

RE: PLANNING APPLICATION UTT/13/0268/FUL

APPLICATION BY GRANITE PROPERTY DEVELOPMENTS SAFFRON WALDEN LIMITED (THE “APPLICANTS”) FOR PLANNING PERMISSION FOR THE DEVELOPMENT OF LAND ON THAXTED ROAD, SAFFRON WALDEN, ESSEX CB10 2UP (THE “APPLICATION”)

STATEMENT OF OBJECTIONS ON BEHALF OF SAFFRON WALDEN & DISTRICT FRIENDS OF THE EARTH

1. Introduction

- 1.1. This Statement of Objections is submitted on behalf of Saffron Walden & District Friends of the Earth. We oppose the Application for the reasons set out below.
- 1.2. In summary, the Application is in breach of the relevant Local Plan provisions, and is unsustainable for the purposes of the NPPF, and should therefore be rejected. Our principal reasons for objecting are as follows:
 - 1.2.1. The 2012 Uttlesford District Retail Study shows that there is no quantitative or qualitative retail need for further food retailing capacity in the area unless one assumes a significant increase in the convenience goods retention rate, for which there is no evidence;
 - 1.2.2. There is no significant leakage of convenience goods expenditure from the Saffron Walden catchment area to any retailers of the type proposed – the November 2011 Saffron Walden Household Survey Results of convenience goods shopping patterns produced on behalf of Sainsbury’s Supermarkets Limited (the “Sainsbury’s Household Survey”) for their appeal in January 2012 (the “Sainsbury’s Appeal) relating to the Applicant site, and which was accepted by UDC, shows that only 1 person out of the 357 shoppers from Zone 1 surveyed conducted their main food shop in Aldi, Haverhill. The figures for Zones 2-4 were similarly very low. The survey also showed that no shoppers conducted their top-up shopping at Aldi;
 - 1.2.3. The Application is directly contrary to the NPPF retail provisions, aimed at concentrating retail provision in town centres, and preserving the distinctiveness of local towns;
 - 1.2.4. the Applicant site is 2km from the nearest edge of the Saffron Walden town centre, and some 600m from the edge of the town and the very nearest residential development, with no connection to the town centre. The inspector in the Sainsbury’s Appeal concluded that it is unrealistic to expect that there would be any material trade linkage between the proposed development and the Saffron Walden town centre, and that it is unrealistic to expect that the site would be accessed other than by private motor vehicle for the vast majority of people. Exactly the same reasoning applies to the current application;
 - 1.2.5. the site is inherently unsustainable for convenience goods retail, as UDC recognised when granting the current planning consent for the site proposed. Its main function would be to compete with the Saffron Walden Tesco, Waitrose and other town centre convenience goods shops. By drawing people away from the Saffron Walden town centre and encouraging more and longer car journeys, the Applications are in direct conflict with the Government’s sustainable development policies, as set out in the National Planning Policy Framework (“NPPF”);
 - 1.2.6. the Applicants have produced no evidence as to the sustainability of the Application for the purposes of paragraph 7 of the NPPF. The Application is clearly contrary to the NPPF

policies for social inclusion and cohesion as well as for environmental sustainability, and we believe that its effect on the Saffron Walden town centre would mean that it would also be economically unsustainable as well;

- 1.2.7. there is no evidence that the development would produce any material net increase in employment, and indeed the published evidence is that overall new supermarkets are more likely to have a negative than a positive net effect on employment, or at best zero impact.
- 1.3. For the purpose of this submission, we object to two principal elements of the Application, the proposed convenience goods store and the widening of the permitted goods to be sold to include pet food and pet-related products. We do not express a view on the effect of the increase in the comparison goods sales capacity.
- 1.4. As a final general point, we note that the Application Form submitted in connection with the Application applies for a general class consent, and the planning statement applies for specific consents for the proposed convenience and comparison goods areas. We have not seen any request, or proposed condition, in the Application that the convenience goods consent be restricted to the operation of a discount supermarket only, rather than any convenience goods supermarket, and we are not aware whether or not such a condition could be imposed or enforced. If such a condition is not to be imposed, then the Application should be considered on the basis that the retail space could be utilised by any convenience goods retailer, rather than just Aldi or another discounter, and its potential impact should be assessed on that basis. The major supermarkets have retail sales densities of in excess of twice of that claimed by the Applicant for Aldi, and therefore their prospective turnovers and potential impacts on Saffron Walden town centre would be more than twice as great. Similarly, we assume that they generate roughly double the volume of traffic as that claimed.

2. Planning Policy Context

- 2.1. We have set out in Schedule 1 a detailed summary of the principal applicable planning policies relevant to the development.
- 2.2. We should note in particular that the Application is contrary to the policies contained in the NPPF and should be rejected for any one of the following reasons:
 - 2.2.1. it conflicts with the provisions of the Local Plan, and there are no material considerations which support their approval;
 - 2.2.2. it is unsustainable, economically, socially and environmentally, within the terms of the NPPF. Sustainable development is at the core of the NPPF, and unsustainable development of the kind proposed should therefore be rejected. The intent of the NPPF is to support development which is “sustainable”, not to support any development;
 - 2.2.3. it is in direct contradiction of the policies in paragraph 23 of the NPPF to support the vitality, viability, diversity and individuality of town centres. Given the lack of leakage from any of the survey zones, and from Zone 1 in particular, to any existing discount stores, the only source of turnover for the proposed development must come from the existing Saffron Walden shops, most of which are in the town centre;
 - 2.2.4. the Application is in contradiction of the NPPF requirements to promote sustainable transport;
 - 2.2.5. the Application is in contradiction of the NPPF requirements regarding air quality and AQMA Action Plans;
 - 2.2.6. the Application is in contradiction of the NPPF requirements to promote healthy communities; and

2.2.7. the Application is in contradiction of the NPPF requirements to plan for a low carbon future.

2.3. The only positive effect of the proposed development would be to provide an increased customer choice, albeit one for which there is clearly no demand currently, as the lack of leakage from Zone 1 to discount stores shows. Set against this, the proposed development conflicts with the NPPF provisions in every other area. Given the lack of need for either the proposed convenience goods development or the pet-related sales, and the extent to which the proposed development is clearly in breach of relevant NPPF requirements, we believe that the adverse effects of the proposed development would significantly and demonstrably outweigh the extremely limited potential benefits.

3. Lack of Need, Quantitative or Qualitative

Introduction

3.1. We note the contents of the January 2012 Uttlesford Retail Capacity Study, and in particular its conclusion that, unless one assumes a large increase in the convenience goods retention rate, there is projected to be no need for any future convenience goods retail sales capacity until 2028, and then only an insignificant amount (para 6.110).

3.2. If one assumes a major increase in the Saffron Walden retention rate, from 72% to 80%, then the Retail Capacity Study shows a potential need for convenience goods capacity, but still less than that of the kind proposed, by 2028. This would be a huge increase in the local retention rate, and no evidence has been produced by the Applicant nor is it contained in the Retail Capacity Study to support any assumption that retail retention rates would increase, let alone to this extent.

3.3. We note also that there are no drivers for an increase in retail retention rates. Both Tesco and Waitrose are planning significant extensions, but that of Tesco is virtually all comparison goods, and both applications were made on the assumption that they would not have a significant effect on the local retention rates – there is nothing in the retail statements accompanying those applications to claim, or justify, an increase in convenience goods retention rates.

Lack of Need

3.4. We have attached at Appendix 1 extracts from the Sainsbury's Household Survey, which was accepted by all the parties at the Sainsbury's Appeal. The Applicants have produced no similar survey or indeed any evidence to cast doubt on this survey, and it should therefore be accepted as the best evidence available. Question 1 asks where respondents conduct their Main Food Shop, and it can be seen that of the 357 respondents from Zone 1, only 1 uses the Aldi in Haverhill, and no other discount food operators are even mentioned. Question 13 asks where respondents conduct any Top-Up Shopping, and no-one identifies Aldi or any other discount food operator. There is clearly only a minuscule leakage of convenience goods expenditure from Zone 1 to discount food operators, and therefore absolutely no reason to believe that the presence of an Aldi in Saffron Walden would increase the overall retention rate. The survey results for Zone 4 are similar – only 2 out of 142 respondents identify Aldi as their Main Food Shop destination and none for Top Up Shopping. As the UDC evidence to the Sainsbury's Appeal confirmed, Haverhill would be more convenient for most Zone 4 residents than would a

shop on the south side of Saffron Walden, so there is no reason to think even this small number of respondents would move. We note that the Applicants claim that the number of respondents using Aldi in the Sainsbury's Household Survey may be under-stated because of Aldi not being a named destination, but Q1 shows that it clearly was a named destination, so this claim has no weight.

- 3.5. At the Sainsbury's Appeal, UDC's need case was based on the assumption that there would be no underlying increase in retail retention rates, and it would be perverse now to treat the Application differently.
- 3.6. Even if we are incorrect about the retention rate, and as we say above there is no evidence to indicate any likelihood of an increased retention rate, the need would not arise until 2021. If the Application was granted, one would expect to see the Applicant store operational in 2015 at the latest, and therefore its impact would be felt in 2015, long before any need arose on even the most optimistic basis. We comment on it later, but we note that the Applicants use a design year of 2018 to assess impact (para 7.4 of their Retail Assessment); we can see no justification for this – it is completely at odds with the approaches taken in the Sainsbury's and Tesco applications, and it makes no sense to assume that a new store would have zero impact until 4 years after its likely opening date.
- 3.7. Finally, we note that the Applicants have produced no evidence of any quantitative need for the proposed development.
- 3.8. In terms of qualitative need, Saffron Walden already has 2 large supermarkets, and of course most of the main supermarkets are available also through internet delivery. Whilst customer choice could always be improved by endlessly building new supermarkets, that is completely different from there being a qualitative need. The Applicants have produced no evidence to indicate that there is any qualitative need for the proposed development. The most pertinent evidence as to the existence or not of any need is the Sainsbury's Household Survey. As we say above, of 357 respondents surveyed who live in Zone 1, which would be the principal catchment area for the proposed development, only 1 indicated that they use Aldi for their main food shop, and no respondents use it for their top-up shop. This is about as conclusive as the evidence could be that there is no qualitative need for the proposed development.
- 3.9. In summary therefore, there is no need for the proposed development. There is no quantitative need unless one makes major – and completely unsupported – assumptions about increasing retention rates, and there is clearly no qualitative need.
- 3.10. Moreover, nothing in the Applicants' Retail Statement indicates that there is any need for the proposed development:
 - 3.10.1. We note that the Applicants, at paragraph 4.5 of their Retail Statement say that the lack of a discount food store in Uttlesford is apparent from the Retail Capacity Study. However, it is important to note that the summary of existing food store provision in Uttlesford does no more than indicate that there is no discount food store, on the basis that Aldi etc are not one of the named stores. Nothing in the Retail Capacity Study indicates that there is any qualitative need for a discount food store, and as we say above the Sainsbury's Household Study clearly shows that there is no need;
 - 3.10.2. We note the Applicants' statements in paragraphs 4.6-4.10 of their Retail Statement. As these paragraphs confirm, there is no need for any further convenience goods retail capacity

unless one assumes that the Zone 1 retention rate is going to increase from 72% to 80%. Any question of quantitative need depends entirely on this heroic assumption, and no evidence has been produced by anyone, whether Savills in their report, Sainsbury's in the Sainsbury's Appeal or the Applicants to indicate that there is any reason to believe that it will occur. As the Sainsbury's Household Survey shows, the extent of leakage to discount stores from Zone 1 currently is tiny, and clearly statistically insignificant;

- 3.10.3. At paragraph 4.6, the Applicants note the conclusions of the Retail Capacity Study, that even if the retention rate did increase to 80%, there would be no need for additional space until 2021, 7 years after the proposed Aldi would be expected to have opened, and even then the projected space would be less than half of that proposed;
- 3.10.4. The Applicants note at paragraph 4.7 the Retail Capacity Study identification of possible further top-up convenience floorspace. Since the Retail Capacity Study was produced, Tesco has acquired the Crocus pub, and that top-up floorspace will be more than sufficient to provide any identified top-up need for the foreseeable future;
- 3.10.5. The Applicants then claim in paragraph 4.8 that a total requirement for 1,020sq.m of convenience floorspace by 2026 (which presumably should be 2028) is identified. This is clearly not the case however, for the reasons given above. The Applicants then claim that the floorspace requirement could be even higher if retention rates were even higher – of course this is the case, but there is no conceivable reason to suppose there is any likelihood of this;
- 3.10.6. At paragraph 5.15, the Applicants claim because there are no discount stores in the District and therefore “*the catchment population is either leaving the catchment for discount food shopping, or there are frustrated shoppers who currently have no access to such provision. This indicates that there is a qualitative need for a discount foodstore in the District.*” This is complete nonsense – the Applicants are saying that the fact that there is not a discount store in the District means that there must be a qualitative need for one, which makes no sense at all. The Sainsbury's Household Survey shows clearly that there are very few of the catchment population leaving the catchment for discount food shopping, and given how easy access from Saffron Walden to Haverhill or Cambridge is, the degree of frustration at not having access to a discount store is clearly not high, or more than the 1 respondent from the 357 surveyed in Zone 1 would be using them;
- 3.10.7. There is nothing in the Applicants' Retail Statement beyond this. They have produced no evidence to support any assumption that Zone 1 retention rates are likely to increase, or to suggest that the Sainsbury's Household Study finding that there is currently minimal leakage from Zone 1 to discount stores currently, and they have produced no evidence to demonstrate that there is any quantitative or qualitative need.
- 3.11. Finally, we note the following statements in paragraphs 4.19 and 4.21 of the Applicants' Retail Statement which are either incorrect or misleading:
- 3.11.1. The statement that no other retail planning permission has been granted since the date of the Retail Capacity Study may be correct. It is however misleading in that the change of use of the Crocus pub has increased the retail capacity, but planning permission was not required for this change;
- 3.11.2. In the third bullet point of paragraph 4.21, the Sainsbury's Appeal decision did not say that a design year of 5 years from the application date is appropriate. It said that there was

no need to look for a longer period of 5 years, reflecting paragraph 26 of the NPPF which says that a period of “up to” 5 years should be used, unless a longer period is required. As we say in Section 4 below, a design year of 2015 was taken in the Sainsbury’s Appeal, but this was entirely driven by the prospective opening year not the date of the application. In any case, as the Applicants will be aware, the second Sainsbury’s application was made in late 2011. The Applicants’ claim is both incorrect and misleading.

4. Impact

Introduction

- 4.1. We note the claims made by the Applicants as to the potential impact on Saffron Walden of the proposed developments in Section 7 of their Retail Assessment. For the reasons we give, we believe that these should be treated with great scepticism. We also note that the impact assessments are made on the basis of a very low retail sales density, far lower than that of the major supermarkets. As we say above, we are not aware that the planning permission applied for is proposed to be restricted to a discount supermarket, or indeed that such a condition can be imposed. In the absence of such a condition, the retail impact should be assessed on the basis of the maximum impact of any permitted use. The impact assessment should therefore be conducted on the basis that the use applied for could enable the use by Tesco, Sainsbury’s or any of the other major supermarkets, which have far higher retail sales densities than that proposed by the Applicants.
- 4.2. Notwithstanding this issue, we have commented below on the Impact Assessment as if such a condition could be successfully imposed. For the reasons given below however, we still do not believe that the Applicants’ Retail Impact Assessment represents a fair assessment of the likely impact of the proposed development.

The Impact Assessment is based on the wrong design year

- 4.3. First, the Applicants take a design year of 2018. As we say above, we can see no justification whatsoever for this assumption. It is completely at odds with the approaches taken in the recent Tesco and Sainsbury’s application, and is contrary to any common sense – a new store will inevitably have an impact from the moment it is opened. The approach is also contradictory to any other supermarket application that we have so far found. If planning permission were to be granted, one would expect construction to commence in 2013 and to be completed in 2014 at the latest. In their Air Quality Assessment, the Applicants note that “2014 is the proposed opening year of the redevelopment” (p.9). Sainsbury’s in their original application assumed a design year of 2013 being the second full year of trading assuming construction started in 2010 and completed in 2011 (see paragraph 6.14 of their Retail Assessment in relation to application UTT/1451/09/FUL). Tesco’s were more realistic and assumed a design year of 2012, being the first full year of trading assuming planning permission was granted in mid-2010 and construction completed in 2011 (see paragraph 5.12 of their Retail Assessment in relation to application UTT/1323/09/FUL). In the Sainsbury’s Appeal, a design year of 2015 was assumed by all parties for the purposes of the appeal (see paragraph 15 of the Appeal decision); had the appeal been granted in early 2012, one would assume construction finishing in 2013, and therefore 2015 representing the second full year of trading. A design year of either 2015 or at the latest 2016 should therefore be adopted – we can see no justification for a design year of 2018, and the impact assessment should be reviewed

accordingly. We note the claims made by the Applicants in paragraph 7.4 of their Retail Statement, but do not see any justification for them.

