



Loch Lomond & The Trossachs National Park Authority
Carrochan
Carrochan Road
Balloch
G83 8EG

Ref: EIR 2025-028

Date: 26 September 2025

ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004

Thank you for your request for access to information held by the National Park Authority which was received by email on 05 September 2025. As the information you have requested relates to a planning application and is considered to be environmental information, we have applied the exemption detailed at section 39(2) of the Freedom of Information (Scotland) Act 2002 (FOISA) and have instead processed your request under the Environmental Information (Scotland) Regulations 2004 (EIRs).

Your Request

Can I please ask for the following information re: the proposed Lomond Banks development:

- 1. All correspondence between LLTNP (whether directly or through legal representatives) and the Scottish Government on the application since ministers recalled it on June 10, 2025.*
- 2. Since 2016, how many employees at LLTNP have been allocated to work on this development. Can this please be broken down by salary grades of employees (with an explanatory note of the pay range for each salary grade). Can this also be broken down by whether employees were working on this development full-time or only on a part-time basis (i.e. it wasn't their main/only duty).*
- 3. Since 2016, per year, how much has LLTNP spent on lawyers, planning consultants, accountants or any other external consultants related to this*

LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY

1

National Park Headquarters, Carrochan, Carrochan Road, Balloch, G83 8EG Long: 4°34'24"W Lat: 56°00'12"N

t: 01389 722600 f: 01389 722633 e: info@lochlomond-trossachs.org w: lochlomond-trossachs.org

Printed on paper sourced from certified sustainable forests.

development? Could this please be broken down by company and fee paid to the company.

Our Response

We have responded to the three parts of your request, in turn, below:

1. Some correspondence that falls within the scope of this part of your request is already published on the Scottish Government's DPEA website. Where this is the case, in line with Regulation 6(1)(b) of the EIRs, we have not enclosed duplicate copies of the correspondence and instead direct you to the DPEA website where the information can be accessed:

<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=125822&T=5>

(Please let us know if you have difficulty accessing the information.)

All additional correspondence that falls within the scope of your request has been attached to this response. Please note that, in line with regulation 11(2) of the EIRs, we have redacted some personal data on the basis that its disclosure would breach the data protection rights of third-party individuals.

2. We inform you under regulation 10(4)(a) of the EIRs that the information you have requested is not held.

As a planning authority, we do not record or bill for time spent on each case. A major planning application will typically be handled by a specific planning officer or senior planning officer (as has been the case with the applications you have referenced). However, our planning officers typically manage between 15 and 25 cases at any given point in time, and we do not ask them to record the time spent on each.

The nature of the process means that the time an officer spends on an application will vary, depending on the stage the application has reached. Generally speaking, less time is spent on an application during the consultation phase, and more time is dedicated to an application during the assessment and reporting phase.

For larger and more high-profile cases, such as the two applications at the location you have enquired about, which generate significant public interest and media attention, the case officer will be supported by colleagues across the organisation, including project management, communications and senior management colleagues. There is also significant support from administrative and governance colleagues throughout the process, particularly when an application is decided by the National Park Authority's Board or Planning and Access Committee.

3. Please note that while the following is likely to be a reasonably accurate response to your request, we provide these figures with the caveat that our search to identify relevant payments was reliant on the relevant invoices and purchase orders containing an identifier (such as the planning application number or reference to the location) that would allow us to link the associated payment to either of the two applications at this site.

Please also note, for context, that the National Park Authority received an application fee of £41,028 from the applicant in relation to application 2018/0133/PPP and a fee of £64,200 from the applicant in relation to application number 2022/0157/PPP.

Description	Date	Amount
Brodies (Legal Services)	26/06/2019	£900.00
Doug Harman (Landscape & Visual Impact Assessment)	02/11/2022	£1,200.00
Doug Harman (Landscape & Visual Impact Assessment)	24/03/2023	£900.00
Doug Harman (Landscape & Visual Impact Assessment)	25/07/2024	£1,188.00
Doug Harman (Landscape & Visual Impact Assessment)	11/11/2024	£576.00
Anderson Strathern (Legal Services)	2018-2021	£12,650.00
Anderson Strathern (Legal Services)	2021	£660.00
Anderson Strathern (Legal Services)	2022-2024	£12,918.50
Anderson Strathern (Legal Services)	2024-2025	£18,241.50

Right to Review

If you are unhappy with our response, you have the right to ask us to review the way we have handled your request. Further information about how to submit a request for review is provided on the attached sheet, along with contact details for the Scottish Information Commissioner.

Yours sincerely

Information Management
Loch Lomond and the Trossachs National Park Authority

Review Procedure

If you are dissatisfied with this decision, or the way in which the Authority has dealt with your request, you are entitled to require the Authority to review its decision. Please note that in order for a review to take place you are required to:

- Send your request for review in writing, setting out in full the reasons why you are requesting a review.
- Submit your review request within 40 working days of either the date on which you received a response from the Authority or the date by which you should have received a response under the terms of the Freedom of Information (Scotland) Act 2002, whichever is the later.
- address your review request to:

Information Manager
Loch Lomond & The Trossachs National Park Authority
National Park Headquarters
Carrochan
Carrochan Road
Balloch
G83 8EG
E-mail: info@lochlomond-trossachs.org

The review will be handled by staff who were not involved in the original decision. You will receive notice of the result of your review within 20 working days.

If you are not satisfied with the response to your request for review, you can contact the Scottish Information Commissioner, the independent body which oversees the Freedom of Information (Scotland) Act 2002, at:

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS
Tel: 01334 464610
Website: www.itspublicknowledge.info
E-mail: enquiries@itspublicknowledge.info

From: [Gordon Watson](#)
To: [Donald Henderson](#)
Subject: Emailing: PPA-002-2021 Letter from Anderson Strathern OBO Authority in response to procedure notice issued - dated 23 July 2025 (1)
Date: 18 August 2025 14:26:41
Attachments: [PPA-002-2021 Letter from Anderson Strathern OBO Authority in response to procedure notice issued - dated 23 July 2025 \(1\).pdf](#)

Hi Donald

This is the letter from our solicitors which has been deleted from the DPEA site.

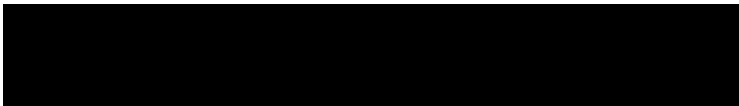
Thanks

Gordon

Your message is ready to be sent with the following file or link attachments:

PPA-002-2021 Letter from Anderson Strathern OBO Authority in response to procedure notice issued - dated 23 July 2025 (1)

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

From: [Chris Devlin](#)
To: [Lomond Banks Appeal](#)
Cc: [Sandy Telfer](#); [Alastair McKie](#)
Subject: PPA-002-2021 - Lomond Banks [IMAN-MATTERS.FID3918420]
Date: 23 July 2025 14:31:20
Attachments: 

Loch Lomond and the Trossachs National Park Authority

PPA-002-2021

Land At Pier Road, Ben Lomond Way And Old Luss Road, Known As West Riverside And Woodbank House, Balloch, G83 8QX

I refer to the above. Please see attached a letter intended for the Reporter and the Chief Reporter. Grateful if you would please pass this on.

Thanks.

Regards,

Chris

Chris Devlin

Partner

Accredited by the Law Society of Scotland as a specialist in Planning Law

Anderson Strathern

DD 

M 

W andersonstrathern.co.uk



This email has been sent from Anderson Strathern LLP or Anderson Strathern Asset Management Limited, together "Anderson Strathern". Anderson Strathern has offices in Edinburgh, Glasgow, Haddington and Lerwick. For further information on the services we provide, our staff, current legal developments, events, career opportunities and a full list of partners, visit our website at www.andersonstrathern.co.uk Please note that the contents of this email are privileged and/or confidential. If you are not the intended recipient, please notify the sender and ensure that this email is deleted and not read, copied or disclosed to anyone else. It is your responsibility to scan this email and any attachments for computer viruses or other defects. We do not accept liability for any loss or damage which may result from this email or any file attached. Email is not secure and can be intercepted, corrupted or amended. We do not accept liability for errors or omissions arising as a result of interrupted or defective transmission. Email entering or leaving Anderson Strathern's system is subject to random monitoring and recording by Anderson Strathern. Telephone calls may be recorded for compliance and training purposes. All business is transacted for and on behalf of Anderson Strathern LLP or Anderson Strathern Asset Management Limited.

Cybercrime notification: Our bank account details will NOT change during the course of a transaction. Please speak to us before transferring any money. We will not take responsibility if you transfer money to an incorrect bank account. If you receive an email from Anderson Strathern LLP requesting your bank details or purporting to amend our bank details, please contact us, by telephone, immediately to clarify.

Anderson Strathern LLP is a limited liability partnership registered in Scotland (SO301485) and has its registered office at 58 Morrison Street, Edinburgh, EH3 8BP. 'Partner' denotes a member of, and all business is transacted for and on behalf of, Anderson Strathern LLP. A list of members' names is open to inspection at each of our offices. Anderson Strathern LLP is licensed by the Law Society of Scotland for incidental financial business.

Anderson Strathern Asset Management Limited is registered in Scotland (SC376947) and has its registered office at 58 Morrison Street, Edinburgh, EH3 8PB. Anderson Strathern Asset Management Limited is authorised and regulated by the Financial Conduct Authority.

