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Document Title	Musselburgh Flood Protection Scheme MLS report - Appendix A.7

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For Publication

Additional information:

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

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

Subject: (0186) MFPS
Sent: 21/04/2024, 18:01:10
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Categories: [REDACTED]

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[REDACTED]
19th April, 2024
[REDACTED]

Dear Sir / Madam.,

Since the beginning of the public consultation process I have followed the development of the plans for the Musselburgh Flood Prevention Scheme, and feel obliged to

First Reason for Objection: Public Consultation Process

The public consultation may have been a long and costly process, but in the end it was superficial and inadequate. The consultation was retained within narrow predece
I strongly object to the plans being presented as the result of public consultation before Council .

Second Reason for Objection: Omission of MAT

At an event at the Brunton a member of the Project Team used the expression "1+1=3" to emphasise the collateral benefits which the MFPS would deliver for Musselbu

Although the Plans approved by Council include the components of MAT which are integral to the MFPS, the assumed MAT scheme clearly has implications for the sch

This means that the MFPS might proceed without the MAT scheme ever being taken forward. The MFPS plans approved by Council (ie. without the MAT) are incomple

Third Reason for Objection: Cost of Project

The cost of the MFPS to ELC is a reason for me to object to the plans.
As the price of the MFPS has risen, ELC's financial problems have deepened. As the Scottish Government's share of the project's cost is fixed, the risk of ELC's share
Once completed, maintenance and upkeep of the scheme would be an ongoing expense for ELC. I have to object to the use of scarce local government funds for the M

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

Regards,
[REDACTED]

Subject: (0187) Objection to the Musselburgh Flood Protection Scheme 2024

Sent: 21/04/2024, 18:05:26

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up

Flag Status: Completed

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[REDACTED]
[REDACTED]
[REDACTED]
21 April 2024

Carlo Grillo
E Lothian Council
John Muir House
Haddington
E Lothian
EH41 3HA
Dear Mr Grillo

I am writing to object to the recently published Musselburgh Flood Protection Scheme. I am a resident of Musselburgh who makes use of the current river environment on a daily basis. I am concerned as to the design, scale, cost, presumptions, and impact of the proposed scheme and believe that insufficient time and care has been given to consider alternative design proposals.

The impact of the scheme, as proposed, would be hugely detrimental – both in the short term of the construction phase, and in the long term as well. The plans – with two metres high walls, would destroy the character of the town and do not reflect the best options available to combat the risk posed by flood. Such walls would soon be covered in graffiti, further detracting to the ugly, intrusive, and destructive impact of the scheme.

Each day I walk 10 minutes from my home to reach the river, simply to enjoy its beauty and serenity. The fact that I can access the river easily, whether around the Roman Bridge or farther downstream, is one of the many joys of the current landscape of the river area in the town. All of that enjoyment would come to an end, with the construction of a high wall, the erection of large new bridges, and the installation of five metre-wide paths - something that is entirely unnecessary. As a contributor to central and local government tax coffers, I do not accept that this is the best way to spend public money. It is obvious that the current proposals, emphasising 'hard' landscaping 'solutions' have been arrived at with little consideration given to upstream alternatives, to help water be better absorbed there – for example, increased tree planting, the removal of drains in upland areas, and the redesign of tributary waterways that would – without question – lead to a reduction in the water flow reaching Musselburgh.

I object to the published scheme on the following grounds:

Science and information provided thus far by East Lothian Council –

1. The Scheme does not offer alternative scenarios. It is tied to a one in two-hundred-year 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?
2. The Council has commissioned a report on the coast from Dynamic Coast, but this is not yet available publicly – why has this not been made public? Why is the public not being shown this information? 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?
3. The project team say they have adjusted flood defence heights in response to local feedback. This amounts to fitting the science around the preferred outcome, rather than science/data leading to a properly calculated outcome. This makes no sense.
4. 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 flow the slow 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.

5. 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.

6. The Scottish Government is heading towards NFM. On 23 December 2023, the Minister stated <https://www.parliament.scot/chamber-and-committees/questions-and-answers/question?ref=S6W-23835> "*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 East Lothian Council not in step with the Scottish Government?

Cost –

7. The scheme is currently costed at £132M in total, including £53M for the flood protection part – but you have not provided no cost breakdowns to the public. Why not?
8. The Council has been told the cost is likely to rise. How can the Council have voted this through with so little information?
9. Why has no cap been put on the cost?
10. East Lothian Council has stated 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.

Transparency and process –

11. The engineers appointed to design the project have also been allowed to write the environmental impact assessment (EIA). Why?
12. These engineers 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. Why?
13. Throughout the scheme the consultants and engineers have not been subject to challenge or adequate scrutiny. Why? This is a public scheme, paid for by public money, which will affect thousands of members of the public. So why are not at the heart of the decision making process?
14. 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'. Why was the decision taken, given the huge gaps in information?
15. 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. Why was a full Council meeting not held?
16. It is clear, from the huge levels of public protest to what is proposed that ELC has failed to win the case for its proposals. Does this not tell you something? Many eminent local residents – retired engineers and town planners amongst them – have highlighted the many flaws with what is proposed. Are you suggesting that these people are simply wrong? Those of us protesting do so out of love for the place we live – not because we are NIMBYs but because we vehemently disagree with the notion that what is proposed represents a sensible, proportionate idea.

Multiple benefits and active travel –

17. 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. Why?
18. MAT proposals do not contribute to flood protection – so why has the Council chosen to conflate the two issues? The answer posited by many is that the Council wishes to minimise and reduce public scrutiny of the MAT proposals. Why are they not separate, to ensure proper scrutiny using the normal planning permission process?
19. The proposed new Goosegreen bridge does not add flood protection to the town. Why has ELC suggested it does?
20. The MAT proposals included in the scheme are now much grander than those originally discussed and consulted upon. Why have the revised versions not been put back out for public consultation?
21. Why is ELC considering a 5.5m wide path in some areas? Tarmac/concrete will reduce soak-away space (ironic as this scheme is supposed to help reduce the likelihood of flooding).
22. Trees and grassed areas will be felled and covered over with man-made, carbon-intensive building materials. This is not in keeping with the stated aim of working with nature.

General amenity, health and well-being –

23. 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. This will result in hugely increased levels of noise pollution and increased air pollution, thanks to works traffic.
24. What consideration has been given to people's wellbeing, living for that time amid a building site?
25. The banks of the Esk and Fisherrow Links are Common Good land, and any interruption to their use by the community should be compensated. What plans does ELC for that?
26. Hundreds of people enjoy these amenities every day, where will they go to benefit from being in nature and by water?

Please acknowledge receipt of my letter of objection, in writing.

Please advise me of next steps, and timescales.

Yours sincerely



Subject: (0188 NO ADDRESS) Musselburgh Flood Protection

Sent: 21/04/2024, 20:52:18

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up

Flag Status: Completed

Categories: NO ADDRESS

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I know some people have asked for objections they can copy.

21/4/2024

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.
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. A coastal sea defence is and has never been needed around the Esk. I have lived here for 57 years without seeing any evidence that would require what I can only describe as a waste of money. This money would be better spent repairing our Bruntonhall, Townhall and Stoneyhill Community

I insist all communication with me going forward should be via email or by post.

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

Yours Faithfully,



Subject: (0189) MFPS Objections
Sent: 21/04/2024, 20:56:25
From: [REDACTED]
To: Musselburgh Flood Protection Objections; Chief Executive; Grilli, Carlo

Categories: [REDACTED]

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21st April 2024

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

[REDACTED]

Dear Legal Services

[REDACTED]

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

Process and due diligence

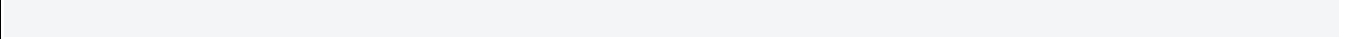
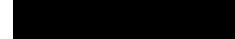
1. Did the original tender for the MFPS comply with Flood Risk Management Act (Scotland) 2009? ELC awarded project to CH2M/CH2M Hill in 2018. They were taken over by Jacobs very soon after. Where is evidence of scrutiny of tender process and did this follow procedure/due process?
2. On the 21st January 2020 the REDUCED East Lothian Cabinet Committee did not have the authority to approve the excess budget for the Musselburgh Flood Protection Preferred Scheme. The public has been misled. In arriving at the decision to approve the Musselburgh Flood Protection Preferred Scheme, the Council acted ultra vires by failing to comply with the Local Government (Scotland) Act 1973 for following reasons -
 - The Local Government (Scotland) Act 1973 requires every local authority to make arrangements for the proper administration of their financial affairs – the reduced Cabinet did not have the power to approve the budget.
 - On this basis there was a breach of trust between the council and their electorates.
 - By approving the preferred scheme I believe they prejudiced the emerging plan. The development proposed is substantial and its cumulative effect significant.
 - In taking decisions which involve the expenditure of public funds East Lothian Council had a duty to comply with applicable law as well as internal guidance or process which applies.
3. When approving the Preferred Scheme ELC had a duty to ensure that public funds were disbursed with due consideration to the suitability, effectiveness, prudence, quality and value to their decision. Have the council followed the Local Government in Scotland Act 2003 to secure 'Best Value'?

4. The process of environmental assessment ensures the environmental implications of decisions are taken into account before a decision is made. Where has it been proved this was considered early and openly in East Lothian's Council to approve the Preferred Scheme with appropriate consultation and comparison of different options?
5. Evidence council considered procurement or competition & trade considerations?
6. What evidence is there ELC considered the Climate Change (Scotland) Act 2009?
7. What appropriate governance is being followed regarding using any part of Fisherrow Links? Fisherrow was once a fishing community where the fisherman had rights to dry nets on the Links. Fisherrow Links is listed on the Council's common good asset register as 'inalienable' common good property. What steps have the council taken in light of the status of the Links and the proposed changes which are envisaged in the outline design? Section 104 requires the local authority to consult with the local community when it is planning to dispose of common good property, or change its use. This has not been done in relation to Fisherrow Links.
8. 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.
9. Evidence of appraisal by SEPA has not been presented to residents.
10. Cost to the taxpayer. 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. No breakdown of costs has ever been presented to residents to justify the spiralling costs.
11. Jacobs have presented different climate scenarios. Scenario 2 at river/scenario 4 at coast. The reasoning is unclear for this and undermines the claim the flood scheme is science led.
12. There is professional criticism of the use of RCP 8.5.
13. Lack of transparency over costs - we've never seen how the various projected costs are calculated broken down (including but not limited to social and environmental mitigation costs, design and construction supervision costs, compensation and land purchase costs)
14. No confirmation by Scottish Power to pay for Lagoon seawall despite Norman Hampshire saying that Scottish Power were funding sea wall during ELC online meeting. Who will pay for this?
15. Flood funding is fundamentally flawed. *"Current funding arrangements can change if Ministers schemes are started in line with green book as this is often a requirement to secure funding, schemes then subsequently do not have a requirement to continue to be managed against this....It was noted that 2016/17 was a very early stage to commit to these schemes with a 'blank cheque' as it allowed schemes to grow and grow, that was wrong."* (FOI - extract from scotgov flood risk working group minutes, May 2022).
16. *There are perverse incentives to discriminate against Musselburgh's ability to secure NBS/NFM. "Whilst the guidance more readily supports situations where new developments are being proposed (and where adaptation can be built in from the outset), there is a concern about how the CCA guidance will be interpreted for existing developments. A number of examples were noted (Musselburgh etc) where local authorities had chosen a high level of protection (1:200yr level of protection and then account for climate change using a single climate scenario, typically based on SEPA's LUP guidance which is based on RCP8.5 95th%) without interrogating whether this is appropriate for the location, or considering the intervention as part of a comprehensive adaptation plan.....The concern is that such an approach may lead to over-engineered solutions that rely on benefits that may never be realised whilst incurring the associated social, economic and environmental costs today. Often many of the adaptation actions were absent, simply relying on higher wall for flood protection. In essence, the proposals didn't / couldn't adapt with increasing risks, but jumped to address future long-term risks with today's interventions. Perhaps these relate to a sub-optimal interpretation of the guidance, or apparent perverse incentives where securing today's funding is preferential to attempting to securing multiple sets of future funding".* (Nature Scot FOI page 33 (31st October 2022)
17. The Council should consider the outcome of the Scottish Government's Review of Flood Resilience Strategy before making final decisions on the Musselburgh Scheme
18. No independent assessment of the climate change parameters at June 23 exhibit
19. No landscape and visual assessment
20. No loss of tourism for duration of scheme has been quantified
21. No updated cost benefit ratio for 2024. the previous estimates are now incorrect
22. During January 2024 ELC meeting, ██████████ (Jacobs) claimed that the MFPS would cease to exist if councillors did not approve the scheme. This was incorrect and deliberately misleading.

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 via email as mentioned. Please advise me of next steps, and timescales.

