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Bulletin	Oct 24

**Subject:** (0239) Your ref: CG 11481  
**Sent:** 22/04/2024, 14:33:03  
**From:** [REDACTED]  
**To:** Musselburgh Flood Protection Objections  
**Attachments:** [CG-11481 objections submission.docx](#)

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**Dear Mr Grilli - Service Manager  
Governance - Legal Services  
East Lothian Council**

**Please find attached my letter of objections to the Musselburgh Flood Protection Scheme 2024  
Please acknowledge receipt.  
Please also note that any future communication with me with reference to the Scheme should be  
in writing by email or post.**

*Kind Regards*  
[REDACTED]

phone:- [REDACTED] mobile:- [REDACTED]  
[REDACTED]  
[REDACTED]

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

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

20 April 2024

Dear Sir

**Your Ref: CG/11481**

**Re: Musselburgh Flood Prevention Scheme 2024**

**My name is [REDACTED] and I reside at the above address. I hereby submit the following objections to the Musselburgh Flood Prevention Scheme 2024 (MFPS) for your attention.**

**A Objections General to MFPS**

1. The presentation is a take it or leave it solution generated from outdated “dark age” engineering thinking. There is no flexibility of approach as exemplified by solutions created by engineers in the Netherlands. That country is acknowledged as being at the forefront of thinking when dealing with challenges as are presented by Musselburgh and its relationship with the River Esk and the sea (Firth of Forth) and the predicted changes resulting from Climate Change.
2. Any suggested references to possible solutions emanating from the Netherlands were dismissed out of hand by members of the design team at the Public Consultation meetings, e.g. the “rising wall” system which would be located underground, and which would only appear when rising flood waters triggered the activating sensors. This would of course obviate the need for the extensive use of visible concrete walls along the lengths of the river on both the East and West banks.
3. The current MFPS contradicts by measurably narrowing the river. The stated intention was to widen the flow wherever possible to enable a greater measure of water to pass at times of “stress”.
4. It was stated at the Public Consultation meetings that the design team would aim to reduce the current “canalisation” of the River from the Olivebank Bridge to the River mouth as much as possible by the use of “constructive landscaping”, e.g. varying the width of the River between its banks, re-introducing the River through the third arch of the Roman Bridge back to the way that it flowed before the former railway siding was built. I object that this has been excluded from the Scheme
5. The MFPS pays no regard or attention to the landscape views enjoyed by residents and visitors of the River and banks from the Olivebank Bridge to the River mouth. At the Public Consultation meetings “NO CONCRETE WALLS” was consistently voiced. This has been totally ignored, concrete walls of varying sizes are presented along the entire length of these proposals !
6. I object to the MAT being included and combined with the MFPS.

7. I resent and oppose the cutting down of so many trees and the removal of all seating with a River view on both of the East and West sides of the River from the Rennie Bridge to the River mouth.
8. The additional bridge at Goosegreen has no flood reducing properties.
9. I further object to the replacement of the Ivanhoe Bridge as an unnecessary waste of money.
10. I consider the MFPS as a proposed Scheme to be an unnecessary waste of public money.
11. Value for money does not seem to be a factor. As a taxpayer I find this a very questionable situation.

## **B Objections particular to the MFPS from the Rennie Bridge to the Shorthope Street Bridge**

1. I object that there has been no exploration of individual measures for dwellings from the Olivebank Bridge to the mouth of the River on either the East or the West banks. Such measures have been utilised successfully in the City of York and other towns with periodic flooding episodes. It would appear that these cheaper measures would provide more than adequate protection at a much cheaper cost without the major destruction to our landscape environment and would not disturb our wonderful birdlife. The MFPS pays NO attention to the valuable contribution made to our daily lives by the geese, ducks, swans and other species.

## **C Objections to changes which MFPS would bring to the area adjacent to my home.**

1. I object to the major reduction of MY panorama of nature and in MY current quality of life that the MFPS would bring.
2. The value of our property will most certainly be adversely affected – this will lead us to make a claim for compensation under the 2009 Act.
3. The loss of “connection” to the River and its resident wildlife that a raised footpath would bring – with the added potential of a demand for safety railings on either side to safeguard users from accidental fall injuries.
4. The introduction of a concrete wall along the East bank with its potential to be used as a “canvas” for random spray painting – it also carries a high danger potential for young people tempted to walk along its parapet falling into the River with no apparent means of escape.
5. These proposals remove the established grazing fields for the resident and seasonal geese and the “casual” access from land to waterway and vice versa that ducks, geese and other wildfowl require. A significant colony of ground nesting bees, adjacent to the Rennie Bridge would be eliminated.
6. I object to the removal of the Shorthope Street Bridge – Its replacement is unnecessary and a profligate waste of money. It will also mean the loss of mature trees. The existing bridge has easy access from both banks of the River and has never in my 57years residence prevented fully grown trees and other large objects from making their passage to the sea in times of high-water levels.

Please acknowledge receipt of this letter of objection.

Yours faithfully



email:- [REDACTED]

landline:- [REDACTED]

mobile:- [REDACTED]

Carlo Grilli [REDACTED],

Service Manager – Governance [REDACTED]

Legal Services [REDACTED]

East Lothian Council [REDACTED]

John Muir House email: [REDACTED]

Haddington 22 April 2024

EH41 3HA

Dear Mr. Grilli,

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

As an East Lothian resident and very keen birdwatcher, I regularly go to the mouth of the river Esk, to the lagoons and along the seawall. My objection is twofold. Firstly, I consider that the scheme proposed by the Council fails to properly protect or enhance the value of the area for its internationally important bird life. Secondly, as a local council tax payer, I believe the projected cost of the scheme is way above what needs to be spent for a scheme which would be suitable to meet the flooding concern.

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

Inadequacy of the EIA Report's Ornithology Baseline

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

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

additional bird surveys are still being undertaken, the more detailed results requested can be published at the same time as these additional data (but all to the appropriate level of detail).

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

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

Moving on to obtaining desk study data from the British Trust for Ornithology (BTO), this key organisation administers a number of bird recording schemes, including the Wetland Bird Survey (WeBS), which cover this area. It is EIA good practice, as part of gathering desk study data for developments in coastal areas, to obtain and present WeBS results, alongside survey data. Bird surveys commissioned for EIAs are inevitably restricted to relatively short-term sample surveys, comprising snapshots of bird activity. The WeBS scheme and its predecessor have been running for decades and provide important long-term insights into species composition and abundance of waders and wildfowl of key sites, and long-term population trends. In particular, for large designated sites like the Firth of Forth SSSI/SPA/Ramsar, WeBS data are also essential to place local bird populations (i.e. the birds present in the Scheme area) in their wider Firth of Forth context, so that impacts from the Scheme, and cumulatively with other projects, can be adequately assessed. Whilst it is noted that in Section 7.3.3 of the EIA it

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<sup>1</sup> See the Environmental Impact Assessment Handbook: Guidance for competent authorities, consultation bodies, and others involved in the Environmental Impact Assessment process in Scotland Version 5, April 2018. NatureScot and Historic Environment Scotland.

