

## Members' Library Service Request Form

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Document Title	Musselburgh Flood Protection Scheme MLS report - Appendix A.3

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Additional information:

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

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Library Reference	100/24
Date Received	18/10/24
Bulletin	Oct 24

**Subject:** (0053) FW: Formal Objections to the Musselburgh Flood Protection Scheme  
**Sent:** 15/04/2024, 11:13:49  
**From:** Grilli, Carlo  
**To:** Musselburgh Flood Protection Objections  
**Cc:** [Redacted]

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

Thank you for your engagement with the Musselburgh Flood Protection Scheme. This email is to confirm that your correspondence has been received and has now been forwarded to the objection inbox.

Under the Flood Risk Management (Scotland) Act 2009, the notification of the Musselburgh Flood Protection Scheme commences on Thursday 21st March 2024. Objections can be made about the proposed scheme until Wednesday 24th April 2024.

All correspondence received in connection with the proposed scheme will remain unread until the end of this objection period.

Kind Regards,

East Lothian Council

**From:** [Redacted] >  
**Sent:** Sunday, April 14, 2024 4:00 PM  
**To:** Grilli, Carlo [Redacted]  
**Cc:** [Redacted]  
**Subject:** Formal Objections to the Musselburgh Flood Protection Scheme

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

14<sup>th</sup> April 2024

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

Dear Mr Gilli

I am writing to object to the recently published Musselburgh Flood Protection Scheme as a Musselburgh resident, local business owner and taxpayer.

I object to the published scheme on the grounds of:

COST

Costs for this project have risen from the original projected costs of £8million to the latest estimated cost of £132million and forecast to continue to rise. Both councillors and Jacobs confirmed this at a recent council meeting. 20% of the funding will be from ELC and the remaining by the Scottish Government.

£53million of the funding is for the Flood Scheme itself and the remaining amount incorporates an active travel scheme, replacement of a number of bridges and repairs to the Lagoon sea wall in Musselburgh. The Musselburgh Active Toun (MAT) proposals not only does NOT contribute to flood protection but also parts of the MAT scheme appear to bypass the normal planning process. What has happened to due process? It is not clear which parts of the MAT will bypass planning due to being included in the flood scheme and information has not been forthcoming from either East Lothian Council or Jacobs and this lack of transparency is concerning as is the transparency around the breakdown of costs.

This is against a background of savage cuts to core Council services – common good assets up for sale, local theatre closed for the past year and no evidence of funding for the repairs to allow it to reopen and community health provision beyond breaking point. Furthermore, East Lothian Council has debts of almost £450 million and is in the top 10 councils in the UK for debt per head of the population.

There have been no cost breakdowns in the public domain and therefore no accountability or transparency over escalating costs.

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

Yours Faithfully,

[Redacted]

[Redacted]

[Redacted]

[More Info](#)

[Redacted]



[Redacted]



[Redacted]



[Redacted]

[Redacted]



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**We're living through stressful times right now, and everyone's feeling it.**

Our staff are doing their best to assist local residents and businesses whilst delivering essential services.

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East Lothian Council





"compensatory woodland habitat" to grow to a stage where it can have a significant positive impact. During this time the "significant adverse residual effect" will have a strong negative environmental impact, which has to be assessed, communicated and avoided as it goes against the UK's 2030 Strategic Framework for International Climate and Nature Action.

**OBJECTION 3:**

**I strongly object to East Lothian Council halting inclusion of natural flood management (NFM) on the advice of the project team in October 2023.** This is not in adequation with the Scottish Government's view of NFM, with the Minister stating on 23 December 2023 that "the Scottish Government recognizes the importance of natural flood management (NFM) measures in reducing, slowing or otherwise managing flood waters across catchments and along the coast while also delivering multiple environmental benefits." In addition the recent documented failures of man-made interventions (with flood walls in Brechin recently failing and flood gates in Perth recently failing) reinforce the fact that NFM should not have been discounted.

**OBJECTION 4:**

**I strongly object to East Lothian Council having made their decision without having waited for the outcomes of the report they commissioned from Dynamic Coast.**

**OBJECTION 5:**

**I strongly object to East Lothian Council ignoring local residents' request to see the data underpinning the scientific calculations of the project team, which results in lack of transparency with regards to the Council's motivations.**

**OBJECTION 6:**

**I strongly object to East Lothian Council not addressing the current drainage and groundwater issues in Musselburgh as a priority.** There is a well-documented history of drain flooding in Musselburgh. One of my neighbours ( [REDACTED] ) has had to move out of their house due to groundwater damp and black mould caused by poor drainage the Burn running adjacent to their home; the issue still has not been addressed by the council [REDACTED]. The drains at my home also frequently flood during heavy rainfall and last summer we had the awful and hazardous to health experience of raw sewage flooding into my and my neighbour's garden with faeces and toilet paper coating a large portion of our back gardens. Neighbours who have resided many years on our end of [REDACTED] have said this is a chronic problem affecting their properties too. Across the town there is evidence of poor and not-fit-for-purpose drainage which is very often the root cause for road and green space flooding during heavy rain (eg. often evident at the corner where Loretto playing fields meets the electric bridge), and yet this is entirely overlooked in the proposed scheme and instead hard-engineering proposed which will, if anything, aggravate the issue of drain flooding across the town.

**OBJECTION 7:**

**I strongly object to Jacobs having been appointed to design the project and also been allowed to write the Environmental Impact Assessment (EIA).** In addition to the major process and transparency issues that this decision has caused, it is well documented that the flood protection project run by Jacobs in Hawick ran over-budget, which resulted in Jacobs not completing the environmental mitigation procedures of the project (for example the rewilding aspects), which causes significant concerns with regards to the Musselburgh flood protection project and the promise of similar environmental mitigations truly being fulfilled.

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

Yours sincerely,

[REDACTED]

**Subject:** (0055) Objection letter to Musselburgh Flood Protection Scheme  
**Sent:** 15/04/2024, 00:31:10  
**From:** [REDACTED]  
**To:** Grilli, Carlo; Musselburgh Flood Protection Objections  
**Attachments:** [Objection letter to Musselburgh Flood Protection Scheme.docx](#)

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**Follow Up Flag:** Follow up  
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Hello,  
  
please find attached my objection letter to the Musselburgh Flood Protection Scheme.

Regards,  
  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
13/04/2024

For the attention of:

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

Dear Carlo,

I am writing to object to the recently published Musselburgh Flood Protection Scheme. I live on [REDACTED] in Musselburgh and I use the greenspaces along the river and seafront on a daily basis.

I object to the published scheme because:

**Objection 1. I strongly object to the planning of a satellite construction compound**

[REDACTED]. Jacobs lists the noise impact of the satellite construction compound [REDACTED] as “major” (Table 6-15 of Jacob’s Environmental Impact Assessment Report).

[REDACTED]. I live on [REDACTED], which is only meters away from the location of the planned satellite construction compound, and this “major” noise impact will prevent me from carrying out my job as I will not be able to deliver [REDACTED] which will put my job at risk.

**Objection 2. I strongly object to the destruction of the ancient woodlands in areas WS28, WS30, WS31 and WS32.**

Paragraph 7.11 from Jacob’s Environmental Impact Assessment Report states that “compensatory woodland habitat” will be implemented to counterbalance the “significant adverse residual effect predicted for loss of ancient woodland” (areas WS28, WS30, WS31 and WS32), and that “over the longterm, significant residual effects are predicted to reduce”. No assessment of timeline has been provided despite the fact that the growth of this “compensatory woodland habitat” can be predicted, and one can just assume it is because it will take a high number of years for this “compensatory woodland habitat” to grow to a stage where it can have a significant positive impact. During this time the “significant adverse residual effect” will have a strong negative environmental impact, which has to be assessed, communicated and

avoided as it goes against the UK's 2030 Strategic Framework for International Climate and Nature Action.

**Objection 3. I strongly object to East Lothian Council halting inclusion of natural flood management (NFM) on the advice of the project team in October 2023.** This is not in adequation with the Scottish Government's view of NFM, with the Minister stating on 23 December 2023 that "he 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." In addition the recent documented failures of man-made interventions (with flood walls in Brechin recently failing and flood gates in Perth recently failing) reinforce the fact that NFM should not have been discounted.

**Objection 4. I strongly object to East Lothian Council having made their decision without having waited for the outcomes of the report they commissioned from Dynamic Coast.**

**Objection 5. I strongly object to East Lothian Council ignoring local residents' request to see the data underpinning the scientific calculations of the project team, which results in lack of transparency with regards to the Council's motivations.**

**Objection 6. I strongly object to East Lothian Council not including addressing the current groundwater issues and related drain issues in Musselburgh as one of the priorities.** There is a well-documented history of groundwater flooding in Musselburgh, particularly around the Pinkie area. One of my neighbours ( [REDACTED] ) [REDACTED] [REDACTED] damp and mould caused by the presence of groundwater (Pinkie Burn) underneath their house, and the issue still has not been addressed. A different type of issue occurred in my garden last summer, with drains overflowing due to heavy rain, resulting in large quantities of raw sewage covering my garden. Similar issues of overflowing drain systems with release of raw sewage are regularly documented in a number of locations in Musselburgh.

**Objection 7. I strongly object to Jacobs having been appointed to design the project and also been allowed to write the Environmental Impact Assessment (EIA).** In addition to the major process and transparency issues that this decision has caused, it is well documented that the flood protection project run by Jacobs in Hawick ran over-budget, which resulted in Jacobs not completing the environmental mitigation procedures of the project (for example the rewilding aspects), which causes significant concerns with regards to the Musselburgh flood protection project.

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

Yours Faithfully,

[REDACTED]



**Subject:** (0056) Musselburgh Flood Wall Scheme Objection

**Sent:** 15/04/2024, 10:51:18

**From:** [REDACTED]

**To:** Musselburgh Flood Protection Objections

**Follow Up Flag:** Follow up  
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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

15 April 2024

## MUSSELBURGH FLOOD PROTECTION SCHEME

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

As a tax payer I do not feel my money is being used well.

1. Maintenance of the drains is totally inadequate. This causes water to flood some roads and walkways.

2 Money is being wasted which could be spent elsewhere

a) Homeless people requiring more assistance

b) Roads degenerating in to major potholes

c) Not enough services for young children with mental health problems

d) Closure of the Brunton Theatre which was a great hub for the community. **This facility seems to have been forgotten with no intimations to the community of the outcome of all the investigations.**

3. I do not believe you have considered Natural Based Solutions enough. Many articles have been published from around the country showing more eco friendly methods

4. Who is going to pay to clean the graffiti off the wall. Have you looked at the rest of Musselburgh and noticed the vast amount of graffiti? **These walls are going to be a blank canvas for all the mindless graffiti that is sprayed on every available blank surface.**

5. I wonder who is going to pay for future repairs of the wall.

6. I believe you are ignoring many of the residents of Musselburgh and their needs.

7. You are going to change the town beyond recognition

I would ask that you pause the scheme and take in to consideration the points raised by myself and every other concerned member of our community. I feel that this wall has blinkered the Council to all other aspects of flood protection and the general needs of our residents.

Please acknowledge receipt of my email of objection.

Yours sincerely



**Subject:** (0057) FW: Musselburgh Flood Protection Scheme - Letter of Objection  
**Sent:** 15/04/2024, 14:08:56  
**From:** Grilli, Carlo  
**To:** Musselburgh Flood Protection Objections  
**Cc:** [REDACTED]

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

**Categories:** [REDACTED]

Thank you for your engagement with the Musselburgh Flood Protection Scheme. This email is to confirm that your correspondence has been received and has now been forwarded to the objection inbox.

Under the Flood Risk Management (Scotland) Act 2009, the notification of the Musselburgh Flood Protection Scheme commences on Thursday 21st March 2024. Objections can be made about the proposed scheme until Wednesday 24th April 2024.

All correspondence received in connection with the proposed scheme will remain unread until the end of this objection period.

Kind Regards,  
East Lothian Council

**From:** [REDACTED]  
**Sent:** Monday, April 15, 2024 11:52 AM  
**To:** Grilli, Carlo [REDACTED]  
**Subject:** Musselburgh Flood Protection Scheme - Letter of Objection

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[REDACTED]

15th April 2024

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

Dear Sir

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

I object to the proposed scheme for the following reasons:

I realise there is a need to protect residents from future flooding, however I would like to know why the only solution presented is a hard engineering one? Why have environmental solutions been ignored when there is clear evidence that there have been several different successful options applied in different areas of this country

and others across the globe. We are constantly being asked to look at ways to protect our planet in ways that would not affect the natural progression of nature and the future of the planet. The scheme does not appear to be sympathetic to this.

I am also concerned that the hard engineering option will require the destruction of mature oxygen providing trees. The need to provide metres wide cycling paths seems excessive and the destruction of trees to provide this is and a wall is unacceptable. Cyclists I have spoken to have stated they are currently provided with adequate passage along the river. Was there consultation with cyclists to assess their need for a wider path?

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

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

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

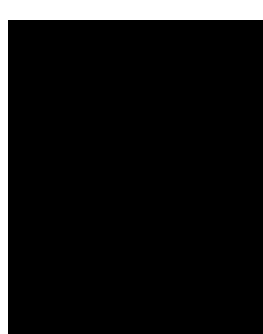
The cost of the scheme being proposed is excessive and there is no guarantee that it will not constantly continue to rise before the scheme is completed. Is the pot open ended?

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

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

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

Yours Faithfully,

A large black rectangular redaction box covering the signature area.A black rectangular redaction box covering the contact information area.

Verbal abuse and threatening behaviour is never acceptable. #zerotolerance

**We're living through stressful times right now, and everyone's feeling it.**

Our staff are doing their best to assist local residents and businesses whilst delivering essential services.

