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Document Title	Musselburgh Flood Protection Scheme MLS report - Appendix A.17

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

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Library Reference	114/24
Date Received	18/10/24
Bulletin	Oct 24

Subject: (0521) MUSSELBURGH FLOOD SCHEME OBJECTION
Sent: 24/04/2024, 13:33:36
From: [REDACTED]
To: Musselburgh Flood Protection Objections
Attachments: [REDACTED] [objection.pdf](#)

Follow Up Flag: Follow up
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Categories: [REDACTED]

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Please find attached an objection to the MFPS from [REDACTED]

[Yahoo Mail: Search, organise, conquer](#)



23 April 2024

Carlo Grilli^[1]
Service Manager – Governance ^[1]Legal Services^[1]
East Lothian Council^[1]
John Muir House^[1]
Haddington^[1]
EH41 3HA^[1]

mfpsobjections@eastlothian.gov.uk

Dear Carlo Grilli

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

I and my family have lived in Musselburgh for most of my life, my home is within 1 mile of the river. I walk or run along the River Esk several times a week and its natural beauty is a key part of the area for me. I also drive and walk through Musselburgh most days. I worry that the Scheme will make Musselburgh a less attractive, more congested and worse place to live and work.

I object to the published scheme on the following grounds.

FLOOD PROJECTIONS

The MFPS is based on an unreasonable central scenario of a 1:200 year + climate change event, rather than a range of scenarios. Why hasn't the Council considered a range of options, focussing on those in the next 30 years rather than further ahead, when any scheme built now will be beginning to degrade? Why do we not have full access to data used by the consultants, or the report commissioned from Dynamic Coast?

I understand that the project team have adjusted flood defence heights in response to local feedback – surely those defence walls are either needed or not? I am deeply concerned that a hugely over-engineered solution has been designed around the maximum possible risk in many decades' time. Before imposing this terrible destruction on Musselburgh's river, we deserve to be absolutely sure it is necessary and that this is the best solution that science can deliver.

While residents are understandably worried by floods, the truth is that rivers do flood over time, and Musselburgh has coped and will continue to cope with this. "The last major flood" in Musselburgh in 1948 was, according to media from the time, a very short event that caused relatively little damage.

COST

I believe the projected cost of £132m, and rising, is out of all proportion to the risk and benefit, and the huge competing pressures on public services. I am aware of the concerns that the current funding model (uncapped funding, known as Cycle 1) allows project consultants/developers to expand flood schemes into much larger, and more costly, projects. The escalating costs of this project should be scrutinised and capped to prevent further inflation of project and costs.

I believe it is essential that public funding (whether ELC or SG) is properly scrutinised and the time taken to get this right, rather than seeking to spend now as it seems "easier" to obtain funding. IF better evidence that a massive flood scheme is really required does materialise, as climate change scenarios become clearer, THEN is the time to build a scheme, not sinking huge costs on a dubious future risk.

The Council has been told that if they do not secure the Cycle 1 funding, they will get nothing. But that is not true, there will be funding in Cycle 2, which should be onstream after April 2024, and Musselburgh would be eligible. I am disappointed by the sums spent to by December 2023 on design and consultations - £4 million – and that this money would be better spent on core Council services, and not on fighting a PR campaign against concerned residents.

ENVIRONMENT

We need to learn to live with some level of flooding in the future, and have solutions that are sympathetic to nature. Ultimately we cannot, Canute-like, fight the sea and if sea levels rise significantly, it will no longer be possible to sustain our most coastal communities. Massive amounts of concrete at huge cost will not change this.

I object to the lack of protection for nature in the scheme, the lack of serious consideration of nature based solutions and the focus on engineering. Instead of narrowing the river and building huge barriers, which will be an eye-sore for decades before anyone expects them to be required in earnest, we should be planting trees, protecting and expanding flood plains and building resilience to the weather through enhanced management and maintenance, e.g. of drainage.

ACTIVE TRAVEL

I am concerned at the Active Travel proposals, and how these are or are not linked to the MPFS. This should be transparent, and residents have an opportunity to influence and object to both parts of the projects, which are clearly strongly linked.

It is important to me that the Council supports neighbourhoods being walkable and I am appalled that promoting 'active travel' – which I would normally support – is being used as an excuse to build 5m wide tarmac additional roads, and several bulky bridges which will significantly reduce the amenity of the River Esk and make it harder and less likely for residents, especially children and the elderly, to enjoy the river or walk around Musselburgh.

It is essential that sensitive proposals that balance increased cycling with access for all and supporting nature are supported, probably at a much lower cost than the current proposals.

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 sincerely

[REDACTED]

Subject: (0522) Recall: Letter of Objection
Sent: 24/04/2024, 13:35:33
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
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[REDACTED] would like to recall the message, "Letter of Objection".

Subject: (0523) Objection to Musselburgh Flood Protection Scheme

Sent: 24/04/2024, 13:37:07

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [REDACTED]

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[REDACTED]

22nd April 2024

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

mfpsobjections@eastlothian.gov.uk

Dear Carlo Grilli

I am writing to object to the recently published Musselburgh Flood Protection Scheme. I live close to the sea front, just outside the area deemed liable to be affected by a 1-in- 200 year-flood. I walk every day along Fisherrow promenade and the River Esk, and I enjoy the natural beauty of the coast and riverbanks. I object to the published scheme because:

OBJECTION 1

Although I appreciate that Musselburgh is more likely to flood in the future because of rising sea level and higher rainfall due to climate change, I object to the flood scheme as it stands because of the addition of the Musselburgh Active Town (MAT) cycle network. I know that this was supposedly removed from the scheme on 19th March 2024 because of the need for planning permission, but it is still present in many of the plans, diagrams, and photos in the Scheme.

My objections arising from the inclusion of MAT in the scheme are:-

It involves the building of the new Goose Green bridge at the mouth of the river. This is completely unnecessary for flood defence purposes and is purely planned to facilitate the cycle paths. It would be perfectly adequate to replace the old Goose Green bridge and the Electric bridge with one wider bridge for pedestrians, cyclists, and wheelchair users at the original site. Most cyclists currently use New Street so this would be a convenient place for them to continue crossing the river.

The current Ivanhoe bridge does not present a flood risk, and it was not being considered for replacement until the inclusion of MAT and it is now being repositioned to suit cycle paths. I object to the extra expense and higher carbon emissions caused.

Having the new Goose Green bridge means that the defence walls will be sited at the edge of the river along the west bank near the mouth of the river, in order that they will join up with the ramp leading up to the bridge. Personally, I have always enjoyed walking around this corner, just past the sewage works, and discovering a group of widgeons or other ducks sitting on the grass. In future my view will be of an ugly and unnecessary concrete ramp and a high wall blocking the view of the opposite bank. Without the new bridge here a defence wall could be placed away from the riverbank, near the old footpath or by replacing the Newfields' wall, which would leave this green space for walkers and ducks to enjoy.

Because of the planned cycle route along Eskside East, a large stretch of the river is being narrowed and the bank being widened. This is simply to accommodate a 5metre cycle/pedestrian path, which I object to. There is an adequate path there already. If the wall is placed away from the river edge and nearer to the path/houses it can be lower, and still, I hope, give the people who live in the houses a decent view of the river.

At the council meeting 23 January 2024, [REDACTED] from Jacobs, said that they would endeavour to keep at least one side of the riverbank without a wall at the river edge to allow wildlife to escape up the riverbank in a flooding event, but there is a long stretch of the river where this does not apply, especially towards the river mouth. The result is to produce canalisation of the river with 2-3 metre walls visible at low tide, on both wet sides, which will not be stone clad. This will look very ugly and could be a hazard to wildlife and also to humans who might accidentally fall into the river.

As a result of MAT, the new bridges on the east bank of the river have double ramps so twice the amount of ugly concrete and expense.

The construction of the proposed new Goose Green bridge and the new cycle paths, including those along the Ash lagoon sea wall will have a detrimental impact on birdlife, and the Environmental Impact Assessment has not taken this sufficiently into account.

There has been no assessment of how much the cycle paths may be used. In my experience there are very few cyclists on the promenade, which is dominated by families walking with dogs. Therefore, MAT could be a huge waste of taxpayers' money, and create extra carbon emissions unnecessarily, and alter Musselburgh forever.

OBJECTION 2

I object to the fact that the majority of East Lothian councillors agreed to the flood scheme on 23rd January 2024 without seeing the full Dynamic Coast report. This report says that further action will be needed to protect any walls, which could themselves be undercut by rising sea levels, and there is no provision made for this in the Proposed scheme. But I object principally to the lack of attention paid to the possibility of natural flood management (endorsed by Dynamic Coast) along the coast, ie replenishing the beach and building groynes as has been done in the case of Portobello beach. Hard defence structures along the coast will create 'coastal squeeze' (the loss of natural habitats caused by human activity, which prevents migration landwards) for the bird populations, and I object that this impact is not even mentioned in the EIA Biodiversity chapter, let alone assessed.

OBJECTION 3

I object to the fact that a majority of East Lothian councillors agreed to the flood scheme on 23rd January 2024 without seeing the full Environmental Impact Assessment report (EIA). This report was prepared by Jacobs (so not an independent assessment) and it is hundreds of pages long. I object that there was not enough time for Musselburgh residents to read it in the 28 days allowed to make objections.

I object to the fact that even on the points that the EIA is quite open about, eg the extent of the disruption to the town during the construction phase (which did appear in the non-technical summary), the councillors waived them through with zero critical analysis. But some aspects of the EIA are also lacking in detail and accuracy, especially with regard to biodiversity. For example the EIA bird survey on the ash lagoons was carried out while the lagoons were undergoing construction work, so the results are misrepresentative. Therefore I object that the EIA report, that East Lothian Council has commissioned, does not meet the necessary requirements set out in the EIA guidance and does not allow ELC to fulfil its biodiversity duties.

OBJECTION 4

I object to the way that nature-based solutions in the catchment area were dismissed by East Lothian Council without a more thorough investigation and against a petition of several thousand people to pause the scheme to have time to try out these solutions. Jacobs report on the Eddleston water project seems paltry to me and not suitable for making such an important decision. Jacobs said in June 2023 and at the council meeting in October 2023 that further work (ie nature-based) in the catchment area was essential, but it will not be included in the cost of the scheme. How will this vital work be afforded in the future on top of all East Lothian Council's other commitments?

OBJECTION 5

I object to the ineffectiveness of much of the consultation process over the last few years. It took a long time for many Musselburgh residents to become aware of the flood scheme proposals, and many are still not aware of the enormous changes that will occur as a result of the scheme. The feedback (unpublished I believe) after the June 2023 exhibition largely showed dissatisfaction with the scheme but Jacobs turned this into an almost contemptuous analysis, stating that people who had chosen to fill in the questionnaire online would have had a better opinion of the scheme if they had filled in their questionnaire at the event, and hinting that groups of people in some streets had filled in more than one questionnaire.

The public haven't been shown a true version of what the flood scheme will look like. I object to the fact that the photomontages they have reproduced are misrepresentative. The figures used look like giants next to the low walls, and there are no pictures where the walls are at their highest, for example on the west bank from the Electric bridge to the mouth of the river.

OBJECTION 6

I object to the Flood Scheme using Scenario 4 for the coast and Scenario 2 for the river. This seems unscientific to me. As it happens the effect of narrowing the river will I believe have the effect of increasing the tidal effect of the sea further upstream as far as the Rennie bridge. This means that Jacobs will be using Scenario 4 to determine the heights of their flood defences for a large stretch of the river. I object to the use of Scenario 4 which is, as SEPA acknowledged to Jacobs in July 2022, a 'precautionary' scenario [RCP 8.5] which is "probably not appropriate for economic appraisal of flood schemes as it is likely to increase costs and may overestimate future benefits".

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 / post*.

Yours sincerely,

[REDACTED]

[REDACTED]

23rd April 2024

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

mfpsobjections@eastlothian.gov.uk

Dear Sir

I am writing to object to the recently published Musselburgh Flood Protection Scheme (MFPS). I am a resident living in Musselburgh who regularly uses the river, seashore and lagoons all of which are subject to these proposals. in the vicinity of the proposed works to the river and the seashore. These spaces are all valuable to me as a resident for my physical and mental wellbeing. [REDACTED]

[REDACTED] and will be adversely affected by these proposals not just from a loss of amenity but suffering from increased traffic, increased disturbance. This scheme I believe will have an impact on [REDACTED] the increased traffic in Musselburgh [REDACTED].

I object to the published scheme because:

Cost

The scheme is currently costed at £132m in total, including £53m for the flood protection element of this. I can find no details which indicate that these costs are final, or that the chosen contractor has agreed contractual terms which prevent costs rising or has penalties in the event of any breach of contract by them for any element whether it be financial, construction or health and safety as examples. This is a concern at a

time when council services are being cut and in effect from the information available to me the final council costs are unquantified.

My own personal experience shows how badly wrong things can go when a council run scheme is not properly monitored and the council fail to take proper steps to deal with a situation even when given clear advice from their managing agent. It is incumbent on East Lothian Council in its entirety to ensure any contractual terms protect the interests of its constituents whether it be financial or otherwise and I have unfortunately failed to find any evidence that East Lothian Council have fulfilled this obligation.

I understand that £4m, from the information available to me, had been spent by December 2023 on design and consultations. This is a particular concern when we are consistently seeing a decreasing budget available for core Council services such as social care for the vulnerable and elderly within our community (which would directly impact my mother and ultimately my family if she is not properly cared for due to budget cuts), essential community health and wellbeing amenities: libraries, leisure, and culture. Within Musselburgh we have already seen a significant impact and I would highlight as an example, the closure of the Brunton Hall Theatre and the loss of the café within this building which was used by many including myself due to its proximity to public transport and disabled parking.

I believe that the scheme in its current form highlights that the budget and spending priorities for East Lothian Council do not match the needs of East Lothian Residents and with the current uncapped costs places an unnecessary financial burden on myself and my fellow residents within East Lothian. It is incumbent on East Lothian Council to demonstrate that within this scheme they have met this obligation.

Having researched further and from council meetings online it appears that East Lothian Councillors have voted for the scheme to progress on a false premise that if funding is not secured in Cycle 1 then the opportunity will be lost, however, from the information available to me it would appear that funding will be available in Cycle 2 which Musselburgh will qualify for.

The Scottish Government & COSLA working group on flooding has recognised the model of uncapped funding (known as Cycle 1) allows project consultants/developers to expand flood schemes into much larger, and more costly, projects. The escalating costs of this project should be scrutinised and capped to prevent further inflation of project and costs.

Musselburgh has been highlighted as the priority; however, recent reports suggest that the shore at Prestonpans to Port Seton is at greater risk and it is well documented that Haddington has a significant flood risk. I believe that East Lothian Councillors have made costs decisions based on, at best, incomplete information which does not make the best use of financial resources within East Lothian to protect the homes and businesses of areas which are from the information available to me considered more vulnerable than Musselburgh at this time.

One question which remains unanswered, and I cannot find any details for is the ongoing maintenance costs of this scheme which are significant I can only presume, without proof to the contrary, these will be significant, however, there appears to be no future planning for this and as noted earlier core council services are being reduced and East Lothian Residents should not suffer further for a scheme with no clear sight of data on additional costs. There are many examples, in my view, of the failure of East Lothian Council to carry out routine maintenance in the county under their current financial position and the burden the scheme in its current form will bring is unprecedented with no clear plan of what this will involve from the questions I have asked or the evidence I have seen.

The loss of use of the Riverside, Seashore, Fisherow Links and the lagoons which has a direct impact for myself I believe will require compensation to be paid to myself and many others. In addition, I believe the works will have a significant impact on the value of my home which I would fully expect to be compensated for under the Flood Risk Management (Scotland) Act 2009. The scale of the works will severely impact my enjoyment of my home due to the noise, dirt and pollution due to the construction in Musselburgh most specifically at Pinkie School and the Lagoons. I will also lose the use of the river, seashore and Fisherow links during the construction phase all of which are important [REDACTED] as these are enjoyed by my sister and mother as they are within easy reach of their homes as both have mobility issues.

The additional burden this will place on me is also immeasurable as the stress of all aspects of the work [REDACTED]. No consideration appears to have been given to the impact on the more vulnerable members of our communities for whom this will great a great deal of stress and anxiety and those who care for them. I am sure I am not the only carer impacted in this way.

New Street is already heavily congested and well used by motorists, cyclists, and walkers and at times it is difficult for cars to travel along this street. The addition of construction traffic including large lorries, will bring a huge amount of congestion to New Street, Eskside, Mall Avenue as examples with many more routes impacted. I fear as stated elsewhere in this letter this will cause difficulties and impact my ability to support my family on a day to day basis or reach them in an emergency. [REDACTED], however, if anything happens I am called by the community alarm team. [REDACTED] I dread to think what the consequences would be [REDACTED]. I cannot stress strongly enough the wider impact this will have in our community if people cannot travel with minimum disruption due to the proposed flood scheme and associated works..

I have mentioned my concern about council budgets being under pressure for essential care. [REDACTED].

[REDACTED] pressure on budgets while money is spent without due diligence, or a true understanding of the cost being committed to. East Lothian have a duty of care to all vulnerable groups which includes children and adults to ensure the funds available to them are spent in the best interests of East Lothian and I strongly believe that this is not the case with the current proposals and as stated above it is incumbent on the local authority to demonstrate good stewardship and governance of public money for the benefit of the communities they serve.

Science/data

The MFPS does not offer alternative scenarios. It is tied to a 1:200-year climate change event. Scottish Government guidance says that a range of scenarios should be included. I do not believe that East Lothian Council have been given a range of options to judge what is necessary protection leading to potentially incorrect judgements being made by paid and elected officials. The figures provided by SEPA are predictions but by no means a certainty, yet the current proposals appear to take the view that these figures are a certainty.

East Lothian Council has commissioned a report on the coast from Dynamic Coast, which has been reported on in the press ([Beach in East Lothian suffered five years of damage in two days during storm - Edinburgh Live](#)). This report highlights that the planned defences will not work as they are not designed to deal with coastal erosion. It is inconceivable that a decision was made in January without this report being available particularly as it highlights the shortcomings of the current proposals in particular regard to the seashore. There are several highly publicised nature-based solutions already in place within the Forth estuary yet none of these, to the best of my knowledge, seem to have been considered or included in the consultations prior to the current scheme being developed which I believe is a major failing of East Lothian Council in its entirety and falls far short of the governance and diligence we are entitled to expect from appointed staff and elected officials.

I am aware that many residents have asked to see the data underpinning the scientific calculations of the project team, but these requests have been ignored. This concerns me greatly and I would like to be made aware of the reason for this as it does not seem unreasonable for residents to have access to this key information to allow them to assess if they feel the scheme meets the needs of their hometown.

The project team say they have adjusted flood defence heights in response to local feedback. From my own observations this amounts to fitting the science around the preferred outcome, rather than science/data leading to a properly calculated outcome. This makes no sense. I have spent considerable time reviewing the plans on the website with my family and I remain unable to identify the height of the walls proposed, however, from discussions I am aware of it will be hard for someone like my mother who uses a wheelchair or wheeled walker when outside her home to see anything other than the wall along the river. I would also point out that the ramps proposed will be extremely difficult [REDACTED]

[REDACTED]. Our local river is an important amenity for many and being deprived of the opportunity to enjoy this will have an impact on the physical and mental wellbeing of many of my neighbours and fellow residents who enjoy spending time here year-round.

I have lived in Musselburgh for all my life and the last major flood I have heard spoken about in Musselburgh was in 1948, I remember the discussions for many years afterwards between my grandparents, family and friends. Climate change may mean there is increased risk of flooding in future, but there are communities at much greater and more immediate risk. As I mentioned above Prestonpans, Cockenzie, Port Seton more locally and within Scotland Dumfries, Perthshire etc all seem to be at a greater risk. The damage suffered in North Berwick to the harbour more recently springs to mind as another example of why priorities should be re-evaluated by East Lothian Council and the Scottish Government to ensure public funds are spent where the need is greatest, and a plan should be in place for our county.

I understand that East Lothian Council were informed that Natural Flood Management (NFM) should be restricted to three interventions (use of 2 small reservoirs in the Pentlands, and a tree-catcher in Dalkeith Country Park). NFM could include an entire range of techniques to slow the flow of the river throughout the catchments, and to encourage the natural dune system along the coast. I believe it is a huge misjudgement that these were discounted at the start is wrong and the situation is made worse by the exclusion of NFM decided upon in October on the recommendation of Jacobs and backed by the elected councillors.

From my research I am concerned that the evidence presented to our elected officials in October was incorrect and the decision was also influenced by the way this information was presented. NFM, I believe offer longer term benefits to our local environment, those further upstream and offer a more sustainable way to address the flooding risk within Musselburgh especially in view of the climate emergency spoken about by East Lothian Council. I passionately believe that NFM solutions should be central to any scheme taken forward by East Lothian Council.

An example is native oysters (*Ostrea edulis*) which are native to the Firth of Forth and Scotland as a whole and are known for their ability to filter water and store carbon helping reduce carbon emissions by filtering 50 gallons of water a day. They also create a habitat by fusing together to form a reef which in turn increases the areas biodiversity as well as helping to reduce coastal erosion which as seen recently will have a greater impact in the future. [How oysters help fight climate change \(worldwildlife.org\)](https://www.worldwildlife.org/stories/how-oysters-help-fight-climate-change) gives a great amount of detail about the benefits to our climate, yet, I have found no details about these sorts of solutions in any of the project information. [Restoration Forth](#) is actively working to restore the oyster beds and seagrass meadows to deliver Marine restoration in the Firth of Forth and across Scotland. Greater consideration needs to be given to these projects which work with nature to restore our environments rather than creating man made solutions which will cause greater harm to our environment.

There are several examples where man-made flood schemes have failed, two of which were here in Scotland. The impact in Brechin of the flood walls failing was highly publicised as was the failing of floodgates in Perth. These evidence that man-made solutions do not prevent downstream flooding. Action is required upstream to ensure the flow of water is slowed or indeed excess water stored so it does not rush downstream causing flooding.

More recently we have seen evidence that the Scottish Government is heading towards NFM with [the Minister stating](#) “The Scottish Government recognizes the importance of natural flood management (NFM) measures in reducing, slowing or otherwise managing flood waters across catchments and along the coast while also delivering multiple environmental benefits.” East Lothian Council have failed to give any sincere consideration to NFM to the detriment in my view of biodiversity within the River Esk and the shoreline at the Forth Estuary. This is a travesty for future generations who will face a bigger battle with climate change without the help of our established trees and wildlife to maintain our environment.

My last point is around the use of concrete to build flood defence. The level of emissions produced in the manufacture of concrete are well documented and, in a report, released by Princeton University in 2020 stated that the manufacture of concrete creates four billion tonnes of carbon dioxide worldwide each year. The level of concrete shown in the outline plans is staggering, together with the impact of the construction itself, additional traffic in Musselburgh and surrounding areas and the loss of trees and other biodiversity within the area it could be argued that the proposed flood defences will do more to add to the climate emergency increasing the risk of flooding whereas with NFM there is an opportunity to reduce the risk of rare flood events in Musselburgh while working with rather than against nature as has been shown to work in many other countries recently.

As a regular user of the Lagoons it is easy to see that concrete has a limited life, and while I am aware of the inclusion of the repair of these walls in the scheme I also object to what is proposed. This is an area rich in biodiversity and only now recovering from the year long works to the last two lagoons. I have lived this area all my life and can remember how these looked when they were ash lagoons where we as children played. I have watched as nature itself took on a large role in restoring balance to this area, and while not fully supportive of the recent works I am happy to acknowledge the care taken with this and look forward over the coming years to see the wildlife and biodiversity recover and evolve. The proposal as they stand will have a huge impact on the efforts already made by our local Ranger service and Scottish Power. in paying for these works as part of their contract, and in my view further adding to the climate emergency we are facing.

Transparency and process

My first concern around the lack of transparency is the lack of engagement from our elected representatives to understand the breadth of feeling among residents. There are several documented examples of constituents trying to interact with their elected

representatives only to find that the project team were responding to them. This is unacceptable and I believe shows the lack of independence of East Lothian Council and the project team. It is entirely reasonable to expect that elected representatives are speaking for their constituents and respond in a timely and professional manner.

The documents have in the main been published online making it difficult to view the latest plans in their entirety. Many family members have struggled with this format and without help from myself and other would have found it hard to understand what was proposed. I believe that this lack of transparency and availability of key information to all members of our community is another element of a flawed process which disenfranchises many sectors of the Musselburgh community. I would also highlight the lack of transparency, from the information available to me, provided to East Lothian residents who will be, by default, funding any potential scheme and its ongoing maintenance yet have been, to the best of my knowledge provided with minimal information. It is disappointing that we as lay people are left spending several hours trying to view and understand the latest plans.

This lack of transparency was also evident on 23rd January 2024 when agreement to the scheme progressing was given despite councillors having insufficient information an example being the Environmental Impact Assessment (EIA) which they did not have full sight of but voted through on the strength of only a non-technical summary. This is unacceptable and throws doubt, in my view, that the councillors' vote should stand as they voted without all the relevant information being available including the full financial implications with the officer present being unable to give sufficient information regarding the council's ability to meet their future liability for this scheme or where any required funds will be provided from within the budget.

I would also highlight that a vote was taken in January 2020 by East Lothian Council Cabinet, however, this was out with their terms of reference, and therefore they did not have the power to do so, as a scheme of this value should have been given the approval of the full council.

A further objection is the engineers who have been appointed to design the project were the authors of the Environmental Impact Assessment, I am not sure where else this would be allowed to happen in the private or public sector. The engineers ruled out all alternatives to the current scheme during the options appraisal. This in effect meant that no public scrutiny or debate took place as none of the alternatives were made available to the community. I would also state that I do not believe that there has been sufficient challenge or scrutiny of the consultants and engineer as when I asked the question about who was qualified within the council to oversee this project at the open days in June not one person could give me a response other than the Designer and Consultants would be advising the council. This demonstrates the complete lack of independence throughout this process and further concern about the openness and transparency at all levels of this proposed scheme.

The plans as submitted are not clear on the fate of the trees affected by the scheme. The benefit of trees to our environment are well documented. It is unacceptable that so

many mature trees will be lost with the resultant impact and as noted above adding to the climate emergency we are experiencing.

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[REDACTED]. The height of the bridges is excessive, and the images provided at the June consultation only showed a view where there had been a significant flooding event which was not accurate and did not allow the public to question the consultants.

The new bridge at Goose Green does not add anything to the flood protection scheme and I, from my own conversations family and friends, can see no local demand for this additional bridge and believe it takes away from the natural beauty of the area as it is, although the current proposed scheme will by default destroy the beauty of our river, destroy wildlife habitats and the biodiversity of this area.

The inclusion of the Musselburgh Active Toun (MAT) proposals does not contribute to flood prevention, and I would argue that the excessive width of the paths will create the need to narrow the river which commonsense would show means any flood water has less space and could actually increase the risk of flooding in the area. Based on my understanding of planning regulations these should be subject to planning permission, however, the flood scheme seems to have conferred permission. I do not believe that the information published clearly shows which parts of the MAT will require planning and which will bypass this as included in the flood scheme. Indeed there seems to be an awful lot of confusion about what is actually currently included in this current phase of the project making it harder for residents to understand the scheme or object effectively which in my view is another failing of the process.

The inclusion of MAT ignores the views of many who do not support the extensive paths proposed. As a lifelong resident I am familiar with Musselburgh Lagoons, Goose Green, Eskside and the sea front and believe the existing paths are sufficient for the current level of travel by walkers and cyclists. The unprecedented level of new housing in the area has not seen a significant increase in foot or cycle travel, nor have statistics been produced to argue otherwise. The same cannot be said of the road network which is under significant pressure which will only be added to by the proposed scheme. I would also highlight that these plans have been extended and developed beyond the scope of the original consultation and discussions.

My [REDACTED] has been studying [REDACTED] [REDACTED]). A large part of this course is considering sustainable tourism to allow visitors to enjoy the natural heritage and environment with minimal impact. Having had the opportunity to read her assignments I am struck at how out of step this proposed flood prevention scheme is with so many other public bodies and international organisations who are all working to preserve our environment and climates by working with nature, learning the lessons of the past through archaeology and history and moving away from purely man made solutions. It is disappointing that the consultants appointed and East Lothian Council are so disconnected with the movement to engage with and respect nature when designing this proposed scheme.

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General amenity, health, and well-being

I have outlined my concerns above regarding the loss of local amenities many of which are Musselburgh Common Good Land. The proposal shows the extent of the loss of these to the community and the loss of these should be compensated as stated above. I am not alone in enjoying these with innumerable residents and visitors visiting each day. The proposed works mean that there will be no alternative for people to enjoy these areas with the inevitable impact on their physical and mental wellbeing.

I would also object on the grounds that the River Esk is a site of significant historical significance. [The Battle of Pinkie Cleugh](#) was fought on the River Esk on the 10th of September 1547 during the War of the Rough Wooing and was the last pitched battle in Scottish history. The battle ended in defeat for the Scots with around 6,000 being killed This creates an element of history and the Roman Bridge which as the name suggests has had a bridge of some form there since there was a roman fort at Inveresk and is still important in the Honest Toun festival.

It is estimated that the project construction will take a minimum of five years causing major disruption. As primary carer for my mother and sister I am extremely concerned

at the increased time it could take me to travel to them in an emergency, but, as mentioned above when I am taking them to medical appointments or for essential shopping. The increase in traffic within Musselburgh should not be underestimated causing danger to life if emergency services are unable to get through traffic on an already congested High Street which also has many more restrictions due to the change to bus stops and cycle lanes.

[REDACTED] The increase in traffic and disruption to movement in Musselburgh is likely to have a significant impact on this sector and it is vulnerable people who could be left without the service they are entitled to expect as part of their care package. I am also extremely concerned about the additional stress and worry this will cause to social care workers and other essential workers if they are unable to travel safely and easily to where they are needed.

The recent pile works at Mall Avenue were extremely disruptive and I am concerned about the impact this work will have on surrounding properties in all the affected areas including those of my family and the damage this could cause due to the level of vibrations during the construction phase which are considerable. The project will take at least 5 years to build. It will be a major cause of disruption.

The figures quoted regarding the number of properties which will be protected by the scheme vary greatly. This information should be clear and transparent and clearly evidenced. I have not seen any evidence of the impact of this scheme on those at risk of flooding in a 1 in 200-year event and the proposals seem excessive. It is also widely acknowledged that there has been no flooding on the beach or Fisherow Links in living memory or historically.

Knowledge and methods are continually evolving, the project team themselves seem to be stating that there is no high degree of danger in the next 50 years from the information gleaned from the open days at Eskmills. It would seem prudent to desist from spending exorbitant sums of money now without understanding and exploring sustainable alternatives which will protect our community, our wildlife, habitats and our river and seashore together with our local e for future generation rather than crumbling concrete which is not maintained and would become a danger.

Recent flooding in Musselburgh appears to be connected to inadequate drains and sewers. Many of the issues with flooding have arisen since the building of new homes in Musselburgh, Wallyford and Whitecraig has grown exponentially. The building of the current proposed scheme will prevent water escaping to the river and there does not appear to be adequate provision for future maintenance of any measures proposed. I asked this question at the open days in June 2023 and was advised that it was a matter for East Lothian Council who would be responsible for all maintenance costs on completion of the project. No figures, or scope of the maintenance works have ever been produced for this from the information I have found.

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

Yours Faithfully,

A solid black rectangular redaction box covering the signature area.

From: [REDACTED]
Sent: 24 April 2024 13:39
To: Musselburgh Flood Protection Objections
Subject: (0525 [REDACTED]) Letter of Objection
Attachments: ObjectionLetter240424.docx
Categories: Added to excel spreadsheet [REDACTED]

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 Sirs,

Please find attached my letter of objection to the proposed Musselburgh Flood Protection Scheme. I apologise as I have had difficulty with my e-mail so any previous objections received from me using this e-mail account should be deleted and only this version should be reviewed.

I would be grateful if you could acknowledge receipt of this letter and also advise timescales and next steps.

Regards

[REDACTED]

[Redacted]

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E-mail: [Redacted]

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23rd April 2024

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

mfpsobjections@eastlothian.gov.uk

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Dear Sir

I am writing to object to the recently published Musselburgh Flood Protection Scheme (MFPS). I am a resident living in Musselburgh who regularly uses the river, seashore and lagoons all of which are subject to these proposals. In the vicinity of the proposed works to the river and the seashore. These spaces are all valuable to me as a resident for my physical and mental wellbeing. [Redacted]

[Redacted] and will be adversely affected by these proposals not just from a loss of amenity but suffering from increased traffic, increased disturbance. This scheme I believe will have an impact on [Redacted]

[Redacted]

I object to the published scheme because:

Cost

The scheme is currently costed at £132m in total, including £53m for the flood protection element of this. I can find no details which indicate that these costs are final, or that the chosen contractor has agreed contractual terms which prevent costs rising or has penalties in the event of any breach of contract by them for any element whether it be financial, construction or health and safety as examples. This is a concern at a

time when council services are being cut and in effect from the information available to me the final council costs are unquantified.

My own personal experience shows how badly wrong things can go when a council run scheme is not properly monitored and the council fail to take proper steps to deal with a situation even when given clear advice from their managing agent. It is incumbent on East Lothian Council in its entirety to ensure any contractual terms protect the interests of its constituents whether it be financial or otherwise and I have unfortunately failed to find any evidence that East Lothian Council have fulfilled this obligation.

I understand that £4m, from the information available to me, had been spent by December 2023 on design and consultations. This is a particular concern when we are consistently seeing a decreasing budget available for core Council services such as social care for the vulnerable and elderly within our community (which would directly impact my mother and ultimately my family if she is not properly cared for due to budget cuts), essential community health and wellbeing amenities: libraries, leisure, and culture. Within Musselburgh we have already seen a significant impact and I would highlight as an example, the closure of the Brunton Hall Theatre and the loss of the café within this building which was used by many including myself due to its proximity to public transport and disabled parking.

I believe that the scheme in its current form highlights that the budget and spending priorities for East Lothian Council do not match the needs of East Lothian Residents and with the current uncapped costs places an unnecessary financial burden on myself and my fellow residents within East Lothian. It is incumbent on East Lothian Council to demonstrate that within this scheme they have met this obligation.

Having researched further and from council meetings online it appears that East Lothian Councillors have voted for the scheme to progress on a false premise that if funding is not secured in Cycle 1 then the opportunity will be lost, however, from the information available to me it would appear that funding will be available in Cycle 2 which Musselburgh will qualify for.

The Scottish Government & COSLA working group on flooding has recognised the model of uncapped funding (known as Cycle 1) allows project consultants/developers to expand flood schemes into much larger, and more costly, projects. The escalating costs of this project should be scrutinised and capped to prevent further inflation of project and costs.

Musselburgh has been highlighted as the priority; however, recent reports suggest that the shore at Prestonpans to Port Seton is at greater risk and it is well documented that Haddington has a significant flood risk. I believe that East Lothian Councillors have made costs decisions based on, at best, incomplete information which does not make the best use of financial resources within East Lothian to protect the homes and businesses of areas which are from the information available to me considered more vulnerable than Musselburgh at this time.

One question which remains unanswered, and I cannot find any details for is the ongoing maintenance costs of this scheme which are significant I can only presume, without proof to the contrary, these will be significant, however, there appears to be no future planning for this and as noted earlier core council services are being reduced and East Lothian Residents should not suffer further for a scheme with no clear sight of data on additional costs. There are many examples, in my view, of the failure of East Lothian Council to carry out routine maintenance in the county under their current financial position and the burden the scheme in its current form will bring is unprecedented with no clear plan of what this will involve from the questions I have asked or the evidence I have seen.

The loss of use of the Riverside, Seashore, Fisherow Links and the lagoons which has a direct impact for myself I believe will require compensation to be paid to myself and many others. In addition, I believe the works will have a significant impact on the value of my home which I would fully expect to be compensated for under the Flood Risk Management (Scotland) Act 2009. The scale of the works will severely impact my enjoyment of my home due to the noise, dirt and pollution due to the construction in Musselburgh most specifically at Pinkie School and the Lagoons. I will also lose the use of the river, seashore and Fisherow links during the construction phase all of which are important in [REDACTED] are enjoyed by my sister and mother as they are within easy reach of their homes as both have mobility issues.

The additional burden this will place on me is also immeasurable as the stress of all aspects of the work [REDACTED]
[REDACTED] No consideration appears to have been given to the impact on the more vulnerable members of our communities for whom this will great a great deal of stress and anxiety and those who care for them. I am sure I am not the only carer impacted in this way.

New Street is already heavily congested and well used by motorists, cyclists, and walkers and at times it is difficult for cars to travel along this street. The addition of construction traffic including large lorries, will bring a huge amount of congestion to New Street, Eskside, Mall Avenue as examples with many more routes impacted. I fear as stated elsewhere in this letter this will cause difficulties and impact my ability to support my family, on a day to day basis or reach them in an emergency. [REDACTED]

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[REDACTED] however, if anything happens [REDACTED]
[REDACTED] consequences would b

[REDACTED] I cannot stress strongly enough the wider impact this will have in our community if people cannot travel with minimum disruption due to the proposed flood scheme and associated works..

I have mentioned my concern about council budgets being under pressure for essential care. [REDACTED]

[REDACTED] on budgets while money is spent without due diligence, or a true understanding of the cost being committed to. East Lothian have a duty of care to all vulnerable groups which includes children and adults to ensure the funds available to them are spent in the best interests of East Lothian and I strongly believe that this is not the case with the current proposals and as stated above it is incumbent on the local authority to demonstrate good stewardship and governance of public money for the benefit of the communities they serve.