<sup>2</sup> E.g. Bryant, D. (1987) The Natural Environment of the Estuary and Firth of Forth. *Proceedings of the Royal Society of Edinburgh, Section B: Biological Sciences*, Volume 93, Issue 3-4, pp. 509 – 520 DOI: <https://doi.org/10.1017/S0269727000006916>

<sup>3</sup> For example, see C.6.3 and Box C. 6. Practice .1. in the reference cited in Footnote 1.

states that the desk based assessment included data responses from organisations including the BTO, detailed WeBS data are not provided. The reference to WeBS data is limited to total species counts (in the EIA Section 7.5.6.1 'Desk-study and preliminary ecological appraisal'). This states:-

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

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

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

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

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

#### Baseline Survey Accuracy

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

overlapping) with the Scheme. It also underscores the importance of consultation with bodies such as the SOC and BTO to ensure that pre-existing data for the Scheme area are obtained, adequately used to aid data validation and quality assurance, and properly integrated into baseline data.

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

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

#### Failure to Identify and Assess Habitat Loss from the Scheme

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

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

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

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

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

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

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

- 1. That the Scheme will achieve as a minimum a neutral impact on the environment.*
- 2. To ensure that the Scheme includes appropriate catchment and natural flood management (NFM) measures.*
- 3. To ensure that the Scheme considers the impact of climate change and includes appropriate provisions to mitigate any impact.*
- 4. To ensure that the Scheme considers in full, and includes for any appropriate measures, to protect the Firth of Forth and its protected statuses.*

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

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

#### Failure to Appropriately Identify Plans and Projects to Consider for the Cumulative Impact Assessment

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

The cumulative assessment needs to encompass developments that have significant potential to impact key ecological receptors. The potential for cumulative/in combination impacts is determined by impact pathways, not by arbitrary thresholds such as development size or distance from the Scheme (neither of which have any regulatory basis or reflect CIEEM

guidance)<sup>5</sup>. Movement of birds around the Firth of Forth SPA/Ramsar site have been relatively well studied, and this information should be referred to in order to help determine potential impact pathways, and thereby the plans and projects that need to be taken account of in the cumulative/in combination assessment. It is important that this impact/pathway/receptor approach is adopted in the HRA's 'in combination' assessment, if made available to consultees, otherwise through the submission of Further Environmental Information.

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

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

The rare instance when evidence and published peer reviewed information is referenced in support of the assessment of impacts is for kingfisher (see section 7.6.2.3.4). Kingfisher is only a species of regional importance, yet the EIA Report's assessments of impacts on internationally or nationally important bird species are repeatedly made without any reference to peer reviewed or other evidence, or even to standard NatureScot guidance (for example, in relation to disturbance, Goodship and Furness 2022<sup>6</sup>). A typical example of unsupported assertions is in Section 7.6.3.1.1 'Firth of Forth SPA and Ramsar', which states 'The remaining area to be lost within the SPA is comprised of habitat rarely used by qualifying species and therefore is considered unlikely to provide functional habitat'. There are no data presented to back up this assessment, since the EIA and its Appendices omit the necessary detail on the distribution and abundance of individual species.

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

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

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

There are repeated instances in the EIA Report's Biodiversity Chapter where assessments of impacts on birds downplay (i) the value of their habitats - because it is stated they are already subject to disturbance, or (ii) the significance of disturbance to birds - because it is stated they

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

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

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

will move elsewhere within the SPA, or (iii) impacts being insignificant - because the area of impact is small. These assertions are consistently unsubstantiated by evidence (as already highlighted above) and are a style of assessment more typical of commercial developers seeking to justify damaging protected sites. These assertions are inappropriate in those circumstances, but are totally inappropriate for Councils, given the legal and policy obligations they are under to protect and enhance biodiversity, notably the Nature Conservation (Scotland) Act 2004 and National Planning Framework 4 (NPF4). Furthermore, no reference is made to the fact that many wildfowl and wader populations in the Firth of Forth have already suffered long-term declines as a result of development impacts, disturbance and habitat loss<sup>8</sup>, and that approximately one third of the Firth of Forth SPA/Ramsar's qualifying species are in unfavourable conservation status (Protected Nature Sites ([sepa.org.uk](http://sepa.org.uk)), accessed 19.04.2024). The Council's around the Firth of Forth, together with the Scottish Government, NatureScot, businesses and local communities, need to be working together to ensure qualifying features of the SSSI, SPA and Ramsar site return to favourable conservation status.

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

#### Disturbance to Birds During the Scheme's Operational Phase

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

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

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

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

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

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

#### Impacts on Recreational Amenity Over the Construction Period, Specifically Birdwatching

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

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

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

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

---

<sup>9</sup> Presumably these estimates are available from the business case for use of public money on the Musselburgh Active Travel Network.

Yours Faithfully,

██████████

**Subject:** (0241 NO ADDRESS) (no subject)  
**Sent:** 22/04/2024, 15:49:09  
**From:** [REDACTED]  
**To:** Musselburgh Flood Protection Objections

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**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** NO ADDRESS

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**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi

Please report my objection with to the flood defence in Dalkeith estate.

The Council is proposing to build a debris catcher in the Esk to the west of the A1 dual carriageway where [REDACTED] a river crossing and a heavy vehicle access road through the middle of East Field then left downhill on the river path through the trees to the river crossing.

There has never been an issue with the ESK.

Please save this money an fill in the pot holes as a better alternative.

Stop wasting our council tax on hair brain proposals.

Kind Regards

[REDACTED]

**Subject:** (0242) Objections to Musselburgh Flood Protection Scheme.

**Sent:** 22/04/2024, 15:50:47

**From:** [Redacted]

**To:** Musselburgh Flood Protection Objections

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** [Redacted]

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

[Redacted]

Objection to the Scheme's detrimental effect on Musselburgh's Historic Features.

The town of Musselburgh is one of Scotland's oldest. It is steeped in history and many visitors to Musselburgh Museum enjoy following the Timeline, which stretches from the Bronze Age to the Millennium. We have also found that our visitors like to walk along the river or along the promenade to the harbour.

