Objection number	date	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
763	9th Sept 26	Unlawful post-hoc justification: Failure to conduct statutory impact assessments prior to site selection.	Through formal correspondence (FOI/22041), the Council explicitly admitted it holds no Equality Impact Assessment (EQIA), Children's Rights and Wellbeing Impact Assessment (CRWIA), or socio-economic assessment evaluating the loss of Whitegates Park. The Council confirmed that if an EQIA is required, it will be undertaken 'prior to the end of the pre-construction phase' (i.e., after the site was chosen and millions spent on design). This is an unlawful post-hoc justification. Impact assessments are statutory requirements designed to inform the decision-making process before a site is finalised, not to act as a retroactive box-ticking exercise after the fact. Determining the planning application without these foundational socio-economic baseline assessments renders the decision Wednesbury unreasonable.	Equality Act 2010: Public Sector Equality Duty (Section 149).
764	9th Sept 26	Unlawful post-hoc justification: Failure to conduct statutory impact assessments prior to site selection.	Through formal correspondence (FOI/22041), the Council explicitly admitted it holds no Equality Impact Assessment (EQIA), Children's Rights and Wellbeing Impact Assessment (CRWIA), or socio-economic assessment evaluating the loss of Whitegates Park. The Council confirmed that if an EQIA is required, it will be undertaken 'prior to the end of the pre-construction phase' (i.e., after the site was chosen and millions spent on design). This is an unlawful post-hoc justification. Impact assessments are statutory requirements designed to inform the decision-making process before a site is finalised, not to act as a retroactive box-ticking exercise after the fact. Determining the planning application without these foundational socio-economic baseline assessments renders the decision Wednesbury unreasonable.	Children and Young People (Scotland) Act 2014: Child Rights and Wellbeing Impact Assessments (CRWIA).
765	9th Sept 26	Unlawful post-hoc justification: Failure to conduct statutory impact assessments prior to site selection.	Through formal correspondence (FOI/22041), the Council explicitly admitted it holds no Equality Impact Assessment (EQIA), Children's Rights and Wellbeing Impact Assessment (CRWIA), or socio-economic assessment evaluating the loss of Whitegates Park. The Council confirmed that if an EQIA is required, it will be undertaken 'prior to the end of the pre-construction phase' (i.e., after the site was chosen and millions spent on design). This is an unlawful post-hoc justification. Impact assessments are statutory requirements designed to inform the decision-making process before a site is finalised, not to act as a retroactive box-ticking exercise after the fact. Determining the planning application without these foundational socio-economic baseline assessments renders the decision Wednesbury unreasonable.	National Planning Framework 4 (NPF4).

766	9th Sept 26	Procedural unreasonableness and breach of statutory duty to advise & assist (FOI/22195).	When a community member asked straightforward clarification questions regarding whether the project had even been screened for environmental and social impact assessments, the Chief Education Officer issued a blanket refusal, falsely claiming all questions required information 'to be created.' This deliberate bureaucratic stalling and refusal to confirm the existence of basic screening checklists constitutes a direct breach of the statutory duty to advise and assist. The developer side of the Council is systematically utiising the 20-working-day statutory timeframes to obstruct the release of baseline planning data. The Planning Authority cannot lawfully determine a dual-role major application while the applicant is actively suppressing critical administrative records from the public.	Freedom of Information (Scotland) Act 2002 (FOISA): Section 15 (Duty to provide advice and assistance).
767	9th Sept 26	Procedural unreasonableness and breach of statutory duty to advise & assist (FOI/22195).	When a community member asked straightforward clarification questions regarding whether the project had even been screened for environmental and social impact assessments, the Chief Education Officer issued a blanket refusal, falsely claiming all questions required information 'to be created.' This deliberate bureaucratic stalling and refusal to confirm the existence of basic screening checklists constitutes a direct breach of the statutory duty to advise and assist. The developer side of the Council is systematically utiising the 20-working-day statutory timeframes to obstruct the release of baseline planning data. The Planning Authority cannot lawfully determine a dual-role major application while the applicant is actively suppressing critical administrative records from the public.	Environmental Information (Scotland) Regulations 2004 (EIRs): Regulation 9 (Duty to advise and assist).
768	9th Sept 26	Procedural unreasonableness and breach of statutory duty to advise & assist (FOI/22195).	When a community member asked straightforward clarification questions regarding whether the project had even been screened for environmental and social impact assessments, the Chief Education Officer issued a blanket refusal, falsely claiming all questions required information 'to be created.' This deliberate bureaucratic stalling and refusal to confirm the existence of basic screening checklists constitutes a direct breach of the statutory duty to advise and assist. The developer side of the Council is systematically utiising the 20-working-day statutory timeframes to obstruct the release of baseline planning data. The Planning Authority cannot lawfully determine a dual-role major application while the applicant is actively suppressing critical administrative records from the public.	Administrative Law: Procedural unfairness.
769	9th Sept 26	Failure to assess diminishing educational need against greenspace loss.	The Council's own data (FOI/22041) confirms a steady decline in out-of-catchment placing requests for Lenzie Academy (dropping from 502 in 2021/22 to 388 in 2025/26). The Council confirmed it holds zero analysis or reports comparing this demonstrably declining demand against the severe negative impacts of destroying a large protected naturalised community greenspace. Proceeding with a school on protected greenspace without conducting an objective balancing exercise of the actual, localised educational need versus the environmental harm violates the legal duty of inquiry (Tameside duty).	Common Law: The Tameside Duty of Inquiry (Failure to take reasonable steps to inform a decision).

