

Objection reference number	Objection or area of objection	Why it matters, why it is a material consideration and why it is an objection to TP/ED/26/0104 OR why it demonstrates procedural unfairness or predetermination, and renders TP/ED/26/0104 unlawful	Relevant Legislation or Guidance
591	Procedural Impropriety: Documentary Proof of Unlawful Project Splitting	The Council's primary defense for avoiding a full Environmental Impact Assessment (EIA) is that Whitegates Park (0104) and Myrtle Avenue (0341) are separate projects. However, the applicant's own NEC4 Compensation Event Log (CE-00054, CE-00047, CE-00035, CE-00028) proves that planning fees, ecological surveys, and design works for the Myrtle Avenue site were billed, managed, and executed under the primary Lenzie Academy Whitegates contract. The Council's claim of functional independence is demonstrably false; they are legally and financially managing it as a single project while assessing it as two to bypass environmental law. The PCSDA contract proves the Council has committed £3,862,764.53 to McLaughlin & Harvey prior to planning approval, with £833,974.99 already paid out of public funds. Furthermore, the Scope document (Pg 32) admits the Client "carries the risk associated with Planning." This massive, unrecoverable prior financial commitment structurally compromises the Planning Committee's ability to make an objective, impartial decision. It places overwhelming financial pressure on Elected Members to approve the application to avoid catastrophic financial losses, crossing the line from lawful "predisposition" into structural bias.	EIA (Scotland) Regulations 2017 (Cumulation of effects and prohibition of 'salami-slicing' or project splitting).
592	Procedural Impropriety: Documentary Proof of Unlawful Project Splitting	The PCSDA contract proves the Council has committed £3,862,764.53 to McLaughlin & Harvey prior to planning approval, with £833,974.99 already paid out of public funds. Furthermore, the Scope document (Pg 32) admits the Client "carries the risk associated with Planning." This massive, unrecoverable prior financial commitment structurally compromises the Planning Committee's ability to make an objective, impartial decision. It places overwhelming financial pressure on Elected Members to approve the application to avoid catastrophic financial losses, crossing the line from lawful "predisposition" into structural bias.	European Convention on Human Rights (Article 6) (Right to a fair and impartial tribunal).
593	Procedural Impropriety: Documentary Proof of Unlawful Project Splitting	The developer's internal Compensation Event log (CE-00004) explicitly states that the "poor ground conditions encountered at the site extend beyond the competency and scope" of the primary Civil and Structural Engineers, requiring expensive specialist intervention. If the Case Officer's upcoming Report of Handling describes the geotechnical risks of the peat bog as "standard" or easily mitigated, it will directly contradict the applicant's internal contractual admissions. Hiding this level of engineering failure from the committee is a fatal omission	Town and Country Planning (Scotland) Act 1997 (Requirement for impartial determination)
594	Material Misdirection: Internal Admission of Catastrophic Ground Conditions	The developer's internal Compensation Event log (CE-00004) explicitly states that the "poor ground conditions encountered at the site extend beyond the competency and scope" of the primary Civil and Structural Engineers, requiring expensive specialist intervention. If the Case Officer's upcoming Report of Handling describes the geotechnical risks of the peat bog as "standard" or easily mitigated, it will directly contradict the applicant's internal contractual admissions. Hiding this level of engineering failure from the committee is a fatal omission	R (Mansell) v Tonbridge [2017] (Material Misdirection by Omission).
595	Material Misdirection: Internal Admission of Catastrophic Ground Conditions	The PCSDA Scope document (Page 12) reveals that Stantec was appointed as the "Community Engagement Specialist" not by the Council acting as a neutral public authority, but as a sub-consultant directly to McLaughlin & Harvey. Because the community engagement was managed and controlled by the commercial contractor financially incentivized to secure the £138m build, the statutory requirement for objective, impartial community consultation was fundamentally compromised.	NPF4 Policy 9 (Brownfield and unstable land constraints).
596	Procedural Impropriety: Commercially Biased Community Engagement	The PCSDA Scope document (Page 12) reveals that Stantec was appointed as the "Community Engagement Specialist" not by the Council acting as a neutral public authority, but as a sub-consultant directly to McLaughlin & Harvey. Because the community engagement was managed and controlled by the commercial contractor financially incentivized to secure the £138m build, the statutory requirement for objective, impartial community consultation was fundamentally compromised.	Town and Country Planning (Scotland) Act 1997 (Statutory obligations for pre-application community consultation).
