



Planning and Access Committee

Meeting: 29th November 2021

Agenda item: 7

SUBMITTED BY: **STUART MEARNS**
Director of Place

APPLICATION NUMBER:	2017/0254/MIN
APPLICANT:	SGZ Cononish Limited
LOCATION:	Cononish Gold Mine
NATIONAL PARK WARD:	Ward 2 - Breadalbane and the Trossachs
COMMUNITY COUNCIL AREA	Strathfillan
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1. Summary and reason for presentation

1.1. This is an annual report to provide an update to members on the development of the Cononish Gold and Silver Mine near Tyndrum.

2. Recommendation

2.1. That Members:

NOTE the updates on the development.

3. Background

Development Background

3.1.	A planning application for the development of an underground mine to extract gold and silver with associated service and production building, plant, storage areas, Tailings Storage Facility (TSF), settlement pond and gauging station, bridge and car parking (Further revision of permission 2014/0285/DET) was received in August 2017. On 27 February 2018 the National Park Authority Board was minded to approve the application subject to conditions and a section 75 legal agreement. Following the conclusion of the section 75 legal agreement, planning permission was granted - with the issuing of the decision notice on 19 October 2018. All suspensive conditions were discharged between March and December 2018 and works started on site on 3 January 2019.
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Reporting to Planning Committee

3.2.	Given the significance of the development within the National Park, annual progress update reports are presented to Planning and Access Committee. The last report was presented to committee in August 2020. This report updates Members on progress on site between August 2020 and November 2021.
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4. Update on Progress

Construction Works

4.1.	The development can be divided into three phases: construction, operation and restoration. Since the last update to committee in August 2020, the construction phase of the development has been completed.
4.2.	After an extended construction period due to unexpected volumes of peat, weather conditions and coronavirus pandemic related delays the processing plant was completed in November 2020 and the first gold was produced on 30 November 2020.
4.3.	The preparation of the footprint of the first tailings stack commenced with stripping of vegetation in October 2020 to allow the completion of the landscaping of the screening bund. Stack 1 is located immediately to the east of the plant platform

Construction Works

	and screening bund.
4.4.	Stack 1 has been progressively prepared for tailings placement with a series of layers including a basal drainage layer and shear key – in effect the retaining wall element of the stack structure - formed from mine rock. Placement of tailings commenced in January 2021.
4.5.	The National Park’s geotechnical advisers from Ironside Farrar will be carrying out regular inspections of stack 1. Quarterly geotechnical inspections have been agreed with Scotgold and so far two geotechnical inspections have been undertaken.
4.6.	Stack footprints will be incrementally prepared for deposition of the tailings and once the tailings are deposited and compacted sufficiently then soils will be added, followed by turves, mulch and divots taken from the footprint of the next stack in the sequence. The formation of the first stack is expected to take around 17 months, relative to the production of tailings from the processing of ore and the size of the stack. The stack restoration phase will continue on a phased basis throughout the life of the mine in tandem with mine operation.
4.7.	Since the processing plant was commissioned there have been problems with the processing plant, with some periods of shut down since the start of 2021. Scotgold have been working through these problems and gradually ramping up production.
4.8.	In addition, some of the tailings produced have a higher moisture content than anticipated meaning that a review of tailings storage and placement has been required. However at the time of writing this report the mine has been in a period of consistent processing and tailings placement, with adapted methods for tailings placement being successful.

Image 1: View towards mine site from access track (October 2021)



Image 2: Progress on Stack 1 (October 2021)



