East Lothian Council

Members' Library Service Request Form

Date of Document	18/10/24
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Document Title	Musselburgh Flood Protection Scheme MLS report - Appendix A.18

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Additional information:

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

For Office Use Only:	
Library Reference	104/24
Date Received	18/10/24
Bulletin	Oct 24

Dear Mr Grilli,

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

My name and address are:

[redacted]

I am an owner of the above property, which is situated within the flood risk zone and a matter of metres from the proposed scheme works. In addition to that, the entire length of the area within which the defences are planned are used by our entire family for leisure. Additionally, our son attends the [redacted] situated on the banks of the esk, within the flood risk zone and even closer to proposed works. Below are set out a list of objections.

Inclusion of Musselburgh Active Travel as direct elements, or as a design consideration, within the scheme.

I object to any and all MAT elements included within the scheme, and further any element of the scheme designed to take MAT into account in future. The Goose Green Bridge serves no flood defence purpose. Narrowing the river in a number of places serves no flood defence purpose, and in fact increases the risk level. 5m wide paths, or flood defences designed/placed so that 5m wide paths can be constructed, serves no flood defence purpose. Our right to object to future MAT plans under the relevant 'development' legislation is being eroded. Indeed a significant amount of cost implied within the design is only relevant if all of the MAT proposals achieve consent. If they do not then public money is being wasted.

Risk to the health of vulnerable citizens

I object to any heavy construction work closet than 200m from any site that is used regularly by vulnerable users. This includes the doctors surgery, car hmoe on the beach and the [redacted]. A significant number of citizens will be forced to endure heavy construction work. In particular in our case, an entire cohort of children will be subjected to continuous heavy building works over a number of years. The resulting toxic fumes and dust will either be detrimental to their health, or will force children to stay indoors, that again is detrimental to their health. A clear link has been drawn between continuous pollution and lifelong adverse health effects when young children are exposed, including death in some cases. This is not an isolated problem to one [redacted] as there are a number of location used by vulnerable users in the 'blast zone' of the works, so to speak. The trade off of children's health and potential lifelong issues for walls that they will not be able to see over until their teenage years is unacceptable, to be protected from one event at some point in the next 200 years, maybe.

Coastal defences and Dynamic Coast erosion report

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

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

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

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

Biodiversity

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

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

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

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

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

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

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

Please correspond only by post in future, any other attempt to contact me cannot be used to justify appropriate engagement as set out by the act.

Yours sincerely,

[redacted]

Subject: (0582) MFPS 2024
Sent: 24/04/2024, 18:54:01
From: [redacted]
To: Musselburgh Flood Protection Objections
Attachments: 21. Scheme Value [redacted].docx
19. Unecessary development.docx
16. PROTECTION Protection of Bird Life.docx
15. ELC CONSULTATION [redacted]docx
14.EIA ignoring safeguardingnof vulnerable protected species..docx
13. Innsuficient evidence [redacted].docx
12. Failure to notify affected households.docx
11.Inadequate EIA [redacted].docx

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]

[redacted]

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 reasons:

The decision of ELC to proceed with the application is not legal in that the vote was taken without publication of the Full EIA. The ELC Councillors only had access to a condensed summary of the EIA compiled by Jacobs and not the full report. There appears to be very little input from the required Statutory bodies included within the summary Jacobs EIA report.
The Final Summary EIA produced by Jacobs is riddled with assumptions and omissions. In referring to the massive full EIA made available to the public, I was unable to find information on many factors that should have been considered and again found many areas full of assumptions with no foundation in evidential fact. It is in Jacobs best interests that the MFPS progresses to the Full design stage in order to maximize their profits.
I wish to object to the MFPS as I believe that the required EIA has been manipulated to put a skew in favor of proceeding with the MFPS.

The Environmental Impact Assessment should give particular focus to impacts on heritage assets and their settings which may be affected during construction works., for example, that the Flood Protection Scheme is located inside the designated areas for the Pinkie Battlefield (BTL15) and the Pinkie House Inventory Designed Landscape (GDL313). There will be an impact on appearance of the environment around the Category A listed Old Roman Bridge over the River Esk (LB38378) and the Category B listed New Bridge Between Bridge Street and High Street (LB38363), caused by the construction of flood defence walls on either side of each bridge. In each instance, mitigation by design is inadequate to minimise impacts on heritage assets caused during construction works. At this time there appears to be no detailed Construction Environmental Management Plan (CEMP). The drawings supporting the scheme are not detailed enough and do not contain enough appropriate technical information demonstrating that impacts can be limited to an acceptable degree. Further to this, there is inadequate detail of the impacts on the setting of heritage as well as any additional nearby heritage assets. I note from the EIA Scoping Report (July 2020) that it is proposed to assess impacts on the setting of heritage assets located within a 500m study area and are broadly content with this. Impacts on the setting of heritage assets These should have been be assessed using photomontage and wireframe visualisations where impacts are likely to be highest. I also consider that the Flood Protection Scheme proposals may give rise to impacts on marine archaeology located below the tidal limit. I note that the EIA Scoping Report (July 2020) identifies the potential for unknown archaeological remains located along the banks of the River Esk and the coastline. I therefor object due to the fact that an archaeological survey has not been undertaken in these areas that would take into account the potential for unrecorded archaeology located below the tidal limit. Appropriate mitigation measures should also be identified. The guidance in The Crown Estate Protocol for Archaeological Discoveries document will help with the design of suitable actions and mitigation measures. It is also notable that the developer has not taken into account the Joint Nautical Archaeological Committee's Code of Practice for Seabed Development as part of the assessment of the impact of this proposal.

The potential for impacts on heritage assets and their settings caused by the construction, operation and maintenance of the proposed 'upper catchment debris trap' and the adaptation of Scottish Water reservoirs. Has provided limited information regarding these works is provided as part of this consultation and therefore further detail on this requires to be provided. The detail has not been made public. Impacts may, for example, occur on the Dalkeith Palace Inventory Designed Landscape (GDL128) and scheduled monuments including the Eastfield, enclosures and pit alignments, Old Craighall (SM6020), Monktonhall

Junction, Neolithic cursus 150m N of Whitecraig (SM13318) and Monktonhall Junction, Roman camps and prehistoric settlement (SM3610. Other Consents It should be noted that any construction works directly affecting the Category A listed Old Bridge over the River Esk (LB38378) and the Category B listed New Bridge Between Bridge Street and High Street (LB38363) are likely to require listed building consent (LBC). Similarly, it should be noted that elements of the proposed scheme below the tidal limit are likely to require a Marine Licence. I therefore object to the lack of information of any associated LBC or Marine Licence applications.

EIA Scoping Report (July 2020) I have reviewed the EIA Scoping Report (July 2020) set out at Section 7 (Cultural Heritage) subject to the comments below. As set out above, it should be noted that limited information has provided about the construction, operation and maintenance of the 'upper catchment debris trap' and works for adaptation of Scottish Water reservoirs. I require that the scope of any assessment should therefore be adapted to reflect these aspects of the proposals

I also disagree with the proposal at Section 7.3 that effects on the historic environment caused by noise/vibration or change to the landscape will be assessed in different EIA Chapters. Here, it should be noted that these heritage assets are designated for their cultural heritage value. I therefore consider that any effects caused by noise/vibration or change to the landscape should be considered in terms of their cultural heritage impact. Relevant findings from other chapters within the EIA The report should therefore be clearly cross-referenced within the cultural heritage assessment. Further information A new Historic Environment Policy for Scotland (HEPS, 2019) was adopted on the 1st May 2019, which replaces the Historic Environment Scotland Policy Statement (HESPS, 2016). The new Historic Environment Policy for Scotland is a strategic policy document for the whole of the historic environment and is underpinned by detailed policy and guidance. This includes our Managing Change in the Historic Environment Guidance Scottish Environment Protection Agency (SEPA) The SEPA Environmental Impact Assessment (EIA) screening opinion for the Musselburgh Flood Protection Scheme (FPS) as I understand, as per the EIA Scoping Report (dated July 2020) and your consultation email (dated 27 August 2020), is that the FPS will be progressed under the provisions of the Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010 (as amended) ('FRM Regulations'). Under the FRM Regulations, Section 2.2 of the report states given the sensitivity of the study area's natural and built environment and close proximity to residents at certain locations that 'it was considered likely that there will be a potential for significant 'environmental effects'. The FPS is therefore regarded as EIA development with regard to Schedule 1 of the regulations

There are in this instance there are a wide range of receptors within NatureScot's remit that must be considered, and it is my understanding that there are many more receptors Given the wide range of receptors and impacts that must be assessed it may make sense for the assessment to be consolidated into the EIA process.

I object due to the fact that Firth of Forth SSSI/ SPA/ Ramsar site and additional sites protected for nature (e.g. Gladhouse Reservoir SSSI/ SPA) • European protected species (e.g. otter, bats), UK protected species (e.g. birds, reptiles, amphibians, badger etc), public access have been inadequately addressed. I object to the proposed scheme due to the fact that has the potential to have significant impacts on the historic environment. This includes both direct impacts on buried archaeology and historic structures, as well as indirect impacts on the setting of a number of key sites, Scheduled Monuments, Listed Buildings, the Battle of Pinkie Inventory Battlefield, and several designated Gardens and Designed Landscapes. I find that these potential significant impacts on the historic environment are not inadequately represented in the EIA made available by Musselburgh Flood Protection Scheme authors to the residents of Musselburgh due to the potential for significant impacts on the Firth of Forth SPA, Ramsar and SSSI and also the potential for significant impacts on protected species, in particular bats and otters. ELC Climate Change and Sustainability I note the extensive EIA Draft Scoping Report on the MFPS prepared by Jacobs and submitted for this project. This appears to cover the major aspects that should be considered in the EIA. I note that Air Quality and Climate Change are specifically included. With regard to Climate Change, I have the following comments: Unfortunately, the Scoping document does not make reference to East Lothian Council's Climate Change Strategy – this should be included. The Climate Change Strategy sets out how the Council will tackle

both Climate Change Mitigation and also Climate Change Adaptation locally. I think it is important that the Scoping document failed to distinguish between these two aspects of tackling climate change. 'Climate Adaptation: Climate Ready Communities' is one Key Priority Area set out in the Climate Change Strategy, with the specific action (Action 7.5f) to "Progress the Musselburgh Flood Protection Scheme". This project may have a major significant impact on protecting Musselburgh from future flooding that might arise, and become more likely to occur, as a result of climate change. It is however important that this development considers both the greenhouse gas emissions arising during construction and during the operational life of the scheme throughout the entire 'lifespan' of the scheme. Circular economy principles should be incorporated to ensure the long term sustainability of the construction materials proposed, including consideration of the lifetime sustainability of the scheme There is a lack of natural flood management opportunities being undertaken alongside the River Esk where this would be appropriate to enhance the green network properties of the Esk Corridor and promote natural water management and natural habitat enhancement, such as use of reedbeds / marshland areas:. This links to specific actions in our Climate Change Strategy under Outcome 6 ('A Healthy and Resilient Natural Environment and the route to Carbon Neutral'), specifically Actions 6.2b and 6.2e. This would also benefit biodiversity. However, in this respect I feel that the proposed scheme fails to meet these objectives.

Yours sincerely

[redacted]

[redacted]

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:

I wish to object to the failure of the MFPS to correctly notify all those that will be affected by the proposed Musselburgh Flood protection scheme and The Coastal Change Adaptation Plan

All households in Musselburgh and within a larger catchment should have been notified. All households will be affected by disruption to traffic, transport, noise, pollution, the pressure on ELC finances, loss of amenity and access.

Yours sincerely

[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:

I / We object to the proposed Musselburgh Flood protection Scheme Due to insufficient information being available to accurately provide a reliable estimate of the scheme cost due to too many variables within the proposed scheme at the Outline Design stage:

Firstly, the move forward to the Approval stage of the MFPS has been rushed due to the perceived need by East Lothian Councillors to meet the April 2024 deadline for application for cycle 1 funding. Councillors were advised that not submitting the MFPS for approval prior to the April 2024 deadline, could result in a loss of some or all funding by the Scottish Government. This has resulted in a lack of enough detail within the outline scheme to safeguard the character of Musselburgh.

Secondly, ELC Councillors have been manipulated into progressing the MFPS forward to Approval, by scaremongering by both Jacobs ([redacted] and CP consultancy (Conor Price) advising them of the risk of funding not being available if the April 2024 deadline for cycle 1 funding was missed. There is absolutely no evidence that would support this argument. I have this evidence recorded. **Special East Lothian Council**
Tuesday, 23rd January 2024 at 9:30am https://eastlothian.public-i.tv/core/portal/webcast_interactive/834926

In order to meet the Cycle 1 deadline ELC's advisors advised Councillors to ignore the Govt guidance that NFM should be fully investigated and advised that NFM be excluded from the proposals. On the advisors (The Musselburgh Flood Protection Team) recommendation that further investigations into NFM was therefore excluded from the scheme was agreed.

3. 4000 people signed a petition asking that the scheme was paused to enable further investigation to Natural Flood Solutions. East Lothian Councillors advisors and design Team were fully aware that the 'Pause Campaign' was underway and the threat it posed to ELC Councillors approving the Scheme to proceed to stage 4.

The Councillors were therefore advised and agreed to suspend further investigation of NFM & MFS within the project in October 2023, thus pre-empting the Public petition, delivered in

December 2023 and removing its relevance to the scheme enabling ELC to disregard public opinion at the vote to move to stage 4

The final Outline Design was made be publicly available once “notification” commenced. As above, a number of features are proposed, including swales and pumping stations to prevent any increased pluvial (surface water) flooding on the “dry” side of the defences. As identified, the risk of climate change is increasing and as such, the Musselburgh FPS is designed to a 1 in 200 year plus climate change level of protection, rather than a 1 in 200 - year level of protection. I argue that as comprehensive and accurate information is available as to the potential impact of climate change is unavailable, the proposed scheme is unwarranted until such time as the risks can be confirmed.

Yours sincerely

[redacted]

[redacted]

[redacted]

Date…….

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:

I object to the proposed flood scheme due to the fact that it proposes that the value of the proposed scheme outweighs protected wildlife considerations and assumes that there will be no long-term detrimental effect on the breeding population of protected and endangered species.

1. The EIA compiled by the MFPS officers fails to recognize the impact on the population of Otters which it states is considered minimal and not of consequence. There are breeding otters located at the weir at the grove. These otters produce 3 kits a year that increases the viability of an endangered species. The otters also have several holts that act as rest areas between the mouth of the Esk and the proposed debris trap upstream.
2. The EIA compiled by Jacobs fails to recognize fully the numbers or breeding Kingfishers on the river Esk within the proposed area of the Flood protection Scheme. The Kingfishers on the Esk within the area of the proposed MFPS have a breeding tunnel above the weir located at Goosegreen, a tunnel located at the weir below the weir at the proposed site of the new bridge proposed for Ivanhoe. The river bank opposite the Inveresk Estate and close to where the proposed debris trap is located. Kingfishers tend to favour slow-flowing rivers or motionless water. Kingfishers do not build a nest, as is common among most species of birds. Instead, they nest inside a tunnel, which is typically around 30-90cm in length, located next to a river bank of slow-moving water, and contains no other materials.
3. The EIA compiled by the Jacobs fails to recognise the value to the protected bat species along the river Esk.
4. Removing large established trees and increasing the flow of the river by making it narrower will significantly reduce the insect population on the river resulting in less food available for vulnerable bat species. Bats rely on large populations of insect life. The bats on the river Esk have been recorded as: Daubenton's bat, Natters Bat Noctule Bat, Brown long-eared Bats, Common pipistrelle and Soprano pipistrelle.
5. I therefore object to the proposed Musselburgh flood protection Scheme as the EIA has been compiled by persons not familiar with the locale of the proposed MFPS or the prevalence and successful breeding of endangered species within the proposed locale and their assumptions that breeding populations of Bats, Otters and

Kingfishers will be able to resume their breeding populations on completion of the proposed MFPS.
Should this objection be refused, I require evidence that these facts are incorrect as I have evidence to the contrary.
Yours sincerely

[redacted]

[redacted]

14/4/24
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:
Lack of Information:

The Design Team & MFPS officers have failed to make clear the full impact of the proposed scheme on the town of Musselburgh to both the townsfolk and the Councillors. The information provided for outline of the scheme had a skewed bias in favour of the scheme.

The EIA has avoided clarifying the possible detrimental effect by failing for example to make clear what trees night be at risk or damage or removal. This point was raised via public objection to mis-representation.

Having chosen not to use the RAG traffic light system to identify trees that will be removed marked in red. The trees that will remain are marked green. It is entirely misleading that trees **'at risk'** are also marked in green rather than amber to identify that they are at risk. The 'small print' on some trees marked in green that are at risk was made barely visible without having to use a magnifying glass or zoom function to read the small print that not all the trees marked green would be retained.

The decision of ELC to proceed to notification without access to the full EIA, Scottish Water report on Drains and Dynamic Coast report, choosing to rely instead on reports created by their paid / employed advisors.

No independent scrutiny was undertaken to verify the accuracy and impartiality of the condensed reports submitted to Councillors of the 23rd January 2024.
As our elected representatives our Councillors must review the in order to enable people to have a clear, accessible and honest view of the possible impact on the trees of the proposed scheme. They must also conduct a further review of the proposed scheme involving Musselburgh residents to ensure the altered meets with the town's approval.

I therefore request a full independent evaluation of the proposed MFPS

Yours sincerely

[redacted]

[redacted]

21st 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 Protection Scheme for the following reason: The EIA accompanying the Musselburgh Flood Protection proposed scheme is in adequate and does not fully take into account the implication on Bird life and bird watching in Musselburgh and along Musselburghs foreshores.

The failure to undertake a fully investigated review of the effects and implications for wildfowl and birdlife in Musselburgh and along the Musselburgh foreshore has implications for me personally as an avid birdwatcher, for my friends that visit Musselburgh frequently for birdwatching and the wider economy of Musselburgh. Musselburgh is considered one of the top UK birdwatching sites and is promoted as such as a national level. As a former member of the East Lothian Tourism forum I worked diligently for many years to have Musselburgh promoted and recognised as a top holiday destination for birders.

The results presented in the EIA report from surveys of shoreline and coastal birds are not detailed enough to provide assessment of the impact of the scheme on the internationally and nationally designated sites around Musselburgh. It is not possible to judge if mitigation measures are adequate without this data.

The desk study part of the baseline data collection has also been inadequate. Both survey results and relevant pre-existing data on bird species present, and their national and local population trends, and insights into relevant behaviour is absolutely necessary. The desk study in the EIA report also fails to include useful data from the East Lothian Council Ranger service, the British Trust for ornithology (BTO) and the Scottish ornithologist's club (SOC)

The EIA gives the agglomerate count figures of birds but should give species specific data. Additionally, the data used is out of date. The most recent data available up to 2022/2023 should have been used not the 2013 to 2017 data contained in the report. The EIA is therefore misleading and inaccurate rendering it not fit for purpose.

There are also concerns about the accuracy of the baseline survey. It contains significant anomalies about the species of birds observed which makes one question the accuracy of all the information provided.

Also counting was done when two of the lagoons were under construction activity during 2021 to 2023 which created considerable disturbance and which is not therefore representative, and according to Nature Scot bird surveyors should have been aware of. **According to Nature Scot bird surveys should not take place where there is disturbance that could affect the abundance, distribution or behaviour of birds within the survey area.**

The EIA report attempts to identify and quantify loss of habitats from the scheme but it does not identify the main habitat impact of the scheme namely the loss of shoreline and intertidal habitats over its proposed 100 year operational life. Hard defence structures along the coast create 'coastal squeeze'. This impact is not even mentioned in the EIA report biodiversity chapter, let alone assessed. EIA does not meet its own commitment to give an appraisal of the future baseline without the scheme in order to assess the possible effects of the scheme if it goes ahead.

Habitat loss from 'coastal squeeze' must be assessed properly. Not to do this goes against the council scheme objectives that 'the scheme will achieve as a minimum a neutral impact on the environment' and also that it will 'protect the Firth of Forth and its protected statuses'. ELC has an actual duty to protect and enhance biodiversity which cannot be fulfilled in this case without the necessary detailed bird data to assess the impact of the scheme and design mitigation.

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

There is no evidence to back up these assertions on factors such as prey availability or exposure to disturbance or any of the other influences that need to be considered in order to assess these impacts.

The EIA report notes that 'the improvements to the active traffic network particularly along the seawall and the proposed Goosegreen bridge may result in increased pedestrian and cyclist traffic which may create increased operational disturbance to qualifying bird species' The report makes it clear that it's uncertain whether the cycle paths will result in increased active travel in which case how can the expenditure, the additional risk of impacts on internationally and nationally designated bird sites, and the carbon footprint of constructing these two elements of the scheme, be justified without strong independent evidence that there will be sufficient active travel benefits. These two elements need to be removed from the scheme not least as there are already foot and cycle paths along the relevant sections of the scheme coastline.

Finally consider the impacts on recreational amenity over the construction period, specifically for birdwatching. Musselburgh is one of the most visited birdwatching sites in Scotland enjoyed by hundreds of visitors every year. This tourism and amenity value of the scheme area for birdwatching is not given recognition in the EIA report and as a result there is insufficient attention given to mitigating disruption to this activity. This is significant because the schemes construction phase could take a period of 5 to 10 years, imposing long-term damage to the area's use and reputation as an ornithology visitor attraction.

I therefore object to the proposed scheme due to the lack of information regarding the impact of the proposed MFPS contained in the supporting EIA, the inaccuracy of the EIA and the impact of birdlife of the proposed scheme as it does not meet the ELC's target of the proposed scheme 'achieving a minimum a neutral impact on the environment'

Yours sincerely

[redacted]

[redacted]

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:

Unnecessary development within a conservation area, Ramsar site and SSSI:

The proposed Goosegreen bridge is a new structure in a completely new location and is not in keeping with the existing ambience of Musselburgh or its aesthetic appeal.
The proposed new Goosegreen bridge is totally unnecessary and would have a significant impact on views over the Forth Estuary and enjoyment of existing access to the shoreline.
The proposed new bridge would impact on the SSSi site & Ramsar site by causing pollution during its construction, damage to existing wildlife habitats

Additionally, the design is modern and not in keeping with the historic conservation status of Musselburgh and could pose a risk to protected seabirds natural habitat.
Yours sincerely

[redacted]

[redacted]

14/4/24

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:

The proposed scheme to protect the homes & businesses along the river Esk does not offer a best value to Scottish Taxpayers. There are alternatives that would be more cost effective for Scottish Taxpayers such as individual measures to protect homes & business from a river flood event in some areas of the town.
The greatest risk to Musselburgh in the long term is from rising sea levels and not as insinuated by the MFPS design team the river itself. There has been no significant damage to homes & businesses along the river since 1948.
From SEPA information, the greatest risk to Musselburgh in the long term is from rising sea levels and an extraordinary tidal event and not as insinuated by the MFPS design team the river itself.
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 Wire Mills development of 140 homes on Mall Avenue was granted permission?
With Reference to the Dynamic Coast report March 2024. The report surmises that the value of the proposed Coastal Risk Scheme would be very limited and that it would be unlikely to offer significant protection post 2040. The recommendation of the Dynamic Coast report is that a gradual relocation scheme for properties at risk from coastal erosion and flooding would be the most realistic solution
Therefore with expert consultative advice no work should be undertaken to develop a Coastal protection Scheme but that those at risk from climate change and future flooding should be assisted and incentivised to relocate over the next 16 years.
Given the present economic climate the proposed expenditure of Scottish Taxpayers money on such a remote occurrence is questionable.
Yours sincerely

[redacted]

Subject: (0583) MFPS 2024
Sent: 24/04/2024, 18:56:26
From: [redacted]
To: Musselburgh Flood Protection Objections
Attachments: 22. COMPENSATION.docx
23. ELC Scheme maintainance.docx
24. MUSSELBURGH ACTIVE TRAVEL INFRASTRUCTURE.docx
25. Goosegreen Bridge.docx
27. Loretto.docx
29. Mitigation.docx
30. Natural Solutions ED.docx
31. OBJ Duplicity.docx
32. OBJ LAW.docx

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]

[redacted]

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 Protection scheme and inform the Governance of ELC that I would undertake action for compensation should the proposed scheme proceed.

I moved to Musselburgh nearly 30 years ago. It has been my home & my livelihood. I purchased a home in Musselburgh in [redacted] to escape from the stress of living in Edinburgh Town Centre. I suffer from mental health issues and the enjoyment I have of Musselburgh's open spaces and riverside walks are paramount to my health.
I moved up the road to a smaller quieter home in [redacted] for retirement and invested in tow properties in Musselburgh to provide rental income for my pension. I am entirely dependent in the income from said properties.
Should the proposed MFPS proceed, it is my belief that there will be a considerable period of this period that I will struggle to let my properties due to the disruption caused by the MFPS, that I will suffer a significant loss of income and may even be forced to sell the properties should I be unable to attract tenants at my present level return.
It is my belief that the construction of the MFPS could impact my investments and my livelihood and sole source of income.
I therefore wish to object to the proposed MFPS.

Yours sincerely
[redacted]

[redacted]

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:

I object to the provision for 5m wide paths paths being included in the proposed MFPS. 5m wide paths are not a necessary requirement to provide protection from flooding and therefore compromise the whole design. The inclusion of provision for 5m wide paths completely alters the integrity of the proposed scheme by requiring the flood defence structures to be built out into the river. This therefore narrows the river creating a canal like stricture that compromises the aesthetics of our historic town.

It was not made clear to the public that the river would be being extensively narrowed.

Narrowing the river increases the flow rate and affects the existing wildlife it will discourage existing rare wildlife like otters, Kingfishers and bats as these species require lower flow rates to maintain their prey and hunting environments.

Narrowing the river increases the danger to children or persons that mall fall from the walls. This could result in severe injury or even drowning for those who may not be able to get out. The stronger current due to river being narrowed and flow rate increase also increases the risk to human injury.

The proposed scheme fails to make clear that the proposed Goose Green Bridge is not absolutely necessary and is in addition to the replacement of existing bridges. Its inclusion in the scheme is not replacing an existing bridge in that position but has been designed to obtain maximum funding for the Musselburgh Flood Protection Scheme that it may in future permit Active Travel schemes projects. There is no evidence that the people of Musselburgh would support an application for MAT. Therefore, the inclusion of the proposed Goosegreen bridge is spurious and should be questioned and rejected.

Active Travel has nothing to do with Musselburgh's requirement for flood protection It has therefore been removed from the scheme. This was however a component part at the time the public were consulted on the scheme. The proposed scheme is therefore significantly altered from that on which public opinion was sought.

I therefore object to the design of the proposed MFPS as it contains elements of design to incorporate an Active Travel network at a future date that have no foundation in the most appropriate flood defence design for Musselburgh.

Yours sincerely [redacted]

[redacted]

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 Protection scheme.

The inclusion of elements of MAT infrastructure under section 65 of FRM (deemed Planning Permission) and other statutes.

The inclusion of infrastructure for Musselburgh Active Travel (MAT) is unnecessary as it offers no reduction in flood risk. The inclusion of infrastructure for MAT both increases the cost of the MFPS to the Scottish Taxpayer and alters what could be otherwise a more conservative and attractive design that would offer similar protection of the Conservation area where elements of MAT infrastructure have been built into the design.

There is no evidence that the people of Musselburgh for whom the MFPS is intended have any desire to see MAT in Musselburgh at a future date.

With no official public support or planning permission, no elements of MAT should be included within the scheme design.

Including elements of MAT within the MFPS design is a misuse of public funds as MAT has no relevance to protecting the town of Musselburgh flooding and has compromised the final design creating a significantly altered scheme from possible better alternatives.

Any drawings supplied to the public that contain any illustration of MAT should have been withdrawn from the proposed MFPS prior to its publication. The drawings are misleading and make the ability to object to the proposed scheme misleading, complicated and possibly invalid.

I therefore object to the proposed scheme and demand that a full review and redesign of the proposed scheme is undertaken to exclude any MAT infrastructure.

I demand that the objection process is started afresh after removal of any MAT illustrations and relevant documents in order to enable the public to have a

fair and accurate representation of the proposed MFPS The residents, owners and businesses of Musselburgh are entitled to a clear illustration of the MFPS proposals. This has not been made available due to the inclusion of MAT elements within the proposals

Yours sincerely

[redacted]

[redacted]

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:

The proposed new Goosegreen footbridge has been designated for dual use on the shown drawings to include MAT in future and therefore would no longer be a footbridge. The design is totally out of proportion for a footbridge and has been sited at a location where no previous bridge has existed. Quote 'By Year 15: *The New Goose Green Footbridge would remain a prominent new feature within views, but the elegant structure would enhance visual amenity*. That is the view of the engineers and ELC and has no basis in fact as the people of Musselburgh have not had the opportunity to vote on this proposal to ascertain their views on a new bridge in a new location. Given that the MAT (Musselburgh Active Travel) proposals have been removed from the proposed scheme, there is no longer a requirement for a bridge at Goosegreen as it does not replace an existing bridge and is unnecessary as MAT (Musselburgh Active Travel) has been removed from the scheme design.

I therefore request that the proposed bridge is either removed from the MFPS or that its inclusion is referred to the Scottish Ministers for them to decide if its inclusion on the edge of a SSSI and Ramsar site is appropriate given that it is not necessary in order to form a flood protection benefit for Musselburgh.

Yours sincerely

[redacted]

[redacted]

15th 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 Act 2009 states that natural solutions are best practice. The scheme is the anthesis of this.

The proposed design results in the effective narrowing of the river Esk towards the river mouth. This results in the requirement for higher defenses being required to anticipate high tides and exceptional tidal occurrences.

I have been in touch with Loretto School that owns the Newfield playing fields at the Esk Mouth. I have been informed that at no time have they been approached to enquire about the purchase of land that would enable the river to be kept at its present width, widened or some form of Suds scheme to be created on what is a natural and frequently flooded area adjacent to an area of significant tidal influence. Such investigations have been discounted without evaluation as to the possible reduction of environmental, aesthetic or physical impact on Musselburgh. I have been assured that Loretto school would have been happy to enter negotiations to enable the proposed scheme to provide a more natural solution

I therefore object to the proposed scheme as it does not meet with the Scottish Governments guidelines that natural Solutions should be a primary consideration. Natural solutions have not been fully investigated.

Yours sincerely

[redacted]

[redacted]

15th 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 design of the proposed MFPS is out of character and hugely impacts the Historic value of Musselburgh and the enjoyment of it by local residents and visitors.

Setting Impacts - These are generally direct and result from the Scheme causing change within the setting of a heritage asset that affects its cultural significance or the way in which it is understood, appreciated and experienced. Such impacts are generally, but not exclusively, visual, occurring directly as a result of the appearance of the Scheme in the surroundings of the asset, changes in the noise environment or historical relationships that do not relate entirely to intervisibility. Such impacts may occur during construction and operation of the Scheme and may be permanent, reversible or temporary.

• Cumulative Effects - Cumulative impacts relate to the physical fabric or setting of heritage assets. They arise as a result of impact interactions, either of different impacts of the Scheme itself or between the impacts of other projects, or additive impacts resulting from incremental changes caused by the Scheme together with other projects already in the planning system or allocated in a Local Development Plan.

I object to the design of the proposed MFPS as it is not in keeping with the historic value of Musselburgh.

Yours Sincerely

[redacted]

[redacted]

15th 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 Act 2009 states that natural solutions are best practice. The scheme is the anthesis of this.

The proposed design results in the effective narrowing of the river Esk towards the river mouth. This results in the requirement for higher defenses being required to anticipate high tides and exceptional tidal occurrences.

I have been in touch with Loretto School that owns the Newfield playing fields at the Esk Mouth. I have been informed that at no time have they been approached to enquire about the purchase of land that would enable the river to be kept at its present width, widened or some form of Suds scheme to be created on what is a natural and frequently flooded area adjacent to an area of significant tidal influence. Such investigations have been discounted without evaluation as to the possible reduction of environmental, aesthetic or physical impact on Musselburgh. I have been assured that Loretto school would have been happy to enter negotiations to enable the proposed scheme to provide a more natural solution

I therefore object to the proposed scheme as it does not meet with the Scottish Governments guidelines that natural Solutions should be a primary consideration. Natural solutions have not been fully investigated.

Yours sincerely [redacted]

[redacted]

16/04/2024

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 Jacobs, Council Officers and Councillors have known that Musselburgh Active Toun would require planning permission from the outset of its inclusion in the design process. Despite this, MAT was incorporated into the design and only removed it 24 hours before moving to the objections process. I reiterated to both the Councillors, [redacted] and Conor Price on several occasions that MAT required Planning Permission, that it was a legal requirement. They were aware of the requirement.

There has been a breach of the Ethical Standards (Scotland) Act 2000 by including MAT in the proposed MFPS. This has misled the public and is interfering with the objections process. Choosing to announce the removal of MAT from the scheme design hours prior to moving to the public Objections process has resulted in inaccurate out of date information, drawings and EIA.

The decision to remove MAT at the very last moment before moving into the Objections process can only be construed to be designed to undermine the right and the ability of the public to object and to promote a scheme that is not fit for purpose. The MAT design elements are included in the public information and EIA and have a major impact on the design. MAT does not have the required Planning Permission and therefore including MAT provision and allowing it to influence the design is neither appropriate nor legal.

I therefore object and insist that the MFPS is paused until such time as

a) Planning permission for MAT has been obtained or
b) Should public objections, result in MAT not proceeding, the design is revisited to remove the elements and impacts of the inclusion of MAT from the MFPS design

Regards

[redacted]

[redacted]

16/04/2024

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 East Lothian Cabinet Committee meeting on the 21st January 2020 did not have the authority to approve the excess budget for the Musselburgh Flood Protection Preferred Scheme as adopted on that date. The meeting of a reduced cabinet was insufficient to approve the motion. In arriving at the decision to approve the Musselburgh Flood Protection Preferred Scheme the Council acted 'ultra vires' (beyond their powers) by failing to comply with the Local Government (Scotland) Act 1973

The Local Government (Scotland) Act 1973 requires every local authority in Scotland to comply with the legitimate administration of their financial affairs. The reduced cabinet on 21/01/2020 did not have the power to approve the budget. On this basis there was a breach of trust between the council and their electorates.

By approving the preferred scheme on the 21/01/2020, ELC's Councillors prejudiced the continuing development of the plans for the MFPS. The development proposed is very significant and its overall impact has huge consequences.

In determining decisions which involve the expenditure of public funds ELC have a duty to comply with pertinent law as well as internal guidance and due process that applies. In acting 'ultra vires' the cabinet failed to meet the required obligations.

Yours sincerely

[redacted]

Subject: (0584) MFPS 2024
Sent: 24/04/2024, 18:59:18
From: [redacted]
To: Musselburgh Flood Protection Objections
Attachments: 33. OBJECT ACCESS BEACHES.docx
34. OBJECTION PLanning v2.docx
35. OBJECT Coastal Change Adaptation Plan.docx
36. OJBECTION TO CONSULTATION ANALYSIS.docx
37. Objection Jacobs.docx
38. Objection to objections process.docx
39. ELC DECISION TO MOVE TO APPROVALS PROCESS WITHOUT FULL INFORMATION.docx
40. Time CONSTRAINT.docx
41. OBJECTION.docx

Categories: [redacted]

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Yours sincerely [redacted]

[redacted]

15th 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 Protection scheme

The Land Reform (Scotland) Act puts a duty on the Council to uphold access rights and gives the Council the powers to do this.

The Musselburgh Flood protection proposes to limit access to Existing Core Paths Musselburgh (Map D Musselburgh North) in order to develop the MFPS. Access to these paths and the beach owned by the Crown Estate cannot be obstructed.

The Access Code says: Access rights extend to beaches and the foreshore.

The people of Musselburgh have a historic right of way to access the river and beach. Open access has been historically available for centuries whether for collecting shellfish from the beach or taking enjoyment from the river. East Lothian Council have no right to restrict or reduce public access to these areas. Historic law takes precedent in this case.

Until relatively modern times, no laws were passed to create public rights of way. Instead, the routes became acceptedunder the common law as having been public since time immemorial. The legal theory was that the landowner "dedicated" the ways as public: the public use being evidence of this. Statutory access rights apply to the majority of land and inland water in Scotland and public rights of way, public roads, core paths, heritage paths, Scottish Hill Tracks, Scotland's Great Trails and desire lines may run through an area where a development is proposed.
As part of the process of planning to develop a site, it is advisable for the developer or his agent to review the current amount and type of public access across it and present this as an access statement (for small-scale proposals) or access management plan (for larger scale proposals). This should include identifying existing rights of way, core paths, other paths and tracks through and adjacent to the site, and take account of how the statutory right of access currently affects the site. The outdoor access statement/plan should set out how existing routes and access rights will be affected by the proposed development, what the developer proposes to do to minimise any adverse effects on them and what opportunities it proposes to take to enhance public access through the site. This information has not been made available within the proposed MFPS.
How will the current level of public access be affected by the proposals? Will it make it worse, keep it the same or make it better? It's not just the effects post-development that should be considered. How will public access be affected during the construction phase of the project? What needs to be done to maintain the continuity of public access.
With regard to : https://www.scotlawcom.gov.uk/files/7212/7989/6603/rep190.pdf

3.13 In the draft Bill the right of recreation has been defined to take account of the activities currently enjoyed by the public on the shore. We therefore include: bathing, swimming and sunbathing; making sandcastles and playing games; having picnics, lighting fires and cooking food; and beachcombing. Beachcombing involves the collection of small inanimate objects including the driftwood which has traditionally been used to light fires for picnics. Such objects must have been washed up by the sea, be of negligible value and capable of being carried away by hand. In addition, they must have been abandoned by their owner and therefore be ownerless but for the rule that such property belongs to the Crown. Thus, for example, the right of beachcombing would not apply to fish boxes left on the shore but not abandoned. Given that property which may be collected when beachcombing belongs to the Crown, we have provided that the beachcomber becomes the owner on exercising the statutory right. The list of recreational rights is non-exhaustive and such rights are additional and ancillary to the access rights in respect of the shore and foreshore conferred by the 2003 Act.

3.17 We therefore recommend that: 5. (i) Statutory public rights should apply to the shore as well as the foreshore. (ii) There should be a statement of the statutory public rights which apply in respect of the shore and foreshore. 6. The statutory public right to gather shellfish on the shore and foreshore should include the right to gather mussels and native oysters unless there has been an exclusive grant of the right to gather such shellfish. 7. The public right to shoot from the foreshore wildfowl which are on or over the foreshore, or the sea should be retained as a statutory public right but not extended to the shore.

