

From: Secretary MOCCC <IMCEAEX-_O=FIRST+20ORGANIZATION_OU=EXCHANGE+20ADMINISTRATIVE+20GROUP+28FYDIBOHF23SPDLT+29_CN=RECIPIENTS_CN=00034001FFBB4886@eurprd03.prod.outlook.com>
Sent: 14 February 2022 09:51
To: Ann.Davie@eastdunbarton.gov.uk
Cc: Gary.Pews@eastdunbarton.gov.uk; Paul.Ferretti@eastdunbarton.gov.uk; Alex Buist; treasurer.moccc@outlook.com; Jim Crawford; mackenzie.andy@btinternet.com; Alan Gall; agnes_raybould@hotmail.com; Alan S Harris; Billy Hendry; Walker, David; gerry.cornes@eastdunbarton.gov.uk; Food, Farming and Countryside Commission; lawson James; John.Oates@eastdunbarton.gov.uk; John Hinton; Karen.Donnely@eastdunbarton.gov.uk; kirkyherald@jnsotland.co.uk; kmckenna1963@live.co.uk; Max.Wilson@eastdunbarton.gov.uk; Morag Campbell; Rona.Mackay.msp@parliament.scot; MCDONALD, Stuart; Thomas.McMenamin@eastdunbarton.gov.uk; joe.harkin@eastdunbarton.gov.uk
Subject: RE: [Official] : Birdston Coup - Contaminated Waste - blocking up of Right of Way - Further information and photographs
Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Mrs Davie,

Further to my e-mail of the 2nd February and my original e-mail of the 25th January it is now 12 days and 20 days respectively since I asked questions in relation to the concerns of the villagers of Birdston and Milton of Campsie with no reply from either yourself or Mrs Holland other than your response to say you will reply once you have contacted all relevant departments.

We feel that a more than an adequate time period has passed to discuss all the matters raised with the relevant departments and to obtain all the relevant documents, plans, applications etc unless of course they don't exist. Can you please advise when you will be able to respond fully to the questions raised and the points made.

Kind Regards,

Brian J McFall
Secretary - MOCCC

From: Secretary MOCCC <secretary.moccc@outlook.com>
Sent: Wednesday, February 2, 2022 2:13 PM
To: Ann.Davie@eastdunbarton.gov.uk
Cc: Gary.Pews@eastdunbarton.gov.uk; Paul.Ferretti@eastdunbarton.gov.uk
Subject: FW: [Official] : Birdston Coup - Contaminated Waste - blocking up of Right of Way - Further information and photographs

Dear Mrs Davie,

I am writing on behalf of the villagers of Milton of Campsie as the secretary of Milton of Campsie Community Council to you as Deputy Chief Executive of East Dunbartonshire Council.

It is now over a week since I wrote to Heather Holland ;see e-mail below; in response to the waffle of an e-mail written by her on the 25th January, in my e-mail below I make various points and questions all of which I professionally expect to be answered. This is all information that should be readily at hand for a council planning department so there should be no delay in answering the questions.

Perhaps it is just that the previous information of the original e-mail was not researched properly and it has now been found to be incorrect, we all make mistakes, but I still expect a professional answer to the points and questions raised.

For months now we have watched as EDC departments try to pass the buck around each other and on to SEPA or anyone else they can find, its time for each department to stand up and be counted and to provide answers that can be backed up by a paperwork trail of documents, drawings and reports. We expect EDC to perform proper duty of care in relation to the villages of Milton of Campsie and Birdston and not to blindly accept the word of a site operative without inspecting the site fully and researching the approval / exemptions in relation to the site which was capped before being closed in May 1991.

I await your response to this e-mail which I expect by return.

Kind Regards,

Brian J McFall
Secretary - MOCCC

From: Secretary MOCCC <secretary.moccc@outlook.com>
Sent: Tuesday, January 25, 2022 3:17 PM
To: Heather.Holland@eastdunbarton.gov.uk; Ann.Davie@eastdunbarton.gov.uk; gerry.cornes@eastdunbarton.gov.uk
Cc: Alex Buist <abuistjuslearn@aol.com>; agnes_raybould@hotmail.com; Alan Gall <alan.gall3@btinternet.com>; Alan S Harris <ashscot50@googlemail.com>; Billy.Hendry@eastdunbarton.gov.uk; Walker, David <david.walker@SEPA.org.uk>; Gary.Pews@eastdunbarton.gov.uk; gerry.cornes@eastdunbarton.gov.uk; hello@ffcc.co.uk; james.lawson3@btinternet.com; Jim Crawford <jimwilma17@yahoo.co.uk>; John.Oates@eastdunbarton.gov.uk; John Hinton <jwhinton@btinternet.com>; Karen.Donnelly@eastdunbarton.gov.uk; kirkyherald@jnsotland.co.uk; kmckenna1963@live.co.uk; mackenzie.andy@btinternet.com; Max.Wilson@eastdunbarton.gov.uk; Morag Campbell <morag162@gmail.com>; paul.ferretti@eastdunbarton.gov.uk; Mackay, Rona <rona.mackay.msp@parliament.scot>; MCDONALD, Stuart <stuart.mcdonald.mp@parliament.uk>; Thomas.McMenamin@eastdunbarton.gov.uk; treasurer.moccc@outlook.com
Subject: RE: [Official] : Birdston Coup - Contaminated Waste - blocking up of Right of Way - Further information and photographs

