

Objection or area of objection or comment	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	Column for EDC reasoning
Contrary to national planning guidelines	Presumption against development - admitted by EDC	NPF4	
Park incorrectly designated as "Whitegates playing fields"	Evidence of inherent bias by EDC? Under NPF4 and the Local Development Plan (LDP), these two terms trigger entirely different levels of protection and legal arguments.	NPF4 Policy 20)	
Park incorrectly designated as "Whitegates playing fields"	Evidence of "Predetermination" that the council had made up its mind before the statutory planning process has concluded, and then bent the rules to fit that desired outcome.	Town and Country Planning (Scotland) Act 1997 (Section 27A)	
Park incorrectly designated as "Whitegates playing fields"	If councillors or officers have acted in a way that suggests their minds were made up before the planning hearing (e.g., by submitting a funding bid that relies entirely on a specific site and capacity), they may be guilty of predetermination.	Localism Act 2011 (Section 25) & R (Lewis) v Redcar and Cleveland Borough Council [2008	
Park incorrectly designated as "Whitegates playing fields"	A public authority must act objectively, fairly, and without bias. A decision made with a closed mind is considered ultra vires (acting beyond one's legal power).	Scots Common Law (Administrative Law & Natural Justice)	
Park incorrectly designated as "Whitegates playing fields"	(Section 7 - Decisions on Planning and Regulation): Section 7 explicitly deals with predetermination. It states that Councillors must not express a conclusive view on a planning application before the formal committee meeting.	The Ethical Standards in Public Life etc. (Scotland) Act 2000 (The Councillors' Code of Conduct)	
Park incorrectly designated as "Whitegates playing fields"	Misrepresenting the Baseline (Material Error of fact)	Town and Country Planning (Scotland) Act 1997 (Sections 25 & 37)	
Park incorrectly designated as "Whitegates playing fields"	Regulation 6 & Schedule 3): When a council is deciding whether a project needs a full Environmental Impact Assessment (EIA) via a "Screening Opinion," they are legally required by Schedule 3 to assess the baseline characteristics of the site, including its existing land use,	The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017	
Loss of park green space	Presumption against development	National Planning Framework 4 (Policy 21).	
Loss of park green space	Presumption against development	NPF4 Policy 21 (Play, Recreation and Sport).	
Contrary to local plan protected space Contrary to national and local green space policies	Presumption against development Presumption against development	LDP 3 Scottish Biodiversity Strategy	
Contrary to national and local green space policies	Presumption against development	https://www.gov.scot/publications/draft-environment-strategy/pages/3/	
Contrary to national and local green space policies	Presumption against development	LDP2 Policy 13 (Community Facilities and Open Space).	
Contrary to "healthy living " guidelines	Presumption against development	Local Outcome Improvement Plan 2017–2027. Local Outcome 5	
Contravention of National Outcome (Environment)	Presumption against development	https://www.gov.scot/publications/draft-environment-strategy/pages/3/	
Site selection process was obscure EDC, without consulting the public illegally locked themselves into the Whitegates site during the application phase. A fatal misstep	No consultation with public. The choice of WGP a was presented as a fait accompli to the public Wreckless lack of consultation with public	Community Empowerment Act 2015 Community Empowerment Act 2015	

Wreckless lack of consultation with public	The Audit Scotland flow chart clearly shows where EDC went wrong	"Stages of an options appraisal" flowchart, Audit Scotland
Funding "problem" was not for the planning decision EDC's argument on LEIP only being available to WGP is an error	It is important that the assessment of the planning application is distanced from the corporate view of the development... The planning authority must be able to demonstrate that its decision has been reached on planning grounds alone, and has not been influenced by any other interest the authority may have in the development proceeding. Not a written opinion. Should have been clarified in writing	Planning Advice Note (PAN) 82: Local Authority Interest Developments.
EDC's argument on LEIP only being available to WGP is an error	Making this financial constraint on EDC, even if it was real, prevents the necessary independence and separation of the planning function	
EDC's argument on LEIP only being available to WGP is an error	The officers "manipulated the deck of cards "	"Stages of an options appraisal" flowchart, Audit Scotland
EDC argument that the choice wasn't between distinct "sites" but was an evolution of the project. Tandem rejected as decanting too hard	Decanting was not properly costed or evaluated	"Stages of an options appraisal" flowchart, Audit Scotland
EDC argue MA site too small	Further evidence that council employees inappropriately directed councilors to select WP as the preferred option as they had not robustly investigated the option of a tandem build on the existing site? An Opinion is not an "Options Appraisal"	
EDC argue "we stopped studying the Myrtle Avenue option early because it failed the funding criteria."	EDC have not shown any LEIP constraint. EDC cannot legally truncate an Options Appraisal based on a "verbal" or undocumented funding constraint. If Myrtle Avenue was discarded, the Outline Business Case (OBC) must contain the exact financial modeling or the specific, written directive from the funding body proving it was ineligible. By admitting they stopped studying it early without this proof, EDC is confessing that they skipped the mandatory statutory financial modeling to push their preferred site forward.	HM Treasury Green Book and the Scottish Public Finance Manual (SPFM)
EDC argue "we stopped studying the Myrtle Avenue option early because it failed the funding criteria."	Incorrect decision	
Best value calculation not properly done	Contrary to Audit Scotland guidelines	https://www.gov.scot/publications/best-value-revised-statutory-guidance-2020/ https://www.gov.scot/publications/best-value-revised-statutory-guidance-2020/pages/2/
Breach of Requirement to Consult on Alternatives (Main Issues Report)	By privately selecting Whitegates Park from 11 potential options (as indicated by public records) and only presenting one site to the planning stage, the Council arguably bypassed this requirement. The guidance says engagement should "focus on the options for different housing sites [or developments]", implying the community should have had a say on the list of 11 options, not just the final one.	Planning Advice Note (PAN) 3/2010 (relevant doc at time) and "Stages of an options appraisal" flowchart
Breach of "Early Stage" Engagement	If the "preferred site" decision was taken in 2022 but statutory consultation did not begin until 2024, the engagement was not "early" enough to "influence the shape" of the site selection. Presenting a single site effectively presents the community with a fait accompli, contradicting the instruction that engagement should not just be a rubber-stamping exercise.	Planning Advice Note (PAN) 3/2010 (relevant doc at time) and "Stages of an options appraisal" flowchart

Breach regarding Trust and "Meaningful" Dialogue	<p>If the consultation asked for views on the design of the school at Whitegates, but the community's main concern was the location itself, the consultation fails the test of being "meaningful." The guidance warns that successful planning relies on all parties engaging "as constructively as possible", and excluding the site selection from the debate undermines public trust.</p>	<p>Planning Advice Note (PAN) 3/2010 (relevant doc at time)</p>
Breach of Openness and Transparency (Standard 3 & 5)	<p>A material failure in consultation process</p>	<p>Planning Advice Note (PAN) 3/2010 (relevant doc at time)</p>
General lack of distancing from corporate view , perhaps because of lack of functional separation	<p>Should it not be the case that the assessment of the planning application is distanced from the corporate view of the development... Should the planning authority be able to demonstrate that its decision has been reached on planning grounds alone, and has not been influenced by any other interest the authority may have in the development proceeding?</p>	<p>Planning Advice Note (PAN) 3/2010 (relevant doc at time)</p>
<p>Audit Scotland requires a complete, unbroken "audit trail" for all major capital projects. Their guidelines state that councils must demonstrate exactly how they moved from a long-list of options to a preferred site, supported by documented evidence at every stage.No minutes" equals no audit trail. Audit Scotland may view in-minutes, multi-million-pound decisions as a primary indicator of financial maladministration.</p>	<p>(Section 50C): The Act places a strict statutory duty on local authorities to keep detailed minutes of all formal council and committee meetings, and dictates that these minutes must be open to public inspection.</p>	<p>Local Government (Scotland) Act 1973 (Part IIIA)</p>
No minutes of decisions?	<p>Section 1 places a statutory duty on the Council to secure "Best Value." Statutory guidance dictates that Best Value requires "Good Governance," which is explicitly defined as demonstrating accountability, openness, and transparency in decision-making.</p>	<p>Local Government (Scotland) Act 1973 (Part IIIA)</p>
No minutes of decisions?	<p>The Act requires all public authorities in Scotland to produce and implement a Records Management Plan (RMP), approved by the Keeper of the Records of Scotland. This legally binds the Council to systematically create, retain, and manage records of its core business activities and decisions. An admission of "no minutes" for the strategic direction of the Council's largest capital project is a glaring breach of their statutory Records Management Plan.</p>	<p>Local Government (Scotland) Act 1973 (Part IIIA)</p>
No minutes of decisions?	<p>Under the FOISA Section 61 Code of Practice regarding records management, authorities are instructed that they must keep adequate records to fulfill their statutory duties and justify their actions to the public. While FOI law only requires a council to give you what they have, the accompanying Code of Practice dictates that a functional authority must create the record in the first place. Failing to minute decisions effectively circumvents the public's statutory right to environmental and financial information.</p>	<p>Freedom of Information (Scotland) Act 2002 (Section 61 Code of Practice)</p>
No minutes of decisions?	<p>Audit Scotland requires a complete, unbroken "audit trail" for all major capital projects. Their guidelines state that councils must demonstrate exactly how they moved from a long-list of options to a preferred site, supported by documented evidence at every stage.No minutes" equals no audit trail. Audit Scotland views in-minuted, multi-million-pound decisions as a primary indicator of financial maladministration.</p>	<p>Audit Scotland: "Major Capital Investment in Councils" Guidance</p>

N M	Refusal to provide original metadata of "Garriga" email re rejecting Myrtle Avenue	Not material objection but "Evidence of Procedural Unfairness and Predetermination." for DPEA	1. The Environmental Information (Scotland) Regulations 2004 (EIRs) & FOISA 2002
N M	Refusal to provide original metadata of "Garriga" email re rejecting Myrtle Avenue	Not material objection but "Evidence of Procedural Unfairness and Predetermination." for DPEA	Public Records (Scotland) Act 2011
N M	Refusal to provide original metadata of "Garriga" email re rejecting Myrtle Avenue	Not material objection but "Evidence of Procedural Unfairness and Predetermination." for DPEA	Section 65 of FOISA & Regulation 19 of the EIRs
	Failure to apply Multi-Criteria Decision Analysis (MCDA) "scoring matrix'	"Taints" evidence , The Scottish Public Finance Manual (SPFM) and Audit Scotland mandate the use of the HM Treasury Green Book for major capital projects. This process requires a "Long List" to be filtered down to a "Short List" using transparent criteria, followed by a detailed Multi-Criteria Decision Analysis (MCDA).	Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017
	Failure to apply Multi-Criteria Decision Analysis (MCDA) "scoring matrix'	the Scottish Public Finance Manual (SPFM) requires that where options are dismissed prior to full appraisal, this must be explicitly justified. The Applicant dismissed the brownfield alternative (Myrtle Avenue) solely on the basis of an unwritten financial "constraint" regarding LEIP funding. This constitutes a failure to apply Multi-Criteria Decision Analysis (MCDA) as prescribed by the HM	The Scottish Public Finance Manual (SPFM) + Audit Scotland Guidelines
	Failure to apply Multi-Criteria Decision Analysis (MCDA) "scoring matrix'	The Treasury Green Book, which requires non-monetary factors (such as the loss of protected green space vs. educational benefit) to be transparently weighed and scored.	
	Failure to apply Multi-Criteria Decision Analysis (MCDA) "scoring matrix'		Prescribed by the HM Treasury Green Book
	Failure to apply Multi-Criteria Decision Analysis (MCDA) "scoring matrix'	Audit Scotland's report "Options Appraisal: Are you getting it right?" (2014) specifically identifies "weighting and scoring" (Appendix 1) as a key indicator of robust governance. The absence of such a matrix prevents Elected Members from discharging their scrutiny role effectively.	Audit Scotland's report "Options Appraisal: Are you getting it right?" (2014)
	The Council claims they dispensed with a MCDA because (LEIP) funding was only available for Whitegates.	This is a confusion of corporate financial desires with their statutory legal duties	Local Government in Scotland Act 2003 (The Statutory Duty of "Best Value"); he Scottish Public Finance Manual (SPFM) & HM Treasury "Green Book"; Audit Scotland Guidance: Major Capital Investment in Councils
	FOI responses show this funding condition was based on 'verbal' advice with no written evidence	Was the process improper? If so it brings the planning system into disrepute and requires a call in by the Ministers	Maladministration: If the process itself was flawed (e.g., misleading reports, withholding information), this is a matter for the Scottish Public Services Ombudsman (SPSO); Town and Country Planning (Scotland) Act 1997 - Section 37(2);
	FOI responses show this funding condition was based on 'verbal' advice with no written evidence	If a "project advisor" or a funding body provided an opinion that restricted the Council's choices, the Council was legally obligated to ensure that advice was submitted and retained in writing. Failing to create or demand a written record of a project-defining financial constraint is a direct breach of their statutory Records Management Plan.	Public Records (Scotland) Act 2011

