

## Members' Library Service Request Form

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Document Title	Musselburgh Flood Protection Scheme MLS report - Appendix A.19

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Designation	Service Manager - Governance
Date	18/10/24

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Bulletin	Oct 24

service manager,  
Governance,  
Legal Services,  
East Lothian Council,  
John Muir House,  
Haddington,  
E. Lothian  
EH 41 3HA.

Your ref:  
C9/11481,

20 April 2024.



Dear Service Manager,

We are writing to object to the recently published Musselburgh Flood Protection Scheme.

We live in the flood map area and will look onto the proposed flood walls + cycle path.

Our objections are as follows:-

- 1.) The original scheme did not include the coast at Fishervow (mouth of the Esk to Brunstane Burn) MFPS expanded

the scheme to the coast without authorisation from STPA or any government body. The expansion seems to have been instigated by the sustains cycle funding.

2) Since the dynamic coast report, it has become clear that a wall will be likely to cause erosion on the seaward side. This would lead to undermining of the wall.

3) The dynamic coast report was released at the last minute, + more analysis of the coast needs to be made before decisions are made on defences for the coast.

4) This haste is obviously because ELC are desperate to receive the cycle 1 funding, and not in the best interests of Musselburgh.

5) The current path is absolutely fine after having been renovated in 2022, we have not been consulted and are certainly not in need of a

5 m wide path running along the top of a defence, twice the width of the current path.

This is nothing to do with flood defence and will add even more to carbon emissions. Keen cyclists all say ~~this~~ path is totally unnecessary!

6.) The consultation has been purely a "tick box" exercise, full of obfuscation and contradictions. Questions go unanswered, and we are told we will have to pay for F.O.I requests.

7.) we have an interest in the land affected by the scheme + scheme operations, including noise and pollution from construction traffic.

A coastal sea defence will directly impact our family's ability to enjoy and use the coastline and our access will be limited. If the scheme proceeds in its present form, we will request

compensation for the sustained damage  
under the Act, Section 83(1)

8.) We object to the new Goosegreen  
Bridge as it offers no flood reduction  
benefit. This is a development, not  
a replacement and should require  
Planning permission.

It is also located in a wildlife area,  
and will have a negative impact on  
the bird life.

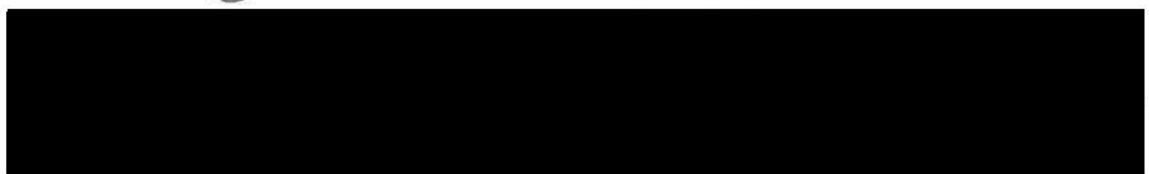
Please respond in writing to our objections.

Musselfburgh is a fragile town  
with such potential.

If this ill thought out, carbon  
emitting, money gobbling scheme goes  
ahead Musselfburgh will be ruined.

Mark our words!

yours faithfully,



By hand.

The Service Manager,  
Governance,  
Legal Services,

EAST LoTHIAN COUNCIL  
RECEIVED  
24 APR 2024  
LEGAL & PROCUREMENT

East Lothian Council,  
John Muir House,  
Haddington,

East Lothian EH41 3HA

FROM

(1)

East Lothian Council,  
John Muir House,  
Haddington,  
East Lothian EH41 3HA

16<sup>th</sup> April  
2024.

your ref: C9/11481.



Dear Service Manager,

Thank you for your letter of 14/3/24. I am writing to object to the recently published Musselburgh Flood Protection Scheme. I am directly affected by the scheme as my [redacted] is now shown as at risk of flooding, and I constantly use the many amenities of Musselburgh that would be affected by the scheme. my objections are set out overleaf.

① Lack of proper process / conflict of interest / lack of transparency.

The scheme has become entangled with the Musselburgh Active Town (MAT) proposals, which contribute little if anything to flood protection, + even the keen cyclists say we don't need. Significantly, planning permission should be required for the proposed MAT paths and bridges, but the flood scheme has apparently been deemed to give those permissions, and no information has been made public about which parts of the MAT will bypass planning on account of being included in the flood scheme. Bypassing planning permissions, even if legal, is itself a case of disregard of proper process.

② Absence of cost controls.

No proper breakdown of the soaring cost of the project has been made public.

The anticipated cost of the project is

(2.)

constantly escalating. It has already topped £100 million, and the council has been warned that it will probably rise further. The council has apparently voted the project through without having a clear idea of the final cost, and without imposing a cap.

### (3) Conflict with Scottish Government Policy.

Last December Minister Mairi McAllen said "The Scottish Government recognises the importance of natural flood management (NFM) measures in reducing, slowing or otherwise managing flood waters across catchments and along the coast, while also delivering multiple environmental benefits". NFM could include various techniques to slow the flow of the river through the catchments and to encourage the natural dune system along the coast, but these possibilities have been discounted, putting the MFPS in

conflict with Scottish Government Policy. Scottish Government guidance says that a range of scenarios should be included, yet the MFPS is tied to a 1:200-year event. The Council has thus judged what is necessary protection without being able to consider a range of options - again in conflict with Scottish Government policy.

#### ④ Environmental Impact Assessment

The engineers who were appointed to design the MFPS, were also allowed to write the Environmental Impact Assessment (EIA). This is a clear conflict of interest and incompatible with good governance. Furthermore, the engineers carried out an options appraisal that ruled out all alternatives to the current scheme, in which they have a vested interest, without those options being made available for public scrutiny or debate. In January this year, the Council agreed to the scheme progressing,

(3)

even though it had not seen the full EIA, meaning that the decision had no proper basis.

