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## BMJ INVESTIGATION

# McDonald's triumphs over councils' rejections of new branches—by claiming it promotes “healthier lifestyles”

The fast food giant used a GP to support appeals against planning decisions in some deprived areas with the worst rates of food related ill health in England. Then it threatened councils with bills for legal costs. **Sophie Borland** reports

Sophie Borland *freelance journalist*

McDonald's is overturning councils' attempts to prevent new fast food outlets by claiming they will encourage healthier lifestyles, *The BMJ* can reveal.

The firm has used a playbook of arguments to win planning appeals against local authorities in some of England's most deprived areas with the poorest public health outcomes. Its tactics include arguing that customers can order salad from its drive-through branches, that they could cycle or walk there, and that its sponsorship of local football teams promotes health and wellbeing.

McDonald's has also deployed a specialist GP who claims that obesity is caused by “over 100” factors other than fast food and that its menu contains nutritious and low calorie options. In some cases McDonald's threatened to force councils to repay its costs, saying that they had behaved “unreasonably.”

Experts tell *The BMJ* that the threat of a McDonald's appeal has a chilling effect on councils and means they would be more inclined to wave through a planning application for a new branch regardless of the public health concerns, describing it as a “David and Goliath” battle.

Alice Wiseman, vice president of the Association of Directors of Public Health and director of public health for Gateshead and Newcastle, says, “It's the fear of doing a lot of work, which is obviously resources and capacity, and then having it thrown out by the inspectors at the late stage.”

Separately, *The BMJ*'s investigation found evidence of McDonald's trying to derail council health policies to more widely limit future takeaway outlets. *The BMJ* discovered that the firm was deploying the same “playbook” as for the appeals process: highlighting the low calorie options on its menu and arguing that it supports healthy lifestyles by sponsoring football (box 1).

### Box 1: McDonald's tries to block council health policies

McDonald's is trying to derail local councils' public health policies to limit future takeaway outlets, *The BMJ* found. It identified 15 cases since January 2020 in which the firm objected to new proposals by local authorities to ban fast food outlets close to schools or in areas with a high prevalence of obesity, deploying the same “playbook” of arguments it uses to successfully overturn planning decisions.

The firm repeatedly told local authorities that it supports healthy lifestyles by sponsoring community football and claimed that its menu contains “lower calorie options.”

In at least 10 cases McDonald's submitted a 20 page objection letter to the council arguing that there was a “lack of evidence” that restricting takeaways close to schools would curb obesity. Councils that received this letter included Brent in north London, Bristol, and Wyre Forest in Worcestershire—all of which were trying to ban new takeaway outlets from opening within a 400 m radius of a school.

McDonald's also objected to plans by Sheffield City Council to restrict outlets opening within an 800 m radius of schools and by Wigan Council to limit the opening hours of new takeaway outlets so they would not coincide with school lunchbreaks or home times.

Most of these councils' proposed changes to their local plans are still in development, so it is not yet clear whether McDonald's objection letter has affected or will affect the policies.

But in Kirklees, West Yorkshire, meeting minutes from a panel of the local authority in August 2022 state that “minor changes” had been made to the document after objections by McDonald's and KFC. The minutes also said that there will be “no blanket restrictions” (on new takeaway applications) and that other factors such as “economic support” for the area will be taken into account.

In December 2023 the *Times* revealed how KFC was challenging these policies during public consultation and in some instances convincing the UK Planning Inspectorate to water them down or throw them out altogether.<sup>1</sup>

A McDonald's spokesperson says, “We pride ourselves on being a positive presence in the communities within which we operate.”

McDonald's says it is proud of the role it plays in local communities. A spokesperson tells *The BMJ*, “Local decision making is a critical part of the planning application process, and we always want to work in partnership with local councils to ensure our plans are right for the community.”

### What *The BMJ* found

*The BMJ* submitted freedom of information requests to the national Planning Inspectorate to investigate how McDonald's is thwarting councils' health policies aimed at tackling food related ill health (box 2).

**Box 2: Two ways councils can try to restrict fast food availability****Impose exclusion zones**

Local authorities can impose zoning to prevent new takeaway outlets being built close to schools or in wards with high obesity prevalence. Thomas Burgoine from Cambridge University's MRC Epidemiology Unit cites the unit's own research from 2019 showing that 41 of 325 local authorities in England had some sort of takeaway exclusion zones around schools. One of the most common approaches is banning new outlets within a 400 m radius of a school.

Usually councils seeking to impose new restrictions on takeaway outlets do so by amending their "local plan," a strategy document covering a period of about 15 years that sets out what can be built in the area and where building can take place.