Science/data

The MFPS does not offer alternative scenarios. It is tied to a 1:200-year climate change event. Scottish Government guidance says that a range of scenarios should be included. I do not believe that East Lothian Council have been given a range of options to judge what is necessary protection leading to potentially incorrect judgements being made by paid and elected officials. The figures provided by SEPA are predictions but by no means a certainty, yet the current proposals appear to take the view that these figures are a certainty.

East Lothian Council has commissioned a report on the coast from Dynamic Coast, which has been reported on in the press ([Beach in East Lothian suffered five years of damage in two days during storm - Edinburgh Live](#)). This report highlights that the planned defences will not work as they are not designed to deal with coastal erosion. It is inconceivable that a decision was made in January without this report being available particularly as it highlights the shortcomings of the current proposals in particular regard to the seashore. There are several highly publicised nature-based solutions already in place within the Forth estuary yet none of these, to the best of my knowledge, seem to have been considered or included in the consultations prior to the current scheme being developed which I believe is a major failing of East Lothian Council in its entirety and falls far short of the governance and diligence we are entitled to expect from appointed staff and elected officials.

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I am aware that many residents have asked to see the data underpinning the scientific calculations of the project team, but these requests have been ignored. This concerns me greatly and I would like to be made aware of the reason for this as it does not seem unreasonable for residents to have access to this key information to allow them to assess if they feel the scheme meets the needs of their hometown.

The project team say they have adjusted flood defence heights in response to local feedback. From my own observations this amounts to fitting the science around the preferred outcome, rather than science/data leading to a properly calculated outcome. This makes no sense. I have spent considerable time reviewing the plans on the website with my family and I remain unable to identify the height of the walls proposed, however, from discussions I am aware of it will be hard for someone like my mother who uses a wheelchair or wheeled walker when outside her home to see anything other than the wall along the river. I would also point out that the ramps proposed will be extremely difficult [REDACTED]

Our local river is an important amenity for many and being deprived of the opportunity to enjoy this will have an impact on the physical and mental wellbeing of many of my neighbours and fellow residents who enjoy spending time here year-round.

I have lived in Musselburgh for all my life and the last major flood I have heard spoken about in Musselburgh was in 1948, I remember the discussions for many years afterwards between my grandparents, family and friends. Climate change may mean there is increased risk of flooding in future, but there are communities at much greater and more immediate risk. As I mentioned above Prestonpans, Cockenzie, Port Seton more locally and within Scotland Dumfries, Perthshire etc all seem to be at a greater risk. The damage suffered in North Berwick to the harbour more recently springs to mind as another example of why priorities should be re-evaluated by East Lothian Council and the Scottish Government to ensure public funds are spent where the need is greatest, and a plan should be in place for our county.

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I understand that East Lothian Council were informed that Natural Flood Management (NFM) should be restricted to three interventions (use of 2 small reservoirs in the Pentlands, and a tree-catcher in Dalkeith Country Park). NFM could include an entire range of techniques to slow the flow of the river throughout the catchments, and to encourage the natural dune system along the coast. I believe it is a huge misjudgement that these were discounted at the start is wrong and the situation is made worse by the exclusion of NFM decided upon in October on the recommendation of Jacobs and backed by the elected councillors.

From my research I am concerned that the evidence presented to our elected officials in October was incorrect and the decision was also influenced by the way this information was presented. NFM, I believe offer longer term benefits to our local environment, those further upstream and offer a more sustainable way to address the flooding risk within Musselburgh especially in view of the climate emergency spoken about by East Lothian Council. I passionately believe that NFM solutions should be central to any scheme taken forward by East Lothian Council.

An example is native oysters (*Ostrea edulis*) which are native to the Firth of Forth and Scotland as a whole and are known for their ability to filter water and store carbon helping reduce carbon emissions by filtering 50 gallons of water a day. They also create a habitat by fusing together to form a reef which in turn increases the areas biodiversity as well as helping to reduce coastal erosion which as seen recently will have a greater impact in the future. [How oysters help fight climate change \(worldwildlife.org\)](https://www.worldwildlife.org) gives a great amount of detail about the benefits to our climate, yet, I have found no details about these sorts of solutions in any of the project information. [Restoration Forth](#) is actively working to restore the oyster beds and seagrass meadows to deliver Marine restoration in the Firth of Forth and across Scotland. Greater consideration needs to be given to these projects which work with nature to restore our environments rather than creating man made solutions which will cause greater harm to our environment.

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There are several examples where man-made flood schemes have failed, two of which were here in Scotland. The impact in Brechin of the flood walls failing was highly publicised as was the failing of floodgates in Perth. These evidence that man-made solutions do not prevent downstream flooding. Action is required upstream to ensure the flow of water is slowed or indeed excess water stored so it does not rush downstream causing flooding.

More recently we have seen evidence that the Scottish Government is heading towards NFM with [the Minister stating](#) "The Scottish Government recognizes the importance of natural flood management (NFM) measures in reducing, slowing or otherwise managing flood waters across catchments and along the coast while also delivering multiple environmental benefits." East Lothian Council have failed to give any sincere consideration to NFM to the detriment in my view of biodiversity within the River Esk and the shoreline at the Forth Estuary. This is a travesty for future generations who will face a bigger battle with climate change without the help of our established trees and wildlife to maintain our environment.

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My last point is around the use of concrete to build flood defence. The level of emissions produced in the manufacture of concrete are well documented and, in a report, released by Princeton University in 2020 stated that the manufacture of concrete creates four billion tonnes of carbon dioxide worldwide each year. The level of concrete shown in the outline plans is staggering, together with the impact of the construction itself, additional traffic in Musselburgh and surrounding areas and the loss of trees and other biodiversity within the area it could be argued that the proposed flood defences will do more to add to the climate emergency increasing the risk of flooding whereas with NFM there is an opportunity to reduce the risk of rare flood events in Musselburgh while working with rather than against nature as has been shown to work in many other countries recently.

As a regular user of the Lagoons it is easy to see that concrete has a limited life, and while I am aware of the inclusion of the repair of these walls in the scheme I also object to what is proposed. This is an area rich in biodiversity and only now recovering from the year long works to the last two lagoons. I have lived this area all my life and can remember how these looked when they were ash lagoons where we as children played. I have watched as nature itself took on a large role in restoring balance to this area, and while not fully supportive of the recent works I am happy to acknowledge the care taken with this and look forward over the coming years to see the wildlife and biodiversity recover and evolve. The proposal as they stand will have a huge impact on the efforts already made by our local Ranger service and Scottish Power, in paying for these works as part of their contract, and in my view further adding to the climate emergency we are facing.

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Transparency and process

My first concern around the lack of transparency is the lack of engagement from our elected representatives to understand the breadth of feeling among residents. There are several documented examples of constituents trying to interact with their elected

representatives only to find that the project team were responding to them. This is unacceptable and I believe shows the lack of independence of East Lothian Council and the project team. It is entirely reasonable to expect that elected representatives are speaking for their constituents and respond in a timely and professional manner.

The documents have in the main been published online making it difficult to view the latest plans in their entirety. Many family members have struggled with this format and without help from myself and other would have found it hard to understand what was proposed. I believe that this lack of transparency and availability of key information to all members of our community is another element of a flawed process which disenfranchises many sectors of the Musselburgh community. I would also highlight the lack of transparency, from the information available to me, provided to East Lothian residents who will be, by default, funding any potential scheme and its ongoing maintenance yet have been, to the best of my knowledge provided with minimal information. It is disappointing that we as lay people are left spending several hours trying to view and understand the latest plans.

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This lack of transparency was also evident on 23rd January 2024 when agreement to the scheme progressing was given despite councillors having insufficient information an example being the Environmental Impact Assessment (EIA) which they did not have full sight of but voted through on the strength of only a non-technical summary. This is unacceptable and throws doubt, in my view, that the councillors' vote should stand as they voted without all the relevant information being available including the full financial implications with the officer present being unable to give sufficient information regarding the council's ability to meet their future liability for this scheme or where any required funds will be provided from within the budget.

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I would also highlight that a vote was taken in January 2020 by East Lothian Council Cabinet, however, this was out with their terms of reference, and therefore they did not have the power to do so, as a scheme of this value should have been given the approval of the full council.

A further objection is the engineers who have been appointed to design the project were the authors of the Environmental Impact Assessment, I am not sure where else this would be allowed to happen in the private or public sector. The engineers ruled out all alternatives to the current scheme during the options appraisal. This in effect meant that no public scrutiny or debate took place as none of the alternatives were made available to the community. I would also state that I do not believe that there has been sufficient challenge or scrutiny of the consultants and engineer as when I asked the question about who was qualified within the council to oversee this project at the open days in June not one person could give me a response other than the Designer and Consultants would be advising the council. This demonstrates the complete lack of independence throughout this process and further concern about the openness and transparency at all levels of this proposed scheme.

The plans as submitted are not clear on the fate of the trees affected by the scheme. The benefit of trees to our environment are well documented. It is unacceptable that so

many mature trees will be lost with the resultant impact and as noted above adding to the climate emergency we are experiencing.

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It is estimated that the project construction will take a minimum of five years causing major disruption. As primary carer for my mother and sister I am extremely concerned

at the increased time it could take me to travel to them in an emergency, but, as mentioned above when I am taking them to medical appointments or for essential shopping. The increase in traffic within Musselburgh should not be underestimated causing danger to life if emergency services are unable to get through traffic on an already congested High Street which also has many more restrictions due to the change to bus stops and cycle lanes.

[REDACTED] The increase in traffic and disruption to movement in Musselburgh is likely to have a significant impact on this sector and it is vulnerable people who could be left without the service they are entitled to expect as part of their care package. I am also extremely concerned about the additional stress and worry this will cause to social care workers and other essential workers if they are unable to travel safely and easily to where they are needed.

The recent pile works at Mall Avenue were extremely disruptive and I am concerned about the impact this work will have on surrounding properties in all the affected areas including those of my family and the damage this could cause due to the level of vibrations during the construction phase which are considerable. The project will take at least 5 years to build. It will be a major cause of disruption.

The figures quoted regarding the number of properties which will be protected by the scheme vary greatly. This information should be clear and transparent and clearly evidenced. I have not seen any evidence of the impact of this scheme on those at risk of flooding in a 1 in 200-year event and the proposals seem excessive. It is also widely acknowledged that there has been no flooding on the beach or Fisherow Links in living memory or historically.

Knowledge and methods are continually evolving, the project team themselves seem to be stating that there is no high degree of danger in the next 50 years from the information gleaned from the open days at Eskmills. It would seem prudent to desist from spending exorbitant sums of money now without understanding and exploring sustainable alternatives which will protect our community, our wildlife, habitats and our river and seashore together with our local e for future generation rather than crumbling concrete which is not maintained and would become a danger.

Recent flooding in Musselburgh appears to be connected to inadequate drains and sewers. Many of the issues with flooding have arisen since the building of new homes in Musselburgh, Wallyford and Whitecraig has grown exponentially. The building of the current proposed scheme will prevent water escaping to the river and there does not appear to be adequate provision for future maintenance of any measures proposed. I asked this question at the open days in June 2023 and was advised that it was a matter for East Lothian Council who would be responsible for all maintenance costs on completion of the project. No figures, or scope of the maintenance works have ever been produced for this from the information I have found.

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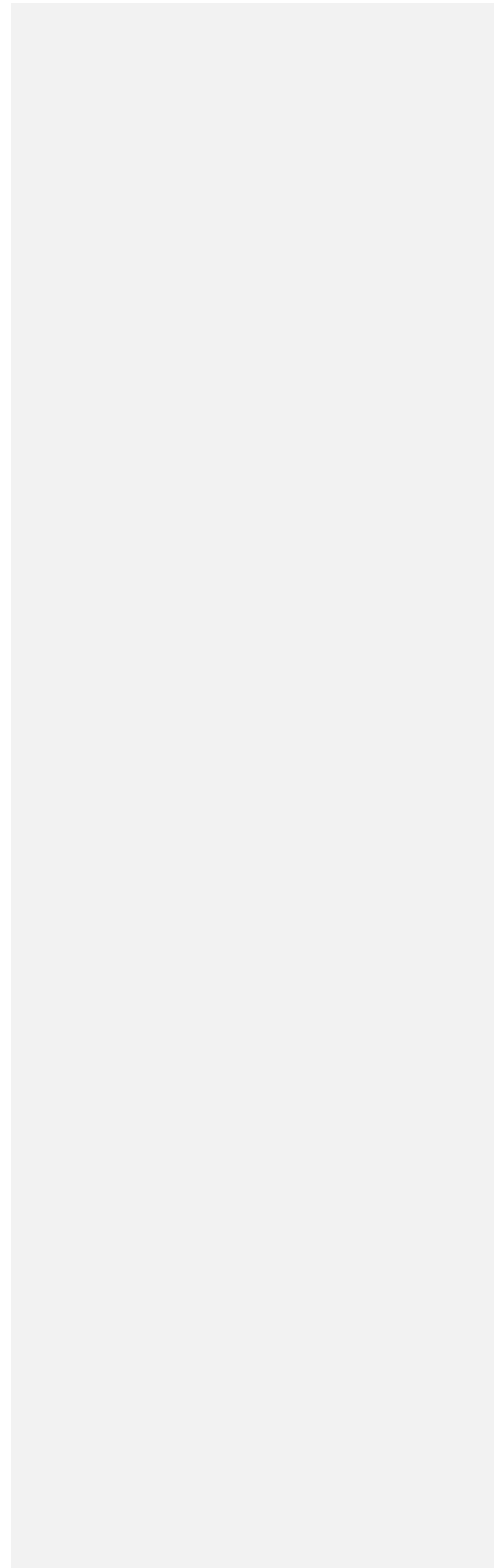
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Please acknowledge receipt of my letter of objection, in writing. Please advise me of next steps, and timescales.

Yours Faithfully,

[Redacted Signature]



Subject: (0526) Flood scheme objection
Sent: 24/04/2024, 13:41:36
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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Dear Legal Services

Please see my objections below to the MFPS.

- 1) Lack of nature based solutions at coast
- 2) A coastal engineered defence is premature
- 3) A sea wall could be undermined by erosion
- 4) Goosegreen bridge does not reduce flood risk
- 5) Dynamic Coast and NatureScot have both recommended an adaptation plan
- 6) All MAT should be subject to planning and not part of flood scheme as offers no flood reduction
- 7) The MFPS will affect my enjoyment of the amenity at Fisherrow and I require compensation for this loss.

[REDACTED]

Subject: (0527) Musselburgh Flood Protection Scheme Objection

Sent: 24/04/2024, 13:49:03

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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

24/04/24

Dear Sir,

I write to object to the current Musselburgh Flood Protection Scheme.

As a long time resident of Musselburgh I have real concerns regarding the overall scheme.

I object to the current proposal for the following reasons:

1. The scheme is largely based upon hard engineering solutions. The Council has adopted a hands off approach and has decided to leave the decision making process to the contractors Jacobs and their consultants. It is little wonder that Jacobs and their consultants have chosen to largely ignore nature based solutions, they are proponents of hard engineering after all. The lack of hands - on input by East Lothian Council (ELC) is very concerning as it indicates an abdication of responsibility for a scheme that the council itself has approved. Further consultation with experts that offer an alternative to hard engineering is desirable and indeed proper given the end result of the current proposal. A great number of Musselburgh residents are extremely concerned that no alternative approaches have been offered.
2. The costs of the scheme have spiralled and are expected to rise further. ELC has recently declared that it currently has a financial emergency. How does ELC propose to raise the funds required to meet its financial commitment to the scheme? Will the commitment to raise finance towards payment for the scheme mean a substantial rise in Council Tax across the County? We have not been informed where the funding will come from and given the financial state that ELC currently finds itself to be in I think the residents of East Lothian need to be told how said funds will be raised. Some clarity regarding this issue is imperative.
3. Given the scale of the proposed scheme, Musselburgh residents will lose much of the natural amenities within the town both during construction and indeed afterwards. The scheme will forever change the look of the town replacing natural spaces with hard concrete surfaces. The proposals for the river sections are unacceptable given the loss of both trees and amenity space. There needs to be a rethink of the river section proposals that offers a softer approach that does not cut down hundreds of trees and block off views of the river.
4. The proposed removal of the 'Ivanhoe' bridge offers no benefit as regards flood protection. Why this has been proposed as part of the scheme is puzzling given that the removal and replacement of this bridge is included as part of the Musselburgh Active Town (MAT) scheme. Likewise the proposed bridge at the mouth of the River Esk at Goose Green offers nothing in relation to the flood scheme. Why have these two bridges been included in the flood scheme? The inclusion of the MAT scheme as part of the MFPS scheme strikes me as underhand and designed to cause confusion to the layperson.

5. The Musselburgh Active Town proposal is unnecessary. Why do we need five meter wide paths when we already have excellent provision for cyclists and pedestrians? Having spoken with numerous cyclists, not one of them understands the need for such large paths and indeed many have expressed disapproval of the plans due to the destruction they will cause on the proposed route. The removal of the MAT proposal from the scheme at the last moment strikes me as underhand and dishonest on behalf of ELC and the contractors. We have had no explanation as to why this was removed, and I would like to know why this was done.

6. The Consultation process was anything like democratic. Residents were essentially told 'this is what you are getting'. Alternative suggestions have been ignored by both local councillors and Jacobs. These actions are undemocratic and give the impression of a decision making process that has been determined in advance. Ignoring the opinions of those residents who have a different opinion on how to best protect Musselburgh in the future smacks of collusion between ELC and Jacobs at the expense of people who actually live in Musselburgh.

7. If the MFPS commences as proposed, it is inevitable that graffiti vandalism will follow. Musselburgh has seen a huge rise in graffiti over the past five years. As I understand it no provision has been made to tackle the graffiti that will be sprayed onto the many flat surfaces of the scheme. For the council to approve a scheme like this with no thought for tackling vandalism after completion indicates a genuine lack of concern for Musselburgh. The parts of the town affected by the scheme will definitely be targeted and look absolutely terrible. Does ELC really not care how the gateway to East Lothian will look?

8. The proposed work in The Grove at The Inveresk Estate will involve replacing the boundary wall of the estate that meets The Grove. The trees at the furthest left part of the estate are hundreds of years old. It is highly likely that the proposed new wall's foundations will cut through the tree's roots thus killing the trees. We need a guarantee that the trees will be preserved or this part of the proposal should be scrapped. The residents of the lower houses on the estate knew where the river was when they purchased their houses and accepted any potential water damage being a possible outcome of residing by the river. Bland platitudes of 'trying to preserve trees where possible' are simply not good enough.

Kindly acknowledge receipt of this objection.

I do not consent to any form of communication with me regarding my objection other than by letter.

Yours sincerely



From: [Redacted]
Sent: 24 April 2024 13:52
To: Musselburgh Flood Protection Objections
Cc: [Redacted]
Subject: (0528) Objection letter to the proposed Musselburgh Flood Protection Scheme
Attachments: Musselburgh Flood Protection Scheme objection letter.docx

Follow Up Flag: Follow up
Flag Status: Completed

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Good afternoon,

Please find attached my letter of objection to the Musselburgh Flood Protection Scheme.

Apologies for sending this from my work email address, but I am currently having issues with my personal email address. However, I am copying my personal email address on to this e-mail, and I have also noted it in my letter, so I would really appreciate it if any response to my letter could be sent to my personal email address.

Thank you very much in advance for your time.

Kind regards,

[Redacted]

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

23/04/2024

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

mfpsobjections@eastlothian.gov.uk

Dear Carlo Grilli,

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

I live [REDACTED] [REDACTED] in Musselburgh, [REDACTED], near the river Esk. It is a lovely place to live. We moved to Musselburgh [REDACTED] and we love all that this town has to offer: the river and the walks alongside it, the lovely beach and harbour, the quiet pace of life. We often go on walks alongside the river [REDACTED] love wild swimming in the sea. [REDACTED] a puppy, so we are planning to go on even more walks along the sea and the river. We feel that the flood protection scheme you are proposing is unsightly, too harsh on the environment, it destroys our lovely green spaces, and it is unfair on young children, who won't be able to see the river and the sea when walking alongside them. Our [REDACTED] boy [REDACTED] and he loves those walks and the contact with nature. I strongly feel that building an almost 2 metres wall alongside our lovely river and sea will destroy the pleasure of these walks for my wee boy, let alone for us as a family and for the whole of the population of Musselburgh! Surely there must be other ways to deal with the risk of flooding that are more in tune with nature and with the good quality of life of the people of Musselburgh.

I object to the published scheme because:

- It destroys our green spaces, and it is too harsh on the environment;
- It will diminish the quality of life of my children and all the children of Musselburgh. I feel it is vital to offer children as much contact with nature as possible, and building those walls would do exactly the opposite;
- It is a waste of taxpayer's money. Money would be better spent in researching other more people and environmentally friendly ways to protect our town from future floods.

Please acknowledge receipt of my letter of objection in writing. Please advise me of next steps, and timescales. I would like communication to be either via email or post, I really don't mind the format, but I would like to be updated.

Yours Faithfully
[REDACTED]

Subject: (0529 NO ADDRESS) (no subject)
Sent: 24/04/2024, 13:53:07
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

Categories: NO ADDRESS

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While I have many reservations about the project I recognise it is now a fait accompli. However, there are details that need to be corrected. There is no need to replace so many of the bridges across the river, with the exception of the Goose Green area due to the issues surrounding the Electric Bridge, as it will only increase the cost. What will be achieved by demolishing the Ivanhoe pedestrian bridge? The existing bridge is the favoured route for anyone walking from the town, particularly Musselburgh Grammar school pupils, as it provides direct access to the Eskview/Stoneyhill area.

The proposed replacement upriver is not needed. Access to the bridge will be from the bottom of Whitehill Farm Road. As a cyclist, and someone who lives near the railway station, I know that hardly any cyclists use Whitehill Farm Road, preferring the designated national cycling routes. If the new bridge goes ahead the existing bridge should be retained. It will not catch flood debris as it is higher than the adjacent road bridge, and any debris should be caught by the new traps upstream.

There is also no need for a 5m wide path along the Forth shoreline.

The majority of cyclists prefer to use New Street, which is relatively quiet and direct to the Electric Bridge. Only a handful use the path along the shore, causing no problems. So a wide path along that area is just an added expense.

Lastly, I am concerned by the environmental destruction caused by a flood wall around the bottom of Inveresk Estate. More than 60 established trees, some magnificent specimens, grow along the existing wall. It will be impossible to but in flood defences without felling many existing trees or damaging the routes of those that remain. Some other option must be available, for instance retaining the existing wall with flood defences on the riverside of the path.

[REDACTED]

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

24/04/2024

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

mfpsobjections@eastlothian.gov.uk

Dear Carlo Grilli

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

I am a resident of Musselburgh. I use the areas surrounding the Esk for leisure, for example, running, cycling and walks with the family. I am also proud of Musselburgh's character and nature aspects of the town. It is a nice place to live.

I object to the published scheme because:

OBJECTION 1

Musselburgh has a number of birds, fish and other animals which call the Esk their home. The significant civil engineering works will seriously disturb these animal's homes. We have no right to significantly affect wildlife around the Esk.

OBJECTION 2

Concrete walls attract graffiti and these walls will significantly affect the picturesque character of Musselburgh to that of a urban slum. I do not believe that Natural Flood Management solutions have been properly considered. I understand these have completely ruled out from the start.

OBJECTION 3

I would also like to challenge the requirements to design to a 1:200 year flood. To spend millions of pounds on defences and destroy Musselburgh to cater for an event that is very unlikely to happen does not make sense. If an event is predicted through weather / tide forecast then temporary provisions should be made. The last major flood in Musselburgh was in 1948.

OBJECTION 4

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 / post*.

Yours Faithfully

[Redacted]





E-mail: 


23rd April 2024

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

mfpsobjections@eastlothian.gov.uk

Dear Sir

I am writing to object to the recently published Musselburgh Flood Protection Scheme (MFPS). I am a resident living in Musselburgh who regularly uses the river, seashore and lagoons all of which are subject to these proposals. These spaces are all valuable to me as a resident for my physical and mental wellbeing.  primary carer for  mother and sister both of whom will be adversely affected by these proposals not just from a loss of amenity but suffering from increased traffic, increased disturbance. This scheme I believe will have an impact on my family's ability to support them with the increased traffic in Musselburgh making it harder to get to them quickly in an emergency or take them for key medical appointments and essential shopping.

I have been a resident of Musselburgh and East Lothian for  years and during this time have enjoyed the river, seashore and the lagoons. I regularly walk my dog at the lagoons and am concerned at the impact these proposals will have on my enjoyment of this area.

I object to the published scheme because:

Cost

The scheme is currently costed at £132m in total, including £53m for the flood protection element of this. I can find no details which indicate that these costs are final,

or that the chosen contractor has agreed contractual terms which prevent costs rising or has penalties in the event of any breach of contract by them for any element whether it be financial, construction or health and safety as examples. This is a concern at a time when council services are being cut and in effect from the information available to me the final council costs are unquantified.

It is incumbent on East Lothian Council in its entirety to ensure any contractual terms protect the interests of its constituents whether it be financial or otherwise and I have unfortunately failed to find any evidence that East Lothian Council have fulfilled this obligation.

I understand that £4m, from the information available to me, had been spent by December 2023 on design and consultations. This is a particular concern when we are consistently seeing a decreasing budget available for core Council services such as social care for the vulnerable and elderly within our community (which would directly impact [REDACTED] properly cared for due to budget cuts), essential community health and wellbeing amenities: libraries, leisure, and culture. Within Musselburgh we have already seen a significant impact and I would highlight as an example, the closure of the Brunton Hall Theatre and the loss of the café within this building which was used by many including myself due to its proximity to public transport and disabled parking.

I believe that the scheme in its current form highlights that the budget and spending priorities for East Lothian Council do not match the needs of East Lothian Residents and with the current uncapped costs places an unnecessary financial burden on myself and my fellow residents within East Lothian. It is incumbent on East Lothian Council to demonstrate that within this scheme they have met this obligation.

Having researched further and from council meetings online it appears that East Lothian Councillors have voted for the scheme to progress on a false premise that if funding is not secured in Cycle 1 then the opportunity will be lost, however, from the information available to me it would appear that funding will be available in Cycle 2 which Musselburgh will qualify for.

The Scottish Government & COSLA working group on flooding has recognised the model of uncapped funding (known as Cycle 1) allows project consultants/developers to expand flood schemes into much larger, and more costly, projects. The escalating costs of this project should be scrutinised and capped to prevent further inflation of project and costs.

Musselburgh has been highlighted as the priority; however, recent reports suggest that the shore at Prestonpans to Port Seton is at greater risk and it is well documented that Haddington has a significant flood risk. I believe that East Lothian Councillors have made costs decisions based on, at best, incomplete information which does not make the best use of financial resources within East Lothian to protect the homes and businesses of areas which are from the information available to me considered more vulnerable than Musselburgh at this time.

One question which remains unanswered, and I cannot find any details for is the ongoing maintenance costs of this scheme which are significant I can only presume, without proof to the contrary, these will be significant, however, there appears to be no future planning for this and as noted earlier core council services are being reduced and East Lothian Residents should not suffer further for a scheme with no clear sight of data on additional costs. There are many examples, in my view, of the failure of East Lothian Council to carry out routine maintenance in the county under their current financial position and the burden the scheme in its current form will bring is unprecedented with no clear plan of what this will involve from the questions I have asked or the evidence I have seen.

The loss of use of the Riverside, Seashore, Fisherow Links and the lagoons which has a direct impact for myself I believe will require compensation to be paid to myself and many others. In addition, I believe the works will have a significant impact on the value of my home which I would fully expect to be compensated for under the Flood Risk Management (Scotland) Act 2009. The scale of the works will severely impact my enjoyment of our family home due to the noise, dirt and pollution due to the construction in Musselburgh most specifically at Pinkie School and the Lagoons. I will also lose the use of the river, seashore and Fisherow links during the construction phase all of which are important.

I do not believe that any consideration appears to have been given to the impact on the more vulnerable members of our communities for whom this will be a great deal of stress and anxiety and those who care for them. I am sure I am not the only carer impacted in this way.

New Street is already heavily congested and well used by motorists, cyclists, and walkers and at times it is difficult for cars to travel along this street. The addition of construction traffic including large lorries, will bring a huge amount of congestion to New Street, Eskside, Mall Avenue as examples with many more routes impacted. I fear as stated elsewhere in this letter this will cause difficulties and impact [REDACTED] in an emergency. I cannot stress strongly enough the wider impact this will have in our community if people cannot travel with minimum disruption due to the proposed flood scheme and associated works..

I have mentioned my concern about council budgets being under pressure for essential care. [REDACTED] carers to allow [REDACTED] to live at home as independently as possible. It is extremely worrying to me that [REDACTED] many others in [REDACTED] position could be made to suffer if provision is reduced due to pressure on budgets while money is spent without due diligence, or a true understanding of the cost being committed to. East Lothian have a duty of care to all vulnerable groups which includes children and adults to ensure the funds available to them are spent in the best interests of East Lothian and I strongly believe that this is not the case with the current proposals and as stated above it is incumbent on the local authority to demonstrate good stewardship and governance of public money for the benefit of the communities they serve.

Science/data

The MFPS does not offer alternative scenarios. It is tied to a 1:200-year climate change event. Scottish Government guidance says that a range of scenarios should be included. I do not believe that East Lothian Council have been given a range of options to judge what is necessary protection leading to potentially incorrect judgements being made by paid and elected officials. The figures provided by SEPA are predictions but by no means a certainty, yet the current proposals appear to take the view that these figures are a certainty.

East Lothian Council has commissioned a report on the coast from Dynamic Coast, which has been reported on in the press ([Beach in East Lothian suffered five years of damage in two days during storm - Edinburgh Live](#)). This report highlights that the planned defences will not work as they are not designed to deal with coastal erosion. It is inconceivable that a decision was made in January without this report being available particularly as it highlights the shortcomings of the current proposals in particular regard to the seashore. There are several highly publicised nature-based solutions already in place within the Forth estuary yet none of these, to the best of my knowledge, seem to have been considered or included in the consultations prior to the current scheme being developed which I believe is a major failing of East Lothian Council in its entirety and falls far short of the governance and diligence we are entitled to expect from appointed staff and elected officials.

I am aware that many residents have asked to see the data underpinning the scientific calculations of the project team, but these requests have been ignored. This concerns me greatly and I would like to be made aware of the reason for this as it does not seem unreasonable for residents to have access to this key information to allow them to assess if they feel the scheme meets the needs of their hometown.

The project team say they have adjusted flood defence heights in response to local feedback. From my own observations this amounts to fitting the science around the preferred outcome, rather than science/data leading to a properly calculated outcome. This makes no sense. I have spent considerable time reviewing the plans on the website with my family and I remain unable to identify the height of the walls proposed, however, from discussions I am aware of it will be hard for someone [REDACTED] who uses a wheelchair or wheeled walker when outside [REDACTED] to see anything other than the wall along the river. I would also point out that the ramps proposed will be extremely difficult [REDACTED] to use with [REDACTED] walker or for [REDACTED] other family member to push [REDACTED] wheelchair. Our local river is an important amenity for many and being deprived of the opportunity to enjoy this will have an impact on the physical and mental wellbeing of many of my neighbours and fellow residents who enjoy spending time here year-round.

Climate change may mean there is increased risk of flooding in future, but there are communities at much greater and more immediate risk. As I mentioned above Prestonpans, Cockenzie, Port Seton more locally and within Scotland Dumfries, Perthshire etc all seem to be at a greater risk. The damage suffered in North Berwick to

the harbour more recently springs to mind as another example of why priorities should be reevaluated by East Lothian Council and the Scottish Government to ensure public funds are spent where the need is greatest, and a plan should be in place for our county.

I understand that East Lothian Council were informed that Natural Flood Management (NFM) should be restricted to three interventions (use of 2 small reservoirs in the Pentlands, and a tree-catcher in Dalkeith Country Park). NFM could include an entire range of techniques to slow the flow of the river throughout the catchments, and to encourage the natural dune system along the coast. I believe it is a huge misjudgement that these were discounted at the start is wrong and the situation is made worse by the exclusion of NFM decided upon in October on the recommendation of Jacobs and backed by the elected councillors.

From my research I am concerned that the evidence presented to our elected officials in October was incorrect and the decision was also influenced by the way this information was presented. NFM, I believe offer longer term benefits to our local environment, those further upstream and offer a more sustainable way to address the flooding risk within Musselburgh especially in view of the climate emergency spoken about by East Lothian Council. I passionately believe that NFM solutions should be central to any scheme taken forward by East Lothian Council.

An example is native oysters (*Ostrea edulis*) which are native to the Firth of Forth and Scotland as a whole and are known for their ability to filter water and store carbon helping reduce carbon emissions by filtering 50 gallons of water a day. They also create a habitat by fusing together to form a reef which in turn increases the areas biodiversity as well as helping to reduce coastal erosion which as seen recently will have a greater impact in the future. [How oysters help fight climate change \(worldwildlife.org\)](https://www.worldwildlife.org/stories/how-oysters-help-fight-climate-change) gives a great amount of detail about the benefits to our climate, yet, I have found no details about these sorts of solutions in any of the project information. [Restoration Forth](#) is actively working to restore the oyster beds and seagrass meadows to deliver Marine restoration in the Firth of Forth and across Scotland. Greater consideration needs to be given to these projects which work with nature to restore our environments rather than creating man made solutions which will cause greater harm to our environment.

There are several examples where man-made flood schemes have failed, two of which were here in Scotland. The impact in Brechin of the flood walls failing was highly publicised as was the failing of floodgates in Perth. These evidence that man-made solutions do not prevent downstream flooding. Action is required upstream to ensure the flow of water is slowed or indeed excess water stored so it does not rush downstream causing flooding.

More recently we have seen evidence that the Scottish Government is heading towards NFM with [the Minister stating](#) "The Scottish Government recognizes the importance of natural flood management (NFM) measures in reducing, slowing or otherwise managing

flood waters across catchments and along the coast while also delivering multiple environmental benefits.” East Lothian Council have failed to give any sincere consideration to NFM to the detriment in my view of biodiversity within the River Esk and the shoreline at the Forth Estuary. This is a travesty for future generations who will face a bigger battle with climate change without the help of our established trees and wildlife to maintain our environment.

My last point is around the use of concrete to build flood defence. The level of emissions produced in the manufacture of concrete are well documented and, in a report, released by Princeton University in 2020 stated that the manufacture of concrete creates four billion tonnes of carbon dioxide worldwide each year. The level of concrete shown in the outline plans is staggering, together with the impact of the construction itself, additional traffic in Musselburgh and surrounding areas and the loss of trees and other biodiversity within the area it could be argued that the proposed flood defences will do more to add to the climate emergency increasing the risk of flooding whereas with NFM there is an opportunity to reduce the risk of rare flood events in Musselburgh while working with rather than against nature as has been shown to work in many other countries recently.

As a regular user of the Lagoons it is easy to see that concrete has a limited life, and while I am aware of the inclusion of the repair of these walls in the scheme I also object to what is proposed. This is an area rich in biodiversity and only now recovering from the year long works to the last two lagoons. The proposal as they stand will have a huge impact on the efforts already made by our local Ranger service and Scottish Power, in paying for these works as part of their contract, and in my view further adding to the climate emergency we are facing.

Transparency and process

My first concern around the lack of transparency is the lack of engagement from our elected representatives to understand the breadth of feeling among residents. There are several documented examples of constituents trying to interact with their elected representatives only to find that the project team were responding to them. This is unacceptable and I believe shows the lack of independence of East Lothian Council and the project team. It is entirely reasonable to expect that elected representatives are speaking for their constituents and respond in a timely and professional manner.

The documents have in the main been published online making it difficult to view the latest plans in their entirety. Many [REDACTED] have struggled with this format and have found it hard to understand what was proposed. I believe that this lack of transparency and availability of key information to all members of our community is another element of a flawed process which is designed to disenfranchise many sectors of the Musselburgh community. I would also highlight the lack of transparency to East Lothian residents who will be, by default, funding any potential scheme and its ongoing maintenance yet have been, to the best of my knowledge provided with minimal information.

It is disappointing that we as lay people are left spending several hours trying to view and understand the latest plans. This lack of transparency was also evident on 23rd January 2024 when agreement to the scheme progressing was given despite councillors having insufficient information an example being the Environmental Impact Assessment (EIA) which they did not have full sight of but voted through on the strength of only a non-technical summary. This is unacceptable and throws doubt, in my view, that the councillors' vote should stand as they voted without all the relevant information being available including the full financial implications with the officer present being unable to give sufficient information regarding the council's ability to meet their future liability for this scheme or where any required funds will be provided from within the budget.

I would also highlight that a vote was taken in January 2020 by East Lothian Council Cabinet, however, this was out with their terms of reference, and therefore they did not have the power to do so, as a scheme of this value should have been given the approval of the full council.

A further objection is the engineers who have been appointed to design the project were the authors of the Environmental Impact Assessment, I am not sure where else this would be allowed to happen in the private or public sector. The engineers ruled out all alternatives to the current scheme during the options appraisal. This in effect meant that no public scrutiny or debate took place as none of the alternatives were made available to the community. I would also state that I do not believe that there has been sufficient challenge or scrutiny of the consultants and engineer as when I asked the question about who was qualified within the council to oversee this project at the open days in June not one person could give me a response other than the Designer and Consultants would be advising the council. This demonstrates the complete lack of independence throughout this process and further concern about the openness and transparency at all levels of this proposed scheme.

