

<p>Pst : "Public reports pack 18062026 1400 Community Planning Partnership Board."</p>		
<p>Objection or area of objection</p>	<p>Why it matters, why it is a material consideration and why it is an objection to TP/ED/26/0104 OR why it demonstrates procedural unfairness or predetermination, and renders TP/ED/26/0104 unlawful</p>	<p>Relevant Legislation or Guidance</p>
<p>Fundamental contradiction with Draft Greenspace Strategy regarding flood risk and surface water management.</p>	<p>The CPP Board rhetoric stresses that new developments must actively build "resilience against climate risks" and reduce flood risk. However, the WGP applicant explicitly checked "No" to providing level-for-level compensatory storage on the statutory SEPA checklist, despite hidden engineering texts admitting they are raising the land by 1.6 meters and displacing 7,200 cubic meters of floodwater in a 1-in-200-year functional floodplain. Furthermore, the decoupling of pluvial and fluvial models guarantees surcharging into the gardens of Larkfield Road. This demonstrates that the application actively increases flood risk, rendering it substantively irrational (Wednesbury unreasonableness) to approve in light of the Council's own strategic goals.</p>	<p>NPF4 Policy 22 (Flood Risk and Water Management): Strictly forbids development on functional floodplains and prohibits increasing flood risk to others.</p>
<p>Fundamental contradiction with Draft Greenspace Strategy regarding flood risk and surface water management.</p>	<p>The CPP Board rhetoric stresses that new developments must actively build "resilience against climate risks" and reduce flood risk. However, the WGP applicant explicitly checked "No" to providing level-for-level compensatory storage on the statutory SEPA checklist, despite hidden engineering texts admitting they are raising the land by 1.6 meters and displacing 7,200 cubic meters of floodwater in a 1-in-200-year functional floodplain. Furthermore, the decoupling of pluvial and fluvial models guarantees surcharging into the gardens of Larkfield Road. This demonstrates that the application actively increases flood risk, rendering it substantively irrational (Wednesbury unreasonableness) to approve in light of the Council's own strategic goals.</p>	<p>SEPA Flood Risk Assessment (FRA) Statutory Guidelines: Mandates level-for-level compensatory storage and Joint Probability Assessments for hydraulic modeling.</p>
<p>Hypocrisy regarding Climate Action Plan carbon reduction targets and Greenspace Strategy habitat loss commitments.</p>	<p>The Council publicly boasts an "area-wide target of a 90% reduction in carbon emissions" and highlights the urgent need to address habitat loss. In direct contradiction, the WGP development requires excavating tens of thousand cubic meters of 53% Total Organic Carbon (TOC) deep peat, as per the Mason Evans report, triggering a massive, unmitigated release of embodied carbon. To facilitate this, the Council is clear-felling 81% of a Category A Tree Preservation Order (TPO) woodland planted in 1982, utterly destroying a "biological water pump." Approving this application renders the Council's climate commitments void and demonstrates institutional bias, as private developers are routinely refused for lesser infractions (e.g., the Laxton precedent).</p>	<p>NPF4 Policy 5 (Soils/Peat): Mandates a strict presumption against development on carbon-rich soils and peatland.</p>

<p>Hypocrisy regarding Climate Action Plan carbon reduction targets and Greenspace Strategy habitat loss commitments.</p>	<p>The Council publicly boasts an "area-wide target of a 90% reduction in carbon emissions" and highlights the urgent need to address habitat loss. In direct contradiction, the WGP development requires excavating tens of thousand cubic meters of 53% Total Organic Carbon (TOC) deep peat, as per the Mason Evans report, triggering a massive, unmitigated release of embodied carbon. To facilitate this, the Council is clear-felling 81% of a Category A Tree Preservation Order (TPO) woodland planted in 1982, utterly destroying a "biological water pump." Approving this application renders the Council's climate commitments void and demonstrates institutional bias, as private developers are routinely refused for lesser infractions (e.g., the Laxton precedent).</p>	<p>NPF4 Policy 6 (Forestry, woodland and trees): Prohibits the loss of ancient woodlands and TPO-protected trees.</p>
