



FOI Ref: 2015-056

24<sup>th</sup> November 2015

### **REQUEST UNDER FREEDOM OF INFORMATION (SCOTLAND) ACT 2002**

Thank you for your request for information under the Freedom of Information (Scotland) Act 2002, received by email on 17<sup>th</sup> November 2015. Your specific requests and the relevant information held by the Park Authority are provided below.

**"I am trying to locate/ access the minutes of the Special Park Authority Board meeting held on the 25<sup>th</sup> October 2014."**

You are correct in identifying that there are no published minutes of the October 2011 Special Board meeting that considered the Cononish goldmine planning application. The minutes were not formally presented nor approved at the subsequent Board meeting due to an administrative oversight.

This oversight was discovered in November 2014 as part of the process of considering the revised application which was being presented at the Special Board meeting arranged for January 2015. The decision senior officers took was that due to the delay (over 3 years), the unanimous decision of the Board to approve the decision as recommended by officers and the fact the decision was taken in the view of a significant public hearing, there was little merit in seeking approval of these historic minutes. The absence of an approved minute did not affect the planning decision that was subsequently issued.

Yours sincerely

Information Officer

[info@lochlomond-trossachs.org](mailto:info@lochlomond-trossachs.org)

### Review Procedure

#### **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](mailto:info@lochlomond-trossachs.org) w: [lochlomond-trossachs.org](http://lochlomond-trossachs.org)

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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 the Director of Corporate Services:

Jaki Carnegie  
Loch Lomond & The Trossachs National Park Authority  
National Park Headquarters  
Carrochan  
Carrochan Road  
Balloch  
G83 8EG  
E-mail: [info@lochlomond-trossachs.org](mailto: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](http://www.itspublicknowledge.info)  
E-mail: [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)

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## LOCH LOMOND AND THE TROSSACHS NATIONAL PARK AUTHORITY

### MINUTES OF MEETING 04/2011

#### HELD IN THE CRIANLARICH VILLAGE HALL, CRIANLARICH

ON 25<sup>th</sup> OCTOBER 2011 AT 10AM

Present:	Linda McKay (Convener) Owen McKee Craig McLaughlin Angus Allan David McKenzie Bob Ellis Lindsay Morrison Kate Sankey	Colin Bayes William Nisbet Fergus Wood David McCowan David Warnock Ron Simon Anthony Ffinch Petra Biberbach
In Attendance:	Gordon Watson Catherine Stewart	David Cameron Nicola Arnott

#### 1. Welcome

The Convener opened the meeting and welcomed all those present and in attendance at the meeting.

#### 2. Apologies

Apologies were received from William Petrie.

#### 3. Declarations of Interest

Bob Ellis declared a non-pecuniary interest as a member of the Mountaineering Council for Scotland and confirmed that he took no part in the objection submitted. David Warnock declared a non-pecuniary interest as a member of the Scottish Campaign for National Parks and confirmed that he took no part in the objection submitted. Kate Sankey declared a non-pecuniary interest as a member of Friends of Loch Lomond and The Trossachs and confirmed that she took no part in the objection submitted. The Convener advised that these declarations did not preclude any Member from taking part in today's proceedings.

#### 4. NPAPC/10/2011/01 – 2011/0166/MIN - Cononish Glen, Cononish Road, Tyndrum

The Convener gave an overview of the proceedings and advised that the Director of Planning would make his presentation, which would be followed by a presentation from the applicant, then presentations from objectors and supporters. The Convener noted that the Board has previously agreed to hold a Hearing prior to the determination of the application. It was also noted that the decision would be made

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with the Standing Orders of the Planning and Access Committee. The Convener asked the other Members if they therefore agreed to suspend Standing Orders to allow the Hearing to proceed. This was agreed by general consensus. A note of the Hearing is attached as Appendix 1.

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The NPA Board reconvened and Standing Orders were resumed.

The Convener confirmed there would be no opportunity for the public to engage with the Board during the session. The Convener stated the recommendations of the report and invited questions and comments from Members on the planning proposal.

