

Members' Library Service Request Form

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Originator	Ian Chalmers
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Document Title	Musselburgh Flood Protection Scheme MLS report - Appendix A.21

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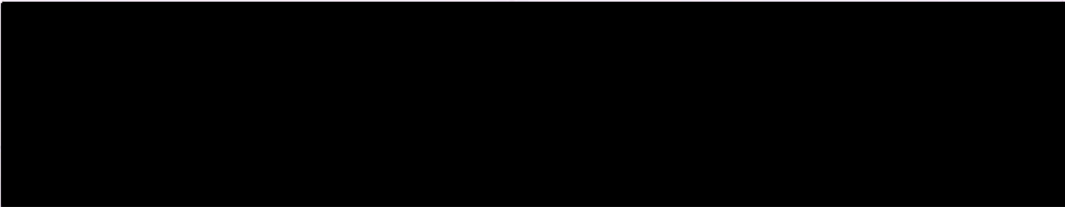
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For Publication

Additional information:

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

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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



EAST LOTHIAN COUNCIL
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24 APR 2024
LEGAL & PROCUREMENT

MR. C. GRILLI

THE SERVICE MANAGER, LEGAL SERVICES

ELC, JOHN MUIR HOUSE
HADDINGTON

EH413HA





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:**

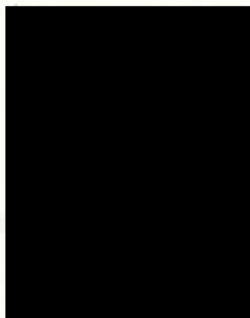
The Act 2009 states that natural solutions are best practice. The scheme is the antithesis of this.

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



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MR. C. GRILLI

THE SERVICE MANAGER, LEGAL SERVICES

ELC, JOHN MUIR HOUSE

HADDINGTON

EH41 3HA

[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 Town 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]



MR. C. GRILLI

THE SERVICE MANAGER, ~~LEGAL SERVICES~~

ELC, JOHN MUIR HOUSE

HADDINGTON

EH41 3HA

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LOTHIAN COUNCIL
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Date...14/4/24

24 APR 2024

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**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.

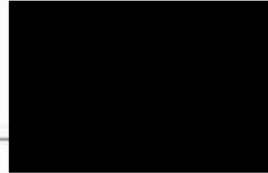
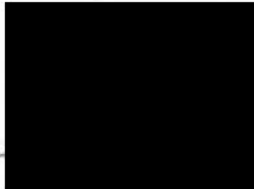
Should this objection be refused, I require evidence that these facts are incorrect as I have evidence to the contrary.

Yours sincerely

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**The 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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17th April 2024

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

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

The social and economic impact

The proposed scheme contains an unacceptable physical alteration to the historic Burgh of Musselburgh. The benefit does not outweigh the impact on the economic attraction of Musselburgh as one of the oldest towns in Scotland and its value to the local economy obtained from tourism

Walls will affect tourism as Musselburgh’s Historic visual appearance, riverbanks and natural amenity would be significantly altered.

The proposed scheme restricts access to the beach & river banks most particularly to the elderly, disabled, those with young children and those with special needs such as Autism & ADHD. Reduced access to nature & walks has social, health and economic implications for Musselburgh.

Illustrations of the scheme on the river Esk itself provided to the public have been misleading by incorporating ‘artistic license’ (the misuse of perspective) and the lack of transparent illustration of the proposed scheme. One example of this is the indicators of tree loss within the project. Trees that will be lost are indicated in red whereas trees that will remain are indicated in green. There is however a failure to highlight / indicate trees ‘at risk’ of removal in a clear designation as these are also marked in green.

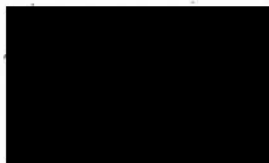
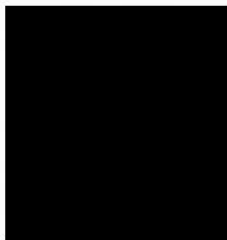
The risk to homes & businesses has been adequately managed for the past 75 years. The design consultants have discounted localized protection to homes & businesses on the instruction of East Lothian Council to provide a 1:200-year protection.

It needs to be questioned that if East Lothian Council were convinced of the risk of flooding by the river Esk in Musselburgh Town centre why the Wiremills development of 140 homes on Mall Avenue was granted permission?

Given the present economic climate the proposed expenditure of Scottish Taxpayers money on such a remote occurrence is questionable.

The MFPS therefore requires to be revised to a level were, some protection is offered whilst retaining the social economic value of the towns assets.

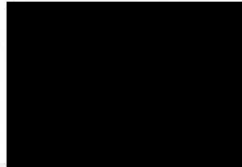
Yours sincerely



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

No evidence has been shown of ELC's ability to fund the MFPS.

East Lothian Council have a very significant funding deficit both in both revenue income and capital investment resources.

ELC have failed to show how they propose to fund their 20% share of what is presently 2 schemes The Musselburgh Flood Protection Scheme and the Coastal Change Adaptation Plan totalling at present approximately £103 million and therefore a contribution in excess of 20 million pounds.

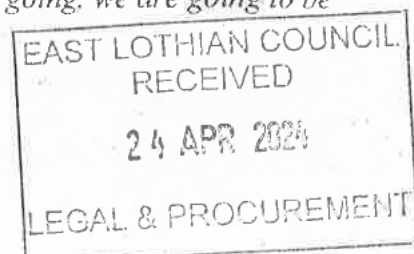
Despite numerous requests by myself and others, no explanation of how ELC intends to fund their share of the final project costs has been made available.