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**Subject:** (0058) Objection to ELC's proposal for a Musselburgh Flood Protection Scheme 2024

**Sent:** 15/04/2024, 15:03:22

**From:** [REDACTED]

**To:** Musselburgh Flood Protection Objections

**Follow Up Flag:** Follow up  
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Dear Sir or Madam,

## **Re: Objection to ELC's proposal for a Musselburgh Flood Protection Scheme 2024**

Thank you for your recent notice of the progression of the Musselburgh Flood Protection Scheme 2024 (henceforth, 'the scheme'). As a local resident and stakeholder (property owner in the immediate vicinity of the scheme at the Roman Bridge), I wish to register the following objection to the scheme: **I strongly object to the removal of mature trees, in the name of flood defence.**

My objection applies to every tree that is earmarked to be felled by the scheme, however I wish to make particular reference to the mature tree depicted in the embedded photo (see below).

This particular tree lies adjacent to the Roman Bridge (c50-60 metres upstream, on the Fisherrow side). It is a mature tree: its considerable size betokens its age. This tree, as with many (if not all) others earmarked for felling, provides:

- A habitat for wildlife (bird and insect, thus a contribution to food-chain)
- Beauty and greenery, to the otherwise built-up human conurbation
- A sense of well-being to residents and river walkers (in respect of the above two points)
- Drainage channels via its roots
- Symbiotic relationship with underground fungal communities, which is essential for soil health (George Monbiot's book "Regensis" refers)
- Canopy and shade in the summer
- A visually pleasant city-scape, which makes Musselburgh an attractive place to live/visit
- Oxygenation of the air (and removal of CO<sub>2</sub>), via its photosynthetic cycle

In consideration of these multiple facets of human and natural health and well-being, **I urge you to adopt an alternative route (or otherwise, compromise) to the current scheme's route, in order to spare the mature trees.** I know that my voice is far from alone in calling for this. Although I focus on one tree in particular, you will appreciate that in essence, my argument and objection applies to all trees earmarked for felling.

Let me also say that, this objection excepted, I consider the scheme to be well thought-out and holistically planned. I greatly welcome and appreciate the engagement which ELC/the developers have undertaken with the local community. Notwithstanding my objection, the scheme should be commended in Musselburgh (especially considering the Anthropocene climate breakdown).

However, I hope that a compromise solution to the scheme's route can be agreed in order to save Musselburgh's mature trees. In addition to my rationale (summarised in bullet-points above), and perhaps superseding all of these arguments, remains the fact that the tree(s) in question are living entities in the commons. Nobody has a right to deny nor destroy these lives (arboreal or otherwise) and remove them from the public-commons.

Thank you in advance for your consideration of the above points.

Yours hopefully,  
[REDACTED]







[REDACTED]

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\*\*\*\*\*

**Subject:** (0059) Submission to Musselburgh Flood Protection Scheme consultation

**Sent:** 15/04/2024, 19:04:24

**From:** [REDACTED]

**To:** Musselburgh Flood Protection Objections

**Follow Up Flag:** Follow up  
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Dear Mr Grilli,

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

My name and address are:-

[REDACTED]

Though my property is not covered in the flood risk area, I do live close to [REDACTED] which are within the flood risk area.

Coastal defences and Dynamic Coast erosion report

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

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

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

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

Biodiversity

I object to the current proposals on the grounds that the loss of ancient woodland is unacceptable and the mitigations proposed

do not make up for it.

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

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

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

Concerns over Contribution to Climate Change

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

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

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

Yours sincerely,

[Redacted signature]



**Subject:** (0060) Submission to Musselburgh Flood Protection Scheme consultation

**Sent:** 15/04/2024, 19:40:22

**From:** [REDACTED]

**To:** Musselburgh Flood Protection Objections

**Follow Up Flag:** Follow up  
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Dear Mr Grilli,

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

My name and address are:

[REDACTED]

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

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

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

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

Biodiversity

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

The EIA states that 0.33 hectares of ancient woodland will have to be felled in construction of the scheme, while also highlighting

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

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

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

Concerns over Contribution to Climate Change

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

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

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

Yours sincerely,

[Redacted signature]

[Redacted contact information]



**Subject:** (0061) Objection to Flood Scheme (Musselburgh)

**Sent:** 15/04/2024, 19:55:07

**From:** [Redacted]

**To:** Musselburgh Flood Protection Objections

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

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

15 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. The whole plan of concrete walls and paths is completely unnecessary which has been shown several times since the first of this year with the many storms that have hit Musselburgh. Most recently last week when some plastic barriers were put up during the worst of the storm and did a fine job holding water back from the houses for the very temporary time it burst the banks of the River Esk. Residents have also provided data and statistics why this would be an extreme waste of time, money, and resources.

I have lived in Musselburgh for [Redacted] children here and enjoyed many hours of walking the banks of the river from the mouth up past the Roman Bridge with my husband, kids and dogs, seeing and photographing the birds and flowers, sitting down in the cool grass when I needed a breather, gathering with friends to chat and just generally enjoy the gorgeous and peaceful view.

It would be an unnecessary desecration of the mature trees, grass, flora and wildlife to go forth with this plan of concrete containment—there are other ways to help prevent the rise of the river during high tide/storms, the council should be listening and looking into these measures rather than insisting concrete is the only viable solution (it's been demonstrated by several individuals that is the worst thing that can happen).

As a taxpayer I wholeheartedly object to the published scheme on the following grounds:

I object to this amount of public expenditure on the Musselburgh flood scheme when it 'may' be needed in many years' time for a 'possible' flood event as well as the ever-increasing amount the project continues to incur, there is no cost breakdown available in the public domain—it feels that residents are purposely being kept in the dark as to the monetary scope of this project.

I object to the £4m which has been spent by December 2023 on design and consultations against a decreasing budget available for basic and necessary Council services (eg care for out elderly, road and drain maintenance, essential community health and wellbeing amenities including but not limited to: libraries, leisure and culture (specifically Brunton Hall repairs). Budget/spending priorities are wrong and I would like information as to why these funds are being misspent.

I object to the felling of mature trees which are a natural and excellent first defence at draining excess water during storms.

I object to the destruction of natural habitat of various birds, waterfowl, fish and insects as well as the scenic beauty provided. The banks of the Esk and Fisherrow Links are Common Good land, and any interruption to their use by the community should be compensated. Hundreds of people enjoy these amenities every day, where will they go to benefit from being in nature and by water?

I object to the amount of noise this project will cause over the several years it will take to complete including but not limited to the heavy trucks, pile driving, and manned works. What will these vibrations do to the existing structures along the High Street?

I object to the proposed use of the Fisherrow Links and Pinkie playing fields to house the large equipment, machinery and goods that will be needed over the several years worth of work involved in this project.

I object that the flood protection scheme has become entwined with the Musselburgh Active Toun (MAT) proposals because the cost of the MAT scheme is unknown and is likely to require a 30% contribution from ELC, which has never been openly discussed. MAT proposals do not contribute to flood protection. Planning permission should be required for these paths and bridges, but the flood scheme has deemed permission by extension. It is not clear which parts of the MAT will bypass planning due to being included in the flood scheme. The proposed new Goose Green bridge does not add flood protection to the town and should not be included in these discussions.

I object over not being listened to as a tax paying, voting constituent in the (for now) lovely town of Musselburgh. Local residents have tried to engage with their Councillors through surgeries, letters, emails, protests and more but letters and emails that were responded to were sent on to the Project team which provided a bog standard response that addressed little to none of the concerns voiced. If challenged, the Project team advised they are taking instruction from the Council. The lines between the Council and the project team are totally blurred, this is unacceptable as the project team was not elected by the residents.

I object to what will amount to a terrible eyesore these walls and paths will become once completed as they will attract graffiti and vandalism. This can be seen everywhere throughout Musselburgh: bus stops, sides of buildings, council properties awaiting refurbishment, and private property. There has been no demonstration or guarantee this will not happen provided by the Council.

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

Yours Faithfully,

██████████



**Subject:** (0062 NO ADDRESS) Submission to Musselburgh Flood Protection Scheme consultation

**Sent:** 15/04/2024, 19:58:08

**From:** [REDACTED]

**To:** Musselburgh Flood Protection Objections

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

**Categories:** NO ADDRESS

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

Dear Mr Grilli,

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

My name and address are:

[Enter your details here]

[If you have an interest in land affected by the Scheme, please give details of the land, the nature of your interest (e.g. owner, tenant), and how this land is affected.]

Coastal defences and Dynamic Coast erosion report

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

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

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

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

Biodiversity



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

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

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

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

Concerns over Contribution to Climate Change

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

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

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

Yours sincerely,

A large black rectangular redaction box covering the signature area.

**Subject:** (0063) Flood prevention scheme 2024 objection  
**Sent:** 15/04/2024, 20:02:35  
**From:** [REDACTED]  
**To:** Musselburgh Flood Protection Objections  
**Attachments:** [REDACTED] [Flood response.docx](#)

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**Categories:** [REDACTED]

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Dear Mr Grilli, please find attached my objection to the flood protection scheme 2024. Please acknowledge receipt of my objection and advise of the timeline and next steps.

Thanks  
[REDACTED]

Sent from my iPhone

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

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

Dear Mr Grilli,

Thank you for the opportunity to respond to the scheme notification. I am writing to object to the recently published Musselburgh Flood Protection Scheme 2024.

I object to the published scheme because:

1. The scheme removes access to the beach for horse riders. I am [REDACTED] of the [REDACTED] and we gallop along Musselburgh beach during the Crusaders Chase Ride Out in July each year. An annual ride has been held every year since 1936.
2. I also have my own horse and regularly ride along Musselburgh beach and have done for the last 34 years. The flood defence wall would remove access to the beach for horse riders.
3. Throughout the scheme documents beach access points are marked as pedestrian access. Restricting access to the beach to pedestrians would not be in line with East Lothian Council's statutory duty under section 13 of the Land Reform (Scotland) Act 2003 to protect access rights.
4. Musselburgh Coastal Change Assessment (Feb 24) confirms that there has been no erosion on the beach. In fact, P14 confirms a positive trend with the beach face and dunes building up to 1m of sediment (figure 9A on the report). This highlights that a concrete flood wall is not required. P18 of the report confirms that the gains have been 168 metres cubed indicating long term stabilisation and growth.
5. I lived at [REDACTED] for over [REDACTED] years whilst growing up and [REDACTED] [REDACTED]. I never once experienced flooding [REDACTED] even during the worst storms. I would hate to see a concrete wall build along the beach behind [REDACTED] properties as it is not required as flood defence and would spoil a beautiful landscape.

6. Thousands of residents line the promenade and top of the beach to watch the Crusaders Chase & Festival Ride outs each year. If a concrete flood defence wall was built this would prevent the community from watching the horses galloping along the beach. Many of the spectators are children who would not be tall enough to see over the wall.
7. The independent flood maps provided by SEPA P28, figure 19, Musselburgh Coastal Change Assessment, indicate that there may be a flood risk of 0.5% by 2080. So, over the next 56 years there is a potential flood risk of 0.5% and 99.5% chance that the area will not flood.
8. I object to 102 trees being removed from the banks of the Esk, this would have a huge environmental impact on the fish in the river and habitat destruction of the wildlife that live on the banks of the Esk.
9. On the scheme notification the estimated cost of the scheme is £103,535,000. This is unnecessary expenditure of Scottish Taxpayers money as the SEPA evidence confirms there is only a 0.5% possibility of flooding over the next 56 years.
10. The works to implement these concrete flood defence walls, metal flood gates, knocking down trees would be awful for residents in terms of noise pollution as the pilling for the flats at the Brunton wireworks in the centre of Musselburgh could be heard up at Stoneybank.
11. Disruption to traffic as Eskside West is to be converted to one way traffic.
12. Materials for building the paths and embankments at Fisherrow Links will be stored on the common good land at Fisherrow Links and prevent local children playing on the links on the grassy areas which they can at present.
13. The schedule of works indicates that works materials and equipment would be stored along the Promenade and Fisherrow Links. This would prevent us having the Junior Ride Out which we hold every year for local children, to ride through the town, along the Promenade and along Fisherrow Links.
14. Musselburgh Active Travel plans to include 5metre wide concrete paths along the riverbank have been included. These are not relevant to flood protection. Active travel requires planning permission which should be sought separately from the flood protection proposal.
15. The Ivanhoe footbridge at Olive bank is a perfectly usable bridge and in the environmental report has no impact on potential flooding. However, because the bridge is not 5 metres wide. Musselburgh Active Travel scheme want to knock the bridge down and build a new wider bridge. This is a complete waste of money as there is already a perfectly usable bridge in place.
16. The ELC Shoreline Management Plan 2002 outlines coastal erosion and flooding issues and remains the current formal policy approach. "The shoreline is stable or accreting along MU1 thus erosion risk is low. Part of the shoreline of MU1 is natural with a low dune system separating the sand beach from the road and Fisherrow Links. This part of the shoreline is presently stable or accreting, although it is likely the dunes will undergo some temporary phases of erosion during winter storms. This is a natural coastal process and short- lived phases of erosion should not be considered a problem" Therefore, these facts highlight that no concrete flood defence wall is required.

Currently we access the beach at the end of Mountjoy terrace where the horses cross the grass onto the beach. The schedule of works 4.7, P16, WS07-01 details that an embankment with a wall will be built with a maximum height of 1.7 metres. WS07-02 details that Pedestrian access ramps will be constructed. Musselburgh beach is used regularly by horse riders and has been

for hundreds of years and as vulnerable road users their needs should have been taken into account as part of the planning process and outline design. Under the terms of the Land Reform (Scotland) Act 2003, equestrians have the same rights of access to the outdoors as other non-motorised users such as pedestrians and cyclists.

All of the figures and data sets on the dynamic coastal report are based on data from the year 2000 projected forward. Why is the evidence not based on actual rates of coastal erosion and actual levels of change as they have data from 1890- 2023 to enable informed decisions to be made rather than using projected statistical modelling.

Please acknowledge receipt of this letter of objection by email to [REDACTED] or in writing to the address above. Please advise me of the next steps and timescales involved.