The plans as submitted are not clear on the fate of the trees affected by the scheme. The benefit of trees to our environment are well documented. It is unacceptable that so many mature trees will be lost with the resultant impact and as noted above adding to the climate emergency we are experiencing.

I have only latterly become aware of this proposed scheme through community activism rather than the efforts of East Lothian Council, elected representatives or the engineers and consultants. The public consultation last year was not open for sufficient time to let all those with a legitimate interest view the plans. The exhibition itself showed drawings which were not to scale, bridges as they would look during a 1:200 year flood and not an everyday view. The drawings are also misleading in terms of height. I would also point out that the exhibition was not disability friendly [REDACTED] [REDACTED] unable to view the boards from [REDACTED] wheelchair limiting [REDACTED] ability to participate in the consultation. I believe it is incumbent on East Lothian Council, the consultants and engineers to ensure that the whole community can access the information. My objection is that I do not believe in this process this has happened with

those who are not computer literate or who suffer a physical or mental impairment potentially excluded from participating in this matter.

Multiple benefits and active travel

My first objection to the proposals is the ramps used to provide access to the bridges which for those with limited mobility will be difficult to manoeuvre and for those in wheelchairs they will be reliant on others pushing them. [REDACTED]

[REDACTED] this will be quite a physical challenge for many. The height of the bridges is excessive, and the images provided at the June consultation only showed a view where there had been a significant flooding event which was not accurate and did not allow the public to question the consultants.

The new bridge at Goose Green does not add anything to the flood protection scheme and I, from my own conversations family and friends, can see no local demand for this additional bridge and believe it takes away from the natural beauty of the area as it is, although the current proposed scheme will by default destroy the beauty of our river, destroy wildlife habitats and the biodiversity of this area.

The inclusion of the Musselburgh Active Toun (MAT) proposals does not contribute to flood prevention, and I would argue that the excessive width of the paths will create the need to narrow the river which commonsense would show means any flood water has less space and could actually increase the risk of flooding in the area. Based on my understanding of planning regulations these should be subject to planning permission, however, the flood scheme seems to have conferred permission. I do not believe that the information published clearly shows which parts of the MAT will require planning and which will bypass this as included in the flood scheme. Indeed there seems to be an awful lot of confusion about what is actually currently included in this current phase of the project making it harder for residents to understand the scheme.

The inclusion of MAT ignores the views of many who do not support the extensive paths proposed. As a [REDACTED] resident I am familiar with Musselburgh Lagoons, Goose Green, Eskside and the sea front and believe the existing paths are sufficient for the current level of travel by walkers and cyclists. The unprecedented level of new housing in the area has not seen a significant increase in foot or cycle travel, the same cannot be said of the road network which is under significant pressure which will only be added to by the proposed scheme. I would also highlight that these plans have been extended and developed beyond the scope of the original consultation and discussions.

My daughter has been studying [REDACTED] at the [REDACTED]. A large part of this course is considering sustainable tourism to allow visitors to enjoy the natural heritage and environment with minimal impact. Having discussed her course with her I am struck at how out of step this proposed flood prevention scheme is with so many other public bodies and international organisations who are all working to preserve our environment

and climates by working with nature, learning the lessons of the past through archaeology and history and moving away from purely man-made solutions. It is disappointing that the consultants appointed and East Lothian Council are so disconnected with the movement to engage with and respect nature when designing this proposed scheme.

The final element is the cost of the MAT with no figures have been published to show the cost of the scheme. The cost to East Lothian Council and therefore all residents of East Lothian have never been openly discussed to allow open and informed debate by residents.

General amenity, health, and well-being

I have outlined my concerns above regarding the loss of local amenities many of which are Musselburgh Common Good Land. The proposal shows the extent of the loss of these to the community and the loss of these should be compensated as stated above. I am not alone in enjoying these with innumerable residents and visitors visiting each day. The proposed works mean that there will be no alternative for people to enjoy the outdoors and the river with the inevitable impact on their physical and mental wellbeing.

I would also object on the grounds that the River Esk is a site of significant historical significance. [The Battle of Pinkie Cleugh](#) was fought on the River Esk on the 10th of September 1547 during the war of rough wooing and was the last pitched battle in Scottish history. The battle ended in defeat for the Scots with around 6,000 being killed. This creates an element of history and the roman bridge which as the name suggests has had a bridge of some form there since the roman era when there was a roman fort an Inveresk and is still important in the annual festival within Musselburgh.

It is estimated that the project construction will take a minimum of five years causing major disruption. I am extremely concerned at the increased time it could take to travel to our family members in an emergency and the increased time required when taking them to medical appointments. The increase in traffic within Musselburgh should not be underestimated causing danger to life if emergency services are unable to get through traffic on an already congested High Street which also has many more restrictions due to the change to bus stops and cycle lanes.

██████████ reliant on social care workers many of whom rely on cars to travel to clients from their own homes or as part of their daily schedule. The increase in traffic and disruption to movement in Musselburgh is likely to have a significant impact on this sector and it is vulnerable people who could be left without the service they are entitled to expect as part of their care package. I am also extremely concerned about the additional stress and worry this will cause to social care workers and other essential workers if they are unable to travel safely and easily to where they are needed.

The recent pile works at Mall Avenue were extremely disruptive and I am concerned about the impact this work will have on surrounding properties in all the affected areas

including those of my family and the damage this could cause due to the level of vibrations during the construction phase which are considerable. The project will take at least 5 years to build. It will be a major cause of disruption.

The figures quoted regarding the number of properties which will be protected by the scheme vary greatly. This information should be clear and transparent and clearly evidenced. I have not seen any evidence of the impact of this scheme on those at risk of flooding in a 1 in 200-year event and the proposals seem excessive. It is also widely acknowledged that there has been no flooding on the beach or Fisherow Links in living memory or historically.

Knowledge and methods are continually evolving, the project team themselves seem to be stating that there is no high degree of danger in the next 50 years from the information gleaned from the open days at Eskmills. It would seem prudent to desist from spending exorbitant sums of money now without understanding and exploring sustainable alternatives which will protect our community, our wildlife, habitats and our river and seashore together with our local e for future generation rather than crumbling concrete which is not maintained and would become a danger.

Recent flooding in Musselburgh appears to be connected to inadequate drains and sewers. Many of the issues with flooding have arisen since the building of new homes in Musselburgh, Wallyford and Whitecraig has grown exponentially. The building of the current proposed scheme will prevent water escaping to the river and there does not appear to be adequate provision for future maintenance of any measures proposed. My wife asked this question at the open days in June 2023 and was advised that it was a matter for East Lothian Council who would be responsible for all maintenance costs on completion of the project. No figures have ever been produced for this.

This matter has been discussed at length by myself and my family and we are all extremely concerned about the impact on our home town and I have been struck by my daughters' concerns as part of the generation who will be most impacted by this proposed scheme. I feel strongly that we should be carefully considering any measures to protect our environment but also safeguard this for future generations to help them in the continued fight against the climate emergency we are facing and my closing objection is that the current proposals with no real consideration of natural solutions falls far short of this objective.

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

Yours Faithfully,



Subject: (0532) Objections to Flood protection plans for Dalkeith Country Park

Sent: 24/04/2024, 14:14:52

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
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Service Manager – Governance
Legal Services
East Lothian Council
John Muir House
Haddington
EH41 3HA

Wednesday 24/04/24

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 ride 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.

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 ride 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, the movement of livestock, 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 the livestock. 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. In this world of climate change activists we are supposed to be saving trees 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,

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 ride 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?

Yours Faithfully

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

Sent from my iPhone

Subject: (0533) Musselburgh Flood Protection Scheme
Sent: 24/04/2024, 14:35:17
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [REDACTED]

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[REDACTED]

24 April 2024
Carlo Grilli
Service Manager – Governance Legal Services
East Lothian Council
John Muir House
Haddington
EH41 3HA

mfpsobjections@eastlothian.gov.uk
Dear Carlo Grilli

As a resident of Musselburgh, I am writing to object to the recently published Musselburgh Flood Protection Scheme.

I object to the published scheme as I believe it will ruin the nature of Musselburgh, turning an important asset of the town into, in effect, an open drain.

I do not think East Lothian Council (or any one council) have the knowledge or experience to make a decision of this magnitude and are being blindly led by the project consultants and developers.

I also believe that ELC cannot justify the huge expenditure this project will entail, especially during this time of financial uncertainty.

Throughout the decades many a Scottish town has been blighted by decisions made by our council representatives. Please do not add to this litany of carbuncles. 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.
Yours sincerely

[REDACTED]

Subject: (0534) objection to Musselburgh Flood Protection Scheme
Sent: 24/04/2024, 14:36:56
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
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Categories: [REDACTED]

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[REDACTED]

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

mfpsobjections@eastlothian.gov.uk

24 April 2024

Dear Mr Grilli,

I agree that Musselburgh now needs some form of flood protection, however I am objecting to the current proposals for flood protection in Musselburgh, for the following reasons.

1. The plans include a narrowing of the river near its mouth. I believe that alternatives to this method should be used, whether the intention of the narrowing was to accommodate a new cycle path or for another reason. I think it is unnecessary to create a 5 metre wide path on the Goose Green side of the river when this area contains paved areas and fairly quiet roads that most cyclists would be comfortable using.
2. I disagree with the removal of mature trees in the town centre. This and over-concreting of the river banks will disconnect the town from its natural environment. This will have a major impact on people who live in the area and also those who enjoy walking through it. The town will lose a lot of its character if what we are left with is concrete walls, possibly in some places covered with graffiti, and “replacement” small trees inside plastic tubes.
3. I am concerned about the expense of the project, which is designed to protect the town for around a hundred years. The finances of the council are over-stretched now, and it seems inevitable that there will be cuts to public services in order to maintain loan payments for the council’s 20% share of the scheme cost. I believe these funds should be spent elsewhere for the benefit of people in East Lothian, for example re-opening the Brunton Theatre which in recent decades has been a great asset for our town. We should be focusing more on current issues that are affecting people now - a flood scheme completed in the late 2020s will have suffered decades of various damage before it is properly needed due to the effects of climate change.
4. The scheme needs to take much more time to fully explore natural solutions to flood management further upstream. This may enable wall heights to be reduced - in the current proposals, the walls are up to 1.8m high in some areas.

Please note that I request communications from the Council and project team to be in written form.

Yours sincerely,



Subject: (0536) MFPS
Sent: 24/04/2024, 14:44:36
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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Good afternoon,

I would like to object to the floor prevention scheme wall.

My name is [REDACTED] and my address is [REDACTED].

The wall will be a huge cost which I feel is unnecessary and it will be an even bigger eye sore which will ruin our beautiful coastal town and all of its appeal.

Thank you,
[REDACTED]

Carlo Grilli

Service Manager – Governance

Legal Services

East Lothian Council

John Muir House

Haddington

EH41 3HA

24th April 2024

Dear Mr Grilli,

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

As a visitor to Musselburgh to go birdwatching, I am particularly concerned because the scheme fails to properly protect or enhance the areas' internationally important bird life.

I object because the Environmental Impact Assessment (EIA) Report is inadequate on several grounds, notably the lack of detailed ornithological baseline data and failure to identify the loss of important coastal habitats over the long-term. Consequently, the full environmental impacts of the proposed scheme cannot be properly assessed and does not allow East Lothian Council to fulfil its biodiversity duties. Specifically:

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. The Scheme neighbours or overlaps with several internationally and nationally important designated sites for birds (Firth of Forth Special Protection Area (SPA), Firth of Forth Ramsar Site, Firth of Forth Site of Special Scientific Interest (SSSI), and the Outer Firth and the St. Andrews Bay Complex SPA), and any assessment of impacts on these designations must be informed by comprehensive, robust and appropriately detailed baseline data. The EIA Report does not present such data.

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 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.

Additionally, there is concern over the validity of the 'through the tide counts' which coincided with the construction activity for the new lagoons between 2021 and 2023. The

results from these surveys will not be representative and further undermines the reliance that can be placed on a significant proportion of bird survey data used in the EIA Report.

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. This impact needs to be fully identified and assessed in the EIA Report. 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).

Lack of Evidence to Substantiate the Findings of the Impact Assessment

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 EIA Report's assessments of impacts on internationally or nationally important bird species are made repeatedly without any reference to peer reviewed or other evidence, or even to standard NatureScot guidance (for example, in relation to disturbance, Goodship and Furness 2022¹). 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 area². Furthermore, East Lothian Council, who commissioned the EIA, has 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).

¹ 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.

² 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 Cocksie Combined Cycle Gas Turbine Power Station application.

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 and 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 loss³, 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.

I would be grateful that you please acknowledge receipt of my letter of objection, in writing, and advise me of the next steps in the process. Thank you very much.

Yours sincerely,



³ 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*.

Subject: (0538) Objection to MFPS
Sent: 24/04/2024, 14:44:46
From: [REDACTED]
To: Musselburgh Flood Protection Objections

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Dear Legal Services

Please see my objections below to the MFPS.

- 1) Lack of nature based solutions at coast
- 2) A coastal engineered defence is premature
- 3) A sea wall could be undermined by erosion within the next few decades
- 4) Goosegreen bridge does not reduce flood risk
- 5) Dynamic Coast and NatureScot have both recommended an adaption plan - please listen to them!
- 6) All MAT should be subject to planning and not part of flood scheme as offers no flood reduction.
- 7) The MFPS will affect my enjoyment of the amenity at Fisherrow which I use all the time

Name: [REDACTED]
Address: [REDACTED]

While [REDACTED] address may be in [REDACTED], I grew up in [REDACTED] went to [REDACTED] and intend moving back into Musselburgh in the near future [REDACTED]
My family going back generations were part of the fishing and wire mill communities.

Evening and weekend walks along the prom were the norm. Please do not take our future away from our children. A plan may well be required but definitely NOT THIS PLAN

Subject: (0539) Musselburgh Flood Scheme Objection
Sent: 24/04/2024, 15:07:26
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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FAO:

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

FROM:
[REDACTED]
Date: 24.4.24

Dear Mr Grilli

I am writing to object to the recently published Musselburgh Flood Protection Scheme for the reasons set out below.

1. Design and aesthetics of the scheme.

My family home is right beside the river at [REDACTED] and will be directly impacted by the proposed concrete falls. The house will remain part of our family and we are concerned that concrete falls ruin the aesthetics of the area we live in and will consequently devalue our house. I have no doubt that the walls will be graffitied as other structures along the river and grove have been graffitied and this will be an eyesore for my family and for the town I have lived in all my life.

2. Safety

Concrete walls pose a safety risk with people or children attracted to walk on top of them and if they fell they would be out of sight and the risk of drowning increased. The river as it is with its natural banks is open and I know from

years of experience playing in the river as a child that people see any current dangers.

Having walls also poses a safety risk to women at night and combined with the new low efficient lighting in the area could mean women and vulnerable adults are hidden or out of clear sight and this is a safety risk.

3. Wildlife

Having lived by the river most of my life, I know there is wildlife that will be majorly impacted by construction and in particular there are water voles which I have seen along the river which are protected by law and it's forbidden to disturb their habitat. There has been very little if anything at all in the planning literature on the ecological impact on wildlife. I don't see that a survey on water voles has been undertaken? I have seen water holes at night running along the water banks and this is a huge concern with legal implications.

4. Alternative natural solutions

The most recent flood [REDACTED] at Eskside west took place in the late 1960s. Thereafter the water has gotten up to the [REDACTED] a few times in the 1980s and sorted with sand bags but in the last two decades the water levels in the river have dramatically declined and there has been no floods. The water has been up to the grass but that is it. Having swam and played in the river I know the water levels have declined and there are lots of bare stoned areas now in the river. While there might be a risk of flooding from the sea in future years, associated with rising sea levels, there is no immediate risk or justification for concrete walls. There is also no guarantee that in 40 years or so that these walls will be fit for purpose should there be flooding in the coming decades.

I don't believe there has been sufficient exploration of natural flood defences. Other countries and cities have put natural defences in place rather than concrete walls and from the literature I have seen there hasn't been full scoping or exploration of these.

The options put forward to address flood defences are extremely limited and I do not believe that all solutions have been looked at or considered appropriately.

5. Cost

The costs involved are huge and are not justified when there is no immediate risk. The walls will need more money to be maintained over the decades and by the time real flood risks arrive the walls will not be fit for purpose. Costs aren't capped either. It is pouring money into a black hole.

We are in a cost of living crisis and the council are cutting services everywhere so from an ethical and financial decision making point of view putting millions into this scheme cannot be justified. It highlights the poor financial decision making of the council.

6. Lack of democratic consultation

It is clear that most of the people who have lived in Musselburgh all their lives do not want this scheme and it has divided the town. The people who seem to be in favour of concrete walls have not lived in the town all their lives and will no doubt move on. The council should have considered asking the people of Musselburgh to vote on any solutions in a democratic referendum.

7. Lack of clarity

There is a lack of clarity around wall sizes, and details in the scheme and no attempts other than a glossy magazine issued to address this. I believe the council is also waiting on a coast report which is not available yet and it is hard to understand how decisions can be made without all the issues of clarity being understood first. There is no data around the detail of why other solutions were ruled out and making decisions without full clarity is reckless. I don't actually believe the council members have the skill, capacity or professional judgement to be making decisions on such a huge proposal and independent advice or escalation to the Scottish government should be made.

I would like to confirm that the above are my own personal views and objections to the scheme and in no way have I copied anyone or been pressured into making this objection.

Kind regards

[REDACTED]

Sent from my iPhone

Subject: (0540) Line: Musselburgh Flood Protection Scheme Objection

Sent: 24/04/2024, 15:09:00

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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

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

Hi, my name is [REDACTED].

I would like to object to the Musselburgh Flood Protection Scheme.

I live at [REDACTED] which is not far from Musselburgh and think it's currently a beautiful and peaceful place to go to walk and enjoy the riverside and the coast. I object:

- To the height of the flood walls
- To the height and width of the embankments
- To the loss of the amenity space (all the beautiful riverbank)
- To the loss of the river views
- To making the river more like a canal with high walls on either side
- To narrowing the river which will not help with flooding but will make it worse
- To making the bridges wider again which will not help with flooding
- To knocking down and rebuilding the Ivanhoe Bridge (the report says this bridge doesn't cause a flood risk)
- To building a new bridge where the river meets the sea as this will also not help with flooding
- To making the bridge ramps so wide which will not help with flooding
- To using so much concrete and that the carbon footprint of the project is so high
- To making it so that there will be practically no seating areas along most of the river where you can sit and see the river
- To stating that your flood designs did not include the Musselburgh Active Toun when it's really clear that all the Active Toun designs are still on the drawings this will mean you will break planning laws if the flood scheme gets approval
- To the complex way you gave the public the proposed scheme information it wasn't clear and I struggled to understand it

Yours faithfully

[REDACTED]

Sent from my iPhone

Subject: (0541) Objection to Jacobs Internal Environmental Impact Assessment.

Sent: 24/04/2024, 15:10:59

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [REDACTED]

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Carlo Grilli,
Services Manager—Governance,
Legal Services,
East Lothian Council,
John Muir House,
Haddington,
EH41 3 HA.

Dear Sir,
Objection to Internal Environmental Assessment by Jacobs.

I believe that Jacobs team are legally correct in using their highly trained team to provide the Environmental Impact Assessment. Last June, at the Exhibition attended sadly by a tiny percentage of Musselburgh citizens, I commented to one of the Jacobs team that I was sure there would be great trouble when the E.I. A. was undertaken. The reply was swift, " Oh no, my dear, our EIA Is done by Jacobs."

This scheme, if accepted, will change Musselburgh for ever.
To two of our main assets: the river and the sea, the visual prospect is horrifying.
Surely, when changes to a town's landscape , plant and animal life are so massive,
It would be fair to have an independent group to be judges of environmental impact.
The lives of Musselburgh people will inevitably adversely affected.
Our walks will be less interesting with poorer views, fewer trees and fewer animals.
Many town features and traditions will have to change.
For years we will be subject to all the disadvantages of a building site.
Some of our open space will be used for machines and equipment, thus reducing

I attach a photo taken by a friend, of otters on the Esk. I object that the EIA under states the negative impact the Scheme and construction of the Scheme would have on our treasured otters and all wildlife along the Esk and coast.

Perhaps there could be more under statements in the Jacobs Environmental Impact Assessment?

I object that an Independent Environmental Impact Assessment has not been undertaken.

Yours faithfully and sincerely,
[REDACTED]





Subject: (0542) Musselburgh flood protection scheme
Sent: 24/04/2024, 15:29:54
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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Dear Mr Grilli

I am writing to object to the recently published Musselburgh Flood Protection Scheme. As a resident of East Lothian and someone who pays thousands of pounds each year to East Lothian Council by way of Council Tax, I do not accept that the proposals as outlined represent a proportion nor appropriate way to combat a one in 200-hundred-year possibility.

I believe East Lothian Council (ELC) should withdraw these proposals and review them. Far greater heed needs to be paid to the concerns of ordinary residents of Musselburgh and the wider East Lothian areas; it is obvious that ELC has failed to convince many people of the worth of their proposals. I note that the story has been reported in many local and national media outlets, all with a negative view of the Council, its decision-making processes and of the value of the Scheme itself.

As someone who visits Musselburgh at least once a week and enjoys the river environment, I am horrified at the prospect of walls up to two metres in height; the loss of many mature trees, the construction of five-metre-wide paths; the destruction of green areas; the destruction of wildlife habitat; and the impact on local people.

As a contributor to central and local government tax coffers, I do not accept that this is the best way to spend public money. It is obvious that the current proposals, emphasising 'hard' landscaping 'solutions' have been arrived at with little consideration given to upstream alternatives, to help water be better absorbed there – for example, increased tree planting, the removal of drains in upland areas, and the redesign of tributary waterways that would – without question – lead to a reduction in the water flow reaching Musselburgh.

I object to the published scheme on the following grounds:

Science and information provided thus far by East Lothian Council –

- 1) The Scheme does not offer alternative scenarios. It is tied to a one in two-hundred-year event. Scottish Government guidance says that a range of scenarios should be included. How could the Council judge what is necessary protection without being given a range of options?
- 2) The Council has commissioned a report on the coast from Dynamic Coast, but this is not yet available publicly – why has this not been made public? Why is the public not being shown this information? Local residents have asked to see the data underpinning the scientific calculations of the project team, but these requests have been ignored. What is the reason for the lack of transparency?
- 3) The project team say they have adjusted flood defence heights in response to local feedback. This amounts to fitting the science around the preferred outcome, rather than science/data leading to a properly calculated outcome. This makes no sense.
- 4) The Council was informed that natural flood management (NFM) should be restricted to 3 interventions (use of 2 small reservoirs in the Pentlands, and a tree-catcher in Dalkeith Country Park). NFM could include a whole range of techniques to flow the slow of the river throughout the catchments, and to encourage the natural dune system along the coast. The fact these were discounted at the start is wrong and the situation is made worse by the exclusion of NFM decided upon in October.

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

- 5) All the indications are that the use of NFM, nature-based solutions and a flood resilience (rather than prevention) approach are preferred over building flood walls. Even in massive river catchments like the Severn, these approaches are being discussed and trialled. The flood walls in Brechin (built/renewed 2015) recently failed. The flood gates in Perth recently failed. Man-made interventions cannot prevent flooding downstream – we need to do more upstream to slow/store the water so it doesn't rush down through the town.
- 6) The Scottish Government is heading towards NFM. On 23 December 2023, the Minister stated <https://www.parliament.scot/chamber-and-committees/questions-and-answers/question?ref=S6W-23835> *“The Scottish Government recognizes the importance of natural flood management (NFM) measures in reducing, slowing or otherwise managing flood waters across catchments and along the coast while also delivering multiple environmental benefits.”* Why is East Lothian Council not in step with the Scottish Government?

Cost –

- 7) The scheme is currently costed at £132M in total, including £53M for the flood protection part – but you have not provided no cost breakdowns to the public. Why not?
- 8) The Council has been told the cost is likely to rise. How can the Council have voted this through with so little information?
- 9) Why has no cap been put on the cost?
- 10) East Lothian Council has stated that if they do not secure the Cycle 1 funding, they will get nothing. But that is not true, there will be funding in Cycle 2, which should be onstream after April 2024, and Musselburgh would be eligible.

Transparency and process –

- 11) The engineers appointed to design the project have also been allowed to write the environmental impact assessment (EIA). Why?
- 12) These engineers carried out an options appraisal that ruled out all alternatives to the current scheme, without those options being made available for public scrutiny or debate. Why?
- 13) Throughout the scheme the consultants and engineers have not been subject to challenge or adequate scrutiny. Why? This is a public scheme, paid for by public money, which will affect thousands of members of the public. So why are not at the heart of the decision making process?
- 14) On 23 January 2024, the Council agreed to the scheme progressing, even though they had not had sight of the full EIA, only a 'non-technical summary'. Why was the decision taken, given the huge gaps in information?
- 15) In January 2020, East Lothian Council Cabinet voted through the preferred scheme. Given the value of the scheme, this should have been approved by the full Council. The Cabinet did not have the power to vote on a scheme of this magnitude. Why was a full Council meeting not held?
- 16) It is clear, from the huge levels of public protest to what is proposed that ELC has failed to win the case for its proposals. Does this not tell you something? Many eminent local residents – retired engineers and town planners amongst them – have highlighted the many flaws with what is proposed. Are you suggesting that these people are simply wrong? Those of us protesting do so out of love for the place we live – not because we are NIMBYs but because we vehemently disagree with the notion that what is proposed represents a sensible, proportionate idea.

Multiple benefits and active travel –

- 17) The scheme has become entwined with the Musselburgh Active Toun (MAT) proposals, but the cost of the MAT scheme is unknown and is likely to require a 30% contribution from ELC, which has never been openly discussed. Why?
- 18) MAT proposals do not contribute to flood protection – so why has the Council chosen to conflate the two issues? The answer posited by many is that the Council wishes to minimise and reduce public

scrutiny of the MAT proposals. Why are they not separate, to ensure proper scrutiny using the normal planning permission process?

19) The proposed new Goosegreen bridge does not add flood protection to the town. Why has ELC suggested it does?

20) The MAT proposals included in the scheme are now much grander than those originally discussed and consulted upon. Why have the revised versions not been put back out for public consultation?

21) Why is ELC considering a 5.5m wide path in some areas? Tarmac/concrete will reduce soak-away space (ironic as this scheme is supposed to help reduce the likelihood of flooding).

22) Trees and grassed areas will be felled and covered over with man-made, carbon-intensive building materials. This is not in keeping with the stated aim of working with nature.

General amenity, health and well-being –

23) The project will take at least 5 years to build. It will be a major cause of disruption. There will be pile-driving all along the river. This will result in hugely increased levels of noise pollution and increased air pollution, thanks to works traffic.

24) What consideration has been given to people's wellbeing, living for that time amid a building site?

25) The banks of the Esk and Fisherrow Links are Common Good land, and any interruption to their use by the community should be compensated. What plans does ELC for that?

26) Hundreds of people enjoy these amenities every day, where will they go to benefit from being in nature and by water?

Yours sincerely

A large black rectangular redaction box covering the signature and name of the sender.

Subject: (0543) planning objection
Sent: 24/04/2024, 15:31:06
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Importance: High
Follow Up Flag: Follow up
Flag Status: Completed
Categories: [REDACTED]

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[REDACTED]

24th April 2024

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 ride 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 also consider this an important piece of land that deserves to remain unspoilt by building works

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 ride 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, the movement of livestock, 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 the livestock. 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. In this world of climate change activists we are supposed to be saving trees 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,

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 ride 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?

Yours sincerely



From: [REDACTED]
Sent: 24 April 2024 15:33
To: Musselburgh Flood Protection Objections
Subject: (0544 [REDACTED]) Fwd: planning objection

Importance: High

Categories: [REDACTED], Added to excel spreadsheet

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[REDACTED]

24th April 2024

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- 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, the movement of livestock, 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.
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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.

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Yours sincerely



[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
23/04/2024

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

mfpsobjections@eastlothian.gov.uk

Dear Carlo Grilli,

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

[REDACTED] live and work (from home) in the Musselburgh Fisherrow area [REDACTED]. We have views over the [REDACTED] and [REDACTED] towards Arthur's seat and Edinburgh. [REDACTED] we own [REDACTED] properties in the Fisherrow area and another property in Musselburgh [REDACTED].

I object to the published scheme because:

OBJECTION 1

It will destroy the natural aesthetic and beauty of Musselburgh.

I strongly object to the approach taken to deliver the Musselburgh Flood Protection Scheme, especially the plan to destroy the natural beauty of the town by cutting down trees and building walls along the river Esk. This will irreversibly destroy the primary appeal of the town, its aesthetic quality. This is an absolute disaster for the town; worse than the damage any flood has ever caused and cannot be justified on any level.

All those involved in the design, planning, and approval process will not be remembered as modern-day Noah's saving humanity from a biblical level flood but will go down in history as climate change "villains". Future generations will hold them in contempt.

OBJECTION 2

Loss of amenity

Our family enjoys the amenity of the Fisherrow harbour, beach, Fisherrow links and the river. We will be significantly impacted by both the works and the final plan, and not for the better. We are deeply concerned it will restrict our access to and views of the sea from our residence and when taking frequent walks along the sea and river. A wall is a barrier, if it can't stop a person, it can't stop an ocean. Any argument it won't impact access or views is simply an insult to our

intelligence and an outright lie. How many people walk along the beach at Portobello where a much smaller wall to what has been proposed limits their access, very few.

In comparison, the Gold Coast in Australia build sea walls to protect against the might of the Pacific Ocean. However, these are almost invisible, built “under the sand” and formed into a “natural looking dune system” between the Skyscrapers and the beach and sea. You don’t know they’re there unless a massive storm exposes rock due to erosion. It is “not” a concrete wall eyesore begging to be covered in graffiti by bored and disenfranchised youths. It is abundantly clear parts of the design are a product of local ignorance, not global expertise and must be reconsidered.

OBJECTION 3

Flawed approach.

The approach the Scottish government has taken is deeply flawed on several levels.

Throwing concrete at climate change! Really?

Responding to the impacts of climate change by writing “blank cheques” to engage in the very industrial activity that causes it by using tons of concrete is insane. By not capping costs or limiting to environmentally friendly and sustainable solutions enormous effort and thus gravity is placed on designing the largest scheme possible to achieve the highest profits. This is exactly how deeply unpopular, disruptive, unnecessary, or impractical projects like this scheme gets “pushed/forced through” in spite of any genuine public interest and in direct contradiction to reducing the kinds of activity that significantly contributes to climate change to meet the countries climate goals.

Any claims this scheme is environmentally friendly, or carbon neutral are highly questionable. Be honest, carbon credit and offset schemes are almost Ponzi in nature, and simply a marketing exercise in greenwashing. At some point in the future schemes that have relied on false claims of carbon neutrality may be held accountable for misleading the public and forced to pay back the debt. The UK government has a track record of introducing both retrospective and retroactive legislation if there’s a financial incentive to do so.

To exclude obvious actions, like dredging the river, and to ignore nature-based solutions is entirely unacceptable. [REDACTED]

[REDACTED].
Once dredging completely stopped in many parts of the river, particularly upstream, silt built up, flow capacity reduced and mass flooding returned in 2011. And yes, the Brisbane River is way more tidal than the River Esk, dredging shouldn’t make that much of a difference, but it did. The physics is simple, if you use walls to restrict the flow of water and raise the water columns height above ground level (i.e., increase its gravitational potential energy), you create a pressurized pipe that cannot accept any more water. All the drains stop working. The very drains that exacerbate the current flooding. Areas that currently don’t flood, will flood since you won’t be able to “pump enough water” into an already overloaded pipe. Water that currently drains into the river, won’t drain. Simply look at the River Esk, its clear to anyone who looks you could lower the river by a meter or more, increasing the flow rate/capacity and build much lower “grassed embankments (buried walls)” to mitigate flooding at a much lower cost.

OBJECTION 4

Alternative proposals.

Alternate options like making “funds available as grants” for both public bodies and private business and individuals to apply for to improve their own flood defences are not discussed. You want a wall around your property, better drainage, reinforce the foundations or structure, increase the height or install pumps etc then put in your application and get the funds you need. This did not need to be a one size fits all sledgehammer on Musselburgh’s natural aesthetic and beauty.

Common good lands, public spaces and the very nature that brings people to Musselburgh should not be violated.

Another alternative, put the funds into building better community and business infrastructure and housing “away from a flood plain”. Basic planning and zoning to slowly, over the next 200 years, migrate away from low lying areas.

Treat people like adults.

People choose to live on a river, or coast and in low lying areas. They (we, I) “accept the risk”. They understand the pros (natural beauty) and the cons (possible floods). They understand they need to build or purchase dwellings “above the flood level” and arrange “suitable insurance”. The scheme, as proposed, is robbing people on both counts. We are being robbed of our basic freedoms and agency and to make our own decisions as intelligent human beings where to live and what risk is acceptable to us.

OBJECTION 4

Priorities.

Climate change is a very real existential threat to the planet. Building concrete walls contributes to that threat. However, a far more pressing threat is the world moving to pre-war footing with significant actors making nuclear threats. Turn on the news. The dooms day clock is ticking closer to midnight. The Scottish government and local authorities need to immediately reassess their priorities and re-allocate these funds to build bomb and nuclear shelters and purchase air defence systems. There is a far greater than a 1 in 200 years chance of World War 3 occurring before a major flood in Musselburgh.

OBJECTION 5

Gamed system. Lack of transparency.

The public consultation was a joke. Deliberately misleading and vital information clearly withheld that would allow the public to assess the flood risk, the environmental impact, the social impact, the financial impact and the real benefits of the proposed scheme.

During the public consultation I spoke to gentleman in his 90's who was 15 years old during the 1948 flood. A flood he seemed to remember "almost fondly" as he recounted a memory of witnessing a small fishing boat going along the high street.

I asked him a couple of questions: I've paraphrased his responses, but they followed this general theme. I asked, "how quickly did the town recover from the flood?". He replied, "oh, pretty quickly, the flood water was gone in a day or so, and everything was back to normal in a couple weeks". I then asked, "is there any permanent damage I could go and see from the 1948 flood; did it leave a permanent scar on the town?". He replied, "no, none I can think of, though they did works on the banks and mouths of the river and upstream to prevent that kind of flood ever happening again".

My immediate thought was why is there a proposal being put forward to permanently scar the town for all future generations for an event that can quickly be recovered from and leaves no "permanent" damage. For an event that has "already been mitigated" by existing defences. Have these existing mitigations and defences not been maintained, if not, why not? What does this mean for the ongoing upkeep of new mitigations that might not be needed for another 125 years according to the public consultation suggesting a 1 in 200-year flood risk, or a 1 in 73000-day risk?

OBJECTION 6

Cost.

Significant public funds have already been wasted on design and consultation to build the biggest, most overengineered scheme possible as a direct consequence of there being no cap on cycle one funding. This is not about floods, or responding to climate change, it's about money, greed and better than a 1 in 200-year chance...corruption. If not actual financial corruption, coercion or bribery then certainly moral or ethical corruption in chasing funds and putting career and profit before the people and the planet.

The argument that the funds are only available now and will never be available again is not just disingenuous, it's a completely nonsense. The idea that in 100 years from now when the impact of climate change is even more evident that future governments won't have funds act is a fiction. Of course, money will be made available in the future, "if and when its actually required". There's always going to be another opportunity to waste taxpayers' money.

Musselburgh cannot afford this. Not only have the existing flood defences built after the 1948 flood not been maintained, but there is also little chance of any major new works being maintained or being operational if they are ever needed.

Financial impact on the community is an unacceptable risk and has not been honestly assessed or communicated. People stand to lose significant amounts of equity in their properties due to the works, and the actual walls negatively impacting the property market and reducing demand. Residents are also beginning to be increasingly burdened with higher insurances costs due to increased "perceived risk" despite having no flood protection in their policies. Finally, the inevitable increase in council tax rates. This are all "known unknowns", We know the cost to live in Musselburgh is going to significantly increase, we just don't know by "how much". Where is this analysis? What is East Lothian Council going to do to address lower house prices, higher insurance costs and increased council taxes accompanied by lower overall services. How are they planning to compensate residents?

Just like the inhabitants of the Maldives, we accept that if climate change causes sea level rise and frequent flooding we would likely be required to cut our losses and relocate. The irony is, it's not climate change causing us to consider relocating, it's the flood prevention scheme itself.

We are already beginning to consider selling to moving away from Musselburgh entirely. I strongly suspect that many property sales will flood the market long before the River Esk does, "pun intended".

OBJECTION 7

Undemocratic process.

For a member of Jacobs, a private construction company with a vested interest, to be in attendance during the final council vote is "scandalous". This has completely undermined any credibility that a democratic process took place during the vote. Even if no law was violated, it was exceedingly ill-advised as the bad optics have brought the whole process into question.

A vote that pushed forward a scheme that was significantly changed only 24 hours earlier by removing the Musselburgh Active Toun component in a grotesque and desperate effort to "force" the proposed scheme though by avoiding planning permission and any perceived obstacles that might block access to the money. Those obstacles being us, the people of Musselburgh. A truly "honest" person can only shake their heads at this behaviour.

Asking councillors to vote while being actively lobbied, without any genuine chance to assess the impact of the changes or an opportunity to consult on the changes with their actual constituents is undemocratic. A true democracy would have laws prohibiting such an event and rendering the vote null and void.

OBJECTION 8

Impact on children.