770	9th Sept 26	Failure to assess diminishing educational need against greenspace loss.	The Council's own data (FOI/22041) confirms a steady decline in out-of-catchment placing requests for Lenzie Academy (dropping from 502 in 2021/22 to 388 in 2025/26). The Council confirmed it holds zero analysis or reports comparing this demonstrably declining demand against the severe negative impacts of destroying a large protected naturalised community greenspace. Proceeding with a school on protected greenspace without conducting an objective balancing exercise of the actual, localised educational need versus the environmental harm violates the legal duty of inquiry (Tameside duty).	NPF4: Policies protecting community greenspace and biodiversity.
771	9th Sept 26	Unlawful utilisation of the FOI review process to dismiss legitimate scrutiny.	The council relies on a 25% internal review rate to claim that objections are a campaigning tactic, despite admitting it does not formally categorise requests this way. Framing legitimate challenges to justified exemptions as illegitimate campaigning is logically incoherent and indicates institutional bias against public scrutiny. This attempts to blame the public for the council's own administrative failures and poor initial responses.	Freedom of Information (Scotland) Act 2002.
772	9th Sept 26	Unlawful utilisation of the FOI review process to dismiss legitimate scrutiny.	The council relies on a 25% internal review rate to claim that objections are a campaigning tactic, despite admitting it does not formally categorise requests this way. Framing legitimate challenges to justified exemptions as illegitimate campaigning is logically incoherent and indicates institutional bias against public scrutiny. This attempts to blame the public for the council's own administrative failures and poor initial responses.	Environmental Information (Scotland) Regulations 2004.
773	9th Sept 26	Lack of an objective matrix or tracking system for planning representations.	The case officer admits there is no formal methodology to assess representations, relying entirely on qualitative professional judgement. When the council is both developer and decision-maker, this opaque process creates a severe conflict of interest. Diluting or summarising away fatal technical constraints (such as the blocked culvert, conflct with internal rules on Suds tanks in a functional flood plain, impermissability of level raising or level for level compensation , or contamination reframing) risks materially misleading the planning committee, rendering any consent unlawful.	R (Kinsey) v London Borough of Lewisham & Anor [2021] EWHC 1286 (Admin).
774	9th Sept 26	Lack of an objective matrix or tracking system for planning representations.	The case officer admits there is no formal methodology to assess representations, relying entirely on qualitative professional judgement. When the council is both developer and decision-maker, this opaque process creates a severe conflict of interest. Diluting or summarising away fatal technical constraints (such as the blocked culvert, conflct with internal rules on Suds tanks in a functional flood plain, impermissability of level raising or level for level compensation , or contamination reframing) risks materially misleading the planning committee, rendering any consent unlawful.	R (on the application of Mansell) v Tonbridge and Malling Borough Council [2017] EWCA Civ 1314.
775	9th Sept 26	Failure to apply anxious scrutiny to a dual-role application.	The council is acting as both the developer and the planning authority for this major infrastructure project. The courts demand a heightened standard of rationality, known as anxious scrutiny, in such circumstances. Ignoring black-and-white material constraints, such as the prohibition on plastic SuDS tanks or the failure to assess the peat bog, constitutes a failure to discharge the statutory duty of inquiry.	R (Spitalfields Historic Building Trust) v London Borough of Tower Hamlets [2023] UKSC 11.

776	9th Sept 26	Failure to apply anxious scrutiny to a dual-role application.	The council is acting as both the developer and the planning authority for this major infrastructure project. The courts demand a heightened standard of rationality, known as anxious scrutiny, in such circumstances. Ignoring black-and-white material constraints, such as the prohibition on plastic SuDS tanks or the failure to assess the peat bog, constitutes a failure to discharge the statutory duty of inquiry.	The Tameside duty of inquiry.
777	9th Sept 26	*Jurisdictional error in information law: Unlawful misdirection to FOISA for environmental data.*	*WThe Executive Officer explicitly instructed a citizen to submit a 'freedom of information request' to obtain drainage and environmental surveys. This is a fundamental error of law. Information concerning drainage, flooding, water voles, and site investigations is strictly classified as 'environmental information' under the EIRs, not FOISA.* *FOISA Section 39(2) legally exempts environmental data, routing it exclusively to the EIRs. By forcing the use of FOISA, the Council unlawfully restricts the citizen's procedural rights, bypasses the EIRs' strict statutory presumption in favour of disclosure, and applies incorrect statutory tests for withholding information, rendering the consultation process legally defective.*	*Environmental Information (Scotland) Regulations 2004 (EIRs): Reg 2(1)(c) and Reg 5(1)*
778	9th Sept 26	*Jurisdictional error in information law: Unlawful misdirection to FOISA for environmental data.*	*WThe Executive Officer explicitly instructed a citizen to submit a 'freedom of information request' to obtain drainage and environmental surveys. This is a fundamental error of law. Information concerning drainage, flooding, water voles, and site investigations is strictly classified as 'environmental information' under the EIRs, not FOISA.* *FOISA Section 39(2) legally exempts environmental data, routing it exclusively to the EIRs. By forcing the use of FOISA, the Council unlawfully restricts the citizen's procedural rights, bypasses the EIRs' strict statutory presumption in favour of disclosure, and applies incorrect statutory tests for withholding information, rendering the consultation process legally defective.*	*Freedom of Information (Scotland) Act 2002: Section 39(2)*
779	9th Sept 26	*Jurisdictional error in information law: Unlawful misdirection to FOISA for environmental data.*	*The Executive Officer explicitly instructed a citizen to submit a 'freedom of information request' to obtain drainage and environmental surveys. This is a fundamental error of law. Information concerning drainage, flooding, water voles, and site investigations is strictly classified as 'environmental information' under the EIRs, not FOISA.* *FOISA Section 39(2) legally exempts environmental data, routing it exclusively to the EIRs. By forcing the use of FOISA, the Council unlawfully restricts the citizen's procedural rights, bypasses the EIRs' strict statutory presumption in favour of disclosure, and applies incorrect statutory tests for withholding information, rendering the consultation process legally defective.*	*SIC precedents: Decision 218/2007 & Decision 153/2010*
780	9th Sept 26	Breach of statutory duty for active dissemination of environmental information.	The Council's stance relies entirely on reactive, adversarial information requests (telling citizens to file FOIs) rather than proactively publishing environmental impact data for a major, publicly funded infrastructure project. EIR Regulation 4(1) and the Aarhus Convention impose a positive, statutory duty on public authorities to actively and systematically disseminate environmental information. Refusing to release unfinished drainage surveys without applying the mandatory public interest test (under EIR Reg 10(4)(d)) is a direct breach of Scottish environmental transparency laws.	EIRs 2004: Regulation 4(1) (active dissemination) and Regulation 10(4)(d) (incomplete documents)

