East Lothian Council

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

This letter of objection to the Musselburgh Flood Protection Scheme is being sent by email to:
mfpsobjections@eastlothian.gov.uk

From: [redacted]

Residing at: [redacted]

Financial & Long Term Interest In: [redacted]

Email: [redacted]

Please acknowledge receipt of this letter of objection by return.

My preferred method of communication is via email – you do not have my permission to phone me or visit my home address.

The content of this letter is not in any kind of priority order.

Each objection should be responded to on an individual basis.

However, each objection needs to be considered by you in the round together with all other content in the letter taken into account. It is the cumulative effect from multiple examples and points that is important as everything is inter-related.

I have sometimes written 'I object to...' for ease of reference. However, all content should be read as including specific points of objection and not just the sentences that use the phrase 'I object'.

I have tried to be specific and paint a picture of how the scheme impacts me and my family personally. However, I am a member of the public and I also use the phrase 'the public'. Please treat this to include myself. Using the term 'the public' simply expands that the impact is felt by wider than simply me.

Statement of My Reasons of Objection to The Musselburgh Flood Protection Scheme

Introduction

My name is [redacted]. I live in [redacted] just along the road from Musselburgh and have lived here and in East Lothian for [redacted]. I love the area. I walk regularly with friends from [redacted] to Musselburgh and through Inveresk. But most significantly, [redacted] lives on [redacted]. My husband and I helped him buy [redacted] and it was a big decision as it was an expensive [redacted]. However, the views of the River Esk [redacted] were so stunning we 'bust a gut' to get [redacted] and paid a premium to do so.

[redacted] has written his objections and he and I have discussed things at length. He lives there so he will feel the impact of this scheme initially. However, I have a financial interest [redacted] and our arrangements, as [redacted], are for him to live there initially for as long as he wants. When he feels it's time to move on (much sooner now than planned, since you proposed the Flood Scheme designs) the arrangement is we will rent it out alongside other [redacted] property. Then longer term we will keep the property for a final retirement flat [redacted].

[redacted].

I'm unsure who will be reading this letter. I'm going to assume it may be some of the project team members who I have met over the last year or so. First of all I would like to start on a positive. I would like to thank everyone I spoke to who gave me their time. I believe you are all doing your jobs and whilst I dislike (well hate really) what you have proposed, I do acknowledge that you all seemed like nice people.

That said, I think you have made huge mistakes in how you have run things and the ultimate design you have come up with. On a personal note, this whole thing has made me physically ill. If after all this is over, the proposed design goes through it is highly likely that we will simply hand the property to a letting agent and never step foot in Musselburgh again. It makes me sick to think what you are planning. I feel most sorry for [redacted]. He is such a lovely guy – I know, I know, [redacted] and so I'm biased. But he is. And he's not a confrontation type of guy at all. This whole process he's stayed in the background and let me ask all the questions. Partly as he's working.

But this is important. You are planning on ruining his life. I know that's not your specific intent but it will be the outcome nevertheless. If he stayed at [redacted] once the works started, I would be simply terrified he wouldn't be able to sleep and he'd have an accident at work. He deals with [redacted] which if you make a mistake, you'd quite simply be dead. As he says, all they'd find of you would be your boots! If the scheme goes ahead, he will definitely move before it starts. We just need to decide whether to sell up completely or keep the flat as a rental investment only. I certainly will never go and live there if the scheme builds a massive embankment in front of [redacted] My own house has no river view. But it has never had a river view. To have had one so beautiful and then for it to be completely obscured – I couldn't bear to sit and look out at that.

We paid a lot of money for that [redacted]. We will probably end up having bought at a premium and will sell at a low – the scheme is already making people look elsewhere.

[redacted] and I have spent a lot of time working through our objections together. I consider this to be a once only exercise. One chance to stop you. One chance to raise an objection that you won't be able to simply waffle your way out of (I can't believe how you guys waffled about MAT, it would have made me laugh if it weren't so serious). I have no idea how you will deal with each objection and what your criteria are. If we knew that it would have saved us a lot of time. So we've put down anything and everything we can think of that we care about. Note, we haven't put down anything about the coast or further up the river. Pretty much everything is in the close vicinity to [redacted] and they are all genuine objections.

You people have quite often not answered the different components to my questions. So we've been very careful to separate out and make absolutely explicit every single part of an objection. It is actually quite shocking how much there is.

I'd usually say something at this point about how sorry I am for sending such a long letter but you know what, this is tiny compared to the huge amount of information you gave us, the public, to read through. At least you don't have to be a rocket scientist and use a calculator to work anything out in my letter, the way we did trying to calculate the heights etc from yours! And at least you get paid.

I look forward to hearing back from you and no doubt I'll see you on the other side. We'll see where this goes. If it goes ahead, I'll turn my back literally and metaphorically on Musselburgh and never step foot in the place again.

Yours faithfully

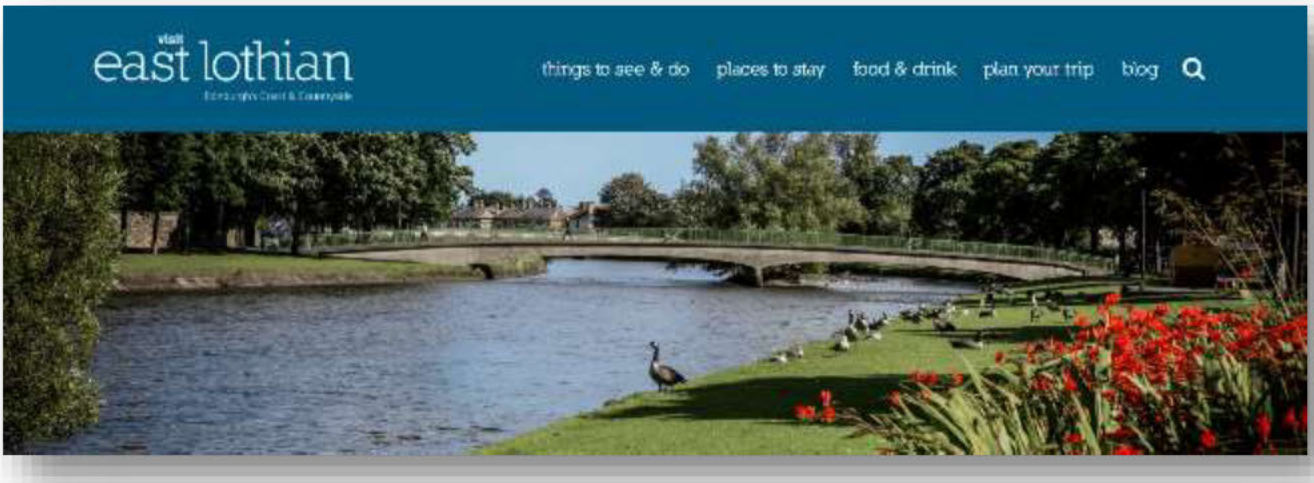
[redacted]
22 April 2024

The [redacted]

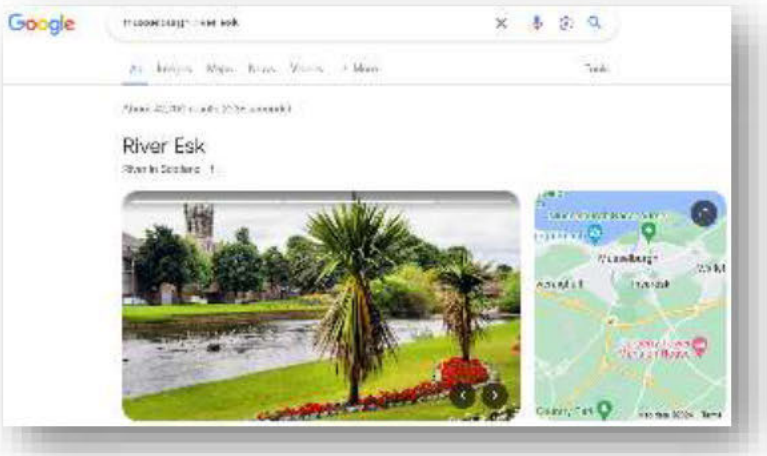
This stretch of the river is absolutely beautiful. You get clear views of the river as the property is directly opposite the river with no buildings in between. There is also a slight gap between the mature trees right in front of [redacted]. You can see all the ducks and swans in the water and waddling about on the river bank and people walking their dogs and strolling along with their kids. You get a clear view of the Musselburgh Festival Annual Duck Race and can watch the little plastic ducks floating along and kids running along the riverbank alongside them, to see which one will win. You see the horses going past heading home after the Festival Day Rideout. There is a chair positioned at the front window [redacted] specifically for sitting watching the world go by along the riverbank. It is very peaceful. I love to visit [redacted] and always choose to sit there.

There are large mature trees lining the bank of the river which are beautiful. They don't obscure the view of the river from the property, they enhance it. You can see through and under the branches and in between the trees. And of course from about October to April, as the trees are deciduous, they have lost their leaves so the views of the river are even more open. There is a large area of gently sloping manicured grass leading down from the pavement to the river edge. There are flower beds that the council keep nice over to the right that provide colour.

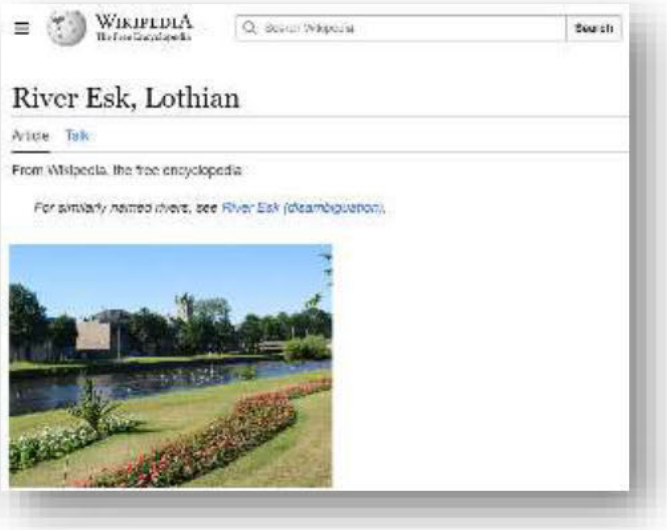
This stretch of the river and the ones next to it are the prime areas that Marketing people choose to show off the beauty of Musselburgh. If you look at the images chosen by various organisations, they tend to be from here. For example, see the Visit East Lothian main website home page (pic below).



It's also one of the first images that comes up if you do a simple google search.



It's even one of the images on the main Wikipedia page for the area.



Professional marketing people know their profession. They understand what the public generally like. They almost always choose this stretch of the river for showing off how beautiful Musselburgh and the River Esk is. I consider our family really lucky to own [redacted]

The property [redacted] has no garden. [redacted] family when we visit use the river bank and often go sit on the grass, either taking 'deckchairs' down or a rug. The view looks across the river [redacted] You can see the morning sunrise reflected on the river as it rises [redacted]. The main forward view is [redacted] sunny all day. The sunset over the water comes [redacted] in the evening. The mature trees at either end of this stretch of river are often lit up with fairy lights at night, and it really is a magical place to live. [redacted] particularly loves in the middle of the night [redacted] when he's tired and a bit fed up and he turns into the street, seeing the lights and often the moon, reflected on to the river.

[redacted] works long hours and [redacted], he is often on call and works nights. He therefore often sleeps during the day and getting sleep is really important. His job is important [redacted] is a critical part of the food chain. During Covid he was [redacted] and was given a letter of permission that he could show the police to explain why he was out, before the first lockdown was even announced. He works with heavy machinery, involving large scale, complex electrical and mechanical components that could kill you if you weren't concentrating.

The street is quite close to the town centre but is surprisingly quiet. Apart from the odd passing car, it's like living in the country. This is important [redacted] as the quiet ensures he can sleep during the day when he needs to.

Where he lives is a relatively short commute to his work and convenient for a large group of his friends, who live in Musselburgh, Joppa and Portobello plus for visiting [redacted] and [redacted] who is at [redacted]. [redacted] loves it at [redacted] and had no intention of moving for a long time (prior to the Musselburgh Flood Scheme designs being proposed). My husband and I also absolutely love it [redacted] and really had been so relieved to know that we had a long term game plan for our old age.

Our family are all fairly laid back kind of people. We tend to think people (even the council) are all just trying to do their best. Our default view is that we imagine things will be ok. No need to stress. We heard about the flood scheme a few years ago after [redacted] had moved [redacted]. People were starting to talk about high walls being put all along the river blocking the views. To be honest, we were a bit worried but didn't really imagine they would do something that would spoil the area badly. [redacted] lived his life, fell in love with his first home of his own and waited. We attended a few of the flood meetings over the years but it was all too vague. The people there simply wouldn't tell us what they were going to do. Not even what they were thinking they might do. The only question people really wanted answered was 'is there going to be a wall, where will it be and how high' and we were told repeatedly that this wouldn't be known until the Outline Design was published. So we waited.

Eventually, in April 2023, after literally years of waiting, another meeting was held and I attended [redacted], his neighbours and friends. The very first thing the presenter said was more or less 'we are not here to discuss anything about the actual design'. Most people seemed to be there (like me) to find out finally if there was going to be a wall, where it would be and how high. They wouldn't tell us anything. So we waiting some more.

Then finally on the 20th of June 2023, the Outline Design was published. It was the summer season and I, like a lot of people, [redacted]. After about 6 years or more of the project team researching and designing things, they then gave the public a tight 2 week window to send in their feedback. When I got home, I looked at the information online and discussed it with [redacted]. I am genuinely a glass half full type of person. However, my heart sank and I was kind of shocked by how the design looked, where they had placed the defences and how high they were. They didn't seem to have listened to what we'd all been saying over the years during the supposed 'consultation'. I was absolutely horrified. The negative impact the design would have on my son's home, his life. My life in the future. I was kind of devastated. [redacted] asked me to help. I'm [redacted] have more time. I also has a financial interest and long term downsize interest, so it was easier for me to spend the time looking into the scheme. I found out information and asked questions on [redacted] behalf and my own.

I know this might sound a bit dramatic but I would like whoever is reading this to understand and get a feel for how this affects real people and their lives. To the engineers it is a problem to be solved and a desktop exercise at their computers. To me this is my [redacted] home and my future home being changed dramatically, the views of the river being completely obscured, our privacy being violated, our mental wellbeing being impacted, years of excessive disruption and noise, the value of our property being reduced, our ability to secure rental income being impacted if [redacted] moves, and all for what – a flood scheme that could have been designed differently.

For the record, I do think flood protection is a good idea. I am not a climate change denier. My objections are related to *how* the design intends to tackle the issue, not the underlying issue.

With that background in mind, I have tried to explain my objections clearly below. I've tried to explain things and then at intervals I've stated specific and separate objections. One of my reasons for doing this is that I have found that over the last year in communications with the flood team and councillors, if you ask multiple questions or make multiple points, you often only get an answer on some of them. To be clear, I would like the people analysing the objections received, to consider each individual objection on its merits and respond to each one. That said, there is often a cumulative effect. An individual objection has increased significance because of so many other related issues. Read my letter in full and as separate objections.

This is a large complex scheme. I therefore have a large number of objection points. However, please know that none are spurious. I haven't commented on areas such as the seafront or further upstream from [redacted]. I could. I know others are. But I have concentrated on raising the objections that will genuinely and directly affect me.

You will find that [redacted] has writing his too. We have compared notes, as we have done continually since last year, and we do feel similarly. However, I have included things from my perspective in my letter and he has likewise in his. My husband [redacted] also have a vested [redacted] in what happens here so he is planning on sending you a separate note too.

My objections fall into 2 rough high level categories. One set is about the actual design elements of the Scheme. However I also have objections about how the project and their consultation practices have been managed and communicated. Both aspects are valid. If I can give an extreme example to illustrate the point. If the project had communicated what the design proposals were in say Japanese. I may object to the actual designs e.g. the wall is too high. But I may also reasonably object to the methodology and approach, since it is unreasonable to expect the public to be able to understand what the designs actually are, as most people do not speak Japanese.

My objections below are not in any kind of priority order. However I have chosen to highlight my objections around the management of the scheme first, since this forms the backdrop of how things evolved. In fact I found it worked

best to write my letter in a rough chronological order. Like they say on US TV legal dramas, the ‘fruit of the poisonous tree’ applies here. Things that were done at early consultation, fed into the Proposed Scheme we are now considering. If there is a significant issue with early actions by the project, and they have been carried forward through each stage to now, they are relevant.

‘Fruit of the poisonous tree is a legal metaphor in the US used to describe evidence that is obtained illegally. The logic of the terminology is that if the source (the tree) of the evidence or evidence itself is tainted, then anything gained (the fruit) from it is tainted as well.’

I think the consultations from pre June 2023 right through to now have created a number of issues. And the cumulative effect of them all has led to a Proposed Design that doesn’t meet the needs of the people of Musselburgh including myself.

Consultations with the Public – Pre June 2023

The consultations prior to June 2023 have been used by the project team to inform, influence and evolve their designs and therefore contribute to the Proposed Scheme now notified and going through the Statutory Objection phase. Therefore errors or issues with this consultation have a direct impact on the Proposed Scheme for which I am sending this letter of objection.

It is widely agreed that consulting with the public about major changes to their environment is vital. The project team reiterated this. They held various meetings with different groups over a number of years leading up to the Outline Design being published in June 2023. The purpose was to gather information about the public's priorities, opinions and preferences.

However, having attended a number of these meetings it was all too theoretical and vague in nature e.g. *"you can have various different forms of defence, embankments and walls, walls with windows"* etc. The format was open discussion. It wasn't specific. It wasn't gathering opinions in a meaningful way. For example, no-one said *"At the stretch of the river between X and Y we could put an embankment or a wall. If we put an embankment there, it would be X high and Y wide. In comparison if we put a wall there it would be X high and Y wide. The pros of the first option are X but there are some negatives too which are Y. On the other hand…"* You get the picture. These 'consultations' did none of that.

And the significance of this is that the Outline Design and all other iterations thereafter were produced on the back of and were informed by this inadequate 'consultation'.

If presented with a general description of a grassy embankment or a concrete wall, it is highly likely that people will say they would prefer the former. But if you give full details of the extra width that the embankments take up and ensure that the public understand that the height is still the same as the wall, they might not so eagerly show a preference for either if they are too high. In addition, in discussing embankments the fact that they would replace almost the full width of the gentle sloping grassy riverbank, whereas a wall would allow the riverbank to remain intact, was not mentioned. Neither was the dimension comparisons that embankments are about 20 times wider than a wall (10m wide embankment Vs 0.5m wide wall). These consultations prior to June 2023 did not give nearly the right level of information to the public to genuinely conclude that the opinions and preferences they expressed, were sound. Some of the information, such as the full footprint dimensions of the embankments, the fact that they would need to build into the river channel etc. were withheld from the public.

As opposed to giving full information for the public to provide informed opinions, the consultations seemed to be trying to gently persuade people in certain directions. For example, at one meeting a member of the project team talked about "How much nicer it would be to have the river edge more natural with reeds and grasses, instead of the overly straight engineered edges with the retaining walls like just now, wouldn't it?" A couple of old ladies murmured yes. [redacted] and I both said something like "Actually no, the river upstream is already more natural with reeds etc. and that's great but this part of the river is beautiful in a different way and people love it. We love it. [redacted] The project team member looked awkward, didn't respond and diverted the conversation onto other topics. She didn't write down any notes of what we had said. And this particular instance was in April 2023 just 2 months away from the Outline Design being published i.e. she already knew what they were going to propose.

At that same meeting, the Project Manager was commenting (as he had done making the same point at loads of other meetings) on the manicured grass being unnatural and wouldn't it be better to have a more natural landscape downstream from the Rennie Bridge. Again when we said "Actually no the manicured grass is what gives that part of the river its beauty and is what the marketing people in various organisations use for their promotional images for Musselburgh, and they're professionals and know what people like" he actually turned his back and walked away without responding which abruptly closed the conversation down. No notes were taken of this piece of public feedback either.

The project team knew in April 2023 what they were including in the Outline Design (removing the retaining walls, putting riparian planting at the new river's edge, embankments replacing the manicured grass etc.) They couldn't possibly have worked on the research and design phase for 6 years and then suddenly decided everything in the last 2 months before publishing.

Looking back, that meeting was obviously a 'softening up' launch. A lot of these meetings were advertised as ones to gather views from the public but they didn't respond to or record views that didn't fit their narrative. The project team members were all gently positioning ideas about design aspects that were going to be published and trying to elicit positive responses from the public. They ignored feedback which didn't fit the Outline Design that was about to be published. And moreover, the vague positive responses they did elicit gave them a way to say "you said, we listened" to justify elements of the design once it was published. These meetings were not designed to update the public, they were designed to support the project team's objectives in securing information they could present in defence of the designs they had already created.

The project team have advised that there was no statutory duty for them to consult at this early stage. However, they chose to do so on request from East Lothian Council and I believe they were right to do this. But you either need to consult properly and then you can effectively use the information it provides you, or if you don't do it properly you simply shouldn't be allowed to pick and choose information that suits your designs. You can't have it both ways, as they say.

And finally, no quantitative or qualitative publication has been made of the public's expressed opinions prior to June 2023. No central repository of all feedback received leading up to June 2023 was set up. The information has not been put into the public domain. It has not been provided to the Councillors who have strategic oversight of the project. The Project Team use the information to support their designs but have not provided any proof of their assertions re what they say the public have said they wanted.

Bear in mind, the consultation was carried out over a number of years and the project team site it as being extensive. The Outline Design was based on the feedback gathered over those years and then informed the Proposed Design that is now at statutory objection phase. Very little has changed from Outline to Proposed Design. Therefore, whilst a long time ago now, all the pre-June 2023 consultation was and continues to be of vital importance in its relation to the Proposed Scheme.

In summary, for this time period which influenced everything that came after including the Proposed Scheme that is under Statutory Objection, I object for the following reasons.

I object to the scheme on the basis that consultations pre-June 2023 did not adhere to a quality standard generally expected for such a significant development. As all evolved designs stemmed from this consultation, this puts in question what led to the Proposed Scheme currently under Statutory Objection.

I object to the scheme on the basis that effective consultation was not carried out prior to June 2023 in terms of explaining the specific options possible, together with relevant pros and cons for each option.

I object to the scheme on the basis that because of how the project team carried out the consultation prior to June 2023, the public were unable to provide the project team with considered and informed opinions as to their preferences and concerns i.e. the main objective of the consultation was not able to be achieved.

I object to the Scheme based on the fact that insufficient notes were taken to capture what people were saying during the consultation pre June 2023. No notes were taken of any of the comments I or my family made.

I object to the Scheme based on the fact that the notes that were taken to capture what people were saying during the consultation pre June 2023 were biased in favour of the scheme. The notes taken tended to be where the comments were supportive of the designs the team already knew they were going to announce, and conversely ignored comments which were contrary to what they were going to announce.

I object to the scheme on the basis that the project team withheld information from the public during the pre June 2023 consultations that would have altered their opinions about elements of the design.

I object to the scheme on the basis that the project team prior to announcing the Outline Design unduly tried to influence the public to favour elements that they were going to announce in their Outline Design, rather than illicit properly considered opinions that were made after understanding the facts.

I object to the scheme on the basis that the project team closed down public comments at meetings prior to June 2023 if they were taking the general conversation in a direction that would be against the Outline Design the team were already planning to announce, so that members of the public weren't given a chance to discuss openly with each other the relative pros and cons of different options.

I object to the scheme on the basis that the project team members acted unprofessionally by not acknowledging and actively listening and reflecting on opinions that were contrary to their own design decisions. This is not how the council, their client, would have expected their contractors to treat the public.

I object to the scheme on the basis the project team misled the public by holding meetings prior to the Outline Design being published in June 2023 purporting to be consultation events to find out what the public wanted, but which were actually marketing events being held to try and advertise and present in a good light, elements of the design that had already been decided (but not yet announced).

I object to the scheme on the basis the project team used underhand methods during the consultation prior to June 2023 to illicit positive responses from the public for elements of the Outline Design prior to it being published, so that the design once published could include the incorrect narrative that it was based on what the public said they wanted.

I object to the scheme on the basis that the project team have used unsound information gathered prior to June 2023 to underpin and justify their Outline Design i.e. by stating that the public expressed a preference to X or Y.

I object to the scheme on the basis that the project team have not published the pre-June 2023 public feedback in a quantitative or qualitative manner to prove to the public their assertions they have made that they are taking on board public opinion in the designs. The public have a pivotal role in terms of objecting to a scheme that will impact so significantly on their lives and there was a duty on the project team to provide them with a full copy of all public feedback received.

I object to the scheme on the basis that the project team have not published the pre-June 2023 public feedback in a quantitative or qualitative manner to prove to the Councillors their assertions they have made that they are taking on board public opinion in the designs. The Councillors have a pivotal role in approving or rejecting the scheme and there was a duty on the project team to provide them with a full copy of all public feedback received.

I object to the scheme on the basis that the project team did not follow project management best practice, including Prince 2 basic principles, for effective data management in that they did not set up a centralised storage point (folders/database etc.) for public feedback for the consultations prior to June 2023.

Consultations with the Public – The June 2023 Exhibition and the 2 Week Formal Written Consultation Exercise Post Outline Design Launch

The consultations at the June 2023 exhibition and the written consultation immediately afterward, have been used by the project team to inform, influence and evolve their designs and therefore contribute to the Proposed Scheme now notified and going through the Statutory Objection phase. Therefore errors or issues with this consultation have a direct impact on the Proposed Scheme for which I am sending this letter of objection.

By June 2023, the MFPS project had gone on for years. About 6 years. It is a large complex project. A lot of research and design was needed. Covid delayed things. All of this is to an extent reasonable. However, once the Outline Design was published, the public were given a strict 2 week window of time to provide their feedback through a formal written consultation exercise. This window of time was in late June 2023 at peak summer holiday season. This was disproportionate and unreasonable.

The public had been waiting for literally years to find out what the plans were for their town. They had been told only 2 months prior in April 2023 that the project team could not give any information about the design at all. The presentation meetings to explain the Outline Design were arranged for late June when a great many people were on holiday. They were held on a Tuesday and Wednesday i.e. midweek when less convenient for working people.

Only 4.13% of the Musselburgh residents attended the public exhibition. If you include the surrounding areas where people have a natural interest in the changes being proposed e.g. Wallyford, Prestonpans, Joppa/Portobello etc. this percentage reduces down to 1.26%. This initial 2 week window was completely inadequate to allow the public to find out about the Outline Design being published, review the significant volume of published materials and then provide informed feedback re how they felt about the designs.

The 2 week written feedback exercise was the only feedback during the entire 7 year period to 2024 that was formally collated, analysed and reported back. Even then, the actual full feedback commentary (answers to open questions) was not put into the public domain.

On the 20th of August, well after the 2 week feedback window had closed, Shona McIntosh (Green Councillor) advised: '*I have already asked the Project team to ensure that the results from the exhibition feedback are published as quickly and as transparently as possible… I believe they are aiming to get a paper on this out to the public this autumn.*'

A summary report created by the project team was the only output from the exercise. This report was published in December 2023 – some 5 months after the feedback window.

The report was summarised by the project team. It did present some points as statistics (quantitative) but did not give full representation of the qualitative information the public had provided.

There was a substantial difference in the level of satisfaction expressed by the physical forms completed during the exhibition open days and online submissions. The report stated:

Survey participation was available both at the event, and online, for a period of two weeks after the exhibition. As shown by the analysis presented in Section 3.2, there is a stark contrast in the opinions of respondents at the event and those online. Event respondents generally indicated a significantly higher level of support for all elements of the Scheme's design, compared with online respondents. Several inferences could be made about these observed trends.

- *Paper-based event feedback could only be submitted by those who attended the event in person, over the three-day period, whereas online feedback could be submitted by anyone during the twoweek period after the event. For this reason, a higher online response rate is to be expected.*
- *Those that attended the event in-person were able to ask the project team questions, which may have allayed their concerns and increased their understanding and level of support for the Scheme. On the other hand, individuals who were already opposed to the Scheme may have felt less inclined to engage directly with the project team, and hence more likely to submit negative feedback online.*

- *Due to the limitations of the online survey platform and the anonymity of responses, individuals were not limited to only one online submission. Individuals with a negative or critical view may be more inclined to submit multiple feedback forms. Individuals who are happy with (or have no strong opinions on) proposals may feel less inclined to submit feedback at all.*

This is not a complete list of potential reasons for why the online surveys showed a higher level of dissatisfaction. It shows a significant level of bias in the way it presents things.

- It presents one of the rationale for higher levels of dissatisfaction with the online responses being due to the respondents not being able to ask questions. It implies that people sitting at home looking at the materials online are somehow not able to understand the documentation they have provided sufficiently to make an informed decision as to whether they like/agree with it. This is unduly bias in favour of the scheme.
- The report does not give an equally plausible reason as being that the online respondents had more time to sit and read the materials at home, without a member of the project team influencing their thoughts, and had time to understand the details better in the quiet of their own homes. Therefore the online responses may be a better gauge of people's informed views.
- It also presents the possibility that online forms could have been completed by an individual multiple times. But it does not include that the physical forms could also have been completed by one individual multiple times, since the event ran over two days and did not take formal ID to verify who received a form.
- Nor does it acknowledge that the online system was set up by the project team and therefore this inadequacy in the system was their responsibility.
- They also do not recognise that online facilities allow more people to provide feedback who would otherwise feel shy about doing so in person or maybe they didn't have the time at the event.

It is a well known fact that if you have a physical feedback form being completed in person, near or in front of the very people who have just presented something to you, that you will rate it in a more positive light. It's the reason why in the Training & Development profession they refer to post event feedback forms as 'happy sheets'. In the Kirkpatrick Training Evaluation Model, level 1 i.e. initial post event feedback forms, is considered to be the least effective of all 4 levels deployed. There is evidence to show that feedback forms completed in person during an event are not just unhelpful in understanding true feelings but are actually misleading as they often give results that are the opposite of people's true feelings. People are generally kind and don't wish to offend. They are not always truthful. And if they do not like something, they are also less likely to complete a form at all.

It is deeply offensive to people who have taken time out their day to complete a feedback form online to then have their opinions dismissed as uninformed (not able to ask questions) or fraudulent (multiple submissions). The summary report was unprofessional in its bias and inferences.

The report said things like *'The relocation of Ivanhoe and Goosegreen bridges also received significant positive survey feedback.'* However, it gave no indication of whether the people who will live right next to the new Goosegreen bridge location and whose view of the river will be completely obscured by the massive concrete ramps, were also positive about this relocation.

The report said in relation to combining the MAT with the Flood scheme that this *was 'supported by many people in their survey responses'*. However, again this is vague. The project team explained the pros of combining the two projects but did not explain the cons. For example that the MAT will increase the number of concrete paths to be included in the scheme and that they will increase their width to 5 metres. Or that they will be combined use, mixing cyclists with pedestrians and people using some kind of mobility aid. Or that these large paths will sit where there is currently flat grass by the river. Or that the MAT designs will mean that bridges will need to be wider and have larger ramps. Without the full details including pros and cons, any public sentiment is not an informed one and therefore not valuable. Likewise, the project team did not explain the implications of joining the two schemes e.g. the fact that they should go through different planning/objection processes. Nor that the Council and project team were in violation of planning rules to combine them. Nor the implications of combining the two projects into a single design and the risks associated with one project securing approval and the other not.

Similarly, the report said in relation to the managed adaptive approach that *'this concept was supported by members of the public'*. However, the project team did not make sure that the public understood that the trade off for this approach is that the foundations are larger and more likely to be invasive to trees than they would otherwise be if the foundations were only built for the initial heights.

The report implies in relation to a difference between paper forms and online submission re overall satisfaction (5% very poor forms – 32% very poor online) that it was because the online submissions were from people who may not have been at the event. They didn't include for balance the other possibility that people got home and once they had a good look at the documentation realised that a number of factors in the design had not been adequately explained at the exhibition and therefore on reflection decided the exhibition hadn't been as good as it seemed when you are effectively standing listening to the 'sales' guys explaining only the positives to you.

The report highlighted a rather worrying point i.e. that *'a small minority of feedback received online expressed unacceptable levels of abhorrence and contained offensive comments directed at the project team'*. That is indeed not acceptable. However again their conclusion was to say *'feedback of this nature is not productive and provides no useful insight into specific design aspects that are cause for concern amongst those individuals.'* Actually this isn't the case. An alternative view is that if people are so incensed to write nasty things about something, they must really hate it. I am absolutely not condoning the bad comments but I am highlighting that the project team concluding that this provides no useful insight is simply not correct.

The report said *'the majority of people expressed a preference for reallocating road space on Eskside West so that the flood defence wall could be built at the road's edge to protect the existing trees and riverbank along this section'.* This is very interesting to me as [redacted] had made this point too months, if not years, prior. [redacted] at the consultation events multiple times prior to June 2023 since the street is already effectively one way, since you cannot enter it from Rennie Bridge if coming from the High Street direction. And yet the Outline Design had not taken it into account.

The report said that the *'Raised footpath on crest of embankment on* [redacted] *may enable pedestrians to see through trees into first floor windows of adjacent residential properties'.* It then stated that the solution to that would be to reduce the height of the crest of the embankment by 30cm where possible. This is interesting on two fronts. First that the defence heights have already been advised as necessary to counter the flood risk and yet 0.3m can suddenly be removed without altering the risk factor. And second, while the solution gives the appearance of trying to solve a problem, it doesn't actually stop people from being able to see into first floor windows. 30cm is the length of a school ruler. It isn't enough.

In summary, for this time period which influenced everything that came after including the Proposed Design that is under Statutory Objection, I object for the following reasons.

I object to the scheme on the basis that the written consultation post the Outline Design launch did not adhere to a quality standard generally expected for such a significant development. As all evolved designs stemmed from this consultation, this puts in question what led to the Proposed Scheme currently under Statutory Objection.

I object to the scheme on the basis that effective consultation was not carried out during the June 2023 exhibition in terms of explaining the specific options possible, together with relevant pros and cons for each option.

I object to the scheme on the basis that because of how the project team carried out the exhibition, the public were unable to provide the project team with considered and informed opinions as to their preferences and concerns i.e. the main objective of the consultation was not able to be achieved.

I object to the Scheme based on the fact that the insufficient notes were taken to capture what people were saying during the exhibition in June 2023.

I object to the Scheme based on the fact that the notes that were taken to capture what people were saying during the exhibition in June 2023 were biased in favour of the scheme. The notes taken tended to be where the comments were supportive of the designs the team already knew they were going to announce, and conversely ignored comments which were contrary to what they were going to announce.

I object to the scheme on the basis that the project team withheld information from the public during the exhibition in June 2023 that would have altered their opinion about elements of the design.

I object to the scheme on the basis that the project team have not published a full copy of the exhibition public feedback and the written survey public feedback in a quantitative or qualitative manner to prove to the public their assertions they have made that they are taking on board public opinion in the designs. The public have a pivotal role in terms of objecting to a scheme that will impact so significantly on their lives and there was a duty on the project team to provide them with a full copy of all public feedback received.

I object to the scheme on the basis that the project team have not published a full copy of the exhibition public feedback and the written survey public feedback in a quantitative or qualitative manner to prove to the Councillors their assertions they have made that they are taking on board public opinion in the designs. The Councillors have a pivotal role in approving or rejecting the scheme and there was a duty on the project team to provide them with a full copy of all public feedback received.

I object to the scheme on the basis that only one single formal exhibition/presentation of the scheme designs was ever carried out i.e. in June 2023 during the whole of the project. This is wholly inadequate for such a complex development.

I object to the scheme on the basis that the only formal exhibition/presentation of the design was carried out over just 2 days and therefore insufficient to allow the public time to attend and digest the plans.

I object to the scheme on the basis that the only formal exhibition/presentation of the design was carried out midweek and therefore did not accommodate the majority working and studying population to attend.

I object to the scheme on the basis that the only formal exhibition/presentation of the design was carried out in peak summer time and therefore did not accommodate as many residents as possible from attending.

I object to the scheme on the basis that even after members of the public requested that the only formal exhibition/presentation of the design would be carried out over a longer time frame and at weekends, to ensure more people could attend, the project team refused to accommodate this request. [redacted] and I made this request when we attended the April 2023 meeting. Neither of us were able to attend [redacted] (We had to speak to neighbours who were there [redacted]).

I object to the scheme on the basis that only one formal (written) public consultation of the scheme designs was ever carried out i.e. in June 2023. This is wholly inadequate for such a complex development.

I object to the scheme on the basis that the only formal (written) public consultation of the design was carried out over just 2 weeks and therefore insufficient to allow the public time to digest the plans.

I object to the scheme on the basis that the only formal (written) public consultation of the design was carried out in peak summer time and therefore did not accommodate as many residents as possible from responding.

I object to the scheme on the basis that the even after members of the public requested that the only formal (written) public consultation of the design would be carried out over a longer time frame, to ensure more people could respond the project team refused to accommodate this request.

I object to the scheme on the basis that the exhibition and formal (written) public consultation feedback that the project carried out in June 2023 (2 days and 2 weeks respectively) were unreasonable and a disproportionately small opportunity for the public to see, understand and comment on something that had taken the project team about 6 years to design.

I object to the scheme on the basis that the only formal exhibition/presentation of the design touched a tiny percentage of the local population and surrounding areas and therefore cannot be seen as adequately informing the public, nor of representing their views appropriately.

I object to the scheme on the basis that the report from the only formal (written) public consultation feedback that the project carried out was withheld from the public and the Councillors for an unreasonable 5 months, during which time the public's opinions about the Outline Design could have influenced instructions from the Councillors and/or elicit further useful public commentary to inform the design.

I object to the Scheme on the basis that the report from the only formal (written) public consultation feedback was put into the public domain after it was too late for the public or Councillors to contribute any design commentary. After publication, there were only 7 weeks for the public to feed in commentary to the project team before they presented their Proposed Design – and this was over the Christmas and New year period, which would reduce the likelihood of public engagement. By this stage the project team would have concluded their design deliberations and would have been simply collating documentation for the January council vote.

I object to the scheme on the basis that the project team did not follow best practice guidance (and general common sense) nor the ideals of East Lothian Council for transparency during the project, by delaying publication of the June 2023 feedback until December 2023.

I object to the scheme on the basis that the project team did not follow best practice guidance (and general common sense) nor the ideals of East Lothian Council for transparency during the project, by not publishing the specific public feedback (anonymised of course) but choosing to summarise the feedback.

I object to the scheme on the basis that the project team's summary report on the June 2023 feedback was not carried out by people independent to the project and contained obvious signs of bias in favour of their scheme which altered the analysis.

I object to the scheme on the basis that the project team's summary report on the June 2023 feedback implied that the feedback received on the day via 'happy sheets' was more reliable data than the Online Feedback, which is not proven and again shows analysis that contains bias by the team in favour of their scheme.

I object to the scheme on the basis that the project team's summary report on the June 2023 feedback only presents conclusions, in relation to the significant negative online feedback, that support the design and ignores other equally plausible reasoning.

I object to the scheme on the basis that the project team's summary report on the June 2023 feedback accuses the public, without proof, of fraudulently completing their questionnaires online.

I object to the scheme on the basis that the project team's online questionnaire was set up in an inadequate manner, not capturing sufficient detail so as to guard against multiple submissions. This inadequate management on behalf of the project team was then used to belittle the feedback that was negative to their design.

I object to the scheme on the basis that the project team showed a surprising level of dismissal of the overwhelmingly negative feedback for the Outline design – as if they couldn't believe that people genuinely disliked their design so badly that the only reason could be fraud or misunderstanding. This lack of open-mindedness has had negative impacts throughout the project and to this day.

I object to the scheme on the basis that the project team went against general best practice by favouring the completion of feedback forms by people whilst in the same room as the people who are responsible for the item being critiqued, when this type of feedback is generally thought to be inferior and less reliable to subsequent feedback completed in privacy.

I object to the scheme on the basis that the project team's summary report on the June 2023 feedback made vague and misleading statements such as 'x received positive feedback' without backing these statements up with numerical data and open comments to prove this alongside the corresponding feedback information received to the contrary.

I object to the scheme on the basis that the project team's summary report on the June 2023 feedback sited positive comments without ensuring to adequately prove that the individuals fully understood the full nature, pros and cons of what they were commenting on.

I object to the scheme on the basis that the team's summary report on the June 2023 feedback sited that the public are supportive of combining the MAT project with the Flood Scheme, without admitting that the project team had only explained the benefits of combining the two projects but had withheld the disadvantages of doing so from the public.

I object to the scheme on the basis that the team's summary report on the June 2023 feedback sited that the public are supportive of combining the MAT project with the Flood Scheme without including that the Council were not legally permitted to join them together for planning purposes, as the two schemes need to follow different planning rules.

I object to the scheme on the basis that the project team's summary report on the June 2023 feedback concluded that the public were supportive of a 'managed adaptive approach' without admitting that the project team had only explained the benefits/pros but had withheld the cons/other implications of this approach from the public.

I object to the scheme on the basis that the project team simply dismissed 'offensive' commentary in the feedback rather than including it in their analysis and taking into consideration that when people feel compelled to be excessively rude about something, this is at the very least a point worth considering i.e. 'I may have designed something that the residents of Musselburgh hate so much they are actually being offensive in their feedback'.

I object to the scheme on the basis that even though significant numbers of the public had suggested making Eskside West between Rennie Bridge and Shorthope Bridge one way, the Outline Design did not include it (and still doesn't to this day in the Proposed Design).

I object to the scheme on the basis that the project team have stated that the heights of defences are dictated by the science, and yet they have the ability to arbitrarily alter the heights when asked e.g. reducing heights by 30cm in a specific location to attempt to counter a privacy issue, calling into question the science used.

I object to the scheme on the basis that the project team stated that a specific height was required for defences to counter the level of flood risk advised but then appeared to easily be able to reduce that height without reducing the flood risk.

I object to the scheme on the basis that the project team's summary report on the June 2023 feedback has stated an issue i.e. privacy issue with people walking along the crest of an embankment level with property windows, but has only presented a token solution i.e. to reduce the height by 30cm when this solution does not actually solve the problem.

I object to the scheme on the basis that the project team's summary report on the June 2023 feedback didn't take an objective view to some of the feedback, and only questioned views raised that were against the scheme but didn't equally question views that were pro the scheme.

I object to the scheme on the basis that the project team's summary report on the June 2023 feedback didn't take into account that the public had not been provided with different options and the relevant pros and cons but simply a single design.

Consultations with the Public – Ongoing Consultations From June 2023 to March 2024
The consultations from after the formal written survey, post Outline Design launch, right through to the notification of the Proposed Scheme have been used by the project team to inform, influence and evolve their designs and therefore contribute to the Proposed Scheme now notified and going through the Statutory Objection phase. Therefore errors or issues with this consultation have a direct impact on the Proposed Scheme for which I am sending this letter of objection.

From summer 2023 through to March 2024, the project team continued to 'consult' with the public. They had wanted to stop the drop in sessions but ran a poll asking the public if this was ok and the overwhelming response was no – they needed to keep the drop in sessions going.

There were drop in sessions available for people to go and speak to the team and ask questions or give their opinions.

As the public awareness grew in relation to the extent of the proposed walls, concrete paths etc. the volume of feedback and questions increased. The project team often commented on the volume of negative commentary they were receiving. Social media posts started gathering pace and the atmosphere became more negative. I got more and more concerned. The Outline Design was published. I discussed with [redacted] and we agreed that I would go to the drop in sessions and ask questions. To be honest, at an early stage last summer, we thought we could go and speak to people in the team and try and explain why the current design was not good and see if we could explain our perspective and influence changes. We are both naturally positive, glass half full kind of people. We both thought if our criticisms were constructive and included alternative suggestions, we might be able to influence things for the better.

Two things then happened gradually over time. First it became obvious that getting straight forward answers was proving difficult. And second, it also became obvious that no matter what we said, no matter how nicely we said it, no matter how we explained the negative impact the designs would have on me and my home, no matter how many constructive alternative suggestions we came up with, the project team simply would not budge one bit.

So, let's first look at the question/answers/information point. We started to find that if you went to a drop in session one week and saw person X, they might tell you an answer. Then if you were there the following week and asked person Y, they then told you a different answer. Then a third week, a different person again and yet again a different answer. At this stage the Councillors were being a little more open too. One commented that they had found if they went to get an answer, each conversation usually just generated more questions. The whole thing started to feel a bit chaotic and like there was a lack of transparency.

It also became clearer that the information published about the details of the scheme in June, was presenting only part of the picture. An example of this was the height of the walls. This was and always had been *the* number one concern for the public for years. So when the project team prepared the materials for the public, it would be reasonable to expect the heights of the defences to be displayed clearly.

If they had omitted the heights all together, it would have drawn attention and people would have known they were missing. But what they did was they added one half of the height information. By doing so, most people thought they had been told the full story re the heights. But the heights were marked 'as per pavement level'. Some people who were really scrutinising the drawings ([redacted] and myself) noticed that the walls that were marked for sitting over at the river's edge rather than over at the pavement, were still marked 'x metres as per pavement level'. At first we thought there was an error – a copy and paste mistake. But gradually it dawned on us that the heights were actually not from the ground level but from the pavement level. The pavement sits about 2 metres higher than the river's edge ground. So a 1.3 metre high wall 'as at pavement level' is actually about a 3.3 metre high wall at the actual position on the drawing i.e. the river's edge.

This realisation horrified us. [redacted] the wall they were proposing would be on the other side right down at the river's edge. This wall was marked as 1.3 metres high. But in reality it would be about 3.3

metres high. This is really high. We took out a tape measure and worked out that this is roughly level with the gutters of the roof of my house.

If I'm completely honest, we thought it was a mistake. And the extra 2 metres we were adding on was just a guess. We went down to the river bank and took a good look and photos down as level to the water as we could get (so that angles/perceptive didn't skew the results). The retaining wall visible on the other side we could measure. It was about 1 metre. From our view/photos we could see that the difference in height from the top of the retaining wall to the pavement height was more than 1 metre. So 2 metres was actually a conservative estimate.

We decided to try and check if it was a mistake and if not to get the precise measurement. The drawings and all the other documentation provided by the project did not tell us the height of the wall from the river's edge, even though this is the position it would be at. Consider this point again. The drawings did not tell the public the height of the wall. This is simply ridiculous. It was *the* number one concern from the public and the drawings didn't include it.

So I went to find out if we'd misunderstood things. I went to the drop in sessions. The first time I saw Michael Woods. I chatted with him about various things and re this height question I got him to write it down word for word 'what is the height of the wall from the water level of the river to the top of the wall.' We had discussed that the water would actually go up and down with the tides. We had also wondered how much higher than normal river levels the project team expected it to be during an actual flood. So the question that I asked was further qualified as 'what is the height of the wall from the water level of the river to the top of the wall, at 1) low tide 2) high tide and 3) flood event?' I gave him my email and he promised to get back to me. I tend to be quite specific/precise if I am asking something.

I'm naturally a reasonable person. If I ask a question and the person doesn't know the answer, that's fine. They can go find out and get back to me. No stress. We didn't hear back that week, but they were very busy so I went back the following week and this time it was a different person. I asked the same question, drew a little sketch that showed what I meant and got the person to write down the question as before. I left my email address again. No reply for another week. This time we left it two weeks. I went back on week 4 and asked the same question this time to Connor Price, Project Manager. Same question to third different person, over a 4 week period. The answer from week 1 and 2 still hadn't arrived. I asked Connor if he wanted to write it down but he said he knew what I meant. I had done a little drawing of the riverbank cross section to show that the 'wet' side of the wall is different to the 'dry' side (we now know this is how they refer to it). I stressed that I knew they were busy but that was now a month since I'd first asked. I also said 'look all I need is 3 heights. Just 3 numbers please' to highlight how quick and easy it should be for someone to provide the answer.

The following week I went back. Connor happened to be there again. He was talking to other members of the public and I sat patiently. You catch more flies with honey than with vinegar and our family are all naturally polite and friendly. I've never really understood why people get so angry about things. I waited for quite a while. After about half an hour Connor stood up and motioned over that he didn't have the answer yet but he'd get back to me. I think realising he might be a while and didn't want me to wait since he actually didn't have the answer. At this point I said no, that wasn't good enough. The question was the height of the wall which is a basic fundamental question. I'd been polite and patient. It was 3 numbers. I would wait til he was free and if he didn't know the answer he could phone one of the engineers. They should absolutely be able to give the answer quickly over the phone. I'm friendly but I'm also not naive. I was feeling very fobbed off! Connor refused to call the engineer but apologised and promised that he would get the answer for me. I again offered to write the question down and Connor again said he knew what I meant.

Another week went by and eventually a long email arrived. It included information… but not actually what we had wanted to know. It gave the height as a measurement from the river bed to top of wall, rather than water level. So this is absolutely useless. You need to know how deep the river is to understand how high the wall is and short of going down to the river and wading into the water with a measuring tape, this is impossible to get.

We thought of an equivalent to show how ridiculous their answer had been. If you built at Loch Ness which is 227m deep but only 2m was visible sticking up from the water level, you wouldn't say there was a 229m high wall. You'd say there was a 2m high wall!

So 6 weeks after asking a simple 'how high is the wall' question, and they haven't given us the information. I complained bitterly and to this day we still do not know that measurement! It is also still not included on the Proposed Design documentation.

To add insult to injury, the email from Connor also included an engineer drawing from [redacted] of Jacobs that helped 'mansplain' how the wall would work for me! It was almost identical to the one I had drawn when asking the question 😊 [redacted] also said to let us know that the wall wouldn't really be seen [redacted]

Again, they cherry picked information that presents things in a positive light and withheld information that would accurately highlight the negatives of the scheme.

At this point I'm going to attach a picture taken this morning [redacted] (see below).

- The larger red rectangle is roughly the dimension of the wall on the other side of the river. It's bottom edge is at the water and the top of the wall at the time we are talking about (Outline Design) was to be 1.3m higher than the pavement.
- The pavement level is shown with the separate red line.
- The smaller red rectangle is the equivalent height of the wall if it was situated at the pavement level.
- The total wall, from my estimate is about 3+ metres high on the 'wet' side.
- Note, the difference between the yellow lines is 1 metre – I've measured it. So you can see that the pavement level shown is at least double if not more.

To be clear, what this shows (in a very rough way) is that when a wall is situated at the river edge but its measurement is expressed 'as per pavement level', the height stated is only the height on the dry side of the wall and the wet side measurement is much higher.

What this also shows is that a wall situated at pavement level would only need to be build to a much lower height to achieve the same flood protection. This would also have a significant positive impact in reducing the amount of concrete used and therefore reduce the overall carbon emissions, costs etc.

From June 2023 to now, to my knowledge there has never been an occasion where the project team have proactively admitted there is such a thing as a difference between the 'dry' side and 'wet' side wall measurements. The Councillors appeared not to know about or understand the difference when we explained it to them! The general public have never heard the expression openly explained to them.

This one point is really important for various reasons. First, the wall heights on the documentation last June were actively misleading the public. When I asked for them to be changed to make things clearer as they had misled and confused us, the project team refused. So now, they are *deliberately* misleading the public. And the Councillors.

And second, the public were obsessed about the heights of the defences in particular locations. People were interviewed by STV News and one lady commented 'You know some of these walls are a metre high'. She had no clue that the walls she was talking about were in excess of 3 metres, if you were looking at them from the other side of the river. I spoke to her immediately after the interview and the lady was horrified that they were higher and that she wasn't aware.

Third, the project team were not getting the right level of public feedback about the heights since people thought the heights were less than advertised. If you truly want the public's feedback and concerns you need to provide them with full, accurate information. Connor Price's answer to the question 'why were the wet side measurements not included' was that 'there was a lot of information included and they couldn't include everything'. He used that line at least twice. It seemed to be his rationale for explaining anything the public said should have been included that wasn't.

This is not credible. Yes there is a lot of information, it's a large complex project. But to omit the measurement of the wall is unacceptable. Out of all the information to be communicated, this one thing – the height of the defences – was *the* most important aspect of the scheme to the public. [redacted] confirmed in January 2024 that prior to the Outline Design being published, they knew from public consultations that the heights was priority one.

And lastly and possibly most significant to me, this misleading way of presenting the information eroded trust in the project team and what they were saying and caused a bit of a mind shift for [redacted] and me. We had avoided criticising the actual people in the project team, the way social media had. People are just doing their jobs, we had said. We had been constructive and friendly in our dealings with the team. But this deliberately misleading information for something so important and the way they simply wouldn't answer the question properly, made me really start to question the motives of the team. I would say it was at this point, looking back, that we stopped trusting the project team as much.

Just to say, I did try to speak to Connor and the other drop in people about protecting individual properties. [redacted]. Anyway, the suggestion I tried to make a few times (remember I was trying hard to be constructive) was what about flood gates on individual properties. I've done a quick google search and I reckon maybe £600 for a pedestrian gate and maybe £1,000 to £1,500 for the driveway. If you costed out protecting each individual property on the main [redacted] and then also considered more substantial flood gates across some of the side streets such as North High Street and New Street, you could protect the houses along the river and the wider area for a fraction of the cost and with far less hard infrastructure that would kill the trees and cause a huge carbon footprint.

I am still of the view that this would be our preferred solution. The most interesting thing looking back was how abruptly I was shut down when I suggested it. Absolutely not. We need to protect the town too. No that wouldn't work. No, not at all. I wish now I had got a more detailed, written down answer as to why not. Depending on how you calculate the numbers, taking the full cost of the scheme and dividing it amongst the properties being protected from the flood, each one could have a huge amount spent on it. Plus if you contained the water along the river and away from side streets you probably have 10's of £1000s to spend on each property.

I have mentioned elsewhere the complete lack of being shown different options and having the pros and cons of each explained. I don't remember anyone ever telling us they had considered this and the reasoning behind it being discounted.

I have always shied away from joining the social media rabble shouting about corruption and back handers. Maybe I am naïve but I really do believe that everyone is trying to do the right thing. But consider this – the contractors who are designing the scheme are making a lot of money from the process. If they reply to the tender and are awarded the actual construction works, they will make huge amounts of money from building large walls with deep foundations. I'm imagining they would make far less money from sourcing the supply and fitting of flood barriers to individual properties/streets.

And by the way, I do understand that moveable barriers can become a point of failure. But each property would be responsible for their upkeep and the walls already would hold the water separate, property to property as there is a wall already in between small front gardens. The height that would be needed up at the property front walls would not need to be too high. The land slopes away down to the current proposed embankment. I reckon 800mm would be the equivalent. Especially if you consider that the river would have a huge wide basin to spread across rather than the much narrower gap which would help the flow pass.

Maybe the road drains would need upgraded but there would be loads of money left over from the current budget to do that. Plus the drains on Eskside West need upgraded anyhow, especially around the junction with New Street which is an absolute disgrace and floods often.

I object in the strongest terms to the scheme on the basis that this alternative option was not properly considered.

I object in the strongest terms to the scheme on the basis that this alternative option was not properly costed.

I object in the strongest terms to the scheme on the basis that this alternative option was not properly summarised in a report with pros, cons and implications clearly stated.

I object in the strongest terms to the scheme on the basis that this alternative option was not properly and proactively explained to the Councillors.

I object in the strongest terms to the scheme on the basis that this alternative option was not properly and proactively explained to the public.

I object to the scheme on the basis that the contractors put their own potential profits ahead of considering other viable solutions.

At around about the same time, we noticed at drop in sessions that Connor Price in particular was making a similar comment repeatedly to different members of the public. If you were sitting talking to someone else, you could hear him and he also said the same to me. If someone said something negative about the scheme, instead of really listening to their views and trying to understand their perspective, he complained repeatedly that the public weren't engaging properly with the process – as if somehow the fact that we didn't like elements of the design was the public's fault for not doing something right.

The other thing we also noticed was there was a major disconnect. Every single time you raised anything at all about the scheme from June 2023 to January 2024, whether to Councillors, Connor, Jacobs etc. the answer always included a statement meant to reassure and placate, and to be honest buy some time – advising us 'not to worry, this is just an Outline Design. Things will evolve and we'll take feedback on board to enhance the design'. [redacted] and I were told that so many times we started counting. It became a bit of a joke. We heard it from Connor, [redacted], Michael, various Councillors, Alan. Essentially anyone we spoke to.

> **MFPS Mailbox 29th June**
> '…The Outline Design presented is not the finished design for the Scheme. It will continue to be refined…'
> **Andy Forrest 3rd July**
> '…no decisions have been taken on wall heights embankments etc until the final design comes out…'
> **Shona 3rd July**
> '…first draft and will be revised over the next six months, largely on the basis of what has come out through the public consultation…'
> **Ruiridh Bennett 4th July**
> '…I do stress the current design shown at the June exhibitions is purely an outline design with room for refinement…'
> **MFPS Mailbox 6th July**
> '…Your feedback is essential to allow the Project Team to revise the Outline Design to a Scheme that is bespoke and tailored to Musselburgh…'
> **Connor Price 2nd October**
> I have to highlight – the design is not done. It is evolving and will continue to do so until it is approved'

You get the idea. It was like a mantra – it's just a first version, we can still improve the design. Keep providing feedback.

But there was a complete contradiction here. [redacted] and I started to think through how we would have liked the design to look, in particular near [redacted]. We were optimistic to start. We fed in what we thought were constructive and good ideas. I was praised actually by various people in the project team and the Councillors for how constructive m

comments were when I wrote to them. I was a [redacted] in my career, a role that relies on you finding solutions. We focused on trying to find ways that would make the scheme acceptable whilst still protecting against flood. But little by little it became apparent that contrary to what was being messaged, the drop in sessions were really there to explain the design they had already come up with and try to persuade you it was the best option. Not to listen to feedback and try to enhance things.

Every single thing we suggested was a 'no'.

By the 30th of August and having had a discussion with one of Jacob's engineers, it had become apparent to us that the project team didn't seem to want to change anything. I wrote to the project team:

> *'As you know, I have some real concerns over some of the plans. However, I have tried to be really constructive and raised questions genuinely to try and figure out if other options could avoid the loss of river views and beautiful flat grassy areas at [redacted]. And [redacted] was very helpful tonight and very knowledgeable, explaining things. However, the bottom line is that we spent a very long time, explaining over and over that there are no options other than what is currently in the outline design. When you spoke to us as you were leaving, I had just got to the point with [redacted] where the penny was dropping for me that there is absolutely no hope at all to make things better.*
>
> *I've heard from various people:*
> *1) This is just an outline design and the consultation phase will be used to amend things based on feedback and*
> *2) Every single item I asked if it could be changed the answer is no and there's a big technical explanation as to why the outline design is the only option*
>
> *So my one final question to the flood team is this - what is the point of this consultation? You guys obviously think that the outline design is the only way. You are all spending all your time at every open consultation simply trying to persuade everyone that the existing design is great and explaining the background as to why it needs to be the way you have designed it. So it seems we are at an impasse.'*

And to back up my thoughts that the project team had no intention of changing the design but were carrying out the consultation as a 'tick box' exercise, here is a summary of the resultant changes to the various elements of the scheme [redacted]

June 2023 Design	What We Requested in Our Feedback	Amended January 2024 Design
Embankment at Eskside West between Rennie and Shorthope	Make road one way, use extra space for wall rather than embankment	No change from June
Embankment height at Eskside West between Rennie and Shorthope	Too high, will obscure river plus privacy issue for houses	Approx. 30 cm lower, still obscures the river, still a privacy issue for houses
Embankment at Eskside West between Rennie and Shorthope	Assumed to be 5-6 metre wide, too wide, taking up too much of the current grassy area (documents didn't include measurements)	Confirmed as 10 metres wide! Confirmed worse than June assumptions
Riparian planting on embankment between Rennie and Shorthope	Changes the existing beautiful manicured grass and flower bed look that is so popular, please keep flat grass and flower beds	No change from June
Embankments have removed the ability to have any seating with a	Make room for park benches with a river view at intervals along the embankment	None included. No change from June.

river view e.g. park benches along the river from Rennie to Shorthope		
Embankment height at Eskside West between Shorthope and Electric Bridge	Too high, will obscure river plus privacy issue for houses	Approx. 21cm lower at southwest end and 8cm lower at north east end, still obscures the river, still a privacy issue for houses
Embankment at Eskside West between Shorthope and Electric Bridge	Assumed to be 5-6 metre wide, too wide, taking up too much of the current grassy area (documents didn't include measurements)	Confirmed as 10 metres wide! Confirmed worse than June assumptions
Riparian planting on embankment between Shorthope and Electric Bridge	Changes the existing beautiful manicured grass look that is so popular, please keep flat grass	No change from June
Embankments have removed the ability to have any seating with a river view e.g. park benches along the river from Shorthope and Electric Bridge	Make room for park benches with a river view at intervals along the embankment	None included. No change from June.
Wall position at Eskside West between the Electric Bridge and mouth of the river	Move position from river's edge to closer to the Loretto wall to allow for lower wall and retain riverside walks	No change from June
Wall on Eskside West positioned between the path and the river between the Electric Bridge and mouth of the river	Allow people to walk by the water rather than on the other side of a wall	No change from June
Wall height at Eskside West between the Electric Bridge and mouth of the river	Too high, people on east bank will look onto high wall	Part of the wall 25cm lower and another part 69cm higher!
Wall position at Eskside East between Rennie Bridge and Shorthope Bridge	Move position from river's edge to pavement edge to allow for lower wall and retain riverside walks	No change from June
5 metre wide concrete path replacing the grassy riverbank on Eskside East between Rennie Bridge and Shorthope Bridge	Reduce path width, or have no path at all since already a nice riverside walk (wheelchairs can and do use the pavement)	No change from June
Wall on Eskside East positioned between the path and the river between Rennie Bridge and Shorthope Bridge	Allow people to walk by the water rather than on the other side of a wall	No change from June
Wall height at Eskside East between Rennie Bridge and Shorthope Bridge	Too high, people on west bank will look onto high wall	Reduced by 14cm
Wall position at Eskside East between Shorthope and Electric Bridge	Move position from river's edge to pavement edge to allow for lower wall and retain riverside walks	No change from June
5 metre wide concrete path replacing the grassy riverbank on Eskside East between Shorthope and Electric Bridge	Reduce path width, or have no path at all since already a nice riverside walk (wheelchairs can and do use the pavement)	No change from June
Wall on Eskside East positioned between the path and the river	Allow people to walk by the water rather than on the other side of a wall	No change from June

between Shorthope and Electric Bridge		
Wall height at Eskside East between Shorthope and Electric Bridge	Too high, people on west bank will look onto high wall	Increased at one end by 13cm and the other end by 35cm – both are higher!
Wall position at Eskside East between Electric Bridge and mouth of the river	Move position from river's edge to pavement edge to allow for lower wall and retain riverside walks	No change from June
5 metre wide concrete path replacing the grassy riverbank on Eskside East between Electric Bridge and mouth of the river	Reduce path width, or have no path at all since already a nice riverside walk (wheelchairs can and do use the pavement)	No change from June
Wall on Eskside East positioned between the path and the river between Electric Bridge and mouth of the river	Allow people to walk by the water rather than on the other side of a wall	No change from June
Wall height at Eskside East between Electric Bridge and mouth of the river	Too high, people on west bank will look onto high wall	Increased by 72cm!

The height changes are the only change that the project team have made to the whole stretch of the river from the Rennie Bridge right down to the mouth of the river, on both the east and west sides. All that consultation. All that feedback. And not one significant change for the better.

To summarise the height changes specifically, they have:

- -30cm, -21cm, -8cm, -25cm, -14cm
- +69cm, +13cm, +35cm, +72cm

The public feedback during consultation was specifically about the heights being too high. And in some locations they have increased the height by 72cm!!

In summary, for this time period which influenced everything that came after including the Proposed Design that is under Statutory Objection, I object for the following reasons.

I object to the scheme on the basis that the ongoing consultation from June 2023 to March 2024 did not adhere to a quality standard generally expected for such a significant development. As all evolved designs stemmed from this consultation, this puts in question what led to the Proposed Scheme currently under Statutory Objection.

I object to the scheme on the basis that the ongoing consultation from June 2023 to March 2024 was managed inefficiently and to a quality standard below the par you would expect from the type of contractors engaged for the type of large scale development proposed.

I object to the scheme on the basis that the ongoing consultation from June 2023 to March 2024 was managed inefficiently and to a quality standard below the par you would expect for the amount of money the contractors were paid from taxpayer's money.

I object to the scheme on the basis that effective consultation was not carried out from June 2023 to March 2024 in terms of explaining the specific options possible, together with relevant pros and cons for each option.

I object to the scheme on the basis that because of how the project team carried out the consultation from June 2023 to March 2024, the public were unable to provide the project team with considered and informed opinions as to their preferences and concerns i.e. the main objective of the consultation was not able to be achieved.

I object to the Scheme based on the fact that insufficient notes were taken to capture what people were saying during the consultation from June 2023 to March 2024. Questions my family asked during the drop ins were lost and/or ignored. There was no evidence that the project team members systematically took an appropriate level of notes of what we and the rest of the public were saying during any of the drop in consultations.

I object to the Scheme based on the fact that the notes that were taken to capture what people were saying during the consultation from June 2023 to March 2024 were biased in favour of the scheme. The notes taken tended to be where the comments were supportive of the designs the team already knew they were going to announce, and conversely ignored comments which were contrary to what they were going to announce.

I object to the scheme on the basis that the project team withheld information from the public during the consultations from June 2023 to March 2024 that would have altered their opinion about elements of the design.

I object to the scheme on the basis that the project team during the ongoing consultation from June 2023 to March 2024 unduly tried to influence the public to favour elements that they were going to announce in their Proposed Design, rather than illicit properly considered opinions that were made understanding the facts.

I object to the scheme on the basis the project team misled the public by holding consultations prior to the Proposed Design being published in March 2024 purporting to be consultation events to find out what the public wanted changed, but which were actually PR/marketing conversations being held to try and advertise and present in a good light, elements of the design that had already been decided (but not yet announced).

I object to the scheme on the basis the project team used underhand methods during the consultations between June 2023 and March 2024 to illicit positive responses from the public for elements of the Proposed Design prior to it being published, so that the design once published could include the incorrect narrative that it was based on what the public said they wanted.

I object to the scheme on the basis that the project team have not published a full copy of the ongoing public feedback received from June 2023 to March 2024 in a quantitative or qualitative manner to prove to the public their assertions they have made that they are taking on board public opinion in the designs. The public have a pivotal role in terms of objecting to a scheme that will impact so significantly on their lives and there was a duty on the project team to provide them with a full copy of all public feedback received.

I object to the scheme on the basis that the project team have not published a full copy of the ongoing public feedback received from June 2023 to March 2024 in a quantitative or qualitative manner to prove to the Councillors their assertions they have made that they are taking on board public opinion in the designs. The Councillors have a pivotal role in approving or rejecting the scheme and there was a duty on the project team to provide them with a full copy of all public feedback received.

I object to the scheme on the basis that the project team did not follow project management best practice, including Prince 2 basic principles, for effective data management in that they did not set up a centralised storage point (folders/database etc.) for public feedback for the ongoing consultations from June 2023 to March 2024.

I object to the scheme on the basis that during the consultation period, the project team did not always answer questions raised by the public, even if asked multiple times, thereby not allowing the public to make informed choices re whether to ask further questions or provide informed feedback to the team and the Councillors.

I object to the scheme on the basis that during the consultation period, the project team often gave different answers to the same question, this inconsistency confusing the public and eroding trust in the team and the process.

I object to the scheme on the basis that the project team omitted explaining that walls had a ‘dry’ and ‘wet’ side to them and that both these measurements would be different – a vital piece of information that the public and the Councillors had a right to know.

I object to the scheme specifically due to the fact that the most important piece of data for most of the public i.e. the heights of the walls, was only included in the document in part (dry side) and that the project team during consultations thereafter made it impossible to uncover what the wet side measurements would be.

I object to the scheme specifically due to the fact that the project team proactively avoided answering a simple but important question from my family to help us understand what height the wall would be opposite my flat.

I object to the scheme specifically due to the fact that the project team to this day have not told the public (and me) the measurement from the water level to the top of the wall for the walls along Eskside East from Rennie Bridge to the mouth of the river and Eskside West from the Electric Bridge to the mouth of the river (on their wet side) at low tide, at high tide and at flood event. The project team would not give me this information. The June 2023 drawings did not include it. And the Proposed Design engineer drawings still do not include it.

I object to the scheme on the basis that the project team withholding the measurement of the wet side of the walls from the public from June 2023 onwards has impacted the feedback the public may have given the team i.e. people didn't know how high they would be and thought they were lower because the documentation gave the lower dry side measurements and therefore the public didn't give the appropriate feedback re how they felt about this.

I object to the scheme on the basis that the project team specifically chose to detail the lower height of a wall with height differences on both sides, so as to present the designs as more favourable to the public and hide the true height of the walls.

I object to the scheme on the basis that members of the project team acted unprofessionally by delaying responding to requests for information from the public with a view to 'run down the clock' and 'wear the public down'.

I object to the scheme on the basis that the project team misled the public and the Councillors about details of the scheme they anticipated would cause concerns to be raised – and when this was pointed out to them that it had misled the public and they refused to change the drawings, they were now *deliberately* misleading the public i.e. wall heights on wet side continuing to be withheld from the Outline Design documentation and not able to be calculated accurately from the Proposed Design documentation.

I object to the scheme on the basis that the project team through their omission of key information on the documentation, reduced the feedback they would otherwise have received from the public which was supposedly the whole point of the consultation exercise.

I object to the scheme on the basis that the Project Team hid from the public the fact that they were going to narrow the river all the way through the June 2023 exhibition, through the ongoing consultation over the following 7 months and it only came to light in January 2024, and even then was only worked out by people studying the engineer drawings intently.

I object to the scheme on the basis that the project team through their actions, eroded the trust the public had in them, this being an unacceptable situation for a company being commissioned by a council whose purpose is to serve the public.

I object to the scheme on the basis that members of the project team acted unprofessionally in dealing with the public, openly criticising the way the public were engaging with the project to the public.

I object to the scheme on the basis that the project team and Councillors repeatedly advised the public that their feedback could bring about enhancements to the design, when in reality the project team had fixed and immovable views and had no intention of making the kind of changes the public wished to see. The limited number of changes implemented from Outline Design to Proposed Design are evidence of this.

I object to the scheme on the basis that the project team, whilst promising the consultation feedback would allow the public to request changes, simply refused to change anything for the vast majority of requests.

I object to the scheme on the basis that the project team used the consultation period as a marketing phase, selling and influencing people to accept their designs rather than listening to concerns and actively trying to find ways to enhance the design.

I object to the scheme on the basis that the project team have made no significant changes to the defences or their positions on the River Esk from Rennie Bridge to the mouth of the river, despite public feedback requesting changes.

I object to the scheme on the basis that the project team, having listened to the public's feedback requesting lower defence heights on the River Esk from Rennie Bridge down to the mouth of the river, have only made negligible reductions in height.

I object to the scheme on the basis that the project team, having listened to the public's feedback requesting lower defence heights on the River Esk from Rennie Bridge down to the mouth of the river, have actually made some of the defences higher, going completely against the public's wishes.

I object to the scheme on the basis that even after we fed in multiple times at various consultations that our street would work well as a one way street, which would allow the flood defence to sit into the road area, this was only adopted for another section of [redacted] and ignored for our street.

I object to the scheme on the basis that the project team only made a token gesture change to the heights of the embankments along [redacted] i.e. reducing them specifically because of privacy issues, but the amount they reduced them by did not remove the privacy issue i.e. people walking along the top of the embankments will be able to see into the first floor windows of the residential buildings – including [redacted]

I object to the scheme on the basis that the project team withheld important information from the Councillors that may have impacted their vote at the January 2024 full council meeting i.e. the heights of the walls on their wet side (i.e. from the water level to the top of the wall for the walls along Eskside East from Rennie Bridge to the mouth of the river and Eskside West from the Electric Bridge to the mouth of the river (on their wet side) at low tide, at high tide and at flood event). This is not included in the Proposed Scheme information.

