

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
Objections following analysis of "Laxton precedent" TP/ED/24/0479 and DPEA :PAA-200-2085	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
Laxton precedent TP/ED/24/0479 and DPEA :PAA-200-2085	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
Laxton precedent TP/ED/24/0479 and DPEA :PAA-200-2085	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
Laxton precedent TP/ED/24/0479 and DPEA :PAA-200-2085	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 4.8m 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 4.8m 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 4.8m 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 4.8m 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 Simon Bosnall, 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 Simon Bosnall, 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 Simon Bosnall, Reporter
	Objections related to tree loss		
	Fatal flaw in Flood Risk Assessment (FRA) - Omission of the 1982 Biological Water Pump	The applicant's FRA and Drainage Strategy mathematically treat the site as a static 'greenfield.' This is a fatal omission. Council records prove 2,000 mature trees were planted in 1982, including 1,192 high-capacity wetland species (Alder and Willow). Catchment-scale eco-hydrology proves this mature woodland removes 15 to 24 million litres of net annual evapotranspiration. By clear-felling this TPO woodland, the applicant eliminates a massive biological water pump. The FRA is mathematically void because it entirely ignores the severe 'Groundwater Rebound' (estimated at 10cm to 30cm+ across the already saturated site) that will occur when this biological drainage system is destroyed."	NPF4 Policy 22 (Flood Risk) / SEPA Technical Flood Risk Guidance
	Structural Failure of Drainage Strategy - "Hydrostatic Heave" vs. "Subsidence"	The applicant's Drainage Strategy (Table 2) explicitly rules out SuDS infiltration due to saturated peat and toxic contamination, setting the infiltration coefficient to 0.00000 m/hr. This means the underground plastic SuDS crates must be wrapped in an impermeable geomembrane. Because the clear-felling of the woodland will trigger "groundwater rebound" into the shallow peat, these sealed, hollow plastic crates will be subjected to massive upward hydrostatic pressure. To prevent 'Hydrostatic Heave' (the tanks floating to the surface and destroying the pitches), thousands of tonnes of concrete ballast must be used. However, applying dead-weight ballast to a 4.8m peat bog guarantees severe differential settlement, snapping the drainage pipes. The applicant has engineered a drainage system that must literally "either float or sink."	CIRIA C753 (The SuDS Manual) / Building (Scotland) Regulations 2004 - Mandatory Standard 3.6 (Surface Water Drainage)
	Drainage Strategy Failure - The "Bathtub" Submerged SuDS Collision	Whitegates Park is a topographical bowl fed by lateral groundwater. By removing the trees (stopping transpiration) and capping 5.25 hectares (75%, though various figures have been used by the consultants 0) of the site with impermeable surfaces (stopping surface evaporation), the lateral groundwater will remain permanently trapped directly beneath the surface. The applicant proposes to funnel hyper-accelerated surface runoff from the 75% cap into underground SuDS crates. However, because the water table will have rebounded due to the tree loss, the zone where these crates sit will be inundated. The system will attempt to shove accelerated stormwater into a submerged system which may have close to zero capacity".	NPF4 Policy 22 (c)(i) "Development proposals will not increase the risk of surface water flooding to others."