FOI responses show this funding condition was based on 'verbal' advice with no written evidence	A council cannot demonstrate "accountability" if it bases the site selection for its largest-ever capital project on an undocumented, unwritten opinion regarding LEIP funding. If EDC claims the Scottish Government (or Scottish Futures Trust) told them LEIP was only available for Whitegates Park, Best Value dictates they must possess a formal, written directive proving it. R	Local Government in Scotland Act 2003 (Statutory Duty of Best Value)
FOI responses show this funding condition was based on 'verbal' advice with no written evidence	Under Section 50D, any report presented to a Council Committee for a decision must include a list of the "background papers" relied upon to write that report. When the Corporate or Education departments asked the elected Councillors to vote for Whitegates Park, they heavily relied on the narrative that LEIP funding required it. If that narrative was based on an unwritten opinion rather than a formal document, the officers unlawfully presented a recommendation to the Councillors without the required documentary evidence, effectively misleading the elected members.	Local Government (Scotland) Act 1973 (Part IIIA - Access to Information)
The Council claims they dispensed with a matrix because (LEIP) funding was only available for Whitegates.	a) did EDC do the calculations properly? SWGP suspects not b) since they did not consider a smaller school or conduct a proper cost / benefit analysis they made a fatal error early in the process	Local Government in Scotland Act 2003 (The Statutory Duty of "Best Value"); he Scottish Public Finance Manual (SPFM) & HM Treasury "Green Book";
The Council claims they dispensed with a matrix because (LEIP) funding was only available for Whitegates.	a) did EDC do the calculations properly? SWGP suspects not b) since they did not consider a smaller school or conduct a proper cost / benefit analysis they made a fatal error early in the process	Audit Scotland Guidance: Major Capital Investment in Councils
Unlawful Steering by officials Contaminants in soil evidenced by Mason Evans report	"Taints" evidence Community should have been consulted	Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 Community Empowerment Act 2015
Contaminants in soil evidenced by Mason Evans report	EIA should have been done	The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017
Lack of reports e.g hydrology, drainage ie proper "gateway checks not done	EDC "Jumped the gun" -these should have been done beforehand to ensure value , gateway check. A planning authority cannot legally grant permission based on guesswork. If the hydrology, drainage, and Development Impact Assessments (DIA) have not been completed, the Council cannot prove that the site won't flood, or that the local sewers won't overflow	Local Government Scotland Act 2003 The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013
Lack of reports e.g hydrology, drainage ie proper "gateway checks not done	HOPS guidance dictates that complex sites with known constraints (like flooding and peat) must submit comprehensive drainage strategies and FRAs upfront before the application can even be registered.	Heads of Planning Scotland (HOPS) Validation Guidance
Lack of reports e.g hydrology, drainage ie proper "gateway checks not done	Planners must have concrete proof that a development will not increase flood risk to others (Policy 22) or pollute watercourses (Policy 23). You cannot prove this if the baseline hydrology and drainage reports haven't been finished.	National Planning Framework 4 (NPF4) - Policy 22 & 23

Lack of reports e.g hydrology, drainage ie proper "gateway checks not done	<p>This has led to a catastrophic failure to achieve best value with c £5m spent needlessly. (Part 1, Section 1): "It is the duty of a local authority to make arrangements which secure best value." The Act legally defines Best Value as achieving a continuous balance of "economy, efficiency, and effectiveness." Spending £5 million on a doomed planning application because officers ignored a 2018 geotechnical report, or because they failed to properly cost the Myrtle Avenue alternative, is the opposite of economy and efficiency. EDC cannot legally claim to have secured "Best Value" if negligence and procedural bias led to £5m being spent on a site that cannot be visibly drained or insured.</p>	Local Government in Scotland Act 2003 (The Statutory Duty of Best Value)
Lack of reports e.g hydrology, drainage ie proper "gateway checks not done	<p>(Section 95): "Every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that the proper officer of the authority has responsibility for the administration of those affairs." (Usually the Section 95 Officer / Chief Financial Officer). The Section 95 Officer has a statutory duty to stop the Council from acting unlawfully or making decisions that result in a large loss of public funds. If £5m was approved for expenditure on Whitegates Park while critical "gateway checks" (like hydrology and DIA reports) were bypassed, the proper administration of financial affairs has failed.</p>	Local Government (Scotland) Act 1973 (Section 95)
Lack of reports e.g hydrology, drainage ie proper "gateway checks not done	<p>The Auditor General and the Accounts Commission have the statutory power to examine the economy, efficiency, and effectiveness of how local authorities use their resources. If EDC suppressed an environmental baseline (the 2018 Mason Evans report) and forced new consultants to "start from scratch", the Accounts Commission has the authority to intervene and investigate.</p>	Public Finance and Accountability (Scotland) Act 2000
Lack of reports e.g hydrology, drainage ie proper "gateway checks not done	<p>any project seeking Scottish Government LEIP funding must conduct a rigorous, mathematically sound "Options Appraisal" to ensure public money is not wasted.: EDC discarded the Myrtle Avenue option without a formal Green Book cost appraisal. By failing to legitimately cost the alternative, they committed £5m in development fees to Whitegates Park. This violates the mandatory SPFM rules designed specifically to prevent the waste of taxpayer funds.</p>	The Scottish Public Finance Manual (SPFM) & HM Treasury Green Book
Screening decision, not neutral when screening approved	<p>No consultation with public, lack of neutrality, material errors of fact, make planning application void</p>	Community Empowerment Act 2015
Screening decision, not neutral when screening approved	<p>No consultation with public, lack of neutrality, material errors of fact, make planning application void</p>	Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017
Screening decision, not neutral when screening approved	<p>No consultation with public, lack of neutrality, material errors of fact, make planning application void, "Planning issues must be assessed fairly and on their planning merits, even when there is a predisposition in favour of one side of the argument or the other. Avoiding predetermination and the impression of it is essential. The decision making process must be seen to be fair and impartial from the perspective of an external observer."</p>	Probity in Planning
Mitigations proposed	<p>"But if prospective remedial measures are not plainly established and not plainly uncontroversial, then as it seems to me the case calls for an EIA." Laws, L.J.</p>	Gillespie

Mitigations proposed	It is not appropriate for a person charged with making a screening opinion to start from the premise that although there may be significant impacts, these can be reduced to insignificance as a result of the implementation of conditions of various kinds. The appropriate course in such a case is to require an environmental statement setting out the significant impacts and the measures which it is said will reduce their significance.	"Lebus Cambridgeshire District Council [2002] "This quoted approvingly by SC in "Champion"
council were biased	A "fair-minded observer" would conclude that East Dunbartonshire Council cannot be impartial because they have already committed to the project financially (via the LEIP bid) and strategically, effectively pre-determining the outcome before the planning committee even meets. The lack of functional separation reinforces this perception.	<i>Porter v Magill [2001] UKHL 67</i>
Mitigations proposed	Mitigations were not apparent and established	"When making the screening decision, these contingencies must be considered and it cannot be assumed that at each stage a favourable and satisfactory result will be achieved. "
Screening decision, EDC admitted in Dec update that costs were uncertain	Quotations from Swire : "not predicted with confidence", "do not assume success " + "high bar as school" , "precautionary principle should be applied".	
Lack of functional separation	The admitted lack of functional separation , means it was not done "without bias to satisfy a neutral observer " - EDC could not make a neutral decision about whether an EIA was required	<i>London Historic Parks and Gardens Trust v Secretary of State for Housing, Communities and Local Government</i> , "clarifies the specific obligations imposed on Member States (and this Local Authority), by Article 9a of EU Directive 2011/92/EU to ensure objectivity and avoid conflicts of interest when a "competent authority" is also the developer of a project."
Lack of functional separation	Contrary to "London Parks", it affects screening decision, clouds EDC's planning judgement , brings planning process in to disrepute	<i>London Historic Parks and Gardens Trust v Secretary of State for Housing, Communities and Local Government</i> ,
Lack of functional separation	LJ Holgate said in London Parks: 1) The functions of the competent authority under the EIA Directive be undertaken by an identified internal entity within the authority (including any officials assisting in those functions) with the necessary resources and acting impartially and objectively;	<i>London Historic Parks and Gardens Trust v Secretary of State for Housing, Communities and Local Government</i> ,
Lack of functional separation	"18. Where the planning authority has an interest in a development proposal, it is important that the handling of the application is seen to be impartial and transparent. The separation of the roles of the local authority as developer and as planning authority is essential."	"Planning Advice Note (PAN) 82: Local Authority Interest Developments: Note that General principles of openness, transparency, and proper assessment that were in PAN 82 are now embedded within the overarching national planning policies.

Screening decision , the mitigations proposed	Mitigations not modest and plainly achievable . "Where the decision-maker was of the view that mitigation measures could reduce what would otherwise be a significant effect on the environment, those mitigation measures should be detailed in an EIA". supported by Champion	https://www.casemine.com/judgement/uk/5a8ff7a660d03e7f57eb0cb0
Screening decision, the precautionary principle	Lord Carnwath, (in Champion), said that "application of the precautionary principle, which underlies the EIA Directive, implies that cases of material doubt should generally be resolved in favour of EIA"	https://www.casemine.com/judgement/uk/5a8ff7a660d03e7f57eb0cb0
Screening decision, the precautionary principle	Also, "Mitigation measures may be considered at screening, but where initial uncertainty is substantial an EIA should be required"	https://www.casemine.com/judgement/uk/5a8ff7a660d03e7f57eb0cb0
Screening decision as surrogate for EIA	EDC used mitigation measures to argue an EIA was not required, "that conditions and undertakings could not be used as a surrogate for the EIA process"	https://www.casemine.com/judgement/uk/5a8ff7a660d03e7f57eb0cb0
Screening decision taken under delegated powers without reference to elected members	The LA development is undeniably "sensitive" and "complex" . We have ...public outcry, (which EDC was well aware of in June 2025, as they said they were "monitoring social media"), and were in receipt of multiple FOI requests,, the loss of green space, and EDC's dual role as promoter	https://www.casemine.com/judgement/uk/5a8ff7a660d03e7f57eb0cb0 "East Dunbartonshire Council Administrative Scheme 2024"
Screening decision taken under delegated powers without reference to elected members	Even if a decision technically falls under delegated powers (like EIA Screening), officers are bound by a general limitation that forces them to consult Councillors if the matter is controversial. Administrative Scheme - Scheme of Delegations to Officers (August 2024) Section 1.2 (Limitations), Paragraph (b)(4) "Officers to whom powers are delegated will ensure that in exercising such powers they... ensure that they consult the Convener, or Vice-Convener in his/her absence, of the appropriate Committee in respect of all matters which the officer considers to be sensitive or complex."	"East Dunbartonshire Council Administrative Scheme 2024"
Screening decision taken under delegated powers without reference to elected members	"By withholding the screening decision from Elected Members, officers are:"1) Preventing proper scrutiny: Councillors cannot verify if the "No EIA" decision is robust or if it risks judicial review (as in the Swire case), 2)Violating the principle of Openness in the Councillors' Code of Conduct, 3) Potentially breaching Section 50D of the Local Government (Scotland) Act 1973 by failing to provide essential background papers for decision-making. (Note only if technically "published" but "hidden" from EM's)	Swire, Councillors' Code of Conduct, Section 50D of the Local Government (Scotland) Act 1973
Screening decision - it could be argued that EDC have been deliberately trying to hide the fact that they screened out the need for an EIA	The RIBA design was , according to EDC, posted on "Council's social media channels and via Technical Notes published regularly on the Council website" but the fact that EDC had screened out an EIA was not mentioned at all.Extraordinary. Not consulting the elected members was an error , not telling them , compounds the error. Regulation 11): When a planning authority adopts a Screening Opinion, they must make it available for public inspection (on the planning register) alongside a written statement giving the full reasons for their conclusion.	Town and Country Planning (EIA) (Scotland) Regulations 2017,
Screening decision - it could be argued that EDC have been deliberately trying to hide the fact that they screened out the need for an EIA	EDC said to CB In FOI "All information the Council holds in respect of Lenzie Academy rebuild is located on its website and is publicly available. " - This would seem to be a misleading FOI answer	FOI and EIR regs