I and so many others thoroughly enjoy similar walks, when we can watch the seabirds, admire the antics of the geese, ducks and swans, look over to the Fife coast, and admire the trees and wildflowers as the seasons change.

Much of our history is closely linked with the seafront, the harbour and the river Esk.

The traditions, character and features of our ancient past are precious to all of us: residents and visitors alike.

Flood walls, Bundts and a massive new bridge at the mouth of the Esk are not what I want for my beloved town.

There is no urgency other than the 80% grant of money being offered by the Scottish government.

We will need flood protection in the future but, as was reported after a hydrological survey of schemes around Britain, engineered solutions such as the one Jacobs propose to build over the next 5 or more years in Musselburgh, are destined to fail.

The Guardian, January, 27th, 2024.

"We cannot engineer a way out of this — let nature play a role."

There is time to take the advice which came from that survey:

LOOK TO NATURE.

Through using nature based methods; scoffed at and largely unresearched by Jacobs Team, our historic town can in the future, be protected from rising sea levels, high tides and fast flowing river water.

With the passing of time, fresh initiatives are emerging and will continue to do so.

WE HAVE TIME.

I object to £135m but probably much more, (Jacobs were unable to guarantee to councillors that the price would not continue to rise.) being spent by taxpayers on a scheme likely to fail when required.

Please let us promote our town, with its many tourist attractions, rather than desecrate it with an out of date scheme which will disrupt the lives of so many residents by noise, storing and movement of machinery, tree felling, bridge and wall building and much, much more.

We can show the country that Musselburgh can be protected from future flooding without massive carbon emissions, while keeping the well-being of our citizens at the centre of nature based plans which will, in the end, cost a fraction of those at present continuing to rise. Nature based solutions will largely negate the environmental destruction which the proposed scheme will indubitably engender.

Yours faithfully and sincerely,

[Redacted]



**Subject:** (0243) Objection  
**Sent:** 22/04/2024, 16:12:02  
**From:** [REDACTED]  
**To:** Musselburgh Flood Protection Objections

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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

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**received.**

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

Dear Sir / Legal Services

I am writing to object to the proposed Musselburgh Flood Protection Scheme 2024. I have an interest in the land affected because I regularly ride my horse on the bridle path that will be decimated by the construction of the debris catcher across the Esk on the west side of the overbridge that carries the A1 dual carriageway and the works to construct access roads to the debris catcher.

These are my reasons for objection to The Scheme:

1/ Disturbance: The construction traffic and all maintenance vehicles will be using a narrow quiet road that I use to ride my horse on for my mental and physical health and wellbeing. This will cause a noise and dust nuisance to me which does not currently exist.

2/ Traffic Generation: The road the debris catcher construction traffic and subsequent debris catcher maintenance traffic propose to use is a narrow private road and used by horse riders, walkers with prams and small children, the movement of livestock, a low volume of cars accessing the livery yard and light farm traffic. It has a speed limit of 10mph. Vehicles must not pass horse riders or horses being led any faster than 10mph. Using this narrow private road for heavy construction and maintenance vehicles will put the other road users at risk and will create a health and safety issue. It will also damage the already fragile road surface.

3/ Unnecessary cost: I really object to tax payer money being wasted to create a new access road to the Esk when there is already a fit for purpose, flatter tarmac access road from Cowpits Road. The proposed site of the debris catcher currently has no access for vehicles of any sort. It is an unsurfaced rural path and totally unsuitable for heavy vehicles. The plans show the access road will need to be constructed over a soft grass livestock field, then through an ancient and well established woodland, down a steep fragile river path that is not robust enough to support heavy construction vehicles and subsequent heavy machinery and vehicles needed to clear the debris catcher. The entire river banking would need to be reinforced before it could be used for this purpose. There is already an asphalt access road to the Esk in Grove which has easy access from Cowpits Road. Therefore a cheaper and less damaging option would be to place the debris catcher to the east of the A1 dual carriageway over bridge, in the vicinity of the railway over bridge and use the existing asphalt access track/road along the Grove to construct the debris catcher and subsequent debris removal. However removing any type of debris catcher from the scheme is the best option because wherever one is constructed, there will be an unacceptable cost and it will cause flooding in the areas upstream where there was previously none. It simply shifts the problem and does not provide a solution.

4/ Environmental Impact: The construction of the access road for the debris catcher will result in the loss of grazing land. The construction and extraction process will disturb and worry the livestock. It will damage and destabilise the fragile high river bank path resulting in landslips.

Hundreds of trees and the natural path will need to be destroyed in order to build a road wide enough for the construction and debris extraction vehicles. The destruction of trees and natural habitat will be damaging to the wildlife in this location. There are deer, foxes, hare, buzzards, bats, squirrels, possibly badgers and other creatures too numerous to list in this woodland. In this world of climate change activists we are supposed to be saving trees not destroying them for a poorly designed flood protection plan that is likely to cause more flooding and environmental damage than if no action was taken at all. It is an absolute disgrace that the designers have concluded that it is acceptable to destroy this area of natural beauty and the wildlife that occupies it when the

proposed debris catcher will actually do more harm than good. The proposed mitigation plans are woefully inadequate and poorly thought out,

5/ Flood Risk: Common sense and logic would make a sensible person conclude that the proposal to narrow the river in Musselburgh is more likely to cause flooding in Musselburgh and also damage the environment by causing areas upstream to flood. This will increase erosion and cause multiple landslips along the already fragile and crumbling Esk Valley.

Additionally my experience of debris traps is that when they are blocked and a dam is formed, there are never any Council resources available to deal with the blockages in a timely manner and the surrounding areas become severely flooded. The debris catcher will ensure more areas along the Esk will be flooded than before. The plans for a debris catcher should be removed completely from the scheme.

6/ Loss of Amenity / Health and Well Being: The construction works would be detrimental to my mental and physical health and wellbeing. The proposed site of the access road and the debris catcher will spoil my enjoyment of the countryside. I ride my horse on this woodland bridle path and ford the river at this point several days a week. Building the access road and debris catcher in this location would rob me of this healthy activity. There are around a hundred or so horse riders that regularly ride horses on the bridle path and ford the river. Robbing them of this natural path and the ability to ford the river to enjoy the bridle path on the opposite side will negatively affect their health and wellbeing too.

The Musselburgh Flood Protection Scheme design has conveniently ignored the requirements for horse riders of which there are hundreds in the local area. The design of the scheme and its active travel plans excludes and discourages horse riders the majority of whom are women and children. The loss of amenity for horse riders must not be ignored and the scheme should be redesigned so horse riders are included and catered for.

