

OBJECTIONS to the location of the new Lenzie Academy secondary school at Whitegates Park Kirkintilloch according to Planning application TP/ED/26/0104 submitted and validated on 24 Feb 2026 by East Dunbartonshire Council. (and with reference to the proposed mitigation application at Myrtle Avenue)

The material objections set out in this paper attempts to assist the EDC planning case officer in formulating a detailed response to allow scrutiny by Elected Members as key decision makers in this proposal.

Failure to Comply with Major Planning application requirements

Being classed as a Major Planning Application these objections are the result of a detailed analysis of the proposals set out for Elected Members by Assets and Facilities Executive officers of EDC and therefore this response attempts to follow the 'Planning Guidance' contained in Local Development Plan 2 and where appropriate under National Planning Framework 4.

Related Supplementary Guidance which defines what may be included in such a major application, as statutory and which therefore can be considered as material in the determination has also been followed in this analysis.

General summary of main policies/regulations referred to include;

LDP 2 Policy 1. EDC Development Strategy - outcomes for community etc

LDP 2Policy 4./5 Open plan strategy/ improvements to parks etc

LDP 2Policy. 4CF. Green networks/protect from environmental loss.

LDP 2Policy 7/8/10 Community/Protection landscape/placemaking etc

LDP2 Policy 11 Transport and Access

LDP2 Policy. 18 Water, Environment & flood Risk watercourses, groundwater, Kelvin catchment, including European water framework directive Scotland river basin management plan. Compliance re new Developments items A,B,C,D,E,F, re SEPA flooding requirements SUDS rules, flood risk assessment, climate change allowances.

Increased Flood risk & Hydrological Impact NPF4 Policy 22

National Planning Policy 5 Framework Land Contamination

SEPA regulations on Flooding and land contamination requirements.

NPF4 Policy 5 (Peatland)

NPF4 Policy 9 (Loss of protected Open Space)

H&S Regulations (various policies including Ground Contamination issues.

Traffic Impact Analysis various policies.

National Roads Development Guide.

Relationship to Myrtle Ave Mitigation planning application Ref EDC/026/25/FR

Consideration at this stage, has also been given to any future decision process/decision relating to the demolition of the existing building and site clearance for the installation of a new parkland environment as an essential mitigation facility, countering the destruction of Whitegates park. While objections have already been lodged with EDC after both

community presentation events, it is expected that formal linking objections will be submitted once executive officers submit the formal application.

At this stage an objection against this application will relate to NPF4 Policy 9.

The Myrtle Ave mitigation proposals as currently written, are deemed to be a “manufactured replacement” with no legal obligations attached and which therefore cannot be relied upon to replicate the established ecosystems at Whitegates Park.

How do EDC planning intend to implement the execution of both planning applications to achieve the currently stated outcomes?

Whitegates Park is centrally located and serves as a green ‘node’ for residents in Lenzie and Kirkintilloch. It is the only accessible large scale green space within walking distance. The proposed mitigation is insufficient (NPF4 Policy 3) and the loss to the community is too great. For these reasons Elected Members would be encouraged to refuse this application as it currently is presented.

Supporting Evidence Material Objections re TP/ED/26/0104 also compiled from the following agencies and sources.

1 The Gunning Principles Four Legal standards (Scotland) Case law 1985 (Applies to all Major planning applications ensuring that the community consultation process follows best practice to avoid risk of a Judicial review.

2 Audit Scotland (Referred). The Accounts Commission (Community Planning)

3 Environmental Stress Screening Policy

4 Lead Flood Authority Policy

5 Environmental Impact Assessment Policy

6 Securities Financing Transactions Policy

7 Whitegates Park Community Group (various documents)

8 Scottish Information Commissioner (Referred)

9 Learning Estates Investment Programme (LEIP). Terms and Conditions for external funding.

10 National and Local press related articles and updates as project progressed.

11 Elected Members and Assets & Facilities officers (planning updates and response to FOI applications)

12 Various responses from several Elected Members pre and post planning application submission.



The normal processes that such a major application should go through before reaching a decision on the most favourable option have not been followed and this despite constant warnings from informed local residents and with the benefit of the “site non viable” previous report from Mason Evans Geotechnical consultants.

