



Nick Kempe
23 Queen Square
Glasgow
G41 2GB
nickkempe1@gmail.com

FOI Review Ref: 2024-003-R

26 April 2024

Dear Mr Kempe

Request for Review of Response to FOI-2024-003

We write in response to your request that we review our handling of the above referenced request for access to information held by the National Park. Please note that the specific part of our response that you have asked us to review was processed under the Environmental Information (Scotland) Regulations 2004. This review has therefore been processed under that same legislation.

Your Request

On 23 February 2024, you requested access to a monitoring report that had been commissioned in relation to a visit that took place at the goldmine at Cononish in December 2023.

Our Response

On the 11 March 2024, we issued you with a response advising you that we were withholding the information under sections 10(4)(d) and 10(5)(b) of the Environmental Information (Scotland) Regulations 2004.

Your Request for Review

In a letter dated 28 March 2024, you requested we perform a review of our decision to

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

Printed on paper sourced from certified sustainable forests

Page 1 of 3

withhold the information, on the basis that you do not believe the conditions required to employ these exemptions had been met.

Outcome of Our Review

We have reviewed the circumstances of this case and made the following determinations:

Regulation 10(4)(d) - Material in the course of completion, etc.

While the decision to withhold the information under this exception was correct at the point of your request, we do not believe it remains appropriate to withhold the information under 10(4)(d).

Regulation 10(5)(b) - The course of justice, etc.

The release of monitoring reports into the public domain, prior to their scheduled publication dates, will always provoke a requirement for consideration of this exemption, as there is a risk that any such disclosure could prejudice potential enforcement proceedings. However, this risk will be higher or lower depending on the content of the report and the specific circumstances surrounding the mine at the given point in time. This report was assessed and a determination was made that the application of the exception detailed at regulation 10(5)(b) was appropriate. However, upon further review of the report, and upon reconsideration of all the circumstances of the case, we no longer believe it is necessary to withhold the information under regulation 10(5)(b).

Further to the above, a copy of the monitoring report relating to the December 2023 visit to the goldmine at Cononish is attached to this email.

We will continue to publish mine monitoring reports, routinely, six months after the date of each visit to the mine. However, where access to these reports is requested prior to their scheduled publication dates, we will review such requests on a case by case basis, in line with the Freedom of Information Act (Scotland) 2002.

If you remain dissatisfied with our handling of your request, information on how to contact the Scottish Information Commissioner may be found in the enclosed 'Review Procedure' document.

Yours sincerely,

Information Management
Loch Lomond and The Trossachs National Park Authority

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

Printed on paper sourced from certified sustainable forests

Review Procedure

If you are dissatisfied with this decision, you are entitled to appeal to the Scottish Information Commissioner. Please note that in order for an appeal to take place you must lodge that appeal within six months of the date of receipt of this letter.

For more information about lodging an appeal please visit the below link or contact the Scottish Information Commissioner.

www.itspublicknowledge.info/YourRights/AppealingtoCommissioner.asp

Scottish Information Commissioner

Kinburn Castle

Doubledykes Road

St Andrews, Fife

KY16 9DS

Telephone: 01334 464610

Fax: 01334 464611

e-mail: enquiries@itspublicknowledge.info

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

Printed on paper sourced from certified sustainable forests