781	9th Sept 26	Breach of statutory duty for active dissemination of environmental information.	The Council's stance relies entirely on reactive, adversarial information requests (telling citizens to file FOIs) rather than proactively publishing environmental impact data for a major, publicly funded infrastructure project. EIR Regulation 4(1) and the Aarhus Convention impose a positive, statutory duty on public authorities to actively and systematically disseminate environmental information. Refusing to release unfinished drainage surveys without applying the mandatory public interest test (under EIR Reg 10(4)(d)) is a direct breach of Scottish environmental transparency laws.	Aarhus Convention: Article 5
782	9th Sept 26	Violation of procedural fairness & possibility of a defective report.	The Executive Officer stated in writing 'I do not plan to engage further on this subject.' Under the "Gunning" principles and "Holborn Studios", a consultation is only legally fair if sufficient information is provided at a formative stage to allow for an intelligent response. By aggressively shutting down dialogue on material environmental impacts (drainage) before the application was finalised, the developer actively obstructed the planningprocess. Consequently, the submitted report may be legally defective under Regulation 7B, as the developer cannot truthfully claim to have conscientiously accommodated community views while simultaneously issuing written refusals to engage.	Town and Country Planning (Scotland) Act 1997: Sections 35A-35C
783	9th Sept 26	Violation of procedural fairness & possibility of a defective report.	The Executive Officer stated in writing 'I do not plan to engage further on this subject.' Under the "Gunning" principles and "Holborn Studios", a consultation is only legally fair if sufficient information is provided at a formative stage to allow for an intelligent response. By aggressively shutting down dialogue on material environmental impacts (drainage) before the application was finalised, the developer actively obstructed the planningprocess. Consequently, the submitted report may be legally defective under Regulation 7B, as the developer cannot truthfully claim to have conscientiously accommodated community views while simultaneously issuing written refusals to engage.	Town and Country Planning (DMP) (Scotland) Regulations 2013: Regulation 7B
784	9th Sept 26	Violation of procedural fairness & possibility of a defective report.	The Executive Officer stated in writing 'I do not plan to engage further on this subject.' Under the "Gunning" principles and "Holborn Studios", a consultation is only legally fair if sufficient information is provided at a formative stage to allow for an intelligent response. By aggressively shutting down dialogue on material environmental impacts (drainage) before the application was finalised, the developer actively obstructed the planningprocess. Consequently, the submitted report may be legally defective under Regulation 7B, as the developer cannot truthfully claim to have conscientiously accommodated community views while simultaneously issuing written refusals to engage.	Common law: The Gunning principles & R (Holborn Studios Ltd) v Hackney LBC