	Material error of fact in Drainage Strategy	The applicant's submitted Drainage Strategy (Table 1 and Table 3) explicitly claims its environmental and amenity criteria rely on the 'preservation of existing trees' and 'minimising disruption to habitat.' This is a material error of fact and a work of fiction. The architectural layout requires the mass clear-felling of the 2,000-tree TPO woodland. (EDC admit to the loss of 81% of class A trees). The Case Officer cannot lawfully accept a Drainage Strategy whose foundational biodiversity and amenity mitigation claims are in direct, undeniable contradiction with the applicant's own felling plan.	Town and Country Planning (Scotland) Act 1997 / NPF4 Policy 6 (Forestry, Woodland and Trees)
	Loss of Shelterbelt & Microclimate Degradation	Material Consideration: Felling 98 mature trees removes a critical natural wind barrier. Replacing this porous shelterbelt with a 4-storey solid building on a raised platform will create severe "downwash" and wind-tunneling effects, directing accelerated, turbulent winds directly into the low-lying Larkfield properties.	NPF4 Policy 14 (Design, Quality & Place - Microclimate Amenity)
	Loss of Shelterbelt & Microclimate Degradation	Procedural Unfairness / Criticism: The applicant has failed to submit a Wind Microclimate Assessment. Assessing a major 4-storey development without modelling how the loss of the woodland barrier will impact the wind exposure, structural safety, and thermal comfort of adjacent residential properties represents a failure to protect residential amenity.	NPF4 Policy 6 (Loss of Ecosystem Services)
	Loss of Shelterbelt & Microclimate Degradation	Procedural Unfairness / Criticism: The applicant has failed to submit a Wind Microclimate Assessment. Assessing a major 4-storey development without modelling how the loss of the woodland barrier will impact the wind exposure, structural safety, and thermal comfort of adjacent residential properties represents a failure to protect residential amenity.	LDP2 Policy 17
	Objections following admissions by EDC in FOI EIR_20959 (Internal Review)		
	Procedural obfuscation & predetermination: Failure to produce statutory site assessment records.	The Scottish Public Finance Manual (SPFM) requires a "Business Case" to provide an objective, transparent audit trail justifying a project by evaluating alternative options using a structured framework. By failing/delaying to produce the site assessment scoring matrix for Whitegates Park when formally challenged under Environmental Information Regulations (FOI EIR_20959), the Council demonstrates clear predetermination. This failure to prove that a mandatory Stage 1 Green Book options appraisal filter was ever executed indicates that the site was selected arbitrarily before financial, environmental, and infrastructure risks were evaluated. This taints the entire development process as procedurally unfair, invalidates much of the pre-construction expenditure, and fails to demonstrate statutory Best Value.	HM Treasury Green Book (Mandatory 'Two-Stage' Options Appraisal); Scottish Public Finance Manual (SPFM) - Best Value Guidelines; Environmental Information (Scotland) Regulations 2004.
	Failure to apply a Standardised, Multi-Criteria Options Appraisal (Bypassing Matrix Selection).	The 2022 Feasibility Report contains no numerical or standardised scoring matrix. Instead, it relies on a highly subjective text narrative of "Opportunities and Challenges" prepared by the contractor and council officers. Without a mathematical, weighted matrix to score sites uniformly on cost, technical viability, and environmental impact, the process entirely lacks transparency. This procedural defect allowed corporate officers to subjectively dismiss viable brownfield options with established transport links (like Option 1) while downplaying severe structural engineering and flood risks at Whitegates Park. This renders the entire preferred-site selection process predetermined and legally deficient. FOI EIR_20959 reveals that, "The Council does not hold a standard form or methodology to evaluate and rank potential development sites for capital projects undertaken by the Council"	HM Treasury Green Book (Mandatory Longlist Options Framework-Filter / Critical Success Factors appraisal); Scottish Public Finance Manual (SPFM) - Best Value Framework.

Violation of the "Best Value" Rule: Site selection based entirely on blind desktop data.	The 2022 Feasibility Report explicitly admits that site abnormals were priced "based on a desktop analysis only of each site, i.e. without the results of any physical surveys on each site" (Section 3.77). It further states that "the design may have to progress at risk with EDC required to accept ground risk on areas that could not be suitably investigated" (Section 3.86). Recommending a preferred option built on heavily peated ground without conducting adequate physical surveys to locate and map the peat prior to selection is a profound failure of public risk management. Committing millions in public development funds while blindly accepting total ground risk violates the mandatory rules on risk optimization and cost-certainty. FOI EIR_20959 reveals that, "The Council does not hold a standard form or methodology to evaluate and rank potential development sites for capital projects undertaken by the Council" Such a form or methodology would have identified "Best Value".	Scottish Public Finance Manual (SPFM) - Statutory Duty of Best Value (Requires capital investment decisions to be based on robust, quantified risk assessments); HM Treasury Green Book (Risk Valuation Guidelines).
Breach of the Financial Case: Predetermined budgetary unaffordability.	The 2022 report explicitly notes that the Council possessed an in principle provisional allocation of £80 million for the project. However, Section 3.2 openly confesses: "It is unlikely that any of the options detailed within this Report can be delivered within the £80m budget and that additional funding would require to be allocated to deliver the project." Recommending a preferred site (Option 3, Whitegates) that was explicitly known from day one to break the approved budget envelope (£85.47 million in 2022 figures, without identifying any source for the additional funding, is a fatal flaw in the financial and business case, rendering the selection a breach of statutory financial prudence. FOI EIR_20959 reveals that, "The Council does not hold a standard form or methodology to evaluate and rank potential development sites for capital projects undertaken by the Council" Such a standard form or methodology would have revealed the budget issues.	National Planning Framework 4 (NPF4) Policies 1, 3, and 22 (Flood Risk and Peatland Protection); HM Treasury Green Book (Unvalued Environmental Costs & Social Value Assessment).