I object to the scheme specifically due to the fact that the Councillors voted to approve a scheme in January 2024 without actually knowing the height of the walls on their wet side (i.e. from the water level to the top of the wall for the walls along Eskside East from Rennie Bridge to the mouth of the river and Eskside West from the Electric Bridge to the mouth of the river (on their wet side) at low tide, at high tide and at flood event).

Consultations with the Public - General Consultation Best Practice that Should Have Applied from June 2023 to March 2024

A final point about consultations in general. There are a variety of sources that give good best practice advice for consulting with the public, including from the Scottish Government. The Project Team consulted with the public in three main ways.

- Firstly before they published the Outline Design, they describe their interactions with the public as 'consultation'. I'm going to skip that part in this section, since they didn't specify any of the actual design ideas in detail and therefore the consultation didn't really ask for specific opinions on actual designs at that stage.
- Second, the exhibition in June 2023 and the formal written survey immediately afterwards
- And third the ongoing consultation including the drop in sessions, questions raised in person or by email etc.

Below are a few extracts of best practice to highlight how the Flood Scheme consultations failed to meet the usual best practice standards expected for an effective consultation for the formal written consultation described above. This was the only formal written consultation exercise based on specific designs, carried out in the full 6 year period of the project.

Best Practice	**My Comments**
Consultation often includes a traditional written consultation. This process takes a minimum of 4 months but in most cases at least 6 months should be allowed. *Quick written consultations can be done, by exception, but they can be open to challenge if they are not considered to have followed due process.*	The only traditional written consultation exercise the Flood Scheme carried out over the years was the one completed just after the Outline Design was published in June 2023. They allowed only a tight 2 week timeslot for responses. I do think an immediate post exhibition survey was a useful to do. But there should have been an additional longer exercise, collating responses over time, say until about December 2023. Then the fuller survey results could have been published in January ahead of the full council vote. This would have given the public (and me) more time to understand the designs, ask the right questions and then give a more informed view to the project team. This would also have enabled the Councillors to have a deeper and broader understanding of the public's views on specific elements of the design prior to them voting in January 2024 whether to approve the project to the next stage or not.
Consulting too quickly will not give enough time for consideration and will reduce the quality of responses	The low quality of responses is evident from the 2 week written consultation. Not enough of the public had heard of the Outline Design nor had time to understand the detail. I certainly didn't. Certain key pieces of information, such as the fact that the wall heights were only for one side of the wall or the fact that they were planning on narrowing the river etc. were not included in the documentation. There was insufficient time to find these things out in that 2 week consultation window. When I look back, with what I know now, my written feedback at that time would have been much more considered and full, had the exercise been over a more appropriate timescale. The speed at which the project team rushed through this part of the consultation adversely impacted my ability to understand both the scheme and the process the whole Flood Scheme was going through.

Give enough information to ensure that those consulted understand the issues and can give informed responses	There was a lot of information included in the Outline Design about the 'what' and 'where'. What the defence would be and where it would be positioned. But practically nothing was included about the 'why'. Why was there an embankment at a certain part of the river and not a wall or vice versa. Why was the wall at the water's edge and not over by the pavement. My questions asked at the drop in consultations afterwards focused often on trying to understand *why* the design was the way it was, since the documentation didn't explain this. Sitting waiting to speak to people you could hear what other members of the public were saying and a large proportion of them were asking 'why' questions. The information given was completely inadequate for people to understand the scheme and the rationale for why the design was the way it was and therefore the feedback received at survey stage was not fully informed. There was no time in the two week window to ask questions and receive answers. We tried to post questions on the Flood Scheme website but they were not answered in sufficient time to inform my thinking before I completed the online survey.
When the consultation spans all or part of a holiday period, consider how this may affect consultation and take appropriate mitigating action *If your consultation is live over a public holiday period, such as Christmas, or over a period like the summer holiday, when key people you want to respond might be on leave, then it is good practice to extend the consultation* *Remember the Consultation Principles – give adequate time for response*	No consideration was made for the fact that the exhibition was only held over 2 days in June, the start of the holiday season. The following written consultation exercise was then only given a 2 week window of time. I asked for the closing date to be extended and I know I wasn't the only one, since it was summer holiday time. However the project team ignored this request completely and did not alter the closing date. No mitigations were put in place.
Responses that use occasionally inappropriate, defamatory or offensive language should be handled according to the screening and redaction process but in the vast majority of cases they remain a valid response.	The project team specifically highlighted in their report (published December 2023) that they received some submissions from the two week written consultation which used offensive terms etc. Due to this they advised that they ignored them. They did not consider or acknowledge the fact that members of the public feeling compelled to take time out their day to actually write something rude or offensive was probably an indication of how strongly people felt about the scheme. The offensive language is not acceptable but to ignore the sentiment behind it is also a very poor and bias way of analysing public feedback.
Responses should be published according to respondent preferences and moderated in line with policy. *Information should be available so that respondents can find out how many people*	The written consultation didn't put in a system of asking for and recording people's preferences for the publication of their questions or comments. It can be inferred from this that either they had not properly planned the exercise and simply forgot (negligence) or they did not intend to ever publish the public feedback (deliberate lack of transparency).

responded, what they said and how responses have informed policy	Responses to the written consultation were never published. Only selective quotes were hand-picked by the project team who showed bias in their selection and analysis. The Councillors never received a full copy of all public feedback either. This will have impacted their ability to see the breadth and depth of the public's thoughts and views on the scheme. In the summer of 2023, I asked the Councillors and the project team if they would publish, anonymised of course, all the ongoing feedback. At one point in discussions with Shona McIntosh, the Councillor confirmed 'I agree I would also be concerned if there was a lack of central/systematic compilation of feedback. I will raise this and let you know what I hear back.' I didn't ever get any further information.
Publish responses within 20 working days of the consultation closing	The project team didn't publish their summary until 5 months after the written consultation process closed. This was completely disproportionate to the short 2 week window of time they had given the public to complete the survey. There is a pattern here. The research and design phase took them about 5 years. Then the exhibition to explain it was only 2 days long. Then the feedback window was only 2 weeks long. Then the project took 5 months to publish a summary of the feedback. And the project took 7 months to revise the designs (with very few actual amendments). Then they took another 2 months to post the materials online and start the Statutory Objection phase. The public now have only 28 days to digest a mountain of paperwork, written in complex jargon, without any rationale included for why elements of the scheme are the way they are. In addition, the project combined the MAT and MFPS projects together for about 18 months. Then removed MAT from the scheme 24 hours before notification. Members of the public (i.e. me) only had 24 hours to read through this change and understand the implications without any consultation before starting the 28 day objection timeframe. The whole timescales of this project have been disrespectful to the general public and I am personally angry that we have been treated with such contempt. The elongated timescales waiting for action have the effect of boring people and putting them off continued interest. I struggled to stay interested in the pre June period, especially as every single meeting was such a waste of time – no specifics of what they were actually considering. I have had to work really hard to maintain any kind of hope or interest in what's going on since last June. The only reason why I have continued to fight for what I think is right is because the impact of the scheme will have such a huge negative impact on my son's life now and my life in the near future. My son is [redacted] years old. He's felt for some time that politics doesn't work for the people. Like a lot of his generation he can't understand why the system is so broken. This Flood Scheme has given us both a taste first hand of the local government in action. We are both completely disillusioned with the whole set up.

	The council has delegated all authority to outside contractors who have a vested interest in the designs having significant hard infrastructure. A lower tech, more natural solution or a flexible solution with lower capital costs but ongoing maintenance costs have been ignored, since they go against the financial interests of the contractors. I will never vote for any political party who allows this scheme to go through as it is – both at a local election but also at a general election too. I might just be one single person but it has become a point of principle for me now.
It is advisable to 'get back to people' within the same length of time as you gave them to respond to your consultation	The written consultation was given a 2 week window. The project team then took about 5 months to report back. Completely disproportionate and unacceptable.

Above was in relation to the written survey consultation. Below are a few extracts from the best practice to highlight how the Flood Scheme consultations failed to meet the usual best practice standards expected for an effective consultation for the ongoing consultation phase from June 2023 to March 2024.

Following the best practice principles in this guidance will help ensure that your consultation exercise is, and is seen to be, fair, effective and high quality	The overarching objective in this guidance aims for the public thinking the consultations have been fair, effective and of high quality. I am a member of the public and do not believe the Flood Scheme's consultations have been fair, effective or of high quality. Bearing in mind it's [redacted] paying for the services from these contractors and council staff who carried out the consultations, I know he is not happy with how his money has been spent. The consultations were not fair as they failed to listen to my (and others) views and try to change the designs. The consultations in the main were aimed at explaining why the designs already laid out were the only option we could have. The consultations were also not effective. There was no centralised collation of questions and views expressed. There was no publication of these either. The Councillors who ultimately had the role of making the decision in January as to whether to progress the project or not, had no overarching view of the breadth and depth of commentary, only what they were copied into or heard about in a sporadic way. And of course the public didn't ever see the full questions and commentary the public had expressed. This in turn reduced the ability for the public (and me) to understand more fully how the scheme would work. And in turn reduced the number of people feeding back further commentary and reduced my ability to feed back further. There were no formal note takers, questions asked and written down were not responded to, answers given from one team member contradicted other team members. The whole thing did not reach a quality standard expected from such large organisations who have significant experience and are being paid large amounts of money for their services.

	When complaints were escalated to the Head of Council Resources about the contractors, they simply confirmed that all contractual obligations were being fulfilled. This means one of two things. Either the contract didn't include a suitable level of qualitative key performance measurements. Or the council weren't monitoring the level of service being provided on the ground. Certainly, there were rarely council staff on site during the consultations. And the contractors are hardly in the best place to mark their own homework. The consultants have shown significant bias and have not sought peer review to back up their claims about the science or any other aspect of the designs. They should have set up an independent assessing team within the planning department and did not. I object to the scheme based on this complete lack of independent peer review, in particular to do with any scientific data or analysis as this would be the norm for this type of thing.
Consultation is defined as: A time-limited exercise, when specific opportunities are provided for all those who wish to express their opinions on a proposed area of work to do so in a way which will inform and enhance that work.	My family provided a number of opinions, expressed in a constructive manner, to try and enhance the scheme. But practically nothing we said informed or enhanced the scheme. The project team spent all their time they gave us explaining how what they had designed was good and therefore implying our comments weren't valid. No-one ever said I'm so sorry I know the view of the river will be completely obscured and you won't be able to sit anywhere along that stretch of the river and see the water but there's simply no other way we can protect you from flood. They just kept saying how wonderful it was all going to be, effectively arguing with us if we said we thought it was going to look awful.
The Gunning Principles are the legal standard that consultations must meet *The Gunning Principles:* *• Consult when proposals are at a formative stage.* *• Give enough information for intelligent consideration.* *• Give adequate time for response.* *• Explain how consultation results have been taken into account in policy/legislation.*	Enough information was not provided for intelligent consideration. The biggest omission in the information the project team gave us was there were no comparison options provided with relative pros and cons e.g. in terms of different defences, in different locations, at different heights. Only one single design was provided as a fait accompli. And then the project team reinforced that design over and over and over during the consultations for the next 9 months. The rationale for each component of the design was not included and therefore insufficient information was given for 'intelligent consideration'. 2 weeks time to respond to a written consultation was insufficient
It is also worth being aware that in law, the doctrine of legitimate expectation is a judicial innovation that provides control over the exercise of a decision-maker's powers where a person does not have a legal right, but does have an expectation of a public authority behaving in a certain way. In the UK this can be used to question whether consultation has been undertaken appropriately, for example, in a case where	The project team have stated that they were not legally obliged to 'consult' with the public prior to notification but they did so on request from East Lothian Council. This is not a reason to not consult properly. This scheme is one were a 'legitimate expectation' would apply from the public. The scheme is hugely controversial in terms of specification, loss of amenity spaces, cost and environmental impact etc.

the public could have been expected to be consulted on a matter	There is a legitimate expectation from the public that a full and transparent consultation would be carried out and the results published. And it was not.
Include validated impact assessments of the costs and benefits of the options being considered when possible	The costs and benefits of individual components of the scheme are not included in any of the documentation. For example, the team occasionally mention avoiding building near an old Victorian drain on Eskside east. This has impacted a whole section of the riverside but without any relevant costs associated to this to highlight the implications of that option. Maybe the public would prefer to spend x on rerouting that drain to allow the flood scheme to enhance their designs there. None of the plans show the exact position and length of this drain. Another example would be the Ivanhoe Bridge. The Jacobs report from 2022 states that changes from a flood perspective would be 'negligible'. But no impact assessments of the costs and benefits of different options have been included for this bridge.
Set up process to receive responses	As mentioned above, no process was set up for the ongoing consultation. Very limited formal notes were taken of questions or comments. Questions weren't always followed up. No centralised system for the collation of verbal and email comments was set up. No formal methodology was implemented to ensure all Councillors forwarded correspondence they received to the team so that it could be analysed and stored centrally etc. Which then led to an FOI from at least 2 members of the public (myself included) being refused on the grounds that it would take multiple people a huge amount of time to collate.
You will wish to establish at the outset which individual(s) will be responsible for coordinating the consultation exercise and who will undertake the heavy administrative burden	The project team did not set up any centralised co-ordination of public feedback during the consultation from June 2023 to March 2024. When asked to provide the information under FOI they demanded that I pay £1000 to cover the administrative burden that they themselves should already have taken responsibility for.
You need to establish a process right at the beginning to record and receipt responses so they do not get lost. It is essential to acknowledge all responses received	There was no process set up. There are anecdotal stories of people handing in letters at drop in session which then got lost, asking questions which didn't ever get passed on etc. My family has direct experience of this and I've explained one particularly bad experience I had trying to get the answer to the wet/dry wall height question, asking repeatedly and never receiving the information I requested. The whole ongoing consultation felt a bit of a shambles to be honest and not what you would expect from a large multi-national company being paid such large sums of money. It felt like a tick box exercise, with the team attending the drop ins regularly so they could tick that box but not really listening to feedback so as to enhance the scheme, just reinforcing their

	existing views that the design they had already prepared was the only way forward.
You could establish a separate database to record and track responses which you update as new responses come in	This was never set up
You should ensure that good notes are taken that accurately capture any discussion at events *Remember that it is very hard to facilitate a discussion and take good notes at the same time, so you might want to consider having a separate facilitator and note taker for event discussions or delegating the role of note take to one of the attendees*	At each consultation event and drop in session very poor note taking was done. Huge numbers of comments made, including all of those made by me and [redacted], were not captured correctly or at all. No separate note takers were in attendance at any of the events or drop in consultations [redacted] or I attended.
The Respondent Information Form (RIF) is used to collect information about respondents in order to acknowledge responses, to identify publishing preferences and for consent to be contacted in the future.	[redacted] and I have not at any stage in the last few years and certainly not in the last 9 months, been asked to identify our preferences for publishing when providing feedback.
Responses should be published according to respondent preferences and moderated in line with policy. *Information should be available so that respondents can find out how many people responded, what they said and how responses have informed policy*	The ongoing consultation didn't put in a system of asking for and recording people's preferences for the publication of their questions or comments. All comments received during the ongoing consultation were randomly held in different people's email boxes, on paper notebooks and in people's heads. Unsurprisingly then due to this lack of effective data management, the ongoing consultation information was never published. Not only that but when members of the public (myself and others) asked for the consultation feedback to be published, this was refused. When Freedom of Information requests were submitted to try and force the project team to publish the information, the project team advised the council's FOI offices that it would take 6 different people about 25 hours to collate it and they would provide it at a cost of about £1000. This shows a complete lack of organisational management by the project team who did not store the public feedback in any kind of centralised system. I asked the Councillors to request the feedback themselves, since they are entitled to see it without having to do an FOI and pay £1000. I've seen a copy of an email one of the Councillors sent to the project team asking for it and the response from Connor Price refusing it on the basis that it was too vague. He didn't say, I could give you everything from x month to x month. Or I could give you everything from the drop in consultations. He didn't try to make the request specific to help the Councillor with what she was asking. And the Councillor didn't push back to Connor when she

	received his non answer. She simply advised me that she had tried and couldn't get the feedback. This showed two things. One, that the Councillors are sometimes out of their depth when dealing with the outside consultants. Councillors come from all sorts of backgrounds and generally are there as they wish to serve the people. They don't always have the necessary skills to hold experienced professionals to account. And secondly, it shows how much delegated power the council have given Connor Price. He has effectively carte blanche to do as he pleases and isn't answerable to anyone who has a higher level of expertise within the council. There is no escalation process for complaining about what he or Jacobs do. The correct route is to Alan Stubbs within the council. However, he then simply defers to the outside contractors, who write the answers and he then sends them on under his email address. If you escalate to the Head of Council Services who looks after procurement and therefore the contracts these contractors are bound to, they do not answer. If you escalate to the top, to the Chief Executive, they do not answer. The massive amount of public feedback provided to the project team over the period June 2023 to March 2024 was never ever put into the public domain. Neither was it given to the Councillors. This lack of transparency erodes trust. It also has affected my ability to have a more rounded view of the scheme. The project team have often used the 'public says' principle to justify aspects of the scheme but without providing any proof. They could say whatever they wanted to and I (and the Councillors) would have no way to know if it is true or not.
Processing the volume of responses will be an issue itself, and there may be an extensive role for commissioned consultation support to ensure an independent analysis can be produced within the allotted time	No independent analysis of public feedback has ever been carried out for this scheme. The project team are in charge of every aspect of the project. They research the options, weight up pros and cons, decide which option they wish to proceed with and present that to the public and to the Councillors as a fait accompli. The only option choice ever given formally to the Councillors was the choice of different risk levels. No choices about types of defences, locations etc. has ever been given to the Councillors or the public. This conflict of interest using an outside contractor with a vested interest to do almost everything without proper oversight was a question raised by one of the Councillors at the January 2024 full council meeting. It was not answered in any satisfactory way. However, the fact that it was asked by a Councillor shows that the conflict of interest issue is of real concern.
When you commit to a consultation process, you are also committing to being open and transparent about the responses you receive.	The Flood scheme ongoing consultation has refused to publish the public's feedback.

This might be uncomfortable if responses have not supported the favoured position	It is a reasonable assumption to make that the rationale for this is a combination of two factors: first that the team didn't set up a process to capture the feedback and second that it became obvious very quickly that the feedback would be overwhelmingly against the scheme and therefore not supporting the project teams' position. Either way, this is unprofessional and has impacted on my (and others) ability to properly analyse the scheme. It is a reasonable question to consider, would the project team have taken better notes and fully published the public's feedback, had the feedback been overwhelmingly in favour or the designs.

In summary, for the full breadth of consultation completed over the 6 year period which influenced everything that came after including the Proposed Design that is under Statutory Objection and against a backdrop of general best practice advice from reputable sources, I object for the following reasons.

I object to the scheme on the basis that the project team did not follow general consultation best practice as laid out by many organisations including the Scottish Government.

I object to the scheme on the basis that the general best practice of carrying out a written consultation over a minimum of 4 months was not followed. On the contrary, it was carried out over a 2 week period in the summer holidays. This short timeframe felt very rushed to me and impacted my ability to respond appropriately.

I object to the scheme on the basis that the general best practice advice that carrying out a written consultation too quickly will reduce the quality of responses was ignored.

I object to the scheme on the basis that the best practice advice to give enough information to ensure that the public understand things sufficiently and can give informed responses, was not carried out and impacted my ability to understand and give informed responses.

I object to the scheme on the basis that the project ignored the best practice advice to mitigate carrying out consultations over holiday periods.

I object to the scheme on the basis that the project focused the bulk of their design information on the 'what' and the 'where' but not on the 'why' of specific aspects of the design and that without this rationale it impacted my ability to understand the scheme and provide suitable feedback.

I object to the scheme on the basis that due to the lack of 'why' information for different design elements combined with only a 2 week window during holiday time, there simply wasn't sufficient time or information to provide well informed written feedback.

I object to the scheme on the basis that the project team ignored requests from the public for a longer timeframe for the written consultation.

I object to the scheme on the basis that the project team did not put any mitigations in place for the short timeframe of the written consultation.

I object to the scheme on the basis that the project ignored best practice advice to consider inappropriate, defamatory or offensive language in consultation responses as remaining a valid response.

I object to the scheme on the basis that the project team ignored best practice advice to request the public provide 'consultation respondent preferences'.

I object to the scheme on the basis that omitting to ask the public for their publication preferences was either an oversight (negligence) or due to the fact that the project team had no intention of ever publishing the public feedback (deliberate lack of transparency).

I object to the scheme on the basis that the project team ignored best practice advice to publish the public consultation feedback.

I object to the scheme on the basis that the project team only used selective quotes from the qualitative feedback without allowing the public or Councillors to scrutinise the full breadth of commentary received.

I object to the scheme on the basis that the project team ignored best practice advice to publish the public consultation feedback within 20 working days of the consultation closing.

I object to the scheme on the basis that the project team took so long to publish the summary of the public written consultation feedback (5 months) that it arrived after the point where further enhancements could be made to the next iteration of the design which was being prepared for the council vote a few weeks later.

I object to the scheme on the basis that because of the lateness in publishing the summary of the public written consultation feedback (December 2023) there was insufficient time for the public to react to the findings.

I object to the scheme on the basis that because of the lateness in publishing the summary of the public written consultation feedback (December 2023) there was insufficient time for the Councillors to react to the findings.

I object to the scheme on the basis of the pattern that emerged of the project team taking a very long time to do their part of the process but only allowing the public a disproportionately much shorter time to react and carry out their part in the process, showing a level of disrespect for the public (me) and our opinions.

I object to the scheme on the basis that the project's tactics and processes caused public fatigue in the whole process putting the public off continuing to try to understand and influence things for the better.

I object to the scheme on the basis that the way the project has been handled has further increased the public's apathy and antipathy to how local government works. This is not good from a societal perspective.

I object to the scheme on the basis that the council delegated too much control to outside contractors, leaving the council underequipped to deal with the public in a meaningful way as almost every aspect of the project was being handled by outside personnel.

I object to the scheme on the basis that the council delegated control of a project to outside contractors who had a conflict of interest in that they would benefit from designing the scheme in a certain way.

I object to the scheme on the basis that the Councillors knew and understood the serious concerns the public have over the conflict of interest existing with the contractors but seemed powerless to do anything about it.

I object to the scheme on the basis that the contractors focused on hard engineered designs that have up front capex costs rather than lower cost solutions that might be more acceptable to the public but for which the monies would be split across both capex and ongoing maintenance monies. An indication of a conflict in interest as the contractors benefit financially from the former option.

I object to the scheme on the basis that the contractors focused on hard engineered designs that have up front capex costs rather than lower cost solutions that might be more acceptable to the public but for which the monies would

be split across both capex and ongoing maintenance monies. An indication of where the Council and Councillors were being swayed to make decisions based on the process around Scottish Government funding rules (80% but only capex) rather than the best long term option for the people of Musselburgh.

I object to the scheme on the basis that because the project team ignored significant parts of the best practice advice, the public were unable to consider the consultation as fair, effective or of high quality. I certainly don't.

I object to the scheme on the basis that contrary to best practice, the consultations were not fair as the project team spent the bulk of their time explaining why the designs they had already produced could not be changed as opposed to listening and actively trying to change things the public asked for.

I object to the scheme on the basis that contrary to best practice, the consultations were not effective in a number of ways e.g. no publication of ongoing feedback, no effective note taking etc.

I object to the scheme on the basis that contrary to best practice, the consultations were not effective due to ineffective contractor performance management processes, ongoing monitoring and escalation processes being in place.

I object to the scheme on the basis that the external contractors were mostly given carte blanche to handle every aspect of the project as they saw fit, leaving the council almost fully abdicating any responsibility for the detail.

I object to the scheme on the basis that the council engaged the contractors with ineffective contractual obligations that allowed the contractors to still secure their fees, even if the project wasn't meeting appropriate service levels more usually associated with large scale expenditure such as this and with limited scrutiny or management from the council's procurement office.

I object to the scheme on the basis that the project team ignored the best practice advice that feedback received should inform and enhance the scheme. Only minimal changes were made.

I object to the scheme on the basis that the Gunning Principles which are the legal standard for consultations (and common sense to be honest) were not followed.

I object to the scheme on the basis that contrary to best practice enough information was not provided to the public for intelligent consideration.

I object to the scheme on the basis that the project team used the excuse that they were not required legally to conduct consultations prior to notification but that there was a legitimate expectation from the public for this and therefore it should have been carried out to a high standard.

I object to the scheme on the basis that contrary to best practice the project team did not include validated impact assessments of costs and benefits of the various options in relation the scheme defences, heights, locations etc.

I object to the scheme on the basis that contrary to best practice, the project team specifically did not provide a validated impact assessment of the costs and benefits in relation to the potential moving or rerouting of the Victorian drain in Eskside East. This was allegedly a significant decision making item and yet there are no options analysis for alternative ways of dealing with it.

I object to the scheme on the basis that contrary to best practice, the project team specifically did not provide a validated impact assessment of the costs and benefits in relation to the Ivanhoe Bridge, which they had previously said changing would have 'negligible' impact on flood risk.

I object to the scheme on the basis that the project team did not follow best practice advice by setting up a process to receive responses from the ongoing consultations.

I object to the scheme on the basis that the project team did not follow best practice advice by setting up a process for the Councillors to systematically forward feedback and correspondence from the ongoing consultations, to a centralised point.

I object to the scheme on the basis that the project team did not follow best practice advice by establishing at the outset a process to record and receipt questions and comments from the ongoing consultation.

I object to the scheme on the basis that the project team did not follow best practice advice by establishing at the outset individual(s) to be responsible for coordinating the consultation e.g. the huge number of questions and comments the team would receive.

I object to the scheme on the basis that the project team did not follow best practice advice by establishing at the outset a separate database for recording and tracking the consultation feedback.

I object to the scheme on the basis that the project team did not follow best practice to ensure that good notes are taken by a note taker to accurately capture discussions at the drop in sessions.

I object to the scheme on the basis that the project team did not follow best practice advice by ensuring that the public provided their preferences for publishing their feedback, certainly [redacted] and I were never asked.

I object to the scheme on the basis that the project team did not follow best practice advice to publish public feedback.

I object to the scheme on the basis that contrary to best practice due to the lack of basic organisation for the ongoing public feedback, that when members of the public (including I) submitted and FOI request, they were to be charged a fee to pay for the administrative burden it would take, due to the project team not already ensuring that administration had been completed.

I object to the scheme on the basis that the project was managed so badly that they were ready to invoice me for £1000 to receive information that should have been easily downloaded from a central database.

I object to the scheme on the basis that the project manager refused to assist one of the Councillors will getting access to the ongoing public consultation feedback.

I object to the scheme on the basis that the Councillors did not insist of seeing the full ongoing public consultation feedback to ensure they were getting the full breadth and depth of the public's views that had been communicated to the project team.

I object to the scheme on the basis that the lack of an effective escalation process caused a serious eroding of trust in the council and the project team.

I object to the scheme on the basis that the ongoing consultation was managed badly and felt to me and others like a tick box exercise, where the project team were running down the clock and had no genuine expectations that they would alter their designs.

I object to the scheme on the basis that contrary to best practice, none of [redacted] or my comments were written down by any note taker during the ongoing consultations.

I object to the scheme on the basis that the project team did not follow best practice advice by ensuring analysis of public feedback was carried out independently to avoid bias.

I object to the scheme on the basis that the project team did not follow best practice advice by being transparent about feedback received during the ongoing consultation that was negative to the scheme.

I object to the scheme on the basis that contrary to best practice, the project team did not plan for full transparency (negligence) when carrying out the ongoing consultation or they knew they weren't going to publish the ongoing feedback all along since it would be overwhelmingly negative to the scheme (lack of transparency).

The Vote - January 2024 Full Council Vote Meeting, Materials Published In Advance, MAT Removal & Proposed Design Notification

In January this year, there was to be a new publication of the Outline Design, changed to reflect the public's feedback over the previous 6 months. The documentation was put online on the East Lothian Council website about a week before their full council meeting was scheduled. This meeting would have all 22 of the councillors present and they were to ultimately vote on whether to approve or reject the amended design to go to the next stage.

The documents were vast. They were also completely different in terms of layout to the June 2023 version. This meant there was an immediate additional layer of complexity for the public (and me) and the Councillors to try and find the right documents and understand them. There were no 'easy to read' summaries. There was absolutely no single comparison document to show what had changed since last year, so you could just focus your energies on what was different. Because they were all different documents, with different layouts, it wasn't even possible to do a side by side comparison or use software to do an automated comparison. And the heights of the defences, quite unbelievably, were no longer written as a simple number on the maps as they had been last year. There was now a complex table of numbers in a cross section table which required a formula to calculate heights. And the drawings for certain stretches of the river bank etc. were now in a format which showed both sides of the river but only gave the cross section measurements for one side of the river, although the document did not highlight which side it was referring to. It also did not give you the cross referenced file name or number for the document you needed to look up to find the cross sections for the other side!

The defence heights are arguably the single most important element of the whole design, to the public and certainly to me (with the exception perhaps of the trees to be felled). I have long said that if the wall was say about 50-70cm high, no-one would care at all really. A small child could sit on that, a lot of able bodied people could step over it, and most importantly most people could see over it and still see the river.

The project team knew the heights were important. A difference even of 10-30cm would sway public opinion one way or the other. [redacted] at the Full Council Meeting in January 2024 raised this point repeatedly when he spoke (5 times in total) stressing incorrectly that the defences were reduced to 1 metre to make them more tolerable to the public. And yet knowing how significant these dimensions were to both the public and the Councillors, it was only when the Proposed Design documentation was published in January that the following paragraph was included in the documentation:

'All areas, directions, distances, lengths, widths, depths, and heights as stated in the operation descriptions shall be construed as if the words "or thereby" were inserted after each such area, direction, distance, length, width, depth, and height.'

So all dimensions are not actually what they say they are!

100s of documents, 1000s of words but only two words included with a most profound meaning and implication - 'or thereby'. So nothing is actually definite. Nothing is precise. If the project team say we have listened to the public and we have reduced some of the heights by 8cm or 20 cm, in actual fact, they can easily say this since none of the dimensions are precise anyhow. They can change all the dimensions after the project is approved and after the period of time when the public can object to things. No-one at any of the consultations in the previous few months had ever told us, certainly not [redacted] or me, that the heights that we were all discussing so often were all open to change anyway.

In addition, I can't find anywhere in the documentation a mention of an allowable tolerance. So if a wall is noted as say 1 metre high, if the words 'or thereby' are to be inserted afterwards, this might mean 1 metre is really 1.2m or maybe 1.5m or maybe, since no tolerance is included, 7m or 20m!!

In every conversation the public have had with the project team about the previous published information (June 2023) at no point did they say, remember these dimensions are just approximate and might be different. This is misleading and effectively a lie of omission. The heights on the documentation from the Outline Design didn't have a

‘~’ next to them. They did not say ‘c.’ next to them. Nothing instructed the public to realise they were looking at approximate measurements.

The project team failed in their duty to the council, and to the public on behalf of the council, to inform people appropriately and effectively. Assuming that the operational teams within the council would have understood this point, they also failed to ensure the Councillors and the public knew that the dimensions being debated so openly and publicly, were not actually precise.

So the January materials were published on the internet for the public to view in the lead up to the full council meeting. There were about 125 documents posted. Each document link had a name that described what it was for. However, when you downloaded the document it had a filename that was completely different to the web link. The filenames did not contain any information that described what the particular document was for. There was a document that summarised the filenames and compared them to work orders.

If an ordinary lay person i.e. member of the public, wished to find out what was being proposed for a particular area – say the stretch of the river from the Rennie Bridge to the Shorthope Bridge like I did - they would scan down the list of 125 web links and would spot the one marked:

Work Section 3: Rennie Bridge to Shorthope Street Footbridge

If they downloaded from that link, it would then download as a file called:

701909-JEC-S5-W03-XXX-DR-Z-0001

If, like I did and a lot of the public did, you downloaded the whole lot of the files, and then tried to find the one for the area you were interested in, there was nothing in the filenames that helped you figure out which one was which.

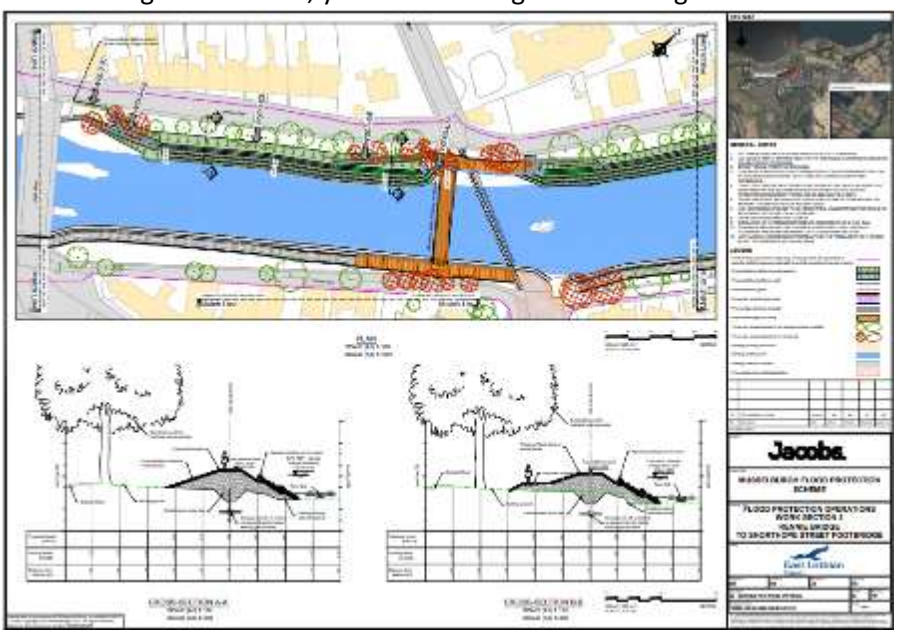
Eventually, if you opened and read the document marked ‘Schedule of Scheme Operations’ you found a table that looked like this:

Plan Reference	Plan Title
701909-JDC-SS-W22-XXX-DR-Z-0001	Outline Design - Work Section 22
701909-JDC-SS-W23-XXX-DR-Z-0001	Outline Design - Work Section 23
701909-JDC-SS-W24-XXX-DR-Z-0001	Outline Design - Work Section 24
701909-JDC-SS-W25-XXX-DR-Z-0001	Outline Design - Work Section 25
701909-JDC-SS-W26-XXX-DR-Z-0001	Outline Design - Work Section 26 Sheet 1
701909-JDC-SS-W26-XXX-DR-Z-0002	Outline Design - Work Section 26 Sheet 2
701909-JDC-SS-W27-XXX-DR-Z-0001	Outline Design - Work Section 27
701909-JDC-SS-W28-XXX-DR-Z-0001	Outline Design - Work Section 28 Sheet 1
701909-JDC-SS-W28-XXX-DR-Z-0002	Outline Design - Work Section 28 Sheet 2
701909-JDC-SS-W28-XXX-DR-Z-0003	Outline Design - Work Section 28 Sheet 3
701909-JDC-SS-W28-XXX-DR-Z-0004	Outline Design - Work Section 28 Sheet 4
701909-JDC-SS-W29-XXX-DR-Z-0001	Outline Design - Work Section 29 Sheet 1
701909-JDC-SS-W29-XXX-DR-Z-0002	Outline Design - Work Section 29 Sheet 2
701909-JDC-SS-W30-XXX-DR-Z-0001	Outline Design - Work Section 30
701909-JDC-SS-W31-XXX-DR-Z-0001	Outline Design - Work Section 31
701909-JDC-SS-W32-XXX-DR-Z-0001	Outline Design - Work Section 32 Sheet 1
701909-JDC-SS-W32-XXX-DR-Z-0002	Outline Design - Work Section 32 Sheet 2
701909-JDC-SS-W33-XXX-DR-Z-0001	Outline Design - Work Section 33 Sheet 1
701909-JDC-SS-W33-XXX-DR-Z-0002	Outline Design - Work Section 33 Sheet 2
701909-JDC-SS-W34-XXX-DR-Z-0001	Outline Design - Work Section 34 Sheet 1
701909-JDC-SS-W34-XXX-DR-Z-0002	Outline Design - Work Section 34 Sheet 2
701909-JDC-SS-W35-XXX-DR-Z-0001	Outline Design - Work Section 35 Sheet 1
701909-JDC-SS-W35-XXX-DR-Z-0002	Outline Design - Work Section 35 Sheet 2
701909-JDC-SS-W36-XXX-DR-Z-0001	Outline Design - Work Section 36 Sheet 1
701909-JDC-SS-W36-XXX-DR-Z-0002	Outline Design - Work Section 36 Sheet 2
701909-JDC-SS-W37-XXX-DR-Z-0001	Outline Design - Work Section 37
701909-JDC-SS-W38-XXX-DR-Z-0001	Outline Design - Work Section 38
701909-JDC-SS-W39-XXX-DR-Z-0001	Outline Design - Work Section 39
701909-JDC-SS-WA1-XXX-DR-Z-0001	Outline Design - Work Section A1
701909-JDC-SS-WA1-XXX-DR-Z-0001	Outline Design - Work Section A1
701909-JDC-SS-WA2-XXX-DR-Z-0001	Outline Design - Work Section A2
701909-JDC-SS-WA3-XXX-DR-Z-0001	Outline Design - Work Section A3
701909-JDC-SS-WA4-XXX-DR-Z-0001	Outline Design - Work Section A4
701909-JDC-SS-WA5-XXX-DR-Z-0001	Outline Design - Work Section A5 Sheet 1
701909-JDC-SS-WA5-XXX-DR-Z-0002	Outline Design - Work Section A5 Sheet 2
701909-JDC-SS-WA5-XXX-DR-Z-0003	Outline Design - Work Section A5 Sheet 3
701909-JDC-SS-WA5-XXX-DR-Z-0004	Outline Design - Work Section A5 Sheet 4
701909-JDC-SS-WA5-XXX-DR-Z-0005	Outline Design - Work Section A5 Sheet 5

Plan Reference	Plan Title
701909-JDC-SS-WA6-XXX-DR-Z-0001	Outline Design - Work Section A6 Sheet 1
701909-JDC-SS-WA6-XXX-DR-Z-0002	Outline Design - Work Section A6 Sheet 2
701909-JDC-SS-WA6-XXX-DR-Z-0003	Outline Design - Work Section A6 Sheet 3
701909-JDC-SS-WA6-XXX-DR-Z-0004	Outline Design - Work Section A6 Sheet 4
701909-JDC-SS-WA6-XXX-DR-Z-0005	Outline Design - Work Section A6 Sheet 5

You needed to go back to the web links on the website, scroll down and figure out that the stretch of the river you were interested in was Work Section 3, then find the right filename from the blue part of the table. The right hand column of the table is headed up Plan Title but this doesn't match in full the title used on the web link, only in part.

If you hadn't simply given up by this stage, which I have to think a lot of people may well have done, once you'd found the right document, you were looking at something like this:



There was nothing to indicate that this document, marked Rennie Bridge to Shorthope Bridge, was only for the West side of the river. It took me another full week, with the help emailing various people to ask, to find out I needed to find a completely different document to see the east side of the river [redacted]! That different document's name was almost identical to the previous one i.e. to see both sides of the river you need to view both of these files:

Work Section 3: Rennie Bridge to Shorthope Street Footbridge
Work Section 24: Rennie Bridge to Shorthope Street Footbridge

Neither tell you in the web link title, nor the filename, nor the summary document which side of the river they are for.

In addition, as both files actually show both sides of the river it takes a while to even know you're not looking at the right document. The key difference is that the cross sections detailed at the bottom of the files only relate to one side of the river.

[redacted] and I tried to have a look at the drawings for the stretch of the river[redacted]. We simply couldn't figure out where the dimensions for the wall on the east side were. We also couldn't actually understand all the numbers at the bottom of the drawing. We simply wanted to know the height of the embankments and walls and if they had changed since the June 2023 version of the designs. An exceedingly simple, reasonable thing for a member of the public to want to do.

[redacted] emailed the project team and asked one of the Councillors too. Both couldn't explain it and forwarded the question to one of the engineers. The fact that a project team member and a Councillor couldn't actually explain how to find the right information or how to calculate the wall heights, is a perfect example of how complex this process and documentation is. The Councillor was about to vote yes or no to the scheme and couldn't explain how to work out the heights of the defences. The project team member couldn't either.

Eventually, this is the answer we got back from [redacted] on the 19th of January. Bear in mind when reading this, that this is an explanation to an ordinary member of the public (layperson) to help them understand simply how to find the height of a wall on the drawings. Also, bear in mind that it is the duty of the project/council to explain things to the public in a clear manner.

> *'The best way to understand the proposal at specific sections is to view the Work Section / Cross-section drawing and the reference to it in the Schedule of Operations document, which outlines in detail the proposed operation.*
>
> *Within the drawings, height data is shown within the cross-section data of each work section. Cross-Sections (e.g. Cross-Section A-A) on the bottom of the drawings correlate to a section line shown plan, also marked A-A. On the cross-section drawing, the flood defence level (top of defence) is shown on each drawing as a label, with an arrow. To correlate height data, you can use the "proposed levels (mAOD)" and "existing levels (mAOD)" to correlate heights in those areas. In order to calculate levels, for walls – use the "flood defence level" subtract the "proposed level" will provide a height at that point. Embankments are slightly different as the height above existing level is slightly less relevant. To calculate the height of the embankment above the finished ground level, you would use the "flood defence level" subtract the "proposed level" shown at the point at which the embankment starts. Each section is different but height above road level, for example, can be calculated in a similar manner, where roads are shown. To calculate the height above existing level, you would use the "flood defence level" subtract the "existing level".*
>
> *The "Distance from defence (m)" shows how many metres the point is from the defence.*
>
> *With regards to the specific drawing you reference, Work Section 3 at Eskside West, the schedule of operation WS03-03 states;*
>
> *"Demolish and remove existing training wall and construct 124m or thereby of new earth flood embankment with a minimum height of 1.4m and a maximum height of 1.5m above finished ground level and a maximum width of 12m, or thereby. To incorporate seepage cut off where required, which may include steel sheet piles, with a maximum depth below ground of 5m. Install a surface water drainage system including outfalls where required. Construct a new footpath, 2m wide or thereby, on the embankment crest. The embankment slopes shall be dressed with topsoil and seeded with grass and riparian planting, unless otherwise agreed with the local planning authority."*
>
> *on CS A-A the levels are;*

- *Finished ground level to top of embankment – 5.62 – circa 4.20m = circa **1.42m***
- *Top of embankment above Eskside West pavement / road – 5.62 – 4.34 = **1.28m***
- *Top of embankment above existing ground level – 5.62 – 3.79 = **1.83m***

It should of course be noted that these levels are relevant to the cross-sectional area, and exact heights will vary along the stretch, as per the Schedule of Operations.'

That explanation above is quite simply horrific! To expect a member of the public to understand that, is completely unacceptable and a breach of the legal duty on the council to adequately inform the public. To present drawings that are so complex is unacceptable. The project team should have used some of its vast budget to employ good comms people. And I mean people with good explanation skills not PR skills.

[redacted] explanation also didn't explain that the east and west cross sections were on different documents. It took another few days to uncover this additional piece of information.

Consider this – as a lay person you had to have a huge burning desire and vested interest to persevere to find out the answers to the simple question 'how high is the wall'. This methodology, this poor document design and this inability to explain things clearly was completely contrary to the council's obligation to inform the public.

Just imagine for a moment that I sent this objection letter, printed off, on flimsy greaseproof paper, with tea stains on the pages, with all the pages muddled out of order, and no page numbers at the bottom and written in Gaelic. This is just a taste of how it feels to try and navigate and understand the Proposed scheme documentation. Luckly you are receiving a well written, in order letter. A bit long but your scheme documentation was kind of massive too 😊

And to show this is not just me being a bit dumb and not understanding things, see this social media post from someone trying desperately to understand things and asking for help from the 'Musselburgh Flood Action Group'. It's a simple but good example of a real everyday person trying to get answers that are not well presented by the project team.

Could someone help me with these questions. I went to the Brunton yesterday during the opening hours but there was no-one there to ask questions of. I was taken to the room containing the documents, however the stack of documents was huge and I did not have hours to spend searching out the information I was looking for.

Is the proposed bridge at the mouth of the river to be for cars, or pedestrians and bikes only?
Are bikes expected to use the travel path along the prom, and then the bridge at the mouth of the Esk? The roads are currently used by groups of bikers who take up all one of lane on the road and travel at speed. I would be concerned to have a group like this coming up behind me if I was using the path at the prom. I can see where people out walking with young children, or people walking dogs, to use two examples, would be concerned also.
Are groups of bikers going to be asked to continue to use the roads? Which would defeat the purpose of an active travel path.
Are there going to be bike lanes on the travel path?
I do not see much attraction in walking along the prom if there is no opportunity to sit down and look at the view, which will be obscured from a sitting position. Am I correct that this will be the case? (I cannot remember the proposed height of the wall, can someone remind me?).
Is it proposed to put benches on the sea facing side of the wall, with access points? If so, how wide will this mean the concreted over area to accommodate this need to be?
Looking at the approach to the proposed bridge at the mouth of the Esk , am I right in thinking that this is lined by chain link fencing on both sides? It seems this way from the illustration in the project update (march 2024. - View of the new Goosegreen Footbridge)
Is this the ramped approach for those using mobility scooters, or who dont want to /cant climb steps? How long is this approach?

Thank you to anyone who can answer.

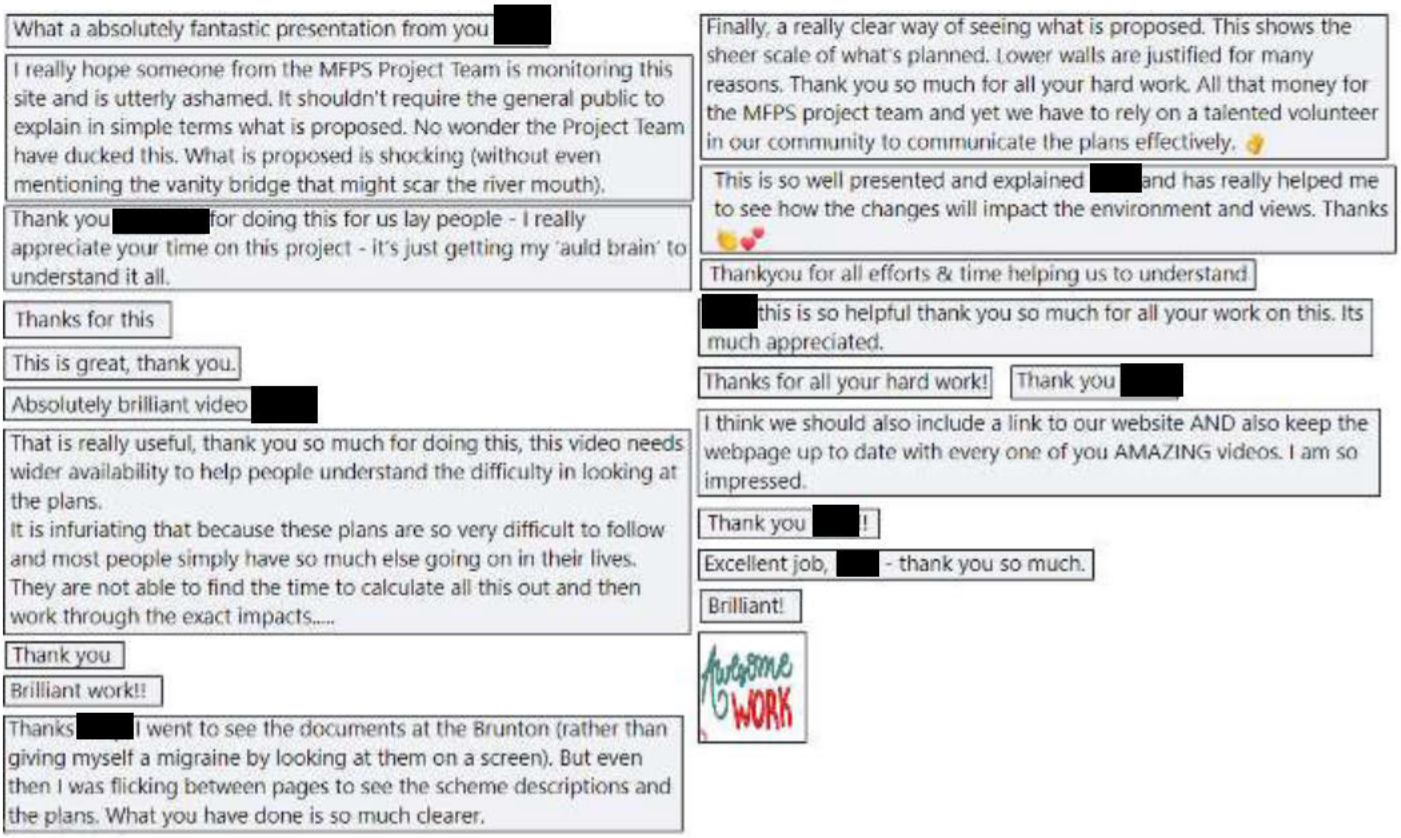
As time went on around January to March, there was a lot of chatter about various things to do with the Flood Scheme on social media. It became obvious that people really didn't understand what was going on, how high things would be and more basically, how on earth they got the information they needed to make an informed choice re whether they wished to object or not. A bit of an argument broke out at one stage on social media between two people – one arguing that the river was being made narrower and another demanding proof as saying that that couldn't possibly be right as it would make flooding worse not better. The information we had managed to uncover

from the project team seemed to not be getting through to the general public. People couldn't work out the heights, dimensions etc. They couldn't understand the drawings.

I [redacted] should do a little training video on how to actually find and understand the documents! So I actually did that [redacted] The response was really interesting. So many people commenting that it helped them understand things. I had actually said at one of the drop in consultations to the team last year that they should get Training professionals in to help them with their comms and stop using Marketing people. The important thing was for people to understand the scheme, not that they be 'sold' it in an overly positive light that misled them and didn't manage their expectations correctly.

The response on social media showed how badly the public needed better, clearer explanations of what was going on. And how badly the project team had failed in providing suitable, easy to understand, clear explanations.

Here is a sample of the kind of responses that came up on social media simply thanking a member of the public for taking the time to explain how things in the scheme worked from a lay person's perspective:



The purpose of attaching that above is not to boast in any way. Pretty much any basic Training & Development professional would be able to produce a nice clear explanation in layman's terms [redacted] But look at the reaction. It highlights how badly people wanted to understand the scheme design but who couldn't from the documentation provided.

There were 3 different target audiences for the Flood Scheme's Proposed Scheme documentation published in January and then notified in March:

1. The 22 East Lothian Councillors who need to understand things fully, so they could make an informed choice on whether to vote to approve or reject the scheme moving to the next phase
2. The public who need to understand things fully, so they can make an informed choice on whether to object to certain elements of the design or not
3. And for further down the line, the operational council team and future contractors who will have to quote for carrying out the works

The Proposed Scheme documentation was published on the East Lothian Council website one week before the full council meeting in January. The primarily target audience at this point was the Councillors and the public. However the documents were written by engineers and flood experts (i.e. subject matter experts - SMEs) and the format and language was definitely aimed at future contractors and operational council engineers and not at the correct target audience – the Councillors and public.

The full council meeting in January was designed for the project team to present the Proposed Scheme and explain it to the Councillors. The meeting would also allow the Councillors to ask questions and then ultimately vote on whether to proceed or not. However, the full council meeting was split into 2 parts. The first part, was for the project team to present the documentation to the Councillors and allow them to ask questions. This part was held separately and prior to the vote part of the meeting.

The full council meeting is supposed to be live webcast. East Lothian Council, like a lot of government bodies, adopt a transparency policy and let the public watch proceedings. The 'vote' part of the meeting was webcast. The first 'explanation & questions' part of the meeting was not. It was held behind closed doors. This was a misstep on two fronts. First, quite simply the public have a right to see the full meeting. Second, the council commit to transparency and this briefing taking place behind closed doors goes against that ethos. Third, the public really needed the same explanations that the Councillors did to help them understand the documents and were left to fend for themselves without instruction. And fourth, the explanation part of the meeting was held without public scrutiny. This erodes trust further, especially since so many of the public had lost trust in the project team already.

It has become clear to me over time that the project team were presenting things in a political manner. What I mean is that they would explain things in a way that would make the scheme more appealing. They would leave out information that would make people have a more negative view of the scheme. It was too consistently done to be a genuine error. It was always negative elements that were not communicated, so a huge coincidence that it was never the other way round.

At the 'vote' part of the January full council meeting that was webcast, there were a number of examples of this. The most stark example, which had a variety of different people independently shouting at their computer screens (I was on a Whatsapp Group while it was happening and the group chat exploded!) was [redacted] and the infamous '1 metre high / tolerable to the public' speech.

If you review the webcast video, [redacted] says about 5 times in the space of a few minutes the phrase '1 metre high wall' and 'tolerable to the public' at a point where he's discussing the defences along the River Esk. He's explaining that if a wall is about 1 metre, people can see over it and they find that height tolerable. He presents information well. He's clear and uses everyday language for the most part. He exudes calm confidence and appears plausible. You listen to him and trust him. Unless of course, you know that the River Esk actually has 28 measurement points on the drawings. And of those 28 measurements, only 2 of them are about a metre. The other 26 measurements are over 1 metre. In fact if you look at the 'wet' side measurements, they are all over double that.

My point is this is a perfect example of why public scrutiny is needed. Those contractors presenting to the Councillors were not being fully honest. They didn't lie as such. But a lie of omission is still a form of deceit. I can't say for definite what was in his mind but his answer showed a subtle and clever art of deceiving people who don't really understand the detail of the documentation. A number of the public who are on a Whatsapp group all reacted in unison at this point in the webcast. They spotted it. I spotted it. Some very concerned members of the public know the detail of those documents far better than the Councillors do. We have property right on the river, the Councillors do not. The scheme will impact our lives in a way it won't if you're a Councillor from North Berwick or Haddington. You could tell by the questions some of the Councillors asked, that they hadn't poured over the documents understanding the detail the way the public had. None of them pulled [redacted] up on his comments.

Shona McIntosh did ask a question though. She asked [redacted] how he knew that the heights were tolerable to the public and commented that the Councillors haven't actually seen the public feedback in full (see my earlier point re consultation feedback never being put into the public domain in full). This was an interesting question. Shona made

the mistake of asking a double question and followed it up in the same breath with a 'could the heights be changed if the public didn't find them tolerable'. The project team ignored her first question and didn't actually answer how they knew what would be tolerable. They did answer her second question though more or less saying, no the heights had already been reduced and couldn't be reduced further. This answer was from Alan Stubbs. He did not mention for clarity that some heights had been increased. Shona didn't follow up and push for an answer to her first question.

Shortly after that meeting, STV ran a piece to camera on the evening news about the flood scheme protests. As is absolutely right, they gave a right of reply to the project team and they included a quote in their reel:

'Those behind it [the scheme] say the flood walls proposed for around the River Esk have been reduced in height to around 1 metre to address concerns over their impact.'

In separate newspaper articles around the same time, this 'reducing the defences to 1 metre' quote from the project team kept being seen. It was like someone in the 'campaign' headquarters had decided this was a good selling point and understood that if they repeated it enough, people would think 'yeah that sounds reasonable' without actually checking the correct measurements. A bit like the 'strong and stable government' line we heard so often a few years ago!

At no point in any of these comms did the project team say a more accurate explanation like *'We've reduced the height of some of the defences to about a metre in a couple of places along the river. That will be on the dry side of the wall so people can still see over. But we've also needed to keep other defences quite a bit higher than that to protect from flood. Also, just to be clear the wet side of walls next to the river will be x higher than that. Plus we are building the land up at the river's edge, so the river water will be much lower down than the path next to the wall. Views of the water, especially if you are walking slightly away from the actual wall will be fairly restricted.'*

The January vote proceeded without much meaningful debate around the specifics. No-one asked about specific heights, locations of walls, why there were embankments or bridges in certain places etc. At the time, this made me pause to think. How come all these Councillors all seem to have very few questions about all these complex documents. Well, of course they wouldn't – they'd already had that part of the meeting behind closed doors!

It became clear to people watching the webcast of the full council meeting that it was like watching a TV drama court case, but the only people who were allowed to present evidence are the defence. Such a major decision was made by people who didn't fully understand the detail of the scheme, had only read explanations and drawings created by the scheme project team, only heard arguments for the scheme and didn't hear from anyone who would go through the various scheme elements and give the other side of the story. It seemed wholly unfair, biased and undemocratic.

There was supposed to be an Environment Impact Assessment report before the full council voted. This didn't arrive. The project team only provided a summary paper. This was however enough for the Green Councillor to vote against progressing the scheme, now that the full carbon footprint of the scheme was advised. The total amounts of carbon etc. are huge.

At the start of the meeting someone from Dynamic Coast attended and took up quite a bit of the time allotted for discussing the flood scheme talking about coastal erosion and such like. Their information went over my head for the most part and I'd be very surprised if it didn't also have the same impact on the Councillors. Their presentation was not provided in advance for the public or the Councillors to read, digest and ask questions of. They did say one thing that made me take note and that was that there seemed to be some kind of evidence that building flood walls where there is a coastal tide, can actually cause worse coastal erosion. This immediately flagged up at the very least, an uncertainty about what the Flood scheme team were proposing. The defences proposed along the coast would surely apply here. And in addition, there is tide movement along the bottom stretch of the river (north east of Rennie Bridge). This was a massive question being opened up right at the very last minute before the vote to approve. A few questions were asked but to be honest [redacted] and I walked away from that part not really sure what the outcome was. We certainly didn't understand when the proposals were approved by a majority of council with no proviso put in place to verify the impact of what the coastal erosion man had said.

Connor made the point that this worsening of coastal erosion was where the walls were put actually next to the water, whereas on the coastline the scheme's would be set back from the water. However, this didn't really answer the situation in the river where the walls are in the water and also didn't answer the point that the defences are all being built to last x number of years and the predictions for sea level rises would likely mean the walls at the coast may be in the water in time to come.

There was absolutely no time to investigate any of this further as the consultation phase was close to ending and the Proposed Design was being voted on that day. It felt very late in the day to add in an extra layer of important information that might impact the flood designs. I object to the scheme on the basis that the Dynamic Coast report wasn't given more time to be considered by the Councillors and the public. I also object to the scheme based on the fact that they have not included any 'beach nourishment' plan.

The project team have been reluctant to share their full data modelling and their numbers are based on an assumed sea level rise of 86cm, even though a great many studies have disagreed with this. There should have been a wider peer review of the modelling to ensure the Councillors and the public could put more trust in this scientific assumption that is the basis of the proposed Design. I object to the scheme due to the lack of further analysis and peer review in addition to the lack of transparency from the project team in this regard. This is particularly unacceptable bearing in mind various members of the public requested sight of this a number of times and the project team refused.

I won't pretend to understand the science side of the scheme but those that do advise that the choice of the year 2100 should be amended as we cannot accurately predict sea level risk that far. This again feels like something that a peer review would come to an overall consensus on rather than a single project deciding themselves. It is such a massive assumption base that everything in the Proposed Design is based on. I object to the scheme since this choice of year doesn't look realistic, even to a lay person.

Experts in the community have raised questions over planning so far in advance. I object to the scheme on the basis that they have planned for too far into the future and that it would be more sensible to monitor things.

> We've all just accepted Sepa's estimated worst case scenario sea level rise of c80cm by 2100.
>
> But. What if its only say 20cm, ie negligible & walls not needed. We will have lost the beach & our amenity due to the concrete walls.
>
> Or what if its 200cm? And the walls don't protect us!
>
> Is that not a good reason to wait say, 50 years, monitor, and THEN build appropriate flood defences along coast based on actual FACT?

At this stage the Musselburgh Active Toun (MAT) project was still combined with the Flood Scheme. All the Flood Scheme drawings and documents had the MAT paths and influence all over them. The width of certain things, the position of certain things etc. were all influenced by the MAT scheme. The environmental assessment summary included both the combined works together. The cost estimates included both the combined works together. The bridges being widened and replaced were all influenced by MAT. The size, position and quantity of the bridge ramps were all influenced by MAT. There was a MAT path all along Eskside East.

It's like in the Merchant of Venice where Shylock realises he can't have his pound of flesh as it's impossible without shedding blood too. The flood scheme might be the flesh, but the MAT blood was running through the scheme's veins!

The Flood Scheme and MAT were combined ages ago. The council granted permission to do this. It is unclear whether the council operations team, the Council Legal team, the Councillors and/or the outside contractors knew at this stage that what they were doing was going to cause them a legal issue. The two projects require different planning consents. Everything about MAT is deemed to be 'developments' as defined by the Town and Country

Planning (Scotland) Act 1997. Failure to obtain this planning permission for all MAT related elements would be to subvert this act. Every single structure and route that MAT requirements made the Flood Project insert into their design should go through normal planning regulations. Amalgamating them would effectively circumvent legislation. It would circumvent the ability of the public to have their rights to review and object to the separate project elements in their own right.

If none of those people knew this was a legal mis-step at that stage, this shows a level of incompetence or negligence. If some of them did know, this was a serious breach of the legislation. Either way, that decision to combine them has become the beginning of an error that has seriously jeopardised the whole flood scheme.

All of the documentation that included MAT and all of the consultation where MAT was discussed, have become tainted. The public have been told things that are not correct. They have been misled. The project team didn't explain to the public how the scheme could have looked without MAT.

And what was notified in March 2024 was not the same as what was approved by the council in January 2024. This is not a small typo or a minor change to a measurement. In March they changed a substantial part of the scheme that the council approved in January. And they did so 24 hours before notification. And they only did so, due to a member of the public who understood the legislation and knew they were making a legal error, raising a petition to make them remove MAT. To be honest, other members of the public had previously raised this issue and the council had ignored them. However less than 24 hours before the petition was due to be heard, the Council panicked and announced they were removing MAT. Someone went into all the documents in a mad rush, added a short summary on the removal of MAT to try and explain it away and then added the words 'proposed' next to the paths.

I simply couldn't understand what had happened and the implications. I tried to get answers by email. Nothing made sense. We saw information from various people in the council and flood team.

[redacted]

'The term 'Musselburgh Active Toun', or 'MAT', refers to both a route as well as a collection of physical assets… in the case of the bridges, the MAT routes cross the bridges, but the bridges as physical assets are part of the Scheme. Similarly, in the case of the embankments, the MAT route runs along the embankment crest, but the physical asset (the embankment and the path) is part of the Scheme. Consequently, it is correct to say that no MAT physical asset will be consented by the Scheme, albeit that a future MAT route will be able to utilise the physical assets of the Scheme. Where, in future, the MAT route requires physical assets which are not Scheme physical assets, such as paths at ground level adjacent to the flood defences, these will be solely part of the MAT project and will have to be consented as deemed appropriate in due course by the planning authority. I am therefore of the view that the statements made in the Design Statement and in correspondence by Conor Price and by the Petitions Committee are correct and consistent with one another. Finally, it might be argued that in the event that the MAT does not proceed, then having future-proofed the Scheme for the performance requirements of the MAT would have incurred unnecessary additional cost. This, however, is a legitimate risk management decision which the Council is entitled to take: choosing to incur an additional cost in the short term to avoid incurring a potentially larger cost in the longer term.

So just to be clear, Jacobs are saying that the council will incur additional costs building things that are for MAT requirements without the proper approvals. That is not ok.

Connor Price, External Contractor, Project Manager
'This project [MAT] is not being advanced to approval within the proposed Scheme.'

Carlo Grilli, Service Manager, Governance, East Lothian Council
'The Scheme documentation is all that is required to facilitate any comments, representations or objections that any member of the public may wish to make in relation to the proposed Scheme.'
'The MAT is not coming forward at this time and is not part of the Scheme… all of the information pertaining to the Scheme is already published and available.'

[redacted], MAT

'The Musselburgh Active Toun (MAT) is not part of the Musselburgh Flood Protection Scheme ("the Scheme"). That it does not extend into the boundary of the Scheme. The MAT project terminates at the MFPS boundaries.'

So after an initial attempt to explain things by [redacted] he possibly made things worse by admitting that elements of MAT might be built without the proper approvals and every other response thereafter simply started to repeat the mantra MAT is not in the scheme. Read the documents.

First, [redacted] information. He is trying to say that the physical assets such as bridges and embankments are Flood and the paths on them are MAT. This would kind of make sense if the size of the asset and location etc. were all designed specifically for Flood and not for MAT.

We have been told over the last 6 months that the rationale for certain things was because of the 5 metre wide path network that MAT wish to put all through Musselburgh. So the Flood Team have told the public a specific piece of information over and over and that would now presumably be wrong. But the project team are now telling the public, no those parts of the flood scheme that we told you were there because of MAT are actually there because of Flood and nothing to do with MAT. Were they being untruthful back then or now?

The Proposed Scheme includes in the documentation a replacement for the Goose Green and Electric Bridges. Currently the former is a narrow (about 2m) pedestrian only bridge location right next to the Electric Bridge, which is a cyclist only bridge. Both these bridges are being made higher to help reduce flood risk (let more water flow underneath them). But the proposed scheme has combined the pedestrian and cycling bridge with one wider combined use bridge. This follows the MAT requirements for 5 metre combined-use paths throughout Musselburgh.

There is no flood risk reduction in widening a bridge to 5 metres. There is no flood risk reduction in having one combined high bridge versus 2 separate high bridges i.e. keeping the pedestrians separate from the cyclists. Replacing the bridges like for like would be preferable especially as these bridges are very close to a school, so children have added protection for crossing the river without being mowed down by cyclists.

Retaining the replacement bridges as one combined 5 metre wide bridge is without question a MAT requirement and not a Flood requirement. The project team and the Service Manager, Governance and the MAT Director are all being untruthful when they say that MAT is not included in the Flood Scheme.

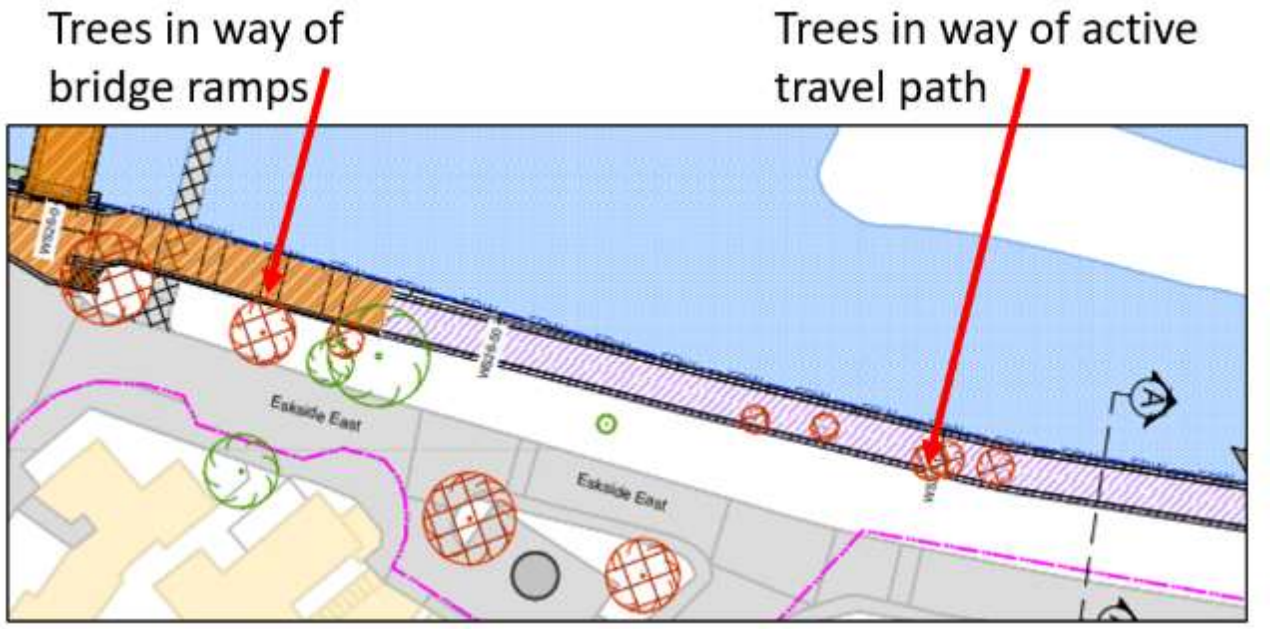
I asked specifically if they could confirm which elements of the flood scheme had been influenced by MAT and of those which had been removed. Rather than answer that question directly, they simply told me that MAT isn't part of the scheme and to read the documents. They are avoiding answering this specific question as to do so would either catch them in a lie or mean they would have to admit that MAT influences are still contained in the Flood Scheme in which case they are breaking planning laws.

The Ivanhoe Bridge further upstream was specifically mentioned in a report that Jacobs did in 2022. They stated that because it was already quite a high bridge, changing it would have a negligible impact on flood risk. That's their words not mine. Negligible. At that stage Jacobs recommended not touching the Ivanhoe Bridge at all. However, when the MAT design started to influence things, a decision was taken to demolish and rebuild this bridge completely. This decision was specifically linked to the MAT scheme and was not included for flood prevention purposes. But the new bridge was added into the Flood Scheme designs as the two projects were at that point combined. The bridge was to be joint-use (pedestrians and cyclists) and therefore not a like for like replacement. It was to be about 5 metres wide i.e. double the existing width to fit with the rest of the network of MAT paths. It was to have a massive ramp along the west side of the river. The reasoning for such a long and wide (5 metre) ramp was due to the previous bridge being accessible on the west side via a flight of steps. But MAT want cyclists to be able to access this bridge so the Flood scheme added a rebuilt bridge with long sloping ramps to accommodate MAT.

Replacing the Ivanhoe Bridge provides no flood risk reduction. Jacobs confirmed this in their 2022 report. It is only included in the Flood scheme because of MAT… which is apparently not in the Flood Scheme anymore. This is a massive contradiction. The council are trying to circumvent the proper planning processes for MAT. They are 'pretending' that elements of the flood scheme are nothing to do with MAT but this is simply not credible.

The other bridges further downstream have single ramps on the west side and double ramps on the east side of the river. The MAT caused this design element. The MAT route is to go along the east side of the river. If a bridge had a ramp only going down in one direction, this would be fine in normal circumstances. Having a double ramp does not give any flood risk reduction. The only reason for double ramps is to allow the MAT route to continue uninterrupted. The council are trying to circumvent the proper planning processes for MAT. They are 'pretending' that the bridge ramps elements of the flood scheme are nothing to do with MAT but this is simply not credible.

The drawings also show which trees they are planning on chopping down. A lot of them will be in the way of bridge ramps, walls or embankments. However there is a stretch of the river where the trees marked in red are not next to either. The only explanation for them being marked in red is that they are sitting where the 5 metre active travel path is planned. And yet MAT has been removed from the Flood Scheme. Odd!



The council must be aware that <u>all</u> MAT elements require planning permission and, where applicable, conservation area consent. They are putting elements of MAT into the Flood Scheme which goes against the relevant legislation. The notes that the project team hurriedly added to the scheme documentation the night before they notified it, are completely inadequate. The volume of emails and calls the council have received asking for clarity is testament to this. The council have a duty to adequately inform the public. Telling us to simply read the documents does not suffice. Members of the public have contacted their MP, MSP, the Head of Sustrans, people in the Scottish Government etc. asking for them to help get clarity and complaining about the situation we are now in. Nobody has been able to give any clear and credible explanation – because it is not possible to do so. They were about to break planning laws, knew they were about to do so, had been advised by members of the public the previous summer that they were breaking planning legislation and finally under pressure cobbled together some kind of way of making it look like they had removed MAT… without actually removing MAT.

