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Authorised By	Carlo Grilli
Designation	Service Manager - Governance
Date	18/10/24

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Date Received	18/10/24
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Subject: (0086) Objections to Musselburgh Flood Protection Scheme

Sent: 16/04/2024, 17:37:22

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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[REDACTED]

[REDACTED]

April 16 2024

Carlo Grilli
Service Manager – Governance
Legal Services
East Lothian Council
John Muir House
Haddington
EH41 3HA

Dear Carlo Grilli
I am writing to object to the Musselburgh Flood Protection Scheme.

I would be **directly** affected by the Scheme as I live [REDACTED]

I accept that some flood protection will become necessary. My property is **directly** at risk of flooding.

Please note that many people who object to the MFPS live in properties **directly** at risk of flooding.

1. The Flood Risk Management (Scotland) Act recognises that people depend on the environment for physical and mental health and well being.

I object to the MFPS because it would permanently and adversely alter Musselburgh's beautiful coast and river. The MFPS would be damaging to the environment, wildlife and people's health and well-being.

1a. I moved to Musselburgh because I love the beach, river, wildlife and trees. The pleasure of my daily walk along the coast and river is essential for my mental health and well-being. It was a life saver during the Covid pandemic.

I would be **directly and permanently** affected by the loss of this amenity eg if permanent physical flood defences restricted views/access to the beach and river. Children, wheelchair users and others would be

badly affected too.

My health and well-being are **directly and adversely** affected by the real possibility that I will have to leave Musselburgh permanently if the MFPS goes ahead.

1.b Since I first became aware of the MFPS in 2019 my physical and mental health have been **directly and adversely** affected. Engaging with the MFPS consultation process and the Project Team has been very stressful and difficult.

1.c. I object to trees being cut down along the river; the loss of habitat for wildlife, loss of shade and enjoyment of mature trees through the seasons. Trees mitigate flood risk and should be retained.

1.d I object to the loss of amenity if new wide paths are constructed along the river and coast. Some paths would replace grassy river banks. The proposed 5 metre wide paths resemble single track roads. Existing paths are more than adequate to encourage Active Travel.

1e. I object to the MFPS vision of a 'Reimagined Urban Environment' for the old and historic town of Musselburgh. Building walls/ embankments would cut people off from the coast and river and make Musselburgh a place where people don't want to live/work/visit.

The use of terminology such as 'Major Placemaking' around the historic Fisherrow Harbour and Roman Bridge is abhorrent. They are well loved exactly as they are.

1.f I object to the MFPS because of the short and long term visual and environmental impact it will have on the river.

Who will pay for River Restoration?

How would narrowing the river by roughly 6 metres to accommodate the new Goosegreen Bridge be compatible with River Restoration and encouraging biodiversity?

Is MAT being given priority over River Restoration because it is a way to access more funds?

How would building walls/embankments along the river be compatible with River Restoration?

1.g I object to the Scheme because I would be directly affected by the risk of damage to my property from vibration/pile driving etc. during the construction phase. Many properties along the coast and river will be at risk of similar damage.

The MFPS would need to pay for at risk properties to be surveyed before and after construction of the Scheme and pay for repairs if any damage occurs.

1.h I would be directly affected by years of noise, dust and disruption from works traffic etc including the works compound sited on Fisherrow Links. I object to the use of Common Good land as a works compound. If access to Common Good land is restricted then people should be compensated for the loss of this amenity.

1.i I object to the MFPS because the Environmental Impact Assessment has not been independently scrutinised.

It was put together by Jacobs engineering company et al who have a huge financial incentive to minimise the detrimental effects it would have on wildlife and the environment.

The non technical EIA summary concludes only positive benefits to population and human health once the scheme is fully operational, due to improved flood protection and enhanced opportunities for physical activity due to new footways and cycleways. I contest this.

I contest the conclusion that the MFPS would have long term positive effects for biodiversity. How can this possibly be true?

I contest the conclusion that the size of flood defences and their impact on the views would no longer be significant once screening matures. I don't want to look at views of screening. I want to be able to see the coast and river.

What happens if the MFPS runs out of money to carry out the planting as has happened elsewhere in flood schemes managed by Jacobs?

I contest the conclusion that there would be long term positive benefits for townscape and visual impact assessment. What does that even mean?

I contest the conclusion that for Population and Human Health, Biodiversity, and Townscape and Visual Impact, the only adverse effects would be during the construction phase.

1.j I object to the MFPS because enormous carbon emissions would be produced to construct hard engineering, concrete, tarmac, removing/ replacing bridges etc. This cannot be justified.

1.k I strongly object to the visual impact of the proposed Goosegreen Bridge. There is no flood protection benefit to relocating a replacement bridge to the estuary.

A member of the Project Team told me the Goosegreen Bridge would be built at the estuary as a 'Statement Bridge'. I believe the Goosegreen Bridge would be a statement of vanity and unnecessary expense that would ruin the estuary for wildlife and people.

2. I object to the Scheme on the grounds of excessive cost to the taxpayer, East Lothian Council and the Scottish Government.

2a. The Scottish Government and COSLA themselves admit the Cycle 1 model of uncapped funding gives Project consultants such as Jacobs et al a financial incentive to inflate flood schemes into bigger more expensive projects.

In 2016 the MFPS had an initial estimated cost of £8.9M.

Until very recently we were told repeatedly that the MFPS costs increased because it combines 3 different schemes with a total projected cost of £132M. This included MAT with a projected cost around £26M expected to increase.

Just days before the MFPS was published we were suddenly told the total projected cost of the Scheme is £103.5M and MAT has been removed from the Scheme.

In 2016 the MFPS initial estimated cost for flood protection was £8.9M. Now it has risen to roughly £53M expected to increase.

The MFPS now incorporates repairs to the lagoons sea wall; projected cost around £52M expected to increase. I object to taxpayers, East Lothian Council, and the Scottish Government paying £52M for repairs

which should be paid for by Scottish Power.

Have the escalating costs of the MFPS now at £103.5M and projected to rise been independently scrutinised?

Why haven't detailed cost breakdowns been put in the public domain?

Did East Lothian Councillors see detailed cost breakdowns before voting to advance the Scheme to this stage?

Around £4M has already been spent on consultation and design by December 2023.

2.b I object to the MFPS because costs are likely to escalate even further e.g Grangemouth Flood Protection Scheme (another Jacobs project) initial estimated cost £111.5M then projected to cost £420M to protect 2,980 properties.

If MFPS costs escalate, then how will ELC afford to pay 20% of the total cost?

Why has no cap been put on costs?

2.c I object to the MFPS being rushed through to try and secure Cycle 1 funding.

East Lothian Councillors appear to have been led to believe that they must either approve the MFPS in order to get Cycle 1 funding or risk losing out altogether.

There is no evidence to suggest that Musselburgh would not be eligible to apply for Cycle 2 funding. Apparently Cycle 2 funding should be on stream imminently.

Cycle 2 would be very likely to cap funding and remove the financial incentive to inflate flood schemes into bigger more expensive projects.

Has the desire to access Cycle 1 unlimited funding influenced EL Councillors decision to advance a flawed MFPS Scheme in haste?

2.d I object to the MFPS because it would not be value for money in reducing flood risk.

The cost outweighs any stated benefits.

Spending roughly £53M to reduce flood risk for 1,200, or 2,500 properties is not value for money. Or is it 3,200 properties?

We have been given different figures at different times. Why?

Have these figures been independently verified?

How much money does that work out to reduce flood risk per property?

There are cheaper alternatives eg use of demountable barriers (including operational costs to erect them).

It would be cheaper to design bespoke flood protection for each individual property at flood risk.

The funding from Scottish Government is all capital funds which provides a powerful incentive for ELC to adopt a capital works heavy project rather than take a whole life cycle cost approach that includes

operational spend.

At the Council meeting on 23rd January 2024 [REDACTED] 'suggested that a less expensive capital cost may result in greater ongoing maintenance costs to the Council, so it was in the Council's interest to invest in a more robust scheme'.

2.e I object to ELC approving a Scheme which commits the Council to pay 20% of over £100M, plus as yet unknown future maintenance costs for physical defences, pumping stations, removal of graffiti etc.

We are told that ELC already have a huge deficit of £7.1M funding gap from 2024/25-2028/29.

How will ELC find the money?

2.f. I object to the MFPS because it would be financially irresponsible for ELC to spend approximately £8M plus on the MFPS when it is currently struggling to provide core services such as support for elderly and vulnerable people, schools, libraries, drain cleaning, removal of graffiti etc.

Many people in Musselburgh believe the provision of essential services should be the priority for ELC. How many more services will be cut?

2.g I object to the MFPS because of the decision by ELC to incur unnecessary additional cost to 'future proof' by designing physical assets such as bridges and paths to accommodate MAT width requirements, without knowing if MAT will go ahead.

Could this decision be legally challenged as under the Flood Risk Act, Scottish Government funding can only be spent on flood protection?

Surely a legal challenge could be made if selection of a physical asset to accommodate MAT's width requirement is more expensive to construct than a physical asset which does not accommodate MAT's additional width requirement.

In other words, if MAT fails to go ahead then the Goosegreen Bridge (for example) would have cost more than it needs to because it is wider than it needs to be.

ELC may believe they are entitled to make this decision but is the Scottish Government aware that ELC have chosen to incur an additional cost in the short term to avoid incurring a potentially larger cost in the longer term if MAT goes ahead?

Have the Scottish Government agreed to fund 80% of an unnecessary additional cost to future proof for a MAT project which may not go ahead?

3. I object to the MFPS because it includes the construction of infrastructure for MAT even though MAT has nothing to do with flood protection.

Moreover the claims of multiple benefits for MAT are unproven and exaggerated.

3.a Are routes 3 and 5 included in the Scheme or not?

Would ordinary planning consents for routes 3 and 5 be required or not?

3.b The cost of implementing MAT is unknown. How would ELC find the money to pay for the 5 metre wide paths?

3.c The inclusion of MAT has had a disproportionate impact on the design of the Scheme eg narrowing the river by roughly 6 metres to accommodate the Goosegreen bridge, the ramps, steps etc. This would increase flood risk.

The inclusion of infrastructure for MAT has led to design decisions such as building higher walls at the estuary, placing the Goosegreen Bridge at the estuary to connect with MAT paths, placing paths walls at the river edge to protect MAT paths which may never be built.

3.d i I object to the MFPS decision to design 5 metre wide paths. Sustrans National Cycle Network Design Principles guidance requires that the paths must be a minimum of 1.2 metres wide.

4. I object to the MFPS because it would use similar hard engineering to construct physical flood defenses which have failed elsewhere.

£16M flood defences completed in 2016 in Brechin failed in October 2023.

The £16M award winning flood defence scheme in West Kirby recently failed just months after it was installed.

4.a The MFPS fails to follow Scottish Government guidance which recommends that a range of scenarios should be included. The MFPS fails to offer a range of different options for the coast or river. The Project Team have chosen to build to a 1:200 year plus climate change event but it does not have to.

4.b I object to the MFPS because the decision to narrow the river by roughly 6 metres at the estuary would increase flood risk in the event of a high river level and a tidal surge.

5. I object to the MFPS because of flaws the consultation process, lack of transparency and lack of independent scrutiny throughout the process.

5.a I object to the MFPS because there are questions about whether ELC followed correct processes. Could legal challenges against ELC be made?

CH2M Hill won the original contract. **When Jacobs bought out the contract within 7 days was due diligence done?**

Jacobs et al have

- defined the flood risk
- carried out the Options Appraisal Process that ruled out alternatives to the current Scheme
- designed the flood defences
- dealt with public feedback and produced summary reports which were misleading.
- drawn up the Environmental Impact Assessment
- will Jacobs be involved in evaluating Objections to MFPS?

Jacobs have a big financial incentive to persuade ELC to approve the MFPS.

Has there been any independent scrutiny of Jacobs at any stage of the process?

5.b I object to the MFPS because I have fully engaged with the Consultation Process from the outset but it has been flawed. A proper Public Engagement process has not been followed. This is a failure of local democracy.