Errors and inconsistencies in the Impact Assessment

- 4.4. Secondly, the Applicants assume that 20% of the proposed Aldi's turnover would come from outside Zones 1 and 4, and that no significant trade would come from Zones 2 or 3 (see paragraph 7.16 of their Retail Statement). Essentially therefore they are proposing that 20% of the Aldi turnover would come from outside the Zones 1-4 Study Area. No evidence is produced to support this claim, and it is wholly unlikely. As a sense check, we refer to paragraph 5.17 of the Proof of Evidence of Craig O'Brien, on behalf of UDC, to the Sainsbury's Appeal; in his opinion, the proposed Sainsbury's would attract 5% of its turnover from outside the Study Area. The proposed Sainsbury's developments would have been three times as large as the proposed Aldi, and therefore would be expected to have a much greater attraction. The 5% assumption for Sainsbury's must act as an absolute cap on the likely turnover of the proposed development from outside the Study Area. In fact, given that the proposed Sainsbury's would have been much larger and therefore have had a much larger catchment area, it would be safe to assume that much less than 5% of the Aldi's turnover would be drawn from outside Zone's 1 and 4.
- 4.5. In relation to the likely trade draw, we note the results of the Sainsbury's Household Survey, and the replies to Question 1, which shows that only 0.6% of the total Study Area turnover is attracted to the Aldi in Haverhill, and no other material turnover from the Study Area is identified as being spent in any other discount store. On the basis of the Sainsbury's Household Study, we do not see how it can be assumed that any more than 1% of the proposed development's convenience goods turnover would come from outside the Study Area. The Applicants' impact assessment should be re-read accordingly.
- 4.6. Thirdly, the Applicants claim that the majority of trade diversion will fall on Tesco, but again produce no quantitative evidence to support this claim. In their applications, Sainsbury's made exactly the same self-serving assumptions, which greatly over-stated their proposed impact on Tesco and greatly under-stated their proposed impact on Waitrose and the Saffron Walden town centre. As the inspector in the Sainsburys' Appeal found, their assumptions were not credible, and nor should the Applicants' assumptions be treated as credible.
- 4.7. In paragraph 2.19 of their Retail Statement, the Applicants claim that "*Aldi do not generally compete directly with main town centre convenience retailers*", and in paragraph 2.20, the Applicants claim that "*An Aldi is a modest scale grocery store often fulfilling a neighbourhood shopping role as well as attracting customers from the surrounding area.*" By definition, a neighbourhood shopping role is a "top up" rather than a "main food" shop, and therefore, if this were true, the main impact of the proposed development would be expected to be on the Saffron Walden top-up shopping market. Similarly, in paragraph 7.27, the Applicant claims that "*The proposed Aldi store is modest in size in comparison to the existing Waitrose and Tesco stores, which are around 35% and 60% bigger in net sales area. Aldi's trading style and sector differs from those stores*".
- 4.8. Accordingly Aldi claim that they do not compete directly with the main town centre retailers and their trading style and sector differs from Waitrose and Tesco. However, Aldi's turnover must come from somewhere, and it can only come from trade diversion from existing stores. As the Sainsbury's Household Study shows, there is virtually no discount store expenditure leakage to claw back to Zone 1, and as the evidence accepted by all the parties to the

Sainsbury's Appeal shows, there is very little chance of any significant trade being attracted from outside the Study Area. Accordingly, the only shops from which the proposed Aldi can be diverted are Tesco, Waitrose and the smaller convenience shops in Saffron Walden. To pretend that they would not have a material impact on the Saffron Walden shops other than Tesco, their Retail Assessment has to conclude that most of their trade diversion would be from Tesco – yet the Applicants claim that they don't compete with Tesco, and this is borne out by the Competition Commission Report – see for example Table 4.5, which shows that an Aldi does not have a statistically significant effect on a Tesco.

- 4.9. Yet having said all of that, at paragraph 7.33 of their Retail Statement, the Applicants, self-servingly, calculate that they would attract £3.05m of their turnover, or almost 70%, from the Saffron Walden Tesco, which is a shop that is essentially used for one-stop main food shopping. As the Applicants' Appendix 4 table shows, they calculate that in 2018, Tesco's turnover would be £32.86m, and they are therefore claiming to divert almost 10% of the Tesco turnover to a store which they claim does not compete with Tesco and which the Competition Commission Report shows is unlikely to suffer a material impact.
- 4.10. As the evidence in the Sainsbury's Appeal showed, "top-up" shopping forms a very small part of Tesco's turnover, and a much larger part of Waitrose's, and inevitably the whole of the other Saffron Walden convenience goods stores. If paragraph 2.20 is correct as to the neighbourhood shopping role of an Aldi, then the Applicants' trade diversion claim cannot be correct. According to Appendix B of Craig O'Brien's Proof of Evidence to the Sainsbury's Appeal, the total Zone 1 convenience goods top-up shopping market was estimated to have grown to £14.75m in 2015 (Table 3c), and Tesco's share of the Zone 1 top-up shopping market was estimated at 14.5% (Table 5) giving Tesco a total Zone 1 derived top-up turnover of £2.1m. For Zone 4, the equivalent figures are £6.35m and 2.6%, or a Zone 4 derived top-up turnover of £0.17m. Tesco's total top-up food turnover from Zones 1 and 4 is therefore some £2.3m; yet the Applicant claims in their Table 3 that £2.73m of their proposed turnover would be diverted from Tesco, which is greatly more than Tesco's entire top-up turnover.
- 4.11. In paragraphs 2.20 and 7.28 of their Retail Assessment, the Applicants claim that Aldi is complementary to the existing trading patterns. It is not clear what the Applicants are trying to say by this, but it is patently not true in any normal meaning of the word "complementary". It will be in direct competition with the existing trading patterns. The Sainsbury's Household Survey shows that it is completely unrealistic for the proposed development to attract or to claw-back any material trade, and the Applicants say that they expect to function essentially as a neighbourhood or top-up shop. The main effect of the development would therefore be to divert trade away from the existing neighbourhood or top up shopping provision in Saffron Walden. As Appendix B to Craig O'Brien's Proof of Evidence shows, the great majority of the Zone 1 top-up shopping is spent either in Waitrose or in local shops – as Table 5 shows, 67.8% of Zone 1 top-up shopping is spent in Saffron Walden, of which Waitrose has a 23.5% market share and 29.8% is spent in local stores. According to Craig O'Brien's Table 3c, the total Study Area top-up shopping turnover in 2015 was expecting to be £42.29m, and according to his Table 5, 25.5% of this is spent in Saffron Walden stores, or £10.78m. By comparison, the Applicants are predicting a turnover of £4.55m. Even if one is extraordinarily optimistic and assumes 5% of this comes from outside the Study Area, this leave £4.32m to be diverted from the existing Saffron Walden top-up turnover, or some 40%.
- 4.12. Again, at paragraphs 7.33 and 7.46, the Applicants repeat their "complementary" claim, again with no indication of its intended meaning, to try to justify their self-serving conclusion

that the proposed application would not have a significant effect on the Saffron Walden town centre shops.

- 4.13. In paragraph 4.22, the Applicants repeat the claim that they make in paragraph 5.15 and suggest that the lack of discount food stores in the District suggests that expenditure is leaking outside the District or that there are frustrated shoppers in Saffron Walden. In fact the Sainsbury's Household Survey shows exactly the opposite – there is a tiny leakage from Zone 1 to discount shops, implying also that there is very limited demand, as well as showing that there is virtually no turnover to “claw back”. Yet again they repeat the same claim in paragraphs 7.29 and 7.46, that Saffron Walden is awash with frustrated would-be discount shoppers, when all the evidence shows the opposite.
- 4.14. Having made all of these unsubstantiated claims, the Applicants then completely contradict them all in paragraph 7.47 by saying that “*It is expected that the majority of convenience sales from the proposed store will be diverted from existing discount stores outside the District*”. This can't possibly be true, and is further evidence of the complete lack of reality of the Retail Statement. In Appendix 4, the Applicants calculate that the vast majority of their turnover will come from the Saffron Walden stores, and self-servingly select Tesco as the biggest victim, by then in paragraph 7.47 they say that in fact that isn't true and that the majority of their trade will actually be diverted from existing discount stores outside the District.
- 4.15. The Competition Commission Grocery Market investigation found that discount food stores do not exercise any competitive restraint to any significant extent on stores operated by any of the large grocery chains (ie including Tesco and Waitrose), although the reverse is not true, ie the large grocery chains do exercise a competitive restraint on the discount stores – see paragraph 4.81 of the CC Report, attached at Appendix 2. The proposed development of the Aldi would therefore have all the disadvantages of an out of town supermarket, but without the benefit of providing real competition to the incumbent Waitrose and Tesco.

Vulnerability of Saffron Walden

- 4.16. The Applicants claim that Saffron Walden is a “*thriving and prosperous town*”. This may be true in comparison with so many towns whose centres have been destroyed by out of town shopping developments, but it is not true in an absolute sense. There are an increasing number of vacancies and the proportion of charity shops is steadily increasing, particularly in the prime locations. The evidence given to the Sainsbury's Appeal hearing by Richard Roberts was that Saffron Walden was fragile and vulnerable, and this is still the case. Similarly, Savills, on behalf of UDC found that “*the indications are that [the town centre] is under considerable pressure to maintain its retail status*” (p. 4) of their June 2011 advice paper, and their District Retail Study emphasises the pressure Saffron Walden is under, being surrounded by higher order shopping centres.
- 4.17. In considering the Applicants' claims, it is worth reflecting on the claims made by Sainsbury's retail expert, Peter Shearman, and the way that they have been shown to be untrue in the last 18 months since his “expert” report was written. A significant part of his report looked at retail demand as an indicator of Saffron Walden's health and he claimed – falsely as it has proved – that there was significant demand for premises by many national retailers, who were hindered only by lack of available space. For example he claimed (at paragraph 4.23 of his report) that there is “*a substantial pool of potential tenant demand with various multiples across the market spectrum seeking representation*”, and cited the Curry's site as a prime

location which would shortly be coming available and would prove very popular for this supposed queue of retailers wanting to move into Saffron Walden.

- 4.18. Almost immediately after the Shearman report was written, Milletts closed. Milletts shop was in one of the prime locations described by Mr. Shearman, but despite his claims as to the huge latent demand for such premises it lay empty for some 15 months, and has just been taken on by yet another charity shop. Next door to it, the Curry's, selected by Mr Shearman as exactly the sort of store multiple retailers are looking for, has been taken over by yet another bank, Santander. King Street was identified as the prime shopping location in Saffron Walden; yet it now has 4 charity shops – Oxfam, Cancer Research, British Heart Foundation and the new St. Elizabeth's.
- 4.19. Sainsbury's evidence, whether as to future retail growth or in the health of Saffron Walden, has been shown repeatedly to be wrong and unreliable, and we believe that the Applicants' claims are exactly the same. Retail representation in Saffron Walden is declining. Quite apart from the lack of demand for the prime King St. footage, there are now a large number of vacancies along George Street and Hill Street and increasing vacancy rates elsewhere.
- 4.20. We also note that the Government has recently given UDC £100,000 to be used to support Saffron Walden town centre and the UDC economic development officer is conducting a series of consultations to work out how the town centre can best be supported. The "*Impact of Large Foodstores on Market Towns and Local Centres*" report commissioned by the Government showed clearly that out of town shops do not complement existing towns or bring any material "linked-trip" shopping benefits to the neighbouring town centre; instead their primary effect is to compete with the local town centre. The Sainsbury's Household Survey showed exactly the same lack of linked trips. The same is true of the current application – the Applicants' claims that the proposed development would in any way complement Saffron Walden are completely untenable when viewed against the public evidence. It seems to us that it would be perverse for the Government to give £100,000 to try to prop up Saffron Walden town centre and for UDC then to grant planning permission for a development whose primary function would be to compete with that town centre.

5. Application to extend the range of permitted goods to include pet-related products

- 5.1. We strongly oppose this part of the Application. There is an extremely good pet shop in the centre of Saffron Walden, Gould's Petshop, as well as pet food sales from QD, who have a large range, and the town centre supermarkets including Waitrose.
- 5.2. The existing planning permission was given for the retail warehouses on the Applicant site on the basis that they would not compete with the town centre, and therefore the classes of permitted goods should be restricted. We believe that this concern is still valid, and that there is no justification for extending the range of permitted goods, particularly when such an extension would inevitably have a major adverse effect on the town centre store.

6. Sustainable Development Criteria and Policy and draft National Planning Policy Framework

Introduction

- 6.1. In this Section 5 we analyse the Application against the Government’s sustainable development criteria and the NPPF.
- 6.2. We have set out in Schedule 1 the key provisions of the NPPF relevant to the Application. In Schedule 2 we have set out in full the Hansard record of the Minister’s presentation of the NPPF to the House of Commons, in which the Minister explicitly states that out of town retail development constitutes an unsustainable form of development.
- 6.3. Paragraph 7 of the NPPF sets out the Government’s interpretation of “sustainable development”. It reiterates the requirement that sustainable development must have an economic, social and environmental role, and paragraph 8 of the NPPF emphasises that the three roles cannot be taken in isolation but are mutually dependent. To be sustainable therefore, any development must satisfy all three criteria. The Application is contrary to each of these three key principles for the reasons set out in this Section 9. I consider each of the three sustainability criteria below.

“Economic Sustainability”

- 6.4. The development of a new out-of-town supermarket will not add to the building of a strong and sustainable economy. On the contrary, it is more likely to do the opposite as it would continue the concentration of spending in the major supermarkets. Retail developments of necessity require customers to spend money at them; they do not of themselves create any net wealth in the way that for example a manufacturer might. Given that there is a limit to how much customers can spend, the turnover for the proposed developments can only come from diversion from actual or (to the extent that there will be any retail sales growth in the foreseeable future) prospective turnover from other retailers.
- 6.5. The great majority of the developments’ likely turnover will inevitably be drawn from the Saffron Walden Waitrose and Tesco stores, and this trade diversion will not obviously contribute to a strong and sustainable economy. Much of the remaining turnover is likely to come from turnover diversion from smaller town centre stores, which are likely to employ more staff per unit of turnover and to reinvest more of their turnover into the local community (see Portas Review p.12 citing the New Economics Foundation research) – diversion of turnover from these stores is likely to have a negative economic impact therefore. As the Portas Review says on p.12:

“Research by the New Economics Foundation shows that the money we are spending off the high street is more likely to leave the local area straight away, having less economic impact than spending with retailers with a localised supply chain. And we are actually limiting our future economy by not supporting the new retailers and entrepreneurs that could be our future. Despite our “town centres first” approach, we have let this happen.”

- 6.6. The continued growth in the concentration of retail spending in the hands of the major supermarkets also runs contrary to the desire for a strong and sustainable economy. There has been a huge decline in small shops and a huge increase in out-of-town sales which is contrary to the desire for a strong and sustainable economy.
- 6.7. As I refer to in Section 12 in relation to the PPS4 Policy EC10 criteria, the independent research which has been conducted on supermarket developments shows no evidence of any positive net effects on employment.

6.8. In considering economic sustainability, we note the Portas Review conclusion (at p.31):

“We are burying our heads in the sand about the social and economic impact. A pound spent in a retailer with a localised supply chain that employs local people has far greater domestic economic impact than a pound spent in a supermarket or national chain. What’s more, out-of-town developments are often presented as major new sources of employment but we need to recognise that this “job creation” is often just job displacement. It is really important that we start levelling this playing field.”

“Environmental sustainability”

6.9. We note the comments of the UDC Energy Efficiency Officer in relation to the Sainsbury’s applications, but which is of general application, that as an out of town supermarket, the Application is incompatible with a requirement to live sustainably within our environmental limits. Of necessity, given their location, virtually all customers will drive to the development site by private motor vehicle rather than accessing them by sustainable means.

6.10. As we say in Section 6 the Sainsbury’s research shows that far more people walk to the town centre Waitrose than to the edge of town Tesco, and Tesco is clearly far more accessible than the proposed developments would be. It is inconceivable that the vast majority of the proposed developments’ customers will not access them by use of private motor vehicle.

6.11. Moreover, it is at least feasible for customers to walk to the Waitrose and Tesco. As the UK Industry Taskforce on Peak Oil and Energy Security reports, peak oil will be a major issue in the short to medium term, so there will need to be a modal shift away private motor vehicles to sustainable modes of transport and development – the Applicant site is completely unsuited for this.

6.12. The Applicants have claimed that new supermarkets in general reduce driving because customers use the most convenient supermarket. This cannot be the case in relation to the Application however, given the tiny number of catchment area customers that currently drive out of the catchment to use discount stores. The claimed inflow of customers from outside the catchment area vastly exceeds the existing leakage, and would inevitably hugely increase driving times.

“Social sustainability”

6.13. There is no “community” in an out-of-town supermarket. The Applicant site is completely divorced from any local community, and by diverting customers from existing shops, particularly the town centre Waitrose and the other town centre shops it will draw people away from their local community and into an isolated shopping experience. The effect of the Applicant development would be opposite to that required by the Government’s sustainability criteria.

6.14. The Savills Retail Response to the Second Sainsbury’s Application echoes this (at paragraph 2.22):

“The sustainability of the town centre is also apparent from the survey, with 43.9% of visitors walking into the town centre. There is a high degree of connectivity and hence linked trips between the use of the Waitrose store and the remainder of the town centre. In contrast very few of those interviewed carried out their food shopping at the out of centre

Tesco store, highlighting its lack of connection and minimal level of linked trips with the town centre, despite a direct bus service from the town centre to the Tesco store. We therefore consider that a further out-of-centre foodstore will also have a similar lack of connection.”

- 6.15. It would also add to social exclusion – much of the rationale for a planning policy which places town centres first is to support social inclusion. As we say elsewhere, the Applicant site is naturally primarily aimed at access by private motor vehicle, which immediately disadvantages those without access to private motor vehicles, or for whom they are a significant cost. The UK Industry Taskforce on Peak Oil and Energy Security also notes that the impacts of peak oil, including rising transport costs, will hit the most vulnerable hardest.
- 6.16. We refer also to the submission made by the National Federation of Sub Postmasters to the Department for Business Innovation and Skills in response to their consultation into the Future of the High Street which sets out in greater detail the positive effects on personal wellbeing and social inclusion and cohesion of a robust town centre as opposed to an out-of-town supermarket.

