

## 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.13

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Additional information:

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

For Office Use Only:	
Library Reference	110/24
Date Received	18/10/24
Bulletin	Oct 24

20th April 2024

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



Dear Mr Grilli,

I am writing to give my objection to the recently published Musselburgh Flood Prevention Scheme.

I have lived in the area for many years and there is no need for all the paths and bridges that are being suggested.

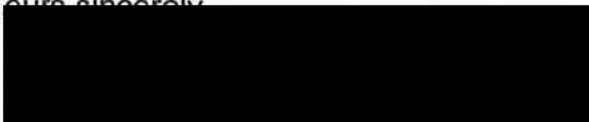
If the council cleared the drains like they used to and dredged the river of all the build up silt, then it surely would reduce the chance of a flood. The existing walls badly need repaired and the beach needs to be better maintained. These things along with planting more trees not chopping down the ones we have already will help. Narrowing the river to make way for a cycle path is just ridiculous. The wide paths will look terrible and spoil my view of the river, this is going to be bad for my well being as I enjoy living with a lovely view of the river. We have had to put up with the building sight at the Scottish water building across the river for months and months now but to have a building sight right at our front door is just too much for us to live with.

Any communication with me regarding this matter is required to be in writing by post, I do not want anyone one approaching my house.

Please acknowledge receipt of this letter of objection.

I look forward to hearing about this.

Yours sincerely,



EAST LoTHIAN COUNCIL  
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23 APR 2024  
LEGAL & PROCUREMENT



ELC  
CUSTOMER SERVICES  
23 APR 2024

20th April 2024

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



Dear Mr Grilli,

I am writing to let you know I object to the recently published Musselburgh Flood Prevention Scheme.

I live [redacted] next to the suggested new GooseGreen bridge. I am very upset about this because it will be completely blocking my view and because of the height it will allow people using the bridge to look into my property.

This is causing me stress worrying about the effect it will have on my house. I have lived in this house for [redacted] years and I don't want to move because the damage this construction is going to cause to my house. There are already cracks in my house because of the recent new houses that were built nearby, this is going to cause more.

The noise pollution and disruption the machines will cause is very distressing for me and my partner.

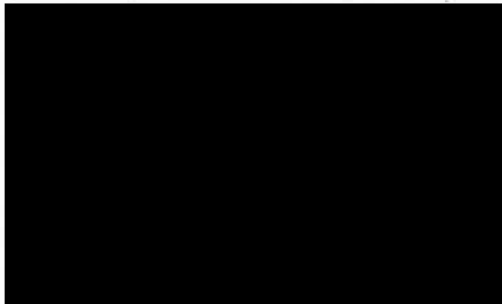
There doesn't need to be a bridge there as it is not far to the bridges that already go over the river.

Any further communication about this matter must be with me in writing, by post.

Please acknowledge receipt of this letter of objection.

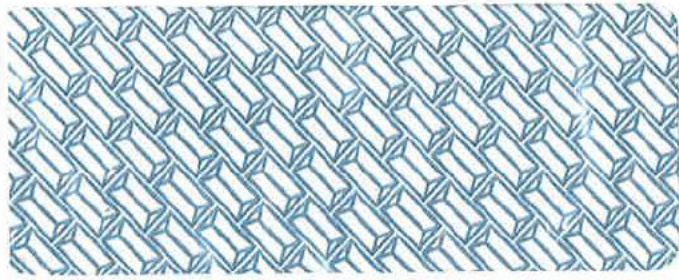
I look forward to hearing from you.

Yours sincerely,





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23 APR 2024

[REDACTED]  
[REDACTED]  
[REDACTED]  
19-April-2024

Carlo Grilli<sup>[L]</sup><sub>[SEP]</sub>  
Service Manager – Governance<sup>[L]</sup><sub>[SEP]</sub> Legal Services<sup>[L]</sup><sub>[SEP]</sub>  
East Lothian Council<sup>[L]</sup><sub>[SEP]</sub>  
John Muir House<sup>[L]</sup><sub>[SEP]</sub>  
Haddington<sup>[L]</sup><sub>[SEP]</sub>  
EH41 3HA<sup>[L]</sup><sub>[SEP]</sub>

[REDACTED]  
Dear Carlo Grilli

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

I am objecting to the flood protection on the grounds of it's impact on a beautiful scenic area enjoyed by the people of Musselburgh and by people from far adield. This is a unique area for birdlife which many people travel to enjoy.