To Quote ELS's Financial update December 2023: 3.1 *The Council is continuing to operate within the most extreme and challenging financial environment that it has ever faced with significant challenges in 2023/24 and an estimated recurring financial gap in excess of £70 million over the next five years, which is equivalent to a quarter of the Council's annual running costs.*

3.7 *The unplanned overspend, after applying planned use of reserves is currently forecast to be £8.2 million at the end of the year. While this represents an improvement of £2.1 million since the period 5 report, an overspend of this level cannot be accommodated within unallocated balances on the general fund reserve and will not only remove in full the minimum level of reserve of £7.2m but will also result in a reduction in other earmarked funds. This will present a significant risk to the Council's financial sustainability and ability to deliver on our strategic priorities, and it will also diminish our capacity to respond to unforeseen events in the future. Mitigation measures have been introduced with a view to reducing the in-year overspend and preserving the minimum balance on the general fund; however, it is vital that longer-term solutions to closing the funding gap are identified to achieve a sustainable position in the future.*

It is not acceptable that ELC puts the Council at risk of bankruptcy endorsing a scheme with questionable benefit in the long term.

On 6th April 2023 Councillor Norman Hampshire, council leader, highlighted the potentially grim future facing the council during a meeting of Dunbar Community Council stating that "If we keep going the way we are going, we are going to be bankrupt as a council."



The Esk river restoration & improvement is not fully funded by the Flood protection legislation. With East Lothian Council in financial straits both for Capital Funding and Revenue Funding there is no guarantee that the river will be properly restored and natural habitats improved should funds available within the remit of the funding by the Scottish government prove inadequate.

The project team and ELC have not shown where the additional funding for this to be implemented will be obtained despite implying that funding could be obtained. Guarantees of 'ringfenced' funds are required to ensure that the proposed river restoration will be carried out in full. This information has not been provided.

Scottish Taxpayers are entitled to know if the proposed scheme offers value for money and a realistic solution in light of the costs for Musselburgh. East Lothian residents are entitled to expect the ELC to act in such a way as to protect its residents and not put the Council at risk of bankruptcy.

As ELC do not have the funds to adequately maintain existing issues, such as drains, roads, footpaths and amenity maintenance it is of concern that they may be unable to meet the expense of servicing many aspects of the proposed MFPS. I therefore request that the request for funding for a Musselburgh Flood protection Scheme should be held over until such time as East Lothian Council have the funds to meet any obligations of the proposed Musselburgh Flood Protection Scheme.

At the Council meeting to discuss MFPS on 23rd Jan 2024 available at https://eastlothian.public-i.tv/core/portal/webcast_interactive/834926

Mr Alan Stubbs indicated estimated costs as follows:

MFPS 53.9m

Yours sincerely

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**The Service Manager – Governance, Legal Services,
East Lothian Council, John Muir House,
Haddington,
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**EAST LoTHIAN COUNCIL
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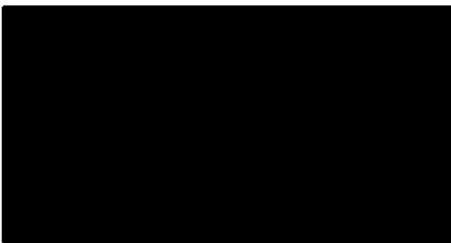
From: Legal
Sent: 25 April 2024 14:58
To: Musselburgh Flood Protection Objections
Cc: Grilli, Carlo
Subject: (0702 [REDACTED] MFPS Objection letter received yesterday 24/04/24 - [REDACTED]
[REDACTED]
Attachments: 20240424 MFPS Objection letter from [REDACTED]
[REDACTED].pdf
Categories: [REDACTED], Added to excel spreadsheet

Hi Carlo,

The attached arrived yesterday & we will acknowledge.

Thanks,






20/4/2024

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



Dear Sir,

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

FIRST OBJECTION: The works and subsequent structure will severely negatively impact my quality of life and mental health, as well as that of the community as a whole. Musselburgh has been my home  and I spend a lot of time on the beach and by the river with my family and walking our dogs. The scheme will completely change the makeup of the town and reduce the enjoyment we get from having such beautiful features on our doorstep. "People depend on the environment around them for their physical and mental health, and general wellbeing" (Flood Risk Management (Scotland) Act 2009).

I include The interaction of impacts of construction during construction that has been noted as major noise and medium level of dust will have a hugely negative impact of our standard of life. Our street so close the the river is very quiet we hear the wildlife by the river and enjoy peaceful surroundings.

Second Objection: 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 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.

THIRD OBJECTION: The impact on wildlife, including the colonies of geese and swans that live on the river, as well as loss of biodiversity from the devastating removal of mature trees is a huge concern and seems to be an extremely counterintuitive move when it is known that the presence of trees encourage drainage. As much as possible should be done to not only retain and conserve existing biodiversity, but to encourage and increase it. Nature based solutions should be at the forefront of this scheme but have been pushed aside in favour of completely unnecessary and over the top plans. No biodiversity net gain has been evidenced.

FOURTH OBJECTION: Concrete walls will become targets for graffiti and the visual impact of this will have a further detrimental impact on the area. Who is to be responsible for the cleaning of this, and what will the ongoing cost of this be? No maintenance budget has been factored into the scheme.

FIFTH OBJECTION: Disruption to local services and increased noise and traffic pollution. A long-term negative effect on local businesses, increased traffic, roadworks and road closures (in a town already struggling with the sheer volume of traffic it sees daily) leading to a decrease in visitors to the town and inconveniencing local residents for in excess of five years.

SIXTH OBJECTION: The sheer cost of the scheme is absolutely atrocious and has spiralled over the years at a time when East Lothian council have declared a financial crisis. Money would be far better spent on essential services needed now, rather than on something based on the possibility of flooding in many decades to come. We have families forced to access food banks, care homes closing down, services being cut across the board, I'd rather see tax payers money going to alleviate the severe deficit in these types of essential services than on walls for a "might happen in the future" situation. As above regarding mental health, the scheme will create a higher need for services that are already extremely stretched. The knock on effects of the scheme will be far reaching in their negativity.

