

Re: Planning application UTT/1323/09/FUL  
Application by Tesco Stores for a proposed food store extension, Radwinter Road, Saffron Walden  
(the “Application”)

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

**A. INTRODUCTION**

1. This submission is made by Saffron Walden & District 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-centre 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. In particular, the range of comparison goods that the extension is proposed to carry are almost all already carried by local shops which will be by far and away the hardest hit by the proposals;
  - 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. 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;
  - e. 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 town centre stores;
  - f. The Application would have a significant negative economic affect on Saffron Walden and surrounding area – studies show that out of town centre supermarkets result in aggregate in decreased job numbers once the affect of the job losses they bring are factored in;

- g. The vast majority of the visits to the store would be by private car, and the Application would result in a significant increase in traffic both in Saffron Walden and in the surrounding areas. Its effect on traffic would be in direct breach of PPG13;
- h. There are three designated AQMAs in Saffron Walden. The Applicant has not investigated the effect of the proposed development on two of them, but the Radwinter Rd / Thaxted Rd AQMA will be adversely affected by the proposed development. 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; and
- i. 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 Tesco Stores (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; and
  - 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 GL Hearn on behalf of the Applicant concerning the likely Retail Impact of the Application; and
  - b. the appeal decision of the Planning Inspector in 2000 in dismissing the appeal by Tesco to be allowed to build a 784sq.m extension (the “Tesco Appeal Decision”). This decision bears striking similarities to the present case in its analysis of the fragility of the town centre, the lack of need for new retail space of the type contemplated and the likely effect on the Saffron Walden town centre – and this for an extension which was only 60% of the size of the one now contemplated.

#### **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-centre 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 town-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 36-56 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-centre. 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*"; and "out of centre" is a location which is not in or on the edge of a centre. The site is quite clearly an "out-of-centre" retail development for the purposes of PPS6 and all other applicable planning legislation and policies.
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 centres immediately adjoining Uttlesford such as Haverhill, Royston and Bishop's Stortford are as close to much of the north of Uttlesford as Saffron Walden is and more naturally serve as their most accessible retail destinations. 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. The Applicant also ignores the proximity of Cambridge and

- 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 peripheries of the Saffron Walden area will inevitably therefore see significant leakage to stores outside the catchment area. However, as we say later in paragraph 31, and as the Applicant acknowledges in relation to the Tesco at Great Dunmow (although the same point applies to all stores) in para 5.37 of its Retail Assessment, the catchment areas of the competing stores generally do not overlap and therefore there is minimal leakage from the Saffron Walden area which is likely to be recovered.

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 centre 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.”*. In addition, the reality is that the classes of goods the Applicant wishes to sell can all be sold from available town centre sites – and in virtually all cases already are sold by existing stores who will be decimated or worse by the extension. It is only because the proposed extension is so large that a suitable site cannot be found for it.
13. 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*

14. 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.
15. 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.

16. 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.
17. As a general rule any proposed development should satisfy all of these considerations. For the reasons set out 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 extension, and that the location is 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 retailers selling the classes of goods proposed if required and if of an appropriate scale. The Application therefore clearly fails most, if not all, of these considerations.
18. 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 57-68 below in our comments on the applicant's Retail Assessment, 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. The potential need for comparison space identified was greater, but this was specifically identified as a maximum figure which might not be needed and would in any case be constrained by available suitable location. Since the FDRS was prepared, we have had the credit crunch and 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 retail demand for them. Not only that, but the FDRS states explicitly (see paragraph 4.28) 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.*".
19. 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 the two supermarkets and a large range of smaller shops, so there is no qualitative need for additional convenience or comparative goods retailing. In paras 2.12 and 5.65 of their Retail Assessment, the Applicant 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. There is no qualitative need for the extension.

20. 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 extension would be almost as large as the existing Waitrose. We can't see how the extension 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 inappropriate.
21. PPS6 paras 3.20 - 3.23 require an impact assessment to be carried out. Contrary to the Applicant's claim that one is not required, para 3.20 specifically provides that "*Impact assessments should be undertaken for any applications for a main town centre use which would be in an edge-of-centre or out-of-centre location and which is not in accordance with an up-to-date development plan strategy*". The Application is obviously for a main town centre use, would be located in an out of centre location and contravenes the Local Plan. We have reviewed the impact assessment contained in Part 8 of the Applicant's Retail Assessment, and our comments are set out in paragraphs 57-68 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 the town centre, but notably doesn't quantify them, 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, and the likelihood of significant trade being diverted from Bishops Stortford or Cambridge stores or other stores adjoining the region, are completely contradicted by the findings set out in the CC Report – see paragraphs 29-35 below.
22. 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 13 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 Section H below.
23. 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 contravenes all of the principal requirements of PPS1.

24. 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-centre shopping is generally 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. The Applicant notably doesn't attempt to quantify the amount of trade it will suck out of the town centre stores, but we believe it will be enormous. This is hardly a contribution to sustainability; it is contrary to PPS4 and, as has already been observed, is contrary to PPS1 and PPS6.
25. PPG13 on transport is clearly of 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 all of the objectives of PPG13. As an out of centre supermarket, it does not promote more sustainable transport choices but rather the opposite; it is not easily accessible by cycling or walking in particular; and it will increase rather than decrease car journeys, both in number and in length.

26. 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.
27. PPG13, paras 19 and 20 expand and reinforce this requirements, and in particular emphasise the need for "realistic, safe and easy access" by a range of non-car uses.
28. 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***

29. 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

30. 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.
31. 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 store, and that store will not obtain any material customer sales from further away if there are other large grocery stores within the 10 – 15 minute drive time;
  - 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 and the catchment areas of the those supermarkets and the Saffron Walden supermarkets, the findings of the competition authorities show that (a) it is highly unlikely that any significant market share is currently leaking from the catchment area of Waitrose and

- d. 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. A bigger Tesco is therefore more likely to have an adverse affect on Waitrose and the town centre;
  - e. 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);
  - f. 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 Tesco has a clear statistically significant negative effect on Waitrose (CC Report Appendix 4.3 Table 5);
  - g. 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 Uttlesford or surrounding areas outside the 15 minute isochrone, save from residents of rural areas where shoppers may be reasonably equidistant from other stores. When considering an extension to an existing store rather than a new store, the effect of course is likely to be even lower;
  - h. 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.”* .
32. 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

- 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 33 below (and with the colours in paragraph 33).

33. The isochrone maps show the catchment areas of:

- a. The Saffron Walden town centre Waitrose (coloured purple);
- b. The Radwinter Road Tesco (dark blue);
- c. The Great Dunmow Tesco (light blue);
- d. The Haverhill Sainsbury's (red);
- e. The Haverhill Tesco (light blue);
- f. 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 as they are all further away than the Waitrose and therefore their catchment areas will be more remote; and
- g. 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.

34. The isochrone maps show that:

- a. The catchment area for the Applicant store is virtually the same as for the existing Waitrose in town;
- 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 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 is in fact 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;

- d. The same point applies in relation to Cambridge, and the lack of overlap between the catchment area of the Saffron Walden Tesco and the Cambridge supermarkets; and
- e. 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 store's catchment area will extend slightly further in these directions. However, none of these areas have any population centres of appreciable size.