Finally, I object also on behalf of my [REDACTED]-old son, whom I walk along the River Esk each week from [REDACTED] to [REDACTED]. He, along with every else, is experiencing distress that he will no longer be able to see the river, or the wildlife (birds) and that the trees he's learnt at school "keep us alive" will be cut down due to the walls. The path we walk along each week will have 1.4-1.8m high walls prohibiting any child from ever seeing the river, or any wildlife again. He is becoming increasingly paranoid about pollution, and I have genuine concerns he, and children like him will suffer significant distress witnessing the common ground at Fisherrow links be used to destroy the river, beach and park he loves and all he has ever known.

I am concerned our proximity to Fisherrow links and its use a temporary construction site will produce significant pollution both in terms of plant equipment and noise. This is too close to where children, who are already alarmed by the proposed scheme, play. There is no question in my mind many children (and adults) will suffer further distress witnessing it happen in front of their eyes while they play.

The Fisherrow links have also recently been used by Campie Primary Schools for sports days which could be impacted by the schemes use of the site. Impacting the school for years to come. What alternatives have been proposed to insure the children's welfare?

Where's the common good? Where is the common sense?

My son asked, "why do they need to build the walls?". I said "because of climate change. They 'think' there 'might' be a really big flood once every 200 years". He asked, "how do they know?". I said "Well, we're not quite sure, they won't tell us how they decided this or what science they used". He asked, "but what causes climate change". I said, "It's us, we do, we keep destroying nature and terraforming the planet like building with concrete which produces an awful lot of CO₂, which changes the climate". He asked, "why do they keep doing this then, they need to stop doing this!". What do I say to that? What do you say to a young child that can see the connection, the cause and the effect that seemingly intelligent, educated adults cannot?

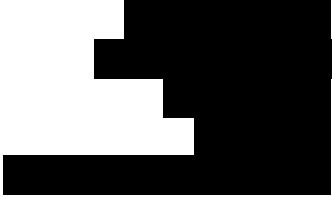
So, I am sending this letter to keep a promise to my son that I at least would try to do what I can to stop this process from going further in the hope sanity prevails. That a pause occurs for a chance to put forward a sensible proposal which is less harmful, less impactful and leverages or mimics natural features, where actual climate justice can be achieved before it's too late.

Obviously since the process is "gamed", this objection letter will be "invalid", Where a small selection of objections will be cherry picked so an "independent" reporter can be appointed (cherry picked) to rattle off sections of legislation and justifications to also invalidate and ignore those "valid" objections too. I'm not naïve.

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 (save those trees).

Yours Faithfully

██████████



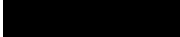
24.04.2024

Carlo Grilli
Service Manager – Governance
Legal Services
East Lothian Council
John Muir House
Haddington
EH41 3HA
mfpsobjections@eastlothian.gov.uk

Dear Carlo and Legal Services team,

I am writing to object to the recently published Musselburgh Flood Protection Scheme as a resident directly affected by the scheme.

I object to the published scheme because:

- Risk to property: As noted above, I live on  and my property is from the mid 1800s. The piledriving of the new Wireworks flats development caused our building to shake and cracks to form throughout the building. I cannot understand how it will be safe to have the current proposed scheme building works directly outside our property and it not have a damaging impact on our home. What if this causes cracks in the foundations? Surely the council would be liable to pay for damages caused to properties as a result of this scheme. What about the risk of the piledriving to both the Rennie and Roman bridges? Will the council be paying for independent property surveys to be carried out prior to work starting, and then further surveys undertaken to check for possible damage as a direct result of the construction work? A further concern is the risk to the value and saleability of the property. Reducing parking, removing access to the riverside, impacting the view, and lengthy ongoing construction of an unwanted wall, these are all factors which will have a detrimental effect on the value of the properties on Eskside West.
- Cost: The current scheme is already significantly over budget before approval. It could be assumed, based on similar projects track record, that the scheme costs will continue to rise above the current estimate. At a time where the council is reported to be £450 million in debt (BBC Shared Data Research as reported in the East Lothian Courier, 16th January 2024). Services in the council are already below standard and under funded, which has been evidenced in direct correspondence with the council in communications regarding managing street and gully cleaning and drain issues. This is further evident in the drain issues along the river which cannot be managed to an acceptable level. I

therefore object to the cost of this scheme when funds would be better used supporting our existing infrastructure.

- Parking: On the final proposed design, [REDACTED] [REDACTED] has now been designed with the wall being built further in, resulting in the road being updated to a 1 way street and parking being drastically reduced. This street is already packed with cars parking, particularly from visitors and employees of businesses in the area, so much so that residents often cannot park near their homes. The idea that this has been proposed and approved without direct consultation with residents is ludicrous. The open consultations cannot be grounds for this change and anyone that knows the town will know the issues this will cause. The surrounding streets are already packed with cars parking so by removing another stretch of parking from Eskside West, this will undoubtedly force more cars into the surrounding streets. This poses an increased risk to the safety of pedestrians trying to cross between more cars, damage to cars from narrower and fewer spaces to choose from and also, without doubt, an increase in pollution with more cars packed onto fewer streets. My understanding is that this has been proposed to protect the trees, which I completely support, however the solution remains unfit for purpose and will cause huge issues, particularly for residents. This needs another serious rethink.
- Graffiti: The final proposed design shows a solid (concrete and stone) wall being built along the river. This will be a blank canvas for graffiti. The Roman bridge and virtually any other wall or structure in Musselburgh is littered with graffiti so we know nothing is sacred. How do you propose to prevent the walls being covered in graffiti? Who will be responsible for any resulting clean up required? And who bears the cost for this alongside any maintenance of the walls? Is there a budget for maintenance and cleaning?
- Nature & Wildlife: You cannot ignore the huge impact that this scheme will have on nature and waterfowl on the river side. Daily there are scores of geese, swans, ducks, gulls and various other wildlife on the river. The construction of this wall will without doubt disrupt the wildlife and biodiversity in Musselburgh.
- Access and view: Many sections of the walls are blocking access to the river with only flood gates at either end. Our section on [REDACTED] is accessed every single day by hundreds of people walking on the embankment themselves, with family and their dogs, children on trips out with their nursery classes, runners and people undertaking various forms of exercise. This scheme is not considering the hugely detrimental impact, on both physical and mental health, to those people who rely on access to the beautiful nature we have to offer in Musselburgh alongside the river, or the view that will become obstructed from the road, in particular for children and wheelchair users, and residents living at ground level on Eskside West.
- Safety: The section of wall proposed from the electric bridge down to the mouth of the river poses huge safety concerns, particularly after daylight hours and for lone women who may feel like they can no longer walk that route. The wall will essentially create a tunnel, with the Loretto wall on one side, and the high Flood wall on the other, which will be a daunting and dark route, with no easy means of escape. I would be reluctant to take the route alone when it will undoubtedly create a feeling of enclosure.

- 1:200 Year Scenario: The scheme is being built on a scenario that residents do not support. It is a scenario that is driving the cost up. Reduce the scenario and reduce the defenses. Speaking to the engineering team at consultations they have said numerous times that the tidal flood risk only reaches downstream of the Rennie Bridge. Can a scheme then not be created that protects the town from this? And then upstream natural reservoirs be used to slow the flow of water that would reduce the risk of stream flooding?

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

Yours Faithfully,

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

Subject: (0547) Objection - Musselburgh Flood Protection Scheme
Sent: 24/04/2024, 15:42:39
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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24.04.24

For the attention of:

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

By email only: mfpsobjections@eastlothian.gov.uk

Dear Mr Grilli

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

I have lived in Musselburgh since [REDACTED] and I object for the following reasons:

1. Loss of the trees and green space – it is unfathomable that so many trees would be felled along the river banks for this project. The impact on wildlife will be disastrous.
2. Escalating costs during a time of financial crisis
3. Peer review of the scheme does not appear to have taken place
4. Lack of actual properly scaled diagrams and photographs and fly through
5. Lack of plans and drawings designed for general public understanding - a failure in the duty of care to ensure all information is comprehensible.
6. Unwillingness to investigate Natural Flood Management schemes
7. Narrowing of the river – not adequately explained why this is necessary
8. Concrete walls will quickly become an eyesore – there is no mention of remediation or ongoing care / cleaning.
9. Negative impact on tourism and general day to day business while the works are ongoing and into the future. Who wants to look at a wall rather than a sloping grassy bank to the river.
10. My personal enjoyment and mental health benefits of walking in Musselburgh will be directly affected by the scheme and the ongoing works.
11. The proposed Goosegreen bridge will offer no flood reduction benefit and will need planning consent of its own so why is it included in the proposal?
12. The noise and disruption of the works for years to come. The piling at the Dundas site was heard all over Musselburgh for months, the piling at the QMU innovation park is also disruptive. I cannot imagine the proposed flood defence work will be any different which will reduce the enjoyment of living in this area and discourage me from using the local amenities.

Please acknowledge receipt of my objection.

Yours

[Redacted signature]

24.04.24

From: [REDACTED]
Sent: 24 April 2024 15:46
To: Musselburgh Flood Protection Objections
Subject: (0548 [REDACTED]) (no subject)

Categories: [REDACTED], Added to excel spreadsheet

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[REDACTED]

15th April 2024

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

Dear Sir

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

I object to the proposed scheme for the following reasons:

I realise there is a need to protect residents from future flooding, however I would like to know why the only solution presented is a hard engineering one? Why have environmental solutions been ignored when there is clear evidence that there have been several different successful options applied in different areas of this country and others across the globe. We are constantly being asked to look at ways to protect our planet in ways that would not affect the natural progression of nature and the future of the planet. The scheme does not appear to be sympathetic to this.

I am also concerned that the hard engineering option will require the destruction of mature oxygen providing trees. The need to provide metres wide cycling paths seems excessive and the

destruction of trees to provide this is and a wall is unacceptable. Cyclists I have spoken to have stated they are currently provided with adequate passage along the river. Was there consultation with cyclists to assess their need for a wider path?

The River Esk is a central feature within Musselburgh that is enjoyed by residents and visitors alike. Businesses in Musselburgh thrive on footfall and the many visitors who come to Musselburgh to wander along the river, shop and visit local cafes/restaurants. Other towns who have been subjected to the building of walls along their river have stated that this solution is not working. Loss of visitors and difficulty in selling properties would not be acceptable. There is also the fear that a wall would not be properly maintained and by the time it would be required to protect the town it is likely it would be in disrepair. The fear that it would be a blank canvas for graffiti is also a big concern which would not enhance the current beauty of the river. Again there are towns who can attest to this.

I live in close proximity to the river and wandering along the River Esk every day is good for my mental health. I fear losing this important aspect would be detrimental to my mental health and that of other residents and visitors. Concerned especially by the height of the walls that have been stated in the proposed project. Children, those in wheelchairs and others would not be able to see the river. Access through the wall to the river is not clear either.

The affect to wildlife both in the river, on the river and beside the river does not seem to have been addressed. It is a fact that we are already losing wildlife because of the abundance of building in and around Musselburgh.

The cost of the scheme being proposed is excessive and there is no guarantee that it will not constantly continue to rise before the scheme is completed. Is the pot open ended?

The disruption to the town whilst this wall is being constructed will definitely have an adverse effect on residents' mental health. Businesses will also suffer as there will have to be road closures and obstructions for several years. The noise will also cause problems for those in close proximity and further afield especially when piling takes place.

Throughout the scheme the consultants and engineers have not been subject to challenge or adequate scrutiny.

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

Yours Faithfully

[Redacted signature]

[Redacted address]



[Sent from Yahoo Mail for iPhone](#)

From: [REDACTED]
Sent: 24 April 2024 15:59
To: Musselburgh Flood Protection Objections
Subject: (0549 [REDACTED]) Musselburgh Flood Scheme Objection Letter attached
Attachments: musselburgh flood prevention scheme letter.docx
Importance: High
Categories: [REDACTED], Added to excel spreadsheet

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also delivering multiple environmental benefits.” Why is ELC out of step with the Scottish Government? Surely, NFM should be at the forefront of the scheme.

NFM could include a whole range of techniques to slow the flow of the river throughout the catchments and to encourage the natural dune system along the coast. Discounted these at the start was wrong and the situation has been made worse by the exclusion of NFM (decided upon in October).

I do not wish our landscape ruined by hideous concrete walls. The proposed height of these is of particular concern as they will totally obscure the wonderful views we currently enjoy and change the character of our town forever. The height of the walls was based on SEPA’S worst case scenario (Sea level rise of c86cm by 2100). This was only a prediction, not a certainty. I have two concerns : 1) the date is too far ahead in the future to accurately predict sea level rises and 2) what if this prediction is wrong? Is that not a justified reason to pause the scheme, monitor and build appropriate defences based on fact in the future? The flood walls in Brechin (built/renewed 2015) recently failed. The flood gates in Perth also recently failed. Man-made interventions cannot prevent flooding downstream – we need to do more upstream to slow/store the water so it doesn’t rush down through the town.

We are already experiencing problems with vandalism – unsightly graffiti is appearing on existing wall space and railway bridges around our town. In the absence of adequate policing, fresh concrete walls, built as part of flood defences, will quickly turn into an eyesore and turn our lovely town into a ghetto. I would like to ask how the council will address this and if adequate funding has been made available to remedy this in the long-term?

Neither do I want our river to be changed into a canal. This will completely ruin a lovely part of the river. Furthermore, narrowing the river will not stop floods but increase flood risk.

I believe that - if the current plans are not amended there will be damaging consequences: people will be deterred from either living here or visiting our town. There will be a negative impact on tourism, our amenities, shops, and local businesses - especially the smaller ones which will decline, close down or choose not to locate here - thus affecting our local economy. House prices will be affected as values decrease. Does the council have funds to compensate us all for this detriment?

In addition, there will be a serious environmental impact as established trees are felled, ancient woodland destroyed and lost for good and established wildlife habitats annihilated. Existing wildlife, including kingfishers, otters and swans will be scared away or perish. There will be noise pollution and disruption for at least 5 years as the work progresses.

There is an important and much- loved wildlife site on and around the cobbled ramp area by the river (at the side of the Store Bridge) at the end of Shorthope Street. I was really upset to discover that this site has been chosen for a temporary compound for site works. (EIA Report – Introductory chapter Document 16). This will have a devastating effect on wildlife that gathers there and prevent public access to and enjoyment of this very special feature of our town and it needs to be protected. I would like for the positioning of this to be readdressed and for it to be relocated to a position that will have much less impact.

Other unique features that will be affected include the firehouse building, archer statue, Hayweights clock, as well as information panels and a number of memorial benches. They will all need to be relocated to accommodate the scheme. I can find no information about where they will be moved to and I am concerned that important parts of our local history and heritage will be lost. Please can councillors ensure that this is addressed.

Personally, I do not wish to live with the disturbance of constant pile-driving along the river for years and the stress that this continual pounding noise causes. In addition to the impact on wildlife, I'm also concerned by how this will affect local residents who work shifts, have trouble sleeping, and who suffer from PTSD and/or mental health problems.

I'm also worried that nearby historic and/or listed buildings and bridges, including those in the High Street & Eskside East/West areas, may be damaged by the resultant vibration. Is funding available to properly survey and protect these structures or compensate owners?

I have discovered that the banks of the Esk and Fisherrow Links are Common Good land. As such, any interruption to their use by the community should be compensated. These amenities are currently enjoyed by myself and hundreds of people on a daily basis – once the flood scheme is underway, please tell me where we should all go to benefit from being in nature and by the water?

Musselburgh hasn't been affected by flooding during my lifetime. My understanding is that the most recent flood here was in 1948! As a tax-payer, I would like to ask why Musselburgh was chosen and areas more desperately in need of flood prevention schemes weren't considered first. In our county, Haddington suffers from frequent flooding – yet there is not a flood prevention scheme in place there. I would like to know why. Other areas such as Dumfries and Perthshire are also directly affected by flooding. Surely it makes sound financial sense that when financial resources are scarce, which they are now, that they should be applied strictly in order of need.

Our core Council Services are already badly affected as money/funding becomes less available. Services like care for the elderly are suffering eg Eskgreen Nursing Home closed and hasn't been replaced and Riverside Medical Practice is failing us badly. Essential community health and well-being amenities including libraries, leisure and cultural are also struggling. Our Old Town Hall has closed, Stoneyhill Community Centre has demised while our Theatre, Venues 1 & 2 and various Arts venues have remained closed at the Brunton Hall (following a roof survey in 2023).

This latter closure has been a devastating loss for Musselburgh and East Lothian and many local arts groups are now struggling due to lack of suitable, affordable performance space in the county. Also following on from this, "The Bistro at the Brunton", another asset to our community and form of 'hub' which operated in the building for 18 years, has recently been forced to close.

Something is clearly wrong with budget and spending priorities.

Regarding finance, I'm highly concerned about the cost of the proposed flood prevention scheme. I have tried to find cost breakdowns but they don't appear to be available in the public domain for me to look at. Please can you tell me where I can find them and if they're not available for the public to view, can you tell me why?

I cannot understand why the Council voted for the scheme to be put forward, given that **no cap** has been put on the cost of the scheme and they've already been advised that the cost is likely to rise. I'm aware that The Scottish Government & COSLA working group on flooding has recognised the model of uncapped funding -known as Cycle 1- allows project consultants/developers to expand flood schemes into much larger and more costly projects. Giving carte blanche to project consultants and developers is not in our best interests and something we don't need or want for our town.

The building of the Scottish Parliament in Holyrood and the crippling escalating costs incurred and resultant public ill-feeling is an example of what can happen when a price cap is not applied and analysis of costings not carried out effectively. The tram scheme is another high profile example. Has the council not learned from these experiences?

Please advise me how you will ensure that tax-payers money is protected against inflation and additional costs without proper scrutiny of a proper cost breakdown and application of a price cap?

Finally, I do not understand why the Musselburgh Active Travel (MAT) Scheme was included in the Flood Prevention Scheme without planning permission. I think it should be excluded from the scheme. It is my understanding that all MAT elements require planning permission and - where applicable - conservation area consent. The information in its present form is confusing and difficult to understand. I am unhappy with this and would like it revisited. (All MAT proposals are deemed to be 'Developments' as defined by the Town and Country Planning (Scotland) Act 1997. Failure to obtain planning permission for all MAT related elements would be tantamount to subverting the 1997 Act. Therefore all structures and routes of MAT should go via normal planning regulations.)

The new proposed Goosegreen Bridge offers no flood reduction benefit. In addition, this bridge is without any doubt considered to be a 'Development' and not a replacement, and requires planning permission.

To conclude, I would like to state that I'm not totally against a flood protection scheme being put in place for Musselburgh – I just don't believe that this is the right one.

If the scheme proceeds in its present form without amendments I expect to be compensated for the sustained damage as a consequence of exercising my powers under the Act, Section 83 (1).

I would be grateful if you could acknowledge receipt of my letter of objection, in writing. Please advise me of next steps and timescales involved.

Yours sincerely



Subject: (0550) Formal objection MFPS
Sent: 24/04/2024, 16:07:55
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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Please see below my objection to the proposed Musselburgh Flood Defence Scheme and Environmental Impact Assessment

[REDACTED]

Firstly - scale of what is being proposed. There will be a significant impact on people like me who live on [REDACTED], heavy and increased vehicle traffic not to mention disruption to my commute to work, my use of local amenities, impact to my home [REDACTED] and to my mental and physical health from any works ongoing. I'd like a survey of my home done prior to any works starting to measure the impact to my home. I am concerned re: the potential loss of value of my home due to works which are likely to stretch on for years and the degree of concrete you plan to introduce and the loss of wildlife and green spaces which make Musselburgh unique and an attractive place to live.

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

2. Wall heights cause me particular anxiety. I do not have confidence that proposed wall heights are necessary or sufficiently and consistently based on risk .

3. Engineering solutions are disproportionate to the identified and calculated risk but to the locational context and in particular the conservation status of some parts of the area which will be visually and physically affected by them. Even homes like mine on [REDACTED] are in a conservation area and will be detrimentally impacted. This is likely to have an impact to the value of my home and if it goes ahead I wish to be compensated for this impact.

4. The proposed Goose Green bridge has no flood defence significance and therefore there should be no assumption that it should be included in the scheme. Planning permission for this bridge should be needed. The council have a conflict of interest here by not transparently calling out that this is more linked to active town proposals.

Similarly the replacement Ivanhoe bridge seems to have no flood defence significance but we it is likely to be an essential part of the Active Town proposals. It is misleading to incorporate this into the design.

5. According to the plans contained in the EIA report introductory chapter (Document 16) a temporary compound for site works is proposed adjacent to the current Store Bridge on the site of the car park at the end of Shorthope Street. I am very concerned about the implications this will have for access to and enjoyment of the wildlife that gathers on and around the cobbled access ramp to the river here and for the wildlife itself. This location is an important, unique feature of the town. It would also put significant pressure on parking and homes locally and traffic exiting to meet Linkfield Road. Not to mention the dirt created and the impact to my home and others, including greater wear and tear to roads affecting users locally.

6. I am concerned about the likely impact of graffiti which walls in the public domain attract.

7. I object to the canalisation of the river between the Electric Bridge and the mouth presented by the construction of walls on the edge of the river banks. These will be a major and detrimental change to the appearance of this part of the river and the enjoyment of walking beside it. an amenity I rely on for walking my two dogs daily.

8. Active Travel routes incorporated into the scheme are in general five metres wide adding a lot of hard landscape at the expense of greenspace and potentially adding significantly to the run off at flood events. I believe that these are associated with the Flood Defence Scheme and will not be subject to the normal planning procedures. As an avid walker I do not see the demand today for these and don't feel that elements of the Active Toun proposals should be delivered without full separate consultation.

9. The tree survey report which was completed in 2022 before there was a detailed design for the scheme has not been updated, so there is no analysis of the effects of tree removal that will actually take place. This has to be addressed. Any trees to be lost must be replaced in appropriate locations by mature trees, not seedlings.

10. There are places where modelling of the detailed changes in flooding that the scheme will produce has not yet been done. It's also not clear what impact the design may have to other coastal communities downstream more affected recently e.g. There has been no assessment of the impact or risk of MFPS on other coastal area ie Portobello.

11. Bias - consultants have marked their own homework. Considering the absence of peer review of the Scheme, and further considering that the council have opted, erroneously in my view, not to install an independent assessing team within the planning department, it stands to reason that the consultants marking their own work raises many objectionable questions that have not been answered and must be answered.

12. Escalating costs at a time when council have declared a financial crisis will put pressure on other services due to their 20% liability of all costs.

13. No biodiversity net gain has been evidenced.

14. Removal of natural flood management before council vote on scheme in January 2024, and before petition was heard, not only was undemocratic but more importantly in breach of the 2009 Act's requirements.

15. Our councillors' unanimous exclusion of Natural Flood Management, highlights a lack of willingness to deploy nature based solutions that go in the face of Dynamic Coasts advice. It must be noted that our councillors cast their votes before having sight of Dynamic Coasts full assessment. They must now review this information and represent the motion for a second round of votes. Nature based solutions at coast should not be ruled out (as per Dynamic Coast report).

16. Dynamic Coast report states beach could be lost due to seawall structure - actions to manage flood risk should not contribute to increased coastal erosion.

17. There is no beach nourishment plan nor budget for this.

18. All data, flood modelling and designs presented to the public are based on the assumption of a sea level rise of 86 cm, advised to SEPA by Jacobs, and subsequently written into SEPA's requirements, which the overwhelming number of other studies do not support.

19. The modelling data has never been released despite repeated requests by members of the community with the necessary expertise to offer a peer review assessment.

20. Choice of year 2100 should be amended as we cannot accurately predict sea level rise that far. It could be less, or more. Nature Scot (government experts) said we don't need "solutions today for the next 1m of sea level rise" (Nature Scot, Coastal Change Adaptation Guidance, Group Discussion on Climate Change Teams meeting on 31st Oct 2022)

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

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

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

24. There has been no third party independent analysis of the impact of the proposals on Musselburgh's long connections and affinity with the sea and river as an amenity for the townsfolk and others, as well as for the tourism industry, on which many local shops depend. As I stated earlier, I believe Flood walls will destroy amenity and Musselburgh's long connection with river and sea. There is likely to be a Negative impact on tourism to Musselburgh

25. The arguments against whole catchment area development have frequently touched upon multiple ownership of the lands in question and the unwillingness of some landowners to participate in safeguarding Musselburgh against floods. The poorest and most vulnerable are being discriminated against. Proportionally, based on the socioeconomic profile of Musselburgh, it is more disadvantaged and it is these people that will be impacted with a concrete wall flood scheme that sacrifices their access to nature.

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

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

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

All communication with me going forward should be formally via email or by post.

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

Yours sincerely,



[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
23/4/2024

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

mfpsobjections@eastlothian.gov.uk

Dear Carlo Grilli

I am writing to object to the recently published Musselburgh Flood Protection Scheme. I have an interest in the land affected by the proposed debris catcher across the river Esk (on the west side of the overbridge that carries the A1 dual carriageway), the access road to such debris catcher and the works to construct the access road and catcher. I have ridden my horse on the bridle path here for more than 25 years. In addition I regularly walk my dog both through the Grove and along the beach.

I object to the published scheme because:

Lack of Consultation

There has been no public notice displayed at the Old Craighall (Monkton Gate) entrance to Dalkeith Park, despite this being the preferred access route to the debris catcher.

Traffic Generation

The proposed access road to the debris catcher in Dalkeith Park will generate heavy traffic along a narrow, private farm road. This is a health and safety issue for the walkers, cyclists and horse-riders currently using this. It will also lead to degeneration of the road. There is already a tarmacked road leading to the river Esk from the Cowpits side.

Environmental Impact

Grazing land will be lost with the access road to the debris catcher. Livestock will be negatively affected during the construction and any ongoing maintenance. The proposed route entails traversing a steep slope to the river. This will destabilise the existing infrastructure and will result in landslips. The natural habitat of deer, foxes, buzzards, hare, badgers and other creatures will be destroyed by the felling of hundreds of ancient trees.

Loss of Amenity

Losing the existing bridlepath and river crossing in Dalkeith Park will have an adverse effect on my health and well-being

Flood Risk

Felling existing trees, both in Musselburgh and Dalkeith Park will reduce natural flood defences. Narrowing the river in Musselburgh will surely cause an increased risk of flooding.

Adverse Effects in Musselburgh

Building a wall through the Grove, along the Esk and along the seafront will have an adverse effect on the beauty of the landscape. The walls will be covered in graffiti almost immediately. Any tourism will be adversely affected.

Cost

As an East Lothian resident and tax payer I seriously object to the spiralling cost of the project. The council is currently closing public assets such as libraries, sports facilities, Brunton Hall yet is keen to progress with such a monstrosity.

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.

Yours Faithfully

██████████

Subject: (0552) MFPS objection
Sent: 24/04/2024, 16:10:55
From: [REDACTED]
To: Musselburgh Flood Protection Objections
Attachments: [OBJECTION LTR \[REDACTED\].pdf](#)

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [REDACTED]

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Good afternoon

Please find attached an objection letter following the publication of the Musselburgh Flood Protection Scheme 2024. Please acknowledge safe receipt of my objection letter.

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
24 April 2024

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

By email – mfpsobjections@eastlothian.gov.uk

My name is [REDACTED] and I live at [REDACTED]. I object to the Musselburgh Flood Protection Scheme (MFPS), published on 21 March 2024.

My home [REDACTED] is located on the flood maps that are being used as the basis for the scheme. My home is located in an area that is identified as being at risk from both river and coastal flooding, according to those flood maps. My home is located on the edge of [REDACTED], which is identified as the location of a compound that will be required during the construction of the scheme. My home is a listed building and, like much of the Musselburgh Flood Protection Scheme (MFPS), is situated within the Musselburgh Conservation area and as such, is subject to stringent planning requirements. My home also serves as my workplace for about 80% of my working week. In addition to being a Musselburgh resident, and worker, I shop locally, use local public transport and use the cultural and leisure facilities on offer in the town. I therefore contribute financially to the local Musselburgh economy.

I object to the MFPS because the construction of such a major project has proceeded from the outset upon a statement by the project team that 'Musselburgh 'has a major flood risk from both the river and the sea.' (See MFPS website page Flood Risk). However, when asked to provide documentary evidence via a FOI request (see Musselburgh Flood Protection Action Group Facebook page, publicly available), East Lothian Council advised it had no records of properties flooded in the past 35 years, nor did it record how many times the Esk burst its banks causing flooding in the same 35 year period. The last major flood in Musselburgh was in 1948. The statement that there is a 'major' flood risk is unsubstantiated. Indeed, during the winter 2023/24, including the occurrence of storms Agnes, Babet, Ciaran, Debi, Elin, Fergus, Gerrit, Henk, Isha and Jocelyn there has been no flooding in Musselburgh beyond the usual high tide overtopping of the river onto the grassy bank and path near the mouth of the river. Where water has spilled onto the bank

here, sandbags and demountable barriers have been sufficient to contain the water, which has at no point threatened any property. This is real time, observable, data that should be incorporated into the prediction model. I therefore object to the scaremongering and exaggeration of the risk to Musselburgh, which has led to an overly-complex and enlarged scheme being promoted.

I further object to the scheme on the ground that there have been too few options included for Councillors and public to fully consider and provide feedback upon. For example, 2 small reservoirs are included in the scheme, omitting the numerous larger reservoirs that could also be included within the scheme to reduce the risk of flooding to Musselburgh. Why are these reservoirs not included? The Options Appraisal in the preferred scheme that was approved by Cabinet in 2020, was insufficient to enable the Councillors to make informed choices, or seek to explore further, many options that could be incorporated into the scheme. Thus, the Council has not approved for publication the scheme that would best suit the needs of the local community, environment and historic townscape.

I also object to the scheme proceeding without any independent appraisal throughout its development. Whether it be hydraulic modelling, scheme design, assessment of natural flood management and nature-based solutions or analysis of feedback, the consultants Jacobs have produced all reports, This extends to the Environmental Statement whereby the consultants both assess environmental risk and then propose the mitigations. The consultants are marking their own homework and as a result the Councillors are being presented with insufficient information to allow them to scrutinise and challenge what is being proposed – which they should do in the interests of their constituents.

Please acknowledge receipt of my objections in writing.

Yours faithfully

██████████

Subject: (0553) Objections to the MFPS 1-25
Sent: 24/04/2024, 16:16:40
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [REDACTED]

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[REDACTED]
24/4/2024

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

Dear Service Manager – Governance

I am writing to object to the Musselburgh Flood Protection Scheme 2024 (the Scheme) My property [REDACTED] My property [REDACTED] is within the flood map area and will overlook the proposed flood defence structures included in the Scheme. I object to the current, recently published Scheme for the following reasons:

1. I object as under the current Scheme there is no allowance for the council to pay a 'pre-works' survey of my house.
2. I object because there is no clear information describing East Lothian Councils mechanism to compensate me if the works or related works traffic damage my property.
3. I have an interest in the land affected by the Scheme and Scheme operations (including but not limited to noise and pollution from construction traffic) at Fisherrow Links and Fisherrow coast. My family and I rely on access to the coast and Fisherrow Links for our physical and mental health and wellbeing. We walk there several times each day which is essential due to a variety of health conditions. [REDACTED] A coastal sea defence with limited access and any scheme compound and scheme works will directly impact mine and my family's ability to continue to walk/ exercise there and disturb my enjoyment of the land. If the Scheme proceeds in its present form without amendments I expect to be compensated for the sustained damage as a consequence of exercising my powers under the Act, Section 83 (1).
4. I object because there has been no third-party independent analysis of the impact of the proposals on Musselburgh's long connections and affinity with the sea and river as an amenity for the townsfolk and others, as well as for the tourism industry, on which many local shops depend. Flood walls will destroy amenity and Musselburgh's long connection with the river and sea.
5. "People depend on the environment around them for their physical and mental health, and general wellbeing" (Flood Risk Management (Scotland) Act 2009. My human rights are undermined due to my present environment (river and coastal walks and views) being threatened which will affect my mental and physical health and my family's physical and mental health.
6. I object to the embankment at the coast, Fisherrow Links to the Esk river mouth. ELC must take independent advice and try to protect the coast using nature based solutions.
7. I object that different climate scenarios have been used at the river and the coast Scenario 2 at river/scenario 4 at coast. The reasoning for this is unclear and undermines the claim the flood scheme is science led. I object to

the design at the coast (Scenario4) which appears to be overkill.

8. I object to the active travel path along the coast at Fisherrow on top of the Scheme embankment defence. This will lead to a loss of view and loss of access to the beach.

9. I object to the proposed planting of trees on Fisherrow links. A Scottish links is by definition open land and tree planting will disrupt this environment and would reduce amenity.

10. I object that there is no guarantee Fisherrow Links will not be the site of a works compound during the construction phase. Fisherrow Links is Common Good land used by the whole community. It is a valued amenity area and one of the few open green spaces in the town. It has a children's playpark, pitch and putt, bowling green and floodlit pitches. It is used by the whole community for exercise, bootcamp, walking, dog walking, cycling and playing. The use of Fisherrow Links as a works site is unsuitable and the loss of amenity unacceptable.

11. I object that there is no guarantee that the Mountjoy Terrace road will not be used for maintenance traffic during construction. Pavement doesn't extend the full length of the road. It is considerably shared by motor vehicles, bikes, pedestrians and pets and would be unsuitable and unsafe for works traffic.

12. I object to the new Goosegreen Bridge as it offers no flood protection benefit. It is not like for like, it is in a different location and is 5 metres wide. Furthermore, under the above noted definition under the 1997 Act, this bridge is without any doubt considered to be a 'Development' and not a replacement, and requires planning permission.

13. I object that despite the late change in the relationship between MAT and the Scheme, MAT has influenced the design of the Scheme such as inclusion of 5 metre wide paths and bridges, the relocation of bridges and the narrowing of the river. These elements offer no flood protection and may increase flood risk and will likely increase cost with unproven benefit. MAT Active Travel elements included in the Scheme are unnecessary and wasteful as there are existing, acceptable paths. In addition, the public may lose their democratic rights to consider the planning aspects of the MAT Active Travel.

14. I object to the lack of nature based solutions in the Scheme and their removal from the Schemes remit. This is out of keeping with current thinking on flood protection. The current Scheme could contribute to the causes of flooding.

15. I object to the felling of trees to build walls/embankments Active Travel paths along the river and the loss of the benefits of mature trees such as shade, air cooling, holding the river bank together, holding water to mitigate flooding, aiding air quality in a highly polluted town.

16. I object to the placement of active travel on top of embankments as it spoils the view of the river and is an invasion of privacy to those houses along the river.

17. I object to the current scheme on the basis that no fiscal restraint has been applied to the consultants and going forward it may bankrupt our council and government.

18. I object that the full EIA and the Dynamic Coast report were not available to Councillors before they voted to progress the Scheme. Also Councillors clearly didn't understand the Scheme design and didn't know or understand what they were voting for.

19. I object that the Scheme has been presented in a way that is difficult to understand by lay people; the public and Councillors. Too little time has been allowed for the public to read and understand the Scheme documentation. Too few eye level representations were produced and some of those which were produced were misleading, hindering lay people understanding the Scheme.

20. I object that my questions and concerns addressed to Councillors during the consultation phase were often not answered or were passed to the MFPS Project Team and were unanswered.

21. I object that the Scheme was designed with a lack of respect for Musselburgh and its residents. Local data was ignored, place names were misspelled on display boards, emails and requests for information went unanswered, attempts were made to discredit and shut down any opposition to the Scheme eg ribbons tied to trees were removed and said to be damaging although the practice had been used by ELC during the Riding of the Marches, propaganda was used to generate fear and alarm among residents about flooding eg picture of cars submerged in the High Street was published in the local paper, concerns were diminished eg in response to concern about the loss of trees, a member of the Project Team said "Ah, Musselburgh's got loads of trees" The Project Team have given confusing information.

22. I object that the Scheme could increase the risk of water and sewage trapped behind the defenses. The Scheme relies on mechanical means, pumping stations to get rid of surface water. Musselburgh already has

problems with the drains and sewers which back up and currently drain into the river and or sea. With defenses in place this water would be trapped and any failure of the pumping stations would increase the risk of flooding. Maintenance and the cost of maintenance of the pumping stations is not accounted for and could be an issue for East Lothian Council.

23. I object to the urbanisation of Musselburgh's green space by the Scheme and the loss of amenity.

24. I object that an area of high deprivation stands to be adversely affected by the Scheme and or construction of the Scheme. The area around the mouth of the Esk, Goosegreen and around Fisherrow Links is considered an area of high deprivation: according to the Scottish Index of Multiple Deprivation, it is SIMD 1. I object that this area in particular would be adversely affected by bridge access ramps, coastal defence embankment and I object that amenity land within this area of high deprivation, (common good land at Fisherrow Links and a playpark at Goosegreen) is not precluded from consideration for works compounds. Table 6-14 EIA Report Chapter 6 does not recognize the SIMD 1 designation of the area, the highest index of deprivation and therefore the impact has been underestimated.

25. I object that the Scheme will limit access to the river and coast, limit views of the river and coast, limit access to green space and reduce amenity particularly for groups vulnerable through, for example, age, mobility, access to transport or deprivation, who may not have access to alternative green space or amenity for these reasons.

Please ensure communication with me is by email or letter. Please acknowledge receipt of my letter of objection and advise me of next steps, and timescales.

Yours faithfully,



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]
[REDACTED]
[REDACTED]

Financial & Long Term Interest In: [REDACTED]
[REDACTED]
[REDACTED]
[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.