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

EIGHTH OBJECTION: The removal of natural flood management before the council vote on the scheme in January 2024, and before petition was heard,

was not only undemocratic but more importantly in breach of the 2009 Act's requirements.

NINTH OBJECTION: 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.

TENTH OBJECTION: 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).

ELEVENTH OBJECTION: Prematurity of wall along the coast due to lack of Coastal Change Adaptation Plan.

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

THIRTEENTH OBJECTION: There is no beach nourishment plan nor budget for this.

FOURTEEN OBJECTION: 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.

FIFTEENTH OBJECTION: 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.

SIXTEENTH OBJECTION: 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).

SEVENTEENTH OBJECTION: 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.

EIGHTEENTH OBJECTION: 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.

NINETEENTH OBJECTION: 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.

TWENTIETH OBJECTION: 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. Reports have been made about several blocked drains over the years but still we see the same ones causing problems any time we have heavy rainfall and is getting worse. I feel like this is a huge issue that needs to be dealt with and should be part of any flood protection scheme.

TWENTYFIRST OBJECTION: 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.

TWENTYSECOND OBJECTION: 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.

TWENTYTHIRD OBJECTION: 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 Fisherrow coast the river both Eskside east and west. My whole family children and dogs included use this regularly to exercise, socialise A coastal sea defence with limited access and any scheme compound and scheme works will directly impact my ability to continue to do so and disturb my enjoyment of the land. If the scheme proceeds in its present form without amendments I expect to be compensated for the sustained damage as a consequence of exercising my powers under the Act, Section 83 (1).

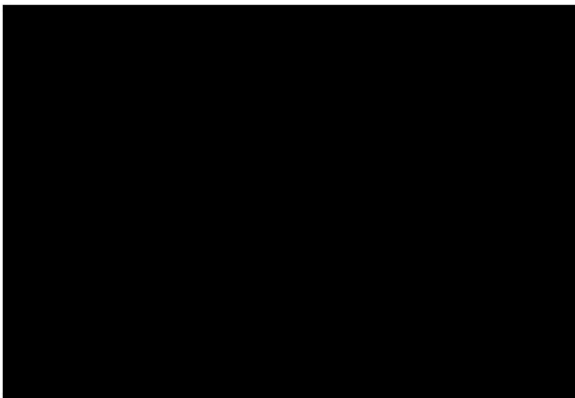
TWENTYFOURTH OBJECTION: my further interest in the land affected by the scheme and the scheme operations refer to my property which is in close proximity to the areas of work being undertaken. I would request an independent initial survey of our home -paid for by the scheme, prior to any

commencement of works and again following completion of work. Prolonged use of heavy machinery, pile driving and any other works that would cause damage to the foundations of the property or any other areas would make this necessary. The works will undoubtedly cause a loss of capital value in the property, and should we decide to sell our property we would be less likely to secure potential buyers due to works lasting for several years.

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

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

Yours sincerely



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





15 April 2024

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

Dear Mr Grilli

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

As I live on [REDACTED] I am very directly affected by these proposals which I wish to object to. While I agree that climate change requires flood management in Musselburgh, other alternative kinder more natural solutions can be achieved, at a lesser cost, rather than walling our river and seafront. I am obviously more concerned about where I live than the seafront so will concentrate my objection on the river area.

I object to the following –

- **Damage to Musselburgh** – Our very historic town will completely change and the damage will be immeasurable. Walling the river and seafront which will then, almost certainly, be covered in graffiti is completely unacceptable. The riverside is walked by residents and visitors alike and destroying our lovely trees, walking along the river but unable to see it is simply a tragedy. The inconvenience to townsfolk, buildings and wildlife during construction will be immense causing health and mental problems apart from the toxicity from the building materials
- **East Lothian Council** agreed to this Musselburgh Flood Protection proposal at Cabinet level, where no Musselburgh Councillors were involved in a vote. A scheme of this magnitude and amount should have been approved at Council level. I object that no other option was given other than the engineering route nor any specialist climate consultants used to look at different options. The river should have been looked at in its entirety not just how it affects Musselburgh.
- **Modelling** - I feel that there should have been an actual model of the proposals, not just misleading “marketing leaflets” so that people could actually see the height of walls and narrowing of the river. I feel the public have had to delve into this proposal to get the true facts rather than it simply explained.
- **Maintenance** - There is no information on who will be responsible for maintenance and upkeep of walls, planting, cleaning and removal of the inevitable graffiti once the scheme has finished. Who will be responsible?
- **Narrowing of the River** - The Esk has been narrowed twice, once when the railways arrived and again when the banking was created and now again with the flood proposals – look at old paintings of the

Roman Bridge when the three arches were used for the river. Now it would appear that the whole river is being narrowed to allow the banking to be levelled or increased to accommodate the height of the walls and the cycle paths.

- **Trees** - no definite decision on how many will be removed and the number will depend on circumstances at that time. This has been going on since 2016 and still nothing is definite. Losing so many of our beautiful trees, which are such a great enhancement to the river, wildlife and wellbeing will be a disaster. A nature-based scheme would have been much kinder.
- **Musselburgh Active Toon** - the inclusion of MAT seems to me to be even more detrimental to the scheme in narrowing the river and providing 5m wide paths and bridges with long ugly ramps that are not relevant to flood protection. Building two bridges (ie Goosegreen Bridge and Monktonhall Bridge) which have nothing to do with flood defences are not necessary. Do we really need four bridges to cater for cyclists in our small town are we expecting the Tour de France?
It would seem very inefficient that it was only 24 hrs before publication of the proposals, to realise that planning permission was required for MAT.

