

Members' Library Service Request Form

Date of Document	18/10/24
Originator	Ian Chalmers
Originator's Ref (if any)	
Document Title	Musselburgh Flood Protection Scheme MLS report - Appendix A.10

Please indicate if access to the document is to be “unrestricted” or “restricted”, with regard to the terms of the Local Government (Access to Information) Act 1985.

Unrestricted	<input checked="" type="checkbox"/>	Restricted	<input type="checkbox"/>
--------------	-------------------------------------	------------	--------------------------

If the document is “restricted”, please state on what grounds (click on grey area for drop-down menu):

For Publication

Additional information:

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

For Office Use Only:	
Library Reference	107/24
Date Received	18/10/24
Bulletin	Oct 24

Subject: (0301) Musselburgh Flood Protection
Sent: 22/04/2024, 22:11:53
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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.

I object to the above scheme due to the impact it will have on bird life in the Fisherrow/River Esk Sea Wall area. It is not proven that such a high flood protection is necessary. There will also be a huge disturbance to bird life while it is being installed.

I believe that this scheme should be reconsidered.

Thank you.

[REDACTED]

Sent from my iPad

Subject: (0302) Objections
Sent: 22/04/2024, 22:55:39
From: [REDACTED]
To: Grilli, Carlo; Chief Executive; Musselburgh Flood Protection Objections

Categories: [REDACTED]

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.

22nd April 2024

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

[REDACTED]

Dear Legal Services

OBJECTION ONE

I am writing to object to the recently published Musselburgh Flood Protection Scheme due to lack of transparency and the refusal of my FOI request.

My East Lothian Council FOI request was refused due to being manifestly unreasonable and excess charges. The council should be transparent and accountable. I have been denied full access to information necessary for me to make an informed decision on the scheme during the consultation and statutory objection process. This includes (but is not limited to) the modelling data which has never been released despite repeated requests by members of the community with the necessary expertise to offer a peer review assessment.

Procedural Matters

(i) "The Authority's review response dated 13 April 2022 stated that it partly upheld the application of exception 6(1)(b) cited in its original response as some [my emphasis] of the information you sought was publicly available online. You have not identified this specific claim as a ground for dissatisfaction in your application and I have discounted this from my investigation accordingly."

"some information was publicly available online". There is very little information that I requested in my FOI available online. The website the council has noted <https://www.musselburghfloodprotection.com/> is a design and project update site and does not contain detailed information on decision making.

I object to the council's decisions, their competency and motives. As such the council's decision would have been based on advice given by the consultants/consultees. Such advice would have been given over a period of time, in a number of correspondence and minutes of meetings. These, and other information requested, are not available from the noted website and have never been provided.

Substantive Matters

(ii) the Authority stated it would cost too much to respond to your request in its entirety [that it was 'manifestly unreasonable' to do so] - you consider the charges set out are excessive and unreasonable (citing, for

example, the need for a Grade 13 employee's involvement in processing your request); and

I refer to the law on charging under the EIRs set out in Regulation 8 -

"Under Regulation 8, public authorities 'may' charge fees for disclosing information, but any charges "shall not exceed a reasonable amount and in any event shall not exceed the costs to the authority of producing the information requested".

Extract from ELC's 'Request for Review Letter' detailing FOI charges -

"This is calculated on the basis that the requirement to produce information would fall on a number of council officers ranging in grades and would include the Project Manager for the Musselburgh Flood Protection Scheme whose time to produce relevant documentation pertaining to the request would amount to at least 21 hours (equivalent to three working days) at Grade 13 (£1,052.10) and the Service Manager Roads (Grade 13) who has also indicated this could take around 12 hours (£601.20) to compile.....would require an unreasonable diversion of staff effort from normal duties".

I believe this is unreasonable and ELC have given no explanation as to why the involvement of grade 13 employees is required here (rather than those on lower grades) at a cost of approx. £50 per hour. I therefore object to this response and question why does a FOI request require the skill of a Grade 13 employee to collate information? Why are their emails not accessible to lower grade staff who can simply cut and paste them into a document. That would surely be consistent with claimed-for ability to hold authorities spending public money to account. Are these unreasonable charges by ELC a deliberate attempt to dodge transparency and to try to dissuade me or restrict me from seeking to obtain this information?

Regarding the offer from East Lothian Council to meet with relevant officers to "*narrow the scope of my request and try to identify the relevant information not currently publicly available on the website or interest*" I do not believe this suggestion would meet a test of independent scrutiny and accountability.

(iii) you contend the Authority has intentionally misused the application of charges [which are permitted under the EIRs] in order to apply the 'manifestly unreasonable' exception (so as to deter information requests); you consider such would not be in-keeping with the aims of information law

I appreciate the request may be inconvenient and may stretch some resources but this would not be sufficient to deem the request manifestly unreasonable and I should not be denied on this basis.

Surely there is an onus on ELC (given the size of the authority) to prove that the diversion of resources or interference with normal operational functions is both substantial and unreasonable. Dealing with this request would not interrupt ELC normal activities and responsibilities in any significant way.

As a public body East Lothian Council should be open, transparent and accountable. The public should not be blocked, delayed or denied scrutiny of their procedures due to costs. I object as the cost estimates are unsatisfactory and I therefore doubt ELC's claim that the request was manifestly unreasonable. East Lothian Council is not acting within the spirit and intention of the Freedom of Information (Scotland) Act.

Public Interest

I have not seen evidence that ELC properly demonstrated that the public interest test has been sufficiently analysed in an impartial fashion before refusing my FOI.

I therefore object to this and have outlined below the reasons I believe it is in the wider interest of the public for this information to be disclosed.

- This is not merely for my own individual interest. There is a very weighty public interest in disclosure due to the number of people affected by the scheme – this will affect over 3000 properties
<https://www.musselburghfloodprotection.com/news/newsletters/>

A petition asking for a pause to the scheme was submitted to ELC [https://www.change.org/p/tell-east-lothian-council-to-pause-the-musselburgh-flood-protection-scheme?utm_content=cl_sharecopy_35596053_en-GB%3A9&recruiter=1189192930&recruited_by_id=ace769e0-8e5a-11eb-8fba-](https://www.change.org/p/tell-east-lothian-council-to-pause-the-musselburgh-flood-protection-scheme?utm_content=cl_sharecopy_35596053_en_GB%3A9&recruiter=1189192930&recruited_by_id=ace769e0-8e5a-11eb-8fba-)

This was rejected by ELC on the basis it had “misinformation”. And yet ELC are withholding information.

There is a facebook Musselburgh Flood Protection Action Group with 1600+ members seeking clarity and transparency in the scheme <https://www.facebook.com/groups/1597822983900562/>

Disclosure would enhance scrutiny of decision making processes and thereby improve accountability and participation.

- There is a genuine need and concern for this information to be public. The design will have a significant economic, social & environmental impact. It is the widest, most extensive, significant, important project to affect Musselburgh with adverse consequences to the environment. Musselburgh is Scotland’s oldest town on the River Forth with a longstanding connection to the sea. Estimated costs of project have escalated. The project will see concrete walls up to 1.8m high introduced along the river Esk and coastline. Bridges will be removed and four new bridges built. Trees will be destroyed. Grass river banks covered with concrete. Access to river and sea restricted. Construction compounds will cause significant disruption to the whole town for many years
<https://www.musselburghfloodprotection.com/consultation/public-consultation/public-exhibition-no-2-jun-2023/#Thank%20You>

There is public interest in fully understanding the reasons for ELC’s decisions to build concrete walls over nature based solutions – it may even strengthen the community’s confidence in ELC, clear up misconceptions and uphold standards of integrity. Local newspapers have also reported residents’ frustration at lack of transparency <https://www.eastlothiancourier.com/news/18184846.42million-flood-plan-musselburgh-revealed/> Ex councillor Currie said “*The preferred proposal of the cabinet needs and demands the fullest public scrutiny*”.

- Scheme costs have spiralled out of control. <https://theferret.scot/revealed-spiralling-cost-scotlands-flood-defences/#:~:text=Analysis%20by%20The%20Ferret%20has,in%20excess%20of%20%C2%A376%2C000>. Current estimates are as high as £132.5M (March 2024)

Disclosure would contribute to ensuring effective oversight and accountability of expenditure of public funds and the public obtain value for money. It would allow the public to fully scrutinise and understand how taxpayer money is being spent. It would serve the public interest in scrutinising the actions of an authority that is spending from the public purse.

- Nature and biodiversity will be lost – for example hundreds of trees will be removed
<https://www.musselburghfloodprotection.com/consultation/public-consultation/public-exhibition-no-2-jun-2023/#You%20Said...%20We%20Delivered>

The environment needs to be protected and this scheme will have an adverse effect on the environment. The public need to have access to information to be able to take decisions or challenge them accordingly. Public authorities hold information on behalf of the public and this should be made available to the widest extent possible to ultimately contribute to a better environment.

- Ensuring the public has access to sufficient, complete, accurate information would contribute to an informed public debate on how to manage the sea and coastal risk to Musselburgh, a matter of serious public concern.
- The modelling data which underpins the whole scheme should be available for public scrutiny and independent assessment/critique. This data shows how the river system & sea behaves during flooding, identifies areas affected and assesses the risk of any flood scheme. This has a serious value to the public. In advancing the scheme the council relied on this information that is not publicly available. This was the “building block” for the whole development of the scheme and it would be of great assistance to the public to have transparency on why the design was chosen. There is no modelling data on the scheme website <https://www.musselburghfloodprotection.com/flood-risk/musselburgh-flood-risk/modelling/>
- Transparency in contracts – disclosure would ensure fair commercial competition. For example CH2M was awarded the contract for the Musselburgh Flood Scheme and bought out days later by Jacobs. Were there any form of parent company assurances given? Access to information plays a critical role in ensuring openness and transparency.
- Information already available on the scheme website is limited and does not reveal the full picture therefore this increases the public interest in disclosure. There is also a bias involved in only being able to rely on this website for information. How can the public trust it’s sufficient, complete, accurate and not misleading if they do not have access to all the information and not just that which has been “selectively” presented as the “full picture”? What is missing from publicly available websites is the basis of decision making within ELC. One example but presumably compounded by later decisions on ‘The Scheme’ is what were the reasons for agreeing the Preferred Scheme in January 2021 and its further iterations, what independent advice was available from statutory bodies, why is it not available to the public, how

did the ELC at official and member level take this into account in their decision making – in other words what record is there available for the public of the details of the internal advice and of their decisions?

- Planning consent is deemed under Flood Scheme Act <https://www.musselburghfloodprotection.com/project/statutory-approval/> therefore it is crucial the public can understand fully implications of the scheme as it will bypass the usual processes and there will not be the usual opportunity to object under planning laws. 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 was 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. It is clear these are all influenced by MAT. 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. Narrowing of river increases flood risk. 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.
- In an attempt to remove the burden from ELC to get information from other organisations (ie Sustrans Scotland) I was re-directed back to East Lothian Council to do an FOI. If East Lothian Council then refuse is this not tantamount to censorship? *Extract from email from Sustrans, "Please note however, only the government and public sector bodies are subject to Freedom of Information (FOI) requests. Sustrans, as a registered charity, is not subject to the Freedom of Information Act. We recommend enquiring with East Lothian Council on this matter. You can request information from the East Lothian Council"*
- ELC have also advised residents when asking for information that an FOI is required *"As discussed with you at the Action Group meeting (by Alan Stubbs) – the issuing of data needs to travel through the Council's FOI Team."* *Conor Price, Project Manager*
- Local Musselburgh Cllr McIntosh cites that the environment was "for us all", that there should not be a "two tier" access to data and "these charges are clearly putting people off from pursuing inquiries and holding local authorities to account".
<https://theferret.scot/east-lothian-two-tier-access-to-environmental-data/>
- East Lothian Council has responded to just eight per cent of environmental information requests since it introduced a blanket policy of charging for information in 2019.
- ELC was rapped by the Scottish Information Commissioner in 2020 for "wrongly processing" non-environmental information under EIR legislation, which resulted in a fee being issued incorrectly.
- The Ferret spoke to a resident of Musselburgh . They said that ELC's policy of charging had created a *"veil of secrecy around fairly standard information relating to the flood scheme"*.
- Carole Ewart, convener of the Campaign for Freedom of Information in Scotland, condemned the blanket use of charging for environmental information requests and queried if there is a *"means testing"* process so people living in poverty can access environmental information. She said that charging for information could be a *"false economy"* as it costs to issue invoices and process payments. There was also *"reputational gain"* to be had in proactively providing information, she claimed. *"The statistics show that charging has repeatedly deterred the majority of requests and that should sound an alarm bell for the public interest in identifying, preventing and detecting local issues with the environment,"* she added.
- Disclosure would enhance scrutiny and legality of decision-making processes. Example. Why have ELC chosen 1.8 m high walls in places? Why is there scenario 2 on river and yet scenario 4 on the coast? Who made these decisions? An FOI to Nature Scot disclosed vital information that had not been released by East Lothian Council regarding Nature Scot's advice of heights of scheme defences.

Extra from Group Discussion on Climate Change Teams meeting on 31st Oct 2022 (Nature Scot/Dynamic Coast):

"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...."

5. 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.

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."

OBJECTION 2

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, [REDACTED] (Jacobs) claimed that the MFPS would cease to exist if councillors did not approve the scheme. This was incorrect and deliberately misleading.

OBJECTION 3

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.

OBJECTION 4

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.

OBJECTION 5

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](https://www.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 r [REDACTED] ith models. A note pointing out the limitations was prepared by [REDACTED], [REDACTED] and [REDACTED] and submitted in June 2022. No respon [REDACTED] ng
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?

OBJECTION 6

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 \(sepa.org.uk\)](#) 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.

OBJECTION 7

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?

Lastly I would like to object to the lack of clarity regarding the statutory objection process. It is very unclear how the council will review the objections. There has been no public announcement despite the fact that the statutory objection period closes in 2 days. I object to the consultants taking the lead on the objections if this is the practice ELC intend to use. It is unacceptable if they act as both judge and jury on the scheme. This is the third time I have submitted my objections as I have not received any confirmation they have been received by East Lothian Council which is completely unacceptable. I object that there has been no clear defined acknowledgement of my objections.

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

I would like a response to all my points detailed above.

Please acknowledge receipt of my letter of objection via email as mentioned.

Please advise me of next steps, and timescales.

Yours Faithfully,



Subject: (0303) Flood scheme
Sent: 22/04/2024, 23:48:39
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Categories: [REDACTED]

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.

22nd April 2024

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

[REDACTED]

Dear Legal Services

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

The amenity loss and the effect this will have on my wellbeing and mental health.

The loss of trees which provide shade along the river.

The scheme will sever the community from the river and sea and will result in a loss of views.

Narrowing the river makes no sense in reducing flood risk.

The proposed Goosegreen bridge next to an SSSI is unacceptable. It also serves no purpose in reducing flood risk therefore should have no place in the flood scheme. It is wasteful.

The lack of assessment of nature based solutions at the coast.

A coastal wall at coast should be the last option, not the first, and not before any Coastal Management Plan is in place.

Dynamic Coast have said a wall will be eroded in 30-40 years.

Nature Scot has said there is no need for a 1m high wall today. The proposed wall is higher along Fisherrow.

There is no justification for a travel path along coast at Fisherrow ON TOP of scheme defence. This path on top of the proposed defence has led to my loss of view and my loss of access to the beach.

MAT has negatively influenced flood scheme design. MAT should be subject to planning regulations, not sneaked in via the flood scheme.

I have an interest in the land affected by the scheme and scheme operations (including but not limited to noise and pollution from construction traffic) at Fisherrow Links and Fisherrow coast. I use this regularly to walk and exercise, and for dog walking. I enjoy walking and cycling along the coast. 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).

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.

Please answer each of my points above.

Yours Sincerely,



Subject: (0304) Objection Musselburgh Flood Protection Scheme 2024

Sent: 22/04/2024, 23:51:07

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [REDACTED]

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.

[REDACTED]
[REDACTED]
22/04/2024
Carlo Grilli
Service Manager – Governance
Legal Services
East Lothian Council
John Muir House
Haddington
EH41 3HA
mfpsobjections@eastlothian.gov.uk

Dear Mr. Grilli

I am writing to object to the recently published Musselburgh Flood Protection Scheme. As a resident of Musselburgh and regular user of the effected areas, my objections are as follows.

I, and my young family use many of the areas due to be ruined by the flood defense for travel, leisure, sports and enjoyment. I personally use these spaces for exercise and recreation to improve my mental health. The thought that these beautiful areas will be taken from us is devastating. The disruption caused by the works alone, along with noise pollution will impact us greatly. I will personally be seeking compensation due to the disruption in my 'Enjoyment of Land' and will be interested in how this will be budgeted for.

We, as a family, are very concious of wildlife and nature around us and I am greatly concerned at the loss of any trees or habitat as a result of the flood defence.