<p>Hypocrisy regarding Climate Action Plan carbon reduction targets and Greenspace Strategy habitat loss commitments.</p>	<p>The Council publicly boasts an "area-wide target of a 90% reduction in carbon emissions" and highlights the urgent need to address habitat loss. In direct contradiction, the WGP development requires excavating tens of thousand cubic meters of 53% Total Organic Carbon (TOC) deep peat, as per the Mason Evans report, triggering a massive, unmitigated release of embodied carbon. To facilitate this, the Council is clear-felling 81% of a Category A Tree Preservation Order (TPO) woodland planted in 1982, utterly destroying a "biological water pump." Approving this application renders the Council's climate commitments void and demonstrates institutional bias, as private developers are routinely refused for lesser infractions (e.g., the Laxton precedent).</p>	<p>Town and Country Planning (Scotland) Act 1997 (Section 160): Tree Preservation Orders.</p>
<p>Subversion of Play Sufficiency Assessment and LDP green space deficit policies via unlawful "salami slicing".</p>	<p>The CPP Board claims to champion "equitable access" to "attractive, high-quality play facilities." Yet, the Council is liquidating 5.45 hectares of unrestricted, biodiverse natural parkland in an area that already suffers a -2.41 hectare deficit. To bypass policies against exacerbating this deficit, the Council is using an illegal "salami slicing" tactic, pointing to legally unsecured mitigation at the Myrtle Avenue site. Replacing an unrestricted natural ecosystem with synthetic 3G sports pitches (which must be fenced and locked for safeguarding) eliminates unrestricted community access and creates a severe "typology" deficit, demonstrating procedural unfairness.</p>	<p>NPF4 Policy 20 (Blue and Green Infrastructure): Forbids development that exacerbates a deficit in community green space.</p>
<p>Subversion of Play Sufficiency Assessment and LDP green space deficit policies via unlawful "salami slicing".</p>	<p>The CPP Board claims to champion "equitable access" to "attractive, high-quality play facilities." Yet, the Council is liquidating 5.45 hectares of unrestricted, biodiverse natural parkland in an area that already suffers a -2.41 hectare deficit. To bypass policies against exacerbating this deficit, the Council is using an illegal "salami slicing" tactic, pointing to legally unsecured mitigation at the Myrtle Avenue site. Replacing an unrestricted natural ecosystem with synthetic 3G sports pitches (which must be fenced and locked for safeguarding) eliminates unrestricted community access and creates a severe "typology" deficit, demonstrating procedural unfairness.</p>	<p>LDP2 Policy 13 (Community Facilities and Open Space): Protects unrestricted public access.</p>

<p>Subversion of Play Sufficiency Assessment and LDP green space deficit policies via unlawful "salami slicing".</p>	<p>The CPP Board claims to champion "equitable access" to "attractive, high-quality play facilities." Yet, the Council is liquidating 5.45 hectares of unrestricted, biodiverse natural parkland in an area that already suffers a -2.41 hectare deficit. To bypass policies against exacerbating this deficit, the Council is using an illegal "salami slicing" tactic, pointing to legally unsecured mitigation at the Myrtle Avenue site. Replacing an unrestricted natural ecosystem with synthetic 3G sports pitches (which must be fenced and locked for safeguarding) eliminates unrestricted community access and creates a severe "typology" deficit, demonstrating procedural unfairness.</p>	<p>EIA (Scotland) Regulations 2017: Prohibits "Project Splitting" or "Salami Slicing" of environmental mitigations.</p>
<p>Contradiction of LOIP and Public Health Frameworks through the creation of Significant Pollutant Linkages.</p>	<p>The CPP Board explicitly stresses improving health and wellbeing and ensuring environments do not negatively impact communities. However, the WGP site is heavily contaminated with Category 1 carcinogens, including 1400mg/kg of lead and floating petroleum hydrocarbons (NAPL). To bypass hazardous waste extraction costs, the Council proposes using precast driven piles that mechanically punch toxic contaminants into the underlying aquifer. Additionally, to pass human health limits, the site is modeled with a 75% impermeable concrete cap , a strategy that completely contradicts the Greenspace Strategy's demand for porous, nature-based infiltration. This paradox renders the application un-permittable.</p>	<p>Environmental Protection Act 1990 (Part IIA): Duty to protect human health from a "Significant Possibility of Significant Harm" (SPOSH).</p>
<p>Contradiction of LOIP and Public Health Frameworks through the creation of Significant Pollutant Linkages.</p>	<p>The CPP Board explicitly stresses improving health and wellbeing and ensuring environments do not negatively impact communities. However, the WGP site is heavily contaminated with Category 1 carcinogens, including 1400mg/kg of lead and floating petroleum hydrocarbons (NAPL). To bypass hazardous waste extraction costs, the Council proposes using precast driven piles that mechanically punch toxic contaminants into the underlying aquifer. Additionally, to pass human health limits, the site is modeled with a 75% impermeable concrete cap , a strategy that completely contradicts the Greenspace Strategy's demand for porous, nature-based infiltration. This paradox renders the application un-permittable.</p>	<p>Water Environment and Water Services (Scotland) Act 2003: Statutory duty to prevent the deterioration of groundwater status.</p>