As I live beside the river, the construction works will affect me greatly. Not only in noise, dust, toxins, disruption to my day-to-day life and mental wellbeing but financial. I will lose use of our car park. Once finished instead of looking at a free-flowing river with lovely green banking and an avenue of trees, I shall look onto high banking with a path on the top and on the other side of the river, a high wall covered in graffiti. My whole outlook will change and my property devalued. I fully intend to seek compensation and will do so under the 'intended compensation claim' per the Flood Prevention Act 2009.

Lastly, I completely agree that Musselburgh needs a flood management scheme but making a walled prison of our river and seafront will be a disaster for the town and those living and visiting, especially when there are obvious natural and sympathetic alternatives being well documented both in the media and tv. However other options were not looked at and we now have only your disastrous proposal.

I look forward to your acknowledgement and response to my letter together with the outcome of the objections. I do not wish to be visited and any contact should be by letter.

Yours sincerely

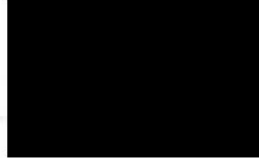
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[Redacted contact information]

Carlo Grilli,
Service Manager - Governance
Legal Services
East Lothian - Council
John Muir House
HADDINGTON

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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 scheme I 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.

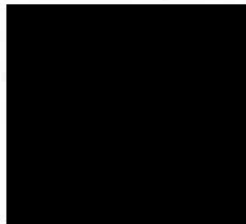
Whilst it is for ELC to define their own monitoring strategy, we recommend a minimum of six-monthly topographic surveys of the available intertidal area, preferably at MLWS. We also recommend continuing to explore the potential for using remote sensing techniques as part of an automated early warning 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



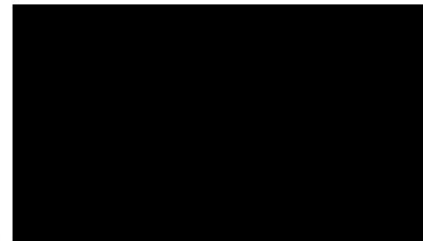
Mr L. Gelli

The Service Manager, Legal Services

E.L.C. John Muir House

Haddington EH41 3HA

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14th April 2024

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

MUSSELBURGH FLOOD PROTECTION SCHEME 2024

Dear Mr Grilli

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

Objection 1. Coastal Section Fisherrow to the Esk Estuary.

As a resident who lives just [REDACTED] from the promenade, I am extremely concerned about the building work to be carried out. The noise and disruption to what is a lovely quiet area will be devastating and extremely stressful. The flood maps provided by SEPA p28, figure19 of the Musselburgh Coastal Change Assessment indicate that there MAY be a flood risk of 0.5% by 2080! So, there is a 99.5% chance that the area will NOT flood! Concrete walls are not the solution and this has been proved numerous times. The flood walls in Brechin (built 2015) are a recent example of failure. I do not want to be looking out on a concrete wall which most certainly will be covered in graffiti!

Objection 2. Cost of Musselburgh Flood Protection Scheme.

As a taxpayer I strongly object to the exorbitant amount of public expenditure being spent on the scheme, which will no doubt come in over budget. This scheme has no benefit to our town at all. On 23rd December 2023 the Scottish Government stated that they recognise the importance of natural flood management (NFM).

Why is ELC not interested in alignment with the Scottish Government?

The MFPS does not offer other scenarios, it is tied to a 1:200 year climate change event. This event is not a certainty but instead seems to be used to scare Musselburgh residents.

In January 2020 ELC cabinet voted through the preferred scheme. Surely a scheme of this importance and which is so expensive should have to be approved by the full council not just the cabinet. Does the cabinet have the power to vote through such an important scheme? The people of Musselburgh certainly deserve so much better than the proposed scheme and better representation from their councillors.

Objection 3. Impact of MFPS on residents.

This project will take at least 5 years to build. The flood protection scheme in Hawick also operated by Jacobs is a good example of how building works can over run! The vibration and noise from pile-driving along the river will be horrendous and will surely challenge noise pollution limits.

There seems to be no exact measurements provided for -

1. The height of the wall along the beach and promenade.
2. Access points to the beach.
3. The height of the embankment at the promenade.

Musselburgh as a town is so lucky to have both a river and the sea for people to enjoy, which hundreds do. In a time of increased mental health problems these areas should be protected. Other schemes should at least be considered and (NFM) should be part of this.

I was born in Musselburgh and have lived here all my life. It is devastating for me to think that my home town, river and coast will become a concrete jungle. Gone will be the pleasure of a walk along the tree lined river (102 trees to be removed) watching and listening to the birds. A walk along the beach will be seemingly impossible without first climbing over walls in some shape or form, it really is heartbreaking.

Objection 4. Musselburgh Active Travel.

At present Musselburgh is excellent for walking, cycling and wheeling and always has been. I strongly object to the MAT scheme being incorporated into the proposed flood scheme. MAT has no benefit to a flood scheme and most certainly should not be included. MAT should have separate planning approval.

Further Considerations.

In sections 82 & 83 of the Flood Risk Management Act Scotland 2009 it states that people affected by the flood scheme or by its operations can claim compensation. As a property owner I insist that no MFPS work should be carried out near my property unless a structural survey is carried out by independent professionals beforehand, and is paid for by ELC.

Please acknowledge receipt of my letter of objection and advise of next steps and timescales. Thank you.

Yours sincerely

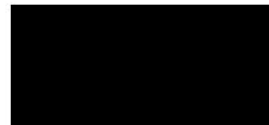
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24 APR 2004
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Mr C Grilli
Service Manager - Governance
Legal Services East Lothian Council
John Muir House
Haddington
East Lothian
EH41 3HA

Please note this is an updated version of my Objection Letter of 19 April 2024. Please discard that letter.



