

Tabled Paper 3

Brunel House  
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Our reference: CSC1101

6<sup>th</sup> March 2025Swale Borough Council  
Mid Kent Planning Support  
Maidstone House  
King Street  
Maidstone  
ME15 6JQ*via email (joanna.dymowska@swale.gov.uk)*

Dear Joanna,

**Lidl Great Britain Ltd**  
**Proposed Lidl foodstore at Queenborough Road, Isle of Sheppey – Application 22/504598/FULL**

On behalf of my client Lidl Great Britain Ltd I write in response to the further comments made by Martin Robeson Planning Practice (MRPP) on behalf of Tesco, in their letter of 3<sup>rd</sup> March. They are suggesting that the data used in our retail assessment is out of date and so cannot be relied upon. I respond to each of their points below.

***Sequential Assessment***

The availability of suitable sites within Sheerness to accommodate a LAD store has been considered by the Council on a number of occasions, in respect of the Aldi and Lidl applications. Lambert Smith Hampton provided advice to you on 25<sup>th</sup> April 2023 in which they concluded that we had satisfied the sequential test. Owing to the legal challenges that have been brought by Lidl's competitors, including Tesco, some time has passed since the sequential assessment was undertaken. However, no new site has come forward since then, either within or on the edge of the town centre, suitable and available to accommodate a LAD store. If a site had somehow been assembled then we would expect it to be flagged to Lidl and/or the Council by the developer, but we have heard nothing. Since you have not raised this as an issue I assume no one on the Council's estates or planning teams has become aware of any such site? It is telling that while MRPP has suggested that our sequential assessment is out of date, they have not flagged any particular site that they believe needs to be looked at.

I believe that in the absence of any potential sites having come forward it is entirely reasonable for you to proceed on the basis that there are no sequentially preferable alternatives to the application site, and that the sequential assessment remains valid.

***Household Survey***

Our impact assessment estimated the turnovers of existing stores based on the household survey conducted for Aldi in 2022. Since then the only change in retail provision that has taken place is the relocation of Aldi, which is taken into account in our retail assessment. We are not aware of anything else that might have changed the shopping patterns on the island. We therefore believe that the 2022 survey remains valid.

As I am sure you know, similar household surveys are undertaken to inform retail studies commissioned by local authorities to identify the need for new retail floorspace in their development plans. If it was the case that 2-3 years would void the results as no longer being robust, then the



evidence base for a local plan's retail policies would be out of date before the plan is adopted, which cannot be right. The data on trading patterns and store turnovers provided in LPA retail studies are also often used by applicants to inform development management decisions on applications for new stores, and that has never been challenged as incorrect or inaccurate; surveys can only ever be a snapshot in time, and Lidl's internal protocol for retail assessments is that household surveys should remain robust for up to 5 years.

I am not aware of any specific guidance on this issue, so that being the case it is entirely reasonable for you to provide an update report that simply references Tesco's objection and says that having considered this matter you believe that the evidence base remains robust.

### ***Impact Assessment Data***

In terms of the household survey, I have addressed that above. I am assuming that the other data that MRPP are claiming is out of date relates to the population and per capita spending, and the growth rates assumed for expenditure and retail sales densities. Again, an impact assessment amounts to a snapshot in time and I do not think it is reasonable to expect applicants to revisit detailed quantitative assessments multiple times. Experian provides updated growth rates on a yearly basis and it has never been the case that impact assessments are expected to update their analysis annually. In assessing the impact of a development you start from a baseline position, and then project turnovers forward to a design year, which typically is 5 years from the baseline. That 5 year period will encompass changes in population, available spend and changes in inflation and individual company average sales densities, none of which can be known with certainty at the time the assessment is carried out; the LPA should therefore be considering the impact of the proposed development, as assessed at the time the application is submitted.

In considering whether an updated impact assessment should be requested, I would ask you to also consider that my client's planning application was first presented to committee back in July 2023. As a result of challenges made by Lidl's competitors your Council has been obliged to consent to the quashing of the permission twice, so while it is the case that time that has passed since our assessment was undertaken, that is not down to Lidl. I therefore hope you will agree that it would be unreasonable for them to suffer further delay and expense as a result of you deferring the application, solely because of objections from Tesco who are simply trying to delay the construction of a competing store.

Again, I do not believe that you need do anything other than refer to Tesco's objection and say that you are confident that the quantitative assessment remains robust. The amount of turnover expected to be diverted from Sheerness by the Lidl is very small and not sufficient to undermine the vitality or viability of the centre – the serious impact arises from the Aldi, and that has already occurred.

### ***Health Check Assessment***

MRPP are suggesting: a) that our health check of Sheerness Town Centre should be updated; and b) that health checks carried out of the local centres on the island. In respect of the first point, we are not aware that any significant changes have occurred in the town centre, other than the Aldi relocating and Home Bargains occupying their former store. Given that the amount of turnover the Lidl is expected to take from the town centre, whether the centre has remained the same or has declined slightly, the impact from the Lidl will still be minimal and not significantly adverse.

In respect of the local centres, our assessment assumes almost no turnover being taken from them, since the new store will trade predominantly against other large stores ('like impacts like', as recognised in the national planning guidance). There is therefore no justification for undertaking multiple health checks of small centres that the Lidl will not materially impact.

In conclusion, I hope you will recognise that this latest objection from Tesco is simply another tactic to delay the determination of Lidl's application, as is clearly evidenced by the lateness of the submission. The impact assessment was assessed as being robust by Lambert Smith Hampton and the fact that time has passed due to challenges by Lidl's competitors does not mean its findings are no longer robust. I therefore hope that you will disregard this latest Tesco strategy and proceed to determine the application this evening. A deferral would mean further delay, which given the time



that has already been lost would be unreasonable, and difficult to explain to the public who we know are becoming increasingly frustrated in the failure to start construction.

Yours sincerely



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cc Adam Forsdick – Lidl Great Britain Ltd

