



**POS REFERENCE: -  
POS-P-0173**

**OBJECTION TO PLANNING APPLICATION ON BEHALF  
OF [REDACTED]**

**REFERENCE: - TP/ED/26/0104**

**ADDRESS: - Whitegates Park Middlemuir Road Lenzie  
East Dunbartonshire**

**APPLICATION DESCRIPTION: - Erection of a  
secondary school including road access, landscaping,  
car parking, sports pitches, recreational areas and  
associated development.**



## Document Preparation

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## Document Control

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## **EXECUTIVE SUMMARY**

### **A Overview**

Planning Objections Scotland has reviewed application TP/ED/26/0104 for the erection of a secondary school and associated development at Whitegates Park, Lenzie, on behalf of the [REDACTED]

While the provision of modern educational infrastructure is recognised as delivering public benefit, the acceptability of this proposal must be determined in accordance with the Development Plan, comprising National Planning Framework 4 (NPF4) and the East Dunbartonshire Local Development Plan 2.

For the reasons set out below, the proposal fails to demonstrate compliance with the Development Plan, is supported by incomplete and deficient information, and cannot be robustly or lawfully determined in its current form.

### **B Key Cross-Cutting Issues**

Two fundamental issues underpin this objection and affect the assessment of all relevant planning policies:

- Interdependence with Myrtle Avenue - The proposal relies extensively on a separate development at Myrtle Avenue to offset impacts on biodiversity, open space and recreational provision. These proposals form a single interdependent development strategy and should not be assessed in isolation.
- Lack of Equivalent Mitigation - Myrtle Avenue does not represent a like-for-like replacement for Whitegates Park. It is a more enclosed, less connected site with materially different ecological,

spatial and community characteristics. As such, it cannot replicate the existing function of Whitegates Park as an established, accessible and connected green network asset.

- Conflict with Earlier Site Appraisal - The Council's own ASN Site Options Appraisal previously concluded that Whitegates Park was unsuitable and undeliverable for development due to policy conflict, open space loss and significant technical constraints (including peat, groundwater and contamination). No robust justification has been provided to depart from that conclusion.

These issues are not peripheral; they are fundamental to the assessment of policy compliance and materially affect the ability of the Planning Authority to determine the application.

## **C Policy Conflict**

The proposal gives rise to significant and unresolved conflicts with key policies of NPF4 and LDP2, including:

- Climate and Nature (Policies 1–3) - Substantial loss of woodland, habitat and open space, with no demonstrable or deliverable net biodiversity enhancement. Reliance on off-site mitigation is uncertain and not equivalent.
- Natural Environment and Soils (Policies 4–6) - Development on a constrained site with peat, sensitive habitats and significant tree loss, contrary to the precautionary principle and without adequate evidence to demonstrate acceptable impacts.
- Development Strategy and Site Selection (Policy 9 / LDP Strategy) - The proposal conflicts with the plan-led approach and brownfield-first strategy. The Council's own earlier appraisal identified the site as unsuitable.

- Blue-Green Infrastructure and Open Space (Policies 20 & 21) - Permanent loss of a connected and functioning open space resource, with no secured or equivalent replacement. Myrtle Avenue does not provide comparable accessibility, integration or function.
- Flood Risk (Policy 22) - The Flood Risk Assessment is materially deficient, with unresolved concerns regarding flood modelling, storage capacity, and safe access/egress. The precautionary principle applies.
- Community Wealth Building (Policy 25) - The proposal results in the loss of an established community asset which is not replaced on an equivalent basis, undermining place-based community value.

## **D Deficiencies in Submission**

The application is also procedurally and technically deficient, including:

- Non-compliance with HOPS Validation Guidance and Scottish Government Circular 3/2022;
- Incomplete and inaccurate plans (including red line boundary and access arrangements);
- Insufficient technical information across key disciplines, including flood risk, ground conditions, biodiversity and infrastructure.

These deficiencies mean that the Planning Authority does not have a complete, accurate or verifiable evidential basis on which to assess the proposal or reach a lawful and robust determination. This position is reinforced by findings of maladministration in Scottish Public Services

Ombudsman cases, which emphasise the need for robust and assessable information.

## **E Conclusion**

The proposal:

- Fails to demonstrate compliance with the Development Plan;
- Relies on uncertain and non-equivalent off-site mitigation;
- Conflicts with the Council's own previous site appraisal;
- Is supported by incomplete and deficient information.

In these circumstances, and having regard to the unresolved policy conflicts, the reliance on uncertain and non-equivalent off-site mitigation, and the absence of a complete and robust evidential basis, the Planning Authority cannot reasonably conclude that the development is acceptable, deliverable, or compliant with the Development Plan.

## **F Recommendation**

Planning Objections Scotland respectfully submits that:

- Planning permission should be refused.

Alternatively:

- The application should be withdrawn and resubmitted with a complete and robust evidential basis, and subject to full re-notification and public consultation.

## 1.0 INTRODUCTION

- 1.1 Planning Objections Scotland has been instructed by the [REDACTED] [REDACTED] to review planning application TP/ED/26/0104 for the erection of a secondary school, including road access, landscaping, car parking, sports pitches, recreational areas and associated development at Whitegates Park, Middlemuir Road, Lenzie, submitted by East Dunbartonshire Council.
- 1.2 Our remit is to assess the proposal against the Development Plan and other material considerations, based on the information currently before the Planning Authority, and to raise any necessary planning objections.
- 1.3 A fundamental requirement of the planning system is that applications are supported by sufficient, accurate and transparent information to enable proper assessment by the Planning Authority and meaningful public participation. Where this standard is not met, the ability to undertake a robust, lawful and policy-compliant determination is materially compromised.
- 1.4 As set out in this report, the application is characterised by a series of omissions, inconsistencies and deficiencies in both the submitted drawings and supporting technical information. These issues are not minor or procedural in nature; they go directly to the ability of the Planning Authority to properly understand the development, assess its impacts, and determine compliance with the Development Plan.
- 1.5 In these circumstances, the application should not proceed to determination. The appropriate course of action is refusal or, alternatively, withdrawal and resubmission supported by a complete and accurate evidence base. Any additional or amended information must be subject to full re-notification and public consultation in the interests of transparency, fairness and procedural integrity.

1.6 Clarity, openness and fairness are essential elements of the planning process, not opening up any amended plans or additional information to scrutiny would be a failure of the system, local democracy and natural justice. For the avoidance of doubt, our client's ability to make subsequent representation on any subsequent submissions are reserved.

## **2.0 INCOMPLETE AND DEFICIENT SUBMISSION AFFECTING VALIDATION/DETERMINATION**

- 2.1 The Heads of Planning Scotland (HOPS) Validation Guidance Note establishes the national standard for the validation and assessment of planning applications. Compliance with this guidance is essential to ensure that applications are capable of proper scrutiny and informed decision-making.
- 2.2 A detailed review of the submitted plans and drawings demonstrates that the application falls materially below these standards. The deficiencies identified are such that they undermine both the validity of the submission and the ability of the Planning Authority and third parties to undertake a comprehensive and reliable assessment of the proposal.

### **Concerns with the Drawings**

#### Location Plan

- 2.3 The HOPS Validation Guidance on location plans (Section 4, paragraphs 4.1 to 4.5) confirms that: -
- 2.4 *A single location plan produced to a scale of either 1:1250 or 1:2500 will normally be required to be submitted with your application. Depending on the location of your application a supplementary location plan may also be required to be submitted with your application.*
- 2.5 *The purpose of the location plan is to clearly define the extent of the application site in relation to its surroundings and also to provide sufficient detail in order for ourselves or any other interested party to be able to locate the application site and, as such, the plans submitted should typically be Ordnance Survey based.*
- 2.6 *If the submitted plan is Ordnance Survey based, it should contain the relevant copyright and licensing information to demonstrate that the plan has been legally sourced. If the submitted plan is not Ordnance Survey*

*based it should be clearly stated on the plan and also contain an acknowledgement as to where it was sourced.*

2.7 *The location plan produced to either of these scales should show the following: -*

- *The application site boundary accurately outlined in RED*
- *Any other surrounding land under the same ownership as the application site outlined in BLUE*
- *Surrounding road names/numbers*
- *All surrounding property names/numbers*
- *The direction of north clearly indicated*
- *A copyright disclaimer/acknowledgement relating to the source of the plan*
- *An accurate scale bar*

#### Location Plan -PL02 - LOCATION PLAN

- The plan fails to identify any surrounding land within the applicant's wider land ownership in blue;
- Surrounding property names and/or numbers are not clearly shown, limiting the ability to accurately contextualise the site;
- The plan does not include a copyright disclaimer or acknowledgement confirming the source of the base mapping, raising concerns regarding compliance with licensing requirements.