It makes trying to figure out whether you like parts of the scheme and which bits you want to object to almost impossible. I received the following from Andy Forrester, Councillor:

'I would suggest that you put in what objections you have to the current proposal
For the flood prevention scheme and include why you think the active travel should or should not be in the plan but this is not the final plan and will be subject to changes depending on what objections are put in by the people of

Musselburgh once this is complete it will then be costed up and brought back to council for approval, but as a member of the planning committee I cannot make comment on whether some is correct or not until it come to the planning committee'

So the Councillor wouldn't/couldn't help a member of the public re what the situation was with MAT, how come certain things were still in the Proposed Scheme. He seems to be suggesting to object to MAT elements as well as the flood elements all under the objection phase of the Flood Scheme. To be clear, I have not focused on specifically objecting to MAT in this letter since we have been told it in not in the Proposed Scheme. I do have views on the use of combined paths being unsafe and that grassy riverbanks shouldn't have active paths put on them but it does appear that if MAT is not included in this scheme that I should not be commenting on those elements.

However, I and other members of the public, are worried that the public will not object specifically to the MAT elements in this objection phase for the flood scheme. And then later on the council will simply apply for some kind of change of use for the bridges and verges and turn them into MAT paths again circumventing proper process. However, like most people I feel powerless to figure out how to combat this possibility.

To resolve things there are two possible solutions. The council could postpone the notification of the flood scheme and apply for the appropriate planning permission for MAT. Only if MAT then secured approvals, can the flood scheme start the consultation/approval/notification/objection phase all over again.

On the other hand, the council could pause the flood notification, redraw the documents for the flood scheme to remove the MAT completely and then restart the consultation/ approval/notification/objection for the flood scheme without the MAT elements all over again.

Either way, this colossal error the council and the project teams have made is costing the council extra monies and adding extra time and has created huge dissatisfaction with the public and a loss of trust in the elected officials.

The situation with the MAT removal/nonremoval has caused serious upset in the community. Experts living in Musselburgh have advised:

'The council can retain the scheme as presented, but apply for planning permission for the MAT elements without delay and approve the scheme only if it succeeds in obtaining planning permission. Considering that has a time delay element and as such the council may wish to progress forward more speedily, the councillors can instruct that all MAT elements are removed from the design and the scheme re-presented for public consideration and, subject to there being no unresolved objections, approve the scheme for the minister's pursual.
Public consultation and objections must be based on precise information easily understood by those it is intended for. The inclusion of MAT without planning permission is a layer of complication requiring skilled abilities to imagine the flood scheme without MAT, should permission not be granted.'

Public consultation must be based on precise information which is clear and easy for the public to understand. Council votes should also be based on precise information which is clear and easy for the Councillors to understand, so their vote is informed and valid. Retaining the MAT elements in the flood scheme design makes it too complicated for a lay person (certainly for me) to understand what's going on. It is presumably similar for the Councillors. I don't have the ability to reimagine what the flood scheme would look like should MAT not secure its separate planning permissions. I doubt the Councillors do either. None of the visualisations that the Flood Scheme included in the notified document pack have been altered and are therefore misinforming the public about what the area will look like once the Flood Scheme without MAT will look like.

In addition, there is such public outrage at both projects for proposing turning the existing east bank of the riverside from the Rennie Bridge right down to the mouth of the river into effectively a road – 5 metres of tarmac/concrete. Removing pretty much all of the flat grassy slope that people currently walk on – that there is a significant possibility that the pressure on Sustrans to abandon funding this element that MAT will also have to abandon it, unless the

Council can find the money for it from somewhere else. There are currently complaints lodged with Sustrans and communications with their Chief Exec ongoing.

And finally, there are two funding subsidies on offer for each of these projects. The Scottish Government has said it will cover 80% of flood protection schemes. Sustrans will fund active travel. The flood scheme is currently artificially inflating the cost of the flood protection measures by including items that are not there for flood risk reduction purposes. The public outrage at the MAT/MFPS fiasco may be sufficient for the Scottish Government to scrutinise more closely that total specification and costings for the flood scheme and come to the conclusion that a proportion of the capital expenditure is not being presented in good faith, and they may refuse to cover it.

This whole project could become a funding disaster, with a specification having been drawn up that then is refused the relevant funding and the over engineered elements may need removed from the drawings anyhow further down the line, wasting more time and money in the process.

As a member of the public concerned about what is about to happen [redacted] I'm really not sure what I am supposed to be objecting to anymore. I don't know whether to object to the combination of bridges now or wait for MAT approvals since that was due to MAT. I don't know whether the position of the wall on the other side of the river that will look terrible [redacted] could have been different now that MAT is no longer part of the scheme. I was told it was in that position because of needing to protect the MAT path from flood, but I simply do not know anymore.

And just to take a step back for a moment, I'd like to repeat what I said at the outset – I do believe we need some flood protection. The council and their contractors have made such a mess of their designs and project scope that this whole project could be in jeopardy. Musselburgh is low down on the overall list of councils at risk from flooding. With limited resources, the Scottish Government may decide that Musselburgh shouldn't be funded. And then residents like me are back to square one with no flood protection and my council tax monies wasted on years of contractor fees that amount to nothing. I am seriously concerned about this particular possibility.

At the end of the full council meeting, the Councillors voted on the scheme. Each Councillor voted along political party lines. So there must have been a 'whip' instructing them how to vote. The Councillors gave their views. None of them admitted to being 'whipped' to vote along their respective party lines. It is unclear how many of the Councillors who voted to approve, actually genuinely supported the designs. Some did look quite uncomfortable. Some asked questions that showed they may distrust certain elements. Some asked questions that showed they didn't really understand the detail. Some said things afterwards that showed they may not really support the scheme but wanted to see the next stage to give people the opportunity to object formally and also they wished to see costings being firmed up.

So now, [redacted] and I sat and really looked at all the documents in detail. It took ages. Literally weeks. The parts of the scheme that would most impact us are [redacted] the area at Fisherrow Links as [redacted] goes running, football training etc. around there. I also like to walk all around the area.

[redacted]

The Proposed Design plans to build out into the river on the west side, making the river narrower on this side by about 1 metre to 2.5 metres. At either end of this stretch on the riverbank, close to the two bridges (Rennie and Shorthope) there will be a flood wall. There are no cross sections for these flood walls on this side in the Flood Scheme drawings so they have not told us what their heights are. The main stretch of land though between these bridges and flood walls is going to be a large embankment. It will be situated 5.5 metres towards the river from the pavement. It will slope up on the road side for about 4 metres and the side of this hill will be covered in grass. It will have a 2 metre wide concrete path along the top. The height of this path will be 1.83 metres from the existing ground

level. It will then slope down towards the river for about 5-6 metres. The last 2.5 metres of this slope will be the area where the flood scheme will have narrowed the river.

Last year when we first saw the embankment idea, we thought this was an odd form of flood defence. The rationale for not having flood defences on the property side of Eskside West is that apparently we need to protect the road from flooding. We've all seen torrid waters gushing along rivers in a flood on the telly, ripping up trees and roads and carrying cars away. So I asked one of the engineers how that would impact on an embankment like this. Would the flood waters not wash away the embankment earth, grass and planting. If it could rip up and wash away the tarmac on a road, surely it would wash away the earth of an embankment. The engineer advised me that an embankment is actually a wall with earth over it. The embankment has a core like wall with foundations, similar to a flood wall. Interestingly the Proposed Scheme drawings show some kind of foundation but don't show the core stretching up into the embankment.

Either the engineer was wrong, there is no core and the embankment would be at risk of erosion each time there was a flood, or the engineer was correct but the drawings are wrong. Either way, there's an issue. It is clear that the Councillors do not know that there might be significant maintenance costs for re-earthing and replanting/grassing the embankments should there be a flood. It is also clear that the Councillors didn't understand the drawings sufficiently to highlight there was an error on them where the central core was missing. Either way, the Councillors have voted to approve a scheme without being fully informed. In addition, if the embankments are likely to lose their form in a severe flood, does this mean that they would likely fail and the water would rip through them and flood the roads and houses? There would be a repeat like the expensive Brechin flood walls failing. This would be catastrophic for the town in itself as flooding is not good. But separately it would also be extremely embarrassing for the Council to have pushed through a scheme, facing such public opposition, only to see it then fail. This all needs resolving. And the implications of resolving it need to be considered by the public and the Councillors. Will a core, wall like centre cause damage to the trees that has not already been highlighted in the report? This might be another objection item for the public but one which people didn't know about as it was not included in the consultation or the Proposed Scheme documentation.

The height of the embankment at 1.83 metres higher than current ground level at the right position on the river bank is important to me. So important I went down to the river bank [redacted] to take some measurements and photos.

This photo below is [redacted] outside [redacted] on the west riverbank looking across the grassy riverbank to the water and over to the other side. Beautiful view.

This next picture is taken immediately afterwards with me holding up the measuring tape so we get a precise measurement and then I've pasted a green rectangle onto the photo to obscure me, but with the top edge level with where I held the 1.83m height at and the bottom edge about where the embankment will start to slope up.

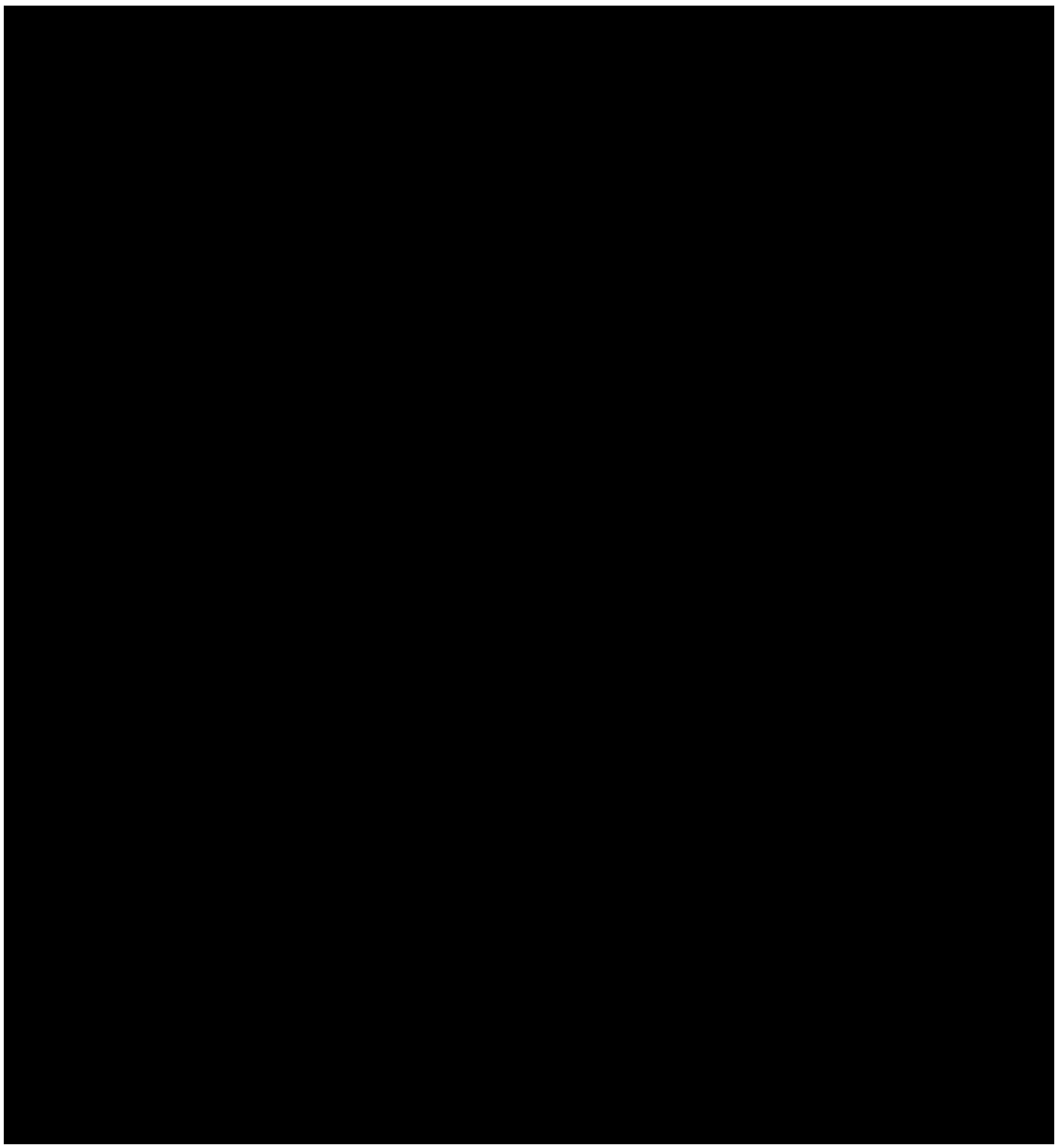
You can see clearly that the whole view of the river is completely obscured. Note, also that there is no visualisation of this particularly bad view in any of the Proposed Scheme documents. They have deliberately hidden how bad this particular stretch of the river will be. As I've said before, the consultations were more like 'marketing' events that genuinely trying to help people visualise the true impact of the scheme. The newsletters also read like adverts trying to sell it to us rather than explain the detail. The only visualisation of this stretch of river is taken from high up on the river side and looking down, which means they are able to imply visually to the public that this stretch of the river will still have river views. Look at the picture below and compare it to the picture above. The one below is either

negligently inadequate or deliberately inadequate. Either way, its outcome is to mislead the public.

Let me finish my point [redacted] and then I'll come back to the visualisation above.

This next photo is similar to my previous one but [redacted] the embankment will obscure pretty much all of the river as per my previous photo. This one shows a slight sliver of water as it's taken from a standing position. Bear in mind below that they are also building into the river on the other side by about 3.5 metres and the wet side of the wall would be about 2.5 metres high on that side. The public are unsure about the wet side measurement since as already explained they wouldn't give us this answer. However, 2.5m is roughly what the scale drawings show it to be. Therefore what little river you can currently see from this angle in the photo below, will likely be completely obscured since the other river edge will be closer and have a wall build there.

Please also consider this. I am having to do all the work, trying to calculate heights and distances and figure out from the engineer drawings that they are building into the river a point which has never openly been explained to the public. The project team had a duty to help us understand. It shouldn't be this hard.



The embankment does not only obscure views of the river for anyone living on Eskside West, or walking along Eskside West, it also removes the amenity space that currently exists right along this stretch of the riverbank. People currently walk their dogs who run back and forth on quite a wide grassy area. Ducks and swans waddle about and Mums, Dads, Grans and Grandpas bring their kids and grandkids and feed the ducks here. People sit on the park benches or on the grass on nice days. I enjoy watching all this [redacted]. People watching is very relaxing. I also go out and walk along the river or simply go out and sit there too, watching the water go by. The Flood Scheme will remove this completely. I will not be able to see the river [redacted]. I will not be able to sit anywhere along this stretch of river.

This massive embankment will stop everyone enjoying this amenity space the way they currently do. The only thing you will be able to do, is to climb up the slope and walk along the concrete path at top of the embankment. You will be high up looking down on the water like walking over a bridge, rather than walking along a river bank. It will change the look and feel of the area completely. Dog walkers will need to put their dogs on the lead, since they will be sharing a narrow path with other people rather than running free across a wide grassy expanse. Will the ducks and swans still climb up the hill, through the riparian planting to the top? Will people still be able to feed the ducks? Will the ducks and swans take up the whole of the path and stop people from getting past - there are a lot of them!

There will be no space for park benches at all along this stretch of the river. If the council do leave the benches in place, they will sit and look straight into the side of a grassy slope. We asked the project team if they could put seating areas at points along the embankments but they refused. My husband [redacted] Last year for his birthday we went

and got a Luca's ice cream and walked along the river. He can only walk a short distance and needs to sit down often. Climbing the slopes these embankments will have and walking this distance without any seating will actively discourage him from being able to use this amenity space and enjoy what used to be a beautiful river side walk. I assume this is the exact opposite of what the council would have intended in terms of encouraging people to walk more and get out and about for our health, not to say the loss Luca's will have by my husband not buying their ice-cream 😊

The slope leading up from the street side of the embankment will be grass and the other side will be riparian planting. The council will need to allocate additional greenkeeping fees into their budget as cutting grass on a slope is more time consuming and requires smaller machines than those that can cut large areas of flat grass quickly. There is no additional monies in the council budgets currently for this. This is an omission. In addition, this slope will be completely north facing and never see the sun. It will also be in the shadow of the trees. The grass will become mossy quite quickly and again extra greenkeeping care will need to be budgeted to keep this space well maintained and moss free.

On the other slope, leading down to the water's edge, there will be riparian planting. This is apparently a term used to simply mean planting by a river's edge. However, these plants also need to be water tolerant. This means two things. Firstly, they will be natural but less aesthetically pleasing plants. Tall grasses and reeds. No geraniums or daffodils or heathers or hydrangea etc. So essentially more like there is currently upstream and not like the flower beds that are currently on this stretch of the river and which are so often used in organisations' marketing materials. This natural aesthetic is ok in a natural setting but is very out of keeping with what this stretch of the River Esk flowing through Musselburgh has looked like for decades. The Flood Scheme has decided to alter the overall look and feel of this area. That was not contained in their brief. Altering the look and feel is not directly reducing flood risk.

I mentioned in my introduction, how marketing people are professionals who know their trade. They almost always choose the manicured grass and colourful flower beds to advertise Musselburgh in a positive light. They practically never show pictures of the reeds and grasses growing wild further upstream. When the people of Musselburgh were asked what they wanted from a Flood scheme, people did not say, please make this stretch of the river look less appealing. In addition, planting that is water tolerant is also prone to disease and dying if they stay dry too long. It is far more likely that this side of the embankment will be dry during the summer for long spells than is the likelihood of flood waters submerging the plants regularly. The Council have not included extra budget for caring for and replacing plants as they die. Or for watering the plants regularly in hot weather.

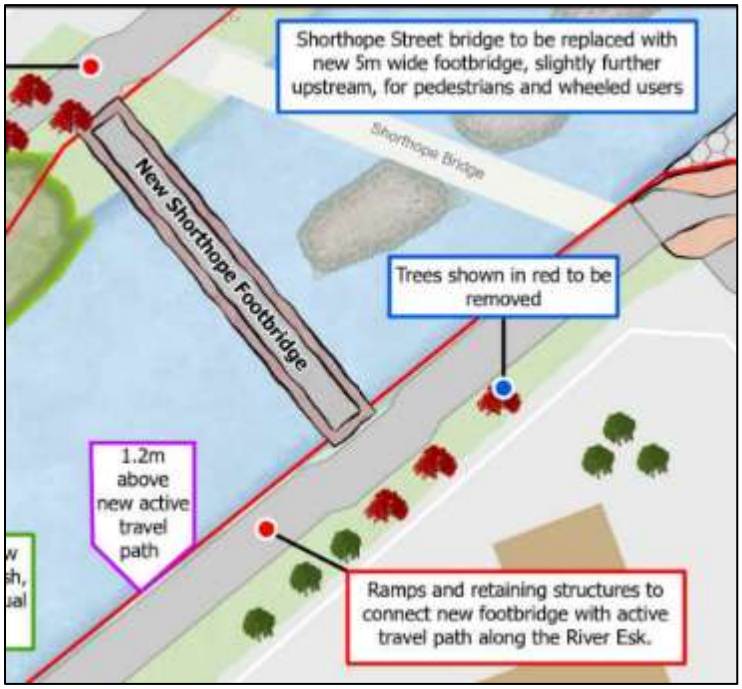
And finally, this planting is supposed to encourage more biodiversity. In fact this was the only rationale that the project team engineer could come up with to explain to me why an embankment was designed for this stretch of the river (and the next one along). They wanted embankments to encourage bio-diversity and this was one of the few areas they could find to actually place one. Even thought the residents that live there said they didn't want a massive embankment outside their houses.

Re the biodiversity point, there is no mention of any assessment made re the increase in rodents that may live in and travel along these reedy areas. Nor any analysis of the extent to which they might simply cross the road and decide to take up residence closer to crumbs and scraps of food [redacted]! This might sound a bit odd but this is a serious concern. If he becomes prone to mice or rats, certain members of the family plus friends would simply not go and visit him any longer, including me!

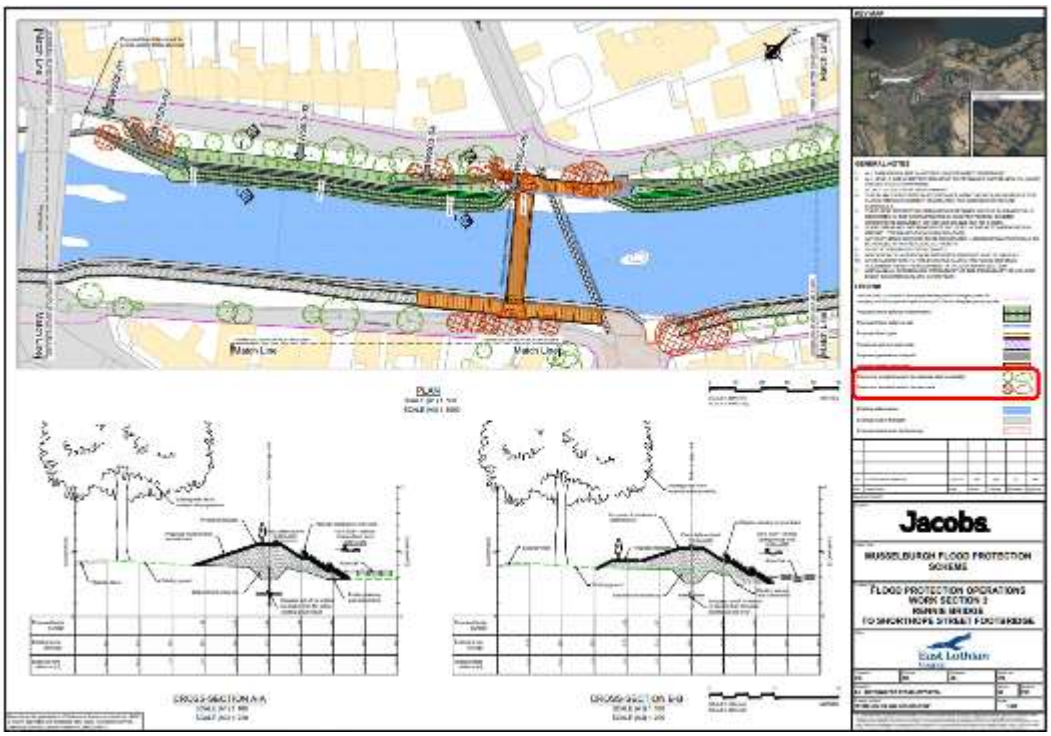
The embankment [redacted] is shown on the drawings and the 3d fly through from last June, and the Proposed Scheme drawings. All 3 are the same in the respect that the path along the top of the embankment as you're heading towards Shorthope, bends down left towards the pavement and road. The flood defence is continued with a wall, the height of which the project team have not told us as it's not on the drawings. The bend is shown on each of the drawings and fly through as turning [redacted] If the embankment path really does bend at this point, it will plough straight through a whole load of trees currently marked green on the drawings. I spotted that last summer and raised it with the project team. They ignored me. I raised it again in January with [redacted] and Connor when I saw that the new Proposed Design has it marked

exactly the same. They promised to look at it but they didn't write that point down and again I didn't hear back and the drawings that have been notified remain as they are.

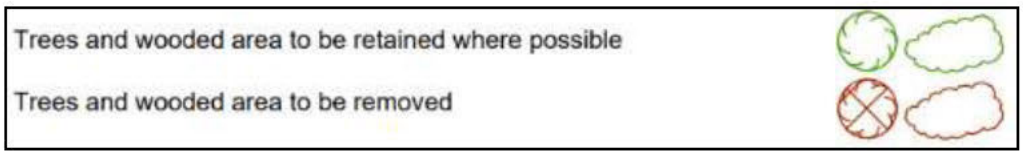
So let's talk about the trees for a moment then. Prior to June 2023 [redacted] advised me that they had taken from the consultations that the number one priority from the public was the height of the walls. However, after the Outline Design was published in June, it became obvious that the trees were as or more important based on the huge public outcry and significant protests – people tying ribbons round trees and generally getting very upset. The June 2023 drawings had a system for showing people which trees they were going to chop down. They marked all the trees in red and green. They marked clearly next to them 'Trees shown in green to be retained' and 'Trees shown in red to be removed'.



When the Proposed Design materials were published in January 2024, they still marked all trees in green and red but the legend had changed. Instead of having descriptions next to items on the actual drawings there was small print over at the far right hand side (shown highlighted in red below).



This time the green trees were supposed to mean 'to be retained where possible'. The red trees were still 'to be removed'.



Most people know that red and green are instinctive colours with a meaning automatically known by the public. Green tends to mean good and red tends to mean bad. In work settings it's often called a RAG system standing simply for red, amber, green i.e. the colour of traffic lights. Green is used in many professions for - project is on track to meet its deadline, patient is stable, software is bug-free and ready for release etc. Likewise red would be project has missed interim deadlines and will not meet end deadline, patient is critical and needs immediate lifesaving care, software has major showstopping bugs and release needs to be postponed. The amber position tends to be either somewhere in the middle or undetermined, so - project has missed some interim deadlines and uncertain whether end date is still doable, patient needs care but not life threatening, software has some bugs but unclear yet whether they can be resolved.

When the project team changed the green tree meaning from 'to be retained' to 'to be retained where possible' they broke the traffic light system rules. If they don't know what will happen with some of the trees, they should be amber. Green implies a definitive outcome i.e. that they will be safe and no one will chop them down. Against the backdrop of the huge public outcry about saving as many trees as possible, the fact that the project team altered the green meaning, put the tag away over at the far right hand side in very small print and didn't proactively explain to people that they had changed the meaning was either deliberately misleading so as not to cause more public outrage or a massive omission in communication with the public.

I spoke to [redacted] in January 2024 and asked them politely but specifically to change the colour coding on the trees they weren't sure about to amber. In an unguarded moment [redacted] reacted with amused panic saying that 'really would make the public go mad'. I tried to persuade him, feeling strongly that it was misleading people the way it was just now but [redacted] refused. [redacted] showed on that day that he was making a presentation decision based on political reasoning and not on strict factual basis. Even though he is an engineer, he and others, have shown themselves to present information about the flood scheme from a political slant. Instead of just being honest about a negative aspect, they have withheld information, obfuscated and generally made things very hard for the public to truly understand. This was a particularly clear and simple example.

I wrote to the project team simply asking that they change the tree colours to green, red *and* amber. This is the response from Alan Stubbs.

Dear [redacted],

Thank you for taking the time to contact me regarding the Musselburgh Flood Protection Scheme (the Scheme). Your engagement and participation in the project is very much appreciated. I am aware that you have met with the Project Team on a number of occasions and I am told that some of your contributions have resulted in changes to the outline design in the [redacted]*. This is the type of positive participation in the consultation what we aspired for when we began the process.*

In your email you are clear that you are highlighting text on the Scheme Drawings as you feel this text may be misleading. Thank you for communicating this to us. It has allowed me to fully review the work of the design team and to verify the approach we have taken on this matter with the Scheme's Project Board which includes representation from the Council's Legal and Planning Services. These tree icons have been designed to indicate intent at a particular snapshot in time: i.e. based on the information available at this time, it is intended that trees shown in red will need to be felled in order to construct the works, and it is intended that trees shown in green will not need felled in order to construct the works. The use of green and red colours appropriately indicate positive and negative intent, rather than an absolute outcome. This approach is neither inaccurate nor misleading as is being asserted.

Furthermore, it is considered that the use of, 'where possible' adds clarity as to the Council's intent, rather than reducing clarity as is being asserted. In the future, after the Scheme is approved under the Act, when the detailed design and the construction phases are progressing and where new information becomes available, it is entirely appropriate that the consideration of affected trees might change. Some trees that we thought would need to be felled might not be. Others that we thought would not be affected, might need to be felled after all. This could occur as a result of numerous things, e.g. unforeseen ground conditions, unrecorded utilities, unrecorded archaeology, or unforeseen methods of working on the part of the contractor, all of which could cause a legitimate change to the design of the flood defence structures relative to what is shown on the scheme drawings. As with any aspect of the Scheme, approval to change something, such as which trees are affected, would be subject to the project's change management process. This means a proposal to remove additional trees would have to be considered and approved by Project Board, under devolved authority from the Members, in advance of those trees being removed. I therefore consider that there is no inaccuracy, or otherwise misleading information within the Scheme Documents, and specifically in this instance in relation to the definition of tree impact.

As you will know at a meeting of Full Council on the 23rd of January 2024, your elected representatives agreed to progress the Scheme to the next stage of the project, known as the Statutory Approval stage. This marks a significant milestone in the journey towards achieving flood protection for the town and the team is now working to present the Scheme to the public for formal consultation. This is the next step in evolving and ultimately working to approve the design and thus the Scheme. There is nothing in this stage and / or these processes that is linked to future construction contracts and their form and / or the authority that Council ultimately determines to include within them. I feel this point is important as you are concerned that text in drawings today and / or decisions in this stage might result in powers being held by contractors in the future: this is not the case.

We note the concerns you have raised, and the suggestions made. I would like to highlight that we do not yet have an approved design. The design can change as we progress through the next stages of the Scheme. Only once it is complete will we have a full understanding of tree impact. And only after that will we commence framing future contracts with external contractors and within that process we retain control of what approach is taken to trees. We will certainly be communicating the importance of protecting as many trees as we can and we will work with the contractor to ensure they take reasonable measures to protect existing trees to minimise any trees required to be removed to achieve access.

Regarding your thoughts on the appropriate use of RAG Analysis I would simply highlight that with regards to this matter we have not used a RAG Analysis on the drawings. We have on occasion used this approach, but this is not one such occasion. What you have seen is a draft Scheme Drawing. When we notify the Scheme before the end of March 2024 our Scheme Documents will include: (i) Scheme Drawings; (ii) the associated Schedule of Operations; and (iii) the Environmental Impact Assessment (amongst other documents). You have not yet seen these productions. You have certainly not yet seen the EIA, which is the legally required document that considers the environmental impact of the design, including in this instance the impact on trees. This is to be submitted as part of the Statutory Approval stage. I would therefore ask you to wait until these documents are public and review them in full then. Thereafter, if you so choose, you may provide a written objection to the Scheme which allows you a formal route to convey to us your thoughts on the design.

Thank you again for taking the time to contact me regarding the scheme.

Kind Regards,

Alan Stubbs, Project Executive
Musselburgh Flood Protection Scheme

Note three significant things with this response:

First, that this is the first time in all the consultations and reading Outline Design documents and Proposed Scheme documents that anyone has ever said that something on the drawings was just an 'intent at a particular snapshot in time'. This completely shocked me and [redacted]. I wrote back and asked if that meant that everything on the documents was just 'an intent at a particular snapshot in time' and could therefore be changed e.g. all the heights, distances etc. I didn't hear back.

Second, that Alan stated that they had not used a RAG status. This was quite a bizarre thing to say. They had marked things in red and green. This is the definition of a RAG status. They just chose to mark the amber items in green! And Alan also chose to paint the picture that every single tree was technically amber i.e. no definitive decisions had been made for any of them.

And third, they had altered the green status from last June 'To be retained' to 'To be retained where possible' but hadn't made similar changes to the red status, even though Alan seemed to be saying that those ones might not be chopped down. Why add clarity to one colour but not the other.

And finally, re the trees. Last summer I was in [redacted] [redacted](decorating) while he was at work and saw a man outside at the trees on [redacted]. I went down to speak to him. He was carrying out some kind of assessment of all the trees for the council. From the conversation with him and with [redacted] we know that if you build deep foundations near a tree's roots or lay a lot of heavy machinery on the ground around the tree roots or pour concrete on land surrounding a tree, these things all pose a risk to the tree's survival.

The council and Jacobs have the resources to carry out a full and detailed survey of all trees, measuring the canopies to analyse how far the roots would have grown underground. They would be able to assess for the building works planned, which trees would definitely need to be chopped down or would die, which trees would definitely not need to be chopped down and would not die and those that might get in the way and need felled or otherwise might be at risk from the works. There is no reason at all for not being able to mark clearly these categories in green, amber and red.

The project actively misled the public on a piece of information that was known post the June 2023 Outline Design being published, as being the single most emotive and controversial aspect of the flood scheme – the destruction of the beautiful trees. The public did not see the small print. The public did think green meant that tree was safe. The reactions on social media to [redacted] what was happening with the trees proved this.

> Thankyou for highlighting this [redacted], we need to do all we can to save these trees. We have seriously been misled !

So I had explained to the project team that the green colour had misled me and [redacted] and we thought it meant the trees were definitely safe. We also knew of other members of the public who had been misled. After telling the project team the public had been misled by this, the project team refused to change it. Therefore they were now *deliberately* misleading the public.

[redacted] had also said something that was interesting and new i.e. had not been included in any of the Outline Design or Proposed documents or in any of the consultations – that some of the trees that would be felled would be chopped down not to accommodate the actual flood defences but simply so the contractors could get their big heavy diggers etc. access to the area. So after all of this has finished, there will be gaps where beautiful mature trees used to be, and no obvious reason why they are gone. I haven't seen any information in the documentation that explains that the team investigated alternative mechanisms to say 'hoist' large equipment down to the riverside so they could save some of these trees. This option hasn't been considered or costed and presented as a possible solution to the public or the Councillors.

I am particularly worried about the trees [redacted] Obviously I care deeply about all the rest along the river but the ones I look onto [redacted] are beautiful and very old, so would take ages to grow back if they had to be replanted. As already mentioned, I think the drawings are incorrect in relation to the trees that are currently in the road of the embankment path when it bends down to the pavement [redacted]. Most of the trees are marked in green but if the drawings are correct, far more of them will need to be chopped down than are currently marked in red.

It is unclear whether the embankment needs a deep foundation for its core the way a flood wall does. Assuming it does, this will impact the roots of the trees. In addition, there is no mention re whether putting a large mound of earth on top of the land where the trees' roots are will cause an issue. Plus the slope will have water run-off on a north facing side which will stay wet and may become boggy at the tree root area. The project team have left things open and have not given the public (or me) any guarantees that these beautiful mature trees will definitely survive the project scheme works and changes to the landscape. Losing those trees would be catastrophic to the beauty of the place and would [redacted]. And you can't guarantee the trees are safe either.

And yet another example of the project team saying things that are not true and misleading the public - the June 2023 drawings of the trees along the River Esk are marked green and red. There were 88 trees marked in red. There was a big public outcry about saving the trees. The project team altered part of Eskside West between Rennie Bridge and Roman Bridge and that stretch of the river now has 15 less red trees marked for felling. This sounds like good news. However the total red trees has gone from 88 last year on the Outline Design to 102 this year on the Proposed Design. So if you ignore the 15 trees being saved, they would actually have increased the red trees by 29! That's an extra 33%.

This is even more surprising considering in October 2023 the project circulated a newsletter with a whole page dedicated to how they had reduced the impact on trees. As I've said before this is a *marketing* comms i.e. meant to present the project in a positive light rather than truly inform the public. It withholds information that would appear negative, such as increasing the total number of trees to be felled. Note, how the newsletter doesn't give actual numbers of trees to be felled or numbers they have now saved. Likewise the Outline Design and the Proposed Design documentation both omitted to include an actual statistic on trees expected to be felled. Members of the public had to sit and count all the red marks to figure this out.

Reducing the impact on trees

In June 2023, the first vision of the Outline Design was presented to the public. This design had undergone substantial developments aimed to minimise its impact on the trees along the River Esk corridor. These changes were a direct response to the feedback received during consultations between 2020 and early 2023.

To mitigate the impact on the local tree population, many of the flood defences were strategically repositioned compared to the 'Preferred Scheme' presented in 2020.

The Project Team acknowledges the positive feedback regarding these efforts to preserve the town's trees. At the same time, the concerns about the potential impact on the existing trees along the Esk are also noted.

The Project Team have been diligently striving to incorporate the town's aspirations into the Scheme's design. This involves finding a delicate balance between retaining trees, enhancing the river's natural environment, addressing parking concerns, and providing effective flood protection within the limited space available along the river corridor.

The initial vision of the Outline Design reduced the potentially loss of trees considerably, all thanks to the valuable input received from the community

Continuous refinement of the Scheme's design is an ongoing process, driven by your feedback. The Project Team are working to revise specific sections of the design to further reduce the impact on trees and aims to preserve as many as possible. Additionally, progress on the Environmental Impact Assessment (EIA) report is informing further design modifications.

Mall Avenue from Roman to Rennie Bridge

The design of the Scheme has been planned to reduce the impact on trees at this location. The flood defences and Active Travel path are proposed to be constructed around the avenue of trees, offering a picturesque route along the defences, connecting to the underpass at the Rennie Bridge.

Eskside West and Eskside East from Rennie Bridge to the Electric Footbridge

Similarly, efforts have been made to retain the majority of trees along the banks of Eskside West and Eskside East from the Rennie Bridge to the Electric Bridge. In areas where new footbridges are proposed, a limited number of trees may be impacted to create access for the new bridges.

The project team are going to build out into the river [redacted]. This in itself does not reduce the risk of flood. In fact narrowing a river has the opposite effect. There is no explanation in the documentation re why they are doing this. They did not advise that they would narrow the river in the Outline Design last summer. The first time we saw this was in the proposed Scheme materials. It took me a while to spot it and it has become too late to ask since the consultation window has closed. Something so substantial as narrowing the river was not publicly explained or acknowledged. As I mentioned earlier, at one point in the last few weeks an argument broke out on social media between two people, one saying the river was being made narrower and the other saying it wasn't and demanding proof! When they were shown the part of the cross section on the engineer drawings that has the old retaining wall to be removed and the new river's edge, they backed down. This shows that the project team had simply not explained this element of the design to the public. It also shows that the engineer drawings were too complex for most people to really understand what they meant.

The project team decided early on to remove nature based solutions and only really focus on hard engineering solutions. There is no independent analysis done by experts in this field to justify excluding more nature based solutions than the project team have included.

The height of embankment [redacted] means that people will be walking along a path with their heads level with the front windows. This will impact on [redacted] privacy. You do not expect when [redacted]! The project team have made a token gesture amendment to reduce the height of the embankment but not sufficient to actually stop people from being able to see in. This is unreasonable and unacceptable.

The Shorthope Bridge [redacted]. It is to be rebuilt to make it higher and to remove the central pillar. Both these requirements are to support flood risk reduction. However, they are also changing the angle that the bridge will be rebuilt. Currently the existing bridge was designed so that the end on the east side dismounted towards a street, at the car park. The Flood Scheme are now changing the angle of the replacement bridge so that it dismounts in front of residential properties. This won't have any benefits from a flood perspective but will ruin the view of the river for the people that live there. It will also mean that the end of the bridge plus the large ramps that lead down from it on the east side, will be visible [redacted] This bridge has double ramps going both south west and north east. These double ramps are specifically to accommodate MAT which is not supposed to still be within the flood scheme. They are also 5 metres wide specifically to accommodate MAT which increases their scale and will make them look massive ugly concrete structures. This is not a like for like bridge replacement.

On the other side of the river [redacted], as shown in the photos above, the beautiful view includes not just the grassy west riverbank but also the river and the view of the opposite east river bank too. It is a quiet area with very few passing traffic. The Proposed Design includes a flood wall, right down at the edge of the river. Well actually it will sit further into the existing river as again they are building into the river and making it narrower like they are doing on the west side. Again, this will increase flood risk not reduce it. It is my understanding that because they have narrowed the river, the heights of the defences have needed to be higher to account for the more narrow channel the water can flow through. This has not been publicly explained and the fact is not included in the documentation. The public are unaware that because of the position of the walls in the narrowed river, the heights have been increased. I don't believe the Councillors are aware of this either. The project team have not informed everyone correctly about this element of their designs.

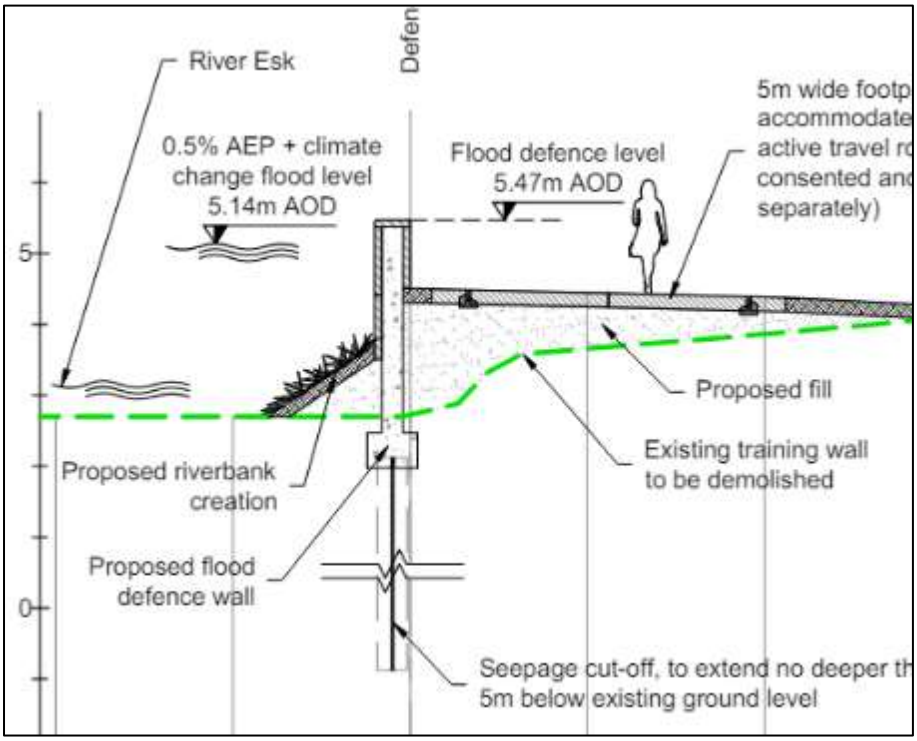
A river that has a gradual grassy slope leading up from the water is one thing. A strip of water with a high wall sticking out of its edge is another. The former is aesthetically pleasing. The latter is not. The latter is more akin to a culvert or canal. Connor Price spoke in various presentations and often about the fact that the existing retaining walls at the edge of the river are artificial, engineered, overly straight and unnatural. He used this information to persuade the public that what we currently have is not as good as what they would design for us to replace it. However, the replacement designs will include a replacement for the retaining walls with another wall that is still artificial, engineered, overly straight and unnatural. But this time it will be about 2 metres higher.

I also received an email from Connor when I was asking the height of the wall (refers to story mentioned earlier). In Connor's reply he states:
'It needs to be highlighted that today the riverbank at this location is not natural. It is an engineered 'training wall' that was constructed by Musselburgh Town Council as an engineering response after the major flood event of August 1948. Today the view from Eskside West is of an engineered wall.'

The reason why he added this statement was unclear. I had been asking for the heights. However, since he has used the fact that the retaining walls are similar to the new walls, it is interesting that he hasn't highlighted that the existing walls are about 0 – 1m above the water level, whereas the new wall will be about 2m higher. This is another example of the project team using a little factual information to present things in a way that makes the scheme less negative. But they deliberately miss out key information that would give full context if it doesn't make the scheme look favourable.

The existing retaining walls don't really stick out far from the water currently. At low tide they are visible for about a metre. At high tide or if it's rained a lot, you can barely see them. However the new flood walls will be over 2 metres higher than the current ones. When I raised this with the project team last year, they admitted they hadn't really considered what the walls would look like from the other side! They have now added in planting at the bottom on the wet side of the wall. This will make it better and we appreciate this although the planting is likely to be reeds and grasses i.e. water tolerant and therefore not particularly aesthetically pleasing. I am genuinely concerned that litter will accumulate in this planting, same as in the riparian planting on [redacted] the river. The council have no extra budget allocated to ensure the litter is regularly cleared. And this will be particularly hard for the east side as there

will be no access for people to reach 2 metres down over the wall to pick the litter up. From the engineer drawing below, you can see that there will still be about 1.5 metres of visible wall from the opposite river bank above the planting.



As well as litter, I am really very concerned about the real probability that all walls will attract graffiti and the council will not have the resources – people or money – to keep the walls cleaned. Access for cleaning off graffiti on the wet side of the east wall will be a problem too, similar to clearing litter due to there being a 2 metre drop down into the actual river area.

In addition, there is evidence from other flood schemes that the flood walls are poorly built and without due consideration or maintenance budget for how to keep them moss/algae free (see pick below). I object to the scheme for not including appropriate transparency about this. I also object to the council not allocating monies in the costings for avoiding the walls looking like this.

I simply don't understand why the flood defence wall on the east side of the river wasn't situated near the road. If this had been the case, the flood wall could have been lower since they wouldn't have had to narrow the river and the basin of water available would be so much wider. As it is, the wall to be built is going to be about 2.5 metres high. If it were situated at the road edge rather than the river edge, to keep the top of the wall exactly level, the wall would only be 1.07 metres high. If you then reduce it to account for more water getting through a larger basin, this would drop down to less than a metre.

This is a valid alternative to what has been proposed. Last year, I asked at a drop in consultation why the wall wasn't in this position. I was first told it was because the people living there hadn't wanted a wall outside that would obscure their river views. This is a classic example of 'a little information being a dangerous thing'. I asked if those people had been told that they would still have a wall that obscured their view of the river. The person didn't know. When I pushed a bit further and was making it obvious that the excuse of not wanting a wall at the road was almost identical to not wanting a wall at the river's edge, the person changed tack and said that actually the main reason for the positioning was due to Sustrans funding. He said that the rules for securing funding for active travel paths (MAT) were that the path had to be protected from flooding.

This is where a number of objectional things about the scheme bump into each other. I pointed out that it was a horrible idea to have a wide concrete path in place of all the lovely grass anyhow. If they couldn't get funding for the path that wouldn't matter, just remove the path. The answer was no, the MAT project wanted the paths all along Eskside East. At this stage, [redacted] and I didn't understand the significance of MAT. No-one in the project team had advised us that MAT was optional. That it required separate planning approvals and might not go ahead. If it didn't go ahead, the Flood Scheme could design things differently. None of this was explained. We didn't know this until after 20th March this year when gradually it started to dawn on us the seriousness of MAT and how that project had influenced the flood scheme designs.

I remember this conversation really well as I asked for the project team member to find out the person's name or department that made up the funding rules, so I could go speak to them. It makes sense that a charity like Sustrans who's main objective is to encourage people to walk, wheel and cycle more, would be interested in what was being planned for Eskside East. [redacted] and I both believe strongly that if you could only speak to the people who 'own' the funding rules and explain that by protecting their path from flood meant putting a higher wall, right down in the river rather than at the road, they would see the benefit in retaining a beautiful riverside walk and relax the rules for this stretch of the path. The project team member didn't ever get back to us with the name of that person.

Some time later, when I was speaking to Connor about the scheme I mentioned about this funding rule. Connor gave a third different reason why the wall was down at the river's edge. An old Victorian drain is apparently under the ground at Eskside East. I raised my eyebrows as by this time it was getting to the point where every time you spoke to someone you got a different answer. I said I would like to know how much it would cost to move or reroute this since it might be worth it to retain the beautiful riverbank but didn't ever hear back about this. When MAT was 'removed' from the scheme, the project team started to use this drain as the reason for the wall being at the river's edge. Nothing to do with the MAT path. Just the drain. However, there are no costings of the option for rerouting this drain and allowing the wall to be lower and positioned at the road edge. The documentation doesn't show exactly where it starts and finishes to prove that this is why the wall is at the river's edge.

So [redacted], they will remove our view of the river. They will remove our view of a large expanse of flat grass with ducks and swans. They will remove our ability to use that amenity space. They will put the mature trees [redacted] at risk. They will make us walk up a slope to see over and down to the water. Above the embankment crest, the only thing we will see on the other side of the river is the top of a high wall which will in all likelihood be covered in graffiti in no time at all. The river will look more like a canal due to the steep sides. We will see a large concrete ramp coming off a bridge that will now be in our line of vision on the other side.

[redacted]. As well as spoiling the beautiful environment it sits in, this scheme will knock £1000s off the value. Already the market is being affected, with even just the talk of what they are planning putting people off looking at Musselburgh. We heard just the other day from my husband of a neighbour whose

daughter was thinking of moving back to the area and was going to consider Musselburgh but has decided not to because of the flood scheme.

In terms of compensation, I believe there is legislation that covers this:

Compensation

Compensation must be paid to any person who has sustained damage as a consequence of exercising certain powers under the Act (see section 82). Section 83(1) defines damage as the depreciation of the value of a person's interest in land or the disturbance of a person's enjoyment of land. 'Enjoyment of land' therefore needs to be considered. As with 'interest in land' or 'interest in land affected', there is no definition within the Act of 'enjoyment of land'.

I believe I [redacted]) would and should be entitled to compensation for the loss of capital value in this flat. However, there is no information contained in the scheme documentation to advise this. Please note I am officially requesting compensation for the loss in capital value of this property due to the scheme and for the loss associated to enjoyment of land. Removing the ability for me to [redacted] and enjoy the beautiful river views, across the flat grassy area, sit on a park bench or wander along in amongst the dog walkers and ducks – it sounds a bit dramatic but this is priceless. This was to be our downsize retirement flat. The scheme will rob us of the ability to enjoy the beautiful environment it currently sits in.

I should say at this point, that this project has caused me and my family huge stress. I have been really upset about the whole thing. This is my life. My son's life. My son's [redacted]. My downsize home. The project team have no concept of how completely miserable the designs and the way the project has been handled have made me and [redacted]. My husband also [redacted]

The family have the very difficult decision to make re whether [redacted] continues to live here. Wehave decided that he will move if the scheme gets granted the go ahead. In one sense he's lucky. If he moves on, our family may keep the flat and rent the property out. Therefore, he could leave things til quite late in the process before he decides to move. If we weren't keeping the flat, he'd be making plans to move now. Waiting until the work starts would be financial suicide as the scheme works alone, would decrease the amount we could get when selling and would reduce the number of prospective buyers. I have spoken to an estate agent for advice and they confirmed this. In addition, a member of the public has done some research to see the difference between equivalent properties with and without river views and the difference is significant. Irrespective of the works, the scheme will alter the beautiful views and amenity space outside the flat to such as extent the property will devalue on this alone.

However, [redacted]. Whenever [redacted] moves out, we will lose financially. If we are trying to rent out [redacted] while the significant build works are ongoing, this will be very difficult. The road access will be disrupted, there will be large diggers directly outside the [redacted] windows. The noise and vibrations will be horrendous. They will need to do piling work in the river so they can build into it. I believe I would and should be entitled to compensation for the loss of rental income on the flat. However, there is no information contained in the scheme documentation to advise this. Please note I am officially requesting compensation for this ongoing loss for the duration of project works due to the scheme. I am also officially requesting compensation for loss of rental income as a result from a lower quality environment once the scheme is complete i.e. the loss of river views and beautiful landscape plus amenity space will push down the rental income I would be able to generate should the scheme not have happened.

And if [redacted] does choose to stay [redacted], I believe [redacted] would and should be entitled to compensation for the loss of the beautiful river views and beautiful landscape plus amenity space. Again, there is no information contained in the scheme documentation to advise this. Please note [redacted] has officially requested compensation for this ongoing loss that will be caused by the scheme and will impact his home environment.

I mentioned in my introduction that [redacted]s job is working with heavy machinery where concentration levels are key. He works on call 24/7 and often needs to sleep during the day. The works will go on for years for this scheme. The noise levels and vibrations will be unbearable. They will stop him sleeping properly. I believe he would and should be entitled to compensation for this unacceptable disturbance. Again, there is no information contained in the scheme documentation to advise this. Please note he has officially requested compensation for this for the duration of the works. If it becomes completely unbearable, and he needs to move out early, he will require compensation for alternative short term accommodation.

Please note, I think the processes described for dealing with noise monitoring are not acceptable. First of all they state:

There are no CNMA close to the Scheme.

In addition to the CNMA, certain areas have been identified as Candidate Quiet Areas (CQA). These are areas where it is considered that the quiet nature of them should be maintained. The northern area of the Scheme, at Musselburgh Lagoons and Fisherrow Sands, and along the coastal path and beaches, has been identified as a CQA.

This is ridiculous. The [redacted] is a really quiet home. The noisiest thing we hear are the sea gulls. The scheme works will have massive diggers dumping tons of earth to build the embankments. They will drill right outside the window to create the foundations for the embankment. They will use diggers and piling machinery to hold back the waters for building into the river. They will be building a tall 2m+ wall on the other side of the river. They will be laying a 5 metre wide concrete path just across the water. They will be demolishing a fairly large bridge just to the left of the flat. They will then be rebuilding a much higher replacement bridge with massive double ramps on the east side and single ramp just to the left of our property. And all these works are the ones just next to the flat. The works all along the rest of the river will travel and so will the vibration.

To say this is not an area 'likely to be annoyed by noise' is not credible. As before I would like to state I believe [redacted] would and should be entitled to compensation for the noise and vibrations caused by the scheme works. Again, there is no information contained in the scheme documentation to advise this. Please note he has officially requested compensation for this ongoing loss that will be caused by the scheme and will impact his home life, his mental wellbeing and his ability to sleep which will have a knock on negative impact on his ability to do his job effectively and safely. If the scheme works keep him awake during the day after being on call and he has an accident at work because of lack of concentration, it will be the council's liability. And I will never forgive you.

There are numerous reports of previous schemes and developments causing damage to the structure of properties in the vicinity. I believe we would and should be entitled to the project paying for an independent and thorough survey to be carried out on the property before, during and after the scheme works commence. Any damage caused will be the council's responsibility to pay for fixing. They will also be liable for any additional incurred expenses in this regard.

This project scheme is estimated to cost millions. There are no guarantees or actual quotes at this stage. Just estimates from the project team. These estimates are nowhere near guaranteed and the Conservative Councillors voted against the scheme because the costs were a) high and b) not guaranteed. The general consensus is that the flood scheme will end up being another 'trams' or 'Scottish parliament' i.e. hugely controversial, something most of the public don't want and with massive overrun spending.

This is not the council's money. It is taxpayers' money. The funding from the Scottish Government is not the government's money. It is taxpayers' money. I strongly object to my tax being used to fund such a controversial and poorly designed scheme. Especially when the GP practice in Musselburgh is so bad there was a recent article online

about a woman phoning 650 times to try and get an appointment for her sick child. The huge costs of the scheme are unreasonable for the council to spend when it is already in debt and will result in reduced services elsewhere to cover the shortfall.

I believe the scope and the related costings have not been recorded correctly by the project team. Sustrans will fund a proportion of MAT and Scottish Government will fund 80% of the flood scheme elements. When they were both combined, these allocations had not been audited to ensure that the scheme had not been inflated artificially to enable the council to secure extra funding that shouldn't really have been included. This is a general concern expressed by the Scottish Government. In addition, once MAT was removed from the flood scheme there was only 24 hours for the project team to quickly go into all the 100s of documents and change things. The costings, estimates and allocations have no alteration to show that the MAT elements have been removed. They also do not confirm that the MAT elements have been allocated to Sustrans rather than Scottish Government. On this point alone, this scheme should be referred to Scottish Ministers for review.

At the full council meeting in January, the Councillors thought that the full costings were for both MAT and Flood Scheme. This is what they voted to progress. The flood scheme on its own, is not what they approved. They didn't approve the costings on the basis that MAT was removed.

Considering how much money will be spent on this scheme, there is an alternative that would have been more acceptable to the residents along the river. If each property was flood proofed e.g. with more sturdy garden walls and flood gates, this would have reduced the overall costs substantially. Each resident could have decided what level of risk they were willing to face. Flats could have shared the burden with a single cost at the downstairs property. A flood gate at the few side roads at Eskside West and east to stop the waters from flooding down those streets would have been reasonable. None of these options were considered, publicly explained, costed, presented to Councillors or included in any of the scheme documentation.

The contractors hired to design the scheme, should they be the ones to win the tender for actually building the scheme, would have received less capital expenditure as the initial outlay would be less expensive. That's a conflict of interest right there. Hardly any big walls and embankments etc. Also, the Scottish Government wouldn't have covered 80% of anything other than initial capex. These funding processes have not supported the best designs that would meet the needs of the public. When decisions are driven by process rather than what's right for the people it's a recipe for disaster.

I'd like to jump back and talk a little about our long term objective for the property on [redacted]. I've focused on [redacted] living there and the impact on him (and the rest of our family when we visit). I've also talked about impact on when we rent it out. I'd like to mention briefly about the third and longer term objective we had when buying the flat. Myself and my husband [redacted]. Not ready yet to downsize but at some point in the future may well do so. [redacted] we have had the type of conversation families tend to avoid but is important i.e. planning for what happens when my husband and I might need care, the family home becomes too much etc. We agreed as a family that having a property that was familiar would be a good option, so when the downsize day came, my husband and/or I could move there without too much fuss. The flat at [redacted] is so particularly beautiful, it is a perfect final home for an older person to sit by the window watching the world go by and looking out over the riverside.

I feel very strongly that I don't want the project team to spoil the views [redacted]. And I also feel strongly that they should preserve the beautiful area too as we may well live there one day. I feel really upset that I am now not perhaps able to make this transition easily when it comes. We will need to look around for another place and are unlikely to find something so perfect again.

The majority of what I've said above re the embankments, the narrowing of the river, the walls at the river's edge rather than at pavement edge apply all along the river from Rennie bridge to the mouth of the river [redacted]

[redacted]. In particular, the wall on the west side down from Goose Green bridge, could have easily sat further away from the river's edge. There is a much bigger piece of land there. Also there is already a wall there behind the trees. This could be rebuilt as a stronger flood wall without altering the riverside at that stretch at all.

And then we come to biodiversity and the ecological damage the scheme will cause. The scheme doesn't have a net increase in biodiversity. It fails miserably to tick any green credential boxes. The Green party Councillor stood apart and refused to approve the scheme to progress based on the massive and significant negative carbon footprint. The addition of so much concrete all along the riverside in walls, foundations, paths, bridges and ramps will damage the environment from an ecological perspective. All this concrete will also cause a reasonable chance of increasing flood risk since the land will not be able to absorb as much water naturally. Likewise the trees that have been chopped down would have naturally absorbed water and most modern day schemes take into account such wanton damage to the natural environment as making things worse not better. In the event of a high river flow combined with a high tide, all this concrete and environmental damage is likely to actually cause a flood.

I am not an expert but have seen the following information from suitable experts:
The results presented in the EIA report from surveys of shoreline and coastal birds are not detailed enough to provide assessment of the impact of the scheme on the internationally and nationally designated sites around Musselburgh. One would not be able to judge if mitigation measures are adequate without this data.
The desk study part of the baseline data collection has also been inadequate. You need both survey results and relevant pre-existing data on bird species present, and their national and local population trends, and insights into relevant behaviour. The desk study in the EIA report also fails to include useful data from the East Lothian Council Ranger service, the British Trust for ornithology (BTO) and the Scottish ornithologist's club (SOC)

The EIA gives the agglomerate count figures of birds but should give species specific data. Also their data is out of date. They should have used the most recent data available up to 2022/2023 instead of 2013 to 2017.
There are also concerns about the accuracy of the baseline survey. It contains anomalies about the species of birds observed which makes one question the accuracy of all their information.
Also counting was done when the lagoons were under construction activity in 2021 to 2023 which was not representative, and according to Nature Scot bird surveys should not take place where there is disturbance that could affect the abundance, distribution or behaviour of birds within the survey area.
Surveys are still being carried out and the result of these should be waited for.
The EIA report attempts to identify and quantify loss of habitats from the scheme but it does not identify the main habitat impact of the scheme namely the loss of shoreline and intertidal habitats over its 100 year operational life. Hard defence structures along the coast create 'coastal squeeze'. This impact is not even mentioned in the EIA report biodiversity chapter, let alone assessed. EIA does not meet its own commitment to give an appraisal of the future baseline without the scheme in order to assess the possible effects of the scheme if it goes ahead.
Habitat loss from 'coastal squeeze' must be assessed properly. Not to do this goes against the council scheme objectives that 'the scheme will achieve as a minimum a neutral impact on the environment' and also that it will 'protect the Firth of Forth and its protected statuses'. ELC has an actual duty to protect and enhance biodiversity which cannot be fulfilled in this case without the necessary detailed bird data to assess the impact of the scheme and design mitigation.

There is repeated downplaying of Conservation importance in the EIA report, without any evidence for why this might be acceptable. There is no mention of the fact that many waders and waterfowl in the Firth of Forth have already suffered long term decline due to development impacts. Another example of this downplaying is the unsubstantiated claim that ' the area temporarily lost during construction constitutes a narrow linear area adjacent to the coastline which experiences high levels of disturbance from public use. This area is not considered to be an important habitat for qualifying interests of the Firth of Forth designated sites in comparison to the large expanse of sand flats along the coastline and the lagoons at Levenhall links'.
There is no evidence to back up these assertions on factors such as prey availability or exposure to disturbance or any of the other influences that need to be considered in order to assess these impacts.

The EIA report notes that 'the improvements to the active traffic network particularly along the seawall and the proposed Goosegreen bridge may result in increased pedestrian and cyclist traffic which may create increased operational disturbance to qualifying bird species' The report makes it clear that it's uncertain whether the cycle paths will result in increased active travel in which case how can the expenditure, the additional risk of impacts on internationally and nationally designated bird sites, and the carbon footprint of constructing these two elements of the scheme, be justified without strong independent evidence that there will be sufficient active travel benefits. These two elements need to be removed from the scheme not least as there are already foot and cycle paths along the relevant sections of the scheme coastline.
Finally consider the impacts on recreational amenity over the construction period, specifically for birdwatching. Musselburgh is one of the most visited birdwatching sites in Scotland enjoyed by hundreds of visitors every year. This tourism and amenity value of the scheme area for birdwatching is not given recognition in the EIA report and as a result there is insufficient attention given to mitigating disruption to this activity. This is significant because the schemes construction phase could take a period of 5 to 10 years, imposing long-term damage to the area's use and reputation as an ornithology visitor attraction.'

Whilst not an expert, I do nevertheless love watching the birds out my window and on walks in the area so would need to know that the project team have rectified this before they proceed with the scheme.

In summary, for the period of time from the January vote through to date and the Proposed Design that is under Statutory Objection, I object for the following reasons.

I object to the scheme on the basis that the documentations published for the January vote and the notification of the Proposed design, were substantially different in layout to the previous Outline Design without an appropriate level of comparison information to help the public (and me!) understand what had changed.

I object to the scheme on the basis that the project team did not give due consideration as to the extra layer of complexity they were giving the public in trying to understand the changes to the design announced in January and March 2024.

I object to the scheme on the basis that the project didn't allow any kind of side by side comparison, either manual or electronics for the public to compare June 2023 designs to January and March 2024 designs.

I object to the scheme on the basis that the heights of the defences were displayed as complex calculations rather than simple numbers.

I object to the scheme on the basis that the council failed in its duty to adequately inform the public in simple terms of the most basic information about the scheme e.g. the heights of the defences.

I object to the scheme on the basis that the council split the full council meeting into two parts, without webcasting the first part, meaning the Councillors received a briefing about the new designs but the public did not.

I object to the scheme on the basis that the project team provided a briefing to explain how to find and read the documents to the Councillors but not the public, thereby failing in their duty to inform the public appropriately.

I object to the scheme on the basis that the project team provided a briefing to explain how to calculate the measurements using the cross sections contained in the documents to the Councillors but not the public, thereby failing in their duty to inform the public appropriately.

I object to the scheme on the basis that the council not webcasting the Councillors' briefing on the new designs meant the public were effectively left to their own devices to try and decipher the new design.

I object to the scheme on the basis that the council not webcasting the Councillors' briefing on the new design, was a breach of their ethos of transparency.

I object to the scheme on the basis that while the project team had an exhibition about the first version of the design for the public, they did not hold any exhibition to explain the changes brought in for the second version.

I object to the scheme on the basis that the project team did not provide the public any opportunity to feed back any comments or questions publicly about the revised designs, in front of other members of the public or the Councillors in the way they had for the previous design.

I object to the scheme on the basis that the documents organisation was disorganised and confusing for the public to understand how to find information they were interested in.

I object to the scheme on the basis that the documents did not specify east or west on the weblink title, so that members of the public ([redacted] and I) were completely lost for a number of days trying to figure out where we could find the east wall dimensions.

I object to the scheme on the basis that the documents had different titles on the weblink that didn't match up with the downloaded filename, an unnecessary confusion for the public to have to deal with.

I object to the scheme on the basis that there was no reference on the drawings as to how much higher or lower a particular defence was. The project team made it exceedingly difficult to work this out.

I object to the scheme on the basis that the documents showed both sides of the river implying that the document would cover dimensions for both sides, which they did not.

I object to the scheme on the basis that a complex table of filenames was included in one of the 125+ documents that the public were supposed to be able to use to find a specific document, but the titles on this table did not match fully the web link names, making it confusing for the public to deal with.

I object to the scheme on the basis that the project team provided a document download system that downloaded the files with a title that was completely different to the web link title and which was unnecessarily complex, forcing members of the public to have to open and close files and then rename them to a more suitable filename so they could find what they were looking for.

I object to the scheme on the basis that the methodology for calculating the heights of the defences was so complex that very few lay people could work it out without instruction, which the project team did not proactively offer.

I object to the scheme on the basis that the project team, if asked for an explanation re how to calculate the heights, gave such a technically complex, jargon riddled spiel that no ordinary lay person could possibly understand.

I object to the scheme on the basis that the project team showed an horrific level of disrespect to the public in making the simple act of finding a document for a specific stretch of the river and calculating what height the defence was to be, so massively unattainable to the ordinary person on the street.

I object to the scheme on the basis that the project team either didn't consider the need for better quality, clear communications (negligence) or did consider it but chose not to provide it (in breach of the performance standards expected of a contractor of this experience and being paid this amount of money).

I object to the scheme on the basis that the single most important piece of information that the vast majority of the public would be interested in i.e. the height of the walls, was buried deep in files you couldn't find and you needed to use complex formula to calculate.

I object to the scheme on the basis that bearing in mind the project team are very experienced and being paid a lot of money for their expertise, an inference can be made that the way in which the documentation was presented was

deliberate obfuscation, designed to take the public (who had not lost the will to live at this stage with the whole thing) a huge amount of effort and time to decipher, thereby delaying questions and an opportunity for the public to push back re the revised designs.

I object to the scheme on the basis that the documentations and calculations were so complex that even the project team personnel did not all know how to answer questions from the public, needing to escalate for answers to the lead engineer.

I object to the scheme on the basis that the documentations and calculations were so complex that even the Councillors did not all know how to answer questions from the public, needing to escalate for answers to the project team who escalated to the lead engineer.

I object to the scheme on the basis that it is a reasonable assumption to make that the 22 Councillors did not all know what dimensions the various defences, bridges, ramps etc. will actually be when they voted to approve the scheme.

I object to the scheme on the basis that all areas, directions, distances, lengths, widths, depths, and heights specified on the documents are not precise.

I object to the scheme on the basis that all areas, directions, distances, lengths, widths, depths, and heights specified on the documents imply they are precise, and that the information to tell you they are not precise is in a completely different document.

I object to the scheme on the basis that prior to January 2024 no-one in the project team advised the public that all the areas, directions, distances, lengths, widths, depths, and heights specified in the design were not precise, never going to be precise and when people were debating measurements, no-one highlighted to them this fact.

I object to the scheme on the basis that there is no tolerance given for what 'or thereby' would mean e.g. plus or minus 100mm or plus or minus 1%.

I object to the scheme on the basis that bearing in mind that no areas, directions, distances, lengths, widths, depths, and heights specified in the documents are precise and with no tolerance given, the numbers are meaningless and the public are not being kept informed as to what exactly is going to be built in their town.

I object to the scheme on the basis that I personally do not know how high the embankment will be that will sit in [redacted]

I object to the scheme on the basis that I personally do not know how wide the embankment will be that will sit in [redacted]

I object to the scheme on the basis that I personally do not know how far from the pavement the embankment will be that will sit in [redacted]

I object to the scheme on the basis that I personally do not know how far the project will build out into the river in [redacted]

I object to the scheme on the basis that I personally do not know how high the wall will be (dry side and wet sides) that will sit on the opposite riverbank in front of our property.

I object to the scheme on the basis that I personally do not know how far the project will build out into the river on the opposite riverbank in [redacted]

I object to the scheme on the basis that I do not know how much of the Shorthope Bridge will be able to see in its new position in [redacted]

I object to the scheme on the basis that I do not know how far the ramps from Shorthope Bridge will travel on the opposite riverbank [redacted]

I object to the scheme on the basis that in the previous Outline Design the project team did not use the terms 'approximately' or use the '~' sign or use the 'c.' notation to indicate that all areas, directions, distances, lengths, widths, depths, and heights were not necessarily as they appeared.

I object to the scheme on the basis that on this one point alone, the project team failed in their duty to inform the public appropriately and effectively. There is hard evidence that large numbers of the public did not understand this point.

I object to the scheme on the basis that it can be inferred from the public outcry about the heights in particular, that the project team deliberately and knowingly only attached the note to show that measurements were not precise at the very last minute as consultations were closing down, so as not to have to deal with the public's outrage at realising that they had no concrete data from the project.

I object to the scheme on the basis that the project team treated their comms budget as one for marketing and not education of the public, treating the public as customers who needed to be convinced of the scheme's benefits and not considering them as partners in the process with a right to know the details, warts and all.

I object to the scheme on the basis that there is hard evidence found all over the place in conversations between members of the public, that they simply did not understand the new designs.

I object to the scheme on the basis that because of the project team's lack of clear guidance and information, the public were forced to try and explain to each other what the designs meant.

I object to the scheme on the basis that a tiny amount of money paid to a training professional would have gone a long way to explain clearly what the design would mean.

I object to the scheme on the basis that the project team did not recognise that subject matter experts are not the best placed to handle comms where you need to explain complex information to lay people.

I object to the scheme on the basis that the Proposed Design documentation was prepared with a target audience of future contractors and operational council engineers and not the actual target audience at this stage i.e. Councillors and the public.

I object to the scheme on the basis that the project team did not provide a summary version with simplified information for the Councillors and members of the public who didn't have the necessary skills to interpret engineering drawings.

I object to the scheme on the basis that the Councillors receiving a full briefing explaining how to find and decipher the documentation but no equivalent being provided to the public, was a sign of disrespect for the public and eroded their trust even further in the project team.

I object to the scheme on the basis that the briefing part of the full council meeting not being webcast, created a situation where the project team were able to avoid public scrutiny in relation to what they told the Councillors.

I object to the scheme on the basis it is highly likely that things were presented in a fact limited way to paint the designs in an artificially positive manner. There is evidence of the project team consistently omitting key information when it would create a more negative view of the scheme.

I object to the scheme on the basis that during the full council vote, the Jacobs engineer used the phrase ‘1 metre wall’ and ‘tolerable to the public’ 5 times in a short space of time in relation to the defences at the river, when he must have known from his own engineer drawings that there are 28 measurement points for the defences on the river and only 2 of them are about 1 metre.

I object to the scheme on the basis none of the Councillors knew sufficient detail about the measurements of the defences along the river to hold the Jacobs engineer to account and make him clarify or retract his statement which undoubtedly misinformed and deceived the Councillors who were about to vote.

I object to the scheme on the basis that the Jacobs engineer highlighted the dry side measurements of the walls and withheld any information at all about the wet side measurements of those same walls, thereby misinforming the Councillors and portraying the scheme in a more positive light than it will be in reality.

I object to the scheme on the basis that Councillors who live further away from Musselburgh have shown a much reduced interest in the detail of the scheme and made the decision to approve the scheme to the next stage without understanding the detail.

I object to the scheme on the basis that the Councillors did not hold the project team fully to account during the January vote meeting.

I object to the scheme on the basis that the Green Party Councillor started to ask a valid question to hold the Jacobs engineer to account for statements he made claiming he knew what height of defence was tolerable to the public, but didn’t follow through and make sure an answer was given.

I object to the scheme on the basis that the project team adopted a marketing strategy of using the ‘reduced the walls to 1 metre around the river to address concerns over their impact’ in multiple media articles, even though they knew this information was misleading and incorrect as it implies that the defences right along the river are 1 metre which they are not.

