draft SPD, has superseded PPS6.</p> <p>By controlling proliferation of hot food takeaways in the Borough's retail parades the Council is adhering to a key tenet of PPS4 – by increasing opportunities for diversification.</p> <p>PPS4 states that the Government's</p>	<p>The Council proposes to insert the following paragraph into Section 3:</p> <p><u>'PPS4 states that the Government's overarching objective is sustainable economic growth (p.3). This is defined in the guidance as being:</u></p> <p><u>'Sustainable growth: growth that can be sustained and is within</u></p>

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		<p>SPD's. It identifies that SPD's should provide greater detail on existing policies contained with DPD's, and should not be prepared with the aim of avoiding the need for the examination of policies which should be subject to scrutiny by an independent Inspector. PPS 6 considers both A5 uses, and drive through restaurants to be 'town centre' uses, and seeks to direct such uses to centres first, as part of a sequential approach to development. We have considered the 'saved policies' of the UDP as the basis for the SPD. Those policies which relate to 'Centres' do restrict the percentage of non retail uses in the various centres. However, these restrictions limit the proportion of non-retail uses from between a maximum of 15% to 30% of non retail uses in each frontage. Within the local centres and parades, non retail uses will be a restricted to a maximum of 30%. The policies do not restrict the amount or number of A5 uses in the various frontages.</p>	<p>overarching objective is sustainable economic growth (p.3). This is defined on page 3 of the guidance as being:</p> <p>'Sustainable growth: growth that can be sustained and is within environmental limits, but also enhances environmental and social welfare and avoids greater extremes in future economic cycles'.</p> <p>There are 187 A5 uses in Barking and Dagenham and therefore they are already significant employers. The Council considers that in the interests of the health of the Borough's residents, particularly children, that the proliferation of A5 uses in the Borough needs to be carefully controlled and it is for this reason that it has decided to provide further guidance on their location.</p>	<p><u>environmental limits, but also enhances environmental and social welfare and avoids greater extremes in future economic cycles'.</u></p> <p><u>With 187 A5 uses in Barking and Dagenham, the Council considers that in the interests of the health of the Borough's residents, particularly children, that the proliferation of A5 uses needs to be carefully controlled and it is for this reason that it has decided to provide further guidance on their location.</u></p>
Mrs Sarah Taylor / GVA Grimley Ltd	3. Planning Policy Framework	The UDP also recognises that some non retail uses such as ".....takeaway restaurants.....are required to provide a complementary service in these areas" (para6.3), and that restaurants, take-aways	The Council recognises that, when they are located and managed properly, hot food takeaways can provide a complimentary service in town centres and that they do contribute to the local economy, creating	

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		<p>and other uses cater for people's food and drink needs both during the day and evening. The Strategic Policy section of the UDP refers to a '3-tier approach' which protects the retail core, encourages non-retail uses in the secondary and fringe area, whilst not prejudicing their retail function. This approach is considered sufficient to protect the retail function of the Centre, whilst giving sufficient flexibility to allow those essential non retail uses required for a functioning town centre.</p>	<p>employment opportunities. This is recognised in paragraph 6.9 of the draft SPD. However, in response to the numbers of hot food takeaways in the Borough the Council considers that the measures it is proposing to introduce in the draft SPD are proportionate and considered.</p>	
Mrs Sarah Taylor / GVA Grimley Ltd	3. Planning Policy Framework	<p>The restriction of A5 uses is not considered necessary. Policy S8 Food and Drink considers that restaurants and takeaways are acceptable in principle, subject to compliance with a number of criteria. These criteria generally relate to matters of amenity and parking, and do not relate to exclusion zones around schools or clusters of uses on health/obesity grounds. Whilst the Council suggests that the above retail and town centre policies will be superseded by the policies contained within the Core Strategy and Development Management DPD's, these have not yet been adopted, and will be the subject of Hearings in November and December 2009. For the purposes of the publication of the draft</p>	<p>The Council intends to adopt the Core Strategy in July 2010. The London Plan also forms part of the Development Plan.</p>	None

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		<p>SPD, the development plan therefore comprises the policies of the saved policies of the UDP, outlined above. The UDP clearly expresses support for takeaway uses, subject to impacts upon amenity, and where there is not an over concentration of non retail uses (not A5 uses) in specific primary and secondary frontages or local centres and parades. We consider that there is no robust policy basis upon which to develop the majority of the policies contained within the SPD and object to the adoption of the SPD on this basis.</p>		
Steve Simms / Andrew Martin Associates on behalf of KFC	3. Planning policy Framework (3.4)	<p>There is no evidence that the draft SPD, if adopted, will help meet the Local Area Agreement target for Barking and Dagenham to halt the year-on-year rise in obesity among young children and young people (from 4 to 11 years old).</p>	<p>The Council is confident that this SPD will help meet the LAA target. The following organisations are also supporting this SPD:</p> <ul style="list-style-type: none"> • Centre for Food Policy, City University • Chartered Institute for Environmental Health • Child Growth Foundation and National Obesity Forum • Newcastle University, Human Nutrition Research Centre • National Heart Forum • NHS London Healthy Urban Unit (HUDU) Nutrition Policy Unit • London Metropolitan University, Nutrition Policy Unit 	

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			<ul style="list-style-type: none"> • National Support Team –Childhood Obesity – Department of Health • Sustain: the alliance for better food and farming 	
Dr Amelia Lake / Newcastle University	3. Planning policy framework (3.2)	Also of note here is the recently published GPN Delivering Healthy Communities http://www.rtpi.org.uk/download/6443/GPN_5_final.pdf	The Council is aware of this publication and proposes to make reference to it in the SPD.	<p>The Council proposes to insert the following paragraph into Section 3 of the SPD (paragraph numbering to alter accordingly):</p> <p><u>3.4 Planning and public health have a long shared history. Facilitating the creation of a healthy environment is fundamental to the spatial planning approach. This is reiterated in the Royal Town Planning Institute's, Good Practice Guidance Note – Delivering Healthy Communities X, which states that 'spatial planning has a key role to play in shaping environments which make it possible for people to make healthier choices about exercise, local services, travel, food, nature and leisure'</u></p> <p>3.5 This SPD is part of a broader...</p>

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Dr Amelia Lake / Newcastle University	3. Planning policy framework (3.3)	Defining food deserts - this paper may be helpful. Beaulac, J., E. Kristjansson, et al. (2009). 'A Systematic Reivew of Food Deserts, 1966-2007' Preventing Chronic Diseases 6 (3) http://www.cdc.gov/pcd/issues/2009/jul/08_0163.htm	Noted	N/A
Steve Simms / Andrew Martin Associates on behalf of KFC	3. Planning policy Framework (3.3)	We agree with the Mayor of London's draft strategy to create a built environment in which healthy choices are easier to make, including increasing the availability of affordable healthy food. London Plan Policy 3A.20 is of similar intent to the sections of PPS1 on health impacts and relates to major developments. The Mayor of London's Best Practice Guidance 'Health Issues in Planning' in respect of 'food deserts' recommends encouraging local shops or allotments to meet local needs, rather than restricting minor changes of use.	<p>The Mayor's Best Practice Guidance provides a signpost to the Department of Health's Food Action Plan. At paragraph 85 this states:</p> <p>'If takeaway style food is similar in fat content to food eaten out then this suggests that the trend towards consuming more takeaway meals, such as pizzas, burgers, or fried chicken is leading to increased fat intake which may outweigh the general decline. The evidence suggests that this should be one of the main areas in which change is needed.'</p> <p>The Council notes that the Mayor's draft strategy seeks to create a built environment in which healthy choices are easier to make. Section 7 of the draft SPD clearly corroborates this approach as do Policies BE1 and BR8 of the Council's Borough Wide Development Plan Document.</p> <p>Policy BE1 places emphasis on retaining</p>	None

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			<p>shops selling fresh fruit and vegetables and the provision of farmers' markets and new shops selling fresh fruit and vegetables.</p> <p>In addition, Policy BR8 highlights the importance of allotments as a component of open space which contribute towards healthy life styles.</p> <p>The Council does not consider that providing improved access to healthy foods, allotments and open space and restricting hot food takeaways in the vicinity of schools as being mutually exclusive.</p>	
Dr Amelia Lake / Newcastle University	3. Planning policy framework (3.4)	Also refer to Healthy Weight Healthy Lives Document - Cross-Government Obesity Unit, Department of Health and Department of Children, Schools and Families, (2008). Healthy Weight, Healthy Lives: a Cross-Government Strategy for England. London. Http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance 'promote the flexibilities contained within the planning regulations, so that local authorities are able to manage the proliferation of fast food outlets in the particular areas, e.g. near parks or schools'	<p>The addition of further evidence to support the SPD is noted and welcomed The Council is aware of this publication and made reference to it within Section 5 of the draft SPD.</p> <p>However, to strengthen the SPD further the Council will introduce the excerpt of this document you suggest into paragraph 5.6 under Purpose and Scope.</p>	<p>The Council proposes to amend paragraph 5.6 as follows:</p> <p>5.6 In addition, the Government published <i>Healthy Weight, Healthy Lives: a Cross Government Strategy for England in 2008</i>, launched the <i>Change4Life Strategy</i> in January 2009 and in March 2009 published the Health Committee Report for Health Inequalities¹³ again highlighting the need to</p>

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				<p>address the rising numbers of fast food takeaways on the high street. <u>Indeed, <i>Healthy Weight Healthy Lives</i>¹⁴ calls for 'local authorities [to] use existing planning powers to control more carefully the number and location of fast food outlets in their local areas'. It further states that 'the Government will promote these powers to local authorities and PCTs to highlight the impact that they can have on promoting healthy weight, for instance through managing the proliferation of fast food outlets, particularly in proximity to parks and schools'.</u></p> <p>(Reference: <i>Healthy Weight, Healthy Lives: a Cross Government Strategy for</i></p>

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				<i>England, 2008, p.18)</i>
Steve Simms / Andrew Martin Associates on behalf of KFC	3. Planning policy Framework (3.5)	<p>We agree with any strategy that has the objective of increasing the availability of healthy diet and exercise choices. We cannot agree with measures that have the objective of restricting choice or will simply be unlawful and ineffective:</p> <ul style="list-style-type: none"> • There is no evidence for any link between the incidence of obesity and the proximity of hot food takeaways to schools, parks or youth facilities. • Because the food served by takeaways (or shops, restaurants or pubs for that matter) is not a matter for the planning system, any contributions sought based on this will fail the Secretary of State's policy that planning obligations must be relevant to planning and necessary to make development acceptable in planning terms. The way that the policy is drafted means that it also fails the rest of the tests, some of which have been held by the Courts as necessary to ensure an obligation is lawful. 	<ul style="list-style-type: none"> • The SPD is founded on national Government guidance in addition to peer reviewed scientific papers The Council addressed this comment in Section 1 of this document. • The Council believes that health and wellbeing is a fundamental planning issue. As HUDU assert spatial planning polices should be used to create conditions for better health and supporting healthier lifestyles' (Planning for Health Manual, 2009, p. 6). Source: http://www.healthyurbandevlopment.nhs.uk/documents/integrating_health/Planning_for_Health_Manual.pdf • The levy is necessary to mitigate the impact of a hot food takeaway. • The levy meets the tests of circular 05/05 and the tests set out in the Community Infrastructure Regulations 2010 • We applaud KFC for the work it is doing with the FSA to improve its menu. 	None

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		<ul style="list-style-type: none"> • KFC (GB) Limited has already committed to the continual improvement of its menu with the Food Standards Agency. • We fully agree with the objective of improving the opportunities to access healthy food in new developments. 	<ul style="list-style-type: none"> • KFC's support for improving access to healthy food in new developments is welcomed. 	

Summary of main issues

Individual

- No response

Academic

- The SPD should reference the Royal Town Planning Institute's Good Practice Note - Delivering Healthy Communities (2009)
- The SPD should reference the Government's strategy *Healthy Weight Healthy Lives* (2008)

Health Organisations

- No response

Hot Food Takeaway Organisations

- Support for the Mayor of London's draft strategy and Best Practice Guidance which seeks to create a built environment in which healthy choices are easier to make. The SPD should be encouraging access to healthy food and not restricting choice
- Support the objective of improving the opportunities to access healthy food in new developments
- The Council's measures restrict choice, are unlawful and ineffective
- There is no evidence for any link between the incidence of obesity and the proximity of hot food takeaways to schools, parks or youth facilities

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SPD Saturation Point: Addressing the Health Impacts of Hot Food Takeaways

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- The food served by takeaways (or shops, restaurants or pubs for that matter) is not a matter for the planning system
- The hot food takeaway levy is unlawful

5. Purpose and Scope

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
Ms Mary Lyttle / Individual	5. Purpose and Scope	<p>I agree in principle with your document but have a couple of comments which I hope can be of use.</p> <ul style="list-style-type: none"> • Section 5 Obesity - as a general rule children, from babies up until the time they leave school, eat what their parents give them. They are usually dependent on their parents for all or most of their needs and have to eat what they are given. Young children have no choice and know no better. The problem is usually caused by parents preferring fast food rather than cooking. • As I understood the rules regarding shop premises, is that any shop wishing to open in a given area could not be the same type of shop (e.g. paper shop, card shop) within a certain distance of each other. 	<p>Support for the SPD is noted and welcomed.</p> <ul style="list-style-type: none"> • The Council agrees that education is a key element in tackling the rising rates of obesity in the Borough. Through the Obesity Task Force, the Council is taking a coordinated approach which considers both educational and planning measures. • There is currently policy guidance in the Council's Borough Wide Development Plan Document and adopted UDP which steer the mix shops which can open in retail parades (on the basis of Use Class). <p>Implementation Point 2 seeks to further guide where A5 use class outlets (hot food takeaways) are to be located in the Borough.</p> <p>This section of the SPD states that no</p>	N/A