This email message has been scanned for viruses by Mimecast.
Mimecast delivers a complete managed email solution from a single web based platform.
For more information please visit <http://www.mimecast.com>

BY EMAIL

Planning and Environmental Appeals Division
Ground Floor
Hadrian House
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR

E [REDACTED]@andersonstrathern.co.uk

OUR REF LOC6000.0120/CUD

YOUR REF PPA-002-2021

23 July 2025

Dear [REDACTED]

PPA-002-2021 (Planning Permission Appeal)
Land At Pier Road, Ben Lomond Way And Old Luss Road, Known As West Riverside And
Woodbank House, Balloch, G83 8QX
Proposed section 75 Agreement / Planning Obligation

We are acting as solicitors on behalf of the Loch Lomond and Trossachs National Park Authority (the "Park Authority") who are the planning authority in relation to this Appeal that was recalled by Scottish Ministers on 24 June 2025. Please pass this correspondence to the Reporter Mr Buylla and to the Chief Reporter for their immediate attention.

We refer also to the Ministers' appointment (or reappointment) of the Reporter (Mr Buylla) and to the Procedure Notice dated 4 July 2025 that provides a timetable for the issuance of a draft section 75 agreement / Planning Obligation by 18 July 2025 with the Park Authority being provided with 14 days (until 1 August 2025) to make "observations" thereupon.

We write principally in respect of three matters:

1. To ask the Reporter to confirm the basis on which the Planning Obligation is proposed;
2. To outline the nature of the observations that the Park Authority shall make; and
3. To request an extension of time to respond with observations in respect of the draft Planning Obligation.

Basis for Planning Obligation

We note that the procedure notice states:

The reporter notes that, in a letter dated 16 June 2025, the appellant's legal advisers offered to provide a draft planning obligation, setting out the scope of matters to be covered, the means by which those matters are proposed by the appellant to be

addressed, and the level of control this would afford the planning authority over the matters to be secured by the planning obligation.

Respectfully, the Park Authority considers that this puts the cart before the horse, so to speak. The Notice of Intention has been superseded and no recommendation has been made yet to Ministers. It is for the Reporter to recommend a Planning Obligation as the Reporter sees fit, and for the Parties to negotiate such a Planning Obligation only if Ministers adopt the recommendation that a Planning Obligation is necessary.

The absence of what might be considered orthodox procedure in this aspect (i.e. the negotiation of a planning obligation pursuant to a recommendation being adopted by Ministers or Ministers setting out their own decision) means that the Park Authority is not being provided with an opportunity to represent properly the Park Authority's position.

Indeed, Mr Telfer's email to Ministers on 18 July 2025 to circulate the draft Planning Obligation outlines as much on behalf of Scottish Enterprise, who as we understand it is the principal landowner:

Scottish Enterprise's position is that it will not engage with the Appellant in relation to the precise terms of the document until such time as the Scottish Ministers indicate (should they ultimately determine so to do) that they may be minded to uphold the appeal subject to a planning obligation being agreed.

Without the principal landowner, and comfort that this landowner will enter into the Planning Obligation, this exercise may largely be fruitless. The Park Authority broadly adopts the same view. The Park Authority considers that detailed and substantive comments cannot be made unless the more orthodox procedure is adopted. **Please clarify precisely why the Ministers are requiring the Park Authority's observations on the draft Planning Obligation at this early stage.** It occurs to the Park Authority that this is premature given the stage that Ministers are at in their consideration of the appeal and that if Ministers were minded to uphold the appeal the Park Authority and the other parties would (in the usual course of matters) be given sufficient time to negotiate the Planning Obligation. If Ministers wish for parties to provide comments as to appropriate controls that might be utilised in the event of the appeal being granted, Ministers should direct the Reporter to hold a hearing on planning conditions and planning obligations. That hearing session could be informed by other hearing sessions in respect of matters such as biodiversity that the Park Authority has already indicated would be appropriate.

Nature of observations to be made

Continuing on from the observations made above, the Park Authority considers that the clarification requested above is essential as without such clarification, the Park Authority's observations must necessarily be very limited. The Park Authority wishes to state that what is being asked of both parties with regard to planning obligations is unorthodox and does not follow usual procedure, whether for a called in appeal or an appeal in ordinary course. Although the Reporter has asked in the procedure notice for a draft section 75 agreement / Planning Obligation to be exhibited by the Appellant, with a period of time for comments being granted thereafter, it is not normal procedure for parties to negotiate a Planning Obligation by public correspondence. This is before a Reporter has prepared a report and recommendation for Ministers, when the stated position of the Park Authority is that no conditions or agreement can mitigate the adverse

impacts or secure policy compliance. Such engagement would therefore be prejudicial to the Park Authority's position in the Appeal. That is not acceptable to the Park Authority as it fails to adhere to the Park Authority's public law duties to negotiate a planning obligation in good faith.

Given the above, the Park Authority wishes to inform the Reporter that it does not intend to provide a detailed, line by line assessment of the draft Planning Obligation that has been exhibited by the Appellant. Instead, to preserve its negotiating position, the Park Authority will restrict its observations to general comments.

Extension of time

Notwithstanding the above points it is necessary to consider compliance with the Procedure Notice, which we address as below.

We were sent the "final" draft section 75 Agreement / Planning Obligation on Tuesday 22 July 2025 by the Appellant's solicitors. *Per* the Procedure Notice, a response is expected by 1 August 2025. The Park Authority consider that the timescale within which it has been given to respond is too short because (1) key staff dealing with the Appeal are already on holiday during these two weeks, and (2) the technical nature of the draft in regard to whether the mechanism for addressing maintenance and enhancement for Drumkinnon Wood is adequate potentially entails the Park Authority obtaining detailed advice from its internal specialists – this will take time and it is not expected that the Park Authority will be able to obtain this advice in the timescale that has been set.

We are also unable at this time to meaningfully advise the Park Authority on the draft section 75 Agreement / Planning Obligation until we have received a detailed explanation from the appellant's solicitors on the current and intended respective ownerships of the Appeal site and Drumkinnon Wood including who owns them at present and any intended contractual transfers and the exact details of those intended transfers. We would also require the appellant's solicitors to exhibit a copy of the respective titles to Appeal site and Drumkinnon Wood together with sufficient plans of the land to accompany the draft, or otherwise to certify the title (as is normal during a Planning Obligation negotiation).

As alluded to above, we also note the inclusion on the draft section 75 agreement / Planning Obligation of Scottish Enterprise being a central landowning party. You will note that the email from the appellant's solicitors indicates that draft section 75 agreement / Planning Obligation has not been approved by Scottish Enterprise and that Scottish Enterprise's position is that it will not engage with the appellant in relation to the precise terms of the document until such time as the Scottish Ministers indicate (should they ultimately determine so to do) that they may be minded to uphold the appeal subject to a planning obligation being agreed. As a central landowning party we submit that it is essential at this stage that Scottish Enterprise be asked by the Reporter to provide their observations on the draft section 75 agreement / Planning Obligation. There seems to be little value in this exercise unless the Ministers obtain those observations from Scottish Enterprise as they may contradict those of the Park Authority and the Appellants. We would, however, observe that the comment that Scottish Enterprise make (that the usual timing for central parties making observations of the scope and detail of a draft section 75 agreement / Planning Obligation is only when and if the decision maker is "minded" to grant consent) is the usual manner in which such appeals are disposed of and the Park Authority agrees with this

sentiment. **As far as we have gathered, but please confirm the position, we are not aware that Ministers have reached that stage.**

The Park Authority therefore consider that a reasonable timescale (having particular regard to this being in the traditional summer holiday period and the need for the foresaid land ownership information and plans from the appellants) for the Park Authority to provide its observations on the draft section 75 agreement / Planning Obligation would be to extend the period for these observations to be made by a further 3 weeks (in other words the deadline for responding by the Park Authority would be 22 August 2025). **The Park Authority respectfully requests that extension to 22 August 2025.**

Other matters

Notwithstanding the above we wish to make it clear that the Park Authority have serious concerns with the re-appointment of the Reporter Mr David Buylla in this Appeal. It is stated in what purports to be the Minute of Reappointment and in the Procedure Notice that his Notice of Intention dated 16 May 2025 (wherein he is minded to uphold the appeal and grant planning permission) is superseded by the Ministers recall direction. Despite this supersession the scope of the draft section 75 agreement / Planning Obligation is entirely derived from that Notice of Intention – that is contradictory if it has been superseded. Although Mr Buylla has been appointed to finalise his report to Ministers, setting out his recommendation, we consider that because of his existing involvement in the Appeal, and the terms of his Notice of Intention, Mr Buylla has essentially expressed a pre-determination as to the recommendation that he will put to Ministers. Because of the Ministers' call-in occurring after the publication of the Notice of Intention, Mr Buylla cannot be considered to be impartial in this whole matter and that is an essential requirement to ensure fairness. His re-appointment is unfair on the Park Authority and other stakeholders and, with due respect to Mr Buylla and the Ministers, Mr Buylla should be replaced by a new Reporter who has not expressed any view in the matter. Further, the Park Authority reiterates that a new Reporter should hold hearing sessions into the determining issues in this Appeal prior to finalising his Report, as originally requested by the Park Authority.

Conclusions

Pursuant to what is outlined and explained above, the Park Authority observes that the procedure that has been adopted in this Appeal is considered highly unorthodox. The Park Authority reaffirms its view that a new reporter should be appointed to determine this Appeal, and that appropriate hearing sessions should be held to test fully the evidence. One of those hearing sessions should be dedicated to planning conditions and planning obligations, as would be normal for an appeal such as this, and only following such a hearing session should a formal negotiation of a planning obligation occur. The Park Authority in this letter is seeking to ensure that the process that is adopted for Appeal is fair and reasonable to all parties concerned and it will continue to engage fully with the process.

For the reasons stated above, the Park Authority respectfully requests an extension of time to provide observations on the draft Planning Obligation to 22 August 2025.

We look forward to hearing from you as a matter of urgency.

Yours faithfully

A solid black rectangular box used to redact a signature.

