

McDonald's UK & Ireland comment on Public Health response to Havant Borough Council: Mixed-use development comprising 191 apartments and two drive-through restaurants, together with associated access, parking and landscaping (Ref: APP/20/00658)

This document directly responds to the consultation response from Hampshire County Council Public Health to planning application APP/20/00658 for a Mixed-use development comprising 191 apartments and two drive-through restaurants, together with associated access, parking and landscaping.

We strongly contest the numerous fundamentally misguided statements made about our commitment to public health. It was extremely disappointing to read the view that we “*clearly do not have health in [our] interests...nor do [we] feign to do so*”. This statement is demonstrably false and is without merit or evidence.

The response raises concern with the specific operation of the two proposed drive-thru units. This primarily focusses on the menu choice, but also focusses on other impacts, such as air quality. The response concludes that the proposal should be refused because it conflicts with both the National Planning Practice Guidance on health and well-being and is contrary to the intentions of Planning Policy C8 of the Havant Local Plan 2036.

The Framework is clear when it comes to decision making:

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Local planning authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

However in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

(a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

(b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.

As outlined above, planning applications can only be determined in accordance with the development plan and material planning considerations. This does not include direct reference to a PPG and only limited weight can be given to emerging policy documents, particularly when they are yet to be independently examined and when unresolved objections are outstanding.

Havant Borough Council's Adopted Local Plan is currently made up of the Core Strategy (2011), the Site Allocations Plan (2014) and the Hampshire Minerals and Waste Plan (2013). The Havant Local Development Scheme outlines the intention to adopt the emerging Local Plan document by the end of 2021. An initial consultation took place in early 2019 on the full-draft pre-submission and a further round of consultation on the latest round of proposed changes took place from the 3rd November to the 17th December 2020. The summary of responses from the latest round is yet to be published, once this has been done the draft document will be submitted to the Secretary of State for independent examination.

Planware Ltd submitted representation on the emerging Local Plan on behalf of McDonald's Restaurants Ltd in both rounds of consultation, both in March 2019 and again in December 2020, raising concern over the draft wording of proposed Policy C8. Both responses are appended to this letter.

As outlined in the Framework, limited weight should be afforded to pre-examined emerging policy documents, particularly when outstanding objections remain unresolved. At present, Planware's response of December 2020 is yet to be responded upon, both by Havant Borough Council and the Secretary of State. As such, at best, limited weight can be afforded to emerging Policy C8.

The importance of placing limited weight to emerging policy cannot be downplayed. Numerous inspectors have found similar policies to Policy C8 unsound and subsequently removed them from the Local Plan. This is particularly important when Havant's published rate of hot food takeaways per 100,000 people (89.6) is below the national average of 96.1. In addition, these figures are dated before the current economic downturn, until a more recent assessment has been undertaken the true impact of the proposed policy cannot be assessed. It is however considered unsound that the proposed policy is seeking to set a ceiling height of hot food takeaways below the current provision.

As outlined in the Framework, *'Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination'*.

In a recent planning appeal decision (APP/U2370/W/19/3226028 - July 2019) regarding a proposed McDonald's Restaurant at Thornton Cleveleys (Wyre Borough Council), the Inspector, in response to health and wellbeing stated at paragraph 27:

The operators offer a range of lower calorie options and nutritional information is accessible in store, which enables an individual to identify and purchase food items and combinations that fit in with their individualised calorie or nutritional requirements. Whilst the Council raises some concerns in this regard, I have little evidence to substantiate why the proposal would have an adverse effect upon the health and well-being of Wyre's residents, particularly given the availability of healthier menu choices.

In terms of planning policy, Inspectors, when presented with evidence from both sides, have considered the matter of healthy eating and proximity to schools in relation to development control and planning policy.

South Ribble

In South Ribble the Planning Inspectorate raised concerns about a 400m school proximity restriction on fast food, stating 'the evidence base does not adequately justify the need for such a policy', and due to the lack of information, it is impossible to 'assess their likely impact on the town, district or local centres'.

Brighton and Hove

Similarly, research by Brighton & Hove concluded that 'the greatest influence over whether students choose to access unhealthy food is the policy of the individual schools regarding allowing students to leave school premises during the day'.

Croydon

The Inspectors response to the London Borough of Croydon (January 2018) regarding the prohibition on A5 uses, (where a similar campaign to persuade takeaway proprietors to adopt healthy food options existed) confirmed that the council's own 'healthy' plans would be stymied by the proposed policy, as would purveyors of less healthy food. The policy failed to distinguish between healthy and unhealthy takeaway food, and "confounds its own efforts to improve healthiness of the food provided by takeaway outlets" and failed to "address the demand for the provision of convenience food". The Inspector concluded that because the reasons for the policy do not withstand scrutiny, they must be regarded as unsound.

Nottingham City Council

In Nottingham, the inspector concluded that *'There is insufficient evidence to support the link between childhood obesity and the concentration or siting of A3, A4 and A5 uses within 400m of a secondary school to justify the criterion of policy LS1 that proposals for A3, A4 and A5 uses will not be supported outside established centres if they are located within 400m of a secondary school unless it can be clearly demonstrated that the proposal will not have a negative impact on health and well-being the criterion and justification should therefore be deleted/amended.'*

Rotherham

The inspector concluded in Rotherham *“Policy SP25 sets out various criteria against which proposals for hot food takeaways will be assessed. One of the criteria is designed to prevent hot food takeaways within 800 metres of a primary school, secondary school or college when the proposed site is outside a defined town, district or local centres. Having carefully considered the material before me and the discussion at the Hearing I do not consider there is sufficient local evidence to demonstrate a causal link between the proximity of hot food takeaways to schools and colleges and levels of childhood obesity. Although I accept that levels of childhood obesity need to be tackled by both local and national initiatives I do not consider there are sufficient grounds at the present time to include this particular aspect of land use policy in the RSPP”.*

Guildford

The inspector concluded in Guildford, *“Finally, the submitted Plan contains a requirement common to Policy E7 Guildford town centre, E8 District Centres and E9 Local Centres and isolated retail units that resists proposals for new hot food takeaways within 500 metres of schools. However, the evidence indicates that childhood obesity in Guildford is lower than the average for England. Childhood obesity may be a product of a number of factors, not necessarily attributable to takeaway food; takeaways often sell salads as well as nutritious foods; not all kinds of takeaway food are bought by children; children have traditionally resorted to shops selling sweets and fizzy drinks, which would be untouched by the policy; and the policy would have no bearing on the many existing takeaways. In this context there is no evidence that the requirement would be effective in safeguarding or improving childhood health. It would be an inappropriate interference in the market without any supporting evidence and would therefore be unsound”.*

Mansfield

In a recent planning appeal decision (January 2021) regarding a proposed McDonald’s Restaurant in Mansfield (Mansfield District Council), the Inspector clearly outlines the importance of the plan led system and how decisions should be taken.

‘However, the planning system is plan led and policy RT10 sets out a clear path as regards how proposals for hot food takeaways are to be dealt with as a result of public health issues. Policy RT10 has been prepared in the context of national policy, namely the Framework. This includes with regard to paragraphs 91c) and 92b) which set out to enable and support healthy lifestyles, especially where this would address identified local health and well-being needs, and take into account and support the delivery of local strategies to improve health. This also leads me to find that the proposal is in compliance with the Framework in this respect.

Nor would the proximity to similar outlets change my view. Whilst the density of outlets is apparent in the vicinity of the site and is referred to in the supporting text to Policy RT10, the policy itself does not follow such an approach because it takes the exclusion zone tact. Similarly, the residential nature of

an area is not how this part of the policy operates. The Covid-19 pandemic also has a limited bearing as there is not persuasive evidence before me on what the implications of this may be on public health in the longer term, and what role the proposal may play in this'.

This appeal decision clearly outlines that proposals should be considered in accordance with the adopted local plan wording, regardless of other concerns. We have demonstrated that emerging Policy C8 carries limited weight and as such there are no substantial grounds for refusal on this basis.

It is clearly outlined that Havant's current rate of hot food takeaways (89.6 per 100,000) sits below the national average (96.1 per 100,000). It has been demonstrated that the emerging planning policy has outstanding objections and is yet to be independently examined. As such, the policy carries limited weight and should be avoided to prevent a premature decision where clear shortcomings of the emerging policy have been provided, along with examples of where inspectors have failed to justify such an approach elsewhere.