Good Afternoon Ms Holland,

Planning Status - historic planning permission to infill the site and restore the land to agricultural use.

- You confirm that the operators have a historic permission to bring the land back into agricultural use, do you have a final topographical plan and landscape layout of how this site will look when completed, will it be flat, will it be 10m higher than it currently is or will it be a series of 20m high pyramids covered in grass. Please advise and confirm what the finished article will be like. No planning permission is ever granted without a set of approved plans.
- Does this same planning permission allow for the operating of a waste Management Business? I have attached advertising confirming that Birdston Management are operating one on site. Would a change of use for a closed waste landfill site not be required for a business such as this to be in operation.
- You see no reason for EDC to take any action on this site at present. You personally are confirming that in your opinion the site is not unsecure and a danger to pedestrians, dog walkers,

animals and children who like to explore areas like this. You have no worries at all that it is potentially an accident waiting to happen.

Closure of the core path

- This has been reported to the Access Officer for some months now and nothing has been done. Has the operator been given a time frame to have the paths cleared and in a fit state for public use, if not why not?
- Is the operator being instructed to replace the trees that it willingly just ripped out to suit its end means?

Existing contaminated materials on site

- It is unclear whether nuclear waste was deposited and buried. Low level waste or not the sited should be treated as having nuclear waste buried as you cannot prove otherwise and it was licensed to accept it. It is considered sure enough that nearby residents had this disclosed to them when buying property either in the property particulars or the property missives. To ignore this issue is full hardy at best and reckless at worst.
- Future Gas Production below ground. From my recollection the site had a few sample pipes drilled into it which would allow monitoring of water levels and contents and of gas production. These pipes are now nowhere to be seen. The operator has either buried them or run over them with heavy plant.

Nature of materials being imported

- Materials stored are acceptable to you and EDC, 1000litre containers of heavy plant lubricant which is actually for tractor transmissions, silica sand, wall render cement plus who knows what else. The best part is you believe these are for forming a road, really, roads are formed with layers of possibly random small rubble, type 1 compacted layers and topped off with bitumen or concrete, hundreds of cubic metres of concrete, you would be lucky to make a binstore base out of that lot and given the way it is stored and how long it has been exposed to the elements it will be useless. Can't believe you just accept what they guys say without even asking for details about who this will be mixed to make this miraculous product.
- Mud sludge and stones are constantly dragged onto the road and were never dealt with until we started complaining, even now it is not dealt with after every truck enters and leaves. You say they are going to form a hard road at the entrance and install a wheel wash, this should have been done before any works started, a reputable company would have done this as a matter of course. There is no way the a wheel wash or hard standing road will be formed, what are the roads department doing about this entrance, ignoring it and hoping it will go away. Just remember this when this operating company leaves and EDC need to pick up the bill for repairs to the area. Currently the sludge is running into the road gullies and the adjacent fields. I hope you tell SEPA that you are allowing a wheelwash facility, where is the water and mud going to go, the adjacent burns by any chance.

Health and Safety

- This is a matter for the HSE and EDC are washing their hands of it, that is the stance of EDC. So no matter how many dangerous procedures, excavations, soil heaps, drums of unknown liquids etc that you saw on site you are confident that you do not need to do anything about it. Have you spoken to the HSE, asked them for advice or to visit the site? You as EDC have a duty bound duty of care to take care of the residents of EDC and as such if you see or feel an issue is a safety risk you must deal with it or be held liable for ignoring it should the worst happen. God forbid.

Your conclusion is that the site is perfectly safe, all above board and has no problems or issues at all, all of this concluded by walking onto site having a chat with the guys and walking off site. No samples taken, no hard investigation, no asking to see delivery tickets, no asking why they are advertising as operating a waste treatment facility and worst of all no enquiries as to why they have been receiving solid from the new football and sports hub at Southbank Marina which is being built upon an old highly toxic contaminated Nickle works, which was going to cost millions to clean up so EDC agreed to do it the cheap way and cap the toxins below the football pitch and buildings where the likelihood is that it will eventually find its way into the local watercourse.

EDC's approach to contamination seems to be have a look say everything is ok and walk away. Shameful.

