

Objection or area of objection	Why it matters, why it is a material consideration and why it is an objection to TP/ED/26/0104 OR why it demonstrates procedural unfairness or predetermination, and renders TP/ED/26/0104 unlawful	Relevant Legislation or Guidance
<i>Laxton precedent TP/ED/24/0479 and DPEA :PAA-200-2085</i>	A recent, relevant decision made by the Council (such as the 2022 Laxton ruling where Councillors explicitly rejected building on a floodplain or destroying mature trees) is legally classified as a Material Consideration. When the Case Officer writes their final Report of Handling for Whitegates Park, they are legally required to look at similar past decisions. If the community raises the 2022 decision in their objections, the Case Officer must address it.	see below
<i>Laxton precedent TP/ED/24/0479 and DPEA :PAA-200-2085</i>	The legal burden of "Justification" If EDC refused a private development in 2022 due to flood risk and tree loss, but approves its own mega-school on a worse floodplain in 2026, the planning officers must provide a robust, legally sound planning justification for the inconsistency. Did the environmental laws get weaker? (No, NPF4 made them stricter). Did the flood risk disappear? (No, the math shows it will surcharge). Is there a lack of alternative sites? (No, there were alternatives that did not involve 4.8m peat bogs). If EDC fails to explicitly justify why they are abandoning their own precedent, their decision is legally flawed.	see below
<i>Laxton precedent TP/ED/24/0479 and DPEA :PAA-200-2085</i>	If EDC makes two completely contradictory decisions on the same environmental principles without a valid, documented reason, their action can be struck down in the Court of Session under the doctrine of Wednesbury Unreasonableness (or "irrationality"). Banning private developers from floodplains to protect the climate, while destroying a wetland forest for a council project, perfectly fits the definition of administrative irrationality.	see below
<i>Laxton precedent TP/ED/24/0479 and DPEA :PAA-200-2085</i>	The "Legitimate Expectation" of the Public The public has a right in administrative law to a "Legitimate Expectation" that a public authority will act fairly and predictably. When Councillors go on the public record stating that the Council has declared a Climate Emergency and that destroying mature trees or building on floodplains is unacceptable, the community has a legitimate expectation that this standard will be upheld across the board.	see below
Laxton, The "Floodplain Precedent" is evidence of bias and lack of consistency	EDC is acting unlawfully by applying a strict interpretation of environmental rules to private developers while ignoring those same rules for its own projects.	North Wiltshire District Council v Secretary of State for the Environment [1992] 65 P&CR 137: This is the landmark UK planning case on "consistency." The Court of Appeal ruled that a previous planning decision is a highly material consideration. The judge stated: "One of the principles of good administration is that like cases should be treated alike. If a decision maker chooses to depart from an earlier decision, they must give clear and valid planning reasons for doing so."
Laxton, The "Floodplain Precedent" is evidence of bias and lack of consistency	EDC is acting unlawfully by applying a strict interpretation of environmental rules to private developers while ignoring those same rules for its own projects.	Associated Provincial Picture Houses Ltd v Wednesbury Corporation [1948]