I am also concerned at the speed at which these plans are being pushed through, without any consideration for any nature based solutions. As the rise in sea level is so far off, I cannot understand why some time to explore different options will not be granted.

The money that is due to be used is so greatly needed in other areas. I believe that pushing ahead with these plans will certainly cause anamosity towards the council.

The people of Musselburgh are very unlikely to sit quietly and let these works proceed.

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

Yours Faithfully,

[REDACTED]

Subject: (0305) RE: Objection to the Musselburgh Flood Protection Scheme
Sent: 23/04/2024, 11:11:20
From: Grilli, Carlo
To: Musselburgh Flood Protection Objections
Cc: [REDACTED]

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [REDACTED]

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

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

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

Kind Regards,
East Lothian Council

From: [REDACTED]
Sent: Monday, April 22, 2024 6:27 PM
To: Grilli, Carlo [REDACTED]
Subject: Objection to the Musselburgh Flood Protection Scheme

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.

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

22nd April 2024

Dear Mr. Grilli,
I am writing to object to the recently published Musselburgh Flood Protection Scheme. You will note that I am a resident of [REDACTED] but I am passionate about the birdlife of the Lothians and have been birdwatching regularly at Musselburgh for many years (my first visit was in [REDACTED] and I visit the area every week or two). [REDACTED] [REDACTED] about this scheme since it was first proposed, particularly its failure to properly examine the potential impact on the area's birdlife.

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

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

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

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

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

Moving on to obtaining desk study data from the British Trust for Ornithology (BTO), this key organisation administers a number of bird recording schemes, including the Wetland Bird Survey (WeBS), which cover this area. It is EIA good practice, as part of gathering desk study data for developments in coastal areas, to obtain and present WeBS results, alongside survey data. Bird surveys commissioned for EIAs are inevitably restricted to relatively short-term sample surveys, comprising snapshots of bird activity. The WeBS scheme and its predecessor have been running for decades and provide important long-term insights into species composition and abundance of waders and wildfowl of key sites, and long-term population trends. In particular, for large designated sites like the Firth of Forth SSSI/SPA/Ramsar, WeBS data are also essential to place local bird populations (i.e. the birds present in the Scheme area) in their wider Firth of Forth context, so that impacts from the Scheme, and cumulatively with other projects, can be adequately assessed. Whilst it is noted that in Section 7.3.3 of the EIA it states that the desk based assessment included data responses from organisations including the BTO, detailed WeBS data are not provided. The reference to WeBS data is limited to total species counts (in the EIA Section 7.5.6.1 'Desk-study and preliminary ecological appraisal'). This states:-

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

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

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

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

The inclusion of detailed WeBS data is common practice in EIAs (and HRAs) for coastal developments, in particular where developments overlap or are in close proximity to internationally important sites designated for their bird interests. As already highlighted, without these details, it is not possible to contextualise or corroborate the survey data provided by the applicant. This

and the wider omissions in desk study data need to be rectified by the submission of Further Environmental Information, and until that is carried out, I object to the Scheme on grounds of inadequate baseline bird data being provided in the EIA Report.

Baseline Survey Accuracy

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

One further concern over the baseline survey surveys is the validity of the 'through the tide counts' which coincided with the construction activity for the new lagoons between 2021 to June 2023. Given that the EIA Report acknowledges that construction traffic along the seawall will cause disturbance to birds (including qualifying features of the Firth of Forth SSSI, SPA and Ramsar site), evidently the results from these surveys were not representative whilst the lagoon construction was on-going. NatureScot guidance on bird surveys clearly highlights the principle that surveys should not take place where there is disturbance that may change the abundance, distribution or behaviour of birds within the survey area. This precaution has not been followed therefore, and it further undermines the reliance that can be placed on a significant proportion of bird survey data used in the EIA Report. It is understood however, that bird surveys are still being carried out, I therefore object until these un-impacted additional bird survey results are published as part of the submission of Further Environmental Information and HRA.

Failure to Identify and Assess Habitat Loss from the Scheme

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

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

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

The omission of this impact in the EIA Report must be rectified and the necessary modelling and full assessment of habitat loss from coastal squeeze be fully assessed and published as Further Environmental Information. The assessment of these habitat losses on the integrity of the Firth of Forth SPA and Ramsar Site must also be included in the HRA, to inform the compensation that will be required, if should a derogation case be accepted.

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

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

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

In addition to failing to include operational habitat loss, the habitat loss figures that are currently included for construction and operational impacts lack clarity and consistency across the Biodiversity Chapter and Appendices. For example, the extent of temporary lost habitat given in Section 7.6.2.1.1 'Firth of Forth SPA and Ramsar' is given as 'approximately 2.14 ha' but the habitat breakdown figures only add up to 1.711 ha. Similarly in Section 7.6.3.1.1 'Firth of Forth SPA and Ramsar', the permanent loss of habitat from the Firth of Forth SPA and Ramsar is given as 4.3 ha, but again the figures for the habitats lost amount to just over 1.46 ha. This lack of clarity and inconsistencies in the EIA Report make it difficult for consultees to clearly understand the scale or

location of the Scheme's habitat impacts. It is important that these losses are clarified, including in the HRA report to its finalisation, and if necessary, through the submission of Further Environmental Information.

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

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

The cumulative assessment needs to encompass developments that have significant potential to impact key ecological receptors. The potential for cumulative/in combination impacts is determined by impact pathways, not by arbitrary thresholds such as development size or distance from the Scheme (neither of which have any regulatory basis or reflect CIEEM guidance). Movement of birds around the Firth of Forth SPA/Ramsar site have been relatively well studied, and this information should be referred to in order to help determine potential impact pathways, and thereby the plans and projects that need to be taken account of in the cumulative/in combination assessment. It is important that this impact/pathway/receptor approach is adopted in the HRA's 'in combination' assessment, if made available to consultees, otherwise through the submission of Further Environmental Information.

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

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

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

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

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

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

There are repeated instances in the EIA Report's Biodiversity Chapter where assessments of impacts on birds downplay (i) the value of their habitats - because it is stated they are already subject to disturbance, or (ii) the significance of disturbance to birds - because it is stated they will move elsewhere within the SPA, or (iii) impacts being insignificant - because the area of impact is small. These assertions are consistently unsubstantiated by evidence (as already highlighted above) and are a style of assessment more typical of commercial developers seeking to justify damaging protected sites. These assertions are inappropriate in those circumstances, but are totally inappropriate for Councils, given the legal and policy obligations they are under to protect and enhance biodiversity, notably the Nature Conservation (Scotland) Act 2004 and National Planning Framework 4 (NPF4).

Furthermore, no reference is made to the fact that many wildfowl and wader populations in the Firth of Forth have already suffered long-term declines as a result of development impacts, disturbance and habitat loss, and that approximately one third of the Firth of Forth SPA/Ramsar's qualifying species are in unfavourable conservation status (Protected Nature Sites (sepa.org.uk), accessed 19.04.2024). The Council's around the Firth of Forth, together with the Scottish Government, NatureScot, businesses and local communities, need to be working together to ensure qualifying features of the SSSI, SPA and Ramsar site return to favourable conservation status.

Examples of the unsubstantiated downplaying of conservation importance of habitats or species, and of impacts are, for example, in Table 7-5 Summary of Baseline Conditions and Evaluation of Importance of Ecological Features, which includes the statement that 'The sand dunes within the study area are narrow and disturbed; therefore, it is considered they do not meet the SSSI designation criteria'. In Section 7.6.2.1.1 'Firth of Forth SPA and Ramsar', another unsubstantiated statement is made, 'The area temporarily lost during construction constitutes a narrow linear area adjacent to the coastline which experiences high levels of disturbance from public use. This area is not considered to be important habitat for qualifying interests of the Firth of Forth designated sites, in comparison to the large expanse of sand flats along the coastline and the lagoons at Levenhall Links'. There is, however, no evidence to back up these assertions, on factors such as prey availability, carrying capacity, exposure to disturbance, or any of the other influences that need to be considered in order to robustly assess these impacts. The same applies in the assessments made in Sections 7.6.3.1.1 Firth of Forth SPA and Ramsar, 7.6.3.1.2 Outer Firth of Forth and St Andrews Bay Complex SPA, and 7.6.3.1.3 Firth of Forth SSSI. These are sites of international and national importance for conservation, already under significant multiple pressures, and it is essential that assessments of impacts are evidence-based and robustly reasoned. This is not

the case currently, and this must be rectified. It is therefore essential that the Council (or Scottish Ministers) exercise the right to request further evidence, through Further Environmental Information and in the finalised HRA, in accordance with EIA guidance (see for example, NatureScot and Historic Environment Scotland (2018), referred to in Footnote 1, specifically Section D. 6), before confirming the Scheme.

Disturbance to Birds During the Scheme's Operational Phase

Related to the point of objection above on lack of evidence to support the assessments on international and national designations (in Sections 7.6.3.1.1, 7.6.3.1.2 and 7.6.3.1.3), the EIA Report notes that:-

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

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

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

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

Impacts on Recreational Amenity Over the Construction Period, Specifically Birdwatching

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

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

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

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

Yours Faithfully,

[REDACTED]

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

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

For example, see C.6.3 and Box C. 6. Practice .1. in the reference cited in Footnote 1.

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

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

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

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

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

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

Verbal abuse and threatening behaviour is never acceptable. #zerotolerance

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

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

Please, be nice.



BE NICE
RESPECT US AS WE RESPECT YOU

Subject: (0306) Flood protection scheme Objection
Sent: 23/04/2024, 00:06:38
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [REDACTED]

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.

23th April 2024

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

[REDACTED]
Dear Legal Services

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

1. The Flood funding is fundamentally flawed. 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).
2. The Musselburgh scheme was originally identified by SEPA and did not include the coast at Fisherrow. I object that the MFPS expanded to the coast without authorisation from SEPA or any government body. The scheme expansion has been driven by the 'blank cheque' cycle one funding. The coast at Fisherrow is not identified as a national priority for flood protection. It is unlawful to use this funding for that purpose.
3. I object that the scheme has been expanded by local councillors who have on record stated they don't understand the technical aspect and must rely on the consultant experts. They have also indicated during the council meeting of 23 January 2024 that "there is no other option". It was very clear during this meeting that the scheme was rushed through to meet the cycle one deadline, despite the councillors not understanding what was proposed. A decision of such importance, has not been made based on understanding of the proposal, but in the rush to get that blank cheque. The consultant experts have a vested interest in promoting the solutions to which they are most familiar and which they understand the profitability of - these are to promote highly engineered solutions and not Nature Based Solutions. ELC has been captured hostage by a group of consultants. This was very obvious during the meeting I am referring to above. The community has been truly misrepresented.
4. I object that multiple coastal defence options were presented, in a biased way to the council/councillors to vote on. Example is the option for sand dunes along the coast. The consultant proposal of 4m or higher dunes was arbitrary and not based on science. In additional a large carbon footprint was assigned to the sand dunes as the consultant commented that sand needs to be transported by truck

to Musselburgh. Whereas it is clear a barge could easily transport sand from the delta at much lower carbon costs. The recommendations from dynamic coast consultants to employ a careful staged approach to the design, and reassess at each stage what may be required in light of more accurate data and modelling, have been completely ignored. This was mentioned during the 23 January 2024 call, see link below. The Council has been unlawful in ignoring this crucial advice, led on by the project team to ignore any careful approach and rush for cycle 1 and the concrete disaster that is the proposed scheme.

5. I strongly object because the consultants have throughout this process engaged in 'confirmation bias' They arrived in Musselburgh with a preconceived plan(wall defences) based on Hawick/Selkirk. Found evidence to support their plan and ignored advice and contrary evidence from locals, government agencies, and other consultants such as dynamic coast. The walls have expanded to the coast as a result.
6. It is clear that Dynamic Coast believe that any wall build along the coast may be undermined. Evidence is from Alistair Rennie, answering Lynn Jardine at the Council meeting on 23 January, AR said that though a wall would protect erosion landward of the wall, it would likely cause erosion seaward of the wall due to reflection of wave energy, and this would lead to undermining of the wall. It's about 20 minutes in to the attach webcast

[Special East Lothian Council - Tuesday 23 January 2024, 9:30am - East Lothian Council Webcasting](#)

[eastlothian public i tv](#)

The Fisherrow beach would definitely need replenishing or in plain terms the proposed wall along the coast would risk Musselburgh losing its beach.

PM Conor Price stated later that the beach wouldn't be lost but provided no evidence.

7. I object that multiple coastal defence options were not presented to the public.

8. Also the public were not consulted on their preference for the scenarios

9. Jacobs have presented different climate scenarios. Scenario 2 RCP4.5 at river and scenario 4 RCP8.5 at coast. The reasoning for this is unclear and undermines the claim the flood scheme is science led. I object to the current chisel scenarios, they plan for a catastrophic event and are absolutely not required.
10. I object because the councillors voted to approve the scheme prematurely before the full dynamic coast report was released as well as the full EIA report.
11. The Dynamic coast report was released at the last minute (March 24) not giving me a chance to make a full analysis of it and more importantly denying me time to get an independent assessment/view of it
12. I object because The dynamic coast report on preliminary investigation contains flaws and more analysis of the coast needs to be performed before a decision made on direct defences at the coast. This was also clearly stated by Dynamic Coast during the 23 January meeting.
13. The errors in Dynamic Coast report (Musselburgh Coastal Change Assessment; February 2024) show that it was prepared in haste and not properly reviewed by its 5 co-authors (significant mistakes include confusing the following: East and West (p16); centimetres and metres (p23); Middle and Upper Beach (p18; 41); Lower and Middle Beach (p16). There is also a mathematical error in the calculation of sand lost from the beach (p41).
14. This haste is a result of the scramble by ELC to enter cycle one funding. It is not in the best interests of Musselburgh to proceed with the current proposed coast proposal.
15. The main deficiency of the report is that it concentrates on local losses of sand and largely ignores sand gains elsewhere along the foreshore.
16. Dynamic Coast's own figures and graphs show that sand removed by storms from sections of the Upper Beach during Spring tides is generally redeposited locally on the Middle Beach. Restoration of the Upper Beach is a longer-term process, but the evidence presented suggests that the destructive and constructive processes are largely in balance along the Musselburgh foreshore.

Longer-term analysis of local beaches is essential. For example, by early February 2024, normal beach processes had completely reburied the exposed concrete foundations immediately west of the Harbour that were temporarily exposed by Storm Babet at the end of October. The rate at which sand removed from the beach is balanced by sand subsequently restored to the beach needs to be calculated before the actual time-scale of local coastal retreat can be established. Estimates based purely on short-term sand loss (or comparisons with beaches elsewhere) are unlikely to be correct. Therefore I OBJECT to the current scheme until a deeper and more comprehensive analysis is carried out.

17. Dynamic Coast have a model of coastal erosion that covers the entire Scottish Coast. In looking for evidence to support their current model, Dynamic Coast have overlooked the local conditions that might make Musselburgh foreshore a special case. Climate change means that coastal erosion is going to increase as sea-level rises, but (as Dynamic Coast themselves suggest) more work is clearly required to establish the actual controls of contemporary deposition on Fisherrow Sands before any future remedial action is taken.
18. 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.
- Nature scot said we don't need "*solutions today for the next 1m of sea level rise*" and referring to the MFPS "*there need to be credible maximum risks*" This clearly is criticising the MFPS consultants choice of scenario4 and RCP 8.5 (FOI Climate Change Teams meeting 31st Oct 2022, Nature Scot/Dynamic Coast).

Coastal Change Adaptation Guidance – MINUTES

Group Discussion on Climate Change Teams meeting on 31st Oct 2022. 12:00-12:45hrs.

Attendees: SG: , . SEPA: DynamicCoast/NatureScot:

Apologies: Action: Please review and suggest improvements throughout. Meeting note

'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.

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.

VERY IMPORTANT: I object to the MPFS because it ignores advice from the agencies cited above

19. The consultation has not been inclusive. I have requested the modelling data for the scheme and have been obstructed by the project team. At first they claim they don't fully understand my simple request. Later they ignored my request. Much later they decide to refer me to a FOI request.

MAT

20. There is no evidence for an active travel path along coast at Fisherrow 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? The public has NEVER been consulted on this assumption. It is clear MAT has heavily (and negatively) influenced the design (5m wide path on top of defence which is twice the width of current path). The current path is perfectly fine and was only renovated in 2022. In this current financial climate this is wasteful spending by East Lothian Council.
21. I object to the inclusion of elements of the design in the flood scheme proposal that relate to the MAT scheme because they serve to expand several elements of the scheme beyond anything that has nothing to do with flood protection or reducing flood risk. They also deny the public the opportunity to consider the planning aspects of the Active Travel scheme by importing elements of that scheme into the deemed planning permission ambit of the flood scheme.
22. The consultation has not been inclusive. I have requested the modelling data for the scheme and have been obstructed by the project team. At first they claim they don't fully understand my simple request. Later they ignored my request. Much later they decide to refer me to a FOI request.
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 and Fisherrow coast. I use this regularly to walk and exercise. I use this for sports, pitch & putt. I walk daily along the coastline for health benefits. A coastal sea defence with limited access and any scheme compound and scheme

works will directly impact the community to continue to do so and disturb our 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).