35. 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. The applicant store is extremely unlikely to take any material turnover from the catchment areas of the other supermarkets, which do not overlap with it;
- b. By far and away the largest source of revenue for the Applicant store would come from customers diverted from the Saffron Walden Waitrose and from the town centre. In the case of the comparison goods that the Applicant is proposing to sell, by far and away the main effect will be on the Saffron Walden town centre stores. We believe that 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, both directly and by diverting trade from Waitrose and therefore sucking trade away from the town centre stores; and
- c. There is little leakage from the existing Saffron Walden supermarket to other supermarkets – this is borne out by the surveys referred to in paragraph 45 below. There is therefore very little leakage to claw back. Indeed the Sainsbury's survey shows that Saffron Walden is retaining at least 100% of available expenditure if leakage into Saffron Walden from surrounding areas is taken into account.

## ***F. REVIEW OF THE APPLICANT'S PLANNING STATEMENT***

36. Turning to the Applicant's Planning Statement, we comment as set out in paragraphs 36 to 56 below.

37. In the Planning Statement, we believe that the Applicant draws a wholly misleading picture of the Application and any need for it, the competitive environment affecting supermarkets and the relevant planning policies as they affect the Application.

38. In relation to Section 2 of the Planning Statement, we comment as follows:

- a. In para 2.3, the Applicant downplays the location of the existing store and the proposed extension. It should be emphasised that, as shown clearly by the Applicant's map in figure 1, the store is over a kilometre away from the nearest edge of the town centre and is right on the edge of the development limits of Saffron Walden. It is out of centre and as close to being out of town as it could be; and
- b. Para 2.17 paints a misleading picture of the state of health of the town:
  - i. 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;
  - ii. 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

- iii. 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;
- iv. It is over 2 years since any national retail multiple agreed to come into Saffron Walden (Laura Ashley being the most recent);
- v. 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; and
- vi. Vacancy rates are increasing - as we say above, there are a significant number of vacant sites in Saffron Walden at present, including two of the largest comparison goods 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. 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 Mullucks sites. One would have to be extremely optimistic to regard Saffron Walden town centre as “*thriving and bustling*” as the Applicant does.

39. In section 3, the Applicant describes the background to the refusal by UDC to grant planning permission for an extension to the Tesco store in 2000. The grounds for refusal, summarised in para 3.5 of the Planning Statement are still just as pertinent now as they were then: there is still insufficient retail need, the extension would have a significant adverse impact on the vitality and viability of the town centre and Saffron Walden is still a second order centre which is fragile and vulnerable to the loss of further trade. The current application is of course also for an increase of 1,274 sq.m, ie more than 60% bigger than the application previously turned down and more than a 50% increase in the size of the existing store.

40. In relation to section 4:

- a. In para 4.1, the Applicant claims that the state of the existing store means that customers are travelling to other stores to complete their shopping. This of course may be true in limited instances but is patently untrue to any significant extent for the following reasons:
  - i. the Applicant acknowledges in para 5.37 of its Retail Assessment, that expenditure from the Saffron Walden catchment area to Tesco in Great Dunmow is negligible;
  - ii. the figures it presents in the Tables appended to the Retail Assessment show that there is no material leakage to either Bishops Stortford or Cambridge – or indeed any other centres – and in any case material numbers of residents of the Study Area used by the Applicant are as close if not closer to these other centres so there is inevitably leakage from the area; and
  - iii. the CC Report findings show that there is not significant levels of competition between retailers save within the 10-15 minute drive-times described above;
- b. 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*

- c. for the reasons given in the preceding two paragraphs, there is therefore no reason to believe that the proposed extension would lead to any material diversion of Saffron Walden catchment area residents back to Saffron Walden or any material capture of trade from out of the catchment area;
- d. para 4.2 says that circumstances such as policies and need have changed since the previous extension refusal. Insofar as policies are concerned this is true, but of course any changes have been to put an increased importance on preserving and safeguarding town centres – the policy changes since the 2000 refusal endorse and extend the grounds for refusal. We do not believe that there has been any material change in the “need” argument. In 2000, Tesco argued there was a need which justified an extension; they weren’t believed then, and the subsequent retention of trade by Saffron Walden has proved that the inspector was right not to believe them. We do not believe their need arguments should be believed now either, for the reasons we set out in paragraphs 42-47 and 63 below; and
- e. the classes of goods Tesco identifies in para 4.11 that it is proposing to sell are almost all well represented in the town centre already, as we comment on in more detail in paragraph 19. There is clearly no qualitative need for this expansion.

41. In relation to Section 5, and the supposed benefits that the new store would bring, the Applicant particularly highlights the proposed café to replace the one that was previously closed and turned into retail space. As you will be aware, the town centre of Saffron Walden is absolutely bursting with cafes – there is no possible need for another one. The only reason for a café in Tesco is that it is a separate destination from the town centre, and is not remotely integrated into the town centre. The arguments Tesco makes later about customers making linked trips to out of centre stores and then to adjoining town centres is completely contradicted by the evidence, and the perceived need for an out of centre café to support the out of centre store is just another demonstration of this.

42. We believe that Section 6 misrepresents the relevant planning policies, and particularly overplays the economic arguments and deliberately downplays the planning focus on preserving and sustaining town centres. In particular:

- a. In relation to the description of PPS1, the Applicant notes in para 6.2 and 6.3 the overriding requirement of PPS1, that planning should “*promote sustainable and inclusive patterns of urban and rural development*”. For the reasons given in paragraph 23 above, the Application is in breach of the principles laid down in PPS1;
- b. Para 8 of PPS1 emphasises the plan-led system for planning, and specifically advises that “*Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.*” The Local Plan of course has specific policies at RS1 and RS2 and paragraphs 8.1 and 8.2 which the Application would contradict;
- c. Paras 13-16 emphasise the need for public consultation in preparing a development plan, and the need to follow the plan to ensure that development proceeds in an integrated manner;
- d. In para 6.4 of the Retail Assessment, the Applicant sets out the obligations on UDC arising from para 23 of PPS1. In compiling the Local Plan, UDC has complied with this obligation; however, having gone through this exercise, and with the benefit of the FDRS, UDC has identified no need for a development of the sort contemplated;

- e. The Applicant’s summary of PPS1 notably omits any mention of para 27. In particular, as we say in paragraph 23 above, para 27 of PPS1 requires that local authorities should aim to:
  - i. 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”*;
  - ii. *“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
  - iii. focus development in existing centres so as to reduce the need to travel;
- f. Paras 6.6–6.9 of the Retail Assessment note the requirements for community involvement contained in paras 40 and 41 of PPS1; they also completely misrepresent the nature of these requirements. The requirement is for community involvement in preparing the development strategy comprised in the Regional or Local Plan, not for community involvement in ad hoc planning applications;
- g. The PPS1 Planning and Climate Change Statement endorses the requirement to plan on the basis of reducing rather than increasing car use. As the Application directly contradicts this aim and would lead to an increase rather than a reduction in the consumption of resources, the Application should (on the basis of para 40 of the Supplement – the reference to para 29 is wrong) expect neither an expeditious nor a sympathetic hearing;
- h. in Section D above, we set out a fuller summary of the relevant provisions of PPS6. Again, the Applicant misrepresents the requirements of PPS6. In particular, PPS6 requires that in planning to promote the vitality and viability of town centres, development should be focussed there, not in out of centre stores, so the Application contradicts the basic principle of PPS6. Similarly, para 1.6 of PPS6 contains the same requirement;
- i. para 2.3 of the Retail Assessment notes the requirement to plan in a regional planning context. This of course has already been done in the East of England Plan – Saffron Walden is not identified as a town centre where retail growth should be promoted, and Objectives (i) and (ii) of that Plan confirm the focus on town centre development and not out of centre development. The Application therefore runs counter to the East of England Plan;
- j. paras 6.19-6.21 note the retail requirement in the Local Plan. As noted before, UDC has complied with these requirements and the Application is in breach of RS1 and 2 and paras 8.1 and 8.2 of the Local Plan;
- k. insofar as the Applicant’s “need” arguments in paras 6.24-6.28 of the Retail Assessment are concerned:
  - i. from visits to the store, it does not appear that the existing store is overtrading, and this is borne out by the Applicant’s admission at para 4.15 of the Transport Assessment that the car park is little over half full even at peak times (and as we say in paragraph 71(h) below there is no material evidence of sustainable travel to the existing store). Indeed, the Sainsbury’s analysis in their planning application says that on a turnover basis the Tesco store is significantly undertrading;
  - ii. even if it is significantly overtrading, which we dispute, as we show in paragraph 40(a) above, there is no evidence whatsoever that any material numbers of customers are travelling long distances to complete shopping which the extension would otherwise cater for;
  - iii. there is inevitably significant leakage from Saffron Walden for comparison goods given the proximity of much higher order retail centres such as Bishops Stortford and Cambridge. These however cater for much higher order

