Garston Community United reply to LCC Chief Executive's attempt to answer the formal complaint

Monday 9 February 2026
Dear Andrew Lewis,

I am writing to formally escalate our complaint regarding Liverpool City Council's handling of air quality evidence and related procedural matters at the Public Inquiry into the Peloton Real Estate appeal (Ref: APP/Z4310/W/25/3369126).

We thank you for your earlier response and for acknowledging the seriousness of community concern. However, significant issues remain unresolved, particularly in light of clarification from the Planning Inspectorate that the appeal was not conducted under a formal fast-track procedure. Accordingly, the explanation that evidential shortcomings arose primarily from compressed timescales now requires reconsideration, not least because the Council missed key deadlines for the Inquiry whereas the appellant did not. We note that the Inspector extended the deadline to identify witnesses from 18 September to 30 September 2025 to accommodate the Council.

In your response, you explain that air quality consultants initially engaged by the Council either identified a potential conflict of interest or advised that they could not disagree with the information submitted by the applicant. As a result, the Council was unable to present expert air quality evidence at the Inquiry, notwithstanding that air quality remained a formal reason for refusal determined by the Planning Committee. This position raises serious governance and public interest concerns.

First, the absence of independent air quality evidence materially constrained the Inquiry's ability to examine unresolved and substantive matters, including the lack of a measured baseline and cumulative impacts from nearby industrial sources. As a result, key issues were effectively set aside on evidential grounds rather than assessed on their merits. These circumstances appear difficult to reconcile with national policy objectives to reduce population exposure to air pollution. As the Inspector records, "the Council's Decision Notice from May 2025… clearly identified concern with regard to the living conditions of occupiers of nearby residential properties through unacceptable air quality impacts", yet "it was confirmed during the opening remarks on behalf of the Council that it would present no evidence to the Inquiry in respect of that matter". In practice, this meant that a central refusal reason was left to be addressed solely on the appellant's evidence.

Second, the reference to "potential conflicts of interest" requires clarification. It appears possible that consultants unable to act at appeal stage may have been those previously engaged during the application process, including where no objection was raised to the applicant's air quality submissions. If specialist consultants are conflicted due to existing commercial relationships within the local industrial environment, including work connected to Environment Agency–regulated operations such as Veolia, this further illustrates the difficulty in securing genuinely independent air quality scrutiny. In such circumstances, emissions falling under the Environment Agency's regulatory authority were not incorporated into any baseline air quality assessment, limiting the completeness and independence of the evidence relied upon.

Third, by maintaining air quality as a refusal reason without supporting expert evidence, the Council placed itself in a position where that reason could not be substantiated at appeal. This has now been formally confirmed in the Inspector's costs decision, which states: "The Council in this case has failed to substantiate its reason for refusal with regard to air quality matters which it was still presenting as a concern well into the Inquiry process. I therefore consider that the Council has acted unreasonably with regard to the substance of the matter under appeal." While the decision makes clear that the community caused no unnecessary expense, it confirms that a key public health

issue was left procedurally exposed.

The Inspector further notes that “there is a likelihood that GCU’s concerns were influenced by the concerns that it believed the Council held” and that the appellant may have addressed air quality in greater depth because it understood the Council still had concerns. This underlines the extent to which the Council’s handling of air quality shaped the conduct of the Inquiry despite the absence of supporting evidence.

In addition, our complaint raised concerns regarding un-minuted meetings between Council officers and the applicant. You describe such engagement as normal practice, accept that these meetings were not minuted, and state that the Director of Planning is confident they did not prejudice the Council’s case. However, information disclosed under FOI confirms repeated officer–applicant meetings between July 2023 and December 2024, all recorded as having “No minutes recorded”, including a meeting held on 28 May 2025 explicitly concerning “Air Quality matters”, conducted after the Planning Committee’s refusal and before the appeal commenced.

Given that air quality was a live refusal reason and a central community concern, the absence of any contemporaneous record of this meeting represents a serious failure of transparency and accountability. Taken together with the absence of independent expert evidence, the decision to present no air quality case at the Inquiry, and the lack of any prior notification to GCU as a Rule 6 Party that this would be the Council’s position, this raises legitimate concerns that critical environmental matters were addressed through informal, undocumented engagement rather than through transparent, evidence-based processes capable of independent scrutiny.

This complaint does not seek to challenge the Inspector’s decision, which we recognise is final. Rather, it concerns whether the Council acted reasonably, transparently, and in accordance with its duties to protect public health and the environment, and to maintain confidence in the planning process.

We therefore formally request that the Council:

Conduct an internal review into why independent air quality expertise could not be secured, including whether conflicts arose from prior advisory roles connected to the application stage or Environment Agency–regulated sites.

Clarify whether officers consider the air quality evidence relied upon at the application and appeal stages to be sufficiently independent, complete, and representative of cumulative emissions, including those from nearby regulated industrial sources.

Explain why no minutes or notes were recorded for repeated meetings with the applicant on core technical issues, including the 28 May 2025 meeting on “Air Quality matters”.

Identify lessons learned and procedural changes to ensure that future environmental refusal reasons are supported by independent expert evidence and transparent record-keeping.

Given the public health implications and the scale of community concern, we request that this escalation be considered at the appropriate senior governance level and responded to in accordance with the Council’s formal complaints procedure.

We reserve the right to refer this matter to the Local Government and Social Care Ombudsman should the response fail to adequately address these issues.

Yours sincerely,

John Davies

Garry Woollam

Laura Johnson

On behalf of Garston Community United