Planning Application 2019/0362/DET and Habitat Enhancement

4.9	Due to unexpected volumes of peat being found on site, in construction of the plant platform and bund, it became necessary to temporarily store peat within the mine site but also at a location outwith the mine site, but within Cononish Glen.
4.10	A planning application for the formation of access track and containment cells for the temporary storage of peat (partially retrospective) was submitted in December 2019 (reference 2019/0262/DET). This planning application was approved in February 2021, with planning permission granted for a temporary period of six months, with the peat to be removed and the site restored within the six month period.
4.11	The works to remove the peat from this temporary storage area and restore the site were completed in August 2021. The peat stored here has been used in the creation of the first Habitat Enhancement Area and in restoration.
4.12	Habitat Enhancement Areas are areas where peat removed from stack footprints is used for peatland habitat restoration and creation. Areas of degraded peat habitat were identified across the mine site and these are priority areas for placement of peat for habitat restoration. Other areas where the topography and habitat is appropriate for habitat creation were also identified. These areas will be referred to as Habitat Enhancement Areas.
4.13	Habitat Enhancement Area 1 is located adjacent to the settlement pond. The intention is to create a mire/ blanket bog habitat in this area which will be an overall biodiversity enhancement, will store carbon and offset the loss of this habitat elsewhere in the development.

Image 3: Habitat Enhancement Area 1 (October 2021)



Discharge of conditions and updates to documentation

4.14	Conditions of the planning permission continue to be discharged in consultation with internal and external consultees as the development progresses. Some of the planning conditions relate to different phases and elements of the development meaning that the discharge of conditions is a continual process. In addition, as works evolve on site, changes to approved documentation has been required to reflect any agreed adjustments.
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Amendments to approved plans

4.15	As with many large and complex developments, a number of changes have been proposed to the detailed plans. This is standard practice expected for such developments as proposals are refined in the final design stages. The process for these minor changes is to apply to the Planning Authority for a 'Non Material Variation' (NMV).
4.16	Ten of these have been approved at the time of preparing this report, including changes to the plant platform and bund, alterations to the settlement pond size, shape and location and temporary welfare accommodation due to covid 19. It is anticipated that further non-material variations will be requested by the applicant as more detailed designs are prepared for different aspects of the development.
4.17	The National Park has been encouraging Scotgold to consider changes holistically rather than making a series of incremental changes to the development. Documentation relating to operational requirements and further changes proposed has been requested and is being produced by Scotgold to allow a more considered review of requirements in the operational phase such as welfare buildings and health and safety signage.

Restoration

4.18	Some aspects of the restoration works will be ongoing throughout development. Since the last update to committee further tree planting has been undertaken within the mine site around the settlement pond and the access track to/from the settlement pond. The plant platform and bund has been progressively restored as it has been formed, the Stack 1 Restoration Plan has been approved and stack 1 restoration has commenced. Progressive restoration at the site has on the whole been successful so far with vegetation establishment. Works identified in the Greater Cononish Glen Management Plan (GCGMP) have progressed, and water quality monitoring is ongoing to comply with SEPA requirements.
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Monitoring of the Approved Development

4.19	Since the commencement of development, site visits have been undertaken monthly by the Planning Monitoring officer (PMO), usually accompanied by a representative of the National Park Authority. Monthly PMO site visits continued throughout the construction phase of the development, apart from during summer 2020 when coronavirus lockdown and travel restrictions meant that site visits were not possible. Now that the site has moved into the operational phase the PMO visits are now arranged bi-monthly.
4.20	Following each site visit the PMO produces a "Planning Audit Report" for the Planning Authority which includes a summary of site visit, a clear audit trail of any issues arising (and what the operator proposes to do to remedy them) and a classification of these issues based on traffic-light reporting. The PMO Planning Audit Reports are published online on the public access website 6 months after the site visit, to allow the operator a reasonable timeline to address any arising issues, and to not prejudice any formal enforcement action should that be required.
4.21	As above, the frequency of site visits has reduced in the operational phase of the development. However, in order to maintain lines of communication and manage submission of outstanding documentation and updates to condition documents fortnightly progress meetings have been held with the representatives from Scotgold and the PMO, since April 2021.

Monitoring Reports from the Operator

4.22	The operator (SGZ Cononish Limited) is required to submit (as a minimum) quarterly construction and operation monitoring reports to the Planning Authority setting out how the requirements of the Construction Environment Management Plan (CEMP) and all other conditions of the permission are being adhered to on site. Each report is specified to contain an update on construction or restoration
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Monitoring Reports from the Operator

progress, up-to-date photographs and an update from the ECoW and LCoW including evidence of, and from, their site visits and including their photographic record. The report is also required to contain a list of issues identified and the subsequent report should explain how the issue has been addressed and evidence the remedial works undertaken. The eleventh of these reports from the operator was submitted to the planning case officer on 22 October 2021.