- iv. Tesco then say that the main reason for the extension is actually qualitative and not quantitative at all. As para 2.33 of PPS6 says, the needs test should be primarily quantitative. Qualitative considerations can also be taken into account but it is clear from para 2.33 that the intention of the test is primarily to serve the needs of deprived communities lacking access to an appropriate range of services and facilities – thankfully, Saffron Walden hardly falls into this category. 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 19, there is already a wide choice in Saffron Walden for most of the goods Tesco has identified that it proposes to sell, if not all; indeed, if Tesco were to expand 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;
- v. For the reasons set out in paragraph 35 and sub-paragraph (ii) above, we do not believe that the proposed extension would prevent any material expenditure from going out of the region. The shops in the centre of the town centre inevitably will lose vastly more trade than any trade which might be drawn from any other supermarkets; and
- vi. Given the consistent effects of out of centre and out of town supermarkets on local shops, the proposition in para 6.28 is patently ridiculous. If there is anything that can be said for certain about out of centre supermarkets, it is that they do not encourage linked shopping with the town. Instead they suck trade away from the town centre, and try to provide an atmosphere where customers are encouraged to do all their spending in one place – for example by stocking comparison goods, providing cafes etc. Even where local shops may be better, customer inertia is just to fill up at Tesco rather than make another trip into the town centre. 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

- l. As far as the Applicant's arguments in paras 6.29-6.13 in relation to scale are concerned, scale has been considered purely in relation to the size of the site – taking account of PPS6 paras 2.41 – 2.43, this is clearly inappropriate and whether or not the scale of a development is appropriate should be determined by reference to the local centre and its characteristics. In this context, we believe that the scale is definitely not appropriate; and
  - m. The sequential approach referred to in paras 6.32-6.53 is only appropriate where a need has been identified (PPS6 para 2.45); as there is no need for the extension, and no need was identified in the Local Plan, no site has been allocated for such a development. If a need had been identified for any of the goods proposed to be sold, they could undoubtedly have been accommodated in a site such as that of Woolworths or Eaden Lilley. The statement in para 6.35 of the Planning Statement is not a legitimate aim – Saffron Walden should not be looking to start up in competition with higher order centres such as Bishops Stortford or Cambridge – this would be in direct contravention of the RSS.
43. Perhaps most importantly, the Planning Statement completely underestimates the impact the extension would have on Saffron Walden town centre and the shops within it. We also dispute that an impact assessment is not required – as we say in paragraph 21 above, PPS6 para 3.20 specifically requires one. In any case, a professional impact assessment is not necessary to predict the huge adverse effect the development would have on the town centre. We believe that the Application should be refused for the same reasons as underpin the Tesco Appeal Decision.
44. Para 6.56 notes that policies have changed since 2000 but fails to mention that they have changed in a way adverse to the Application. Although planning policies have changed since the Tesco Appeal Decision, the reality is that they have changed further in favour of protecting and enhancing town centres, opposing out of centre or out of town developments and focussing on the sustainability of developments. There are even more reasons now for rejecting the Application than there would have been at the time of the Tesco Appeal Decision. The rest of para 6.56 is equally misleading or just patently untrue:
- a. As we show in paragraph 38, the Applicant's retail statement is at odds with reality;
  - b. Saffron Walden was the principal shopping area in the district in 2000 – nothing whatsoever has changed in this regard. The point should also be made that Saffron Walden may be the principal shopping area of the district in the sense of being the largest town in the district, but it is most certainly not the principal town for the whole district. Uttlesford is of such a size that the other regional towns function as centres for their own catchment areas;
  - c. Just because Saffron Walden is and has always been the principal town of Uttlesford it does not follow at all that it is therefore in a strong position to cope with greatly increased out of centre development – the point doesn't follow at all. It is a very small market town, in a vulnerable position; and
  - d. The extension proposed by Tesco couldn't possibly be described as modest by any even vaguely objective observer – it is more than a 50% increase on the current store's net

45. Similarly para 6.57 is both misleading and patently untrue. The health study is unfortunately at odds with the reality of Saffron Walden. There are most definitely not high rates of leakage from the Saffron Walden catchment area to surrounding regions – all of the FDRS, the Tesco survey and the Sainsbury’s survey show that the rates of convenience shopping leakage are low if not very low – see paragraph 42(k)(iii) above. The health check conducted by Sainsbury’s also showed that around 17% of those shopping in Saffron Walden are from outside Uttlesford. Added to the 85% retention of Uttlesford residents that Tesco’s survey shows, this appears to show that Saffron Walden is attracting 102% of catchment area expenditure - Saffron Walden’s retention rates are therefore incredibly good, particularly for a second order market town and given the proximity of Cambridge. It is also worth repeating the Hopher 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.”*
46. In relation to para 6.58, as we say in para 38(b)(ii) above, we believe that if Saffron Walden had a lower than average amount of retail space it would be because of the difficulty retailers in town have given the competition from the higher order shopping centres and the competition from the out of centre Tesco, which is why so many retail spaces have converted to cafes and other service uses in the last 10 years. In fact the Applicant’s para 6.58 is in any case misleading. The table in para 4.8 of the Retail Assessment 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 in their Retail Assessment Table 7 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.
47. We disagree entirely with the Applicant’s statements in para 6.59. Even on the Applicant’s figures in the Retail Assessment, the comparison turnover of the store would be £3.5m. We believe these figures are far lower than the turnover would be in reality, and it is worth noting that in the Tesco Appeal Decision, the inspector chose not to believe Tesco’s projections, but to believe those of the UDC, which were 80% higher. The vast majority of this turnover will come from stores in Saffron Walden town centre (other than Waitrose as it largely does not stock these comparison goods) – this would have an enormous adverse impact on the town centre and the viability of the affected retailers. It will also be concentrated on those retailers who sell the comparison goods Tesco will be targeting, so the proportional impact will be even greater still. We think it is simply ridiculous to say that there would be no detrimental impact on the town.
48. For the reasons given above, we think the Applicant’s assertions in para 6.60 are completely unsustainable, that there is no need for the extension and that the extension would have an enormous negative impact on the vitality and viability of the town centre.
49. In the Applicant’s brief summary of PPG13, we note that it omits to summarise the PPG13 policies which relate to retail development specifically (para 35) and which require development plans to, in particular, locate day to day facilities such as shops in local centres so