Notwithstanding the above, given the many misguided statements around McDonald's commitment to public health contained within the response, it is important that we also correct the unfounded assumptions and happily take this opportunity to do so.

McDonald's recognises the importance of public health and wellbeing and we share the goal of reducing childhood obesity across the UK. Businesses of all sizes have an important role to play alongside national and local government to help improve the health and wellbeing of the next generation.

We strongly believe that a business of our size has a responsibility to use its scale for good. As a consumer driven business, we work extremely hard to understand the lives of our customers, particularly families, and the role that food and drink plays for them. As a result, we are uniquely placed to help customers make informed choices and think carefully about the nutritional information we provide.

Interestingly, our customers are increasingly health conscious and careful about what they eat. Therefore, our goal is to help them understand what they are consuming and to assure them that our ingredients have been sourced responsibly. When it comes to our food, we believe our role is to make it easier for customers to balance health, taste and value. That is why we have built our strategy on three core principles: choice, information and improving the nutritional profile of existing products. That means:

1. Providing people with a range of food that allows them to make a choice appropriate for any occasion, whether that is a treat or a healthy everyday option.
2. Providing information to help customers understand what they are eating.
3. Reformulating our products to reduce saturated fat, sugar and salt, while not compromising on flavour.

We are proud of the impact we have already had in helping customers better understand their choices. We have been providing customers with nutritional guidance for over 30 years and have included

calorie information on our menus since 2011, at the time becoming the largest company in our sector to ensure customers have access to visible calorie information. Calorie information is clearly displayed under each item on the digital screens within McDonald's restaurants and on our website and click and collect app. Providing this information allows customers to select an order that fits with their own dietary plans and nutritional requirements. The information also allows customers to personalise the items in their order, such as replacing a hash brown with a fruit bag at breakfast or fries with a salad at lunch.

Reformulating existing items on the menu has been another area of investment. 54% of our menu is classified as non- HFSS (not high in fat, salt or sugar) and 89% of items on our core food and drink menu contain under 500 calories. Over the last 5 years we have removed 655 tonnes of fat, 266 tonnes of saturated fat, 157 tonnes of salt and 2,257 tonnes of sugar from our menu.

The Happy Meal has also evolved. Today, 72% of items on the Happy Meals menu are non-HFSS, and in 2014, McDonald's trialled "Free Fruit Fridays" resulting in 3.7 million portions of fruit being handed out. As a result of that trial, discounted fruit is now available with every Happy Meal and in the last 12 months over 4 million Happy Meals were sold with a Fruit Bag or Carrot Sticks.

Recent years have also seen the introduction of new menu items. Porridge, salads and grilled chicken wraps now sit alongside menu items McDonald's has traditionally been famous for, such as Chicken McNuggets, the Big Mac and the Fillet-O-Fish. As customers have sought more choice, such as vegetarian options, we have increased our marketing of these products. We understand the power of promotion to influence behaviour and the responsibility that we have in this area.

Products classified as high in fat, salt or sugar - according to the UK Nutrient Profiling Model - are never marketed to children across any media channel, at any time of day. Since 2007, adverts featuring a Happy Meal have included food and drink such as carrot sticks, fruit bags, milk or water, and we restrict out-of-home advertising to avoid being within 200 metres of a school – double the industry standard. But we also believe that advertising and marketing can play an important part in driving behaviour change. It can increase information and transparency, nudge customers towards certain food choices, and support further reformulation by driving sales. A recent initiative has highlighted this potential. In December 2017, we launched our 'Meals Under' 400 calories and 600 calories offer, and in the past 12 months we have seen a 102% rise in the number of side salads being purchased with a meal instead of fries. In total, there are over 400 'Meals Under' bundle options for customers to choose from.

Our investment in digital self-order screens has also supported our customers in making informed choices. Since their introduction, and our review of how we present our menu, we have seen over 1.3 million bottles of water purchased instead of a sugary drink and over 1.4 million more Fruit Bags bought with a Happy Meal.

APPENDIX A

Planware Ltd on behalf of McDonald's Restaurants Ltd

Objection Response to Havant Borough Local Plan Draft 2036

Policy C8 - Drink and Entertainment Uses

1 Introduction

- 1.1 We have considered proposed Policy C8 - Drink and Entertainment Uses – and its supporting text with regard to the principles set out within the Framework. We fully support the policy's aim of promoting healthier living and protecting amenity. However, the supporting text is too restrictive and prevents local planning authorities from pursuing more positive policy approaches.
- 1.2 Within these broad points we have the following policy objections to draft Policy C8 supporting text paragraph 7.87:
 - A. Imposition of a menu sampling condition
 - B. Imposition of potential restriction on type of food sold within a use class
- 1.3 In summary, Planware Ltd consider there is no sound justification for a policy such Point 7.87, which imposes potential menu sampling and type of food restriction condition is unsound and it should be deleted from the plan.
- 1.4 The planning system should not place undue burdens on commercial business in terms of the products they sell.

2 Contribution of McDonald's UK to the United Kingdom

- 2.1 This section of the objection sets out some background context relating to McDonald's own business, its contribution to United Kingdom, and information on the nutritional value and healthy options of the food that it offers in its restaurants. This evidence is relevant to understanding the adverse and unjustified impacts of the suggested menu sampling and restrictions proposed under draft Policy C8 would have.

Economic and Environmental Benefits

- 2.2 The first store in the United Kingdom was first opened in 1974 in Woolwich, London. The store is still opened and was interestingly the 3,000th store across the world.
- 2.3 With over 36,000 McDonald's worldwide, it operates in over 100 countries and territories. Approximately 120,000 people are employed by McDonald's UK, compared to just over 1 million employees worldwide.
- 2.4 McDonald's and its franchisees have become important members of communities in the United Kingdom: investing in skills and developing our people, supporting local causes and getting kids into football.
- 2.5 Nationally, the company operates from over 1,300 restaurants in the UK. Over 80% of restaurants are operated as local businesses by franchisees, that's around 1,100 franchised restaurants.
- 2.6 McDonald's is one of few global businesses that continues to anchor itself in high streets and town centres across the United Kingdom. Not just serving the general public but creating jobs and seeking to improve the communities around them.
- 2.7 All McDonald's restaurants conduct litter picks covering an area of at least 100 metres around the site, at least three times a day, picking up all litter, not just McDonald's packaging.
- 2.8 McDonald's is a founding member of the anti-littering campaign, Love Where You Live. As part of this, our restaurants regularly organise local community litter picks. The campaign has grown and in 2017, 430 events took place across the UK with around 10,000 volunteers involved. Since the campaign started, 2,600 events have taken place with around 80,000 volunteers involved.
- 2.9 McDonald's restaurants are operated sustainably. For example, their non-franchised restaurants use 100% renewable energy, combining wind and solar and use 100% LED lighting which means we use 50% less energy than fluorescent lighting. All of their used cooking oil is converted into biodiesel for use by delivery lorries. Their entire fleet of lorries runs on biodiesel, 40% of which comes from McDonald's cooking oil. This creates over 7,500 tonnes fewer CO2 emissions than ultra-low sulphur diesel.
- 2.10 All new McDonald's restaurants in the United Kingdom are fully accessible and we are working toward delivering this same standard for all existing restaurants.
- 2.11 McDonald's restaurants provide a safe, warm and brightly lit space for people, especially those who may feel vulnerable or threatened waiting for a taxi or outside.

- 2.12 Many of their toilets are open to all members of the public. They are one of few night time premises that offer this service and given the fact restaurants are located in some of the busiest parts of the country, McDonald's are helping to keep the United Kingdom cleaner.