597	Procedural Impropriety: Commercially Biased Community Engagement	The applicant's own internal commercial records explicitly prove that Myrtle Avenue and Whitegates Park are being funded and managed as a single mega-project. Compensation Event CE-00054 shows £51,475.31 paid for Myrtle Avenue planning and surveys under the Lenzie Academy contract. CE-00047 bills for redrafting Myrtle Avenue GA plans , and CE-00028 bills for simultaneous "Call for Sites" for both locations. Managing the sites under a single financial ledger while assessing them separately in planning is undeniable documentary proof of unlawful project-splitting to evade a cumulative EIA.	PAN 3/2010 (Community Engagement in Planning).
598	EIA / Project Splitting: Documentary proof of unlawful "salami-slicing"	The internal document CE-00018 (obtained by FOI) provides evidence of bad faith regarding contamination data. The developer admits they cannot reference the actual risk profile because "this would fall under the part 2a regime (legal determination of contaminated land), which has a much higher threshold". They explicitly agree to "reframe" the data by evaluating the £138m school site "as if it were going through the planning process for a future use as a park" to artificially lower the risk. Submitting waht seems to be intentionally reframed data to the DPEA to avoid an EIA is a material misdirection.	EIA (Scotland) Regulations 2017 (Cumulation of effects and prohibition of project splitting to evade thresholds).
599	Contradictions (Contamination): Internal conspiracy to manipulate toxicological data	The internal document CE-00018 (obtained by FOI) provides evidence of bad faith regarding contamination data. The developer admits they cannot reference the actual risk profile because "this would fall under the part 2a regime (legal determination of contaminated land), which has a much higher threshold". They explicitly agree to "reframe" the data by evaluating the £138m school site "as if it were going through the planning process for a future use as a park" to artificially lower the risk. Submitting waht seems to be intentionally reframed data to the DPEA to avoid an EIA is a material misdirection.	Environmental Protection Act 1990 (Part IIA) (Contaminated Land statutory thresholds).
600	Contradictions (Contamination): Internal conspiracy to manipulate toxicological data	The developer's internal logs (CE-00004) confirm that "poor ground conditions encountered at the site extend beyond the competency and scope" of standard engineers, noting that structural testing failed because "in a number of locations the SPT results were returned as 0" (zero bearing capacity). Furthermore, CE-00009 confirms the ground results forced the developer to "pause the commencement of RIBA 4" engineering, yet they pushed ahead with planning anyway to hit their target dates. Proposing a £138m build on land internally designated as having zero bearing capacity without finalising the structural engineering strategy violates safety duties.	R (Mansell) v Tonbridge [2017] (Material Misdirection by submitting intentionally "reframed" safety data).
601	Contradictions (Ground Conditions): Concealment of catastrophic site stability	The developer's internal logs (CE-00004) confirm that "poor ground conditions encountered at the site extend beyond the competency and scope" of standard engineers, noting that structural testing failed because "in a number of locations the SPT results were returned as 0" (zero bearing capacity). Furthermore, CE-00009 confirms the ground results forced the developer to "pause the commencement of RIBA 4" engineering, yet they pushed ahead with planning anyway to hit their target dates. Proposing a £138m build on land internally designated as having zero bearing capacity without finalising the structural engineering strategy violates safety duties.	NPF4 Policy 9 (Brownfield, vacant and derelict land and empty buildings; unstable land constraints).
602	Contradictions (Ground Conditions): Concealment of severe site stability	Internal communications (CE-00048) reveal the developer resisting demands from SEPA and the Council's own drainage officers to build a post-development model for a 1:1000 year flood event and a Scottish Water pipe breach. The consultants complain that this "requires some complex modelling" and actively seek to evade the safety checks by stating, "This is not required for NPF 4". This proves a culture of bare-minimum compliance and an active attempt to evade rigorous public safety assessments regarding flood overspill.	Tameside Duty of Inquiry (Failure to resolve catastrophic safety issues prior to application).
603	Contradictions (Flooding): Evasion of complex safety modeling	Internal communications (CE-00048) reveal the developer resisting demands from SEPA and the Council's own drainage officers to build a post-development model for a 1:1000 year flood event and a Scottish Water pipe breach. The consultants complain that this "requires some complex modelling" and actively seek to evade the safety checks by stating, "This is not required for NPF 4". This proves a culture of bare-minimum compliance and an active attempt to evade rigorous public safety assessments regarding flood overspill.	NPF4 Policy 22 (Flood Risk and Water Management).