Failure to assess hydrological and peat carbon liabilities at the site selection Stage.	Green Book and national planning rules mandate that unvalued environmental costs (such as pluvial flood risks and carbon release from damaged peatlands) must be calculated during options appraisal to establish true "Social Value". Recommending Whitegates Park as the preferred site while explicitly stating: "The draft plan does not look to have given any consideration to hydrology on the site. A hydrological assessment would be required" (Page 192) represents an ultra vires omission. The Council selected this site while entirely ignorant of its functional floodplain status and the environmental cost of carbon release from excavating active peat, creating a direct conflict with local and national climate policies.	National Planning Framework 4 (NPF4) Policies 1, 3, and 22 (Flood Risk and Peatland Protection); HM Treasury Green Book (Unvalued environmental costs & social value assessment)
Procedural Unfairness & denial of environmental justice: Unlawful suppression of public consultation via EIA Screening.	By unlawfully screening out the Environmental Impact Assessment (EIA) using unverified data and "assumed" mitigations, the Council actively suppressed the generation of a consolidated Environmental Statement. Crucially, this deprived the community of their statutory right to a formal, mandatory consultation period specifically dedicated to interrogating complex environmental, flooding, and contamination risks. This prejudices the community's legal right to participate effectively in environmental decision-making, representing a profound procedural unfairness that leaves any subsequent planning approval legally void and highly vulnerable to Judicial Review.	UNECE Aarhus Convention (Article 6: Public Participation in Decisions on Specific Activities; Article 9: Access to Justice); The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (Public Consultation Requirement)
Procedural Unfairness & denial of environmental justice: Unlawful suppression of public consultation via EIA Screening.	By unlawfully screening out the Environmental Impact Assessment the Council has wilfully deprived itself of specialist and local knowledge (Examples being drainage knowledge and knowledge of risks of building on peat). This may have caused substantial financial harm. Failing to Take Account of Material Considerations: Under Scottish Administrative Law, a decision is unlawful and subject to Judicial Review if the public body ignores relevant "material considerations." By dropping the EIA, the Council failed to acquire or consider material facts about the site's structural stability and hydrological capacity.	(Bromley LBC v Greater London Council [1983]): Councils have a fiduciary duty to their taxpayers to conduct their financial affairs prudently. Willfully ignoring known engineering risks that result in substantial, foreseeable financial harm (e.g., massive concrete piling requirements) is a breach of this fiduciary trust.
Procedural Unfairness & denial of environmental justice: Unlawful suppression of public consultation via EIA Screening.	By unlawfully screening out the Environmental Impact Assessment the Council has wilfully deprived itself of specialist and local knowledge (Examples being drainage knowledge and knowledge of risks of building on peat). This may have caused substantial financial harm. Failing to Take Account of Material Considerations: Under Scottish Administrative Law, a decision is unlawful and subject to Judicial Review if the public body ignores relevant "material considerations." By dropping the EIA, the Council failed to acquire or consider material facts about the site's structural stability and hydrological capacity.	Wednesbury Unreasonableness" (Associated Provincial Picture Houses v Wednesbury Corporation [1948]):
Democratic and Consultative Rights (Loss of Local Knowledge)	By bypassing the EIA, the Council did not just avoid hiring specialists; they legally shut the public out of the process. The Aarhus Convention (UNECE), this international treaty, embedded in Scottish planning law, guarantees the public the right to participate in environmental decision-making (Article 6). The EIA process mandates a formal public consultation on environmental data. By screening it out, the Council illegally stripped the community of its right to contribute its "local knowledge" regarding historical flooding and drainage failures.	UNECE Aarhus Convention (Article 6: Public Participation in Decisions on Specific Activities; Article 9: Access to Justice); The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (Public Consultation Requirement)