## **Members' comments included the following:**

- The team were commended on the work and negotiation that has been done towards the first aim to conserve and enhance the natural and cultural heritage.
- Concern was expressed that the development is contrary to National Park Act and the Park Plan policies and the Park Plan 2007 – 2012 policies should be able to deliver the benefits described in the GCGMP.
- The economic benefits will be significant for the community and opportunities will be provided for young people.
- The Sandford principle does not apply as there is no conflict between the park aims in the long term.
- The proposal will benefit Scotland and not just the local community.
- The proposal will enhance the area in the long term.
- There will be significant impact to the landscape and high standards will be need to be adhered to for risk management and restoration.
- Mining activities have taken place historically, therefore, the proposal is not setting a new precedent.
- The restoration bond is a key issue and it is crucial that the bond is sufficient to cover restoration costs.

The Convener invited discussion over recommendation 2 regarding the terms of the Section 75 Agreement. Members highlighted the importance of securing agreement on the amounts. Gordon Watson advised that if Members were minded to approve the application subject to conditions, negotiations will be ongoing until a satisfactory conclusion is reached regarding the restoration bond. He explained that in the event of a satisfactory agreement not being reached, the matter would be brought back to the Board for further consideration. He confirmed that a decision notice would not be issued until the legal agreement is signed regarding the financial safeguards. It was proposed that the Convener should be consulted on negotiations. He confirmed that the requirement to implement the GCGMP would also be included in the Section 75 Agreement.

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David McKenzie asked whether conditions could be included to ensure haulage of material does not take place by road. Gordon Watson advised that the Roads Department are content with the proposals and various measures are being employed such as the re-use of excavated materials on the site and staff being transported by mini-bus to cut down on the number of journeys. He advised that it would not be a reasonable basis to delay the decision or development to explore rail freight options.

The timescale to agree the conditions was queried and Gordon Watson advised that negotiations are ongoing which include calculations over the financial guarantee amount. He added that the Waste Management Plan requires to be finalised and he advised that if Members are minded to approve the application today, the recommendation is for the finalisation of the Waste Management Plan to be delegated to him.

The potential for conditions 33 – 36 to require the appointment of the roles of Ecological Clerk of Works and Landscape Clerk of Works to be approved by the Planning Authority was queried. Gordon Watson advised that the conditions could be further refined to ensure suitably qualified individuals were engaged and experienced to guide contractors. He highlighted that the Planning Compliance Officer will be employed by the National Park and the objectives of the role will be included in the Section 75 Agreement.

The recommendation was considered and no amendments were proposed. All Members confirmed their support for recommendation by a show of hands.

## **DECISION:**

Members unanimously **approved** the application subject to the conditions contained in appendix 1 as amended by the addendum to the conditions, the further refinement of conditions 33 – 36, the submission of a satisfactory Waste Management Plan and the prior conclusion of a section 75 agreement incorporating the terms summarised in Appendix 2.

Members unanimously **agreed** to delegate to the Director of Planning and the Convener to consult over the negotiations to secure the items listed in 12.31 of the report and to revert back to the Board should a satisfactory agreement not be reached.

## **Appendix 1 – Note of Hearing**

Gordon Watson, Director of Planning, introduced the report and advised that a site visit had been conducted the previous day. He advised that an addendum to the conditions has been circulated which details alterations to conditions 21, 22 and 30 which were requested by SNH and Transport Scotland. He reported that further correspondence has been received from Transport Scotland regarding conditions 21 and 22 in relation to the upgrading of the Dalrigh access point from the A82. He advised that SNH have requested an amendment to condition 30 in appendix 1 of the report regarding the Greater Cononish Glen Management Plan (GCGMP) to reflect the principles set out in the Habitats Regulations Assessment for the Ben Lui SAC. He reported that on the basis of this condition being substituted, SNH's objection will be withdrawn. He confirmed that a representative from SNH is available at this meeting to answer questions on the response. He advised that two further letters of representation have been received, one of which opposes the principle of a gold

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mines in National Parks and the other from RSPB who have stated they are satisfied with the conditions and do not object to the application.

Gordon Watson advised that in terms of timeframes throughout the presentation, he would refer to these in terms of short term impacts 1 -10 years, medium term impact 10 – 15 years and long term impacts over 15 years, which are consistent with the timeframes in the applicant's Environmental Impact Assessment. He explained that his presentation would include the assessment of the impacts to landscape, recreation and visitor experience which are key to the planning assessment. He highlighted the significance of the Greater Cononish Glen Management Plan and the restoration techniques for the surface of the Tailings Management Facility (TMF) which are also key considerations of the proposal. He advised that policy assessment, the economic benefits of the proposal and also the planning obligations to be secured under the Section 75 Legal Agreement would be included in the presentation.

