

Re: Planning application UTT/1451/09/FUL
Application by Sainsburys for a new store, Thaxted Road, Saffron Walden
(the “Application”)

Statement of objections from the Saffron Walden Friends of the Earth Group

A. INTRODUCTION

1. This submission is made by Saffron Walden Friends of the Earth Group. You will see that we have made an extremely thorough investigation into the Application. For the reasons set out below, we believe the application is in breach of virtually all of the relevant planning guidance and should be refused.
2. We apologise in advance for the length of this submission, but in light of the significant detrimental effect that the Applicant store would have on Saffron Walden town centre we have tried to be as thorough as possible. Our reasons for objecting to the application are summarised in the following section headed “Summary of our conclusions” and are set out in detail in the following sections.

B. SUMMARY OF OUR CONCLUSIONS

3. In summary, our reasons for objecting to the Application are as follows:
 - a. The Application is in breach of all of the key principles of PPS1, PPS6 and PPG13, particularly those requiring that retail developments should be sustainable, should be situated in or near the town centre, should be accessible for all and should promote the vitality and viability of the town centre. As an out of town supermarket in direct competition with the shops in the town centre, the effect of the Application will be exactly the opposite of that required by these planning policies;
 - b. The Application is in breach of the equivalent provisions of the Local Plan and the East of England Plan;
 - c. No development of the size and nature of the Application is contemplated by the Local Plan, and given that the development would breach all of the major planning policies, there is no reason to depart from the Local Plan;
 - d. A large part of the site is identified in the Local Plan as “key employment land”, as such, it is specifically restricted from any change of use, such as to retail use;
 - e. Both the Applicant’s Retail Statement and the Uttlesford District Retail Study (as well as the fragile nature of the Saffron Walden town centre) demonstrate that there is no need for the proposed store, and that PPS6 would again therefore be breached if the store were to be allowed;
 - f. The Application if passed would have a huge negative impact on the existing town centre stores and on the local stores in surrounding areas, both through direct competition and indirectly through diverting shoppers away from the Saffron Walden town centre. Our review of the Competition Commission Report on competition between supermarkets shows that by far and away the largest source of revenue for the store would be trade currently going to the existing Saffron Walden stores, and that the new store would be likely to have an equal negative effect on both Waitrose and the town centre and on Tesco;
 - g. The Application would have a significant negative economic affect on Saffron Walden and surrounding area – studies show that new out of town supermarkets result in

- h. Virtually all of the visits to the store would be by private car, and the Application would result in an enormous increase in traffic both in Saffron Walden and in the surrounding areas. Its effect on traffic would be in direct breach of PPG13;
- i. On the Applicant's trade projections, every Saturday and Friday, some 7,000 extra journeys would be made to the store from customers situated outside the natural catchment area of Saffron Walden (ie from more than a 15 drive-time from Saffron Walden). The Applicant calculates that 80% of these would flow through Saffron Walden, either along the Thaxted Road or along the Borough Lane – Peaslands Road roads. These would have an appalling effect on the environment and road network of Saffron Walden and surrounding areas - and this even before taking account of the extra traffic from local residents going to the new store instead of going to the town centre, for which the Applicant doesn't provide figures in its Transport Assessment;
- j. There are three designated AQMAs in Saffron Walden, all of which will be adversely affected by 2011 according to the Applicant's own Air Quality assessment, which is based on their Transport Assessment. There are many residential dwellings within the boundaries of these three AQMAs. Nitrogen Oxide is the pollutant present at levels over the Statutory Limit Value. It is a lung irritant and is known to be harmful to health. The Local Authority has a duty through their existing Action Plan to take all measures necessary to remedy the situation and not to allow development that would aggravate it. This development is of a size and nature that will increase the present traffic congestion and generated air pollution contrary to the guidance in PPS23 and this is a material planning consideration;
- k. Given that the Application breaches the key applicable policies of every single one of PPS1, PPS6, PPG13, the Local Plan and the East of England Plan and will have no countervailing benefits, we can see no possible reason for approving it.

C. DOCUMENTS REVIEWED

- 4. In arriving at these conclusions, we have reviewed the application submitted by or on behalf of Sainsbury's (the "Applicant") against the applicable planning legislation, in particular:
 - a. PPS1: Delivering Sustainable Development;
 - b. PPS6: Planning for Town Centres;
 - c. PPG13: Transport;
 - d. the East of England Plan;
 - e. the Uttlesford Local Plan and the draft Local Development Framework;
 - f. the Barker Review of Land Use Planning, Final Report – Recommendations, December 2006;
 - g. the 2007 White Paper "*Planning for a Sustainable Future*";
 - h. the DCLG consultation document *Proposed Changes to Planning Policy Statement 6: Planning for Town Centres*", July 2008 and the DCLG "*Summary of public consultation responses*";
 - i. the Uttlesford Local Development Framework District Retail Study prepared by Hephher Dixon (the "FDRS");
 - j. the DCLG consultation document on a new Planning Policy Document 4: Planning for Prosperous Economies;
 - k. the Environmental Act and associated guidance and the AQMA plans prepared by Uttlesford District Council.
- 5. We have also reviewed:

- a. the Competition Commission 2008 report entitled “The supply of groceries in the UK market investigation”. The Competition Commission findings directly contradict many of the assertions made by Indigo Planning on behalf of the Applicant concerning the extent of competition between supermarkets and the likely Retail Impact of the Application; and
- b. the appeal decision of the Planning Inspector in dismissing the appeal by Tesco to be allowed to build 784sq.m extension (the “Tesco Appeal Decision”). This bears striking similarities to the present case in its analysis of the lack of need for new retail space of the type contemplated and the likely effect on the Saffron Walden town centre.

D. REVIEW OF THE APPLICABLE PLANNING LEGISLATION

6. As you will be aware, the relevant planning legislation is set out in the framework established by the Town and Country Planning Act, through which a hierarchical structure of guidance and plans has been established. For the purposes of the application, the principal relevant guidance is set out in PPS6 ‘Planning for Town Centres’, the East of England Regional Spatial Strategy (“RSS”) and the Uttlesford District Plan 2005 (the “Local Plan”).
7. The key objective of PPS6 (PPS 6 para 1.3) is the promotion of ‘vital and viable’ town centres through:
 - a. planning for the growth and development of existing centres; and
 - b. promoting and enhancing existing centres, by focussing development in such centres and encouraging a wide range of services in a good environment, accessible to all.

As an out of town retail development, the Application directly contravenes this key objective of PPS6.

8. Local and regional planning authorities are obliged to implement this objective by planning positively for growth. In particular (PPS6 para 1.6), they should “focus development in, and plan for the expansion of, existing centres, as appropriate”. This obligation is repeatedly stated in PPS6 – for example para 2.1 “*development should be focussed in existing centres*”. Paras 2.5 and 2.6 of PPS6 expand on this obligation if growth cannot be accommodated in existing centres; in such cases, LPAs should “*plan for the extension of the primary shopping area if there is a need for retail provision*”; any extensions should be “*carefully integrated with the existing town centre both in terms of design and to allow easy access on foot*”. It is recognised that larger stores may deliver benefits for consumers (although in Saffron Walden clearly we already have 2 large supermarkets, one in the town centre and one out of centre), but in this case sites should be identified “*adjoining the primary shopping centre (ie in edge-of-centre locations)*”. For the reasons set out in paragraphs 43-66 below, we do not believe that there is a need for further retail space in Saffron Walden, but even if there were, it should be in the town centre or in an edge of town location, not out of town. This view is further supported by the East of England Plan, Spatial Strategy 2 and the Local Plan policy objectives and conclusions.
9. For this purpose, PPS6 defines “edge of centre” as “*within easy walking distance (ie up to 300 metres) of the primary shopping centre*”; “out of centre” is a location which is not in or on the edge of a centre; and out of town is an “*out-of-centre development outside the existing urban area*”. According to the UDC mapping software, the Applicant site is just under 2km from the edge of Saffron Walden’s primary shopping centre (taking the now empty Wine Rack as the edge for this purpose), and 600m from the nearest residential dwelling. The site is also

10. In developing strategies and accessing needs, LPAs are obliged to take account of the regional strategy as well as of the catchment areas of each of their centres and also of centres outside their boundaries which extend into their areas, rather than merely focussing on centres within their administrative boundaries (PPS6 para 2.32). The needs assessment made by Sainsbury's in their Planning and Retail Statement accompanying the Application is largely predicated on Uttlesford District Council ignoring this obligation and focussing entirely on the supermarkets physically located in the Uttlesford area, rather than taking account of the centres immediately adjoining Uttlesford such as Haverhill, Royston and Bishop's Stortford. As we will discuss later – and as highlighted in the FDRS – one of the characteristics of Uttlesford is that there are a large number of shopping centres very close to the district edge which serve much of the district, and these must be taken into account by UDC in assessing the application, and in assessing the services Uttlesford, and the Saffron Walden catchment area, enjoys. Sainsbury's ignores these completely in its application and Planning and Retail Statement, but it is worth remembering just how many large supermarkets are either in or in extremely close proximity to the northern half of Uttlesford:

- a. there are Tesco supermarkets (ie this ignores Tesco Express stores) in Saffron Walden, Haverhill, Bishops Stortford, Great Dunmow, Royston and South Cambridge (Fulbourn);
- b. there are existing Sainsbury supermarkets (ie again ignoring the smaller convenience stores) in Haverhill, Bishops Stortford (multiple stores) and south-east Cambridge (Coldhams Lane);
- c. there is an Asda store in south-east Cambridge (Coldhams Lane); and
- d. there are Waitrose stores in Saffron Walden, Bishops Stortford (multiple stores) and south Cambridge (Trumpington).

Of the 5 major supermarket operators identified by the Competition Commission in their major investigation into the supply of groceries in the UK in 2008 (the "CC Report"), only Morrisons does not have a significant presence in or in very close proximity to Uttlesford, and even Morrisons has a store in Royston. The picture the Applicant draws in its Planning and Retail Statement is extremely misleading in this regard.

11. PPS6 para 2.32 stipulates that local council needs assessments must take account of these neighbouring centres.

12. PPS6 para 2.45 requires local planning authorities to identify an appropriate range of sites to allow for the accommodation of the needs they have identified. UDC has done so in the Local Plan. As no need has been identified by UDC for significant retail growth, and in particular no need has been identified either for an out of town facility or a store anywhere need the scale proposed by the Applicant, not surprisingly no site has been identified in the Local Plan which is suitable for the Applicant store. Indeed, in para 8.2 of the Local Plan, UDC stipulates that retail growth should be accommodated in town centre or edge of town sites, and is therefore likely to be in small units due to the absence of any suitable larger sites – as para 8.2 states: "*This Plan allows for extensions to existing shops and for opportunities to develop small units, which could meet the need for additional retail floorspace as a consequence of available expenditure within the centre's catchments or improved shopping environments for consumers, albeit not in large stores because of an absence of suitable sites within centres or in edge of centre locations.*".

13. The Local Plan, and the related FRDS, do not identify any need for a third major supermarket in Saffron Walden, and no sites are identified as being needed in either edge-of-centre or out-of-centre locations. Had they been identified, PPS6 para 2.48 would have obliged UDC to have conducted an assessment of the impact of the potential development on the Saffron Walden town centre, and on any other town centres identified as being in the Applicant store's catchment area. As far as we are aware, no such assessment has been made. The Application therefore contravenes the Local Plan.
14. PPS6 para 2.49 requires planning authorities to ensure that retail locations are accessible. In particular the paragraph states that "*The Government is seeking to reduce the need to travel, to encourage the use of public transport, walking and cycling and reduce reliance on the private car, to facilitate multi-purpose journeys and to ensure that everyone has access to a range of facilities.*" and that shopping facilities "*should therefore be located in town centres wherever possible*". This obligation is reflected in the Local Plan and its transport policy, which provides that "*The objectives in this Plan are to locate high trip generating activity in areas well served by public transport; to increase the proportion of journeys made by rail and bus, on foot and by cycle; to reduce the number and length of motor vehicle trips by the location of development*". The policy is also reflected in the East of England Plan at Objectives (i) and (ii) and Policy T1. The Application is diametrically opposed to these express requirements – it is 2km from the town centre; there is virtually no existing public transport, and only small and inadequate provision envisaged, to the site; the Thaxted Road is a horrible road to cycle on once one is past the leisure centre, and an even worse experience to walk beside. In selecting appropriate sites for retail provision, local authorities are bound (PPS6 para 2.49 again) to have regard to the accessibility of the site, and how well served it is by transport, especially public transport, walking and cycling, and also the impact on car use, traffic and congestion. We are not aware that any such assessment has been made by UDC. We consider the transport effects further below, but given the distance the Applicant Store is proposed to be from Saffron Walden and the nature of the Thaxted Road, we find it impossible to believe that any significant number of journeys will be made either on foot or by bicycle. We have reviewed the Applicant's Transport Assessment, which claims that over 1,000 trips on foot would be made to the Applicant store every Friday and Saturday – we regard this as pure fantasy, and almost utterly inconceivable.
15. PPS6 para 2.58 further requires that "*Local authorities should, where appropriate, seek to protect existing facilities which provide for people's day to day needs*", and that "*local authorities should take a positive approach to strengthening local centres*". The Applicant site will instead draw customers out of Saffron Walden town centre and away from the existing facilities. Once again therefore, the Application is diametrically opposed to this requirement.
16. Chapter 3 of PPS6 makes provision for development control by local authorities. PPS6 was of course published after the Local Plan was published, and therefore PPS6 para 3.2 requires UDC to have direct regard to the policies set out in it. PPS6 para 3.2 expressly requires that planning applications are subject to the same considerations set out above for the identification of sites, so UDC is bound to follow these considerations in assessing the Application. In any case, these principles are enshrined in the Local Plan, which provides in relation to retail development that:

- a. (Local Plan, para 8.1): "*The policies in this section have the following objectives:*

- *To sustain and enhance the vitality and viability of Saffron Walden as a principal shopping centre, of Great Dunmow as a smaller town centre, and of the local centres of Stansted Mountfitchet and Thaxted;*
 - *To promote mixed use commercial developments in these centres;*
 - *To focus retail and mixed use commercial developments in locations that maximise the opportunities to use means of transport other than the private car;*
 - *To prevent further loss of retail and other services in rural areas”;*
- b. (Local Plan para 8.2): *“This policy is intended to enable development appropriate to the character of the four centres. Their health as retail centres was somewhat fragile in 2000 and vulnerable to loss of trade. This Plan allows for extensions to existing shops and for opportunities to develop small units, which could meet the need for additional retail floorspace as a consequence of available expenditure within the centre’s catchments or improved shopping environments for consumers, albeit not in large stores because of an absence of suitable sites within centres or in edge of centre locations. Local centre partnerships will be encouraged to help promote the centres. Government and county structure plan policy is that retail and other town centre uses attracting large numbers of people should be located in town centres.”.*

The Application of course runs directly contrary to these Local Plan policies as well.