(5) The Dynamic Coast report - makes it 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.

Please respond in writing to this letter, and the objections it raises.

I look forward to hearing from you.

yours faithfully,



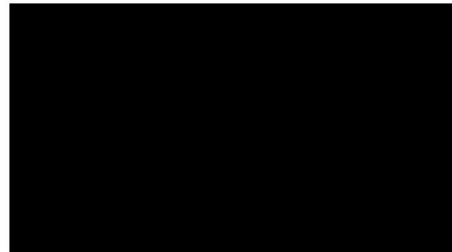
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EAST LOTHIAN COUNCIL  
RECEIVED

24 APR 2024

LEGAL & PROCUREMENT

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



19TH APRIL 2024

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

Dear Mr Grilli,

#### MUSSELBURGH FLOOD PROTECTION SCHEME OBJECTIONS.

I am writing to object to the published Musselburgh Flood Protection Scheme. Even though I do not live in Musselburgh and don't have a property that will be directly affected by the scheme, I do have very strong views and grave concerns regarding the proposals.

I visit Musselburgh amenities frequently, pass through Musselburgh several times a week and visit also for bird watching and enjoying the wildlife and natural beauty. So I feel passionately against these flood scheme proposals.

I object to the public scheme because....

- **COST.** I DO NOT agree that ELC should be spending this amount of tax payers money on this scheme. There are services being stripped back (e.g. refuse collection, libraries, care of the elderly, and health and wellbeing amenities) all the time and the message that comes from ELC is that budgets are tight and service cutbacks need to be made. So many families/people are struggling with services having been stripped back or axed, your priorities are all wrong in my opinion.

It is too much of a risk to spend 132M at the cost of other essential services that our people need everyday to help make their lives easier and happier. So it makes no sense to me at all that you would even consider this amount of money for a scheme that in my opinion is not necessary at this time. It is a scheme stemming from an over reaction,

spending too much money too soon, just in case of a future event that is potentially, not definitely, decades away or won't happen at all.

You are basing your scheme proposal on a prediction, and by nature, predications are not fact. We are so far away from the medium to high risk period (which I believe you stated to be 2070-2100) that surely it makes more sense to design a defence to suit a more short to medium term solution, that costs significantly less and if necessary could be added to in the future when more data on climate change and its impact can be gained.

With technological/engineering advances progressing all the time, I don't see how it makes sense to spend 132M pounds now, on a proposed flood defense to protect against an event that is potentially, and not definitely, 75 years (or longer) away. Surely an alternative flood protection scheme, to suit the current climate and flood risk (short to medium term), spending significantly less of tax payers money would be more sensible. In 10 years time, let alone 50 years time, engineering advances will be made and new ideas will be able to be brought to the table. New ideas that may not involve concrete walls and obscuring the beauty of the town and that don't disrupt the birdlife along the riverbank.

Also you are preparing for something that has not happened and it is just a prediction not a certainty. And for the amount of money this is going to cost, and the devastating impact to local people I think the people of East Lothian need to know that ELC are putting public money in the right places. Helping them access services that help enrich and support their day to day life, not putting money in places that means other public services have to suffer.

In addition to this, I cannot find any cost breakdowns so I am concerned about how this money is being spent and how it has amounted to 132M. I have concerns over additional expenditure on this project also. Have ELC accounted for contingency? Have ELC been told by the contractors that a contingency is likely needed? If so how much is the predicated overspend going to be and where will this money come from? With any building project there is a budget that allows for a contingency but there has to be a cap on the overall budget. So what is your cap? Because 132M sounds a lot of money for this scheme and I, as a taxpayer would like to know a full breakdown of costs. Are you able to provide me with a full breakdown of costs?

The last time Musselburgh flooded was 1948. With so much public money being spent, doesn't it make sense to base public spending on need which is calculated by risk? There are many other Scottish towns that are at more immediate risk e.g. Dumfries, Peebles etc. Resources, that are now thin on the ground, should be spent more wisely surely? Why Musselburgh when other towns need is greater?

- **MENTAL HEALTH.** I have grave concerns about the mental health of those who.....
  - A. Live in properties directly affected by the construction of the scheme and the scheme when it is completed. (Views of concrete walls instead of natural beauty and noise during construction period).
  - B. Those who have small independent businesses that will be directly affected either financially or by stress of the construction period.
  - C. Those who visit or live in Musselburgh and the lagoons for its natural beauty and wildlife and use its beautiful surroundings to support their mental health.
  - D. Those who feel so strongly about protecting nature and trees and are incredibly worried about the devastating impact of the construction and final scheme on wildlife in the area.

Mental health services are in decline and nature and wildlife is a proven stress reliever. Views of the sea, river and nature are good for peoples mental health. Concrete walls (which will be covered by graffiti in time), obstructed views of the river and sea will have a huge negative impact on the wellbeing of those of Musselburgh.

Both depression and anxiety are on the rise in Scotland and the impact of nature to help manage symptoms (44% of people report being close to nature makes them less anxious or worried. From [www.mentalhealth.org.uk](http://www.mentalhealth.org.uk)) is well known. Doctors have even started to prescribe 'nature' to patients in the UK to. Views, scenery and wildlife may seem insignificant compared to your flood proposals, but with already stretched services for mental health support, I don't see how again, it makes sense to put more pressure and stress on local people when a smaller scale scheme that would work perfectly well short and medium term, would cost less and be less visually obtrusive.