£5000 per working day allocated in 2026/27 to pre construction costs	... whilst EDC withhold information requested via FOI request and are being censured by the commissioner	UNECE Aarhus Convention (Article 6: Public Participation in Decisions on Specific Activities; Article 9: Access to Justice); The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (Public Consultation Requirement)
Further objection following lack of response from Ann Davie regarding drainage conundrum		
Material error of fact & defective drainage design: Reliance on illegal and absent level-for-level floodplain compensatory storage.	The applicant's drainage submission contains a fatal technical and legal defect. Hidden text within the engineering plans admits that the viability of surface water discharge directly depends on floodplain impact, acknowledging that any loss of volume "may" require "level-for-level" compensation. However, SEPA has strictly banned the use of level-for-level compensatory storage in floodplains for over a decade. Furthermore, no compensatory storage has actually been integrated into the submitted designs. By submitting a design that actively encroaches on a functional floodplain without any legal mechanism to compensate for water displacement, the application guarantees the exacerbation of flood risk to low-lying residential properties on Larkfield Road, where the outlet culvert is already documented as partially blocked and actively flooding gardens. Granting approval to a design that is physically non-compliant and legally un-permissible under environmental regulations constitutes an abuse of process and a failure to consider fundamental material facts.	SEPA Flood Risk Guidance (Prohibition of level-for-level floodplain compensation); National Planning Framework 4 (NPF4) Policy 22 (Flood Risk and Water Management); The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

	Material error of fact & defective drainage design: Reliance on illegal and absent level-for-level floodplain compensatory storage.	The applicant's drainage submission contains a fatal technical and legal defect. Hidden text within the engineering plans admits that the viability of surface water discharge directly depends on floodplain impact, acknowledging that any loss of volume "may" require "level-for-level" compensation. However, SEPA has strictly banned the use of level-for-level compensatory storage in floodplains for over a decade. Furthermore, no compensatory storage has actually been integrated into the submitted designs. By submitting a design that actively encroaches on a functional floodplain without any legal mechanism to compensate for water displacement, the application guarantees the exacerbation of flood risk to low-lying residential properties on Larkfield Road, where the outlet culvert is already documented as partially blocked and actively flooding gardens. Granting approval to a design that is physically non-compliant and legally un-permittable under environmental regulations constitutes an abuse of process and a failure to consider fundamental material facts.	Under R (Gillespie) v First Secretary of State, complex engineering workarounds to manage high-stakes environmental risks cannot be treated as "easily achievable" certainties to bypass strict restrictions. If EDC's own regulations state it is forbidden, trying to engineer a way out of it introduces the exact type of environmental uncertainty that requires a full, statutory Environmental Impact Assessment (EIA).
	From "Critique of response from planning" sent to EDC June 2026	Objections relevant to lack of EIA in the light of new discovery	
Flawed Site Selection & Financial Viability	Material Consideration: Severe contamination, 3-4m of waterlogged peat, and culverts make the site highly unstable, driving indicative costs to £138m. Predetermination/Procedural Unfairness: Advancing this site ignores the Mason Evans geotechnical report (for the ASN school) which explicitly ruled Whitegates "unviable." Ignoring critical site selection feasibility to force the development through demonstrates predetermination.		LDP2 Policy 1 (Development Strategy) LEIP Funding Conditions (Abnormal Site Avoidance)
Environmental Disruption & Carbon Emissions	Material Consideration: The sheer scale of groundworks (10m piling, removing bunds, 300mm water main diversion, and 1,700 HGV deliveries of crushed stone) will cause massive noise/air pollution and negate any "Net Zero" claims. Procedural Unfairness: Advancing the application while ignoring the carbon release of excavating deep peat and the severe construction impact on local residents is procedurally flawed.		LDP2 Policy 1 (Development Strategy) LDP2 Policy 9 (Climate Change & Sustainability)
