

**Tabled Update for Item 2.8 – Unit 6, Neatscourt Retail Park, Thomsett Way, Queenborough (ref. 21/503070/FULL)**

A representation has been received from a planning agent representing Aldi. He wrote:

*“Further to the commentary below, as noted the Farmfoods application is due to be heard at committee on 14.10.21 with a recommendation to approve, including following an assessment of retail impact. I would be most grateful if you could please provide clarification as to the Council’s approach on this application. In particular, we have noted the application is supported by a retail impact assessment (attached for ease of reference) which confirms at para 7.12 that “Our assessment of cumulative impacts is therefore underpinned by the analysis set out in the 2020 WYG Appraisal Report” i.e. the same report used to previously inform our application. However; as you are aware we have been asked to provide an updated analysis in light of the Tesco JR and your advice from LSH. With that in mind, we are therefore slightly surprised that the Council is prepared to accept an impact assessment that is “underpinned” by this previous work, when we are being asked to do something different. This gives rise to a clear inconsistency in approach between the two applications, which I trust you can appreciate is a matter of potential concern”.*

For completeness, my response to the representation and how it relates to this Committee Item (2.8)

Para 4.11 of Cttee report – this is correct in terms of NPPF;

The resolution of the Cabinet in 2019 about a local threshold is a material consideration but carries only limited weight in the planning balance as it has not undergone any consultation or examination – it is not a Policy, merely locally adopted guidance.

Para 8.9 – the applicants had no requirement to carry out the Retail Impact Assessment (RIA) as the unit already has a lawful ability to comprise an element of convenience retail – the application in front of Members is to consider an increase of c.180m<sup>2</sup> – and that is below the locally adopted threshold of 500sqm and the national requirement of 2,500sqm. All that is being considered is the impact of this additional 180m<sup>2</sup> and whether the request to amend the condition is justified in planning terms.

Although commentary on the applicants RIA is included in the report at para 8.16 – 8.19, Members should be mindful of the fact that the WYG report which has been used as a baseline for it was not carried out in accordance with NPPF principles and in the recent challenge to the Aldi permission on Sheppey this point was conceded by the Council’s team. Therefore, Members should be advised that this section of the report **carries no weight** and **should not be used in weighing up the planning balance** in advance of making their decision on the application.

In short,

- a) The applicant's Proportionate Retail Impact Assessment is partly based on the WYG Assessment, which is not NPPF compliant; but
- b) It (the applicants Retail Impact Assessment) was not a requirement of this application, in any event; and
- c) The Council's Planning Policy team are satisfied from their own health surveys that 180sqm will not impact on the health of neighbouring town centres
- d) My recommendation remains unchanged

Tom Webster – 13/10/2021