604	Contradictions (Flooding): Evasion of complex safety modeling	CE-00037 confirms the planning submission was delayed from December 2025 to mid-January 2026, causing "a cumulative delay and multiple rounds of revisions" that "effectively paused the commencement of RIBA Stage 4 coordination". By locking the developer's fees to an estimated £138m construction value with a strict April 2026 target (as noted in the PCSDA schedule), the Council's Major Assets team has placed the Planning Committee under immense commercial pressure to approve an incomplete, delayed application simply to salvage a failing commercial contract.	SEPA Planning Information Note (Requirements for flood risk assessment).
605	Predetermination: Financial bias and missed contractual deadlines	CE-00037 confirms the planning submission was delayed from December 2025 to mid-January 2026, causing "a cumulative delay and multiple rounds of revisions" that "effectively paused the commencement of RIBA Stage 4 coordination". By locking the developer's fees to an estimated £138m construction value with a strict April 2026 target (as noted in the PCSDA schedule), the Council's Major Assets team has placed the Planning Committee under immense commercial pressure to approve an incomplete, delayed application simply to salvage a failing commercial contract.	European Convention on Human Rights (Article 6) (Right to a fair and impartial tribunal).
606	Predetermination: Financial bias and missed contractual deadlines	On the statutory EIA Screening Checklist, East Dunbartonshire Council formally declared to the Scottish Ministers that the development is not an integral part of a more substantial project and can proceed independently. However, the applicant's internal commercial records prove this was a material falsehood. The unredacted Compensation Event log proves the Council and developer are actively managing, funding, and ecologically linking Whitegates Park and Myrtle Avenue as a single interdependent project - Compensation events.pdf.docx]. Specifically, CE-00028 confirms joint 'Call for Sites' submissions, CE-00054 confirms joint funding under one contract, and CE-00050 explicitly links the two sites for carbon mitigation, stating tree planting at Myrtle Avenue will offset losses at Whitegates - Compensation events.pdf.docx]. By artificially severing these interdependent sites, the Council submitted false information to the DPEA to unlawfully evade the cumulative impact thresholds of the EIA Regulations	Town and Country Planning (Scotland) Act 1997 (Requirement for impartial determination free from overwhelming financial bias).
607	EIA / Project Splitting: Material misrepresentation to the DPEA to unlawfully evade cumulative impact assessment (Salami-Slicing)	On the statutory EIA Screening Checklist, East Dunbartonshire Council formally declared to the Scottish Ministers that the development is not an integral part of a more substantial project and can proceed independently. However, the applicant's internal commercial records prove this was a material falsehood. The unredacted Compensation Event log proves the Council and developer are actively managing, funding, and ecologically linking Whitegates Park and Myrtle Avenue as a single interdependent project - Compensation events.pdf.docx]. Specifically, CE-00028 confirms joint 'Call for Sites' submissions, CE-00054 confirms joint funding under one contract, and CE-00050 explicitly links the two sites for carbon mitigation, stating tree planting at Myrtle Avenue will offset losses at Whitegates - Compensation events.pdf.docx]. By artificially severing these interdependent sites, the Council submitted false information to the DPEA to unlawfully evade the cumulative impact thresholds of the EIA Regulations	Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (Schedule 3: Cumulation with other existing and/or approved projects; Prohibition of 'project splitting' to evade thresholds).
608	EIA / Project Splitting: Material misrepresentation to the DPEA to unlawfully evade cumulative impact assessment (Salami-Slicing)	EDC privately submitted document EIA-200-003 (evaluating the school site's toxicity as a "Park") to the DPEA to secure a negative EIA Screening Direction. In written correspondence, EDC claimed this document was created "to assist the public's understanding." However, EDC intentionally withheld this document from the public planning portal and public consultations; it was only discovered via an FOI to the DPEA. Furthermore, internal records (CE-00018) prove the document was actually commissioned to "reframe" data to evade Part IIA Contaminated Land thresholds. Secretly submitting manipulated toxicological data to a regulator while actively hiding it from the public fundamentally breaches the statutory right to public participation and renders the EIA screening process procedurally unfair.	R (Swire) v Canterbury City Council [2022] (Precedent for quashing planning permission where an authority unlawfully split a larger project into smaller parts to avoid a cumulative EIA).