He advised that the most significant impacts would be during the construction works to establish the mine during the first year. The blasting for the channel diversion of the Allt Eas Anie burn would occur during this first year and the first lifts of the TMF would be constructed. He advised that the final height of the TMF would be 339m above datum at the end of year 9. He highlighted that the majority of the site will be subject to disturbance or activity and it was noted that this level of disturbance is not depicted in the drawings or montages.

He referred to the photo montages of the final stage of the operation which illustrate the restoration of the top surface of the TMF and the turf restoration of the Eas Anie burn diversion. He explained that the final restoration would not be complete until the end of the operation, therefore the 'beach' area of the TMF would still be visible during the latter stages. He added that the impacts should diminish over time due to the restoration techniques.

He explained that there would be recreational impacts to walkers and climbers in Cononish Glen, and in particular there could be a heightened risk to climbers of the Eas Anie ice climb. He advised that the photo montages show various views from the surrounding mountains and it was noted that less visual impact will occur from lower levels due to screening but the site will have a significant visual impact from higher level viewpoints. He highlighted that there are no further mitigation measures that can be introduced to further minimize the visual impact of the operating mine over those now proposed. He emphasized that the impact of the proposal is contrary to the first National Park aim, particularly in terms of protecting the landscape and landscape character. He added that the operating mine, if looked at in isolation, is also contrary to the third aim to promote recreation and enjoyment of the special qualities of the park during the operating period of 10 years, however, the proposal should also be considered in light of the long term improvements to the wider Cononish Glen due to the proposed GCGMP, providing an overall conservation gain which would support the National Park conservation policies in the longer term.

He explained that a landscape architect was employed to guide the design of the TMF and the design includes exposed rock which gives the appearance of a natural scree slope. He added that the TMF of the current proposal is considerably smaller in scale and has a more contained profile than the previous proposal and could therefore be more successfully integrated into the landscape. It was noted that 150,000 tonnes of waste material would be deposited back into the mine shaft, however the sequence of the deposits require to be finalised in conditions secured by

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the Section 75 Legal Agreement. He explained that the Allt Eas Anie burn diversion is also shorter than the previously proposed diversion. He highlighted the importance of the restoration plan and advised that a critical element of the plan is to achieve a mosaic of vegetation on the TMF surface that integrates with the surrounding vegetation. He explained that tree planting and surface restoration would commence in the first year and the final restoration and re-moulding of the shape of the TMF would be completed when the mine is decommissioned. He added that the aftercare period following closure of the mine would be 20 years, during which monitoring of the restoration period will occur.

He emphasized that the techniques to strip and store turf are critical to successful restoration and drew Members' attention to condition 26 in which SNH's best practice note on turf management will be employed. He advised that condition 34 sets out the scope of works to be carried out by the Ecological Clerk of Works. He drew Members' attention to the Construction Method Statement in condition 13 which sets out conditions to ensure that the development and restoration take place to a suitable environmental standard. He advised that by year 15 the restoration should reduce the impact of the TMF.

He explained the GCGMP measures to secure improvements include native Caledonian Pine tree planting in the wider glen and grazing management measures in the Ben Lui SAC. He advised that SNH oversee the Ben Lui SAC and the landowner has indicated agreement to the GCGMP, however, the agreement will form one of the planning obligations to be secured by a section 75 legal agreement. He advised that the plan must be prepared and implemented in consultation with SNH within six months of the commencement of the development if Planning Permission was granted. He advised that a Habitats Regulation Assessment (HRA) has been conducted and modifications have been made to conditions which have led to the withdrawal of SNH's objection. He advised that the HRA assessment is contained in Appendix 23 and was carried out for the River Tay SAC and the Ben Lui SAC to assess the impacts of the development and concluded that all risks have been managed. He added that both SNH and SEPA are satisfied with the findings of the HRA.

He reported that the long term improvements to the wider glen area will be visible after 15 years. He advised that the overall impacts should be considered over the long term and that he was satisfied the measures would make an improvement to the special qualities of the glen and contribute to the overall enhancement to the recreation experience and conservation in the long term.

He advised that the economic benefits of the proposal are a material consideration and it is estimated that the project will contribute £80 million to the Scottish economy and provide 52 jobs. He advised that it is relevant to consider the financial viability of the project, however, financial risk mitigation measures such as hedging of gold prices are not within planning control and are therefore not a material planning consideration. He reported that negotiations over the financial guarantee for the restoration bond are ongoing and will be secured by the Section 75 Legal Agreement. He added that the recommendation includes a request to authorise him to continue the negotiations to a satisfactory conclusion.

