TP/ED/26/0104

Formal Material Objection

Unlawful EIA screening decision by East Dunbartonshire Council, ("EDC")

Contrary to the precedents established in "Gillespie" and "Swire"

Evidence from Whitegates Park Community Group, ("WPCG", "We")

21 April 26

We contend that: The Planning Authority's decision to screen out a statutory Environmental Impact Assessment (EIA) is legally incompetent as it fundamentally breaches the legal precedent set in *R (Gillespie) v First Secretary of State [2003]* and *R (on the application of Swire) v Secretary of State for Housing, Communities and Local Government [2020] EWHC 1298 (Admin).*

The *Gillespie* ruling clearly dictates that a Planning Authority cannot lawfully conclude there are "no significant environmental effects" by relying on unproven, un-assessed, and highly uncertain future mitigation measures. Mitigations must be "plainly established and easily achievable."

The *Swire* Principle states that where there is "material doubt" about the potential for significant environmental effects due to contamination, the precautionary principle requires an EIA. It is unlawful to assume that effective remediation works can be worked out during the course of development.

In *Swire*, the High Court heavily relied on the principle established in Gillespie v First Secretary of State, which dictates that a decision-maker cannot assume that complex or uncertain remedial measures will be successful at the screening stage. The court emphasised that where there is "material doubt" about the potential for significant environmental effects, the "*precautionary principle"* requires that an EIA be carried out.

The applicant's own engineering documents (Curtins Drainage Strategy and Remediation Strategy) and the independent Chartered Engineering review done by WPCG, [redacted] and analysis confirm beyond any

doubt that the environmental mitigations for this highly contaminated, flooded site, which is 53% unstable peat, are entirely uncertain. The project's own documentation relies on guesswork, un-surveyed pipes, un-modelled flood risks, and conditional future investigations.

The following direct quotes from the applicant's own submissions and engineering reviews, from the report of [redacted] and analysis by WGCG member [redacted] demonstrate that the EIA mitigations are entirely unproven:

Admitted uncertainty in documents submitted to the planning portal:

It MAY be necessary to analyse pre and post-development floodplain volumes, with any loss of volume compensated 'level for level'.

Assessment of drainage records and the FEH maps SUGGESTS the watercourse catchment includes 10 ha (including the 0.7 ha attenuated runoff from Aldi) from west of the A806 Initiative Road and 4.5 ha 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.

"South Catchment Outfall - Subject to LLFA approval. The watercourse is BELIEVED to connect via culvert to the Bothlin Burn."

“VIABILITY of surface water discharge will DEPEND on: the impact on flood risk of any loss of functional floodplain and changes to inflow rates/volumes. The LLFA confirmed that the outlet culvert is partially blocked and has been known to flood rear gardens of properties on Larkfield Road."

"...water outfall to Scottish Water manhole 8602. Location & IL TBC [To Be Confirmed]. If IL higher than 49.5m pumping MAY be required."

“ASSUMED location of ditch culvert. Location, elevation and viability of connection to be further investigated.

"ASSUMED connection point of existing surface water sewer to ditch."

The dense foliage and ground vegetation prevented the survey of the existing 230mm diameter concrete or plastic systems which REQUIRE further investigation to determine their function and condition."

"It should be noted that there are a range of levels UNRECORDED due to dense vegetation...

"This design ASSUMED piled building foundations."

(Comments by [redacted] (BSc. CEng. MICE. MIStructE.)

"Surface Water Channel 1 is intrinsic to the drainage of the development site... It is clear that this conduit has NOT BEEN INSPECTED and its specification is sketchy at best. Part of it is recorded as vitrified clay with no diameter given…”

"Existing sewer and culvert gradients have been ASSUMED, so there is no guarantee that they will have sufficient capacity for the additional discharge being added from the development."

Any ‘flooding’ of this culvert will cause sewage to discharge over the roads and gardens, and yet this HAS NOT BEEN MODELLED."

"There are areas of Lenzie contributing to the Drainage Channel 1... and yet there is NO EVIDENCE TO SUGGEST THE MODELLING HAS TAKEN ANY OF THESE DISCHARGES INTO ACCOUNT.

"The report recommends that a Drainage Impact Assessment is carried out by others. It beggars belief that this has NOT BEEN CARRIED OUT prior to submitting for planning permission.

"The FRA states CCTV surveys should be carried out to confirm the MANY ASSUMPTIONS MADE in relation to the key culverts and sewers."

A section of the site surface water run-off connects into a culvert that MAY also accommodate unrecorded foul sewage..."

A section of the site surface water run-off heads north through an existing SuDS feature with UNKNOWN OWNERSHIP."