785	9th Sept 26	Defective environmental assessment & unlawful deferral of scrutiny (Squire precedent).	The Council asserted that the internal project team and its consultants will gather information 'as required' to satisfy the planning authority behind closed doors, shielding raw data from early public scrutiny. As established in the Court of Appeal ruling R (Squire) v Shropshire Council, planning authorities cannot lawfully grant consent based on incomplete environmental data or defer the assessment of significant impacts (like drainage and flooding). Withholding foundational baseline data from the public, especillay as the Council screened out an Environmental Impact Assessment, undermines the integrity of the planning process, rendering any subsequent grant of planning permission highly susceptible to judicial review.	Case law: R (Squire) v Shropshire Council [2019] EWCA Civ 888
786	9th Sept 26	Defective environmental assessment & unlawful deferral of scrutiny (Squire precedent).	The Council asserted that the internal project team and its consultants will gather information 'as required' to satisfy the planning authority behind closed doors, shielding raw data from early public scrutiny. As established in the Court of Appeal ruling R (Squire) v Shropshire Council, planning authorities cannot lawfully grant consent based on incomplete environmental data or defer the assessment of significant impacts (like drainage and flooding). Withholding foundational baseline data from the public, especially as the Council screened out an Environmental Impact Assessment, undermines the integrity of the planning process, rendering any subsequent grant of planning permission highly susceptible to judicial review.	Town and Country Planning (DMP) (Scotland) Regulations 2013: Regulation 24
787	9th Sept 26	Breach of the Aarhus Convention: Obstruction of public participation rights.	The Council instructed the citizen that if they wish to object, they must do so 'through the statutory planning process' (i.e., after the application is finalised and submitted). This violates the second pillar of the Aarhus Convention, which demands 'early and effective' public participation in environmental decision-making when all options are still open. Relegating civic participation to a post-submission objection phase nullifies these rights. As confirmed by the Supreme Court in Walton v Scottish Ministers, public participation is a fundamental legal right, not a bureaucratic hurdle to be managed away. To quote Lord Hope in his concurring opionion in that case , "..the quality of the natural environment is of legitimate concern to everyone. The osprey has no means of taking that step on its own behalf, any more than any other wild creature. If its interests are to be protected someone has to be allowed to speak up on its behalf."	UNECE Aarhus Convention: Pillar 2 (public participation)

788	9th Sept 26	Breach of the Aarhus Convention: Obstruction of public participation rights.	The Council instructed the citizen that if they wish to object, they must do so 'through the statutory planning process' (i.e., after the application is finalised and submitted). This violates the second pillar of the Aarhus Convention, which demands 'early and effective' public participation in environmental decision-making when all options are still open. Relegating civic participation to a post-submission objection phase nullifies these rights. As confirmed by the Supreme Court in Walton v Scottish Ministers, public participation is a fundamental legal right, not a bureaucratic hurdle to be managed away. To quote Lord Hope in his concurring opionion in that case , "..the quality of the natural environment is of legitimate concern to everyone. The osprey has no means of taking that step on its own behalf, any more than any other wild creature. If its interests are to be protected someone has to be allowed to speak up on its behalf."	Case law: Walton v Scottish Ministers [2012] UKSC 44
789	9th Sept 26	Administrative maladministration and bias (dual-role conflict).	East Dunbartonshire Council is acting as both the developer and the Local Planning Authority. The developer team's systematic failure to follow statutory pre-application consultation procedures, coupled with misdirecting citizens regarding their legal rights under information law, constitutes maladministration. Aggressively curtailing communication on matters of public interest during a designated consultation period exposes the Council's dual-role process to accusations of bias, ineptitude, and arbitrariness, opening the Council to formal investigation by the Scottish Public Services Ombudsman (SPSO).	Scottish Public Services Ombudsman Act 2002
790	9th Sept 26	Administrative maladministration and bias (dual-role conflict).	East Dunbartonshire Council is acting as both the developer and the Local Planning Authority. The developer team's systematic failure to follow statutory pre-application consultation procedures, coupled with misdirecting citizens regarding their legal rights under information law, constitutes maladministration. Aggressively curtailing communication on matters of public interest during a designated consultation period exposes the Council's dual-role process to accusations of bias, ineptitude, and arbitrariness, opening the Council to formal investigation by the Scottish Public Services Ombudsman (SPSO).	Administrative law: Maladministration and procedural bias
791	9th Sept 26	Apparent bias and selective enforcement regarding community campaign banners.	The council aggressively removed campaign banners opposing its own development at Whitegates Park within 48 hours, whilst permitting at least one banner opposing a private development to remain in place for over a month, (as of 06 Sept 26) This selective application of municipal enforcement powers demonstrates apparent bias and an institutional conflict of interest. Weaponising enforcement to suppress lawful political opposition to the council's own capital projects renders the administrative process Wednesbury unreasonable and compromises the integrity of the dual-role planning application.	Article 10 of the European Convention on Human Rights (Freedom of expression).

792	9th Sept 26	Apparent bias and selective enforcement regarding community campaign banners.	The council aggressively removed campaign banners opposing its own development at Whitegates Park within 48 hours, whilst permitting at least one banner opposing a private development to remain in place for over a month, (as of 06 Sept 26) This selective application of municipal enforcement powers demonstrates apparent bias and an institutional conflict of interest. Weaponising enforcement to suppress lawful political opposition to the council's own capital projects renders the administrative process Wednesbury unreasonable and compromises the integrity of the dual-role planning application.	Administrative law principles of apparent bias and Wednesbury unreasonableness.
793	9th Sept 26	Apparent bias and selective enforcement regarding community campaign banners.	The council aggressively removed campaign banners opposing its own development at Whitegates Park within 48 hours, whilst permitting at least one banner opposing a private development to remain in place for over a month, (as of 06 Sept 26) This selective application of municipal enforcement powers demonstrates apparent bias and an institutional conflict of interest. Weaponising enforcement to suppress lawful political opposition to the council's own capital projects renders the administrative process Wednesbury unreasonable and compromises the integrity of the dual-role planning application.	Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
794	9th Sept 26	Unlawful exacerbation of contaminant migration.	The applicant's own Phase 1 report (Curtins) explicitly confirms a viable pathway for off-site contamination to migrate on-site from the highly contaminated former gas works to the north-east, following the topographic gradient. "*The local topography slopes to the south and east... contaminant migration is anticipated to follow the topographic gradient, as the site is located to the south of the gas works, it is deemed likely that there is a viable pathway for off-site contamination to migrate on-site."* The applicant's drainage strategy relies on unblocking and utilising a currently submerged culvert. By unblocking this culvert and installing active drainage on a site receiving migrating gas-works contaminants, the applicant is engineering a direct pollutant linkage to the Bothlin/Luggie watercourses. Standard SuDS infrastructure cannot chemically neutralise industrial hydrocarbons. Designing a drainage system that acts as a conduit for off-site historical contamination into protected waterways is a direct violation of NPF4 Policy 22. Furthermore, the Planning Authority's failure to require a statutory EIA, despite holding written consultant warnings regarding migrating industrial contamination, constitutes a severe procedural failure and renders the EIA screening opinion irrational in law.	National Planning Framework 4 (NPF4): Policy 22 (Flood risk and water management).