I object to the scheme on the basis that the project team’s communication strategy falls far short of the standard expected from such an experienced contractor, working on behalf of a public body whose ethos is openness and transparency.

I object to the scheme on the basis that during the January vote meeting, the Councillors only heard from the project team in relation to the design and didn’t hear any representations from any party who would have given an alternative view from the overly positive picture they gave, effectively like a jury just listening to the defence but not the prosecution in a trial.

I object to the scheme on the basis that the full council was ill equipped to make an informed decision on whether to approve the new designs in January but did so anyway.

I object to the scheme on the basis that no Councillor asked questions of the project team about the specific heights, widths and positions of the walls and embankments.

I object to the scheme on the basis that no Councillor asked questions of the project team about the specific heights, widths and positions of the bridges and ramps.

I object to the scheme on the basis that the Environmental Impact Assessment was not presented in full to the 22 Councillors, but only a summary, therefore they voted on insufficient data.

I object to the scheme on the basis that a Dynamic Coast expert was invited to the meeting, at a very late stage just before the designs are about to be voted on. There was insufficient time to understand the implications of what his information meant

I object to the scheme on the basis that the Dynamic Coast expert took up valuable time that should have been earmarked for the Councillors asking questions about the new design while they were still fresh – as opposed to pushing this further into the afternoon, when you could tell the Councillors were getting very tired, with information overload and not in the best place to make such an important decision.

I object to the scheme on the basis the Dynamic Coast man highlighted that there is evidence that building seawalls can actually cause land erosion.

I object to the scheme on the basis that Connor tried to unduly influence the Councillors against worrying about the additional erosion that a sea wall might have by highlighting that the water currently does not lap at the proposed sea wall. He omitted to highlight that it would over time though if sea levels rise plus there is tidal flow into the river, as far up as the Rennie Bridge and therefore there are unanswered questions re how the new flood wall all along various parts of the river up to Rennie will actually fair i.e. will they make flood risk less or actually increase the risk of erosion.

I object to the scheme on the basis that the full council voted to approve a scheme that still included the Musselburgh Active Toun (MAT). The scheme that was then notified in March did not include MAT. It was not the same scheme that was approved by full council since the removal of MAT was a material change. The current notification period for the scheme under statutory objection is therefore outwith proper process and the council have allowed a scheme to be notified which is not the one they approved for notification.

I object to the scheme on the basis that the council approved the scheme on the basis of the summary EIA which included the MAT impact on the environment. As this is now removed, the scheme approved is not the same scheme as the one being notified and the notification period should be cancelled.

I object to the scheme on the basis that the council approved the scheme on the basis of the costings which included the MAT elements. As this is now removed, the scheme approved is not the same scheme as the one being notified and the notification period should be cancelled.

I object to the scheme on the basis that the council approved the scheme on the basis of the designs including 5 metre wide combined use paths. As these have now (allegedly) been removed, the scheme approved is not the same scheme as the one being notified and the notification period should be cancelled.

I object to the scheme on the basis that the council approved the scheme on the basis of the designs including a replacement Ivanhoe Bridge which gives negligible flood risk reduction according to Jacobs. As this new bridge has now (allegedly) been removed, the scheme approved is not the same scheme as the one being notified and the notification period should be cancelled.

I object to the scheme on the basis that the council approved the scheme on the basis of the designs including a replacement Electric Bridge, combining the pedestrian river crossing of the existing goose green bridge and the cyclist river crossing of the Electric Bridge, into one combined use bridge. As the requirements for combined use and extra widths for this new bridge have now (allegedly) been removed, the scheme approved is not the same scheme as the one being notified and the notification period should be cancelled.

I object to the scheme on the basis that the council approved the scheme on the basis of the designs including an additional new combined use bridge to be built at the mouth of the river to tie in with the other MAT paths. As the requirements for this new bridge have now (allegedly) been removed, the scheme approved is not the same scheme as the one being notified and the notification period should be cancelled. This bridge offers no flood risk reduction

and is clearly a 'Development' as defined under the 1997 planning Act and not a replacement and therefore requires planning permission.

I object to the scheme on the basis that the council approved the scheme on the basis of the designs including double ramps on the east side of the river specifically to ensure that the active travel path wasn't interrupted by a one direction bridge ramp. As the requirements for these double ramps have now (allegedly) been removed, the scheme approved is not the same scheme as the one being notified and the notification period should be cancelled.

I object to the scheme on the basis that the council approved the scheme on the basis that the river needed to be narrowed on both sides but by a greater degree on the side that was to accommodate the MAT paths. As the requirements for this have now (allegedly) been removed, the scheme approved is not the same scheme as the one being notified and the notification period should be cancelled.

I object to the scheme on the basis that the Council operations team should have known last year, that combining the flood scheme and MAT would circumvent relevant planning legislation.

I object to the scheme on the basis that the Project Team, including the outside contractors, should have known last year, that combining the flood scheme and MAT would circumvent relevant planning legislation.

I object to the scheme on the basis that since at least one member of the public wrote to the project team last year to advise that combining the flood scheme and MAT would circumvent relevant planning legislation, the fact that the project continued to combine the projects meant they were *consciously* acting unlawfully (or at least negligent for not getting basic legal/planning advice sooner).

I object to the scheme on the basis that the council and the project team allowed the consultations to continue, knowing that there was going to be an issue and therefore misleading the public about the design information.

I object to the scheme on the basis that the council and the project team not advising the public last year that the MAT was going to be removed robbed us of our ability to ask more detailed questions about the flood scheme should MAT not go ahead. The consultation was therefore flawed and as with the 'fruit of the poisoned tree' the Proposed Design is inherently flawed also and should be withdrawn.

I object to the scheme on the basis that the project team did not consult properly on the two combined projects – they focused all energies on the flood elements and the active travel paths were presented as a more minor given, with no mention that they might not be approved separately.

I object to the scheme on the basis that this objection phase has not properly explained to the public what they are objecting to in relation to anything that the project team had previously told them was included because of MAT.

I object to the scheme on the basis that the project team, including the contractors, did not accurately answer questions from the public, including from my family, to explain adequately the implications of removing MAT from the Proposed Flood Scheme when asked questions about this before and during the objection phase and therefore did not inform the public appropriately to enable them to properly construct their thoughts and objections to the scheme.

I object to the scheme on the basis that the Service Manager, Governance did not accurately answer questions from the public, including from my family, to explain adequately the implications of removing MAT from the Proposed Flood Scheme when asked questions about this before and during the objection phase and therefore did not inform the public appropriately to enable them to properly construct their thoughts and objections to the scheme.

I object to the scheme on the basis that the Director of MAT did not accurately answer questions from the public, including from my family, to explain adequately the implications of removing MAT from the Proposed Flood Scheme

when asked questions about this before and during the objection phase and therefore did not inform the public appropriately to enable them to properly construct their thoughts and objections to the scheme.

I object to the scheme on the basis that the Executive Director of the flood scheme did not accurately answer questions from the public, including from my family, to explain adequately the implications of removing MAT from the Proposed Flood Scheme when asked questions about this before and during the objection phase and therefore did not inform the public appropriately to enable them to properly construct their thoughts and objections to the scheme.

I object to the scheme on the basis that the Chief Executive, receiving complaints from the public, did not step in to ensure that the project team accurately answer questions from the public, including from my family, to explain adequately the implications of removing MAT from the Proposed Flood Scheme when asked questions about this before and during the objection phase and therefore did not inform the public appropriately to enable them to properly construct their thoughts and objections to the scheme.

I object to the scheme on the basis that the Head of Council Resources who has overall responsibility for the performance management of the outside contractors under their procurements, on receiving complaints from the public, did not step in to ensure that the project team accurately answer questions from the public, including from my family, to explain adequately the implications of removing MAT from the Proposed Flood Scheme when asked questions about this before and during the objection phase and therefore did not inform the public appropriately to enable them to properly construct their thoughts and objections to the scheme.

I object to the scheme on the basis that I could not understand what a difference it would make to the flood scheme should MAT not be approved.

I object to the scheme on the basis that I, and my family, have been prevented from exploring properly with the project team during the last 9 months of consultations what the flood scheme could look like should the MAT be removed from the combined scheme.

I object to the scheme on the basis that the council and the project team have acted with political motivations and spin to try and pretend that MAT was removed from the design scheme, only because they had been caught circumventing planning legislation. There wholly inappropriate and disgraceful actions have caused huge confusion with the public, impeded me and others being able to consider the Proposed Design effectively and have eroded trust even further in how the council and the project team carry out their business of serving the people.

I object to the scheme on the basis that the EIA still includes MAT design requirements and details that impact on the environment which it should not, since MAT is not supposed to be contained within the Proposed Design. This confusion has meant I am unable to analyse correctly the environment impact due to flood risk reduction only and therefore unable to effectively object in an informed manner.

I object to the scheme on the basis that the costings still include MAT design requirements and details that impact on the costings which it should not, since MAT is not supposed to be contained within the Proposed Design. This confusion has meant I am unable to analyse correctly the cost impact due to flood risk reduction only and therefore unable to effectively object in an informed manner.

I object to the scheme on the basis that the Proposed Design still includes MAT design requirements in terms of laying aside 5 metre wide path areas which do not provide any flood risk reduction. This impacts the overall flood design which it should not, since MAT is not supposed to be contained within the Proposed Design. This confusion has meant I am unable to analyse correctly the Proposed Design due to flood risk reduction only and therefore unable to effectively object in an informed manner.

I object to the scheme on the basis that the Proposed Design includes widening various bridges. This does not provide any flood risk reduction and is only there due to MAT. This impacts the overall flood design which it should

not, since MAT is not supposed to be contained within the Proposed Design. This confusion has meant I am unable to analyse correctly the Proposed Design due to flood risk reduction only and therefore unable to effectively object in an informed manner.

I object to the scheme on the basis that the Proposed Design still includes MAT design requirements in terms of demolishing and rebuilding a wider Ivanhoe Bridge in a different location which Jacobs had already confirmed was not necessary to provide meaningful flood risk reduction. This impacts the overall flood design which it should not, since MAT is not supposed to be contained within the Proposed Design. This confusion has meant I am unable to analyse correctly the Proposed Design due to flood risk reduction only and therefore unable to effectively object in an informed manner.

I object to the scheme on the basis that the Proposed Design still includes MAT design requirements in terms of demolishing and rebuilding the single use pedestrian only Goose Green Bridge and the cyclist only Electric Bridge and combining them. The rebuilding to make them higher and not have central supports may have flood protection contained but the combining of the bridges does not have flood protection included. Combining them is a MAT requirement and influence and this impacts the overall flood design which it should not, since MAT is not supposed to be contained within the Proposed Design. This confusion has meant I am unable to analyse correctly the Proposed Design due to flood risk reduction only and therefore unable to effectively object in an informed manner.

I object to the scheme on the basis that the Proposed Design still includes MAT design requirements in terms of building a brand new combined use bridge at the mouth of the river. This has no flood protection benefits and would actually increase risk. This new additional combined access bridge that is being placed in a location that currently does not have a bridge is a MAT requirement and influence and this impacts the overall flood design which it should not, since MAT is not supposed to be contained within the Proposed Design. This confusion has meant I am unable to analyse correctly the Proposed Design due to flood risk reduction only and therefore unable to effectively object in an informed manner.

I object to the Proposed Design Scheme for including combined use paths. Interestingly I am unsure if I am allowed to object to that here since this is a MAT requirement and MAT is not supposed to be in the Proposed Design. However, for the avoidance of doubt I object to combined use paths since they cause a danger to the more vulnerable in the population such as small children, the disabled and elderly. I have first hand knowledge of this [redacted]. [redacted] Portobello prom we know first hand how difficult it is [redacted] to navigate a combined use path where cyclists and skateboarders whiz past. [redacted] [redacted] [redacted]. [redacted] [redacted]. Please advise if this objection is being considered under the Flood Scheme or whether it needs carried forward to the MAT approvals process, whenever that will be.

I object to the scheme on the basis that it has created unnecessarily wide spaces, that alter the position of other aspects of the design, specifically to allow for future MAT paths, even though they have not gone through the proper planning processes.

I object to the scheme on the basis that it has created additional unnecessary work and therefore cost for the flood scheme to build aspects of the design which are designed to future proof for MAT but which could be obsolete should the MAT be declined approval. This extra unnecessary expenditure is an outrage when the councils are so badly in debt.

I object to the scheme on the basis that it has created additional unnecessary work and therefore extra build time with the associated extra noise and vibration nuisance for the residents of Musselburgh, myself included, for the flood scheme to build aspects of the design which are designed to future proof for MAT but which could be obsolete should the MAT be declined approval. This extra unnecessary work, noise and vibration is unacceptable.

I object to the scheme on the basis that the Proposed Design still includes MAT design requirements in terms of double bridge ramps at the mouth of the river pointing towards the sea and up towards the town which do not

provide any flood risk reduction. They are only present on the east side of the river due to the MAT. This impacts the overall flood design which it should not, since MAT is not supposed to be contained within the Proposed Design. This confusion has meant I am unable to analyse correctly the Proposed Design due to flood risk reduction only and therefore unable to effectively object in an informed manner.

I object to the scheme on the basis that the Proposed Design still includes MAT design requirements in terms of double bridge ramps at the new combined Electric/Goose Green Bridge of the river pointing towards the sea and up towards the town which do not provide any flood risk reduction. They are only present on the east side of the river due to the MAT. This impacts the overall flood design which it should not, since MAT is not supposed to be contained within the Proposed Design. This confusion has meant I am unable to analyse correctly the Proposed Design due to flood risk reduction only and therefore unable to effectively object in an informed manner.

I object to the scheme on the basis that the Proposed Design still includes MAT design requirements in terms of double bridge ramps at the Shorthope Bridge area of the river pointing towards the sea and up towards the town which do not provide any flood risk reduction. They are only present on the east side of the river due to the MAT. This impacts the overall flood design which it should not, since MAT is not supposed to be contained within the Proposed Design. This confusion has meant I am unable to analyse correctly the Proposed Design due to flood risk reduction only and therefore unable to effectively object in an informed manner.

I object to the scheme on the basis that the Proposed Design still includes MAT design requirements in terms of building out into the river space in part to accommodate the MAT paths which do not provide any flood risk reduction. This narrowing of the river actually increases flood risk and they are proposing this due to the MAT. This impacts the overall flood design which it should not, since MAT is not supposed to be contained within the Proposed Design. This confusion has meant I am unable to analyse correctly the Proposed Design due to flood risk reduction only and therefore unable to effectively object in an informed manner.

I object to the scheme on the basis that the Proposed Design includes narrowing the river in multiple locations. This narrowing is unnecessary for flood protection and actually increases flood risk.

I object to the scheme on the basis that the Proposed Design includes narrowing the river in multiple locations and yet the consultations did not advise the public of this part of the plan. The first time the public saw that they were planning on narrowing the river was late January 2024. As the drawings are complex it took us time to realise this is what they were planning. The did not properly inform or consult on this aspect of the design.

I object to the scheme as I do not want the river made narrower. This will spoil the natural beauty of the area.

I object to the scheme as I do not want the river made narrower. This will reduce the area for wildlife, at a time when the developments are supposed to be increasing natural habitats for the river inhabitants.

I object to the scheme on the basis that such a massive change to the design has taken place through the removal of MAT is akin to the Scottish Government's argument that another referendum should be allowed since Westminster ripped Scotland out of the EU. Our government has stated that 'material change means you are entitled to go back to a vote'. To transfer this analogy onto the flood scheme what it means is that the flood scheme has gone through such a significant change removing MAT, it needs to have the documentation properly rewritten, further consultation with the public is needed through renewed consultation. All SNP Councillors should back this objection since it is directly equivalent to their stance on Indyref2.

I object to the scheme on the basis that the removal of MAT has caused public outrage, confusion and a general inability for the public and myself to object in a coherent manner when reviewing documents that have taken years to create but then 24 hours to amend hastily, by the project team trying to figure out how to make it look as if the flood scheme design hasn't got MAT woven throughout.

I object to the scheme on the basis that [redacted] initial explanation about the MAT specifically admits that MAT requirements are still contained in the flood scheme documentation. This is then contradicted by various other people (Alan Stubbs, Peter Forsythe, Carlo Grilli) causing further confusion.

I object to the scheme on the basis that [redacted] initial explanation about the MAT specifically admits that MAT requirements are still contained in the flood scheme documentation. He is therefore admitting that contrary to relevant planning legislation, the flood scheme are intending to build items without the necessary approvals.

I object to the scheme on the basis that no consultation was carried out on the removal of MAT and its implications. In fact the opposite. Various members of the team and wider council specifically advised that they would simply not answer questions and that the consultation period had ended.

I object to the scheme on the basis that there is sufficient evidence to infer that the council and the project team timed the removal of MAT to be so close to the end of the consultation period that it would deliberately make things confusing for the public to understand and limit their ability to object appropriately.

I object to the scheme on the basis that Peter Forsythe, Director of MAT did not resource the ongoing consultations with members of his team from June 2023 to March 2024 to ensure the public had an appropriate understanding of Mat and how it interlinked with and influenced the flood scheme. This was an unacceptable withholding of information vital for the public to understand the two schemes.

I object to the scheme on the basis that multiple members of the project team and the council refused to answer I's question asking for a list of the elements of the Proposed Scheme and which ones had been removed. This was a very simple question. If as the project team and the council say, the MAT has no elements at all that have influenced the flood scheme, their answer could have been given very quickly simply stating that no elements of MAT have influenced the flood scheme. However, they would not answer the question. I asked it multiple times. They simply wouldn't answer. This is an indication that they couldn't answer without incriminating themselves – effectively they were pleading the fifth!

I object to the scheme due to the fact that answers to important questions the public (and I) asked during the last 9 months consultation were 'due to MAT'. These answers are now being presented as incorrect by the project team. So either the project team were being untruthful during the consultations or they are being untruthful now.

I object to the scheme due to the replacement of the Ivanhoe Bridge based on the analysis that Jacobs did in 2022 advising that this would have negligible impact on flood risk reduction.

I object to the scheme due to the replacement of the Ivanhoe Bridge adding such a massive ramp on the west side of the river where there are currently steps, as this does not reduce flood risk and is therefore not relevant to be included in the flood risk scheme.

I object to the scheme due to the large ramps proposed for the Ivanhoe bridge due to the significant extra carbon footprint all that extra building, concrete etc. would mean.

I object to the scheme due to the large ramps proposed for the Ivanhoe bridge due to the significant amount of natural vegetation, grass, bushes, trees etc. that the massive ramps would destroy. The current size and position of the steps is perfectly adequate for a bridge that is only concerned with flood risk reduction and not including any active travel paths.

I object to the scheme due to the wide double ramps that point both ways on the east side of the new Ivanhoe Bridge as unnecessary for flood risk reduction purposes.

I object to the scheme on the basis that a number of the trees are earmarked for felling due to MAT requirements and not for flood risk reduction purposes.

I object to the scheme on the basis that the project team did not explain to the public that some of the trees were to be felled due to MAT requirements solely and this was an unacceptable withholding of information especially since the trees have proven to be extremely high on the list of public concerns.

I object to the scheme on the basis that the council and their external contractors had the right expertise and resources to engage the right expertise to ensure that they knew that the MAT elements required planning permission and, where applicable, conservations area consent. Putting the MAT elements into the Flood Scheme goes against the relevant legislation and the project had the duty to know this.

I object to the scheme on the basis that the project team were deliberately unhelpful to the public who had genuine questions about the removal of MAT with 24 hours to go before statutory objections by simply advising us to read the scheme documents, since the scheme documents were wholly inadequate and did not answer our specific questions.

I object to the scheme on the basis that the unprofessional actions taken by the project team to remove MAT on the final day before objections created a huge amount of work for the ordinary members of the public to try to get answers to the confusion caused and generated complaints to not only the council and the project team but also to the most senior levels of Sustrans who will fund MAT plus Scottish Government officials who may oversee a public enquiry.

I object to the scheme on the basis that the unprofessional actions taken by the project team to remove MAT on the final day before objections has caused damage to the Sustrans brand.

I object to the scheme on the basis that the unprofessional actions taken by the project team to remove MAT less than 24 hours before a member of the public was due to submit their petition in front of the council, was a disorganised and disrespectful thing to do. One can infer that they knew they were in the wrong combining MAT and the flood scheme.

I object to the scheme on the basis that even though the project team knew they were in the wrong combining MAT and the flood scheme, they have not apologised for the error or explained how it came to be made and who is responsible for it. They have offered no compensation for the time and energy so many members of the public expended trying to understand the implications of combining the schemes and then trying to understand the implications of untangling them.

I object to the scheme on the basis that the Councillors did not understand and could not explain the removal of MAT from the flood scheme to support the public.

I object to the scheme on the basis that a Councillor advised me ‘to object to the MAT elements as well as the flood elements all under the objection phase of the flood scheme’ which a) shows he is unclear re the process and b) shows that he believes that MAT elements are still in the flood scheme and c) adds an extra burden on the public to consider their objections to a scheme (MAT) which is not under consideration at this stage. Total chaos!

I object to the scheme on the basis that the public are not in a position to object to MAT properly as we do not understand what exactly is involved and when to object.

I object to the scheme on the basis that the project team are manipulating the process so that they will build infrastructure which is not for flood protection and then circumvent planning rules by using ‘change of use’ processes to get MAT approved which shows a level of disrespect for the public and the processes that are there to ensure effective management of development.

I object to the scheme on the basis that as soon as MAT was ‘removed’ from the scheme, the notification should have been stopped, the scheme documents rewritten properly and further consultation provided to the public.

I object to the scheme on the basis that even after the public asked for the council to cancel the notification, for them to rewrite the scheme documents properly and to provide further consultation, the project team, the Service Manager Governance, the project executive and the Chief Executive of the council all ignored this request and carried on with the flawed process, knowing it was causing difficulties for the public.

I object to the scheme on the basis that the public outrage and complaints submitted to Sustrans at their proposed funding of pouring concrete over 5 metres of beautiful grassy riverbank is causing concerns that may impact the funding for MAT which will mean the flood scheme will have gone through statutory objections for a design, that has been designed for large numbers of wide bridges and wide paths that the council will not be able to afford.

I object to the scheme on the basis that the project team have artificially inflated the cost of the flood protection scheme by including measures that do not reduce flood risk with a view to the Scottish Government 80% funding rule providing funds to the council that they are technically not entitled to.

I object to the scheme on the basis that the project team have not assessed the impact on other non Musselburgh areas and have no guarantee that parts of the scheme that reduce flood risk for Musselburgh will not increase the risks elsewhere.

I object to the scheme on the basis that the Scottish Government may reduce the funding for the project scheme due to the artificially increased scope which will mean the flood scheme will have gone through statutory objections for a design, that has been designed for large numbers of wide bridges and wide paths that the council will not be able to afford.

I object to the scheme, similarly to the Conservative Councillors, in that the costings are increasing dramatically from the original estimates.

I object to the scheme, due to the high likelihood that with inflation and changes to scope that the final costs will be unacceptable.

I object to the scheme on the basis that the council are continuing down a path where they are paying huge amounts of consultancy and project fees for the scoping of the project with no guarantees of actually approving anything.

I object to the scheme on the basis that the council in January 2024 effectively gave the outside contractors a blank cheque for the works without any guarantees of a fixed cost or cap on expenditure.

I object to the scheme on the basis that I do not know what's included in the scheme.

I object to the scheme on the basis that I do not know what the scheme are planning outside our property, especially on the other riverbank.

I object to the scheme on the basis that my family and others deserve to be protected from flood risk and the council have a duty to help with this but through their mishandling of the project, we are either going to get no flood protection or badly designed flood protection, neither of which meets the people's needs.

I object to the scheme on the basis that significant amounts of my tax payer's money has been paid to outside contractors for a badly performing project. Monies we will never get back even if they sorted the designs tomorrow.

I object to the scheme on the basis that the Councillors who voted to approve the scheme to the next stage in January, all did so voting along party lines but without being open, honest and transparent that they had been 'whipped' to do so.

I object to the scheme on the basis that the Councillors who voted to approve the scheme were not honest about their true feelings about the scheme meaning the public are not sure where their elected representatives stand on such an important development.

I object to the scheme on the basis that significant areas in Musselburgh e.g. Fisherrow Links, will be unable to be used during the construction over a significant period of time due the works required to build the scheme.

I object to the scheme on the basis that I (and the public) will lose the right to use the amenity space all over Musselburgh and outside our property, for the duration of the works which will take years.

I object to the scheme on the basis that the access to our property is likely to be impacted by the works for a significant period.

I object to the scheme as it will directly remove my ability to see the river from our property.

I object to the scheme as it will change a beautiful river view into a view of a north facing grassy slope with a high wall above it from the other bank.

I object to the scheme as it will reduce the width of the river right outside our property for no corresponding flood risk reduction.

I object to the scheme as it will remove the beautiful amenity space of a wide expanse of flat grassy riverbank.

I object to the scheme as it will spoil the natural beauty and historic charm of Musselburgh's River Esk riverbanks.

I object to the scheme as it has gone against its brief as advised on the council website which included to 'retain Musselburgh's historic character and natural environment'. Placing large bridges, large ramps, large paths all along the River Esk, does not retain its charm or natural environment. It does the opposite.

I object to the scheme on the basis that they have not provided any measurements for the wall sections on Eskside West which form the final line of flood defence on either side of the embankment from Rennie Bridge to Shorthope Bridge.

I object to the scheme on the basis that they have not provided any measurements for the wall sections on Eskside West which form the final line of flood defence on either side of the embankment from Shorthope Bridge to the Electric Bridge.

I object to the scheme on the basis that the large 10 metre deep embankment being placed [redacted] completely obscures the beautiful view of the river.

I object to the scheme on the basis that the large 10 metre deep embankment being placed [redacted] completely removes the flat grassy common land the public (and I) use for recreational purposes.

I object to the scheme on the basis that the large 10 metre deep embankment being placed [redacted] was not explained properly at consultation phase i.e. the dimensions and pros and cons, plus implications were not fully explained to the public when they were expressing preferences for different defences or any time after.

I object to the scheme on the basis that it includes a path sitting high up on the riverbank [redacted] and will allow people using that path to see into our property. This loss of privacy is unacceptable to me.

I object to the scheme on the basis that the embankment [redacted] has reduced the available amenity walking space from 10 metres down to a narrow 2 metre track. This will mean the path will become busy with people

effectively queueing to walk along – assuming the same number of people walk along the 2 metre strip that currently walk along the full grassy riverbank.

I object to the scheme on the basis that the embankment [redacted] having removed a wide grassy expanse that people walk along and replacing it with a narrow track up high, will actively discourage people from walking which will be detrimental to the public's health and wellbeing.

I object to the scheme on the basis that the Proposed Design is so ugly with wide concrete paths, concrete ramps, high bridges and walls that it will actively discourage me from walking which will be detrimental to my health and wellbeing.

I object to the scheme on the basis that the embankment [redacted] is 1.83 metres higher than the existing ground level which is excessive. You'd have to be over 6 foot to see over it and I am not 6 foot.

I object to the scheme on the basis that the project team members gave inconsistent answers to the important question re why the flood walls [redacted] on the opposite bank were situated at the river's edge rather than further towards the road/pavement. The standard of advice given to the public was unacceptable.

I object to the scheme due to the engineer advising us that the wall position at river's edge was due to needing to protect it from flood if the funding was to be approved. This was either untruthful – in which case MAT has directly influenced the flood scheme and has not been removed from the scheme contrary to what the project team and council have advised – or it was truthful in which case a design decision has been made that is detrimental to the public on the basis of funding rules.

I object to the scheme on the basis of placing a 5 metre path on the opposite river bank [redacted], since it will destroy the natural environment.

I object to the scheme on the basis of placing a wall on the opposite river bank [redacted], since it will destroy the natural environment and prevent the ducks and swans from being able to get out the water at that side and wander about freely on the riverbank, eating the grass and bugs etc.

I object to the scheme on the basis that an embankment is a poor form of flood defence since it is made up of earth that can be washed away in a flood.

I object to the scheme on the basis that the councillors have not been advised appropriately on the ongoing repair and maintenance that an embankment would take, since flood waters can wash away and alter the form of the embankment over time (information provided by Jacobs engineer).

I object to the scheme on the basis that the engineer advised me that embankments have a central core but that this is not shown on the engineer's drawings. The public cannot object appropriately to inadequate information.

I object to the scheme on the basis that the embankment core and foundations will cause life threatening problems to the trees [redacted]

I object to the scheme on the basis that the weight and scale of the embankment being placed on land so close to the mature trees outside our property will put them at risk.

I object to the scheme on the basis that the project team have given no guarantees that the trees [redacted] will survive an embankment being built next to them.

I object to the scheme on the basis that the project team have given no independent analysis that proves the trees throughout Musselburgh will survive and expert opinion in the community is to the contrary.

I object to the scheme on the basis that there is no additional council funding to repair and rebuild parts of the embankments as they fail due to the flood water that has been forecast.

I object to the scheme on the basis that the contractors who are designing and project managing the design of the scheme do not have written into their contracts a liability for damage to properties caused by the scheme construction.

I object to the scheme on the basis that the contractors who are designing and project managing the design of the scheme do not have written into their contracts a liability for damage caused if their designs do not protect the town from flood as per their predictions.

I object to the scheme on the basis that the council will face a huge embarrassment when the embankments fail to hold back the raging flood waters that are predicted by the project team.

I object to the scheme on the basis that no self respecting designer would design something so hideous as the embankment proposed [redacted] (see earlier two comparison pictures to show how the embankment will alter the view).

I object to the scheme on the basis that the project team included no visualisation from the same position as my photos did.

I object to the scheme on the basis that the project team deliberately included a visualisation of the area [redacted] taken from a high up angle facing down towards the water to give an unrealistic and incomplete view of what this stretch will look like in reality.

I object to the scheme on the basis that the project team knew that this part of the river would look awful and therefore used poor graphic skills to hide this fact.

I object to the scheme on the basis that the project team's visualisation made the embankment look flat when in fact it is 1.83m high.

I object to the scheme on the basis that the project team's visualisation of the embankment [redacted] does not include the bend in the path towards the pavement at all and therefore is not an accurate representation of what this will look like.

I object to the scheme on the basis that the project team's visualisation of the embankment [redacted] does not show that the engineer's drawings show that the path bends at an angle level with our property and will plough through a number of the trees that are currently marked green on the drawings.

I object to the scheme on the basis that litter will accumulate in between the riparian planting on the side of the embankments, [redacted]

I object to the scheme on the basis that litter having accumulated in between the riparian planting on the side of the embankments, [redacted], will be difficult for the council to clear up and that no additional monies have been allocated to accommodate this extra task.

I object to the scheme on the basis that litter will accumulate in between the planting that is to be on the wet side of the flood walls that are all along the river's edge.

I object to the scheme on the basis that the litter having accumulated in between the planting that is to be on the wet side of the flood walls that are all along the river's edge, will be almost impossible for the council to clear up since there is no direct access to this river's edge and that no additional monies have been allocated to accommodate this extra task.

I object to the tall walls sitting at the river's edge along the river from a safety perspective. If someone, especially a small child or teenager, falls over the wall which is only 1 metre in places on the dry side, they will fall into the water and not be able to climb back out the high wet side of the wall. They would have to swim to the other side of the river to get out. And if it's the stretch of the river with walls on both sides, they'd have to swim all the way up the river until they got to an area with access.

I object to the scheme on the basis that [redacted] I will see the side of an ugly grassy slope and just above it I will see the top of a wall. And all of this instead of a beautiful riverside view.

I object to the scheme on the basis that dog walkers currently using the stretches of the river where there are embankments, will no longer be able to let their dogs walk off the lead like they do now since they will be walking along a 2 metre path shared with the rest of the public, so will need to have tighter control of their dog.

I object to the scheme on the basis that what is currently a beautiful, calming meander along a grassy riverbank is being turned into a narrow walk along a high path. This will completely alter the way the public use this space.

I object to the scheme on the basis that the designs of the embankments will mean that existing seating with river views will completely disappear.

I object to the scheme on the basis that the designs of the flood walls at river's edge, their height versus the water below and the 5 metres paths will all mean that if any seating is still there on the river bank it will not have a view of the river.

I object to the scheme on the basis that the project team refused to add seating areas along the embankments that we requested.

I object to the scheme due to the lack of seating at intervals along the embankments [redacted] struggle to walk up and down slopes, in comparison with the existing flat grass and would need seating at regular intervals to allow [redacted] rest. The current design discriminates people [redacted] who are elderly and have conditions that affect their mobility and stamina. This is unacceptable and not in keeping with the council's remit of equality and inclusivity.

Please note the comment below from a member of the public who has direct experience of the reality of these schemes once they are built e.g. Hawick. [redacted] The ramps in Hawick have been reported as 'usable by wheelchair users'. I object to the scheme on the basis that it has not designed things appropriately for people with mobility issues.

> Friends in Hawick report the traffic post completion of the flood works has become a nightmare with the changes to how people can access their destinations. This is also true for pedestrians.
> Also reports of some ramps not being usable by wheelchair users.

I object to the scheme on the basis that the council have no included sufficient budget for the extra time involved in cutting grass on slopes (embankments) rather than flat land.

I object to the scheme on the basis that the council have no included sufficient budget for the extra time involved in caring for the grass on the north facing embankment slopes which will be prone to moss.

I object to the scheme on the basis that the project team have not carried out a proper analysis of the impact of water run off from the north facing slopes of the embankments, which is likely to pool at the base of the trees and cause rot/damage.

I object to the scheme on the basis that the riparian planting will fail as it tries to accommodate two different climates – it will need to be water tolerant for higher river levels but this will in turn mean it will need additional watering in hot spells, which the council have not accounted for.

I object to the scheme on the basis that it has completely altered the look and feel of the beautiful area [redacted]. Altering the look and feel of the riverside is not part of the contractor's brief and therefore they are acting ouwith their remit.

I object to the scheme on the basis that it has reduced biodiversity in the area.

I object to the scheme on the basis that it will encourage unwelcome wildlife such as mice and rats to the riverside to live among the riparian planting.

I object to the scheme on the basis that the project team have not done any analysis on the potential for increased unwelcome pests being encouraged to the area due to the scheme's design.

I object to the scheme on the basis that the project team and council have not given me any guarantees that unwelcome pests will not come near our property.

I object to the scheme due to the drawings at all stages in the consultation and included in the proposed design having a deliberately misleading colour coding for the trees i.e. green and red indicating to the public definitive good/bad outcomes which are apparently not correct.

I object to the scheme due to the project team even after being told by the public that the colour coding was misleading them, deciding to continue to leave the misleading information in the documentation.

I object to the scheme on the basis that the project team have not guaranteed exactly which trees are to remain and which ones are to be felled. The documentation effectively gives the contractors carte blanche in cutting down as many trees as they want to.

I object to the scheme on the basis that the small print added to the green tree colour coding was small and not noticeable and unlikely to be noticed by the public and therefore the project team did not adequately inform the public of this change of meaning from Outline Design to Proposed Design.

I object to the scheme due to the Jacobs engineer admitting in an unguarded moment that he did not want to alter the colour coding to be correctly reflective of the situation on the grounds that the public might have a negative reaction. It is not his place to make decisions on what information to present for potential public reaction reasons. He is an engineer and should display information correctly.

I object to the scheme on the basis that we and other members of the public experienced significant amounts of deliberate obfuscation designed to mislead and confuse us.

I object to the scheme due to the information I received from Alan Stubbs that indicated that various elements on the documentation were only to indicate an intent at a particular snapshot in time'. This was an awful admission and effectively can be used as an excuse for absolutely any element of any part of the design that the team wish to change after the objection phase is over. Why bother telling us anything if everything is open to change without further consultation or objection phases.

I object to the scheme due to the documentation changing the small print for the green trees to be 'where possible' but did not change the red tree small print, indicating that they were keeping their options open for the green trees but were not doing the same for the red ones even though Alan Stubbs indicated both were open to change. The documentation is therefore inconsistent and wrong.

I object to the scheme based on the project's own tree assessor indicating that building near, laying concrete, digging into the ground near a trees roots can kill it. And yet the Proposed scheme has marked lots of trees green which are unlikely to survive. The project team have not done an independent analysis guaranteeing that the green trees will survive.

I object to the scheme on the basis that the council acted irrationality and inconsistently last year when dealing with the public who had tied ribbons and scarves round the trees in a protest not to chop them down. Their reasoning that it would damage the trees was not credible and went against the fact that they themselves put similar signage up.

I object to the scheme on the basis that the public did not understand the information as presented to them by the project in relation to the trees, as evidenced by social media reaction to the explanation that green trees are not 100% safe.

I object to the scheme on the basis that the Jacobs engineer advised that some trees would be felled, not because they were in the way of flood defences but that they would simply block access for machinery.

I object to the scheme because the project team did not present alternative options for gaining access to the riverbank e.g. hoisting machinery over, so as to safe trees.

I object to the scheme on the basis that the trees [redacted] are not correctly marked in green and red due to the embankment path direction.

I object to the scheme on the basis that the embankment is likely to damage or kill the trees [redacted].

I object to the scheme due to the dishonesty shown by the project team in relation to the number of trees they were advising would be lost because of the scheme. The documentation only highlights trees that are to be felled but doesn't include those that are likely to die due to different conditions because of the scheme.

I object to the scheme being misleading with the facts re the trees, indicating clearly on their newsletter that they were saving trees along Eskside West from Rennie to Roman Bridge but not adding that they had increased the overall number of trees that they had marked red from the Outline Design to the Proposed Design – 88 June 2023 to 102 March 2024, inclusive of 15 trees saved at Eskside West.

I object to the scheme on the basis that throughout their comms have been marketing in design and not meant to truly inform the public of all the details, warts and all.

I object to the scheme on the basis that the project team have never specified a total number of trees they are planning or felling or that are likely to not survive due to the scheme.

I object to the scheme on the basis that the Proposed Scheme documentation does not explain the reasoning behind why they are narrowing the river [redacted] nor included any other options with their pros and cons.

I object to the scheme on the basis that the Proposed Scheme documentation does not explain the reasoning behind why they planned an embankment [redacted], nor included any other options with their pros and cons.

I object to the scheme on the basis that the Proposed Scheme documentation does not explain the reasoning behind why they planned a wall on the other bank [redacted], nor included any other options with their pros and cons.

I object to the scheme on the basis that the Proposed Scheme documentation does not explain the reasoning behind why they positioned the wall on the other bank at the edge of the river [redacted], nor included any other options with their pros and cons.

I object to the scheme because their inadequate information and presentation and consultation to the public caused arguments online by people who were adamant that the project team were not narrowing the river because the project team had not told them this, proving that the documentation was too complex for people to understand.

I object to the scheme due to the project team withholding the information that they were planning on narrowing the river right up until the January 2024 documents were released, not allowing for prior consultation of this particular element of the design.

I object to the scheme due to the high embankments having paths on their crest which will force people up high to walk by the river and will put them [redacted]

I object to the scheme because they didn't truly try to stop our privacy being invaded by the embankment path walkers but only made a token gesture height reduction that would not stop people from seeing into [redacted].

I object to the scheme on the basis that the Shorthope Bridge is being moved so that it exits onto Eskside east next to residential properties rather than into a car park. This is unacceptable for those properties but also for me as the new angle brings the bridge structure into my line of vision [redacted]

I object to the scheme on the basis that there is no flood specific requirement for altering the direction of the Shorthope bridge.

I object to the scheme on the basis of high walls being put at the river's edge. This is unnatural and will look more like a canal than a river. The existing retaining walls are not the same as they are much lower and often not visible.

I object to the scheme due to the walls at the river's edge needing to be higher than they would otherwise need to be had they been placed further over. Narrowing the river and putting the walls closer together like a canal will increase flood risk not reduce it as it forces the water through a narrower channel.

I object to the scheme due to the project team not adequately informing either the public or the Councillors that they were narrowing the river.

I object to the scheme due to the project team not adequately informing either the public or the Councillors that because they were narrowing the river and placing the walls at the new river's edge, this would result in higher walls.

I object to the project on the basis that the project manager criticised repeatedly the existing retaining walls for being unnatural and straight and then tried to present high straight walls at the river's edge as a better alternative.

I object to the scheme on the basis that the existing river layout with grassy banks is aesthetically pleasing and the proposed design with high walls sticking out from the water's edge will not be. It was not within the project's remit to ruin the beauty of the riverside. The Councillors were not voted in by the public on a mandate to ruin the beauty of the riverside.

I object to the scheme on the basis that the project manager tried to influence me that their scheme was similar to what is there currently by stating that there is currently a straight wall at the river's edge. Had [redacted] and I not been so

well informed (by looking carefully at the drawings) we could have been misled by his comments and not realised he was planning on making the walls 2 metres higher. A point which he did not make. Deliberately withholding anything that might allow the public to view the scheme in a negative light has been commonplace and is unacceptable for a person working for the council who wish to have an ethos of transparency.

I object to the scheme due to the project team's own admission that when designing it they had not considered what the river's edge walls would look like from the opposite banks. This is completely unacceptable level of attention to a basic part of the design. Their addition of planting at the foot of the walls on the wet side is a token gesture to try and hide the wall.

I object to the scheme based on the high probability that all the walls, bridge supports and ramps will be covered in graffiti. The council will be powerless to stop it. And they do not have sufficient budget allocated to deal with it.

I object to the scheme on the basis that the council have not included any SLAs about how quickly they will remove the inevitable graffiti that will appear throughout Musselburgh.

I object to the scheme based on the fundamental lack of presenting an alternative option to the Councillors or the public placing the walls at the pavement edge rather than river's edge. No costings were done for this. No pros and cons analysis was presented to the Councillors and the public.

I object to the scheme based on their ignoring the fact that the walls could be much lower if they were placed in a different location. This would have had more support from the public and Councillors and would have reduced costs and carbon footprint.

I object to the scheme on the basis that the project team did not explore with Sustrans whether they would allow funding for paths that were on the wet side of the walls.

I object to the scheme on the basis that the Jacobs engineer did not get back to me to advise me of the name of the person who was responsible for the active travel paths rule so I could go and speak to them.

I object to the scheme on the basis that the Victorian drain that is being blamed for wall positioning along Eskside East is not clearly marked on the engineers drawings nor explained in the documentation.

I object to the scheme due to the project manager stating that the walls needed to be at river's edge because of a Victorian drain on Eskside east but that this answer ignored the same situation on Eskside West. Why was the wall not further over at Loretto's wall?

I object to the scheme on the basis that it is already discouraging people from buying property in the town and this can only get worse once the works begin.

I object to the scheme due to the loss of capital value already being felt for homeowners and specifically for the loss in value of our property for which we hold the council liable. We expect compensation.

I object to the scheme for the stress and distress it has caused me and my family over the last few years and in particular over the last few months.

I object to the scheme as if it goes ahead it will force my son to move away from a home he loves.

I object to the scheme on the basis that it has ruined my family's short, medium and long term plans for our property.

I object to the scheme as if we choose to sell the scheme and the building works will cause us to lose a huge amount of the capital invested in [redacted]. We expect compensation.

I object to the scheme as if we choose to sell the scheme and the building works will deter people from buying [redacted] and less prospective buyers will lower price. And we will lose a huge amount of our capital invested [redacted]. we expect compensation.

I object to the scheme on the basis that it will reduce the amount of rental income my family can receive [redacted] that is in the middle of a massive building sites for a significant amount of time. We expect compensation.

I object to the scheme on the basis that it will reduce the number of prospective renters and make it harder to rent out [redacted] when it is in the middle of a massive building sites for a significant amount of time. We expect compensation.

I object to the scheme based on the noise and vibration that will be intolerable. We expect compensation.

I object to the scheme based on the disturbance from the works causing [redacted] and others to not be able to sleep during the day when they've been working on night shift/on call. If they have an accident at work due to poor sleep and lack of concentration, we will hold the council liable.

I object to the scheme on the basis that it has erroneously not classed our property as being in a quiet area close to the scheme. [redacted]

I object to the scheme based on the possibility that the works will damage the structure of our property. I must receive a full and independent survey of the property paid for by the council to prove that any damage subsequent to the works is the liability of the council.

I object to the scheme on the basis that they will use some of my Scottish income Tax for funding by the Scottish Government (80% of this scheme).

I object to the scheme due to the costings not showing clearly and accurately which elements and costs are MAT and which elements and costs are specifically for flood prevention and which elements and costs are not specifically related to either e.g. placemaking.

I object to the scheme due to the project not separating out the costing information when they removed MAT.

I object to the project on the basis that the project team's costings have not properly allocated items to the right project and are therefore erroneously aiming to request funding from Scottish Government and Sustrans for elements that each are not responsible for.

I object to the scheme on the basis that the council still need to pay a proportion of the total costs of the project and they are already in significant debt and can't even provide a decent GP service in the area.

I object to the scheme on the basis that the Councillors voted to approve based on the costings that included MAT and the Proposed Scheme allegedly doesn't now include this element so it is not the same project and the notification should be cancelled.

I object to the scheme on the basis that due consideration and explanation of putting flood walls and barriers/gates at the edge of individual properties along the river was not carried out nor explained to the Councillors or public, nor a full cost/benefit analysis was done.

I object to the scheme on the basis that alternative, movable gates and barriers were not given due consideration nor explained to the public and councillors nor presented as a full analysis comparison.

I object to the scheme on the basis that the design decisions were made to accommodate funding processes and timelines rather than making the right decisions for the town's needs.

I'd like to object to the scheme on the basis that it has effectively ruined our family's long term plans for the property. Downsizing in older age to [redacted] with stunning view over a river is appealing. Downsizing to somewhere with no views is definitely not going to happen. This has ruined my husband and my plans. We are currently looking for an alternative downsize property on the basis that the scheme will plough on ahead irrespective of what the public want.

I object to the scheme on the basis that the green credentials of the project are woeful. As per the Green Party Councillor's decision to vote to reject the scheme I echo her statements as to the massive carbon footprint, lack of biodiversity, removal of natural habitat and the wanton destruction of the river corridor.

I object to the scheme on behalf of all bird lovers on the basis of the information I provided earlier in this letter.

I object to the scheme on the basis that all the visualisations contain the incorrect heights i.e. the text is still quoting the June 2023 heights and not the amended March 2024 heights.

I wish to object to the proposed Musselburgh Flood Protection scheme as the objections process does not allow enough access to read and respond to all the information made available for objections during the restricted time allowed for the legal objections process.
I therefore call for the proposed Musselburgh Flood Protection Scheme to be reviewed and referred to the Scottish Ministers due to there being insufficient time permitted by Statutory legislation for myself and the public to review and comment on the documentation provided.
The documents for the proposed MFPS available to the public on which they can base their objections upon is approximately 3,400 pages. With approximately 500 words per page this equates to approximately 1,700,000 words. At an average reading speed of 250 words per minute (not allowing for interpretation of the data), it would take approximately 113.33 hours to read all the documents provided to the public. This equates to about 3.35 hours of reading per day over 34 days. Even for someone with a good degree of education and an relative understanding of the complexities of what they are reading, it is not enough time. For those like myself who fall into the above category, there are additional time constraints posed by the need to interpret, investigate and respond to the information provided.
For those where the information is in the greater part too technical to read or comprehend, the information is inaccessible.
Summary reports such as the EIA have been so simplified as to miss out or indeed smooth over negative impacts of the proposed MFPS. The full EIA is too detailed to be interpretated in the 34-day timescale given for objections.
The 34-day objection period is reduced by the Easter Holiday period and therefore barely meets the specified legal minimum timeframe for objections. Given the size of the proposed scheme and the complexity of the documents provided to the public the objection period is totally inadequate.
Those that produced these documents are paid to produce the documents and to respond to our objections, (with few time constraints). None of those that have wanted to object have had that luxury of over 3 hours a day for 34 days. We who wish to object have been time constrained to 34 days (including our Easter Holidays), have homes, families, jobs and we are not paid for the time we commit to the objections process.
The 28-day time period for objections is laid down within the statutory guidance at https://www.gov.scot/publications/flood-risk-management-scotland-act-2009-local-authority-functions-under/pages/5/
The time permitted is inadequate and insufficient for a project on the scale of the proposed MFPS.
I therefore request that the matter is referred to the Scottish Ministers for review of the time permitted for objections in the case of Musselburgh in order to permit myself and the local people of Musselburgh sufficient time to fully investigate the documents and information made available to them to review the proposals for the Musselburgh scheme.
The objections submitted are made by the people of Musselburgh seeking to protect their beloved town from irreversible damage by the proposed MFPS.

Conclusion

I have taken a lot of my own personal time to try and think back through what has happened over the last few years and realised early on that so much of the whole process has left me completely disillusioned about how projects like this are carried out and how the public is treated.

I hope you will appreciate the time I've taken to give my feedback. It is a long letter but not nearly as long as all the Proposed Scheme documentation and mine is much easier to understand! I only had 28 days to digest all the scheme documentation and write this letter in my own time without compensation. You now have as long as you like to respond and you get paid! Just one more example of the imbalance of power being felt with this project.

I look forward to hearing from you in response to each of the points made above.

Yours Faithfully

[redacted]
23 April 2024

Subject: (0423) Objection to scheme
Sent: 23/04/2024, 20:09:10
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

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam
I'd like to add my name to the growing number of objections to this scheme.

I feel the scheme has been poorly thought out and the costs are way beyond what East Lothian council should be contributing to, especially when our streets are already filling with rubbish as a result of the bin collection cuts.

Pouring tonnes of concrete will only benefit the suppliers, contractors, and developers and the character of Musselburgh will suffer hugely as a result.

I realise flood protection is a necessity, but this scheme is hugely flawed and I feel that the benefits of nature-based solutions haven't been fully explored. In 100 years, when the concrete has crumbled, we may still not have experienced the sort of catastrophic flood these walls are supposed to be protecting us from.

Regards
[redacted]

Sent from Outlook for iOS

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

This letter of objection to the Musselburgh Flood Protection Scheme is being sent by email to:
mfpsobjections@eastlothian.gov.uk

From: [redacted]

Residing at (owner occupier): [redacted]

Email: [redacted]

Please acknowledge receipt of this letter of objection by return.

My preferred method of communication is via email – you do not have my permission to phone me or visit my home address.

The content of this letter is not in any kind of priority order.

Each objection should be responded to on an individual basis.

However, each objection needs to be considered by you in the round together with all other content in the letter taken into account. It is the cumulative effect from multiple examples and points that is important as everything is inter-related.

I have sometimes written 'I object to…' for ease of reference. However, all content should be read as including specific points of objection and not just the sentences that use the phrase 'I object'.

I have tried to be specific and paint a picture of how the scheme impacts me and my family personally. However, I am a member of the public and I also use the phrase 'the public'. Please treat this to include myself. Using the term 'the public' simply expands that the impact is felt by wider than simply me.

Statement of My Reasons of Objection to The Musselburgh Flood Protection Scheme

Introduction

My name is [redacted]. I live [redacted]. I thought I would start by explaining my situation to give some background, before I state my reasons for objection. I'd like to paint a picture of my life and how the Musselburgh Flood Protection Scheme (the Scheme) will therefore impact me.

Firstly, how I came to live there. I grew up in [redacted] just a stone's throw away from Musselburgh. I am in [redacted]. It is hard for young people to get on the housing ladder nowadays. I grew up in a nice house and I wanted to make sure that when I moved out of the family home, that I was moving to somewhere I would love, not just a place to eat and sleep but a place I would enjoy coming home to. I worked hard at school, got good results and managed to land a good job [redacted]. I saved hard. I lived in the family home for probably a few years longer than most and saved some more.

When I had a pretty reasonable deposit, I saw [redacted] being advertised for sale. [redacted]

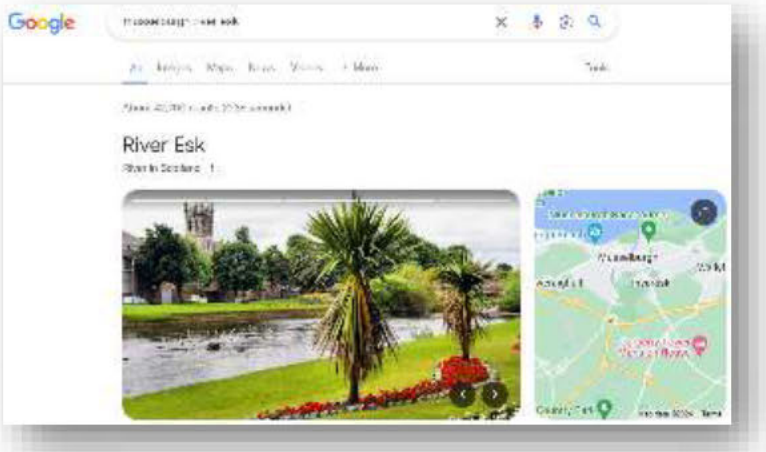
[redacted]

[redacted]. It is very peaceful.

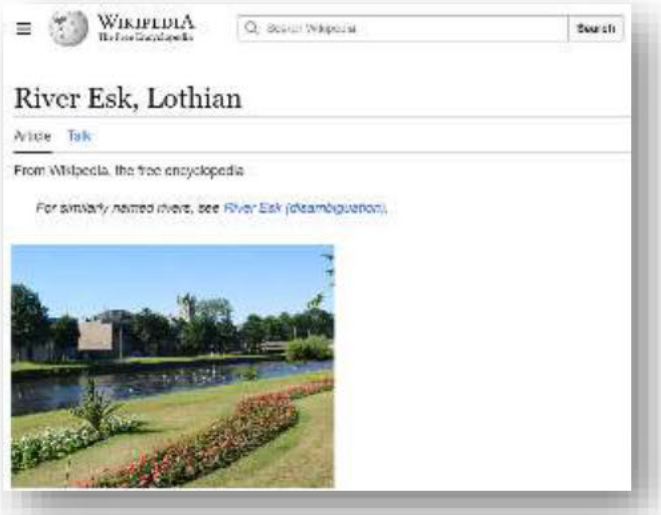
There are large mature trees lining the bank of the river which are beautiful. They don't obscure the view of the river from my property, they enhance it. You can see through and under the branches and in between the trees. And of course from about October to April, as the trees are deciduous, they have lost their leaves so the views of the river are even more open. There is a large area of gently sloping manicured grass leading down from the pavement to the river edge. There are flower beds that the council keep nice over to the right that provide colour.

This stretch of the river and the ones next to it are the prime areas that Marketing people choose to show off the beauty of Musselburgh. If you look at the images chosen by various organisations, they tend to be from here. For example, see the Visit East Lothian main website home page (pic below).

It's also one of the first images that comes up if you do a simple google search.



It's even one of the images on the main Wikipedia page for the area.



Professional marketing people know their profession. They understand what the public generally like. They almost always choose this stretch of the river for showing off how beautiful Musselburgh and the River Esk is. I consider myself really lucky [redacted]

[redacted]. I use the river bank and often go sit on the grass, either taking 'deckchairs' down or a rug. [redacted]

[redacted] The sunset over the water comes from the right in the evening. The mature trees at either end of this stretch of river are often lit up with fairy lights at night, and it really is a magical place to live. I particularly love in the middle of the night after a work call-out when I am tired and a bit fed up [redacted], seeing the lights and often the moon, reflected on to the river.

I work long hours and as our [redacted], I am often on call and work nights. I therefore often sleep during the day and getting sleep is really important. My job is important as our [redacted] During Covid I was classed as a 'key worker' and was given a letter of permission that I could show the police to explain why I was out, before the first lockdown was even announced. I work with heavy machinery, involving large scale, complex electrical and mechanical components that could kill you if you weren't concentrating.

My street is quite close to the town centre but is surprisingly quiet. Apart from the odd passing car, it's like living in the country. This is important to me as the quiet ensures I can sleep during the day when I need to.

Where I live is a relatively short commute to my work and convenient for a large group of my friends, who live in Musselburgh, Joppa and Portobello plus for visiting my [redacted] who still live in [redacted] and my [redacted] who is at [redacted]. I love it here and had no intention of moving for a long time (prior to the Musselburgh Flood Scheme designs being proposed).

I am a naturally laid back person. I tend to think people (even the council) are all just trying to do their best. My default view is that I imagine things will be ok. No need to stress. I heard about the flood scheme a few years ago after I had moved into my flat. People were starting to talk about high walls being put all along the river blocking the views. To be honest, I was a bit worried but didn't really imagine they would do something that would spoil the area badly. I lived my life, fell in love with my first home of my own and waited. I attended a few of the flood meetings over the years but it was all too vague. The people there simply wouldn't tell us what they were going to do. Not even what they were thinking they might do. The only question people really wanted answered was 'is there going to be a wall, where will it be and how high' and we were told repeatedly that this wouldn't be known until the Outline Design was published. So I waited.

Eventually, in April 2023, after literally years of waiting, another meeting was held and I attended with my friends, neighbours and family. The very first thing the presenter said was more or less 'we are not here to discuss anything about the actual design'. Most people seemed to be there (like me) to find out finally if there was going to be a wall, where it would be and how high. They wouldn't tell us anything. So I waiting some more.

Then finally on the 20th of June 2023, the Outline Design was published. It was the summer season and I, like a lot of people, was on holiday. After about 6 years or more of the project team researching and designing things, they then gave the public a tight 2 week window to send in their feedback. When I got home, I looked at the information online and discussed it with neighbours and family. I am genuinely a glass half full type of person. However, my heart sank and I was kind of shocked by how the design looked, where they had placed the defences and how high they were. They didn't seem to have listened to what we'd all been saying over the years during the supposed 'consultation'. I was absolutely horrified. The negative impact the design would have on my home, my life. I was kind of devastated. I asked my [redacted] to help. [redacted] so has more time. She also has a [redacted] and [redacted] so it was easier for her to spend the time looking into the scheme. She found out information and asked questions on my behalf and her own.

I know this might sound a bit dramatic but I would like whoever is reading this to understand and get a feel for how this affects real people and their lives. To the engineers it is a problem to be solved and a desktop exercise at their computers. To me this is my home being changed dramatically, [redacted], my privacy being violated, my mental wellbeing being impacted, years of excessive disruption and noise, the value of my house being reduced, my family's ability to secure rental income being impacted if I move, and all for what – a flood scheme that could have been designed differently.

For the record, I do think flood protection is a good idea. I am not a climate change denier. My objections are related to *how* the design intends to tackle the issue, not the underlying issue.

With that background in mind, I have tried to explain my objections clearly below. I've tried to explain things and then at intervals I've stated specific and separate objections. One of my reasons for doing this is that I have found that over the last year in communications with the flood team and councillors, if you ask multiple questions or make multiple points, you often only get an answer on some of them. To be clear, I would like the people analysing the objections received, to consider each individual objection on its merits and respond to each one. That said, there is often a cumulative effect. An individual objection has increased significance because of so many other related issues. Read my letter in full and as separate objections.

This is a large complex scheme. I therefore have a large number of objection points. However, please know that none are spurious. I haven't commented on areas such as the seafront or further upstream from where I live. I could. I know others are. But I have concentrated on raising the objections that will genuinely and directly affect me.

You will find that my [redacted] is writing hers too. We have compared notes, as we have done continually since last year, and we do feel similarly. However, I have included things from my perspective in my letter and she has likewise in hers. My [redacted]. But he does also have a vested [redacted] in what happens here so he is planning on sending you a separate note too.

My objections fall into 2 rough high level categories. One set is about the actual design elements of the Scheme. However I also have objections about how the project and their consultation practices have been managed and communicated. Both aspects are valid. If I can give an extreme example to illustrate the point. If the project had communicated what the design proposals were in say Japanese. I may object to the actual designs e.g. the wall is too high. But I may also reasonably object to the methodology and approach, since it is unreasonable to expect the public to be able to understand what the designs actually are, as most people do not speak Japanese.

My objections below are not in any kind of priority order. However I have chosen to highlight my objections around the management of the scheme first, since this forms the backdrop of how things evolved. In fact I found it worked best to write my letter in a rough chronological order. Like they say on US TV legal dramas, the 'fruit of the poisonous tree' applies here. Things that were done at early consultation, fed into the Proposed Scheme we are now considering. If there is a significant issue with early actions by the project, and they have been carried forward through each stage to now, they are relevant.

'Fruit of the poisonous tree is a legal metaphor in the US used to describe evidence that is obtained illegally. The logic of the terminology is that if the source (the tree) of the evidence or evidence itself is tainted, then anything gained (the fruit) from it is tainted as well.'

I think the consultations from pre June 2023 right through to now have created a number of issues. And the cumulative effect of them all has led to a Proposed Design that doesn't meet the needs of the people of Musselburgh including myself.

Consultations with the Public – Pre June 2023

The consultations prior to June 2023 have been used by the project team to inform, influence and evolve their designs and therefore contribute to the Proposed Scheme now notified and going through the Statutory Objection phase. Therefore errors or issues with this consultation have a direct impact on the Proposed Scheme for which I am sending this letter of objection.

It is widely agreed that consulting with the public about major changes to their environment is vital. The project team reiterated this. They held various meetings with different groups over a number of years leading up to the Outline Design being published in June 2023. The purpose was to gather information about the public's priorities, opinions and preferences.

However, having attended a number of these meetings it was all too theoretical and vague in nature e.g. *"you can have various different forms of defence, embankments and walls, walls with windows"* etc. The format was open discussion. It wasn't specific. It wasn't gathering opinions in a meaningful way. For example, no-one said *"At the stretch of the river between X and Y we could put an embankment or a wall. If we put an embankment there, it would be X high and Y wide. In comparison if we put a wall there it would be X high and Y wide. The pros of the first option are X but there are some negatives too which are Y. On the other hand…"* You get the picture. These 'consultations' did none of that.

And the significance of this is that the Outline Design and all other iterations thereafter were produced on the back of and were informed by this inadequate 'consultation'.

If presented with a general description of a grassy embankment or a concrete wall, it is highly likely that people will say they would prefer the former. But if you give full details of the extra width that the embankments take up and ensure that the public understand that the height is still the same as the wall, they might not so eagerly show a preference for either if they are too high. In addition, in discussing embankments the fact that they would replace almost the full width of the gentle sloping grassy riverbank, whereas a wall would allow the riverbank to remain intact, was not mentioned. Neither was the dimension comparisons that embankments are about 20 times wider than a wall (10m wide embankment Vs 0.5m wide wall). These consultations prior to June 2023 did not give nearly the right level of information to the public to genuinely conclude that the opinions and preferences they expressed, were sound. Some of the information, such as the full footprint dimensions of the embankments, the fact that they would need to build into the river channel etc. were withheld from the public.

As opposed to giving full information for the public to provide informed opinions, the consultations seemed to be trying to gently persuade people in certain directions. For example, at one meeting a member of the project team talked about "How much nicer it would be to have the river edge more natural with reeds and grasses, instead of the overly straight engineered edges with the retaining walls like just now, wouldn't it?" A couple of old ladies murmured yes. My mum and I both said something like "Actually no, the river upstream is already more natural with reeds etc. and that's great but this part of the river is beautiful in a different way and people love it. We love it. [redacted] " The project team member looked awkward, didn't respond and diverted the conversation onto other topics. She didn't write down any notes of what we had said. And this particular instance was in April 2023 just 2 months away from the Outline Design being published i.e. she already knew what they were going to propose.

At that same meeting, the Project Manager was commenting (as he had done making the same point at loads of other meetings) on the manicured grass being unnatural and wouldn't it be better to have a more natural landscape downstream from the Rennie Bridge. Again when we said "Actually no the manicured grass is what gives that part of the river its beauty and is what the marketing people in various organisations use for their promotional images for Musselburgh, and they're professionals and know what people like" he actually turned his back and walked away without responding which abruptly closed the conversation down. No notes were taken of this piece of public feedback either.

The project team knew in April 2023 what they were including in the Outline Design (removing the retaining walls, putting riparian planting at the new river's edge, embankments replacing the manicured grass etc.) They couldn't possibly have worked on the research and design phase for 6 years and then suddenly decided everything in the last 2 months before publishing.

Looking back, that meeting was obviously a 'softening up' launch. A lot of these meetings were advertised as ones to gather views from the public but they didn't respond to or record views that didn't fit their narrative. The project team members were all gently positioning ideas about design aspects that were going to be published and trying to elicit positive responses from the public. They ignored feedback which didn't fit the Outline Design that was about to be published. And moreover, the vague positive responses they did elicit gave them a way to say "you said, we listened" to justify elements of the design once it was published. These meetings were not designed to update the public, they were designed to support the project team's objectives in securing information they could present in defence of the designs they had already created.

The project team have advised that there was no statutory duty for them to consult at this early stage. However, they chose to do so on request from East Lothian Council and I believe they were right to do this. But you either need to consult properly and then you can effectively use the information it provides you, or if you don't do it properly you simply shouldn't be allowed to pick and choose information that suits your designs. You can't have it both ways, as they say.

And finally, no quantitative or qualitative publication has been made of the public's expressed opinions prior to June 2023. No central repository of all feedback received leading up to June 2023 was set up. The information has not been put into the public domain. It has not been provided to the Councillors who have strategic oversight of the project. The Project Team use the information to support their designs but have not provided any proof of their assertions re what they say the public have said they wanted.

Bear in mind, the consultation was carried out over a number of years and the project team site it as being extensive. The Outline Design was based on the feedback gathered over those years and then informed the Proposed Design that is now at statutory objection phase. Very little has changed from Outline to Proposed Design. Therefore, whilst a long time ago now, all the pre-June 2023 consultation was and continues to be of vital importance in its relation to the Proposed Scheme.

In summary, for this time period which influenced everything that came after including the Proposed Scheme that is under Statutory Objection, I object for the following reasons.

I object to the scheme on the basis that consultations pre-June 2023 did not adhere to a quality standard generally expected for such a significant development. As all evolved designs stemmed from this consultation, this puts in question what led to the Proposed Scheme currently under Statutory Objection.

I object to the scheme on the basis that effective consultation was not carried out prior to June 2023 in terms of explaining the specific options possible, together with relevant pros and cons for each option.

I object to the scheme on the basis that because of how the project team carried out the consultation prior to June 2023, the public were unable to provide the project team with considered and informed opinions as to their preferences and concerns i.e. the main objective of the consultation was not able to be achieved.

I object to the Scheme based on the fact that insufficient notes were taken to capture what people were saying during the consultation pre June 2023. No notes were taken of any of the comments I or my family made.

I object to the Scheme based on the fact that the notes that were taken to capture what people were saying during the consultation pre June 2023 were biased in favour of the scheme. The notes taken tended to be where the comments were supportive of the designs the team already knew they were going to announce, and conversely ignored comments which were contrary to what they were going to announce.

I object to the scheme on the basis that the project team withheld information from the public during the pre June 2023 consultations that would have altered their opinions about elements of the design.

I object to the scheme on the basis that the project team prior to announcing the Outline Design unduly tried to influence the public to favour elements that they were going to announce in their Outline Design, rather than illicit properly considered opinions that were made after understanding the facts.

I object to the scheme on the basis that the project team closed down public comments at meetings prior to June 2023 if they were taking the general conversation in a direction that would be against the Outline Design the team were already planning to announce, so that members of the public weren't given a chance to discuss openly with each other the relative pros and cons of different options.

I object to the scheme on the basis that the project team members acted unprofessionally by not acknowledging and actively listening and reflecting on opinions that were contrary to their own design decisions. This is not how the council, their client, would have expected their contractors to treat the public.

I object to the scheme on the basis the project team misled the public by holding meetings prior to the Outline Design being published in June 2023 purporting to be consultation events to find out what the public wanted, but which were actually marketing events being held to try and advertise and present in a good light, elements of the design that had already been decided (but not yet announced).

I object to the scheme on the basis the project team used underhand methods during the consultation prior to June 2023 to illicit positive responses from the public for elements of the Outline Design prior to it being published, so that the design once published could include the incorrect narrative that it was based on what the public said they wanted.

I object to the scheme on the basis that the project team have used unsound information gathered prior to June 2023 to underpin and justify their Outline Design i.e. by stating that the public expressed a preference to X or Y.

I object to the scheme on the basis that the project team have not published the pre-June 2023 public feedback in a quantitative or qualitative manner to prove to the public their assertions they have made that they are taking on board public opinion in the designs. The public have a pivotal role in terms of objecting to a scheme that will impact so significantly on their lives and there was a duty on the project team to provide them with a full copy of all public feedback received.

I object to the scheme on the basis that the project team have not published the pre-June 2023 public feedback in a quantitative or qualitative manner to prove to the Councillors their assertions they have made that they are taking on board public opinion in the designs. The Councillors have a pivotal role in approving or rejecting the scheme and there was a duty on the project team to provide them with a full copy of all public feedback received.

I object to the scheme on the basis that the project team did not follow project management best practice, including Prince 2 basic principles, for effective data management in that they did not set up a centralised storage point (folders/database etc.) for public feedback for the consultations prior to June 2023.

Consultations with the Public – The June 2023 Exhibition and the 2 Week Formal Written Consultation Exercise Post Outline Design Launch

The consultations at the June 2023 exhibition and the written consultation immediately afterward, have been used by the project team to inform, influence and evolve their designs and therefore contribute to the Proposed Scheme now notified and going through the Statutory Objection phase. Therefore errors or issues with this consultation have a direct impact on the Proposed Scheme for which I am sending this letter of objection.

By June 2023, the MFPS project had gone on for years. About 6 years. It is a large complex project. A lot of research and design was needed. Covid delayed things. All of this is to an extent reasonable. However, once the Outline Design was published, the public were given a strict 2 week window of time to provide their feedback through a formal written consultation exercise. This window of time was in late June 2023 at peak summer holiday season. This was disproportionate and unreasonable.

The public had been waiting for literally years to find out what the plans were for their town. They had been told only 2 months prior in April 2023 that the project team could not give any information about the design at all. The presentation meetings to explain the Outline Design were arranged for late June when a great many people were on holiday. They were held on a Tuesday and Wednesday i.e. midweek when less convenient for working people.

Only 4.13% of the Musselburgh residents attended the public exhibition. If you include the surrounding areas where people have a natural interest in the changes being proposed e.g. Wallyford, Prestonpans, Joppa/Portobello etc. this percentage reduces down to 1.26%. This initial 2 week window was completely inadequate to allow the public to find out about the Outline Design being published, review the significant volume of published materials and then provide informed feedback re how they felt about the designs.

The 2 week written feedback exercise was the only feedback during the entire 7 year period to 2024 that was formally collated, analysed and reported back. Even then, the actual full feedback commentary (answers to open questions) was not put into the public domain.

On the 20th of August, well after the 2 week feedback window had closed, Shona McIntosh (Green Councillor) advised: '*I have already asked the Project team to ensure that the results from the exhibition feedback are published as quickly and as transparently as possible… I believe they are aiming to get a paper on this out to the public this autumn.*'

A summary report created by the project team was the only output from the exercise. This report was published in December 2023 – some 5 months after the feedback window.

The report was summarised by the project team. It did present some points as statistics (quantitative) but did not give full representation of the qualitative information the public had provided.

There was a substantial difference in the level of satisfaction expressed by the physical forms completed during the exhibition open days and online submissions. The report stated:

Survey participation was available both at the event, and online, for a period of two weeks after the exhibition. As shown by the analysis presented in Section 3.2, there is a stark contrast in the opinions of respondents at the event and those online. Event respondents generally indicated a significantly higher level of support for all elements of the Scheme's design, compared with online respondents. Several inferences could be made about these observed trends.

- *Paper-based event feedback could only be submitted by those who attended the event in person, over the three-day period, whereas online feedback could be submitted by anyone during the twoweek period after the event. For this reason, a higher online response rate is to be expected.*
- *Those that attended the event in-person were able to ask the project team questions, which may have allayed their concerns and increased their understanding and level of support for the Scheme. On the other hand, individuals who were already opposed to the Scheme may have felt less inclined to engage directly with the project team, and hence more likely to submit negative feedback online.*

- *Due to the limitations of the online survey platform and the anonymity of responses, individuals were not limited to only one online submission. Individuals with a negative or critical view may be more inclined to submit multiple feedback forms. Individuals who are happy with (or have no strong opinions on) proposals may feel less inclined to submit feedback at all.*

This is not a complete list of potential reasons for why the online surveys showed a higher level of dissatisfaction. It shows a significant level of bias in the way it presents things.