#### Location Plan -PL42 - LOCATION PLAN

- The plan fails to identify any surrounding land within the applicant's wider land ownership in blue;
- Surrounding road names are missing;
- Surrounding property names and/or numbers are not clearly shown, limiting the ability to accurately contextualise the site;

- The plan does not include a copyright disclaimer or acknowledgement confirming the source of the base mapping, raising concerns regarding compliance with licensing requirements.

2.8 In light of these deficiencies, the submitted location plans fail to meet the minimum requirements set out by the Heads Of Planning Scotland. As a result, they do not provide a reliable or legally compliant basis for identifying the extent of the application site or understanding its relationship with surrounding land. A revised and fully compliant location plan is therefore required.

#### Site Plan(s)/Block Plan(s)

2.9 The HOPS Validation Standard on Site Plan(s)/Block Plan(s) (see section 6 paragraphs 6.1 to 6.3 confirms: -

2.10 *A proposed site plan will be required in all instances where the proposals involve development on the ground regardless of their proposed purpose. Depending on the nature of the proposals it may also be required to submit a copy of an existing site plan. However, your local Planning office will be able to advise if this will be necessary. A site plan produced to a scale of 1:100, 1:200 or 1:500 will be acceptable. Site plans are required as they provide a more detailed and accurate overview of the application site in terms of the area to be occupied by your proposals and their relationship to their surroundings.*

2.11 *As noted above, the following list of what should be shown on your site plan will not be required in every case and as such reference should be made to the separate guidance available covering your particular type of proposal. The submission of part site plans may also be required under certain circumstance, such as large sites where the actual areas of works are remote from each other. Contact with your local Planning office is*

*highly recommended should you be considering submitting only a part site plan.*

**2.12** *The following list along with the example plan shown in figure 9 on the next page indicates what may be asked for and how it should be shown:*

- 1. Produced to a scale of either 1:100, 1:200 or 1:500*
- 2. Application site boundary outlined in RED*
- 3. Any surrounding land owned or controlled by the applicant outlined in BLUE*
- 4. The direction of north*
- 5. An accurate scale bar*
- 6. All land and buildings located within a 20 metre radius of the application site boundary identified*
- 7. The accurate footprint/roof plan profile of all existing and proposed buildings and structures located within the application site with appropriate annotation to identify them*
- 8. The extent and type of any hard surfacing with the application site boundary identified. Where this is proposed rather than existing this should be clearly stated*
- 9. A note of any boundary treatments such as walls and fences including their height. Where these are proposed rather than existing this should be clearly stated*
- 10. The access arrangements (vehicular and pedestrian) to the application site should be clearly shown*
- 11. A written dimension showing the distance from any part of your proposals to any part of the application site boundary. Note that if you are proposing multiple buildings or structures then a written dimension will be required from each*
- 12. Areas of hard and soft landscaping clearly defined*
- 13. If connection to an existing private water supply or private drainage system is proposed then the connection point to the supply or system should be clearly annotated within the application site outlined in RED*

*14. Where a completely new private water supply or private drainage system is proposed then the full details of the supply or system should be clearly annotated within the application site outlined in RED. This is also the case for alterations/upgrading works to such supplies or systems*

2.13 The submitted block plan has been reviewed and it fails to meet the above validation criteria: -

Site/Block Plan- PL03 - EXISTING SITE PLAN (High Level)

- The full extent of the application site is not clearly defined, with the red line boundary either incomplete or insufficiently delineated;
- No surrounding land within the applicant's ownership or control is identified in blue, contrary to validation requirements;
- The plan does not identify all land and buildings within a 20 metre radius of the application site boundary, limiting the ability to assess the proposal in its immediate context;
- There are no written dimensions indicating the distance between proposed development and the application site boundaries. In the absence of such dimensions, the accuracy and reliability of the scale bar cannot be verified.

Site/Block Plan- PL04 - EXISTING SITE LAYOUT

- The full extent of the site/redline boundary is not shown on this plan;
- The plan fails to identify any surrounding land within the applicant's wider land ownership by detailing it blue;
- The direction of north is not detailed;
- A 1:500 scale bar is not provided;
- All land and buildings located within a 20 metre radius of the application site boundary has not been identified;

- The extent and type of any hard surfacing with the application site boundary identified. Where this is proposed rather than existing this should be clearly stated;
- A note of any boundary treatments such as walls and fences including their height. Where these are proposed rather than existing this should be clearly stated;
- A written dimension showing the distance from any part of your proposals to any part of the application site boundary;
- Areas of hard and soft landscaping not clearly defined.

#### Site/Block Plan- PL05 - PROPOSED SITE PLAN

- No surrounding land within the applicant's ownership or control is identified in blue, contrary to validation requirements;
- The extent and type of hard surfacing within the application site are not clearly defined or appropriately annotated, and it is unclear whether such surfacing is existing or proposed;
- Boundary treatments, including walls and fences and their respective heights, are not specified;
- The plan indicates vehicular access arrangements via the A806 Initiative Road, however these appear to fall outwith the defined red line boundary of the application site, raising questions regarding land control and deliverability;
- No written dimensions are provided to demonstrate the distance between proposed development and the application site boundaries;
- Areas of hard and soft landscaping are not clearly distinguished or defined.

2.14 These omissions and inconsistencies with the site/block plans limit the ability of the Planning Authority and third parties to fully understand the proposed layout, assess site constraints, and verify that all necessary land required to deliver the development is appropriately included within the application boundary. As such, the submitted plan does not provide a

sufficiently robust basis for a comprehensive planning assessment.

- 2.15 The importance of accurate and verifiable plans has been reinforced in decisions of the Scottish Public Services Ombudsman in Glasgow City Council Case (see Appendix POS 2.1.2) , further underlining the seriousness of these deficiencies.

#### Concerns with the Application Redline Boundary

- 2.16 Section 5 of the HOPS Validation Standard confirms that: -
- 2.17 *Where the application relates to new build proposals the whole area required to accommodate the proposals should be outlined in RED. This includes any area which is required for vehicular and pedestrian access, parking, landscaping, garden ground, private water supply and drainage facilities, SUDS, visibility splays or any other part of the proposals which would constitute development should be contained within the single site outlined in RED.*
- 2.18 In relation to access arrangements, the guidance further confirms that: -
- 2.19 *When your proposals incorporates the formation of a new access which joins a public road, the entire length of the existing/proposed access road should be included within the application site boundary shown on the location and site plans. This should fully encompass all land required for the new road or alterations to the existing one, from its bellmouth where it joins the public road to its entry point(s) to the development site.*
- 2.20 *Where you propose alterations to an existing access, the land required to carry out the alterations should be outlined in red in addition to the site of the proposed development itself. If your site does not adjoin a public road, you will need to explain in the application how it will be accessed. We appreciate that in some instances it may not be feasible to accurately show the full extent or detail of the proposals in either the format or*

*scaling of the plans and drawings noted elsewhere in this document and as such the following alternatives should be noted. Location Plans at a scale of the most appropriate of the following will be acceptable: (1:5,000) (1:10,000) (1:15,000) (1:20,000)*

