

Colmonell & Lendalfoot Community Council
Minutes Meeting 28 March 2023
1900: Colmonell Community Centre

Present: Heather O Hare, Kay Cunningham, Margaret Fleming, Patrick Andrews, Danny Cunningham, Irene Conaghan, Alec Clark, Howard Wilkinson, Richard Birch (SEPA), Claire Drummond (Straid), Linda Gibson, Chelsea Glass, Helen Allan and Andrea Porter.

Apologies: Alison Wales

Heather suggested that the discussion on the Straid Landfill Site be taken first so that Richard Birch from SEPA was not unnecessarily detained.

Richard explained that he manages SEPA's landfill regulation teams and suggested that he should give an overview to set the context for the discussion about Straid Landfill. His team is responsible for all operational and inert closed landfill sites in Scotland including 32 operational landfill sites, 1 hazardous waste landfill site, and 220 old historic landfill sites.

Landfill sites require planning and a permit from SEPA the purpose of which is to protect the environment. The permit issued by SEPA specifies the operational requirements for each landfill site specifying the type of waste the site can receive, the engineering of the base lining, the requirements for the management of gas and leachate, and the regime for monitoring the site. The permit also regulates what is required following closure of a landfill site in terms of capping, gas extraction and the management and monitoring of leachate.

Richard explained that Straid Landfill had reached capacity and had stopped receiving waste. The site was moving towards closure and the restoration phase which involves profiling the hillside to allow rain water to run off and the engineering of a cap to seal in the compacted rubbish. The cap is likely to be clay with a geo-textile or a thick welded plastic cover to provide a seal. The cap serves to reduce levels of leachate requiring treatment and to capture methane gas for extraction. Once the cap has been installed the site will be remediated in accordance with a restoration plan to return the site to agricultural use.

Richard explained that SEPA's role is to ensure that the cap is installed to the appropriate standard. The gas will be extracted and burnt off to produce electricity and the gas infrastructure will remain in place until the site ceases to produce methane. The cap should reduce the volume of leachate which is abstracted, treated and then discharged out to sea. SEPA have a continuing role, monitoring gas, leachate, ground water and any migration of leachate off site. It will be tens of years, and Richard suggested after the end of his own career, before the operator will be able to make a case to surrender the permit. Richard also explained that compliance with the permit requires the operator to make adequate financial provision and to have an expenditure plan in place.

In 2025 the ban on the disposal of bio-degradable waste going to landfill will come into force and Richard expects a smaller landfill estate in Scotland in the future but recognises that there will always be a need for landfill to deal with waste such as asbestos.

Alec explained that there were heightened concerns in the community following the drone footage captured by Ian Young from Girvan in November 2021 that showed a huge volume of discharge from Straid Landfill described in the press at the time as

“the sea appears to boil”. The point of discharge is close too established fishing grounds.

Richard explained that the permit establishes the leachate quality limits. He could not off the top of his head remember those set for Straid Landfill but SEPA were always conservative in the limits that they set and in the case of Straid Landfill the dilution factor in discharging into the sea would have been taken into account.

The quality of treated leachate is monitored by the operator and periodically by SEPA who review discharge parameters, monitoring and testing. A particular concern is to ensure monitoring and testing is done in the right place and at the right time.

When asked what the gas will be used for Richard explained that the gas is used for generation. The gas needs to be checked on a regular basis as there is a requirement to balance the flow of gas in circumstances where the yield across the site will vary depending on the type and age of waste in proximity to the extraction pipes.

When asked about SEPA’s monitoring role Richard explained that the permit imposes obligations on the operator which are audited by SEPA who also make regulatory inspections. The science team at SEPA carry out a desk top audit of sampling techniques the objective being to test confidence that they are fit for purpose.

When asked about the frequency of SEPA’s interventions Richard said the science audit would be undertaken once a year and the regulatory inspection would be undertaken quarterly. As years go on following the closure of a landfill site there would be an expectation of a drop down in frequency of both audit and inspections.

Patrick asked if discharge of leachate into the sea would remain in place. Richard said that whilst it would be open to the operator to seek a change to the existing management plan and a variation of the permit he expected the discharge pipe to remain in place. SEPA has no particular concerns about the current regime. Richard thought that discharge of the treated leachate into the sea was the best solution being both sustainable and appropriate. The leachate when extracted is gravity fed to the lagoons which is an advantage over sites where pumping is required and there are no concerns about compliance.