Comments by [redacted]

Adoption of SUDS tanks by Scottish Water ASSUMED

50-year guarantee of SUDS tanks ASSUMED

50-year insurability of site ASSUMED , (EDC have not engaged with insurers)

Possibility of using level-for-level compensation, ASSUMED by Kaya and Curtins

Extent of how waterlogged the site was ASSUMED, investigations were still being done March 26

“Part of site not checked for contaminants,” therefore UNKNOWN

What the EIA Screening says (Page 13): The checklist asks, "Is the proposed development location susceptible to earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions?" EDC ... "No."

*But… * Just 16 days after this screening was signed, the internal Early Warning Register (Risk-002, June 25) explicitly stated that parts of the site could not even be surveyed "due to flooding."*

Even for known contamination, the strategy relies on careful management *during construction* to prevent environmental harm, rather than upfront remediation.

- The Remediation Document States: "Whilst remediation of the made ground soils on Site is not necessary, the raised levels of PAHs and heavy metals within the soil in conjunction with the high water table,

require a careful approach to managing the soils in order to prevent, for example, excess run-off from soils into the surface water bodies".

- Legal Implication: This admits that the soil contains elevated levels of toxic substances (PAHs, heavy metals) and that without a "careful approach," there is a risk of polluting surface water. *Swire* dictates that where there is material doubt about environmental impact, the precautionary principle applies. Relying on a future "soil management plan" to prevent pollution is exactly the type of assumption about future success that *Swire* deemed unlawful at the screening stage.
- In the Remediation document whilst the consultants Curtins consider the risk from contaminants in soils to be fully constrained, the limitations of a ground investigation invariably result in the possibility of missing localised areas of contamination".
- Legal Implication: This admission that localised contamination may have been "missed" directly parallels the situation in *Gillespie*, where the full extent of contamination was not known. *Gillespie* established that where such uncertainty exists, a decision-maker cannot properly conclude that significant environmental effects are unlikely.

The statement details a *reactive* strategy for dealing with "unexpected gross contamination" that is complex and far from "plainly achievable."

- The Remediation Document states: It outlines procedures for encountering "Asbestos Containing Material (ACM)", "Free Phase Product" (liquid hydrocarbons), and "Spent Oxide" (a gas works by-product with high cyanide levels). The protocol involves halting works, visual inspection by an engineer, delineation via sampling, and excavation and removal to a licensed facility.
- Legal Implication: This is not a simple, standard condition. It is a complex engineering protocol for managing highly hazardous materials (cyanide, asbestos, hydrocarbons) if and when they are discovered during construction. Under *Gillespie*, it is unlawful to assume at the screening stage that such complex, future, and contingent measures will be successfully implemented to prevent significant environmental effects. The very need for such an elaborate "unexpected contamination" protocol demonstrates the inherent risk.

The entire strategy rests on future actions that will be validated only after construction is complete.

- The Remediation Document states: A "Completion Report" will be produced at the end of construction to verify that remedial works were completed satisfactorily, including records of asbestos removal and waste transfer notes.
- Legal Implication: By deferring the detailed management and validation of these high-risk activities to the post-permission construction phase, the process removes these critical environmental issues from public scrutiny. As highlighted in *Gillespie*, this "deprives the public of the opportunity to make informed representations in accordance with the EIA procedures about the adequacy of such measures". An EIA guarantees public consultation on these measures *before* a decision is made.

On page 4 (Section 1.4.2) of the Remediation Statement, Curtins makes a staggering admission regarding the potentially explosive/toxic ground gas on the site:
"As such, no gas protection measures are required. This is subject to re-assessment following the receipt of round gas monitoring data from the additional ground investigation works."
EDC do not actually know if they need gas membranes, the Remediation Statement is explicitly deferring the final decision on whether a 1,400-pupil school needs gas protection membranes until after they receive data from "additional ground investigation works." This despite the Mason Evans report specifically stating that “gas preclusion measures would be required”.
On the official June 2025 EIA Screening Checklist, East Dunbartonshire Council (EDC) acknowledged the ground gas risk but claimed an EIA wasn't needed because it would be handled by a "robust contaminated land management plan." We now know that the "robust plan" (this Remediation Statement) is literally a promise to re-assess the hazard later when the contractors finally get working data.

The document also admits that its entire risk rating for the contamination is conditional on the development plans not changing.
"...the contaminants were re-screened against the SSAC and no exceedances were found, and, subject to proposed development plans

remaining unchanged, the risk rating attributed to contaminants in soil... [is low]"
But we already know from the Early Warning Register that the design plans are *changing rapidly* due to the poor ground conditions, making this conditional risk rating entirely unstable.