- 2.21 Review of the submitted drawings indicates that elements of the proposed access arrangements extend beyond the defined red line boundary, including works to the A806 Initiative Road as illustrated on Drawing PL34 (Highway Access GA).
- 2.22 This is a fundamental defect. The application boundary must encompass all land required to deliver the development, including access, infrastructure and associated works. Failure to do so renders the application incomplete and prevents proper consideration of land control, deliverability and notification requirements.
- 2.23 The inclusion of additional land would necessitate a revised application boundary, updated ownership certification, and a further neighbour notification exercise. In its current form, the application cannot be relied upon as a valid or complete submission

#### Elevations

- 2.24 The HOPS document on Elevations (see section 7) provides details of the validation standards for existing elevations as well as proposed elevations. With regards to proposed elevations: -
- 2.25 *Proposed elevations will be required in the majority of cases where proposed alterations or extensions will affect the external appearance of the existing property or structure which is the subject of the planning application. These plans should show all elevations of the proposals and should be produced to a scale of either 1:50 or 1:100. The plans should be sufficiently detailed to give a true representation of the detailing of the building or structure as it stands at the moment. Details of the proposed*

*external finishes should also be shown on the plans. For clarity this means any visible underbuild, walls, roof, windows, doors and in certain instances rainwater goods. An accurate scale bar should also be included on your plans along with written dimensions noting height to eaves and roof ridge and the overall length and breadth of the proposals.*

- 2.26 The proposed elevations have been reviewed and they fall below the standard prescribed in the HOPS validation standards: -

Proposed Elevations - PL12 - PROPOSED ELEVATIONS SHEET 1 OF 2

Proposed Elevations - PL13 - PROPOSED ELEVATIONS SHEET 2 OF 2

- No written dimensions are provided to confirm key building parameters, including height to eaves, ridge height, and the overall length and breadth of the proposed development;
- In the absence of these dimensions, the accuracy and reliability of the stated scale and scale bar cannot be independently verified.

- 2.27 These omissions limit the ability of the Planning Authority and third parties to accurately assess the scale, massing, and visual impact of the proposed development. As such, the elevation drawings do not provide a sufficiently robust or verifiable representation of the proposals. Again, it is worth noting that the importance of accurate dimensions on planning drawings has also been recognised in the Scottish Public Services Ombudsman's investigation into Glasgow City Council (see Appendix POS 2.1.2).

#### Sections and Levels Plans

- 2.28 The HOPS validation standards on sections and level plans is covered in (section 10), this stipulates: -

- 2.29 *In certain circumstance and depending on what is being proposed the planning authority may require additional section or levels plans, these*

*may be requested as either existing or proposed or both. Site sections and site levels plans may be required where your proposals involve a change in ground level or when you are proposing to develop an uneven site in order for us to determine how your proposals will interact with their surroundings. Section plans may be required as either site sections or building sections. Typically site sections are only requested where there are significant changes in ground levels proposed to give an accurate indication of how the site will look compared to how it is at present. Building sections will typically be required where a new build is proposed in order to show finished floor levels in order for us to determine the impact of your proposals on their surroundings. Below you will find some further information on each of these plan types.*

- 2.30** *Where existing and proposed site sections are required they should be produced to a scale of either 1:100 or 1:200, the number and location of where the sections should be taken will depend on the nature of your proposals. These plans should also contain an accurate scale bar.*
- 2.31** *Where existing and proposed building sections are required they should be produced to a scale of either 1:50 or 1:100, typically only one section will be required showing a cross section through each of the existing and proposed buildings with finished floor levels clearly indicated although this will depend on the nature of your proposals. These plan should also contain an accurate scale bar*
- 2.32** *Where existing and proposed site levels plans are required they should be produced to a scale of either 1:200 or 1:500. These plans should contain an accurate scale bar along with showing the direction of north and clearly identifying a fixed off-site datum point. Generally, contours should be shown at 0.5m intervals*
- 2.33** **Planning Objections** Scotland's review indicates that the submission is deficient in the following respects: -

### Site Level Plans PL06 - PROPOSED SITE LEVELS

- The full extent of the site/redline boundary is not shown on this plan;
- The plan fails to identify any surrounding land within the applicant's wider land ownership by detailing it blue;
- The plan indicates recontouring and vehicular access arrangements via the A806 Initiative Road, however these works fall outwith the defined red line boundary of the application site.

### Site Section Plans -SITE SECTIONS - SHEET 1 TO 5

- Only proposed site sections have been submitted. In the absence of corresponding existing site sections, it is not possible to accurately assess the extent of excavation, regrading, or recontouring associated with the development;
- The location of the section cuts has not been clearly identified on either an existing or proposed site layout or levels plan. As a result, the sections cannot be cross-referenced or verified against the submitted contour information.

2.34 These deficiencies prevent a clear understanding of the existing and proposed site levels and the extent of regrading required to facilitate the development. This has direct implications for the assessment of drainage, land stability, visual impact and neighbouring amenity.

2.35 In the absence of this information, the Planning Authority cannot undertake a fully informed assessment. This position is consistent with previous findings of maladministration by the Scottish Public Services Ombudsman which investigated Aberdeenshire Council (see Appendix POS 2.1.4).

2.36 Taken together, the deficiencies identified above demonstrate that the application falls materially short of the information required to support

proper validation, assessment and public scrutiny. The submission does not meet the expectations set out in the HOPS Validation Guidance or Scottish Government Circular 3/2022 Annex D, (see Appendix POS 2.1.1).

- 2.37 In these circumstances, the Planning Authority cannot reasonably proceed to determination on the basis of the information currently provided.

### **3.0 LEGAL REQUIREMENTS ASSOCIATED WITH THE PLANNING APPLICATION ASSESSMENT**

3.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

3.2 The operation of section 25 of the Act was considered in the House of Lords judgment in *City of Edinburgh Council v Secretary of State for Scotland* (1998). If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the proposal does not accord with the development plan, it should be refused unless there are material considerations indicating that it should be granted. The judgement also set out the following approach to deciding an application:

- Identify any provisions of the development plan which are relevant to the decision,
- Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies,
- Consider whether or not the proposal accords with the development plan,
- Identify and consider relevant material considerations for and against the proposal, and
- Assess whether these considerations warrant a departure from the development plan.

#### **The Development Plan**

3.3 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises NPF4 and East Dunbartonshire Local Development Plan 2.

The applicable policies relevant to this proposal are as follows: -

National planning Framework 4 (NPF 4)

- NPF4 Policy 1: Tackling the climate and nature crises
- NPF4 Policy 2: Climate mitigation and adaptation
- NPF4 Policy 3: Biodiversity
- NPF4 Policy 4: Natural places
- NPF4 Policy 5: Soils
- NPF4 Policy 6: Forestry, woodland and trees
- NPF4 Policy 7: Historic assets and places
- NPF4 Policy 9: Brownfield, vacant and derelict land
- NPF4 Policy 12: Zero waste
- NPF4 Policy 13: Sustainable transport
- NPF4 Policy 14: Design, quality and place
- NPF4 Policy 18: Infrastructure first
- NPF4 Policy 20: Blue and green infrastructure
- NPF4 Policy 21: Play, recreation and sport
- NPF4 Policy 22: Flood risk and water management
- NPF4 Policy 23: Health and safety
- NPF4 Policy 25: Community wealth building

East Dunbartonshire Local Development Plan 2 (LDP)

- Policy 1. The East Dunbartonshire Development Strategy
- Policy 4. Kirkintilloch, Lenzie and Waterside
- Policy 9. Climate Change, Sustainability and Energy Infrastructure
- Policy 10. Design and Placemaking
- Policy 11. Transport
- Policy 13. Community Facilities and Open Space
- Policy 17. Natural Environment
- Policy 18. Water Environment and Flood Risk
- Policy 19. Historic Environment