Yours sincerely

[REDACTED]

[REDACTED]



**Subject:** (0064) Flood protection plan letter  
**Sent:** 15/04/2024, 20:44:54  
**From:** [REDACTED]  
**To:** Musselburgh Flood Protection Objections  
**Attachments:** [REDACTED] [Flood response.docx](#)

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**Categories:** [REDACTED]

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[REDACTED]  
[REDACTED]  
[REDACTED]  
15/4/2024

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

Dear Mr Grilli,

Thank you for the opportunity to respond to the scheme notification. I am writing to object to the recently published Musselburgh Flood Protection Scheme 2024.

I object to the published scheme because:

1. The scheme removes access to the beach for horse riders. I am a member of the [REDACTED], and we gallop along Musselburgh beach during the [REDACTED] in July each year. An annual ride has been held every year since 1936.
2. Musselburgh Coastal Change Assessment (Feb 24) confirms that there has been no erosion on the beach. In fact, P14 confirms a positive trend with the beach face and dunes building up to 1m of sediment (figure 9A on the report). This highlights that a concrete flood wall is not required. P18 of the report confirms that the gains have been 168 metres cubed indicating long term stabilisation and growth.
3. Thousands of residents line the promenade and top of the beach to watch the Crusaders Chase & Festival Ride outs each year. If a concrete flood defence wall was built this would prevent the community from watching the horses galloping along the beach. Many of the spectators are children who would not be tall enough to see over the wall.
4. The independent flood maps provided by SEPA P28, figure 19, Musselburgh Coastal Change Assessment, indicate that there may be a flood risk of 0.5% by 2080. So, over the next 56 years there is a potential flood risk of 0.5% and 99.5% chance that the area will not flood.
5. I lived at [REDACTED] growing up and regularly played football and golf on Fisherrow Links. I would hate to see this valuable community green space being taken up by building materials and machinery for the flood defence walls thus preventing children playing on the links.

6. The noise during construction of the wall would be horrendous for residents of Mountjoy Terrace.
7. I object to 102 trees being removed from the banks of the Esk, this would have a huge environmental impact on the fish in the river and habitat destruction of the wildlife that live on the banks of the Esk.
8. On the scheme notification the estimated cost of the scheme is £103,535,000. This is unnecessary expenditure of Scottish Taxpayers money as the SEPA evidence confirms there is only a 0.5% possibility of flooding over the next 56 years.
9. The works to implement these concrete flood defence walls, metal flood gates, knocking down trees would be awful for residents in terms of noise pollution as the pilling for the flats at the Brunton wireworks in the centre of Musselburgh could be heard up at Stoneybank.
10. Disruption to traffic as Eskside West is to be converted to one way traffic.
11. Materials for building the paths and embankments at Fisherrow Links will be stored on the common good land at Fisherrow Links and prevent local children playing on the links on the grassy areas which they can at present.
12. The schedule of works indicates that works materials and equipment would be stored along the Promenade and Fisherrow Links. This would prevent us having the Junior Ride Out which we hold every year for local children, to ride through the town, along the Promenade and along Fisherrow Links.
13. Musselburgh Active Travel plans to include 5metre wide concrete paths along the riverbank have been included. These are not relevant to flood protection. Active travel requires planning permission which should be sought separately from the flood protection proposal.
14. The Ivanhoe footbridge at Olive bank is a perfectly usable bridge and in the environmental report has no impact on potential flooding. However, because the bridge is not 5 metres wide. Musselburgh Active Travel scheme want to knock the bridge down and build a new wider bridge. This is a complete waste of money as there is already a perfectly usable bridge in place.
15. The ELC Shoreline Management Plan 2002 outlines coastal erosion and flooding issues and remains the current formal policy approach. "The shoreline is stable or accreting along MU1 thus erosion risk is low. Part of the shoreline of MU1 is natural with a low dune system separating the sand beach from the road and Fisherrow Links. This part of the shoreline is presently stable or accreting, although it is likely the dunes will undergo some temporary phases of erosion during winter storms. This is a natural coastal process and short- lived phases of erosion should not be considered a problem" Therefore, these facts highlight that no concrete flood defence wall is required.

The schedule of works 4.7, P16, WS07-01 details that an embankment with a wall will be built with a maximum height of 1.7 metres. WS07-02 details that Pedestrian access ramps will be constructed. Musselburgh beach is used regularly by horse riders and has been for hundreds of years and as vulnerable road users their needs should have been taken into account as part of the planning process and outline design. Under the terms of the Land Reform (Scotland) Act 2003, equestrians have the same rights of access to the outdoors as other non-motorised users such as pedestrians and cyclists.



All of the figures and data sets on the dynamic coastal report are based on data from the year 2000 projected forward. Why is the evidence not based on actual rates of coastal erosion and actual levels of change as they have data from 1890- 2023 to enable informed decisions to be made rather than using projected statistical modelling.

Please acknowledge receipt of this letter of objection by email to [REDACTED] or in writing to the address above. Please advise me of the next steps and timescales involved.

Yours sincerely

[REDACTED]

[REDACTED]

**Subject:** (0065) MFPS objection  
**Sent:** 15/04/2024, 22:13:16  
**From:** [REDACTED]  
**To:** Musselburgh Flood Protection Objections  
**Attachments:** [Musselburgh FPS Objection Letter.pdf](#)

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**Categories:** [REDACTED]

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

Hello,


Please see attached a letter of objection posted today. I am the property owner of [REDACTED], as outlined in the letter.



Best,  
[REDACTED]



Date: 06 April 2024

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


I am writing to object to the recently published Musselburgh Flood Protection Scheme. Our property is within the area noted as at risk of flooding, we live a handful of meters from proposed engineering works. 

. We use both beaches on a daily basis for exercise and wellbeing of the entire family, and the river amenities on both sides for leisure and the accompanying mental health benefits. We can see on a daily basis how important full, unimpeded enjoyment of the Musselburgh coast and River Esk is to a wide range of visitors and residents alike. Many travel a significant distance or incur considerable effort/cost to take the benefit of the connection to nature and unimpeded view of nature/naturally beautiful vistas that the area, in its current form, provides. There are very few areas  that provide the current level of natural beauty. Indeed the completely unimpeded view along Fisherrow Sands, and the gentle slide of the bank of the Esk towards the waters edge are key to the area's attraction. I object to the published scheme on a number of grounds. Each has been listed out under separate headings below. These should be read as individual objections, with each considered by itself as separate reasons for objecting.

### **1) Ongoing Social & Mental Health Impact**

An unimpeded connection to nature has been shown to have a wide range of physical and mental health benefits. Studies have shown that the use of concrete walls, hard engineering etc in areas of natural beauty reduce the positive health impacts associated with the use of those amenities, when provided above and beyond the minimum required to allow these areas to be accessible to a wide

variety of users. As it stands, the natural beauty of the coast and river are easily accessible to all. The proposed scheme creates barriers to accessibility, both visually and physically, especially for those to whom the amenities have the highest value from a positive outcomes point of view. Specifically, highly negatively affected users will include:

*Wheelchair users* - The average shoulder height of a female wheelchair user is approximately one metre. At a significant number of points around the scheme an average wheelchair user's eye line will be below that of the wall height. Not only will a view be cut up by hard engineering, but there will in fact be no view of nature at all in many places.

*Limited Mobility users* - For a user who wishes to access the beach, or a view of the river, the proposed scheme forces those who once may have been able to walk out their front door onto the beach to find their way to an access point. Or, to see the river, perhaps require them to walk a further distance, and then navigate ramps up to and down from the top of head height embankments.

*Children* - For a large part of the proposed scheme, infants and primary school children will struggle to see over the walls and or embankments. Where future generations would have grown up with easy visual and physical access to wide open nature spaces, this option will be taken away.

## **2) Long Term Impact on Protected Area**

The EIA notes areas of the Musselburgh Coastline that enjoy protected status. The coastal erosion report commissioned by the FPS project team notes that the proposed defences are not designed to withstand coastal erosion. The lead on the report also noted in a meeting with the ELC when voting to proceed the proposals that Coastal walls have in fact been shown to accelerate the effects of coastal erosion. It is also noted that any engineered solution is likely to have built foundations undermined by coastal erosion, turning a defensive wall into a very expensive health hazard. **It is noted in the EIA that construction materials, dust, waste, noise and heavy machinery will all be produced in significant quantities, contributing to disruption to the protected habitat.** With erosion expected to continue into the future, the schedule of works to erect the proposed scheme and its expected disruption to natural systems in the future combine to create lasting disruption to avian feeding grounds and the protected area. This is an unacceptable loss.

## **3) Infringement on rights relating to Musselburgh Active Travel (MAT)**



The scheme design, as proposed, contains the presumption of planning approval being granted to further features built as part of the MAT design, that is to be proposed under differing legislation/development. Disregarding MAT, there appears to be no reason to narrow the river along a significant length, disrupting wildlife and natural ecosystems in the process (not to mention the unnecessary expense). It appears that 5 metre wide paths are being included, almost side by side with existing pavements and tarmac roads. There is no clear need within the Flood Protection Act for 5 meter wide paths, or any clear design need. Unless of course considering the co-design of MAT. We have not, however, been given the opportunity to object to the proposed MAT design as a separate design, as is required under legislation. An approval of the design as it is, is a tacit approval for many of the MAT design elements and this infringes our rights to object under relevant legislation as ELC residents. In particular, the Goose Green Bridge has nothing to do with flood protection, it provides no flood protection function and it is neither of a similar use/scale or location of a bridge it is to replace.

**4) Unnecessarily wide paths**

The inclusion of 5m wide paths along a significant length of the proposed design leads to a loss of habitat for the many inhabitants of the River Esk, including an Otter that has been observed in the area. There is no clear practical or legislative need for paths that reach to 5 metres wide at any point in the proposed design, with their inclusion (and work required to narrow the river to accommodate them) a waste of tax payer money.

**5) Inaccurate and misleading representations depriving residents of truthful engagement**

Thanks to a fellow resident with civil engineering experience, a number of the pictorial representations presented as part of the community engagement by the project team have been shown to be erroneous and/or misleading. Given the multi-national, multi-billion dollar scale of the service provider, this either shows negligence or willful misdirection. Any noticed misrepresentation, willful or not, calls into question every rendering and leads to the conclusion that East Lothian Council residents have been deprived truthful, fulsome engagement with the design process. Hence, we are being asked to form an opinion on a design without the requisite transparency to allow for a lay person to object.

**6) Removal of mature trees**

Over 100 trees are designated as to be cut down - these are in many cases mature trees that have been standing for decades, soaking up carbon dioxide

from the atmosphere and provide a vital amenity along the riverbanks. They provide shade for humans, food for animals, biodiversity of ecosystem and accommodation for birds. Willfully removing trees to install 5 metre wide footpaths that are difficult to access for those of limited mobility cannot be allowed.

#### **7) Increased Risk of Crime**

The erection of head height walls in some areas will lead to paths along the river bank hemmed in on both sides by walls, eg near the river mouth on the west bank. Currently, this path is wide open to view from the houses on the opposite bank - however the erection of walls here (and in other places) provides new locations that are hidden from sight. This increases the risk of crime in those particular areas - public safety is then at higher risk and additional police resources will need to be spent to ensure the level of safety does not drop due to the proposed design. In addition - many kilometres of concrete will almost certainly be vandalised on an ongoing basis, as seen already in other flood prevention schemes with similar designs. The walls themselves therefore become a magnet for criminality, increasing daily risks to the public. Over the course of 200 years - the risks to the public and cost to police these additional risks may be more costly than a flood event.

#### **8) Increased cost to the council and residents of Littering and vandalism**

The plantings along the river bank will be much less accessible than they are now, and the walls will most likely be vandalised continuously. The plantings are of a type that catch litter and the costs to the council of maintaining a clean and orderly public space along the river will increase, how much it is unclear but the cost to maintain the public space alongside the assets has not been included. Littering and vandalism also has indirect costs to the residents and businesses of the town, with mental health taking a toll from witnessing a degradation in public/social spaces and businesses losing tourist income.

#### **9) CO2 emissions from the scheme**

The emissions from the scheme will enhance the probability that climate change will cause a negative impact on the town. These emissions will also negatively impact ANYBODY who is at risk of flooding due to climate change and rising water levels - including those with the most to lose such as pacific island communities. Pouring thousands of tons of concrete is a selfish act of self-preservation at the expense of others.

#### **10) Certain damage for uncertain risk**

The recently commissioned coastal erosion survey highlighted a recommendation for adaptive mitigation. The scheme as presented will cause certain damage - to the town's amenities, to its residents' and visitors' mental health and the natural habitat of birds who utilise the protected shoreline. This certain damage is from poured concrete with a lifetime that is incapable of addressing the entire period (200 years) for which the defences are meant to protect. It is also a modelled, probabilistic scenario that may never occur. The flood scheme would be less harmful, and more effective, if it could be gradually increased in potency as we see the risk of flooding gradually increase. Hence - managed across a long period of time.

#### **11) Damage to property**

The buildings along the promenade, including the my own residence, have been standing for over a hundred years. They were built to withstand the elements, not continuous levels of heavy engineering work undertaken a matter yards away. There is a very real risk of structural damage to the properties, undermining the reason to create a damage-limitation barrier in the first place. There will also almost certainly be 'damage' to the value of the property (where 'damage' is defined by the act as 'depreciation of the value of a person's interest in land'). There has been no survey done on my property to assess the risk of structural and valuation damage on this property and I insist on both being undertaken by a reputable and independent surveyor. Uninterrupted sea views add on average 30% to a property's value - concrete walls will reduce this by a measurable amount that will require significant compensation all along the river and coast.

#### **12) Natural Flood Management being discounted on flawed evidence**

NFM could include a whole range of techniques to slow the flow of the river throughout the catchments, and to encourage the natural dune system along the coast. The fact these were discounted at the start is wrong and the situation is made worse by the exclusion of NFM decided upon in October.

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

The Scottish Government is heading towards NFM. On 23 December 2023, [the Minister stated](#) "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.”