Screening decision - it could be argued that EDC have been deliberately trying to hide the fact that they screened out the need for an EIA	While the Council is legally required to place a Screening Opinion on the public planning register, actively promoting the RIBA designs on social media while hiding the "No EIA" decision may demonstrate a strategy of misdirection.	Town and Country Planning (EIA) (Scotland) Regulations 2017, Probity in planning
The FAQs re the EIA had as of December 2025 not been updated	How are the public to know? Surely an "impartial identity" would have ensured this happened?	Community Empowerment Act 2015
The FAQs re the EIA have as of December 2025 not been updated	By deploying taxpayer-funded corporate communications to promote the RIBA architectural designs on social media, while simultaneously keeping the elected Councillors in the dark and hiding the 'No EIA' decision, the Council engaged in 'asymmetric transparency.' This misdirection subverts the public's statutory right to effective environmental participation and represents a failure of good governance.	Town and Country Planning (EIA) (Scotland) Regulations 2017, Probity in planning
Have the Elected Members been kept in the dark re the screening decision?	The elected members should have been able to discuss this given the volume of public opposition. SWGP can find no evidence of elected members being told. This seems extraordinary. If officers are not informing Councillors of this screening decision as soon as it is made, they are effectively denying the Councillors the chance to question it.	Town and Country Planning (EIA) (Scotland) Regulations 2017, Probity in planning
If the officers are keeping the Elected Members in the dark re the screening decision then this has consequences No EIA means alternatives not considered	Preventing proper scrutiny: Councillors cannot verify if the "No EIA" decision is robust or if it risks judicial review (as in the Swire case). 2 1 Violating the principle of Openness in the Councillors' Code of Conduct.3. Potentially breaching Section 50D of the Local Government (Scotland) Act 1973 by failing to provide essential background papers for decision-making. (Technically published but "hidden" from EM's)	"Swire" and Section 50D of the Local Government (Scotland) Act 1973 re background docs and "Councillors code of conduct" Local Government in Scotland Act 2003, Champion https://www.casemine.com/judgement/uk/5a8ff7a660d03e7f57eb0cb0
No EIA means flood risk not properly assessed	Best value not ensured	"Where initial uncertainty is substantial and EIA should be required "
No EIA means flood risk not properly assessed	"Mitigations (if required) must be modest" to obviate need for EIA	Champion https://www.casemine.com/judgement/uk/5a8ff7a660d03e7f57eb0cb0
Material errors in fact in screening decision, "no flood risk", "no monument"	Lack of neutrality, an impartial agent, as required by "London Parks", would have spotted this	Community Empowerment Act 2015
Material errors in fact in screening decision, "no flood risk", "no monument"	Possibly an offence	Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017
Non compliance with FOI deadlines General non compliance with Community Engagement principles	Breaches many of the guidelines on Consultation > evidence of BIAS Many breaches of guidance	Community Empowerment Act 2015 Community Empowerment Act 2015
School roll - EDC did not conduct a marginal cost calculation	Affects decision on site selection, would have a material impact. By skipping the modelling of a smaller school, they artificially inflated the land requirement,	Audit Scotland / Scottish Futures / Best value
School roll - EDC did not conduct a marginal cost calculation	Constitutes " Wednesbury unreasonableness " "Substantive" Irrationality"(A decision so absurd no reasonable authority could make it)"? or/ the lesser test of, " Failing to take into account relevant material considerations	<i>Associated Provincial Picture Houses v Wednesbury Corporation (1948). or Tesco Stores Ltd v Dundee City Council [2012] UKSC 13</i>
School roll - EDC did not cost embedded carbon	Contrary to EDC's own carbon reduction plan draft-climate-action-plan, as it unnecessarily increases the embedded carbon and ongoing carbon impact	Audit Scotland / EDC's own draft-climate-action-plan

School roll -If neighbouring councils improve their own schools, placing requests to Lenzie Academy could drop.	The school could be a "white elephant" and a burden on council tax payers for generations. East Dunbartonshire Council is building a facility with high fixed heating, lighting, and maintenance costs based on volatile external demand. Without the marginal cost analysis (which they admitted they don't have), they don't know the financial break-even point. It could be argued that EDC are taking a gamble with public money that the school will always be full of external students.	Audit Scotland / Scottish Futures / Best value ,
EDC concluded the MA site was too small, EDC said, "This theory that the existing site was too small for a modern state of the art school was tested at an early point in the design phase and found to be correct."	a) did EDC do the calculations properly? SWGP suspects not, b) by their own admission they did not conduct a cost benefit analysis on roll size, so "jumped the gun" and fatally compromised their analysis. was this Wednesbury unreasonableness? And predetermination, deciding on the site first and retrofitting the "needs" to match it.	Audit Scotland / Scottish Futures / Best value , https://www.parliament.scot/bills-and-laws/bills/s6/ecocide-scotland-bill
Contrary to spirit of ecocide bill	Against future national guidelines in private member's bill being supported by ScotGov	Scottish Biodiversity Strategy, local plan
Contrary to biodiversity strategy	Should mean it is a "significant departure from local plan"	Scottish Biodiversity Strategy, local plan
Contrary to tree preservation order	Should mean it is a "significant departure from local plan"	Scottish Biodiversity Strategy, local plan
Traffic considerations	Dangerous crossing of Initiative Road	LDP2 Policy 11 (Transport).
Ecology reports, FOI in June 2025 said that they were due in 12 weeks	Risk of EDC proceeding when reports not in, contra to Swire and Jones	Local Govt act part 111 section 50 D
Ecology	Risk of EDC proceeding when reports not in, contra to Swire and Jones	Swire -see above
Ecology	Risk of EDC proceeding when reports not in, contra to Swire and Jones	Lebus - see above
Ecology	Risk of EDC proceeding when reports not in, contra to Swire and Jones	Jones - see above
Ecology	Risk of EDC proceeding when reports not in, contra to Swire and Jones	Wednesbury unreasonableness ? "" Failing to take into account relevant material consideration
Bias on the part of EDC?	EDC did not afford WGP the status of being a "significant" departure from the local plan , but did for another the Rugby Club site, was this deliberate ? It has important consequences i.e. no requirement to notify to Ministers	LDP2 , specifically contravening, Policy 13 (Community Facilities and Open Space) and Policy 19 (Green Belt/Green Network).
Bias on the part of EDC? Inconsistency and a volte-face	EDC planners won't use the word "Significant" in the Development Quality Report/Report of Handling when it is prepared and finalised, as they did with the ANS DQR/ R of H. If they don't refer to the WP proposal as a "significant" departure then it begs the question, why the very similar proposal for ANS application was significant and the WP proposal is not	Wednesbury unreasonableness? Associated Provincial Picture Houses v Wednesbury Corporation (1948). or Tesco Stores Ltd v Dundee City Council [2012] UKSC 13
Bias on the part of EDC?	Paragraph 13 of the Circular explains that notification to Scottish Ministers is required where the planning authority has a financial interest in the development (e.g., as landowner or developer) AND the proposal involves a "significant departure from the authority's own development plan". By not describing development of WGP as "significant" EDC are avoiding notification	Planning Circular 3/2009: Notification of Planning Applications

Not a minor departure	The proposal does not represent a minor technical breach or a small adjustment to boundaries; it involves the total and irretrievable loss of a functioning, designated protected open space that serves a critical role in the community's health and wellbeing. This direct conflict with the LDP is further compounded by its failure to meet the strict criteria set out in National Planning Framework 4 (NPF4) Policy 21, which forbids the loss of outdoor sports facilities unless specific, high-threshold tests regarding surplus provision or enhanced replacement are met. Given that East Dunbartonshire Council is both the applicant and the landowner, and that the proposal fundamentally undermines the LDP's strategic objectives for green network protection, this cannot be categorized as a 'minor' departure.	National Planning Framework 4 (NPF4) Policy 21
Bias on the part of EDC?	Bar changed from "real danger of bias" to "real possibility of bias.", in this legal precedent	Porter v Magill [2001] UKHL 67
Bias on the part of EDC?	The decision making process must be seen to be fair and impartial from the perspective of an external observer.	"Probity in planning" and Porter v Magill [2001] UKHL 67
EDC are required to PUBLISH handling arrangements , ie how functional separation is to be achieved	Required by "London Parks" , does lack of it bring planning process into disrepute?	London Historic Parks and Gardens Trust v Secretary of State for Housing, Communities and Local Government,
Documents not available eg ecology or Stantec	EDC not complying with Local Govt act , supporting docs n/a to public	https://www.legislation.gov.uk/ukpga/1973/65/section/50D#:~:text=(3)Where%20a%20copy%20of,soon%20as%20is%20reasonably%20practicable
Documents not available eg ecology surveys or Stantec	Evidence of bias ?	see "London Parks" , an impartial identity would have dealt with this?
Suspicion EDC want to build houses on Myrtle site	Mitigations lost, these mitigations now not simple or plainly achievable, public trust lost	
Mason Evans report not referenced in Maclaughlin Harvey	Why ? They should have insisted on having reliance	
Loss of light to neighbours	Not mentioned anywhere?	
Separation of Development and Investment Manager role also being part of the Information Management team		FOI rules
Non release of information required by EIR	Breach of regulations	Environmental Information (Scotland) Regulations 2004
Flamingo parks precedent	This policy reinforces the "Avoidance Principle," stating that development in areas at risk of flooding should generally be avoided altogether	NPF4 section 22 NPF4 section 22 Schools are considered "highly vulnerable" uses. Under Policy 22, placing such a use in a flood-risk area is fundamentally discouraged unless avoidance is impossible.
Flamingo parks precedent	Vulnerable use	

<p>NPF 4 relevance and clarification</p>	<p>The only exception EDC can use is "essential infrastructure" Projects where the location is required for operational reasons. The only operational reason that i can think of is that no other site eg tandem build on MA site is possible. EDC did not rule out other sites, they actively chose WGP. National Planning Framework 4 (NPF4) officially came into force on February 13, 2023, at 9:00 am. Because NPF4 was not yet in force during the early feasibility stages of the Lenzie Academy project, the Council may have initially planned the school under the more "lenient" NPF3 rules. However, since the application will be decided now (in 2026), it must strictly adhere to the "Avoidance Principle" and the other environmental protections mandated by NPF4.</p>	<p>NPF4 Policy 22(a)The policy states that development proposals at risk of flooding or in a flood-risk area will only be supported if they meet one of the following four exceptions:i. Essential Infrastructure: Projects where the location is required for operational reasons.ii. Water Compatible Uses: Such as nature-based solutions or specific water-based recreation.iii. Existing Buildings/Sites: Redevelopment of an existing building or site for an equal or less vulnerable use.iv. Redevelopment in Built-Up Areas: Redevelopment of previously used sites in built-up areas where the Local</p>
<p>Need to reconsider because of NPF 4? 'National Planning Framework 4 (NPF4) officially came into force on February 13, 2023, at 9:00 am.</p>	<p>For some older applications, this could involve a significant change in policy context. Additional assessment information might need to be submitted. If the change in policy increases the risk of a refusal of permission, it might be prudent to withdraw the application and amend the proposals</p>	<p>https://brodies.com/insights/planning-environment-and-climate/national-planning-framework-4-adoption-and-publication/#:~:text=If%20here%20is%20an%20inconsistency,might%20need%20to%20be%20submitted.</p>
<p>NAP4 section 22 contradictions the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; a</p>	<p>this only seems to apply to section iv developments BUT would seem to be the only way to ensure that " the school remains safe and operational in a flood", not in designs</p>	<p>NPF 4 section 22 guidance</p>
<p>Possible non insurability</p>	<p>Uncosted expense ? Zero in LEIP form. If self insured needs provision</p>	<p>Audit Scotland restore 2026csoh17-petition-of-restore-nature-limited-for-judicial-review (1).pdf</p>
<p>Restore Forestry decision,</p>	<p>Mitigations cannot be postponed</p>	<p>restore 2026csoh17-petition-of-restore-nature-limited-for-judicial-review (1).pdf</p>
<p>Vulnerability of Myrtle mitigation to cancellation</p>	<p>if a future council cancels and sells land, which most residents think it will</p>	<p>lack of Grampian notice , Section 75, see Lomond Banks</p>
<p>Myrtle Avenue Mitigaton</p>	<p>Needs a conservation buden to have any "teeth". - EDC have not commmitted to doing this</p>	<p>lack of Grampian notice , Section 75, see Lomond Banks</p>
<p>Traffic survey "rigged" - done in study leave to reduce traffic recorded</p>	<p>": You cannot survey during school holidays, half-terms, bank holidays, or days immediately preceding/following a bank holiday." Needs to be redone to validate the application</p>	<p>https://www.gov.uk/government/publications/webtag-tag-unit-m1-2-data-sources-and-surveys</p>
<p>Myrtle Ave proposals</p>	<p>All the previous questions re lack of functional separation - to be considered</p>	<p>London Parks</p>
<p>Tree preservation order</p>	<p>Contradicts project Shows developer hiding the problem, contradicts SEPA checklist</p>	
<p>Micro text revelation Timeline of late revisions to Curtins and Kaya docs</p>	<p>Shows panic, client pressure ?</p>	
<p>Professional complaints</p>		