50. Paragraph 13 above summarises the key provisions of the East of England Plan, which the Application is in contravention of. We note that the Applicant's summary omits to mention the key provisions that focus retail development in town centres not out of town or out of centre locations. We note in relation to para 6.77 of the Planning Statement that Saffron Walden is not one of the identified regional and major town centres – it should therefore not be targeted for retail development.
51. Para 6.78 is patently untrue; whilst there is limited room to expand in Saffron Walden town centre, neither the East of England Plan nor the Local Plan state any need for any expansion elsewhere – in fact the Local Plan states the contrary.
52. Paragraph 15 above sets out the key provisions of the Local Plan as they relate to retail development. In the Applicant's summary in paras 6.83-6.85 the Applicant omits to mention paragraphs 8.1 and 8.2 of the Local Plan, which are summarised in paragraph 15 above and which the Application directly contravenes. Although these paragraphs are not formal policies, para 6.85 of the Planning Statement is patently incorrect in ignoring them. For the reasons given in paragraph 15 above, the Application contravenes these provisions of the Local Plan.
53. In relation to para 6.91, we note that the figures given are described in the FDRS para 4.17 as maximum figures, that there was a good chance they would not be needed and that in any case sufficient appropriate sites may not be available. As experience has shown in fact this extra capacity has not been and is not now needed, particularly now following the credit crunch and related economic slowdown. This is also confirmed by the Experian projections referred to in paragraph 64 below.
54. Paras 6.88-6.94 – despite the selective quotes made by the Applicant, the LDF endorses the relevant policies of the Local Plan, and the protection of the town centres. The development would be in breach of the LDF as it would be the Local Plan.
55. We disagree entirely with paras 6.95 and 6.96. As shown in paragraph 42(k)(iii) above there is no significant convenience expenditure leakage from the Saffron Walden area, and the comparison expenditure leakage is low for an area of this kind. Moreover, the comparison goods proposed to be carried by the extension are of a kind already generally freely available in Saffron Walden – they are not the sort of destination goods which will attract or retain customers widely to the town. Indeed, nor should they be. They are instead the sort of goods which will compete most with the existing facilities of the town – any attraction of trade from out of town we believe will be a subsidiary factor. It is patent rubbish to suggest that a larger Tesco will attract consumers to the centre of town – it will do exactly the opposite as the sorry experience of so many towns in England has shown. Consumers who go to out of centre shops go there as a separate destination not as part of a linked trip to the town centre. No significant leakage is identified to out of centre stores in Bishops Stortford or Cambridge.
56. For all the reasons given above in this section F, we believe that the Applicant's assertions in their section 7 are wholly erroneous and false:
- a. (para 7.3) – the policies have moved against further out of centre development and no need for further retail capacity of this kind has been established – see paragraphs 40-43 above;

- b. (para 7.4) – Saffron Walden remains a fragile centre – only someone acting for the Applicant could describe the proposed development as a modest extension and claim that Saffron Walden is not liable to be damaged by it – see paragraphs 38 and 44 above;
- c. (para 7.5) - the existing store is an out of centre store not an edge of centre store so it directly conflicts with rather than complies with this provision – see paragraph 54 above; and
- d. (para 7.6) – given the retail provision in Saffron Walden currently, there is no qualitative need for the development; neither is there any quantitative need for it, as the Applicant virtually admits in para 6.27 of the Planning Statement – see paragraph 42(k)(iv) above.

### ***G. REVIEW OF THE APPLICANT’S RETAIL ASSESSMENT***

57. Many of the issues raised by the Retail Assessment have already been raised in the Planning Statement – we will therefore generally refer back to our comments in Section F rather than repeat them.
58. We note that (para 1.4) the Applicant’s survey was undertaken in March 2008; this was precisely the time that the credit crunch began to affect Saffron Walden, and since then there has been the largest percentage decline in the economy ever and expectations that consumer expenditure must stay low for the foreseeable future as the mistakes of the credit-fuelled boom are corrected. Any economic data and forecasts from or before this time are therefore likely to be hopelessly excessive compared to the future that we can now expect.
59. In relation to paras 2.1 – 2.3 we refer to our comments set out in paragraph 44 above.
60. Para 2.10 is not true – there are no cycle links to the existing store (unless one describes a busy main road with no express provision for cyclists as a cycle link) and nor is there any cycle link anywhere in town. Cycle usage to the existing store is miniscule if it exists at all. We note that the Applicant’s Traffic Assessment does not include either a pedestrian or cycle count.
61. In relation to paras 2.11-2.18 we refer to our comments set out in paragraphs 19 and 41 above. We note again that virtually all, if not all, of the non-food ranges proposed to be stocked are already adequately catered for by the existing town centre shops.
62. In relation to relevant planning policy and paras 3.1-3.42 our comments are set out in paragraphs 6-28 above.
63. In relation to the Saffron Walden healthcheck made by the Applicant’s agents, our comments are set out in paragraph 38 above. We also comment as follows on the additional points made by the Applicant:
- a. Para 4.2 – the first sentence is patently untrue – Saffron Walden does not provide the key shopping and service destination for residents of Uttlesford. It is the principal destination for its catchment area, but many residents of Uttlesford are closer to other towns such as Great Dunmow, Royston, Bishops Stortford, Cambridge or Haverhill. A correct description is in para 4.4, which contradicts para 4.2;
  - b. Para 4.3 misrepresents the state of Saffron Walden, for the reasons given in paragraph 38 above;
  - c. Para 4.8 - we refer to paragraphs 38 and 47 above for our reasons why retail composition in Saffron Walden may be lower than average. We believe the recent history of the town coupled with the statistics shown demonstrate a lack of retail need rather than the opposite. Moreover, as we say in paragraph 47 above, these statistics only relate to the

- d. Para 4.10 - in terms of convenience goods the town centre is well provided for, particularly when one takes account of the volume of trade sucked out of the town centre by the existing out of centre Tesco;
- e. Para 4.15 – the vacancy figures quoted are almost three years old, and date back to when the retail-driven credit boom was pretty much at its peak. They can't have any relevance now – and indeed that's shown by looking at the town and the empty stores. Our comments on vacancies are set out in paragraph 38 above. Similarly para 4.17 is clearly not correct, and para 4.18 is not correct. It may not be a concern for Tesco, but there is a great deal of concern at the number and size of the vacant sites currently;
- f. Para 4.22 is nonsense, for the same reasons that Saffron Walden is not the key destination for the district either;
- g. Para 4.24 is unfortunately not true, particularly insofar as the traffic congestion is concerned – with 3 AQMAs, it is difficult to say that environmental quality is high;
- h. Para 4.26 - Our comments on commercial yields are set out in paragraph 38 above. It should also be noted that the table cited by the Applicant ends in July 2007, at the height of the retail credit boom. Given the economic events of the last two years, the situation would be very different, and these figures are utterly worthless;
- i. Para 4.28 – for the reasons given in paragraphs 38, we do not believe the Applicant's assertions. In addition, for a small town like Saffron Walden with a wide variety of non-comparable locations, the Focus data is completely inappropriate – there just isn't enough data available to draw any sort of sensible conclusion. We do not believe that any market professional would rely on this data;
- j. The Focus report quoted in Para 4.29 is similarly utterly worthless – it is just a random note of who happens to have notified Focus that they may be looking for property anywhere. We understand that some retailers put in a standing request for a large number of town centres in the country just to see what might be available regardless of their interest in any particular town or their requirements. Again we do not believe that any market professional would rely on this data. Even if one did put any trust in it, it shows that queries in the last 5 years have gone from 16 in April 2004 to 15 in April 2009, so the Applicant's figures actually show demand having decreased over the period. The figures to October 2007 are completely misleading as all they do is reflect the result of an enormous credit-fuelled retail bubble. Economic forecasts are that growth is going to be very subdued for the foreseeable future. We also refer to our comments in paragraph 38 above, that no national retailer has taken premises in the last two years;
- k. In 4.31, the Applicant notes that residents in the south of Uttlesford on occasion choose Saffron Walden as their preferred retail destination. Given the drive-time from Saffron Walden to the south of Uttlesford and the competing centres ringing the south, many of which are considerably larger than Saffron Walden, this is extraordinary, and completely belies the Applicant's need arguments;
- l. The comments made in paras 4.31-4.35 are meaningless – any one questioned about what would make them shop somewhere are almost bound to say more shops would make a difference! It is more surprising that as much as 40% say it makes no difference to them. Of course it might be nice to have a small Marks & Spencer in the town centre – or even to have Woolworths or Eaden Lilley back – which might persuade more people to shop locally and sustainably but that is irrelevant to the current Application;
- m. Para 4.36 – we refer to our comments in paragraph 38 above. Again, the statements made in para 4.36 are untrue – commercial yields are weakening not strengthening; rentals are going down (save where rent reviews are upward only) and the Applicant's

