Formal complaint to Liverpool City Council about the Council's handling of the Peloton public inquiry

Mr A Lewis
Chief Executive
Liverpool City Council

Dear Mr A Lewis,
Garston Community United (GCU) writes to you, as Chief Executive of Liverpool City Council, to raise serious concerns about the Council's handling of the recent public inquiry in Peloton Real Estate v Liverpool City Council (Appeal Ref: APP/Z4310/W/25/3369126)(LCC application 22f/2806)

The Council's Planning Committee lawfully refused the application on grounds of harm to residential amenity, including noise and air quality. That decision reflected both elected members' planning judgement and the views of the local community, set out in more than 1,800 written objections. Residents therefore had a reasonable expectation that the Committee's decision would be competently, transparently and robustly defended at appeal.

However, evidence before the inquiry – and the Inspector's subsequent costs decision – indicates that this did not occur. The Inspector found that the Council had "acted unreasonably" by maintaining an air-quality refusal reason without evidential substantiation and awarded partial costs against the authority.

This raises serious questions about internal processes, governance and the protection of democratic decision-making within the Council.

We are also now aware journalists have picked up on this, and in particular an FOI that details un-minuted meetings between LCC officers and Peloton, and one in particular on May 25th 2025, which relates to 'air quality matters' which is shortly after the refusal by the planning committee.

GCU is particularly concerned that:

- Key refusal reasons were not advanced or supported by evidence at appeal.
- Deadlines for evidence submission were not consistently met.
- The appeal was defended by officers who had previously supported approval of the scheme.
- Meetings were held between planning officers and the appellant, both before and during the appeal process, for which no formal minutes or publicly accessible records appear to exist.

Taken together, these matters raise issues of procedural fairness, transparency and public confidence in the Council's planning function, and appear inconsistent with the Nolan principles and with the standards expected of Liverpool following the Caller report and period under commissioners.

Air quality remains a central concern.

The Council did not advance a substantive air-quality case at appeal, relying instead on the appellant's position that emissions from the neighbouring Veolia hazardous chemical reprocessing facility were adequately regulated by the Environment Agency.

Since the inquiry, GCU has identified unresolved evidential uncertainties within the relevant regulatory documentation and has formally raised these matters with the Environment Agency. We are currently awaiting a response.

We enclose for your information a short briefing note summarising these concerns.

In light of the above, we respectfully request that you consider commissioning an internal executive review to examine:

- How the Planning Committee's decision was handled and defended at appeal.
- Whether officer conduct met required standards of procedural fairness, transparency and adherence to the Seven Principles of Public Life.
- Whether governance arrangements adequately safeguarded democratic decision-making in this case.
- What lessons should be learned, and what changes implemented, to prevent a recurrence in future major applications and appeals.

This correspondence is submitted in the interests of accountability, learning and restoring public confidence. GCU would welcome the opportunity to engage constructively with the Council at senior level and to provide any further information that may assist your consideration.

Yours sincerely,
Garston Community United and behalf of the residents and people who objected
Laura Johnson -Chair
Gary Woollam
John Davies

Briefing Note
Peloton Real Estate v Liverpool City Council – Garston Industrial Estate
Appeal Ref: APP/Z4310/W/25/3369126
Prepared by: Garston Community United (GCU)
Date: 23rd January 2026
Purpose of this Briefing
This note summarises key concerns arising from the Public Inquiry into the Peloton Real Estate appeal at Garston Industrial Estate. It is intended to assist elected representatives, regulators and oversight bodies in understanding potential issues of procedural fairness, governance, air quality regulation and democratic accountability associated with the handling of the appeal.

Background
Liverpool City Council's Planning Committee refused the application for a 4-hectare open storage and logistics facility adjacent to residential streets in Garston, citing unacceptable harm to residential amenity, including noise and air quality. More than 1,800 written objections were submitted by residents.
Despite this refusal, a Planning Inspector allowed the appeal, granting permission for operations between 7:00am and 11:00pm and permitting up to 1,000 vehicle movements per day, in close proximity to established family housing.

Defence of the Planning Committee's Decision
The Planning Committee's refusal represented a lawful exercise of planning judgement by elected members. Residents therefore had a legitimate expectation that this decision would be competently and robustly defended at appeal.
However, evidence before the Public Inquiry demonstrated that Liverpool City Council failed to properly advance or substantiate the Committee's stated reasons for refusal. The appeal was

defended by officers who had previously supported approval of the scheme, a circumstance which has materially undermined public confidence in the independence and robustness of the Council's case.
The Inquiry further revealed that the Council missed key deadlines for evidence submission, failed to advance refusal reasons relating to air quality and transport impacts, and presented no substantive evidence on emissions or traffic effects.

Inspector's Findings on Council Conduct
In a separate costs decision, the Inspector found that Liverpool City Council had "acted unreasonably" and awarded partial costs against the authority. He concluded that the Council had "failed to substantiate its reason for refusal with regard to air quality matters" while continuing to rely on air quality as a reason for refusal during the appeal.
This finding directly engages principles of public law reasonableness, indicating that a stated planning position was maintained without evidential support. No criticism was made of Garston Community United.

Air Quality and Environment Agency Regulation
Air quality remains a central concern. The appeal site lies close to the Veolia hazardous chemical reprocessing facility, yet no up-to-date baseline monitoring or comprehensive cumulative air quality assessment was required to account for existing industrial emissions.

The appellant argued that Veolia's operations were regulated by the Environment Agency and that this regulatory framework was sufficient to address air quality concerns. This position was accepted by the Inspector.

Since the close of the Inquiry, GCU has reviewed Environment Agency end-of-waste and air quality documentation relating to the Veolia facility. **GCU has identified that these materials do not establish a clear, site-specific baseline for existing air quality and rely heavily on modelling assumptions and generic background data.** GCU has formally raised specific technical questions with the Environment Agency and is awaiting a response.

Governance and Transparency Concerns
GCU is also concerned by evidence that planning officers held meetings with the appellant both prior to and during the Inquiry for which no formal minutes or publicly accessible records appear to exist. In a system that depends upon transparency, equality of arms and clear audit trails, the absence of documented records raises concerns about governance and risks creating the appearance of predetermination or undue familiarity.

Concerns regarding officer conduct, un-minuted meetings and the Council's failure to defend its air quality case have also been reported nationally. An article published on 21 January 2026 in The Canary (Skwawkbox section) highlighted FOI disclosures revealing contradictions relating to undocumented meetings and the abandonment of air quality refusal reasons at appeal.

FOI : https://www.whatdotheyknow.com/request/planning_application_22f2806/response/3174779/attach/html/3/24144653.pdf.html

The Canary : https://www.thecanary.co/skwawkbox/2026/01/21/liverpool-city-council/

Issues Requiring Scrutiny
GCU respectfully invites MPs, councillors and regulators to consider whether:

- The Planning Committee's lawful decision was afforded proper weight and defence
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- Officer conduct met standards of procedural fairness and transparency

Residents' legitimate expectations arising from the refusal were frustrated

- Reliance on regulatory oversight alone adequately addressed cumulative air quality impacts
- The Council's conduct meets accepted standards of public law reasonableness

Conclusion

This case raises issues that extend beyond a single planning appeal. It highlights broader questions about governance, transparency and the effective functioning of democratic decision-making within the planning system, particularly where developments affect established residential communities.

Garston Community United remains willing to provide further information or technical material to assist scrutiny.