Partner
Anderson Strathern LLP

From: [Gordon Watson](#)
To: [REDACTED] [gov.scot](#)
Subject: FW: For Urgent Attention of LLTNPA Board
Date: 11 June 2025 11:18:25
Attachments: [LLTNPA Board 060625.pdf](#)
[Joint letter to FM John Swinney - 29 May 2025.pdf](#)

Ross Greer correspondence as discussed.

Gordon Watson

Chief Executive

Loch Lomond & The Trossachs National Park

Direct: 01389 [REDACTED]

www.lochlomond-trossachs.org

www.twitter.com/lomondtrossachs

www.facebook.com/lomondtrossachs

From: [REDACTED]

Sent: 06 June 2025 17:48

To: committeeclerk ; infomailbox

Cc: Gordon Watson ; Stuart Mearns ; Jane Cook

Subject: For Urgent Attention of LLTNPA Board

Dear Loch Lomond and the Trossachs National Park Authority,
Ross would be very grateful if the attached letter could be shared with the Convener and all members of the National Park Board before Monday's meeting. The second attachment is a letter referred to in Ross' letter.

Best Wishes,

[REDACTED]

Regional Coordinator for Ross Greer MSP

West of Scotland

[REDACTED] parliament.scot

Office: Unit 4, 38 Stewart Street, Milngavie, Glasgow G62 6BY

0141 [REDACTED]

The Scottish Parliament: Making a positive difference to the lives of the people of Scotland

Pàrlamaid na h-Alba: A' toirt deagh bhuaidh air beatha sluagh na h-Alba

www.parliament.scot : facebook.com/scottishparliament : twitter.com/scotparl

The information in this email may be confidential. If you think you have received this email in error please delete it and do not share its contents.



Dr Heather Reid,
Convener,
Loch Lomond and the Trossachs National Park Authority Board,
By Email

6th June 2025

Dear Dr Reid,

Planning Appeal PPA-002-2021

I am writing regarding the Scottish Government Reporter's recently issued notice of intention to grant Planning Permission to Flamingo Land for their proposed "Lomond Banks" development, subject to conditions and the agreement of obligations under section 75.

This decision is contrary to your unanimous and clear decision of September 2024. It has caused immense disappointment and distress in Balloch and across the country.

Having attended and addressed your public hearing at that time, it was very clear to me that the Board felt strongly that the proposal was clearly incompatible with national and local planning policy and the National Park's aims and founding principles. This belief was based on an overwhelming weight of evidence. The way in which you considered the application was a clear demonstration of the value of National Park Authorities and the importance their underpinning legislation places on protection of our natural heritage.

Since the Notice of Intention was issued, I and other local MSPs have attempted to persuade Scottish Ministers, specifically Planning Minister Ivan McKee and the First Minister, to recall the final decision from the Reporter and reject the appeal. There are two strong reasons for Ministers to do so:

Firstly, the decision very clearly has considerable implications for the interpretation and application of National Planning Policy, particularly in our National Parks.

You'll recall that LLTNPA planning officers' report on the proposal was emphatic and detailed in showing that NPF4 Policy 22 on flooding applied to West Riverside, not one of the four

Ross Greer MSP for the West of Scotland
Scottish Green Party

Unit 4, 38 Stewart Street, Milngavie G62 6BY
0141 [REDACTED] | [REDACTED]parliament.scot



component parts of exception (a)(iv) to the policy. You agreed with officers on this point, which I welcomed.

The Reporter has instead decided that all four parts of the exception do apply. Policy 22 of NPF4 is relatively new policy and a vital part of Scotland's plan for flood resilience as the impact of the climate crisis intensifies. For the Reporter to apply such a wildly different interpretation of this critical new policy to a National Park should be a matter of significant interest and concern to the Planning Minister. It is particularly hard to understand the Reporter's belief that there is a 'public interest' in making an exception for a development of this type.

As an MSP who voted for NPF4, I am of the view that the Reporter's interpretation is incompatible with the protections Parliament believed it was voting for. Indeed, based on this decision it would appear that an exception intended to be narrow will instead now apply to vast swathes of Scotland.

Their interpretation of the requirements around biodiversity enhancement also appear to follow the principle of 'net gain' as applied in England i.e. that developers can provide net gain through enhancements elsewhere (in this case at Drumkinnon Wood). This is not the approach in Scotland and such an approach would have a significant detrimental effect on National Parks in particular if this decision is upheld as a precedent. The evidence submitted by your planning officers and the Woodland Trust in this regard was extremely robust and I believe the Reporter has only been able to disregard it by taking an interpretation of NPF4 which is once again wildly out of line with that which Parliament voted for and which the National Park and others have applied thus far.

The Reporter's provisional decision also, I believe, fails to give sufficient weight to the aims of the National Park as set out in law, and particularly the Sandford Principle. If this decision is allowed to stand and set a precedent, I fear that it could affect National Park authorities' ability to apply those special aims to future planning decisions. Again, this is a matter of national significance.

I wish to draw your attention to a letter to the First Minister John Swinney from the Woodland Trust Scotland, the Scottish Wildlife Trust and eleven other Scottish environmental charities covering a range of interests and perspectives. Most of these charities have not previously commented on these plans and some work in other parts of Scotland, but all recognise that the decision of the reporter has significantly wider implications for Scotland's natural environment.

The second reason for recall is the sheer level of public interest in the case.

Ross Greer MSP for the West of Scotland
Scottish Green Party

Unit 4, 38 Stewart Street, Milngavie G62 6BY
0141 [REDACTED] | [REDACTED]parliament.scot



The Minister specifically has power of recall in cases that raise matters of genuine national concern. You'll know that the planning application has received a great deal of interest from the public, with over 155,000 objections and now – in a short space of time - over 50,000 people writing to Ivan McKee demanding a recall. The matter has received significant attention from media and through social media channels over many years. I have no doubt that this is down to the threat to a world-famous location in a National Park, one immediately accessible to well over a million people across the Central Belt.

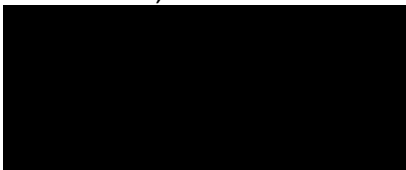
If a power exists for Ministerial recall where there is genuine national concern, where else would it apply if it didn't apply here?

The Scottish Government have a track record of Ministers intervening to take final decisions in planning cases. Earlier this week Ministers overruled the Reporter to reject planning permission for a "trotting track" at Bannockburn on grounds of the historic importance of the battlefield site. I believe this was the right decision, but regardless of one's views on the specific application, it begs an obvious question – if Bannockburn, outwith a National Park, is worthy of ministerial intervention, why not Loch Lomond?

I am aware that you are meeting on Monday to receive a report on this matter. I apologise that due to a prior commitment I'm unable to attend myself, but **I want to encourage you to make representations to Ivan McKee asking him to recall the decision, particularly considering the precedent it would set for Scotland's planning system and the national significance of this particular application.**

I appreciate that as planning authority who have been required to reach agreement with the applicant, you're limited in the range of actions you can take, but this course of action is within the scope of what is permissible and would be a robust demonstration of the board's commitment to upholding the aims of the National Park.

Best wishes,



Ross Greer MSP

**Ross Greer MSP for the West of Scotland
Scottish Green Party**

Unit 4, 38 Stewart Street, Milngavie G62 6BY
0141 [REDACTED] | [REDACTED]parliament.scot



Rt Hon John Swinney MSP
First Minister of Scotland

by email to [REDACTED] [gov.scot](mailto:[REDACTED]@gov.scot)

29 May 2025

Dear First Minister,

Scottish Government DPEA ref: PPA-002-2021
“Flamingo Land” development, Balloch, Loch Lomond

As environmental NGOs, we are deeply concerned by the latest development in the Lomond Banks case at Balloch in Loch Lomond & Trossachs National Park (LLTNP). We believe that the Scottish Government appointed reporter’s conclusion that planning permission should be granted on appeal is flawed and sets a disturbing precedent.

The Lomond Banks proposals were rejected by the board of the LLTNP Authority in September, who reached a unanimous decision that the plans were unacceptable and incompatible with the priorities of the National Park and the National Planning Framework. Ancient woodland is an irreplaceable habitat and its loss in a National Park is totally unacceptable.

Even more concerning was the response of Planning Minister Ivan McKee MSP, who indicated recently that he has no intention of recalling the appeal despite overwhelming body of evidence and political will. This undermines the mechanisms, of which Scotland is rightly proud, that are in place to ensure development is in line with Scotland’s commitments on today’s climate and biodiversity crises.

If Scotland’s National Parks and our National Planning Framework are to mean anything, the Scottish Government must reject the Lomond Banks proposal in its current form.

Yours sincerely,

Badenoch & Strathspey Conservation Group
Buglife
Bumblebee Conservation Trust
Butterfly Conservation
Cairngorms Campaign
ERCS
Froglife
North East Mountain Trust
Planning Democracy
Plantlife Scotland
Rambles Scotland
Scottish Wildlife Trust
Woodland Trust Scotland



From: [Gordon Watson](#)
To: [Donald Henderson](#)
Subject: Fw: Planning Appeal PPA-002-2021 - Lomond Banks Proposed Development, Balloch
Date: 18 August 2025 10:24:51
Attachments: [20250814 Diarmuid O'Neill.pdf](#)

Morning Donald

[REDACTED] Forwarding this on for your eyes [REDACTED]
[REDACTED]

Happy to discuss if you need any catch up on this.

Gordon

Sent from [Outlook for iOS](#)

From: Heather Reid <[REDACTED]@lochlomond-trossachs.org>
Sent: Thursday, August 14, 2025 9:41:22 AM
To: [REDACTED]@gov.scot' <[REDACTED]@gov.scot>
Cc: [REDACTED]@gov.scot' <[REDACTED]@gov.scot>; [REDACTED]@stirling.gov.uk' <[REDACTED]@stirling.gov.uk>
Subject: Planning Appeal PPA-002-2021 - Lomond Banks Proposed Development, Balloch

Dear Diarmuid,

Please find attached a letter sent on behalf of the Board of Loch Lomond and The Trossachs National Park Authority in respect of the above planning appeal.

