

## The Cononish goldmine decision – a betrayal of National Park ideals

### Description



My letter which was published in the Herald on 7th March tried to set the LLTNPA decision within the context of the planning bill currently being considered by the Scottish Parliament

Last week on Tuesday the LLTNPA Board unanimously agreed to give the go ahead to the Cononish goldmine. That they did so tells you everything which is wrong about our National Parks in Scotland. That they did so unanimously tells you that there is still something seriously wrong with the LLTNPA Board. That there were not more objectors and there has not been a national outcry tells you a lot about the weakness of the conservation and outdoor recreation movement in Scotland. This post will take a look at these issues.

### The objectors and the supporters

There were, in the end, just five objections to the goldmine, three from individuals and two from organisations, Mountaineering Scotland and the Scottish Campaign for National Parks. Three of us, Jonathan Binny Director for Landscape from Mountaineering Scotland, Bill Stephens, a retired planning consultant with considerable expertise in mining and myself were each given five minutes to make presentations to the Board. Compared to the campaign to save the Coul sand-dunes in Sutherland this was nothing.

Bill Stephen, however, was undaunted. While living in Scotland, he had done lots of work south of the border and knew the history of how campaigners in the Lake District National Park had tried to stop mining and quarrying. Since planning decisions are supposed to be decided by rational argument and

not by the power of the various interests, he was hopeful we could persuade the Board to refuse the application. He had done further research/investigation since his original objection ([see here](#)) and established that there had been only one test undertaken on the potential toxicity of the tailings and that was in an Australian lab back in 2009. Bill's [Cononish Gold Mine Hearing Presentation](#) explains very clearly why the LLTNPA should not be agreeing to dump 530,000 tonnes of potentially toxic tailings with unproven restoration techniques over an area of wild land.

Jonathan Binny tackled head on ([see here](#)) the argument the LLTNPA eventually used to justify its decision, namely that this should not be treated as a conservation issue – our National Parks have a statutory duty to put conservation before their other statutory duties such as “sustainable economic development” where they conflict – because in the long-term the landscape in the glen would be improved by the mine:

*“The report recognises that if vegetation does grow on the waste piles it will be different to that surrounding it.*

*The report points out that important natural habitat (wet heath) will be lost. It will be replaced by a different -man-made -one (planted woodland).*

*The special qualities of the glen are therefore to be lost and replaced by a landscape created by people, effectively, landscape gardening on a grand scale.*

*In such a man-made environment it seems difficult to argue the natural landscape is being protected or that the special qualities of the glen have been preserved.*

*Yet according to the report this will be a higher quality landscape – the logic of that statement is that the National Park would be better if we removed the natural habitats and replaced them ones created by people.”*

Then lastly it was me. I focussed on how the recommendation by officers to approve the mine ignored their own policies and the claims that this was acceptable because of the jobs that would be created was highly questionable ([see here](#)). While it was good, after several years of campaigning about the National Park, to at last get a chance to speak to the Board I must confess I had not thought what it would be like to speak in front of about 25 or so members of the public who were at the meeting and whom, I assumed, supported the development. While it did make me appreciate a little the pressure that Board Members can be put under, what I took away from this was the failure of the Board to develop an alternative economic plan with the local community consistent with National Park principles since the goldmine first reared its ugly head.

Three people had spoken in favour of the application before us and here's my critical commentary on what they said. (Unfortunately the LLTNPA still shows no signs of recording its meetings which would allow the public to judge for themselves the cases people put and how Board Members performed).

Richie Gray, the £100k Chief Executive of Scotgold referred to there being numerous economic

benefits of the mine but failed, like everyone else, to explain what these were. He stated how well Scotgold were working with Park staff and that they had provided monthly monitoring reports for the bulk processing trial (reports which the LLTNPA refused to give me under Freedom of Information claiming commercial confidentiality – really, there are no other gold mine competitors in Scotland!). He also made much of the branding of the gold obtained from the old mine waste as “Scottish gold” and the premium price it had obtained. He did not explain whether, if the tailings prove to be toxic, the brand will become toxic too and in response to a question said Scotgold still needed to raise further capital before the gold mine could go ahead.

The Community Council representative strongly supported the proposal and said they saw it as enhancing the cultural heritage of the area while showing gold and silver can be extracted in an environmentally friendly manner. I found it hard to understand how their claim the gold mine could become an iconic tourist attraction when they also said that the mine would be completely restored. People won't be attracted to what you cannot see and won't be allowed into the working mine. In terms of local tourism, therefore, I believe a visitor/heritage centre would be better focussing on lead, which could be interpreted now, rather than gold: the old Tyndrum lead mines are of considerable historic and environmental interest. They even support a plant that evolved to live in toxic environments *Ditrichum Plumbicola* or lead moss, which was probably inadvertently brought to the area by German mining engineers – so there are some fascinating stories to tell. Scotgold, though, will not make this happen (and there is NO money on the table to do so). The best argument from the Community Council was that the gold mine would create year round jobs and this would bring £1.7m a year to the local area: it might have, had there been anywhere for the workers to stay, but there isn't, as is well documented in the Local Development Trust Action Plan, so its likely most of this sum will be spent elsewhere.