24. I object to the embankment at the coast, Fisherrow Links to the Esk river mouth. The council must take independent advice and try to protect the coast using nature based solutions.
25. I object to the lagoons wall section as this is not necessary to protect home in Musselburgh.
26. I object to active travel path along coast at Fisherrow ON TOP of scheme defence. This path on top of the proposed defence has led to a loss of view and loss of access to the beach. It has increased the proposed infrastructure, height of walls, bridge replacement/new bridge which have nothing to do with flood protection. I object to the new bridge and bridge replacement.
27. I object to the proposed planting of a tree forest on Fisherrow links. A Scottish links is naturally open and tree planting will disrupt this environment
28. I object that there is no guarantee Fisherrow Links will not become a compound during the construction phase.
29. I also object that there is no guarantee that local roads will not be used for heavy maintenance traffic during construct phase.
30. I object to the new Goosegreen Bridge as it 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.
31. The new proposed bridge which is 5m wide is not a 'like for like' replacement of the current 1m bridge and is located in an wildlife area at the mouth of the ESK
32. The new proposed bridge at the River ESK will allow the John Muir Way to 'By-pass' Musselburgh village. This is at odds with Council policy to develop the town as a tourist area. It seem crazy to allow the John Muir Way bypass our beautiful town.
To finish I object because of the loss of amenity, public space, cutting us of from nature, our sea, our river. This would be very detriment to the well being and mental health of the community, and for the town. Not even mentioning the lack of access for folks with reduced mobility.

I object to the loss of the trees, no estimation and assessment of effect of change of land use on carbon emission and loss of livable space has been undertaken, and no mitigation measures have been considered.

The whole scheme contradicts Scotland aim for green infrastructure, be nature positive, and put the well being of the community and nature at the heart of every projects.

Kind regards,



Subject: (0307) Objection regarding the proposed flood protection scheme
Sent: 23/04/2024, 00:19:37
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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

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.

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. I have an interest in the land affected by the scheme and scheme operations (including but not limited to noise and pollution from construction traffic) at Fisherrow Links and Fisherrow coast. I use this regularly to walk my dog and exercise. My children use this for sports, football, pitch & putt, the playpark. I walk daily along the coastline for health benefits. A coastal sea defence with limited access and any scheme compound and scheme works will directly impact mine and my family's ability to continue to do so and disturb my enjoyment of the land. If the scheme

proceeds in its present form without amendments I expect to be compensated for the sustained damage as a consequence of exercising my powers under the Act, Section 83 (1).

The above text is my own thoughts despite being put together by someone that can express themselves in writing a bit more professionally than me. I feel strongly that there is no need for a 5 meter wide path or new bridge at the mouth of the esk. We do not need these extremely high walls everywhere when the water rarely even goes up onto the grass, if we need walls surely they can be low ones that will do for the next 50 odd years and then be upgraded. Fix proper drain instead!

Under the proposed plan I will have to move as there is no easy access to a grass-area for me to walk the dog outside my house [REDACTED] looks like it will be just a pavement and a big wall, which also raises the question who will deal with all dog poo that will line the walkways when the wall goes up, it's bad as it is now that it's left on the grass.

Walking down to the beach by the sea side with the dog, to hear and see the waves, is what makes Musselburgh such a beautiful place and helps recharging my mental health in this stressful society we live in, the proposed changes down by the beach will kill all sense of wild and untouched areas, and make it look like an arranged garden path, absolutely awful! I really detest the raised walkways proposed, such an un-natural and "designed" look for a beautiful and natural place like Musselburgh. Makes me want to cry, a lot!

Please reconsider what is actually needed for Musselburgh as a whole and not just what the funding can pay for!!

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

Regards,

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 23 April 2024 00:30
To: Musselburgh Flood Protection Objections
Subject: [REDACTED]) Scheme Objection Letter
Attachments: MFPS Objection Letter - [REDACTED] - 230424.pdf

Categories: [REDACTED]

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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

> Hello,
>
> Please find attached my objection letter relating to the Musselburgh Flood Protection Scheme.

> Thanks

> [REDACTED]



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

23 April 2024

Dear Mr Grilli,

I, and my partner, [REDACTED] are joint owners of [REDACTED] (the property) is directly adjacent to the river Esk (it sits approximately [REDACTED] metres in distance from the front door to the river) and this property as well as us, will be heavily impacted by the most recently published design under the Musselburgh Flood Protection Scheme.

I would like to highlight that I am in favour of a scheme that conserves and provides flood protection to the area. However, having reviewed the materials published and made available to the public, I have the following objections to raise.

Objection One

Health Risk: Noise Pollution

There does not appear to be any mention of what liability the scheme accepts should the sound levels cause harm (diagnosed by a medical professional) to humans or animal life (e.g. pets) over the period of construction.

Data from the following: [EIA-Report-Chapter-8-Noise-and-Vibration](#) states that the predicted cumulative effects are 69 to 80 dB over the period of the scheme which exceeds the acceptable level noted in that report.

If I encounter distress from sound levels that exceed the acceptable level of 70dB, as stated by the Environment Impact Assessment (EIA), and this stress causes a medical issue, the information provided does not state the level of responsibility the scheme accepts should this situation arise.

Objection Two

Health Risk: Vibration Level

I previously suffered from [REDACTED], and I received medical treatment for it when required. I am impacted by structural movement including vibrations. Whilst I agree that flood walls should be placed along the river, the intrusive nature of creating an additional bridge plus a 5-metre-wide travel path; all seem to point to endeavours that are not actually related to the prevention of a future flood risk. I am concerned that the vibration work (currently estimated as “very small” in EIA Report: [EIA-Report-Chapter-8-Noise-and-Vibration](#)) that comes with all these changes will re-introduce a medical concern, particularly if the estimation is incorrect once the project is underway.

The scheme does not mention what measures will be put in place if residents are medically affected by the scheme and unable to continue work over the period they are affected. I am raising this objection on the grounds that the scheme has not asked residents to stipulate medical issues or requirements since details of the scheme were published by the Musselburgh Flood Protection Scheme on 21 March 2024.

The scheme states that: “No measures have been identified during the noise and vibration assessment that can be incorporated in the design to mitigate the construction noise and vibration impacts”.

Objection Three

Health Risk: Construction Debris

There is a current debris risk in relation to the proximity of the property [REDACTED] where the work is proposed to commence in front of the properties on this part of [REDACTED]. From what I can see in the following proposal: [Proposed Scheme - Musselburgh Flood Protection](#), no extra design protection measures have been proposed, considering that our property is approximately [REDACTED] from the riverbed. This risk is supported by the observation below.

There is currently a danger to life risk at present. Loose rubble is increasing on the road directly in front of my property (within [REDACTED]) because this road is not adequately maintained. This is posing a danger to animals, passersby, and residents.

On 10 April, I noticed airborne debris, hitting properties alongside this street from cars driving by. If any of the front doors on these properties had been opened, this could have hurt someone. There is also a potential for windows to be broken as well (see **Figure 1** for a sample of the size of the loose debris). Although a brief repair (the duration of the work was undertaken in less than 10 minutes, which I observed) was made in 2023 following complaints from residents, within weeks it returned to its current stage (see **Figure 2**). Allegedly the council were planning to inspect it in December 2023 and as of 23 April 2024 no corrective action has been taken.

Figure 1



Figure 2



Whilst this public road is not part of the design proposal, I am objecting to the current design under this scheme on the basis that proposed construction in this area could have a compounding impact on the level of debris left unattended and could further increase the risk of someone or something becoming seriously harmed, as well as property damage.

Objection Three

Damage Risk: Construction Debris

The published EIA predicts that no significant damage is expected to surrounding properties. I have not been consulted on the level of damage that could happen to my property (significant or otherwise) nor what measures I should take if I observe damage to my property during construction or damage identified by a qualified surveyor / building professional.

The scheme does not assert that all damages and repairs in the area and to residential properties, as a result of the scheme, will be paid for by the scheme. The scheme does not mention how damages will be monitored, logged, and paid for.

I object on the basis that the Musselburgh Flood Protection scheme does not state that it is responsible for all repairs together with an associated timeline on when those repairs will be made by, if predictions made that no damage is expected prove to be incorrect. This missing information leaves this point open to dispute once the scheme is underway and leaves an impression to me, that the cost may be passed onto residents or will be open for discussion which is something that should be agreed before the scheme is put forward for approval. By doing the financial assessment beforehand, the scheme can then accurately forecast the total cost of the scheme including any associated repairs to residential areas.

Objection Four

Damage Risk: Residential Property Foundations

The EIA assumes that no damage or impact is expected for construction works that take place over 5 metres in distance from a property. My property falls outside this measurement and for this reason it appears that no specific assessment has been conducted on my property with my knowledge or consent to determine if the current foundations of my property are at risk. It is unclear how the scheme has made predictions in this case without property-specific data.

The scheme does not state in detail how it is able to determine that my property will remain structurally sound, under a construction period of 48 weeks over three years (time periods were stated in [EIA-Report-Chapter-8-Noise-and-Vibration](#)). I object on the grounds that an observational look at the street (as indicated in the proposal that no public consultation was required for this part) bares no valid link to any assertions regarding the structure of my property nor any appointed risk level determined from the scheme in relation to it.

Objection Five

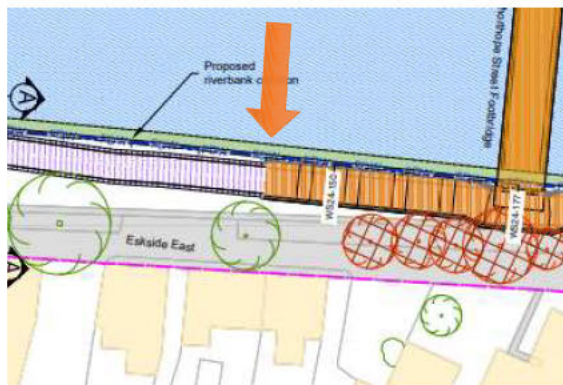
Privacy and Property Value

The Shorthope Street Bridge placement in the proposed scheme shows that the bridge will now face more towards residential properties (See **Figure 3**).

I have a significant concern that people actively using the bridge (to be used to go onto the new travel path as a commuting route on a regular basis), will have [REDACTED]. This affects my way of life.

Furthermore, having a bridge positioned in this way could [REDACTED] and I have a concern that the value of my property will be adversely affected because of this. The scheme does not mention how residents in this situation will be adequately compensated as a result of this long-term structural change.

Figure 3



Objection Six

Misleading Design Information

The images in the photomontage (Stage 4 Outline Design statement) do not show a view of the bridge position nor the proposed ramps in relation to the residential properties on Eskside East (See **Figure 4**). This feels misleading as it is not showing the true extent of this design proposal in a way where people can see the design proposal from multiple angles within surrounding residential housing.

Figure 4



The image in Figure 3 ([X \(musselburghfloodprotection.com\)](https://www.musselburghfloodprotection.com)) suggests that the Shorthope Street Bridge ramp [REDACTED] [REDACTED] Figure 4 ([Public Exhibition No. 2 - June 2023 - Musselburgh Flood Protection](#)) shows the Shorthope Street Bridge with a ramp [REDACTED] and in Figure 5 the ramp has been omitted completely.

Figure 5

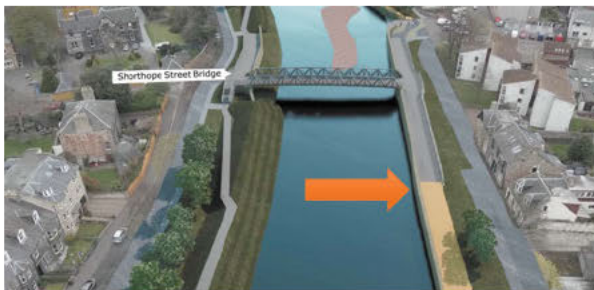


Figure 5



Design inconsistencies are leaving residents and other interested parties to speculate or guess what the complete outline design could look like. Consistent full disclosure of the design proposal (including to the public) by the Musselburgh Flood Protection scheme should be crucial and play a key part in whether the scheme should be approved to the next stage.

I would appreciate if you would acknowledge receipt of this letter.

Yours sincerely,

[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: 23 April 2024 00:53
To: Musselburgh Flood Protection Objections
Cc: [REDACTED]
Subject: (0309) Musselburgh flood protection scheme
Attachments: Musselburgh-Flood-Protection-Scheme- MAT Cycle lanes etc (1).pdf

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.

F.a.o
Carlo Grilli
Please see attached pdf file letter of objection
kind regards
[REDACTED]

Email [REDACTED]

22nd 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 / Musselburgh active town [M.A.T]

I am a Musselburgh resident , and indeed live potentially next to or in future flooding area , next to [REDACTED] . At [REDACTED] corner [REDACTED] is immediately behind rear garden wall

While I agree that defences against possible sea and river incursion need to be addressed , the plans (if you can call them that) that have been proposed are totally over the top {O.T;T}

Better ways to improve defences than to just build large walls (No sizes given) , and cutting numerous trees down (no idea as to how many are to be cut down , as no one seems to know at this stage apparently) Increasing capacity of headland reservoirs would help immensely as would better timing of letting water out of same help dramatically , repair and maintenance of existing sea walls and river banks / improvements are required, dredging of silted river beds and removal of debris should be part of an ongoing procedure each year .

What has been put forward as far as can be made out , would visually be an eye sore, and a loss of amenity not just to my family but everyone who visits or potentially might visit Musselburgh .

Reference M.A.T

Which has been included into this Scheme {maybe to avoid planning ? } , Route Two . Is proposed as traveling along [REDACTED] ie [REDACTED] adjacent to our dwelling at above noted address .

No detailed plans are available for viewing , no drawing with scale produced and I would have thought that this would be required in a conservation area by Law .

My Neighbours and I have been told on numerous occasions at meetings etc that our on street parking outside of our properties will be maintained in any plan going forward , but with lack of transparency to plans going forward . I have to object strongly to the proposal of route two following route along A199 certainly opposite houses [REDACTED] until some point

along route where road would be wide enough to support independent bike way , or (share and care route }

It would be better for route two to follow a different path altogether ie, from Loretto corner through Pinkie playing fields or alternatively through route around racetrack .

This would avoid conflict with bus route and main arterial road that Linkfield Road is .

There is also lack of commitment with regards future cost of maintaining this route in a usable state of repair .

No mention of fact that Musselburgh Cycling club (which is thriving by the way) have meetings throughout each and everyweek , going out in various groups up to forty strong ridding four abreast at times , there potentially could be conflict with the various road users .

We certainly don't want to loose the ability to use parking outside our house, and the amenity of surrounding area., no recompense would be enough compensation for such loss.

I do hope my concerns are listened to.

Yours sincerely



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 / post*.

From: [REDACTED]
Sent: 23 April 2024 00:54
To: Musselburgh Flood Protection Objections
Cc: [REDACTED]
Subject: (0310 [REDACTED] Objection to Musselburgh flood protection scheme/ MAT
Attachments: Musselburgh-Flood-Protection-Scheme- MAT Cycle lanes etc (1).pdf
Categories: [REDACTED]

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.

F.A.O
Carlo Grilli
Please see attached Letter . sent as pdf file
kind regards
[REDACTED]



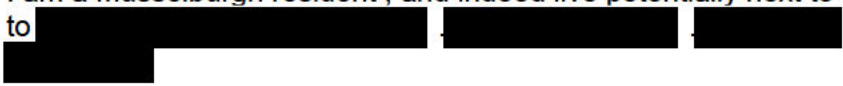

22nd April 2024

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 / Musselburgh active town [M.A.T]

I am a Musselburgh resident , and indeed live potentially next to or in future flooding area , next to  is immediately behind rear 

While I agree that defences against possible sea and river incursion need to be addressed , the plans {if you can call them that} that have been proposed are totally over the top {O.T;T}

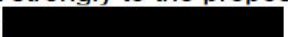
Better ways to improve defences than to just build large walls (No sizes given) , and cutting numerous trees down (no idea as to how many are to be cut down , as no one seems to know at this stage apparently) Increasing capacity of headland reservoirs would help immensely as would better timing of letting water out of same help dramatically , repair and maintenance of existing sea walls and river banks / improvements are required, dredging of silted river beds and removal of debris should be part of an ongoing procedure each year .

What has been put forward as far as can be made out , would visually be an eye sore, and a loss of amenity not just to my family but everyone who visits or potentially might visit Musselburgh .

Reference M.A.T

Which has been included into this Scheme {maybe to avoid planning ? } , Route Two . Is proposed as traveling along A199 ie Linkfield Road adjacent to our dwelling at above noted address .

