PLANNING OBJECTIONS SCOTLAND

**POS REFERENCE: -**

**POS-P-0173**

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

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

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

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

RICS

RTPI
Chartered Town Planners

| Document Preparation | | |
|---|---|---|
| Prepared for | Contact Details | |
| [redacted] | - | |

| Prepared by | Qualifications | Title |
|---|---|---|
| [redacted] | MRTPI AssocRICS | Director |

| Approved by | Qualifications | Title |
|---|---|---|
| [redacted] | MRTPI AssocRICS | Director |

| Document Control | | |
|---|---|---|
| Issue | Date | Version |
| 1 | 16.04.2026 | Draft |
| 2 | 21.04.2026 | Updates |
| 3 | 24.04.2026 | Final |

## EXECUTIVE SUMMARY

### A Overview

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

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

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

### B Key Cross-Cutting Issues

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

- Interdependence with Myrtle Avenue - The proposal relies extensively on a separate development at Myrtle Avenue to offset impacts on biodiversity, open space and recreational provision. These proposals form a single interdependent development strategy and should not be assessed in isolation.

- Lack of Equivalent Mitigation - Myrtle Avenue does not represent a like-for-like replacement for Whitegates Park. It is a more enclosed, less connected site with materially different ecological,

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

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

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

## C Policy Conflict

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

- Climate and Nature (Policies 1–3) - Substantial loss of woodland, habitat and open space, with no demonstrable or deliverable net biodiversity enhancement. Reliance on off-site mitigation is uncertain and not equivalent.

- Natural Environment and Soils (Policies 4–6) - Development on a constrained site with peat, sensitive habitats and significant tree loss, contrary to the precautionary principle and without adequate evidence to demonstrate acceptable impacts.

- Development Strategy and Site Selection (Policy 9 / LDP Strategy) - The proposal conflicts with the plan-led approach and brownfield-first strategy. The Council's own earlier appraisal identified the site as unsuitable.

- Blue-Green Infrastructure and Open Space (Policies 20 & 21) - Permanent loss of a connected and functioning open space resource, with no secured or equivalent replacement. Myrtle Avenue does not provide comparable accessibility, integration or function.

- Flood Risk (Policy 22) - The Flood Risk Assessment is materially deficient, with unresolved concerns regarding flood modelling, storage capacity, and safe access/egress. The precautionary principle applies.

- Community Wealth Building (Policy 25) - The proposal results in the loss of an established community asset which is not replaced on an equivalent basis, undermining place-based community value.

**D Deficiencies in Submission**

The application is also procedurally and technically deficient, including:

- Non-compliance with HOPS Validation Guidance and Scottish Government Circular 3/2022;

- Incomplete and inaccurate plans (including red line boundary and access arrangements);

- Insufficient technical information across key disciplines, including flood risk, ground conditions, biodiversity and infrastructure.

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

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

## E Conclusion

The proposal:

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

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

## F Recommendation

Planning Objections Scotland respectfully submits that:

- Planning permission should be refused.

Alternatively:

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

## 1.0 INTRODUCTION

1.1 Planning Objections Scotland has been instructed by the [redacted] to review planning application TP/ED/26/0104 for the erection of a secondary school, including road access, landscaping, car parking, sports pitches, recreational areas and associated development at Whitegates Park, Middlemuir Road, Lenzie, submitted by East Dunbartonshire Council.

1.2 Our remit is to assess the proposal against the Development Plan and other material considerations, based on the information currently before the Planning Authority, and to raise any necessary planning objections.

1.3 A fundamental requirement of the planning system is that applications are supported by sufficient, accurate and transparent information to enable proper assessment by the Planning Authority and meaningful public participation. Where this standard is not met, the ability to undertake a robust, lawful and policy-compliant determination is materially compromised.

1.4 As set out in this report, the application is characterised by a series of omissions, inconsistencies and deficiencies in both the submitted drawings and supporting technical information. These issues are not minor or procedural in nature; they go directly to the ability of the Planning Authority to properly understand the development, assess its impacts, and determine compliance with the Development Plan.

1.5 In these circumstances, the application should not proceed to determination. The appropriate course of action is refusal or, alternatively, withdrawal and resubmission supported by a complete and accurate evidence base. Any additional or amended information must be subject to full re-notification and public consultation in the interests of transparency, fairness and procedural integrity.

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

## 2.0 INCOMPLETE AND DEFICIENT SUBMISSION AFFECTING VALIDATION/DETERMINATION

2.1 The Heads of Planning Scotland (HOPS) Validation Guidance Note establishes the national standard for the validation and assessment of planning applications. Compliance with this guidance is essential to ensure that applications are capable of proper scrutiny and informed decision-making.

2.2 A detailed review of the submitted plans and drawings demonstrates that the application falls materially below these standards. The deficiencies identified are such that they undermine both the validity of the submission and the ability of the Planning Authority and third parties to undertake a comprehensive and reliable assessment of the proposal.

**Concerns with the Drawings**

Location Plan

2.3 The HOPS Validation Guidance on location plans (Section 4, paragraphs 4.1 to 4.5) confirms that: -

2.4 *A single location plan produced to a scale of either 1:1250 or 1:2500 will normally be required to be submitted with your application. Depending on the location of your application a supplementary location plan may also be required to be submitted with your application.*

2.5 *The purpose of the location plan is to clearly define the extent of the application site in relation to its surroundings and also to provide sufficient detail in order for ourselves or any other interested party to be able to locate the application site and, as such, the plans submitted should typically be Ordnance Survey based.*

2.6 *If the submitted plan is Ordnance Survey based, it should contain the relevant copyright and licensing information to demonstrate that the plan has been legally sourced. If the submitted plan is not Ordnance Survey*

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

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

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

Location Plan -PL02 - LOCATION PLAN

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

Location Plan -PL42 - LOCATION PLAN

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

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

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

Site Plan(s)/Block Plan(s)

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

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

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

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

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

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

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

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

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

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

Site/Block Plan- PL04 - EXISTING SITE LAYOUT

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

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

Site/Block Plan- PL05 - PROPOSED SITE PLAN

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

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

sufficiently robust basis for a comprehensive planning assessment.

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

Concerns with the Application Redline Boundary

2.16 Section 5 of the HOPS Validation Standard confirms that: -

2.17 *Where the application relates to new build proposals the whole area required to accommodate the proposals should be outlined in RED. This includes any area which is required for vehicular and pedestrian access, parking, landscaping, garden ground, private water supply and drainage facilities, SUDS, visibility splays or any other part of the proposals which would constitute development should be contained within the single site outlined in RED.*

2.18 In relation to access arrangements, the guidance further confirms that: -

2.19 *When your proposals incorporates the formation of a new access which joins a public road, the entire length of the existing/proposed access road should be included within the application site boundary shown on the location and site plans. This should fully encompass all land required for the new road or alterations to the existing one, from its bellmouth where it joins the public road to its entry point(s) to the development site.*

2.20 *Where you propose alterations to an existing access, the land required to carry out the alterations should be outlined in red in addition to the site of the proposed development itself. If your site does not adjoin a public road, you will need to explain in the application how it will be accessed. We appreciate that in some instances it may not be feasible to accurately show the full extent or detail of the proposals in either the format or*

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

2.21 Review of the submitted drawings indicates that elements of the proposed access arrangements extend beyond the defined red line boundary, including works to the A806 Initiative Road as illustrated on Drawing PL34 (Highway Access GA).

2.22 This is a fundamental defect. The application boundary must encompass all land required to deliver the development, including access, infrastructure and associated works. Failure to do so renders the application incomplete and prevents proper consideration of land control, deliverability and notification requirements.

2.23 The inclusion of additional land would necessitate a revised application boundary, updated ownership certification, and a further neighbour notification exercise. In its current form, the application cannot be relied upon as a valid or complete submission

Elevations

2.24 The HOPS document on Elevations (see section 7) provides details of the validation standards for existing elevations as well as proposed elevations. With regards to proposed elevations: -

2.25 *Proposed elevations will be required in the majority of cases where proposed alterations or extensions will affect the external appearance of the existing property or structure which is the subject of the planning application. These plans should show all elevations of the proposals and should be produced to a scale of either 1:50 or 1:100. The plans should be sufficiently detailed to give a true representation of the detailing of the building or structure as it stands at the moment. Details of the proposed*

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

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

Proposed Elevations - PL12 - PROPOSED ELEVATIONS SHEET 1 OF 2
Proposed Elevations - PL13 - PROPOSED ELEVATIONS SHEET 2 OF 2

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

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

Sections and Levels Plans

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

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

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

2.30 *Where existing and proposed site sections are required they should be produced to a scale of either 1:100 or 1:200, the number and location of where the sections should be taken will depend on the nature of your proposals. These plans should also contain an accurate scale bar.*

2.31 *Where existing and proposed building sections are required they should be produced to a scale of either 1:50 or 1:100, typically only one section will be required showing a cross section through each of the existing and proposed buildings with finished floor levels clearly indicated although this will depend on the nature of your proposals. These plan should also contain an accurate scale bar*

2.32 *Where existing and proposed site levels plans are required they should be produced to a scale of either 1:200 or 1:500. These plans should contain an accurate scale bar along with showing the direction of north and clearly identifying a fixed off-site datum point. Generally, contours should be shown at 0.5m intervals*

2.33 Planning Objections Scotland's review indicates that the submission is deficient in the following respects: -

Site Level Plans PL06 - PROPOSED SITE LEVELS

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

Site Section Plans -SITE SECTIONS - SHEET 1 TO 5

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

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

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

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

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

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

## 3.0 LEGAL REQUIREMENTS ASSOCIATED WITH THE PLANNING APPLICATION ASSESSMENT

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

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

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

**The Development Plan**

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

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

National planning Framework 4 (NPF 4)

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

East Dunbartonshire Local Development Plan 2 (LDP)

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

**Material Considerations**

3.4 From a review of case law, there are two principal tests in determining whether a consideration is material and relevant:

- It should serve, or be related to, the purpose of planning and therefore relate to the development and use of land; and
- It should relate to the particular application.

3.5 The following material considerations are relevant to the assessment of the planning application: -

- EDC Design and Placemaking SPG
- National Roads Development Guide
- SG Planning Guidance: Biodiversity
- BS5837:2012 - Trees in Relation to Design, Demolition and Construction
- Planning Advice Note 1/2011: planning and noise
- Ciria SUDS Manual (c753)

3.6 The case officer's Report of Handling should identify and assess the relevant planning policies and material considerations, consistent with the House of Lords judgment referred to above and the principles reflected in the maladministration cases cited at POS 4.1.2 and POS 4.1.3.

3.7 In addition to the policy conflicts identified below, three cross-cutting matters are of central importance to the proper assessment of this application.

3.8 First, the current proposal cannot be assessed in isolation from the proposed off-site works at Myrtle Avenue. The applicant's case repeatedly relies on Myrtle Avenue to address or offset the loss of open space, recreational provision, biodiversity value and wider green infrastructure at Whitegates Park. However, Myrtle Avenue is a separate

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

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

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

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

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

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

**Policy Appraisal**

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

3.14 The applicant's reliance on Myrtle Avenue does not demonstrate policy compliance. That site is not equivalent in ecological, spatial or community terms to Whitegates Park and does not provide a like-for-like replacement for the existing connected open space, habitat network and informal recreational function currently present on the application site.

3.15 This concern is not new. The Council's earlier ASN Site Options Appraisal identified Whitegates Park as being subject to significant constraints, including peat deposits, shallow groundwater, contamination risk, invasive species, and the loss of a well-used neighbourhood park, ultimately concluding that the site was unsuitable and not deliverable for the proposed development.

3.16 The Whitegates Park and Myrtle Avenue proposals form a single interdependent development strategy and should not be assessed in isolation. The reliance on Myrtle Avenue to offset policy impacts arising at Whitegates Park means that the acceptability of this application is contingent on the delivery, effectiveness and equivalence of measures proposed on a separate site. In the absence of a coordinated and simultaneous assessment of both proposals, it is not possible to conclude that the development complies with the Development Plan.

NPF4 Policy 1: Tackling the climate and nature crises

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

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

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

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

NPF4 Policy 2: Climate mitigation and adaptation
LDP Policy 9. Climate Change,Sustainability and Energy Infrastructure

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

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

3.22 In addition, there is significant uncertainty regarding the extent of soil engineering works, including cut-and-fill operations, ground improvement, and the potential disturbance or removal of peat deposits to facilitate infrastructure such as attenuation tanks. Peat is a known carbon store, and any disturbance or removal could result in the release of stored carbon, directly conflicting with the requirement to minimise emissions. No assessment has been provided to quantify these impacts or to demonstrate how they will be mitigated.

3.23 Furthermore, while the drainage strategy broadly reflects the identified ground constraints—namely peat, made ground, and high groundwater—it is not sufficiently integrated with the ground engineering approach. The reliance on below-ground attenuation tanks beneath sports pitches raises concerns regarding constructability, settlement, and long-term performance, particularly given the compressible nature of peat. There is also an inherent tension between the stated aim to minimise excavation and reuse materials on site and the likely requirement for significant excavation to install such infrastructure, with no quantified assessment of spoil volumes or environmental effects.

3.24 Taken together, the lack of coordination between drainage and ground engineering strategies, the uncertainty around peat disturbance, and the absence of a comprehensive carbon assessment mean the proposal does not demonstrate that it has been sited and designed to minimise emissions or adapt to climate risks, as required by NPF4 Policy 2(a) and (b) as well as LDP Policy 9. Climate Change,Sustainability and Energy Infrastructure

NPF4 Policy 3: Biodiversity

3.25 The proposal fails to demonstrate compliance with NPF4 Policy 3(b), particularly the requirement for development of this scale to deliver a demonstrable net enhancement of biodiversity. While the Ecological Impact Assessment identifies a range of existing habitats—including wetland, species-rich grassland, and native woodland—it also confirms that substantial habitat loss will occur, including the removal of wet woodland, scrub, fen, and mature trees. These are not marginal features but form part of a locally important and functionally diverse ecological resource. The extent of this loss fundamentally undermines the claim that the proposal will conserve, restore, and enhance biodiversity.

3.26 Although mitigation measures are outlined, these are largely generic, precautionary, or procedural in nature (e.g. timing of works, pre-construction surveys, and sensitive felling practices) and do not offset the scale or ecological value of what is being lost. Critically, the Planning Statement acknowledges that the EcIA not deliver “significant biodiversity enhancement” as required under Policy 3(b)(iv). This represents a direct failure to meet a core test of the policy for major developments.

3.27 There is also a significant and unjustified reliance on off-site compensation at Myrtle Avenue, the details of which remain insufficiently defined. The effectiveness, deliverability, and timing of these measures are uncertain, particularly given that the replacement of complex habitats such as wetland and mature woodland is acknowledged to require decades to establish functional equivalence. This creates a clear temporal deficit in biodiversity value, contrary to the requirement for enhancement to be secured within a reasonable timescale and with reasonable certainty. Without firm guarantees on delivery, long-term management, and ecological outcomes, this approach does not satisfy the mitigation hierarchy or the policy’s emphasis on measurable improvement.