7/ Lack of Consultation: There has been no attempt to communicate the proposal for the access road and debris catcher to those who access the Dalkeith Park Estate from the Monkton Gate from Old Craighall. There has been information available at the Whitecraig Gate. Why was the same information not provided at the Monkton Gate where the impact of the Scheme is going to be much more damaging and serious?

Yours Faithfully

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

Sent from my iPhone

**Subject:** (0244) Objection to flood prevention scheme  
**Sent:** 22/04/2024, 16:12:19  
**From:** [REDACTED]  
**To:** Musselburgh Flood Protection Objections

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**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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[REDACTED]

Hi I am writing to object to the scheme, I am disgusted to find out from an east Lothian councillor that they are essentially being blackmailed into going ahead with it or face losing government funding, this is unacceptable and un democratic. Also I would like cloud seeding to be explained as it has just become acknowledged publicly that it is happening, deliberately creating rainfall by modifying the weather is a bigger problem than the global warming/climate change money making rhetoric being spouted, so therefore I am against the building of any flood prevention wall being built

**From:** Legal  
**Sent:** 22 April 2024 16:53  
**To:** Musselburgh Flood Protection Objections  
**Cc:** Grilli, Carlo  
**Subject:** (0245 [REDACTED]) MAIL: MFPS Objection letter received today  
22/04/24 - [REDACTED]  
**Attachments:** 20240422 MFPS Objection letter from [REDACTED]  
[REDACTED]  
**Categories:** [REDACTED]

Hi Carlo,

The attached arrived today & will acknowledge receipt.

Thanks

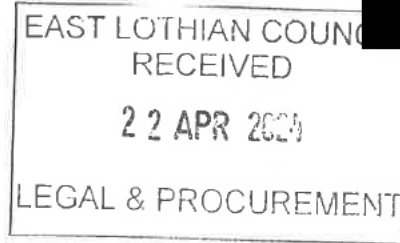
[REDACTED]

[REDACTED]

**\*Please note my working days are Monday to Thursday\***



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



19<sup>th</sup> April 2024

Dear Mr Grilli,

I, [REDACTED] am the joint owner of [REDACTED] (the property), a property which is [REDACTED] to the river Esk and will be extensively affected by the recently published Musselburgh Flood Protection Scheme. Our home enjoys a scenic view of the river and is shown as at risk of flooding in the SEPA flood risk maps. As a consequence of our home being in a flood risk area our insurance is covered by the Flood Re scheme.

Whilst I am in favour of some form of flood defence in general, I have multiple objections to the scheme as published. My objections are listed below. Each objection is discrete and is not contingent on any other objection raised in this letter.

First objection:

The published environmental impact assessment (EIA) states that any damage to nearby structures caused by the construction works will be superficial. At no point were [REDACTED] or I contacted by Jacobs with a request for access to the house for the purposes of undertaking an inspection or survey or asked for any details regarding the construction type, depth of footings or any other information. The EIA can, therefore, only have been prepared on a superficial visual assessment of the property and any conclusion that extensive local heavy construction work would cause only superficial damage cannot be relied upon. In order to accurately establish the level of risk to properties close to piling activity at the very least a detailed examination of their current condition and foundations would be necessary. I therefore object to the scheme as proposed on the basis that the risk to the property posed by construction activities has not been accurately assessed.

Second Objection:

The EIA states that the acceptable noise limit for construction activities is 70db. The EIA also states that the noise level at [REDACTED] will be 79db [EIA Table 8.11], which is greater than the

acceptable level. I therefore object to the scheme as proposed on the basis that noise levels from construction will exceed acceptable levels.

**Third Objection:**

The EIA states that the acceptable vibration level for construction activities is 1.0PPV (mm/s). The EIA also states that the vibration level at [REDACTED] will be 1.94PPV (mm/s) [EIA Table 8.14], almost double the recommended vibration limit criteria. I therefore object to the scheme as proposed on the basis that vibration levels from construction will exceed acceptable levels.

**Fourth Objection:**

In the proposed scheme the replacement Shorthope Street Bridge has its eastern end approximately 30 meters upstream of the existing footbridge [Drawing no. 701909-JEC-S5-W24-XXX-DR-Z-0001]. I object to this new alignment on the basis that it does not contribute to a reduction in flood risk for the town and will have a negative effect on the majority of bridge users who are travelling from Shorthope Street to North High Street. The current alignment of the bridge directly links Shorthope Street and North High Street and the new bridge will lengthen journeys unnecessarily which will have a particularly negative effect on disabled bridge users, a factor which I have not seen given the necessary consideration in the published documentation. I therefore object to the scheme as proposed on the basis that the revised alignment of the Shorthope Street bridge is not appropriate.

**Fifth Objection:**

At the east end of the proposed replacement Shorthope Street Bridge there are two large access ramps, one upstream and one downstream. On the west end of the bridge there is only one access ramp [Drawing no. 701909-JEC-S5-W24-XXX-DR-Z-0001]. The upstream access ramp is built [REDACTED] and will therefore increase foot traffic [REDACTED]. It is entirely unnecessary for the bridge to have two ramps (as evidenced by the fact that there is only one ramp on the west side). This duplication also adds unnecessary additional cost to the construction of the bridge. I therefore object to the scheme as proposed on the basis that the upstream access ramp for the replacement Shorthope Street footbridge will have a negative impact [REDACTED] whilst adding nothing to the scheme's ability to protect against flooding.

**Sixth Objection:**

The Schedule of Scheme Operations section 4.24 paragraph WS24-01 states that at work section 24 the wall will be 'a minimum height of 1, and a maximum height of 1.7m above finished ground level'. Drawing no. 701909-JEC-S5-W24-XXX-DR-Z-0001 shows a cross section illustrating the 1m height at a point approximately midway between the 'Rennie Bridge' and the proposed new 'Shorthope Street Footbridge'. Despite asking the project team by email to confirm the design height of the wall [REDACTED] I have received no such confirmation. As such I object to the proposed scheme on the basis that I have not been provided with an accurate assessment [REDACTED].

#### Seventh Objection:

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

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

#### Eighth objection:

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

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

The published plan of construction from the Rennie Bridge to Shorthope Street bridge [701909-JEC-S5-W24-XXX-DR-Z-0001] clearly shows that the access ramp for the new Shorthope Street bridge will end in front of 14-16 Eskside East, however the photomontage of this area which shows the whole frontage of 14-16 Eskside East [EIA Appendix B9 Key View 10] shows no ramp. This is clearly a misrepresentation of what the proposed scheme would look like if built.