I object to the spending of public money on a scheme which has not been publicly shown to be of benefit. The risk / benefit analysis which should be made public and subject to scrutiny by independent experts. The risk of flooding in Musselburgh appears to be very low even taking climate change into account and therefore the scale of this proposal is unnecessary.

I object to the plans because alternatives to the planned high wall along the coast line have not been presented.

I object to the unnecessary expansion of a cycle lane along the Musselburgh coast. I am a keen cyclist who uses this route to cycle between Edinburgh and East Lothian. I find more than minor upgrade to the path along the coast unnecessary,.

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*.

Yours sincerely  
[REDACTED]

**From:** Grilli, Carlo  
**Sent:** 23 April 2024 17:41  
**To:** Musselburgh Flood Protection Objections  
**Cc:** [REDACTED]  
**Subject:** (0400 DUPLICATE OF 0153) FW: Objection to Musselburgh Flood Protection Scheme  
**Attachments:** Musselburgh-Flood-Protection-Scheme-objection.docx  
**Categories:** [REDACTED] Added to excel spreadsheet

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

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

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

Kind Regards,  
East Lothian Council

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**From:** [REDACTED]  
**Sent:** Thursday, April 18, 2024 10:45 PM  
**To:** [REDACTED]  
**Subject:** Objection to 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.

Dear Carlo Grilli

Please find attached an objection letter for the recently published Musselburgh Flood Protection Scheme.

Yours sincerely, [REDACTED]



**From:** Grilli, Carlo  
**Sent:** 23 April 2024 17:42  
**To:** Musselburgh Flood Protection Objections  
**Cc:** [REDACTED]  
**Subject:** (0401 DUPLICATE OF 0151) FW: Musselburgh Flood Protection Scheme

**Categories:** [REDACTED], Added to excel spreadsheet

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:** Thursday, April 18, 2024 10:33 PM  
**To:** [REDACTED]  
**Subject:** Musselburgh Flood Protection Scheme

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Dear Mr Grilli,

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

Although we live in [REDACTED], my husband and I love visiting Musselburgh, and we enjoy walking along the banks of the Esk with its mature trees and water birds. My grounds of objection are as follows:

1. I believe that alternatives to this proposal have not been adequately assessed, especially alternatives involving natural flood management, in cooperation with neighbouring local authorities. For example, Scottish Borders Council has been working on natural flood management for many years, including extensive tree planting, which increases water retention in soil and vegetation. I understand that no such options have been considered at all in Musselburgh.
2. The proposed scheme will have a significantly adverse impact on visual amenity and enjoyment of one of the most important green spaces in Musselburgh.
3. The Scottish Government is expected to publish a new Flood Resilience Strategy this year. I see no reason why a decision should be made about the proposed Musselburgh Flood Protection Scheme ahead of this strategy being published. Consultation workshops for the strategy identified inclusive community engagement as a key issue. In Musselburgh, however, the proposal has not been developed with the community, but is being promoted against large numbers of objections, with no meaningful community participation at all.

Please can you acknowledge receipt of objection. Thank you.

Yours sincerely,





**From:** Grilli, Carlo  
**Sent:** 23 April 2024 17:43  
**To:** Musselburgh Flood Protection Objections  
**Cc:** [REDACTED]  
**Subject:** (0402 DUPLICATE OF 0154 & 0311) FW: Musselburgh Flood Prevention Objection Letter  
**Attachments:** [REDACTED] Flood Prevention Scheme Objection Letter 18 April 2024.pdf  
**Categories:** [REDACTED] Added to excel spreadsheet

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:** Thursday, April 18, 2024 5:43 PM  
**To:** [REDACTED]  
**Subject:** Musselburgh Flood Prevention Objection Letter

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[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 is the [REDACTED] 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

[REDACTED]

[REDACTED]



[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.