795	9th Sept 26	Unlawful exacerbation of contaminant migration.	The applicant's own Phase 1 report (Curtins) explicitly confirms a viable pathway for off-site contamination to migrate on-site from the highly contaminated former gas works to the north-east, following the topographic gradient. "*The local topography slopes to the south and east... contaminant migration is anticipated to follow the topographic gradient, as the site is located to the south of the gas works, it is deemed likely that there is a viable pathway for off-site contamination to migrate on-site."* The applicant's drainage strategy relies on unblocking and utilising a currently submerged culvert. By unblocking this culvert and installing active drainage on a site receiving migrating gas-works contaminants, the applicant is engineering a direct pollutant linkage to the Bothlin/Luggie watercourses. Standard SuDS infrastructure cannot chemically neutralise industrial hydrocarbons. Designing a drainage system that acts as a conduit for off-site historical contamination into protected waterways is a direct violation of NPF4 Policy 22. Furthermore, the Planning Authority's failure to require a statutory EIA, despite holding written consultant warnings regarding migrating industrial contamination, constitutes a severe procedural failure and renders the EIA screening opinion irrational in law.	Environmental Protection Act 1990: Part IIA (Contaminated land).
796	9th Sept 26	Unlawful exacerbation of contaminant migration.	The applicant's own Phase 1 report (Curtins) explicitly confirms a viable pathway for off-site contamination to migrate on-site from the highly contaminated former gas works to the north-east, following the topographic gradient. "*The local topography slopes to the south and east... contaminant migration is anticipated to follow the topographic gradient, as the site is located to the south of the gas works, it is deemed likely that there is a viable pathway for off-site contamination to migrate on-site."* The applicant's drainage strategy relies on unblocking and utilising a currently submerged culvert. By unblocking this culvert and installing active drainage on a site receiving migrating gas-works contaminants, the applicant is engineering a direct pollutant linkage to the Bothlin/Luggie watercourses. Standard SuDS infrastructure cannot chemically neutralise industrial hydrocarbons. Designing a drainage system that acts as a conduit for off-site historical contamination into protected waterways is a direct violation of NPF4 Policy 22. Furthermore, the Planning Authority's failure to require a statutory EIA, despite holding written consultant warnings regarding migrating industrial contamination, constitutes a severe procedural failure and renders the EIA screening opinion irrational in law.	The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

797	9th Sept 26	Irrational negative EIA screening opinion ignoring expert evidence of contamination.	The planning authority did not reconsider its negative EIA screening opinion and inform DPEA of the change of material facts despite possessing a Phase 1 report from its own consultants, (Curtins) confirming a viable pathway for migrating gas-works contamination onto the site, being cognisant of a contentious rescreening by the DPEA which was contingent on a DQRA that did not take this expert advice into account. Ignoring explicit expert warnings of migrating industrial contamination in order to bypass statutory environmental scrutiny is an irrational decision. It directly contradicts the goal of NPF4 Policy 22 to protect the water environment. Proceeding to unblock a culvert and install active drainage on this site without a full EIA to measure and mitigate these risks represents a severe failure of logic. This breaches the Tameside duty of inquiry, renders the screening opinion Wednesbury unreasonable, and makes any subsequent grant of planning permission highly vulnerable to judicial review.	Administrative law principles of Wednesbury unreasonableness and irrationality.
798	9th Sept 26	Irrational negative EIA screening opinion ignoring expert evidence of contamination.	The planning authority did not reconsider its negative EIA screening opinion and inform DPEA of the change of material facts despite possessing a Phase 1 report from its own consultants, (Curtins) confirming a viable pathway for migrating gas-works contamination onto the site, being cognisant of a contentious rescreening by the DPEA which was contingent on a DQRA that did not take this expert advice into account. Ignoring explicit expert warnings of migrating industrial contamination in order to bypass statutory environmental scrutiny is an irrational decision. It directly contradicts the goal of NPF4 Policy 22 to protect the water environment. Proceeding to unblock a culvert and install active drainage on this site without a full EIA to measure and mitigate these risks represents a severe failure of logic. This breaches the Tameside duty of inquiry, renders the screening opinion Wednesbury unreasonable, and makes any subsequent grant of planning permission highly vulnerable to judicial review.	Common law: The Tameside duty of inquiry.
799	9th Sept 26	Irrational negative EIA screening opinion ignoring expert evidence of contamination.	The planning authority did not reconsider its negative EIA screening opinion and inform DPEA of the change of material facts despite possessing a Phase 1 report from its own consultants, (Curtins) confirming a viable pathway for migrating gas-works contamination onto the site, being cognisant of a contentious rescreening by the DPEA which was contingent on a DQRA that did not take this expert advice into account. Ignoring explicit expert warnings of migrating industrial contamination in order to bypass statutory environmental scrutiny is an irrational decision. It directly contradicts the goal of NPF4 Policy 22 to protect the water environment. Proceeding to unblock a culvert and install active drainage on this site without a full EIA to measure and mitigate these risks represents a severe failure of logic. This breaches the Tameside duty of inquiry, renders the screening opinion Wednesbury unreasonable, and makes any subsequent grant of planning permission highly vulnerable to judicial review.	Environmental Protection Act 1990: Part IIA (Contaminated land).