<p>Contradiction of LOIP and Public Health Frameworks through the creation of Significant Pollutant Linkages.</p>	<p>The CPP Board explicitly stresses improving health and wellbeing and ensuring environments do not negatively impact communities. However, the WGP site is heavily contaminated with Category 1 carcinogens, including 1400mg/kg of lead and floating petroleum hydrocarbons (NAPL). To bypass hazardous waste extraction costs, the Council proposes using precast driven piles that mechanically punch toxic contaminants into the underlying aquifer. Additionally, to pass human health limits, the site is modeled with a 75% impermeable concrete cap , a strategy that completely contradicts the Greenspace Strategy's demand for porous, nature-based infiltration. This paradox renders the application un-permittable.</p>	<p>NPF4 Policy 9: Contaminated land remediation burden of proof.</p>

<p>Procedural unfairness and asymmetric transparency directly contradicting the CPP Board's Community Empowerment rhetoric.</p>	<p>While the CPP Board documents emphasize the intention to "Engage and empower communities through participatory approaches," the Council's handling of WGP demonstrates active subversion of democratic scrutiny. The Council hid the EIA screening decision from its own elected Councillors, buried fatal flooding admissions in unsearchable micro-text, rigged the baseline traffic survey during a study-leave week to suppress congestion data, and systematically delayed FOI requests. This asymmetric transparency deliberately starves the community of the data needed to mount a defense, rendering the process procedurally defective and highly susceptible to Judicial Review.</p>	<p>UNECE Aarhus Convention (Article 6): Public Participation in Decisions on Specific Activities.</p>
<p>Procedural unfairness and asymmetric transparency directly contradicting the CPP Board's Community Empowerment rhetoric.</p>	<p>While the CPP Board documents emphasize the intention to "Engage and empower communities through participatory approaches," the Council's handling of WGP demonstrates active subversion of democratic scrutiny. The Council hid the EIA screening decision from its own elected Councillors, buried fatal flooding admissions in unsearchable micro-text, rigged the baseline traffic survey during a study-leave week to suppress congestion data, and systematically delayed FOI requests. This asymmetric transparency deliberately starves the community of the data needed to mount a defense, rendering the process procedurally defective and highly susceptible to Judicial Review.</p>	<p>Town and Country Planning (EIA) (Scotland) Regulations 2017: Statutory public consultation requirements.</p>
<p>Procedural unfairness and asymmetric transparency directly contradicting the CPP Board's Community Empowerment rhetoric.</p>	<p>While the CPP Board documents emphasize the intention to "Engage and empower communities through participatory approaches," the Council's handling of WGP demonstrates active subversion of democratic scrutiny. The Council hid the EIA screening decision from its own elected Councillors, buried fatal flooding admissions in unsearchable micro-text, rigged the baseline traffic survey during a study-leave week to suppress congestion data, and systematically delayed FOI requests. This asymmetric transparency deliberately starves the community of the data needed to mount a defense, rendering the process procedurally defective and highly susceptible to Judicial Review.</p>	<p>Environmental Information (Scotland) Regulations 2004 (EIR): Duty to proactively release environmental data.</p>
<p>Contradiction with "Community Wealth Building" through the suppression of SME economic impacts.</p>	<p>The CPP Board update praises the Community Wealth Building Bill, emphasizing the statutory duty to "facilitate and support the generation, circulation and retention of wealth in the local economy". Conversely, the WGP application abandons the existing Myrtle Avenue site, which supports established local businesses. The Council deliberately suppressed a formal holding objection from its own Town Centres and Regeneration Team, which highlighted the "severe socio-economic devastation to the established SMEs" reliant on the existing school, from the public tracker. Hiding internal economic warnings to force through a predetermined site represents severe procedural unfairness and misdirection.</p>	<p>Local Government in Scotland Act 2003: Statutory duty to secure Best Value and sustainable economic growth.</p>