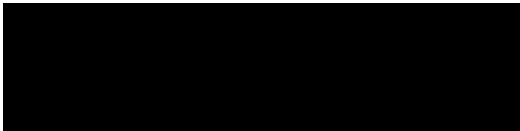
3. I know there has been discussions recently around the Active Travel plans still awaiting planning permission, yet I still see excessive plans for 5 metre wide Musselburgh Active Travel paths on the Flood Prevention Scheme. How do 5 metre wide tarmac paths help with flooding, going on the understanding 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 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



**From:** Grilli, Carlo  
**Sent:** 23 April 2024 17:44  
**To:** Musselburgh Flood Protection Objections  
**Subject:** (0403 DUPLICATE OF 0092 & 0167) FW: Objection to Musselburgh Flood Protection Scheme

**Categories:** [REDACTED], Added to excel spreadsheet

Cannot recall if this was sent onwards. Issued to ensure completeness and nothing is missed

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**From:** [REDACTED]  
**Sent:** Tuesday, April 16, 2024 2:04 PM  
**To:** [REDACTED]  
**Subject:** Objection to Musselburgh Flood Protection Scheme

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## OBJECTION TO MUSSELBURGH FLOOD PROTECTION SCHEME

[REDACTED]

16th April, 2024

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

[REDACTED]

Dear Mr Grilli

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

I am a resident of Musselburgh and I believe the value of my property and my mental health will be affected by the proposed scheme.

Musselburgh currently has a beautiful coast line that attracts many families to live and socialise in the area. Our house prices are buoyant as a result of this. A lack of green spaces, less trees, less wildlife etc. will prevent people wanting to move here, which will have a detrimental effect on our property prices putting many people into negative equity.

As well as this, I object to the published scheme because:

**1**

**I object to mature trees being felled.**

All up to date research indicates planting more trees reduces flooding. There is a number of ways trees can help to reduce or prevent flooding:

- By direct interception of rainfall,
- By promoting higher soil infiltration rates,
- Through greater water use
- Through greater 'hydraulic roughness' i.e. water experiences increased frictional resistance when passing over land.

**1**

**I object to the narrowing of the river.**

On looking through the Gov.uk Environmental Agency pages. I have not found anything that says narrowing the water channel helps prevent flooding. However, I have found this which claims the opposite:

- 

**Increased Flow Velocity:** A narrower channel may lead to faster water flow, which can exacerbate erosion and increase the risk of flooding downstream.

- 

**Reduced Floodplain Capacity:** Narrowing a river restricts its ability to spread out during heavy rainfall or snowmelt. This reduced floodplain capacity can lead to higher water levels and more severe flooding.

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

**1**

**I object to the Proposed new Goose Green Bridge.**

This does not offer any flood protection. Yet it will have a devastating effect on the wild birds (including endangered Kingfishers) who nest and feed at the mouth of the river. Furthermore, the ramps are so big they will take over the grass amenity spaces at both sides of the river mouth.

**1**

**I object to the Active Travel Route**

This is not part of the Flood Prevention Scheme. Therefore, proper assessment of the need for it, and planning permission for new paths and bridges that are part of it, need to be sought separately.

Musselburgh currently has excellent paths that are used continually by cyclists and walkers. Laying further concrete paths alongside those already in existence, will destroy the grass feeding sites for the geese

who live and migrate to Musselburgh every year and will further reduce green amenity areas for families and walkers.

**1**

**I object to the rising costs of FPS.**

It is not conceivable that the Scottish Government and East Lothian Council should be spending the amount of money required for this outdated scheme in Musselburgh, when so much more is needed in the county. Such as road repairs, services for older adults, repairs to the Brunton Hall, ongoing storm and flood damage to Haddington, North Berwick and Dunbar. Furthermore, I believe there is no budget for the ongoing upkeep and inevitable graffiti removal for the walls. Therefore, they will become an eyesore.

In Conclusion.

This current scheme goes against the latest information that states nature based solutions are the best protection against flooding. There has been no evidence a complete assessment of nature based solutions for Musselburgh has been sought. Councillors have voted on a scheme without having or understanding the full facts. East Lothian Council and Jacobs have attempted to get the public on board by scaremongering, using false images such as cars floating down a flooded high street. This is unlawful advertising because there is no evidence this will ever happen.