- **IMPACT ON WILDLIFE AND TREES.** I am a huge supporter of wildlife and nature. No trees should be cut down. And this goes back to my point below of no alternative solutions being proposed. Trees, scrub land and flood plains ARE natures way to prevent flooding. Trees drink gallons a water a day (a mature oak tree drinks 50 gallons a day as one example) so it makes no sense at all that trees would be cut down. Trees help protect our towns so should never be touched. So, what alternative proposals that allow for the trees to stay and a zero or lesser impact on the lagoons could there be if other options were explored? I would like to see East Lothian Council taking the wildlife and nature into consideration with the flood defence scheme.
- **LACK OF ALTERNATIVE OPTIONS PROPOSED.** I am very concerned that no alternative options have been proposed. Scottish Government guidance states that a range of options should be included, which would allow the pros and cons to be weighed up with each one and a more informed choice to be made. When a problem needs solving no matter what it is, the best outcome will always come from a range of ideas being brought to the table. Why have no alternative options been explored?

- **SCIENCE.** I read that the project team say they have adjusted flood defence heights in response to local feedback. If the flood defence is based on precision and science, then how can you possibly change the height? This does not make any sense and means that your calculations for defence heights cannot be based on science because if they were you would not be able to change the plans like this. This makes me concerned about other areas of the plans. Locals residents have asked to see the data underpinning the scientific calculations but their requests have been ignored. To feel confident that 132M of public money is money well spent, it is imperative that local people get to see the science behind the design. It is only going to create mis trust if information is withheld. What is the reason for lack of transparency? Can we please see the data that underpins the scientific calculations?
- **NATURAL FLOOD MANAGEMENT.** I understand that NFM options were discounted at the start and I would like to know why this is. From what I have been reading flood walls in other areas have failed (e.g. Brechin 2015) so man-made interventions are not always guaranteed to work so how do we know and can you ensure your scheme is guaranteed to work? Again, for the amount of public money that is going to be spent, it needs to be full proof because the lack of money reaching other valuable and needed services has to be worth it. I would like to know also why upstream NFM measures were not considered. The solution has to have a multi faceted approach, you can't just discount NFM entirely. Because nature naturally defends against flooding by having places for the water to go and upstream options are vital for this to prevent surges of water after rainfall. So why were NFM options discounted?

With all the focus on climate change and the environment and how we all have to do our bit to reduce CO2 emissions (which nature does naturally) it makes no sense to me why you wouldn't be using our natural assets to your advantage. I would imagine that the development of NFM would not have the environmental impact that the construction of concrete walls would, so why has NFM not been explored or at least been a part of the project.

- **ENVIRONMENTAL IMPACT.** When constructing anything there is always a cost to the environment. The cost has to be worth it long term. And as I have mentioned before, I don't think this particular scheme (when a smaller scale scheme would work in the short to medium term) is worth the risk to the environment. Do you have information on what you propose to do to minimise the CO2 emissions? Again with technological and engineering advances improving all the time, surely it is best to minimise the CO2 emissions as much as possible because in the future when smaller scale flood defences need added to, the technology of reducing CO2 emissions will have moved on creating less of a fall out environmentally. Every action taken in this scheme, bearing in mind it is being proposed because of environmental changes, needs to be taken seriously. Every unit of CO2 that is put into the atmosphere by man, has a negative impact on the environment, so this must be taken very seriously. It doesn't make any sense that the

impact on the build would not be very tightly monitored and measures taken to minimise the risk.

- **TRANSPARENCY.** I was very concerned to read that the engineers who have designed and will be constructing the scheme have also been appointed to write the Environmental Impact Assessment. They have ruled out all alternatives to the current scheme, without these being able to be seen by the public for consideration. In any good project, it is healthy to have options, solutions and ideas brought in by many experts, this then creates the best solution possible that fits the problem appropriately. It is a worry to me, particularly as I am very passionate about the protection of nature and wildlife, that they were allowed to write the EIA. This would be a very biased opinion on a subject of huge importance and I would like to know why they were allowed to do this?

I am also unsure as I can't see this information anywhere, how many properties will be included as being 'protected' by the scheme? The number has changed in the documentation so please can you let me know how many properties this scheme will protect and how you arrived at that number?

- **NATURAL BEAUTY.** With the Flood Project, there will be a physical disconnection with the river and the sea in certain parts. I have mentioned above how important our connection to nature is for our mental and our physical health. In addition to this, if we want to bring up the next generation, our current children, to have an affinity with nature, to understand the importance of it, to know the importance of wildlife, to understand the role trees have and how important they are, we have to allow them to be connected to it easily, not to make it even more difficult for children to access and see it. I really think it sets the wrong example (I believe in leading by example where children are concerned) to be cutting trees down and obscuring their view of the beauty of the river and the birds and wildlife that live in and beside it. Does ELC believe in leading by example? Because these proposals do not lead me to believe that ELC are putting wildlife, trees, nature and the environment as a priority where this scheme is concerned. If we want our next generation to care about our environment and the environmental impact, ELC has to lead the way by showing them that they care.
- **HEALTH AND SAFETY.** It is a concern to me that the sheer drop from the top of the concrete walls are not being considered if anyone was to get on top of the wall. This is very dangerous.
- **TOURISM.** East Lothian does not have a major city that brings in money to the area. What we do have that brings in a lot of money is Tourism. People come from all over the country to visit the lagoons for bird watching, and I am sure many stay locally in Musselburgh while they are here. I have concerns that when the project is complete, many tourists will cease to feel that Musselburgh is a desirable area to stay in or visit. People may want to stay in accommodation elsewhere, or shop elsewhere. People who came just for a walk along the river, then spent money in cafes and shops, will go

elsewhere to visit natural beauty. I feel this project will put people off visiting and will go to other county's to walk along the river. Which means less money brought to local businesses.