NPPF Core planning principles

- 6.17. Paragraph 17 of the NPPF lays out the core planning principles that underpin plan-making and decision-taking. In the context of the Application, we note as follows:
- 6.17.1. Planning should *“be a creative exercise in finding ways to enhance and improve the places in which people live their lives”* (principle 2). As we show above, there is no need, quantitative or qualitative, for the proposed development. Building a supermarket in an isolated location some 2km from the Saffron Walden town centre which would only be accessed by the vast majority of people by private motor vehicle and which will compete directly with neighbouring village and town centres cannot possibly be said to be a way to enhance and improve the places in which people live their lives. The Application would do quite the opposite;
 - 6.17.2. Planning should support *“sustainable economic development”* and meet the *“business and other development needs of an area”* (principle 3). For the reasons given in this Submission, the Application does not represent sustainable economic development, and nor do they address a business need;
 - 6.17.3. Planning should *“support the transition to a low carbon future in a changing climate”* (principle 6). As we say elsewhere, the Application would do precisely the opposite. To support a low carbon future, retail developments need to be centrally located and accessible on foot, not situated 2km from the town centre and realistically only accessible by private motor vehicle for the vast majority of people;
 - 6.17.4. Planning should *“contribute to conserving and enhancing the natural environment and reducing pollution”* (principle 7). The increased traffic arising from the development will necessarily increase rather than reduce pollution, and all the more so in an area with major existing air pollution problems, and in which traffic through the most polluted junction in Saffron Walden will increase; and
 - 6.17.5. Planning should *“actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”* (principle 11). The Applicant site is inherently unsustainable for the form of retail use proposed, and can never be made sustainable. It is inconceivable that any material numbers of shoppers would walk or cycle to the proposed development. The Application is in direct conflict with this principle 11.

6.18. For these reasons, we submit that the Application is in breach of every one of the applicable NPPF core planning principles.

Building a strong, competitive economy (NPPF paragraphs 18 – 22)

6.19. Paragraphs 18-22 of the NPPF set out the Government’s desire for the planning system to do everything it can to support sustainable economic growth, including to secure economic growth to create jobs and prosperity and to meet the challenges of global competition and a low carbon future. As far as this provision is concerned:

- 6.19.1. all of the studies conducted on the net employment effects of supermarket development concluded that there was no evidence that supermarket developments resulted in any net employment increases once job losses and displacement have been accounted for. The studies show either no increase or a decrease in jobs following the opening of a new out of town supermarket;
- 6.19.2. the huge decrease in independent shops over the last 20 years as the supermarkets have expanded, and the concerns raised by Mary Portas in the Portas Review at the resulting market concentration in both convenience and comparison goods sales and the consequent restraint on retail entrepreneurship. The Portas Review also discussed the damage caused to local economies as the supermarkets replaced local supply chains;
- 6.19.3. the Application would therefore breach the Government’s wish for the planning system to contribute to creating jobs or prosperity;
- 6.19.4. We have addressed elsewhere why the Application is also in breach of the desire to adapt to and secure a low carbon future.

6.20. Paragraph 19 reiterates the Government’s desire to support sustainable economic growth. We have addressed above why the Applications are not sustainable, by reference to the NPPF definition of “sustainability”. For the reasons given in those paragraphs, the Applications would not represent sustainable economic growth.

Ensuring the vitality of town centres (NPPF paragraphs 23 – 27)

6.21. Paragraphs 23 – 27 of the NPPF set out the Government’s planning policies to ensure the vitality of town centres, and are obviously of direct relevance to the Applications.

6.22. The core planning policy for town centres is set out in paragraph 23, and in particular paragraph 23 requires that:

- 6.22.1. *“planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres”*;
- 6.22.2. Local planning authorities should *“recognise town centres as the heart of their communities and pursue policies to support their viability and vitality”*;
- 6.22.3. Local planning authorities should *“promote competitive town centres that promote customer choice and a diverse retail offer and which reflect the individuality of town centres”*; and
- 6.22.4. Local planning authorities should allocate suitable sites for identified retail needs. If sufficient sites in town centres or edge or centre sites are not available, policies should be set for meeting the identified needs *“in other accessible locations that are well connected to the town centre”*.

6.23. The requirements in paragraph 23 are for competitive town centres. The requirement for competition to be within town centres, rather than outside, is explicit. Nearby out-of-town development will inevitably weaken the town centre, and there is absolutely no policy support

for increasing competition outside town centres. Indeed providing out of town retailers which compete directly with town centre retailers is directly contrary to this core requirement.

- 6.24. Paragraph 23 recognises the social aspect of town centres, as the “*heart of their communities*”. Any development which takes people away from the town centre and to an out of town standalone development is automatically unsustainable in social terms. The Applications would obviously do this.
- 6.25. The requirement in paragraph 23 to “*promote competitive town centres that promote customer choice and a diverse retail offer and which reflect the individuality of town centres*” Although the bulk of the proposed development’ turnover would be from the Saffron Walden Waitrose and Tesco, it would also divert significant turnover from the other town centre shops, convenience and comparison; the net effect would inevitably be to reduce competition and diversity within the town centre. Even diverting trade from the Saffron Walden Waitrose would weaken the competitive position of the Saffron Walden town centre. It is impossible to see how the proposed development could contribute to the individuality of Saffron Walden town centre; rather it would do exactly the opposite.
- 6.26. The proposed development therefore fails every single one of the paragraph 23 tests:
- 6.26.1. it would not support town centre viability and vitality, but rather would detract from it;
 - 6.26.2. it would not support town centre competition, customer choice, diversity or individuality, but again would detract from all of them;
 - 6.26.3. there is no identified need for the proposed development; and
 - 6.26.4. even if there was a need for the proposed developments, the Applicant site is not well connected to the town centre.

Promoting sustainable transport (NPPF paragraphs 29 – 41)

- 6.27. Paragraph 30 requires that local plans should where possible support a pattern of development which facilitates the use of sustainable modes of transport. Sustainable transport modes are defined in Annex 2 to the NPPF as “*Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra low emission vehicles, car sharing and public transport.*”. We note that sustainable modes of transport includes walking and, for the reasons given elsewhere, we believe that it is completely unrealistic to believe that any but a tiny minority of customers would walk to the proposed developments. The location of the Applicant site clearly does not support sustainable modes of transport.
- 6.28. Paragraph 34 requires that developments which generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. The location of the Applicant site is inherently in breach of this requirement.
- 6.29. Paragraph 37 requires that land uses should minimise journey lengths for retail activities. Siting the proposed development on an out of town site 2km away from the town centre is in inherent conflict with this requirement. There is no evidence of any significant numbers of customers driving to supermarkets other than the ones closest to them. The principal effect of the proposed development would be to increase journey lengths by diverting customers from the town centre Waitrose and other shops or the in town Tesco to an out of town location further away. The Application is therefore also in breach of this requirement.

Promoting healthy communities (NPPF paragraphs 69- 78)

6.30. As paragraph 69 states, “*The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities*”. Paragraph 69 goes on to state that planning policies and decisions should aim to achieve places which promote social interaction between differing members of the community.

Portas Review

6.31. It is also worth noting the statements made in the Portas Review, confirming yet again that out-of-town shopping is less sustainable than town centre shopping, socially as well as environmentally and economically (see for example the statements made on pp 12-15 and 31).

Sustainability Appraisal for the Local Development Framework

6.32. Finally, we note the provisions of the Scoping Report for the UDC Local Development Framework, Sustainability Appraisal and Strategic Environmental Assessment, and in particular the Sustainability Appraisal Objectives set out in chapter 6 on pp 31-34. The sustainability objectives set out below are particularly relevant to a consideration of the potential sustainability or not of the Application.

6.33. Objective 3 is to reduce climate change contributions and notes “*High private vehicle usage*” as one of the key sustainability issues. As the Applicant’s Transport Assessment shows (see Section 6 below), the Application would lead to a significant increase in private vehicle mileage.

6.34. Objective 4 is to reduce and control pollution, and the high levels of NO₂ and the AQMAs are identified as particular issues. As Section 7 below shows, the Application is likely to lead to a significant increase in NO₂ pollution at the most polluted junction in Saffron Walden.

6.35. Objective 6 is to promote and encourage the use of sustainable methods of travel, and the key sustainability issues are to reduce the need to travel and combat high private vehicle usage. The Application will do the opposite. I note also the current formulation in the 2006 Scoping Report “*to concentrate development and facilities in town centres*”.

6.36. Objective 7 is to promote accessibility. As Section 10 shows, the Applications would do the opposite. Again the current 2006 formulation “*to concentrate development and facilities in town centres is relevant*”.

6.37. Objective 8 is to improve the population’s health and promote social inclusion, and “*Access to facilities on foot or by bicycle*” is identified as a key issue. The Application are not realistically accessible on foot or bicycle as we show in Section 6 below.

6.38. Objective 9 is to support sustainable employment provision and economic growth. Again, the Application is contrary to this core objective.

7. Accessibility and Transport Planning Policy / Effect of Increase in Traffic and Car Use

Introduction

- 7.1. In this Section 7, we look at:
 - 7.1.1. The location of the Applicant site and its remoteness from the Saffron Walden town centre;
 - 7.1.2. The existing traffic congestion in Saffron Walden;
 - 7.1.3. The impracticality of access to the proposed developments other than by private motor car;
 - 7.1.4. The major increases in traffic modelled by the Applicant on Saffron Walden roads;
 - 7.1.5. How few Saffron Walden residents travel out of Zone 1 to use Aldi's supermarkets;
 - 7.1.6. The increases in overall motor car usage as a result of the proposed developments and what I believe to be inconsistencies between the claims made by the Applicant in its Traffic Assessments and the claims made by the Applicant as to retail trade draw;
 - 7.1.7. Other transport implications of the Applications; and
 - 7.1.8. The Applicant's predicted traffic increases against the relevant transport planning policies, particularly the NPPF, and the policy objectives to reduce the need to travel, particularly by motor car.
- 7.2. As a first point however, we do not believe that the Applicants' Transport Assessment provides sufficient information for a proper assessment to be made of the increases traffic which the proposed development would entail. We believe that it is deficient particularly in the following respects:
 - 7.2.1. The "comparator" stores used by the Applicants for calculating their TRIPs rates are not remotely comparable to the Applicant site and the TRIP rates used by the Applicants are low, particularly when compared to those used in the recent Tesco and Sainsbury's applications (and even after allowing for the higher retail sales densities of the Tesco and Sainsbury's compared with Aldi);
 - 7.2.2. We do not believe that the assumptions made by the Applicants as to the origins of traffic flows and the extent of passing traffic are realistic;
 - 7.2.3. The growth factors used by the Applicants to calculate the future years traffic growth are much lower than those used in either of the recent Tesco and Sainsbury's Applications, and therefore the Transport Assessment will understate the likely future base traffic levels, and also the likely future TRIPs rates;
 - 7.2.4. The Applicants have not properly taken into account additional traffic flows from committed development since the 2009 base year, and have taken no account of the traffic attributable to the Tesco extension;
 - 7.2.5. The Transport Assessment has no assessment of the effect of the increased traffic attributable to the proposed development on any of the affected road junction save for the proposed access to the site. There is absolutely no assessment of the likely increases in queues and the impact on junction capacity at any of the affected junctions.
- 7.3. We provide further evidence below in relation to each of these topics, but for these reasons, we cannot see that the Applicants' Transport Assessment provides a reasonable basis on which to assess the Application.
- 7.4. The significant increases in road traffic predicted by the Applicant could also be expected to have significant adverse effects on air quality. This would be particularly significant for the Borough Lane / Mount Pleasant Road / Peaslands Road corridor, which is predicted to see the most significant increase in motor traffic as a result of the proposed developments, and the Radwinter Road / Thaxted Road junction where air pollution is already way above legal limits. We address this below.

- 7.5. We also note that our understanding from the application submitted is that the Applicants are intending to make no improvements to any local bus services and are offering no improvements to any existing road networks or junctions (other than the proposed changes to the junction directly serving the proposed development). Our comments are made on that understanding.
- 7.6. Finally, we note that the traffic assessments are made on the basis of a very low TRICS rates, far lower than those of the major supermarkets, and the ones put forward by Tesco and Sainsbury's in their recent applications. As we say above, we are not aware that the planning permission applied for is proposed to be restricted to a discount supermarket, or indeed that such a condition can be imposed. In the absence of such a condition, the traffic impact should be assessed on the basis of the maximum impact of any permitted use. The traffic assessment should therefore be conducted on the basis that the use applied for could enable the use by Tesco, Sainsbury's or any of the other major supermarkets, which have far higher TRICS rates than that proposed by the Applicants.

Use of low future traffic growth factors

- 7.7. We have compared the traffic growth factors used by the Applicant against those used in the recent Tesco and Sainsbury's planning applications. For this purposes, we have utilised the growth rates set out by the Applicants in paragraph 6.3 of their Transport Assessment and compared them with the growth factors used by Tesco (set out at paragraph 2.15 on p.7 of their Transport Assessment dated 12 October 2009 in relation to planning application UTT/1323/09/FUL) and Sainsbury's (set out at Table 6.1 of their Transport Assessment dated April 2011 in relation to the second Sainsbury's Application, UTT/0787/11/FUL). Although UDC have both of these transport assessments, we have attached the relevant pages for reference at Appendices 4 and 5. The principal differences that can be seen are:
- 7.7.1. Tesco used future growth rates of 1.1440 (Friday peak) and 1.1534 (Saturday peak) for the 7 year period 2009 – 2016;
- 7.7.2. Sainsbury's used future growth rates of 1.163 (Friday) and 1.166 (Saturday) for the 9 year period 2009 – 2018; and
- 7.7.3. By comparison, the Applicants use significantly lower rates, of 1.1287 (Friday peak) and 1.1334 (Saturday peak) for the 10 year period 2009 – 2019.
- 7.8. The longer the period projected, the higher the growth rate should be. The Applicants use the longest period for their projections (ie 10 years compared with 7 and 9 used by Tesco and Sainsbury's) but apply the lowest growth rate.
- 7.9. We believe accordingly that the growth rates used by the Applicants are likely to be materially too low, and should be revised.
- 7.10. It also does not appear that the Applicants have applied the growth figures to their own TRICS figures – their Table 6.18 which shows their claimed "Proposed Primary Development Trips" does not have a specified year, and it appears that the same figures have been applied in both 2014 and 2019, without adjustment from the TRICS figures.

Failure to account for new committed development traffic properly

- 7.11. We have compared the additional traffic flows predicted by the Applicants with those predicted by Sainsbury's in their second application (see Flow Diagram 6 appended to their Transport Assessment in relation to application UTT/0787/11/FUL, attached at Appendix 5).

As can be seen, the Applicants have used exactly the same figures as Sainsbury's used (see figure 6.6 of the Applicants' Transport Assessment). The committed developments used by Sainsbury's are set out at paragraph 5.32 (attached at Appendix 5), and the Applicants say at paragraph 6.5 that they have used the same. We note however that the committed developments:

- 7.11.1. Take no account of any housing developments other than these developments, such as for example the residential development at the corner of Thaxted Road and Radwinter Road currently under construction;
 - 7.11.2. Take no account of the extra traffic which will be generated by the approved Tesco extension.
- 7.12. We note also that the Applicants have applied their growth factors only to the 2009 base figures and not to the committed developments or the approved developments or to their TRICS projected car movements attributable to the development. This can be seen by comparing for example their Figure 6.12 (2019 projected figures) with their Figure 6.4 (2019 base) and the Figures 6.6 (committed) and 6.8 (approved) numbers – the Figures 6.4, 6.6 and 6.8 numbers sum to the 6.12 numbers without having applied any growth factor to the Figure 6.6 and 6.8 numbers. As the Sainsbury's Transport Assessment made clear, at paragraph 5.35, a growth factor was only applied to the committed development figures up to 2011.
- 7.13. We have attached at Appendix 3 a copy of the schedule to the Tesco Transport Assessment setting out their projected increase in traffic flows as a result of their development (unnumbered page in their Transport Assessment), which shows a material increase in the traffic flows through the Thaxted Road / Radwinter Road junction. As we said in our submission in opposition to the Tesco extension application we believe that these numbers are low, and they should be seen therefore as providing a base figure. They are also predicted 2011 additional flows, so again an appropriate growth factor should be applied to them to calculate the 2019 impact.

Understatement of overall future weight of base traffic

- 7.14. In summary therefore, by ignoring the Tesco extension traffic flows and those attributable to developments approved since 2009, by using a low future traffic growth rate projection, and by not even applying the growth rate projection to the committed development traffic, we believe that the Applicants' Transport Assessment does not give an accurate assessment of the traffic flows through, and therefore the pressures on, the Radwinter Road / Thaxted Road junction even before one takes into account the additional traffic attributable to the proposed development.
- 7.15. Although we have concentrated for these purposes on the Radwinter Road / Thaxted Road junction, as the most congested junction affected, the same points apply equally to all other road junctions which will be affected by the increase in traffic, such as the junctions at either end of the Peaslands and Mount Pleasant Roads.

Understatement of TRICS rates and traffic flows attributable to the proposed development

- 7.16. We have looked at the traffic flows predicted by the Applicants, and we do not believe that they are credible, particularly when compared with those predicted by Sainsbury's and Tesco for the reasons set out below. We have concentrated for this purpose on the traffic flows which would be attributable to the proposed Aldi development, but note that the additional overall

traffic flows will be materially higher because of the proposed café and the increase in comparison goods retail warehouse space.

7.17. As far as TRICS rates are concerned, we note as follows (and for simplicity we have used only Saturday peak figures):

- 7.17.1. Tesco calculated their current TRICS rates as 17.08 trips per 100sqm GFA (Table 7.4 of their Transport Assessment, attached at Appendix 4);
- 7.17.2. Sainsbury's calculated their likely TRICS rates as 20.97 trips per 100sqm GFA (Table 5.13 of their Transport Assessment attached at Appendix 5);
- 7.17.3. By comparison, the Applicants calculate their TRICS rate at 10.127 trips per 100 sqm GFA.