Yours Sincerely,



Subject: (0190) Objection letter
Sent: 21/04/2024, 21:05:13
From: [Redacted]
To: Musselburgh Flood Protection Objections
Attachments: [flood letter.pdf](#)

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [Redacted]

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

Please find attached my objection letter.

[Redacted]

Sent from my iPhone

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
20/4/2024

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

Dear Sir,

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

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

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

Second Objection: Loss of trees. The consultants are an experienced firm of engineers with knowledge and access to information. ELC likewise have the means to consult experts and arborist experts. To that end, an examination of the presentation information, points to conditions that would almost certainly lead to the death of trees, such as those very close proximity of heavy plant adjacent or over the roots of tree, and formation of swales at/under the roots of trees at Eskside East for example. Therefore, both the consultants and the council know with undoubted certainty which trees are very likely to perish during the formation of the flood scheme. To not demonstrate that clearly to

the public is both a denial of information and manipulation of the townsfolk's empathy for trees, giving the impression that many trees may be saved, where the opposite is true.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEVENTEENTH OBJECTION: Comparing Sustrans objectives and standards, and Active Travel Paths in general, there can be no doubt that much of the Flood Protection Scheme pays heed and is informed by MAT. The consultants, the council's legal services and infrastructure departments denials of this intrinsic relationship between MAT and the Scheme is flawed and has no basis, as the presentation put before the town manifest to the link. This is clearly demonstrated in the Design Statement published by the Consultants. MAT has heavily influenced design of flood scheme negatively.

EIGHTEENTH OBJECTION: All MAT proposals are deemed to be 'Developments' as defined by the Town and Country Planning (Scotland) Act 1997. This is

undeniable, and failure to obtain planning permission for all MAT related elements would be tantamount to subverting the 1997 Act. ALL structures and routes of MAT should go via normal planning regulations.

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

TWENTIETH OBJECTION: I acknowledge that surface water drainage is a shared issue between the flood protection scheme and Scottish Water. Nonetheless these outstanding surface water issues have not been addressed. These are likely to exacerbate existing flooding risk. Reports have been made about several blocked drains over the years but still we see the same ones causing problems any time we have heavy rainfall and is getting worse. I feel like this is a huge issue that needs to be dealt with and should be part of any flood protection scheme.

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

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

TWENTYTHIRD OBJECTION: I have an interest in the land affected by the scheme and scheme operations (including but not limited to noise and pollution from construction traffic) at Fisherrow Links Fisherrow coast the river both Eskside east and west. My whole family children and dogs included use this regularly to exercise, socialise A coastal sea defence with limited access and any scheme compound and scheme works will directly impact my ability to continue to do so and disturb my enjoyment of the land. If the scheme proceeds in its present form without amendments I expect to be compensated for the sustained damage as a consequence of exercising my powers under the Act, Section 83 (1).

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

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

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

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

Yours sincerely

[Redacted signature block]

Subject: (0191) Letter of objection
Sent: 21/04/2024, 21:05:36
From: [Redacted]
To: Musselburgh Flood Protection Objections
Attachments: [Flood Prevention Scheme Objection.docx](#)

Follow Up Flag: Follow up
Flag Status: Completed

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

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

Dear Sirs,

Please find my letter of objection to the recently published Musselburgh Flood Protection Scheme attached herewith. I would be grateful if you would please acknowledge receipt of this email.

Regards,

[Redacted]

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

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

21 Apr 2024

Dear sir,

As a Musselburgh resident and someone who utilises the riverside paths and the site of the former ash lagoons on a near daily basis I am writing to strongly object to the recently published Musselburgh Flood Protection Scheme. I have visited the area affected by the scheme [REDACTED] and have serious misgivings regarding many aspects of the proposal.

Firstly, I note that the scheme is currently costed at £132 million. It is common knowledge that all infrastructure projects of this size invariably end up vastly over budget and significantly over timescale so this figure will doubtless rise. At a time when so many of our core services are suffering from gross underfunding surely, we have got our priorities all wrong? As an East Lothian Council tax payer, to find that we have already spent £4 million solely on design and consultation I find quite frankly obscene. I understand that there is no cap on the cost of any scheme? How can Council possibly agree proceeding with any project on that basis?

In addition, there is of course the hugely negative impact that the construction process will have on the general amenity of the area and the vast carbon footprint involved.

I also have serious concerns over the validity of the EIA. As I understand it, the engineers appointed to design the project also wrote the EIA?! The former ash lagoons area is renowned as one of the best birdwatching sites in Scotland, and as such, a wealth of information and records have been collected over the years, including a database of over 180,000 bird records during the period of the EIA alone, and yet all that appears to have been utilised in the compilation of the EIA was an extremely limited number of "incidental records from a local birdwatcher". The failure to make use of such a significant database of records is surely a vast oversight. Instead, the report utilised a vastly reduced dataset that contains a number of questionable records that are eyebrow raising to say the least.

The EIA also makes no mention on the impact of the proposed seawall changes. The offshore waters, and the large number of birds they hold, are one of the reasons many birdwatchers visit the site yet there seems to have been no mention of what impact the design changes would have on the offshore sediment and therefore food supply and distribution.

I am also extremely concerned about the proposals for a new bridge at Goose Green. How will the creation of a new Goose Green bridge add any flood protection?! It appears that the flood protection scheme has become intertwined with the Musselburgh Active Toun proposals, without these being consulted upon. Furthermore, with so many crossings already in place a new one is wholly unnecessary. It would completely change the character of the river mouth and would undoubtedly have a significant detrimental impact on the levels of disturbance caused to the wildlife that use the area. Let's not forget, the area is an SPA for a reason.

I would be grateful if you could acknowledge receipt of my letter of objection, in writing.

Yours faithfully,

██████████

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
20/4/2024

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

Dear Sir,

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

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

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

Second Objection: Loss of trees. The consultants are an experienced firm of engineers with knowledge and access to information. ELC likewise have the means to consult experts and arborist experts. To that end, an examination of the presentation information, points to conditions that would almost certainly lead to the death of trees, such as those very close proximity of heavy plant adjacent or over the roots of tree, and formation of swales at/under the roots of trees at Eskside East for example. Therefore, both the consultants and the council know with undoubted certainty which trees are very likely to perish during the formation of the flood scheme. To not demonstrate that clearly to

the public is both a denial of information and manipulation of the townsfolk's empathy for trees, giving the impression that many trees may be saved, where the opposite is true.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yours sincerely

[Redacted signature block]

Subject: (0193) MFPS [REDACTED]
Sent: 21/04/2024, 21:10:50
From: [REDACTED]
To: Musselburgh Flood Protection Objections; Chief Executive; Grilli, Carlo

Categories: [REDACTED]

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

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21st April 2024

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

[REDACTED]

Dear Legal Services

[REDACTED]

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

Democratic Deficit

1. The council has not been objective as the promoter of the scheme. There is no counterbalance to the project team.
2. Lack of clarity and transparency on council meetings. Flood scheme briefings have not been minuted despite requests to councillors from the public.
3. The design was only placed in front of the community in June 2023. We were not then given the opportunity to see any apparently "revised" design before it was presented to council for approval.
4. No independent assessment of the climate change parameters at June exhibit
5. In any decision-making process a single choice is never the most appropriate basis on which to judge complex issues and take decisions that are the best financial, social and environmental value for the public money to be spent.
6. Failure to investigate or fully consider alternative natural flood management/nature based solutions. For example. In October 2023 ELC voted to remove natural flood management from the scheme, even although the scheme was not finalised and still subject to public consultation. Neither had the EIA been published. This vote was premature. The outline design was not to be put to council until early 2024. This vote was concerning in its disregard for due process and an attempt to quash local debate. Was this even legal? It makes a mockery of the Flood Act. (note - ELC Climate Change Strategy, approved by the Council in February 2023. At para 3.26, the report notes – *'Two risks have been identified to tackle the ecological emergency: there is limited funding for the technical work to inform nature*

restoration projects and limited staff resources to ensure biodiversity priorities are implemented across East Lothian. It is clear, therefore, that ELC simply doesn't have the technical or financial resources to carry out river restoration works. This surely makes it all the more imperative that the present scheme sufficiently includes natural flood management and nature based solutions before being signed off by the Council). 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.

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 Coast's 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. Removing scheme components (NFM/NBS) removed any possibility of Community having any open dialogue and collaboration with project team about scheme which is regarded as so important by at least 2500 of those living in the town.
9. Plenty of suggestions have been put to the consultants over the last years but ignored. Even commentaries by knowledgeable residents have never ever been replied to.
10. Why did Jacobs not undertake a thorough and wide-ranging assessment of the measures that could be put in place throughout the Esks' catchment? NatureScot could also have been approached for independent and authoritative advice on this.
11. Lack of transparency - queries to council referred to project team, project team refer to FOI which are chargeable.
12. Lack of transparency as questions taken "offline" during live streamed council meetings were never fully answered.
13. The report of the visit to the Eddleston project was based on Jacobs interpretation of their visit (bias?). Other Musselburgh residents, were also present as this was a joint visit. The consultants clearly do not believe in collaboration with constituents as they neither shared their report with us nor entered into discussion about the relevance of the findings to our town.

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 via email as mentioned. Please advise me of next steps, and timescales.

Yours Sincerely,



Subject: (0194) MFPS Objection
Sent: 21/04/2024, 21:14:03
From: [REDACTED]
To: Musselburgh Flood Protection Objections
Cc: McIntosh, Shona

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [REDACTED]

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Carlo Grilli [REDACTED]
Service Manager - Governance [REDACTED]
Legal Services [REDACTED]
East Lothian Council Email: [REDACTED]
John Muir House Date: 18th April 2024
EH41 3HA
mfpsobjections@eastlothian.gov.uk

Dear Mr Grilli,
This email is a formal objection to the Musselburgh Flood Protection Scheme.

I am objecting to the raising of the bridges and the huge ramps as this will be discriminatory towards the elderly, the disabled, wheelchair users, people pushing buggies and small children walking along Eskside East as they will have to negotiate up and down six long ramps.

I also object to the building of walls along the River Esk and along the shore which will only allow limited access. This is discriminating against people who feel the necessity to walk in nature for the benefit of their mental health.

I object to the way the consultation with Musselburgh residents has been orchestrated. The information boards which were fixed at certain points in the town were difficult to read, lacking in measurements, and ambiguous in the wording. When residents made a peaceful protest drawing attention to the fact that many trees along The Esk were going to be felled, by tying ribbons round them, the Council said they had to be removed as it would cause damage to the trees. Many trees along the river are adorned by the Council with Christmas lights which remain in place during the year and the trees are also sometimes decorated during the Musselburgh Festival. The Yarn Bombers often decorated the trees without causing any apparent damage or being told to remove the knitting.

When one of the residents was erecting temporary structures to show the height of the walls, he was told to apply for planning permission at a cost of £300. Efforts to enlighten residents and explain the repercussions of this Flood Protection Scheme have often been thwarted by the Council or the Project Team and in order to silence any dissidents.

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

Yours faithfully,

Signed [REDACTED]

Printed [REDACTED]

Cc.Cllr McIntosh

Sent from my iPad

Subject: (0195) MFPS [REDACTED]
Sent: 21/04/2024, 21:33:39
From: [REDACTED]
To: Musselburgh Flood Protection Objections; Chief Executive; Grilli, Carlo

Categories: [REDACTED]

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21st April 2024

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

[REDACTED]

Dear Legal Services

[REDACTED]

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

Consult

1. The consultations have been a sham, a tick-box exercise, with no opportunity for the public to have any major influence on the scheme. The Brunton Hall consultations should not be considered engagement because they framed the project in a particular way and did not listen to opposing views.
2. Haven't shown the public true version of what walls will look like - using "small" people etc. People have had to go out and do own measurements. Only a fly through has been presented, not actual 3D image of whole scheme. It is therefore impossible for public to view scheme in its entirety.
3. No alternatives were given to public meetings post covid despite requests from members of the public concerned re covid (2022). It was discriminatory not allowing residents (with disabilities ie long covid) the opportunity to engage in public meetings
4. The council prevented the public's democratic right to object by not giving reasonable notice or alternative ways to attend.
5. In 2020, Project team - Alan Stubbs said at the Local Area Groups that the level of protection required was something that Musselburgh residents should discuss, and feed back to their councillors, who would then be able to make the appropriate decisions on the progress of the scheme. This was flawed - there is no consultation plan in place that would allow this discussion to happen. The project team instead present the worst-case scenario as the only one we need to prepare for – in breach of the 2019 Guidance to the 2009 Flood Risk Management Act, which makes clear that a range of scenarios should be presented, with honest admission of the uncertainties of each. Scenarios were only presented late 2022 and public never given opportunity to feedback. Indeed Councillors have been unable to assist in many queries.