17. PPS6 para 3.4 requires that *“local planning authorities should require applicants to demonstrate”*:

- a. the need for development;
- b. that the development is of an appropriate scale;
- c. that there are no more central sites for the development;
- d. that there are no unacceptable impacts on existing centres; and
- e. that locations are accessible.

18. As a general rule any proposed development should satisfy all of these considerations. For the reasons set out in paragraphs 37-66 below, we cannot see how the Application can possibly satisfy any of tests (a), (b), (d) and (e), let alone all of them. We believe that there is no identified need for the development, that it is not of an appropriate size for Saffron Walden, that there would clearly be major negative and unacceptable impacts on Saffron Walden town centre caused by the diversion of trade to the proposed supermarket, and that the location is clearly not accessible within the terms of PPS6 para 2.49. It is also strongly arguable that there are other sites in the town centre for supermarkets if required and if of an appropriate scale. The Application therefore clearly fails substantially most, if not all, of these considerations.

19. PPS6 para 3.9 expressly requires that quantitative need must be demonstrated for any out of town location. For the reasons set out in paragraphs 37-66 below in our comments on the applicant’s Planning and Retail Statement, we believe that the Applicant has singularly failed to demonstrate any need whatsoever for the Application. PPS6 para 3.9 requires that need should normally be assessed no more than 5 years ahead. On the basis of the FDRS, the Applicant can identify a need for only 967 sq.m of convenience floorspace in the next five years; even if one ignores the PPS6 guidance and looks further ahead, the need requirement rises to only 1,353 sq.m in 2018 (and not 2016 as the Applicant’s state at para 6.12 of their Planning and Retail Statement). That potential need is for the whole of Uttlesford not just for Saffron Walden, and since the FDRS was prepared two of the largest town centre retail premises after Waitrose (ie the former Eaden Lilley and Woolworths sites) have fallen vacant and have stood vacant for considerable periods of time, with no sign of replacement tenants or

20. PPS6 para 3.11 also requires the local authority to take account of qualitative need, although as a subsidiary factor and only as an adjunct to quantitative need. However it is clear from PPS6 that this is a consideration primarily for deprived areas lacking access to a proper range of services and facilities – see PPS6 paras 2.33 and 2.35. Saffron Walden is already extremely well served with two supermarkets, and it would be absurd to suggest that there could possibly be a qualitative need for a third supermarket.
21. Any proposed development must also be appropriate – PPS6 para 3.12. PPS 6 assumes that an upper limit on development size may be set out in a development plan; clearly nothing even remotely approaching the size of the proposed development is contemplated in the Local Plan, and one is obliged therefore to fall back on PPS6 paras 2.41 – 2.43. The Applicant store would be as large as the existing Waitrose and Tesco stores combined. It is impossible to see how a supermarket of the size proposed can possibly be considered to be appropriate against this backdrop, the contents of the Local Plan and the size and make-up of Saffron Walden. We are firmly of the belief that the Application is completely inappropriate.
22. PPS6 paras 3.20 - 3.23 require an impact assessment to be carried out. We have reviewed the impact assessment contained in Part 8 of the Applicant’s Planning and Retail Statement, and our comments are set out in paragraphs 37-66 below. As a general comment though, the impact assessment is clearly utterly wrong in its conclusions and deeply misleading in its presentation and in the statements it makes. In particular, with no evidence whatsoever, it makes sweeping statements about the potential effect of the Application on Waitrose, and by extension the whole town centre, and the sources from which the Applicant alleges that customers will come. Anyone who has read the CC Report would know that the statements made by the Applicant in the impact assessment are completely contradicted by the findings set out in the CC Report – see paragraphs 30-36 below. The Applicant was heavily involved in the preparation of the CC Report and the evidential process leading up to it, and we find it extremely disappointing to read the statements it makes regarding the likely effects on local competition in light of this.
23. PPS6 paras 3.24 – 3.27 require that new developments are accessible for transport, including whether “*access is easy, safe and convenient for pedestrians, cyclists and disabled people.*” For the reasons set out in paragraph 8 above, this is plainly not the case. Local authorities are also obliged to assess the impact on car use, traffic and congestion. Our comments on the Applicant’s Transport Assessment are set out in paragraph 67-82 below.
24. The principles established in PPS6 are also endorsed in PPS1, where the key requirement is that planning should “*promote sustainable and inclusive patterns of urban and rural development*” – see PPS1 para 5. PPS1 also emphasises the importance of the Local Plan, and the importance of adhering to the planning framework set out within it. As we say in paragraph 12 above, no such development is contemplated by the Local Plan. PPS1 para 27 requires that, in preparing development plans, and in considering planning applications, local authorities should aim to:

- a. provide improved access for all to retail facilities “*by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by car*”;
- b. “*Focus developments that attract a large number of people, especially retail, leisure and office development, in existing centres to promote their vitality and viability, social inclusion and more sustainable patterns of development*”; and
- c. focus development in existing centres so as to reduce the need to travel.

The Application therefore clearly contravenes all of the principal requirements of PPS1.

25. These policies are further endorsed in the recent Government reviews of the planning system. In particular, each of the Barker Report, the 2007 White Paper “*Planning for a Sustainable Future*” and the consultation on the proposed changes to PPS6 expressly endorses the emphasis on a planning policy which is town centre-led and development plan-led, and continues to place sustainability at the heart of planning decisions. For example, the White Paper (at para 7.50) states “*We are fully committed to promoting the vitality and viability of town centres and to ensuring that the planning system supports the growth and development of our town centres.*” Although none of the potential amendments to planning policy which might be effected by these reviews is directly relevant to the Application, they indicate the continued focus on the existing key policies concerning retail development, and particularly the focus on preserving and enhancing town centres. The Application is of course in direct opposition to all of these key policies, both existing and proposed. Out of town bulk weekly shopping of the type that the Applicant states that it is specifically targeting is not feasible for cyclists or pedestrians or other sustainable transport means. In fact sustainability is enhanced by the provision of local retailers embedded in the communities they serve and sourcing their produce locally. Sainsbury’s proposal acknowledges that it will drain at least 10% of the custom from such stores in Saffron Walden thus rendering many of them non-viable. For the reasons set below, we believe this 10% claim is a substantial underestimate, and that the volume of trade sucked out of the town would be much greater. This is hardly a contribution to sustainability; it is contrary to PPS4 and, as has already been observed, is contrary to PPS1 and PPS6.

26. PPG13 on transport is clearly of major relevance to the Application. Para 4 of PPG13 sets out its objectives which are to:

- a. Promote more sustainable transport choices for people;
- b. Promote accessibility to shopping and other facilities by public transport, walking and cycling; and
- c. Reduce the need to travel, especially by car.

The Application clearly directly contravenes every single one of the objectives of PPG13. As an out of town supermarket, it does not promote more sustainable transport choices but rather the opposite; it is not accessible by public transport, cycling or walking; and it will increase rather than decrease car journeys, both in number and in length.

27. PPG13 therefore requires development plans to, in particular, locate day to day facilities such as shops in local centres so that they are accessible. The Application contravenes this requirement.

28. PPG13, paras 19 and 20 expand and reinforce this requirements, and in particular emphasises the need for “realistic, safe and easy access” by a range of non-car uses - again the Application breaches these requirements. As we say above, the Applicant store is more than 600m from

29. All of these requirements are repeated again and again in PPG13 – see paras 23, 26, 29, 35, 36, 40, 41 and 42 of PPG13, all of which the Application will directly contravene.

E. REVIEW OF THE COMPETITION COMMISSION REPORT ON THE EXTENT OF COMPETITION BETWEEN SUPERMARKETS

30. Before going on to look at the Applicant's impact assessment, it is worth considering the key findings of the CC Report on competition between supermarkets and their catchment areas insofar as they are relevant to the Application and the impact assessment. The CC Report is the latest in a line of reports from the competition authorities covering the groceries market, including in particular also an investigation into the large supermarkets in 2000 and the proposed acquisition of Safeways by any of Asda, Morrisons, Sainsburys and Tesco, during which they have refined their models of the competitive effect of supermarkets (CC Report, Section 2).
31. The CC Report concluded that the geographic market for groceries is local, and that the extent of the local area over which a particular store competes is dependent on its size. Larger grocery stores (ie ones larger than 1,000 to 2,000 sq.m) will in general face competition from other larger stores within a 10- to 15- minute drive-time; mid-sized (ie above 280 sq.m) will in general compete with other mid-size stores within a 5- to 10- minute drive-time and will face competition from larger stores within a 10- to 15- minute drive-time (CC Report Summary, para 15). For the purposes of their enquiry, the CC took a threshold size of 1,400 sq.m for larger grocery stores. Both the Tesco and the Waitrose in Saffron Walden would be considered to be larger grocery stores therefore, as would, we believe, all of the other stores in or in close proximity to Uttlesford listed in paragraph 10 above (CC Report Summary, para 13). The CC Report also found that in any local market, any stores operated by any of the larger grocery retailers (ie the big 5 of Tesco, Asda, Waitrose, Sainsbury and Morrisons plus a number of other chains such as Somerfield) will compete with each other (CC Report Summary, para 14). The CC Report also notes that there appears to have been a tendency to consumers shopping more frequently in recent years, and therefore there has been an increase in the number of trips to supermarkets.
32. The CC Report findings which are of particular relevance to the Application and its impact on Saffron Walden town centre – and which frequently directly contradict the main assertions made by the Applicant in their impact assessment are:
- a. larger grocery stores have a catchment area of within a 10 – 15 minute drive-time of the store. Save in very unusual circumstances (for example in isolated areas poorly served by supermarkets) customers will not drive further than this in any significant numbers to get to a larger grocery store if there is one within the 10 – 15 minute drive-time catchment area. This doesn't mean that customers will drive (ie they may walk, cycle or use other transport means) to the nearer store, but the 10 – 15 minutes drive-time places an empirical limitation on the catchment area of any larger grocery store. Where there is a heavy concentration of larger grocery stores, the drive-time will be at the lower end of this range; where there is not then it will be at the higher end. Of course, small numbers of customers may choose to go further, but the evidence obtained by the competition authorities in their numerous investigations concerning the grocery store market is that the 10 – 15 minute drive-time places an effective limit on the competitive impact of any

- b. as the CC Report states (CC Report Summary para 16), this 10 – 15 minute drive-time catchment area concept forms the central tenet of the Competition Commission assessment of competition amongst larger grocery stores at the local (ie non-national) level, and any investigation of competition at a local level involves detailed “isochrone” maps demonstrating the catchment areas of relevant stores and their prospective overlaps and competitive effect (usually prepared on the basis of both the 10 and the 15 minute drive-times). If the catchment areas of other stores are outside the 10 – 15 minute drive-time, they will not compete with each other to any material extent;
- c. given the concentration of supermarkets in the areas surrounding Saffron Walden, the findings of the competition authorities show that the Applicant cannot expect to gain any significant market share from customers situated outside the 10 – 15 minute drive-time catchment area surrounding Saffron Walden. We have appended to this letter isochrone maps showing the 15 minute isochrones from the Applicant store in comparison with each of the other large grocery stores in proximity to Uttlesford. It is immediately apparent from this isochrone mapping that there is virtually no overlap between the catchment area of the Applicant store and any other stores (except of course the Tesco and Waitrose in Saffron Walden), and therefore virtually inconceivable that any significant trade volumes will be diverted from these stores to the Applicant store;
- d. entry of a new larger grocery store into an area reduces revenues at incumbent stores within a 5 minute drive time by on average between 7% (for a new store of 1,400 – 4,000 sq.m) and 11% (for a new store of > 4,000 sq.m) (CC Report, paras 4.49 – 4.53 and Table 4.4), although other factors will affect the percentage gain;
- e. in general, customers favour larger grocery stores, and in particular have a significant preference for conducting their large weekly shops at larger grocery stores, and in general the larger the size difference between stores, the greater the effect. One would therefore expect Waitrose in particular to suffer from the Application, given that the Application store is more than 2½ times as large as it;
- f. all of the main supermarkets (for this purpose the CC Report used Asda, Morrisons, Sainsbury’s, Somerfield, Tesco and Waitrose) are close competitors to each other for both weekly shopping trips and other shopping trips (CC Report para 4.74);
- g. Sainsbury’s is the entrant which has the most significant entry effect (ie results in the biggest reduction in revenue) on Waitrose; for Tesco, Sainsbury’s has the third most significant entry effect (CC Report para 4.70 and Table 4.5);
- h. a more detailed analysis of the revenue impact of a new store entry into a local market is contained in Appendix 4.3 to the CC Report; again, the CC have found that the effect of a new Sainsbury’s has a clear statistically significant negative effect on Waitrose and Tesco in particular (CC Report Appendix 4.3 Table 5);
- i. the entry effect of a new store is most pronounced on stores within a 5 minute drive time, and decreases steadily with distance, so that the effect of the Applicant store on existing stores more than 15 minutes drive-time away is virtually zero. The Applicant store is therefore highly unlikely to take market share from any other large stores in

