

## Transport Scotland's deal with Flamingo Land promises only car chaos for Balloch

### Description



Traffic viewed from above the A82 on the north side of the Stonymollan roundabout on the morning of 30th March, Easter Saturday but not particularly good weather. The A811, which leads to Balloch, is the first exit. Photo credit Parkswatch reader.

On 6th March “Lomond Banks”, the brand name Flamingo Land uses at Balloch, issued a news release ([copy here](#)) announcing it had finalised a Section 48 agreement [under the Roads (Scotland) Act 1984] with Transport Scotland under which it would pay for an upgrade to the Stoneymollan roundabout on the A82 should its planning application be approved. Transport Scotland’s name and logo are missing from the news release and they were not quoted either. To have done so might have drawn attention to what role they had played in this process and prompted questions.

I searched in vain for information about this on the Loch Lomond and Trossachs National Park Authority (LLTNPA) planning portal until, five weeks later, they published ([see here](#)) the following on their website tucked away under “major applications” where few are likely to see it:

### Update 11<sup>th</sup> April 2024

There has been ongoing consultation in recent months with SEPA and West Dunbartonshire Council Roads Authority, who are statutory consultees for this planning application. Having received further advice from these consultees in recent days we are now in a position to publish an updated package of information principally related to flooding and traffic matters. This is now available to view on the [public planning portal](#) (under application ref. 2022/0157/PPP).

To assist the public in finding and viewing the additional information, a list of the documentation is provided below. Please note that documents are listed on the planning portal in order of date received so not all documents are at the top of the list.

#### New documents:

Lomond Promise Unilateral Voluntary Undertaking  
Traffic Survey Technical Note  
Traffic Survey Technical Note – Junction Analysis  
Active & Sustainable Travel Technical Note  
Stantec Information Note to SEPA Consultation Response  
Summer Traffic Assessment 2023  
Letter of Undertaking – Transport Scotland (dated 10 Oct 23)  
Letter of Undertaking – Flamingo Land (dated 12 June 2023)  
Ecology Re-validation Survey November 2023  
Stantec Information Note 05 11 23  
Stantec Information Note 05 11 23 Appendix A  
Transport Technical Note – Feb 24

There was no general news release to alert the public to this important in a planning application that has been stalled for over a year now

The update shows that the reason it has been so difficult to find information relating to the Section 48 Agreement over the last few weeks is that the LLTNPA has been holding it back and also why it is still so difficult to find: the publication date, which automatically sorts information on the planning portal, has been backdated to the day the information was received rather than 11th April when it was actually made public. To add to the confusion the Letter of Undertaking from Flamingo Land to Transport Scotland, dated 12th June 2023 (see above), is shown as appearing on 10th November, presumably the date it was passed on to the LLTNPA.

This falsification of the public record serves to cover up the fact that the LLTNPA has been withholding information for months, depriving the public of the opportunity to comment. Moreover it strongly suggests LLTNPA staff have been party to some of the discussions that have led to the Section 48

Agreement, raising further questions about their “neutrality”.

The Section 48 Agreement itself has still not been published on the LLTNPA’s planning portal despite one its clauses (F) stating that “the Developer has advised the Planning Authority”. I know this because there are copies circulating in the local community ([copy here](#)).

## **Transport Scotland’s Section 48 Agreement with Flamingo Land**

Key elements of the agreement are that:

- *“the Roads Authority [i.e Transport Scotland] has been examining a potential solution to alleviate the Queuing Problem and has estimated the cost of delivering such solution to be in the region of ONE HUNDRED AND FIFTEEN THOUSAND POUNDS (£115,000) STERLING”;*
- Flamingo Land has agreed to pay this sum of £115k (and it is “roads” inflation proofed);
- that Transport Scotland must carry out the works within five years of any planning permission being granted. This could mean the promised improvement won’t take place until AFTER construction of the resort is complete

There is no description of the proposed works or map included in the Section 48 Agreement and none have been lodged on the LLTNPA’s planning portal making it impossible to tell what improvements are planned or to be able to comment on them.