- It presents one of the rationale for higher levels of dissatisfaction with the online responses being due to the respondents not being able to ask questions. It implies that people sitting at home looking at the materials online are somehow not able to understand the documentation they have provided sufficiently to make an informed decision as to whether they like/agree with it. This is unduly bias in favour of the scheme.
- The report does not give an equally plausible reason as being that the online respondents had more time to sit and read the materials at home, without a member of the project team influencing their thoughts, and had time to understand the details better in the quiet of their own homes. Therefore the online responses may be a better gauge of people's informed views.
- It also presents the possibility that online forms could have been completed by an individual multiple times. But it does not include that the physical forms could also have been completed by one individual multiple times, since the event ran over two days and did not take formal ID to verify who received a form.
- Nor does it acknowledge that the online system was set up by the project team and therefore this inadequacy in the system was their responsibility.
- They also do not recognise that online facilities allow more people to provide feedback who would otherwise feel shy about doing so in person or maybe they didn't have the time at the event.

It is a well known fact that if you have a physical feedback form being completed in person, near or in front of the very people who have just presented something to you, that you will rate it in a more positive light. It's the reason why in the Training & Development profession they refer to post event feedback forms as 'happy sheets'. In the Kirkpatrick Training Evaluation Model, level 1 i.e. initial post event feedback forms, is considered to be the least effective of all 4 levels deployed. There is evidence to show that feedback forms completed in person during an event are not just unhelpful in understanding true feelings but are actually misleading as they often give results that are the opposite of people's true feelings. People are generally kind and don't wish to offend. They are not always truthful. And if they do not like something, they are also less likely to complete a form at all.

It is deeply offensive to people who have taken time out their day to complete a feedback form online to then have their opinions dismissed as uninformed (not able to ask questions) or fraudulent (multiple submissions). The summary report was unprofessional in its bias and inferences.

The report said things like *'The relocation of Ivanhoe and Goosegreen bridges also received significant positive survey feedback.'* However, it gave no indication of whether the people who will live right next to the new Goosegreen bridge location and whose view of the river will be completely obscured by the massive concrete ramps, were also positive about this relocation.

The report said in relation to combining the MAT with the Flood scheme that this *was 'supported by many people in their survey responses'*. However, again this is vague. The project team explained the pros of combining the two projects but did not explain the cons. For example that the MAT will increase the number of concrete paths to be included in the scheme and that they will increase their width to 5 metres. Or that they will be combined use, mixing cyclists with pedestrians and people using some kind of mobility aid. Or that these large paths will sit where there is currently flat grass by the river. Or that the MAT designs will mean that bridges will need to be wider and have larger ramps. Without the full details including pros and cons, any public sentiment is not an informed one and therefore not valuable. Likewise, the project team did not explain the implications of joining the two schemes e.g. the fact that they should go through different planning/objection processes. Nor that the Council and project team were in violation of planning rules to combine them. Nor the implications of combining the two projects into a single design and the risks associated with one project securing approval and the other not.

Similarly, the report said in relation to the managed adaptive approach that *'this concept was supported by members of the public'*. However, the project team did not make sure that the public understood that the trade off for this approach is that the foundations are larger and more likely to be invasive to trees than they would otherwise be if the foundations were only built for the initial heights.

The report implies in relation to a difference between paper forms and online submission re overall satisfaction (5% very poor forms – 32% very poor online) that it was because the online submissions were from people who may not have been at the event. They didn't include for balance the other possibility that people got home and once they had a good look at the documentation realised that a number of factors in the design had not been adequately explained at the exhibition and therefore on reflection decided the exhibition hadn't been as good as it seemed when you are effectively standing listening to the 'sales' guys explaining only the positives to you.

The report highlighted a rather worrying point i.e. that *'a small minority of feedback received online expressed unacceptable levels of abhorrence and contained offensive comments directed at the project team'*. That is indeed not acceptable. However again their conclusion was to say *'feedback of this nature is not productive and provides no useful insight into specific design aspects that are cause for concern amongst those individuals.'* Actually this isn't the case. An alternative view is that if people are so incensed to write nasty things about something, they must really hate it. I am absolutely not condoning the bad comments but I am highlighting that the project team concluding that this provides no useful insight is simply not correct.

The report said *'the majority of people expressed a preference for reallocating road space on Eskside West so that the flood defence wall could be built at the road's edge to protect the existing trees and riverbank along this section'.* This is very interesting to me as I had made this point too months, if not years, prior. [redacted] at the consultation events multiple times prior to June 2023 since our street is already effectively one way, since you cannot enter it from Rennie Bridge if coming from the High Street direction. And yet the Outline Design had not taken it into account.

The report said that the *'Raised footpath on crest of embankment on* [redacted] *may enable pedestrians to see through trees into first floor windows of adjacent residential properties'.* It then stated that the solution to that would be to reduce the height of the crest of the embankment by 30cm where possible. This is interesting on two fronts. First that the defence heights have already been advised as necessary to counter the flood risk and yet 0.3m can suddenly be removed without altering the risk factor. And second, while the solution gives the appearance of trying to solve a problem, it doesn't actually stop people from being able to see into first floor windows. 30cm is the length of a school ruler. It isn't enough.

In summary, for this time period which influenced everything that came after including the Proposed Design that is under Statutory Objection, I object for the following reasons.

I object to the scheme on the basis that the written consultation post the Outline Design launch did not adhere to a quality standard generally expected for such a significant development. As all evolved designs stemmed from this consultation, this puts in question what led to the Proposed Scheme currently under Statutory Objection.

I object to the scheme on the basis that <u>effective</u> consultation was not carried out during the June 2023 exhibition in terms of explaining the specific options possible, together with relevant pros and cons for each option.

I object to the scheme on the basis that because of how the project team carried out the exhibition, the public were unable to provide the project team with <u>considered</u> and <u>informed</u> opinions as to their preferences and concerns i.e. the main objective of the consultation was not able to be achieved.

I object to the Scheme based on the fact that the insufficient notes were taken to capture what people were saying during the exhibition in June 2023.

I object to the Scheme based on the fact that the notes that were taken to capture what people were saying during the exhibition in June 2023 were biased in favour of the scheme. The notes taken tended to be where the comments were supportive of the designs the team already knew they were going to announce, and conversely ignored comments which were contrary to what they were going to announce.

I object to the scheme on the basis that the project team withheld information from the public during the exhibition in June 2023 that would have altered their opinion about elements of the design.

I object to the scheme on the basis that the project team have not published a full copy of the exhibition public feedback and the written survey public feedback in a quantitative or qualitative manner to prove to the public their assertions they have made that they are taking on board public opinion in the designs. The public have a pivotal role in terms of objecting to a scheme that will impact so significantly on their lives and there was a duty on the project team to provide them with a full copy of all public feedback received.

I object to the scheme on the basis that the project team have not published a full copy of the exhibition public feedback and the written survey public feedback in a quantitative or qualitative manner to prove to the Councillors their assertions they have made that they are taking on board public opinion in the designs. The Councillors have a pivotal role in approving or rejecting the scheme and there was a duty on the project team to provide them with a full copy of all public feedback received.

I object to the scheme on the basis that only one single formal exhibition/presentation of the scheme designs was ever carried out i.e. in June 2023 during the whole of the project. This is wholly inadequate for such a complex development.

I object to the scheme on the basis that the only formal exhibition/presentation of the design was carried out over just 2 days and therefore insufficient to allow the public time to attend and digest the plans.

I object to the scheme on the basis that the only formal exhibition/presentation of the design was carried out midweek and therefore did not accommodate the majority working and studying population to attend.

I object to the scheme on the basis that the only formal exhibition/presentation of the design was carried out in peak summer time and therefore did not accommodate as many residents as possible from attending.

I object to the scheme on the basis that even after members of the public requested that the only formal exhibition/presentation of the design would be carried out over a longer time frame and at weekends, to ensure more people could attend, the project team refused to accommodate this request. I made this request with my [redacted] when we attended the April 2023 meeting. Neither of us were able to attend [redacted] (We had to speak to neighbours who were there [redacted]).

I object to the scheme on the basis that only one formal (written) public consultation of the scheme designs was ever carried out i.e. in June 2023. This is wholly inadequate for such a complex development.

I object to the scheme on the basis that the only formal (written) public consultation of the design was carried out over just 2 weeks and therefore insufficient to allow the public time to digest the plans.

I object to the scheme on the basis that the only formal (written) public consultation of the design was carried out in peak summer time and therefore did not accommodate as many residents as possible from responding.

I object to the scheme on the basis that the even after members of the public requested that the only formal (written) public consultation of the design would be carried out over a longer time frame, to ensure more people could respond the project team refused to accommodate this request.

I object to the scheme on the basis that the exhibition and formal (written) public consultation feedback that the project carried out in June 2023 (2 days and 2 weeks respectively) were unreasonable and a disproportionately small opportunity for the public to see, understand and comment on something that had taken the project team about 6 years to design.

I object to the scheme on the basis that the only formal exhibition/presentation of the design touched a tiny percentage of the local population and surrounding areas and therefore cannot be seen as adequately informing the public, nor of representing their views appropriately.

I object to the scheme on the basis that the report from the only formal (written) public consultation feedback that the project carried out was withheld from the public and the Councillors for an unreasonable 5 months, during which time the public's opinions about the Outline Design could have influenced instructions from the Councillors and/or elicit further useful public commentary to inform the design.

I object to the Scheme on the basis that the report from the only formal (written) public consultation feedback was put into the public domain after it was too late for the public or Councillors to contribute any design commentary. After publication, there were only 7 weeks for the public to feed in commentary to the project team before they presented their Proposed Design – and this was over the Christmas and New year period, which would reduce the likelihood of public engagement. By this stage the project team would have concluded their design deliberations and would have been simply collating documentation for the January council vote.

I object to the scheme on the basis that the project team did not follow best practice guidance (and general common sense) nor the ideals of East Lothian Council for transparency during the project, by delaying publication of the June 2023 feedback until December 2023.

I object to the scheme on the basis that the project team did not follow best practice guidance (and general common sense) nor the ideals of East Lothian Council for transparency during the project, by not publishing the specific public feedback (anonymised of course) but choosing to summarise the feedback.

I object to the scheme on the basis that the project team's summary report on the June 2023 feedback was not carried out by people independent to the project and contained obvious signs of bias in favour of their scheme which altered the analysis.

I object to the scheme on the basis that the project team's summary report on the June 2023 feedback implied that the feedback received on the day via 'happy sheets' was more reliable data than the Online Feedback, which is not proven and again shows analysis that contains bias by the team in favour of their scheme.

I object to the scheme on the basis that the project team's summary report on the June 2023 feedback only presents conclusions, in relation to the significant negative online feedback, that support the design and ignores other equally plausible reasoning.

I object to the scheme on the basis that the project team's summary report on the June 2023 feedback accuses the public, without proof, of fraudulently completing their questionnaires online.

I object to the scheme on the basis that the project team's online questionnaire was set up in an inadequate manner, not capturing sufficient detail so as to guard against multiple submissions. This inadequate management on behalf of the project team was then used to belittle the feedback that was negative to their design.

I object to the scheme on the basis that the project team showed a surprising level of dismissal of the overwhelmingly negative feedback for the Outline design – as if they couldn't believe that people genuinely disliked their design so badly that the only reason could be fraud or misunderstanding. This lack of open-mindedness has had negative impacts throughout the project and to this day.

I object to the scheme on the basis that the project team went against general best practice by favouring the completion of feedback forms by people whilst in the same room as the people who are responsible for the item being critiqued, when this type of feedback is generally thought to be inferior and less reliable to subsequent feedback completed in privacy.

I object to the scheme on the basis that the project team's summary report on the June 2023 feedback made vague and misleading statements such as 'x received positive feedback' without backing these statements up with numerical data and open comments to prove this alongside the corresponding feedback information received to the contrary.

I object to the scheme on the basis that the project team's summary report on the June 2023 feedback sited positive comments without ensuring to adequately prove that the individuals fully understood the full nature, pros and cons of what they were commenting on.

I object to the scheme on the basis that the team's summary report on the June 2023 feedback sited that the public are supportive of combining the MAT project with the Flood Scheme, without admitting that the project team had only explained the benefits of combining the two projects but had withheld the disadvantages of doing so from the public.

I object to the scheme on the basis that the team's summary report on the June 2023 feedback sited that the public are supportive of combining the MAT project with the Flood Scheme without including that the Council were not legally permitted to join them together for planning purposes, as the two schemes need to follow different planning rules.

I object to the scheme on the basis that the project team's summary report on the June 2023 feedback concluded that the public were supportive of a 'managed adaptive approach' without admitting that the project team had only explained the benefits/pros but had withheld the cons/other implications of this approach from the public.

I object to the scheme on the basis that the project team simply dismissed 'offensive' commentary in the feedback rather than including it in their analysis and taking into consideration that when people feel compelled to be excessively rude about something, this is at the very least a point worth considering i.e. 'I may have designed something that the residents of Musselburgh hate so much they are actually being offensive in their feedback'.

I object to the scheme on the basis that even though significant numbers of the public had suggested making Eskside West between Rennie Bridge and Shorthope Bridge one way, the Outline Design did not include it (and still doesn't to this day in the Proposed Design).

I object to the scheme on the basis that the project team have stated that the heights of defences are dictated by the science, and yet they have the ability to arbitrarily alter the heights when asked e.g. reducing heights by 30cm in a specific location to attempt to counter a privacy issue, calling into question the science used.

I object to the scheme on the basis that the project team stated that a specific height was required for defences to counter the level of flood risk advised but then appeared to easily be able to reduce that height without reducing the flood risk.

I object to the scheme on the basis that the project team's summary report on the June 2023 feedback has stated an issue i.e. privacy issue with people walking along the crest of an embankment level with property windows, but has only presented a token solution i.e. to reduce the height by 30cm when this solution does not actually solve the problem.

I object to the scheme on the basis that the project team's summary report on the June 2023 feedback didn't take an objective view to some of the feedback, and only questioned views raised that were against the scheme but didn't equally question views that were pro the scheme.

I object to the scheme on the basis that the project team's summary report on the June 2023 feedback didn't take into account that the public had not been provided with different options and the relevant pros and cons but simply a single design.

Consultations with the Public – Ongoing Consultations From June 2023 to March 2024
The consultations from after the formal written survey, post Outline Design launch, right through to the notification of the Proposed Scheme have been used by the project team to inform, influence and evolve their designs and therefore contribute to the Proposed Scheme now notified and going through the Statutory Objection phase. Therefore errors or issues with this consultation have a direct impact on the Proposed Scheme for which I am sending this letter of objection.

From summer 2023 through to March 2024, the project team continued to 'consult' with the public. They had wanted to stop the drop in sessions but ran a poll asking the public if this was ok and the overwhelming response was no – they needed to keep the drop in sessions going.

There were drop in sessions available for people to go and speak to the team and ask questions or give their opinions.

As the public awareness grew in relation to the extent of the proposed walls, concrete paths etc. the volume of feedback and questions increased. The project team often commented on the volume of negative commentary they were receiving. Social media posts started gathering pace and the atmosphere became more negative. I got more and more concerned. The Outline Design was published. I asked [redacted] to go to the drop in sessions and ask questions. To be honest, at an early stage last summer, [redacted] and I thought we could go and speak to people in the team and try and explain why the current design was not good and see if we could explain our perspective and influence changes. We are both naturally positive, glass half full kind of people. We both thought if our criticisms were constructive and included alternative suggestions, we might be able to influence things for the better.

Two things then happened gradually over time. First it became obvious that getting straight forward answers was proving difficult. And second, it also became obvious that no matter what we said, no matter how nicely we said it, no matter how we explained the negative impact the designs would have on me and my home, no matter how many constructive alternative suggestions we came up with, the project team simply would not budge one bit.

So, let's first look at the question/answers/information point. We started to find that if you went to a drop in session one week and saw person X, they might tell you an answer. Then if you were there the following week and asked person Y, they then told you a different answer. Then a third week, a different person again and yet again a different answer. At this stage the Councillors were being a little more open too. One commented that they had found if they went to get an answer, each conversation usually just generated more questions. The whole thing started to feel a bit chaotic and like there was a lack of transparency.

It also became clearer that the information published about the details of the scheme in June, was presenting only part of the picture. An example of this was the height of the walls. This was and always had been *the* number one concern for the public for years. So when the project team prepared the materials for the public, it would be reasonable to expect the heights of the defences to be displayed clearly.

If they had omitted the heights all together, it would have drawn attention and people would have known they were missing. But what they did was they added one half of the height information. By doing so, most people thought they had been told the full story re the heights. But the heights were marked 'as per pavement level'. Some people who were really scrutinising the drawings ([redacted]) noticed that the walls that were marked for sitting over at the river's edge rather than over at the pavement, were still marked 'x metres as per pavement level'. At first we thought there was an error – a copy and paste mistake. But gradually it dawned on us that the heights were actually not from the ground level but from the pavement level. The pavement sits about 2 metres higher than the river's edge ground. So a 1.3 metre high wall 'as at pavement level' is actually about a 3.3 metre high wall at the actual position on the drawing i.e. the river's edge.

This realisation horrified us. [redacted] the wall they were proposing would be on the other side right down at the river's edge. This wall was marked as 1.3 metres high. But in reality it would be about 3.3 metres

high. This is really high. We took out a tape measure and worked out that this is roughly level with the gutters of the roof [redacted] house.

If I'm completely honest, we thought it was a mistake. And the extra 2 metres we were adding on was just a guess. We went down to the river bank and took a good look and photos down as level to the water as we could get (so that angles/perceptive didn't skew the results). The retaining wall visible on the other side we could measure. It was about 1 metre. From our view/photos we could see that the difference in height from the top of the retaining wall to the pavement height was more than 1 metre. So 2 metres was actually a conservative estimate.

We decided to try and check if it was a mistake and if not to get the precise measurement. The drawings and all the other documentation provided by the project did not tell us the height of the wall from the river's edge, even though this is the position it would be at. Consider this point again. <u>The drawings did not tell the public the height of the wall</u>. This is simply ridiculous. It was *the* number one concern from the public and the drawings didn't include it.

So I asked my [redacted] to go and find out if we'd misunderstood things. She went to the drop in sessions. The first time she saw Michael Woods. She chatted with him about various things and re this height question she got him to write it down word for word 'what is the height of the wall from the water level of the river to the top of the wall.' We had discussed that the water would actually go up and down with the tides. We had also wondered how much higher than normal river levels the project team expected it to be during an actual flood. So the question that she asked was further qualified as 'what is the height of the wall from the water level of the river to the top of the wall, at 1) low tide 2) high tide and 3) flood event?' She gave him her email and he promised to get back to her. [redacted] tends to be quite specific/precise if she is asking something.

I'm naturally a reasonable person. If I ask a question and the person doesn't know the answer, that's fine. They can go find out and get back to me. No stress. We didn't hear back that week, but they were very busy so [redacted] went back the following week and this time it was a different person. She asked the same question, drew a little sketch that showed what she meant and got the person to write down the question as before. She left her email address again. No reply for another week. This time we left it two weeks. She went back on week 4 and asked the same question this time to Connor Price, Project Manager. Same question to third different person, over a 4 week period. The answer from week 1 and 2 still hadn't arrived. [redacted] asked Connor if he wanted to write it down but he said he knew what she meant. [redacted] had done a little drawing of the riverbank cross section to show that the 'wet' side of the wall is different to the 'dry' side (we now know this is how they refer to it). Mum stressed that she knew they were busy but that was now a month since she'd first asked. She also said 'look all I need is 3 heights. Just 3 numbers please' to highlight how quick and easy it should be for someone to provide the answer.

The following week [redacted] went back. Connor happened to be there again. He was talking to other members of the public and [redacted] sat patiently. You catch more flies with honey than with vinegar and our family are all naturally polite and friendly. I've never really understood why people get so angry about things. She waited for quite a while. After about half an hour Connor stood up and motioned over that he didn't have the answer yet but he'd get back to her. I think realising he might be a while and didn't want her to wait since he actually didn't have the answer. At this point [redacted] said no, that wasn't good enough. The question was the height of the wall which is a basic fundamental question. She'd been polite and patient. It was 3 numbers. She would wait til he was free and if he didn't know the answer he could phone one of the engineers. They should absolutely be able to give the answer quickly over the phone. [redacted] is friendly but she is also not naive. She was feeling very fobbed off! Connor refused to call the engineer but apologised and promised that he would get the answer for her. [redacted] again offered to write the question down and Connor again said he knew what she meant.

Another week went by and eventually a long email arrived. It included information… but not actually what we had wanted to know. It gave the height as a measurement from the <u>river bed</u> to top of wall, rather than <u>water level</u>. So this is absolutely useless. You need to know how deep the river is to understand how high the wall is and short of going down to the river and wading into the water with a measuring tape, this is impossible to get.

We thought of an equivalent to show how ridiculous their answer had been. If you built at Loch Ness which is 227m deep but only 2m was visible sticking up from the water level, you wouldn't say there was a 229m high wall. You'd say there was a 2m high wall!

So 6 weeks after asking a simple 'how high is the wall' question, and they haven't given us the information. [redacted] complained bitterly and to this day we still do not know that measurement! It is also still not included on the Proposed Design documentation.

To add insult to injury, the email from Connor also included an engineer drawing from [redacted] of Jacobs that helped 'mansplain' how the wall would work for [redacted]! It was almost identical to the one she had drawn when asking the question 😊 [redacted] also said to let us know that the wall wouldn't really be seen [redacted]

Again, they cherry picked information that presents things in a positive light and withheld information that would accurately highlight the negatives of the scheme.

At this point I'm going to attach a picture taken this morning [redacted] see below).

- The larger red rectangle is roughly the dimension of the wall on the other side of the river. It's bottom edge is at the water and the top of the wall at the time we are talking about (Outline Design) was to be 1.3m higher than the pavement.
- The pavement level is shown with the separate red line.
- The smaller red rectangle is the equivalent height of the wall if it was situated at the pavement level.
- The total wall, from my estimate is about 3+ metres high on the 'wet' side.
- Note, the difference between the yellow lines is 1 metre – I've measured it. So you can see that the pavement level shown is at least double if not more.

To be clear, what this shows (in a very rough way) is that when a wall is situated at the river edge but its measurement is expressed 'as per pavement level', the height stated is only the height on the dry side of the wall and the wet side measurement is much higher.

What this also shows is that a wall situated at pavement level would only need to be build to a much lower height to achieve the same flood protection. This would also have a significant positive impact in reducing the amount of concrete used and therefore reduce the overall carbon emissions, costs etc.

From June 2023 to now, to my knowledge there has never been an occasion where the project team have proactively admitted there is such a thing as a difference between the 'dry' side and 'wet' side wall measurements. The Councillors appeared not to know about or understand the difference when we explained it to them! The general public have never heard the expression openly explained to them.

This one point is really important for various reasons. First, the wall heights on the documentation last June were actively misleading the public. When [redacted] asked for them to be changed to make things clearer as they had misled and confused us, the project team refused. So now, they are *deliberately* misleading the public. And the Councillors.

And second, the public were obsessed about the heights of the defences in particular locations. People were interviewed by STV News and one lady commented 'You know some of these walls are a metre high'. She had no clue that the walls she was talking about were in excess of 3 metres, if you were looking at them from the other side of the river. [redacted] spoke to her immediately after the interview and the lady was horrified that they were higher and that she wasn't aware.

Third, the project team were not getting the right level of public feedback about the heights since people thought the heights were less than advertised. If you truly want the public's feedback and concerns you need to provide them with full, accurate information. Connor Price's answer to the question 'why were the wet side measurements not included' was that 'there was a lot of information included and they couldn't include everything'. He used that line at

least twice. It seemed to be his rationale for explaining anything the public said should have been included that wasn't.

This is not credible. Yes there is a lot of information, it's a large complex project. But to omit the measurement of the wall is unacceptable. Out of all the information to be communicated, this one thing – the height of the defences – was *the* most important aspect of the scheme to the public. [redacted] confirmed in January 2024 that prior to the Outline Design being published, they knew from public consultations that the heights was priority one.

And lastly and possibly most significant to me, this misleading way of presenting the information eroded trust in the project team and what they were saying and caused a bit of a mind shift for me and [redacted]. We had avoided criticising the actual people in the project team, the way social media had. People are just doing their jobs, we had said. We had been constructive and friendly in our dealings with the team. But this deliberately misleading information for something so important and the way they simply wouldn't answer the question properly, made me really start to question the motives of the team. I would say it was at this point, looking back, that we stopped trusting the project team as much.

Just to say, [redacted] did try to speak to Connor and the other drop in people about protecting individual properties. [redacted] Anyway, the suggestion [redacted] tried to make a few times (remember she was trying hard to be constructive) was what about flood gates on individual properties. I've done a quick google search and I reckon maybe £600 for a pedestrian gate and maybe £1,000 to £1,500 for the driveway. If you costed out protecting each individual property on the main [redacted] and then also considered more substantial flood gates across some of the side streets such as North High Street and New Street, you could protect the houses along the river and the wider area for a fraction of the cost and with far less hard infrastructure that would kill the trees and cause a huge carbon footprint.

I am still of the view that this would be our preferred solution. The most interesting thing looking back was how abruptly [redacted] was shut down when she suggested it. Absolutely not. We need to protect the town too. No that wouldn't work. No, not at all. I wish now she had got a more detailed, written down answer as to why not. Depending on how you calculate the numbers, taking the full cost of the scheme and dividing it amongst the properties being protected from the flood, each one could have a huge amount spent on it. Plus if you contained the water along the river and away from side streets you probably have 10's of £1000s to spend on each property.

I have mentioned elsewhere the complete lack of being shown different options and having the pros and cons of each explained. I don't remember anyone ever telling us they had considered this and the reasoning behind it being discounted.

I have always shied away from joining the social media rabble shouting about corruption and back handers. Maybe I am naïve but I really do believe that everyone is trying to do the right thing. But consider this – the contractors who are designing the scheme are making a lot of money from the process. If they reply to the tender and are awarded the actual construction works, they will make huge amounts of money from building large walls with deep foundations. I'm imagining they would make far less money from sourcing the supply and fitting of flood barriers to individual properties/streets.

And by the way, I do understand that moveable barriers can become a point of failure. But each property would be responsible for their upkeep and the walls already would hold the water separate, property to property as there is a wall already in between small front gardens. The height that would be needed up at the property front walls would not need to be too high. The land slopes away down to the current proposed embankment. I reckon 800mm would be the equivalent. Especially if you consider that the river would have a huge wide basin to spread across rather than the much narrower gap which would help the flow pass.

Maybe the road drains would need upgraded but there would be loads of money left over from the current budget to do that. Plus the drains on Eskside West need upgraded anyhow, especially around the junction with New Street which is an absolute disgrace and floods often.

I object in the strongest terms to the scheme on the basis that this alternative option was not properly considered.

I object in the strongest terms to the scheme on the basis that this alternative option was not properly costed.

I object in the strongest terms to the scheme on the basis that this alternative option was not properly summarised in a report with pros, cons and implications clearly stated.

I object in the strongest terms to the scheme on the basis that this alternative option was not properly and proactively explained to the Councillors.

I object in the strongest terms to the scheme on the basis that this alternative option was not properly and proactively explained to the public.

I object to the scheme on the basis that the contractors put their own potential profits ahead of considering other viable solutions.

At around about the same time, we noticed at drop in sessions that Connor Price in particular was making a similar comment repeatedly to different members of the public. If you were sitting talking to someone else, you could hear him and he also said the same to [redacted]. If someone said something negative about the scheme, instead of really listening to their views and trying to understand their perspective, he complained repeatedly that the public weren't engaging properly with the process – as if somehow the fact that we didn't like elements of the design was the public's fault for not doing something right.

The other thing we also noticed was there was a major disconnect. Every single time you raised anything at all about the scheme from June 2023 to January 2024, whether to Councillors, Connor, Jacobs etc. the answer always included a statement meant to reassure and placate, and to be honest buy some time – advising us 'not to worry, this is just an Outline Design. Things will evolve and we'll take feedback on board to enhance the design'. [redacted] and I were told that so many times we started counting. It became a bit of a joke. We heard it from Connor, [redacted] Michael, various Councillors, Alan. Essentially anyone we spoke to.

> **MFPS Mailbox 29th June**
> '…The Outline Design presented is not the finished design for the Scheme. It will continue to be refined…'
> **Andy Forrest 3rd July**
> '…no decisions have been taken on wall heights embankments etc until the final design comes out…'
> **Shona 3rd July**
> '…first draft and will be revised over the next six months, largely on the basis of what has come out through the public consultation…'
> **Ruiridh Bennett 4th July**
> '…I do stress the current design shown at the June exhibitions is purely an outline design with room for refinement…'
> **MFPS Mailbox 6th July**
> '…Your feedback is essential to allow the Project Team to revise the Outline Design to a Scheme that is bespoke and tailored to Musselburgh…'
> **Connor Price 2nd October**
> I have to highlight – the design is not done. It is evolving and will continue to do so until it is approved'

You get the idea. It was like a mantra – it's just a first version, we can still improve the design. Keep providing feedback.

But there was a complete contradiction here. [redacted] and I started to think through how we would have liked the design to look, in particular near my [redacted]. We were optimistic to start. We fed in what we thought were constructive and good ideas. [redacted] was praised actually by various people in the project team and the Councillors for how constructive her comments were when she wrote to them. She was a [redacted] in her career, a role that relies on you finding solutions. We focused on trying to find ways that would make the scheme acceptable whilst still protecting against flood. But little by little it became apparent that contrary to what was being messaged, the drop in sessions were really there to explain the design they had already come up with and try to persuade you it was the best option. Not to listen to feedback and try to enhance things.

Every single thing we suggested was a 'no'.

By the 30th of August and having had a discussion with one of Jacob's engineers, it had become apparent to us that the project team didn't seem to want to change anything. My mum wrote to the project team:

> *'As you know, I have some real concerns over some of the plans. However, I have tried to be really constructive and raised questions genuinely to try and figure out if other options could avoid the loss of river views and beautiful flat grassy areas at Eskside. And [redacted] was very helpful tonight and very knowledgeable, explaining things. However, the bottom line is that we spent a very long time, explaining over and over that there are no options other than what is currently in the outline design. When you spoke to us as you were leaving, I had just got to the point with [redacted] where the penny was dropping for me that there is absolutely no hope at all to make things better.*
>
> *I've heard from various people:*
> *1) This is just an outline design and the consultation phase will be used to amend things based on feedback and*
> *2) Every single item I asked if it could be changed the answer is no and there's a big technical explanation as to why the outline design is the only option*
>
> *So my one final question to the flood team is this - what is the point of this consultation? You guys obviously think that the outline design is the only way. You are all spending all your time at every open consultation simply trying to persuade everyone that the existing design is great and explaining the background as to why it needs to be the way you have designed it. So it seems we are at an impasse.'*

And to back up my thoughts that the project team had no intention of changing the design but were carrying out the consultation as a 'tick box' exercise, here is a summary of the resultant changes to the various elements of the scheme [redacted]:

June 2023 Design	What We Requested in Our Feedback	Amended January 2024 Design
Embankment at Eskside West between Rennie and Shorthope	Make road one way, use extra space for wall rather than embankment	No change from June
Embankment height at Eskside West between Rennie and Shorthope	Too high, will obscure river plus privacy issue for houses	Approx. 30 cm lower, still obscures the river, still a privacy issue for houses
Embankment at Eskside West between Rennie and Shorthope	Assumed to be 5-6 metre wide, too wide, taking up too much of the current grassy area (documents didn't include measurements)	Confirmed as 10 metres wide! Confirmed worse than June assumptions
Riparian planting on embankment between Rennie and Shorthope	Changes the existing beautiful manicured grass and flower bed	No change from June

	look that is so popular, please keep flat grass and flower beds	
Embankments have removed the ability to have any seating with a river view e.g. park benches along the river from Rennie to Shorthope	Make room for park benches with a river view at intervals along the embankment	None included. No change from June.
Embankment height at Eskside West between Shorthope and Electric Bridge	Too high, will obscure river plus privacy issue for houses	Approx. 21cm lower at southwest end and 8cm lower at north east end, still obscures the river, still a privacy issue for houses
Embankment at Eskside West between Shorthope and Electric Bridge	Assumed to be 5-6 metre wide, too wide, taking up too much of the current grassy area (documents didn't include measurements)	Confirmed as 10 metres wide! Confirmed worse than June assumptions
Riparian planting on embankment between Shorthope and Electric Bridge	Changes the existing beautiful manicured grass look that is so popular, please keep flat grass	No change from June
Embankments have removed the ability to have any seating with a river view e.g. park benches along the river from Shorthope and Electric Bridge	Make room for park benches with a river view at intervals along the embankment	None included. No change from June.
Wall position at Eskside West between the Electric Bridge and mouth of the river	Move position from river's edge to closer to the Loretto wall to allow for lower wall and retain riverside walks	No change from June
Wall on Eskside West positioned between the path and the river between the Electric Bridge and mouth of the river	Allow people to walk by the water rather than on the other side of a wall	No change from June
Wall height at Eskside West between the Electric Bridge and mouth of the river	Too high, people on east bank will look onto high wall	Part of the wall 25cm lower and another part 69cm higher!
Wall position at Eskside East between Rennie Bridge and Shorthope Bridge	Move position from river's edge to pavement edge to allow for lower wall and retain riverside walks	No change from June
5 metre wide concrete path replacing the grassy riverbank on Eskside East between Rennie Bridge and Shorthope Bridge	Reduce path width, or have no path at all since already a nice riverside walk (wheelchairs can and do use the pavement)	No change from June
Wall on Eskside East positioned between the path and the river between Rennie Bridge and Shorthope Bridge	Allow people to walk by the water rather than on the other side of a wall	No change from June
Wall height at Eskside East between Rennie Bridge and Shorthope Bridge	Too high, people on west bank will look onto high wall	Reduced by 14cm
Wall position at Eskside East between Shorthope and Electric Bridge	Move position from river's edge to pavement edge to allow for lower wall and retain riverside walks	No change from June
5 metre wide concrete path replacing the grassy riverbank on	Reduce path width, or have no path at all since already a nice riverside	No change from June

Eskside East between Shorthope and Electric Bridge	walk (wheelchairs can and do use the pavement)	
Wall on Eskside East positioned between the path and the river between Shorthope and Electric Bridge	Allow people to walk by the water rather than on the other side of a wall	No change from June
Wall height at Eskside East between Shorthope and Electric Bridge	Too high, people on west bank will look onto high wall	Increased at one end by 13cm and the other end by 35cm – both are higher!
Wall position at Eskside East between Electric Bridge and mouth of the river	Move position from river's edge to pavement edge to allow for lower wall and retain riverside walks	No change from June
5 metre wide concrete path replacing the grassy riverbank on Eskside East between Electric Bridge and mouth of the river	Reduce path width, or have no path at all since already a nice riverside walk (wheelchairs can and do use the pavement)	No change from June
Wall on Eskside East positioned between the path and the river between Electric Bridge and mouth of the river	Allow people to walk by the water rather than on the other side of a wall	No change from June
Wall height at Eskside East between Electric Bridge and mouth of the river	Too high, people on west bank will look onto high wall	Increased by 72cm!

The height changes are the only change that the project team have made to the whole stretch of the river from the Rennie Bridge right down to the mouth of the river, on both the east and west sides. All that consultation. All that feedback. And not one significant change for the better.

To summarise the height changes specifically, they have:

- -30cm, -21cm, -8cm, -25cm, -14cm
- +69cm, +13cm, +35cm, +72cm

The public feedback during consultation was specifically about the heights being too high. And in some locations they have increased the height by 72cm!!

In summary, for this time period which influenced everything that came after including the Proposed Design that is under Statutory Objection, I object for the following reasons.

I object to the scheme on the basis that the ongoing consultation from June 2023 to March 2024 did not adhere to a quality standard generally expected for such a significant development. As all evolved designs stemmed from this consultation, this puts in question what led to the Proposed Scheme currently under Statutory Objection.

I object to the scheme on the basis that the ongoing consultation from June 2023 to March 2024 was managed inefficiently and to a quality standard below the par you would expect from the type of contractors engaged for the type of large scale development proposed.

I object to the scheme on the basis that the ongoing consultation from June 2023 to March 2024 was managed inefficiently and to a quality standard below the par you would expect for the amount of money the contractors were paid from taxpayer's money.

I object to the scheme on the basis that <u>effective</u> consultation was not carried out from June 2023 to March 2024 in terms of explaining the specific options possible, together with relevant pros and cons for each option.

I object to the scheme on the basis that because of how the project team carried out the consultation from June 2023 to March 2024, the public were unable to provide the project team with considered and informed opinions as to their preferences and concerns i.e. the main objective of the consultation was not able to be achieved.

I object to the Scheme based on the fact that insufficient notes were taken to capture what people were saying during the consultation from June 2023 to March 2024. Questions my family asked during the drop ins were lost and/or ignored. There was no evidence that the project team members systematically took an appropriate level of notes of what we and the rest of the public were saying during any of the drop in consultations.

I object to the Scheme based on the fact that the notes that were taken to capture what people were saying during the consultation from June 2023 to March 2024 were biased in favour of the scheme. The notes taken tended to be where the comments were supportive of the designs the team already knew they were going to announce, and conversely ignored comments which were contrary to what they were going to announce.

I object to the scheme on the basis that the project team withheld information from the public during the consultations from June 2023 to March 2024 that would have altered their opinion about elements of the design.

I object to the scheme on the basis that the project team during the ongoing consultation from June 2023 to March 2024 unduly tried to influence the public to favour elements that they were going to announce in their Proposed Design, rather than illicit properly considered opinions that were made understanding the facts.

I object to the scheme on the basis the project team misled the public by holding consultations prior to the Proposed Design being published in March 2024 purporting to be consultation events to find out what the public wanted changed, but which were actually PR/marketing conversations being held to try and advertise and present in a good light, elements of the design that had already been decided (but not yet announced).

I object to the scheme on the basis the project team used underhand methods during the consultations between June 2023 and March 2024 to illicit positive responses from the public for elements of the Proposed Design prior to it being published, so that the design once published could include the incorrect narrative that it was based on what the public said they wanted.

I object to the scheme on the basis that the project team have not published a full copy of the ongoing public feedback received from June 2023 to March 2024 in a quantitative or qualitative manner to prove to the public their assertions they have made that they are taking on board public opinion in the designs. The public have a pivotal role in terms of objecting to a scheme that will impact so significantly on their lives and there was a duty on the project team to provide them with a full copy of all public feedback received.

I object to the scheme on the basis that the project team have not published a full copy of the ongoing public feedback received from June 2023 to March 2024 in a quantitative or qualitative manner to prove to the Councillors their assertions they have made that they are taking on board public opinion in the designs. The Councillors have a pivotal role in approving or rejecting the scheme and there was a duty on the project team to provide them with a full copy of all public feedback received.

I object to the scheme on the basis that the project team did not follow project management best practice, including Prince 2 basic principles, for effective data management in that they did not set up a centralised storage point (folders/database etc.) for public feedback for the ongoing consultations from June 2023 to March 2024.

I object to the scheme on the basis that during the consultation period, the project team did not always answer questions raised by the public, even if asked multiple times, thereby not allowing the public to make informed choices re whether to ask further questions or provide informed feedback to the team and the Councillors.

I object to the scheme on the basis that during the consultation period, the project team often gave different answers to the same question, this inconsistency confusing the public and eroding trust in the team and the process.

I object to the scheme on the basis that the project team omitted explaining that walls had a ‘dry’ and ‘wet’ side to them and that both these measurements would be different – a vital piece of information that the public and the Councillors had a right to know.

I object to the scheme specifically due to the fact that the most important piece of data for most of the public i.e. the heights of the walls, was only included in the document in part (dry side) and that the project team during consultations thereafter made it impossible to uncover what the wet side measurements would be.

I object to the scheme specifically due to the fact that the project team proactively avoided answering a simple but important question from my family to help us understand what height the wall would be opposite my flat.

I object to the scheme specifically due to the fact that the project team to this day have not told the public (and me) the measurement from the water level to the top of the wall for the walls along Eskside East from Rennie Bridge to the mouth of the river and Eskside West from the Electric Bridge to the mouth of the river (on their wet side) at low tide, at high tide and at flood event. The project team would not give my mum this information. The June 2023 drawings did not include it. And the Proposed Design engineer drawings still do not include it.

I object to the scheme on the basis that the project team withholding the measurement of the wet side of the walls from the public from June 2023 onwards has impacted the feedback the public may have given the team i.e. people didn’t know how high they would be and thought they were lower because the documentation gave the lower dry side measurements and therefore the public didn’t give the appropriate feedback re how they felt about this.

I object to the scheme on the basis that the project team specifically chose to detail the lower height of a wall with height differences on both sides, so as to present the designs as more favourable to the public and hide the true height of the walls.

I object to the scheme on the basis that members of the project team acted unprofessionally by delaying responding to requests for information from the public with a view to ‘run down the clock’ and ‘wear the public down’.

I object to the scheme on the basis that the project team misled the public and the Councillors about details of the scheme they anticipated would cause concerns to be raised – and when this was pointed out to them that it had misled the public and they refused to change the drawings, they were now *deliberately* misleading the public i.e. wall heights on wet side continuing to be withheld from the Outline Design documentation and not able to be calculated accurately from the Proposed Design documentation.

I object to the scheme on the basis that the project team through their omission of key information on the documentation, reduced the feedback they would otherwise have received from the public which was supposedly the whole point of the consultation exercise.

I object to the scheme on the basis that the Project Team hid from the public the fact that they were going to narrow the river all the way through the June 2023 exhibition, through the ongoing consultation over the following 7 months and it only came to light in January 2024, and even then was only worked out by people studying the engineer drawings intently.

I object to the scheme on the basis that the project team through their actions, eroded the trust the public had in them, this being an unacceptable situation for a company being commissioned by a council whose purpose is to serve the public.

I object to the scheme on the basis that members of the project team acted unprofessionally in dealing with the public, openly criticising the way the public were engaging with the project to the public.

I object to the scheme on the basis that the project team and Councillors repeatedly advised the public that their feedback could bring about enhancements to the design, when in reality the project team had fixed and immovable views and had no intention of making the kind of changes the public wished to see. The limited number of changes implemented from Outline Design to Proposed Design are evidence of this.

I object to the scheme on the basis that the project team, whilst promising the consultation feedback would allow the public to request changes, simply refused to change anything for the vast majority of requests.

I object to the scheme on the basis that the project team used the consultation period as a marketing phase, selling and influencing people to accept their designs rather than listening to concerns and actively trying to find ways to enhance the design.

I object to the scheme on the basis that the project team have made no significant changes to the defences or their positions on the River Esk from Rennie Bridge to the mouth of the river, despite public feedback requesting changes.

I object to the scheme on the basis that the project team, having listened to the public's feedback requesting lower defence heights on the River Esk from Rennie Bridge down to the mouth of the river, have only made negligible reductions in height.

I object to the scheme on the basis that the project team, having listened to the public's feedback requesting lower defence heights on the River Esk from Rennie Bridge down to the mouth of the river, have actually made some of the defences higher, going completely against the public's wishes.

I object to the scheme on the basis that even after me and my neighbours feeding in multiple times at various consultations that my street would work well as a one way street, which would allow the flood defence to sit into the road area, this was only adopted for another section of [redacted] and ignored for my street.

I object to the scheme on the basis that the project team only made a token gesture change to the heights of the embankments along [redacted].e. reducing them specifically because of privacy issues, but the amount they reduced them by did not remove the privacy issue i.e. people walking along the top of the embankments will be able to see into the first floor windows of the residential buildings – including [redacted].

I object to the scheme on the basis that the project team withheld important information from the Councillors that may have impacted their vote at the January 2024 full council meeting i.e. the heights of the walls on their wet side (i.e. from the water level to the top of the wall for the walls along Eskside East from Rennie Bridge to the mouth of the river and Eskside West from the Electric Bridge to the mouth of the river (on their wet side) at low tide, at high tide and at flood event). This is not included in the Proposed Scheme information.

I object to the scheme specifically due to the fact that the Councillors voted to approve a scheme in January 2024 without actually knowing the height of the walls on their wet side (i.e. from the water level to the top of the wall for the walls along Eskside East from Rennie Bridge to the mouth of the river and Eskside West from the Electric Bridge to the mouth of the river (on their wet side) at low tide, at high tide and at flood event).

Consultations with the Public - General Consultation Best Practice that Should Have Applied from June 2023 to March 2024

A final point about consultations in general. There are a variety of sources that give good best practice advice for consulting with the public, including from the Scottish Government. The Project Team consulted with the public in three main ways.

- Firstly before they published the Outline Design, they describe their interactions with the public as 'consultation'. I'm going to skip that part in this section, since they didn't specify any of the actual design ideas in detail and therefore the consultation didn't really ask for specific opinions on actual designs at that stage.
- Second, the exhibition in June 2023 and the formal written survey immediately afterwards
- And third the ongoing consultation including the drop in sessions, questions raised in person or by email etc.

Below are a few extracts of best practice to highlight how the Flood Scheme consultations failed to meet the usual best practice standards expected for an effective consultation for the formal written consultation described above. This was the only formal written consultation exercise based on specific designs, carried out in the full 6 year period of the project.

Best Practice	**My Comments**
Consultation often includes a traditional written consultation. This process takes a minimum of 4 months but in most cases at least 6 months should be allowed. *Quick written consultations can be done, by exception, but they can be open to challenge if they are not considered to have followed due process.*	The only traditional written consultation exercise the Flood Scheme carried out over the years was the one completed just after the Outline Design was published in June 2023. They allowed only a tight 2 week timeslot for responses. I do think an immediate post exhibition survey was a useful to do. But there should have been an additional longer exercise, collating responses over time, say until about December 2023. Then the fuller survey results could have been published in January ahead of the full council vote. This would have given the public (and me) more time to understand the designs, ask the right questions and then give a more informed view to the project team. This would also have enabled the Councillors to have a deeper and broader understanding of the public's views on specific elements of the design prior to them voting in January 2024 whether to approve the project to the next stage or not.
Consulting too quickly will not give enough time for consideration and will reduce the quality of responses	The low quality of responses is evident from the 2 week written consultation. Not enough of the public had heard of the Outline Design nor had time to understand the detail. I certainly didn't. Certain key pieces of information, such as the fact that the wall heights were only for one side of the wall or the fact that they were planning on narrowing the river etc. were not included in the documentation. There was insufficient time to find these things out in that 2 week consultation window. When I look back, with what I know now, my written feedback at that time would have been much more considered and full, had the exercise been over a more appropriate timescale. The speed at which the project team rushed through this part of the consultation adversely impacted my ability to understand both the scheme and the process the whole Flood Scheme was going through.

Give enough information to ensure that those consulted understand the issues and can give informed responses	There was a lot of information included in the Outline Design about the 'what' and 'where'. What the defence would be and where it would be positioned. But practically nothing was included about the 'why'. Why was there an embankment at a certain part of the river and not a wall or vice versa. Why was the wall at the water's edge and not over by the pavement. My questions asked at the drop in consultations afterwards by my mum focused often on trying to understand *why* the design was the way it was, since the documentation didn't explain this. She told me that sitting waiting to speak to people you could hear what other members of the public were saying and a large proportion of them were asking 'why' questions. The information given was completely inadequate for people to understand the scheme and the rationale for why the design was the way it was and therefore the feedback received at survey stage was not fully informed. There was no time in the two week window to ask questions and receive answers. We tried to post questions on the Flood Scheme website but they were not answered in sufficient time to inform my thinking before I completed the online survey.
When the consultation spans all or part of a holiday period, consider how this may affect consultation and take appropriate mitigating action *If your consultation is live over a public holiday period, such as Christmas, or over a period like the summer holiday, when key people you want to respond might be on leave, then it is good practice to extend the consultation* *Remember the Consultation Principles – give adequate time for response*	No consideration was made for the fact that the exhibition was only held over 2 days in June, the start of the holiday season. The following written consultation exercise was then only given a 2 week window of time. [redacted] asked for the closing date to be extended and I know she wasn't the only one, since it was summer holiday time. However the project team ignored this request completely and did not alter the closing date. No mitigations were put in place.
Responses that use occasionally inappropriate, defamatory or offensive language should be handled according to the screening and redaction process but in the vast majority of cases they remain a valid response.	The project team specifically highlighted in their report (published December 2023) that they received some submissions from the two week written consultation which used offensive terms etc. Due to this they advised that they ignored them. They did not consider or acknowledge the fact that members of the public feeling compelled to take time out their day to actually write something rude or offensive was probably an indication of how strongly people felt about the scheme. The offensive language is not acceptable but to ignore the sentiment behind it is also a very poor and bias way of analysing public feedback.
Responses should be published according to respondent preferences and moderated in line with policy. *Information should be available so that respondents can find out how many people*	The written consultation didn't put in a system of asking for and recording people's preferences for the publication of their questions or comments. It can be inferred from this that either they had not properly planned the exercise and simply forgot (negligence) or they

responded, what they said and how responses have informed policy	did not intend to ever publish the public feedback (deliberate lack of transparency). Responses to the written consultation were never published. Only selective quotes were hand-picked by the project team who showed bias in their selection and analysis. The Councillors never received a full copy of all public feedback either. This will have impacted their ability to see the breadth and depth of the public's thoughts and views on the scheme. In the summer of 2023, [redacted] asked the Councillors and the project team if they would publish, anonymised of course, all the ongoing feedback. At one point in discussions with Shona McIntosh, the Councillor confirmed 'I agree I would also be concerned if there was a lack of central/systematic compilation of feedback. I will raise this and let you know what I hear back.' [redacted] didn't ever get any further information.
Publish responses within 20 working days of the consultation closing	The project team didn't publish their summary until 5 months after the written consultation process closed. This was completely disproportionate to the short 2 week window of time they had given the public to complete the survey. There is a pattern here. The research and design phase took them about 5 years. Then the exhibition to explain it was only 2 days long. Then the feedback window was only 2 weeks long. Then the project took 5 months to publish a summary of the feedback. And the project took 7 months to revise the designs (with very few actual amendments). Then they took another 2 months to post the materials online and start the Statutory Objection phase. The public now have only 28 days to digest a mountain of paperwork, written in complex jargon, without any rationale included for why elements of the scheme are the way they are. In addition, the project combined the MAT and MFPS projects together for about 18 months. Then removed MAT from the scheme 24 hours before notification. Members of the public (i.e. me) only had 24 hours to read through this change and understand the implications without any consultation before starting the 28 day objection timeframe. The whole timescales of this project have been disrespectful to the general public and I am personally angry that we have been treated with such contempt. The elongated timescales waiting for action have the effect of boring people and putting them off continued interest. I struggled to stay interested in the pre June period, especially as every single meeting was such a waste of time – no specifics of what they were actually considering. I have had to work really hard to maintain any kind of hope or interest in what's going on since last June. The only reason why I have continued to fight for what I think is right is because the impact of the scheme will have such a huge negative impact on my life. I am [redacted]. I've felt for some time that politics doesn't work for the people. Like a lot of my generation I can't understand why the system is so broken. This Flood Scheme has given me a taste first

	hand of the local government in action. I am completely disillusioned with the whole set up. The council has delegated all authority to outside contractors who have a vested interest in the designs having significant hard infrastructure. A lower tech, more natural solution or a flexible solution with lower capital costs but ongoing maintenance costs have been ignored, since they go against the financial interests of the contractors. I will never vote for any political party who allows this scheme to go through as it is – both at a local election but also at a general election too. I might just be one single person but it has become a point of principle for me now.
It is advisable to 'get back to people' within the same length of time as you gave them to respond to your consultation	The written consultation was given a 2 week window. The project team then took about 5 months to report back. Completely disproportionate and unacceptable.

Above was in relation to the written survey consultation. Below are a few extracts from the best practice to highlight how the Flood Scheme consultations failed to meet the usual best practice standards expected for an effective consultation for the ongoing consultation phase from June 2023 to March 2024.

Following the best practice principles in this guidance will help ensure that your consultation exercise is, and is seen to be, fair, effective and high quality	The overarching objective in this guidance aims for the public thinking the consultations have been fair, effective and of high quality. I am a member of the public and do not believe the Flood Scheme's consultations have been fair, effective or of high quality. Bearing in mind it's my tax paying for the services from these contractors and council staff who carried out the consultations, I am not happy with how my money has been spent. The consultations were not fair as they failed to listen to my (and others) views and try to change the designs. The consultations in the main were aimed at explaining why the designs already laid out were the only option we could have. The consultations were also not effective. There was no centralised collation of questions and views expressed. There was no publication of these either. The Councillors who ultimately had the role of making the decision in January as to whether to progress the project or not, had no overarching view of the breadth and depth of commentary, only what they were copied into or heard about in a sporadic way. And of course the public didn't ever see the full questions and commentary the public had expressed. This in turn reduced the ability for the public (and me) to understand more fully how the scheme would work. And in turn reduced the number of people feeding back further commentary and reduced my ability to feed back further. There were no formal note takers, questions asked and written down were not responded to, answers given from one team member contradicted other team members. The whole thing did not reach a quality standard expected from such large

	organisations who have significant experience and are being paid large amounts of money for their services. When complaints were escalated to the Head of Council Resources about the contractors, they simply confirmed that all contractual obligations were being fulfilled. This means one of two things. Either the contract didn't include a suitable level of qualitative key performance measurements. Or the council weren't monitoring the level of service being provided on the ground. Certainly, there were rarely council staff on site during the consultations. And the contractors are hardly in the best place to mark their own homework. The consultants have shown significant bias and have not sought peer review to back up their claims about the science or any other aspect of the designs. They should have set up an independent assessing team within the planning department and did not. I object to the scheme based on this complete lack of independent peer review, in particular to do with any scientific data or analysis as this would be the norm for this type of thing.
Consultation is defined as: A time-limited exercise, when specific opportunities are provided for all those who wish to express their opinions on a proposed area of work to do so in a way which will inform and enhance that work.	My family provided a number of opinions, expressed in a constructive manner, to try and enhance the scheme. But practically nothing we said informed or enhanced the scheme. The project team spent all their time they gave us explaining how what they had designed was good and therefore implying our comments weren't valid. No-one ever said I'm so sorry I know the view of the river will be completely obscured and you won't be able to sit anywhere along that stretch of the river and see the water but there's simply no other way we can protect you from flood. They just kept saying how wonderful it was all going to be, effectively arguing with us if we said we thought it was going to look awful.
The Gunning Principles are the legal standard that consultations must meet *The Gunning Principles:* *• Consult when proposals are at a formative stage.* *• Give enough information for intelligent consideration.* *• Give adequate time for response.* *• Explain how consultation results have been taken into account in policy/legislation.*	Enough information was not provided for intelligent consideration. The biggest omission in the information the project team gave us was there were no comparison options provided with relative pros and cons e.g. in terms of different defences, in different locations, at different heights. Only one single design was provided as a fait accompli. And then the project team reinforced that design over and over and over during the consultations for the next 9 months. The rationale for each component of the design was not included and therefore insufficient information was given for 'intelligent consideration'. 2 weeks time to respond to a written consultation was insufficient
It is also worth being aware that in law, the doctrine of legitimate expectation is a judicial innovation that provides control over the exercise of a decision-maker's powers where a person does not have a legal right, but does have an expectation of a public authority behaving in a certain way. In the UK this can be used to question whether	The project team have stated that they were not legally obliged to 'consult' with the public prior to notification but they did so on request from East Lothian Council. This is not a reason to not consult properly. This scheme is one were a 'legitimate expectation' would apply from the public. The scheme is hugely controversial in terms of specification, loss of amenity spaces, cost and environmental impact etc.

consultation has been undertaken appropriately, for example, in a case where the public could have been expected to be consulted on a matter	There is a legitimate expectation from the public that a full and transparent consultation would be carried out and the results published. And it was not.
Include validated impact assessments of the costs and benefits of the options being considered when possible	The costs and benefits of individual components of the scheme are not included in any of the documentation. For example, the team occasionally mention avoiding building near an old Victorian drain on Eskside east. This has impacted a whole section of the riverside but without any relevant costs associated to this to highlight the implications of that option. Maybe the public would prefer to spend x on rerouting that drain to allow the flood scheme to enhance their designs there. None of the plans show the exact position and length of this drain. Another example would be the Ivanhoe Bridge. The Jacobs report from 2022 states that changes from a flood perspective would be 'negligible'. But no impact assessments of the costs and benefits of different options have been included for this bridge.
Set up process to receive responses	As mentioned above, no process was set up for the ongoing consultation. Very limited formal notes were taken of questions or comments. Questions weren't always followed up. No centralised system for the collation of verbal and email comments was set up. No formal methodology was implemented to ensure all Councillors forwarded correspondence they received to the team so that it could be analysed and stored centrally etc. Which then led to an FOI from at least 2 members of the public being refused on the grounds that it would take multiple people a huge amount of time to collate.
You will wish to establish at the outset which individual(s) will be responsible for coordinating the consultation exercise and who will undertake the heavy administrative burden	The project team did not set up any centralised co-ordination of public feedback during the consultation from June 2023 to March 2024. When asked to provide the information under FOI they demanded that [redacted] pay £1000 to cover the administrative burden that they themselves should already have taken responsibility for.
You need to establish a process right at the beginning to record and receipt responses so they do not get lost. It is essential to acknowledge all responses received	There was no process set up. There are anecdotal stories of people handing in letters at drop in session which then got lost, asking questions which didn't ever get passed on etc. My family has direct experience of this and I've explained one particularly bad experience [redacted] had trying to get the answer to the wet/dry wall height question, asking repeatedly and never receiving the information she requested. The whole ongoing consultation felt a bit of a shambles to be honest and not what you would expect from a large multi-national company being paid such large sums of money. It felt like a tick box exercise, with the team attending the drop ins regularly so they could tick that box but not really listening to

	feedback so as to enhance the scheme, just reinforcing their existing views that the design they had already prepared was the only way forward.
You could establish a separate database to record and track responses which you update as new responses come in	This was never set up
You should ensure that good notes are taken that accurately capture any discussion at events *Remember that it is very hard to facilitate a discussion and take good notes at the same time, so you might want to consider having a separate facilitator and note taker for event discussions or delegating the role of note take to one of the attendees*	At each consultation event and drop in session very poor note taking was done. Huge numbers of comments made, including all of those made by myself and my mum, were not captured correctly or at all. No separate note takers were in attendance at any of the events or drop in consultations I or my mum attended.
The Respondent Information Form (RIF) is used to collect information about respondents in order to acknowledge responses, to identify publishing preferences and for consent to be contacted in the future.	[redacted] have not at any stage in the last few years and certainly not in the last 9 months, been asked to identify our preferences for publishing when providing feedback.
Responses should be published according to respondent preferences and moderated in line with policy. *Information should be available so that respondents can find out how many people responded, what they said and how responses have informed policy*	The ongoing consultation didn't put in a system of asking for and recording people's preferences for the publication of their questions or comments. All comments received during the ongoing consultation were randomly held in different people's email boxes, on paper notebooks and in people's heads. Unsurprisingly then due to this lack of effective data management, the ongoing consultation information was never published. Not only that but when members of the public [redacted] asked for the consultation feedback to be published, this was refused. When Freedom of Information requests were submitted to try and force the project team to publish the information, the project team advised the council's FOI offices that it would take 6 different people about 25 hours to collate it and they would provide it at a cost of about £1000. This shows a complete lack of organisational management by the project team who did not store the public feedback in any kind of centralised system. [redacted] asked the Councillors to request the feedback themselves, since they are entitled to see it without having to do an FOI and pay £1000. I've seen a copy of an email one of the Councillors sent to the project team asking for it and the response from Connor Price refusing it on the basis that it was too vague. He didn't say, I could give you everything from x month to x month. Or I could give you everything from the drop in consultations. He didn't try to make the request specific to help the Councillor with what she was asking. And the Councillor didn't push back to

	Connor when she received his non answer. She simply advised [redacted] that she had tried and couldn't get the feedback. This showed two things. One, that the Councillors are sometimes out of their depth when dealing with the outside consultants. Councillors come from all sorts of backgrounds and generally are there as they wish to serve the people. They don't always have the necessary skills to hold experienced professionals to account. And secondly, it shows how much delegated power the council have given Connor Price. He has effectively carte blanche to do as he pleases and isn't answerable to anyone who has a higher level of expertise within the council. There is no escalation process for complaining about what he or Jacobs do. The correct route is to Alan Stubbs within the council. However, he then simply defers to the outside contractors, who write the answers and he then sends them on under his email address. If you escalate to the Head of Council Services who looks after procurement and therefore the contracts these contractors are bound to, they do not answer. If you escalate to the top, to the Chief Executive, they do not answer. The massive amount of public feedback provided to the project team over the period June 2023 to March 2024 was never ever put into the public domain. Neither was it given to the Councillors. This lack of transparency erodes trust. It also has affected my ability to have a more rounded view of the scheme. The project team have often used the 'public says' principle to justify aspects of the scheme but without providing any proof. They could say whatever they wanted to and I (and the Councillors) would have no way to know if it is true or not.
Processing the volume of responses will be an issue itself, and there may be an extensive role for commissioned consultation support to ensure an independent analysis can be produced within the allotted time	No independent analysis of public feedback has ever been carried out for this scheme. The project team are in charge of every aspect of the project. They research the options, weight up pros and cons, decide which option they wish to proceed with and present that to the public and to the Councillors as a fait accompli. The only option choice ever given formally to the Councillors was the choice of different risk levels. No choices about types of defences, locations etc. has ever been given to the Councillors or the public. This conflict of interest using an outside contractor with a vested interest to do almost everything without proper oversight was a question raised by one of the Councillors at the January 2024 full council meeting. It was not answered in any satisfactory way. However, the fact that it was asked by a Councillor shows that the conflict of interest issue is of real concern.
When you commit to a consultation process, you are also committing to being open and transparent about the responses you receive.	The Flood scheme ongoing consultation has refused to publish the public's feedback.

This might be uncomfortable if responses have not supported the favoured position	It is a reasonable assumption to make that the rationale for this is a combination of two factors: first that the team didn't set up a process to capture the feedback and second that it became obvious very quickly that the feedback would be overwhelmingly against the scheme and therefore not supporting the project teams' position. Either way, this is unprofessional and has impacted on my (and others) ability to properly analyse the scheme. It is a reasonable question to consider, would the project team have taken better notes and fully published the public's feedback, had the feedback been overwhelmingly in favour or the designs.

In summary, for the full breadth of consultation completed over the 6 year period which influenced everything that came after including the Proposed Design that is under Statutory Objection and against a backdrop of general best practice advice from reputable sources, I object for the following reasons.

I object to the scheme on the basis that the project team did not follow general consultation best practice as laid out by many organisations including the Scottish Government.

I object to the scheme on the basis that the general best practice of carrying out a written consultation over a minimum of 4 months was not followed. On the contrary, it was carried out over a 2 week period in the summer holidays. This short timeframe felt very rushed to me and impacted my ability to respond appropriately.

I object to the scheme on the basis that the general best practice advice that carrying out a written consultation too quickly will reduce the quality of responses was ignored.

I object to the scheme on the basis that the best practice advice to give enough information to ensure that the public understand things sufficiently and can give informed responses, was not carried out and impacted my ability to understand and give informed responses.

I object to the scheme on the basis that the project ignored the best practice advice to mitigate carrying out consultations over holiday periods.

I object to the scheme on the basis that the project focused the bulk of their design information on the 'what' and the 'where' but not on the 'why' of specific aspects of the design and that without this rationale it impacted my ability to understand the scheme and provide suitable feedback.

I object to the scheme on the basis that due to the lack of 'why' information for different design elements combined with only a 2 week window during holiday time, there simply wasn't sufficient time or information to provide well informed written feedback.

I object to the scheme on the basis that the project team ignored requests from the public for a longer timeframe for the written consultation.

I object to the scheme on the basis that the project team did not put any mitigations in place for the short timeframe of the written consultation.

I object to the scheme on the basis that the project ignored best practice advice to consider inappropriate, defamatory or offensive language in consultation responses as remaining a valid response.

I object to the scheme on the basis that the project team ignored best practice advice to request the public provide 'consultation respondent preferences'.

I object to the scheme on the basis that omitting to ask the public for their publication preferences was either an oversight (negligence) or due to the fact that the project team had no intention of ever publishing the public feedback (deliberate lack of transparency).

I object to the scheme on the basis that the project team ignored best practice advice to publish the public consultation feedback.

I object to the scheme on the basis that the project team only used selective quotes from the qualitative feedback without allowing the public or Councillors to scrutinise the full breadth of commentary received.

I object to the scheme on the basis that the project team ignored best practice advice to publish the public consultation feedback within 20 working days of the consultation closing.

I object to the scheme on the basis that the project team took so long to publish the summary of the public written consultation feedback (5 months) that it arrived after the point where further enhancements could be made to the next iteration of the design which was being prepared for the council vote a few weeks later.

I object to the scheme on the basis that because of the lateness in publishing the summary of the public written consultation feedback (December 2023) there was insufficient time for the public to react to the findings.

I object to the scheme on the basis that because of the lateness in publishing the summary of the public written consultation feedback (December 2023) there was insufficient time for the Councillors to react to the findings.

I object to the scheme on the basis of the pattern that emerged of the project team taking a very long time to do their part of the process but only allowing the public a disproportionately much shorter time to react and carry out their part in the process, showing a level of disrespect for the public (me) and our opinions.

I object to the scheme on the basis that the project's tactics and processes caused public fatigue in the whole process putting the public off continuing to try to understand and influence things for the better.

I object to the scheme on the basis that the way the project has been handled has further increased the public's apathy and antipathy to how local government works. This is not good from a societal perspective.

I object to the scheme on the basis that the council delegated too much control to outside contractors, leaving the council underequipped to deal with the public in a meaningful way as almost every aspect of the project was being handled by outside personnel.

I object to the scheme on the basis that the council delegated control of a project to outside contractors who had a conflict of interest in that they would benefit from designing the scheme in a certain way.

I object to the scheme on the basis that the Councillors knew and understood the serious concerns the public have over the conflict of interest existing with the contractors but seemed powerless to do anything about it.

I object to the scheme on the basis that the contractors focused on hard engineered designs that have up front capex costs rather than lower cost solutions that might be more acceptable to the public but for which the monies would be split across both capex and ongoing maintenance monies. An indication of a conflict in interest as the contractors benefit financially from the former option.

I object to the scheme on the basis that the contractors focused on hard engineered designs that have up front capex costs rather than lower cost solutions that might be more acceptable to the public but for which the monies would

be split across both capex and ongoing maintenance monies. An indication of where the Council and Councillors were being swayed to make decisions based on the process around Scottish Government funding rules (80% but only capex) rather than the best long term option for the people of Musselburgh.

I object to the scheme on the basis that because the project team ignored significant parts of the best practice advice, the public were unable to consider the consultation as fair, effective or of high quality. I certainly don't.

I object to the scheme on the basis that contrary to best practice, the consultations were not fair as the project team spent the bulk of their time explaining why the designs they had already produced could not be changed as opposed to listening and actively trying to change things the public asked for.

I object to the scheme on the basis that contrary to best practice, the consultations were not effective in a number of ways e.g. no publication of ongoing feedback, no effective note taking etc.

I object to the scheme on the basis that contrary to best practice, the consultations were not effective due to ineffective contractor performance management processes, ongoing monitoring and escalation processes being in place.

I object to the scheme on the basis that the external contractors were mostly given carte blanche to handle every aspect of the project as they saw fit, leaving the council almost fully abdicating any responsibility for the detail.

I object to the scheme on the basis that the council engaged the contractors with ineffective contractual obligations that allowed the contractors to still secure their fees, even if the project wasn't meeting appropriate service levels more usually associated with large scale expenditure such as this and with limited scrutiny or management from the council's procurement office.

I object to the scheme on the basis that the project team ignored the best practice advice that feedback received should inform and enhance the scheme. Only minimal changes were made.

I object to the scheme on the basis that the Gunning Principles which are the legal standard for consultations (and common sense to be honest) were not followed.

I object to the scheme on the basis that contrary to best practice enough information was not provided to the public for intelligent consideration.

I object to the scheme on the basis that the project team used the excuse that they were not required legally to conduct consultations prior to notification but that there was a legitimate expectation from the public for this and therefore it should have been carried out to a high standard.

I object to the scheme on the basis that contrary to best practice the project team did not include validated impact assessments of costs and benefits of the various options in relation the scheme defences, heights, locations etc.

I object to the scheme on the basis that contrary to best practice, the project team specifically did not provide a validated impact assessment of the costs and benefits in relation to the potential moving or rerouting of the Victorian drain in Eskside East. This was allegedly a significant decision making item and yet there are no options analysis for alternative ways of dealing with it.

I object to the scheme on the basis that contrary to best practice, the project team specifically did not provide a validated impact assessment of the costs and benefits in relation to the Ivanhoe Bridge, which they had previously said changing would have 'negligible' impact on flood risk.

I object to the scheme on the basis that the project team did not follow best practice advice by setting up a process to receive responses from the ongoing consultations.

I object to the scheme on the basis that the project team did not follow best practice advice by setting up a process for the Councillors to systematically forward feedback and correspondence from the ongoing consultations, to a centralised point.

I object to the scheme on the basis that the project team did not follow best practice advice by establishing at the outset a process to record and receipt questions and comments from the ongoing consultation.

I object to the scheme on the basis that the project team did not follow best practice advice by establishing at the outset individual(s) to be responsible for coordinating the consultation e.g. the huge number of questions and comments the team would receive.

I object to the scheme on the basis that the project team did not follow best practice advice by establishing at the outset a separate database for recording and tracking the consultation feedback.

I object to the scheme on the basis that the project team did not follow best practice to ensure that good notes are taken by a note taker to accurately capture discussions at the drop in sessions.

I object to the scheme on the basis that the project team did not follow best practice advice by ensuring that the public provided their preferences for publishing their feedback, certainly [redacted] were never asked.

I object to the scheme on the basis that the project team did not follow best practice advice to publish public feedback.

I object to the scheme on the basis that contrary to best practice due to the lack of basic organisation for the ongoing public feedback, that when members of the public (including my mum) submitted and FOI request, they were to be charged a fee to pay for the administrative burden it would take, due to the project team not already ensuring that administration had been completed.

I object to the scheme on the basis that the project was managed so badly that they were ready to invoice [redacted] for £1000 to receive information that should have been easily downloaded from a central database.

I object to the scheme on the basis that the project manager refused to assist one of the Councillors will getting access to the ongoing public consultation feedback.

I object to the scheme on the basis that the Councillors did not insist of seeing the full ongoing public consultation feedback to ensure they were getting the full breadth and depth of the public's views that had been communicated to the project team.

I object to the scheme on the basis that the lack of an effective escalation process caused a serious eroding of trust in the council and the project team.

I object to the scheme on the basis that the ongoing consultation was managed badly and felt to me and others like a tick box exercise, where the project team were running down the clock and had no genuine expectations that they would alter their designs.

I object to the scheme on the basis that contrary to best practice, none of [redacted] comments were written down by any note taker during the ongoing consultations.

I object to the scheme on the basis that the project team did not follow best practice advice by ensuring analysis of public feedback was carried out independently to avoid bias.

I object to the scheme on the basis that the project team did not follow best practice advice by being transparent about feedback received during the ongoing consultation that was negative to the scheme.

I object to the scheme on the basis that contrary to best practice, the project team did not plan for full transparency (negligence) when carrying out the ongoing consultation or they knew they weren't going to publish the ongoing feedback all along since it would be overwhelmingly negative to the scheme (lack of transparency).