- j. Sainsbury's has developed trials specifically to change its retail offering in stores which compete with Waitrose (CC Report para 6.42), and the competitive effect on Waitrose of a new Sainsbury's is therefore likely to be even greater than the CC Report average figures suggest;
 - k. the CC Report recognises that the planning system is a restraint on free competition, but equally acknowledges that there are extremely good policy reasons for this. As the CC Report says (para 7.37), "*the planning system will, quite deliberately and appropriately for the purposes of meeting its objectives, act – to some extent – as a barrier to entry and expansion.*" Significantly in the context of the Application, Sainsbury's are quoted by the CC Report as saying that (para 7.39) "*since the 1996 change to retail policy in PPG6 [the precursor to PPS6], retailers prepared to accept the policy focus of retailing on centre and edge-of-centre sites of an appropriate size have not been unduly constrained by the planning system.*" ; and
 - l. the CC would like to see a competition test introduced into the planning process (although it is important to note that it has not been). However, the intent of this is to restrict new openings or extensions by an incumbent even if the planning "need" test is met (so that there was not a large concentration of market share in a small area by one operator); it is most definitely not to facilitate openings by competitors which would not otherwise be acceptable (CC Report paras 11.26 and 11.134). See also para 1.38 of the Barker Report which confirms this conclusion.
33. We have appended to this submission "isochrone" maps showing the realistic catchment areas of the existing supermarkets in and around the Saffron Walden area and the northern part of Uttlesford. The isochrone maps have been prepared using standard mapping software and, in accordance with the maximum realistic catchment areas stipulated by the CC Report. They therefore map a 15 minute drive-time from each relevant store. For these purposes, we have used the standard speeds set down by the mapping software; in practice, as these are 2003 speeds and as average road speeds have declined since then as a result of increased congestion, these isochrones are likely marginally to over-estimate the extent of the catchment areas. They may therefore over-estimate the number of customers likely to be attracted to the new store but we do not believe the difference is significant. The two maps show:
- a. Map 1: the catchment areas of supermarkets centred on Cambridge (coloured burgundy), Saffron Walden (coloured red), Haverhill (light blue) and Bishops Stortford (green) to show the general distribution of surrounding supermarkets; and
 - b. Map 2: a slightly more complicated map showing the locations and catchment areas of the individual supermarkets listed in paragraph 34 below (and with the colours in paragraph 34).
34. The isochrone maps show the catchment areas of:
- a. The existing Saffron Walden town centre Waitrose (coloured purple) ;
 - b. The existing Radwinter Road Tesco (dark blue);
 - c. The proposed Sainsbury's (black);
 - d. The Great Dunmow Tesco (light blue);
 - e. The Haverhill Sainsbury's (red);
 - f. The Haverhill Tesco (light blue);

- g. The Waitrose in Trumpington, Cambridge (grey). To avoid undue complexity, we have not mapped the catchment areas of all the other Cambridge stores detailed above on Map 2 as they are all further away than the Waitrose and therefore their catchment areas will be more remote, as indicated on Map 1; and
- h. A notional store situated in the centre of Bishops Stortford (green). Again, to avoid undue complexity, we have not mapped the catchment areas of all of the individual supermarkets in Bishops' Stortford. In choosing to centre the isochrone map in the centre of Bishop's Stortford, we will have underestimated the impacts of those stores which are to the north or east of Bishop's Stortford. There is no overlap between Bishop's Stortford and any of the Saffron Walden based isochrones in any case, and clearly therefore there is no material competition between each town for supermarket customers. There is therefore no direct impact on the current Application; in adopting this simplified approach, we may well however be underestimating the competition which the Tesco in Great Dunmow is already facing from the Bishops' Stortford supermarkets, two of which are Sainsbury's and one of which is in the north-east of the town with relatively simple access to the A120 and Great Dunmow.

35. The isochrone maps show that:

- a. The catchment area for the Applicant store is virtually the same as for the existing Tesco and Waitrose in town. Given its site, the store's catchment area would extend slightly further south and east and not as far north or west as Tesco and Waitrose;
- b. There are virtually no other overlaps of catchment areas, except very minor ones, between the Applicant store and any other existing stores. Inevitably, there will be some customers who have such strong brand preferences that they are prepared to drive beyond their closer stores' catchment areas. As the CC Report makes clear however, there is no appreciable competition between supermarkets save where their catchment areas overlap (or in areas which are not in any natural catchment areas), and therefore the numbers of such people are not material to any review of the impact of a supermarket;
- c. There is virtually no overlap between the catchment area of the Sainsbury's in Haverhill and the Tesco and Waitrose in Saffron Walden – this confirms the evidence from Table 4 of the Applicant's Retail and Planning Statement (discussed in paragraph 62 below) that there is no material leakage of shopping expenditure to Sainsbury's in Haverhill;
- d. There is an appreciable distance separating the catchment areas of the Bishops' Stortford supermarkets and the Saffron Walden supermarkets, and as can be seen from the isochrone maps, the Applicant store's catchment area would in fact be marginally further from Bishops' Stortford than that of Waitrose. In the gap between the catchment areas, there are no settlements of any significance where customers may be roughly equidistant between the two catchment areas. There will therefore be no material competition between the two centres, and minimal, if any, recovery of expenditure by Saffron Walden from Bishops Stortford;
- e. The only area of overlap with the Great Dunmow Tesco is in Thaxted. It is possible therefore that a reasonable number of Thaxted residents would choose to shop in the Applicant store rather than go to Tesco in Great Dunmow, but given the size of Thaxted and its distance from Saffron Walden, the numbers diverted are unlikely to be highly significant, certainly not in the context of the projected £33m turnover of the Applicant store. It should also be noted that Great Dunmow is ringed to the west, south and east by four Sainsbury supermarkets, all within 8 – 10 miles range, so customers with a preference for the Sainsbury's brand are already very well catered for; and
- f. There are a number of small areas which adjoin the catchment area of the Applicant store which are not in the catchment area for any store, and therefore the Applicant

36. On this evidence, and for the reasons given in the following sections, it can therefore be concluded with a high degree of certainty that:
- a. By far and away the largest source of revenue for the Applicant store would come from customers diverted from the Saffron Walden Tesco and Waitrose and from the town centre. As well as misrepresenting the proportion of trade likely to be taken from each of Tesco and Waitrose, it is likely that the Applicant's projections materially underestimate the volume of trade which will be diverted from each, and therefore it is extremely likely that the Applicant's impact assessment materially underestimates the extent of the negative impact the proposed store would have on the Saffron Walden town centre in particular by diverting trade from Waitrose and the town centre stores;
 - b. The assertion that 15% of the Applicant store's trade will be expenditure diverted from Tesco in Great Dunmow is likely to be a material misstatement. On the basis of the Applicant's proposed £33m turnover, this means £5m of turnover would be diverted from Tesco in Great Dunmow, or 20% of the turnover estimated by the Applicant (para 6.30 of the Planning and Retail Statement). Given that the area south of Thaxted is the only settlement of any size where any significant numbers of residents are likely to switch from Tesco in Great Dunmow to the Applicant store, this seems fanciful; and
 - c. There are no other material sources which, on the basis of the CC Report's empirical evidence are likely to provide significant turnover to the Applicant store, and yet the Applicant asserts that 45% of its turnover – or £15m – will come from sources other than customers of the Saffron Walden stores and the Great Dunmow Tesco. This seems fanciful in the extreme.

F. REVIEW OF THE APPLICANT'S PLANNING AND RETAIL STATEMENT

37. Turning to the Applicant's Planning and Retail Statement, we comment as set out in paragraphs 38 to 66 below.
38. In para 2.9, the Applicant notes that the principle of retail development on the site has been accepted. This is of course not true. The site is designated in the Local Plan as employment land; this policy has been departed from to permit some retail development, but on less than half the site – retail development for the whole site hasn't been accepted. As detailed in paragraph 41, the rest of the site is also designated as key employment land which the Local Plan requires to be protected from any change of use. Moreover, the principle of food retailing on the site is expressly rejected in the planning consent to application UTT/1788/07/OP. Condition C.6.1 to that consent makes it clear that only non-food bulky goods can be sold – the consent is clearly intended only to cover bulky goods, not food and small comparison goods retailing which could and should be carried out from town centre or edge of town locations, as required by PPS6. The principle of food retailing from the site has expressly been rejected therefore rather than accepted. The Application is therefore in direct opposition to both the Local Plan designation of the site and the current permitted planning usage.
39. In section 3 the Applicant draws a wholly misleading picture of the Application. The most misleading statement in section 3 is contained in para 3.13, which we discuss in detail in paragraph 43 below. The following assertions in section 3 are also misleading;

- a. Para 3.16 says that the Application will bring improvements to local infrastructure. This is true to a very, very minor extent, but any improvements will be entirely for the benefit of the store, and will be of no benefit whatsoever to the wider community or wider district. The proposed minor changes to the pedestrian and cycle access will lead only to the Applicant store, and to the extent they are used (and we find it impossible to believe they will be used by any significant numbers at all), they will only be used by customers of the Applicant store. It is only by building a supermarket in a completely unsustainable location such as the out of town site proposed that there is any requirement for any new infrastructure in the first place!
 - b. None of the proposals in paragraph 3.21 would be needed by the town in the absence of the Application. The Applicant tacitly acknowledges the huge adverse impact the Applicant store would have on Saffron Walden – there would be no need for additional town centre promotion without the Applicant store since customers would be in the town centre in the first place, not driving 2km out of town to the new store. It's also complete nonsense to suggest that the Applicant store would complement the town centre's retail offer. It will do nothing of the kind. Shoppers at out of town supermarkets aren't drawn into town; they are drawn away from the town. They drive to the out of town supermarket, do a full shop, including of all the smaller non-food goods which are supplied by the local shops, and then drive home again. They do not in general then drive into town. This has been known for years. It is for this reason, and the devastating effect out of town stores have on local towns, that government planning policy specifically directs retail development into town not out of town; and
 - c. Paragraph 3.23 is again complete nonsense. An out of town superstore can't possible be an integral part of the local community – it's in direct opposition to the local community.
40. In paras 3.16 and 3.17, the Applicant claims that the new store would create 350 new jobs (most of which would of course be part time, so the full time equivalent count is much lower than the Sainsbury's headline). There are numerous academic studies however which demonstrate that supermarkets have an overall net negative effect of their surrounding areas – by sucking trade away from local stores, they destroy far more jobs than they create. For example, see the study by S. Porter and P. Raistrick, *The impact of out of centre stores on local retail employment*, National Retail Planning Forum: 'A study by the National Retail Planning Forum showed that new superstores have, on average, a negative effect on retail jobs. Researchers monitored what happened in a two year period following the opening of new, out of town superstores, looking at the impacts within a radius of 10 miles from the new stores. The results were striking. They calculated that in food retailing alone, there was an average loss of 276 jobs. But the real figure is likely to be even larger, because the impact on other outlets such as newsagents, florists and clothes shops was not measured. Although there have been academic squabbles over how to measure impacts (there always are), the negative effects not only seem well grounded but also the logical consequences of the supermarkets' business model and price squeeze.' - A. Simms, *Tescopoly*, 2007, Constable. We can also provide other academic studies which draw the same conclusions if helpful.
41. In section 4, the Applicant sets out a generally misleading picture of the applicable planning policies which are relevant to the Application. In particular:
- a. In relation to the description of PPS1, the Applicant omits entirely to describe the overriding requirement of PPS1, that planning should “*promote sustainable and inclusive patterns of urban and rural development*”. For the reasons given in paragraph 24 above, the Application is in breach of the principles laid down in PPS1;

- b. Similarly, para 4.6 selectively quotes from PPS1 para 27, but entirely omits PPS1 para 27's focus on development within existing centres, reducing transport needs and so on, as detailed in paragraph 24 above;
 - c. In paras 4.10 – 4.17, the Applicant misrepresents the effect of the consultation paper PPS4, which is in any case irrelevant to the Application as it is purely a consultation paper. As we say in paragraph 25, all of the relevant government consultation documents on reform of the planning system have at their heart preservation of the planned approach to planning and development and the support of existing town centres. Although the consultation papers on PPS 4 and 6 propose the removal of the “need” test (primarily for reasons that it has historically at times perversely acted to prevent town centre development where there is already a large out of town supermarket catering for need), the Government makes it clear that none of the changes are intended in any way to weaken the focus on town centres and their preservation. In particular out of town developments should not be permitted where they would have an adverse impact on the town centre, which the Application clearly would;
 - d. The Applicant summarises a number of provisions of PPG13 in paras 4.18 – 4.20. We comment on transport in paragraphs 67-82 below, but the Application is clearly in flagrant contravention of all of the key principles of PPG13 as summarised in paragraphs 4.18 and 4.19;
 - e. It is not obvious that any of the East of England Plan policies quoted in paras 4.22 – 4.29 are relevant to the Application, and it is clear in any case from the Plan that the focus on fostering the development of the Cambridge sub-region is the expansion of the knowledge based economy – not building a huge out of town supermarket on valuable employment land, which could otherwise perhaps cater for jobs in a dynamic knowledge-based economy;
 - f. Para 4.23 summarises Policy SS2, to foster more sustainable communities and encourage development in and around urban areas. An out of town store is vastly less sustainable – the Application therefore contravenes Policy SS2;
 - g. As the Applicant notes in para 4.31, the proposed site is designated as employment land, not retail land – the Application directly breaches the Local Plan therefore. As the Applicant itself says, a portion of the site is identified as “Employment Land to be Safeguarded”; retail development again directly breaches this designation. In fact, virtually the entire site is designated as key employment land for the purposes of Local Plan policies E1 and E2. E2 specifically states the site is key employment land which should be safeguarded from any change of use and that only employment land outside the areas designated by policies E1 and E2 should be permitted a change of use;
 - h. In para 4.33, the Applicant misrepresents the application of Policies E1 and E2 to the site, which we have summarised correctly in the preceding paragraph (g);
 - i. In para 4.43, the Applicant notes the provisions of Local Plan policy RS1 on accessibility and social inclusion, which again the Application contravenes;
 - j. In para 4.43 the Applicant comments on the consultation document, which is of course not law and not relevant to the Application. Even if it were, by the Applicant's own admission, this only contemplates edge of town development and only where need has been identified – it absolutely does not contemplate out of town development or development where no need has been identified.
42. In para 3.6, the Applicant states that it intends to provide 382 car parking spaces and 148 cycle spaces. By comparison, the FDRS report states that Tesco has 389 car parking spaces for an edge of town store of 2,359 sq.m, ie despite Tesco being in a more accessible location within the urban area of the town, it has more car parking spaces for a store less than two-thirds the size of the Application. Given the general lack of facilities for cyclists in the Saffron Walden area, the absence of cycle lanes, the relatively low level of cycling locally and the unpleasant

43. In para 3.13, the Applicant states that “*approximately 34% of available convenience shopping expenditure within the District [ie Uttlesford] is presently leaking to surrounding areas.*” This statement is repeated in different guises many times in the remainder of the Planning and Retail Statement, particularly in chapters 5, 6 and 8. It forms the central tenet of the Applicant’s need argument and is probably the most misleading statement in its whole document, as both the tables in Appendix 4 of the Planning and Retail Statement and the contents of the FDRS clearly demonstrate. In the context of the Application, it is a blatant lie. In analysing customer spend on convenience shopping expenditure, the Applicant uses different study areas from the FDRS, but the results are essentially the same. The FDRS divides Uttlesford into four zones, centred on, respectively Saffron Walden (Zone 1), Thaxted (Zone 2), Stansted Mountfichet (Zone 3) and Great Dunmow (Zone 4), as more particularly shown in the map in Appendix 4 to the FDRS. The Applicant divides the District into three zones, centred on Saffron Walden (Zone 1), Stansted Mountfichet (Zone 2) and Great Dunmow (Zone 3), each having different borders from those in the FDRS. We are not aware that the differences in the zones used have led to any material differences in the effects they show. The reasons why this statement is so grossly misleading in the context of the Application are as follows:

- a. looking at the tables in the Applicant’s Planning and Retailing Statement, the results of the Applicant’s household survey show that:
 - i. in the Saffron Walden zone, for Main Food and Grocery Shopping Market Shares, 82.3% of available expenditure was made in Zone 1, and 83.7% in total was made in Uttlesford (Table 4);
 - ii. for Top Up Shopping 72.9% and 86.2% of expenditure was in Saffron Walden and Uttlesford respectively (Table 6), the difference in this case being largely due to 9.9% being estimated to be mail order or internet.