What is clear is that road improvements are costly and Transport Scotland won’t be able to do much for £115k.

## **Reasons for and implications of the Section 48 Agreement -Transport Scotland**

As I explained 14 months ago ([see here](#)) both Transport Scotland and West Dunbartonshire Council’s roads department had been involved in and implicitly endorsed all the traffic assessments undertaken as part of Flamingo Land’s new planning application. Neither expressed any concerns about the traffic and parking implications of the proposed development. Local residents, visitors to Balloch and anyone who has tried driving the A82 at busy periods knew differently (photo above).

The local MSP, Jackie Baillie, picked up on this and it appears from Flamingo Land’s letter of undertaking that she helped prompt Transport Scotland into a re-think:

*When TS’ consultation response is considered in the light of the concerns raised by Ms Baillie MSP, it is as the Company’s development is concerned, the delivery of one of the potential solutions to the queuing at the Roundabout that the Company understands that TS is considering putting in place, can be described in terms as “desirable but not essential.”*

TS = Transport Scotland

What is clear now, however, was that re-think has been extremely superficial with both Transport Scotland and Flamingo Land maintaining improvements to the Stoney-mollan junction were “desirable

not essential". That is despite Flamingo Land upping their own estimated traffic impact to show as many as 253 vehicles during rush hour – that is one vehicle every 14 seconds.

This limited approach is demonstrated by the "Transport Technical Note" undertaken by Stantec, which was published on the planning portal in February and which reached the following conclusions:

*"The results of the traffic assessment therefore shows that there would be a minimal traffic impact on the operation of Stoneymollan Roundabout junction with the addition of development traffic [i.e from Flamingo Land] and the junction will operate within capacity during all peak hours assessed."*

AND

*"In conclusion, as evidenced in the submitted TA and summer traffic assessment, the proposed development will again not have a material traffic impact on the operation of either the existing Stoneymollan and A811/Luss Road/Old Luss Road roundabout junctions"*

The traffic planners therefore continue to see "material traffic impact" in extremely narrow terms and that means the only reason for the Section 48 Agreement is Transport Scotland wanted to alleviate concerns in the local community in order to pave the way for the planning application being passed. There is no evidence to suggest that that was Jackie Baillie's intention when she intervened on behalf of the local community but that has been the outcome.

The significance of the Section 48 Agreement is not that it will change much but that it provides a tacit admission that Transport Scotland's whole approach to traffic and roads capacity is wrong and the local community were justified in their concerns. While Transport Scotland may believe long queues of traffic are acceptable, anyone who has been stuck in queues in Balloch or on the A82 on a sunny bank holiday weekend knows it makes no sense at all to build a development that will bring yet more traffic to the area.

**MINUTE OF AGREEMENT**

**BETWEEN**

**THE SCOTTISH MINISTERS**

**AND**

**FLAMINGO LAND LIMITED**

The front page of the agreement shows it has been endorsed at the highest level. This raises important questions about the Scottish Government's role in the planning system. If the Transport Minister can use their powers to reach an agreement which appears designed to persuade the local community to accept increased traffic in Balloch, presumably the Minister for National Parks is equally free to use her powers to prohibit any of the land owned or leased by the LLTNPA in Balloch being used for purposes that might increase traffic levels and make it more difficult, for example, for boat users to access the Duncan Mills slipway at the pierhead (the one remaining public slipway on Loch Lomond).

The Scottish Government cannot have it both ways: either every Minister except the planning minister (who determines appeals) is free to take action to support or block a development or they are not.

**West Dumbarton Roads response to the planning application**





Balloch Rd roundabout, the last before entering the proposed Flamingo Land development area, Sunday 30th March. Photo credit Parkswatch reader “traffic wasn’t too bad”.