- n. We note the statements made in para 4.37 that the survey results show that local residents would like more shops in the town centre. To the extent that this can be sustainably accommodated, we would agree, and it might help to bring back some of the trade sucked out of the town centre by Tesco. Tesco is of course an out of centre store, 1km away from the town centre, so its proposed extension is irrelevant to the survey results – and in fact would directly cut across them;
- o. We note that the survey referred to in paras 4.37-4.41 is of the whole district of Uttlesford. Given that Saffron Walden is far closer to the centre of Cambridge than it is to the southern parts of Uttlesford, a survey choice of this area cannot possibly be relevant to Saffron Walden or to demand for the Application. It is worth noting however the very high levels of local retention for the Saffron Walden zone shown in para 4.38. The conclusion drawn in para 4.39 is obvious rubbish – as the Applicant shows, the choice of primary comparison goods destination for anyone wishing to shop outside their locality is driven by whichever is the closest higher order shopping centre. This can hardly be a surprise, and shows that Saffron Walden residents aren't drawn to areas like Bishops Stortford in significant numbers even if the shops are larger – this accords with the CC Report on shopping patterns and the Applicant's own figures, referred to in paragraph 42(k)(vi);
- p. The statements made in para 4.41 are also wrong insofar as they relate to the Application. The household survey results for both Tesco and Sainsbury's planning applications show that there is a very small rate of leakage from the Saffron Walden and Great Dunmow zones, and a high rate of leakage from the Stansted Mountfichet zone. The retention rates for Stansted Mountfichet are very low and therefore they bring down the average overall retention figures for Uttlesford. The reasons for this however are obvious: Stansted Mountfichet is in close proximity to Bishops Stortford with its retail concentration and Bishops Stortford serves as the principal retail destination for Zone 3. This is shown graphically in the map at Appendix 2 to the FRDS, where Bishops Stortford is surrounded on three sides by Zone 3. Because of the 10 – 15 minute drive-time catchment area for larger grocery stores, retention rates in Stansted Mountfichet are almost entirely irrelevant to the Saffron Walden zone. Using the aggregate Uttlesford retention rate figure is therefore grossly misleading – the only relevant figure is the 85% for the Saffron Walden-centred zone. The comparison goods leakage figure is higher, but this is only natural by reason of the proximity of large higher order retail centres, and is particularly affected by leakage of "higher order shopping needs", which the Applicant store will not provide. The Applicant store would only cater for lower order comparison shopping needs which are already being well provided for in the centre of town, and even then largely only in conjunction with convenience food shopping – it will therefore do almost nothing to improve retention rates and instead will just suck trade out of the town centre; and
- q. For the reasons given above, we reject the conclusions set out in paras 4.42 and 4.43 as either being untrue, or in the case of para 4.43 being largely irrelevant to the Applicant extension.

64. In relation to section 5, we refer to our comments in paragraphs 42-47 and 63 above and also make the following comments:

- a. In general, the Applicant quotes misleading statistics for need and leakage rates which apply to the Uttlesford District as a whole and not the Saffron Walden area. For the reasons given in paragraph 64 above, any District-wide statistics are irrelevant in the context of the Application;

- b. Paras 5.3 and 5.4 – we note that both the Local Plan and the FDRS also identified Saffron Walden as fragile. Saffron Walden naturally will not grow substantially also because the larger retail centres around it are specifically identified as higher order centres by the East of England Plan;
- c. Para 5.5 – as we say in paragraph 64 above, these figures are meaningless for Saffron Walden. The retention rate for Saffron Walden is 85% (or 102% if one takes account of expenditure from out of Uttlesford) not 70% - we show above why the District retention rate is irrelevant – and the lower comparison goods retention rate is particularly driven by higher order comparison goods leakage, which the Applicant store would not address. 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].*”;
- d. Para 5.7 – we refer to our comments in paragraphs 18 above and in particular the fact that these are maximum figures and are unlikely to be achieved;
- e. Para 5.20 – 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 2016) growth in retail sales volumes will be much slower than in the long and ultra long trend. It 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 and that consumer spending will shrink by 3.5% in 2009 and by a further 0.6% in 2010. 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;
- f. Paras 5.21-5.37 – for the reasons given in paragraph (e) above, all of the Applicant’s figures will substantially overestimate the market – for example the table in para 5.21 should show a decline from 2008 to 2011 and then a slow recovery to 2016, the size of the recovery being likely to be too small to get back near to the 2008 base figure. The same applies for all of the tables in paras 5.21-5.24;
- g. We find the Applicant’s figures and statements in paras 5.32-5.37 to conflict markedly with those produced by Sainsbury’s in their application, and they also conflict with the empirical evidence. 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;
- h. Para 5.33 - for the reasons given in paragraph (e) above, the Applicant’s figures should be showing a decline in expenditure not growth for all relevant future periods – all of the Applicant’s forecasts in paras 5.33-5.67 are therefore completely wrong and show exactly the opposite of what Experian is forecasting;
- i. Para 5.40 states that, even on the Applicant’s 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

- j. The 4.2% growth rate used by the Applicant is at odds with the rates used by Experian in their projected growth rates in Figure 1 of the Retail Planner. Also, the Applicant has chosen as a base figure the 2007 year, since when the retail sector has contracted. The figures in para 5.45 are even more extraordinary - they purport to show that from 2008-2009 comparison goods spending in Uttlesford rose by 20% (£116.7m to £140.6m) and will rise by another 26% in the 3 years to 2012. The Applicant's figures in para 5.18 predicted a population rise of 1.4% from 2008-9 and roughly 1.1% to 2012. We have no feel for whether these figures are accurate, but assuming they are, this would imply per capita spending in Uttlesford increased by 18.5% in 2008-9 and will increase at an annual rate of 7% per annum thereafter. This cannot possibly be true – the figures in Table 11 and paras 5.45 – 5.46 must be total fantasy;
- k. For the reasons given above, and as the Applicant admits in para 5.40, there is no reasonable basis to assume that retention rates for comparison goods in the Saffron Walden area can be significantly increased. There is no justification for any of the assertions made in these paragraphs. 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 leakage given the proximity of Cambridge and its relative status in the retail hierarchy (FDRS, para 4.14). 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. We therefore reject the Applicant's assertions in this section. The Experian projections show little or no comparison goods expenditure increase in the near to medium term; there is no reason to believe that comparison goods retention would be improved materially by the extension, and we believe that inevitably the vast majority of turnover of the extension would be trade diverted from existing town centre retailers;
- l. The conclusions claimed in paras 5.51-5.55 are completely erroneous for the reasons given above, ie that the Applicant applies Uttlesford-wide statistics to the Saffron Walden area which are clearly incorrect, that it makes completely unsubstantiated assumptions about retention rates and that all of its economic forecasting is clearly wrong. We therefore reject the Applicant's assertions in this section;
- m. In relation to paras 5.56-5.67, given the amount of choice in Saffron Walden town centre, there cannot possibly be any PPS6 argument for qualitative need – virtually everything the Applicant is proposing to sell is already sold, and in the town centre rather than out of the centre at the very extremity of town. Contrary to para 5.60, an extension is likely to reduce consumer choice not increase it by adversely affecting the town centre shops heavily – see our comments in paragraph 42 above. As we say many times above, there is no material leakage issue for the Saffron Walden area;
- n. In para 5.61, the Applicant admits that the household survey implies the store is trading in line with average densities, and our inspection at peak time supported the fact that it is not overtrading;
- o. The statements made in para 5.64 are ludicrous – the store isn't obviously overtrading and the Applicant's own household survey supports this. If customers go without they can't be making extra car journeys, and all the leakage evidence shows there is no significant leakage from Saffron Walden;