By restricting public access by the building of a wall, access would be limited.

Additionally, THE MUSSELBURGH COASTAL CHANGE ASSESSMENT FINAL REPORT (February 2024) Dynamic Coast analysis to inform East Lothian Council Flood Scheme states that building coastal defence walls would result in greater loss of the shoreline and beach area. Loss of this amenity would impact on the usage and access and would contravene the publics historic human rights

The public has the usual rights of access on the foreshore under Part 1 of the Land Reform (Scotland) Act 2003. However, common law rights in relation to the foreshore existed before the 2003 Act, and provide more extensive public rights than are contained in the 2003 Act. In addition to the kind of activities that are covered by the 2003 Act (e.g. walking, bathing, picnicking and playing games) the common law gives the public the right to light fires, fish in the sea, gather shellfish, and shoot wildfowl above the foreshore or sea. These additional rights at common law only apply to the foreshore of the sea and other tidal waters, and so do not apply to the banks of non-tidal waters.
Access is available to the foreshore by boat from the sea, but the public can only use the foreshore from the landward side if there is a legitimate means of access by land. Access rights under the 2003 Act will now usually provide such a means of access, but not for motorised vehicles which are excluded from the Act. In the past, the need for access led to many disputes about whether there was a right of way to the foreshore. A particular point on the foreshore can become a ‘public place’ in the sense of being a proper terminus for a right of way if the public have been in the

habit of resorting to it for a particular purpose such as fishing, loading or unloading vessels, or bathing and recreation.
East Lothian Council does not own the foreshore and therefore has no right of access to it or to separate it from the mainland without the consent of the owner foreshore area

ELC does not have the judicial right to undertake the construction of flood prevention infrastructure on the Musselburgh foreshore

Yours sincerely

[redacted]

ELC are advised by engineers CPE Consultancy The public have no paid advisors

The council serve us. We should be entitled to awnsers to questions

Evidence of emotional distress anxiety, fear,confusion and stress at out letter writing help group. See the health effect trying to save our town is taking its toll

[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: 17/04/2024

The intended beneficiaries of MFPS and MAT should be the residents of Musselburgh. My naive assumption is that it was 'the residents of Musselburgh' but now I realise it is the council leader, the provost, the councillors, the ELC officials - all of whom decided getting all this money into Musselburgh must be a 'very good outcome for all'. If you turned it around and asked - what would the residents of Musselburgh like to see happen in their town, it would not be what is being proposed.

The previous commitment to advance the Musselburgh Active Toun through the FRM consents process was always speculative and has now been proved wrong. If there is currently confusion about this issue, then the cause of this arguably lies with the previously incorrect information that was being circulated as fact, in all the materials presented to the public. Even now at the point where the public have a right to object, the inclusion of a design that incorporates elements *for* MAT but does not include MAT is confusing and misleading for the residents of Musselburgh and impacts directly on their ability to object to the proposed MFPS.

The FRM consents for MFPS are intending to approve a design that has built into it the design for the MAT, i.e. 5m wide cycle routes, position of the flood wall, inclusion of Ivanhoe bridge, design of the ramps, etc. Peter Forsythe has been asked to specify exactly how the requirements of MAT have influenced the design of MFPS and has refused to answer. The proposed MFPS design is using the dubious distinction between 'physical assets of MAT' and 'MAT routes' to justify this. In the proposed design, clearly the two are connected and cannot logically be detached. This permits the MFPS & ELC to smuggle in MAT design requirements as part of MFPS (and also to cover some of the costs of MAT). You yourselves, have acknowledged that the MFPS will likely incur higher costs because of its inclusion of MAT design features. My support group MFPAG have a very clear statement to that effect from you. Therefore, I would argue that elements of MAT are indeed being included in FRM, hence in the consenting process. I strongly object to this.

What the Design Team, ELC Officers and ELC Councillors are trying to do is to progress the flood scheme with wide paths, ramps and bridges as necessary parts of the flood protection scheme, even though they themselves do not protect from flood. This is so that later, these ‘approved’ wide paths can be presented as ‘existing’ and ELC will simply apply for change of use (designation) of these to ATP.

As there are no physical elements being constructed under that application, the public will only be able to make representations on the change of use. Thus, the public will never get a say on the physical side of MAT in the town centre.

It is a sneaky way of silencing objections to MAT, and I have no doubt it subverts the Town and Country Planning Act (Scotland) 1997 Act and is therefore not allowed. Should the planning department back them and the minister does not uphold the objection, the only way to restore people's rights of representation on the physical aspects of MAT would be via legal action. There are several firms that would be prepared to assist with this. Win or lose, ELC would be the poorer for such an action were it to proceed.

To knowingly engineer a process by which people would be deprived of their democratic rights, to make representations on physical structures proposed for their neighbourhoods and environment would be to subvert the Town and Country Planning Act (Scotland) 1997.

I therefore object to the proposed scheme due to the effect that the proposed MFPS will have on myself, my family, the value of my rental assets, my enjoyment of easy access to the river and beaches of Musselburgh. I also object in order to support everyone else who lives in Musselburgh who objects to the proposals for the reasons stated above.

Yours sincerely

[redacted]

[redacted]

16th 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 Protection schemeI wish to object to the proposed Musselburgh Coastal Change Adaptation Plan.(MCCAP)

The proposed MCCAP shows a lack of observation of the recommendations made by the Dynamic Coast statements from their report in italics below and attached in full.

MUSSELBURGH COASTAL CHANGE ASSESSMENT FINAL REPORT (February 2024) Dynamic Coast analysis to inform East Lothian Council Flood Scheme

Carried out by:

MacDonell, C., Hurst, M., Rennie, A., Hansom J. & Naylor, L. (2024) Musselburgh Coastal Change Assessment. East Lothian Council & Dynamic Coast. DynamicCoast@nature.scot

I have lived in the area for over 30 years and I own two rental properties in Musselburgh. The main attraction of living and renting in Musselburgh is the accessibility to the coastal area. The proposed scheme could impact significantly on my income due to the loss of this asset.

I also object to the scheme as it is not in keeping with current guidance ……..

Councils and Councillors are responsible for acting in the Common Good. It is my view that the summary Environmental Impact statement created to aid East Lothian Councillors and the population of Musselburgh has failed to adequately inform them of the full range of options that should be considered to protect Musselburgh. The advice given in the report has been significantly whitewashed by their advisors acting in the interests of the Schemes designers Jacobs. Jacobs stand to gain significantly greater profits by designing a hard engineered solution. Dynamic Coasts report is critical of the proposed solution and its long-term benefit.

The report also points out the sea does not have boundaries and that any scheme should be designed with the involvement of all Local Authorities to ensure that negative consequences do not affect other local Authority areas.

Adaptive approaches which 'jump directly' to address risks not expected until the end of the century may prove more costly MUSSELBURGH COASTAL CHANGE ASSESSMENT (2024) Page 30 of 49 in the short-term and risk losing community support, however in some cases this may be desirable where, for example, continuity of supply is critical. Scottish Government (2023) Coastal Change Adaptation Guidance, Pg 6. Furthermore, the Guidance notes that coastal adaptation planning processes should identify areas of the coast where: a) natural or artificial defences in a fixed or semi-fixed position will be needed in the long term; b) no active intervention is needed and free coastal change is accepted;

and c) managed re-alignment of the coast would be a more effective strategy in the long-term. Scottish Government (2023) Coastal Change Adaptation Guidance, Pg 7

The Guidance goes on to stress the importance of working with natural processes, monitoring change, engaging with communities, working across boundaries and place-based working. Authorities will be required to run place-based coastal change adaptation planning processes that include community engagement activities incorporating co-design concepts. CCAPs should also use technical information from Dynamic Coast, SEPA and consultancy services

The proposed Coastal Adaptation plan may put other communities at risk as it is restricted by ELC council boundaries and does not take into consideration the impact that the implementation of the proposed scheme may have on the coastline towards the City of Edinburgh

CCAP Stage 1: The Policy Approach CCAP Stage 1: The Policy Approach The Guidance states that: "Where a Shoreline Management Plan already exists, it would not normally be necessary to start again. In these cases, the existing Plan should be reviewed and updated in line with this guidance. In general, any plan should be driven by coastal processes and the interconnected nature of coastal communities and not by Local Authority or other administrative boundaries.". Scottish Government (2023) Coastal Change Adaptation Guidance, Pg 13.

ELC's current coastal management policy and the proposed position of the flood management structures mean that short-term coastal management options focus on maintaining the current configuration, and thus alternative approaches (e.g. managed realignment and/or adaptation by relocating assets) may not have been fully considered since SMP publication. Nevertheless, ELC's coastal management policy doesn't explicitly consider how 'Hold the Line' will change, as climate risks increase. This represents a discord with the Guidance meriting its reconsideration within a wider review (Scottish Government, 2023, p. 16; Table 1). A 'health check' of the existing SMP is needed as the CCAP is developed. Such work should reappraise the assets at risk, including flood risk aspects as well as the demographics, development considerations, and economics of each area.

A future based on a 'do nothing' coastal management strategy

All management options need to be compared against a 'do nothing' coastal management baseline. This ensures that existing coastal management is not taken for granted. Such a situation for a high emissions future is shown in Figure 13 (bottom). In this instance the existing known coastal protection structures provide protection to an arbitrary distance of 25m inland. Whilst this is shown as a simple 25m buffer, in reality, the impacts from, for example, a sea wall failing are unlikely to be linear. Figure 13 shows erosion is allowed to propagate inland where the shoreline is natural (i.e. free from artificial coastal defences), and the underlying geology is thought to be readily erodible. Under this situation where the existing defences are present, but not maintained, then a range of assets are expected to be at risk under a high emissions scenario, including up to 19 residential properties, up to five non-residential properties, up to 95m of road and a range of water-related infrastructure (see Table 3). Under a low emissions scenario, and in the absence of coastal management, the anticipated erosion still occurs, but at a later date and across a more limited frontage. Fewer assets are expected to be impacted.

As acknowledged by the Committee on Climate Change (Scottish Government, Committee on Climate Change, 2022) ***"it is unrealistic to promote a hold the line policy for much of the coastline (i.e. employing hard or soft engineering to prevent further erosion),*** *and realistic plans to adapt to change are needed." Given the importance of the community assets along the coastal frontage at Musselburgh, it is recommended that careful consideration of longer-term risks occur by ELC establishing a CCAP using a Dynamic Adaptive Pathways approach.*

The concept of moving community and assets away from the current shorefront may seem foreign and unnecessary to today's residents. However, increasing numbers of communities around Scotland and elsewhere are realising that the way they have used their coastal areas in the past may not be realistic in the future. Musselburgh will not be alone in this regard. But if climate change and associated rising sea levels remain unaddressed, coastal erosion will quicken and beach levels will lower (as discussed above), and the risk to shore front community assets will be substantial, and very different to those experienced by today's residents and communities. Adaptation by avoidance is a key planning approach that should be considered in the forthcoming Coastal Change Adaptation Plan.

ELC are directed toward the Stage 2 section of the Guidance (Scottish Government, 2023) and encouraged to consider other CCAPs which are in development, including the Moray CCAP. *Based on this it is acknowledged that ELC would be at Phase 0 (i.e. the start of the adaptation* ***process****), and as such the range of future management options need to be appraised locally for each Coastal Change Management Area, and trigger points considered. We acknowledge that the partial 'Hold the Line' policy remains, and that initially this may extend across the full Musselburgh coastal edge. However, future management approaches may, or indeed need to, differ as conditions change. For example, the current expectation is that the existing beach levels offer reasonable protection and require only local enhancements. However, within only a few decades, depending on the progression of erosion, the rate of sea level and the frequency and intensity of future storms, the requirements for beach nourishment and renourishment will increase. Trigger points should be defined to consider when and where beach feeding or alternative actions should occur. Such trigger points could be thresholds in the position of a shoreline indicator, such as MHWS, a threshold in volumetric beach losses, or a threshold in beach gradient. Additionally, if land-use changes occur (e.g. facilities are moved, such as the water treatment works) then there may be less imperative to maintain natural and artificial defences. At this trigger point, alternative options may be considered to transition towards a Managed Realignment approach, where other assets are moved to more inherently resilient land. To take this forward, we encourage ELC to work with communities and adaptation specialists to define what their vision of long-term adaptation looks like and outline the range of possible management approaches required to deliver this adaptation to support the desired outcomes.*

Whilst it is for ELC to define their own monitoring strategy, we recommend a minimum of six-monthly topographic surveys of the available intertidal area, preferably at MLWS. We also recommend continuing to explore the potential for using remote sensing techniques as part of an automated early warning or trigger system. Liaison with other local authorities, Dynamic Coast, the Scottish Government, and the university sector is strongly encouraged, as this is a key area which authorities can learn from each other and benefit from collaboration.

Recommendations

1. *We recommend that ELC consider establishing a beach monitoring programme to provide the data to underpin and inform both the trigger points and any consequential short-term*

resilience and long-term adaptation actions. 2. We recommend ELC consider developing adaptation measures initially for areas where the resilience of natural shores is low (including nature-based approaches) but broaden these to become a 'whole beach' approach. Local beach feeding of the most vulnerable areas will lead to swift redistribution of sediments, so the council may find it wise to invest efforts to rapidly upscale to a 'whole beach' approach to effectively manage any change at the appropriate scale. We suggest that the evidence means that the council consider this as an urgent task, and we recommend that no time should be wasted in developing these resilience and adaptation actions. 3. We recommend ELC undertake a CCAP for its entire shore frontage, but to prioritise the Musselburgh section to ensure alignment with the planned FRM works. As part of this CCAP, we recommend the short-term measures suggested here be thoroughly investigated alongside several longer-term adaptation options aimed at enhancing both the resilience of the coast and keeping the community safe as climate change progressively impacts both them and their assets. Such an approach has substantial benefits beyond the proposed flood scheme and is in support of ELC's planning and climate change duties.

Yours sincerely

[redacted]

[redacted]

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 Protection scheme Extracts of key points from the: SCOTTISH GOVERNMENT CONSULTATION GOOD PRACTICE GUIDANCE

Definition ▪ Consultation is defined as: A time-limited exercise, when specific opportunities are provided for all those who wish to express their opinions on a proposed area of work to do so in a way which will inform and enhance that work.

▪ When you commit to a consultation process, especially a traditional written consultation, you are also committing to being open and transparent about the responses you receive. ▪ You should aim to produce a final report/paper providing a statement of what was asked; how people responded; what has been done as a result or is going to be done and why. ▪ This might be uncomfortable if responses have not supportive.

I DEMAND AN AUDIT OF THE PUBLIC MEETING JUNE 2023 QUESTIONAIRE SUMMARY PROVIDED BY JACOBS due to a lack of confidence in their summary of comments as these do not fit with the majority views of those that attended the public meeting.

Considerations: Consultations should be open for a minimum of 12 weeks.

If your consultation is live over a public holiday period, such as Christmas, or over a period like the summer holiday, when key people you want to respond might be on leave, then it is good practice to extend the consultation beyond 12 weeks. ▪ Remember the Consultation Principles – give adequate time for response.

Capturing event information for analysis ▪ Consider how you will capture what happened at the event. ▪ Even if an event went really well, it will have been a wasted opportunity if you haven't captured findings from it to feed into the analysis process. ▪ It can also lead to 'consultation fatigue' if people take the time and effort to attend and contribute to an event, but feel that it has had no effect. This can lead to them being less willing to contribute in future. ▪ You should ensure that good notes are taken that accurately capture any discussion at events. ▪ Remember that it is very hard to facilitate a discussion and take good notes at the same time, so you might want to consider having a separate facilitator and note taker for event discussions or delegating the role of note take to one of the attendees.

What is a valid response ▪ Any response to a consultation is valid provided that it is relevant to the subject matter of the consultation.

Anonymous responses are valid provided that they relate to the subject matter.

If you receive a response by post or email, there is a little more work to do to process them. There are two aspects to this: - First you need to establish a process right at the beginning to record and receipt responses so they do not get lost. It is essential to acknowledge all responses received to the

consultation exercise. - You will need to do this manually by email or by post. - Second you need to establish a process to ensure the content is part of the analysis

Publishing responses

This should ideally be completed within 3 months of the consultation closing but it is acceptable to publish alongside the analysis report.

Why Analyse?

▪ Analysis of responses is necessary to capture and summarise the results. ▪ You are responsible for ensuring that the consultation is analysed fairly, rigorously and systematically and that the results are reported back.

▪ The analytical process should be transparent, rigorous and systematic. It should include all valid responses (ie. all responses that are relevant to the subject matter) ▪ It should be able to stand scrutiny from external parties.

Reporting Back

▪ This stage has two aspects: - First reporting back on what people have said in response to the consultation - And secondly saying how you have used that feedback – 'what difference did it make?' ▪ It is advisable to 'get back to people' within the same length of time as you gave them to respond to your consultation i.e. within 12 weeks of the closing date.

Reporting how you used the analysis

▪ Providing feedback acknowledges the effort involved in making a submission to a consultation paper or attending an event.

▪ It demonstrates that the responses have been used and can thus help achieve transparency and reduce the risk of "consultation fatigue".

▪ Your report should be transparent and the justification for any decisions should be clear.

It is my belief that ELC and their consultants failed to meet the objectives of the Scottish Governments Consultation Good Practice Guidance.

I therefore request a public enquiry into the handling og public consultation by East Lothian Council and their appointed representatives.

Yours sincerely

[redacted]

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:

I object to the lack of accountability for Jacobs Engineering on reporting and the design the proposed MFPS. I believe that Jacobs Engineering have manipulated the project design for their own financial benefit putting that ahead of the necessity, the design and the impact on myself and the people of Musselburgh. I am objecting as a Scottish Taxpayer, ELC Taxpayer and resident and property owner in Musselburgh & East Lothian.

2st April 2024

Most of the advice on the scheme is being supplied by the companies who stand to make a lot of money from it. SEPA's own figures and Dynamic Coast's own figures have had input from Jacobs Engineering, the company who stands to make many millions. The Scottish Government has delegated responsibility for the flood scheme to local councils, who do not have the expertise in-house. They are at the mercy of the consultants.

Jacobs commissioned a survey company called L&M surveys to do a coastal survey in 2022. As they were commissioned by Jacobs, the report cannot be considered independent.

Dynamic Coasts has undertaken and used five separate independent surveys uninfluenced by financial motivation or commercial interests.

Dynamic Coasts questions the wisdom of building the sea wall as MFPS has proposed. This is the first time that there has been independent scrutiny of the technical component of MFPS, the independent experts raise questions and do not just endorse the scheme.

Independent scrutiny of the technical case of the full scheme is required to ensure that the proposed scheme offers value for money, is fit for purpose and is affordable.

To date none of these requirements have independent assessment or approval.

I therefore request that the proposed scheme is paused and that an independent evaluation of the scheme, its suitability and necessity is conducted.

Yours sincerely

[redacted]

[redacted]

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 Protection scheme as the system for objections is confusing and not fit for purpose.

22.04.2024

To date I have sent 37 objection letters by mail and additionally sent the 37 objections by email to be absolutely sure that each individual objection arrived and was registered.

So far, I have had only one single response by email to the 37 individual emails sent to the objections team email at mfpsobjections@eastlothian.gov.uk . The single response to only 1 of my 37 communication emails stated that emails would not be read until the objections period closed on the 24th April 2024. This level of communication response to a legal objections process is totally inadequate. Every single email communication that I sent should have had an acknowledgement. I am entitled to that as part of due legal process.

I therefore object to the proposed scheme as due legal process for objections has not been followed and I have no way of knowing if my objections have been received or will be registered. I am entitled to acknowledgement that my correspondence has been received even if it will not be read until after the date for objections has been closed.

Yours sincerely

[redacted]

[redacted]

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 Protection scheme as it does not provide adequate remedial improvements to the existing drainage infrastructure in Musselburgh.

23.04.2024

Outline design was approved despite [redacted] of Jacobs advising the ELC on 23rd January 2024 that most of the drainage in the town of Musselburgh was part of a combined system, with the Council being responsible for the gullies and Scottish Water being responsible for the sewers. He noted that during storms, the sewers become overwhelmed and can't take all the water from the drains, which causes the water to back up and go into the river or the out at the coast. He stated that this could not be addressed as part of the Scheme.

With no provision within the proposed MFPS for a significant upgrade to the existing drains or upgrading the sewer system, the proposed scheme is just a sticking plaster and not a remedy for the flooding issues linked to Musselburgh.

Rather, the proposed MFPS poses a significant risk that water and sewage may be trapped behind the proposed flood defence walls posing a significant risk of foul water gaining access to homes and businesses near the proposed walls. The proposals to include pumping stations within the schemes design relies on a mechanical engineered solution that is a sticking plaster rather than a proper solution and that is a solution that will require ongoing maintenance & replacement in future

[redacted] advised at the meeting on the 23rd January 2024 that the capital costs would be funded by the Scottish Government (80%) East Lothian Council and the Council (20%), but that ongoing maintenance costs would be met by the Council. He suggested that a less expensive capital cost may result in greater ongoing maintenance costs to the Council, so it was in the Council's interest to invest in a more robust scheme. He added that future funding opportunities were unclear, and the Council should therefore make a decision based on current data.

I therefore object to the proposed MFPS as it runs the risk of exacerbating Musselburghs flood risk rather than resolving it.

Yours sincerely

[redacted]

[redacted]

To The Service Manager – Governance, Legal Services,
East Lothian Council, John Muir House, Haddington, EH41 3HA
CC Chief Exec ELC
CC Sarah Boyack
CC Colin Beattie

23.04.2024

I wish to object to the proposed Musselburgh Flood Protection scheme as the objections process does not allow enough access to read and respond to all the information made available for objections during the restricted time allowed for the legal objections process.

I therefore call for the proposed Musselburgh Flood Protection Scheme to be reviewed and referred to the Scottish Ministers due to there being insufficient time permitted by Statutory legislation for myself and the public to review and comment on the documentation provided.

The documents for the proposed MFPS available to the public on which they can base their objections upon is approximately 3,400 pages. With approximately 500 words per page this equates to approximately 1,700,000 words. At an average reading speed of 250 words per minute (not allowing for interpretation of the data), it would take approximately 113.33 hours to read all the documents provided to the public. This equates to about 3.35 hours of reading per day over 34 days. Even for someone with a good degree of education and an relative understanding of the complexities of what they are reading, it is not enough time. For those like myself who fall into the above category, there are additional time constraints posed by the need to interpret, investigate and respond to the information provided.

For those where the information is in the greater part too technical to read or comprehend, the information is inaccessible.

Summary reports such as the EIA have been so simplified as to miss out or indeed smooth over negative impacts of the proposed MFPS. The full EIA is too detailed to be interpretated in the 34-day timescale given for objections.

The 34-day objection period is reduced by the Easter Holiday period and therefore barely meets the specified legal minimum timeframe for objections. Given the size of the proposed scheme and the complexity of the documents provided to the public the objection period is totally inadequate.

Those that produced these documents are paid to produce the documents and to respond to our objections, (with few time constraints). None of those that have wanted to object have had that luxury of over 3 hours a day for 34 days. We who wish to object have been time constrained to 34 days (including our Easter Holidays), have homes, families, jobs and we are not paid for the time we commit to the objections process.

The 28-day time period for objections is laid down within the statutory guidance at https://www.gov.scot/publications/flood-risk-management-scotland-act-2009-local-authority-functions-under/pages/5/

The time permitted is inadequate and insufficient for a project on the scale of the proposed MFPS.

I therefore request that the matter is referred to the Scottish Ministers for review of the time permitted for objections in the case of Musselburgh in order to permit myself and the local people of Musselburgh sufficient time to fully investigate the documents and information made available to them to review the proposals for the Musselburgh scheme.

The objections submitted are made by the people of Musselburgh seeking to protect their beloved town from irreversible damage by the proposed MFPS.

Yours sincerely

[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]
I chose to move to Musselburgh in [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] They both presently provide a [redacted]. The

proposed scheme is likely to impact on the [redacted]. My final intention was to move back to [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]

24 May 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 on [redacted] and my home looks directly onto the River Esk. I have an uninterrupted view of the beautiful river banks and the [redacted]. I have lived in this house with my family [redacted]. The nature, greenery and wildlife is very important to the environment and should remain as they are. Our property is a [redacted] flat and has never been affected by flooding in the past. I am aware of the times the river has risen up to the river banks but it has never flooded onto the road or indeed further. The wildlife living in this area is not only beautiful to watch and listen to but very important their habitats are not destroyed.

I object to the published scheme because:

OBJECTION 1
This is a massive project costing an incredible amount of money. There are many many residents of Musselburgh who reject this proposal and who have great concern for our town.

OBJECTION 2
The disruption to our thoroughfares and our daily living will last for months/years. This is not acceptable. From my window I can see just how many people use the river banks as a walkway, a place to sit and admire the view, to observe the nature on a daily basis. This would be extremely sad for the people of Musselburgh if this was no longer available.

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]

[redacted]

24 April 2024

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

mfpsobjections@eastlothian.gov.uk

To whom it may concern

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

I am an interested party given I am the owner of [redacted] which [redacted] to the [redacted] of my property and to the [redacted] of the [redacted]. As such I have a [redacted] which is impacted by the construction of a seawall by the flood prevention Scheme.

I have a number of concerns over security and privacy issues affecting my property and arising from the Scheme, including objections specifically due to public access to the land between my property wall and the planned seawall and the creation of a 'walkway'.

Objections directly impacting my property

1. The MFPS design team have had several discussions with the residents of [redacted] I do not support or want, any form of public walkway along the back of our house. The schedule of Scheme operations report shows a sea defence wall approximately 5m from [redacted] with each end of the defence open to publicly accessible land and therefore creates public access to a 'walkway' with open ends to the [redacted]. Is it a coincidence that all MAT routes are also 5m wide? I object to this on the grounds that it impacts my privacy, security and right to peaceful enjoyment of my property. The land between my garden wall and the seawall is likely to attract significant footfall, given there will be little or no beach in places at high tide as a result of the planned sea defence. This will significantly compromise privacy and security and negatively affect the value [redacted], which I expect to be compensated for. Despite verbal assurances provided to me that the Scheme would not create a travel route / walkway [redacted], to the contrary, the design creates such a walkway.

2. I object to any disruption or interference to my [redacted] or any aspect of my [redacted], and under no circumstances do I grant permission for any access to, or for work to be done to my property.

3. I object to the lack of information on, and indemnities to protect against, possible consequential damage to my property from the proposed construction.

4. I object to any loss of direct access to the beach from [redacted] and will be seeking compensation should this be the case.

5. I object to the fact that alternative solutions have not been presented to me. Specifically, alternative engineering solutions, to build a new sea defence wall close to my property's existing boundary wall, thereby further away from the flood threat and eliminating the issue of a walkway.

6. I object to the fact that I have not been provided with any information as to how the area of land between my property and the new sea defence wall will be treated from an ownership or maintenance perspective.

Others objections

1. I object to the unreasonable and exceptionally challenging documents the people of Musselburgh and its regional Councillors have been tasked with understanding, with little or no guidance. Documents that run to thousands of pages.

2. I object to the premature nature of the scheme. The scheme has been expanded to include coastal defences before the coastal report produced by Dynamic Coast and commissioned by ELC was available. Therefore, I object to any further progression of the Scheme until the implications of that report planned Coastal change adaptation plan are fully understood to inform the decision making of the scheme.

3. I object to the fact that the types of measures the coastal report suggests have not been incorporated into the Scheme including possible nature-based solutions.

4. I object to the likelihood that the scheme will negatively impact my quality of life given the enjoyment I currently gain from my locality and nature. More needs to be done to minimise urbanisation of what is currently an attractive rural environment in the town (river and coast) recognised through various designations for wildlife and amenity.

5. I strongly object to the integration of the Musselburgh Active Toun (MAT) initiative I object to any distortion of the scheme to incorporate MAT aspects, such as excessively wide footpaths/cycleways and narrowing of the river in some places.

6. I object to defences now that may not be needed for 50+ years and maintaining them over this period of time does not seem like a cost effective or reliable approach to me given the uncertainty of RCP8.5 in the latter parts of this century.

A scheme that evolves over time to reflect increasing understanding of climate and environmental changes, observed flood risk patterns, coastal processes and advances in flood defence techniques seems much more sensible and workable.

7. I object to the lack of information on ongoing maintenance requirements of the Scheme and costs thereof. Access to a detailed but clear cost plan to address the issue of ongoing maintenance of the new infrastructure created by the Scheme should be provided.

8. I object to the likelihood that an overall increase in ongoing maintenance costs to the Council resulting from the Scheme is likely to impact on and lead to cuts to other services, given the current financial pressure ELC is experiencing and as a local resident and taxpayer this is important information.

9. I object to the lack of clarity around the likely impact on the local economy and property values from the prolonged disruption as the flood defences are constructed. Experience from other flood schemes provides strong evidence that this is significant.

Please acknowledge receipt of my letter of objection in writing. Please advise me of next steps, and timescales. Please note that I would like communication to be via email or post.

Yours faithfully,

[redacted]

[redacted]

Subject: (0587) Flood Scheme Objection
Sent: 24/04/2024, 19:27:51
From: [redacted]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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

Dear Carlo,

I am writing to object to the 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 . My views 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. Edinburgh has a full block of flats empty after finding damage from recent tram works.
- The pollution levels from dust and heavy machinery are worrying where I live. This will mean no hanging out any washing to dry, no sitting out in my garden on nice days and layers of dust on my vehicle and my windows - who will pay for the cleaning? I have family members who visit, one nephew is 6 with leukaemia and breathing problems, this work will mean he can never visit his uncles house!
- 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

Subject: (0588) Musselburgh Flood Protection Scheme
Sent: 24/04/2024, 19:28:35
From: [redacted]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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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

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 adaption 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 compensated for this loss.

[redacted]

Sent from my iPhone

[redacted]

[redacted]

24 April 2024

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

mfpsobjections@eastlothian.gov.uk

Objections to the proposed Musselburgh Flood Protection Scheme

Dear Service Manager,

I am writing to object to the proposed Musselburgh Flood Protection Scheme in terms of paragraph 3 of schedule 2 of the Flood Risk Management (Scotland) Act 2009, and to provide my statement of reasons for those objections in accordance with regulation 12 of the Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010.

In terms of regulation 12(3) of those Regulations, please be advised that I have an interest in land which may be affected by the scheme operations and by any alteration in the flow of water caused by any of the scheme operations; namely the residential property at [redacted], of which I am owner and occupier. I note that the property is within Musselburgh Conservation Area and is [redacted]. As owner occupier of the property I am directly affected by all scheme operations in the vicinity of [redacted] as well as any scheme operations further from the property which affect the flow of water nearby the property and/or have an impact on the property or its surrounding areas as set out in the Environmental Impact Assessment prepared by Jacobs (CH2M Hill) United Kingdom ("Jacobs") and published to accompany the proposed Scheme.

My objections and reasons for them are as follows:

Objection 1: Purpose, proportionality and transparency of the overall Scheme

I am concerned about the proportionality of substantial elements of the Scheme design, having regard to its adverse impacts on the natural environment of the area and its wildlife as described in the Environmental Impact Assessment; the wellbeing of residents of and visitors to Musselburgh who benefit from and enjoy its natural and wild spaces; the built environment of the town including areas which fall within the Musselburgh Conservation Area; the economic harm that would be caused by rendering Musselburgh a less attractive place to live, visit and work; and the absence of equalities and children's rights and wellbeing impact assessments to inform the proposed Scheme Design.

The information provided in the Scheme documentation does not demonstrate that due regard has been given to alternative approaches that could manage flood risks in the Musselburgh area appropriately, while reducing or avoiding these adverse impacts. Nor does it demonstrate that the measures included in the proposed Scheme have been considered necessary and proportionate to manage those risks having regard to its environmental and other impacts. In particular, the Environmental Impact Assessment does not appear to provide a description of the reasonable alternatives studied by the local authority, which are relevant to the scheme and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the scheme on the environment, as required by regulation 6(2)(d) of the 2010 Regulations.

Further, in attempting to deliver elements of four different projects (the Flood Protection Scheme, repairs to the Ash Lagoon Seawall, Musselburgh Active Toun and River Esk Restoration) in a single combined design, the rationale for and purpose of different measures are conflated. There is a resulting lack of transparency for residents and others who may be affected by the Scheme; and the introduction of elements designed for a different purpose (e.g. active travel) has resulted in key environmental, social and cultural objectives of the Flood Protection Scheme not being met.

This has also led to the inappropriate inclusion in the Scheme of design elements which are not required for flood protection purposes e.g. the proposed new Goose Green Bridge and the proposed 5 metre wide footpath on Eskside East which is expressly stated to be designed "to accommodate presumed active travel route", and which should therefore not be subject to the process for deemed planning permission in accordance with section 65 of the Flood Risk Management (Scotland) Act 2009 (in the event that the Scheme is confirmed in accordance with schedule 2 of that Act).

To the extent that such design elements have influenced elements of the proposed Scheme that are considered to be required for flood protection purposes, this should have been clearly set out and alternative options considered. For example, the positioning of flood defences alongside the Eskside East footpath, the extent of the narrowing of the river channel between Eskside East and Eskside West, and the height of the defences on Eskside East and Eskside West may all reasonably be

expected to have been different and lesser had there not been an allowance made in the design for an active travel route in this area. Further, planning permission for any future active travel route cannot be “presumed”, and there is no information in the Scheme Documents as to the implications for the design of the Scheme if planning permission for any proposed active travel route is refused. A proposed Scheme cannot reasonably be confirmed where there is such uncertainty as to key elements of its design.

Objection 2: Height and extent of defences

The height and extent of proposed defences throughout the design appear to be higher than is reasonably necessary to protect against the 0.5% AEP flood risk, and instead propose to provide protection immediately for a longer-term climate change scenario. A decision to build longer-term protection into the present scheme would be premature given the potential for advances in the understanding of alternative solutions that may be implemented ahead of such a climate change scenario being realised; and fail to represent best value for money for the Council and the town, contrary to the Scheme Objectives (Economic Objective 4).

A more proportionate approach may be to plan such measures as are reasonably necessary to provide protection from water rises associated with the current level of flood risk, with such margin as is necessary to allow for reasonably foreseeable increased risk in the near future, with the flexibility to enhance protection from higher flood risk in future. That would allow development of proposals for enhanced protection to a more measured timescale, informed by advances in scientific understanding and a holistic approach to consideration of environmental, economic and societal impacts.

The height and proposed manner of construction of the proposed defences, by channelling the river through high constructed defences, reducing access and viewing points in many places, risks weakening the connection between the town, its people and its rivers, contrary to the Scheme Objectives (Social and Cultural Objectives 1 and 2).

Substantial stretches of the current footpaths, pavements and roads throughout the town will be separated by walls and/or embankments at heights which will prevent the majority of users from viewing the river and its wildlife. This loss of amenity will have a disproportionate impact on individuals with particular characteristics, including women, children and wheelchair users whose average eye level is lower than the height of many of the defences, and in some areas the view will be obscured for all (based on the eye level of a man of average height).

Along substantial stretches, the defences will have an adverse impact on the safety of pedestrians, with a disproportionate impact on more vulnerable groups including women and children. The proposed design will create secluded areas, not overlooked and in some places (such as along Eskmills Mill lade, and from the

Electric Bridge round to Links View) with few exit points, giving rise to an increased risk of antisocial behaviour and criminal activity, where walking alone would feel unsafe.

Objection 3: Loss of amenity and interference with enjoyment of property

As owner occupier of [redacted], I and my family will suffer material detriment as a result of the combination of the height of the proposed embankment and cycle path, the size and scale of the proposed new Electric footbridge and its access ramps and retaining structures, together with associated increase in footfall and cycle traffic, and their proximity to our home.

The visuals provided with the Outline Design do not include any street view at our address, and the bird's-eye view illustration appears to underestimate the relative breadths of the existing road and pavement, and proposed footbridge, embankment and cycle path. Having raised concerns at consultation stage with the project team I was advised that a bespoke street view could be prepared and made available to me and neighbouring residents. Although I have since requested this in correspondence with the project team, no illustration has been provided.

The proposal to create an embankment of 1.4 metres in height with a 2 metre wide cycle path on top immediately opposite our property will have a substantial adverse impact for me and my family on both the value and enjoyment of our home.

The [redacted], will be obscured completely. [redacted] steeply rising constructed embankment, with pedestrians and cyclists having a vantage point to see into our [redacted] with resulting loss of privacy.

The construction of the proposed embankment will sever our home from the river, and our neighbours on the opposite bank at Eskside East. [redacted], rendering it more isolated with associated security risks. The embankment will also risk increasing run-off into the drains on Eskside West and worsening existing problems with the drains [redacted] overflowing and flooding the road during heavy rainfall.

The creation of a 2 metre wide path on top of an artificial embankment will be visually incongruous in the picturesque setting of the riverside Conservation Area. The introduction of two tiers of pedestrians and cyclists at different heights in close proximity also poses a safety risk for users of the pavement on the river side of [redacted].

The proposal to create a 5 metre wide new Electric footbridge is extremely concerning, given the implications for the width and potentially the length of its

access ramps. While there may be valid reasons to replace the current bridge for flood protection purposes, it appears that the rationale for the proposed width and location of the new footbridge is related to its connection with the proposed active travel path.

The size and scale of the proposed footbridge would result in substantial construction into [redacted], although reduced from the proposals in the Outline Design, altering the character of the street significantly despite its Conservation Area status and resulting in environmental harm due to the loss of green space and mature trees on the river bank. Construction on this scale at this location cannot reasonably be said to be necessary for flood protection purposes, and appears to be prioritising unrelated considerations (active travel) over the Scheme Objectives.

Objection 4: Damage resulting from Scheme operations, depreciation of the value of my interest [redacted], and disturbance of enjoyment of the land

Scheme operations in the vicinity of my home are likely to damage my property and disturb enjoyment of it. In particular, construction work using heavy machinery, causing vibration, and disturbing the river bank in close proximity to my home, including but not limited to sheet piling work, may cause structural and/or other damage to the property which was built [redacted]. No Scheme operations should be undertaken in the vicinity of my home unless or until a survey of the condition of the property has been carried out by independent professionals and to my approval, at the expense of the local authority.

Further, the Scheme operations will cause the depreciation of the value of my home as a result of the loss of view of the river from the ground floor and front garden, and the loss of privacy resulting from the footpath on the crest of the artificial embankment. As noted in the Environmental Impact Assessment, the proposed Scheme will have a major adverse visual effect on the character of the townscape in the area of my home (study area 2, chapter 9).