Tidal flooding can/should be managed through gradual dune enhancement, similar to that undertaken in St. Andrews - along with a flood barrier at the mouth of the Esk

### **13) Musselburgh councillors involvement in process**

On 23 January 2024, the Council agreed to the scheme progressing, even though they had not had sight of the full EIA, only a ‘non-technical summary’. With the full EIA now available - a high number of adverse effects were noted and also dismissed (naturally, given the writers of the EIA stand to win a multi-million pound contract). This vote was the last the councillors were able to take unless objections were lodged and so should have been undertaken with full view of the information.

In January 2020, East Lothian Council cabinet voted through the preferred scheme. Given the value of the scheme, this should have been approved by the full Council, and given no Musselburgh councillors were able to vote at this meeting, the community most impacted was not represented adequately.

In summary - although the cost of the scheme is already astronomical, it is my objection that the second order effects are even larger. The cost and risk that the scheme is meant to protect against are very low probability, once in a lifetime costs. The cost of construction and its ongoing daily mental, physical and financial costs that the scheme will burden the town, its residents and visitors with for generations to come must surely exceed this singular saving.

On top of this - proven and advised managed adaptive approaches and NFM have been short-sightedly discounted due to their ongoing cost of maintenance when the funding available is a ‘one-shot’. This is not creating best value for the town, it is choosing arguably the worst solution because it only needs to be paid for once. The costing for other solutions has not been outlined, neither has the financial savings to the town of different flood protection levels. The Coastal erosion survey showcased statistically insignificant number of properties were protected from flooding by the planned defences when coastal erosion was taken into account. This is short-changing the town and its residents, who deserve the best approach that follows the level of risk over time and the costs of which (financial, physical, emotional) are proportionate with the lived experiences of the current residents at the time - not borne by everyone for a speculatively high risk 100 years into the future.



On a separate note - if there was certain to be no crossover in financial interest between the proposed design and any implementation, it is questionable if the design as it stands would be the same. An independent survey of the plans, undertaken by a professional of the public's choosing, ought to be undertaken.

Please acknowledge receipt of my letter of objection, in writing. Please advise me of next steps, and timescales. All communication should be via post, please do not contact me by appearing at my property, phone or e-mail.

Best Regards,

A solid black rectangular redaction box covering the signature area.

[REDACTED]  
[REDACTED]  
[REDACTED]  
15/4/2024

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

Dear Mr Grilli,

Thank you for the opportunity to respond to the scheme notification. I am writing to object to the recently published Musselburgh Flood Protection Scheme 2024.

I object to the published scheme because:

1. The scheme removes access to the beach for horse riders. I am a member of the Musselburgh Crusaders Riding Club and we gallop along Musselburgh beach during the Crusaders Chase Ride Out in July each year. An annual ride has been held every year since 1936.
2. I have my own horse and regularly ride along the beach and have done for the last 13 years. The flood defence wall would remove access to the beach for horse riders.
3. Musselburgh Coastal Change Assessment (Feb 24) confirms that there has been no erosion on the beach. In fact, P14 confirms a positive trend with the beach face and dunes building up to 1m of sediment (figure 9A on the report). This highlights that a concrete flood wall is not required. P18 of the report confirms that the gains have been 168 metres cubed indicating long term stabilisation and growth.
4. Thousands of residents line the promenade and top of the beach to watch the Crusaders Chase & Festival Ride outs each year. If a concrete flood defence wall was built this would prevent the community from watching the horses galloping along the beach. Many of the spectators are children who would not be tall enough to see over the wall.
5. The independent flood maps provided by SEPA P28, figure 19, Musselburgh Coastal Change Assessment, indicate that there may be a flood risk of 0.5% by 2080. So, over the next 56 years there is a potential flood risk of 0.5% and 99.5% chance that the area will not flood.

6. My mum lived at [REDACTED] [REDACTED] [REDACTED]. The garden never flooded even in the worst storms so a concrete defence wall is not required.
7. Fisherrow links will be used to store building materials and machinery for the flood defence walls thus preventing children playing on the links.
8. The noise during construction of the wall would be horrendous for local residents.
9. I object to 102 trees being removed from the banks of the Esk, this would have a huge environmental impact on the fish in the river and habitat destruction of the wildlife that live on the banks of the Esk.
10. On the scheme notification the estimated cost of the scheme is £103,535,000. This is unnecessary expenditure of Scottish Taxpayers money as the SEPA evidence confirms there is only a 0.5% possibility of flooding over the next 56 years.
11. The works to implement these concrete flood defence walls, metal flood gates, knocking down trees would be awful for residents in terms of noise pollution as the pilling for the flats at the Brunton wireworks in the centre of Musselburgh could be heard up at Stoneybank.
12. Disruption to traffic as Eskside West is to be converted to one way traffic.
13. Materials for building the paths and embankments at Fisherrow Links will be stored on the common good land at Fisherrow Links and prevent local children playing on the links on the grassy areas which they can at present.
14. The schedule of works indicates that works materials and equipment would be stored along the Promenade and Fisherrow Links. This would prevent us having the Junior Ride Out which we hold every year for local children, to ride through the town, along the Promenade and along Fisherrow Links.
15. Musselburgh Active Travel plans to include 5metre wide concrete paths along the riverbank have been included. These are not relevant to flood protection. Active travel requires planning permission which should be sought separately from the flood protection proposal.
16. The Ivanhoe footbridge at Olive bank is a perfectly usable bridge and in the environmental report has no impact on potential flooding. However, because the bridge is not 5 metres wide. Musselburgh Active Travel scheme want to knock the bridge down and build a new wider bridge. This is a complete waste of money as there is already a perfectly usable bridge in place.
17. The ELC Shoreline Management Plan 2002 outlines coastal erosion and flooding issues and remains the current formal policy approach. "The shoreline is stable or accreting along MU1 thus erosion risk is low. Part of the shoreline of MU1 is natural with a low dune system separating the sand beach from the road and Fisherrow Links. This part of the shoreline is presently stable or accreting, although it is likely the dunes will undergo some temporary phases of erosion during winter storms. This is a natural coastal process and short- lived phases of erosion should not be considered a problem" Therefore, these facts highlight that no concrete flood defence wall is required.

The schedule of works 4.7, P16, WS07-01 details that an embankment with a wall will be built with a maximum height of 1.7 metres. WS07-02 details that Pedestrian access ramps will be constructed. Musselburgh beach is used regularly by horse riders and has been for hundreds of years and as vulnerable road users their needs should have been taken into account as part of the planning process and outline design. Under the terms of the Land Reform (Scotland) Act 2003, equestrians have the same rights of access to the outdoors as other non-motorised users such as pedestrians and cyclists.

All of the figures and data sets on the dynamic coastal report are based on data from the year 2000 projected forward. Why is the evidence not based on actual rates of coastal erosion and actual levels of change as they have data from 1890- 2023 to enable informed decisions to be made rather than using projected statistical modelling.

Please acknowledge receipt of this letter of objection by email to [REDACTED] or in writing to the address above. Please advise me of the next steps and timescales involved.

Yours sincerely

[REDACTED]

[REDACTED]



**From:** [REDACTED]  
**Sent:** 15 April 2024 23:01  
**To:** Musselburgh Flood Protection Objections; Grilli, Carlo  
**Cc:** McIntosh, Shona; Forrest, Andrew - Depute Provost; Bennett, Ruaridh; Cassini, Cher; Paul.McLennan.msp@parliament.scot; Colin.Beattie.msp@parliament.scot; kenny.macaskill.mp@parliament.uk  
**Subject:** (0067) Formal objection to the Musselburgh Flood Protection Scheme  
**Attachments:** Flood Objection.docx  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

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For the attention of Carlo Grilli, East Lothian Council

I attach a letter to East Lothian Council formally objecting to the Musselburgh Flood Protection Scheme. Please acknowledge receipt of my letter of objection, in writing by replying to the address provided at the top of this letter. Within your response, please advise me of next steps, and timescales.

I have copied this letter to my local MP, MSP and local councillors.



[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
Monday 15<sup>th</sup> April 2024

FOR THE ATTENTION OF:

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 live in [REDACTED], Musselburgh. My family are directly affected by the scheme. The proposed wall which will run along the banks of the River Esk will be visible directly from my property. It will ruin the beautiful view, it will attract graffiti and it is completely unnecessary.

I also object to the scheme overall, which is costing a minimum of £132m and has almost no nature-based solutions. Almost all Natural Flood Management solutions were discounted from the outset which is completely unacceptable.

The scheme, as proposed, is far too big, far too costly and will lead to unacceptable disruption. It will completely change the town and the riverside, ruining our beautiful town forever with huge concrete megastructures which are far beyond what is necessary to provide safe, reasonable and nature-based flood protection. It is being pushed through with no concern for residents, nor for the lived environment in the town.

Finally, I wish to object on the grounds that the full Council Cabinet has not even had the opportunity to consider the scheme. A significant petition against the scheme was completely ignored by the Council. This is undemocratic and completely ignores the views of residents affected by this plan.

I am copying this letter to my local councillors, local MSP and local MP.

Please acknowledge receipt of my letter of objection, in writing by replying to the address provided at the top of this letter. Within your response, please advise me of next steps, and timescales.

Yours Faithfully,

██████████

**From:** Legal  
**Sent:** 16 April 2024 12:58  
**To:** Musselburgh Flood Protection Objections  
**Cc:** Grilli, Carlo  
**Subject:** (0068) FW: [REDACTED] objection letter received via email 16.04.24  
**Attachments:** [REDACTED]  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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**From:** [REDACTED]  
**Sent:** Tuesday, April 16, 2024 11:21 AM  
**To:** Legal [REDACTED]  
**Subject:** [REDACTED]

Morning,  
  
Please find attached  
Thanks  
[REDACTED]

[REDACTED]

| Web

[www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)

Verbal abuse and threatening behaviour is never acceptable. #zerotolerance

**We're living through stressful times right now, and everyone's feeling it.**

Our staff are doing their best to assist local residents and businesses whilst delivering essential services.

**Please, be nice.**



East Lothian Council





Email:-



16 April 2024.

EAST LoTHIAN COUNCIL

16 APR 2024

LOCAL ACCESS POINT  
BRUNTON HALL

I.E. A BRIDGE AT THE MOUTH OF THE FESK. A 5m. WIDE PATH ALONGSIDE A CONCRETE WALL.

5) THE OVERALL COST OF THE SCHEME.

6) THE DISRUPTION IN THE TOWN.

7) <sup>HUGE</sup> THE RAMP(S) TO ACCESS THE BRIDGES. MORE UNNECESSARY WORK WHEN BRIDGES ALREADY EXIST.

I object to the published scheme because:-

1) NO NATURAL <sup>(OTHER OPTIONS)</sup> SOLUTIONS HAVE BEEN CONSIDERED.

2) CONCRETE HAS FAILED IN OTHER PARTS OF THE COUNTRY.

3) IMPACT ON WILDLIFE

4) UNNECESSARY WORK BEING CARRIED OUT IN PLACES FOR ACTIVE TRAVEL.

8) TAKING ON A MULTI MILLION POUND PROJECT WHEN THE COUNCIL IS ALREADY HEAVILY IN DEBT.

9) WHAT HAPPENS WHEN THE SCHEME GOES OVER BUDGET AND COMPLETION DATE (EDINBURGH TRAMS A) PRIME EXAMPLE

10) THE OVERALL COST TO SCOTTISH TAXPAYERS.

11) WILL TOURISTS WANT TO VISIT MASSERBURG TO

ADMIRE THE GRAFFITI  
THAT ADORNS ITS WALLS.  
BY THE RIVER.

2) HOW MUCH WILL IT COST  
TO MAINTAIN THESE WALLS.

**Subject:** (0069) Submission to Musselburgh Flood Protection Scheme consultation

**Sent:** 16/04/2024, 06:32:54

**From:** [REDACTED]

**To:** Musselburgh Flood Protection Objections

**Follow Up Flag:** Follow up

**Flag Status:** Completed

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Dear Mr Grilli,

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

My name and address are [REDACTED].

Coastal defences and Dynamic Coast erosion report

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

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

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

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

Biodiversity

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

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

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

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

Concerns over Contribution to Climate Change

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

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

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

Yours sincerely, [Redacted]

[Redacted Signature]



**Subject:** (0070) Submission to Musselburgh Flood Protection Scheme consultation

**Sent:** 16/04/2024, 07:32:10

**From:** [REDACTED]

**To:** Musselburgh Flood Protection Objections

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

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

Dear Mr Grilli,

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

My name and address is:

[REDACTED]

[If you have an interest in land affected by the Scheme, please give details of the land, the nature of your interest (e.g. owner, tenant), and how this land is affected.]

Coastal defences and Dynamic Coast erosion report

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

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

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

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

Biodiversity



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

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

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

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

Concerns over Contribution to Climate Change

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

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

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

Yours sincerely,

A large black rectangular redaction box covering the signature area.

**Subject:** (0071) Submission to Musselburgh Flood Protection Scheme consultation

**Sent:** 16/04/2024, 08:36:00

**From:** [Redacted]

**To:** Musselburgh Flood Protection Objections

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

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Dear Mr Grilli,

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

My name and address are:

[Redacted]

[Enter your details here]

[If you have an interest in land affected by the Scheme, please give details of the land, the nature of your interest (e.g. owner, tenant), and how this land is affected.]

#### Coastal defences and Dynamic Coast erosion report

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

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

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

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

Biodiversity

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

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

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

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

Concerns over Contribution to Climate Change

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

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

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

Yours sincerely,

A black rectangular redaction box covering the signature area.