Kind Regards,

Brian J McFall
Secretary - MOCCC

-----Original Message-----

From: Heather.Holland@eastdunbarton.gov.uk <Heather.Holland@eastdunbarton.gov.uk>

Sent: Tuesday, January 25, 2022 9:55 AM

To: Secretary MOCCC <secretary.moccc@outlook.com>

Cc: Alex Buist <abuistjuslearn@aol.com>; agnes_raybould@hotmail.com; Alan Gall

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Thomas.McMenamin@eastdunbarton.gov.uk; treasurer.moccc@outlook.com

Subject: Re: [Official] : Birdston Coup - Contaminated Waste - blocking up of Right of Way - Further information and photographs

Good afternoon Mr McFall

Thank you for your patience as officers have sought to pull together a full response to the various issues which you and other concerned residents have raised in relation to the above site. I can now offer the following comments.

Planning status

The site of the former Birdston Coup has a historic planning permission to infill the site and restore the land to agricultural use. Officers from the Council's Planning and Environmental Health Services recently visited the site to review the ongoing works. There was no evidence of any activities taking place or materials being brought to the site which suggested that anything other than the approved land restoration was taking place. The exact nature of the materials being brought to the site is regulated by SEPA under their waste management licensing powers and I understand they are carrying out their own regular monitoring in this regard. There does not appear to be any justification for the Council to take formal enforcement action on the operation generally at this stage.

However we will continue to monitor the site and ensure that it is restored as approved including the final landscaping and treatment to bring it to an agricultural use.

Closure of core Path

We have received complaints regarding the unauthorised closure of a core path adjacent to the site. While this is not a formal Right of Way, access legislation still offers protection to such routes and they should not be closed without going through the formal process. From the site visit it does appear that access to this path has been blocked by both a heras fence at the entrance and by soil bunds further along its length. This has been raised directly with the site operator and we will pursue the reinstatement of access to this route either through reinstatement of the original route or through a temporary diversion for the duration of the works. The final restoration of the site will also need to include a suitable permanent reinstatement of the route.

Existing contaminated materials on site

In 2014 East Dunbartonshire Council Environmental Health received information from SEPA regarding the former Birdston Landfill Site to assist in the contaminated land regime.

The landfill was granted a Waste Disposal Licence in the 1970's by the former Strathkelvin District Council for the disposal of commercial, industrial and household waste including asbestos and certain radioactive wastes. SEPA advises that whilst the site was authorised to receive radioactive waste*, it is unclear whether any such wastes were actually deposited. Monitoring of nearby surface waters by SEPA technicians was undertaken between 1992 and 1998 for assessment of tritium, carbon-14 and gamma ray sources. The monitoring was discontinued due to the low levels detected. SEPA furthermore stated that whilst past site monitoring did not indicate active gas production across the landfill it would be prudent to consider this in future. Such information is therefore passed onto future developers to assist their site investigation process.

*Radioactive waste comes in many different shapes and sizes. Liquids can spill and leak so to protect people and the environment, radioactive waste is never disposed of in liquid form. When it is created, low level radioactive waste can look like many things, including rubble, scrap metal, paper and clothing. That is because low level waste is any waste material that contains relatively low levels of radioactivity. So some of the soil and building materials left over after dismantling a nuclear facility are low level waste as are some items of protective clothing that people have worn when on nuclear sites or in radiation labs in hospitals and universities.

Nature of materials being imported

When Council officers have visited the site there has been no visible evidence of any materials other than top soil, clay or compost being deposited. There are materials currently stored within the site on pallets which the operator advises are to be used for their intended purposes (a heavy plant lubricant and a base material for constructing a concrete access road). They advised that these materials are not being used for infill of the site. The way the materials are stored and the fact they have been present on the site for a number of weeks suggests that this is the case. The importation of the materials to the site and their exact nature is regulated by SEPA through their waste management licensing powers. Measures to contain run-off from the site and water quality generally would also fall under the remit of SEPA. We have been in regular contact with them to ensure a joined up approach to the site and they have been carrying out regular monitoring of the site including soil sampling.

Condition of road and footpath at site access There have been issues with soil being dragged onto the public footpath and road from the site which adversely affects vehicle and pedestrian movement.

This has been raised with the contractor and they intend to install a hard surface to the bellmouth of the access along with a wheel washing facility for vehicles exiting the site. This should result in a significant improvement in this issue.

Health and Safety

Matters relating to public health and safety associated with the operation of the site such as adequacy of fencing, correct storage of plant and materials etc. would all be a matter for the Health and Safety Executive.

I understand they have already been advised of resident's concerns and will look into the points raised.

Conclusion

In conclusion there does not appear to be any issues arising from the operation of the site which would merit the council taking enforcement action or requiring operations to cease. We will of course continue to monitor it and ensure it progresses as approved. SEPA and HSE will need to carry out their own investigations into the areas covered by their remit and determine if any action is needed under their legislation.