I note that any damage to, or depreciation in the value of, my property as a result of Scheme operations will give rise to a right to compensation in terms of sections 82 and 83 of the 2009 Act.

Objection 5: Impact on water course of narrowing of the river channel

The proposed Scheme would involve narrowing of the river channel in some locations, including between Eskside East and Eskside West. This is not explicitly stated and as such there is no information setting out the extent of the narrowing, but on reviewing the Scheme documentation it appears to be significant. There is no information as far as I can see in the Scheme documentation about the rationale for the proposed narrowing, however my understanding is that this element of the Scheme proposal has been informed by two priorities: (1) to provide space for active

travel routes, and (2) to retain as many trees as possible. I support the retention of trees as a valid aim of the Scheme, however it is possible that both trees and the broader span of the river could be retained were it not for the Scheme design seeking to accommodate wide paths for active travel. It is also possible that a reduction in the height of the proposed defences could be achieved by retaining a broader river span.

There is no justification provided for the narrowing of the river that relates to the management of flood risk. It is therefore not an appropriate or relevant measure to include in a proposed flood protection scheme. Indeed it would seem to carry a risk of running contrary to the aims of a flood protection scheme by channelling water faster and higher through artificial structures in particular at times of heavy rainfall. This also has the potential to adversely impact water safety, in particular the safety of children and vulnerable adults.

Objection 6: Environmental impacts

The proposals to fell scores of mature trees, to construct 5 metre wide active travel paths on existing green spaces, and to carry out extensive concrete construction in areas that provide rich natural habitats for wildlife will have adverse environmental impacts contrary to the Scheme Objectives (Environmental Objectives 1, 2 and 3). Rather than providing nature based solutions to manage flooding and mitigate climate change, some of the elements of the proposed Scheme appear to be regressive measures that risk achieving the opposite outcome.

In particular, proposals to replace swathes of grassy river bank which currently provide grazing areas for geese, swans, ducks, oyster catchers and other seabirds with 5 metre wide concrete paths; to construct a flood wall rising to 1.4 metres above the new active travel path that will prevent resident wildlife from moving readily between the river and remaining grazing areas; and to include only such blue-green natural infrastructure as appears to be necessary to manage drainage from the new network of pathways, appear neither to contribute to the Scheme's Environmental Objectives, nor to be necessary for flood protection purposes.

The Environmental Impact Assessment prepared by Jacobs recognises some adverse impacts that the proposed Scheme will have on the environment, including on the protected species such as otters and kingfishers that are present in and around the River Esk but largely accepts these as consequences of flood risk management. Alternatives to extensive engineered solutions which could avoid or reduce these impacts do not appear to have been given due consideration.

The impact of concreting over grassy areas of river bank does not appear to have been assessed in terms of its potential to increase water temperature and contribute to climate change; the impact of the felling of mature trees and consequently to destroy their extensive root systems does not appear to have been assessed in terms of its potential to adversely impact the stability of the river bank and

surrounding area, and the capacity of the ground to absorb water in a flood event, despite it being widely recognised that trees planted along rivers can absorb extra water and mitigate flooding and that their root systems strengthen and stabilise river banks. Neither does the impact of tree felling on air quality in and around Musselburgh High Street, an area which has experienced high levels of air pollution, appear to have been assessed.

I would be grateful if you would provide written acknowledgement of receipt of these objections, and advise as to next steps and the timescales for those. Please can correspondence be sent by email to: [redacted]

Yours faithfully,

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

Carlo Grilli

Service Manager-Governance

Legal Services

East Lothian Council

John Muir House

Haddington

EH41 3HA

Mfpsobjections@eastlothian.gov.uk

Dear Sirs

I am writing to object to the recently published Musselburgh Flood Protection Scheme, being a resident in the proposed affected area Iam concerned about the validity of the project, the lack of transparency of information from the council on the project the lack of use of natural alternatives of the project and the lack of taking the views of the people who live in the area into consideration of the project.

I object to the scheme because.

. it is not clear to anyone if this is necessary.

. the environmental impact to the area will be devastating and massively impact the resident's quality of life.

. in a free democratic country the people of the area should be the first people to make decisions affecting there life not some un elected councillors who most if not all don’t live in the area.

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

Yours faithfully

[redacted]

Subject: (0591) MFPS - fao Service Manager - Governance
Sent: 24/04/2024, 20:08:51
From: [redacted]
To: Musselburgh Flood Protection Objections
Attachments: [redacted]

Follow Up Flag: Follow up
Flag Status: Completed

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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 / Service Manager - Governance

I am pleased to send you, as an Attachment to this email, my Letter of Objections to the proposed Scheme.

Thank you for your consideration.

Please email me acknowledgment of receipt.

With best wishes

[redacted]

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

24 April 2024

MUSSELBURGH FLOOD PROTECTION SCHEME (MFPS) 2024 – LETTER OF OBJECTIONS

Dear sir/madam,

[redacted]

My residence is quite near the River Esk but it is on high ground and is not at risk of flooding under any reasonable scenario.

I have however had an interest in the Scheme at many stages of its development. This is partly because I am a resident of Musselburgh and spend time in the Town Centre and/or the Harbour / Promenade and/or by the River Esk; and so I will be affected by the Scheme if it goes ahead as proposed – though as far as I know, the land on which I live will not be substantially affected by the Scheme if it goes ahead as proposed.

I also have had an interest in MPFS through several discussions at Friends of the Earth East Lothian (FoEEL), [redacted].

Like many others I have not had the time, and in several respects I do not have the expertise, to study and comment on the many MFPS documents (including the EIA) in the detail I would wish.

I am therefore happy to be guided by the work of colleagues at FoEEL which led to the letter of objections submitted on behalf of FoEEL by our [redacted]

I object to the proposed scheme for the following reasons;

1. Design - The scheme uses two different climate change predictions for coast and river with no scientific explanation for this. It is an inflexible response to what we know will be an unpredictable future, rather than adopting an iterative approach now considered more appropriate to deal with this level of uncertainty and human adaptation/mitigation efforts.
2. Process - The full Environmental Impact Assessment was not available for consideration by council members at the meeting on 23 January 2024 when a decision was made to notify the proposed scheme, despite identifying significant negative impacts .

Throughout the process there has been a lack of independent specialist review which is needed for a scheme of this size, cost and complexity.

3. Process - The options appraisal process has excluded catchment-wide natural flood management entirely, reportedly due to the flawed limitations of Scottish Government/COSLA uncapped (Cycle 1) funding being available only for infrastructure, and because NFM solutions are not yet proven at relevant scales (eg. the Eddleston project). We think more time is needed to build the Esk Forum for a catchment-wide approach. Cycle 2 funding would reportedly allow for development of more environmentally friendly flood resilience options to be considered, in line with the draft flood resilience strategy for Scotland due to be published later this year. This strategy reflects a proposed change in policy away from 'fixing floods' and recommending planning policies change to focus on making local communities more resilient instead.
4. Cost to taxpayers and lack of transparency - East Lothian Council appears to be going ahead with the around £100 Million proposed scheme despite having one of the highest budget deficits in the UK, which is likely to disproportionately influence its decision-making in favour of potential financial gain. ELC has not confirmed whether it intends to sell Eskside Common Good Land protected by the scheme following construction for housing development. The draft flood resilience strategy recommends that ' New developments in areas of high flood risk (current and future) are avoided and flood plains give space for water'.
5. There are 4 other potentially vulnerable areas for flooding in East Lothian (see Flood management plan Forth Estuary). We would argue a catchment-wide design including natural flood management for Musselburgh is crucially important to set the standard for an environmentally sustainable flood resilience throughout the county. The overengineered and costly proposal relying only on hard engineering solutions is highly unlikely to provide a sustainable model for addressing flood risk in other areas of East Lothian.
6. Lack of transparency over negative impacts: The proposed hard engineering scheme will potentially increase risk of flooding and climate change due to river narrowing, trapping of floodwaters that breach the walls and greenhouse gas emissions during construction and maintenance phases. It was ingenuous of the project team to minimise mention of some negative impacts in the non-technical EIA summary, and didn't even provide a figure for the project estimated greenhouse gas emissions of 1,658 tCO2e, largely related to concrete and stone construction. The use of concrete is in direct contrast with East Lothian Council's climate goals for a low carbon and sustainably run county. Building coastal walls can also increase flood risk in other areas e.g. reflected waves from walls causing erosion further along the coast. The recently published Dynamic Coast report on coastal climate change at Musselburgh questions the building of coastal walls.
7. Biodiversity net loss: Mitigation for potential loss of biodiversity appears to rely purely on species appropriate shrub planting along riverbanks in the town centre, which smacks of window-dressing. Ancient woodland, broadleaf and mixed non-ancient woodland cannot be replaced within timescales needed to prevent climate change, and listed breeding bird populations within areas of the estuarine SSSI, will likely be endangered further. We

object to the significant impact of disturbance on wetland birds and their habitat in the Firth of Forth, particularly in light of the outbreaks of Avian Influenza (AI) in recent years. It is currently not fully understood how AI influences wader populations in this area (NatureScot Scientific Advisory Committee Sub-Group on Avian Influenza Report on the H5N1 outbreak in wild birds 2020-2023), and major disturbance through development should not be undertaken when the full impact cannot be assessed.

8. Community engagement/Process - The complexity and confusing labelling of the technical EIA reports makes it difficult for the community to fully understand the proposed scheme.
9. Outdated design approach - The scientific evidence from catchment-wide flood management schemes suggests there are multiple successful alternative options which could have been included, such as floodplain restoration, river wiggling, beaver-built leaky dams and riverside/coastal planting of indigenous vegetation across the catchment. The design makes minimal attempts to meet updated National Planning Framework 4 guidance for construction projects to provide biodiversity net gain.
10. Invasive species - We object to the major impact that is likely to occur of the spread of invasive species, particularly Japanese knotweed, Himalayan balsam and giant hogweed. The project has included no suggestions for managing the likely spread of Japanese knotweed and Himalayan balsam as a result of construction, which is not permitted under the Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020.
11. Proposed active travel routes - while we welcome development of active travel routes to potentially reduce carbon emissions, on balance an extra bridge at the river mouth within the SSSI would have too many negative impacts on local wildlife, and the proposed 5 metre wide AT path along the river will result in significant tree loss (a narrower path works now).
12. **I have also seen and read the objections by** [redacted]

I would like to see a Public Local Inquiry in light of recent changes in flood management, national planning policy and local objections.

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

Yours Faithfully,

[redacted]

Subject: (0592) Objection regarding lack of ramp to access beach at the back lane off [redacted]
Sent: 24/04/2024, 20:28:05
From: [redacted]
To: Musselburgh Flood Protection Objections

Categories: [redacted]

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[redacted]

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: Objection regarding lack of ramp to access beach at the back lane off [redacted]

I write to object to the lack of a ramp needed to access to the beach where the seawall meets the rock revetement on the back lane off [redacted].

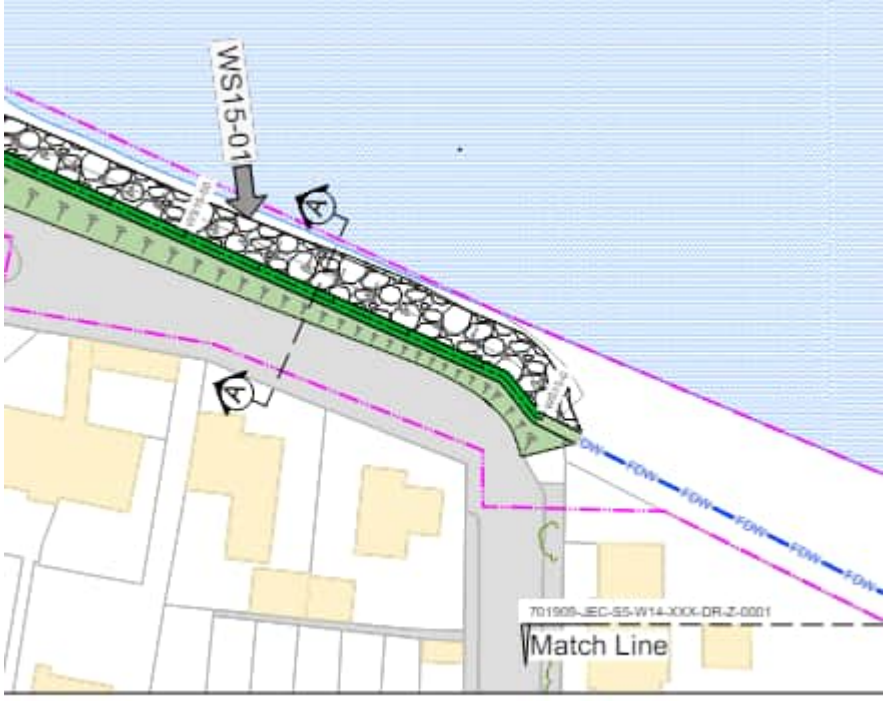
This location is used by large numbers of people and without it they would have to make a 400 - 500m detour to reach the same place on the beach.

A map showing the location is attached below.

I shall appreciate acknowledgement by both email and in writing that this Letter of Objection has been received.

Yours sincerely,

[redacted]



Sent from Outlook

From: [redacted]
Sent: 24 April 2024 20:29
To: Musselburgh Flood Protection Objections
Subject: (0593 DUPLICATE OF 0595) Objection letter for Musselburgh Flood Protection Scheme.

Follow Up Flag: Follow up
Flag Status: Completed

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Dear

Subject: (0594) Objections to the proposed Musselburgh Flood Protection
Sent: 24/04/2024, 20:31:31
From: [redacted]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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Dear Sir/Madam

I am a resident of Musselburgh ([redacted]) and I am concerned about the impact the proposals will have on the wildlife that rely on the Esk and its banks. In particular the EIA notes there may be significant negative impacts on the otters and bats. These animals face considerable harms as it is and rely on safe places such as the Esk. Until we can be assured that there will be no detrimental effects on these mammals we must pause the plans.

In addition, the impact on the mental health of people in the area must be considered. Not just of the construction work but also of the loss of natural beauty including the birds such as the geese and swans. The benefits of nature to mental health is very well established and nature must remain safe and accessible to protect these benefits

Yours

[redacted]

--

[redacted]

Emails may be written using voice recognition software. Please be patient with any typos or brevity.

[redacted]

24th 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 have lived in East Lothian since 2008 and I have moved to Musselburgh from Prestonpans in 2016 as I have fall in love in this nicest town in East Lothian. One of the reasons I choose this town was to have on the door step the river, the beach, being close to big city life Edinburgh and close to the further east coast life. I live directly beside the river. I go out every morning for a walk along the river when I can watch wildlife, when i can reset and help my mental health to go throughout my busy days, I walk also every night to calm my thoughts. Every day I cant believe that i am so lucky live in such picturesque town. This town has so much to offer , yet East Lothian Council does not invest money in by improving it but yet introducing a scheme that will devastated everyone who live and love Musselburgh. The Flood Protection Plan is purely to build a GHETTO WALL to divide and cut off all people away from what's good for people, for town, for Wildlife . The GHETTO WALL will only be a good opportunity to be sprayed with graffiti!!! I can't stress enough and feeling down when I even think about this.

I object to the published scheme because:

OBJECTION 1
Musselburgh town character and picturesque – As mentioned , this town is one of the best towns in Musselburgh, yet very neglected by East Lothian Council.

OBJECTION 2
Wildlife and greenery....the Flood Protection Scheme requires to remove most of the greenery! A something that's so important in every City to not became a concrete jungle.

OBJECTION 3
Mental Health and wellbeing – this is the biggest issue for me! I live for this town, I live for this river, beach, sea....this is what keeps me in a healthy state. I choose to live here based on those reasons, I choose to buy a property right beside the river back in 2016 Exactly for that reason. I have little[redacted] daughter who is obsessed with going to see the duck and watching the

birds, she loves running along the greenery with her best friend little dog. Absolutely devastated for all of us with new ghetto wall idea.

OBJECTION 4
Roadworks / Congestions/ Noise/Bad CO2 during the works on the scheme ! Is going to last for months even years! Is bad enough when is one of the streets closed and Limited parking space , limited pedestrians walkways!

OBJECTION 5
THE COST OF THE SCHEME !!!
All that money could be spend elsewhere to improve Musselburgh such as roads, drainage issues in various places, tourism and one of the biggest improvements that could be done is proper investment in Brunton Theatre! Bring it life back to Musselburgh not making a GHETTO out if it! This place is too small for such horrific scheme .

This letter is written from my heart, I know my English is not the best in such letter in terms of professionalism or grammar or technical language that has been used in all available publicly papers in terms of the scheme but I my words mean please stop the scheme ! It will do so much damage to the town and people that live here for what something that may or may not happens in 70 or 100 years time!!

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]
[redacted]

[redacted]

24 April 2024

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

mfpsobjections@eastlothian.gov.uk

I object to the recently published Musselburgh Flood Protection Scheme, given I am the owner of [redacted] feel that my property and garden will be severely impacted by the flood prevention plans.

I have concerns over security, safety and privacy issues affecting my property and arising from the Scheme, due to public access to the land between [redacted]

The scheme operations report shows a sea defence wall 5m from the existing garden walls. I object to this as I feel it impacts my privacy, security and right to peaceful enjoyment of my property. The proposed scheme indicates a walkway that differs from the secure enclosed area presented at the public consultations presented at Eskmills in 2023. The presentation is vague and does not clarify detail.

There have been various engagement sessions with [redacted] present, that I and other residents of the properties in [redacted] communicated that we do not support or want, any form of [redacted] along the [redacted]. I am concerned about increased footfall and reduction of actual beach in places at high tide as a result of the planned sea defence. This will compromise privacy, security, safety and our wellbeing and I have concerns that it will negatively affect the value of my property.

Despite assurances provided to me at the public consultation the scheme would not create a public access between my property and the seawall, the design seems to creates a walkway increasing my concerns of threat to my privacy, security, safety and wellbeing.

I object to the lack of information as to how the area of land between my property and the new sea defence wall will be treated from an ownership or maintenance perspective.

I object to any disruption or access to my existing property and garden.

I object to the lack of detailed information on, and indemnities to protect against, possible consequential damage to my property from the proposed

construction.

I object to the lack of alternative presentation of solutions.

Please acknowledge receipt of my letter of objection in writing. Please advise me of next steps, and timescales. Please note that I would like communication to be via email or post.

Yours Faithfully

[redacted]

Subject: (0597) Flood objections
Sent: 24/04/2024, 20:49:35
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 at https://aka.ms/LearnAboutSenderIdentification]

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 Council. My name is [redacted] and my address is [redacted] and I am writing to object to the Musselburgh Flood Scheme for the following reasons: The environmental impact of the scheme, too high a carbon footprint The flood defences positioned so that their height obscures the views of the river when they could be placed further away, the concreting over almost all of Eskside East replacing the grassy amenity space, spoiling the natural beauty of the area, and the use of concrete walls which experts have advised exacerbate coastal erosion.

Yours Sincerely
[redacted]

From: [redacted]
Sent: 24 April 2024 20:55
To: Musselburgh Flood Protection Objections
Subject: (0598 DUPLICATE OF 0417) Re: Objections to the Musselburgh Flood Protection Scheme no's 27-29

Categories: [redacted], Added to excel spreadsheet

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To whom it may concern
I had acknowledgement of my objection email dated 22.04.24 within hours yet it is 24 hours since I sent the one dated 23.04.24.Please acknowledge receipt
Thank you
[redacted]

Yahoo Mail: Search, organise, conquer

On Tue, 23 Apr 2024 at 19:20, [redacted] wrote:

Objector:
[redacted]
23.04.24

To:
Carlo Grilli
Service Manager-Governance
Legal Services
East Lothian Council
John Muir House
Haddington
EH41 3HA
cgrilli@eastlothian.gov.uk

Dear Sir

Following my email with 26 objections to the Musselburgh Flood Protection Scheme dated 22.04.24, I am writing to add further objections

Objection 27 :
I object to the fact that the EIA report survey results on coastal birdlife do not give adequate assessment of the impact of the MFPS on the SSSI and SPA designated areas in Musselburgh. Without the correct data it is not possible to judge how effective any mitigation measures would be. The EIA report does not include data from East Lothian Ranger Service or from the British Trust for Ornithology or the Scottish Ornithologists Club. It is a wholly inadequate report that has bypassed crucial knowledge and information and uses out-of date data.

Objection 28:
The EIA report attempts to identify loss of habitats from the scheme but it does not actually identify the loss of shoreline and intertidal habitats over its 100 year operational life even though these are the main habitats impacted.

Hard defence structures along the coast create ‘coastal squeeze’ but this does not even get a mention in the EIA report biodiversity chapter, let alone any assessment. The EIA report does not meet its own commitment to give an appraisal of the future baseline without the scheme in order to assess the possible effects of the scheme if it goes ahead.

Objection 29:

I object to the impact on recreational amenity over the construction period, specifically for birdwatching. Musselburgh is one of the most visited birdwatching sites in Scotland enjoyed by hundreds of visitors every year. This tourism and amenity value of the scheme area for birdwatching is not given recognition in the EIA report and as a result there is insufficient attention given to mitigating disruption to this activity. This is significant because the schemes construction phase could take a period of 5 to 10 years, imposing long-term damage to the area’s use and reputation as an ornithology visitor attraction.

Please communicate with me only by email or post and under no circumstances, in person or by telephone.Please acknowledge receipt of my letter of objection and please advise me of timescales and next steps.

Yours sincerely
[redacted]

Subject: (0599) Musselburgh Flood Protection Scheme
Sent: 24/04/2024, 20:55:15
From: [redacted]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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24 April 2024

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

Dear Legal Services

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

1. Bias - consultants have marked their own homework. Considering the absence of peer review of the Scheme, and further considering that the council have opted, erroneously in my view, not to install an independent assessing team within the planning department, it stands to reason that the consultants marking their own work raises many objectionable questions that have not been answered and must be answered.
2. Escalating costs at a time when the 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 trees, and formation of swales at/under the roots of trees 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 areas i.e 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 the 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 the river will increase 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, unquestionably 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 the 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 the 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 the 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 for exercise. My Grandchildren use this for sports, football and the playpark. I walk daily along the coastline for health benefits. A coastal sea defence with limited access and any scheme compound and scheme works will directly impact mine and my family's ability to continue to do so and disturb my enjoyment of the land. If the scheme proceeds in its present form without amendments I expect to be compensated for the sustained damage as a consequence of exercising my powers under the Act, Section 83 (1).

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

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

Yours Faithfully,

[redacted]

Subject: (0600) MFPS - Letter of Objection
Sent: 24/04/2024, 20:58:40
From: [redacted]
To: Musselburgh Flood Protection Objections
Attachments: [redacted]

Follow Up Flag: Follow up
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Please find attached letter of objection for the Musselburgh flood protection scheme.
Please acknowledge receipt.
Thanks.
[redacted]

[redacted]

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

24 April 2024

Dear Sir/Madam,

Musselburgh Flood Protection Scheme Objection

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

I have lived in Musselburgh all of my life [redacted] and I believe there must be another way to future-proof Musselburgh against flooding. From what I understand, the council and the contractor have not considered the repercussions on the town and it's people when formulating the current proposal.

Firstly, I was an [redacted]. Along with over 100 other Lads, Lasses and Attendants and thousands of Musselburgh Festival supporters, we have proudly ridden around the boundaries of the town since 1936. The proposed flood protection walls would effectively stop us from continuing this tradition and this MUST be taken into consideration when planning a defence for the beach.

Secondly, I am a dog owner and walker. I walk on the beach or along the river or through the Grove every single day and it makes me incredibly sad to think that these beautiful walks will either no longer be available as we know them today or have their outlook irrevocably changed. Not only this, but the impact it will inevitably have on the wellbeing of those who enjoy these walks will be severe.

I read the other day someone who had recently moved to Musselburgh referring to it as a "sanctuary" and they are right. We have it all – the green spaces, the birds, the trees, the racecourse, the parks, etc, etc, – but the river, the harbour and the beach are Musselburgh's real unique selling points. They are the reason people move here. The reason people visit. This person also said that although they weren't born and bred in Musselburgh, "I care". We all do. Every one of us.

We don't want a wall. Goodness knows there will be graffiti and disfigurement. We don't want to get rid of our trees. We don't want huge concrete paths taking over our green areas. We don't want to spend the millions of pounds of OUR money on a scheme that isn't needed (fix the Brunton Hall instead?) We don't want our house prices to be impacted by years of building work.

Find another way. Please. For everyone in Musselburgh. At least look at some other options.

I trust that you will do the right thing.

Yours faithfully,

[redacted]

[redacted]

[redacted]

Subject: (0601) Musselburgh Flood Protection Scheme Objection
Sent: 24/04/2024, 21:02:53
From: [redacted]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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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 live at [redacted]. I would like to object to the Musselburgh Flood Protection Scheme. I live locally and think that the high walls and embankments that will mean you can't see the river from various points along the riverbank are a terrible idea. I also think putting the walls at the edge of the river will make it look like a canal, especially as they will be so high.
I live locally and walk in Musselburgh and it's currently a beautiful place, especially along the river. The proposed design will ruin the whole area. The big ramps you have designed coming from the bridges are too wide and long. The ramps and paths you have proposed along the grass will mean there will be practically no grass left. There will be practically nowhere to put the park benches that will still see the river north of Bridge Street.
The whole thing is bad for the environment and I'm not surprised the local Green Councillor has voted against the scheme. I also think the Ivanhoe Bridge shouldn't be replaced as it doesn't seem to do anything to help with flooding. And the new extra bridge at the end of the river where it meets the sea is unnecessary and again doesn't seem to have anything to help with flooding.
The documents you put online were very misleading because they still seem to refer to the active town paths but they also say that these paths aren't part of the scheme any more. I don't understand this. What will the scheme look like without the wide paths, bridges and ramps? I have heard you are 'contravening planning legislation' by not properly taking these out the documents. And to be honest you didn't give people like me enough time to understand your documents. They were badly laid out and cross referenced and weren't written in a way that ordinary members of the public like me could understand.
I object to the Musselburgh Flood Protection Scheme on all these points.
[redacted]

Subject: (0602) Objection to Musselburgh flood defences
Sent: 24/04/2024, 21:04:45
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 adaption 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 compensated for this loss.

I am from Musselburgh but have moved south. My family is still there and I visit often. I believe that this scheme is in the interest of the project team and not the people of Musselburgh.

[redacted]

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Subject: (0603) Flood Prevention Objection
Sent: 24/04/2024, 21:02:38
From: [redacted]
To: Musselburgh Flood Protection Objections
Attachments: Flood Risk Zone.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [redacted]

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24th April 2024

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

Dear Sir / Legal Services

I am writing to object to the proposed Musselburgh Flood Protection Scheme 2024. I have a keen interest in the land affected as I regularly ride my horse on the bridle path that is to be destroyed by the proposed construction of the debris catcher across the Esk to the west of the A1 carriageway overbridge and the works to construction of an access road to said debris catcher.

My reasons for objection to The Proposed Scheme are as follows:

1. Disturbance: Construction traffic and maintenance vehicles will be using a narrow road that I currently ride my horse on and also walk frequently for my health and wellbeing. These extra vehicles using this road will cause major noise disruption which as a horse owner/rider will not go unnoticed easily.

2. Health: The heavy machinery using the narrow road to the site will also cause major dust pollution, which is not good for the environment. Further to this I am asthmatic, so it will severely affect my breathing due to the increased dust within the air.

3. Traffic Generation: The proposed route to the debris catcher is along a narrow private road that is fragile. It is currently used by many walkers with prams and small children, horse riders, farm machinery and traffic, livestock and low level traffic accessing the livery yard. There is a 10mph speed limit on this road for the safety of all current users. In saying this, any vehicles passing horses on this road must not pass any faster than 10mph. Allowing this narrow private road to be used as an access route by heavy construction traffic and maintenance vehicles will put all other road users at risk and has the potential to create health and safety nightmares. Such heavy machinery/excess vehicles using the road will damage the already fragile surface further.

4. Unnecessary Cost: The use of taxpayer money to construct an access road to the Esk is truly unnecessary when there is already a fit for purpose tarmac access site from Cowpits Road. There is currently no access by vehicles to the proposed site of the debris catcher; the tracks are unsurfaced woodland tracks which are completely unsuitable for use by construction traffic. The proposed access road is to be constructed through soft grass fields used for livestock and crops and through ancient well established woodland, down a steep fragile river path; none of which are robust enough to support heavy machinery both through the construction and maintenance periods. The banks of the river would need to be reinforced majorly before it would be safe enough to be used.

There is however an asphalt/tarmac road to the Esk in the Grove which has easy access from the Cowpits Road. Using this already established route would be a much cheaper option and by placing the debris catcher to the east of the A1 carriageway over bridge - the tax payer would save money that could then be used to help other more meaningful projects. Removing the debris catcher totally from the scheme would be the best option, as wherever it is placed along the Esk it will ultimately cause

flooding further upstream in areas that never experienced flooding in the first place, simply moving the problem upstream.
5. Environmental Impact: Construction of the access road to place the debris catcher will result in the loss of grazing land and crop fields. The whole process will disturb and worry all wildlife and livestock housed within the proposed area. Further to this it will damage and destabilise the fragile tracks and banks of the Esk, leading to future landslides.

The natural paths and ancient trees along the route will need to be destroyed in order to build a road fit enough to carry all construction and maintenance vehicles. Destroying the natural habitat and woodland will be damaging to the wide variety of wildlife found within the vicinity - deer, foxes, buzzards, hare, squirrels, bats, possibly badgers and many other mammals, invertebrates and birds.

In an ever changing world full of climate change activists and climate proposals, we are supposed to be saving trees and wildlife habitats to create more sustainable ecosystems. We are not meant to be destroying them for a poorly designed flood defence scheme. The proposed scheme will most likely cause more flooding in areas previously not affected or equipped to deal with it and irreversible environmental damage, than if no action was taken. It is disgraceful that those who designed this scheme have decided it is acceptable to destroy the homes of thousands of innocent wildlife along with the natural beauty the ancient woods create.
6. Flood Risk: By using common sense/logic, the proposal to narrow the Esk in Musselburgh is more likely to cause flooding within the town I have lived in my whole life. It will also cause environmental damage to areas further upstream due to increased flooding in those areas that would otherwise be unaffected. Further to this, there has been no indication by the proposers of the scheme to provide statistics on how many times the town has flooded over the last 100 years. These statistics are either being held as they are none existent or would prove the scheme useless as the threat is not imminent.

I have attached a document I found regarding the area in question and how it would be impacted by a debris catcher. Using the code on the document, if a debris catcher was implemented in the proposed area then major flooding is possible not just in the immediate vicinity but as far down stream as the golf course and the Haugh park and upstream as far as the meeting of the rivers at the Old Oak Wood - an ancient protected woodland found within the heart of Dalkeith Country Park. The potential for erosion of the river bank would cause the surrounding soil to become weak and unstable meaning more restoration works would be needed to protect the ancient wood and land surrounding the river.
7. Loss of Amenity / Health and Well Being: The sheer amount of construction work needed for this proposal to go ahead would be detrimental to not only my mental and physical health but of those who use the area for recreation. My enjoyment of the peaceful countryside estate will be spoiled. I regularly ride my horse on the woodland bridle path and ford the river at this point many times throughout the year. There are around a hundred or so horse riders that regularly use this bridle path and river crossing; the proposed plans would mean we could no longer ford the Esk to enjoy the tracks on the other side. By creating the access road and debris catcher in the proposed location, we would be robbed of a way to enjoy our horses, maintain our mental/physical health and wellbeing and relax in the peaceful woodland.

The Musselburgh Flood Protection Scheme design is flawed and has conveniently ignored the requirements for horse riders - of which there are hundreds within the local vicinity. The plans exclude and discourage horse riders within the area - many of which are women and children. Horse riders deserve to be included within the plans as they already face many issues due to the millions of extra houses being thrown up throughout East Lothian and the constant decline of natural rideable tracks and fields due to construction and roads.
8. Lack of Consultation: Communication of the proposal to those that will be affected by the changes has been shocking. Those who access Dalkeith Country Park Estate via the Monkton Gate from Old Craighall, have had little knowledge of these proposed plans. Why was information regarding the proposed debris catcher not signposted at this entrance, where there is more footfall; and the impact will be felt more?

The proposal should have been actively made available to those who it will affect and the overall handling of the proposal has been truly disrespectful to those who use the area on a day to day basis.

This section of the Flood Prevention Scheme seems to have been overshadowed by the concrete wall debate - which I also object to. Therefore a full disclosure is needed and a public consultation should have occurred to highlight the plight of the natural habitats of wildlife and the recreation space of many riders and walkers who frequent Dalkeith Country Park.

Yours Faithfully,

[redacted]

Subject: (0604) Musselburgh Flood Prevention Scheme Objection
Sent: 24/04/2024, 21:12:33
From: [redacted]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [redacted]

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[redacted]

23
April 2024

Carlo Grilli

Service
Manager – Governance Legal
Services

East
Lothian Council

John
Muir House

Haddington

EH41
3HA

Dear Carlo Grilli

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

I have lived in Musselburgh
by the River Esk for more than [redacted]

I object to the published
scheme because we stand to lose trees and habitat for local wildlife as well as losing access to the river and waterfront, whether temporarily through engineering works or once those are completed through man-made barriers with designated access points.

Easy access to the river and
waterfront is one of the main features that I chose to live here for. During COVID lockdowns I gained a great appreciation of this easy connection with water and nature, this had a hugely positive benefit not just on my own mental health but that of many others I have spoken to.

The long spell of disruption
that will be caused by the works across the town and in particular around the river will have a negative effect on life here. I do not just refer to the actual engineering works, I also mean the many years it will take for nature to return to normal around the river. I was advised at one of the consultation events that for the replacement trees to get to the height of the trees to be chopped down would take 15 years. Even half of this time would be a significant amount of time that we will have to live with a local environment of poorer quality than we have now.

Were I to be convinced of
the benefits then I could live with this serious disruption, however I am not satisfied that all efforts have been exhausted to come up with a plan that takes into account the people living here now, and in ten years time. The solutions proposed - even after revision - appear to still be over-engineered, in using man-made materials and walls built too high compared with even the worst flooding I have seen here in 12 years. I am still not convinced that a solution which is more harmonious with the people and nature of the town could not have been found as part of this process.

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: (0605) Flood wall rejection letter
Sent: 24/04/2024, 21:14:25
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 adaption 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 compensated for this loss.

[redacted]

Sent from Outlook for iOS

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

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

From: [redacted]

Residing at (owner occupier): [redacted]

Email: [redacted]

Please acknowledge receipt of this letter of objection by return.

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

This is an additional objection letter – I have already sent you my main letter of objection. Please refer to my previous letter for any further background to myself and my particular interests in the scheme as necessary.

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

Additional Objections

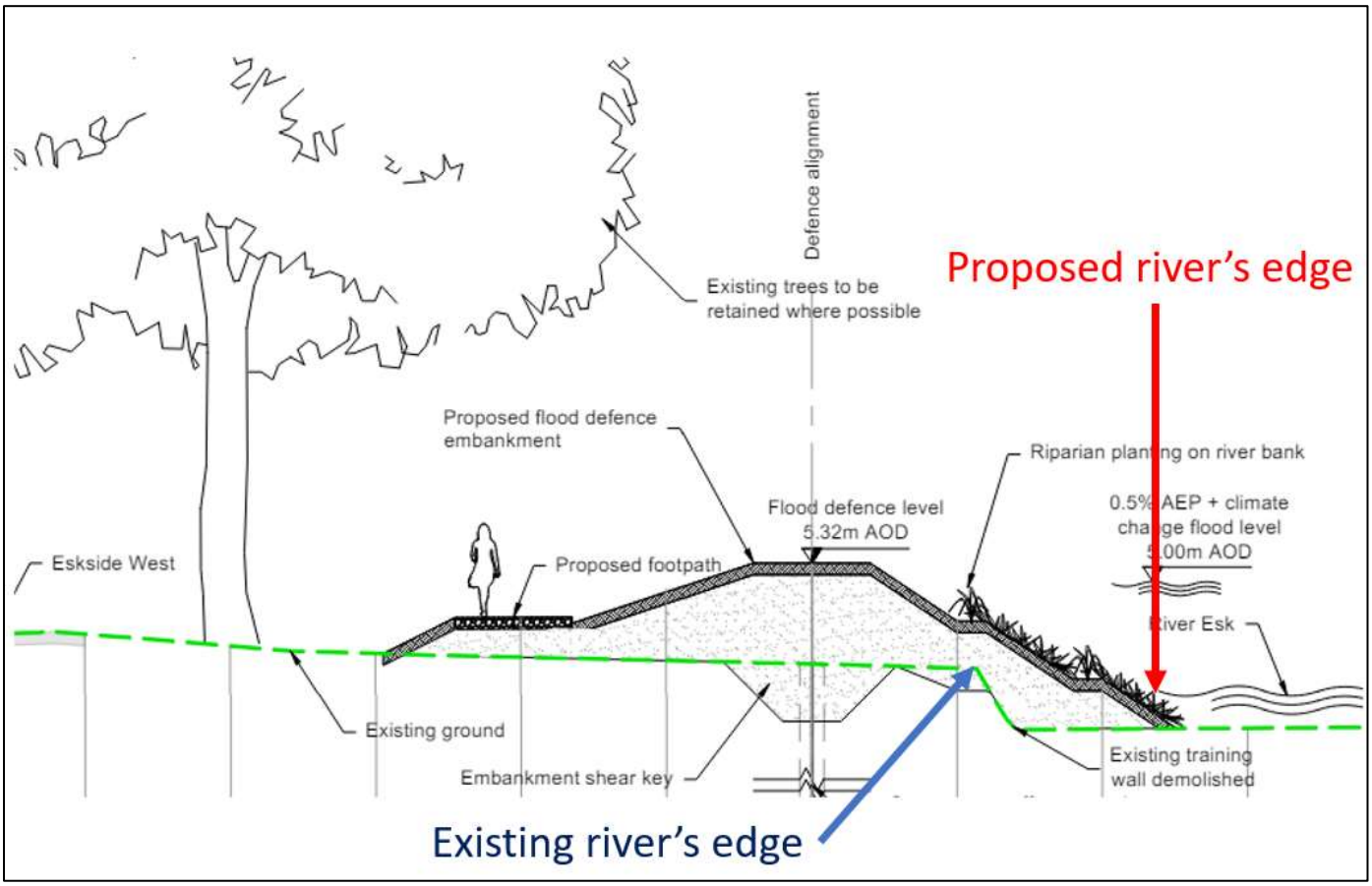
The various engineer drawings that explain what the Proposed Scheme is planning for along the River Esk, from the Rennie Bridge down to the mouth of the river on both the East and West sides show clearly that the river is being made narrower.