The draft local plan goes out to consultation, with residents and stakeholders invited to comment. After this the draft and all the comments are submitted to the Planning Inspectorate, the government agency that deals with planning applications in England.

The inspectorate has the final say, and an inspector will check that the local plan meets legal and procedural requirements. If an inspector is not happy they can recommend changes.

**Reject planning applications**

Councils can also object to planning applications for a new takeaway outlet regardless of whether an exclusion zone is in place.

The prospective outlet or company can then appeal this decision via the Planning Inspectorate. The company and the council will submit evidence in writing to an independent inspector, who will then make a decision.

In December 2024 the government gave councils more powers to restrict takeaway provision by amending the National Planning Policy Framework.<sup>2</sup> These include instructing local authorities to refuse applications for hot food takeaway and fast food outlets within walking distance of schools and where there is evidence that a "concentration" would have an adverse effect on health.

Although public health experts are very supportive of the guidance in the policy framework, they point out that it is up to councils whether or not to implement it. Burgoine says that the guidance on refusing planning applications comes in clause 97 of 243 clauses in the document, which "signals that it's not really that high a priority."

He says, "It will encourage local authorities to act, but it doesn't really help prioritise health and planning like it would do if it were slightly closer to the beginning of the document."

*The BMJ* uncovered five cases since January 2020 in which a local council rejected a new McDonald's branch out of concerns for health—and in which McDonald's then successfully appealed the decision, by claiming that it would in fact promote healthy living.

The firm has lodged a total of 14 appeals with the Planning Inspectorate over the past five years and lost only one case; two cases are ongoing. Its other successful appeals, which involved rejections not directly related to health concerns, led to McDonald's branches being allowed to open for 24 hours a day and for large "golden arch" advertising signs to be installed beside roads.

We also identified 15 cases since January 2020 in which McDonald's objected to new proposals by local authorities to ban fast food outlets in "exclusion zones" close to schools or in areas with a high prevalence of obesity.

In December 2024 the government announced new powers for councils to ban takeaways closer to schools and in areas of poor health.<sup>3</sup> Although public health experts are broadly pleased with the policy, one told *The BMJ* it would be up to local authorities to decide how—and whether—they used this new guidance.

In the same month England's chief medical officer, Chris Whitty, warned that children in English cities were being "set up" to live shorter, unhealthier lives in part because of the ready availability of fast food, particularly in deprived areas.<sup>4</sup>

Latest NHS figures show that a third of children in some of England's most deprived areas are obese by the time they leave primary school.<sup>5</sup> Obesity was linked to 1.2 million hospital admissions in 2022-23, a rise of 8% on the previous 12 months.<sup>6</sup>

**"Customers can order salad"**

*The BMJ*'s freedom of information requests reveal how McDonald's has persuaded planning inspectors that new branches will promote healthy lifestyles.

In one case in Norwich in 2024 the company argued to the Planning Inspectorate that customers could order salad, coffee, and meals of "under 400 calories" from its proposed drive-through branch. It said a "notable amount of custom will be on foot or cycle," even though to do so would mean travelling beside a busy ring road.

McDonald's also claimed that the proposed children's climbing frame would encourage "physical activity" and "healthier lifestyles."

Norwich City Council pointed out in the appeal that the health benefits of the climbing frame could be undermined by children inhaling fumes from the nearby drive-through lane. But McDonald's insisted it was unlikely they would be exposed to "unacceptable" pollution.

The appeal was upheld by the Planning Inspectorate in May 2024, and the restaurant is due to open in the middle of 2025. It will be the 10th McDonald's in Norwich, a city of around 144 000 people.

A McDonald's spokesperson tells *The BMJ* the company prides itself on "being a positive presence in the communities within which we operate."

They add, "Initiatives such as our Makin' It partnership, which funds community youth workers, and our Fun Football programme are designed to give young people more opportunities and greater access to safe spaces.

"We believe in making it easier for customers to balance health, taste, and value and in giving people choice. We will always be transparent about our ingredients and have provided nutritional information for over 30 years. Today, 57% of our menu is classified as non-HFSS [high in fat, sugar, and salt], and 90% of our food and drinks menu items are under 500 calories."

A Big Mac served with medium fries and a medium coke amounts to 1000 kilocalories (4.2 MJ), half of the NHS recommended daily allowance for an average woman and 40% of that for a man.

**McDonald's deploys GP obesity expert**

McDonald's successfully appealed planning rejections in Dewsbury in the Kirklees borough of West Yorkshire and in Mansfield in Nottinghamshire with the help of a GP who specialises in obesity.