The Requirement for "Honesty and Integrity"	Placing a critical warning about known downstream flooding and the legal necessity for "Level for Level" compensation in unsearchable, microscopic font on an appendix map—while completely omitting it from the 40-page main report—is a deliberate act of obfuscation. Furthermore, checking "No" to compensatory storage on the formal SEPA checklist when their own text says it is required is the very definition of knowingly misleading an environmental regulator.	Professional bodies of contractors, relevant rules and guidance
The "Duty to the Public and Safety"	The engineers know that the Larkfield Road culvert is blocked and actively flooding residential gardens (as admitted in their micro-text). By designing a system that dumps an increased volume of water into that failing pipe, and by hiding that fact from the Planning Committee, they are actively subordinating public safety to the developer's desire to maximize the site's footprint.	Professional bodies of contractors, relevant rules and guidance
"Accuracy and Rigour" in Communication	Burying project-threatening parameters (like the requirement for compensatory storage in a size-6 font on an image file violates the duty of clear communication. The mathematical "disappearance" of 570 square metres of impermeable surface area between the written text and the computer model is a severe failure of rigour.	Professional bodies of contractors, relevant rules and guidance
Undue Influence (The "Client Pressure" Rule)	The synchronized revision history implies heavy client/council pressure	Professional bodies of contractors, relevant rules and guidance
Residents may threaten EDC with legal action over flood risk		Article 8 Human rights act
Residents may threaten EDC with legal action over flood risk		Article 1 of the First Protocol (Peaceful Enjoyment of Possessions).
Residents may threaten EDC with legal action over flood risk		The Flood Risk Management (Scotland) Act 2009
Residents may threaten EDC with legal action over flood risk		law of delict
Piling	"The applicant's foundation strategy explicitly relies on precast driven piles to avoid the financial burden of extracting and disposing of hazardous spoil. We formally remind SEPA that the recent March 2025 CL:AIRE guidance, 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. which was directly reviewed and supported by SEPA, explicitly lists the driving of solid contaminants into an aquifer and the creation of preferential vertical pathways as primary pollution scenarios. The applicant is actively choosing a foundation method that mechanically forces highly concentrated lead contaminants into the local water table simply to evade hazardous waste landfill fees. We demand SEPA reject this piling strategy under the aforementioned guidance."	Water Environment (Controlled Activities) (Scotland) Regulations 2011
Piling	Act places a mandatory statutory duty on both SEPA and the local authority to protect and improve the water environment, specifically preventing the deterioration of groundwater status. Approving a foundation method that deliberately punctures an aquifer with lead-coated piles violates this statutory duty.	The Water Environment and Water Services (Scotland) Act 2003 (WEWS Act)
Piling	If the lead is the Source and the aquifer is the Receptor, driven piles artificially create the Pathway. By choosing this foundation method, the developer is legally creating a "Significant Pollutant Linkage" which triggers regulatory action.	Part IIA of the Environmental Protection Act 1990.

Piling Policy 9c explicitly states that development on contaminated land will only be supported where it is demonstrated that appropriate mitigation will ensure "no unacceptable risk to human health and the environment." National Planning Framework 4 (NPF4) - Policy 9(c) (Contaminated Land).

PL50 Lowland fen habitat cannot be recreated at the Myrtle Avenue site due to the absence of appropriate peat-forming substrates and the complex hydrological conditions required to support this habitat type." MA is not a mitigation if no Grampian or s75 notice or conservation burden NPF4, Restore Foresty

PL50 Lowland fen habitat cannot be recreated at the Myrtle Avenue site due to the absence of appropriate peat-forming substrates and the complex hydrological conditions required to support this habitat type." MA is not a mitigation if no Grampian or s75 notice or conservation burden Restore Foresty

TPO trees being cut down, peat being endangered At Todrig in the Scottish Borders, the forestry proposal would have covered a 5 km² upland landscape, largely with Sitka spruce. Yet because this area represents only about 4% of the wider Rolling Moorlands Landscape Character Type – a distinctive landscape of open, rolling hills dominated by heather and grassland – Scottish Forestry concluded the impact would be small. On that basis, it ruled that the scheme was unlikely to have any significant effect on the landscape. Following our legal challenge, the Court ruled that this approach is unlawful. The regulations require Scottish Forestry to assess whether a proposal could have significant effects on the site itself, not simply calculate what proportion of a wider landscape it represents. This point is crucial. The loss of trees at WGP needs addressed IN WGP. <https://www.scotcourts.gov.uk/media/zoddjqr/2026csoh17-petition-of-restore-nature-limited-for-judicial-review.pdf>

**SEPA specific , from SEPA Excel sheet
SEPA SWGP v20.3 030426 UPDATED
24 April**

Pluvial and fluvial models Kaya pluvial and fluvial models appear to be independent. They would not be ... When it rains on WGP it is likely to be raining in the Bothlin burn catchment area . This seems to Invalidate the entire drainage plan and imperil neighbouring properties SEPA's Technical Flood Risk Guidance for Stakeholders (SS-NFR-P-002). x

Pluvial and fluvial models Table 2 of the Kaya Consulting Flood Risk Assessment explicitly states that during the 1-in-200-year plus climate change event, the Bothlin Burn will be surging at 82.2 cubic metres per second. Figure 10 of the FRA proves that at this flow rate, the river's water level rises to 50.8m AOD completely submerging the school's drainage outlet pipe under roughly 2.8 metres of water. The developer's computer models assume the site can freely drain into empty space. In reality, the drainage system will be trying to push water against river water flowing at 82.2 m³/s. How can the water exit the submerged pipe? It looks like the drainage network will back up, possibly turning the projected overland flooding into inundation. SWGP calculations are that the pipe is about 400m long . Kaya say they "think "it is 0.75 diameter. this gives a maximum storage volume of of about 50 m3. The 1/200 event is c 75m2. (Excluding what appear to be unmodelled "Aldi", "10Ha" and Moncrieff flows , see later in doc. This seems to Invalidate the entire drainage plan and imperil neighbouring properties National Planning Framework 4 (NPF4) - Policy 22 x

Pluvial and fluvial models	(Policy 22a & 22c): Policy 22(a) states development must not increase the risk of surface water flooding to others. More importantly, Policy 22(c) requires planning authorities to take into account "all sources of flooding" and their cumulative impacts. You cannot assess "all sources of flooding" if you assess them in isolation. Failing to model how the pluvial runoff interacts with the fluvial floodwaters means the Council cannot legally guarantee the development complies with Policy 22(a) (that it won't flood neighboring homes on Larkfield Road when the pipes back up).	National Planning Framework 4 (NPF4) - Policy 22	
Pluvial and fluvial models	(Joint Probability Assessment): SEPA's technical guidance explicitly requires developers to assess the interaction between different sources of flooding. If a site drains into a watercourse, the FRA must model the site's surface water drainage (pluvial) against a "surcharged outfall" (high river levels/tailwater	SEPA: Technical Flood Risk Guidance for Stakeholders	
EIA screening decision , "not a flood risk" directly contradicted by planning application	ScotGov may have been misled by EDC. This constitutes "Wednesbury unreasonableness" and "Substantive" Irrationality"(A decision so absurd no reasonable authority could make it)"? or/ the lesser test of, " Failing to take into account relevant material considerations	Associated Provincial Picture Houses v Wednesbury Corporation (1948). or Tesco Stores Ltd v Dundee City Council [2012] UKSC 13	x
EIA screening decision , "not a flood risk" directly contradicted by planning application	The SEPA checklist is not an informal questionnaire; it is a formal document used to satisfy a Statutory Consultee. Knowingly falsifying answers on a document intended to trigger statutory environmental protections, in order to gain a financial or planning advantage, "skirts the edge" of common law fraud.	Scottish Common Law: Fraud (False Pretences)	
No "level for level" compensatory basin in drainage plans	Potential gross error and contradiction in drainage plans	Technical Note 1-Level for Level Flood Compensation accessible.pdf	x
Need for "level for level" compensation "hidden'	The applicant's engineering team was clearly aware of the NPF 4 mandate for "level for level" compensatory storage and the existing flood dangers on Larkfield Road. However, rather than designing a site that legally mitigates these risks, they buried the warnings in unsearchable map text and officially denied the need for compensatory storage on the SEPA checklist. Under Scottish planning law, a planning authority must make decisions based on accurate, factual information. If an applicant deliberately submits materially false or misleading information (such as ticking "No" to compensatory storage on a SEPA checklist when their own maps show it is required), any planning consent granted on that basis is legally unsafe.	The Town and Country Planning (Scotland) Act 1997 Material Misdirection):	x
Need for "level for level" compensation "hidden'	The EIA Regulations legally require developers to provide an accurate description of the likely significant effects of the project on the environment, including flood risk to vulnerable populations	The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 - Regulation 5 & Schedule 4)	x
Need for "level for level" compensation "hidden'	Flood Risk and Water Management): Policy 22 explicitly prohibits development on a functioning flood plain. It also dictates strict, legally binding rules regarding "level for level" compensatory storage.	National Planning Framework 4 (NPF4)	x

Need for "level for level" compensation "hidden"

The SEPA checklist is not an informal questionnaire; it is a formal document used to satisfy a Statutory Consultee. Knowingly falsifying answers on a document intended to trigger statutory environmental protections, in order to gain a financial or planning advantage, skirts the edge of common law fraud.

Scottish Common Law: Fraud (False Pretences)

Direct Contradiction of the SEPA FRA Checklist (Level-for-Level Compensation):

The hidden text explicitly warns the developer: "...it may be necessary to analyse pre and post-development floodplain volumes, with any loss of volume compensated 'level for level'." As SEPA's flood maps show, the developer is raising the ground level by up to 1.6m directly inside the 1-in-200-year functional floodplain, displacing roughly 7,200 m³ of water. Despite their own engineers warning them that this requires "level for level" compensation, the developer explicitly checked "No" to providing "like for like" compensatory storage on the formal SEPA FRA Checklist (Kaya FRA, Page 38).

The Town and Country Planning (Scotland) Act 1997 Material Misdirection): National Planning Framework 4 (NPF4)

x
x
x
x

Kaya appear not to have modelled the runoff from the Aldi and 10ha east of initiative Rd nor the Moncrieff Road burn all of which they say flow into Drainage Channel 1. "Assessment of drainage records and the FEH maps suggests the watercourse catchment includes 10ha (including the 0.7ha attenuated runoff from Aldi) from west of the A806 Initiative Road and 4.5ha from east of the A806 (including part of Whitegates Park and part of the housing estate on Larkfield Road). Runoff from these areas should be assessed. The proposed greenfield surface water discharge should reflect the pre-development runoff, so the peak runoff rate is not increased. However, the discharge volume may still increase due to limited potential for interception. - from "hidden" text in image on plan.

Might this invalidate the modelling? By deliberately omitting the 10ha from Initiative Road, the Aldi runoff, and the Moncrieff Road burn from the hydraulic model for Drainage Channel 1, the applicant has unlawfully ignored the "cumulative effect" of the catchment.

National Planning Framework 4 (NPF4) - Policy 22

x

The hidden text admits the total discharge volume will increase. Dumping an increased volume of water into a culvert that hasn't been modelled to include all its existing upstream inflows guarantees the pipe will back up, flooding the existing houses on Larkfield Road.

Policy 22(a) - "No Increased Risk to Others

National Planning Framework 4 (NPF4) - Policy 22

The hidden text admits the total discharge volume will increase. Dumping an increased volume of water into a culvert that hasn't been modelled to include all its existing upstream inflows guarantees the pipe will back up, flooding the existing houses on Larkfield Road.

The CIRIA manual strictly dictates that developers must manage both the rate (speed) and the volume (amount) of runoff.

The CIRIA SuDS Manual (C753)

The hidden text admits the total discharge volume will increase. Dumping an increased volume of water into a culvert that hasn't been modelled to include all its existing upstream inflows guarantees the pipe will back up, flooding the existing houses on Larkfield Road.