On 29/11/22 via email Cllr Forrest stated, "I have done my best to address your concerns but I am not qualified to answer your very specific and technical questions on this issue". Cllr Bennet said via email on 22/06/2023 "Due to the volume of contacts I receive on a daily basis I would strongly suggest these questions go straight to the project team". Cllr Cassini said this via email (27/11/23) "However, I do not have the power or the qualifications to make the decisions myself. I cannot answer technical enquires regarding capital funding, costs and subsidy schemes or building standards etc as those roles are delivered by qualified Officers." I have been faced with continual obfuscation and frustration tactics by the Council (rejection of my FOI request) as well as the Council and my elected Councillors continually undermining their democratic accountability by delegating queries to the (Jacobs-led) project team.

6. There has been public intimidation. Conor Price came to my door to discuss the flood scheme with no prior warning nor agreement. This has also happened to other people in the town.
7. Conor Price also admitted in an email to a resident he monitors their social media. Why are taxpayer funds being used to pay for this?
8. Scaremongering - One 'photograph' in particular was designed specifically to spread fear and panic, showing cars floating down the High Street and St Peter's Church engulfed in water. It was dated 2022 as if it had already happened. Of course, it had not; it was what we now know to call fake news.
9. Outcomes of all consultations have not been made public. ie Musselburgh Business Partnership. A questionnaire was sent out to c150 musselburgh businesses. This was used to "help shape the final scheme and the methods of construction". Where is this evidence? What questions were asked? Why have the public been denied this information?
10. Public consultation question asks "please indicate if you are in support of A flood protection scheme" to Musselburgh residents. From this project team deduced 94.4% were in favour of THE scheme. This is a real disparity & manipulation of the answer. Being in favour of A scheme is quite different to being in favour of THE scheme! Questionnaire answers have been manipulated to suit the project team narrative. https://www.musselburghfloodprotection.com/wp-content/uploads/2022/02/Appendix-D_MFPS_Public-ex-No1_Report_v0.1.pdf
11. Majority of comments people are concerned about walls/views "Very concerned on the impact of walls on the landscape and the 'natural' environment as it is now." Feedback has been ignored. (page 54) https://www.musselburghfloodprotection.com/wp-content/uploads/2022/02/Appendix-D_MFPS_Public-ex-No1_Report_v0.1.pdf
12. Public Exhibition No. 1 - 200 attended. 94% 'supported the flood scheme' (n=85). 85 people in a population of 19,000 (0.93% of the population) 'supported the scheme'. The summary report does not reproduce the question that generated this result - generally feedback questions have been heavily biased (Summary report - https://www.musselburghfloodprotection.com/wp-content/uploads/2022/02/Appendix-D_MFPS_Public-ex-No1_Report_v0.1.pdf)
13. Public were not given opportunity to vote of different types of defences - presented with one coastal wall option at June exhibition 2023 - which was designed BEFORE Dynamic Coast Assessment.
14. 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.
15. The public were not consulted on the Dynamic Coast report before the statutory objection period.

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 via email as mentioned. Please advise me of next steps, and timescales.

Yours Sincerely,



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

21 April 2024

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

Dear Service Manager,

I am writing to object to the recently published Musselburgh Flood Protection Scheme (MFPS). I live in Musselburgh by the coast and would be directly affected by the scheme you are proposing and my home is shown at risk of flooding on your flood maps. Significantly, the risk of flooding in the next 50 years is very low (SEPA).

On a daily basis, I take a walk along the promenade enjoying the habitat and the open views to the sea. I believe this is important for quality of life and the environment at my doorstep was the main reason for buying a flat and moving here.

I object to the published scheme because:

- EH21 residents should have been offered the chance to vote if they want MFPS. The last major flood in Musselburgh was in 1948 and SEPA states that there is only a 0.5% risk of flooding in the next 50 years.
- The MFPS does not offer alternative scenarios and it is tied to a 0.5% AEP flood event. The Council has failed to investigate Natural Flood Management (NFM) options fully and Scottish Government guidance says that a range of scenarios should be included. NFM can and should take centre-stage in flood protection.
- The Council halted inclusion of NFM on the advice of the project team in October 2023 based on 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.
- Furthermore, the Council is not taking into account evidence of similar flood protection measures to the MFPS that have clearly not worked. Both the flood walls in Brechin (built/renewed 2015) and the flood gates in Perth recently failed.
- There has been an apparent lack of transparency given that the engineers appointed to design the project have also been allowed to write the environmental impact assessment (EIA). Clearly, this is a significant conflict of interest and as such unacceptable.
- The scheme is currently costed at £132M in total, including £53M for the flood protection part. As a taxpayer, I do not agree to this amount of public expenditure on the MFPS.
- There is a further lack of transparency with no information on cost breakdowns available in the public domain. Cost is likely to rise and why has no cap been put on the cost?

- There is a decreasing budget available for core Council services such as health and social care, community health and wellbeing amenities, etc. How can the Council justify spending £4M by December 2023 on design and consultations of MFPS?
- The Musselburgh Active Town Proposals (MAT) are not relevant for flood protection and have become intertwined with the MFPS. Planning permission should be required for these paths and bridges, but the flood scheme has deemed permission. There is a lack of clarity about which parts of the MAT will by-pass planning due to being included in the flood scheme.
- The proposed Goosegreen bridge has no flood protection benefit.
- Also, there is no need for the 5m wide tarmac paths linked in with MAT.
- There is a poor maintenance record of existing drains that needs to be addressed. This is the reason drains near the bridges get regularly flooded – what is the Council doing about this?
- The proposed height of flood walls would destroy the leisure benefit of one of the main recreational areas for Musselburgh residents and visitors alike. Open views to the sea will no longer be available in many places due to the height of these proposed flood defences.
- 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?
- The project would take at least 5 years to build and it would 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.
- Common ridings are a long tradition in Musselburgh. The proposed MFPS allows no access for horses to the beach and this is also a cause of concern for me.
- In similar schemes, flood walls have been vandalised with graffiti. How does the Council propose to eliminate the risk for this happening here?

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

Yours Faithfully,

██████████

Subject: (0197) MUSSELBURGH FLOOD PROTECTION SCHEME 2024
Sent: 21/04/2024, 21:45:51
From: [REDACTED]
To: Musselburgh Flood Protection Objections
Attachments: [MFPS Objection](#) [REDACTED]

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [REDACTED]

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Service Manager – Governance & Legal Services
East Lothian Council

I attach [REDACTED] objections to the MFPS.

I would appreciate an acknowledgement of this email.

Thank you.

[REDACTED]

Sent from [Mail](#) for Windows

MUSSELBURGH FLOOD PROTECTION SCHEME 2024

As a Musselburgh resident living within [REDACTED] the proposed Scheme, as someone who enjoys the amenity and wildlife of the Musselburgh coast and the River Esk corridor, as a walker and cyclist, and as a national and local taxpayer, I object to the proposed Scheme.

The Flood Risk Management (Scotland) Act 2009 obliges local authorities to “reduce overall flood risk whilst giving due regard to the social, environmental and economic impact of such exercise of these functions”. My objection is based on my view that the social, environmental and economic impact of this proposed Scheme far outweighs the actual risk.

Of equal significance though is the complete failure of process to ensure that the public (and indeed the East Lothian Councillors) have been presented with the most appropriate flood protection measures for the town and that there has been genuine consultation through the development of the current proposal. **I am copying this response to the Scottish Government to make them aware of the deep flaws in the process followed by ELC and its commercial consultants.**

My objection to the process that has been undertaken is based on the following:

1. The key decision to progress a flood defence scheme in more or less its current form was taken in January 2020 by the “Cabinet” of ELC of which none of the 4 Musselburgh councillors were members. A decision of that magnitude (and which now has a £100m+ price tag) should have been taken by the full Council. The “preferred scheme” presented to that meeting followed an earlier options appraisal undertaken by the same consultants who are promoting the current scheme. The scheme has not changed fundamentally since in its prioritisation of physical barriers in Musselburgh over catchment area management.
2. Two public petitions were submitted to ELC requesting that the Scheme be paused while a more thorough exploration of alternative nature-based solutions is explored. The first, with over 2000 signatures, was not considered by the Council’s Petitions Committee but was dismissed by ELC officials ostensibly on the basis that it contained incorrect assumptions. Those ‘assumptions’ were subsequently shown to be accurate. The second petition, with 4000 signatures was considered by the Petitions Committee but was rejected subsequently by a full meeting of Council. The lead petitioner was not permitted to attend that Council meeting although members of the project team and a consultant from Jacobs were able to do so. The public voice has not been treated respectfully.
3. Legitimate requests to ELC for information about the Scheme have been treated by the Council as environmental information requests with prohibitive

charges attached. This has hampered the ability of the public to access information about the proposals.

4. East Lothian Council has placed irresponsible material in the local newspaper exaggerating the flood risk facing Musselburgh and generating nervousness within the community. Mock ups of cars floating down Musselburgh High Street bear no relation to the actual risks posed. Quoted numbers of properties "at risk from flooding" have increased steadily but have never been evidenced. Material placed on public 'information' boards has been misleading e.g. misrepresenting the heights of walls in visualisations, always showing the river at full flood capacity, avoiding showing unacceptable areas. This is marketing material rather than public information. By way of contrast, when campaigners tied fabric ribbons around trees to highlight that a large number of trees could be felled under the flood scheme proposals the Council accused them of misinformation and ordered their removal. It was even claimed by the Council that fabric ribbons could damage the bark of the trees. Legitimate protest has been suppressed.
5. Public correspondence to councillors is most often ignored or passed to the project consultants for reply. Responses invariably have to be chased and it is evident that neither the Council nor the project team have the capacity to engage meaningfully with the public on a matter of significant importance. With very few exceptions, our elected representatives have not engaged with their constituents or shown any willingness to ask the difficult questions of those advising them.
6. A summary report of the public response to the Public Exhibition in June 2023 was eventually published 23 weeks later. The report was not prepared by a neutral party and either ignored or misrepresented many of the views contained in the public responses. Although responses were invited both in person at the Exhibition and subsequently online, the summary questioned the validity of the online responses (which tended to be less supportive) and suggested outrageously that online respondees had either not attended the Exhibition or did not have a full understanding of the Scheme. Although not highlighted by the report's authors, close analysis of the information in the summary reveals that only 37.5% of responses either agreed or strongly agreed that Musselburgh needs a flood defence scheme and only 28.7% agreed or strongly agreed that a flood defence scheme should protect against the 1 in 200 year flood event. The public's perspective has been belittled and ignored throughout, even when there is hard data available.
7. On 9 February 2022 Alan Stubbs, ELC Service Manager, stated in a public meeting that "the people of Musselburgh would decide what level of flood risk they were comfortable living with". That opportunity has never been offered to the people of Musselburgh or indeed our elected councillors. The June 2023 Exhibition presented a single proposal (not dissimilar to the scheme that the

same consultants are taking forward in Hawick) with no alternative options for the public to offer a view on. The only options that have ever been put to the public involved a trite opinion poll on replacement bridge designs.

8. Following a site visit to a natural flood management project at the Eddleston Water near Peebles, Jacobs prepared a report to Council concluding that NFM in the Esk catchment would have only a very minor impact on the flood risk facing Musselburgh. The conclusions in that report were not endorsed by other participants in the site visit and of even greater concern they led to a recommendation from the project team that no further consideration should be given to natural flood management measures as part of the Scheme. On 31 October 2023, to the astonishment of many Musselburgh residents who had been following the progress of this project, the Council agreed this recommendation even though measures in the catchment area could have a significant bearing on the scale of defences necessary downstream. The proposition agreed by Council was that an “Esk Forum” looking at wider catchment issues should be progressed separately. There is no evidence that East Lothian Council has taken any action on this in the 5 months that have elapsed. The 4000 petitioners who supported looking at more nature-based solutions have once again been ignored.
9. A number of active travel routes are being proposed for Musselburgh. Two of these routes overlay sections of the proposed Scheme. A consultation exercise on the routes in November/December 2023 revealed that the active travel routes that shared a footprint with the Scheme were not being consulted upon as it was claimed that these had already been subject to consultation as part of the Public Exhibition in June 2023. There was no indication at that Exhibition that this was a consultation event on these particular routes and there was no analysis of any ‘consultation’ on those routes in the project team’s summary document. Indeed the only general reference to active travel in that summary report was that the majority (58% of the 864 public responses) did not support active travel routes being part of the flood scheme; another view that has been ignored.
10. The Council meeting on 23 January 2024 gave approval for the proposed Scheme to move forward to the notification stage. In taking that decision councillors did not have access to a full Environmental Impact Assessment, only a non-technical summary. This meant that in taking this key decision councillors were unaware of the detailed examination of possible impacts of the Scheme, subsequently set out in 31 separate documents. The NatureScot EIA handbook states that an EIA report should be unbiased, neither advocating the project nor attempting to serve PR purposes. In contravention of this, the non-technical summary considered by councillors stated: “Overall it is concluded that while the Scheme will have some unavoidable significant adverse effects during construction and for a few years once built, in the long term the Scheme will have positive effects on the

environment due to reduced flood risk and once all the proposed landscaping becomes established”. The non-technical summary which was all that was available to councillors did not present unbiased analysis. Furthermore, my own analysis of the full EIA published in March suggests that it cannot be stated that in the longer term the overall impact of the Scheme on the environment would be positive.