The report includes a standard, but legally problematic, caveat about their own testing limits:
"Whilst Curtins considers the risk from contaminants in soils to be fully constrained, the limitations of a ground investigation invariably result in the possibility of missing localised areas of contamination."

The ASN School contradictions:

We contend that because East Dunbartonshire Council (EDC) explicitly evaluated the Whitegates site for an Additional Support Needs (ASN) school in 2018 and rejected it as unviable due to severe environmental and engineering hazards, their current 2025 EIA Screening Decision for Lenzie Academy is hopelessly compromised.

The *Swire* ruling established that a Planning Authority must have sufficient information to make an informed EIA screening decision, and they cannot lawfully ignore or bury significant environmental evidence that they already possess.

In the 2018 Comparison and the 2021 Options Appraisal, EDC officially recorded that Whitegates Park contained "Thick made ground (containing a mixture of landfill materials)", "Toxic and phytotoxic contamination... including lead, zinc and nickel", "Peat from a depth of 0.8m", and a "High water table... (saturated ground)". They officially concluded this rendered the site "unviable" and "unsuitable".

On the June 2025 EIA Screening Checklist for the new Lenzie Academy, the EDC planner ticked "No" to the site being susceptible to subsidence or flooding, and claimed there was "no evidence" that contamination was a barrier to development. We contend that because EDC already held institutional records proving the site was a toxic, saturated peat bog, they unlawfully suppressed this known evidence to “rig” the EIA screening. We

contend that under *Swire,* an EIA screening decision that deliberately ignores the Council's own established evidence is legally incompetent.

The Gillespie ruling strictly forbids Councils from screening out an EIA by relying on highly complex, uncertain, or unproven future mitigation measures. Mitigations must be "plainly established and easily achievable."

In the 2018 comparison, EDC explicitly admitted that fixing the Whitegates site would require extremely complex mitigations. They noted that piling through the peat would add "significant cost and an increase to construction duration / overall risk", and that a "ground remediation strategy will be required... contaminated soil which is unable to be safely accommodated within the site will attract a significant premium to dispose of off-site.". They concluded that these constraints add "significant project complexity and risk through financially unviable engineering solutions".

In the 2025 EIA screening, EDC claimed that the ground gas and contamination issues could be easily brushed aside with a standard "remediation plan" attached as a planning condition. The 2018 documents prove that EDC knew the required mitigations were not standard or easily achievable, they were highly complex, premium-cost, "unviable engineering solutions." We contend that EDC cannot legally categorise a mitigation as "standard" in 2025 when it officially rejected it as "highly complex and risky" in 2018.

The 2015 Flood and Drainage Guidance Contradictions :

In their 2015 document *East-Dunbartonshire-Flooding-and-Drainage-Development-Guidance-Rev-B-Final-1.pdf* EDC say "EDC will require that no SUDS features should be proposed within a functioning flood plain to avoid the risk of: 1), SUDS features becoming redundant during possible inundation from adjacent watercourses and 2), risk of contaminants from the development washing to the adjacent watercourses during such events"; yet the entire Curtin drainage strategy is *based* around burying SUDS tanks in unstable peat in a functioning flood plain.

(EDC seem here to be like the White Queen in "Through the Looking-Glass", where Alice tells the White Queen that "one can't believe

impossible things" and the Queen replies: "I daresay you haven't had much practice... Why, sometimes I've believed as many as six impossible things before breakfast.") This mitigation not only seems to be not “easily achievable” it seems to be impossible under EDC’s own rules.

Also, in *East-Dunbartonshire-Flooding-and-Drainage-Development-Guidance-Rev-B-Final-1.pdf guidance for developers* EDC demand that “the surface water drainage shall be controlled in such a way that: 1) No surcharging shall occur within the drainage system for a 1 in 30 year (3.33%) storm and 2) No overflow shall occur anywhere within the drainage system for storm events up to and including the 1 in 100 year (1%),”…

Whereas the Curtins drainage strategy submitted in the planning application the model output explicitly lists multiple nodes and pipes that fail to handle the flow and back up. The status column repeatedly flags these areas as "surcharged" during the 30-year storm simulations. Examples of nodes listed as “surcharged” during the 30-year event include: Node S28, Node S17, Node S18, Node S19, Node S27, Node S20, Node S22, Node S4, Node S32, Node S67, and Node S25.

Despite stating in their design philosophy that there should be "No flood overflows from site" for the 1:100 year event, their own software model proves that it does, in fact, overflow and flood. Node S39 is explicitly listed with the status "flood ", showing a flood volume of 1.1877 cubic metres escaping the system during a 15-minute summer storm. Multiple other nodes (such as Node S32 and Node S20) are flagged with the status "flood risk" during the 100-year event. Furthermore, Drainage Strategy Part 1 details exceedance flows explicitly stating that water "Overflows into south-west edge of car park and spills into Drain 1".