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

22 April 2024

Hand delivered
mfpsobjections@eastlothian.gov.uk



Dear Mr Grilli,

Regarding: Objections to the Musselburgh Flood Protection Scheme

I am a resident just west of the Edinburgh/Musselburgh boundary and as a tax payer I am writing to object on technical grounds to one aspect of the Musselburgh Flood Protection Scheme.

The new flood defence wall from 29 to 35 Edinburgh Road (see Section A below) should be constructed to the same specification as the new flood defence wall from Murdoch Green to the Back Sands Car Park (see Section B below).

I say this because the proposed wall along the former section has no supporting foot, but the wall along the latter section does.

However, I see that the wall in Section A may have steel piles driven into the sand about 2.5m. Please confirm that this is the case or otherwise. If piling is needed, have you informed the owners of the houses that this will take place?

And, can you guarantee that piling will not cause any structural damage to the walls of the properties on the sea-side. These walls are often part of the structure of the properties.

This economising, even with steel piles, would compromise the life-span of this short section of the new flood defence wall, given the sea already reaches the highest point of the sand along that section when there are high spring tides. A few storms could soon erode the sand down to the level of the base of the wall, or expose the piles to erosion due to sea water.

If you disagree with my objection please provide arguments supported with detailed evidence and references thereto, so that I can examine your reasons for rejecting my objection. Your reasons for rejection will not be acceptable if they are of a general nature. This will only mean I reply to you asking for a more detailed response.

I shall appreciate acknowledgement in writing that this Letter of Objection has been received.

Yours sincerely,



Hand delivered

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



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

22 April 2024

mfpsobjections@eastlothian.gov.uk

Dear Mr Grilli,

Regarding: Objections to the Musselburgh Flood Protection Scheme

I am writing to object to a lack of clarity in one FAQ regarding the Musselburgh Flood Protection Scheme.

Please see [FAQ - Musselburgh Flood Protection](#)

There is a lack of clarity in the following FAQ:

How much allowance for climate change is included in the design?

"The Scheme's allowance for climate change has yet to be chosen by the Council. The allowance would mean assuming a percentage increase in the flow of the river or a specific height of sea level rise. A range of possible allowances, and the impact these would have on the Scheme's design, will be presented to the public for discussion during the consultation."

If it is true that the "Scheme's allowance for climate change" has not yet been chosen by the Scheme's Notification stage, then the public and other stakeholders are writing their objections based on misleading or erroneous information.

Please also define the meaning of "allowance". It may be buried among the hundreds of documents running to many thousands of pages. Does it refer to the 0.5% AEP which is being applied?

And presumably the 0.5% AEP is linked to the Climate Change 4.81m AOD that appears in the documents? Do these together constitute the "allowance"? Please clarify.

If the FAQ is out-of-date, please arrange for the correct information to be added to the FAQ section, and notify the public to this effect. Also, define which "allowance" has been chosen by the Council and add to the glossary of terms the definition of "allowance".

If you disagree with my objection please provide arguments supported with detailed evidence and references thereto, so that I can understand your reasons for rejecting my objections. Your reasons for rejecting will not be acceptable if they are of a general nature, such as telling me to read the documents.

I shall appreciate acknowledgement in writing that this Letter of Objection has been received.

Yours sincerely,

[Redacted]

Hand delivered



Hand-delivered



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

1.
East Lothian Council,
John Muir House,
Haddington,
East Lothian,
EH41 3HA.

Your Ref: CG/11481



Dear Carlo Grilli,
Musselburgh Flood Protection Scheme
Notification

Thank you for your letter of 14/3/24.
I am writing to object to the recently
published Musselburgh Flood Protection Scheme.
My husband and I are directly affected
by the scheme because our home is
shown in the flood maps as at risk of
flooding, [REDACTED]

[REDACTED], constantly use the many amenities
that would be drastically impacted
by the scheme. On the following
pages are the grounds of our

objections.

Loss of amenity.

[REDACTED]
[REDACTED] we chose to move into our house on [REDACTED] purely for [REDACTED] the peace and quiet, although the house is really too small for us.

I am extremely worried about the disruption and loss of amenity to the beach, and the effect that it will have on my husband. He is extremely vulnerable, and his health is fragile.

Conflict with Scottish Government Policy.

Last December Minister Mairi McAllan 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 judged what is necessary protection without being able to consider a range of options, again in conflict with Scottish Government Policy.

Conflict of interest - Lack of Proper Process - Lack of Transparency.

The engineers appointed to design the MFPS were allowed to write the Environmental Impact Assessment (EIA). This is a clear conflict of interest and incompatible with good governance.

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

Requests by local residents to see the data the project team is using in its scientific calculations have been ignored.

East Lothian council commissioned a report on the coast from Dynamic coast, but this report has not been made publicly available, which means that the council is not being open about the evidence on which it is basing major decisions.

The report was also not available to councillors when they voted on the scheme.

It now appears 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".

3.

On hearing that the report is clear that further action will certainly be required in order to protect the new defences from erosion, although the proposed scheme gives no indication of what this might be, including costs, feasibility, or environmental impact over the long term, I object to the current proposals from the mouth of the Esk to the Brunstane Burn. (work sections 6-16.)

The scheme has become entangled with the Musselburgh Active Town (MAT) proposals, which contribute little if anything to flood protection. 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. No proper breakdown of the Soaring

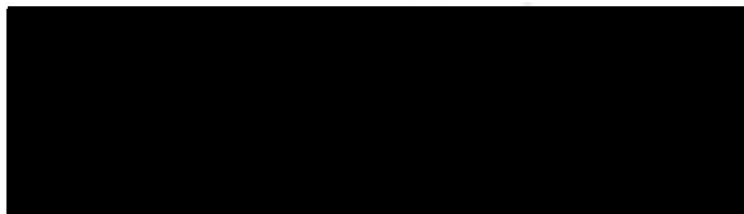
Cost of the project has been made public.