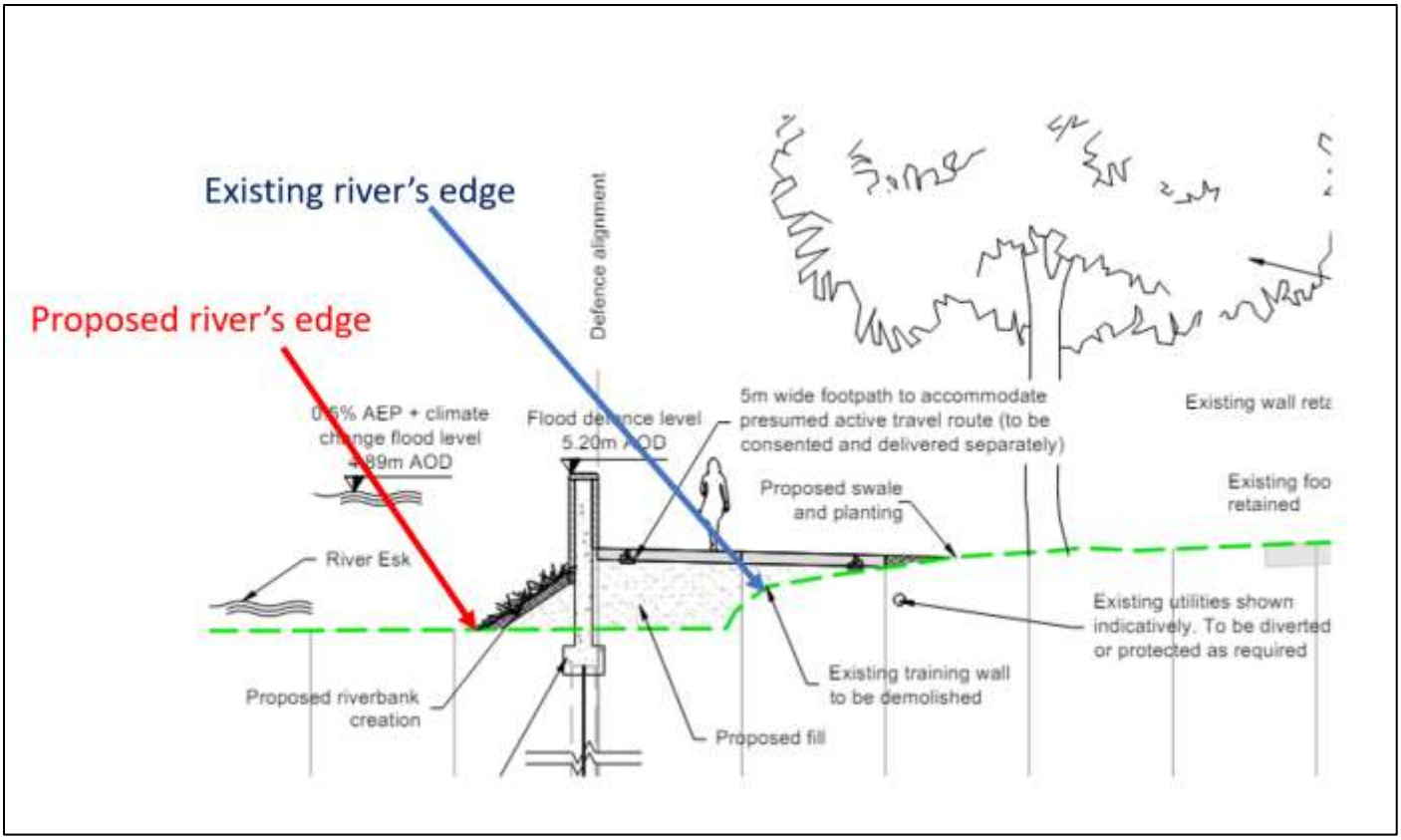
The designs include cross sections of the existing riverside which show the existing edge of the river. They also show the proposed defence wall or embankment, depending on which type of defence is being proposed at certain stretches of the river.

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.

I object to the Musselburgh Flood Scheme on the basis that they are proposing narrowing the river on the west 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.

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

[redacted]
24 April 2024

Subject: (0607) Submission to Musselburgh Flood Protection Scheme consultation
Sent: 24/04/2024, 21:26:43
From: [redacted]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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 Mr Grilli,

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

I have no direct interest in land affect by the Scheme and my name and address are:

[redacted]

First, I'd like to acknowledge both the large amount of quality work done by ELC officers and consultants to bring the MFPS proposal and that they have a difficult line to walk. Some parts of the Scheme are very much fit for purpose, such as the works on the reservoirs, the seawall protecting the Ash Lagoons, and much of the riverside defences. However I believe the following aspects of the proposals need to be resolved before it can proceed.

To ease your organisation while considering objections, please note I am adopting the East Lothian Greens objections (marked ELG below) verbatim and adding several further. Briefly the grounds are:
1. Choice of "scenario 4" along the coast from the Esk to Brunstane Burn
2. The proposal to construct the Goose Green bridge near the mouth of the Esk
3. The proposal to build defences into the Esk, narrowing it, downstream of the Rennie Bridge
4. (ELG) the erosion risk to the sea defences identified by Dynamic Coast
5. The sea defences from Esk to Brunstane Burn are contrary to NPF4 policy 10(d)
6. (ELG) the harm to biodiversity through loss of ancient woodland habitat and lack of biodiversity enhancements
7. (ELG) the weak mitigations for the carbon emissions of the project

I will expand on these in more detail below.

Yours sincerely,

[redacted]

1. Choice of "Scenario 4" on the coast from the Esk to Brunstane Burn

The choice of scenario 4 on this section of the Scheme, while the non-tidal parts of the Esk use scenario 2 is inconsistent and results in much higher defences here than elsewhere. Surely it is more in keeping with the "managed adaptive" approach required by Scottish Government to design the Scheme for a modest climate change scenario while maintaining the flexibility to increase heights should the need arise. For example some stretches of the coast may require no defences at all at this stage and those that do could have foundations designed to accepted a higher barrier in future.

This clearly intersects strongly with objection 4 (erosion risk), but this is a separate ground for objection should that risk not come to pass.

2. The proposal to construct the Goose Green bridge near the mouth of the Esk

While I agree with the case to replace the other three bridges with foot/cycle bridges in similar locations, this proposal is on quite a different character.

- Building the bridge at the mouth of the Esk exposes it to the erosion risk (see objection 4) and commits ELC to defending the foundations of the bridge.
- The route along the seafront will primarily be a leisure route along the John Muir way etc and hence the extra distance to walk, wheel, or cycle (approx 150m) to the new Electric Bridge will not be a barrier to use.
- The development at the very edge of the coast detracts from the amenity and natural outlook to the Firth of Forth. This is contrary to NPF4 policy 14(c).
- The cost of this bridge must be significant so its removal would be a simple way to save cost.

3. The proposals to build the river defences into the existing channel of the Esk

I accept that the Scheme requires some riverside defences from the Rennie Bridge downstream to the mouth of the Esk. However the form of these, building into the River, further channelises the Esk beyond the current retaining walls. This is a problems for three reasons.

(a) It will increase the required height of defences to give protection from a peak river flow, which is undesirable from an amenity and cost perspective.

(b) The form of the defences, particularly on the east bank as shown in work sections 24-27 and the west bank on WS 5, with sheer walls dropping into the river will completely alter the character of this part of the river. This major damage to the visual distinctiveness of Musselburgh is counter to NPF4 policy 14(c).

(c) The sheer walls referred to in (b) above will prevent wildlife such as otters from hauling out of the river here.

4. Coastal defences and Dynamic Coast erosion report

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

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

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

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

5. The sea defences from Esk to Brunstane Burn are contrary to NPF4 policy 10(d) in light of objection 4

NPF4 policy 10(d) requires that coastal development “take into account, as appropriate, long-term coastal vulnerability and resilience.” Since the design statement does not make any reference to erosion risk along the seafront from the Esk to the Brunstane Burn nor to the Dynamic Coast report, it clearly does not take appropriate account of these matters and must be withdrawn until such time as it does.

6. Biodiversity

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

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

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

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

7. Concerns over Contribution to Climate Change

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

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

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

Subject: (0608) Objection to Flood Protection Scheme
Sent: 24/04/2024, 21:39:16
From: [redacted]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
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Categories: [redacted]

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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

[redacted]

Subject: (0609 NO ADDRESS) River esk flood wall
Sent: 24/04/2024, 21:43:57
From: [redacted]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
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I object to the current proposal for flood prevention. I would much prefer a more nature based idea. Also the most vulnerable houses along eskside seem to have stop the wall posters in their window. This must be reconsidered

[redacted]

Yahoo Mail: Search, organise, conquer

[redacted]

21/4/24

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

[redacted]

Dear Carlo Grilli

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

Say what is your interest in the scheme – are you directly affected by the scheme? Does any part of the scheme enter/adjoin/directly affect your property? Do you live on the river or by the coast? Is your home shown in the flood maps as at risk of flooding? What amenities do you use in the town that are affected by the scheme? Or other reason such as local business, visit for leisure etc.

My [redacted] home is located [redacted], right next to where the wall is supposed to be built. We are affected in terms of quality of living and safety. However, as a family of climate-engaged scientists, civil engineers, teachers and businesspeople, we would accept a change in living standards if it was in the name of a well thought out and transparent plan with no monetary profit involved. With the current scheme, this does not seem to be the case. My family has been protesting the barrier since its inception, but it continues to go ahead, with a lack of transparency and hearing of concerns.

As follows are the concerns that make me strongly object to the proposed plan:

1. Safety. As a woman in this world, I know that any closed space does not feel safe. The walls proposed make a currently open walkway into closed space, which immediately feels and is unsafe, particularly for women and other vulnerable members of the population.
2. Ignorance of

LACK OF NATURE-BASED SOLUTIONS

As a person who has spent [redacted] my career in climate protection and as a millennial who will be extremely affected by the coming climate changes and is highly engaged in identifying solutions to climate catastrophes, I am extremely disappointed in the refusal to include nature-based solutions in this plan. There is an ever-increasing body of scientific research that demonstrates the effectiveness and necessity of nature-based flood mitigation, for example tree-planting and natural resevoirs. See publications such as Isabella Tree' Wilding or Peter Wohlleben's Hidden Life of Trees for detailed accounts of successful nature-based mitigation of climate issues or Peter Koh's report 'Working with nature, not against it' for the European Investment Bank, which collects and analyses real-world pilot studies from Greece that proves the impact of nature-based flood mitigation as well as studies from the Institute for Sustainable Development that demonstrate the cost-effectiveness of these solutions compared with grey solutions, both in terms of money spent and widening this understanding to include additional benefits such as carbon storage of such solutions. The recency of such studies (e.g. 2023) show that we are still in the very early stages of understanding the benefits of such solutions, but it can be clearly seen that they are vast. I believe that this in itself provides a strong basis to not go ahead with the current grey infrastructure approach to Musselburgh's flood scheme and wait until further data analysis has been done. The final plan for Musselburgh's flood plan must include nature-based solutions in its scope; a failure to do so is a failure to listen to science and will result in a lot of money wasted that could have been used for many other purposes, including supporting people who are currently in need in the council's catchment area.

COST and COST EFFECTIVENESS

The current cost of the plan is already incredibly high and will undoubtedly rise - see Venice's MOSE infrastructure and the corruption, cost increases and eventual inefficacy of this plan. This is clearly just a rush for a round of funding that means that many decisions have not been properly thought through. The fallacy of sunk cost thinking can clearly be seen from the engineering firm. As somebody who has studied and worked adjacent to the climate engineering industry, I know very well how government subsidies are seen as 'free money' and costs added unscrupulously.

Climate protection will cost money. However, with more climate protection being required across Scotland, this money should be spent well. The current is not an example of that, which is a disservice to many, including the council itself.

SAFETY

Experiencing life as a woman, I'm acutely aware of how buildings and infrastructure create environments that are and feel safe - or unsafe. Currently, with its open pathways, many of the walkways around Musselburgh feel safe enough. However with many walls set to be built for the scheme, this is set to change. Walking around the town [redacted] she points out where walls will be built in accordance with the scheme, I feel fear [redacted]. Combined with the disruption that the plan will bring, I wonder whether our family home should be relocated, despite this being the place that my family has very consciously decided to live. To even consider this is a luxury that many people don't have, as well as the choice to drive when there are not safe walkways. I urge the council members to consider this objection seriously when considering whether this plan should go ahead.

Please acknowledge receipt of my letter of objection, in writing. Please advise me of nextsteps, and timescales, I would like communication to be via email or post.

Yours Faithfully

[redacted]

Subject: (0611 NO ADDRESS) Objection to Flood Protection Scheme
Sent: 24/04/2024, 21:48:13
From: [redacted]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
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Categories: NO ADDRESS

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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

Subject: (0612) Musselburgh Flood Protection Objection Letter
Sent: 24/04/2024, 21:57:34
From: [redacted]
To: Musselburgh Flood Protection Objections

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[redacted]

24/4/2024

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 object to the current scheme in place to manage flood risk in Musselburgh. I live near the river esk and have done so for the last 36 years. My experience is that Musselburgh rarely experiences floods and that the landscape and particularly the trees lining the esk, all do their part in managing this fairly well. Whilst I appreciate there will inevitably be increasing floods due to climate change, I believe the measures proposed are completely inadequate in addressing any imminent threat.
I believe that the residents of Musselburgh must be listened to. Our voices are joining together to pause this flood prevention scheme as we are not in agreement at all at the current proposals. We are all taxpayers and we should have a say in how this money is spent.
I object to the published scheme because:

OBJECTION 1
I do not believe a concrete wall is the solution to flooding in this way. I believe that more natural solutions must be used in order to protect the town of Musselburgh. We are likely to lose residents and visitors as people will not want to live, work or visit a place with ugly concrete walls along the riverside. Currently we have a very picturesque town but concrete walls that are too large are not going to preserve this.
OBJECTION 2
I object to the removal of many trees along the riverside. This is not the way forward in terms of protecting our town, let alone our planet. This will compromise air quality in the town which is already heavily under threat from the increasing traffic due to the overbuilding of housing estates in and around Musselburgh.

OBJECTION 3
As a parent and grandparent of Musselburgh town, I feel disappointed that generations of children will lose access to viewing the riverside walking along the river esk. This was always part of growing up in the town and now toddlers, children and those in prams, wheelchairs, mobility scooters etc are not going to have any pleasure walking around the town. This is very sad for the town and I feel disappointed that our councillors are not addressing this well enough.
I also fear for my own and others safety with large concrete walls in place. This does not look safe and part of the appeal of musselburgh is the openness of the riverside. Once you build concrete structures you encourage vandalism and other anti-social behaviours. I fear too that children will climb these wall and be at risk of drowning.

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]

Subject: (0613 NO ADDRESS) Musselburgh Flood probation scheme - Objection letter
Sent: 24/04/2024, 22:00:33
From: [redacted]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
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Categories: NO ADDRESS

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

Dear Sirs

I am writing to object to the recently published Musselburgh Flood Protection Scheme proposals. As a local resident I wish to express my objections to the scheme designs as proposed.

I object to the published scheme for the following reasons:

1. The misleading and inaccurate design information provided - including but not limited to artist impression visuals with misleading scales and features especially wall heights, pathway dimensions and materiality.

2. The poorly handled public engagement - especially using different colour codes, keys and visual language to present proposals

3. The proposed active pathways which take people away from the town

4. The use of concert.stone walls restricting both views and access to the beaches and riverside

5. The loss of trees and natural habitat/ecosystems

6. The use of large concrete structures/barriers as defence walls which will carve up areas of the town.

7. The lack of visible solutions to existing issues of flooding and drainage caused not by the river or sea but the towns insufficient drainage system - especially around the riverside, New street and Loretto nursery/Musselburgh nature kindgarten. Where there is frequent flooding and spilage of raw sewage onto public highways and foot paths

8. The lack of apparent joined up thinking between this scheme and the multiple large scale developments around the town

9. The reliance on mechanical pumping stations.

10. The on cost to the public purse for care and maintenance of mechanical pumping stations

11. The visual and heritage impact to one of Scotland's oldest towns.

12. The loss of public amenities during construction and after.

13. The lack of clear understanding and commitment for the care of the project post completion. How will an already struggling local authority maintain all the new elements of this scheme.

14. The nature of the built elements of the design will attract vandalism owing the large areas of flat planes of walls/concrete structure.

15. The proposed new bridge at the mouth the Esk in both scale and visual appeal

16. There is a lack of nature based solutions, especially around the coastal areas

17. NatureScot and Dynamic Coast have both recommended an adaption plan

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

Yours Faithfully,

[redacted]

[redacted]

Date: 23.04.2024

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

Subject: Objection to the Musselburgh Flood Protection Scheme

Dear Carlo Grilli,

I am writing to object to the recently published Musselburgh Flood Protection Scheme. As residence of Musselburgh, more accurate by the River Esk in a conservation area between [redacted] and impacted by the flood risks. We as a family, chose this location based on the closeness to the water, both the river and the beach, and the nature and wildlife around it. We use these facilities for walks, dog walking, bike rides, swimming and other water activities such as sailing, canoeing etc.

I object to the published scheme because:

1. The scheme presented **do not meet the criteria published** vial ELC, https://www.eastlothian.gov.uk/info/210574/emergencies_safety_and_crime/12455/musselburgh_flood_protection_scheme and https://www.musselburghfloodprotection.com/flood-risk/musselburgh-flood-risk/ were it clearly stipulates "*East Lothian Council has determined the Standard of Protection that the Musselburgh Flood Protection Scheme should be to **provide** an appropriate level of **flood risk reduction** to the town.*" .

   This is also reinforced by reference to the Scottish Government: Flood Risk Management (Scotland) Act 2009

https://www.gov.scot/policies/water/managing-flood-risk/ which clearly stipulates ***flood risk reduction and flood risk management*.**
The scheme presented is mainly designed to deal with a flood (reactive design to once a flood has occurred) not to prevent a flood from occurring in the first place (proactive design). This applies both to the River Esk and the Coast line.

2. The **very late scheme change** and a revised design has not been presented for us to comment and object too. During the consultation period the contractors were adamant that the Musselburgh Active Travel route, MAT, was included and the design reflected this. On the 11th hour we receive information that MAT route elements are removed and we have no proposal of how the resulting revised scheme/design would look like. We are not given a correct view.

3. **Design priorities**. It is appreciated to see that ELC consider potential benefits from a multipurpose design. However, which purpose take precedence, flood prevention or for example MAT. I will argue that flood prevention should always take precedence as this is its main purpose To include multipurpose structures and designs that negatively impact the river and the coast such as narrowing the with of the river, which in turn increases the height of any preventative design and increases the speed/force impacting the new design length of life and the reason we moved here, the view and outdoor activities.

4. **Insufficient design by the coast** in particular around the yacht club. Based on the current proposed design I will argue that the deign will leave ELC with un-budgeted funds for maintenance and water removal due to:

    a. **overtopping** as a result of under dimensioned (height) walls based on predicted sea level rise and tide. The design does not include pumps on the coastal stretch, the overtopped water will negatively impact the roads due to water removal resulting in flooded houses, not fulfilling the flood prevention or in this case stop of flooding.
    b. The walls will overtime **erode the beaches** which currently act as a natural defense and our beautiful cost will vanish.
    c. **Disregard of the recommendations provided by Dynamic Coast** and other tested working preventive solutions.
5. The process. As a tax paying resident of Musselburgh and East Lothian it surprises me that ELC as a public office have not asked for an **alternative design** by current appointed contactor and more importantly a **different contractor** for a design and budget.

Kindly note, as most of my fellow residents we are in an agreement that flood prevention is needed but would like the scheme to pause to review alternative designs to include proper **pre**vention, nature-based solutions and protect our town for future generations.

The River Esk and the beach is Musselburgh's selling point. Turning it in to a Berlin pre 1989 with high walls will not attract people and business, quite the opposite. The value of properties will decline, who will compensate the current owners, the council?

Sincerely,

[redacted] a very concerned resident
[redacted]

Subject: (0615) Fwd: Musselburgh Flood probation scheme - Objection letter
Sent: 24/04/2024, 22:08:01
From: [redacted]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [redacted]

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

Dear Sirs

I am writing to object to the recently published Musselburgh Flood Protection Scheme proposals. As a local resident I wish to express my objections to the scheme designs as proposed.

I object to the published scheme because:

1. The misleading and inaccurate design information provided - including but not limited to artist impression visuals with misleading scales and features especially wall heights, pathway dimensions and materiality.
2. The poorly handled public engagement - especially using different colour codes, keys and visual language to present proposals

3. The proposed active pathways which take people away forth town

4. The use of concert.stone walls restricting both views and access to the beaches and riverside

5. The loss of trees and natural habitat/ecosystems

6. The use of large concrete structures/barriers as defence walls which will carve up areas of the town

7. The lack of visible solutions to existing issues of flooding and drainage caused not by the river or sea but the towns insufficient drainage system - especially around the riverside, New street and Loretto nursery/Musselburgh nature kindgarten. Where there is frequent flooding and village of raw sewage onto public highways and foot paths

8. The lack of apparent joined up thinking between this scheme and the multiple large scale developments around the town

9. The reliance on mechanical pumping stations

10. The on cost to the public purse for care and maintenance of mechanical pumping stations

11. The visual and heritage impact to one of Scotland's oldest towns. One which I might add has been treated rather badly under the stewardship of East Lothian Council and previous governing bodies leaving us with a town comprising of fish mash of poor buildings and clogged roads.

12. The loss of public amenities during construction and after.

13. The lack of clear understanding and commitment for the care of the project post completion. How will an already struggling local authority maintain all the new elements of this scheme.

14. The nature of the built elements of the design will attract vandalism owing the large areas of flat planes of walls/concrete structure.

15. The proposed new bridge at the mouth the Esk in both scale and visual appeal

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

[redacted]

Resident [redacted]

Subject: (0616) Objection
Sent: 24/04/2024, 22:08:55
From: [redacted]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [redacted]

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Carlo Grilli

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

Dear Sirs

I am writing to object to the Musselburgh Flood Protection Scheme proposals. As a local resident I wish to express my objections to the scheme designs as proposed.

My reasons for objecting:

1. The use of walls restricting access to the beaches and riverside, and views of both. The height and placement of these walls also feels inappropriate. In particular, the drawings indicate that the path between Loretto playing fields and the river will have an entirely different character and in places will be a narrow passage between 2 tall walls higher than average eye height. This is a popular route for walkers and one which I use most days. The long views to the sea and connection to the river are part of the attraction and will be lost.

2. The loss of trees and natural habitat/ ecosystems.

3. The walls will attract vandalism.

4. The poorly handled public engagement - especially using different colour codes, keys and visual language to present proposals. Drawings have been unclear on levels and heights, which is a significant failing at this stage of design. I feel that questions at various consultation events have been misleading and targeted. For example, support for the idea of protecting our town from future floor events should not equate to support for this scheme. Misleading and inaccurate design information provided - including but not limited to 3d visualisations with incorrectly scaled people, when the key aspect to be conveyed is the relationship of the height of the wall to the pedestrian.

5. I am very concerned about the way the active travel proposals have been incorporated into the scheme. At an early consultation event, I noted in my response that I agreed to the designs for active travel and flood defences being developed together as it seemed a sensible approach. However, I did not anticipate that the result would be such wide stretches of hard landscaping adjacent to our river and coast. These are excessive, particularly when paired with neighbouring roads and paths. I would like to retract my earlier comment of agreement that the two schemes should be developed together as I would be concerned that aspects of the active travel design which many would find unacceptable on their own merit are being presented as a flood prevention measures. One example of this would be the bridge at Goose Green and ramps that serve it. This is unnecessary in this location as the current cycle route along New Street and onto the aligning bridge has the benefit of separating large groups of fast cyclists from the walkers on the prom who pause and can move back and forward from the path to the beach uninterrupted. I also object to the scale and design of the proposed Goose Green bridge and associated ramps.

6. There is a lack of thoughtful landscape design presented in the current scheme.

7. The visual and heritage impact to one of Scotland's oldest towns. There has been a lot of poor planning decisions made in Musselburgh over the years. The river corridor is one of few attractive spaces left in the town centre. The coast from the harbour to the river is also an asset visually and for leisure and we risk ruining this with a hard landscaped solution.
8. The hard engineering approach for flood defences has not been successful where it has been implemented in other parts of the country. At what point do we learn from this?

9. I own one of the properties listed to be protected by the scheme but I do not have faith in the scheme in it's current form and remain concerned about the lack of visible solutions to existing issues of flooding and drainage caused not by the river or sea but the towns insufficient drainage system - especially around Eskside West / New street where there is frequent flooding from drains and raw sewage on roads and foot paths at times of high rainfall where the water has not come from the river.

10. The reliance on mechanical pumping stations. Would they be maintained properly for the lifetime of the walls? Are there any assurances that a flood event with walls and a non functioning pumping station would have a better outcome than the status quo?

11. The lack of clear understanding and commitment for the care of the project post completion. How will an already struggling local authority maintain all the new elements of this scheme?

12. The loss of public amenities during construction and after. We moved to Musselburgh to raise a young family and use either the links area, beach or river walks daily. Those outdoor spaces were a large part of the reason we came here.

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

Yours faithfully,

[redacted]

Subject: (0617 NO ADDRESS) Flood Protection Objection
Sent: 24/04/2024, 22:13:42
From: [redacted]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

Categories: NO ADDRESS

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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,

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

I am a homeowner in [redacted].

I really am dismayed that your preposterous plans have got this far.

I can't comprehend the sheer level of disruption and complete disregard to our beautiful historical town. It would be years of upheaval, diversions, noise pollution which may cause structural damage and will without a doubt leave the wildlife distraught and homeless.

The worst weather we've seen in a long time a couple of weeks back and what was the damage?

Our town is the peoples town and I think it's very clear given the noise and volumes of objections how heartbreaking your inconsiderate plans are.

Cast your mind back to the Coronavirus when we all waited in anticipation to get our 1 hour of exercise and fresh air. I have 2 young children that were babies at this time. The Esk was our sanctuary and little ray of hope. I suffered with post natal depression for months and my 'go to' place of calm was to sit beside the river. The negative impact all of this will have on people's lives, to me, far outweighs the 'just in case' of flood prevention. To purposely cut down trees that have lined our river for longer than any of us have been around should be a criminal offence. In fact it would be if a member of public did it, but because the council say so, that's ok!?

If by me, as a Musselburgh resident, who pays my council tax always on time, by default is funding this awful scheme, then I object! I want my money back.

Where I don't disagree measures could be taken much longer term, the hideous concrete, soon to be merely a canvas for graffiti and antisocial behaviour attraction is not acceptable as a solution.

Not to mention this laughable cost. Our local resources that bring the community together are vanishing. If the council, who I have recently been supportive of, doesn't change its approach to actually listen to its constituents, Musselburgh is not somewhere people will want their families to grow up and the town will not prosper.

Please acknowledge receipt of my email of objection.

Yours Faithfully,

Carlo Grilli [redacted]

Service Manager – Governance [redacted]

Legal Services [redacted]

East Lothian Council [redacted]

John Muir House [redacted]

Haddington [redacted]

EH41 3HA [redacted]

cgrilli@eastlothian.gov.uk

24th April 2024

Dear Mr. Grilli,

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

I am a birdwatching who visits to Musselburgh to enjoy the outstanding birdlife in the area. Indeed, such is the attraction of the site for birds and birdwatchers that I travel to Musselburgh from the Scottish Borders and prior to that from Glasgow. I am therefore very concerned over any activities that could have a detrimental effect on this area's internationally important birdlife.

I object because the Environmental Impact Assessment (EIA) Report that East Lothian Council has commissioned does not meet the necessary requirements set out in EIA guidance and does not allow East Lothian Council to fulfil its biodiversity duties. Specifically:

Inadequacy of the EIA Report's Ornithology Baseline

The results presented in the EIA Report from surveys of shoreline and coastal birds (the 'through the tide counts') are insufficiently detailed to adequately assess the impacts of the Scheme on these species. This failure is especially important because the Scheme is adjacent to, or in places actually within, the Firth of Forth Special Protection Area (SPA), the Firth of Forth Ramsar Site, the Firth of Forth Site of Special Scientific Interest (SSSI), and the Outer Firth and the St. Andrews Bay Complex SPA. These are internationally and nationally important designated sites for birds, and any assessment of impacts on these designations require must be informed by comprehensive robust and appropriately detailed baseline data. The EIA Report does not present such data.

It is therefore essential that baseline bird survey data are properly presented, specifically that the distribution and abundance of qualifying features of the SSSI, SPAs and Ramsar site at least are mapped to species level and their abundance shown for each survey area (notably through the tide count survey areas), along with the key areas for roosting and foraging of those species. Without this information, the EIA lacks the necessary detail to enable consultees to judge whether or not the applicant's assessment of impacts from the Scheme is correct. Consultees cannot therefore also judge whether proposed mitigation measures are adequate, or whether the identification of residual impacts on birds can be relied upon. For all these reasons, the baseline survey data in the EIA in its

current form is not fit for purpose. It needs to be rectified by the submission of Further Environmental Information, and until that is carried out, I object to the Scheme on grounds of inadequate baseline bird data being provided in the EIA Report. As additional bird surveys are still being undertaken, the more detailed results requested can be published at the same time as these additional data (but all to the appropriate level of detail).

On top of this failure to present survey results to the required level of detail for such a sensitive area and for such important species, the desk study component of baseline data collection has also been inadequate. To accord with EIA guidance[1], baseline bird data should comprise both survey results and relevant pre-existing data on bird species present, their national and local population trends, and insights into their relevant behaviour. The Firth of Forth has been the subject of intense ornithological study spanning several decades[2], and it is reasonable to expect that this body of data would have been drawn upon for the EIA Report, not least given the sensitivity of the area and the need to design appropriate and effective mitigation measures for construction impacts and impacts over the 100 year operational life of the Scheme. The desk study data included in the EIA also fails to meet the requests from key stakeholders. Notably, for example, the East Lothian Biodiversity Office who requested in their Scoping Report (see ELC on 28th November 2023, EIA Appendix C3.2) that '*The field surveys should be informed by a data search from ... useful data (that) may be available from sources including the East Lothian Council Ranger Service, British Trust for Ornithology and Scottish Ornithologists' Club'*.

Starting with the Scottish Ornithologists' Club, the EIA fails to incorporate into its ornithology baseline any of the comprehensive pre-existing bird data that exists for the Scheme area, collected over several years by highly experienced local ornithologists, many with decades of expertise in the area's bird life. It would be expected, at the very least, that given EIA guidance[3] and to comply with the request from East Lothian Council's own Biodiversity officer that the EIA authors would have submitted a data request to the Local Bird Recorder of the Lothian Branch of the Scottish Ornithologists' Club (SOC) to obtain relevant bird records for the area impacted by the Scheme. This was not the case, and therefore the EIA ornithology baseline suffers by not having the detailed insights into species presence, abundance, distribution and behavioural patterns to adequately inform its assessment (including of cumulative impacts), mitigation design and proposals for enhancement. This is particularly the case for the assessments of impacts from the Scheme's construction compounds, the seawall improvement works, and the two sections of the Musselburgh Active Travel Network (ATN).

Moving on to obtaining desk study data from the British Trust for Ornithology (BTO), this key organisation administers a number of bird recording schemes, including the Wetland Bird Survey (WeBS), which cover this area. It is EIA good practice, as part of gathering desk study data for developments in coastal areas, to obtain and present WeBS results, alongside survey data. Bird surveys commissioned for EIAs are inevitably restricted to relatively short-term sample surveys, comprising snapshots of bird activity. The WeBS scheme and its predecessor have been running for decades and provide important long-term insights into species composition and abundance of waders and wildfowl of key sites, and long-term population trends. In particular, for large designated sites like the Firth of Forth SSSI/SPA/Ramsar, WeBS data are also essential to place local bird

[1] See the Environmental Impact Assessment Handbook: Guidance for competent authorities, consultation bodies, and others involved in the Environmental Impact Assessment process in Scotland Version 5, April 2018. NatureScot and Historic Environment Scotland.
[2] E.g. Bryant, D. (1987) The Natural Environment of the Estuary and Firth of Forth. *Proceedings of the Royal Society of Edinburgh, Section B: Biological Sciences*, Volume 93 , Issue 3-4:, pp. 509 – 520 DOI: https://doi.org/10.1017/S0269727000006916
[3] For example, see C.6.3 and Box C. 6. Practice .1. in the reference cited in Footnote 1.

populations (i.e. the birds present in the Scheme area) in their wider Firth of Forth context, so that impacts from the Scheme, and cumulatively with other projects, can be adequately assessed. Whilst it is noted that in Section 7.3.3 of the EIA it states that the desk based assessment included data responses from organisations including the BTO, detailed WeBS data are not provided. The reference to WeBS data is limited to total species counts (in the EIA Section 7.5.6.1 'Desk-study and preliminary ecological appraisal'). This states:-

'Data obtained during the desk-based assessment identified the potential presence of the following protected species within the study area:

• *Wintering wetland birds: the BTO Wetland Bird Survey (WeBS) data for the five-year period from 2013/14 to 2017/18 identified a total of 70 species of wetland birds (which includes unidentified and hybrid species) within the Eastfield to Musselburgh WeBS sector. Of these 70 species, 55 were recorded in the winter months during this period. The five-year mean peak count of wetland birds within the Eastfield to Musselburgh WeBS sector is 4,878 individuals, with a five-year winter mean peak recorded as 5,259 individuals (see Appendix B7.4 for details)'.*

Instead of these agglomerated count figures, the EIA Report should provide the species-specific WeBS data. Furthermore, and contrary to the Chapter's statement that details of WeBS data are provided in Appendix B7.4, there are no details provided on the WeBS data for the area in that Appendix. What is required for the EIA (and HRA) is a map of the WeBS count sector to compare with the survey areas used for the through the tide counts, and for the WeBS data to be tabulated by species, comparing abundance figures from the survey work. Neither are presented in the Biodiversity Chapter or any of the published EIA Report Appendices.

Lastly in relation to the WeBS data, the totals that are presented are out of date, being '*from 2013/14 to 2017/18'*. The desk study for the EIA should have obtained the most recent five-year dataset available, i.e. up to the 2022/2023 non-breeding season, to help inform the assessment.

The inclusion of detailed WeBS data is common practice in EIAs (and HRAs) for coastal developments, in particular where developments overlap or are in close proximity to internationally important sites designated for their bird interests. As already highlighted, without these details, it is not possible to contextualise or corroborate the survey data provided by the applicant. This and the wider omissions in desk study data need to be rectified by the submission of Further Environmental Information, and until that is carried out, I object to the Scheme on grounds of inadequate baseline bird data being provided in the EIA Report.

Baseline Survey Accuracy

The bird survey data on which the Scheme's EIA Report depends appears to contain apparent anomalies, with some species noted that either have only very rarely ever been recorded locally and other species which may be mis-identified. The inclusion of these records undermines confidence in the reliability of bird (and other) survey work carried out for the EIA Report, and also in the rigour of the quality assurance processes that have been applied during the collection, processing and writing up of data used in the EIA Report. Specific examples include records of Stone-curlew, Water Pipit, Twite breeding, "flyover" Wood Warbler, Whimbrel in November, a Kittiwake flying up the river Esk (Appendix 7.4). Based on over 60 years of data held by the SOC, these records require verification. The almost daily coverage by experienced birdwatchers over the survey period also points to other anomalies, such as occasions when a large count of Velvet Scoters is reported in the EIA Report at a time when only a Common Scoter flock was present. Such questions on the reliability of the survey data are critical, given the conservation importance of qualifying features of the Firth of Forth SSSI,

SPAs and Ramsar sites and Outer Forth and St Andrews Bay Complex SPA in such close proximity (and in some areas, overlapping) with the Scheme. It also underscores the importance of consultation with bodies such as the SOC and BTO to ensure that pre-existing data for the Scheme area are obtained, adequately used to aid data validation and quality assurance, and properly integrated into baseline data.

One further concern over the baseline survey surveys is the validity of the 'through the tide counts' which coincided with the construction activity for the new lagoons between 2021 to June 2023. Given that the EIA Report acknowledges that construction traffic along the seawall will cause disturbance to birds (including qualifying features of the Firth of Forth SSSI, SPA and Ramsar site), evidently the results from these surveys were not representative whilst the lagoon construction was on-going. NatureScot guidance on bird surveys clearly highlights the principle that surveys should not take place where there is disturbance that may change the abundance, distribution or behaviour of birds within the survey area[4]. This precaution has not been followed therefore, and it further undermines the reliance that can be placed on a significant proportion of bird survey data used in the EIA Report.

It is understood however, that bird surveys are still being carried out, I therefore object until these un-impacted additional bird survey results are published as part of the submission of Further Environmental Information and HRA.

Failure to Identify and Assess Habitat Loss from the Scheme

The EIA Report attempts to identify and quantify the loss of habitats from the Scheme, to assess the significance of these losses, the mitigation that will be required and the resulting residual impacts and their significance.

However, it completely fails to identify the main habitat impact from the Scheme, namely the loss of shoreline and inter-tidal habitats over its 100-year operational life. These losses will occur as a direct result of the Scheme's construction of hard defence structures along the coast where these are currently absent or limited, through what is known as 'coastal squeeze'. This impact needs to be fully identified and assessed in the EIA Report, in particular the Scheme's proposed hybrid wall structures at Work Sections 6 and 7 (impacting 325m and 290m of coastline respectively) and its concrete walls along Work Sections 8 and 9 (impacting 393m and 132m of coastline respectively) (see Table 4-2 'Summary of Scheme by work section' in Section 4.4.1 Scheme Layout Overview, and Figures Appendix A41j to A41l in Appendix A of the EIA Report). The existence of this operational impact is not even mentioned in the EIA Report Biodiversity Chapter, let alone assessed, with only the most cursory mention given in 7.5.9.3 'General trends'. The EIA Report therefore does not meet its own commitment (in Section 3.6.2 'Future baseline') to complete '*Where appropriate, an appraisal of the future baseline without the Scheme … where feasible to allow for consideration of the operational impacts of the Scheme over its 100-year design-life'*.