The FDRS estimates that the overall Saffron Walden retention rate within Zone 1 is 83%; no figure is given for retention within Uttlesford, but this figure clearly tallies closely with that of the Applicant;

- b. although not material for the purposes of the Application because of the drive times from Saffron Walden to Great Dunmow, for Dunmow (Zone 2 in the Applicant’s assessment and Zone 4 in the FDRS), the respective figures are marginally lower for expenditure within the zones, but almost exactly the same for the percentage of expenditure within Uttlesford;
- c. the retention rates for Stansted Mountfichet are very low and therefore they bring down the average overall retention figures for Uttlesford to the 66% or so misleadingly quoted by the Applicant. The reasons for this however are obvious: Stansted Mountfichet is in close proximity to Bishops Stortford with its retail concentration and Bishops Stortford

- d. in summary therefore, approximately 83% of available expenditure from the Saffron Walden area remained in Uttlesford. By comparison, the Applicant estimates that 85% of its turnover will come from Uttlesford (Table 9 in the Planning and Retail Statement), a strikingly similar figure, and that 17% of its Saffron Walden survey respondents lived outside Uttlesford (para 5.14 of the Planning and Retail Statement). On the basis of the Applicant's figures, 17% of Saffron Walden expenditure is outside Uttlesford and 17% of those shopping in Saffron Walden are from outside Uttlesford, which appears to demonstrate that Saffron Walden's retention rates are extremely good, particularly given the proximity of Cambridge. It is also worth repeating the Hephher Dixon conclusion on the Saffron Walden retention rate, that *"Our assessment indicates that both Saffron Walden and Great Dunmow achieve relatively high levels of expenditure retention indicating they are relatively well provided for. Given the relatively high levels of retention we consider there is no significant scope to support additional floorspace on the basis of a higher level of retention in either zone."* ;
- e. if one then applies the correct Saffron Walden retention figure of 83% to the Applicant's assessment rather than the utterly irrelevant and deeply misleading Uttlesford aggregate figure of 66% quoted, the picture given in the Applicant's assessment becomes completely transformed:
- i. in para 3.13, the relevant figure quoted should be that only 16% of available convenience shopping expenditure within the area to be served by the Application is leaking to surrounding areas outside the District. Similarly, para 3.14 is wrong as there is very limited opportunity to keep more expenditure from the Saffron Walden area within Uttlesford;
 - ii. para 5.8 says that significantly 87% of Zone 3 residents are shopping outside Uttlesford – as the Applicant must be aware, this is of no significance whatsoever to the Application (as virtually all of these residents are outside the Applicant store's catchment area) and it is grossly misleading;
 - iii. again, in para 6.11, the Applicant quotes the misleading aggregate retention figure for Uttlesford as a whole rather than the appropriate 83% retention rate for the relevant area;
 - iv. similarly, paras 6.35 and 6.36 quote only the misleading 66% aggregate retention rate for Uttlesford as a whole, and not the correct and appropriate 83% retention area for the Application's catchment area;
 - v. in para 6.35, the Applicant estimates that almost £14m of expenditure is leaking from Uttlesford to Sainsbury's stores outside Uttlesford - again, given the low level of leakage from the Saffron Walden area, virtually all of this leakage must be from the Standsted Mountfichet zone; it is therefore utterly irrelevant to the Application and is not in the slightest important – in direct contravention of the Applicant's statement in para 6.35;
 - vi. para 6.36 is a flagrant misrepresentation of the true position as it bears any relevance to the Applicant store. For example, the Applicant also says that the FDRS suggests that improvements to retention rates could be expected; in fact

- vii. para 6.40 again quotes the 34% leakage figure rather than the actual Saffron Walden figure of 17%; using the correct figure completely changes the paragraph and means that there is no reason to expect any significant change to the retention rate as a result of the Application. The suggested increase in retention rate appears to us to be utterly ludicrous and without any base in fact whatsoever. The only possible basis for it is that the Applicant has misunderstood the figures for Uttlesford as a whole and is proposing that the Saffron Walden retention figures should be increased to up to 76% retention rather than 64% - given that the Saffron Walden retention figures are already over 83%, this paragraph must be nonsense. For the same reason, para 6.41 must be nonsense; and
 - viii. para 6.55 quotes the irrelevant 34% retention figure yet again, rather than the relevant 17% figure; again, using the correct figure completely destroys the argument made; and
- f. this misrepresentation of the leakage rates then feeds through into other figures asserted by the Applicant, such as that £47m of expenditure is leaving Uttlesford, of which £14m is going to stores owned by the Applicant. Again, the vast majority of this leakage is from the Stansted Mountfichet zone, not from the Saffron Walden zone, and the inclusion of these figures in relation to the Application is irrelevant and grossly misleading. Indeed, the Applicant's own figures as summarised in paragraph 62 below demonstrate that there is no significant leakage from the Saffron Walden catchment area to Sainsbury's. The Applicant also repeats these misleading figures regularly in their Planning and Retail Statement, in particular in paras 6.35, 6.40 and 6.57. If the relevant figures were substituted, all of their quantitative need arguments disappear.
44. The existing expenditure retention rate of Saffron Walden is even more impressive when one bears in mind its proximity to the major regional centre of Cambridge, with all its attractions, retail and non-retail, and the competitive advantage Cambridge will always enjoy.
45. In paras 5.5 – 5.14, the Applicant comments on its household survey. Given the extremely misleading nature of many of the assertions made in the Applicant's Planning and Retail Statement, we treat the results of the survey with a high degree of caution. However, even if one accepts the survey results, they clearly paint a completely different picture from that sought to be portrayed by the Applicant:
- a. The Applicant claims that Tesco is "by far, the most dominant store". As even the Applicant's figure show this is complete nonsense. In para 5.6, the Applicant says that Tesco receives 45% of main shopping trips while Waitrose receives 37% - even if this is true, it's clearly nowhere even remotely approaching domination. To further underline this, para 5.12 says that Waitrose is the preferred destination for 64% of survey respondents, and Table 8 says that the Applicant's estimate of store turnovers is respectively £22.43m for Tesco and £20.58m for Waitrose, ie only a 10% difference. These figures completely contradict the statements the Applicant makes. This blatant misrepresentation is repeated in para 5.18; and
 - b. In para 5.12, the Applicant says that their survey identified that 64% of respondents chose Waitrose as their preferred destination. It is hard to reconcile this finding with the Applicant's unfounded assertion of Tesco's dominance of the town. It also shows the importance of Waitrose to the town centre.

46. In para 5.15, the Applicant states that the Local Plan identifies Saffron Walden as the principal shopping centre in Uttlesford, and “essentially functions as its key retail destination”. In the context of the Application, this statement is completely misleading – for the purposes of convenience shopping, Saffron Walden does not function as a significant retail destination for the whole of Uttlesford, but only for the zone around it, where it already commands as high a market share of expenditure as one could expect, if not a higher one. This is amply borne out by the Applicant’s statistics, those in the FDRS and the CC Report findings on the distances consumers are prepared to travel for their convenience shopping. The FDRS states that Saffron Walden’s primary function is to provide shopping for the northern part of Uttlesford only, and that its catchment area is in any case hindered by its proximity to Cambridge (FDRS para 3.6).
47. In paras 5.17 – 5.22, the Applicant paints a picture of Saffron Walden’s retail health which is unfortunately at odds with reality. It is worth noting that much of the health check information in Section 5 is derived from the “health check” carried out by Indigo, the Applicant’s own planning agents; it is therefore obviously not independent, and given the wealth of misrepresentations and inaccuracies in the rest of the Retail and Planning Statement presented by Indigo should be treated with extreme care.
48. As the FDRS states (FDRS para 2.27), the Local Plan identified that in 2000 the health of all of Uttlesford’s towns was somewhat fragile and vulnerable to loss of trade (see Local Plan, para 8.2). That state still exists, and since that time a considerable number of local and national retailers have closed down in Saffron Walden; some have been replaced but in general the period since 2000 has seen a significant decrease in the proportion of retail space in Saffron Walden and a significant increase in the proportion of services space, particularly cafes and restaurants. As we say above, there are a significant number of vacant sites in Saffron Walden at present, including two of the largest non-Waitrose town centre sites, those formerly occupied by Woolworths and Eaden Lilley, and retailers in general in the town centre do not project confidence about the current state of health of the town. One would have to be extremely optimistic to regard Saffron Walden town centre as a “thriving centre” as the Applicant does. Again, in para 5.22, the Applicant misrepresents the FDRS findings, which concludes that Saffron Walden was then (in 2005) considered to be healthy, but specifically highlighted the fragility and vulnerability of the town, and the need to plan accordingly. That fragility has unfortunately been amply demonstrated by the number of retail closures in the period since the FDRS was written, and in particular the change in character of the town centre as many independent retailers have found it impossible to maintain sustainable businesses and have closed down and been replaced largely either by national retailers or by services space.
49. The Saffron Walden Town Centre Health Check prepared by the Applicant’s planning agents and contained in Appendix 3 and referred to in section 5 also misrepresents the state of health of Saffron Walden and demonstrates their unfamiliarity with the town. In particular:
- a. In paras 1.6 – 1.7 they state that Saffron Walden has a below average amount of retail space and an above average amount of services space. Anyone who has been familiar with the town will be aware of the enormous rise in the number of restaurants and coffee shops in the town. The clear trend over the last five years has been for retailers to give up the fight for survival and their sites to be taken over by coffee shops. Even assuming the Applicant’s figures are to be believed, any under representation of retail space is likely to be as a result of the difficulty for retailers in trading, not a structural issue in lack of retail space;

- b. In any case, the figures presented in para 1.5 are misleading. The table in para 1.5 of the health check and the figures from it quoted are restricted only to the town centre and therefore exclude Tesco (the net retail space for Waitrose and Tesco combined is 3,749 sq.m, and Tesco claim a convenience usage of 89%, so combined they have convenience floor space of 3,340 sq.m., more than the total convenience floorspace for the whole town in the table shown in para 4.8 of the Retail Assessment). If you take account of the Tesco floorspace, this out of centre floorspace would explain why the town centre would have a lower than average retail floorspace;
 - c. Vacancy rates are increasing - as we say above, there are a significant number of vacant sites in Saffron Walden at present. The assessment of vacant units makes no mention of the vacant Eaden Lilley, and the fact that two of the largest town centre retail units have stood empty for a long time. It should also be noted that two further good sized retail units have also recently been vacated and stand empty – the former Wine Rack and the former Mullocks sites;
 - d. The town is busy on Saturdays and to a lesser extent on Tuesdays because of the presence of the market (although even the Tuesday market has declined noticeably in the last 12 months or so), but clearly generally quiet or very quiet at other times;
 - e. Since February 2008 when the recession hit Saffron Walden, yields have been rising and retail rentals have been falling not rising. Most rental agreements are upwards only and because of the state of the market there are very few new lettings currently so the overall rental yields are not showing any great change but rentals are in general falling for those lettings which are being made, or rental agreements are being renegotiated;
 - f. It is over 2 years since any national retail multiple agreed to come into Saffron Walden (Laura Ashley being the most recent);
 - g. Retailers in general in the town centre do not project confidence about the current state of health of the town. One would have to be extremely optimistic to regard Saffron Walden town centre as “*thriving and bustling*” as the Applicant does;
 - h. The Applicant also ignores the fact that in recent years a number of sites, such as the former Raynhams car showroom, have been converted to domestic use and a significant number of retail sites have converted to services use, especially cafes and restaurants.
50. In para 5.22, the Applicant states that the FDRS recommends that UDC consider the extension of the town centre boundary – we cannot find any such recommendation in the FDRS or any hint that it would be necessary.
51. In para 6.12, the Applicant notes that the FDRS indicated a potential capacity of up to 1,353 sq.m of convenience floorspace by 2016 – as the FDRS notes however, long term forecasts like that are unreliable and likely to be at the upper limit (FDRS para 4.17). In para 6.12, the Applicant alleges that this does not take account of existing overtrading or the opportunity to increase market shares. As the FDRS makes clear, there are extremely good reasons for both of these. First, the FDRS specifically states (FDRS para 4.19) that “*we have not identified any issue in terms of overtrading at existing stores*” and “*In particular, the major supermarkets in Saffron Walden and Great Dunmow appear to be capable of accommodating their existing levels of trade without affecting customer comfort.*” The supposed overtrading which the Applicant alleges has not been factored in because it doesn’t exist. Secondly, allowance hasn’t been made for increases in market shares because the FDRS identifies that the existing levels of market share are already high, particularly given the rural nature of the Saffron Walden area and the proximity of Cambridge – as the FDRS specifically states (FDRS, para 4.28), “*Given the relatively high levels of retention we consider there is no significant scope to support additional floorspace on the basis of a higher level of retention in either zone [ie Saffron Walden or Great Dunmow].*”.

