



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

FOI Ref: FOI 2024-003
Date: 11 March 2024

Dear

REQUEST UNDER FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

We refer to your request for information, that we received by email on 12 February 2024, and the clarification you provided on 23 February 2024 in relation to this request. Details of the various elements of your request and the National Park Authority's corresponding responses are provided below.

Your Request (Part 1)

"A copy of the mine monitoring report which was due on 20th December. First please can you confirm that it has been produced now that the owners of the mine are in administration. Second, I appreciate that your staff have explained that you have taken the decision to publish monitoring reports 6 months in arrears but in my view that is not in the public interest. I have evidence to show the state of the natural environment at the mine is now in a very poor and the public should have a right to know what official information exists about this and what the LLTNPA is doing about this. I am therefore asking you in responding to this request to review the approach that your staff have taken to this in the past. However, if the LLTNPA don't provide the monitoring report I intend this time to pursue an appeal to the Information Commissioner (previously I had not done this because I had hoped the Board would sort this out before going that far). I realise that timescales for FOIS are such that it is likely you will have released the report before any appeal can be considered by the Information Commissioner, as happened to one of my requests last year. However, I will now press for an appeal to be heard anyway as I believe this is a matter of principle and that your policy approach to this must be overturned.

I intend to make a similar request for the next Monitoring report, which is due to be published on 23rd February, and every succeeding report thereafter until the LLTNPA start acting in a transparent manner."

Subsequent Clarification:

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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“In point 1 I asked for the mine monitoring report which was due on 20th December. By that I had intended to ask for the monitoring visit which I thought was due to take place that day rather than the June report which was published on the 20th December. I now realise the December monitoring visit was scheduled to take place a couple of weeks earlier and it was the report of that visit that I was asking for. My apologies for the confusion I may have caused.”

Our Response

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 this part of your request under the EIRs.

The report in relation to the visit which took place in December 2023 is still being finalised and will be published on our website in due course, in line with the publication schedule. We are therefore withholding it 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.

We acknowledge your feedback in relation to the publication schedule.

*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.

This request relates to material which is still in the process 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's planning portal six months after site visits, to allow the operator a reasonable period to address any arising issues and avoid prejudice to any formal enforcement action should that be required.

It is recognised that gold mining operations in the National Park have attracted public interest and media attention. There have also been recent media reports in relation to the position of the mining company. However, we have concluded that there is a greater public interest in ensuring the accuracy and completeness of the site monitoring report in advance of its publication.

Your Request (Part 2)

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“I have been informed by your staff that future monitoring reports are due on 23 February 2024, 24 April 2024, 8 June 2024. Those monitoring reports were previously undertaken by Ironside Farrar. Please could you either confirm those arrangements remain in place or provide any information you hold on alternative arrangements which may now be in place, including any agreements with the administrator about this. Could you also please confirm whether it is the administrator or the National Park Authority who is now paying for the cost of the monitoring arrangements previously paid for through Scotgold.”

Our Response

We can confirm that Ironside Farrar remains Planning Monitoring Officer (PMO) and that existing arrangements for monitoring remain in place. The operator (SGZ Cononish Ltd) remains responsible for costs associated with this monitoring.

Your Request (Part 3)

“Copies of all correspondence with the administrators and their agents since the mine went into administration on 24th November until 12 noon on Monday 12th January which concern the planning conditions and the Section 50 Agreement which apply to the development. For the avoidance of doubt and to save time I am NOT asking for information that concerns commercial matters relating to the administration, such as the valuation of any assets to be sold off or the financial standing of a prospective purchaser of the mine.”

Our Response

The operator of the mine, SGZ Cononish Ltd, is not in administration. We therefore hold no records that fall within the scope of this part of your request. Please note that our relationship is with the operator, and that we hold no record of correspondence with the administrator of the operator's parent company, Scotgold Resources Limited. (Please also note that it is a section 75 agreement that is in place – not a section 50 agreement).

Your Request (Part 4)

“Copies of any information that the LLTNPA holds about the number of staff deployed at the mine since it went into administration and their role. The reason for this request is that after staff were laid off in September, LLTNPA staff responded publicly to state they were content that the number, skills and abilities of staff at the mine were sufficient to safeguard the site. It is in the public interest to know if that is the case (just one of the many reasons why it is in the public interest that the Monitoring report due on 20th December needs to be published).”

Our Response

As stated above, the mine's operator is not in administration. However, since a care and maintenance programme was put in place, we have sought assurances from the operator on staffing and have been advised of roles which have been retained. It is up to the operator to fulfil the tasks that require to be delivered and we do not specifically require details to be provided of staff numbers and their respective roles. We do not therefore hold information about the specific number of staff employed at the site. However, we do have records of the following 'personnel' updates from the operator:

- In an email on 04th October 2023, they advised:
 - 18 staff on site strength, some wfh [working from home] but can be called in when needed.
 - 4-man maintenance team based in Cononish Farmhouse 24/7, [redacted].
 - [REDACTED], [REDACTED] and [REDACTED] still in their allocated roles.
 - [REDACTED] still engaged as external advisor.
 - [REDACTED] still on board as designer and weekly Teams meetings still going ahead.
 - SGZ Board have engaged a team of advisors to assist with [current] situation.
- In an email on 15th December 2023, they advised:
 - The care and maintenance team has been cut down slightly, however this is limited to some of the technical and maintenance staff who haven't been actively involved in the care of the site. It won't impact the work we are doing. [REDACTED], [REDACTED], [REDACTED] and [REDACTED] are all carrying on as normal, as well as others.

Your Request (Part 5)

"Copies of any information the LLTNPA holds about whether the pumps that drain the mine and the generators that operate them have continued to operate since the mine went into administration. During my October visit I spoke to mine staff who said that one of their main roles was to keep the mine in working order and I could clearly hear the generators working in the background."

Our Response

As stated above, the operator of the mine is not in administration. However, we have a record that the following points were noted by the PMO after a site visit on 24 October 2023:

- Generator at welfare cabins has been removed.
- Mine pumps continue to be run every two days, still some sediment coming through that is captured by the interceptor drain system; interceptors also continue to be checked at the same time as pumps are operated.

Yours sincerely

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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