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801	9th Sept 26	Demographic engineering and indirect carbon emissions, (supplementaryto previous objections, this time applying "Finch")	The council is using an artificially inflated school roll, with approximately 40% of pupils coming from out-of-catchment, to justify a new build over a refurbishment. This deliberate demographic engineering generates massive inevitable downstream transport emissions, contradicting the council's own active travel and net-zero targets. Ignoring these indirect emissions violates the principles established in the Finch judgment.	R (Finch) v Surrey County Council [2024] UKSC 20.
802	9th Sept 26	Infliction of substantial prejudice through the denial of EIA consultation.	By suppressing the Curtins Phase 1 report (re leaching of contaminants from the north east) and Mason Evans data from the DPEA to secure a negative screening opinion, the council inflicted substantial prejudice on the community. The Walton judgment establishes that the denial of public consultation and information is a prejudice in itself. The public has a statutory right to participate in an informed democratic debate about toxicological and hydrostatic risks before a decision is made.	Walton v Scottish Ministers [2012] UKSC 44.
803	9th Sept 26	Infliction of substantial prejudice through the denial of EIA consultation.	By suppressing the Curtins Phase 1 report (re leaching of contaminants from the north east) and Mason Evans data from the DPEA to secure a negative screening opinion, the council inflicted substantial prejudice on the community. The Walton judgment establishes that the denial of public consultation and information is a prejudice in itself. The public has a statutory right to participate in an informed democratic debate about toxicological and hydrostatic risks before a decision is made.	The Aarhus Convention. as cited in Walton
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805	9th Sept 26	Breach of the rule of law in a dual-role planning application.	The council is acting as both the developer and the planning authority. Walton dictates that courts must be exceptionally vigilant to ensure the executive branch does not exceed its powers or ignore statutory environmental duties. Using regulatory power to waive mandatory environmental scrutiny for the council's own capital projects represents a direct threat to the rule of law.	Walton v Scottish Ministers [2012] UKSC 44.
806	9th Sept 26	Breach of the rule of law in a dual-role planning application.	The council is acting as both the developer and the planning authority. Walton dictates that courts must be exceptionally vigilant to ensure the executive branch does not exceed its powers or ignore statutory environmental duties. Using regulatory power to waive mandatory environmental scrutiny for the council's own capital projects represents a direct threat to the rule of law.	Administrative law principles of the rule of law and procedural fairness.
807	9th Sept 26	Unlawful attempt to retrospectively cure the lack of an EIA.	The council cannot argue that their complex engineering mitigations (such as capping the site and dewatering the peat) make the site safe and therefore an EIA was unnecessary. Walton establishes that the public has a legal right to scrutinise the environmental impact of those specific mitigations through a full EIA process before the planning committee determines the application.	Walton v Scottish Ministers [2012] UKSC 44.
808	9th Sept 26	Unlawful attempt to retrospectively cure the lack of an EIA.	The council cannot argue that their complex engineering mitigations (such as capping the site and dewatering the peat) make the site safe and therefore an EIA was unnecessary. Walton establishes that the public has a legal right to scrutinise the environmental impact of those specific mitigations through a full EIA process before the planning committee determines the application.	The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.
809	9th Sept 26	Unlawful dismissal of statutory scrutiny as illegitimate campaigning.	The council's internal attempts to dismiss the campaign's FOI/EIR requests as vexatious campaigning are legally flawed. Walton establishes that environmental law relies on NGOs and local campaign groups, as the environment cannot defend itself. The campaign holds absolute legal standing to hold the council accountable, and their statutory scrutiny cannot be dismissed as an administrative nuisance.	Walton v Scottish Ministers [2012] UKSC 44.
810	9th Sept 26	Unlawful dismissal of statutory scrutiny as illegitimate campaigning.	The council's internal attempts to dismiss the campaign's FOI/EIR requests as vexatious campaigning are legally flawed. Walton establishes that environmental law relies on NGOs and local campaign groups, as the environment cannot defend itself. The campaign holds absolute legal standing to hold the council accountable, and their statutory scrutiny cannot be dismissed as an administrative nuisance.	Environmental Information (Scotland) Regulations 2004.
811	9th Sept 26	Failure to assess the inevitable consequences of greenhouse gas emissions.	The planned excavation and dewatering of 4.8m of carbon-rich peat will inevitably release massive quantities of greenhouse gases. Furthermore, inflating the school roll with 40% out-of-catchment pupils inevitably generates severe downstream vehicular emissions. Under the Finch causation test, the council cannot lawfully screen out an EIA by ignoring the inevitable greenhouse gas releases triggered by its engineering and demographic choices.	R (Finch) v Surrey County Council [2024] UKSC 20.