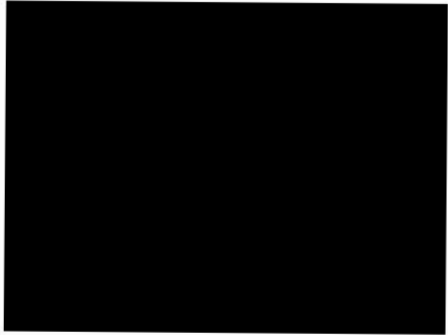
Please acknowledge receipt of my letter of objection in writing only, not via email. I do not wish to discuss this in person or by telephone only via letter.



Carlo Grilli  
Service Manager - Governance  
Legal Services  
East Lothian Council  
John Muir House  
Haddington  
EH 41 3HA



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



[mfpsobjections@eastlothian.gov.uk](mailto:mfpsobjections@eastlothian.gov.uk)



Dear Mr Grilli

This is my objection letter to the Musselburgh Flood Protection Scheme

I object to the to the hard engineering that's going to destroy the river bed there is easier ways to make the water run more freely

I object to the millions of pounds of tax payers money being squandered on this flood scheme when Musselburgh needs so much more repairs to drains roads buildings ect ect

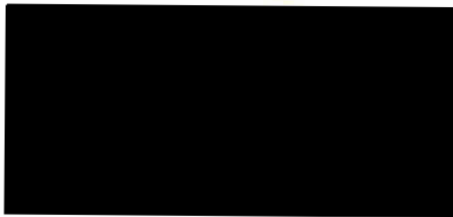
I object to the disruption it is going to cause to local businesses

I object to the planned use of the links which will then be destroyed this is land belongs to the people of Musselburgh not east Lothian council

I object to the removal of four bridges for a monstrosity

I object to the total lack of concern for the wildlife

Yours Faithfully



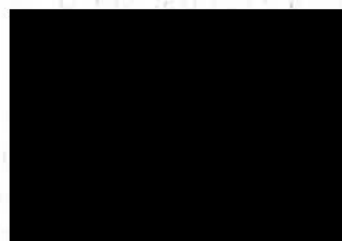
Carlo Grilli  
Service Manager - Governance  
Legal Services  
East Lothian Council  
John Muir House  
EH41 3HA

EAST LOTHIAN COUNCIL  
RECEIVED

24 APR 2024

LEGAL & PROCUREMENT

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



Dear Sir,

While I have several concerns about the Flood Protection Plan proposed by East Lothian Council, such as value for money and reliance on high-impact engineering approaches, I will confine my comments to subjects where I have academic and professional experience. There are two such concerns.

(1) Research methodology

For the sake of brevity, I will confine comments to my first exposure of the Flood Protection Plan. This as the presentation at Eskmills, last year.

I was immediately baffled. Several levels of flood risk are suggested but it is only the most extreme (a 1:200 possibility of flooding, almost ninety years in the future when sea levels have risen 0.86m) that forms a basis on which all future plans are based.

I could see no citation for this to be the valid assumption on which (quite literally) concrete planning rested. When a [REDACTED], I would have rejected such sloppiness from an undergraduate essay and would have been equally dismayed by spelling errors that went beyond a lackadaisical attitude. To suggest a massive intervention in an area when incapable of spelling a local town properly indicates a disturbing diffidence to local realities. I refer to (sic) 'Port Seaton.'

To innumerate all the research inaccuracies from then until now would be lengthy, I suspect others may do this detailing a plethora of ambiguities and inconsistencies, no examination of alternative strategies, a lack of response to enquiries amongst the concerns regarding methodology. Brevity considerations again: if more details are wanted, I shall supply.

(2) (Non) Consultation.

Whether the inexact research results from a relaxed attitude or a selective approach whereby studies are done in order to reach a pre-determined solution (such as an engineering company championing an engineering intervention), had proper consultation been part of the planning process, a far more robust set of proposals would have resulted.

Those currently tasked with discovering the forged First Class postage stamps will have complete training in what the genuine article looks like. My dismay at the lack of consultation regarding these flood plans comes from broad experience of authentic consultation. Any East Lothian official or employee of the engineering firm could use available superlative examples simply as taking a bus to Police Headquarters or the NES.

I served as [REDACTED] respectively for these two bodies. My participation allowed me to see that proper consultation consists of giving an outsider a voice inside the decision making process. After each meeting with a senior Police Officer, or following any of my several roles with the NES (ie NHS Education Scotland), I reported my findings, mentioning any concerns regarding policies, practices or procedures which were then addressed or explained.

This is the briefest summary of [REDACTED]. I am available to amplify and validate my certainty that, despite having two superlative examples within a few minutes drive away, both the East Lothian Council, and Jacobs, have produced the antithesis of actual consultation. There is certainly an argument that authoritarian regimes work more efficiently, and many countries now seem to be adopting this more robust approach. I had not realised that Scotland was amongst them.

Had actual consultation been in place for much of the past decade, flood prevention planning would not now be at such a divisive stage that I can see no option but a pause. I have also been employed as a [REDACTED]

[REDACTED] The flimsiness of evidence, lack of transparency, unwillingness to answer questions directed to ELC or Jacobs collectively mean this scheme (likely to proceed since the powerful do generally prevail) will soon be placed alongside the trams and ferries fiascos as another example of how not to govern well. A legacy of sorts.

Yours sincerely,

[REDACTED]

EAST LoTHIAN COUNCIL  
RECEIVED

24 APR 2024

LEGAL & PROCUREMENT

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



3rd April 2024

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



Dear Mr Grilli

Whilst acknowledging the desirability of a flood defence scheme for Musselburgh along with many towns and cities in Scotland, I am writing to object to the recently published Musselburgh Flood Protection Scheme (MFPS). Having researched the area, I moved here in [REDACTED] attracted by the historical nature of the town, access to many walks with the opportunity of observing a fascinating array of fauna and floral and also the excellent public transport systems.