If the best efforts of EDC’s highly paid consultants Curtins can only produce a mitigating drainage plan that **fails, in almost all respects, to meet EDC's own criteria,** then the mitigations can certainly not be said to be "easily achievable". It is important to note that the revision history on these documents, "*P01 Draft for planning submission. GW AMB 18/11/2025" and "P02 Updated to McHL & Stantec comments GW AMB 03/12/2025”,* show that EDC was in possession of the information that demonstrated that the drainage plans presented as mitigations of the flood risk would not meet their own self-imposed standards at the same time as they were telling

DPEA, for the DPEA re-screening, that everything was rosy and no EIA was required.

Contradictions between FOI replies to the public and what was being submitted to the Scottish Futures Trust (SFT) :

FOI from [redacted] of EDC (26 June 2025, [redacted], East Dunbartonshire Council 2025 FOI/19957 - Feasibility report for Whitegates Park): When asked about the total costs of remediation, this Council official replied: "*this is currently unknown... [we] await the outcome of the recent Site Investigations... to determine costs*."

If the costs of mitigating WGP were completely "unknown" in May 2025, how did the Council submit an official Value-for-Money (VfM) business case to the Scottish Futures Trust (SFT) in October 2022 that claimed that there was **"zero risk"** allocated to the "construction phase" and artificially capped the "abnormals" at a percentage way below what RICS recommend for a site like WGP? EDC cannot claim a project delivers "Value for Money" to the Scottish Government when they admit in writing three years later that they had **no idea** what the ground remediation would cost.

"Gillespie" EIA violation confirmed (Responses to Q4 & Q6)

The FOI says (May 2025): The Council states they are "awaiting the outcome of recent Site Investigations" and "once received, these will inform the development of a remediation strategy."

This proves that in June 2025, the remediation strategy did not exist. Yet on June 9, 2025, the Council signed the official EIA Screening Checklist, legally concluding that an EIA wasn't needed because the contamination would be easily handled by a "robust contaminated land management plan."

Under the Gillespie legal precedent, a Council cannot avoid an EIA by relying on a future, unwritten, unassessed remediation strategy. This FOI proves they bypassed the statutory EIA process using a phantom mitigation plan that hadn't even been written yet because they were still waiting for the test results.

We also contend the screening decision was based on an error of material fact and is “Wednesbury Unreasonable.” *(Associated Provincial Picture Houses v Wednesbury Corporation (1948), or Tesco Stores Ltd v Dundee City Council [2012])*

- In its EIA Screening Decision, East Dunbartonshire Council explicitly claimed that the site “was not in a flood risk area.”
- However, the Council’s own consultants (Kaya Consulting), in their Flood Risk Assessment for this exact application, produced a SEPA FRA Checklist (Page 38) which answers “Yes” to the question: “Is any of the site within the functional floodplain?”
- Furthermore, the formal planning application form, submitted by the Council's own agent, directly contradicts the screening decision by ticking “Yes” to the statutory question: “Is the site within an area of known risk of flooding?”

The revision history of the FRA proves that the Council’s experts were drafting data that identified the site as a functional floodplain as early as June 2025.

It is substantively irrational and an abuse of process for a planning authority to issue a screened-out EIA decision claiming "no flood risk" when they were already in possession of expert evidence confirming the site is a functional floodplain, and when their subsequent planning application formally declares the risk. As far as we can see, the Council has yet to even inform the public of this screening decision. We contend this opinion is legally void, rendering the entire planning application unlawful.

We also contend there was a failure to ensure “functional separation”

This contradiction highlights the inherent conflict of interest. East Dunbartonshire Council acts as both the developer (promoter) and the impartial planning authority. We assert that they have not properly dealt with this conflict.

In response to a Freedom of Information request, asking if the Council had appointed an independent decision-maker or specific officer tasked with ensuring functional separation of roles regarding this project, the Council's response was *"No."*

This is a clear contravention of Article 9a of EU Directive 2011/92/EU (as amended by 2014/52/EU). It also directly contradicts the legal precedent set in *"London Historic Parks and Gardens Trust v Secretary of State for Housing, Communities and Local Government."* This lack of functional separation has resulted in the procedurally illegal EIA screening and raises grave concerns about the impartiality of the entire application.

We further contend that the Screening Opinion (which ruled out an EIA) was taken under delegated powers by officers who are colleagues of the applicant (the Education Department). Given the significant public interest and the Council's financial conflict of interest (LEIP funding), this decision should have been referred to the Planning Committee for transparent scrutiny, or independently audited. By leaving it to internal officers, the Council failed to demonstrate the 'objectivity' required by Regulation 52.