**Subject:** (0072) Musselburgh Flood Protection Scheme Objection  
**Sent:** 16/04/2024, 09:21:49  
**From:** [REDACTED]  
**To:** Musselburgh Flood Protection Objections

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**Flag Status:** Completed

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16th April 2024

Service Manager – Governance

Legal Services

East Lothian Council

John Muir House

Haddington

EH41 3HA

Dear Legal Services

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

1. Bias - consultants have marked their own homework.  
Considering the absence of peer review of the Scheme, and further considering that the council have opted, erroneously in my view, not to install an independent assessing team within the planning department, it stands to reason that consultants marking their own work raises many objectionable questions that have not been answered.
2. Escalating costs at a time when council have declared a financial crisis will put pressure on other services due to their 20% liability of all costs. Health and Social care budgets are being capped and reduced with a devastating effect on service users and should be a higher priority than this scheme.



3. Loss of trees. The consultants are an experienced firm of engineers with knowledge and access to information. ELC likewise have the means to consult experts and arborist experts. To that end, an examination of the presentation information, points to conditions that would almost certainly lead to the removal of trees, such as those very close proximity of heavy plant adjacent or over the roots of tree, and formation of swales at/under the roots of tree at Eskside East for example. Therefore both the consultants and the council know with undoubted certainty which trees are very likely to perish during the formation of the flood scheme. To not demonstrate that clearly to the public is both a denial of information and manipulation of the townsfolk's empathy for trees, giving the impression that many trees may be saved when in reality they should not be threatened, where the opposite is true.

4. No biodiversity net gain has been evidenced.

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

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

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

8. Prematurity of wall along the coast due to lack of Coastal Change Adaptation Plan.

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

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

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

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

13. Choice of year 2100 should be amended as we cannot accurately predict sea level rise that far. It could be less, or more!

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

15. Comparing Sustrans objectives and standards, and Active Travel Paths' in general, there can be no doubt that much of the Flood Protection Scheme pays heed and is informed by MAT. The consultants, the

council's legal services' and infrastructure departments denials of this intrinsic relationship between MAT and the Scheme is flawed and has no basis, as the presentation put before the town manifest to the link. This is clearly demonstrated in the Design Statement published by the Consultants. MAT has heavily influenced design of flood scheme negatively.

16. All MAT proposals are deemed to be 'Developments' as defined by the Town and Country Planning (Scotland) Act 1997. This is undeniable, and failure to obtain planning permission for all MAT related elements would be tantamount to subverting the 1997 Act. ALL structures and routes of MAT should go via normal planning regulations.

17. Narrowing of river increases flood risk.

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

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

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

21. References to "enhancement of landscaping in Musselburgh" or similar is an affront to the people who can see with their own eyes what they

have and the inferior landscapes the proposals offer, unquestionable gradually worsening through the years, with graffiti and lack of maintenance.

22. There has been no third party independent analysis of the impact of the proposals on Musselburgh's long connections and affinity with the sea and river as an amenity for the townsfolk and others, as well as for the tourism industry, on which many local shops depend. Flood walls will destroy amenity and Musselburgh's long connection with river and sea.

23. Negative impact on tourism to Musselburgh

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

25. The arguments against whole catchment area development have frequently touched upon multiple ownership of the lands in question and the unwillingness of some landowners to participate in safeguarding Musselburgh against floods. The poorest and most vulnerable are being discriminated against. Wealthy landowners should be implementing upstream natural flood management to reduce flow of water coming into the town. Instead people of a lower socioeconomic profile will be disadvantaged with a concrete wall flood scheme that sacrifices their access to nature.

26. My enjoyment of land will be affected by scheme and its operations.

27. Lack of privacy due to walkways on top of defences is a breach of my human rights.

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

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

30. I have an interest in the land affected by the scheme and scheme operations (including but not limited to noise and pollution from construction traffic) at Fisherrow Links and Fisherrow coast. If the scheme proceeds in its present form without amendments I expect to be compensated for the sustained damage as a consequence of exercising my powers under the Act, Section 83 (1).

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

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

Yours Faithfully,



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Subject:** (0073) Musselburgh Flood Scheme Objection

**Sent:** 16/04/2024, 10:15:50

**From:** [REDACTED]

**To:** Musselburgh Flood Protection Objections

**Follow Up Flag:**

Follow up

**Flag Status:**

Completed

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[REDACTED]

9 April 2024

## Service Manager

Governance  
Legal Services  
East Lothian Council  
John Muir House  
Haddington  
EH413HA

Dear Services Manager,

I am writing to object to the recently published Musselburgh Flood Protection Scheme. I am a local resident and my property will be directly at risk of flooding. Whilst I understand the flood risk, I am greatly concerned by the proposed flood protection scheme and the negative impact that it will have on me and the local residents. Further, as a taxpayer I object to this level of expenditure on a flood protection scheme which is not founded upon nature based solutions, and the lack of expenditure breakdown that is available to the public. I bought a property in Musselburgh due to its picturesque nature and historical significance. I am concerned that the flood scheme will detract from this natural beauty. I believe that the funds from this scheme could be used to maintain the historical significance of the town such as maintaining the Brunton Theatre and Town Hall as well as providing much needed health and social care services for the community.

I object to the published scheme because:

1. The cost of this project has already escalated and has gone unscrutinised due to the uncapped funding model of this project.
2. The funding priorities of East Lothian Council and the Scottish Government are flawed. £4 million has already been spent on design and consultations for this project during a time in which East Lothian Council have said that they cannot maintain existing valuable community assets such as the Brunton Theatre, due to a lack of council budget. I would suggest that this money could be spent more wisely improving community facilities for residents of Musselburgh.
3. The building work and subsequent concrete structures will have a negative impact on the quality of life for myself and my community. I use the beach and promenade and walk along the River Esk daily. It is an important resource which is used by the community to maintain physical and mental wellbeing. The noise, dust and disruption caused by the flood protection scheme as it stands, will have an immeasurable negative impact. The Esk and Fisherrow Links are common good land and this interruption to their use by the community should be compensated but the proposed scheme has not provided alternative green space during construction.
4. I would like to see all available data for the flood risk that Musselburgh faces and the ways in which this proposed scheme will combat this risk. The existing data has not been available through the public consultations and requests for this data have been ignored. This demonstrates a lack of transparency

and results in a lack of trust. The proposed flood protection scheme narrows the River Esk which is more likely to create flooding, greater information around this issue is required.

5. East Lothian Council have failed to maintain drainage which has created flooding in recent months. There is no guarantee that East Lothian Council would maintain future flood defences. Concrete is not future proof and will deteriorate.
6. Sustainable and nature based solutions have not been considered or proposed and an explanation for this must be provided. In the report from Dynamic Coast they highlighted the lack of beach nourishment in the existing proposals which is required in Musselburgh to enhance the beaches resilience.
7. The destruction of habitat for wild-life and felling of trees will have a negative impact on the climate which in turn increases flood risk.
8. The new proposed Goose Green and Ivanhoe bridges will have no impact on flooding.
9. I object to Musselburgh Active Toun being combined with the flood protection scheme as they have two separate aims and very separate planning procedures and regulations.

Yours faithfully,

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

**Subject:** (0074 NO ADDRESS) FW: Objection letter  
**Sent:** 16/04/2024, 11:17:32  
**From:** Grilli, Carlo  
**To:** Musselburgh Flood Protection Objections  
**Cc:** [REDACTED]

---

**Follow Up Flag:** Follow up  
**Flag Status:** Completed  
**Categories:** NO ADDRESS

Thank you for your engagement with the Musselburgh Flood Protection Scheme. This email is to confirm that your correspondence has been received and has now been forwarded to the objection inbox.

Under the Flood Risk Management (Scotland) Act 2009, the notification of the Musselburgh Flood Protection Scheme commences on Thursday 21st March 2024. Objections can be made about the proposed scheme until Wednesday 24th April 2024.

All correspondence received in connection with the proposed scheme will remain unread until the end of this objection period.

Kind Regards,

East Lothian Council

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Tuesday, April 16, 2024 10:33 AM  
**To:** Grilli, Carlo [REDACTED]  
**Subject:** Objection letter

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Dear Carlo Grilli

I would hereby like to state my objection to the Musselburgh Flood Protection Scheme.

I have lived in [REDACTED] and have never seen the river flood except when debris was blocking the flow under the Rennie bridge. The worst flooding that happens now is from the very old poor drain and sewer system throughout the town.

Musselburgh has a beautiful beach front and harbour which my family have used for leisure and pleasure over the years. The plans for a concrete wall will not enhance the area and our many visitors who like to enjoy the view will not return. The Esk is a very pretty river with lovely grassy banks, trees and numerous bird life. The swans and geese have been a feature of Musselburgh for decades and also attract many visitors to the area. A huge concrete wall on the river banks will not attract visitors, and the removal of trees is disgusting.

The bridges and walkways work well, and I cannot agree that they need replaced especially at Goose Green where the proposed new bridge is a hideous construction. I have enjoyed countless cycles and walks with family and friends along the promenade and onto the lagoons and further along the John Muir way and I just cannot agree it needs to change in such a hard, ugly way.

As a tax payer, I do not agree to the amount of public money being spent in this way. I do not agree that hard engineering will be a solution to future flood risks and I would like to see some more nature based research being conducted as well as spending public money on improving the towns drainage systems.

I look forward to receiving your comments on receipt of my email.

[REDACTED]

[https://gbr01.safelinks.protection.outlook.com/?  
url=https%3A%2F%2Fwww.eastlothian.gov.uk%2Fimages%2FELC\_Be\_Nice\_EMAIL\_FOOTER\_\_zerotolerance\_1.png&data=05%7C02  
%7Cmfpsobjections%40eastlothian.gov.uk%7Cad460759f7784e741eed08dc5dfe6d9c%7C85e771afe90a4487b4071322ba02cc82%  
7C0%7C0%7C638488594536773788%7CUnknown%7CTWFpbGZsb3d8eyJWljoIMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwi  
LCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=iQl%2BccuJs8A%2B6qKePffrgGvUnNTs4nuC0pLz2OB7K6E%3D&reserved=0]



**Subject:** (0075) RE: Objection - Musselburgh Flood Protection Scheme  
**Sent:** 16/04/2024, 11:26:06  
**From:** Grilli, Carlo  
**To:** Musselburgh Flood Protection Objections  
**Cc:** [REDACTED]

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

**Categories:** [REDACTED]

Thank you for your engagement with the Musselburgh Flood Protection Scheme. This email is to confirm that your correspondence has been received and has now been forwarded to the objection inbox.

Under the Flood Risk Management (Scotland) Act 2009, the notification of the Musselburgh Flood Protection Scheme commences on Thursday 21st March 2024. Objections can be made about the proposed scheme until Wednesday 24th April 2024.

All correspondence received in connection with the proposed scheme will remain unread until the end of this objection period.

Kind Regards,

East Lothian Council

---

**From:** [REDACTED]  
**Sent:** Tuesday, April 16, 2024 10:42 AM  
**To:** Grilli, Carlo [REDACTED]  
**Subject:** Objection - Musselburgh Flood Protection Scheme

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**From:**  
[REDACTED]

16 April 2024

**To:**  
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.

My concerns are as follows:

- The large number of mature trees to be felled along the River Esk.
- The proposed flood walls will dramatically alter the appearance of the town in a negative way (as has been seen with other recent projects in other Scottish towns).

- Artists' impressions of the scheme show best case scenario visuals only and lack a true representation of how the walls will look in reality.
- Walls will quickly become unsightly, covered in algae and graffiti. There appears to have been no planning to address these issues and make the walls more attractive.

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

Yours sincerely,

Verbal abuse and threatening behaviour is never acceptable. #zerotolerance

**We're living through stressful times  
right now, and everyone's feeling it.**

Our staff are doing their best to assist local residents  
and businesses whilst delivering essential services.

**Please, be nice.**



  
East Lothian  
Council

**BE NICE**  
RESPECT US AS WE RESPECT YOU

**Subject:** (0076) FW: Objection - Musselburgh Flood Protection Scheme  
**Sent:** 16/04/2024, 11:27:06  
**From:** Grilli, Carlo  
**To:** Musselburgh Flood Protection Objections  
**Cc:** [REDACTED]

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

**Categories:** [REDACTED]

Thank you for your engagement with the Musselburgh Flood Protection Scheme. This email is to confirm that your correspondence has been received and has now been forwarded to the objection inbox.

Under the Flood Risk Management (Scotland) Act 2009, the notification of the Musselburgh Flood Protection Scheme commences on Thursday 21st March 2024. Objections can be made about the proposed scheme until Wednesday 24th April 2024.

All correspondence received in connection with the proposed scheme will remain unread until the end of this objection period.

Kind Regards,  
East Lothian Council

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**From:** [REDACTED]  
**Sent:** Tuesday, April 16, 2024 10:20 AM  
**To:** Grilli, Carlo [REDACTED]  
**Subject:** Objection - Musselburgh Flood Protection Scheme

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**From:**  
[REDACTED]

16 April 2024

**To:**  
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.

My concerns are as follows:

— The large number of mature trees to be felled along the River Esk.

- The proposed walls will dramatically alter the appearance of the town. I am simply shuddering at the thought of unsightly walls, with inevitable algae stains/graffiti/growing weeds. I believe in no time at all these walls will look scruffy.
- Artists' impressions of the scheme show best case scenario visuals only and lack true representation of how walls will look in areas, for example, where walls will be at their tallest.
- I would prefer to see retractable (hidden) walls be installed in only the zones necessary. For example, beside Loretta school.

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

Yours sincerely,

[REDACTED]

Sent from my iPhone



**Subject:** (0077) Musselburgh Flood Protection Scheme

**Sent:** 16/04/2024, 12:00:34

**From:** [REDACTED]

**To:** Musselburgh Flood Protection Objections

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

**Categories:** [REDACTED]

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

#### Objection 1

I object to the scheme for the following reasons.

My objection concerns some parts of the proposed scheme, in particular the area between the Roman Bridge and the Rennie Bridge, on the east side of the river.

I am objecting to the proposed destruction of the iconic view within the Conservation area, which features the Category B listed Rennie Bridge, and the Category A listed Roman Bridge. The proposed flood wall cuts the riverbank area in half, and the wall abuts both the Rennie Bridge and the Roman bridge, to their detriment.