A member of the Project Team told me they had carried out more consultation than required. He said it didn't matter what people in Musselburgh think of the Scheme just as long as their client, ELC are

satisfied.

My views and many other peoples views have been ignored.

5.c I object to the MFPS because there has been obfuscation and a lack of transparency throughout from the Project Team.

I have written to East Lothian Councillors multiple times but most of the my emails were forwarded to the Project Team to provide a response. Most of the time the Project Team failed to respond.

5.d I object to the MFPS because in January 2020 a reduced East Lothian Council Cabinet approved the Preferred Scheme. Did ELC follow the proper process?

I believe that there was only one Councillor from Musselburgh present. Is that democratic?

If the full Cabinet was not present then could this decision be challenged legally?

Did a reduced ELC Cabinet Committee have the authority to approve the budget for the MFP Preferred Scheme?

Should this decision have been made by the full Council?

Did the Council acted ultra vires by failing to comply with the Local Government (Scotland) Act 1973 to properly administer their financial affairs?

Was this a breach of trust between the council and the people who elected the Councillors?

5.e I object to the MFPS because ELC voted to remove Natural Flood Management from the Scheme in January 2024 in breach of the Flood Risk Management (Scotland) Act 2009.

5.f I object to the MFPS because ELCouncillors voted to progress the Scheme without seeing the full EIA. They only saw the Project Teams summary and interpretation of the EIA.

Could this be subject to a legal challenge?

Councillors and the public have only been given approximately 30 days to read and digest complex EIA documents of 3,400 plus pages. Is this reasonable?

ELC are charging £1000 for a printed copy of the MFPS documents. Is this reasonable?

5.g I object to the MFPS because just before the Objections period began ELC suddenly said that part of MAT was being removed from the Scheme. No one know what this means. Confusion has been increased by contradictory statements being given by ELCouncillors and the Project Team.

5.h I object to the MFPS because information about the Objection Phase Process has not been disclosed.

When will the number and content of objections will be made public in the interests of full transparency?

Will this include the total number of people who objected, the total number of objections received and what the objections were (anonymised)?

Please acknowledge receipt of my letter of objection, in writing. Please ensure that any future contact with me is via letter or email only. I do not want to be telephoned or have anyone from the Project Team

knock on my door.

I look forward to your reply.

Yours faithfully

A solid black rectangular box used to redact the signature of the sender.

Subject: (0087) Submission to Musselburgh Flood Protection Scheme consultation

Sent: 16/04/2024, 17:49:02

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
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Dear Mr Grilli,

I am writing to object to the proposed Musselburgh Flood Protection Scheme 2024 (the Scheme).

My name and address are: [REDACTED]

[Enter your details here] I am an overarching objector.

[If you have an interest in land affected by the Scheme, please give details of the land, the nature of your interest (e.g. owner, tenant), and how this land is affected.]

Coastal defences and Dynamic Coast erosion report

I object to the current proposals from the mouth of the Esk to the Brunstane Burn (work sections 6-16) on the grounds that the expert report commissioned by ELC from Dynamic Coast, which was not available to Councillors when they voted on the Scheme, makes clear that there is a "wider and currently unaddressed future erosion risk... that may threaten the Scheme's proposed defences and other assets along the town's frontage". This report was clear that further action will certainly be required in order to protect the new defences from erosion, but the Proposed Scheme gives no indication of what this might be, including costs, feasibility, or environmental impact over the long term. Rather than proceed with the Scheme as planned, which did not take this into account, our council and community should consider ways to address both flood risk and coastal erosion together.

Committing East Lothian Council to a particular line of defence for the next 100 years fails to provide the "managed, adaptive approach" that the Scottish Government advises must be taken in areas of coastal change and which the Scheme's own design statement claims to follow. It also puts unnecessary constraints on the Council's Coastal Change Adaptation Plan, which is being carried out this year, and which will now have to work around a fixed line of defence without consideration of alternatives, in contradiction to the guidance issued by the Scottish Government around these Plans.

The rate of erosion predicted by Dynamic Coast along the Musselburgh coastline contradicts the assumption that the defences will last for 100 years. The report's analysis of erosion on the proposed flood defences showed "direct impact is likely to occur relatively soon, most likely 2030-2040 but potentially earlier" (p.25). This undermines many key aspects of the case for the Scheme:

- The project fails to meet one of its initial stated environmental objectives: that "the scheme will consider the impacts of climate change" (EIA §4.1).
- It directly contradicts the statement in the Environmental Impact Assessment (§12.1) that Scheme assets "have an inherently low vulnerability to climatic factors and the likely variation in these due to climate change. Consequently, this aspect of the climate change assessment is not considered further in this chapter and the focus is on assessing GHG emissions and their potential impact on climate". Thus, this chapter, as applied to these sections of the proposal, is inadequate and cannot be considered to fulfil the legislative requirements.
- The estimates of benefit to cost ratio are now incorrect. Undermining of the proposed coastal defences here will incur much greater maintenance costs (and currently unaccounted for emissions) and likely reduce the standard of protection.

Biodiversity

I object to the current proposals on the grounds that the loss of ancient woodland is unacceptable and the mitigations proposed do not make up for it.

The EIA states that 0.33 hectares of ancient woodland will have to be felled in construction of the scheme, while also highlighting that NatureScot has described such habitat as an 'important and irreplaceable national resource' (§7.42). Further efforts must be made to avoid this loss during the construction period, in particular, at Pinkie Playing Fields where the ancient woodland is used for forest school and otherwise available to school pupils for their wellbeing and education.

I object to the current proposals on the grounds that the biodiversity enhancements are not strong enough and further commitments are needed, e.g. catchment biodiversity improvements and consideration given to installation of a rock ramp for Eskmills Weir. The biodiversity enhancements, as required by NPF4, should be far more ambitious and should include some 'traditional' Natural Flood Management actions such as tree-planting, pond creation or leaky dam structures in the catchment (these actions being included under biodiversity enhancement in recognition of the fact that their flood reduction impact is uncertain and therefore cannot be the main justification for their inclusion).

Further biodiversity enhancements relating to the River Restoration project should be included within the town of Musselburgh, including work to improve the water quality of the Mill Lade and Pinkie Burn (both assessed as limited ecological value in the EIA, Ch7), and the installation of a 'rock ramp' for fish passage at Eskmills Weir, as recommended by Forth Rivers Trust as 'having many benefits over other types of fish passage'.

Concerns over Contribution to Climate Change

I object to the overall carbon impact of the Scheme as it stands because the proposed mitigations in the Environmental Impact Assessment (Ch 12) are all described as 'potential' actions, or actions that 'could' be explored through the proposed Carbon Management Plan. While the EIA gives a range of positive suggestions, without a robust means of enforcing them there is a significant risk that they will be seen as optional.

At a minimum, adherence to the CMP must form part of the procurement process for all contractors. Further, the sustainability credentials of contractors should carry some weight through that procurement - for instance, a company with a large proportion of electric vehicles in their fleet might score more highly than one with all-petrol vehicles (this would be far more effective than simply training drivers in fuel-efficient driving techniques).

Until these suggested secondary mitigations are mandatory, the overall effect on Global Atmosphere – Climate from the Scheme must still be considered Moderate Adverse- Significant, and I object to it on that basis.

Yours sincerely,

[Redacted signature]

Subject: (0088) Musselburgh Flood Protection
Sent: 16/04/2024, 18:10:27
From: [Redacted]
To: Musselburgh Flood Protection Objections
Attachments: [objections to flood management.docx](#)

Follow Up Flag: Follow up
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Categories: [Redacted]

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Please find attached my objections to the flood prevention scheme.

Kind regards

[Redacted]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

16 April 2024

SERVICE MANAGER – GOVERNANCE

LEGAL SERVICES

EAST LOTHIAN COUNCIL

JOHN MUIR HOUSE#HADDINGTON

EH41 3HA

Dear Legal Services

I am writing to object to the recently published Musselburgh Flood Protection Scheme for the following reasons:

1. [REDACTED] Musselburgh and strongly object to the town being vandalised in this way.
2. I enjoy walking my dog along the, for now, beautiful riverside. This is now going to be destroyed by some very ugly, overpowering walls which will no doubt be covered in graffiti before long.
3. The wildlife which we have on the river will be destroyed.
4. There will be total disruption in the town for approx. five years whilst this work is being carried out.
5. I do not know why the unnecessary costs of building a new Goose Green Bridge are included as this will not help in any way with flood control.
6. The loss of 102 trees in these challenging times is ridiculous. We are planting trees to help with climate control, not removing beautiful healthy trees.
7. I believe that there has been far too much negative influence by MAT in the flood scheme proposals.
8. There is a total lack of natural flood management which Dynamic Coasts give very good advice on.
9. I feel this will have a detrimental effect upon tourism in this lovely town.

10. I feel there has been no management of the trees which are growing in the river and the islands which have been allowed to form.
11. The costs of these works has escalated out of control especially in times when children's education is being eroded.

Under no circumstances must communication be in person. I insist all communication with me going forward should be via email or by post.

Please acknowledge receipt of my letter of objection and please advise me of next steps and timescales.

Yours faithfully

██████████

From:

[REDACTED]

Sent:

16 April 2024 18:11

To:

Musselburgh Flood Protection Objections

Subject:

(0089 NO ATTACHMENT, DUPLICATE NOW ATTACHED ON 0088) Musselburgh
Flood Protection

Categories:

[REDACTED]

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Please find attached my objections to the flood prevention scheme.

Kind regards

[REDACTED]

Subject: (0090) Flood prevention
Sent: 16/04/2024, 18:59:34
From: [REDACTED]
To: Musselburgh Flood Protection Objections

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16th April 2024

Service Manager – Governance
Legal Services
East Lothian Council
John Muir House
Haddington
EH41 3HA

Dear Legal Services

I am writing to object to the recently published Musselburgh Flood Protection Scheme for the following reasons.

1. Bias - consultants have marked their own homework. Considering the absence of peer review of the Scheme, and further considering that the council have opted, erroneously in my view, not to install an independent assessing team within the planning department, it stands to reason that the consultants marking their own work raises many objectionable questions that have not been answered and must be answered.
2. Escalating costs at a time when council have declared a financial crisis will put pressure on other services due to their 20% liability of all costs.
3. Loss of trees. The consultants are an experienced firm of engineers with knowledge and access to information. ELC likewise have the means to consult experts and arborist experts. To that end, an examination of the presentation information, points to conditions that would almost certainly lead to the death of trees, such as those very close proximity of heavy plant adjacent or over the roots of tree, and formation of swales at/under the roots of tree at Eskside East for example. Therefore both the consultants and the council know with undoubted certainty which trees are very likely to perish during the formation of the flood scheme. To not demonstrate that clearly to the public is both a denial of information and manipulation of the townsfolk's empathy for trees, giving the impression that many trees may be saved, where the opposite is true.
4. No biodiversity net gain has been evidenced.
5. Removal of natural flood management before council vote on scheme in January 2024, and before petition was heard, not only was undemocratic but more importantly in breach of the 2009 Act's requirements.
6. Measures to avoid, control, manage and mitigate flood risk should also not increase flood risk elsewhere. There has been no assessment of the impact or risk of MFPS on other coastal area ie Portobello.
7. Our councillors' unanimous exclusion of Natural Flood Management, highlights a lack of willingness to deploy nature based solutions that go in the face of Dynamic Coasts advice. It must be noted that our councillors cast their votes before having sight of Dynamic Coasts full assessment. They must now review this information and represent the motion for a second round of votes. Nature based solutions at coast should not be ruled out (as per Dynamic Coast report).
8. Prematurity of wall along the coast due to lack of Coastal Change Adaptation Plan.
9. Dynamic Coast report states beach could be lost due to seawall structure - actions to manage flood risk should not contribute to increased coastal erosion.
10. There is no beach nourishment plan nor budget for this.
11. All data, flood modelling and designs presented to the public are based on the assumption of a sea level rise of 86 cm, advised to SEPA by Jacobs, and subsequently written into SEPA's requirements, which the overwhelming number of other studies do not support.
12. The modelling data has never been released despite repeated requests by members of the community with the necessary expertise to offer a peer review assessment.
13. Choice of year 2100 should be amended as we cannot accurately predict sea level rise that far. It could be less, or more!