Nutritional Value of Food and Healthy Options

- 2.13 McDonald's offers a wide range of different food at its restaurants.
- 2.14 Nutritional information is easy to access and made available online, and at the point of sale on advertising boards, as well as in tray inserts. Information is given on calorie content and key nutritional aspects such as salt, fat and sugar content. This enables an individual is able to identify and purchase food items and combinations that fit in with their individualised calorie or nutritional requirements.
- 2.15 The menu offer includes a range of lower calorie options, some of which are set out in the on the next page.
- 2.16 The restaurants now suggest meal bundles to assist customers in making informed, healthier choices. McDonald's have suggested "favourites" meal bundles, across the breakfast and main menu that enable the choice of low-calorie options to be made even more easily. These 3-piece meal combinations will all be under 400kcal on the breakfast menu, and all under 600kcal on the main menu (with many options under 400kcal on the main menu also), and all individual items on these menu bundles will be either green (low) or amber (medium) on the Food Standards Agency traffic light system for food labelling.
- 2.17 Examples of low calorie (less than 400kcal) breakfast options (where no single item is red for FSA) include any combination of the following:
- Egg & Cheese McMuffin / Egg & cheese snack wrap / bagel with Philadelphia / porridge; with fruit bag; and a medium black coffee, or espresso or regular tea or water.
- 2.18 Examples of low calorie (less than 600kcal) main menu options (where no single item is red for FSA) are included in the table below. Some 90% of our standard menu is under 500 calories.

Main	Side Options	Drinks Options	Total Calories *varies depending on side & drink choice
The Garlic Mayo Chicken One – grilled wrap	Fruit Bag – Pineapple Stick Carrot Sticks Side Salad with Fajita Dressing	Diet Drink Water Medium Black Coffee Regular Tea	Between 379-390kcal
The Sweet Chilli Chicken One – grilled wrap	Fruit Bag – Pineapple Stick Carrot Sticks Side Salad with Fajita Dressing	Diet Drink Water Regular Tea Medium Black Coffee	Between 374-383kcal
Grilled Chicken & Bacon Salad with Fajita Dressing	Fruit Bag – Pineapple Stick Carrot Sticks	Diet Drink Water Regular Tea Medium Black Coffee	Between 238-247kcal

- 2.19 Those specifically wanting a meal low in either fat, salt, or sugar, can tailor their choices accordingly. Any combination of menu items sold at McDonald's can be eaten as part of a calorie controlled nutritionally balanced diet. Customers alternatively eat anything from the menu allowing for this within their overall daily or weekly nutritional requirements.

Quality of Ingredients and Cooking Methods

- 2.20 McDonald's are always transparent about both their ingredients and their processes and strive to achieve quality. Their chicken nuggets are made from 100% chicken breast meat, burgers are made from whole cuts of British and Irish beef. Coffee is fair trade and their milk is organic. McDonald's want their customers to be assured about what they are consuming. The 'Good to Know' section on our website - <https://www.mcdonalds.com/gb/en-gb/good-to-know/about-our-food.html> - provides a range of information about their processes and where produce is sourced from.

Menu Improvement and Reformulation

- 2.21 McDonald's is actively and continuously engaged in menu reformulation to give customers a range of healthier options. Louise Hickmott, Head of Nutrition, at McDonald's UK, has provided a letter giving examples of the steps that have been taken in recent years. The information is summarised below.
- 2.22 In recent years McDonald's has made great efforts to reduce fat, salt and sugar content across their menu.
- 89% of their core food and drink menu now contains less than 500 kcals.
 - Supersize options were removed from their menu in 2004;
 - 72% of the Happy Meal menus are classified as not high in fat, salt or sugar according to the Government's nutrient profile model;
 - Since October 2015, 50% of the options on the drinks fountain have been no added sugar (Diet Coke, Coke Zero and Sprite Z);
 - Recent years have seen the introduction of new items, offering more choice that has included porridge, salads, grilled chicken wraps, carrot sticks, fruit bags including apple and grape, pineapple sticks, and melon chunks, as well as orange juice, mineral water and organic semi-skimmed milk;
 - Customers can swap fries for fruit bags, carrot sticks or shake salad on the main menu, or the hashbrown for a fruit bag or carrot sticks on the breakfast menu, at no additional cost;
 - In 2014, McDonald's introduced "Free Fruit Fridays" resulting in 3.7 million portions of fruit being handed out. Since then, discounted fruit is now available with every Happy Meal.

Fat

- 2.23 A recent meta-analysis and systematic review of 72 studies (45 cohort studies and 27 controlled trials) demonstrated that with the exception of Trans Fatty Acids (TFA), which are associated with increased coronary disease risk, there was no evidence to suggest that saturated fat increases the risk of coronary disease, or that polyunsaturated fats have a cardio-protective effect, which is in contrast to current dietary recommendations (Chowdrey et al, 2014).
- 2.24 However, UK guidelines currently remain unchanged; men should consume no more than 30g of saturated fat per day, and women no more than 20g per day (NHS Choices, 2013). It should be remembered that all fats are calorie dense (9kcal/g) and that eating too much of it will increase the likelihood of weight gain and therefore obesity, indirectly increasing the risk of coronary heart disease, among other co-morbidities.
- 2.25 What have McDonald's done?
- Reduced the saturated fat content of the cooking oil by 83%;
 - Signed up to the Trans Fats pledge as part of the Government's "Responsibility Deal";
 - The cooking oil has been formulated to form a blend of rapeseed and sunflower oils to reduce levels of TFA to the lowest level possible;
 - They have completely removed hydrogenated fats from the vegetable oils;
 - Reduced the total fat in the milkshakes by 32% per serving since 2010;
 - Organic semi-skimmed milk is used in tea/coffee beverages and in Happy Meal milk bottles, with lower saturated fat levels compared with full fat variants.

Sugar

- 2.26 Dietary carbohydrates include sugars, starches and fibre, and each has approximately 4kcal/g.
- 2.27 The Scientific Advisory Commission on Nutrition (SACN) currently recommends that approximately 50% of total dietary energy intake should be from carbohydrates (SACN Report, 2015). In 2015 SACN recommended that the dietary reference value for fibre intake in adults be increased to 30g/day (proportionally lower in children) and that the average intake of “free sugars” (what used to be referred to as non-milk extrinsic sugars) should not exceed 5% of total dietary energy, which was in keeping with the World Health Organisation (WHO) recommendations.
- 2.28 Current average intake of free sugars far exceeds current recommendations, and excess intake is associated with dental issues and excess calorie intake which can lead to weight gain and obesity.
- 2.29 Over the last 10 years our reformulation work has resulted in 787 tonnes less sugar across our menu in 2017 versus 2007. What have McDonald's done?
- Reducing the sugar in our promotional buns, this removed 0.6 tonnes of sugar
 - Their Sweet Chilli Sauce has been reformulated to reduce sugar by 14% this equates to 155 tonnes of sugar removed
 - Their Festive Dip has removed 4 tonnes of sugar
 - Their famous McChicken Sandwich Sauce has reduced in sugar 45%
 - Their Tomato Ketchup has reduced in sugar by 20% which equates to 544 tonnes of sugar removed from the system
 - Their Chucky Salsa has reduced in sugar by 28%
 - Since 2016 they have reduced the sugar content of Fanta by 54%
 - The Toffee Syrup in their Toffee Latte has been reformulated to remove 20% of the sugar
 - McDonald's have also reformulated their Frozen Strawberry Lemonade this has led to 8% sugar reduction per drink

Salt

- 2.30 A number of health-related conditions are caused by, or exacerbated by, a high salt diet. The strongest evidence links high salt intake to hypertension, stroke and heart disease, although it is also linked with kidney disease, obesity and stomach cancer (Action on Salt website).
- 2.31 Salt is often added to food for either taste or as a preservative, and in small quantities it can be useful. Adults in the UK are advised not to exceed 6g of salt per day, but the average intake at a population level is consistently higher than this.
- 2.32 Salt does not directly lead to obesity; however, it does lead to increased thirst, and not everyone drinks water or calorie-free “diet” beverages. If our thirst increases and leads to increased consumption of calories from extra fluid intake, then this may lead to increased weight and obesity. 31% of fluid drunk by 4-18-year-old children is sugary soft drinks (He FJ et al, 2008), which has been shown to be related to childhood obesity (Ludwig DS et al, 2001).

2.33 What have McDonald's done?

- The salt content across the UK menu has been reduced by nearly 35% since 2005;
- Customers can ask for their fries to be unsalted;
- The salt added to a medium portion of fries has been reduced by 17% since 2003;
- The average Happy Meal now contains 19% less salt than in 2006
- Chicken McNuggets contain 52% less salt than in 2003.

2.34 The process continues. McDonald's have recently made the following changes to further improve their menu

- Making water the default drink in the Happy Meals;
- Making it easier for people to understand the existence of a wide range of under 400 and 600 calorie meal options that are available.