Destruction of TPO Trees & Inadequate Mitigation	Material Consideration: The loss of 98 out of 139 protected trees without proper soil profile mitigation or Root Protection Area (RPA) compliance demonstrates fundamental site incompatibility. Procedural Unfairness: It is unlawful to rely on hypothetical, un-submitted "off-site" mitigation to justify the felling. EDC's own Greenspace Officer confirmed the current mitigation proposals leave a 2.41Ha shortfall.		LDP2 Policy 17 (Natural Environment) NPF4 Policy 6 (Forestry, Woodland & Trees) BS 5837:2012
Loss of Protected Green Space	Material Consideration: Whitegates Park is a designated green space, not a brownfield site. It is the last large accessible green space in Lenzie. Procedural Unfairness: EDC Planning admits the application does not support LDP2 aims. Utilizing an unsubmitted, legally un-secured "tandem" application for Myrtle Avenue to bypass open space protections is an unlawful planning mechanism.		LDP2 Policy 1 (Item B) LDP2 Policy 13 (Open Space) NPF4 Policy 20 (Blue & Green Infrastructure) PAN 65
Water Management & Drainage Failure	Material Consideration: The water management proposal is fundamentally unworkable on this topography, evidenced by an active holding objection from SEPA.		LDP2 Policy 18 (Water Environment) NPF4 Policy 22 (Flood Risk & Water Management)
Flawed Transport Data & Congestion	Material Consideration: Middlemuir and surrounding residential streets physically cannot safely accommodate the 456 drop-off vehicles cited. Direct access to the busy A806 presents severe road safety issues, especially for pupils accessing Aldi. Procedural Unfairness: The Transport Assessment relies on distorted baseline data gathered during a holiday weekend and S4/S6 study leave to artificially suppress vehicle, pedestrian, and bus movement numbers.		LDP2 Policy 11 (Access & Transport) LDP2 Policy 12 (Designing Places & Streets) NPF4 Policies 13 & 27 National Roads Development Guide
Health, Safety & Safe Routes	Material Consideration: Fails to demonstrate safe, segregated routes through the school environment. Creates severe pedestrian conflict between HGVs, buses, cars, and cyclists. Procedural Unfairness: The application fails to detail "Secured by Design" requirements for a 1,400-pupil facility, compromising core paths, right of ways, and adjacent residents' private spaces.		LDP2 Policy 10 (Design & Placemaking) NPF4 Policy 23 (Health & Safety)

A806 Access Design & Road Hierarchy	<p>Material Consideration: Direct access from a regional distributor road (A806) is inappropriate. The required carriageway widening and massive tree felling for sightlines on the opposite carriageway have not been properly detailed or assessed.</p> <p>Procedural Unfairness: Advancing without detailing the severe physical modifications required to the A806 bypass bypasses proper scrutiny.</p>	<p>LDP2 Policy 11 (Access & Transport)</p> <p>National Roads Development Guide</p>
Lack of Design Transparency (ADS Input)	<p>Material Consideration: The applicant claims Architecture and Design Scotland (ADS) provided input, but provides zero detail on what this actually contributed to the "design and placemaking" requirements, rendering the claim unsubstantiated.</p>	LDP2 Policy 10 (Design & Placemaking)
Developer Contributions (Policy 24)	<p>Material Consideration: The applicant defers the calculation of Developer Contributions to the "determination process."</p> <p>Procedural Unfairness: It is procedurally premature and inappropriate to negotiate Developer Contributions for a site that independent evidence proves is fundamentally unviable for development due to contamination and peat.</p>	LDP2 Policy 24 (Developer Contributions)
Blanket Omission of NPF4 Policies	<p>Material Consideration: The application fails to fully address a massive suite of statutory NPF4 policies. Aside from the headline failures (flooding, trees, transport), it explicitly fails to address Climate Mitigation (2), Natural Places (4), Historic Assets (7), and Play/Recreation/Sport (21).</p> <p>Procedural Unfairness: The Case Officer cannot lawfully recommend approval when the applicant has failed to provide sufficient evidence demonstrating compliance across 16 different statutory NPF4 policies.</p>	NPF4 Policies 1, 2, 4, 7, 14, 15, 18, 21
Salami Slicing	<p>Material Consideration / Problem: This is a written confession of Unlawful Project Splitting. Application A cannot legally depend on an unsecured Application B.</p> <p>Procedural Unfairness / Criticism: You cannot lawfully grant "No Objections" if compliance relies on a separate, unsecured application. If Myrtle Ave is refused or loses funding, the Council is in admitted breach of Policy 13.</p>	<p>LDP2 Policy 13</p> <p>Policy 13</p>