Best wishes, Heather

Heather Reid
Convener
Loch Lomond & The Trossachs National Park
Direct: 01389 [REDACTED]
www.lochlomond-trossachs.org
www.twitter.com/lomondtrossachs
www.facebook.com/lomondtrossachs



Diarmuid O'Neill
Interim Director of Environment and Forestry
Scottish Government
St Andrew's House
Regent Road
Edinburgh
EH1 3DG

14th August 2025

Dear Diarmuid

Planning Appeal PPA-002-2021 - Lomond Banks Proposed Development, Balloch

I am writing on behalf of the Board of Loch Lomond and The Trossachs National Park Authority in respect of the current planning appeal being considered by the Planning Minister over the National Park Authority's refusal of planning permission for a Mixed Use Tourism Development known as Lomond Banks in Balloch. You will be aware that, because of the significant interest in this proposed development, the decision was taken by the Board, as opposed to the planning committee.

The process currently being adopted for consideration of the appeal of this significant planning decision for the National Park has unfortunately raised a number of concerns which Members have shared with me before and during an informal update briefing by senior officers and the National Park Authority's legal representatives.

Given the unprecedented approach to process currently being undertaken - and set against the surprising absence of any Hearings or Inquiry sessions in the appeal undertaken by the Department for Planning and Environmental Appeals Division (DPEA) between December and May - the Chief Executive of the National Park Authority felt it was necessary to set these concerns out in a letter to the Scottish Government's Chief Planner in July. Whilst his letter was acknowledged, there was no response to the substantial concerns on the approach to process currently being undertaken. Members of the Board have expressed to me both their disappointment and surprise at this lack of a substantive response from the Chief Planner, who is specifically tasked with advising the Minister regarding recalled appeals and who is responsible for, and who instructed, this unorthodox process *per* the "Minute of Appointment" dated 24 June 2025.

I, and the Board, fully respect the right of appeal by the applicant. To be clear - on the substance and merits, the National Park Authority continues to oppose planning permission being granted for the reasons already given.

The Board's concerns are over how the appeal has, and is, being conducted. Particular points that Members noted are:

- The diminished role of the National Park Authority - with the appellant being instructed to prepare a draft legal agreement, against no recommendation, decision or heads of terms as is usual in the planning process

LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY

National Park Headquarters, Carrochan, Carrochan Road, Balloch, G83 8EG Long: 4°34'24"W Lat: 56°00'12"N
t: 01389 722600 f: 01389 722633 e: info@lochlomond-trossachs.org w: lochlomond-trossachs.org

Printed on paper sourced from certified sustainable forests.

- The National Park Authority being only permitted to offer observations on any draft legal agreement – when, if the Minister granted permission, it would be the enforcing planning authority
- The reappointment of the previous Reporter - which has raised questions from the Board about the independence of the Minister's recall given that this Reporter has already issued a Notice of Intention in the appeal clearly and unambiguously setting out his views on the appeal
- The inappropriate truncation of timescales for this unprecedented process over the main summer holiday period.

Whilst it is recognised that the appeal process remains underway and a decision by the Planning Minister has not yet been made, Members of the Board have raised with me their concern that the procedural points which the National Park Authority have highlighted to senior Government Officials – the Chief Planner and Chief Reporter – have not been answered or addressed when they reasonably could have been without interfering with the merits of a live appeal. While an appeal process is normally conducted in a neutral or independent manner, there is usually agreement sought, or at least engagement with, parties by the DPEA on key matters of process. The Board does not consider that an explanation as to why a particular process has been adopted strikes at the merits of the appeal, as suggested by the Chief Planner in her letter.

In Chairing the National Park Authority's Board Meeting in September last year to determine the application, integrity, fairness and transparency were the basis of my approach during the Site Visit, Hearing, and the Board's consideration. Planning Officers equally ensured every step of their assessment process was communicated clearly and undertaken fairly. The Board reasonably expects that the same values be reflected in the handling of the appeal.

Members of the Board consider that the reputation of the planning system in Loch Lomond and the Trossachs National Park, and National Parks more widely, is clearly at risk.

Considering all of the above, I feel that it is appropriate that I, as Convener of the Board, make you, as Interim Director of the Scottish Government's directorate with responsibility for National Parks, aware of the strength of feeling within the National Park Authority Board and the concerns being expressed.

Yours Sincerely,



Heather Reid
Convener

LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY

National Park Headquarters, Carrochan, Carrochan Road, Balloch, G83 8EG Long: 4°34'24"W Lat: 56°00'12"N
t: 01389 722600 f: 01389 722633 e: info@lochlomond-trossachs.org w: lochlomond-trossachs.org

Printed on paper sourced from certified sustainable forests.

From: [Gordon Watson](#)
To: [REDACTED] [gov.scot](#)
Subject: FW: Planning Appeal PPA-002-2021
Date: 11 June 2025 12:03:27
Attachments: [20250610_Ross_Greer_MSP.pdf](#)

Response to Ross Greer as discussed.

Gordon Watson
Chief Executive
Loch Lomond & The Trossachs National Park
Direct: 01389 [REDACTED]
www.lochlomond-trossachs.org
www.twitter.com/lomondtrossachs
www.facebook.com/lomondtrossachs

From: [REDACTED] <[REDACTED]@lochlomond-trossachs.org>
Sent: 11 June 2025 11:18
To: Gordon Watson <[REDACTED]@lochlomond-trossachs.org>
Subject: FW: Planning Appeal PPA-002-2021

From: Heather Reid
Sent: Tuesday, June 10, 2025 12:48 PM
To: [REDACTED] 'parliament.scot' <[REDACTED]@parliament.scot>
Subject: Planning Appeal PPA-002-2021

Good afternoon Mr Greer

Please find attached a letter relating to Planning Appeal PPA-002-2021.

Yours sincerely

Dr Heather Reid
Convener
Loch Lomond & The Trossachs National Park
www.lochlomond-trossachs.org
www.twitter.com/lomondtrossachs
www.facebook.com/lomondtrossachs



Ross Greer MSP
Unit 4
38 Stuart Street
Milngavie
G62 6BY

10th June 2025

Dear Mr Greer

Planning Appeal PPA-002-2021

Thank you for your letter dated 6^h June 2025 in respect of the Lomond Banks Planning Appeal.

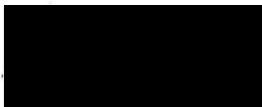
I can confirm that this letter was distributed to the National Park Authority Board Members prior to our board meeting yesterday. Correspondence from the Balloch and Haldane Community Council was also previously distributed and other correspondence received from members of the public was also summarised and discussed.

Your request that the National Park Authority make representations to the Planning Minister, Ivan McKee to have the appeal called-in for determination by Ministers was discussed. While we were disappointed by the Scottish Government Reporter's decision, as the statutory Planning Authority, the Board recognised that we are obliged to follow the due planning process and it would be inappropriate for us to make such representations.

Our next steps, as noted by the National Park Authority Board, will be to enter into negotiations with the appellant on the legal agreement which has been directed by the Reporter to be concluded within 26 weeks before Planning Permission in Principle being granted by him.

I trust this clarifies our position.

Yours sincerely



Dr Heather Reid
Convener

LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY

National Park Headquarters, Carrochan, Carrochan Road, Balloch, G83 8EG Long: 4°34'24"W Lat: 56°00'12"N
t: 01389 722600 f: 01389 722633 e: info@lochlomond-trossachs.org w: lochlomond-trossachs.org

Printed on paper sourced from certified sustainable forests.

From: [Gordon Watson](#)
To: [REDACTED] [gov.scot](#)"; [Donald Henderson](#)
Subject: Fw: PPA-002-2021 - Chief Planner Response - July 2025
Date: 25 July 2025 12:20:59
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[PPA-002-2021 - Chief Planner Response - July 2025.pdf](#)

I would welcome a call to brief you on how we are handling this. Early next week if possible.

Best regards

Gordon Watson
Chief Executive
Loch Lomond & Trossachs National Park
Direct: 01389 [REDACTED]
www.lochlomond-trossachs.org
www.twitter.com/lomondtrossachs
www.facebook.com/lomondtrossachs

From: Gordon Watson
Sent: 24 July 2025 15:06
To: [REDACTED] [gov.scot](#)' ; Donald Henderson
Subject: Fw: PPA-002-2021 - Chief Planner Response - July 2025
My response from the Chief Planner.

Let me know if you need any update on what we are doing.

Gordon

Sent from [Outlook for iOS](#)

From: [REDACTED] [gov.scot](#) on behalf of [REDACTED] [gov.scot](#)
Sent: Thursday, July 24, 2025 2:42:17 PM
To: [REDACTED] gillespiemacandrew.co.uk ; Gordon Watson
Cc: [REDACTED] [gov.scot](#) ; [REDACTED] andersonstrathern.co.uk ; [REDACTED] [gov.scot](#)
Subject: PPA-002-2021 - Chief Planner Response - July 2025

You don't often get email from [REDACTED] [gov.scot](#). [Learn why this is important](#)

Good afternoon,

Please find attached a response from the Chief Planner.