Burying vital hydrological data (the admission that discharge volumes will increase and that un-modelled 14.5ha catchments exist) in unsearchable image text constitutes material misdirection. It shields the true flood risk from the Planning Committee and the public.

The EIA (Scotland) Regulations 2017 - Material Misdirection

<p><i>The hidden text admits the total discharge volume will increase.</i></p> <p><i>Dumping an increased volume of water into a culvert that hasn't been modelled to include all its existing upstream inflows guarantees the pipe will back up, flooding the existing houses on Larkfield Road.</i></p>	<p>If the applicant's engineers knew these specific areas contributed to Drainage Channel 1 (as proven by their own hidden text) but failed to apply those flows into the modelling software, the model is scientifically void and violates SEPA's statutory modeling parameters.</p>	<p>SEPA: Technical Flood Risk Guidance for Stakeholders (SS-NFR-P-002)</p>	
<p>Ground gas, directly concerns Public Health and Safety and the physical capability of the land, Material Error of Fact</p>	<p>Have Curtins measured gas when ground was waterlogged and result is atypical ?</p>	<p>BS 8576:2013 (British Standard)</p>	x
<p>Ground gas, directly concerns Public Health and Safety and the physical capability of the land, Material Error of Fact</p>	<p>Hugely affects need for gas preclusion measures, that Mason Evans report said would be necessary, Curtins actually admit in their own report that the site is too flooded to accurately test for ground gas, and they explicitly warned against using their own data! Phase 2 Ground Investigation Report, starting on page 53 under the heading "Ground Gas Assessment" and page 54 , "due to the presence of shallow groundwater, the Made Ground encountered as part of the ground investigation works was largely recorded to be saturated."</p>	<p>CIRIA C665 requires a prolonged monitoring period (e.g., 6 to 12 months) specifically to ensure different weather, pressure, and groundwater conditions are captured , test period as far as we know was less than two months</p>	x
<p>Ground gas, directly concerns Public Health and Safety and the physical capability of the land, Material Error of Fact</p>	<p>Curtins wrote: In the determination of GSVs [Gas Screening Values] consideration must be given to the well design, and what is being monitored. As stated in NHBC guidance... gas monitoring data from wells with groundwater levels above the top of the response zone is not representative and should not be used within the risk assessment."</p>	<p>CIRIA C665 requires a prolonged monitoring period (e.g., 6 to 12 months) specifically to ensure different weather, pressure, and groundwater conditions are captured , test period as far as we know was less than two months</p>	x
<p>Ground gas, directly concerns Public Health and Safety and the physical capability of the land, Material Error of Fact</p>	<p>"From Table 22 and the NHBC guidance it is understood that gas monitoring data from CP01, CP05, RC07 and RC08 should not be used in the determination gas screening values for the assessment of the site wide ground gas regime, as these wells are consistently recorded as flooded during monitoring visits." "All other wells monitored are partially flooded, and as such, the ground gas monitoring data taken from these wells should be interpreted with care."</p>	<p>CIRUA C665</p>	x
<p>Ground gas, directly concerns Public Health and Safety and the physical capability of the land, Material Error of Fact</p>	<p>The Council knows the land is suspected to be contaminated and gassing (due to the 2018 Mason Evans report, which mandated gas protection). By relying on a Curtins report that explicitly admits its own data was gathered from "saturated" (flooded) wells, the developer has failed to legally demonstrate that the land is "safe and suitable" for a school.</p>	<p>National Planning Framework 4 (NPF4) - Policy 9</p>	
<p>Ground gas, directly concerns Public Health and Safety and the physical capability of the land, Material Error of Fact</p>	<p>BS 8485 and its accompanying CIRIA C665 guidance strictly dictate that gas monitoring must be carried out under appropriate conditions. CIRIA guidance explicitly warns that flooded monitoring wells invalidate gas flow readings because the water prevents gas from entering the standpipe. Curtins is legally bound to follow BS 8485. By acknowledging the wells were "largely recorded to be saturated" but still using that data to classify the site as 'CS1' (no protection needed), they have violated the core methodologies of the British Standard.</p>	<p>British Standard BS 8485:2015+A1:2019</p>	

Ground gas, directly concerns Public Health and Safety and the physical capability of the land, Material Error of Fact	But they conclude (on Page 55) that the site is low-risk (Characteristic Situation 1 / CS-1) and does not need advanced gas protection membranes. Inconsistency.	CIRUA C665	x
Ground gas, directly concerns Public Health and Safety and the physical capability of the land, Material Error of Fact	Methane is explosive, and Carbon Dioxide is an asphyxiant. If a Local Authority grants planning permission for a school without mandating gas membranes, based on gas readings they know were scientifically compromised by groundwater, they are in direct dereliction of their statutory duty under the EPA 1990 to protect human health.	Environmental Protection Act 1990 (Part IIA)	
Ground gas, directly concerns Public Health and Safety and the physical capability of the land, Material Error of Fact	The Council screened out an EIA based on the assumption that environmental and health risks were negligible. If that assumption was based on invalid, flooded-well gas data, the EIA screening decision is legally flawed and open to Judicial Review.	Town and Country Planning (EIA) (Scotland) Regulations 2017 (Schedule 4):	
Ground gas, directly concerns Public Health and Safety and the physical capability of the land, Material Error of Fact	Mason Evans report said gas preclusion measured necessary, lead levels found in Mason Evans report were much higher than in Curtins report	Town and Country Planning (EIA) (Scotland) Regulations 2017 (Schedule 4):	
No teachers or other adults modelled in DQRA	A pupil is exposed to the indoor air quality and grounds for roughly 6 years. A teacher, janitor, or groundskeeper could be inhaling those exact same low-level ground gases or disturbing contaminated soil for 40 years. If the Detailed Quantitative Risk Assessment (DQRA) completely omitted the risk profile for adult staff who could be exposed to the site for up to 40-45 years, the applicant has failed to legally prove the site is safe for its proposed use.	NPF4 Policy 9c (Brownfield, Vacant and Derelict Land)	
No teachers or other adults modelled in DQRA	The statutory guidance requires risk assessments to identify all relevant "receptors" (people who could be harmed) and the "pathways" by which they could be exposed to the "source" (the toxins). Excluding long-term occupational receptors from a DQRA on a site with known heavy metals, cyanide, and ground gas invalidates the conceptual site model required by UK environmental law.	Environmental Protection Act 1990 (Part IIA) & CLEA Guidelines	
No teachers or other adults modelled in DQRA	East Dunbartonshire Council, as the employer, has a statutory duty to ensure, so far as is reasonably practicable, the health, safety, and welfare at work of all its employees. By accepting a planning application that literally erases the workforce from the toxicological risk assessment, the Council is failing its statutory duty of care to its future staff.	Health and Safety at Work etc. Act 1974	
Misleading inputs to CLEA model for contaminants	SWPG made an attempt to rerun the CLEA model, adjusting as follows: Exposed Area (53% vs 75% capped): ~1.88x multiplier; Duration (44-year teacher adult vs 6-year pupil): ~4.0x multiplier (adjusted for adult body weight/intake rates); Concentration (440 mg/kg median vs generic 200 mg/kg): ~2.2x multiplier. This gave us a total compounded multiplier of 16.5x. It seems highly unlikely to us that a CIRIA matrix score of "Low", as the consultant reckoned, could be outputted on the basis of these inputs. However we don't have access to the CLEA software and would request that SEPA ensure that it is rerun by an independent expert using all the raw data.	Environmental Protection Act 1990 (Part IIA) & CLEA Guidelines	
N Is "source area" correctly entered in M CLEA model? Set at "0.5ha"	This need addressed by EDC	Environmental Protection Act 1990 (Part IIA) & CLEA Guidelines	

Curtin say "Given the distance to the Burn, it is anticipated that the potential of contaminant mobilisation to the burn is unlikely." 079120-CUR-XX-XX-T-GE-00002-P05_Lenzie Academy Phase 2 Ground Investigation Report_ISSUE.pdf	Kaya say the main drainage pathway is to the burn. = siloed thinking , Curtins as the consultants re contaminants appear to think here is no drainage to the burn! Yet as drainage consultant say the Bothin burn is the main drainage channel (!) This lack of joined up thinking is repeated in the application eg impermeable areas	
Contrary to National , regional and local flood planning	Contrary to industry report , insurance may be impossible to get. Costs of school closures due to flooding not costed.	building_future_communities_report_2025.pdf
Contrary to National , regional and local flood planning	Contrary to Clyde Valley Regional Report. EDC is proposing to move school from a non flood risk site to a flood prone one. WGP ultimately drains into a part of Kirkintilloch that is at major risk of flooding	Flood Risk Management Strategy.pdf
Contrary to National , regional and local flood planning mitigation plans presented re "mitigations"	Mitigation of a big flood event does not seem to have been contemplated. Technical uncertainty at the decision stage is unlawful, see all the points made above with	at WGP - the problems .pdf" NPF4
Refusal for care home in Milngavie Refusal for care home in Milngavie	Flood risk and vulnerable care home , school is also vulnerable. EDC should have used this case as a gate check At LESS risk than WGP?	NPF4 see sepa maps
Aviva Feb 26 DO NOT BUILD on flood risk sites	Advice of UK's biggest insurer	https://www.aviva.com/newsroom/news-releases/2026/02/proportion-of-new-homes-built-in-flood-areas-rises-to-one-in-nine/
Aviva Feb 26 DO NOT BUILD on flood risk sites	The formal position stated by Jason Storah, CEO of UK & Ireland General Insurance at Aviva, included these specific points:	https://www.aviva.com/newsroom/news-releases/2026/02/proportion-of-new-homes-built-in-flood-areas-rises-to-one-in-nine/
Aviva Feb 26 DO NOT BUILD on flood risk sites	Presumption Against Development: "We believe there should be a presumption against new developments in high-risk areas in the planning rules".	https://www.aviva.com/newsroom/news-releases/2026/02/proportion-of-new-homes-built-in-flood-areas-rises-to-one-in-nine/
Interaction of flood risk and contaminants, Interaction of flood risk and contaminants, Interaction of flood risk and contaminants,	This hugely complicates the mitigations and makes impossible that they could be "modest or plainly achievable"	NAPF 4 s 22
	Contrary to EDC own guidance	EDC owl=n 2015 advice doc on suds tanks (!)
	Hugely worsens the consequences of a flood	NAPF 4 s 22
Interaction of flood risk and contaminants, School is a highly vulnerable use	Once the suds tanks are built, a potential path is created Any breach anywhere in the suds tanks and in an extreme flood that contaminated water would go to the Kelvin. "Vulnerable use" is important in NPF4	NAPF 4 s 22 NAPF 4 s 22
Discrepancies between Mason Evans 2018 and Curtins 2025 reports	Identified a high organic content in the shallow made ground (up to 53% Total Organic Carbon) and underlying peat deposits. As a result, it concluded that the soils pose a potential risk of ground gas emissions and that "gas preclusion measures would likely be required" across the majority of the site. NPF4 Policy 9(c) states that where land is known or suspected to be unstable or contaminated, the applicant must demonstrate that the site "is, or can be made, safe and suitable for the proposed new use." * The Breach: The burden of proof is on the applicant (the Council) to prove the site is safe. If the 2018 baseline established a high ground gas risk (53% TOC), the 2025 Curtins report cannot lawfully override it by producing "false negatives" from flooded wells. By presenting invalid safety data to bypass NPF4 Policy 9, the application is legally deficient and unsafe for determination.	NPF4 Policy 9(c)