7.18. We note the Applicants claimed sales density is considerably lower than that of the proposed Sainsbury's or Tesco's, but this is not sufficient to explain the difference. Moreover, there are a number of factors which would indicate that the TRICS rates of the Applicant store should be comparatively higher:

- 7.18.1. In their transport assessment, Tesco note that the TRICS rate declines with increasing store size, as Tesco show in paragraph 7.17 of their transport assessment. Therefore the smaller the store, the higher the relative TRICS rate should be;
- 7.18.2. As the Applicants make clear in their Retail Statement, they stock a very limited range of goods, and generally claim to sell at lower prices than the main supermarkets; therefore one would expect their average spend per customer to be lower than Tesco and Sainsbury's, requiring more trips to spend the same amount of money;
- 7.18.3. The Applicants are proposing no bus services to the proposed developments, unlike the proposed Sainsbury's and Tesco, and the site is even more inaccessible than the existing Tesco, so the proportion of car-borne traffic should be expected to be higher. Although according to Tesco only 7% of their customers come in non-private motor vehicles, the proportion of customers coming to the proposed development other than in private motor vehicles is likely to be very close to zero, so for a proper comparison the Tesco TRICS figure should be grossed up to reflect this.

7.19. We note that the "comparators" used by the Applicants for their TRICS rates, and set out in Appendix D to their Transport Assessment are not remotely comparable to the Applicant site. Seven comparators are used. Of these, one appears not to exist, the Lidl at Elm Park, Liverpool – certainly we can find no sign of it on the Lidl website information. Of the other 6 comparators, all are in large conurbations (Corby and Hereford are the smallest, with populations of around 60,000, compared to Saffron Walden's 15,000), all are in or very close to residential suburbs, and not one is in a location remotely like the Applicant site. As the Applicants say at paragraph 2.20 of their Retail Statement "*An Aldi store is a modest scale grocery store often fulfilling a neighbourhood shopping role*" - all of the other stores chosen are in neighbourhood locations, whilst the Applicant site is clearly not. The 6 "comparators" chosen are:

- 7.19.1. Lidl Bournemouth is in a central location surrounded by residential development in easy walking distance;
- 7.19.2. Aldi Smithtown Way Liverpool is in a suburban location surrounded by residential development in easy walking distance;
- 7.19.3. Aldi Corby is opposite a large residential development in easy walking distance
- 7.19.4. Lidl, Lawrence Hill, Bristol is in a suburban location surrounded by residential development in easy walking distance;
- 7.19.5. Aldi Hereford is an edge of town centre site;
- 7.19.6. Netto York is in a suburban location close to residential development all around.

- 7.20. As UDC is well aware, Uttlesford and Saffron Walden have very high levels of car ownership and usage compared with national levels, and presumably compared with the locations chosen by the Applicants – one would therefore expect car use to the Applicant store to be high even against other stores which were genuinely comparable.
- 7.21. In relation to the “comparator” information”, we note that the Applicants’ TRICS base figures in Appendix D state that the traffic data figures used were compiled between 2003 and 2009, when traffic rates would obviously have been much lower than at present, and therefore an appropriate growth rate should have been applied to those figures from their 2003 – 2009 measurement dates to obtain a valid current figure, and a further growth factor should have been applied to project forward the appropriate TRICS rates at 2014 and 2019. It does not appear that this has been done, and therefore the TRICS rates used are artificially low and do not reflect 2013 traffic levels, or those which will apply at the years projected.
- 7.22. Finally, in relation to the TRICS figures, we note that no information is given as to the opening years of the stores selected compared with the dates of the traffic survey, so it is impossible to know whether or not the TRICS figures reflect mature store operation or the start-up years when flows would be lower. There is also no information given as to whether the stores selected are representative of Aldi traffic flows or whether they have been selected to give particular results. As we say above, they are certainly not reflective of the type of location of the Applicant site.
- 7.23. We note that the Applicants claim that 25% of the traffic using the proposed Aldi would come from the south on the Thaxted Road. Given the proximity of the site to Saffron Walden and the absence of population centres to the south of Saffron Walden, we believe that this is highly unlikely, and a far greater proportion of traffic generated should be assumed to come from the north.
- 7.24. Finally, we do not believe that the modelled traffic flows can have any credibility. To take just one example, looking at the modelled hourly traffic flows at the Thaxted Road / Peaslands Road junction,:
- 7.24.1. the Applicants Figure 6.22 shows its forecast Saturday peak traffic flows in 2019 with the development, and shows that at that junction 193 vehicles would come north from the Thaxted Road and turn up Peaslands Road and 358 would carry straight on; 203 vehicles would turn right from Peaslands Road onto the Thaxted Road;
- 7.24.2. the Applicants Figure 6.12 shows the forecast Saturday peak traffic flows in 2019 without the development and shows that at that junction 181 vehicles would come north from the Thaxted Road and turn up Peaslands Road and 300 would carry straight on, and that 184 vehicles would turn right from Peaslands Road onto the Thaxted Road;
- 7.24.3. the net increase in traffic claimed as a result of the new proposed development (including the Aldi, café and increased retail warehouse) would therefore be only 12, 58 and 19 vehicles per hour respectively.
- 7.25. By comparison, Sainsbury’s modelled additional traffic flows projected that an additional 200-250 vehicles or more would be coming each way through the Peaslands Road / Thaxted Road junction, ie 10 to 20 times as much as the Applicants are claiming (see Transport Statement of Common Ground for the Sainsbury’s Appeal as summarised at Schedule 2 to Paul Gadd’s Proof of Evidence to the Sainsbury’s Appeal, attached as Appendix 6). We cannot see

that there can be any explanation for the massive disparity between these numbers other than a failure by the Applicants properly to assess the traffic attributable to the proposed development.

Failure to assess effect of proposed development on any of the key road junctions

7.26. As we note above, the Applicants have made no assessment whatsoever of the effects of the proposed development on any of the road junctions likely to be affected by the proposed development (and in particular no analysis of queue lengths or junction congestion is attempted at any of the Thaxted Road / Radwinter Road, Peaslands Road / Thaxted Road or Mount Pleasant Road / Debden Road junctions).

7.27. In the absence of such an assessment, we do not see how the Applicants Transport Assessment can be a proper assessment.

7.28. We also note that the Applicants appear to be proposing absolutely no s.106 road improvements. The Tesco extension application noted that the additional traffic generated at the Thaxted Road / Radwinter Road junction would be sufficient to require junction improvements at this junction. The additional traffic proposed at this junction by the proposed development is, even on the Applicants' own figures (which as we say above materially understate the likely development flows), much greater than that generated by the proposed Tesco (comparing the 2019 with and without development scenarios suggested by the Applicants at Figures 6.12 compared with Figure 6.22).

7.29. Similarly, the proposed Sainsbury's developments would have generated huge queues at the other junctions, particularly without the traffic lights proposed by them.

Even the Applicants' figures show significant traffic increases

7.30. For all the reasons given above, we do not believe that the Applicants Transport Assessment provides a valid base from which to assess the traffic impact of the proposed development. However, even if one ignored all of the criticisms we have raised above, the Applicants figures show that there would be significant traffic increases at key junctions, particularly the Radwinter Road / Thaxted Road junction.

7.31. For example, if one looks at the Radwinter Road / Thaxted Road junction, the Applicants' Figure 6.10 (which shows their projected base level in 2014 taking account of all projected traffic other than that arising from the proposed development) shows a total of 646 vehicles per hour (ie the indicated $120 + 269 + 257$) approaching the junction from the south along Thaxted Road. We have amalgamated the three figures shown as the Thaxted Road is a single lane road, with no scope to widen, so all traffic will be coming in a single stream. The Applicants' Figure 6.18 shows that, even on their assessment, the proposed development would result in an additional 70 vehicles per hour (ie the indicated $14 + 28 + 28$) approaching the junction from the south along the Thaxted Road, or an increase of 11% - by any measure, this must be a significant increase, particularly given the current huge problems at that junction.

7.32. As we say elsewhere, the Applicants have however made no attempt to measure the impact of this major increase in traffic. We note that the Sainsbury's Transport Assessment modelled queue lengths. We have attached at Appendix 5 a copy of Table 2.6 from the Sainsbury's Transport Assessment of 2011; as can be seen from this table, their 2011 base figure shows Saturday peak queues of 26 vehicles along Thaxted Road from the south, and the junction at over 100% of capacity. These base figures are of course before adjusting for the already

permitted and committed developments, let alone the additional traffic proposed to be generated by the proposed development.

Location of the Applicant Site and its Remoteness from the Saffron Walden Town Centre

7.33. The UDC Local Plan contains a detailed scale map of Saffron Walden. It can be seen from the map that:

- 7.33.1. The entrance to the proposed stores would be approximately 2km (by road/footpath rather than as the crow flies) from the closest edge of the town centre (shown in blue);
- 7.33.2. The entrance to the proposed stores would be approximately 650m from the very closest residential dwelling in Saffron Walden.

7.34. In contrast, the UDC Local Plan map shows that:

- 7.34.1. the Saffron Walden Waitrose is in the centre of Saffron Walden, forms part of the town centre and is surrounded by residential development; and
- 7.34.2. the distance necessary to travel by foot from the nearest residential dwelling to the entrance of the Saffron Walden Tesco is approximately 250m, and the distance from the existing Tesco store entrance to the closest edge of the town centre is 1.3km.

7.35. Not only is the Applicant site a considerable distance away from both residential development and the Saffron Walden town centre, but the nature of the Thaxted Road once one is past the nearest residential development changes greatly.

7.36. The location of the site also means that it would be far harder for the poor, the elderly, the sick and the young to gain access to the proposed store, in direct contrast to the Government's aims for social integration and sustainability.

7.37. I believe, for the reasons given below, that the location of the Applicant site means it would only naturally be accessible by the vast majority of customers by car. The location of the site is in opposition to the transport provisions contained at paragraphs 82-94 of the draft NPPF, and the accessibility and transport requirements of the Local Plan, and relevant sustainability requirements.

Existing Traffic Congestion in Saffron Walden

7.38. It is apparent from even a brief visit to Saffron Walden that the town has a major problem with traffic congestion. The issue was identified as one of the key issues affecting the town even as far back as 2004, and successive proposals have failed to deal with the issue. To quote from just two documents:

“[In September 2004] a comprehensive public survey was carried out and traffic congestion, traffic calming, pedestrian and cycle safety and weak public transport including access to Audley End station, were all identified as issues of major concern amongst residents.” [UDC Air Quality Action Plan 2009, p.4, para 5]

“Analysis of the traffic data indicates that traffic congestion is the main contributor to the observed exceedances.” [Mouchel report for ECC on Saffron Walden Air Quality, p.3, March 2011 (the “Mouchel Report”)]

“Exceedance of air quality objectives in the Town of Saffron Walden is caused by road traffic emissions associated with a high volume of slow moving traffic using the existing

road network which was not designed to accommodate the current levels of traffic in the Town.” [Mouchel Report p.19, para 4.3.1.1]

7.39. UDC and ECC have struggled to ameliorate the traffic congestion issue, and various proposed “congestion-busting” schemes have been proposed but not implemented for various reasons (see for example UDC Air Quality Action Plan 2009, p.5, para 7), and the most recent development has been the production of the Mouchel Report to try to understand the causes of the existing air pollution in particular and potential remedies.

Impracticality of access to the proposed developments other than by private motor car

7.40. The only survey of modes of travel to the existing Saffron Walden supermarkets of which we are aware is that conducted on behalf of Sainsbury’s as part of their application. The results are summarised on p.28 of the Savill’s Cumulative Impact Study, as follows:

Mode of Travel	Tesco	Waitrose
Car	93%	70%
Walking	2%	24%

7.41. As the Savill’s Cumulative Impact Report further notes on p.29 *“Both stores are heavily reliant on the car for visits, 93% to 70%, but Waitrose attracts 24% customers on foot, Tesco virtually nothing.”*

7.42. The Tesco store is much closer to residential development and to the town centre than the Applicant site, and the Radwinter Road is a very different road from the Thaxted Road beyond the edge of town. We believe it is reasonable to assume therefore that a substantially smaller proportion of shoppers at the Applicant site would walk than do to Tesco, and this is borne out by the traffic mode evidence produced by Sainsbury’s to the Sainsbury’s Appeal, which showed that virtually all access to the out of town supermarkets identified was by car (see Appendix 10).

7.43. For these reasons, given its location it is reasonable to conclude that it is highly unlikely that more than a very small number of cyclists and walkers, if any, would visit the proposed store.

7.44. The Applicant has claimed at paragraph 2.21 of their Transport Assessment that *“It is therefore concluded that the application site is well placed for visitors and staff who wish to travel to and from the site on foot”*. Theoretically of course most able-bodied people should be able to walk 2km, assuming of course that they were unencumbered by shopping. The reality, as shown by the Indigo survey, is completely different and these theoretical claims are completely irrelevant to the practical impact of the Applications. Even if they had the inclination to walk, most shoppers are not able-bodied – some 30% of the Uttlesford population is over 55 and 22.6% of the Uttlesford adult population is classified as obese (figures taken from the Essex Joint Strategic Needs Assessment 2008 – Uttlesford chapter) even without taking account of those who are disabled or taking young children. The Applicant site is effectively inaccessible by foot to the old, the young (or those with young children) and the disabled and, as the Tesco experience shows, even very few of the able-bodied will walk to Tesco, let alone much further to the Applicant site.

7.45. PPS4 assumes that 300m is the maximum distance that shoppers are likely to walk realistically. As the definition of “Edge of Centre” provides, a site must be both well-connected and *“within easy walking distance (i.e. up to 300metres)”*. The 300m is

considerably less than half the distance from the Applicant site even to the very nearest residence in Saffron Walden.

7.46. We believe that it is clear from the above that the Applicant site is not readily accessible on foot particularly for the purpose intended, and this is amply demonstrated by the experiences of the town centre Waitrose and the edge of town Tesco. Many people walk to Waitrose, whether as part of a visit to the town centre or otherwise, whilst very few people walk to Tesco. Given the Tesco experience, it must be assumed that the vast majority of customers would only access the proposed superstore by private motor car. To claim, as the Applicants do, that the proposed development is readily accessible by foot or bike because of the Government's wish that journeys of under 2 or 5km should be conducted by foot or by bike is absurd.

7.47. In paragraph 2.26 of their Transport Assessment the Applicants claim that the site is located a short walking distance from the built-up area of Saffron Walden and is accessible to a choice of non-car modes. For all practical purposes, these claims are ridiculous – it is inconceivable that more than a tiny minority of customers would gain access other than by private motor car. The Applicants have produced no evidence as to mode access at other similarly placed stores, and the evidence referred to above to the Sainsbury's Appeal shows that non-car usage to out of town supermarkets is minimal.

7.48. This is confirmed in the inspector's conclusion in the Sainsbury's Appeal (at paragraph 61 of the Appeal decision) that "*whilst recognising that the Appellants have done what they can to offer the choice of alternative means of transport it is inevitable that an out-of-centre foodstore would rely heavily on car-based travel and this reduces its sustainability credentials.*"

7.49. As the Applicants' Transport Assessment shows, bus access to the Applicant site is almost non-existent, and the most frequent service that they refer to, the 34, doesn't even go near to the site, but goes along the Peaslands Road before turning left northbound along the Thaxted Road rather than towards the Applicant site

Increases in traffic modelled on Saffron Walden roads

7.50. For the reasons given above, we do not believe that the modelled figures provided by the Applicants are credible, and they do not provide information necessary to assess junction impacts. Nevertheless, even they show material increases in traffic going through the worst Saffron Walden junction, at Thaxted Road / Radwinter Road. No junction improvements are guaranteed at that junction, and both the Ashdon Road housing development and the Tesco extension as a very minimum would need to proceed for there to be any prospect of junction improvements. It must be assumed for the purposes of the Application that the junction will stay as it is.

7.51. Because of the lack of the Applicants' assessment, we cannot comment more, but the increase in traffic must be unsustainable, particularly given the current state of that junction, even before one considers the extra traffic on other roads.

Virtually no Saffron Walden shoppers travel out of Zone 1 to use discount stores

7.52. The responses to the Sainsbury's Household Survey (responses to Q1) show that virtually no residents of Zone 1 using Aldi stores at the moment. According to the survey, only 1 of those 357 Zone 1 residents surveyed usually do their main food shop at the Haverhill Aldi, and none

use any other discount food store. The figures for top-up shopping are even lower – no-one uses it (responses to Q13).

7.53. The Sainsbury's Household Survey demonstrates clearly that there is no current sustainability issue of significant numbers of Saffron Walden residents travelling out of Zone 1 to access existing discount supermarkets.

Increase in traffic because Aldi do not function as a single shopping destination

7.54. The Applicant claims (see for example para 5.13 of the Transport Assessment) that supermarkets redistribute rather than generate new trips. This may be true in the case of full service "one-stop shop" supermarkets and shoppers transferring their allegiance from one to another. However, it is clearly not true in the case of the Applicant because of the limited range that they carry, as they are at pains to show in paragraphs 2.19-2.20 of their Retail Assessment. Waitrose and the town centre combined, and Tesco separately, clearly function as "one-stop shops"; Aldi will not.

7.55. Because of its retail strategy the Aldi is therefore very unlikely to reduce in material numbers of transferred trips, but will largely function to increase the number of trips taken. In connection with the Sainsbury's applications, Sainsburys' argued that their development would improve traffic pollution at the Thaxted Road / Radwinter Road junction, on the basis that Sainsbury's and Tesco are both full service "one-stop shop" supermarkets, and therefore shoppers transferring to the Sainsbury's would no longer be shopping at Tesco, and therefore not driving to Tesco – although we disagreed with the effects of this modelled by Sainsbury's, the argument is clearly valid. The position with Aldi is however completely different. As Aldi say in their Retail Statement, they provide a very limited range of goods, and do not seek to provide a "one-stop shop". Anyone transferring their allegiance from Tesco or Waitrose to Aldi will be able to buy only a limited range of goods, and will still need to visit Tesco or Waitrose for all their other needs, particularly for fresh goods which need to be bought on a regular basis. It is highly unlikely therefore that trips made to Aldi will be "transferred" trips, but they will instead largely be "additional" trips, as shoppers will need to visit both Aldi and their existing destinations to be able to buy a reasonable range of goods. The traffic effect will only be adverse, and it does not appear that the Applicants have factored this into their Transport Assessment.