In concluding, he stated that while the ten year working impact of the mine is contrary to National Park policies and particularly the first aim of the National Park, the temporary nature of the development, the restoration proposals, the wider glen improvements and the economic benefits are considered to justify a departure from

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policy as the long term benefits would achieve the National Park aims in the longer term. He advised that the recommendation is to approve the application subject to the conditions in appendix 1 and the prior conclusion of a Section 75 Legal Agreement to cover the terms in condition 2. He advised that specialist staff are also available to answer questions if required.

The Convener thanked Gordon Watson for his presentation. Members' questions and comments included the following:

- David Warnock asked whether the long term aims could be achieved by any other mechanisms or funding. Gordon Watson advised that the Section 75 Agreement is a legal requirement for the applicant to provide funding for the improvements. Furthermore, the grazing management plan and the prevention of habitat loss of upland heath have been pursued by SNH for several years and the GCGMP would help to achieve these objectives.
- David McCowan asked for more clarity on the restoration bond figures of £380k and £750k that have been proposed by the applicant and the planning authority respectively. He queried the actual restoration cost to restore the site in the event of abandonment; given the construction cost is £15 million. Gordon Watson advised that the calculations are based on the cost of restoration should the mine be abandoned, therefore the NPA figures are based on the best estimate of £750k and further costs calculations are being performed, based on volumes of materials and restoration specifications. He confirmed that the legal agreement would not be signed until the restoration bond is deposited.
- Colin Bayes questioned the stability and safety of the TMF and how independent audit of the design is conducted. He also queried the ongoing quality assurance during the working period of the mine. Gordon Watson advised that the new Waste Management Regulations that govern the development require the design to be signed off by an independent engineer who will independently monitor the construction and operation of the TMF and this could continue to the post closure period. He emphasized that this is a key element of the HRA which ensures that the applicant has a monitoring regime in place. He added that the TMF has been designed to include berms which allow for inspection to be conducted.
- David McCowan asked whether the development could be insured against catastrophic failure and Gordon Watson advised that the Waste Management Plan should set the waste management regime which is required. This is required to be signed off prior to the decision notice being issued and the agreement of a financial guarantee amount which would include a guarantee for the waste management plan as distinct from the restoration bond.
- Lindsay Morrison sought further clarity on the term of the bond and when the bond would be released. Gordon Watson advised that there is scope for the bond term and amount to be structured and reviewed according to the development phases and timescales involved in the various phases of the development involving aftercare.
- Craig McLaughlin asked for further information on the process that would be followed if an agreement cannot be reached on the financial guarantee. Gordon Watson advised that the recommendation is for authority to be



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delegated to him to continue negotiations. He confirmed that if an agreement could not be reached, this would be reported back to the Board for further consideration.

- Ron Simon asked for further information on the proposed heads of terms of the Section 75 Legal Agreement in appendix 2 regarding the contributions to conservation and visitor experience. Gordon Watson drew Members' attention to paragraph 3.29 of the report and advised that the proposal is for an initial payment of £25k and thereafter, annual payments of £50k for 6 years; these payments would be made to the proposed National Park Countryside Trust. He emphasized these payments are not a material planning consideration.
- Bob Ellis sought clarification on the security fence and whether access would be maintained for emergency services in the event of injury or accident to a climber. Gordon Watson advised that measures would be undertaken to facilitate access and details on the fences and gates would be secured by conditions.
- David McCowan asked about condition 34 regarding the Ecological Clerk of Works and whether it would be possible to secure a joint appointment. Gordon Watson advised that conditions 33 – 36 regarding both the Landscape Clerk of Works and Ecological Clerk of Works would be further refined to reflect the National Park's role in ensuring the appointees are suitably qualified and experienced in upland habitat restoration. He advised that the Planning Compliance Officer's role would include the monitoring of compliance of conditions and this appointment would be made by the National Park.
- Further clarity was sought on the process of finalising conditions and Gordon Watson advised that some conditions are suspensive which means that the development cannot commence until the conditions are signed off. He added that other conditions include time limits such as the GCGMP must be finalised within a six month period post commencement of development.
- Further detail was sought on the impact of noise on users of the glen and the blasting management plan. Gordon Watson advised that during the construction phase there would be rock blasting and considerable vehicle movements which would create a noise impact. Furthermore, during the operation phase, blasting would occur which would be controlled by a blasting management plan. Gordon Watson confirmed that the blasting plan will ensure that blasting takes place outwith the times the Eas Anie ice climb is likely to be in use and added that the potential cumulative effects of blasting on the safety of the ice climb are unknown. He advised that warning signage would be in place.