Discrepancies between Mason Evans 2018 and Curtins 2025 reports	Under Part IIA, local authorities have a statutory duty to identify "Contaminated Land," defined as land where there is a "Significant Possibility of Significant Harm" (SPOSH) to human health (e.g., explosive methane or asphyxiating carbon dioxide migrating into classrooms).	Environmental Protection Act 1990 (Part IIA)
By avoiding development in areas at flood risk as a first principle	School at WGP does not meet this requirement	NPF 4 section 22 guidance
A precautionary approach should be taken, regarding the calculated probability of flooding as a best estimate, not a precise forecast.	WGP does not abide by the precautionary principle	NPF 4 section 22 guidance
seek to minimise the area of impermeable surface.	The capping proposal directly contradicts this (!)	NPF 4 section 22 guidance
The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk. In such cases, it will be demonstrated by the applicant that: all risks of flooding are understood and addressed; there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes; the development remains safe and operational during floods;	There is reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes; the development may not remain safe and operational during floods, because of contaminants how does the school remain safe and operational in a flood? there IS an increased risk to the River Kelvin area , water AND toxins	NPF 4 section 22 guidance NPF 4 section 22 guidance NPF 4 section 22 guidance
Use of SUDS tanks in at WGP contradicts EDC's own policy. No manufacturers 60 year guarantee on Use of SUDS tanks in peat contradicts EDC's own policy. No manufacturers Council in their LDP2 Policy 18 refer to a guidance document on "Flooding and Drainage – Guidelines for Developers". This generally follows SEPA guidance, and the council have	Contradicts own policy Means that failure will be costly and inevitable, toxins will leak to Bothlyn Luggie and Kelvin	East-Dunbartonshire-Flooding-and-Drainage-Development-Guidance-Rev-East-Dunbartonshire-Flooding-and-Drainage-
	Peat gas emission	June 2025 Scottish Government Guidance for NPF4 Policy 2
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, failures of governance or predetermination, and renders TP/ED/26/0104 unlawful	EDC did not ask the WGCG group for input , despite being well aware of their existence, they could have told EDC of this , Planning Advice Note (PAN) 3/2010 and the Community Empowerment Act 2015 mandates early, meaningful community engagement. Local residents possess vital historical knowledge of the land (like the 2002 evacuations). By presenting the site as a fait accompli and freezing out the WGCG until the very end, EDC intentionally bypassed the very people who would have immediately flagged the FRA as a lie.	Planning Advice Note (PAN) 3/2010 and the Community Empowerment Act 2015
Kaya said "No references to flooding in the immediate, surrounding area by the site were found. East Dunbartonshire Council Flood Team were consulted to support this assessment."But a WGCG FOI has uncovered extensive correspondence re flooding in Douglas Avenue, including with the CE. 15 houses were affected and 5 houses evacuated	The EIA Screening . EDC screened out the need for a full Environmental Impact Assessment (EIA).As stated above , EDC justified screening out the EIA by claiming there was "no flood risk." We can now prove that this screening decision was based on data EDC knew was false. Bypassing statutory environmental scrutiny using falsified historical data is a severe breach of the EIA (Scotland) Regulations 2017.	EIA (Scotland) Regulations 2017.

Kaya said "No references to flooding in the immediate, surrounding area by the site were found. East Dunbartonshire Council Flood Team were consulted to support this assessment." But a WGCG FOI has uncovered extensive correspondence re flooding in Douglas Avenue, including with the CE. 15 houses were affected and 5 houses evacuated

EDC has actively misled its own engineering consultants. Invalidation of the Flood Risk Assessment (Material Error of Fact) An FRA is only as good as its baseline data. Hydrological models are calibrated using historical flood events to predict future risks. By officially claiming there is "no history of flooding," the FRA presents a fundamentally false baseline to the Planning Committee. Under Scottish Planning Law, a planning decision based on a "Material Error of Fact" is unlawful and highly vulnerable to Judicial Review. NPF4 Policy 22: National Planning Framework 4 requires the assessment of "all sources of flooding."

NPF4 and material error of fact

Kaya said "No references to flooding in the immediate, surrounding area by the site were found. East Dunbartonshire Council Flood Team were consulted to support this assessment." But a WGCG FOI has uncovered extensive correspondence re flooding in Douglas Avenue, including with the CE. 15 houses were affected and 5 houses evacuated

Possibility of deliberate misdirection by the Local Authority. Kaya Consulting **did not just guess**; they explicitly state **they asked the EDC Flood Team**. The Council holds the statutory flood records. They received the complaints, managed the clean-ups, and corresponded with about Douglas Avenue. The corporate/development arm of the Council may have suppressed the institutional memory of the flooding incident

Scots Common Law re duties in public office

Recent landmark planning decisions, specifically the Scottish Ministers' refusal of the Lomond Banks development and the refusal of the Milngavie Care Home proposal at the former Arnold Clark site (Planning Ref: TP/ED/24/0153), have established a strict legal precedent regarding NPF4 Policy 22 (Flood Risk). Both cases proved that developers can no longer use unproven "engineering mitigations" to force "vulnerable uses" onto floodplains.

Flood risk less than at Milngavie

NPF4

Admission of Increased Flood Volume

The text concedes: "However, the discharge volume may still increase..." This confirms that while they may throttle the rate of discharge, the total volume of water being pushed into the already failing Larkfield Road culvert will substantially increase.

NPF4

Pitches not properly drained as suds tanks have been moved up hill in last minute design change, (2 weeks before submission)

Interaction of pitches and drainage / flood policy / contaminated soil

The Requirement for an "Appropriate Drainage Scheme" For artificial/synthetic (3G) pitches, sportsotland and Scottish Football Association (SFA) guidelines mandate that the sub-base must be highly permeable. The Policy: The base must allow for rapid through-drainage (often recommended at a rate of 600mm per hour) so the pitch remains playable during heavy rain. The Catch: The guidelines explicitly state this water must drain into an "appropriate drainage scheme." While the crushed stone sub-base can be used to temporarily attenuate water, it must eventually pipe out to a controlled network.

Stadia 3G Construction & Installation Guidelines (Published by the Scottish FA, aligned with sportsotland standards). What it says (Section 5.2 - Sub-base): This document dictates that the main criterion for a pitch base is the "provision of a stable platform, which allows through drainage to an appropriate drainage scheme." What it says (Section 5.3 - Performance of Drainage): It explicitly states that because 3G pitches must rapidly discharge runoff, designs "should consider a rate of 600mm/hr as the minimum req

101: 3G Synthetic Turf Pitch and Datasheet 103: Natural Turf Pitch. What it says: These official technical

<p>Piling "The spoil generated on site will be minimised through the use of precast driven piles" Sustainability Report</p>	<p>Penetrative piling methods (like driven piles) should generally not be used on contaminated sites because of the risk of creating vertical pathways to aquifers.</p>	<p>"Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination." advice document</p>
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<p>Curtins seem to have used four completely different figures for the impermeable area across their own report, legally invalidating the hydraulic model. The "Written" Area (3.635 ha): The text states the south catchment is 2.691 hectares and the north catchment is 0.944 hectares. Total = 3.635 hectares. The "Computer Model" Area (3.578 ha): The Causeway Flow software readout explicitly states: "The total impermeable area is 3.578 ha". They "lost" 570 square metres of concrete in the computer model. The "Discharge Limit" Area (3.230 ha): When calculating the environmental safety limits for how much water can leave the site, they inputted a "Positively Drained Area" of just 3.230 hectares and a site area of 6.8000 ha</p>	<p>These produce the baseline figures for a) the drainage and b) the site specific CLEA modeling. To get the highly toxic, lead-contaminated site to "pass" the CLEA (Contaminated Land Exposure Assessment) safety models, the developer's toxicologists inputted the specific parameter of 75% , ie assumed that 75% of the site will be permanently sealed under an impermeable hard-standing cap (concrete, tarmac, and artificial pitches). By claiming that 75% of the ground is physically blocked off, the computer model calculates that children and staff cannot touch or breathe in the contaminated dust, lowering the risk scores to acceptable levels.</p>
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<p>Human Health DQRA regarding hydrocarbon vapour risks. In the applicant's WM3 Waste Assessment (Trial Pits 2 & 3), engineers explicitly recorded 'Hydrocarbon/NAPL visible on water' alongside a 'strong hydrocarbon odour.' NAPL (Non-Aqueous Phase Liquid) indicates free-phase floating petroleum.</p>	<p>The applicant's own Phase 2 methodology states that standard CLEA soil algorithms cannot be used when free-phase contamination is present, yet the applicant has unlawfully used the standard soil model to pass the site, completely ignoring the volatile vapour risk.</p>	<p>CLEA regs</p>
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<p>TPO trees being cut down, peat being endangered</p>	<p>At Todrig in the Scottish Borders, the forestry proposal would have covered a 5 km² upland landscape, largely with Sitka spruce. Yet because this area represents only about 4% of the wider Rolling Moorlands Landscape Character Type – a distinctive landscape of open, rolling hills dominated by heather and grassland – Scottish Forestry concluded the impact would be small. On that basis, it ruled that the scheme was unlikely to have any significant effect on the landscape. Following our legal challenge, the Court ruled that this approach is unlawful. The regulations require Scottish Forestry to assess whether a proposal could have significant effects on the site itself , not simply calculate what proportion of a wider landscape it represents. This point is crucial.</p>	<p>https://www.scotcourts.gov.uk/media/zoddjkqr/2026csoh17-petition-of-restore-nature-limited-for-judicial-review.pdf</p>
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<p>Contaminants : contradictions re soil removal (hundreds of tons) and capping ("do not disturb soil"),</p>	<p>This is why flood "mitigation" as suggested by EDC, may not be sufficient, see Champion case</p>	<p>Champion "Mitigation measures may be considered at screening, but where initial uncertainty is substantial an EIA should be required"</p> <p>Champion https://www.casemine.com/judgement/uk/5a8ff7a660d03e7f57eb0cb0</p>
<p>Contaminants contradictions re soil and capping</p>	<p>This is why "flood mitigation" is not sufficient to deny EIA, see Champion case</p>	

		National Planning Framework 4 (NPF4), Policy 23 (Water Environment) Under Policy 23, development will not be supported if it would have a detrimental impact on the ecological status of the water environment. This applies specifically to freshwaters like the River Kelvin.
Toxic waste fishing River Kelvin	Kelvin is a protected river at risk if contaminants leach as contemplated by EDC in 2105 advice note	
Toxic waste fishing River Kelvin	Under National Planning Framework 4, the River Kelvin is protected as part of the "Water Environment." Policy 23 is a strict legal barrier for any development that risks the river's health. Ecological Status: Planning authorities cannot support any project that would have a "detrimental impact" on the ecological status of the water environment. The "Trout/Salmon" Standard: Because the Kelvin has seen the return of Atlantic Salmon and Brown Trout, it is subject to the Conservation of Salmon (Scotland) Regulations. Any runoff that impacts these "vulnerable sub-stocks" would be a violation of the river's ecological status under SEPA's monitoring	National Planning Framework 4 (NPF4), Policy 23 (Water Environment) Under Policy 23, development will not be supported if it would have a detrimental impact on the ecological status of the water environment. This applies specifically to freshwaters like the River Kelvin.
Toxic waste fishing River Kelvin	The river is protected from surface water runoff from contaminated land by the Water Environment (Controlled Activities) (Scotland) Regulations (CAR). Non-Degradation: SEPA (Scottish Environment Protection Agency) is legally required to ensure that the water quality of the Kelvin does not degrade. In February 2026, the Scottish Ministers established that if a developer (like EDC) has "outstanding technical data" regarding the water environment, the project must be refused	National Planning Framework 4 (NPF4), Policy 23 (Water Environment) Under Policy 23, development will not be supported if it would have a detrimental impact on the ecological status of the water environment. This applies specifically to freshwaters like the River Kelvin.
Aviva Feb 26 DO NOT BUILD on flood risk sites	Insurability Concerns: Stora warned that too many new homes are being built in areas where they are "not protected by the Flood Re scheme," which could leave homeowners facing uninsurable properties or severe value loss in the future.	building_future_communities_report_2025.pdf
Aviva Feb 26 DO NOT BUILD on flood risk sites	Strengthening Rules: Aviva called for a tightening of planning regulations to prevent "unprotected development in current and future flood zones".	building_future_communities_report_2025.pdf
Development proposals at risk of flooding or in a flood risk area will only be supported if they are for: i. essential infrastructure where the location is required for operational reasons; EDC's own flood units' recommendation re filtering ignored	LA is essential infrastructure but EDC themselves described other options (!)	NPF 4 section 22 guidance
"Donaldson Street" failure to deal with contaminated soil properly	Research by WMS of WGP group shows that EDC may not have dealt with toxic waste properly at another project TP/ED/17/0418	H&S regs, Gillespie "mitigations modest"
kaya have not modelled Moncrieff Drain, A burn that drains through Lenzie, parallel to Moncrieff Avenue, also discharges to the pipe where it passes through the residential estate to the south of the site	This flow not modelled, would seem to increase risk of Moncrieff flooding	NPF4
WGP rejected in 2018 for of ASN school contradiction	Not explained - Bias ?	LDP2 Policy 1 (Development Strategy),
WGP rejected in 2018 for of ASN school contradiction	Not explained - Bias ?	Brownfield Land Planning Guidance
WGP rejected in 2018 for of ASN school contradiction	How could mitigation of contamination in screening be easy if contamination in 2018 was enough to reject site out of hand?	Gillespie, Swire etc

