

# MINUTE OF DALGETY BAY INTERIM FORUM MEETING

## SCOTTISH ENVIRONMENT PROTECTION AGENCY

**Dalgety Bay Interim Forum Meeting**  
**Held on 7<sup>th</sup> November 2011 at 2.00pm**  
**Venue: SEPA Boardroom, Stirling**

### Present

Helen Eadie (HE)– MSP  
 Colin McPhail (CMcP) – Chairman of Dalgety Bay and Hillend Community Council  
 Donald Adrain (DA) – Commodore of Dalgety Bay Sailing Club  
 Alice McGarry (AMcG) – Fife Councillor & Chair SW Fife AR&A Committee  
 Will Munro (WM), FSA in Scotland  
 Linda Turner (LT) – Fife Council  
 Mark Hill (MH) - MoD/DIO  
 Iain Robertson (IR) - MoD/DIO  
 Ron Brown (RB) – MoD/DSTL  
 John Burton (JB) - HPA  
 Jackie Hyland (JH) – NHS Fife  
 Martin Macdonald (MM) – Scottish Government  
 Arthur Johnston (AJ) – Scottish Government  
 Joyce Whytock (JW)– Scottish Government

Janice Milne (JM) – SEPA  
 Jim Gemmill (JG) – SEPA  
 Paul Dale (PD) – SEPA  
 Mark Toner (MT) - SEPA  
 Lee Madigan (LM) – SEPA Communications Dept  
 Debbie Storm (DS Comms) – SEPA Communications Dept  
 David Stone (DS) – SEPA RS  
 Gillian Sinclair (GS) – SEPA (RS Mins Secretary)

### Apologies

Larry Irwin (LI) - Moray Estates  
 David Brack (DB) – MoD/DIO

Action No:	Summary of Actions	Action
<b>DBF 7 Nov 2011 - 1</b>	DIO to consider arranging for the permanent revised signs to be made and installed.	DIO/SEPA
<b>DBF 7 Nov 2011 – 2</b>	DIO and SEPA to exchange details of documents they hold.	DIO/SEPA
<b>DBF 7 Nov 2011 - 3</b>	SEPA to review information on SEPA website to ensure precautionary advice is clearly stated.	SEPA

<b>1.0</b>	<b>Welcome and Introductions</b>	
	<p>JM welcomed all to the Interim Forum Meeting and introduced local MSP Helen Eadie and Councillor Alice McGarry and those present from MoD/DIO. Round table introductions were made.</p> <p>JM explained that this Interim meeting of the Forum has been arranged at a request of Forum members and the Rt Hon Gordon Brown MP. As detailed in the meeting invitation, it will be a platform for Forum members to exchange information and allow for questions to be asked.</p>	
<b>2.0</b>	<b>September 2011 Hazard Reports</b>	
	PD delivered a presentation on SEPA's hazard reports which were	

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	<p>published in September. The reports details SEPA's work on Skin Doses and Ingestion studies. The reports are based on information gathered from particles recovered from Dalgety Bay by MoD(DIO) and SEPA contractors in previous monitoring surveys.</p> <p>In summary:</p> <ul style="list-style-type: none"> <li>• Skin – doses not of concern from those sources recovered to date, potential greater risk through ingestion as radiation enclosed within particle.</li> <li>• Inhalation – no further work undertaken</li> <li>• Ingestion – more realistic experiment utilising stomach acidic and enzymatic composition may mean previous estimates of dose may have under estimated the true dose</li> <li>• Doses from inadvertent ingestion of ingestible sized particles would be above the 100mSv level for at least very young children based on their 2011 work. Earlier work previously shown doses in excess of 100mSv to older age groups.</li> </ul> <p>And concludes :</p> <ul style="list-style-type: none"> <li>• Skin doses unlikely to exceed RCL threshold values for the historic sources.</li> <li>• Ingestion doses again exceed criteria in RCL.</li> </ul>	
<b>3.0</b>	<b>Intrusive Headland Investigation</b>	
	<p>PD presented an overview of SEPA's 2011 investigation to the meeting. This focussed on the headland investigation to determine if it was a likely source of contamination that is feeding the repopulation of particles at Dalgety Bay.</p> <p>Ground Penetrating Radar (GPR) work was undertaken on 5th September to provide information on the construction of the headland and coring of the headland began on 12th September. The GPR identified a potential 'tipping face', which suggests that waste was disposed of underneath the current headland.</p> <p>A radioactive source was recovered from within the eroding edge of the headland and Ra-226 was positively identified at the face of the headland. Further radioactive sources were identified in the headland at depth which aligned with a tipping face (these were identified by the daughters of radium 226). Furthermore, concurrent monitoring by DIO contractors detected (and removed) sources from the inter-tidal area including: in front of the headland; slipway area; eastern side of sailing club area and in front of Ross plantation.</p> <p>Further monitoring of the intertidal area previously 'cleared' of sources at Dalgety Bay by SEPA revealed the presence of further sources.</p> <p>SEPA changed the scope of the investigation due to the number of finds, and undertook monitoring of an inter-tidal area of made-ground that showed signs of erosion. Monitoring of this area identified a high activity source, which was subsequently recovered from around 75 cm below surface. The in-field radioactivity was estimated to be 13MBq Ra-226 and a type "A" container was required for Radioactive Materials Transport Regulation compliance.</p> <p>Subsequent laboratory analysis assessed the activity of this source to</p>	