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

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

Ninth objection:

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

Tenth objection:

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

Please acknowledge receipt of this letter. Copy to be sent by email/post.

Yours sincerely,

[REDACTED]

EAST LoTHIAN COUNCIL  
RECEIVED  
22 APR 2024  
LEGAL & PROCUREMENT

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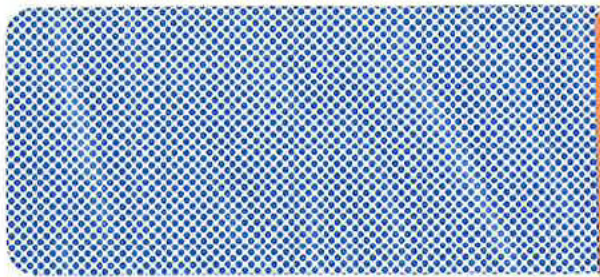
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P6500 Rev Feb 18

• SINGLE USE ONLY •

**Subject:** (0246 NO ADDRESS) Fwd: Objections to Proposed Musselburgh Flood Protection Scheme

**Sent:** 22/04/2024, 16:54:13

**From:** [REDACTED]

**To:** Musselburgh Flood Protection Objections

**Follow Up Flag:** Follow up

**Flag Status:** Completed

**Categories:** NO ADDRESS

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

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

To Whom It May Concern:

I am writing to object to plans for the Proposed Musselburgh Flood Protection Scheme. My name is [REDACTED] and I am both the owner of [REDACTED] and the editor of [REDACTED], [REDACTED]

As the custodians of Levenhall Links and its surroundings, it is your responsibility to preserve a landscape of Humpback Whales, Bottlenose Dolphin, and globally threatened bird species. This is a place to be celebrated: the best nature reserve in the Lothians, and one of the best in Scotland.

It is distressing, therefore, to see repeated plans to the detriment of the nature of the Musselburgh Coast. Flood protection is indeed a priority for Scotland's future, but solutions will be found through national government at a landscape scale, not through damage to local ecosystems and businesses. Councils must be prepared to work with, not against, the nature they safeguards.

Particularly damaging are three factors. First, the new bridge at the Esk Mouth, to be constructed on the habitat of species such as Goldeneye and Kingfisher, both red-list birds protected under the Wildlife & Countryside Act, 1981. With two bridges already a stone's throw from the proposed site of construction, this represents an entirely unnecessary ecological threat.

Second, proposed railings along the seawall. Appearing in earlier images of the plans, these have now been removed from public images, but remain in descriptions. Barriers of this kind will obstruct the view of naturalists, ending Musselburgh's reputation as the best place on the Lothian Coast to watch seabirds. As the owner of [REDACTED], I lead dozens of groups per year to Musselburgh for this very reason: like many visitors contributing to the local economy, if the nature was damaged, I would be forced to go elsewhere.

Third, the necessary environmental checks. [REDACTED] local naturalist, has the following questions: *The Environmental Impact Assessment (EIA) has been published, but not the Habitat Regulations Assessment (HRA) (required for an SPA). Is the EIA fit for purpose? Does it reflect our knowledge of the birdlife given that it doesn't use the 180,000 records collected by birders over the period of the EIA? The works will have a huge impact on the area as a birding site and its SSSI/SPA/Ramsar status during the 5-year construction phase, and in the medium and long-term. Are these fully assessed by the EIA? How will increases disturbance affect the birds? Has the impact of the new wall on offshore and estuarine sediment (and food) distribution been assessed?*

For all these reasons, as a local business owner, artist and resident, I ask that you pause these plans and reconsider their more damaging aspects.

Regards,  
[REDACTED]

[REDACTED]



18<sup>th</sup> 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 object to the recently published Musselburgh Flood Protection Scheme. I am a resident living in the [REDACTED] of the proposed works to the river and the seashore. From the flood maps published my property is at potential risk of flooding on [REDACTED]. As a resident I use the bridges to take me to Musselburgh. Fisherrow Links [REDACTED] [REDACTED] are a valuable space to me allowing me access to green spaces which are beneficial to my mental health [REDACTED]. [REDACTED] I am reliant on family with cars to help me with shopping and medical appointments which rely on them being able to access my home [REDACTED].

I object to the published scheme because:

### **Cost**

The scheme is currently costed at £132m in total, including £53m for the flood protection part. I can find no details which indicate that these costs are final, and the chosen contractor has agreed contractual terms which prevent costs rising. This is a concern at a time when council services are being cut and in effect from the information available to me the council costs are unquantified.

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

I believe that the scheme in its current form highlights that the budget and spending priorities for East Lothian Council do not match the needs of East Lothian Residents and with the current uncapped costs places an unnecessary financial burden on East Lothian residents.

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

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

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

One question which remains unanswered, and I cannot find any data for is the ongoing maintenance costs of this scheme. From the information available I can only presume these will be significant, however, there appears to be no future planning for this and as noted earlier core council services are being reduced and East Lothian Residents should not suffer further for a scheme with no clear sight of data on additional costs.

The loss of use of the Riverside, Seashore and Fisherrow Links which has a direct impact for myself I believe will require compensation to be paid to myself and many others. The scale of the works will severely impact my enjoyment of my home due to the noise, dirt and pollution exacerbated by the proposed use of Fisherrow Links as a work compound.

New Street is already heavily congested and well used by motorists, cyclists and walkers and at times it is difficult for cars to travel along this street. The addition of construction traffic including large Lorries, will bring a huge amount of congestion to New Street (as well as other parts of Musselburgh) [REDACTED]

[REDACTED] This is causing me a huge amount of distress [REDACTED]  
current proposals will limit [REDACTED]

### **Science/data**

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

East Lothian Council has commissioned a report on the coast from Dynamic Coast, which has been reported on in the press ([Beach in East Lothian suffered five years of damage in two days during storm - Edinburgh Live](#)) highlights that the planned defences will not work as they are not designed to deal with coastal erosion. It is inconceivable

that a decision was made in January without this report being available particularly as it highlights the shortcomings of the current proposals in particular regard to the seashore. There are several highly publicised nature-based solutions already in place within the Forth estuary yet none of these, to the best of my knowledge, seem to have been considered or included in the consultations prior to the current scheme being developed which I believe is a major failing of East Lothian Council in its entirety.