No detailed plans are available for viewing , no drawing with scale produced and I would have thought that this would be required in a conservation area by Law .

My Neighbours and I have been told on numerous occasions at meetings etc that our on street parking outside of our properties will be maintained in any plan going forward , but with lack of transparency to plans going forward . I have to object strongly to the proposal of route two following route along A199 certainly opposite houses  until some point

along route where road would be wide enough to support independent bike way , or (share and care route }

It would be better for route two to follow a different path altogether ie, from Loretto corner through Pinkie playing fields or alternatively through route around racetrack .

This would avoid conflict with bus route and main arterial road that Linkfield Road is .

There is also lack of commitment with regards future cost of maintaining this route in a usable state of repair .

No mention of fact that Musselburgh Cycling club (which is thriving by the way) have meetings throughout each and everyweek , going out in various groups up to forty strong ridding four abreast at times , there potentially could be conflict with the various road users .

We certainly don't want to loose the ability to use parking outside our house, and the amenity of surrounding area., no recompense would be enough compensation for such loss.

I do hope my concerns are listened to.

Yours sincerely



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 / post*.

From: [REDACTED]
Sent: 23 April 2024 01:03
To: Musselburgh Flood Protection Objections; Grilli, Carlo
Subject: (0311 DUPLICATE OF 0154 & 0402) Fw: Musselburgh Flood Prevention Objection Letter
Attachments: [REDACTED] Flood Prevention Scheme Objection Letter 18 April 2024.pdf
Categories: Added to excel spreadsheet, [REDACTED]

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.

Hi - I haven't received any response to acknowledge my objections so just wondered if you can respond to let me know you have received this and that it will be looked at?

Many thanks
[REDACTED]

Begin forwarded message:

On Friday, April 19, 2024, 10:41 AM [REDACTED] wrote:

[Sent from Yahoo Mail for iPhone](#)

Begin forwarded message:

On Thursday, April 18, 2024, 5:43 PM [REDACTED] wrote:

[REDACTED]
[REDACTED]
[REDACTED]
18 April 2024

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

Dear Carlo Grilli,
I am writing to object to the recently published Musselburgh Flood Protection Scheme.
I object to the proposed scheme for the following reasons:

1. As much as there is (an apparently urgent) need to prevent Musselburgh from severe and catastrophic flooding (according to Jacobs), is there really a need for such hard engineering? All (or I'm sure at least most, as I'm sure you have some plans further up the river) natural and environmentally friendly solutions appear to have been ignored, when there has already been proven solutions to flooding using natural materials (only takes a quick google search to see these). Given the need for us (as a planet) to be re-using, recycling etc, is solid concrete really the ONLY option? The destruction of so many trees and green areas will be catastrophic! Not only will you be destroying oxygen providing trees and removing some of the very little green space we have left, but the horrendous effect on the people of Musselburgh's mental (and physical) health. I enjoy daily walks along the river and often see many others do the same – this walk has been a lifeline for me and a LOT of other people I've spoken to. This is a serious concern.

2. With the above in mind, I can't even imagine the level of disruption to Musselburgh over literally years. I live very near to the river and there will be daily noise, dust and closure of roads etc causing traffic chaos. Not to mention more pollution due to stationary traffic in the town plus machines working daily, adding to this pollution. This has already been acknowledged in your plans but I don't think the effect of all of this has been fully considered. It will have such a detrimental effect on so many people (and I know this for a fact as I have already spoken to many people who live nearby and I'm seriously worried for my own mental health). The health of the local residents should surely be major factor in whether or not this can go ahead to the extent that is planned. The lack of visitors to the town due to the disruption will also have a massive effect on local businesses who are already struggling – this could literally end the livelihoods of some people who have lived and worked here their entire lives.

3. I know there has been discussions recently around the Active Travel plans still awaiting planning permission, yet I still see excessive plans for 5 metre wide Musselburgh Active Travel paths on the Flood Prevention Scheme. How do 5 metre wide tarmac paths help with flooding, going on the understanding this project is being pre-approved without planning, solely as it's a flood prevention scheme? ANY active travel plans included surely cannot go ahead without planning permission (unless they can prevent flooding). No one needs such an extreme travel route – yes, we have walkers and cyclists in and around Musselburgh, but no way near enough to justify such a massive change to what we currently have. People walk and cycle around Musselburgh because it's so nice to look at – I won't be using these paths if I can't even see the

river until I'm up against the wall (and I'm average height) – and even then, looking over at another concrete wall at the other side of the river (quoting plans for the river down at Goose Green area). And what about children and people in wheelchairs? Will they see over any of the walls when travelling along one of the many new pathways that are planned? Has a survey been done on the usage by walkers and cyclists of the current paths and bridges in Musselburgh to justify the spend/excessiveness of this scheme?

4. The new bridge at Goose Green - I haven't spoken to anyone in the 25 years I've lived in Musselburgh (my whole life) who has ever expressed any desire, or need, for ANOTHER bridge to cross the river (both cyclists and non-cyclists) – we have so many bridges and again, as per my point above, I cannot see how another bridge benefits us in terms of stopping flooding? This surely has solely been included as MAT? Therefore, a new (excessively concrete and oversized) bridge should not be passed at this stage and cannot be justified.

5. Maintenance of new works – I fear that the walls would not be properly maintained and be rendered not fit for purpose by the time we may actually need them for this life changing flood that's expected (1 in 200). Is there budget to keep the wall, bridge, flood gates etc all maintained regularly? This should also include a budget to keep cleaning the graffiti off the walls as this is almost a guarantee (look at any plain wall in Musselburgh, or other towns who have this work done as an example). Any such graffiti would certainly ruin any beauty the river had left after all this building is finished. Can you confirm this will be dealt with swiftly and regularly, and that you have taken this cost into account in the overall budget?

6. Wildlife – what effect will all of this disruption have on the wildlife in and beside the river? No access to the river edge for the many ducks, swans (and all other birds) will be completely removed! They don't have anywhere on the river to relocate to seeing as the work is being on most of the river. Also, how does reducing the width of the river with such disregard to anything living there, not against an environmental act?! Has a full report been done on this as not sure the benefit outweighs the cost in this area. Can we see a report on how reducing the size of the river helps flooding – I personally believe this is being done to accommodate the overly wide new MAT paths so I feel this should not be included, as again, it's not solely for the Flood Prevention Scheme.

7. Overall, the cost of this scheme appears to be increasing at an alarming rate – seeing as the cost has risen so much over the last 3 years, how do we know the cost will not continue to rise throughout

the years of construction? There are surely more beneficial things to spend some money on ie. Brunton Hall, repairs to roads in Musselburgh, new affordable council housing – as far as I am aware, if you don't use this money now, you lose it – is this whole scheme really worth this amount of money and worth ruining Musselburgh forever over. This feels very much like putting a leg cast on a grazed knee at this point – can we not wait and see if there are more nature based solutions that may develop over the next few years – there does not appear to be a massive risk at this very moment (according to your reports).

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 or post.

Yours faithfully


Email: 

[Sent from Yahoo Mail for iPhone](#)



18 April 2024

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



Dear Carlo Grilli,

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

I object to the proposed scheme for the following reasons:

1. As much as there is (an apparently urgent) need to prevent Musselburgh from severe and catastrophic flooding (according to Jacobs), is there really a need for such hard engineering? All (or I'm sure at least most, as I'm sure you have some plans further up the river) natural and environmentally friendly solutions appear to have been ignored, when there has already been proven solutions to flooding using natural materials (only takes a quick google search to see these). Given the need for us (as a planet) to be re-using, recycling etc, is solid concrete really the ONLY option? The destruction of so many trees and green areas will be catastrophic! Not only will you be destroying oxygen providing trees and removing some of the very little green space we have left, but the horrendous effect on the people of Musselburgh's mental (and physical) health. I enjoy daily walks along the river and often see many others do the same – this walk has been a lifeline for me and a LOT of other people I've spoken to. This is a serious concern.
2. With the above in mind, I can't even imagine the level of disruption to Musselburgh over literally years. I live very near to the river and there will be daily noise, dust and closure of roads etc causing traffic chaos. Not to mention more pollution due to stationary traffic in the town plus machines working daily, adding to this pollution. This has already been acknowledged in your plans but I don't think the effect of all of this has been fully considered. It will have such a detrimental effect on so many people (and I know this for a fact as I have already spoken to many people who live nearby and I'm seriously worried for my own mental health). The health of the local residents should surely be major factor in

whether or not this can go ahead to the extent that is planned. The lack of visitors to the town due to the disruption will also have a massive effect on local businesses who are already struggling – this could literally end the livelihoods of some people who have lived and worked here their entire lives.

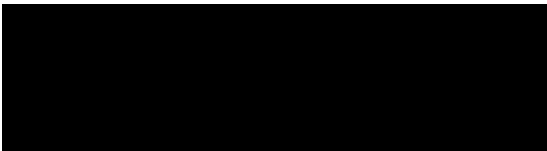
3. I know there has been discussions recently around the Active Travel plans still awaiting planning permission, yet I still see excessive plans for 5 metre wide Musselburgh Active Travel paths on the Flood Prevention Scheme. How do 5 metre wide tarmac paths help with flooding, going on the understanding this project is being pre-approved without planning, solely as it's a flood prevention scheme? ANY active travel plans included surely cannot go ahead without planning permission (unless they can prevent flooding). No one needs such an extreme travel route – yes, we have walkers and cyclists in and around Musselburgh, but no way near enough to justify such a massive change to what we currently have. People walk and cycle around Musselburgh because it's so nice to look at – I won't be using these paths if I can't even see the river until I'm up against the wall (and I'm average height) – and even then, looking over at another concrete wall at the other side of the river (quoting plans for the river down at Goose Green area). And what about children and people in wheelchairs? Will they see over any of the walls when travelling along one of the many new pathways that are planned? Has a survey been done on the usage by walkers and cyclists of the current paths and bridges in Musselburgh to justify the spend/excessiveness of this scheme?
4. The new bridge at Goose Green - I haven't spoken to anyone is the [REDACTED] I've lived in Musselburgh (my whole life) who has ever expressed any desire, or need, for ANOTHER bridge to cross the river (both cyclists and non-cyclists) – we have so many bridges and again, as per my point above, I cannot see how another bridge benefits us in terms of stopping flooding? This surely has solely been included as MAT? Therefore, a new (excessively concrete and oversized) bridge should not be passed at this stage and cannot be justified.
5. Maintenance of new works – I fear that the walls would not be properly maintained and be rendered not fit for purpose by the time we may actually need them for this life changing flood that's expected (1 in 200). Is there budget to keep the wall, bridge, flood gates etc all maintained regularly? This should also include a budget to keep cleaning the graffiti off the walls as this is almost a guarantee (look at any plain wall in Musselburgh, or other towns who have this work done as an example). Any such graffiti would certainly ruin any beauty the river had left after all this building is finished. Can you confirm this will be dealt with swiftly and regularly, and that you have taken this cost into account in the overall budget?
6. Wildlife – what effect will all of this disruption have on the wildlife in and beside the river? No access to the river edge for the many ducks, swans (and all other birds) will be completely removed! They don't have anywhere on the river to

relocate to seeing as the work is being on most of the river. Also, how does reducing the width of the river with such disregard to anything living there, not against an environmental act?! Has a full report been done on this as not sure the benefit outweighs the cost in this area. Can we see a report on how reducing the size of the river helps flooding – I personally believe this is being done to accommodate the overly wide new MAT paths so I feel this should not be included, as again, it's not solely for the Flood Prevention Scheme.

7. Overall, the cost of this scheme appears to be increasing at an alarming rate – seeing as the cost has risen so much over the last 3 years, how do we know the cost will not continue to rise throughout the years of construction? There are surely more beneficial things to spend some money on ie. Brunton Hall, repairs to roads in Musselburgh, new affordable council housing – as far as I am aware, if you don't use this money now, you lose it – is this whole scheme really worth this amount of money and worth ruining Musselburgh forever over. This feels very much like putting a leg cast on a grazed knee at this point – can we not wait and see if there are more nature based solutions that may develop over the next few years – there does not appear to be a massive risk at this very moment (according to your reports).

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 or post.

Yours faithfully



From: [REDACTED]
Sent: 23 April 2024 06:30
To: Musselburgh Flood Protection Objections
Cc: Forrest, Andrew - Depute Provost; Cassini, Cher; Bennett, Ruaridh; McIntosh, Shona
Subject: (0312) MFPS Objections
Attachments: MFPS Objection Letter - [REDACTED] V1.0.docx

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [REDACTED]

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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.

Good Morning,

As a resident of Musselburgh Please find attached my formal objections (36) to the Musselburgh Flood Protection Scheming 2024.

I can be available to discuss with elected Councillors at a time mutually convenient.

Yours faithfully,

[REDACTED]



22nd April 2024

Dear Sir,

RE: Musselburgh Flood Protection Scheme 2024 – Objections

I write to lodge multiple objections to the Musselburgh Flood Protection Scheme ('The Scheme'). Please treat each numbered point (36) as an individual objection:

The Scheme process:

1. Council have brought in professional wall builders, who have proposed just that.
2. Council prohibited a peaceful protest – placing ribbons on the trees being marked for destruction and the requirement for planning permission to put up temporary wall height indicators in June 2023 (no bigger than a fence panel).
3. Elected Council have not represented the true feeling of the people of Musselburgh in their actions or votes.
4. Only 4 of the 20 Councillors allowed to vote represent Musselburgh wards.
5. Access to information – way too confusing for ordinary people to digest. A room (open during work hours) with 10,000 pages of information is simply not consumable. No help given to the public to try and understand the contents. Also, a £1,000 charge to get a copy of the information – excessive and unreasonable. This is cost prohibitive and excludes many people's right to have access through huge cost.
6. Poor project data handling, leading to ignored or complicated requests from the public for data on feedback, issues raised and responses. This impacted our right to FOI.
7. The Non-technical EIA summary does not give carbon emissions – how can Councillors vote on this Scheme without this data ?
8. There has been no independent scrutiny of The Scheme by a neutral party. The objection is that there is a huge risk that the engaged consultants are belling the Council, who have no expertise, what to think. This lacks independence, objectivity and risks getting the answer the consultants want to give, which will make them millions of pounds.

Beach & Sea wall

1. Lack of clear plan for the 'Back Sands' area of the beach
2. Loss of access to the beach and the loss of parts of the beach to the proposed walls and mounds.
3. Massive cost of repairing the Lagoon's Sea wall, which is owned by Scottish Power – why is public money being used for this rather than it being the liability of the owner?
4. Sea wall proposal, according to Dynamic Coast, could be obsolete in 40 years

5. Footing of sea wall at Murdoch's Green is shorter than other sea facing proposals – surely the sea level is all the same?

River Esk:

1. I object to the concretisation and further canalisation of the River Esk as ecologically damaging and with a reasonable chance of increasing flood risk in event of high river flow combined with high tide or where a small surge occurs. (A large surge will overwhelm any defences but is very unlikely).
2. Loss of access to the river for people – why would any plan to keep people away from the beautiful natural resource that we have running through Musselburgh be positive in any stretch of the imagination?
3. Impact on wildlife – the construction of walls along the River Esk will block access for wildlife to use the river. This is unacceptable and no provision is being made The Scheme to combat this issue.
4. I strongly object to the destruction of trees along the riverbank – it is almost unthinkable that The Scheme want to destroy mature trees, getting rid of their water consumption, CO2 cleansing and natural beauty – in favour needless concrete paths and wallf in places that are unnecessary for flood protection alone (they are designed to accommodate MAT).

Musselburgh Active Travel

1. It was stated 24hrs prior to the Scheme Notification that the Musselburgh Active Travel plan was being removed from the MFPS, yet there are still multiple requirements for MAT that are still included in the MFPS plans – how can this be ?
2. The walls along the river bank are being build INTO the river, causing narrowing, and only because they are accommodating the 5m MAT path width on the 'dry' side. Surely the narrowing of the river is going to increase the risk of flooding – it's simple displacement.
3. There are plans for multiple ramps to the new bridge structures, doubled up on the MAT route sides, which have nothing to do with Flood Protection.
4. There are planned 20m ramps with no rest area – this is insufficient for wheelchair users as there is no interim rest area. If this kind of detail is overlooked, what other omissions have been made ?
5. Here's some of the specific issues with the Council and their Project Team tried to pretend they have removed MAT but without actually removing MAT from the The Scheme documentation:
 - i) The Project Team did not remove the bridges being widened to accommodate MAT even though this part of the specification has no flood protection element to it. No help for the public to visualise how the different, non-widened bridge would look.
 - ii) The Project Team did not remove the replacement Ivanhoe Bridge which their own report in 2022 had indicated posed 'negligible flood risk' and was only included as a MAT requirement, as that project wished the bridge to be wider for their paths. And they didn't alter the visualisations for this either.
 - iii) The Project Team did not remove the double bridge ramps on Eskside East which are only there as a MAT requirement, proven by the fact that the same

bridges have single ramps on the west side of the river since the MAT route doesn't go that way. Yet again, the visualisations weren't altered.