The Strathfillan Community Development Trust outlined the excellent work they have been doing ([see here](#)) and explained how a lack of core funding was limiting what they can achieve. The goldmine will give them just about enough to employ someone full-time. I wanted to cry. The LLTNPA could fix this issue tomorrow if, instead of devoting most of their resources to policing innocent campers, they used these resource to fund local communities to develop ideas based on sustainable use of the natural environment.

I was left with two thoughts. The local community in Strath Fillan has been badly let down by all those in authority (the Park has devoted far more resources with working with Scotgold to make this development happen than it has ever offered to local communities). However, in terms of the arguments for and against the goldmine, while it suited Scotgold that the community are supporting them (and they shook hands as soon as the decision was made), even if the local community had taken a different position and had opposed the goldmine, I am not sure it would have made any difference.

## **The Board**

While the LLTNPA has never been perfect, it did once have people on it prepared to stand by the principles for which National Parks in Scotland were created. The person who appears to have done more than anyone to destroy that was the previous Convener, Linda McKay, who not only appeared

before the Land Reform Review Group to argue that the right to camp by the roadside should be abolished, but also got the LLTNPA Board to reverse their previous opposition to the gold mine:

*“As guardians of some of the most stunning scenery in Scotland, it would have been easy to refuse the second application if we were considering the short-term impact on the landscape, but this National Park plans for long-term conservation management and that includes having the vision to see beyond the temporary life of the gold mine,” she said.*

*“Overall, as a board we understand that there will be a temporary loss to Glen Cononish’s special character, but we have greater confidence that we can secure both long-term conservation gain and economic benefits to the local economy and Scotland.” . (Quote from news release 2011).*

Linda McKay’s claim has now been proven to be rubbish. The main argument made for the new planning application was that the tailings dam would have had a significant adverse affect on landscape and ecology and that replacing this with ten tailings stacks was a significant improvement. So, what was seen as a conservation gain by Linda McKay, is now just a few years later seen as having no merit.

In order to get the LLTNPA to take decisions that fundamentally undermined what National Parks should be about, it was necessary to change how it operated. Government appointees were selected for their willingness NOT to speak out, the Board started to take decisions at secret pre-meetings and a general culture of secrecy developed. The new Board Convener, James Stuart, has to his credit been trying to change how the Board operates and, while there was again welcome evidence of these changes last week, unfortunately they are still superficial and have not tackled the fundamental issues. The nub of the problem is that there is something seriously wrong with the National Park Board when NOT a single member is prepared to vote against a planning proposal which their own officer’s report showed was contrary to the fundamental principles for how National Parks should operate.

The limitations of the current Board were evident on the site visit on the morning of the Board Meeting. The rules around such visits are tightly regulated (hence the lack of photos here!), with only staff and the Board allowed to speak and then only factual questions allowed. On the plus side, the public were facilitated to join the visit and Bill and I were offered a lift up the mine – for once the LLTNPA had done something better than the Cairngorms National Park Authority which, on the site visit to An Camas Mor last year, only provided transport for Board Members and quickly whizzed off leaving the public who had wanted to observe the visit stranded! That we were driven in though undermined any sense of the proposed development being in an area of wild land – a Board worth their salt would have insisted on walking in – and significantly not a single Board Member asked about the boundary of the Wild Land Area.

In fact almost no questions were asked, which was frustrating when Bill and I could, if we had been allowed, asked questions all day – and the visit finished well before its allotted time. It was fairly cold, the Eas Anie was icing up nicely and snow showers periodically reduced visibility. Perhaps the National Park branded jackets supplied to Board Members and staff weren’t warm enough but I was left with the impression that most of those present were not used to being out in such places or

conditions. The rules about Board site visits require all questions to be asked and answered before everyone and I heard nothing which appeared based on any appreciation of outdoor recreation or the landscape. Basic questions such as how the tailings stacks might look in future to someone walking through them, how the ecology might be altered or where the boundary of the land area lay were not asked. What time was spent was devoted to trying to spot flags which had been placed as markers for the various tailings stacks.