11. Papers for the Council meeting on 23 January 2024 made clear that some of the Musselburgh active travel routes were constituent parts of the Scheme. Glossy pamphlets delivered to Musselburgh households in February 2024 promoted the active travel routes as an integral part of the Scheme. However 2 days before the formal notification of the Scheme the Council announced that the active travel routes would not be part of the notification process but would be subject to a separate planning process to a timetable yet to be determined. All of the documentation published on 21 March contains drawings and text showing the active travel routes and it is indisputable that these have had a significant bearing on the design of the Scheme in some places. Somehow the public is expected to look past these components of the design and avoid commenting on these elements. Really? Meanwhile the Outline Design Statement (page 10) states that “Certain parts of the MAT are also part of the Scheme, such as replacement bridges, and paths which are on the crest of a flood embankment. ... Consequently these parts will be consented as part of the Scheme rather than part of the MAT”. The Council is contradicting itself and making it almost impossible for members of the public to understand exactly what they are being consulted upon. This smacks of incompetence and looks suspiciously like a bungled attempt to evade proper scrutiny of what is essentially a planning matter. As they are possibly/probably part of the Scheme, I intend to provide more detailed objections to some of these MAT elements separately.
12. It has been difficult for the public to gain an accurate understanding of what is proposed or the flood risk faced by the town. As well as the misrepresentation mentioned earlier, the project team have constantly changed key information such as wall heights or the number of properties at risk from flooding. The glossy publication delivered to households in March indicated that “in the order of 3200 properties” would be protected from flooding. The non- technical summary of the EIA states that around 3000 will be protected but the EIA itself states that 2279 properties are protected. All of these differ from the Council’s assessment in August 2015 that 1906 properties were at risk. With such constant changes, how are we expected to make informed comments? Indeed, how are individual homeowners meant to keep abreast of whether their property is to be protected or not?
13. Understanding the estimated financial cost of the Scheme has also been difficult for the public. The total cost of the Scheme and its associated

projects has shifted repeatedly as various elements are added or removed for presentational reasons. In 2016 the cost of a Musselburgh Flood Protection Scheme was estimated at £5.6m. The January 2024 Council meeting was informed that the latest estimated cost of the project in its enhanced form was £132.5 million with strong caveats that this was likely to increase. Nowhere in the Scheme documents that were published in March is there an analysis of costs or a breakdown as to how the various totals have been calculated. For instance it is impossible to calculate the cost of those elements of the Scheme that are purely related to flood prevention (as opposed to hosting active travel routes). There is an unacceptable lack of financial transparency to the tax-paying public. Whether these funds come from local or national government, it is all public funding.

14. Ahead of the notification period opening, formal letters were issued by ELC to addresses in Musselburgh. Our property received 3 letters, none addressed to the owner/occupier by name and one addressed to someone who last lived at this address over 15 years ago. While not a ground for objection in itself, it does illustrate that the Council has not taken the time to undertake this exercise thoroughly and mistakes are evident throughout.
15. The notification documents amount to several thousand pages making it very difficult to navigate online. Yet the documents have been made available in hard copy at times and places that make them difficult for the public to access. The only venue in Musselburgh where they are available for inspection is not open at weekends or outwith daytime working hours. For working people there is the option of viewing the documents on a Saturday morning at a public library in Dalkeith, in a different local authority area. (When I did visit Dalkeith Library to view the papers, 5 documents were missing.) One wonders why copies were not placed in Musselburgh Library. No provision has been made for the elderly, those with disabilities or people who are not computer literate. My elderly partially sighted neighbour will almost certainly not have viewed the detail of what is proposed immediately outside their property. Has there been an equalities impact assessment? There is no evidence to suggest that there has. And should you wish to purchase a hard copy of the documents the Council are charging a fee of £1000. Yes, one thousand pounds. There are some serious questions to be answered around how accessible this notification process has been.
16. The Environmental Impact Assessment has not been externally validated and is full of errors. That is probably not surprising in a document that comprises 3493 pages. The public (and indeed the statutory consultees) have been given only 34 days to digest this information which is extremely difficult to do online and for the reasons set out above also difficult to do by scrutinising hard copies of the documents. Is this genuine consultation?

17. A Habitats Regulations Appraisal is a requirement for any proposal to undertake work in a Special Protected Area but this has not been completed. Also missing is a Coastal Change Adaptation Plan which has been flagged up as a key determinant on the nature of coastal defences to tackle coastal erosion and sea level rises.

18. It will presumably be the project team that will determine whether any objections to the proposed Scheme are valid and whether the Council should be advised to uphold them (or not). There is clearly a vested interest in play here that denies the public the right to an objective assessment of their concerns and whether these have been or can be addressed. The project team should not be permitted to use their own internal 'expertise' to challenge points made by the public (as we have seen previously in response to public petitions and the Eddleston Water report). The analysis of the public response to this exercise must be undertaken by an independent party.

In summary, this is a process that has been skewed from the outset. The Scheme that we are being asked to consider today is essentially one that a commercial engineering consultancy proposed to a subset of ELC councillors 4 years ago. Significant numbers of the public in Musselburgh and beyond have questioned whether other solutions might be preferable and specifically whether more use could be made of nature-based solutions in line with developing flood resilience and climate change policies in the Scottish Government and more widely. But these have been rejected or ignored. The consultants proposing this Scheme have never been subjected to external expert scrutiny and councillors have not had the opportunity to hear about alternative approaches to managing flood risk. The process that has led to notification of this Scheme is flawed, is full of procedural errors and has lost the confidence of many in the community. The proposal should be withdrawn, reconsidered in genuine consultation with the community and resubmitted at a future date. Musselburgh will need flood defences in the future but not this over-engineered, inappropriate and outrageously expensive Scheme.

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18 April 2024

Subject: (0198) THE MUSSELBURGH FLOOD PROTECTION SCHEME - FORMAL OBJECTION
Sent: 21/04/2024, 21:46:06
From: [REDACTED]
To: Musselburgh Flood Protection Objections
Attachments: [MFPS](#) [REDACTED] [.docx](#)

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [REDACTED]

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Service Manager – Governance, Legal Services
East Lothian Council

I attach the [REDACTED] setting out a number of objections to the Scheme as notified.

I would appreciate an acknowledgement of this email.

Thanks

[REDACTED]

Sent from [Mail](#) for Windows

THE MUSSELBURGH FLOOD PROTECTION SCHEME – FORMAL OBJECTION

As a Musselburgh resident living within [REDACTED] metres of the proposed Scheme, owner of one of the properties stated as being at risk from flooding and as a national and local taxpayer I object to the proposed Scheme on the basis of the impact that it will have on me, my property, my mental wellbeing and my enjoyment of my local environment.

Our property sits within the Musselburgh Conservation Area and requires permissions and payments for minor alterations, such as like-for-like window replacements. Yet the entire character of the area immediately adjacent to our property is to be affected by the proposals in the Scheme currently under notification. I recognise and accept that there is a flood risk within Musselburgh, both coastal and fluvial and a combination of the two. What I do not accept is that the solution embodied in this Scheme is a proportionate or effective way of responding to this risk. I have the following specific objections:

1. The Scheme is based upon Climate Change scenarios but there is a different scenario for the coast (Scenario 4 – the Doomsday scenario) than for the river (Scenario 2). There can surely only be one eventual impact of climate change so this is illogical.
2. The adoption of a Doomsday scenario for the coast has the effect of driving higher coastal defences than would be the case were it to be driven by Scenario 2. Not only does the Scheme adopt the most pessimistic of all climate change scenarios (RCP8.5) for the coast but also applies the 95 percentile point. This means that even with the worst possible predicted climate outcome there is only a 5% likelihood of this measure of sea level rise occurring. No evidence has been presented to justify this extreme approach. I object to the excessive scale of coastal defences that are based upon speculative forecasts of future events without any attempt to take a managed adaptive approach (as required by Scottish Government and SEPA policy). Instead the proposed Scheme would construct over-engineered defences that are unlikely to be required to protect the coast for many decades, even if the most pessimistic climate change forecasts materialise.
3. The coast [REDACTED] has never flooded. The proposed defences [REDACTED] involve an embankment that will be 1m above current ground level with a 5m wide pathway and a 0.70m wall on top. The Fisherrow Promenade has experienced road-level flooding during our time in this area (March 2010) but the proposed defences for the Promenade under the Scheme consist solely of a 1m wall. This is difficult to comprehend. It is possible that the difference is attributed to the installation of a hybrid structure at Mountjoy Terrace as the project team have suggested that there was a stated public wish to avoid all defence structures being walls. This is a flawed position as the hybrid structure involves a concrete wall that is only marginally

lower than that at a more vulnerable area nearby. A low wall would be more acceptable than what is being proposed. [REDACTED]
[REDACTED], we have never been consulted on our preferences in this respect.

4. East Lothian Council has an opaque and contradictory position on which parts of the proposed active travel network are included within this notification exercise. However, as the Design Statement states that paths on the crest of flood embankments will be consented as part of the Scheme I am objecting to this in the strongest possible terms because of the impact this will have [REDACTED]
[REDACTED]. The embankment [REDACTED] is shown to be 15m wide, 5m of which is to accommodate a presumed active travel pathway. There would be no reason for the embankment to be this scale were it not for the active travel path along its crest. What is particularly galling is that in the space [REDACTED] there is an existing wide paved pathway that currently accommodates pedestrian and wheeled traffic. That path (which accesses the sewage pumping station at the mouth of the Esk) will remain under the proposed Scheme so there would be two parallel pathways about 10m apart [REDACTED], leaving only the narrowest strip of level grass where there is currently plenty of open amenity space. That is unreasonable.

5. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]. The construction of a 1.7m high and 15m wide barrier [REDACTED] of course has an impact on the visual amenity (and that's before the graffiti artists get to work).
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

6. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

7. No property-based flooding solutions have been proposed or discussed with us or our neighbours. There is surely scope for these smaller-scale defence

measures to play a part and reduce the need for excessively large hard defences.

8. During the construction period, the EIA assumes that [REDACTED] [REDACTED] will experience the same levels of noise, dust and vibration as [REDACTED] (perhaps 100m away) and properties [REDACTED] (perhaps 250m away). This is completely inaccurate. [REDACTED]
[REDACTED]
[REDACTED]
9. The ramp structures necessary to cross the high embankment to access the beach are visually intrusive and involve yet more areas where links grassland is to be replaced by tarmac. The EIA Visual Impact Assessment states that these new access ramps will improve access to the beach. This cannot be correct as present access is unhindered. I object to the removal of my unfettered access to the beach.
10. The mitigation strategy for the Scheme states that trees and shrubs will be planted [REDACTED] and that in 15 years this would “help to enhance views”. I cannot see how [REDACTED] will be enhanced by sticking trees in front of it.
11. Fisherrow Links [REDACTED]. It is a links landscape. The Scheme proposes to replace the links area adjacent to the new defences with a garden habitat, involving new planting and the construction of pergolas. The pergolas in particular are entirely inappropriate for this setting. Leave the links alone. It is bad enough that the amenity of this area is to be compromised by a satellite site compound and a defence structure that will block views of the sea. Converting it into some sort of urban garden would be the final ignominy.
12. ELC commissioned a report from Dynamic Coast. Although the full report was not available to councillors when they took the decision in January 2024 to progress the Scheme, this has subsequently been made available. The report suggests that the Council should consider a range of coastal resilience measures in Musselburgh, to be developed and appraised as part of a Coastal Change Adaptation Plan. There is no Coastal Change Adaptation Plan and the Scheme has been developed in isolation, running counter to Scottish Government guidance in this area. The coastline next to Mountjoy Terrace has experienced significant erosion recently. This has been due to storms rather than sea level rise. Experience in other coastal locations in Scotland indicates that when seas reach hard coastal defences they exacerbate beach erosion and ultimately will undermine those defences. Without other measures to nourish or protect the Fisherrow Beach there is a strong possibility that any embankment or wall built today will fall victim to the seas long before they would serve any useful defence against possible sea

level rises in 2100. Furthermore, if the current rate of coastal erosion is maintained there may soon be insufficient land between the retreating coast and a major mains sewer to construct the proposed hybrid defence structure and cycling superhighway. Much more work needs to be undertaken on this particular part of the Flood Protection Scheme to ensure that it is the most appropriate approach. The first step should be a thoroughly researched Coastal Change Adaptation Plan. I object to the absence of such a Plan.

