

TOWN & COUNTRY PLANNING ASSOCIATION (TCPA) - SUPPLEMENTARY WRITTEN EVIDENCE (FDO0144)

1 About this supplementary evidence

The TCPA was invited to give oral evidence to the Food, Diet and Obesity Committee on 14 March 2024. Evidence was presented by Julia Thrift, Director of Healthier Place-making. During and after the evidence session, committee members requested:

- clarification regarding planning and food advertising;
- the TCPA’s view on how national planning policy should be strengthened to prioritise healthier food environments.

This is set out below, along with an additional note about the need for updated guidance for planners about their role in shaping the ‘food environment’.

2 Planning and outdoor advertising

2.1 The current situation

The National Planning Practice Framework¹ (NPPF), in paragraph 141, is concerned with the location and design of outdoor advertisements (not their content) and states: ‘Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.’ In other words, planning policy currently prevents restricting advertisements on any grounds other than ‘amenity and public safety’.

The NPPF draws on the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 which set out that local planning authorities should exercise their powers in relation to the regulations ‘in the interests of amenity and public safety’, taking into account the provisions of the development plan, ‘so far as they are material’, and ‘any other

¹ [National Planning Policy Framework - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/714222/nppf-2021.pdf)

relevant factors'. The regulations also set out the factors that are included as 'relevant' to amenity and public safety.²

Councils can choose not to accept advertisements for unhealthy food on hoardings that they own – but this is not a planning decision. For instance, Sheffield Council has recently done this.³

It is also worth noting that some outdoor advertising is permitted for display without consent being sought from the planning authority. There are nine different classes of advertisements that are excluded from the control of the planning authority and this includes advertisements on enclosed land, such as a railway station forecourt or within a sports stadium, or where the advertisement is an integral part of a building's fabric.⁴

- 2.2 Could planning policy be changed to influence the content of outdoor advertisements?** While there is nothing in primary planning legislation to prevent the control of food advertising, limited changes may be required to regulations and more extensive changes to national policy to make such a change effective. In theory, planning policy could be changed to say that local authorities should set out in their development plan that planning permission should only be given for new outdoor advertising hoardings provided that they are not used to advertise particular kinds of food and drink. The provisions of the development plan could then be taken into consideration by the local planning authority in determining an application in line with the regulations mentioned in section 2.1 However, this is likely to be difficult in practice because:
- It would require a robust definition of the types of food / drink that cannot be advertised.
 - It would require the necessary resources to allow for

² [The Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007 \(legislation.gov.uk\)](https://legislation.gov.uk)

³ [Junk food ads banned from Sheffield City Council-owned billboards - BBC News](#)

⁴ For more information see the guidance at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1_1499/326679.pdf

effective enforcement.

Alternatively, an update could be sought to the Town and Country Planning (Control of Advertisements)(England) Regulations 2007 to explicitly include public health in the definition of 'public safety', or to state that local planning authorities should exercise their powers in relation to the regulations 'in the interests of amenity, public safety and public health'.

The committee could also explore the use of National Development Management Policies (NDMPs) which were introduced by the Levelling Up and Regeneration Act 2023 and will have greater legal weight than either the NPPF or the local development plan. The government has not yet published the NDMPs so the topics they will cover and the form they will take are currently unknown. An NDMP focused on health and wellbeing could direct local authorities to consider health and wellbeing in the consideration of all planning consents. However, there is no indication that the government intends to create an NDMP about health and wellbeing.

As the Committee will appreciate from the above, the interplay between planning and advertising is complex. If the Committee intends to make a recommendation about this specific topic we suggest they seek further advice.

- 3 How should national planning policy be updated to support better food environments?** Planning policy for England is set out in the NPPF and all local planning policies must have regard to the policy contained within it. There is a brief reference to 'healthy communities' in paragraph 8, describing the 'social objective' of planning. Otherwise, healthy placemaking and food, are set out in Chapter 8 / paragraph, 96 'Promoting healthy and safe communities'. The language within the chapter lacks sufficient specificity to give the policy real meaning and weight in decision making. Unlike many other aspects of planning policy (such as housing delivery) which are highly directive, the policy is best described as a 'nice to have' rather than essential.

The World Health Organisation says:

*'If the purpose of planning is not for human and planetary health, then what is it for?'*⁵

The TCPA wholeheartedly agrees with this. The NPPF currently does not set out unambiguously what the purpose of planning is. We think national planning policy should be updated to start with a clear statement that the purpose of planning is to create places that support human and planetary health.

A strong statement to this effect, at the start of national planning policy, with subsidiary statements regarding the role of planning in shaping good food environments, would make it far easier for councils to create and implement strong policies in support of healthier food environments. Currently, for instance, if councils want to restrict the proliferation of hot food take-aways, they must provide evidence to demonstrate that there is a specific need for this in a particular location, because of the vulnerability of a particular community. They are unable to implement policies that apply across the whole of the council area on the basis that obesity is a national emergency that justifies strong planning policy to apply everywhere.

In addition, the NPPF should also make it clear that where possible planning should contribute to reducing **health inequalities**. Currently, the NPPF makes no reference to health inequalities. Health inequalities are both measurable and measured: a reference to supporting a reduction in health inequalities would motivate local planning authorities to pay attention to their contribution to achieving an objective – rather than subjective – measure.

Planning is a devolved area of policy making. The national planning policies in both Scotland and Wales make much stronger statements about the role of planning in shaping healthy places and reducing health inequalities. It is time that English planning policy caught up.

⁵ See, 'Integrating Health in Urban and Territorial Planning: a source book', WHO 20.0

4 Updated evidence-based guidance for planners regarding food environments

In 2017, Public Health England published 'Spatial Planning for Health – an evidence review'⁶. This document sets out clearly, in plain English, the way that the built and natural environments shape population health and planners have found it very useful. It is based on a thorough evaluation of the evidence available at that date and it makes it very clear what 'healthy' environments are like and what planners need to do to achieve them. It is divided into sections, e.g. 'homes', 'neighbourhoods' etc. One section is about the food environment. This section is, perhaps, the weakest part of the document and the text states that more research is needed.

Many planners and built environment professionals are unfamiliar with the concept of the 'food environment', or their role in shaping it, and would benefit from more advice. In addition, since 2017, research into understanding the causes of obesity has progressed considerably. In view of this, it would be extremely helpful if updated guidance for planners could be published that:

- Explains how widespread and damaging obesity is to individuals and society;
- Sets out the evidence of what causes obesity, as it relates to the built environment;
- Provides clear, evidence-based guidance for policy makers and planners about what they need to do to contribute to creating less-obesogenic environments.

⁶ [Spatial planning for health: evidence review - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Clear, evidence-based guidance, published by a nationally respected organisation, would help planners play their relatively small, but nevertheless significant, role in contributing to the prevention of obesity at a population level.

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