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		<p>For example, there could be three bakeries or three green grocers within a group of perhaps ten shop, which would mean that none would do well and one or two could go out of business. The Council could allocate licences for a specific number of fast food shops so preventing any more than the specified number being open in any given area.</p>	<p>more than two A5 units should be located adjacent to each other and that no more than 5 % of the units should be hot food takeaways.</p>	
Mrs Sarah Taylor / GVA Grimley Ltd	5. Purpose and Scope	<ul style="list-style-type: none"> • Para 5.15 makes a series of statements and generalisations which are not supported by a robust evidence base, including the statement that fast food takeaways are a source of cheap, energy dense and nutrient poor foods. The planning system does not control what is sold in hot food takeaways. • The SPD assumes that all food sold by A5 operators is 'unhealthy', which is incorrect. Indeed, a number of operators are working towards improved standards, recognised by "The School Fringe" as already better. McDonalds is an industry leader with regard to the promotion of a range of fast food options. McDonalds 	<ul style="list-style-type: none"> • The SPD is founded on guidance given by national Government in addition to peer reviewed scientific papers. <p>As referenced in the SPD, Prentice and Jebb (2003), state that 'most fast foods have an extremely high energy density. Studies show that humans have a weak innate ability to recognise foods with a high energy density and to appropriately down-regulate the amount of food eaten in order to maintain energy balance. This induces so-called 'passive over-consumption'.</p> <p>Source: Prentice AM and Jebb SA (2003) Fast foods, energy density and obesity: a possible mechanistic link.</p>	<p>The Council will amend paragraph 5.15 as follows:</p> <p>5.15 Diet is a key determinant both of general health and obesity levels. <u>Most</u> fast food takeaways are a source of cheap, energy dense and nutrient poor foods²¹.</p>

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		<p>achievements and commitments have been formulated with the Food Standards Agency(FSA), and include the following:</p> <p>‘Choice’ – an increased number and range of options available, both on the main menu and children’s Happy Meal menu, and the provision of a range of additional items that have not previously been available such as salads, fruit bags, carrot sticks, fruit smoothies and orange juice;</p> <p>‘Reformulation’ - of many of the recipes on the core menu, particularly focusing on salt reduction, changing to 100% pure vegetable oil in all restaurants, and continuing to work with the FSA to assist in the Government’s overall reduction in average salt consumption levels. 79% of McDonalds Happy Meal food and drink items are not classified as HFSS (High in Fat Salt and Sugar), based upon the scoring criteria provided by the FSA. Three of the five most popular and highest</p>	<p>Further to this HUDU, CIEH, Child Growth Foundation and the National Obesity Forum have lent their support to the SPD, the documents evidence base and intended objectives.</p> <p>The Council does however note that there is a need for further research in this area; which is why it is intending to work with an academic institution on the monitoring of the SPD. This will further enable understanding of obesity in UK cities.</p> <ul style="list-style-type: none"> • Whilst the planning system does not control what is sold in hot food takeaways, planning and public health have a long shared history. The Council considers that facilitating the creation of a healthy environment is fundamental to the spatial planning approach. <p>The Council applaud McDonalds for the work it is doing with the FSA to improve its menu and recognises that some hot food takeaways offer healthier options on their menus. Therefore, the Council proposes to acknowledge this in paragraph 5.15.</p> <p>The 2009 London Health Check Analysis Report shows there are 35 major centres in</p>	

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		<p>selling items on the adult menu would not be classified as HFSS, and many of the side orders, such as French Fries, are equally not classified as HFSS.</p> <p>'Information' – McDonalds has provided nutritional information about its food since 1984, and information is provided to both customers and staff, both within and outside its restaurants. McDonalds also has a dedicated nutritionist who will be involved in the development of all new menu items; In addition to the above, paragraph</p> <ul style="list-style-type: none"> 5.16 states that hot food takeaways are dominating the retail offer, and displaces other shops and food options, restricting choices. However, this conflicts with the findings of the Neighbourhood Centre Health Check Assessment which forms part of the evidence base for the LDF. The Health Check indicates that retail vacancy levels within the Borough are 13% of total floorspace, which is higher than the 5 to 8% normally represented. 25 	<p>London, Barking with 3024 sq m of takeaway floorspace ranks second only to Waltham Forest. However, it is the third smallest Major Centre in terms of overall retail and leisure floorspace.</p> <p>Page 8 of the Council's Neighbourhood Health Check Report states:</p> <p>'The service sector is strong within the Borough with a significant proportion of floorspace occupied by hot food takeaways and hairdressers. There was a perception from retailer's that takeaways are over represented within the Borough. The healthcheck supports this assertion in respect of a number of weaker centres in the Borough, particularly as there is little differentiation in the food/service offered. The lack of diversity of retailer types within such centres is a weakness which could present a long term problem if the dominance of takeaway's crowds out other potential convenience and comparison operators as levels of expenditure grow in the Borough.'</p> <p>Paragraph 4.10 states:</p> <p>'A significant issue across the majority of the</p>	

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		<p>of the 41 centres have more than 10% of floorspace vacant whilst 8 centres have more than a 25% of their floorspace unoccupied. This strongly indicates that there are other factors which are limiting access to fresh food and fruits, rather than necessarily the 'existing over proliferation of A5 uses within the Borough. The SPD is likely to contribute to an increase in vacant units within Centres and other parades, rather than contribute to encouraging greater levels of food choice. This conflicts with national planning policy guidance and the 'saved' policies of the UDP.</p>	<p>41 local centres is the over and under representation of certain retail types (Figure 4.2). Over 13% of units were identified as being in A5 use (Hot Food Takeaway)'</p> <p>The study also shows that within the borough's 39 (since revised to 35 in the Core Strategy) neighbourhood parades there are 5 greengrocers and 135 hot food takeaways.</p> <p>Therefore, there are on average more than 3 hot food takeaways in each of the Borough's neighbourhood centres. This contrasts with PPS4 Annex B which defines Local centres as:</p> <p>'including a range of small shops of a local nature, serving a small catchment. Typically, local centres might include, amongst other shops, a small supermarket, a newsagent, a sub-post office and a pharmacy. Other facilities could include a hot-food takeaway and launderette. In rural areas, large villages may perform the role of a local centre. Small parades of shops of purely neighbourhood significance are not regarded as centres for the purposes of this policy statement.'</p> <p>Clearly the expectation in PPS4 is that a</p>	

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			local centre, never mind a neighbourhood parade, can include one hot food takeaway but not the numbers experience in Barking and Dagenham's neighbourhood centres.	
Mr Tim G Townshend / Newcastle University	5. Purpose and Scope	This section is great but I think you could include a paragraph (perhaps quoting Foresight report which stated there was enough evidence to implicate the built environment in the obesity pandemic) - which even more clearly outlines the role that Planning may have in tackling the obesity crisis and though people may think of obesity as a medical problem that its not something hat the health sector can tackle alone etc.	<p>Support for the SPD is noted and welcomed. The Foresight Report outlined provides valuable corroborative evidence for the SPD.</p> <p>The Council will introduce a paragraph as suggested to further substantiate that planning should be acting where possible to tackle the obesity epidemic. We propose to include a section from <i>Healthy Weight Healthy Lives</i> the cross-Governmental strategy (2008) into paragraph 5.6.</p> <p>In addition the Council will include a paragraph referencing the Foresight Report.</p>	<p>The Council proposes to amend paragraph 5.6 as follows:</p> <p>In addition, the Government published <i>Healthy Weight, Healthy Lives: a Cross Government Strategy for England in 2008</i>, launched the <i>Change4Life Strategy</i> in January 2009 and in March 2009 published the Health Committee Report for Health Inequalities¹³ again highlighting the need to address the rising numbers of fast food takeaways on the high street. <u>Indeed, <i>Healthy Weight Healthy Lives</i>¹⁴ calls for 'local authorities [to] use existing planning powers to control more carefully the number and location of fast</u></p>

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				<p><u>food outlets in their local areas</u>'. It further states that <u>'the Government will promote these powers to local authorities and PCTs to highlight the impact that they can have on promoting healthy weight, for instance through managing the proliferation of fast food outlets, particularly in proximity to parks and schools</u>'.</p> <p>(Reference: <i>Healthy Weight, Healthy Lives: a Cross Government Strategy for England, 2008, p.18</i>)</p> <p>5.7 <u>The Foresight Report further calls on policy makers to take a precautionary approach. It states that '...expert opinion suggests there are barriers and opportunities for changes to the way we configure</u></p>

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				<p><u>the built environment. Better use could be made of existing planning regulations...</u> and that <u>'there is also a desire for new policy levers and better leadership and policy implementation.'</u></p> <p>(Source: Foresight, Tackling Obesities: Future Choices – Project Report, 2nd Edition, Government Office for Science, October 2007).</p>
Steve Simms / Andrew Martin Associates on behalf of KFC	5. Purpose and Scope (5.10)	We agree with the importance attached to tackling the rising levels of obesity as a contributory factor in the statistics presented.	Support for this section of the SPD is noted and welcomed.	N/A
Steve Simms / Andrew Martin Associates on behalf of KFC	5. Purpose and Scope (5.11)	We agree there is a high incidence of childhood and adult obesity locally, but note the lack of any corresponding data on the number or density of takeaways, which are typical of many town and cities.	The 2009 London Health Check Analysis Report shows there are 35 major centres in London, Barking with 3024 sq m of takeaway floorspace ranks second only to Waltham Forest. However, it is the third smallest Major Centre in terms of overall retail and leisure floorspace.	None

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Steve Simms / Andrew Martin Associates on behalf of KFC	5. Purpose and Scope (5.12)	We support partnership working in addressing the obesity agenda.	Support for the Councils approach to creating the SPD in partnership with NHS Barking and Dagenham is noted and welcomed.	
Steve Simms / Andrew Martin Associates on behalf of KFC	5. Purpose and Scope (5.13)	We note that among the stakeholders responsible for implementing the Childhood Obesity Strategy and Action Plan are Town Planning, Parks and Leisure. However, there is no up-to-date Open Space Sport and Recreation Assessment compliant with Planning Policy Statement 17 'Planning for open space, sport and recreation' (PPG17) for the Borough, the last assessment having been done over six years ago with an accessibility analysis based on 'as the crow flies' distances rather than real pedestrian or cycling routes to facilities, recognising perceptual barriers. This is a key responsibility of that stakeholder and a requirement of PPG17 paragraph 1.	Noted	None
Steve Simms / Andrew Martin Associates on behalf of KFC	5. Purpose and Scope (5.15)	We agree that diet is a key determinant both of general health and obesity levels, but exercise is the other key determinant alongside which it must be considered for a more complete picture. We agree that some hot food takeaways (and indeed some restaurants and shops) are a source of cheap, energy dense and nutrient poor	We welcome KFC's acknowledgement that some hot food takeaways are a source of cheap, energy dense and nutrient poor foods. PPS 1 states that Development Plans should promote communities which are inclusive, healthy, safe and crime free.	

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
		<p>foods. However, not all are and the planning system is ineffective in distinguishing between those that are and those that are not. This is because the purpose of the planning system is not to control citizens' diets; it is therefore not designed for this task. Whilst there is research on the persistence of child or adolescent obesity, there remains no evidence for a link between the incidence of obesity and the proximity of hot food takeaways to schools.</p>	<p>The SPD is founded on national Government guidance in addition to peer reviewed scientific papers The Council addressed this comment in Section 1 of this document.</p>	
Steve Simms / Andrew Martin Associates on behalf of KFC	5. Purpose and Scope (5.16)	<p>There is no evidence that hot food takeaways dominate the local retail food offer, when compared to similar areas elsewhere, and no evidence that this displaces other shops and food options. Indeed, the UDP policies that have applied for the last 14 years often only allow hot food takeaways if a unit is already no longer viable for retail and has remained unlet for substantial period.</p>	<p>The Council undertook significant mapping work to understand where existing hot food takeaways were located into relation to the Borough's schools, parks and leisure facilities. Figure 1 of the SPD clearly illustrates that the 187 hot food takeaways in Barking and Dagenham are clustered and dominate retail frontages. In addition many are in close proximity to the Borough's schools.</p> <p>In addition, the 2009 London Health Check Analysis Report shows there are 35 major centres in London, Barking with 3024 sqm of takeaway floorspace ranks second only to Waltham Forest. However it is the third smallest Major Centre in terms of overall retail and leisure floorspace.</p>	None

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
			<p>Page 8 of the Council's Neighbourhood Health Check Report states:</p> <p>'The service sector is strong within the Borough with a significant proportion of floorspace occupied by hot food takeaways and hairdressers. There was a perception from retailer's that takeaways are over represented within the Borough. The healthcheck supports this assertion in respect of a number of weaker centres in the Borough, particularly as there is little differentiation in the food/service offered. The lack of diversity of retailer types within such centres is a weakness which could present a long term problem if the dominance of takeaway's crowds out other potential convenience and comparison operators as levels of expenditure grow in the Borough.'</p> <p>Paragraph 4.10 states:</p> <p>'A significant issue across the majority of the 41 local centres is the over and under representation of certain retail types (Figure 4.2). Over 13% of units were identified as being in A5 use (Hot Food Takeaway)'</p> <p>The study also shows that within the Borough's neighbourhood parades there are 5</p>	