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

NPF4 Policy 4: Natural places
LDP Policy 17. Natural Environment

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

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

3.31 In addition, it is understood that a Tree Preservation Order (TPO) has been approved by the planning authority (reference PR/001/26/HH) covering the entirety of the Whitegates Park site. This reinforces the recognised value and sensitivity of the woodland resource. However, as the TPO has not yet been formally published for consultation, there remains a lack of clarity regarding its final scope and implications. In these circumstances, and given the likely extent of tree loss and disturbance associated with the development, the proposal cannot be properly assessed. This engages the precautionary principle under Policy 4e, which requires that where there is uncertainty or insufficient information regarding environmental impacts, development should not proceed.

3.32 This concern is reinforced by the Council's earlier site appraisal, which identified the site as environmentally constrained and unsuitable for development.

3.33 As such, the proposal does not satisfy the requirements of Policy 4a or 4f, and in the absence of sufficient evidence, the precautionary approach under Policy 4e must prevail.

NPF4 Policy 5: Soils

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

3.35 The soil profile described—comprising made ground overlying peat—indicates that the underlying organic material has been subject to disturbance or burial rather than removal. This distinction is important. Disturbed, degraded, or overlain peat does not cease to be carbon-rich; rather, it may fall within the category of organo-mineral or humose soils depending on thickness and composition. All such soil types are explicitly recognised within Annex F as carbon-rich and therefore sensitive to development-related impacts, particularly where excavation, drainage, or loading is proposed.

3.36 Given the nature of the proposed development, including potential cut and fill operations, installation of below-ground infrastructure, and ground improvement works, there is clear potential for disturbance of these soils. Such disturbance carries implications for carbon release, loss of sequestration function, and long-term environmental impact. In this context, NPF4 Policy 5(c) is directly engaged, requiring that development proposals avoid the disturbance of peat and carbon-rich soils wherever possible, and minimise impacts where avoidance cannot be achieved.

3.37 This aligns with earlier Council evidence which identified peat and ground conditions as a key constraint to development at this location.

3.38 The independent engineering review by Dewar Associates, see appendices, further highlights the extent of peat underlying the site, the presence of high groundwater, and the lack of a clearly defined foundation or ground engineering strategy. These findings reinforce that the potential disturbance of carbon-rich soils has not been fully assessed or quantified, and that the proposal fails to demonstrate compliance with Policy 5.

3.39 The current submission does not provide sufficient information to understand the scale of impact on carbon-rich soils or to justify the proposed engineering approach in this context. Accordingly, the proposal remains contrary to the intent and requirements of NPF4.

NPF4 Policy 6: Forestry, woodland and trees

3.40 The applicant's assertion that the proposal is "generally in accordance" with NPF4 Policy 6 is not supported by the evidence contained within their own Arboricultural Impact Assessment. The scale of woodland loss is substantial and cannot be characterised as minor or incidental. The AIA confirms that approximately 1.71 hectares of canopy cover will be removed, including the loss of 0.66 hectares (circa 81%) of a Category A woodland (TG8) to facilitate built development and associated infrastructure . This represents the removal of one of the site's most sensitive and highest-value arboricultural features, directly conflicting with the strong presumption in favour of woodland protection embedded within Policy 6.

3.41 Furthermore, the proposal results in the removal of a significant proportion of the site's tree stock, with 98 out of 139 individually surveyed trees identified for removal, alongside the complete or substantial loss of multiple tree groups (including TG6, TG7, TG10, TG11, and TG13) . This level of intervention goes well beyond what could reasonably be described as minimised impact and instead reflects a design-led approach that has failed to respond to existing tree constraints, contrary to the requirements of Policy 6(b).

3.42 The justification for woodland removal under Policy 6(c) has also not been robustly demonstrated. While the provision of a new school is acknowledged as delivering public benefit, the policy requires that woodland removal is only supported where significant and clearly defined additional public benefits are achieved and where no reasonable alternative exists. There is no evidence within the submission that alternative site layouts or design approaches have been properly explored to avoid or reduce impacts on the most sensitive woodland areas, particularly the Category A woodland (TG8). The current layout instead appears to prioritise standardised sports pitch and infrastructure requirements over environmental constraints.

3.43 The reliance on compensatory planting—particularly off-site at Myrtle Avenue—does not address this fundamental policy conflict. The AIA itself acknowledges that off-site planting proposals are subject to a separate future planning application and are not secured as part of the current submission . As such, the claimed “net benefit” is speculative, unenforceable, and cannot be afforded weight in the determination of this application. In addition, newly planted woodland cannot replicate the ecological, hydrological, and carbon sequestration functions of established woodland—particularly wet woodland systems such as TG8—within any meaningful timeframe.

3.44 There are also clear concerns regarding the robustness and currency of the arboricultural evidence base. The primary survey work underpinning the assessment was undertaken in October–November 2022, with only a future walkover proposed to validate the data . Given the evolving site conditions, the presence of ash dieback, and the scale of proposed intervention, reliance on dated survey information further undermines confidence in the accuracy of the impact assessment.

3.45 Finally, the proposal raises significant concerns in relation to the Tree Preservation Order (TPO) covering the site.

NPF4 Policy 7: Historic assets and places
LDP Policy 19. Historic Environment

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

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

NPF4 Policy 9: Brownfield, vacant and derelict land
LDP Policy 1. The East Dunbartonshire Development Strategy
LDP Policy 4. Kirkintilloch, Lenzie and Waterside

3.47 Although there are elements of previously developed land associated with the site (former railway infrastructure and areas of made ground/deposited material), the current condition of the site is clearly naturalised, forming part of a wider area of functional open space and green network identified as OS139 Whitegates Park. This designation under Policy 4.CF (Community Facilities, Green Network and Open Space) carries a clear expectation that such areas will be protected from loss or reduction in function, and where possible enhanced, rather than redeveloped for built infrastructure. No support can be gleaned from NPF4 Policy 9.

3.48 Further, the Council's own ASN Site Options Appraisal is a highly material consideration in this context. That appraisal specifically assessed Whitegates Park and concluded that, notwithstanding its size, the site was unsuitable in planning policy terms due to the loss of valuable open space and wider environmental impacts. It also identified significant technical constraints, including peat, shallow groundwater and contamination-related issues.

3.49 In addition, The East Dunbartonshire Development Strategy emphasises the role of the green network in protecting landscape character, providing accessible open space, and supporting health and wellbeing. The scale

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

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

NPF4 Policy 12: Zero waste

3.51 The submitted Site Waste Management Plan does not provide a basis for assessing the full lifecycle implications of the development, as it fails to take account of all interrelated components of the project. In particular, there is no meaningful consideration of the demolition of the existing school at Myrtle Park, which is clearly integral to the delivery of the proposed replacement facility. As such, the current submission presents only a partial and incomplete picture of anticipated waste arisings.

3.52 This omission is significant. The demolition of the existing school is likely to generate substantial volumes of material, including concrete, masonry, metals, and potentially contaminated elements, all of which require careful management in line with the waste hierarchy. Without this information, it is not possible to accurately quantify total waste generation, assess opportunities for reuse and recycling, or understand the true scale of environmental and logistical impacts associated with the project.

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

NPF4 Policy 13: Sustainable transport
LDP Policy 11. Transport

3.54 The proposed development for a new secondary school at Whitegates Park raises concerns under NPF4 Policy 13 (Sustainable Transport), particularly in relation to the reliance on off-site infrastructure and lack of certainty over delivery. While the applicant highlights a range of proposed improvements to pedestrian, cycling, and road infrastructure, a significant proportion of these measures—including traffic calming, new crossings, path upgrades, and traffic regulation measures—fall outwith the application redline boundary and are subject to separate processes, approvals, or future funding arrangements. As such, there is no certainty that these measures will be delivered in tandem with the development, undermining the ability to conclude that the site will be safely and sustainably accessible from the outset, as required by Policy 13(b).

3.55 Further uncertainty arises in relation to the Recorded Public Right of Way (SS110), which currently traverses the site and is proposed to be diverted. While a diversion is indicated, there is no clear phasing strategy or detail on how access will be maintained during construction, nor confirmation that the diverted route will be delivered prior to occupation. This creates ambiguity regarding continuous, safe and inclusive access for pedestrians and cyclists, contrary to Policy 13(b)(i) and (viii), which require safe, direct connections and protection of public access routes.

3.56 In addition, concerns remain regarding the overall balance of transport provision, with the scheme proposing a high level of car parking (one

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

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

NPF4 Policy 14: Design, quality and place
LDP Policy 10. Design and Placemaking

3.58 The introduction of a substantial four-storey building within a predominantly two-storey residential context represents a clear departure from the established scale and grain of the surrounding area. While the applicant contends that the massing has been carefully considered, the scale and vertical emphasis of the teaching block would appear visually dominant and incongruous, particularly when viewed in the context of adjacent residential properties. This is not considered to reflect the "distinctive" or "pleasant" qualities of successful places as required by Policy 14(b).

3.59 Furthermore, the proposal does not demonstrate that it has adequately taken account of key site constraints, including existing tree cover, landscape structure, and watercourse features previously identified. The suggestion that positioning and tree retention will sufficiently mitigate visual impact is not supported by a robust landscape-led design approach. Instead, the development appears to have been configured

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

3.60 The reliance on building height to reduce footprint does not in itself represent good design, particularly where it results in a form of development that is out of scale with its surroundings. The proposal therefore fails to demonstrate a design-led approach that improves the quality of the area, as required by Policy 14(a), and instead introduces a development that risks overbearing impacts on neighbouring residential amenity and local character.

3.61 In these circumstances, the proposal cannot be said to meet the six qualities of successful places and is therefore contrary to NPF4 Policy 14(a)–(c) as well as LDP Policy 10. Design and Placemaking

NPF4 Policy 18: Infrastructure first

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

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

NPF4 Policy 20: Blue and green infrastructure

3.63 The proposal fails to comply with NPF4 Policy 20 (Blue and Green Infrastructure) notwithstanding the applicant’s assertions. The development will result in a substantial loss of existing blue and green infrastructure at Whitegates Park, including TPO-protected trees and established water features, and there is insufficient evidence that the integrity of the existing network will be maintained as required under Policy 20(a). While retention and enhancement of a watercourse and areas of planting are referenced, the overall design is heavily engineered, relying on significant recontouring, land raising and below-ground drainage infrastructure, which limits the delivery of genuinely multi-functional, nature-based blue-green infrastructure.

3.64 Critically, the proposal acknowledges an existing deficiency in accessible open space which would be exacerbated by the loss of Whitegates Park. The suggested on-site provision is not publicly accessible, undermining the policy outcome that communities should benefit from accessible, high-quality green space.

3.65 The applicant’s reliance on Myrtle Avenue does not resolve this conflict. Myrtle Avenue is a separate and more enclosed site which lacks the same connected green network function, ecological continuity and established informal open space role as Whitegates Park. Even if delivered, it would not recreate the existing spatial, environmental or community value of the application site.

3.66 Reliance on this future, separate off-site mitigation at Myrtle Avenue carries limited weight, as it is neither secured through this application nor equivalent in scale, and cannot offset the immediate and permanent loss of established infrastructure at this location.

3.67 Taken together, the proposal results in a net loss and fragmentation of blue and green infrastructure, fails to deliver meaningful on-site enhancement, and does not provide accessible or policy-compliant mitigation. As such, it is contrary to the requirements and intent of NPF4 Policy 20.

NPF4 Policy 21: Play, recreation and sport

3.68 While the applicant asserts compliance with NPF4 Policy 21, this position relies heavily on the assumed delivery of replacement provision at Myrtle Avenue, which is the subject of a separate, future planning application. This raises a fundamental concern in policy terms.

3.69 Under Policy 21(a)(iii), development resulting in the loss of sports or recreational provision will only be supported where replacement facilities are delivered that maintain overall playing capacity, are of better quality, and are in a convenient location. In this case, the applicant's conclusion that there is no net loss is premature and unsubstantiated, as the Myrtle Avenue proposals have not yet been submitted, assessed, or approved. There is therefore no certainty that the replacement informal pitch will be delivered, nor that it will be equivalent or better in quality, accessibility, or usability.

3.70 Nor is Myrtle Avenue a clear equivalent in recreational terms. Whitegates Park currently provides unrestricted, established and integrated informal recreation within a connected parkland setting. Myrtle Avenue would instead represent a reconfigured former school site, with a different layout, function and relationship to its surroundings. The assumption that

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

3.71 The proposals at Whitegates Park and Myrtle Avenue are therefore clearly interdependent, forming a single functional project in planning terms. As such, it is not appropriate to assess the current application in isolation. To do so would risk allowing the loss of existing recreational provision without guaranteed replacement, contrary to the safeguards set out in Policy 21.

3.72 Furthermore, the applicant's suggestion that a Management and Maintenance Plan can be secured by condition does not resolve this issue. Policy 21(g) requires that such arrangements are clearly set out to demonstrate the long-term deliverability and stewardship of the facilities. In the absence of detailed, coordinated information covering both sites, it is not possible to conclude that the development complies with this requirement.

3.73 Until the Myrtle Avenue proposals are brought forward and assessed alongside the current application, it cannot be demonstrated that:

- overall playing capacity will be maintained,
- replacement provision will be of equal or improved quality and accessibility, and
- long-term management arrangements are secured.

3.74 On this basis, the proposal fails to demonstrate compliance with NPF4 Policy 21, and a holistic, cumulative assessment of both sites is required before any support could reasonably be given.

NPF4 Policy 22: Flood risk and water management
LDP Policy 18. Water Environment and Flood Risk

3.75 The applicant's assertion that the proposed school constitutes "essential infrastructure" and is therefore acceptable within a surface water flood risk area is not substantiated. Policy 22(a) sets a high bar for development in flood risk areas, requiring robust evidence that all flood risks are fully understood and addressed. However, the response from the Council's Flooding Officer clearly identifies significant gaps in the Flood Risk Assessment (FRA), including the failure to assess flood risk up to the 1 in 1000-year event, which is required for vulnerable uses such as a school. As such, the applicant's claim of policy compliance is premature and unsupported.

3.76 The FRA is materially deficient in several key respects. Notably, there is no overland flow routing plan for extreme rainfall events (including 1 in 200-year plus climate change and 1 in 1000-year scenarios), no demonstration of safe access and egress, and no clarity on how the development will remain operational during flood events. These are fundamental requirements of Policy 22(a), and their absence means the planning authority cannot conclude that the development will be safe for its lifetime.

3.77 There are also unresolved concerns regarding the interaction between the development and existing water infrastructure, including the Scottish Water trunk main and the Larkfield Ditch (Surface Water Channel 1). The FRA fails to provide sufficient information on the condition, capacity, and routing of these assets, or how they will be protected, realigned, or enhanced. The Flooding Officer highlights the absence of mitigation proposals, maintenance access arrangements, and clarity on downstream impacts, including known flooding issues associated with the existing culvert system. This directly conflicts with Policy 22, which requires that development does not increase flood risk elsewhere.

3.78 Of particular concern is the loss of flood storage associated with the burn due to the proposed pitch layout, with no clear evidence of compensatory storage being provided. This represents a direct reduction in floodplain capacity, contrary to Policy 22(a). Furthermore, the lack of detail on potential modifications to culverts, channels, and trash screens raises the risk of exacerbating existing downstream flooding issues, particularly for properties adjacent to Larkfield Road.

3.79 The independent engineering review (Dewar Associates, April 2026) identifies fundamental deficiencies in the Drainage Strategy and Flood Risk Assessment, including a lack of coordination between the two documents, reliance on a single culvert of unverified capacity, and the absence of a Development Impact Assessment. The review also highlights evidence of existing flooding affecting surrounding properties and identifies a risk of culvert surcharge during storm events, with consequent impacts on third-party land. These issues reinforce that the proposal fails to demonstrate that flood risk has been properly understood or mitigated, and the precautionary principle under Policy 22 must apply.