Kind regards,

Dr Fiona Simpson MRTPI | Chief Planner | Director of Planning, Architecture and Regeneration |
Scottish Government | [REDACTED]



From: Sandy Telfer
Sent: 18 July 2025 12:05
To: Director for Planning, Architecture and Regeneration

Cc: [REDACTED] ; Gordon Watson ; Chris Devlin

Subject: RE: PPA-002-2021 LLTNP CEO letter to SG Chief Planner -Appellant's representations thereon [GM-LIVE.FID2944698]

Dear Dr Simpson,

Please find attached the Appellant's representations in relation to the matters raised by Mr Watson in his letter to you date 11th July

Regards

Sandy Telfer

Partner

for and on behalf of Gillespie Macandrew LLP

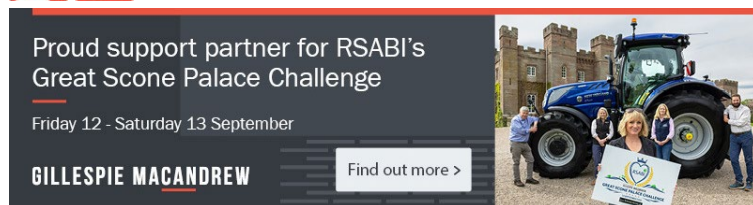
GILLESPIE MACANDREW

5 Atholl Crescent
Edinburgh EH3 8EJ

0131 [REDACTED]

07977 [REDACTED]

www.gillespiemacandrew.co.uk



From: Gordon Watson <[REDACTED]@lochlomond-trossachs.org>

Sent: 11 July 2025 17:14

To: [REDACTED]@gov.scot' <[REDACTED]@gov.scot>

Cc: [REDACTED]@gov.scot' <[REDACTED]@gov.scot>; Sandy Telfer

<[REDACTED]@gillespiemacandrew.co.uk>

Subject: PPA-002-2021 LLTNP CEO letter to SG Chief Planner

This e-mail originated outside Gillespie Macandrew LLP. Please take care with links and responses.

Dear Dr Simpson

Please refer to the attached letter.

Best regards

Gordon

Gordon Watson MRTPI

Chief Executive

Loch Lomond & The Trossachs National Park

Direct: 01389 [REDACTED]

www.lochlomond-trossachs.org

www.facebook.com/lomondtrossachs

The content of this email and any attachments is confidential and is subject to the terms of the National Park Authority's email disclaimer at <https://www.lochlomond-trossachs.org/disclaimer> and is intended only for the use of the individual or entity to which it is addressed.

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or

opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.



E-mail: [REDACTED] [gov.scot](mailto:[REDACTED]@gov.scot)

Sent by Email to:

Gordon Watson, LLTNPA

Sandy Telfor, Gillespie Macandrew LLP

Our ref: PPA-002-2021

Planning Authority ref: 2022/0157/PPP

24 July 2025

Dear Mr Watson and Mr Telfor

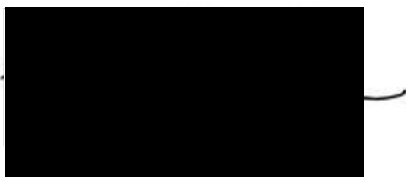
**PLANNING PERMISSION APPEAL: LAND AT PIER ROAD, BEN LOMOND WAY AND
OLD LUSS ROAD KNOWN AS LOMOND BANKS**

Thank you both for your respective letters to the Chief Planner dated 11 and 18 July 2025 regarding the above planning appeal.

The contents of both your letters have been noted. However, the Scottish Government does not intend to engage on the handling or merits of a live planning appeal currently with DPEA prior to the preparation of a report and the issuing of a Ministerial decision.

Yours sincerely

Fiona Simpson





BY EMAIL - [REDACTED] [gov.scot](mailto:[REDACTED]@gov.scot)
Dr Fiona Simpson
Chief Planner
Planning, Architecture and Regeneration Division
Scottish Government

11 July 2025

Dear Dr Simpson

**PPA-002-2021 (Planning Permission Appeal)
Erection And Operation Of A Mixed-Use Tourism And Leisure Development etc. at
Pier Road, Ben Lomond Way and Old Luss Road, Known as West Riverside and
Woodbank House, Balloch, G83 8QX**

I am writing in respect of recent developments on the proposed handling of the above recalled Appeal. I note the terms of Ms Smith's reply dated 9.7.25 to the letter written by the National Park Authority solicitor Mr Devlin (to you) dated 18.6.25. I also note the notice of procedure set out in a letter to our case officer dated 04.07.15 on behalf of the re-appointed Reporter David Buylla and the radically changed handling of concluding a Section 75 legal agreement set out therein (superseding the previous direction for parties to conclude a mutually agreed document within 6 months).

Given the significance of this planning case for the National Park Authority and no doubt for other participants, I feel compelled to write to you to draw attention to areas of considerable concern in respect of how the process now set out departs from the established manner in which complex planning appeals are handled in the interests of ensuring transparency and fairness to all involved. The National Park Authority put considerable effort and resource into ensuring that its process for determining the planning application was open and transparent and facilitated participation for all those who requested it before the decision was taken by the Board, particularly given the unprecedented levels of public interest in the case. Given the continued level of public interest I believe it is important to the integrity of the planning process that this approach continues into the appeal process.

LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY

National Park Headquarters, Carrochan, Carrochan Road, Balloch, G83 8EG Long: 4°34'24"W Lat: 56°00'12"N
t: 01389 722600 f: 01389 722633 e: info@lochlomond-trossachs.org w: lochlomond-trossachs.org
Printed on paper sourced from certified sustainable forests.

Following the Ministerial Recall Direction on 10.6.25 it was the National Park Authority's reasonable expectation that Ministers would confirm that the Notice of Intention issued by Mr Buylla was superseded. In the covering letter sent to the National Park Authority it states:

"The reporter will produce a report and make recommendations in order for the final decision to be taken by Scottish Ministers."

From this wording, it is clearly reasonable to draw the conclusion from the letter that a new report and recommendations would be prepared for Scottish Ministers' consideration. Indeed, the further information request issued by the DPEA 4.7.25 confirms this by stating that:-

"As you will be aware, the Minister for Public Finance has recalled the above appeal. The reporter hereby formally confirms that his notice of intention has been superseded."

Also given this recall decision, it is reasonable to draw from this that following the issue of the Notice of Intention report that Ministers wished to re-examine the case afresh rather than allow Mr Buylla, who has already expressed his clear view in the appeal, to make a recommendation to Ministers. Following from this it would be expected that Ministers would appoint a different Reporter to report to them on all relevant matters and to prepare a new report and recommendation to Ministers who would then decide the Appeal (which is normal procedure in such cases).

Having recalled this Appeal for their own determination, it is very unexpected that Ministers have decided to re-appoint Mr Buylla as their Reporter who is to make a recommendation to them. As noted, Mr Buylla had already issued his Notice of Intention dated 16.5.25 and has indicated that he is minded to uphold the Appeal and to grant planning permission subject to a scoped section 75 Agreement setting out a number of matters including (importantly in his opinion) the inclusion of Drumkinnon Wood as part of a scheme for woodland management.

Re-appointment of David Buylla

Given these circumstances, I feel compelled to write to you as the chief planning advisor to Ministers to draw attention to the concern that due to his issuance of a Notice of Intention and his explicit support for the proposal. It is my significant concern that the re-appointment of Mr Buylla as Reporter may well lead to procedural unfairness not only to the National Park Authority but also other important stakeholders and involved parties.

The further information request issued by the DPEA updated 4.7.25 further states that:-

LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY

National Park Headquarters, Carrochan, Carrochan Road, Balloch, G83 8EG Long: 4°34'24"W Lat: 56°00'12"N
t: 01389 722600 f: 01389 722633 e: info@lochlomond-trossachs.org w: lochlomond-trossachs.org

Printed on paper sourced from certified sustainable forests.

“In order for this appeal to progress, the reporter will write a report for Ministers setting out his recommendation on this appeal. Ministers will then take the final decision.”

The response to Mr Devlin dated 9.7.25 states that:

“Scottish Ministers will make the decision on this appeal and will give full and proper consideration to it.

Once this process is complete, the reporter will finalise his report to Ministers, setting out his recommendation.”

Although it is stated in the Minute of Appointment that Mr Buylla’s Notice of Intention has been superseded by the recall notice, he has been appointed to write a recommendation on the Appeal, which I believe is in contradiction with the principles of fairness and natural justice. Given that he has already expressed his professional opinion on the Appeal, and it is one of strong support, it is highly unlikely that he will change his mind and make different recommendations to Ministers. Under the procedure now in place, he has, in effect, pre-determined the Appeal at Reporter level. Although, Scottish Ministers are taking the decision on the Appeal and may choose not to accept his recommendation, this introduces an inherent unfairness into the entire process that can be easily avoided by appointing a different Reporter who is untainted by earlier involvement on such a substantive basis.

The Notice of Intention remains as a document in the public domain that indicates Mr Buylla’s strong support for the proposal. In order to avoid procedural unfairness the National Park Authority consider it essential that a **different and impartial** Reporter is appointed by Ministers in order to that he or she can consider all relevant matter afresh and report to them for a determination. Doing so will allow Scottish Ministers to “*give full and proper consideration*” to the Appeal as stated in the letter to Mr Devlin.

This is a procedure which Scottish Ministers have followed in similar situations previously, in order to ensure fairness to all parties. I draw to your attention cases of PPA-320-2077-1 and PPA-390-2043-2 (Planning Permission Appeals) where, following a quashing of the grant of planning permission, the Ministers in their reconsideration of the appeal appointed different Reporters to undertake further procedure and report to them. I see no real difference in circumstances of this Appeal where Ministers have intervened and recalled the case from the Reporter in order to consider the appeal afresh.

Further Procedure – section 75 Agreement

The further information request dated 4.7.25 appears to seek a rapid conclusion of a Section 75 agreement, where it is the Appellant who is to scope the Section 75 agreement, and sets out a timescale which in my opinion is unrealistic and premature.

LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY

National Park Headquarters, Carrochan, Carrochan Road, Balloch, G83 8EG Long: 4°34’24”W Lat: 56°00’12”N
t: 01389 722600 f: 01389 722633 e: info@lochlomond-trossachs.org w: lochlomond-trossachs.org

Printed on paper sourced from certified sustainable forests.

Again, the unusual nature of the procedure notice throws up several matters of concern.

Firstly, if the Notice of Intention Report is superseded, how is it possible to progress a Section 75 Agreement without sight of a new Notice of Intention report? It can only be concluded that by implication that Mr Buylla's 'minded to approve' position stands and that the application is not being given "full and proper consideration" as stated. If on the other hand the Notice of Intention is indeed superseded, it is not therefore clear under what terms the appellant is being asked to draft an agreement and indeed in what context my Director of Place will be making comments on it. Ordinarily, the decision maker would set the scope of a planning agreement pursuant to submissions made by the parties to the appeal. Again, from all of this I can only draw the conclusion that the recalled appeal is being predetermined.

My second concern is that, in normal planning process as you know, a Section 75 Agreement is a negotiated document which is mutually agreed between the relevant parties. I have already set out the difficulty of progressing an agreement when the scope of the section 75 Agreement has not yet emerged from careful consideration of the merits of the proposal by the re-examination of the case. The timescale previously set out by Mr Buylla of 26 weeks to conclude an agreement under the scope he set out in his Notice of Intention was reasonable in the circumstances. At the National Park Authority Board meeting in June I updated members on the terms of the Notice of Intention and set out that it was in the best interests of the National Park Authority to participate in such negotiations to ensure a workable agreement which the Authority would have responsibility for enforcing and that can reasonably be enforced if needed.

The significantly truncated process now outlined in the procedure notice ostensibly removes any process of negotiation and unfairly diminishes the role of the National Park Authority to that of a consultee. Following this process, should the Ministers be minded to grant the appeal, it is not clear how an agreement will be concluded and by what process it will be presented to the National Park Authority for its final agreement. On the assumption that the agreement follows the scope set out in the superseded Notice of Intention you should be aware the National Park Authority have already indicated as part of the Appeal process that the Appellants are not the owners of Drumkinnon Wood (believed to be owned by Scottish Enterprise) who would also have to be a party to this process if the improvement of the woodland which is seen as the main means of securing biodiversity enhancement in Mr Buylla's view.

Fundamentally, the process set out in the procedure notice for concluding a Section 75 Agreement is premature and inappropriate at this early stage, unreasonably diminishes the role of the National Park Authority, and strongly implies that the recall process has already predetermined the appeal. This severely expedited procedure has also been initiated at the beginning the school summer holiday period when some key staff

LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY

National Park Headquarters, Carrochan, Carrochan Road, Balloch, G83 8EG Long: 4°34'24"W Lat: 56°00'12"N
t: 01389 722600 f: 01389 722633 e: info@lochlomond-trossachs.org w: lochlomond-trossachs.org

Printed on paper sourced from certified sustainable forests.

members involved in the case are on leave.

Lack of Further Procedure during the Appeal

Given the scale and complexity of this planning case and the central role of numerous policies of NPF4 in determining it, I was very surprised and disappointed that Mr Buylla in his consideration of the Appeal did not decide to hold further procedure – namely hearings or inquiry sessions – on the key determining issues (e.g. Flood Risk, Woodland Impacts and Biodiversity Enhancement). This is particularly in circumstances where both the National Park Authority and the Appellants had asked for such further procedure. In my opinion, these matters which were and remain the subject of diverging expert opinion met the Reporter's Guidelines for the holding of hearing or inquiry sessions. No explanation was ever given by Mr Buylla for not holding these and at present there is no indication that the recall process will involve hearings or inquiry sessions.

Our examination of Mr Buylla's consideration of these matters in his Notice of Intention has led us to the view that the rationale for his conclusions is fundamentally flawed and in places contradictory. Such deficiencies could likely have been avoided by the holding of hearing or inquiry sessions. By way of some examples (and there are many more) in his consideration of flood risk Mr Buylla indicates that SEPA do not object – that is not factually accurate. On the one hand he agrees with the National Park Authority that flood risk is a matter of "first principle" and should not be backloaded yet on the other hand he seeks to do the opposite and "back-load" this into a planning condition that requires essential flood modelling to be undertaken at the post-decision stage. Surely as a matter of "first principle" this modelling should be undertaken prior to permission being granted and it was the National Park Authority's understanding that this was fully the intention that sat behind the relevant flood risk management policies of NPF4.

The approach that the National Park Authority adopted and continues to adopt aligns closely with a recent Ministerial decision dated 3.7.25 (NA-350-003) where Ministers have dismissed an application called in due to flooding matters not being addressed at first principle stage. The National Park Authority also disagree fundamentally with Mr Buylla's Assessment of woodland value and its extent - again this matter ought to have been fully considered in a hearing session before conclusions were drawn.

Finally, I also have concerns at the unfairly critical tone Mr Buylla has adopted in parts of his Report in describing the conclusions and conduct of planning and other officers from my organisation – in my view their professionalism is being questioned in an inappropriate manner by some of the language used by him. I would expect to see such references removed from any further reports that emerge from this process.

LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY

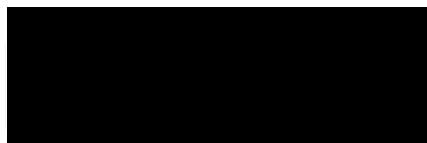
National Park Headquarters, Carrochan, Carrochan Road, Balloch, G83 8EG Long: 4°34'24"W Lat: 56°00'12"N
t: 01389 722600 f: 01389 722633 e: info@lochlomond-trossachs.org w: lochlomond-trossachs.org

Printed on paper sourced from certified sustainable forests.

In conclusion, the very unusual nature of the processes now being adopted to determine this appeal have left me with no option but to write to you outlining my significant concerns as to the procedure that Ministers have adopted since calling-in this matter for their determination. In particular, the National Park Authority considers that in the interests of fairness and natural justice a different Reporter should be appointed to consider this appeal afresh, and they should reconsider the merits of holding hearing/inquiry sessions into policy issues which are fundamental to determining this case and also allow proper discussion of appropriate planning conditions/planning agreement if required.

Given that the procedure notice is now in effect and the timetable is running, I look forward to hearing from you on these matters as a matter of urgency.

Yours sincerely



Gordon Watson MRTPI
Chief Executive

From: [REDACTED] [gov.scot](mailto:[REDACTED]@gov.scot)
To: [Gordon Watson](mailto:[REDACTED]@gov.scot)
Subject: RE: CEO Update: Lomond Banks Appeal - Recall by Scottish Ministers
Date: 11 June 2025 13:07:06

Thanks Gordon. Useful to see.

D

From: Gordon Watson <[\[REDACTED\]@lochlomond-trossachs.org](mailto:[REDACTED]@lochlomond-trossachs.org)>
Sent: 11 June 2025 12:54
To: Deputy Director Nature Division <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; Donald Henderson <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Subject: FW: CEO Update: Lomond Banks Appeal - Recall by Scottish Ministers
Importance: High

Note to Board for your reference

Gordon Watson
Chief Executive
Loch Lomond & The Trossachs National Park
Direct: 01389 [REDACTED]
www.lochlomond-trossachs.org
www.twitter.com/lomondtrossachs
www.facebook.com/lomondtrossachs

From: Gordon Watson <[\[REDACTED\]@lochlomond-trossachs.org](mailto:[REDACTED]@lochlomond-trossachs.org)>
Sent: 11 June 2025 12:53
To: Chris Spray (Staff) <[\[REDACTED\]@lochlomond-trossachs.org](mailto:[REDACTED]@lochlomond-trossachs.org)>; Claire Champan <[\[REDACTED\]@lochlomond-trossachs.org](mailto:[REDACTED]@lochlomond-trossachs.org)>; Colin Lee <[\[REDACTED\]@lochlomond-trossachs.org](mailto:[REDACTED]@lochlomond-trossachs.org)>; Iain Shonny Paterson <[\[REDACTED\]@lochlomond-trossachs.org](mailto:[REDACTED]@lochlomond-trossachs.org)>; David Fettes <[\[REDACTED\]@lochlomond-trossachs.org](mailto:[REDACTED]@lochlomond-trossachs.org)>; David Mackie <[\[REDACTED\]@lochlomond-trossachs.org](mailto:[REDACTED]@lochlomond-trossachs.org)>; Dick Johnson <[\[REDACTED\]@lochlomond-trossachs.org](mailto:[REDACTED]@lochlomond-trossachs.org)>; 'Gerry McGarvey' <[\[REDACTED\]@lochlomond-trossachs.org](mailto:[REDACTED]@lochlomond-trossachs.org)>; 'Hazel.Sorrell' <[\[REDACTED\]@lochlomond-trossachs.org](mailto:[REDACTED]@lochlomond-trossachs.org)>; Heather Reid <[\[REDACTED\]@lochlomond-trossachs.org](mailto:[REDACTED]@lochlomond-trossachs.org)>; James Messis <[\[REDACTED\]@lochlomond-trossachs.org](mailto:[REDACTED]@lochlomond-trossachs.org)>; Martin Earl <[\[REDACTED\]@lochlomond-trossachs.org](mailto:[REDACTED]@lochlomond-trossachs.org)>; Maurice Corry <[\[REDACTED\]@lochlomond-trossachs.org](mailto:[REDACTED]@lochlomond-trossachs.org)>; Rhona Brock <[\[REDACTED\]@lochlomond-trossachs.org](mailto:[REDACTED]@lochlomond-trossachs.org)>; Ronni Erskine <[\[REDACTED\]@lochlomond-trossachs.org](mailto:[REDACTED]@lochlomond-trossachs.org)>; Sarah Drummond <[\[REDACTED\]@lochlomond-trossachs.org](mailto:[REDACTED]@lochlomond-trossachs.org)>; Sid Perrie <[\[REDACTED\]@lochlomond-trossachs.org](mailto:[REDACTED]@lochlomond-trossachs.org)>; 'william.sinclair' <[\[REDACTED\]@lochlomond-trossachs.org](mailto:[REDACTED]@lochlomond-trossachs.org)>
Cc: <[\[REDACTED\]@lochlomond-trossachs.org](mailto:[REDACTED]@lochlomond-trossachs.org)>; Douglas Smith <[\[REDACTED\]@lochlomond-trossachs.org](mailto:[REDACTED]@lochlomond-trossachs.org)>; Caroline Strugnell <[\[REDACTED\]@lochlomond-trossachs.org](mailto:[REDACTED]@lochlomond-trossachs.org)>
Subject: CEO Update: Lomond Banks Appeal - Recall by Scottish Ministers
Importance: High

Good Afternoon

You may have picked up in the media that there has been a significant development in the Lomond Banks appeal case following our Board discussion on Monday 9th June. You will recall that officers then gave an update on the Scottish Government Reporter's Notice of Intention to allow the appeal and next steps. The Board resolved to note the intention to negotiate a Section 75 legal agreement with the Appellant on terms set out in the Notice of Intention.