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
			greengrocers and 135 hot food takeaways.	
Steve Simms / Andrew Martin Associates on behalf of KFC	5. Purpose and Scope (5.17)	We fully support any efforts to improve access to fresh fruits and vegetables within the Borough.	Support for this section of the SPD is noted and welcomed.	
Steve Simms / Andrew Martin Associates on behalf of KFC	5. Purpose and Scope (5.4)	The Health Committee Report on obesity focussed equally on the lack of availability of fresh produce as on the availability of 'fast food outlets' and did not differentiate between hot food takeaways and restaurants. The only evidence on restrictions was on the success of other 'high-level' environmental interventions. However, the cited example of the ban on smoking in public places is a once-and-for-all measure, whereas the planning system can only effect marginal change through decisions on new development.	The Council is introducing the SPD as part of a strategic approach to tackling the Borough's obesity levels and in particular childhood obesity. The SPD is an important component of the Borough's strategy but is by no means the complete answer. This is clearly illustrated in Section 7 and through the partnership work the Council is doing with NHS Barking and Dagenham on the Obesity Task Force.	None
Steve Simms / Andrew Martin Associates on behalf of KFC	5. Purpose and Scope (5.5)	Whilst both the Foresight report and the Sheffield Hallam University report on its implications for local government identified a clear role for the planning system in effecting change in the built environment to encourage exercise and access to healthier lifestyles, there was little clarity on restrictions to 'fast food outlets' (or what	<i>Healthy Weight Healthy Lives</i> calls for 'local authorities [to] use existing planning powers to control more carefully the number and location of fast food outlets in their local areas'. It further states that 'the Government will promote these powers to local authorities and PCTs to highlight the impact that they can have on promoting healthy weight, for instance through managing	

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
		this meant in planning terms). The latter report suggested local authorities may be given powers to prevent them opening near parks and schools, though no such change has occurred since it was published.	the proliferation of fast food outlets, particularly in proximity to parks and schools’.	
Dr Amelia Lake / Newcastle University	5. Purpose and Scope (5.6)	Healthy Weight Healthy Lives was launched in Jan 2008 not 2009.	The Council propose to clarify paragraph 5.6.	5.8 In addition, the Government published <i>Healthy Weight, Healthy Lives: a Cross Government Strategy for England in 2008</i> , launched the <i>Change4Life Strategy</i> in January 2009 and in March 2009 published the Health Committee Report for Health Inequalities ¹³ again highlighting the need to address the rising numbers of fast food takeaways on the high street. <u>Indeed, <i>Healthy Weight Healthy Lives</i> calls for ‘local authorities [to] use existing planning powers to control more carefully the number and</u>

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
				<p><u>location of fast food outlets in their local areas</u>'. It further states that <u>'the Government will promote these powers to local authorities and PCTs to highlight the impact that they can have on promoting healthy weight, for instance through managing the proliferation of fast food outlets, particularly in proximity to parks and schools</u>'. (Reference: <i>Healthy Weight, Healthy Lives: a Cross Government Strategy for England, 2008, p.18</i>)</p>
Steve Simms / Andrew Martin Associates on behalf of KFC	5. Purpose and Scope (5.6)	Whilst the Department of Health and the Department for Children, Schools and Families document 'Healthy Weight, Healthy Lives' committed the Government to promoting the use of the planning system to "manage the proliferation of fast food outlets" it was not clear about how this could be achieved in practice and was not	<p>PPS 1 states that Development Plans should promote communities which are inclusive, healthy, safe and crime free.</p> <p>Page 18 of <i>Healthy Weight, Healthy Lives: a Cross Government Strategy for England</i>, calls for: 'local authorities [to] use existing planning</p>	None

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
		<p>a PPS itself.</p> <p>Furthermore, the Health Committee Report for Health Inequalities suggested the Department for Communities and Local Government should publish a PPS on the matter; and give "...local authorities the powers to control the numbers of fast food outlets" suggesting such powers do not exist. The Change4Life strategy promotes healthy choices and not planning restrictions.</p>	<p>powers to control more carefully the number and location of fast food outlets in their local areas'.</p> <p>It further states that: 'the Government will promote these powers to local authorities and PCTs to highlight the impact that they can have on promoting healthy weight, for instance through managing the proliferation of fast food outlets, particularly in proximity to parks and schools'.</p> <p>Whilst the documents referred to in Section 5 are not official planning documents they do constitute Government strategies and, as such, are indicative of national priorities. The SPD is seeking to align with current local and regional and national priorities. Indeed, the Department of Health's website states that:</p> <p>'The Government is committed to taking action to prevent more serious illness and much bigger costs to the health service and the country in years to come. The Government's ambition is to be the first major nation to reverse the rising tide of obesity and overweight in the population, by enabling everyone to achieve and maintain a healthy weight.' Source: http://www.dh.gov.uk/en/publichealth/healthimprovement/obesity/index.htm</p>	

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Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
Steve Simms / Andrew Martin Associates on behalf of KFC	5. Purpose and Scope (5.7)	We support the Government's aim "to reverse the rising tide of obesity and overweight in the population..."	Support for the Government's aim "to reverse the rising tide of obesity and overweight in the population..." is noted and welcomed.	N/A
Steve Simms / Andrew Martin Associates on behalf of KFC	5. Purpose and Scope (5.8)	We consider that promoting a particular development area as an exemplar in working to reduce the levels of obesity has far greater prospects of achieving this aim by creating walkable environments in which people have access to the full range of food choices than restrictions on hot food takeaways in particular locations.	<p>The Council concurs, more pedestrian friendly environments is a key planning objective. As such, the Council's Local Development Framework documents contain a number of policies which seek to improve the Borough's walking environment:</p> <p>BR10: Sustainable Transport BR11: Walking and Cycling BC10: The Health Impacts of Development</p> <p>It is also working with Living Streets on a number of projects.</p> <p>The SPD is seen as a complimentary element to a series of coordinated approaches to tackling the Borough's obesity levels and in particular childhood obesity.</p>	None
Steve Simms / Andrew Martin Associates on behalf of KFC	5. Purpose and Scope (5.9)	We support the Council in making health an important priority and key feature of its Community Strategy	Support for this section of the SPD is noted and welcomed.	

Summary of main issues

Individual

- The obesity problem is usually caused by parents preferring fast food rather than cooking
- The Council could allocate licences for a specific number of fast food shops so preventing any more than the specified number being open in any given area

Academic

- Include reference to the Foresight Report (2007) which states that there is enough evidence to implicate the built environment in the obesity pandemic

Health Organisations

- No response

Hot Food Takeaway Organisations

- Some hot food takeaways (and some restaurants and shops) are a source of cheap, energy dense and nutrient poor foods
- Support for partnership working in addressing the obesity agenda
- Support for the Government's aim "to reverse the rising tide of obesity and overweight in the population
- Support the Council in making health an important priority and key feature of its Community Strategy
- The SPD is not supported by a robust evidence base
- The planning system does not control what is sold in hot food takeaways
- The SPD assumes that all food sold by A5 operators is 'unhealthy', which is incorrect
- There are other factors which limit access to fresh food and fruits, rather than the existing over proliferation of A5 uses within the Borough
- The SPD is likely to contribute to an increase in vacant units within Centres
- There is no up-to-date Open Space Sport and Recreation Assessment compliant with Planning Policy Statement 17 'Planning for open space, sport and recreation' (PPG17) for the Borough, the last assessment
- The purpose of the planning system is not to control citizens' diets
- No evidence for a link between the incidence of obesity and the proximity of hot food takeaways to schools
- No evidence that hot food takeaways dominate the local retail food offer

Implementation Point 1 – Proximity to Schools

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
Tay Potier / Chartered Institute of Environmental Health	6. Implementation Point 1 – Proximity to Schools	The CIEH supports the provision of an exclusion zone of 400m around the boundary of a primary or secondary schools in the borough. We note the comments that it is not necessary to implement a further zone around parks, children's centres and leisure centres as they will be encompassed by the school zones. We consider that it may not be sufficient as there are some leisure and children centres which are close to the border of the zones, meaning that an outlet could open up nearby creating an undesirable situation. We consider that this point in particular must be kept under review to ensure that the SPD is effective and achieves its maximum potential.	Support for the 400m exclusion zone is noted and welcomed. Paragraph 6.5 of the SPD states that the extent of the exclusion zone will be reviewed in the monitoring of the SPD. This monitoring will take account of any new schools. It is not considered necessary at this point to incorporate leisure and children centres into this mapping exercise since the proportion of the Borough covered by the exclusion zone is deemed to be proportionate to the need to tackle obesity in the Borough's youth. However, the Council will continue to review the extent of the exclusion zone as part of the monitoring process.	None
Georgina Wald / Domino's Pizza UK & Ireland	6. Implementation Point 1 – Proximity to Schools	Implementation Point 1 – 'Proximity to Schools' identifies a series of 'exclusion' zones within the Borough, which are located around 400m from primary and secondary schools. Appendix 1 identifies the extent of the 'exclusion zone' which	The Council will continue to adhere to PPS4 (supersedes PPS6) and seek a town centre first approach to A5 uses. Page 8 of the Council's	None

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
		<p>covers around 70% of the Borough. Moreover, it encompasses the majority of Centres (town, district and local) within the Borough. This prevents the development of A5 uses in these centres, which wholly conflicts with guidance contained within PPS 6, which directs town centre uses including drive-through and take-aways to centre locations, before considering out of centre or edge of centre locations. The supporting text goes on to identify that primary school children should not be allowed out of school at lunch time, but that unaccompanied pupils will have access to hot food takeaways after school and 'on their way home'. Given that many pupils would live further than 400 m from their local school, they will have access to hot food takeaways in any event. Pupils will also have access newsagents, and other retail uses to obtain sweets, crisps and other food which could be considered to have poor nutritional value, and contribute to obesity. The SPD does not propose exclusion zones for these uses.</p> <p>There is also an absence of statistical analysis which demonstrates where children obtain food from and its relation to distance. We consider that this is a new policy approach which is not supported by adopted development plan policy. New guidance should be considered via an independent Examination which allows the policies and the evidence base upon which they are founded to be tested and considered for soundness. This approach</p>	<p>Neighbourhood Health Check Report states:</p> <p>'The service sector is strong within the Borough with a significant proportion of floorspace occupied by hot food takeaways and hairdressers. There was a perception from retailer's that takeaways are over represented within the Borough. The healthcheck supports this assertion in respect of a number of weaker centres in the Borough, particularly as there is little differentiation in the food/service offered. The lack of diversity of retailer types within such centres is a weakness which could present a long term problem if the dominance of takeaway's crowds out other potential convenience and comparison operators as levels of expenditure grow in the Borough.'</p> <p>Paragraph 4.10 states:</p> <p>'A significant issue across the majority of the 41 local centres is the over and under representation of certain retail types (Figure 4.2). Over 13% of units were identified as being in A5 use</p>	

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
		<p>is ineffective and unnecessary, and does not relate to adopted UDP policy. Furthermore, the exclusion zones encompass the majority of the Borough, which is a disproportionate response.</p>	<p>(Hot Food Takeaway)'. The study also shows that within the borough's neighbourhood parades there are 5 greengrocers and 135 hot food takeaways. It is recognised that PPS6 and now PPS4 directs Town Centre uses to designated centres. It also states that, where appropriate Local Planning Authorities should introduce policies that make it clear which uses will be permitted in such locations. The Council is aware of the geographical implications of the SPD and consider it to be a proportionate approach to tackling the levels of obesity in the Borough and in particular childhood obesity. The SPD is founded on national Government guidance in addition to peer reviewed scientific papers. The Council addressed this comment in Section 1 of this document. This section demonstrates evidence to support where children obtain fast food from and its relation to distance.</p>	

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Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
Ms Nikki Honan / NHS London Healthy Urban Development Unit	6. Implementation Point 1 – Proximity to Schools	We support the policy approach. For clarification, we would suggest it may be beneficial for the policy to confirm that it refers to new A5 uses, through new development or change of use planning applications rather than existing premises, therefore avoiding possible complications as a result of planning applications for minor or operational changes to existing A5 units. Also, presumably there may be situations where the frontage threshold has already been breached and where the focus would be on education and encouraging healthy food choices in existing takeaways. We would also suggest that the final SPD could include a clarified version of Figure 1, perhaps at a greater scale to confirm the boundaries of the exclusion zone and district centres. We would also suggest it may be worth confirming which units are included within each of the designated centres for further clarity.	Support for the SPD is noted and welcomed. The Council agrees that it would be beneficial to clarify that Implementation Point 1 refers only to new A5 uses.	The Council proposes to amend Implementation Point 1 as follows: 'Planning permission for <u>new</u> hot food takeaways...'
Ms Mary Lyttle / Individual	6. Implementation Point 1 – Proximity to Schools (6.4)	I have noticed in my immediate area that primary school children are nearly all met by a parent or somebody else. It has to be that person who takes the child in their care to the shop and has the money to pay for the goods, therefore the parents or carers should be targeted rather than the children.	The SPD is focused on tackling childhood obesity however the guidance aims to restrict the opportunities for new hot food takeaways in certain locations which will restrict opportunities equally for children and their parents.	None
Mr Dennis Rayner	6. Implementation	I believe 400 metres is insufficient. Children at St Edwards School in the Romford Road regularly take	Support for the premise of the SPD in noted and welcomed. However, the	None

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
	Point 1 – Proximity to Schools	the bus to Chadwell Heath to buy from fast food takeaways at lunch time. Children also walk down from Warren school during the lunch period to buy food. Chadwell Heath parade is inundated with fast food takeaways. Far too many for such a small shopping parade.	Council considers that the 400m exclusion zone is a proportionate response to the aims and objectives of the SPD. This distance is in supported by Government guidance and is comparable to a paper published in 2009 by Currie et al. As such, the Council will not be increasing the extent of the exclusion zone. However, the extent and effectiveness of the zone will be monitored appropriately during the lifetime of the SPD.	
Mr Andy Long	6. Implementation Point 1: Proximity to Schools	First if a child wants junk food they would rather be late for class to go bussing it to get it. Then there's the people that live by a school who are fit and healthy that may want to buy some thing from one of the band of shops. Any shops in this band could have an opening agenda to stop them opening at school opening, break and closing times so they could only open in the evenings. Closing A5 units will also take away the chance to make them healthy eating places say sushi, most children wouldn't want to eat this but the parents may start giving healthy fish oils to them then it may brush off on the children. So we could change what the A5 outlets can sell and when they can open. I would be happy for my children to get say grilled fish instead of a kebab so in my view we need to change what can be sold so	The Council and NHS Barking and Dagenham are in the process of initiating a project which seeks to work with existing hot food takeaways in the Borough. This will assist and encourage hot food takeaways to improve their menu choices.	None