14. Nature Scot (government experts) said we don't need "solutions today for the next 1m of sea level rise" (Nature Scot, Coastal Change Adaptation Guidance, Group Discussion on Climate Change Teams meeting on 31st Oct 2022) 15. Comparing Sustrans objectives and standards, and Active Travel Paths' in general, there can be no doubt that much of the Flood Protection Scheme pays heed and is informed by MAT. The consultants, the council's legal services' and infrastructure departments denials of this intrinsic relationship between MAT and the Scheme is flawed and has no basis, as the presentation put before the town manifest to the link. This is clearly demonstrated in the Design Statement published by the Consultants. MAT has heavily influenced design of flood scheme negatively.
16. All MAT proposals are deemed to be 'Developments' as defined by the Town and Country Planning (Scotland) Act 1997. This is undeniable, and failure to obtain planning permission for all MAT related elements would be tantamount to subverting the 1997 Act. ALL structures and routes of MAT should go via normal planning regulations.
17. Narrowing of river increases flood risk.
18. A new Goosegreen Bridge offers no flood reduction benefit. Furthermore, under the above noted definition under the 1997 Act, this bridge is without any doubt considered to be a 'Development' and not a replacement, and requires planning permission.
19. I acknowledge that surface water drainage is a shared issue between the flood protection scheme and Scottish Water. Nonetheless these outstanding surface water issues have not been addressed. These are likely to exacerbate existing flooding risk.
20. Introduction of mechanical and electrical equipment to deal with potential flood risks on the dry side of the defences, as a result of the designs of the proposals, will present new and additional means that heavily rely on human interface and involvement, thus another new layer of risk. We have witnessed pumps failing in Perth & Brechin.
21. References to "enhancement of landscaping in Musselburgh" or similar is an affront to the people who can see with their own eyes what they have and the inferior landscapes the proposals offer, unquestionable gradually worsening through the years, with graffiti and lack of maintenance.
22. There has been no third party independent analysis of the impact of the proposals on Musselburgh's long connections and affinity with the sea and river as an amenity for the townsfolk and others, as well as for the tourism industry, on which many local shops depend. Flood walls will destroy amenity and Musselburgh's long connection with river and sea.
23. Negative impact on tourism to Musselburgh 24. "People depend on the environment around them for their physical and mental health, and general wellbeing" (Flood Risk Management (Scotland) Act 2009). My human rights are being undermined due to my present environment (river and coastal walks and views) being threatened which will affect my mental and physical health
25. The arguments against whole catchment area development have frequently touched upon multiple ownership of the lands in question and the unwillingness of some landowners to participate in safeguarding Musselburgh against floods. The poorest and most vulnerable are being discriminated against. Wealthy landowners should be implementing upstream natural flood management to reduce flow of water coming into the town. Instead people of a lower socioeconomic profile will be disadvantaged with a concrete wall flood scheme that sacrifices their access to nature.
26. My enjoyment of land will be affected by scheme and its operations.
27. Lack of privacy due to walkways on top of defences is a breach of my human rights.
28. "We are the experts. We know what we are doing". This repeated description of operations is insufficient to allow me to understand scale and nature of proposed works.
29. The volume of information, documents, images presented at the last minute has been overwhelming. The MFPS team must have realised that the public would fail to comprehend it all in the objection timeframe. This is a failure of your duty of care to ensure the information is comprehensible to the general public.
30. I have an interest in the land affected by the scheme and scheme operations (including but not limited to noise and pollution from construction traffic) at Fisherrow Links and Fisherrow coast. I use this regularly to walk my dog and exercise. My children use this for sports, football, pitch & putt, the playpark. I walk daily along the coastline for health benefits. A coastal sea defence with limited access and any scheme compound and scheme works will directly impact mine and my family's ability to continue to do so and disturb my enjoyment of the land. If the scheme proceeds in its present form without amendments I expect to be compensated for the sustained damage as a consequence of exercising my powers under the Act, Section 83 (1).

Under no circumstances must communication be in person. I insist all communication with me going forward should be via email or by post.

Please acknowledge receipt of my letter of objection. Please advise me of next steps, and timescales.

Yours Faithfully,



Sent from my iPhone

Subject: (0091) Fw: Objections to the Musselburgh Flood Prevention Scheme

Sent: 16/04/2024, 19:23:46

From: [Redacted]

To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

You don't often get email from [Redacted]. [Learn why this is important](#)

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From: [Redacted]

Sent: 16 April 2024 7:15 PM

To: mfpsobjections@eastlohan.gov.uk <mfpsobjections@eastlohan.gov.uk>

Subject: Objections to the Musselburgh Flood Prevention Scheme

- Increased traffic of cement mixers coming along Ravensheugh Road to repair the sea wall
- Non environmentally friendly dust coming from the repair of the sea wall
- Damage to bird sanctuary next to the lagoon
- Aesthetics changing along the riverside and harbour area with concrete walls erected.
- More details of trees to be planted in the areas affected especially the lagoons
- Difficulty in short term of selling house

[Redacted]

Subject: (0092) Re: Objection to Musselburgh Flood Protection Scheme

Sent: 16/04/2024, 20:19:16

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [REDACTED]

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[Sent from Yahoo Mail for iPad](#)

On Tuesday, April 16, 2024, 2:03 pm, [REDACTED] wrote:

OBJECTION TO MUSSELBURGH FLOOD PROTECTION SCHEME

[REDACTED]

16th April, 2024

Carlo Grilli
Service Manager - Governance
Legal Services
East Lothian Council
John Muir House
Haddington
EH41 3HA

[REDACTED]

Dear Mr Grilli

I am writing to object to the recently published Musselburgh flood Protection Scheme.

I am a resident of Musselburgh and I believe the value of my property and my mental health will be affected by the proposed scheme. Musselburgh currently has a beautiful coast line that attracts many families to live and socialise in the area. Our house prices are buoyant as a result of this. A lack of green spaces, less trees, less wildlife etc. will prevent people wanting to move here, which will have a detrimental effect on our property prices putting many people into negative equity.

As well as this, I object to the published scheme because:

1 I object to mature trees being felled.

All up to date research indicates planting more trees reduces flooding. There is a number of ways trees can help to reduce or prevent flooding:

- By direct interception of rainfall,
- By promoting higher soil infiltration rates,
- Through greater water use
- Through greater 'hydraulic roughness' i.e. water experiences increased frictional resistance when passing over land.

1 I object to the narrowing of the river.

On looking through the Gov.uk Environmental Agency pages. I have not found anything that says narrowing the water channel helps prevent flooding. However, I have found this which claims the opposite:

- **Increased Flow Velocity:** A narrower channel may lead to faster water flow, which can exacerbate erosion and increase the risk of flooding downstream.
- **Reduced Floodplain Capacity:** Narrowing a river restricts its ability to spread out during heavy rainfall or snowmelt. This reduced floodplain capacity can lead to higher water levels and more severe flooding.

Furthermore East Lothian Council has commissioned a report on the coast from Dynamic Coast, but this is not yet available. Therefore, why and

how is the Council making a decision without being open about all the evidence.

1 I object to the Proposed new Goose Green Bridge.

This does not offer any flood protection. Yet it will have a devastating effect on the wild birds (including endangered Kingfishers) who nest and feed at the mouth of the river. Furthermore, the ramps are so big they will take over the grass amenity spaces at both sides of the river mouth.

1 I object to the Active Travel Route

This is not part of the Flood Prevention Scheme. Therefore, proper assessment of the need for it, and planning permission for new paths and bridges that are part of it, need to be sought separately.

Musselburgh currently has excellent paths that are used continually by cyclists and walkers. Laying further concrete paths alongside those already in existence, will destroy the grass feeding sites for the geese who live and migrate to Musselburgh every year and will further reduce green amenity areas for families and walkers.

1 I object to the rising costs of FPS.

It is not conceivable that the Scottish Government and East Lothian Council should be spending the amount of money required for this outdated scheme in Musselburgh, when so much more is needed in the county. Such as road repairs, services for older adults, repairs to the Brunton Hall, ongoing storm and flood damage to Haddington, North Berwick and Dunbar. Furthermore, I believe there is no budget for the ongoing upkeep and inevitable graffiti removal for the walls. Therefore, they will become an eyesore.

In Conclusion.

This current scheme goes against the latest information that states nature based solutions are the best protection against flooding. There has been no evidence a complete assessment of nature based solutions for Musselburgh has been sought. Councillors have voted on a scheme without having or understanding the full facts. East Lothian Council and Jacobs have attempted to get the public on board by scaremongering,

using false images such as cars floating down a flooded high street. This is unlawful advertising because there is no evidence this will ever happen.

My mental health and the mental health of many more people will be affected by the current proposed FPS. Everyday in Musselburgh people can be seen strolling, or dog walking along the side of the Esk from the Jooglie Brig to Goosegreen and along the promenade. They are admiring the sea, the river and wildlife that live and feed there. They listen to the sound of the waves, the birds and the children playing on the sand. All along the promenade there are memorial benches. People go there to quieten their minds, heal their hearts and be at one with nature. Doctors now describe getting out amongst nature as a cure for anxiety and depression.

If this scheme goes ahead many people will be devastated when they see the trees that have healed their depression being pulled down and killed, the birds they have admired and fed moving on elsewhere. The amenity ground they exercise on becoming a building site. Years of air and sound pollution caused by pile driving. The house they have put their life savings into, greatly reduced in value and becoming unsaleable. Yet, all of this could be avoided with the use of nature based solutions that enhance our natural environment, not destroy it.

Yours sincerely



References to back objection 1.

Institute of Chartered Foresters

<http://www.charteredforesters.org/trees-can-reduce-floods>

Woodland Trust

<http://www.woodlandtrust.org-uk/trees-woods-and-wildlife/british-trees/flooding/>

The Heart of England Forest

<http://heartofenglandforest.org/news/trees-and-natural-flood-mangagement>

Reference to back objection 2.

Ref: <http://environmentalagency.blog.gov.uk/2015/10/20/engineering-with-nature-to-help-reduce-flooding>

From: [REDACTED]
Sent: 16 April 2024 20:24
To: Musselburgh Flood Protection Objections
Subject: (0093 DUPLICATE OF 0039) Fwd: Objection letter to the Musselburgh Flood Protection Scheme

Categories: [REDACTED]

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[REDACTED] attached a document



[REDACTED] has attached the following document:

Objection of the Musselburgh Flood Protection Scheme

Snapshot of the item below:

OBJECTION TO MUSSELBURGH FLOOD PROTECTION SCHEME

[REDACTED]

7 April 2024
Carlo Grilli
Service Manager - Governance
Legal Services
East Lothian Council
John Muir House
Haddington
EH41 3HA
[REDACTED]

Dear Mr Grilli

I am writing to object to the recently published Musselburgh flood Protection Scheme.

I am a resident of Musselburgh and I believe the value of my property and my mental health will be affected by the proposed scheme. Musselburgh currently has a beautiful coast line that attracts many families to live and socialise in the area. Our house prices are buoyant as a result of this. A lack of green spaces, less trees, less wildlife etc. will prevent people wanting to move here, which will have a detrimental effect on our property prices putting many people into negative equity.

As well as this, I object to the published scheme because:

1. I object to mature trees being felled.

All up to date research indicates planting more trees reduces flooding.

There is a number of ways trees can help to reduce or prevent flooding:

- By direct interception of rainfall,
- By promoting higher soil infiltration rates,
- Through greater water use
- Through greater 'hydraulic roughness' i.e. water experiences increased frictional resistance when passing over land.

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On looking through the Gov.uk Environmental Agency pages. I have not found anything that says narrowing the water channel helps prevent flooding. However, I have found this which claims the opposite:

- **Increased Flow Velocity:** A narrower channel may lead to faster water flow, which can exacerbate erosion and increase the risk of flooding downstream.
- **Reduced Floodplain Capacity:** Narrowing a river restricts its ability to spread out during heavy rainfall or snowmelt. This reduced floodplain capacity can lead to higher water levels and more severe flooding.