My first ground of objection is the visual impact of the scheme as it stands. The concrete walls will blight Musselburgh and, instead of pleasant walks along the riverbank, I will be corralled into concrete passageways. The illustrations and photo-montages provided by the contractors are, in many cases, inaccurate. For example, in the Environmental Impact Assessment, Appendix B9 of the Townscape and Visual Impact Assessment, View 12 on page 14 shows people walking with a wall that appears to be just above waist height (described as 1.4 – 1.5 metres high). If I was walking there the wall would be level with my eyes. Although the walls have in many cases been reduced in height, they still restrict the views of some people and of most wheelchair users. Another aesthetic consideration is the design of the proposed new bridges, which are not in keeping with the current architecture, and do not offer additional flood protection.

What impact will the construction of concrete walls and embankments have on the local fauna and flora? Will otters still make their holts here, kingfishers their nests and bats their roosts?

I am also concerned that alternative and nature-based solutions appear to have been discounted with little consideration. The project team ( who also conducted the Environmental Impact Assessment) have put forward one solution only. The Water of Leith, for example is managed by the Harlaw, Threipmuir and Harperrig reservoirs which help control the flow of water. Was anything similar looked at? Building or enlarging reservoirs would surely cost less than covering the river banks in concrete.

The cost of this scheme in 2021 was put at £42 million; it is now £53 million and the council has been told this is likely to rise. Is this the best use of public money and why has no cap been put on the cost? £4 million has already been spent on designs and consultations, but how were the Project Team chosen? Was information sought from other bodies such as universities who usually welcome field research. The University of Hull has an MSc in Flood Risk Management, were they approached? There seems to be little information or transparency in the selection process or in the data presented. For example, the project team say they have adjusted the height of the flood defences in response to local feedback. Does this imply that there was no particular scientific reason for the original height of the walls?

Why has the Active Travel Plan been incorporated into the Flood Defence Scheme? There seems no logical reason for this as the Travel Plan does not contribute to flood protection.

Finally, I am concerned about the impact all the construction work will have on the health and well-being of the people of Musselburgh throughout the ( estimated) five-year building plan. Air pollution and noise pollution are an inevitable consequence of construction work and I note that a hub for the work will be in the grounds of Pinkie St Peters Primary School. What impact will that have on the children and the staff? Will they still be able to access the grounds and pitches?

I do think Musselburgh deserves better and look forward to your response to my concerns.

Please acknowledge receipt of my letter in writing and advise me of the next steps and timescales

Yours sincerely



MR. C. GRILLI

SERVICE MANAGER - GOVERNANCE

LEGAL SERVICES

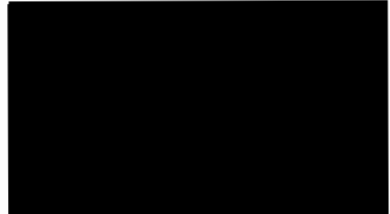
EAST LoTHIAN COUNCIL

JOHN MUIR HOUSE

HADDINGTON

EH41 3HA






6 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 am a taxpayer who moved to Musselburgh  choosing the amenities that the town offers. I am a regular user of the beach and riverside so although my property would not be directly affected I have objections to the scheme:

- I do not agree with the amount of public expenditure, £43.5m, proposed for the Scheme. Such a large sum of taxpayers' money would be better prioritised for works in areas of the country at greater risk of flooding.
- There is no external review in place to provide technical and financial governance of the project.
- Until flood risk has been properly and independently assessed (i.e. unconnected with the contractors) a scheme of unknown total cost should not be passed by the Council. Preparation is being made for a 1:200 year climate change event without independent flood frequency assessment.
- I do not agree that multiple design options have been considered, or explored in public consultations. Hard engineering, the contractor's preferred option, does not work long-term against the actions of nature - evidenced by recent breaches in Perth and Brechin.
- Hard engineering releases thousands of tonnes of carbon dioxide into the atmosphere. As a regular beach user throughout the year I consider coastal walls as shown in the Scheme to represent a huge loss of amenity, posing a threat to the mental health of users of the beach and coastal path. Embankments and walls along the river would similarly alienate walkers and cyclists from the natural environment. Access would be only at certain points, sight lines spoiled, the open landscape urbanised. The historic character of the town would be irretrievably altered.
- During a construction phase the pile driving and general disruption along the river would cause immediate loss of amenity for those living nearby and for the hundreds of residents who use the Common Good land.

I should be obliged if you please reply in writing.

Yours faithfully,



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

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18/04/24

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

Dear ELC,

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

I am a citizen of the town of Musselburgh and will be affected by these proposed changes both, on account of where I live and as a user of the amenities of the area.

Objection:

1. The proposed new bridge at Goose Green, this is not needed the existing route is more than adequate for walkers and cyclists. The design of the surroundings would reduce people's privacy.
2. The cost of this is considerable and ELC would be better placed to use it in the areas of poverty and education.
3. The additional pollution caused by this scheme is concerning when the long term causes of the dust caused is not as yet known. There is a high rate of cancer in Levenhall, 3 times the national average, possible due to the fly ash!
4. The amount of concrete that is to be used is cause for considerable concern when natural solutions are not being considered. Many small environmental contributions would alleviate a lot of problems and although known for years have not been implemented. Why?
5. This is a national/international concern. It is very concerning that councils cannot work together as seems to be the case here between ELC and MLC. The potential flood problem for Musselburgh is being treated as a reaction as opposed to a long term issue. Natural flood management can alleviate flood risk to homes and improve the environment for all.  
Uniting across artificial boundaries would help all the people and be an example that the land/environment is to be shared and looked after. History =has shown that this has not happened, but let us begin.
6. Having consulted the summary of the EIA it is clear that it does not address the houses most at risk, also the numbers are different!  
There is not a clear link between the Scheme for Musselburgh and the whole environment of the rivers and tributaries.

Most important it does not mention the affect, both mental and physical health on the people of Musselburgh.