This is of particular concern because these habitat losses will impact the qualifying features of the Firth of Forth SSSI, SPA or Ramsar Site (and the conservation objectives of the latter two designations).

The omission of this impact in the EIA Report must be rectified and the necessary modelling and full assessment of habitat loss from coastal squeeze be fully assessed and published as Further

[4] Although relating to bird surveys for wind farms, the importance of avoiding construction disturbance that may affect survey results is made clear in Section 2.1.1 and Box 1 in NatureScot (2017) Recommended bird survey methods to inform impact assessment of onshore wind farms. March 2017, Version 2.

Environmental Information. The assessment of these habitat losses on the integrity of the Firth of Forth SPA and Ramsar Site must also be included in the HRA, to inform the compensation that will be required, if should a derogation case be accepted.

Given how important this impact is, it is also worth re-stating the Council's published Scheme objectives (EIA Report Chapter 4, Section 4.1 and Table B4 in Appendix B4) that include the following Environmental Objectives:-

1. That the Scheme will achieve as a minimum a neutral impact on the environment.

2. To ensure that the Scheme includes appropriate catchment and natural flood management (NFM) measures.

3. To ensure that the Scheme considers the impact of climate change and includes appropriate provisions to mitigate any impact.

4. To ensure that the Scheme considers in full, and includes for any appropriate measures, to protect the Firth of Forth and its protected statuses.

Clearly, these objectives cannot be achieved if the Scheme's impacts are not adequately identified, assessed, and mitigated and if mitigation or enhancement proposals (such as those in EIA Report Table 7.7) are not considered in terms of resilience to sea level rise and climate change.

In addition to failing to include operational habitat loss, the habitat loss figures that are currently included for construction and operational impacts lack clarity and consistency across the Biodiversity Chapter and Appendices. For example, the extent of temporary lost habitat given in Section 7.6.2.1.1 'Firth of Forth SPA and Ramsar' is given as 'approximately 2.14 ha' but the habitat breakdown figures only add up to 1.711 ha. Similarly in Section 7.6.3.1.1 'Firth of Forth SPA and Ramsar', the permanent loss of habitat from the Firth of Forth SPA and Ramsar is given as 4.3 ha, but again the figures for the habitats lost amount to just over 1.46 ha. This lack of clarity and inconsistencies in the EIA Report make it difficult for consultees to clearly understand the scale or location of the Scheme's habitat impacts. It is important that these losses are clarified, including in the HRA prior to its finalisation, and if necessary, through the submission of Further Environmental Information.

<u>Failure to Appropriately Identify Plans and Projects to Consider for the Cumulative Impact Assessment</u>

Section 7.3.9 '*Cumulative effects'* of the EIA Report identifies that *'A review of developments in the local area as listed on the East Lothian and Midlothian Council planning portals was conducted. The assessment focused on developments of any size within the working areas and those over 1 ha in size up to 5 km from the working areas in Musselburgh and the reservoirs. In addition, Grangemouth Flood Protection Scheme (GFPS) was also considered as part of the assessment, as requested by NatureScot during consultation for GFPS'*.

The cumulative assessment needs to encompass developments that have significant potential to impact key ecological receptors. The potential for cumulative/in combination impacts is determined by impact pathways, not by arbitrary thresholds such as development size or distance from the Scheme (neither of which have any regulatory basis or reflect CIEEM guidance)[5]. Movement of birds around the Firth of Forth SPA/Ramsar site have been relatively well studied, and this information should be referred to in order to help determine potential impact pathways, and thereby the plans

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

and projects that need to be taken account of in the cumulative/in combination assessment. It is important that this impact/pathway/receptor approach is adopted in the HRA's 'in combination' assessment, if made available to consultees, otherwise through the submission of Further Environmental Information.

Repeated Lack of Evidence to Substantiate the Findings of the Impact Assessment

In order to comply with EIA guidance, it is essential that the assessment of impacts is supported by appropriate evidence. However, the EIA Report consistently fails to provide evidence to back up the assessments made on construction and operational impacts of the Scheme on birds.

The rare instance when evidence and published peer reviewed information is referenced in support of the assessment of impacts is for kingfisher (see section 7.6.2.3.4). Kingfisher is only a species of regional importance, yet the EIA Report's assessments of impacts on internationally or nationally important bird species are repeatedly made without any reference to peer reviewed or other evidence, or even to standard NatureScot guidance (for example, in relation to disturbance, Goodship and Furness 20226). A typical example of unsupported assertions is in Section 7.6.3.1.1 'Firth of Forth SPA and Ramsar', which states 'The remaining area to be lost within the SPA is comprised of habitat rarely used by qualifying species and therefore is considered unlikely to provide functional habitat'. There are no data presented to back up this assessment, since the EIA and its Appendices omit the necessary detail on the distribution and abundance of individual species.

This is a clear omission and weakness in the EIA Report, is contrary to guidance and good practice, and reduces the reliance that can be placed on the assessment or effectiveness of mitigation proposed. It also falls short of the robustness and detail of EIAs for other developments in the area[7]. Furthermore, East Lothian Council, who commissioned the EIA, has an actual duty to protect and enhance biodiversity. This duty cannot be adequately discharged without detailed baseline EIA (and HRA) bird data from which impacts on birds or other wildlife can be assessed, mitigation designed, and residual impacts identified.

It is also important to note that for the HRA the best available scientific evidence must be used, and the Council, given its Scheme objectives and biodiversity duties, must ensure that this is the case, being responsible for commissioning the EIA Report (and HRA).

Repeated and Unsubstantiated Downplaying of Conservation Importance and Impacts in the Assessment

There are repeated instances in the EIA Report's Biodiversity Chapter where assessments of impacts on birds downplay (i) the value of their habitats - because it is stated they are already subject to disturbance, or (ii) the significance of disturbance to birds - because it is stated they will move elsewhere within the SPA, or (iii) impacts being insignificant - because the area of impact is small. These assertions are consistently unsubstantiated by evidence (as already highlighted above) and are a style of assessment more typical of commercial developers seeking to justify damaging protected sites. These assertions are inappropriate in those circumstances, but are totally inappropriate for Councils, given the legal and policy obligations they are under to protect and enhance biodiversity,

[6] Goodship, N.M. and Furness, R.W. (2022) Disturbance Distances Review: An updated literature review of disturbance distances of selected bird species. NatureScot Research Report 1283.

[7] See, for example, the inter-tidal and near-shore bird data presented in Appendix 6C: Intertidal and Near-shore Bird Surveys of the Inch Cape Onshore Transmission Works EIA report (ICOL,2018b) at OnShore-EIA-Appendix-6C-1of-2.pdf (inchcapewind.com) and OnShore-EIA-Appendix-6C-3of-4.pdf (inchcapewind.com). Others include the EIAs for SSE Seagreen 1A and for the Cockenzie Combined Cycle Gas Turbine Power Station application.

notably the Nature Conservation (Scotland) Act 2004 and National Planning Framework 4 (NPF4). Furthermore, no reference is made to the fact that many wildfowl and wader populations in the Firth of Forth have already suffered long-term declines as a result of development impacts, disturbance and habitat loss[8], and that approximately one third of the Firth of Forth SPA/Ramsar's qualifying species are in unfavourable conservation status (Protected Nature Sites (sepa.org.uk), accessed 19.04.2024). The Councils around the Firth of Forth, together with the Scottish Government, NatureScot, businesses and local communities, need to be working together to ensure qualifying features of the SSSI, SPA and Ramsar site return to favourable conservation status.

Examples of the unsubstantiated downplaying of conservation importance of habitats or species, and of impacts are, for example, in Table 7-5 Summary of Baseline Conditions and Evaluation of Importance of Ecological Features, which includes the statement that 'The sand dunes within the study area are narrow and disturbed; therefore, it is considered they do not meet the SSSI designation criteria'. In Section 7.6.2.1.1 'Firth of Forth SPA and Ramsar', another unsubstantiated statement is made, 'The area temporarily lost during construction constitutes a narrow linear area adjacent to the coastline which experiences high levels of disturbance from public use. This area is not considered to be important habitat for qualifying interests of the Firth of Forth designated sites, in comparison to the large expanse of sand flats along the coastline and the lagoons at Levenhall Links'. There is, however, no evidence to back up these assertions, on factors such as prey availability, carrying capacity, exposure to disturbance, or any of the other influences that need to be considered in order to robustly assess these impacts. The same applies in the assessments made in Sections 7.6.3.1.1 Firth of Forth SPA and Ramsar, 7.6.3.1.2 Outer Firth of Forth and St Andrews Bay Complex SPA, and 7.6.3.1.3 Firth of Forth SSSI. These are sites of international and national importance for conservation, already under significant multiple pressures, and it is essential that assessments of impacts are evidence-based and robustly reasoned. This is not the case currently, and this must be rectified. It is therefore essential that the Council (or Scottish Ministers) exercise the right to request further evidence, through Further Environmental Information and in the finalised HRA, in accordance with EIA guidance (see for example, NatureScot and Historic Environment Scotland (2018), referred to in Footnote 1, specifically Section D. 6), <u>before confirming the Scheme.</u>

<u>Disturbance to Birds During the Scheme's Operational Phase</u>

Related to the point of objection above on lack of evidence to support the assessments on international and national designations (in Sections 7.6.3.1.1, 7.6.3.1.2 and 7. 6.3.1.3), the EIA Report notes that:-

'*The improvements to the active traffic network (particularly along the seawall and at the proposed Goose Green Footbridge)* <u>*may result in increased pedestrian and cyclist traffic, which may create increased operational disturbance to qualifying bird species*</u>'.

Evidently the Council's EIA Report makes it clear that it is uncertain whether or not the ATN works will result in increased active travel, in which case how can the expenditure, additional risk of impacts on internationally and nationally important designated sites, and carbon footprint of constructing these two ATN elements of the Scheme be justified? Without strong independent evidence that there will be sufficient active travel benefits, these two elements need to be removed

[8] e.g. McLusky, D., Bryant, D. and Elliott, M. (1992) The impact of land-claim on macrobenthos, fish and shorebirds on the Forth Estuary, eastern Scotland. *Aquatic Conservation*: *Marine and Freshwater Ecosystems* Volume 2, Issue 3, pp. 211-222, or Dwyer, R. (2010) Ecological and anthropogenic constraints on waterbirds of the Forth Estuary: population and behavioural responses to disturbance. *Environmental Science, Biology*.

from the Scheme (not least as there are already footpaths and cycle paths along these sections of the Scheme coastline).

That objection aside, these EIA Report sections contain no evidence to support the assessments made operational disturbance, and as such they are unsupported conjecture. This needs to be rectified (including in the HRA), firstly be inclusion of clear evidence-based and quantified prediction of the level of increased activity as a result of the ATN path and Goose Green Foot Bridge construction, compared to present levels [9], and secondly by ensuring the assessment of disturbance impacts on each qualifying species of the SPAs, Ramsar and SSSI are made on the basis of these predicted operational levels of activity, and supported by an appropriate level of detail and evidence.

Until such time as these are provided, I object to the Scheme.

Impacts on Recreational Amenity Over the Construction Period, Specifically Birdwatching

Musselburgh is one of the most visited birdwatching sites in Scotland (based on the number of referrals to the Musselburgh entry on the SOC's Where to Watch Birds in Scotland' mobile app), enjoyed by hundreds of visitors every year. This tourism and amenity value of the Scheme area for birdwatching is not given recognition in the EIA Report, and as a result there is insufficient attention given to mitigating disruption to this activity. This is significant because, as noted in EIA Report Section 4.7.3 'Sequencing of construction work', the Scheme's construction phase could take a period of five to ten years, imposing long-term damage to the area's use and reputation as an ornithology visitor attraction.

The Decision to Date by East Lothian Council Not To Publish the Draft HRA

No access has been provided to the current draft HRA for the Scheme. It would be greatly appreciated if the HRA could be made available by the Council, not least because, it would provide those with detailed local knowledge of the area's birds to provide useful feedback. In addition, in the meantime, it is respectfully suggested that the Council make a request to the SOC for relevant pre-existing bird data, and also to BTO, for species level and up-to-date WeBS data, so both sets of information can be included in the HRA and used as evidence to contribute to a robust assessment of effects from the Scheme alone and in combination with other plans and projects.

Please acknowledge receipt of my letter of objection, in writing. Please also advise me of next steps, and timescales. Thank you very much.

Yours Faithfully,

[redacted]

[9] Presumably these estimates are available from the business case for use of public money on the Musselburgh Active Travel Network.

Subject: (0619) Flood Protection Scheme
Sent: 24/04/2024, 22:19:14
From: [redacted]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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Musselburgh Flood Protection Scheme

Dear Sirs
I write to object to the proposals notified on 21st March 2024

Whilst I am dismayed at many of the ill-conceived proposals, I will take issue with what concerns me personally

I grew up in the area and appreciated the mental health and wellbeing benefits of being close to the river and sea. My late father and I spent many hours walking and cycling from Seafield to the Esk and beyond.

50 years later and living in differerent parts of the Lothians and in the USA, I return to Portobello and Musselburgh as a leisure cyclist. My friends and I cycle here and appreciate the bracing sea air. We often cycle by the coast then turn up the river into Musselburgh for a coffee or occasionally an ice cream.

There is nothing about the current route along Fisherrow seafront that prevents me, and my friends from making this journey. I can not imagine that the proposed Active travel path or the additional new bridge at the rivermouth would enhance my journey or my experience. In fact the proposed new bridge would limit my view of the sea. In addition the 'short-cut' would probably result in me and my fellow cyclists bypassing Musselburgh town centre completely.

I think the proposal for a wider cycle path that removes existing mature trees is an act of environmental vandalism and only, even in a small way, exacerbates the climate change challenge that we all face.

Yours sincerely,

[redacted]

Subject: (0620) Musselburgh Flood Protection Scheme
Sent: 24/04/2024, 22:21:14
From: [redacted]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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24.4.24

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.

I have lived in Musselburgh for over 20 years and the proposed plans will destroy what I love about Musselburgh - the river and sea views, the coastal walks, the wide open spaces. I urge for nature based solutions to be sought rather than the concrete monstrosities seen in the plans, for an event that may never happen at a HUGE cost.
In addition,
1. 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 coastline.
2. "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.
3. My enjoyment of land will be affected by scheme and its operations.
4. "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.
5. 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. My family and 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).
6. The Scheme does not offer alternative scenarios. It does not allow for nature based solutions.

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]

[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

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

As a resident and property owner of Musselburgh I have an interest in the land at my property address of [redacted]. My enjoyment of the land will be greatly curtailed by the operation of the proposed Scheme, the proposed Scheme operation will reduce my enjoyment of the land by cause of incessant noise, inconvenience and disruption. The publishes Scheme will have a substantial detrimental effect on the value of my land over the next 10-20 years, and that of most residents of Musselburgh. I require compensation to recompense me for the losses this Scheme will cause me and my family. Furthermore, the future loss of access to common good land along the proposed site will affect my, and my family members, mental health by limiting our use and access to the green spaces and trees with the Common Good land along the banks of the river and the shorefront. Its only in the last few years that the health benefits of nearby access to green spaces has become clear. I, and each of my family members require compensation for all of these resultant damages.

I am deeply disturbed by the way this Scheme has progressed to date, and the many flaws in the process and questionable decisions taken and conduct of the Musselburgh Flood Protection Scheme (MFPS) team and East Lothian Council (ELC), Councillors, council officials and decision-making processes.

The proposed Scheme is destroying all trust the residents of Musselburgh had in their Council. This rift which will continue to widen and deepen division between the Community and the council if the Scheme progresses.

I further object to the published Scheme on the following more specific grounds, over the following pages;

OBJECTION 1

The Scheme documents are too voluminous and complex in language and content for the general skills of a lay member of the community to be reasonably able to review in a timely fashion within the minimum 28-day period afforded. They have not been provided in a suitable language to allow residents to understand and make their informed objections to the Scheme, as required by law that they should be able to do so.

Supporting Rationale

Approximately 3400 pages containing on average 500 words per page have been made available to review. This equates to approximately 1,700,000 words that only *some* of the local residents and Community are able to access.

AI tools suggest it would take approximately 134 hours just to read all the information provided to the public. This equates to almost 4 hours of reading per day over 34 days. This is unreasonable in the timescale allowed. A much longer timescale should have been allowed. I request that Scottish Ministers consider the proposed Scheme in a Public Enquiry as a consequence.

Further time is needed to cross-check and consider the contents of the documents before being in a reasonable position to respond to the information provided and formulate clear objections.

This is not an accident but a deliberate attempt by the Musselburgh Flood Protection Scheme and East Lothian Council to minimise objections by residents and the local community, to a deeply unpopular Scheme.

It contravenes our legal rights.

The laws of Scotland require the proposed Scheme must be published and be clear and available for local people of all abilities to be able to access and make objections to. This has not happened.

OBJECTION 2

The published Scheme documents have been made available in paper form at a cost of £1000. This is not a reasonable cost for a 3400-page document. It is a deliberate and discriminatory action aimed at reducing valid Objections from those members of the public who are unable to afford the high cost of home computers and internet digital access and also discriminatory to those persons who do not have the physical capability to easily or conveniently visit the limited number of Council premises where the Scheme Documents are available for short restricted periods of access.

Supporting Rationale

Using several online print cost calculators from Scotland based printing companies, indicates that 200 bound copies of a 3400 A4 report would cost between **£140 and £250 per copy**.

The weight of such a document can be calculated to be in the region of 17-18kg, and for calculating delivery costs conservatively below 20kg. DHL ecommerce offers to deliver a <20Kg parcel for local delivery that would include all of East Lothian for **£4.99 per parcel**. Other quotes range in the tens of pounds per parcel.

Reasonable estimate of costs for printing, and delivering paper copies are in the order of £200 at very low print volumes.
It is not reasonable to charge £1000 per copy.

A £1000 copy price set by East Lothian Council is a deliberate attempt to disenfranchise and discriminate against members of the community suffering from poverty and mobility, minimise objections and exploit those most at risk of poverty.

Furthermore, section 53 of the Flood Risk Management (Scotland) Act 2009, states on the availability of documents for public inspection

((a)must be made available—

(i)free of charge,

(ii)at all reasonable times, and

(b)may be made available by such means, or in such formats, as the person required to make it available considers appropriate for the purpose of encouraging the inspection of it by members of the public.

The document was not made available free of charge, it was highlighted as being at a cost of £1000, a totally unreasonable price that did not reflect any reasonable cost of production and delivery. It therefore failed to encourage the inspection by the public that is meant to be encouraged. The law is clear in the 2009 Act and in other laws of Scotland with respect to publishing scheme documents for public review- it must be free of charge, not free of charge in only some formats. It was not free in printed format and did not follow the law. It was not free in printed format and so disadvantaged and discriminated against many parts of the community. It was not free of charge in printed format and so did not encourage the full range of citizen of our community to review the documents.

OBJECTION 3

The published Scheme documents have not been made available at all reasonable times to the public as required by law. No attempt was made by the Scheme proposer's to make the scheme documents available for inspection in MUSSELBURGH outside of what is a reduced set of normal working hours of Monday -Friday 10am-4pm.

These are the hours when the vast majority of working people are not available.

This is a further deliberate attempt to limit or silence our right to review and object as a community to the Scheme and aimed at limiting valid Objections and therefore infringing our legal rights.

Supporting Rationale

The Proposer's have deliberately made the Scheme documents available outside of normal working hours in Dalkeith! Not in Musselburgh. This is a further deliberate attempt to limit access, debate and valid objections. East Lothian Council and the MFPS are attempting to show adherence to the law whilst in fact wilfully limiting wider access to Scheme Documents and infringing our rights. Why was the decision made to only have access outside of working hours outside of Musselburgh? Where did they look for locations within Musselburgh? ELC and MFPS know this is not reasonable. Their own previous actions clearly demonstrate their

awareness that Monday-Friday 10am-4pm IS NOT a reasonable timeslot to allow the public and community to have access and availability to review maps plans and documents, as they themselves have previously arranged their Musselburgh residents' "Consultation" meetings outside of these hours to enable public participation. Typically, these consultations have been in the early evening, and in Musselburgh. They have purposefully deviated from their previous strategy of enabling and encouraging public participation through early evening availability, and instead opted for the unreasonable restriction of local availability to review the Scheme Documents. Why did they take that decision? It was clearly aimed at reducing rather than encouraging public participation.

OBJECTION 3

The published Scheme includes elements that are not correctly part of a Flood Protection Scheme as they are not measures that reduce the risk of flooding in Musselburgh. In fact, some will increase flood risk during their construction. The proposed Scheme includes the demolition of certain structures for the purpose of reducing overall flood risk. However, some elements of the demolished structures are not being replaced by similar structures that pose a lesser flood risk. What is included is additional structures that have no similarity to the demolished structures and serve no purpose as part of a Flood Protection Scheme. These are incorrectly included in the Scheme and I object to this as a misuse of the law governing Flood Protectino schemes in Scotland.

Examples of such elements that I object to and are included

1. ***the construction of numerous new bridges of new sizes different designs and in some cases completely different locations than those proposed to be removed/demolished to reduce flood risk***
2. **the inclusion of pathways alongside flood protection walls and structures that appear to be for the purpose of cyclists and pedestrians**
3. ***work to narrow the river in relation to providing enough base for the construction of one of the new bridges***

These and other measures similar to those listed here, are deliberate attempts to frustrate local democracy and bypass Planning law in Scotland and procedures that enable further public scrutiny and opportunity for objection.

Supporting Rationale

A flood protection scheme must reduce the flood risk. Several elements do not contribute at all to flood reduction, and are expensive elements that are not needed.

1) Bridges

The removal of a bridge *may be justified* as removing a hazard in the (very) unlikely future event of a major flood in Musselburgh, and therefore lowering the flood risk in Musselburgh. I'm not aware of the calculations that have been used to justify bridge removal have been independently scrutinised or available to the public, or shared with Councillors to provide confidence that these steps are necessary to reduce flood risk. I've seen summarised recommendations from Jacobs to ELC but not calculations that justify these recommendations. This information should have been reviewed closely as having a vital impact on Scheme costs.

Despite this, no such rationale holds for the construction of new bridges which are included in the published Scheme. New bridges do not reduce the flood risk, nor are they in some other way essential underpinning elements of the published Scheme. The Bridge replacements are simply matters for local convenience, and not part of measures to reduce flood risk. This is

clearly evidenced as the position and functionality of several bridges is being changed or moved for the *suggested* convenience of local residents. These are not matters for a Flood Protection Scheme. A continuous barrier along the river would provide a more effective reduction of flood risk along the Esk river and at much lower cost. This option has not been fully considered in the Scheme process.

As such, some or all of the new Bridge constructions should not be included within the Scheme. I object to those that have been wrongfully included in the Scheme and that cannot primarily reduce flood risk in Musselburgh. Their construction costs massively "balloon" the Scheme costs to the currently estimated £103 million.

I object to them being included in the Scheme and accessing money set aside by the Scottish Government for measures to reduce flood risk across Scotland. Their inclusion deprives other communities in Scotland that have a far more real and current flood risk than Musselburgh, from accessing these funds.

Several or all of the new Bridges should be subject to normal planning consents. All of the proposed bridges are monstrously different from the Bridges they replace in height, size, and shape and would have a negative impact on the amenity of Musselburgh. I object to their inclusion in the proposed Scheme as they do not reduce the flood risk, they arguably increase flood risk during their proposed construction phase were it to go ahead.

2) Pathways Alongside the Flood Walls

At places in the Flood Scheme the placement of flood walls seems to be chosen to allow large pathways for cyclists and pedestrians near to the wall structure where no path currently exists. These should also be excluded from the proposed Scheme and subject to planning review and consents and be excluded from the published Scheme. They are not part of measures to reduce flood risk, nor are they replacing similar paths that existed in or near to these locations. They are subjective design measures for supposed convenience. I object to their inclusion in the proposed scheme as they are not replacing something destroyed or lost in the scheme construction and do not reduce flood risk. They should be subject to normal planning procedures.

3) River Narrowing on Eskside East

This measure increases the flood risk in the event of a flood occurring, as it concentrates the water volume into a narrowed volume of space. Consequently, flood wall heights and costs have to increase to contain this the same water volume in a reduced volume of space. This does not reduce flood risk it increases it. I object to its wrongful inclusion in the proposed scheme. This step is to enable bridge construction, and demonstrates that the actions being proposed are not flood risk reduction but convenience measures for residents.

OBJECTION 4

The published Scheme needlessly demolishes and replaces the Ivanhoe Bridge even though this was reported as having negligible impact in managing flood risk by Jacobs in an earlier report to ELC.

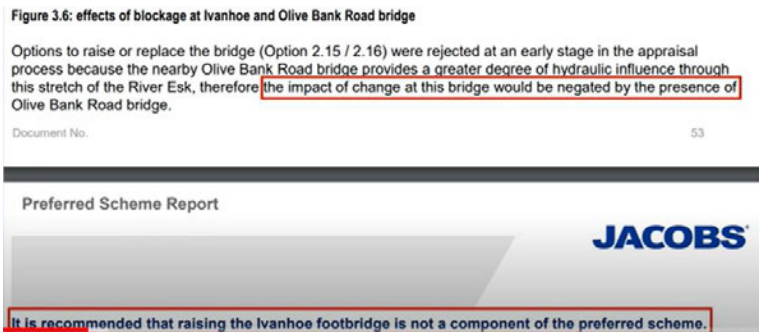


Figure 3.6: effects of blockage at Ivanhoe and Olive Bank Road bridge

Options to raise or replace the bridge (Option 2.15 / 2.16) were rejected at an early stage in the appraisal process because the nearby Olive Bank Road bridge provides a greater degree of hydraulic influence through this stretch of the River Esk, therefore the impact of change at this bridge would be negated by the presence of Olive Bank Road bridge.

Document No. 53

Preferred Scheme Report

JACOBS

It is recommended that raising the Ivanhoe footbridge is not a component of the preferred scheme.

If it has no benefit in reducing flood risk, then why is it included in a Flood Protection Scheme? Demolition will have a serious impact on the local environment with bats present in this location that will be disturbed. The demolition and construction will cause huge amounts of CO_2 release that further impacts our environment and increases the impact of climate change. A new replacement Bridge has no impact on flood reduction.

With no obvious reason for inclusion as a flood reducing measure, another reason must be the cause of this incorrect and unnecessary inclusion and expense. That reason was revealed (and is recorded) by Councillor Cassini who stated that the MFPS team had listened to her request to move the Ivanhoe Bridge location to make it its easier for her and un-named friends of hers to walk from the Eskview Crescent area of Musselburgh towards the town centre and Tescos.

This is both an astonishing revelation and a clear breach of a position of influence as a Councillor. In light of the previous recommendation from Jacobs that replacing the Ivanhoe Bridge served no benefit to the Flood Protection Scheme.

This has further incited public concern about the full purpose and design of the Proposed Scheme. An independent investigation and the rejection of the proposed scheme is what is really needed at this stage. A public enquiry is the very minimum that should follow the publication of the Proposed Scheme

OBJECTION 5

The published Scheme is a so called "trojan horse" and to my impression, it is a work of engineered mutually beneficial conspiracy between contracting companies engaged to design the MFPS and certain members or employees of East Lothian Council.

The aim of their conspiracy is to move future infrastructure costs of East Lothian Council related to bridge replacements in Musselburgh, and seawall repairs around the lagoons into the funding stream available from the Scottish Government for the purposes of reducing community flood risk, and thereby expanding the value of the construction contracts that certain conspirators will financially benefit from if the Scheme progresses.

The Scheme documents show that the majority of the expenditure is to be spent on new bridge construction costs as well as seawall "repairs" or "strengthening" required due to there being very limited maintenance expenditure on the lagoon sea walls over the last few decades. The Scheme is a convenient conduit to access government money for capital expenditure programmes such as bridge replacements.

The suspicions around the underlying motive for the proposed Scheme and the actions of how it has been developed and conducted procedurally, has undermined public trust in the process, and in ELC. It has caused a sharp rise in the Community's public concern about many and various aspects of the Scheme procedure and progression.
Those concerns are manifest throughout my individual objections but are summarised as MFPS action that include;

- ***unwillingness to provide key technical data for public scrutiny,***
- ***a campaign of misinformation and scaremongering in released materials and public comments aimed at creating fear of future flood events in Musselburgh, and duping residents into supporting the Scheme from fear,***
- ***misleading information sets released to Councillors to influence their understanding and views on the Scheme***
- ***unwillingness to engage with Musselburgh residents who have sought to understand the Scheme in an open and honest way***

I object to the proposed scheme for these reasons and ask that the Scheme is the subject of a Public Enquiry that will look at all aspects of the technical calculations, assumptions and decisions made to date to try to repair public trust that has been deeply eroded.

OBJECTION 6
The published Scheme is based on questionable and unsound scientific / technical analysis and "commentary" carried out by the consultant companies who have most to financially gain from the scheme construction. Throughout the Scheme's procedure the MFPS technical analysis has not undergone independent review or public scrutiny and should not be relied upon for any decision-making purposes. East Lothian Council and Councillors have failed in their duty to be able to understand and ensure a reasonable level of accuracy with, and reliance on, this information. Independent technical review of all such technical matters is required and I would ask that this matter be looked into further by Scottish Government Ministers as part of a public enquiry.

Contracted companies have financially gained from decisions made by ELC that are reliant on the veracity and accuracy of much of the technical information assembled. We must understand if reasonable care and attention was used by contractors in presenting this information to ELC and the public or if it was intended to mislead and deceive.

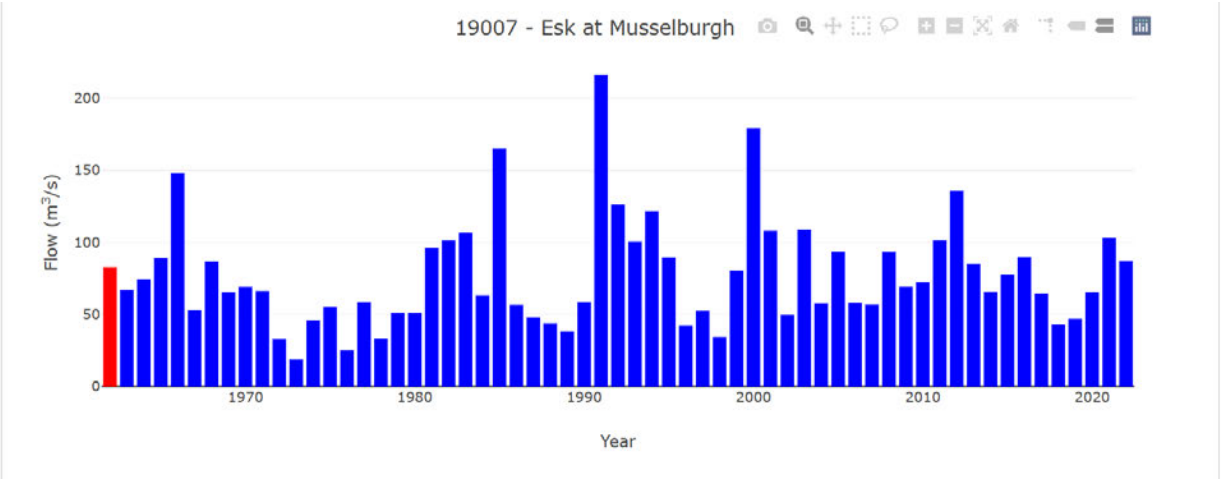
I object to the reliance on technical and scientific information that has not undergone rigorous independent scrutiny and debate as to its accuracy. Our public money should not be contingent or reliant on such information where the sources of such technical information have a conflict of interest, and where no independent verification has occurred.

Much of the technical information repeatedly presented to the public during the Scheme progression as underlying reasons for the Scheme is questionable. For example;

1) **Has Musselburgh's River flood risk increased over the last 30 years?**

Musselburgh has one river gauge on the Esk, which has publicly available high water river flow level values recorded for all years since 1963. By review, one can see that by dividing the data into two equal periods of 1963 to 1992 and 1993 to 2022 the incidence of high levels(volumes)

of river flow water (i.e. levels likely to cause flooding events) is largely unchanged when comparing the two periods. Arguably high-water river flow levels are fractionally LOWER in the more recent 30-year time period, with 3 of the 5 highest levels occurring between 1963 and 1992.



NRFA Station Peak Flow Data for 19007 - Esk at Musselburgh (ceh.ac.uk)

This is despite the fact that climate change is real, man-made and been affecting communities for the last 30-50 years. Musselburgh's measured flood frequency (by river level water peak flow volumes) has not appreciably increased in the last 30-50 years.

This raises reasonable concerns as to the reliance on modelled future flood predictions for Musselburgh and water flow calculations for the Esk catchment. Hydrology modelling is NOT an exact science and always has a high degree of uncertainty within it.

None of the technical work presented by contractors Jacobs and Conor Price Associates, or information supplied by SEPA has been subject to independent review and scrutiny and therefore the community of Musselburgh and I have no confidence in this underlying information that forms the base of MFPS rationale for a need for flood defence walls.

The frequency and intensity (river water levels) of future flood events in Musselburgh (or anywhere) are by their nature unknown at this time. Future *modelled predictions* of flood in Musselburgh, made by SEPA and MFPS as part of this Scheme procedure to calculate future water volumes and flow rates are their own arbitrary models and inputs, that appear inconsistent to the actual flood risk and flood frequency experienced in Musselburgh. This also calls into question the accuracy of flood maps produced by SEPA.

Climate change models of how earth's atmospheric conditions may change over longer timescales of e.g. 30–100-year time period from now, are accepted as having a wide margin of error by experts in the field within academia and industry. Looking approximately 50 years out the margin of error in EVERY modelled forecast is approaching 50%. This key uncertainty has not been highlighted or discussed with Councillors. Its not reasonable to make decisions without this information being shared and understood. Flood walls built supposedly to protect Musselburgh to circa 2075 in the propose Scheme, may be more than twice the level required, in that instance wasting public funds, and in their construction adding to climate change, loss of nature and biodiversity and damaging the community of Musselburgh's mental health. Similarly, they may be potentially half the size required by 2075, and be completely ineffective leading to a

similar waste of public money spent at this time, damage to the environment, and through the construction phase further damage to the community of Musselburgh's mental health including my own and my family.

2) Calculating the volume of water (river peak flows which approximate to river flood risk) for a 1 in 200-year flood event for Musselburgh (0.05% AEP)

Its widely agreed by experts in the field of flood management and modelling that to be able to *categorically* calculate a river volume equivalent to a 1 in 200-year risk event, one requires the availability of 200 years of accurate river level or flow data to have been recorded. Musselburgh only has data from 1963 onwards from its one measuring gauge location. This provides a little over 60 years of annual data and equal to only around 30% of the dataset required to provide a categorical value. Please note that the accepted procedure is to use actual recorded river data to achieve a categorical value.

When less than the full data-set (i.e. 200 years) is available, a 1 in 200-year risk event or 0.5% AEP can still be calculated or rather *estimated* by statistical analysis. However, the uncertainty in the value generated or the statistical risk or uncertainty increases substantially as you move further away from having a full dataset. We have only 30% of the required dataset. The uncertainty in this value being correct is extremely large. The MFPS creates further uncertainty by projecting forward in time to look at future changes in frequency of flood events based on the climate models of future atmospheric change.

I have previously asked for the MFPS calculations of their 1 in 200-year event for Musselburgh, based on current data available from annual peak river flows and also on their extrapolated calculations to fully understand the uncertainty in their figures. I and others in the Community have not been given any information. This has led to rising public concern as to why the MFPS are so unwilling to be subject to normal levels of technical scrutiny.

What are their key calculations and are they accurate?
A public enquiry is required to now assess and confirm the basis of all technical calculations that underpin the justification for this Scheme.

3) The 90-minute interval between highwater marks in the North and South Esk

Musselburgh Flood Protection Scheme has claimed that the opportunity for nature-based solutions is limited in the catchment as part of the Scheme as many measures would "slow water" from reaching Musselburgh but in doing so cause South and North Esk higher water river levels (volumes) to align having a negative effect on flooding risk. This has been frequently referred to as due to a regular and consistent 90-minute interval between the peak highest water levels arriving in Musselburgh town from the South and North Esk.

This has been checked using publicly available data and questioned by a flood expert from Heriot-Watt University, who has confirmed that in his opinion there was no consistent pattern at all to the interval between the two high water marks. This information was passed to MFPS but no public response has ever been given, and we believe the council were never informed by the MFPS team that this information had been questioned by an expert after independent analysis and is wrong.

If Councillors were not aware of this concern the information would have likely and reasonably affected their individual decisions as members of East Lothian Council to approve the scheme.

If they did know then Councillors were duty bound to provide more enquiry and investigation as to the reason for the MFS inaccurate technical statements. Which was it?
This further demonstrates the questionable basis of many of the procedural actions taken by the MFPS in progressing the scheme on dubious or discreditable technical information.

4) Costings for Building Coastal Dunes from MFPS

MFPS used an unreasonable calculation basis for estimating the cost of constructing dunes when appearing to report to ELC on the possibility of building more nature friendly sea defences in the form of large man-made dunes along the Musselburgh sea-front. The basis was of the cost of transferring sand from other areas of the country to construct sand-dunes and absorbing the cost of the acquired sand and the transportation. This was an unreasonable assumption. Someone with appropriate skills and concern for cost would have at least asked for comparative costings based on using available sand at the beach or recovered from the Firth of Forth. The dunes report also assumed atmospheric changes by 2030 and 2050 that were unchallenged or not commented on in the filmed council proceedings. The resultant cost figures went unchallenged by Councillors. The figures suggested that a dune building approach was uneconomic and not practical. That conclusions and supporting cost calculations would not have stood up to any level of independent expert scrutiny.

I object that, for a major investment project, there has been little to no independent scrutiny of key technical information prepared by the Consultants to MFPS to support or justify key decisions being taken in the Scheme by ELC.

In this manner the Councillors have also failed in their duties and their Code of Conduct to ensure they take reasonable actions to ensure the best decisions are taken for the good of the Community. Instead, they have relied on information from consultants who stand to gain financially from the progression of the Scheme, even when they have known and acknowledged their lack of capacity in technical matters. This is a failing in the procedure of the Scheme to which I object.

OBJECTION 8

I object to the published Scheme as certain East Lothian Councillors have admitted in written correspondence that they do not have the technical knowledge and understanding to properly review or understand the Scheme's numerous long and dense technical reports presented to them during the course of the Schemes progression. Recognising this deficiency, Councillors should have accessed independent expert advisors as a matter of urgency, to support and provide impartial guidance to them on this most significant and substantive matter that will potentially ruin the amenity of Musselburgh for the next 100 years.