At this critical stage in the project procurement it was already obvious that the Whitegates Park was the wrong site. That other more suitable sites plus a refurbishment option were available was understated in the option study and therefore is a material omission.

Three years on from the acceptance of what must be considered as a flawed 2022 option study (report to elected members not published prior to meeting with the decision made in private) the serious state of the procurement management process at April 2026 is exposed; years late, surging independently verified costs currently at £138,000,000 and rising, sustained community objections, fundamental flaws and contradictions in drainage/sewage calculations, flood objections from SEPA, toxic contamination issues, unstable peat sub soils, traffic congestion and risks on a busy town centre by-pass, loss of protected green space, horrendous impact on adjoining low level residential neighbourhood, expensive unnecessary mitigation development at Myrtle Ave, and essentially no focus on local Lenzie children or community involvement.

Construction risks have increased, further delays now inevitable four years on, all due to a serious failure of project management.

Material Evidence

1. Ref. Appendix 1. Planning Service ASB Site Option Appraisal March 2021

This detailed site assessment including trial pits, boreholes and lab testing of the Whitegates Park site was carried out by EDC Planning Services to determine its suitability for the proposal to accommodate an ASB school. Key site characteristics and constraints were recorded against LDP2 policies, advantages, disadvantages, a council assessment and a summary.

EDC Planning Services overwhelmingly rejected Whitegates Park as not suitable for proposed development for the following reasons;

- “Due to serious ground investigation results site is unviable for development.”
- “Costly land reclamation required”
- “Abnormal foundations required.”
- “Ground gas present”
- “Toxic and phytotoxic contamination present including lead, asbestos, nickel and collier and gas wastes.
- “Flooding risk with numerous culverts, burns and drains present.”
- “Underlying 5m deep layers of peat topped with 2m of industrial waste”
- “Contrary to LDP 7 & 13 loss of open space/recreational land/green network”
- “Contrary to LDP 8 Historic railway line/wildlife corridor”
- “Site not acceptable due to established surrounding residential areas as previously stated by the Planning Department.

“Risk of massive cost over spend for remedial works.”

(note. A more detailed summary of the main rejection recommendations made by EDC Planning Services is contained within their Option Study of June 2022)

The information contained in Ref 1 above would be considered as critical in any option study site selection process, however technical officers made no reference to this information under the option 3 challenges ,noted in the assessment of the Whitegates Park site.

Poor decision making by technical officers requires to be rectified before planning officers can make an informed decision on the current application prior to presentation to Elected members.

This is considered as a serious violation of good practice and begs the question why are EDC technical officers and elected members promoting a site that is boarding on being impossible to develop within sensible cost parameters, over far more sensible options for far less cost and within a faster timescale?

In addition the terms and conditions set out in the LEIP, part funding element of the procurement process are clear ; Councils should at critical site selection feasibility stage, avoid sites where costly abnormal site remedial measures are required to avoid restrictions and delays in base funding and payments over the 25 year management/ maintenance schedule.

Land Contamination and Unstable ground. Material Objection

The serious state of the unstable ground and extent of contamination at Whitegates Park is set out in the prior detailed intrusive geotechnical survey carried out by consultancy Mason Evans in 2018.

While the “unviable for development ‘ recommendation was clearly stated in the Mason Evans report this appears to have been challenged by the Scape consultant Curtins resulting in a series of additional extensive surveys instructed by technical officers, and which were still ongoing into March/April 2026

Engineering consultants have consistently made it known that sites containing deep layers of peat are best avoided being extremely challenging to develop without extensive remedial works being employed including specialist piling and sub-structure constructions and at crippling costs to budgets. This is the situation at Whitegates Park where the total site being unstable will require to be secured prior to building work commencing to ensure that the school environment will be made safe for pupils and staff in the future.

Additional complications are expected by the decision to build on a known site susceptible to extensive flooding. Flood water prevention measures including SUDS issues and attenuation capacity on site are currently being investigated by SEPA and Scottish Water and are accordingly at present at “holding objection” awaiting an acceptable response from Scape consultants/contractors.

The proposal of a new access road from Initiative Road including a major water main diversion together with the installation other main services are additional complexities understated at site option study stage.