The Vote - January 2024 Full Council Vote Meeting, Materials Published In Advance, MAT Removal & Proposed Design Notification

In January this year, there was to be a new publication of the Outline Design, changed to reflect the public's feedback over the previous 6 months. The documentation was put online on the East Lothian Council website about a week before their full council meeting was scheduled. This meeting would have all 22 of the councillors present and they were to ultimately vote on whether to approve or reject the amended design to go to the next stage.

The documents were vast. They were also completely different in terms of layout to the June 2023 version. This meant there was an immediate additional layer of complexity for the public (and me) and the Councillors to try and find the right documents and understand them. There were no 'easy to read' summaries. There was absolutely no single comparison document to show what had changed since last year, so you could just focus your energies on what was different. Because they were all different documents, with different layouts, it wasn't even possible to do a side by side comparison or use software to do an automated comparison. And the heights of the defences, quite unbelievably, were no longer written as a simple number on the maps as they had been last year. There was now a complex table of numbers in a cross section table which required a formula to calculate heights. And the drawings for certain stretches of the river bank etc. were now in a format which showed both sides of the river but only gave the cross section measurements for one side of the river, although the document did not highlight which side it was referring to. It also did not give you the cross referenced file name or number for the document you needed to look up to find the cross sections for the other side!

The defence heights are arguably the single most important element of the whole design, to the public and certainly to me (with the exception perhaps of the trees to be felled). I have long said that if the wall was say about 50-70cm high, no-one would care at all really. A small child could sit on that, a lot of able bodied people could step over it, and most importantly most people could see over it and still see the river.

The project team knew the heights were important. A difference even of 10-30cm would sway public opinion one way or the other. [redacted] at the Full Council Meeting in January 2024 raised this point repeatedly when he spoke (5 times in total) stressing incorrectly that the defences were reduced to 1 metre to make them more tolerable to the public. And yet knowing how significant these dimensions were to both the public and the Councillors, it was only when the Proposed Design documentation was published in January that the following paragraph was included in the documentation:

'All areas, directions, distances, lengths, widths, depths, and heights as stated in the operation descriptions shall be construed as if the words "or thereby" were inserted after each such area, direction, distance, length, width, depth, and height.'

So all dimensions are not actually what they say they are!

100s of documents, 1000s of words but only two words included with a most profound meaning and implication - 'or thereby'. So nothing is actually definite. Nothing is precise. If the project team say we have listened to the public and we have reduced some of the heights by 8cm or 20 cm, in actual fact, they can easily say this since none of the dimensions are precise anyhow. They can change all the dimensions after the project is approved and after the period of time when the public can object to things. No-one at any of the consultations in the previous few months had ever told us, certainly not [redacted], that the heights that we were all discussing so often were all open to change anyway.

In addition, I can't find anywhere in the documentation a mention of an allowable tolerance. So if a wall is noted as say 1 metre high, if the words 'or thereby' are to be inserted afterwards, this might mean 1 metre is really 1.2m or maybe 1.5m or maybe, since no tolerance is included, 7m or 20m!!

In every conversation the public have had with the project team about the previous published information (June 2023) at no point did they say, remember these dimensions are just approximate and might be different. This is misleading and effectively a lie of omission. The heights on the documentation from the Outline Design didn't have a

‘~’ next to them. They did not say ‘c.’ next to them. Nothing instructed the public to realise they were looking at approximate measurements.

The project team failed in their duty to the council, and to the public on behalf of the council, to inform people appropriately and effectively. Assuming that the operational teams within the council would have understood this point, they also failed to ensure the Councillors and the public knew that the dimensions being debated so openly and publicly, were not actually precise.

So the January materials were published on the internet for the public to view in the lead up to the full council meeting. There were about 125 documents posted. Each document link had a name that described what it was for. However, when you downloaded the document it had a filename that was completely different to the web link. The filenames did not contain any information that described what the particular document was for. There was a document that summarised the filenames and compared them to work orders.

If an ordinary lay person i.e. member of the public, wished to find out what was being proposed for a particular area – say the stretch of the river from the Rennie Bridge to the Shorthope Bridge[redacted] - they would scan down the list of 125 web links and would spot the one marked:

Work Section 3: Rennie Bridge to Shorthope Street Footbridge

If they downloaded from that link, it would then download as a file called:

701909-JEC-S5-W03-XXX-DR-Z-0001

If, like I did and a lot of the public did, you downloaded the whole lot of the files, and then tried to find the one for the area you were interested in, there was nothing in the filenames that helped you figure out which one was which.

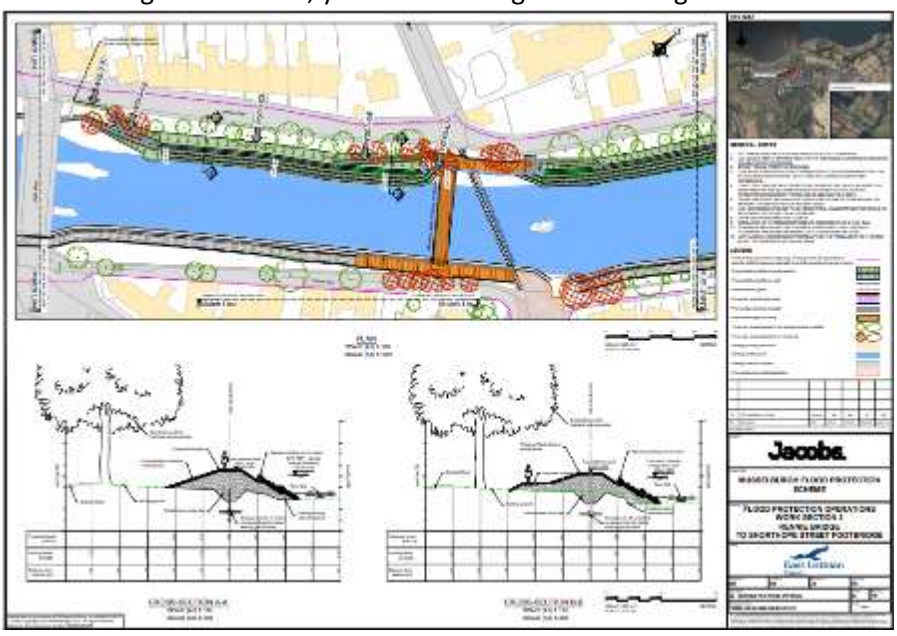
Eventually, if you opened and read the document marked ‘Schedule of Scheme Operations’ you found a table that looked like this:

Plan Reference	Plan Title
701909-JDC-SS-W22-XXX-DR-Z-0001	Outline Design - Work Section 22
701909-JDC-SS-W23-XXX-DR-Z-0001	Outline Design - Work Section 23
701909-JDC-SS-W24-XXX-DR-Z-0001	Outline Design - Work Section 24
701909-JDC-SS-W25-XXX-DR-Z-0001	Outline Design - Work Section 25
701909-JDC-SS-W26-XXX-DR-Z-0001	Outline Design - Work Section 26 Sheet 1
701909-JDC-SS-W26-XXX-DR-Z-0002	Outline Design - Work Section 26 Sheet 2
701909-JDC-SS-W27-XXX-DR-Z-0001	Outline Design - Work Section 27
701909-JDC-SS-W28-XXX-DR-Z-0001	Outline Design - Work Section 28 Sheet 1
701909-JDC-SS-W28-XXX-DR-Z-0002	Outline Design - Work Section 28 Sheet 2
701909-JDC-SS-W28-XXX-DR-Z-0003	Outline Design - Work Section 28 Sheet 3
701909-JDC-SS-W28-XXX-DR-Z-0004	Outline Design - Work Section 28 Sheet 4
701909-JDC-SS-W29-XXX-DR-Z-0001	Outline Design - Work Section 29 Sheet 1
701909-JDC-SS-W29-XXX-DR-Z-0002	Outline Design - Work Section 29 Sheet 2
701909-JDC-SS-W30-XXX-DR-Z-0001	Outline Design - Work Section 30
701909-JDC-SS-W31-XXX-DR-Z-0001	Outline Design - Work Section 31
701909-JDC-SS-W32-XXX-DR-Z-0001	Outline Design - Work Section 32 Sheet 1
701909-JDC-SS-W32-XXX-DR-Z-0002	Outline Design - Work Section 32 Sheet 2
701909-JDC-SS-W33-XXX-DR-Z-0001	Outline Design - Work Section 33 Sheet 1
701909-JDC-SS-W33-XXX-DR-Z-0002	Outline Design - Work Section 33 Sheet 2
701909-JDC-SS-W34-XXX-DR-Z-0001	Outline Design - Work Section 34 Sheet 1
701909-JDC-SS-W34-XXX-DR-Z-0002	Outline Design - Work Section 34 Sheet 2
701909-JDC-SS-W35-XXX-DR-Z-0001	Outline Design - Work Section 35 Sheet 1
701909-JDC-SS-W35-XXX-DR-Z-0002	Outline Design - Work Section 35 Sheet 2
701909-JDC-SS-W36-XXX-DR-Z-0001	Outline Design - Work Section 36 Sheet 1
701909-JDC-SS-W36-XXX-DR-Z-0002	Outline Design - Work Section 36 Sheet 2
701909-JDC-SS-W37-XXX-DR-Z-0001	Outline Design - Work Section 37
701909-JDC-SS-W38-XXX-DR-Z-0001	Outline Design - Work Section 38
701909-JDC-SS-W39-XXX-DR-Z-0001	Outline Design - Work Section 39
701909-JDC-SS-WA1-XXX-DR-Z-0001	Outline Design - Work Section A1
701909-JDC-SS-WA1-XXX-DR-Z-0001	Outline Design - Work Section A1
701909-JDC-SS-WA2-XXX-DR-Z-0001	Outline Design - Work Section A2
701909-JDC-SS-WA3-XXX-DR-Z-0001	Outline Design - Work Section A3
701909-JDC-SS-WA4-XXX-DR-Z-0001	Outline Design - Work Section A4
701909-JDC-SS-WA5-XXX-DR-Z-0001	Outline Design - Work Section A5 Sheet 1
701909-JDC-SS-WA5-XXX-DR-Z-0002	Outline Design - Work Section A5 Sheet 2
701909-JDC-SS-WA5-XXX-DR-Z-0003	Outline Design - Work Section A5 Sheet 3
701909-JDC-SS-WA5-XXX-DR-Z-0004	Outline Design - Work Section A5 Sheet 4
701909-JDC-SS-WA5-XXX-DR-Z-0005	Outline Design - Work Section A5 Sheet 5

Plan Reference	Plan Title
701909-JDC-SS-WA6-XXX-DR-Z-0001	Outline Design - Work Section A6 Sheet 1
701909-JDC-SS-WA6-XXX-DR-Z-0002	Outline Design - Work Section A6 Sheet 2
701909-JDC-SS-WA6-XXX-DR-Z-0003	Outline Design - Work Section A6 Sheet 3
701909-JDC-SS-WA6-XXX-DR-Z-0004	Outline Design - Work Section A6 Sheet 4
701909-JDC-SS-WA6-XXX-DR-Z-0005	Outline Design - Work Section A6 Sheet 5

You needed to go back to the web links on the website, scroll down and figure out that the stretch of the river you were interested in was Work Section 3, then find the right filename from the blue part of the table. The right hand column of the table is headed up Plan Title but this doesn't match in full the title used on the web link, only in part.

If you hadn't simply given up by this stage, which I have to think a lot of people may well have done, once you'd found the right document, you were looking at something like this:



There was nothing to indicate that this document, marked Rennie Bridge to Shorthope Bridge, was only for the West side of the river. It took me another full week, with the help from [redacted] emailing various people to ask, to find out I needed to find a completely different document to see the east side of the river [redacted] That different document's name was almost identical to the previous one i.e. to see both sides of the river you need to view both of these files:

Work Section 3: Rennie Bridge to Shorthope Street Footbridge

Work Section 24: Rennie Bridge to Shorthope Street Footbridge

Neither tell you in the web link title, nor the filename, nor the summary document which side of the river they are for.

In addition, as both files actually show both sides of the river it takes a while to even know you're not looking at the right document. The key difference is that the cross sections detailed at the bottom of the files only relate to one side of the river.

[redacted] tried to have a look at the drawings for the stretch of the river [redacted]. We simply couldn't figure out where the dimensions for the wall on the east side were. We also couldn't actually understand all the numbers at the bottom of the drawing. We simply wanted to know the height of the embankments and walls and if they had changed since the June 2023 version of the designs. An exceedingly simple, reasonable thing for a member of the public to want to do.

[redacted] emailed the project team and asked one of the Councillors too. Both couldn't explain it and forwarded the question to one of the engineers. The fact that a project team member and a Councillor couldn't actually explain how to find the right information or how to calculate the wall heights, is a perfect example of how complex this process and documentation is. The Councillor was about to vote yes or no to the scheme and couldn't explain how to work out the heights of the defences. The project team member couldn't either.

Eventually, this is the answer we got back from [redacted] on the 19th of January. Bear in mind when reading this, that this is an explanation to an ordinary member of the public (layperson) to help them understand simply how to find the height of a wall on the drawings. Also, bear in mind that it is the duty of the project/council to explain things to the public in a clear manner.

> *'The best way to understand the proposal at specific sections is to view the Work Section / Cross-section drawing and the reference to it in the Schedule of Operations document, which outlines in detail the proposed operation.*
>
> *Within the drawings, height data is shown within the cross-section data of each work section. Cross-Sections (e.g. Cross-Section A-A) on the bottom of the drawings correlate to a section line shown plan, also marked A-A. On the cross-section drawing, the flood defence level (top of defence) is shown on each drawing as a label, with an arrow. To correlate height data, you can use the "proposed levels (mAOD)" and "existing levels (mAOD)" to correlate heights in those areas. In order to calculate levels, for walls – use the "flood defence level" subtract the "proposed level" will provide a height at that point. Embankments are slightly different as the height above existing level is slightly less relevant. To calculate the height of the embankment above the finished ground level, you would use the "flood defence level" subtract the "proposed level" shown at the point at which the embankment starts. Each section is different but height above road level, for example, can be calculated in a similar manner, where roads are shown. To calculate the height above existing level, you would use the "flood defence level" subtract the "existing level".*
>
> *The "Distance from defence (m)" shows how many metres the point is from the defence.*
>
> *With regards to the specific drawing you reference, Work Section 3 at Eskside West, the schedule of operation WS03-03 states;*
>
> *"Demolish and remove existing training wall and construct 124m or thereby of new earth flood embankment with a minimum height of 1.4m and a maximum height of 1.5m above finished ground level and a maximum width of 12m, or thereby. To incorporate seepage cut off where required, which may include steel sheet piles, with a maximum depth below ground of 5m. Install a surface water drainage system including outfalls where required. Construct a new footpath, 2m wide or thereby, on the embankment crest. The embankment slopes shall be dressed with topsoil and seeded with grass and riparian planting, unless otherwise agreed with the local planning authority."*

on CS A-A the levels are;

- *Finished ground level to top of embankment – 5.62 – circa 4.20m = circa **1.42m***
- *Top of embankment above Eskside West pavement / road – 5.62 – 4.34 = **1.28m***
- *Top of embankment above existing ground level – 5.62 – 3.79 = **1.83m***

It should of course be noted that these levels are relevant to the cross-sectional area, and exact heights will vary along the stretch, as per the Schedule of Operations.'

That explanation above is quite simply horrific! To expect a member of the public to understand that, is completely unacceptable and a breach of the legal duty on the council to adequately inform the public. To present drawings that are so complex is unacceptable. The project team should have used some of its vast budget to employ good comms people. And I mean people with good explanation skills not PR skills.

[redacted] explanation also didn't explain that the east and west cross sections were on different documents. It took another few days to uncover this additional piece of information.

Consider this – as a lay person you had to have a huge burning desire and vested interest to persevere to find out the answers to the simple question 'how high is the wall'. This methodology, this poor document design and this inability to explain things clearly was completely contrary to the council's obligation to inform the public.

Just imagine for a moment that I sent this objection letter, printed off, on flimsy greaseproof paper, with tea stains on the pages, with all the pages muddled out of order, and no page numbers at the bottom and written in Gaelic. This is just a taste of how it feels to try and navigate and understand the Proposed scheme documentation. Luckly you are receiving a well written, in order letter. A bit long but your scheme documentation was kind of massive too 😊

And to show this is not just me being a bit dumb and not understanding things, see this social media post from someone trying desperately to understand things and asking for help from the 'Musselburgh Flood Action Group'. It's a simple but good example of a real everyday person trying to get answers that are not well presented by the project team.

Could someone help me with these questions. I went to the Brunton yesterday during the opening hours but there was no-one there to ask questions of. I was taken to the room containing the documents, however the stack of documents was huge and I did not have hours to spend searching out the information I was looking for.

Is the proposed bridge at the mouth of the river to be for cars, or pedestrians and bikes only?
Are bikes expected to use the travel path along the prom, and then the bridge at the mouth of the Esk? The roads are currently used by groups of bikers who take up all one of lane on the road and travel at speed. I would be concerned to have a group like this coming up behind me if I was using the path at the prom. I can see where people out walking with young children, or people walking dogs, to use two examples, would be concerned also.
Are groups of bikers going to be asked to continue to use the roads? Which would defeat the purpose of an active travel path.
Are there going to be bike lanes on the travel path?
I do not see much attraction in walking along the prom if there is no opportunity to sit down and look at the view, which will be obscured from a sitting position. Am I correct that this will be the case? (I cannot remember the proposed height of the wall, can someone remind me?).
Is it proposed to put benches on the sea facing side of the wall, with access points? If so, how wide will this mean the concreted over area to accommodate this need to be?
Looking at the approach to the proposed bridge at the mouth of the Esk , am I right in thinking that this is lined by chain link fencing on both sides? It seems this way from the illustration in the project update (march 2024. - View of the new Goosegreen Footbridge)
Is this the ramped approach for those using mobility scooters, or who dont want to /cant climb steps? How long is this approach?

Thank you to anyone who can answer.

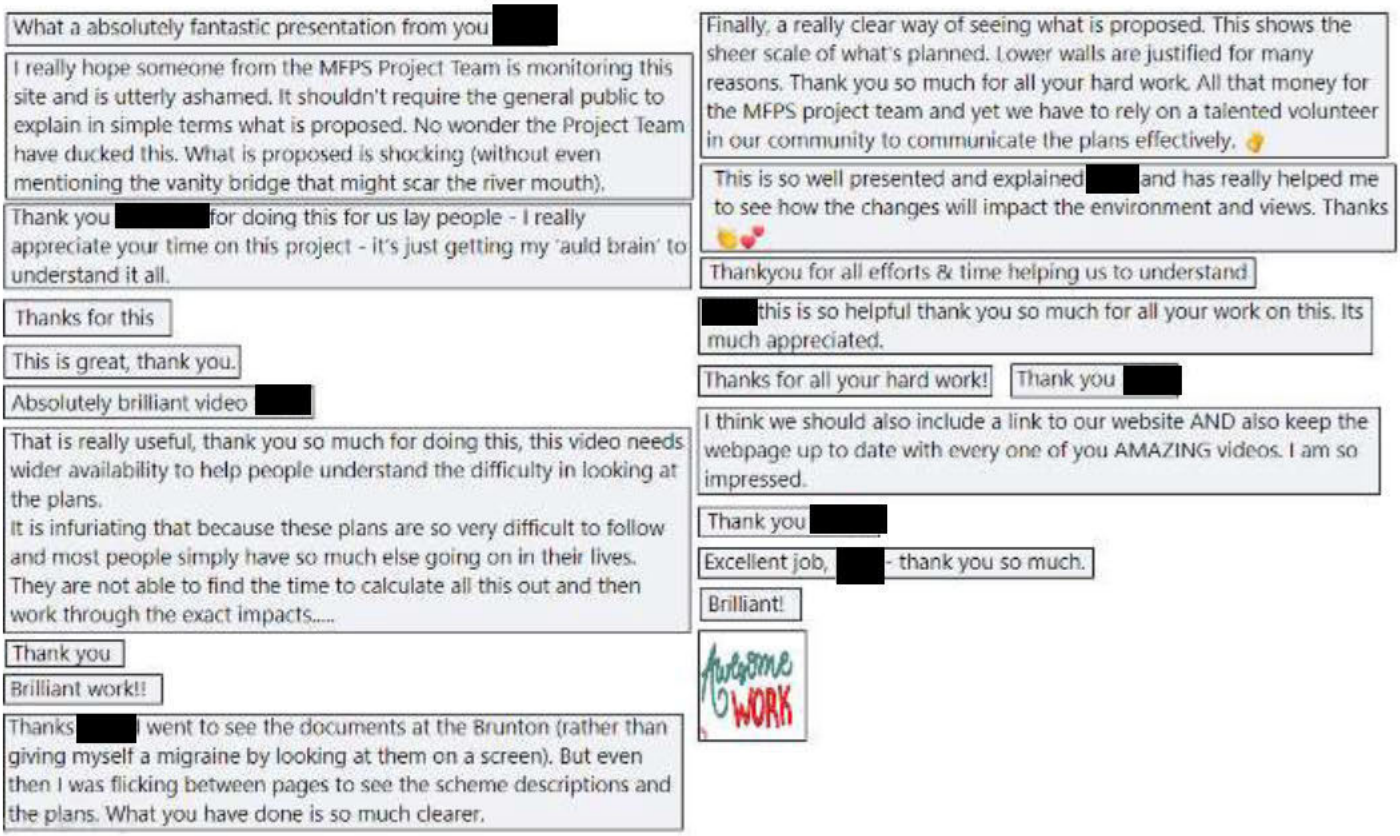
As time went on around January to March, there was a lot of chatter about various things to do with the Flood Scheme on social media. It became obvious that people really didn't understand what was going on, how high things would be and more basically, how on earth they got the information they needed to make an informed choice re whether they wished to object or not. A bit of an argument broke out at one stage on social media between two people – one arguing that the river was being made narrower and another demanding proof as saying that that

couldn't possibly be right as it would make flooding worse not better. The information we had managed to uncover from the project team seemed to not be getting through to the general public. People couldn't work out the heights, dimensions etc. They couldn't understand the drawings.

[redacted] and we joked that someone should do a little training video on how to actually find and understand the documents! So [redacted] actually did that [redacted] The response was really interesting. So many people commenting that it helped them understand things. [redacted] had actually said at one of the drop in consultations to the team last year that they should get Training professionals in to help them with their comms and stop using Marketing people. The important thing was for people to understand the scheme, not that they be 'sold' it in an overly positive light that misled them and didn't manage their expectations correctly.

The response on social media showed how badly the public needed better, clearer explanations of what was going on. And how badly the project team had failed in providing suitable, easy to understand, clear explanations.

Here is a sample of the kind of responses that came up on social media simply thanking a member of the public for taking the time to explain how things in the scheme worked from a lay person's perspective:



The purpose of attaching that above is not to boast in any way. [redacted] says pretty much any basic Training & Development professional would be able to produce a nice clear explanation in layman's terms like she did. But look at the reaction. It highlights how badly people wanted to understand the scheme design but who couldn't from the documentation provided.

There were 3 different target audiences for the Flood Scheme's Proposed Scheme documentation published in January and then notified in March:

1. The 22 East Lothian Councillors who need to understand things fully, so they could make an informed choice on whether to vote to approve or reject the scheme moving to the next phase
2. The public who need to understand things fully, so they can make an informed choice on whether to object to certain elements of the design or not

3. And for further down the line, the operational council team and future contractors who will have to quote for carrying out the works

The Proposed Scheme documentation was published on the East Lothian Council website one week before the full council meeting in January. The primarily target audience at this point was the Councillors and the public. However the documents were written by engineers and flood experts (i.e. subject matter experts - SMEs) and the format and language was definitely aimed at future contractors and operational council engineers and not at the correct target audience – the Councillors and public.

The full council meeting in January was designed for the project team to present the Proposed Scheme and explain it to the Councillors. The meeting would also allow the Councillors to ask questions and then ultimately vote on whether to proceed or not. However, the full council meeting was split into 2 parts. The first part, was for the project team to present the documentation to the Councillors and allow them to ask questions. This part was held separately and prior to the vote part of the meeting.

The full council meeting is supposed to be live webcast. East Lothian Council, like a lot of government bodies, adopt a transparency policy and let the public watch proceedings. The 'vote' part of the meeting was webcast. The first 'explanation & questions' part of the meeting was not. It was held behind closed doors. This was a misstep on two fronts. First, quite simply the public have a right to see the full meeting. Second, the council commit to transparency and this briefing taking place behind closed doors goes against that ethos. Third, the public really needed the same explanations that the Councillors did to help them understand the documents and were left to fend for themselves without instruction. And fourth, the explanation part of the meeting was held without public scrutiny. This erodes trust further, especially since so many of the public had lost trust in the project team already.

It has become clear to me over time that the project team were presenting things in a political manner. What I mean is that they would explain things in a way that would make the scheme more appealing. They would leave out information that would make people have a more negative view of the scheme. It was too consistently done to be a genuine error. It was always negative elements that were not communicated, so a huge coincidence that it was never the other way round.

At the 'vote' part of the January full council meeting that was webcast, there were a number of examples of this. The most stark example, which had a variety of different people independently shouting at their computer screens (I was on a Whatsapp Group while it was happening and the group chat exploded!) was [redacted] and the infamous '1 metre high / tolerable to the public' speech.

If you review the webcast video, [redacted] says about 5 times in the space of a few minutes the phrase '1 metre high wall' and 'tolerable to the public' at a point where he's discussing the defences along the River Esk. He's explaining that if a wall is about 1 metre, people can see over it and they find that height tolerable. He presents information well. He's clear and uses everyday language for the most part. He exudes calm confidence and appears plausible. You listen to him and trust him. Unless of course, you know that the River Esk actually has 28 measurement points on the drawings. And of those 28 measurements, only 2 of them are about a metre. The other 26 measurements are over 1 metre. In fact if you look at the 'wet' side measurements, they are all over double that.

My point is this is a perfect example of why public scrutiny is needed. Those contractors presenting to the Councillors were not being fully honest. They didn't lie as such. But a lie of omission is still a form of deceit. I can't say for definite what was in his mind but his answer showed a subtle and clever art of deceiving people who don't really understand the detail of the documentation. A number of the public who are on a Whatsapp group all reacted in unison at this point in the webcast. They spotted it. [redacted] spotted it. Some very concerned members of the public know the detail of those documents far better than the Councillors do. We live right on the river, the Councillors do not. The scheme will impact our lives in a way it won't if you're a Councillor from North Berwick or Haddington. You could tell by the questions some of the Councillors asked, that they hadn't poured over the documents understanding the detail the way the public had. None of them pulled [redacted] up on his comments.

Shona McIntosh did ask a question though. She asked [redacted] how he knew that the heights were tolerable to the public and commented that the Councillors haven't actually seen the public feedback in full (see my earlier point re consultation feedback never being put into the public domain in full). This was an interesting question. Shona made the mistake of asking a double question and followed it up in the same breath with a 'could the heights be changed if the public didn't find them tolerable'. The project team ignored her first question and didn't actually answer how they knew what would be tolerable. They did answer her second question though more or less saying, no the heights had already been reduced and couldn't be reduced further. This answer was from [redacted]. He did not mention for clarity that some heights had been increased. Shona didn't follow up and push for an answer to her first question.

Shortly after that meeting, STV ran a piece to camera on the evening news about the flood scheme protests. As is absolutely right, they gave a right of reply to the project team and they included a quote in their reel:

'Those behind it [the scheme] say the flood walls proposed for around the River Esk have been reduced in height to around 1 metre to address concerns over their impact.'

In separate newspaper articles around the same time, this 'reducing the defences to 1 metre' quote from the project team kept being seen. It was like someone in the 'campaign' headquarters had decided this was a good selling point and understood that if they repeated it enough, people would think 'yeah that sounds reasonable' without actually checking the correct measurements. A bit like the 'strong and stable government' line we heard so often a few years ago!

At no point in any of these comms did the project team say a more accurate explanation like *'We've reduced the height of some of the defences to about a metre in a couple of places along the river. That will be on the dry side of the wall so people can still see over. But we've also needed to keep other defences quite a bit higher than that to protect from flood. Also, just to be clear the wet side of walls next to the river will be x higher than that. Plus we are building the land up at the river's edge, so the river water will be much lower down than the path next to the wall. Views of the water, especially if you are walking slightly away from the actual wall will be fairly restricted.'*

The January vote proceeded without much meaningful debate around the specifics. No-one asked about specific heights, locations of walls, why there were embankments or bridges in certain places etc. At the time, this made me pause to think. How come all these Councillors all seem to have very few questions about all these complex documents. Well, of course they wouldn't – they'd already had that part of the meeting behind closed doors!

It became clear to people watching the webcast of the full council meeting that it was like watching a TV drama court case, but the only people who were allowed to present evidence are the defence. Such a major decision was made by people who didn't fully understand the detail of the scheme, had only read explanations and drawings created by the scheme project team, only heard arguments for the scheme and didn't hear from anyone who would go through the various scheme elements and give the other side of the story. It seemed wholly unfair, biased and undemocratic.

There was supposed to be an Environment Impact Assessment report before the full council voted. This didn't arrive. The project team only provided a summary paper. This was however enough for the Green Councillor to vote against progressing the scheme, now that the full carbon footprint of the scheme was advised. The total amounts of carbon etc. are huge.

At the start of the meeting someone from Dynamic Coast attended and took up quite a bit of the time allotted for discussing the flood scheme talking about coastal erosion and such like. Their information went over my head for the most part and I'd be very surprised if it didn't also have the same impact on the Councillors. Their presentation was not provided in advance for the public or the Councillors to read, digest and ask questions of. They did say one thing that made me take note and that was that there seemed to be some kind of evidence that building flood walls where there is a coastal tide, can actually cause worse coastal erosion. This immediately flagged up at the very least, an uncertainty about what the Flood scheme team were proposing. The defences proposed along the coast would surely apply here. And in addition, there is tide movement along the bottom stretch of the river (north east of Rennie Bridge). This was a massive question being opened up right at the very last minute before the vote to approve. A few

questions were asked but to be honest [redacted] walked away from that part not really sure what the outcome was. We certainly didn't understand when the proposals were approved by a majority of council with no proviso put in place to verify the impact of what the coastal erosion man had said.

Connor made the point that this worsening of coastal erosion was where the walls were put actually next to the water, whereas on the coastline the scheme's would be set back from the water. However, this didn't really answer the situation in the river where the walls are in the water and also didn't answer the point that the defences are all being built to last x number of years and the predictions for sea level rises would likely mean the walls at the coast may be in the water in time to come.

There was absolutely no time to investigate any of this further as the consultation phase was close to ending and the Proposed Design was being voted on that day. It felt very late in the day to add in an extra layer of important information that might impact the flood designs. I object to the scheme on the basis that the Dynamic Coast report wasn't given more time to be considered by the Councillors and the public. I also object to the scheme based on the fact that they have not included any 'beach nourishment' plan.

The project team have been reluctant to share their full data modelling and their numbers are based on an assumed sea level rise of 86cm, even though a great many studies have disagreed with this. There should have been a wider peer review of the modelling to ensure the Councillors and the public could put more trust in this scientific assumption that is the basis of the proposed Design. I object to the scheme due to the lack of further analysis and peer review in addition to the lack of transparency from the project team in this regard. This is particularly unacceptable bearing in mind various members of the public requested sight of this a number of times and the project team refused.

I won't pretend to understand the science side of the scheme but those that do advise that the choice of the year 2100 should be amended as we cannot accurately predict sea level risk that far. This again feels like something that a peer review would come to an overall consensus on rather than a single project deciding themselves. It is such a massive assumption base that everything in the Proposed Design is based on. I object to the scheme since this choice of year doesn't look realistic, even to a lay person.

Experts in the community have raised questions over planning so far in advance. I object to the scheme on the basis that they have planned for too far into the future and that it would be more sensible to monitor things.

> We've all just accepted Sepa's estimated worst case scenario sea level rise of c80cm by 2100.
>
> But. What if its only say 20cm, ie negligible & walls not needed. We will have lost the beach & our amenity due to the concrete walls.
>
> Or what if its 200cm? And the walls don't protect us!
>
> Is that not a good reason to wait say, 50 years, monitor, and THEN build appropriate flood defences along coast based on actual FACT?

At this stage the Musselburgh Active Toun (MAT) project was still combined with the Flood Scheme. All the Flood Scheme drawings and documents had the MAT paths and influence all over them. The width of certain things, the position of certain things etc. were all influenced by the MAT scheme. The environmental assessment summary included both the combined works together. The cost estimates included both the combined works together. The bridges being widened and replaced were all influenced by MAT. The size, position and quantity of the bridge ramps were all influenced by MAT. There was a MAT path all along Eskside East.

It's like in the Merchant of Venice where Shylock realises he can't have his pound of flesh as it's impossible without shedding blood too. The flood scheme might be the flesh, but the MAT blood was running through the scheme's veins!

The Flood Scheme and MAT were combined ages ago. The council granted permission to do this. It is unclear whether the council operations team, the Council Legal team, the Councillors and/or the outside contractors knew at this stage that what they were doing was going to cause them a legal issue. The two projects require different planning consents. Everything about MAT is deemed to be 'developments' as defined by the Town and Country Planning (Scotland) Act 1997. Failure to obtain this planning permission for all MAT related elements would be to subvert this act. Every single structure and route that MAT requirements made the Flood Project insert into their design should go through normal planning regulations. Amalgamating them would effectively circumvent legislation. It would circumvent the ability of the public to have their rights to review and object to the separate project elements in their own right.

If none of those people knew this was a legal mis-step at that stage, this shows a level of incompetence or negligence. If some of them did know, this was a serious breach of the legislation. Either way, that decision to combine them has become the beginning of an error that has seriously jeopardised the whole flood scheme.

All of the documentation that included MAT and all of the consultation where MAT was discussed, have become tainted. The public have been told things that are not correct. They have been misled. The project team didn't explain to the public how the scheme could have looked without MAT.

And what was notified in March 2024 was not the same as what was approved by the council in January 2024. This is not a small typo or a minor change to a measurement. In March they changed a substantial part of the scheme that the council approved in January. And they did so 24 hours before notification. And they only did so, due to a member of the public who understood the legislation and knew they were making a legal error, raising a petition to make them remove MAT. To be honest, other members of the public had previously raised this issue and the council had ignored them. However less than 24 hours before the petition was due to be heard, the Council panicked and announced they were removing MAT. Someone went into all the documents in a mad rush, added a short summary on the removal of MAT to try and explain it away and then added the words 'proposed' next to the paths.

I simply couldn't understand what had happened and the implications. [redacted] helped by trying to get answers by email. Nothing made sense. We saw information from various people in the council and flood team.

[redacted], Jacobs, Engineer
'The term 'Musselburgh Active Toun', or 'MAT', refers to both a route as well as a collection of physical assets… in the case of the bridges, the MAT routes cross the bridges, but the bridges as physical assets are part of the Scheme. Similarly, in the case of the embankments, the MAT route runs along the embankment crest, but the physical asset (the embankment and the path) is part of the Scheme. Consequently, it is correct to say that no MAT physical asset will be consented by the Scheme, albeit that a future MAT route will be able to utilise the physical assets of the Scheme. Where, in future, the MAT route requires physical assets which are not Scheme physical assets, such as paths at ground level adjacent to the flood defences, these will be solely part of the MAT project and will have to be consented as deemed appropriate in due course by the planning authority. I am therefore of the view that the statements made in the Design Statement and in correspondence by Conor Price and by the Petitions Committee are correct and consistent with one another. Finally, it might be argued that in the event that the MAT does not proceed, then having future-proofed the Scheme for the performance requirements of the MAT would have incurred unnecessary additional cost. This, however, is a legitimate risk management decision which the Council is entitled to take: choosing to incur an additional cost in the short term to avoid incurring a potentially larger cost in the longer term.

So just to be clear, Jacobs are saying that the council will incur additional costs building things that are for MAT requirements without the proper approvals. That is not ok.

Connor Price, External Contractor, Project Manager
'This project [MAT] is not being advanced to approval within the proposed Scheme.'

Carlo Grilli, Service Manager, Governance, East Lothian Council

'The Scheme documentation is all that is required to facilitate any comments, representations or objections that any member of the public may wish to make in relation to the proposed Scheme.'
'The MAT is not coming forward at this time and is not part of the Scheme… all of the information pertaining to the Scheme is already published and available.'

[redacted], [redacted] **MAT**
'The Musselburgh Active Toun (MAT) is not part of the Musselburgh Flood Protection Scheme ("the Scheme"). That it does not extend into the boundary of the Scheme. The MAT project terminates at the MFPS boundaries.'

So after an initial attempt to explain things by [redacted], he possibly made things worse by admitting that elements of MAT might be built without the proper approvals and every other response thereafter simply started to repeat the mantra MAT is not in the scheme. Read the documents.

First, [redacted] information. He is trying to say that the physical assets such as bridges and embankments are Flood and the paths on them are MAT. This would kind of make sense if the size of the asset and location etc. were all designed specifically for Flood and not for MAT.

We have been told over the last 6 months that the rationale for certain things was because of the 5 metre wide path network that MAT wish to put all through Musselburgh. So the Flood Team have told the public a specific piece of information over and over and that would now presumably be wrong. But the project team are now telling the public, no those parts of the flood scheme that we told you were there because of MAT are actually there because of Flood and nothing to do with MAT. Were they being untruthful back then or now?

The Proposed Scheme includes in the documentation a replacement for the Goose Green and Electric Bridges. Currently the former is a narrow (about 2m) pedestrian only bridge location right next to the Electric Bridge, which is a cyclist only bridge. Both these bridges are being made higher to help reduce flood risk (let more water flow underneath them). But the proposed scheme has combined the pedestrian and cycling bridge with one wider combined use bridge. This follows the MAT requirements for 5 metre combined-use paths throughout Musselburgh.

There is no flood risk reduction in widening a bridge to 5 metres. There is no flood risk reduction in having one combined high bridge versus 2 separate high bridges i.e. keeping the pedestrians separate from the cyclists. Replacing the bridges like for like would be preferable especially as these bridges are very close to a school, so children have added protection for crossing the river without being mowed down by cyclists.

Retaining the replacement bridges as one combined 5 metre wide bridge is without question a MAT requirement and not a Flood requirement. The project team and the Service Manager, Governance and the MAT Director are all being untruthful when they say that MAT is not included in the Flood Scheme.

[redacted] asked specifically if they could confirm which elements of the flood scheme had been influenced by MAT and of those which had been removed. Rather than answer that question directly, they simply told her that MAT isn't part of the scheme and to read the documents. They are avoiding answering this specific question as to do so would either catch them in a lie or mean they would have to admit that MAT influences are still contained in the Flood Scheme in which case they are breaking planning laws.

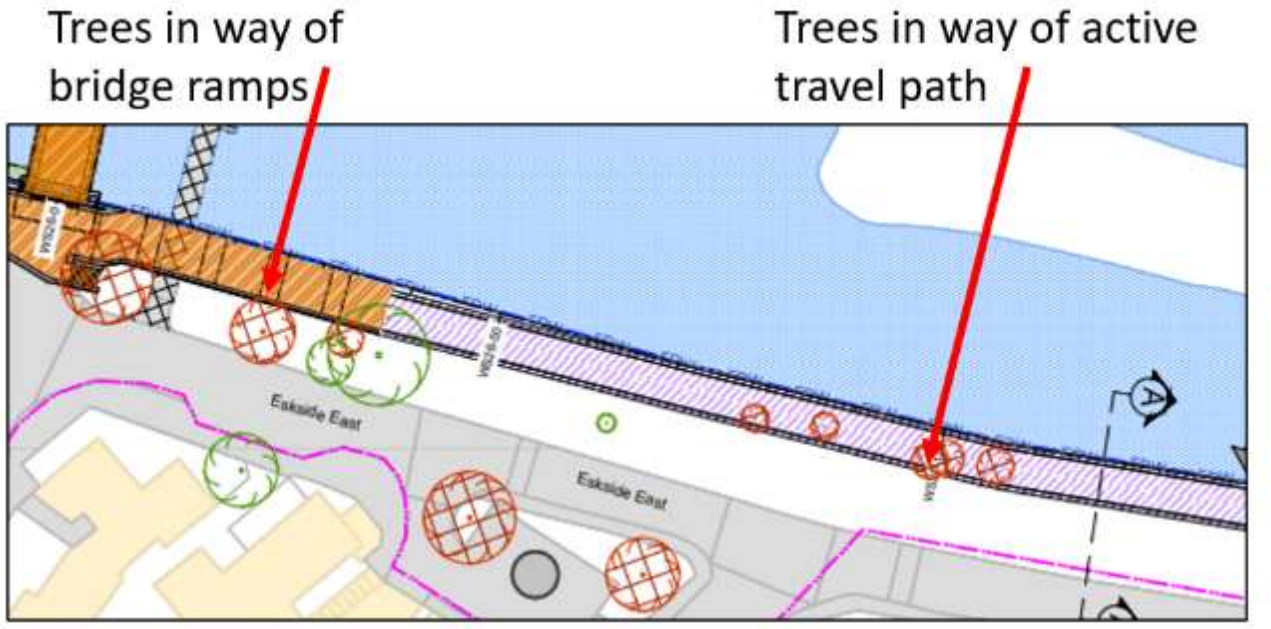
The Ivanhoe Bridge further upstream was specifically mentioned in a report that Jacobs did in 2022. They stated that because it was already quite a high bridge, changing it would have a negligible impact on flood risk. That's their words not mine. Negligible. At that stage Jacobs recommended not touching the Ivanhoe Bridge at all. However, when the MAT design started to influence things, a decision was taken to demolish and rebuild this bridge completely. This decision was specifically linked to the MAT scheme and was not included for flood prevention purposes. But the new bridge was added into the Flood Scheme designs as the two projects were at that point combined. The bridge was to be joint-use (pedestrians and cyclists) and therefore not a like for like replacement. It was to be about 5 metres wide i.e. double the existing width to fit with the rest of the network of MAT paths. It was to have a massive ramp along the west side of the river. The reasoning for such a long and wide (5 metre) ramp was

due to the previous bridge being accessible on the west side via a flight of steps. But MAT want cyclists to be able to access this bridge so the Flood scheme added a rebuilt bridge with long sloping ramps to accommodate MAT.

Replacing the Ivanhoe Bridge provides no flood risk reduction. Jacobs confirmed this in their 2022 report. It is only included in the Flood scheme because of MAT… which is apparently not in the Flood Scheme anymore. This is a massive contradiction. The council are trying to circumvent the proper planning processes for MAT. They are 'pretending' that elements of the flood scheme are nothing to do with MAT but this is simply not credible.

The other bridges further downstream have single ramps on the west side and double ramps on the east side of the river. The MAT caused this design element. The MAT route is to go along the east side of the river. If a bridge had a ramp only going down in one direction, this would be fine in normal circumstances. Having a double ramp does not give any flood risk reduction. The only reason for double ramps is to allow the MAT route to continue uninterrupted. The council are trying to circumvent the proper planning processes for MAT. They are 'pretending' that the bridge ramps elements of the flood scheme are nothing to do with MAT but this is simply not credible.

The drawings also show which trees they are planning on chopping down. A lot of them will be in the way of bridge ramps, walls or embankments. However there is a stretch of the river where the trees marked in red are not next to either. The only explanation for them being marked in red is that they are sitting where the 5 metre active travel path is planned. And yet MAT has been removed from the Flood Scheme. Odd!



The council must be aware that <u>all</u> MAT elements require planning permission and, where applicable, conservation area consent. They are putting elements of MAT into the Flood Scheme which goes against the relevant legislation. The notes that the project team hurriedly added to the scheme documentation the night before they notified it, are completely inadequate. The volume of emails and calls the council have received asking for clarity is testament to this. The council have a duty to adequately inform the public. Telling us to simply read the documents does not suffice. Members of the public have contacted their MP, MSP, the Head of Sustrans, people in the Scottish Government etc. asking for them to help get clarity and complaining about the situation we are now in. Nobody has been able to give any clear and credible explanation – because it is not possible to do so. They were about to break planning laws, knew they were about to do so, had been advised by members of the public the previous summer that they were breaking planning legislation and finally under pressure cobbled together some kind of way of making it look like they had removed MAT… without actually removing MAT.

It makes trying to figure out whether you like parts of the scheme and which bits you want to object to almost impossible. [redacted] received the following from Andy Forrester, Councillor:

'I would suggest that you put in what objections you have to the current proposal
For the flood prevention scheme and include why you think the active travel should or should not be in the plan but this is not the final plan and will be subject to changes depending on what objections are put in by the people of Musselburgh once this is complete it will then be costed up and brought back to council for approval, but as a member of the planning committee I cannot make comment on whether some is correct or not until it come to the planning committee'

So the Councillor wouldn't/couldn't help a member of the public re what the situation was with MAT, how come certain things were still in the Proposed Scheme. He seems to be suggesting to object to MAT elements as well as the flood elements all under the objection phase of the Flood Scheme. To be clear, I have not focused on specifically objecting to MAT in this letter since we have been told it in not in the Proposed Scheme. I do have views on the use of combined paths being unsafe and that grassy riverbanks shouldn't have active paths put on them but it does appear that if MAT is not included in this scheme that I should not be commenting on those elements.

However, I and other members of the public, are worried that the public will not object specifically to the MAT elements in this objection phase for the flood scheme. And then later on the council will simply apply for some kind of change of use for the bridges and verges and turn them into MAT paths again circumventing proper process. However, like most people I feel powerless to figure out how to combat this possibility.

To resolve things there are two possible solutions. The council could postpone the notification of the flood scheme and apply for the appropriate planning permission for MAT. Only if MAT then secured approvals, can the flood scheme start the consultation/approval/notification/objection phase all over again.

On the other hand, the council could pause the flood notification, redraw the documents for the flood scheme to remove the MAT completely and then restart the consultation/ approval/notification/objection for the flood scheme without the MAT elements all over again.

Either way, this colossal error the council and the project teams have made is costing the council extra monies and adding extra time and has created huge dissatisfaction with the public and a loss of trust in the elected officials.

The situation with the MAT removal/nonremoval has caused serious upset in the community. Experts living in Musselburgh have advised:

'The council can retain the scheme as presented, but apply for planning permission for the MAT elements without delay and approve the scheme only if it succeeds in obtaining planning permission. Considering that has a time delay element and as such the council may wish to progress forward more speedily, the councillors can instruct that all MAT elements are removed from the design and the scheme re-presented for public consideration and, subject to there being no unresolved objections, approve the scheme for the minister's pursual.
Public consultation and objections must be based on precise information easily understood by those it is intended for. The inclusion of MAT without planning permission is a layer of complication requiring skilled abilities to imagine the flood scheme without MAT, should permission not be granted.'

Public consultation must be based on precise information which is clear and easy for the public to understand. Council votes should also be based on precise information which is clear and easy for the Councillors to understand, so their vote is informed and valid. Retaining the MAT elements in the flood scheme design makes it too complicated for a lay person (certainly for me) to understand what's going on. It is presumably similar for the Councillors. I don't have the ability to reimagine what the flood scheme would look like should MAT not secure its separate planning permissions. I doubt the Councillors do either. None of the visualisations that the Flood Scheme included in the notified document pack have been altered and are therefore misinforming the public about what the area will look like once the Flood Scheme without MAT will look like.

In addition, there is such public outrage at both projects for proposing turning the existing east bank of the riverside from the Rennie Bridge right down to the mouth of the river into effectively a road – 5 metres of tarmac/concrete.

Removing pretty much all of the flat grassy slope that people currently walk on – that there is a significant possibility that the pressure on Sustrans to abandon funding this element that MAT will also have to abandon it, unless the Council can find the money for it from somewhere else. There are currently complaints lodged with Sustrans and communications with their Chief Exec ongoing.

And finally, there are two funding subsidies on offer for each of these projects. The Scottish Government has said it will cover 80% of flood protection schemes. Sustrans will fund active travel. The flood scheme is currently artificially inflating the cost of the flood protection measures by including items that are not there for flood risk reduction purposes. The public outrage at the MAT/MFPS fiasco may be sufficient for the Scottish Government to scrutinise more closely that total specification and costings for the flood scheme and come to the conclusion that a proportion of the capital expenditure is not being presented in good faith, and they may refuse to cover it.

This whole project could become a funding disaster, with a specification having been drawn up that then is refused the relevant funding and the over engineered elements may need removed from the drawings anyhow further down the line, wasting more time and money in the process.

As a member of the public concerned about what is about to happen [redacted], I'm really not sure what I am supposed to be objecting to anymore. I don't know whether to object to the combination of bridges now or wait for MAT approvals since that was due to MAT. I don't know whether the position of the wall on the other side of the river that will look terrible [redacted] could have been different now that MAT is no longer part of the scheme. I was told it was in that position because of needing to protect the MAT path from flood, but I simply do not know anymore.

And just to take a step back for a moment, I'd like to repeat what I said at the outset – I do believe we need some flood protection. The council and their contractors have made such a mess of their designs and project scope that this whole project could be in jeopardy. Musselburgh is low down on the overall list of councils at risk from flooding. With limited resources, the Scottish Government may decide that Musselburgh shouldn't be funded. And then residents like me are back to square one with no flood protection and my council tax monies wasted on years of contractor fees that amount to nothing. I am seriously concerned about this particular possibility.

At the end of the full council meeting, the Councillors voted on the scheme. Each Councillor voted along political party lines. So there must have been a 'whip' instructing them how to vote. The Councillors gave their views. None of them admitted to being 'whipped' to vote along their respective party lines. It is unclear how many of the Councillors who voted to approve, actually genuinely supported the designs. Some did look quite uncomfortable. Some asked questions that showed they may distrust certain elements. Some asked questions that showed they didn't really understand the detail. Some said things afterwards that showed they may not really support the scheme but wanted to see the next stage to give people the opportunity to object formally and also they wished to see costings being firmed up.

So now, [redacted] sat and really looked at all the documents in detail. It took ages. Literally weeks. The parts of the scheme that would most impact me are the [redacted] and to some extent the area at Fisherrow Links as I go running, football training etc. around there. Although I do like to walk all around the area.

[redacted]

The Proposed Design plans to build out into the river on the west side, making the river narrower on this side by about 1 metre to 2.5 metres. At either end of this stretch on the riverbank, close to the two bridges (Rennie and Shorthope) there will be a flood wall. There are no cross sections for these flood walls on this side in the Flood Scheme drawings so they have not told us what their heights are. The main stretch of land though between these bridges and flood walls is going to be a large embankment. It will be situated 5.5 metres towards the river from the pavement. It will slope up on the road side for about 4 metres and the side of this hill will be covered in grass. It will

have a 2 metre wide concrete path along the top. The height of this path will be 1.83 metres from the existing ground level. It will then slope down towards the river for about 5-6 metres. The last 2.5 metres of this slope will be the area where the flood scheme will have narrowed the river.

Last year when we first saw the embankment idea, we thought this was an odd form of flood defence. The rationale for not having flood defences on the property side of Eskside West is that apparently we need to protect the road from flooding. We've all seen torrid waters gushing along rivers in a flood on the telly, ripping up trees and roads and carrying cars away. So my [redacted] asked one of the engineers how that would impact on an embankment like this. Would the flood waters not wash away the embankment earth, grass and planting. If it could rip up and wash away the tarmac on a road, surely it would wash away the earth of an embankment. The engineer advised my [redacted] that an embankment is actually a wall with earth over it. The embankment has a core like wall with foundations, similar to a flood wall. Interestingly the Proposed Scheme drawings show some kind of foundation but don't show the core stretching up into the embankment.

Either the engineer was wrong, there is no core and the embankment would be at risk of erosion each time there was a flood, or the engineer was correct but the drawings are wrong. Either way, there's an issue. It is clear that the Councillors do not know that there might be significant maintenance costs for re-earthing and replanting/grassing the embankments should there be a flood. It is also clear that the Councillors didn't understand the drawings sufficiently to highlight there was an error on them where the central core was missing. Either way, the Councillors have voted to approve a scheme without being fully informed. In addition, if the embankments are likely to lose their form in a severe flood, does this mean that they would likely fail and the water would rip through them and flood the roads and houses? There would be a repeat like the expensive Brechin flood walls failing. This would be catastrophic for the town in itself as flooding is not good. But separately it would also be extremely embarrassing for the Council to have pushed through a scheme, facing such public opposition, only to see it then fail. This all needs resolving. And the implications of resolving it need to be considered by the public and the Councillors. Will a core, wall like centre cause damage to the trees that has not already been highlighted in the report? This might be another objection item for the public but one which people didn't know about as it was not included in the consultation or the Proposed Scheme documentation.

The height of the embankment at 1.83 metres higher than current ground level at the right position on the river bank is important to me. So important I went down to the river bank with my [redacted] to take some measurements and photos.

This photo below is right outside [redacted] west riverbank looking across the grassy riverbank to the water and over to the other side. Beautiful view.

This next picture is taken immediately afterwards with [redacted] holding up the measuring tape so we get a precise measurement and then I've pasted a green rectangle onto the photo to obscure my mum, but with the top edge level with where she held the 1.83m height at and the bottom edge about where the embankment will start to slope up.

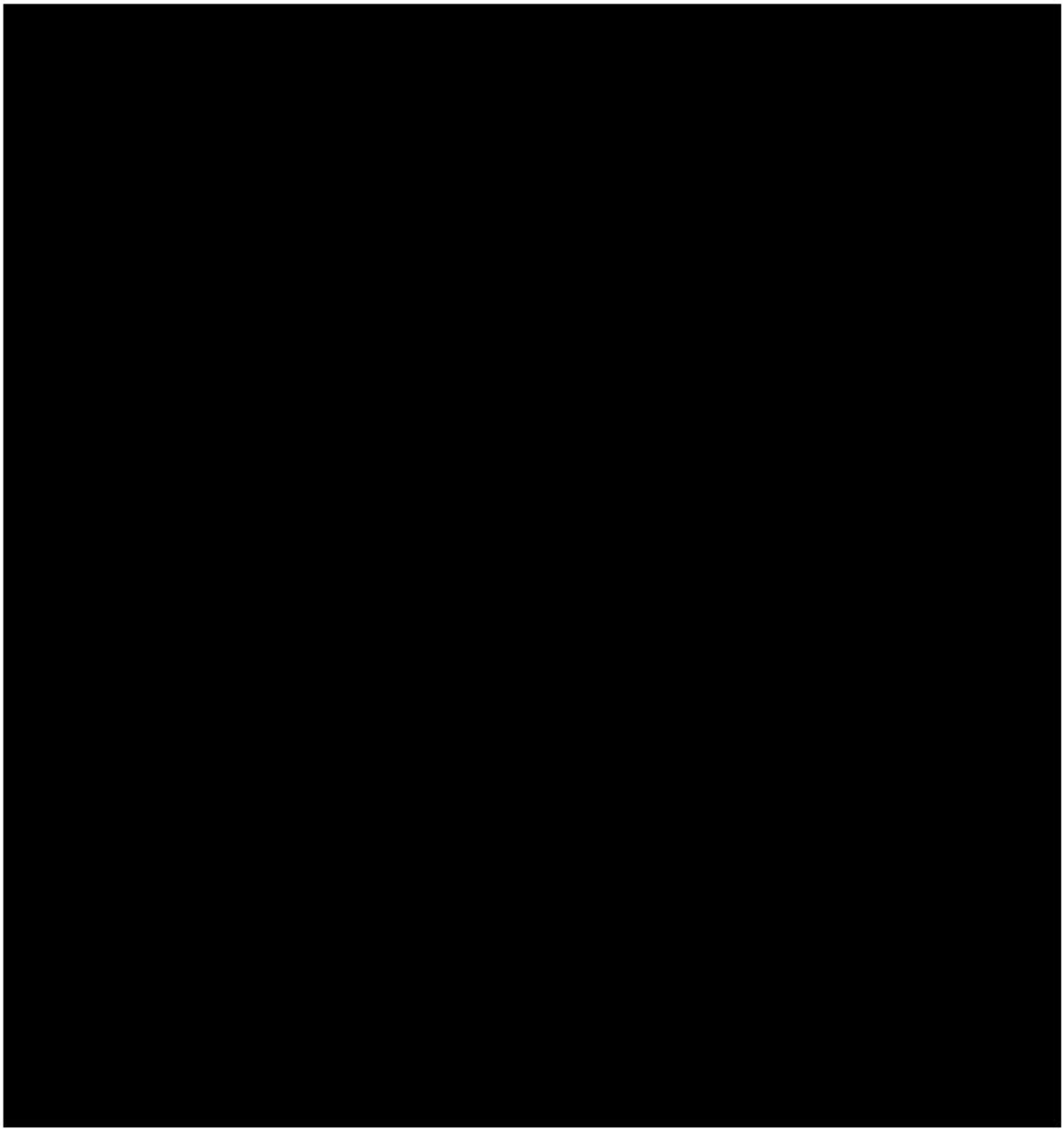
You can see clearly that the whole view of the river is completely obscured. Note, also that there is no visualisation of this particularly bad view in any of the Proposed Scheme documents. They have deliberately hidden how bad this particular stretch of the river will be. As I've said before, the consultations were more like 'marketing' events that genuinely trying to help people visualise the true impact of the scheme. The newsletters also read like adverts trying to sell it to us rather than explain the detail. The only visualisation of this stretch of river is taken from high up on the

river side and looking down, which means they are able to imply visually to the public that this stretch of the river will still have river views. Look at the picture below and compare it to the picture above. The one below is either negligently inadequate or deliberately inadequate. Either way, its outcome is to mislead the public.

Let me finish my point re [redacted] and then I'll come back to the visualisation above.

This next photo is similar to my previous one but [redacted] the embankment will obscure pretty much all of the river as per my previous photo. This one shows a slight sliver of water as it's taken from a standing position. Bear in mind below that they are also building into the river on the other side by about 3.5 metres and the wet side of the wall would be about 2.5 metres high on that side. The public are unsure about the wet side measurement since as already explained they wouldn't give us this answer. However, 2.5m is roughly what the scale drawings show it to be. Therefore what little river you can currently see from this angle in the photo below, will likely be completely obscured since the other river edge will be closer and have a wall build there.

Please also consider this. I am having to do all the work, trying to calculate heights and distances and figure out from the engineer drawings that they are building into the river a point which has never openly been explained to the public. The project team had a duty to help us understand. It shouldn't be this hard.



The embankment does not only obscure views of the river for anyone living on Eskside West, or walking along Eskside West, it also removes the amenity space that currently exists right along this stretch of the riverbank. People currently walk their dogs who run back and forth on quite a wide grassy area. Ducks and swans waddle about and Mums, Dads, Grans and Grandpas bring their kids and grandkids and feed the ducks here. People sit on the park benches or on the grass on nice days. I also go out and walk along the river or simply go out and sit there too, watching the water go by. I have a stressful job and this is a significant relaxing pastime. The Flood Scheme will remove this completely. I will not be able to see the river. I will not be able to sit anywhere along this stretch of river.

This massive embankment will stop everyone enjoying this amenity space the way they currently do. The only thing you will be able to do, is to climb up the slope and walk along the concrete path at top of the embankment. You will be high up looking down on the water like walking over a bridge, rather than walking along a river bank. It will change the look and feel of the area completely. Dog walkers will need to put their dogs on the lead, since they will be sharing a narrow path with other people rather than running free across a wide grassy expanse. Will the ducks and swans still climb up the hill, through the riparian planting to the top? Will people still be able to feed the ducks? Will the ducks and swans take up the whole of the path and stop people from getting past - there are a lot of them!

There will be no space for park benches at all along this stretch of the river. If the council do leave the benches in place, they will sit and look straight into the side of a grassy slope. We asked the project team if they could put seating areas at points along the embankments but they refused.

[redacted] Climbing the slopes these embankments will have and walking this distance without any seating will actively discourage him from being able to use this amenity space and enjoy what used to be a beautiful river side walk. I assume this is the exact opposite of what the council would have intended in terms of encouraging people to walk more and get out and about for our health, not to say the loss Luca's will have by my dad not buying their ice-cream 😊

The slope leading up from the street side of the embankment will be grass and the other side will be riparian planting. The council will need to allocate additional greenkeeping fees into their budget as cutting grass on a slope is more time consuming and requires smaller machines than those that can cut large areas of flat grass quickly. There is no additional monies in the council budgets currently for this. This is an omission. In addition, this slope will be completely north facing and never see the sun. It will also be in the shadow of the trees. The grass will become mossy quite quickly and again extra greenkeeping care will need to be budgeted to keep this space well maintained and moss free.

On the other slope, leading down to the water's edge, there will be riparian planting. This is apparently a term used to simply mean planting by a river's edge. However, these plants also need to be water tolerant. This means two things. Firstly, they will be natural but less aesthetically pleasing plants. Tall grasses and reeds. No geraniums or daffodils or heathers or hydrangea etc. So essentially more like there is currently upstream and not like the flower beds that are currently on this stretch of the river and which are so often used in organisations' marketing materials. This natural aesthetic is ok in a natural setting but is very out of keeping with what this stretch of the River Esk flowing through Musselburgh has looked like for decades. The Flood Scheme has decided to alter the overall look and feel of this area. That was not contained in their brief. Altering the look and feel is not directly reducing flood risk.

I mentioned in my introduction, how marketing people are professionals who know their trade. They almost always choose the manicured grass and colourful flower beds to advertise Musselburgh in a positive light. They practically never show pictures of the reeds and grasses growing wild further upstream. When the people of Musselburgh were asked what they wanted from a Flood scheme, people did not say, please make this stretch of the river look less appealing. In addition, planting that is water tolerant is also prone to disease and dying if they stay dry too long. It is far more likely that this side of the embankment will be dry during the summer for long spells than is the likelihood of flood waters submerging the plants regularly. The Council have not included extra budget for caring for and replacing plants as they die. Or for watering the plants regularly in hot weather.

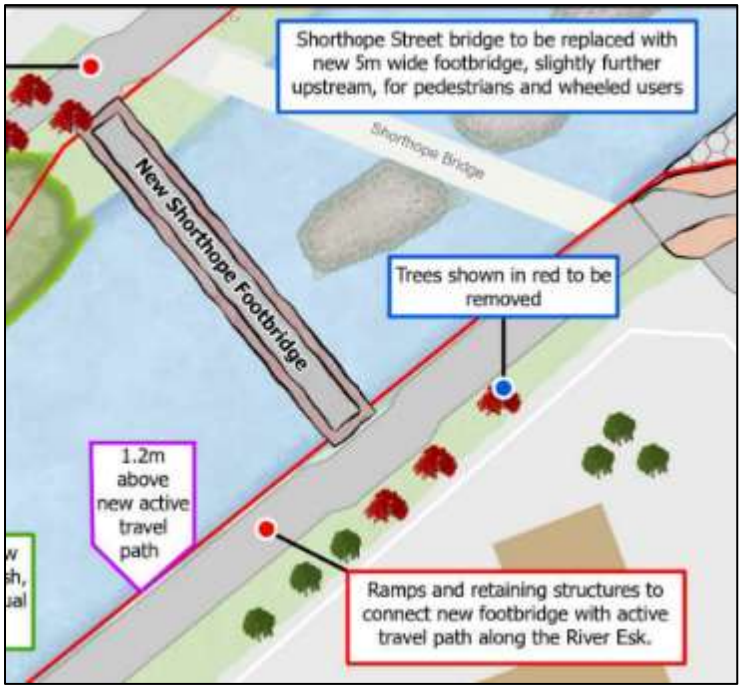
And finally, this planting is supposed to encourage more biodiversity. In fact this was the only rationale that the project team engineer could come up with to explain to me why an embankment was designed for this stretch of the river (and the next one along). They wanted embankments to encourage bio-diversity and this was one of the few areas they could find to actually place one. Even thought the residents that live there said they didn't want a massive embankment outside their houses.

Re the biodiversity point, there is no mention of any assessment made re the increase in rodents that may live in and travel along these reedy areas. Nor any analysis of the extent to which they might simply cross the road and decide to take up residence closer to crumbs and scraps of food [redacted] This might sound a bit odd but this is a serious concern. If we become prone to mice or rats, [redacted]

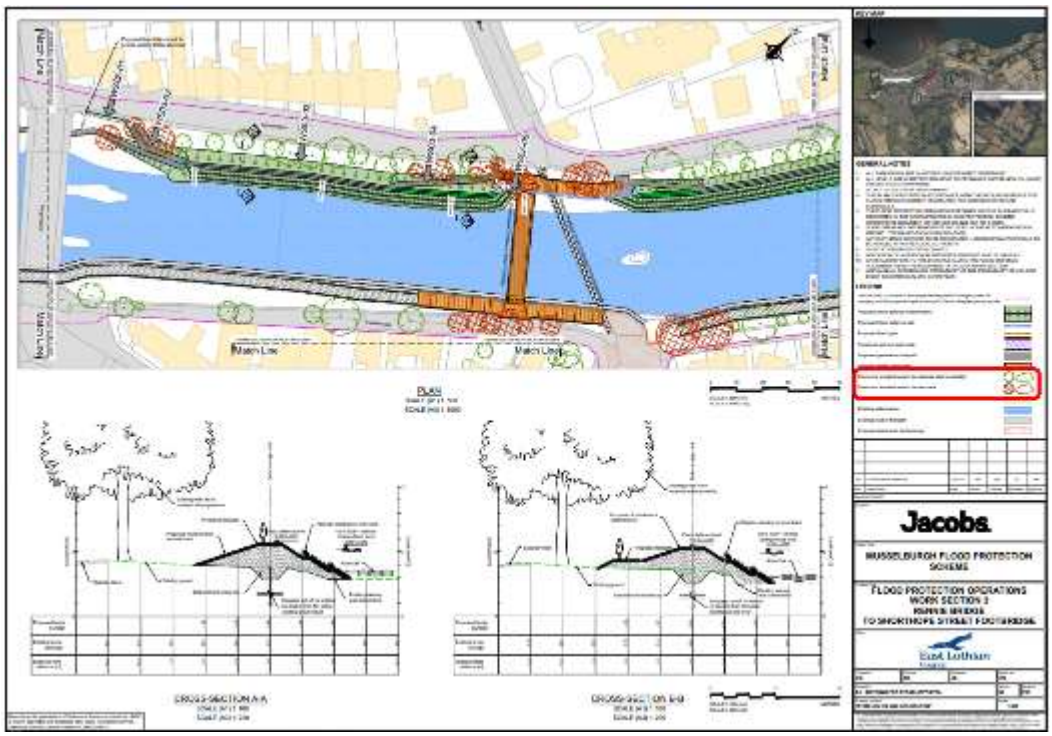
The embankment [redacted] is shown on the drawings and the 3d fly through from last June, and the Proposed Scheme drawings. All 3 are the same in the respect that the path along the top of the embankment as you're heading towards Shorthope, bends down left towards the pavement and road. The flood defence is continued with a wall, the height of which the project team have not told us as it's not on the drawings. The bend is shown on each of the drawings and fly through as turning just at [redacted]. If the embankment path really does bend at this point, it will plough straight through a whole load of trees currently marked green on the drawings. [redacted] spotted that last summer and raised it with the project team. They ignored her. She raised it again in January with [redacted] and Connor when she saw that the new Proposed

Design has it marked exactly the same. They promised to look at it but they didn't write that point down and again she didn't hear back and the drawings that have been notified remain as they are.

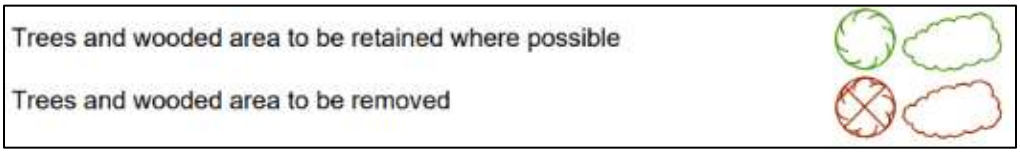
So let's talk about the trees for a moment then. Prior to June 2023 [redacted] advised my mum that they had taken from the consultations that the number one priority from the public was the height of the walls. However, after the Outline Design was published in June, it became obvious that the trees were as or more important based on the huge public outcry and significant protests – people tying ribbons round trees and generally getting very upset. The June 2023 drawings had a system for showing people which trees they were going to chop down. They marked all the trees in red and green. They marked clearly next to them 'Trees shown in green to be retained' and 'Trees shown in red to be removed'.



When the Proposed Design materials were published in January 2024, they still marked all trees in green and red but the legend had changed. Instead of having descriptions next to items on the actual drawings there was small print over at the far right hand side (shown highlighted in red below).



This time the green trees were supposed to mean 'to be retained where possible'. The red trees were still 'to be removed'.



Most people know that red and green are instinctive colours with a meaning automatically known by the public. Green tends to mean good and red tends to mean bad. In work settings it's often called a RAG system standing simply for red, amber, green i.e. the colour of traffic lights. Green is used in many professions for - project is on track to meet its deadline, patient is stable, software is bug-free and ready for release etc. Likewise red would be project has missed interim deadlines and will not meet end deadline, patient is critical and needs immediate lifesaving care, software has major showstopping bugs and release needs to be postponed. The amber position tends to be either somewhere in the middle or undetermined, so - project has missed some interim deadlines and uncertain whether end date is still doable, patient needs care but not life threatening, software has some bugs but unclear yet whether they can be resolved.

When the project team changed the green tree meaning from 'to be retained' to 'to be retained where possible' they broke the traffic light system rules. If they don't know what will happen with some of the trees, they should be amber. Green implies a definitive outcome i.e. that they will be safe and no one will chop them down. Against the backdrop of the huge public outcry about saving as many trees as possible, the fact that the project team altered the green meaning, put the tag away over at the far right hand side in very small print and didn't proactively explain to people that they had changed the meaning was either deliberately misleading so as not to cause more public outrage or a massive omission in communication with the public.

[redacted] spoke to [redacted] in January 2024 and asked them politely but specifically to change the colour coding on the trees they weren't sure about to amber. In an unguarded moment [redacted] reacted with amused panic saying that 'really would make the public go mad'. [redacted] tried to persuade him, feeling strongly that it was misleading people the way it was just now but [redacted] refused. [redacted] showed on that day that he was making a presentation decision based on political reasoning and not on strict factual basis. Even though he is an engineer, he and others, have shown themselves to present information about the flood scheme from a political slant. Instead of just being honest about a negative aspect, they have withheld information, obfuscated and generally made things very hard for the public to truly understand. This was a particularly clear and simple example.

[redacted] wrote to the project team simply asking that they change the tree colours to green, red *and* amber. This is the response from [redacted].

Dear [redacted]

Thank you for taking the time to contact me regarding the Musselburgh Flood Protection Scheme (the Scheme). Your engagement and participation in the project is very much appreciated. I am aware that you have met with the Project Team on a number of occasions and I am told that some of your contributions have resulted in changes to the outline design in the [redacted]*. This is the type of positive participation in the consultation what we aspired for when we began the process.*

In your email you are clear that you are highlighting text on the Scheme Drawings as you feel this text may be misleading. Thank you for communicating this to us. It has allowed me to fully review the work of the design team and to verify the approach we have taken on this matter with the Scheme's Project Board which includes representation from the Council's Legal and Planning Services. These tree icons have been designed to indicate intent at a particular snapshot in time: i.e. based on the information available at this time, it is intended that trees shown in red will need to be felled in order to construct the works, and it is intended that trees shown in green will not need felled in order to construct the works. The use of green and red colours appropriately indicate positive and negative intent, rather than an absolute outcome. This approach is neither inaccurate nor misleading as is being asserted.

Furthermore, it is considered that the use of, 'where possible' adds clarity as to the Council's intent, rather than reducing clarity as is being asserted. In the future, after the Scheme is approved under the Act, when the detailed design and the construction phases are progressing and where new information becomes available, it is entirely appropriate that the consideration of affected trees might change. Some trees that we thought would need to be felled might not be. Others that we thought would not be affected, might need to be felled after all. This could occur as a result of numerous things, e.g. unforeseen ground conditions, unrecorded utilities, unrecorded archaeology, or unforeseen methods of working on the part of the contractor, all of which could cause a legitimate change to the design of the flood defence structures relative to what is shown on the scheme drawings. As with any aspect of the Scheme, approval to change something, such as which trees are affected, would be subject to the project's change management process. This means a proposal to remove additional trees would have to be considered and approved by Project Board, under devolved authority from the Members, in advance of those trees being removed. I therefore consider that there is no inaccuracy, or otherwise misleading information within the Scheme Documents, and specifically in this instance in relation to the definition of tree impact.