## Material Considerations

- 3.4 From a review of case law, there are two principal tests in determining whether a consideration is material and relevant:
- It should serve, or be related to, the purpose of planning and therefore relate to the development and use of land; and
  - It should relate to the particular application.
- 3.5 The following material considerations are relevant to the assessment of the planning application: -
- EDC Design and Placemaking SPG
  - National Roads Development Guide
  - SG Planning Guidance: Biodiversity
  - BS5837:2012 - Trees in Relation to Design, Demolition and Construction
  - Planning Advice Note 1/2011: planning and noise
  - Ciria SUDS Manual (c753)
- 3.6 The case officer's Report of Handling should identify and assess the relevant planning policies and material considerations, consistent with the House of Lords judgment referred to above and the principles reflected in the maladministration cases cited at POS 4.1.2 and POS 4.1.3.
- 3.7 In addition to the policy conflicts identified below, three cross-cutting matters are of central importance to the proper assessment of this application.
- 3.8 First, the current proposal cannot be assessed in isolation from the proposed off-site works at Myrtle Avenue. The applicant's case repeatedly relies on Myrtle Avenue to address or offset the loss of open space, recreational provision, biodiversity value and wider green infrastructure at Whitegates Park. However, Myrtle Avenue is a separate

site, subject to a separate planning process, and does not replicate the existing characteristics or functions of Whitegates Park. It is a more enclosed and fragmented site within an urban block, with materially less landscape connectivity, ecological continuity and informal community function than the existing parkland at Whitegates Park. The fact that Myrtle Avenue is being advanced as “mitigation” does not establish equivalence, nor does it overcome the immediate and permanent loss of a connected and established open space resource. The Myrtle Avenue consultation material itself confirms that the off-site proposals are being advanced in order to provide mitigation for the Whitegates Park scheme and that both applications are intended to be considered together in order to demonstrate policy compliance.

3.9 Secondly, significant weight should be afforded to the Council’s earlier ASN Site Options Appraisal. That appraisal expressly considered Whitegates Park and concluded that, notwithstanding its size and broad accessibility, the site was not suitable or deliverable for the proposed development. The reasons identified included conflict with planning policy due to the loss of a well-used neighbourhood park, adverse impacts on open space provision, access constraints, peat, made ground, shallow groundwater, contamination and wider environmental effects. The appraisal concluded that such a change of use would not be acceptable in planning policy terms and that the site was not suitable for the proposed development.

3.10 That earlier appraisal is plainly material to the current determination. While circumstances can evolve, no clear or compelling planning justification has been provided to explain why a site previously identified by the Council as unsuitable, undeliverable and environmentally constrained should now be regarded as acceptable for major institutional development. This inconsistency is particularly important where the current application continues to reveal substantial technical complexity, unresolved mitigation requirements and ongoing reliance on a separate off-site proposal in order to attempt to establish policy compliance.

3.11 Thirdly, the [REDACTED] has commissioned an independent review of the submitted Drainage Strategy, Flood Risk Assessment and Site Investigation by a Chartered Civil Engineer (Dewar Associates, April 2026). This review identifies a number of significant concerns regarding the robustness, coordination and completeness of the technical evidence base, including unresolved issues relating to ground conditions, drainage design and flood risk. These matters are directly relevant to the assessment of the proposal against national and local planning policy, particularly in relation to flood risk, climate adaptation, soils and health and safety. A summary of the key implications is reflected where relevant in the policy appraisal below, with the full technical review provided at Appendices

3.12 Accordingly, the policy assessment below should be read in the context of:

- the interdependence between Whitegates Park and Myrtle Avenue;
- the absence of any demonstrated equivalence between the two sites; and
- the clear relevance of the earlier site options appraisal, which identified this site as unsuitable on both planning and technical grounds.
- the findings of the independent engineering review, which raise material concerns regarding the adequacy and reliability of the submitted technical information.

### **Policy Appraisal**

3.13 Planning Objections Scotland's view, based on the information submitted to date, is that the proposal fails to accord with National Planning Framework 4 and East Dunbartonshire Local Development Plan 2.

- 3.14 The applicant's reliance on Myrtle Avenue does not demonstrate policy compliance. That site is not equivalent in ecological, spatial or community terms to Whitegates Park and does not provide a like-for-like replacement for the existing connected open space, habitat network and informal recreational function currently present on the application site.
- 3.15 This concern is not new. The Council's earlier ASN Site Options Appraisal identified Whitegates Park as being subject to significant constraints, including peat deposits, shallow groundwater, contamination risk, invasive species, and the loss of a well-used neighbourhood park, ultimately concluding that the site was unsuitable and not deliverable for the proposed development.
- 3.16 The Whitegates Park and Myrtle Avenue proposals form a single interdependent development strategy and should not be assessed in isolation. The reliance on Myrtle Avenue to offset policy impacts arising at Whitegates Park means that the acceptability of this application is contingent on the delivery, effectiveness and equivalence of measures proposed on a separate site. In the absence of a coordinated and simultaneous assessment of both proposals, it is not possible to conclude that the development complies with the Development Plan.

NPF4 Policy 1: Tackling the climate and nature crises

- 3.17 While the applicant asserts compliance with NPF4 Policy 1 through commitments to Passivhaus standards and net zero operational and embodied carbon, these measures relate primarily to building performance and do not outweigh the significant adverse impacts on the natural environment arising from the proposed development. Policy 1 requires that significant weight be given to both the climate and nature crises, and compliance cannot be achieved through energy efficiency measures alone where there is clear environmental harm.

3.18 The proposal results in the substantial loss of woodland and tree resource, alongside the erosion of green and blue infrastructure and open space, all of which currently contribute to biodiversity, carbon sequestration, and climate resilience. The layout also appears to modify and reduce the length and function of existing watercourses, which has implications for natural drainage patterns and ecosystem integrity. These impacts directly conflict with the objective of creating nature-positive places and adapting to climate risks.

3.19 Furthermore, the reliance on off-site biodiversity measures at Myrtle Avenue highlights the interdependent nature of the proposals, yet insufficient detail has been provided to allow a meaningful assessment of their effectiveness, delivery, or equivalence. As presented, neither the planning authority nor the public can properly evaluate whether these off-site measures genuinely compensate for the on-site environmental losses. In the absence of a clear, deliverable, and policy-compliant biodiversity strategy, the proposal fails to demonstrate that it addresses the nature crisis.

3.20 In summary, notwithstanding the stated energy credentials, the development gives rise to significant and insufficiently mitigated harm to natural assets, and the lack of robust, assessable biodiversity mitigation or enhancement means that it does not give the required weight to the climate and nature crises. The proposal therefore fails to comply with NPF4 Policy 1.

NPF4 Policy 2: Climate mitigation and adaptation

LDP Policy 9. Climate Change, Sustainability and Energy Infrastructure

3.21 The applicant asserts compliance with NPF4 Policy 2 through the adoption of Passivhaus and Net Zero Public Sector Building Standards, this does not address the full lifecycle carbon implications of the development. The proposal will result in the loss of mature trees and open space at Whitegates Park, with no quantified carbon sequestration

assessment to demonstrate how this loss will be offset, as highlighted by the Council's Sustainability Team. This is compounded by reliance on off-site mitigation at Myrtle Avenue, which remains unassessed. Given that the two sites are inextricably linked, the climate impacts must be considered holistically, and in the absence of this, compliance with Policy 2(a) cannot be established.