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

The project team say they have adjusted flood defence heights in response to local feedback. This amounts to fitting the science around the preferred outcome, rather than science/data leading to a properly calculated outcome. This makes no sense. I am aware it will be hard for someone of [REDACTED] wheelchair users or children to see over the walls. Our local river is an important amenity for many and being deprived of the opportunity to enjoy this will have an impact on the physical and mental wellbeing of many of my neighbours and fellow residents who enjoy spending time here year-round.

I have lived in Musselburgh for [REDACTED] and the last major flood in Musselburgh was in 1948. Climate change may mean there is increased risk of flooding in future, but there are communities at much greater and more immediate risk. As I mentioned above Prestonpans, Cockenzie, Port Seton more locally and within Scotland Dumfries, Perthshire etc all seem to be at a greater risk. The damage suffered in North Berwick to the harbour more recently springs to mind as another example of why priorities should be re-evaluated by East Lothian Council and the Scottish Government to ensure fiscal funds are spent where the need is greatest.

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

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

There are several examples where man-made flood schemes have failed, two of which were here in Scotland. The impact in Brechin of the flood walls failing was highly publicised as was the failing of floodgates in Perth. This evidence that man-made solutions do not prevent

downstream flooding, action is required upstream to ensure the flow of water is slowed or indeed excess water stored so it does not rush downstream causing flooding.

More recently we have seen evidence that the Scottish Government is heading towards NFM with the Minister stating "The Scottish Government recognizes the importance of natural flood management (NFM) measures in reducing, slowing or otherwise managing flood waters across catchments and along the coast while also delivering multiple environmental benefits." East Lothian Council have failed to give any sincere consideration to NFM to the detriment in my view of biodiversity within the River Esk and the shoreline at the Forth Estuary.

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

### **Transparency and process**

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

The documents have in the main been published online, which I do not have access to, making it difficult to view the latest plans. This lack of transparency was also evident on 23<sup>rd</sup> January 2024 when agreement to the scheme progressing with given despite councillors having insufficient information an example being the Environmental Impact Assessment (EIA) which they did not have full sight of but voted through on the strength of only a non-technical summary. This is unacceptable and throws doubt, in my view that the councillors' vote should stand as they voted without all the relevant information being available including the full financial implications with the officer present being unable to give sufficient information regarding the council's ability to meet their liability for this scheme.

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

I would also like to object as the engineers who have been appointed to design the project were the authors of the Environmental Impact Assessment; I am not sure where else this would be allowed to happen in the private or public sector. The engineers ruled out all alternatives to the current scheme during the options appraisal. This in effect meant that no public scrutiny or debates as none of the alternatives were made available to the community. I

would also state that I do not believe that there has been sufficient challenge of scrutiny of the consultants and engineers.

The plans as submitted are not clear on the fate of the trees affected by the scheme. It is well known the impact that trees have on maintaining environments and the benefits they provide. It is inconceivable that so many mature trees will be lost with the resultant impact and as noted above adding to the climate emergency we are experiencing.

As a resident of [REDACTED] I am shown on the map as being at risk of flooding, however, I have had no direct consultation throughout this process despite being heavily impacted by the proposals submitted by the consultants and engineers.

### **Multiple benefits and active travel**

My first objection to the proposals is the ramps used to provide access to the bridges. I have limited mobility and the extra walking these will require will prohibit my ability to use these to cross the river to Musselburgh from my home. I am also concerned that anyone who is in a wheelchair will find it difficult to use these bridges. The height of the bridges is excessive, and the images provided at the June consultation only showed a view where there had been a significant flooding event which was not accurate and did not allow the public to question the consultants.

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

The inclusion of the Musselburgh Active Town (MAT) proposals does not contribute to flood prevention, and I would argue that the excessive width of the paths will create the need to narrow the river which commonsense would show means any flood water has less space and could actually increase the risk of flooding in the area. Based on my understanding of planning regulations these should be subject to planning permission, however, the flood scheme seems to have conferred permission. I do not believe that the information published does not clearly show which parts of the MAT will require planning and which will bypass this as included in the flood scheme.

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

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

## **General amenity, health, and well-being**

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

It is estimated that the project construction will take a minimum of five years causing major disruption. I am reliant on my family and friends as previously mentioned and it is likely they will have difficulty accessing my property with their cars making it harder for them to support me. The increase in traffic within Musselburgh should not be underestimated causing danger to life if emergency services are unable to get through traffic on an already congested High Street which also has many more restrictions due to the change to bus stops and cycle lanes.

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

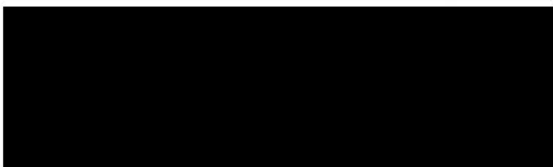
The figures quoted regarding the number of properties which will be protected by the scheme vary greatly. This information should be clear and transparent and clearly evidenced. I have not seen any evidence of the impact of this scheme on those at risk of flooding in a 1 in 200-year event and the proposals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

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

Recent flooding in Musselburgh appears to be connected to inadequate drains and sewers. Many of the issues with flooding have arisen since the building of new homes in Musselburgh, Wallyford and Whitecraig has grown exponentially. The building of the current proposed scheme will prevent water escaping to the river and there does not appear to be adequate provision for future maintenance of any measures proposed.

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

Yours Faithfully,



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EAST LOTHIAN COUNCIL  
RECEIVED  
22 APR 2024  
LEGAL & PROCUREMENT

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

ELC  
CUSTOMER SERVICES  
22 APR 2024

Royal Mail  
Signed For  
KL 8496 0460 0GB  
SIGNED FOR  
KL 8496 0460 0GB  
SIGNED FOR  
P6600 Rev Feb 18



E-mail: [Redacted]

11<sup>th</sup> April 2024

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

Dear Mr Grilli,

I am writing to object to the recently published Musselburgh Flood Protection Scheme. I am a resident living in the [Redacted] of the proposed works to the river and the seashore. From the flood maps published my property is at potential risk of flooding on [Redacted]. As a resident I make regular use of the paths by the river, and the bridges to take me to Musselburgh. Fisherrow Links [Redacted] are a valuable space to me allowing me access to green spaces which are beneficial to my mental health [Redacted]. [Redacted] I am reliant on family and friends with cars to help me with shopping and medical appointments which rely on them being able to access my home [Redacted].

I object to the published scheme because:

#### Cost

The scheme is currently costed at £132m in total, including £53m for the flood protection part. I can find no details which indicate that these costs are final, and the chosen contractor has agreed contractual terms which prevent costs rising. This is a concern at a time when council services are being cut and in effect from the information available to me the council costs are unquantified.