3.80 In the absence of a complete and robust Flood Risk Assessment, and given the acknowledged gaps in hydrological modelling, overland flow routing and safe access/egress, the Planning Authority cannot conclude that the development would be safe for its lifetime. In such circumstances, the precautionary principle must apply, and development should not be supported where there is uncertainty regarding flood risk and potential impacts on people, property and infrastructure.

3.81 In light of these deficiencies, it is clear that the proposal does not meet the requirements of NPF4 Policy 22, and the applicant’s reliance on the classification of “essential infrastructure” does not override the need to demonstrate that the development is safe, resilient, and will not increase flood risk. Until the FRA is comprehensively revised to address these issues, the application should not be supported.

NPF4 Policy 23: Health and safety

3.82 While the provision of sports facilities and a horticulture garden may deliver potential health benefits, Policy 23(a) does not override Policy 23(b), which requires that development must not give rise to significant adverse effects on health. The applicant has focused on positive aspects of the proposal without adequately addressing the potential negative health impacts, including noise, traffic, and loss of existing open space, which are all material to a balanced assessment. The presence of benefits does not negate the requirement to fully assess and mitigate harm.

3.83 The submitted Detailed Quantitative Risk Assessment (DQRA) concludes that risks from contamination are low; however, this is based on modelled assumptions and site-specific acceptance criteria. Given the site's history and the presence of made ground, there remains uncertainty regarding long-term exposure risks, disturbance during construction, and suitability for a sensitive end use such as a school. The absence of a requirement for remediation should be treated with caution, particularly where vulnerable users (children) are involved, and does not in itself demonstrate full compliance with Policy 23(b).

3.84 Although Noise and Air Quality Assessments have been submitted, the conclusions that there will be no adverse impact require careful scrutiny. The scale of the development—including sports pitches, community use outwith school hours, increased traffic movements, and plant associated with the school—introduces multiple sources of noise and emissions. In particular, extended hours of use and community access have the potential to generate evening and weekend disturbance, which may not have been fully captured in standard assessment scenarios. Under Policy 23(e), the test is not simply compliance with thresholds, but whether unacceptable noise impacts arise in practice, particularly for nearby residents.

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

NPF4 Policy 25: Community wealth building
LDP Policy 13. Community Facilities and Open Space

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

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

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

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

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

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

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

## 4.0 HUMAN RIGHT IMPLICATIONS

4.1 The proposed development has potential implications for the Convention rights of neighbouring residents, including the right to respect for private and family life and the home (Article 8), and the peaceful enjoyment of possessions (Article 1 of the First Protocol). These rights may be engaged where development gives rise to adverse impacts on residential amenity, environmental conditions, or the use and enjoyment of neighbouring property.

4.2 In determining the application, the Planning Authority is required to ensure that any interference with these rights is lawful, necessary, and proportionate, having regard to the Development Plan and all material considerations. In this case, the identified policy conflicts and, critically, the deficiencies and uncertainties in the submitted information mean that the extent and acceptability of potential impacts cannot be properly assessed.

4.3 In the absence of a robust and complete evidential basis, the Planning Authority cannot reasonably conclude that any interference with Convention rights would be justified or proportionate. Accordingly, refusal of the application, or alternatively withdrawal and resubmission supported by adequate information and subject to full public scrutiny, would represent a lawful and proportionate response in accordance with the Human Rights Act 1998.

## 5.0 CONCLUSION

5.1 The proposal is contrary to the Development Plan. Under Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended), planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan comprises National Planning Framework 4 (NPF4) and the East Dunbartonshire Local Development Plan 2.

5.2 For the reasons set out in this report, the proposal fails to demonstrate compliance with the Development Plan. The development gives rise to significant and unresolved conflicts with multiple key policies, including those relating to biodiversity, natural environment, soils, flood risk, open space, infrastructure delivery and placemaking. These conflicts are not minor or technical in nature, but go to the fundamental acceptability of the site, the form of development proposed, and its environmental and community impacts.

5.3 This position is compounded by the deficiencies in the application submission. The drawings and supporting information fall materially below the standards set out in the Heads of Planning Scotland (HOPS) Validation Guidance and Scottish Government Circular 3/2022. As a result, the Planning Authority does not have a complete, accurate or verifiable evidential basis on which to undertake a robust assessment of the proposal. This concern is reinforced by findings of maladministration in decisions of the Scottish Public Services Ombudsman, which have highlighted the importance of accurate, complete and assessable information in supporting lawful planning determinations.

5.4 In particular, the absence of critical technical and environmental information, together with the acknowledged uncertainties in relation to flood risk, ground conditions, biodiversity impacts and off-site mitigation, means that the Planning Authority cannot reasonably conclude that the

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

5.5 It is also clear that the proposal is reliant on a separate and interdependent development at Myrtle Avenue in order to attempt to address key policy requirements, including open space, recreational provision and biodiversity. However, that proposal has not been assessed alongside the current application and does not represent a like-for-like or policy-compliant substitute for the existing functions of Whitegates Park. The application should therefore not be determined in isolation.

5.6 In these circumstances, to grant planning permission would require the Planning Authority to accept that significant policy conflicts, unresolved technical matters, and uncertain mitigation can be addressed post-consent. On the evidence currently available, such a conclusion would not be justified.

5.7 Furthermore, the principles of procedural fairness and natural justice require that any additional or amended information be subject to full re-notification and public consultation. Without this, the integrity and transparency of the planning process would be undermined.

5.8 Accordingly, Planning Objections Scotland respectfully submits that the application should be refused. In the alternative, the application should be withdrawn and resubmitted with a complete and robust evidential basis, subject to full public scrutiny.

**APPENDICES**

- POS_2.1.1_SG_Annex_D_Circular_3_2022
- POS_2.1.2_SPSO_201605668_Glasgow_City_Council_(dimensions, scale on plans)
- POS_2.1.4_SPSO_201508154 Aberdeenshire_Council (finished floor level inaccuracies)

- POS_4.1.2_SPSO_ 201606059_Edinburgh City_Council (failure to take account of applicable development plan policy)
- POS_4.1.3_SPSO_201605227 The_City_of_Edinburgh_Council (Policy and Material considerations)
- Dewar Associates - Independent Engineering Review (Drainage Strategy and Flood Risk Assessment)
- Dewar Associates - Independent Engineering Review (Ground Conditions and Site Investigation)

PLANNING OBJECTIONS SCOTLAND

# POS_2.1.1_SG_Annex_D_Circular_3_2022

RTPI Chartered Town Planners

RICS

## Annex D

## Plans and Drawings

1. All applications should be accompanied by a location plan and almost all will require a site plan. Where the applicant owns some or all of the "neighbouring land" (see paragraph 4.15 of the main circular), a plan showing such land must be included. The following are not statutory requirements but an indication of what planning authorities can reasonably expect by way of a minimum of information on these plans. Planning authorities may also publish their own guidance in this regard.

   **Location plan** – this must identify the land to which the proposal relates and its situation in relation to the locality: in particular in relation to neighbouring land. Location plans should be a scale of 1:2500 or smaller.

   **Neighbouring land owned by the applicant** – where required, this could be incorporated into the above plan or on a separate plan of similar scale.

   **Site Plan** – this should be of a scale of 1:500 or smaller and should show:

   The direction of North;
   General access arrangements, landscaping, car parking and open areas around buildings;
   The proposed development in relation to the site boundaries and other existing buildings on the site, with written dimensions including those to the boundaries;
   Where possible, all the buildings, roads and footpaths on land adjoining the site including access arrangements;
   The extent and type of any hard surfacing; and
   Boundary treatment including walls or fencing where this is proposed.

2. The range of other plans and drawings will depend on the scale, nature and location of the proposal. Planning authorities should consider providing guidance on the levels of information expected in different types of case. The following plans and drawings will not be required in every case, but the list indicates the sort of minimum information which should be included where necessary:

   **Existing and proposed elevations** (at a scale of 1:50 or 1:100) which should:

   show the proposed works in relation to what is already there;
   show all sides of the proposal;
   indicate, where possible, the proposed building materials and the style, materials and finish of windows and doors;
   include blank elevations (if only to show that this is in fact the case);
   where a proposed elevation adjoins another building or is in close proximity, the drawings should clearly show the relationship between the buildings, and detail the positions of the openings on each property.

**Existing and proposed floor plans** (at a scale of 1:50 or 1:100) which should:

explain the proposal in detail;
show where existing buildings or walls are to be demolished;
show details of the existing building(s) as well as those for the proposed development; and
show new buildings in context with adjacent buildings (including property numbers where applicable).

**Existing and proposed site sections and finished floor and site levels** (at a scale of 1:50 or 1:100) which should:

show a cross section(s) through the proposed building(s);
where a proposal involves a change in ground levels, show both existing and finished levels to include details of foundations and eaves and how encroachment onto adjoining land is to be avoided;
include full information to demonstrate how proposed buildings relate to existing site levels and neighbouring development; and
show existing site levels and finished floor levels (with levels related to a fixed datum point off site), and also show the proposals in relation to adjoining buildings (unless, in the case of development of an existing house, the levels are evident from floor plans and elevations).

**Roof plans** (at a scale of 1:50 or 1:100) to show the shape of the roof and specifying details such as the roofing material, vents and their location.

PLANNING OBJECTIONS SCOTLAND

# POS_2.1.2_SPSO_201605668_Glasgow_City_Council_(dimensions, scale on plans)

RTPI Chartered Town Planners

RTPI Member No. 47188

RICS

# SPSO decision report

**Case:** **201605668, Glasgow City Council**
**Sector:** local government
**Subject:** handling of application (complaints by opponents)
**Decision:** some upheld, recommendations


## Summary

Mr C lives in a conservation area. An application for planning permission for external alterations to a property neighbouring his was submitted to the council. The proposal was to increase the height of the roof of an existing utility building and associated works to create additional living space. Mr C submitted objections to the proposal. The council produced a report of handling of the application and granted full planning permission subject to conditions. The first of these was that the development had to be implemented in accordance with the approved drawings.

Mr C was concerned that the council's decision had been procedurally flawed and based on inaccurate information. He complained to the council about this. At both stages of the council's complaints procedure the responses stated their conclusions that the decision had been taken properly and on the basis of accurate information. Mr C was dissatisfied with these responses and raised his complaints with us.

We upheld Mr C's complaints that statements in the report were inaccurate (specifically statements that the pitch of the roof 'will match' the main house and that the rooflights will be 'invisible from a public area'); that the approved drawings associated with the application did not contain sufficient written dimensions to ensure that the precise location and scale of what was being proposed was clear; and that the council did not respond reasonably to some of Mr C's complaints. We did not uphold complaints that the evaluation of the application against relevant guidance was unreasonable or that the inadequacies of the report of handling meant that the decision on the application was unreasonable.


## Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C that they did not respond reasonably to some of his complaints about the handling of the application.
- Provide Mr C with a direct response to his complaint.
- Amend the approved drawings for the application to ensure the precise location and scale of what was being proposed, and has been approved, is clear.

What we said should change to put things right in future:

- Relevant council staff should be reminded that statements of fact in reports of handling should be accurate.
- Relevant council staff should be reminded that approved drawings should be adequately dimensioned to ensure the precise location and scale of what is being proposed is clear.

In relation to complaints handling, we recommended:

- Relevant council staff should be reminded that issues raised in complaints should be directly responded to.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.

PLANNING OBJECTIONS SCOTLAND

# POS_2.1.4_SPSO_201508154 Aberdeenshire_Council (finished floor level inaccuracies)

RTPI Chartered Town Planners

RTPI Member No. 47188

RICS

# SPSO decision report

**Case:** **201508154, Aberdeenshire Council**
**Sector:** local government
**Subject:** handling of application (complaints by opponents)
**Outcome:** upheld, recommendations


## Summary

Mr and Mrs C raised concerns about the council's handling of various planning applications for a site, including their home. In particular, they said that certain applications failed to protect their home by ensuring that its floor level and that of its neighbour were built to a similar level. As a consequence of this, they said that the council failed to assess the impact of their neighbour's sun lounge on their amenity and privacy.

We made enquiries to the council who confirmed that they had since established that the levels of the properties concerned were not in accord with the applications granted and the houses were not built as envisaged. The difference in levels had led to Mr and Mrs C's property being overlooked.

We took independent planning advice and we found that one of the properties concerned was too high, whereas, the other was too low. The consequence of this was that overlooking of Mr and Mrs C's house was unavoidable. The council were largely responsible for this. Similarly, because the floor levels were incorrect, the council would not have been able to properly assess the impact of the neighbours' sun lounge on Mr and Mrs C's property. We upheld the complaint.


## Recommendations

We recommended that the council:

- make a formal apology to recognise the situation;
- review the staff guidance notes to include the treatment of window alterations during the course of development as consent variations or as permitted development;
- make a formal apology for their inability to assess the impact of the sun lounge;
- be prepared to meet the costs of any agreed solution; and
- review staff guidance notes on planning application handling with regard to successive permissions issued for the same site; the consistency of conditions which require to be carried through from one permission to any future permission; consideration of site levels and especially any proposed changes for residential amenity and overlooking.

PLANNING OBJECTIONS SCOTLAND

# POS_4.1.2_SPSO_ 201606059_Edinburgh City_Council (failure to take account of applicable development plan policy)

RTPI Chartered Town Planners

RTPI Member No. 47188

RICS

# SPSO decision report

**Case:** **201606059, The City of Edinburgh Council**
**Sector:** local government
**Subject:** handling of application (complaints by opponents)
**Decision:** some upheld, recommendations


## Summary

Mr C complained about the council's handling of a planning application. In particular that the council had failed to consider their waterside development policy (policy Des 9), had failed to consult with the Scottish Environment Protection Agency (SEPA) and had unreasonably accepted that works for the planning application were initiated on time. Mr C also complained about the council's communication with him.

We took independent planning advice. We found that that policy Des 9 should have been referred to in the report of handling (a report containing information on a planning application). It was not possible to know whether this policy had been taken into consideration during the processing of the planning application, as was required. We also found that it was not possible to say whether consideration of policy Des 9 would have resulted in a different outcome. We upheld this aspect of the complaint.

We also found that SEPA should have been consulted and we upheld this aspect of the complaint.

We did not find any evidence that the council had unreasonably accepted that works for the planning application were initiated on time and we did not uphold this part of the complaint.

Regarding communication, we found that some of the issues raised by Mr C had been not been adequately addressed, however, other issues raised by him had been reasonably clarified. We were concerned that a further response letter had had to be issued to Mr C. The council had accepted that there had been a delay in responding and that Mr C should not have had to submit a formal complaint to prompt a full response to his enquiries. We upheld this aspect of the complaint.


## Recommendations

What we said should change to put things right in future:

- Development plan policies relevant to the processing of any particular application should be referenced in the report of handling.
- Where a statutory consultation appears to be required as part of the processing of a planning application, but has not taken place, this should be explained in the report of handling.