- iv) The Project Team did not alter the specification of the Electric Bridge and Goose Green Bridge which during consultations had been explained to us 'because of MAT requirements'. The Electric Bridge is currently cyclists only and the Goose Green Bridge is a narrow pedestrian only bridge. They both sit right next to each other approximately 0.2 miles away from the mouth of the river. The MAT requirements were to have a combined use 5 metre bridge, to replace the two single use bridges at their location because the MAT requirements are for combined use. Even though the separate use bridges are next to a school which helps keep the children safe. But MAT also wished an additional 5 metre combined use bridge at the mouth of the river 0.2 miles away. Now that MAT has been supposedly removed from the Flood Scheme, the scheme drawings still show the combined replacement bridge and that extra bridge. Additional bridges do not reduce flood risk they increase it. Yet again, all visualisations still contain all the MAT elements.
- v) The Project Team did not change the trees marked red (for felling) that are nowhere near any flood defence or bridge ramp and the only reason for felling them is they sit on the MAT path route, even though there is no flood reduction reason to have them felled. Yet again all visualisations remain the same.
- vi) The Project Team did not alter any of the engineer drawings that were provided to the public to help them understand what the combined Flood Scheme and MAT project would entail, leaving them including all the MAT paths and relying on the public to re-imagine in their own minds what the Flood Scheme would look like without MAT.
- vii) The Project Team did not include any explanation as to why certain flood defences were still in positions that appear influenced by the MAT paths and which during consultation the public had been told had been influenced by MAT.
- viii) The Project Team did not include any alterations to the distance they were planning on narrowing the river which had been heavily influenced by MATs desire to have 5 metre paths on a riverbank that wasn't wide enough to support it, even though narrowing a river actually increases flood risk.
- ix) There are planned 20m ramps with no rest area – this is insufficient for wheelchair users as there is no interim rest area. If this kind of detail is overlooked, what other omissions have been made ?

Dismissal of nature based solutions

1. My objection is that the Hard Engineers brought into consult on the MFPS are not expert in Nature Based Solutions. These NBS were dismissed and not given a chance. This is a sickening omission and something that could have delivered a far more ecologically sound solution – rather than blitzing Musselburgh with tens of thousands of tonnes of concrete.

2. The environmental impact of using over 43,000 tonnes of concrete which has a massive carbon footprint. It is impossible to think that this massive amount of 'medium term' material is being used, when we as a Nation are working in so many other ways to reduce our carbon footprint and strive for Net Zero. There is no hint of how any of this 43,000 tonnes of concrete will be offset either.
3. The concrete walls will be a magnet for graffiti, and I have seen no explanation of how this will be managed or paid for by the Council, who are already cash strapped.
4. There is no clear illustration of who will maintain the new pumping systems along the river, not a cost of maintenance. My objection is based on the fear that these pumps will be neglected like the current drain system has been neglected, creating a bigger risk to water accumulation on the 'dry' side of the river walls proposed. Simply put, there is no clear ownership of future cost of maintenance, which is unacceptable.
5. The well-known problem of surface water in Musselburgh has been completely ignored, creating a new flooding risk liable to pressurise the failing drainage system which could result in sewage entering homes and businesses in the Town.
6. Many residents flooded with raw sewage, including many more residents who are currently not at any risk from either river or surface water flooding. The probability, frequency and severity risks to life, property and health are significantly increased by the proposed scheme from the huge amounts of surface water and sewage that will pool behind the new walls. Introducing such dangerous new risks deliberately will expose Musselburgh residents to considerable new liability risks.
7. Problems in securing finance will leave residents affected by the proposals subject to planning blight and unable to sell their houses for years to come and Musselburgh as a community will suffer as a whole. East Lothian Council are currently proposing to secure the significant and wide-ranging statutory powers conferred by an unlimited Flood Order based on unverified data, anecdotal evidence, no options appraisals, no detailed designs and limited public consultation, which is wholly unacceptable under this statutory process. This coupled with the last minute/failed attempt to remove MAT requirements from the Scheme should render this whole disgrace of a consultation and notification process null and void.

Impact on local nature

1. The results presented in the EIA report from surveys of shoreline and coastal birds are not detailed enough to provide assessment of the impact of the scheme on the internationally and nationally designated sites around Musselburgh. One would not be able to judge if mitigation measures are adequate without this data.

The desk study part of the baseline data collection has also been inadequate. You need both survey results and relevant pre-existing data on bird species present, and their national and local population trends, and insights into relevant behaviour. The desk study in the EIA report also fails to include useful data from

the East Lothian Council Ranger service, the British Trust for ornithology (BTO) and the Scottish ornithologist's club (SOC).

2. The EIA gives the agglomerate count figures of birds but should give species specific data. Also, their data is out of date. They should have used the most recent data available up to 2022/2023 instead of 2013 to 2017.
There are also concerns about the accuracy of the baseline survey. It contains anomalies about the species of birds observed which makes one question the accuracy of all their information.
3. Also counting was done when the lagoons were under construction activity in 2021 to 2023 which was not representative, and according to Nature Scot bird surveys should not take place where there is disturbance that could affect the abundance, distribution or behaviour of birds within the survey area.
Surveys are still being carried out and the result of these should be waited for. The EIA report attempts to identify and quantify loss of habitats from the scheme but it does not identify the main habitat impact of the scheme namely the loss of shoreline and intertidal habitats over its 100 year operational life. Hard defence structures along the coast create 'coastal squeeze'. This impact is not even mentioned in the EIA report biodiversity chapter, let alone assessed. EIA does not meet its own commitment to give an appraisal of the future baseline without the scheme in order to assess the possible effects of the scheme if it goes ahead.
4. Habitat loss from 'coastal squeeze' must be assessed properly. Not to do this goes against the council scheme objectives that 'the scheme will achieve as a minimum a neutral impact on the environment and also that it will 'protect the Firth of Forth and its protected statuses'. ELC has an actual duty to protect and enhance biodiversity which cannot be fulfilled in this case without the necessary detailed bird data to assess the impact of the scheme and design mitigation.
5. There is repeated downplaying of Conservation importance in the EIA report, without any evidence for why this might be acceptable. There is no mention of the fact that many waders and waterfowl in the Firth of Forth have already suffered long term decline due to development impacts. Another example of this downplaying is the unsubstantiated claim that ' the area temporarily lost during construction constitutes a narrow linear area adjacent to the coastline which experiences high levels of disturbance from public use. This area is not considered to be an important habitat for qualifying interests of the Firth of Forth designated sites in comparison to the large expanse of sand flats along the coastline and the lagoons at Levenhall links.
There is no evidence to back up these assertions on factors such as prey availability or exposure to disturbance or any of the other influences that need to be considered in order to assess these impacts.
6. The EIA report notes that 'the improvements to the active traffic network particularly along the seawall and the proposed Goosegreen bridge may result in increased pedestrian and cyclist traffic which may create increased operational disturbance to qualifying bird species' The report makes it clear that it's uncertain whether the cycle paths will result in increased active travel in which case how can the expenditure, the additional risk of impacts on internationally and nationally designated bird sites, and the carbon footprint of constructing

these two elements of the scheme, be justified without strong independent evidence that there will be sufficient active travel benefits. These two elements need to be removed from the scheme not least as there are already foot and cycle paths along the relevant sections of the scheme coastline.

7. Finally consider the impacts on recreational amenity over the construction period, specifically for birdwatching. Musselburgh is one of the most visited birdwatching sites in Scotland enjoyed by hundreds of visitors every year. This tourism and amenity value of the scheme area for birdwatching is not given recognition in the EIA report and as a result there is insufficient attention given to mitigating disruption to this activity. This is significant because the schemes construction phase could take a period of 5 to 10 years, imposing long-term damage to the area's use and reputation as an ornithology visitor attraction.

In summary, there are so many significant issues with both the proposal and the way that this project has operated, that are fundamentally wrong.

There is no acceptance that this flood protection scheme must not be driven by Government funding timelines, as we are dealing with the future of an ancient, historically significant, and beautiful home to so many people.

There is genuine merit in looking at an iterative build-up of flood protection in Musselburgh, over decades. There is no logical reason to attempt to create this Hard Engineered solution in one phase. It reeks of corruption to even consider this.

When the Consultants pack up and leave, it is the people of Musselburgh who could be left with the widescale destruction of our home town. I urge you with every atom of my body to consider these objections individually and can only hope that they will receive the due consideration that they deserve.

I will be available to discuss these objections with elected Councillors direct and my contact details are below.

Yours in hope of justice,

██████

████████████████████
████████████████████
████████████████████

Subject: (0313) MFPS Objections - An independent view
Sent: 23/04/2024, 07:03:25
From: [REDACTED]
To: Musselburgh Flood Protection Objections
Cc: Forrest, Andrew - Depute Provost; Cassini, Cher; Bennett, Ruaridh; McIntosh, Shona

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [REDACTED]

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.

Good Morning,

This is worth a watch.

Engineering student analysis on the MFPS.



[BJMA Musselburgh Flood Protection Scheme Analysis](#)
[youtu.be](#)

I hope that you consider this independent view as you assess the proposal.

Best regards,

[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: 23 April 2024 07:27
To: Musselburgh Flood Protection Objections
Subject: (0314 [REDACTED]) objection letter to flood barriers/other
Attachments: flood objection letter.docx

Categories: [REDACTED]

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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.

[REDACTED]

22 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 object to the published scheme because:-

I grew up in Fisherrow at the Promenade and I know most of the local people that it will affect. I also work in Musselburgh and honestly feel that the proposed scheme is just totally over the top.

- *Just because funding is offered, it doesn't mean you have to vandalise and totally destroy what is currently a lovely fishing town with a beautiful harbour, seafront and promenade, local links for kids to play on and for people to walk dogs, for circus and theatre productions on occasion, the putting green and play park.*
- *There is a gorgeous riverside with pretty landscaped flower beds and amazing trees, attractive bridges and resident swans and Canadian geese who chose to settle here – they weren't always here!*
- *The local HTA cross the river during their annual festival week on horseback and there is a duck race. Are all the local people to suffer and are all these traditions to be trashed because of the (un)likelihood of a possible flood that may or may not happen!*

- *Yes the global warming is affecting sea levels and maybe we need to be taking some sort of action to counteract that, but making people buy electric cars, not allow them to go to Edinburgh and suggesting huge walls along a riverside and a beautiful promenade is not an answer! Every country needs to do their bit to counteract the global warming and it's not down to one beautiful local town to take the hit !*
- *In all my years of living in Fisherrow, only certain parts had minimal flooding. Beside the river at the nippers and the car bridge - traditionally the water comes up on the path and this is getting worse and the golf course at monktonhall seems to flood and once at the houses along near the weir their foundations were flooded, but other than that there is no actual flooding, most definitely not at the beach or at the river. The sand level and dunes have risen to the level of the original wall as it hasn't been cleared in years.*
- *It used to be that the beach got dredged, a tractor came and cleared it and the sand was returned from Portobello each year. The wall along near the harbour used to have a big drop but now it's almost level with the road. So if this practice was returned and the drains cleared and the river basin cleared and all the recent embankments – originally there was only one island at the store bridge / then maybe it wouldn't be such an issue!*
- *I grew up on the Promenade and had beautiful views and we played at the links and at the river and my kids did too and they still do. People during covid walked along the beach and they do every day.*
- *The Arts reach parts that other things don't and it's good for the soul to experience music, drama, dance.*
- *Well, so do rivers and beaches. It's good for people's mental health to be able to go to the beach and see the sea and be soothed by the waves and play on the sand and swim in the water. It should be inclusive and kids and wheelchair bound people and people with dogs should be able to access the sea and the beach too not just by looking through windows in a huge wall!*
- *To be honest, whilst some sort of basic flood measures perhaps need put in place, to actually desecrate the town to the levels that are being proposed is quite frankly horrific !*

- *People move to East Lothian to the different towns to enjoy the pretty green spaces, the nature and the local amenities and pretty walks, views and places to have picnics, walk their babies, dogs and just relax.*
- *Be as well calling it all “East Lothianshire” as due to the government house building initiatives being met, the towns are all joined now and there is very little green space and with the proposed flood scheme it's just going to look awful! Very severe and austere and over the top measures.*
- *Removing trees and building big walls is not the answer! It's like putting a cage round the town!*
- *There are more natural methods that could be undertaken and surely the water can be channeled elsewhere by another method and perhaps lower reinforced walls installed at certain parts where it may flood, instead of building huge concrete walls everywhere to contain it.*
- *Concrete isn't the answer either, the local community building and theatre was roofed with that and 53 years later its' fate is hanging in the balance which is also devastating for Musselburgh! I know as I [REDACTED]*
- *There are other towns in East Lothian that could probably have benefited from flood prevention intervention – Dunbar – one road along the seafront continually collapses due to the sea eroding it; Haddington – the river floods local*
- *properties regularly, North Berwick – the harbour walls have collapsed.*
- *Why is the focus on Fisherrow and Musselburgh ?*
- *The council are having to make some very difficult decisions and don't have the money to spend despite the grants.*
- *It's way over budget already, so maybe if a much lesser scheme could be put in place that isn't anything like what is being proposed and won't ruin what is currently a beautiful place, then the Council would have the money to spend on other important factors - care for the elderly, education, providing a new theatre and community building and making the shops better and not just having a glut of barbers, nail bars and low quality businesses.*

- *In the days of the town council there were town planners and they regulated the building and provided health care, schools, shops, leisure facilities and there wasn't the issues there are now.*
- *The builders are being made to contribute to the town with a sculpture and by providing local amenity housing but maybe a bigger levy could be made and they could have to incorporate schooling and leisure facilities and medical centres and shops and parking. It's cheaper for builders to build amenity housing than it is for them to do otherwise. If we must have the overkill with the new building make them provide these things too. All the local wildlife are being forced out and it's turning into a grey place. I am tempted to move to the Borders where it's still pretty.*
- *Why not listen to the local people that it affects and to their children and pause the scheme and take advice from other sources.*
- *Hawick looks awful ! It had flooding issues as did Jedburgh.*
- *Is there not a way that the water from the local river could maybe be channelled and pumped and then used to create energy locally ?*
- *Please use some common sense and don't sign our town away !*
- *Yours sincerely*
- 

[REDACTED]

22 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 object to the published scheme because:-

I grew up in Fisherrow at the Promenade and I know most of the local people that it will affect. I also work in Musselburgh and honestly feel that the proposed scheme is just totally over the top.

Just because funding is offered, it doesn't mean you have to vandalise and totally destroy what is currently a lovely fishing town with a beautiful harbour, seafront and promenade, local links for kids to play on and for people to walk dogs, for circus and theatre productions on occasion, the putting green and play park.

There is a gorgeous riverside with pretty landscaped flower beds and amazing trees, attractive bridges and resident swans and Canadian geese who chose to settle here – they weren't always here!

The local HTA cross the river during their annual festival week on horseback and there is a duck race. Are all the local people to suffer and are all these traditions to be trashed because of the (un)likelihood of a possible flood that may or may not happen!

Yes the global warming is affecting sea levels and maybe we need to be taking some sort of action to counteract that, but making people buy electric cars, not allow them to go to Edinburgh and suggesting huge walls along a riverside and a beautiful promenade is not an answer! Every country needs to do their bit to counteract the global warming and it's not down to one beautiful local town to take the hit !

In all my years of living in Fisherrow, only certain parts had minimal flooding. Beside the river at the nippers and the car bridge - traditionally the water comes up on the path and this is getting worse and the golf course at monktonhall seems to flood and once at the houses along near the weir their foundations were flooded, but other than that there is no actual flooding, most definitely not at the beach or at the river. The sand level and dunes have risen to the level of the original wall as it hasn't been cleared in years.

It used to be that the beach got dredged, a tractor came and cleared it and the sand was returned from Portobello each year. The wall along near the harbour used to have a big drop but now it's almost level with the road. So if this practice was returned and the drains cleared and the river basin cleared and all the recent embankments – originally there was only one island at the store bridge / then maybe it wouldn't be such an issue!

I grew up on the Promenade and had beautiful views and we played at the links and at the river and my kids did too and they still do. People during covid walked along the beach and they do every day.

The Arts reach parts that other things don't and it's good for the soul to experience music, drama, dance.

Well, so do rivers and beaches. It's good for people's mental health to be able to go to the beach and see the sea and be soothed by the waves and play on the sand and swim in the water. It should be inclusive and kids and wheelchair bound people and people with dogs should be able to access the sea and the beach too not just by looking through windows in a huge wall!

To be honest, whilst some sort of basic flood measures perhaps need put in place, to actually desecrate the town to the levels that are being proposed is quite frankly horrific !