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	<p>be around 10 MBq, however there was a 70 second dead time on the detector. Further analysis is planned, however a detailed laboratory risk assessment is required due to the high external dose rate and activity.</p> <p>At least one other high activity source(s) remain at depth in the same general area which needed to be removed before the winter begins. Information from local people has suggested that the coastline eroded by at least 2 feet during winter storms last year at that location. Should a similar event happen this year, then there is a risk that further high-activity source or sources may be released in to the intertidal area.</p>	
<b>4.0</b>	<p><b>Intertidal Monitoring and SEPA Actions</b></p> <p>PD provided an update on the actions taken by SEPA and Fife Council in light of the detection of the high-activity source. The area has been demarcated and further signage has been erected. SEPA is monitoring the remainder of the demarcated area to determine if other high-activity sources are present.</p> <p>In conclusion:</p> <ul style="list-style-type: none"> <li>• More sources present than previously believed.</li> <li>• Higher activity sources than previously believed are present at Dalgety Bay, some of which could give deterministic effects and contain enough activity to have significant health effects.</li> <li>• High activity sources remain in the environment at Dalgety Bay.</li> <li>• Inhalation pathways require to be revisited.</li> <li>• In light of findings (above) current (permanent) signs are not appropriate.</li> <li>• The criteria for RCL at Dalgety Bay have been exceeded and there is no appropriate management arrangement in place at present, hence there is a need to review these.</li> </ul> <p>Recovery work: From 12<sup>th</sup> October to 4<sup>th</sup> November 468 sources in total have been recovered, as the monitoring is incomplete the total number could be higher for the entire area. Some of the sources have been close to the surface and 2 have been recovered from in the made ground itself. SEPA's provisional monitoring data to date (some 300 sources) has been provided to DIO.</p> <p>Discussion: DIO monitoring data for Dalgety Bay has been requested by SEPA. DIO has requested their contractor to provide this information.</p> <p>MH asked SEPA if they could explain for his benefit where the 100mSv threshold came from as this is something peculiar to the Scottish Regulations and not found within the regulations for England and Wales? PD advised that the additional threshold in relation to point sources was set by SG in guidance to the radioactive contaminated land regulations. MM (SG) advised that the inclusion all of the thresholds for radioactive contaminated land had been following consultation with SEPA during the development of that guidance (as had many other aspects of the guidance). PD said that this value was probably informed by the threshold that had been developed for the beach at Dounreay by DPAG. He then added that the threshold was</p>	