<p>Contradiction with "Community Wealth Building" through the suppression of SME economic impacts.</p>	<p>The CPP Board update praises the Community Wealth Building Bill, emphasizing the statutory duty to "facilitate and support the generation, circulation and retention of wealth in the local economy". Conversely, the WGP application abandons the existing Myrtle Avenue site, which supports established local businesses. The Council deliberately suppressed a formal holding objection from its own Town Centres and Regeneration Team, which highlighted the "severe socio-economic devastation to the established SMEs" reliant on the existing school, from the public tracker. Hiding internal economic warnings to force through a predetermined site represents severe procedural unfairness and misdirection.</p>	<p>NPF4 Policy 27 (City, Town, Local and Commercial Centres): Protecting the vitality and viability of local centres.</p>
<p>Hypocrisy regarding Active Travel vs. Rigged Traffic Data and Infrastructure Deficits.</p>	<p>The CPP Board and Draft Greenspace Strategy heavily promote active travel, green networks, and reducing car dependency. In stark contrast, the WGP applicant rigged their baseline traffic survey by conducting it during a study-leave week (April 1, 2025) to artificially suppress congestion data. Furthermore, the internal Policy Team admitted the nearest regular bus stop is 570m away and the train station is a 30-minute walk. Pushing a 1,400-pupil facility into a site that mathematically fails public transport proximity standards, while relying on rigged vehicular models that ignore adjacent residential drop-off zones (Middlemuir Road), is a material error of fact.</p>	<p>Transport Scotland WebTAG Guidance: Strictly forbids conducting baseline traffic surveys during school holidays or study leave.</p>
<p>Hypocrisy regarding Active Travel vs. Rigged Traffic Data and Infrastructure Deficits.</p>	<p>The CPP Board and Draft Greenspace Strategy heavily promote active travel, green networks, and reducing car dependency. In stark contrast, the WGP applicant rigged their baseline traffic survey by conducting it during a study-leave week (April 1, 2025) to artificially suppress congestion data. Furthermore, the internal Policy Team admitted the nearest regular bus stop is 570m away and the train station is a 30-minute walk. Pushing a 1,400-pupil facility into a site that mathematically fails public transport proximity standards, while relying on rigged vehicular models that ignore adjacent residential drop-off zones (Middlemuir Road), is a material error of fact.</p>	<p>LDP2 Policy 11 & 12: Sites will not be supported without public transport within 400m; protection of residential amenity.</p>
<p>Contradiction with "Inclusive Placemaking" via Hostile Design for Neurodivergent Pupils and Women.</p>	<p>The CPP's Community Learning and Development (CLD) Plan identifies "Health & Wellbeing" and "Equality" as core cross-cutting themes, aiming to reduce inequalities. However, the WGP architectural layouts actively deploy hostile design. Designated "Quiet Gardens" for neurodivergent pupils are situated immediately adjacent to heavy HVAC plant machinery and delivery service roads, rendering acoustic mitigations useless. Additionally, funneling 800 children via enclosed, overlooked woodland paths creates severe natural surveillance deficits, actively violating national safety guidelines regarding women's safety and suicide risk mitigation.</p>	<p>NPF4 Policy 14 (Designing Places for People): Mandates places must be safe, pleasant, and designed to support women's safety and wellbeing.</p>

<p>Contradiction with "Inclusive Placemaking" via Hostile Design for Neurodivergent Pupils and Women.</p>	<p>The CPP's Community Learning and Development (CLD) Plan identifies "Health & Wellbeing" and "Equality" as core cross-cutting themes, aiming to reduce inequalities. However, the WGP architectural layouts actively deploy hostile design. Designated "Quiet Gardens" for neurodivergent pupils are situated immediately adjacent to heavy HVAC plant machinery and delivery service roads, rendering acoustic mitigations useless. Additionally, funneling 800 children via enclosed, un-overlooked woodland paths creates severe natural surveillance deficits, actively violating national safety guidelines regarding women's safety and suicide risk mitigation.</p>	<p>Equality Act 2010: Public Sector Equality Duty regarding neurodivergent accessibility.</p>
<p>Hypocrisy regarding "Protecting the Public Purse" and bypassing Best Value MCDA.</p>	<p>The CPP Board explicitly noted that "due diligence was undertaken... to ensure we are protecting the public purse" regarding small community grants. Yet, for its own £138 million capital project, the Council bypassed the mandatory HM Treasury Green Book Multi-Criteria Decision Analysis (MCDA) scoring matrix. Instead, the preferred WGP site was selected based on undocumented, "verbal" funding threats. Committing £138m in public funds to a site with massive, uncostered liabilities (hazardous waste removal and deep peat excavation) without a formal scoring matrix is the antithesis of financial due diligence and Best Value.</p>	<p>Scottish Public Finance Manual (SPFM) & HM Treasury Green Book: Mandates the use of a transparent MCDA scoring matrix for major capital projects.</p>