Other Transport Implications

7.56. The location of the proposed development means that that "linked trips" will not occur. If a customer shops at Waitrose, they make one trip to the town centre where they can access Waitrose and the other town centre shops. If they were to shop at the proposed Aldi, they would have to make one out-of-town trip to the proposed developments; if they were to make a "linked trip" as well, that would be an extra trip back into town. We note that the inspector at the Sainsbury's Appeal concluded at an early stage that the location of the Granite site rules out linked trips on foot. The Impact of Large Foodstores Report says that linked trips do not happen materially, the Applicant has claimed that they do, and indeed has assumed that a huge proportion of its customers will be making linked pass-by or linked diverted trips. The proportions claimed are far higher than those claimed by Sainsbury's, and we do not believe that they are tenable.

7.57. The Applicant also makes no quantitative distinction between different trips. For example they make no distinction between a customer who currently uses pedestrian access to an existing Saffron Walden supermarket and a customer driving many miles from outside the

Saffron Walden catchment area to the Applicant store. More particularly they do not even attempt to analyse the different modes of transport likely to be used to access the Applicant site or the number of miles driven by a private motor vehicle user; for the Applicant, a trip is the same whether it is on foot or involves someone driving 2km from town or 20km from out of the catchment area, but there is of course a massive difference between each of these three in road use, sustainability and climate change terms. Given that the Applicant is claiming that 20% of trips would be from outside the Study Area catchment zone, ie would be from more than a 15 minute drivetime away, this has huge implications for road miles, sustainability and climate change.

7.58. Moreover, Government transport policy overall is to try to curb the number and extent of car journeys, increase the use of sustainable transport modes and reduce the climate change impact of transport. Whilst the Saffron Walden Tesco has high levels of car usage currently, it is at least in a situation where a reasonable number of Saffron Walden residents could access it easily by walking, cycling or public transport, even if they currently choose not to. The Saffron Walden Waitrose is of course ideally situated should Government policy result in a modal shift away from use of the private motor vehicle, as intended. The Applicant site on the other hand is impractical for large scale sustainable access, as the Tesco experience shows.

Comparison of the transport implications of the proposed developments against relevant planning policies and the need to reduce use of the motor car

7.59. As I have shown, the Applicant site is in a location where it cannot reasonably expect any significant access by foot, and the Applicant's models show that their developments will result in a significant increase in traffic on local roads. For the reasons set out in this Section 10, I believe that the Applications would also result in a significant overall increase in motor car usage.

7.60. In direct contrast, PPS1, the Planning and Climate Change Supplement to PPS1, the provisions of PPS4 which relate to traffic and travel, PPG13 require that:

7.60.1. Retail developments should be situated in locations which reduce the need to travel, particularly by car, where they are realistically accessible by foot, car and public transport, and where car use will not be the dominant form of access; and

7.60.2. Retail development should be sited where it can be easily accessed and where it will promote inclusivity and social inclusion referred to in Schedule 1.

7.61. The Applications are incompatible with these requirements.

7.62. I should also note again the express provisions of paragraph 26 of PPG13, that retail development "*should not be designed and located on the assumption that the car will represent the only realistic means of access for the vast majority of people.*" That however is exactly what the Applicant is proposing. It has provided no realistic assessment of the ease of site access as required by paragraph 26 of PPG13, and it is abundantly clear that the car will provide the only realistic means of access for the vast majority of people. As the Applicant's own findings show, 93% of Saffron Walden Tesco customers use a car to access the store. Access to the Applicant site is considerably worse, and therefore it is highly likely that car use will exceed even the Tesco 93%. The Applications would be in breach of this core PPG13 requirement.

7.63. The same can be said in relation to the core transport principles of the Local Plan and the developing Core Strategy, which again are in direct conflict with the development proposals.

7.64. I note that PPS4 paras EC10.2a and b require an assessment of the Applications against the following impact considerations:

“a. whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change;

b the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured”

7.65. In making such assessments, I refer to the contents of this Section 10 and the fact that:

7.65.1. The location of the Applicant site is such that it cannot reasonably expect any significant access by foot, or indeed by any modes of access other than the private motor car;

7.65.2. The Applicant’s models show that its developments would result in a significant increase in traffic levels on local roads, with 1,200 – 1,500 motor vehicles accessing the site every hour at peak times;

7.65.3. For the reasons set out in this Section 10, I believe that the Applications would also result in a significant overall increase in motor car usage;

7.65.4. The effects of such an increase in road traffic would inevitably be to increase carbon dioxide emissions; and

7.65.5. For the reasons set out in Section 9 and this Section 10, the proposals would be expected to have a negative impact on our vulnerability and resilience to climate change.

7.66. In this regard, we note the findings of the ECC Consultation Scoping Report for UDC’s Local Development Framework Sustainability Appraisal and Strategic Environmental Assessment that:

7.66.1. Road transport is the biggest source of CO₂ emissions in Uttlesford, producing 36.3% of total CO₂ emissions;

7.66.2. Residents of Uttlesford are responsible for more CO₂ emissions per capita than anywhere else in Essex, including the highest per capita CO₂ emissions from road transport; and

7.66.3. Since the 2005 baseline, the per capita CO₂ emissions have decreased at a much lower rate than the Essex average.

7.67. To limit CO₂ emissions, and provide resilience to climate change, Uttlesford therefore needs to decrease rather than increase private motor vehicle usage.

8. Air Pollution

Introduction

8.1. In this Section 8, we look at:

8.1.1. The background and the fact that air pollution in Saffron Walden is a major problem;

8.1.2. The fact that the proposed development would lead to a major increase in traffic. One would assume that they would also lead to a major increase in queuing on Saffron Walden roads, but as we say above the Applicants have not even addressed queue lengths in their Transport Assessment;

- 8.1.3. The major differences between the Applicant's Air Quality Assessments modelled by the Applicant and the actual pollution levels recorded by UDC, particularly the historical differences;
 - 8.1.4. The differences between the inputs used by the Applicant from those measured by ECC and those used in the Friends School Air Quality Assessment;
 - 8.1.5. The assumptions made by the Applicant in their AQAs of the impact of the developments; and
 - 8.1.6. The potential air quality impacts of the proposed developments.
- 8.2. As a preliminary point however, we do not believe that the Air Quality Assessments submitted by the Applicant are fit for their purpose, for the following principal reasons, and therefore no conclusions can be drawn from them:
- 8.2.1. For the reasons given in Section 6 above, we do not believe that the Transport Assessment is fit for purpose or adequately reflects the likely traffic flows resulting from the proposed development. Unless the Traffic Assessment provides a reliable base, the Air Quality Assessment cannot be relied upon;
 - 8.2.2. The Transport Assessment contains no data on likely queue lengths arising from the proposed development. According to the March 2011 Mouchel report for UDC on air quality in Saffron Walden (the "Mouchel Report"), 38% of air pollution was attributable to traffic queues (paragraph 5.2.1, attached at Appendix 7). Without proper queuing projections, we do not see how the Applicant can produce a reliable Air Quality Assessment;
 - 8.2.3. The Applicant's modelled results of the existing NO₂ air pollution levels in Saffron Walden are different from the actual results measured by UDC in 2011, and we believe that the 2011 air pollution results are incorrect, being markedly different from any of the preceding years for no explained reason;
 - 8.2.4. The inputs into their models differ markedly in base traffic conditions from those actually measured by ECC and used in other air quality assessments. In particular, their assumed HGV traffic percentage is much lower than that recorded by ECC Highways in their traffic surveys. Again according to paragraph 5.2.1 of the Mouchel report for UDC on air quality in Saffron Walden, HGVs account for 26% of air pollution, and therefore it is again impossible to model air pollution properly without a proper HGV count
 - 8.2.5. They assume that there have been and will continue to be major decreases in traffic-related air pollution when the UDC monitoring results shows that this is not happening in reality.
- 8.3. Because of this, and for the other reasons set out below, we do not believe that the Applicant's AQAs allow one to formulate any reasonable view as to the likely impacts of the proposed developments on air quality in Saffron Walden.
- 8.4. Given the extra levels of traffic predicted to be generated by the Application, even on the Applicants' own figures, and the probable knock-on impacts on queue lengths and traffic congestion, we believe that the proposed development would have a significant major adverse impact on local air pollution levels, particularly around the Radwinter Road / Thaxted Road and Debden Road / Borough Lane / Mount Pleasant Road junctions.

Background – applicable planning policies

- 8.5. We note that in relation to air pollution, the NPPF provides as follows: "*Planning policies should sustain compliance with and contribute towards EU limit values or national objectives*

for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.” – paragraph 124.

Background - air pollution in Saffron Walden is a major problem

- 8.6. Air pollution is a major issue in Saffron Walden:
- 8.6.1. there are currently three Air Quality Management Areas in Saffron Walden (out of only 14 in the whole of Essex), where NO₂ emissions exceed the absolute legal maximum limits of 40microg on an annual basis;
 - 8.6.2. there are a number of other areas where air pollution also exceeds legal limits for NO₂;
 - 8.6.3. rather than creating further AQMAs, UDC is currently consulting on proposals to designate the whole of the town centre and surrounding roads as an enlarged AQMA; and
 - 8.6.4. UDC’s air quality monitoring results are set out in Table 5 of the Air Quality Assessment. As can be seen, the 2011 results appear to be incorrect when set against the previous years’ results. Even at the much lower levels indicated however, air pollution at the Radwinter Road / Thaxted Road junction is significantly above the legal maximum.
- 8.7. As we say above, the Mouchel Report confirms that the air pollution in Saffron Walden is effectively all vehicle emission derived. It also shows the great extent to which local pollution is caused by HGVs, buses and queuing, representing 64% of the total, as well as overall weight of traffic (see paragraph 5.2.1 at Appendix 7 to this submission).

Because of the Transport Assessment defects, the Air Quality Assessment cannot be relied on

- 8.8. We believe that because of the flaws in the Transport Assessment referred to above, the Air Quality Assessment cannot be fit for purpose. We have set out in Section 6 above our principal concerns on the Transport Assessment. Until these are addressed and a revised and corrected Transport Assessment, with proper queuing information and a correct assessment of the likely transport implications of the proposed development, is produced, we find it impossible to comment on the Air Quality Assessment.
- 8.9. Even if the traffic projections in the Transport Assessments were correct, which for the reasons given in Section 6 we don’t believe, the Air Quality Assessment cannot be correctly produced in the absence of queuing information, which has not been produced. We note again that the Mouchel Report shows that some 38% of Saffron Walden air pollution is attributable to queuing traffic, so without this information a proper assessment cannot be made.
- 8.10. We note also that WSP in the Sainsbury’s Applications submitted Air Quality Assessments which purported to assess likely air pollution levels in the absence of the crucial queuing information. This fact was disclosed only during the cross-examination of Joanna Gough, who is responsible also for the Applicants Air Quality Assessment, at the later stages of the Sainsbury’s Appeal. In particular, during Ms Gough’s corss-examination by Zack Simons, representing Save Walden Town Centre, Ms Gough confirmed that:
- 8.10.1. The data she had been supplied to prepare her air quality assessment for the Sainsbury’s application had been insufficient, and that she had requested further data from Sainsbury’s transport consultants, which had not been forthcoming. Nevertheless she had still prepared her report;
 - 8.10.2. Her models did not include any modelling for queue lengths, or changes in them, despite the fact that the contribution from queuing to traffic pollution is so high.

8.11. We set out below a summary of the relevant provisions of Zack Simon’s closing submission, which summarise the responses given by Ms. Gough during her cross-examination:

“59 *Ms Gough accepted that several of the projections at the Table A1 appended to her Proof varied from Council readings by significant margins, sometimes up to 100%. It can be seen from the evidence presented to the inquiry that her modelled results are dramatically different from those recorded by the Council (as set out in Table 2 of Ms Gough’s Proof). She sought to explain the disparities by citing the reasons at §3.13 of her Proof.*

60 *First, Ms Gough claimed that she had insufficient road traffic data to conduct a full assessment against the Council’s diffusion tubes. The data was provided by Sainsbury’s transport consultants – Vectos. It was put to her in cross-examination that she should have asked for information sufficient to enable her to verify her model. She responded that, although she did ask for certain extra information, it was not worth seeking more than that because of the issues on modelling for traffic queues and the locations of diffusion tubes. It appears then that traffic data was not itself a reason for failing to verify the model, and to the extent Ms Gough was not provided with the information she needed to put a verified model before this inquiry, the fault is with the Appellant and its transport consultant.*

61 *Second, Ms Gough stated that she did not undertake to model the air quality impact of increasing traffic queues. That was on the basis that there is as yet no standard method for assessing their impact. It was put to her in cross-examination that (i) simply because there is no standard methodology is not a reason to avoid the assessment of increased queues altogether, and (ii) Mouchel had assessed queues in the report at Appendix 20 of Mr Gadd’s proof. Her response was that Mouchel had wider ranging road traffic data on which to base their assessment. If she had more comprehensive road traffic data, an assessment of queues would have been possible. That lack of data, as above, is the fault of the Appellant and its consultant.*

62 *Thirdly, Ms Gough stated that a majority of the Council’s diffusion tubes were not in locations representative of building facades. However, it was put to her that (i) UT5 was only 2m away from the nearest building, (ii) for UT11, the distance was 0m, (iii) for UT20, the distance was 0m – the latter two tubes are actually next to the facades of the relevant houses. The Appellant could have presented an empirically verified air quality model to this inquiry but did not, and the projections of that model are insufficiently robust.”*

8.12. Given the past history of WSP, and Joanna Gough in particular, in producing assessments which cannot be correct in the absence of underlying factual evidence, and do not model for traffic queues, we do not see how any trust can be placed on their reports.

Differences between the Air Quality Assessments modelled by the Applicant and actual pollution levels measured by UDC and previous models prepared by WSP

8.13. The air pollution concentrations modelled by the Applicant differ from the actual concentrations measured by UDC. During the Sainsbury’s Appeal, Ms. Gough sought to claim that at least a large part of the difference was due to differences in position between the UDC monitors and her modelled receptors – if this is the case then we struggle to see how her model can be correctly validated, and why she has not chosen to model her receptors at the same points that UDC have their physical receptors so a correct comparison can be drawn.

8.14. We haven't set out a detailed comparison between the Applicants modelled results and the UDC monitors, but it can be seen that the Applicants modelled results are lower than those recorded by UDC in 2011, and very much lower than those recorded by UDC in prior years. The most relevant modelled receptor is Receptor 15, which is the nearest to the UDC UTC5 receptor at the Thaxted Road / Radwinter Road junction. The measured NOx concentrations at UTC5 over recent years were 53.4microg in 2008, 50 in 2009, 57.7 in 2010 and 43 in 2011 (and as we say elsewhere we think the 2011 results are unrealistically low when set against the prior years) – by comparison, the Applicants model shows a modelled NOx concentration of 38.73.

8.15. It is also worth noting that in Ms Gough's proof of evidence to the Sainsbury's Appeal (attached at Appendix 8), she modelled the concentrations at the UT5 receptor for her 2011 base year as 20.88 microg. Clearly her current model is coming closer to the UDC measured results, but the huge disparities between her various reports show that they cannot be relied on.

Differences between the inputs used by the Applicant from those measured by ECC and those used in the Friends School Air Quality Assessment

8.16. There have been two recent traffic surveys against which the stated inputs into the Applicants' AQA can be assessed:

8.16.1. In March / April 2010, Essex County Council highways conducted a detailed survey of Saffron Walden traffic using the continuous monitoring results from 15 automatic traffic counters (results attached at Appendix 9); and

8.16.2. In connection with their application, the Friends School, on Mount Pleasant Road, produced an air quality assessment in connection with the proposed new housing development at the school. This was again produced by WSP.

8.17. The inputs used in the Applicants AQA are exactly the same as those used in the Sainsbury's AQAs produced by WSP, and we assume that the Applicants have not updated their measurements – in their AQA, the Applicants do not disclose when their traffic counts were taken, so we assume they are still using the Sainsbury's 2009 counts. All three surveys were therefore taken at roughly the same dates. The survey results from these two surveys differ markedly from those claimed by the Applicants in their AQA particularly in relation to HGV composition, which, as noted above, is a major component of Saffron Walden air pollution. We set out in the table below a comparison of the HGV traffic composition assumed by the Applicants against that measured by ECC and the Friends School

Road	HDV% per ECC survey	HDV% per Friends School survey	HDV% per Applicant AQA
Radwinter Road	4.918	n/a	1.6
East St west of Thaxted Road	6.065	n/a	1.7
Debden Road	6.676		1.0
Debden Road (S)		6.96	
Debden Road (N)		9.44	
Peaslands Road	n/a	n/a	0.9
Mount Pleasant Road	n/a	4.25	1.3
B184 south of Radwinter Road	4.922	n/a	1.1

High St south of George St	6.194	2.79	1.6
London Road	8.205	4.65	n/a

8.18. It can be seen from the table that:

8.18.1. the Applicants claimed HDV percentages are completely different from those measured by ECC and by Friends School, even though the Friends School AQA was prepared by the same firm (ie WSP) that prepared the Applicants AQA; and

8.18.2. the Sainsbury's HDV percentages for the major Saffron Walden roads are broadly in a range of 0.9-1.7%; the Friends Schools percentages are broadly in the range of 2.79-9.44% and the ECC HDV percentages are broadly in the range of 4.9-8.2%.

8.19. Given the disparity between the Applicant's figures and both the ECC and the Friends School figures, and the much more extensive nature of the ECC traffic survey, we believe that it is reasonable to conclude that the Applicant's figures are wrong and do not provide an adequate basis for its Air Quality Assessment.