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
		the healthy choice is there.		
Steve Simms / Andrew Martin Associates on behalf of KFC	6. Implementation Point 1 – Proximity to Schools	We cannot agree to this Implementation Point, because there is no planning policy basis for it and no objective evidence for any spatial link between the incidence of obesity and the proximity of hot food takeaways to schools, parks or youth facilities. This means it fails the requirements of regulation 13 (8) (c) of The Town and Country Planning (Local Development) (England) Regulations 2004 (as amended) and so renders the draft SPD open to legal challenge.	The SPD is founded on national Government guidance in addition to peer reviewed scientific papers. The Council addressed this comment in Section 1 of this document.	None
Steve Simms / Andrew Martin Associates on behalf of KFC	6. Implementation Point 1 – Proximity to Schools (6.1)	No objective measure of what might constitute a 'saturation level' of hot food takeaways is adduced, so that it is impossible to state that the Borough is 'saturated' with hot food takeaways. As the plan at Appendix 1 of the draft SPD shows, there are sufficient schools in the Borough to make it inevitable that many hot food takeaways will be within the distance arbitrarily chosen to represent proximity.	Please see earlier Council response with regard to the GLA and LBBB Health Check findings.	None
Steve Simms / Andrew Martin Associates on behalf of KFC	6. Implementation Point 1 – Proximity to Schools (6.2)	There is no objective evidence for any link between the incidence of obesity and the proximity of hot food takeaways to schools, so it is at best unclear whether an effort to achieve the objectives stated based on refusing planning applications for hot food takeaways within 400m of primary and secondary schools could ever work. Even assuming it could, it	The SPD is founded on national Government guidance in addition to peer reviewed scientific papers The Council addressed this comment in Section 1 of this document. The Council considers that it has	None

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
		<p>would inevitably leave existing hot food takeaways in place, which would then attract a regulatory premium, making them less likely to change their use. The eventual change of these premises to other uses is likely to take decades, essentially maintaining the current position for the foreseeable future.</p>	<p>taken a proportionate approach. Indeed, a recent study found that children who attend schools near fast food restaurants are more likely to be obese than those whose schools do not have fast food restaurants nearby (Currie et. al. 2009)</p>	
<p>Steve Simms / Andrew Martin Associates on behalf of KFC</p>	<p>6. Implementation Point 1 – Proximity to Schools (6.3)</p>	<p>The report provides no evidence that takeaways in walking distance of schools are a contributing factor to rising levels of obesity either generally or in the Borough specifically. Nowhere in its key findings or follow-up policy options or proposals is the proposed 400m distance mentioned with no evidence presented for it as significant in any way. Indeed, the most relevant section states: “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.” It is also noted that the research found that the most popular shop for the purchase of food by schoolchildren at one of the schools studied was the supermarket, with more visits than all takeaways put together.</p>	<p>The SPD is founded on national Government guidance in addition to peer reviewed scientific papers The Council addressed this comment in Section 1 of this document.</p> <p>In addition it is important to note that the co-author of School Fringe, Professor Jack Winker, has responded to the consultation draft SPD and is supportive of the Implementation Points contained in the document and its intentions.</p>	<p>None</p>

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Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
Steve Simms / Andrew Martin Associates on behalf of KFC	6. Implementation Point 1 – Proximity to Schools (6.4)	The same School Fringe research is cited in concluding that the most popular time for purchasing food from shops is after school, but again it is not possible statistically to draw general conclusions from the two schools studied on such issues.	As above.	None
Steve Simms / Andrew Martin Associates on behalf of KFC	6. Implementation Point 1 – Proximity to Schools (6.5)	As discussed (see 6.1), the exclusion zone covers nearly the entire Borough, so it is hard to see how the effectiveness of its extent could be monitored. Would poor or negative achievement against the objectives set result in a reduction or expansion of the zone?	The Council will review the SPD and take the necessary corrective action is the desired outcomes are not achieved.	
Steve Simms / Andrew Martin Associates on behalf of KFC	6. Implementation Point 2 - Concentration and Clustering	<p>We cannot agree to this Implementation Point, because it seeks to amend rather than supplement existing and draft Development Plan policy. This means that it is contrary to PPS 12 paragraph 6.1 and fails the requirements of regulation 13 (8) of The Town and Country Planning (Local Development) (England) Regulations 2004 (as amended) and so renders the draft SPD open to legal challenge.</p> <ul style="list-style-type: none"> • The extent of the hot food takeaway exclusion zone means the first criterion of this Implementation Point would apply to few if any parts of the centres named. • The second criterion represent tighter restrictions that those imposed in existing 	This Implementation Point provides greater detail on the policies in the Core Strategy and Borough Wide Development Policies DPDs.	None

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
		<p>and draft Development Plan policy, so that this represents amending rather than supplementary policy.</p> <ul style="list-style-type: none"> We do not object to the basis for calculation or the location and proposed boundaries of the District and Neighbourhood Centres insofar as it complies with UDP or draft DPD policy. 		
Ms Nikki Honan / NHS London Healthy Urban Development Unit	6. Implementation Point 1 – Proximity to Schools	It may also be worth considering the implications of possible future planning applications for healthier takeaway products, such as salads or juice bars. If these would also be resisted for reasons set out elsewhere in the document, such as to maintain diverse and balanced areas and to reduce litter, then perhaps this should be reiterated in the supporting text. However, if takeaway units selling healthier products are not to be resisted then this would presumably help to address the food 'deserts' referred to in the SPD. We would therefore suggest some additional wording in the policy could be considered to account for this eventuality.	The Council is unable to make any distinctions within the A5 use class and in any event A5 uses in Barking and Dagenham are almost exclusively hot food takeaways there are few if any salad or juice bars.	
R Watkin-Rees / Pizza Hut	6. Implementation Point 1 – Proximity to Schools	We believe that the distance from school rule is arbitrary and also has the impact of precluding most of the borough to new A5 opportunities. A5 businesses need to be near residential areas to survive economically because they tie into a local customer base. As schools also are located in	The SPD is founded on national Government guidance in addition to peer reviewed scientific papers The Council has addressed this comment in Section 1 of this document.	None

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
		residential areas it means that viable A5 locations will be removed from the borough. As stated there is no evidence that preventing A5 use will improve health.		

Summary of main issues

Individual

- Change what the A5 outlets can sell and when they can open
- Parents or carers should be targeted rather than the children
- 400 metres is insufficient
- Closing A5 units will also take away the chance to make healthy eating places say sushi

Academic

- No response

Health Organisations

- Support for the provision of an exclusion zone of 400m around the boundary of a primary or secondary schools
- Support the policy approach
- Review the need to implement further restrictions around parks and leisure facilities
- It may be beneficial for the policy to confirm that it refers to new A5 uses
- The final SPD could include a clarified version of Figure 1
- Consider the implications of possible future planning applications for healthier takeaway products, such as salads or juice bars

Hot Food Takeaway Organisations

- The Exclusion Zone prevents the development of A5 uses in the town centres which is not in accordance with PPS6
- Newsagents, and other retail uses are a source of sweets, crisps and other food which could be considered to have poor nutritional value, and contribute to obesity

LBB: Consultation Responses

SPD Saturation Point: Addressing the Health Impacts of Hot Food Takeaways

*Please note that the paragraph numbering has changed from the draft SPD to the final SPD with the removal of Section 4 (Consultation).

- An absence of statistical analysis which demonstrates where children obtain food from and its relation to distance
- The approach is ineffective and unnecessary, and does not relate to adopted UDP policy
- The exclusion zones encompass the majority of the Borough, which is a disproportionate response
- No objective evidence for any spatial link between the incidence of obesity and the proximity of hot food takeaways to schools, parks or youth facilities
- No evidence that takeaways in walking distance of schools are a contributing factor to rising levels of obesity either generally or in the Borough specifically
- Seeks to amend rather than supplement existing and draft Development Plan policy
- The distance from school rule is arbitrary and also has the impact of precluding most of the borough to new A5 opportunities

Implementation Point 2 – Concentration and Clustering

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
Mrs Glynis Rogers	6. Implementation Point 2 - Concentration and Clustering	DMT broadly endorse the implementation points with the proviso that the planning conditions in point two are framed as 'and' conditions, not 'or' conditions. That is to say that planning would not be granted even within the specified areas if it resulted in more than 5% of units as A5 properties.	Support for the SPD is noted and welcomed. If any one of the criterion in Implementation Point 2 are not met then planning permission would not be given.	None
Steve Simms / Andrew Martin Associates on behalf of KFC	6. Implementation Point 2 - Concentration and Clustering (6.6)	Not all retail development is required to be in town centres under CS SD Policy CM5 or BWDP SD Policy BE3.	Policy CM5 of the Core Strategy (CS) sets out the Borough's town centres. Policy CE1 of the CS asserts that a sequential approach to the location of new retail and town centre uses will be followed. CE1 further elaborates that that this means that town centre locations must be explored before	None

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
			<p>edge of centre or out of centre opportunities.</p> <p>Policy BE3 states that 'new retail development is expected to be located in the town centres in Core Strategy policy CM5'. It further states that edge of centre locations will be considered against the sequential test set out in national policy.</p> <p>Therefore, paragraph 6.6 of the SPD reiterates this local and national policy (PPS4) preference for town centre first development.</p>	
Steve Simms / Andrew Martin Associates on behalf of KFC	6. Implementation Point 2 - Concentration and Clustering (6.7)	BWDP SD Policy BE3 focuses on impacts to the vitality and viability of existing centres and does not refer to health objectives.	<p>Policy BE3 clearly states that planning permission will only be granted for edge or out of centre proposals primarily against the sequential test in addition to the applicant demonstrating the development 'fits in with our overall LDF vision, policies and objectives, and what contribution it would make to a sustainable borough'.</p> <p>Strategic Objective SO13 of the Core Strategy states that</p>	None

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
			<p>S0.13: Improving the health and wellbeing of local residents and reducing health inequalities by making sure they have <u>ensuring good</u> access to high quality sports, leisure and recreation opportunities and health care provision <u>and addressing the health impacts of new development</u></p> <p>The underlined and struck through text indicate the changes made during the Examination of the Core Strategy in response to a representation made by HUDU in November / December 2009.</p> <p>Further to this, sustainability is widely understood to be about more than simply the vitality and vibrancy of a town centre. Indeed, sustainable development is defined in PPS1 as ‘...ensuring a better quality of life for everyone, now and for future generations.’ It further asserts that ‘good planning ensures that we get the right development, in the right places and at the right time (p.2). The policy, which sets out the Government’s overarching planning</p>	

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
			policies on the delivery of sustainable development through the planning system also seeks a proactive approach which 'operates in the public interest through control over use of land' (p.15).	
Steve Simms / Andrew Martin Associates on behalf of KFC	6. Implementation Point 2 - Concentration and Clustering (6.8)	This section effectively spells out that this Implementation Point amends rather than supplements BWDP SD Policy BE1, contrary to PPS12 paragraph 6.1.	This implementation point provides greater detail on the policies in the Core Strategy and Borough Wide Development Policies DPDs.	None
Steve Simms / Andrew Martin Associates on behalf of KFC	6. Implementation Point 2 - Concentration and Clustering (6.9)	There is no evidence that hot food takeaways dominate the local retail food offer, when compared to similar areas elsewhere, and no evidence that this displaces other shops and food options. Indeed, the UDP policies that have applied for the last 14 years often only allow hot food takeaways if a unit is already no longer viable for retail and has remained unlet for substantial period.	Page 8 of the Council's Neighbourhood Health Check Report states: "The service sector is strong within the Borough with a significant proportion of floorspace occupied by hot food takeaways and hairdressers. There was a perception from retailer's that takeaways are over represented within the Borough. The healthcheck supports this assertion in respect of a number of weaker centres in the Borough, particularly as there is little differentiation in the food/service offered. The lack of diversity of	None

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
			<p>retailer types within such centres is a weakness which could present a long term problem if the dominance of takeaway's crowds out other potential convenience and comparison operators as levels of expenditure grow in the Borough."</p> <p>Paragraph 4.10 states:</p> <p>A significant issue across the majority of the 41 local centres is the over and under representation of certain retail types (Figure 4.2). Over 13% of units were identified as being in A5 use (Hot Food Takeaway),</p> <p>The study also shows that within the Borough's neighbourhood parades there are 5 greengrocers and 135 hot food takeaways.</p>	
Steve Simms / Andrew Martin Associates on behalf of KFC	6. Implementation Point 2 - Concentration and Clustering (6.10)	There is no evidence that the number of hot food takeaways has a particular damaging effect on health and it is more likely that the lack of access to fresh fruits and vegetables has this effect. The planning solution to a lack of supermarkets accessible to those without cars is to ensure new supermarkets are in or near town centres and other accessible locations, in accordance with PPS6. The	As above.	None

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
		planning solution to public transport limiting the shopping that can be carried is to improve it and ensure top-up shopping facilities are available for heavier fruit, vegetables and milk.		
Steve Simms / Andrew Martin Associates on behalf of KFC	6. Implementation Point 2 - Concentration and Clustering (6.11)	We agree that clustering of hot food takeaways can break up the continuity of a retail frontage and should be controlled. However, there are existing and draft policies that will do this.	Support for the principle that hot food takeaways can break up the continuity of retail frontages is noted and welcomed. The Council considers that the SPD is required to build on and add detail to the policies in the DPDs.	None
Steve Simms / Andrew Martin Associates on behalf of KFC	6. Implementation Point 2 - Concentration and Clustering (6.12)	Litter is not limited to hot food takeaways and is controlled by other legislation, much of which the Council has powers to enforce.	The SPD does not claim that litter is limited to hot food takeaways.	None
Steve Simms / Andrew Martin Associates on behalf of KFC	6. Implementation Point 2 - Concentration and Clustering (6.13)	We do not object to policies that ensure that shopping areas are diverse and balanced, but consider there are existing and draft policies that will already do this.	Support for the principle that hot food takeaways reduce the diversity of retail frontages is noted and welcomed. The Council considers that the SPD is required to build on and add detail to the policies in the DPDs	None
Tay Potier / Chartered Institute of	Implementation Point 2 - Concentration	The CIEH supports the steps that Barking and Dagenham are proposing to take in this area to ensure shopping areas are diverse and balanced	The SPD provides greater detail on the implementation of the policies in the DPDs.	None