Greater Cononish Glen Management Plan (GCGMP)

4.23 The section 75 legal agreement requires the operators to establish a GCGMP Glen Advisory Group to provide recommendations to the operators and the National Park Authority on all aspects of the Greater Cononish Glen Management Plan, and on the implementation thereof. It is required to meet at least once a year in the first 10 years from the date of commencement of development, and more frequently during intensive operations.

4.24 The GCGMP Advisory Group held its fifth meeting in November 2021. As per the requirements of the section 75 legal agreement, a report was submitted to the National Park Authority prior to the meeting. This detailed the works that have been undertaken in compliance with the Greater Cononish Glen Management Plan since the last meeting; and the works, which are proposed to be undertaken in compliance with the Greater Cononish Glen Management Plan in the following 12 months. GCGMP works which have been completed include a survey of peatland enhancement target areas by the National Park and further tree planting within the mine site.

4.25 Through discussions of the GCGMP advisory group, the stock fencing originally proposed for the boundary of Ben Lui SAC is no longer considered necessary. Separately there have been increased costs relating to other fencing and planting proposals set out within the GCGMP. A transfer of funds has therefore been agreed meaning that the budget identified for the Ben Lui SAC fencing has been re-allocated to other areas of fencing and planting where there have been increased costs. The proposals for the other areas of fencing and planting have been rationalised in order to ensure the greatest benefit from the spend.

Habitat and Land Management Advisory Group (HLMAG)

4.26 The section 75 legal agreement also requires the operators to establish a Habitat and Land Management Advisory Group to provide recommendations to the Operators and the Park Authority on all aspects of the Decommissioning and Restoration Plan, and on the implementation thereof. The third meeting of the Habitat and Land Management Advisory Group was held on 3 November 2021.

Habitat and Land Management Advisory Group (HLMAG)

	As per the terms of the section 75, a report was circulated to members of the group prior to the meeting noting progress on restoration works to date.
4.27	Since the last update to committee the plant platform and screening bund have been restored, including with the use of turves from the stripping of stack 1. The restoration of stack 1 has commenced with turves being placed on the outer face. The area around the settlement pond has been restored and as above the first Habitat Enhancement Area has been created.
4.28	As the development has moved into the operational phase with tailings being placed and stack 1 being formed, the input of the HLMAG members on all aspects of progressive restoration will be important.

Financial Contributions

4.29	In order to mitigate any adverse environmental impacts, and to ensure the wider social and economic impacts of the development are met the section 75 legal agreement requires the operators to make payments to Loch Lomond and the Trossachs Countryside Trust. The second payment to be made to the trust was delayed by Scotgold, but was made in September 2021. The third payment which has also been delayed, is scheduled to be paid in November 2021.
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5. Looking Forward

5.1	The move into operation and the placement of tailings in the first stack is a significant focus for the Planning Authority to ensure the tailing stacks are a naturalistic landform characteristic of drumlins naturally occurring elsewhere in the glen. The sequencing of the stack formation and the submission of required documentation under the planning conditions, including design and restoration plans for future stacks is the main focus going forward.
5.2	Progress with stack 1 is being closely monitored with quarterly geotechnical inspections on behalf of the Planning Authority and quarterly monitoring visits by the PMO. Regular communication between Scotgold, the Planning Authority and the PMO will continue.
5.3	The Planning Authority will continue to dedicate staff resource to close monitoring of the development and facilitate a collaborative approach with the developer and other statutory bodies.

6. Conclusion

6.1	It is recommended that Members NOTE the contents of this report and the update that has been provided on the development. A further update will be provided in 12 months' time.

7. Background Documents

7.1	For background information, Members should go to the website – https://eplanning.lochlomond-trossachs.org/OnlinePlanning/?agree=0 then enter the search criteria as 2017/0254/MIN.