Without wishing to put Claire on the spot Patrick said another question asked locally was whether the waste transfer shed would be removed following closure of the Landfillsite. Claire advised that a decision on the future of that building had not been taken but it was currently being used for lambing.

Heather thanked Richard for his attendance and Richard said he would be happy to answer any follow up questions by email exchange with Patrick and would attend a meeting in the future if required to address local concerns.

1. Approval of Minutes of Meetings 24 January 2023 and actions arising not covered off in Minutes or by agenda items below:

The minutes of the meeting on 24 January 2023 were approved with Margaret proposing and Irene seconding.

2. Police Report:

The meeting noted the police reports issued by emails from Paul McKinlay of 27 February and 28 January 2023.

3. Financial Report:

Kay tabled the Treasurers Report for the period to 28 March 2023.

4. Colmonell Church:

Patrick confirmed that St Colmon Preservation Trust Company had formally noted interest with Mary Macleod, the Solicitor to the Church of Scotland with a request that the Community’s interest be passed on to the General Trustees. The letter was copied to the Minister Theo Corney and the South West Scotland Presbytery Clerk.

Mary Macleod has advised that the process to dispose of the Church has not started and requires a request from either the South West Presbytery or the congregation to kick things off. In due course the Trust Company can expect a solicitor in the legal department to be in touch.

The meeting discussed the impact of the action taken by the Minister and Kirk Session to change the locks on the Church and the Church Hall without any discussion with the 4 existing key holders, all Elders Emeritus. Two of the existing key holders found themselves locked out of the Church without notice when they arrived to put flowers in the Church for the Sunday service.

The meeting condemned the action taken to change the locks without consultation and acknowledged the hurt that has caused to the 4 existing key holders and the impact the action has had on the wider community particularly those who have attended the Cosy Space initiative in the Church Hall. The action will with certainty further damage the numbers attending church in Colmonell and congregation numbers are predicted to fall below 10 which does not bode well for the future.

5. A77 / Roads Issues:

- South gateway to Lendalfoot & extension of average speed cameras

Alec spoke to his email exchanges with Neil Lang since the last meeting but advised the he had not been able to make any substantive progress. Neil Lang does not appear to have any interest in engaging on this issue and Alec feel he needs to raise the concern with Neil Lamie, the Chief Inspector of Police. Alec is resigned to the fact that the issue may need to be raised with the Transport Minister and MSPs.

- Sight lines north entrance to Carleton Crescent

Patrick explained the substance of his email exchanges with Gordon Coppard. Having checked the Land Certificate to one of the houses in Carleton Crescent Transport Scotland maintain that they do not have title to the area of ground. They further maintain that the sight lines at the North entrance to Carleton Crescent meet regulations.

Patrick has responded to Gordon Coppard by email of 2 March 2023 which he spoke to. That email is in the following terms:-

“Upon further investigation it is clear that you are correct in concluding that Transport Scotland do not have a recorded title to the area in question or indeed any of the other plots identified on the attached plan and now maintained by Transport Scotland.

The plan related to the Receipt for Compensation Undertaking to Execute Conveyance dated 18 April 2000 and 18 April 2003 which I sent you previously. I attach a further copy just for ease of reference. This confirms that Carleton Bay Association sold all of the plots identified on the plan for the consideration of £1500. It was signed on 18 April 2000 by me (then Chair) and Graham Lees (then Secretary) and on 8 April 2003 it was signed by Robert Alexander Inglis on behalf of the Scottish Ministers.

As your email confirms the ground in question was owned in common by each of the proprietors of the 26/27 houses in Carleton Crescent.

In the ordinary course the Receipt and Undertaking would be followed with a Schedule A Conveyance which would be recorded but I am told that it was not unusual for land acquired for road improvements just to left resting on the Receipt and Undertaking without formally taking title. As you will see from the gap between the dates on which the Receipt and Undertaking was signed the Scottish Ministers were not in a hurry to complete the paper work. More over I think a pragmatic view was taken in circumstances where to complete and record title the Schedule A Conveyance would have had to have been signed by each of the owners of the 26/27 houses in Carleton Crescent (together with any secured lenders) something that frankly would not be

worth the trouble in respect of land where the works had long since been completed. Defacto I think it is clear that Transport Scotland own the area in question along with the other plots that were "built out".