People move to East Lothian to the different towns to enjoy the pretty green spaces, the nature and the local amenities and pretty walks, views and places to have picnics, walk their babies, dogs and just relax.

Be as well calling it all "East Lothianshire" as due to the government house building initiatives being met, the towns are all joined now and there is very little green space and with the proposed flood scheme it's just going to look awful! Very severe and austere and over the top measures.

Removing trees and building big walls is not the answer! It's like putting a cage round the town!

There are more natural methods that could be undertaken and surely the water can be channeled elsewhere by another method and perhaps lower reinforced walls installed at certain parts where it may flood, instead of building huge concrete walls everywhere to contain it.

Concrete isn't the answer either, the local community building and theatre was roofed with that and 53 years later its' fate is hanging in the balance which is also devastating for Musselburgh! I know as I [REDACTED].

There are other towns in East Lothian that could probably have benefited from flood prevention intervention – Dunbar – one road along the seafront continually collapses due to the sea eroding it; Haddington – the river floods local properties regularly, North Berwick – the harbour walls have collapsed.

Why is the focus on Fisherrow and Musselburgh ?

The council are having to make some very difficult decisions and don't have the money to spend despite the grants.

It's way over budget already, so maybe if a much lesser scheme could be put in place that isn't anything like what is being proposed and won't ruin what is currently a beautiful place, then the Council would have the money to spend on other important factors - care for the elderly, education, providing a new theatre and community building and making the shops better and not just having a glut of barbers, nail bars and low quality businesses.

In the days of the town council there were town planners and they regulated the building and provided health care, schools, shops, leisure facilities and there wasn't the issues there are now.

The builders are being made to contribute to the town with a sculpture and by providing local amenity housing but maybe a bigger levy could be made and they could have to incorporate schooling and leisure facilities and medical centres and shops and parking. It's cheaper for builders to build amenity

housing than it is for them to do otherwise. If we must have the overkill with the new building make them provide these things too. All the local wildlife are being forced out and it's turning into a grey place. I am tempted to move to the Borders where it's still pretty.

Why not listen to the local people that it affects and to their children and pause the scheme and take advice from other sources.

Hawick looks awful ! It had flooding issues as did Jedburgh.

Is there not a way that the water from the local river could maybe be channelled and pumped and then used to create energy locally ?

Please use some common sense and don't sign our town away !

Yours sincerely

██████████



Carlo Grilli

Service Manager-Governance

Legal Services

East Lothian Council

John Muir House

Haddington

EH41 3HA

Mfpsobjections@eastlothian.gov.uk

Dear Sirs

I am writing to object to the recently published Musselburgh Flood Protection Scheme, being a resident in the proposed affected area I am concerned about the validity of the project, the lack of transparency of information from the council on the project the lack of use of natural alternatives of the project and the lack of taking the views of the people who live in the area into consideration of the project.

I object to the scheme because.

- . it is not clear to anyone if this is necessary.
- . the environmental impact to the area will be devastating and massively impact the resident's quality of life.

. in a free democratic country the people of the area should be the first people to make decisions affecting there life not some un elected councillors who most if not all don't live in the area.

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

Yours faithfully

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

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

23 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 object to the published scheme because:-

My mom [REDACTED] live in Fisherrow at the Promenade and I [REDACTED] enjoy the lovely views that she had.

Please pause this scheme ! Have a think of it can be done in a different way and not in such a destructive way!

Why not listen to the local people that it affects and to their children, who are our future and pause the scheme and take advice from other sources.

Please use some common sense.

I want to enjoy the lovely wee town mom lived in not have it destroyed with big concrete walls with graffiti on them all over the place! Mom's neighbour is traumatised by the Brunton Hall issues as are lots of local townsfolk so please don't make them more upset.

Yours sincerely

[REDACTED]

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

[REDACTED]

23 April 2024

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

mfpsobjections@eastlothian.gov.uk

Dear Carlo

I am writing to object to the recently published Musselburgh Flood Protection Scheme. I object to the published scheme because:-

I grew up and went to school in Musselburgh as did my mum. It's a lovely old town with a great heart and traditions and values and it's not deserving to be destroyed!

Please pause this scheme !

Have a think of it can be done in a different way and not in such a destructive way!

Why not listen to the local people that it affects and to their children. We are the future. Please pause the scheme and look at other possible options.

Please use some common sense.

Yours sincerely

████████████████

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

[REDACTED]

22 April 2024

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

mfpsobjections@eastlothian.gov.uk

Dear Carlo

I am writing to object to the recently published Musselburgh Flood Protection Scheme. I object to the published scheme because:-

My brother and I grew up and went to school in Musselburgh as did my mum. We don't want huge walls along the river and at the promenade and it's not necessary!

Please pause this scheme !

Have a think of it can be done in a different way and not in such a destructive way!

Why not listen to the local people that it affects and to us, their children. We are the future. Please pause the scheme and look at other possible solutions.

Please also use some common sense and don't use money the Council don't have that could be used for other things ! There are other important things needing money spent on them!

Yours sincerely

████████████████████

From: [REDACTED]
Sent: 23 April 2024 08:33
To: Musselburgh Flood Protection Objections
Subject: (0320 [REDACTED]) Fw: Objection to Musselburgh flood protection scheme
Categories: Added to excel spreadsheet [REDACTED]

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.

Please acknowledge receipt of my objections listed below and sent to you on 18 April 2024

----- Forwarded message -----

From: [REDACTED]
To: [REDACTED] mfpsobjections@eastlothian.gov.uk
<mfpsobjections@eastlothian.gov.uk>
Sent: Thursday, 18 April 2024 at 19:16:01 BST
Subject: Objection to Musselburgh flood protection scheme

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

18 April 2024

Carlo Grilli

Service Manager – Governance

Legal Services
East Lothian Council
John Muir House
Haddington
EH41 3HA
[REDACTED]

Dear Mr Grilli

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

We are currently [REDACTED] [REDACTED]. I object to the published scheme because

- A thorough analysis of nature-based solutions hasn't been fully considered; if the river flow rate were to be reduced during periods of heavy rain via a nature-based scheme upriver, the requirement for flood defences in the town would be reduced. On 23 December 2023, [the Minister stated](#) "The Scottish Government recognizes the importance of natural flood management (NFM) measures in reducing, slowing or otherwise managing flood waters across catchments and along the coast while also delivering multiple environmental benefits." Why is ELC not in step with the Scottish Government? Removal of natural flood management before council voted 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.

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 the coast should not be ruled out (as per Dynamic Coast report).

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

There is no beach nourishment plan nor budget for this.

- As a regular walker along the river Esk, I've seen numerous episodes of flooding from sewer overflow in the past 2 years near to Loretto playing fields which included sewerage, toilet paper, wet wipes, sanitary towels, cotton buds etc; the flood prevention scheme doesn't address this but if the sewers were repaired and/or upgraded, this would reduce the likelihood of flooding from the sewers. 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 and are likely to exacerbate existing flooding risk.
- Cost to the taxpayer; the scheme is currently costed at £132m in total, including £53m for the flood protection part. The Council has been told the cost is likely to rise....by how much? Why has no cap been put on the cost? As we see other council cutbacks, surely this money could be better spent on care for the elderly, essential community health and wellbeing amenities: libraries, leisure and culture (e.g. Brunton Hall repairs). In my opinion, the Council budget/spending priorities are wrong. 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.
- Murdoch Green to be used as a construction compound, blocking access to the beach. This small park is where the sea and beach first come into view as you enter Musselburgh from Joppa. It is used by many local people and visitors every week. To use it as a construction compound would result in a major loss of amenity for the local people and visitors alike
- Murdoch Green to be remodelled and access to the beach provided via a large concrete ramp; is this costly additional beach access really required when there are good facilities including beach access, parking and toilets provided at the harbour?
- The proposed new Goose Green bridge does not add flood protection to the town, if anything, narrowing of the river at that point would likely INCREASE the risk of flooding. This bridge isn't necessary as the town is well served with river crossings. At a time when we are all encouraged to take more exercise, using the existing bridges is easy for both walkers and cyclists. 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
- The project will take at least 5 years to build. It will be a major cause of disruption for all residents and likely to harm an already-struggling high street. 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.
- Walls along river - if these truly are necessary then please reduce the height and locate them close to the river to enable maximum use of the riverside area for recreation


- Trees - its well known that trees reduce the likelihood and impact of flooding so a key priority must be to preserve the beautiful trees along the river. 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.
- Bias - consultants have a vested interest in over-engineering the Scheme. 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.
- 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.
- 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). Choice of year 2100 should be amended as we cannot accurately predict sea level rise that far. It could be less, or more!
- References to "enhancement of landscaping in Musselburgh" or similar are disingenuous as the proposals offer inferior landscapes, unquestionable gradually worsening through the years, with graffiti and lack of maintenance.
- 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.
- Negative impact on tourism to Musselburgh
- "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 may negatively affect my mental and physical health
- 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.
- My enjoyment of land will be affected by scheme and its operations.
- 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.
- 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 Murdoch Green, Fisherrow Links and Fisherrow coast. I use this regularly to walk along the coastline for health benefits. A coastal sea defence with limited access and any scheme compound and scheme works will directly impact mine and my family's ability to continue to do so and disturb my enjoyment of the land. If the scheme proceeds in its present form without amendments I expect to be compensated for the sustained damage as a consequence of exercising my powers under the Act, Section 83 (1).

Please understand that I don't want to see a single home in Musselburgh flooded but believe that the proposed plans are significantly over-engineered, there are alternative less-invasive approaches to achieve the same outcome and these should be given proper consideration.

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

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

Yours Faithfully,

A horizontal bar representing a redacted signature, consisting of a solid black rectangular block on the left and a light grey rectangular block extending to the right.

From: Grilli, Carlo
Sent: 23 April 2024 08:53
To: Musselburgh Flood Protection Objections
Cc: [REDACTED]
Subject: (0321 [REDACTED] FW: Musselburgh proposed flood scheme objection
Attachments: Objection to Musselburgh flood scheme.docx
Categories: Added to excel spreadsheet, [REDACTED]

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

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

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

Kind Regards,

East Lothian Council

From: [REDACTED]
Sent: Monday, April 22, 2024 11:41 AM
To: Grilli, Carlo [REDACTED]
Subject: Musselburgh proposed flood scheme objection

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 Mr Grilli, please find enclosed my objection to the flood scheme. Many thanks, [REDACTED]



[REDACTED]

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

22nd April 2024

Dear Mr. Grilli,

Along with others, I am writing as a frequent birding visitor to Musselburgh and wildlife surveyor to object to the recently published Musselburgh Flood Protection Scheme.

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

Inadequacy of the EIA Report's Ornithology Baseline

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

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

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

On top of this failure to present survey results to the required level of detail for such a sensitive area and for such important species, the desk study component of baseline data collection has also been inadequate. To accord with EIA guidance¹, baseline bird data should comprise both survey results and relevant pre-existing data on bird species present, their national and local population trends, and insights into their relevant behaviour. The Firth of Forth has been the subject of intense ornithological study spanning several decades², and it is reasonable to expect that this body of data would have been drawn upon for the EIA Report, not least given the sensitivity of the area and the need to design appropriate and effective mitigation measures for construction impacts and impacts over the 100 year operational life of the Scheme. The desk study data included in the EIA also fails to meet the requests from key stakeholders. Notably, for example, the East Lothian Biodiversity Office who requested in their Scoping Report (see ELC on 28th November 2023, EIA Appendix C3.2) that *'The field surveys should be informed by a data search from ... useful data (that) may be available from sources including the East Lothian Council Ranger Service, British Trust for Ornithology and Scottish Ornithologists' Club'*.

Starting with the Scottish Ornithologists' Club, the EIA fails to incorporate into its ornithology baseline any of the comprehensive pre-existing bird data that exists for the Scheme area, collected over several years by highly experienced local ornithologists, many with decades of expertise in the area's bird life. It would be expected, at the very least, that given EIA guidance³ and to comply with the request from East Lothian Council's own Biodiversity officer that the EIA authors would have submitted a data request to the Local Bird Recorder of the Lothian Branch of the Scottish Ornithologists' Club (SOC) to obtain relevant bird records for the area impacted by the Scheme. This was not the case, and therefore the EIA ornithology baseline suffers by not having the detailed insights into species presence, abundance, distribution and behavioural patterns to adequately inform its assessment (including of cumulative impacts), mitigation design and proposals for enhancement. This is particularly the case for the assessments of impacts from the Scheme's construction compounds, the seawall improvement works, and the two sections of the Musselburgh Active Travel Network (ATN).

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

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

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

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

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

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

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

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

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

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

Baseline Survey Accuracy

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

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

One further concern over the baseline survey surveys is the validity of the ‘through the tide counts’ which coincided with the construction activity for the new lagoons between 2021 to June 2023. Given that the EIA Report acknowledges that construction traffic along the seawall will cause disturbance to birds (including qualifying features of the Firth of Forth SSSI, SPA and Ramsar site), evidently the results from these surveys were not representative whilst the lagoon construction was on-going. NatureScot guidance on bird surveys clearly highlights the principle that surveys should not take place where there is disturbance that may change the abundance, distribution or behaviour of birds within the survey area⁴. This precaution has not been followed therefore, and it further undermines the reliance that can be placed on a significant proportion of bird survey data used in the EIA Report.

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

Failure to Identify and Assess Habitat Loss from the Scheme

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The rare instance when evidence and published peer reviewed information is referenced in support of the assessment of impacts is for kingfisher (see section 7.6.2.3.4). Kingfisher is only a species of regional importance, yet the EIA Report's assessments of impacts on internationally or nationally important bird species are repeatedly made without any reference to peer reviewed or other evidence, or even to standard NatureScot guidance (for example, in relation to disturbance, Goodship and Furness 2022⁶). A typical example of unsupported assertions is in Section 7.6.3.1.1 'Firth of Forth SPA and Ramsar', which states 'The remaining area to be lost within the SPA is comprised of habitat rarely used by qualifying species and therefore is considered unlikely to provide functional habitat'. There are no data presented to back up this assessment, since the EIA and its Appendices omit the necessary detail on the distribution and abundance of individual species.

This is a clear omission and weakness in the EIA Report, is contrary to guidance and good practice, and reduces the reliance that can be placed on the assessment or effectiveness of mitigation proposed. It also falls short of the robustness and detail of EIAs for other developments in the area⁷. Furthermore, East Lothian Council, who commissioned the EIA, has an actual duty to protect and enhance biodiversity. This duty cannot be adequately discharged without detailed baseline EIA (and HRA) bird data from which impacts on birds or other wildlife can be assessed, mitigation designed, and residual impacts identified.

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

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

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

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

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

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

will move elsewhere within the SPA, or (iii) impacts being insignificant - because the area of impact is small. These assertions are consistently unsubstantiated by evidence (as already highlighted above) and are a style of assessment more typical of commercial developers seeking to justify damaging protected sites. These assertions are inappropriate in those circumstances, but are totally inappropriate for Councils, given the legal and policy obligations they are under to protect and enhance biodiversity, notably the Nature Conservation (Scotland) Act 2004 and National Planning Framework 4 (NPF4). Furthermore, no reference is made to the fact that many wildfowl and wader populations in the Firth of Forth have already suffered long-term declines as a result of development impacts, disturbance and habitat loss⁸, and that approximately one third of the Firth of Forth SPA/Ramsar's qualifying species are in unfavourable conservation status (Protected Nature Sites (sepa.org.uk), accessed 19.04.2024). The Council's around the Firth of Forth, together with the Scottish Government, NatureScot, businesses and local communities, need to be working together to ensure qualifying features of the SSSI, SPA and Ramsar site return to favourable conservation status.

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

Disturbance to Birds During the Scheme's Operational Phase

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

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

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

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

That objection aside, these EIA Report sections contain no evidence to support the assessments made operational disturbance, and as such they are unsupported conjecture. This needs to be rectified (including in the HRA), firstly by inclusion of clear evidence-based and quantified prediction of the level of increased activity as a result of the ATN path and Goose Green Foot Bridge construction, compared to present levels⁹, and secondly by ensuring the assessment of disturbance impacts on each qualifying species of the SPAs, Ramsar and SSSI are made on the basis of these predicted operational levels of activity, and supported by an appropriate level of detail and evidence.

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

Impacts on Recreational Amenity Over the Construction Period, Specifically Birdwatching

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

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

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

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

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

Yours Faithfully,

[REDACTED]

Subject: (0322) Fwd: Musselburgh Flood Protection Scheme

Sent: 23/04/2024, 08:58:31

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [REDACTED]

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.

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]
Date: 22 April 2024 at 12:19:09 BST
To: [REDACTED]
Subject: Musselburgh Flood Protection Scheme

Sir,
I wish to object to the above scheme. I have no doubt that the proposed measures will do irreparable damage to an internationally important wildlife area visited by thousands every year. The river mouth and intertidal zone east along the sea wall currently supports an abundant and diverse range of wildlife, most notably birds. Claims that the proposed work will not seriously damage these areas cannot be substantiated: I think it is ridiculous, insincere and irresponsible to try and justify this.