The flood wall cuts off the relieving arch of the Rennie bridge, which was designed to allow potential flood water through the bridge. This fine 5 arch bridge will be disfigured by abutting the flood wall onto the structure at this point. The wall also abuts the Roman Bridge, the detail of which is obscure, in the proposed scheme. The flood wall is likely to be over 2m high.

The position of the flood wall narrows the riverbank to the detriment of the intention of the flood scheme, which is to allow as much flood water as possible to flow freely to the estuary.

This proposal includes an active travel path along the line of the proposed flood wall, requiring further hard landscaping works up to 5 m wide across the middle of the riverbank.

This proposal restricts citizens free access to the full riverbank in this part of the scheme.

Comment: The original scheme proposed that the flood wall was sited along the Mall Avenue. This is still the logical position for such a wall. In this position higher up the riverbank, the wall could be slightly lower in height. The active travel route could be sited along the Mall. That route could still use the relieving arch of the bridge, by the incorporation of demountable openings in the flood wall. In my view the felling of the Mall avenue trees (which can be replaced) is the lesser loss, in order to preserve the iconic views of the riverbank.

#### Objection 2

I am objecting to the building of a bridge at the river estuary to facilitate an active travel route which is not part of the flood scheme. This is a costly and unnecessary addition to the proposed works. It will extend the time taken to complete the scheme, add additional noise and disruption to the residents in this area, and disrupt the bird life at the estuary. It requires additional hard landscaping to be added to the scheme. This active travel route can be adequately incorporated into the replacement electricity bridge.

I am objecting to the siting of the replacement Ivanhoe bridge in the position shown on the scheme drawings. The scale of this proposal is totally out of proportion to the benefit gained, requiring a hugely expensive structure and elaborate ramped access. A modest replacement bridge nearer to the current position would be less costly, and more visually acceptable.

Please acknowledge receipt of these objections.

[REDACTED]





**Subject:** (0078) Re: Objections to MFPS - 16th April 2024

**Sent:** 16/04/2024, 12:20:49

**From:** [REDACTED]

**To:** Musselburgh Flood Protection Objections

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

**Categories:** [REDACTED]

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Service Manager- Governance  
Legal Services  
East Lothian Council  
John Muir House  
Haddington  
EH21 3HA

I am writing to express my objections regarding the Musselburgh Flood Protection Scheme. My objections are based on several points that I believe warrant serious consideration:

1. **\*\*Natural Flood Management\*\***: The premature removal of consideration of natural flood management measures, prior to the council vote, and the rejection of a related petition, appears to contravene the requirements of the 2009 Act and undermines democratic processes.

The unanimous decision by councillors to exclude consideration of an entirely Natural Flood Management based scheme, as an alternative to hard landscaping, despite advice from Dynamic Coasts, suggests a bias against the full examination and assessment of comprehensive nature-based solutions. This decision was made without full consideration of Dynamic Coasts' detailed assessment, which should be reviewed before any further progress of the scheme is sanctioned and a full report, detailing reasons as to why a fully nature based scheme was not considered, made public.

2. **\*\*Lack of Independent Review\*\***: The consultants involved in the scheme have effectively marked their own homework, which raises questions about the objectivity of the assessments underpinning the scheme. The absence of an independent review team within the planning department is a significant oversight that undermines the credibility of the Scheme's evaluation. Such independent reviews are normal practice within the Scottish Government.

3. **\*\*Financial Implications\*\***: With the council facing a major financial crisis, the escalating costs associated with the Scheme will place undue pressure on other essential services, given the council's 20% liability for all related costs. The council is already cutting services to the community without this additional cost burden. In addition, evidence suggests that major construction work of this nature rarely comes in on budget.

No estimates appear to have been made to potential cost over runs and no discussion has been made public with regards to tendering processes.

4. **\*\*Environmental Impact - Loss of Trees\*\***: The potential for significant tree loss due to the Scheme's construction has not been adequately addressed. The proximity of heavy machinery to tree roots and the formation of swales are likely to lead to the death of many trees, a fact that has been downplayed in public communications.

5. **\*\*Lack of Biodiversity Net Gain\*\***: There is no evidence to suggest that the Scheme will result in a net gain for biodiversity, which is a critical aspect of sustainable development.

6. **Risk of Increased Flood Risk Elsewhere**: There has been no assessment of how the Scheme might inadvertently increase flood risk in other areas, which is a necessary step in responsible flood management planning.
7. **Coastal Change Adaptation Plan**: The construction of a seawall without a Coastal Change Adaptation Plan is premature and currently does not take account of potential long-term coastal dynamics.
8. **Potential Loss of Beach**: According to the Dynamic Coast report, the seawall structure could lead to the loss sections of the beach, i.e. contributing to increased coastal erosion—a consequence that flood risk management actions should avoid.
9. **Absence of Beach Nourishment Plan**: There is no plan or budget for beach nourishment to counteract the potential negative effects of the seawall on the beach.
10. **Questionable Data on Sea Level Rise**: The data and designs presented to the public are based on a projected sea level rise of 86 cm, a figure not widely supported by other studies, which calls into question the Scheme's underlying assumptions. This should be subject of an urgent independent review.
11. **Lack of Transparency in Modelling Data**: Despite repeated requests, the modelling data has not been released for peer review by community members with relevant expertise, which is essential for transparency and trust in the Scheme's processes.
12. **Hard landscaping**: There is evidence from other flood protection schemes that hard landscaping can fail and is at best a temporary solution, given the lifespan of this kind of architecture. Nature based solutions offer permanent mitigation. In addition from an aesthetic point of view such schemes are open to graffiti and vandalism. No account has been taken or plans offered regarding the of the costs of managing this issue for the structures proposed.

I trust that these points will be taken into account, and I look forward to your response and the opportunity for further public dialogue on these matters prior to any action to progress the scheme further.

The scheme as planned will cause irrevocable change to the nature and attractiveness of the town of Musselburgh and once started cannot be undone. With that in mind, every effort should be made to examine ways to mitigate its impact and to avoid hard landscaping as a solution to flood prevention.

I require that all communication with me going forward should be via email and/or by post.

Please acknowledge receipt of this email and please advise of next steps.

Yours sincerely,



Sources: 16/04/2024

- (1) Natural flood management programme - [GOV.UK. https://www.gov.uk/guidance/natural-flood-management-programme](https://www.gov.uk/guidance/natural-flood-management-programme).
- (2) Natural flood management programme prospectus - [GOV.UK. https://www.gov.uk/guidance/natural-flood-management-programme-prospectus](https://www.gov.uk/guidance/natural-flood-management-programme-prospectus).
- (3) Blog: Multiple Benefits of Natural Flood Management (NFM). <https://thefloodhub.co.uk/blog-multiple-benefits-of-natural-flood-management-nfm/>.
- (4) Natural flood management – part of the nation’s flood resilience. <https://www.gov.uk/government/news/natural-flood-management-part-of-the-nations-flood-resilience>.
- (5) What is Natural Flood Management? - CaBA. <https://catchmentbasedapproach.org/learn/what-is-natural-flood-management/>.
- (6) Home - Musselburgh Flood Protection. <https://www.musselburghfloodprotection.com/>.
- (7) Revealed: The spiralling cost of Scotland’s flood defences. <https://theferret.scot/revealed-spiralling-cost-scotlands-flood-defences/>.
- (8) The Ferret explores Scotland's flood defence budget chaos. <https://www.thenational.scot/politics/23251171.ferret-explores-scotlands-flood-defence-budget-chaos/>.
- (9) Flood Protection Scheme Outline Design to be considered by Council. [https://www.eastlothian.gov.uk/news/article/14221/flood\\_protection\\_scheme\\_outline\\_design\\_to\\_be\\_considered\\_by\\_council](https://www.eastlothian.gov.uk/news/article/14221/flood_protection_scheme_outline_design_to_be_considered_by_council).
- (10) Questions asked about major flood defence plan in Musselburgh. <https://www.thenational.scot/news/23886081.questions-asked-major-flood-defence-plan-musselburgh/>.
- (11) Proposed Scheme - Musselburgh Flood Protection. <https://www.musselburghfloodprotection.com/proposed-scheme/>.

(12) Musselburgh Flood Protection Scheme Environmental Impact Assessment ....

[https://www.eastlothian.gov.uk/download/meetings/id/24424/0824\\_mfps\\_appendix\\_e\\_environmental\\_impact\\_assessment\\_report\\_-\\_non-technical\\_summary](https://www.eastlothian.gov.uk/download/meetings/id/24424/0824_mfps_appendix_e_environmental_impact_assessment_report_-_non-technical_summary).

(13) Musselburgh flood protection scheme given green light despite soaring .... <https://news.stv.tv/east-central/musselburgh-flood-protection-scheme-given-green-light-despite-soaring-costs>.

(14) Objection letters - Musselburgh Flood Protection Scheme Action Group. <https://pausethefloodscheme.com/objection-letters/>.

(15) Storm Babet caused five years' worth of erosion along Musselburgh coastline, report reveals.

<https://news.sky.com/story/storm-babet-caused-five-years-worth-of-erosion-along-musselburgh-coastline-report-reveals-13112092>.

(16) Storm Babet caused five years of damage to beaches in days. <https://www.msn.com/en-gb/news/uknews/beach-in-east-lothian-suffered-five-years-of-damage-in-two-days-during-storm/ar-BB1kirX>.

(17) Storm Babet caused five years' damage to Musselburgh Beach in two days.

<https://www.eastlothiancourier.com/news/24241020.storm-babet-caused-five-years-damage-musselburgh-beach-two-days/>.

(18) MUSSELBURGH COASTAL CHANGE ASSESSMENT. <https://www.musselburghfloodprotection.com/wp-content/uploads/2024/03/Musselburgh-Coastal-Change-Assessment-2024-FINAL-Report.pdf>.

(19) Musselburgh Coastal Change Assessment report available to view.

[https://www.eastlothian.gov.uk/news/article/14247/musselburgh\\_coastal\\_change\\_assessment\\_report\\_available\\_to\\_view](https://www.eastlothian.gov.uk/news/article/14247/musselburgh_coastal_change_assessment_report_available_to_view).

(20) undefined. <https://www.musselburghfloodprotection.com/dynamiccoast-musselburghcoastalchangeassessment/>.

**From:** Legal  
**Sent:** 16 April 2024 12:35  
**To:** Musselburgh Flood Protection Objections  
**Cc:** Grilli, Carlo  
**Subject:** (0079) MAIL: MFPS Objections letter received by post today - [REDACTED]  
[REDACTED]  
**Attachments:** 20240416 MFPS Objection letter from [REDACTED]  
[REDACTED]  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed  
**Categories:** [REDACTED]

Hi Carlo,

The attached arrived this morning and we will acknowledge.

Thanks  
[REDACTED]

[REDACTED] or [REDACTED]  
*\*Please note my working days are Monday to Thursday\**







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

Dear Mr Grilli

I wish to object to the recently published Musselburgh Flood Protection scheme.

As a Musselburgh resident and a UK taxpayer my objections are as follows

There has been no independent and comprehensive investigation into Nature Based Solutions for the Musselburgh Flood Protection scheme.

I wish to object to the cost of the project. The estimated cost rises with every update I receive and there is no cap on this cost.

There will be significant disruption in Musselburgh, traffic disruption, sound and visual disruption, during the course of the proposed works, estimated to take several years.

East Lothian Council's decision to continue with the proposed scheme appears to have been made using a non-technical summary of the Environmental Impact, therefore full and accurate details were withheld from the decision makers.

Please acknowledge receipt of these objections in writing, advise me of the next steps and the proposed timescales.

Yours Faithfully







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

EAST LOTHIAN COUNCIL  
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16 APR 2024  
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**From:** Legal  
**Sent:** 16 April 2024 12:53  
**To:** Musselburgh Flood Protection Objections  
**Cc:** Grilli, Carlo  
**Subject:** (0080) MAIL: MFPS Objections letter received by post today - [REDACTED]  
[REDACTED]  
**Attachments:** 20240416 MFPS Objection letter from [REDACTED]  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed  
**Categories:** [REDACTED]

Hi Carlo,

The attached arrived this morning and we will acknowledge.

Thanks  
[REDACTED]

[REDACTED]  
[REDACTED] c [REDACTED]  
\*Please note my working days are Monday to Thursday\*

Verbal abuse and threatening behaviour is never acceptable. #zerotolerance

We're living through stressful times right now, and everyone's feeling it.

Our staff are doing their best to assist local residents and businesses whilst delivering essential services.

Please, be nice.



East Lothian Council

**BE NICE**  
RESPECT US AS WE RESPECT YOU

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

06/04/2024

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

Dear Carlo,

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

I live just off the [REDACTED], within the area proposed as being under risk from flooding, walk daily along the Promenade, and regularly use the shared drying green overlooking the Forth, so will be personally affected by the excessively high, view-ruining walls the planned flood scheme. However, my concerns are wider.

I also object to the published scheme because:

#### 1. Cost

The scheme is currently costed at £132m in total, including £53m for the flood protection part. Note that there are no cost breakdowns in the public domain. The Council has been told the cost is likely to rise. How can the Council have voted this through with so little information? Why has no cap been put on the cost?

£4m has been spent by December 2023 on design and consultations against a decreasing budget available for core Council services such as care for the elderly, essential community health and wellbeing amenities: libraries, leisure and culture (e.g. Brunton Hall repairs). Budget/spending priorities are wrong.

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

The Council has been told that if they do not secure the Cycle 1 funding, they will get nothing. But that is not true, there will be funding in Cycle 2, which should be onstream after April 2024, and Musselburgh would be eligible.

## **2. 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. How could the Council judge what is necessary protection without being given a range of options?

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

Local residents have asked to see the data underpinning the scientific calculations of the project team, but these requests have been ignored. What is the reason for the lack of transparency?

The last major flood in Musselburgh was in 1948. Climate change may mean there is increased risk of flooding in future, but there are communities at much greater and more immediate risk – Dumfries, Haddington, Perthshire etc. Scarce resources should be applied in order of need.