	While the entire river is not a Site of Special Scientific Interest (SSSI), it is officially designated in local planning as a Site of Importance for Nature Conservation (SINC) and a Major Wildlife Corridor. Protected Species: The river provides vital habitat for species protected under the Wildlife and Countryside Act 1981, including Otters and Water Voles. Habitat Connectivity: NPF4 Policy 3 (Biodiversity) requires that development "restores and better connects biodiversity". Building a school that risks toxic leachate entering this corridor directly contradicts the requirement to protect this regional "green network".	Habitat Connectivity: NPF4 Policy 3 (Biodiversity) Audit Scotland: "Major Capital Investment in Councils" Guidance
Toxic waste fishing River Kelvin		
Educational interruption risk	Costed in?	
Has a letter of comfort been obtained by EDC from insurers that cover can be. obtained at reasonable cost	Does this contradict best value guidance?	Audit Scotland: "Major Capital Investment in Councils" Guidance
Has a letter of comfort been obtained by EDC from insurers that cover can be. obtained at reasonable cost? Note that self insurance requires a cost provision	Does this constitute Wednesbury unreasonableness on the part of EDC? "Substantive" Irrationality?"(A decision so absurd no reasonable authority could make it)"? or/ the lesser test of, " Failing to take into account relevant material	<i>Associated Provincial Picture Houses v Wednesbury Corporation (1948). or Tesco Stores Ltd v Dundee City Council [2012] UKSC 13</i>
Has the Council conducted an impact assessment on the educational attainment of pupils who would be displaced by a site-specific flood event?	Contradicts best value guidance	Audit Scotland: "Major Capital Investment in Councils" Guidance
Has the Council conducted an impact assessment on the educational attainment of pupils who would be displaced by a site-specific flood event?	This may constitute Wednesbury unreasonableness on the part of EDC "Substantive" Irrationality?"(A decision so absurd no reasonable authority could make it)" or/ the lesser test of, " Failing to take into account relevant material	<i>Associated Provincial Picture Houses v Wednesbury Corporation (1948). or Tesco Stores Ltd v Dundee City Council [2012] UKSC 13</i>
Conflict between flood protection and gas vents?	Free board requirement , if necessary, means school would need raised 1.5m - Flow from here not modelled, affects flood outcome and risk to residents	Not clear in NPF4 if necessary NPF4
New care home and houses to be built		
Contaminants	Community should have been consulted, certain locals had historical memory that the council should not have ignored.	Community Empowerment Act 2015
Contaminants	EIA should have been done	The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017
Lack of reports e.g hydrology	"Jumping the gun" - should have been done beforehand to ensure value	Audit Scotland
EDC failed to tell the public about the screening decision	Public were denied the opportunity to object , Commi	Restore nature Champion https://www.casemine.com/judgement/uk/5a8ff7a660d03e7f57eb0cb0
No EIA means flood risk not properly assessed	"where initial uncertainty is substantial and EIA should be required "	

The only exception EDC can use is "essential infrastructure" Projects where the location is required for operational reasons. The only operational reason that i can think of is that no other site eg tandem build on MY site is possible. EDC did not rule out other sites, they actively chose WGP. National Planning Framework 4 (NPF4) officially came into force on February 13, 2023, at 9:00 am. Because NPF4 was not yet in force during the early feasibility stages of the Lenzie Academy project, the Council may have initially planned the school under the more "lenient" NPF3 rules. However, since the application will be decided now (in 2026), it must strictly adhere to the "Avoidance Principle" and the other environmental protections mandated by NPF4.

NPF 4 relevance and clarification

NPF4 Policy 22(a)The policy states that development proposals at risk of flooding or in a flood-risk area will only be supported if they meet one of the following four exceptions:i. Essential Infrastructure: Projects where the location is required for operational reasons.ii. Water Compatible Uses: Such as nature-based solutions or specific water-based recreation.iii. Existing Buildings/Sites: Redevelopment of an existing building or site for an equal or less vulnerable use.iv. Redevelopment in Built-Up Areas: Redevelopment of previously used sites in built-up areas where the Local

Timing ? Need to reconsider because of NPF 4? 'National Planning Framework 4 (NPF4) officially came into force on February 13, 2023, at 9:00 am.

Suds tanks in two different places

In the UK SuDS baseline estimate Curtins put "0" for the roof area of school

School has no 6th form (Curtins)

For some older applications, this could involve a significant change in policy context. Additional assessment information might need to be submitted. If the change in policy increases the risk of a refusal of permission, it might be prudent to withdraw the application and amend the proposals

Carelessness in reports, not proof read?

<https://brodies.com/insights/planning-environment-and-climate/national-planning-framework-4-adoption-and-publication/#:~:text=If%20here%20is%20an%20inconsistency,might%20need%20to%20be%20submitted.>

Larkfield , lack of clarity what does this mean "" Flows discharging into Surface Water Channel 1 are limited by a 225m diameter pipe under the A806 and a 300mm diameter pipe from Larkfield Road..."The 300mm diameter pipe from Larkfield Road was assumed to be 100% blocked, with the surface water originating in this residential estate flowing overland to the site.

Seems to assume that water from Larkfield was not entering the modelled drain. This is very confusing. SWGP do not understand this

Sloppy shortcut? Worrying

Carelessness in reports, not proof read?

Chapter 3 of CLEA SR3 provides only four generic land-use defaults. Because a 'School' campus is not included, the EA guidance explicitly requires assessors to build a bespoke Conceptual Site Model to generate accurate Site-Specific Assessment Criteria (SSAC). Instead, as explicitly confessed in Table 5 of the applicant's DQRA ('No specific value available for schools, selected value for commercial'), the applicant inappropriately applied the 'Commercial/Industrial' generic default."

No EIA means alternatives not considered

Misleading CLEA result

Best value not ensured

UK Environment Agency's core risk assessment framework: Science Report SC050021/SR3 (Updated technical background to the CLEA model)."

<https://assets.publishing.service.gov.uk/media/5a7ce9eae5274a724f0be48b/scho0508bnqw-e-e.pdf>

Local Government in Scotland Act 2003,

Plans and visualisations do not show 600mm freeboard above 200 year level , But this alluded to in the "hidden image" (!)

is this costed ? While the specific height can vary based on the site's risk profile, a common starting point in Scottish engineering is 600mm (0.6 meters) above the predicted 1-in-200-year flood level, including an allowance for climate change.

NPF4 se 23

Different council departments are contradicting each other IN THE SAME PLANNING APPLICATION. Gross carelessness. Evidence of no proof reading by EDC planning dept. Casts doubt on validity of application.

Admission of Known Downstream Flooding:

The hidden text admits: "The LLFA confirmed that the outlet culvert is partially blocked and has been known to flood rear gardens of properties on Larkfield Road." Proposing to dump the increased runoff volume into a pipe that the applicant knows is already flooding residential properties is a direct violation of NPF4 Policy 22.

National Planning Framework 4 (NPF4) - Policy 22(a); Flood Risk Management (Scotland) Act 2009; The CIRIA SuDS Manual (C753)

Ignored Cumulative Capacity: Material errors in fact in screening decision, "no flood risk", "no monument"

The hidden text acknowledges that the receiving pipe is already draining 14.5 hectares of land, explicitly including the attenuated runoff from the proposed Aldi supermarket and a local housing estate. However, the applicant's Causeway Flow hydraulic models completely ignore this, treating the pipe as empty and available exclusively for the school

Lack of neutrality, an impartial agent, as required by "London Parks", would have spotted this

Community Empowerment Act 2015

Inadequate safety strategy for works ?

Imported soils can be as bad as soil already there ,given the problems identified elsewhere in this document we not believe this is acceptable

"Where soils are imported,chemical testing should be undertaken in order to prove suitability for use on the Site.Test results should be submitted to a suitably qualified Geo-Environmental for use on the Site.Test results should be submitted to a suitably qualified Geo-Environmental Engineer for review in order to verify their suitability for use on the Site via screening the results against the GAC used in the Phase 2 and the SSAC for PAHs, Lead and Nickel (as utilised in the DQRA)"

BS 3882:2015 (Specification for Topsoil, BS 8601:2013 (Specification for Subsoil)

Enforce best practice design rules?" No" entered

Admitted by contactor in drainage docs. Negligent in a £138m project . Drainage that fails "best practice" leads to blockages, flooding, and structural failure. If a designer deliberately bypasses best practice rules in their modelling software to force a failing design to look acceptable on paper, they are actively baking foreseeable risks (flooding and infrastructure failure) into the project. This is a severe breach of their statutory duties under the CDM Regulations and potentially exposes the designer to prosecution by the Health and Safety Executive (HSE).

Construction (Design and Management) Regulations 2015 (CDM Regulations)

Enforce best practice design rules?" No" entered

EDC cannot legally satisfy NPF4 if the mathematical models proving the site is safe explicitly admit to ignoring "best practice design rules." The Planning Authority has a legal duty to assess the robustness of the application; they cannot lawfully approve an application where the developer's own software printouts admit the design violates industry safety parameters.

National Planning Framework 4 (NPF4) - Policy 22

Enforce best practice design rules?" No" entered

The "best practice rules" toggle in Causeway Flow is specifically coded to check compliance against these exact CIRIA and "Sewers for Adoption" standards. By selecting "No," the engineer has explicitly admitted that their drainage strategy does not comply with the statutory design standards required by the Council.

The CIRIA SuDS Manual (C753)

Drainage Doc 4 1:200 Year Header: "Lowest mass balance: 94.07%"	SEPA Flood Modelling Guidance mandates a mass balance error of no more than ±1%. Curtins' 1:1000 year Causeway Flow model shows a mass balance of 89.98% (a >10% error), and the 1:200 year model shows 94.07% (a >5% error). By SEPA's own published standards, this model should not be accepted.	https://www.sepa.org.uk/media/219653/flood_model_guidance_v2.pdf
1:1000 Year Header: "Lowest mass balance: 89.98%" - it seems this shows huge undercertanty in the modelling	SEPA Flood Modelling Guidance mandates a mass balance error of no more than ±1%. Curtins' 1:1000 year Causeway Flow model shows a mass balance of 89.98% (a >10% error), and the 1:200 year model shows 94.07% (a >5% error). By SEPA's own published standards, this model should not be accepted.	https://www.sepa.org.uk/media/219653/flood_model_guidance_v2.pdf
[PL47 - LIA] Incorrect environmental zone classification	The site is incorrectly classified as E3 (middle district brightness/urban traffic routes) rather than E2 (low district brightness), which contradicts their own text stating ambient light levels are low. This artificially allows them to use brighter lighting than should be permitted on the site.	ILP (Institution of Lighting Professionals) and CIE Guidance
[PL47 - LIA] Contradictory claims about light spill	Page 8 claims lighting is "fully contained" with "no spill," but Page 26 admits there is spill light at the boundary of around 1 lux. This highlights internal inconsistencies in their assessment.	General EIA / Planning Assessment Standards
[PL47 - LIA] No cumulative assessment undertaken	Given the proposal introduces significant new lighting next to the Kirkintilloch Leisure Centre (a prominent illuminated structure), the cumulative increase in district brightness and sky glow is substantial but has been entirely ignored.	NPF4 (National Planning Framework 4) Cumulative Impact Requirements
[PL47 - LIA] Conflicting ecology assessment regarding bats	The document contradicts itself on the same page (Page 3), first claiming no protected/sensitive ecological receptors exist, but then admitting the site context "may support bat activity."	Protected Species Legislation / NPF4 Policy 4
[PL47 - LIA] No Night-Time Baseline Photography	The LIA only includes daytime baseline photographs. Without night-time photography to evidence existing luminance and sky glow, the baseline is completely unevidenced, rendering the conclusions unsupported.	ILP and CIE Guidance
[PL47 - LIA] Missing Sports Pitch Lighting Calculations	Sports lighting is the largest source of obtrusive light, yet the assessment contains no isolux plots, no glare ratings, no spill diagrams, and no vertical illuminance modelling for the pitches.	Standard Lighting Assessment Methodology
[PL60 - DQRA] Incorrect Receptor Definition	The modeling incorrectly assumes Lenzie Academy has no 6th form (ignoring 17-18 yr olds) and entirely excludes visiting primary pupils, younger siblings, community sports users, staff, and maintenance workers.	LCRM (Land Contamination Risk Management)
[PL60 - DQRA] Outdoor Exposure Not Properly Assessed	The report admits contamination exists in proposed soft landscaping areas (where children will play and gather), yet fails to assess dust generation, soil disturbance, or future landscaping changes in these toxic zones.	NPF4 Policy 10
[PL60 - DQRA] No Construction-Phase Risk Assessment	Given extreme contamination levels (e.g., lead up to 1400 mg/kg), failing to assess dust inhalation and risks to construction workers, neighboring residents, and existing pupils during excavation is a massive public health omission.	NPF4 Policy 23 and HSE Guidance
[PL60 - DQRA] SSACs are not demonstrated to be protective	The Site-Specific Assessment Criteria (SSACs) are set extremely high compared to generic criteria, meaning their safety model is highly sensitive to biased assumptions and cannot be considered reliable without real site-specific data.	LCRM / Standard Contamination Assessment Guidelines