13. The Scheme documents indicate that the construction period is expected to last around 4 years. Although activity is to be phased around the various work areas, the whole town is going to be severely impacted by the construction for the entirety of those 4 years (assuming it can be delivered on time). This means that our entire lives whether in our own home, visiting the local shops or trying to enjoy what's left of our local amenity will be dominated by this project. Although I feel reasonably resilient I know from the distress that trying to keep track of the emerging flood plans has generated that this will be a severe test of my mental robustness. I'm not sure that it will be possible to remain in my home while the immediate environs that I have enjoyed for so long are pulverised. Visiting the Hawick scheme while under construction (a broadly similar design by the same consultancy firm) filled me with trepidation. I object to the impact that I feel the construction will have on my health and wellbeing.
14. The location of our property is its primary attribute. During the 4 year construction period (and likely during any preliminary phase too) it will be blighted and would be extremely difficult to sell. That is a major concern if the impact on our wellbeing during construction is too much to bear. I am unconvinced that it is possible to mitigate effectively the impact of constructing such a major engineering project in close proximity to residential properties.
15. As a taxpayer I object to the disregard for public funds that is demonstrated by this Scheme. Very little effort, if any, seems to have been made to keep costs down. The active travel route along the coast (Route 3) is superfluous as there is a perfectly adequate paved surface across Fisherrow Links, across the Electric Bridge and round the Musselburgh Lagoons (the latter being upgraded barely 12 months ago). This proposed route has "necessitated" defences to be substantially larger and more expensive than otherwise and gives rise to the monstrous bridge at the mouth of the Esk that has somehow found its way into the Scheme masquerading as a flood defence measure. On a smaller scale, the plantings and garden furniture on the Links within the Scheme are another example where no consideration is given to reducing costs. Meanwhile valuable community resources like the Brunton Hall are neglected due to funding shortfalls. JFK said that the best time to fix the roof is when the sun is shining. East Lothian Council may have been led to believe that it is investing wisely in a flood scheme for bad times ahead, but in the case of public finances I'm afraid it is already raining.

16. Should this Scheme be approved, I am certain that it will have a major negative impact on me and my family, our mental wellbeing, our property and our enjoyment of the Musselburgh area. I trust that there will be a financial compensation package made available for those of us most directly affected and I will expect to be compensated from that package. I will also expect ELC to pay for a structural survey of my property ahead of any construction works and to commit to make good any damage subsequently caused.

This Scheme should be withdrawn, reconsidered in genuine consultation with the community and resubmitted at a future date. Musselburgh will need flood defences in the future but not this over-engineered, inappropriate and outrageously expensive Scheme.

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19 April 2024

Subject: (0199) OBJECTION TO THE MUSSELBURGH FLOOD PROTECTION SCHEME
Sent: 21/04/2024, 21:46:30
From: [REDACTED]
To: Musselburgh Flood Protection Objections
Attachments: [MFPS Objection](#) [REDACTED]

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [REDACTED]

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Service Manager – Governance & Legal Services
East Lothian Council

I attach [REDACTED] objections to the proposed Scheme.

Could you please acknowledge receipt of this email.

Thank you.

[REDACTED]

Sent from [Mail](#) for Windows

OBJECTION TO THE MUSSELBURGH FLOOD PROTECTION SCHEME

As a Musselburgh resident living in one of the properties identified as being at possible risk of flooding and as a national and local taxpayer, I object to the proposed Scheme. I do so on the basis that the current Scheme is predicated upon flawed modelling, is incoherent around whether active travel routes are part of the Scheme or not, is out of line with emerging Scottish Government policy on flood resilience, has a profoundly damaging overall impact on the environment and shows no regard for the current crisis in public funding. It is shocking that this particular proposal has reached the stage of being formally notified to the public.

Prior to tendering the contract for this project, East Lothian Council set out a number of objectives that any flood protection scheme should meet. These included:

To choose a Scheme that is considered to be best value for money for the Council and the town of Musselburgh within consideration of both the short and long term

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

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

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

To ensure that the Scheme does not sever the town from its rivers (through the height / size of flood protection walls and / or embankments) in either the physical or visual sense

It is my view that this proposed Scheme does not meet any of these objectives. The reasons are set out in my specific objections below.

1. Although the detailed modelling underpinning the Scheme has never been published, despite several requests to do so, there is a clear declaration that the designs are intended to protect against the 1:200 year flood event plus an allowance for climate change by 2100. There is no statutory obligation to design to the 1:200 year standard; indeed the Hawick scheme that is nearing completion is designed to a 1:75 year standard and Hawick has experienced much more severe flooding in recent years than Musselburgh. This alone has resulted in higher defences than would be the case if a lower threshold had been embraced (but the residents of Musselburgh have never been asked about their risk appetite despite Mr Stubbs pledging on 9 February 2022 that they would). When the allowance for potential climate change in 76 years time is added, the impact on the design height becomes very significant. There is absolutely no certainty about the extent of global warming or sea level rise in 76 years time. However the designers of this Scheme have opted for the most pessimistic extremity of the range of possible scenarios; an outcome that is based upon there being no change in global emissions patterns and temperatures rising to catastrophically high levels that would threaten the habitability of this planet. Surely the correct approach would be to plan for future events about which we can be reasonably certain and build

in flexibility to increase the standard of protection at a future point if necessary when there is more clarity on climate change impacts. I totally reject that Musselburgh residents and visitors may have to tolerate over-engineered defences that have been designed to deal with events that may or may not occur in many decades time, and which may only occur towards the end of the design life of the structures themselves.

2. While on the subject of climate change, East Lothian Council recently declared a Nature Emergency. The need for flood defences in Musselburgh is in response to the increasing amount of CO₂ that is being released into the atmosphere and which is altering our climate. The EIA estimates that the construction of this Scheme will involve the emission of 42,183 tonnes of CO₂, without taking into account the loss of many dozens of mature trees that currently act as carbon sinks. A solution based overwhelmingly on hard engineering and the pouring of thousands of tonnes of concrete is actually contributing to the problem that it is supposed to be addressing. If ELC is serious about there being a Nature Emergency it needs to take a more responsible approach to the carbon footprint of any flood defences. It cannot be argued that the prevention of damage caused by a potential future flood is an offsetting measure; this Scheme would generate an actual emission now that will contribute to global climate now. Any offset would need to occur now. I object to the impact of this scheme on our climate.

3. The proposed Scheme is at odds with the Scottish Government's Flood Resilience Strategy which encourages a whole catchment approach. Musselburgh residents have pressed the project team repeatedly for more natural flood management measures to be adopted. It is accepted that some hard engineering measures will be required in the town and along the coast but the scale of these can be reduced if efforts are made to slow the rate at which water enters the river system or by working with nature along the seafront. It is perhaps unsurprising that a company with a business model based upon hard engineering projects (Jacobs) was very quick to conclude in its options appraisal that "*Natural Flood Management measures cannot be included as a component of the preferred scheme*". This cuts across one of the core objectives set by East Lothian Council at the outset. It is laughable that the same options appraisal states: "*Catchment wide measures such as increased forestry cover to increase interception, infiltration and reduce surface water run off rates are feasible but require a great deal of time to become fully effective*". Meanwhile Jacobs have designed a Scheme intended to protect Musselburgh against climate-induced events that might occur in 76 years time. I object to the lack of genuine effort to incorporate natural flood management into the Scheme.

4. On 31 October 2023 East Lothian Council considered a paper in response to their earlier request for a report on NFM measures at Eddleston Water, a pilot

scheme in the Scottish Borders. The paper, prepared by Jacobs of course, went well beyond its original remit, dismissing the potential of NFM in a catchment wide approach and recommending that any further exploration of NFM in the Esk catchment should be examined separately and should be removed from the Musselburgh Scheme. This unfathomable recommendation was approved by the Council without any opportunity to hear and consider alternative perspectives. Needless to say there have been no visible efforts by ELC in the 6 months since that decision to incorporate NFM into the Local Flood Risk Management Plan or to establish an Esk Forum. Once again, ELC is out of step with emerging good practice and the Scottish Government's strategic direction. I object to this blinkered approach and the consequences it has for the scale of flood defences in Musselburgh.

5. Perhaps the truth is that were this Scheme to be considered under the likely criteria for Cycle 2 funding it would be a requirement to take a more holistic approach and to include upstream NFM measures. The dash to meet the Cycle 1 deadline for notification seeks to avoid this inconvenience.
6. The Scheme attempts to present a debris catcher as being a nature-based solution. I struggle to understand how a line of concrete pillars in mid-stream can possibly be "nature-based". Of more concern than nomenclature is that the only debris catcher in the Scheme is at Cowpits i.e. upstream of a riverside area known as the Grove which is lined with willows that frequently find their way into the river. This suggests that the location of the debris catcher is based solely upon an accommodating landowner and shows a poor understanding of the source of river debris affecting the town. Modifications to two minor reservoirs in the Esk catchment are token gestures that would have considerably less impact than bringing Gladhouse and Portmore into the Scheme. Given the cost of the proposed engineering project in Musselburgh it is surprising that so little effort has gone into pressing for these options with Scottish Water.
7. The options appraisal in November 2019 recognised that debris jamming against or under bridges was a cause of backfill and flooding. Many of the changes to bridge design in the Scheme are to raise the soffit levels above the likely height of floodwaters. The options appraisal recognised that the Olive Bank road bridge was much lower than the adjacent "Ivanhoe Bridge" and had a much greater impact on the hydrology of the river at this point. As there was no proposal to alter the road bridge (a peculiar decision?), the option to either modify or replace the Ivanhoe Bridge was rejected in the options appraisal. In the Scheme before us now, however, a replacement Ivanhoe Bridge in a different location upstream is being presented as an integral part of the flood protection scheme and the existing bridge is to be removed. This is self-evidently not the case. The new bridge, located and designed to accommodate one of the active travel routes, should not be in this Scheme but should be subject to separate planning legislation for a new

development. Under the 2009 Act it should not be funded from funds allocated for flood protection. As a taxpayer I object to this extravagance with public funds. The new bridge is insensitively located, will impact on important habitat for birds and bats and, in contravention to the design principles elsewhere, has a central pillar in the flood plain that will have the potential to trap debris. I despair at the ineptitude here!

8. The new bridge proposed for the mouth of the Esk cannot be described as a replacement for what the plans call the “Goose Green footbridge”. There is currently a bridge for cyclists (the Electric Bridge) and a bridge for pedestrians (the Goose Green Bridge) that are 10m apart. These are to be replaced by a combined active travel bridge on the same site that will also have the advantage of a higher clearance over the flood waters. The new bridge 200m downstream is therefore an additional bridge that does not contribute in any way to flood protection. At a meeting of the ELC Petitions Committee on 20 March 2023 the Council Leader, Cllr Hampshire, stated that this bridge would not be built if the active travel proposals were not approved. This is an unambiguous statement that the bridge does not have a role in flood protection. This bridge has the sole function of enabling a potential active travel route and should not be part of this Scheme. It should be subject to planning approvals as a new development, as is required under planning legislation. An additional bridge will bring significantly higher costs, more noise and disruption and will impact heavily upon the wildlife at the river mouth. And apart from anything else the proposed design is massively over-engineered and totally inappropriate for its setting. It has been described as a vanity project, a term with which I would concur.
9. The EIA claims that the location of the new bridge at the river mouth will avoid disturbing birds on the sands and that birds in this area are already habituated to human disturbance. There is no evidence to support this assertion and the EIA does not comment on the importance of the river mouth for the eider creches that gather there or the kingfishers that habituate this area. It is unlikely that sensitive bird species will become habituated to an enormous structure blocking their route up the lower reaches of the river. I object in the strongest possible terms to this bridge.
10. In relation to its comments on bird activity within the area of the Scheme the EIA contains a number of faults that must call into question its accuracy. By way of example the site observers for the EIA recorded 6 flyover Stone Curlews in 2018. This would be a major record for Scotland, indeed for the UK, and is extremely unlikely as there has never been a record in Scotland involving more than one bird. The EIA suggests that Twite could be breeding in the area. Twite breed on moorland habitat or the croft lands of NW Scotland. Although winter visitors, they do not breed on the Lothian coast. Conversely the report states that Ringed Plover do not breed within the study area. This is inaccurate. There are several breeding records, including one in

2023 adjacent to the site that the Scheme proposes to use as a works compound at Morrison's Haven. The EIA has no analysis of bird behaviour associated with the new lagoon area immediately to the east of the river mouth. This was recently landscaped and is attracting a variety of species including some on the Red List. The disturbance associated with the reconstruction of the lagoon seawall will have an impact on these populations. Will the same "suitably qualified ecologist or ornithologist" who identified 6 Stone Curlews be undertaking the proposed surveys to monitor disturbance during construction?