The company submitted lengthy statements from Matthew Capehorn, the founder of a private weight management centre in nearby Rotherham, South Yorkshire, claiming that its food was "healthy and nutritious." The firm's wide range allowed customers to purchase food items and combinations that fitted their individual calorie or nutritional requirements, Capehorn said.

The GP partner, who has previously worked as a paid medical adviser to McDonald's, said that "over 100" different factors contributed to obesity.

In Dewsbury, McDonald's claimed that it encouraged healthier lifestyles through its sponsorship of local football and rugby clubs. The Planning Inspectorate upheld the appeal in March 2022, and the restaurant opened that December.

Rachel Spencer-Henshall, executive director of public health at Kirklees Council, tells *The BMJ* that since the McDonald's appeal the council adopted a "supplementary planning document" (SPD) for hot food takeaways in September 2022. "The SPD will further support us to make evidence based and proportionate decisions regarding new hot food takeaway applications, helping us to shape areas in Kirklees that support residents' health and wellbeing," she says.

In Mansfield, McDonald's sought to downplay the council's concerns over a branch's proximity to three primary schools and the potential effects on health. It claimed "children are likely to visit the restaurant with a supervising adult who can support the child to make responsible food choices."

The appeal was upheld, and the restaurant was opened by the local youth football team, Ravenshead FC, in December 2023. The team's kit was sponsored by McDonald's, with the brand's golden arches adorning the shirts.

Councillor Stuart Richardson, portfolio holder for regeneration and growth at Mansfield District Council, says, "While councillors were disappointed by the result of the appeal, and while there is always a cost involved in pursuing planning appeals, the planning committee has a duty to consider the impact of planning proposals in the public interest.

"In this case, it was considered that the concerns relating to public health warranted refusal of permission."

Childhood obesity rates in Mansfield are among the worst in England, and 28% of pupils are obese by the time they leave primary school. The figure is 24% for Kirklees, and the England average is 22%. Mansfield and Dewsbury are home to some of the most deprived wards in the country.

Capehorn tells *The BMJ*, "At the council planning meetings you mention I was asked to provide my personal, honest, and professional opinion on whether McDonald's causes obesity." He reiterated that "there are over 100 different factors involved in why we as individuals or we as a society are getting bigger," citing the 2007 Foresight report on tackling obesity.<sup>7</sup> "Of course, the food industry is a factor, but the actual causes of obesity are complex and multifactorial, and many are outside any individual's influence," he says. "Ultimately, whether someone puts weight on comes down to consuming more energy (calories) than they use up, and they should have the choice of where these calories come from but need the necessary information to make educated healthy choices.

"I demonstrated in my evidence that snacks bought at a local newsagents, for less money than a typical McDonald's meal, could have far more calories (and worse fat, sugar, salt content). Equally, takeaways such as [those from] Indian and Chinese and other restaurants have portions of much greater calorific value and without the transparent nutritional information that McDonald's makes available on their app, tray inserts, and menu boards. McDonald's food can be eaten as part of a calorie controlled nutritionally balanced diet."

Harvard University research published in 2019 found that voluntary calorie labelling at McDonald's was not associated with changes in calories purchased,<sup>8</sup> although a Cochrane review of the wider policy of calorie labelling found a 1.8% reduction in calories selected when labelling was in place.<sup>9</sup>

## McDonald's threatens to bill councils for "unreasonable behaviour"

*The BMJ's* investigation identified cases in which McDonald's threatened to force councils to repay some of its costs for appeal hearings, by arguing that the local authorities had behaved "unreasonably"—although it did not in the end recover these costs.

In Coventry the city council rejected a McDonald's planning application out of concern that the outlet would have a negative effect on the health of children at nearby primary and secondary schools. There were also road safety concerns.

McDonald's successfully overturned the rejection at appeal in May 2021, claiming that there was "no evidence" for an adverse health impact. The company pointed out that the schools were "around" a 10 minute walk away, beyond the council's five minute walk takeaway exclusion zone. The planning inspector then ordered the council to pay part of McDonald's appeal costs, saying that it had shown "unreasonable behaviour" in rejecting the application in the first place.

McDonald's also won a case to claim back "unreasonable behaviour" costs from Folkestone and Hythe District Council in December 2021 over a decision not directly related to health. In this instance the council had rejected the initial planning application over noise and light pollution disturbance, and a councillor and local residents later raised health concerns.

A McDonald's spokesperson tells *The BMJ* it did not recover these awarded costs in either of these cases. They say, "We will always carefully review the Planning Inspectorate's decision and consider the impact this might have on the local authority. In both Coventry and Folkestone, despite having been awarded costs by the inspectorate, we determined it would have been the wrong decision to recover costs at that time."