My mental health and the mental health of many more people will be affected by the current proposed FPS. Everyday in Musselburgh people can be seen strolling, or dog walking along the side of the Esk from the Jooglie Brig to Goosegreen and along the promenade. They are admiring the sea, the river and wildlife that live and feed there. They listen to the sound of the waves, the birds and the children playing on the sand. All along the promenade there are memorial benches. People go there to quieten their minds, heal their hearts and be at one with nature. Doctors



now describe getting out amongst nature as a cure for anxiety and depression.

If this scheme goes ahead many people will be devastated when they see the trees that have healed their depression being pulled down and killed, the birds they have admired and fed moving on elsewhere. The amenity ground they exercise on becoming a building site. Years of air and sound pollution caused by pile driving. The house they have put their life savings into, greatly reduced in value and becoming unsaleable. Yet, all of this could be avoided with the use of nature based solutions that enhance our natural environment, not destroy it.

Yours sincerely



References to back objection 1.

Institute of Chartered Foresters

<http://www.charteredforesters.org/trees-can-reduce-floods>

Woodland Trust

<http://www.woodlandtrust.org-uk/trees-woods-and-wildlife/british-trees/flooding/>

The Heart of England Forest

<http://heartofenglandforest.org/news/trees-and-natural-flood-mangement>

Reference to back objection 2.

Ref: <http://environmentalagency.blog.gov.uk/2015/10/20/engineering-with-nature-to-help-reduce-flooding>



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20th April 2024

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

Dear Mr Grilli,

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

There is no need for a bridge over the river. There is a bridge just along the river that is fine for folk to use. If this is for stopping a flood how is a bridge going to help? We have lived in Musselburgh for many years and there has only ever been one flood we can remember and it was caused by fallen trees blocking the bridge which stopped the water getting away.

There is no money for fixing Brunton Hall but plenty for a bridge that's not wanted or needed. We need a new Doctors surgery and our bins emptied more frequently, not big concrete walls and an unnecessary bridge.

If there's plenty concrete how about fixing the pavements, as when I walk to the shops it is a disgrace the state of the paths and the roads are full of potholes get them fixed. Spending all this money on things that aren't needed when things that really affect us are being neglected, is just not right.

Under no circumstance should any one contact us in person any communication is required to be in writing, by post.

Please acknowledge receipt of this letter of objection.

Yours sincerely,



EAST LoTHIAN COUNCIL  
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23 APR 2024

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ELC  
CUSTOMER SERVICES  
23 APR 2024

20th April 2024

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



Dear Mr Grilli,

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

The scheme needs to be looked at and a more sympathetic approach needs to be found. Concrete walls and a bridge are not good for the environment and will ruin the whole look of the area.

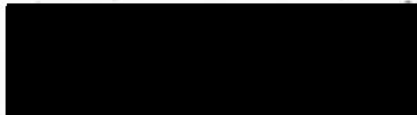
I live next to the river and look out on the trees that are there it would be very sad to see them removed for a bridge that is not wanted by anyone who lives here.

Especially when there is a bridge just a few meters along, a new bridge is nothing to do with stopping a flood so how can it be part of the flood prevention scheme?

The council have no money for lots of services that are really needed but seem to have a huge amount of money for this project, it doesn't seem right to me. Explain to me how this spending can be justified for a predicted one time in 200 years disaster.

Write back to me by post only.  
Please send receipt of this letter of objection.

Yours sincerely,



EAST LoTHIAN COUNCIL  
RECEIVED  
23 APR 2024  
LEGAL & PROCUREMENT



ELC  
CUSTOMER SERVICES  
23 APR 2024

Carlo Grilli

Service Manager – Governance

Legal Services

East Lothian Council

John Muir House

Haddington

EH41 3HA

23<sup>rd</sup> April 2024

Dear Mr. Grilli,

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

I gazed—and gazed—but little thought  
What wealth the view to me has brought

When troubled and down where do I go to lift my spirits – Musselburgh

I go out into nature, to the wide open space to escape the claustrophobia of four walls and computer screen can cause. As I walk, focusing on the distance, the low mood lifts as I survey the grass, trees and water. Scanning the view across to Fife refocuses the internal dilemma outwith self. The variety of habitat and ever changing scenes throughout the year are refreshing. My inner self is rebalanced.