11. The EIA maintains that despite the habitat loss, the displacement of species during construction and the potential death of some species, there will be no significant residual effects. If the kingfishers, dippers, bats and otters lose their habitat how can this possibly be described as insignificant? This is not an objective assessment of the Scheme's impact on the environment and I object to the misleading assertions in this document.
12. Musselburgh is one of the premier birdwatching sites in Scotland and the quality of its ornithology is recognised in the form of a number of nature designations. The Scheme documents acknowledge that the impact on key bird species in the SPA/Ramsar sites during construction will be Major and Negative. However it also states that where direct impacts on protected species or their habitat cannot be avoided, derogation licences will be obtained. This is completely unacceptable and I trust that NatureScot will be of a similar view. I object to this failure to mitigate against this negative impact.
13. The National Planning Framework 4 requires local authorities to ensure that developments deliver overall positive effects for biodiversity. Despite the assertions set out in the EIA for this Scheme, this requirement is clearly not met. River restoration work is included in the Scheme documents but it is not clear whether this is funded and I fear this is little more than window dressing to mask the vandalism that will be caused by canalising the river and removing large numbers of mature trees. The people of Musselburgh have made their views clear on the unnecessary loss of mature trees, many dictated by the spatial needs of a flawed active travel route.
14. The Scheme has adopted what it calls climate change Scenario 2 for the defences along the River Esk. This is based upon RCP6 at 50 percentile. Round the corner on the seafront the Scheme adopts Scenario 4 which is based upon RCP8.5 at 95 percentile, a much more extreme scenario driving consequently higher defences. There is huge uncertainty in scientific circles about the RCP8.5 scenario but no allowance for uncertainty is built into the Scheme's designs. The logic for the different approach between river and coast is not clear but there is a suggestion that the less extreme scenario for the river is based upon opposition to the height of walls along the riverbanks.

But we are told that these defences are all “science-led” so that couldn’t possibly be the case could it? There has been no independent scrutiny and validation of the project team’s decision to design to these particular standards.

15. The full Dynamic Coast report assessing coastal change at Musselburgh was not available to Council when it took its decision to progress this Scheme, a serious omission. Had they been able to read it, councillors would have read that:

“In the absence of any new coastal management works, as sea levels continue to rise, recent fluctuation and erosion of the Mean High Water Spring line is expected to be replaced by more consistent erosion that may threaten the Musselburgh Flood Protection Scheme’s proposed flood defences and other assets along the town’s coastal frontage.”

and

“A future based on constructing the proposed new artificial flood management structures alongside a ‘do nothing’ coastal management strategy This option includes the construction of new coastal flood management structures, but with no coastal erosion management (i.e. ‘do nothing’) such as beach nourishment. Note that the proposed coastal flood management structures are neither designed nor certified for any coastal erosion protection function. However, they may have limited coastal protection functions (e.g. reducing the impact of waves on the land behind them).

Under this scenario, anticipated beach erosion and lowering is expected to negatively impact the existing and proposed flood management structures, initially within limited sections by 2040 but across the majority of the shore front in later decades. Such a situation presents a risk to the performance of the proposed flood management structures, as they are not designed to withstand marine undermining or storm wave overtopping. The initial human impacts of this lowered risk management performance are most likely to be experienced in the vicinity of Mountjoy Terrace (to the east of the harbour) and opposite Newhailes playing field to the west of the harbour. For this reason, coastal monitoring and coastal erosion resilience measures are expected to be necessary, in the coming years / decades, if the planned flood performance is to be maintained.”

and concludes:

“the evidence suggests that Council officers have little time to waste in planning short-term coastal resilience measures, including nature-based enhancements.”

The report from Dynamic Coast therefore makes clear that any hard defence structure on the coast will be undermined in the near future unless there is a programme of coastal erosion management in place. That would ordinarily be part of a Coastal Change Adaptation Plan but no such thing exists for the Musselburgh coast. A CCAP would ordinarily involve taking an adaptive approach with community involvement but that seems to be anathema to this particular project team. The immediate threat to the Musselburgh coast is not

from sea-level rise, which is all that this Scheme considers, but from storm damage as we saw in November 2023. Until the coastal processes on this coast are better understood and until there is a plan to put coastal resilience measures in place, then the defences proposed by the Scheme are premature and could rapidly be lost to an eroding coast. I object to this mishandled approach to the coastal defences.

16. I have been directed by Mr Grilli that where elements of the MAT are contained within the Scheme documents these are being consulted upon. I am therefore objecting to MAT routes 3 and 5 due to the impact they would have on the scale and location of the flood defences, as well as adding significant costs, not least through the construction of otherwise unnecessary and undesirable bridges. The ramps that are included within the Scheme design along the river have the sole purpose of accessing these active travel routes and are a blight on the amenity of the riverside and an intrusion upon adjacent properties. The requirement to create an active travel route along the river while trying to minimise the impact on the trees in this area has resulted in plans that involve narrowing the river. In times of spate this must increase the flood risk and the possibility of the defences being overtopped.
17. The active travel route along the lagoon seawall would replace a perfectly adequate existing cycle/footpath that was re-laid just last year. I cannot see how such additional expenditure can be justified. Indeed we should not be trying to attract additional through-traffic to what is a sensitive protected area. A further illustration of unnecessary financial extravagance is the proposal to have a guard rail along the top of the replacement seawall – there is no rail along the current seawall which is of similar height. The drawings clearly show that the drop on the seaward side is minimal and significantly less than on the landward side! A guard rail has absolutely no purpose.
18. In every instance the proposed active travel routes are presented as being 5m wide. This is clearly a choice made by the project team as a recently completed path at Wallyford Bing is only 3.5m wide and is described in the ELC planning application as an active travel path. I object to this decision to impose such a wide footprint and the impact this has on the scale of defences adjacent to my property.
19. The finances of the MAT scheme have never been clearly explained to the public and there is an expectation that Sustrans will make a significant contribution to the capital costs. That may or may not be the case but what is clear is that Sustrans do not have a sufficient maintenance budget for their existing path network as they are currently looking for public donations to help fund this service. With all of the proposed new routes in Musselburgh that budget will be stretched even further. Presumably it will be ELC that will have the responsibility of removing the graffiti that will inevitably appear on the walls alongside these active travel routes. The ever-expanding gallery of

graffiti along the current seawall is evidence that ELC may not have the resources to ensure the upkeep of all these new walls.

This Scheme is seriously flawed. It should be withdrawn, reconsidered in genuine consultation with the community, exposed to external expert scrutiny and resubmitted at a future date. Musselburgh will need flood defences in the future but not this over-engineered, inappropriate and outrageously expensive Scheme that is based upon flawed assumptions and a disregard for its full environmental impact. The current Scheme must be rejected.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Subject: (0200) MFPS objection
Sent: 21/04/2024, 22:00:24
From: [REDACTED]
To: Musselburgh Flood Protection Objections
Attachments: [MFPS objection \[REDACTED\].pdf](#)

Follow Up Flag: Follow up
Flag Status: Completed

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Hello

Please find attached a letter containing my objections to the Musselburgh Flood Scheme. Please acknowledge receipt of this email.

Many thanks

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
21st April 2024

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

Dear Carlo Grilli

I am writing to object to the recently published Musselburgh Flood Protection Scheme. I am a Musselburgh homeowner and my children attend primary and secondary schools locally.

I object to the published scheme because:

OBJECTION 1

The cost of this scheme is unacceptably high and does not constitute a prudent use of public funds.

OBJECTION 2

Musselburgh is not prone to flooding, either from the river or the sea. The 1-in-200-year flood risk which the proposed scheme is intended to ameliorate is completely arbitrary and not based on good science.

OBJECTION 3

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. Natural Flood Management techniques should be employed far more extensively, and the council vote to exclude them from the scheme was an error.

OBJECTION 4

The hard engineering solutions being proposed will cause significant loss of amenity for my family. We moved to Musselburgh in 2022 because of the natural beauty and open spaces on the banks of the Esk and Fisherrow Links. Access to unspoiled natural spaces is good for mental and physical health. This benefit will be lost for my children during the approximately 5 years of construction. Even then, the concrete walls will quickly be vandalised once finished. This is sadly the case in other Scottish towns where similar works have been carried out by the same team. This beautiful seaside town will be transformed into just another urban eyesore.

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

Yours Faithfully

A solid black rectangular box used to redact the sender's name and signature.

Subject: (0201) MFPS Objection [REDACTED]
Sent: 21/04/2024, 22:29:08
From: [REDACTED]
To: Musselburgh Flood Protection Objections; Chief Executive; Grilli, Carlo

Categories: [REDACTED]

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21st April 2024

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

[REDACTED]

Dear Legal Services

OBJECTION [REDACTED]

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

-
Technical Modelling

1. There is no full river basin approach – this is part of the 2009 Act.
2. Failure to look at hydrological connectivity across the areas Jacobs have considered
3. 1:200 event is not legislative, it's advisory.
4. The Flood Risk Management (Scotland) Act 2009 does not stipulate a year which local authorities must select as a flood risk management design target. The consultants have stated the design target date of 2100 was instructed to them by their client, East Lothian Council, as part of their brief. Our councillors, as the Proposers of the scheme must provide evidence backed information and data that has directed them and persuaded them to select this particular date as part of their brief to the consultants, demonstrating its relevance and appropriateness in the context. There is an inherent problem in selecting year 2100 as our target date. It is simply too far in the future to predict for with the levels of certainty we seek. It must be reviewed. It can also be argued that the unreliability of predictions of such distant future events can itself become a risk arising from the scheme.
5. The modelling data has never been released (nor independently checked or validated) despite repeated requests by members of the community with the necessary expertise to offer a peer review assessment. I reject any assumptions I would not understand the modelling data.
6. Scottish Government are carrying out a review of flood resilience strategy. This should be published before approving MFPS. A sea wall is thus premature.

7. "Flood risk from the 0.5% AEP plus climate change event along the sea front is mostly as a result of wave overtopping" (p43) musselburghfloodprotection.com/wp-content/uploads/2022/02/Appendix-D_MFPS_Public-ex-No1_Report_v0.1.pdf Is therefore the immediate coastal risk from wave overtopping and not sea level rise? This risk has not been addressed in the scheme.

8. Nature scot said, (FOI, Coastal Change Adaptation Guidance – Group Discussion on Climate Change Teams meeting on 31st Oct 2022) “A number of examples were noted (Musselburgh etc) where local authorities had chosen a high level of protection (1:200yr level of protection and then account for climate change using a single climate scenario, typically based on SEPA’s LUP guidance which is based on RCP8.5 95th%) without interrogating whether this is appropriate for the location, or considering the intervention as part of a comprehensive adaptation plan ... The concern is that such an approach may lead to over-engineered solutions that rely on benefits that may never be realised whilst incurring the associated social, economic and environmental costs today... So the guidance must be clear that, options need to be considered to credible maximum risks, but that plans don’t need to address all of these now, ie our planned actions should be incremental and must be actioned at trigger points, rather than implementing solutions today for the next 1m of sea level rise..... There was an acceptance that the coast was different that other settings, and that a precautionary approach to adaptation planning was merited.....Alongside mitigation efforts, adaptation planning is essential at the coast, Coastal change adaptation plans should be precautionary. Given uncertainties a range of scenarios of future risks should be considered (incl. RCP 2.6 50%, RCP4.5? RCP6? RCP8.5 95% & H++). Not all of the climate risks need to be resolved today, but flexible approaches should be planned for to manage these growing risks if and when they occur. This is achieved by defining and deploying incremental and locally relevant trigger points (base on levels/processes not timescales) which also include locally relevant considerations (coincident risks: river flooding, tidal range changes, extreme events etc). Acknowledge that the scenarios used for coastal change adaptation planning, may not be the same as those used for the design of flood risk schemes. Acknowledge the importance of local settings in the implementation of policies. **Are we clear enough, that options need to be considered to credible maximum risks, but that plans don’t need to address these now, ie our planned actions must be actioned at trigger points, rather than implementing solutions today for the next 1m of sea level rise.**”

Why are the Scottish government’s experts being ignored?

9. Nature Scot continued FOI, UKCP18 exploratory SL projections Date: 01 November 2022 “However, we may not need to adapt to 1m of sea level rise. The problem is that if we ask people design schemes to our LUP allowances there may not be feasible solutions for some communities (i.e. , and Musselburgh has limits to community acceptability and environmental constraints with designated sites), **and that we potentially overestimate the future benefits whereas the costs are definitely realised**”. It is my understanding the future benefits of MFPS been overestimated.

10. 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.

11. Are flood walls being built on SSSI beside Edinburgh Road? It is not clear on drawings.

12. Sea walls can and do fail. There should be a full assessment of all alternatives before agreeing on a coastal wall which will change Musselburgh forever. <https://www.wirralglobe.co.uk/news/24243816.call-investigation-west-kirby-sea-wall-spectacularly-fails/>

13. Natural Flood Risk Mgmt Study by Jacobs (2019) was limited and did not include the coast. A design based on walls should not have been presented in June 2023 without a full independent study of options including breakwater, mussel bed regeneration etc. Alternatives have not been tested.

14. There is a requirement in the 2019 Guidance to the 2009 Flood Risk Management Act to ensure flood risk is not exacerbated anywhere else. *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.