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

I believe that the scheme in its current form highlights that the budget and spending priorities for East Lothian Council do not match the needs of East Lothian Residents and with the current uncapped costs places an unnecessary financial burden on East Lothian residents.

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

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

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

One question which remains unanswered, and I cannot find any data for is the ongoing maintenance costs of this scheme. From the information available I can only presume these will be significant, however, there appears to be no future planning for this and as noted earlier core council services are being reduced and East Lothian Residents should not suffer further for a scheme with no clear sight of data on additional costs.

The loss of use of the Riverside, Seashore and Fisherrow Links which has a direct impact for myself I believe will require compensation to be paid to myself and many others. In addition I believe the works will have a significant impact on the value of my home which I would fully expect to be compensated for under the Flood Risk Management (Scotland) Act 2009. The scale of the works will severely impact my enjoyment of my home due to the noise, dirt and pollution exacerbated by the proposed use of Fisherrow Links as a work compound.

New Street is already heavily congested and well used by motorists, cyclists and walkers and at times it is difficult for cars to travel along this street. The addition of construction traffic including large Lorries, will bring a huge amount of congestion to New Street (as well as other parts of Musselburgh)

This is causing me a huge amount of mental distress  
the current proposals will limit

#### **Science/data**

The MFPS does not offer alternative scenarios. It is tied to a 1:200 year climate change event. Scottish Government guidance says that a range of scenarios should be included. I do not believe that East Lothian Council have been given a range of options to judge what is necessary protection, leading to potentially incorrect judgements being made by paid and

elected officials. The figures provided by SEPA are predictions but by no means a certainty, yet the current proposals appear to take the view that these figures are a certainty.

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

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

The project team say they have adjusted flood defence heights in response to local feedback. This amounts to fitting the science around the preferred outcome, rather than science/data leading to a properly calculated outcome. This makes no sense. I have spent considerable time reviewing the plans on the website and I remain unable to identify the height of the walls proposed, however, from discussions I am aware it will be hard for someone of [REDACTED] wheelchair users or children to see over the walls. Our local river is an important amenity for many and being deprived of the opportunity to enjoy this will have an impact on the physical and mental wellbeing of many of my neighbours and fellow residents who enjoy spending time here year-round.

I have lived in Musselburgh for [REDACTED] and the last major flood in Musselburgh was in 1948 which I am aware of from my grandparents telling me about. Climate change may mean there is increased risk of flooding in future, but there are communities at much greater and more immediate risk. As I mentioned above Prestonpans, Cockenzie, Port Seton more locally and within Scotland Dumfries, Perthshire etc all seem to be at a greater risk. The damage suffered in North Berwick to the harbour more recently springs to mind as another example of why priorities should be re-evaluated by East Lothian Council and the Scottish Government to ensure fiscal funds are spent where the need is greatest.

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

From my research I am concerned that the evidence presented to our elected officials in October was incorrect and the decision was also influenced by the way this information was

presented. NFM, I believe offer longer term benefits to our local environment, those further upstream and offer a more sustainable way to address the flooding risk within Musselburgh especially in view of the climate emergency spoken about by East Lothian Council. I passionately believe that NFM solutions should be central to any scheme taken forward by East Lothian Council.

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

More recently we have seen evidence that the Scottish Government is heading towards NFM with the Minister stating "The Scottish Government recognizes the importance of natural flood management (NFM) measures in reducing, slowing or otherwise managing flood waters across catchments and along the coast while also delivering multiple environmental benefits." East Lothian Council have failed to give any sincere consideration to NFM to the detriment in my view of biodiversity within the River Esk and the shoreline at the Forth Estuary.

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

### **Transparency and process**

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

The documents have in the main been published online making it difficult to view the latest plans in their entirety and it is disappointing that we as lay people are left spending several hours trying to view and understand the latest plans. This lack of transparency was also evident on 23<sup>rd</sup> January 2024 when agreement to the scheme progressing with given despite councillors having insufficient information an example being the Environmental Impact Assessment (EIA) which they did not have full sight of but voted through on the strength of only a non-technical summary. This is unacceptable and throws doubt, in my view that the councillors' vote should stand as they voted without all the relevant information being available including the full financial implications with the officer present being unable to give sufficient information regarding the council's ability to meet their liability for this scheme.

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

I would also like to object as the engineers who have been appointed to design the project were the authors of the Environmental Impact Assessment; I am not sure where else this would be allowed to happen in the private or public sector. The engineers ruled out all alternatives to the current scheme during the options appraisal. This in effect meant that no public scrutiny or debates as none of the alternatives were made available to the community. I would also state that I do not believe that there has been sufficient challenge of scrutiny of the consultants and engineers.

The plans as submitted are not clear on the fate of the trees affected by the scheme. It is well known the impact that trees have on maintaining environments and the benefits they provide. It is inconceivable that so many mature trees will be lost with the resultant impact and as noted above adding to the climate emergency we are experiencing.

As a resident of [REDACTED] I am shown on the map as being at risk of flooding, however, I have had no direct consultation throughout this process despite being heavily impacted by the proposals submitted by the consultants and engineers.

### **Multiple benefits and active travel**

My first objection to the proposals is the ramps used to provide access to the bridges. I have limited mobility and the extra walking these will require will prohibit my ability to use these to cross the river to Musselburgh from my home. I am also concerned that anyone who is in a wheelchair will find it difficult to use these bridges. The height of the bridges is excessive, and the images provided at the June consultation only showed a view where there had been a significant flooding event which was not accurate and did not allow the public to question the consultants.

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

The inclusion of the Musselburgh Active Toun (MAT) proposals does not contribute to flood prevention, and I would argue that the excessive width of the paths will create the need to narrow the river which commonsense would show means any flood water has less space and could actually increase the risk of flooding in the area. Based on my understanding of planning regulations these should be subject to planning permission, however, the flood scheme seems to have conferred permission. I do not believe that the information published does not clearly show which parts of the MAT will require planning and which will bypass this as included in the flood scheme.

The inclusion of MAT ignores the views of many who do not support the extensive paths proposed. Musselburgh Lagoons, Goose Green, Eskside and the sea front provide several paths which are sufficient for the current level of travel by walkers and cyclists. The

unprecedented level of new housing in the area has not seen a significant increase in foot or cycle travel, the same cannot be said of the road network which is under significant pressure which will only be added to by the proposed scheme. I would also highlight that these plans have been extended and developed beyond the scope of the original consultation and discussions.