[REDACTED]
[REDACTED]

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

Additional Objections

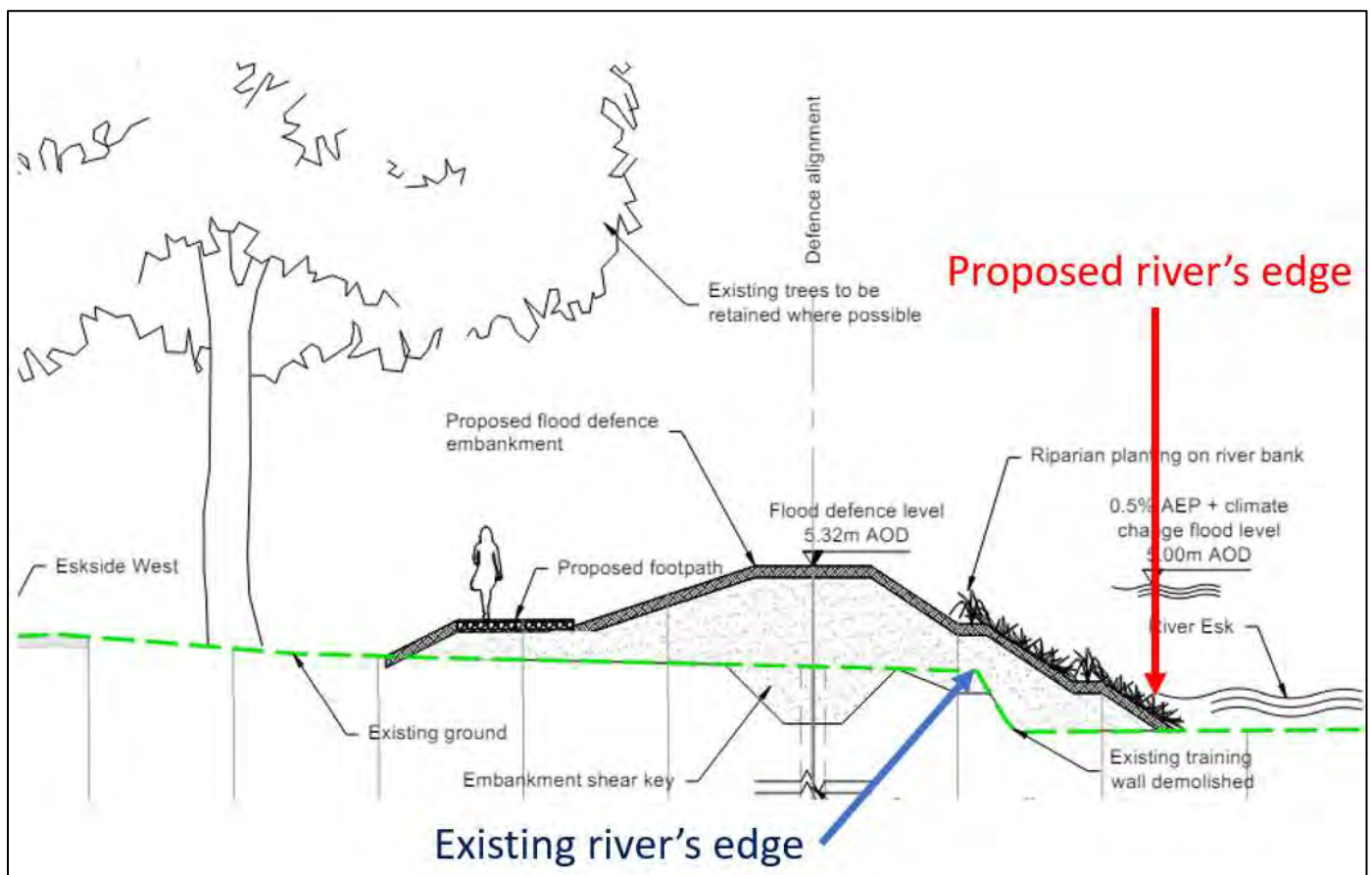
The various engineer drawings that explain what the Proposed Scheme is planning for along the River Esk, from the Rennie Bridge down to the mouth of the river on both the East and West sides show clearly that the river is being made narrower.

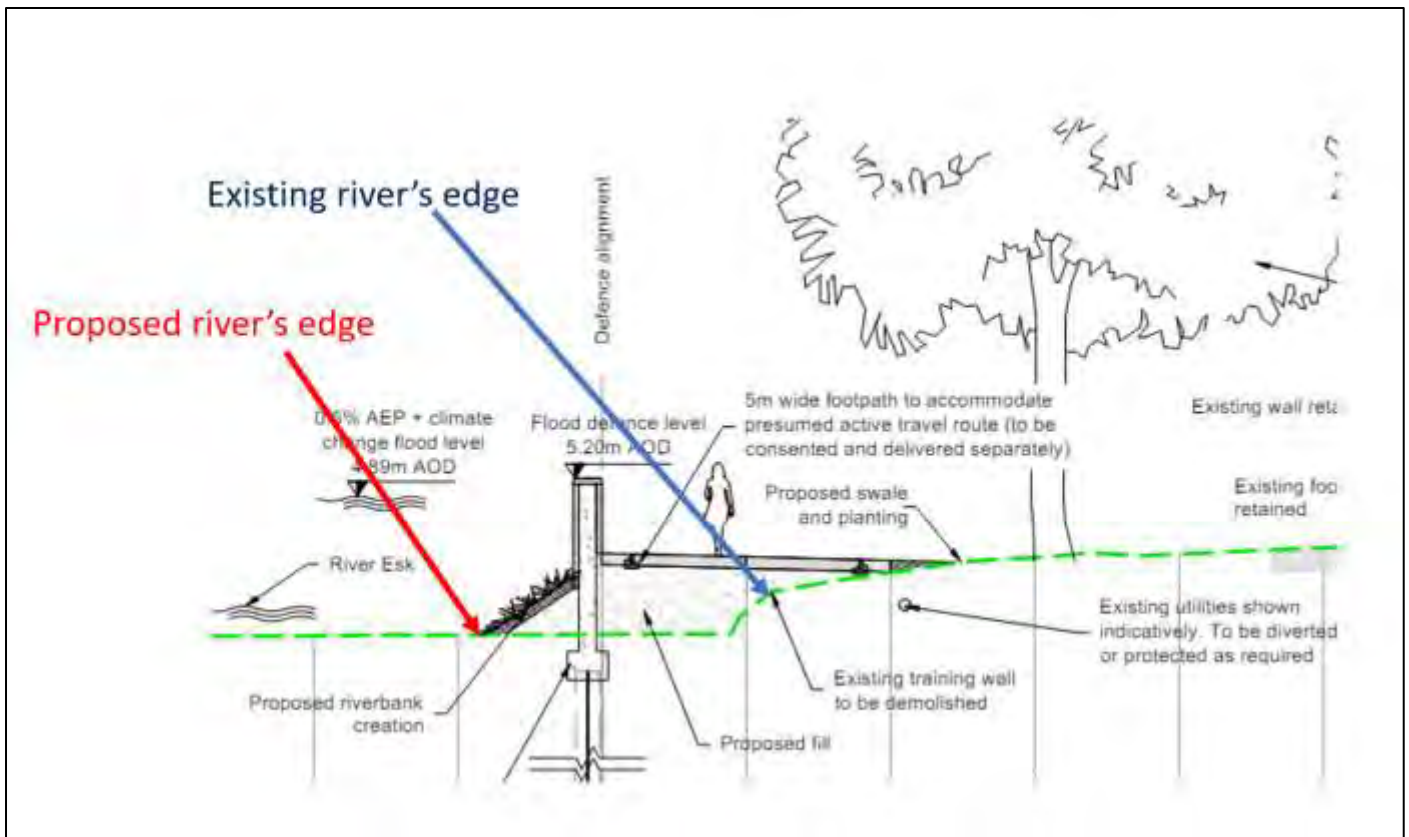
The designs include cross sections of the existing riverside which show the existing edge of the river. They also show the proposed defence wall or embankment, depending on which type of defence is being proposed at certain stretches of the river.

The new walls or edge of the new embankments all along the river from the Rennie Bridge to the mouth of the river are proposed at a new position that is not currently the same position of the existing river's edge. They are proposing moving the edge of the river into the existing riverbed. They are proposing backfilling the area behind the walls i.e. building on top of the existing riverbed. For embankments, they are proposing building the embankment out into the existing riverbank.

The riverbed is owned by the Crown. The council have no legal right to build on the river bed. The Proposed Scheme documentation has not included information about the ownership of this land and has misled the public and the Councillors in what they are permitted to do and the boundaries under which they are governed.

See example images below.





Reputable lawyers in Edinburgh (Brodies) confirms that the river bed is owned by the Crown if the river is considered tidal.

BRODIES^{LLP}

Where does your river boundary lie?

The common law position surrounding rivers in Scotland differs depending on whether the river in question is considered to be 'tidal' or 'non-tidal'.

Where the river is 'tidal' the bed of the river (known as the 'alveus') falls within the ownership of the Crown

The East Lothian Council confirms that the lower part of the River Esk is tidal:

 East Lothian Council
<https://www.eastlothian.gov.uk> > downloads > m... PDF

Musselburgh Flood Study Final Report

Tidal parts of rivers such as the lower River Esk through Musselburgh are at risk of flooding from both fluvial and tidal events. The probability of both a ...

I object to the Musselburgh Flood Scheme on the basis that they are proposing narrowing the river on the east side between the Rennie Bridge and the Shorthope Bridge, altering where the current river's edge is, therefore altering the dimensions of the river bed and building on the existing river bed which is land that the Council do not have the appropriate legal rights to build on.

I object to the Musselburgh Flood Scheme on the basis that they are proposing narrowing the river on the west side between the Rennie Bridge and the Shorthope Bridge, altering where the current river's edge is, therefore altering the dimensions of the river bed and building on the existing river bed which is land that the Council do not have the appropriate legal rights to build on.


I object to the Musselburgh Flood Scheme on the basis that they are proposing narrowing the river on the east side between the Shorthope Bridge and the Electric Bridge, altering where the current river's edge is, therefore altering the dimensions of the river bed and building on the existing river bed which is land that the Council do not have the appropriate legal rights to build on.

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I object to the Musselburgh Flood Scheme on the basis that they are proposing narrowing the river on the east side between the Electric Bridge and the mouth of the river, altering where the current river's edge is, therefore altering the dimensions of the river bed and building on the existing river bed which is land that the Council do not have the appropriate legal rights to build on.

I object to the Musselburgh Flood Scheme on the basis that they are proposing narrowing the river on the west side between the Electric Bridge and the mouth of the river, altering where the current river's edge is, therefore altering the dimensions of the river bed and building on the existing river bed which is land that the Council do not have the appropriate legal rights to build on.

I look forward to hearing from you


24 April 2024

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

24 April 2024

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

mfpsobjections@eastlothian.gov.uk

Dear Service Manager

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

I am a Musselburgh resident living close to the the river & I am opposed to the current plans to build a wall along the Esk & ruin the heart of our town. I acknowledge that we all have to consider climate change & flooding is serious, however I am disappointed at the lack of alternatives under consideration. The nature in & around the river also need to be considered.

I object to the published scheme because:

OBJECTION 1

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

OBJECTION 2

The MFPS does not offer alternative scenarios. It is tied to a 1:200 year +climate change event. Scottish Government guidance says that a range of scenarios should be included. How could the Council judge what is necessary protection without being given a range of options?

OBJECTION 3

The project will take at least 5 years to build. It will be a major cause of disruption. There will be pile-driving all along the river. There are many historic properties in the centre of the town at risk of damage from vibration.

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.

Yours Faithfully,

[REDACTED]

Subject: (0556) Objection to Musselburgh Flood Scheme

Sent: 24/04/2024, 16:36:24

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 Legal Services,

I email to give my objection to the Musselburgh Flood Scheme.

I must state at the beginning of this email that I am not against flood defences when they've been researched and costed effectively. I object to this current plan in hope a temporary or nature based solution can be found.

1. Firstly I have concerns regarding Jacob's as a company and their deliverance of the plan. I feel their images contained bias and did not show the full extent of the scheme e.g. showing the height of the walls at true scale.
2. I do not see how a new bridge(s) prevent flood prevention.
3. The impact on nature: has an environmental report independently accessed the impact?
4. It's a known fact that tree roots help to absorb water. Surely cutting down so many trees will have the opposite desired outcome? Not only this but trees offer birds and creatures a habitat. It would be a crime to chop these mature trees down without very good reason.
5. Alternative approaches to flood prevention must be considered. Other countries with a similar terrain and coastline use temporary or natural preventions.
6. What conversations have been had with other council districts that the Esk flows through? Have flood plains further up the river been investigated?
7. Costs escalate. At a time where the cost of living is high and councils are finding ways to save money and cut services, although subsidised this is a lot of money to spend on a scheme so many local residents are against.
8. The noise and traffic impact to make such a huge scheme will cause further congestion to an already busy town. Musselburgh High Street was listed as highly polluted due to the traffic- please do not make the traffic flow worse.
9. These walls are not aesthetically pleasing. Similar schemes from the same company are now covered in graffiti. Our river is a beautiful place that attracts visitors but this will not be the case if these walls are erected.
10. Although this scheme is due to rising sea levels, there is still uncertainty in regards to the actual rise and timescale of this. Will the expensive walls need replaced by then? Have the drains been cleared to aid the water clearing?
11. Furthermore, narrowing the river and adding tarmac will not help the water to drain. Surely the narrowing of the Esk will cause the water levels to rise?
12. I walk by the river with my young family. It's good for our mental health and for family time. Our children (and potentially me!) will not be able to see over the wall in some parts. In all honesty, I will not continue to walk there if this goes ahead. I put off thinking of the impact to our mental and physical health, and of those who use these beautiful routes both regularly and as visitors to our town.

I hope these points find you well and give an insight to my thoughts.

Kind regards,

[Redacted signature]

[Redacted contact information]

Email: [REDACTED]

24th April 2024

East Lothian Council
John Muir House
Haddington
EH41 3HA

mfpsobjections@eastlothian.gov.uk

Dear Sir,

Musselburgh Flood Protection Scheme 2024

Thank you for consulting on the above. I am a resident of Musselburgh and I am writing to **object** to the Proposed Musselburgh Flood Protection Scheme 2024 (the 'Scheme') because of the scale of the Scheme, and the fact that its impacts on the area's birdlife have not been robustly assessed in the Scheme's Environmental Impact Assessment (EIA) Report. In addition, the Council has not published the Scheme's draft Habitat Regulations Appraisal (HRA), so its impact on internationally important designated sites in the Firth of Forth cannot be ascertained. Until such time as the Scheme is modified and the shortcomings of the EIA Report in relation to the assessment of bird impacts are rectified, and the draft HRA is published, I maintain my objection to the Scheme. I request in the meantime that I please be provided with a copy of the draft HRA and reserve the right to make further submissions once that has been received.

The Proposed Scheme

As stated in the Flood Order Notice letter (dated 14 March 2024), the Scheme comprises 'flood walls, flood embankments, replacement bridges, reservoir modifications, a debris trap, surface water pumping stations, culverting, repairs to existing structures, erosion protection measures, seepage protection measures, drainage works, landscaping works, road works, accommodation works, and environmental mitigation measures'. The Scheme also incorporates two sections of the Musselburgh Active Travel Network (ATN).

The Scheme was published on 14th March 2024, pursuant to Section 60 and Schedule 2 of the Flood Risk Management (Scotland) Act 2009. East Lothian Council (ELC) proposes to make the Scheme'.

The Scheme website states that it is being published in accordance with The Flood Risk Management (Scotland) Act 2009 and The Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010 (as Amended).

Background

I am a long-term resident of Musselburgh, having lived in the town since [REDACTED].

added a further 1.3 m to get the height of the Scheme's proposed defences. Given the importance of determining flood height and flood height risk to the Scheme design, the statistical likelihood of the combined likelihood of the two 0.5% AEP events occurring together, plus the likelihood of a surge occurring on one of the few days (<10) of a year when a spring tide occurs, needs to be re-visited by a professional statistician, and clearly communicated to consultees to help inform their decision making.

- priority should be given in the final Scheme to protecting the pinch-points where flooding is known to occur, rebuilding the bridges to minimise blockage (and introducing debris catchers upstream) and in more fully pursuing nature-based solutions (including Natural Flood Management (NFM)) in an overall strategy for the Esk catchment and Firth of Forth coastline. To ensure value for money, as well as considering reduction in flood peaks that NFM could achieve (given sufficient spatial and timescale), the cost-benefit analysis of nature-based solutions must also include benefits from increased carbon capture and biodiversity benefits achieved by such nature-based solutions (plus reduced embedded carbon emissions from the Scheme). These wider public benefits are particularly critical given this is public funding, and given the Scottish Government is currently failing to meet legally binding emissions and biodiversity targets.
- the Scheme includes two sections of the Musselburgh Active Travel Network (ATN). The new Goose Green Bridge is included in the scheme, but the esplanade/promenade and railing/balustrade around the lagoons appears to be absent (although both are still mentioned on EIA Appendix B9 page 75). I object to both as being unnecessary. The railing is certainly not required since the seaward side is higher than the path and more importantly, it would significantly obscure the views out to sea. The path would completely change the character of this semi-natural area and turn it into a characterless, more urban feature. Given that there is already a cycle path and footpath in the lagoons seawall area, the proposed expanded path also cannot be justified in terms of cost or carbon emissions from its construction. An up-graded path and the Goose Green Footbridge would also increase year-round disturbance to birds in this area and should be dropped from the Scheme. In the meantime, the assessment of its impacts in the EIA Report is inadequate (see under 2. Below for the specific EIA Report omission in relation to the assessment of the Goose Green Footbridge).
- I object to the construction of an earth embankment on the west between Shorthope Street and the Electric Bridge that narrows the river by up to 4 m. The fact that this bank extends out into the current river flow will make this stretch particularly vulnerable to erosion and undercutting during storm events. It is termed an 'earth flood embankment' but its internal construction is not described.
- I object on the grounds that insufficient account has been taken of the fact that Musselburgh is probably the most visited birdwatching location in Scotland. This use of the Scheme area has not been given any meaningful assessment or consideration in the EIA Report, and as a result there is no mitigation proposed to offset impacts during construction. If the Scheme does go ahead, mitigation by means of maintaining access to the parts of the seawall whenever possible, providing parking at the Esk mouth, with longer term goals such as taking measures to reduce people and dog accessibility to the

beaches and foreshore in the vicinity of the Esk mouth, and providing raised, sheltered viewing platforms at intervals along the seawall need to be included in the Scheme.

2. Objections in Relation to the EIA Report and HRA

My objection to the proposed Scheme in relation to the EIA Report and HRA is that impacts on internationally and nationally important bird conservation interests have not been robustly or transparently assessed by the Council to date. The birds of the Firth of Forth are already under considerable pressure from anthropomorphic sources, and in many cases populations have declined considerably. East Lothian Council has a legal and policy duty to help reverse these declines and to protect its bird populations, and avoid adding further impacts on these priority conservation interests. To this end, and given the Scheme's objectives, it is therefore incumbent on the Council at this stage to ensure the EIA Report and HRA it has commissioned for the Scheme are of a suitable standard to adequately identify, assess and mitigate impacts on the area's birdlife, covering the construction and the 100-year operational life of the Scheme, and to ensure the EIA Report and HRA incorporate the precautionary principle and mitigation hierarchy, in accordance with EIA and HRA guidance. At present, the EIA Report fails in these respects and is not fit for purpose and the HRA has not been completed or made available in draft to residents or non-statutory stakeholders. These short-comings need to be rectified prior to the Scheme being confirmed by the Council.

The reason for my objection in relation to the EIA Report are its inadequacies in relation to birds, mainly (but not solely) to:-

- deficiencies in the ornithology baseline data used in the EIA Report. Specifically:-
 - EIA guidance by NatureScot and Historic Environment Scotland¹ and the Institute for Ecology and Environmental Management² both highlight the importance of desk study data to ensure assessments of impacts are sufficiently well informed. The Council's own Biodiversity Officer also requested desk study data be obtained from the BTO and the SOC, for example, to help ensure the baseline was sufficiently robust. The SOC database contains over 180,000 records over the same timespan as the EIA (15th October 2018 to 17th March 2023) with almost daily observations (>1,550 days of the 1,614 days compared with 64 Through the Tide Counts dates for the EIA). Despite this level of pre-existing information, the SOC or Lothian Bird Recorder were not contacted. As the bird surveys commissioned for the EIA and HRA are only an intermittent and short-term sample of the birds present at any one period, even if they are done to a high standard, baseline ornithology data still need to be supplemented by longer-term and more comprehensive pre-existing information to ensure the ornithology baseline is comprehensive and robust. WeBS data provides such long term and broader scale insights, but the WeBS data presented in the EIA Report completely lacks the necessary detail (which needs to be to species level) and is also not up to date. This lack of desk study data therefore

¹ 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 Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. September 2018 Version 1.2 - Updated April 2022

significantly contributes to the deficiencies of the Scheme's EIA Report, with the result that the impact assessments presented in it are not based on the best available scientific evidence, lack rigour, detail and transparency, and cannot be relied upon.

- baseline data in the EIA Report also lack the required level of detail from the bird surveys commissioned for the EIA Report and HRA. The distribution and abundance of species is not mapped to the species level or shown in relation to the proposed works, and predicted impacts are not quantified. Providing survey results to this level of detail is essential given the Scheme is adjacent to (and in some areas overlaps with) designated sites that are internationally and nationally important for birds (specifically the Firth of Forth Special Protection Area (SPA) and Ramsar Site, the Firth of Forth Site of Special Scientific Interest (SSSI), and the Outer Firth and St. Andrews Bay Complex SPA). Other EIAs for developments in East Lothian do, in comparison, provide survey data at this level³, and comparisons with those EIAs reveal the lack of detailed survey data and other deficiencies in the EIA Report to date for the Scheme.
- as well as the lack of detailed results, the level of survey effort is relatively limited. Start and end times of Through the Tide Counts (TTCs) are not provided, and only 10 of the 64 TTCs (in 2019 only) were made in the summer period (April-August) when work on the sea wall is planned. Because of this, the importance of the Scheme area and impacts over the zone of influence of the works at this time was year was not adequately assessed. This lack of detailed data from bird survey results is therefore a fundamental flaw in the current EIA Report. This needs to be corrected so that the EIA Report has sufficiently robust survey results to properly inform the environmental impact assessment, and to enable robust mitigation and compensation to be identified.
- the survey results presented in the EIA Report include several records of birds that would be unexpected for the Scheme area at the time recorded, and therefore need to be verified. The inclusion of such records raises questions about the ornithology baseline survey results in the EIA Report and available for the HRA. Further details of the records in question are provided in Appendix A.
- the EIA found no breeding Ringed Plovers, however there were 10 breeding attempts at Musselburgh lagoons in 2023. This includes two pairs which nested and reared 3+ young in the exact area earmarked for the eastern site compound.
- for the specific omission of baseline data in relation to the assessment of the Goose Green Footbridge, the EIA Report has:-
 - no mention of the Redshank roost which is often present at both high and low tides on the ledge on the east side of the river below Goose

³ 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.

Green weir where the bridge would be. Redshank are a qualifying feature of the Firth of Forth SPA and Ramsar Site, and Firth of Forth SSSI.

- no mention of the importance of the proposed bridge area as an Eider nursery. The areas above and below the Goose Green weir is a key area for creches of 50-80 young Eider over a period of six weeks through the summer. This species does not breed in Musselburgh, but the females bring their young from Inchkeith island each year specifically to this location. Eider are a qualifying feature of the Outer Firth of Forth and St Andrews Bay Complex SPA, and the young from Inchkeith contribute to the SPA population.
 - no mention is made in the EIA of the bridge location being a key site for flightless, moulting Eiders, Goosanders and Mute Swans in June-August. These frequent the bridge site and the area adjacent to the proposed site compound. These birds are particularly prone to disturbance during the moult when they are flightless.
 - no mention is made of the bridge location being the key site for visitors to see Kingfisher through the non-breeding season.
- a high proportion of bird surveys coincided with construction activity being undertaken for the new lagoons by Scottish Power. This work caused disturbance with increased heavy truck traffic along the eastern seawall. As a result of this construction activity, the abundance and disturbance of birds was, from personal observation, impacted, invalidating the representativeness of the bird survey results in the EIA Report for this period. There is insufficient explanation in the EIA Report of how these disturbance effects during surveys over this period were accounted for in the ornithological assessment.
- the actual assessment of impacts of both the construction and operational phases of the Scheme consistently lacks supporting evidence, either from grey literature or peer reviewed publications (of which there are numerous examples on the birds, habitats and ecosystems of the Firth of Forth, and on quantifying and assessing impacts on birds such as those from construction activity and visitor pressure). The lack of evidence to support impact assessments is not good EIA practice and fails to meet the requirements expected or demonstrated in several other EIAs of coastal developments or developments in sensitive coastal areas in the region. Importantly, given that the HRA needs to be based on the best scientific evidence currently available, there is no reason why such evidence should not be equally presented in the assessments of impacts in the EIA Report (especially since the draft HRA has not currently been made available). This lack of evidence includes, for example, any data quantifying the current level of activity and bird disturbance in the Scheme area, or the anticipated increase in operational disturbance from the Scheme by cyclists, walkers and others, including from the two elements of the Musselburgh ATN. Consequently, it is not possible to identify the predicted increase in visitor activity within and around the Scheme area and assess what (a) disturbance to birds will result from the displacement of recreational activity during the protracted construction period, or (b) what the increased operational disturbance will be. This is another key failing of the current EIA Report.

- the EIA Report does not rigorously assess the Scheme's construction and operational impact on the nearshore sediment environment and the associated impact pathways on benthic ecology that could indirectly impact the food chains supporting internationally and nationally important bird populations at this location.
- the lack of assessment of the implications, over the 100-year lifetime of the proposed Scheme, on inter and supra-tidal habitat loss as a result of sea level rise (commonly referred to as 'coastal squeeze') caused by the construction of the Scheme's hard structures.
- no assessment is made of the effects on birds from the presence and working of the two site compounds at the lagoons over a 5-year period. This western site compound at the Cadet Huts is adjacent to two habitats used by many birds – the Esk mouth and the new lagoons. It will also be used over 5 years and not in the 500 m sections planned for the seawall on environmental grounds. An alternative location needs to be identified for this construction compound to a less environmentally sensitive location.
- the failure to provide the HRA in the published documentation for the Scheme. Until this HRA documentation is provided, it is not possible to properly determine the impacts of the Scheme on the Firth of Forth SPA, Ramsar Site or the Outer Firth and St. Andrews Bay Complex SPA. It would therefore be appreciated if the Council could therefore make the draft HRA available to consultees with an ornithology interest. In the absence of access to this critical document, this objection is maintained until such time as the HRA is made available and a sufficient period allowed to provide a consultation response.

Thank you for your time and consideration. Please acknowledge receipt of my letter of objection, in writing and please advise me of next steps, and timescales.

Yours faithfully,



cc. NatureScot
Marine Directorate Licensing Operations Team
Scottish Ornithologists' Club
RSPB Scotland

APPENDIX A – DETAILS OF BIRD RECORDS INCLUDED IN THE EIA REPORT THAT REQUIRE VERIFICATION

The survey results presented in the EIA Report include records of Stone-curlew, Water Pipit, Twite breeding, “flyover” Wood Warbler, Whimbrel in November, a Kittiwake flying up the river stand out. Based on over 60 years of data, these records require verification. Their potential misidentification puts doubt on the quality assurance process applied to date in the EIA Report. The almost daily coverage by experienced birdwatchers also points to anomalies, such as occasions when a large count of Velvet Scoters is reported at a time when only a Common Scoter flock was present.

In addition to these concerns with bird survey data in the EIA Report, virtually all wader and water bird numbers are underrepresented in the EIA Report counts, compared with compressive counts made by local citizen scientists. Some examples are given in the table below:

Species name	Maximum count in SOC database (Oct 2018 to Mar 2023)	Maximum count in SOC database (post March 2023 where significant)	Maximum count in the EIA Report
Eider	910	3,200	630
Long-tailed Duck	70		34
Common Scoter	1,600	4,500	210
Velvet Scoter	311	378	380 (see text above for Scoter presence)
Black-tailed Godwit	240		36
Knot	930		340
Turnstone	261		155
Sandwich Tern	1,370		280

In addition, the SOC’s bird records database also covers the more recent period since mid-March 2023. During this period, particularly large numbers of sea ducks have been frequenting the area, some populations even exceeding the former numbers for the whole Forth of Forth SPA. This highlights the importance of long-term site monitoring. For example, 3,200 Eiders on 23rd October 2023, 4,500 Common Scoters on 14th December 2023 and 378 Velvet Scoters on 25th August 2023.

These significant discrepancies again reiterate the importance, as requested by the East Lothian Council’s Biodiversity Officer, that the SOC and BTO are consulted to obtain pre-existing detailed baseline bird data to contribute to the EIA and HRA.

Subject: (0558) PCS-20000874 SEPA Response to the Musselburgh FPS consultation and EIA
Sent: 24/04/2024, 16:41:45
From: Planning South<Planning.South@sepa.org.uk>
To: Musselburgh Flood Protection Scheme; Musselburgh Flood Protection Objections
Attachments: [20240424 PCS-20000874 SEPA Response to Musselburgh FPS Consultation.pdf](#)

Follow Up Flag: Follow up
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To Whom It May Concern,

Flood Risk Management (Scotland) Act 2009 Musselburgh Flood Protection Scheme (FPS), Musselburgh, East Lothian

Please find attached our response letter to the above consultation.

This confirms we have **no objection** to the FPS. However, there are a number of issues we have requested be covered by planning condition. We have also made a number of recommendations as the project moves to detailed design including that discussions commence with our Water Permitting Team regarding the elements of the project which will require authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 as well as our Hydrometry Team.

I trust these comments are of assistance - please do not hesitate to contact us if you require any further information.

Kind regards,



For the future of our environment

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Dh'fhaodadh gum bi am fiosrachadh sa phost-d seo agus ceanglachan sam bith a tha na chois dìomhair, agus cha bu chòir am fiosrachadh a bhith air a chleachdadh le neach sam bith ach an luchd-faighinn a bha còir am fiosrachadh fhaighinn. Chan fhaod neach sam bith eile cothrom fhaighinn air an fhiosrachadh a tha sa phost-d no a tha an cois a' phuist-d, chan fhaod iad lethbhreac a dhèanamh dheth no a chleachdadh arithist. Mura h-ann dhuibhse a tha am post-d seo, feuch gun inns sibh dhuinn sa bhad le bhith cur post-d gu postmaster@sepa.org.uk. Togalach Aonghais Mhic a' Ghobhainn, 6 Craobhruid Parklands, Eurocentral, Baile a' Chuilinn, Siorrachd Lannraig a Tuath, ML1 4WQ. Faodar conaltradh còmhla ri SEPA a sgrùdadh no a chlàradh no a sgaoileadh gus obrachadh èifeachdach an t-siostaim a ghlèidheadh agus airson adhbharan laghail eile.

Service Manager – Governance
Legal Services
East Lothian Council

Our Ref: [REDACTED]
Your Ref: CG/11481

By email only to: mfpsobjections@eastlothian.gov.uk
musselburghfps@eastlothian.gov.uk

SEPA Email Contact:
planning.south@sepa.org.uk

24 April 2024

To whom it may concern

Flood Risk Management (Scotland) Act 2009
Musselburgh Flood Protection Scheme (FPS) 2024, Musselburgh, East Lothian

Thank you for consulting SEPA on the Musselburgh FPS on 18 March 2024.

From the Flood Order Notice Letter (dated 14 March 2024) we understand the FPS is proposed to reduce the risk of flooding to ~3,200 residential and non-residential properties in Musselburgh up to, and including, the 1 in 200-year flood event from the River Esk, Pinkie Burn, Musselburgh Mill Lade and Firth of Forth plus an allowance for climate change. We acknowledge the FPS has been developed with early engagement with SEPA.

We understand consultation at this stage is based on the outline design of the FPS and that the design may be refined further at the detailed design stage which will be commenced following the confirmation of the scheme.

We have reviewed the Design Statement (dated 12 March 2024), Environmental Impact Assessment Report (EIAR) (dated February 2024) and associated drawing package and can confirm we have **no objection** to the FPS. However, we request, should the scheme be confirmed under the provisions of the Flood Risk Management (Scotland) Act 2009, that **conditions** be attached to the deemed planning permission requiring the:

- i. Implementation of the Schedule of Environmental Commitments described in EIAR Table 17-1.
- ii. Update of the fluvial hydraulic model to include the flood wall at Inveresk Estate to assess and determine any changes to the risk of flooding in this area.
- iii. Implementation of mitigation to address impacts on fluvial geomorphology on the River Esk (Mitigation W23 and 24) and consideration of additional measures to reduce the impacts further as discussed in Appendix 2 below.
- iv. Preparation and implementation of a Construction Environmental Management Plan (Mitigation W1) agreed with the Planning Authority in consultation with SEPA.
- v. Implementation of water quality monitoring (Mitigation W28), developed in consultation with SEPA, which includes suitable monitoring proposals to protect the Fisherrow Sands Bathing Water during construction.



SEPA
Unit 6
4 Parklands Avenue
Holytown
Motherwell
ML1 4WQ

Tel: 03000 99 66 99
www.sepa.org.uk

Several aspects of the FPS will also require a separate authorisation from SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR). The effects of the scheme will be scrutinised further as part of the CAR application but at this stage it is possible the FPS will downgrade the condition of the River Esk (WB 3800) for morphology from good to moderate. We strongly **recommend** pre-CAR application discussions commence directly with our [Water Permitting Team](#) particularly in relation to the engineering works in the water environment, the proposed dewatering strategy and construction run off during the construction phase.

We also **recommend** the project team liaise with our Hydrometry Team during the detailed design phase regarding the impacts of the FPS on the existing gauging station and flood warning service as well as the access requirements.

Our full advice on the proposed FPS is provided in Appendix 1 below and is supported by morphological comments in Appendix 2.

If you have queries relating to this letter, please contact us at planning.south@sepa.org.uk including our reference number in the email subject.

Your sincerely,

[Redacted signature block]

Disclaimer: This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our website planning pages - www.sepa.org.uk/environment/land/planning/

Appendix 1 – Advice on the proposed FPS and EIAR

Following our review of the EIAR we can offer the advice below on the assessment and the FPS.

1. Chapter 7 – Biodiversity

1.1 We have reviewed EIAR Chapter 7 – Biodiversity and have limited comments on the assessment with the exceptions below. Our advice in relation to impacts on the water environment is offered in Section 2. Overall, we welcome the range of environmental commitments identified particularly the Landscape Habitat Management Plan (LHMP) (Mitigation E24). This could be used to help enhance biodiversity and create a mix of habitats in the river corridor which could partially compensate for any habitats affected during construction.

Fish Ecology

1.2 The information provided in relation to fish ecology is acknowledged. We welcome the mitigation measures identified (Mitigation E19 – 22) to address construction phase impacts on fish. This will be subject to detailed assessment at the CAR stage where any specific requirements can be considered.

1.3 In relation to the new debris screen, EIAR Section 7.6.3.3.6 states it '*will result in 0.003 ha of river habitat lost under the footprint of the Scheme*' and '*The debris screen will not present a barrier to fish movement throughout the catchment*'. We acknowledge it appears the debris screen will be of limited construction and unlikely to impede fish passage but this will be considered in greater detail at the CAR stage. Further information may be required to demonstrate how this will be maintained to prevent it from becoming a barrier when blocked with debris.

1.4 We support the Positive Effects for Biodiversity Management Plan (Mitigation E25) particularly the reference therein to the improvement of the Eskmills Weir fish pass to enhance the fish populations upstream of the weir. It would be beneficial if improvements can be made to the fish passage at the weir and we would welcome further detail on the works proposed.

Invasive Non-Native Species (INNS)

1.5 EIAR Section 7.5.5 indicates INNS were prevalent within the study area particularly along the banks of the River Esk and the Pinkie Burn. The transfer of INNS during construction has been assessed as a major, negative impact which could be permanent without management. We therefore welcome the commitment to include a biosecurity plan to avoid the spread of INNS and manage their removal and disposal during construction as part of the Ecological Management Plan (Mitigation E1). We **recommend** reference is made to our [INNS Webpage](#) and guidance on [biosecurity and management of invasive non-native species for construction sites and controlled activities](#) as the plan is developed. It is also understood funding has been provided for the wider control of INNS in the Inveresk area.

Impacts on the marine environment

1.6 We have no site-specific comments in relation to any impacts on the marine environment. Please instead refer to our [standing advice on marine consultations](#).