With the costs ballooning over time ten-fold to over £100 million its justifiable to incur expert support costs to try to maintain public confidence in the Scheme's decision-making processes and to provide proper governance. Admissions that they did not have appropriate governance has caused public concern to rise, and lose all faith in this Scheme.

OBJECTION 9

I object to the published Scheme due to the lack of careful assessment of different options for flood protection that have not been considered by MFPS at the appropriate

points in time as the Scheme has progressed. Careful consideration at appropriate times in the Scheme progression may have led to numerous benefits to the community including;

- ***Better community support for a finalised Scheme***
- ***More successful engagement with the community by MFPS***
- ***Reduced environmental impact***
- ***More Nature based Solutions that can positively impact bio-diversity, climate change and the climate emergency***
- ***Less CO_2 emissions***
- ***Lower financial expenditure***
- ***Preservation of more trees and green space amenity that the community requires***

This has been a purposeful conspiracy by the contractors to ensure alternative approaches were not properly considered at the appropriate time, and that a Scheme would develop in scale and cost that progressed and would reflect their core competencies of constructing concrete walls and demolishing and constructing bridges, rather than any blended or alternative scheme that may be outside their competences or where they would gain less financially.

Supporting Rationale
Several options for flood defence approaches for Musselburgh were discarded by MFPS at an early stage in the Scheme process, and when the budget was around £8m. These were abandoned on the grounds of cost, that these other solutions did not fit within the then budget, and consequently were never developed into feasible options for the Community of Musselburgh and ELC to consider at a later stage. This was a failure in the Scheme process or demonstrates the MFPS team working with members of East Lothian Council, were not working to consider all available technical options that could deliver the best solution and best value for ELC.
I object to the proposed Scheme on the basis that options appraisal is deficient.

In the absence of any substantially developed options at an earlier phase, the Scheme should have been formally returned to the earlier Options Appraisal Phase on each occasion when the Scheme budget increased substantially. This would have allowed a reasonable assessment of the options.

It's astonishing that alternative options were never considered in any depth. In particular a more thorough appraisal of Natural Flood Management approaches, would have provided actions to fight the causes of climate change by sequestering carbon, and off-setting the damaging impact of the Scheme's construction.

In addition analysis of property level flood protection should have been considered more fully as it has additional advantages of potential lower cost, greater involvement and support from the Community, a lower carbon foot-print leading to a Scheme that would have less detrimental impact on the environment and less damaging CO_2 released into the atmosphere, less disruption to the residents and community of Musselburgh, less damage to the amenity of common good land, less mature trees removed. Crucially property level defences may also have yielded a *higher* level of flood protection, as it could also protect from surface water flooding in the occurrence of the 1 in 200-year flood event that the Scheme is supposedly expected to provide protection against.

Property level flood protection would be a much lower cost scheme. With the proposed Scheme protecting 3000 properties at a cost of greater than £34,000 per property it would be possible using property level flood defences including the fitting of non-return valves to all 3000 property's waste water pipes to prevent flooding from surface water and overflowing drainage systems. This would cost in the region of half of the current proposed Scheme costs.

Other options that should have been more fully considered include hydro-brake solutions that also offer a much lower level of environmental damage than the proposed Scheme, and would retain the much-valued amenity of Musselburgh green spaces along the river and sea-front, and could avert the need for disfiguring flood walls that stand to ruin the value of many residents' homes right across Musselburgh.

OBJECTION 10

I object to the published Scheme due to the detrimental effects it will have on the environment, and deficiencies in the Environmental Impact Assessment. These are many in nature.

OBJECTION 11

I object to the published Scheme due to the detrimental effect it will have on my mental health and that of family members mental health due to the needless damage to the environment that this scheme will cause, and the loss of access to green spaces near to our land. We require compensation for the damage this will cause us.

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]

Subject: (0622) Objection to the proposed flood scheme
Sent: 24/04/2024, 22:25:12
From: [redacted]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [redacted]

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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 Mr Grilli,
I, along with my husband, am the joint owner of [redacted], a residential property directly adjacent to the river Esk which will be extensively affected by the recently published Musselburgh Flood Protection Scheme. Our home enjoys a scenic view of the river and is shown as at risk of flooding in the SEPA flood risk maps. As a consequence of our home being in a flood risk area, our insurance is covered by the Flood Re scheme.
Whilst I am in favour of some form of flood defence in general, I have multiple objections to the scheme as published. My objections are listed below.
First objection:
The published environmental impact assessment (EIA) states that any damage to nearby structures caused by the construction works will be superficial. At no point were we contacted with a request for access to the house for the purposes of undertaking an inspection or survey or asked for any details regarding the construction type, depth of footings or any other information. The EIA can, therefore, only have been prepared on a superficial visual assessment of the property and any conclusion that extensive local heavy construction work would cause only superficial damage cannot be relied upon. In order to accurately establish the level of risk to properties close to piling activity at the very least a detailed examination of their current condition and foundations would be necessary. I therefore object to the scheme as proposed on the basis that the risk to the property posed by construction activities has not been accurately assessed. It is important to note that our property is a Victorian build, so survey of the foundations and impact of works is crucial.
Second Objection:
The EIA states that the acceptable noise limit for construction activities is 70db. The EIA also states that the noise level at [redacted] will be 79db [EIA Table 8.11], which is greater than the acceptable level. I therefore object to the scheme as proposed on the basis that noise levels from construction will exceed acceptable levels.
Third Objection:
The EIA states that the acceptable vibration level for construction activities is 1.0PPV (mm/s). The EIA also states that the vibration level at [redacted] will be 1.94PPV (mm/s) [EIA Table 8.14], almost double the recommended vibration limit criteria. I therefore object to the scheme as proposed on the basis that vibration levels from construction will exceed acceptable levels.
Fourth Objection:
In the proposed scheme the replacement Shorthope Street Bridge has its eastern end approximately 30 meters upstream of the existing footbridge [Drawing no. 701909-JEC-S5-W24- XXX-DR-Z-0001]. I object to this new alignment on the basis that it does not contribute to a reduction in flood risk for the town and will have a negative effect on the majority of bridge users who are travelling from Shorthope Street to North High Street. The current alignment of the bridge directly links Shorthope Street and North High Street and the new bridge will lengthen journeys unnecessarily which will have a particularly negative effect on disabled bridge users, a factor which I have not seen given the necessary consideration in the published documentation. I therefore object to the scheme as proposed on the basis that the revised alignment of the Shorthope Street bridge is not appropriate.
Fifth Objection:
At the east end of the proposed replacement Shorthope Street Bridge there are two large access ramps, one upstream and one downstream. On the west end of the bridge there is only one access ramp [Drawing no. 701909-JEC-S5-W24-XXX-DR-Z-0001]. The [redacted], and will therefore increase foot traffic [redacted]. It is entirely unnecessary for the bridge to have two ramps (as evidenced by the fact that there is only one ramp on the west side). This duplication also adds unnecessary additional cost to the construction of the bridge. I therefore object to the scheme as proposed on the basis that [redacted] whilst adding nothing to the scheme's ability to protect against flooding.
Sixth Objection:
The Schedule of Scheme Operations section 4.24 paragraph WS24-01 states that at work section 24 the wall will be 'a minimum heigh of 1, and a maximum height of 1.7m above finished ground level'. Drawing no. 701909-JEC-S5-W24-XXX-DR-Z-0001 shows a cross section illustrating the 1m height at a point [redacted]

[redacted] Despite asking the project team by email to confirm the design height of the wall in front of the property [redacted] I have received no such confirmation. As such I object to the proposed scheme on the basis that I have not been provided with an accurate assessment of how the scheme will affect sightlines from the property.

Seventh Objection:

Throughout the design process the 'Musselburgh Active Toun' (MAT) project has been incorporated into the flood scheme, however with the proposed design this has now been removed and is included in the drawings as 'presumed'. Aspects of the design of the proposed scheme are specifically intended to incorporate the MAT project, despite the fact that these will add nothing to the ability of the scheme to provide flood protection. The removal of the MAT project from this approval project creates two hazards. Firstly, if the scheme is approved as proposed there will be undue pressure to approve the MAT project as currently proposed as the flood scheme has been designed to incorporate it.

Secondly, if the MAT project is not approved, or is altered, the ancillary works on the east side of the river will not tie into appropriate infrastructure. I therefore object to the scheme as currently proposed as the scheme design has been excessively influenced by the MAT project including, but not limited to, river narrowing and bridge design, rather than MAT being designed around the scheme. As it currently stands the ancillary works (footbridges and paths) as designed on the east side of the river are contingent on the approval of an independent project in order to function as designed rather than being a fully independent design.

Eighth objection:

The council are being asked to approve the scheme on the basis of the information published by the project team. This information include photomontage 'artist's impressions' of what the scheme will look like when built, however these impressions do not provide a true and fair representation of the technical drawings published by the team. For your reference I provide the following, non- exhaustive, list of discrepancies:

The published drawings of the new Shorthope Street bridge [701909-JEC-S5-W34-XXX-DR-Z-0001] show that this is substantially higher than the existing bridge, however the photomontage included in Appendix B9 of the EIA [view 8 and view 9] shows that the bridge will be no higher than the existing bridge. This is clearly a misrepresentation of what the proposed scheme would look like if built.

The published plan of construction from the Rennie Bridge to Shorthope Street bridge [701909-JEC- S5-W24-XXX-DR-Z-0001] clearly shows that the access ramp for the new Shorthope Street bridge will end in front of [redacted]t, however the photomontage of this area which shows the whole frontage of [redacted] [EIA Appendix B9 Key View 10] shows no ramp. This is clearly a misrepresentation of what the proposed scheme would look like if built.

The photomontages included in the Design Statement of the Ivanhoe [figure 7], Shorthope St [figure 8], Electric [figure 9] and Goose Green [figure 10] bridges depict the bridges 'during design event' a design event is one which currently has less than a 0.5% AEP and will only reach this threshold in 2050. A design event is only expected to last for a few days at most. Depicting the bridges during a design event is highly misleading as for the vast majority of the time a design event will not be in occurrence, therefore these images cannot be said to provide a true and fair representation of how the bridges would look if constructed.

I therefore object to the scheme on the basis that some of the information provided to the public and the council for their approval does not provide a true and fair representation of the proposed scheme.

Ninth objection:

As mentioned above, I understand that that the footpath design on the East side of the river which is part of the MAT project has now been removed from the proposed scheme due to it not falling within the scope of the Flood Risk Management (Scotland) Act 2009 as it has no effect on the reduction of flood risk. For the sake of completeness, however, I would like to note here that I strongly object to the proposed path width at [redacted]. A 5m wide path is totally unnecessary, particularly considering that at this point [redacted] is a quiet access road, which is suitable for cyclist and pedestrian use. If the 5m wide path were constructed this would mean that the area in front of [redacted] would go from being a mostly grassy area to over 50% paved, having a substantial negative effect on the amenity of the area by making it less attractive.

Tenth objection:

The FAQ on the flood scheme website states that, within Jacobs, design work is prepared by an originator, checked by an independent checker and the reviewed by a third independent team stating: 'rigorous quality control process ensure that no individual within the designer's team is allowed to check their own work'. I note that the Stage 4 Outline Design Statement was prepared by [redacted] and checked by [redacted]r, who is also named as the reviewer. The schedule of scheme operations version p01.1 was authored by [redacted], checked and reviewed by [redacted] whilst subsequent versions were authored by [redacted] and checked and reviewed by [redacted]. Clearly [redacted] and [redacted] are not independent of each other as their roles as author and reviewer are interchangeable and these documents have not been subject to independent review. I therefore object to the proposed scheme on the basis that Jacobs have not followed their own policies regarding independent review.

Final concerns: I regret that the current maintenance of existing infrastructure around our property is severely lacking due to limits in council funding. We have severe issues with excessively deep potholes that are at the stage where so much water builds up that when a vehicle drives past, it splashes all over our period windows and doors and is contributing to rot in the woodwork. These have been reported multiple times. Additionally, when there is heavy rain, most of the water flows into the Esk via the green banks or into the ground. If these are paved with excessive concrete by way of wide active travel systems and bridge ramps, the natural, free-flowing drainage will be removed and replaced by more limited drainage that the council will be responsible to maintain using their limited funding. Given how the road outside our property is not maintained at present, it is difficult to have faith that even more complex and regular maintenance will be carried out. Ironically, the flood defences might protect us from a highly rare event, but are more likely to flood us with the far more regular periods of heavy rainfall.

Lastly, it would be a great shame if the communal leisure nature of the riverside, where people walk their dogs, sit and enjoy a picnic, or observe and interact with nature, were to be eroded. Removing the appeal means our riverfront property will get less

regular footfall because it will be a less desirable place to enjoy the river and spend time. Less footfall (apart from the cyclists getting to/from work) means it will become more isolated. Isolation means it will fall at risk of anti-social behaviour (currently taking place at the [redacted] - which is also the council's responsibility). I currently have little to no fear of our property being broken into (someone would certainly see because there are always people going back and forth even at night walking dogs) and have not felt any concern as a woman returning home at night on my own, however if the riverside deteriorates then the sense of community and safety we currently enjoy day to day will be forfeited.

Please acknowledge receipt of this letter. Yours sincerely,

[redacted]

[redacted]

24/4/2024

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 regularly visit Dalkeith country park.
I also walk my dog along the beach in Musselburgh and through the grove regularly.

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.

Flood Risk
Felling existing trees, both in Musselburgh and Dalkeith Park will reduce natural flood defences. Cutting down trees will also have a negative impact on the environment in a time of climate crisis. 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 a negative effect on the appearance of Musselburgh overall. It will take away the natural beauty and any tourism. The walls would be covered in graffiti almost immediately after being put up.

Cost
As an East Lothian resident, I object to the cost of the project. The council is currently closing public assets such as libraries, sports centres, the Brunton Hall and other facilities that are key in everyday lives of people in East Lothian yet is keen to progress with this negative plan.

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: (0624) Submission to Musselburgh Flood Protection Scheme consultation
Sent: 24/04/2024, 22:32:14
From: [redacted]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
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Dear Mr Grilli,

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

My name and address are:

[redacted]

I reside within close proximity to the river and the current proposals are not in keeping with the area and will negatively impact the quality of life for persons residing in the area.

Coastal defences and Dynamic Coast erosion report

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

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

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

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

Biodiversity

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

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

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

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

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

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

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

Yours sincerely,

Subject: (0625) flood scheme objection
Sent: 24/04/2024, 22:36:01
From: [redacted]
To: Musselburgh Flood Protection Objections

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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. Largely insufficient information about the project has been made public. The most important piece of information is how high the walls will be. The material that was published and sent to every how suggest that you know that exactly. Otherwise, it would be impossible to produce several digital image showing the wall height compared to adult people and children walking by. But such images are subject to choices that affect what they communicate (the choice of which people walks by the wall, how tall they are, and the perspective). Even assuming that such images are completely honest, it would be too generous to consider them as an acceptable way of communicating a wall height. On the contrary, it looks like they were produced (taking several days of efforts for multiple persons) to the sole purpose of avoiding to communicate the height of the wall - something as simple as typing a number on a keyboard. This is not how a project that will change radically the face and life of a town should be communicated. Maximum honesty and transparency are required.

2. Narrowing a river to enlarge a lane is a project that one might agree with or not, but it has nothing to do with preventing floods. On the contrary, if no other condition changes, narrowing the river will clearly make floods more likely. So it is not fair to include this project in the flood scheme. Furthermore, a quick look at the area in the morning (when it's most busy) will show that such information is not useful under any perspective, and not desirable. If you disagree, please consider the project in its context. You want to build a wall between the lane and the reason why it exists. Unless you think that a huge crowd will go to the coastline every day to admire the beautiful wall, you can safely suppose that the lane size is absolutely fine. But again, any project can be proposed, as long as things aren't mixed up in illogical ways to confuse the public. And again, maximum honesty and transparency are required.

3. Apparently, the council believes that the risks of a flood in the future won't be reasonable because of climate change. While this is supported by scientific studies, there doesn't seem to be any distinction between floods from the river and floods from the sea. These risks might be of a completely different scale, as far as we know. And if that is the case, the current flood scheme is irrational: some measures might make sense, others might be unnecessary. I don't think it is fair to discuss the scheme while the risk it should reduce is defined in such a nebulous way.

4. Walking along the river or the coastline is great for mental health, mood, and physical well-being. The wall will make such walks unpleasant, maybe even negative for mental health.

5. Most importantly, the council doesn't have the money for this project. A grant from the government will be used. But the maintenance of the wall, embarkements, and all other measures can't rely on perpetual grants from a government that exists to administer Scotland, not just Musselburgh. The council clearly doesn't have the money to maintain the scheme over time, and won't have such money in the future. Without maintenance, after a certain number of years, the supposed benefits of the flood scheme might disappear completely. This is not acceptable for such a controversial project with such a heavy impact. This fact alone is enough to ditch the whole project.

Yours Faithfully,

[redacted]

From: [redacted]

Sent: 24 April 2024 22:38
To: Musselburgh Flood Protection Objections
Subject: (0626 DUPLICATE OF 0080) Objections to Flood Scheme

Categories: [redacted]

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mso-fareast-font-family:"Times New Roman";color:#272626;mso-font-kerning:0pt;
mso-ligatures:none;mso-fareast-language:EN-GB">[redacted]

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"Times New Roman";mso-font-kerning:0pt;mso-ligatures:none;mso-fareast-language:
EN-GB">[redacted]olor:#272626;mso-font-kerning:0pt;mso-ligatures:none;mso-
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mso-fareast-font-family:"Times New Roman";color:#272626;mso-font-kerning:0pt;
mso-ligatures:none;mso-fareast-language:EN-GB">06/04/2024

"Times New Roman";color:#272626;mso-font-kerning:0pt;mso-ligatures:none;
mso-fareast-language:EN-GB">Carlo Grilli
Service Manager – Governance
Legal Services
East Lothian Council
John Muir House
Haddington
EH41 3HA
mso-font-kerning:0pt;mso-ligatures:none;mso-fareast-language:EN-GB">cgrilli@eastlothian.gov.uk"Times
New Roman";color:#272626;mso-font-kerning:0pt;mso-ligatures:none;
mso-fareast-language:EN-GB">

"Times New Roman";color:#272626;mso-font-kerning:0pt;mso-ligatures:none;
mso-fareast-language:EN-GB">Dear Carlo,

"Times New Roman";color:#272626;mso-font-kerning:0pt;mso-ligatures:none;
mso-fareast-language:EN-GB">I am writing to object to the recently published Musselburgh Flood Protection Scheme.

"Times New Roman";color:#272626;mso-font-kerning:0pt;mso-ligatures:none;
mso-fareast-language:EN-GB">I live just off the [redacted], within the area proposed as being under risk from flooding, walk daily along the Promenade, and regularly use the shared drying green overlooking the Forth, so will be personally affected by the excessively high, view-ruining walls the planned flood scheme. However, my concerns are wider.

"Times New Roman";color:#272626;mso-font-kerning:0pt;mso-ligatures:none;
mso-fareast-language:EN-GB">I also object to the published scheme because:

mso-font-kerning:0pt;mso-ligatures:none;mso-fareast-language:EN-GB">1. mso-font-kerning:0pt;mso-ligatures:none;mso-fareast-language:EN-GB">Cost

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mso-fareast-language:EN-GB">**

color:#272626;mso-font-kerning:0pt;mso-ligatures:none;mso-fareast-language:
EN-GB">The scheme is currently costed at £132m in total, including £53m for the flood protection part. Note 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?

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color:#272626;mso-font-kerning:0pt;mso-ligatures:none;mso-fareast-language:
EN-GB">£4m has been spent by December 2023 on design and consultations against a decreasing budget available for core Council services such as care for the elderly, essential community health and wellbeing amenities: libraries, leisure and culture (e.g. Brunton Hall repairs). Budget/spending priorities are wrong.

color:#272626;mso-font-kerning:0pt;mso-ligatures:none;mso-fareast-language:
EN-GB">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.

color:#272626;mso-font-kerning:0pt;mso-ligatures:none;mso-fareast-language:
EN-GB">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.

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mso-font-kerning:0pt;mso-ligatures:none;mso-fareast-language:EN-GB">2. mso-font-kerning:0pt;mso-ligatures:none;mso-fareast-language:EN-GB">Science/data

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mso-fareast-language:EN-GB">**

color:#272626;mso-font-kerning:0pt;mso-ligatures:none;mso-fareast-language:
EN-GB">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?

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color:#272626;mso-font-kerning:0pt;mso-ligatures:none;mso-fareast-language:
EN-GB">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?

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color:#272626;mso-font-kerning:0pt;mso-ligatures:none;mso-fareast-language:
EN-GB">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?

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color:#272626;mso-font-kerning:0pt;mso-ligatures:none;mso-fareast-language:
EN-GB">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.

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color:#272626;mso-font-kerning:0pt;mso-ligatures:none;mso-fareast-language:
EN-GB">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.

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color:#272626;mso-font-kerning:0pt;mso-ligatures:none;mso-fareast-language:
EN-GB">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.

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color:#272626;mso-font-kerning:0pt;mso-ligatures:none;mso-fareast-language:
EN-GB">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.

color:#272626;mso-font-kerning:0pt;mso-ligatures:none;mso-fareast-language:
EN-GB">The Scottish Government is heading towards NFM. On 23 December 2023, "Times New Roman";mso-font-kerning:0pt;mso-ligatures:none;mso-fareast-language:
EN-GB">the Minister statedcolor:#272626;mso-font-kerning:0pt;mso-ligatures:none;mso-fareast-language:
EN-GB"> "The Scottish Government recognizes the importance of natural flood management (NFM) measures in reducing, slowing or otherwise managing flood waters across catchments and along the coast while also delivering multiple environmental benefits." Why is ELC not in step with the Scottish Government?

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mso-font-kerning:0pt;mso-ligatures:none;mso-fareast-language:EN-GB">3. mso-font-kerning:0pt;mso-ligatures:none;mso-fareast-language:EN-GB">Transparency and process

color:#272626">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.

color:#272626">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'.

color:#272626">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.

color:#272626">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 are totally blurred.

color:#272626">Many people have sent letters and emails and received no response at all.

mso-font-kerning:0pt;mso-ligatures:none;mso-fareast-language:EN-GB">4. mso-font-kerning:0pt;mso-ligatures:none;mso-fareast-language:EN-GB">Multiple benefits and active travel

"Times New Roman";color:#272626;mso-font-kerning:0pt;mso-ligatures:none;
mso-fareast-language:EN-GB">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.

"Times New Roman";color:#272626;mso-font-kerning:0pt;mso-ligatures:none;
mso-fareast-language:EN-GB">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.

"Times New Roman";color:#272626;mso-font-kerning:0pt;mso-ligatures:none;
mso-fareast-language:EN-GB">The proposed new Goose Green bridge does not add flood protection to the town.

"Times New Roman";color:#272626;mso-font-kerning:0pt;mso-ligatures:none;
mso-fareast-language:EN-GB">The MAT proposals included in the scheme are now much grander than those originally discussed and consulted upon.

mso-font-kerning:0pt;mso-ligatures:none;mso-fareast-language:EN-GB">5. mso-font-kerning:0pt;mso-ligatures:none;mso-fareast-language:EN-GB">General amenity, health and well-being

"Times New Roman";color:#272626;mso-font-kerning:0pt;mso-ligatures:none;
mso-fareast-language:EN-GB">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.

"Times New Roman";color:#272626;mso-font-kerning:0pt;mso-ligatures:none;
mso-fareast-language:EN-GB">The banks of the Esk and Fisherrow Links are Common Good land, and any interruption to their use by the community should be compensated. Hundreds of people enjoy these amenities every day, where will they go to benefit from being in nature and by water?

"Times New Roman";color:#272626;mso-font-kerning:0pt;mso-ligatures:none;
mso-fareast-language:EN-GB">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.

"Times New Roman";color:#272626;mso-font-kerning:0pt;mso-ligatures:none;
mso-fareast-language:EN-GB">Please acknowledge receipt of my letter of objection, in writing. Please advise me of next steps, and timescales.

"Times New Roman";color:#272626;mso-font-kerning:0pt;mso-ligatures:none;
mso-fareast-language:EN-GB">Yours Faithfully,

"Times New Roman";color:#272626;mso-font-kerning:0pt;mso-ligatures:none;
mso-fareast-language:EN-GB">[redacted]

Subject: (0627) Submission to Musselburgh Flood Protection Scheme consultation
Sent: 24/04/2024, 22:37:47
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 proposed Musselburgh Flood Protection Scheme 2024 (the Scheme).

My name and address [redacted]

As a resident of Musselburgh for the past [redacted] I care deeply about the community, the local environment and the natural and accessible beauty of the river and beach at the heart of the town.

Coastal defences and Dynamic Coast erosion report

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

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

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

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

Biodiversity

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

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

for forest school and otherwise available to school pupils for their wellbeing and education.

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

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

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

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

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

Yours sincerely,

[redacted]

24.04.24

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.

Myself and family will be directly *affected by this scheme. We live near the sea and often walk along the sea front enjoying the views. Then our walk will lead along the river again enjoying the views, wildlife and beautiful trees.*
I work for [redacted] *and often run* [redacted] *walks around Musselburgh. Our most popular walks are by the harbour and river. These walks are for* [redacted] *an vital for their wellbeing. The lovely tree lined river lifts moods, babies love to see the leaves above them in the trees.*
How will the wall affect water life? There will be a slightly increase in temperature, resulting in damaging vital river life.

It has rained no stop for the ladt 6 months.....there have been NO major 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 via *email / post*.

Yours Faithfully

Include your first and second name here

Subject: (0629) Musselburgh Flood Prevention Scheme Objection
Sent: 24/04/2024, 22:40:50
From: [redacted]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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[redacted]

[redacted]

[redacted]

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

Dear Carlo Grilli

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

I live very close to the river and walk along the river and on the beach most days.

This area is of huge benefit to residents and visitors for their health and wellbeing. It also draws visitors who contribute to the economic vitality of our town.

I am concerned that not enough consideration and time has been spent on serious investigation and assessment of nature based solutions and building in flood resilience in the area. The possible impact of pushing problems on areas further downstream and along the coast need to be considered more.. Looking further upstream on the Esk and including other measures such as more tree planting of trees and pond creation.

The impact on the life of local people and of wildlife in the area would be huge.

I object to the published scheme because of the effect on wildlife, biodiversity and loss of ancient woodland at a time when these need to be supported and protected.All are essential in the environmentla wellbeing of the area.

I feel that exploration of nature based and other possible solutions including regenerative measures need to be highlighted alongside any possible building construction.

The loss of access to the river for considerable amounts of time, with construction that damages the area and causes massive disruption, including severe noise pollution.

Environmental pollution from building schemes need to be more fully evaluated

Please acknowledge receipt of my letter of objection in writing. Please advise me of next steps, and timescales.
I would like communication to be via email to [redacted]

Yours Faithfully,

[redacted]

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 current Musselburgh Flood Protection Scheme.

I live directly on the river [redacted]. My house is the [redacted]. I moved to the house [redacted]. I know the Musselburgh area extremely well and particularly the river, harbour and beach areas. As a [redacted]. As such I feel very qualified to comment on my objections, and I trust along with others that further adjustments can be made to these plans. I have attended open consultation day at the Brunton, and also been along to one of the open surgery with a member from the council and a contractor. In addition to this I have consulted various independent engineers that I know and so I consider myself very well informed.

Though the official interactions and consultations did much to comfort any concerns over the Musselburgh Protection Scheme, I write to object to the published scheme as it stands, for the following reasons. Listeed not in any preference order:

OBJECTION 1
As I say I live directly [redacted]. It is the [redacted]. Less worried about immediate possibility of water entering the property, I am hugely more concerned for the structural integrity of my house to be protected. I believe there is a survey that can be carried out at your expense to protect my property. If so I am requesting that. I am especially concerned as there is a [redacted], I have no idea if this will make me more vulnerable if the proposed works were to be carried out and I would wish for that to be inspected.

OBJECTION 2
I believe that that the heights of the walls planned for are too high and need to be reduced. All show the building up of the green bank area, so why at least 1.5m on top of that. Why not shorter and adapt to a grater height later if needed. The global warming predictions are too

vague, potentially over estimated, and clearly open to revision within the coming years – so why not build shorter walls and add to them later - if needed?

OBJECTION 3
When I bought the house [redacted] I was massively reassured that the flood defences of the town would be enhanced and repaired. They clearly need doing. But the budget was 5m where now it is 20m. Firstly this it is far too excessive expenditure of public and tax payers money, Secondly it is far too excessive a project incorporating massive works... to include all the active travel paths and create a concrete spaghetti junction around Mussselburgh is to ruin the oldest town in Scotland. Financially such huge projects always take longer and cost more than ever projected, and I am horrified at the 'piggy back' approach of welding these two plans together.

OBJECTION 4
I do not believe that the townsfolk can trust the images represented as flood defences. They are of dated style and not to scale. Almost all views from houses and benches will be ruined by proposed views. The meandering experience of walking by the river or beach will be changed forever and I do not understand how access will be made to waters edge for fisherman, and dogwalkers, adventurers and birdwatchers who currently do so when the tide is out.

OBJECTION 5
On the stretch between Shorthope and Electric Bridge there is little reason to have a travel path. It is a no through road and would be better served represented by a natural bank flood defence – as granted to the Eskside West stretch directly opposite. Both stretches are extremely picturesque and should be treated equally. Cannalling the river at this side is to curtail the picknickers, bench lunch break workers, and dogwalkers into a stark series of excessively wide pavements. 5 metres is an outrageous width. Nd with no seated view of the river its devastating. Swans, geese and ducks animal life that are currently free to roam on the banks and loved locally, will be heartbreakingly corralled. A pavement pathway into the river has no need for bicles as all bikes can access from New Street, and is the promenade extension and bridge at the rivers mouth… so I simply do not undertand what creating this path is all about. Obvious repair and improve the flood protection…but not with a street lit huge pavement in an area of such beauty. Not only my new neighbours are distressed about this, but servicemen who I have employed since my move who know the very soul of the area as well as me.

OBJECTION 6
Similar to objection 5 I believe the proposed flood defences demanding a bridge at the mouth of the River Esk to The Forth is excessive, unnecessary and visually catastrophic.

OBJECTION 7
I found it reassuring that the project team might promise to finish the works within five years. But knowing engineers working on the Scottish parliament and the tram works, I am seasoned in the reality of the extra costs and timescales involved. Not to mention the possibility of contractors abandoning projects, delays on materials etc. It is disturbing to think how long Musselburgh inhabitants would have to live with such works. Daily building pounding, transport of machinery and carbon footprint in terms of concrete and the chopping up of green spaces.

OBJECTION 8
Through there have been great progress made in the new lagoon /bird area I have witnessed how immediately the new path is now populated by young men on motor scooters whizzing by pedestrians out for an evening stroll. This will clearly extend to the currently tranquil harmonious

river bank area once excessively pathways might be built. Perhaps even motorised scooter rally racing as happens with cars on the high street late night.

OBJECTION 9
I have lived in inner city areas subjected to change all my life, [redacted] - without fail once a ramp or walls appear, so does (usually badly designed) graffiti appear. This would be come abundant Musselburgh.

OBJECTION 10
I am concerned about noise pollution of the works and the effect on my mental peace and health, and of those living around me.

OBJECTION 11
I am concerned that if these excessive walled pathways are built the beautiful evening peace of the river will be replaced with a dazzling row of light polluting street lamps.

OBJECTION 12
It has not been explained why the Flood Protection Team is basing its calculations for designs on a 100year projection of climate change, whilst also stating that flood defences would need to be redone after 60years. Nonsensical.

I am very sad to have so many objections. I could probably write more but am running two deadlines this evening. I badly see the defences need repair and improvement, but the whole project is currently totally over the top and wasteful, ultimately creating a fortress around the oldest town in Scotland. Rather than the contemporary 21st Century greener enhancement it deserves for flood protection.

Please acknowledge receipt of my letter of objection. I would be grateful of advice regarding next steps, and timescales. I would like communication to be via email or post.

Yours Faithfully

[redacted]

Subject: (0631) Objection - Musselburgh Flood Scheme
Sent: 24/04/2024, 22:51:41
From: [redacted]
To: Grilli, Carlo; Chief Executive; Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [redacted]

Some people who received this message don't often get email from cooieherd@gmail.com. Learn why this is important

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24 April 2024

Service Manager - Governance

Legal Services

East Lothian Council

John Muir House

Haddington

EH41 3HA

[redacted]

Dear Legal Services

I am writing to **object to the 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 is overkill.

3. I object to the lagoons wall section as this is not necessary to protect home in Musselburgh.

4. I object to the inclusion of proposed active travel scheme changes within the designs presented to the public. It is very difficult to determine what is truly flood defense and in the realms of Flood Management and what is not (and will require separate planning consent).

5. I object to the active travel ralong 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

6. I object to the proposed planting of a tree forest on links. A Scottish links is naturally open and tree planting will disrupt this environment

7. I object that there is no guarantee Fisherrow Links will not become a compound during the construction phase.

8. I also object that there is no guarantee the Mountjoy Terrace road 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. The narrowing of the river mouth would create a 'canal effect' and sea surges may flood the town. I object to the current design.

2. I object to the felling of trees to build walls/embankments along the river.

3. 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

1. The scheme has expanded from £9m to over £100m and that no fiscal restraint has been applied to the consultants. 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

2. The scheme not the council have not forecasted or budget for the maintenance or up keep of the area post implementation. The solution presented stated low maintenance options have been prioritised for the council rather that the correct option of the town.

Consultation

1. The release of documents and access to data, information and responses from the Scheme have been poor and in many cases but forthcoming. This is inadequate and does not allowed me to fully understand the scheme.

2. I. object to the inclusion of proposed active travel scheme changes within the designs presented to the public. It is very difficult to determine what is truly flood defense and in the realms of Flood Management and what is not (and will require separate planning consent).

•

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 including sports, pitch & putt. I walk daily along the coastline. 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

All communication with me must be made in writing via email or post. Please acknowledge receipt of my objection email and advise on next steps and actions.

Yours sincerely

Subject: (0632) Flood scheme objection letter
Sent: 24/04/2024, 23:01:06
From: [redacted]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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Wednesday, 24th April 2024

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

Dear Mr Grilli, 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 a personal interest in the land affected by the scheme and scheme operations at Fisherrow Links, Fisherrow coast and along the areas of river. I use these areas regularly to walk and cycle. My child also uses fisherrow links 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 my and my family's ability to continue to do so and disturb my enjoyment of the land. If the scheme proceeds in its present form without amendments I expect to be compensated for the sustained damage as a consequence of exercising my powers under the Act, Section 83 (1).

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

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

Yours Faithfully,

[redacted]

Sent from Outlook for iOS

[redacted]

24 April 2024

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 in West Holmes Gardens, at the river end of the street, so I will be directly affected by any potential flooding and also, flood protection works. I am objecting to the published scheme for the following reasons.

1. **Science/Data**

The proposed plans do not offer alternative scenarios. It is based on a 1:200 year +climate change event. Scottish Government guidance says that a range of scenarios should be included. No data for any of the scientific calculations has been provided.

The last major flood in Musselburgh was in 1948. I understand that climate change may mean there is increased risk of flooding here in future, but there are communities at much greater and more immediate risk such as Dumfries and Haddington. Schemes should have resources applied in order of need. We have time to plan for the best solution for Musselburgh, using more relevant and up to date information and strategies, and most importantly include working with nature. For the limited number of properties who may be affected in likelihood of any potential flooding they could be protected with demountable barriers, sandbags etc while we assess and implement Natural Flood Management (NFM).

2. **Natural Flood Management (NFM)**

NFM should be at the forefront of flood protection. Nature based solutions should be considered as part of a comprehensive re-assessment of the proposed plans. The landscape and coastline around Musselburgh naturally lends itself to nature based solutions.

There is currently no joined up thinking with the rest of the Esk catchment and more should be done upstream to slow/store any water so it doesn't flood into Musselburgh.

The Scottish Government is heading towards NFM. Recently Mairi McAllan MSP, Cabinet Secretary for Wellbeing Economy, Net Zero and Energy, stated in the Scottish Parliament (Question reference: S6W-23835) that "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 is not following this approach in Musselburgh.

3. Drainage

Recent bad weather has not resulted in any flooding in Musselburgh – the only surface flooding here has come from the many blocked drains.

4. Lack of transparency in plans

The vagueness and inconsistency of terminology in the plans, documentation and simulated images make it difficult to assess the exact intentions, and impact of this scheme.

5. Removal of MAT

East Lothian Council recently opted to remove the MAT scheme from the flood protection scheme however much of the scheme has been designed because of the MAT requirements. Components such as ramps, cycle routes and paved pathways all remain in the plans. Much of the MAT components involve concreting over areas which are currently grass, contain mature trees which would be felled and require narrowing of the river. These retained components are of no benefit to help with flooding, and actually will cause or exacerbate issues.

6. General Amenity, Health and Wellbeing

I walk/run along the riverbank and promenade every day. It is imperative for my mental health and wellbeing that this beautiful area is retained. Every day you see so many people out walking, running, walking their dogs, just sitting on benches catching up with friends and family, enjoying the views and peacefulness of the area. This whole area would be ruined by the proposed walls, embankments, concrete ramps, overly wide concrete pathways. Not to mention the removal of trees and the disruption of the wildlife. People come from all over the Lothians, and further afield to visit this area because of its beauty. A valuable open space would be lost to the community.

East Lothian Council also frequently use photographs of the riverbank in Musselburgh in their marketing materials due to the beauty and nature of the area.

7. Wildlife

The riverbank is currently full of wildlife such as ducks, geese, birds, swans, otters and bats (protected). These species should be protected. The plans proposed would obliterate their habitats. The geese and swans on the riverbank in particular bring such joy to the community every spring when the cygnets and goslings are seen in the river and on the riverbank.

8. Felling of mature trees

The number of mature trees being removed is extensive - the actual number is unclear from the published plans as wording has been added to specific trees that they will be kept "where possible". Trees are imperative for protection against flooding, prevent soil erosion and also provide shade for the river which helps the wildlife.

9. History of area

Musselburgh is the oldest town in Scotland and deserves better than the plans that are proposed. There is so much history here and the beautiful riverbank is the heart of the town. The historic Musselburgh Festival has activities that draw the whole area and community to the riverbank. Crowds gather at the riverbank for events such as the Duck Race and the Crusaders Chase where people watch the horses cross the ford at the Roman Bridge, and then gallop

along the beach on their way home. The loss of access to the river and riverbank would be a huge and devastating loss for the community.