The consequences for adjoining residents, (and project costs) of constructing a major building on deep peat geology primarily involves the installation of a secure piling base, formed from a 3/4m thick layer of crushed stone compacted in layers over the total site. With a buildable site area of approximately 50,000 sq m a total of approximately 175,000 cubic m of stone will be required resulting in 17500 truck loads, plus return journeys after delivery, and at 30 deliveries per day could result in 60 days minimum for this disruptive activity prior to the commencement of 10m deep pilling.

Little consideration has been given to the inhabitants of neighbouring residential properties by the horrendous dust, noise and deterioration of their local environment by actions of heavy plant, HGV's, piling rigs rollers and heavy truck deliveries over an extended timescale.

The requirement to construct a new major access road from Initiative Road, a busy town by-pass will cause severe disruption to traffic during the total construction period. Road safety in the longer term concerning the crossing of Initiative Road mainly by pupils is also considered to be a major Road Safety issue. The current application proposals for this and other related vehicular and pedestrian issues are considered to be inadequate in their current form.

(These proposals will form part of a major Material Objection submitted by the Whitegates Park Community Group under Traffic Assessment (PL45) Fundamental Policy, Safety and Evidential Failures and is explicitly endorsed and adopted by the writer of this paper.)

Reference to previous Planning statement (ref ASB Option study recommendations) stated that a major 2/3 storey school building located on Whitegates Park was incompatible with the surrounding low level established residential neighbourhoods. The current proposal illustrates a 4 storey block (which may have to be redesigned as a 5 storey building due the the anticipated raising of the finished floor levels to comply with flooding regulations.

This planning contradiction is therefore considered as a major Material Objection to this application. A separate Material Objection is therefore appropriate due to the inaccurate architectural massing drawings of the main block adjacent to residential property and the by- pass.

EDC Case Officer and Elected Members are advised that an independent assessment by an experienced structural, civil and engineer specialising in soils, flooding/ drainage, drains/sewers issues including related and essential sub structure complications has been commissioned and reported upon. A part summary of the contents of this report is set out below identifying the main formal material objections to the appropriate elements of the application. (This report is explicitly endorsed and with the technical and legal objections submitted within being accepted by the writer of this paper.)

1. The content and detailed recommendations of the geotechnical investigations at Whitegates Park and recommendations made to EDC technical officers and onward to Elected Members, SEPA, and Scottish Water regarding the outcome of the site option study for the new Lenzie Academy and the Scape consultants planning application submissions.
- 2 The transfer and timing of the Mason Evens geotechnical recommendations to Curtins the appointed ground consultant in relationship to EDC technical officers instruction to proceed with a fresh round of intensive site investigations is unclear.
- 3 The significance of Curtins detailed alternative recommendations to EDC technical officers, including mitigation implications, warning on cost over spends and the reporting content and timing of information release to Elected Members and the local community which requires to be clarified.
- 4 Case law rejection of the legal standing of proposed contractor mitigations set out as part of a planning application and prior to the breaking of soil.
- 5 The rejection of the Scape consultants drainage strategy, including flooding risks as unworkable with a distinct absence of evidence base modelling information. (Currently at holding objection stage re initial consultation submission via SEPA and Scottish Water.)
- 6 The rejection of the Scape consultants soils management proposals, contamination mitigations suggested , piling and sub structure abnormal specifications, on going EDC responsibilities/ warranties, and associated massive construction costs and implications for LEIP funding.
- 7 Further related implications concerning the unreliable data within the” Whole life Appraisal Tool” related to the public funding process through “Scottish Future Trust” are identified’ and are considered as a breach of Standard Public Finance Rules. In particular reference is made to the Project Specific Risk Register, in comparison to the consultants Early Warning Register indicating conflicting assessments. The entry of 0% risk on a site constrained by deep toxic peat, ground gas, unstable ground and the serious implications of building on a flood plain.
- 8 The screening out of an Environmental Impact Assessment (contravening Swire & Gillespie case law) by EDC planners is seriously compromised. EDC had existing evidence proving that the site was unstable, heavily contaminated and construction compromised by a deep layer of waterlogged peat and at risk of flooding. The planning screening response entry stated - NO issues. Clarification required?

Under the ‘Swire’s ruling Councils are strictly forbidden from screening out an EIA by relying on complex, uncertain and unproven contractor mitigations by inserting a “standard remediation plan” attached to a planning condition. As consultants advice to EDC stated that remedial works at Whitegates park was “highly complex and risky” (2025 report) such a plan would not be acceptable in the screening process.