While the meeting was run in a way which made us as objectors feel welcome (something which would not I think have happened under recently), there was still a lack of transparency on governance issues. These were particularly important for Cononish after the Owen McKee case ([see here for example](#)). Billy Ronald, the locally elected Board Member who had replaced him, had given his apologies but turned out to be sitting in back of the audience! I found out afterward his Register of Interests says *“Close relative has shares in Scotgold”*. It would have been far more transparent if along with his apology, the reason for that apology has been given, but no Declarations of Interest were given or read out at the meeting. Another member who gave their apologies was Lindsay Morrison, Chair of the Audit Committee, who is also chair of the Loch Lomond and Trossachs Countryside Trust. This was set up by the National Park Authority and was due to receive up to £425k if the goldmine was approved. It would be interesting to know if Mr Morrison thought this was a declarable interest and that was why he had given his apologies.

Later on towards the end of the meeting David McCowan, who is one of the few Board Members to openly raise critical issues, asked whether the proposed developer contribution from Scotgold to the Loch Lomond and Trossachs Countryside Trust did not raise a conflict of interest for the National Park Authority itself, i.e. the NPA should not be seen to benefit from developments going ahead. No-one answered, even though he asked the question twice. I think this hit the nail on the head. Our public authorities, like are local communities, have an incentive to support developments because of the income they receive, whether directly or indirectly, and until this is taken away won't take objective decisions.

A few other Board Members asked critical questions, including Colin Bayes on the de-watering of the tailings and Petra Biberbach on whether jobs would go to local people but the implications of the answers were not followed through. The lack of critical scrutiny was also seen in the staff's response to Bill Stephen's statement that only one proper test had been taken place on the tailings when they started referring to tests on the rock waste. This is rock that surrounds the ore which needs to be removed for the mining of the ore to take place. It does not contain metals like the ore and is therefore very unlikely to be toxic. The tailings do come from the ore and therefore are likely to be toxic so its essential there is evidence that the processing of the ore does not leave any toxic materials in the tailings. Not a single Board Member picked this up and the whole decision process was biased because Objectors are not allowed to comment on what anyone says unless asked a specific question by a Board Member. Bill therefore was not given any opportunity to respond to this misinformation from staff.

And as for the bigger issues, such as whether the new landscape created by the mine could really be better than what nature created, there was no discussion at all. My overall impression was that the Board was not keen to debate certain areas because had they done so, they would have found it hard to approve the application and in effect they had already made up their minds before the meeting (though unlike previous applications I do not think there were any secret pre-meetings). That

impression was re-inforced when, after James Stuart had asked for a second time whether any Board Member had anything further to say, David Warnock made a statement about how this was a difficult decision between principle and practicality. He got support for this from Diane Docherty, the new West Dunbartonshire Council representative, but that was nearest any Board Member got to opposing the application.

Unfortunately, this Board is not remotely representative of the public. Put a dozen ordinary people into a room to discuss this application and you would never get a unanimous decision either way and out of the disagreements would have come a proper debate and new ideas. Board Members did not even have the courage to limit the amount of waste extracted from the mine to the 400,000 tonnes previously agreed or to recommend to officers that the level of the restoration bond should not be reduced as proposed because the tailings stack methodology is untested. They have not just taken a terrible decision, they have created what could turn out to be an environmental disaster.

Before the LLTNPA can become remotely effective, the composition of the Board needs to change and there is an opportunity for this in the next few months, with elections for local members due and with the majority of Government nominated Board Members retiring. Those who care about our National Parks needs people representative of different interests to stand/apply.

## **The decision**

I will not repeat the arguments here why this decision was wrong – there are plenty of links to that above – but the sad fact is that arguments, policies and principles count for very little against the interests of those who have power and the thinking of those who make up the establishment in Scotland (and I include Board Members and senior Park staff in that). Their presumption is in favour of development and it makes little difference whether this is in a National Park or not. Flamingo Land is on the horizon and in terms of the arguments for and against, is already a done deal as far as the thinking of the National Park Board is concerned

Its because of this absence of any willingness to stand up for their objectives or think beyond how our country currently works, that George Monbiot, quite coincidentally the day after the Cononish decision, described Britain's National Parks as a farce ([see here](#)). While he was writing about grouse moor management, he could equally well have written about the lure of development in our National Parks, whether involving gold or not

In a just system, if argument counted, the Cononish decision would be called in by Ministers or subject to a third party right of appeal. It provides very good evidence for why a third party right of appeal needs to be added to the Planning Bill. The public need to be able challenge decisions when Planning Authorities approve developments contrary to their own policies rather than as at present relying on people being able to raise money for a judicial review.

I believe however that changes to how the planning decision operates and what decisions are made will only happen when enough people start demanding this and make it clear to those in power that they will act. What will decide Flamingo Land and future goldmines – Scotgold is already talking of more – will ultimately not be any argument about what National Parks should be for, but the level of protest and whether that protest is supported by both local and national interests. People who care

about people and nature in our National Parks need to start organising if we are to change things.

**Category**

1. Loch Lomond and Trossachs

**Tags**

1. Development Plan
2. Governance
3. landscape
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