

# Please add some text at the beginning in your own words sharing personal impact

Dear \_\_\_\_\_

As my local elected representatives, I am writing to formally request that you press for the **urgent withdrawal** of planning application **BH2026/00490** relating to the King Alfred Leisure Centre redevelopment.

This request is made on the basis that the application process appears to fall materially short of the legal requirements governing consultation, transparency, equality, heritage protection, procurement, environmental assessment, and sound planning decision-making. Taken cumulatively, these deficiencies render the process procedurally unfair and potentially unlawful.

In particular, the consultation process appears not to comply with the principles established in *R v Brent LBC ex parte Gunning* (the “Gunning Principles”), which require consultation to occur at a formative stage, with adequate information, sufficient time, and with conscientious consideration of responses. These principles are embedded within broader public law duties of fairness. My concerns are set out below.

## **1. Failure to comply with lawful consultation requirements**

The consultation process appears deficient when assessed against:

- The Gunning Principles;
- The common law duty of fairness;
- The Town and Country Planning (Development Management Procedure) (England) Order 2015.

There has been insufficient clarity, accessibility, and opportunity for meaningful public participation. The absence of a **clear consultation end date combined with inconsistent published start dates** - online planning application 02/03/26 or 05/03/26 v street notices dated 10/03/26 - undermine procedural certainty and fairness.

## **2. Failure to re-consult following a material change**

No fresh public consultation was undertaken following the withdrawal of the Benfield Valley option. This constitutes a material change in the proposal context and triggers a requirement for a new, lawful consultation exercise under established public law principles.

## **3. Breach of equality duties**

There is no evidence of meaningful engagement with disability groups. This raises serious concerns under:

- The Equality Act 2010, particularly section 149 (Public Sector Equality Duty), which requires the Council to have due regard to the need to eliminate discrimination and advance equality of opportunity.

The absence of inclusive consultation mechanisms, including reliance on digital-only engagement without reasonable alternatives, risks indirect discrimination and procedural unfairness.

## **4. Failure to consult heritage stakeholders and assess impacts properly**

The proposal involves:

- The relocation of a Grade II listed seafront shelter;
- Potential harm to the historic Monarch's Way.

These engage statutory duties under:

- The Planning (Listed Buildings and Conservation Areas) Act 1990 (sections 16 and 66 – duty to have special regard to preserving listed buildings);
- The National Planning Policy Framework (NPPF) provisions on conserving and enhancing the historic environment.

A heritage asset of this nature should be subject to a separate and properly assessed application rather than subsumed by the main planning application.

The apparent failure to consult relevant national bodies (including those responsible for long-distance historic routes such as Monarch's Way) further undermines the lawfulness of the process.

## **5. Conflict with sport and community infrastructure policy**

The reported reduction of up to 60% in sports provision appears inconsistent with:

- Sport England's statutory consultee role and policy on the protection of playing fields and sports facilities;
- NPPF provisions supporting the retention and development of accessible community facilities;
- The Council's own adopted strategies and commitments regarding sports provision.

Replacing the largest sports centre in the South East with significantly reduced capacity raises serious policy compliance concerns.

## **6. Inadequate evidence base and irrational decision-making risk**

No comprehensive site survey of the existing facility appears to have been undertaken to inform a robust retrofit option. This raises concerns under:

- The NPPF requirement for proportionate and adequate evidence bases;
- Public law principles prohibiting irrational or inadequately informed decision-making.

Furthermore, the reported cost of the proposed new build—up to three times typical cost per square metre despite being on council-owned land—raises serious concerns regarding:

- Value for money under the Local Government Act 1999 (Best Value Duty);
- Compliance with the Public Contracts Regulations 2015 and general procurement law principles of transparency, proportionality, and equal treatment, plus the Procurement Act 2024.

## **7. Unlawful segmentation (“salami slicing”) and absence of whole-site assessment**

The application does not appear to cover the entirety of the proposed development site, including associated tower blocks and related elements. This raises concerns of unlawful “salami slicing,” contrary to:

- The Town and Country Planning Act 1990 (requirement to consider the whole development);
- Established case law prohibiting the artificial separation of interdependent development components to avoid proper scrutiny.

Such segmentation risks preventing a lawful assessment of cumulative impacts and undermines the integrity of the planning process.

## **8. Absence of Environmental Impact Assessment and supporting documents**

Given the scale, location, and potential impacts of the proposal, there are serious concerns regarding:

- The absence of an Environmental Impact Assessment (EIA), where one may be required under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017;
- The lack of a publicly available, robust business plan underpinning the proposal risks another i360 financial disaster

Without these, decision-makers and the public are deprived of essential information necessary for lawful consideration.

## **9. Defective consultation process and barriers to participation**

The process is further undermined by:

- Conflicting consultation dates between physical notices and the planning portal and no specific deadline given
- Absence of physical exhibitions or accessible materials, presuming 100% resident digital knowledge and access.
- Ongoing technical failures of the Council's systems and the Planning Portal for those are accessing digitally;
- The unreasonable imposition of a 2,000-character limit on representations, which is manifestly inadequate to provide professional or meaningful feedback for a scheme of this complexity and scale.

Collectively, these factors risk frustrating public participation and may render the consultation unlawful.

## **10. Environmental and coastal covenant concerns**

There are also unresolved concerns regarding:

- Potential breaches of Hove seafront covenants;
- Environmental considerations under the NPPF, the city's UNESCO biosphere status and, where applicable and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

## **Conclusion**

Taken together, these issues indicate that planning application BH2026/00490 is procedurally flawed to the extent that it is potentially unlawful. Progressing the application in its current form exposes the Council to a significant risk of legal challenge, including judicial review.

I therefore respectfully request that you take immediate steps to:

1. Seek the withdrawal of the application; and
2. Ensure that any future proposal is subject to a lawful, transparent, and inclusive process compliant with all relevant statutory and public law requirements.

I would be grateful for confirmation of receipt and a clear response outlining the Council's intended course of action.

Yours faithfully,

[Your Name]

[Your Address]

[Your Contact Details]

# Heading