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<p>set out in the SG Statutory Guidance and MM offered to provide MH (DIO) with a copy.</p> <p>MH then asked whether the use of this threshold meant that the Scottish Regulations had moved away from/were in conflict with the underpinning concept of 'source-pathway-receptor' and a discussion ensued with PD who argued that this was not the case.</p> <p>RB (DIO) argued that it had as the main issue was the way in which "probability of encounter" was addressed.' PD said that in England and Wales such cases were examined on a case by case basis.</p> <p>HE declared an interest as a local homeowner, however stated that her role as an MSP was related to the residents and to ensure their safety. She asked if the management arrangements were no longer adequate. PD noted that annual monitoring and recovery and the presence of signs was appropriate for the hazard as it was known at that time, however the number of sources, the activity and new information on beach usage means that is now necessary to review the actions required and the signage. JG noted that there is an erosion risk and annual monitoring is not appropriate.</p> <p>HE asked if it was necessary to investigate private gardens close to this source. PD indicated that work was undertaken by DIO contractors and reports had been issued to landowners. DIO confirmed this and stated that this issue had been closed out. The work was reviewed by the Committee on Medical Aspects of Radiation in the Environment (COMARE) and their recommendations were implemented by DIO.</p> <p>CMcP asked why after the 2010 storm only 28 particles were found and why has it taken until now to find these additional ones. PD responded that the previous work was undertaken by DIO contractor. DA also asked if there was a standard of how the monitoring is carried out.</p> <p>JG stated that until now it was thought that it was the sea which was contaminating the beach, however the original intent of SEPA's 2011 investigation was to look intrusively at the headland and to discuss the potential for an offshore cache with SEPA's marine scientists. The conclusion of the current study is that there is likely to be at least two on shore sources due to the discoveries in the made ground.</p> <p>JH stated that it was her understanding that the signs were a temporary measure and the Forum have been asking for several years for a risk assessment to be undertaken – this should be done by an external agency. She noted that her understanding with contaminated land was based on non-radioactive contaminants, but suggested that an external contractor should be tasked with assessing the source-pathway-receptor model, with the findings being reported through this Forum. JG said that at the moment SEPA (as SEPA is an independent regulator) is doing this as part of its statutory duties. However, it was not possible to undertake a robust risk assessment at present as a large amount of the necessary data was absent. JH noted concern that SEPA were not available for a meeting with HPA.</p>	
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	<p>JG said that this was due to time constraints but hoped to be able to attend this meeting. JH asked what the recent findings meant to the safety of the people in the local area and stated that a Risk Assessment must be carried out.</p> <p>JG said that SEPA was developing a group of independent experts and the residual risk assessment would form part of the work of that group. Observers would be invited from HPA, FSA, Fife NHS, Fife Council, MoD, the Community Council and SEPA to attend this group. JG also noted that until the amount of material which could enter the environment was known it would be impossible to undertake any prospective risk assessment.</p> <p>JH said that her concern is related to the press statements by SEPA, which is raising anxiety in the local population.</p> <p>HE advised that her purpose of attending the meeting was not to put pressure on SEPA; it is to ensure that work is being done by the MoD. She asked what DIO are going to do about the problem and if there was money available for this problem to be remediated. She stated that politicians were looking for answers now. She stated that it had been going on for too long now. IR emphasised the point of the meeting and asked JM to remind those present at this point.</p> <p>HE valued the input made by NHS Fife, but noted that locals have lost their patience and acknowledged the statements by SEPA on the risk posed. She continued that SEPA's work to date by PD and his colleagues was valued. HE has spoken to the Scottish Parliament and informed that the Rt Hon Alex Salmond MP said SEPA has approached this with diligence. HE stated that she wanted to know what HM Government are doing.</p> <p>CMcP supported HE statement.</p> <p>JM reminded those present that the Interim Forum meeting was an exchange of information and asked JG to provide an update from SEPA. She continued that this issue has been going on since it was identified in 1990, and information has been gathered since this time. She stressed that SEPA would not shy away from designation.</p> <p>CMcP said it should be the last resort to designate.</p>	
<b>5.0</b>	<b>Update from Forum Members</b>	
	<b>SEPA –</b>	
	<p>JG referred to JH point regarding an expert group, and said that this will consider the residual risk assessment as part of its work programme but this group would be a separate from the Forum. IR asked if this was a reconstitution of the old RA Group, to which JG replied that this was a new group.</p> <p>JG stated that SEPA has been reviewing data and information available that has come to the conclusion that it is the land, and erosion, which is causing the beach to be repopulated.</p>	