I am a Midlothian resident, a keen birdwatcher and enjoy visiting the site most weeks of the year.

[REDACTED]

Sent from my iPhone

Subject: (0323) Submission to Musselburgh Flood Protection Scheme consultation

Sent: 23/04/2024, 09:15:38

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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

Dear Mr Grilli,

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

My name and address are:

[REDACTED]

Coastal defences and Dynamic Coast erosion report

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

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

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

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

Biodiversity

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

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

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

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

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

Concerns over Contribution to Climate Change

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

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

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

Yours sincerely,

[Redacted signature]

[Redacted contact information]

From: [REDACTED]
Sent: 23 April 2024 09:23
To: Musselburgh Flood Protection Objections
Subject: (0324 [REDACTED]) Fwd: Objection letter
Attachments: Objection to Flood Defense Scheme .docx
Categories: Added to excel spreadsheet [REDACTED]

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.

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]
Date: 22 April 2024 at 17:38:42 BST
To: mfpsobjections@eastlothian.gov.uk
Subject: Objection letter

Please find my objection letter attached
Thank you
[REDACTED]

Sent from my iPhone



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

Date 22/04/2024

To whom it may concern

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

I am an interested party given that I am the owner and live in [REDACTED] Musselburgh and my house backs onto the beach to the [REDACTED] and the house is [REDACTED] of the Harbour.

I have disturbance and security concerns and also privacy concerns plus specifically on [REDACTED] access to the beach that was the main reason for purchasing this house.

I do not believe that I should be asked to accept limited access to the beach or that I should accept less privacy or a public walkway [REDACTED], and a gap between our garden wall and the sea wall I find ludicrous and feel strongly this could become an unofficial pathway plus be a littler trap and vermin issue.

I feel I was assured that there would be no walkway [REDACTED] at the beach, but there clearly is.

I worry this project could damage our property and I have no guarantee that this will not happen.

I feel we should have been offered more than one option at the very least to allow us to consider the best possible solution for all [REDACTED]

I am not very good with words and in the absence of any legal advice I would like to object on all levels, this project should be paused and a clearer agreeable solution should be found.

I was advised along with my neighbours [REDACTED] by an ELC appointed person that the flood defenses would be needed at the turn of the century and I feel with 75 yearS still to pass until then that this scheme is flawed and unnecessary at this time.

I would urge that a pause is put in place to give time to investigate further and find more solutions that may work and be more acceptable.

I would urge that you take into account the changes in technology that may be available well before the defenses are needed and much more suitable for the project and area.

Please can I ask kindly that you acknowledge my objection in writing and if you have any information to show that future technology has been considered?

Many Thanks



Subject: (0325) Fwd: Objection to proposed flood scheme

Sent: 23/04/2024, 09:47:18

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Categories: [REDACTED]

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.

Hi!

I'm resending my objection letter as I haven't received an acknowledgment of receipt from you.

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]

Date: 22 April 2024 at 20:56:05 BST

To: mfpsobjections@eastlothian.gov.uk

Subject: Objection to proposed flood scheme

[REDACTED]

[REDACTED]

To Whom it may concern,

I'm writing to express my objection to the proposed Musselburgh Flood Protection Scheme.

Our home is in close proximity to the river Esk and the seafront and the proposed scheme will therefore have a direct impact on our lives.

My first objection is related to the overall design of the scheme which seems to rely on tons of concrete being used without any consideration to the natural and historical beauty of our town. I believe that unsightly concrete barriers are a very dated solution and will forever destroy people's enjoyment of the river and the seafront. There is nothing esthetically exciting in the design. Nothing at all. Just concrete nightmare. I'm shocked that East Lothian Council has not put any emphasis on preserving the character of the town and hasn't chosen better suited solutions to deal with their concerns. We live in a conservation area and Council is very strict when it comes to individuals making improvements to their properties. I'm sure that if we wanted a high concrete wall around our property we wouldn't be granted permission. It would be unthinkable.

Musselburgh is beautiful. Everybody agrees that river with its green riverbank, ducks, geese and all kinds of birds is truly special to our town.

The Flood Protection Scheme design is simply not fit for character of the town.

My second objection is to the height of the proposed walls around the river and the seafront. The proposed walls are extremely high and at some places the walls will be blocking all the views completely. Children and wheelchair users will be the most affected by this. What is the purpose of such high walls? The flood might never happen but people have to look at the walls every day.

I object to the fact that we will not be able to enjoy beautiful views we got accustomed to enjoy.

I also object to many mature trees being killed to facilitate this scheme.

We should enhance green spaces and protect our trees and wildlife. I would expect the Council to choose the scheme that prioritises natural solutions and not the one that replaces trees and green spaces with concrete.

I hope you take my objections into consideration and don't go ahead with this depressing scheme.

Regards, 

P.s

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

Sent from my iPad

[REDACTED]
[REDACTED]
[REDACTED]
23rd April 2024

Dear Mr Grilli

I am writing to raise objections about the Musselburgh Flood Protection Scheme.

[REDACTED] I grew up by the Esk and I am in Musselburgh every week. I have been birdwatching at the Esk mouth and Lagoons [REDACTED]

My objections are

- The cost to taxpayers which does not seem fully communicated yet. Is there a cost breakdown ? How can we go ahead without knowing ? I am concerned that the cost of this scheme in the end will be more than value of any properties saved.
- The barriers will hamper access to the river and beach every day of the year for a solution which may or may not help given that we cannot say with much certainty the requirements. I see the original barrier height has been altered after feedback. Why would this be possible ? Surely we should pause this until we understand.
- Given that we hope high rainfall will flow out to sea why are we adding a new bridge at the mouth ? I don't see why we need an this bridge given that we already at least 6. How does this help with flood protection ?
- Why are we having the cost of replacing the "Electricity Bridge" ? This was build to get transformers to a power station which no longer exists. Surely this extra , little used bridge should just be removed.
- I remember the last time access to the sea wall at the lagoons was fenced off during construct of the wader scrapes. This turned bird watching visitors away from one of the most popular site in South Scotland.

Carlo Grilli

Service Manager- Governance

Legal Services

East Lothian Council

John Muir House

Haddington

EH413HA



Musselburgh Flood Defence Scheme

I am writing to object to the proposed flood protection scheme for the following reason —

1. The replacement of 3 bridges by 4 new bridges is a misuse of public money.
2. The case for an additional bridge has not been demonstrated as a necessity.
3. Shortening the width of the river mouth will only increase the danger of uncontrolled flooding.
4. If one of the bridges is not to be used for through traffic (as stated by Scheme Representatives) why does it have to be the width proposed? This has not been properly explained.
5. More nature based and some other alternative part solutions have not been properly considered and the reasons for their apparent rejection have not been justified by the Project Team. Examples of such alternative solutions used in other parts of the UK have been well publicised and have been known by the Team.
6. The disruption to the links during the 5 year project will deprive local residents of the enjoyment of walks and seating by the sea. What is planned for alternative enjoyment during this period?
7. What is being done to protect the status of all the existing Common Ground

21 April 2024

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



CARLO GRILLI
LEGAL SERVICES
EAST LoTHIAN Council
TOWN MuIR House

EAST LoTHIAN COUNCIL
RECEIVED
23 APR 2024
LEGAL & PROCUREMENT

HADDINGTON
EH41 3HA

RECEIVED
23 APR 2024

EAST LoTHIAN COUNCIL
RECEIVED
23 APR 2024
LEGAL & PROCUREMENT

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

17th April 2024

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

Dear Carol Grilli,

I am writing to Strongly Object to the recently published Musselburgh Flood Scheme.

My property will be affected by the disruption to the ground in the [REDACTED] area and I am very concerned about the detrimental effect it will have on my house. As a resident of [REDACTED] for [REDACTED] I am well aware that the whole area is built on reclaimed land. This means that we will not be given permission to build and extension or conservatory to our house. Yet the proposed scheme is to build a completely unnecessary and unwanted bridge at the mouth of the river.

That proposed bridge has absolutely no relevance to flood prevention. The proposal to construct such huge 2-meter-high walls is completely over engineering the whole problem. Nature based solution have not even been given proper consideration.

I am requesting that a complete guarantee of a full dilapidation survey must be carried out prior to any construction starting. I require this to be done both by yourselves and by and company of my choice, both of wish are to be funded by the council. I wish to also have a full guarantee of repairs to all and any damaged done to my property. This will need to be done in a prearranged time frame. Legal action

will be taken if this the proposal goes ahead without these guarantees being given and fulfilled.

The cost of the repairs etc can be perhaps managed but the effect the whole project will have to my own, my family's and neighbours' mental health is unmeasurable. We choose to live at the mouth of the river because it is a quiet place of uninterrupted natural beauty. Every day I am blessed with a spectacular view over to Arthurs Seat and Portobello, the construction of a huge concrete bridge with ramps and stairs will seriously impact on that view and my mental well-being, and no compensation will ever be able to replace the effect this will have on the very people you are supposedly trying to protect for a once in 200-year event. However, compensation will be sought if my Enjoyment of the land adjacent to my property is affected. The depreciation in property value and disturbance to my personal interest in the surrounding land will be brought into consideration in any future compensation case.

The full environmental impact had not even been published when the scheme was agreed upon in January. How can the councillors justify the expense this project is estimated to cost. The impact of this suggested solution to the possibility of flooding is going to be long term, extremely negative to nature and permanent.

I am not against some improvement to the bank of the river, but a full nature-based approach must be considered. Coastal adaptation and beach nourishment must be better explored by the council. The narrowing of the river is quite preposterous there is absolutely no requirement of a cycle path to be put in place at the expense of the existing width of the river.

The residents of Musselburgh deserve better. A full rethink of the whole project is required.

Under no circumstances must communication be in person. I insist that all communication be with me in writing by post.

Please acknowledge receipt of this letter of objection.

I would be grateful of being advised of the next steps and timescale.

Yours Sincerely,

A black rectangular redaction box covering the signature of the sender.

St George's
Day
Thursday 23rd April

Royal Mail
Edinburgh
Mail Centre
22-04-2024
20000450



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

EAST LoTHIAN COUNCIL
RECEIVED
23 APR 2024
LEGAL & PROCUREMENT

Subject: (0329) Reference: CG/11481: Representations in Respect of the EIA Report
Sent: 23/04/2024, 09:55:42
From: [REDACTED]
To: Musselburgh Flood Protection Objections
Attachments: [ForthDSFB.pdf](#)

Follow Up Flag: Follow up
Flag Status: Completed

You don't often get email from board@forthdsfb.org. [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 East Lothian Council,

Please find attached the Forth District Salmon Fishery Board's "Representations in Respect of the EIA Report" for the Musselburgh Flood Protection Scheme 2024.

Yours Faithfully,

[REDACTED]



Forth District Salmon Fishery Board
The Clubhouse
106 Biggar Road
Edinburgh
EH10 7DU
T:0131 378 7174
E: [REDACTED]

Forth District Salmon Fishery Board
The Clubhouse
106 Biggar Road
Edinburgh
EH10 7DU
T:0131 378 7174
E: board@fortdsfb.org

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

Flood Risk Management (Scotland) Act 2009
Musselburgh Flood Protection Scheme 2024
Reference: CG/11481

Dear East Lothian Council,

Please accept this response on behalf of the Forth District Salmon Fishery Board for the Musselburgh Flood Protection Scheme 2024. The Forth District Salmon Fishery Board, while remaining neutral, wishes to draw attention to specific concerns we have about certain aspects of the scheme.

ForthDSFB

The Forth District Salmon Fishery Board (FDSFB) has a statutory remit for the protection of salmonids within rivers around the Forth. FDSFB enforce current fisheries legislation (Salmon and Freshwater Fisheries(Consolidation)(Scotland) Act 2003) and ensures works in or around rivers do not breach this legislation.

This Act has several provisions, including protecting salmonids at all life stages, whether eggs, juveniles, smolts, or adults. Knowingly injuring, disturbing, or destroying salmonids and their habitat is an offence. Obstructing their migratory passage is also an offence. The Board must be confident that salmonids at all life stages are protected during any instream works mentioned in this scheme and that the scheme will not impact salmonids in the future.

Biodiversity EIA

In reference to “Biodiversity EIA Report, Table 7-7 Schedule of environmental commitments – Biodiversity”, The Board is content to see the inclusion of fish removal at dry works (E19), no instream works taking place during sensitive timings for salmonids between October and May (E21) and screening if over pumping is required (E22). The board is also satisfied with other relevant mitigating items including ECoW (E2) with experience in freshwater environments and

following “Guidance for Pollution Prevention for works and maintenance in or near water (GPP 5) (Netregs 2023) to minimise impacts on aquatic habitats and species (E18).

The Biodiversity EIA report also mentions the impact of noise and vibration on migrating fish (7.6.2.3.6 Fish), further emphasising the importance of restricting instream works to between 1st June and 30th September. The Board assumes this is for all instream and riparian works as part of the scheme.

The Board does have concerns with (E20) “Fish passage will be maintained throughout the works using temporary culverts or maintaining a partial open channel.” The board urges maintaining open continuous fish passage and are against temporary culverts due to culverts not being effective for all fish species or limited to salmonids depending on their lifestage.

New large debris catcher by Whitecraig

The Board has concerns regarding the debris catchers near the A1. Although spacing has been included to mitigate the impact on fish migration, when this structure is blocked by debris, it becomes an obstacle and barrier to migration. Based on current drawings, this structure's design has the potential to become a large woody debris barrage and hold up water upstream, similar to a leaky dam. Preventing fish movement, not only restricts migration and will break the Salmon Act, a barrier will provide an opportunity for poaching activity. Although CCTV and clearing of debris are mentioned, a temporary barrier can have devastating consequences if left unmanaged, especially if weather conditions/trees fall on the access track, adding to delays in debris clearing and issues in funding/staff availability arise in the future.

The Board would seek more clarity surrounding the use of debris catchers in this scheme with more evidence that legislation will not be broken. If this structure is designed purely to prevent large woody debris from damaging downstream infrastructure, would a deflector system at an angle forcing trees into the bankside serve a better purpose than a horizontal full river-length entrapment? This structure is particularly concerning for salmonid protection, particularly when the Scottish Government has just announced a wild salmon crisis with further action for Salmon due to the critical state of wild populations.

Eskmills Weir

It was noted previously that Eskmills Weir could not be removed due to the structure providing an asset to the flood protection scheme. The weir restricts the migration of fish species into the wider catchment, included in the Biodiversity EIA. “Inveresk Weir is considered likely to be a barrier to the upstream movement of lamprey under most conditions”.

The Board is delighted to note that mitigation measures (E25) “Positive Effects for Biodiversity Management Plan” have included improvements to the Eskmills Weir fish pass. It states, “Enhancing the fish populations upstream of the weir.” Although Improvements have been noted it does not reference a particular design or structure and only mentions masonry repairs in the drawings provided. The Board believes a rock ramp allowing migration for a variety of fish species in different flow levels while retaining the structural integrity of the weir is best suited and would request this be included for the benefit of the river and fish populations.

Consideration should also be made regarding the lade, ensuring appropriate screens are in place to prevent adult fish and smolts from entering the system.

Goose Green Weir

Another barrier to migration includes the Goose Green Weir at the mouth of the River Esk. Although the top of the weir “overtops on each high tide and is considered passable to all fish species”, this cannot be assumed. Migration is only possible over a short period of time around high tide before becoming an exposed pool, leaving fish vulnerable to predation. This will be heightened if work is completed on both banks. Based on current drawings, this could become a concern. The board feels it is advisable to have rough material rather than smooth concrete to allow European eel alevins/glass eels to navigate and to reduce the impact on migration. Goose Green only has concrete repairs highlighted in the documents provided, which would smooth the design, and the flood defence walls on both banks will also, from our assumptions, be smooth. Designs should consider eel passage at this site to ensure the scheme does not prohibit migration.

Riparian Zone in Work Areas

Lastly, as mentioned earlier, Salmon are in crisis. The overall scheme, although positive in planting more trees than it is removing, The board would like to see more effort in retaining riparian trees shading the river and providing cool water temperatures. This is most important on the southeast banks of the Esk, providing the largest amount of shade throughout summer highs. The Board would like to express this as an opportunity to request more tree and shrub planting, especially in areas which appear to be open grassland along the banks i.e. work area in annotation on non-technical summary of Mall Avenue. This could be achieved by planting willow and other native species at areas where riverbank creation occurs – e.g., work section 24 & 25.

Access for angling

The river within the scheme is home to a vibrant and driven angling club called Musselburgh District Angling Association. Angling provides many benefits to participants, including improvements to physical and mental well-being. The Board would like to highlight that the scheme should ensure that all reasonable efforts are made to ensure continued access to the river for angling during the build phase and into the future. This scheme could have a detrimental impact on the club should it degrade access or prohibit them from accessing the river.