Our conclusion:

A drainage and contamination strategy that relies on "unknowns," "assumptions," "unrecorded" data, and mitigations whose "viability will depend" on uncompleted future analysis cannot lawfully be used to bypass an EIA.

The mitigations are not "plainly established", not "easily achievable", fail to meet EDC's own 2015 published rules and standards; the precautionary principle was not adhered to, EDC failed to appoint an impartial identity, failed to consult elected members and may have misled the DPEA, the SFT and the public.

The planning authority has acted *ultra vires* by approving this EIA screening.

We demand the screening decision be immediately revoked and a full, statutory EIA be mandated.

Note: we are cognisant of the decision in Caz Rae, *Caz Rae* [2024] CSOH 74 , where Lord Sandison stated that it is in the nature of a screening opinion that a *"detailed and full assessment" is not required. He explicitly noted that "Not all uncertainties have to be resolved, nor every aspect of the matter made subject to full and comprehensive examination, before a decision can be made that an EIA is not required".*

However, we also note from "Caz Rae", "*While mitigation can be considered, the court reiterated the principle from cases like Gillespie that mitigation measures should not be used to preempt an EIA when significant effects are genuinely present. The judgment noted that for complex developments, reliance on extensive mitigation at the screening stage could be unlawful.")*

We would contend that by the time they issued their screening decision in June 2025, EDC had sufficient negative information, in the form of the Mason Evans ground investigation report, upon which they had relied to reject the site for another type of school, to recognise that the mitigations would not be "plainly established" and "easily achievable".

Even if this contention is rejected, we would contend that the information the council had in its possession in December 2025, in the form of finished or draft reports, the early warning register, the skyrocketing cost provisions insisted on by their professional advisors , all *proved* that the mitigations were not "plainly established" and "easily achievable", and as stated previously, the precautionary principle was blatantly ignored.

We anticipate the Planning Authority may attempt to rely on Regulation 6(3) of the 2017 EIA Regulations, claiming that the Scottish Ministers' Screening Direction from December 2025 supersedes any local screening errors.

We formally contend that the Ministers' Screening Direction is legally unsafe and cannot be relied upon to approve this application. A screening direction is only valid if procured using complete and accurate environmental data. The applicant possessed severe negative risk data—specifically the Mason Evans contamination findings and the soaring mitigation costs outlined in the Early Warning Register—proving the mitigations were not "easily achievable."

By failing to fully disclose these acute, escalating risks to the DPEA, the applicant procured the Ministers' direction via the suppression of material risk data. Relying on a screening direction procured through a Material Error of Fact renders the planning application vulnerable to immediate legal challenge.

Addendum 1

“The Early Warning Register”, which was obtained by an FOI request from EDC. (We are endeavouring to obtain an up-to-date version from EDC. As of 21 April EDC have refused to provide it except by means of an FOI request.)