15. Computer modelling is an imprecise science and it appears that the huge estimated for MFPS are based on an absolute worst case scenario for sea level rise and subsequent worst possible prediction of flooding.

16. Why was detailed research on Fisherrow coastline not carried out prior to June 2023?

17. It is extraordinary that the design scheme shows a wall along the back of the coast but no reference whatsoever to the type of Nature based Solutions that can and should be put in place along the back of the beach. These solutions are well known and well tried and tested around Britain. The public were presented a coastal wall scheme based on ZERO individualised evidence at Fisherrow. Why was a wall presented in June 2023, prior to Dynamic Coast report and that was not evidence based?

18. The harbour (where harbourmaster office is) is a weak point.

19. The current harbour wall is low. No wall is proposed here. This means any tidal surge would come over the wall and flood the town. Having a gap in the flood scheme would render the scheme ineffective and put homes at risk.

20. Council clean up of sewage .The issue of coastal erosion at the mouth of the Esk adjacent to the water treatment plant appears to have been profoundly influenced by the Council response to the delivery of sewage onto this area of beach as a result of a recent treatment plant incident. It was noted that a significant stretch of coastline affected by the sediment bulldozing is now characterised by a low cliffline defining the rear of the beach. It would seem from verbal accounts that significant volumes of beach sand were removed by bulldozer from this area – along a ca. 100-150 m stretch of beach. The removal of such large volumes of sand and gravel from this area of beach is likely to have increased rates of beach erosion and shoreline retreat in this area. If there was a significant loss of sediment from the beach the waves during winter in that area would have been able to cause accelerated erosion.
21. We have all seen the significant accumulation at the western end, to all intents and purpose the western part of the beach is stable and building up in some areas.
22. There is no evidence that the entire beach area is eroding.
23. Says in preferred Scheme P43 "06 New sea wall along entire coastline not economically viable, unacceptable impact on SPA, major social impacts and severance of beach front"
Why do we now have a sea wall and not full assessment of NBS?
24. No evidence why nature based solutions at coast ie beach recharge and breakwaters were dismissed so early in MFPS.
25. It is extraordinary that the design scheme shows a wall along the back of the coast but no reference whatsoever to the type of Nature based Solutions that can and should be put in place along the back of the beach.
26. These solutions are well known and well tried and tested around Britain.
27. When will the scheme for the coast be substantially revised to take on board the recommendations of current Dynamic Coast project ?
28. Why have sand dunes been built into the sea and do not show any evidence why it was not built on the land side of the dune (Dunes Report by Jacobs)?
29. The assumption that an inland estuarine coastline in east lothian has equivalence to an Atlantic welsh coastline presumably for wave energy) is absurd. The Welsh coasts are different. (Dunes Report by Jacobs)
30. There are no near real time scenarios. Why are they even looking at 2100 when the world will have changed (Dunes Report by Jacobs)
31. Where is the substantial evidence that eliminates dunes from Musselburgh?
32. There is bias in Jacobs producing the dunes report – marking their own homework.
33. No assessment is provided of a beach nourishment process similar to that used at Portobello beach using sand extracted from below the low water mark off Fisherrow. Why was this not considered and evaluated as some have suggested on many occasions over the past three years.
34. No independent assessment of natural coastal management schemes, including beach nourishment, marram grass planting, temporary fencing of the micro dunes, provision of drift line natural debris been carried out pre wall design, why?
35. A wall is premature at the coast. Dynamic Coast report states beach could be lost due to seawall structure in 30-40 years - actions to manage flood risk should not contribute to increased coastal erosion. Sea walls lead to erosion. <https://www.surfrider.org/news/seawalls-are-stealing-our-sandy-beaches>
36. Wall foundations will not last for the predicted build of the walls
37. What is the evidence for a path along coast on top of scheme defence? Conor Price said there is "no requirement for this to go on top. This is simply how the design has evolved and assumed to be the best design solution at this time". Who made these assumptions?
38. Why have public NEVER been consulted on this assumption?
39. Why is this path so much wider than the current path?
40. The current path is perfectly fine. Fisherrow Prom path only replaced in 2022 and new Lagoons path only finished. Consultation by Active Toun said cycle paths were in reasonable condition.
41. Important to have independent modelling of river flow scenarios, including with/without existing bridges and with/without proposed new bridges

42. Why is the Ivanhoe Bridge being replaced? Says in preferred scheme report "P43. 2.14 – 2.16 Modify/replace Ivanhoe (Cotton Mills) Footbridge Negligible benefit (bridge not a major flood risk issue due to high soffit levels.....". This is further detailed in p53 "Options to raise or replace the bridge (Option 2.15 / 2.16) were rejected at an early stage in the appraisal process because the nearby Olive Bank Road bridge provides a greater degree of hydraulic influence through this stretch of the River Esk, therefore the impact of change at this bridge would be negated by the presence of Olive Bank Road bridge. Preferred Scheme Report Document No. It is recommended that raising the Ivanhoe footbridge is not a component of the preferred scheme. It is recommended that investigation into any change to the lateral and / or uplift forces acting on the structure, as a result of other preferred scheme components, is undertaken during Stage 4 Outline Design", Jacobs Preferred Scheme Report
43. What evidence is there for both a new Electric AND a new Goosegreen bridge? Earlier report says this would be replaced by one structure. Initially a single structure was discussed in Jacobs Report. P64. "The shortlisting process determined that removal (Options 4.06 and 4.08) or raising / replacement (4.07 and 4.09) of the structures should be investigated further, depending on whether the bridges had an influence on fluvial flood risk. For the purposes of the remaining sections of this report, the bridges are considered as a single structure, where removal / raising / replacement options would involve both bridges"
44. The electric bridge was previously owned by Scottish Power. This bridge was only built to transport equipment for power station. Cllr Forrest said on via email 27/1/22 "*There is only talk about this nothing else if the original plan had been followed Scottish power should have taken the bridge down when the power station was completed but currently it's all part of what might could or will happen at the end of the day we need to see what the consultation brings out*". Why did the council take ownership of this bridge (and subsequent costs to taxpayer) knowing it would have to be removed due to flood risk? Why were public not consulted? Is there therefore justification for building a new bridge?
45. Has an Asset Protection Agreement been carried out to ensure Scottish Power (and other relevant parties) with interest and apparatus are not impacted by the construction of scheme? Where is this evidenced?
46. There was never an original intention of replacing with TWO bridges. Who are the intended beneficiaries of two bridges? MAT?
47. Also effects of debris blockage between Rennie Bridge and Goose Green footbridge Initial review of the height of direct defences upstream of the Electric and Goose Green bridges with the structures in place show that the cope of wall or top of embankment crest would be significantly higher than the general socially acceptable maximum height of 1.4m for both cells 3 and 4. Removal of these structures reduces the potential height of direct defences by up to 900mm, bringing the defence heights closer to the socially acceptable criteria. But they are now HIGHER than acceptable maximum height "therefore removing these structures deduces the potential height" therefore that eliminates this argument
48. What happened to "cognisance of the potential social and environmental impacts"?
49. Nature based solutions were dismissed at outset? why? Preferred Scheme P86 "The greatest barrier to NFM inclusion within a preferred scheme is the difficulty in quantifying the flood risk and economic benefits whilst justifying the expense of implementation. It is therefore concluded that Natural Flood Management measures cannot be included as a component of the preferred scheme. "
50. The construction of walls will involve the removal of large, mature trees and use of heavy machinery including steelpile-driving equipment, close to houses. Piling works could cause significant vibrations, potentially damaging houses as well as causing disruption. There is no guarantee independent full surveys will be carried out beforehand.
51. The Council should consider the outcome of the Scottish Government's Review of Flood Resilience Strategy before making final decisions on the Musselburgh Scheme
52. "The town of Musselburgh has a very significant flood risk due to its geographic location ..". Oct 23 Report to Council by Jacobs. Using the term 'very significant' implies a quantitative evaluation that is not provided. SEPA refers to a 1:200 return period as a 'medium likelihood', while NatureScot has referred to the risk in Musselburgh as 'significant'. It is suggested that consistent terminology is employed by flood risk management (FRM) professionals and that the definitions are clearly explained in a peer-reviewed document, for example by a professional society. The prefix 'very' needs to be used carefully so that the principle of relative risk is appreciated. For example, if the risk in Musselburgh is 'very significant', how is the risk in more vulnerable locations described?
53. "The scope of the project required Jacobs to consider natural, sustainable and catchment flood risk management options from the outset. An initial report was produced during Project Stage 2 (known as 'the Review of Existing Studies') and a further assessment was completed during Project Stage 3 (known as 'The Options Appraisal Process') supplemented this. These reports fed into the overall Options Appraisal Process in the ultimate determination of the 'Preferred Scheme'". Oct 23 Report to Council by Jacobs. Regarding Jacob's reports on NFM referred to above, the conclusions on the limited role of NFM/NbS are not supported by the very preliminary research undertaken with incomplete

mod and [REDACTED] nting out the limitations was prepared by [REDACTED], and submitted in June 2022. No response has been forthcoming,

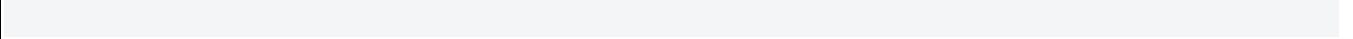
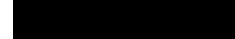
54. It is highlighted that, based on our current understanding, these sustainable engineering measures will contribute more to reducing flood risk in Musselburgh, than if wholesale NFM measures were delivered across the c.330km² of the River Esk catchment. "Oct 23 Report to Council by Jacobs. What is the evidence to support this statement? The Jacob's NFM reports stated that Roseberry and Edgeware reservoirs could contribute to storing 2% of the total volume of an 0.5% AEP event (1:200 year return period) for a height of 1m of additional water stored and this would reduce baseline flood depths by 40 – 80mm and reduce flood defence levels by up to 120mm. Or, if 3m additional storage was possible at both reservoirs, the total volume of water stored for a 0.5% AEP (1:200 year return period) would be 6.4% and a reduction in baseline flood depths of 100 – 250mm and a reduction in flood defence levels of up to 330mm. If this assessment from May 2020 is still the correct values, which assumption has been made in the statement above regarding whether 1m or 3m water height is adopted? Have the asset owners agreed to these measures being implemented and to what extent? And how do the 40 – 80mm or 100-250 mm reductions in baseline flood depths relate to the reduction in peak flow?
55. Why was the use of Gladhouse reservoir, the largest body of water in the Lothians, for flood control discounted? The use of all of the reservoirs in the Moorfoot Scheme for flood control of the River Esk could seriously reduce, or even eliminate entirely, the need for flood barriers and other proposed works in Musselburgh. The capital cost of this would be minimal in relation to the works proposed in MFPS.
56. Unless Jacobs has done catchment-wide and extensive modelling of a wide range of NFM options and scenarios in the catchment than reported in 2020, it cannot be stated what is the potential reduction in peak flows for hydrological events of different frequencies. We know from research, including by the Environment Agency in England, that there is very uncertainty regarding the potential for reduction in peak flows from NFM, with a very wide range of estimates from 0% to 25% and a few outliers with larger values, and depending on the frequency and type of hydrological episode involved. In short, there needs to be evidence to substantiate the claim made above.
57. 3.18. "Detailed hydraulic and hydrological modelling of the NFM measures constructed on the Eddleston Water project has indicated a 5% reduction in peak flows at downstream receptors, thereby demonstrating their effectiveness against flood events on a catchment of 69km²". Oct 23 Report to Council by Jacobs. The 5% reduction in peak flows must be referring to a particular frequency of flood event or hydrological extreme. What is that event?
58. Jacobs claim 90 minute difference in North/South Esk peaks, but this can be disproved
59. 3.25 "As detailed in Section 3.2 - 3.10 of this report, the Scheme has worked from its earliest state to deliver natural, sustainable, and catchment-based flood risk management measures to reduce the flood risk to the town of Musselburgh. The Scheme included substantial sustainable flood risk management measures within the 'Preferred Scheme' that was approved by ELC Cabinet in January 2020." Oct 23 Report to Council by Jacobs. What is the evidence of a catchment-wide approach that involved detailed discussions with Midlothian Council from the 'earliest state' of the scheme?
60. 3.29 "managed adaptive approach for Musselburgh". Oct 23 Report to Council by Jacobs. The meaning of adaptive management is still subject to technical discussions and this paragraph presents only one definition. Another definition is to avoid building hard defences for 2100 but rather to build sequentially, as the scientific uncertainties reduce and while sustainable materials and new flood prevention technologies are further developed. The key in this strategy is to build flexibly and using a modular approach, such that 20 to 30 yearly reviews are undertaken to ascertain whether defences needed to be further strengthened or otherwise modified. For example, managed realignment at the coast could be a credible option in 30 years time so the placing of defences could change
61. Since the reduction in peak flow attributable to NFM measures is not yet reliably quantifiable during design, NFM would be more suited to offsetting future increases in flood risk due to the effects of climate change rather than protecting against a defined present-day flood risk. This is because both the effectiveness of the NFM measures and the future flood risk attributable to the effects of climate change would be uncertain at the time of construction". (page 14 Eddleston Report). MFPS has assumed a given level of climate change in its Outline Design that comes with a specific % increase in the river flow level with no uncertainty bounds. In doing so, the uncertainties in the effects of climate change on flood risk are eliminated. Why are the uncertainties in one case (effectiveness of NFM) being highlighted as a reason not to include in the scheme and in the other case (climate change) they are eliminated and it is assumed (wrongly) that we can tick the 'include climate change' box?
62. MFPS are not following SEPA guidance. "Whilst the guidance more readily supports situations where new developments are being proposed (and where adaptation can be built in from the outset), there is a concern about how the CCA guidance will be interpreted for existing developments. A number of examples were noted (Musselburgh etc) where local authorities had chosen a high level of protection (1:200yr level of protection and then account for climate change using a single climate scenario, typically based on SEPA's LUP guidance which is based on RCP8.5 95th%) without interrogating whether this is appropriate for the location, or considering the intervention as part of a comprehensive adaptation plan".