The firm also tried to claim back "unreasonable behaviour" costs from Mansfield Council in January 2021, although the planning inspector decided this was not justified.

In another case McDonald's threatened to claim back unreasonable behaviour costs from Chesterfield Borough Council in June 2020. There the council had turned down the initial planning application for a drive-through branch over health, obesity, road safety, and littering concerns. But when McDonald's lodged an appeal and a "costs application" for unreasonable behaviour, the council changed its mind. It accepted a second, identical planning application from McDonald's in the same location, and McDonald's subsequently dropped its appeal.

## "Financially fuelled machine"

Experts tell *The BMJ* that the fear of a costly appeal makes councils more likely to accept a McDonald's planning application, despite health concerns.

Gateshead and Newcastle's public health director Wiseman says, "It's very undermining in the role of local government in being able to shape a healthy environment. We haven't got the resources that the likes of McDonald's have got to be able to get into any legal battles with this.

"It's David and Goliath."

Amelia Lake, a professor in public health nutrition at Teesside University, tells *The BMJ*, "Appeals involve an awful lot of human resource as well as work, and local authorities are very anxious about financial consequences.

“It’s a perfect storm for which a well organised, financially fuelled machine can go in and present the evidence that might sway an inspector.”

Research published in 2020 and coauthored by Lake found that planning inspectors lacked a clear framework for considering—and failed to engage with—the evidence concerning hot food takeaways, obesity, and health.<sup>10</sup>

Thomas Burgoine, principal research associate at the MRC Epidemiology Unit at Cambridge University, says McDonald’s and other large multinational food corporations are “more equipped than smaller businesses to object, including at appeal.”

He says, “They know the sorts of arguments that work and hire planning consultants and businesses who know the ins and outs of the UK planning system to work on their behalf.

“Local authorities don’t want to set a negative precedent by losing these battles at appeal. There’s a nervousness about losing, not least because of the money it can cost to fight these cases.”

The Labour MP Matt Western told the House of Commons in April 2024 that this was a wider problem, with local authorities having to accept planning applications from large companies “because of a fear of not having the financial resources to contest it.”<sup>11</sup>

## 200 new outlets planned

*The BMJ* used the Freedom of Information Act to ask the Planning Inspectorate for details and correspondence of all appeals made by McDonalds, KFC, and Burger King since January 2020. Planning appeals are reviewed by independent inspectors from the Planning Inspectorate, who review written evidence from both sides.

It told us there were 14 appeals from McDonalds, one from KFC (which it won), and none from Burger King.

In the KFC case the firm overturned a decision by Stafford Borough Council in November 2021 by arguing that its food was “prepared fresh onsite” in line with “ongoing nutrition strategy which seeks for calorie, salt, fat, and sugar reduction.” KFC claimed it was a “presumption” that the food would be “inherently unhealthy” and an “irresistible and unacceptable draw” to pupils of a nearby secondary school. The council had rejected KFC’s bid over concerns that the branch would not contribute to sustainable employment.

A KFC spokesperson reiterated that the original council decision was not related to public health. Stafford Borough Council pointed us to previous comments from local councillors about the health impact.

In August 2024 McDonald’s announced plans to open 200 new restaurants across the UK and Ireland over the next four years. The move, part of a £1bn growth drive, would increase the total number of outlets to 1700 by 2028. The firm’s own figures show a steady increase in branches in recent years from around 1300 in 2018 to 1500 in 2024, indicating that many are being approved by councils without the need for McDonald’s to appeal.

The McDonald’s spokesperson tells *The BMJ* it is proud of the £94.5bn it has contributed to the national economy since opening its first UK restaurant in 1974. They add, “Fifty years on, our estate has grown, our menu has evolved, and together with our franchisees we employ around 170 000 people. We have exciting plans to unlock more opportunities across the UK by investing over £1bn over the next four years, creating 24 000 new jobs.”

Experts tell *The BMJ* there is a deeper problem with McDonald’s and the wider food industry’s “brainwashing” of families through advertising and influencing key policy decisions.

Wiseman describes how young people in Newcastle had recently been asked to draw what they saw as “nature” and a “good place,” and many of them had talked about McDonald’s and KFC. “They’ve influenced our children and young people. It’s like they’ve been brainwashed,” she says.

Other research has shown that the food industry uses tactics—the “playbook”—in common with different unhealthy commodity industries, including alcohol and tobacco, to challenge regulations and policy that aim to reduce consumption.<sup>12</sup>

Wiseman says, “We need to reduce the availability, we need to increase the price, and we need to reduce the promotions and marketing. If we really want people to have free choice about what they consume, then we need to make sure they are not being unduly influenced by the industries around them.”

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