Parkland Deficit	<p>Material Consideration / Problem: NPF4 Policy 20 dictates development must "not result in or exacerbate a deficit" in green infrastructure.</p> <p>Procedural Unfairness / Criticism: Your own Policy Team's data proves a 2.41ha deficit exists. By destroying Whitegates (5.45ha), you actively exacerbate this deficit, violating NPF4 Policy 20.</p>	<p>NPF4 Policy 20</p> <p>Policy 20</p>
Water Cover-up	<p>Material Consideration / Problem: Ignores the Phase 2 data showing 1400mg/kg Lead and NAPL, and the Causeway Flow data showing Node S25 overspilling 721.8m³.</p> <p>Procedural Unfairness / Criticism: How can the Case Officer rely on a Policy Response demanding 'no pollution' when the applicant's engineering blueprints actively design a 721,800-litre toxic flush into the Bothlin Burn?</p>	<p>LDP2 Policy 18</p> <p>Policy 18</p>
Carbon Contradiction	<p>Material Consideration / Problem: The Policy Team ticked "No Objections" without actually seeing the carbon calculations for digging up 50,000m³ of 53% TOC peat.</p> <p>Procedural Unfairness / Criticism: Where is the Lifecycle Greenhouse Gas Assessment for excavating the peat bog? You cannot recommend approval while deliberately hiding the carbon emissions generated by building the SUDS.</p>	<p>NPF4 Policy 5</p> <p>Policy 5</p>
TPO Impossibility	<p>Material Consideration / Problem: The Council's drainage policies forbid pipes within 3m of trees. Digging a site-wide shallow SUDS network will sever the TPO root zones.</p> <p>Procedural Unfairness / Criticism: The developer cannot legally excavate the root protection zones of TPO woodland to install the required attenuation crates without committing an offence under the TPO.</p>	Tree Preservation Order (TPO)
Transport Illusion	<p>Material Consideration / Problem: NPF4 P13 & LDP2 P11 require sustainable transport. With 41% out-of-catchment pupils, this site guarantees heavy car reliance.</p> <p>Procedural Unfairness / Criticism: The Policy Team's claim of 'sustainable transport' is a fiction. Approving this site guarantees severe traffic displacement and gridlock on Middlemuir Road and Woodside Road</p>	<p>LDP2 Policy 11</p> <p>NPF4 Policy 13</p> <p>Policy 11</p> <p>Policy 13</p>
Passivhaus Hypocrisy	<p>Material Consideration / Problem: Operational energy efficiency is irrelevant if construction triggers a massive carbon bomb from exposing degraded peat.</p> <p>Procedural Unfairness / Criticism: The operational energy savings of a Passivhaus do not legally offset the catastrophic, immediate release of greenhouse gases caused by the required earthworks.</p>	General Planning Principles / Material Consideration

		Material Consideration / Problem: The DQRA toxicological safety strategy relies on sealing 75% of the site under an impermeable concrete cap to trap the Lead/NAPL.	
Infiltration Paradox		Procedural Unfairness / Criticism: The environmental safety strategy (impermeable cap) and the drainage policy (porous infiltration) are mutually exclusive. The developer cannot lawfully comply with both.	General Planning Principles / Material Consideration
Not Brownfield Confession		Material Consideration / Problem: NPF4 Policy 9 dictates a strict "Brownfield First" approach, prioritizing previously developed land over open space. Procedural Unfairness / Criticism: The Applicant's dismissal of the brownfield alternative (Myrtle Ave) is legally unsound when their own Policy Team confirms they are violating the 'Brownfield First' hierarchy.	Brownfield First Hierarchy NPF4 Policy 9 Policy 9
Scheduled Monument		Material Consideration / Problem: Ignores the geotechnical threat. The Phase 2 report warns that dewatering the peat can cause "excessive settlement" on adjacent sites. Procedural Unfairness / Criticism: The Case Officer cannot recommend approval without proof that massive dewatering for the SUDS tanks will not cause structural subsidence to a statutorily protected monument.	Scheduled Monument Protection
Shrink the Car Park		Material Consideration / Problem: Reducing parking for a 1,400-pupil school with a 41% commuter intake guarantees traffic gridlock. SUDS tanks are also under the car park. Procedural Unfairness / Criticism: A written admission of gross overdevelopment. The site is geometrically too small to lawfully accommodate the school, the required parking, and the statutory tree protections.	Tree Preservation Order (TPO)
Green vs Grey		Material Consideration / Problem: The toxicity of the site forces the developer to use massive "grey" plastic geocellular crates to prevent leaching. Procedural Unfairness / Criticism: The applicant, has finalized engineering design directly contravenes the Policy Team has stated requirement for green infrastructure.	General Planning Principles / Material Consideration