- p. All of the items mentioned in para 5.65 are already provided in Saffron Walden very capably – the extension will just divert trade from the town centre to out of centre, completing contravening all relevant planning policies and all sustainability principles; and
  - q. Para 5.67 is utter nonsense – there is no evidence whatsoever for this, and as we say above it is completely contradicted by the findings of the CC Report, the FDRS and the surveys conducted by the Applicant and by Sainsbury’s.
65. We disagree with the Applicant’s assertions in Section 6 – if the Applicant will only build an extension which is bigger than any possible site in the town centre, then of course it can’t find a suitable site. There are a number of sites in town from which the goods proposed to be sold could be and indeed are sold. We refer to our comments in paragraph 20 above. We also note that:
- a. Para 6.9 is misconceived – this store shouldn’t be setting out to compete with higher order centres for consumer spend, particularly given the low leakage rates already. The Applicant has already said there is no material leakage to Bishops Stortford; its figures show there is no material leakage to Haverhill (which is too insignificant even to be separately identified) and Saffron Walden shouldn’t be trying to compete with Cambridge. We also repeat yet again the CC Report findings that there is no material competition in any case; and
  - b. In para 6.10, the Applicant actually says that “*the store extension seeks to serve is the now mature catchment which the store has established during the past 16 years of trading*”. In view of the Applicant’s previous statements this is extraordinary, and completely gives the lie to the suggestions that it is looking to attract new customers – it is nakedly looking to increase revenue from existing customers by making sure they don’t visit the town centre for their other shopping.
66. We refer to our comments in paragraphs 36-57 above in relation to section 8 of the Retail Assessment. In addition we make the following comments:
- a. As we showed above there is no need, quantitative or qualitative for the development. The development would primarily serve to shift customers from the town centre to the out of centre Tesco – this is the opposite of sustainability. We disagree completely with Tesco’s assertion in para 8.1;
  - b. for the reasons given in paragraph 64, we think the Applicant’s forecasts are completely wrong and that the store will just divert trade from the town centre. We do not believe the Applicant’s turnover figures and think they are deliberately understated and therefore the impact of the store is deliberately understated – we note again that the inspector in the Tesco Appeal Decision also favoured the UDC projections over those of the Applicant. Even if they were correct for 2012, this is the first year of operation and they will not represent the mature operation of the extended premises which will be much higher;
  - c. there is no basis whatsoever for the statement in para 8.6; it is contradicted by all the evidence, as we have shown in paragraph 35 above, and even the Applicant says completely the opposite in para 6.10;
  - d. para 8.7 is completely untrue – as the CC Report says, supermarkets of the size of Tesco compete with all other forms of store whether larger or smaller. Small stores won’t compete materially with Tesco, but Tesco absolutely will compete materially with all the small stores in town and in the surrounding area. See paragraph 30 above also;
  - e. para 8.10 – it is highly unlikely there will be significant diversion from Tesco Bishops Stortford, as the Applicant’s own survey agrees, given that the catchment areas of the stores don’t even overlap. Similarly it is highly unlikely there will be significant

- f. para 8.11 goes completely against all logic and evidence;
- g. in para 8.12, we believe that the Applicant has vastly overstated the chances of significant clawback or leakage as there isn't significant leakage – the Applicant's assertions are contradicted by the FDRS and Sainsbury's studies as well as its own. Clawback we believe has been massively overestimated not underestimated;
- h. we disagree with para 8.13 – the main effect of the extension will be to divert convenience and comparison goods expenditure from the town centre shops and to draw customers away from the town centre;
- i. we believe the para 8.14 figure hugely understates the likely comparison goods turnover of the store and has no credibility. If the comparison sales density comes anyway near to the average sales density for Tesco, that would imply a comparison turnover of £10m, the vast majority of which will come from the town centre shops;
- j. as we say in paragraphs 36 and 40, we believe the town centre should be described as fragile still and all the reasons for the Tesco Appeal Decision in 2000 still hold good. We don't believe that the proposed extension could possibly be regarded as reasonable by anyone other than Tesco or their agents, not least because it flies in the face of all relevant planning policies and will do great damage to the town centre. It also won't allow the town to compete more effectively for the reasons given in paragraph 42(k)(vi) above, and will instead suck trade away from the town centre;
- k. The Applicant repeats its unsubstantiated assertion that the town centre is vital and viable. This again is wrong - 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 last week, the Council has proposed some free car parking in an effort to get customers into the town centre;
- l. para 8.16 completely misrepresents the Hephher Dixon findings – para 6.7 of the FDRS acknowledges the importance of the town centres and suggests that further efforts be made to bring forward the development of town centre sites. Nowhere in the FDRS is the development of out of centre sites advocated;
- m. the range of goods identified in para 8.17 are all catered for extremely well in the town centre, underlying the lack of qualitative need for the extension;
- n. even where Tesco's clothing range does not compete directly, the extension will suck customers out of the town centre;

- o. we only wish there was some truth in Tesco's statement in para 8.19; unfortunately, experience shows that once in out of centre shops, consumers ignore the town centre and its superior service and shop on the basis of price and / or the ability to avoid a linked trip into town. As the Applicant must know, para 8.19 is completely contradicted by all the evidence of the effect of supermarket competition on small shops;
  - p. there are numerous academic studies 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. Exactly the same principles will apply to extensions as to new supermarkets;
  - q. paras 8.21 and 8.22 are utterly fanciful – the extension will do nothing to improve the status of Saffron Walden; local residents don't need to, and indeed don't in any significant numbers, travel significant distances to stores outside the catchment area as all the figures show; the store will unfortunately act only as a catalyst for negative change by undermining the town centre; and
  - r. para 8.23 is complete nonsense and completely runs against all the evidence – see also our comments in paras 35, 42, 45, 55 and 64 above.
67. For all the reasons given above we disagree with the Applicant's conclusions entirely. There is no qualitative or quantitative need for the extension; there is no unexpected or significant leakage from the Saffron Walden area, and even if there were the proposed extension would do nothing material to affect it. Given the lack of leakage from the Saffron Walden area, and the distributions of neighbouring stores, there is only one place that significant turnover will come from and that is from diversion of trade from the Saffron Walden town centre. The extension would have an enormous adverse impact on the town centre. We also note that nowhere in the Retail Assessment has the Applicant made any assessment of the sources of custom for the extension, and which existing shops they would be diverted from – in our view this is because any realistic assessment would demonstrate the damage that would be inflicted on the town centre.
68. 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

- 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 have been two-thirds the size of that now proposed; yet still Tesco and UDC estimated it would divert between 5 and 8% of convenience shopping from the town centre. The Inspector concluded that UDC's more cautious assessment of an 8% diversion was more realistic – the Applicant's suggestion that it would have no material affect on the town centre should 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.*”.