PLANNING OBJECTIONS SCOTLAND

# POS_4.1.3_SPSO_201605227 The_City_of_Edinburgh_Council (Policy and Material considerations)

RTPI Chartered Town Planners

RTPI Member No. 47188

RICS

# SPSO decision report

**Case:** **201605227, The City of Edinburgh Council**
**Sector:** local government
**Subject:** handling of application (complaints by opponents)
**Decision:** upheld, recommendations


## Summary

Mr C complained about the council's handling of a planning application to extend a restaurant near his home. Mr C was concerned that a parking policy had not been taken into account when determining the application and that the planning service had not waited on a consultation response from the roads service at the council before approving the application. During their own consideration of the case, the council accepted that parking had not been covered in the planning officer's report for the application and they apologised for this failing.

We took independent advice from a planning adviser. We found that there was no evidence that the relevant policy for parking had been considered when determining the planning application. While there was no statutory requirement to await a roads service consultation response before determining the application, the advice we received highlighted that proceeding without all the relevant information was a key shortcoming. However, there was no evidence that proceeding without the consultation response made any difference to the council's decision to approve the application. On balance, we upheld the complaint. However, based on the advice we received, we did not consider that there was any further action that the council were required to take in respect of the application. We did make a recommendation to ensure that material considerations and relevant policies are taken into account when determining a planning application in the future.


## Recommendations

What we said should change to put things right in future:

- All material considerations should be taken into account when determining a planning application. The correct policies should be identified and referenced in the report of handling.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.

# PROPOSED NEW SCHOOL DEVELOPMENT
# WHITEGATE PARK
# KIRKINTILLOCH

## CONCERNS OVER DRAINAGE STRATEGY
## AND FLOOD RISK ASSESSMENT

**References:**
**Curtins Drainage Strategy LZAC-CUR-XX-XX-T-C 92002: P06 –25 February 2026**
**KAYA CONSULTING Flood Risk Assessment - version 1.4 –18 February 2026**
**EDC Flooding and Drainage: Guidelines for Developers –May 2015 Rev B**

The following observations are made by an experienced chartered civil engineer who specializes in sewerage and drainage design as well as brownfield development. These concerns must be considered by the relevant Statutory Consultees, namely SEPA's Flood Team, SEPA Water Quality Team, the Council's Flood Officer, and Scottish Water. They should also be addressed by the Client, East Dumbartonshire Council and their Planning Department, on the basis that the cost of developing this particular site will be prohibitively expensive, with endless claims relating to 'unforeseen circumstances'.

Proposed new Lenzie Academy –Artist's Impression

The development site is shown in Figure 1 with the drainage proposals showing the sewers and water course that will be impacted by the development proposals. In addition to the challenging hydraulic design, it is important to understand the nature of the ground conditions; there is up to 4m of peat underlying the site and it is proposed to import up to 2.5m of fill material to form level plateaux over the vast majority of the site. This surcharge of up to 50kN/m2 blanket load covering the entire developable area will lead to considerable compression of the peat resulting in differential settlement due to the varying thickness of the peat, and the varying magnitude of surcharge loading.

In addition to these loads, the site is to be piled and, therefore, there will need to be a substantial piling platform covering much of the site to serve piling rigs, ground improvement drill rigs, and craneage; the entire site area is likely to be affected by the substantial loads from these essential platforms yet it appears that this important design feature has never been considered in any on the planning documents viewed to date. Similar glaring omissions are evident throughout the documents submitted in support of the planning application and the de facto clients (the local residents) are concerned that statutory consultees are not being presented with all of the facts to enable them to provide a proper response.

This particular report (observations) focusses on the drainage and flooding; two disciplines that are intrinsically linked, yet there appears to have been no coordination between the Flood Risk Assessment and the Drainage Strategy. This is demonstrated on a number of occasions.

Figures 2 - 4 indicate extracts from Scottish Water's Asset Plans, and commentary under each image describes areas/problems that have not been addressed properly within the Drainage Strategy and/or the Flood Risk Assessment (FRA), or have been wrongly interpreted.

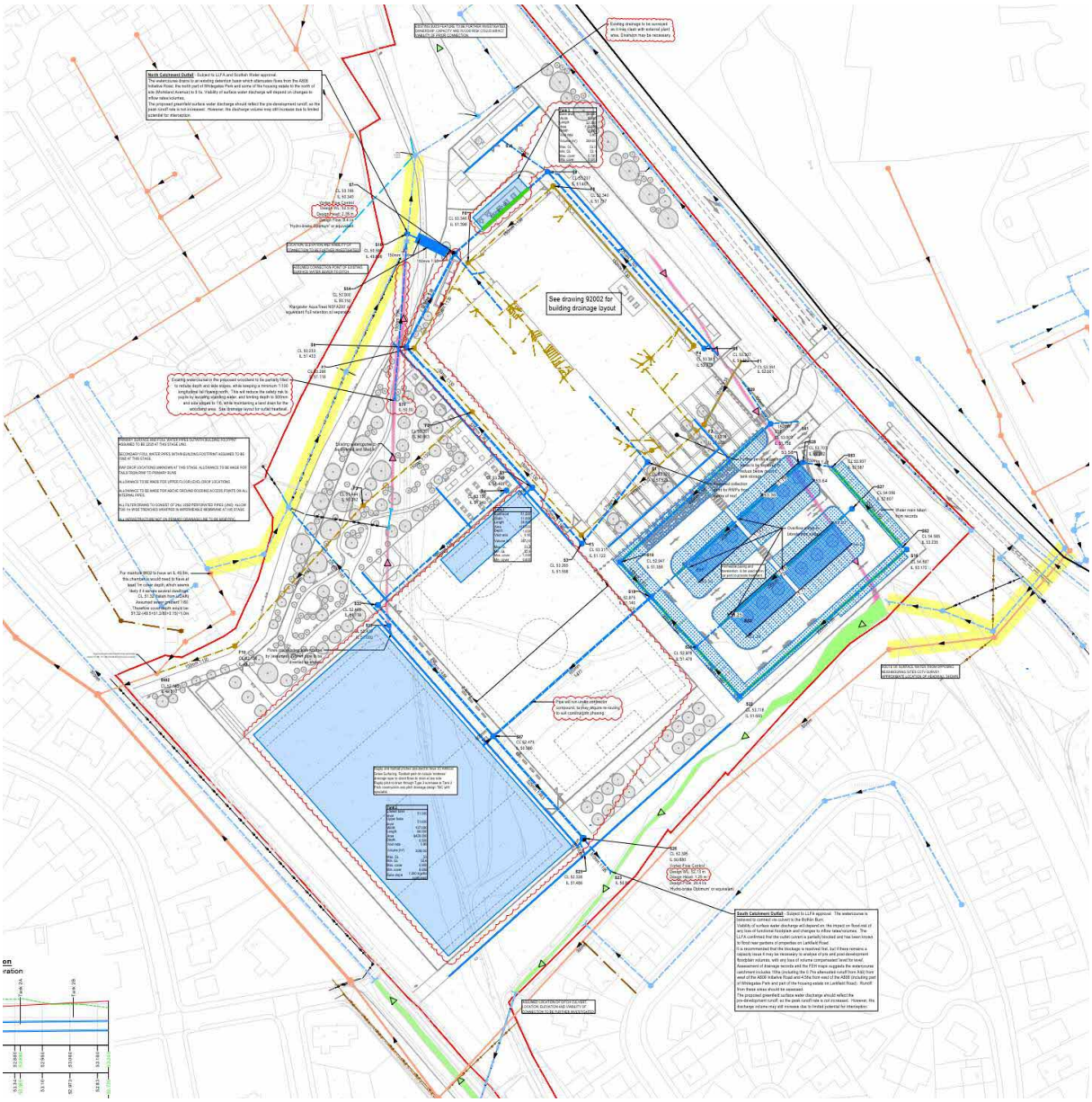



**Figure 1 –drainage strategy layout (by Curtins) indicating the development drainage proposals with the majority of the surface water run-off heading south into an existing water course comprising a mixture of open ditches, pond, and a variety of culverts. A section of the site surface water run-off heads north through an existing SuDS feature with unknown ownership. The foul sewage is conveyed to existing sewerage to the west of the site.**

This report has been prepared to help ensure the extremely challenging ground conditions have been considered in the decision making when choosing this site. The abnormal costs will be considerable, and it is unclear why this site has been chosen over far less complex alternative sites in better locations within the town. As a resident of Lenzie, and thus a de facto client, the author of this report is very disappointed in the design team for encouraging the Council to develop this demanding site.

Drainage Strategy Layout (figure 1):

1. The vast majority of the site surface water run-off heads south, ultimately discharging into an existing water course comprising open ditches, a pond, and a variety of culverts in vitrified clay, rectangular stone, and concrete drainage pipes.
2. It is assumed that the quantum of the discharge from the site equates to the appropriate greenfield release and thus there will be considerable attenuation devices buried beneath the playing fields and/or car parking areas. Such design proposals will give rise to endless problems with the drainage connections since the attenuation tanks rest on the peat. When empty, the differential movement across the edges of the tanks will be considerable. Even when full, water is half the density of soil.
3. There is shallow ground water recorded in almost every borehole and trial pit excavated on the site, thus installing attenuation tanks and manholes will require expensive concrete surrounds to counter floating, yet this difficult and very expensive construction technique has never been discussed within the report. Has it been costed ?
4. Due to the presence of peat and the importation of large volumes of soil, all drains (and sewers) should be installed at steeper than normal gradients to guard against excessive differential settlements creating backfalls in the drains over time, and yet the main foul drain has been listed at 150 diameter at 1 in 130 gradient. This specification doesn't even meet self-cleansing requirements and that is before any settlement takes place. It raises doubts about the competence of the designers, and since they haven't even checked the invert level of the existing 'disconnecting' manhole, there must be question marks over whether the foul drainage will function as designed. The drawing even lists numerous uncertainties of the design, including that a pump station may be required. Given the high 'water table' recorded across the site, a submerged pump station is a recipe for endless maintenance checks and break-downs in perpetuity. It is a cost that will be borne by the Council Tax payers forever and a day.
5. The existing SuDS feature to the north of the site has been labelled a pond, yet there is no outlet pipe recorded within the SW Asset Plans, and there has been no attempt to establish either the ownership of the pond, or the destination of the outlet from the pond, if one even exists. The importance of having a workable drainage strategy cannot be understated, and this development deserves better than this unfinished submission.
6. The drawing is full of uncertainty with notes like **"*existing drainage may have to be diverted*"**. Surely for a development of this magnitude, and the extraordinary funds that have already been expended thus far to investigate the site and to make the planning submission, one would expect something as fundamental as knowing that the proposed drainage scheme works to be verified; this clearly appears not to be important to the client.
7. ***"Location, elevation, and viability of connection to be further investigated"*** is listed on a very important drainage device close to the outfall of the surface water drainage.
8. ***"Assumed connection point of existing surface water sewer to ditch"***. Has Scottish Water seen this? Have they approved same?
9. ***"Existing water courses are being altered to 'reduce the safety risks to pupils'"***. Every school development with which the author of this report has been involved since SuDS became mandatory has precluded the use of attenuation ponds or basins; for fairly obvious reasons. Did the Council not make this clear at the outset?
10. Some of the surface water run-off connects into a culvert that may also accommodate unrecorded foul sewage and yet there is no note to state that the down pipes need to be trapped.
11. 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.
12. Rugby and football pitches have permeable sub-base with rainwater being directed to a collector drain along one side. However, the piling platform is likely to comprise a substantial thickness of crushed rock and hence highly permeable material so it is not clear how this will work; further explanation required.
13. ***"South Catchment Outfall 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 flood plain and changes to inflow rates/volumes"***. Clearly there has been no coordination between the Flood Risk Assessment and the Drainage Strategy. How on earth has this submission been accepted by the Council?

14. The Flood Risk Assessment has stated there are no records of historic flooding to the surrounding areas, confirmed by the LLFA, yet this drawing quotes ***"LLFA confirmed that the outlet culvert is partially blocked and has been known to flood rear gardens of properties in Larkfield Road"***. This lack of coordination of two inter-dependent design exercises is concerning.
15. ***"It may be necessary to analyse pre and post -development floodplain volumes with any loss of volume compensated 'level for level".*** SEPA have banned any development on functioning flood plains for at least 10 years and if they suddenly have a change of heart here, there will be a public outcry amongst developers in Scotland. It is clear that the authors of this Drainage Strategy are based in England and thus can be forgiven for this over-sight, however, why have SEPA not rejected these proposals out of hand when this illegal(?) proposal forms part of the drainage strategy? Notwithstanding, where within the red line boundary is there room for said compensatory storage? The earthworks proposals have stated the site will be infilled over its entire area.
16. The FRA states ***"The results of the assessment for Surface Water Channel 1 predict that there is an area outside the 1 in 200 year plus climate change flood area that should be suitable for development."*** The plans, however, show the school being located partly within the 1 in 200-year flood risk area. This ambiguity should be clarified by the Flood Specialist to ensure the design team have reflected the recommendations within the FRA.
17. There is no reference to the new additional discharges from the development within the FRA report, corroborating the view that there has been no coordination between the two intrinsically linked reports. Those responsible for validating the planning application should have rejected the application on these grounds alone.
18. None of the foregoing major problems have been discussed in any correspondence viewed to date and one wonders how budget costs could be established with any degree of accuracy. If this is the standard of submission accepted for Government (fiscal) funded developments, is there any wonder such projects are continually over budget with delivery dates exceeded by eye watering extensions.


**Figure 2 –extract from Scottish Water Asset Plans indicating surface water sewer serving the new Aldi site discharging into an open ditch and pond which in turn connects into the South Catchment Outfall. Does the maintenance of this open ditch rest with Scottish Water or the Council? It is important that the full length of this upstream catchment pipe is surveyed to confirm all existing connections contributing to the overall flow; this has not been done. For example, the building shown to the north of the new Aldi site will have substantial and un-attenuated surface water run-off discharging either into the adjacent combined sewer or it may be linked to the culvert upstream of the surface water sewer, and thus it may not have been modelled in the design calculations or the FRA.**

**Plate 1 –ferruginous water (from the Aldi site?) entering the open ditch forming the south boundary of the development site and forming part of the South Catchment Outfall; refer bullet point 1 in item 18.**

19. Other observations highlighting the shortcomings of the Planning Submission are listed as follows:

- It is customary to refer to **SEPA's Water Classification HUB** to determine the quality of the ground water and also the quality of the local surface water features; we have seen no reference to either. We would expect SEPA and the Council to reject this submission on the basis of this omission. Note, the ground water is classified as POOR and the Bothlin burn as MODERATE. The latter will, therefore, not be permitted to accept ferruginous water; refer plate 1. Currently, this discolouration is removed by the flora within an open ditch, but it is proposed to eliminate the ditch in favour of a piped culvert.
- The high ground water that is encountered in almost all of the trial pits and boreholes has a significant impact on the proposals, in particular the development costs, and yet this has never been discussed in any documentation seen to date. As de-facto client, we find this unacceptable.
- What happens to water run-off during construction; refer item 2.1.1 item c of the Drainage Strategy. Surely SEPA need to know this before giving their approval to the proposals.
- No guidance has been provided for maintenance protocol of the many and varied devices required to meet the SuDS legislation. It is a mandatory requirement to show same on all planning drawings so why not here? As a de facto client, this would be uppermost in my mind; we are paying for this development and it is important to understand what on-goings costs will be generated in addition to the capital expenditure.
- It is incorrect to state that Scottish Water have a duty to adopt SuDS apparatus from a private individual; see clause 2.1.2 of the Drainage Strategy. Scottish Water will confirm accordingly. We think this statement is a legacy of the report authors being based in England where the 'rules of engagement' are entirely different. This should have been highlighted by the various statutory consultees.
- Clause 2.1.4 c(i) states no increase in risk of flooding to others. This very obvious increased risk has not been considered within either the FRA or the Drainage Strategy. There is an obvious increase in risk of flooding to houses in numerous locations adjacent to the site which would be unacceptable to the regulatory authorities in response to a planning submission submitted by a private developer; refer figure 5 in this report.
- **The main existing culvert outfall into which the bulk of the new run-off is to discharge will be approximately 1.5m under water when it enters Bothlin burn based on the predicted water levels within the FRA report during heavy storm events. Thus, the culvert will be effectively 100% blocked during these times. This must be modelled to identify flooding incidences to the surrounding areas as well as within the development site. It is relatively straight forward, albeit expensive, to adapt the construction details to deal with flooding within the site, but that is not the case with flooding of the existing surrounding houses. The Drainage Strategy confirms that existing houses flood even now, so this will only be exacerbated by the development proposals. I DON'T UNDERSTAND WHY SCOTTISH WATER HAVE NOT INSISTED ON A DEVELOPMENT IMPACT ASSESSMENT ON THIS AND OTHER IMPACTED NETWORKS GIVEN THE RAMIFICATIONS OF INCREASED FLOODING TO THE CULVERT.**

**Plate 2 –the South Catchment Outlet where it meets the Bothlin burn. The culvert will be surcharged by approximately 1.5m when the burn is dealing with design storm events.**

- There is discussion over the Council's requirement for two forms of treatment for the car park yet the report does not discuss what these forms of treatment will be.
- There are areas of Lenzie contributing to the Drainage Channel 1 which is to be used for the bulk of the run-off from the site, and yet there is no evidence to suggest the modelling has taken any of these discharges into account. Since everything depends on the capacity and efficacy of this singular culvert, the modelling should take account of these significant additions to the flow in the culvert. For example, Lenzie Moss, which is over 1km away, discharges into this culvert as do roads and houses nearer the site, so it is imperative that the culvert is subjected to detailed modelling.