52. In para 6.18, the Applicant notes that its survey covers the whole of the Uttlesford district and its retail centres. It should again therefore be noted that much of its survey area is outside the potential catchment area for the Applicant store as reflected by the CC Report findings, and is likely therefore to give a misleading picture. Similarly, the figures presented in Section 6 are misleading and over-estimate the extent of sales increases. Retail Planner Briefing Note 7.1 projects an ultra-long term growth rate of 0.7% per annum as the Applicant says. The Applicant however omits to say that the Retail Planner specifically states that in the medium term (defined as to 2106) growth in retail sales volumes will be much slower than in the long and ultra long trend. The statements by the Applicant in para 6.24 that the ultra-long term rates are conservative are therefore completely wrong – they are exactly the opposite. The Retail Planner also notes that growth rates will also be lower for all periods up to 2026. Finally, it notes that there has been a huge contraction in the UK economy (5.7%) since mid-2008, that household spending fell in real terms by 3.2% to Q1 2009, that consumer spending will shrink by 3.5% in 2009 and by a further 0.6% in 2010. The Applicant also notably chooses 2007, which was the height of the retail boom, as its base year, and then projects upward from there. The Applicant's figures will therefore substantially overestimate demand by starting from a much overstated base figure and greatly overestimating the annual increase – indeed, on the figures given above, it may take years until we are even back at 2008 levels. Any suggestion of growth from the 2008 figures should therefore be ignored as being wrong and inconsistent with the Retail Planner Briefing Note 7.1;
53. At para 6.21 the Applicant talks about possible population growth in Uttlesford; again this reflects Uttlesford as a whole and not the realistic catchment area for the Applicant store, so it is impossible to know how much credibility to put on these figures, if any. The Applicant says that the population data is trend based and therefore does not take account of local housing growth. This seems to us to be an absurdity – assuming any new inhabitants of Uttlesford must live somewhere, and assuming that the national trend for there to be fewer occupants per household does not abruptly reverse specially for the Applicant's projection period, then any population data must of necessity take account of housing growth. In any case, contrary to the impression the Applicant seeks to give, the projected population figures are in line with those taken into account in the FDRS projections to 2018 that there is no need for a major increase in convenience floorspace. The Applicant also comments on possible housing options being considered in UDC's Strategic Housing Land Availability Assessment – as the Applicant will know, a whole range of options are being considered, and it is quite possible that no significant new housing will be built within the Saffron Walden catchment area, if for example, excess housing growth is catered for through proposed new eco-towns or villages or similar concentrated settlements or through significant development elsewhere. None of the potential new settlements contemplated in or in close proximity to Uttlesford would fall within the Applicant store's catchment area. Any such speculation cannot therefore be properly part of a realistic population forecast.
54. Paras 6.29 to 6.33 seek to show that there is overtrading at three selected stores, the two in Saffron Walden and the Tesco in Great Dunmow. As we have previously said, the Tesco in Great Dunmow is largely irrelevant to the Application as being outside the catchment area. To demonstrate this further, according to the Tesco website store finder, the Great Dunmow Tesco is 11.65 miles from Saffron Walden centre; there are seven large supermarkets closer to Saffron Walden than this (on the basis of the respective supermarket website store finders), including two Sainsbury stores at Haverhill (8.7miles from Saffron Walden) and Bishops Stortford (11.1m), three Tesco stores, at Haverhill (10.4m), Bishops Stortford x 2 (11.33 and 11.48m) and two Waitrose stores, at Bishops Stortford (10.98m) and Trumpington, Cambridge (11.64m). There are also a further two Sainsbury stores less than a mile further than Great Dunmow, at 12.1 and 12.7 miles respectively from Saffron Walden. The only difference is

55. Furthermore, the basis used by the Applicant to try to allege over-trading is utterly simplistic and ludicrous. All it does is compare the estimated trading density at the three selected stores with the average trading density of the relevant group's stores throughout the country; in doing so, it ignores all other possible contributing factors such as local demographics, relative store sizes, whether stores have cafes etc. For example, north Uttlesford is one of the most prosperous regions in the country, yet no adjustment factor is made for regional weighting - the Applicant is in effect comparing trading at Tesco Saffron Walden with, say, a Tesco in a depressed area of the north and trying to say that the fact that the average turnover density is higher in the store in the prosperous area shows that it is overtrading. It is a simply ridiculous comparison. Even if one believes the Applicant's figures in Table 8, and they are not easy to interpret, and ignores all the demographic factors, for Tesco Saffron Walden, the Applicant gives an estimated turnover of £22,430,000 with an estimated sales floorspace of 2,280 sq.m and an estimated convenience sales floorspace of 2,052 sq.m. The actual turnover appears to be total turnover rather than convenience turnover, although it is not clear. If one applies the total turnover figure to the total sales floorspace, this gives an average sales density of £9,838, which compares with the Applicant's estimated Tesco average sales density of £12,329. Even if one applies total turnover to the Applicant's estimate of convenience sales area only, the sales density becomes only £10,930. Tesco Saffron Walden is therefore significantly undertrading! In fact, if one applies the Tesco average sales density stated by the Applicant of £12,329 £/sq.m to the total sales floorspace of 2,280 sq.m, one gets a turnover figure of £28,110,000. Tesco Saffron Walden is therefore undertrading by some £5.7m. These calculations are not presented in the Applicant's statement of quantitative need. Indeed in para 6.33, the Applicant states that "*there are no incidences of significant under-trading*" – on the basis of the arguments they adduce, this is a blatant lie. Moreover, if one visits either Waitrose or Tesco in Saffron Walden, it is also very unapparent that they are over-trading; we visited both Tesco and Waitrose on Saturday 28 November 2009, just before and just after 2.30 pm respectively, which ought to be a peak trading times and there was no obvious sign of lack of capacity at either. Both were reasonable busy, but not particularly so; at Tesco the car park was only half full and only 9 out of 12 main tills were being manned, and at Waitrose only 6 out of 10, and neither of them had queues of more than a few people. This empirical evidence is supported by the statements in the FDRS that there were no identified issues of overtrading at the existing Saffron Walden stores.
56. If the assertions made in para 6.33 of the Planning and Retail Statement were true, they would also even further undermine the Applicant's case for switching – on the Applicant's figures (which we do not accept in any case), Tesco in Great Dunmow is over-trading by £4.5m while Tesco Saffron Walden is undertrading by £5.7m – if there was any issue with Tesco Great Dunmow, and if there was any evidence that customers would shop outside their catchment area in significant numbers, there would be switching between the two stores, and trade flowing from Great Dunmow to Saffron Walden.
57. In para 6.37, the Applicant suggests a convenience turnover for the Applicant store of £27.9m; it is important to note that this is not a forecast for the Applicant store, but purely an arithmetical exercise based on last year's average Sainsbury's sales density without

58. In paras 6.38 – 6.43, the Applicant uses all of the false and misleading assumptions set out in paragraph 19 (c) above to try to justify a quantitative need for the Application. It also continues its practice of using figures for Uttlesford as a whole rather than the appropriate figures for the potential catchment area of the Applicant store. At the risk of repeating the same issues again, we repeat that (1) the FDRS says there is no overtrading and little forecast need for further convenience floorspace in Saffron Walden and (2) both the FDRS and the Applicant say that there is only 17% leakage from the Saffron Walden area, which is a very low number and appears to be exactly counterbalanced by the inflows from outside the area. If one substitutes the true and relevant figures and statements for the misleading and false statements in para 6.38 – 6.43, it is clear that there is no quantitative need for the Application.
59. In para 6.42, the Applicant also adds back in to its figures population growth already built in to the FDRS' prediction that only 1,381 sq.m of additional convenience floorspace at most might be needed by 2013.
60. Para 6.44 in the Planning and Retail Statement is completely false – there is no quantitative need for the additional convenience floorspace. If any more evidence was needed in addition to that in the preceding paragraphs, it is also provided by the isochrone maps which show that there is no likelihood of any significant extra expenditure being diverted to the Applicant store.
61. In paras 6.45 – 6.53, similar misleading arguments are made about the need for additional comparison goods floor space, in particular using the Uttlesford-wide figures which are of course enormously distorted by the proximity of Stansted Mountfichet to Bishops Stortford. In addition:
- a. As set out in the FDRS, the comparison goods leakage from Saffron Walden is much lower than the Uttlesford average. Further, as the FDRS says, it is only to be expected that there will be significant given the proximity of Cambridge and its relative status in the retail hierarchy (FDRS, para 4.14);
 - b. Not only that, but two of the major comparison goods floorspaces in Saffron Walden town centre stand empty, and have stood empty for a considerable period of time;
 - c. The applicant doesn't say what comparison goods it intends to sell, but on the basis of normal supermarket practice it should be safe to assume that they will be lower order comparison goods of the kind largely already readily stocked in Saffron Walden by a range of retailers. As a guideline, in the current application by Tesco to extend their existing store significantly, Tesco identifies their proposed comparison goods as including clothes, entertainment and books, small domestic appliances, sports goods, card/party ranges, health and beauty goods, kitchenware and small electrical items. The town centre is already well provided for in relation to almost all of these items (and the relevant local shops clearly have the capacity to take on more trade), and those such as some clothing ranges could easily be accommodated in stores the size of Eaden Lilley or Woolworths. No doubt, as an even bigger store the Applicant store would stock an even wider range of goods which compete with the existing town centre stores. There is however no qualitative or quantitative need for these items given the existing offering in the town centre;
 - d. Whilst there is comparison goods expenditure leakage, we do not believe it is of a kind that the Application would address, it is not excessive and the East of England Plan envisages this sort of leakage to higher order centres in its spatial strategy. As the Tesco

- e. Tesco's Retail Assessment for their proposed extension states that, even on its own findings, "*the results indicate that residents of Uttlesford District tend to shop in centres within the District for smaller comparison goods items such as chemist/personal goods, books and music entertainment, household goods*". These are precisely the comparison goods which would primarily be provided by the Applicant store, and these findings therefore completely contradict the Applicant's suggestions that there is considerable leakage from the Saffron Walden area that the Application would change. If any more evidence was needed in addition to that in the preceding paragraphs, it is also provided by the isochrone maps which show that there is no likelihood of any significant extra expenditure being diverted to the Applicant store, save from existing town centre stores.

We therefore reject the Applicant's assertions in this section.

62. Paras 6.54 – 6.59 on the suggested qualitative need for additional floorspace are again completely false and misleading for the reasons set put above, in particular the complete misrepresentation of applicable leakage rates from the Applicant store's catchment area detailed in paragraph 43 above. In particular:

- a. para 6.55 is wrong and misleading – there is a low level of leakage from Saffron Walden, and not a high level and there is minimal scope to improve it;
- b. para 6.56 is completely wrong – nothing of the sort has been established; all that has happened is that the Applicant has made a grossly inappropriate calculation using completely inappropriate assumptions;
- c. the statements in 6.57 about residents travelling outside Uttlesford are almost completely irrelevant to the Application, and once more grossly misleading, as again virtually all of this is due to residents of the Stansted Mountfichet zone going to Bishops Stortford. As far as residents of the Applicant's zone 1 centred on Saffron Walden are concerned, the nearest available Sainsbury is at Haverhill, where there is also a large Tesco. On the basis of the figures in Table 4 of the Planning and Retail Statement, only 4.6% of available convenience spend leaks to "Other stores outside catchment", which would include these two stores and all other non-specified stores; therefore only a tiny proportion of Saffron Walden zone expenditure can be going to Sainsbury's Haverhill. Given that the north-east part of this zone 1 is closer to Haverhill than to Saffron Walden, there will inevitably be some leakage to Haverhill based on proximity alone. The Applicant's figures appear to demonstrate that there is no significant qualitative demand for a Sainsbury store in the Saffron Walden catchment area. This is only to be expected, and is confirmed by the minimal overlap in catchment areas demonstrated in the isochrone map;
- d. in assessing qualitative need, para 2.34 of PPS6 requires local authorities to ensure that there is an appropriate distribution of locations, "*subject to the key objective of promoting the vitality and viability of town centres*" and that provision is made for a range of sites allowing genuine choice. As we say in paragraph 61, there is already a wide choice in Saffron Walden for most of the goods Sainsbury's is likely to sell; indeed, if Application were to succeed it is likely that a number of local stores would be unable to compete and would be forced to close, and so the net effect would be considerably less rather than greater qualitative choice; and
- e. finally, the Applicant's statements in paras 6.58 and 6.59 are again misleading. As set out in paragraph 32(1) above, the aim of the Competition Commission in proposing a Planning Test was to be able to object to new stores by incumbents with already high

63. The Applicant's conclusions in para 6.60 are therefore entirely false. There is no quantitative or qualitative need for the Applicant store and there is no significant issue of leakage from the proposed catchment area. We discuss in paragraph 64 below, the likely impact of the Application on the Saffron Walden town centre below, but we can see no way whatsoever in which the Applicant store would contribute to the viability and vitality of Saffron Walden town centre. For the reasons given in paragraph 64, we believe the proposed store would have an appalling negative effect on Saffron Walden town centre.
64. The Applicant presents their retail impact statement in Section 8 of their Planning and Retail Statement. Once again, they repeat all of the misleading and inappropriate leakage and related figures set out above, so once again the retail impact picture they present is also completely misleading. In terms of the specific paragraphs of Section 8:
- a. para 8.1 says that qualitative and quantitative need for the Applicant store was demonstrated in Section 7. As we have made clear above, there is absolutely no need case for the Applicant store if the appropriate statistics are used and similarly there is no evidence of overtrading locally. They also claim in this paragraph that the Applicant store would "*facilitate more sustainable shopping patterns*". Once again, this is patent rubbish – the Applicant store will either take trade from Waitrose and Tesco in Saffron Walden, and therefore will take trade from town centre / out of centre to out of town, which is clearly less sustainable, or will take trade from stores outside Uttlesford or from Tesco in Great Dunmow. Given the low level of leakage from the Saffron Walden area, as the FDRS says there is minimal scope to reduce this, and therefore any trade diverted from the stores further afield must come from outside the Saffron Walden zone, and will therefore lead to vastly increased car journeys. As we show in paragraph 68 below, on the basis of the Applicant's own assumptions, on an average Friday or Saturday there would be an extra 6,000 journeys to and from the store, even without counting extra journeys from customers diverted from the town centre or Tesco. The one certainty of the Applicant store is that it will definitely lead to less sustainable shopping patterns;
 - b. in para 8.3, the Applicant says that large foodstores tend to compete on a like for like basis with other foodstores and the proposed store is therefore likely to draw trade from other large foodstores. This is true, but it omits to say that large foodstores also act as competitors for smaller foodstores and therefore trade will also be drawn from the smaller foodstores in the town centre. Further more, one of the most invidious effects of out of town foodstores is that once customers have gone there for their grocery shopping, they will also do their other shopping at the same store rather than driving to separate specialist stores. Accordingly, whilst the main competition for convenience goods will be with Waitrose and Tesco Saffron Walden, by drawing customers away from the town centre there will also be a major competitive effect on other, non-grocery, shops in the town centre;
 - c. in para 8.3, the Applicant also states that regardless of brand preference, customers generally travel to their nearest large foodstore. This is not entirely true if a number of stores are within a similar drivetime, but is substantially correct, for the reasons we have set out in paragraphs 30-36 above. The conclusion in para 8.4 however is misleading – the Applicant store will therefore draw the majority of its trade from Tesco and Waitrose in Saffron Walden; to a much lesser extent it will draw trade from the foodstores located just outside the Saffron Walden zone (ie not just outside the Uttlesford district – as we say above we find it fanciful to suggest that the Applicant store would result in any material diversion of trade from Bishops Stortford), and it is extremely unlikely to draw