## **H. REVIEW OF THE APPLICANT'S TRANSPORT ASSESSMENT**

69. Before commenting on the detail of the Applicant's Transport Assessment, it is worth bearing in mind the requirements of PPG13, summarised in paragraphs 25-28 above, and the fact that, as an out of centre development whose main affect will be to divert trade from the town centre, the Application clearly breaches the key requirements of that policy document. The Transport Assessment should be read against that background.
70. By its nature, and as the Applicant admits, the site is most naturally accessible by car. It has some public transport provision, and although in theory accessible by bicycle, there is no dedicated cycle lane. The fact that there are such a small number of bicycle racks existing and proposed – and that our observations show that they are rarely used if at all – shows that in fact bicycle use is tiny at best. Similarly few customers visit on foot. In a large part because of all the traffic generated by the existing store, the Radwinter Road is a busy and polluted road and is not conducive to pedestrian access. Our observations show limited pedestrian access, especially when compared to car use.
71. We comment on the Transport Assessment as follows:
- a. In section 1 – and indeed throughout its assessment - the Applicant compares the existing development and the proposed development only on the basis of gross floor area. The gross floor area ratio shows an increase of 40%; the net retail area, which seems to us to be a much better indicator of likely customer use, however will increase by over 60%. We query therefore whether the figures produced by the Applicant underestimate the extra traffic;
  - b. In paragraph 2.5, and indeed generally, we note that the Applicant does not mention that at the Radwinter Road / Thaxted Road junction the base traffic conditions, and the resultant NO2 pollutant levels, at this junction are already so bad that it has been designated as an AQMA, and indeed exceed the maximum permitted statutory levels. Yet the Applicant proposes to add further traffic to it. Policy ENV13 of the Local Plan states that development should not be permitted if this would lead to additional traffic pollution and so impair the success of the Air Quality Action Plan 2009. There has been

- c. We disagree with the Applicant's assertions regarding accessibility in Section 3. The Applicant says that the site is in close proximity to surrounding residential areas and this should encourage more sustainable methods of travel. This is completely untrue. It isn't and it hasn't:
  - i. The site is right at the edge of the Saffron Walden urban area – it is more than a kilometre from the nearest side of the town centre and from the great majority of the residential areas of the town. To the extent it is surrounded by anything, it is surrounded by open countryside, industrial buildings and a busy main road; and
  - ii. The experience of the existing store so far is that sustainable methods of travel are rare. The Applicant has not included any study counts of pedestrian and cycle use to the existing store. Our observations have showed no cycle use and limited pedestrian access to the existing site. There is no reason to think this will change – indeed in para 5.9 of the Transport Assessment, the Applicant admits that “*the predominant mode of travel will be the car*”;
- d. The statements made in para 3.8 are completely at odds with the experience of the existing store. The aims of the National Retail Planning Forum cited are laudable, but the operation of the existing store is completely at odds with them – as we say in paragraph 70 above, cycle access is minimal if it exists at all and pedestrian access is low;
- e. For the reasons given in paragraph (c) above, the existing store and the proposed extension conflict with PPG13 and the guidance referred to in para 3.9 of the Transport Assessment;
- f. In relation to paras 3.11 and 3.12, we repeat our comments in the preceding subparagraphs of this paragraph 71. The statements made are completely misleading in the context of the proposed development given the lack of cycle and pedestrian access currently employed. The Applicant's complete unfamiliarity with the area and potential cycle access are exemplified by the statement in para 3.12 that “*Other towns such as Audley, Swards End and Littlebury are all within a suitable cycle distance*” – one of them isn't a place, they aren't towns and I would be very surprised if the Applicant had ever tried cycling to and from Tesco from any of them;
- g. We also note that the Applicant has produced no assessment of the existing cycle and pedestrian use of the site – we assume that this is because it is so low;
- h. We note the statement in para 4.15 that the car park is generally little over half full even at peak times. Given the low levels of sustainable access, this must reflect the trading level of the existing store – again this supports our observations that the store is not overtrading currently; and
- i. Our comments on the lack of sustainable travel are further supported by para 4.21 – there is currently only provision for 12 cycles, and it is clear from observations that this is vastly more than are used

72. In section 5, 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. In particular:

- a. We refer to our comments on PPG13 set out in paragraphs 25-28 above, and which provide a more balanced description of the requirements of PPG13. As we note in paragraph 25-28 above, the Applicant development would breach all of these requirements;
- b. It is worth also mentioning that para 35 of PPG13 also underlines the planning policy commitment to town centres – “*Policies for retail and leisure should seek to promote*

- c. The Essex Local Transport Plan has as key objectives the reduction of congestion and the improvement in accessibility, decreasing journey times and supporting the economic vitality of town centres (para 5.4 of the Transport Assessment). Again, extending an out of centre retail development runs directly counter to the LTP;
- d. Paras 5.5-5.9 set out a completely misleading selection of quotes from the Local Plan. Paras 5.5-5.6 in relation to transport are almost completely irrelevant to the development. It is true that cars in rural areas may be the only real option for some travel, but obviously not for all travel. The centre of Saffron Walden is not a rural area and the vast majority of the Saffron Walden residents walk to the centre of town to do their shopping – they obviously can't to the Tesco stuck out on the edge of town in an isolated location. The whole point of the retail and travel strategy in the Local Plan is to locate retail developments in town centres and to try to minimise car travel where possible, not put them out of town centre with a view to increasing car travel! In particular, we note that 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, bus, on foot and by cycle and to reduce the number and length of motor journeys. The proposed development of course runs completely contrary to these objectives;
- e. In relation to para 5.7 the paragraph of the Local Plan quoted will again be breached by the Application – as we say many times above, an out of town extension will draw trade away from the town centre, and will certainly not “*sustain the vitality and viability of Saffron Walden*” as the Local Plan requires. We comment in more detail in paragraphs 6-28 above in relation to the planning policy background more generally, but clearly the Application directly contradicts these key objectives and will also breach the related express provisions of RS1 and RS2 and paragraphs 8.1 and 8.2 of the Local Plan, which are set out in paragraph 15 above;
- f. Similarly, the main traffic policy priority of the East of England Plan Road Traffic Strategy 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 also;
- g. The assertion in para 5.8 clearly flies against all the evidence we set out above about the lack of leakage in the Saffron Walden area, and also flies against all the evidence of the damage that out of centre / out of town Tesco stores do to neighbouring town centres. To repeat those points again:
  - i. The CC Report findings and all the retention statistics show that significant numbers of residents of Saffron Walden and the neighbouring area will be shopping at the Saffron Walden supermarkets. Distance travelled is the overwhelming consideration in customers choosing supermarket destinations unless there are relatively small differences. Of course a limited number of people will travel further afield, but these will be utterly immaterial in the context of retail usage generally. There is no great leakage to stop and therefore no great numbers of journeys out of Saffron Walden. The Applicant's suggestion that the extension would maintain the viability of food shopping trips in Saffron Walden and reduce journey distances is ludicrous;
  - ii. A larger store may suck in more customers from the periphery of its catchment area, but all this is doing is shifting a similar amount of travel from one store to another, and bringing it onto the already clogged roads of Saffron Walden. It can also be seen from the isochrone maps that there are no major population centres on the edges of the Tesco catchment area. Customers to out of town supermarkets do not in general make linked journeys into town, so there will be