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	<p>JG noted JH earlier comments and stated that he was unaware that the signs were meant to be temporary. There was an action from the previous meeting to look at the signage for the beach and as a result those bodies with statutory obligations to protect the public met. This meeting comprised SEPA, HPA, FSA and Fife Council (NHS Fife was unable to attend). JG stated that following press statements SEPA has had a number of enquiries from the public. These people, which included a group of scouts, were not aware of the current signs. At the meeting it was agreed that a visit to the area was necessary to ensure that positioning and orientation of the signs were adequate. It was also decided that the title of the sign would change to "Radioactive Contamination", the coloured radioactivity trefoil sign would be added adjacent to the title, the current wording would remain in place, the map would remain but be simplified and the logos of SEPA, Fife Council and FSA Scotland would be on the sign. JH said that NHS Fife have a responsibility to ensure the appropriate agencies inform the public of risks in areas for which these agencies are responsible. In 2006 NHS Fife asked for signs to be put up by the responsible agencies i.e. SEPA, the landowners and the polluter. The advice on the signs should be provided by the appropriate experts. JB said the HPA logo would not be on the signage but it would endorse the content. MoD(DIO) was asked if they would arrange and erect the new signs. JG stated that the minute of the signs meeting will be available. CMcP asked how many signs there would be. JG believed more than currently, but possibly around 7 in total.</p> <p>DA stated that on sailing regatta day's people don't see the signs so something more concrete is needed. The Sailing Club can have 100 - 150 extra people on these days. IR stated that signs were given to the sailing club so that they could be put in the changing rooms but does not know what has happened to them. IR suggested that there were other ways of informing people without putting up signs, and suggested putting a notification on the Sailing Club website.</p> <p>IR stated that the original intent of the placement of the signs was that they could advise people leaving the beach and this was agreed with SEPA, NHS Fife, Fife Council. For the record IR said that these were put in the right place at the time.</p> <p>WM (FSA) said that people need to be warned about shellfish collection and the current advice was appropriate.</p> <p>It was agreed that people need to be warned before going on to the beach.</p> <p>JH said that the message is confusing. The signs may not be appropriate for public health due to the high activity source. RB asked JB (HPA) if the recent discovery of the high activity sources had resulted in a step change in risk. JB said despite the recent discovery of the high activity sources; the hazard and health risk has not changed apart from the one find. IR stated that the high activity particle was buried at depth and so was not available to the public.</p> <p>PD reiterated that the source was a significant hazard, and did not pose a significant risk if it remained buried at 75 cm below ground,</p>	<p>ACTON- MOD(DIO) /SEPA</p>
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	<p>however, it would have posed a risk to health if it had become exposed. He added that it is not known where it had been before it was found and removed by SEPA. The source no longer poses the same risk as it has been removed, however, there is at least one high activity source present in the same area such that the find may not be unique.</p> <p>LT said that there are temporary signs in place and people are advised not to go onto the area. The area has been demarcated with ticker tape.</p> <p>PD said that people are still going on to the demarked area.</p> <p>AMcG stated that the signs need to be as good as they can be. There is significant coastal erosion, continual repopulation therefore the signage needs to be as big and as bold as possible.</p> <p>HE stated that we did not know until now how serious this has been. We need a solution here and now. We want the MoD(DIO) to commit. HE wanted the MoD(DIO) to speak up at this meeting. She demanded to know what was going to happen.</p> <p>IR said that the DB Forum Meeting on 22<sup>nd</sup> November is where MoD(DIO) will bring its response to SEPA (on what it proposes undertake to characterise and address the contamination).</p> <p>JM reiterated that this meeting was purely for an exchange of information between Forum members and read out her email to forum members dated 27<sup>th</sup> October 2011.</p> <p>RB (MOD/DIO) stated that: "there had been a step change in the risk". JB clarified that HPA are awaiting further information, and that the recent find is not representative of the population. PD said that there is lots of information and that the pace of the investigation means that SEPA has not yet been able to collate all the information.</p> <p>PD stated that this is up-to-date information which is presented to the Forum today. JB stated that HPA has not had time to digest the information which is available. There are now a lot more particles than previously thought and they are potentially of greater hazard. What we thought we knew about the particles is now changed.</p>	
	<b>MoD(DIO)</b>	
	<p>MH noted that he was attending on behalf of DB. MH stated that the DIO Chief Operating Officer was in the process of writing to the SEPA CE in response to his recent letter and was happy to meet with him to discuss the issues.</p> <p>MH also stated that there has been continued exchange of information with SEPA and DIO is looking to meet with SEPA before the next Forum meeting on 22<sup>nd</sup> November in order to discuss their findings including the basis on which they believe MOD to be an appropriate person and thereby make the most of the Forum meeting.</p> <p>MH emphasised that DIO did not want this to become a "trial by media"</p>	ACTION MOD(DIO)