I trust this is of assistance

Kind regards

Heather
Heather Holland
Executive Officer - Land Planning & Development

Place, Neighbourhood and Corporate Assets East Dunbartonshire Council Broomhill Deport Kilsyth
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Direct Dial: 0141 578 8524
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From: Secretary MOCCC <secretary.moccc@outlook.com>
To: "Thomas.McMenamin@eastdunbarton.gov.uk"
<Thomas.McMenamin@eastdunbarton.gov.uk>,
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Date: 21/12/2021 15:40

Subject: RE: Birdston Coup - Contaminated Waste - blocking up of Right
of Way - Further information and photographs

Hi Thomas et al,

Further to my e-mail on behalf of the Community Council I have been sent photographs of actions currently underway at the Birdston coup site.

1. Notices have appeared at both ends of the path stating that the path is closed for essential maintenance work, the date suggests these notice were erected in November yet no one has noticed them until now. (photo attached). If maintenance work is being undertaken ask them to inform the community and the local authorities as to what is to be done.
2. The path way from Birdston road has been dug up and all trees and bushes and habitat for wild creatures has been ripped up and destroyed by one of the onsite excavators. That is not maintenance, that is wilful destruction of nature.
3. A villager walked around the outskirts of the coup and part way into it maintaining safe distance from any machinery and has reported that behind the large soil bunds being formed at the perimeter large holes are being dug in the coup. The only reason to dig a large hole in an already filled coup is to hide something, perhaps the large chemical containers (Photo attached) which have been seen on site by numerous people and notified to you by photographs.
4. The main and only entrance to the site is a shambles and pretty much impassable for pedestrians.
5. The slurry mud from the site is now covering the pedestrian pavements as well as being on the road.

The longer this operation runs the more concern there is from villagers and walkers. Someone from EDC and or SEPA must visit this site on a regular if not daily basis and inform the local community of exactly what is being dumped and where its coming from.

Kind Regards,

Brian J McFall
Secretary - MOCCC

From: Secretary MOCCC <secretary.moccc@outlook.com>
Sent: Monday, December 20, 2021 2:39 PM
To: Thomas.McMenamin@eastdunbarton.gov.uk;
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hello@ffcc.co.uk; Morag Campbell <morag162@gmail.com>; Alan S Harris
<ashscot50@googlemail.com>
Subject: Birdston Coup - Contaminated Waste - blocking up of Right of
Way

Hi Thomas et al,

I have just driven past the entrance to Birdston coup and discovered that not only have those currently running the site, blocked off the access to a public right of way, they have now dug up the said right of way, making it impossible to pass and perhaps this is an attempt to make the right of way disappear for ever.

Surely there is some legality or planning legality that can control what is happening on this site, we have recently been told by a member of the community that when EDC were called about what?s happening, the person in question was told by an EDC employee that the soil was contaminated waste from a housing site in waterside. We know of two housing sites at Waterside, so is this true, unfortunately on the planning web site there is no Site Investigation with the application to look over.

There is also a lot of water seeping from the site onto the neighbouring farm land where cattle and sheep graze which then after slaughter enter the food chain, you all know the risk that poses if contamination enters the food chain.

Some villagers who have lived here all their life and are a bit older than me have said quite categorically that there was waste from Faslane and Rosyth buried there a long time back as well as waste from the Nailwork in Lennoxton which contained arsenic. Is this coup and surrounding area just a dumping ground for other people?s problem contaminants. We have previously sent photographs of container which more often than not contain chemicals, are they to be buried.

Is there no one in EDC who can?t attend to this site and demand information or do we need to wait until a serious health issue arises and we as a community council, point the finger and say ?we told you so, you were warned?. This has the potential to be an environmental disaster, those in control of the coup seem to be doing whatever they feel like, whilst EDC shrug their shoulders and say it?s a SEPA issue, it is both your issues.

Kind Regards,
Brian J McFall
Secretary - MOCCC

[attachment "North end of core path.jpg" deleted by Heather Holland/TechnicalServices/EDC] [attachment "Birdston end of core path with notice.jpg" deleted by Heather Holland/TechnicalServices/EDC]

[attachment "core path and vegetation being torn apart by excavator.jpg" deleted by Heather Holland/TechnicalServices/EDC]
[attachment "Entrance to coup- virtually impassable for pedestrians.jpg" deleted by Heather Holland/TechnicalServices/EDC]
[attachment "Slurry mud on pavement at entrance, much and stones visible in middle of road.jpg" deleted by Heather Holland/TechnicalServices/EDC] [attachment "liquid containers.jpg" deleted by Heather Holland/TechnicalServices/EDC]

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