- 3.22 In addition, there is significant uncertainty regarding the extent of soil engineering works, including cut-and-fill operations, ground improvement, and the potential disturbance or removal of peat deposits to facilitate infrastructure such as attenuation tanks. Peat is a known carbon store, and any disturbance or removal could result in the release of stored carbon, directly conflicting with the requirement to minimise emissions. No assessment has been provided to quantify these impacts or to demonstrate how they will be mitigated.
- 3.23 Furthermore, while the drainage strategy broadly reflects the identified ground constraints—namely peat, made ground, and high groundwater—it is not sufficiently integrated with the ground engineering approach. The reliance on below-ground attenuation tanks beneath sports pitches raises concerns regarding constructability, settlement, and long-term performance, particularly given the compressible nature of peat. There is also an inherent tension between the stated aim to minimise excavation and reuse materials on site and the likely requirement for significant excavation to install such infrastructure, with no quantified assessment of spoil volumes or environmental effects.
- 3.24 Taken together, the lack of coordination between drainage and ground engineering strategies, the uncertainty around peat disturbance, and the absence of a comprehensive carbon assessment mean the proposal does not demonstrate that it has been sited and designed to minimise emissions or adapt to climate risks, as required by NPF4 Policy 2(a) and (b) as well as LDP Policy 9. Climate Change, Sustainability and Energy Infrastructure

### NPF4 Policy 3: Biodiversity

- 3.25 The proposal fails to demonstrate compliance with NPF4 Policy 3(b), particularly the requirement for development of this scale to deliver a demonstrable net enhancement of biodiversity. While the Ecological Impact Assessment identifies a range of existing habitats—including wetland, species-rich grassland, and native woodland—it also confirms that substantial habitat loss will occur, including the removal of wet woodland, scrub, fen, and mature trees. These are not marginal features but form part of a locally important and functionally diverse ecological resource. The extent of this loss fundamentally undermines the claim that the proposal will conserve, restore, and enhance biodiversity.
- 3.26 Although mitigation measures are outlined, these are largely generic, precautionary, or procedural in nature (e.g. timing of works, pre-construction surveys, and sensitive felling practices) and do not offset the scale or ecological value of what is being lost. Critically, the Planning Statement acknowledges that the EclA not deliver “significant biodiversity enhancement” as required under Policy 3(b)(iv). This represents a direct failure to meet a core test of the policy for major developments.
- 3.27 There is also a significant and unjustified reliance on off-site compensation at Myrtle Avenue, the details of which remain insufficiently defined. The effectiveness, deliverability, and timing of these measures are uncertain, particularly given that the replacement of complex habitats such as wetland and mature woodland is acknowledged to require decades to establish functional equivalence. This creates a clear temporal deficit in biodiversity value, contrary to the requirement for enhancement to be secured within a reasonable timescale and with reasonable certainty. Without firm guarantees on delivery, long-term management, and ecological outcomes, this approach does not satisfy the mitigation hierarchy or the policy’s emphasis on measurable improvement.

3.28 Furthermore, the proposal does not adequately demonstrate how it will strengthen nature networks or improve habitat connectivity in a meaningful way. The loss of existing habitats at Whitegates Park, combined with uncertain off-site compensation, risks fragmentation rather than enhancement of the local ecological network. Taken together, the proposal represents a net loss in biodiversity value in the short to medium term, with only speculative long-term gains, and therefore conflicts with the requirements and intent of NPF4 Policy 3.

NPF4 Policy 4: Natural places

LDP Policy 17. Natural Environment

3.29 The proposed development is fundamentally contrary to NPF4 Policy 4a, which requires that development should not be supported where it would, by virtue of its type, scale or location, have an unacceptable impact on the natural environment. The application site comprises an established area of open space with a significant woodland resource, forming part of a wider connected green network. This network performs important ecological functions, including habitat connectivity, biodiversity support, and landscape integration. The introduction of a large-scale institutional development, together with extensive infrastructure, engineered platforms, and built form, would result in substantial fragmentation and loss of this connected natural system, undermining its integrity and long-term function.

3.30 These impacts are further exacerbated by the presence of an underlying peat resource, which represents a sensitive and finite natural asset. Peatland plays a critical role in carbon storage, hydrological regulation, and ecosystem function, and its disturbance through cut-and-fill operations, drainage works, and construction activity would lead to irreversible environmental harm. In the absence of detailed peat surveys and a clear strategy for avoidance and minimisation, the proposal fails to demonstrate that it can protect this important natural asset in line with the requirements of Policy 4.

- 3.31 In addition, it is understood that a Tree Preservation Order (TPO) has been approved by the planning authority (reference PR/001/26/HH) covering the entirety of the Whitegates Park site. This reinforces the recognised value and sensitivity of the woodland resource. However, as the TPO has not yet been formally published for consultation, there remains a lack of clarity regarding its final scope and implications. In these circumstances, and given the likely extent of tree loss and disturbance associated with the development, the proposal cannot be properly assessed. This engages the precautionary principle under Policy 4e, which requires that where there is uncertainty or insufficient information regarding environmental impacts, development should not proceed.
- 3.32 This concern is reinforced by the Council's earlier site appraisal, which identified the site as environmentally constrained and unsuitable for development.
- 3.33 As such, the proposal does not satisfy the requirements of Policy 4a or 4f, and in the absence of sufficient evidence, the precautionary approach under Policy 4e must prevail.

#### NPF4 Policy 5: Soils

- 3.34 The submitted Ground Investigation confirms that peat deposits are present beneath areas of made ground within the application site. This is a material consideration which directly engages the definitions set out in Annex F of NPF4. While the applicant seeks to rely on the absence of an exposed organic layer at the surface to discount the presence of carbon-rich soils, this approach is not supported by the policy framework. Annex F defines carbon-rich soils by their composition and characteristics within the soil profile, not solely by surface expression. As such, the identification of peat at depth is sufficient to bring the site within the scope of these definitions.

- 3.35 The soil profile described—comprising made ground overlying peat—indicates that the underlying organic material has been subject to disturbance or burial rather than removal. This distinction is important. Disturbed, degraded, or overlain peat does not cease to be carbon-rich; rather, it may fall within the category of organo-mineral or humose soils depending on thickness and composition. All such soil types are explicitly recognised within Annex F as carbon-rich and therefore sensitive to development-related impacts, particularly where excavation, drainage, or loading is proposed.
- 3.36 Given the nature of the proposed development, including potential cut and fill operations, installation of below-ground infrastructure, and ground improvement works, there is clear potential for disturbance of these soils. Such disturbance carries implications for carbon release, loss of sequestration function, and long-term environmental impact. In this context, NPF4 Policy 5(c) is directly engaged, requiring that development proposals avoid the disturbance of peat and carbon-rich soils wherever possible, and minimise impacts where avoidance cannot be achieved.
- 3.37 This aligns with earlier Council evidence which identified peat and ground conditions as a key constraint to development at this location.
- 3.38 The independent engineering review by Dewar Associates, see appendices, further highlights the extent of peat underlying the site, the presence of high groundwater, and the lack of a clearly defined foundation or ground engineering strategy. These findings reinforce that the potential disturbance of carbon-rich soils has not been fully assessed or quantified, and that the proposal fails to demonstrate compliance with Policy 5.
- 3.39 The current submission does not provide sufficient information to understand the scale of impact on carbon-rich soils or to justify the proposed engineering approach in this context. Accordingly, the proposal remains contrary to the intent and requirements of NPF4.

## NPF4 Policy 6: Forestry, woodland and trees

- 3.40 The applicant's assertion that the proposal is "generally in accordance" with NPF4 Policy 6 is not supported by the evidence contained within their own Arboricultural Impact Assessment. The scale of woodland loss is substantial and cannot be characterised as minor or incidental. The AIA confirms that approximately 1.71 hectares of canopy cover will be removed, including the loss of 0.66 hectares (circa 81%) of a Category A woodland (TG8) to facilitate built development and associated infrastructure . This represents the removal of one of the site's most sensitive and highest-value arboricultural features, directly conflicting with the strong presumption in favour of woodland protection embedded within Policy 6.
- 3.41 Furthermore, the proposal results in the removal of a significant proportion of the site's tree stock, with 98 out of 139 individually surveyed trees identified for removal, alongside the complete or substantial loss of multiple tree groups (including TG6, TG7, TG10, TG11, and TG13) . This level of intervention goes well beyond what could reasonably be described as minimised impact and instead reflects a design-led approach that has failed to respond to existing tree constraints, contrary to the requirements of Policy 6(b).
- 3.42 The justification for woodland removal under Policy 6(c) has also not been robustly demonstrated. While the provision of a new school is acknowledged as delivering public benefit, the policy requires that woodland removal is only supported where significant and clearly defined additional public benefits are achieved and where no reasonable alternative exists. There is no evidence within the submission that alternative site layouts or design approaches have been properly explored to avoid or reduce impacts on the most sensitive woodland areas, particularly the Category A woodland (TG8). The current layout instead appears to prioritise standardised sports pitch and infrastructure requirements over environmental constraints.