Absence of cost controls.

The anticipated cost of the project has been constantly escalating. It has now 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 ongoing maintenance, and without imposing a cap.

I look forward to your response, and would be pleased to know if anything I have written is inaccurate.

yours sincerely,



By hand.

Carlo Grilli,
Service manager,
Governance,
Legal services,
East Lothian Council,
John Muir House,
Haddington, EH41 3HA.



14 April, 2024.

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



Dear Sir, I live [REDACTED]

[REDACTED] That is on my right. The view from my window is this: I see people walking their dogs; some people are in training to keep fit on the green expanse, often with munching geese and the river - a soothing sight except for a few times each year when it rises and looks very angry. But the real beauty of this view are the three mature trees, the middle one is a flowering cherry in bloom as we speak.

My view after the Flood Protection Measures - **NO TREES!** (I have ascertained this fact from Council Price), A HIGH WALL (it changes its height depending on who you speak to) and so - as a result: **GRAFFITI!**

You might say the foregoing is selfish? Perhaps it is. I have lived [REDACTED] in Musselburgh, mostly beside the Esk. [REDACTED] the flood in 1948 and terrible as it was I cannot help thinking that the proposed flood measures are like taking a sledge hammer to crack a nut.

We are a coastal town. Floods will happen. Why not do dredging regularly and equipping everyone who lives on the banks of the Esk + of the North Sea with Flood Doors. Much cheaper and it would retain the Esk

as a social masterpiece to the town - as it is now.

The Guardian has recently published an article in which it says that all man-made structures (hard) to protect from flooding will not work - and we have seen that happen in the storms last year - the North Sea just washed over the barricades in the North East coastal town of Brechin.

- I cannot believe that the Council and Government should sanction such a costly scheme. What other schemes were considered? How will they justify such a terrible spending spree on measures which destroy the beauty of the riverside? Much better to have natural measures on the Esk including the Midlothian part.
- And the 5 years of construction? What a vision will we see. A great building site near me - close to the Rennie Bridge. How horrific!

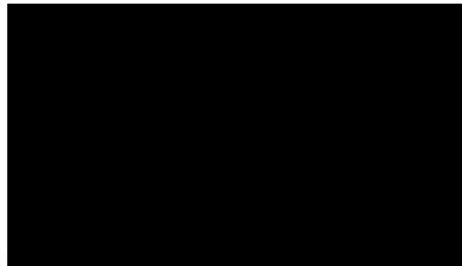
Please acknowledge receipt of my letter of objection, in writing. Please advise of next steps, and timescales.

Yours faithfully,



EAST LoTHIAN COUNCIL
RECEIVED
24 APR 2024
LEGAL & PROCUREMENT

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



9th April 2024

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

FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009
MUSSELBURGH FLOOD PROTECTION SCHEME 2024

Dear Mr Grilli

I am writing to object to the recently published Musselburgh Flood Protection Scheme. I live at the above address overlooking the harbour and have lived in Musselburgh [REDACTED]. I was appalled to see the amount of changes to my town planned to combat flood risk expected to be brought about by global warming.

My objections are against three aspects of the scheme as follows:

1. The sea wall proposed to be build along the promenade from the Magdalene Burn to the mouth of the river Esk.
2. Some aspects of the proposed changes to the river banks and to the number of trees that have to be removed to facilitate the changes.
3. Musselburgh Active Toun with 5 meter wide paths, it seems all over the place, being incorporated under the Flood Protection Scheme.

I also object as an East Lothian Council tax payer that my council tax will be spent by a commitment to maintenance of unnecessary walls, pathways and bridges in future.

Item 1.

I have read the Dynamic Coast Report carried out in conjunction with Glasgow University and the Musselburgh Coastal Change Assessment. Based on my experience I believe it is a waste of time to measure coastal erosion over a short period of time and then predict what will happen in future years.

When I was a child I lived in Fisherrow and regularly played on the east beach there. At that time the sand was about a metre below the level of the prom, and about 100 metres from the harbour wall there was no sand only rocks. To access the rocks you had to go down 6 - 8 steps from the prom. I should also point out that at Fisherrow Links the sand almost came up to where the path is now.

This all changed when the lagoons were built in the mid sixties, the sand has built up and built up until you see what is there today. The tide line next to the harbour wall that my flat looks out to is now a good 40m from the prom. My main concern has been that in another

50 years or so the beach level will be out in line or past the harbour entrance. The tide line is getting further and further away from the prom.

Storms like Storm Babet happen most years, the beach erodes a bit, then builds up again. The lagoons changed everything in this area of the Forth, the sand is eroding from Portobello beach and building up in Fisherrow on both sides of the harbour.

In short my objection is that the town doesn't need a flood wall at the moment. I don't think it will, but if it did need one, it will be away in the future, the sea level won't rise overnight so there will be plenty of time to build a suitable wall then.

Item 2.

How can the council consider protection from river flooding without first removing all the islands and debris that have clogged up the river over the past few years. Surely the objective is to allow the river to flow unhindered through the town. The proposed installation of bridges without supports is to facilitate this so why ignore other aspects that hinder the flow or do we just want new bridges.

My other objection is the need to spend what will be a fair amount of money narrowing the river on the east side between the Store Bridge and the Electricity Bridge. That's not going to help stop flooding if anything it is going to increase the possibility. It is also not necessary to build a 5m wide path at this point, there is already a wide road on the other side of the trees that can surely be used. No car traffic there, I used it daily to travel to school at one point.

Item 3.

I also object very strongly to Musselburgh Active Town building 5m wide paths for cyclists. I have had dealings with William Prentice from MAT at my previous address in Edinburgh Road and I was shocked to find that they intend to instal "raised cycle lanes" in various areas of the town at a cost of around £47m.