Potential air quality impacts of the proposed development

8.20. We do not unfortunately have the ability or the resources to run an air quality model of the Saffron Walden roads which will be most affected by the proposed developments to demonstrate their likely effect on local air quality if assumptions in line with the traffic and air pollution inputs actually measured by UDC and ECC.

8.21. As we say above, it is clear that the Applicants' AQA does not provide a reliable basis on which to base an assessment of the likely air quality impact of the proposed development, for the following reasons:

8.21.1. Their underlying traffic assumptions are not credible;

8.21.2. Their base traffic composition assumptions are not credible;

8.21.3. They have not produced any models for the impact of increased traffic at junctions or modelled the associated queue lengths;

8.21.4. WSP have been shown to be completely unreliable in their past AQAs submitted in connection with planning applications to UDC – we note again the huge differences between the base models submitted by WSP to the Sainsbury's Appeal and those contained within the Applicants AQA;

8.21.5. WSP have freely admitted that they do not have the ability to model for traffic queuing even if they were provided with the information;

8.21.6. The Applicants AQA baseline predictions are different from those actually measured by UDC.

8.22. We believe however that there must be at the very least a material risk that the proposed developments would give rise to a significant increase in air pollution, particularly at the Thaxted Road / Radwinter Road junction, which is already the most heavily polluted junction in Saffron Walden.

The Application is in breach of the NPPF requirements for air pollution

8.23. We also note again that, because of its retail strategy the Aldi is very unlikely to reduce in material numbers of transferred trips, but will largely function to increase the number of trips taken. In connection with the Sainsbury's applications, Sainsburys' argued that their

development would improve traffic pollution at the Thaxted Road / Radwinter Road junction, on the basis that Sainsbury's and Tesco are both full service "one-stop shop" supermarkets, and therefore shoppers transferring to the Sainsbury's would no longer be shopping at Tesco, and therefore not driving to Tesco – although we disagreed with the effects of this modelled by Sainsbury's, the argument is clearly valid. The position with Aldi is however completely different. As Aldi say in their Retail Statement, they provide a very limited range of goods, and do not seek to provide a "one-stop shop". Anyone transferring their allegiance from Tesco or Waitrose to Aldi will be able to buy only a limited range of goods, and will still need to visit Tesco or Waitrose for all their other needs, particularly for fresh goods which need to be bought on a regular basis. It is highly unlikely therefore that trips made to Aldi will be "transferred" trips, but they will instead largely be "additional" trips, as shoppers will need to visit both Aldi and their existing destinations to be able to buy a reasonable range of goods. The traffic effect will only be adverse, and the effect on air pollution will also be adverse accordingly.

8.24. We believe that the 2009 AQMA Action Plan is the latest plan produced by UDC. We note its key aim (at paragraph 3): *The Council's aim is to achieve a reduction in nitrogen dioxide levels to below the annual mean value of 40µg/m³ in each of the 3 AQMAs as soon as possible. In the early 2000's it seemed that improvements in road vehicle engine technology would bring the annual mean value to below the objective without any specific intervention at a local level, however the results of monitoring have shown a levelling off in this effect, due in part to increases in traffic and to other factors such as an increase in the primary amount of NO₂ emitted from vehicle exhausts*". We also note again the requirements of paragraph 124 of the NPPF that planning decisions should aim to reduce air pollution to below limit values and that *"Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan."* Air pollution at the Radwinter Road / Thaxted Road junction is above legal limit values, and for the reasons given above the effect of the Application will be to worsen air pollution thereby increasing traffic flows and queuing at the junction. The Application is therefore in breach of both the NPPF requirements, to reduce pollution to below limit values and to ensure that development is consistent with the local air quality action plan.

9. Effect of the Proposed Developments on Employment

9.1. The survey reports on the effect of new supermarkets on local employment all conclude that there is no evidence that new food superstores have any net employment benefit once account is taken of the jobs lost as a result of the turnover diversion from the existing retailers to the new development. The proposed development would therefore have no economic development advantages for the local economy in terms of job creation.

9.2. The negative effect of supermarket development is endorsed in the Portas Review, which confirms that new out-of-town developments displace rather than create jobs (see p.31) and have a negative effect on local economies (p.12). To quote from p.31 of the Portas Review:

"A pound spent in a retailer with a localised supply chain that employs local people has far greater domestic economic impact than a pound spent in a supermarket or national chain. What's more, out-of-town developments are often portrayed as major new sources of employment but we need to recognise that this "job creation" is often just job displacement. It is really important that we start levelling this playing field."

- 9.3. Retailers obviously do not create wealth but provide a means for customers to spend money created from other wealth generation. The jobs that would be created at the Applicant stores would be dependent on money being spent by residents of Saffron Walden and its catchment area and to a lesser extent the surrounding area. This money is a broadly finite sum, and would not be increased by the Applicant store; it would only be available to the extent that the money is not spent at the shops and services at which it is currently spent. The existence of the Applicant store would only increase net overall employment if the net amount of money retained by them in the local economy exceeded that which would be retained if the money continued to be spent at the shops and service providers at which it is currently. As the Sainsbury's Household Survey shows however there is minimal expenditure leakage to Aldi supermarkets currently to be "clawed back". The effect of the proposed developments will primarily be to divert trade from the Saffron Walden Tesco and Waitrose and from the other Saffron Walden shops. This would be likely to result just in a move of jobs from the existing retailers to the new development.
- 9.4. From conversations with local retailers, I understand that smaller shops generally have a far lower turnover per employee than supermarkets. The Portas Review, citing the New Economics Foundation research, concludes that local shops retain a much greater proportion of their turnover within the local economy than the large supermarket chains. A trade diversion to the proposed developments would be likely to lead to less money being retained in the local economy and therefore an overall job decline. I refer also to the submission made by the National Federation of Sub Postmasters to the Department for Business Innovation and Skills in response to their consultation into the Future of the High Street, which reiterates these points. I believe therefore that the net effect of the proposed Aldi development would be to reduce the proportion of consumer spend retained in the local economy and therefore to effect a net reduction in local jobs.
- 9.5. This view is supported by the findings of both the Impact of Large Food Stores Report (at para 34) and the recent Genecon Report commissioned to provide the background to the Portas Report. As the Genecon Report finds, on p.63:

"Research by the National Retail Planning Forum concludes that there is evidence that new food superstores have, on average, a negative effect on full time retail employment while recognising the potential impact of part-time work. The Wrigley study could not find any conclusive evidence of significant positive or negative impacts."

SCHEDULE 1

Applicable Planning Policies

Uttlesford Local Plan (2005)

1. The local development strategy is contained in the saved policies of the UDC Local Plan (the “Local Plan”). This is due to be replaced by the Local Development Framework, which exists in an advanced draft form, but is now being revisited in light of the abolition of the Regional Spatial Strategies.
2. The Local Plan objectives on retail development are contained in Section 8. These do not repeat national policy, but provide 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.”*
3. Section 3 of the Local Plan sets out UDC’s General Planning Policies and Section 9 sets out its policy on transport. Of particular relevance to the Applications are:
 - 3.1. Local Plan Policy GEN1 which says that development will only be permitted if it encourages movement other than by means of a car;
 - 3.2. paragraph 3.5 which sets out UDC’s general objectives on access “The objectives in this Plan are to locate high trip generating activity in areas well served by public transport; to increase the proportion of journeys made by rail and bus, on foot and by cycle; to reduce the number and length of motor vehicle trips by the location of development”; and
 - 3.3. paragraph 9.4 which notes that the Local Plan policies aim to locate new sites to encourage modes of transport other than the car.
4. Local Plan Policies E2 and SW5 and SW6 and paragraph 4.11 provide that certain key employment areas, which include parts of the Applicant site, will be safeguarded from change of use (which includes change of use to retail premises).

UDC Draft Local Development Framework

5. The most recent consultation on the Local Development Framework was in June 2012 when the Uttlesford Core Strategy – Consultation on Proposals for a Draft Local Plan (the “Developing

Core Strategy”) was issued. As it is still in draft form, the Developing Core Strategy has limited evidential weight, but it provides an indication of UDC’s developing strategy.

6. Developing Core Strategy policies of relevance to the Application are:
 - 6.1. District Vision paragraph 3 is that *“The vitality and viability of our towns will have been maintained and enhanced and they will be safe, clean and attractive places.”*;
 - 6.2. Key objective 3 is *“To preserve and enhance the historic nature of the town centres of Saffron Walden and Great Dunmow and support their function as important local retail centres within the District. New high quality and sustainable development will support this retail role within the District.”*;
 - 6.3. Key objective 6 is *“To reduce the need to travel by car promoting realistic alternatives to the car and locating new development so that journeys can be reduced.”*;
 - 6.4. Key objective 10 is that *“The Council will seek to minimise the impact of air noise, ground noise and air quality on the health and amenity of local communities and the historic environment.”* ;
 - 6.5. Section 10 on employment recognises the need for office and warehouse development, and notes that *“There is an acute lack of modern office accommodation to meet the needs of Saffron Walden.”*. Section 10 also notes the need to preserve sites with such use designations;
 - 6.6. Draft Policy SP15 requires that development should be accessible: *“Development and transport planning will be co-ordinated to reduce the need to travel by car, increase public transport use, cycling and walking and improve accessibility and safety in the District while accepting the rural nature of the District.”*;
 - 6.7. Draft Policy EN6 provides that *“Development within or affecting air quality management areas will be expected to contribute to a reduction in levels of air pollution and include an air quality assessment detailing the impact of the new development and a mitigation strategy which shows how these impacts will be mitigated.”*.

National Planning Policy Framework

7. Paragraph 216 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:
 - 7.1. The state of preparation of the emerging plan;
 - 7.2. The extent to which there are unresolved objections to relevant policies; and
 - 7.3. The degree of consistency with the NPPF.
8. Against this background, we believe that relatively limited weight can be given to the emerging Core Strategy insofar as the Applications are concerned. Some weight can be given in accordance with paragraph 216 of the NPPF however.
9. Paragraph 7 of the NPPF sets out the Government’s interpretation of “sustainable development”. It reiterates the requirement that sustainable development must have an economic, social and environmental role, and paragraph 8 of the NPPF emphasises that the three roles cannot be taken in isolation but are mutually dependent. To be sustainable therefore, any development must satisfy all three criteria. The NPPF notes that:
 - 9.1. The economic role requires that planning contributes to “a strong, responsive and competitive economy” and that land use supports “growth and innovation”. ;
 - 9.2. The social role requires that the planning system should be “supporting strong, vibrant and healthy communities”, including by creating a high quality built environment with accessible local services that “reflect the community’s needs and support its health, social and cultural well-being”; and

- 9.3. The environmental role requires that planning should be contributing to protecting and enhancing our environment, including by helping to “mitigate and adapt to climate change including moving to a low carbon economy”.
- 9.4. The Glossary in Annex 2 to the NPPF defines “Climate change adaptation” as including “Action to reduce the impact of human activity on the climate system, primarily through greenhouse gas emissions”. Building a development which is only naturally accessible by private motor vehicle is clearly not adapting to climate change or moving to a low carbon economy.
10. Paragraph 8 of the NPPF provides that “to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system”.
11. In the context of the NPPF’s key requirement to determine what is and is not sustainable development, we also note the unequivocal guidance given by the minister, Greg Clark, to Parliament in presenting the NPPF. We have set out in Schedule 2 a copy of the relevant extract from Hansard of 27 March 2012, and note in particular the Minister’s response, contained towards the end of the Hansard record, to the request from Natasha Engel MP to clarify the Government’s intentions as to the meaning of “sustainable development”; we set out the relevant exchange from Hansard in full, as follows:
- “Natascha Engel (North East Derbyshire) (Lab): The Secretary of State prides himself on being a blunt-speaking, plain-speaking Yorkshireman. Will the Minister adopt some of that plain speaking and give the House a definition of the word “sustainable” that people in Yorkshire, Derbyshire and even Kent can understand?*
- Greg Clark: We followed the suggestion of the Communities and Local Government Committee and used the classic Brundtland definition, which is about protecting the ability of future generations to enjoy the benefits that the present generation enjoys. We have also included the five principles of the UK’s sustainable development strategy. In practice, the policies outlined in the national planning policy framework will determine, in each case, what is and is not sustainable. For example, **it is not sustainable to have a shopping development outside the town centre** and it is not sustainable to build in the green belt. There is a high level of definition, and the practical application is very clear in the policies”*
12. Paragraph 9 requires that sustainable development must contribute to an improvement in both the environment and people’s quality of life.
13. Paragraphs 14 and 15 of the NPPF are explicit that there is a presumption in favour of sustainable development, and that development which is sustainable should be approved without delay. Paragraph 14 requires that development which accords with the local development plan should be approved without delay and provides for decision-taking where the local development plan is absent or silent or relevant plans are out of date. The corollary clearly also applies – proposed development that is unsustainable or is not in accordance with the local development plan should be refused.
14. Paragraph 14 provides that decision-takers may continue to give full weight to relevant policies adopted since 2004. The Uttlesford Local Plan was adopted in 2005.

15. Paragraph 17 of the NPPF lays out the core planning principles that underpin plan-making and decision-taking. In the context of the Applications, the following principles are directly relevant:
 - 15.1. “planning should be genuinely plan-led” (principle 1). The Uttlesford Local Plan specifically provides that the Applicant site should be reserved for employment purposes, which does not include retail use;
 - 15.2. Planning should “be a creative exercise in finding ways to enhance and improve the places in which people live their lives” (principle 2);
 - 15.3. Planning should support “sustainable economic development” and meet the “business and other development needs of an area” (principle 3);
 - 15.4. Planning should “support the transition to a low carbon future in a changing climate” (principle 6);
 - 15.5. Planning should “contribute to conserving and enhancing the natural environment and reducing pollution” (principle 7); and
 - 15.6. Planning should “actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable” (principle 11).
16. Paragraphs 18-22 of the NPPF set out the Government’s desire for the planning system to do everything it can to support sustainable economic growth.
17. Paragraph 18 sets out the Government’s desire to secure economic growth to create jobs and prosperity and to meet the challenges of global competition and a low carbon future.
18. Paragraphs 23 – 27 of the NPPF set out the Government’s planning policies to ensure the vitality of town centres, and are obviously of direct relevance to the Applications.
19. The core planning policy for town centres is set out in paragraph 23, and in particular paragraph 23 requires that:
 - 19.1. “planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres”;
 - 19.2. Local planning authorities should “recognise town centres as the heart of their communities and pursue policies to support their viability and vitality”;
 - 19.3. Local planning authorities should “promote competitive town centres that promote customer choice and a diverse retail offer and which reflect the individuality of town centres”; and
 - 19.4. Local planning authorities should allocate suitable sites for identified retail needs. If sufficient sites in town centres or edge or centre sites are not available, policies should be set for meeting the identified needs “in other accessible locations that are well connected to the town centre”.
20. The requirements in paragraph 23 are for competitive town centres. The requirement for competition to be within town centres, rather than outside, is even more explicit than the equivalent provisions of PPS4.
21. Paragraph 30 requires that local plans should where possible support a pattern of development which facilitates the use of sustainable modes of transport. Sustainable transport modes are defined in Annex 2 to the NPPF as “Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra low emission vehicles, car sharing and public transport

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22. Paragraph 34 requires that developments which generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
23. Paragraph 37 requires that land uses should minimise journey lengths for retail activities.
24. Paragraph 69 states, “The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities”. Paragraph 69 goes on to state that planning policies and decisions should aim to achieve places which promote social interaction between differing members of the community.
25. Paragraph 124 provides that “Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.”

SCHEDULE 2

Hansard extract 27 March 2012

National Planning Policy Framework

12.33 pm

The Minister of State, Department for Communities and Local Government (Greg Clark): With permission, Mr Speaker, I would like to make a statement about planning policy. I am delighted today to be publishing the national planning policy framework and our response to the Communities and Local Government Committee's report of 21 December 2011.

Our reforms to planning policy have three fundamental objectives: to put unprecedented power in the hands of communities to shape the places in which they will live; to support growth better to give the next generation the chance that our generation has had to have a decent home, and to allow the jobs to be created on which our prosperity depends; and to ensure that the places we cherish—our countryside, towns and cities—are bequeathed to the next generation in a better condition than they are in now.

To achieve these objectives, reform is sorely needed. A decade of regional spatial strategies, top-down targets and national planning policy guidance that has swelled beyond reason—over 1,000 pages across 44 documents—has led to communities seeing planning as something done to them, rather than by them. As the planning system has become more complex, it has ground ever slower. In 2004 Parliament required every council to have a plan, but eight years on only around half of councils have been able to adopt one.

During the past decade, starting long before the financial crisis, we built fewer homes than in any peacetime decade for 100 years. The average age of the first-time buyer is approaching 40, and rising rents mean that families have to spend more and more on housing, and less and less on themselves and their children. We cannot allow this to go on. To do so would be to deny our responsibility to young families, to tell them that the property-owning democracy was for our generation, but not theirs.

Not all of that is down to sclerosis in the planning system, but some is. The British Chambers of Commerce has said that the planning system has become

“too complicated, too costly, too uncertain. It discourages investment, creates mistrust and holds back our recovery.”

It is not as if what has made it through has made up in quality what it lacks in quantity. Too much development in recent years has been mediocre, insensitive and has detracted from the character of the areas in which we live and work. Too many of our habitats have been degraded and seen nature driven out. The effect has been that much of the public have come to assume that any particular change to our built environment will be negative and that it will tend to impair beauty, damage the environment and make our lives worse. What a disastrous state of affairs in a country that is home to some of the most talented designers and the best architects and craftsmen in the world, and which has over the years constructed villages, cities and buildings, such as the one we meet in, that people cross the world to see.

Our reforms to the planning system take on each of these challenges. They enshrine the local plan, produced by local people, as the keystone of the planning system. They make planning much simpler and more accessible, reducing over 1,000 pages of often impenetrable jargon to around 50 pages of clearly written guidance. They establish a presumption in favour of sustainable development that means that development is not held up unless to approve it would be against our collective interest. The framework guarantees robust protections for our natural and historic environment and goes further by requiring net improvements to put right some of the neglect that has been visited upon us. It raises the bar on design standards so that we have the most exacting requirement for design that the English planning system has ever contained.