Third Party Opinions of McDonald's

2.35 McDonald's regularly receive supportive comments from independent third parties.

2.36 Professor Chris Elliott, of the Department for Environment, Food & Rural Affairs' independent Elliott Review into the integrity and assurance of food supply networks: interim report, December 2013:

"Each supply chain is unique, showing that there is no single approach to assuring supply chain integrity. The review has seen many examples of good industry practice that give cause for optimism. There is not space within this final report to reference all the good industry practices but those that have stood out include McDonald's and Morrisons."

2.37 Jamie Oliver, the TV chef, food writer and campaigner speaking in January 2016 at the Andre Simon Food & Drink Book Awards to the Press Association:

"Everyone always liked to poke at McDonald's. McDonald's has been doing more than most mid and small-sized businesses for the last 10 years. Fact. But no one wants to talk about it. And I don't work for them. I'm just saying they've been doing it - 100% organic milk, free range eggs, looking at their British and Irish beef."

2.38 Raymond Blanc, the TV chef and food writer, speaking in 2014, after having presented McDonald's UK with the Sustainable Restaurant Association's Sustainability Hero award:

"I was amazed. All their eggs are free-range; all their pork is free-range; all their beef is free-range."

"[They show that] the fast-food business could change for the better. They're supporting thousands of British farms and saving energy and waste by doing so."

"I was as excited as if you had told me there were 20 new three-star Michelin restaurants in London or Manchester."

2.39 Marco Pierre White, TV chef and food writer, speaking in 2007:

"McDonald's offers better food than most restaurants and the general criticism of the company is very unfair."

"Their eggs are free range and the beef is from Ireland, but you never hear about that. You have to look at whether restaurants offer value for money, and they offer excellent value."

These comments below represent independent opinions

Supporting Active and Healthy Lifestyles among Employees and Local Communities

- 2.40 McDonald's is focused on its people and is proud to have been recognised for being a great employer. For example:

Great Place to Work 2017 'Best Workplaces' – McDonald's are ranked 4th on the Great Place to Work 2017 'Best Workplaces' list (large organisation). This is our 11th year on the list.

- The Sunday Times Best Company to Work for List 2017 - we have made The Sunday Times 30 Best Big Companies to Work for list for the seventh consecutive year, achieving 6th position.
- Workingmums.co.uk Employer Awards 2017- Innovation in Flexible Working - in November 2017, we were awarded the Top Employer for Innovation in Flexible Working by workingmums.co.uk. The judges specifically recognised our approach to Guaranteed Hours contracts.
- The Times Top 100 Graduate Employers - the Times Top 100 Graduate Employers is the definitive annual guide to Britain's most sought after employers of graduates.
- Investors in People Gold - Investors in People accreditation means we join a community of over 15,000 organisations across 75 countries worldwide and it is recognised as the sign of a great employer.
- School leavers Top 100 Employees - McDonald's UK has been certified as one of Britain's most popular employers for school leavers in 2017, for the third consecutive year. An award voted for by 15-18 year olds in the UK.

- 2.41 In April 2017, McDonald's began to offer employees the choice between flexible or fixed contracts with minimum guaranteed hours. This followed trials in 23 restaurants across the country in a combination of company owned and franchised restaurants. All of their employees have been offered this choice and around 80% have selected to stay on flexible contracts.

- 2.42 Over the past 15 years, McDonald's has been proud partners with the four UK football associations: The English Football Association; The Scottish Football Association; The Football Association of Wales; and The Irish Football Association.

- 2.43 This partnership has seen them support over one million players and volunteers. In London since 2014, more than 1,000 people have attended their Community Football Days and have distributed 3,328 kits to accredited teams in the Capital. Of the 171 McDonald's restaurants within the M25, approximately 88 are twinned and actively supporting a local football club. This serves as an example of the company's willingness to confront the obesity crisis by a multitude of different approaches.

- 2.44 McDonald's do this work because increasing standards will ultimately create a better experience for young footballers, leading to increased participation and retention of children and young people in sport.

- 2.45 Their Community Football programme helps to increase participation at all levels. McDonald's remain absolutely committed to it and are in the final stages of planning a new programme for future years.

Marketing

- 2.46 As a business, McDonald's are committed to ensuring their marketing will continue to be responsible and will be used as a positive influence to help our customers make more informed choices.
- 2.47 McDonald's recognise that marketing has a part to play in influencing customers' choices. They comply, and go beyond, the UK's stringent regulations on marketing to children and use their marketing to help families understand more about the range of food options they have to offer.
- 2.48 McDonald's never market products classified as high in fat, salt or sugar to children in any media channel, at any time of the day. They are committed to ensuring that marketing is always responsible as well as informative, and that it reinforces positive food messages.
- 2.49 In addition, they go beyond the regulations in a lot of cases. For example, when advertising a Happy Meal, they only ever do so with items such as carrot sticks, a fruit bag, milk or water to ensure McDonald's are not marketing HFSS food to children. This has been done voluntarily since 2007.

Summary

- 2.50 In the light of the above it is clear that McDonald's restaurants offer the district considerable and substantial economic benefits, are supportive of active and healthy lifestyles. They also enable customers to make informed, healthy decisions from the wide-ranging menu options available. It is important that this is acknowledged, given the assumption in proposed Policy C8 that A5 uses offer unhealthy food. Given the policy aim – which McDonald's supports – of promoting healthier lifestyles, other alternatives would be more effective than imposing restrictions on food sold.
- 2.51 We turn now to the main points of the objection.

3 Menu Sampling Conditions

Introduction

- 3.1 This section of the objection considers the proposed policy against national policy. The lack of evidence to support the policy is also discussed in the next section.
- 3.2 National policy contains no support for a policy approach containing a requirement for a menu sampling condition for A5 (or indeed any other) uses. Such an approach conflicts sharply with central planks of Government policy such as the need to plan positively and support economic development. Moreover, there has been no attempt to define the terms unhealthy and fast-food in order to provide guidelines for the applications that would require appropriate conditions. For example a salad can be considered a fast-food.
- 3.3 Planware Ltd feel that imposing menu sampling conditions and resections on type of food (without definition) is in direct conflict with the framework as the approach is not positive, justified, effective or consistent. These points are further explained in this objection.

Practical Impacts

- 3.4 The practical impacts of imposing a menu sampling condition and a potential menu restriction would have unacceptable commercial implications on business.
- 3.5 Consideration should be given to how such a condition would work in practice, which statutory consultee within the authority is qualified to judge whether a certain menu is deemed acceptable, and what guidance is this judged against.
- 3.6 No consideration is given to what products are considered acceptable and unacceptable. How is such an approach to work day to day at a development control level.
- 3.7 The Framework does not support the use of planning as a tool to limit people's dietary choices. In addition to this, other A class uses can provide unhealthy products; therefore, there is limited justification for the proposed Policy C8 to focus exclusively upon A3, A4 and A5 uses. Consideration should be given to the products on offer in A1 uses.

Conflict with National Policy

- 3.8 Paragraph 11 of the Framework advises authorities to positively seek opportunities to meet development needs of their area and paragraph 55 which advises that planning conditions should be kept to a minimum and only imposed when necessary.
- 3.9 Thus, is consistent with paragraph 80-81 of the Framework.
- 3.10 Para 80 states:

"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future."

- 3.11 Para 81 states:

Planning policies should:

“a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;

b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;

c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and

d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.”

3.12 The Framework cannot be interpreted to provide generic restrictions on a particular use class. There is no basis for restrictions within a use class in the Framework or Planning Practice Guidance. In fact, the Planning Practice Guidance emphasises that planning authorities should look at the specifics of a particular proposal and seek to promote opportunity rather than impose restrictions on particular kinds of development. In the section on “Health and Wellbeing”:

3.13 Paragraph: 002 (Reference ID: 53-002-20140306) states that in making plans local planning authorities should ensure that:

“opportunities for healthy lifestyles have been considered (eg. planning for an environment that supports people of all ages in making healthy choices, helps to promote active travel and physical activity, and promotes access to healthier food, high quality open spaces, green infrastructure and opportunities for play, sport and recreation);”

3.14 Paragraph: 006 (Reference ID: 53-006-20170728) says that a range of criteria should be considered. Importantly, the criteria listed are introduced by the earlier text which states:

“Local planning authorities can have a role in enabling a healthier environment by supporting opportunities for communities to access a wide range of healthier food production and consumption choices.”