Furthermore East Lothian Council has commissioned a report on the coast from Dynamic Coast, but this is not yet available. Therefore, why and how is the Council making a decision without being open about all the evidence.

2. I object to the Proposed new Goose Green Bridge.

This does not offer any flood protection. Yet it will have a devastating effect on the wild birds (including endangered Kingfishers) who nest and feed at the mouth of the river. Furthermore, the ramps are so big they will take over the grass amenity spaces at both sides of the river mouth.

3. I object to the Active Travel Route

This is not part of the Flood Prevention Scheme. Therefore, proper assessment of the need for it, and planning permission for new paths and bridges that are part of it, need to be sought separately.

Musselburgh currently has excellent paths that are used continually by cyclists and walkers. Laying further concrete paths alongside those already in existence, will destroy the grass feeding sites for the geese who live and migrate to Musselburgh every year and will further reduce green amenity areas for families and walkers.

4. I object to the rising costs of FPS.

It is not conceivable that the Scottish Government and East Lothian Council should be spending the amount of money required for this outdated scheme in Musselburgh, when so much more is needed in the county. Such as road

repairs, services for older adults, repairs to the Brunton Hall, ongoing storm and flood damage to Haddington, North Berwick and Dunbar. Furthermore, I believe there is no budget for the ongoing upkeep and inevitable graffiti removal for the walls. Therefore, they will become an eyesore.

5. I don't believe the scheme is needed. In the last month we have had above average rainfall coinciding with high tides and we have had no significant flooding.

In Conclusion.

This current scheme goes against the latest information that states nature based solutions are the best protection against flooding. There has been no evidence a complete assessment of nature based solutions for Musselburgh has been sought. Councillors have voted on a scheme without having or understanding the full facts. East Lothian Council and Jacobs have attempted to get the public on board by scaremongering, using false images such as cars floating down a flooded high street. This is unlawful advertising because there is no evidence this will ever happen.

My mental health and the mental health of many more people will be affected by the current proposed FPS. Everyday in Musselburgh people can be seen strolling, or dog walking along the side of the Esk from the Jooglie Brig to Goosegreen and along the promenade. They are admiring the sea, the river and wildlife that live and feed there. They listen to the sound of the waves, the birds and the children playing on the sand. All along the promenade there are memorial benches. People go there to quieten their minds, heal their hearts and be at one with nature. Doctors now describe getting out amongst nature as a cure for anxiety and depression.

If this scheme goes ahead many people will be devastated when they see the trees that have healed their depression being pulled down and killed, the birds they have admired and fed moving on elsewhere. The amenity ground they exercise on becoming a building site. Years of air and sound pollution caused by pile driving. The house they have put their life savings into, greatly reduced in value and becoming unsaleable. Yet, all of this could be avoided with the use of nature based solutions that enhance our natural environment, not destroy it.

Yours sincerely

[REDACTED]

References to back objection 1.

Institute of Chartered Foresters

<http://www.charteredforesters.org/trees-can-reduce-floods>

Woodland Trust

<http://www.woodlandtrust.org-uk/trees-woods-and-wildlife/british-trees/flooding/>

The Heart of England Forest

<http://heartofenglandforest.org/news/trees-and-natural-flood-management>

Reference to back objection 2.

Ref: <http://environmentalagency.blog.gov.uk/2015/10/20/engineering-with-nature-to-help-reduce-flooding>

Google LLC, [1600 Amphitheatre Parkway, Mountain View, CA 94043, USA](https://www.google.com)

You have received this email because [REDACTED] shared a document with you from Google Docs.



Subject: (0094) Objections to proposed Musselburgh Flood Prevention Scheme

Sent: 16/04/2024, 22:21:09

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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Dear Sirs/Madams

My contact details are as follows:

[REDACTED]

I write to intimate my opposition to the proposed flood prevention scheme in its current form.

My objections are as follows:

1. The 'Grove' walkway, which connects Inveresk estate with Whitecraig, is a site of very considerable, natural beauty. Any interruption to that ought to be considered only after all other reasonable and viable alternatives have been exhausted;
2. The area is a haven for wildlife - birds, fish and many others. It is a site of such inspiring beauty and nature, that it motivates the areas young people to learn and understand more about their immediate natural ecosystems and our impacts upon them;
3. The walkway is used constantly by joggers; walkers and dog walkers, as a means of exercise and providing essential breaks from daily and working life. It is used so frequently because of its current outstanding beauty - it therefore impacts and hosts not only an abundance of natural wildlife, but also provides an essential source of sustenance for the health and, particularly, mental wellbeing of everyone in the local area;
4. The current proposals would involve extreme and permanent damage to the local ecosystems of Musselburgh- this would have far reaching impacts on the wider ecosystems including nearby SSSIs eg Musselburgh beach/the breeding sites for birdlife near the lagoons;
5. The proposals involve measures, the objectives of which could probably be met far more proportionately and effectively by other less drastic, measures. A 'wall' the full length of the grove (or most of it) is not required. Perhaps an alternative would be simply to enhance the current walls of any properties most directly at risk (although the risk is perhaps not great to them) coupled with far improved river bank flood protections, bolstering current river banks. Perhaps diversion pumps at the river mouth near the end of the Grove could be considered;
6. The risk of flooding is far greater towards the mouth of the Esk at Goosegreen and adjacent to that and Fisherrow - better focus could be made on possible options in these areas.

For all of the above reasons, I oppose the proposals in their current forms.

Yours faithfully

[REDACTED]

Sent from my iPhone

Subject: (0095) Objection
Sent: 17/04/2024, 10:43:28
From: [REDACTED]
To: Musselburgh Flood Protection Objections
Cc: firstminister@gov.scot

Importance: High

Categories: [REDACTED]

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17th April 2024

Service Manager – Governance
Legal Services
East Lothian Council
John Muir House
Haddington
EH41 3HA

[REDACTED]

Dear Legal Services

[REDACTED]

I am writing to object to the recently published Musselburgh Flood Protection Scheme due to lack of transparency and the refusal of my FOI request.

My East Lothian Council FOI request was refused due to being manifestly unreasonable and excess charges. The council should be transparent and accountable. I have been denied full access to information necessary for me to make an informed decision on the scheme during the consultation and statutory objection process. This includes (but is not limited to) the modelling data which has never been released despite repeated requests by members of the community with the necessary expertise to offer a peer review assessment.

Procedural Matters

(i) "The Authority's review response dated 13 April 2022 stated that it partly upheld the application of exception 6(1)(b) cited in its original response as some [my emphasis] of the information you sought was publicly available online. You have not identified this specific claim as a ground for dissatisfaction in your application and I have discounted this from my investigation accordingly."

"some information was publicly available online". There is very little information that I requested in my FOI available online. The website the council has noted <https://www.musselburghfloodprotection.com/> is a design and project update site and does not contain detailed information on decision making.

I object to the council's decisions, their competency and motives. As such the council's decision would have been based on advice given by the consultants/consultees. Such advice would have been given over a period of time, in a number of correspondence and minutes of meetings. These, and other information requested, are not available from the noted website and have never been provided.

Substantive Matters

(ii) the Authority stated it would cost too much to respond to your request in its entirety [that it was 'manifestly unreasonable' to do so] - you consider the charges set out are excessive and unreasonable (citing, for example, the need for a Grade 13 employee's involvement in processing your request); and

I refer to the law on charging under the EIRs set out in Regulation 8 -

"Under Regulation 8, public authorities 'may' charge fees for disclosing information, but any charges "shall not exceed a reasonable amount and in any event shall not exceed the costs to the authority of producing the information requested".

Extract from ELC's 'Request for Review Letter' detailing FOI charges -

"This is calculated on the basis that the requirement to produce information would fall on a number of council officers ranging in grades and would include the Project Manager for the Musselburgh Flood Protection Scheme whose time to produce relevant documentation pertaining to the request would amount to at least 21 hours (equivalent to three working days) at Grade 13 (£1,052.10) and the Service Manager Roads (Grade 13) who has also indicated this could take around 12 hours (£601.20) to compile.....would require an unreasonable diversion of staff effort from normal duties".

I believe this is unreasonable and ELC have given no explanation as to why the involvement of grade 13 employees is required here (rather than those on lower grades) at a cost of approx. £50 per hour. I therefore object to this response and question why does a FOI request require the skill of a Grade 13 employee to collate information? Why are their emails not accessible to lower grade staff who can simply cut and paste them into a document. That would surely be consistent with claimed-for ability to hold authorities spending public money to account. Are these unreasonable charges by ELC a deliberate attempt to dodge transparency and to try to dissuade me or restrict me from seeking to obtain this information?

Regarding the offer from East Lothian Council to meet with relevant officers to *"narrow the scope of my request and try to identify the relevant information not currently publicly available on the website or interest"* I do not believe this suggestion would meet a test of independent scrutiny and accountability.

(iii) you contend the Authority has intentionally misused the application of charges [which are permitted under the EIRs] in order to apply the 'manifestly unreasonable' exception (so as to deter information requests); you consider such would not be in-keeping with the aims of information law

I appreciate the request may be inconvenient and may stretch some resources but this would not be sufficient to deem the request manifestly unreasonable and I should not be denied on this basis.

Surely there is an onus on ELC (given the size of the authority) to prove that the diversion of resources or interference with normal operational functions is both substantial and unreasonable. Dealing with this request would not interrupt ELC normal activities and responsibilities in any significant way.

As a public body East Lothian Council should be open, transparent and accountable. The public should not be blocked, delayed or denied scrutiny of their procedures due to costs. I object as the cost estimates are unsatisfactory and I therefore doubt ELC's claim that the request was manifestly unreasonable. East Lothian Council is not acting within the spirit and intention of the Freedom of Information (Scotland) Act.

Public Interest

I have not seen evidence that ELC properly demonstrated that the public interest test has been sufficiently analysed in an impartial fashion before refusing my FOI.

I therefore object to this and have outlined below the reasons I believe it is in the wider interest of the public for this information to be disclosed.