West Dumbartonshire Council (WDC), is responsible for the other roads and parking in the Balloch area and has rejected the conclusion (see above) that the Ballochloan roundabout could cope with the additional traffic attracted by the development. While the technical report accept that Flamingo Land would create more queues it argued that because “at no point will the queue [from the Ballochloan roundabout] extend back to the Stoneymollan roundabout junction” – creating further traffic chaos on the A82 – no improvement to the Ballochloan roundabout was needed. WDC has used information from Stantec’s technical report to reach the opposite conclusion:

*“the A811 (W) approach [is] operating at 1.13 RFC [Rate of Flow Over Capacity] which is well above the theoretical capacity of 0.85 RFC. The junction modelling shows that the junction is currently operating over capacity and that mitigation on the A811W approach is required to improve junction performance.”*

This represents a significant reversal of WDC’s initial response to the planning application about the impact of traffic attracted by the proposed development on Balloch and goes further than Transport Scotland in stating that traffic will be over design limits – at one particular spot. Its response

recommends that a new slip road be created between the A811 West and the Old Luss Road and that this should be implemented by means of a planning condition, rather than a Section 48 Agreement.



Annotated graphic, map courtesy of Open Street Map, showing the roundabouts, with the red lines crudely illustrating the main access routes to the proposed development. In the hundreds of pages of traffic assessment I have found nothing showing this let alone what will happen when people driving the proposed development get lost, want to drive round the village to explore or visit shops etc.

The WDC's reversal of its position is, however, based on technicalities and limited to capacity issues at just one junction not an assessment of the wider impact that increased traffic might have on local amenity. Indeed had the LLTNPA – as a result of public pressure and Jackie Baillie's intervention – not asked Flamingo Land to undertake a further traffic assessment it appears likely WDC would not have made any further comment on the development from a roads perspective. A good illustration of this is that it has made no comment on the traffic implications for the Balloch Rd roundabout – which provides the main vehicle access point to Lomond Shores and to the proposed development – because that is not included in Stantec's Technical Note.





Traffic at the Balloch roundabout Easter Sunday – “traffic was not bad that weekend”. Photo Credit Parkswatch reader.

Despite acknowledging that “It is widely known that the summer season, good weather weekends and local events can increase traffic significantly on the A82, A811 and the local roads, all to the detriment of the local area” the Council in its response raises no objection to this being made worse. It is as if to WDC all the policies in National Planning Framework 4 about the importance of place, reducing carbon emissions, encouraging used by public transport don’t exist.

As a final twist, in June 2019 WDC unanimously agreed to object to the original Flamingo Land planning application even though their roads department had raised no concerns about traffic levels. Now, however, even though WDC formally accepts the increase in traffic will be to detriment of the area, its officers are recommending to councillors they should back the development. No wonder there is uproar in the local community and they are asking people to protest at the WDC meeting next Wednesday ([see here](#)).



## What needs to happen

Transport Scotland's Section 48 Agreement and the response by WDC to Flamingo Land's traffic assessments epitomise the extremely narrow approach that roads authorities take to the impact of traffic on people and the environment. Their primary concern continues to be traffic flow (and road safety) and they appear to have made no changes to this despite all the other policy talk about the need for greener transport and greener places. With Roads Authorities failing to change their practice, it is little wonder that the Scottish Government had to abandon their targets for achieving reductions in carbon emissions last week. Targets just don't magically happen and will never be met unless public authorities change what they do.

Whether targets exist or not, if we are to address the climate and nature emergencies our roads and planning authorities should stop facilitating developments that will generate increased traffic. Unfortunately, Transport Scotland, WDC and the LLTNPA appear to be doing the opposite at Balloch when what they should be doing is developing better public transport.

The LLTNPA now needs to set an example as a National Park and rectify these traffic and parking failures. As a start it should address flaws in the planning process to date, including:

- \* committing publicly to publishing any further documents it receives relating to the Flamingo Land application timeously and stop acting in ways that favour the developer as it is doing at present;
- \* requiring Transport Scotland to submit full plans of what it intends to do at the Stoney-mollan roundabout together with an explanation of what the "improvements" will achieve;
- \* conducting its own assessment of the impact that increased traffic on local amenity, including parking, given WDC's failure to do so and publish these in time for the public to comment BEFORE it refers the application to the Board for a decision.

### Category

1. Loch Lomond and Trossachs

### Tags

1. flamingo land
2. LLTNPA
3. planning
4. Transport Scotland

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