4 The Policy is Inconsistent, Discriminatory and Disproportionate

- 4.1 The supporting text aims to restrict types of development within a use class without defining what is acceptable or not acceptable. It is overly vague and places no consideration on other uses. A1 retail outlets can also sell food that is high in calories, fat, salt and sugar, and low in fibre, fruit and vegetables. This means that the policy takes an inconsistent approach towards new development that sells food and discriminates against certain operations. The policy has a disproportionate effect on operations.
- 4.2 The test of soundness requires that the policy approach is “justified”, which in turn means that it should be the most appropriate strategy when considered against the reasonable alternatives and based on proportionate evidence (paragraph 35 of the Framework).
- 4.3 Given the objectives of the policy, it ought to apply equally to all relevant food retailers. It is unclear how the policy would be implemented and work in a real life scenario.
- 4.4 The table below shows the kind of high calorie, low nutritional value food that can be purchased from a typical A1 high street retailer at relatively low cost. It is contrasted with the kind of purchase that could be made at a McDonald's.

Company	Snack or meal	Salt (g)	Fat (g)	Calories (kcal)	Price (£)
McDonald's	Apple and Grape fruit bag	0.0	0.1	46	49p
McDonald's	Garlic Mayo chicken wrap	1.3	11.0	345	2.99
Greggs	Sausage roll	1.6	22.0	317	90p
Greggs	Cheese and Onion bake	1.6	30.0	436	1.35
Costa Coffee	Nutty flapjack	0.1	23.2	425	1.70
Costa Coffee	Ham and Cheese panini	2.5	13.5	427	3.95

5 Alternative Approaches

- 5.1 Planware Ltd considers there is no sound justification for point 7.87 the supporting text of proposed Policy C8 which imposes a menu sampling condition and restrictions on types of development. Points 7.87 should therefore be removed to provide consistency and to abide by the Framework and should provide clarification that these points can be assessed on a case by case basis.

6 Conclusion

- 6.1 McDonald's supports the policy objective. It does not consider that paragraph 7.87 should afford the local authority the ability to place restrictions on a business's menu. McDonald's own business is an example of a restaurant operation which offers healthy meal options, transparent nutritional information to allow healthy choices, and quality food and food preparation. The business itself supports healthy life styles through the support given to its staff and support given to football in the communities which the restaurants serve.
- 6.2 The text would provide an unacceptable restriction on a commercial business as a whole and as such should be deleted.

APPENDIX B

Changes to the Pre-Submission Local Plan Representation form

Your privacy matters: How the information collected by this form will be used

Our legal basis for using your personal data is to meet our legal obligations under planning legislation - the Town and County Planning (Local Planning) (England) Regulations – which require public consultation to be undertaken.

A copy of this form will be passed onto the Planning Inspectorate so that an effective examination of the Local Plan can take place informed by the representations submitted.

PART A: CONTACT DETAILS

1 - Please provide your contact details and those of your agent (if appointed).

Field	Insert your content below
Contact name	Ben Fox
Organisation	Planware Ltd
Email	Ben.fox@planware.co.uk
Phone	07990042360
Address	37 Walnut Tree Lane Sudbury Suffolk
Postcode	CO10 1BD
Agent name (if applicable)	
Agent organisation	
Agent email	
Agent phone	
Agent address	
Agent postcode	

Further information can be found within the document 'How to submit your comment: A step-by-step guide to commenting on the Changes to the Pre-Submission Local Plan' via our website www.havant.gov.uk/local-plan. This should be read before completing the consultation form.

PART B: YOUR REPRESENTATION

Soundness

2 - Which change to the Local Plan are you commenting on?

Field	Insert your content below
Please use a change reference where possible	Policy C8

3 - With the change(s), do you consider this version of the local plan to be sound in terms of being:

Field	Yes	No
Justified		X
Effective		X
Positively prepared		X
Consistent with National Policy		X

4 - *With the change(s) please give the reason(s) why you do or do not consider this version of the local plan to be sound.*

Please be as specific and concise as possible in your response.

Insert your content below

See Below Comments

5 - Please explain what further changes are needed to make the Local Plan sound.
Please suggest revised wording of policy or text.

Insert your content below

See Below Comments

Legal Compliance:

6 - Which change to the Local Plan are you commenting on?

<i>Field</i>	<i>Insert your content below</i>
Please use a change reference where possible	

7 - With the change(s), do you consider this version of the local plan to be prepared in line with legal and procedural requirements?
Please see guidance notes.

<i>Field</i>	<i>Insert your content below</i>
Yes	
No	

8 - With the change(s) please give the reason(s) why you do or do not consider this version of the Local Plan to have been prepared in line with legal and procedural requirements?

Please be as specific and concise as possible in your response.

Insert your content below

9 - Please explain what further changes are needed to make the Local Plan legally compliant.

Please suggest revised wording of policy or text.

Insert your content below

10 - Do you need to appear at the examination hearings?

Field	Insert your content below
Yes	
No	X

Please be aware that your comments within this form will carry the same weight as any evidence presented at the examination hearings. It is the inspector's choice as to who is invited to appear at the hearings.

11 - If you wish to appear before the inspector at the examination hearings, please explain why this is necessary

<i>Insert your content below</i>

12 - Do you wish to be notified of the following:

- The Local Plan has been submitted for examination
 - The appointment of an independent examiner
 - The adoption of the Local Plan

- The Local Plan has been submitted for examination
 - The appointment of an independent examiner
 - The adoption of the Local Plan

Field	Insert your content below
Yes	X
No	

13 - Please confirm the date that this form was completed.

<i>Field</i>	<i>Insert the date of completion below</i>
Date	17/12/2020

PART C: SUPPORTING DOCUMENTS

14 - Please list any supporting documents that you are submitting with this form.

Insert your content below

See Below Comments

Planware Ltd on behalf of McDonald's Restaurants Ltd

Objection Response to Havant Borough Local Plan

Policy C8– Food, drink and entertainment uses

1 Introduction

- 1.1 We have considered proposed Policy C8 with regard to the principles set out within the Framework. We fully support the policy's aim of promoting healthier living and tackling obesity. However, the proposed policy approach is unsound and fails to provide an evidence-based way of achieving the policy's objective. It is too restrictive and prevents local planning authorities from pursuing more positive policy approaches.
- 1.2 Within these broad points we have the following policy objections to draft Policy C8:
 - A. The ban on hot food takeaways outside of centres is contrary to the Framework and takes no account of the sequential approach.
 - B. The policy essentially places a blanket ban on hot food takeaways based on units per 100,000 population, putting a moratorium on all future development in the borough. As worded, the supporting text outlines that the borough stands at 0.91 takeaways per 100,000 population, however the policy would restrict development over 0.74 per 100,000. Unless a number of takeaways close, no new development could be approved under this new policy wording. The policy might as well state that no new hot food takeaways will be approved at all. The policy is ill-conceived and unsound.
- 1.3 In summary, Planware Ltd consider there is no sound justification for a policy such as Policy C8, which is clearly in contradiction with the principles of the Framework, which seeks to promote economic development and clearly outlines the principles of the sequential test, which Policy C8 ignores.
- 1.4 However, as stated in the opening paragraph, Planware Ltd supports the aim of promoting healthier living and tackling the obesity crisis. We acknowledge that planning can have a role in furthering these objectives. We would therefore welcome and support any studies between obesity and their relationship with development proposals, including examination of how new development can best support healthier lifestyles and tackling the obesity crisis. When a cogent evidence base has been assembled, this can then inform an any appropriate policy response. This has still not emerged.
- 1.5 The Local Authority are assuming that there is a level playing field and that all hot food takeaways are unhealthy. They have failed to define what is and what is not unhealthy. Such an assumption needs to be categorised by evidence.
- 1.6 Given the lack of any clear agreement between experts on the indices of obesity or poor health, analysing the evidence is a necessary part of this objection by way of background. This will all be highlighted in the below text.

2 Contribution of McDonald's UK to the United Kingdom

- 2.1 This section of the objection sets out some background context relating to McDonald's own business, its contribution to United Kingdom, and information on the nutritional value and healthy options of the food that it offers in its restaurants. This evidence is relevant to understanding the adverse and unjustified impacts of the blanket ban approach proposed under draft Policy C8.