As you may recall when the installation of the 40mph signs was under consideration there was a consultation that included a site visit and walk through the village. Vincent Tait looked at the sight lines of the north entrance to Carleton Crescent at that time and reached the conclusion set out in your email that the sight lines were compliant with regulations. The sight lines in the winter and spring are very different from the sight lines in the summer and autumn because of the bracken that grows up through the remains of the dyke. I do not know whether when the bracken is up the sightlines comply with the regulations or not but the attached photographs taken by one of the householders last year illustrate the problem and concerns.

I hope this email is of assistance to you and would ask you to confirm what if anything can be done to address the concern."

- Bus shelter Lendalfoot Village

Alec confirmed that action to progress the planning stage of a bus shelter in Lendalfoot Village is being taken forward.

6. Varyag Memorial Site, action required to re-establish the two public rights of way giving vehicular access to the beach and construction of fence.

Alec advised that he had met with Rachael Shipley to discuss this issue. The advice given is that case law has established that for there to be a public right of way to a beach there needs to be a terminus point such as a pier or jetty. Patrick advised that he had addressed that point in the email exchanges with Neil Feggans in May 2021. He had in his last email to Alec drawn attention to that exchange and was waiting for a response from Rachael. It was agreed that Patrick would resend the photographs that illustrate the position. The meeting acknowledged that the landowner primary objective is to prevent camper vans parking on the grass above the foreshore stopping a practice that has gone on for decades.

7. Straid Landfill:

See above.

8. Planning / Licensing:

- Update 6&7 Whilk Meadows

Alec advised that Mike Newall was just into his new position in the council's Executive team. Alec undertook to raise the matter with Mike Newall next week.

9. Colmonell Website:

Heather explained the proposal to develop an image showing the boundaries of the Community Council and some of the land marks within the area. Although a map has been obtained from Tracy Whiteford we need to find a creative volunteer to take this forward.

10. Community Council By-Election:

The meeting noted that there were no returns for the four vacancies. She explained that Helen and Andrea were attending the meeting this evening to understand what was involved and to help them in their deliberations as to whether to be co-opted onto the Community Council.

11. Unesco Biosphere: road signage Lendalfoot:

Patrick confirmed that he had written a letter of support to Jena Cains but had not heard further. Alec explained that there were restrictions on Ayrshire Roads Alliance working on the A77 which is a trunk road that Amey are responsible. It is for that reason that the Biosphere roads signs have been rolled out more quickly in other villages. Amey have agreed to carry out an induction and training course for Ayrshire Roads Alliance that will allow them to install signage on the A77.

Irene questioned who had authorised the positioning of the Biosphere information boards directly opposite the Community Centre and next to the commemorative bench which she and others objected to and did not think appropriate. Howard reminded the meeting of an earlier discussion about the information boards and whether they required planning consent. He had been advised that the information boards did not need planning consent and the positioning of them had the blessing of the Community Association and was supported by others in the village. He apologised if the issue has caused friction.

12. Craigniel Road issues:

The damage to the pavement had been raised in an email to Kevin Braidwood of 10 March 2023. Alec was surprised that it had not been actioned and would chase it on. Alec also agreed to take up the issue with the overgrown garden at 14 Craigniel Road where the fence is endanger of collapsing with Fiona Ross and her team.

13. Dog waste bins Colmonell:

Heather asked if one of the new combination bins could be put up near the School and Alec agreed he would take this forward.

14. Correspondence:

None

15. AOCB/ and date of next meeting:

Next meeting and AGM to be held on 16 May 2023 at 19:00 in Lendalfoot Village Hall.

16. Carrick Futures & Kilgallioch Windfarm Benefit Fund - Grant Applications:

The meeting approved a grant application from Colmonell Community Association for £480 to fund repairs to the raised bed in the Community Garden and it's replanting and the provision of 4 hanging baskets.

The meeting also approved a grant application from Lendalfoot Community Association Limited for £480 to fund an afternoon tea and community event to mark the coronation of the King in May with an estimated attendance of 50 people.