[PL48 - AQA] Reliance on a single Traffic Survey Day	The model is based on a single weekday (April 1, 2025). One day cannot capture term-time traffic, seasonal variation, exam periods, or evening events, undermining the reliability of the entire model.	Standard Traffic/Air Quality Assessment Methodology
[PL48 - AQA] Underestimation of School-Generated Traffic	Secondary schools cause intense, short-duration traffic spikes. The AQA unrealistically assumes no congestion, no queueing, no idling, and no increase in HDV movements, materially understating toxic emissions (NO ₂ , PM ₁₀ , PM _{2.5}).	NPF4 / Local Air Quality Management (LAQM)
[PL48 - AQA] Sensitive Receptors near Roadside Limits ignored	Small increases in pollution materially affect health for vulnerable populations near the A806, yet the assessment does not use vulnerable population weighting.	Modern Public Health Guidance
[PL48 - AQA] Invalid assessment of teacher/staff occupational exposure	Staff car parks and delivery bays are near road boundaries (highest exposure), but the risk to staff in these zones has been ignored.	NPF4 Policy 23
[PL48 - AQA] Omission of Middlemuir Road & surrounding streets	Excluding these streets excludes the most affected residential areas. This directly contradicts document PL45, which explicitly states traffic will increase in these specific streets.	EIA Consistency Requirements
[PL48 - AQA] Failure to assess Non-Traffic Emission Sources	The AQA only looks at road traffic. It entirely fails to assess construction dust, construction vehicle emissions, heating plant emissions, and delivery vehicles.	NPF4 Policy 23
[PL48 - AQA] No Assessment of Indoor Air Quality for Pupils/Staff	Children are a high-risk group spending 6-8 hours a day on site. The AQA fails to assess classroom ventilation near the A806, playground exposure, or outdoor sports area exposure.	NPF4 (Exposure of new users to pollution)
[PL48 - AQA] Cumulative Impacts Not Fully Considered	Fails to account for future growth in the Woodilee area, new housing allocations, and the cumulative effect of multiple developments compounding on the A806 corridor.	NPF4 Cumulative Impact Requirements
[PL48 - AQA] Model assumptions artificially suppress pollution levels	The modelling relies on fantasy scenarios: free-flowing traffic, no cold-start emissions, no idling, no junction congestion, and no school-related peaks.	LAQM (Local Air Quality Management) Technical Guidance
[PL48 - AQA] Air Quality Report Validity Warning	The report itself (dated Jan 2026) states it becomes invalid if submitted more than 12 months after its date. If planning extends beyond Jan 2027, the assessment is void.	The Report's Own Prescribed Methodology

The Construction Management Plan does not satisfy the NPF4 requirement for safe access and egress during a flood. Flood Evacuation Plan: There is no protocol for evacuating the completed school during a flood event. No Alternative Routes: If the primary access from the A806 is compromised by floodwaters, there are no documented secondary or emergency egress routes for pedestrians or vehicles. The walkway path is not mentioned as an evacuation route. Might this be threatened by flooding from node 23?

Compared to Glazert water TP_ED_24_0656

It is unsafe

NPF4

Inconsistent application of standards by EDC

Hydrodynamic Modelling vs. Basic 1D Math

What they demanded at Glazert: EDC and SEPA required Stantec to build a fully functioning, two-dimensional (2D) computer model using sophisticated software (SRH-2D and TUFLOW) over a 2000-meter reach of the river. This allowed them to see exactly how water would spread, swirl, and react to bridges and blockages dynamically. What they accepted at Whitegates: For the Bothlin Burn, Kaya Consulting did not use 2D modelling. They relied on the basic 1D "Manning" equation, using just 5 static cross-sections extracted purely from airborne LiDAR data.

SEPA Technical Flood Risk Guidance for Stakeholders (SS-NFR-P-002).

Handing Over the Model to SEPA

What they demanded at Glazert: On the statutory SEPA FRA Checklist, Stantec was asked, "Is the hydraulic model available to SEPA?" and they officially answered Yes. The regulator was allowed to look under the hood and check their math. What They accepted at Whitegates: On Kaya's SEPA Checklist, when asked if the hydraulic model was available to SEPA, they explicitly answered No. EDC allowed their consultant to hide their underlying data from the national environmental regulator.

SEPA Technical Flood Risk Guidance for Stakeholders (SS-NFR-P-002).

Calibrated "Ground Truthed" Data

What they demanded at Glazert: Stantec confirmed on their SEPA Checklist that their hydraulic model had been actively calibrated against actual gauge data and flood records. They proved their computer model matched reality. What they accepted at Whitegates: Kaya Consulting confirmed on their SEPA Checklist that their model was not calibrated. It is entirely theoretical, relying on unverified LiDAR lasers rather than physical ground truthing.

SEPA Technical Flood Risk Guidance for Stakeholders (SS-NFR-P-002).

The 1:1000 Year "Safe Egress" Flood Data

What they demanded at Glazert: Stantec was required to explicitly consider the 1:1000 year design flood. They answered Yes on the SEPA Checklist and provided full-color maps showing exactly where the 1000-year flood waters would spread to ensure safety limits were understood. What they accepted at Whitegates: Kaya Consulting left the 1000-year design flood question completely blank on their SEPA Checklist (leaving it on the default "Select from List"). They provided zero maps and zero water levels for the 1:1000 year river flood, meaning EDC has no data to prove how staff and children would safely evacuate if the site became an island.

National Planning Framework 4 (NPF4), Policy 22 (Flood Risk and Water Management) .

Compensatory Storage Rules

What they demanded at Glazert: Because Glazert was a river restoration designed to increase floodplain capacity, compensatory storage was not necessary. However, the checklist clearly tracks whether "like for like" storage is provided when capacity is lost. What they accepted at Whitegates: The Kaya checklist admits that compensatory storage is necessary for the school, but explicitly states No to demonstrating this storage on a "like for like" basis. EDC is allowing the school to displace floodwater without proving exactly where that displaced water will go on a level-for-level basis.

The Statutory Standard: National Planning Framework 4 (NPF4), Policy 22(a) AND SEPA Technical Flood Risk Guidance for Stakeholders (SS-NFR-P-002)

Kaya may have measured the profile of the Bothlin Burn at the wrong location. They do not explicitly say where it is but the only place where a straight line can cut across Woodilee Road, the Canal Feeder, and the Bothlin Burn seems to be a few metres upstream of the railway viaduct.

Since their model is so sensitive to level heights with only a few centimetres difference between this height and that of the lowest level on the site, an increase in the level of a 200 year flood would mean the pipe connecting the Bothlin to drainage channel one would actually flow backwards into the park.

No peat management plan	SEPA states: "The peat management plan is required to demonstrate the site assessment has used the mitigation hierarchy to inform the project design and minimise adverse effects."	NPF4 Policy 5 and SEPA regulations.
Sepa say ... "peat strategy should be developed and the water table raised where possible / suitable as part of the drainage design" to heal the peat. However, the Curtins Drainage Strategy and the school's construction will do the exact opposite, they have to engineer the water away from the buildings to prevent flooding, permanently altering the water table and drying out the underlying bog.	Conflict with EDC's own policy for Lenzie Moss	sea-environmental-report-westerhill-regeneration-area.pdf and NPF4 Policy 5 and SEPA regulations.
Constructing a 4-storey super-school over this site will permanently compact , de-water, and destroy this peat layer, triggering a massive release of sequestered carbon and directly violating the SEA's mandate to raise the water table to restore peat health. The Council cannot claim to be protecting peat in its strategic documents while simultaneously burying a saturated peat bog under thousands of tonnes of concrete."	Conflict with EDC's own policy for Lenzie Moss	sea-environmental-report-westerhill-regeneration-area.pdf and NPF4 Policy 5 and SEPA regulations.
The official recommendation in the SEA is to "Recommend avoiding peat habitat wherever possible". Most damning of all, the SEA states that to protect the peat, the Council must "Avoid areas of peat to prevent adverse changes to water table and flood storage capacity".	Conflict with EDC's own policy for Lenzie Moss	sea-environmental-report-westerhill-regeneration-area.pdf and NPF4 Policy 5 and SEPA regulations.
"The development does encroach into the flood extents" - note from engineer	Kaya said development outside flood risk should be ok - EDC are developing in it.	NPF 4 Spa
Curtins say, Consideration should be given to the acquisition of a SEPA Paragraph 19 exemption to ensure materials imported to site from an external construction site source are correctly managed and recorded. Further information in relation to the requirement for obtaining a Paragraph 19 exemption is presented in SEPA Technical Guidance Note..."	Contravenes EDC own policy , The council's own 2015 drainage guidance forbids putting attenuation features in a flood plain due to the risk of "contaminants... washing to the adjacent watercourses." Piling "exempt waste soil" into a flood plain creates the exact same risk.	East-Dunbartonshire-Flooding-and-Drainage-Development-Guidance-Rev-B-Final-1.pdf
The Red Line Boundary is legally defective.	The application fails to include necessary land for access alterations within the red line. A revised application and neighbor notification are required.	HOPS (Heads of Planning Scotland) Validation Guidance.
HOPS Validation Guidance.	Crucial Site Plans, Block Plans, Elevations, Sections, and Level Plans are either missing, contradictory, or fail to show how the massive changes in ground levels will actually work.	HOPS Validation Guidance.
Disturbance of deep peat and carbon-rich soils.	The Ground Investigation confirms peat depths of up to 7.1m. The application fails to demonstrate how this peat will be managed, ignores the risks of dewatering, and violates the strict protections against disturbing peat.	NPF4 Policy 5 (Soils).
Site is a functioning flood plain / School is not "Essential Infrastructure".	The developer incorrectly claims the school is "essential infrastructure" to bypass flood rules. The FRA is materially deficient, ignores the loss of flood storage capacity in the Bothlin Burn, and fails to coordinate drainage with the peat ground conditions.	NPF4 Policy 22 (Flood Risk)

Unjustified removal of protected woodland.	The site is subject to a Tree Preservation Order (TPO). The application relies on pushing the "compensatory planting" over to the Myrtle Avenue site, which is legally unacceptable since they are being processed as separate applications ("salami-slicing").	NPF4 Policy 4 (Natural Places) and Policy 6 (Forestry/Woodland).
Out-of-scale development for a residential area.	Dropping a massive 4-storey institutional building into a low-rise residential setting fails the "six qualities of successful places." The developer's excuse that they had to build upwards because the site footprint is too constrained actually proves the site is unsuitable.	NPF4 Policy 14 (Design, Quality and Place).
Deficient Site Waste Management Plan.	The waste plan completely ignores the massive demolition waste of the existing Lenzie Academy. By splitting the project, the Council is hiding the true environmental waste impact of the overall scheme.	NPF4 Policy 12 (Zero Waste).
Council's own previous rejection of the site.	In 2018, the Council explicitly rejected this exact site for a much smaller ASN school due to ground conditions (peat/contamination). The consultant notes this earlier appraisal is a "highly material consideration" that contradicts the current application.	Material Planning Consideration.
Breach of residents' human rights.	The severe lack of robust evidence regarding noise, air quality (from the 5,000 HGVs), and flood risk directly threatens the rights of the neighboring residents.	European Convention on Human Rights (ECHR) - Article 8 (Right to respect for private and family life) & Article 1 of Protocol 1 (Peaceful enjoyment of possessions).
EDC kept WGP out of the formal LDP2 site assessment matrix and this the "corporate side of the Council" shielded the site from early, objective environmental scrutiny. Inconsistency	"The Council's own Local Development Plan 2 (LDP2) „Appendix 8 Site Assessments (Volumes 1 & 3) proves that the Planning Authority utilises a highly rigorous, multi-layered scoring matrix to evaluate the environmental, flooding, and infrastructural suitability of potential development sites. However, the applicant deliberately shielded the Whitegates Park site from this standard scrutiny. "By dropping the Myrtle Avenue alternative 'early' based on undocumented financial assumptions, and by failing to subject Whitegates Park to the Council's own established site assessment scoring matrix, corporate officers unlawfully protected their preferred site from objective environmental evaluation. This double standard proves that the site selection was predetermined, rendering the application procedurally unfair and incapable of demonstrating statutory Best Value."	LDP2 Site Assessments (Appendix 8)