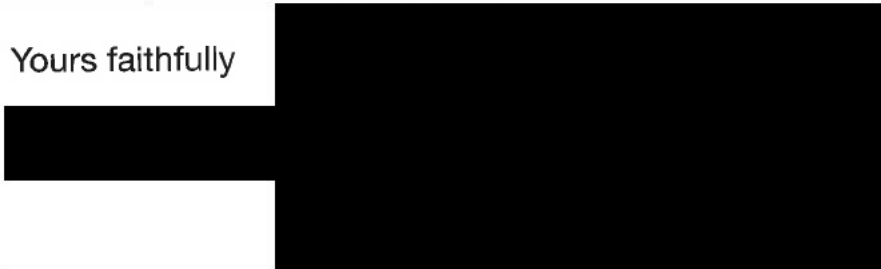
7. It is concerning that attempts by council are being made to include active travel in the flood protection scheme ignoring the wishes and input of the people of Musselburgh.

The potential flood problem for Musselburgh is being treated as a reaction as opposed to a long term issue. Natural flood management can alleviate flood risk to homes and improve the environment for all.

Uniting across artificial boundaries would help all the people and be an example that the land/environment is to be shared and looked after. History has shown that this has not happened, but let us begin.

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

Yours faithfully

A large black rectangular redaction box covers the signature area, obscuring the name and any handwritten notes or dates.

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EH41 3HA



6th April 2024




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

Dear Carlo

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

I live on  my property is directly affected by the proposed scheme

I object to the published scheme for the following reasons:

- The lack of public consultation and involvement, why have other schemes not been considered and discussed?
- Height of unsightly concrete walls and inevitable graffiti; we have already seen defacing of telecommunication boxes, litter bins and the bridges along  There is also considerable graffiti on the existing flood walls on the John Muir Way near the lagoons
- A major concern I have is the devaluation to my property as a result of unsightly concrete walls, noise during construction and pollution and the inevitable contamination from mud and dust
- The effect of the scheme on my mental health - I am a runner and a walker and currently enjoy running alongside the river and taking in the beautiful views and wildlife. All of this would go if the flood scheme goes ahead. There would be a loss of access to all these areas during the 4 year construction period
- How is this scheme to be financed and what will the final cost be? As a resident of Musselburgh, I have already seen the Brunton Theatre and the Brunton Bistro close with no sign of reopening. Surely it is more important to look after our existing amenities rather than lose them through lack of funding because of an expensive flood scheme
- Musselburgh has not flooded for over 50 years. The last few months have shown an unprecedented amount of rain in East Lothian - the river Esk has not flooded at all during this period

- The bird life along the River Esk is something Musselburgh should be proud of, this is a conservation area and should not be spoilt in the way East Lothian Council are proposing with the flood scheme
- What protection will my property have from the proposed engineering works? Will there be structural damage to it during construction? I am extremely concerned about the noise levels during construction especially as I have existing mental health issues
- Why have East Lothian Council refused to pause this flood scheme despite all the public criticism and a huge public petition
- What guarantee is there that the completed scheme will be effectively maintained, will it actually work? Brechin have a similar flood scheme and it proved to be totally ineffective during recent winter storms

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

Yours faithfully

A solid black rectangular redaction box covering the signature area.

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



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:**

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



**The Service Manager – Governance, Legal Services,  
East Lothian Council, John Muir House,**

**Haddington,**

**EH41 3HA**

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24 APR 2024  
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To The Service Manager – Governance, Legal Services,  
East Lothian Council, John Muir House, Haddington, EH41 3HA

14/4/24

**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 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 therefore 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



**The Service Manager – Governance, Legal Services,  
East Lothian Council, John Muir House,**

**Haddington,**

**EH41 3HA**

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24 APR 2024  
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**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 might 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 23<sup>rd</sup> 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



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

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Me & my brother, [REDACTED] visit our grandparents in Musselburgh and I object to the flood scheme. Here are some of my reasons why.

Firstly, one of the things that make me most sad are seeing those little red mosses on trees and thinking that plenty of those beautiful trees will be chopped down in place of a concrete wall. That would just be creating more climate change because of climate change! That's not too good an idea, don't you think?

Next, young children or people in wheelchairs won't be able to see over the wall and look at the sea and that would be terrible - one of my favourite things about Musselburgh (aside from my grandparents) is looking at the sea as we walk to the harbour. I would miss it so much!

From

[REDACTED]

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Dear Mr. Gilli,

Me & my brother, [REDACTED] visit our grandparents in Musselburgh and I object to the flood scheme. Here are some of my reasons why.

Firstly, one of the things that make me most sad are seeing those little red crosses on trees and thinking that plenty of those beautiful trees will be chopped down in place of a concrete wall. That would just be creating more climate change because of climate change! That's not too good an idea, don't you think?

Next, young children or people in wheelchairs won't be able to see over the wall and look at the sea and that would be terrible - one of my favourite things about Musselburgh (A side from my grandparents) is looking at the sea as we walk to the harbour. I would miss it so much!

(P2) →

You wouldn't be able to see the birds & wildlife at all and anyway, they would probably leave with all that noise and dust. Worse, the remaining few (who couldn't fly, of course) might get trapped in the river with no way out! I would hate that, wouldn't you?

Last, my grandparents' house is \*usually peaceful\* but we're a bit worried about the noise. It would also be quite dusty, and with all the noise & dust, we might not want to come anymore! That would be bad for us and our grandparents, don't you agree?

Thank you a LOT for reading my letter, I really hope you acknowledge soon!

Yours Faithfully, 

\* right by the sea, and it's

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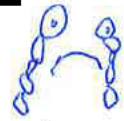
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FLOOD SCHEME

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\* written by

tated



DONT DOTHS

dear MR grilli  
often  
We visit our

in Musi

## I OBJECT TO THE FLOOD



① We go to the park and play a game Pirates, because we can see + build a high wall we won't see - play park and we won't play



② I play at the skate board park and I will be really sad if they take it away.