As you will know at a meeting of Full Council on the 23rd of January 2024, your elected representatives agreed to progress the Scheme to the next stage of the project, known as the Statutory Approval stage. This marks a significant milestone in the journey towards achieving flood protection for the town and the team is now working to present the Scheme to the public for formal consultation. This is the next step in evolving and ultimately working to approve the design and thus the Scheme. There is nothing in this stage and / or these processes that is linked to future construction contracts and their form and / or the authority that Council ultimately determines to include within them. I feel this point is important as you are concerned that text in drawings today and / or decisions in this stage might result in powers being held by contractors in the future: this is not the case.

We note the concerns you have raised, and the suggestions made. I would like to highlight that we do not yet have an approved design. The design can change as we progress through the next stages of the Scheme. Only once it is complete will we have a full understanding of tree impact. And only after that will we commence framing future contracts with external contractors and within that process we retain control of what approach is taken to trees. We will certainly be communicating the importance of protecting as many trees as we can and we will work with the contractor to ensure they take reasonable measures to protect existing trees to minimise any trees required to be removed to achieve access.

Regarding your thoughts on the appropriate use of RAG Analysis I would simply highlight that with regards to this matter we have not used a RAG Analysis on the drawings. We have on occasion used this approach, but this is not one such occasion. What you have seen is a draft Scheme Drawing. When we notify the Scheme before the end of March 2024 our Scheme Documents will include: (i) Scheme Drawings; (ii) the associated Schedule of Operations; and (iii) the Environmental Impact Assessment (amongst other documents). You have not yet seen these productions. You have certainly not yet seen the EIA, which is the legally required document that considers the environmental impact of the design, including in this instance the impact on trees. This is to be submitted as part of the Statutory Approval stage. I would therefore ask you to wait until these documents are public and review them in full then. Thereafter, if you so choose, you may provide a written objection to the Scheme which allows you a formal route to convey to us your thoughts on the design.

Thank you again for taking the time to contact me regarding the scheme.

Kind Regards,

[redacted]
Musselburgh Flood Protection Scheme

Note three significant things with this response:

First, that this is the first time in all the consultations and reading Outline Design documents and Proposed Scheme documents that anyone has ever said that something on the drawings was just an 'intent at a particular snapshot in time'. This completely shocked [redacted] She wrote back and asked if that meant that everything on the documents was just 'an intent at a particular snapshot in time' and could therefore be changed e.g. all the heights, distances etc. She didn't hear back.

Second, that [redacted] stated that they had not used a RAG status. This was quite a bizarre thing to say. They had marked things in red and green. This is the definition of a RAG status. They just chose to mark the amber items in green! And Alan also chose to paint the picture that every single tree was technically amber i.e. no definitive decisions had been made for any of them.

And third, they had altered the green status from last June 'To be retained' to 'To be retained where possible' but hadn't made similar changes to the red status, even though Alan seemed to be saying that those ones might not be chopped down. Why add clarity to one colour but not the other.

And finally, re the trees. Last summer my mum was in [redacted]) while I was at work and saw a man outside at the trees on [redacted] She went down to speak to him. He was carrying out some kind of assessment of all the trees for the council. From the conversation with him and with [redacted] we know that if you build deep foundations near a tree's roots or lay a lot of heavy machinery on the ground around the tree roots or pour concrete on land surrounding a tree, these things all pose a risk to the tree's survival.

The council and Jacobs have the resources to carry out a full and detailed survey of all trees, measuring the canopies to analyse how far the roots would have grown underground. They would be able to assess for the building works planned, which trees would definitely need to be chopped down or would die, which trees would definitely not need to be chopped down and would not die and those that might get in the way and need felled or otherwise might be at risk from the works. There is no reason at all for not being able to mark clearly these categories in green, amber and red.

The project actively misled the public on a piece of information that was known post the June 2023 Outline Design being published, as being the single most emotive and controversial aspect of the flood scheme – the destruction of the beautiful trees. The public did not see the small print. The public did think green meant that tree was safe. The reactions on social media to [redacted] that explained what was happening with the trees proved this.

> Thankyou for highlighting this [redacted], we need to do all we can to save these trees. We have seriously been misled !

So [redacted] had explained to the project team that the green colour had misled her and me and we thought it meant the trees were definitely safe. We also knew of other members of the public who had been misled. After telling the project team the public had been misled by this, the project team refused to change it. Therefore they were now *deliberately* misleading the public.

[redacted] had also said something that was interesting and new i.e. had not been included in any of the Outline Design or Proposed documents or in any of the consultations – that some of the trees that would be felled would be chopped down not to accommodate the actual flood defences but simply so the contractors could get their big heavy diggers etc. access to the area. So after all of this has finished, there will be gaps where beautiful mature trees used to be, and no obvious reason why they are gone. I haven't seen any information in the documentation that explains that the team investigated alternative mechanisms to say 'hoist' large equipment down to the riverside so they could save some of these trees. This option hasn't been considered or costed and presented as a possible solution to the public or the Councillors.

I am particularly worried about the trees [redacted] Obviously I care deeply about all the rest along the river but the ones [redacted] beautiful and very old, so would take ages to grow back if they had to be replanted. As already mentioned, I think the drawings are incorrect in relation to the trees that are currently in the road of the embankment path when it bends down to the pavement [redacted] Most of the trees are marked in green but if the drawings are correct, far more of them will need to be chopped down than are currently marked in red.

It is unclear whether the embankment needs a deep foundation for its core the way a flood wall does. Assuming it does, this will impact the roots of the trees. In addition, there is no mention re whether putting a large mound of earth on top of the land where the trees' roots are will cause an issue. Plus the slope will have water run-off on a north facing side which will stay wet and may become boggy at the tree root area. The project team have left things open and have not given the public (or me) any guarantees that these beautiful mature trees will definitely survive the project scheme works and changes to the landscape. Losing those trees would be catastrophic to the beauty of the place and would directly [redacted]. And you can't guarantee the trees are safe either.

And yet another example of the project team saying things that are not true and misleading the public - the June 2023 drawings of the trees along the River Esk are marked green and red. There were 88 trees marked in red. There was a big public outcry about saving the trees. The project team altered part of Eskside West between Rennie Bridge and Roman Bridge and that stretch of the river now has 15 less red trees marked for felling. This sounds like good news. However the total red trees has gone from 88 last year on the Outline Design to 102 this year on the Proposed Design. So if you ignore the 15 trees being saved, they would actually have increased the red trees by 29! That's an extra 33%.

This is even more surprising considering in October 2023 the project circulated a newsletter with a whole page dedicated to how they had reduced the impact on trees. As I've said before this is a *marketing* comms i.e. meant to present the project in a positive light rather than truly inform the public. It withholds information that would appear negative, such as increasing the total number of trees to be felled. Note, how the newsletter doesn't give actual numbers of trees to be felled or numbers they have now saved. Likewise the Outline Design and the Proposed Design documentation both omitted to include an actual statistic on trees expected to be felled. Members of the public had to sit and count all the red marks to figure this out.

Reducing the impact on trees

In June 2023, the first vision of the Outline Design was presented to the public. This design had undergone substantial developments aimed to minimise its impact on the trees along the River Esk corridor. These changes were a direct response to the feedback received during consultations between 2020 and early 2023.

To mitigate the impact on the local tree population, many of the flood defences were strategically repositioned compared to the 'Preferred Scheme' presented in 2020.

The Project Team acknowledges the positive feedback regarding these efforts to preserve the town's trees. At the same time, the concerns about the potential impact on the existing trees along the Esk are also noted.

The Project Team have been diligently striving to incorporate the town's aspirations into the Scheme's design. This involves finding a delicate balance between retaining trees, enhancing the river's natural environment, addressing parking concerns, and providing effective flood protection within the limited space available along the river corridor.

The initial vision of the Outline Design reduced the potentially loss of trees considerably, all thanks to the valuable input received from the community

Continuous refinement of the Scheme's design is an ongoing process, driven by your feedback. The Project Team are working to revise specific sections of the design to further reduce the impact on trees and aims to preserve as many as possible. Additionally, progress on the Environmental Impact Assessment (EIA) report is informing further design modifications.

Mall Avenue from Roman to Rennie Bridge

The design of the Scheme has been planned to reduce the impact on trees at this location. The flood defences and Active Travel path are proposed to be constructed around the avenue of trees, offering a picturesque route along the defences, connecting to the underpass at the Rennie Bridge.

Eskside West and Eskside East from Rennie Bridge to the Electric Footbridge

Similarly, efforts have been made to retain the majority of trees along the banks of Eskside West and Eskside East from the Rennie Bridge to the Electric Bridge. In areas where new footbridges are proposed, a limited number of trees may be impacted to create access for the new bridges.

The project team are going to build out into the river [redacted] This in itself does not reduce the risk of flood. In fact narrowing a river has the opposite effect. There is no explanation in the documentation re why they are doing this. They did not advise that they would narrow the river in the Outline Design last summer. The first time we saw this was in the proposed Scheme materials. It took me a while to spot it and it has become too late to ask since the consultation window has closed. Something so substantial as narrowing the river was not publicly explained or acknowledged. As I mentioned earlier, at one point in the last few weeks an argument broke out on social media between two people, one saying the river was being made narrower and the other saying it wasn't and demanding proof! When they were shown the part of the cross section on the engineer drawings that has the old retaining wall to be removed and the new river's edge, they backed down. This shows that the project team had simply not explained this element of the design to the public. It also shows that the engineer drawings were too complex for most people to really understand what they meant.

The project team decided early on to remove nature based solutions and only really focus on hard engineering solutions. There is no independent analysis done by experts in this field to justify excluding more nature based solutions than the project team have included.

The height of embankment [redacted] means that people will be walking along a path with their heads level with [redacted] This will impact on my privacy. You do not expect when [redacted] ! The project team have made a token gesture amendment to reduce the height of the embankment but not sufficient to actually stop people from being able to see in. This is unreasonable and unacceptable.

The Shorthope Bridge [redacted] It is to be rebuilt to make it higher and to remove the central pillar. Both these requirements are to support flood risk reduction. However, they are also changing the angle that the bridge will be rebuilt. Currently the existing bridge was designed so that the end on the east side dismounted towards a street, at the car park. The Flood Scheme are now changing the angle of the replacement bridge so that it dismounts in front of residential properties. This won't have any benefits from a flood perspective but will ruin the view of the river for the people that live there. It will also mean that the end of the bridge plus the large ramps that lead down from it on the east side, [redacted] This bridge has double ramps going both south west and north east. These double ramps are specifically to accommodate MAT which is not supposed to still be within the flood scheme. They are also 5 metres wide specifically to accommodate MAT which increases their scale and will make them look massive ugly concrete structures. This is not a like for like bridge replacement.

On the other side of the river [redacted] as shown in the photos above, the beautiful view includes not just the grassy west riverbank but also the river and the view of the opposite east river bank too. It is a quiet area with very few passing traffic. The Proposed Design includes a flood wall, right down at the edge of the river. Well actually it will sit further into the existing river as again they are building into the river and making it narrower like they are doing on the west side. Again, this will increase flood risk not reduce it. It is my understanding that because they have narrowed the river, the heights of the defences have needed to be higher to account for the more narrow channel the water can flow through. This has not been publicly explained and the fact is not included in the documentation. The public are unaware that because of the position of the walls in the narrowed river, the heights have been increased. I don't believe the Councillors are aware of this either. The project team have not informed everyone correctly about this element of their designs.

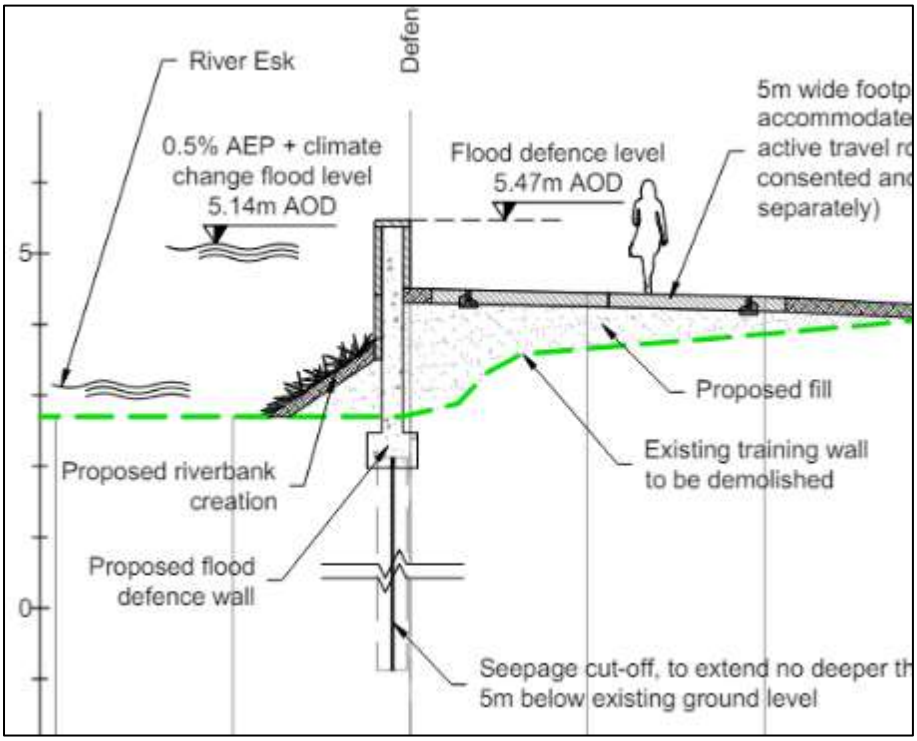
A river that has a gradual grassy slope leading up from the water is one thing. A strip of water with a high wall sticking out of its edge is another. The former is aesthetically pleasing. The latter is not. The latter is more akin to a culvert or canal. Connor Price spoke in various presentations and often about the fact that the existing retaining walls at the edge of the river are artificial, engineered, overly straight and unnatural. He used this information to persuade the public that what we currently have is not as good as what they would design for us to replace it. However, the replacement designs will include a replacement for the retaining walls with another wall that is still artificial, engineered, overly straight and unnatural. But this time it will be about <u>2 metres</u> higher.

[redacted] also received an email from Connor when she was asking the height of the wall (refers to story mentioned earlier). In Connor's reply he states:
'It needs to be highlighted that today the riverbank at this location is not natural. It is an engineered 'training wall' that was constructed by Musselburgh Town Council as an engineering response after the major flood event of August 1948. Today the view from Eskside West is of an engineered wall.'

The reason why he added this statement was unclear. [redacted] had been asking for the heights. However, since he has used the fact that the retaining walls are similar to the new walls, it is interesting that he hasn't highlighted that the existing walls are about 0 – 1m above the water level, whereas the new wall will be about 2m higher. This is another example of the project team using a little factual information to present things in a way that makes the scheme less negative. But they deliberately miss out key information that would give full context if it doesn't make the scheme look favourable.

The existing retaining walls don't really stick out far from the water currently. At low tide they are visible for about a metre. At high tide or if it's rained a lot, you can barely see them. However the new flood walls will be over 2 metres higher than the current ones. When [redacted] raised this with the project team last year, they admitted they hadn't really considered what the walls would look like from the other side! They have now added in planting at the bottom on the wet side of the wall. This will make it better and we appreciate this although the planting is likely to be reeds and grasses i.e. water tolerant and therefore not particularly aesthetically pleasing. I am genuinely concerned that litter will accumulate in this planting, same as in the riparian planting on [redacted] the river. The council have no extra budget allocated to ensure the litter is regularly cleared. And this will be particularly hard for the east side as

there will be no access for people to reach 2 metres down over the wall to pick the litter up. From the engineer drawing below, you can see that there will still be about 1.5 metres of visible wall from the opposite river bank above the planting.



As well as litter, I am really very concerned about the real probability that all walls will attract graffiti and the council will not have the resources – people or money – to keep the walls cleaned. Access for cleaning off graffiti on the wet side of the east wall will be a problem too, similar to clearing litter due to there being a 2 metre drop down into the actual river area.

In addition, there is evidence from other flood schemes that the flood walls are poorly built and without due consideration or maintenance budget for how to keep them moss/algae free (see pick below). I object to the scheme for not including appropriate transparency about this. I also object to the council not allocating monies in the costings for avoiding the walls looking like this.

I simply don't understand why the flood defence wall on the east side of the river wasn't situated near the road. If this had been the case, the flood wall could have been lower since they wouldn't have had to narrow the river and the basin of water available would be so much wider. As it is, the wall to be built is going to be about 2.5 metres high. If it were situated at the road edge rather than the river edge, to keep the top of the wall exactly level, the wall would only be 1.07 metres high. If you then reduce it to account for more water getting through a larger basin, this would drop down to less than a metre.

This is a valid alternative to what has been proposed. Last year, [redacted] asked at a drop in consultation why the wall wasn't in this position. She was first told it was because the people living there hadn't wanted a wall outside that would obscure their river views. This is a classic example of 'a little information being a dangerous thing'. [redacted] if those people had been told that they would still have a wall that obscured their view of the river. The person didn't know. When [redacted] pushed a bit further and was making it obvious that the excuse of not wanting a wall at the road was almost identical to not wanting a wall at the river's edge, the person changed tack and said that actually the main reason for the positioning was due to Sustrans funding. He said that the rules for securing funding for active travel paths (MAT) were that the path had to be protected from flooding.

This is where a number of objectional things about the scheme bump into each other. [redacted] pointed out that it was a horrible idea to have a wide concrete path in place of all the lovely grass anyhow. If they couldn't get funding for the path that wouldn't matter, just remove the path. The answer was no, the MAT project wanted the paths all along Eskside East. At this stage, [redacted] didn't understand the significance of MAT. No-one in the project team had advised us that MAT was optional. That it required separate planning approvals and might not go ahead. If it didn't go ahead, the Flood Scheme could design things differently. None of this was explained. We didn't know this until after 20th March this year when gradually it started to dawn on us the seriousness of MAT and how that project had influenced the flood scheme designs.

[redacted] remembers this conversation really well as she asked for the project team member to find out the person's name or department that made up the funding rules, so she could go speak to them. It makes sense that a charity like Sustrans who's main objective is to encourage people to walk, wheel and cycle more, would be interested in what was being planned for Eskside East. She and I both believe strongly that if you could only speak to the people who 'own' the funding rules and explain that by protecting their path from flood meant putting a higher wall, right down in the river rather than at the road, they would see the benefit in retaining a beautiful riverside walk and relax the rules for this stretch of the path. The project team member didn't ever get back to us with the name of that person.

Some time later, when [redacted] was speaking to Connor about the scheme she mentioned about this funding rule. Connor gave a third different reason why the wall was down at the river's edge. An old Victorian drain is apparently under the ground at Eskside East. Mum raised her eyebrows as by this time it was getting to the point where every time you spoke to someone you got a different answer. She said she would like to know how much it would cost to move or reroute this since it might be worth it to retain the beautiful riverbank but didn't ever hear back about this. When MAT was 'removed' from the scheme, the project team started to use this drain as the reason for the wall being at the river's edge. Nothing to do with the MAT path. Just the drain. However, there are no costings of the option for rerouting this drain and allowing the wall to be lower and positioned at the road edge. The documentation doesn't show exactly where it starts and finishes to prove that this is why the wall is at the river's edge.

[redacted], they will remove my view of the river. They will remove my view of a large expanse of flat grass with ducks and swans. They will remove my ability to use that amenity space. They will put the mature trees in [redacted] at risk. They will make me walk up a slope to see over and down to the water. Above the embankment crest, the only thing I will see on the other side of the river is the top of a high wall which will in all likelihood be covered in graffiti in no time at all. The river will look more like a canal due to the steep sides. I will see a large concrete ramp coming off a bridge that will now be in my line of vision on the other side.

[redacted] As well as spoiling the beautiful environment it sits in, this scheme will knock £1000s off the value. Already the market is being affected, with even just the talk of what they are planning putting people

off looking at Musselburgh. We heard just the other day from [redacted] of a neighbour whose daughter was thinking of moving back to the area and was going to consider Musselburgh but has decided not to because of the flood scheme.

In terms of compensation, I believe there is legislation that covers this:

Compensation

Compensation must be paid to any person who has sustained damage as a consequence of exercising certain powers under the Act (see section 82). Section 83(1) defines damage as the depreciation of the value of a person's interest in land or the disturbance of a person's enjoyment of land. 'Enjoyment of land' therefore needs to be considered. As with 'interest in land' or 'interest in land affected', there is no definition within the Act of 'enjoyment of land'.

I believe I would and should be entitled to compensation for the loss of capital value in my home. However, there is no information contained in the scheme documentation to advise this. Please note I am officially requesting compensation for the loss in capital value of my property due to the scheme and for the loss associated to enjoyment of land. Removing the ability for me to [redacted] and enjoy the beautiful river views, across the flat grassy area, sit on a park bench or wander along in amongst the dog walkers and ducks – it sounds a bit dramatic but this is priceless.

I should say at this point, that this project has caused me and my family huge stress. I have been really upset about the whole thing. This is my life. [redacted] The project team have no concept of how completely miserable the designs and the way the project has been handled have made [redacted] so we have kept a lot of the detail from him.

I have the very difficult decision to make re whether I continue to live here. I have decided that I will move if the scheme gets granted the go ahead. In one sense I am lucky. If I move on, [redacted] Therefore, I could leave things til quite late in the process before I decide to move. If we weren't keeping [redacted] Waiting until the work starts would be financial suicide as the scheme works alone, would decrease the amount I could get when selling and would reduce the number of prospective buyers. I have spoken to an estate agent for advice and they confirmed this. In addition, a member of the public has done some research to see the difference between equivalent properties with and without river views and the difference is significant. Irrespective of the works, the scheme will alter the beautiful views and amenity space outside [redacted] to such as extent the property will devalue on this alone.

However, [redacted] Whenever I move out, we will lose financially. If we are [redacted] while the significant build works are ongoing, this will be very difficult. The road access will be disrupted, there will be large diggers [redacted]. The noise and vibrations will be horrendous. They will need to do piling work in the river so they can build into it. I believe I would and should be entitled to compensation for the loss of rental income [redacted] However, there is no information contained in the scheme documentation to advise this. Please note I am officially requesting compensation for this ongoing loss for the duration of project works due to the scheme. I am also officially requesting compensation for loss of rental income as a result from a lower quality environment once the scheme is complete i.e. the loss of river views and beautiful landscape plus amenity space will push down the [redacted] the scheme not have happened.

And if I do choose to stay [redacted], I believe I would and should be entitled to compensation for the loss of the beautiful river views and beautiful landscape plus amenity space. Again, there is no information contained in the

scheme documentation to advise this. Please note I am officially requesting compensation for this ongoing loss that will be caused by the scheme and will impact my home environment.

I mentioned in my introduction that my job is working with heavy machinery where concentration levels are key. I work on call 24/7 and often need to sleep during the day. The works will go on for years for this scheme. The noise levels and vibrations will be unbearable. They will stop me sleeping properly. I believe I would and should be entitled to compensation for this unacceptable disturbance. Again, there is no information contained in the scheme documentation to advise this. Please note I am officially requesting compensation for this for the duration of the works. If it becomes completely unbearable, and I need to move out early, I will require compensation for alternative short term accommodation.

Please note, I think the processes described for dealing with noise monitoring are not acceptable. First of all they state:

There are no CNMA close to the Scheme.

In addition to the CNMA, certain areas have been identified as Candidate Quiet Areas (CQA). These are areas where it is considered that the quiet nature of them should be maintained. The northern area of the Scheme, at Musselburgh Lagoons and Fisherrow Sands, and along the coastal path and beaches, has been identified as a CQA.

This is ridiculous. [redacted]. The noisiest thing we hear are the sea gulls. The scheme works will have massive diggers dumping tons of earth to build the embankments. They will drill [redacted] to create the foundations for the embankment. They will use diggers and piling machinery to hold back the waters for building into the river. They will be building a tall 2m+ wall on the other side of the river. They will be laying a 5 metre wide concrete path just across the water. They will be demolishing a fairly large bridge just [redacted] They will then be rebuilding a much higher replacement bridge with massive double ramps on the east side and single ramp just to the left of my property. [redacted] The works all along the rest of the river will travel and so will the vibration.

To say this is not an area 'likely to be annoyed by noise' is not credible. As before I would like to state I believe I would and should be entitled to compensation for the noise and vibrations caused by the scheme works. Again, there is no information contained in the scheme documentation to advise this. Please note I am officially requesting compensation for this ongoing loss that will be caused by the scheme and will impact home life, my mental wellbeing and my ability to sleep which will have a knock on negative impact on my ability to do my job effectively and safely. If the scheme works keep me awake during the day after being on call and I have an accident at work because of lack of concentration, it will be the council's liability.

There are numerous reports of previous schemes and developments causing damage to the structure of properties in the vicinity. I believe I would and should be entitled to the project paying for an independent and thorough survey to be carried out on my property before, during and after the scheme works commence. Any damage caused will be the council's responsibility to pay for fixing. They will also be liable for any additional incurred expenses in this regard.

This project scheme is estimated to cost millions. There are no guarantees or actual quotes at this stage. Just estimates from the project team. These estimates are nowhere near guaranteed and the Conservative Councillors voted against the scheme because the costs were a) high and b) not guaranteed. The general consensus is that the flood scheme will end up being another 'trams' or 'Scottish parliament' i.e. hugely controversial, something most of the public don't want and with massive overrun spending.

This is not the council's money. It is taxpayers' money. The funding from the Scottish Government is not the government's money. It is taxpayers' money. I strongly object to my tax being used to fund such a controversial and poorly designed scheme. Especially when the GP practice in Musselburgh is so bad there was a recent article online about a woman phoning 650 times to try and get an appointment for her sick child. The huge costs of the scheme are

unreasonable for the council to spend when it is already in debt and will result in reduced services elsewhere to cover the shortfall. I object to my council tax being increased to cover the flood scheme.

I believe the scope and the related costings have not been recorded correctly by the project team. Sustrans will fund a proportion of MAT and Scottish Government will fund 80% of the flood scheme elements. When they were both combined, these allocations had not been audited to ensure that the scheme had not been inflated artificially to enable the council to secure extra funding that shouldn't really have been included. This is a general concern expressed by the Scottish Government. In addition, once MAT was removed from the flood scheme there was only 24 hours for the project team to quickly go into all the 100s of documents and change things. The costings, estimates and allocations have no alteration to show that the MAT elements have been removed. They also do not confirm that the MAT elements have been allocated to Sustrans rather than Scottish Government. On this point alone, this scheme should be referred to Scottish Ministers for review.

At the full council meeting in January, the Councillors thought that the full costings were for both MAT and Flood Scheme. This is what they voted to progress. The flood scheme on its own, is not what they approved. They didn't approve the costings on the basis that MAT was removed.

Considering how much money will be spent on this scheme, there is an alternative that would have been more acceptable to the residents along the river. If each property was flood proofed e.g. with more sturdy garden walls and flood gates, this would have reduced the overall costs substantially. Each resident could have decided what level of risk they were willing to face. Flats could have shared the burden with a single cost at the downstairs property. A flood gate at the few side roads at Eskside West and east to stop the waters from flooding down those streets would have been reasonable. None of these options were considered, publicly explained, costed, presented to Councillors or included in any of the scheme documentation.

The contractors hired to design the scheme, should they be the ones to win the tender for actually building the scheme, would have received less capital expenditure as the initial outlay would be less expensive. That's a conflict of interest right there. Hardly any big walls and embankments etc. Also, the Scottish Government wouldn't have covered 80% of anything other than initial capex. These funding processes have not supported the best designs that would meet the needs of the public. When decisions are driven by process rather than what's right for the people it's a recipe for disaster.

I'd like to jump back and talk a little about our long term objective [redacted]. I've focused on my living there and the impact on me. I've also talked about impact on when we rent it out. I'd like to mention briefly about the third and longer term objective we had when buying the flat. [redacted] is so particularly beautiful, it is a perfect final home for an older person to sit by the window watching the world go by and looking out over the riverside.

I feel very strongly that I don't want the project team to spoil the views [redacted]. But my parents also feel strongly that they want to preserve the beautiful area too as they may well live there one day. I feel really upset that I am now not perhaps able to help make this transition for them when it comes. We will need to look around for another place and are unlikely to find something so perfect again. However I will let my [redacted] cover off their personal objections in this regard, themselves in their own letters of objection.

The majority of what I've said above re the embankments, the narrowing of the river, the walls at the river's edge rather than at pavement edge apply all along the river from Rennie bridge to the mouth of the river i.e. [redacted]

[redacted] In particular, the wall on the west side down from Goose Green bridge, could have easily sat further away from the river's edge. There is a much bigger piece of land there. Also there is already a wall there behind the trees. This could be rebuilt as a stronger flood wall without altering the riverside at that stretch at all.

And then we come to biodiversity and the ecological damage the scheme will cause. The scheme doesn't have a net increase in biodiversity. It fails miserably to tick any green credential boxes. The Green party Councillor stood apart and refused to approve the scheme to progress based on the massive and significant negative carbon footprint. The addition of so much concrete all along the riverside in walls, foundations, paths, bridges and ramps will damage the environment from an ecological perspective. All this concrete will also cause a reasonable chance of increasing flood risk since the land will not be able to absorb as much water naturally. Likewise the trees that have been chopped down would have naturally absorbed water and most modern day schemes take into account such wanton damage to the natural environment as making things worse not better. In the event of a high river flow combined with a high tide, all this concrete and environmental damage is likely to actually cause a flood.

I am not an expert but have seen the following information from suitable experts:
The results presented in the EIA report from surveys of shoreline and coastal birds are not detailed enough to provide assessment of the impact of the scheme on the internationally and nationally designated sites around Musselburgh. One would not be able to judge if mitigation measures are adequate without this data.
The desk study part of the baseline data collection has also been inadequate. You need both survey results and relevant pre-existing data on bird species present, and their national and local population trends, and insights into relevant behaviour. The desk study in the EIA report also fails to include useful data from the East Lothian Council Ranger service, the British Trust for ornithology (BTO) and the Scottish ornithologist's club (SOC)

The EIA gives the agglomerate count figures of birds but should give species specific data. Also their data is out of date. They should have used the most recent data available up to 2022/2023 instead of 2013 to 2017.
There are also concerns about the accuracy of the baseline survey. It contains anomalies about the species of birds observed which makes one question the accuracy of all their information.
Also counting was done when the lagoons were under construction activity in 2021 to 2023 which was not representative, and according to Nature Scot bird surveys should not take place where there is disturbance that could affect the abundance, distribution or behaviour of birds within the survey area.
Surveys are still being carried out and the result of these should be waited for.
The EIA report attempts to identify and quantify loss of habitats from the scheme but it does not identify the main habitat impact of the scheme namely the loss of shoreline and intertidal habitats over its 100 year operational life. Hard defence structures along the coast create 'coastal squeeze'. This impact is not even mentioned in the EIA report biodiversity chapter, let alone assessed. EIA does not meet its own commitment to give an appraisal of the future baseline without the scheme in order to assess the possible effects of the scheme if it goes ahead.
Habitat loss from 'coastal squeeze' must be assessed properly. Not to do this goes against the council scheme objectives that 'the scheme will achieve as a minimum a neutral impact on the environment' and also that it will 'protect the Firth of Forth and its protected statuses'. ELC has an actual duty to protect and enhance biodiversity which cannot be fulfilled in this case without the necessary detailed bird data to assess the impact of the scheme and design mitigation.

There is repeated downplaying of Conservation importance in the EIA report, without any evidence for why this might be acceptable. There is no mention of the fact that many waders and waterfowl in the Firth of Forth have already suffered long term decline due to development impacts. Another example of this downplaying is the unsubstantiated claim that ' the area temporarily lost during construction constitutes a narrow linear area adjacent to the coastline which experiences high levels of disturbance from public use. This area is not considered to be an important habitat for qualifying interests of the Firth of Forth designated sites in comparison to the large expanse of sand flats along the coastline and the lagoons at Levenhall links'.
There is no evidence to back up these assertions on factors such as prey availability or exposure to disturbance or any of the other influences that need to be considered in order to assess these impacts.

The EIA report notes that 'the improvements to the active traffic network particularly along the seawall and the proposed Goosegreen bridge may result in increased pedestrian and cyclist traffic which may create increased operational disturbance to qualifying bird species' The report makes it clear that it's uncertain whether the cycle paths will result in increased active travel in which case how can the expenditure, the additional risk of impacts on internationally and nationally designated bird sites, and the carbon footprint of constructing these two elements of the scheme, be justified without strong independent evidence that there will be sufficient active travel benefits. These two elements need to be removed from the scheme not least as there are already foot and cycle paths along the relevant sections of the scheme coastline.
Finally consider the impacts on recreational amenity over the construction period, specifically for birdwatching. Musselburgh is one of the most visited birdwatching sites in Scotland enjoyed by hundreds of visitors every year. This tourism and amenity value of the scheme area for birdwatching is not given recognition in the EIA report and as a result there is insufficient attention given to mitigating disruption to this activity. This is significant because the schemes construction phase could take a period of 5 to 10 years, imposing long-term damage to the area's use and reputation as an ornithology visitor attraction.'

Whilst not an expert, I do nevertheless love watching the birds out my window and on walks in the area so would need to know that the project team have rectified this before they proceed with the scheme.

In summary, for the period of time from the January vote through to date and the Proposed Design that is under Statutory Objection, I object for the following reasons.

I object to the scheme on the basis that the documentations published for the January vote and the notification of the Proposed design, were substantially different in layout to the previous Outline Design without an appropriate level of comparison information to help the public (and me!) understand what had changed.

I object to the scheme on the basis that the project team did not give due consideration as to the extra layer of complexity they were giving the public in trying to understand the changes to the design announced in January and March 2024.

I object to the scheme on the basis that the project didn't allow any kind of side by side comparison, either manual or electronics for the public to compare June 2023 designs to January and March 2024 designs.

I object to the scheme on the basis that the heights of the defences were displayed as complex calculations rather than simple numbers.

I object to the scheme on the basis that the council failed in its duty to adequately inform the public in simple terms of the most basic information about the scheme e.g. the heights of the defences.

I object to the scheme on the basis that the council split the full council meeting into two parts, without webcasting the first part, meaning the Councillors received a briefing about the new designs but the public did not.

I object to the scheme on the basis that the project team provided a briefing to explain how to find and read the documents to the Councillors but not the public, thereby failing in their duty to inform the public appropriately.

I object to the scheme on the basis that the project team provided a briefing to explain how to calculate the measurements using the cross sections contained in the documents to the Councillors but not the public, thereby failing in their duty to inform the public appropriately.

I object to the scheme on the basis that the council not webcasting the Councillors' briefing on the new designs meant the public were effectively left to their own devices to try and decipher the new design.

I object to the scheme on the basis that the council not webcasting the Councillors' briefing on the new design, was a breach of their ethos of transparency.

I object to the scheme on the basis that while the project team had an exhibition about the first version of the design for the public, they did not hold any exhibition to explain the changes brought in for the second version.

I object to the scheme on the basis that the project team did not provide the public any opportunity to feed back any comments or questions publicly about the revised designs, in front of other members of the public or the Councillors in the way they had for the previous design.

I object to the scheme on the basis that the documents organisation was disorganised and confusing for the public to understand how to find information they were interested in.

I object to the scheme on the basis that the documents did not specify east or west on the weblink title, so that members of the public [redacted] were completely lost for a number of days trying to figure out where we could find the east wall dimensions.

I object to the scheme on the basis that the documents had different titles on the weblink that didn't match up with the downloaded filename, an unnecessary confusion for the public to have to deal with.

I object to the scheme on the basis that there was no reference on the drawings as to how much higher or lower a particular defence was. The project team made it exceedingly difficult to work this out.

I object to the scheme on the basis that the documents showed both sides of the river implying that the document would cover dimensions for both sides, which they did not.

I object to the scheme on the basis that a complex table of filenames was included in one of the 125+ documents that the public were supposed to be able to use to find a specific document, but the titles on this table did not match fully the web link names, making it confusing for the public to deal with.

I object to the scheme on the basis that the project team provided a document download system that downloaded the files with a title that was completely different to the web link title and which was unnecessarily complex, forcing members of the public to have to open and close files and then rename them to a more suitable filename so they could find what they were looking for.

I object to the scheme on the basis that the methodology for calculating the heights of the defences was so complex that very few lay people could work it out without instruction, which the project team did not proactively offer.

I object to the scheme on the basis that the project team, if asked for an explanation re how to calculate the heights, gave such a technically complex, jargon riddled spiel that no ordinary lay person could possibly understand.

I object to the scheme on the basis that the project team showed an horrific level of disrespect to the public in making the simple act of finding a document for a specific stretch of the river and calculating what height the defence was to be, so massively unattainable to the ordinary person on the street.

I object to the scheme on the basis that the project team either didn't consider the need for better quality, clear communications (negligence) or did consider it but chose not to provide it (in breach of the performance standards expected of a contractor of this experience and being paid this amount of money).

I object to the scheme on the basis that the single most important piece of information that the vast majority of the public would be interested in i.e. the height of the walls, was buried deep in files you couldn't find and you needed to use complex formula to calculate.

I object to the scheme on the basis that bearing in mind the project team are very experienced and being paid a lot of money for their expertise, an inference can be made that the way in which the documentation was presented was

deliberate obfuscation, designed to take the public (who had not lost the will to live at this stage with the whole thing) a huge amount of effort and time to decipher, thereby delaying questions and an opportunity for the public to push back re the revised designs.

I object to the scheme on the basis that the documentations and calculations were so complex that even the project team personnel did not all know how to answer questions from the public, needing to escalate for answers to the lead engineer.

I object to the scheme on the basis that the documentations and calculations were so complex that even the Councillors did not all know how to answer questions from the public, needing to escalate for answers to the project team who escalated to the lead engineer.

I object to the scheme on the basis that it is a reasonable assumption to make that the 22 Councillors did not all know what dimensions the various defences, bridges, ramps etc. will actually be when they voted to approve the scheme.

I object to the scheme on the basis that all areas, directions, distances, lengths, widths, depths, and heights specified on the documents are not precise.

I object to the scheme on the basis that all areas, directions, distances, lengths, widths, depths, and heights specified on the documents imply they are precise, and that the information to tell you they are not precise is in a completely different document.

I object to the scheme on the basis that prior to January 2024 no-one in the project team advised the public that all the areas, directions, distances, lengths, widths, depths, and heights specified in the design were not precise, never going to be precise and when people were debating measurements, no-one highlighted to them this fact.

I object to the scheme on the basis that there is no tolerance given for what 'or thereby' would mean e.g. plus or minus 100mm or plus or minus 1%.

I object to the scheme on the basis that bearing in mind that no areas, directions, distances, lengths, widths, depths, and heights specified in the documents are precise and with no tolerance given, the numbers are meaningless and the public are not being kept informed as to what exactly is going to be built in their town.

I object to the scheme on the basis that I personally do not know how high the embankment will be that will sit in [redacted]

I object to the scheme on the basis that I personally do not know how wide the embankment will be that will sit in [redacted]

I object to the scheme on the basis that I personally do not know how far from the pavement the embankment will be that will sit in [redacted]

I object to the scheme on the basis that I personally do not know how far the project will build out into the river in [redacted]

I object to the scheme on the basis that I personally do not know how high the wall will be (dry side and wet sides) that will sit on the opposite riverbank in [redacted].

I object to the scheme on the basis that I personally do not know how far the project will build out into the river on the opposite riverbank in [redacted]

I object to the scheme on the basis that I do not know how much of the Shorthope Bridge will be able to see in its new position in [redacted]

I object to the scheme on the basis that I do not know how far the ramps from Shorthope Bridge will travel on the opposite riverbank in [redacted]

I object to the scheme on the basis that in the previous Outline Design the project team did not use the terms 'approximately' or use the '~' sign or use the 'c.' notation to indicate that all areas, directions, distances, lengths, widths, depths, and heights were not necessarily as they appeared.

I object to the scheme on the basis that on this one point alone, the project team failed in their duty to inform the public appropriately and effectively. There is hard evidence that large numbers of the public did not understand this point.

I object to the scheme on the basis that it can be inferred from the public outcry about the heights in particular, that the project team deliberately and knowingly only attached the note to show that measurements were not precise at the very last minute as consultations were closing down, so as not to have to deal with the public's outrage at realising that they had no concrete data from the project.

I object to the scheme on the basis that the project team treated their comms budget as one for marketing and not education of the public, treating the public as customers who needed to be convinced of the scheme's benefits and not considering them as partners in the process with a right to know the details, warts and all.

I object to the scheme on the basis that there is hard evidence found all over the place in conversations between members of the public, that they simply did not understand the new designs.

I object to the scheme on the basis that because of the project team's lack of clear guidance and information, the public were forced to try and explain to each other what the designs meant.

I object to the scheme on the basis that a tiny amount of money paid to a training professional would have gone a long way to explain clearly what the design would mean.

I object to the scheme on the basis that the project team did not recognise that subject matter experts are not the best placed to handle comms where you need to explain complex information to lay people.

I object to the scheme on the basis that the Proposed Design documentation was prepared with a target audience of future contractors and operational council engineers and not the actual target audience at this stage i.e. Councillors and the public.

I object to the scheme on the basis that the project team did not provide a summary version with simplified information for the Councillors and members of the public who didn't have the necessary skills to interpret engineering drawings.

I object to the scheme on the basis that the Councillors receiving a full briefing explaining how to find and decipher the documentation but no equivalent being provided to the public, was a sign of disrespect for the public and eroded their trust even further in the project team.

I object to the scheme on the basis that the briefing part of the full council meeting not being webcast, created a situation where the project team were able to avoid public scrutiny in relation to what they told the Councillors.

I object to the scheme on the basis it is highly likely that things were presented in a fact limited way to paint the designs in an artificially positive manner. There is evidence of the project team consistently omitting key information when it would create a more negative view of the scheme.

I object to the scheme on the basis that during the full council vote, the Jacobs engineer used the phrase ‘1 metre wall’ and ‘tolerable to the public’ 5 times in a short space of time in relation to the defences at the river, when he must have known from his own engineer drawings that there are 28 measurement points for the defences on the river and only 2 of them are about 1 metre.

I object to the scheme on the basis none of the Councillors knew sufficient detail about the measurements of the defences along the river to hold the Jacobs engineer to account and make him clarify or retract his statement which undoubtedly misinformed and deceived the Councillors who were about to vote.

I object to the scheme on the basis that the Jacobs engineer highlighted the dry side measurements of the walls and withheld any information at all about the wet side measurements of those same walls, thereby misinforming the Councillors and portraying the scheme in a more positive light than it will be in reality.

I object to the scheme on the basis that Councillors who live further away from Musselburgh have shown a much reduced interest in the detail of the scheme and made the decision to approve the scheme to the next stage without understanding the detail.

I object to the scheme on the basis that the Councillors did not hold the project team fully to account during the January vote meeting.

I object to the scheme on the basis that the Green Party Councillor started to ask a valid question to hold the Jacobs engineer to account for statements he made claiming he knew what height of defence was tolerable to the public, but didn’t follow through and make sure an answer was given.

I object to the scheme on the basis that the project team adopted a marketing strategy of using the ‘reduced the walls to 1 metre around the river to address concerns over their impact’ in multiple media articles, even though they knew this information was misleading and incorrect as it implies that the defences right along the river are 1 metre which they are not.

I object to the scheme on the basis that the project team’s communication strategy falls far short of the standard expected from such an experienced contractor, working on behalf of a public body whose ethos is openness and transparency.

I object to the scheme on the basis that during the January vote meeting, the Councillors only heard from the project team in relation to the design and didn’t hear any representations from any party who would have given an alternative view from the overly positive picture they gave, effectively like a jury just listening to the defence but not the prosecution in a trial.

I object to the scheme on the basis that the full council was ill equipped to make an informed decision on whether to approve the new designs in January but did so anyway.

I object to the scheme on the basis that no Councillor asked questions of the project team about the specific heights, widths and positions of the walls and embankments.

I object to the scheme on the basis that no Councillor asked questions of the project team about the specific heights, widths and positions of the bridges and ramps.

I object to the scheme on the basis that the Environmental Impact Assessment was not presented in full to the 22 Councillors, but only a summary, therefore they voted on insufficient data.

I object to the scheme on the basis that a Dynamic Coast expert was invited to the meeting, at a very late stage just before the designs are about to be voted on. There was insufficient time to understand the implications of what his information meant

I object to the scheme on the basis that the Dynamic Coast expert took up valuable time that should have been earmarked for the Councillors asking questions about the new design while they were still fresh – as opposed to pushing this further into the afternoon, when you could tell the Councillors were getting very tired, with information overload and not in the best place to make such an important decision.

I object to the scheme on the basis the Dynamic Coast man highlighted that there is evidence that building seawalls can actually cause land erosion.

I object to the scheme on the basis that Connor tried to unduly influence the Councillors against worrying about the additional erosion that a sea wall might have by highlighting that the water currently does not lap at the proposed sea wall. He omitted to highlight that it would over time though if sea levels rise plus there is tidal flow into the river, as far up as the Rennie Bridge and therefore there are unanswered questions re how the new flood wall all along various parts of the river up to Rennie will actually fair i.e. will they make flood risk less or actually increase the risk of erosion.

I object to the scheme on the basis that the full council voted to approve a scheme that still included the Musselburgh Active Toun (MAT). The scheme that was then notified in March did not include MAT. It was not the same scheme that was approved by full council since the removal of MAT was a material change. The current notification period for the scheme under statutory objection is therefore outwith proper process and the council have allowed a scheme to be notified which is not the one they approved for notification.

I object to the scheme on the basis that the council approved the scheme on the basis of the summary EIA which included the MAT impact on the environment. As this is now removed, the scheme approved is not the same scheme as the one being notified and the notification period should be cancelled.

I object to the scheme on the basis that the council approved the scheme on the basis of the costings which included the MAT elements. As this is now removed, the scheme approved is not the same scheme as the one being notified and the notification period should be cancelled.

I object to the scheme on the basis that the council approved the scheme on the basis of the designs including 5 metre wide combined use paths. As these have now (allegedly) been removed, the scheme approved is not the same scheme as the one being notified and the notification period should be cancelled.

I object to the scheme on the basis that the council approved the scheme on the basis of the designs including a replacement Ivanhoe Bridge which gives negligible flood risk reduction according to Jacobs. As this new bridge has now (allegedly) been removed, the scheme approved is not the same scheme as the one being notified and the notification period should be cancelled.

I object to the scheme on the basis that the council approved the scheme on the basis of the designs including a replacement Electric Bridge, combining the pedestrian river crossing of the existing goose green bridge and the cyclist river crossing of the Electric Bridge, into one combined use bridge. As the requirements for combined use and extra widths for this new bridge have now (allegedly) been removed, the scheme approved is not the same scheme as the one being notified and the notification period should be cancelled.

I object to the scheme on the basis that the council approved the scheme on the basis of the designs including an additional new combined use bridge to be built at the mouth of the river to tie in with the other MAT paths. As the requirements for this new bridge have now (allegedly) been removed, the scheme approved is not the same scheme as the one being notified and the notification period should be cancelled. This bridge offers no flood risk reduction

and is clearly a 'Development' as defined under the 1997 planning Act and not a replacement and therefore requires planning permission.

I object to the scheme on the basis that the council approved the scheme on the basis of the designs including double ramps on the east side of the river specifically to ensure that the active travel path wasn't interrupted by a one direction bridge ramp. As the requirements for these double ramps have now (allegedly) been removed, the scheme approved is not the same scheme as the one being notified and the notification period should be cancelled.

I object to the scheme on the basis that the council approved the scheme on the basis that the river needed to be narrowed on both sides but by a greater degree on the side that was to accommodate the MAT paths. As the requirements for this have now (allegedly) been removed, the scheme approved is not the same scheme as the one being notified and the notification period should be cancelled.

I object to the scheme on the basis that the Council operations team should have known last year, that combining the flood scheme and MAT would circumvent relevant planning legislation.

I object to the scheme on the basis that the Project Team, including the outside contractors, should have known last year, that combining the flood scheme and MAT would circumvent relevant planning legislation.

I object to the scheme on the basis that since at least one member of the public wrote to the project team last year to advise that combining the flood scheme and MAT would circumvent relevant planning legislation, the fact that the project continued to combine the projects meant they were *consciously* acting unlawfully (or at least negligent for not getting basic legal/planning advice sooner).

I object to the scheme on the basis that the council and the project team allowed the consultations to continue, knowing that there was going to be an issue and therefore misleading the public about the design information.

I object to the scheme on the basis that the council and the project team not advising the public last year that the MAT was going to be removed robbed us of our ability to ask more detailed questions about the flood scheme should MAT not go ahead. The consultation was therefore flawed and as with the 'fruit of the poisoned tree' the Proposed Design is inherently flawed also and should be withdrawn.

I object to the scheme on the basis that the project team did not consult properly on the two combined projects – they focused all energies on the flood elements and the active travel paths were presented as a more minor given, with no mention that they might not be approved separately.

I object to the scheme on the basis that this objection phase has not properly explained to the public what they are objecting to in relation to anything that the project team had previously told them was included because of MAT.

I object to the scheme on the basis that the project team, including the contractors, did not accurately answer questions from the public, including from my family, to explain adequately the implications of removing MAT from the Proposed Flood Scheme when asked questions about this before and during the objection phase and therefore did not inform the public appropriately to enable them to properly construct their thoughts and objections to the scheme.

I object to the scheme on the basis that the Service Manager, Governance did not accurately answer questions from the public, including from my family, to explain adequately the implications of removing MAT from the Proposed Flood Scheme when asked questions about this before and during the objection phase and therefore did not inform the public appropriately to enable them to properly construct their thoughts and objections to the scheme.

I object to the scheme on the basis that the Director of MAT did not accurately answer questions from the public, including from my family, to explain adequately the implications of removing MAT from the Proposed Flood Scheme

when asked questions about this before and during the objection phase and therefore did not inform the public appropriately to enable them to properly construct their thoughts and objections to the scheme.

I object to the scheme on the basis that the Executive Director of the flood scheme did not accurately answer questions from the public, including from my family, to explain adequately the implications of removing MAT from the Proposed Flood Scheme when asked questions about this before and during the objection phase and therefore did not inform the public appropriately to enable them to properly construct their thoughts and objections to the scheme.

I object to the scheme on the basis that the Chief Executive, receiving complaints from the public, did not step in to ensure that the project team accurately answer questions from the public, including from my family, to explain adequately the implications of removing MAT from the Proposed Flood Scheme when asked questions about this before and during the objection phase and therefore did not inform the public appropriately to enable them to properly construct their thoughts and objections to the scheme.

I object to the scheme on the basis that the Head of Council Resources who has overall responsibility for the performance management of the outside contractors under their procurements, on receiving complaints from the public, did not step in to ensure that the project team accurately answer questions from the public, including from my family, to explain adequately the implications of removing MAT from the Proposed Flood Scheme when asked questions about this before and during the objection phase and therefore did not inform the public appropriately to enable them to properly construct their thoughts and objections to the scheme.

I object to the scheme on the basis that I could not understand what a difference it would make to the flood scheme should MAT not be approved.

I object to the scheme on the basis that I, and my family, have been prevented from exploring properly with the project team during the last 9 months of consultations what the flood scheme could look like should the MAT be removed from the combined scheme.

I object to the scheme on the basis that the council and the project team have acted with political motivations and spin to try and pretend that MAT was removed from the design scheme, only because they had been caught circumventing planning legislation. There wholly inappropriate and disgraceful actions have caused huge confusion with the public, impeded me and others being able to consider the Proposed Design effectively and have eroded trust even further in how the council and the project team carry out their business of serving the people.

I object to the scheme on the basis that the EIA still includes MAT design requirements and details that impact on the environment which it should not, since MAT is not supposed to be contained within the Proposed Design. This confusion has meant I am unable to analyse correctly the environment impact due to flood risk reduction only and therefore unable to effectively object in an informed manner.

I object to the scheme on the basis that the costings still include MAT design requirements and details that impact on the costings which it should not, since MAT is not supposed to be contained within the Proposed Design. This confusion has meant I am unable to analyse correctly the cost impact due to flood risk reduction only and therefore unable to effectively object in an informed manner.

I object to the scheme on the basis that the Proposed Design still includes MAT design requirements in terms of laying aside 5 metre wide path areas which do not provide any flood risk reduction. This impacts the overall flood design which it should not, since MAT is not supposed to be contained within the Proposed Design. This confusion has meant I am unable to analyse correctly the Proposed Design due to flood risk reduction only and therefore unable to effectively object in an informed manner.

I object to the scheme on the basis that the Proposed Design includes widening various bridges. This does not provide any flood risk reduction and is only there due to MAT. This impacts the overall flood design which it should

not, since MAT is not supposed to be contained within the Proposed Design. This confusion has meant I am unable to analyse correctly the Proposed Design due to flood risk reduction only and therefore unable to effectively object in an informed manner.

I object to the scheme on the basis that the Proposed Design still includes MAT design requirements in terms of demolishing and rebuilding a wider Ivanhoe Bridge in a different location which Jacobs had already confirmed was not necessary to provide meaningful flood risk reduction. This impacts the overall flood design which it should not, since MAT is not supposed to be contained within the Proposed Design. This confusion has meant I am unable to analyse correctly the Proposed Design due to flood risk reduction only and therefore unable to effectively object in an informed manner.

I object to the scheme on the basis that the Proposed Design still includes MAT design requirements in terms of demolishing and rebuilding the single use pedestrian only Goose Green Bridge and the cyclist only Electric Bridge and combining them. The rebuilding to make them higher and not have central supports may have flood protection contained but the combining of the bridges does not have flood protection included. Combining them is a MAT requirement and influence and this impacts the overall flood design which it should not, since MAT is not supposed to be contained within the Proposed Design. This confusion has meant I am unable to analyse correctly the Proposed Design due to flood risk reduction only and therefore unable to effectively object in an informed manner.

I object to the scheme on the basis that the Proposed Design still includes MAT design requirements in terms of building a brand new combined use bridge at the mouth of the river. This has no flood protection benefits and would actually increase risk. This new additional combined access bridge that is being placed in a location that currently does not have a bridge is a MAT requirement and influence and this impacts the overall flood design which it should not, since MAT is not supposed to be contained within the Proposed Design. This confusion has meant I am unable to analyse correctly the Proposed Design due to flood risk reduction only and therefore unable to effectively object in an informed manner.

I object to the Proposed Design Scheme for including combined use paths. Interestingly I am unsure if I am allowed to object to that here since this is a MAT requirement and MAT is not supposed to be in the Proposed Design. However, for the avoidance of doubt I object to combined use paths since they cause a danger to the more vulnerable in the population such as small children, the disabled and elderly. I have first hand knowledge of this having [redacted] we know first hand how difficult it is for [redacted] navigate a combined use path where cyclists and skateboarders whiz past. [redacted] Please advise if this objection is being considered under the Flood Scheme or whether it needs carried forward to the MAT approvals process, whenever that will be.

I object to the scheme on the basis that it has created unnecessarily wide spaces, that alter the position of other aspects of the design, specifically to allow for future MAT paths, even though they have not gone through the proper planning processes.

I object to the scheme on the basis that it has created additional unnecessary work and therefore cost for the flood scheme to build aspects of the design which are designed to future proof for MAT but which could be obsolete should the MAT be declined approval. This extra unnecessary expenditure is an outrage when the councils are so badly in debt.

I object to the scheme on the basis that it has created additional unnecessary work and therefore extra build time with the associated extra noise and vibration nuisance for the residents of Musselburgh, myself included, for the flood scheme to build aspects of the design which are designed to future proof for MAT but which could be obsolete should the MAT be declined approval. This extra unnecessary work, noise and vibration is unacceptable.

I object to the scheme on the basis that the Proposed Design still includes MAT design requirements in terms of double bridge ramps at the mouth of the river pointing towards the sea and up towards the town which do not

provide any flood risk reduction. They are only present on the east side of the river due to the MAT. This impacts the overall flood design which it should not, since MAT is not supposed to be contained within the Proposed Design. This confusion has meant I am unable to analyse correctly the Proposed Design due to flood risk reduction only and therefore unable to effectively object in an informed manner.

I object to the scheme on the basis that the Proposed Design still includes MAT design requirements in terms of double bridge ramps at the new combined Electric/Goose Green Bridge of the river pointing towards the sea and up towards the town which do not provide any flood risk reduction. They are only present on the east side of the river due to the MAT. This impacts the overall flood design which it should not, since MAT is not supposed to be contained within the Proposed Design. This confusion has meant I am unable to analyse correctly the Proposed Design due to flood risk reduction only and therefore unable to effectively object in an informed manner.

I object to the scheme on the basis that the Proposed Design still includes MAT design requirements in terms of double bridge ramps at the Shorthope Bridge area of the river pointing towards the sea and up towards the town which do not provide any flood risk reduction. They are only present on the east side of the river due to the MAT. This impacts the overall flood design which it should not, since MAT is not supposed to be contained within the Proposed Design. This confusion has meant I am unable to analyse correctly the Proposed Design due to flood risk reduction only and therefore unable to effectively object in an informed manner.

I object to the scheme on the basis that the Proposed Design still includes MAT design requirements in terms of building out into the river space in part to accommodate the MAT paths which do not provide any flood risk reduction. This narrowing of the river actually increases flood risk and they are proposing this due to the MAT. This impacts the overall flood design which it should not, since MAT is not supposed to be contained within the Proposed Design. This confusion has meant I am unable to analyse correctly the Proposed Design due to flood risk reduction only and therefore unable to effectively object in an informed manner.

I object to the scheme on the basis that the Proposed Design includes narrowing the river in multiple locations. This narrowing is unnecessary for flood protection and actually increases flood risk.

I object to the scheme on the basis that the Proposed Design includes narrowing the river in multiple locations and yet the consultations did not advise the public of this part of the plan. The first time the public saw that they were planning on narrowing the river was late January 2024. As the drawings are complex it took us time to realise this is what they were planning. The did not properly inform or consult on this aspect of the design.

I object to the scheme as I do not want the river made narrower. This will spoil the natural beauty of the area.

I object to the scheme as I do not want the river made narrower. This will reduce the area for wildlife, at a time when the developments are supposed to be increasing natural habitats for the river inhabitants.

I object to the scheme on the basis that such a massive change to the design has taken place through the removal of MAT is akin to the Scottish Government's argument that another referendum should be allowed since Westminster ripped Scotland out of the EU. Our government has stated that 'material change means you are entitled to go back to a vote'. To transfer this analogy onto the flood scheme what it means is that the flood scheme has gone through such a significant change removing MAT, it needs to have the documentation properly rewritten, further consultation with the public is needed through renewed consultation. All SNP Councillors should back this objection since it is directly equivalent to their stance on Indyref2.

I object to the scheme on the basis that the removal of MAT has caused public outrage, confusion and a general inability for the public and myself to object in a coherent manner when reviewing documents that have taken years to create but then 24 hours to amend hastily, by the project team trying to figure out how to make it look as if the flood scheme design hasn't got MAT woven throughout.

I object to the scheme on the basis that [redacted] initial explanation about the MAT specifically admits that MAT requirements are still contained in the flood scheme documentation. This is then contradicted by various other people (Alan Stubbs, Peter Forsythe, Carlo Grilli) causing further confusion.

I object to the scheme on the basis that [redacted] initial explanation about the MAT specifically admits that MAT requirements are still contained in the flood scheme documentation. He is therefore admitting that contrary to relevant planning legislation, the flood scheme are intending to build items without the necessary approvals.

I object to the scheme on the basis that no consultation was carried out on the removal of MAT and its implications. In fact the opposite. Various members of the team and wider council specifically advised that they would simply not answer questions and that the consultation period had ended.

I object to the scheme on the basis that there is sufficient evidence to infer that the council and the project team timed the removal of MAT to be so close to the end of the consultation period that it would deliberately make things confusing for the public to understand and limit their ability to object appropriately.

I object to the scheme on the basis that Peter Forsythe, Director of MAT did not resource the ongoing consultations with members of his team from June 2023 to March 2024 to ensure the public had an appropriate understanding of Mat and how it interlinked with and influenced the flood scheme. This was an unacceptable withholding of information vital for the public to understand the two schemes.

I object to the scheme on the basis that multiple members of the project team and the council refused to answer my [redacted] question asking for a list of the elements of the Proposed Scheme and which ones had been removed. This was a very simple question. If as the project team and the council say, the MAT has no elements at all that have influenced the flood scheme, their answer could have been given very quickly simply stating that no elements of MAT have influenced the flood scheme. However, they would not answer the question. [redacted] asked it multiple times. They simply wouldn't answer. This is an indication that they couldn't answer without incriminating themselves – effectively they were pleading the fifth!

I object to the scheme due to the fact that answers to important questions the public [redacted] asked during the last 9 months consultation were 'due to MAT'. These answers are now being presented as incorrect by the project team. So either the project team were being untruthful during the consultations or they are being untruthful now.

I object to the scheme due to the replacement of the Ivanhoe Bridge based on the analysis that Jacobs did in 2022 advising that this would have negligible impact on flood risk reduction.

I object to the scheme due to the replacement of the Ivanhoe Bridge adding such a massive ramp on the west side of the river where there are currently steps, as this does not reduce flood risk and is therefore not relevant to be included in the flood risk scheme.

I object to the scheme due to the large ramps proposed for the Ivanhoe bridge due to the significant extra carbon footprint all that extra building, concrete etc. would mean.

I object to the scheme due to the large ramps proposed for the Ivanhoe bridge due to the significant amount of natural vegetation, grass, bushes, trees etc. that the massive ramps would destroy. The current size and position of the steps is perfectly adequate for a bridge that is only concerned with flood risk reduction and not including any active travel paths.

I object to the scheme due to the wide double ramps that point both ways on the east side of the new Ivanhoe Bridge as unnecessary for flood risk reduction purposes.

I object to the scheme on the basis that a number of the trees are earmarked for felling due to MAT requirements and not for flood risk reduction purposes.

I object to the scheme on the basis that the project team did not explain to the public that some of the trees were to be felled due to MAT requirements solely and this was an unacceptable withholding of information especially since the trees have proven to be extremely high on the list of public concerns.

I object to the scheme on the basis that the council and their external contractors had the right expertise and resources to engage the right expertise to ensure that they knew that the MAT elements required planning permission and, where applicable, conservations area consent. Putting the MAT elements into the Flood Scheme goes against the relevant legislation and the project had the duty to know this.

I object to the scheme on the basis that the project team were deliberately unhelpful to the public who had genuine questions about the removal of MAT with 24 hours to go before statutory objections by simply advising us to read the scheme documents, since the scheme documents were wholly inadequate and did not answer our specific questions.

I object to the scheme on the basis that the unprofessional actions taken by the project team to remove MAT on the final day before objections created a huge amount of work for the ordinary members of the public to try to get answers to the confusion caused and generated complaints to not only the council and the project team but also to the most senior levels of Sustrans who will fund MAT plus Scottish Government officials who may oversee a public enquiry.

I object to the scheme on the basis that the unprofessional actions taken by the project team to remove MAT on the final day before objections has caused damage to the Sustrans brand.

I object to the scheme on the basis that the unprofessional actions taken by the project team to remove MAT less than 24 hours before a member of the public was due to submit their petition in front of the council, was a disorganised and disrespectful thing to do. One can infer that they knew they were in the wrong combining MAT and the flood scheme.

I object to the scheme on the basis that even though the project team knew they were in the wrong combining MAT and the flood scheme, they have not apologised for the error or explained how it came to be made and who is responsible for it. They have offered no compensation for the time and energy so many members of the public expended trying to understand the implications of combining the schemes and then trying to understand the implications of untangling them.

I object to the scheme on the basis that the Councillors did not understand and could not explain the removal of MAT from the flood scheme to support the public.

I object to the scheme on the basis that a Councillor [redacted] 'to object to the MAT elements as well as the flood elements all under the objection phase of the flood scheme' which a) shows he is unclear re the process and b) shows that he believes that MAT elements are still in the flood scheme and c) adds an extra burden on the public to consider their objections to a scheme (MAT) which is not under consideration at this stage. Total chaos!

I object to the scheme on the basis that the public are not in a position to object to MAT properly as we do not understand what exactly is involved and when to object.

I object to the scheme on the basis that the project team are manipulating the process so that they will build infrastructure which is not for flood protection and then circumvent planning rules by using 'change of use' processes to get MAT approved which shows a level of disrespect for the public and the processes that are there to ensure effective management of development.

I object to the scheme on the basis that as soon as MAT was 'removed' from the scheme, the notification should have been stopped, the scheme documents rewritten properly and further consultation provided to the public.

I object to the scheme on the basis that even after the public asked for the council to cancel the notification, for them to rewrite the scheme documents properly and to provide further consultation, the project team, the Service Manager Governance, the project executive and the Chief Executive of the council all ignored this request and carried on with the flawed process, knowing it was causing difficulties for the public.

I object to the scheme on the basis that the public outrage and complaints submitted to Sustrans at their proposed funding of pouring concrete over 5 metres of beautiful grassy riverbank is causing concerns that may impact the funding for MAT which will mean the flood scheme will have gone through statutory objections for a design, that has been designed for large numbers of wide bridges and wide paths that the council will not be able to afford.

I object to the scheme on the basis that the project team have artificially inflated the cost of the flood protection scheme by including measures that do not reduce flood risk with a view to the Scottish Government 80% funding rule providing funds to the council that they are technically not entitled to.

I object to the scheme on the basis that the project team have not assessed the impact on other non Musselburgh areas and have no guarantee that parts of the scheme that reduce flood risk for Musselburgh will not increase the risks elsewhere.

I object to the scheme on the basis that the Scottish Government may reduce the funding for the project scheme due to the artificially increased scope which will mean the flood scheme will have gone through statutory objections for a design, that has been designed for large numbers of wide bridges and wide paths that the council will not be able to afford.

I object to the scheme, similarly to the Conservative Councillors, in that the costings are increasing dramatically from the original estimates.

I object to the scheme, due to the high likelihood that with inflation and changes to scope that the final costs will be unacceptable.

I object to the scheme on the basis that the council are continuing down a path where they are paying huge amounts of consultancy and project fees for the scoping of the project with no guarantees of actually approving anything.

I object to the scheme on the basis that the council in January 2024 effectively gave the outside contractors a blank cheque for the works without any guarantees of a fixed cost or cap on expenditure.

I object to the scheme on the basis that I do not know what's included in the scheme.

I object to the scheme on the basis that I do not know what the scheme are planning outside my property, especially on the other riverbank.

I object to the scheme on the basis that I deserve to be protected from flood risk and my council have a duty to help with this but through their mishandling of the project, we are either going to get no flood protection or badly designed flood protection, neither of which meets my needs.

I object to the scheme on the basis that significant amounts of my tax payer's money has been paid to outside contractors for a badly performing project. Monies we will never get back even if they sorted the designs tomorrow.

I object to the scheme on the basis that the Councillors who voted to approve the scheme to the next stage in January, all did so voting along party lines but without being open, honest and transparent that they had been 'whipped' to do so.

I object to the scheme on the basis that the Councillors who voted to approve the scheme were not honest about their true feelings about the scheme meaning the public are not sure where their elected representatives stand on such an important development.

I object to the scheme on the basis that significant areas in Musselburgh e.g. Fisherrow Links, will be unable to be used during the construction over a significant period of time due the works required to build the scheme.

I object to the scheme on the basis that I (and the public) will lose the right to use the amenity space all over Musselburgh and outside my property, for the duration of the works which will take years.

I object to the scheme on the basis that the access to my property is likely to be impacted by the works for a significant period.

I object to the scheme as it will directly remove my ability to see the river from my property.

I object to the scheme as it will change a beautiful river view into a view of a north facing grassy slope with a high wall above it from the other bank.

I object to the scheme as it will reduce the width of the river right outside my house for no corresponding flood risk reduction.

I object to the scheme as it will remove the beautiful amenity space of a wide expanse of flat grassy riverbank.

I object to the scheme as it will spoil the natural beauty and historic charm of Musselburgh's River Esk riverbanks.

I object to the scheme as it has gone against its brief as advised on the council website which included to 'retain Musselburgh's historic character and natural environment'. Placing large bridges, large ramps, large paths all along the River Esk, does not retain its charm or natural environment. It does the opposite.

I object to the scheme on the basis that they have not provided any measurements for the wall sections on Eskside West which form the final line of flood defence on either side of the embankment from Rennie Bridge to Shorthope Bridge.

I object to the scheme on the basis that they have not provided any measurements for the wall sections on Eskside West which form the final line of flood defence on either side of the embankment from Shorthope Bridge to the Electric Bridge.

I object to the scheme on the basis that the large 10 metre deep embankment being placed in [redacted] completely obscures the beautiful view of the river.

I object to the scheme on the basis that the large 10 metre deep embankment being placed in [redacted] completely removes the flat grassy common land the public (and I) use for recreational purposes.

I object to the scheme on the basis that the large 10 metre deep embankment being placed in front of my property was not explained properly at consultation phase i.e. the dimensions and pros and cons, plus implications were not fully explained to the public when they were expressing preferences for different defences or any time after.

I object to the scheme on the basis that it includes a path sitting high up on the riverbank [redacted] erty and will allow people using that path to see into my property. This loss of privacy is unacceptable to me.

I object to the scheme on the basis that the embankment [redacted] has reduced the available amenity walking space from 10 metres down to a narrow 2 metre track. This will mean the path will become busy with people

effectively queueing to walk along – assuming the same number of people walk along the 2 metre strip that currently walk along the full grassy riverbank.

I object to the scheme on the basis that the embankment [redacted] having removed a wide grassy expanse that people walk along and replacing it with a narrow track up high, will actively discourage people from walking which will be detrimental to the public's health and wellbeing.

I object to the scheme on the basis that the Proposed Design is so ugly with wide concrete paths, concrete ramps, high bridges and walls that it will actively discourage me from walking which will be detrimental to my health and wellbeing.

I object to the scheme on the basis that the embankment [redacted] 1.83 metres higher than the existing ground level which is excessive. You'd have to be over 6 foot to see over it and I am not 6 foot.

I object to the scheme on the basis that the project team members gave inconsistent answers to the important question re why the flood walls outside my property on the opposite bank were situated at the river's edge rather than further towards the road/pavement. The standard of advice given to the public was unacceptable.

I object to the scheme due to the engineer advising us that the wall position at river's edge was due to needing to protect it from flood if the funding was to be approved. This was either untruthful – in which case MAT has directly influenced the flood scheme and has not been removed from the scheme contrary to what the project team and council have advised – or it was truthful in which case a design decision has been made that is detrimental to the public on the basis of funding rules.

I object to the scheme on the basis of placing a 5 metre path on the opposite river bank to my property, since it will destroy the natural environment.

I object to the scheme on the basis of placing a wall on the [redacted]y, since it will destroy the natural environment and prevent the ducks and swans from being able to get out the water at that side and wander about freely on the riverbank, eating the grass and bugs etc.

I object to the scheme on the basis that an embankment is a poor form of flood defence since it is made up of earth that can be washed away in a flood.

I object to the scheme on the basis that the councillors have not been advised appropriately on the ongoing repair and maintenance that an embankment would take, since flood waters can wash away and alter the form of the embankment over time (information provided by Jacobs engineer).

I object to the scheme on the basis that the engineer advised [redacted] that embankments have a central core but that this is not shown on the engineer's drawings. The public cannot object appropriately to inadequate information.

I object to the scheme on the basis that the embankment core and foundations will cause life threatening problems to the trees [redacted]

I object to the scheme on the basis that the weight and scale of the embankment being placed on land so close to the mature trees [redacted] will put them at risk.

I object to the scheme on the basis that the project team have given no guarantees that the trees [redacted] will survive an embankment being built next to them.