- This is not merely for my own individual interest. There is a very weighty public interest in disclosure due to the number of people affected by the scheme – this will affect over 3000 properties
<https://www.musselburghfloodprotection.com/news/newsletters/>
A petition asking for a pause to the scheme was submitted to ELC https://www.change.org/p/tell-east-lothian-council-to-pause-the-musselburgh-flood-protection-scheme?utm_content=cl_sharecopy_35596053_en-GB%3A9&recruiter=1189192930&recruited_by_id=ace769e0-8e5a-11eb-8fba-cbf16977dc82&utm_source=share_petition&utm_medium=copylink&utm_campaign=psf_combo_share_initial&share_bandit_exp=initial-35596053-en-GB
This was rejected by ELC on the basis it had “misinformation”. And yet ELC are withholding information. There is a facebook Musselburgh Flood Protection Action Group with 1600+ members seeking clarity and transparency in the scheme <https://www.facebook.com/groups/1597822983900562/>
Disclosure would enhance scrutiny of decision making processes and thereby improve accountability and participation.
- There is a genuine need and concern for this information to be public. The design will have a significant economic, social & environmental impact. It is the widest, most extensive, significant, important project to affect Musselburgh with adverse consequences to the environment. Musselburgh is Scotland’s oldest town on the River Forth with a longstanding connection to the sea. Estimated costs of project have escalated. The project will see concrete walls up to 1.8m high introduced along the river Esk and coastline. Bridges will be removed and four new bridges built. Trees will be destroyed. Grass river banks covered with concrete. Access to river and sea restricted. Construction compounds will cause significant disruption to the whole town for many years
<https://www.musselburghfloodprotection.com/consultation/public-consultation/public-exhibition-no-2-jun-2023/#Thank%20You>
There is public interest in fully understanding the reasons for ELC’s decisions to build concrete walls over nature based solutions – it may even strengthen the community’s confidence in ELC, clear up misconceptions and uphold standards of integrity. Local newspapers have also reported residents’ frustration at lack of transparency <https://www.eastlothiancourier.com/news/18184846.42million-flood-plan-musselburgh-revealed/> Ex councillor Currie said “*“The preferred proposal of the cabinet needs and demands the fullest public scrutiny”*”.
- Scheme costs have spiralled out of control. <https://theferret.scot/revealed-spiralling-cost-scotlands-flood-defences/#:~:text=Analysis%20by%20The%20Ferret%20has,in%20excess%20of%20%C2%A376%2C000>. Current estimates are as high as £132.5M (March 2024)
Disclosure would contribute to ensuring effective oversight and accountability of expenditure of public funds and the public obtain value for money. It would allow the public to fully scrutinise and understand how taxpayer money is being spent. It would serve the public interest in scrutinising the actions of an authority that is spending from the public purse.
- Nature and biodiversity will be lost – for example hundreds of trees will be removed
<https://www.musselburghfloodprotection.com/consultation/public-consultation/public-exhibition-no-2-jun-2023/#You%20Said...%20We%20Delivered>
The environment needs to be protected and this scheme will have an adverse effect on the environment. The public need to have access to information to be able to take decisions or challenge them accordingly. Public authorities hold information on behalf of the public and this should be made available to the widest extent possible to ultimately contribute to a better environment.
- Ensuring the public has access to sufficient, complete, accurate information would contribute to an informed public debate on how to manage the sea and coastal risk to Musselburgh, a matter of serious public concern.
- The modelling data which underpins the whole scheme should be available for public scrutiny and independent assessment/critique. This data shows how the river system & sea behaves during flooding, identifies areas affected and assesses the risk of any flood scheme. This has a serious value to the public. In advancing the scheme the council relied on this information that is not publicly available. This was the “building block” for the whole development of the scheme and it would be of great assistance to the public to have transparency on why the design was chosen. There is no modelling data on the scheme website
<https://www.musselburghfloodprotection.com/flood-risk/musselburgh-flood-risk/modelling/>
- Transparency in contracts – disclosure would ensure fair commercial competition. For example CH2M was awarded the contract for the Musselburgh Flood Scheme and bought out days later by Jacobs. Were there any form of parent company assurances given? Access to information plays a critical role in ensuring openness and transparency.

- Information already available on the scheme website is limited and does not reveal the full picture therefore this increases the public interest in disclosure. There is also a bias involved in only being able to rely on this website for information. How can the public trust it's sufficient, complete, accurate and not misleading if they do not have access to all the information and not just that which has been "selectively" presented as the "full picture"? What is missing from publicly available websites is the basis of decision making within ELC. One example but presumably compounded by later decisions on 'The Scheme' is what were the reasons for agreeing the Preferred Scheme in January 2021 and its further iterations, what independent advice was available from statutory bodies, why is it not available to the public, how did the ELC at official and member level take this into account in their decision making – in other words what record is there available for the public of the details of the internal advice and of their decisions?
- Planning consent is deemed under Flood Scheme Act
<https://www.musselburghfloodprotection.com/project/statutory-approval/>
 therefore it is crucial the public can understand fully implications of the scheme as it will bypass the usual processes and there will not be the usual opportunity to object under planning laws. ELC should have no reason to hide their thinking from those whose interest they purport to work. This includes the recent confusion and obfuscation around active travel routes. Only on the 19th March 2024 was I informed via a councillor MAT was now apparently not part of the scheme. Yet wide paths, ramps and new bridges remain in the flood scheme drawings that DO NOT reduce flood risk. It is clear these are all influenced by MAT. All MAT proposals are deemed to be 'Developments' as defined by the Town and Country Planning (Scotland) Act 1997. This is undeniable, and failure to obtain planning permission for all MAT related elements would be tantamount to subverting the 1997 Act. ALL structures and routes of MAT should go via normal planning regulations. Narrowing of river increases flood risk. A new Goosegreen Bridge offers no flood reduction benefit. Furthermore, under the above noted definition under the 1997 Act, this bridge is without any doubt considered to be a 'Development' and not a replacement, and requires planning permission.
- In an attempt to remove the burden from ELC to get information from other organisations (ie Sustrans Scotland) I was re-directed back to East Lothian Council to do an FOI. If East Lothian Council then refuse is this not tantamount to censorship? *Extract from email from Sustrans, "Please note however, only the government and public sector bodies are subject to Freedom of Information (FOI) requests. Sustrans, as a registered charity, is not subject to the Freedom of Information Act. We recommend enquiring with East Lothian Council on this matter. You can request information from the East Lothian Council"*
- ELC have also advised residents when asking for information that an FOI is required *"As discussed with you at the Action Group meeting (by Alan Stubbs) – the issuing of data needs to travel through the Council's FOI Team."*
 Conor Price, Project Manager
- Local Musselburgh Cllr McIntosh cites that the environment was "for us all", that there should not be a "two tier" access to data and "these charges are clearly putting people off from pursuing inquiries and holding local authorities to account".
<https://theferret.scot/east-lothian-two-tier-access-to-environmental-data/>
- East Lothian Council has responded to just eight per cent of environmental information requests since it introduced a blanket policy of charging for information in 2019.
- ELC was rapped by the Scottish Information Commissioner in 2020 for "wrongly processing" non-environmental information under EIR legislation, which resulted in a fee being issued incorrectly.
- The Ferret spoke to a resident of Musselburgh . They said that ELC's policy of charging had created a *"veil of secrecy around fairly standard information relating to the flood scheme"*.
- Carole Ewart, convener of the Campaign for Freedom of Information in Scotland, condemned the blanket use of charging for environmental information requests and queried if there is a *"means testing"* process so people living in poverty can access environmental information. She said that charging for information could be a *"false economy"* as it costs to issue invoices and process payments. There was also *"reputational gain"* to be had in proactively providing information, she claimed. *"The statistics show that charging has repeatedly deterred the majority of requests and that should sound an alarm bell for the public interest in identifying, preventing and detecting local issues with the environment,"* she added.
- Disclosure would enhance scrutiny and legality of decision-making processes. Example. Why have ELC chosen 1.8 m high walls in places? Why is there scenario 2 on river and yet scenario 4 on the coast? Who made these decisions? An FOI to Nature Scot disclosed vital information that had not been released by East Lothian Council regarding Nature Scot's advice of heights of scheme defences.
 Extra from Group Discussion on Climate Change Teams meeting on 31st Oct 2022 (Nature Scot/Dynamic Coast):
"A number of examples were noted (Musselburgh etc) where local authorities had chosen a high level of protection (1:200yr level of protection and then account for climate change using a single climate scenario, typically based on SEPA's LUP guidance which is based on RCP8.5 95th%) without interrogating whether this is appropriate for the location, or considering the intervention as part of a comprehensive adaptation plan...."

5. The concern is that such an approach may lead to over-engineered solutions that rely on benefits that may never be realised whilst incurring the associated social, economic and environmental costs today. Often many of the adaptation actions were absent, simply relying on higher wall for flood protection. In essence, the proposals didn't / couldn't adapt with increasing risks, but jumped to address future long-term risks with today's interventions. Perhaps these relate to a sub-optimal interpretation of the guidance, or apparent perverse incentives where securing today's funding is preferential to attempting to securing multiple sets of future funding.

So the guidance must be clear that, options need to be considered to credible maximum risks, but that plans don't need to address all of these now, ie our planned actions should be incremental and must be actioned at trigger points, rather than implementing solutions today for the next 1m of sea level rise."

Under no circumstances must communication be in person. I insist all communication with me going forward should be via email or by post.

Please acknowledge receipt of my letter of objection via email as mentioned.

Please advise me of next steps, and timescales.

Yours Faithfully,



Subject: (0096) Objection letter received - [REDACTED]
Sent: 17/04/2024, 11:30:39
From: Legal
To: Musselburgh Flood Protection Objections
Attachments: [20240417 MFPS Objections letter from \[REDACTED\].pdf](#)

Follow Up Flag: Follow up
Flag Status: Completed

Verbal abuse and threatening behaviour is never acceptable. #zerotolerance

We're living through stressful times right now, and everyone's feeling it.

Our staff are doing their best to assist local residents and businesses whilst delivering essential services.

Please, be nice.



BE NICE
RESPECT US AS WE RESPECT YOU



Service Manager – Governance
Legal Services
East Lothian Council
John Muir House
Haddington
EH41 3HA
20.03.24 – REF: CG/11481



Dear Service Manager,

I am writing to object to the recently published Musselburgh Flood Protection Scheme. As a resident of Musselburgh and a tax payer I object to the published scheme for the following reasons:

Cost

Back in 2016, the proposed scheme was initially projected to cost £8.9million, at a meeting of East Lothian Council's cabinet in 2020, the revised costs were estimated at £42million, with plans to introduce over four kilometres of walls and embankments, as well as remove three bridges.

The scheme is currently costed at £132m in total, including £53m for the flood protection part. As clearly evidenced there is a significant increase to cost and The Council has been told the cost is likely to rise. There are no cost breakdowns in the public domain. How can the Council have voted this through with so little information? Why has no cap been put on the cost?

£4m has been spent by December 2023 on design and consultations against a decreasing budget available for core Council services such as care for the elderly, essential community health and wellbeing amenities: libraries, leisure and culture. Obvious examples are: The Brunton Theatre still remains closed due to lack of funds for repairs, many council houses in the area are in dire need of repair and there has been an increase in anti-social behaviour due to the lack of amenities for young people in the area, the Scottish Alliance for Childrens Rights report dated 17th July 2023 clearly evidences links between lack of amenities for teenagers and anti-social behaviour. The council are clearly targeting more families to move to Musselburgh with affordable housing yet are not investing in the area to manage the increase in numbers of children and young people. This clearly shows the Budget/spending priorities are wrong and not in keeping with the real priorities of the residents living in Musselburgh. There appears to be a gross misuse of public funds

Science/data

The MFPS does not offer alternative scenarios. It is tied to a 1:200 year +climate change event. Scottish Government guidance says that a range of scenarios should be included. How could the Council judge what is necessary protection without being given a range of options?
East Lothian Council has commissioned a report on the coast from Dynamic Coast, but this is not yet available publicly – why and how is the Council making a decision without being open about all the evidence?

Local residents have asked to see the data underpinning the scientific calculations of the project team, but these requests have been ignored. What is the reason for the lack of transparency? The project team say they have adjusted flood defence heights in response to local feedback. This amounts to fitting the science around the preferred outcome, rather than science/data leading to a properly calculated outcome. This makes no sense.

The last major flood in Musselburgh was in 1948. Climate change may mean there is increased risk of flooding in future, but there are communities at much greater and more immediate risk – Dumfries, Haddington, Perthshire etc. Scarce resources should be applied in order of need. The recent weather conditions over this Easter clearly showed one minute area of the river in Musselburgh which flooded. If there is a concern over the coastal flooding, why is the flood scheme just in Musselburgh? Portobello would be greatly at risk as well.

The Council was informed that Natural Flood Management (NFM) should be restricted to 3 interventions (use of 2 small reservoirs in the Pentlands, and a tree-catcher in Dalkeith Country Park). NFM could include a whole range of techniques to slow the flow of the river throughout the catchments, and to encourage the natural dune system along the coast. The fact these were discounted at the start is wrong and the situation is made worse by the exclusion of NFM decided upon in October.

The Council halted inclusion of NFM on the advice of the project team in October 2023. The evidence to support this was a report on the Eddleston Water project. That report is flawed, and the science behind the report was presented to the Council in a misleading way. NFM can and should take centre-stage in flood protection.

All the indications are that the use of NFM, nature-based solutions and a flood resilience (rather than prevention) approach are preferred over building flood walls. Even in massive river catchments like the Severn, these approaches are being discussed and trialled. The flood walls in Brechin (built/renewed 2015) recently failed. The flood gates in Perth recently failed. Man-made interventions cannot prevent flooding downstream – we need to do more upstream to slow/store the water so it doesn't rush down through the town.

The Scottish Government is heading towards NFM. On 23 December 2023, the Minister stated "The Scottish Government recognizes the importance of natural flood management (NFM) measures in reducing, slowing or otherwise managing flood waters across catchments and along the coast while also delivering multiple environmental benefits." Why is ELC not in step with the Scottish Government?

