



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

FOI 2023-028
15th February 2024

Dear

REQUEST UNDER FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

We refer to your request for information, received by email on 17th December 2023. Your specific requests and the Park Authority's response are provided below.

"I've been going through the documents for the Cononish Gold Mine published on the public access portal and could only find the Planning Audit Reports up to 26 April and non-material variations to the planning permission but nothing on what has been approved in accordance with planning condition requirements. Appendix 1 to the Annual Report considered by the Planning and Access Committee at its meeting on 30 October has two drawings, 'Development Mine Site Hydrology' dated 25.11.20 and 'Peat Management Plan Habitat Enhancement Areas' dated 24.08.20, that are also not on the portal and should be as these presumably form part of the currently approved scheme of working and restoration. All such documentation should be available to view and I'd be grateful if these could be added to the portal as soon as possible so we know what has and has not planning consent.

The omission of the approved Construction Environmental Management Plan that planning condition 16 requires prior to the commencement of the development is particularly concerning as this should include Construction Method Statements for the Tailings Storage Facility stacks, settlement pond and all other surface workings, as well as the Turf Management Plan (condition 28) and Peat Management Plan (condition 23) with the Dust Management Plan (condition 42), Noise Management Plan (condition 41) and Traffic Management Plan (condition 20) also a requirement. Condition 29 also requires a restoration plan for each tailings stack to be approved prior to the stripping of vegetation with condition 32 requiring the approval of a Decommissioning and Final Restoration Plan prior to the commencement of any development.

Condition 39 also requires the prior approval of a Groundwater and Surface Water Flow Monitoring Plan and is another concerning omission. To comply with condition 38 updated topographic Monitoring Surveys should have been provided to the NPA at no

LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY

1

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more than twelve month intervals to include the extent of underground workings, extent of the tailings stacks, the volume and achieved density of the tailings in each of the stacks, total extent of disturbed land and the volume of barren rock and I would be pleased to see digital copies if these are not considered to be part of the approved scheme of working and restoration and not to be published on the portal.

Although condition 50 requires extractive waste to be managed in accordance with the Waste Management Plan received on 24 October 2017, it is understood that this has since been updated and is no longer the approved version. A review of the WMP is also required by condition 52 every five years or in the event of specified substantial changes and should have been undertaken by now. Again, the latest version forms part of the approved scheme of working and restoration and should be available to view on the portal.

Mention is made in Planning Audit Reports of Peat Management Plan v6 being approved in March 2021 and the submission of peat management proposals for Habitat Enhancement Areas 2 and 3 in August 2022 but it is not clear if these are the latest versions or are included in revised planning condition documents. Either way, these should be available to view on the portal to properly understand what has been going on.

We do not routinely publish post-decision correspondence and documents on the portal. This is standard practice and is due to the volume of information/documents and the associated administrative tasks which would be required. These documents are available however and will be provided in our response email.

The Planning Audit Reports also refer to a 'Winterisation Plan' intended to deal with the "increased leak" from the settlement pond in October 2021, a 'Protecting the Environment and Improvement Action Plan; Water Protection & Hydrocarbon Control' produced in February 2022 and 'Revised Tailings Placement and Testing Procedures' prepared in response to "out of spec tailings" in April 2022. As with the 'monitoring surveys', if not considered to be part of the approved scheme of working and published on the portal, I'd be pleased to have sight of these.

The Planning Audit Report from October 2021 includes a note under condition 16 (of a meeting on 8 September 2021) which states "SGZ to provide a Winterisation Plan to deal with increased." This sentence isn't complete due to error. The next sentence refers to the leak from the settlement pond. It is clarified that the two sentences are not linked. The Winterisation Plan is separate to the leak from the pond matter. The Winterisation Plan is not a specific document which was produced and therefore cannot be provided. A Winterisation Plan in this context refers to planning proactive actions for the winter weather conditions such as increased rainfall.

In terms of the documents, for all planning applications we publish information during the consideration of the planning application, such as documents and consultee responses, however we do not routinely publish information on a planning application once the application has been determined. There is no statutory/legislative requirement for Planning Authority's to publish information on planning conditions and post-decision monitoring, so this information is

not on the portal, as you have identified. This is in line with our publication and retention schedule.

We can however provide the requested reports to you, and I have attached them by email.

The last published Planning Audit Report is dated 26.04.23 with the next one expected in early June and, given the six month delay in publishing these, should have appeared on the portal by now. Could you please also confirm when the next report is to be published and the dates of subsequent Planning Audit Reports that have been produced. The six month delay has always seemed to me arbitrary and, particularly given that the mine is no longer operating, there is no reason why publication should not happen as soon as reports are produced. It is in the public interest to do so.

The following site visits have been undertaken and the dates the reports will be published online, are as follows: (6 months from date of site visit)

<u>Site Visit</u>	<u>Report published</u>
20 June 2023	20 December 2023
23 August 2023	23 February 2024
24 October 2023	24 April 2024
8 December 2023	8 June 2024

I would hope that it is accepted that most of the information requested should be added to the portal to provide a clear picture of the currently approved scheme of working and restoration but in case not please accept this email in accordance with the provisions of the Freedom of Information Act and/ or Environmental Information Regulations.”

Provided by email as requested.

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

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2002, whichever is the later.

- address your review request to:

Information Manager
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National Park Headquarters
Carrochan
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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
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