



By email

18 December 2024

Dear Planning Inspectorate,

As the Member of Parliament of Brighton Pavilion, I would like to make a representation to the following appeal: APP/Q1445/W/24/3355883 Emblem House Home Farm Business Centre, Hone Farm Road Brighton BN1 9HU relating to the decision over a prior approval application: BH2023/03236.

I have been contacted by a number of local constituents who believe that the local authority's reasons for refusal should be fully upheld. I also opposed this application during the local planning process, and I believe that the reasons for refusal were sound and should not be overridden.

I realise that this application has attracted significant public interest because of the nature of the company operating on this land: L3 Harris Release and Integrated Solutions Ltd (previously known as EDO MBM). This is a business that is currently potentially complicit in the violation of human rights, resulting in misery and death in global conflicts, and it cannot continue to be welcome in our city.

I believe there are multiple planning reasons why this application should be refused. These range from an oversight on the part of L3 Harris in allowing their current temporary planning application to lapse, through to the fact that the site backs on to Wild Park: a large nature reserve of great value to our city. However, in this representation I shall be focusing solely on the reason for refusal from Brighton and Hove City Council (BHCC), which is [1]:

“The benefit of retaining the extension on a permanent basis is outweighed by its impact on community cohesion and the need to safeguard the public interest in terms of fostering good relations between persons who share protected characteristics and persons who do not share them. Retaining the extension would have a disproportionately negative impact on the requirement to achieve the Council's equality objectives as a result of increasing risks of discrimination, harassments and victimisation to communities, particularly minority ethnic and religious groups, where risk to the safety of persons who share protected characteristics feature contrary to section 149 (1) of the Equality Act 2010. These risks to community cohesion outweigh all other material considerations and are contrary to section 149(1) of the Equality Act 2010, paragraph 135(f) of the NPPF, and Strategic Objectives 19 and 20 and Policy SS1 of the City Plan Part 1.”

BHCC took additional time with this application to seek further legal advice about the implications of the scheme. This legal advice confirms that issues of equalities are of material consideration in the determination of planning applications.

The King's Counsel (KC) advice [2] draws attention to section 149(1) of the Equality Act 2010 (the Public Sector Equality Duty or PSED) and section 70(2) of the town and Country Planning Act 1990. PSED imposes a duty on the council to pay due regard to the need to



“eliminate discrimination, harassment and victimisation and to the fostering of good relations between persons of one race and another, or of one religion and another”.

The KC’s advice also made clear that it was open to Council members to conclude whether, as a matter of their planning judgement, granting of this application for planning permission will have impacts which are relevant to the Public Sector Equality Duty:

Summary advice, paragraph 5 [3]. *“For example, as a matter of their planning judgement, members may conclude that approving (or refusing) the application is capable of exacerbating tensions within the community in ways that might lead to an increase in discrimination, harassment, victimisation, and to the detriment of fostering good relations between people.”*

Regarding the weight given to possible equalities impacts versus other material considerations of the application, BHCC’s legal advice made clear that it was up to council members and that “there was no reason in law why members should not give decisive weight to equalities considerations.”

In their appeal the appellant makes reference to the original officer recommendation to grant planning permission however, and as the KC advice highlights, this recommendation “was made prior to the more detailed consideration of equalities impacts”. The KC does say that departing from the officer's recommendation would likely risk an appeal and possible inquiry, and that the council and council members will need to defend their decision, with evidence and explanations as to why they decided against approving permission.

I believe that the judgement of council members is sound and based on clear evidence of the site being a risk to community cohesion and public safety. There is very deep-rooted anger about the presence of L3 Harris in the city with the application receiving 603 letters of objection, including a petition signed by 130 people, and only one letter of support.

The site has also become a regular focus for protests and direct action, and I strongly believe that granting permanent permission could lead to discrimination, harassment, and a risk to public safety, especially when considering the tensions and level of concern in the city about the use of the components manufactured at the site and possible violation of human rights.

I am confident that council members have made the right decision, based on extensive legal advice, and urge the Inspectorate to hold any inquiry in public and to ultimately uphold the decision of local policy makers and refuse permission for the application.

Yours sincerely,

Siân Berry MP, Brighton Pavilion



References

1. Brighton and Hove City Council Officer report, Decision
https://sianberry.org.uk/wp-content/uploads/sites/248/2024/12/BH2023_03236-19429414-1.pdf
2. Committee Report PLANNING COMMITTEE REPORT.
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3. KC summary advice https://www.pdfFiller.com/jsfiller-desk13/?flat_pdf_quality=high&requestHash=fbe9fea2c43f0a870642d83833dbb2eef6041f5c7d48f982ca5365c318fc5054&projectId=1720331261&PAGE_REARRANGE_V2_MVP=true&richTextFormatting=true&isPageRearrangeV2MVP=true&jsf-page-rearrange-v2=true&jsf-redesign-full=true&act-notary-pro-integration=true&jsf-fake-edit-embedded=true&isSkipEditorLoadFrequency=true&jsf-desktop-ux-for-tablets=false&jsf-probability-70=true&jsf-socket-io=false&jsf-simplified-modes-iteration-1=false&jsf-offline-mode=false&routeId=b66eea9f90821c2b38f9a821552f0256#ed89fa6e7a57410b97fec5dea35b0619