Transparency and process

The engineers appointed to design the project have also been allowed to write the Environmental Impact Assessment (EIA). They carried out an options appraisal that ruled out all alternatives to the current scheme, without those options being made available for public scrutiny or debate. Throughout the scheme the consultants and engineers have not been subject to challenge or adequate scrutiny.

On 23 January 2024, the Council agreed to the scheme progressing, even though they had not had sight of the full EIA, only a 'non-technical summary'. In January 2020, East Lothian Council cabinet voted through the preferred scheme. Given the value of the scheme, this should have been approved by the full Council. The Cabinet did not have the power to vote on a scheme of this magnitude.

General amenity, health and well-being

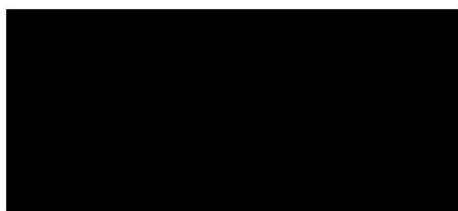
The project is going to cause major disruption to both transport links and public walk ways. The population of Musselburgh has increased significantly over the last decade with more vehicles passing through every day. Any large scale building project is going to have a momentous negative impact of the residents trying to commute through their town. The project will take at least 5 years to build. It will be a major cause of disruption. There will be pile-driving all along the river. There are many historic properties in the centre of the town at risk of damage from vibration.

Also the proposed walls which are to be built alongside the river will very quickly be covered in graffiti causing it to become an eyesore. This is already evidenced by the walls further up the river by Inveresk and Esk Mills. Any visible concrete is covered in graffiti. The banks of the Esk and Fisherrow are Common Good land and as stated *'The Common Good Act 1491 provided legal status to Common Good and created an obligation that assets be managed for the benefit of the citizens of the burgh.'* How is graffiti covered concrete walls, blocking the view of the river be of benefit to the community? Also the banks of the Esk and Fisherrow Links are Common Good land, and any interruption to their use by the community should be compensated. Hundreds of people enjoy these amenities every day, where will they go to benefit from being in nature and by water?

'The Psychological Impact of Architectural Design' (2018) states how *'The interplay between architectural design and human psychology is significant, yet it remains largely unnoticed or even ignored both in and outside the design industry.'* It also states buildings having *'an absence of architectural detail, and repetitive styles produced a unique form of sensory deprivation. Not only did this trend result in a lack of intellectual stimulation, it effectively removed every aspect of human touch, creating a cold, unwelcoming environment that lacked the ability to produce a positive physiological response or a sense of well-being.'* This is what is exactly what is happening in Musselburgh, the residents are clearly expressing major concern of how the enforcement of having concrete walls will create an unwelcoming environment and will have a negative impact their mental health, yet these concerns are being totally ignored by the Designers and East Lothian Council.

I also want to ask that whilst an Environmental Impact Assessment (EIA) has been carried out, has an Equality Impact Assessment been conducted, which clearly evidences the Councils decision-making processes regarding the Flood Protection Scheme is fair and includes the impact this scheme will have on protected groups and vulnerable people.

Please acknowledge receipt of my letter of objection, in writing. Please advise me of next steps, and timescales.



Reference

'The Psychological Impact of Architectural Design' (2018)
https://scholarship.claremont.edu/cgi/viewcontent.cgi?article=2850&context=cmc_theses

Service Manager - Governance

Legal Services

East Lothian Council

John Muir House

Haddington

EH41 3HA.

RECEIVED
17 APR 2024



Subject: (0097) Objection to Musselburgh Flood scheme dated 17.04.2024

Sent: 17/04/2024, 14:11:23

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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Service manager Governance Legal Services. ELC.

I object to the Flood protection scheme on several grounds namely,
By necessity the proposed scheme is very complicated and has many different parts to it.
I will however attempt to keep my objections as simple as possible.

I object to the building of walls on the river banks from the Roman bridge to the river mouth. A flood from any source is a temporary phenomena. What is being proposed is a permanent and expensive memorial to a very occasional fluvial event. The river banks currently have been sympathetically designed to contain flood water in all but the most extreme event. If this unfortunate event does happen then the temporary barriers and sandbags are available for emergency use thus when over, can be removed and the river's tranquillity and access restored. I feel that the money spent so far on consultation could have been alternatively spent on providing each potentially affected household with a grant to construct a temporary flood barrier at the access point to the property.

I object to the source of data that is being heralded as gospel, hence the basis for this scheme. Extrapolated figures are always extremely unreliable. Climate change patterns are still in a nascent form so no one can tell at this moment what measures are required to curb what nature will throw at us in the future.

I object to the driving force seemingly behind this all too hasty council decision to be the lure of available government and other funds.

I also object to the removal and replacement of the current river crossings, bridges, whether in situ or different position on the grounds that there is no need to do this under any proven circumstance or for sustainable transport links.

I object to the proposal for flood defence for the coast from the river mouth to the harbour as per the schedule. Once again, scant information is the driving force behind the current proposals. More time is needed to assess what defences are really required.

I object to the copious amount of taxpayer's money that has been wasted and will be wasted on this premature, vanity, detrimental project.

Yours Faithfully [REDACTED]

Subject: (0098) Objection to flood scheme
Sent: 17/04/2024, 14:53:07
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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Dear whom it may concern,

I am writing to express my strong objection to the proposed Musselburgh Flood Protection Scheme. As a resident of Musselburgh, I believe this scheme will have detrimental effects on our town and its inhabitants. My concerns stem from various aspects of the proposal, ranging from its environmental impact to transparency in decision-making and cost management.

Firstly, I am deeply troubled by the lack of transparency regarding the costs associated with the scheme. The fact that there are no cost breakdowns available to the public raises serious questions about the justification for such a substantial investment, especially considering the uncertainty surrounding the final cost projections. Additionally, the allocation of funds towards this scheme while essential community services suffer from budget cuts is unacceptable and highlights misplaced priorities within the Council.

Furthermore, the scientific basis and data underlying the project seem flawed and inadequate. The absence of alternative scenarios and the exclusion of Natural Flood Management (NFM) techniques raise doubts about the validity of the proposed approach. The Council's failure to provide comprehensive evidence and engage with residents' concerns regarding flood protection measures is deeply concerning and undermines the legitimacy of the decision-making process.

Transparency and accountability are paramount in any public project, yet the blurred lines between the Council and the project team, as well as the lack of response to residents' inquiries, reflect a concerning lack of transparency and accountability in this process. Residents deserve to have their voices heard and their concerns addressed in a fair and transparent manner.

Moreover, the integration of the Musselburgh Active Toun (MAT) proposals with the flood scheme raises additional concerns about the lack of clarity regarding costs and the potential impact on flood protection objectives. The focus should be on implementing measures that effectively address flood risks rather than combining unrelated projects without proper evaluation of their individual merits.

In addition to these concerns, I am deeply worried about the long-term impact of the scheme on the general amenity, health, and well-being of our community. The disruption caused by the construction phase, potential damage to historic properties, and the loss of access to common good land underscore the need for thorough consideration of the project's broader implications on our town's social fabric and quality of life.

In conclusion, I urge you to reconsider the proposed Musselburgh Flood Protection Scheme in light of the concerns raised above. It is essential to prioritize the well-being and interests of the residents of Musselburgh and ensure that any flood protection measures implemented are cost-effective, scientifically sound, and transparently managed.

Thank you for considering my objections.

Sincerely,
[REDACTED]
[REDACTED]

Subject: (0099) Pause The Flood Scheme - Objection Letter

Sent: 17/04/2024, 17:06:16

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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Service Manager Governance

Legal Services

East Lothian Council

John Muir House

Haddington

EH41 3HA 17th April 2024

Dear Legal Services

Like a vast number of the Musselburgh and Fisherrow Community, I too am writing to object to the recently published Musselburgh Flood Protection Scheme for the following reasons:

1. Bias - consultants have marked their own homework. Considering the absence of peer review of the Scheme, and further considering that the council have opted, erroneously in my view, not to install an independent assessing team within the planning department, it stands to reason that the consultants marking their own work raises many objectionable questions that have not been answered and must be answered.
2. Escalating costs at a time when council have declared a financial crisis will put pressure on other services due to their 20% liability of all costs.
3. Loss of trees. The consultants are an experienced firm of engineers with knowledge and access to information. ELC likewise have the means to consult experts and arborist experts. To that end, an examination of the presentation information, points to conditions that would almost certainly lead to the death of trees, such as those very close proximity of heavy plant adjacent or over the roots of tree, and formation of swales at/under the roots of tree at Eskside East for example. Therefore both the consultants and the council know with undoubted certainty which trees are very likely to perish during the formation of the flood scheme. To not demonstrate that clearly to the public is both a denial of information and manipulation of the townsfolk's empathy for trees, giving the impression that many trees may be saved, where the opposite is true.
4. No biodiversity net gain has been evidenced.
5. Removal of natural flood management before council vote on scheme in January 2024, and before petition was heard, not only was undemocratic but more importantly in breach of the 2009 Act's requirements.
6. Measures to avoid, control, manage and mitigate flood risk should also not increase flood risk elsewhere. There has been no assessment of the impact or risk of MFPS on other coastal area ie Portobello.
7. Our councillors' unanimous exclusion of Natural Flood Management, highlights a lack of willingness to deploy nature based solutions that go in the face of Dynamic Coasts advice. It must be noted that our councillors cast their votes before having sight of Dynamic Coasts full assessment. They must now review this information and represent the motion for a second round of votes. Nature based solutions at coast should not be ruled out (as per Dynamic Coast report).
8. Prematurity of wall along the coast due to lack of Coastal Change Adaptation Plan.
9. Dynamic Coast report states beach could be lost due to seawall structure - actions to manage flood risk should not contribute to increased coastal erosion.
10. There is no beach nourishment plan nor budget for this.
11. All data, flood modelling and designs presented to the public are based on the assumption of a sea level rise of 86 cm, advised to SEPA by Jacobs, and subsequently written into SEPA's requirements, which the overwhelming number of other studies do not support.
12. The modelling data has never been released despite repeated requests by members of the community with the necessary expertise to offer a peer review assessment.
13. Choice of year 2100 should be amended as we cannot accurately predict sea level rise that far. It could be less, or more!
14. Nature Scot (government experts) said we don't need "solutions today for the next 1m of sea level rise" (Nature Scot, Coastal Change Adaptation Guidance, Group Discussion on Climate Change Teams meeting on 31st Oct 2022)
15. Comparing Sustrans objectives and standards, and Active Travel Paths' in general, there can be no doubt that much of the Flood Protection Scheme pays heed and is informed by MAT. The consultants, the council's legal services' and infrastructure departments denials of this intrinsic relationship between MAT and the Scheme is flawed and has no basis, as the presentation

put before the town manifest to the link. This is clearly demonstrated in the Design Statement published by the Consultants. MAT has heavily influenced design of flood scheme negatively.

16. All MAT proposals are deemed to be 'Developments' as defined by the Town and Country Planning (Scotland) Act 1997. This is undeniable, and failure to obtain planning permission for all MAT related elements would be tantamount to subverting the 1997 Act. ALL structures and routes of MAT should go via normal planning regulations.

17. Narrowing of river increases flood risk.

18. A new Goosegreen Bridge offers no flood reduction benefit. Furthermore, under the above noted definition under the 1997 Act, this bridge is without any doubt considered to be a 'Development' and not a replacement, and requires planning permission.

19. I acknowledge that surface water drainage is a shared issue between the flood protection scheme and Scottish Water. Nonetheless these outstanding surface water issues have not been addressed. These are likely to exacerbate existing flooding risk.

20. Introduction of mechanical and electrical equipment to deal with potential flood risks on the dry side of the defences, as a result of the designs of the proposals, will present new and additional means that heavily rely on human interface and involvement, thus another new layer of risk. We have witnessed pumps failing in Perth & Brechin.

