



# Appeal Decision Update Appeal PPA-002-2021 Mixed-use leisure and tourism development, West Riverside and Woodbank House, Balloch Planning Application 2022/0157/PPP

Late Paper

National Park Authority Board Meeting  
09 March 2026

Paper for Noting

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## 1. Purpose

1.1. The purpose of this Report is to provide an update on the Appeal of Planning Application 2022/0157/PPP for a mixed-use tourism and leisure development at West Riverside and Woodbank House, Balloch. The National Park Authority Board refused planning permission at a Special Board Meeting on the 16 September 2024, following a site visit and hearing.

1.2. Members will be aware that following a Notice of Intention to allow the appeal issued on 16 May 2025 by a Reporter on behalf of the Scottish Ministers, the Scottish Ministers then recalled the appeal in June 2025 as the proposal raised issues of national significance in view of its potential impact on the National Park. The Scottish Ministers have now issued their decision to dismiss the appeal and refuse planning permission in principle in a Decision Notice issued on 24 February 2026. This Report provides a factual update on the Appeal decision and next steps in the process.

1.3. A copy of the Decision Notice can be viewed on the Scottish Government's Planning and Environmental Appeals Division's website: [Scottish Government - DPEA - Case Details](#) (DPEA ref. PPA-002-2021).

## 2. Recommendation(s)

2.1. That Members **note** the content of this Report.

## 3. Background

3.1. The National Park Authority Board's decision on 16 September 2024 was to refuse the application for planning permission in principle by Flamingo Land Ltd for the erection and operation of a mixed-use tourism and leisure development including refurbished tourist information building; up to 60-bedroom apartment hotel; up to 32-bedspace budget hotel, up to 104 no. self-catering holiday lodges; restoration and redevelopment / conversion of Woodbank House and attendant listed structures for up to 21 self-catering holiday apartments; leisure pool, waterpark, spa; restaurants, hot food cafe and retail areas; craft brewery including pub; visitor reception area and hub building; external activity areas including areas for event and performance, play, picnic and barbeque; monorail; transport infrastructure; associated access and parking; landscaping and utilities infrastructure works at Pier Road, Ben Lomond way and Old Luss Road (known as West Riverside and Woodbank House) (ref. 2022/0157/PPP).

3.2. Flamingo Land Ltd ("the Appellant") appealed the decision to the Scottish Government Planning and Appeals Division (DPEA) on 20 December 2024. A Notice of Intention to allow the appeal was issued by a Scottish Government appointed Reporter on 16 May 2025 following which the Scottish Ministers recalled the appeal on 10 June 2025 for their own determination. On 24 February 2026 Scottish Ministers confirmed their decision to dismiss the appeal and refuse planning permission in principle.

3.3. The Decision Notice from the Scottish Ministers sets out where they agree or disagree with the Reporter's conclusions as well as the overall reasoning for dismissing the appeal against the Reporter's recommendation. This confirms the Scottish Ministers do not agree with the Reporter's conclusions principally in respect of flood risk and woodland impacts. In summary, the reasons for dismissing the appeal are as follows:

- In the absence of the detailed flood modelling and assessment steps highlighted by SEPA, the Scottish Ministers are not satisfied that all relevant flood risks are sufficiently understood or addressed, and the

proposed development has not demonstrated that long-term safety and resilience can be secured in accordance with relevant SEPA advice, as expected by NPF4 Policy 22(a)(iv).

- There is uncertainty regarding the precise quantum and location of woodland loss and compensatory planting. Given these uncertainties, and the expectation in Policy 6(c) for compensatory planting to be secured where woodland is removed, the Scottish Ministers disagree with the Reporter and consider that this element of NPF4 Policy 6(c) cannot be considered as sufficiently satisfied.
- The permanent loss of ancient woodland and uncertainty over further woodland impacts weigh against the first National Park Aim (to conserve and enhance the natural and cultural heritage of the area) and the lack of certainty on flood safety and resilience weighs against the second National Park Aim (to promote the sustainable use of the natural resources of the area).

3.4. Members may recall that the planning application was refused by The National Park Authority Board due to flood risk and woodland impacts, including associated lack of compensation planting to deliver demonstrable biodiversity enhancement. The Scottish Ministers' position similarly reflects uncertainty regarding the quantum of woodland loss and the adequacy of corresponding compensatory planting, as well as unresolved concerns relating to flood risk.

#### **4. Status of the Decision**

4.1. Following the refusal of planning permission, there is a statutory period of 6 weeks from the date of the decision notice for any person aggrieved to challenge the Scottish Ministers' decision via a statutory appeal to the Inner House Court of Session. Any such challenge would be brought against the Scottish Ministers and not the National Park Authority, although the National Park Authority may be named as an interested party. The deadline for lodging any such challenge is 06 April 2026. This is a hard deadline after which there is no further right of appeal.

4.2. A statutory appeal is not an appeal on the merits of a decision but rather a review by the Court of the lawfulness of a particular decision and there must be appropriate legal grounds to challenge a decision. If such a statutory appeal is instigated, the Court will review the legality of the decision and the process by which it was reached. Importantly, the Court cannot substitute its own decision in place of that of the Ministers. The Court only has two options: (i) to dismiss the appeal and uphold the decision, or (ii) to uphold the appeal and quash the decision. If the

decision is quashed, then the matter reverts to being a planning appeal and returns to Ministers to be determined over again.

4.3. The National Park Authority will be served notice within approximately two weeks of the lodging of the statutory appeal if it is named as an interested party in any statutory appeal. Once a statutory appeal is lodged, the Court must give permission for service on the Scottish Ministers and interested parties. This usually takes around one week. Service would then follow. A decision would then need to be made whether to participate.

## **5. Next steps**

5.1. The Board will be kept up to date with any developments.

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