I have always regarded reforming the planning system as a serious responsibility. From the start I made it clear that Parliament should be central to the development of the policy. We have had three full debates in this House and in the

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House of Lords, and I asked the Communities and Local Government Committee to consider the draft NPPF and give me its considered advice. I put on the record my thanks to the Chair and members of the Committee, and to the Environmental Audit Committee, for the seriousness and thoughtfulness they brought to the task. I am pleased to tell colleagues that, of the Committee's 35 recommendations, I have been able to accept 30 in whole or in part. In particular, the final framework makes it clear that the local plan is, as the Committee put it, the keystone of the planning edifice.

It is crystal clear that sustainable development embraces social and environmental as well as economic objectives, and does so in a balanced way. It refers explicitly to the five principles of the UK's sustainable development strategy. It goes further than ever before and is clear that councils should look for net improvements on all dimensions of sustainability. It makes it explicit that the presumption in favour of sustainable development works through, not against, local plans. It makes it clear that relevant policies, such as those protecting the green belt, sites of special scientific interest, national parks and other areas, cannot be overridden by the presumption. It recognises the intrinsic value and beauty of the countryside, whether specifically designated or not. It makes explicit what was always implicit: that councils' policies must encourage brownfield sites to be brought back into use. It underlines the importance of town centres, while recognising that businesses in rural communities should be free to expand. It takes a localist approach to creating a buffer of housing supply over and above five years, and in the use of windfall sites. It allows councils to protect back gardens, those precious urban oases. It ensures that playing fields continue to benefit from the same protection that they have currently.

The final framework has been strengthened by the contributions of everyone who has taken the trouble to submit their views, and I am very grateful to them. It has always been my intention that councils which do the right thing and have either adopted, or made good progress towards adopting, local plans will not be disadvantaged by the change to the new policy.

Accordingly, I have introduced transitional arrangements suggested by and agreed with the Local Government Association. They accord weight to plans based on how advanced they are, but I have gone further in two respects: I have allowed 12 months from today for existing plans to be adjusted in order to be in complete conformity with the new framework; and I have made it clear that weight can be given to emerging plans.

Finally, this House has a particular role to play in safeguarding the interests of our successors. I will ensure that Parliament, having shaped the development of the new framework, supervises the implementation of the policies, starting with a debate on the Floor of the House soon after we return from the Easter recess.

The purpose of planning is to make the way in which we live our lives tomorrow better than it is today. This national planning policy framework will help build the homes that the next generation needs; it supports growth to allow employers to create the jobs that our constituents need; and it protects what we hold dear in our matchless countryside and in the fabric of our history. It does so by taking power away from remote bodies and putting it firmly into the hands of the people of England. I warmly commend it to the House.

12.41 pm

Hilary Benn (Leeds Central) (Lab): I am grateful to the Minister for advance sight of his statement, although much of it has been leaked over the past few days.

Planning helps us to get the right development in the right place—development which we need, and that is why it is so important to get the balance right in this, the most fundamental change in planning policy in more than two generations. It is therefore extraordinary that the Government managed to make such a mess of the process, which did nothing to inspire confidence in all of us who want an effective planning system and the right kind of sustainable development, but who are determined to conserve the intrinsic character and beauty of England's green and pleasant land—something that successive Governments have supported.

Councils were particularly concerned about the presumption in favour of “sustainable development”—ill defined—if they did not have up-to-date development plans, and, as we know, Ministers lashed out at those who had the temerity to express concern—such revolutionaries as the National Trust and the Campaign to Protect Rural England, I remind the House—calling them “semi-hysterical”, “left-wing” and “nihilist”.

Ministers claim that planning is the obstacle to building homes, when 300,000 dwellings that have already been given permission have not yet been built. Why is that? Because of the failure of the Government's own economic policy. It is no wonder they have been arguing fiercely among themselves, with one unnamed Cabinet Minister—I just wonder who

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that might be—quoted as accusing the Chancellor of behaving like the Taliban on planning: a very revealing comment if a pretty inappropriate one.

There has also been a lack of transparency. Can the Minister before us confirm for the House whether any of the developers whom he and his colleagues have met since last June are donors to the Conservative party? We cannot find out for ourselves because the quarterly publication of Department for Communities and Local Government ministerial meetings is now nine months out of date—in clear contravention of the ministerial code. I have twice raised that issue with CLG Ministers in this Chamber, and on both occasions I have been promised that it was about to appear. It has not.

I welcome the U-turn on protection for playing fields and open spaces. Why on earth Ministers thought they could get away with removing it in the first place, I fail to understand. I welcome also the reference to the five principles of sustainable development, which we had called for.

On brownfield land, why are the Government so against a national, as opposed to a local “brownfield first” policy, given that it is the best place to build the millions of homes that we urgently need, and the best way to protect the greenfield sites that so many Members are concerned about?

Can the Minister explain exactly what the new requirements for statutory consultees such as the Environment Agency and English Heritage will involve? How will they be, in the rather menacing words of the Budget Red Book, “held to account” for delivering sustainable development?

Will the Minister clarify the reported remarks by Professor Andrew McNaughton, the chief engineer of High Speed 2, about 100,000 new homes being built between Coventry and Wolverhampton, and about a “new docklands” to the west of London? Given the Government’s professed commitment to localism, will he tell us when the local authorities covering these areas first knew about this, and what will be the Government’s role in the development of new towns and cities to help us to build the homes that we need?

On town centres, will the Minister confirm that he has accepted our proposal that offices should remain in the sequential town centre test, given their importance to the economies of our towns and cities, including through the business generated by those who work in them? What changes is he planning to make to use class orders? Will local authorities be given greater flexibility in determining those?

On the crucial question of transition to the new arrangements—the point that Members raised more than any other in the debate that we had back in October—we know that about half of councils currently do not have development plans. While the Minister has talked about providing 12 months to produce up-to-date plans, annex 1 of the framework is rather less clear. Will he produce further guidance on how the transition is going to work in practice? Where councils do have plans, who will determine whether they are “silent”, “out of date”, or “indeterminate”? Those words remain in the final framework, so presumably the presumption in favour of sustainable development will apply—the opposite of localism. Who decides what is “in the public interest”—the phrase that the Minister has been using in his interviews today? In particular, who will decide when an application goes to appeal?

Not only has Parliament not been given the chance to vote on the final version of the framework, but it is coming into force from today—before Members in the House have even had a chance to read it.

The country needs a planning system that will help to produce the much-needed homes, businesses, jobs and transport connections of the future, but will also protect the green spaces and special places we value. However, this revised NPPF may end up doing neither. Far from giving us certainty, there is likely to be delay as developments are held up by appeals and by the courts having to rule on a new and untested approach. In other words, there is uncertainty and chaos—the worst of all worlds—instead of the best of planning.

Greg Clark: I am grateful for the right hon. Gentleman’s response. His family may have forsworn their aristocratic origins, but he does the best impression of Lady Bracknell’s righteous indignation that we have seen in the House for some time.

It is a shame that the right hon. Gentleman has not approached this in the constructive spirit in which his predecessor, the right hon. Member for Don Valley (Caroline Flint), to whom I pay tribute, embarked on this process in July. She said right at the beginning that it was important that we should work together and have a constructive response to what is a shared problem to make sure that future generations continue to benefit from homes, jobs and the protections that are in place. The hon. Member for Birmingham, Erdington (Jack Dromey) maintained that approach, but it does not

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seem to have transmitted itself along the Opposition Front Bench. I am disappointed that the right hon. Gentleman has taken a partisan approach today.

Let me answer the right hon. Gentleman's questions. It is important that we bring brownfield land back into use. The essence of localism is that every place is different, so it is clearly not the right approach to have a single national target that needs to be as appropriate for a country shire district as it is for an inner-city district. As he will see, the plan-making section of the framework clearly allows local councils to set a locally appropriate target for bringing brownfield land back into use. That has to make sense.

On the statutory consultees, one of the innovations of the Localism Act 2011 is that it creates a truly statutory obligation on the part of consultees, including those that the right hon. Gentleman mentioned, to co-operate with local authorities to make sure that they do not renege on their responsibilities. The Act imposes a legal duty to assist local councils in putting together their local plans.

On the High Speed 2 proposal, I was as bemused as the right hon. Gentleman when I read about it in the weekend papers. He will know, having read the framework this morning, that the protection for the green belt is clear and unequivocal, as we have always said. That is one particular case, and I do not see its relevance.

The right hon. Gentleman is right to say that we are insistent that our town centres should receive support to help them to revive. As Mary Portas, the retail consultant, pointed out, town centres lose out to out-of-town centres because they cannot provide the necessary car parking spaces, which were suppressed by the previous guidance. One change that we are making is to allow local councils to set the parking standards, to reflect what is required locally. Offices will remain part of the "town centre first" policy, but with an exception for rural offices, because the creation of jobs in rural areas is important for the sustainability of villages.

The transitional arrangements begin today. They have been agreed with the Local Government Association. As of now, there is a team in the Planning Inspectorate comprising representatives of the Local Government Association, the Planning Inspectorate and my Department to assist any authority that wants help in revising its plan or advice on any aspect of it. The team will be there for as long as is necessary.

The essence of our reforms is localism—to put power in the hands of people. This is the end of the central targets and top-down direction that put people off the planning system. If we want more homes to be built, we have to work with the grain of local communities, rather than against it. That is what we are doing. We are putting power in the hands of local people. I understand that that makes an old centralist like the right hon. Gentleman unhappy, but that is the direction in which we are going and these reforms are a significant step in that direction.

Several hon. Members*rose*—

Mr Speaker: Order. A large number of colleagues are seeking to catch my eye, but I remind the House that there is a ten-minute rule motion to follow, and then a debate under the auspices of the Backbench Business Committee that is extremely heavily subscribed. I shall try to accommodate as many colleagues as possible, but I am looking for short questions, without preamble, and short answers.

Mr James Gray (North Wiltshire) (Con): I very much welcome the thrust of my right hon. Friend's statement and the changes that he has made to the consultation paper. In particular, I welcome the fact that he has protected greenfield sites designated as green belt, sites of special scientific interest or areas of outstanding natural beauty, of which we have some in Wiltshire. Is he not also concerned about the 60% of green land in England that has no designation? What will he do under the framework to ensure that those areas have protection equal or similar to that of the green belt?

Greg Clark: My hon. Friend will be pleased that the revised framework includes a recognition of the intrinsic value of the countryside, reflecting its beauty, whether or not it is designated nationally, so it will have that protection.

Joan Walley (Stoke-on-Trent North) (Lab): I welcome the fact that we will have the opportunity to debate the changes when the House comes back from the recess. However, given that the changes will take effect from today, what assurances will the right hon. Gentleman give the House about transitional arrangements for the almost 60% of local authorities that do not have local plans in place? Is it not the fact that, despite what he says, economic development will trump sustainability on every occasion?

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Greg Clark: I thank the hon. Lady for the contribution of the Environmental Audit Committee. It provided a serious consideration of the matter and she will see that we have taken it in that spirit. The transitional arrangements, which were agreed with the Local Government Association, give weight to emerging plans. Although only about half of the plans are close to adoption, most places in the country have plans that are well advanced in preparation. At the suggestion of the LGA, we said to the Communities and Local Government Committee, chaired by the hon. Member for Sheffield South East (Mr Betts), that we should give weight to the policies in emerging plans, so that they can be relied upon. That will take place from today.

Mr David Davis (Haltemprice and Howden) (Con): One of the monstrosities that have afflicted our green and pleasant land is the thoughtlessly over-rapid development of wind farms in the countryside. Many of my constituents fear the speed of development of such wind farms. Does my right hon. Friend's framework offer any comfort to them?

Greg Clark: Two factors are relevant to that question. The first is the intended abolition of the regional strategies, with their targets. That will remove the imposition on local councils of those targets, as will be the case with other targets. The policy also contains the ability for local councils to map and set criteria for where renewable energy would be appropriate, and to use those criteria for subsequent applications to determine what would—and, by implication, would not—be appropriate in each of their areas.

Natascha Engel (North East Derbyshire) (Lab): The Secretary of State prides himself on being a blunt-speaking, plain-speaking Yorkshireman. Will the Minister adopt some of that plain speaking and give the House a definition of the word “sustainable” that people in Yorkshire, Derbyshire and even Kent can understand?

Greg Clark: We followed the suggestion of the Communities and Local Government Committee and used the classic Brundtland definition, which is about protecting the ability of future generations to enjoy the benefits that the present generation enjoys. We have also included the five principles of the UK's sustainable development strategy. In practice, the policies outlined in the national planning policy framework will determine, in each case, what is and is not sustainable. For example, it is not sustainable to have a shopping development outside the town centre and it is not sustainable to build in the green belt. There is a high level of definition, and the practical application is very clear in the policies.

Mr David Ruffley (Bury St Edmunds) (Con): Bury St Edmunds is an unspoilt county market town, and its residents want to keep it that way. Will the Minister tell me whether neighbourhood plans can be used to block unwanted development?

Greg Clark: We encourage neighbourhood plans to set out, at a more local level than the council's plan, what should be the look and feel of towns. Bury St Edmunds is a town with a great deal of civic pride and would benefit from that. Neighbourhood plans have to be consistent with the broad approach of the local plan, but it is right that specific local details, which in towns such as my hon. Friend's may relate to architectural design and historical consistency, should be expressed in a neighbourhood plan. They would then become part of the formal plan and determine planning applications.

Mr Clive Betts (Sheffield South East) (Lab): I thank the Minister personally for the way in which he has dealt with the Communities and Local Government Committee and for what seems to be a generally favourable response to our report, although we are still to see the detail. I have two specific issues to raise. Will he confirm whether the proposal that the

“default answer to development proposals is ‘yes’”

is in the final document? If the “significantly and demonstrably” test remains in the document and an application for development meets that test but fails the sustainable development test, which test has priority?

Greg Clark: Again, I thank the hon. Gentleman for the work of his Select Committee. No development can take place that is unsustainable. That is the commitment that we give on that point. I have forgotten the other question.

Mr Betts: The default answer.

Greg Clark: The default answer was a variation of a presumption that everyone agreed was not terribly helpful, and we have deleted it from the document.

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Mr Stewart Jackson (Peterborough) (Con): Among the plethora of policy failures under the previous Government, such as regional spatial strategies, parking and density targets, was the fact that between 1997 and 2005, 117,000 homes were built in floodplains. Does the document, which I strongly endorse and support, contain appropriate safeguards on residential development in floodplains?

Greg Clark: Yes, those protections remain.

Caroline Lucas (Brighton, Pavilion) (Green): There is little dispute over the need for new, sensibly located affordable housing. The dispute is over whether it is the planning regulations that are preventing it. Many of us do not think that it is. The draft NPPF stated that any conditions on development proposals must allow “acceptable returns” to be made. Will the right hon. Gentleman tell the House whether the final document clarifies who will be responsible for defining “acceptable returns”, and how he will ensure that company profits will not be prioritised above high environmental standards?

Greg Clark: No, they will not be. Nothing that is unsustainable can override that fact by using the viability test. That is for local plan makers and local councillors to determine. On the contribution that the planning system makes to impeding the development of affordable homes, there was broad consensus in the consultation, including among homelessness groups such as Shelter and housing associations, that the excessive bureaucracy of the process was an impediment to the development of affordable housing, as well as other types of housing.