9 In respect of the drainage plan submitted by EDC consultants (currently under scrutiny by SEPA under a holding objection) as mitigation works the independent drainage engineers report (noted above and below) demonstrates non-compliance with EDC'S own standards while at the same time confirming to DPEA that as all matters had been resolved, no EIA was required. Conflicting information provided.

10 Case officers are advised that further details and references relating to legal cases, significant reporting dates, environmental and planning law are contained in the above independent ground engineering report and are available to technical officers, Elected Members and the local community for careful scrutiny prior to the determination of this application.

Due to the sub standard submissions by the Scape team on the serious nature of the material objections related to the abnormal site remedial measures contained in the above report by MDA consulting engineer , EDC are respectfully requested to carefully consider the refusal of this application or its re-evaluation and re-submission prior to any recommended determination being made to Elected Members.

Community Involvement Material Objection

There are clear guidelines for good practice in the involvement of the local community in respect of all major Planning Approval submissions. This accepted guidance (the Gunning Principles) embodied in case law and accepted in Scotland sets out four principles which Applicants can follow.

- Principle. 1. Community involvement while proposals are at the formative stage
- Principle. 2. There is sufficient information to allow intelligent consideration.
- Principle. 3. There is sufficient time for consideration and response.
- Principle. 4. Conscientious consideration must be given to the consultation responses before a decision is made.

The local residents community believe that EDC Executive Officers have failed to comply in meaningful terms with the above guidelines and as such have not provided Elected Members, as decision makers, with “all relevant” information at critical stages in this process to facilitate sound decision making.

EDC communication PNCA/077/22/AB dated 22Sept 2022 from Deput Chief Executive Ann Davie on behalf of Asset & Facilities Executive Officers reported on the outcome of the Site Option Feasibility Study with comprehensive recommendations to proceed including the appointment of the full “Scape Framework” design and build management team. (Ref items 2.0 -2.04, 3.0,3.3,3.4,3.5 3.6,3.7,3.84,3.85,3.86, 3.90,3.91,3.92,3.94,3.95.)

Early collaborative ,meaningful and proportional engagement with the local community was absent from recommendations set out in the above instructions to technical officers demonstrating that EDC at this early stage had no intention of a meaningful involvement

with the local community. With extensive local knowledge regarding the Whitegates Park site history, a major opportunity was missed to inform the development process.

The consequences of this failure to engage with the community are now evident as recorded in the following narrative.

As residents became increasingly aware of EDC,s intention, mainly due to site activity and tree felling on the park, local opposition developed and intensified as requests for project information was not forthcoming from Executive Officers.

Eventually in July 2025 Susan Murray MP post carded local residents confirming that the Council was rapidly proceeding with the development proposals “but that they had yet to do any public consultation” despite certain councillors calling for this. After expressing an interest in constituents’ views local residents responded confirming that 83% were strongly opposed to this development on Whitegates Park their protected green space.

The lack of community engagement with the Lenzie Academy project was now beginning to unfold being recorded in the local and national press and was also addressed by the First Minister John Swinney in a local surgery held in Kirkintilloch where the importance of local community involvement was emphasised.

As the reluctance of technical officers to respond to requests for basic information on the development process continued, residents resorted to the issue of FOI requests. These requests were ignored by EDC with residents requesting assistance from the Scottish Information Commissioner.

This resulted in the Commissioner ordering EDC to respond to residents requests by no later than 13 October 2025. Technical officers however failed to issue their response to the requester until significantly after that date, with a response eventually being provided on 4 November 2025, some 22days after the deadline.

Commenting on this issue to EDC Depute Director, Commissioner David Hamilton responded; “I find it extremely frustrating that EDC’s extremely late response disrespected both the FOI regulatory processes and FOI Act’s underlying principles of openness and accountability”

Despite further attempts by local residents to engage with technical officers a lack of transparency continued even as the local and national press in October 2025 commenced an in depth investigation into the project exposing increasing concerns about contamination, flooding, transport issues and the spiralling costs.

This situation contravened all four principles of Gunning case law and seriously prevented local community involvement at a crucial stage.

At the same time EDC technical officers were actively engaged with architects and engineers and the full design team on the design development including building layouts, elevations, site layouts and landscape proposals accumulating £3m in professional fees and £2m in Council fees.