The Council was informed that Natural Flood Management (NFM) should be restricted to 3 interventions (use of 2 small reservoirs in the Pentlands, and a tree-catcher in Dalkeith Country Park). NFM could include a whole range of techniques to slow the flow of the river throughout the catchments, and to encourage the natural dune system along the coast. The fact these were discounted at the start is wrong and the situation is made worse by the exclusion of NFM decided upon in October.

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

All the indications are that the use of NFM, nature-based solutions and a flood resilience (rather than prevention) approach are preferred over building flood walls. Even in massive river catchments like the Severn, these approaches are being discussed and trialled. The flood walls in Brechin (built/renewed 2015) recently failed. The flood gates in Perth recently failed. Man-made interventions cannot prevent flooding downstream – we need to do more upstream to slow/store the water so it doesn't rush down through the town.



The Scottish Government is heading towards NFM. On 23 December 2023, [the Minister stated](#) "The Scottish Government recognizes the importance of natural flood management (NFM) measures in reducing, slowing or otherwise managing flood waters across catchments and along the coast while also delivering multiple environmental benefits." Why is ELC not in step with the Scottish Government?

### **3. Transparency and process**

The engineers appointed to design the project have also been allowed to write the Environmental Impact Assessment (EIA). They carried out an options appraisal that ruled out all alternatives to the current scheme, without those options being made available for public scrutiny or debate. Throughout the scheme the consultants and engineers have not been subject to challenge or adequate scrutiny.

On 23 January 2024, the Council agreed to the scheme progressing, even though they had not had sight of the full EIA, only a 'non-technical summary'.

In January 2020, East Lothian Council cabinet voted through the preferred scheme. Given the value of the scheme, this should have been approved by the full Council. The Cabinet did not have the power to vote on a scheme of this magnitude.

Local residents have tried to engage with their Councillors but letters and emails that were responded to were sent to the Project team to provide the response. If challenged, the Project team advise they are taking instruction from the Council. The lines between the Council and the project team are totally blurred.

Many people have sent letters and emails and received no response at all.

### **4. Multiple benefits and active travel**

The scheme has become entwined with the Musselburgh Active Toun (MAT) proposals. But the cost of the MAT scheme is unknown and is likely to require a 30% contribution from ELC, which has never been openly discussed.

MAT proposals do not contribute to flood protection. Planning permission should be required for these paths and bridges, but the flood scheme has deemed permission. It is not clear which parts of the MAT will bypass planning due to being included in the flood scheme.

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



The MAT proposals included in the scheme are now much grander than those originally discussed and consulted upon.

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

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

The banks of the Esk and Fisherrow Links are Common Good land, and any interruption to their use by the community should be compensated. Hundreds of people enjoy these amenities every day, where will they go to benefit from being in nature and by water?

Is it clear how many properties will be included as being 'protected' by the scheme? The number has risen and is variable on numerous documents from around 1,200 to 3,000 to 3,400. What is the truth? Where is the robust evidence? To achieve a viable amount of 'multiple benefits' there has to be a high number of properties protected and this scheme seems led by that consideration rather than by the actual risk.

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

Yours Faithfully,

[Redacted signature block]

 British Heart  
Foundation  
Royal Mail supporting  
heart health with BHF  
Edinburgh

Royal Mail  
Edinburgh  
Mail Centre  
15 04 2024  
23710796



CARLO GRILLI  
SERVICE MANAGER - GOVERNANCE,  
LEGAL SERVICES  
EAST LoTHIAN COUNCIL,  
JAIN MUIR HOUSE,  
WADDINGTON  
EH41 3HA.

EAST LoTHIAN COUNCIL  
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16 APR 2024  
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**From:** Legal  
**Sent:** 16 April 2024 12:42  
**To:** Musselburgh Flood Protection Objections  
**Cc:** Grilli, Carlo  
**Subject:** (0081) MAIL: MFPS Objections letter received by post today - [REDACTED]  
**Attachments:** 20240416 MFPS Objection letter from [REDACTED].pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed  
**Categories:** [REDACTED]

Hi Carlo,

The attached arrived this morning and we will acknowledge.

Thanks  
[REDACTED]

[REDACTED]  
[REDACTED] c [REDACTED]  
\*Please note my working days are Monday to Thursday\*

Verbal abuse and threatening behaviour is never acceptable. #zerotolerance

We're living through stressful times right now, and everyone's feeling it.

Our staff are doing their best to assist local residents and businesses whilst delivering essential services.

Please, be nice.



East Lothian Council

**BE NICE**  
RESPECT US AS WE RESPECT YOU



From:

[REDACTED]

Address:

[REDACTED]

Email:

[REDACTED]

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

Dear Carlo Grilli

I am writing to make a representation about the EIA Report component of the recently published Musselburgh Flood Protection Scheme.

This representation is concerned with the assessment of the environmental impact of the Scheme on the 'New' or 'Rennie' Bridge (Asset 125: referred to in EIA Report sections 13.4.3.2, 13.5.2.4, 13.5.3.5 & 13.6.1.2). It seems to me that the assessment in respect to this building is wholly inadequate:


1. In the published Scheme, the Flood Defence Wall passes through the easternmost span of the Rennie Bridge, close to but not in contact with the western pier of this arch. The span of this arch is a little over 5 m between its piers. To safely accommodate a 5 m path for use by cyclists, the ground level below the arch will therefore have to be reduced across its full width by up to 1-2 m. This, I think, is in no sense a minor incursion into the setting of a listed building. If the plans for the 1929 rebuilding of the bridge have been located and considered, this is not referred to in the Assessment.
2. This construction has a negative impact on the fulfilment of the purposes of the Scheme since it amounts to an unnecessary narrowing of the river channel at this point. The corresponding span at the western end of the bridge remains open to the river in the Scheme, as it too is now, for exactly this reason. This expensive feature is not necessary to the fulfilment of the Flood Defence purpose of the Scheme.
3. The visual effect of this arbitrary insertion of a 21<sup>st</sup>-century wall under the arch of an early 19<sup>th</sup>-century bridge is wildly insensitive. The iconic view of the Rennie Bridge from the top of the span of the Roman Bridge will be made to appear ridiculous.
4. The engineer John Rennie designed this bridge at the outset of the career which led to him being recognised as the pioneer of the construction of bridges with a low rise, or no apparent rise, for the supporting arches. Eight years later, he designed the first Waterloo Bridge in this style. The Italian sculptor Canova called it 'the noblest bridge in the world' and said that 'it is worth going to England solely to see Rennie's bridge'. The contrast between the deck heights of the Rennie Bridge and the Roman Bridge, whose builder believed that arches required to be semi-circular, is striking.

Signed:

[REDACTED]



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

Royal Mail  
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Mail Centre  
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09:01:00



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16 APR 2024

*Carlo Grilli,*

*Service Manager - Governance*

*Legal Services*

*East Lothian Council*

*John Muir House*

*Haddington*

*EH41 3HA*



**From:** Legal  
**Sent:** 16 April 2024 12:46  
**To:** Musselburgh Flood Protection Objections  
**Cc:** Grilli, Carlo  
**Subject:** (0082 [REDACTED]) MAIL: MFPS Objections letter received by post today  
16/04/2024 - [REDACTED]  
**Attachments:** 20240416 MFPS Objection letter from [REDACTED]  
[REDACTED].pdf  
**Categories:** [REDACTED]

Hi Carlo,

The attached arrived this morning and we will acknowledge.

Thanks

[REDACTED]

[REDACTED] | [REDACTED] | Legal | East Lothian Council | John Muir House  
| Haddington EH41 3HA | [REDACTED] | [REDACTED] or  
[legal@eastlothian.gov.uk](mailto:legal@eastlothian.gov.uk)

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



EAST LoTHIAN COUNCIL  
RECEIVED  
16 APR 2024  
LEGAL & PROCUREMENT



Date: 06 April 2024

~~Carlo Grilli~~

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

I am writing to object to the recently published Musselburgh Flood Protection Scheme. Our property is within the area noted as at risk of flooding, we live a handful of meters from proposed engineering works. [REDACTED]

[REDACTED] We use both beaches on a daily basis for exercise and wellbeing of the entire family, and the river amenities on both sides for leisure and the accompanying mental health benefits. We can see on a daily basis how important full, unimpeded enjoyment of the Musselburgh coast and River Esk is to a wide range of visitors and residents alike. Many travel a significant distance or incur considerable effort/cost to take the benefit of the connection to nature and unimpeded view of nature/naturally beautiful vistas that the area, in its current form, provides. There are very few areas [REDACTED] that provide the current level of natural beauty. Indeed the completely unimpeded view along Fisherrow Sands, and the gentle slide of the bank of the Esk towards the waters edge are key to the area's attraction. I object to the published scheme on a number of grounds. Each has been listed out under separate headings below. These should be read as individual objections, with each considered by itself as separate reasons for objecting.

**1) Ongoing Social & Mental Health Impact**

An unimpeded connection to nature has been shown to have a wide range of physical and mental health benefits. Studies have shown that the use of concrete walls, hard engineering etc in areas of natural beauty reduce the positive health impacts associated with the use of those amenities, when provided above and beyond the minimum required to allow these areas to be accessible to a wide

2

variety of users. As it stands, the natural beauty of the coast and river are easily accessible to all. The proposed scheme creates barriers to accessibility, both visually and physically, especially for those to whom the amenities have the highest value from a positive outcomes point of view. Specifically, highly negatively affected users will include:

*Wheelchair users* - The average shoulder height of a female wheelchair user is approximately one metre. At a significant number of points around the scheme an average wheelchair user's eye line will be below that of the wall height. Not only will a view be cut up by hard engineering, but there will in fact be no view of nature at all in many places.

*Limited Mobility users* - For a user who wishes to access the beach, or a view of the river, the proposed scheme forces those who once may have been able to walk out their front door onto the beach to find their way to an access point. Or, to see the river, perhaps require them to walk a further distance, and then navigate ramps up to and down from the top of head height embankments.

*Children* - For a large part of the proposed scheme, infants and primary school children will struggle to see over the walls and or embankments. Where future generations would have grown up with easy visual and physical access to wide open nature spaces, this option will be taken away.

## **2) Long Term Impact on Protected Area**

The EIA notes areas of the Musselburgh Coastline that enjoy protected status. The coastal erosion report commissioned by the FPS project team notes that the proposed defences are not designed to withstand coastal erosion. The lead on the report also noted in a meeting with the ELC when voting to proceed the proposals that Coastal walls have in fact been shown to accelerate the effects of coastal erosion. It is also noted that any engineered solution is likely to have built foundations undermined by coastal erosion, turning a defensive wall into a very expensive health hazard. It is noted in the EIA that construction materials, dust, waste, noise and heavy machinery will all be produced in significant quantities, contributing to disruption to the protected habitat. With erosion expected to continue into the future, the schedule of works to erect the proposed scheme and its expected disruption to natural systems in the future combine to create lasting disruption to avian feeding grounds and the protected area. This is an unacceptable loss.

## **3) Infringement on rights relating to Musselburgh Active Travel (MAT)**

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The scheme design, as proposed, contains the presumption of planning approval being granted to further features built as part of the MAT design, that is to be proposed under differing legislation/development. Disregarding MAT, there appears to be no reason to narrow the river along a significant length, disrupting wildlife and natural ecosystems in the process (not to mention the unnecessary expense). It appears that 5 metre wide paths are being included, almost side by side with existing pavements and tarmac roads. There is no clear need within the Flood Protection Act for 5 meter wide paths, or any clear design need. Unless of course considering the co-design of MAT. We have not, however, been given the opportunity to object to the proposed MAT design as a separate design, as is required under legislation. An approval of the design as it is, is a tacit approval for many of the MAT design elements and this infringes our rights to object under relevant legislation as ELC residents. In particular, the Goose Green Bridge has nothing to do with flood protection, it provides no flood protection function and it is neither of a similar use/scale or location of a bridge it is to replace.

**4) Unnecessarily wide paths**

The inclusion of 5m wide paths along a significant length of the proposed design leads to a loss of habitat for the many inhabitants of the River Esk, including an Otter that has been observed in the area. There is no clear practical or legislative need for paths that reach to 5 metres wide at any point in the proposed design, with their inclusion (and work required to narrow the river to accommodate them) a waste of tax payer money.

**5) Inaccurate and misleading representations depriving residents of truthful engagement**

Thanks to a fellow resident with civil engineering experience, a number of the pictorial representations presented as part of the community engagement by the project team have been shown to be erroneous and/or misleading. Given the multi-national, multi-billion dollar scale of the service provider, this either shows negligence or willful misdirection. Any noticed misrepresentation, willful or not, calls into question every rendering and leads to the conclusion that East Lothian Council residents have been deprived truthful, fulsome engagement with the design process. Hence, we are being asked to form an opinion on a design without the requisite transparency to allow for a lay person to object.

**6) Removal of mature trees**

Over 100 trees are designated as to be cut down - these are in many cases mature trees that have been standing for decades, soaking up carbon dioxide

4

from the atmosphere and provide a vital amenity along the riverbanks. They provide shade for humans, food for animals, biodiversity of ecosystem and accommodation for birds. Willfully removing trees to install 5 metre wide footpaths that are difficult to access for those of limited mobility cannot be allowed.

**7) Increased Risk of Crime**

The erection of head height walls in some areas will lead to paths along the river bank hemmed in on both sides by walls, eg near the river mouth on the west bank. Currently, this path is wide open to view from the houses on the opposite bank - however the erection of walls here (and in other places) provides new locations that are hidden from sight. This increases the risk of crime in those particular areas - public safety is then at higher risk and additional police resources will need to be spent to ensure the level of safety does not drop due to the proposed design. In addition - many kilometres of concrete will almost certainly be vandalised on an ongoing basis, as seen already in other flood prevention schemes with similar designs. The walls themselves therefore become a magnet for criminality, increasing daily risks to the public. Over the course of 200 years - the risks to the public and cost to police these additional risks may be more costly than a flood event.