Last night the Scottish government's Minister for Public Finance, Ivan McKee, announced **that he will recall the appeal** because *"the development raises issues of national significance in view of its potential impact on Loch Lomond and the Trossachs National Park. This means that the appeal should be determined at a national level."*

We have now received a notice of the Minister's Direction which gives effect to this recall. Dated 10th June, the Direction Notice states;

" The Scottish Ministers, in exercise of the powers conferred on them by paragraph 3(1) of Schedule 4 to the Town and Country Planning (Scotland) Act 1997, hereby direct that they will determine the above-mentioned appeal instead of a person appointed by them.

The reason for this Direction is because the proposed development raises issues of national significance in view of its potential impact on Loch Lomond and the Trossachs National Park."

The effect of this Notice is remove the jurisdiction over deciding the appeal from the originally appointed Reporter and return it to the Scottish Ministers. The notice can be read [here](#).

Please note that this means the Reporter's Notice of Intention report that he was minded to uphold the appeal and approve the application, and his direction to the National Park Authority to enter into a legal agreement with the applicants, no longer has force and will be replaced by future a notice or decision issued by Scottish Ministers. **We will therefore not now engage with the applicants on the legal agreement as advised on Monday.**

At this time we await further clarification as to what process Scottish Ministers wish to adopt to review the findings of the Notice of Intention Report. The timing of the recall by Ministers at this late stage of the process is unprecedented and therefore, the procedure from this point onwards is currently unclear. At this stage the Scottish Government have only stated that the reporter will produce a report and make recommendations in order for the final decision to be taken by Scottish Ministers. It is not possible at this point to put a timescale on this.

The main thing I want to emphasise to Board Members is that this new development means that **we are now reverting to officers participating in the appeal process and defending our original decision to refuse the planning application and we are no longer bound by the terms of the Notice of Intention report until a further decision is made by Scottish Ministers.**

You will have seen that there is intense media coverage of this development and we have prepared some holding lines confirming that we are ready to participate in any procedure Scottish Ministers deem appropriate. If approached by media please refer any inquiries to

[REDACTED] lochlomond-trossachs.org. As always please be cognisant of the Code of Conduct and avoid saying anything in public beyond the facts of the situation that could be prejudicial to future process.

I will of course keep Board members updated on any further clarity we receive in next steps in this process.

Best regards

Gordon

Gordon Watson
Chief Executive
Loch Lomond & The Trossachs National Park
Direct: 01389 [REDACTED]
www.lochlomond-trossachs.org
[www.twitter.com/lomondtrossachs](https://twitter.com/lomondtrossachs)
www.facebook.com/lomondtrossachs

The content of this email and any attachments is confidential and is subject to the terms of the National Park Authority's email disclaimer at <https://www.lochlomond-trossachs.org/disclaimer> and is intended only for the use of the individual or entity to which it is addressed.

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

From: [Gordon Watson](#)
To: [REDACTED] [gov.scot](#)
Subject: Re: Planning Appeal PPA-002-2021 - Lomond Banks Proposed Development, Balloch
Date: 18 August 2025 11:49:54

Hi Donald

I'm finished today's meetings and just at my desk catching up for the rest of the day.

Gordon

Sent from [Outlook for iOS](#)

From: [REDACTED] [gov.scot](#) <[REDACTED]@gov.scot>
Sent: Monday, August 18, 2025 10:50:40 AM
To: Gordon Watson <[REDACTED]@lochlomond-trossachs.org>
Subject: RE: Planning Appeal PPA-002-2021 - Lomond Banks Proposed Development, Balloch

Perhaps worth a word. What's your availability today/tomorrow?

From: Gordon Watson <[REDACTED]@lochlomond-trossachs.org>
Sent: 18 August 2025 10:25
To: Donald Henderson <[REDACTED]@gov.scot>
Subject: Fw: Planning Appeal PPA-002-2021 - Lomond Banks Proposed Development, Balloch

Morning Donald

[REDACTED]. Forwarding this on for your eyes [REDACTED].

Happy to discuss if you need any catch up on this.

Gordon

Sent from [Outlook for iOS](#)

From: Heather Reid <[REDACTED]@lochlomond-trossachs.org>
Sent: Thursday, August 14, 2025 9:41:22 AM
To: [REDACTED] [gov.scot](#) <[REDACTED]@gov.scot>
Cc: [REDACTED] [gov.scot](#) <[REDACTED]@gov.scot>; [REDACTED] [stirling.gov.uk](#) <[REDACTED]@stirling.gov.uk>
Subject: Planning Appeal PPA-002-2021 - Lomond Banks Proposed Development, Balloch

Dear Diarmuid,

Please find attached a letter sent on behalf of the Board of Loch Lomond and The Trossachs National Park Authority in respect of the above planning appeal.

Best wishes, Heather

Heather Reid
Convener

Loch Lomond & The Trossachs National Park

Direct: 01389 [REDACTED]

www.lochlomond-trossachs.org

www.twitter.com/lomondtrossachs

www.facebook.com/lomondtrossachs

The content of this email and any attachments is confidential and is subject to the terms of the National Park Authority's email disclaimer at <https://www.lochlomond-trossachs.org/disclaimer> and is intended only for the use of the individual or entity to which it is addressed.

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

From: [REDACTED] [gov.scot](mailto:[REDACTED]@gov.scot)
To: [Bob Cook](mailto:[REDACTED]@gov.scot)
Cc: [Gordon Watson](mailto:[REDACTED]@gov.scot); [Simon Jones](mailto:[REDACTED]@gov.scot); [Jane Cook](mailto:[REDACTED]@gov.scot)
Subject: RE: Update: Lomond Banks Appeal - Recall by Scottish Ministers
Date: 06 July 2025 17:22:40

Thanks Bob. Interesting.

D

From: Bob Cook <[\[REDACTED\]@lochlomond-trossachs.org](mailto:[REDACTED]@lochlomond-trossachs.org)>
Sent: 04 July 2025 16:07
To: Donald Henderson <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>
Cc: Gordon Watson <[\[REDACTED\]@lochlomond-trossachs.org](mailto:[REDACTED]@lochlomond-trossachs.org)>; Simon Jones
<[\[REDACTED\]@lochlomond-trossachs.org](mailto:[REDACTED]@lochlomond-trossachs.org)>; Jane Cook <[\[REDACTED\]@lochlomond-trossachs.org](mailto:[REDACTED]@lochlomond-trossachs.org)>
Subject: Update: Lomond Banks Appeal - Recall by Scottish Ministers

Hi Donald.

Gordon Watson has asked me to give you an update on this case - further to your last ee-mail exchange on the 11th June.

Today (Thursday 04 July) a 'Minute of Appointment' was issued on behalf of the Minister for Public Finance. This has appointed David Buylla (the original Reporter) and instructed him to request further submissions.

The appellant has been given until the 18 July to submit a copy of the draft planning obligation and any comments on it to the DPEA and copy the National Park Authority. Upon receipt, the National Park Authority will have 14 days to make any written submissions on the draft. The appellant will then be given 14 days to submit any observations on the National Park Authority's submissions. Once this process is complete, the reporter will finalise his report to Ministers, setting out his recommendation.

This latest development follows correspondence from our legal advisors (Anderson Strathern) to the Chief Planner, Dr Fiona Simpson on 18th June. This referred to earlier correspondence from the Appellant's legal advisor, Sandy Telford, to the Chief Planner on 16th June. Both letters, which have been published on the DPEA portal, made comment on the matter of further procedure.

Our legal team are currently digesting the Minute of Appointment and related correspondence. We anticipate media interest and are preparing some holding lines and we will be meeting with our legal advisors next week to discuss the matter.

You can read the correspondence at [Scottish Government - DPEA - Case Details](#)

Best regards

Bob Cook
Planning Manager - Delivery
Loch Lomond & The Trossachs National Park
www.lochlomond-trossachs.org
[www.twitter.com/lomondtrossachs](https://twitter.com/lomondtrossachs)
www.facebook.com/lomondtrossachs

The content of this email and any attachments is confidential and is subject to the terms of the National Park Authority's email disclaimer at <https://www.lochlomond-trossachs.org/disclaimer> and is intended only for the use of the individual or entity to which it is addressed.