- d. in para 8.5, the Applicant repeats its completely unfounded overtrading assertions, which again we reject. Para 8.5 also asserts that the Tesco stores in Saffron Walden and Great Dunmow would be the Applicant store's most direct competitors, and ignores Waitrose. This must be untrue – the Waitrose and the Tesco in Saffron Walden will be the Applicant store's most direct competition by far. As demonstrated by the CC Report findings, Waitrose is also the most vulnerable store to a local Sainsbury's. Accordingly, whilst Tesco provides the most significant competition to Sainsbury's, the greatest effect of a new Sainsbury's is on an existing Waitrose (CC Report para 4.70 and Table 4.5). Obviously, the Applicant is trying to down-play the loss of trade from Waitrose, as Waitrose is the store which does most to attract customers into the Saffron Walden town centre, but the Applicant is simply not correct;
- e. in para 8.6, the Applicant estimates that the majority of its trade will be drawn from stores outside Uttlesford. As the Applicant's Table 11 shows however, this is blatantly untrue. Even if one accepted the Applicant's estimates in Table 11 for the amount of trade to be drawn from outside Uttlesford, which we don't for the reasons given above, Table 11 shows that only 40% of the Applicant store's trade would come from stores outside Uttlesford. The Applicant then goes on again to repeat all the misleading figures about leakage rates from Uttlesford, and asserts that the Applicant store would clawback 68% of current expenditure going from Uttlesford residents to Sainsbury stores in Bishops Stortford and Haverhill. As the leakage to the Haverhill store is minimal (see paragraph 62 above), the Applicant is in effect saying that the majority of customers in the Stansted Mountfichet zone would now drive all the way to Saffron Walden rather than going to Sainsbury's in nearby Bishops Stortford. It's a fanciful suggestion which has no basis in reality. Given the findings of the CC Report on catchment areas, the retention rates in the Saffron Walden zone, the situation of existing grocery stores and the surrounding demographics, we can see no justification whatsoever for the Applicant's assertion that any significant level of turnover will come from outside Uttlesford. Indeed our view is supported by the Applicant's own Transport Assessment as shown in paragraph 65 below;
- f. in para 8.7, the Applicant concentrates on Tesco and its expected impact on Tesco. It entirely disregards the impact on Waitrose, when Waitrose has only a marginally smaller market share than Tesco in Saffron Walden and is one of the two key retailers in Saffron Walden. Finally, it deliberately misrepresents the likely source of trade by including the Great Dunmow Tesco's. As the CC Report findings and our isochrone maps show, the chances of any significant trade being drawn from Great Dunmow Tesco's are remote in the extreme;
- g. the assertions made in para 8.8 have no factual basis either. The Applicant repeats its unsubstantiated assertion that Waitrose is overtrading, and then says that the Applicant's quantitative capacity assessment reveals that the retail facilities within the Saffron Walden town centre are "*currently performing very well*". This again is complete rubbish – the Applicant has produced no quantitative assessment of non-Waitrose town centre stores, and all the anecdotal evidence is that the town centre stores are under enormous pressure at the moment. The Wine Rack has just shut down, Woolworths shut down roughly a year ago and has been empty since, likewise for Eaden Lilley for the last 6 months, other shops are disappearing and being replaced by coffee shops, and many shops which are still trading are seeing significantly reduced turnovers. Only this week, the Council has proposed some free car parking in an effort to get customers into the town centre. The Applicant estimates that 9% of town centre turnover will switch to the Applicant, and on the basis of the CC Report findings, and the over-estimate of turnover likely to come from outside Uttlesford, this is likely to be a significant under-estimate.

- h. para 8.9 claims the Application will not damage smaller local stores. Again this is rubbish. Whilst larger grocery stores receive the bulk of their turnover through weekly shopping, a large, and according to the CC Report, growing percentage of turnover comes from top up shopping. The CC Report shows that larger grocery stores do compete directly with small stores. Moreover, even where the Applicant would not compete directly with town centre stores, by diverting either main weekly shopping or top up shopping from Waitrose and the associated benefits for town centre shops, the Application will stop customers coming into the town centre and therefore all town centre stores will suffer. The Applicant also ignores the fact that 30% of the proposed floor space will be devoted to comparison rather than convenience shopping. One of the biggest issues with out of town stores like the one proposed is the diversion of shoppers from the town centre and their tendency then to do all of their shopping at the out of town store and not to visit specialist shops;
- i. the proportional damage for local retailers will be even worse from the comparison goods stocked by the Applicant store. In para. 6.37, the Applicant estimates comparison goods turnover of £5.3m, of which £4.5m would be drawn from Uttlesford. Tesco and Waitrose currently do not have a large comparison goods offering, and therefore most of this is going to be trade diverted from smaller retailers in the town centre. Even assuming the £4.5m figure is correct, this would be a huge diversion of trade from the town centre; given the proportion of floorspace proposed to be devoted to comparison goods, this level of turnover is also likely to be a significant underestimate;
- j. para 8.10 is misleading again – the Applicant misleadingly downplays the role of Waitrose. Whilst a substantial proportion of Waitrose’s turnover is top-up shopping, it is also very much a destination shopping store, in the same way that Tesco is, and the Applicant proposes to be. If customers start doing their destination shopping at Sainsbury rather than Waitrose there would be an enormously detrimental effect on the town centre. This assertion is all also completely at odds with the Applicant’s Transport Assessment – in paras 8.10 and 8.11 of the Planning and Retail Assessment, the Applicant says that its main focus is on competing for weekly destination shopping not top-up shopping; in complete contrast, the Applicant claims in its Transport Assessment that 1,000 journeys a day on Fridays and Saturdays will be made to the Applicant store. Whilst it is possible to do destination shopping on foot to Waitrose and to a lesser extent Tesco, we find it impossible to believe that destination shopping trips could be made to the Applicant store on foot. Any trips to the Applicant store on foot are virtually certain therefore to be top-up shopping, taking trade and customers away from the town centre. Waitrose is particularly important as a destination which attracts customers into town, and a number of retailers such as those in women’s fashion have cited it as being particularly important;
- k. similarly, para 8.11 claims that it is with Tesco that Sainsbury will compete directly. Again, this completely misrepresents the picture. The Applicant’s own figures say that 9% of Waitrose turnover will be diverted, and if there is any truth in its claim to be targeting main weekly shopping, this turnover will be drawn mainly from destination shoppers to Waitrose who would therefore not be drawn into town. Moreover, the 9% figure clearly underestimates the impact on Waitrose – the CC Report shows that there is a base impact of 7 – 11% turnover loss (see para 17(b) above), and this is a minimum even before one takes account of the fact that Sainsbury is Waitrose’s most damaging competitor, the extreme proximity (in terms of drive time) of the two stores and the fact that the Applicant store would be considerably bigger than the Waitrose is. The Applicant claims in Table 11 that 10% of its turnover will be diverted from Waitrose and

1. para 8.12 is again fallacious. There is no evidence on the figures produced by the Applicant or the FDRS that any significant convenience expenditure is leaking from the Saffron Walden area and will be clawed back. The low level of leakage from Saffron Walden shows that residents are not going outside the area to do their convenience shopping, so the Applicant store will not encourage significantly greater numbers to stay in the area. The proposals to encourage links with the town are a meaningless fig leaf, which isn't seriously going to have any material impact on anything. Finally, the idea that the Application will lead to an increase in town centre turnover due to the spin off benefits arising from linked trips is again fanciful. There isn't significant leakage from the Saffron Walden area, the CC Report shows that people will not travel more than 10-15 minutes to grocery stores where others are available so it is extremely unlikely the Application would draw in significant expenditure from outside the area, and out of town stores are primarily destination stores which do not provide spin off benefits for neighbouring areas – that is precisely why PPS6 sets out a policy against out of town stores.
65. Not only are the Applicant's assertions on the need for any new supermarket and the likely sources of turnover completely contradicted by the evidence; they are also completely contradicted by the Applicant's own Transport Assessment. Section 5 of the Transport Assessment deals with the increased travel which will be generated by the store. In para 5.19 of the Transport Assessment, when commenting on likely trip generation by the new store, the Applicant states that trip attraction rates (ie the number of new car journeys caused by the new store) will be relatively low because *"there is only a given quantum of food related traffic that can be generated by the catchment and at the present time this is largely being served by Tesco and Waitrose with some external leakage. Hence, a new store will result in reductions in trip rates at these existing stores and an effective limit on the level of trips at the new location."* As will be seen from our analysis above, we firmly believe that the Travel Assessment is more likely to be correct in this regard than the Planning and Retail Statement. Either way, either the Planning and Retail Statement is untrue or the Transport Assessment is untrue, but clearly both cannot be correct.
66. In summary therefore, the Applicant's conclusions in para 8.13 are completely wrong – the estimated impact of the Application on existing convenience retail facilities may be acceptable for Sainsbury but appears completely unacceptable to us, it will most definitely cause significant adverse harm to the Saffron Walden town centre, and it is extremely unlikely that it would offer any significant spin-off benefits. It is also interesting to compare the Applicant's need arguments with the Tesco Appeal Decision:
- a. the planning policies under which that decision were made either still exist (sometimes in re-enacted form) or have been amended to further favour town centres over out of centre stores;

- b. both the state of health of the Saffron Walden retailers and the trading situation of both Tesco and Waitrose then were substantially similar to their current situation;
- c. in 2000, Tesco also claimed substantial overtrading and congestion, which again was contradicted by the evidence of the Inspector's visits. Importantly he also noted that to prove retail need, it is not enough just to show that there is capacity or demand for a development;
- d. in 2000, the estimated store diversion from the town was much less than would be the case from the present Application and yet the Inspector found that the proposal would have an adverse effect on the vitality and viability of the town centre;
- e. it is also worth noting that the Tesco extension would be much closer to town than the Application, and would have been less than a quarter of the size of the Applicant store; yet still Tesco and UDC estimated it would divert between 5 and 8% of convenience shopping from the town centre. The Inspector conclude that UDC's more cautious assessment of an 8% diversion was more realistic – the Applicant's suggestion that it would only divert 9% of convenience shopping from the town centre should also be read in this light;
- f. the state of retail health in Saffron Walden now bears a striking resemblance to the Inspector's summary in paragraph 16 of the Tesco Appeal Decision; and
- g. the Inspector's appeal decision in paragraph 18 is also directly relevant to the existing situation – *I have concluded that there is no real need for the scheme on grounds of congestion in the existing store, improving the range of goods there, or to reduce car mileage on trips to other stores and shopping centres.*”

G. REVIEW OF THE APPLICANT'S TRANSPORT ASSESSMENT

67. Before commenting on the detail of the Applicant's Transport Assessment, it is worth bearing in mind the requirements of PPG13, summarised in paragraphs 26-29 above, and the fact that the Application so clearly breaches all of the key requirements of that policy document. The Transport Assessment should be read against that background. The Application is for a completely unsustainable development; whilst the Transport Assessment makes certain concessions to try to mitigate this, their effect will be tiny compared to the overall damage inflicted by the development.
68. We should also remember what the Applicant's Retail and Planning Statement claims in relation to the sources of customers for the Applicant store, ie that 10% will be diverted from Waitrose, 35% will be diverted from Tesco Saffron Walden, 15% will be diverted from Tesco Great Dunmow and from local stores inside Uttlesford and 40% will be diverted from stores outside Uttlesford. As Sainsbury and FDRS both say, 83% of local convenience trade is already being retained in Saffron Walden. Significant portions of the are included in the “Saffron Walden zone” for the purposes of these two retail studies are either outside the catchment areas of the existing and proposed Saffron Walden stores or are closer to other major supermarkets such as Cambridge, Haverhill, Royston or Braintree, so it is extremely unlikely that the 83% retention figure can be improved significantly. Virtually no part of the Saffron Walden zone which is less than a 15 minute drive from Saffron Walden is in the catchment area for a competing store. It is virtually certain therefore that a materially higher proportion of available expenditure even than the already high 83% is already being retained in Saffron Walden. The drive-time analysis referred to in paragraphs 33-36 above also shows that virtually the whole of the area which is within a 15 minute drive-time of Saffron Walden is within Uttlesford, so any new trade must come from areas at least 15 minutes drive-time away. Sainsbury's claim however that 40% of their store turnover will come from diversion of trade from stores outside Uttlesford. If one believes their trip generation figures, on an average Friday or Saturday there would be 8,700 journeys to and 8,700 journeys from the

69. By its very nature, the Applicant site would only naturally be accessible by car save for a handful of extremely hardy cyclists and walkers, if any. The experience of Tesco, which is not even out of town, is far closer to residential areas of Saffron Walden and is served by a far more pedestrian-friendly road than the Thaxted Road is that pedestrians and cyclists do not visit out of centre supermarkets in any material numbers. Even compared to Tesco, the proportion of customers using non-car access to the Applicant store will be tiny.
70. The Transport Assessment distorts and misrepresents this background throughout the report. For example:
- a. In para 1.3, says that consideration has been given to walking and cycling measures “To ensure that the proposed store is well connected and integrated within Saffron Walden”. Reading that, one would think we are talking about a completely different site. It’s 2km from the town centre, out of town and separated from the town by open countryside. No measure on earth could make the Applicant store “well connected and integrated within Saffron Walden”;
 - b. In para 2.4, the Applicant says that the site can be reached by walking via the Thaxted Road. Technically of course this is correct; in the real world it completely ignores the fact that the B184 is a major road with fast moving traffic right next to the pavement, and is not a route that anyone would sensibly walk;
 - c. In para 2.5, the Applicant says the nearest residential development is The Kilns. The Kilns of course is not a residential development at all (it is live/work units); the nearest residential development is the edge of town which is 600m away at its very nearest;
 - d. In 2.6, the Transport Assessment says the site has a relatively average level of public transport provision, and also notes the “site’s proximity to the nearest station at Audley End”. It is all but impossible to imagine anyone coming by train to Audley End and accessing the store by taking two separate and infrequent bus services with a change in town. Even para 2.6 admits the bus service is infrequent, and the Table 2.1 shows that is an understatement – on the peak shopping day of Saturday, only 4 buses per day would go past the site;
 - e. The statements in para 2.8 are equally ludicrous, for example that the station is too far to walk “for everyday shopping purposes” – the station is 5km away, and mainly along major roads with no footpath provision. Except in desperation no one would walk that for any reason, let alone “everyday shopping purposes”. Given that bus services from