**8) Increased cost to the council and residents of Littering and vandalism**

The plantings along the river bank will be much less accessible than they are now, and the walls will most likely be vandalised continuously. The plantings are of a type that catch litter and the costs to the council of maintaining a clean and orderly public space along the river will increase, how much it is unclear but the cost to maintain the public space alongside the assets has not been included. Littering and vandalism also has indirect costs to the residents and businesses of the town, with mental health taking a toll from witnessing a degradation in public/social spaces and businesses losing tourist income.

**9) CO2 emissions from the scheme**

The emissions from the scheme will enhance the probability that climate change will cause a negative impact on the town. These emissions will also negatively impact ANYBODY who is at risk of flooding due to climate change and rising water levels - including those with the most to lose such as pacific island communities. Pouring thousands of tons of concrete is a selfish act of self-preservation at the expense of others.



5

#### 10) **Certain damage for uncertain risk**

The recently commissioned coastal erosion survey highlighted a recommendation for adaptive mitigation. The scheme as presented will cause certain damage - to the town's amenities, to its residents' and visitors' mental health and the natural habitat of birds who utilise the protected shoreline. This certain damage is from poured concrete with a lifetime that is incapable of addressing the entire period (200 years) for which the defences are meant to protect. It is also a modelled, probabilistic scenario that may never occur. The flood scheme would be less harmful, and more effective, if it could be gradually increased in potency as we see the risk of flooding gradually increase. Hence - managed across a long period of time.

#### 11) **Damage to property**

The buildings along the promenade, including the my own residence, have been standing for over a hundred years. They were built to withstand the elements, not continuous levels of heavy engineering work undertaken a matter yards away. There is a very real risk of structural damage to the properties, undermining the reason to create a damage-limitation barrier in the first place. There will also almost certainly be 'damage' to the value of the property (where 'damage' is defined by the act as 'depreciation of the value of a person's interest in land'). There has been no survey done on my property to assess the risk of structural and valuation damage on this property and I insist on both being undertaken by a reputable and independent surveyor. Uninterrupted sea views add on average 30% to a property's value - concrete walls will reduce this by a measurable amount that will require significant compensation all along the river and coast.

#### 12) **Natural Flood Management being discounted on flawed evidence**

NFM could include a whole range of techniques to slow the flow of the river throughout the catchments, and to encourage the natural dune system along the coast. The fact these were discounted at the start is wrong and the situation is made worse by the exclusion of NFM decided upon in October.

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

The Scottish Government is heading towards NFM. On 23 December 2023, the Minister stated "The Scottish Government recognizes the importance of natural flood management (NFM) measures in reducing, slowing or otherwise managing

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flood waters across catchments and along the coast while also delivering multiple environmental benefits.”

Tidal flooding can/should be managed through gradual dune enhancement, similar to that undertaken in St. Andrews - along with a flood barrier at the mouth of the Esk

### **13) Musselburgh councillors involvement in process**

On 23 January 2024, the Council agreed to the scheme progressing, even though they had not had sight of the full EIA, only a 'non-technical summary'. With the full EIA now available - a high number of adverse effects were noted and also dismissed (naturally, given the writers of the EIA stand to win a multi-million pound contract). This vote was the last the councillors were able to take unless objections were lodged and so should have been undertaken with full view of the information.

In January 2020, East Lothian Council cabinet voted through the preferred scheme. Given the value of the scheme, this should have been approved by the full Council, and given no Musselburgh councillors were able to vote at this meeting, the community most impacted was not represented adequately.

In summary - although the cost of the scheme is already astronomical, it is my objection that the second order effects are even larger. The cost and risk that the scheme is meant to protect against are very low probability, once in a lifetime costs. The cost of construction and its ongoing daily mental, physical and financial costs that the scheme will burden the town, its residents and visitors with for generations to come must surely exceed this singular saving.

On top of this - proven and advised managed adaptive approaches and NFM have been short-sightedly discounted due to their ongoing cost of maintenance when the funding available is a 'one-shot'. This is not creating best value for the town, it is choosing arguably the worst solution because it only needs to be paid for once. The costing for other solutions has not been outlined, neither has the financial savings to the town of different flood protection levels. The Coastal erosion survey showcased statistically insignificant number of properties were protected from flooding by the planned defences when coastal erosion was taken into account. This is short-changing the town and its residents, who deserve the best approach that follows the level of risk over time and the costs of which (financial, physical, emotional) are proportionate with the lived experiences of the current residents at the time - not borne by everyone for a speculatively high risk 100 years into the future.

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On a separate note - if there was certain to be no crossover in financial interest between the proposed design and any implementation, it is questionable if the design as it stands would be the same. An independent survey of the plans, undertaken by a professional of the public's choosing, ought to be undertaken.

Please acknowledge receipt of my letter of objection, in writing. Please advise me of next steps, and timescales. All communication should be via post, please do not contact me by appearing at my property, phone or e-mail.





SERVICE MANAGER - GOVERNANCE

LEGAL SERVICES

EAST LoTHIAN COUNCIL

JOHN MuIR HOUSE

HADDINGTON

EH41 3HA





**Subject:** (0083) Submission to Musselburgh Flood Protection Scheme consultation

**Sent:** 16/04/2024, 13:47:18

**From:** [REDACTED]

**To:** Musselburgh Flood Protection Objections

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Dear Mr Grilli,

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

My name and address are:

[REDACTED]

I am interested in this scheme as I work in Musselburgh frequently, [REDACTED]

Coastal defences and Dynamic Coast erosion report

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

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

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

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

Biodiversity

I object to the current proposals on the grounds that the loss of ancient woodland is unacceptable and the mitigations proposed



do not make up for it.

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

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

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

Concerns over Contribution to Climate Change

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

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

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

Yours sincerely,

[Redacted signature]

[Redacted contact information]

**Subject:** (0084) Musselburgh Flood Protection Scheme

**Sent:** 16/04/2024, 14:52:32

**From:** [REDACTED]

**To:** Musselburgh Flood Protection Objections

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16th April 2024

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

Dear Legal Services

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

1. Bias - consultants have marked their own homework. Considering the absence of peer review of the Scheme, and further considering that the council have opted, erroneously in my view, not to install an independent assessing team within the planning department, it stands to reason that the consultants marking their own work raises many objectionable questions that have not been answered and must be answered.
2. Escalating costs at a time when council have declared a financial crisis will put pressure on other services due to their 20% liability of all costs.
3. Loss of trees. The consultants are an experienced firm of engineers with knowledge and access to information. ELC likewise have the means to consult experts and arborist experts. To that end, an examination of the presentation information, points to conditions that would almost certainly lead to the death of trees, such as those very close proximity of heavy plant adjacent or over the roots of tree, and formation of swales at/under the roots of tree at Eskside East for example. Therefore both the consultants and the council know with undoubted certainty which trees are very likely to perish during the formation of the flood scheme. To not demonstrate that clearly to the public is both a denial of information and manipulation of the townsfolk's empathy for trees, giving the impression that many trees may be saved, where the opposite is true.
4. No biodiversity net gain has been evidenced.
5. Removal of natural flood management before council vote on scheme in January 2024, and before petition was heard, not only was undemocratic but more importantly in breach of the 2009 Act's requirements.
6. Measures to avoid, control, manage and mitigate flood risk should also not increase flood risk elsewhere. There has been no assessment of the impact or risk of MFPS on other coastal area ie Portobello.
7. Our councillors' unanimous exclusion of Natural Flood Management, highlights a lack of willingness to deploy nature based solutions that go in the face of Dynamic Coasts advice. It must be noted that our councillors cast their votes before having sight of Dynamic Coasts full assessment. They must now review this information and represent the motion for a second round of votes. Nature based solutions at coast should not be ruled out (as per Dynamic Coast report).
8. Prematurity of wall along the coast due to lack of Coastal Change Adaptation Plan.
9. Dynamic Coast report states beach could be lost due to seawall structure - actions to manage flood risk should not contribute to increased coastal erosion.
10. There is no beach nourishment plan nor budget for this.
11. All data, flood modelling and designs presented to the public are based on the assumption of a sea level rise of 86 cm, advised to SEPA by Jacobs, and subsequently written into SEPA's requirements, which the overwhelming number of other studies do not support.
12. The modelling data has never been released despite repeated requests by members of the community with the necessary expertise to offer a peer review assessment.

13. Choice of year 2100 should be amended as we cannot accurately predict sea level rise that far. It could be less, or more!
14. Nature Scot (government experts) said we don't need "solutions today for the next 1m of sea level rise" (Nature Scot, Coastal Change Adaptation Guidance, Group Discussion on Climate Change Teams meeting on 31st Oct 2022)
15. Comparing Sustrans objectives and standards, and Active Travel Paths' in general, there can be no doubt that much of the Flood Protection Scheme pays heed and is informed by MAT. The consultants, the council's legal services' and infrastructure departments denials of this intrinsic relationship between MAT and the Scheme is flawed and has no basis, as the presentation put before the town manifest to the link. This is clearly demonstrated in the Design Statement published by the Consultants. MAT has heavily influenced design of flood scheme negatively.
16. All MAT proposals are deemed to be 'Developments' as defined by the Town and Country Planning (Scotland) Act 1997. This is undeniable, and failure to obtain planning permission for all MAT related elements would be tantamount to subverting the 1997 Act. ALL structures and routes of MAT should go via normal planning regulations.
17. Narrowing of river increases flood risk why do that.
18. A new Goosegreen Bridge offers no flood reduction benefit. Furthermore, under the above noted definition under the 1997 Act, this bridge is without any doubt considered to be a 'Development' and not a replacement, and requires planning permission.
19. I acknowledge that surface water drainage is a shared issue between the flood protection scheme and Scottish Water. Nonetheless these outstanding surface water issues have not been addressed. These are likely to exacerbate existing flooding risk.
20. Introduction of mechanical and electrical equipment to deal with potential flood risks on the dry side of the defences, as a result of the designs of the proposals, will present new and additional means that heavily rely on human interface and involvement, thus another new layer of risk. We have witnessed pumps failing in Perth & Brechin.
21. References to "enhancement of landscaping in Musselburgh" or similar is an affront to the people who can see with their own eyes what they have and the inferior landscapes the proposals offer, unquestionable gradually worsening through the years, with graffiti and lack of maintenance.
22. There has been no third party independent analysis of the impact of the proposals on Musselburgh's long connections and affinity with the sea and river as an amenity for the townsfolk and others, as well as for the tourism industry, on which many local shops depend. Flood walls will destroy amenity and Musselburgh's long connection with river and sea.
23. Negative impact on tourism to Musselburgh
24. "People depend on the environment around them for their physical and mental health, and general wellbeing" (Flood Risk Management (Scotland) Act 2009). My human rights are being undermined due to my present environment (river and coastal walks and views) being threatened which will affect my mental and physical health
25. The arguments against whole catchment area development have frequently touched upon multiple ownership of the lands in question and the unwillingness of some landowners to participate in safeguarding Musselburgh against floods. The poorest and most vulnerable are being discriminated against. Wealthy landowners should be implementing upstream natural flood management to reduce flow of water coming into the town. Instead people of a lower socioeconomic profile will be disadvantaged with a concrete wall flood scheme that sacrifices their access to nature.
26. My enjoyment of land will be affected by scheme and its operations.
27. Lack of privacy due to walkways on top of defences is a breach of my human rights.
28. "We are the experts. We know what we are doing". This repeated description of operations is insufficient to allow me to understand scale and nature of proposed works.
29. The volume of information, documents, images presented at the last minute has been overwhelming. The MFPS team must have realised that the public would fail to comprehend it all in the objection timeframe. This is a failure of your duty of care to ensure the information is comprehensible to the general public.
30. I have an interest in the land affected by the scheme and scheme operations (including but not limited to noise and pollution from construction traffic) at Fisherrow Links and Fisherrow coast. I use this regularly to walk my dog and exercise. My family use this for sports, football, pitch & putt, the playpark. I walk along the coastline for health benefits. A coastal sea defence with limited access and any scheme compound and scheme works will directly impact mine and my family's ability to continue to do so and disturb my enjoyment of the land. If the scheme proceeds in its present form without amendments I expect to be compensated for the sustained damage as a consequence of exercising my powers under the Act, Section 83 (1).

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

Yours sincerely



**Subject:** (0085) Musselburgh Flood Protection Scheme

**Sent:** 16/04/2024, 17:10:07

**From:** [REDACTED]

**To:** Musselburgh Flood Protection Objections

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

16th April 2024

Dear Sirs

I am writing to make representations regarding the EIA Report published as part of the Musselburgh Flood Protection Scheme.

1. Work Section 23 Mall Avenue. The flood wall in this section is shown as running down the centre of the wide green space which forms the river bank at this location. The siting of the wall in this position will completely ruin the iconic view of both the Roman Bridge and the Rennie Bridge, both listed structures, and which is at the heart of the Musselburgh Conservation Area, which is rated as "outstanding".

Moreover the joining of the new concrete flood wall to both these historic structures cannot be done without severe detriment to the historic fabric. The siting of the wall at the Rennie Bridge cuts off the 5th (relieving) arch from the river destroying the entire composition and grace of the bridge arches. This cannot be allowed to happen.

The new flood wall should be sited at the back of the Mall Avenue footpath so that if it can merge with the Rennie Bridge parapet wall which will leave the arches and buttress unaffected. The wall would then be lower as it would be sited higher up the river bank.

2. Active Travel path. There appears to me to be too much emphasis placed on this at the expense of a well designed flood scheme. Both the new Goose Green and Ivanhoe bridges are nothing to do with the flood prevention scheme and seem over engineered and completely out of scale with the historic fabric of the town. The Goose Green bridge is an intrusion into the estuarine nature of the river at this point which is a sensitive and important area for bird feeding. Moreover the construction of these bridges will impose yet more upheaval and disturbance to the town which will have quite enough with the building of flood walls.

[REDACTED]

[REDACTED]

Sent from my iPad