Economic and Environmental Benefits

- 2.2 The first store in the United Kingdom was first opened in 1974 in Woolwich, London. The store is still opened and was interestingly the 3,000th store across the world.
- 2.3 With over 36,000 McDonald's worldwide, it operates in over 100 countries and territories. Approximately 120,000 people are employed by McDonald's UK, compared to just over 1 million employees worldwide.
- 2.4 McDonald's and its franchisees have become important members of communities in the United Kingdom: investing in skills and developing our people, supporting local causes and getting kids into football.
- 2.5 Nationally, the company operates from over 1,300 restaurants in the UK. Over 80% of restaurants are operated as local businesses by franchisees, that's around 1,100 franchised restaurants.
- 2.6 McDonald's is one of few global businesses that continues to anchor itself in high streets and town centres across the United Kingdom. Not just serving the general public but creating jobs and seeking to improve the communities around them.
- 2.7 All McDonald's restaurants conduct litter picks covering an area of at least 100 metres around the site, at least three times a day, picking up all litter, not just McDonald's packaging.
- 2.8 McDonald's is a founding member of the anti-littering campaign, Love Where You Live. As part of this, our restaurants regularly organise local community litter picks. The campaign has grown and in 2017, 430 events took place across the UK with around 10,000 volunteers involved. Since the campaign started, 2,600 events have taken place with around 80,000 volunteers involved.
- 2.9 McDonald's restaurants are operated sustainably. For example, their non-franchised restaurants use 100% renewable energy, combining wind and solar and use 100% LED lighting which means we use 50% less energy than fluorescent lighting. All of their used cooking oil is converted into biodiesel for use by delivery lorries. Their entire fleet of lorries runs on biodiesel, 40% of which comes from McDonald's cooking oil. This creates over 7,500 tonnes fewer CO2 emissions than ultra-low sulphur diesel.
- 2.10 All new McDonald's restaurants in the United Kingdom are fully accessible and we are working toward delivering this same standard for all existing restaurants.
- 2.11 McDonald's restaurants provide a safe, warm and brightly lit space for people, especially those who may feel vulnerable or threatened waiting for a taxi or outside.
- 2.12 Many of their toilets are open to all members of the public. They are one of few night time premises that offer this service and given the fact restaurants are located in some of the busiest parts of the country, McDonald's are helping to keep the United Kingdom cleaner.

Nutritional Value of Food and Healthy Options

- 2.13 McDonald's offers a wide range of different food at its restaurants.
- 2.14 Nutritional information is easy to access and made available online, and at the point of sale on advertising boards, as well as in tray inserts. Information is given on calorie content and key nutritional aspects such as salt, fat and sugar content. This enables an individual is able to identify and purchase food items and combinations that fit in with their individualised calorie or nutritional requirements.
- 2.15 The menu offer includes a range of lower calorie options, some of which are set out in the on the next page.
- 2.16 The restaurants now suggest meal bundles to assist customers in making informed, healthier choices. McDonald's have suggested "favourites" meal bundles, across the breakfast and main menu that enable the choice of low-calorie options to be made even more easily. These 3-piece meal combinations will all be under 400kcal on the breakfast menu, and all under 600kcal on the main menu (with many options under 400kcal on the main menu also), and all individual items on these menu bundles will be either green (low) or amber (medium) on the Food Standards Agency traffic light system for food labelling.
- 2.17 Examples of low calorie (less than 400kcal) breakfast options (where no single item is red for FSA) include any combination of the following:
- Egg & Cheese McMuffin / Egg & cheese snack wrap / bagel with Philadelphia / porridge; with fruit bag; and a medium black coffee, or espresso or regular tea or water.
- 2.18 Examples of low calorie (less than 600kcal) main menu options (where no single item is red for FSA) are included in the table below. Some 90% of our standard menu is under 500 calories.

Main	Side Options	Drinks Options	Total Calories *varies depending on side & drink choice
The Garlic Mayo Chicken One – grilled wrap	Fruit Bag – Pineapple Stick Carrot Sticks Side Salad with Fajita Dressing	Diet Drink Water Medium Black Coffee Regular Tea	Between 379-390kcal
The Sweet Chilli Chicken One – grilled wrap	Fruit Bag – Pineapple Stick Carrot Sticks Side Salad with Fajita Dressing	Diet Drink Water Regular Tea Medium Black Coffee	Between 374-383kcal
Grilled Chicken & Bacon Salad with Fajita Dressing	Fruit Bag – Pineapple Stick Carrot Sticks	Diet Drink Water Regular Tea Medium Black Coffee	Between 238-247kcal

- 2.19 Those specifically wanting a meal low in either fat, salt, or sugar, can tailor their choices accordingly. Any combination of menu items sold at McDonald's can be eaten as part of a calorie controlled nutritionally balanced diet. Customers alternatively eat anything from the menu allowing for this within their overall daily, or weekly nutritional requirements.

Quality of Ingredients and Cooking Methods

- 2.20 McDonald's are always transparent about both their ingredients and their processes and strive to achieve quality. Their chicken nuggets are made from 100% chicken breast meat, burgers are made from whole cuts of British and Irish beef. Coffee is fair trade and their milk is organic. McDonald's want their customers to be assured about what they are consuming. The 'Good to Know' section on our website - <https://www.mcdonalds.com/gb/en-gb/good-to-know/about-our-food.html> - provides a range of information about their processes and where produce is sourced from.

Menu Improvement and Reformulation

- 2.21 McDonald's is actively and continuously engaged in menu reformulation to give customers a range of healthier options. Louise Hickmott, Head of Nutrition, at McDonald's UK, has provided a letter giving examples of the steps that have been taken in recent years. The information is summarised below.
- 2.22 In recent years McDonald's has made great efforts to reduce fat, salt and sugar content across their menu.
- 89% of their core food and drink menu now contains less than 500 kcals.
 - Supersize options were removed from their menu in 2004;
 - 72% of the Happy Meal menus are classified as not high in fat, salt or sugar according to the Government's nutrient profile model;
 - Since October 2015, 50% of the options on the drinks fountain have been no added sugar (Diet Coke, Coke Zero and Sprite Z);
 - Recent years have seen the introduction of new items, offering more choice that has included porridge, salads, grilled chicken wraps, carrot sticks, fruit bags including apple and grape, pineapple sticks, and melon chunks, as well as orange juice, mineral water and organic semi-skimmed milk;
 - Customers can swap fries for fruit bags, carrot sticks or shake salad on the main menu, or the hashbrown for a fruit bag or carrot sticks on the breakfast menu, at no additional cost;
 - In 2014, McDonald's introduced "Free Fruit Fridays" resulting in 3.7 million portions of fruit being handed out. Since then, discounted fruit is now available with every Happy Meal.

Fat

- 2.23 A recent meta-analysis and systematic review of 72 studies (45 cohort studies and 27 controlled trials) demonstrated that with the exception of Trans Fatty Acids (TFA), which are associated with increased coronary disease risk, there was no evidence to suggest that saturated fat increases the risk of coronary disease, or that polyunsaturated fats have a cardio-protective effect, which is in contrast to current dietary recommendations (Chowdrey et al, 2014).
- 2.24 However, UK guidelines currently remain unchanged; men should consume no more than 30g of saturated fat per day, and women no more than 20g per day (NHS Choices, 2013). It should be remembered that all fats are calorie dense (9kcal/g) and that eating too much of it will increase the likelihood of weight gain and therefore obesity, indirectly increasing the risk of coronary heart disease, among other co-morbidities.
- 2.25 What have McDonald's done?
- Reduced the saturated fat content of the cooking oil by 83%;
 - Signed up to the Trans Fats pledge as part of the Government's "Responsibility Deal";
 - The cooking oil has been formulated to form a blend of rapeseed and sunflower oils to reduce levels of TFA to the lowest level possible;
 - They have completely removed hydrogenated fats from the vegetable oils;
 - Reduced the total fat in the milkshakes by 32% per serving since 2010;
 - Organic semi-skimmed milk is used in tea/coffee beverages and in Happy Meal milk bottles, with lower saturated fat levels compared with full fat variants.