- 3.43 The reliance on compensatory planting—particularly off-site at Myrtle Avenue—does not address this fundamental policy conflict. The AIA itself acknowledges that off-site planting proposals are subject to a separate future planning application and are not secured as part of the current submission . As such, the claimed “net benefit” is speculative, unenforceable, and cannot be afforded weight in the determination of this application. In addition, newly planted woodland cannot replicate the ecological, hydrological, and carbon sequestration functions of established woodland—particularly wet woodland systems such as TG8—within any meaningful timeframe.
- 3.44 There are also clear concerns regarding the robustness and currency of the arboricultural evidence base. The primary survey work underpinning the assessment was undertaken in October–November 2022, with only a future walkover proposed to validate the data . Given the evolving site conditions, the presence of ash dieback, and the scale of proposed intervention, reliance on dated survey information further undermines confidence in the accuracy of the impact assessment.
- 3.45 Finally, the proposal raises significant concerns in relation to the Tree Preservation Order (TPO) covering the site.

NPF4 Policy 7: Historic assets and places

LDP Policy 19. Historic Environment

- 3.46 While the applicant asserts that there will be no significant impact on nearby heritage assets, including the Forth and Clyde Canal: Kirkintilloch – Auchenstarry Farm Scheduled Monument, the submission does not clearly define the spatial and functional relationship between the development site and the Scheduled Monument, particularly in relation to construction activities, infrastructure works, drainage, and ground engineering. Under NPF4 Policy 7(h), development affecting scheduled monuments will only be supported where direct impacts are avoided and

significant adverse impacts on their setting are also avoided. In this context, it is essential that the applicant demonstrates with clarity that no works—either within or outwith the red line boundary—would require Scheduled Monument Consent, and that the integrity of both the monument and its setting will be preserved throughout construction and operation. In the absence of this clarity, it cannot be concluded that the proposal fully complies with national policy.

NPF4 Policy 9: Brownfield, vacant and derelict land

LDP Policy 1. The East Dunbartonshire Development Strategy

LDP Policy 4. Kirkintilloch, Lenzie and Waterside

- 3.47 Although there are elements of previously developed land associated with the site (former railway infrastructure and areas of made ground/deposited material), the current condition of the site is clearly naturalised, forming part of a wider area of functional open space and green network identified as OS139 Whitegates Park. This designation under Policy 4.CF (Community Facilities, Green Network and Open Space) carries a clear expectation that such areas will be protected from loss or reduction in function, and where possible enhanced, rather than redeveloped for built infrastructure. No support can be gleaned from NPF4 Policy 9.
- 3.48 Further, the Council's own ASN Site Options Appraisal is a highly material consideration in this context. That appraisal specifically assessed Whitegates Park and concluded that, notwithstanding its size, the site was unsuitable in planning policy terms due to the loss of valuable open space and wider environmental impacts. It also identified significant technical constraints, including peat, shallow groundwater and contamination-related issues.
- 3.49 In addition, The East Dunbartonshire Development Strategy emphasises the role of the green network in protecting landscape character, providing accessible open space, and supporting health and wellbeing. The scale

and nature of the proposed school development—including extensive engineering works, cut-and-fill operations, and formalised infrastructure—would result in a substantial and irreversible urbanisation of this green network asset, fundamentally altering its character and function. This is not a case of minor or compatible development; rather, it represents a significant encroachment into protected open space, with no clear policy support.

- 3.50 In these circumstances, the proposal cannot credibly be presented as a sequentially preferable or plan-led solution. Rather, it represents the redevelopment of a protected and functioning open space resource notwithstanding an earlier ASN Site Options Appraisal assessment which reached the opposite conclusion. This inconsistency significantly weakens any reliance on NPF4 Policy 9 or the Development Strategy.

#### NPF4 Policy 12: Zero waste

- 3.51 The submitted Site Waste Management Plan does not provide a basis for assessing the full lifecycle implications of the development, as it fails to take account of all interrelated components of the project. In particular, there is no meaningful consideration of the demolition of the existing school at Myrtle Park, which is clearly integral to the delivery of the proposed replacement facility. As such, the current submission presents only a partial and incomplete picture of anticipated waste arisings.
- 3.52 This omission is significant. The demolition of the existing school is likely to generate substantial volumes of material, including concrete, masonry, metals, and potentially contaminated elements, all of which require careful management in line with the waste hierarchy. Without this information, it is not possible to accurately quantify total waste generation, assess opportunities for reuse and recycling, or understand the true scale of environmental and logistical impacts associated with the project.

- 3.53 As a result, the planning authority cannot reasonably assess the whole-life waste implications of the development, nor determine whether the proposal complies with NPF4 Policy 12 in terms of minimising waste and supporting a circular economy. A comprehensive, project-wide waste strategy—encompassing both construction and demolition phases—is required to enable proper scrutiny and informed decision-making.

NPF4 Policy 13: Sustainable transport

LDP Policy 11. Transport

- 3.54 The proposed development for a new secondary school at Whitegates Park raises concerns under NPF4 Policy 13 (Sustainable Transport), particularly in relation to the reliance on off-site infrastructure and lack of certainty over delivery. While the applicant highlights a range of proposed improvements to pedestrian, cycling, and road infrastructure, a significant proportion of these measures—including traffic calming, new crossings, path upgrades, and traffic regulation measures—fall outwith the application redline boundary and are subject to separate processes, approvals, or future funding arrangements. As such, there is no certainty that these measures will be delivered in tandem with the development, undermining the ability to conclude that the site will be safely and sustainably accessible from the outset, as required by Policy 13(b).
- 3.55 Further uncertainty arises in relation to the Recorded Public Right of Way (SS110), which currently traverses the site and is proposed to be diverted. While a diversion is indicated, there is no clear phasing strategy or detail on how access will be maintained during construction, nor confirmation that the diverted route will be delivered prior to occupation. This creates ambiguity regarding continuous, safe and inclusive access for pedestrians and cyclists, contrary to Policy 13(b)(i) and (viii), which require safe, direct connections and protection of public access routes.
- 3.56 In addition, concerns remain regarding the overall balance of transport provision, with the scheme proposing a high level of car parking (one

space per staff member plus additional provision). This approach risks reinforcing car dependency, particularly given the site's location outwith the defined public transport access area. The Council's Sustainability Officer has already highlighted the need to reconsider this provision and place greater emphasis on active travel infrastructure and placemaking, in line with the sustainable travel hierarchy.

- 3.57 Taken together, the proposal is heavily reliant on future, off-site interventions and unresolved access arrangements, with insufficient clarity on delivery, timing, and integration. In the absence of secured and coordinated infrastructure, the development does not robustly demonstrate compliance with NPF4 Policy 13, which requires development to be supported by safe, deliverable, and sustainable transport solutions from the outset.

NPF4 Policy 14: Design, quality and place

LDP Policy 10. Design and Placemaking

- 3.58 The introduction of a substantial four-storey building within a predominantly two-storey residential context represents a clear departure from the established scale and grain of the surrounding area. While the applicant contends that the massing has been carefully considered, the scale and vertical emphasis of the teaching block would appear visually dominant and incongruous, particularly when viewed in the context of adjacent residential properties. This is not considered to reflect the "distinctive" or "pleasant" qualities of successful places as required by Policy 14(b).
- 3.59 Furthermore, the proposal does not demonstrate that it has adequately taken account of key site constraints, including existing tree cover, landscape structure, and watercourse features previously identified. The suggestion that positioning and tree retention will sufficiently mitigate visual impact is not supported by a robust landscape-led design approach. Instead, the development appears to have been configured

primarily around operational and footprint efficiencies, rather than a genuine response to environmental sensitivities.