Greenfield Run-off		Material Consideration / Problem: The developer manipulated the baseline (1-Hectare Trick) and their system bypasses flow controls to dump 721.8m³ of unattenuated water. Procedural Unfairness / Criticism: The Case Officer is legally barred from accepting this conclusion when the raw engineering data proves the site will dump unattenuated flood water into neighboring properties. Curtins "hidden text" admits this.	General Planning Principles / Material Consideration
NPF4 Evasion		Material Consideration / Problem: NPF4 is statutory law and supersedes LDP2. Checking "No Objections" without auditing national law makes the consultation void. Procedural Unfairness / Criticism: A 'No Objections' verdict that fails to comprehensively audit the application against NPF4 Policies 5, 22, and 23 is legally incompetent.	LDP2 Policy 2 NPF4 Policy 22 NPF4 Policy 23 NPF4 Policy 5 Policy 2 Policy 22 Policy 23 Policy 5
Local Place Plan		Material Consideration / Problem: Building a 4-storey school, sports pitches, and a high-volume car park obliterates the traffic-free community vision. Procedural Unfairness / Criticism: To conclude 'No Objections' to a £138m heavy infrastructure project that destroys the community's statutory Local Place Plan is an exercise in profound cognitive dissonance.	General Planning Principles / Material Consideration
Transport Ban		Material Consideration / Problem: The author immediately admits the nearest regular bus is 570m away, proving a black-and-white policy breach. Procedural Unfairness / Criticism: The Case Officer cannot lawfully recommend approval when the Applicant's own internal consultation confirms a breach of a prohibitive transport policy.	Policy 11

		Material Consideration / Problem: The Council uses "viability" to dodge green policies, but ignores the £4.8m hazardous waste liability required to build on Whitegates.	LDP2 Policy 9
Economic Double Standard		Procedural Unfairness / Criticism: It is Wednesbury Unreasonable to use economic viability to bypass LDP2 Policy 9, while ignoring the massive, uncosted waste liabilities required to force this site through.	Policy 9
		Material Consideration / Problem: Dewatering the peat threatens the canal feeder. Because Myrtle Ave is a viable alternative, there are no "exceptional circumstances."	Policy 19
Exceptional Circumstances		Procedural Unfairness / Criticism: Because the Council has viable alternative sites, there are zero 'exceptional circumstances' to justify risking this Scheduled Monument.	Scheduled Monument Protection
		Material Consideration / Problem: Ticking "No Objections" without seeing this calculation is unlawful backloading (Lomond Banks precedent).	Lomond Banks Precedent
Backloading Carbon		Procedural Unfairness / Criticism: The Case Officer cannot rely on a 'No Objections' response that unlawfully backloads critical NPF4 Policy 2 carbon calculations to a later date.	NPF4 Policy 2 Policy 2
		Material Consideration / Problem: Digging massive SUDS tanks, contrary to EDC own published policy as previously advised, and altering drainage will starve or drown the root systems of the retained trees.	Policy 17
Hydrological Damage to TPO		Procedural Unfairness / Criticism: Engineering a site layout that inadvertently kills retained trees via hydrological starvation constitutes 'wilful damage', breaching Policy 17.	Tree Preservation Order (TPO)
		Material Consideration / Problem: Ignores the DQRA manipulation that left £4.8m of Category 1 carcinogens capped directly under a flood-prone playground.	LDP2 Policy 1
Health & Wellbeing		Procedural Unfairness / Criticism: Leaving toxic waste under a cap that is geometrically guaranteed to be breached by surface water flooding is the antithesis of improving health and wellbeing.	Policy 1
		Material Consideration / Problem: Node S25 overfills 721.8m³ of toxic floodwater overland, bypassing ecological filter layers and flushing into the Bothlin Burn.	LDP2 Policy 10
Ecological Quality		Procedural Unfairness / Criticism: This engineered pollution pathway actively degrades the ecology of the Bothlin Burn. The drainage blueprints are in direct breach of Policy 10.	Policy 10
		Material Consideration / Problem: Myrtle Ave mitigation relies on school 3G pitches, which must be fenced and locked during school hours for safeguarding.	LDP2 Policy 13
Unrestricted Access		Procedural Unfairness / Criticism: It is operationally impossible to offer unrestricted public access to a school sports hub. The proposed mitigation permanently fails LDP2 Policy 13.	Policy 13
		Material Consideration / Problem: Fails to assess the inhalation hazard of funneling pedestrians past a site undergoing massive excavations of toxic ash and asbestos.	