③ I don't want concrete walls because it is bad for the environment and if there are I want them to be glass

From

[REDACTED]

EAST LoTHIAN COUNCIL  
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\* written by [REDACTED] or dictated  
by [REDACTED] and scribed by  
[REDACTED]

dear MR grilli  
often  
we visit our [REDACTED]

in Musselburgh.

I OBJECT TO THE FLOOD SCHEME.

- ① We go to the park and play a game called Pirates, because we can see the sea. If they build a high wall we won't see the sea from the play park and we won't play pirates any more.
- ② I play at the skate board park on wheels and I will be really sad if they take it away.
- ③ I don't want concrete walls because it is bad for the environment and if there are I want them to be glass

From [REDACTED]

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LEGAL SERVICES

EAST LoTHIAN COUNCIL

JOHN MuIR HOUSE

HADDINGTON

EH41 3HA

FLOOD SCHEME



**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



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

[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:**

The Published EIA summary consistently underplays the impact of the proposed scheme and I am objecting on the grounds that it has either not been adequately researched or has been manipulated by Jacobs in whose best interest development to the full design stage is paramount for profitability. The EIA has misled the Councillors unless they are complicit and is misleading to the public reading the condensed summary. I therefore demand that an independent audit is carried out on the findings contained in the Summary EIA as published.

All the comments pre-mitigation are Adverse or Major Adverse. There is no evidence that the mitigation efforts will have enough impact to fully restore the loss of habitat and damage to bio-diversity within the lifetime of the scheme which could be as low as 60 years (NB: existing seawall) given that the full effects of climate change cannot be fully calculated and are only a guesstimate.

The summary EIA does not mention the negative effects of overlooking from the raised embankments along the river as part of the scheme. Any increase in the value of homes due to the MFPS is likely to be outweighed by the loss in value due to being overlooked and properties losing their views of the river. Historically, Insurance companies have little regard for flood protection schemes and therefore the proposed scheme is likely to offer limited benefit to home owners with properties on the river.

The EIA suggests that riparian and other planting will substitute for loss of habitat and aesthetic appeal once established. It should however be pointed out that riparian planting is NOT drought tolerant. Due to climate change. There is nowadays a significant period of drought in any given year. The chances of Riparian planting surviving are therefore slim in the long term. This could have significant revenue implications for East Lothian Council going forwards. (Opinion, [REDACTED])

[REDACTED]

Summary EIA area study 3

The EIA provided is full of assumptions rather than based in fact supported by scientific evidence. Rather it is assumed wishful thinking on the part of Jacobs who compiled the report and would benefit significantly from the proposed MFPS proceeding to the Final Design stage. There is no evidence of support from Musselburgh residents to support these assumptions.

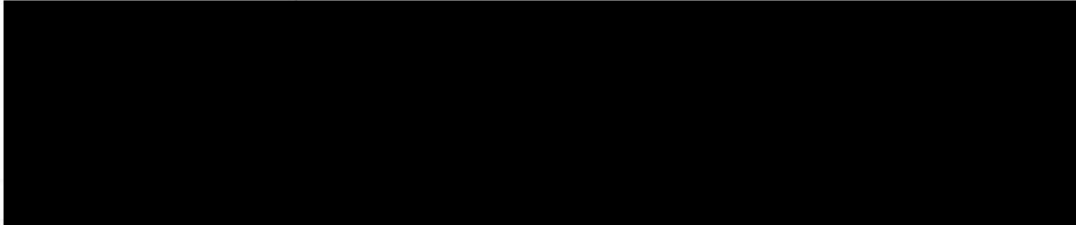
Yours sincerely

[REDACTED]



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





**17<sup>th</sup> April 2023**

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

**I wish to object to the proposed Musselburgh Flood Defense Scheme  
for the following reason:**

Human interference can alter a river's natural flow, which may result in the need for further, unplanned work. For example, adding flood embankments and solid concrete structures to one part of a river may cause erosion to worsen elsewhere. This is because the power of newly constrained flood waters will be transferred downstream.

The proposed scheme is not appropriate for Musselburgh where the consequences of such development may result in a long-term impact on the Ramsar and SSSI sites in associated areas.

Yours sincerely



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17<sup>th</sup> April 2024

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

**I wish to object to the proposed Musselburgh Flood Defense Scheme  
for the following reason:**

Whilst originally choosing to incorporate a provision for MAT within the scheme there is no proof that this can be delivered as the acceptance of the MAT project is far from achieving planning permission & is likely to meet with significant public opposition. There is little prospect of bicycles, electric scooters, electric bicycles, trishaws, children's pull-along wagons, children, buggies, walkers & dog owners feasibly sharing an active travel route. It would be too dangerous and there is no evidence that such a design would work in the UK.

MAT is not included in the proposed scheme, therefore until such a time as the MAT should be granted planning permission the design incorporating extra wide ramps, footpaths and access points and narrowing the river to incorporate these features is excessive and not justified.

MAT forms part of the EIA summary where it should not. MAT is not within the scheme proposals, This therefore means that decisions are being taken based on an EIA that is out of date.

The EIA summary significantly omits to mention the long-term implications on health with regards to the disabled or those with limited mobility.

By removing MAT from the proposed design, the proposers ELC have made the ability to offer sound objections more difficult for the public to understand the proposed MFPS in its own right and therefore have had their options for objection circumstantially altered.

The initial scheme proposed and consulted on with the local population contained MAT. This was not legal as MAT requires planning permission. MAT was withdrawn hours prior to the scheme being 'notified'. The proposed scheme has been designed to incorporate a project that has no validity or flood risk benefit. The design team of experts must have been fully aware of the legal requirements from the outset as they have all the expertise to have recognized this. The design and EIA should therefore have been amended prior to the scheme being 'notified' to the public for the 28 day objection period.