**Figure 3 –Larkfield Road development (from SW Asset Plans) which is low lying and yet relies on the South Catchment Outfall to accommodate the surface water sewage from this housing development. Any 'flooding' of this culvert will cause sewage to discharge over the roads and gardens and yet this has not been modelled. Has Scottish Water been given the plans as a statutory consultee? Note, the 450 culvert (shown green on the plan) that connects into this culvert extends to Lenzie Moss ultimately, yet Lenzie Moss is shown as being out-with the Bothlin burn catchment within the FRA report. Is SEPA aware of this over-sight? Note a further 525mm dia culvert further north in Middlemuir Road which also extends to Lenzie Moss.**

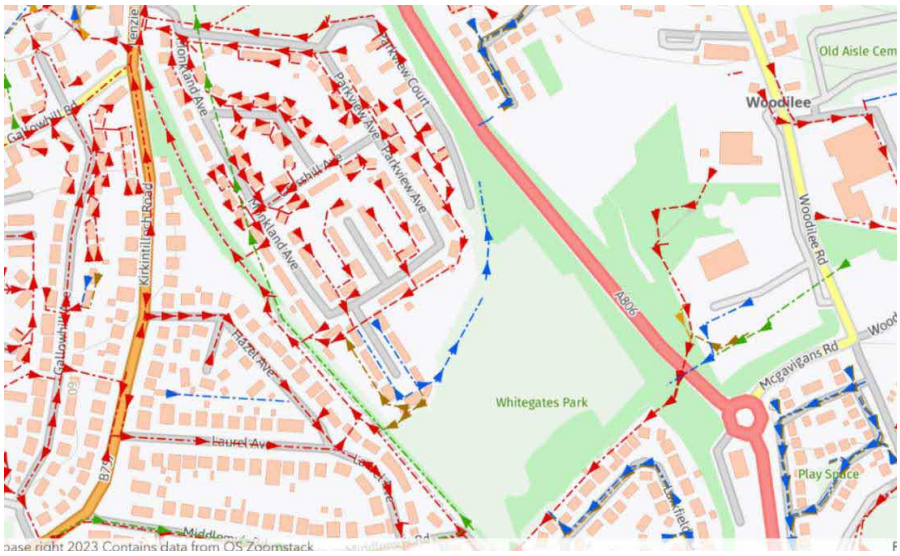



**Figure 4 –Whitegates Park sewerage with the South Catchment Outfall just off the bottom of the image, but with the open ditch and pond shaded green and forming the south boundary of the development site. This area of storage is to be removed and the open ditch replaced with a culvert in the development proposals. IT IS HIGHLY UNUSUAL FOR SEPA TO PERMIT SUCH OPEN WATER COURSES TO BE CULVERTED AND FOR THE ELIMINATION OF STORAGE PONDS THAT HAVE IMPORTANCE FOR THE LOCAL ECOLOGY. It should also be noted that the inflow to this open ditch/pond is ferruginous and if such discoloured water reaches the Bothlin Burn due to improved hydraulic performance (by culverting this section) then the water quality of the burn will be greatly degraded. It should be noted that the Bothlin burn eventually reaches the river Kelvin which is a protected fishery.**

- 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. Again, the question must be asked why this planning application has been validated with so many important aspects of the planning requirements missing.
- We find it surprising that the entire development relies on a single culvert which comprises a mixture of stone rectangular culverts, clay pipes, and concrete pipes, and all are known to be in poor condition, yet there has been no survey carried out to confirm their condition, their gradients and hence the capacities of each section of this culvert, and no attempt to confirm every incoming branch contributing to the flow therein. How on earth can the culvert be modelled without this essential information?
- There is mention of greywater harvesting to use in toilets etc. This can come with serious risk to contamination within water storage tanks etc. and must be carefully detailed and considered. High maintenance costs need to be factored into this proposal; costs that will be borne by the Council Tax payers in perpetuity.
- Section 6 of the Drainage Strategy refers to foul sewers serving the site and adjacent housing, however, almost all sewers in the area are combined, with a very short length of separate foul sewer indicated. Such errors do nothing to instill confidence in the findings of this very important document and we are surprised that this, and the other foregoing shortcomings have not been raised by the relevant Statutory Consultees.
-

Flood Risk Assessment:

1. The FRA focusses on problems that arise within the site, and how to mitigate against same, however, the main concern is the impact of the development on the surrounding houses. This seems to have been overlooked and there is a real risk to housing in Larkfield low lying area, in Hazel Drive, Woodside Avenue, and Monkland Avenue resulting from the development proposals; refer figure 5 below.
2. Some of the areas listed in 1 above have been flooded in the relatively recent past and yet the Council Flood department seem to have omitted to highlight this when consulted.
3. The FRA report was first presented in its final form in June 2025 but has been revised 3 times since then. We would expect the reasons for these revisions to be listed.
4. There are a number of errors regarding the description of the drainage within and adjacent to the site, and given the criticality of this drainage and the risk to adjacent households, there should be greater effort to recover more accurate details of the existing drainage network serving and impacting the site.
5. **The FRA states CCTV surveys should be carried out to confirm the many assumptions made in relation to the key culverts and sewers. Again, it beggars belief that this planning application has been validated when so many fundament aspects for same are outstanding. Why is this?**
6. The culvert to the south corner is hyper critical to the risk of flooding of the site, but also to the housing forming the south and west boundaries, and also to the housing in Larkfield low lying area next to Garngaber Road. There has been insufficient modelling done on this culvert, if any at all. This culvert discharges into the Bothlin burn via a standard concrete head wall, and at least 35% submerged in dry weather. Thus a 50% blockage is not unreasonable when modelling this culvert, BUT IT MUST ALSO BE MODELLED WHEN THE OUTLET IS FULLY SURCHARGED TO REFLECT THE BOTHLIN BURN WATER LEVELS IDENTIFIED IN THE FLOOD REPORT.
7. Lenzie Moss drains into three or even four culverts that make their way to the Bothlin burn yet the Moss is not included within the catchment area shown in figure 7 of the FRA. This does not engender confidence in other key design input factors and SEPA should be very wary of the accuracy of the report and the conclusions.
8. Surface Water Channel 2 is in fact a surface water sewer (per SW asset plans) and discharges into a pond in the north corner of the development site. The SW Asset Plans do not show the pond (probably a basin in fact), and the pond/basin has not been constructed in accordance with Scottish Water standard details, thus figure 5 is misleading, and in fact is a poor representation of what is actually going on within and adjacent to the site in relation to drains, sewers, and culverted water courses. This needs to be rectified to restore confidence in the findings of the report. There is no surprise in learning that said inaccurate representation has also been used within the Drainage Strategy as well, corroborating the view that this planning submission is sub-standard and should never have been validated.

9. The FRA report states there are no flooding problems on site, and that there is no record of historic flooding within Lenzie. Locals know that not to be the case, and the Drainage Strategy contradicts this assertion also. It seems that the Council or their consultants did not think it appropriate to engage with the [redacted] with regard to this. The Council were well aware of the group's existence, were in communication with them, and had received multiple FOI applications from them. This appears to be a flagrant breach of the principles of the Community Empowerment Act. Several of the technical issues within the planning documents could have been pointed out much earlier had the Council shared drafts of these documents. Anecdotal evidence suggests this 'early sharing' was promised by the Council in writing.
10. As stated previously, Surface Water Channel 1 is intrinsic to the drainage of the development site, and also the nearby and not so nearby housing and commercial buildings. 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 yet this is not discussed within this report. It is very rare to see VC pipes in excess of 300mm diameter, especially during the period when this apparatus was installed. Larger diameter pipes tended to be elliptical brick culverts, rectangular stone culverts, and more recently concrete circular conduits. **NEITHER THE FRA NOR THE DRAINAGE STRATEGY CAN BE RELIED UPON UNTIL THE SPECIFICATION OF THIS KEY ELEMENT IS CONFIRMED AND THE MODELLING BASED ON KNOWN INFORMATION. FOR EXAMPLE, THERE SEEMS TO BE NO INVERT LEVELS SHOWN AND YET FLOW RATES, WHICH DEPEND ON PIPE GRADIENTS, ARE DISCUSSED AS IF THE GRADIENTS ARE KNOWN.**
11. **Figure 5 (figure 9 within the FRA) shows flooding to numerous areas of housing surrounding the development site yet there is no discussion explaining what is being done to prevent his situation occurring. There is especially no explanation on how the development will not exacerbate this flooding.**

Figure 9: Surface Water Channel 1 Flood Map - 1 in 200 + CC + 50% Blockage at Downstream Culvert (flood depths vary due to underlying topography)

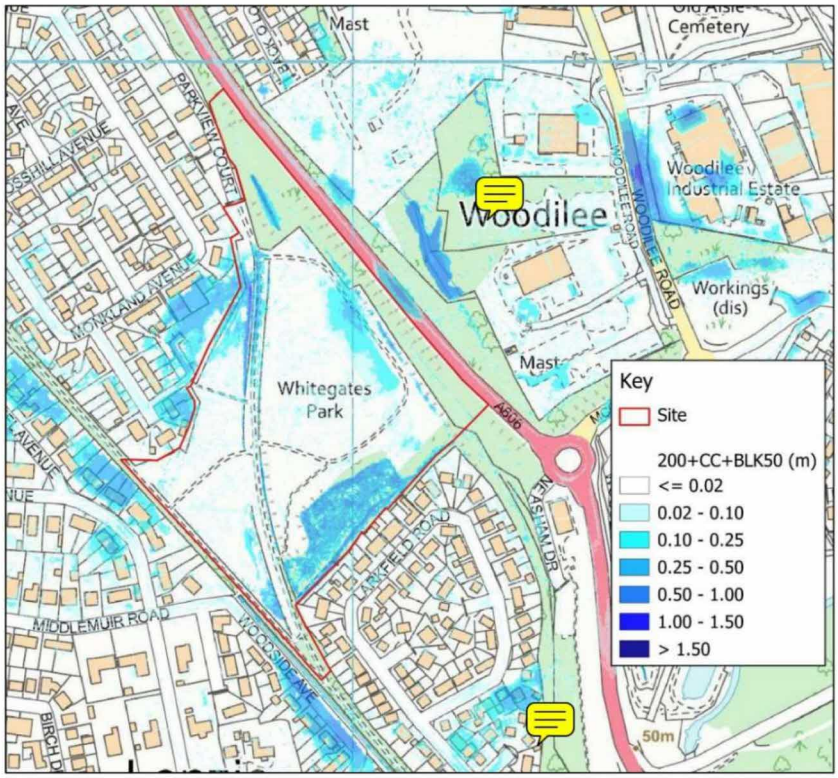



**Figure 5 – extract from the Flood Risk Assessment confirming flooding is likely to occur to housing on the north, on the west, and areas to the south as a result of the development proposals. How can the Planning Authority support these proposals based on this element alone? When all aspects of the flood modelling are taken into account, the extent of flooding is likely to increase significantly.**

12. We leave the calculation checking to SEPA since we don't have the software to check if it has been carried out correctly. However, we would expect to see a diagram showing the input flows (quantity and location) so that lay-persons can verify if the study has taken account of all known contributing inflows. We know some have been missed and we can see no reference to any input from the new school or car park within the FRA assessment. There is also an old building next to the new Aldi and it appears to drain to Surface Water Channel 1 yet the discharge from this site is not mentioned anywhere. This needs to be rectified, or verified that it does not constitute an additional inflow.
13. Figure 10 (within the FRA) shows a cross section through the Bothlin burn but there is no indication of where this section is taken. Can the location be indicated on a small plan please? It is obviously crucial that the results of the modelling of the burn are presented for the stretch of the burn at the precise location of the outfall from Surface Water Channel 1. It is also important that the narrowing effects of the bridge and the slowing effects of the bend in the burn are considered when a Development Impact Assessment is carried to you the Surface Water Channel 1 network. Note, when the water levels in the burn peak, the key drainage element for the development (ie. Surface Water Channel 1) will be completely surcharged with as much as 1500mm of water above the crown. Has this been considered in either the FRA report or the Drainage Strategy? Such a scenario is likely to lead to wholesale flooding of the surrounding houses with sewage overflowing out of manholes and gullies.
14. Section 5.4 Groundwater Flooding has been briefly mentioned and then ignored. Groundwater is so important to the design of SuDS and yet it has been glossed over within this report. Has it been considered at all?

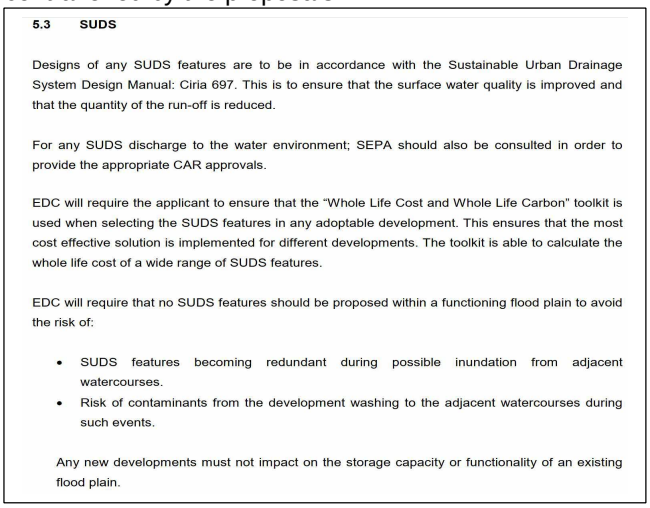
In summary, these two important documents that are submitted in support of most every major planning application in Scotland, would prove unacceptable to the statutory consultees under normal circumstances, so one must wonder why the application for this project has been validated by the Council.