Considering the continuing risks of unresolved abnormal site remedial works and developing additional costs it is difficult to understand why responsible project managers would proceed to RIBA stage 3 on a build, on a site, still classed as unviable.

Independent cost consultants were now in a position to supply EDC with an updated estimated project cost, which now exposed the magnitude of the remedial works to the site. The project cost increased from £85m to £138m and was immediately reported in the press, along with the consequences of possible reviews from external funders and local council tax increases levelled against all EDC residents.

As the two statutory pre-application dates approached in October 2025 the Scape consultants produces presentation material including detailed building floor plans, elevations, 3D illustrations landscape proposals and related narrative which were duly displayed at Lenzie Academy.

Billed as a consultation with the community it was in fact simply a presentation of the final EDC solution. Attendees were issued with a response form containing eight very basic questions ie. (did you like/dislike the project etc) Technical officers relied on the members of the consulting teams being present who could only respond to general questions, but with little knowledge of the various project stages, the flawed site option study, why the project was running late, the on-going site investigations and crippling cost and funding issues which would soon engulf the project all signs of a failed procurement process.

The statutory consultations were completed and recorded to comply with the planning process, but in reality it was considered to be a “manufactured “ process which continued the EDC policy of no meaningful involvement with the local community.

Further delays to the project continued with EDC eventually submitting the planning application and validating it on 24 February 2026. The application contained 108 pages of reports plus numerous scale drawings , plans , site layouts, elevations and massing arrangements with residents requested to submit objections in March.

Meanwhile more site testing was instructed as no firm site remedial solution had been finalised.

Being a major planning application EDC were advised that it was unreasonable to expect the community to make an informed response in such a short time scale. EDC responded with an extended timescale to 30 April 2026.

Meanwhile EDC continued to update the Planning Portal as outstanding information became available and answers were returned regarding FOI requests, resulting in insufficient time for local residents to consider an informed response.

This continual suppression of the local Lenzie Community involvement by EDC in any meaningful manner, in this major project is non-complement with the legal requirements for a public consultation process.

Provision of suitable access and transportation

Material Objection

Including road safety, parking issues, effect on pedestrians and cyclists and amount of traffic generated. Ref. Traffic Impact Assessment PL 45, NPF4 policies 13 & 27 LDP2 Policies, National Roads Development Guide.

The submitted Transport Assessment is considered to be materially flawed, inconsistent and policy non-compliant in the following areas.

1 Impact of heavy construction plant (air quality, noise H&S issues) for the extended contract period, (as noted above) immediately adjacent to low level residents homes and gardens.

2 Direct access from the A806 main regional distributor road is inappropriate and contrary to road hierarchy principles. Extensive road damage can be expected.

3 No safety assessment regarding the restricted access to the bridge at the Glasgow/ Edinburgh train line at Garngaber Road, blind corners, pinch points, effect on cyclists, and pedestrians and restricted footpaths are major issues.

4 Doubts exist about the timings of the baseline traffic data which is considered to be not a fair representation of the regular position. Data was based on a holiday w/e when schools are closed and traffic is lighter. A study leave period in April for S4/6 pupils also produced a much lower attendance and therefor distorted the data received. This affected bus movements, pedestrian and cycling flows, drop off traffic and overspill parking. There seems to be no attempt to model sensitivity testing eg w/e peaks, of season variations.

5 The main residential streets in the Middlemuir Area are not capable of accommodating the numbers of cars noted in the planning submission ie table 4 stating that 456 pupils will be dropped off. It also appears to suggest that the drop off demand will be much lower. There appears to be a lack of credible evidence to support the various numbers stated and with no methodology provided.

This residential area served by minor residential roads is obviously unsuitable for concentrated school drop off traffic which would result in queueing, obstructions, pedestrian conflict, and difficulties for residents in accessing driveways.

The proposals submitted are not in accordance with NPF policies 13 and 27 and LDP2 policy 12 which set out the criteria for Designing Places and Designing Streets. This policy states that drop off zones in quiet residential streets are inappropriate. Scottish Government 2025 School transport guidance requires councils to assess that the roads are suitable. In this residential area they are clearly not suitable.

Recommendations also states that residential streets should not be given over to motor vehicle dominance but should be reserved to enhance the quiet nature of the local environment.

[REDACTED]

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