- 3.60 The reliance on building height to reduce footprint does not in itself represent good design, particularly where it results in a form of development that is out of scale with its surroundings. The proposal therefore fails to demonstrate a design-led approach that improves the quality of the area, as required by Policy 14(a), and instead introduces a development that risks overbearing impacts on neighbouring residential amenity and local character.
- 3.61 In these circumstances, the proposal cannot be said to meet the six qualities of successful places and is therefore contrary to NPF4 Policy 14(a)–(c) as well as LDP Policy 10. Design and Placemaking

NPF4 Policy 18: Infrastructure first

- 3.62 While education uses are identified within Annex F as “infrastructure first” development, this does not provide automatic support where significant adverse impacts arise, nor does it displace the requirement to comply with the wider policy framework of NPF4 and the Development Plan. In this case, the proposed development would result in the loss of Whitegates Park, an identified and protected area of open space that forms part of the wider green-blue network and provides established recreational, environmental and community value. The applicant’s reliance on the School Estate Improvement Plan and Capital Investment Plan does not equate to a spatially justified or plan-led allocation within LDP2, nor does it demonstrate that this specific site is the most appropriate or only reasonable option. Policy 18 requires that infrastructure delivery is aligned with place-based planning and integrated with existing assets; however, the permanent loss of a valued community resource directly conflicts with these principles. The absence of a robust options appraisal or evidence demonstrating that the loss of this protected open space is unavoidable further undermines the applicant’s

position. As such, the proposal represents a misapplication of Policy 18, where the benefits of new infrastructure are being advanced at the expense of existing community infrastructure, contrary to the “infrastructure first” objective of supporting sustainable, place-based outcomes.

#### NPF4 Policy 20: Blue and green infrastructure

- 3.63 The proposal fails to comply with NPF4 Policy 20 (Blue and Green Infrastructure) notwithstanding the applicant’s assertions. The development will result in a substantial loss of existing blue and green infrastructure at Whitegates Park, including TPO-protected trees and established water features, and there is insufficient evidence that the integrity of the existing network will be maintained as required under Policy 20(a). While retention and enhancement of a watercourse and areas of planting are referenced, the overall design is heavily engineered, relying on significant recontouring, land raising and below-ground drainage infrastructure, which limits the delivery of genuinely multi-functional, nature-based blue-green infrastructure.
- 3.64 Critically, the proposal acknowledges an existing deficiency in accessible open space which would be exacerbated by the loss of Whitegates Park. The suggested on-site provision is not publicly accessible, undermining the policy outcome that communities should benefit from accessible, high-quality green space.
- 3.65 The applicant’s reliance on Myrtle Avenue does not resolve this conflict. Myrtle Avenue is a separate and more enclosed site which lacks the same connected green network function, ecological continuity and established informal open space role as Whitegates Park. Even if delivered, it would not recreate the existing spatial, environmental or community value of the application site.

- 3.66 Reliance on this future, separate off-site mitigation at Myrtle Avenue carries limited weight, as it is neither secured through this application nor equivalent in scale, and cannot offset the immediate and permanent loss of established infrastructure at this location.
- 3.67 Taken together, the proposal results in a net loss and fragmentation of blue and green infrastructure, fails to deliver meaningful on-site enhancement, and does not provide accessible or policy-compliant mitigation. As such, it is contrary to the requirements and intent of NPF4 Policy 20.

NPF4 Policy 21: Play, recreation and sport

- 3.68 While the applicant asserts compliance with NPF4 Policy 21, this position relies heavily on the assumed delivery of replacement provision at Myrtle Avenue, which is the subject of a separate, future planning application. This raises a fundamental concern in policy terms.
- 3.69 Under Policy 21(a)(iii), development resulting in the loss of sports or recreational provision will only be supported where replacement facilities are delivered that maintain overall playing capacity, are of better quality, and are in a convenient location. In this case, the applicant's conclusion that there is no net loss is premature and unsubstantiated, as the Myrtle Avenue proposals have not yet been submitted, assessed, or approved. There is therefore no certainty that the replacement informal pitch will be delivered, nor that it will be equivalent or better in quality, accessibility, or usability.
- 3.70 Nor is Myrtle Avenue a clear equivalent in recreational terms. Whitegates Park currently provides unrestricted, established and integrated informal recreation within a connected parkland setting. Myrtle Avenue would instead represent a reconfigured former school site, with a different layout, function and relationship to its surroundings. The assumption that

one site can substitute for the other is not supported by robust or comparable evidence.

- 3.71 The proposals at Whitegates Park and Myrtle Avenue are therefore clearly interdependent, forming a single functional project in planning terms. As such, it is not appropriate to assess the current application in isolation. To do so would risk allowing the loss of existing recreational provision without guaranteed replacement, contrary to the safeguards set out in Policy 21.
- 3.72 Furthermore, the applicant's suggestion that a Management and Maintenance Plan can be secured by condition does not resolve this issue. Policy 21(g) requires that such arrangements are clearly set out to demonstrate the long-term deliverability and stewardship of the facilities. In the absence of detailed, coordinated information covering both sites, it is not possible to conclude that the development complies with this requirement.
- 3.73 Until the Myrtle Avenue proposals are brought forward and assessed alongside the current application, it cannot be demonstrated that:
- overall playing capacity will be maintained,
  - replacement provision will be of equal or improved quality and accessibility, and
  - long-term management arrangements are secured.
- 3.74 On this basis, the proposal fails to demonstrate compliance with NPF4 Policy 21, and a holistic, cumulative assessment of both sites is required before any support could reasonably be given.

NPF4 Policy 22: Flood risk and water management

LDP Policy 18. Water Environment and Flood Risk

- 3.75 The applicant's assertion that the proposed school constitutes "essential infrastructure" and is therefore acceptable within a surface water flood risk area is not substantiated. Policy 22(a) sets a high bar for development in flood risk areas, requiring robust evidence that all flood risks are fully understood and addressed. However, the response from the Council's Flooding Officer clearly identifies significant gaps in the Flood Risk Assessment (FRA), including the failure to assess flood risk up to the 1 in 1000-year event, which is required for vulnerable uses such as a school. As such, the applicant's claim of policy compliance is premature and unsupported.
- 3.76 The FRA is materially deficient in several key respects. Notably, there is no overland flow routing plan for extreme rainfall events (including 1 in 200-year plus climate change and 1 in 1000-year scenarios), no demonstration of safe access and egress, and no clarity on how the development will remain operational during flood events. These are fundamental requirements of Policy 22(a), and their absence means the planning authority cannot conclude that the development will be safe for its lifetime.
- 3.77 There are also unresolved concerns regarding the interaction between the development and existing water infrastructure, including the Scottish Water trunk main and the Larkfield Ditch (Surface Water Channel 1). The FRA fails to provide sufficient information on the condition, capacity, and routing of these assets, or how they will be protected, realigned, or enhanced. The Flooding Officer highlights the absence of mitigation proposals, maintenance access arrangements, and clarity on downstream impacts, including known flooding issues associated with the existing culvert system. This directly conflicts with Policy 22, which requires that development does not increase flood risk elsewhere.

- 3.78 Of particular concern is the loss of flood storage associated with the burn due to the proposed pitch layout, with no clear evidence of compensatory storage being provided. This represents a direct reduction in floodplain capacity, contrary to Policy 22(a). Furthermore, the lack of detail on potential modifications to culverts, channels, and trash screens raises the risk of exacerbating existing downstream flooding issues, particularly for properties adjacent to Larkfield Road.
- 3.79 The independent engineering review (Dewar Associates, April 2026) identifies fundamental deficiencies in the Drainage Strategy and Flood Risk Assessment, including a lack of coordination between the two documents, reliance on a single culvert of unverified capacity, and the absence of a Development Impact Assessment. The review also highlights evidence of existing flooding affecting surrounding properties and identifies a risk of culvert surcharge during storm events, with consequent impacts on third-party land. These issues reinforce that the proposal fails to demonstrate that flood risk has been properly understood or mitigated, and the precautionary principle under Policy 22 must apply.
- 3.80 In the absence of a complete and robust Flood Risk Assessment, and given the acknowledged gaps in hydrological modelling, overland flow routing and safe access/egress, the Planning Authority cannot conclude that the development would be safe for its lifetime. In such circumstances, the precautionary principle must apply, and development should not be supported where there is uncertainty regarding flood risk and potential impacts on people, property and infrastructure.
- 3.81 In light of these deficiencies, it is clear that the proposal does not meet the requirements of NPF4 Policy 22, and the applicant's reliance on the classification of "essential infrastructure" does not override the need to demonstrate that the development is safe, resilient, and will not increase flood risk. Until the FRA is comprehensively revised to address these issues, the application should not be supported.