More worrying is that the actual development costs have been presented on the basis of these documents yet the reports raise more questions than they answer. There is no way the infrastructure costs can be accurately determined from these two reports.

The site is fraught with complex ground conditions and it is certain that the ever-changing engineering characteristics of peat that underlies the majority of the site will lead to significant maintenance costs in perpetuity. Has this been factored into the decision making for the preferred site?

## The most controversial aspects of these proposals are :

- Developing within a functioning flood plain has not been permitted by SEPA for many years.
- Compensatory storage cannot be used to develop within a functioning flood plain; no longer permitted by SEPA. Figure 6 is an extract from EDC Guidance to Developers for Flooding and Drainage which have also been contravened by the proposals.



**5.3 SUDS**

Designs of any SUDS features are to be in accordance with the Sustainable Urban Drainage System Design Manual: Ciria 697. This is to ensure that the surface water quality is improved and that the quantity of the run-off is reduced.

For any SUDS discharge to the water environment; SEPA should also be consulted in order to provide the appropriate CAR approvals.

EDC will require the applicant to ensure that the "Whole Life Cost and Whole Life Carbon" toolkit is used when selecting the SUDS features in any adoptable development. This ensures that the most cost effective solution is implemented for different developments. The toolkit is able to calculate the whole life cost of a wide range of SUDS features.

EDC will require that no SUDS features should be proposed within a functioning flood plain to avoid the risk of:

- SUDS features becoming redundant during possible inundation from adjacent watercourses.
- Risk of contaminants from the development washing to the adjacent watercourses during such events.

Any new developments must not impact on the storage capacity or functionality of an existing flood plain.

**Figure 6 –extract from EDC Guidance note for Developers for Flooding and Drainage –May 2015.**

- No Development Impact Assessment has been requested by Scottish Water or the Council; to prove the singular culvert that accommodates the vast majority of the surface water run-off has sufficient capacity for the proposals.
- Invert levels and conditions of the key elements of the existing drainage needs to be obtained via camera survey and topographical survey to allow a Development Impact Assessment to be carried out.
- The culvert needs to be modelled when the Bothlin burn is in spate; ie. fully surcharging the culvert at its outlet.
- The existing houses surrounding the site are shown to flood under the approved design storm event, and such flooding will be even more extensive when the modelling takes cognisance of all inflows identified in the aforementioned camera surveys, as well as the culvert outlet being surcharged with 1.5m of water above the crown.
- The design is far from the finished article citing so many assumptions and uncertainties that need to be validated before planning is granted. These should not be conditioned since the feeling is that the development should not be located on this site. **There is a real possibility that the drainage cannot work, and if it can be made to work, the costs will be prohibitive.**
- Potentially submerged pump stations constructed on/in peat to lift the foul and surface water discharges into the existing sewers. This will be a nightmare for years to come, and to be paid for by the local residents.
- Catchment area used for the FRA is incorrect.
- Figure 7 indicates the check list issued by EDC to help developers to submit the appropriate information for the planning application. Many of these items have not been included within the planning submission, and have still not been provided to date.

East Dunbartonshire Council
www.eastdunbarton.gov.uk

**Flooding and Drainage Checklist**

**Flooding (Design)**

| No | Description | Yes | No | NA |
|---|---|---|---|---|
| 1 | Is the site at Flood Risk and has a Flood Risk Assessment been undertaken. SEPA checklist to be provided with FRA | | | |
| 2 | Have details of existing drainage regime within the site been provided including a CCTV of existing sewers / culverts | | | |
| 3 | Are calculations of Peak flow run-off rate in line with EDC requirements and provided for review and approval | | | |
| 4 | Are details of the 1 in 200 year overland flow route within the site been provided to ensure no flood risk to new or existing property adjacent to the site and is contained within the development | | | |
| 5 | Are FFL's set at minimum of 300mm above road levels and the site is designed to minimise runoff from driveways, roads and paths towards proposed properties | | | |
| 6 | Has an allowance for climate change been considered above the 1 in 200 year event and details provided | | | |
| | **Drainage (Design)** | | | |
| 7 | Has a Drainage strategy/assessment of development submitted | | | |
| 8 | Stakeholder consents been provided for connection for review | | | |
| 9 | Have detailed drainage calculations been provided for the drainage network as per EDC requirements | | | |
| 10 | Have SUDS been incorporated into the design and provided | | | |
| 11 | Have appropriate levels of treatment been provided for surface water run-off as per EDC requirements | | | |
| 12 | Have EDC's design considerations been met | | | |
| 13 | Are construction details submitted in line with EDC requirements | | | |
| 14 | Have details of construction phase SUDS provided. | | | |
| 15 | Details of positive drainage measures at boundaries with existing roads | | | |
| 16 | SUDS Whole Life Costing Toolkit is provided for review. | | | |
| 17 | Extent of drainage ownership shown on plans provided. | | | |
| 18 | Maintenance statement provided from those responsible for unadopted drainage / SUDS. | | | |

**Figure 7 – extract from EDC Guidance note for Developers for Flooding and Drainage – May 2015 Showing check-list that should be completed before submitting for planning permission.**

[redacted]
BSc. CEng. MICE. MIStructE.

22 April 2026

# PROPOSED NEW SCHOOL DEVELOPMENT
# WHITEGATE PARK
# KIRKINTILLOCH

## CONCERNS OVER SITE INVESTIGATION CONCLUSIONS

**References:**
**Ref 1 - Curtins 079120-CUR-00-XX-X-GE-00001 Rev P03**
**Ref 2 - Curtins 079120-CUR-XX-XX-T-GE-00002 Rev P07**

The following observations are made by an experience chartered civil and structural engineer with over 50 years experience specializing in the development of brownfield sites. The concerns raised within this report must be considered by the client, (East Dunbartonshire Council) in particular because of the impact they have on both capital expenditure and especially on-going maintenance and repairs costs that are inevitable due to the nature of the prevailing ground conditions. The report focusses on the engineering issues, but also raises questions over the environmental issues that should have been addressed prior to submitting a planning application.

The client, and the local community should be in no doubt that this site will be prohibitively expensive to develop, and will have endless issues with repair and maintenance due to the presence of a thick buried peat bed covering the majority of the site. It is not a site we would encourage any of our clients to purchase for development purposes.

**Proposed new Lenzie Academy –Artist's Impression**

The development site is shown in Figure 1 along with the spread of exploratory boreholes and trial pits carried out for the stage 2 investigation, from which the following summary of difficult engineering conditions encountered across the site have been established.

**The main difficulties are :**

- A buried peat layer extending to a thickness of 4m thick and in places is buried by 3m of heterogeneous and contaminated fill material. The plan extent of the peat covers over two thirds of the site area, and continues across the east boundary of the site. The contaminated fill material covers the entire site.
- There is a high 'water-table' recorded in almost every borehole and trial pit shown within figure 1.
- The site is encapsulated by varying thickness of contaminated heterogeneous fill material with thicknesses up to 5.0m
- The naturally occurring soils comprise cohesive glacial till and are encountered under the peat or fill material where no peat exists.
- There are large areas of the site impacted by hydrocarbons which caused trial pits to be abandoned and replaced with window sampling boreholes.

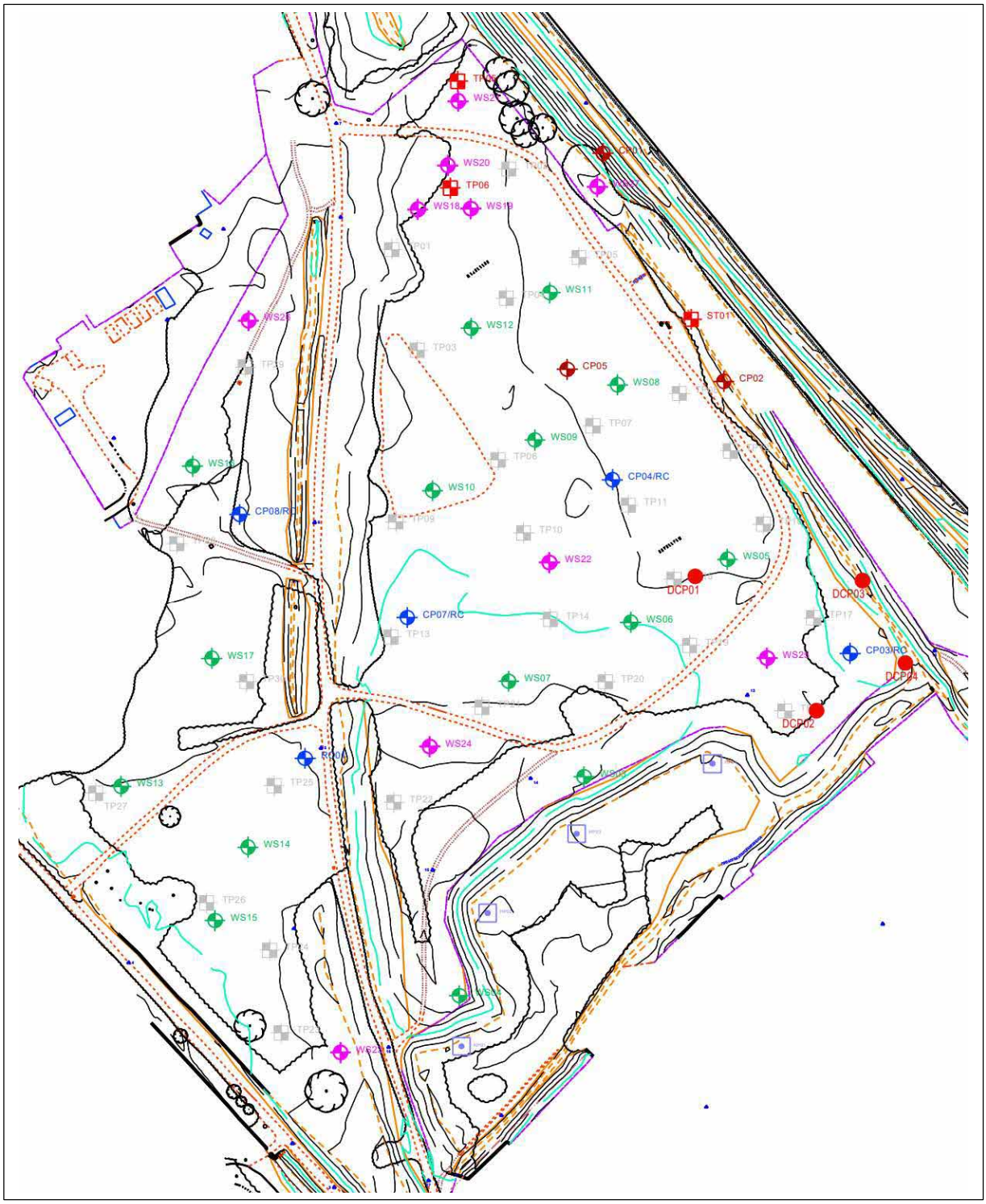



Figure 1 –site plan showing the location of the site investigation boreholes and trial pits.

## Stages Leading Up to Planning Application:

1. When developing a brownfield site, the role of the civil engineer becomes more important at the outset of the project. They do not wait for architect's drawings showing the aspirations of the client; they investigate geotechnical and geoenvironmental data bases to establish the potential barriers to development before expending the client's resources on expensive investigations and specialist consultations. Some of these barriers are insurmountable (for example, in Scotland, it is no longer permitted to develop within a functioning flood plain regardless of cost) and some barriers are so prohibitively expensive that the project is just not viable. It is important to identify these types of barrier as early as possible to minimise wasting resources.

2. In the case of this project, the site has been deemed a functioning flood plain for pluvial flooding by the specialist flood consultant and thus early discussions with SEPA should be carried out before moving to the next stage. It is SEPA who have decided that no further development should be permitted within flood plains, thus it is for them to bend their rules to get past this barrier.

3. The next barrier relates to historic mining and this is investigated via the data bases of British Geological Survey (BGS) and The Coal Authority. Central Scotland is almost completely undermined by historic mining for coal, iron ore, and other minerals of economic interest. In this particular case, due to the depth to the shallowest coal mine extraction, this barrier is limited to the potential for harmful mine gases. In Scotland, all planning applications for development in mining areas must be supported by a Mine Gas Risk Assessment (MGRA). I have not seen an MGRA for this application; probably due to the fact that the civil engineers acting for the applicant are based in England and are probably unaware of this relatively new requirement. However, we are surprised that a MGRA has not been requested by the planning authority to date. Note, there are no mine workings or mine entries compromising the site proposals thus mine gas would be the only barrier to overcome.

4. The impact of historic dereliction from past industries with particular respect to the quality of both the surface water and the ground water is one of the most difficult barriers to overcome. It relates to the impact past contamination (that is still present within the soil and ground water) has on the ground water and hence on the local surface water features such as rivers, streams, and ponds. Some Contaminated Land Officers (CLOs) consider that the potential developer should be responsible for cleaning up the damaging contamination left by long gone industries which would result in prohibitive adhoc costs that render the development unviable. This short sightedness has been the death knell of many interesting developments so it is important to get past this barrier before incurring substantial expenditure on a planning application.
   Study of SEPA's **Water Classification Hub** is required to identify the quality of both the ground water, and any nearby surface water features. Despite most of the ground water across central Scotland being categorized as 'Poor' (as a result of all the fossil fuel industries of the past), and that any new development will only improve the existing conditions, discussion with the relevant CLO is paramount before progressing to the next barrier. Many are unrepentant and will insist on the developer incurring eye watering sums to try and improve the quality of the underlying ground water.
   We have seen no reference to discussions with the CLO within any of the planning documents submitted to date.

5. Next in line barrier to development is the potential for the development to cause flooding, or exacerbate existing flooding to local premises, rivers, drains etc both during construction and on completion of the project. This is a two-stage process with preliminary advice obtained from the SEPA Flood Maps before stage 2 sets the architect free to design a layout and then for flood experts to look in detail at the likely problems. A flood risk assessment has been carried out and has identified potential flooding to adjacent housing on the north, west and south boundaries. Worse, the site has been deemed a functioning flood plain hence would not get past stage 2 above if staged approach was adopted.

6. Transportation and the effects the development might have on both trunk roads and adopted roads both for the construction phase and after completion. Again, it is important to get tacit approval from the relevant Highways Authorities before embarking on the more expensive exercises in order to submit for planning permission. We have seen no pre-submission discussions with the Highways amongst the documents supporting the planning application.

7. Only once the foregoing barriers have been cleared would should the development move to the next stage of investigation which, again, involves making reference to the BGS data bases to establish the nature of the prevailing soils to allow preliminary foundations (for buildings, roads, car parks, playing surfaces, and drainage apparatus) to be specified for the purpose of budget costing. From our experience, commercial developers will not expend funds on a planning application until they know they can afford to pay for the development. In this case, figure 2 shows an extract from the BGS data base highlighting the location of historic boreholes adjacent to the site from which an indication of the competence of the soil can be determined. The bore-logs for these boreholes are available to view 'on-line' and in the case of this site, thick layers of buried peat are identified, thus generating a red-flag situation. Peat is very difficult to deal with in construction and almost inevitably renders a project non-viable. On discovery, the client would be made aware of the potential for buried peat being on the site, and that this should be confirmed by borehole and trial pit BEFORE INCURRING SUBSTANTIAL COSTS ON PURSUING A FULL SCALE PLANNING APPLICATION.
In most cases in our experience, the project is abandoned due to the potential adhoc costs required to overcome the presence of peat.

