



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

EIR Ref: 2023-009  
28<sup>th</sup> April 2023

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

We refer to your request for information, received by email on 1<sup>st</sup> 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 copies of all the "monitoring development reports" for the Cononish Goldmine supplied to the LLTNPA since that of 23rd August which was published on the planning portal on 23rd February.”**

The following information about monitoring reports in relation to the Cononish Golmine was included in a presentation to the Planning and Access Committee meeting of 19<sup>th</sup> December 2022:

*“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.”*

The Monitoring Development Reports are produced by the Planning Monitoring Officer from Ironside Farrar (on behalf of the National Park Authority) following a monitoring site visit. There have been three further site visits since August 2022, on 25 October 2022, 13 December 2022 and 13 March 2023.

The 25 October 2022 report has been published on our planning portal on 25<sup>th</sup> April 2022 and can be accessed on our website at: [Simple Search \(lochlomond-trossachs.org\)](https://www.lochlomond-trossachs.org) using

### 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

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the planning reference: 2017/0254/MIN. We can therefore advise under R6(1)(b) of the EIRs that this information is already publicly available and easily accessible.

The December 2022 report has been sent to the National Park Authority in draft and is not yet finalised. It has therefore been withheld from release under Sections 10(4)(d) and 10(5)(b) of the EIRs. As stated in the report to Planning Committee, all monitoring reports will be published six months after completion, to allow the operator a reasonable timeline to address any arising issues, and to not prejudice any formal enforcement action should that be required.

### Public interest test

The exceptions in Regulations 10(4)(d) and 10(5)(b) of the EIRs are subject to a public interest test i.e. whether in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in making the information available. We recognise that there is a public interest in relation to the transparency of decision-making procedures on matters such as the one to which this information request relates. 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 and ensure openness and accountability in relation to the planning process.

The request relates to material which is still in the course of completion. The requested report relates to ongoing monitoring of planning conditions for a major development. As stated in the report to the planning committee of December 2022, monitoring reports for this development are routinely published on the National Park Authority planning portal six months after site visits, to allow the operator a reasonable timeline to address any arising issues and avoid prejudice to any formal enforcement action should that be required.

It is recognised that the Scotgold mining operations in the National Park have attracted public interest and media attention. There have been recent media reports in relation to the position of the mining company, which may have prompted this request.

It has been concluded that there is a greater public interest in ensuring the accuracy and completeness of the draft site visit monitoring report and continuing to make these reports publicly available, after first giving the on-site contractors the opportunity to address any concerns the National Park Authority may raise in advance of their publication.

The report from the site visit of 13 March has not been sent to the National Park Authority, we therefore have to advise under Regulation 10(4)(a) of the EIRs that this information is not held.

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

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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](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)