

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
POST 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 abnormalities 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 peat ed 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: Pre-determined 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)
No EIA in the light of new discoveries		
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.
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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 preconstruction 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)
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.	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.