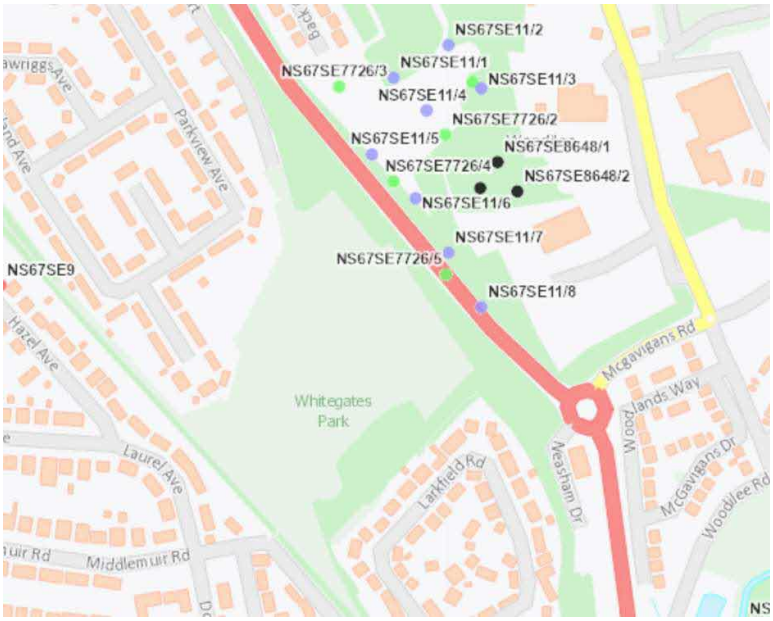


Figure 2 –location of boreholes within the BGS data base

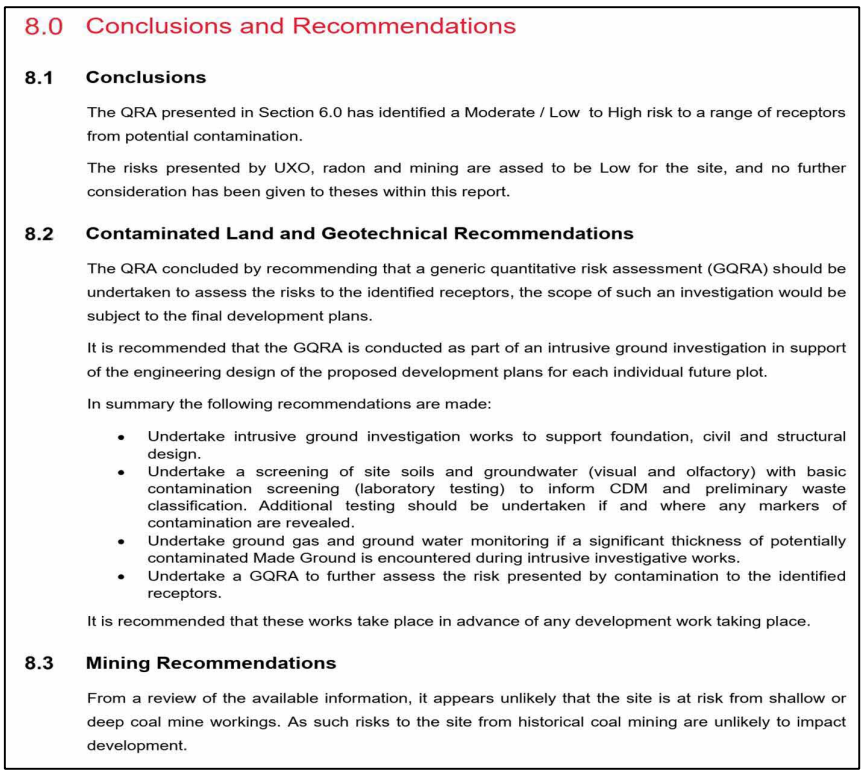
8. Assuming the project reaches this stage, the design team can be fully engaged to develop plans and specification for a formal planning application, and to allow more accurate budget costs to be developed. It is unclear whether this foregoing stage approach was adopted by the Council for this project given the shortcomings of the information uploaded to the planning portal in support of the formal application.
However, a Stage 1 Preliminary Risk Assessment was carried out in early 2024 and first issued in January 2025, with a follow up issue in September 2025, and this Risk Assessment is intended to provide a preliminary overview of the geo-environmental and the geotechnical settings of the site.
Within this Preliminary Risk Assessment, there is sufficient evidence to suggest the project is unlikely to be viable and that a more guarded approach to the next stages should be adopted, or indeed, the site is deemed unsuitable for development; refer the following detailed summary of leading to this assertion.

## Stage 1 Preliminary Risk Assessment:

The following extracts from the stage 1 investigation revealed the following important aspects of the site in terms of future development:

1. The shallowest mining underlying the site is in excess of 130m from a named seam and as such the site can be considered stable from a mining aspect. The type of mining (ie. Stoop and Room or Long Wall) has not been identified. It is always useful to know the method used because the latter method of extraction results in the collapse of the ceiling above the mine and thus the rock cover suffers a lot of fractures as the land form settles. Such fractures provide routes for harmful gas migration as well as pathways for ground water. Also, the infilling of the mines in this manner removes meaningful storage areas for mine gases; very important when preparing the Mine Gas Risk Assessment.
2. Surprisingly there appears to be no Mine Gas Risk Assessment (MGRA) prepared for the project which is contrary to the current guidance for planning applications for sites above historic mining.
3. The mining report from The Coal Authority confirms that this site has had previous requests for information, confirming that previous development scheme(s) have been proposed for the site. That is a 'red flag' situation insofar as why has the site remained undeveloped?
4. The historic maps confirm the site was almost fully covered by marsh land confirming that the low-lying soils are likely to be saturated.
5. The same maps identify that the marsh has been infilled at some point, presumably to provide better support for the mineral railway lines that traverse the park area. The source, and hence nature of the infill is uncertain but likely to include some colliery spoil from the nearby mines.
6. The BGS data base has records of boreholes sunk for the adjacent by pass road and the bore-logs record having encountering a thick layer of buried peat. Water logged soils including peat has been listed within this stage 1 preliminary risk assessment, but for some reason, this very complicated and often near impossible ground situation has not been listed in the Risk Register at the conclusion of the report. The conclusions of the report (figure 3 below) doesn't list peat at all suggesting the consulting engineer didn't think it would be the problem most experienced civil engineers know it to be. For civil engineers, a buried, water-logged peat layer is the most difficult ground condition to overcome in design due to the unpredictability of the material, the fact that it expands and contracts under its own steam so to speak, and that it flows when given the opportunity; ie. if a trench excavation was installed through or adjacent to the water-logged peat, the peat would flow into the excavation causing depressions in the nearby ground surface. For example, not too far from this site, a major buried gas line became exposed and had to be relayed at greater depth. It was 1.5m below ground when first installed, however ,nearby open cast coal mining activities 'punctured' the edge of a peat bog and over time the mining excavations filled with peat causing a large area of adjacent ground to drop by over 2m. It is very much a high-level risk when encountered and should have been red-flagged as such within this preliminary risk assessment. Most certainly, the project should have been stalled until further investigation into the full extent and precise nature of the peat was investigated. This would involve excavating trench trial pits and having the design engineers witness how the peat reacts during excavation.
7. The importance of the precise nature of the peat needs to be known for health and safety reasons. Construction vehicles have to 'drive' over the top of the peat and in most cases will become bogged down. Neither cranes nor piling rigs can work safely above peat without proper engineered piling platforms, and these will comprise in excess of 2m thickness of imported crushed stone; based on previous experience of non-waterlogged peat. Without this information, the cost consultants cannot provide budget development costs with any degree of accuracy. It should be noted that the trial pitting for the stage 2 site investigation was terminated after 3 trial pits (15 were planned), although the reason for the abandonment was listed as heavy impacted hydro-carbons rather than instability of peat.
8. It is the author's opinion that a previous investigation carried out for this site (instructed by Baker Hicks) for the ASN School for East Dunbartonshire Council was deemed non-viable due to the presence of peat covering a large proportion of the site. The dangers, and hence costs associated with excavating adjacent to this soil type are well known to geotechnical specialists and civil engineers, and its presence will have deterred any further expenditure on investigations.

9. What has been flagged as a high risk within the Qualitative Risk Assessment (Stage 1 QRA) is the potential presence of toxic contaminants being present within the surface lying fill material used to cover the marsh areas many years previous. Also, the potential for contaminants migrating from the erstwhile gasworks to the north or the colliery to the east, with hydro-carbons being the biggest concern. Typically, these are found to be leachable in soils and thus a source of contamination of the ground water and hence nearby surface water features. Such soils would be deemed hazardous, attracting significant abnormal costs for their removal. The soils in the north of the site are heavily impacted with hydrocarbons. Note, the water within the Bothlin burn eventually reaches the river Kelvin which has heavy constraints imposed in terms of contamination due to the presence of rare fish and, otters and other fauna.
10. A further risk listed in the QRA is the thickness of imported fill material that will impact on the foundation specifications for the buildings, roads, and amenity areas. The entire site is covered with this variable material making it impossible to have any certainty in costs; an open cheque book for 'unforeseen circumstances' claims by the contractor.
11. The risks from contamination within the soil are relatively easy to manage other than their impact on ground water. The Contaminated Land Officer has an over-riding power to effectively terminate a project by insisting that the developer remove hazardous soils from site at eye-watering costs on the basis that it might improve the quality of the ground water. It is folly to expect projects on marginal sites like this to generate sufficient profit margins to meet this requirement, hence early discussions with the CLO are vital at this stage of a project to establish their approach to dealing with contamination of ground water. It is also noted that there has been no attempt to determine the quality of the ground water from SEPA's Water Classification Hub.
12. It can be seen in figure 3 that the conclusions and recommendations listed with in the Stage 1 Preliminary Risk Assessment do not reflect the very obvious concerns relating to the ground conditions that are highlighted within the report. As stated, the problems associated with the peat should have been highlighted, and then the full extent of the peat should have been identified before embarking on the expensive stage 2 investigation and particularly the planning application. It would be interesting to learn if the Council were aware of the presence of peat on the site prior to listing the site as a possible option for the school upgrade, especially given that the ASN school development proposals for this site were deemed not viable.



## 8.0 Conclusions and Recommendations

### 8.1 Conclusions

The QRA presented in Section 6.0 has identified a Moderate / Low to High risk to a range of receptors from potential contamination.

The risks presented by UXO, radon and mining are assed to be Low for the site, and no further consideration has been given to theses within this report.

### 8.2 Contaminated Land and Geotechnical Recommendations

The QRA concluded by recommending that a generic quantitative risk assessment (GQRA) should be undertaken to assess the risks to the identified receptors, the scope of such an investigation would be subject to the final development plans.

It is recommended that the GQRA is conducted as part of an intrusive ground investigation in support of the engineering design of the proposed development plans for each individual future plot.

In summary the following recommendations are made:

- Undertake intrusive ground investigation works to support foundation, civil and structural design.
- Undertake a screening of site soils and groundwater (visual and olfactory) with basic contamination screening (laboratory testing) to inform CDM and preliminary waste classification. Additional testing should be undertaken if and where any markers of contamination are revealed.
- Undertake ground gas and ground water monitoring if a significant thickness of potentially contaminated Made Ground is encountered during intrusive investigative works.
- Undertake a GQRA to further assess the risk presented by contamination to the identified receptors.

It is recommended that these works take place in advance of any development work taking place.

### 8.3 Mining Recommendations

From a review of the available information, it appears unlikely that the site is at risk from shallow or deep coal mine workings. As such risks to the site from historical coal mining are unlikely to impact development.

**Figure 3 - showing the conclusions and recommendations within the stage 1 Preliminary Risk Assessment with no reference to the peat and its associated problems.**

## Stage 2 Site Investigation:

A site investigation was carried out by Curtins Civil Engineers in February 2025, (ie. within days of issuing the Preliminary Risk Assessment report), making use of in-house expertise based in their Leeds office, and using local drilling companies, and local geotechnical testing laboratories. The Stage 2 Site Investigation Report (SI Report) was first issued in April 2025 with 6 subsequent issues over the following 9 months. The penultimate issue was revised to take account of the Contaminated Land Officer's (CLO) comments, thus the latest report has presumably cleared the contamination issues within the conclusions. The uncertainty within the conclusions in respect of the contamination would suggest otherwise.

The key observations from this report are as follows:

1. Only three of 15 planned trial pits were carried out, citing that the supervising engineer terminated the trial pitting due to the presence of hydrocarbon impacted material and groundwater. This is disappointing since trial pits are by far the best way for design engineers to assess shallow lying soils and no amount of boreholes can replace the key evidence noted within trial pits. This is particularly the case for peat where stability of excavations can be assessed (ie. to establish if the peat is likely to flow and to assess the degree of compressibility) and how it will react under the loading from tracked vehicles. It is difficult to understand why the trial pits were not relocated elsewhere on the site to get a better assessment of the peat. It is also the favoured method of establishing the plan extent of the peat through trial ditches around the edges.

2. From the water samples tested, no detectable hydrocarbons were recorded, which raises questions about the reasons for terminating the trial pits. No leachate tests were carried out within the stage 2 investigation which is surprising given the type and concentration of contamination within the soils. However, within the Mason Evans report, it is stated that leachate tests were carried out on 19 samples with no concentrations of contaminants recorded that exceed the water quality standards. Again, this is surprising given the exceedances of contaminants within the soil, and especially given the impacted soils (with hydrocarbons) that caused the trial pitting to be abandoned. We would expect the CLO to reject the conclusions made on the basis of the results from a different report unless the report is fully indemnified and the results can be made available to the developer. This is so important given the proximity of the river Kelvin to the site.

3. Exceedances of lead, nickel, cyanide, benzo(b)fluoranthene, dibenzo(a,h)anthracene and benzo(a)pyrene are located within the shallow lying fill materials. **The report states that a further detailed quantitative risk assessment is recommended meaning that the site investigation report is incomplete**.

4. Ground gas monitoring has recorded elevated concentrations of methane (max 2.6%) and carbon dioxide (max 8.1%) in at least 4 boreholes and yet the recommendations are that the site is categorized as a CS1 classification. This contradicts the recommendations within BS 8485:2015+A1:2019 which clearly advises if methane exceeds 1% and/or carbon dioxide exceeds 5%, then basic gas protection measures (classification CS2) should be incorporated within the foundation design. Notwithstanding, the gas monitoring on site was badly compromised by the level of ground water flooding the monitoring wells. There are variety of techniques available to overcome this problem rather than just abandoning the affected monitoring stations, and whilst there is a low risk of gas migrating from the deep historic mining, high concentrations of methane and carbon dioxide are not unusual due to the biodegradation of peat and similar organic material noted within the surface covering fill material.
   It should be noted that the authors of the report have used guidance from the National House Building Council (NHBC) to justify no requirement for gas protection measures. This guidance has been developed by insurers and lawyers over many years in response to claims from householders resulting from shoddy workmanship within the house building industry. It is intended to cover the whole of the UK but given the diverse ground conditions throughout the country, it should not be used in certain parts of the UK. It is also not relevant to buildings other than housing.