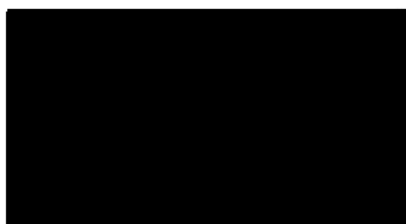
Why do they have to be "raised" I am not against cycle lanes but I do object to the cost and upheaval involved of them being "raised". I visit a town in Spain quite regularly, they have cycle lanes about a metre and a half wide, coloured surface and have rubber bollards resembling half a small rugby ball which works very well. It separates motorists from cyclists and I'm sure cost only a fraction of £47m.

Finally in summing up I object to 20 East Lothian Councillors only 4 of whom represent Musselburgh deciding what happens to MY town. The people of Musselburgh should have a bigger say when something of this magnitude is being done to their town. I was disgusted to read that a delegation to hand in a petition to delay the project to give and opportunity to consider other options was not even accepted by a Councillor despite it being handed in by an ex East Lothian Council Leader. What are councillors afraid of? It summed it all up when watching a council meeting to discuss the scheme, the very first comment by Council Leader Hampshire was " I wake up every morning when it's raining worrying if Musselburgh is in flood or not" so we know where he stands from the outset. I've lived in Musselburgh for 76 years and never worried about flooding.

Please acknowledge receipt of this letter and please let me know what if anything happens next.

Yours sincerely



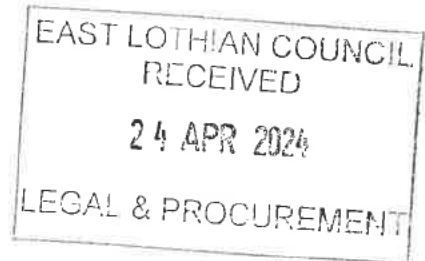


EAST LoTHIAN COUNCIL
RECEIVED
24 APR 2024
LEGAL & PROCUREMENT

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



8th April 2024



Service Manager

Governance
Legal Services
East Lothian Council
John Muir House
Haddington
EH413HA

Dear Service Manager,

I am writing to object to the recently published Musselburgh Flood Protection Scheme. As a local resident who will be severely impacted by the works undertaken and currently within the Esk and Coastline potential flooding risk. I use the Beach, promenade and Esk walk on a daily basis to exercise my dogs and take much needed mental health walks. When my employer allowed me to work from home a few years ago, I immediately started to make plans to live by the seaside in a tranquil setting. I therefore chose Musselburgh because of its Historic value, picturesque coastline and river.

Objection 1:

I strongly believe the works and subsequent structure will severely negatively impact my quality of life and mental health causing disruptions to local services and increased noise and traffic pollution. Having a long term negative effect on local businesses, increased traffic, roadworks and road closures leading to a decrease in visitors to the town and inconveniencing local residents for in excess of five years.

Objection 2:

As a taxpayer I disagree with this amount of public expenditure being spent on the proposed flood scheme. I believe local services, healthcare and provision for elderly locals should be prioritised.

Objection 3:

Habitat destruction, the loss of trees and green spaces is a huge concern to me. By abandoning further investigations into natural flood management the scheme comprises the environment for future generations.

Objection 4:

I am also concerned about the negative impact on the climate as a direct result of the materials and works carried out, the increased air temperature due to concrete and impact on global warming and in turn rising sea levels - increasing the flood risk further. The project appears to be shortsighted, concrete walls have a short life expectancy and the maintenance cost has not been fully considered or clarified.

Objection 5:

Recent building works approved by East Lothian council have had a negative impact on the existing drains and the poor maintenance record leads me to a lack of faith in ELC ability to mitigate negative consequences of building works.

Objection 6:

The proposed new Goosegreen bridge does not add flood protection to the town.

The banks of the Esk and Fisherrow Links are common good land and any interruption to their use by the community should be compensated. The scheme has not proposed providing alternative green space during construction. I utilise the Esk and Beach hours everyday enjoying the time with my family. I truly believe that the walls will impede my access to the beach and potentially further pollute the water.

Throughout the scheme the consultants have not been subject to challenge or adequate scrutiny and have been allowed to write their own EIA.

Sincerely,



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

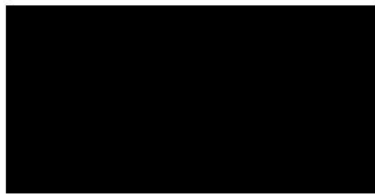


From: Legal
Sent: 26 April 2024 10:34
To: Musselburgh Flood Protection Objections
Cc: Grilli, Carlo
Subject: (0712) MFPS Objection letter received 24/04/24 - [REDACTED]
Attachments: 20240424 MFPS Objection letter from [REDACTED]
Follow Up Flag: Follow up
Flag Status: Completed

Hi Carlo,
The attached arrived 24/04/2024. No acknowledgement sent.

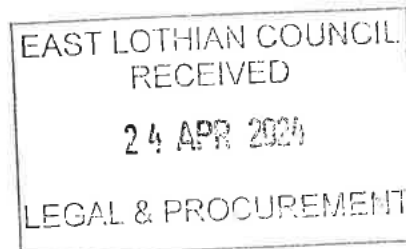
[REDACTED]





10 April 2024

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



Dear Mr Grilli

I wish to object to the proposals for the Flood Protection Scheme as follows

- Musselburgh is a beautiful and historic town and the walls surrounding the river and the sea are going to completely destroy the habitat and beauty of the town. The river is walked by many people, including families, enjoying and relaxing beside the river. The walls will destroy the banking, trees and wildlife and will take away the beauty of the river.
- SEPA stated in their leaflet that, where trees and plants grow beside bridges which cannot be removed or amended, they would agree to the removal of the trees. The Rennie and Roman bridge cannot be touched so why are these trees not being removed.
- Musselburgh Active Toun – 5m paths along the seafront, when there are existing paths and roads, are not necessary. So many visitors and children enjoy and walk along the seafront and in future they won't be able to do that easily with cyclists taking over the space. After all a promenade is for walking not cycling. The two bridges which are being built at Goosegreen and Monktonhall have nothing to do with the flood prevention, and I think are not relevant or needed.