609	Procedural Unfairness: Active concealment of material environmental documents from the public domain.	EDC privately submitted document EIA-200-003 (evaluating the school site's toxicity as a "Park") to the DPEA to secure a negative EIA Screening Direction. In written correspondence, EDC claimed this document was created "to assist the public's understanding." However, EDC intentionally withheld this document from the public planning portal and public consultations; it was only discovered via an FOI to the DPEA. Furthermore, internal records (CE-00018) prove the document was actually commissioned to "reframe" data to evade Part IIA Contaminated Land thresholds. Secretly submitting manipulated toxicological data to a regulator while actively hiding it from the public fundamentally breaches the statutory right to public participation and renders the EIA screening process procedurally unfair.	Town and Country Planning (Scotland) Act 1997 (Requirement for transparent and fair decision-making)

610	EIA Misinformation / Contradictions: Active concealment of "extensive capping" and "High Risk" contamination from the DPEA to evade EIA.	In the statutory EIA Screening Checklist (EIA-200-003), the Council explicitly told the DPEA the site contamination was a "low risk" requiring "no remedial measures" and denied any subsidence risk. However, in the May 2026 LEIP Project Update Form submitted to the Scottish Futures Trust (SFT), the Council officially logged Ground Conditions as a "High Risk," explicitly admitting that "extensive capping and piling is required on site due to the results for the Site Investigation survey relating to contamination and stability." Confessing to the financial regulator that massive engineering mitigation (capping) is required for contamination, while actively hiding this mitigation requirement from the environmental regulator, is a material misdirection. It proves the site legally required an EIA to assess the environmental impacts of that massive cap	EIA (Scotland) Regulations 2017 (Schedule 3: Characteristics of potential impact and consideration of complex mitigation).
611	EIA Misinformation / Contradictions: Active concealment of "extensive capping" and "High Risk" contamination from the DPEA to evade EIA.	In the statutory EIA Screening Checklist (EIA-200-003), the Council explicitly told the DPEA the site contamination was a "low risk" requiring "no remedial measures" and denied any subsidence risk. However, in the May 2026 LEIP Project Update Form submitted to the Scottish Futures Trust (SFT), the Council officially logged Ground Conditions as a "High Risk," explicitly admitting that "extensive capping and piling is required on site due to the results for the Site Investigation survey relating to contamination and stability." Confessing to the financial regulator that massive engineering mitigation (capping) is required for contamination, while actively hiding this mitigation requirement from the environmental regulator, is a material misdirection. It proves the site legally required an EIA to assess the environmental impacts of that massive cap The May 2026 LEIP PUF proves the Council is locked into a £138,069,228 capital project and is actively seeking "Additional funding for excessive abnormals" from the Scottish Government to bail out the site's severe geotechnical failures. The Council cannot act as an impartial Planning Authority objectively assessing environmental harm when its executive arm is simultaneously begging for emergency state funding to fix the site's "High Risk" instability and contamination. This creates an insurmountable financial conflict of interest and predetermination.	R (Champion) v North Norfolk DC [2015] (Prohibition on bypassing EIA if the development relies on massive, complex engineering mitigation to make a site safe)
612	Predetermination: Overwhelming financial bias and pursuit of "excessive abnormals" funding overriding objective planning assessment.	The May 2026 LEIP PUF proves the Council is locked into a £138,069,228 capital project and is actively seeking "Additional funding for excessive abnormals" from the Scottish Government to bail out the site's severe geotechnical failures. The Council cannot act as an impartial Planning Authority objectively assessing environmental harm when its executive arm is simultaneously begging for emergency state funding to fix the site's "High Risk" instability and contamination. This creates an insurmountable financial conflict of interest and predetermination.	Town and Country Planning (Scotland) Act 1997 (Requirement for impartial determination free from overwhelming financial bias).
613	Predetermination: Overwhelming financial bias and pursuit of "excessive abnormals" funding overriding objective planning assessment.		European Convention on Human Rights (Article 6) (Right to a fair and impartial tribunal).
614	Procedural Unfairness: Reckless progression of a flawed application to meet the LEIP 2027 funding deadline.	The May 2026 LEIP PUF lists "Risk 1 (High): Project will not be complete by end of 2027." This documents the Council's internal worry over losing Scottish Government LEIP funding if the school is delayed. This hard financial deadline provides the motive for the Council's willingness to bypass structural engineering (pausing RIBA 4) and manipulate contamination data to attempt to force the application through the planning committee without an EIA. The application is being driven by an artificial funding deadline, causing the Authority to abandon its statutory duty to properly investigate environmental safety. The applicant's raw geotechnical data identifies extreme contamination 7000mg/kg Lead, PAHs, (Mason Evans suppressed report). Currently, this dormant hazard does not pollute the Bothlin Burn because the historical southern drainage culvert is blocked, severing the pollutant 'Pathway'. However, the applicant's Drainage Strategy and internal commercial logs (CE-00040) confirm they will "jet and cleanse" this culvert to use it as the primary outfall for the 3.58-hectare impermeable drainage network. The Planning Authority secured a negative EIA screening by claiming a "low risk" to the water environment based on the site's current dormant state, actively ignoring that their own engineering blueprints will unblock the culvert and create a new, high-velocity hydraulic pipeline from a hazardous waste site directly into a protected watercourse. Re-engineering a dormant pollution pathway into a river catchment is a major environmental intervention that legally mandates an EIA.	Tameside Duty of Inquiry (Failure of a public authority to take sufficient, objective steps to inform themselves of the relevant environmental and safety facts before making a decision, due to undue time/financial pressure).