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	<p>and reminded the Forum that there is a statutory process to be followed.</p> <p>MH confirmed that MOD remained committed to supporting SEPA with their inspection and would continue to assist with the recovery and disposal of radioactive sources. The MoD(DIO) had committed to a three year monitoring programme prior to the recent find, and that remained the case. (At the time of the meeting SEPA had not shared the basis on which they believed MOD to be 'an appropriate person').</p> <p>AJ (SG) asked what information was being exchanged with SEPA. DIO said that they are checking all historical information has been shared. SEPA are putting their findings to us. JG reiterated that SEPA has shared details of recent findings with DIO.</p> <p>CMcP asked if they were doing more monitoring. IR stated that DIO have been monitoring before SEPA monitored. DIO do not have the recent material as it is still with Stirling University but it will be disposed of by DIO. DIO have plans for further monitoring and they will discuss this with SEPA.</p> <p>CMcP asked about the difference in Contaminated Land Regulations and if they are more stringent in England and Wales.</p> <p>RB stated that the Regulations in England and Wales allow for the probability of encounter to be taken into account. PD commented that this is not necessarily correct and that for Radioactive Contaminated Land Regulations the sites are treated on a case by case basis in the relevant legislation for England and Wales. RB replied that it was the fact the regulations for England and Wales allow probability of encounter to be taken into account. PD retorted that the regulations are not directly comparable and that the HPA advice for England and Wales clearly states case by case basis.</p> <p>JG said the difference between Scotland's regulations and England and Wales is that there is no threshold and it is case by case. In Scotland there is a cut-off as the risk is determined by the hazard posed by point sources regardless of whether or not a pathway currently exists. AMcG said the differences in regulations are irrelevant as the situation will be handled under Scotland regulations.</p> <p>JM said that if any forum member wishes to review the differences then they are of course free to do so, however SEPA must concentrate on our regulatory duties. HE stated that she would take advice from SEPA.</p>	MOD(DIO)
	<b>Scottish Government</b>	
	<p>MM stated that Scottish Ministers have been kept up to date on SEPA's efforts of regulating and monitoring Dalgety Bay. MM also noted that Scottish Government strongly support SEPA's activities and said that SEPA were going above and beyond the requirements expected of them as their duty as a regulator.</p> <p>Richard Lochhead, Cabinet Secretary for Rural Affairs and Environment has written to MoD(DIO) twice to support SEPA and</p>	



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	<p>request MoD's(DIO) response. He referred to SG guidance and stated that Radioactive Contaminated Land Regulations are taken seriously and said a voluntary approach to remediation from MoD(DIO) would be welcomed, however SG will support any action SEPA deems necessary to progress under the law.</p> <p>He advised that this has also been discussed with the Scottish Office.</p> <p>AJ (SG) reinforced the level of seriousness and stressed that this needed to be resolved voluntarily.</p> <p>HE stated that Annabelle Ewing MSP tabled a motion on Dalgety Bay at a Scottish Parliament Business Debate. HE stressed that Westminster needs to know the seriousness of this issue. MH asked JG whether any other potential appropriate person had done as much as MOD in assisting SEPA with any inspection (at Dalgety Bay)? JG replied no.</p>	
	<b>Fife Council</b>	
	<p>LT noted that the Council has erected temporary signs in the area which now cover the food safety aspect. Fife Council is committed at keeping the signs active. Limited information requests have been received by Fife Council on this issue.</p>	
	<b>FSA</b>	
	<p>WM stated that monitoring of the food chain is done jointly with SEPA &amp; FSA continue to liaise with SEPA on this matter. There are no commercial fisheries in the area, however there is anecdotal evidence of flatfish fishing and people have been observed removing shellfish. FSA will be undertaking a food chain risk assessment based on SEPA's data, and dependent on the results would consider placing an Order under Food and Environment Protection Act (FEPA Order) which would make the harvesting of seafood from the affected area illegal. WM indicated that bait may be out of scope for any FEPA Order but would check this with FSA solicitors, however the current wording of the signage covers the necessary precautions.</p> <p>With regard to MoD(DIO) information FSA would like to see this free flowing of information including historical information; also local knowledge of seafood collection could be useful. MH confirmed that DIO has shared information with SEPA and will continue to do so.</p> <p>HE mentioned that from her kitchen window she has seen vans with people going out to collect shellfish on the beach, although this has not been happening so much recently. She is happy to pass on information of anything she sees.</p>	
	<b>HPA</b>	
	<p>JB stated that J Cooper, Director (HPA) wrote to PD with the HPA position and support of SEPA's actions to date. They support SEPA's action and advice on further work to gather more information on the hazard posed.</p> <p>JB attended the recent signage meeting mentioned in SEPA's update.</p>	