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

### **General amenity, health, and well-being**

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

It is estimated that the project construction will take a minimum of five years causing major disruption. I am reliant on my family and friends as previously mentioned and it is likely they will have difficulty accessing my property with their cars making it harder for them to support me. The increase in traffic within Musselburgh should not be underestimated causing danger to life if emergency services are unable to get through traffic on an already congested High Street which also has many more restrictions due to the change to bus stops and cycle lanes.

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

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

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

Recent flooding in Musselburgh appears to be connected to inadequate drains and sewers. Many of the issues with flooding have arisen since the building of new homes in Musselburgh, Wallyford and Whitecraig has grown exponentially. The building of the current proposed scheme will prevent water escaping to the river and there does not appear to be

adequate provision for future maintenance of any measures proposed. My sister asked this question at the open days in June 2023 and was advised that it was a matter for East Lothian Council who would be responsible for all maintenance costs on completion of the project. No figures have ever been produced for this.

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

Yours Faithfully,



British Heart  
Foundation  
Royal Mail supporting  
heart health with our  
DM.ORG.UK

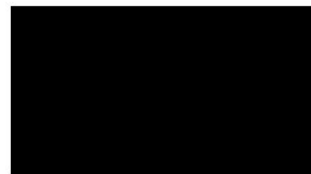


EAST LOTHIAN COUNCIL  
RECEIVED  
22 APR 2024  
LEGAL & PROCUREMENT

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

ELC  
CUSTOMER SERVICES  
22 APR 2024





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 the these proposed changes both, on account of were I live and as a user of the amenities of the area.

Objection:

1. The proposed scheme will cause unnecessary disruption to the citizens of Musselburgh with an increase of pollution
2. access to amenities
3. Consideration by ELC of the disruption to the people who will be directly affected by the disruption, is lacking, as experienced by the residents of Levenhall and West Pans experienced during the final stage of the reclaimed common good land.
4. This will affect peoples living lifestyle, including physical and mental health as it did during the development of the lagoons.
5. The benefit of this very expensive scheme may help a few people once, in 100 years, but not the vast majority of the people of Musselburgh.
6. More individual plans should be developed for those most at risk on a priority basis.
7. There is no information from insurance companies re the reduction in premiums to those most at risk
8. Plans at the moment are being developed by Government to compensate farmers for the loss of crops due to climate change, why not grant aid for individuals to protect their property due to climate change

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

Yours faithfully





Edinburgh  
22 APR 2024  
14002246



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

EAST LOTHIAN COUNCIL  
RECEIVED  
22 APR 2024  
LEGAL & PROCUREMENT

RECEIVED  
22 APR 2024

EAST LoTHIAN COUNCIL  
RECEIVED  
22 APR 2024  
LEGAL & PROCUREMENT

15TH APRIL 2024.

To CARLO GRILLI  
SERVICE MANAGER - GOVERNANCE  
LEGAL SERVICES EAST LoTHIAN COUNCIL  
JOHN MUIR HOUSE HARDINGTON EH41 3HA.

I AM WRITING TO MAKE YOU AWARE OF MY  
PERSONAL AND ENVIRONMENTAL CONCERNS REGARDING  
THE PROPOSED FLOOD RISK PROTECTION SCHEME 2024.

QUESTION - UPKEEP AND MAINTENANCE FOR YOUR/THIS  
PROPOSAL AS VERY LITTLE ON-GOING MAINTENANCE  
OF OUR DRAINS AND EXISTING WALL AND THE  
METAL FENCING OVER MANY MANY YEARS -  
OUTSIDE MY HOUSE AND ALONG GRASS VERGE.  
GOOSEGREEN CRESCENT.

QUESTION - SAFETY OF DRIVERS, ACCESS, CHILDREN  
DOGS, AND ELDERLY DISABLED USERS WHILST  
THE PROPOSED WORKS IF IT DOES EVENTUALLY  
GET PASSED, PERMISSION GIVEN FOR YOUR  
PROPOSAL


QUESTION LARGE MACHINERY SIZE ACCESS AND  
BUILDING/EXISTING PROPERTY'S NOISE LEVELS

QUESTION NEW PATH/WALK WAY PROPOSED  
USED BY UNLICENSED IRRESPONSIBLE BIKES  
OF ALL TYPES ALREADY A RAT RACE THAT  
UNFORTUNATELY INVOLVES DANGER AND THE  
GRASS VERGE FROM MOUTH OF RIVER RIGHT  
UP TO ELECTRIC BRIDGE IS CHURNED UP AND  
AT THE MOMENT EXISTING SIGNS GET VANISHED  
WHAT CAN OUR LOCAL POLICE, TRAFFIC WARDEN  
COUNTRYSIDE RANGER DO TO ENSURE ADEQUATE  
ON-GOING POLICING AND SAFETY TO YOUNG  
AND OLD AS WORK MIGHT BE STARTED?

QUESTION WHEN IF ANY FULL STRUCTURAL  
INSPECTION WITH DETAILED REPORT OF MY  
PROPERTY AND ALSO OF ADJOINING PROPERTY  
THREE BENCHES AND THE ARMY AND  
AIR CASE? HURTS-

QUESTION CAN MONEY BE BETTER SPENT MADE  
USE OF IN A MORE MUSSELBURGH AREA.  
COMMON GOOD WAY.

THANK YOU FOR YOUR PROMPT REPLY IN  
WRITING TO THE ABOVE POINTS.

Yours  




CARLO GRILLI

SERVICE MANAGER - GOVERNANCE

LEGAL SERVICES

EAST LoTHIAN Council

JOHN Muir House

HADDINGTON

EH41 3HA.

EAST LoTHIAN COUNCIL  
RECEIVED  
22 APR 2024  
LEGAL & PROCUREMENT

15 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 daily to exercise my dog and take much needed mental health walks. I am reliant on my car to commute and bought a property in Musselburgh because of its Historic value, picturesque coastline and river.

I object to the published scheme because:

**Objection 1**

I 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 tax payer I disagree to 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**

I am 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. Habitat destruction, the loss of trees and

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green spaces. By abandoning further investigations into natural flood management the scheme compromises the environment for future generations.

Objection 4

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.

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

Sincerely





Royal Mail  
Edinburgh  
Mail Centre  
19-04-2024  
4210 1224



SERVICE MANAGER  
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**Objection 6**

The proposed new Goosegreen bridge does not add flood protection.

**Objection 7**

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

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Your Sincerely



British Heart  
Foundation  
Royal Mail supporting  
heart health with BHF  
bhf.org.uk

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Edinburgh  
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14:00:00



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[REDACTED]

15 April 2024

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