10. Damage to property

There is substantial risk of potential damage to properties, including my own home and to others in the areas. The pile-driving at the Wireworks was extremely disruptive and uncomfortable to bear, both physically by feeling the effects of the constant vibration of the machine and mentally. Pile-driving for the flood protection work proposed will be required all along the riverbank in close proximity to my home. I expect an independent survey to be carried out on my own house and on my neighbour's properties, paid for by the scheme. [redacted]

11. Increased traffic congestion

Vehicles required to carry out the flood protection work will cause increased congestion and roads will be closed. This will be particularly disruptive along Mall Avenue, in an area where there is already substantial congestion.

12. Height of walls

The walls are built so on the dry side children could be able to climb or walk along the tops but if they fell in, on the wet side the heights are so high they would be unable to get out, and would make rescue very difficult.

The heights of the walls on the wet side would also stop wildlife being able to get onto the riverbank.

The height of the walls/embankments throughout the plans will obliterate any view of the river or coastline – this also impacts on children and people in wheelchairs.

The community will become disconnected from the river which is such a huge part of Musselburgh.

13. Graffiti

Creating concrete walkways, ramps and walls will serve as a blank canvas to those who choose to graffiti. There is already evidence of this in other parts of Musselburgh, and further afield to the new flood defences in Hawick.

Please acknowledge receipt of my letter of objection in writing.

Please advise me of next steps, and timescales. I would like communication to be only via email or post.

Kind regards,

[redacted]

Subject: (0634) (no subject)
Sent: 24/04/2024, 23:17:26
From: [redacted]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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[redacted]

Dear Sir,
I am writing to object to the recently published Musselburgh Flood Protection Scheme, as a lifetime resident of Musselburgh from birth and having lived in every part of the town also with my parents and grandparents residing at the Forth estuary in the 1940s the 48 flood that keeps being highlighted yes I remember it but it was not drastic enough then to warrant ruining our historic town with concrete walls.
Yes , I do believe that flood defences are needed for future climate changes but we also need to preserve a sustainable lifestyle for the environment and future generations.
We must not lose sight of what Musselburgh offers as a place to live ,bringing up those future generations to appreciate it with all it's history that attracts tourists from far and near whilst being a lovely scenic centre of town to sit and watch our wildlife which is good for our mental wellbeing there is nothing like a stroll down from the Roman bridge alongside the river to bring people peace and tranquillity or a walk along the promenade looking over to Fife this is the Musselburgh I grew up in , raised my children, grandchildren and now great grandchildren.

Historically speaking Musselburgh is famous for having the Oldest Golf Club, noted in Florida's Museum of Golf ,Royal Archers Trophy, Musselburgh Leeks and after many years of being stated as Edinburgh's our Musselburgh Racecourse and so much more .

What is being put forward in this project will be the ruination of Musselburgh as a pleasant place to live or visit using finance that could be beneficial elsewhere and certainly more needed.
Your faithfully
[redacted]

[redacted]

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

24th April 2024

Dear Carlo

I am writing to object to the proposed Musselburgh Flood Protection Scheme. I live close to the river and will be personally impacted by this in terms of amenity and the disruption. The evidence of similar schemes elsewhere shows that hard engineering such as this is never as effective as promised and has significant negative environmental impacts

I object to the published scheme because:

Cost of the scheme - East Lothian Council can ill afford the £100 Million proposed scheme, having one of the highest budget deficits in the UK

A more holistic approach to natural flood management for Musselburgh is critically important to develop an environmentally sustainable flood resilience throughout the county. This overengineered and expensive proposal relying only on hard engineering solutions is highly unlikely to provide a sustainable model for addressing the flood risk.

Failure to acknowledge the negative impacts: The proposed concrete scheme is based on decades old thinking and will increase risk of flooding and due to river narrowing and trapping of floodwaters that breach the walls. The construction will be responsible for enormous greenhouse gas emissions. Minimal mention of the negative impacts is beyond irresponsible and smacks of a desperate attempt to justify a terribly poor decision. Building coastal walls can also increase flood risk in other areas e.g. reflected waves from walls causing erosion further along the coast. The recently published Dynamic Coast report on coastal climate change at Musselburgh questions the building of coastal walls.

The green washed insubstantial efforts to mitigate loss of biodiversity is unconvincing and inadequate. The long established bird and plant life will suffer catastrophic loss under this concrete.

The design and strategy are completely outdated. All the evidence from catchment-wide flood management schemes suggests there are multiple successful alternative options which could have been included, such as floodplain restoration, restoring river bends to slow the water, even beaver-built dams and more obviously riverside/coastal planting of indigenous vegetation.

I would echo the calls for a Public Local Inquiry in light of recent changes in flood management policy, national planning policy, coastal climate change advice and local objections.

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

Yours sincerely

[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

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

As a resident and property owner of Musselburgh I have an interest in the land at my property address of [redacted]. My enjoyment of the land will be greatly curtailed by the operation of the proposed Scheme, the proposed Scheme operation will reduce my enjoyment of the land by cause of incessant noise, inconvenience and disruption. The publishes Scheme will have a substantial detrimental effect on the value of my land over the next 10-20 years, and that of most residents of Musselburgh. I require compensation to recompense me for the losses this Scheme will cause me and my family. Furthermore, the future loss of access to common good land along the proposed site will affect my, and my family members, mental health by limiting our use and access to the green spaces and trees with the Common Good land along the banks of the river and the shorefront. Its only in the last few years that the health benefits of nearby access to green spaces has become clear. I, and each of my family members require compensation for all of these resultant damages.

I am deeply disturbed by the way this Scheme has progressed to date, and the many flaws in the process and questionable decisions taken and conduct of the Musselburgh Flood Protection Scheme (MFPS) team and East Lothian Council (ELC), Councillors, council officials and decision-making processes.

The proposed Scheme is destroying all trust the residents of Musselburgh had in their Council. This rift which will continue to widen and deepen division between the Community and the council if the Scheme progresses.

I further object to the published Scheme on the following more specific grounds, over the following pages;

OBJECTION 1

The Scheme documents are too voluminous and complex in language and content for the general skills of a lay member of the community to be reasonably able to review in a timely fashion within the minimum 28-day period afforded. They have not been provided in a suitable language to allow residents to understand and make their informed objections to the Scheme, as required by law that they should be able to do so.

Supporting Rationale

Approximately 3400 pages containing on average 500 words per page have been made available to review. This equates to approximately 1,700,000 words that only *some* of the local residents and Community are able to access.

AI tools suggest it would take approximately 134 hours just to read all the information provided to the public. This equates to almost 4 hours of reading per day over 34 days. This is unreasonable in the timescale allowed. A much longer timescale should have been allowed. I request that Scottish Ministers consider the proposed Scheme in a Public Enquiry as a consequence.

Further time is needed to cross-check and consider the contents of the documents before being in a reasonable position to respond to the information provided and formulate clear objections.

This is not an accident but a deliberate attempt by the Musselburgh Flood Protection Scheme and East Lothian Council to minimise objections by residents and the local community, to a deeply unpopular Scheme.

It contravenes our legal rights.

The laws of Scotland require the proposed Scheme must be published and be clear and available for local people of all abilities to be able to access and make objections to. This has not happened.

OBJECTION 2

The published Scheme documents have been made available in paper form at a cost of £1000. This is not a reasonable cost for a 3400-page document. It is a deliberate and discriminatory action aimed at reducing valid Objections from those members of the public who are unable to afford the high cost of home computers and internet digital access and also discriminatory to those persons who do not have the physical capability to easily or conveniently visit the limited number of Council premises where the Scheme Documents are available for short restricted periods of access.

Supporting Rationale

Using several online print cost calculators from Scotland based printing companies, indicates that 200 bound copies of a 3400 A4 report would cost between **£140 and £250 per copy**.

The weight of such a document can be calculated to be in the region of 17-18kg, and for calculating delivery costs conservatively below 20kg. DHL ecommerce offers to deliver a <20Kg parcel for local delivery that would include all of East Lothian for **£4.99 per parcel**. Other quotes range in the tens of pounds per parcel.

Reasonable estimate of costs for printing, and delivering paper copies are in the order of £200 at very low print volumes.
It is not reasonable to charge £1000 per copy.

A £1000 copy price set by East Lothian Council is a deliberate attempt to disenfranchise and discriminate against members of the community suffering from poverty and mobility, minimise objections and exploit those most at risk of poverty.

Furthermore, section 53 of the Flood Risk Management (Scotland) Act 2009, states on the availability of documents for public inspection

((a)must be made available—

(i)free of charge,

(ii)at all reasonable times, and

(b)may be made available by such means, or in such formats, as the person required to make it available considers appropriate for the purpose of encouraging the inspection of it by members of the public.

The document was not made available free of charge, it was highlighted as being at a cost of £1000, a totally unreasonable price that did not reflect any reasonable cost of production and delivery. It therefore failed to encourage the inspection by the public that is meant to be encouraged. The law is clear in the 2009 Act and in other laws of Scotland with respect to publishing scheme documents for public review- it must be free of charge, not free of charge in only some formats. It was not free in printed format and did not follow the law. It was not free in printed format and so disadvantaged and discriminated against many parts of the community. It was not free of charge in printed format and so did not encourage the full range of citizen of our community to review the documents.

OBJECTION 3

The published Scheme documents have not been made available at all reasonable times to the public as required by law. No attempt was made by the Scheme proposer's to make the scheme documents available for inspection in MUSSELBURGH outside of what is a reduced set of normal working hours of Monday -Friday 10am-4pm.

These are the hours when the vast majority of working people are not available.

This is a further deliberate attempt to limit or silence our right to review and object as a community to the Scheme and aimed at limiting valid Objections and therefore infringing our legal rights.

Supporting Rationale

The Proposer's have deliberately made the Scheme documents available outside of normal working hours in Dalkeith! Not in Musselburgh. This is a further deliberate attempt to limit access, debate and valid objections. East Lothian Council and the MFPS are attempting to show adherence to the law whilst in fact wilfully limiting wider access to Scheme Documents and infringing our rights. Why was the decision made to only have access outside of working hours outside of Musselburgh? Where did they look for locations within Musselburgh? ELC and MFPS know this is not reasonable. Their own previous actions clearly demonstrate their

awareness that Monday-Friday 10am-4pm IS NOT a reasonable timeslot to allow the public and community to have access and availability to review maps plans and documents, as they themselves have previously arranged their Musselburgh residents' "Consultation" meetings outside of these hours to enable public participation. Typically, these consultations have been in the early evening, and in Musselburgh. They have purposefully deviated from their previous strategy of enabling and encouraging public participation through early evening availability, and instead opted for the unreasonable restriction of local availability to review the Scheme Documents. Why did they take that decision? It was clearly aimed at reducing rather than encouraging public participation.

OBJECTION 3

The published Scheme includes elements that are not correctly part of a Flood Protection Scheme as they are not measures that reduce the risk of flooding in Musselburgh. In fact, some will increase flood risk during their construction. The proposed Scheme includes the demolition of certain structures for the purpose of reducing overall flood risk. However, some elements of the demolished structures are not being replaced by similar structures that pose a lesser flood risk. What is included is additional structures that have no similarity to the demolished structures and serve no purpose as part of a Flood Protection Scheme. These are incorrectly included in the Scheme and I object to this as a misuse of the law governing Flood Protectino schemes in Scotland.

Examples of such elements that I object to and are included

1. ***the construction of numerous new bridges of new sizes different designs and in some cases completely different locations than those proposed to be removed/demolished to reduce flood risk***
2. **the inclusion of pathways alongside flood protection walls and structures that appear to be for the purpose of cyclists and pedestrians**
3. ***work to narrow the river in relation to providing enough base for the construction of one of the new bridges***

These and other measures similar to those listed here, are deliberate attempts to frustrate local democracy and bypass Planning law in Scotland and procedures that enable further public scrutiny and opportunity for objection.

Supporting Rationale

A flood protection scheme must reduce the flood risk. Several elements do not contribute at all to flood reduction, and are expensive elements that are not needed.

1) Bridges

The removal of a bridge *may be justified* as removing a hazard in the (very) unlikely future event of a major flood in Musselburgh, and therefore lowering the flood risk in Musselburgh. I'm not aware of the calculations that have been used to justify bridge removal have been independently scrutinised or available to the public, or shared with Councillors to provide confidence that these steps are necessary to reduce flood risk. I've seen summarised recommendations from Jacobs to ELC but not calculations that justify these recommendations. This information should have been reviewed closely as having a vital impact on Scheme costs.

Despite this, no such rationale holds for the construction of new bridges which are included in the published Scheme. New bridges do not reduce the flood risk, nor are they in some other way essential underpinning elements of the published Scheme. The Bridge replacements are simply matters for local convenience, and not part of measures to reduce flood risk. This is

clearly evidenced as the position and functionality of several bridges is being changed or moved for the *suggested* convenience of local residents. These are not matters for a Flood Protection Scheme. A continuous barrier along the river would provide a more effective reduction of flood risk along the Esk river and at much lower cost. This option has not been fully considered in the Scheme process.

As such, some or all of the new Bridge constructions should not be included within the Scheme. I object to those that have been wrongfully included in the Scheme and that cannot primarily reduce flood risk in Musselburgh. Their construction costs massively "balloon" the Scheme costs to the currently estimated £103 million.

I object to them being included in the Scheme and accessing money set aside by the Scottish Government for measures to reduce flood risk across Scotland. Their inclusion deprives other communities in Scotland that have a far more real and current flood risk than Musselburgh, from accessing these funds.

Several or all of the new Bridges should be subject to normal planning consents. All of the proposed bridges are monstrously different from the Bridges they replace in height, size, and shape and would have a negative impact on the amenity of Musselburgh. I object to their inclusion in the proposed Scheme as they do not reduce the flood risk, they arguably increase flood risk during their proposed construction phase were it to go ahead.

2) Pathways Alongside the Flood Walls

At places in the Flood Scheme the placement of flood walls seems to be chosen to allow large pathways for cyclists and pedestrians near to the wall structure where no path currently exists. These should also be excluded from the proposed Scheme and subject to planning review and consents and be excluded from the published Scheme. They are not part of measures to reduce flood risk, nor are they replacing similar paths that existed in or near to these locations. They are subjective design measures for supposed convenience. I object to their inclusion in the proposed scheme as they are not replacing something destroyed or lost in the scheme construction and do not reduce flood risk. They should be subject to normal planning procedures.

3) River Narrowing on Eskside East

This measure increases the flood risk in the event of a flood occurring, as it concentrates the water volume into a narrowed volume of space. Consequently, flood wall heights and costs have to increase to contain this the same water volume in a reduced volume of space. This does not reduce flood risk it increases it. I object to its wrongful inclusion in the proposed scheme. This step is to enable bridge construction, and demonstrates that the actions being proposed are not flood risk reduction but convenience measures for residents.

OBJECTION 4

The published Scheme needlessly demolishes and replaces the Ivanhoe Bridge even though this was reported as having negligible impact in managing flood risk by Jacobs in an earlier report to ELC.

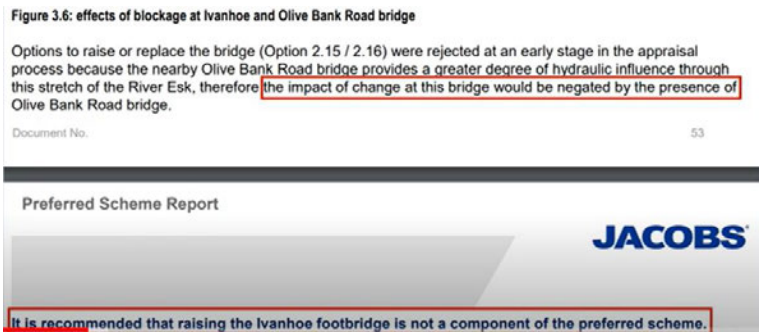


Figure 3.6: effects of blockage at Ivanhoe and Olive Bank Road bridge

Options to raise or replace the bridge (Option 2.15 / 2.16) were rejected at an early stage in the appraisal process because the nearby Olive Bank Road bridge provides a greater degree of hydraulic influence through this stretch of the River Esk, therefore the impact of change at this bridge would be negated by the presence of Olive Bank Road bridge.

Document No. 53

Preferred Scheme Report

JACOBS

It is recommended that raising the Ivanhoe footbridge is not a component of the preferred scheme.

If it has no benefit in reducing flood risk, then why is it included in a Flood Protection Scheme? Demolition will have a serious impact on the local environment with bats present in this location that will be disturbed. The demolition and construction will cause huge amounts of CO_2 release that further impacts our environment and increases the impact of climate change. A new replacement Bridge has no impact on flood reduction.

With no obvious reason for inclusion as a flood reducing measure, another reason must be the cause of this incorrect and unnecessary inclusion and expense. That reason was revealed (and is recorded) by Councillor Cassini who stated that the MFPS team had listened to her request to move the Ivanhoe Bridge location to make it its easier for her and un-named friends of hers to walk from the Eskview Crescent area of Musselburgh towards the town centre and Tescos.

This is both an astonishing revelation and a clear breach of a position of influence as a Councillor. In light of the previous recommendation from Jacobs that replacing the Ivanhoe Bridge served no benefit to the Flood Protection Scheme.

This has further incited public concern about the full purpose and design of the Proposed Scheme. An independent investigation and the rejection of the proposed scheme is what is really needed at this stage. A public enquiry is the very minimum that should follow the publication of the Proposed Scheme

OBJECTION 5

The published Scheme is a so called "trojan horse" and to my impression, it is a work of engineered mutually beneficial conspiracy between contracting companies engaged to design the MFPS and certain members or employees of East Lothian Council.

The aim of their conspiracy is to move future infrastructure costs of East Lothian Council related to bridge replacements in Musselburgh, and seawall repairs around the lagoons into the funding stream available from the Scottish Government for the purposes of reducing community flood risk, and thereby expanding the value of the construction contracts that certain conspirators will financially benefit from if the Scheme progresses.

The Scheme documents show that the majority of the expenditure is to be spent on new bridge construction costs as well as seawall "repairs" or "strengthening" required due to there being very limited maintenance expenditure on the lagoon sea walls over the last few decades. The Scheme is a convenient conduit to access government money for capital expenditure programmes such as bridge replacements.

The suspicions around the underlying motive for the proposed Scheme and the actions of how it has been developed and conducted procedurally, has undermined public trust in the process, and in ELC. It has caused a sharp rise in the Community's public concern about many and various aspects of the Scheme procedure and progression.
Those concerns are manifest throughout my individual objections but are summarised as MFPS action that include;

- ***unwillingness to provide key technical data for public scrutiny,***
- ***a campaign of misinformation and scaremongering in released materials and public comments aimed at creating fear of future flood events in Musselburgh, and duping residents into supporting the Scheme from fear,***
- ***misleading information sets released to Councillors to influence their understanding and views on the Scheme***
- ***unwillingness to engage with Musselburgh residents who have sought to understand the Scheme in an open and honest way***

I object to the proposed scheme for these reasons and ask that the Scheme is the subject of a Public Enquiry that will look at all aspects of the technical calculations, assumptions and decisions made to date to try to repair public trust that has been deeply eroded.

OBJECTION 6
The published Scheme is based on questionable and unsound scientific / technical analysis and "commentary" carried out by the consultant companies who have most to financially gain from the scheme construction. Throughout the Scheme's procedure the MFPS technical analysis has not undergone independent review or public scrutiny and should not be relied upon for any decision-making purposes. East Lothian Council and Councillors have failed in their duty to be able to understand and ensure a reasonable level of accuracy with, and reliance on, this information. Independent technical review of all such technical matters is required and I would ask that this matter be looked into further by Scottish Government Ministers as part of a public enquiry.

Contracted companies have financially gained from decisions made by ELC that are reliant on the veracity and accuracy of much of the technical information assembled. We must understand if reasonable care and attention was used by contractors in presenting this information to ELC and the public or if it was intended to mislead and deceive.

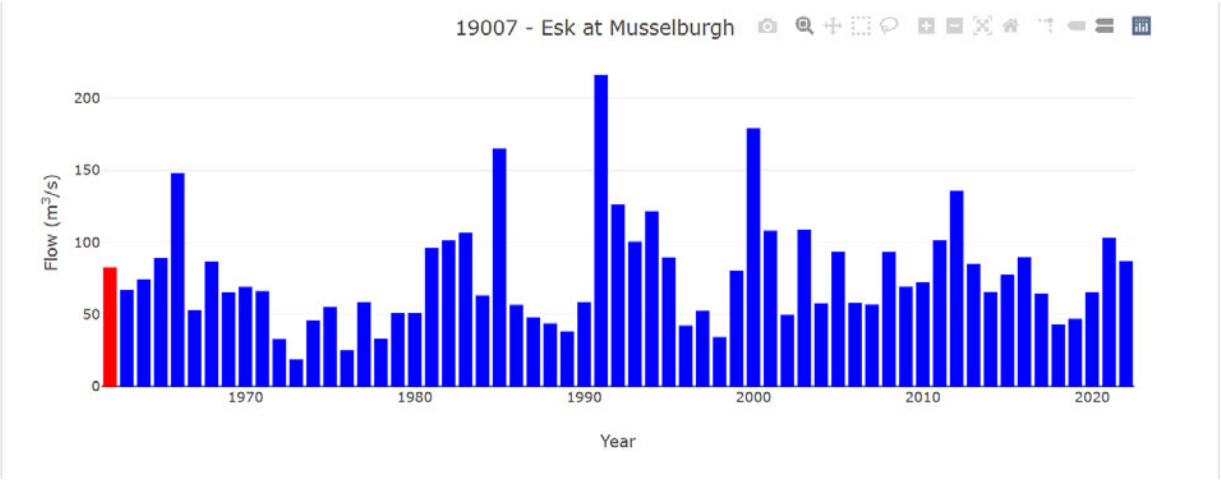
I object to the reliance on technical and scientific information that has not undergone rigorous independent scrutiny and debate as to its accuracy. Our public money should not be contingent or reliant on such information where the sources of such technical information have a conflict of interest, and where no independent verification has occurred.

Much of the technical information repeatedly presented to the public during the Scheme progression as underlying reasons for the Scheme is questionable. For example;

1) **Has Musselburgh's River flood risk increased over the last 30 years?**

Musselburgh has one river gauge on the Esk, which has publicly available high water river flow level values recorded for all years since 1963. By review, one can see that by dividing the data into two equal periods of 1963 to 1992 and 1993 to 2022 the incidence of high levels(volumes)

of river flow water (i.e. levels likely to cause flooding events) is largely unchanged when comparing the two periods. Arguably high-water river flow levels are fractionally LOWER in the more recent 30-year time period, with 3 of the 5 highest levels occurring between 1963 and 1992.



NRFA Station Peak Flow Data for 19007 - Esk at Musselburgh (ceh.ac.uk)

This is despite the fact that climate change is real, man-made and been affecting communities for the last 30-50 years. Musselburgh's measured flood frequency (by river level water peak flow volumes) has not appreciably increased in the last 30-50 years.

This raises reasonable concerns as to the reliance on modelled future flood predictions for Musselburgh and water flow calculations for the Esk catchment. Hydrology modelling is NOT an exact science and always has a high degree of uncertainty within it.

None of the technical work presented by contractors Jacobs and Conor Price Associates, or information supplied by SEPA has been subject to independent review and scrutiny and therefore the community of Musselburgh and I have no confidence in this underlying information that forms the base of MFPS rationale for a need for flood defence walls.

The frequency and intensity (river water levels) of future flood events in Musselburgh (or anywhere) are by their nature unknown at this time. Future *modelled predictions* of flood in Musselburgh, made by SEPA and MFPS as part of this Scheme procedure to calculate future water volumes and flow rates are their own arbitrary models and inputs, that appear inconsistent to the actual flood risk and flood frequency experienced in Musselburgh. This also calls into question the accuracy of flood maps produced by SEPA.

Climate change models of how earth's atmospheric conditions may change over longer timescales of e.g. 30–100-year time period from now, are accepted as having a wide margin of error by experts in the field within academia and industry. Looking approximately 50 years out the margin of error in EVERY modelled forecast is approaching 50%. This key uncertainty has not been highlighted or discussed with Councillors. Its not reasonable to make decisions without this information being shared and understood. Flood walls built supposedly to protect Musselburgh to circa 2075 in the propose Scheme, may be more than twice the level required, in that instance wasting public funds, and in their construction adding to climate change, loss of nature and biodiversity and damaging the community of Musselburgh's mental health. Similarly, they may be potentially half the size required by 2075, and be completely ineffective leading to a

similar waste of public money spent at this time, damage to the environment, and through the construction phase further damage to the community of Musselburgh's mental health including my own and my family.

2) Calculating the volume of water (river peak flows which approximate to river flood risk) for a 1 in 200-year flood event for Musselburgh (0.05% AEP)

Its widely agreed by experts in the field of flood management and modelling that to be able to *categorically* calculate a river volume equivalent to a 1 in 200-year risk event, one requires the availability of 200 years of accurate river level or flow data to have been recorded. Musselburgh only has data from 1963 onwards from its one measuring gauge location. This provides a little over 60 years of annual data and equal to only around 30% of the dataset required to provide a categorical value. Please note that the accepted procedure is to use actual recorded river data to achieve a categorical value.

When less than the full data-set (i.e. 200 years) is available, a 1 in 200-year risk event or 0.5% AEP can still be calculated or rather *estimated* by statistical analysis. However, the uncertainty in the value generated or the statistical risk or uncertainty increases substantially as you move further away from having a full dataset. We have only 30% of the required dataset. The uncertainty in this value being correct is extremely large. The MFPS creates further uncertainty by projecting forward in time to look at future changes in frequency of flood events based on the climate models of future atmospheric change.

I have previously asked for the MFPS calculations of their 1 in 200-year event for Musselburgh, based on current data available from annual peak river flows and also on their extrapolated calculations to fully understand the uncertainty in their figures. I and others in the Community have not been given any information. This has led to rising public concern as to why the MFPS are so unwilling to be subject to normal levels of technical scrutiny.

What are their key calculations and are they accurate?
A public enquiry is required to now assess and confirm the basis of all technical calculations that underpin the justification for this Scheme.

3) The 90-minute interval between highwater marks in the North and South Esk

Musselburgh Flood Protection Scheme has claimed that the opportunity for nature-based solutions is limited in the catchment as part of the Scheme as many measures would "slow water" from reaching Musselburgh but in doing so cause South and North Esk higher water river levels (volumes) to align having a negative effect on flooding risk. This has been frequently referred to as due to a regular and consistent 90-minute interval between the peak highest water levels arriving in Musselburgh town from the South and North Esk.

This has been checked using publicly available data and questioned by a flood expert from Heriot-Watt University, who has confirmed that in his opinion there was no consistent pattern at all to the interval between the two high water marks. This information was passed to MFPS but no public response has ever been given, and we believe the council were never informed by the MFPS team that this information had been questioned by an expert after independent analysis and is wrong.

If Councillors were not aware of this concern the information would have likely and reasonably affected their individual decisions as members of East Lothian Council to approve the scheme.

If they did know then Councillors were duty bound to provide more enquiry and investigation as to the reason for the MFS inaccurate technical statements. Which was it?
This further demonstrates the questionable basis of many of the procedural actions taken by the MFPS in progressing the scheme on dubious or discreditable technical information.

4) Costings for Building Coastal Dunes from MFPS

MFPS used an unreasonable calculation basis for estimating the cost of constructing dunes when appearing to report to ELC on the possibility of building more nature friendly sea defences in the form of large man-made dunes along the Musselburgh sea-front. The basis was of the cost of transferring sand from other areas of the country to construct sand-dunes and absorbing the cost of the acquired sand and the transportation. This was an unreasonable assumption. Someone with appropriate skills and concern for cost would have at least asked for comparative costings based on using available sand at the beach or recovered from the Firth of Forth. The dunes report also assumed atmospheric changes by 2030 and 2050 that were unchallenged or not commented on in the filmed council proceedings. The resultant cost figures went unchallenged by Councillors. The figures suggested that a dune building approach was uneconomic and not practical. That conclusions and supporting cost calculations would not have stood up to any level of independent expert scrutiny.

I object that, for a major investment project, there has been little to no independent scrutiny of key technical information prepared by the Consultants to MFPS to support or justify key decisions being taken in the Scheme by ELC.

In this manner the Councillors have also failed in their duties and their Code of Conduct to ensure they take reasonable actions to ensure the best decisions are taken for the good of the Community. Instead, they have relied on information from consultants who stand to gain financially from the progression of the Scheme, even when they have known and acknowledged their lack of capacity in technical matters. This is a failing in the procedure of the Scheme to which I object.

OBJECTION 8

I object to the published Scheme as certain East Lothian Councillors have admitted in written correspondence that they do not have the technical knowledge and understanding to properly review or understand the Scheme's numerous long and dense technical reports presented to them during the course of the Schemes progression. Recognising this deficiency, Councillors should have accessed independent expert advisors as a matter of urgency, to support and provide impartial guidance to them on this most significant and substantive matter that will potentially ruin the amenity of Musselburgh for the next 100 years.

With the costs ballooning over time ten-fold to over £100 million its justifiable to incur expert support costs to try to maintain public confidence in the Scheme's decision-making processes and to provide proper governance. Admissions that they did not have appropriate governance has caused public concern to rise, and lose all faith in this Scheme.

OBJECTION 9

I object to the published Scheme due to the lack of careful assessment of different options for flood protection that have not been considered by MFPS at the appropriate

points in time as the Scheme has progressed. Careful consideration at appropriate times in the Scheme progression may have led to numerous benefits to the community including;

- ***Better community support for a finalised Scheme***
- ***More successful engagement with the community by MFPS***
- ***Reduced environmental impact***
- ***More Nature based Solutions that can positively impact bio-diversity, climate change and the climate emergency***
- ***Less CO_2 emissions***
- ***Lower financial expenditure***
- ***Preservation of more trees and green space amenity that the community requires***

This has been a purposeful conspiracy by the contractors to ensure alternative approaches were not properly considered at the appropriate time, and that a Scheme would develop in scale and cost that progressed and would reflect their core competencies of constructing concrete walls and demolishing and constructing bridges, rather than any blended or alternative scheme that may be outside their competences or where they would gain less financially.

Supporting Rationale
Several options for flood defence approaches for Musselburgh were discarded by MFPS at an early stage in the Scheme process, and when the budget was around £8m. These were abandoned on the grounds of cost, that these other solutions did not fit within the then budget, and consequently were never developed into feasible options for the Community of Musselburgh and ELC to consider at a later stage. This was a failure in the Scheme process or demonstrates the MFPS team working with members of East Lothian Council, were not working to consider all available technical options that could deliver the best solution and best value for ELC.
I object to the proposed Scheme on the basis that options appraisal is deficient.

In the absence of any substantially developed options at an earlier phase, the Scheme should have been formally returned to the earlier Options Appraisal Phase on each occasion when the Scheme budget increased substantially. This would have allowed a reasonable assessment of the options.

It's astonishing that alternative options were never considered in any depth. In particular a more thorough appraisal of Natural Flood Management approaches, would have provided actions to fight the causes of climate change by sequestering carbon, and off-setting the damaging impact of the Scheme's construction.

In addition analysis of property level flood protection should have been considered more fully as it has additional advantages of potential lower cost, greater involvement and support from the Community, a lower carbon foot-print leading to a Scheme that would have less detrimental impact on the environment and less damaging CO_2 released into the atmosphere, less disruption to the residents and community of Musselburgh, less damage to the amenity of common good land, less mature trees removed. Crucially property level defences may also have yielded a *higher* level of flood protection, as it could also protect from surface water flooding in the occurrence of the 1 in 200-year flood event that the Scheme is supposedly expected to provide protection against.

Property level flood protection would be a much lower cost scheme. With the proposed Scheme protecting 3000 properties at a cost of greater than £34,000 per property it would be possible using property level flood defences including the fitting of non-return valves to all 3000 property's waste water pipes to prevent flooding from surface water and overflowing drainage systems. This would cost in the region of half of the current proposed Scheme costs.

Other options that should have been more fully considered include hydro-brake solutions that also offer a much lower level of environmental damage than the proposed Scheme, and would retain the much-valued amenity of Musselburgh green spaces along the river and sea-front, and could avert the need for disfiguring flood walls that stand to ruin the value of many residents' homes right across Musselburgh.

OBJECTION 10

I object to the published Scheme due to the detrimental effects it will have on the environment, and deficiencies in the Environmental Impact Assessment. These are many in nature.

OBJECTION 11

I object to the published Scheme due to the detrimental effect it will have on my mental health and that of family members mental health due to the needless damage to the environment that this scheme will cause, and the loss of access to green spaces near to our land. We require compensation for the damage this will cause us.

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]

Subject: (0637) Submission to Musselburgh Flood Protection Scheme consultation
Sent: 24/04/2024, 23:26:38
From: [redacted]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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 Mr Grilli,

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

My name and address are:

[redacted]

The lack of consideration of natural options which could be integrated into the scheme.
The lack of ability to currently object to the narrowing of the river, which in itself will present flooding issues.
The use of walls throughout the scheme, these are a permanent blot on the landscape for future generations and rewrite substantial funding to maintain / repair.
Coastal defences and Dynamic Coast erosion report

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

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

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

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

Biodiversity

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

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

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

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

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

Please respond to my objections only by email or post not by phone or in person.

Yours sincerely,

[redacted]

24th April 2024

[redacted]

Subject: (0638) Flood scheme objection
Sent: 24/04/2024, 23:39:29
From: [redacted]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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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 Mr Grilli

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

1. There is an absence of peer review of this scheme with no independent assessment within the planning department which makes it appear this is being approved by the very people who stand to gain from this work.
2. The predicable rising costs come at a time when the council is in financial crisis, and many desired services are going to suffer as a result.
3. Loss of trees. We have only been told which trees will be removed as they are in the way of the walls. You do not acknowledge that many trees will be destroyed inadvertently by the use of heavy plant machinery in the proximity to the remaining trees.
4.Biodiversity will be lost, and there is nothing to say any will be gained elsewhere as a result of this scheme.
5. Natural flood management appears to not even have been considered. Presumably as this has no financial gain attached. However, not doing so is in contravention to the 2009Act which requires this.
6. Tying Active Travel in with this scheme just literally 'muddies the waters'. The extra bridge at the mouth of the river plays no part in flood defence, yet continues to be included in drawings etc.

I have a personal interest in the land affected by this scheme having been born and raised in Musselburgh [redacted]. I use the areas at Fisherrow Links, Fisherrow seafront and along the banks of the river Esk for walking and enjoying the unspoilt beauty and wildlife. My grandchildren use Fisherrow Links for sport,football, pitch and putt, and the play park. The lengthy work involved in putting these proposed 'hard' defences in place, and the end result of them being there will directly affect my and my family's ability to continue to enjoy these amenities.
If the scheme proceeds in its present form I expect to be compensated for the sustained damage, exercising my powers under the Act, Section 83(1).

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

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

Yours Faithfully

[redacted]

[redacted]

Sent from my iPad

Subject: (0639) (no subject)
Sent: 24/04/2024, 23:44:34
From: [redacted]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good evening

I would like to raise my objection in relation to the current proposals for the flood defence scheme.

I am not against flood defences for the town but I feel the current proposals are expensive and extremely ugly.

I have lived in Musselburgh for [redacted] and I feel that the current design will change the most picturesque part of the town. It will only be a matter of years for the concrete walls to be covered in graffiti.

Surely in this day and age someone can look at a design which will protect residents whilst maintaining a beautiful riverside and seaside vista enjoyed by both people and wildlife.

[redacted]

[redacted]

[redacted]

24th 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 moved to Musselburgh at [redacted] and was interested to find out what the flood protection scheme would encompass as I am aware of the effect that climate change has on our environment, especially in coastal areas. However I was disappointed when I saw the plans for the scheme.

I object to the published scheme because:

- During a time when public services have been cut back due to a lack of funds, such a large amount of taxpayers money should not be spent on the scheme and cheaper alternatives should be investigated.
- I want to see more nature based solutions used to reduce the risk of flooding instead of just engineered ones.
- Musselburgh is a historic town and attracts many visitors so putting concrete walls by the river would have a detrimental impact and make it a less appealing place to visit.

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]

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

Date: 23rd April 2024

Dear Mr. Grilli,

Thank you for consulting on the Environmental Impact Assessment (EIA) Report for the Musselburgh Flood Protection Scheme. As a regular visitor to Musselburgh to go birdwatching over the last 10 years, **I object to Scheme** as it will irreparably damage the attractiveness of the area's townscape and seascape, and because the impacts of the Scheme (including two sections of the Musselburgh Active Travel Network) on the internationally and nationally important bird populations of the area have not been properly assessed in the EIA Report or by a finalised Habitat Regulations Appraisal (HRA).

The main reason the Scheme, in its current form, will cause such damage to Musselburgh's townscape and seascape is because of its scale, which itself is largely the result of the Council choosing to protect against an extreme 1 in 200 year flood event. The whole process by which the 1 in 200 year risk level was decided on therefore needs to be revisited through a public hearing or inquiry, and a more appropriate risk level be protected against so the reliance on hard engineering can be substantially reduced. The other contributing factor to the great damage the current Scheme would cause to the townscape and seascape is that Jacobs, the Council's engineering consultants, has proved itself unable to design a suitably sensitive flood management solution for the Council that is respectful of, and maintains to the fullest possible degree, the area's current townscape and seascape qualities. This is also a failure to devise a flood risk solution that meets the Council's environmental objectives for the Scheme. Just one illustration of this failure to provide sustainable and sensitive solutions is revealed by the apparent choice of design and materials for the Goose Green Footbridge, shown in the EIA Report (Figure 4-9). What is proposed appears to be a standard metal footbridge, a choice which would be more suited to a suburban road crossing rather than the highly prominent key coastal viewpoint enjoyed by thousands of visitors a year in a highly sensitive semi-natural environment. If the Scheme cannot even come up with an environmentally sustainable, low carbon bridge design for such a sensitive setting (for example, using engineered timber[1]), it reveals a deeply concerning lack of commitment to design a flood Scheme that is environmentally sensitive and sustainable, meets the Council's environmental objectives and

[1] For example, see Huge timbers support sustainable footbridge designed by UK-based Moxon Architects – Institute of Carpenters

adopts a full reliance on nature based and other alternative solutions to hard engineering. The Scheme therefore needs to be scrutinised and modified to meet these requirements and avoid the extensive and highly damaging impact on the Musselburgh townscape and seascape.