615	EIA / Water Pollution: Re-establishing a severed Source-Pathway-Receptor (SPR) linkage to the Bothlin Burn without an EIA.	The applicant's raw geotechnical data identifies extreme contamination 7000mg/kg Lead, PAHs, (Mason Evans suppressed report). Currently, this dormant hazard does not pollute the Bothlin Burn because the historical southern drainage culvert is blocked, severing the pollutant 'Pathway'. However, the applicant's Drainage Strategy and internal commercial logs (CE-00040) confirm they will "jet and cleanse" this culvert to use it as the primary outfall for the 3.58-hectare impermeable drainage network. The Planning Authority secured a negative EIA screening by claiming a "low risk" to the water environment based on the site's current dormant state, actively ignoring that their own engineering blueprints will unblock the culvert and create a new, high-velocity hydraulic pipeline from a hazardous waste site directly into a protected watercourse. Re-engineering a dormant pollution pathway into a river catchment is a major environmental intervention that legally mandates an EIA.	EIA (Scotland) Regulations 2017 (Schedule 3: Characteristics of potential impact; Risks to human health and water contamination).
616	EIA / Water Pollution: Re-establishing a severed Source-Pathway-Receptor (SPR) linkage to the Bothlin Burn without an EIA.	The applicant's raw geotechnical data identifies extreme contamination 7000mg/kg Lead, PAHs, (Mason Evans suppressed report). Currently, this dormant hazard does not pollute the Bothlin Burn because the historical southern drainage culvert is blocked, severing the pollutant 'Pathway'. However, the applicant's Drainage Strategy and internal commercial logs (CE-00040) confirm they will "jet and cleanse" this culvert to use it as the primary outfall for the 3.58-hectare impermeable drainage network. The Planning Authority secured a negative EIA screening by claiming a "low risk" to the water environment based on the site's current dormant state, actively ignoring that their own engineering blueprints will unblock the culvert and create a new, high-velocity hydraulic pipeline from a hazardous waste site directly into a protected watercourse. Re-engineering a dormant pollution pathway into a river catchment is a major environmental intervention that legally mandates an EIA.	Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) (Strict licensing required for discharging surface water
617	EIA / Water Pollution: Re-establishing a severed Source-Pathway-Receptor (SPR) linkage to the Bothlin Burn without an EIA.		Environmental Protection Act 1990 (Part IIA) (Source-Pathway-Receptor linkage principles).
618	March 2026 Meadowburn Flood Risk Assessment (FRA). No account seems to have been taken of the impact on peak flows in the Bothlin Burn downstream of this development, despite Kaya doing both FRA's	The applicant's Drainage Strategy (Curtins) and Flood Risk Assessment (Kaya) rely on an artificially minimised peak design flow of 82.2m3 per sec for a 1-in-200-year plus climate change event on the Bothlin Burn.Cross-examination with the concurrent March 2026 Meadowburn FRA (by the same consultant) reveals that the upstream peak flow is legally recognised as 94.63m3 per session. An attempt at scaling this standard methodology downstream to Whitegates Park yields a true cumulative flow of 109m3 per sec. The application fails to calculate the cumulative impacts of both developments. Under a downstream cumulative flow of 109.1m3 per sec , basic calculations show that the the burn may rise by 44 to 54 cm, pushing the peak stage up to 51.24 to 51.34m AOD. Because the river level may now up to half a meter structurally higher than the outfall, water may flow forcefully in the wrong direction. This may impact nodes in the drainage plan , unless valve protected , and may affect the connections to Larkfilded and Woodside and Moncrieff.	National Planning Framework 4 (NPF4) - Policy 22 (a) & (c): Development proposals must demonstrate long-term safety and resilience, and explicitly must not increase the risk of surface water flooding to itself or others.