I object to the scheme on the basis that the project team have given no independent analysis that proves the trees throughout Musselburgh will survive and expert opinion in the community is to the contrary.

I object to the scheme on the basis that there is no additional council funding to repair and rebuild parts of the embankments as they fail due to the flood water that has been forecast.

I object to the scheme on the basis that the contractors who are designing and project managing the design of the scheme do not have written into their contracts a liability for damage to properties caused by the scheme construction.

I object to the scheme on the basis that the contractors who are designing and project managing the design of the scheme do not have written into their contracts a liability for damage caused if their designs do not protect the town from flood as per their predictions.

I object to the scheme on the basis that the council will face a huge embarrassment when the embankments fail to hold back the raging flood waters that are predicted by the project team.

I object to the scheme on the basis that no self respecting designer would design something so hideous as the embankment proposed f[redacted] (see earlier two comparison pictures to show how the embankment will alter the view).

I object to the scheme on the basis that the project team included no visualisation from the same position as my photos did.

I object to the scheme on the basis that the project team deliberately included a visualisation of the area [redacted] from a high up angle facing down towards the water to give an unrealistic and incomplete view of what this stretch will look like in reality.

I object to the scheme on the basis that the project team knew that this part of the river would look awful and therefore used poor graphic skills to hide this fact.

I object to the scheme on the basis that the project team's visualisation made the embankment look flat when in fact it is 1.83m high.

I object to the scheme on the basis that the project team's visualisation of the embankment outside my property does not include the bend in the path towards the pavement at all and therefore is not an accurate representation of what this will look like.

I object to the scheme on the basis that the project team's visualisation of the embankment[redacted] does not show that the engineer's drawings show that the path bends at an angle level with my property and will plough through a number of the trees that are currently marked green on the drawings.

I object to the scheme on the basis that litter will accumulate in between the riparian planting on the side of the embankments,[redacted].

I object to the scheme on the basis that litter having accumulated in between the riparian planting on the side of the embankments,[redacted] will be difficult for the council to clear up and that no additional monies have been allocated to accommodate this extra task.

I object to the scheme on the basis that litter will accumulate in between the planting that is to be on the wet side of the flood walls that are all along the river's edge.

I object to the scheme on the basis that the litter having accumulated in between the planting that is to be on the wet side of the flood walls that are all along the river's edge, will be almost impossible for the council to clear up since there is no direct access to this river's edge and that no additional monies have been allocated to accommodate this extra task.

I object to the tall walls sitting at the river's edge along the river from a safety perspective. If someone, especially a small child or teenager, falls over the wall which is only 1 metre in places on the dry side, they will fall into the water and not be able to climb back out the high wet side of the wall. They would have to swim to the other side of the river to get out. And if it's the stretch of the river with walls on both sides, they'd have to swim all the way up the river until they got to an area with access.

I object to the scheme on the basis [redacted] I will see the side of an ugly grassy slope and just above it I will see the top of a wall. And all of this instead of a beautiful riverside view.

I object to the scheme on the basis that dog walkers currently using the stretches of the river where there are embankments, will no longer be able to let their dogs walk off the lead like they do now since they will be walking along a 2 metre path shared with the rest of the public, so will need to have tighter control of their dog.

I object to the scheme on the basis that what is currently a beautiful, calming meander along a grassy riverbank is being turned into a narrow walk along a high path. This will completely alter the way the public use this space.

I object to the scheme on the basis that the designs of the embankments will mean that existing seating with river views will completely disappear.

I object to the scheme on the basis that the designs of the flood walls at river's edge, their height versus the water below and the 5 metres paths will all mean that if any seating is still there on the river bank it will not have a view of the river.

I object to the scheme on the basis that the project team refused to add seating areas along the embankments that we requested.

I object to the scheme due to the lack of seating at intervals along the embankments due to [redacted] will struggle to walk up and down slopes, in comparison with the existing flat grass and would need seating at regular intervals to allow him to rest. The current design discriminates against people like him who are elderly and have conditions that affect their mobility and stamina. This is unacceptable and not in keeping with the council's remit of equality and inclusivity.

Please note the comment below from a member of the public who has direct experience of the reality of these schemes once they are built e.g. Hawick. [redacted] The ramps in Hawick have been reported as 'usable by wheelchair users'. I object to the scheme on the basis that it has not designed things appropriately for people with mobility issues.

> Friends in Hawick report the traffic post completion of the flood works has become a nightmare with the changes to how people can access their destinations. This is also true for pedestrians.
> Also reports of some ramps not being usable by wheelchair users.

I object to the scheme on the basis that the council have no included sufficient budget for the extra time involved in cutting grass on slopes (embankments) rather than flat land.

I object to the scheme on the basis that the council have no included sufficient budget for the extra time involved in caring for the grass on the north facing embankment slopes which will be prone to moss.

I object to the scheme on the basis that the project team have not carried out a proper analysis of the impact of water run off from the north facing slopes of the embankments, which is likely to pool at the base of the trees and cause rot/damage.

I object to the scheme on the basis that the riparian planting will fail as it tries to accommodate two different climates – it will need to be water tolerant for higher river levels but this will in turn mean it will need additional watering in hot spells, which the council have not accounted for.

I object to the scheme on the basis that it has completely altered the look and feel of the beautiful area [redacted] Altering the look and feel of the riverside is not part of the contractor's brief and therefore they are acting ouwith their remit.

I object to the scheme on the basis that it has reduced biodiversity in the area.

I object to the scheme on the basis that it will encourage unwelcome wildlife such as mice and rats to the riverside to live among the riparian planting.

I object to the scheme on the basis that the project team have not done any analysis on the potential for increased unwelcome pests being encouraged to the area due to the scheme's design.

I object to the scheme on the basis that the project team and council have not given me any guarantees that unwelcome pests will not come near my property.

I object to the scheme due to the drawings at all stages in the consultation and included in the proposed design having a deliberately misleading colour coding for the trees i.e. green and red indicating to the public definitive good/bad outcomes which are apparently not correct.

I object to the scheme due to the project team even after being told by the public that the colour coding was misleading them, deciding to continue to leave the misleading information in the documentation.

I object to the scheme on the basis that the project team have not guaranteed exactly which trees are to remain and which ones are to be felled. The documentation effectively gives the contractors carte blanche in cutting down as many trees as they want to.

I object to the scheme on the basis that the small print added to the green tree colour coding was small and not noticeable and unlikely to be noticed by the public and therefore the project team did not adequately inform the public of this change of meaning from Outline Design to Proposed Design.

I object to the scheme due to the Jacobs engineer admitting in an unguarded moment that he did not want to alter the colour coding to be correctly reflective of the situation on the grounds that the public might have a negative reaction. It is not his place to make decisions on what information to present for potential public reaction reasons. He is an engineer and should display information correctly.

I object to the scheme on the basis that we and other members of the public experienced significant amounts of deliberate obfuscation designed to mislead and confuse us.

I object to the scheme due to the information [redacted] received from Alan Stubbs that indicated that various elements on the documentation were only to indicate an intent at a particular snapshot in time'. This was an awful admission and effectively can be used as an excuse for absolutely any element of any part of the design that the team wish to change after the objection phase is over. Why bother telling us anything if everything is open to change without further consultation or objection phases.

I object to the scheme due to the documentation changing the small print for the green trees to be 'where possible' but did not change the red tree small print, indicating that they were keeping their options open for the green trees but were not doing the same for the red ones even though Alan Stubbs indicated both were open to change. The documentation is therefore inconsistent and wrong.

I object to the scheme based on the project's own tree assessor indicating that building near, laying concrete, digging into the ground near a trees roots can kill it. And yet the Proposed scheme has marked lots of trees green which are unlikely to survive. The project team have not done an independent analysis guaranteeing that the green trees will survive.

I object to the scheme on the basis that the council acted irrationality and inconsistently last year when dealing with the public who had tied ribbons and scarves round the trees in a protest not to chop them down. Their reasoning that it would damage the trees was not credible and went against the fact that they themselves put similar signage up.

I object to the scheme on the basis that the public did not understand the information as presented to them by the project in relation to the trees, as evidenced by social media reaction to the explanation that green trees are not 100% safe.

I object to the scheme on the basis that the Jacobs engineer advised that some trees would be felled, not because they were in the way of flood defences but that they would simply block access for machinery.

I object to the scheme because the project team did not present alternative options for gaining access to the riverbank e.g. hoisting machinery over, so as to safe trees.

I object to the scheme on the basis that the trees [redacted] are not correctly marked in green and red due to the embankment path direction.

I object to the scheme on the basis that the embankment is likely to damage or kill the trees [redacted]

I object to the scheme due to the dishonesty shown by the project team in relation to the number of trees they were advising would be lost because of the scheme. The documentation only highlights trees that are to be felled but doesn't include those that are likely to die due to different conditions because of the scheme.

I object to the scheme being misleading with the facts re the trees, indicating clearly on their newsletter that they were saving trees along Eskside West from Rennie to Roman Bridge but not adding that they had increased the overall number of trees that they had marked red from the Outline Design to the Proposed Design – 88 June 2023 to 102 March 2024, inclusive of 15 trees saved at Eskside West.

I object to the scheme on the basis that throughout their comms have been marketing in design and not meant to truly inform the public of all the details, warts and all.

I object to the scheme on the basis that the project team have never specified a total number of trees they are planning or felling or that are likely to not survive due to the scheme.

I object to the scheme on the basis that the Proposed Scheme documentation does not explain the reasoning behind why they are narrowing the river [redacted] nor included any other options with their pros and cons.

I object to the scheme on the basis that the Proposed Scheme documentation does not explain the reasoning behind why they planned an embankment [redacted], nor included any other options with their pros and cons.

I object to the scheme on the basis that the Proposed Scheme documentation does not explain the reasoning behind why they planned a wall on the other bank [redacted], nor included any other options with their pros and cons.

I object to the scheme on the basis that the Proposed Scheme documentation does not explain the reasoning behind why they positioned the wall on the other bank at the edge of the river [redacted], nor included any other options with their pros and cons.

I object to the scheme because their inadequate information and presentation and consultation to the public caused arguments online by people who were adamant that the project team were not narrowing the river because the project team had not told them this, proving that the documentation was too complex for people to understand.

I object to the scheme due to the project team withholding the information that they were planning on narrowing the river right up until the January 2024 documents were released, not allowing for prior consultation of this particular element of the design.

I object to the scheme due to the high embankments having paths on their crest which will force people up high to walk by the river and will put them [redacted]

I object to the scheme because they didn't truly try to stop my privacy being invaded by the [redacted] walkers but only made a token gesture height reduction that would not stop people from [redacted]

I object to the scheme on the basis that the Shorthope Bridge is being moved so that it exits onto Eskside east next to residential properties rather than into a car park. This is unacceptable for those properties but also for me as the new angle brings the bridge structure [redacted]

I object to the scheme on the basis that there is no flood specific requirement for altering the direction of the Shorthope bridge.

I object to the scheme on the basis of high walls being put at the river's edge. This is unnatural and will look more like a canal than a river. The existing retaining walls are not the same as they are much lower and often not visible.

I object to the scheme due to the walls at the river's edge needing to be higher than they would otherwise need to be had they been placed further over. Narrowing the river and putting the walls closer together like a canal will increase flood risk not reduce it as it forces the water through a narrower channel.

I object to the scheme due to the project team not adequately informing either the public or the Councillors that they were narrowing the river.

I object to the scheme due to the project team not adequately informing either the public or the Councillors that because they were narrowing the river and placing the walls at the new river's edge, this would result in higher walls.

I object to the project on the basis that the project manager criticised repeatedly the existing retaining walls for being unnatural and straight and then tried to present high straight walls at the river's edge as a better alternative.

I object to the scheme on the basis that the existing river layout with grassy banks is aesthetically pleasing and the proposed design with high walls sticking out from the water's edge will not be. It was not within the project's remit to ruin the beauty of the riverside. The Councillors were not voted in by the public on a mandate to ruin the beauty of the riverside.

I object to the scheme on the basis that the project manager tried to influence my mum that their scheme was similar to what is there currently by stating that there is currently a straight wall at the river's edge. [redacted]

[redacted]not been so well informed (by looking carefully at the drawings) we could have been misled by his comments and not realised he was planning on making the walls 2 metres higher. A point which he did not make. Deliberately withholding anything that might allow the public to view the scheme in a negative light has been commonplace and is unacceptable for a person working for the council who wish to have an ethos of transparency.

I object to the scheme due to the project team's own admission that when designing it they had not considered what the river's edge walls would look like from the opposite banks. This is completely unacceptable level of attention to a basic part of the design. Their addition of planting at the foot of the walls on the wet side is a token gesture to try and hide the wall.

I object to the scheme based on the high probability that all the walls, bridge supports and ramps will be covered in graffiti. The council will be powerless to stop it. And they do not have sufficient budget allocated to deal with it.

I object to the scheme on the basis that the council have not included any SLAs about how quickly they will remove the inevitable graffiti that will appear throughout Musselburgh.

I object to the scheme based on the fundamental lack of presenting an alternative option to the Councillors or the public placing the walls at the pavement edge rather than river's edge. No costings were done for this. No pros and cons analysis was presented to the Councillors and the public.

I object to the scheme based on their ignoring the fact that the walls could be much lower if they were placed in a different location. This would have had more support from the public and Councillors and would have reduced costs and carbon footprint.

I object to the scheme on the basis that the project team did not explore with Sustrans whether they would allow funding for paths that were on the wet side of the walls.

I object to the scheme on the basis that the Jacobs engineer did not get back to [redacted] of the name of the person who was responsible for the active travel paths rule so she could go and speak to them.

I object to the scheme on the basis that the Victorian drain that is being blamed for wall positioning along Eskside East is not clearly marked on the engineers drawings nor explained in the documentation.

I object to the scheme due to the project manager stating that the walls needed to be at river's edge because of a Victorian drain on Eskside east but that this answer ignored the same situation on Eskside West. Why was the wall not further over at Loretto's wall?

I object to the scheme on the basis that it is already discouraging people from buying property in the town and this can only get worse once the works begin.

I object to the scheme due to the loss of capital value already being felt for homeowners and specifically for the loss in value of my own property for which I hold the council liable. I expect compensation.

I object to the scheme for the stress and distress it has caused me and my family over the last few years and in particular over the last few months.

I object to the scheme as if it goes ahead it will force me to move away from a home I love.

I object to the scheme on the basis that it has ruined my family's short, medium and long term plans for our property.

I object to the scheme as if I choose to sell the scheme and the building works will cause me to lose a huge amount of my capital invested in the [redacted]. I expect compensation.

I object to the scheme as if I choose to sell the scheme and the building works will deter people from buying the [redacted] and less prospective buyers will lower price. And I will lose a huge amount of my capital invested in the [redacted] I expect compensation.

I object to the scheme on the basis that it will reduce the amount of rental income my family can receive from a [redacted] that is in the middle of a massive building sites for a significant amount of time. I expect compensation.

I object to the scheme on the basis that it will reduce the number of prospective renters and make it harder to rent out my [redacted] when it is in the middle of a massive building sites for a significant amount of time. I expect compensation.

I object to the scheme based on the noise and vibration that will be intolerable. I expect compensation.

I object to the scheme based on the disturbance from the works causing me to not be able to sleep during the day when I've been working on night shift/on call. If I have an accident at work due to poor sleep and lack of concentration, I will hold the council liable.

I object to the scheme on the basis that it has erroneously not classed my property as being in a quiet area close to the scheme. [redacted].

I object to the scheme based on the possibility that the works will damage the structure of my property. I must receive a full and independent survey of the property paid for by the council to prove that any damage subsequent to the works is the liability of the council.

I object to the scheme on the basis that they will use some of my Scottish income Tax for funding by the Scottish Government (80% of this scheme).

I object to the scheme due to the costings not showing clearly and accurately which elements and costs are MAT and which elements and costs are specifically for flood prevention and which elements and costs are not specifically related to either e.g. placemaking.

I object to the scheme due to the project not separating out the costing information when they removed MAT.

I object to the project on the basis that the project team's costings have not properly allocated items to the right project and are therefore erroneously aiming to request funding from Scottish Government and Sustrans for elements that each are not responsible for.

I object to the scheme on the basis that the council still need to pay a proportion of the total costs of the project and they are already in significant debt and can't even provide a decent GP service in the area.

I object to the scheme on the basis that the Councillors voted to approve based on the costings that included MAT and the Proposed Scheme allegedly doesn't now include this element so it is not the same project and the notification should be cancelled.

I object to the scheme on the basis that due consideration and explanation of putting flood walls and barriers/gates at the edge of individual properties along the river was not carried out nor explained to the Councillors or public, nor a full cost/benefit analysis was done.

I object to the scheme on the basis that alternative, movable gates and barriers were not given due consideration nor explained to the public and councillors nor presented as a full analysis comparison.

I object to the scheme on the basis that the design decisions were made to accommodate funding processes and timelines rather than making the right decisions for the town's needs.

I'd like to object to the scheme on the basis that it has effectively ruined our family's long term plans for the property. [redacted] They are currently looking for an alternative downsize property on the basis that the scheme will plough on ahead irrespective of what the public want.

I object to the scheme on the basis that the green credentials of the project are woeful. As per the Green Party Councillor's decision to vote to reject the scheme I echo her statements as to the massive carbon footprint, lack of biodiversity, removal of natural habitat and the wanton destruction of the river corridor.

I object to the scheme on behalf of all bird lovers on the basis of the information I provided earlier in this letter.

I object to the scheme on the basis that all the visualisations contain the incorrect heights i.e. the text is still quoting the June 2023 heights and not the amended March 2024 heights.

I wish to object to the proposed Musselburgh Flood Protection scheme as the objections process does not allow enough access to read and respond to all the information made available for objections during the restricted time allowed for the legal objections process.
I therefore call for the proposed Musselburgh Flood Protection Scheme to be reviewed and referred to the Scottish Ministers due to there being insufficient time permitted by Statutory legislation for myself and the public to review and comment on the documentation provided.
The documents for the proposed MFPS available to the public on which they can base their objections upon is approximately 3,400 pages. With approximately 500 words per page this equates to approximately 1,700,000 words. At an average reading speed of 250 words per minute (not allowing for interpretation of the data), it would take approximately 113.33 hours to read all the documents provided to the public. This equates to about 3.35 hours of reading per day over 34 days. Even for someone with a good degree of education and an relative understanding of the complexities of what they are reading, it is not enough time. For those like myself who fall into the above category, there are additional time constraints posed by the need to interpret, investigate and respond to the information provided.
For those where the information is in the greater part too technical to read or comprehend, the information is inaccessible.
Summary reports such as the EIA have been so simplified as to miss out or indeed smooth over negative impacts of the proposed MFPS. The full EIA is too detailed to be interpretated in the 34-day timescale given for objections.
The 34-day objection period is reduced by the Easter Holiday period and therefore barely meets the specified legal minimum timeframe for objections. Given the size of the proposed scheme and the complexity of the documents provided to the public the objection period is totally inadequate.
Those that produced these documents are paid to produce the documents and to respond to our objections, (with few time constraints). None of those that have wanted to object have had that luxury of over 3 hours a day for 34 days. We who wish to object have been time constrained to 34 days (including our Easter Holidays), have homes, families, jobs and we are not paid for the time we commit to the objections process.
The 28-day time period for objections is laid down within the statutory guidance at https://www.gov.scot/publications/flood-risk-management-scotland-act-2009-local-authority-functions-under/pages/5/
The time permitted is inadequate and insufficient for a project on the scale of the proposed MFPS.
I therefore request that the matter is referred to the Scottish Ministers for review of the time permitted for objections in the case of Musselburgh in order to permit myself and the local people of Musselburgh sufficient time to fully investigate the documents and information made available to them to review the proposals for the Musselburgh scheme.
The objections submitted are made by the people of Musselburgh seeking to protect their beloved town from irreversible damage by the proposed MFPS.

Conclusion

I have taken a lot of my own personal time to try and think back through what has happened over the last few years and realised early on that so much of the whole process has left me completely disillusioned about how projects like this are carried out and how the public is treated.

I hope you will appreciate the time I've taken to give my feedback. It is a long letter but not nearly as long as all the Proposed Scheme documentation and easier to understand! I only had 28 days to digest all the scheme documentation and write this letter in my own time without compensation. You now have as long as you like to respond and you get paid! Just one more example of the imbalance of power being felt with this project.

I look forward to hearing from you in response to the above.

Yours Faithfully

[redacted]
23 April 2024

Subject: (0425) objection to the proposed Musselburgh Flood Protection Scheme 2024
Sent: 23/04/2024, 20:21:02
From: [redacted]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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23/4/2024

Service Manager – Governance

Legal Services

East Lothian Council

John Muir House

Haddington

EH41 3HA

Dear Sir / Legal Services

I am writing to object to the proposed Musselburgh Flood Protection Scheme 2024. I have an interest in the land affected because I regularly walk my horse on the bridle path that will be decimated by the construction of the debris catcher across the Esk on the west side of the overbridge that carries the A1 dual carriageway and the works to construct access roads to the debris catcher. I visit this area every day of the year I deeply enjoy the area as a sanctuary where I can take time away from the city and peacefully care for my two ponies who live on the land.

These are my reasons for objection to The Scheme:

1/ Disturbance: The construction traffic and all maintenance vehicles will be using a narrow quiet road that I use to walk my horse on for my mental and physical health and wellbeing. This will cause a noise and dust nuisance to me which does not currently exist.

2/ Traffic Generation: The road the debris catcher construction traffic and subsequent debris catcher maintenance traffic propose to use is a narrow private road and used by horse riders, walkers with prams and small children, a low volume of cars accessing the livery yard and light farm traffic. It has a speed limit of 10mph. Vehicles must not pass horse riders or horses being led any faster than 10mph. Using this narrow private road for heavy construction and maintenance vehicles will put the other road users at risk and will create a health and safety issue. It will also damage the already fragile road surface.

3/ Unnecessary cost: I really object to tax payer money being wasted to create a new access road to the Esk when there is already a fit for purpose, flatter tarmac access road from Cowpits Road. The proposed site of the debris catcher currently has no access for vehicles of any sort. It is an unsurfaced rural path and totally unsuitable for heavy vehicles. The plans show the access road will need to be constructed over a soft grass livestock field, then through an ancient and well established woodland, down a steep fragile river path that is not robust enough to support heavy construction vehicles and subsequent heavy machinery and vehicles needed to clear the debris catcher. The entire river banking would need to be reinforced before it could be used for this purpose. There is already an asphalt access road to the Esk in Grove which has easy access from Cowpits Road. Therefore a cheaper and less damaging option would be to place the debris catcher to the east of the A1 dual carriageway over bridge, in the vicinity of the railway over bridge and use the existing asphalt access track/road along the Grove to construct the debris catcher and subsequent debris removal. However removing any type of debris

catcher from the scheme is the best option because wherever one is constructed, there will be an unacceptable cost and it will cause flooding in the areas upstream where there was previously none. It simply shifts the problem and does not provide a solution.

4/ Environmental Impact: The construction of the access road for the debris catcher will result in the loss of grazing land. The construction and extraction process will disturb and worry wildlife that is already suffer due to the large scale construction in near by green belt. It will damage and destabilise the fragile high river bank path resulting in landslips.

Hundreds of trees and the natural path will need to be destroyed in order to build a road wide enough for the construction and debris extraction vehicles. The destruction of trees and natural habitat will be damaging to the wildlife in this location. There are deer, foxes, hare, buzzards, bats, squirrels, possibly badgers and other creatures too numerous to list in this woodland including some rare species of plants and birds. It is vital as construction is encroaching in to the near by green belt that this forest and green space is protected and not destroying them for a poorly designed flood protection plan that is likely to cause more flooding and environmental damage than if no action was taken at all. It is an absolute disgrace that the designers have concluded that it is acceptable to destroy this area of natural beauty and the wildlife that occupies it when the proposed debris catcher will actually do more harm than good. The proposed mitigation plans are woefully inadequate and poorly thought out.

This is one of the few easy to access natural green spaces that people can access any damage would be a great loss tp the local and wider community of Edinburgh.

5/ Flood Risk: Common sense and logic would make a sensible person conclude that the proposal to narrow the river in Musselburgh is more likely to cause flooding in Musselburgh and also damage the environment by causing areas upstream to flood. This will increase erosion and cause multiple landslips along the already fragile and crumbling Esk Valley.

Additionally my experience of debris traps is that when they are blocked and a dam is formed, there are never any Council resources available to deal with the blockages in a timely manner and the surrounding areas become severely flooded. The debris catcher will ensure more areas along the Esk will be flooded than before. The plans for a debris catcher should be removed completely from the scheme.

6/ Loss of Amenity / Health and Well Being: The construction works would be detrimental to my mental and physical health and wellbeing. The proposed site of the access road and the debris catcher will spoil my enjoyment of the countryside. I walk my horse on this woodland bridle path and ford the river at this point several days a week. Building the access road and debris catcher in this location would rob me of this healthy activity. There are around a hundred or so horse riders that regularly ride horses on the bridle path and ford the river. Robbing them of this natural path and the ability to ford the river to enjoy the bridle path on the opposite side will negatively affect their health and wellbeing too.

The Musselburgh Flood Protection Scheme design has conveniently ignored the requirements for horse riders of which there are hundreds in the local area. The design of the scheme and its active travel plans excludes and discourages horse riders the majority of whom are women and children. The loss of amenity for horse riders must not be ignored and the scheme should be redesigned so horse riders are included and catered for.

7/ Lack of Consultation: There has been no attempt to communicate the proposal for the access road and debris catcher to those who access the Dalkeith Park Estate from the Monkton Gate from Old Craighall. There has been information available at the Whitecraig Gate. Why was the same information not provided at the Monkton Gate where the impact of the Scheme is going to be much more damaging and serious?

I sincerly hope that mine alongside other concerns are taking seriously. Please read receipt.

Yours Faithfully,

[redacted]

[redacted]

[redacted]

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

This letter of objection to the Musselburgh Flood Protection Scheme is being sent by email to:
mfpsobjections@eastlothian.gov.uk

From: [redacted]

Residing at: [redacted]

Financial & Long Term Interest In: [redacted]

Email: [redacted]

Please acknowledge receipt of this letter of objection by return.

Each objection should be responded to on an individual basis.

My preferred method of communication is via email – you do not have my permission to phone me or visit my home address.

Statement of My Reasons of Objection to The Musselburgh Flood Protection Scheme

My name is [redacted] I currently live in [redacted], just a stone's throw away from Musselburgh. My son, [redacted], lives on the River Esk and I have personal and financial interest in this property. I visit my son often. As a family we currently have property we rent out and the [redacted] was purchased with a plan for [redacted] to live there, but when he decides to move, we will rent the flat out. We'd like to keep the flat as my wife and I would likely move there when the time comes that our family home becomes too big for us.

I am in my [redacted]. I mention [redacted] as what you are planning on the River Esk will not work well for me with my health issues. My mobility can be quite good on some days. But I also have spells each day and often, when I can't walk far, or at all. [redacted] Long ramps and embankments will be not much use to someone like me. It is much better to walk along the river on the flat grass. I do like to sit on the park benches and watch the river go by with all the swans and the sun reflecting off the water. It's very relaxing and good for my health.

The embankments outside [redacted] will obscure the river terribly. And it will be difficult for people like me to walk down to the end of the road and then back up the ramp. And you haven't put any seating anywhere, so there's nowhere for me to rest. There are currently park benches here and there along the river and they're a Godsend to people like me. And you've decided to get rid of all the grass on the other bank too. I just don't understand why. Surely you could have put a wee flood wall further over. Or just put flood gates on the properties.

I would like to object to the scheme for the following reasons:

1. The designs will make the view [redacted] horrible - it is simply shameful what you have proposed
2. All the lovely views of the riverside will be denied to me [redacted] both now or in the future when I was planning on moving there (I'm unlikely to move there now if the scheme goes ahead so we will have to find another retirement flat)
3. The embankments and bridge ramps will be hard for me to walk along, without any rest spaces
4. These will be even harder if I get to the stage where I need to use a wheelchair – [redacted] struggle pushing me up all those long ramps
5. I think building into the river and putting the walls down in the water will look awful – it's a river, not a canal
6. The scheme will deny me the enjoyment of the land and amenity space – you need to compensate me for that
7. I'm not very knowledgeable about the detail of the environment side but know that the Green Party don't support the scheme and I agree with their assessment that it will be bad for the environment
8. The scheme will mean our family lose money as the housing market is already starting to react to the flood plans – you need to compensate us for that
9. Our family will struggle to find tenants when we rent [redacted] out and are likely to receive a lower rental income than we would have done – you need to compensate us for that
10. I also think the scheme has been very badly managed, and you haven't taken our feedback into account
11. I don't understand the situation with all the big wide paths but what I can say is [redacted] I don't cope well with paths where cyclists and people are all mixed together
12. And I also heard you people tried to circumvent the planning laws by putting those MAT paths through at the same time as the flood plans – what a muddle that's caused – you can say you've removed those paths all you want but we all know you haven't and the flood plans have still got the paths all over the files

Please reconsider what you are planning. I don't suppose you will. You are going to ruin a beautiful place.

Yours faithfully

[redacted]

23 April 2024

Subject: (0427 NO ADDRESS) Objection to the scheme
Sent: 23/04/2024, 20:29:22
From: [redacted]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

Categories: NO ADDRESS

You don't often get email from [redacted]. Learn why this is important

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon,

As a resident of [redacted] for over [redacted] years I have a keen interest in the proposed plan. I fully appreciate that we live in a time when extreme meteorological events are more commonplace. We also live in a time when we spend billions of pounds on treating the symptoms but never the cause. The cynic might well say that when the temperature increases to such an extent that crucial microsystems are destroyed, crops no longer grow, and our seas no longer support the volume of marine life that our rapidly expanding population needs to survive, then the size and specification of a flood defence scheme will be utterly irrelevant.

Looking at the proposal I have to say it is both environmentally insensitive and over-engineered. What indeed are the costs to the environment of its construction alone? What other schemes were considered? Why, for something as important as this, was there a not a competition? Who are these contractors and what is their relationship with the decision makers?

The website for the proposal would not pass any accessibility tests. It is, I suspect, designed to confuse, bewilder and wear down the unwary. So many links and documents, few clear signposts to simple things like scale drawings, cross sections and material samples. If you have the stamina required then you will then find numerous discrepancies with wall heights and perspectives that give the untrained eye little understanding of the real physical and visual impact of this proposal. Inaccurate perspectives should be legally challenged. Despite the consultation process, the overt willingness to listen to local people feels somewhat disingenuous. Maybe that's unfair but the early versions of this proposal were utterly brutalist – which begs the question, what was the original brief and why was the environment not a central feature in the design from day one?

It is still a brutalist solution, when it doesn't need to be. It denies people access to a river that has been part of local life for centuries. It will be a fresh canvas for graffiti artists that this council will be unable to stop. It will kill the best feature of the town. It will seriously threaten Musselburgh's status as one of the UK's best bird reserves. A quick look around and the evidence of long-term neglect is already evident. The High Street is already at death's door, the Brunton Theatre close behind.

As a tax-payer I want to see other proposals from other parties. This is too important to rush just to secure emergency funds from the Scottish Government. It needs to be the right solution for everyone.

Yours sincerely

[redacted]

Subject: (0428) Objection to the Musselburgh Flood Protection Scheme
Sent: 23/04/2024, 20:29:46
From: [redacted]
To: Musselburgh Flood Protection Objections
Attachments: Musselburgh-Flood-Protection-Scheme-objection-letter.docx

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Follow Up Flag: Follow up
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Categories: [redacted]

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My objection letter is below and also in an attachment.

[redacted]

[redacted]

23/04/24

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

mfpsobjections@eastlothian.gov.uk
Dear Mr Grilli

I am writing to object to the recently published Musselburgh Flood Protection Scheme.
I live in [redacted] with my family and I also work in [redacted] My family and I, and also the [redacted] regularly enjoy walks along the river, promenade and on the beach.

I object to the published scheme because of:

OBJECTION 1
The cost of the scheme which seems to be continually growing even before it has started, and also seems to be uncapped. This will presumably have a detrimental impact on budgets for other important facilities and services in Musselburgh.

OBJECTION 2
The expansion of the scheme to include the Active Travel proposals

OBJECTION 3
The lack of inclusion of more Natural Flood Management measures in the project
OBJECTION 4
The impact and height of the concrete walls in the centre of Musselburgh, along with the associated construction work for the walls, and the new bridges which do not even seem to be an integral part of the flood protection plans. Who is going to want to spend time and money in Musselburgh when the river and beach is hidden behind a building site and then concrete walls which will no doubt be covered in graffiti? What are the plans and costs for ongoing maintenance and cleaning of these walls?
Please acknowledge receipt of my letter of objection in writing. Please advise me of next steps, and timescales. I would like communication to be via email to [redacted]
Yours Faithfully

[redacted]

Subject: (0429) Submission to Musselburgh Flood Protection Scheme consultation
Sent: 23/04/2024, 20:36:29
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]

I am not within the areas likely to flood.

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 be required in order to protect the new defences from erosion, but the Proposed Scheme gives no indication of what this might be. Residents and the Council need to know the costs, feasibility and environmental impact over the long term. Rather than proceed with the Scheme as planned, which did not take this into account, our Council and the whole community should jointly consider ways to address both flood risk and coastal erosion.

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. The Plan should not have to work around a fixed line of defence without consideration of alternatives as this would contradict the guidance issued by the Scottish Government in connection with such 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". This chapter, as applied to these sections of the proposal, is therefore inadequate and does not fulfil the legislative requirements.

• The estimates of the ratio of benefit to cost 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 compensate for that.

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 is also 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 the 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 are included under biodiversity enhancement because it is uncertain what their impact would be on flood reduction and that cannot therefore 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 when considering 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,

Subject: (0430) Flood protection scheme Objection
Sent: 23/04/2024, 20:41:43
From: [redacted]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [redacted]

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23th April 2024

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

From: [redacted]

Dear Legal Services

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

1. Property level protection has not been given full consideration in view of the significant increased cost of the current proposed scheme, in fact all options should be reconsidered again and a cost benefit analysis undertaken, along side a carbon emission and sustainability assessment for each option. Therefore the proposed scheme requires to be assessed again against all other options, taking these factors into account. There is no current valid option appraisal to demonstrate they the chosen scheme is the most viable for the town.

2. The proposed scheme goes against the Scottish Government's pledge for carbon neutrality, promoting green infrastructure, and net zero. Indeed no assessment of these aspects have been undertaken at option appraisal stage. This require to be undertaken and best options for the flood defence scheme reassessed, in line with national government policies.

3. The Council has been unlawful in how they have dealt with the whole process about the scheme, rushing the scheme through to meet the deadline for cycle 1 funding. I am therefore demanding for this to be called in by the Scottish Government for review. The Council is clearly unable to make fair representation of their constituents, and not acting on the best interest of the town. Indeed there will be no prosperity or growth coming from building walls around the most precious natural assets that Musselburgh has.

The proposed scheme will create even more financial struggle for the town, and the council on the long run. No one wants to live in or visit a concrete jungle. What makes Musselburgh is its great access to our shoreline and river. The proposed scheme will kill the town. This is a fact.

4. The Council has become very short sighted, prepared to sacrifice the towns identity for a blank cheque to built walls, which sadly will not future proof us for things to come, and will not create growth. We must work with nature in a staged, careful approach. Funds are scares, services are closing down and reducing. There is no justification for spending this incredible sum on an ill fit scheme. The Scottish Government must intervene.

Kind regards

[redacted]

Subject: (0431) Musselburgh flood scheme
Sent: 23/04/2024, 20:44:13
From: [redacted]
To: Musselburgh Flood Protection Objections
Attachments: [redacted] Flood protection objection letter.docx

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Categories: [redacted]

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For the attention of the Service Management of Governance and Legal

Pleas find attached my formal objection letter to the current flood protection scheme proposal.
Pleas could you confirm the receipt of this letter,

thanks,

[redacted]

Service Manager [redacted]

Governance, Legal Services [redacted]

East Lothian Council [redacted]

John Muir House [redacted]

Haddington

EH41 3HA

23rd April 2024

To Whom It May Concern,

I, [redacted], a lifelong resident of Musselburgh, am writing to express my reservations regarding the current flood prevention scheme. Residing at [redacted] with my partner and children, I am deeply invested in the well-being of our community and feel compelled to voice my concerns about the Musselburgh Flood Protection Scheme (MFPS).

While I fully appreciate the necessity of addressing climate change and fortifying our community against its impacts, I find several elements of the current MFPS troubling. Primarily, I am personally affected by the scheme's potential repercussions for myself, my family, and our access to Musselburgh's beloved green spaces. It is imperative that any proposed solution not only ensures the long-term safety of our town but also takes into account its aesthetic appeal and the well-being of its wildlife inhabitants.

Musselburgh's natural beauty, encompassing the river, shoreline, and green expanses, is a source of pride for us all, contributing significantly to our collective quality of life. However, the current scheme's reliance on extensive walls and barriers poses a threat to these assets, potentially limiting access and disrupting the delicate ecosystem. The prospect of losing mature trees and disrupting wildlife habitats is deeply concerning.

Furthermore, I harbor reservations regarding the strategic and financial aspects of the MFPS. While I acknowledge the importance of flood protection, decisions of this magnitude should be informed by comprehensive assessments of all available options, taking into account their respective costs and benefits. It is disheartening that more attention has not been given to exploring nature-based alternatives, and the inclusion of seemingly unnecessary elements such as the Goosegreen bridge raises questions about the scheme's efficacy.

As a taxpayer and concerned member of the community, I urge East Lothian Council to reconsider its endorsement of the MFPS, and I implore the Scottish Government to ensure that public funds are allocated judiciously, with due consideration for our community's best interests. I hereby formally

object to the current scheme as presented and advertised and respectfully request acknowledgment of this objection.

Thank you for your attention to this matter.

Sincerely,

[redacted]

Subject: (0432) Objection to the flood scheme in Musselburgh
Sent: 23/04/2024, 21:01:09
From: [redacted]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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I am writing to object to the flood prevention scheme. Having read through the paperwork ELC have provided, including consultation documents, I believe the proposed flood management scheme will have a detrimental impact on the environment, the residents of Musselburgh who enjoy the river and the coast and as a tax payer it is does not appear to be the best value for public money.

The proposal outlines that ELC wants the physical defense to be designed so they can be raised, subject to “without materially greater environmental impact”. I do not believe the proposal meets the requirements of ELC, or ELC are incorrect in that statement.

The suggested barriers appear to be a sledgehammer to crack a nut and in no way proportional to the risk or timescale of that risk. The papers from ELC suggest that natural prevention will be considered but the proposals fail to do this. There is no balance of engineering and nature.

I do not believe that this proposal is the best available, and not for the money being spent on it. I work for a public organisation and I understand how funding should be accounted for. From what I have read, and hearing the objections of other residents in Musselburgh, a pause and reflection would be a good use of the time available.

I object as a resident of Musselburgh who enjoys river walks and I disagree with the unnecessary removal of trees and habitats of wildlife. The illustrations of the proposal in no way reflect what is being proposed and I therefore feel misled.

I do hope that ELC pause and reflect on this.

Kind regards
[redacted]

[redacted]

Sent from my iPhone

From: [redacted]
Sent: 23 April 2024 21:00
To: Musselburgh Flood Protection Objections
Subject: (0433 DUPLICATE OF 0351) Objection to Musselburgh Flood Plans
Attachments: l to East Lothian - Objection to the Musselburgh Flood Scheme.docx

Categories: [redacted], Added to excel spreadsheet

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Please see the attached.

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

22 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 writing as a regular visitor to Musselburgh to watch birds at the mouth of the Esk and at the lagoons, an area that is internationally important for many species of bird. I am also the [redacted] of the [redacted] and I would refer specifically to the section below concerning the information that the [redacted] could provide but which does not appear to have been obtained in any biodiversity assessment made to date. I am very concerned that the scheme fails to take into account the needs of the birds that feed and roost there. Because this is such a significant site for birds it is an area that the Council should be looking to protect and even enhance, rather than risk harming.

I object because the Environmental Impact Assessment (EIA) Report that East Lothian Council has commissioned does not meet the necessary requirements set out in EIA guidance and does not allow East Lothian Council to fulfil its biodiversity duties. Specifically:

Inadequacy of the EIA Report's Ornithology Baseline

The results presented in the EIA Report from surveys of shoreline and coastal birds (the 'through the tide counts') are insufficiently detailed to adequately assess the impacts of the Scheme on these species. This failure is especially important because the Scheme is adjacent to, or in places actually within, the Firth of Forth Special Protection Area (SPA), the Firth of Forth Ramsar Site, the Firth of Forth Site of Special Scientific Interest (SSSI), and the Outer Firth and the St. Andrews Bay Complex SPA. These are internationally and nationally important designated sites for birds, and any assessment of impacts on these designations require must be informed by

comprehensive robust and appropriately detailed baseline data. The EIA Report does not present such data.

It is therefore essential that baseline bird survey data are properly presented, specifically that the distribution and abundance of qualifying features of the SSSI, SPAs and Ramsar site at least are mapped to species level and their abundance shown for each survey area (notably through the tide count survey areas), along with the key areas for roosting and foraging of those species. Without this information, the EIA lacks the necessary detail to enable consultees to judge whether or not the applicant's assessment of impacts from the Scheme is correct. Consultees cannot therefore also judge whether proposed mitigation measures are adequate, or whether the identification of residual impacts on birds can be relied upon. For all these reasons, the baseline survey data in the EIA in its current form is not fit for purpose. It needs to be rectified by the submission of Further Environmental Information, and until that is carried out, I object to the Scheme on grounds of inadequate baseline bird data being provided in the EIA Report. As additional bird surveys are still being undertaken, the more detailed results requested can be published at the same time as these additional data (but all to the appropriate level of detail).

On top of this failure to present survey results to the required level of detail for such a sensitive area and for such important species, the desk study component of baseline data collection has also been inadequate. To accord with EIA guidance[1], baseline bird data should comprise both survey results and relevant pre-existing data on bird species present, their national and local population trends, and insights into their relevant behaviour. The Firth of Forth has been the subject of intense ornithological study spanning several decades[2], and it is reasonable to expect that this body of data would have been drawn upon for the EIA Report, not least given the sensitivity of the area and the need to design appropriate and effective mitigation measures for construction impacts and impacts over the 100 year operational life of the Scheme. The desk study data included in the EIA also fails to meet the requests from key stakeholders. Notably, for example, the East Lothian Biodiversity Office who requested in their Scoping Report (see ELC on 28th November 2023, EIA Appendix C3.2) that '*The field surveys should be informed by a data search from … useful data (that) may be available from sources including the East Lothian Council Ranger Service, British Trust for Ornithology and Scottish Ornithologists' Club'*.

Starting with the Scottish Ornithologists' Club, the EIA fails to incorporate into its ornithology baseline any of the comprehensive pre-existing bird data that exists for the Scheme area, collected over several years by highly experienced local ornithologists, many with decades of expertise in the area's bird life. It would be expected, at the very least, that given EIA guidance[3] and to comply with the request from East Lothian Council's own Biodiversity officer that the EIA authors would have submitted a data request to the Local Bird Recorder of the Lothian Branch of the Scottish Ornithologists' Club (SOC) to obtain relevant bird records for the area impacted by the Scheme. This was not the case, and therefore the EIA ornithology baseline suffers by not having the detailed insights into species presence, abundance, distribution and behavioural patterns to adequately inform its assessment (including of cumulative impacts), mitigation design and proposals for enhancement. This is particularly the case for the assessments of

[1] See the Environmental Impact Assessment Handbook: Guidance for competent authorities, consultation bodies, and others involved in the Environmental Impact Assessment process in Scotland Version 5, April 2018. NatureScot and Historic Environment Scotland.

[2] E.g. Bryant, D. (1987) The Natural Environment of the Estuary and Firth of Forth. *Proceedings of the Royal Society of Edinburgh, Section B: Biological Sciences*, Volume 93 , Issue 3-4:, pp. 509 – 520 DOI: https://doi.org/10.1017/S0269727000006916

[3] For example, see C.6.3 and Box C. 6. Practice .1. in the reference cited in Footnote 1.

impacts from the Scheme's construction compounds, the seawall improvement works, and the two sections of the Musselburgh Active Travel Network (ATN).

Moving on to obtaining desk study data from the British Trust for Ornithology (BTO), this key organisation administers a number of bird recording schemes, including the Wetland Bird Survey (WeBS), which cover this area. It is EIA good practice, as part of gathering desk study data for developments in coastal areas, to obtain and present WeBS results, alongside survey data. Bird surveys commissioned for EIAs are inevitably restricted to relatively short-term sample surveys, comprising snapshots of bird activity. The WeBS scheme and its predecessor have been running for decades and provide important long-term insights into species composition and abundance of waders and wildfowl of key sites, and long-term population trends. In particular, for large designated sites like the Firth of Forth SSSI/SPA/Ramsar, WeBS data are also essential to place local bird populations (i.e. the birds present in the Scheme area) in their wider Firth of Forth context, so that impacts from the Scheme, and cumulatively with other projects, can be adequately assessed. Whilst it is noted that in Section 7.3.3 of the EIA it states that the desk based assessment included data responses from organisations including the BTO, detailed WeBS data are not provided. The reference to WeBS data is limited to total species counts (in the EIA Section 7.5.6.1 'Desk-study and preliminary ecological appraisal'). This states:-

'Data obtained during the desk-based assessment identified the potential presence of the following protected species within the study area:

• *Wintering wetland birds: the BTO Wetland Bird Survey (WeBS) data for the five-year period from 2013/14 to 2017/18 identified a total of 70 species of wetland birds (which includes unidentified and hybrid species) within the Eastfield to Musselburgh WeBS sector. Of these 70 species, 55 were recorded in the winter months during this period. The five-year mean peak count of wetland birds within the Eastfield to Musselburgh WeBS sector is 4,878 individuals, with a five-year winter mean peak recorded as 5,259 individuals (see Appendix B7.4 for details)'.*

Instead of these agglomerated count figures, the EIA Report should provide the species-specific WeBS data. Furthermore, and contrary to the Chapter's statement that details of WeBS data are provided in Appendix B7.4, there are no details provided on the WeBS data for the area in that Appendix. What is required for the EIA (and HRA) is a map of the WeBS count sector to compare with the survey areas used for the through the tide counts, and for the WeBS data to be tabulated by species, comparing abundance figures from the survey work. Neither are presented in the Biodiversity Chapter or any of the published EIA Report Appendices.

Lastly in relation to the WeBS data, the totals that are presented are out of date, being '*from 2013/14 to 2017/18'*. The desk study for the EIA should have obtained the most recent five-year dataset available, i.e. up to the 2022/2023 non-breeding season, to help inform the assessment.

The inclusion of detailed WeBS data is common practice in EIAs (and HRAs) for coastal developments, in particular where developments overlap or are in close proximity to internationally important sites designated for their bird interests. As already highlighted, without these details, it is not possible to contextualise or corroborate the survey data provided by the applicant. This and the wider omissions in desk study data need to be rectified by the submission of Further Environmental Information, and until that is carried out, I object to the Scheme on grounds of inadequate baseline bird data being provided in the EIA Report.

Baseline Survey Accuracy

The bird survey data on which the Scheme's EIA Report depends appears to contain apparent anomalies, with some species noted that either have only very rarely ever been recorded locally and other species which may be mis-identified. The inclusion of these records undermines confidence in the reliability of bird (and other) survey work carried out for the EIA Report, and also in the rigour of the quality assurance processes that have been applied during the collection, processing and writing up of data used in the EIA Report. Specific examples include records of Stone-curlew, Water Pipit, Twite breeding, "flyover" Wood Warbler, Whimbrel in November, a Kittiwake flying up the river Esk (Appendix 7.4). Based on over 60 years of data held by the SOC, these records require verification. The almost daily coverage by experienced birdwatchers over the survey period also points to other anomalies, such as occasions when a large count of Velvet Scoters is reported in the EIA Report at a time when only a Common Scoter flock was present. Such questions on the reliability of the survey data are critical, given the conservation importance of qualifying features of the Firth of Forth SSSI, SPAs and Ramsar sites and Outer Forth and St Andrews Bay Complex SPA in such close proximity (and in some areas, overlapping) with the Scheme. It also underscores the importance of consultation with bodies such as the SOC and BTO to ensure that pre-existing data for the Scheme area are obtained, adequately used to aid data validation and quality assurance, and properly integrated into baseline data.

One further concern over the baseline survey surveys is the validity of the 'through the tide counts' which coincided with the construction activity for the new lagoons between 2021 to June 2023. Given that the EIA Report acknowledges that construction traffic along the seawall will cause disturbance to birds (including qualifying features of the Firth of Forth SSSI, SPA and Ramsar site), evidently the results from these surveys were not representative whilst the lagoon construction was on-going. NatureScot guidance on bird surveys clearly highlights the principle that surveys should not take place where there is disturbance that may change the abundance, distribution or behaviour of birds within the survey area[4]. This precaution has not been followed therefore, and it further undermines the reliance that can be placed on a significant proportion of bird survey data used in the EIA Report.

It is understood however, that bird surveys are still being carried out, I therefore object until these un-impacted additional bird survey results are published as part of the submission of Further Environmental Information and HRA.

Failure to Identify and Assess Habitat Loss from the Scheme

The EIA Report attempts to identify and quantify the loss of habitats from the Scheme, to assess the significance of these losses, the mitigation that will be required and the resulting residual impacts and their significance.

However, it completely fails to identify the main habitat impact from the Scheme, namely the loss of shoreline and inter-tidal habitats over its 100-year operational life. These losses will occur as a direct result of the Scheme's construction of hard defence structures along the coast where these are currently absent or limited, through what is known as 'coastal squeeze'. This impact needs to be fully identified and assessed in the EIA Report, in particular the Scheme's proposed hybrid wall structures at Work Sections 6 and 7 (impacting 325m and 290m of coastline respectively) and its concrete walls along Work Sections 8 and 9 (impacting 393m and

[4] Although relating to bird surveys for wind farms, the importance of avoiding construction disturbance that may affect survey results is made clear in Section 2.1.1 and Box 1 in NatureScot (2017) Recommended bird survey methods to inform impact assessment of onshore wind farms. March 2017, Version 2.

132m of coastline respectively) (see Table 4-2 'Summary of Scheme by work section' in Section 4.4.1 Scheme Layout Overview, and Figures Appendix A41j to A41l in Appendix A of the EIA Report). The existence of this operational impact is not even mentioned in the EIA Report Biodiversity Chapter, let alone assessed, with only the most cursory mention given in 7.5.9.3 'General trends'. The EIA Report therefore does not meet its own commitment (in Section 3.6.2 'Future baseline') to complete '*Where appropriate, an appraisal of the future baseline without the Scheme … where feasible to allow for consideration of the operational impacts of the Scheme over its 100-year design-life'*.

This is of particular concern because these habitat losses will impact the qualifying features of the Firth of Forth SSSI, SPA or Ramsar Site (and the conservation objectives of the latter two designations).

The omission of this impact in the EIA Report must be rectified and the necessary modelling and full assessment of habitat loss from coastal squeeze be fully assessed and published as Further Environmental Information. The assessment of these habitat losses on the integrity of the Firth of Forth SPA and Ramsar Site must also be included in the HRA, to inform the compensation that will be required, if should a derogation case be accepted.

Given how important this impact is, it is also worth re-stating the Council's published Scheme objectives (EIA Report Chapter 4, Section 4.1 and Table B4 in Appendix B4) that include the following Environmental Objectives:-

1. That the Scheme will achieve as a minimum a neutral impact on the environment.

2. To ensure that the Scheme includes appropriate catchment and natural flood management (NFM) measures.

3. To ensure that the Scheme considers the impact of climate change and includes appropriate provisions to mitigate any impact.

4. To ensure that the Scheme considers in full, and includes for any appropriate measures, to protect the Firth of Forth and its protected statuses.

Clearly, these objectives cannot be achieved if the Scheme's impacts are not adequately identified, assessed, and mitigated and if mitigation or enhancement proposals (such as those in EIA Report Table 7.7) are not considered in terms of resilience to sea level rise and climate change.

In addition to failing to include operational habitat loss, the habitat loss figures that are currently included for construction and operational impacts lack clarity and consistency across the Biodiversity Chapter and Appendices. For example, the extent of temporary lost habitat given in Section 7.6.2.1.1 'Firth of Forth SPA and Ramsar' is given as 'approximately 2.14 ha' but the habitat breakdown figures only add up to 1.711 ha. Similarly in Section 7.6.3.1.1 'Firth of Forth SPA and Ramsar', the permanent loss of habitat from the Firth of Forth SPA and Ramsar is given as 4.3 ha, but again the figures for the habitats lost amount to just over 1.46 ha. This lack of clarity and inconsistencies in the EIA Report make it difficult for consultees to clearly understand the scale or location of the Scheme's habitat impacts. It is important that these losses are clarified, including in the HRA prior to its finalisation, and if necessary, through the submission of Further Environmental Information.

Failure to Appropriately Identify Plans and Projects to Consider for the Cumulative Impact Assessment

Section 7.3.9 '*Cumulative effects'* of the EIA Report identifies that *'A review of developments in the local area as listed on the East Lothian and Midlothian Council planning portals was conducted. The assessment focused on developments of any size within the working areas and those over 1 ha in size up to 5 km from the working areas in Musselburgh and the reservoirs. In addition, Grangemouth Flood Protection Scheme (GFPS) was also considered as part of the assessment, as requested by NatureScot during consultation for GFPS'*.

The cumulative assessment needs to encompass developments that have significant potential to impact key ecological receptors. The potential for cumulative/in combination impacts is determined by impact pathways, not by arbitrary thresholds such as development size or distance from the Scheme (neither of which have any regulatory basis or reflect CIEEM guidance)[5]. Movement of birds around the Firth of Forth SPA/Ramsar site have been relatively well studied, and this information should be referred to in order to help determine potential impact pathways, and thereby the plans and projects that need to be taken account of in the cumulative/in combination assessment. It is important that this impact/pathway/receptor approach is adopted in the HRA's 'in combination' assessment, if made available to consultees, otherwise through the submission of Further Environmental Information.

Repeated Lack of Evidence to Substantiate the Findings of the Impact Assessment

In order to comply with EIA guidance, it is essential that the assessment of impacts is supported by appropriate evidence. However, the EIA Report consistently fails to provide evidence to back up the assessments made on construction and operational impacts of the Scheme on birds.

The rare instance when evidence and published peer reviewed information is referenced in support of the assessment of impacts is for kingfisher (see section 7.6.2.3.4). Kingfisher is only a species of regional importance, yet the EIA Report's assessments of impacts on internationally or nationally important bird species are repeatedly made without any reference to peer reviewed or other evidence, or even to standard NatureScot guidance (for example, in relation to disturbance, Goodship and Furness 20226). A typical example of unsupported assertions is in Section 7.6.3.1.1 'Firth of Forth SPA and Ramsar', which states 'The remaining area to be lost within the SPA is comprised of habitat rarely used by qualifying species and therefore is considered unlikely to provide functional habitat'. There are no data presented to back up this assessment, since the EIA and its Appendices omit the necessary detail on the distribution and abundance of individual species.

This is a clear omission and weakness in the EIA Report, is contrary to guidance and good practice, and reduces the reliance that can be placed on the assessment or effectiveness of mitigation proposed. It also falls short of the robustness and detail of EIAs for other developments in the area[7]. Furthermore, East Lothian Council, who commissioned the EIA, has

[5] Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. September 2018 Version 1.2 - Updated April 2022

[6] Goodship, N.M. and Furness, R.W. (2022) Disturbance Distances Review: An updated literature review of disturbance distances of selected bird species. NatureScot Research Report 1283.

[7] See, for example, the inter-tidal and near-shore bird data presented in Appendix 6C: Intertidal and Near-shore Bird Surveys of the Inch Cape Onshore Transmission Works EIA report (ICOL,2018b) at OnShore-EIA-Appendix-6C-1of-2.pdf (inchcapewind.com) and OnShore-EIA-Appendix-6C-3of-4.pdf (inchcapewind.com). Others include the EIAs for SSE Seagreen 1A and for the Cockenzie Combined Cycle Gas Turbine Power Station application.

an actual duty to protect and enhance biodiversity. This duty cannot be adequately discharged without detailed baseline EIA (and HRA) bird data from which impacts on birds or other wildlife can be assessed, mitigation designed, and residual impacts identified.

It is also important to note that for the HRA the best available scientific evidence must be used, and the Council, given its Scheme objectives and biodiversity duties, must ensure that this is the case, being responsible for commissioning the EIA Report (and HRA).

Repeated and Unsubstantiated Downplaying of Conservation Importance and Impacts in the Assessment

There are repeated instances in the EIA Report's Biodiversity Chapter where assessments of impacts on birds downplay (i) the value of their habitats - because it is stated they are already subject to disturbance, or (ii) the significance of disturbance to birds - because it is stated they will move elsewhere within the SPA, or (iii) impacts being insignificant - because the area of impact is small. These assertions are consistently unsubstantiated by evidence (as already highlighted above) and are a style of assessment more typical of commercial developers seeking to justify damaging protected sites. These assertions are inappropriate in those circumstances, but are totally inappropriate for Councils, given the legal and policy obligations they are under to protect and enhance biodiversity, notably the Nature Conservation (Scotland) Act 2004 and National Planning Framework 4 (NPF4). Furthermore, no reference is made to the fact that many wildfowl and wader populations in the Firth of Forth have already suffered long-term declines as a result of development impacts, disturbance and habitat loss[8], and that approximately one third of the Firth of Forth SPA/Ramsar's qualifying species are in unfavourable conservation status (Protected Nature Sites (sepa.org.uk), accessed 19.04.2024). The Council's around the Firth of Forth, together with the Scottish Government, NatureScot, businesses and local communities, need to be working together to ensure qualifying features of the SSSI, SPA and Ramsar site return to favourable conservation status.

Examples of the unsubstantiated downplaying of conservation importance of habitats or species, and of impacts are, for example, in Table 7-5 Summary of Baseline Conditions and Evaluation of Importance of Ecological Features, which includes the statement that 'The sand dunes within the study area are narrow and disturbed; therefore, it is considered they do not meet the SSSI designation criteria'. In Section 7.6.2.1.1 'Firth of Forth SPA and Ramsar', another unsubstantiated statement is made, 'The area temporarily lost during construction constitutes a narrow linear area adjacent to the coastline which experiences high levels of disturbance from public use. This area is not considered to be important habitat for qualifying interests of the Firth of Forth designated sites, in comparison to the large expanse of sand flats along the coastline and the lagoons at Levenhall Links'. There is, however, no evidence to back up these assertions, on factors such as prey availability, carrying capacity, exposure to disturbance, or any of the other influences that need to be considered in order to robustly assess these impacts. The same applies in the assessments made in Sections 7.6.3.1.1 Firth of Forth SPA and Ramsar, 7.6.3.1.2 Outer Firth of Forth and St Andrews Bay Complex SPA, and 7.6.3.1.3 Firth of Forth SSSI. These are sites of international and national importance for conservation, already under significant multiple pressures, and it is essential that assessments of impacts are evidence-based and robustly reasoned. This is not the case currently, and this must be

[8] e.g. McLusky, D., Bryant, D. and Elliott, M. (1992) The impact of land-claim on macrobenthos, fish and shorebirds on the Forth Estuary, eastern Scotland. *Aquatic Conservation*: *Marine and Freshwater Ecosystems* Volume 2, Issue 3, pp. 211-222, or Dwyer, R. (2010) Ecological and anthropogenic constraints on waterbirds of the Forth Estuary: population and behavioural responses to disturbance. *Environmental Science, Biology*.

rectified. It is therefore essential that the Council (or Scottish Ministers) exercise the right to request further evidence, through Further Environmental Information and in the finalised HRA, in accordance with EIA guidance (see for example, NatureScot and Historic Environment Scotland (2018), referred to in Footnote 1, specifically Section D. 6), before confirming the Scheme.

Disturbance to Birds During the Scheme's Operational Phase

Related to the point of objection above on lack of evidence to support the assessments on international and national designations (in Sections 7.6.3.1.1, 7.6.3.1.2 and 7. 6.3.1.3), the EIA Report notes that:-

'*The improvements to the active traffic network (particularly along the seawall and at the proposed Goose Green Footbridge) may result in increased pedestrian and cyclist traffic, which may create increased operational disturbance to qualifying bird species*'.

Evidently the Council's EIA Report makes it clear that it is uncertain whether or not the ATN works will result in increased active travel, in which case how can the expenditure, additional risk of impacts on internationally and nationally important designated sites, and carbon footprint of constructing these two ATN elements of the Scheme be justified? Without strong independent evidence that there will be sufficient active travel benefits, these two elements need to be removed from the Scheme (not least as there are already footpaths and cycle paths along these sections of the Scheme coastline).

That objection aside, these EIA Report sections contain no evidence to support the assessments made operational disturbance, and as such they are unsupported conjecture. This needs to be rectified (including in the HRA), firstly be inclusion of clear evidence-based and quantified prediction of the level of increased activity as a result of the ATN path and Goose Green Foot Bridge construction, compared to present levels [9], and secondly by ensuring the assessment of disturbance impacts on each qualifying species of the SPAs, Ramsar and SSSI are made on the basis of these predicted operational levels of activity, and supported by an appropriate level of detail and evidence.

Until such time as these are provided, I object to the Scheme.

Impacts on Recreational Amenity Over the Construction Period, Specifically Birdwatching

Musselburgh is one of the most visited birdwatching sites in Scotland (based on the number of referrals to the Musselburgh entry on the SOC's Where to Watch Birds in Scotland' mobile app), enjoyed by hundreds of visitors every year. This tourism and amenity value of the Scheme area for birdwatching is not given recognition in the EIA Report, and as a result there is insufficient attention given to mitigating disruption to this activity. This is significant because, as noted in EIA Report Section 4.7.3 'Sequencing of construction work', the Scheme's construction phase could take a period of five to ten years, imposing long-term damage to the area's use and reputation as an ornithology visitor attraction.

The Decision to Date by East Lothian Council Not To Publish the Draft HRA

No access has been provided to the current draft HRA for the Scheme. It would be greatly appreciated if the HRA could be made available by the Council, not least because, it would

[9] Presumably these estimates are available from the business case for use of public money on the Musselburgh Active Travel Network.

provide those with detailed local knowledge of the area's birds to provide useful feedback. In addition, in the meantime, it is respectfully suggested that the Council make a request to the SOC for relevant pre-existing bird data, and also to BTO, for species level and up-to-date WeBS data, so both sets of information can be included in the HRA and used as evidence to contribute to a robust assessment of effects from the Scheme alone and in combination with other plans and projects.

Please acknowledge receipt of my letter of objection, in writing. Please also advise me of next steps, and timescales. Thank you very much.

Yours Faithfully,

[redacted]

Subject: (0434) Musselburgh Flood Protection Scheme - Objection
Sent: 23/04/2024, 21:06:32
From: [redacted]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [redacted]

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[redacted]

Tuesday 23 April 2024

Carlo Grilli
Service Manager – Governance
Legal Services
East Lothian Council
John Muir House
Haddington
EH41 3HA
mfpsobjections@eastlothian.gov.uk

Dear Carlo and whomever it may concern,

As a resident of Musselburgh, I am writing to object to the recently published Musselburgh Flood Protection Scheme (MFPS).

I object to the published scheme for the following reasons:

Not enough nature based solutions have been included in the scheme. The FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009 and an increasing number of environmental experts around the world recognise the importance of incorporating natural flood defences in flood protection schemes before adopting hard engineering? Why has it been limited in the MFPS? As declared by East Lothian Council there is a Climate Emergency, how do you explain why you chose to exclude more upstream nature based defences from the scheme in favour of higher walls?

Loss of biodiversity, the removal of mature trees that naturally absorb water to allow hard engineering works does not make sense. Why is there no final documentation highlighting which of the trees will actually be removed. We the public have not being given all of the required information to make a proper informed decision on the reality of the proposed scheme. Trees are integral to biodiversity. Trees should only be removed if they are diseased or pose a threat to life not because they are deemed to be in the way. The removal of just one tree has a big negative impact on the local area. Planting saplings to replace a mature tree does not mitigate the loss.

Loss of public access to nature. The works to build the proposed scheme will take a number of years which will have a significant negative impact on the community and reduce access to public spaces. I regularly walk and cycle along and over the river for leisure purposes. Being outdoors surrounded by nature is good for our mental health and general wellbeing. If the MFPS goes ahead access to the river and existing cycle paths will be prevented due to the construction sites. This will have a big negative impact on the communities general wellbeing. It is a basic human right to be able to access safe natural outdoor spaces, not everyone has access to a garden. An increase in mental health issues will add further pressure to existing local health and social care services. I find it hard to forget the comment from a community member who during lockdown in 2020 stated that they would not have survived if they had not been able to walk by the river and along the seafront daily.

Although the Musselburgh Active Travel scheme is subject to other planning rules, some of the proposed paths and structures have still been included in the published MFPS documentation so I feel that I have to include them in my objection. I enjoy walking and cycling and encourage others to do so too. However, the proposed active travel paths from what I understand, would be responsible for reducing the width of the river, is this why the walls are so high? By reducing the capacity of the river to flow to the sea must increase the flood risk? I also think that the width of the proposed active travel paths although not part of the MFPS, are too wide and would further reduce the amount of green space available to the community along the river. The current "share with care" paths are adequate as long as all users follow the ethos and do share with care.

In addition the two bridges proposed as part of the MAT scheme do not reduce the flood risk so I don't understand why they are included in the MFPS documents. The proposed bridge at the mouth of the river is not a replacement but a development and must be subject to additional planning permission?

Lack of data sharing. Although requested by members of the community, why has the model used to underpin the scheme never been presented to the public? Why when public money has been used to procure the project design has the data/information not been provided for public/peer review? I work with data and have provided modelling for a number of projects in my working life and have always made my raw data and outputs available for scrutiny. We are all capable of making mistakes. What is being hidden from the community?

Scheme costs. In the Flood Order Notice, the current estimated cost is reported as three million five hundred and thirty-five thousand pounds sterling (£103,535,000). This amount is certain to rise. How do you justify spending so much tax payers money on this project when there are a number of health and social care, education, early years and community amenities that require resources now? How are East Lothian Council going to fund their portion of the cost?

Although actioned before the Council elections in May 2022, East Lothian Council cabinet voted through the preferred scheme in January 2020. This should have been discussed by the full Council. I feel that the Cabinet did not have the power or knowledge to vote on a scheme of this magnitude.

Finally I hope that attention was paid to what the First Minister said when the Scottish Government Cabinet visited East Lothian last year and that you will listen to what the community of Musselburgh has to say on the MFPS.

Please acknowledge receipt of my letter of objection, by replying to this email. Please advise me of next steps, and timescales.

Yours Faithfully,

Subject: (0435) Musselburgh Flood Protection proposal - objections
Sent: 23/04/2024, 21:17:42
From: [redacted]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
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FAO Service Manager - Governance
Legal services
East Lothian Council
John Muir House
East Lothian

My Address:
[redacted]

[redacted]

[redacted]

Date: 23/04/24

Dear Sir

My name is [redacted], I am a resident of Musselburgh and live and work in Musselburgh in the areas that are directly impacted by the proposed flood scheme. I have raised my family here and my daughter attends [redacted].

I believe that my family and I are directly impacted by the proposed works and wish to lodge the following objections:

1. Proposed scale of works. It is my view that this is excessive to the needs of Musselburgh and the scale of the works will result in excessive noise levels that will be intolerable for those living and working in the area. The impact of recent pile driving activity associated with flat building on the old Tesco site is evidence that the noise generated by the works will likely have an impact on mine, and others, mental health. The significant loss of amenity throughout the duration of building will also impact on mental health and wellbeing. There will be an impact on pupils of [redacted] who will be taught in a noisy environment.

2. The impact on the environment. The proposed works are very large in scale and will generate noise/pollution and disruption to established animal habitats. I object to the risk of the destruction of natural habitat especially at a time the council announces a nature and climate emergency. I fear that some bird populations will leave and not return. Again this will also have a negative impact on the mental health of the community,

3. Costs and value for money. There has been a huge escalation in costs that now appear excessive and not to represent best value for ELC at a time there are real financial pressures on local services which impacts the more vulnerable members of the community. There does not appear to have been any transparency about how the costs are broken down. To ensure there is real transparency and democracy, the costs should be independently assessed to ensure the council is receiving best value for money.

My observation from watching the councillors vote on this stage of the scheme is that there was a pressure to accept the proposals to ensure they receive Cycle one funding. This appeared to me to be an artificial time pressure. As I understand matters, there will be an opportunity to access funding in the cycle 2 stage. In summary, I do not see any evidence that ELC Council and

Councillors are ensuring there is independent scrutiny of the proposal and are making decisions based on a fear of losing access to funding.

4. Consultation. The Environment Impact assessment provided by Jacobs acknowledges that many of Musselburgh's residents experience multiple disadvantages including living in areas of deprivation, having a physical/learning disability, Jacobs state they have consulted widely but I object to this statement and have seen no evidence of meaningful consultation with the wider population. There is no evidence that information has been provided in a format that maximises the participation of the wider community. The information that has been provided has used technical language with no "plain english" explanations. We have been expected to wade through 100s of pages of technical language and drawings within a tight timescale, an impossible task. The one size fits all approach of Jacobs does not meet the needs of all members of the community.

ELC has an Equality Plan (2021 - 2025) a key objective of which is to "extend community engagement and decision making and increase community and individual resilience".

Page 32, 7.2 Understanding the Impact of our work Integrated Impact Assessment (IIA) : East Lothian Council has adopted an 'Integrated Impact Assessment' framework and guidance to allow the Council to examine the impact of its decisions on people with protected characteristics. The framework brings together key social, environmental and economic priorities to highlight whether the decisions we make or the plans we put in place will have a positive, neutral or negative impact in the community and to identify whether any mitigating actions are required. The process also helps the Council to be more transparent and accountable for the decisions we make. East Lothian Council requires all reports to Council committees to include the findings of the Integrated Impact Assessment if proportionate and relevant. Integrated Impact Assessments are published on the Council's website. We will ensure that the Integrated Impact Assessment tool is used effectively so that protected characteristics and socio-economic disadvantage are taken into account when planning and designing services and when making policy decisions.

My objection is that I do not see any reference to the provision of an Integrated Impact Assessment being undertaken by council officers, independent of the consultants.

5. Independent scrutiny. I further object to what I observe to be an increasingly symbiotic relationship having developed between Councillors and Jacobs. The Councillors have openly stated at meetings that they do not have the expertise/understanding of the type and scope of proposed work and are therefore dependent upon the contractors to advise. This further illustrates there is no independent scrutiny of the proposed plans. The councillors do not have the technical expertise required to ensure there is meaningful and critical scrutiny of the plans.

6. Unclear/inaccurate information. The Active travel proposals have been interlinked with the scheme but there is no clarity about the cost of this. Further the MAT proposals were included in the scheme drawings presented to council but at the 11th hour we were told to imagine the scheme without them on the grounds the due process had not been followed in terms of planning permission and consent. My objection is that decisions are made without clear, up to date accurate information. The scheme proposal should be redrawn without the MAT plans and put out again to consultation.

At the presentation at the Wiremill we were told that the measurements on part of the scheme were inaccurate, There have been inaccuracies throughout which has weakened my confidence in Jacobs and the council in voting upon accurate and clear information. Throughout the process there has been no choice or offering of alternatives.

I am not a climate change denier and I accept that Musselburgh needs some protection from the impact of climate change. I do not however believe that the proposals take account of the potential for Nature based solutions (having been openly dismissed by Jacobs).

My fear is that should the scheme proceed as proposed, the impact on Musselburgh will be devastating in terms of the loss of our beautiful natural environment and wildlife sacrificed for concrete walls and chasing elusive pots of government funding.

Please acknowledge receipt of my letter and advise of the timescales for objections to be considered and addressed.

Yours faithfully

[redacted]