Active Travel Safety		Procedural Unfairness / Criticism: You cannot prioritize 'active travel' while simultaneously exposing pedestrians to aerosolized toxic dust during a multi-year construction phase.	General Planning Principles / Material Consideration
		Material Consideration / Problem: Ticking "No Objections" without auditing the single most critical national safety law regarding contaminated land is negligence.	NPF4 Policy 23
Evasion of P23 Health		Procedural Unfairness / Criticism: A 'No Objections' determination issued without a comprehensive audit of the site's £4.8m toxic waste liability against statutory safety laws is procedurally void.	Policy 23
		Material Consideration / Problem: The SUDS strategy requires digging 50,000m³ of earth and deep dewatering. "No-dig" is physically impossible.	
No-Dig Contradiction		Procedural Unfairness / Criticism: The Case Officer cannot rely on a policy response that assumes 'no-dig' construction on a site engineered for massive 'cut and fill' earthworks.	Scheduled Monument Protection
		Material Consideration / Problem: The DQRA toxicological safety strategy mathematically requires 75% of the site to be permanently sealed under an impermeable concrete/tarmac cap.	
No Net Loss Impossibility		Procedural Unfairness / Criticism: The Case Officer must explain how sealing 75% of a green space under concrete and artificial 3G turf achieves 'no net loss of biodiversity.'	General Planning Principles / Material Consideration

		Material Consideration / Problem: The FRA dictates a 1.6-metre land raise to lift the building out of a functional floodplain, displacing 7,200m ³ of water.	
Periphery Flooding		Procedural Unfairness / Criticism: A 'No Objections' verdict based on a fundamental misreading of the site's severe hydrological risks is a failure of the Duty of Inquiry.	General Planning Principles / Material Consideration
Backloading Peat Plan		Material Consideration / Problem: Unlawfully defers establishing the fundamental environmental effects of the project until after approval. Procedural Unfairness / Criticism: Under the Lomond Banks Ministerial Decision, a planning authority cannot lawfully grant consent if the fundamental effects of the development remain unestablished.	Lomond Banks Precedent
Typology Deficit		Material Consideration / Problem: Whitegates is an unrestricted natural park; Myrtle Ave will be fenced 3G sports pitches. This alters the typology. Procedural Unfairness / Criticism: Replacing a natural ecosystem with fenced plastic turf does not satisfy the 'enhanced facilities' test required by LDP2 Policy 13.	LDP2 Policy 13 Policy 13
Peat Consideration Loophole		Material Consideration / Problem: NPF4 Policy 5 mandates a strict presumption against development on peat, not merely a "consideration." Procedural Unfairness / Criticism: By advising the Case Officer that the applicant simply needs to 'take the peat into account', the Policy Team has issued legally incompetent advice diluting national law.	NPF4 Policy 5 Policy 5
Urban Cooling Paradox		Material Consideration / Problem: The DQRA mandates sealing 75% of the site under concrete/tarmac to trap the Lead, creating a massive urban heat island. Procedural Unfairness / Criticism: The Policy Team's environmental demands (urban cooling) and the developer's toxicological safety requirements (concrete capping) are mutually exclusive.	LDP2 Policy 9 Policy 9
Playing Field Misclassification		Material Consideration / Problem: Under NPF4, a "playing field" can be swapped for a synthetic pitch; "natural open space" cannot be easily substituted. Procedural Unfairness / Criticism: The Council cannot lawfully mitigate the destruction of a biodiverse natural park by offering locked, artificial 3G sports pitches.	NPF4 Policy 4
Incomplete Policy Advice		Material Consideration / Problem: Ticking the formal "No Objections" box while openly admitting the policy assessment is 'To Be Determined' is a procedural failure. Procedural Unfairness / Criticism: This is documentary proof of unlawful project splitting. A Case Officer cannot recommend approval based on an incomplete internal consultation.	General Planning Principles / Material Consideration
Embodied Carbon Distraction		Material Consideration / Problem: Completely ignores the immediate, catastrophic Embodied Carbon footprint of excavating 50,000m ³ of 53% TOC degraded peat. Procedural Unfairness / Criticism: The operational energy savings of a Passivhaus do not legally offset the carbon destruction of a peat bog under NPF4 Policy 2., Ignores EDC's own carbon plan.	NPF4 Policy 2 Policy 2