AtkinsRéalis

Early Warning Register

Client: East Dunbartonshire Council
Project: Lenzie Academy
Job No: N/a

ID	Date Added	Type	Title	Description (Including Cause, Event and Impact)	Risk Owner	Risk Status	Pre-Mitigation Probability	Pre-Mitigation Impact	Pre-Mitigation Risk Score	Treatment Strategy	Risk Mitigation Measures / Actions Required / Update	Post-Mitigation Likelihood	Post-Mitigation Impact	Post-Mitigation Risk Score
Risk-001 (EWN-0001)	24/04/2025	Threat	Soil Investigation Results	Early indications from the SI carried out are that there are issues with contaminants within the soil on site. Please attend and early warning review on Friday 25th April at 2:30pm to review.	Contractor	Open	5	4	20	Threat - Mitigate (Treat)	Numerous additional surveys have been carried out to minimise the risk of any further impact of the ground conditions on the design. Design has been updated to reflect known conditions.	3	3	9
~~Risk-002 (EWN-0002)~~	~~[illegible]~~	~~Threat~~	~~Non Surveyed Areas~~	~~[illegible] have advised an area of the site was not surveyed as part of the previous surveys carried out due to flooding. As a result, there may be unknown contamination within the area. If contamination is found then this will also impact the Biodiversity Net Gain strategy which has been presented to the public and EDC Committee. An early warning notice may be required including the outcome of this survey work.~~	~~Contractor~~	~~Closed – Mitigated / Enhanced~~	3	4	12	~~Threat - Mitigate (Treat)~~	~~Item closed at PTM held [illegible]~~	3	3	9
~~Risk-003 (EWN-0003)~~	~~[illegible]~~	~~Threat~~	~~Flow and Pressure test~~	~~MGLH have been asked to carry out a flow and pressure test on the existing Scottish Water infrastructure, [illegible] to carry out these works.~~	~~Contractor~~	~~Closed – Mitigated / Enhanced~~	[illegible]	2	16	~~Threat - Mitigate (Treat)~~	~~Item closed at PTM held [illegible]. flow and pressure test has been complete.~~	4	2	8
~~Risk-004~~	~~15/08/2025~~	~~Threat~~	~~Ground Conditions~~	~~There have been numerous surveys and investigations to the soil conditions of the site. The results indicate extremely poor conditions which will impact on the sub-structure design for the project.~~	~~Design Team~~	~~Closed – Mitigated / Enhanced~~	6	6	36	~~Threat - Mitigate (Treat)~~	~~Closed PTM 1001/2026 – ground conditions now accounted for as part of the ground design.~~	4	3	12
Risk-005	15/08/2025	Threat	Failure to Achieve LEIP Funding Requirements	There are numerous targets required in order to secure LEIP funding, should this not be met then funding will not be granted for the project.	Client	Open	3	5	15	Threat - Mitigate (Treat)	Passivhaus certification to be applied to ensure LEIP funding metrics are met. Design team also fully aware of LEIP funding requirements and designing to meeting standards.	2	3	6
Risk-006	15/08/2025	Threat	Planning Application	Failure to achieve planning approval to progress the project.	Contractor	Open	3	5	15	Threat - Mitigate (Treat)	Continue to engage with EDC Planning.	2	4	8
Risk-007	15/08/2025	Threat	Building Warrant	Any concerns or comments raised by building control may impact on design delivery programme.	Design Team	Open	3	4	12	Threat - Mitigate (Treat)	Additional meetings to be arranged with BCO in buildup to submission.	2	3	6
Risk-008	15/08/2025	Threat	Utility Delays	Approvals for utilities impacting construction delivery programme.	Contractor	Open	3	4	12	Threat - Mitigate (Treat)	Initiate early engagement with utility providers and monitor approval timelines.	2	4	8
Risk-009	15/08/2025	Threat	Cost Increase	Market returns increasing due to construction inflation and shortage of supply chain given increased number of projects across the central belt.	Client	Open	4	5	20	Threat - Mitigate (Treat)	Include inflation contingencies and explore alternative procurement strategies.	4	4	16
Risk-010	15/08/2025	Threat	Prolonged VE	A prolonged value engineering process would impact progress on the project making key project milestones unachievable.	Design Team	Open	3	4	12	Threat - Mitigate (Treat)	Review of VE items and their impact on programme prior to implementation.	2	3	6
Risk-011	15/08/2025	Threat	Lack of Interest from Supply Chain	Limited engagement from contractors or suppliers may impact procurement timelines and competitiveness.	Contractor	Open	3	4	12	Threat - Mitigate (Treat)	Broaden market engagement and offer incentives to attract suppliers.	2	3	6
Risk-012	15/08/2025	Threat	Future Inflation being greater than predicted	Rising costs beyond forecasted levels could affect budget viability and financial planning.	Client	Open	4	5	20	Threat - Mitigate (Treat)	Continue to monitor BCIS forecasts and other project cost information.	3	4	12
Risk-013	15/08/2025	Threat	Delays Associated with Scottish Water/IDNO approvals	Utility connection approvals may take longer than expected, affecting site readiness.	Contractor	Open	3	4	12	Threat - Mitigate (Treat)	Engage with Scottish Water and IDNO early to understand approval requirements.	3	3	9