619	March 2026 Meadowburn Flood Risk Assessment (FRA). No account seems to have been taken of the impact on peak flows in the Bothlin Burn downstream of this development, despite Kaya doing both FRA's	The applicant's Drainage Strategy (Curtins) and Flood Risk Assessment (Kaya) rely on an artificially minimised peak design flow of 82.2m3 per sec for a 1-in-200-year plus climate change event on the Bothlin Burn.Cross-examination with the concurrent March 2026 Meadowburn FRA (by the same consultant) reveals that the upstream peak flow is legally recognised as 94.63m3 per session. An attempt at scaling this standard methodology downstream to Whitegates Park yields a true cumulative flow of 109m3 per sec. The application fails to calculate the cumulative impacts of both developments. Under a downstream cumulative flow of 109.1m3 per sec , basic calculations show that the the burn may rise by 44 to 54 cm, pushing the peak stage up to 51.24 to 51.34m AOD. Because the river level may now up to half a meter structurally higher than the outfall, water may flow forcefully in the wrong direction. This may impact nodes in the drainage plan , unless valve protected , and may affect the connections to Larkfilded and Woodside and Moncrieff.	Town and Country Planning (Scotland) Act 1997 - Material Error of Fact: Established statutory principle that a planning authority cannot lawfully determine an application when its core environmental parameters are mathematically inverted and scientifically demonstrably false
620	March 2026 Meadowburn Flood Risk Assessment (FRA). No account seems to have been taken of the impact on peak flows in the Bothlin Burn downstream of this development, despite Kaya doing both FRA's	The applicant's Drainage Strategy (Curtins) and Flood Risk Assessment (Kaya) rely on an artificially minimised peak design flow of 82.2m3 per sec for a 1-in-200-year plus climate change event on the Bothlin Burn.Cross-examination with the concurrent March 2026 Meadowburn FRA (by the same consultant) reveals that the upstream peak flow is legally recognised as 94.63m3 per session. An attempt at scaling this standard methodology downstream to Whitegates Park yields a true cumulative flow of 109m3 per sec. The application fails to calculate the cumulative impacts of both developments. Under a downstream cumulative flow of 109.1m3 per sec , basic calculations show that the the burn may rise by 44 to 54 cm, pushing the peak stage up to 51.24 to 51.34m AOD. Because the river level may now up to half a meter structurally higher than the outfall, water may flow forcefully in the wrong direction. This may impact nodes in the drainage plan , unless valve protected , and may affect the connections to Larkfilded and Woodside and Moncrieff.	SEPA Technical Flood Risk Guidance for Stakeholders (SS-NFR-P-002): Mandates rigorous cumulative catchment analysis and the evaluation of surcharged/submerged outfall conditions on receiving watercourses.
621	March 2026 Meadowburn Flood Risk Assessment (FRA). No account seems to have been taken of the impact on peak flows in the Bothlin Burn downstream of this development, despite Kaya doing both FRA's	The applicant's Drainage Strategy (Curtins) and Flood Risk Assessment (Kaya) rely on an artificially minimised peak design flow of 82.2m3 per sec for a 1-in-200-year plus climate change event on the Bothlin Burn.Cross-examination with the concurrent March 2026 Meadowburn FRA (by the same consultant) reveals that the upstream peak flow is legally recognised as 94.63m3 per session. An attempt at scaling this standard methodology downstream to Whitegates Park yields a true cumulative flow of 109m3 per sec. The application fails to calculate the cumulative impacts of both developments. Under a downstream cumulative flow of 109.1m3 per sec , basic calculations show that the the burn may rise by 44 to 54 cm, pushing the peak stage up to 51.24 to 51.34m AOD. Because the river level may now up to half a meter structurally higher than the outfall, water may flow forcefully in the wrong direction. This may impact nodes in the drainage plan , unless valve protected , and may affect the connections to Larkfilded and Woodside and Moncrieff.	CIRIA C753 (The SuDS Manual) & CIRIA C635 (Designing for Exceedance): Requires explicit freeboard safety limits and structural proof that localised drainage networks will not suffer catastrophic backwater flooding or failure during design exceedance events.