<p>Hypocrisy regarding "Protecting the Public Purse" and bypassing Best Value MCDA.</p>	<p>The CPP Board explicitly noted that "due diligence was undertaken... to ensure we are protecting the public purse" regarding small community grants. Yet, for its own £138 million capital project, the Council bypassed the mandatory HM Treasury Green Book Multi-Criteria Decision Analysis (MCDA) scoring matrix. Instead, the preferred WGP site was selected based on undocumented, "verbal" funding threats. Committing £138m in public funds to a site with massive, uncostered liabilities (hazardous waste removal and deep peat excavation) without a formal scoring matrix is the antithesis of financial due diligence and Best Value.</p>	<p>Local Government in Scotland Act 2003: Statutory duty to secure economy, efficiency, and effectiveness.</p>
<p>The document states "Engage and empower communities through participatory approaches" Contradiction of "Community Empowerment" via the deliberate obstruction of Environmental Information (EIR) regarding fragmented land titles.</p>	<p>The CPP Board and Draft Greenspace Strategy explicitly promise to "Engage and empower communities through participatory approaches". In stark reality, when the community uncovered historical evidence that the site is bisected by fragmented, undisclosed titles (such as the British Rail / SDA land and Scottish Ministers parcels), the Council actively obstructed their attempts to verify the planning application's redline boundary. Instead of empowering the community, the Council attempted to levy prohibitive search fees and withheld already-compiled corporate property deeds. Using financial and bureaucratic barriers to starve a community of the data needed to scrutinize a £138m mega-project completely invalidates the Council's "participatory" claims and demonstrates systemic procedural unfairness.</p>	<p>Environmental Information (Scotland) Regulations 2004 (EIRs): Strict statutory duty to release environmental information (including land constraints and titles) without prohibitive or unlawful search fees.</p>

<p>The document states "Engage and empower communities through participatory approaches" Contradiction of "Community Empowerment" via the deliberate obstruction of Environmental Information (EIR) regarding fragmented land titles.</p>	<p>The CPP Board and Draft Greenspace Strategy explicitly promise to "Engage and empower communities through participatory approaches". In stark reality, when the community uncovered historical evidence that the site is bisected by fragmented, undisclosed titles (such as the British Rail / SDA land and Scottish Ministers parcels), the Council actively obstructed their attempts to verify the planning application's redline boundary. Instead of empowering the community, the Council attempted to levy prohibitive search fees and withheld already-compiled corporate property deeds. Using financial and bureaucratic barriers to starve a community of the data needed to scrutinize a £138m mega-project completely invalidates the Council's "participatory" claims and demonstrates systemic procedural unfairness.</p>	<p>Community Empowerment (Scotland) Act 2015: Statutory duties to transparently involve communities in decisions regarding public land, assets, and development.</p>
<p>The document states "Engage and empower communities through participatory approaches" Contradiction of "Community Empowerment" via the deliberate obstruction of Environmental Information (EIR) regarding fragmented land titles.</p>	<p>The CPP Board and Draft Greenspace Strategy explicitly promise to "Engage and empower communities through participatory approaches". In stark reality, when the community uncovered historical evidence that the site is bisected by fragmented, undisclosed titles (such as the British Rail / SDA land and Scottish Ministers parcels), the Council actively obstructed their attempts to verify the planning application's redline boundary. Instead of empowering the community, the Council attempted to levy prohibitive search fees and withheld already-compiled corporate property deeds. Using financial and bureaucratic barriers to starve a community of the data needed to scrutinize a £138m mega-project completely invalidates the Council's "participatory" claims and demonstrates systemic procedural unfairness.</p>	<p>Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013: Strict requirements for accurate redline boundaries and truthful land ownership certificates.</p>