



EIR Ref:2018/042

23 January 2019

REQUEST UNDER ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004

We refer to your request for information, received by email on 20th December 2018. The information you have requested is environmental information, as defined in Regulation 2 of the Environmental Information (Scotland) Regulations 2004 (EIRs). The Park Authority has an obligation to deal with your request under the EIRs and an option to also deal with your request under the Freedom of Information (Scotland) Act 2002 (FOISA), unless the public interest lies in dealing with your request solely under the EIRs. We consider that the public interest in dealing with your request solely under the EIRs outweighs the public interest in also dealing with your request under FOISA, on the basis that the public interest is not served by duplicating consideration of your request under both regimes. We have therefore applied the exemption in section 39(2) of FOISA and dealt with your request under the EIRs alone.

Your specific request and the response from the National Park Authority are provided below.

“I write to make an EIR request for access to three recent documents associated with the Cononish gold mine application (ref. 2017/0254/MIN).

1) an email with an attached copy of the section 75 legal agreement (the section 75 legal agreement is already public on the file as a pdf document).

The Section 75 Agreement is already publically available via our online planning portal which is available at: <https://eplanning.lochlomond-trossachs.org/OnlinePlanning/?agree=0>
We can therefore advise under R6(1)(b) of the EIRs that this information is already publically available and easily accessible.

2 & 3) “The other two documents were related to the discharge of planning conditions documentation (specifically the documents approved under condition 32

‘Decommissioning and Restoration Plan’

This document is attached.

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

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Appendix 10 of Condition 16 'Peat Management Plan')."

This document is attached. Some information has been redacted, namely the signature of the author of the report. This information has been withheld from release under Regulation 11(2) of the EIRs as the signature is personal data of which the requester is not the data subject.

The release of this information would contravene the second and sixth Data Protection Principles as it was gathered for one specific purpose and has been processed in accordance with the rights of the individuals concerned.

Therefore the disclosure of this information, which is not the personal data of the requester, would contravene the Data Protection Act 2018. This means that there is no requirement to consider the public interest in the disclosure of this information.

Yours sincerely

Governance & Legal Team
Loch Lomond & The Trossachs National Park Authority

Appendices available on request

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:

Governance & Legal Team
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.

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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

Online appeal portal: www.itspublicknowledge.info/Appeal

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