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	<p>HPA are seeking to set up a further meeting with SEPA and others shortly. JB stated that he would ask for FSA to be invited to this group.</p> <p>AMcG asked if SEPA's expert group would look at coastal erosion. JG said that it would as it is an important aspect of the radiological impact.</p>	
	<b>NHS Fife</b>	
	<p>JH stated that information for the years 1975-2002 indicate that there has been no significant increase in the levels of cancer in the area. This data is being updated but it will take several months before the results are available. If the data show that there has been an increase in cancer rates this would not necessarily arise because of the contamination at the foreshore but if there is no increase in the level of cancer then this should provide some reassurance to the population. Communication to the public needs to give balanced advice of the risks posed and what the public can do to protect themselves i.e. that Dalgety Bay is not surrounded by a cloud of radioactivity but that any risk is focussed on the foreshore and people could protect themselves by following the advice on the signs. The press releases by SEPA are causing distress in the area and these should be shared in advance of release so that the NHS can advise on a message with is proportionate. She stated that it is unhelpful to hold the MoD(DIO) to account through the press.</p> <p>AMcG said that this action is sometimes the best way to ensure pressure is put on those agencies.</p> <p>MH (MoD/DIO) responded by reminding the Forum that there is a statutory process which SEPA is obliged to follow and reiterated that this should not be about by trial by media.</p> <p>JG said that SEPA has and will continue to report the facts of the situation to the public in an open and transparent way.</p> <p>JH stated that the facts can be distorted and SEPA's website does not advise people in a proportionate manner how to protect themselves and she stressed that people should be told how to do this. SEPA needs to update its website with the health advice from the HPA.</p> <p>HE said that the hygiene message was being used and noted articles in both the Courier and the Dunfermline Press stating the precautions.</p> <p>PD responded to the concern by indicating that on each of the BBC and ITV news interviews he indicated that the hygiene precautions should be followed and detailed what those precautions were.</p> <p>DS (SEPA Comms) stated that that SEPA have a duty to inform the public and it would not be acceptable for SEPA to sit on data until the full hazards are known. SEPA always communicates the precautionary advice, although we cannot ensure that the press reiterate it when publishing.</p> <p>MH stated that he had previously worked with the EA and Local Authority to undertake an inspection under part 2A for a site contaminated with DDT and its breakdown products which are just as</p>	

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	<p>emotive as radioactivity. In this case the establishment of a steering group similar to the DB Forum had facilitated joint working and through joint press releases and lines to take had avoided creating unnecessary anxiety and stress. A general discussion on the role of the Forum and press statements followed.</p> <p>HE said that this will be debated in the Parliament and sometimes issues are outwith the control of the agencies involved.</p> <p>WM said that the FSA has a duty to advise the public, and they endeavour to share information, however the overarching duty is to advise the public.</p> <p>CMcP said that a joint press release be issued on behalf of the Forum and that then SEPA could issue their own.</p> <p>JH said that we need to see the SEPA press release before it goes out. DS stated that this is not always practicable to wait for comments. AMcG said that the agencies just needed to react as required by their role.</p> <p>JM said people will see the press release before it is issued.</p>	
	<b>Dalgety Bay Sailing Club</b>	
	<p>SEPA attended their recent meeting and have been providing regular updates. This issue needs to be addressed in order for them to be able to make plans for the future. People are withdrawing from the club and training is being affected. DA stressed that the club is not happy with RCL route and would like the polluter to do something. DA noted the club has a duty to protect their users, including children.</p>	
	<b>Dalgety Bay and Hillend Community Council</b>	
	<p>CMcP said the next meeting will be held on 14<sup>th</sup> November, which SEPA are attending. CMcP extended an invitation to IR MoD(DIO). IR stated that he would be on holiday at that time, however would commit to attending future meetings if invited.</p> <p>He stated that the first particle was discovered in 1990, people now want action and remediation work. He stated that he did not expect the MoD(DIO) to legally take responsibility but did want funding for remediation work.</p> <p>He went on to read a quote from a parliamentary announcement in 1958 of the aircraft repair yard at Donibristle closing at the end of 1959, indicating that the reason for the closure was that the runway was unsuitable for modern aircraft. The quote noted that everything possible would be done to dispose of the site to an industrial use. MH (MoD/DIO) did not dispute the existence of RNAS Donibristle or the documented salvage activities.</p> <p>CMcP asked MoD(DIO) to think about remediation and what is involved. CMcP showed a picture of the shoreline and indicated what would happen to the shoreline through time. HE stated that through previous involvement with St Andrews's University through Fife</p>	