#### NPF4 Policy 23: Health and safety

- 3.82 While the provision of sports facilities and a horticulture garden may deliver potential health benefits, Policy 23(a) does not override Policy 23(b), which requires that development must not give rise to significant adverse effects on health. The applicant has focused on positive aspects of the proposal without adequately addressing the potential negative health impacts, including noise, traffic, and loss of existing open space, which are all material to a balanced assessment. The presence of benefits does not negate the requirement to fully assess and mitigate harm.
- 3.83 The submitted Detailed Quantitative Risk Assessment (DQRA) concludes that risks from contamination are low; however, this is based on modelled assumptions and site-specific acceptance criteria. Given the site's history and the presence of made ground, there remains uncertainty regarding long-term exposure risks, disturbance during construction, and suitability for a sensitive end use such as a school. The absence of a requirement for remediation should be treated with caution, particularly where vulnerable users (children) are involved, and does not in itself demonstrate full compliance with Policy 23(b).
- 3.84 Although Noise and Air Quality Assessments have been submitted, the conclusions that there will be no adverse impact require careful scrutiny. The scale of the development—including sports pitches, community use outwith school hours, increased traffic movements, and plant associated with the school—introduces multiple sources of noise and emissions. In particular, extended hours of use and community access have the potential to generate evening and weekend disturbance, which may not have been fully captured in standard assessment scenarios. Under Policy 23(e), the test is not simply compliance with thresholds, but whether unacceptable noise impacts arise in practice, particularly for nearby residents.

3.85 Overall, the application places undue emphasis on potential health benefits while failing to robustly demonstrate that significant adverse effects on health, amenity, air quality, and noise will be avoided. In the absence of a more precautionary and comprehensive assessment of these impacts, the proposal does not clearly satisfy the requirements of NPF4 Policy 23.

NPF4 Policy 25: Community wealth building

LDP Policy 13. Community Facilities and Open Space

3.86 The applicant sets out a range of anticipated social benefits associated with the delivery of a new school, including improved educational outcomes, enhanced learning environments, and access to sports facilities for the wider community. These benefits are acknowledged and reflect the important role that educational infrastructure can play in supporting communities.

3.87 However, Policy 25 requires more than generalised or indirect social benefits. It seeks to ensure that development contributes meaningfully to community wealth building through place-based outcomes, including the strengthening of existing community assets, local resilience, and long-term community benefit.

3.88 In this case, the proposal would result in the loss and erosion of established green and blue infrastructure which currently functions as a valued community asset, providing environmental, recreational, and wellbeing benefits. This represents an existing form of community wealth that is place-based, accessible, and multifunctional. Its removal constitutes a permanent loss to the community.

3.89 While the proposed school may deliver important public infrastructure and some level of community access to sports facilities, this does not represent a like-for-like replacement of the existing asset. The current open space provides unrestricted, informal, and continuous community

use, whereas access to school facilities is typically managed, time-limited, and secondary to the primary educational function of the site.

3.90 In community wealth building terms, Whitegates Park is not simply undeveloped land capable of being exchanged for another site. It is an established community asset embedded within a wider green network, providing accessible, informal and multifunctional open space. Myrtle Avenue, by contrast, is a former school site being retrospectively configured to perform a mitigation role. It is more enclosed, less connected, and does not offer the same existing environmental, recreational or place-based value.

3.91 The proposal therefore results in the loss of an established form of community wealth which is not replaced on an equivalent basis. This represents a net loss of community value, contrary to the intent of Policy 25.

## **4.0 HUMAN RIGHT IMPLICATIONS**

- 4.1 The proposed development has potential implications for the Convention rights of neighbouring residents, including the right to respect for private and family life and the home (Article 8), and the peaceful enjoyment of possessions (Article 1 of the First Protocol). These rights may be engaged where development gives rise to adverse impacts on residential amenity, environmental conditions, or the use and enjoyment of neighbouring property.
- 4.2 In determining the application, the Planning Authority is required to ensure that any interference with these rights is lawful, necessary, and proportionate, having regard to the Development Plan and all material considerations. In this case, the identified policy conflicts and, critically, the deficiencies and uncertainties in the submitted information mean that the extent and acceptability of potential impacts cannot be properly assessed.
- 4.3 In the absence of a robust and complete evidential basis, the Planning Authority cannot reasonably conclude that any interference with Convention rights would be justified or proportionate. Accordingly, refusal of the application, or alternatively withdrawal and resubmission supported by adequate information and subject to full public scrutiny, would represent a lawful and proportionate response in accordance with the Human Rights Act 1998.

## 5.0 CONCLUSION

- 5.1 The proposal is contrary to the Development Plan. Under Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended), planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan comprises National Planning Framework 4 (NPF4) and the East Dunbartonshire Local Development Plan 2.
- 5.2 For the reasons set out in this report, the proposal fails to demonstrate compliance with the Development Plan. The development gives rise to significant and unresolved conflicts with multiple key policies, including those relating to biodiversity, natural environment, soils, flood risk, open space, infrastructure delivery and placemaking. These conflicts are not minor or technical in nature, but go to the fundamental acceptability of the site, the form of development proposed, and its environmental and community impacts.
- 5.3 This position is compounded by the deficiencies in the application submission. The drawings and supporting information fall materially below the standards set out in the Heads of Planning Scotland (HOPS) Validation Guidance and Scottish Government Circular 3/2022. As a result, the Planning Authority does not have a complete, accurate or verifiable evidential basis on which to undertake a robust assessment of the proposal. This concern is reinforced by findings of maladministration in decisions of the Scottish Public Services Ombudsman, which have highlighted the importance of accurate, complete and assessable information in supporting lawful planning determinations.
- 5.4 In particular, the absence of critical technical and environmental information, together with the acknowledged uncertainties in relation to flood risk, ground conditions, biodiversity impacts and off-site mitigation, means that the Planning Authority cannot reasonably conclude that the

development would be safe, deliverable, or compliant with the Development Plan. In such circumstances, the precautionary approach must prevail.

- 5.5 It is also clear that the proposal is reliant on a separate and interdependent development at Myrtle Avenue in order to attempt to address key policy requirements, including open space, recreational provision and biodiversity. However, that proposal has not been assessed alongside the current application and does not represent a like-for-like or policy-compliant substitute for the existing functions of Whitegates Park. The application should therefore not be determined in isolation.
- 5.6 In these circumstances, to grant planning permission would require the Planning Authority to accept that significant policy conflicts, unresolved technical matters, and uncertain mitigation can be addressed post-consent. On the evidence currently available, such a conclusion would not be justified.
- 5.7 Furthermore, the principles of procedural fairness and natural justice require that any additional or amended information be subject to full re-notification and public consultation. Without this, the integrity and transparency of the planning process would be undermined.
- 5.8 Accordingly, Planning Objections Scotland respectfully submits that the application should be refused. In the alternative, the application should be withdrawn and resubmitted with a complete and robust evidential basis, subject to full public scrutiny.

## **APPENDICES**

- POS\_2.1.1\_SG\_Annex\_D\_Circular\_3\_2022
- POS\_2.1.2\_SPSO\_201605668\_Glasgow\_City\_Council\_(dimensions, scale on plans)
- POS\_2.1.4\_SPSO\_201508154\_Aberdeenshire\_Council (finished floor level inaccuracies)

- POS\_4.1.2\_SPSO\_201606059\_Edinburgh\_City\_Council (failure to take account of applicable development plan policy)
- POS\_4.1.3\_SPSO\_201605227\_The\_City\_of\_Edinburgh\_Council (Policy and Material considerations)
- Dewar Associates - Independent Engineering Review (Drainage Strategy and Flood Risk Assessment)
- Dewar Associates - Independent Engineering Review (Ground Conditions and Site Investigation)