Ending Statement

The Board are pleased with the detail included in the biodiversity EIA in following the (Salmon and Freshwater Fisheries(Consolidation)(Scotland) Act 2003). We are happy that if all mitigation measures are followed, the risk to salmonids will be low, with the exception of the debris traps. The Board accept the details in Jacob’s electrofishing reports following SFCC protocols. Although The Board does not object to the scheme, the main points raised highlight our concerns:

- Designs for improving fish passage at Eskmills Weir.
- Consideration to modifications at and near Goose Green Weir.
- Further clarity on the debris traps in regards to (Salmon and Freshwater Fisheries(Consolidation)(Scotland) Act 2003).
- Increasing riparian tree planting in exposed sections.

- Access for anglers is maintained.

On a minor note, it was disappointing to see little mention of fish in the non-technical summary. In terms of what the public agencies are seeing and the standout information, these works have the potential to impact salmonids and protected fish species significantly. The Board feels this should have been mentioned in more detail to assure the public that all measures are being followed.

The Board hopes you can consider the following and ensure our recommendations and concerns are considered going forward.

Yours Faithfully,



Forth District Salmon Fishery Board

[REDACTED]
[REDACTED]
29/03/2024

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



Service Manager,

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

I am directly effected by the proposed this proposed scheme.

[REDACTED]

On a personal note I am almost [REDACTED] years of age. I cannot emphasise strongly enough the stress this has been for me to date, and continues impact my daily thoughts since first hearing about this project. Although being directly effected by this project I have only just received something official through my door. This has arrived only after the council appear to now be at an advanced stage and decided on the preferred plan.

This I find wholly unacceptable.

I am objecting to the proposed MFPS on the following basis:

New Bridge at [REDACTED]

[REDACTED]
This will have a serious impact on the natural light being able to enter [REDACTED]

[REDACTED]
Parts of the bridge will require to be higher than any proposed wall so [REDACTED]

[REDACTED]
The bridge has no part to play in flood prevention,
The John Muir way should travel from each side of the river Esk to the newly proposed. Electric footbridge.
Only one bridge is required to replace both the current Electric and Goos Green footbridges.
The bridge therefore is not cost effective.

It is proposed that the river is narrowed at this point of the proposed bridge thus making the river narrower at this point and have the capability of raising the height of the river at this point of flow.

I completely disagree with this assessment.

I refer to my below statement that properties have been impacted previously due to construction works.

I require - in writing that my property will be safe and / or repaired in accordance with a surveyor of my choosing.

Property Valuation

It is my belief that the proposed MFPS in its current form will have a negative effect of the value of my property.

This not only impacts myself but also my children's inheritance.

Protection Of Property During Works:

My property and all houses in the local vicinity are at risk of being impacted by local workings.

There are possibly old mine workings below.

There has been previous occasions where building works in the local area have put at risk the structural safety of houses in the [REDACTED] area.

There needs to be a guarantee that my property will not be impacted structurally.

There are currently no structural issues with my property

Should any structural issue arise at any point after commencement of work I require to have this put right in accordance with a building surveyor of my choosing.

Graffiti

Any constructed wall is subject to graffiti.

There requires to be - in writing - a guarantee that any identified graffiti will be removed within a time frame of it being notified to the local authority.

Cost Benefit:

The one in a 200 year prevention proposal will most definitely not be cost effective.

More cost effective to build a scheme that can be added / enhanced at a future date.

Not only that but a one in a 200 year prediction is at best even for scientists, a "scientific" finger in the air.

Has other flood protection schemes been studied - including those from other countries?

Maintenance

I have seen nothing on cost of maintenance.

Figures for this need to be produced and proof that the local authority expects to set aside / cost in an expected annual amount for such activities.

There requires to be - in writing - a guarantee that any identified required maintenance will be carried out within a time frame of it being notified to the local authority.

As an example of lack of maintenance we need to look no further than the existing sea wall and path at the former Cockenzie Power Station site.

Lack Of Communication:

As stated above there has been a complete lack of official communication given to myself at my address.

This is completely unacceptable given I am directly impacted.

Wild Life

Currently, cormorants can be seen drying their wings at low tide on rocky outcrops at the mouth of the river Esk.

This will no longer be available to these birds.

Many geese live all year round along the banks of the river Esk.

They feed on the grass on the banks of the river.

How will they live / survive?

Many other birds rely on the grass bank of the river as a place of rest.

How will this now be possible?

Has RSPB been included?

Parking

At [REDACTED] parking has become congested.

People wishing to bird watch or other activities are using the current local roads and grass verges as a public car park.

Has consideration been given for perking in [REDACTED]?

If so, what is the proposed solution.

If not, why not?

Please acknowledge receipt of this letter of objection - in writing - at your earliest convenience.

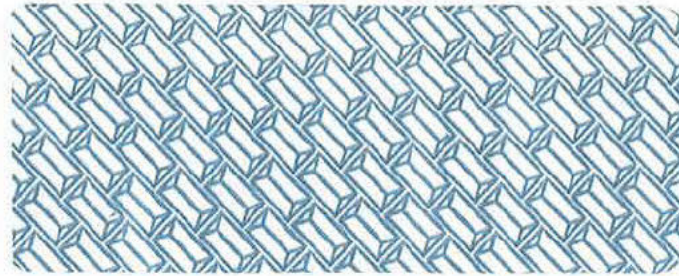
In addition to acknowledging receipt of this letter I ask that each bullet point above are addressed.

Yours sincerely,

[REDACTED]

St George's
Day
Tuesday 23rd April

Royal Mail
Edinburgh
Mail Centre
23-04-2024
00000000



EAST LoTHIAN COUNCIL
RECEIVED
23 APR 2024
LEGAL & PROCUREMENT



18th April 2024

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



Dear Sir

Musselburgh Flood Protection Scheme Consultation.

As a local resident and a taxpayer I wish to register my objections to the proposed flood protection scheme proposals both in general and in specific terms and these I have stated below.

1. As a Scottish taxpayer, I object in principal to the expenditure, by the Scottish Government, of a finite allocation of taxpayers money on a national scheme of flood protection which is not prioritised on the basis of immediate need.
2. I object to the way in which the specific flood works have taken account of the unapproved Active Toun proposals and, although it is almost impossible to separate into which project the proposals fall, there are obvious costs within the Flood Protection Scheme which are being driven by the over intrusive, speculative and the as yet unapproved Active Toun proposals.
3. There are many areas within the proposals where, due to the height of defences, the riverside experience of children and wheelchair users is compromised and that, in my opinion requires to be addressed.
4. I object to the unnecessarily wide bridges which are driven it seems by the over intrusive, speculative and the as yet unapproved Active Toun proposals.

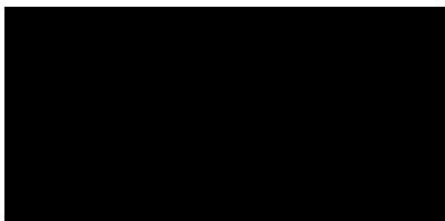
My specific objections to the proposals, which I shall deal with starting at the Olivebank footbridge (Ivanhoe Bridge), are as follows.

1. I object to the repositioning of the Ivanhoe Bridge on the basis that, although the present bridge may require to be replaced to allow for the flood protection proposals at the abutments, its present location can accommodate a bridge with a clear span and with the existing steps and ramp at Eskview Terrace reconfigured to run in a downstream direction, the proposed excessive ramp and double retaining walls which chase the gradient up to Eskview Terrace could be avoided. There is no need for a double ramp at Station Road as most of the traffic is towards the Tesco store. I see no benefit to the residents of this part of the town or to the Flood Protection Scheme from what is a huge engineering intervention.
2. I object to the proposed interventions on Mall Avenue between the Roman Bridge and The Rennie Bridge for a number of reasons not least the environmental impact of these interventions

on the setting of the Grade A listed Roman Bridge. The location of the flood wall within the grassed area is in my opinion ill conceived and should be reviewed to investigate whether a wall at the heel of the current roadside path is possible thus maintaining the setting of the river and the bridges. The introduction of a five metre pedestrian/cycle path is unnecessary both in terms of width (Pathsforall recommends a three metre path with grass verges of one metre) and in terms of its visual impact. The current shared path adjacent to the road seems to be perfectly adequate for the purpose. Access to the ford upriver from the Roman Bridge will require to be maintained as it is used annually during the Musselburgh Festival. Any work to the bridge to ensure the integrity of the flood defences will have to be reversible. A flood gate at the Rennie Bridge would allow the shared pathway to cross the flood defences and access the underpass on the east of the river.

3. From my experience of the flood works to the Burdiehouse Burn, the longterm efficacy of unreinforced polders forming the river bank, such as those proposed for Eskside West, may be questionable due to erosion during periods of high river levels. The location of the three metre wide path on the top of the polder, immediately adjacent to the sloped embankment, in my opinion presents an unacceptable safety hazard for children, cyclists and those using wheelchairs or other mobility aids.
4. I object to the inclusion of double ramps at all the river crossings on the east of the river but particularly at James Street. This river crossing is part of the main cycle route used by road cyclists to bypass the town centre and as the designers have considered that a dogleg ramp is acceptable on the west bank, then I suggest that a similar solution on the east bank would be equally appropriate. The upstream ramp at Shorthope Street is also quite unnecessary. The amount of vehicular traffic in this area is negligible and within the current proposals, walkers and cyclists have to cross the car park to access the downstream section of shared footpath.
5. I object to the inclusion of the proposed bridge at the mouth of Esk in the Flood Protection Scheme as it adds nothing in terms of flood protection and is most probably only a "nice to have" as part of the over intrusive, speculative and the as yet unapproved Active Toun proposals.
6. I object to the proposals for access to the beach at Mountjoy Terrace. The Flood Protection Scheme must allow for horses and riders to access the beach in a safe manner. The beach between Mountjoy Terrace and the Harbour is used annually during the Musselburgh Festival.
7. I object to the fact that there is no access for horses and riders to access the beach at Fisherrow Harbour. The beach between Mountjoy Terrace and the Harbour is used annually during the Musselburgh Festival.

Thank you for providing me with the opportunity to raise my objections to the proposed scheme of flood protection and I hope that my comments are helpful to the designers as they move forward into the next stage.



St George's

Day

Tuesday 23rd April

Royal Mail
Edinburgh
Mail Centre
22-04-2024
14:02:12



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

EAST LoTHIAN COUNCIL
RECEIVED
23 APR 2024
LEGAL & PROCUREMENT

[REDACTED]

Email: [REDACTED]

23 April 2024

Carlo Grilli
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 Floor Protection Scheme.

My grandparents and father were born and bred in Musselburgh. I lived in [REDACTED] till my early 20s and then moved to Musselburgh. I am now [REDACTED] years old.

I object to the published scheme for too many reasons to list but mainly because:

1. I think the scale of the proposed scheme is totally unnecessary for an event which may never happen. East Lothian Council cannot afford it now or the upkeep in the future.
2. No NFM nature based solutions were explored adequately.
3. I do not want ugly concrete walls the length of our beautiful river and the views to be spoiled for ever. My father was [REDACTED] request was always to be taken to sit at the harbour or back sands to enjoy the wonderful Forth view. I am sure most of the people of Musselburgh are as passionate about that view. Don't spoil it with walls.
4. I do not want the beautiful trees which it has been proven aid our environment and air quality every day to be felled. I do not want the ducks, geese, swans and other river wildlife to be driven from Musselburgh. They have been on that river since I was a child and since my father was a child and I expect since my grandparents came and settled in Musselburgh [REDACTED]

Please acknowledge receipt of this letter to [REDACTED]

Yours faithfully

[REDACTED]

Subject: (0333 NO ADDRESS) Fw: Musselburgh flood protection scheme - objection

Sent: 23/04/2024, 10:12:38

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up

Flag Status: Completed

Categories: NO ADDRESS

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

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

From: [REDACTED]

Sent: 22 April 2024 12:25

To: [REDACTED]

Subject: Musselburgh flood protection scheme - objection

I want to object to the proposal for this scheme.

I am a local resident and ornithologist. I feel the proposals would significantly impact the internationally important (and RAMSAR designated) water bird population at the site and that the EIA attached to the plan is inadequate and does not take account of recent disturbances to the site or the long records of independent monitoring of bird life around the estuary.

I think that for this and many other reasons the proposal should be referred to a public enquiry

I d appreciate acknowledgment of my objection and to be updated on developments with the proposal.

Yours sincerely

[REDACTED]

Subject: (0334) Objection to proposed flood scheme
Sent: 23/04/2024, 10:20:48
From: [REDACTED]
To: Musselburgh Flood Protection Objections
Attachments: [flood_scheme_final.pdf](#)

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 ELC
Please find attached our objection to this scheme.
Regards
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
23/04/2024

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

mfpsobjections@eastlothian.gov.uk

Dear Service Manager

We, [REDACTED] and [REDACTED], wish to OBJECT to the Musselburgh Flood Protection Scheme 2024 proposal on the following grounds.

1. We have lived in Musselburgh for [REDACTED] years. We are not at risk from flooding, but we do walk the river frequently and enjoy the wildlife, peace and quiet, and open space.
2. The Esk river and its environs are one of the jewels of Musselburgh. They provide a semi-wild place to exercise, explore and appreciate nature of both the river and the sea in a way which is not possible in the more urban parks. We understand the need to protect the town from flooding, but parts of the proposal go beyond the need to provide flood protection and in doing so increase the urbanisation of this area to an excessive amount and degrade its 'wildness'.
3. The cycle paths are of unnecessary width (5 m) and dominance in the scheme. Far too much land is going to be covered in tarmac and associated infrastructure.
4. It is undesirable to combine walking and cycling paths because of the different speeds of wheel and foot traffic. The ability of pedestrians seeking to enjoy nature is downgraded by this proposal in favour of cyclists wishing to travel quickly from A to B.
5. Moving the existing Goosegreen footbridge to the mouth of the river, with a 5 m width for traffic is completely unnecessary, and brings it into Musselburgh Active Travel rather than Flood defences. This bridge is unnecessary for MAT as the replacement Electric Bridge will provide a crossing point for both walkers and cyclists. Likewise, it is not essential for providing flood protection. The design for this bridge narrows the river, which will create a 'backwater effect'. Consequently, the flood walls along this part of the river will need to be higher to hold the same volume of water than would be necessary if the bridge was not constructed.
6. The heights of the flood walls in many places are so high as to obstruct the view for many people, both adults and children, so any opportunity for lowering wall height or increasing viewing opportunities (e.g. installation of glass panels, providing steps as part of the wall structure) should be taken.
7. The images of the bridges and walls in the design statement document show water at 'design flood level' which gives a benign appearance to the structures. A true representation of these structures at present-day high and low river levels, should be

given to enable the planning committee and public to fully understand their visual impact.

8. The provision of 2 ramps on the east side of the moved replacement Goosegreen (now river mouth) foot bridge is unnecessary.
9. The provision of two ramps on the east side of the replacement to the Electric bridge is excessive and unnecessary. Only one should be constructed.
10. The visual impact of these ramps will be adverse, especially to local residents. We were unable to find drawings of the structure of the proposed ramps. A sympathetic design is important to the neighbourhood.
11. Unfortunately, the flood defences will provide massive opportunities for graffiti. We hope that the Council has the funds to patrol them daily to clean up and deter this practice.

Yours sincerely

A solid black rectangular redaction box covering the signature area.

Subject: (0335) Submission to Musselburgh Flood Protection Scheme consultation

Sent: 23/04/2024, 10:30:50

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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

Dear Mr Grilli,

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

My name and address are:
[REDACTED]

Although I don't live locally, I have friends in Musselburgh, I enjoy visiting the town, and I particularly enjoy walking along the coast there.

I am seriously concerned about accelerating climate change and the risk of flooding, and welcome the Council's recognition of the need to develop the flood protection for Musselburgh. However, I object to the current proposals on three grounds.

1. The erosion risk along the coast between the Esk and Brunstane Burn has not been adequately accounted for by the current design. The expert report by Dynamic Coast makes clear that there is a "wider and currently unaddressed future erosion risk... that may threaten the Scheme's proposed defences and other assets along the town's frontage".
2. In relation to biodiversity, there would be a significant loss of ancient woodland, despite NatureScot describing such habitat as an 'important and irreplaceable national resource' (§7.42). Furthermore, there could be far more ambitious biodiversity enhancement throughout the catchment, such as tree-planting, pond creation or leaky dam structures.
3. There is uncertainty about the mitigations proposed for the project's greenhouse gas emissions. The proposed mitigations in the Environmental Impact Assessment (Ch 12) are all described as 'potential' actions, or actions that 'could' be explored through the proposed Carbon Management Plan. Without a robust means of enforcing them there is a significant risk that they will be seen as optional. At a minimum, adherence to the CMP must form part of the procurement process for all contractors. .

Yours sincerely,

[REDACTED]