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
Environmental Health	and Clustering	and that the cumulative impact of hot food takeaways is considered when determining applications. We also consider that it will be necessary to ensure these new restrictions around concentration and clustering are incorporated into other strategic planning documents in the borough where a greater maximum is already specified (such as the Borough Wide Development Policy). This is necessary to ensure that a cohesive plan exists in the borough which cannot be challenged by applicants.		
Georgina Wald / Domino's Pizza UK & Ireland		In the section on reasoned justification, you refer to the amount of litter both outside and some distance away from where food is purchased. Our products are not designed to be eaten while walking on the street. The temperature of the food when fresh out of the oven and the size of the box, makes it difficult not to take it to a place where it can be consumed in comfort and the litter disposed of safely. In a <i>Keep Britain Tidy</i> survey conducted in January 2009, not one piece of Domino's branded litter was found in the 10 places surveyed.	Noted.	None
Mrs Sarah Taylor / GVA Grimley Ltd	Implementation Point 2 - Concentration and Clustering	Implementation Point 2 – 'Concentration and Clustering' is based upon emerging policies contained within the submission version of the Core Strategy and Borough Wide Development Planning DPD's. We consider that it is inappropriate to prepare new guidance within the SPD, which	The 2009 London Health Check Analysis Report shows there are 35 major centres in London, Barking with 3024 sq m of takeaway floorspace ranks second only to Waltham Forest. However it is the third smallest Major	

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
		<p>conflicts with guidance contained within PPS 12, PPS 6 and draft PPS 4. New policy approaches should be considered via an independent Examination which allows the policies and the evidence base upon which they are founded to be tested and considered for soundness. Whilst we do not consider that the SPD can be based upon draft policy, for the sake of completeness, we do consider the relationship between the SPD and the emerging Core Strategy and Borough Wide Planning Policy DPD's further, below. The proposed limitation of no more than 5% of A5 uses in a frontage or centre is a significant change from even the draft policy BE1, which restricts A2-A5 uses as follows:</p> <ul style="list-style-type: none"> • Town Centre Locations - no more than 15% A2-A5 uses in primary frontages and no more than 30% in secondary frontages; • District Centres – no more than 30% A2-A5 uses in primary frontages and 60% in secondary frontages; • Neighbourhood Centres –no more than 35% frontages. The SPD asserts that, on reflection, the SPD states that the “Council considers that this restriction is not strong enough”. There is no evidence to support the statement that the restriction is not strong enough. We consider that it is inappropriate for the Council to begin revising a policy approach that is shortly to undergo an independent Examination, in the absence of any new and robust evidence. Instead, the text within the SPD refers to a calculation that 15% of 	<p>Centre in terms of overall retail and leisure floorspace.</p> <p>Page 8 of the Council's Neighbourhood Health Check Report states:</p> <p>'The service sector is strong within the Borough with a significant proportion of floorspace occupied by hot food takeaways and hairdressers. There was a perception from retailer's that takeaways are over represented within the Borough. The healthcheck supports this assertion in respect of a number of weaker centres in the Borough, particularly as there is little differentiation in the food/service offered. The lack of diversity of retailer types within such centres is a weakness which could present a long term problem if the dominance of takeaway's crowds out other potential convenience and comparison operators as levels of expenditure grow in the Borough.'</p> <p>Paragraph 4.10 states:</p> <p>'A significant issue across the majority</p>	

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
		<p>neighbourhood centres could (theoretically) become A5 units, representing a total of 196 A5 units in the Borough. However, this position does not represent a change in policy or circumstance since the submission of the Development Policies DPD, and so is inappropriate to be considered via an SPD (seemingly with the objective being to avoid an Independent Examination, in conflict with guidance contained within PPS 12). Para 6.7 refers to Policy BE3, which addresses retail development outside or on the edge-of-town centres, and states that retail development in such locations will only be granted where it can be demonstrated that it benefits the existing community and fits in with the LDF objectives. The SPD asserts that hot food takeaway uses will not therefore be permitted outside of the Borough's Town Centres. Firstly, the policy refers solely to retail development, and not 'town centre uses'. It could be argued that A5 uses do not constitute a retail use, as such. Secondly, the policy states that applications in such locations will be subject to the tests contained within PPS 6, and that applications should show how the proposed development would benefit the existing community. In accordance with PPS 6, town centre uses, including A5 uses, should be permitted in out of centre or edge of centre locations (subject to the satisfaction of the tests contained within PPS6). At present, the implementation points conflict with national planning guidance, and creates internal</p>	<p>of the 41 local centres is the over and under representation of certain retail types (Figure 4.2). Over 13% of units were identified as being in A5 use (Hot Food Takeaway)'. The study also shows that within the Borough's neighbourhood parades there are 5 greengrocers and 135 hot food takeaways. Borough Wide Development Policy BE1 states that in relation to all retail centre classifications, hot food takeaways are restricted to a maximum of 15% of the measured frontage. The SPD accurately deals with policy BE3. In line with spatial planning BE3 must be read alongside the vision, objectives and policies of the Core Strategy, and the Community Plan.</p>	

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
		<p>conflict with emerging development plan policies. Thirdly, the draft policy considers that out of centre or edge of centre development should demonstrate benefits to the existing community, fit in with overall LDF vision and objectives, and the contribution that the development can make towards a sustainable Borough. It states that A5 uses will not deliver any benefits. This is incorrect, and conflicts with guidance contained within draft PPS 4 which considers that the economic benefits of proposals should be given weight when determining planning applications. The draft policy does not state that objectives relating to health are the only objectives of importance in the Borough, nor that they should take precedence over other objectives. The development of McDonalds restaurants within the Borough could have significant employment (and other) benefits, which accord with the Borough's objectives, and do benefit the existing community. These benefits should be taken into account when determining planning applications. Para 6.9 again states that A5 uses displace other shops and food options, and that there are certain areas within the Borough that have constrained access to fresh fruit and vegetables. The SPD does not take into account the fact that a number of A5 operators do sell fresh food, fruit and vegetables, and that without these operators, food choice would be limited even further. For example, McDonalds offers salads, fruit bags, carrot sticks, fruit smoothies and orange juice. As identified above,</p>		

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
		the prevalence of vacant units within the existing centres suggests that there are other barriers to shops selling fresh fruit and vegetable, rather than that they are being displaced by A5 operators.		
Dr Amelia Lake / Newcastle University	Implementation Point 2: Concentration and Clustering (6.13)	Will you look at menus when applications are made for fast food outlets? May be worth bringing a dietician on-board to check menus.	At this stage the Council does not have the resource to consult a dietician on hot food takeaway applications. However, we note the suggestion and will work with NHS Barking and Dagenham to pursue its feasibility.	N/A
Nichola Davies / National Heart Forum	Implementation Point 2 - Concentration and Clustering	The NHF strongly supports strategies to reduce cardiovascular disease and other diet-related ill-health. We recognise that reducing the concentration and clustering of hot food takeaways within an area, and restricting permission for hot food takeaways within close proximity to schools, will have both direct and indirect health benefits. A hot food takeaway exclusion zone around schools should also create less immediate competition for school lunches, and will help to shape the food choices on offer for pupils who purchase food after school. Reduced access and consumption of the types of foods sold at hot food takeaways (which contain high levels of trans-fat, saturated fat, salt, and sugar) will contribute towards achieving a decline in overweight and obesity levels, and reduce the risk factors associated with cardiovascular	Support for Implementation Point 2 is noted and welcomed. Your assertion that the measure will have both have a direct and indirect benefit to the health of the Borough lends support to the SPD.	N/A

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
		disease.		
Nichola Davies / National Heart Forum	Implementation Point 2 - Concentration and Clustering	Continuing to allow a high density of hot food takeaways within the area of Barking and Dagenham would further exacerbate existing health inequalities. By giving priority to local shops, green grocers and farmers markets with fresh produce rather than hot food takeaways, local authorities can address the problem of food deserts, improve sustainability, and improve nutrition as well.	Support for Implementation Point 2 is noted and welcomed.	N/A
Ms Nikki Honan / NHS London Healthy Urban Development Unit	Implementation Point 2 - Concentration and Clustering	We full support this policy, including the introduction of a strengthened frontage threshold from the 15% stated in the ' Borough wide development policies pre-submission'. We assume that this document will be amended to bring it in line with the SPD. The reasoned justification is also supported, as this justifies the many arguments for this policy. We would suggest the boundaries of the designated centres and frontages should be referenced for clarity.	Support for Implementation Point 2 is noted and welcomed. The SPD provides guidance on the implementation of policies in the DPDs and therefore does not require the DPDs themselves to be amended.	N/A
R Watkin-Rees / Pizza Hut	Implementation Point 2 - Concentration and Clustering	We accept that some A5 operations contribute to litter, but so do free newspapers, plastic shopping bags and sandwich wrappers. On this basis other operations outside A5 should be restricted. Many A5 operators instigate litter control measures and are socially responsible operators.	The issue of litter is a secondary consideration and is not the reason that the SPD seeks to restrict hot food takeaways.	None

Summary of main issues

Individual

- No response

Academic

- Will the Council be looking at menus when applications are made for hot food takeaways?

Health Organisation

- Support for Implementation Point 2 which will ensure diverse and balanced shopping areas
- Strong support for Implementation Point 2 – it will have direct and indirect benefits
- Implementation Point 2 will create less competition for school meals and help shape food choices for children on the way home from school
- Implementation Point 2 will contribute to a decrease in overweight, obesity levels and cardio vascular disease
- Not taking action will further exacerbate health inequalities
- Fully support Implementation Point 2

Hot Food Takeaway Organisation

- Not all retail development is required to be in town centres
- Policy BE3 focuses on vitality and viability and not health
- Implementation Point 2 amends rather than supplements Policy BE1
- No evidence that hot food takeaways dominate the local retail when compared to similar areas elsewhere
- No evidence that hot food takeaways displace other retail uses
- No evidence that the number of hot food takeaways damage health
- Clustering of hot food takeaways can break up retail frontages, yet this is address in existing and draft policy
- Litter is not limited to hot food takeaways
- Implementation Point 2 is based on emerging policies – this is contrary to PPS12, PPS6 and PPS4
- No evidence to support the proposed decrease in the percentage of units to be A5 use in retail frontages (5% not 15%)
- There are other barriers to fresh foods

Implementation Point 3 – Hot Food Takeaway Levy

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
Steve Simms / Andrew Martin Associates on behalf of KFC	6. Implementation Point 3 - Hot Food Takeaway Levy	We cannot agree to this Implementation Point, because it seeks to create rather than supplement existing and draft Development Plan policy. This means that it is contrary to PPS 12 paragraph 6.1 and fails the requirements of regulation 13 (8) of The Town and Country Planning (Local Development) (England) Regulations 2004 (as amended) and so renders the SPD open to legal challenge. Even if Development Plan policy existed for this Implementation Point to supplement, in substance it would or would be likely to, depending up the circumstances of each case, breach most if not all the Secretary of State's tests for planning obligations set out at ODPM Circular 05/05 'Planning Obligations' paragraph B5.	The levy is necessary to mitigate the impact of a hot food takeaway. The levy meets the tests of circular 05/05 and the tests set out in the Community Infrastructure Regulations 2010	

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
Steve Simms / Andrew Martin Associates on behalf of KFC	6. Implementation Point 3 - Hot Food Takeaway Levy (6.14)	<p>Because the purpose of the planning system is to control land use and not diet, any planning obligation required on the basis of this Implementation Point would fail the Secretary of State's first policy test for planning obligations as set out at paragraph B5 of ODPM Circular 05/05 'Planning Obligations'. Consequently, and because no payment to childhood obesity initiatives could be considered to make the proposed development acceptable in planning terms if the Council is correct that takeaways subject to this Implementation Point caused obesity, then such a payment and would therefore also fail the Secretary of State's second policy test. Whilst the initiatives to which it would contribute are laudable, they cannot be directly related to the development proposed and so the obligation would fail the Secretary of State's third policy test. Since the Implementation Point suggests a flat fee regardless of the floor area or meals served, any such obligation would fail the fourth policy test. Because no assessment has been made of how much money is needed and no evidence is presented to show that it will tackle the impact alleged, the amount set is arbitrary and so any obligation based on this Implementation Point would also fail the Secretary of State's fifth policy test. Because the Courts have held that some of these tests must also be met for an obligation to be lawful, this also means that any such obligation could not be lawful.</p>	<p>Paragraph 8 of "The Planning System General Principles" states:</p> <p>'The Planning and Compulsory Purchase Act 2004 contains a statutory requirement (section 39) for those responsible for preparing the RSS and LDDs in England, to undertake these functions with a view to contributing to the achievement of sustainable development.'</p> <p>Paragraph 13 of PPS1 states:</p> <p>'Development plans should ensure that sustainable development is pursued in an integrated manner, in line with the principles for sustainable development set out in the UK strategy. Regional planning bodies and local planning authorities should ensure that development plans promote outcomes in which environmental, economic and social objectives are achieved together over time'.</p> <p>The levy is relevant to planning in that it is helping to deliver sustainable</p>	

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
			<p>development.</p> <p>The levy is necessary to make the proposed development acceptable in planning terms in that it is mitigating the impact of the development. Council's routinely seek planning contributions to deal with the litter generated by hot food takeaways. In this instance the Council is seeking a planning contribution to mitigate the health impacts of hot food takeaways.</p> <p>The contribution is directly related to the proposed development in that it is mitigating its impact</p> <p>The contribution is a modest amount which reflects the fact that most hot food takeaways in the Borough are smaller units located in neighbourhood centres.</p> <p>The Council considers the levy is reasonable in all other respects and it is consistent with Core Strategy Policy CC4.</p>	

*Please note that the paragraph numbering has changed from the draft SPD to the final SPD with the removal of Section 4 (Consultation).