21. References to "enhancement of landscaping in Musselburgh" or similar is an affront to the people who can see with their own eyes what they have and the inferior landscapes the proposals offer, unquestionable gradually worsening through the years, with graffiti and lack of maintenance.

22. There has been no third party independent analysis of the impact of the proposals on Musselburgh's long connections and affinity with the sea and river as an amenity for the townsfolk and others, as well as for the tourism industry, on which many local shops depend. Flood walls will destroy amenity and Musselburgh's long connection with river and sea.

23. Negative impact on tourism to Musselburgh

24. "People depend on the environment around them for their physical and mental health, and general wellbeing" (Flood Risk Management (Scotland) Act 2009). My human rights are being undermined due to my present environment (river and coastal walks and views) being threatened which will affect my mental and physical health

25. The arguments against whole catchment area development have frequently touched upon multiple ownership of the lands in question and the unwillingness of some landowners to participate in safeguarding Musselburgh against floods. The poorest and most vulnerable are being discriminated against. Wealthy landowners should be implementing upstream natural flood management to reduce flow of water coming into the town. Instead people of a lower socioeconomic profile will be disadvantaged with a concrete wall flood scheme that sacrifices their access to nature.

26. My enjoyment of land will be affected by scheme and its operations.

27. Lack of privacy due to walkways on top of defences is a breach of my human rights.

28. "We are the experts. We know what we are doing". This repeated description of operations is insufficient to allow me to understand scale and nature of proposed works.

29. The volume of information, documents, images presented at the last minute has been overwhelming. The MFPS team must have realised that the public would fail to comprehend it all in the objection timeframe. This is a failure of your duty of care to ensure the information is comprehensible to the general public.

30. I have an interest in the land affected by the scheme and scheme operations (including but not limited to noise and pollution from construction traffic) at Fisherrow Links and Fisherrow coast. I use this regularly to walk and exercise. I walk daily along the coastline for health benefits. A coastal sea defence with limited access and any scheme compound and scheme works will directly impact my ability to continue to do so and disturb my enjoyment of the land. If the scheme proceeds in its present form without amendments I expect to be compensated for the sustained damage as a consequence of exercising my powers under the Act, Section 83 (1).

Under no circumstances must communication be in person. I insist all communication with me going forward should be via email or by post.

Please acknowledge receipt of my letter of objection. Please advise me of next steps, and timescales.

Yours Faithfully

A large black rectangular redaction box covering the signature area of the letter.

Subject: (0100 NO ADDRESS) Musselburgh walls
Sent: 17/04/2024, 21:34:45
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

Categories: NO ADDRESS

Vous ne recevez pas souvent de courriers de la part de [REDACTED]. [Découvrez pourquoi cela est important](#)

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Hi
Im surprised and disappointed that East Lothian council has even contemplated to botch Musselburgh and its riverside by putting concrete flood walls.
Please you have to re-think that for many reasons.
Protect nature and wildlife around the river and also the enormous cost of it.
Think for a minute how much in East lothian could be done with the money. Things and infrastructures that people wants!
How can you not have the budget to pick up bins but money for those walls. Im at lost really.
Regards
[REDACTED]

Subject: (0101) Objection to Musselburgh Flood Protection Scheme 2024
Sent: 18/04/2024, 08:30:20
From: [Redacted]
To: Musselburgh Flood Protection Objections
Attachments: [MFPS Objection Macdonald.docx](#)

Follow Up Flag: Follow up
Flag Status: Completed

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Service Manager – Governance, Legal Services, East Lothian Council

Please find attached a formal objection to the Musselburgh Flood Protection Scheme 2024. We should be grateful if you would confirm both its receipt and that it is in the required format.

[Redacted]

The [Redacted] is a charitable body, registered in Scotland, with registration number [Redacted]. Is e buidheann carthannais a th' ann an Oilthigh Dhùn Èideann, clàraichte an Alba, àireamh clàraidh [Redacted].

**MUSSELBURGH FLOOD PROTECTION SCHEME 2024:
FORMAL OBJECTIONS TO EAST LOTHIAN COUNCIL SCHEME**

Names: [REDACTED]

Address: [REDACTED]

Contact: [REDACTED]

Your Ref: CG/1181

We wish to lodge a formal objection to the proposed Musselburgh Flood Protection Scheme 2024 (MFPS) on the following grounds.

OBJECTION 1:

We object to the fact that there has been no meaningful public debate of the proposal.

There have been several public exhibitions and presentations from both representatives of the consultants and from council officials, and members of the public have been invited to comment on these. The proposers have responded to these public comments with minor changes to the original Scheme but the main aspects of the Scheme, and in particular its prioritizing of physical barriers in Musselburgh over water management in the catchment of the River Esk, have remained unchanged.

The Scheme has also been discussed at meetings of East Lothian Council but there has, in fact, been no forum, at any stage in the process, in which the promoters of the Scheme have been subjected to informed and rigorous cross-examination. Alternatives to the Scheme have not been offered or discussed and neither has the Scheme been subject to scrutiny by an independent and suitably qualified consultant.

Given the high capital cost of the proposal and the effect that it will have on the amenity and environment (both natural heritage and townscape) of Musselburgh, a proper and informed public debate is required.

We should like to propose that an independent and suitably qualified consultant be appointed and invited to comment formally on the proposals and also that the proposals be subjected to a Public Inquiry in which the proposing consultants can be cross-examined on all aspects of their scheme and alternatives considered.

OBJECTION 2

We Object to the Overall Approach Adopted in MFPS.

The principal weakness in the proposed MFPS is that it is based on an approach to flood control that is now considered, in mainstream environmental engineering circles, as outdated. Current thinking on flood prevention favours measures to hold flood water, caused by excess rainfall, in the catchment area and to release it slowly into watercourses, rather than relying principally on flood barriers at locations that are vulnerable to flooding. The MFPS, as currently proposed, is based principally on hard engineering solutions within Musselburgh itself, with only minimal provision being made for retention of water in the catchment area. As noted above, the modifications that have been proposed to the Scheme, in response to public comments, have been minimal. The measures for water retention in the catchment, that are included in MFPS, are token gestures rather than serious attempts at flood control.

The consequences of this approach will involve high capital costs for the engineering solutions proposed and serious degradation of the amenity of Musselburgh. The proposers of the scheme should be required to demonstrate that alternatives, concerned with retention of water in the catchment area, are not feasible. At the very least such alternatives have the potential to greatly reduce the extent of capital works required for flood protection within Musselburgh.

We should like to propose that an independent, suitably qualified consultant be appointed to give a second opinion on the overall strategy on which the MFPS is based.

OBJECTION 3

We object on the grounds that the prediction of the extent of the flooding that would result from a 0.5% AEP (1 in 200 year) flood event, on which the MFPS is based, is inaccurate

Mitigation of a 0.5% AEP (1 in 200 year) flood event forms the basis of the design of the MFPS. ***There is good reason to believe that the extent of flooding that would actually occur as a result of a 0.5% AEP (1 in 200 year) flood event has been greatly exaggerated*** in the MFPS.

The prediction of the extent of the flood that would result from a 0.5% AEP (1 in 200 year) flood event is based on the *Interim Hydrology Report (ref. MFPS-S3-JEC-ZZZ -XXX--TN-Z-0001)* by the consultants, Jacobs, dated 02:05:2019.

The Interim Hydrology Report is comprehensive and is based on the best available data on rainfall and river flows and on established procedures for flood prediction. However, in view of the size and complexity of the River Esk catchment area, the historical data that are available, on rainfall and river flows, are sparse. This inevitably diminishes the accuracy of flood predictions.

As with all types of engineering analysis, it is important to recognize that sophisticated, digitally based techniques cannot compensate for inaccurate or inadequate input data or for the many assumptions that must inevitably be made so as to make the analysis procedure manageable. The results can never be of a better quality than that of the input data. Proofing of conclusions against known outcomes is therefore essential. In the case of flood prediction this should take the form of comparison between the predictions of the flood model and the extent of any flooding that has actually occurred.

Comparison of flood model (Hydraulic Model C Flood Map – Present Day Fluvial Scenario) with the extent of flooding that actually occurred in the Musselburgh flood of August 1948:

The single comparison between predicted flood levels and an actual flood event, that is presented in the Consultants' Report on the MFPS, is concerned with the flood that occurred in Musselburgh in August 1948. This is described in the Report as an 0.5% AEP (1 in 200 year) event, and is therefore directly equivalent to the level of flood that the MFPS is designed to mitigate against, and that is predicted in the Hydraulic Model C (HMC) in the Consultants' Report.

The extent of flooding predicted by HMC, as depicted in the 'Present Day Scenario' map in the Consultants' Report, matches almost exactly that which is shown in the (putative) 'historic' map in the Report that purports to depict the extent of the 1948 flood, and this ***would appear*** to confirm the accuracy of the predictions produced by HMC.

However, serious questions arise concerning the extent of flooding that actually occurred in 1948. It should be noted that the area of flood shown on the 'historic' map is described in the Report as ***'the probable extent*** of flooding'. The map has been drawn from very little actual data and may seriously overestimate the extent of the flood that actually occurred. It shows extensive flooding of the High Street and Millhill areas in Musselburgh and there are in fact no actual records, or local memory from those alive at the time, of buildings in these areas having been flooded in 1948. Anecdotal evidence also suggests that even in Eskside West, on the bank of the river, only one property

was actually subjected to an ingress of water, and even this could have been prevented by a sandbag barrier at its gate. There are therefore serious doubts concerning whether the extent of flooding shown on the 1948 'historic' map in the Report actually occurred.

Another factor that has not been taken into account in compiling the 'Present Day Scenario' map in the Report, is that, following the 1948 flood, extensive flood prevention measures were put in place in Musselburgh, in the form of the canalization of the river by the construction of hard banks between the former railway bridge, at the site of old Musselburgh station, and the mouth of the River Esk. Had these been in place before the 1948 event, the extent of any flooding that did occur would have been considerably reduced.

The above observations suggest that the 'Present Day Fluvial Scenario', shown in the Consultants' Report, considerably overestimates the extent of flooding that would actually occur as a result of an 0.5% AEP (1 in 200 year) event.

It is perhaps worth pointing out that in at least one of the public presentations by the MFPS promoters, it was stated that the Scheme would prevent the flooding of 3,200 houses, numerous care homes and other business premises. In view of the above, there is in fact little evidence to support this statement, which could therefore be construed as, at best, an exaggeration and, at worst, as scaremongering. It is an example of the type of statement used by the promoters of the Scheme which its opponents have never had the opportunity to challenge in a public forum.

It may be argued that the flood protection measures that are currently in place in Musselburgh, consisting of hard river banks augmented by temporary barriers at known vulnerable points such as the west end of the Electricity Bridge, provide adequate flood protection against a 'current scenario' 0.5% AEP flood event.

There is therefore no requirement for urgency in the implementation of the MFPS and every reason to pause the Scheme pending further investigation of measures that would mitigate the effects of the extra risks that Climate Change might bring in future.

We should like to propose that an independent, suitably qualified consultant be appointed to give a second opinion on the flood prediction model on which the MFPS is based.

OBJECTION 4

We object on the grounds that the possibility of incorporating ALL of the reservoirs in the Moorfoot Hills has not been included in the Scheme.

Presented below is just one of a number of measures that could be adopted for retention of water, caused by a period of excessive rainfall, within the catchment area of the River Esk. It relates to the use of **all** of the reservoirs in the Moorfoot Group (Portmore, Gladhouse, Rosebery and Edgelaw on the South Esk) for flood control, by reducing their water levels so as to provide temporary storage for flood water. Rosebery and Edgelaw reservoirs are already included in MFPS but the addition of the other two, and in particular Gladhouse (the largest single body of water in the Lothians) would greatly increase their effectiveness.

All of these reservoirs are part of the Edinburgh and East Lothian Public Water Supply system – a water supply network in which water from any of the supply reservoirs can be conducted to most parts of the system. The principal supply reservoirs for the combined system are Whiteadder and those of the Tweedsmuir Group (Talla, Fruid and Megget).