622	March 2026 Meadowburn Flood Risk Assessment (FRA). No account seems to have been taken of the impact on peak flows in the Bothlin Burn downstream of this development, despite Kaya doing both FRA's	The applicant's Drainage Strategy (Curtins) and Flood Risk Assessment (Kaya) rely on an artificially minimised peak design flow of 82.2m3 per sec for a 1-in-200-year plus climate change event on the Bothlin Burn.Cross-examination with the concurrent March 2026 Meadowburn FRA (by the same consultant) reveals that the upstream peak flow is legally recognised as 94.63m3 per session. An attempt at scaling this standard methodology downstream to Whitegates Park yields a true cumulative flow of 109m3 per sec. The application fails to calculate the cumulative impacts of both developments. Under a downstream cumulative flow of 109.1m3 per sec , basic calculations show that the the burn may rise by 44 to 54 cm, pushing the peak stage up to 51.24 to 51.34m AOD. Because the river level may now up to half a meter structurally higher than the outfall, water may flow forcefully in the wrong direction. This may impact nodes in the drainage plan , unless valve protected , and may affect the connections to Larkfilded and Woodside and Moncrieff.	Administrative Law (Irrationality / Predetermination): It is legally flawed and procedurally unfair for an authority to validate and self-approve an internal application using compromised data that actively contradicts the public data it enforces on private developers.

623	Procedural Inconsistency and Apparent Bias in EIA Screening (The "Uncertainty" Double Standard)	Procedural Unfairness / Apparent Bias: When screening the private Data Centre (TP/ED/25/0245), EDC ruled that a "lack of available information" legally mandated a full EIA to ensure missing data was provided. Conversely, for its own Whitegates Park development, EDC used the exact same lack of information (e.g., unclear culvert statuses, pending remediation strategies) to bypass an EIA, claiming future standard reports and planning conditions would suffice. This demonstrates severe institutional bias, as the Council applies a strict precautionary principle to private developers but waves through its own £138m capital projects using unscrutinized, suspensive conditions.	The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017: Circular 1/2017 (Precautionary Principle).
624	Procedural Inconsistency and Apparent Bias in EIA Screening (The "Uncertainty" Double Standard)	Procedural Unfairness / Apparent Bias: When screening the private Data Centre (TP/ED/25/0245), EDC ruled that a "lack of available information" legally mandated a full EIA to ensure missing data was provided. Conversely, for its own Whitegates Park development, EDC used the exact same lack of information (e.g., unclear culvert statuses, pending remediation strategies) to bypass an EIA, claiming future standard reports and planning conditions would suffice. This demonstrates severe institutional bias, as the Council applies a strict precautionary principle to private developers but waves through its own £138m capital projects using unscrutinized, suspensive conditions.	Administrative Law: Unlawful inconsistency in public decision making and Apparent Bias. 1. NPF4 Policy 2 (Climate Mitigation and Adaptation)
625	Unlawful Failure to Assess Peat and Carbon Emissions in EIA Screening	Material Error of Fact / Wednesbury Unreasonableness: EDC mandated an EIA for the Data Centre due to the presence of "peat, gley and carbon-rich soils," citing potential significant impacts on carbon emissions, storage, and sensitive hydrology. At Whitegates Park, EDC acknowledges the site is underlain by "significant thickness of peat" and contains hazardous waste, yet inexplicably concludes "No likely significant effects". The Council willfully ignores the massive carbon release and hydrological destruction it explicitly penalized a private developer for, rendering the screening decision legally irrational.	
626	Unlawful Failure to Assess Peat and Carbon Emissions in EIA Screening	Material Error of Fact / Wednesbury Unreasonableness: EDC mandated an EIA for the Data Centre due to the presence of "peat, gley and carbon-rich soils," citing potential significant impacts on carbon emissions, storage, and sensitive hydrology. At Whitegates Park, EDC acknowledges the site is underlain by "significant thickness of peat" and contains hazardous waste, yet inexplicably concludes "No likely significant effects". The Council willfully ignores the massive carbon release and hydrological destruction it explicitly penalized a private developer for, rendering the screening decision legally irrational.	NPF4 Policy 5 (Soils)
627	Unlawful Failure to Assess Peat and Carbon Emissions in EIA Screening	Material Error of Fact / Wednesbury Unreasonableness: EDC mandated an EIA for the Data Centre due to the presence of "peat, gley and carbon-rich soils," citing potential significant impacts on carbon emissions, storage, and sensitive hydrology. At Whitegates Park, EDC acknowledges the site is underlain by "significant thickness of peat" and contains hazardous waste, yet inexplicably concludes "No likely significant effects". The Council willfully ignores the massive carbon release and hydrological destruction it explicitly penalized a private developer for, rendering the screening decision legally irrational.	2017 EIA Regulations Schedule 3: (Characteristics of potential impact - climate/carbon).