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

From: [REDACTED] [gov.scot](mailto:[REDACTED]@gov.scot)
To: [Caroline Strugnell](mailto:Caroline.Strugnell@planningemail.gov.scot)
Cc: [planningemail - Loch Lomond](mailto:planningemail@lochlomond.gov.scot); [REDACTED] [andersonstrathern.co.uk](mailto:[REDACTED]@andersonstrathern.co.uk); [Stuart Mearns](mailto:Stuart.Mearns@lochlomond-trossachs.org); [Bob Cook](mailto:Bob.Cook@lochlomond-trossachs.org)
Subject: RE: PPA-002-2021 Further Written Submissions Received
Date: 21 August 2025 10:47:06

Dear Caroline,

Apologies, I confirm that the correct date is 29th August 2025.

Apologies for the confusion.

Kind regards

[REDACTED]

[REDACTED]

Case Officer
Planning and Environmental Appeals Division (DPEA)
Scottish Government

Ground Floor, Hadrian House, Callendar Business Park, Falkirk, FK1 1XR

Tel: [REDACTED]
Email: [REDACTED] [gov.scot](mailto:[REDACTED]@gov.scot)
DPEA Website: www.dpea.scotland.gov.uk
DPEA Twitter: [@DPEAScotland](https://twitter.com/DPEAScotland)

Fees for planning appeals were introduced on 9th June 2025. For more information, see [Planning and environmental appeals: forms and guidance - gov.scot](https://www.dpea.scotland.gov.uk/planning-and-environmental-appeals-forms-and-guidance) and [Planning Circular 3/2025 - Fees for Local Reviews and Appeals - gov.scot](https://www.dpea.scotland.gov.uk/planning-circular-3-2025-fees-for-local-reviews-and-appeals). For assistance in calculating your appeal fee, see the [Scottish Government's Planning Fee Calculator](https://www.dpea.scotland.gov.uk/scottish-government-planning-fee-calculator).

From: Caroline Strugnell <[REDACTED]@lochlomond-trossachs.org>
Sent: 21 August 2025 10:44
To: [REDACTED] <[REDACTED]@gov.scot>
Cc: [planningemail - Loch Lomond](mailto:planningemail@lochlomond.gov.scot) [REDACTED]@lochlomond-trossachs.org>; [REDACTED]@andersonstrathern.co.uk; Stuart Mearns <[REDACTED]@lochlomond-trossachs.org>; Bob Cook <[REDACTED]@lochlomond-trossachs.org>
Subject: Re: PPA-002-2021 Further Written Submissions Received

Dear [REDACTED]

We received two emails yesterday concerning the date for the deadline for the Appellant's response. The first had a date of 29 August which is consistent with earlier correspondence from the DPEA issued on 29 July which advised that the Appellant would have 14 days to respond. The second had a deadline of 29 September (below).

For the avoidance of doubt please could you clarify which is the correct date?

Regards
Caroline

Caroline Strugnell MRTPI
Senior Planner (Development Management)

Loch Lomond & The Trossachs National Park
Direct: 01389 [REDACTED]
www.lochlomond-trossachs.org

[REDACTED] You can best contact me via 01389 [REDACTED]
or [REDACTED] lochlomond-trossachs.org National Park Authority staff can reach
me via Teams.

For more information about our planning services please visit [Planning - Here. Now. All of us. - Loch Lomond & The Trossachs National Park \(lochlomond-trossachs.org\)](#).

Information on how to respect, protect and enjoy the National Park can be found in
our latest [advice to visitors](#).

From: [REDACTED] [gov.scot](mailto:[REDACTED]@gov.scot) <[REDACTED]@gov.scot>

Sent: 20 August 2025 15:49

To: [REDACTED] [andersonstrathern.co.uk](mailto:[REDACTED]@andersonstrathern.co.uk) <[REDACTED]@andersonstrathern.co.uk>; Caroline
Strugnell <[REDACTED]@lochlomond-trossachs.org>

Cc: planningemail - Loch Lomond [REDACTED] lochlomond-trossachs.org>

Subject: PPA-002-2021 Further Written Submissions Received

Good afternoon,

It has come to my attention that there is an error regarding the date for the
appellant to respond to the authority's comments in the attached correspondence.
I confirm that the date for providing any response to the authority's comments
should be 29th September and not 3rd September. Apologies for any
inconvenience caused.

Kind regards

[REDACTED]

[REDACTED]

Case Officer
Planning and Environmental Appeals Division (DPEA)
Scottish Government

Ground Floor, Hadrian House, Callendar Business Park, Falkirk, FK1 1XR

Tel: [REDACTED]
Email: [REDACTED] [gov.scot](mailto:[REDACTED]@gov.scot)
DPEA Website: www.dpea.scotland.gov.uk
DPEA Twitter: [@DPEAScotland](https://twitter.com/DPEAScotland)

Fees for planning appeals were introduced on 9th June 2025. For more
information, see [Planning and environmental appeals: forms and guidance -](#)

[gov.scot](#) and [Planning Circular 3/2025 - Fees for Local Reviews and Appeals - gov.scot](#). For assistance in calculating your appeal fee, see the [Scottish Government's Planning Fee Calculator](#).

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

The content of this email and any attachments is confidential and is subject to the terms of the National Park Authority's email disclaimer at <https://www.lochlomond-trossachs.org/disclaimer> and is intended only for the use of the individual or entity to which it is addressed.

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

BY EMAIL

Dr Fiona Simpson
Chief Planner
Planning, Architecture and Regeneration Division
Scottish Government

E [REDACTED]@andersonstrathern.co.uk

OUR REF LOC6000.0120/CUD

YOUR REF

18 June 2025

Dear Dr Simpson

**Loch Lomond and the Trossachs National Park Authority
Flamingo Land Limited
Planning Appeal Ref. PPA-002-2021
Land at Pier Road, Ben Lomond Way and Old Luss Road known as West Riverside and
Woodbank House, Balloch
Scottish Ministers Call-in Direction is respect of appeal dated 10 June 2025**

We refer to the above. We act for the Loch Lomond and the Trossachs National Park Authority (the "Park Authority") in this matter. We note the terms of the letter dated 16 June 2025 sent on behalf of the Appellant in the above matter by Mr Sandy Telfer, Gillespie Macandrew. The Park Authority responds as below.

Status of Notice of Intention

We refer to Paragraph 3(7) of Schedule 4 to the Town and Country Planning (Scotland) Act 1997 (the "1997 Act"). This states as below:

3(7) In determining the appeal the Secretary of State may take into account any report made to him by any person previously appointed to determine it.

The Park Authority therefore does not share the Appellant's understanding that Mr David Buylla's Notice of Intention shall be treated as a recommendation to the Minister.

Pursuant to Paragraph 3(7) quoted above, the Park Authority's position is that the Minister is not bound to follow the Reporter's Notice of Intention.

Further procedure

The Park Authority has written to the Appellant stating that it will wait for a procedure notice to be issued by the Minister before engaging further. This remains the Park Authority's position.

The Park Authority disagrees with the conclusions of the Appellant in their letter dated 16 June 2025 that an example section 75 agreement be drafted at this time. The Park Authority observes that the Appellant's letter is silent on the Park Authority being party to producing this example section 75 agreement and we would caution against such an approach.

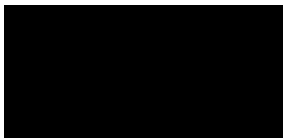
In terms of further procedure, and pursuant to Paragraph 3(7) quoted above, the Park Authority restates the position that it adopted in its response to this appeal. Please see page 31 of the Park Authority's response to the appeal in this regard, which we have copied as an annex to this letter.

In short, the Park Authority considers that matters relating to Development Plan Policy, Flood Risk, Biodiversity, Trees and Woodlands, and draft Conditions/S75 Heads of Terms should be dealt with by hearing sessions. This is broadly consistent with the Appellant's suggested further procedure made via the Appellant's appeal form.

The Park Authority's firm position remains that hearings into relevant matters should form part of any further procedure to be appointed by the Minister. No doubt the Minister is giving careful consideration as to further procedure that may differ from the procedure adopted thus far. In the event that the Minister, or a reporter appointed to report to the Minister, decides not to hold hearings into various relevant matters, the Park Authority would welcome detailed reasoning not to appoint such further procedure.

We look forward to hearing from the Minister with a procedure notice in due course.

Yours sincerely

A solid black rectangular box used to redact the signature of the partner at Anderson Strathern LLP.

Partner
Anderson Strathern LLP

Annex

8. Appeal Procedure

8.1. With regard to the appropriate appeal procedures the National Park Authority agree with the Appellant that the Reporter would benefit from a site visit and that it would be important for the Reporter to undertake a site visit accompanied by the representatives of the principal parties to the Appeal.

8.2. The National Park Authority do not consider that it is necessary to have Inquiry Sessions on Flood Risk, Biodiversity and Trees and Woodland and it contends that these matters can be properly addressed to the Reporters satisfaction through Hearing Sessions. Third parties who may wish to participate may also find Hearing Sessions a more acceptable procedure.

8.3. The National Park Authority consider it would benefit the Reporter's understanding of the issues if formal Hearing Sessions were be held under The Town and Country Planning (Appeals) (Scotland) Regulations 2013 (in this order) on the following topics- it is important to consider the development plan policy context first: -

1. Development Plan Policy focussing on the determining policies that consider flood risk, biodiversity and trees and woodlands but also on other relevant policies referred to in the Decision Notice.
2. Flood risk.
3. Biodiversity.
4. Trees and Woodlands.
5. Draft Conditions and the heads of terms for any s75 Planning Obligation.

8.4. The National Park Authority is content for matters in relation to the National Park Plan and its statutory aims under the 2000 Act (as also enshrined in LOP Overarching Policy 1) to be addressed if the Reporter considers it necessary by way of further written information procedure.

8.5. The National Park Authority also consider that it is important for the Reporter to hold an online Pre-Examination meeting in due course to ensure that all of the parties, including likely large numbers of interested parties, are left in no doubt as to what is required of them in terms of further procedure.