63. Flood Risk Management Act (Scotland) 2009 only allows for funding for flood protection – place-making and river restoration are not funded, creating bias and expectations by public that may not be fulfilled.
64. Major cost of replacing bridges is unnecessary. Is this justified in relation to scale of flood risk. Bridges could be amended with 'sparlings'.
65. "An integrated catchment study will be carried out to support the surface water management plan process and improve knowledge and understanding of surface water flood risk and interactions with other sources of flooding e.g. with the sewer network, watercourses and the sea."
www2.sepa.org.uk/frmstrategies/pdf/pva/PVA_10_21_Full.pdf Where is the evidence this has been carried out?
66. "Jacobs was appointed by ELC in December 2017 to develop a flood protection scheme for Musselburgh to reduce flood risk from all sources of flooding." Oct 23 Report to Council by Jacobs. This is surely not correct, since flooding from drains is the responsibility of Scottish Water, not of ELC.
67. 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.
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. <https://www.thecourier.co.uk/fp/news/perth-kinross/4857551/storm-gerrit-perth-scottish-water-pumping-station-fault/>
<https://www.scotsman.com/news/people/scottish-council-confirms-some-pump-stations-did-not-work-automatically-during-brechin-floods-3927637>
68. There will be a concrete wall built along the River Esk on the east side of the River. This will mean there will be an access "corridor" as next to path there is existing wall at Loretto Newfield. We have seen major flooding from drains here last year. This could lead to loss of life if flood water gets trapped behind the wall. As a female I will feel very unsafe walking along this path hemmed in between two high walls.
69. There is no construction traffic management plan or environment management plan.
70. No images have been given of what the construction will look like which will impact accessibility, traffic.
71. Community concerns over problems with other flood alleviation schemes in other areas have failed to be addressed in MFPS. "Colin Shaw, from conservation group Save Our Lagan, said that the DfI had "questions to answer" following the flooding, saying he believed that the runoff from the new path and wall has contributed to the issue, along with the removal of the trees in the area"
<https://www.belfastlive.co.uk/news/belfast-news/concern-over-flooding-flood-alleviation-25877353>
72. The number of properties likely to be affected keeps changing without any justification. Clarification on number of properties at risk is required. It started off at 2500 in 2019 (see MFPS website exhibition 2019). MFPS website now says 3,200. Sepa on Flood Risk management plan (under Musselburgh) says currently 2800 people. However, the EIA states 2037 residencies and 242 non-residential properties. Such gross differences in documents released at the same time raises questions about the veracity and integrity of any statements by the Council and its consultants.
73. The Scottish Government should pause all schemes until fully understand why Brechin failed to avoid same mistakes.
74. Detailed topographic maps are held by Jacobs, but these aren't being shared with the community so we can understand the lowest, most vulnerable points in the town
75. Property level protection is not evident in the flood risk planning for Musselburgh
76. The MFPS is deficient for not investigating or promoting property level protection to community and to councillors.
77. Demountable defences have not been fully explored, costed nor presented as an option
78. Why is there no cost benefit analysis of these compared with proposed scheme?

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 via email as mentioned. Please advise me of next steps, and timescales.

Yours Sincerely,



Subject: (0202) MFPS [REDACTED]
Sent: 21/04/2024, 22:39:24
From: [REDACTED]
To: Musselburgh Flood Protection Objections; Grilli, Carlo; Chief Executive

Categories: [REDACTED]

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21st April 2024

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

[REDACTED]

Dear Legal Services

[REDACTED]

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

Environment & Wellbeing

1. References to “enhancement of landscaping in Musselburgh” or similar are not just 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.
2. There is no maintenance plan or budget to remove graffiti.
3. Musselburgh has a long standing historic relationship with the river and sea. Coastal structure will result in loss of sea views. The scheme will sever the community from the river and the sea.
4. 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.
5. You cannot simply replant replacements which will operate as both a different habitat and ecological resource (the effects of which are unknown) and will also introduce a very different landscape perception/visual impact. Any supposedly replacement trees will take years to mature. Who will maintain planted trees?
6. 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.

7. Privacy issues due to walkways on top of defences are an unresolved issue. Design proposals for walkways on the top of the proposed embankments which will give users sight into homes. These designs need to be substantially modified to overcome these legitimate concerns.
8. I object that there is no guarantee Fisherrow Links will not become a compound during the construction phase.
9. I also object that there is no guarantee the Mountjoy Terrace road will not be used for heavy maintenance traffic during construct phase.
10. Have Nature Scot/Forestry Scotland been consulted specifically regarding trees being planted on Fisherrow Links - this is an invasive species.
11. Does the scheme meet ELC Net Zero goals? Biodiversity is integral to council, which has an aim to reach net zero and improve their biodiversity. The scheme will have a significant impact on ELC's ability to achieving this goal.
12. There is no assessment of the proposals against the Council's Environmental Policies
13. Page 9 - to be in accord with the FRM Strategy, the responsible authority should seek to ensure as part of the study that the action will not have an adverse effect on the integrity of the Firth of Forth Special Protection Area [PVA_10_21_Full \(sepa.org.uk\)](https://www.sepa.org.uk) Where has this been proven that it will not have an adverse effect?
14. What impact will the construction work and walls have on the towns peoples' enjoyment of historic Musselburgh Festivals ie the rideout? What access will horse and riders have to the beach for their Crusader Chase and for spectators?
15. At a time of increasing pressures on Musselburgh's growing population, the loss of amenity will affect physical and mental health as will pollution and traffic congestion resulting construction works. The impact of the extra, heavy works traffic on local transport (particularly bus services, on lines which are vital not only to locals but also to commuters) has not been assessed.
16. The adverse effects on the economy and the negative impact (direct and indirect) on human wellbeing, estimated to last for 5+? years, have not been costed.
17. "The Scheme will contribute towards the East Lothian Plan 2017-27, focusing on health and wellbeing, safety, transport connectivity, sustainability and protecting our environment." It should be recognised that the Scheme has already had a deleterious impact on health and wellbeing and risks having deleterious impacts on sustainability, safety and environment in future. No amount of river restoration will make-up for all the possible negative impacts.
18. No Equalities Impact Assessment has been carried out.
19. 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.

Compensation

20. "*People depend on the environment around them for their physical and mental health, and general wellbeing*" (Flood Risk Management (Scotland) Act 2009. My human rights are undermined due to my present environment (river and coastal walks and views) being threatened which will affect my mental and physical health
21. My enjoyment of land will be affected by scheme and its operations. There will be a negative effect on my health due to pollution, noise and disruptions to traffic.
22. Compensation must be paid to any person who has sustained damage as a consequence of exercising certain powers under the Act (see section 82). Section 83(1) defines damage as the depreciation of the value of a person's interest in land or the disturbance of a person's enjoyment of land. 'Enjoyment of land' therefore needs to be considered. I object to the fact there is no evidence that the EIA (or the Council) have considered this in any detail.

23. I have an interest in the land affected by the scheme and scheme operations (including but not limited to noise and pollution from construction traffic) at Fisherrow Links, Fisherrow coast and the River Esk. I use this regularly for dog walking and exercise. My children use this for sports, football, pitch & putt, and in the past the playpark. I walk daily along the coastline and river 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 and will affect my health and wellbeing and that of our family. I am deeply concerned that the Scheme will additionally diminish the value of my property and I expect to be compensated for the sustained damage as a consequence of exercising my powers under the Act, Section 83 (1).
24. Compensation can be justified specifically due to any structural damage to my property as a result of the engineering works in close proximity to my property given that the construction of walls will involve the use of heavy machinery including steelpile-driving equipment. Piling works could cause significant vibrations, potentially damaging houses as well as causing disruption. There is no guarantee independent full surveys will be carried out beforehand and I object on that basis.
25. I request a full independent survey and valuation on my home is carried out prior to any work commencing.

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 via email as mentioned. Please advise me of next steps, and timescales.

Yours Sincerely,



Subject: (0203) MFPS [REDACTED]
Sent: 21/04/2024, 23:18:40
From: [REDACTED]
To: Musselburgh Flood Protection Objections; Chief Executive; Grilli, Carlo

Categories: [REDACTED]

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21st April 2024

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

[REDACTED]

Dear Legal Services

[REDACTED]

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

Musselburgh Active Travel

1. The apparent very last minute withdrawal of the Musselburgh Active Travel (“MAT”) component to the Scheme fundamentally undermines the Scheme design as presented. I do not accept that I am unable to object to MAT due to this so called “withdrawal”, I also do not accept it has been withdrawn as it is all over the MFPS designs and EIA.
2. There have been mixed messages from Peter Forsyth and Mr Grilli regarding the inclusion/exclusion of MAT. The council have failed to properly and clearly notify stakeholders re MAT.
3. ELC should have no reason to hide their thinking from those whose interest they purport to work. This includes the recent confusion and obfuscation around active travel routes. Only on the 19th March 2024 was I informed via a councillor MAT are now apparently not part of the scheme. Yet wide paths, ramps and new bridges remain in the flood scheme drawings that DO NOT reduce flood risk.
4. This is evidence the MAT has heavily (and negatively) influenced the design and height of the proposed flood scheme.
5. I have been unable to separate MAT from the notified scheme.
6. It is evident the MFPS has built into it the design for the MAT, i.e. 5m wide cycle routes, position of the flood wall, inclusion of Ivanhoe bridge, design of the ramps, etc. Notification of the scheme should be withdrawn due to this fundamental error and the scheme re-notified with MAT fully removed from the designs.
7. Ramps to access bridges will result in lack of privacy to residents eg at Goosegreen
8. Raised active travel paths will result in lack of privacy to residents eg end of Mountjoy Terrace

9. Lack of evidenced consultation on MAT Routes 3 & 5.
10. Are ramps being built on SSSI at Fisherrow Links? There is no clarity on drawings. No images have been provided.
11. The path at Fisherrow Links is perfectly fine and does not require replacing. It is currently used by cyclists, pedestrians and wheeled users.
12. Cycling groups currently use New St to access the Electric Bridge and head east and will not use a new active travel path at Fisherrow Coast. They prefer to go the most direct route.
13. The proposed walkways on the top of the proposed embankments are not justified, and for amenity, public safety, privacy and damage limitation reasons should be removed from the Scheme.
14. The river has been narrowed to create active travel paths. Narrowing of the river is counter to river restoration and can increase flood risk.
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. It 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. There is the potential for the loss of public rights to comment on a development that should require planning permission and subverts the 1997 Act
18. A new Goosegreen Bridge offers no flood reduction benefit and is a waste of taxpayer cash. 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. Any proposal for a new Goosegreen Bridge must also be formally evaluated by NatureScot under the Habitats and Species Regulations for its impact on the SSSI.
20. It is totally unnecessary to construct a new crossing of the river at the coast as is proposed with new Goosegreen Bridge, especially given a crossing exists where the Electric Bridge is at present. Walkers and cyclists can easily travel up from the coastal path alongside Newfield to cross on the existing bridges. This journey literally takes minutes.
21. Mr Grilli has acknowledged that the MFPS will likely incur higher costs because of its inclusion of MAT design features, costs that do not REDUCE flood risk therefore should not be included in a Flood Prevention Scheme as per the Act.
22. The need for all of these schemes and the financial cost to the public purse has not been justified. There are plenty of options for walkers of all types and ages and cyclists to undertake active travel in , around and through Musselburgh at present without difficulty.
23. There has never been a breakdown of MAT costs. Who will pay for all MAT costs (including "structure" and "routes") and what are these costs?

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Please acknowledge receipt of my letter of objection via email as mentioned. Please advise me of next steps, and timescales.

Yours Sincerely,