Risk-014	15/08/2025	Threat	Limited Supply chain for ground improvement works increasing costs	Specialist contractors are scarce, leading to increased costs and potential delays.	Contractor	Open	4	4	16	Threat - Mitigate (Treat)	Early engagement with market and supply chain.	2	2	4
Risk-015	15/08/2025	Threat	Contamination issues greater than anticipated	Unexpected ground contamination may require additional remediation, increasing cost and time.	Contractor	Open	4	5	20	Threat - Mitigate (Treat)	Conduct thorough site investigations and prepare contingency plans for remediation.	3	4	12
Risk-016	15/08/2025	Threat	Abnormal Costs exceeding available budgets	Site-specific or unforeseen costs may surpass allocated contingency, requiring scope or budget adjustments.	Client	Open	3	5	15	Threat - Mitigate (Treat)	Review budget allocations and identify cost-saving opportunities.	3	4	12
Risk-018	15/08/2025	Threat	Extent of off site works greater than anticipated	Additional infrastructure or access works may be required, impacting cost and programme.	Design Team	Open	3	4	12	Threat - Mitigate (Treat)	Inclusion of junction reduces impact of risk but still remains.	3	3	9
~~Risk-019~~	~~15/08/2025~~	~~Threat~~	~~Inability to achieve space metric resulting in higher cost contribution from participant~~	~~Failure to meet space standards may result in higher financial contributions from project participants.~~	~~Design Team~~	~~Closed – Mitigated / Enhanced~~	3	4	12	~~Threat - Mitigate (Treat)~~	~~Closed PTM 1001/2026 – consultations and design reviews were held and no impact on space standards have occurred.~~	3	3	9
Risk-020	15/08/2025	Threat	Design Development/Scope Creep prior to Financial Close	Changes to design or scope before contract finalisation may increase costs and delay progress.	Client PM	Open	3	3	9	Threat - Mitigate (Treat)	Implement strict change control procedures and monitor scope evolution.	2	2	4
~~Risk-021 (EWN-0004)~~	~~20/08/2025~~	~~Threat~~	~~Ground Remediation Proposal – Additional MGLH Resource~~	~~As a result of the ground conditions encountered and the associated specialist input, the proposed design has meant additional MGLH resource, and time has been spent on finalising the final solution.~~	~~Contractor~~	~~Closed – Accepted / Realised~~	3	4	12	~~Threat - Mitigate (Treat)~~	~~Closed PTM 1001/2026 design has been updated to address current ground conditions.~~	3	3	9
~~Risk-022 (EWN-0005)~~	~~[illegible]~~	~~Threat~~	~~Whitegates Water Main Survey Delay~~	~~EDC [illegible] unable to facilitate a start on the water main survey until the 20th October. This may create impact to the overall programme. Please attend an early warning meeting on Monday 25th August at 10:30am to review.~~	~~Contractor~~	~~Closed – Accepted / Realised~~	3	4	12	~~Threat - Mitigate (Treat)~~	~~Closed PTM 1001/2026 – survey was completed with no impact to programme.~~	3	4	12
~~Risk-023 (EWN-0006)~~	~~02/10/2025~~	~~Threat~~	~~Additional design fees – [illegible]~~	~~The design team have made MGLH aware of their intention to submit a claim for additional design fees due to significant (and prolonged) changes required to the [illegible] of the development.~~	~~Contractor~~	~~Closed – Accepted / Realised~~	5	4	20	~~Threat - Mitigate (Treat)~~	~~Closed PTM 1001/2026 item raised as CE and addressed through contract mechanisms.~~	4	2	8
~~Risk-024 (EWN-0007)~~	~~02/10/2025~~	~~Threat~~	~~Shower Provision~~	~~The design team have made MGLH aware of their intention to submit a claim for additional design fees due to re-design work required to the current RIBA 3 design due to the reduction in shower provision.~~	~~Contractor~~	~~Closed – Accepted / Realised~~	4	4	16	~~Threat - Mitigate (Treat)~~	~~Closed PTM 1001/2026 item raised as CE and addressed through contract mechanisms.~~	3	4	12
~~Risk-025 (EWN-0008)~~	~~02/10/2025~~	~~Threat~~	~~Provision of separate male and female WC's~~	~~EDC have made MGLH aware of the requirement to provide separate male and female toilets [illegible]. This requires review by the design team and changes to the current RIBA 3 design. [illegible]~~	~~Contractor~~	~~Closed – Accepted / Realised~~	3	4	12	~~Threat - Mitigate (Treat)~~	~~Closed PTM 1001/2026 – design change incorporated.~~	2	3	6
~~Risk-026~~	~~21/10/2025~~	~~Threat~~	~~Cost Information Deadline~~	~~There is a risk the required cost information is not provided to EDC for the [illegible] to allow the information to be included within the committee paper.~~	~~Contractor~~	~~Closed – Avoided / Rejected~~	4	5	20	~~Threat - Mitigate (Treat)~~	~~Closed PTM 1001/2026 – cost information was provided in time for committee paper to be submitted.~~	3	4	12