2. Chapter 10 – Water Environment

Flood risk

- 2.1 We have provided advice to East Lothian Council and Jacobs over recent years in relation to the flood risk modelling underpinning the FPS and acknowledge the model developed to determine baseline flood risk was progressed in consultation with SEPA.
- 2.2 It is acknowledged the FPS allowance for climate change includes a 28% flow uplift on the River Esk and 25% rainfall uplift on the Pinkie Burn to the year 2050. We **recommend** overtopping scenarios are also considered for the 2100 climate change scenario so the with-scheme modelling may be used for planning purposes based on the current requirements set out in NPF4 and our [climate change guidance](#).
- 2.3 The EIAR indicates the FPS will have a major beneficial impact during operation for most areas but there are localised areas where there is a potential increase in peak flood depth during the design flood. These are existing open green space areas such as the golf course and parkland (EIAR Table 10-26). As these are low vulnerability in terms of people and properties this is not a concern from our perspective. However, Table 10-26 only provides information on the change in risk associated with the 200 year plus climate change event. We **recommend** work also be undertaken to quantify any changes to the onset and frequency of flooding at the lower return periods.
- 2.4 We understand the flood wall at Inveresk Estate has not been represented in the hydraulic model at this stage. The risk to these properties (Table 10-27) will require to be reassessed once the wall to protect this area has been added to the modelling. If there is found to be an increase in risk to existing properties with the wall in place, this may not be acceptable and alternative design options might need to be considered.
- 2.5 We acknowledge the potential construction phase flood risks identified and welcome the measures proposed to address these impacts (Mitigation W11). We recommend plant and material are set back as far as reasonably practicable beyond the 10-year AEP extent to mitigate flood risk to the storage areas.
- 2.6 In advance of extreme flood events (e.g. 0.5% AEP (200-year), in-channel working areas will be evacuated and allowed to flood to prevent increases in flood levels from constriction of flows. It is not clear how an extreme flood event could be defined in advance for example if this would be based on flood warnings being issued or if the project team wish to investigate something bespoke with SEPA in relation to threshold in the flood forecasting models. Either way, it is not clear the lead time would be sufficient to clear the area especially during non-standard working times. As part of the modelling works, we **recommend** how the construction phase channel constrictions could exacerbate flood risk in the local area is assessed to help determine suitable mitigation measures.
- 2.7 We understand there is a potential for long-term changes in groundwater levels to increase the likelihood of groundwater flooding behind the defences proposed along the River Esk and mitigation is planned to reduce this possibility due to the scheme (Mitigation W25). Generally, we do not comment on groundwater flooding so have no further specific advice on this issue.
- 2.8 We support further investigation of the potential for Natural Flood Management measures in the River Esk catchment and note this is to be undertaken outside of the scheme process. It would be beneficial if these can be used in conjunction with downstream engineered measures.

2.9 We understand a flood door is to be provided in the wall at the SEPA river gauging station to give operational access. We **recommend** the project team contact SEPA's Hydrometry Team to discuss the impacts of the FPS on the gauging station as well as the access requirements. We will be particularly interested in understanding details on the timing and duration of proposed works, the types of works (both during construction and post scheme development) as well as any measures to mitigate the impact to SEPA hydrometry assets and the Flood Warning service.

Engineering works in the water environment

2.10 As acknowledged in the EIAR, the installation of flood walls, embankments, bridge replacement, erosion protection, debris screen and surface water outfalls will require authorisation from SEPA under CAR. This only applies to engineering work above the Normal Tidal Limit. Amendments may also be required to existing authorisations for the reservoirs to reflect proposed adaptations. We **recommend** the applicant engages in pre-CAR application discussions with our [Water Permitting Team](#) to discuss the specific authorisation and supporting information requirements.

2.11 We support the primary mitigation considered in the scheme design involving setting the defences back from the banks where possible. We welcome the mitigation identified to address impacts on fluvial geomorphology involving removing existing structures and new riparian planting (Mitigation W23 and W24). The former can be included in any CAR authorisation.

2.12 In relation to the potential morphological effects of the FPS, based on our initial assessment the works could downgrade the condition of the River Esk (WB 3800) for morphology from good to moderate. However, we have not considered measures to mitigate the effects due to a lack of detail at this stage. As well as the mitigation identified we request further consideration is given to the measures that can be implemented to reduce the impacts on this waterbody. We have offered further morphological advice in Appendix 2 below.

2.13 This advice is given without prejudice to any decision made on elements of the proposal regulated by us, which may take into account factors not considered at this stage. For information, if there is a potential downgrade in waterbody status then the project will have to go through the derogation process as part of the CAR application.

Groundwater

2.14 We note the groundwater quality and hydrogeology assessment is based on two phases of ground investigation and published data. No modelling or quantitative assessment has been carried out. In addition to Environmental Quality Standards, groundwater quality should be assessed against Resource Protection Values and Minimum Reporting Values. Please note, in relation to receptor importance (Table 10-3 & Table 10-21), all groundwater in Scotland is afforded the same level of protection.

2.15 EIAR Section 10.4.4.6 indicates no groundwater abstractions with CAR authorisations are present in the study area and no groundwater abstractions are recorded by ELC. This is consistent with information on CAR licences and PWS available to SEPA.

2.16 Groundwater abstraction may be required to facilitate the works. Any temporary dewatering should be undertaken in line with CAR General Binding Rule (GBR) 15 where appropriate. Where dewatering is intended to last longer than 180 days then a CAR registration or licence will be required depending on the proposed abstraction volumes. Similarly, GBR15 does not apply where abstraction is within 250m of a surface water if the abstracted water is not then discharged to that surface water.

2.17 We support the development of a dewatering strategy for the works and its agreement with SEPA before any dewatering takes place (Mitigation W18). We **recommend** the strategy is shared with our [Water Permitting Team](#) to be agreed as part of pre-CAR discussions, and any subsequent CAR application, to help establish the abstraction authorisation required. We **recommend** the following advice is considered as the strategy is developed:

- a) Proposals should consider the distribution of contaminants identified in groundwater across the development area to consider the likely quality of groundwater during abstraction.
- b) Dewatering should be designed to minimise the mobilisation of existing groundwater contamination as far as practicable.
- c) If abstracted water is to be returned to groundwater, then this should be returned to the same area of the aquifer unit from which it is abstracted.
- d) Betterment should be built into the design and as such where elevated hydrocarbons may be present the use of an interceptor or other treatment technology should be considered.
- e) Any proposals to discharge contaminated groundwater to surface water or a separate unimpacted area of groundwater will require appropriate treatment and discharge authorisation.

2.18 Two potential options for the discharge of abstracted water are considered either to surface water or groundwater. As investigations have identified groundwater is known to be contaminated (containing elevated concentrations of a number of substances including metals, petroleum hydrocarbons (TPH) and volatile organic compounds (VOC)) treatment of abstracted water may be required prior to discharge to prevent adverse impacts to the water environment. The implications of the discharge of contaminated water will need to be considered in detail and our [Water Permitting Team](#) should be consulted regarding the discharge authorisation requirements.

2.19 EIAR Section 10.5.6.1.1 mentions possible settlement issues related to dewatering activities given the urban setting of the works. This does not fall within our remit, but it is assumed these issues have been given due consideration through Construction Design Management (CDM) Regulations and other regulatory obligations.

Construction environmental management

2.20 We support the preparation and implementation of a Construction Environmental Management Plan (CEMP) (Mitigation W1). This should incorporate detailed pollution prevention and mitigation measures for all construction elements potentially capable of giving rise to pollution during all phases of construction and reinstatement. We **recommend** it is developed to adhere to the guidance outlined in EIAR Table 10-31.

2.21 It should also be noted the River Esk is currently impacted by a large polluting mine water discharge causing water quality impacts for a significant distance downstream. Deposition of metal rich precipitates is likely to have had adverse impacts on the quality of shallow riverbed sediments. This will need to be considered in the CEMP in relation to works in river and banks which may disturb sediment to avoid impacts on surface water quality.

2.22 The CEMP should also include measures to prevent creation of new preferential pathways for migration of existing groundwater contamination (Mitigation W19). We **recommend** we are consulted further if this is considered to be a significant risk.

- 2.23 We support the implementation of water quality monitoring agreed in consultation with SEPA. This will require to include a suitable monitoring proposal to demonstrate that the Fisherrow Sands Bathing Water will be protected during construction. Monitoring will be required in relation to disruption of sediment causing elevated levels of Faecal Coliforms and contaminants in the bathing water.
- 2.24 Construction sites that discharge water run-off to the water environment covering an area greater than 4ha require a licence under CAR. Further discussions will be required during the CAR process our [Water Permitting Team](#). There are also further details available on our [water run-off from construction sites webpage](#).

Surface water drainage

- 2.25 We understand a surface water drainage system will be formed on the dry side of the scheme to collect and convey water that would otherwise pond behind the defences. Any discharge of surface water to the water environment must be in accordance with the principles of the SUDS Manual (C753) and CAR (specifically GBR 10). Further information can be found in our [CAR Practical Guide](#).

Groundwater dependent terrestrial ecosystems

- 2.26 We acknowledge no GWDTEs have been identified in the study area and therefore no impacts are predicted on these in the EIA. We agree it is very unlikely there will be GWDTEs within the site and therefore have no concerns in relation to this issue.

3. Chapter 11 – Land contamination

Land contamination

- 3.1 Advice on land contamination issues should be sought from East Lothian Council's contaminated land specialists as the lead body on these matters. If they require advice on issues relating to the water environment, then they should contact our contaminated land team directly at contaminated.land@sepa.org.uk.

Site waste management

- 3.2 We welcome the intention to prepare and implement a site waste management plan (Mitigation G7) to identify the likely types and quantities of waste and how waste will be prevented, re-used, recycled and otherwise recovered. We also welcome the commitment to maximise the reuse of site won materials (Mitigation G8). As acknowledged in Mitigation G14 – 16, any waste imported or removed from the site must be managed in line with the Waste Management Licensing (Scotland) Regulations 2011. Further information regarding the waste regulations is available on our [website](#) and directly from our [Waste Permitting Team](#).

Ash lagoons

- 3.3 We acknowledge the FPS includes repair work to the existing ash lagoons seawall. The ash lagoons are a landfill site constructed to accept ash waste regulated by SEPA under the Pollution Prevention and Control regime (PPC/A/1004254). We understand there will be no excavations or direct disturbance in the ash lagoon waste deposits. The EIA assesses the risk of significant effects on the water environment to be low although additional investigation works are planned.
- 3.4 We have no concerns regarding the proposed works in relation to the existing PPC permit. We are satisfied the works are outwith the permitted boundary of the site and should not have any impact on site activities. The site restoration works have been completed and the operator is in discussions to move into 'definite closure' at present.

Appendix 2 – Morphological Advice

1. We have reviewed the information provided with the EIA in relation to the potential impacts on fluvial geomorphology. In summary, our findings are that the new embankments and walls along the River Esk would likely downgrade the condition of the waterbody (WB ID 3800) for morphology, from good to moderate, with several Single Activity Length (SAL) breaches.
2. This is only an initial assessment based on the sections of embankments/walls along the waterbody. The embankments/walls proposed in the estuarine section are not assessed, we only assess fluvial waterbodies.
3. Mitigation has not been considered in this initial assessment. The mitigation identified in the EIA is based on riparian planting and potential removal of existing pressures like bank protection and training walls (Mitigation W23 and W24). Some limited details are provided on this in EIA Chapter 10, Section 4.2.3 of the Positive Effects for Biodiversity Management Plan and Section 2.5.2 of the Outline Design Statement but no specific information is available to support a fuller assessment at this stage.
4. These measures could be explored further to avoid morphological impacts. We request this is considered as the project moves to the detailed design stage to avoid a waterbody downgrade (e.g. creating more set-back embankments/walls, to be clear on the plan to remove training walls through the river waterbody section and riparian planting). It would be desirable to reduce the impact of the design as much as possible in advance of the CAR application process.
5. Soft bank protection techniques will also have to be justified. We recognise these are better than hard bank protection, but we would promote the use of trees and vegetation rather than other structures supporting banks.
6. Additionally, due to the significant extent of new embankments/walls, it is recommended that the impact on morphology in high flows be considered. Normally, embankments/walls increase unit stream power in high flows events. This could be explored, for example, by looking at changes in shear stresses in a hydraulic model comparing design and baseline condition. It would be useful to explore how changes in the sediment mobility, relocation could impact the scheme including habitats. We are content to consider this further at the detailed design stage of the project.

Subject: (0559) MFPS Objections
Sent: 24/04/2024, 16:43:34
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [REDACTED]

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24/4/2024

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

Dear Service Manager – Governance

I am writing to object to [REDACTED] Musselburgh Flood Protection Scheme 2024 (the Scheme) [REDACTED] and the coast and is close to the river Esk and the river mouth. My property is within the flood map area and will overlook the proposed flood defence structures included in the Scheme. I object to the current, recently published Scheme for the following reasons:

Fisherrow Links and Coast

1. I object to the embankment at the coast, Fisherrow Links to the Esk river mouth. The council must take independent advice and try to protect the coast using nature based solutions.
2. I object Jacobs have presented different climate scenarios. Scenario 2 at river/scenario 4 at coast. The reasoning for this is unclear and undermines the claim the flood scheme is science led. Therefore I object to the design at the coast (Scenario 4) which appears to be overkill.
3. I object to the lagoons wall section as this is not necessary to protect home in Musselburgh.
4. I object to active travel path along coast at Fisherrow ON TOP of scheme defence. This path on top of the proposed defence has led to a loss of view and loss of access to the beach
5. I object to the proposed planting of a tree forest on Fisherrow links. A Scottish links is naturally open and tree planting will disrupt this environment
6. I object that there is no guarantee Fisherrow Links will not become a compound during the construction phase.
7. I also object that there is no guarantee the [REDACTED] will not be used for heavy maintenance traffic during construct phase.
8. I object to the new Goosegreen Bridge as it offers no flood reduction benefit. Furthermore, under the above noted definition under the 1997 Act, this bridge is without any doubt considered to be a 'Development' and not a replacement, and requires planning permission.
9. The new proposed bridge which is 5m wide is not a 'like for like' replacement of the current 1m bridge and is located in an wildlife area at the mouth of the ESK

River

1. I object because there is a lack of nature based solution in the river scheme
2. The narrowing of the river could create a 'canal effect' and sea surges may flood the town. I object to the current design.
3. I object to the felling of trees to build walls/embankments along the river and the loss of benefits that mature trees bring.
4. I object to the placement of active travel on top of embankments as it spoils the view of the river and is an invasion of privacy to those houses along the river.

Government/Council spending

- The scheme has expanded from £9m to over £100m. The additional cost and unnecessary consultant fees could have been spent on other projects.
- I object to the current scheme on the basis that no fiscal restraint has been applied to the consultants and going forward it may bankrupt our council and government. The Scottish government agrees and has asked ELC to withdraw from the current cycle 1 scheme

Consultation

- The release of documents throughout this whole period has been last minute and not allowed me time to fully understand the scheme.
- The consultants have not listened to my views and presented confusing information.

Compensation

1. I object on the basis my home is within the flood map area. It is also looking onto the proposed structures. Under the current scheme there is no allowance for the council to pay a 'pre-works' survey of my house.
2. I object because there is no clear material describing the councils mechanism to compensate me if the works or related works traffic damage my property
3. I have an interest in the land affected by the scheme and scheme operations (including but not limited to noise and pollution from construction traffic) at Fisherrow Links and Fisherrow coast. I use this regularly to exercise. I use this for sports, football, pitch & putt, the playpark. I walk daily along the coastline and river for health benefits. A coastal sea defence with limited access and any scheme compound and scheme works will directly impact mine and my family's ability to continue to do so and disturb my enjoyment of the land. If the scheme proceeds in its present form without amendments I expect to be compensated for the sustained damage as a consequence of exercising my powers under the Act, Section 83 (1).
4. I object because there has been no third party independent analysis of the impact of the proposals on Musselburgh's long connections and affinity with the sea and river as an amenity for the townsfolk and others, as well as for the tourism industry, on which many local shops depend. Flood walls will destroy amenity and Musselburgh's long connection with river and sea.
5. *"People depend on the environment around them for their physical and mental health, and general wellbeing"* (Flood Risk Management (Scotland) Act 2009. My human rights are undermined due to my present environment (river and coastal walks and views) being threatened which will affect my mental and physical health
6. I object on the basis I work from home the majority of the time and will no longer be able to do so due to the years of disruption.

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

Please acknowledge receipt of my letter of objection via email as mentioned. Please advise me of next steps, and timescales.

Yours faithfully,



Subject: (0560) MFPS Objections
Sent: 24/04/2024, 16:45:25
From: [REDACTED]
To: Musselburgh Flood Protection Objections

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Categories: [REDACTED]

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

23/04/2024

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

Dear Sir,

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

- 1: The works and subsequent structure will severely negatively impact my quality of life and mental health, as well as that of the community as a whole. I spend a lot of time walking my dog by the river. The scheme will completely change the makeup of the town and reduce the enjoyment we get from having such beautiful features on our doorstep. I feel the main attraction of Musselburgh is the river walk and along the front as the plans stand at the minute this area will spoiled for everyone. "People depend on the environment around them for their physical and mental health, and general wellbeing" (Flood Risk Management (Scotland) Act 2009).
- 2: Escalating costs at a time when ELC have declared a financial crisis, this will put pressure on other services due to their 20% liability of all costs.
- 3: The impact on wildlife, loss of biodiversity from the removal of mature trees is a huge concern and seems to be an unwise move when it is known that the presence of trees encourage drainage. As much as possible should be done to not only retain and conserve existing biodiversity, but to encourage and increase it. Nature based solutions should be at the forefront of this scheme, but have been pushed aside in favour of huge concrete walls. No biodiversity net gain has been evidenced.
- 4: Concrete walls will become targets for graffiti and the visual impact of this will have a further detrimental impact on the area. Who is to be responsible for the cleaning of this, and what will the ongoing cost of this be? No maintenance budget has been factored into the scheme.
- 5: Disruption to local services and increased noise and traffic pollution. A long term negative effect on local businesses, increased traffic, roadworks and road closures (in a town already struggling with the sheer volume of traffic it sees daily) leading to a decrease in visitors to the

town and inconveniencing local residents for in excess of five years.

6: The sheer cost of the scheme which has greatly increased over the years. Tax payers money would be far better spent on essential services needed now, rather than on something based on the possibility of flooding in years to come.

7: Throughout the scheme the consultants have not been subject to challenge or adequate scrutiny and have been allowed to write their own Environmental Impact Report. This cannot be ethical as bias will definitely have been a factor.

8: The removal of natural flood management before the council vote on the scheme in January 2024, and before petition was heard, was not only undemocratic but more importantly in breach of the 2009 Act's requirements.

9: Measures to avoid, control, manage and mitigate flood risk should also not increase flood risk elsewhere. There has been no assessment of the impact or risk of MFPS on other coastal area ie Portobello.

10: Our councillors unanimous exclusion of Natural Flood Management, highlights a lack of willingness to deploy nature based solutions that go in the face of Dynamic Coasts advice. It must be noted that our councillors cast their votes before having sight of Dynamic Coasts full assessment. They must now review this information and represent the motion for a second round of votes. Nature based solutions at coast should not be ruled out (as per Dynamic Coast report)

11: Narrowing the river will increase flood risk.

12: Dynamic Coast report states beach could be lost due to seawall structure - actions to manage flood risk should not contribute to increased coastal erosion.

14: All data, flood modelling and designs presented to the public are based on the assumption of a sea level rise of 86 cm, advised to SEPA by Jacobs, and subsequently written into SEPA's requirements, which the overwhelming number of other studies do not support.

15: The modelling data has never been released despite repeated requests by members of the community with the necessary expertise to offer a peer review assessment.

16: Nature Scot (government experts) said we don't need "solutions today for the next 1m of sea level rise" (Nature Scot, Coastal Change Adaptation Guidance, Group Discussion on Climate Change Teams meeting on 31st Oct 2022).

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

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

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

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

21: The modelling of the scheme being based on the worst -case scenario by selecting the use of the IPCC RCP8.5. Not only does this presume that there will be no reduction in emissions in the future but there is much professional criticism of the use of RCP8.5 and there are many studies which do not support this data and modelling.

22: East Lothian Council declaring a climate emergency and claiming they are working towards a net zero policy whilst at the same time selecting the RCP8.5 scenario to base their flood scheme upon, which scenario makes the assumption there will be no reduction in emissions.

23: The commitment to a 100 year commitment to one line of defence only which directly contradicts the 'managed' and 'adaptive ' approach advised by the Scottish Government.

24: The timing of the statutory approval process being such that East Lothian Council's own Coastal Change Adaptation Plan is excluded from consideration. The lack of discussion of alternatives and independent technical scrutiny is not acceptable.

25: All MAT should be subject to planning and not part of the flood scheme as offers no flood reduction.

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

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

Yours Faithfully

A solid black rectangular redaction box covering the signature area.

Subject: (0561) Objection to Musselburgh Flood Protections Scheme 2024
Sent: 24/04/2024, 16:45:36
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
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Categories: [REDACTED]

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Names of objectors: [REDACTED]

To Service Manager,

I object to the proposed scheme on the basis of its over reliance on carbon-dense infrastructure; its significant detrimental impact to the heritage and appearance of the town; and, due to the negative environmental impact on the biodiversity of the town's waterways and the contribution the embodied carbon inherent in the scheme's construction plans.

Yours sincerely,

[REDACTED]

Subject: (0562) Flood Wall
Sent: 24/04/2024, 15:34:15
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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

From
[REDACTED]

Dear Sir

I am writing to object to the recently published Musselburgh Flood Protection Scheme.
I have lived in Musselburgh all my life and love this town especially the green spaces.

Objections

1. Although I am personally not directly affected by the flood scheme and have no worries about my home being flooded this scheme will affect my wellbeing as replacing a green space with a concrete wall is not good anyone's wellbeing. The river, the beach are a major part of my life. I walk there every single day.
2. Graffiti will also be a major problem. As I witnessed in Vienna [REDACTED] Our beautiful town will be ruined by anti social behaviour.
3. The cost of this to protect a town which has had no major flooding for years is extreme. I know that residents of Inveresk who have large gardens to the river have been affected but surely it is their problem to fix the garden boundaries so that this doesn't happen. Also if the river had been maintained and looked after ie the estuary has not been cleared for years to removed the build up.

I believe that Musselburgh is the forgotten town of East Lothian Council. We have lost Esk Green, The Brunton Theatre, The Hollies always struggling.

Please hold back on this scheme until alternative and more environmentally friendly can be considered. I was also disappointed to read that there is only one copy available of the plan to read and it will cost £1,000 to buy. Please explain why it isn't online.

Please also explain why the rush.

Please acknowledge receipt of this email.

Yours faithfully

[REDACTED]

Sent from my iPhone

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
24 April 2024

Carlo Grilli
Service Manager – Governance
Legal Services
East Lothian Council
John Muir House
Haddington
EH41 3HA
mfpsobjections@eastlothian.gov.uk

Dear Sir

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

I live on the river in [REDACTED], within [REDACTED] m of the river bank in land affected by the 1 in 200 flood events and land affected by the change in the flow of water as a result of Musselburgh Flood Protection Scheme implementation, construction and operation life of the measures proposed. Our home is noted on the Flood Map as at risk of flooding.

I use the river and the beach along Musselburgh coastline for daily walks, walking our dog, relaxation, bird watching, and to enhance my general amenity and well being.

We purchased our house some [REDACTED] years ago solely for its beautiful outlook onto the river and as our plan to finally use this house as our retirement home. [REDACTED].

I object to the published scheme because:

- 1 - FIRST GROUND OF OBJECTION**
I OBJECT TO THE ADOPTED RISK LEVEL, MITIGATION SCALE, TARGET DESIGN DATE AND EXCLUSION OF OTHER FORMS OF FLOOD LEVEL REDUCTIONS.

Our councillors are inadequately equipped to make informed decisions in regards the above.

No evidence based justifications for any of the choices made in relation to the above have been offered.

East Lothian Council has adopted a full council governance approach for delivery of the Musselburgh Flood Protection Scheme. This is the most democratic form of decision making by a body of people. However, despite its democratic credentials, this approach is not without its downsides, where decisions are required on specialist concerns. Such subjects require understanding, skill and often experience to enable an individual to cast an informed vote. For this democratic approach to function correctly a reasonably high level of knowledge and familiarity is required from all our councillors, and not from just a few or a majority. Any vote in this regard must be cast by 22 reasonably informed councillors. Alternatively independent peer review methods can assist the representatives to ensure clarity and avoidance of bias. This has not happened.

Our councillors are not experts in the fields noted in this objection. The executive summaries provided by the consultants and council officers are not adequate substitutes and only provide a basic insight. Hardly any of our councillors have studied the subject matters in detail beyond the executive summaries. Flawed considerations can and often do compound and deliver unrealistic outcomes. The need for decision making by unskilled persons, in absence of a peer review, can thus cause over reliance on a single source of information, leading to relegation of decision making to one team of consultants on all matters, effectively making the consultants surrogate decision makers.

Direct defences, walls are not permanent solutions. They are temporary and would at some point in future become redundant with or without one or more improvements cycles. Overdesigning or underdesigning physical barriers can both be damaging. Over estimate and we use funds unnecessarily and deprive ourselves from our natural environments long term. Under estimate and we pay a price. The farther ahead in time we aim our structures for, the higher the chances of errors.

Managed adaptive approach is the correct approach, but it cannot be a box ticking exercise. A 1.9m wall constructed in late 2020's for the year 2100 is not managed adaptive. It is a one way ticket. Our predictions can go three ways. Under estimated, correct or over estimated. There is a higher chance of mistakes than getting it right. It is a risky strategy that compounds with distant targets in the future. If today, they protect us from periodic rising water levels, with the sea level rise predictions adopted by the consultants, sooner or later the water lurking behind the wall will start rising above adjacent ground. We cross the line and our protectors

now become our tormentors, by bringing the sea into our midst. Our children will stand against these walls, knowing they are potential time bombs.

This will not happen in year 2100. Year 2100 is about the time the water level is predicted to be at its highest. Our protectors will turn into our tormentors far sooner than year 2100, from the moment water levels are above adjacent ground for longer intervals than the storms of today that threaten us. WE enter a new war. Whereas currently we battle the river daily, and fear the sea occasionally, in year 2060 perhaps or 2075, we begin to battle both the river and the sea as frequently as the moon orbits Earth.

We must not travel down this road. We must choose the true adaptive way and work with trigger points, perhaps every 20 to 30 years, we monitor and adjust. And when the battle is lost, we can say that we were at least able to see the river flow by.

I object to adoption of RCP 8.5 – 95 percentile as being an inappropriate basis for prediction of risks Musselburgh faces in future as a result of climate change. No evidence based justification has been offered for this extreme condition selection. I also object to the mitigation level proposed, which has resulted from this unrealistic risk level adoption.

I object to the proposals to construct flood defences to protect against predictions that contain significant uncertainties in estimation of future sea levels in year 2100, which have been extrapolated from insufficient available data. There is insufficient data to fully and properly assess the current risks. Extrapolations of future risks based on insufficient current data are unreliable and have the potential for significant errors of judgement and over estimation of future risks, and thus the form, size and cost-benefit assessments. And the farther ahead we aim the higher our risks of divergence from reality. Exclusion of NFM and extremely minimal use of NBS place our reliance entirely on engineered solutions that ultimately have a limited life, with no ability to return benefits once passed their design limits. We cannot go on constructing higher and higher walls. The proposed walls and embankments will sooner or later become redundant and in several cases, they change from our protectors to our future risks. These future risks will become burdens on the shoulders of our young. We must adopt future adaptive solutions that do not have a defined life span. In other words we must rely on nature more than engineering.

**2 – SECOND GROUND OF OBJECTION
I STRONGLY OBJECT TO THE LACK OF REAL AND CONSIDERED
ALTERNATIVE MEANS OF REDUCING THE FLUVIAL AND
COASTAL FLOOD RISKS, EXCLUSION OF NATURE BASED
SOLUTIONS AND THE DEFERMENT OF NFM TO SOME
UNDEFINED AND UNFUNDED FUTURE DATE.**

The Guidance to Flood Risk Management (Scotland) Act 2009: local authority functions under part 4 guidance, part 2.2 Options Appraisal indicates:

”Before proceeding with a scheme it is expected that local authorities have considered all the available options and taken into account both the costs and benefits of the proposed scheme through a robust and planned option appraisal process.”

Prior to 1st July 2019 public presentation, between 22nd May and 4th June 2019, Jacobs, organised options shortlisting meetings the results of which were later published as Appendix G to Jacobs’ November 2019 Preferred Scheme Report. On first inspection of the published results it was not easy to know who had said what, and if a favouring or discouraging comment was from a stakeholder, ELC, a relevant body or the consultants. The contents of the report and Appendix G, at times, seemed to offer contradictory grounds for discouraging a particular choice, or even completely rejecting it.

Some options were questioned or rejected because they only offered Fluvial or Coastal flood risk reductions. This ground for rejection is inappropriate, because these two risks result from different sources and natural events and expectation that one magic bullet can be found to resolve both is inappropriate, misleading and misguided. As can be seen from the shortlisting workshop’s published results, very good options for the river or the coast were dismissed and rejected on the noted grounds, despite high level possibilities. There is no evidence in the published results of any combined options having been considered. It maybe claimed that direct defences for the river and the coast is one such combined solutions, but that too is misleading as will be noted below.

The full shortlist of 4th June 2019 was not offered to the community for comment in the following public presentation.

In July 2019, the community was presented with the first ever design proposals for the scheme. The shortlist on boards 12 to 15 presented to the community, was in effect a fait accompli list of a finalised selection that have remained the same to this date. These do not represent options, but variations within a chosen option, which is, primarily, direct defences with some added assistance from some secondary flood risk reducing elements. By this stage, for all intents and purposes, NFM has been omitted from the suggestions offered to the community. In relation to the river and the coast, where most people's concerns reside, two variations of direct defences were presented as two options, A and B on board 16, which I shall refer to as variations. These were included in the survey questions and specifically highlighted in the feedback report. These were essentially the same option, but constructed in different relationships to the river banks and only demonstrated what one can call an irrelevant comparison. Clearly variation A could not possibly have been a serious proposition. This is manifested in the huge rejection of that variation by unskilled persons. If deemed totally inappropriate by unskilled persons, why would an experienced international firm of engineers suggest it as a serious proposal. In ■ years of involvement in the construction industry, as designer, manager and contractor, my experience is that it has always been the other way round, where the members of the public make unrealistic suggestions that are subsequently rejected, by the experienced professionals, as an incompetent solution.

That a £132m scheme started life on the back of feedback from 95 persons in a town of 22000 inhabitants only demonstrates one thing; the failure of the local authority, the consultants and other involved bodies to energise and encourage the community to engage with the scheme at a serious level. Once again, blowing one's own trumpet of "hugely successful community engagement" flies in the face of reality.

In June 2023 presentation, four scenarios are noted on the board titled Climate Change. None of these scenarios altered the nature of the flood mitigations proposed, and only affected the size and profile of the direct defences. In other words the 2019 direct defences option was continued to 2023 presentation with hints of measures that go against the feedback analysis published in 2019. Many of the river defences along the east bank of the river in the town centre area seemed to have been placed in the river channel, with the portion along ■ largely encroaching into the river by several metres in order to accommodate a new path previously deemed not necessary.

As has been detailed in my objection relating to the coastal solution, the sea wall, Mr Conor Price had indicated in September 2021 that the team remained committed to the ethos of NFM, even though no substantive mention of it was included in the 2019 scheme. He raises the need for strategic conversations with Dynamic Coast to learn and accommodate what that bodies recommends. Yet, in June 2023 presentation NFM's death knell is rung. NFM is suggested, by the consultants, as better deferred to some future (turns out unfunded) date, when it can be used as top-up. A suggestion they make to the decision makers and succeed to have NFM voted out of the scheme in total contrast to Mr Price's commitment to the noted ethos and the Scottish Governments recommendations.

A question arises from this exclusion of NFM, irrespective of the reasons given. It is claimed that NFM is not a significant contributor to flood risk reductions. Eddleston Water reports are cited as proof that catchment area solutions work best with small catchments. No one mentions that works best with small, does not mean it does not work with big !! The question of catchment area work is swiftly buried before it can raise its head again.

NFM deferral claims to be of value in future. This value is not quantified. The said value is claimed to exist in what one has to assume around the year 2100, when the conditions are predicted by the team to be far more severe than now. How can NFM deliver any flood risk reduction of value in far more severe conditions, but is claimed to be of no significant contributor in far more gentle climates by comparison.

Fast forward to January 2024. The so called option B (variation B) has been finely detailed and now wedded to Musselburgh Active Toun proposals (covered under separate objection). Many of the wall heights remain the same despite claims by the consultants to the contrary. Embankments are further detailed, but effectively the same designs.

Shortly before confirming the scheme at the end of March 2024, Dynamic Coast's and the EIA's reports are published, both of which are a damning reflection on the scheme's failure to deliver on the sensitive needs of the environment and the community.

The scheme has occupied the river channel against the early discussions on direct defences:

(+) where defences are set-back as improves riverside diversity (removing INNS).

(-) riverside defences: reduces width of important wildlife corridor; impacts on views and setting of riverside environment. Discourages active travel and healthy recreation

The scheme is at variance to Dynamic Coasts recommendations.

The Scheme fails to get approval from the EIA

The NFM element has been voted out of the Scheme.

The only dominant deciding factors that have travelled with the scheme through the years are claims of ease of construction and affordability, both of which have also proven to have been breached. Replacing and raising three bridges, constructing a new one, partial re-engineering existing reservoirs, and complete realignment of the river channel with concrete walls and embankments maybe seen as easier or less costly, but what good is a wooden leg to an amputee, when new prosthetics can enable her/him to break records in the Olympics. Affordability is the wrong yardstick. Appropriateness is the correct measure. For Musselburgh and for the planet.

The Scheme fails to provide the community with real options and is clearly the result of the proposers pursuing a particular favoured design from the very early on. What our council is promoting is to serve old mutton to vegetarians.

In conclusion, the members of the community have never been offered a variety of options to consider, and only minor variations in the same original direct defence approach offered in July 2019 presentation.

I strongly object to the lack of real and considered alternative means of reducing the fluvial and coastal flood risks, exclusion of nature based solutions and the deferment of NFM to some undefined and unfunded future date (against the recommendations of the Scottish Government, SEPA and Dynamic Coast). The proposal fail to properly and fully provide evidence based justification for rejection of all other possible options to the advantage of a purely direct defences option.

**3 – THIRD GROUND OF OBJECTION
I OBJECT TO THE CONFUSION THAT THE REFUSAL TO REMOVE
MUSSELBURGH ACTIVE TOWN ELEMENTS FROM THE
PRESENTATION.**

East Lothian Council has been directed by the Flood Risk Management (Scotland) Act 2009 to develop an action plan for managing flood risks in the town of Musselburgh and put that plan into action accordingly.

It is also ELC's policy to encourage freedom of movement, encourage use of alternative modes of transport to cars to reduce congestion and pollution, well being of the community and improve pedestrian access to services, shops, places of work, schools and many other amenities, locally and beyond.

The delivery of these two objectives were progressed together in a marriage of management and construction until very recently, when ELC made a last minute decision to extract MAT from the current phase of the project's process and approve and publish the Musselburgh Flood Protection Scheme as a standalone proposal under the FRM Act. From a professional point of view and in a strictly abstract context, I had considered this marriage of two different objectives to ultimately be beneficial, but requiring additional and careful multifaceted management, scrutiny, public engagement and more. It was therefore not surprising that this mutual embrace was developing into a far more integrated relationship between these objectives and a mutual reliance that would otherwise not be present if each was to be delivered separately. The awarding of various aspects of the project to the same consultancy was somewhat concerning and continues to be uncomfortable. The more concerning issue however came to the fore after the announcement of the divorce of the two objectives. Despite the separation, the project's presentation and information material, published in January 2024 and approved in March 2024 remained intact and no attempt was made to extract MAT from the published documents or drawings. It was a divorce on paper, but both bride and groom seemed to continue to live in the same house. Some form of cohabitation of the same space with mutual benefits appears to continue to this day.

I considered this a mistake. What appears to have been a panic stations decision due to consent related worries in regards MAT, and potential delays in progressing MFPS, will in fact prove detrimental to the combined approach, and in my view totally unnecessary. This may come as a surprise

to the readers of these passages, as I am opposed to the current proposals on a number of grounds, albeit not to the principle of having flood protection measures, and not to the principle of multi benefit proposals, whichever scheme ultimately wins the day.

The correct action to remedy the complexity of planning issues created by the combination, which could have been resolved easily, would have been to first obtain planning permission for MAT elements and then re-present the scheme for objections by the community.

Separation of MAT from the flood protection scheme in words only causes confusion for the design team. Every step of the way becomes a minefield that one has to carefully traverse. An unnecessary burden on the design team.

Separation in words only also causes additional complications for the statutory bodies, such as the planning and the highways departments. It is incumbent on those departments to determine what element of the flood protection scheme is to be tested against policies and what falls under Section 65, Deemed Granted, of the FRM Act.

Most importantly, if the two objectives are separated in principle AND in visual presentations, it will prevent the complexities currently present and impeding correct and accurate objections by members of the community wishing to make representations on one or both. This is equally true for the statutory bodies. However, when the two elements remain visually integrated and the public are directed to ignore one and make representations on the other, this leads to significant unfair burden on the responsible and engaging objectors.

Such visually integrated presentations are difficult enough to decipher by experienced and trained eyes. It is almost an impossible task for most of the members of the public. I have had and continue to have the pleasure of preparing designs for clients who are almost invariably unskilled and untrained in reading plans. Often much detailed discussions are needed to explain a simple house extension. To expect the townsfolk to make representations on the flood scheme that is infused with MAT, in almost all visualisation and drawing sheets, with MAT elements practically masking almost all other information and being the dominant features on all, is not just unfair. It is insane.

The earlier presentation from June 2023 does not offer much help in that respect either, as that too included MAT as an integral element of the proposals.

As professionals we cannot burden our clients with the responsibility for something they are not trained for. The current presentation feedbacks cannot be relied upon, unless we are certain our clients have understood the information. What value is there in comments on unclear information which are more complex than necessary for this particular task? It is misleading, biased and unnecessarily confusing. Any feedback obtained on the basis of such confused information is simply not worth considering. It is risky. It is wrong. It is against the ethos of the Act.