SEAN MCGRAH
 PROOF OF EVIDENCE
 APPENDIX 11
 SAINSBURY'S APPEAL

SAFFRON WALDEN HOUSEHOLD SURVEY RESULTS

Q1. Which store do you usually use for your MAIN food and grocery items?
 BY
 Zone

	Total	Zone 1	Zone 2	Zone 3	Zone 4
	1008	357	256	253	142
	0.60%	0.28%	0.39%	0.79%	1.41%
Aldi, Haverhill	6	1	1	2	2
	0.38%	0.28%	0%	0%	1.41%
Asda, Coldhams Lane, Cambridge	3	1	0	0	2
	1.49%	0%	5.86%	0%	0%
Co-op, White Street, Great Dunmow	15	0	15	0	0
	0.39%	0%	0%	1.19%	0%
Local Stores, Bishops Stortford	3	0	0	3	0
	0.10%	0.28%	0%	0%	0%
Local Stores, Cambridge	1	1	0	0	0
	0.56%	0%	1.95%	0%	0%
Local Stores, Great Dunmow	5	0	5	0	0
	0.79%	1.12%	1.17%	0.40%	0%
Local Stores, Saffron Walden	8	4	3	1	0
	0.58%	0%	1.95%	0%	0%
Local Stores, Thaxted	5	0	5	0	0
	0.19%	0%	0.39%	0%	0%
Morrisons, Braintree	1	0	1	0	0
	0.20%	0%	0%	0%	1.41%
Morrisons, Great Cambourne	2	0	0	0	2
	0.60%	0%	2.34%	0%	0%
Sainsbury's, Braintree	8	0	6	0	0
	0.10%	0%	0%	0%	0.70%
Sainsbury's, Brookes Road, Cambridge	1	0	0	0	0
	0.10%	0%	0.39%	0%	0%
Sainsbury's, Chipping Ongar	1	0	1	0	0
	0.49%	0.28%	0%	0%	2.11%
Sainsbury's, Coldhams Lane, Cambridge	4	1	0	0	3
	0.60%	0.28%	0%	1.89%	0%
Sainsbury's, Harlow	6	1	0	5	0
	4.76%	3.36%	0%	0%	25.35%
Sainsbury's, Haverhill	48	12	0	0	36
	0.10%	0%	0%	0%	0.70%
Sainsbury's, Sidney Street, Cambridge	1	0	0	0	0
	6.45%	1.40%	1.56%	22.13%	0%
Sainsbury's, Thorey Centre, Bishops Stortford	65	5	4	56	0
	0.40%	0%	1.56%	0%	0%
Sainsbury's, White Hart Lane, Chelmsford	4	0	4	0	0
	0.50%	0%	0%	0%	3.52%
Tesco, Cheddars Lane, Cambridge	5	0	0	0	5
	20.83%	1.12%	68.30%	12.25%	0%
Tesco, Great Dunmow	210	4	175	31	0
	0.50%	0%	1.56%	0.40%	0%
Tesco, Great Nolley, Braintree	5	0	4	1	0
	1.49%	0.28%	0%	5.53%	0%
Tesco, Harlow	15	1	0	14	0
	0.79%	1.12%	0%	0%	2.82%
Tesco, Haverhill	8	4	0	0	4
	7.54%	1.12%	0%	28.48%	0%
Tesco, Lancaster Way, Bishops Stortford	76	4	0	72	0
	0.20%	0.28%	0%	0.40%	0%
Tesco, Market Place, Braintree	2	1	0	1	0
	0.20%	0.28%	0.39%	0%	0%
Tesco, Marks Farm, Braintree	2	1	1	0	0
	0.20%	0.56%	0%	0%	0%
Tesco, Milton	2	2	0	0	0
	0.40%	0.28%	0%	0%	2.11%
Tesco, Newmarket Road, Cambridge	4	1	0	0	3
	17.99%	47.34%	1.95%	0.40%	4.23%
Tesco, Radwinter Road, Saffron Walden	181	169	5	1	0
	1.59%	1.12%	0%	0%	8.45%
Tesco, Royston	16	4	0	0	12
	0.20%	0%	0%	0%	1.41%
Tesco, Yarrow Road, Cambridge	2	0	0	0	2
	0.69%	0.56%	0%	0%	3.52%
Waitrose, Cambridge	7	2	0	0	5
	12.60%	31.65%	2.34%	0.79%	5.63%
Waitrose, Hill Street, Saffron Walden	129	113	6	2	8
	4.56%	0.84%	1.95%	15.02%	0%
Waitrose, Northgate End, Bishops Stortford	46	3	5	38	0
	2.28%	3.64%	0.39%	0.79%	4.93%
Waitrose, Trumpington	23	13	1	2	7
	2.88%	1.40%	2.73%	3.56%	6.34%
* Internet / Home Delivery	30	5	7	9	9
	2.88%	1.12%	2.73%	3.56%	6.34%
Other	29	4	7	9	9
	0.60%	0%	0%	0%	4.23%
Co-op, Linton	6	0	0	0	6
	1.88%	0%	0%	0%	13.38%
Tesco, Fulbourn	19	0	0	0	19
	0.20%	0%	0%	0.79%	0%
M&S, Bishops Stortford	2	0	0	2	0
	0.30%	0%	0%	1.19%	0%
Co-op, Stansted Mountfitchet	3	0	0	3	0
	0.10%	0%	0%	0.40%	0%
Sainsbury's, Jackson Sq, Bishops Stortford	1	0	0	1	0

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Q13. In addition to a main food shop, where does your household normally do any other 'top-up' shopping for food and grocery items (e.g. bread/milk)
BY
Zone

	Total	Zone 1	Zone 2	Zone 3	Zone 4
	825	289	198	222	116
	0.12%	0%	0%	0%	0.86%
Asda, Colchams Lane, Cambridge	1	0	0	0	0
	0.45%	0%	22.22%	0.45%	0%
Co-op, White Street, Great Dunmow	45	0	44	1	0
	0.61%	0.35%	0%	0%	3.45%
Local Stores, Haverhill	5	1	0	0	4
	2.91%	1.04%	0.51%	0.01%	0%
Local Stores, Bishops Stortford	24	3	1	20	0
	0.36%	0%	1.52%	0%	0%
Local Stores, Braintree	3	0	3	0	0
	1.58%	0%	0%	0%	11.21%
Local Stores, Cambridge	13	0	0	0	13
	5.33%	0%	20.20%	1.80%	0%
Local Stores, Great Dunmow	44	0	40	4	0
	0.36%	0%	1.01%	0.45%	0%
Local Stores, Halstead	3	0	2	1	0
	10.79%	29.76%	1.52%	0%	0%
Local Stores, Saffron Walden	89	88	3	0	0
	3.27%	1.38%	11.11%	0.45%	0%
Local Stores, Thaxted	27	4	22	1	0
	0.12%	0%	0.51%	0%	0%
Morrisons, Braintree	1	0	1	0	0
	0.24%	0%	1.01%	0%	0%
Sainsbury's, Braintree	2	0	2	0	0
	0.12%	0%	0%	0%	0.86%
Sainsbury's, Colchams Lane, Cambridge	1	0	0	0	1
	0.36%	0%	0.51%	0.90%	0%
Sainsbury's, Harlow	3	0	1	2	0
	1.45%	2.08%	0%	0.45%	4.31%
Sainsbury's, Haverhill	12	0	0	1	0
	0.12%	0.35%	0%	0%	0%
Sainsbury's, Sidney Street, Cambridge	1	1	0	0	0
	2.30%	0.69%	0.51%	7.21%	0%
Sainsbury's, Thorey Centre, Bishops Stortford	19	2	1	16	0
	6.30%	0%	21.72%	4.05%	0%
Tesco, Great Dunmow	52	0	43	9	0
	0.97%	0.35%	0%	3.15%	0%
Tesco, Harlow	8	1	0	7	0
	0.24%	0.35%	0.51%	0%	0%
Tesco, Haverhill	2	1	1	0	0
	1.45%	0.35%	0%	4.95%	0%
Tesco, Lancaster Way, Bishops Stortford	12	0	0	11	0
	0.12%	0%	0%	0.45%	0%
Tesco, Marks Farm, Braintree	1	0	0	1	0
	0.12%	0%	0%	0%	0.86%
Tesco, Newmarket Road, Cambridge	1	0	0	0	1
	5.58%	14.53%	0%	0.45%	2.59%
Tesco, Radwinter Road, Saffron Walden	46	42	0	0	3
	0.24%	0.35%	0%	0.45%	0%
Tesco, Royston	2	1	0	1	0
	0.12%	0.35%	0%	0%	0%
Tesco, Yarrow Road, Cambridge	1	0	0	0	1
	0.09%	23.53%	2.53%	0.45%	0.86%
Waitrose, Hill Street, Saffron Walden	75	68	5	0	0
	2.91%	0.35%	1.52%	9.01%	0%
Waitrose, Northgate End, Bishops Stortford	24	1	3	20	0
	1.58%	2.77%	0%	0.90%	2.59%
Waitrose, Trumpington	13	8	0	2	0
	0.24%	0%	0%	0.45%	0.86%
Xpress Budgens, Stansted	2	0	0	1	1
	3.03%	2.42%	4.04%	2.70%	3.45%
* Internet / Home Delivery	25	7	8	6	4
	4.61%	3.11%	3.03%	4.05%	12.07%
Other	39	9	6	5	14
	1.45%	3.11%	0%	1.35%	0%
Local Stores, Clavering	12	9	0	3	0
	2.30%	6.23%	0%	0.45%	0%
Local Stores, Newport	19	18	0	1	0
	0.97%	0%	4.04%	0%	0%
Local Stores, Felstead	8	0	8	0	0
	1.58%	0.69%	0%	0%	9.48%
Budgens, Sawston	13	2	0	0	11
	1.33%	0%	0.51%	4.50%	0%
Co-op, Hatfield Heath	11	0	1	10	0
	4.24%	0.69%	0%	14.89%	0%
Co-op, Stanstead Mountfitchet	35	2	0	33	0
	3.52%	0%	0%	0.45%	24.14%
Co-op, Linton	29	0	0	1	28
	0.73%	0%	0%	2.70%	0%
M&S, Bishop Stortford	6	0	0	6	0
	2.42%	0.69%	0%	8.11%	0%
Tesco, Stanstead Mountfitchet	20	2	0	18	0
	1.21%	0%	0.51%	4.05%	0%
Local Stores, Tekeley	10	0	1	9	0
	1.94%	0%	0%	0%	13.79%
Local Stores, Sawston	16	0	0	0	16
	0.61%	0%	0%	0%	4.31%
Local Stores, Duxford	5	0	0	0	5
	1.21%	0%	0.51%	4.05%	0%
Local Stores, Elsenham	10	0	1	9	0
	1.70%	0.35%	0.51%	5.41%	0%
Local Stores, Stanstead Mountfitchet	14	1	1	12	0
	0.85%	2.08%	0%	0%	0.86%
Local Stores, Great Chesterford	7	6	0	0	1
	0.48%	0%	0%	0%	3.45%
Local Stores, Linton	4	0	0	0	4
	0.24%	0%	0%	0.90%	0%
Sainsbury's, Jackson square, Bishops Stortford	2	0	0	2	0
	0.36%	0%	0%	1.35%	0%
Local Stores, Hatfield Heath	3	0	0	3	0
	0.36%	1.04%	0%	0%	0%
Costcouter, Newport	3	3	0	0	0
	0.36%	1.04%	0%	0%	0%
Local Stores, Ickleton	3	3	0	0	0

TABLE 4.5 Rank of significant entry effects, by incumbent fascias

<i>Incumbent</i>	<i>Entrant</i>	<i>Incumbent</i>	<i>Entrant</i>	<i>Incumbent</i>	<i>Entrant</i>
Asda	Tesco Morrisons* M&S*	Waitrose	Sainsbury's Asda Tesco	Lidl	Aldi Asda
Morrisons	Sainsbury's* Tesco	M&S	Asda	Netto	Regional Co-op* Asda Lidl
Tesco	Regional Co-op Waitrose Sainsbury's Asda M&S*	Somerfield	Tesco	Aldi	Lidl
Sainsbury's	Tesco Asda Waitrose* Morrisons* M&S Lidl	CGL	Tesco		
		Regional Co-op	Asda Sainsbury's Tesco		
		Iceland	Asda Regional Co-op*		

Source: CC analysis.

*The effect is statistically weak. It is statistically significant on 90 per cent confidence level.

4.72 CGL submitted that it should not be included in the competitor set on the basis of our entry analysis. However, we only had three instances of CGL entry in our dataset. Such a small number of observations will automatically limit any effect of CGL's entry. We therefore do not believe that it is possible to either include or exclude CGL from the relevant market on the basis of our entry analysis alone.

4.73 In addition to our own analysis, M&S submitted an analysis of the impact of new entry by a number of grocery retailers¹ that showed a negative effect on revenues at M&S stores. Revenues at M&S stores were particularly affected by the entry of [X] stores.

Econometric model of consumer demand

4.74 We are also able to use the econometric model of consumer demand that we describe in paragraphs 4.43 to 4.48, to inform our analysis of the extent to which customers will switch between different fascias, and in particular, the fascias that benefit most from a small but significant change in QRS at a rival fascia. The results of this analysis suggests that the fascias included in our sample (ie Asda, Morrisons, Sainsbury's, Somerfield, Tesco and Waitrose) are close competitors to each other for both large weekly shopping trips and other shopping trips. Further details of this analysis are contained in Appendix 4.2.

Product range

4.75 In paragraphs 4.15 to 4.74, we reviewed a considerable amount of evidence that indicates that stores belonging to large grocery retailers should be included in the same product market subject to the store size delineation set out in paragraph 4.53 to 4.63. To the extent that other grocery stores offer customers a full range of grocery products, we think that these stores are effective substitutes for those operated by the large grocery retailers, subject to our size-based delineation of the product

¹Aldi, Asda, CGL, Iceland, Kwik Save, Lidl, Morrisons, Sainsbury's, Somerfield, Tesco and Waitrose.

market. In general terms, this would include stores belonging to regional grocery retailers, symbol group retailers and convenience store operators.

- 4.76 However, not all grocery stores offer a full range of grocery products. In the following paragraphs we consider, first, arguments put to us concerning the product range offering of M&S and CGL, second, whether LADs and frozen food stores should be included in the same product market as stores operated by large grocery retailers, and finally, whether specialist grocery stores, such as butchers and greengrocers, should be included in the same product market as other grocery stores.
- 4.77 Waitrose told us that it did not think that M&S carried a sufficient range of products to be regarded as an effective competitor to large grocery retailers. In particular, M&S carries fewer SKUs compared with large grocery retailers in stores of comparable sizes. Nevertheless, M&S does carry the same broad product range as large retailers, but has fewer SKUs within each product category it only stocks own-label products. As a result, we do not believe that M&S should be excluded from the product market because of its product range.¹ Further, our entry analysis, in particular, provides positive grounds for the inclusion of M&S stores in the same product market as stores belonging to other large grocery retailers.
- 4.78 CGL submitted that its own larger stores do not carry a sufficient product range to be regarded as effective substitutes for larger grocery stores. Having reviewed the evidence provided by CGL, we concluded that the relationship between range and store size for CGL is similar to the relationship between range and store size for Asda, Morrisons and Tesco presented in Figure 4.1.²
- 4.79 We also examined the position of Whole Foods Market given its relatively recent entry into the larger grocery store format with its Whole Foods Market store in Kensington. Whole Foods Market submitted that the quality, range and service of the retail offer at this store, and the responses of competitors, demonstrates that it exerts a competitive constraint on large grocery retailers. In relation to new Whole Foods Market stores,³ we agree that these stores should be included in the same product market as the stores of large grocery retailers provided that these stores carry a full range of grocery products.
- 4.80 A number of grocery retailers told us that Aldi, Lidl and Netto (the major LADs in the UK) should be included in the same product market as large grocery retailers. However, the limited number of products carried by LADs stores means that these stores are not close substitutes for similarly-sized stores operated by CGL, M&S, Sainsbury's, Somerfield and Tesco. In particular, we note that Aldi, Lidl and Netto stores typically sell fewer than 1,000 products.⁴ In comparison, large grocery retailers generally sell around 5,000 to 10,000 products in stores in the same size range as those operated by LADs (ie 500 to 1,400 sq metres). The results of our entry analysis

¹[REDACTED]

²CGL also submitted two further pieces of evidence that it said supported a finding that CGL stores were not in the same product market as the stores of other large grocery retailers. First, CGL submitted survey results that sought to assess consumer shopping patterns at CGL and other fascias. Among other things, the results of the survey showed that customers shopping at CGL are most likely to divert to [REDACTED], and least likely to divert to the [REDACTED]. We note, however, that the results are based on small sample sizes and do not control for other factors that might influence customers' choice. Second, CGL argued that higher average prices in CGL stores meant that it should be excluded from the relevant product market. However, we note that the key consideration for market definition is the reaction of customers to a price change rather than any comparison of absolute price levels. CGL also submitted the results of another survey that it told us demonstrated that CGL did not constrain competitors in this market as evidenced mainly by its offer on range and price and consumer opinion of CGL's offer. We did not find the evidence provided by CGL, including its submissions on the entry analysis, product range, pricing levels and survey results to be sufficiently persuasive to conclude that CGL stores should not be included in the same product market as stores belonging to other large grocery retailers.

³Whole Foods Market told us that it intended to open at least 40 full concept Whole Foods Markets stores in the UK.

⁴Netto told us that [REDACTED].

also show that Aldi, Lidl and Netto stores are not close substitutes for the stores of large grocery retailers (see paragraph 4.71 and Table 4.5).

- 4.81 As a result, we believe that LADs stores should not be included in the same product market as stores belonging to large grocery retailers when the starting point for a SSNIP test is stores operated by large grocery retailers. However, we believe that LADs stores are constrained by the mid-sized and larger stores of large grocery retailers, and that there is a one-way or asymmetric constraint analogous to that observed in relation to stores of different sizes.
- 4.82 Similar considerations apply to frozen food stores, which carry a limited range of non-frozen grocery products. Frozen food stores are not close substitutes for the stores of large grocery retailers and should not be included in the same product market when the starting point for a SSNIP test is stores operated by large grocery retailers. Frozen food stores are, however, constrained by the mid-sized and larger stores of large grocery retailers, and that a one-way or asymmetric constraint is present.
- 4.83 We also examined whether, putting store size considerations to one side, specialist grocery stores such as butchers and greengrocers are sufficiently close substitutes for larger or mid-sized grocery stores that they should be included in the same product market. As with LADs and frozen food stores, we conclude that the limited range available at specialist grocery stores means that these stores are not in the same product market as stores operated by large grocery retailers.¹ We also find that specialist grocery stores are constrained by the mid-sized and larger stores of large grocery retailers, and that a one-way or asymmetric constraint is present.

Conclusion on the fascia-based delineation of the product market

- 4.84 In conclusion, the product market for the supply of groceries by grocery retailers can be delineated in terms of store fascia as well as by store size. It would be possible for a hypothetical monopolist to impose a small but significant price increase for stores of those fascias offering a full range of grocery products without losing a sufficient volume of sales to stores operated by LADs, frozen food retailers or specialist grocery retailers such that the price increase would be rendered unprofitable.
- 4.85 Building on the store size delineation of the product market that we set out in paragraph 4.63, we find that:
- larger grocery stores operated by large grocery retailers (including Asda, CGL M&S, Morrisons, Sainsbury's, Somerfield, Tesco and Waitrose) are competitively constrained by larger grocery stores operated by other large grocery retailers, regional grocery retailers and symbol group retailers;
 - mid-sized grocery stores operated by large grocery retailers are competitively constrained by mid-sized and larger grocery stores operated by other large grocery retailers, regional grocery retailers and symbol group retailers; and
 - convenience stores operated by large grocery retailers are competitively constrained by convenience, mid-sized and larger grocery stores operated by other

¹While customers can only buy a particular type of product from each specialist, it may be possible to buy a range of different products from a 'parade' of specialist grocery stores located near to one another. However, even where such 'parades' of specialist grocery stores exist, we consider that customers at grocery stores operated by a large grocery retailer are not likely to see a collection of specialist grocery stores as a close substitute. This is due to the time associated with visiting a large number of individual shops compared with the convenience of shopping at a single store.