We would expect the Local Authority to question the 'no gas protection measures required' assertion based on the readings available, but we would also expect the LA to question the veracity of the gas monitoring.
**Finally, based on these readings, we strongly recommend that no one is allowed to enter trenches or holes excavated in the ground without first testing for the concentration levels of carbon dioxide which is an asphyxiant.**

5. Shallow lying soils have a high organic content which may well contribute to the generation of harmful gases.

6. Ground Improvement works are recommended for the external areas, assumed to be the car parking, football/rugby pitches, roads and amenity areas. The report conclusions state " ***Specialist ground Improvement Specialists should be engaged in the design***", meaning that no firm specification been established for these areas to date.

7. **Peat cannot be improved** to the point where it becomes safe to build on; there are no techniques available to achieve that requirement. Thus, for ground improvement techniques to be specified within planning documents is misleading at best.
   Peat can only be built on with any degree of certainty by piling through the material, however, to be able to construct piles through peat, it is first necessary to construct piling platforms to safely support the piling rigs, and typically, that will involve importing more than 2m thickness of crushed stone. Once installed, the interlocking stone will impede the use of displacement piles (ie. driven precast concrete piles) and thus pre-boring will be necessary, or replacement piles (ie. shell and auger piles) will be required. Replacement piles are generally not permitted by SEPA in peat due to the problems of carbon release etc. These well documented issues are generally known within civil engineering, and these difficulties should have been listed within the Preliminary Quantitative Risk Assessment. Had this been done, it is very likely the promotion of this site for the new proposals will have been reconsidered.
   The presence of high water-levels within the peat only adds to the complexity, making it extremely difficult to overcome.
   It should be noted that there will be on-going problems associated with the movement of the peat mass (it expands and contracts) which might compromise insurance covers, and conditions attached to the funding source. There is also a potential risk, albeit minimal due to the moisture content, for spontaneous combustion of the peat if it dries out. **NONE OF THIS HAD BEEN DISCUSSED WITHIN ANY RISK ASSESSMENT.**

8. Reference is made to an earlier site investigation carried out by Mason Evans in 2018 and the following key observations were made from this earlier report:
   - 30 trial pits were excavated thus giving the investigative engineers a better understand of the near surface soils. This is considered important, particularly to assess the extent and nature of the peat.
   - Peat was not encountered in the south western part of the site, however, as with the Curtins report, there has been no attempt to delineate the precise extent of the peat.
   - Groundwater ingress (rapid seepage) was recorded at shallow depth throughout the central and eastern section of the site, indicating a shallow ground water body over these areas.
   - Contaminants were found throughout the north east section of the site, and asbestos fibres were also recorded in one sample.
   - Soil leachate tests (19) did not record concentrations of contaminants above relevant water quality standards.
   - No gas monitoring was carried out (ie. they obviously only used trial pits to decide the site was not viable) but gas protection measures were recommended due to the high organic content within the shallow lying soils, and due to the presence of peat.

9. Neither the ground water nor the nearby Bothlin burn surface water feature have been classified within the report (from SEPA's Water Classification Hub) which we would expect to be raised by the CLO, yet this version of the report was re-issued after receiving comments from the CLO. Has this been missed? Given the critical nature of the River Kelvin, for which the Bothlin burn is a tributary, we would expect the CLO to ask for water samples to be collected and tested from the culvert inlet to the burn.

10. The qualitative risk assessment in this latest stage 2 report has no noticeable changes made from the version within the stage 1 report, which is difficult to understand. The most obvious risk presented by the ground conditions relates to the presence of a buried peat bed and yet no attempt has been made to identify the precise extent, no attempt to view the peat through trial pits to assess its nature and moisture content, and no attempt to understand the potential generation of harmful ground gas.
    There is no discussion about the difficulties of constructing piling and craneage platforms, sinking displacement piles through same, SEPA's exclusion of using replacement piles in peat, and no red flag to notify the extraordinary costs involved. It is also not permitted to construct buried attenuation tanks on or within peat and yet this has been proposed within the drainage strategy.

11. The Conceptual Site Model (CSM)/Qualitative Risk Assessment (QRA) has focused entirely on the chemical content of the soils and has overlooked the more important engineering difficulties presented by the ground conditions and noted within the foregoing observations.

12. The peat extends down to 7.7m in places meaning the magnitude of settlement to be expected once the infilling is complete and the piling platforms constructed, is likely to be considerable. There is also likely to be significant differential settlement making it very difficult to predict the magnitude of movement across the relevant section of the site. From the information currently available, it is not possible to verify that the current proposals will work on this site.
    The recorded moisture content within the peat is in excess of 400% which is to be expected of waterlogged peat. To put this in to perspective, typical moisture contents for soils in Scotland range between 12 and 30% thus highlighting the problems to be expected during construction, and for years to come after completion. This, along with associated insurance issues should have been discussed at length within the QRA so that the client could make an informed decision about the viability of the project.

13. The stage 2 report has not reached any firm conclusion in respect of foundations of any kind for buildings, lighting columns, parking areas, yardage, and playing surfaces. There is also no discussion about the difficulties that will be encountered in the event of additional construction on the site at a later date. The report asks for further site investigation before any firm proposals for the foundation can be developed. How can this submission be endorsed by the Local Authority?

14. Not surprisingly, the Design Sulphate Class(DS) and the Aggressive Chemical Environment for Concrete (ACEC) are very elevated and thus the concrete required for foundations, (including concrete piles), drainage and sewerage apparatus will require the highest quality of concrete manufactured in this country and at significant adhoc costs, yet this hasn't been flagged within the QRA. Has this significant abnormal cost been considered within the budget cost estimates?

15. BR values have been estimated but these are irrelevant since the site is to be raised by between 1.5 and 2.5 metres. The relevant CBR values can only be taken once the infilling is complete.

16. Loose chrysotile asbestos fibres were encountered in two of 29 samples sent for testing. Asbestos fibres were also encountered within the Mason Evans report. Since Curtins investigation comprised almost all small window samples (as distinct from trial pits) there must be concern that the incidence of these fibres may be miss-represented. Chrysotile is not the most serious of asbestos, however, it is friable and easily crushed and transported in the air. This should be highlighted within the risk assessment. It only takes one fibre to cause mesothelioma.

17. Some of the testing regime has been compromised due to holding the samples for too long before testing. The CLO will no doubt raise any concerns that such exceedances present. I would expect the CLO to reject the test results.

18. Whilst contamination within the soil mass is relatively easy to deal with, most CLO's look for the developer to incur prohibitive costs to clear up this industrial dereliction left by erstwhile industries. In many cases, the CLO's requirements are not viable, and many a development proposal has been terminated as a result. It is important, therefore, to have preliminary discussions with the CLO and to report these to the client for this risk to be properly assessed. I have seen no evidence of such discussions.

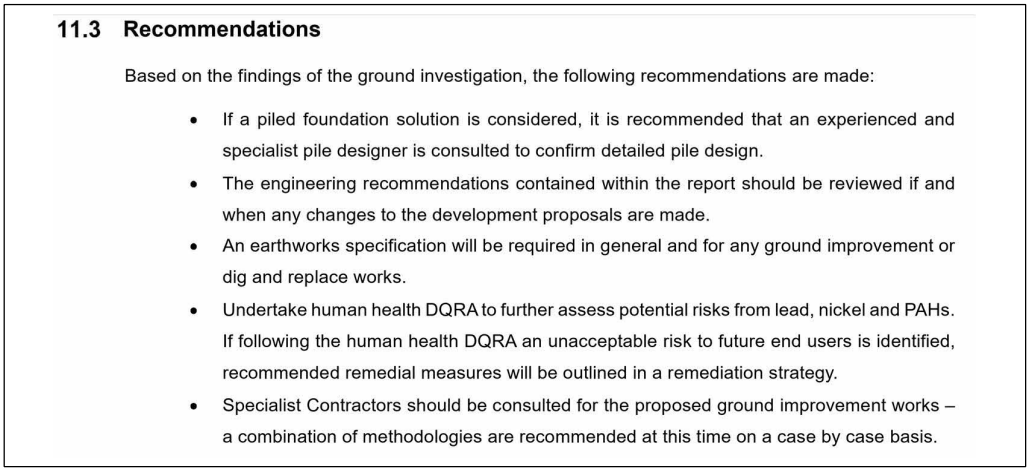
19. It appears that only five ground water samples were taken for further testing of contamination which, for a site of this size, and especially given the fact that trial pits were terminated due to evidence of hydrocarbon contamination, seems less than the minimum recommendation. The CLO is likely to raise this within any response to the submission. It also appears that the five samples were all taken in the north of the site, yet the ground water flow is assumed to be towards the south, thus the condition of the ground water as it leaves the site, en route towards the Bothlin burn no doubt, has not been established. It is also disappointing that there has been no reference made to SEPA's Water Classification hub in reaching any conclusions on this particular issue.
The Bothlin burn eventually reaches the river Kelvin which has very strict constraints in relation to contamination due to the presence of rare fish, otters, and other fauna.

20. The section of the report entitled 'Engineering Assessment and Recommendations' states " ***The made ground (which covers the entire site) is also highly variable and, therefore, it is anticipated that it will experience excessive and immediate and long term total and differential settlements when surcharges by a structure or earthworks***". It further states that " ***extensive thick fibrous peat was encountered underlying the made ground over the eastern (and indeed central) half of the site to a maximum depth of 4.8m below ground level."*** Elsewhere in the report, the peat was confirmed to depths of 7.1m bgl with maximum thickness of 4.1m Notwithstanding this discrepancy, the report confirms " ***under light loading peat can undergo excessive settlement and is not considered a suitable founding material without suitable treatment or removal***". It is not permitted to remove peat in Scotland without special license and dispensation from SEPA (rarely given), and the limit of extraction is very difficult to control when dealing with peat near site boundaries, especially water-logged peat.
The report further states " ***excessive settlement can occur on site and possibly on adjacent connected sites if the fibrous peat is dewatered***." Thus, the investigative engineers have identified this extraordinary risk to development and have even gone out of their way to list the possible 'ground improvement techniques' that could be considered along with the risks involved. In all but one method, the risk is listed as medium to high, and that relates to on-going problems that will be exist in perpetuity. **Why these issues are not presented in glorious technicolour within the executive summary and within the Qualitative Risk Assessment is puzzling and why the Council have continued to endorse the proposals to develop this particularly complex site is difficult to comprehend.**

21. The report conclusions state ***"settlement analysis for any shallow foundations, or a ground bearing slab (for other buildings) is outside the scope of this report and should be considered at detailed design stage"***. If any or all of the foregoing problems with the site had been overlooked, then surely this statement should have alerted the client to the short comings of the report. The truth of the matter is that it is not possible to accurately predict the settlement within peat, and over the long term, peat biodegrades leaving subsidence issues as well as settlement issues. It is unlikely that the school will get insurance cover for subsidence on this site following completion of the works. I would also check the availability of professional indemnity insurance for constructing buildings and amenity space on peat.

## Sum mary:

22. The recommendations at the end of the stage 2 site investigation report are shown in figure 4.



**11.3 Recommendations**

Based on the findings of the ground investigation, the following recommendations are made:

- If a piled foundation solution is considered, it is recommended that an experienced and specialist pile designer is consulted to confirm detailed pile design.
- The engineering recommendations contained within the report should be reviewed if and when any changes to the development proposals are made.
- An earthworks specification will be required in general and for any ground improvement or dig and replace works.
- Undertake human health DQRA to further assess potential risks from lead, nickel and PAHs. If following the human health DQRA an unacceptable risk to future end users is identified, recommended remedial measures will be outlined in a remediation strategy.
- Specialist Contractors should be consulted for the proposed ground improvement works – a combination of methodologies are recommended at this time on a case by case basis.

**Figure 4 –copy extract from the site investigation report list recommendations.**

It can be seen from figure 4 that before a piled solution can be finalised, and hence costed, a specialist piling contractor will need to be employed to establish the most appropriate pile for the challenging ground conditions. Displacement piles are typically the most appropriate for peat deposits because there is no excavated material to consider; ie. no peat extraction. However, there will need to be a substantial piling mat installed to safely support piling rigs, craneage, and ground improvement equipment, and it will not be possible to drive piles through the platform without pre-boring first which defeats the purpose. Thus, replacement piles (with casing to deal with the peat) will be required which results in peat excavation, and more than doubles the cost of the piling. Note, lighting columns and any retrospective building will require to be piled with associated piling platforms etc. and these inevitable ongoing problems of the peat have not been highlighted sufficiently.

23. The ground improvement works have not been specified, and in reality, it is not possible to improve peat to a point where foundations can be safely supported. There is also the fact that peat biodegrades over time leaving voids which result in subsidence of the foundation support. There is also a risk of spontaneous combustion should the peat dry out during long dry spells and improved drainage; it will not be possible to insure against such incidences.

24. It is also advised within the recommendations (figure 4) that a Detailed Qualitative Risk Assessment is required to further assess the potential risks to human health. This is yet a further example of the uncertainty this site presents even after a stage 2 site investigation.

25. The recommendations advise that Specialist Contractors should be consulted for the proposed ground improvement works with a combination of methodologies recommended on a case by case basis. Again, uncertainty abounds following the site investigation.

## Conclusions:

26. It is clear that the investigating engineers are aware of the presence of buried peat and that they were aware of the potential issues surround this highly unstable material from an early stage of the investigation, but have failed to explain fully to the Council, the full extent of the risks involved. There must be serious concerns that the development is not viable. The consulting engineers haven't even been able to confirmed the specifications for the support systems for the building(s) or the roads, parking and amenity areas. Worse, the ongoing problems that peat causes mean there will be problems to deal with in perpetuity. This can lead to difficulties with insurance cover and it typically contravenes certain conditions attached to the funding source.

27. It is disappointing that so much money has been thrown at this proposed development because these near insurmountable problems have not been clearly explained. There are endless examples of damage and injuries both with associated claims made against client and designers following well meaning attempts to develop over peat. The risks cannot be over-stated yet the QRA's barely mention the problem.

28. The site investigation has raised more questions than it has answered, and the reason for this is primarily related to the presence of peat. It is simple not sensible to try and develop this site (due to the peat), especially because there is at least 2m of imported material required to raise and level the site to the required datum. The movement within the peat will continue for many years after completion of the construction. In addition, a substantial piling platform will be required to accommodate site machinery, craneage and piling rigs and the pile type will have to be a replacement type thus compromising SEPA's approach to dealing with peat. It is disappointing that all of this has not been highlighted because the costs involved are more than significant.

29. Worse than the impact on capital costs are the problems the development will suffer in perpetuity due to the peat and how the compaction and expansion characteristics will affect the maintenance of the facility. In addition, any new building, even something as simple as flood lights, will require piled foundations and hence piling platform, and this process will cause settlement to the surrounding ground leading to potential damage to the finished product.

30. Worst of all is the fact that normal insurances for the facility will not be available, and it is possible that the premises, in whole or in part, will not be able to get any insurance cover. This is a white elephant that will forever be a drain on the Council's resources. There are numerous precedents of engineers trying to 'tame' peat, and they have come unstuck time and again. It is understood that LEIP funding requires that everything remains 'perfect' for c25 years. This is impossible on this site.

BSc. CEng. MICE. MIStructE.