812	9th Sept 26	Failure to assess the inevitable consequences of greenhouse gas emissions.	The planned excavation and dewatering of 4.8m of carbon-rich peat will inevitably release massive quantities of greenhouse gases. Furthermore, inflating the school roll with 40% out-of-catchment pupils inevitably generates severe downstream vehicular emissions. Under the Finch causation test, the council cannot lawfully screen out an EIA by ignoring the inevitable greenhouse gas releases triggered by its engineering and demographic choices.	The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.
813	9th Sept 26	Unlawful reliance on other regulatory regimes to bypass statutory assessment.	The council justified its negative EIA screening by claiming that future planning conditions and other regulatory regimes would resolve the site's severe contamination and hydrostatic constraints. The Supreme Court in Finch ruled that assuming another regime will mitigate environmental harm is a clear legal error and does not remove the statutory obligation to identify and assess that harm in an EIA prior to granting consent.	R (Finch) v Surrey County Council [2024] UKSC 20.
814	9th Sept 26	Unlawful reliance on other regulatory regimes to bypass statutory assessment.	The council justified its negative EIA screening by claiming that future planning conditions and other regulatory regimes would resolve the site's severe contamination and hydrostatic constraints. The Supreme Court in Finch ruled that assuming another regime will mitigate environmental harm is a clear legal error and does not remove the statutory obligation to identify and assess that harm in an EIA prior to granting consent.	The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.
815	9th Sept 26	Subversion of the democratic right to participate in environmental decision-making.	The fundamental democratic purpose of an EIA is "public awareness", as the Supreme Court noted that the public "can only care about what they know about", Lord Leggatt. By deliberately suppressing the 2018 Mason Evans toxicological data and the 2026 Curtins Phase 1 report from the DPEA, the council has actively subverted this democratic function. Unlawfully depriving the community of its right to informed participation renders the screening process legally defective.	R (Finch) v Surrey County Council [2024] UKSC 20.
816	9th Sept 26	Subversion of the democratic right to participate in environmental decision-making.	The fundamental democratic purpose of an EIA is "public awareness", as the Supreme Court noted that the public "can only care about what they know about", Lord Leggatt. By deliberately suppressing the 2018 Mason Evans toxicological data and the 2026 Curtins Phase 1 report from the DPEA, the council has actively subverted this democratic function. Unlawfully depriving the community of its right to informed participation renders the screening process legally defective.	The Aarhus Convention.
817	9th Sept 26	Unlawful geographical limitation of environmental harm.	The development will cause off-site environmental harm, including hydraulic backflow threatening adjacent residential streets and the export of thousands of tonnes of hazardous, lead-contaminated peat to off-site landfills. The Finch judgment confirms that the EIA Directive imposes no geographical limit on the scope of environmental effects. The council cannot draw an artificial boundary around the school site to ignore the off-site consequences of its project.	R (Finch) v Surrey County Council [2024] UKSC 20.

818	9th Sept 26	Unlawful geographical limitation of environmental harm.	The development will cause off-site environmental harm, including hydraulic backflow threatening adjacent residential streets and the export of thousands of tonnes of hazardous, lead-contaminated peat to off-site landfills. The Finch judgment confirms that the EIA Directive imposes no geographical limit on the scope of environmental effects. The council cannot draw an artificial boundary around the school site to ignore the off-site consequences of its project.	The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.
819	9th Sept 26	Procedural impropriety: documentary proof of unlawful predetermination and structural bias	Objectors have unearthed contract data (REP 012) indicating the council committed £3.8m to contractors prior to planning approval, with £833k already paid out. They argue this massive prior financial commitment places overwhelming pressure on elected members to approve the application to avoid catastrophic losses, constituting structural bias and predetermination.	Porter v Magill [2001] UKHL 67 (Establishes the objective test for apparent bias: whether a fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the planning authority was biased by its prior financial commitments)
820	9th Sept 26	Procedural impropriety: documentary proof of unlawful predetermination and structural bias	Objectors have unearthed contract data (REP 012) indicating the council committed £3.8m to contractors prior to planning approval, with £833k already paid out. They argue this massive prior financial commitment places overwhelming pressure on elected members to approve the application to avoid catastrophic losses, constituting structural bias and predetermination	R (Lewis) v Redcar and Cleveland Borough Council [2008] EWCA Civ 746 (Clarifies the legal threshold between lawful predisposition and unlawful predetermination, specifically concerning local authorities acting as developers and granting themselves planning permission when prior commercial commitments have been made)
821	9th Sept 26	Procedural impropriety: documentary proof of unlawful predetermination and structural bias	Objectors have unearthed contract data (REP 012) indicating the council committed £3.8m to contractors prior to planning approval, with £833k already paid out. They argue this massive prior financial commitment places overwhelming pressure on elected members to approve the application to avoid catastrophic losses, constituting structural bias and predetermination	R (Spitalfields Historic Building Trust) v London Borough of Tower Hamlets [2023] UKSC 11 (Confirms that heightened scrutiny and a higher standard of rationality apply where a local authority's internal procedures threaten the integrity of deliberative democratic processes)
822	9th Sept 26	Procedural impropriety: documentary proof of unlawful predetermination and structural bias	Objectors have unearthed contract data (REP 012) indicating the council committed £3.8m to contractors prior to planning approval, with £833k already paid out. They argue this massive prior financial commitment places overwhelming pressure on elected members to approve the application to avoid catastrophic losses, constituting structural bias and predetermination	European Convention on Human Rights, Article 6 (Guarantees the right to a fair and impartial tribunal, which is fundamentally compromised if the decision-maker possesses an overwhelming, unrecoverable financial interest in the outcome of the planning application)
823	9th Sept 26	Procedural impropriety: documentary proof of unlawful predetermination and structural bias	Objectors have unearthed contract data (REP 012) indicating the council committed £3.8m to contractors prior to planning approval, with £833k already paid out. They argue this massive prior financial commitment places overwhelming pressure on elected members to approve the application to avoid catastrophic losses, constituting structural bias and predetermination	European Convention on Human Rights, Article 6 (Guarantees the right to a fair and impartial tribunal, which is fundamentally compromised if the decision-maker possesses an overwhelming, unrecoverable financial interest in the outcome of the planning application)