- f. Para 2.10 describes the site as having “a typical characteristic of an edge of town site”, which again is complete rubbish. It is not remotely like an edge of town site – it is an out of town site, completely separated from the town, served by a major road which has no urban characteristics at all. There are also no cycleways anywhere in Saffron Walden, let alone ones linking the site to the Common as stated. Similarly, paras 2.11 and 2.13 completely ignore the out of town nature of the Thaxted Road, the narrowness of the pavements and the proximity to very fast moving traffic. The same misrepresentation is made in paras 2.16 – 2.17; para 2.16 even notes that “there are no markings which restrict parking” – given that there are no residential areas until one has got 600m from the site, it’s not surprising that there is no need for the council to restrict parking;
 - g. Para 2.19 misrepresents Peaslands Road, in particular omitting to mention the relative narrowness of the road and the fact that virtually all the way along it there is regular car parking which effectively turns long stretches into a single lane road – and this is the road Sainsbury seem intent on trying to designate as the main access road for town residents. It should also be noted that at peak times during the week, the road is particularly blocked by parking at school collection and dropping off times, and on Saturday mornings the road is reduced to effectively a single carriageway because of the sporting activities carried on at Friends School. This road system couldn’t possible carry a significantly increased traffic flow;
 - h. Contrary to para 2.27, traffic conditions aren’t typical of market towns throughout the UK – they are much worse. The town has 3 air quality management areas (“AQMA’s”) for a start and huge congestion at peak times. An action plan has been prepared, and one of its aims is to reduce congestion not increase it. It is also worth saying that the Thaxted Rd / Radwinter Rd already has the highest NOX levels of the three areas and breaches permitted concentrations; and
 - i. The Transport Assessment deliberately understates the existing issues at the Thaxted Rd / Radwinter Rd junction in para 3.32 – there is not just “some queueing” at this junction – there are huge queues at this junction at peak times along both Radwinter Rd and Thaxted Rd. The base traffic conditions, and the resultant NOX pollutant levels, at this junction are already so bad that it has been designated as an AQMA, and yet the Applicant proposes to add further traffic to it.
71. The Applicant glosses over the history of personal injury accidents in the affected area, particularly insofar as it relates to the Peasland Rd, Mount Pleasant Rd and Borough Lane route, which appears to be designated as the major trunk route to the store. There are already accidents on this route and this is with a relatively minor flow of traffic, before it is turned into a service road for the Applicant store. The Applicant notes the presence of the Friends School, but completely fails to mention the effect of the County High School – at Friday peak times, there is an enormous number of schoolchildren going down these roads to the County High School.
72. In section 3, the Applicant considers relevant transport planning policy. In its consideration, the Applicant fails to mention that the Application would breach every major transport planning policy applicable to the Application.
73. We comment as follows in relation to section 3 of the Transport Assessment:
- a. The key objectives of PPG13 are summarised in para 3.7. As we note above in paragraphs 20-29, the proposed development breaches all of these key objectives;

- b. In para 3.8, the Applicant briefly summarises the provisions of PPG 13 paras 35 and 36, which the Application clearly breaches. It is worth saying, although the Applicant omits it, that para 35 also underlines the planning policy commitment to town centres – *“Policies for retail and leisure should seek to promote the vitality and viability of existing town centres, which should be the preferred locations for new retail and leisure developments.”*
- c. The Applicant misrepresents the effect of PPS1, and in particular fails to note that the Applicant site is completely unsustainable and so fails the PPS1 requirement in any case. Para 3.11 of the Transport Assessment also emphasises the plan-led approach required by PPS1. It should therefore be repeated that the Application is completely contradicted by the Local Plan – as we show above in paragraph 41, the site is specifically designated as employment land to be safeguarded from any change of use, and yet the Applicant is now proposing to change it to retail use for a major retail development which is not even contemplated by the Local Plan;
- d. The Applicant misrepresents the RTS priority – the main traffic policy priority is to reduce transport needs; the next priority is then to divert traffic to more sustainable modes. Obviously the Application is directly contrary to these requirements;
- e. The conclusion in para 3.14 is absolutely staggering. As we say in the introduction to this section, the principal effect of the development would be an enormous increase in journeys and lengths of journeys. The development would be unsustainable and would directly breach all applicable transport policies. The proposal of course identifies a number of sustainability measures, but these are tiny in comparison with the adverse effects of the development. They may turn a massively unsustainable development into a slightly less massively unsustainable development, but it’s utter nonsense to say that an out of town supermarket of the type proposed could even begin to comply with the aspirations of the East of England Plan;
- f. Para 3.15 notes the five objectives of the Essex Local Transport Plan, and unbelievably the Applicant makes the ridiculous assertion that the Application would help to achieve them. It can’t possibly – it completely flies in the face of each of the objectives. The Applicant store would increase congestion; it would decrease accessibility, it would massively increase the amount of road traffic on all the roads in and around Saffron Walden, inevitably making them less safe, and inevitably air quality will go down even further, pollutant levels will increase even further and the AQMAs and associated action plan will be further prejudiced; and
- g. Similarly, para 3.22 sets out the key transport objectives of the Local Plan. We comment in more detail in paragraph 6-29 above in relation to the planning policy background more generally, but clearly the Application directly contradicts these key objectives. In particular, the Local Plan’s objectives are to locate high trip generating activity in areas well served by public transport, to increase the number of journeys made by rail, but, on foot and by cycle and to reduce the number and length of motor journeys.

74. In relation to section 4, we comment as follows;

- a. Paras 4.11 and 4.12 both drastically overstate the accessibility of the Applicant scheme. The very nature of the site is that it is largely inaccessible save by driving. The statement in para 4.11 that accessing the site on foot and cycle is of equal importance to accessing by car is just blatantly untrue, and is completely contradicted by the Applicant’s breakdown of expected trips and modes of transport set out in para 5.69. Para 4.13’s statement that the minor measures to encourage pedestrian and cycle access enhance the sustainability of the site is of course true insofar as it goes, but of course this is in the context of the background of a completely unsustainable out of town

- b. The proposals regarding cycle access ignore the fact that the existing cycle path travelling north from the Kilns development ceases at the junction of Thaxted Road with Peaslands Road. The rest of Thaxted Road makes no provision whatsoever for cyclists. Indeed there is no provision whatsoever for cyclists in the whole of the town so that a few metres of extra cycle path between the Kilns and the proposed store will do nothing to encourage increased cycling;
- c. The Applicant in para 4.22 – 4.26 completely ducks the issue of construction traffic. We understand that it is proposed that virtually the whole site will be raised considerably by importing vast tonnages of landfill – it is not surprising that the Applicant doesn't wish to draw attention to this, but the effect on whoever is anywhere near the route for importing the landfill / aggregate will be appalling. It's also completely unrealistic to suggest that large numbers of HGVs are going to be accessing the site from the A120 driving through Great Dunmow and Thaxted – the roads are completely unsuitable; and
- d. The bus proposal outlined in paras 4.28 – 4.32 should be treated with enormous scepticism, particularly in light of the experience with Tesco and the rapid demise of their shuttle bus service which was supposed to reduce car journeys. Given the demographics of an average Sainsbury's customer compared with an average Tesco customer, an even smaller proportion of customers for the Applicant store would come by bus than even the small number that go to Tesco. In addition, there are no proposals whatsoever to increase public transport for the 55% of the store's customers who would be arriving from way out of town, primarily outside Uttlesford. The 313 service is the only existing service which might go past the store and even this is completely inadequate and can't cater for mothers with pushchairs, the disabled or elderly with heavy shopping.

75. We believe that the Transport Generation section of the Transport Assessment, section 5, is grossly misleading, in both the assertions that it makes about car use to out of town supermarkets and the assumptions it uses, and also the resulting trip generation outputs. The statements made in it also directly conflict with the statements made in the Applicant's statements in its Planning and Retail Statement. In particular, para 5.19, when commenting on likely trip generation by the new store, states that trip attraction rates will be relatively low because *“there is only a given quantum of food related traffic that can be generated by the catchment and at the present time this is largely being served by Tesco and Waitrose with some external leakage. Hence, a new store will result in reductions in trip rates at these existing stores and an effective limit on the level of trips at the new location.”* We believe this statement is largely true, but it completely contradicts the Applicant's assertions that a large proportion of Saffron Walden trade is leaking out and that the Applicant store will capture 55% of its turnover from stores other than the Saffron Walden Waitrose, the town centre and Tesco. Either the Planning and Retail Statement is patently untrue or the Transport Assessment is patently untrue (or quite possibly both are untrue), but both statements cannot be true.

76. We comment specifically on section 5 as follows:

- a. In 5.2, the Applicant estimates that 20% of traffic would come from the south and 80% from the north through Saffron Walden. In light of the drive-time analysis we have set

- b. The analysis in paras 5.5 – 5.16 focuses entirely on Tesco – there is no mention whatsoever of the custom which will be diverted from Waitrose, and the massive increase in car journeys this will cause. In both the Planning and Retail Statement and the Transport Assessment, the Applicant has adopted a deliberate tactic of downplaying the effect of the Applicant store on Waitrose and the town centre and pretending that only Tesco will be affected. As our analysis in paragraphs 32-36 and 64 above shown, the new store is just as likely to draw trade from Waitrose as it is from Tesco, and yet there is not a single mention of Waitrose in paras 5.6 – 5.16. We cannot see how the Transport Assessment can give any proper assessment of the effects of the new store when it largely ignores Waitrose. There is no discussion whatsoever of the amount of increased traffic the Applicant store would create in drawing customers from Waitrose, customers who in all likelihood would walk to Waitrose but will have to drive to Sainsbury's;
- c. There is no justification whatsoever for the assumptions made in paras 5.6 – 5.9 as to the proportion of residents from each location shopping at Tesco or Sainsbury – the trip attraction proportions clearly are designed to suit the Applicant's case, but there is no obvious statistical validity to any of them. The analysis also omits any discussion of Waitrose;
- d. In their Planning and Retail analysis, the Applicant states that 40% of turnover will be "new" turnover which will come from customers outside Uttlesford who are not customers of either Waitrose or Tesco. No specific mention of this is made in the Transport Assessment. As we estimate in para 68 above, on the basis of the total traffic figure estimates given by the Applicant in para 5.9, this is equivalent to 5,000 extra journeys from the north of the Applicant store, through the centre of Saffron Walden. Notwithstanding this, the Applicant somehow manages to allege in para 5.12 that the store is likely to have an impact on a reduction of generated trips through the Radwinter Rd / Thaxted Rd junction;
- e. We highlight again para 5.19 and its conclusions, which completely contradict the Applicant's assertions in their Planning and Retail Statement;
- f. Para 5.20 is such obvious nonsense that it is impossible to believe anyone can seriously suggest it. Either it is utterly meaningless, in that it ignores any distinction between a trip on foot to a town centre shop and a car journey to Sainsbury's (and "trip" is used in an extremely narrow sense just to mean a visit someone regardless of the form it takes and the sustainability of the transport option), or this paragraph has some meaning, in that one needs to take account of the nature of the trip, its length and the sustainability of the mode of transport used. If one assumed the former, one may as well put the new store 100 miles away and say that this would result in no difference in trips, just make them more or less convenient! We obviously assume that this paragraph is intended to have some meaning, in which case it is clearly rubbish. If out of town supermarkets

- g. In para 5.22, the Applicant says that in its criteria for its TRICS analysis, it has selected edge of town stores. The Applicant store would of course be an out of town store and is in fact some 1.7km further away from the town centre than an edge of town store would be – we don't see how the analysis can possibly produce any reliable data if the inputs are so clearly wrong;
- h. We do not understand what para 5.31 is trying to say;
- i. In para 5.32, the store Travel Plan might help to reduce the Applicant store's traffic, but this traffic wouldn't exist in the first place if it weren't for the proposed store. The plan therefore won't reduce vehicular traffic, just that it will result in a slightly less massive increase in traffic;
- j. We note that the ECC figures in 5.33 – 5.35 are shown to have a large increase in generated traffic especially at the Radwinter Road junction AQMA. Given the misleading nature of so many statements made by the Applicant in their Transport Assessment and their Planning and Retail Statement, we would instinctively assume that the ECC figures are more likely to represent reality;
- k. In paras 5.37 and 5.38 the Applicant repeats the same statement that supermarkets generally attract rather than generate trips and that the majority of traffic to the new store would already be on the road. This is simply unbelievable, and to the extent any of it is true it is completely misleading for the reasons given in paragraph (f) above. Out of town supermarkets will lead to fewer people walking or cycling than a town centre store and will result in longer trips. From a road usage perspective, there is no difference between one trip of 2 kilometres to an out of town Sainsbury, 2 trips of one kilometre to an out of centre Tesco or 5 trips of 400m to a town centre Waitrose. The reality is that the Applicant store would lead to a massive increase in road usage. The applicant estimates that customers will come broadly from 2 destinations:
 - i. From Waitrose or Tesco in town; given that virtually no one would walk to Sainsbury's and many people obviously do walk to Waitrose and some walk to Tesco, there will definitely be an increase in trips, and on average each trip will be longer; and
 - ii. From Tesco in Great Dunmow and from outside Uttlesford. Given that 45% of turnover is predicted by the Applicant to come from outside Uttlesford, and that the isochrone maps show that virtually no areas outside Uttlesford are within the 15 minute drive-time isochrone, this would mean that 45% of trips to the Applicant store would be substantially in excess of 15 minute drives. This would lead to a huge increase in road usage compared to these people shopping in their local stores;
- l. Paras 5.41 – 5.54 repeat these misleading statements. It is absolutely clear that the new store would result in an increase in trips and a large increase in mileage. This is bound to put more pressure on existing road junctions, and will put unbelievable pressure on the whole of the Borough Lane / Mount Pleasant / Peaslands Road stretch and the associated junctions. As we say in paragraph 68 above, even if we could believe the Applicant's figures, the development would still lead to an extra 5,000 trips through Saffron Walden on an average Friday or Saturday;
- m. Notwithstanding the massive increase in transport from outside the Saffron Walden which would result from the new store, the Transport Assessment is completely silent on the impact of the surrounding rural road network; and
- n. Paras 5.49 – 5.54 discuss "pass-by traffic". The Applicant notes that this is likely to be relevant only where the site is "*located on a major arterial route within an urban area*". Clearly the site is not located in an urban area so this should therefore be irrelevant, but

