



Loch Lomond & The Trossachs National Park Authority
Carrochan
Carrochan Road
Balloch

EIR Ref: 2023-010
28th April 2023

REQUEST UNDER FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

We refer to your request for information, received by email on 1st April 2023. The information you have requested is environmental information, as defined in Regulation 2 of the Environmental Information (Scotland) Regulations 2004 (EIRs). We have therefore applied the exemption in section 39(2) of FOISA and dealt with your request under the EIRs alone.

Your specific requests and the Park Authority's response are provided below.

“Please provide me with all information the LLTNPA holds about the review of the value of the Restoration and Aftercare Bond and the GCGMP Bond due in January as reported to the December meeting of the Planning Committee <https://www.lochlomond-trossachs.org/wp-content/uploads/2022/12/Agenda-Item-5-Cononish-Gold-Mine-Tyndrum-Update-1.pdf> and any subsequent communications with Scotgold Resources and their subsidiaries about this.”

The National Park Authority's Planning and Access Committee receive an annual report with an update to members on the development of the Cononish Gold and Silver Mine near Tyndrum.

As stated in the report to the meeting of the Planning and access committee of 19th December 2022:

“the development of the mine has two associated financial guarantee bonds, one for Restoration and Aftercare (£537,918.22) and one relating to the Greater National Park Authority Planning & Access Committee Agenda Item 5 9 19 December 2022 Financial Guarantee Bonds Cononish Glen Management Plan (£268,692.95). The section 75 legal agreement allows for reviews of these bonds to be undertaken in certain circumstances”

“The Park Authority considers that the value of both the Restoration and Aftercare Bond and the GCGMP Bond could be deficient to meet the anticipated cost of implementing the GCGMP and meeting the Decommissioning and Restoration Obligations. The Park Authority has

therefore instructed a review of the bond amounts in accordance with the terms of the section 75 legal agreement.”

Following this report to the Planning and Access Committee, we can confirm that work is ongoing to review both the Restoration and Aftercare Bond and the GCGMP Bond. The proposed revised figure for the Restoration Bond has been shared with all parties to the Section 75 agreement for their review. Work is ongoing to review the GCGMP Bond.

The National Park Authority holds email correspondence in relation to the review of the bonds, which has been withheld from release under Regulation 10(5)(e) of the EIRs as the review process is live, ongoing and commercially confidential in nature.

Application of public interest test

We are required to consider the public interest test when the exception in Regulation 10(5)(e) of the EIRs is applied. The ‘public interest’ has been described as something that is of serious concern or benefit to the public and not merely of individual interest. It has also been stated that the public interest does not mean ‘of interest to the public’ but ‘in the interests of the public’.

It is accepted that there is a public interest in individuals being able to exercise their rights under the EIRs to enhance their understanding of the work of a public authority. It is also recognised that the work of the gold mine within the National Park has attracted public interest and media attention.

It is however considered that the release of correspondence between the National Park Authority and Scotgold about the current review of the Bonds may cause harm to the commercial interests of an external firm operating in a competitive market. It is also considered that the release of correspondence relating to a live negotiation may adversely impact this work and there is a greater public interest in withholding this information to ensure the best possible outcome of the Bond review for all parties included in the Section 75 agreement, including local landowners and Crown Estates.

The release of the information has wider implications in terms of the effectiveness of the planning application service and the potential harm to working relationships between the Park Authority and developers in the National Park. Release of this information may also adversely impact on our relationships with other developers who would be concerned that correspondence relating to live commercial developments may also be disclosed against their wishes.

Given all of these circumstances, we consider that the public interest in favour of withholding the email correspondence between the Park Authority and Scotgold in relation to the current live review of the Bonds currently outweighs the public interest in disclosing this information. It is however likely that when the review of the Bonds is complete, the revised figures will be included in a report to the Planning and Access Committee.

Yours sincerely

LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY

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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 2002, whichever is the later.
- address your review request to:

Information Manager
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.

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