The reservoirs in the Moorfoot group on the South Esk are relatively small contributors to the combined Edinburgh and East Lothian water supply network. There is therefore a good case to be made for using these for flood regulation of the River Esk. Their use for flood control would not, of course, exclude their continued use as part of the public water supply.

The use of Gladhouse reservoir for flood control has been discounted by the designers of the MFPS, apparently due to resistance from Scottish Water. This decision should be challenged, in the public interest. The use of **all** of the Moorfoot reservoirs for flood control of the River Esk could seriously reduce, or even eliminate entirely, the need for flood barriers and other proposed works in Musselburgh. The capital cost of using the Moorfoot reservoirs would be minimal in relation to the works proposed in MFPS.

Note that the North Pentland reservoirs, in the catchment of the Water of Leith, have been successfully used in a similar way to that suggested above, for flood control of the Water of Leith in Edinburgh, see *Water of Leith Management Plan 2020-30*: (<https://www.edinburgh.gov.uk/downloads/file/28361/water-of-leith-management-plan-2020-to-2030>).

The use of **all** of the Moorfoot reservoirs for flood control is just one of a series of measures, not currently included in MFPS, that could be adopted to mitigate flooding of the River Esk in Musselburgh.

OBJECTION 5

We object on the grounds that Nature-based Solutions have not been adequately incorporated into the scheme.

Investigation of possible Nature-based Solutions, such as more extensive reservoir management, than that currently proposed (as in 4 above), together with appropriate woodland planting, and other ecological interventions in the upper catchment, should form an essential part of further consideration of the Scheme. This should be accompanied by maps predicting the effects of these measures, generated by HMC, always bearing in mind that the HMC may be likely to overestimate the extent of predicted flooding.

Evidence is accumulating, from studies relating to moorland in river catchments, of the importance of land management that takes appropriate account of requirements downstream (e.g. in the Pennines: the EMBER study: 'Effects of Moorland Burning on the Ecohydrology of River basins. Key findings from the EMBER project', Brown, L.E., Holden, J., and Palmer, S.M., 2014, University of Leeds, <https://water.leeds.ac.uk/our-missions/mission-1/ember/>; and in Angus: 'Storm Babet, the Angus grouse moors and the flood destruction in Brechin', Kempe, N., 2023, <https://parkswatchscotland.co.uk>).

OBJECTION 6

We object to the removal of existing mature trees.

The latest version of the MFPS shows retention of many trees that were proposed for removal in previous versions of the Scheme, and this is welcome. However, if the construction of proposed flood barriers were sensitively planned, there would be no reason for any existing trees to be removed.

SUMMARY AND CONCLUSION

In conclusion, this response:

- ***constitutes a formal objection to the MFPS***
- ***calls for the appointment of a suitably qualified second consultant to appraise the MFPS and propose and evaluate alternatives***
- ***points out that, although an extensive programme of exhibitions and presentations has been provided by the promoters of the MFPS, there has been no formal public debate that has provided an opportunity for***

From: Legal
Sent: 18 April 2024 09:47
To: Musselburgh Flood Protection Objections
Cc: Grilli, Carlo
Subject: (0102) MAIL: MFPS Objections letter received today 18/04/24 - [REDACTED]
Attachments: 20240418 MFPS Objection letter from [REDACTED].pdf
Follow Up Flag: Follow up
Flag Status: Completed
Categories: [REDACTED]

Hi Carlo,

The attached arrived this morning.

Thanks
[REDACTED]

[REDACTED] | Legal | East Lothian Council | John Muir House | Haddington
EH41 3HA | [REDACTED]
Please note my working days are Monday to Thursday

Verbal abuse and threatening behaviour is never acceptable. #zerotolerance

We're living through stressful times right now, and everyone's feeling it.

Our staff are doing their best to assist local residents and businesses whilst delivering essential services.

Please, be nice.



BE NICE
RESPECT US AS WE RESPECT YOU


Service Manager - Governance
Legal Services
East Lothian Council
John Mulr House
Haddington
EH41 3HA



26th March 2024

Dear Mr Grilli,

I am writing to object to the recently published Musselburgh Flood Protection Scheme. I am a resident of Musselburgh and have serious concerns about the scale of this scheme.

 I have never known a major flooding event. I accept that there may be a need for some flood defences, due to the future impact of global warming, rising tides, etc. but this plan seems excessive and expensive. As a tax payer, I am concerned that it is not the best use of public money.


I run regularly along the river and promenade, for the sake of my mental health as well as my physical wellbeing, and it is devastating to think that we will lose the beautiful landscapes in our town and the well documented benefits of green and blue spaces.

I also fear the harm that would be caused to the wildlife in the town, both when the walls are built and during the lengthy construction period.

I would urge you to look at alternatives to the plan as it stands. Surely there are more natural options that can be explored. Your own literature about the scheme implies that the flood risk is not an imminent concern, it is more future-proofing, so surely there is time to look at other options.

Yours sincerely,



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Legal Services
East Lothian Council
John Muir House
Haddington
EH41 3HA

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18 APR 2024
LEGAL & PROCUREMENT

From: Legal
Sent: 18 April 2024 10:12
To: Musselburgh Flood Protection Objections
Cc: Grilli, Carlo
Subject: (0103) MAIL: MFPS Objections letter received today 18/04/24 - [REDACTED]
Attachments: 20240418 MFPS Objection letter from [REDACTED].pdf
Follow Up Flag: Follow up
Flag Status: Completed

Hi Carlo,

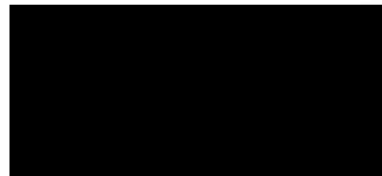
The attached arrived this morning.

Thanks
[REDACTED]

[REDACTED] | Legal | East Lothian Council | John Muir House | Haddington
EH41 3HA | [REDACTED] | [REDACTED] or [REDACTED]
Please note my working days are Monday to Thursday




Service Manager - Governance
Legal Services
East Lothian Council
John Muir House
Haddington
EH41 3HA



12th April 2024

Dear Mr Grilli,

I am writing to object to the recently published Musselburgh Flood Protection Scheme. I am a resident of the Musselburgh area and have serious concerns about the scale of this scheme.

 I have never known a major flooding event. I accept that there may be a need for some flood defences, due to the future impact of global warming, rising tides, etc. but this plan seems excessive and expensive. As a tax payer, I am concerned that it is not the best use of public money.

I have a young child and walk regularly with her in her pushchair along the river and promenade, and it is devastating to think that we will lose the beautiful landscapes in our town. My daughter loves to see the ducks and swans as we walk along the riverside. If this plan goes ahead, in future her view would be of a concrete wall. It would be the same for wheelchair users.

I also fear the harm that would be caused to the wildlife in the town, both when the walls are completed, and during the lengthy construction period.

I would urge you to look at alternatives to the plan as it stands. Surely there are more natural options that can be explored. Your own literature about the scheme implies that the flood risk is not an imminent concern, it is more future-proofing, so surely there is time to look at other options.

Yours sincerely,



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EAST LoTHIAN COUNCIL
RECEIVED
18 APR 2024
LEGAL & PROCUREMENT

From: Legal
Sent: 18 April 2024 10:20
To: Musselburgh Flood Protection Objections
Cc: Grilli, Carlo
Subject: (0104) MAIL: MFPS Objection letter received today 18/04/24 - [REDACTED]
Attachments: 20240418 MFPS Objection letter from [REDACTED].pdf
Follow Up Flag: Follow up
Flag Status: Completed
Categories: [REDACTED]

Hi Carlo,

The attached arrived this morning.

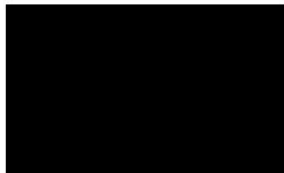
Thanks
[REDACTED]

[REDACTED] | Legal | East Lothian Council | John Muir House | Haddington
EH41 3HA | [REDACTED] or [REDACTED]
Please note my working days are Monday to Thursday



Carlo Grilli

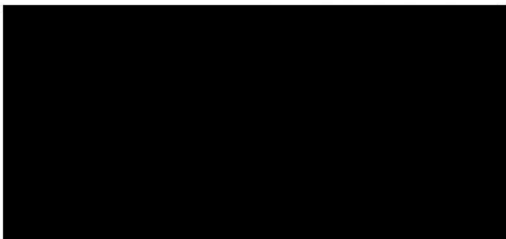
Service Manager- Governance
Legal Services
East Lothian Council
John Muir House
Haddington
EH413HA



Musselburgh Flood Defence Scheme

I am writing to object to the proposed flood protection scheme for the following reasons—

1. The replacement of 3 bridges by 4 new bridges is a misuse of public money.
2. The case for an additional bridge has not been demonstrated as a necessity.
3. Shortening the width of the river mouth will only increase the danger of uncontrolled flooding.
4. If one of the bridges is not to be used for through traffic (as stated by Scheme Representatives) why does it have to be the width proposed? This has not been properly explained.
5. More nature based and some other alternative part solutions have not been properly considered and the reasons for their apparent rejection have not been justified by the Project Team. Examples of such alternative solutions used in other parts of the UK have been well publicised and have been known by the Team





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CARLO GRILLI

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LEGAL SERVICES

EAST LoTHIAN Council

John Muir House

addington

EH41 3HA

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18 APR 2024

Subject: (0105) Musselburgh Flood Protection Scheme
Sent: 18/04/2024, 11:26:06
From: [REDACTED]
To: Chief Executive
Cc: Grilli, Carlo; Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [REDACTED]

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Re Musselburgh Flood Protection Scheme

To East Lothian Council

I am a resident of [REDACTED] and see little possibility of my property being affected by flooding from either the Esk or the Forth. In the light of global warming and weather change it is obvious that there is considerable potential for localised flooding particularly along the shores of the Esk. However having seen the proposals for the putative scheme I wish to object to it.

Firstly, despite the extensive public relations activities conducted by the consultants on behalf of the council, I have the clear impression, as do many of my local friends and neighbours that the entire exercise is little more than a combination of tick-box answers and PR spin which is designed not to facilitate local input but to effectively sideline it. The one constant in all of the publicly presented materials is the vast amount of concrete that the scheme will see poured, if implemented. None of the proposals I have seen in any way convince me that nature-based solutions have truly been considered, which solutions in the light of global weather change make much more sense than relying on the essentially Victorian concept of simply building higher walls, a process that has led to considerable problems in places where this has been the preferred procedure.

Secondly, [REDACTED] I have noticed the sands from Fisherrow harbour to the mouth of the Esk have been extending further into the Forth. At the public displays of the proposed project it has been impossible to ignore that the consultants have been using graphics which show that the sands in this area are being depleted, thereby increasing flood risk and necessitating the building of banks, and that this will continue. This is patently untrue and as a voter it causes me considerable distress that the elected representatives of our community have apparently ignored this glaring contradiction. I am not a scientist, or a builder but it is clear that the use of such graphics can only be explained by gross incompetence, or worse.

This egregious display of incompetence, or worse, has led me to investigate further, and apart from consulting with people, native to Musselburgh, who have lived here for many decades and never seen the Links flood, and others who have assured me the that steps at the harbour mouth used to go several feet deeper in the fifty years ago.

I have taken the time to compile photographic evidence of the process by which the sands are increasing, not diminishing. Photograph 1 shows the pole erected by Fisherrow Yacht Club in the 60s, at the then edge of the sands. You can clearly see the sands now stretch considerably further, more than a hundred yards, into the Forth, and this is since the 60s. Photograph 2 shows the Promenade next to Fisherrow harbour, again from the 60s and it is obvious that the river comes up to the promenade, while today it stretches almost a hundred metres along the side of the harbour wall, clearly obvious to the naked eye, but not apparently to the eyes of the consultants.

While fully accepting that the probability of further flooding must be dealt with in Musselburgh, I feel that this project is so obviously flawed that I have no option to forward a copy of this letter to the Procurator Fiscal for consideration as to whether there are grounds for contemplating investigation of the said project,

yours aye

[Redacted signature]

[Redacted address line 1]

[Redacted address line 2]