I strongly object to ELC and the consultants refusal to restore clarity by removing MAT elements from the published presentation documents following the 11th hour removal, in principle only, of MAT from the proposals.

4 - FOURTH GROUND OF OBJECTION OBJECTION TO THE FORM OF SEA DEFENCES DESIGNED AND SIGNIFICANT DISREGARD DEMONSTRATED FOR ADVICE AND RECOMMENDATIONS OFFERED BY DYNAMIC COAST.

In November 2019, Jacobs report in Musselburgh Flood Protection Scheme, Preferred Scheme, the following under 1.3.1 General Objectives:

"4. To advance the Scheme under the FRM, its 2010 Regulations and the appropriate guidelines for designing a formal flood protection scheme"

"8. To advance a Scheme that tries to interpret the ethos of the FRM and which is developed in a consultative framework with other internal Council Officers, statutory stakeholders and those that have a real interest in the project"

Again, under 2.3.5.1 Preliminary Environmental Appraisal of the same report:

Topic:
Coastal Processes

Restoring the dune system along Fisherrow to provide flood risk protection is not considered feasible. There are no particular constraints associated with developing more traditional defences toward the rear of the beach / dune system (i.e. sea wall or embankments).

And recommends:

1. Set-back embankments or walls.
2. Consider identifying where partial improvements to the existing beach / dune system may be achieved (e.g. add boardwalk, improve interpretation).

Fast forward and:

On 17 September 2021 Mr Price emailed a request to the Scottish Government (Redacted document) in which he states:

"I've a request for a little assistance just now. I'm looking to contact the Dynamic Coast project. I definitely fed information from the Musselburgh Scheme to them a few years ago to assist their coastal assessments, but this was through to one officer at SEPA and I have lost that contact. I need a strategic conversation to understand what they have achieved thus far and whether anything they have done / will do could be of benefit to absorb into the Musselburgh Flood Protection Scheme. We remain committed to the ethos of the act and to using natural / sustainable / catchment methods of FRM where possible."

Note particularly the reference to "strategic conversation".

Yet, in February 2024 Dynamic Coast publishes its Final Report for

"MUSSELBURGH COASTAL CHANGE ASSESSMENT"

and detailed as

"Dynamic Coast analysis to inform East Lothian Council Flood Scheme"

This report's analysis and recommendations are, in several parts, at significant variance to the proposals for the Musselburgh Flood Protection Scheme, raising a question, did the strategic conversation take place? If it

did, was information exchanged that could inform the protection scheme, and if the answer is yes, why is it that the Dynamic Coast Final Report is still as such variance to the protection Scheme's proposals in several respects?

The Protection Scheme has not changed course since November 2019 Preferred Scheme report, and continues to propose setback walls and embankments in variance to Dynamic Coasts' which recommends ELC to develop and appraise a range of coastal resilience measures as part of ELC's proposed Coastal Change Adaptation Plan.

Contrary to the Scheme's decision to exclude Natural solutions, other than repurposing existing engineered reservoirs in the catchment are, Dynamic Coast's recommendations are rooted in nature based solutions.

The proposals for Musselburgh's coast are also at variance with the Scottish Government's Coastal Change Adaptation Guidance.

I strongly object to the Scheme's proposed Coastal defences, its lack of, and reluctance, to engage with and employ natural solutions, and its failure to closely work with Dynamic Coast and deliver their recommendations, despite having suggested the need for "strategic conversation" with DC as early as September 2021.

**5 – FIFTH GROUND OF OBJECTION
OBJECTION TO INCLUSION OF MAT ELEMENTS UNDER THE
DEEMED GRANTED UMBRELLA OF SECTION 65 OF THE FLOOD
RISK MANAGEMENT (SCOTLAND) ACT 2009 AND OTHER ACTS.**

Approaching planning permission issues without first purging MAT elements from the drawings and other published materials creates additional unnecessary confusion. Considering normal processes by the planning department in validating planning applications on receipt casts some light on the difficulties that unclear information can result in.

a – Prior to validating an application, planning registering officers would scrutinise the submitted information and ensure they contain all the necessary details needed for consideration by the planning officers.

b – In parallel with that, any information lacking clarity will be returned and the application registered only when the information is amended and updated appropriately.

c – Any drawing containing information not covered by the application description will be rejected and asked to be purged before it can be validated.

In 'c' above, the aim is to ensure only elements described in the application submission are shown on plans. This is to avoid unintended approval of elements that are not described, but erroneously appear on the plans. Such errors may create legal issues as to what is and what is not included in the granted permission.

In the same manner, the information contained on plans for the Musselburgh Flood Protection Scheme must be checked and scrutinised for appropriateness for consideration under Section 65 of the FRM Act, the Deemed Granted directive. Failing this crucial vetting process could result in elements being awarded deemed granted status where they do not warrant such a status and really need to obtain planning permission, such as MAT elements in the Musselburgh scheme. MAT proposals, in the main, require planning consent under Town and Country Planning (Scotland) Act 1997.

This issue is already creating problems for those wishing to make representations on the Flood Protection Scheme elements only. With our council officials refusing to purge MAT from the presentation plans, members of the community are unable to scrutinise and identify the deemed granted elements.

What do our councillors and council officials expect the members of the community to do? Take up a 3 year course and train in town planning studies?

It has been claimed by some council officers from a number of departments, in meetings, in petition debates and in individual emails and correspondence, that apart from a couple of paths noted as subject to other consent the rest of the scheme is considered as part of the flood protection scheme and deemed granted under the FRM Act of 2009. In other correspondence it has been claimed that some other MAT elements will be delivered through Road legislations and some others through Permitted Developments rights. The forced implementation of these

incorrect assumptions will result in effective obstruction of the community members access to making any representations on MAT proposals in future, contravening community members' rights to representation under provision 38 of the Town and Country Planning (Scotland) Act 1997.

ARE COUNCIL OFFICERS' CLAIMS COMPETENT?

It is claimed that the flood protection scheme has not been influenced or informed by MAT elements. It is therefore claimed that the scheme, as presented is by and large deemed granted. We must put these to test.

5m wide paths

a - 5m wide paths are proposed along Mall Avenue, Eskside East and Goose Green Crescent.

b - Shared use paths are normally constructed to 2.5m or 3.0m widths as standard.

c - Sustrans separated use paths are wider and are 4.5m and 5m in width.

Type 'C' accords with paths in the scheme shown as being part of the MAT routes. Where new or replaced paths are not part of MAT routes, the consultants have specified these to be 2.5m wide (east of Loretto Playing fields for example).

There is therefore no arguments to be had. It is very clear. 4.5m and 5m wide paths are the requirements of, and influenced by MAT. Some of these wider paths have been noted on plans and sections as requiring separate consent.

5m wide ramps

Along Eskside East and Goose Green Crescent the 5m wide paths integrate with 5m wide ramps to form a MAT route along the east side of the river. As in paths, ramps are normally designed with a width of 2.5m. The increase in width to 5m is due to the marriage of the Flood protection scheme ramps and MAT standards. Other completed projects, including a number designed by the same consultants adhere to the 2,5m width, unless part of Active Travel Paths.

Again, there are no plausible arguments to support claims that 5m wide ramps are a flood protection scheme specific requirement. The increased widths are due to adoption of MAT standards.

Bridge widths

The same rules that apply to ramps also apply bridges when part of a MAT route, except the Electric Bridge, which is already a wide bridge. The additional width of the Store Footbridge is directly resultant from adoption of MAT standards.

Number of ramps per bridge

Each raised bridge requires a ramp access at each end. The double ramp arrangement at the east end of the Store Footbridge and the replacement Electric Bridge are to serve the needs of MAT to provide an uninterrupted linear travel route along the east side of the river.

It is indisputable that one ramp in each set of double ramps is a MAT requirement.

The above clearly highlight the influence of MAT on paths, ramps and bridges along the east bank of the river. Similar scrutiny of the coastal paths will also indicate the influence of MAT on the coastal defences design.

Proposed Goose Green Bridge

The Town and Country Planning (Scotland) Act 1997 defines 'Developments' as:

"the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any building or other land.

The proposed bridge is deemed to be a 'Development' under the above Act and therefore requires planning consent.

Road Legislations

Only replacement roads (paths) are exempt from planning consent. All new roads are subject to planning consent rules under the above noted 1997 Act.

Permitted Development Rights (PDR)

Local authorities are entitled to repair, alter or replace existing paths without consent. Permitted development rights extend to alterations to a verge alongside an existing road.

Along Eskside East and Goose Green Crescent the verge is a tree lined planted area.

The proposed 5m wide paths along these streets are located on land beyond the verge and therefore not covered by PDR and require consent under the 1997 Acts.

Further examination of the published plans is essential to identify any element that is not contributing to the flood risk reduction or water level reduction. These elements are not eligible for deemed granted status unless they are necessary works for the implementation of the flood protection scheme.

As stated in objections under other headings, it is imperative that MAT related elements are purged from the presentation plans following its formal removal from the Scheme. This will prevent erroneous granting of approval for MAT elements under the Deemed Granted provision of the FRM Act 2009.

I object strongly to ELC's refusal to remove MAT elements from the published plans. If MAT is no longer part of the Scheme, it must not appear on the Scheme's presentation material. Dashed lines with appropriate notes can be used on drawings to indicate where future MAT elements will be proposed and / or where, in future, widths of paths, ramps and bridges will be increased for MAT.

6 – SIXTH GROUND OF OBJECTION OBJECTION TO CLEAR LACK OF REGARD FOR PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997

Section 65 of the Flood Risk Management (Scotland) Act 2009 directs the ministers that Planning Permission for the flood risk reducing proposals, and reasonably related works, must be deemed granted.

The 2009 FRM Act does not direct that all other aspects of the Town and Country Planning (Scotland) Act 1997 can be ignored.

By inserting the provisions of Section 65 of the 2009 Act into Section 57 of the Town and Country Planning (Scotland) Act 1997, the 2009 FRM Act in fact reaffirms the importance and relevance of the 1997 planning Act.

Therefore, other than where directed by the 2009 FRM Act, all other provisions under the 1997 planning Act remain relevant and cannot be disregarded, including the rights of representation under provision 38 of the 1997 planning Act and the recommendations under provision 20 of PAN82 Planning Advice Notice.

It is under the PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997 that Historic Environment Scotland is

charged with the duty of protecting national monuments and structures of historic importance. This Act also embodies Conservation Areas, which are in the domain of HES. Historic Environment Scotland has the power to determine, after consultation with the planning authority, that an area should be a conservation area and to designate accordingly.

The Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 remains in force and not affected by the FRM Act of 2009, as also evidenced by the need stated by the consultants to obtain Historic Environment Scotland's approval for work to the historic and listed Roman Bridge.

Equally the directions legislated under the 1997 conservation area Act extends to any work within the boundaries of the Musselburgh Conservation Area, whether flood protection scheme related or not. Deemed Granted exemption under Section 65 of the FRM Act 2009 does not extend to conservation area consent.

It must be acknowledged by all, including our representatives, that planning policies and conservation area policies are the minimums by which we exercise our human rights over our environments and do so through planning officers and Historic Environment Scotland inspectors. Together with our representatives they are our shield against abuse of those rights. It therefore must remain a priority for all our councillors to strive to protect our access to the policies and those who safeguard it on our behalf.

I strongly object to any disregard for the provisions legislated under Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. An independent assessing planning team must be established without delay and advice sought from that team on relevant conservation area policies applicable to the Flood Protections Scheme and other works within the conservation area boundaries.

Subject: (0564) Flood Protection Scheme - Debris catcher

Sent: 24/04/2024, 16:53:21

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
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Service Manager – Governance

Legal Services

East Lothian Council

John Muir House

Haddington

EH41 3HA

24 April 2024

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 ride 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.

These are my reasons for objection to The Scheme:

1) I cannot see how it makes any sense to remove riparian woodland, and construct roads on farmland, that both act as existing natural flood management.

2) It would be far more sensible to put in any large-debris catcher further downstream, beyond the woods that may contribute to this debris, and where there are existing roads, or at the downstream weir.

3) The environmental impact of such construction will be huge including:

Disturbance: The construction traffic and all maintenance vehicles will be using a narrow quiet road which will cause a noise and dust nuisance to users and wildlife.

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, cyclists, the movement of livestock, 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.

The construction and extraction process will disturb and worry the livestock. 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, hares, buzzards, bats, squirrels, rabbits, badgers and other creatures, too numerous to list, living in this woodland.

4) Unnecessary cost: I really object to tax payers 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 bank 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.

5) The construction of the access road for the debris catcher will result in the loss of grazing land. This land already acts as a large area of rainwater absorption, in an area where there is already a large loss of agricultural land to the building of housing estates in Millerhill, Old Craighall, Shawfair etc. and paving of land for drives and access roads.

6) Flood Risk: Experience from around the world (e.g. Mississippi River in the USA) have shown that mechanical interventions push the problem elsewhere, and often ultimately result in worse flooding by focussing the problem in one place; 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.

7) 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 ride 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, and others that come from other horse stables in the area. 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. It seems possible that the golf course on the east side of the A1 has been prioritised over the enjoyment of the use of this area in its natural state on the Dalkeith Estate.

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. Horse riders come from all walks of life, including shop assistants, IT experts, medics, dog groomers, refuse truck drivers, hairdressers, etc.

8) 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 (Old Craighall) where the impact of the Scheme is going to be much more damaging and serious?

Yours faithfully

[Redacted signature]

[Redacted address]

behaviour often where people start to manipulate cover from the actual walls themselves to commit anti-social and criminal behaviour.

5. The opportunity cost of this Scheme is too great at a time when Scotland faces huge economic and social challenges. Food Banks, underfunded social services, the inability of many to find NHS dentists, enormous waiting lists at hospitals, underpaid staff in many areas including the Education Sector, a housing emergency, police no longer having the resources to respond to all crimes, taxes going up. However, at the same time, the Scottish Government and possibly East Lothian Council, have decided to prioritize a flood scheme. There is not a flood scheme in Scotland that I can recall whereby the costs have not actually gone up considerably from what they were at the time the Council were asked to initially vote on them.
6. There appears, to me, to be no true audit or assessment of the ongoing maintenance and repair costs of the Flood Scheme that East Lothian Council will have to pay for over the next 100 years. Council tax paying residents of the area are being asked to either object or condone a Flood Scheme without access to this vital information. For example, who is going to pay to remove potential graffiti from the walls, who is going to repair the rails leading up to a new bridge that might come loose or require painting and rust-proofing. Who is going to repair a cracked or chipped wall or who is going to pay people to be on call to close any flood gates? This list could be endless, and in my opinion, the answer to most of these questions is that the Children of today and the East Lothian Council Taxpayers of the future will have to foot the bill through local taxation. This Flood Scheme cannot be progressed before the public of East Lothian know how the long-term ongoing maintenance and repair costs of this flood Scheme will be met.
7. Allowing this Flood Scheme to progress without providing the real costs does not provide data for the public to consider the longer-term implications of this proposal. It is reasonable for me to postulate that the progression of this Scheme without the above information being published is unsatisfactory for a public sector proposal.
8. Published data and information detailed above should also be in a language format that makes it accessible to everyone including the children and young people of East Lothian. This is in order to fully comprehend its long-term financial implications. If this is not done, it could be viewed as potential indirect discrimination as cited in the Equality Act 2010, section 19, relating to indirect discrimination (protected characteristic of age (children and young people) as they will potentially have to incur the ongoing maintenance and repair costs associated for the scheme for their entire lives (costs which will probably increase as the scheme ages over time). Individuals with a protected characteristic (e.g. Age) are unable to truly participate as equals in the public consultation period of the Scheme due to them being possibly ignorant or uninformed of this fact and the potential lifetime implications it may have upon them.
9. The Flood Scheme proposal promises Flood Scheme Protection for a 1 in 200-year event but states the actual scheme will have a lifespan of around 100 years. This acknowledges that it will age and need maintenance and potentially repair as it approaches the end of that timeline. Notwithstanding the issue of the actual cost of maintenance and repair, what adequate guarantees have been afforded to the public that the Scheme will be essentially maintained and repaired over this timespan as it might lose its integrity before that date? These Schemes are apparently meticulously planned and even one small area becoming defective could lead to disastrous consequences. We do not know what the political, social and economic climate of Scotland and East Lothian will be in, let's say, twenty years. The public are being asked to trust that the Scheme will be continuously monitored, maintained and repaired over the next 100 years. Throughout the Flood Scheme and currently in Hawick, there are ongoing discussions relating to who is responsible and liable to pay for aspects of the overall Scheme and it is not completed yet.

I trust you will give due consideration to my points of Objection. Can you contact me via email only in relation my objection as I use assistive technologies to read and store any important documentation? Thank you in advance for this.

Yours Faithfully

[Redacted signature]

--
[Redacted signature]

Subject: (0566) Flood prevention objection
Sent: 24/04/2024, 17:15:35
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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24.04.24

For the attention of:

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

By email only: mfpsobjections@eastlothian.gov.uk

Dear Sirs

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

I have lived in Musselburgh for many years and I object for the following reasons:

1. Escalating costs during a time of extreme financial crisis
2. Loss of the riverbank trees and green space – the impact on wildlife is going to be a disaster.
3. An independent review of the scheme has not taken place
4. Misleading diagrams and photographs and a outright failure in the duty of care to ensure all information is easily accessible and understandable by members of the general public.
5. Unwillingness to investigate Natural Flood Management schemes
6. There is no mention of remediation or ongoing care / cleaning of the walls and infrastructure which will be a target for vandalism
7. Negative impact on tourism and general day to day business while the works are ongoing and into the future.
8. The proposed Goosegreen bridge has been included in the plans. This will require a separate planning consent and offers nothing towards reducing the flood risk.
9. My personal enjoyment and overall mental health benefits of walking in Musselburgh will be directly affected by the scheme and the ongoing works.
10. Overall general disruption throughout this project will result in people avoiding the High Street to the detriment of the local businesses.

Please acknowledge receipt of my objection.

Yours faithfully

[REDACTED]

24.04.24

Sent from [Outlook for iOS](#)

Subject: (0567) Musselburgh Flood protection scheme
Sent: 24/04/2024, 17:18:36
From: [REDACTED]
To: Musselburgh Flood Protection Objections
Attachments: [The Old Musselburgh Club Flood Prevention.docx](#)

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Flag Status: Completed

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Please find attached document with comments and objections to scheme in present form.

Yours faithfully,
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

23rd April 2024

Representation on proposed Musselburgh Flood Defence Scheme and Environmental Impact Assessment

A special meeting of the Musselburgh Conservation Society's membership was held on April 11th, 2024, to consider issues on which the Society would want to make comments. The formal representations set out below have resulted from that consideration.

Overview and general comments.

Firstly, I set out an overview and some general comments and observations. Naturally the Society has concerns over the scale of what is being proposed. There will be a significant impact on people who live here but also on those who may visit from a wide area to enjoy the town's amenities. Indeed, preserving amenity is for us a prime consideration. In this respect some of the wall heights proposed cause us particular anxiety. The council must be satisfied that proposed wall heights are necessary in respect of the safeguarding against flooding that is deemed to be required.

Engineering solutions proposed must be proportionate not only to the identified and calculated risk but to the locational context and in particular the conservation status of some parts of the area which will be visually and physically affected by them. They should be as minimal as they can be and with the upstream potential for natural solutions taken as far as possible. The council must be satisfied that alternative approaches have been fully appraised.

Our membership thought that it would help community understanding if a model of the final scheme could be constructed so that everyone could be given an actual impression of what is involved.

The Schedule of Scheme Operations

1. The proposed Goose Green bridge has no flood defence significance and therefore there should be no assumption that it should be included in the scheme.

That should be determined by whether it is required as part of the Active Toun proposals and so we do not express a view. We are, however, concerned that it and the associated access arrangements will have a negative impact on views towards the sea from bridges upstream. Apart from this, omitting it if it is deemed unnecessary, would save a significant amount of money. Similarly, the replacement Ivanhoe bridge seems to have no flood defence significance, but we understand that it is likely to be an essential part of the Active Toun proposals. It is misleading to suggest that either bridge is needed for flood protection, unless we have got this wrong, and that brings into question how they should be funded.

2. According to the plans contained in the EIA report introductory chapter (Document 16) a temporary compound for site works is proposed adjacent to the current Store Bridge on the site of the car park at the end of Shorthope Street. We are concerned about the implications this will have for access to and enjoyment of the wildlife that gathers on and around the cobbled access ramp to the river here and for the wildlife itself. This location is an important, unique feature of the town. Could not this compound be repositioned to a location with less impact?

3. The firehouse building, archer statue, Hayweights clock, information panels and some memorial benches will all have to be relocated to accommodate the scheme. We would welcome early discussion and an input on where all these features are to be relocated and would want reassurance that the seasonal tree illuminations will continue during construction work and be replaced on any trees that are to be lost.

The EIA Report

1. The appearance of proposed walls is a primary concern for us. The outline design statement (Document 33) says that the walls will have concrete and stone finishes to be determined at the design stage. The Conservation Society would wish to have early discussions with the council on what those finishes should be and on what considerations should be applied to determine that. In particular we are concerned about the likely impact of graffiti which we all know walls in the public domain attract. We want to see finishes that deter offenders and facilitate easy and effective removal where deterrence has failed.

2. We are most concerned about the visual impact of the effective canalisation of the river between the Electric Bridge and the mouth presented by the construction of walls on the edge of the riverbanks. These will be a major and detrimental change to the appearance of this part of the river and the enjoyment of walking beside it. We think we understand why such canalisation is being proposed but ideally would like to see a more visually acceptable and less stark solution here.

3. We have concerns about the relationship between the proposed defence walls and the listed Roman and Rennie bridges, i.e. how the walls are tied into the bridge abutments to minimise visual incompatibility. The council will need to fully assess

this relationship and be satisfied that the appearance of the bridges is not compromised. We are also concerned about the visual impact of a proposed flood defence wall being in the centre of the wide grassed area beside Mall Avenue (as depicted on the cover of the March 2024 Project Update that was circulated). This seems a particularly incongruous intrusion splitting the greenspace in two, though we understand that it has been located to save trees on Mall Avenue. It will certainly have a negative impact on iconic views of both the bridges. Is it possible that the wall could be placed closer to Mall Avenue with minimal or no loss of trees by widening the existing shared path alongside Mall Avenue rather than replacing it? Apart from being aesthetically damaging at the bridge abutment we also wonder about the implications for the passage of flood water of any defence wall effectively cutting off the easternmost and dry arch of the Rennie bridge. We assume that Rennie's design built in this arch partly for the purpose of accommodating flood water.

4. We have noted that the Active Travel routes incorporated into the scheme are in general five metres wide adding a lot of hard landscape at the expense of greenspace and potentially adding significantly to the runoff at flood events. We accept that this width will aid safety on shared paths but wonder, to minimise visual impact, if some existing paths could be widened rather than new alignments provided. We have already referred to mall Avenue. Another example is Eskside East between the Rennie and Store bridges. As regards the Active Toun proposals they are proving to be controversial. We understand that those associated with the Flood Defence Scheme will not be subject to the normal planning procedures and this is a real concern to many of our members and no doubt to others in the town who want a greater say in the concept, the need and the design. We would like this anomaly resolved so that people don't feel that elements of the Active Toun proposals will be delivered without full consultation.

5. It is regrettable that the tree survey report which was completed in 2022 before there was a detailed design for the scheme has not been updated, so there is no analysis of the effects of tree removal that will take place. This must be addressed. Also, about trees we call for any trees to be lost to be replaced in appropriate locations.

6. We have also note that there are places where modelling of the detailed changes in flooding that the scheme will produce has not yet been done. Presumably this is being addressed.

Yours faithfully,

[Redacted signature]

[Redacted contact information]

Subject: (0568) Objection to Musselburgh Flood Scheme
Sent: 24/04/2024, 17:18:56
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [REDACTED]

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Names of objectors: [REDACTED]

To Service Manager,

I object to the proposed scheme in relation to the below points:

- its over reliance on carbon-dense infrastructure;
- its significant detrimental impact to the heritage and appearance of the town;
- the negative environmental impact on the biodiversity such as the essential breeding locations for geese and ducks that would be entirely disrupted, possibly permanently, and the location of trees and underground environments;
- the extreme levels of embodied carbon within the scheme plans are entirely disproportionate to the benefits of the scheme;
- the scheme has been prepared to comply with flood defense legislation, however has not been considered from a common sense point of view when thinking about the cost and the impact to the town in relation to the relatively small number of properties it is saving;
- alternative temporary measures have not been properly considered, for example individual defenses to particular properties would be entirely more proportionate, or even the use of removable flood gates to front doors;
- complete lack of consideration to the conservation area in the town centre, this being really the only aesthetically and historically positive part of the town.

Kind Regards

[REDACTED]
[REDACTED]

Subject: (0569) Objection to the Musselburgh Flood Protection Scheme
Sent: 24/04/2024, 17:25:55
From: [REDACTED]
To: Musselburgh Flood Protection Objections; Chief Executive; Grilli, Carlo

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [REDACTED]

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Dear Sirs

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

Fisherrow Links and Coast

1. I object to the embankment at the coast, Fisherrow Links to the Esk river mouth. The council must take independent advice and try to protect the coast using nature based solutions.
2. I object Jacobs have presented different climate scenarios. Scenario 2 at river/scenario 4 at coast. The reasoning for this is unclear and undermines the claim the flood scheme is science led. Therefore I object to the design at the coast (Scenario4) which appears to be overkill.
3. I object to the lagoons wall section as this is not necessary to protect home in Musselburgh.
4. I object to active travel path along coast at Fisherrow ON TOP of scheme defence. This path on top of the proposed defence has led to a loss of view and loss of access to the beach
5. I object that there is no guarantee Fisherrow Links will not become a compound during the construction phase.
6. I also object that there is no guarantee the Mountjoy Terrace road will not be used for heavy maintenance traffic during construct phase.
7. I object to the new Goosegreen Bridge as it offers no flood reduction benefit. Furthermore, under the above noted definition under the 1997 Act, this bridge is without any doubt considered to be a 'Development' and not a replacement, and requires planning permission.
8. The new proposed bridge which is 5m wide is not a 'like for like' replacement of the current 1m bridge and is located in an wildlife area at the mouth of the ESK

River

1. I object because there is a lack of nature based solution in the river scheme
2. The narrowing of the river mouth could create a 'canal effect' and sea surges may flood the town. I object to the current design.
3. I object to the felling of trees to build walls/embankments along the river.
4. I object to the placement of active travel on top of embankments as it spoils the view of the river and is an invasion of privacy to those houses along the river.

Government/Council spending

• [REDACTED]

• [REDACTED]

Consultation

- [REDACTED]
- [REDACTED]

Compensation

1. I object on the basis my home is within the flood map area. It is also looking onto the proposed structures. Under the current scheme there is no allowance for the council to pay a 'pre-works' survey of my house.
2. I object because there is no clear material describing the councils mechanism to compensate me if the works or related works traffic damage my property
3. I have an interest in the land affected by the scheme and scheme operations (including but not limited to noise and pollution from construction traffic) at Fisherrow Links and Fisherrow coast. I use this regularly to walk my dog and exercise. I use this for sports, football, pitch & putt, the playpark. I walk daily along the coastline for health benefits. A coastal sea defence with limited access and any scheme compound and scheme works will directly impact mine and my family's ability to continue to do so and disturb my enjoyment of the land. If the scheme proceeds in its present form without amendments I expect to be compensated for the sustained damage as a consequence of exercising my powers under the Act, Section 83 (1).
4. I object because there has been no third party independent analysis of the impact of the proposals on Musselburgh's long connections and affinity with the sea and river as an amenity for the townsfolk and others, as well as for the tourism industry, on which many local shops depend. Flood walls will destroy amenity and Musselburgh's long connection with river and sea.

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

Please acknowledge receipt of my email of objection via email.

Yours faithfully

[REDACTED]

[REDACTED]

Subject: (0570) Musselburgh flood protection objection

Sent: 24/04/2024, 17:28:18

From: [REDACTED]

To: Musselburgh Flood Protection Objections

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24/04/2024

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

Dear Legal Services

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

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

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

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

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

Yours Faithfully,

[Redacted signature]

[Redacted address]

Subject: (0571) Flood Scheme Objection
Sent: 24/04/2024, 17:50:52
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
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Categories: [REDACTED]

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24 April 2024

[REDACTED]

Carlo Grilli
Service Manager – Governance
Legal Services
East Lothian Council
John Muir House
Haddington
EH41 3HA
mfpsobjections@eastlothian.gov.uk

Dear Carlo,

I am writing to object to the recently published Musselburgh Flood Protection Scheme. I live in a street which could be affected by a flood event, will be impacted by any work and any hard engineered solutions. I'll also be impacted by any moving of bridges and change of their use from traffic and cyclists noise pollution etc. my view and leisure time along the river and beach will also be impacted.

I object to the published scheme because:

- My human rights will be impacted namely my right to a private family life and peaceful enjoyment of my home and possessions
- There has been no agreement that grants will be available to carry out full structural survey on my property prior to any work commencing. I expect to be compensated for a structural survey prior to the commencement of any works
- The pollution levels from dust and heavy machinery are worrying where I live and as a bad asthmatic (who had to shield during the first Covid-19 lockdown) I'd insist on either being compensated for having to pay for alternative accommodation during the work in my area or compensated for any loss of earnings from not being able to work if I can't breath properly in my own home.
- I am also a tax payer who objects to the amount of public money being used in the way it is being.
- Finally I object to the lack of nature based solutions using agreed definitions e.g. IUCN or WWF.

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

Yours Faithfully,
[REDACTED]

Sent from my iPhone

From: [REDACTED]
Sent: 24 April 2024 17:54
To: Musselburgh Flood Protection Objections
Cc: [REDACTED]
Subject: (0572) Musselburgh Flood Protection Scheme Consultation
Attachments: RSPB Scotland response to Musselburgh FPS EIA Consultation 2024 final.pdf

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Dear Carlo,
**FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009
AND THE FLOOD RISK MANAGEMENT (FLOOD PROTECTION SCHEMES,
POTENTIALLY VULNERABLE AREAS AND LOCAL PLAN DISTRICTS)
(SCOTLAND) REGULATIONS 2010 (AS AMENDED)
MUSSELBURGH FLOOD PROTECTION SCHEME 2024**

Thank you for consulting RSPB Scotland on the proposed Musselburgh Flood Prevention Scheme. We have concerns regarding the potential impact of the proposed scheme on the Firth of Forth SPA/Ramsar/SSSI and the Outer Firth of Forth and St Andrews Bay Complex SPA/Ramsar, which are detailed in the attached response. Please do not hesitate to contact me should you wish to discuss further any of the points raised.

Kind regards

[REDACTED]
[REDACTED]
[REDACTED]

0141 331 9092 | Mon-Fri



RSPB Scotland South and West Scotland Regional Office

10 Park Quadrant, Glasgow, G3 6BS

rspb.org.uk



Protecting habitats, saving species and helping to end the nature and climate emergency.
Nature is in crisis. Together we can save it.

The Royal Society for the Protection of Birds (RSPB) is a registered charity:
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The RSPB is committed to maintaining your data privacy. We promise to keep your details safe and will never sell them on to third parties. To find out more about how we use your information please read our [online Privacy Policy](#).

Carlo Grilli
Service Manager – Governance
Legal Services
East Lothian Council
John Muir House
Haddington EH41 3HA.
Sent by email: mfpsobjections@eastlothian.gov.uk



24th April 2024

Dear Carlo,

**FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009
AND THE FLOOD RISK MANAGEMENT (FLOOD PROTECTION SCHEMES,
POTENTIALLY VULNERABLE AREAS AND LOCAL PLAN DISTRICTS)
(SCOTLAND) REGULATIONS 2010 (AS AMENDED)
MUSSELBURGH FLOOD PROTECTION SCHEME 2024**

Thank you for consulting RSPB Scotland on the EIA for the above proposed flood prevention scheme.

Summary of the proposal

The measures within the proposed Musselburgh Flood Prevention Scheme (from now on referred to as the Scheme) include:

- Direct defences within Musselburgh Town Centre and along the coast (floodwalls, embankments, pumping stations, bridge removal and replacement)
- The Ash Lagoon Seawall (replacement of the existing seawall and revetment with a rock armour structure including habitat features)
- An upper catchment debris trap on the River Esk
- Adaption of two Scottish Water reservoirs (Rosebery Reservoir and Edgelaw Reservoir) to store greater volumes of water during flood events.
- Active travel route upgrades through the town.

Designated sites

Habitats Regulations Appraisal

Part of the proposed development footprint lies within the following designated sites:

Central Scotland
RSPB
10 Park Quadrant
Glasgow
G3 6BS

Tel: 0141 331 0993
Facebook: RSPB Glasgow
rspb.org.uk/Scotland



The RSPB is part of Bird Life International, a Partnership of conservation organisations working to give nature a home around the world.

- **Firth of Forth Special Protection Area (SPA)/Ramsar/ Site of Special Scientific Interest (SSSI)** – designated for wintering wildfowl and waders.
- **Outer Firth of Forth and St Andrews Bay Complex SPA**, designated for its breeding and wintering seabirds and waterfowl.

RSPB Scotland believe that the Scheme will have a significant impact on the integrity of the designated features of the Firth of Forth SPA, Firth of Forth SSSI and Outer Firth of Forth and St Andrews Bay Complex SPA.

As such, the competent authority, East Lothian Council, is required to carry out an Appropriate Assessment of the effects of the project on the integrity of the SPAs, under the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations').

Due to the potential negative impacts of this proposal, RSPB Scotland **objects** for the following reasons:

- Lack of updated survey data to inform a Habitat Regulations Appraisal (HRA)
- Lack of detailed information on proposed habitat loss or changes within designated sites to inform an HRA.

We may be prepared to reconsider our position, provided the following recommendations are addressed:

- Sufficient information is provided to enable an Appropriate Assessment to conclude beyond a reasonable scientific doubt that there will not be an adverse effect on the integrity of the Firth of Forth SPA/Ramsar/SSSI and the Outer Firth of Forth and St Andrews Bay Complex SPA/Ramsar.

Further detail relating to our position is provided in the accompanying Annexes. Please do not hesitate to contact me should you wish to discuss further any of the points raised.

Yours sincerely,

[Redacted signature]

[Redacted name]

[Redacted contact information]

[Redacted contact information]

Annex 1 – RSPB comments on the proposed Musselburgh Flood Protection Scheme

Construction phase impacts on designated sites

The construction phase of the proposed Scheme is predicted to result in the temporary loss of up to 2.14 ha of habitat from the Firth of Forth SPA and Ramsar, up to 2.4 ha of habitat from the Firth of Forth SSSI and up to 0.6 ha of habitat from the Outer Firth of Forth and St Andrews Bay Complex SPA, mainly focused on a linear strip along the seawall. There is also an increased risk of disturbance to features of the designated sites from increased activity, noise, light and other sources during the construction phase.

We note that a number of measures have been proposed in EIAR Chapter 17: Schedule of Environmental Commitments, to mitigate the impact of the construction phase on features of the designated sites.

We agree that mitigation measures E1 to E25 detailed in Chapter 17 of the EIA will reduce the impact of temporary habitat loss and disturbance during the construction phase of this development on the designated features of the Firth of Forth SPA and Outer Firth of Forth and St Andrews Complex SPA. These measures must be made a condition of consent and be agreed and signed off by East Lothian Council and NatureScot prior to commencing the development. The measures must be fully funded and have sufficient oversight and monitoring to enable enforcement action to be taken if the measures are not being implemented, or are not producing the required outcomes.

Operational Phase impacts on designated sites

Section 7.6.3.1 of the EIAR states that *"The permanent works footprint will result in 4.3 ha of habitat loss from the Firth of Forth SPA and Ramsar. This will include 0.0008 ha dune grassland, 0.00003 ha open dune, 0.7 ha intertidal sand, 0.002 ha semi-improved grassland and 0.76 ha seawall. However, the loss of the current seawall and other intertidal habitat, will mainly constitute a change in habitat (concrete seawall replaced by rock armour clad seawall) rather than a loss. 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. Where suitable habitat exists and is used occasionally by qualifying species, this consists primarily of a strip of gravel and sand which is exposed at mid and low tide."* The breakdown of habitats within the remaining 2.838 ha that will be lost/ modified is not detailed, but the above paragraph suggests that it is mainly intertidal gravel and sand at the foot of the existing seawall.

However, it states in Appendix B7.7: Positive Effects for Biodiversity Plan that approximately 4.2 ha of habitat loss within the designated sites will constitute a change in habitat, of which 1.1 ha is described as gravel and sand intertidal habitat at the foot of the existing sea wall. This appears to be slightly different from the areas quoted in Chapter 7 section 7.6.3.1

In section 7.6.3.1.2. relating to the Outer Firth of Forth and St Andrews Complex SPA it states that "*The permanent works footprint of the seawall will result in 0.14 ha of habitat loss from the SPA including 0.06 intertidal sands. As described in Section 7.6.3.1.1, this intertidal habitat is rarely used by qualifying species and therefore is considered unlikely to provide functional habitat.*" It is not clear whether the additional 0.08ha of SPA habitat that will be lost/modified is currently seawall or another intertidal habitat. Section 7.6.3.2.4 states that "*...a small amount (0.06 ha) of intertidal habitat loss at the toe of the seawall where gravel and sand habitat may be replaced by rock which is necessary to protect the toe of the seawall. This area may be overtopped by sand through natural processes but the timeframe for this is unknown. Approximately 50% of this potential loss would be areas that are consistently covered in water even at low tide.*"

In section 7.6.3.1.3 relating to the Firth of Forth SSSI it **states that** "*The permanent works footprint of the seawall will result in 4.3 ha of habitat loss from the Firth of Forth SSSI including 0.0008 ha dune grassland, 0.00003 ha open dune, 0.7 ha intertidal sand, 0.002 ha semi-improved grassland and 0.76 ha seawall. As described in Section 7.6.3.1.1, this intertidal habitat is rarely used by qualifying species and therefore is considered unlikely to provide functional habitat.*". Again, it is unclear what exactly the remaining lost/modified habitat is.