Sugar

- 2.26 Dietary carbohydrates include sugars, starches and fibre, and each has approximately 4kcal/g.
- 2.27 The Scientific Advisory Commission on Nutrition (SACN) currently recommends that approximately 50% of total dietary energy intake should be from carbohydrates (SACN Report, 2015). In 2015 SACN recommended that the dietary reference value for fibre intake in adults be increased to 30g/day (proportionally lower in children) and that the average intake of “free sugars” (what used to be referred to as non-milk extrinsic sugars) should not exceed 5% of total dietary energy, which was in keeping with the World Health Organisation (WHO) recommendations.
- 2.28 Current average intake of free sugars far exceeds current recommendations, and excess intake is associated with dental issues and excess calorie intake which can lead to weight gain and obesity.
- 2.29 Over the last 10 years our reformulation work has resulted in 787 tonnes less sugar across our menu in 2017 versus 2007. What have McDonald's done?
- Reducing the sugar in our promotional buns, this removed 0.6 tonnes of sugar
 - Their Sweet Chilli Sauce has been reformulated to reduce sugar by 14% this equates to 155 tonnes of sugar removed
 - Their Festive Dip has removed 4 tonnes of sugar
 - Their famous McChicken Sandwich Sauce has reduced in sugar 45%
 - Their Tomato Ketchup has reduced in sugar by 20% which equates to 544 tonnes of sugar removed from the system
 - Their Chucky Salsa has reduced in sugar by 28%
 - Since 2016 they have reduced the sugar content of Fanta by 54%
 - The Toffee Syrup in their Toffee Latte has been reformulated to remove 20% of the sugar
 - McDonald's have also reformulated their Frozen Strawberry Lemonade this has led to 8% sugar reduction per drink

Salt

- 2.30 A number of health-related conditions are caused by, or exacerbated by, a high salt diet. The strongest evidence links high salt intake to hypertension, stroke and heart disease, although it is also linked with kidney disease, obesity and stomach cancer (Action on Salt website).
- 2.31 Salt is often added to food for either taste or as a preservative, and in small quantities it can be useful. Adults in the UK are advised not to exceed 6g of salt per day, but the average intake at a population level is consistently higher than this.
- 2.32 Salt does not directly lead to obesity; however, it does lead to increased thirst, and not everyone drinks water or calorie-free “diet” beverages. If our thirst increases and leads to increased consumption of calories from extra fluid intake, then this may lead to increased weight and obesity. 31% of fluid drunk by 4-18-year-old children is sugary soft drinks (He FJ et al, 2008), which has been shown to be related to childhood obesity (Ludwig DS et al, 2001).

2.33 What have McDonald's done?

- The salt content across the UK menu has been reduced by nearly 35% since 2005;
- Customers can ask for their fries to be unsalted;
- The salt added to a medium portion of fries has been reduced by 17% since 2003;
- The average Happy Meal now contains 19% less salt than in 2006
- Chicken McNuggets contain 52% less salt than in 2003.

2.34 The process continues. McDonald's have recently made the following changes to further improve their menu

- Making water the default drink in the Happy Meals;
- Making it easier for people to understand the existence of a wide range of under 400 and 600 calorie meal options that are available.

Third Party Opinions of McDonald's

2.35 McDonald's regularly receive supportive comments from independent third parties.

2.36 Professor Chris Elliott, of the Department for Environment, Food & Rural Affairs' independent Elliott Review into the integrity and assurance of food supply networks: interim report, December 2013:

"Each supply chain is unique, showing that there is no single approach to assuring supply chain integrity. The review has seen many examples of good industry practice that give cause for optimism. There is not space within this final report to reference all the good industry practices but those that have stood out include McDonald's and Morrisons."

2.37 Jamie Oliver, the TV chef, food writer and campaigner speaking in January 2016 at the Andre Simon Food & Drink Book Awards to the Press Association:

"Everyone always liked to poke at McDonald's. McDonald's has been doing more than most mid and small-sized businesses for the last 10 years. Fact. But no one wants to talk about it. And I don't work for them. I'm just saying they've been doing it - 100% organic milk, free range eggs, looking at their British and Irish beef."

2.38 Raymond Blanc, the TV chef and food writer, speaking in 2014, after having presented McDonald's UK with the Sustainable Restaurant Association's Sustainability Hero award:

"I was amazed. All their eggs are free-range; all their pork is free-range; all their beef is free-range."

"[They show that] the fast-food business could change for the better. They're supporting thousands of British farms and saving energy and waste by doing so."

"I was as excited as if you had told me there were 20 new three-star Michelin restaurants in London or Manchester."

2.39 Marco Pierre White, TV chef and food writer, speaking in 2007:

"McDonald's offers better food than most restaurants and the general criticism of the company is very unfair."

"Their eggs are free range and the beef is from Ireland, but you never hear about that. You have to look at whether restaurants offer value for money, and they offer excellent value."

These comments below represent independent opinions

Supporting Active and Healthy Lifestyles among Employees and Local Communities

- 2.40 McDonald's is focused on its people and is proud to have been recognised for being a great employer. For example:

Great Place to Work 2017 'Best Workplaces' – McDonald's are ranked 4th on the Great Place to Work 2017 'Best Workplaces' list (large organisation). This is our 11th year on the list.

- The Sunday Times Best Company to Work for List 2017 - we have made The Sunday Times 30 Best Big Companies to Work for list for the seventh consecutive year, achieving 6th position.
- Workingmums.co.uk Employer Awards 2017- Innovation in Flexible Working - in November 2017, we were awarded the Top Employer for Innovation in Flexible Working by workingmums.co.uk. The judges specifically recognised our approach to Guaranteed Hours contracts.
- The Times Top 100 Graduate Employers - the Times Top 100 Graduate Employers is the definitive annual guide to Britain's most sought after employers of graduates.
- Investors in People Gold - Investors in People accreditation means we join a community of over 15,000 organisations across 75 countries worldwide and it is recognised as the sign of a great employer.
- School leavers Top 100 Employees - McDonald's UK has been certified as one of Britain's most popular employers for school leavers in 2017, for the third consecutive year. An award voted for by 15-18 year olds in the UK.

- 2.41 In April 2017, McDonald's began to offer employees the choice between flexible or fixed contracts with minimum guaranteed hours. This followed trials in 23 restaurants across the country in a combination of company owned and franchised restaurants. All of their employees have been offered this choice and around 80% have selected to stay on flexible contracts.

- 2.42 Over the past 15 years, McDonald's has been proud partners with the four UK football associations: The English Football Association; The Scottish Football Association; The Football Association of Wales; and The Irish Football Association.

- 2.43 This partnership has seen them support over one million players and volunteers. In London since 2014, more than 1,000 people have attended their Community Football Days and have distributed 3,328 kits to accredited teams in the Capital. Of the 171 McDonald's restaurants within the M25, approximately 88 are twinned and actively supporting a local football club. This serves as an example of the company's willingness to confront the obesity crisis by a multitude of different approaches.

- 2.44 McDonald's do this work because increasing standards will ultimately create a better experience for young footballers, leading to increased participation and retention of children and young people in sport.

- 2.45 Their Community Football programme helps to increase participation at all levels. McDonald's remain absolutely committed to it and are in the final stages of planning a new programme for future years.

Marketing

- 2.46 As a business, McDonald's are committed to ensuring their marketing will continue to be responsible and will be used as a positive influence to help our customers make more informed choices.
- 2.47 McDonald's recognise that marketing has a part to play in influencing customers' choices. They comply, and go beyond, the UK's stringent regulations on marketing to children and use their marketing to help families understand more about the range of food options they have to offer.
- 2.48 McDonald's never market products classified as high in fat, salt or sugar to children in any media channel, at any time of the day. They are committed to ensuring that marketing is always responsible as well as informative, and that it reinforces positive food messages.
- 2.49 In addition, they go beyond the regulations in a lot of cases. For example, when advertising a Happy Meal, they only ever do so with items such as carrot sticks, a fruit bag, milk or water to ensure McDonald's are not marketing HFSS food to children. This has been done voluntarily since 2007.

Summary

- 2.50 In the light of the above it is clear that McDonald's restaurants offer the district considerable and substantial economic benefits, are supportive of active and healthy lifestyles. They also enable customers to make informed, healthy decisions from the wide-ranging menu options available. It is important that this is acknowledged, given the assumption in proposed Policy C8, that all hot food takeaways uses should fall under a blanket ban. Given the policy aim – which McDonald's supports – of promoting healthier lifestyles and tackling obesity, other alternatives would be more effective, rather than those which will have negative land use consequences.
- 2.51 We turn now to the main points of the objection.

