

SHRA

Sovereign Harbour Residents Association



By email to: customerfirst@lewes-eastbourne.gov.uk

06 April 2023

Dear EBC Planning First,

Planning Application reference 220849 - Proposal: Erection of Class E foodstore alongside access, parking, landscaping, and associated works.

We wrote to you on the 5th December 2022 to object to this planning application on the grounds that a large retail store would be inappropriate for our residential area, that any such retail store should be located within another retail hub, and that the plans would negatively impact the lives and ambience of North Harbour residents.

Noting that on the 10 March 2023, a "Supplementary Note on Employment Land Considerations and Retail Matters" (Supplementary Planning Statement (SPS)) from Aldi's planning consultants was published on the EBC planning portal, we now wish to submit the following further comments on the application.

Our comments are specifically limited to those two planning law issues identified by EBC, as set out by Aldi at para 1.6 of their SPS – namely, the Sequential Test and retail viability impacts.

Sequential Test. Site 7a lies *outside any* shopping centre, whether district or local. As such, a heavy burden falls upon Aldi to demonstrate zero availability of *any* other site elsewhere in Eastbourne as a whole. But they seem to have restricted their search subjectively to their own 'catchment area', yet without defining it. [see para's 3.3 to 3.5 of SPS.] Given that site 7a is not located within any shopping centre at all, it is spurious to afford it fair comparison with existing local or district centres. [This point directly bears on retail viability impacts, below.]

Aldi claims, in summary at paras 3.43, 3.44 & 3.45, that an "exhaustive assessment of potential alternatives" has been carried out; that site 7a is the only site within *their* (limited) 'catchment area' – and thus claim it satisfies the Sequential Test. We refute that. Simply because it may be the only site to fit *their own* criteria is not enough to pass the test, and neither could it thus be regarded as being "sustainable development" for the purposes of **NPPF 11**.

Retail Viability Impacts. In this case, whilst **NPPF 90** does not *require* a formal viability impact assessment, a fair and honest consideration is nonetheless indicated where (as here) either the Sequential Test is not met **or** where significant adverse impacts are likely to arise. **NPPF 91** specifically engages those very impacts for the viability of other retail businesses – both existing *and planned*. So, it is incumbent upon Aldi to provide such assessment and to do it thoroughly, without omitting key comparators. We set out below the several and surprising instances of both omission and unsupportable assertions now made by Aldi in their SPS.

(i) Aldi rely on **Table 5 of their SPS** to support their assertions, made at **para 3.50 SPS**, claiming to be “*well below what already exists locally, being a fraction of the size and offer of any of the incumbents*”. At **para 3.53 SPS**, Aldi stress their business model is that of a “Limited Assortment Discounter” – and thus to be not comparable with the other larger supermarkets. But (with one exception) **Table 5** consists of large supermarkets and omits several other much smaller yet similar shops. As Aldi quote at **para 3.52 SPS**, assessments must be “*on a like for like basis....(and).... Retail uses tend to compete with their most comparable competitive facilities*”. Why then have they omitted to consider nearby smaller but similar shops such as Home Bargains, Iceland, Poundland and Tesco Express at Langney District Shopping Centre? Even closer, at Sovereign Harbour District Shopping Centre, Wilko already exists - alongside the planned B&M store currently undergoing fit-out. All of these sell some foodstuffs along with other goods at discounted prices - all are Limited Assortment Discounters, just like Aldi. They all deserve fair comparison.

(ii) At **para 3.54 SPS**, Aldi’s viability assessment was primarily focussed on the two nearest *District* Centres. Much less thought was given to nearby *Local* Centres. **Annex 2** is only a broad overview of all the centres, with no attempt to assess any competitors. To highlight any potential like-for-like competition, **Para 3.56 SPS** claims that **Annex 3** provides “*further analysis of active uses within the closest centres*” - but **Annex 3** only deals with the 2 District Centres! St. Anthony’s Crescent local centre, *nearer* than Langney, has the most obvious and nearest direct competitor – Lidl. Yet nowhere is any detail given. **Surely no serious assessment is complete without Lidl?**

(iii) **SPS Annexes 2 & 3** also dismiss those other shops referred to above – primarily Home Bargains, Iceland and Tesco Express, at Langney, and (closest of all and equally comparable) the planned B&M store *within* the Sovereign Harbour Centre. Aldi contends that B&M is ‘no direct like for like competitor’, but Aldi must be ignorant of their significant food offer. Similarly with Home Bargains at Langney. At **para 3.59**, Aldi claim they will not provide direct competition for the majority of existing retailers; that any competition will be directed toward larger supermarkets – effectively contradicting the thrust of their own argument (from Table 5) where they

downplay that competitive risk. **This returns us to the Lidl question – why is Lidl not considered?**

(iv) Lastly, we ask you consider the plight of the new and very small ‘corner shop style’ convenience store located next to 4 Seasons at The Waterfront, Sovereign Harbour. Doubtless struggling to survive as it is, opening an Aldi nearby may well prove fatal for this small business – and which would also be a loss to local people.

When applying **NPPF 11** with **NPPF 91**, and considering the Sequential Test, we would again draw attention to Aldi’s apparent approach of not searching for suitable sites on the west side of town. In light of the many other shops on the east side of town (which we have identified above as being impacted by Aldi at site 7) and the far less diversified choice available to shoppers in the west side, this too seems a curious omission designed to support a particular conclusion. It is of course for the applicant to make their own case, and not for other people to find suitable sites. This aspect should be part of the new Local Plan and dealt with as part of the ongoing Growth Strategy.

We urge you please to consider this response alongside the applicant’s SPS, to look at the issues we have raised previously, listen to the views of the local community and reject this application.

Yours faithfully

Dilys Iverson

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Chair

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