The EIAR suggests that the majority of habitat lost from these designated sites constitutes a change in habitat from concrete seawall and intertidal habitat at the foot of the existing seawall to rock armour-clad sea wall, rather than a complete loss of habitat, and therefore the permanent loss/change of habitat from the designated sites has been assessed in the EIAR as having a minor impact on features of international importance, resulting in a not significant effect.

RSPB Scotland agrees that the proposed replacement of the existing seawall with rock armour clad seawall containing rockpools and bird roosting retreats within the structure of the wall itself, and the inclusion of 'eco-block' habitat features could provide new habitats for some species within the replacement seawall.

However, it is difficult to assess from the information provided whether the proposed loss/ change of habitat will have a significant impact on designated features of the Firth

of Forth SPA, Firth of Forth SSSI and Outer Firth of Forth and St Andrews Bay Complex SPA.

Survey effort

We are aware that additional Through the Tide Count (TTTC) survey work has been requested to inform a Habitat Regulations Appraisal, which has not been completed. We are concerned about the lack of detail provided in the EIA to inform the HRA process, regarding details on specific areas of habitat within designated sites that will be lost or modified as part of the Scheme; we note slight differences in the areas quoted between EIA documents.

Therefore we recommend that TTTC survey work is completed and sufficient detail is provided regarding the impact on habitats currently present, including detailing areas that will be lost or changed to enable the competent authority to carry out an Appropriate Assessment, to conclude beyond reasonable scientific doubt that there will not be an adverse effect on the integrity of the Firth of Forth SPA, Outer Firth of Forth and St Andrews Bay Complex SPA, and other linked designated sites.

Impact of Coastal Squeeze on designated sites

Chapter 7 of the EIAR assesses the impact of the Scheme on the Firth of Forth SPA/Ramsar/SSSI and the Outer Firth of Forth and St Andrews Bay Complex SPA as having a minor impact on features of international importance, resulting in a not significant effect. However, the impact of predicted sea level rises in combination with the installation of seawall infrastructure as part of the Scheme do not appear to have been properly assessed. As sea levels rise coastal habitats such as mudflats and saltmarsh would be expected to move inland. This is not possible where hard coastal defences such as a seawall are present. This could result in the loss of intertidal habitats within the designated sites. Over the lifespan of the Musselburgh Flood Prevention Scheme, with predicted sea level rises, it seems likely that that a net loss of intertidal habitat due to '**coastal squeeze**' will occur. This does not appear to have been considered as part of the EIA. This should be considered as part of the EIA and the HRA.

Where flood management works are to be permitted in spite of a negative assessment of the implications for a European site **due to 'coastal squeeze'**, additional mitigation measures will be necessary to protect the overall coherence of the Natura 2000 sites. These mitigation measures must be secured before undertaking works or granting consent, permission or any other authorisation. Such measures are likely to include habitat creation to offset or replace habitat losses from European sites. Projects should only be approved if sufficient measures are in place that will provide fully the ecological functions that they are intended to mitigate or compensate for. The required mitigation

measures will depend on an assessment of the impact of the development on the SPA, which must be assessed and considered in the HRA.

Impact of improved Active Travel infrastructure on designated sites and recreational disturbance on the coast.

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 could create increased operational disturbance to qualifying bird species of the designated sites. However, there is existing public access to this location, and the proposed works are an upgrade to an existing public path. As such, there is already some degree of disturbance in this location.

The scheme has avoided providing additional access to the foreshore to the west of the river mouth by removal of an access ramp present in the early design which should help reduce coastal recreational disturbance and as such, we are supportive of this measure.

The EIAR assesses the impact of the upgraded travel route as minor impact on features of regional importance, which results in a not significant effect. RSPB Scotland agrees with this position.

Annex 1 – RSPB comments on proposed Planning Condition Recommendations for the Musselburgh Flood Prevention Scheme

Ecological Management Plan and Habitat Management Plan

In addition to our comments above, should East Lothian Council be minded to grant consent, we would recommend the following are secured through planning conditions:

a) A minimum of three months prior to the date of the commencement of development, the developer shall submit the finalised Ecological Management Plan (EMP) to the planning authority for approval in consultation with stakeholders in the Habitat Management Group (HMG), of which RSPB Scotland should be a member. The EMP should include a programme of monitoring, carried out following methodology agreed with the HMG. The HMP should include:

b) Establishment of a HMG to oversee the preparation and delivery of the EMP and to review and assess the information from the ongoing monitoring/ surveillance results. The HMG should have powers to make reasonable changes to the EMP necessary to deliver its agreed aims;

c) Annual reports should be submitted to the HMG on the monitoring/ surveillance results. Information on Schedule 1 species and Protected Species should remain confidential, supplied only to NatureScot and members of the HMG.

Delivering biodiversity enhancement

NPF4 and Scottish Government planning guidance

The Scottish Government's Fourth National Planning Framework (NPF4) was adopted on 13 February 2023. NPF4 acknowledges that the climate and nature crises are intrinsically linked and recognises the importance of planning in tackling these issues. RSPB Scotland believes that developments should leave nature in a better state than before and welcomes the requirement in Policy 3 of NPF4 that all developments deliver biodiversity enhancement.

Since its adoption, [NPF4](#) now forms part of the statutory development plan for the area in which the proposal is located and is a significant material consideration in decision-making. Policy 3 requires developments to leave nature in a better state than before intervention.

Policy 3(b) includes criteria which applicants need to demonstrate they have met, including at part (iv): "significant biodiversity enhancements are provided, in addition to (emphasis added) any proposed mitigation".

Policy 3(b) part (iii) also requires development proposals to assess ensure potential negative effects are "fully mitigated in line with the mitigation hierarchy prior to (emphasis added) identifying enhancements".

A selection of biodiversity enhancement measures are proposed in 'Appendix B7.7: Notwithstanding our concerns regarding the impacts of loss/change of habitats within designated sites as part of the proposed scheme, RSPB Scotland are supportive of all of the proposed biodiversity enhancement measures listed in Appendix B7.7 of the EIAR. The seawall rock armour enhancement measures could be considered mitigation for the loss of habitat within the SPAs. The **RSPB's view is that there should be a general presumption** against delivering biodiversity enhancement within designated sites, because this would not provide the additionality required to achieve actual net gain/enhancement for nature. This is because securing the favourable condition of designated sites is a separate and existing statutory responsibility. The agreed biodiversity enhancement measures must be secured using planning conditions.

Subject: (0573) Objection
Sent: 24/04/2024, 17:55:17
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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Dear Sirs, please find below my objection to the flood protection scheme,

Name: [REDACTED]
Address: [REDACTED]

Firstly, the Council have failed to notify my household of this scheme. We have four residents on the electoral roll and pay council, please can you confirm how you identify residents in regard to receiving notifications of this scheme.

Secondly, there is a lack of transparency in regard to wall height and exactly what the final scheme will look like and therefore a lack of understanding in the community of the overall impact to the town which will be fundamentally changed.

Lastly, the inclusion of active travel means higher walls and wider pathways than otherwise would be needed, this has been subsequently decoupled from the scheme but is still included in the design that the community is being asked to review.

[REDACTED]

Subject: (0574) Objections to the Musselburgh Flood Protection Scheme
Sent: 24/04/2024, 18:01:18
From: [REDACTED]
To: Musselburgh Flood Protection Objections
Attachments: [MFPS objections.pdf](#)

Follow Up Flag: Follow up
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Categories: [REDACTED]

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[REDACTED]
Wed 24 April

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

Dear Mr Grilli
I am writing to object to the recently published Musselburgh Flood Protection Scheme. I am a Musselburgh resident. I object to the published scheme because:

Objection 1: In respect of land adjoining a tidal water, the Crown owns the land from the centre of the riverbed to the high watermark. The MFPS intends to build on the land of this existing riverbed. ELC do not have the right to build on this Crown land. The engineering drawings show that from the Rennie Bridge to the mouth of the river, the river is being narrowed by building on the existing riverbed.

Objection 2: The banks of the River Esk are inalienable common land. ELC does not have the right to repurpose this land for anything beyond reasonable flood protection. What is proposed far exceeds what is to be considered reasonable flood protection. ELC need to prove otherwise and have been unable to do so.

Objection 3: A consequence of the MFPS is the obstruction and removal of the National Cycle Network Route 76 route. This Sustrans route goes under Bridge Street on Eskside West, and according to the Outline Design, will no longer be accessible. All other bike path provision as part of MAT are now marked as 'proposed'.

Objection 4: The council has been misled into approving the scale of this scheme by consultants. I object to this and demand that the privately-commissioned geographic data and interpretation of factual data to inform analysis be made public and available for independent scrutiny by a body that does not stand to gain financially from the scheme's construction.

I urge you to reconsider this scheme, and ask you to consider why Musselburgh residents and East Lothian Council should be required to implement an outdated, over-engineered, environmentally damaging solution to a problem that could be more efficiently solved by spending less money in upstream Midlothian, through a Scottish Government-level initiative implementing preventative measures on land owned by a variety of private owners. This would represent a modern and progressive solution.

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

Yours sincerely
[REDACTED]

Subject: (0575) Objection to the high cost of repairs to the Ash Lagoon Seawall

Sent: 24/04/2024, 18:01:48

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Categories: [REDACTED]

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

23 April 2024

mfpsobjections@eastlothian.gov.uk

Dear Mr Grilli,

Regarding: Objections to high cost of repairing to the Ash Lagoon Seawall

As a tax payer I strongly object to the fact that the budget for repairs to the Ash Lagoon Seawall (ALS) is about £20K per m, an exorbitant cost that hasn't been justified for the work envisaged. And 20% of the cost will come from the Council's capital budget, at a time when the Council's resources are already severely stretched.

The cost of repairs to the ALS should be undertaken by the present owner, Scottish Power, as per the Musselburgh Agreement. This would substantially lower the budget needed to make additional repairs that extend the life of the ALS.

I ask the Council to confirm that the parapet of the ALS will be in a good state of repair when the Council becomes the owner of the ALS. This will ensure that the life of the parapet is extended until such time that it becomes clearer the extent to which sea level is likely to rise later this century.

It is a matter of public interest that the public's taxes are used effectively and at the moment I believe this is not the case with respect to the ALS.

I look forward to a detailed reply to the letter.

Please acknowledge receipt of this letter.

Yours sincerely,

[REDACTED]

Sent from [Outlook](#)

(EIA). They carried out an options appraisal that ruled out all alternatives to the current scheme, without those options being made available for public scrutiny or debate. Throughout the scheme the consultants and engineers have not been subject to challenge or adequate scrutiny.

On 23 January 2024, the Council agreed to the scheme progressing, even though they had not had sight of the full EIA, only a 'non-technical summary'.

In January 2020, East Lothian Council cabinet voted through the preferred scheme. Given the value of the scheme, this should have been approved by the full Council. The Cabinet did not have the power to vote on a scheme of this magnitude.

Local residents have tried to engage with their Councillors but letters and emails that were responded to were sent to the Project team to provide the response. If challenged, the Project team advise they are taking instruction from the Council. The lines between the Council and the project team have thus become blurred.

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

Yours sincerely,



Subject: (0577) Objection to proposed flood protection scheme

Sent: 24/04/2024, 18:36:51

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Categories: [REDACTED]

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I'm resending this objection as I received no acknowledgement when sent previously from my yahoo email.

[REDACTED]

[REDACTED]

To Whom it may concern,

I'm writing to express my objection to the proposed Musselburgh Flood Protection Scheme.

Our home is in close proximity to the river Esk and the seafront and the proposed scheme will therefore have a direct impact on our lives.

My first objection is related to the overall design of the scheme which seems to rely on tons of concrete being used without any consideration to the natural and historical beauty of our town. I believe that unsightly concrete barriers are very dated solution and will forever destroy people's enjoyment of the river and the seafront. There is nothing esthetically exciting in the design. Nothing at all. Just concrete nightmare.

I'm shocked that East Lothian Council has not put any emphasis on preserving charter of the town and hasn't chosen better suited solutions to deal with their concerns. We live in a conservation area and Council is very strict when it comes to individuals making improvements to their properties. I'm sure that if we wanted a high concrete wall around our property we wouldn't be granted permission. It would be unthinkable.

Musselburgh is beautiful. Everybody agrees that river with its green riverbank, ducks, geese and all kinds of birds is truly special to our town. The Flood Protection Scheme design is simply not fit for character of the town.

My second objection is to the hight of the proposed walls around the river and the seafront. The proposed walls are extremely high and at some places the walls will be blocking all the views completely. Children and wheelchair users will be the most affected by this. What is the purpose of such a high walls? The flood might never happen but people have to look at the walls every day. I object to the fact that we will not be able to enjoy beautiful views we got accustomed to enjoy.

I also object to many mature trees being killed to facilitate this scheme. We should enhance green spaces and protect our trees and wildlife. I would expect the Council to choose the scheme that prioritises natural solutions and not the one that replaces trees and green spaces with concrete.

I hope you take my objections into consideration and don't go ahead with this depressing scheme.

Regards, [REDACTED]

P.s Please acknowledge receipt of my letter of objection, in writing.

Subject: (0578) Objection MFPS 2024
Sent: 24/04/2024, 18:39:26
From: [REDACTED]
To: Musselburgh Flood Protection Objections
Attachments: [REDACTED]

Categories: [REDACTED]

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Please find attached objection [REDACTED]

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

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

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

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

**I / We wish to object to the proposed Musselburgh Flood Defense
Scheme for the following reason:**

**The impact on my enjoyment of Musselburgh and thereby the effect
of the proposed scheme on my investments & future.**

I have lived in Musselburgh [REDACTED]. I
have my retirement home in [REDACTED]
[REDACTED].

I chose to move to Musselburgh in [REDACTED]
[REDACTED]
[REDACTED].

I was attracted to Musselburgh due to its riverscape and accessibility
to both the river and the coast. [REDACTED] who
wished to stay in the beautiful historic town and enjoy rest &
relaxation within the historic townscape.

I presently walk into Musselburgh daily from [REDACTED] to enjoy the
river and estuary, the natural beauty, existing wildlife and its
accessibility being the prime factor. Daily I see kingfishers, many days I
enjoy watching otters, mergansers, goldeneye, water voles and other
elusive species.

The proposed MFPS will completely change the beautiful historic
townscape of Musselburgh.

My enjoyment of living here will not be recovered if the scheme
progresses. I am [REDACTED]. By the time the proposed works are
finished and regeneration starts to take place I am likely to be in my
[REDACTED].

I had hoped to spend the rest of my days enjoying Musselburgh and
what it has to offer.

With that in mind, [REDACTED]
[REDACTED]. They both presently provide [REDACTED]. The

proposed scheme is likely to impact on the [REDACTED]
[REDACTED]. My final intention was to
move back to [REDACTED]
[REDACTED].

Should the scheme proceed, the changes to the townscape, the
accessibility of walks along the riverbanks and coastal areas would
remove or significantly reduce my accessibility and enjoyment.
Should the proposed scheme proceed, it would be my intention to
remove myself from Musselburgh and its environs as it would no
longer be a place I would wish to live.

This would result in the loss to [REDACTED]
that would probably be sold to private owners and a loss to East
Lothian council of [REDACTED] (which are in short
supply) and [REDACTED].

Yours sincerely

[REDACTED]

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

12th 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 (MFPS).

While I am not directly affected by the scheme in that we live [REDACTED] my property will be directly affected during the 5-year construction period. The construction will be a major cause of disruption to the whole of Musselburgh. In addition, there will be pile-driving all along the river. This will cause a huge level of noise pollution and as I work from home this will impact me directly. Also, my property is over [REDACTED] and the “invisible” damage that the pile-driving and construction in general may cause to my property is of great concern.

We as a family use the riverside, beach and surrounding areas on a daily basis to walk our dogs and as part of our mental wellness to get out and about in nature.

I fish in the river every year and part of our decision to move to Musselburgh [REDACTED] was because of this amenity.

As a local resident I do not agree to the proposed amount of public expenditure on the Musselburgh Flood Scheme, given the economic situation we are currently living in there are surely more pertinent areas for this money to be spent on.

I object to the published scheme because:

1. Not enough research, time or inclusion has been made for nature based solutions. Very little, if any at all, of the proposed scheme includes any nature based solutions. The MFPS does not offer alternative scenarios. It is tied to a 1:200 year +climate change event. Scottish Government guidance says that a range of scenarios should be

included. How can the Council judge what is necessary protection without being given a range of options?

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

Local residents have asked to see the data underpinning the scientific calculations of the project team, but these requests have been ignored. What is the reason for the lack of transparency?

The project team say they have adjusted flood defence heights in response to local feedback. This amounts to fitting the science around the preferred outcome, rather than science/data leading to a properly calculated outcome. This makes no sense.

The last major flood in Musselburgh was in 1948. Climate change may mean there is increased risk of flooding in future, but there are communities at much greater and more immediate risk – Dumfries, Haddington, Perthshire etc. Scarce resources should be applied in order of need.

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

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

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

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

2. Secondly, I object to the published scheme on the basis of cost. The scheme is currently costed at £132m in total, including £53m for the flood protection part. It would appear that there are no cost breakdowns in the public domain. The Council has been told the cost is likely to rise. How can the Council have voted this through with so little information? Why has no cap been put on the cost?

As at December 2023 it is my understanding that £4million has been spent on design and consultations against a decreasing budget available for core Council services such as care for the elderly, essential community health and wellbeing amenities: libraries, leisure and culture (e.g. Brunton Hall repairs). It would appear that the budget/spending priorities of the Council are wrong.

The Scottish Government & COSLA working group on flooding has recognised the model of uncapped funding (known as Cycle 1) allows project consultants/developers to expand flood schemes into much larger, and more costly, projects. The escalating costs of this project should be scrutinised and capped to prevent further inflation of project and costs.

The Council has been told that if they do not secure the Cycle 1 funding, they will get nothing. But this is not true, there will be funding in Cycle 2, which should be onstream after April 2024, and Musselburgh would be eligible.

3. Thirdly, I would question the transparency and process of the scheme. The engineers appointed to design the project have also been allowed to write the Environmental Impact Assessment (EIA). They carried out an options appraisal that ruled out all alternatives to the current scheme, without those options being made available for public scrutiny or debate. Throughout the scheme the consultants and engineers have not been subject to challenge or adequate scrutiny. On 23 January 2024, the Council agreed to the scheme progressing, even though they had not had sight of the full EIA, only a 'non-technical summary'.

In January 2020, East Lothian Council cabinet voted through the preferred scheme. Given the value of the scheme, this should have been approved by the full Council. The Cabinet did not have the power to vote on a scheme of this magnitude.

Local residents have tried to engage with their Councillors, but I am told that letters and emails that were responded to were sent to the Project team to provide the response. If challenged, the Project team advise they are taking instruction from the Council. The lines between the Council and the project team are totally blurred.

It is also my understanding that many people have sent letters and emails and received no response at all.

4. The scheme has become entwined with the Musselburgh Active Toun (MAT) proposals. However, the cost of the MAT scheme is unknown and is likely to require a 30% contribution from ELC, which has never been openly discussed. MAT proposals do not contribute to flood protection. Planning permission should be required for

these paths and bridges, but the flood scheme has deemed permission. It is not clear which parts of the MAT will bypass planning due to being included in the flood scheme. The proposed new Goose Green bridge does not add flood protection to the town. The MAT proposals included in the scheme are now much grander than those originally discussed and consulted upon

5. The project will take at least 5 years to build. It will be a major cause of disruption. There will be pile-driving all along the river. There are many historic properties in the centre of the town at risk of damage from vibration, not to mention privately owned homes. There is likely to be a loss in capital value to our homes because of the work. I would also insist on an independent survey on affected properties prior to work starting that is paid for by the scheme. Should any damage be caused by the works I would again insist that this is the responsibility of the scheme.

The banks of the Esk and Fisherrow Links are Common Good land, and any interruption to their use by the community should be compensated. Hundreds of people enjoy these amenities every day, where will we go to benefit from being in nature and by water? As stated previously we as a family use the river bank on a daily basis and having this amenity taken away should be compensated for by ELC.

Is it clear how many properties will be included as being 'protected' by the scheme? The number has risen and is variable on numerous documents from around 1,200 to 3,000 to 3,400. What is the truth? Where is the robust evidence? To achieve a viable amount of 'multiple benefits' there has to be a high number of properties protected and this scheme seems led by that consideration rather than by the actual risk.

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

Yours sincerely

██████████

Subject: (0580) copy of objections
Sent: 24/04/2024, 18:51:56
From: [REDACTED]
To: Musselburgh Flood Protection Objections
Attachments: [REDACTED]

Categories: [REDACTED]

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.

Hi
I have not received confirmation regarding many of my emailed objections (most backed up by letters)
I therefore attached my objections in the expectation that I will receive notification that they have been received.
You may find that you have some duplication of my objections but that is the responsibility of the objections team for not confirming that my objections have been received. My objections remain valid even if they are duplicated
Yours sincerely [REDACTED]

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

**I / We wish to object to the proposed Musselburgh Flood Defense
Scheme for the following reason:**

Public consultation

Risk to homes & businesses has been adequately managed for the past 75 years with the last significant flood event in 1948. The design consultants have discounted localized protection to homes & businesses on the instruction of East Lothian Council to provide a 1:200-year protection.

The scheme was changed considerably from the public Exhibition on 20/21 June 2023 but no further public meeting has been held despite requests for an updated presentation to the public. Drop in consultations resulted in the suggestion by the project Team that the design had been adapted to meet public concerns. However, no confirmation of those changes was made available via a public meeting and the value of drop in consultations very limited.

Many people have stated to me that they found the project team; condescending, overbearing, manipulative and economical with the truth. I have also found this for myself.

This is also supported by the implication by the Project Team in the report into the questionnaire from the 3rd Public Exhibition in June 2023 (published on the 4th December 2023) that online respondents may have made 'multiple' submissions and therefore the online results were unreliable.

It should be noted that 897 members of the public attended the Public Exhibition in June 2023. Of those 327 completed the questionnaires at the event. A Further 537 where submitted online. A total of 864 submitted questionnaires.

The report published on the 4th December 2023 implies fraudulent submissions and therefore questions the validity of the feedback.

Such aspersions make the recorded results composed by ELC's MFPS team of the 3rd Public Exhibition questionable. Surely the Project team had the safeguards in place to ensure that multiple submissions did not happen?

I argue that as many online respondents were younger (as evidenced in the reports statistics), with greater access to online information rather than relying what they were told at the Public, event that many younger people may have responded online because they went home to get answers or could not attend the event due to work & or Family commitments.

The suggestion made reflects poorly on the Project Team and council officers and their attitude to the Musselburgh residents.

The summary report states that the ELC advisors question the unreliable or possibly duplicate submissions. The questionnaire was designed to elicit specific responses as it offered very little possibility of objective input. Many older people I have spoken to found the questionnaire confusing and chose not to complete it for that reason. Being online it was not easily accessible to all those that did not have easy access to the printed document. In summary, the responsibility to obtain honest and accurate responses belongs to the designers of the questionnaire.

I/We therefore request that a full investigation and public enquiry is held in order for the views of all businesses, property owners and residents to be considered.

Yours sincerely

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

I / We wish to object to the proposed Musselburgh Flood Defense Scheme for the following reason:

The decision by ELC in favor of the scheme was made without a full report by Scottish Water into the conditions of Musselburgh's drains and their ability to cope with flooding. The pumping of surface water into the river Esk may result in contamination of the river Esk by effluent.

Sewer flooding, when sewage escapes from the pipe through a manhole, drain, or by backing up through toilets, baths and sinks this is known as sewer flooding. Sewer flooding can be caused by: a blockage in a sewer pipe; a failure of equipment; too much water entering the sewers from storm run-off (from roads and fields) and rivers and watercourses which overflowed; or the sewer being too small to deal with the amount of sewage entering it. The cause of the problem may be some distance away from where the flooding is happening. A flood can happen to any property from one or more of these sources and at any time. For most property in the UK the risk is small, however some premises are more at risk than others because of their geographic location and particular local situation. Flooding of your home will almost always involve water entering the building from outside. Houses are usually built to prevent 'normal' water sources getting in by the use of damp-proof membranes, roof over-hangs, guttering, below ground drains and raised finished floor levels in the ground floor. Normal house construction is not designed to keep flood water out when large amounts of water lie against the building for any period of time. There are many routes by which external flood water can enter your house. Some are very obvious such as doorways, windows, air bricks and cracks in walls. Others are not so visible such as washing machine outlets, downstairs toilets, soaking through brick walls, below ground gaps in the walls and floors. The chance of water getting a house will also depend on things like the depth of flood water and the ability of the sewer network to cope with any excess pluvial incident.

Until such time as Scottish Water has undertaken a full investigation & upgraded the existing system the MFPS should not proceed.

I / We wish to object to the proposed Musselburgh Flood Defense Scheme

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

**I / We wish to object to the proposed Musselburgh Flood Defense
Scheme for the following reason:**

**I/ We object to the proposed Musselburgh Flood protection Scheme
Due to the major permanent impact that the proposed scheme will have
within a historic Conservation Area, SSSI and Ramsar areas**

Ourselves and most of the population of Musselburgh work, own or rent property in Musselburgh. The reason for most in choosing Musselburgh as a place to live is its historical natural beauty and the accessibility and aesthetic benefits for their mental health. Many who live in Musselburgh do so because it is their traditional family home.

A huge number of local residents do not want the changes that would be imposed by the proposed MFPS to the river.

Local people do not want the proposed physical changes to their river or the historic attractiveness of what is one of the oldest towns in Scotland.

Many of those objecting to the proposed MFPS, are those at greatest risk of flooding as they live within a few meters of the river bank. Their continual objection to the proposals, have been ignored by ELC and the schemes designers Jacobs. Despite some tweaking of the design presented to the public in June 2023 and updated visualisations, the scheme remains relatively unchanged in its impact on the historic Conservation areas and protected sites that comprise Musselburgh. The proposals to use embankments do not serve to reduce the height of the walls only to conceal them. The proposed walls will therefore still be visible from the opposing bank.

I / We therefore object for the above reasons and request that the scheme is paused and that a full revisitation and redesign is made and a public vote is made available to businesses, property owners and residents in Musselburgh.

Yours sincerely █████ & ██████████

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

**I / We wish to object to the proposed Musselburgh Flood Defense
Scheme for the following reason:**

No evidence has been shown of ELC's ability to fund the MFPS.

East Lothian Council have a very significant funding deficit both in both revenue income and capital investment resources.

ELC have failed to show how they propose to fund their 20% share of what is presently 2 schemes The Musselburgh Flood Protection Scheme and the Coastal Change Adaptation Plan totalling at present approximately £103 million and therefore a contribution in excess of 20 million pounds.

Despite numerous requests by myself and others, no explanation of how ELC intends to fund their share of the final project costs has been made available.

To Quote ELC's Financial update December 2023: 3.1 *The Council is continuing to operate within the most extreme and challenging financial environment that it has ever faced with significant challenges in 2023/24 and an estimated recurring financial gap in excess of £70 million over the next five years, which is equivalent to a quarter of the Council's annual running costs.*

3.7 *The unplanned overspend, after applying planned use of reserves is currently forecast to be £8.2 million at the end of the year. While this represents an improvement of £2.1 million since the period 5 report, an overspend of this level cannot be accommodated within unallocated balances on the general fund reserve and will not only remove in full the minimum level of reserve of £7.2m but will also result in a reduction in other earmarked funds. This will present a significant risk to the Council's financial sustainability and ability to deliver on our strategic priorities, and it will also diminish our capacity to respond to unforeseen events in the future. Mitigation measures have been introduced with a view to reducing the in-year overspend and preserving the minimum balance on the general fund; however, it is vital that longer-term solutions to closing the funding gap are identified to achieve a sustainable position in the future.*

It is not acceptable that ELC puts the Council at risk of bankruptcy endorsing a scheme with questionable benefit in the long term.

On 6th April 2023 Councillor Norman Hampshire, council leader, highlighted the potentially grim future facing the council during a meeting of Dunbar Community Council stating that *"If we keep going the way we are going, we are going to be bankrupt as a council."*

The Esk river restoration & improvement is not fully funded by the Flood protection legislation. With East Lothian Council in financial straits both for Capital Funding and Revenue Funding there is no guarantee that the river will be properly restored and natural habitats improved should funds available within the remit of the funding by the Scottish government prove inadequate.

The project team and ELC have not shown where the additional funding for this to be implemented will be obtained despite implying that funding could be obtained. Guarantees of 'ringfenced' funds are required to ensure that the proposed river restoration will be carried out in full. This information has not been provided.

Scottish Taxpayers are entitled to know if the proposed scheme offers value for money and a realistic solution in light of the costs for Musselburgh. East Lothian residents are entitled to expect the ELC to act in such a way as to protect its residents and not put the Council at risk of bankruptcy.

As ELC do not have the funds to adequately maintain existing issues, such as drains, roads, footpaths and amenity maintenance it is of concern that they may be unable to meet the expense of servicing many aspects of the proposed MFPS. I therefore request that the request for funding for a Musselburgh Flood protection Scheme should be held over until such time as East Lothian Council have the funds to meet any obligations of the proposed Musselburgh Flood Protection Scheme.

At the Council meeting to discuss MFPS on 23rd Jan 2024 available at https://eastlothian.public-i.tv/core/portal/webcast_interactive/834926

Mr Alan Stubbs indicated estimated costs as follows:

MFPS 53.9m

Yours sincerely

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17th April 2024

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

I wish to object to the proposed Musselburgh Flood Defense Scheme for the following reason:

The social and economic impact

The proposed scheme contains an unacceptable physical alteration to the historic Burgh of Musselburgh. The benefit does not outweigh the impact on the economic attraction of Musselburgh as one of the oldest towns in Scotland and its value to the local economy obtained from tourism

Walls will affect tourism as Musselburgh's Historic visual appearance, riverbanks and natural amenity would be significantly altered.

The proposed scheme restricts access to the beach & river banks most particularly to the elderly, disabled, those with young children and those with special needs such as Autism & ADHD. Reduced access to nature & walks has social, health and economic implications for Musselburgh.

Illustrations of the scheme on the river Esk itself provided to the public have been misleading by incorporating 'artistic license' (the misuse of perspective) and the lack of transparent illustration of the proposed scheme. One example of this is the indicators of tree loss within the project. Trees that will be lost are indicated in red whereas trees that will remain are indicated in green. There is however a failure to highlight / indicate trees 'at risk' of removal in a clear designation as these are also marked in green.

The risk to homes & businesses has been adequately managed for the past 75 years. The design consultants have discounted localized protection to homes & businesses on the instruction of East Lothian Council to provide a 1:200-year protection.

It needs to be questioned that if East Lothian Council were convinced of the risk of flooding by the river Esk in Musselburgh Town centre why the Wiremills development of 140 homes on Mall Avenue was granted permission?

Given the present economic climate the proposed expenditure of Scottish Taxpayers money on such a remote occurrence is questionable.

The MFPS therefore requires to be revised to a level where, some protection is offered whilst retaining the social economic value of the towns assets.

Yours sincerely

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17/4/24

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

**I wish to object to the proposed Musselburgh Flood Defense Scheme
for the following reason:**

Haddington and Dalkeith are not Musselburgh and as such not convenient for affected residents to be able to adequately access information documents for the proposed Flood Protection Scheme and Coastal Adaptation Scheme.

The plans should be available to view 10am - 9pm 7 days a week at least, somewhere in Musselburgh.

1. East Lothian Council are doing their utmost to thwart objections from those most affected by their plans by limiting access to the scheme documents to unreasonable hours for working people.

2. By posting the proposed MFPS from the 24th March 2024 – 24th April 2024 the period falls between dates when many people may be on holiday or busy with extra child care commitments. It is my belief that these dates were chosen to limit objections to the proposed schemes.

2. The proposals look nothing like the public presentation in June 2023.

I therefore request a public enquiry into the failure of the schemes proposers to enable adequate access to the proposed scheme documents in Musselburgh.

Yours Sincerely

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17th April 2024

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

**I wish to object to the proposed Musselburgh Flood Defense Scheme
for the following reason:**

Whilst originally choosing to incorporate a provision for MAT within the scheme there is no proof that this can be delivered as the acceptance of the MAT project is far from achieving planning permission & is likely to meet with significant public opposition. There is little prospect of bicycles, electric scooters, electric bicycles, trishaws, children’s pull-along wagons, children, buggies, walkers & dog owners feasibly sharing an active travel route. It would be too dangerous and there is no evidence that such a design would work in the UK.

MAT is not included in the proposed scheme, therefore until such a time as the MAT should be granted planning permission the design incorporating extra wide ramps, footpaths and access points and narrowing the river to incorporate these features is excessive and not justified.

MAT forms part of the EIA summary where it should not. MAT is not within the scheme proposals.

This therefore means that decisions are being taken based on an EIA that is out of date.

The EIA summary significantly omits to mention the long-term implications on health with regards to the disabled or those with limited mobility.

By removing MAT from the proposed design, the proposers ELC have made the ability to offer sound objections more difficult for the public to understand the proposed MFPS in its own right and therefore have had their options for objection circumstantially altered.

The initial scheme proposed and consulted on with the local population contained MAT. This was not legal as MAT requires planning permission. MAT was withdrawn hours prior to the scheme being ‘notified’. The proposed scheme has been designed to incorporate a project that has no validity or flood risk benefit. The design team of experts must have been fully aware of the legal requirements from the outset as they have all the expertise to have recognized this. The design and EIA should therefore have been amended prior to the scheme being ‘notified’ to the public for the 28 day objection period.

I therefore object that the proposed scheme is not the best possible solution required under the 2009 Flood Risk Management (Scotland) Act 2009 as it compromises significantly on the river environment & accessibility

Yours sincerely [REDACTED]

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

**I / We wish to object to the proposed Musselburgh Flood Defense
Scheme for the following reason:**

The Dynamic Coast report **MUSSELBURGH COASTAL CHANGE ASSESSMENT**, (February 2024) puts into doubt the whole concept of building a sea wall to last until the end of the century as many of us have questioned. It is a very strong and clearly supported point of objection based on facts provided by an independent Statutory body

Based on the report by the Statutory body Dynamic Coast I wish to object to the proposed flood protection works named The Coastal Change Adaptation Plan and the Musselburgh Flood Protection Scheme. The authors of the Dynamic Coast report clearly believe that we should start planning for managed retreat from the current coastline.

The authors make a clear case that barriers will lead to foreshore narrowing (i.e beach gets steeper and may vanish) which will eventually undermine hard defences (unless even more engineering is done...)

The proposed scheme is not fit for purpose as it does not meet the criteria of the objective which is to protect the town from coastal flooding for a period of 100 years.

I / We therefore object to the proposed MFPS & Coastal Adaptation Scheme as in reference to Dynamic Coast's report the proposed scheme has little long-term value.

Yours sincerely

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17th April 2023

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

**I wish to object to the proposed Musselburgh Flood Defense Scheme
for the following reason:**

Human interference can alter a river's natural flow, which may result in the need for further, unplanned work. For example, adding flood embankments and solid concrete structures to one part of a river may cause erosion to worsen elsewhere. This is because the power of newly constrained flood waters will be transferred downstream.

The proposed scheme is not appropriate for Musselburgh where the consequences of such development may result in a long-term impact on the Ramsar and SSSI sites in associated areas.

Yours sincerely

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17 April 2024

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

**I wish to object to the proposed Musselburgh Flood Defense Scheme
for the following reason:**

The Published EIA summary consistently underplays the impact of the proposed scheme and I am objecting on the grounds that it has either not been adequately researched or has been manipulated by Jacobs in whose best interest development to the full design stage is paramount for profitability. The EIA has misled the Councillors unless they are complicit and is misleading to the public reading the condensed summary. I therefore demand that an independent audit is carried out on the findings contained in the Summary EIA as published.

All the comments pre-mitigation are Adverse or Major Adverse. There is no evidence that the mitigation efforts will have enough impact to fully restore the loss of habitat and damage to biodiversity within the lifetime of the scheme which could be as low as 60 years (NB: existing seawall) given that the full effects of climate change cannot be fully calculated and are only a guesstimate.

The summary EIA does not mention the negative effects of overlooking from the raised embankments along the river as part of the scheme. Any increase in the value of homes due to the MFPS is likely to be outweighed by the loss in value due to being overlooked and properties losing their views of the river. Historically, Insurance companies have little regard for flood protection schemes and therefore the proposed scheme is likely to offer limited benefit to home owners with properties on the river.

The EIA suggests that riparian and other planting will substitute for loss of habitat and aesthetic appeal once established. It should however be pointed out that riparian planting is NOT drought tolerant. Due to climate change. There is nowadays a significant period of drought in any given year. The chances of Riparian planting surviving are therefore slim in the long term. This could have significant revenue implications for East Lothian Council going forwards. (Opinion, [REDACTED]
[REDACTED])

Summary EIA area study 3

The EIA provided is full of assumptions rather than based in fact supported by scientific evidence. Rather it is assumed wishful thinking on the part of Jacobs who compiled the report and would benefit significantly from the proposed MFPS proceeding to the Final Design stage. There is no evidence of support from Musselburgh residents to support these assumptions.

Yours sincerely

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