The convener thanked Gordon Watson for his presentation and moved on to hear the other representations.

A summary of the verbal representations is as follows:

## **Chris Sangster, CEO, Scotgold Resources**

- Outline of the company history.
- £7million raised to progress activities in Scotland.

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- Presence of gold and silver at Cononish established by British Geological Survey in 1970's.
- Description of the mining process, extraction of gold from the rock and emphasis that no cyanide or mercury is used in the processing.
- 25% of the mined gold will be processed in Scotland.
- Cognisance of the National Park aims and Scotgold's concordance with the aims in the current proposal.
- The reduced scale of the current proposal from the previous proposal of 832,000 tonnes to 400,000 tonnes.
- The change in appearance of the TMF which is a less engineered structure and can be more sympathetically incorporated in the landscape.
- Majority of jobs created will be filled by local people and the significant economic impact of the £80million investment in Scotland.

## Questions to Chris Sangster

- The restoration bond was queried and why there has been no agreement reached on the final figure. Chris Sangster advised that calculations are still ongoing to reach a final defined figure for the restoration bond.
- Further details on the employment benefits were requested and if there was potential for apprenticeship schemes. Chris Sangster advised that 52 new jobs would be created with an average salary of £25k and underground workers will work traditional shift work patterns. He advised that there is potential for 7 apprenticeships and gave examples of machinery maintenance and quarry operatives as potential apprenticeship programmes.
- The area to be mined was questioned and if there is scope for the mining to be extended beyond the 8 year period. Chris Sangster advised that the 8 year period is based on the current defined resource and anything beyond this would require a further application to be made.
- The possibility of using the nearby railway to move materials was questioned. Chris Sangster advised that the freight cost was 60% more expensive than road haulage. The haulage of materials to Belgium for processing was further queried and whether it would be possible to process the material in Scotland. Chris Sangster advised that it would only be possible to process materials in Scotland if cyanide was used.
- Further detail on the restoration techniques was requested and particularly the method used for turf management. Chris Sangster advised that the turf will be stored in a single layer on pallets with space between them which is a best practice technique as advised by SNH.
- There was discussion over the warning systems and notices for the public regarding blasting.

## Darren Hemsley, SNH

- Withdrawal of SNH objection due to modification of condition 30.

## John Riley – Strathfillan Community Council

Declared an interest as a Scotgold shareholder.

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- Strong support of the application as it satisfies the four National Park aims.
- As the only goldmine in Scotland it will be an iconic tourist attraction.
- The mining interpretation centre will be a magnet for tourists.
- Employment prospects for local people.
- Minerals will be extracted in an environmentally sensitive manner.

Members asked how many jobs would be created by the interpretation centre and John Riley advised that it could potentially be as many as are employed by the mine.

## **Ross Anderson – Scottish Campaign for National Parks**

- The landscape improvements of the wider glen do not mitigate the impact of the mine.
- The gold mine is inappropriate land use in a National Park.
- The gold mine is not sustainable and contravenes all the National Park policies and the Strategic Planning Guidance.
- The whole site will be disturbed due to the blasting of the burn and the movement of materials.
- Tranquillity will be destroyed in the glen and the recreation experience will diminish.
- The failure of photomontages to illustrate the visual impact.

The co-existence of man and the landscape and the historical mining tradition in the area was stated by Fergus Wood.

## **John Burton – in support of the proposal**

- The goldmine will bring jobs to the area.
- Young people are leaving Tyndrum in search of jobs.

## **Patricia Johnson – in support of the proposal**

- The branding potential of Scottish gold in the jewellery industry.
- The reduced scale of the TMF has lessened the visual impact.
- The ethical source of the gold.

## **Scott Walter - in support of the proposal**

- Potential for a significant boost to the jewellery industry from Scottish gold.
- Potential market advantage for branding of Scottish gold.

## **Joyce Russell – Strathfillan Community Trust**

- The success of previous Community Trust projects.
- The difficulty in obtaining funding for projects.
- The income stream from Scotgold will be a valuable source of funding for community projects.

The Convener thanked the contributors for their presentations. The Hearing was concluded and The NPA Board adjourned.

## **End of Hearing**