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
Tay Potier / Chartered Institute of Environmental Health	6. Implementation Point 3 - Hot Food Takeaway Levy	The CIEH supports the principle of a levy of £1000 where a hot food takeaway is deemed appropriate.	Support for the introduction of the £1000 levy for new hot food takeaways is noted and welcomed.	N/A
Tay Potier / Chartered Institute of Environmental Health	6. Implementation Point 3 - Hot Food Takeaway Levy	We would wish to see however more detail on how this levy is to be used, and what measures will be used to gauge effectiveness of this particular element of the SPD. We note that there are a number of strategic working initiatives taking place and consider that it is key that they are linked up together to ensure maximum effectiveness. We would in particular like substantial support for businesses operating in this sector to improve their menu offerings. We consider that restricting access to this type of businesses is only one tool and that it is important to consider this in the context of other work that can occur which both will support business during this challenging time, but also to help consumers make more informed choices.	<p>The initiatives on which the levy will be spent will be identified in partnership with NHS Barking and Dagenham. As made clear in the implementation point such initiatives include providing facilities in green spaces to encourage physical activity and improvements to the walking and cycling environment.</p> <p>The SPD explains that the Council and NHS Barking and Dagenham will encourage existing hot food takeaways to improve the nutritional value of their meals.</p>	None

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
Tay Potier / Chartered Institute of Environmental Health	6. Implementation Point 3 - Hot Food Takeaway Levy	We would also like to see that funds from the levy are used not only for promotion of physical activity, but also used to support initiatives such as fresh food co-ops. We note the comments in the SPD that the Thames Ward was ranked as one of the worst food deserts in London and consider that funding could be used to help address this. By using a multi faceted approach to deal with obesity and associated ill health, we consider that the greatest benefit can be achieved from initiatives such as these.	The levy must meet the tests set out in the Community Infrastructure Regulations 2010 therefore this will restrict what the monies raised can be used for.	None
Georgina Wald / Domino's Pizza UK & Ireland	Implementation Point 3 - Hot Food Takeaway Levy	The document talks about seeking developer contributions from new takeaways towards initiatives to tackle obesity. We assure that you are referring to financial contributions here, but our franchisees already contribute to a number of initiatives aimed at reducing obesity and improving children's understanding of the food they eat. These include sponsorship of local football teams and support for grass roots sporting events and school tours for school children, that include discussions on the content of a pizza and how to make a healthier choice with reduced fat cheese and replacing processed meats with healthy vegetables. We would disagree with having a financial penalty and believe that community involvement from local businesses is a much more valid contribution.	Noted. Please see previous comments.	None
Mrs Sarah	6.	Implementation Point 3 – Hot Food Takeaway Levy.	Many of these points have been dealt	None

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
Taylor / GVA Grimley Ltd	Implementation Point 3 - Hot Food Takeaway Levy	<p>The SPD proposes a levy of £1,000 per hot food takeaway, sought via a S106 obligation, to contribute to initiatives to tackle childhood obesity such as providing facilities in green spaces. A fixed levy, regardless of floor area or turnover could not be considered to reasonably relate in scale or kind to the proposed development. In this way, the proposed levy does not accord with the tests contained within Circular 05/05 'Planning Obligations'. Any such levy also assumes that the impacts of A5 uses can be appropriately mitigated via exercise programmes, in order for it to meet the tests of Circular 05/05. This would suggest that the Council considers exercise to be an acceptable way to tackle childhood obesity, and links exercise to the mitigation of the impacts of A5 uses. The Council should therefore focus on planning policy and initiatives which increase opportunities for exercise, based upon evidence such as Leisure and Recreation Studies and Green Space Strategies, and encouraging parents to use walking and cycling as modes of transport, rather than preventing new A5 uses across the majority of the Borough. In addition, the proposed levy is not based upon any robust evidence, but is based upon a notional figure which is considered to mitigate the impacts on childhood obesity. There is no evidence to suggest that the consumption of hot food provided by takeaway restaurants, as part of a balanced diet, has any impacts on the health of customers. Customers</p>	<p>with in response to earlier comments. The contribution is a modest amount which reflects the fact that three quarters of hot food takeaways in the Borough are located in neighbourhood centres. Therefore, it is related in scale and kind to the types of A5 uses the Council is likely to receive.</p>	

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
		<p>would be able to purchase a high proportion of non-nutritionally balanced food from a range of alternative sources, including local shops and supermarkets, which will not be subject to a levy. Controlling the location of hot food takeaways will be ineffective in relation to the implied objectives of the SPD, as there is no control over what is sold, or the other ways in which people purchase and consume food.</p>		
<p>Nichola Davies / National Heart Forum</p>	<p>6. Implementation Point 3 - Hot Food Takeaway Levy</p>	<p>This draft SPD demonstrates that mitigation of some of the negative health consequences associated with a high concentration of hot food takeaways in the area is possible. Imposing a levy or fixed fee that will go directly towards initiatives to tackle childhood obesity in the Borough not only addresses a current need within the area, but also helps to safeguard future populations.</p>	<p>Support for the SPD is noted and welcomed.</p>	<p>N/A</p>
<p>Mr Tim G Townshend / Newcastle University</p>	<p>6. Implementation Point 3 - Hot Food Takeaway Levy</p>	<p>6.14 The fee is a good idea but it seems rather too modest - given that takeaways are highly profitable- (that's why we have so many!) - a fee more like 10K might be more realistic - is there are reason for the £1000 - limit if so perhaps it needs explaining?</p>	<p>Support for the introduction of the £1000 levy for new hot food takeaways is noted and welcomed.</p> <p>The contribution is a modest amount which reflects the fact that three quarters of hot food takeaways in the Borough are located in neighbourhood centres. Therefore it is related in scale and kind to the types of A5 uses the Council is likely to</p>	<p>The Council proposes to amend paragraph 8.3 as follows:</p> <p>8.3 Such Indicators may include:</p> <ul style="list-style-type: none"> Year on year rise in obesity among young children and young people (4-11 year

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
			<p>receive. The Council considers that a higher fee would not meet the tests of Circular 05/05 or the tests set out in the Community Infrastructure Regulations 2010</p> <p>The Council proposes to include the review of the levy in the monitoring schedule of the SPD to ensure that the fee is meeting its objectives.</p>	<p>olds). Obesity levels will be measured in reception aged children (4-5 year olds) and those in year 6 (10-11 year olds)</p> <ul style="list-style-type: none"> • The numbers of children rating their health as good or very good in the 'Tell Us Survey' • The proportion of children consuming 5 portions of fruit or vegetables a day • Obesity risk • <u>Success of the Levy</u> • Success at appeal
Ms Nikki Honan / NHS London Healthy Urban	6. Implementation Point 3 - Hot Food	Although we support the principle of introducing initiatives to encourage healthier eating, we have some concerns over the legitimacy and practicality of the proposed levy. The SPD implies that a new fast	The Council is disappointed that HUDU do not fully support Implementation Point 3. As explained in response to earlier comments the	None

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
Development Unit	Takeaway Levy	food takeaway will be acceptable if it complies with the first two implementation points. Therefore, it is unclear how a levy could be justified if a hot food takeaway is considered acceptable in policy terms, where there is no further demonstratable adverse impact. It is unlikely that the application of the levy would meet the tests in circular 05/05.	Council considers that the levy does meet the Circular 05/05 tests. Implementation Points 1 and 2 provide guidance on the location of hot food takeaways. Implementation Point 3 aims to mitigate their impact. All three Implementation Points must be satisfied for an A5 use to gain planning permission.	
Prof Jack Winkler / Nutrition Policy Unit, London Metropolitan University	6. Implementation Point 3 - Hot Food Takeaway Levy	The levy of £1000 per shop is a constructive part of such a policy. Viewed in broad terms, we have to raise the cost of running hot food takeaways and lower the cost of running healthy food shops. This is step in the right direction. I encourage you to think about incremental increases to this levy in future years.	Support for the introduction of the £1000 levy for new hot food takeaways is noted and welcomed. The Council proposes to include the review of the levy in the monitoring schedule of the SPD.	Please see above
R Watkin-Rees / Pizza Hut	6. Implementation Point 3 - Hot Food Takeaway Levy	This does appear like a tax on A5's as it is seeking to collect money to distribute elsewhere. This does look to be discriminatory and outside planning law authority and open to legal challenge. I think this point also overlooks other regulatory controls already imposed on all catering outlets such required restrictions with local Environmental Health Offices.	Please see the Council's response to earlier comments.	None

Summary of main issues

Individual

- No response

Academic

- The levy should be higher – more like £10,000 – what is the reason for the £1000 limit?
- The levy is a constructive part of the SPD – perhaps think about incremental increases?

Health Organisation

- Demonstrates that mitigation of some of the negative health consequences associated with a high concentration of hot food takeaways in the area is possible
- Imposing a levy or fixed fee that will go directly towards initiatives to tackle childhood obesity in the Borough not only addresses a current need within the area, but also helps to safeguard future populations
- Would like more detail on how the levy is to be used and what measures will be used to gauge effectiveness
- Would like to see the funds from the levy being used to support initiatives such as fresh food co-ops
- Support the principle of the levy but it is unclear how this could be justified under Circular 05/05

Fast Food Organisation

- Does not supplement existing or emerging planning policy, therefore not in accordance with PPS12
- Fails the first point of Circular 05/05
- Fails the second point of Circular 05/05
- Fails the fifth point of Circular 05/05
- Takeaways already contribute to the local community
- The Council should focus on initiatives which increase opportunities for exercise – based on evidence such as Leisure and Recreation Studies and Green Space Strategies
- No evidence that consumption of hot food takeaways, as part of a balanced diet, has any impacts on health
- There are other sources of unhealthy foods
- Controlling the location of hot food takeaways will be ineffective as there is no control over what is sold, or the other ways in which people consume food
- It appears to be a tax on A5 use – outside planning law

7. Strategic Working

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
Mr Ahmed Choudhury / Individual	7. Strategic Working (7.4)	7.4 is a very good point. Let's make it compulsory for every school.	Support for the work the NHS and the Schools Improvement Service is doing with schools in the Borough is noted and welcomed.	N/A
Mr Andy Long / Individual	7. Strategic Working (7.3)	The information in 7.3 should be made a rule of selling food in the borough fat content sugar and salt should be made clearly visible before a sale has taken place also a guide on how much they can use and regular tests to see if it's being stuck to fines can pay for the testing.	The Council and NHS Barking and Dagenham is in the process of initiating a project which seeks to work with existing hot food takeaways in the Borough. This will assist and encourage hot food takeaways to improve their menu choices.	N/A
Steve Simms / Andrew Martin Associates on behalf of KFC	7. Strategic working (7.3)	KFC (GB) Limited is already committed with the Food Standards Agency to the continual improvement of its menu.	The Council applaud KFC for the work it is doing with the FSA to improve its menu.	N/A
Steve Simms / Andrew Martin Associates on behalf of KFC	7. Strategic working (7.6)	We support the objective of enabling the future residents of Barking Riverside to lead healthier lifestyles through good design that offers positive choices for active travel such as walking and cycling and provides active play space for children. We do not support planning conditions restricting hot food takeaways beyond those necessary to ensure the vitality and viability of new centres.	Support for the Council's approach to championing good design which facilitates healthy lifestyles is noted and welcomed. The Council has addressed KFC's issues regarding the restriction of hot food takeaways in previous responses.	None

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
Tay Potier / Chartered Institute of Environmental Health	7. Strategic working	It should of course be noted, that this document will not reduce the numbers of premises already operating under an A5 use class category, but will aim to restrict new premises opening except in designated areas. We consider therefore that it is essential that work is done with existing premises to help them improve their menu offerings and in turn, provide the consumers with more choice.	Support for the Council's approach to working with existing hot food takeaways is noted and welcomed.	N/A
Georgina Wald / Domino's Pizza UK & Ireland	7. Strategic working	The document talks about working with hot food takeaways to improve the nutritional value of the food they sell. We already have a series of commitments in place with the Food Standards Agency to reduce the amount of saturated fat and salt in our products. We have had a reduced fat mozzarella option on our menus for several years and our menus actively encourage people to share pizzas. We also have a large choice of vegetables toppings on the menu.	The Council applaud Domino's for the work it is doing with the FSA to improve its menu.	N/A
Mrs Sarah Taylor / GVA Grimley Ltd		We support the general approach set out within Section 7, however, we object to the inclusion of para 7.6 which suggests that the Council will encourage developers to accept planning conditions which restrict hot food takeaways within centres in the future, despite the Council not being able to "insist on this". This suggests the Council would be acting beyond its powers, and is an inappropriate use of planning conditions.	Support for the general approach to Section 7 of the SPD is noted and welcomed. The Council is keen to work with developers who have a pro-active approach to creating sustainable and healthy communities and as such will not be amending paragraph 7.6. Whilst the Council cannot insist on	None

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
			this approach it will be encouraged in major applications which involve new retail units, this stance is clearly stated within this section of the SPD.	
Nichola Davies / National Heart Forum	7. Strategic Working (7.2 and 7.3)	<p>The NHF supports encouraging existing hot food takeaways to improve the nutritional value of their meals (sections 7.2 and 7.3) for example, by using healthier frying methods, and cutting salt and sugar. Nutritional labelling available at the point of sale is another important measure, enabling consumers to make informed choices. The Food Standards Agency's (FSA) initiative on calorie menu labelling which is clear, effective and simple to understand, could also provide some further guidance in this area. Traffic light labelling for fat, saturated fat, sugars and salt on takeaway foods could yield similar benefits to labelling on front of pack for processed foods both in terms of giving consumers clear, accurate information about what they are eating and as a stimulus for hot food takeaways to follow more healthy recipes. Evidence from food manufacturers shows that using traffic light labels has stimulated recipe reformulation to achieve healthier nutritional profiles for many products.</p>	Support for the SPD is noted and welcomed. Your comments are of benefit to the work the Council and NHS Barking and Dagenham in the process of initiating a project which seeks to work with existing hot food takeaways in the Borough. This will assist and encourage hot food takeaways to improve their menu choices.	N/A

*Please note that the paragraph numbering has changed from the draft SPD to the final SPD with the removal of Section 4 (Consultation).