Laxton, The "Floodplain Precedent" is evidence of bias and lack of consistency	EDC is acting unlawfully by applying a strict interpretation of environmental rules to private developers while ignoring those same rules for its own projects.	SEPA Land Use Planning System Guidance (LUPS-GU024): Explicitly outlines that "Most Vulnerable" infrastructure (which includes schools) must not be constructed on areas with a known flood risk unless overriding locational needs can be rigorously proven, and alternatives completely exhausted.
Laxton, The "Floodplain Precedent" is evidence of bias and lack of consistency	EDC is acting unlawfully by applying a strict interpretation of environmental rules to private developers while ignoring those same rules for its own projects.	EPA Land Use Planning System Guidance (LUPS-GU024): Explicitly outlines that "Most Vulnerable" infrastructure (which includes schools) must not be constructed on areas with a known flood risk unless overriding locational needs can be rigorously proven, and alternatives completely exhausted.
Laxton precedent is evidence of lack of best value at WGP	EDC is violating its statutory duty by defining "value" purely in terms of short-term financial/logistical convenience, while liquidating millions of pounds in natural environmental capital (the floodplain and trees)	Local Government in Scotland Act 2003 (Section 1): This is the primary legislation that binds East Dunbartonshire Council. Section 1(1) states it is the duty of a local authority to "secure best value." Crucially, Section 1(5) legally mandates that in securing Best Value, the local authority "shall maintain an appropriate balance among the quality of the performance of its functions, the cost... and the cost to persons of any service provided." Furthermore, it mandates that the authority must "contribute to the achievement of sustainable development."
Laxton precedent is evidence of lack of best value at WGP	EDC is violating its statutory duty by defining "value" purely in terms of short-term financial/logistical convenience, while liquidating millions of pounds in natural environmental capital (the floodplain and trees)	Scottish Government Statutory Guidance on Best Value (Revised 2020): Theme 6 of this binding guidance is "Sustainability." It explicitly directs Scottish councils that Best Value is not merely about finding the cheapest financial option. It requires authorities to embed sustainability by balancing the economic, social, and environmental impacts of their decisions. Destroying WGP to save money on site-acquisition violates this principle
Laxton, The "Climate Emergency" and mature trees	The Council cannot formally declare a "Climate Emergency" and then authorize the clear-felling of a 1982 TPO woodland and the excavation of a 4.8 m peat bog.	The Lomond Banks (Flamingo Land) Decision (September 2024): This is the most critical recent precedent for the enforcement of NPF4. The Loch Lomond & The Trossachs National Park Authority rejected a huge highly lucrative development application specifically because the scale of tree felling and woodland destruction violated NPF4. This set a new benchmark in Scottish planning: economic benefits (or educational needs) can no longer be used as a simple "trump card" to justify the mass destruction of mature trees and biodiversity.
Laxton, The "Climate Emergency" and mature trees	The Council cannot formally declare a "Climate Emergency" and then authorize the clear-felling of a 1982 TPO woodland and the excavation of a 4.8 m peat bog.	NPF4 Policy 1 (Tackling the climate and nature crises): This is the overarching policy of the entire framework. It states: "When considering all development proposals significant weight will be given to the global climate and nature crises."
Laxton, The "Climate Emergency" and mature trees	The Council cannot formally declare a "Climate Emergency" and then authorize the clear-felling of a 1982 TPO woodland and the excavation of a 4.8 m peat bog.	NPF4 Policy 6 (Forestry, woodland and trees): Section (a) explicitly states: "Development proposals that involve the loss of ancient woodlands, semi-natural woodlands, planted ancient woodland sites and tree preservation orders will not be supported."

Laxton, The "Climate Emergency" and mature trees	The Council cannot formally declare a "Climate Emergency" and then authorize the clear-felling of a 1982 TPO woodland and the excavation of a 4.8 m peat bog.	NPF4 Policy 5 (Soils): Strictly protects carbon-rich soils (like the 4.8m peat bog identified at Whitegates). It states that development on peatland will only be supported in exceptional circumstances (such as renewable energy generation), which a school development does not meet.
Laxton in the reporters decision - "The Open Space Deficit"	In paragraph 11, the Reporter explicitly rules that when assessing the actual topography and useability of land, there is not an excess of open space overall in Lenzie. If a Government Reporter has legally determined that Lenzie cannot afford to lose a tiny patch of grassland for a single house, EDC cannot rationally argue that it is acceptable to liquidate the 6.88-hectare Whitegates Park.	DPEA :PAA-200-2085, ruling of [REDACTED] reporter
Laxton in the reporters decision, "strict application of NPF4 Policy 20"	The Reporter dismissed the appeal largely because it violated NPF4 Policy 20 (Blue and Green Infrastructure). The Reporter ruled that even with the developer promising enhancements to the remaining area, the physical loss of the open space was unacceptable. This directly neutralizes any claim EDC might make that "off-site mitigation" at Myrtle Avenue justifies the destruction of Whitegates.	DPEA :PAA-200-2085, ruling of [REDACTED] Reporter
Laxton in the reporters decision, "Greenfield Protection (NPF4 Policy 9)"	In paragraph 14, the Reporter confirms that development on unallocated greenfield land is not supported under NPF4. Whitegates Park is unallocated open space	DPEA :PAA-200-2085, ruling of [REDACTED] reporter