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	<p>Council, that there may be information on erosion in the area. She stated that there is the issue of lack of budget for costal erosion defence work.</p> <p>IR asked if apologies had been received from Moray Estates and advised that the beach was in the ownership of Moray Estates. CMcP disputed this saying that the maintenance of the area is for the Council.</p> <p>CMcP produced items collected from the Dalgety Bay foreshore which included an aircraft dial and other artefacts which could be attributed to the Donibristle Airfield.</p>	
<b>6.0</b>	<p><b>SEPA's Powers re: Radioactive Contaminated Land Regulations</b></p> <p>JG stated that it is not SEPA's desire to designate the land. Our first aim is to look for voluntary remediation, however our duty compels us to designate if this is not achieved.</p> <p>There are various processes involved in designating the land under the Radioactive Contaminated Land Regulations. Our first step would be to look for voluntary remediation thereafter:-</p> <ol style="list-style-type: none"> <li>1. Investigate any land where we have been advised of contamination. If we conclude there is radioactive contamination we investigate the likelihood of harm to the public. If this is significant we take steps to designate the land.</li> <li>2. We serve a designation document which compiles scientific and historical evidence. Notice is served to all interested parties and the original polluter and if we decide to designate under RCL Regulations. We make the landowner and the appropriate person(s) aware.</li> <li>3. There is a 3 month period which we consult with the landowner and appropriate persons. If voluntary remediation plan is put forward this would end the formal process. If this is not forthcoming we serve notice.</li> <li>4. If designation has been served to the appropriate persons we can recover funds if work is undertaken by SEPA.</li> </ol> <p>JG stated that SEPA has already started the process.</p> <p>The timetable has no maximum time limit there is a minimum of 3 months following designation.</p> <p>JG stressed that SEPA does not wish to serve a designation.</p> <p>JH asked why not?</p> <p>JG said the designation is irrevocable. A public notice can be served to say that remediation has been served but the designation still stands.</p> <p>HE stated that she understood the potential for this to impose blight on the area, and again noted her status as a local homeowner but stressed that her duty was to the electorate and public health. Additionally the MoD(DIO) do not only have remediation they have compensation to householders not just for peoples mental health being</p>	