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825	9th Sept 26	Procedural impropriety: documentary proof of unlawful predetermination and structural bias	Objectors have unearthed contract data (REP 012) indicating the council committed £3.8m to contractors prior to planning approval, with £833k already paid out. They argue this massive prior financial commitment places overwhelming pressure on elected members to approve the application to avoid catastrophic losses, constituting structural bias and predetermination	Scottish common law principles of administrative fairness and natural justice (A public authority acting as both developer and planning authority must act objectively and fairly; determining an application under the duress of losing millions of pounds of public funds constitutes a closed mind and invalidates the decision)
826	9th Sept 26	Procedural impropriety: documentary proof of unlawful predetermination and structural bias	Objectors have unearthed contract data (REP 012) indicating the council committed £3.8m to contractors prior to planning approval, with £833k already paid out. They argue this massive prior financial commitment places overwhelming pressure on elected members to approve the application to avoid catastrophic losses, constituting structural bias and predetermination	Tameside Duty of Inquiry (Secretary of State for Education and Science v Tameside MBC [1977] AC 1014) (Requires the planning authority to take reasonable, objective steps to inform itself before determining an application, rather than rushing or predetermining approval to avoid contractual financial penalties)
691	9th Sept 26	Material Misdirection & Misrepresentation of LDP Policy: False Distinction Between "Designated" and "Protected" Open Space. The applicant/officers may have engaged in a documented pattern of administrative “bamboozling” to dilute statutory planning constraints. In an official FOI response (FOI/17665, Jan 2024), the Executive Officer for Assets & Facilities (Alan Bauer) claimed to a constituent that Whitegates Park is merely "‘designated’ rather than protected Open Space." *"It is 'designated' rather than protected Open Space"* This directly contradicts the Council’s own internal 2022 Feasibility Report (PNCA/077/22/AB, Para 3.27), authored by the exact same officer, which explicitly acknowledges: "The site is designated protected open space within the Local Development Plan and therefore there is a presumption against development."	Under Scottish planning law and National Planning Framework 4 (NPF4 Policy 9), there is no legal distinction between "designated" and "protected" open space; any land designated as open space on an LDP map automatically inherits statutory protection under a strict presumption against development. Procedural Unfairness & Predetermination: Downplaying statutory planning policy to the public while acknowledging the legal barrier internally constitutes material misdirection. Officers attempted to rewrite planning terminology to avoid public scrutiny and conceal the fact that approving a £138m mega-school on this site constitutes a significant departure from the Local Development Plan. Under Planning Circular 3/2009 and PAN 82, because EDC is both applicant and planning authority, a significant departure from the LDP on a Local Authority Interest Development legally mandates notification to the Scottish Ministers, depriving the local Planning Committee of issuing an unvetted decision notice.	National Planning Framework 4 (NPF4) Policy 9 (Open Space): Statutory presumption against the loss of public open space.

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693	9th Sept 26	Material Misdirection & Misrepresentation of LDP Policy: False Distinction Between "Designated" and "Protected" Open Space. The applicant/officers may have engaged in a documented pattern of administrative “bamboozling” to dilute statutory planning constraints. In an official FOI response (FOI/17665, Jan 2024), the Executive Officer for Assets & Facilities (Alan Bauer) claimed to a constituent that Whitegates Park is merely "‘designated’ rather than protected Open Space." *"It is 'designated' rather than protected Open Space"* This directly contradicts the Council’s own internal 2022 Feasibility Report (PNCA/077/22/AB, Para 3.27), authored by the exact same officer, which explicitly acknowledges: "The site is designated protected open space within the Local Development Plan and therefore there is a presumption against development."	Under Scottish planning law and National Planning Framework 4 (NPF4 Policy 9), there is no legal distinction between "designated" and "protected" open space; any land designated as open space on an LDP map automatically inherits statutory protection under a strict presumption against development. Procedural Unfairness & Predetermination: Downplaying statutory planning policy to the public while acknowledging the legal barrier internally constitutes material misdirection. Officers attempted to rewrite planning terminology to avoid public scrutiny and conceal the fact that approving a £138m mega-school on this site constitutes a significant departure from the Local Development Plan. Under Planning Circular 3/2009 and PAN 82, because EDC is both applicant and planning authority, a significant departure from the LDP on a Local Authority Interest Development legally mandates notification to the Scottish Ministers, depriving the local Planning Committee of issuing an unvetted decision notice.	Scottish Planning Circular 3/2009 & PAN 82 (Notification of Applications): Mandatory requirement to notify Scottish Ministers of Local Authority Interest Developments that represent a significant departure from the LDP.

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