Moving on to the reasons for objecting in relation to bird interests, the EIA Report that East Lothian Council has commissioned does not meet the necessary requirements set out in EIA guidance and does not allow East Lothian Council to fulfil its biodiversity duties. Specifically:

1. Inadequacy of the EIA Report's Ornithology Baseline

The results presented in the EIA Report from surveys of shoreline and coastal birds (the 'through the tide counts') are insufficiently detailed to adequately assess the impacts of the Scheme on these species. This failure is especially important because the Scheme is adjacent to, or in places actually within, the Firth of Forth Special Protection Area (SPA), the Firth of Forth Ramsar Site, the Firth of Forth Site of Special Scientific Interest (SSSI), and the Outer Firth and the St. Andrews Bay Complex SPA. These are internationally and nationally important designated sites for birds, and any assessment of impacts on these designations require must be informed by comprehensive robust and appropriately detailed baseline data. The EIA Report does not present such data.

It is therefore essential that baseline bird survey data are properly presented, specifically that the distribution and abundance of qualifying features of the SSSI, SPAs and Ramsar site at least are mapped to species level and their abundance shown for each survey area (notably through the tide count survey areas), along with the key areas for roosting and foraging of those species. Without this information, the EIA lacks the necessary detail to enable consultees to judge whether or not the applicant's assessment of impacts from the Scheme is correct. Consultees cannot therefore also judge whether proposed mitigation measures are adequate, or whether the identification of residual impacts on birds can be relied upon. For all these reasons, the baseline survey data in the EIA in its current form is not fit for purpose. It needs to be rectified by the submission of Further Environmental Information, and until that is carried out, I object to the Scheme on grounds of inadequate baseline bird data being provided in the EIA Report. As additional bird surveys are still being undertaken, the more detailed results requested can be published at the same time as these additional data (but all to the appropriate level of detail).

On top of this failure to present survey results to the required level of detail for such a sensitive area and for such important species, the desk study component of baseline data collection has also been inadequate. To accord with EIA guidance[2], baseline bird data should comprise both survey results and relevant pre-existing data on bird species present, their national and local population trends, and insights into their relevant behaviour. The Firth of Forth has been the subject of intense ornithological study spanning several decades[3], and it is reasonable to expect that this body of data would have been drawn upon for the EIA Report, not least given the sensitivity of the area and the need to design appropriate and effective mitigation measures for construction impacts and impacts over the 100 year operational life of the Scheme. The desk study data included in the EIA also fails to meet the requests from key stakeholders. Notably, for example, the East Lothian Biodiversity Office who requested in their Scoping Report (see ELC on

[2] See the Environmental Impact Assessment Handbook: Guidance for competent authorities, consultation bodies, and others involved in the Environmental Impact Assessment process in Scotland Version 5, April 2018. NatureScot and Historic Environment Scotland.

[3] E.g. Bryant, D. (1987) The Natural Environment of the Estuary and Firth of Forth. *Proceedings of the Royal Society of Edinburgh, Section B: Biological Sciences*, Volume 93 , Issue 3-4:, pp. 509 – 520 DOI: https://doi.org/10.1017/S0269727000006916

28th November 2023, EIA Appendix C3.2) that '*The field surveys should be informed by a data search from … useful data (that) may be available from sources including the East Lothian Council Ranger Service, British Trust for Ornithology and Scottish Ornithologists' Club'*.

Starting with the Scottish Ornithologists' Club, the EIA fails to incorporate into its ornithology baseline any of the comprehensive pre-existing bird data that exists for the Scheme area, collected over several years by highly experienced local ornithologists, many with decades of expertise in the area's bird life. It would be expected, at the very least, that given EIA guidance[4] and to comply with the request from East Lothian Council's own Biodiversity officer that the EIA authors would have submitted a data request to the Local Bird Recorder of the Lothian Branch of the Scottish Ornithologists' Club (SOC) to obtain relevant bird records for the area impacted by the Scheme. This was not the case, and therefore the EIA ornithology baseline suffers by not having the detailed insights into species presence, abundance, distribution and behavioural patterns to adequately inform its assessment (including of cumulative impacts), mitigation design and proposals for enhancement. This is particularly the case for the assessments of impacts from the Scheme's construction compounds, the seawall improvement works, and the two sections of the Musselburgh Active Travel Network (ATN).

Moving on to obtaining desk study data from the British Trust for Ornithology (BTO), this key organisation administers a number of bird recording schemes, including the Wetland Bird Survey (WeBS), which cover this area. It is EIA good practice, as part of gathering desk study data for developments in coastal areas, to obtain and present WeBS results, alongside survey data. Bird surveys commissioned for EIAs are inevitably restricted to relatively short-term sample surveys, comprising snapshots of bird activity. The WeBS scheme and its predecessor have been running for decades and provide important long-term insights into species composition and abundance of waders and wildfowl of key sites, and long-term population trends. In particular, for large designated sites like the Firth of Forth SSSI/SPA/Ramsar, WeBS data are also essential to place local bird populations (i.e. the birds present in the Scheme area) in their wider Firth of Forth context, so that impacts from the Scheme, and cumulatively with other projects, can be adequately assessed. Whilst it is noted that in Section 7.3.3 of the EIA it states that the desk based assessment included data responses from organisations including the BTO, detailed WeBS data are not provided. The reference to WeBS data is limited to total species counts (in the EIA Section 7.5.6.1 'Desk-study and preliminary ecological appraisal'). This states:-

'Data obtained during the desk-based assessment identified the potential presence of the following protected species within the study area:

• Wintering wetland birds: the BTO Wetland Bird Survey (WeBS) data for the five-year period from 2013/14 to 2017/18 identified a total of 70 species of wetland birds (which includes unidentified and hybrid species) within the Eastfield to Musselburgh WeBS sector. Of these 70 species, 55 were recorded in the winter months during this period. The five-year mean peak count of wetland birds within the Eastfield to Musselburgh WeBS sector is 4,878 individuals, with a five-year winter mean peak recorded as 5,259 individuals (see Appendix B7.4 for details)'.

Instead of these agglomerated count figures, the EIA Report should provide the species-specific WeBS data. Furthermore, and contrary to the Chapter's statement that details of WeBS data are provided in Appendix B7.4, there are no details provided on the WeBS data for the area in that

[4] For example, see C.6.3 and Box C. 6. Practice .1. in the reference cited in Footnote 1.

Appendix. What is required for the EIA (and HRA) is a map of the WeBS count sector to compare with the survey areas used for the through the tide counts, and for the WeBS data to be tabulated by species, comparing abundance figures from the survey work. Neither are presented in the Biodiversity Chapter or any of the published EIA Report Appendices.

Lastly in relation to the WeBS data, the totals that are presented are out of date, being '*from 2013/14 to 2017/18'*. The desk study for the EIA should have obtained the most recent five-year dataset available, i.e. up to the 2022/2023 non-breeding season, to help inform the assessment.

The inclusion of detailed WeBS data is common practice in EIAs (and HRAs) for coastal developments, in particular where developments overlap or are in close proximity to internationally important sites designated for their bird interests. As already highlighted, without these details, it is not possible to contextualise or corroborate the survey data provided by the applicant. This and the wider omissions in desk study data need to be rectified by the submission of Further Environmental Information, and until that is carried out, I object to the Scheme on grounds of inadequate baseline bird data being provided in the EIA Report.

2. Baseline Survey Accuracy

The bird survey data on which the Scheme's EIA Report depends appears to contain apparent anomalies, with some species noted that either have only very rarely ever been recorded locally and other species which may be mis-identified. The inclusion of these records undermines confidence in the reliability of bird (and other) survey work carried out for the EIA Report, and also in the rigour of the quality assurance processes that have been applied during the collection, processing and writing up of data used in the EIA Report. Specific examples include records of Stone-curlew, Water Pipit, Twite breeding, "flyover" Wood Warbler, Whimbrel in November, a Kittiwake flying up the river Esk (Appendix 7.4). Based on over 60 years of data held by the SOC, these records require verification. The almost daily coverage by experienced birdwatchers over the survey period also points to other anomalies, such as occasions when a large count of Velvet Scoters is reported in the EIA Report at a time when only a Common Scoter flock was present. Such questions on the reliability of the survey data are critical, given the conservation importance of qualifying features of the Firth of Forth SSSI, SPAs and Ramsar sites and Outer Forth and St Andrews Bay Complex SPA in such close proximity (and in some areas, overlapping) with the Scheme. It also underscores the importance of consultation with bodies such as the SOC and BTO to ensure that pre-existing data for the Scheme area are obtained, adequately used to aid data validation and quality assurance, and properly integrated into baseline data.

One further concern over the baseline survey surveys is the validity of the 'through the tide counts' which coincided with the construction activity for the new lagoons between 2021 to June 2023. Given that the EIA Report acknowledges that construction traffic along the seawall will cause disturbance to birds (including qualifying features of the Firth of Forth SSSI, SPA and Ramsar site), evidently the results from these surveys were not representative whilst the lagoon construction was on-going. NatureScot guidance on bird surveys clearly highlights the principle that surveys should not take place where there is disturbance that may change the abundance, distribution or behaviour of birds within the survey area[5]. This precaution has not been followed

[5] Although relating to bird surveys for wind farms, the importance of avoiding construction disturbance that may affect survey results is made clear in Section 2.1.1 and Box 1 in NatureScot (2017) Recommended bird survey methods to inform impact assessment of onshore wind farms. March 2017, Version 2.

therefore, and it further undermines the reliance that can be placed on a significant proportion of bird survey data used in the EIA Report.

It is understood however, that bird surveys are still being carried out, I therefore object until these un-impacted additional bird survey results are published as part of the submission of Further Environmental Information and HRA.

3. Failure to Identify and Assess Habitat Loss from the Scheme

The EIA Report attempts to identify and quantify the loss of habitats from the Scheme, to assess the significance of these losses, the mitigation that will be required and the resulting residual impacts and their significance.

However, it completely fails to identify the main habitat impact from the Scheme, namely the loss of shoreline and inter-tidal habitats over its 100-year operational life. These losses will occur as a direct result of the Scheme's construction of hard defence structures along the coast where these are currently absent or limited, through what is known as 'coastal squeeze'. This impact needs to be fully identified and assessed in the EIA Report, in particular the Scheme's proposed hybrid wall structures at Work Sections 6 and 7 (impacting 325m and 290m of coastline respectively) and its concrete walls along Work Sections 8 and 9 (impacting 393m and 132m of coastline respectively) (see Table 4-2 'Summary of Scheme by work section' in Section 4.4.1 Scheme Layout Overview, and Figures Appendix A41j to A41l in Appendix A of the EIA Report). The existence of this operational impact is not even mentioned in the EIA Report Biodiversity Chapter, let alone assessed, with only the most cursory mention given in 7.5.9.3 'General trends'. The EIA Report therefore does not meet its own commitment (in Section 3.6.2 'Future baseline') to complete '*Where appropriate, an appraisal of the future baseline without the Scheme … where feasible to allow for consideration of the operational impacts of the Scheme over its 100-year design-life'*.

This is of particular concern because these habitat losses will impact the qualifying features of the Firth of Forth SSSI, SPA or Ramsar Site (and the conservation objectives of the latter two designations).

The omission of this impact in the EIA Report must be rectified and the necessary modelling and full assessment of habitat loss from coastal squeeze be fully assessed and published as Further Environmental Information. The assessment of these habitat losses on the integrity of the Firth of Forth SPA and Ramsar Site must also be included in the HRA, to inform the compensation that will be required, if should a derogation case be accepted.

Given how important this impact is, it is also worth re-stating the Council's published Scheme objectives (EIA Report Chapter 4, Section 4.1 and Table B4 in Appendix B4) that include the following Environmental Objectives:-

1. That the Scheme will achieve as a minimum a neutral impact on the environment.

2. To ensure that the Scheme includes appropriate catchment and natural flood management (NFM) measures.

3. To ensure that the Scheme considers the impact of climate change and includes appropriate provisions to mitigate any impact.

4. To ensure that the Scheme considers in full, and includes for any appropriate measures, to protect the Firth of Forth and its protected statuses.

Clearly, these objectives cannot be achieved if the Scheme's impacts are not adequately identified, assessed, and mitigated and if mitigation or enhancement proposals (such as those in EIA Report Table 7.7) are not considered in terms of resilience to sea level rise and climate change.

In addition to failing to include operational habitat loss, the habitat loss figures that are currently included for construction and operational impacts lack clarity and consistency across the Biodiversity Chapter and Appendices. For example, the extent of temporary lost habitat given in Section 7.6.2.1.1 'Firth of Forth SPA and Ramsar' is given as 'approximately 2.14 ha' but the habitat breakdown figures only add up to 1.711 ha. Similarly in Section 7.6.3.1.1 'Firth of Forth SPA and Ramsar', the permanent loss of habitat from the Firth of Forth SPA and Ramsar is given as 4.3 ha, but again the figures for the habitats lost amount to just over 1.46 ha. This lack of clarity and inconsistencies in the EIA Report make it difficult for consultees to clearly understand the scale or location of the Scheme's habitat impacts. It is important that these losses are clarified, including in the HRA prior to its finalisation, and if necessary, through the submission of Further Environmental Information.

4. Failure to Appropriately Identify Plans and Projects to Consider for the Cumulative Impact Assessment

Section 7.3.9 '*Cumulative effects'* of the EIA Report identifies that *'A review of developments in the local area as listed on the East Lothian and Midlothian Council planning portals was conducted. The assessment focused on developments of any size within the working areas and those over 1 ha in size up to 5 km from the working areas in Musselburgh and the reservoirs. In addition, Grangemouth Flood Protection Scheme (GFPS) was also considered as part of the assessment, as requested by NatureScot during consultation for GFPS'*.

The cumulative assessment needs to encompass developments that have significant potential to impact key ecological receptors. The potential for cumulative/in combination impacts is determined by impact pathways, not by arbitrary thresholds such as development size or distance from the Scheme (neither of which have any regulatory basis or reflect CIEEM guidance)[6]. Movement of birds around the Firth of Forth SPA/Ramsar site have been relatively well studied, and this information should be referred to in order to help determine potential impact pathways, and thereby the plans and projects that need to be taken account of in the cumulative/in combination assessment. It is important that this impact/pathway/receptor approach is adopted in the HRA's 'in combination' assessment, if made available to consultees, otherwise through the submission of Further Environmental Information.

5. Repeated Lack of Evidence to Substantiate the Findings of the Impact Assessment

In order to comply with EIA guidance, it is essential that the assessment of impacts is supported by appropriate evidence. However, the EIA Report consistently fails to provide evidence to back up the assessments made on construction and operational impacts of the Scheme on birds.

The rare instance when evidence and published peer reviewed information is referenced in support of the assessment of impacts is for kingfisher (see section 7.6.2.3.4). Kingfisher is only a species of regional importance, yet the EIA Report's assessments of impacts on internationally or nationally important bird species are repeatedly made without any reference

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

to peer reviewed or other evidence, or even to standard NatureScot guidance (for example, in relation to disturbance, Goodship and Furness 20227). A typical example of unsupported assertions is in Section 7.6.3.1.1 'Firth of Forth SPA and Ramsar', which states 'The remaining area to be lost within the SPA is comprised of habitat rarely used by qualifying species and therefore is considered unlikely to provide functional habitat'. There are no data presented to back up this assessment, since the EIA and its Appendices omit the necessary detail on the distribution and abundance of individual species.

This is a clear omission and weakness in the EIA Report, is contrary to guidance and good practice, and reduces the reliance that can be placed on the assessment or effectiveness of mitigation proposed. It also falls short of the robustness and detail of EIAs for other developments in the area[8]. 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).

6. Repeated and Unsubstantiated Downplaying of Conservation Importance and Impacts in the Assessment

There are repeated instances in the EIA Report's Biodiversity Chapter where assessments of impacts on birds downplay (i) the value of their habitats - because it is stated they are already subject to disturbance, or (ii) the significance of disturbance to birds - because it is stated they will move elsewhere within the SPA, or (iii) impacts being insignificant - because the area of impact is small. These assertions are consistently unsubstantiated by evidence (as already highlighted above) and are a style of assessment more typical of commercial developers seeking to justify damaging protected sites. These assertions are inappropriate in those circumstances, but are totally inappropriate for Councils, given the legal and policy obligations they are under to protect and enhance biodiversity, notably the Nature Conservation (Scotland) Act 2004 and National Planning Framework 4 (NPF4). Furthermore, no reference is made to the fact that many wildfowl and wader populations in the Firth of Forth have already suffered long-term declines as a result of development impacts, disturbance and habitat loss[9], 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.

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[7] 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.

[8] 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.

[9] 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*.

Examples of the unsubstantiated downplaying of conservation importance of habitats or species, and of impacts are, for example, in Table 7-5 Summary of Baseline Conditions and Evaluation of Importance of Ecological Features, which includes the statement that 'The sand dunes within the study area are narrow and disturbed; therefore, it is considered they do not meet the SSSI designation criteria'. In Section 7.6.2.1.1 'Firth of Forth SPA and Ramsar', another unsubstantiated statement is made, 'The area temporarily lost during construction constitutes a narrow linear area adjacent to the coastline which experiences high levels of disturbance from public use. This area is not considered to be important habitat for qualifying interests of the Firth of Forth designated sites, in comparison to the large expanse of sand flats along the coastline and the lagoons at Levenhall Links'. There is, however, no evidence to back up these assertions, on factors such as prey availability, carrying capacity, exposure to disturbance, or any of the other influences that need to be considered in order to robustly assess these impacts. The same applies in the assessments made in Sections 7.6.3.1.1 Firth of Forth SPA and Ramsar, 7.6.3.1.2 Outer Firth of Forth and St Andrews Bay Complex SPA, and 7.6.3.1.3 Firth of Forth SSSI. These are sites of international and national importance for conservation, already under significant multiple pressures, and it is essential that assessments of impacts are evidence-based and robustly reasoned. This is not the case currently, and this must be rectified. It is therefore essential that the Council (or Scottish Ministers) exercise the right to request further evidence, through Further Environmental Information and in the finalised HRA, in accordance with EIA guidance (see for example, NatureScot and Historic Environment Scotland (2018), referred to in Footnote 1, specifically Section D. 6), <u>before confirming the Scheme.</u>

7. <u>Disturbance to Birds During the Scheme's Construction Phase</u>

Table 7-7 Schedule of environmental commitments – Biodiversity notes for E8 that construction will be limited to the summer months, '*approximately April to September'*. September is part of the migration season of many qualifying features of the Firth of Forth SPA and Ramsar site, and the Firth of Forth SSSI. Once the necessary level of baseline bird data is provided, this period for preventing significant construction disturbance should be reviewed in case it needs to be extended to include September for any locations of particular sensitivity for feeding or roosting birds that are SPA/Ramsar/SSSI qualifying species.

8. <u>Disturbance to Birds During the Scheme's Operational Phase</u>

Related to the point of objection above on lack of evidence to support the assessments on international and national designations (in Sections 7.6.3.1.1, 7.6.3.1.2 and 7. 6.3.1.3), the EIA Report notes that:-

'*The improvements to the active traffic network (particularly along the seawall and at the proposed Goose Green Footbridge) <u>may result in increased pedestrian and cyclist traffic, which may create increased operational disturbance to qualifying bird species</u>*'.

Evidently the Council's EIA Report makes it clear that it is uncertain whether or not the ATN works will result in increased active travel, in which case how can the expenditure, additional risk of impacts on internationally and nationally important designated sites, and carbon footprint of constructing these two ATN elements of the Scheme be justified? Without strong independent evidence that there will be sufficient active travel benefits, these two elements need to be removed from the Scheme (not least as there are already footpaths and cycle paths along these sections of the Scheme coastline).

That objection aside, these EIA Report sections contain no evidence to support the assessments made operational disturbance, and as such they are unsupported conjecture. This needs to be rectified (including in the HRA), firstly be inclusion of clear evidence-based and quantified prediction of the level of increased activity as a result of the ATN path and Goose Green Foot Bridge construction, compared to present levels [10], and secondly by ensuring the assessment of disturbance impacts on each qualifying species of the SPAs, Ramsar and SSSI are made on the basis of these predicted operational levels of activity, and supported by an appropriate level of detail and evidence.

Until such time as these are provided, I object to the Scheme.

9. Impacts on Recreational Amenity Over the Construction Period, Specifically Birdwatching

Musselburgh is one of the most visited birdwatching sites in Scotland (based on the number of referrals to the Musselburgh entry on the SOC's Where to Watch Birds in Scotland' mobile app), enjoyed by hundreds of visitors every year. This tourism and amenity value of the Scheme area for birdwatching is not given recognition in the EIA Report, and as a result there is insufficient attention given to mitigating disruption to this activity. This is significant because, as noted in EIA Report Section 4.7.3 'Sequencing of construction work', the Scheme's construction phase could take a period of five to ten years, imposing long-term damage to the area's use and reputation as an ornithology visitor attraction.

10. The Decision to Date by East Lothian Council Not To Publish the Draft HRA

No access has been provided to the current draft HRA for the Scheme. It would be greatly appreciated if the HRA could be made available by the Council, not least because, it would provide those with detailed local knowledge of the area's birds to provide useful feedback. In addition, in the meantime, it is respectfully suggested that the Council make a request to the SOC for relevant pre-existing bird data, and also to BTO, for species level and up-to-date WeBS data, so both sets of information can be included in the HRA and used as evidence to contribute to a robust assessment of effects from the Scheme alone and in combination with other plans and projects.

Please acknowledge receipt of my letter of objection, in writing. Please also advise me of next steps, and timescales, and **please also ensure that my name is redacted and not made public**. Thank you very much.

Yours Sincerely,

[redacted]

[10] Presumably these estimates are available from the business case for use of public money on the Musselburgh Active Travel Network.

Subject: (0642) Letter of objection
Sent: 24/04/2024, 23:52:39
From: [redacted]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
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24/04/2024

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

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

1. Bias - consultants have 'marked their own homework' That the council have opted not to install an independent assessing team within the planning department, raises many questions that have not been answered but certainly should be.

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

3. Loss of trees.

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.

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. The scheme will detrimentally effect and take away from the beauty of the town

I have a personal interest in the land affected by the scheme and scheme operations at Fisherrow Links, Fisherrow coast and along the areas of river. I and my family use the play park at Fisherrow links and often walk along the promenade and along the river. A coastal sea defence with limited access and walls along the river as well as lengthy scheme works will directly impact my and my family's ability to continue to do so and disturb my enjoyment of the land.

Yours Sincerely,

[redacted]

[redacted]

EAST LOTHIAN COUNCIL
RECEIVED
24 APR 2024
LEGAL & PROCUREMENT

[redacted]

18th April 2024

East Lothian Council
John Muir House
Haddington
EH41 3HA

Dear Carlo Grilli,

Thank you for your letter of 14/03/24. I am writing in response, regarding the Musselburgh Flood Protection scheme as I am a both a resident directly affected by the scheme and because of the impact of this scheme on the many amenities of Musselburgh.

These are the points/ objection I would like to raise.

Musselburgh's complete change in character. Under these proposals Musselburgh will very sadly become an ugly, urban gateway to East Lothian. Whereas it should be treasured as a biodiverse area with both the river and the sea together. A Nature Based Scheme instead of the proposed scheme could provide a **golden opportunity** to show what Scotland can do in the face of climate change and the risk of flooding.
The scheme proposed by Jacobs does not.

The Escalating costs at a time when the council have declared financial crisis with many cuts needed. Whereas Natural Flood management and coastal nourishment would provide long term solutions and a flexibility to manage the land/ coast as appropriate to needs. This would include a Coastal Change Adaptation Plan for Musselburgh at a far lower cost to The Scottish government and East Lothian Council.

Natural Flood Management solutions were disregarded or not even considered before votes were counted, proceeding to the next phase. Instead, a heavily engineered, brutalist scheme along the Esk, narrowing the river therefore increasing flood risk, and unnecessary, costly bridge replacements. This appears to be in direct contrast to the recent advice given by The Scottish Government. A range of scenarios should have been included, yet the MFPS is tied to a 1:200-year event?

The felling of 102 mature trees when anyone knows mature trees soak up water, stop bank erosion and provide shelter, shade and biodiversity. Not to mention

Surface Water Drainage is very much a current outstanding issue in Musselburgh (Shared between the flood scheme and Scottish Water) Surely, this needs immediate urgent attention in order to access the needs of the town before any FP Scheme is given the final go-ahead? Otherwise, there is the very probable risk of water being trapped the 'wrong side' of any walls/ embankments/ bridges as happens at New Street on a regular basis when the drains overspill.

Personally, [redacted] I am very concerned that should this scheme go ahead the construction of which will have a severe effect on the structure of my and my neighbour's properties, not to mention the disruption to this [redacted]

During the open consolations at The Brunton I discussed my concerns and was assured that independent structural surveys on our properties would be undertaken **before** any work commences and **after** construction. Should the scheme go ahead I would like the written assurance that there is an understanding that **the contractors would be liable for any damage to the properties effected.**

Please respond in writing to this letter and the objections I have raised. Please advise of next steps and timescales including when any surveys of properties [redacted] would take place were the scheme to proceed.

Yours sincerely,

[redacted]

Musselburgh Flood protection Scheme

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

EAST LOTHIAN COUNCIL
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24 APR 2024
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24 APR 2024
LEGAL & PROCUREMENT

[redacted]

Email: [redacted]

19 April 2024

FAO Carlo Grilli
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John Muir House
Haddington
EH41 3HA
[redacted]

Dear Sir/Madam

I am writing to object to the recently published Musselburgh Flood Protection Scheme. My home at [redacted] is located beside the river close to the [redacted] It is shown in the flood maps as at risk of flooding.

I also benefit (for my mental wellbeing) from the amenity offered [redacted] by the historic slipway into the Esk

I object to the published scheme because:

(1) The proposed solid wall height between the existing [redacted] will affect my mental wellbeing, along the many visitors, through loss of a long standing amenity of enjoying uninterrupted views of the river from the east side from both [redacted] and the river bank. This will also extend to my family which include grandchildren who will not be able to connect with the river as the slipway poses a health and safety risk due to the cobbles which become slippy when wet and are uneven. Those smaller in height and wheelchair users will also not be able to connect with the river from the east banks.

This presents a loss of a valuable amenity and is contrary to the recommended healthcare advice for people to connect with nature as much as possible for their mental health.

(2) The active travel path proposed beside the wall does not contribute to flood prevention and in fact is likely to contribute to increased water build up behind the wall in the event of a flood. This is evidenced from new house building generally where the replacement of grassed areas with concrete means run off from the

concrete to the lowest point, which is likely to mean higher flood levels for my house.

I shall also have loss of amenity and a reduction in mental wellbeing from the active travel path. The river is to be narrowed it would seem to accommodate this path and the only purpose of flood protection should be stopping flooding. The active travel path should be withdrawn from the scheme and the design of flood defences revisited beside the proposed path.

Both the wall and the travel path are also likely to lower house prices through loss of amenity. Also with the works, I will unlikely be able to sell my house during construction.

(3) Earlier drawings showed a temporary working platform in the island used by birds, especially during nesting time. This means I will lose the amenity of watching the birds who have enjoyed this area for decades. Depending on height, the platform is also likely to cause [redacted]. I cannot see this on Work Section 25 however, it may appear in one of the many other documents, so my objection is on the basis this temporary work platform is still proposed.

I would also recommend that when next publishing documents a general description is given to each document. The Flood Protection Operation sheets are simply numbered.

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

Yours faithfully

[redacted]

[redacted]

CARLO GRILLI
SERVICE MANAGER - GOVERNANCE
LEGAL SERVICES
EAST LOTHIAN COUNCIL
JOHN MUIR HOUSE
HADDINGTON
EH41 3HA

EAST LOTHIAN COUNCIL
RECEIVED
24 APR 2019
LEGAL & PROCUREMENT

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

Address [redacted]

Post Code [redacted]

Date

Dear Mr Grilli,

As a resident of Musselburgh who has lived here all my life, I object strongly to the proposed Musselburgh Flood Protection Scheme. It distresses me to think that this over engineered scheme will turn my town into a concrete jungle which will soon be covered in graffiti. The whole scheme appears to have been planned with little regard for the aesthetics of the town or needs and preferences of the people who live here, and basically no regard for the environment.

I object to the building of walls and embankments along the river and shore line. Building walls along the River Esk and the beaches will not only impact on the eco system and the residents who walk, run and cycle there but will also have an effect on visitors and the extra business they bring to local enterprises.

I object to the huge amount of pollution the construction will cause by releasing thousands of tonnes of CO2 into the atmosphere.

I object to the millions of pounds of taxpayers's money being spent on this scheme when services are being cut right left and centre. In Musselburgh there is no day care for the elderly, Brunton Theatre is closed as there is no money for repairs, and the cracked Victorian drains continue to cause more flooding than the river. And yet the Council, which by all accounts is nearly bankrupt, can find money for this out of date flood scheme.

I object to all the tree felling that the construction will cause. Mature trees should be part of the flood protection plan along with other Nature Based Solutions, which the Project Team has only paid lip service to in the form of one leaky dam and two modifications to two reservoirs.

I object to the lack of transparency from the Council workers, the Councillors, and the Project Team by not answering letters and emails. There has been no transparency regarding the Musselburgh Active Travel plan which was suddenly uncoupled from the Flood Scheme just before the Notification and now no one knows what's in and what's out. The Goose Green bridge design and relocation has nothing to do with flood protection and everything to do with MAT, the same applies to the Ivanhoe bridge. The other two are also 5m wide and this can only be to accommodate MAT. Why hasn't the design been altered and everyone given more time to digest this?

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

Yours faithfully [redacted]

Signed [redacted]

Printed [redacted]

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

[redacted]

EAST LOTHIAN COUNCIL
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11 April 2024

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

By email to: mfpsobjections@eastlothian.gov.uk

Dear Mr Grilli

Objection to proposed floor risk management scheme under the Flood Risk Management Act 2009

I am writing to object to East Lothian Council's proposals for floor risk management and the accompanying active travel project.

My reasons for objecting to the proposals are:

I expect to be massively affected by noise, construction traffic, disruption, vibration and pollution over a period of years. [redacted] The construction on the river Esk is three years on its own with a 1700 meter squared working area.

I will be directly affected by the piling work. I believe the wall outside my building will be 6.51 meters tall in total with 5 metres required underground. Because the foundations are so deep, they will prevent surface water from draining, and pumping stations will require to be installed along my street.

I am particularly concerned about my pet dog. He suffers from anxiety and is extremely sensitive to noise. During the piling work for the Wireworks flats he was absolutely terrified and often hid under the bed. That was over several months. The noise for this project will go on for years.

If we have to move out because of the noise and vibration of this project, I would be seeking compensation from East Lothian Council.

I moved into my [redacted] because of its location [redacted] with ample space to walk and play with my dog along the riverbanks. At the moment we can step out of our front door and walk either way along the riverbank. We will lose that amenity when walls are built.

The Environmental Impact Assessment states that there will be unavoidable significant adverse effects during construction and for years afterwards. I don't think you can underestimate the impact on those of us who live close to the river. We will lose the vast majority of trees that we currently look at, and we will lose the ability to walk along or sit by the river.

It is possible that my building or its foundations will be damaged by vibrations during the piling work. [redacted]

I request that before any work starts East Lothian Council conducts a structural survey of my building by independent professionals.

I object to healthy trees being felled for the scheme and replaced with concrete walls. It will take 15 years for any new planting as part of the scheme to become embedded in the landscape.

The flood protection project is supposed to protect 2,037 properties. I believe that this scheme with its walls and embankments down both sides of the river and along the coast with the associated major disruption to the town and loss of amenity space is out of proportion for the level of protection required. Yes, there is a need for flood protection at the mouth of the river, but we do not need something on this scale.

I object to the design of the scheme. It is over-engineered and over-reliant on concrete. The design of the proposed new bridges is not in any way in keeping with the character of the town and will change it for the worse.

The design is made worse by the inclusion of the active travel scheme which includes five-metre-wide cycle paths along the east banks of the river. It is bad enough having walls down both sides of the river without adding tarmacked five-metre-wide cycle paths taking away from green space.

Even worse, the active travel scheme will take land from the river making it narrower as it flows to the Firth of Forth.

On its own, the active travel project would require planning permission and it is only because it is joined with the flood scheme that it can proceed without planning permission. It makes an already bad situation worse.

I would ask that East Lothian Council takes the active travel scheme out of the flood scheme project and that it goes through the appropriate planning process..

I object to the scheme on the grounds of lack of consultation with stakeholders, businesses and the local population. The Council is only publishing the scheme for the minimum required statutory period of one month. Considering the impact of the scheme on the town, more should be done to consult with local people and businesses.

Yours sincerely

EAST LOTHIAN COUNCIL
RECEIVED
24 APR 2024
LEGAL & PROCUREMENT

MR. C. GRICCI
THE SERVICE MANAGER, LEGAL SERVICES
ELC. JOHN MUIR HOUSE
HADDINGTON
EH41 3HA

[redacted]

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

19th April 2024

Dear Mr Grilli,

I am writing to object to the published Musselburgh Flood Protection Scheme Proposal. My interest in the scheme is as follows:

- as a local Musselburgh resident I use the paths and bridges as both a walker and a cyclist on a weekly basis
- as a local resident I use the local shops adjacent to the Esk on High Street on a weekly basis
- as a Council tax and UK tax payer the cost of the scheme is funded by my tax payments
- as a [redacted] my ability to use the course is directly impacted by flood risk

I wish to object on the following grounds

- the decision of the council on 23rd January 2024 was made without councillors having access to the full Environmental Impact Report
- It's not clear from the EIA whether the environmental cost of building materials (such as concrete production and material transport to site) has been assessed
- It's not clear from the Project Update of March 2024 delivered to homes in Musselburgh, whether the active travel plan is included in the proposal. There are differences between this leaflets statement of a "3 Projects in 1" compared to CPE Consultancy website which states it's a 4 in 1 project. This is misleading.
- There is no company registered in UK Companies House as CPE Consultancy. I am concerned that an unregistered company may have been used and paid using council funds to carry out this consultancy. There is a company registered as CPE Engineering in Eskmills but there is no reference to this company on the CPE Consultancy website (https://cpeconsultancy.com/about-us). Limited Companies and LLPs in the UK must state their company registration number on their website, and CPE Consultancy do not do this as they do not appear to be registered as a company. If this is the case were all stakeholders and councillors aware of this during the decision making process?
- I am concerned that an engineering firm has been employed to carry out this consultancy and therefore not able to act independently to consider non-engineered solutions.
- CPE Engineering are based in Eskmills in an area directly impacted by flood risk and I am concerned this is conflict of interest.
- There appears to have been no independent assessment of Natural Flood Management options supported by the Scottish Government (https://www.parliament.scot/chamber-and-committees/questions-and-answers/question?ref=S6W-23835)
- [redacted] I was a [redacted] East Lothian Countryside Volunteers. The members of this charity act as volunteer path wardens inspecting core paths in East Lothian on a monthly basis and support East Lothian Countryside Rangers. The Esk path is one of these core paths. At no time has this charity been consulted about the Flood Protection Scheme.
- There also does not appear to have been any consultancy with SPOKES - the Edinburgh and Lothian Cycle campaign group who have advised on and promoted cycle paths for almost 50 years. The Esk path is one of these paths.

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

Yours faithfully

[redacted]

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24 APR 2024
LEGAL & PROCUREMENT

MR CARLO GRILLI
SERVICE MANAGER - GOVERNANCE
LEGAL SERVICES
EAST LOTHIAN COUNCIL
JOHN MUIR HOUSE
HADDINGTON
EH41 3HA

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[redacted]

22/04/2024.

SERVICE MANAGER –
GOVERNANCE LEGAL SERVICES
EAST LOTHIAN COUNCIL
JOHN MUIR HOUSE
HADDINGTON
EH41 3HA.

Dear Legal Services.

I am writing to you all to object to the ideas for the Musselburgh Flood Protection Scheme.

I feel as usual, anything will do for our beloved Musselburgh. Points as follows.

- I overlook [redacted] and object to this open space turning into a building site.
- Walls being built around the town as flood defence. The heights not true to size in your photographs. I'm 5ft so won't see over them. My walks through the town, completely spoiled. (I am not a cyclist)
Cleaning of said walls. Who is responsible for this. They will be covered in graffiti and dirt.

- Too much emphasis a Cyclists. It seems they are ruling the scheme. There are not hundreds of cyclists travelling through Masselburgh

- Costs - Where is all the money coming from to pay for this. We are in a very state in Masselburgh. Some residents can't even eat properly.
For example - Is the large Bridge at the mouth of the Esk necessary and just for CYCLISTS and pedestrians, surely not. Masselburgh does not need a large new Bridge for many cyclists. This group seems to be ruling over the whole scheme

- Over 200 trees to be felled - so sad for the environment.

I am born & Bred Masselburgh and I am very worried about this scheme.
It could be such a lovely town (as it was in the 50's and 60's) but once again the Council are letting it down badly.

I know climate change is a huge poblem throughout the world, but please don't agree to this horrid scheme. There must be something better to save our lovely town.

Please acknowledge receipt of my letter and advise of further developments by post only. Thank you.

Yours faithfully

[redacted]

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

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[redacted]

[redacted]

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[redacted]

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

17 April 2024

Dear Service Manager,

Objection 1. I live on the [redacted] in Musselburgh with my wife.

I am recovering from serious illness [redacted]

Although the house is really too small for us, we chose it for the view and the peace and quiet it would bring for my recovery.

[redacted]

so easy access to the beach and walks along the Promenade has, and is essential to my quality of life. To lose the amenity to the beach, would be devastating.

To disconnect the town from the sea would also be a huge loss.

objection 2. - Coastal Defences + Dynamic Coast Erosion report.

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

Objection 2 - continued.

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

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

Objection 3 - Biodiversity.

I object to the current proposals on the grounds that the biodiversity enhancements are not strong enough, and further commitments are needed. The biodiversity enhancements, as required by NPF4, should be far more ambitious and should 'include some "traditional" Natural Flood Management actions such as tree

- planting, pond creation or leaky dam structures in the catchment.

Objection 4 - concerns over contribution to climate change.

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

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

Please respond in writing to this letter and the objections it raises. Please also advise me of the next steps and timescales.

[redacted]

By hand

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24 APR 2024
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The Service Manager,
Governance,
Legal Services,
East Lothian Council,
John Muir House,
Haddington EH41 3HA.