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<p>affected with worry but for loss of value to homes – the MoD(DIO) have to look at this.</p> <p>MH mentioned that MoD(DIO) has a Memorandum of Understanding MoU with the EA which covers England and Wales and sets out obligations and responsibilities together with a process for resolving issues. In the absence of a similar MoU with SEPA (covering environmental protection), MOD had little choice other than to follow the statutory process set out in the RCL Regulations (Scotland).</p> <p>PD noted that in England and Wales the EA does not have a statutory responsibility under Radioactive Contaminated Land Regulations. MH and RB replied by pointing out that he was mistaken as the EA takes the technical lead on behalf of Local Authorities when it comes to potential Special Sites, albeit at their request.</p> <p>When asked why such an MoU was not in place with SEPA MH stated that his understanding was that SEPA did not believe in such MoU's (MoU's with regulated parties). JM said that SEPA does have MoU's with other government departments for joint working.</p> <p>JG noted that SEPA has been developing a MoU with the MoD(DIO) for the past 8 years and that the current draft was with the MoD(DIO). SEPA has advised the MoD(DIO) that the current draft will be the final one and that it is up to MoD(DIO) if they wish to sign up to the terms. JG continued that it is important to note that the role of the MoU is to deliver a structure for regulating sites such as Faslane, and that it would have a negligible role for Dalgety Bay as SEPA has statutory powers.</p> <p>RB stated that the MoU with the EA does help prevent issues being played out in the public arena. EA takes the lead on behalf of Local Authorities for Special Sites.</p> <p>MoD(DIO) has agreed to work and support SEPA but it comes down to the potential appropriate persons to be responsible.</p> <p>HE felt that attention was being diverted from the real issue and causing delays. HE accused MoD (DIO) of profanation and procrastination.</p> <p>In response MH asked JG whether any other potential appropriate person had done as much as MOD in assisting SEPA with any inspection to date? JG replied 'no' and confirmed no other party had.</p> <p>IR stated that due process had got us here and MOD will go through each stage as required. He went on to add that whilst it is easier to follow the process and work accordingly. It was appreciated that SEPA was constrained by its legal position. IR added that the local residents are happy with the work on the terrestrial side of Dalgety Bay. HE noted that she has 2 lever arch files with notes of residents who are concerned. IR said he was unaware of this, but would action any details passed to DIO and requested HE did this.</p> <p>AMcG said we are where we are and it needs to be looked at. Twenty</p>	
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	<p>years has passed and MoD(DIO) has not found out what is happening – it is SEPA's work that has brought this forward. We need to move on and come up with a voluntary solution or go down the legal route. People are less concerned about the potential impact on house prices now.</p> <p>AMcG stated that MoD(DIO) has never accepted responsibility.</p> <p>HE said that her message to Rt Hon Gordon Brown will be that the MoD(DIO) is not taking responsibility for the issue. IR stated that there is a process to go through and that it is difficult for MOD to act without being identified as an appropriate person under the regulations.</p> <p>AJ sought clarity that voluntary acceptance by MoD(DIO) of responsibility for the contamination and for appropriate remediation would have no direct legal consequences. JG noted that this was correct.</p> <p>HE advised that she will check her files for any correspondence with MoD and Government.</p> <p>JM read from Campbell Gemmell's letter to DIO, which states that 'he considers MOD to be deemed to be an 'Appropriate Person'. MH said that they need to look at the evidence to see if there is a compelling case for MoD to be the 'Appropriate Person'.</p>	
<b>7.0</b>	<b>Future Actions</b>	
	<p>SEPA and DIO have a meeting arranged prior to the next Forum meeting on 22<sup>nd</sup> November. They will be looking at evidence and if MoD(DIO) is responsible.</p> <p>HE suggested that if there is no voluntary action by March 2012, then the RCL Regs should take over. JM advised that SEPA was already in the process. HE said this was just a suggested date and that she would follow SEPA's advice.</p> <p>MH stated that DIO would look to meet with SEPA if possible before the 22<sup>nd</sup> November to discuss the basis on which SEPA believe the MoD to be an 'Appropriate Person'. DIO is awaiting information on this from SEPA.</p> <p>CMcP asked for commitment to a programme of work. JG stated that it will depend on what SEPA decide after discussions with DIO and we cannot commit to a timescale at present.</p> <p>JG said that there is currently a cache of objects in the demarcation area at DB. The MoD(DIO) has been asked provide assistance to allow removal.</p> <p>AJ asked about future monitoring. SEPA said that until recently this was done about once a year. There is no current plan for monitoring.</p> <p>DA asked about costal erosion. It was suggested that Ian Napier and Tony Arrow of Fife Council may have the name of the contact at St Andrews University (mentioned above).</p>	

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	<p>CMcP stated that many organisations have been involved at Dalgety Bay from the start and was keen that historical data was sought from them.</p> <p>JH asked about the message which would be issued after the meeting and was keen that there was no conflicting response from Forum members to SEPA's statement.</p> <p>HE said that everyone should respond appropriately and trusted SEPA as professionals to deliver the appropriate message. HE said that the Forum was not a legal entity to issue statements.</p> <p>JG stated that SEPA will review their website and make sure that there are clear links to Dalgety Bay information and the Q&amp;A page. PD said that SEPA do not wish to raise concern unnecessarily.</p> <p>DS (SEPA Comms) stated that SEPA's messages are always open and transparent and state the facts.</p> <p>JM handed out SEPA's press statement which would be issued after the meeting. Some amendments were suggested, which SEPA acknowledged.</p>	ACTION SEPA
<b>8.0</b>	<b>Next Meeting</b>	
	JM closed the meeting and advised that the next Forum Meeting will be held on Tuesday 22 <sup>nd</sup> November 2012.	