Risk-027 (EWN-0009)	10/11/2025	Threat	Planning Submission Date	There has been concerns raised around the required information being provided to meet the planning submission date of 5th December 2025. To help manage this process, can a planning matrix be prepared that documents the status of all information to be submitted as part of the application? Please also attend an early warning meeting 14/11/25 at 1:30pm.	Contractor	Open	5	5	25	Threat - Mitigate (Treat)	Planning matrix has been shared with documents ready for review highlighted to expedite the EDC review process. Risk is still active following most recent feedback from planning and revised submission date has been agreed.	3	4	12
~~Risk-028 (EWN-0010)~~	~~10/11/2025~~	~~Threat~~	~~Progression of CE-00017~~	~~Following the issue of CE-00017, there is further information required in order to allow EDC to make a decision on whether or not to proceed. This information is required urgently in order to prevent any impact to the planning submission date of 5th December 2025. Please attend an early warning review meeting [illegible] at 1:30pm.~~	~~Contractor~~	~~Closed – Accepted / Realised~~	5	5	25	~~Threat - Mitigate (Treat)~~	~~Available information has been shared with a final modelling result awaited to inform the EDC decision.~~	4	5	20
Risk-029 (EWN-0011)	10/11/2025	Threat	Drainage Design Progress	Development of the drainage design is still ongoing, with a potential for additional surveys required. There is a chance any further delays on the drainage design will also impact the planning submission on 5th December 2025.	Contractor	Open	3	5	15	Threat - Mitigate (Treat)	CCTV drainage survey is arranged and any blockages found to be removed. Current design is based on flow rates of clear drainage route. No impact on	2	2	4
Risk-030 (EWN-0012)	20/11/2025	Threat	Planning Application – Biodiversity Net Gain – Open Space	Following receipt of the Planning pre-application feedback, it now seems apparent that the Biodiversity Net Gain strategy is required to change to address the concerns regarding loss of open space. It is likely that the current proposals for the existing Lenzie Academy site will require to be altered and a Biodiversity Mitigation Plan produced. Urgent direction is required from EDC to confirm what is required.	Client Rep	Open	5	5	25	Threat - Mitigate (Treat)	Various meetings held December 2025, with strategy agreed for BNG and now being implemented.	3	4	12
Risk-031 (EWN-0013)	13/01/2026	Threat	Existing Sports Hall Surveys	Due to access restrictions, it is apparent that the surveys required to complete the design works for the existing sports hall are being delayed. This may impact on the provision of RIBA 3 and 4 design and therefore cost information.	Contractor	Open	5	4	20	Threat - Mitigate (Treat)	Final list of surveys to be arranged being shared by contractor and to be actioned inline with programme requirements.	4	3	12
Risk-032 (EWN-0014)	13/01/2026	Threat	Learning Plaza size / creation of new class rooms	During recent discussions with Education, there was a request to reduce the size of the learning plazas on level 2 & 3 and convert these to classrooms. MGLH require an urgent decision on this to allow RIBA 4 design to continue.	Client Rep	Open	4	3	12	Threat - Mitigate (Treat)	Engagement sessions with school ongoing.	3	3	9
~~Risk-033 (EWN-0015)~~	~~13/01/2026~~	~~Threat~~	~~ERG vs DNO~~	~~MGLH require direction from EDC on ERG / DNO to avoid impact on the RIBA 4 design.~~	~~Client Rep~~	~~Closed – Avoided / Rejected~~	4	2	8	~~Threat - Mitigate (Treat)~~	~~Closed PTM 1001/2026 – decision made by EDC.~~	2	2	4
~~Risk-034 (EWN-0016)~~	~~13/01/2026~~	~~Threat~~	~~Gas Tank / Supply~~	~~We require direction from EDC on provision of gas tank for the bunsen burners or an ask to proceed with electric bunsen burners. Direction required to allow RIBA 4 design and coordination to continue.~~	~~Client Rep~~	~~Closed – Avoided / Rejected~~	4	3	12	~~Threat - Mitigate (Treat)~~	~~Closed PTM 1001/2026 design was made by EDC.~~	3	3	9
~~Risk-035 (EWN-0017)~~	~~14/01/2026~~	~~Threat~~	~~Existing Sports Hall~~	~~MGLH require feedback on the proposed layout for the sports hall. Layout was issued 13th Oct 2025. Design team are currently progressing RIBA 4 design based on this layout and any changes to layout may result in additional design fees.~~	~~Client Rep~~	~~Closed – Avoided / Rejected~~	3	5	15	~~Threat - Mitigate (Treat)~~	~~Closed PTM 1001/2026 layout has been agreed by EDC.~~	2	2	4
Risk-036 (EWN-0018)	16/01/2026	Threat	RIBA 4 Design period extension	Following acceptance of CE 20, the design team are carrying out a review of the required timescales to incorporate the required design changes. Curtins require to coordinate all external services and service routes with A10 and LDA as these require to be piled / formed in suspended slabs; Curtins also require to liaise with Holmes Miller & Sussed to coordinate substructure and ground floor details to the building and ensure PHPP compliance. It is not expected that this delay would alter the Council approval date currently shown in Rev P00 of the programme (December 26 Council Meeting).	Contractor	Open	3	3	9	Threat - Mitigate (Treat)	Review ongoing from design team but not expected to impact on programme critical path.	2	2	4