I look forward to hearing from you in acknowledgement and please ensure that no one will visit, and therefore only communicate with me by mail.

Yours sincerely

[Redacted signature]

EAST LoTHIAN COUNCIL
RECEIVED
24 APR 2024
LEGAL & PROCUREMENT

CARLO GRILLI
SERVICE MANAGER, LEGAL SERVICES
EAST LoTHIAN COUNCIL
JOHN MuIR HOUSE
HADDINGTON
EH41 3HA



15 April 2024

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



Dear Mr Grilli

I am writing to you to object to the proposals by East Lothian Council for the Musselburgh Flood Protection Scheme

My objections to this scheme are –

- The Council agreed to this in 2020 at Committee level with no Musselburgh Councillors permitted to vote, this should have been at Council level for such a large amount of money. Why did the Council choose to opt for an engineering solution and build walls, when there are other solutions which would not be so harmful to the town or its people.
- Musselburgh will be damaged drastically not only with the noise, dust and toxins during the construction, which will be very harmful to all, but also taking into account the traffic and road inconvenience for perhaps more than 4 years.
- The lack of use of open community spaces both beside the river, at the seafront and also at the lagoons during this time will affect my family greatly. We use all these areas for bird watching, walking and cycling and the existing paths are perfectly adequate.
- The MAT involvement does not help the flood prevention in fact its inclusion has narrowed the river and the Goose Green Bridge with its intrusive ramps has nothing to do with flood prevention. There is no reason for this third bridge when there are another two 5m wide bridges which are more than sufficient for cycle use although the ramps will be difficult for some townspeople.

Building walls, which will of course lead to graffiti, will degrade and spoil the town from what it is today. Musselburgh is the oldest town in Scotland with a great history all to be ruined by concrete. I feel looking at the whole river from source to the mouth, looking at a more nature-based scheme, should be the answer rather than this engineered proposal.

I look forward to hearing from you.

Yours sincerely



Carlo Grifflì
Service Manager
Legal Dept
E.L.C
John Muir House
HADDINGTON
EH41 3UA

EAST LoTHIAN COUNCIL
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24 APR 2024
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Carlo Grilli
Service Manager - Governance
Legal Services
East Lothian Council
John Muir House
EH41 3HA
mfpsobjections@eastlothian.gov.uk

[REDACTED]
Date: 6th April 2024

Dear Mr Grilli,

I am formally objecting to the Musselburgh Flood Protection Scheme for the following reasons:

There is no cap on the cost of the scheme, with over £4M already spent. It will cost taxpayers many millions when essential services are already being cut, (even if it is ring fenced) especially as the Project Team estimates it will not be required until at least the year 2100. There is time to investigate N.B.S. or wait for more up to date technology.

The damage to the environment by the release of thousand of tonnes of CO2
The destruction of habitat along the river and shore.

The destruction of green space.

The lack of Nature Based Solutions apart from one leaky dam and two modifications to two reservoirs. A project near Pickering has built 167 leaky dams and 187 heather bale dams to slow the flow of the river and reduce the risk of flooding.

The congestion and disruption it will cause to Musselburgh residents and businesses for over 5years.

Building walls and embankments is the reason hundreds of mature trees will be felled.

The new Goose Green bridge has no place in flood protection.

The last recorded flood in Musselburgh was 1948 when 20 people were evacuated.

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

Yours faithfully

Signed [REDACTED]

Printed [REDACTED]

CC [REDACTED]



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24 APR 2024
LEGAL & PROCUREMENT

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

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

[REDACTED]
Date: 6th April 2024

Dear Mr Grilli,

As a resident of Musselburgh and someone who walks along Fisherrow Sands and The Grove several times a week, I wish to lodge an objection to the Musselburgh Flood Protection Scheme which has been approved by East Lothian Council.

I strongly object to lining The Esk and the foreshore with 42,183tonnes (EIA page 25) of concrete walls and embankments. After fossil fuels, concrete is the greatest source of greenhouse gasses as the process of making cement from limestone and clay emits high levels of CO2, while the presence of some substances added during manufacturing can cause health issues due to toxicity and naturally occurring radioactivity.

Concrete damages topsoil and also covers up prime fertile land. The biodiversity crisis, which scientists believe to be as much a danger as climate change, is driven primarily by the conversion of wilderness to industrial sites, housing schemes and agriculture. In Musselburgh we are proud of our natural green spaces and the habitats they provide. A landmark report by Professor Sir Parthia Dasgupta calls for a change in our measure of economic success by recommending we treat nature as an asset.

The ecological system of the river is multiple and diverse and contrary to Jacob's EIA will be devastated, not only by the building of this over engineered system, but also by its permanence.

This project will release many thousands of tonnes of CO2 into the atmosphere, and to compound the problem many mature trees, which are essential to offset emissions, will be felled in the process. Each ton of concrete brings the world a step nearer to ecological collapse.

Nature Based Solutions, which focus on restoring and preserving natural habitats offer the most effective way to meet the Paris Agreement and give flood protection now especially as the predicted catastrophic event is apparently 75 years in the future.

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

Yours faithfully

Signed [REDACTED]

Printed [REDACTED]

CC [REDACTED]



EAST LOTHIAN COUNCIL
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24 APR 2024
LEGAL & PROCUREMENT

Carlo Grilli
Service Manager - Governance
Legal Services
East Lothian Council
John Muir House
EH4 3HA