3. Conflict with National Policy

- 3.1 The local policy team do not appear to have fully assessed the potential impact of the policy. It essentially creates a moratorium against hot food takeaways uses.
- 3.2 Restricting the development of new hot food takeaway proposals is not a positive approach to planning, thus failing to comply with the Framework.
- 3.3 The suggested restriction within proposed Policy C8, takes an ambiguous view of hot food takeaways. The policy would apply an over-generic approach to restrict hot food takeaway development with little sound planning reasoning or planning justification. This is contrary to paragraph 11 of the Framework that advises authorities to positively seek opportunities to meet development needs of their area.
- 3.4 Thus, is consistent with paragraph 80-81 of the Framework.
- 3.5 Para 80 states:
- “Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.”*
- 3.6 Para 81 states:
- Planning policies should:*
- “a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;*
- b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;*
- c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and*
- d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.”*
- 3.7 The need for evidence is emphasised in paragraph 31 of the Framework that states that each local plan should be based on adequate, up-to-date and relevant evidence. Neither the policy nor the supporting text address this point. Policy needs to be based on evidence and the lack of evidence should highlight a red flag concerning the draft policy.
- 3.8 No consideration is given to how often the number of hot food takeaways in the borough will be reviewed.
- 3.9 The policy is likely to be damaging to the district's economy due to the fact that it is restricting hot food takeaways to an unprecedented level without regard to the local area or the economy.

- 3.10 The Framework cannot be interpreted to provide generic restrictions on a particular use class. There is no basis for such a blanket ban approach in the Framework or Planning Practice Guidance. In fact, the Planning Practice Guidance emphasises that planning authorities should look at the specifics of a particular proposal and seek to promote opportunity rather than impose blanket restrictions on particular kinds of development. In the section on "Health and Wellbeing":
- 3.11 Paragraph: 002 (Reference ID: 53-002-20140306) states that in making plans local planning authorities should ensure that:
- "opportunities for healthy lifestyles have been considered (eg. planning for an environment that supports people of all ages in making healthy choices, helps to promote active travel and physical activity, and promotes access to healthier food, high quality open spaces, green infrastructure and opportunities for play, sport and recreation);"*
- 3.12 The above guidance serves to emphasise why it is important to look at particular proposals as a whole, rather than adopting a blunt approach that treats all proposals that include a Sui Generis use as being identical.
- 3.13 Paragraph 86 of the Framework outlines that:
- Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.*
- 3.14 Draft Policy C8 states that all proposals for hot food takeaways will only be granted if it is located in an allocated centre. This proposed policy wording takes no account of the sequential approach and discounts the principles of the Framework entirely. The draft wording is unsound and should be deleted.
- 3.15 The Framework clearly outlines in Paragraph 90 that only where an application fails to satisfy the sequential test, or the retail impact assessment should it be refused. The proposed Policy C8 blatantly ignores the process included within national guidance.

4 The Policy is Inconsistent, Discriminatory and Disproportionate

- 4.1 The policy aims to address obesity and unhealthy eating but instead simply restricts new development that comprises an element of Sui Generis use. Yet Class E retail outlets and food and drink uses can also sell food that is high in calories, fat, salt and sugar, and low in fibre, fruit and vegetables, and hot food from a restaurant unit can be delivered to a wide range of locations. This means that the policy takes an inconsistent approach towards new development that sells food and discriminates against operations with a Sui Generis use. It also means that the policy has a disproportionate effect on operations with a Sui Generis use.
- 4.2 The test of soundness requires that the policy approach is “justified”, which in turn means that it should be the most appropriate strategy when considered against the reasonable alternatives and based on proportionate evidence (paragraph 35 of the Framework).
- 4.3 Given the objectives of the policy, it ought to apply equally to all relevant food retailers.
- 4.4 The table below shows the kind of high calorie, low nutritional value food that can be purchased from a typical A1 high street retailer at relatively low cost. It is contrasted with the kind of purchase that could be made at a McDonald's.

Company	Snack or meal	Salt (g)	Fat (g)	Calories (kcal)	Price (£)
McDonald's	Apple and Grape fruit bag	0.0	0.1	46	49p
McDonald's	Garlic Mayo chicken wrap	1.3	11.0	345	2.99
Greggs	Sausage roll	1.6	22.0	317	90p
Greggs	Cheese and Onion bake	1.6	30.0	436	1.35
Costa Coffee	Nutty flapjack	0.1	23.2	425	1.70
Costa Coffee	Ham and Cheese panini	2.5	13.5	427	3.95

- 4.5 If the policy is to be based on Use Classes, then the proposed policy should place restrictions on other use classes in addition to hot food takeaways. In fact, by restricting hot food takeaway uses only, the policy would encourage food purchases at other locations and allows for the overarching objectives to be compromised.
- 4.6 No consideration is given to the current permitted development rights for Class E premises (old A3 and A4) to operate takeaways until 2022.

5 The Policy is not Justified because of a Lack of an Evidence Base

- 5.1 The test of soundness requires policy to be evidence based.
- 5.2 Public Health England (PHE), which is part of the Department of Health and Social Care, expressly accept that the argument for the value of restricting the growth in fast food outlets is only “theoretical” based on the “unavoidable lack of evidence that can demonstrate a causal link between actions and outcomes.”¹
- 5.4 The range of US and UK studies used to support many beliefs about obesity, including the belief that the availability of fast food outlets increased obesity, was comprehensively reviewed in papers co-written by 19 leading scientists in the field of nutrition, public health, obesity and medicine. Their paper “Weighing the Evidence of Common Beliefs in Obesity Research” (published in the Critical Review of Food, Science and Nutrition (Crit Rev Food Sci Nutr. 2015 December 6; 55(14) 2014-2053) found that the current scientific evidence did not support the contention that the lack of fresh food outlets or the increased number of takeaway outlets caused increase obesity (see pp16-17 of the report).
- 5.5 There is a clear assumption that all hot food takeaways are inherently unhealthy. No definition as to what is and what is not unhealthy is provided. Such an assumption needs to be categorised by evidence.
- 5.6 There appears to have been no critical assessment of whether the underlying evidence supports the proposed policy approach.

¹ Public Health England & LGA, Healthy people, healthy places briefing: Obesity and the environment: regulating the growth of fast food outlets, page 5, November 2013

6 Conclusion

- 8.1 McDonald's supports the policy objective of promoting healthier lifestyles. It does not consider that the proposed Policy C8 is a sound way of achieving those objectives. The underlying assumption in the policy is that all hot food takeaways are inherently harmful to health. In fact, this is not supported by evidence. McDonald's own business is an example of a restaurant operation which includes takeaway but which offers healthy meal options, transparent nutritional information to allow healthy choices, and quality food and food preparation. The business itself supports healthy life styles through the support given to its staff and support given to football in the communities which the restaurants serve.
- 8.2 In addition, the policy fails to acknowledge the wider benefits that restaurants can have, including benefits relevant to community health and wellbeing. McDonald's own business is an example of a restaurant operation that supports sustainable development through the use of renewable energy, the promotion of recycling, the use of energy and water saving devices. The economic benefits of its restaurants in supporting town centres and providing employment opportunities and training are substantial, and important given that improved economic circumstances can support improved health.
- 8.3 The policy fails to acknowledge that food choices which are high in calories and low in nutritional value are made at premises trading with Class E consents and can be delivered from the latter. The policy takes no account of current permitted development rights and makes no attempt to control these uses.
- 8.4 For the reasons given in this objection the proposed policy is very clearly inconsistent with government policy on positive planning, on supporting economic development and the needs of businesses, on supporting town centres, and on the sequential approach. There is no justification in national policy for such restrictions to be applied to hot food takeaways. The effect of the policy had it existed in the past would have been to exclude restaurants such as McDonald's from major commercial and tourist areas.
- 8.5 The proposed policy fails to take account of Chapter 7, Ensuring the vitality of town centres, of the Framework and openly contradicts it.
- 8.6 Given the overall objective of improving lifestyles and lowering obesity levels, restrictive policy regarding hot food takeaway development is a narrow-sighted approach. There is no mention of other possible reasons behind the national high levels of obesity. To discriminate against hot food takeaways alone is worrying and using the planning system to influence people's daily lifestyle choices is not acceptable.
- 8.7 Parts f) and g) of draft Policy C8 should be deleted.