

Sent

Sent 29 June 26

Objection or area of objection

Failure of Project Sequencing and Financial Gatekeeping (Premature Design Commitment).

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

The applicant has advanced the development to detailed design and pre-construction phases without establishing the fundamental technical viability of the site. Physical drainage surveys (CCTV) were abandoned, and flood models remain uncalibrated. Designing the spatial layout of the school before verifying that the site can safely drain contradicts the mandatory sequencing of the RIBA Plan of Work and the CIRIA SuDS Manual. Furthermore, committing significant public funds to detailed design before resolving baseline site constraints constitutes a failure of financial gatekeeping, violating the statutory duty of Best Value.

Relevant Legislation or Guidance

Local Government in Scotland Act 2003: Statutory Duty of Best Value.

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Relevant Legislation or Guidance

Scottish Public Finance Manual (SPFM): Requires robust appraisal before financial commitment.

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Relevant Legislation or Guidance

PAN 61 / CIRIA SuDS Manual: Mandates drainage integration at the earliest masterplanning stage, not post-design.

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Post CB update 25 june

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Relevant Legislation or Guidance

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Objection or area of objection

Procedural Impropriety: Frustration of Statutory Scrutiny (sportscotland).

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

By artificially splitting the Whitegates Park and Myrtle Avenue applications onto different submission timelines, the Council has actively suppressed holistic scrutiny by statutory bodies. sportscotland explicitly stated in correspondence that they "cannot provide a statutory planning response for an application which is not currently active," forcing them to assess the sports provision in a fragmented vacuum. This procedural manipulation prevents an accurate assessment of the net loss of sports facilities across the community.

Relevant Legislation or Guidance

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013: (Consultation requirements).

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Relevant Legislation or Guidance

NPF4 Policy 21: (Play, recreation and sport).

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Objection or area of objection

Material Misdirection: Reliance on Unadopted "Draft" Policy Documents.

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

The Council appears to be maneuvering to rely on the "2025 Draft Open Space Audit" (which was "buried" in a May 2026 PNCA meeting agenda) rather than the formally adopted LDP2 statutory framework. A draft document that has not completed statutory public consultation and formal adoption carries minimal material weight. Any attempt by the Case Officer to use this draft to bypass or dilute strict LDP2 open space protections constitutes a material misdirection of the Planning Committee.

Relevant Legislation or Guidance

Town and Country Planning (Scotland) Act 1997: Requirement to determine applications in accordance with the adopted statutory development plan.

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Relevant Legislation or Guidance

LDP2 Policy 13: (Open Space).

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Objection or area of objection

Financial Mismanagement and Pre-determination ("Unnecessary school roll crisis").

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

The applicant relies on the existing Lenzie Academy being over capacity to justify the £138m Whitegates Park development. However, FOI data reveals the Council deliberately accepted out-of-catchment placing requests that pushed the school roll over its established capacity of 1,340 pupils in consecutive academic years. Manufacturing an overcrowding crisis to justify a massive capital project, and using it to bypass severe environmental site constraints, violates the statutory duty of Best Value.

Relevant Legislation or Guidance

Local Government in Scotland Act 2003: (Statutory Duty of Best Value)

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The applicant relies on the existing Lenzie Academy being over capacity to justify the £138m Whitegates Park development. However, FOI data reveals the Council deliberately accepted out-of-catchment placing requests that pushed the school roll over its established capacity of 1,340 pupils in consecutive academic years.

Manufacturing an overcrowding crisis to justify a massive capital project, and using it to bypass severe environmental site constraints, violates the statutory duty of Best Value.

Relevant Legislation or Guidance

Scottish Public Finance Manual (SPFM): Requires transparent and robust project justification.

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Objection or area of objection

Material Misdirection / Flawed Drainage Strategy (Post FOI to SW)

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

The developer is ing to Scottish Water that discharge rates will not exceed the mandated 24.6 l/s. However, hydraulic modeling (Causeway Flow data) proves this limit is only achieved by engineering massive overland "exceedance" flood events (e.g., Node S25 spilling 721.8m³). The Planning Authority cannot lawfully approve a drainage strategy that meets statutory pipe-discharge limits by intentionally flooding the site and directing runoff into a ditch with a documented blockage.

Relevant Legislation or Guidance

NPF4 Policy 22 (Flood Risk): Development must not increase the risk of surface water flooding elsewhere.

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Relevant Legislation or Guidance

Wednesbury Unreasonableness: Reliance on a blocked ditch to handle 700+ cubic meters of overland floodwater is irrational.

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Objection or area of objection

Failure to map and assess peat prior to determination.

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

The site contains known peat/carbon-rich soils. The applicant failed to conduct comprehensive peat depth and location surveys at the preliminary environmental "gatecheck" stage. The Planning Authority cannot lawfully determine the environmental and carbon impact of the development without this baseline data. Any attempt by the Council to approve the application and defer the peat assessment to a "planning condition" constitutes an unlawful deferral of a material consideration. Making a binding decision in the absence of fundamental environmental site data is legally irrational.

Relevant Legislation or Guidance

NPF4 Policy 5 (Soils): Strict protection of peat and requirement to minimize disturbance.

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Relevant Legislation or Guidance

Wednesbury Unreasonableness: It is irrational to approve an environmental impact without the data required to measure it.

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Relevant Legislation or Guidance

EIA Regulations 2017: Failure to assess baseline environmental constraints.

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The applicant's own Planning Statement PL69 (PL69_-_PLANNING_STATEMENT-1025380.pdf)explicitly admits multiple times that "Further investigation needed to understand the extent of any peat/land." Asking a Planning Authority to determine a £138m major development while openly admitting that fundamental environmental site data is still missing is legally irrational. Approving the application without this baseline data constitutes a failure to regard a material consideration.

Relevant Legislation or Guidance

Wednesbury Principles: It is irrational to approve an environmental impact without the data required to measure it.

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Objection or area of objection

Procedural Impropriety: Ignoring Statutory Consultee Mandates (SEPA Peat Survey).

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The Planning Statement PL69 (PL69_-_PLANNING_STATEMENT-1025380.pdf) explicitly acknowledges that "SEPA-requires a peat depth survey and watercourse to be assessed." If the Council issues a Decision Notice and attempts to defer this mandatory survey to a post-approval planning condition, it unlawfully bypasses public and statutory scrutiny of critical environmental data, breaching procedural propriety

Relevant Legislation or Guidance

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013: (Consultation requirements).

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Relevant Legislation or Guidance

EIA Regulations 2017: Failure to assess baseline environmental constraints.

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Objection or area of objection

Material Misdirection: Unlawful Evasion of NPF4 Policy 5(c) via Semantic Loophole.

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The applicant admits that peat is present directly under the proposed building footprint. However, they argue that because it is buried under "made ground," it lacks a surface organic layer and therefore NPF4 Policy 5(c) "is not applicable." Deep foundation work will inevitably disturb this peat and release massive amounts of embodied carbon. Using a semantic technicality to evade statutory carbon protection policies when peat is known to be present is a deliberate material misdirection of the Elected Members.

Relevant Legislation or Guidance

NPF4 Policy 5 (Soils): Protection of carbon-rich soils.

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Relevant Legislation or Guidance

NPF4 Policy 1: (Tackling the climate and nature crises - significant weight must be given to the global climate emergency)

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Relevant Legislation or Guidance

NPF4 Annex F: Definition of Carbon-rich soils.