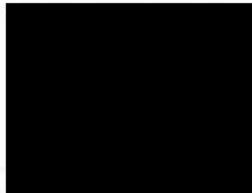
I therefore object that the proposed scheme is not the best possible solution required under the 2009 Flood Risk Management (Scotland) Act 2009 as it compromises significantly on the river environment & accessibility

Yours sincerely



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

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17/4/24

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

**I wish to object to the proposed Musselburgh Flood Defense Scheme  
for the following reason:**

Haddington and Dalkeith are not Musselburgh and as such not convenient for affected residents to be able to adequately access information documents for the proposed Flood Protection Scheme and Coastal Adaptation Scheme.

The plans should be available to view 10am - 9pm 7 days a week at least, somewhere in Musselburgh.

1. East Lothian Council are doing their utmost to thwart objections from those most affected by their plans by limiting access to the scheme documents to unreasonable hours for working people.

2. By posting the proposed MFPS from the 24<sup>th</sup> March 2024 – 24<sup>th</sup> April 2024 the period falls between dates when many people may be on holiday or busy with extra child care commitments. It is my belief that these dates were chosen to limit objections to the proposed schemes.

2. The proposals look nothing like the public presentation in June 2023.

I therefore request a public enquiry into the failure of the schemes proposers to enable adequate access to the proposed scheme documents in Musselburgh.

Yours Sincerely

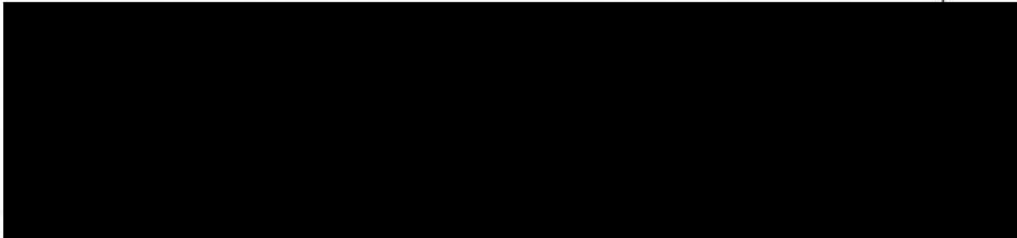


**The Service Manager – Governance, Legal Services,  
East Lothian Council, John Muir House,  
Haddington,  
EH41 3HA**

EAST LoTHIAN COUNCIL  
RECEIVED  
24 APR 2024  
LEGAL & PROCUREMENT

24 APR 2024

AL &amp; PROCUREMENT



14/4/24

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

**I / We wish to object to the proposed Musselburgh Flood Defense  
Scheme for the following reason:**

**Public consultation**

Risk to homes & businesses has been adequately managed for the past 75 years with the last significant flood event in 1948. The design consultants have discounted localized protection to homes & businesses on the instruction of East Lothian Council to provide a 1:200-year protection.

The scheme was changed considerably from the public Exhibition on 20/21 June 2023 but no further public meeting has been held despite requests for an updated presentation to the public. Drop in consultations resulted in the suggestion by the project Team that the design had been adapted to meet public concerns. However, no confirmation of those changes was made available via a public meeting and the value of drop in consultations very limited.

Many people have stated to me that they found the project team; condescending, overbearing, manipulative and economical with the truth. I have also found this for myself.

This is also supported by the implication by the Project Team in the report into the questionnaire from the 3<sup>rd</sup> Public Exhibition in June 2023 (published on the 4<sup>th</sup> December 2023) that online respondents may have made 'multiple' submissions and therefore the online results were unreliable.

It should be noted that 897 members of the public attended the Public Exhibition in June 2023. Of those 327 completed the questionnaires at the event. A Further 537 where submitted online. A total of 864 submitted questionnaires.

The report published on the 4<sup>th</sup> December 2023 implies fraudulent submissions and therefore questions the validity of the feedback.

Such aspersions make the recorded results composed by ELC's MFPS team of the 3<sup>rd</sup> Public Exhibition questionable. Surely the Project team had the safeguards in place to ensure that multiple submissions did not happen?

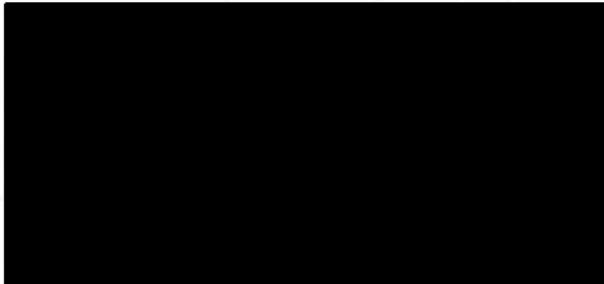
I argue that as many online respondents were younger (as evidenced in the reports statistics), with greater access to online information rather than relying what they were told at the Public, event that many younger people may have responded online because they went home to get answers or could not attend the event due to work & or Family commitments.

The suggestion made reflects poorly on the Project Team and council officers and their attitude to the Musselburgh residents.

The summary report states that the ELC advisors question the unreliable or possibly duplicate submissions. The questionnaire was designed to elicit specific responses as it offered very little possibility of objective input. Many older people I have spoken to found the questionnaire confusing and chose not to complete it for that reason. Being online it was not easily accessible to all those that did not have easy access to the printed document. In summary, the responsibility to obtain honest and accurate responses belongs to the designers of the questionnaire.

**I/We therefore request that a full investigation and public enquiry is held in order for the views of all businesses, property owners and residents to be considered.**

Yours sincerely

A solid black rectangular redaction box covering the signature of the sender.A large solid black rectangular redaction box covering the address and contact information of the sender.

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