77. Lastly in section 5, the Applicant notes that there is “*generally a paucity of information about mode split rates to supermarkets*”. This is clearly misleading, certainly insofar as out of town supermarkets such as the Applicant are concerned – there is a wealth of government policy documents legislating against out of town stores because virtually everyone travels to them by car, the most unsustainable travel mode. Yet somehow in para 5.65, the Applicant decides that it is reasonable to assume that 12% of customers will walk, and in para 5.71 notes that this translates into over 1,000 pedestrian customers every Friday and Saturday. The only clue they give for this guess is their TRICS model; as we note in paragraph 75(g) above, the Applicant has used criteria for an edge of town store rather than an out of town store, and its TRICS model therefore must be completely wrong. It may be reasonable to assume that 12% of customers will walk 300m in an urban environment to an edge of town store; it is obviously nonsense to assume that 1,000 pedestrians will walk 1 to 2km to the store. In making any assumption about pedestrian usage, regard should also be had to the *Select Committee on Environment, Transport and Regional Affairs Eleventh Report – Walking in Towns and Cities* report which notes that “Two crucial aspects of dedicated pedestrian routes are better crossings of main roads and segregation from fast moving traffic” – neither will be present in relation to the Thaxted Road. Observations of shoppers’ habits at Tesco in Radwinter Road show that, even for an out of centre store within the centre, this number of pedestrian shoppers is not the case. The centre of town Waitrose however achieves a high number of pedestrian shoppers.
78. In relation to section 6, we note the Applicant’s conclusion in section 5.19 (referred to in paragraph 75 above) that only a small amount of additional travel will be generated because of the catchment area of the new supermarket, which would mean that there would be limited extra shopping that is not already done in Saffron Walden. Given that the Applicant claims that 40% of total turnover will come from new sources outside Uttlesford, this means that the Applicant’s conclusions in section 6 must be hopelessly misleading – we have not therefore commented on the specific assertions made in section 6 as they clearly cannot be believed.
79. Even on the basis of the Applicant’s figures, which cannot be believed, the Transport Assessment study of vehicle movements (paras 6.16, 6.18, 6.37, 6.46) acknowledges that even with suggested improvements at the Thaxted Road/Radwinter Road junction (which may not be achievable) the junction will still operate over industry standard accepted capacity of 90% at peak times. Residents with actual experience of negotiating that junction at all times of the day will confirm that it is nearly always congested. The additional traffic generated by the proposed store will have knock-on effects on congestion throughout the town which are not acknowledged or modelled.
80. In relation to the Applicant’s conclusions, in section 7.3 of the Transport Assessment, we comments as follows:
- a. The first conclusion is patently untrue – the proposed development clearly is directly contrary to PPG13 and its requirement for reducing the need for travel, siting developments in accessible locations etc;
 - b. The development proposal will give rise to a huge local increase in traffic, and presumably a large knock on effect from the 55% of customers predicted to come from out of the existing Saffron Walden catchment area; and

- c. Contrary to the third bullet point, a realistic estimate of trip generation hasn't been made. As we say above, the TRICS and associated analysis is littered with errors and false assumptions. In particular:
- i. It has been prepared on the basis that the development is an edge of town store when it is an out of town store with hugely greater traffic implications;
 - ii. We believe it has been prepared on the basis of completely false assumptions as to the sources of revenue, in particular the proportion which will come from customers who would otherwise be using Waitrose and the town centre;
 - iii. It makes completely unsustainable assumptions about pedestrian usage, which fly completely in the face of observed behaviour, the location of the site and the nature of the B184 down which pedestrians are being asked to travel; and
 - iv. It appears to be prepared on a completely different basis from the Planning and Retail Statement, specifically directly contradicting the Applicant's assertion that 55% of customers will be from outside the Saffron Walden catchment area.
- The conclusions reached in the Transport Assessment are therefore completely unsustainable. The Applicant should be required to prepare a proper Transport Assessment which includes realistic assessments and inputs, and not those which it has used so far;
- d. We simply do not believe that there would be no detriment to the Radwinter Road junction, as the Applicant's underlying figures are simply not credible. They completely underestimate the amount of trade diverted from the town centre and the increase in car journeys, and they completely ignore the extra 5,000 car journeys going through the town every Friday and Saturday shown by paragraph 68 above. In addition, even the modelled no detriment situation wouldn't be applicable until 2016, some 4 years after the store would have been in operation;
 - e. The fifth bullet point of the conclusion is directly at odds with the Applicant's statements on revenue sources in the Planning and Retail Statement, which predicts 55% of customers from outside the Saffron Walden catchment area and a resultant massive increase in traffic into and through Saffron Walden;
 - f. The sixth bullet point is again only even vaguely credible if one assumes that the Applicant's Planning and Retail Statement is completely false, and even then the Transport Assessment completely underestimates the numbers and the effect of customers driving to the Applicant store rather than walking to Waitrose and the town centre. If one believes that the Applicant's Planning and Retail Statement has any credibility then, on the basis set out in paragraph 67 above, there would be an extra 6,000 plus shopping trips by car every Friday and Saturday, of which 5,600 would pass through Saffron Walden – and yet the Transport Assessment claims there is a case (although presumably not a credible one) that there wouldn't be a significant increase in traffic;
 - g. The next bullet point has no credibility as the underlying traffic figures have no credibility, as shown in the preceding paragraphs. Similarly, the ninth bullet point has no credibility for the same reason. In the tenth bullet point, the Applicant even admits that the situation will be so bad that it will reach a point where traffic redistributes itself rather than face the Thaxted Rd / Radwinter Rd junction! This feels like utter desperation. Given that this doesn't happen at the moment – mainly because there are no credible alternative routes for many people – the Applicant must be assuming the existing situation is likely to get considerably worse, so that drivers are forced to consider alternative routes;
 - h. None of the mitigation proposals in the eighth bullet point would be necessary were it not for the huge adverse effect the proposal would have on local traffic. Adding traffic signals at the junctions proposed will slow down traffic and hugely increase air quality

- i. The eleventh bullet point makes the simply incredible claim that the store will “*make a marked contribution to enhancing the sustainability of the site in transport terms*”! It’s simply unbelievable. The Applicant is proposing an enormous store, where the only sensible method of access for almost everyone is to drive, which would entail an enormous increase in traffic and car journeys from the local area, and which would suck in 6,000 extra journeys to the area daily. Yes somehow the Applicant claims that, because of a minor stretch of extra cycle / footway situated right next to the major arterial route of the B184, and a few extra buses, there will be a marked improvement in sustainability. If the repercussions weren’t so serious, it would be laughable; and
 - j. Finally, the proposed measures will do virtually nothing to link the store to the town centre. To repeat the most important point, it is an out of town store, 2km from the nearest edge of the town centre and nothing can connect it to the town save in the most tenuous and unsustainable way.
81. Para 7.4 says the Applicant considers there will be benefits of the transport elements of the proposals to Saffron Walden because it will help to reduce retail leakage to other Sainsbury’s stores. As both the FDRS and the Applicant’s own figures show, there is no material leakage from the Saffron Walden zone to other Sainsbury’s stores. This point is once again complete nonsense. As the maps show, a number of the outlying parts of the Saffron Walden zone are closer to the Sainsbury’s in Haverhill for example, and suggesting that these residents will now shop in Saffron Walden would lead to a decrease in sustainability rather than an increase given the increased trip distance.
82. The Applicant’s final paragraph, in para 7.5 of the Transport Assessment, then completely negates all the denials they have previously made about the store not resulting in a significant increase in traffic by admitting that the development will indeed result in increased traffic flows – and this even on the Applicant’s assumptions which hugely underestimate the amount of extra traffic.

H. AIR QUALITY ASSESSMENT

83. The Air Quality Assessment describes the three Air Quality Management Areas (AQMAs) that have been identified in the town, at the Radwinter Road/Thaxted Road junction, the High Street/George Street junction and the High Street/Castle Street junction. An Air Quality Action Plan, as required by the Environment Act 1995 has been approved and is being implemented by the Saffron Walden Town Centre Management Group.
84. The Applicant’s Transport Assessment, and so also the Air Quality Assessment does not include the effects of all future housing developments already approved, notably those at Bell College, nor those awaiting approval. The Air Quality Assessment is based partly on real time monitoring carried out by Uttlesford District Council, partly on background figures supplied through Defra, and partly on the modelling of predicted figures for 2011. We have one comment on the baseline background figures used. These are recognised to have a range of at least 30% error and they should be validated by actual monitoring. The comment is made in the assessment that values were less than those from local monitoring. This was also the case with figures used in local assessments for BAA in the recent G1 inquiry and Defra background levels had to be reduced; these are therefore likely to understate the issue.
85. Para 6.1.3 of the Air Quality Assessment concludes that the increased traffic from the Applicant development would, in 2011, cause an increase in pollutant concentration at all

86. Part IV of the Environment Act 1995 requires Local Authorities to review the air quality in their area both at present and in the future. Where Air Quality objectives are not being met an Air Quality Management Area must be designated and an Action Plan developed to remedy the situation. The objectives are set out in the UK Air Quality Regulations 2007 and in Saffron Walden the nitrogen dioxide limit values are being and have been exceeded at the road junctions listed for several years. There are also exceedances at the Debden Road/London Road junction; this latter junction is the main route through which the Applicant seems to propose that a large part of the enormous new traffic flows created by the Applicant store will pass (ie those using Peaslands Road rather than Thaxted Road), and therefore the air quality at this junction will inevitably be materially worsened.
87. The Local Air Quality Management Policy Guidance, PG09, lays down the principles and timetables for reviewing AQMAs and implementing Action Plans. Paras 4.3 and 4.6 emphasise the need to work with other Local Authority Departments including town planners and town centre managers as well as the County Council and the Highways Agency. Para 7.3 points out that any consideration of land use with potential impacts on health, such as on air quality, is a material planning consideration, quoting PPS23 on Pollution Control. This Guidance states in para 8 that any consideration of potential impacts arising from development possibly leading to an impact on health, is capable of being a material planning consideration. Given the vastly increased traffic which would result from the new store, both from the new traffic the Applicant proposes to bring into the area and from the increase in local traffic, there will inevitably be material adverse health impacts.
88. The UDC Action Plan has proposed a number of measures to reduce traffic congestion and so pollution. Only two are expected to make a significant impression: school travel plans and schemes to relieve congestion. The Application will on the admission of its own Air Quality Report, increase congestion and pollution, impeding the success of the Action Plan. Mitigation by providing a frequent bus service including a circular route in the town is not going to reduce either significantly. The existing circular bus is used by very few passengers, partly because it involves passengers on a round trip for either the outgoing or the return journey. Neither are passengers likely to be attracted to such a route into the town centre, leaving their cars at Sainsburys. A shuttle bus into the centre will not service those living away from the centre of the town. In any case, the numbers who use any bus will inevitably be tiny compared to the overall car usage, as even the Tesco example shows. It is worth remembering the Applicant's claim that 55% of the new store's customers will come from outside the natural Saffron Walden catchment area – all of these would inevitably be driving.
89. There are many residential dwellings within the boundaries of the three AQMAs. Nitrogen Oxide is a lung irritant and is known to be harmful to health. The Local Authority has a duty to take all measures necessary to remedy the situation and not to allow development that would aggravate it. This development is of a size and nature that will aggravate the present traffic congestion and air pollution contrary to the guidance in PPS23.

I. PUBLIC HEALTH ISSUES

90. The proposed development would be adjacent to the new recycling centre and the storage facility for road sand for winter use. While the primary purpose of the recycling centre is to collect waste for recycling nevertheless much waste is not recyclable and is collected separately in open containers. Trade waste is also accepted. Lorries have to regularly remove the bulk containers through nearby roads. We consider that the juxtaposition of a food store and a potential source of airborne dust does not represent best planning practice.

J. PROTECTION OF EMPLOYMENT LAND AND SUB-REGIONAL ECONOMIC POLICY

91. As we have noted in paragraphs 38 and 41 above, the Applicant site is designated as key employment land in the Local Plan by policies E1 and E2. The Appraisal of Employment Land Issues report by PACEC commissioned by UDC in 2006 lamented the paucity of suitable large employment sites in the district and noted on p.83 that then (in 2006) 15 companies were looking to move within the next three years. We can see no reason to justify running counter to this policy.

92. The Thaxted Rd site is being offered freehold with the opportunity for plenty of parking, as evidenced by the Application. Table 6.14 of the PACEC report draws on the findings of the report's survey (Ref. Question 33) concerning the "Features of Importance for companies Searching for New Premises". 76% cited "More Parking" and 71% cited "Freehold" with 67% rating "Newer premises" and 57% rating "Additional grow on space" as important.

93. P. 90 of the PACEC report concludes that "it seems likely that the supply of employment land in Uttlesford will comfortably meet demand at least until 2011, if the provisions outlined in the Local Plan are fully realised". However, the key words here must be "fully realised" as any diminishment of the identified employment land will have an impact on the local employment scene. We are not aware of any analysis by the UDC to justify any change of use of key employment land.

94. The overall recommendation of the report for Saffron Walden is: "Promote Saffron Walden as a high quality stand alone B1office location with the enhancement of specialist and quality retail provision in the town centre and appropriate new employment floorspace". (p. 101). The Application therefore directly contradicts this finding.

95. The Greater Cambridge Sub-Regional Economic Strategy 2009 – 2012 also sets out policy for the market towns of the Greater Cambridge sub-region, of which Saffron Walden is a part, - to quote from it "Supporting the development of sectors, outside high tech, where there exist significant strengths, will add robustness to the Greater Cambridge economy. Many of these strengths tend to be centered on the market towns within Greater Cambridge. Targeted provision of high quality employment land and premises is needed, along with the active support of local supply chains, to encourage the economic growth of market towns. This will help strengthen the economic mix of Greater Cambridge, create more high value jobs in the market towns and reduce levels of commuting into Cambridge."

**Saffron Walden Friends of the Earth
10 December 2009**