Dear Mr Lewis

Re: Stage 2 Complaint (ref: 26736718) – Peloton Planning Appeal

Thank you for your Stage 2 investigation report. We appreciate the time taken to investigate this matter and welcome the recommendations made to improve future procedures, particularly regarding earlier commissioning of specialist advice and improved record-keeping.

However, having carefully considered the report, we remain concerned that three important issues have not been fully addressed and that certain conclusions appear inconsistent with the factual findings set out elsewhere in the report.

1. Air Quality Evidence and Appeal Preparation

Our complaint has never been that officers simply failed to follow internal procedures. Rather, it concerns the consequences of acknowledged procedural shortcomings on the handling of a specific planning appeal and the resulting impact on both public confidence and public funds.

We therefore find it difficult to reconcile the report's conclusion that:

> *"It is considered that officers made reasonable attempts to source independent opinion to support the refusal on grounds of Air Quality."*

and

> *"The appeal timeframes were considered by officers to be tighter than expected..."*

With the report's own acknowledgement that commissioning specialist advice commenced later than it should have.

The chronology appears significant.

The Planning Committee refused the application on **22 April 2025**. The appeal was lodged on **11 July 2025**, with the Inquiry opening on **10 November 2025**. This provided several months during which specialist evidence could have been commissioned.

The issue is therefore not whether officers eventually contacted consultants, but whether the process was commenced sufficiently early to provide a realistic opportunity for an independent expert to prepare evidence within the Inquiry timetable.

The report does not adequately explain:

- when officers first decided that specialist air quality evidence would be required;
- why the commissioning process did not begin earlier;
- whether a wider national search for suitable experts was considered;
- or whether alternative options were explored once it became apparent that expert evidence might not be available.

These questions are particularly important given the Planning Inspector's subsequent finding that the Council acted unreasonably in maintaining an unsupported air quality reason for refusal, resulting in a costs award of £51,601.25 against the Council.

In our view, the report does not sufficiently examine whether the acknowledged delay in commissioning specialist advice materially contributed to that outcome.

2. Unrecorded Officer–Applicant Meetings

We welcome the recommendation that future officer–applicant meetings should be properly recorded.

However, this recommendation does not answer the central issue raised in our complaint.

Our concern is not simply that records were absent. It is whether the absence of those records prevented meaningful scrutiny of discussions which took place during a critical period after the Planning Committee had refused the application and while the applicant was preparing, and subsequently pursuing, its appeal.

In particular, we seek clarification as to whether your investigation established:

- whether the planning officer who attended the 28 May 2025 meeting on Air Quality matters was interviewed;
- the purpose of that meeting;
- what advice or information was exchanged;
- whether any notes, emails or other records exist; and
- what, if any, influence the meeting had on the subsequent appeal process.

Your report refers to improved procedures for future cases but does not explain whether these matters were investigated in relation to this case.

Furthermore, we understand that representatives of the applicant attended a further meeting with Council officers on 29 October 2025, after the Public Inquiry process had commenced. This meeting was not identified in response to our Freedom of Information request.

Could you therefore clarify:

- whether this meeting formed part of your investigation;
- who attended;
- whether any records exist; and
- whether there were any additional undocumented meetings after the Planning Committee's refusal.

3. Governance and Public Confidence

Finally, we remain concerned that the report appears to assess each procedural issue in isolation rather than considering their cumulative effect.

Taken individually, delayed commissioning of expert evidence, inadequate record-keeping and the absence of documented officer–applicant meetings may each appear capable of explanation.

Taken together, however, they raise legitimate questions regarding governance, transparency and the robustness of the Council's defence of the Planning Committee's decision.

These concerns are reinforced by:

- the Inspector's finding that the Council acted unreasonably in relation to the air quality refusal reason;
- the resulting costs award of £51,601.25 against the Council;
- and the recommendations contained within your own report identifying areas where procedures required improvement.

We therefore respectfully ask that these matters be reconsidered, or alternatively that your final response explains more fully why the acknowledged procedural shortcomings were not considered capable of materially affecting the outcome of the appeal or the resulting costs award.

We look forward to your response.

Yours sincerely,

Garston Community United