Summary of main issues

Individual

- Support for the work NHS and the Schools Improvement Service is doing with the schools in the Borough
- Support for working with existing hot food takeaways

Academic

- No response

Health Organisation

- It is essential to work with existing hot food takeaways – to help them improve their menu offerings and, in turn provide consumers with more choice
- Support for working with existing takeaways

Fast Food Organisation

- Fast takeaways are already committed to working with the FSA
- Do not support planning conditions restricting hot food takeaways – this is acting beyond the powers of planning
- Support the general approach set out in Section 7

8. Monitoring Implementation and Review

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
Andy Long / Individual	7. Strategic Working (7.6)	Unfortunately the people that have been moving into the area over the last 5 years or so have brought a large amount of this problem with them when I go to work I see people on balconies and gardens of the new flats and houses these people are still there when I return from work meaning most haven't been to work which brings a healthy eating at home issue. I'm not saying that every one not working eats bad or	Noted	N/A

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
		every one that is working eats healthy but we need more active people moving into the area so more of the 10800 homes need to be sold to working people only to help with this problem not being give as council housing.		
Steve Simms / Andrew Martin Associates on behalf of KFC	8. Monitoring, Implementation and Review	It is not clear what corrective action might be undertaken to the SPD if the objectives sought are not met. Indeed, in our view since there is no evidence for any link between the incidence of obesity and the proximity of hot food takeaways to schools, there is unlikely to be any action that could be taken in respect of the SPD to better achieve the objectives, apart from its withdrawal and the refocusing of resources towards providing an up-to-date Open Space Sport and Recreation Assessment, compliant with PPG17 and containing a realistic accessibility analysis upon which gaps in provision could be analysed and filled.	The Council will monitor the SPD to check that it is being implemented correctly with regard to its desired outcomes and take corrective action is necessary.	None
Steve Simms / Andrew Martin Associates on behalf of KFC	8: Monitoring and Evaluation (8.3)	The range of other influences on the indicators suggested means that all except the last are most unlikely to provide useful feedback.	Noted.	N/A
Steve Simms / Andrew Martin Associates on behalf of KFC	8: Monitoring and Evaluation (8.4)	We consider that, because the SPD does not comply with PPS12 paragraph 6.1 and in some respects may be unlawful, it should not be adopted and therefore not become a material consideration in determining planning applications.	This has been dealt with in response to earlier comments.	None

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
Tay Potier / Chartered Institute of Environmental Health	8. Monitoring, Implementation and Review	We note the comments that it is essential to check that the SPD is working correctly, and agree that action will need to be taken if this is not found the case. This should include monitoring of other similar classes to ensure that they are being correctly used by businesses if A5 is restricted. There is an obvious possibility that the A3 class in particular may be misused within the exclusion zone and children may be exposed to the type of food which the SPD is trying to restrict.	Noted.	N/A
Tay Potier / Chartered Institute of Environmental Health	8. Monitoring, Implementation and Review	We note that success will be measured against a set of indicators and that possible indicators are listed in the SPD. We would however caution that it may be difficult to monitor effectiveness of the SPD using the suggested indicators, as they may be beyond the control of the SPD. For example, the SPD itself does not directly deal with the provision of fruit and vegetables, so the outcome of children eating 5 or more may well be unrelated. We would suggest therefore that the monitoring indicators are restricted to those which actually are influenced by the SPD, such as number of new A5 premises applying and outcomes.	The indicators reflect the fact that the Council is in line with PPS12 is taking a spatial planning approach in partnership with NHS Barking and Dagenham. The indicators include both outputs and outcomes. Just focusing on the number of A5 uses applying for planning permission and their success will not tell the Council whether the SPD is having the desired impact on rising levels of obesity in the borough.	N/A
Nichola Davies / National Heart Forum	8. Monitoring, Implementation and Review	Measures to address the health impact of hot food takeaways, included within this Draft SPD, and must be supported by adequate surveillance and monitoring to ensure that policies are being adhered	Support for the SPD is noted and welcomed. The Council notes the importance of	N/A

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
		to. The NHF is in support of the regular process of monitoring that is suggested in section 8, and agree that it is necessary to ensure that the SPD is being implemented correctly, that desired outcomes are being achieved, and importantly, through the monitoring process, being able to identify and undertake any corrective actions that may be required. Ongoing monitoring is also critical in order for these policies to be properly evaluated.	monitoring the implementation of the SPD and is seeking to work with an academic institution to conduct a longitudinal study. It is envisaged that this will be of benefit to the monitoring of the SPD in addition to providing valuable case study based research, which would be of assistance to other local authorities in the United Kingdom.	
Mr Tim G Townshend / Newcastle University	8. Monitoring and Review	Monitoring and review is absolutely crucial - there is a real lack of good quality UK research in this area - perhaps the council could link up with a local university to ensure a robust and really useful longitudinal study is made form this vital work?	As above.	N/A
Ms Nikki Honan / NHS London Healthy Urban Development Unit	8. Monitoring, Implementation and Review	We support the reference to the wider strategic approach to tackling obesity. It should be stressed that this intervention on its own will have limited impact and should be combined with wider initiatives to educate and encourage healthy eating and provide more opportunities to access healthy food. We would encourage explicit reference to other initiatives and to wider interventions to promote active travel and encourage physical activity which would fall under other policies in the Local Development Framework.	The Council is disappointed by this response from HUDU for this SPD. The Council has clearly stated in Section 7 a number of other means of addressing the obesity levels in the Borough.	N/A
Ms Nikki	8. Monitoring,	We would stress the importance of monitoring the	The Council notes the importance of	N/A

Name / Organisation		Summary of Representation	Council Response	Proposed Changes to the SPD
Honan / NHS London Healthy Urban Development Unit	Implementation and Review	implementation of the SPD. Such monitoring could be linked to the Core Strategy AMR process.	monitoring the implementation of the SPD and is seeking to work with an academic institution to conduct a longitudinal study. It is envisaged that this will be of benefit to the monitoring of the SPD in addition to providing valuable case study based research, which would be of assistance to other local authorities in the United Kingdom.	
Dr Amelia Lake / Newcastle University	8: Monitoring and Evaluation (8.3)	I think hoping to see indicators in terms of rates of overweight and obesity may not be direct enough. While change the food environment should have an effect in the long term I think there are many more factors contributing to rates of overweight and obesity (see the Obesity Systems Map (Vandenbroeck, P., J. Goossens, et al. (2007). Foresight Tackling Obesities: Future Choices - Building the Obesity System Map. http://www.foresight.gov.uk/Obesity/obesity_final/12.pdf) - and you will want to look at changes in individual behaviours around food.	Noted. The Council accepts that diet alone is not the only cause of obesity however it is an important factor.	N/A

Summary of main issues

Individual

- Healthy eating is also an issue in the home

Academic

- Monitoring is crucial – there is a real lack of good quality research in this area
- Need to look at changes to individual behaviours

Health Organisation

- It is essential to work with existing hot food takeaways – to help them improve their menu offerings and, in turn provide consumers with more choice
- Support for working with existing takeaways
- It is essential to check that the SPD is working correctly
- Monitor other similar classes to ensure that they are being correctly used by businesses if A5 use is restricted
- The monitoring and indicators should be restricted to those which are actually influenced by the SPD – such as number of new A5 applications
- Support for the monitoring process – this is crucial
- Stress the importance of monitoring

Fast Food Organisation

- It is not clear what corrective action might be under taken if the objectives sought are not met
- No evidence link between obesity and the proximity of hot food takeaways to schools – therefore there is likely that no action can be taken to achieve the objectives in the SPD
- All but the last indicator will provide useful feedback
- The SPD does not comply with PPS12

Response from Professor Caraher, Centre for Food Policy, City University

Name / Organisation	Section of Document	Summary of Representation	Council Response
Professor Martin Caraher, Centre for Food Policy, City University	Total Document	<p>This is a welcome document and timely. From a policy perspective many approaches to tackle food consumption are targeted at individuals, these should be balanced with upstream public health nutrition policy in order to influence the options available. There is a nexus of these two perspectives where choice is important but may be constrained by local availability. Hence the importance of planning alone of the ways in which we can influence healthy food options in a local area. Health sector policy documents have highlighted the problems of retail access, but locate the solutions in local food projects (social enterprises whether food co-ops or farmers markets), because retail and regeneration strategies are outside their capacity and possibly their understanding and skills base. In terms of policy to address food inequality some key issues emerged in 'The Tackling Health Inequalities' report which saw local planners as mapping 'food desserts (sic) so local 5-A-DAY programmes can improve food access' (p33). This suggests that the solutions are mainly located in individual agency and not in regulation or structural approaches to the local food environment. The recent obesity strategy for England 'Healthy Weight; Healthy Lives' mentions fast food outlets and promises actions within planning regulations to allow local authorities to manage proliferations of fast food outlets: Local authorities can use existing planning powers to control more carefully the number and location of fast food outlets in their local areas. The Government will promote these powers to local authorities and PCTs to highlight the impact that they can have on promoting healthy weight, for instance through managing the proliferation of fast food outlets, particularly in proximity to parks and schools (p 18). The</p>	<p>The Council is thankful for this considered and detailed response.</p> <p>The Council does not accept that the SPD will restrict employment opportunities as new hot food takeaways will either be replacing existing businesses or taking space in new or vacant premises which other uses could take up. Moreover there are 187 hot food takeaways in the Borough, Of these 135 are in the 39 neighbourhood centres (as classified in the UDP since reduced to 35 in the Core Strategy). Therefore there are on average more than 3 hot food takeaways in each of the borough's neighbourhood centres.</p>