- iii. In their traffic assumptions, Tesco also show that they don't believe the assertions about linked trips either, as they say in paras 7.22 and 7.23 that they will not in general be creating extra trips in Saffron Walden; and
- iv. By far the greatest proportion of trade for the extension inevitably will come from diversion of trade from the town centre shops including Waitrose. As it is far easier to walk, cycle or get public transport to the town centre than it is to Tesco at the very edge of town, inevitably there will be a significant increase in car journeys; and
- h. Similarly, the assertions made in para 5.9 about the site "*providing a realistic choice of access by public transport, walking and cycling*" is contradicted by the evidence of the current predominant car use to the existing store. Even the limited numbers of buses which serve the site currently are vastly outnumbered by the numbers that serve the town centre. Whilst for many people there is a realistic choice of access to the town centre by public transport, walking and cycling, this simply isn't true for the Tesco site.

73. In relation to Sections 7 and 8 we comment as follows:

- a. In relation to para 7.1 and generally throughout section 7, a comparison of net retail space would seem to us to provide a better basis for a comparison of customer numbers;
- b. Para 7.10 makes the same claim as para 5.8, that the extension would help the viability of the town, which is ludicrous for the same reasons set out in paragraph 72(g) above;
- c. We are not able to comment generally on the assumptions made as to traffic generation and must defer to the UDC and ECC traffic officers;
- d. Paras 7.21-7.23 are such obvious nonsense in the context of the Application that it is impossible to believe anyone can seriously suggest it is a valid point. 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 Tesco (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 these paragraphs have 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 these paragraphs are intended to have some meaning, in which case it is clearly rubbish. If out of town supermarkets didn't generate vastly increased numbers of unsustainable trips, there would be no need for PPS1, PPS6 and PPG13 and all the associated planning policies to legislate against out of centre and out of town supermarkets;
- e. As far as paras 7.22 and 7.23 are concerned, the vast majority of trade for the extension will be trade sucked out of the town centre. It is highly likely therefore that sustainable trips on foot into the town centre will be replaced by trips by car to Tesco. We do not accept that Tesco is just replacing like for like trips;
- f. Para 7.25 is clearly wrong – most people don't have freedom over when they shop for food or there wouldn't be such enormous peaks on Fridays and Saturdays – they are forced to shop when traffic conditions are at their worst. We disagree with the Applicant's assertions in para 7.25 therefore;
- g. We don't see any relevance of para 7.26 – the extension is not a "new retail centre";
- h. The assumptions used in para 7.31 for the TRICS assessment are wrong:

- i. The existing store falls within the 2,500-5,000 GFA parameter; the extended store would be 5,900 GFA so clearly wouldn't fall within this parameter – we don't know if this affects the TRICS outputs? and
  - ii. The parameters include edge of town centre sites as well as edge of town sites; the former are clearly not comparable – again, we don't know if this affects the TRICS outputs?
- i. We note para 8.17 which confirms that the Radwinter Road traffic is so bad that it extends back to the Elizabeth Way junction – and yet the Applicant is proposing to add to it;
- j. We are not in a position to comment on para 8.25 but the Applicant's conclusion seems unlikely – to assume that the MOVA controller would just cater for any additional traffic without increasing congestion seems unlikely to us, particularly given how bad the traffic is from all directions at that junction;
- k. We have compared the Tables 8.17 and 8.18 for the Radwinter Rd / Thaxted Rd junction before and after the store development. The Applicant's model shows that for Friday AM Peak, the net effect of a 60% increase in the net sales area of the Tesco store would result in an overall diminution in traffic and shortened queues. For Friday PM and the Saturday peak, the two peak shopping periods, the aggregate of the three queue lengths would increase by only 1 car – these results seem so improbable as to indicate that there is something wrong with the model; and
- l. In summary, although we cannot comment on the model compositions and their outputs, the underlying assumptions the Applicant has used seem to us unrealistic, and the model outputs clearly are.

74. In relation to the Applicant's conclusions in Section 9 of the Traffic Assessment:

- a. Paras 9.6 and 9.7 – given the minimal existing cycle usage and the low existing pedestrian usage, for the reasons given above any comments the Applicant makes about projected or likely access by these modes of transport seem highly unlikely;
- b. Para 9.11 – given the minimal cycle usage, this is not surprising;
- c. Para 9.13 is complete nonsense – the extension would do exactly the opposite, for the reasons we give in paragraphs 72 and 73 above and generally;
- d. We note the statement in para 9.14 that "*the predominant mode of travel will be the car*" reflecting the out of town centre location. We do not believe this would be the case with a town centre store such as Waitrose or any of the comparison goods stores. The site clearly doesn't offer a realistic choice of other modes of transport or people would use them more. Our observations indicated pedestrian and cycle usage is very low; it would have been very easy for the Applicant to have conducted a survey to show the actual usage – we assume that if the results would have shown anything to support the Applicant's arguments then they would have been included in the Applicant's Transport Assessment; and
- e. Para 9.20 – the Application conflicts with the key transport policies of PPG13, the East of England Plan Road Traffic Strategy, the Local Plan and the Essex Local Transport Plan. These seem to us to be very good reasons why the Application should not be granted planning permission.

## **I. AIR QUALITY**

75. 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

76. 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 increased traffic which would result from the new extension, there will inevitably be material adverse health impacts.
77. 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 Transport Assessment, increase congestion and so the resulting pollution, impeding the success of the Action Plan.
78. No Air Quality Assessment has been carried out. There is no reason given for this omission, but it would seem that Tesco are relying on their calculations that increased trip rates will only lead to an additional 3½ more cars in the Thaxted Road queue at peak time on a Friday/Saturday and that this “will not be noticed”. The claim is also made that there will be virtually no effects on the queues along East Street and Radwinter Road because the traffic lights are weighted to ensure that queues along East Street never extend back sufficiently far to disrupt the one way system in the town centre. As we say in paragraph 73(k) above, the results of the Applicant’s traffic calculations even imply that the queue lengths at certain times will actually be shortened by the extra traffic, so we find it hard to set much trust in them. How their claim can apply to Radwinter Road queues is not explained; the observation is actually reported that on a Saturday morning the queue already extends all the way along Radwinter Road and past the junction with Elizabeth Way. The final conclusion of the Tesco Assessment on the question of increased pollution is that there are already high levels of saturation, the highway is already constrained with little scope to physically improve the situation and the effects of the proposed extension will be only marginal – we find it hard to believe this last conclusion, and in any case levels of NO<sub>2</sub> pollutants are already above the statutory maximums.
79. The Transport Assessment itself is flawed in that it does not consider any of the new housing developments already approved, only UTT/1788/07/OP for retail and other warehouses along the Thaxted Road. Neither, of course, is Sainsbury’s application factored in. Sainsburys have carried out an Air Quality Assessment, using their own transport assessment figures which allows for a poaching of some of Tesco’s customers, and, no allowance is made for the Tesco Application itself and the increase in traffic that would bring. In spite of these omissions the Assessment finds that by 2011 all the junctions listed will experience more pollution and the effects on the existing AQMAs will be “medium to minor adverse” according to the classification used by Environmental UK. We have pointed out that this classification has no

80. 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.

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