628	Procedurally Defective Assessment of Cumulative Impacts (Project Splitting / Proximity)	Procedural Unfairness: EDC forced an EIA on the Data Centre by assessing it cumulatively with an unapproved, theoretical road (WDR). In stark contrast, for Whitegates Park, EDC acknowledges an approved supermarket next door and a Regeneration Area but perversely concludes: "No. Effects are unlikely to be significant given the proximity of other development proposals within the area". Proximity to major developments is exactly what triggers cumulative environmental effects under law. Using proximity as an excuse to ignore cumulative impacts is a severe, documentable failure of administrative diligence.	2017 EIA Regulations Schedule 3(1)(b): Cumulation with other existing and/or approved development.
629	Procedurally Defective Assessment of Cumulative Impacts (Project Splitting / Proximity)	Procedural Unfairness: EDC forced an EIA on the Data Centre by assessing it cumulatively with an unapproved, theoretical road (WDR). In stark contrast, for Whitegates Park, EDC acknowledges an approved supermarket next door and a Regeneration Area but perversely concludes: "No. Effects are unlikely to be significant given the proximity of other development proposals within the area". Proximity to major developments is exactly what triggers cumulative environmental effects under law. Using proximity as an excuse to ignore cumulative impacts is a severe, documentable failure of administrative diligence.	Scottish Planning Circular 1/2017: Prohibition on Project Splitting. developers are strictly prohibited from utilizing "project splitting" (colloquially known as "salami-slicing") to circumvent Environmental Impact Assessment (EIA) thresholds. The guidance establishes that a planning authority must not consider a planning application in isolation if it forms an integral part of a larger, inevitably more substantial development.
630	Failure to Lawfully Screen Biodiversity and Habitat Destruction	Predetermination / Material Consideration: EDC required an EIA for the Data Centre to assess disruptions to wildlife connectivity. For Whitegates Park, the screening explicitly admits the loss of "grassland, wetland, scrub and woodland habitats" and the presence of foraging bats, red-listed birds, and amphibians. Yet, the Council dismisses this mass habitat destruction as merely "localised" and bypasses an EIA by promising to install "bat and bird boxes" via standard planning conditions. Using basic conditions to bypass a statutory EIA for the destruction of a functioning ecosystem demonstrates predetermination to force the site through.	NPF4 Policy 3 (Biodiversity)
631	Failure to Lawfully Screen Biodiversity and Habitat Destruction	Predetermination / Material Consideration: EDC required an EIA for the Data Centre to assess disruptions to wildlife connectivity. For Whitegates Park, the screening explicitly admits the loss of "grassland, wetland, scrub and woodland habitats" and the presence of foraging bats, red-listed birds, and amphibians. Yet, the Council dismisses this mass habitat destruction as merely "localised" and bypasses an EIA by promising to install "bat and bird boxes" via standard planning conditions. Using basic conditions to bypass a statutory EIA for the destruction of a functioning ecosystem demonstrates predetermination to force the site through.	2017 EIA Regulations Schedule 3(2)(c)(vi): Absorption capacity of the natural environment (wetlands, riparian areas, forests). , Schedule 3(2)(c)(vi) mandates local authorities to consider the location of a proposed development. Specifically, it requires screening bodies to evaluate if a project is sited in areas where there is already a failure to meet environmental quality standards.
632	Irrational Screening Regarding Scheduled Monuments (The Lenzie Feeder)	Procedural Unfairness: EDC required an EIA for the Data Centre simply because it was visible from outside a World Heritage Site buffer zone. However, Whitegates Park sits directly adjacent to a legally protected Scheduled Monument (the Lenzie Feeder). The screening admits landscaping will occur close to it and that its structural status is "unclear". Despite this direct physical threat and admitted uncertainty, EDC ruled no EIA is needed, claiming Historic Environment Scotland will simply be consulted later. Deferring the assessment of direct physical risks to a Scheduled Monument to post-screening consultation is procedurally flawed and legally unsafe.	NPF4 Policy 7 (Historic Assets and Places)
633	Irrational Screening Regarding Scheduled Monuments (The Lenzie Feeder)	Procedural Unfairness: EDC required an EIA for the Data Centre simply because it was visible from outside a World Heritage Site buffer zone. However, Whitegates Park sits directly adjacent to a legally protected Scheduled Monument (the Lenzie Feeder). The screening admits landscaping will occur close to it and that its structural status is "unclear". Despite this direct physical threat and admitted uncertainty, EDC ruled no EIA is needed, claiming Historic Environment Scotland will simply be consulted later. Deferring the assessment of direct physical risks to a Scheduled Monument to post-screening consultation is procedurally flawed and legally unsafe.	2017 EIA Regulations Schedule 3(2)(c)(viii): Landscapes and sites of historical, cultural or archaeological significance.