		<p>English planning guidance for town centres does not specifically address the issue of take-always but does include a section on health impact assessment and food which states that '[T]here will be a benefit to people on lower incomes through improved access to good quality fresh food and other local goods and services at affordable prices. This is because the new impact test will better promote consumer choice and retail diversity helping to control price inflation, improving accessibility and reducing the need to travel'. Retail diversity is seen as important and it is proposed to use the concept 'lack of need' to restrict and reject planning permission. The consultation on Planning Policy Statement 4 Prosperous Economies says of food that proposed changes should have no significant impact on health (presumably they mean negative impacts). To the extent that the proposals encourage an overall increase in development, there will be benefits through improved access to food and other local goods and services at affordable prices. This is reinforced by the emphasis in the new impact test on promoting consumer choice and an improved retail offer in terms of the range and quality of goods. This is in line with the Cabinet Office paper Food matters: Towards a strategy for the 21st century which recommends strategic objectives for the government with regard to food which include "fair prices, choice, access to food and food security through open and competitive markets (where this refers both to the supply chain and to competition in the retail market) and "a further transition to healthier diets" which includes increasing consumption of fruit and vegetables. The 2005 review of Use Classes Order made a distinction between restaurants and cafés (now classified as A3 class) and hot food take-away (A5 class). Class A5 establishments are those whose primary business is the sale of hot food for consumption off the premises. So generally chicken shops, fish & chip shops, pizza, Chinese, Indian, kebab and drive through premises fall in the</p>	
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		<p>A5 category. This allows retail planning and zoning to be based on these categories. So for example Leicester City Council has introduced supplementary planning guidance which states that no more than 20% of the frontage of any side of a street is allowed in fast food (A5class) use. Waltham Forest, in London, has introduced similar guidance to ensure retail protection and balance of use, with the criteria flexible to take account of developments in different centres in the borough. The London Borough of Westminster has identified 'stressed areas' where new fast food openings are resisted and they use a joint planning/licensing approach. Knowsley PCT in Merseyside are to introduce similar restrictions through the Local Area Agreement. These approaches might be best categorised as facilitative in aiding local authority planners and public health practitioners adapt to local situations. Whatever the outcomes to the reformed PPS6 there appears to be a role for individual local authorities to devise by-laws or to introduce supplementary guidance to aid the planning process. However much of this activity is usually directed towards curbing anti-social behaviour and litter rather than to promote physical health or prevent disease. An additional problem when attempting to manage where fast food outlets locate is that the Use Classes Order (UCO) means that sandwich shops, like Greggs and Subway, are able to open under an A1 use which covers shop use e.g hairdressers, internet cafes etc if their primary use is the sale of goods. So if there is a large seating area inside the shop, then it is considered there to be a material change of use to A3 (restaurants & cafes) and therefore permission is required. However, some takeaway outlets such as Greggs and sandwich shops are able to open under A1 (without change of use) because they only have a small area of seating and therefore planning permission is not required (as seating area is ancillary to the primary use). Planners will ordinarily steer A3 and A5 (hot food takeaway) uses towards</p>	
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		<p>town centres, but if a shop already has an A1 use outside these areas there is no control if Greggs or Subway decide to move in with a sandwich bar style unit. In the light of this there is a need to amend the Use Classes Order so that these types of use are more tightly controlled. Additionally you could attach supplementary conditions for A1 use which falls into this category. There are currently proposed form to Policy Planning Statement6 (known as PPS6) for town centres. It is likely that PPG4 above will supersede a number of guidance documents including PPS6. There is some potential for regulation through the use of PPS6 and the role of consultation with local communities to determine their view of the urban landscape. As already noted of this guidance food s mentioned as is the concept of lack of need. In respect of this latter point the findings such as those reported in a report for Tower Hamlets clearly highlights that parents in the borough were disturbed by the number of FFOs. Such concerns could be used as the basis for restrictions on new FFO openings. This concept of lack of need is of course open to interpretation but does allow the possibility of it being based on consumer demand. This approach could be combined with assessment of local need to give weight to the concept of 'lack of need'. Use of the Local Government and Public Involvement in Health Act (2007) may add weight to consultation and planning processes. This can be done through the agency of local area agreements and impact assessment, both provided for in the proposed reforms to PPS6. PPS6 has a focus on aspects such as social and environmental impacts; although it is disappointing that health is not mentioned specifically. There is an emphasis on consumer choice (as opposed to a citizenship one) and socially excluded groups are highlighted as requiring additional actions. There is also a proposal for assessing impacts on the basis of type of outlet. This latter aspect is already implemented by a number of local authorities. One way of tackling the seemingly</p>	
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		<p>high concentration of fast food outlets, offering unhealthy food choices in an area or around key sites such as schools or hospitals, is through use of the planning system. In addition planning decisions can be supported by work in other areas such as the new agenda around Comprehensive Area Assessment (CAA) and the development of Local Strategic Plans. These both offer a way of hearing local voices and boosting local planning decisions and the development of local supplementary (planning) guidance. Again the Local Government and Public Involvement in Health Act 2007, places a responsibility on local authorities to consult over issues of health, of course how health is conceived may determine what is consulted on. Again this can be used to inform and support planning decisions on the local food environment. The Department for Communities and Local Government has produced statutory guidance which for the first time defined the responsibilities of Local Strategic Plans (LSPs) in clear terms which emphasise a strengthened community leadership role. With councils taking the lead as the local democratically elected body, LSPs are expected to: demonstrate a leadership role by identifying and articulating the needs and aspirations of local communities and reconciling or arbitrating between competing interests. have oversight of and co-ordinate community consultation and engagement activities of individual partners and where appropriate combine them produce a Sustainable Community Strategy (SCS) based on data and evidence from the local area and its population and establish a shared local vision and priorities for action negotiate with Government a Local Area Agreement (LAA) based on the priorities identified in the SCS. have oversight of the planning and alignment of resources in the locality in order to achieve more effective and efficient commissioning and ultimately better outcomes review and performance manage progress against the priorities and targets agreed in the LAA and ensure that delivery</p>	
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		<p>arrangements are in place. Consulting communities on their requirements for an area in terms of shops and take-aways is one option within this framework so helping link planning and local CAA. All this is based on the notion of a proper assessment of the area taking into account economics, retail, the views of citizens and the health outcomes. Too often retail and fast food provision is seen as the realm of the market and not areas suitable for planning intervention. This is not true of all market provision, there is licensing of betting shops, sex shops and alcohol in the interests of public safety. Some local authorities are beginning to address these issues, perhaps the most publicised on is Waltham Forest in London which has proposed the banning of new outlets within 400m of a school. The proposed introduction of a £1000 levy which will be used to tackle childhood obesity in the borough might have a negative effect. There is work in Tower Hamlets, east London, which is a DH funded pilot (weblink?) on working with local take aways to help improve their food offer. This is necessary within a wider rubric of inequality as the owners and staff of such establishments are often from those same communities that suffer from inequalities so cutting off employment opportunities may actually widen inequalities. This highlights the fact that restrictions on opening etc have to be complemented with supportive work to help those small and medium enterprises weather such changes. The use of public health 'law' is well established in controlling the availability of items such as alcohol, tobacco and more recently fast food (US NY and LA). IN the UK there is registration and licensing system in place for 'betting' /bookmakers shops to guard against over concentration. There are a number of ways that an approach to planning as described in the previous section could be adopted and put in to practice.</p>	
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Professor Martin Caraher / Centre for Food Policy City University	Total Document	I think that you should build in some guidance on consultation with local community using the Local Government and Public Involvement in Health Act (2007) this could add to the basis for restrictions.	The Council consulted widely on the draft SPD.
Professor Martin Caraher / Centre for Food Policy City University	Total Document	While welcoming the guidance I think that it: 1. runs the danger of increasing inequalities and favouring big business as in the £1000 registration fee. Big business can afford this while SMEs will find this prohibitive 2. not enough is made of supplementary guidance and legislation like CAA and LSPs. Also the use of the Local Government and Public Involvement in Health Act (2007) could be built in to gather the views of local residents, 3. the guidance does not seem to reflect the new PPS4. Department of Communities and Local Government (2009) Planning Policy Statement Consultation Paper on a new Planning Policy Statement 4: Planning for Prosperous Economies. Department of Communities and Local Government, London. 4, Calls uses order could be more rigorously applied including the change of use anomaly which is to do with change of use An additional problem when attempting to manage where fast food outlets locate is that the Use Classes Order (UCO) means that sandwich shops, like Greggs and Subway, are able to open under an A1 use which covers shop use e.g hairdressers, internet cafes etc if their primary use is the sale of goods. So if there is a large seating area inside the shop, then it is considered there to be a material change of use to A3 (restaurants & cafes) and therefore permission is required. However, some takeaway outlets such as Greggs and sandwich shops are able to open under A1 (without change of use) because they only have a small area of seating and therefore planning permission is not required (as seating area is ancillary to the primary use). Planners will	<p>The Council is mindful that monitoring the impact of the SPD on small and medium businesses and especially those run by the BAME community. It is for this reason that the Council has inserted the following text into the Monitoring Section of the SPD:</p> <p>7.1 <u>The Council will closely monitor the impact of the policy by noting the number of new BAME business start ups to ensure that there is no negative impact on the BAME community. The indicators to be used are:</u></p> <ul style="list-style-type: none"> - <u>Number of VAT registered businesses in Barking & Dagenham</u> - <u>Proportion of business registrations per 10,000 resident population aged 16 and above</u> <p>The draft SPD specifically states that it is part of a broader strategy to tackle obesity in Barking and Dagenham and that improving the health of the Borough is a cross cutting policy incorporated into a number of objectives in Barking and Dagenham's LDF. It also states in Section 3 that it is one of a range of measures within the Barking and Dagenham Childhood Obesity Strategy and Action Plan and that this is a target in Barking and Dagenham's Local Area Agreement – 'to halt the year-on-year rise in obesity among young children and</p>

	<p>ordinarily steer A3 and A5 (hot food takeaway) uses towards town centres, but if a shop already has an A1 use outside these areas there is no control if Greggs or Subway decide to move in with a sandwich bar style unit. In the light of this there is a need to amend the Use Classes Order so that these types of use are more tightly controlled. Additionally you could attach supplementary conditions for A1 use which falls into this category. Again this might suit big business who can buy existing premises.</p> <p>5. make the link between registration for food hygiene and licensing more explicit. 6. make explicit links with public health and public health nutrition to comment in such applications 7. use a combination of the following to address the issues including e banning and or restricting: * FFOs and/or drive through outlets. * 'Formula' outlets (formula can be defined broadly to include local take-ways that have one or more outlets or narrowly to include only larger national chains). * FFOs in certain areas or by directives specifying distance from schools, hospitals etc.. * By using quotas in certain areas either by number or shop frontage or by use of density. * Restricting opening hours. * Making the link between registration for food hygiene and licensing more explicit. * Introducing labelling in fast food outlets (as has happened in New York City). * Specifying the nutrient content of food sold, so the choice is made before the consumer purchases. * Use the open doors approach to include information in healthy eating as well as hygiene At a time when many high street retail shops are facing closure one area of growth is the fast food sector with Domino's Pizza, KFC and McDonalds reporting increases in profits and plans to expand in the next couple of years. Such trend can be seen historically where there has been a growth in the informal eating out market with a decline in the more traditional outlets, this can be seen in table 1 of these developments in Coventry. What is interesting about the Coventry data is that the overall increase is only 88 premises</p>	<p>young people (from 4 to 11 years old).</p> <p>By controlling proliferation of hot food takeaways in the Borough's retail parades the Council is adhering to a key tenet of PPS4 – by increasing opportunities for diversification.</p> <p>PPS4 states that the Government's overarching objective is sustainable economic growth (p.3). This is defined on page 3 of the guidance as being:</p> <p>'Sustainable growth: growth that can be sustained and is within environmental limits, but also enhances environmental and social welfare and avoids greater extremes in future economic cycles'.</p> <p>There are 187 A5 uses in Barking and Dagenham and therefore they are already significant employers. The Council considers that in the interests of the health of the Borough's residents, particularly children, that the proliferation of A5 uses in the Borough needs to be carefully controlled and it is for this reason that it has decided to provide further guidance on their location. As stated in a previous response the SPD will make reference to PPS4.</p> <p>As state above, the Council consulted widely on the draft SPD.</p> <p>There is a clear issue of young people in the Borough sourcing poor quality foods from hot food takeaways. Shops and supermarkets generally offer a far greater choice of food not to mention other services and therefore restricting them would be a disproportionate response.</p> <p>Hot food takeaways within the Borough's neighbourhood parades tend to be A5 uses as the size of their premises do not</p>
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	<p>(given population changes, this less than might be expected) and the changes in type, the demise of pubs/fish and chip shops and the rise in take-aways from 27 to 168 over a 30 year period. All this reflects a trend where low-income groups are eating out more from fast food outlets seeking a bargain, and a re-branding of these outlets to attract middle-income price conscious consumers. Table 1 Changes in the type and number of eating out premises in Coventry 1978-2008</p> <table border="1"> <thead> <tr> <th>Year</th> <th>1978</th> <th>1988</th> <th>1998</th> <th>2008</th> <th>Growth</th> </tr> </thead> <tbody> <tr> <td>Cafés and sandwich shops</td> <td>43</td> <td>24</td> <td>29</td> <td>64</td> <td>21</td> </tr> <tr> <td>Fish and Chip Shops</td> <td>61</td> <td>63</td> <td>52</td> <td>31</td> <td>-30</td> </tr> <tr> <td>Public houses</td> <td>256</td> <td>227</td> <td>219</td> <td>127</td> <td>-129</td> </tr> <tr> <td>Restaurants</td> <td>59</td> <td>93</td> <td>107</td> <td>144</td> <td>85</td> </tr> <tr> <td>Take-away outlets</td> <td>27</td> <td>63</td> <td>124</td> <td>168</td> <td>141</td> </tr> <tr> <td>Totals</td> <td>446</td> <td>470</td> <td>531</td> <td>534</td> <td>88</td> </tr> </tbody> </table> <p>Source McDonald and Allegra Strategies, 2009. Problems with access to food tend to be seen either as the result of poor social and retail planning or as the consequences of individual choices, in reality they are a combination of both structural and individual influences. Food access can be limited by many factors ranging from: physical distance to shops; local availability and prices; physical and social impairment; age; lack of skills such as budgeting; cooking and food knowledge and indeed mobility within shops. Similarly with availability and access there is a complex interplay of forces but many individuals and communities are faced with options not of their own making. What food is available on the high street is rarely a result of either public health or community interests or consultation. Too often the public health response has been to look at issues of skills and knowledge as opposed to tackling the structures within which these choices take place, demonstrating a lack of public health imagination and a break in public health tradition. Many of the original public health approaches were based on legislation of the environment In addition planning decisions can be supported by work in other areas such as the new agenda around Comprehensive Area Assessment (CAA) and the development of Local Strategic</p>	Year	1978	1988	1998	2008	Growth	Cafés and sandwich shops	43	24	29	64	21	Fish and Chip Shops	61	63	52	31	-30	Public houses	256	227	219	127	-129	Restaurants	59	93	107	144	85	Take-away outlets	27	63	124	168	141	Totals	446	470	531	534	88	<p>enable them to provide sufficient seating to be classified as a restaurant.</p> <p>The Council agree with your assertion that we need to work with and support existing hot food takeaway businesses. It is for this reason the Council state is Section 7 that we are beginning to work with NHS Barking and Dagenham to monitor what is being sold in existing hot food takeaways and to improve menu options and cooking techniques. The Council's environmental health team are also closely involved in this work.</p>
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Take-away outlets	27	63	124	168	141																																							
Totals	446	470	531	534	88																																							

		<p>Plans. These both offer a way of hearing local voices and boosting local planning decisions and the development of local supplementary (planning) guidance. Again the Local Government and Public Involvement in Health Act 2007, places a responsibility on local authorities to consult over issues of health, of course how health is conceived may determine what is consulted on. Again this can be used to inform and support planning decisions on the local food environment. The Department for Communities and Local Government has produced statutory guidance which for the first time defined the responsibilities of Local Strategic Plans (LSPs) in clear terms which emphasise a strengthened community leadership role. With councils taking the lead as the local democratically elected body, LSPs are expected to:</p> <ul style="list-style-type: none"> • demonstrate a leadership role by identifying and articulating the needs and aspirations of local communities and reconciling or arbitrating between competing interests. • have oversight of and co-ordinate community consultation and engagement activities of individual partners and where appropriate combine them • produce a Sustainable Community Strategy (SCS) based on data and evidence from the local area and its population and establish a shared local vision and priorities for action • negotiate with Government a Local Area Agreement (LAA) based on the priorities identified in the SCS. • have oversight of the planning and alignment of resources in the locality in order to achieve more effective and efficient commissioning and ultimately better outcomes review and performance manage progress against the priorities and targets agreed in the LAA and ensure that delivery arrangements are in place. Consulting communities on their requirements for an area in terms of shops and take-aways is one option within this framework so helping link planning and local CAA. All this is based on the notion of a proper assessment of the area taking into account economics, retail, the views of citizens and the health outcomes. Too often retail 	
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		<p>and fast food provision is seen as the realm of the market and not areas suitable for planning intervention. This is not true of all market provision, there is licensing of betting shops, sex shops and alcohol in the interests of public safety. Some local authorities are beginning to address these issues, perhaps the most publicised on is Waltham Forest in London which has proposed the banning of new outlets within 400m of a school. There is work in Tower Hamlets, east London, which is a DH funded pilot on working with local takeaways to help improve their food offer. This is necessary within a wider rubric of inequality as the owners and staff of such establishments are often from those same communities that suffer from inequalities so cutting off employment opportunities may actually widen inequalities. This highlights the fact that restrictions on opening etc have to be complemented with supportive work to help those small and medium enterprises weather such changes.</p>	
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