I cannot explain how beneficial being there is. There is so much of interest whichever direction I walk either up river or along the sea wall or over to the lagoons. Although my main interest is birdwatching I am also interested in the plants, insects and general habitats. By volunteering I hope mine and the efforts of my friends help to maintain and improve the habitat. The seasonal changes make it such an attractive and important location for ones' health.

My objection is to the manner in which the Flood Prevention Scheme intends to be executed. There are much better and more sympathetic ways to mitigate the problem without having such a drastic effect on this important area for public health and of Special Scientific Interest besides spending public money on such an ecologically damaging scheme.

I agree with the information below and hope the Council ensure a thorough, full, independent, in depth and honest assessment is provided.

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

#### Inadequacy of the EIA Report's Ornithology Baseline

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

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

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

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

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



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

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

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

tabulated by species, comparing abundance figures from the survey work. Neither are presented in the Biodiversity Chapter or any of the published EIA Report Appendices.

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

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

### Baseline Survey Accuracy

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

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

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

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 prior to its finalisation, and if necessary, through the submission of Further Environmental Information.

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

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

The cumulative assessment needs to encompass developments that have significant potential to impact key ecological receptors. The potential for cumulative/in combination impacts is determined by impact pathways, not by arbitrary thresholds such as development size or distance from the Scheme (neither of which have any regulatory basis or reflect CIEEM guidance)<sup>5</sup>. Movement of birds around the Firth of Forth SPA/Ramsar site have been relatively well studied, and this information should be referred to in order to help determine potential impact pathways, and thereby the plans and projects that need to be taken account of in the cumulative/in combination assessment. It is important that this impact/pathway/receptor approach is adopted in the HRA's 'in combination' assessment, if made available to consultees, otherwise through the submission of Further Environmental Information.

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

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

The rare instance when evidence and published peer reviewed information is referenced in support of the assessment of impacts is for kingfisher (see section 7.6.2.3.4). Kingfisher is only a species of regional importance, yet the EIA Report's assessments of impacts on internationally or nationally important bird species are repeatedly made without any reference to peer reviewed or other evidence, or even to standard NatureScot guidance (for example, in

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

relation to disturbance, Goodship and Furness 2022<sup>6</sup>). A typical example of unsupported assertions is in Section 7.6.3.1.1 'Firth of Forth SPA and Ramsar', which states 'The remaining area to be lost within the SPA is comprised of habitat rarely used by qualifying species and therefore is considered unlikely to provide functional habitat'. There are no data presented to back up this assessment, since the EIA and its Appendices omit the necessary detail on the distribution and abundance of individual species.

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

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

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

There are repeated instances in the EIA Report's Biodiversity Chapter where assessments of impacts on birds downplay (i) the value of their habitats - because it is stated they are already subject to disturbance, or (ii) the significance of disturbance to birds - because it is stated they will move elsewhere within the SPA, or (iii) impacts being insignificant - because the area of impact is small. These assertions are consistently unsubstantiated by evidence (as already highlighted above) and are a style of assessment more typical of commercial developers seeking to justify damaging protected sites. These assertions are inappropriate in those circumstances, but are totally inappropriate for Councils, given the legal and policy obligations they are under to protect and enhance biodiversity, notably the Nature Conservation (Scotland) Act 2004 and National Planning Framework 4 (NPF4). Furthermore, no reference is made to the fact that many wildfowl and wader populations in the Firth of Forth have already suffered long-term declines as a result of development impacts, disturbance and habitat loss<sup>8</sup>, and that approximately one third of the Firth of Forth SPA/Ramsar's qualifying species are in unfavourable conservation status (Protected Nature Sites (sepa.org.uk), accessed 19.04.2024). The Councils 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.

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

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

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

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<sup>9</sup>, and secondly by ensuring the assessment of disturbance impacts on each qualifying species of the SPAs, Ramsar and SSSI

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

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,



**From:** [REDACTED]  
**Sent:** 23 April 2024 18:16  
**To:** Musselburgh Flood Protection Objections  
**Subject:** (0407 DUPLICATE OF 0304) Objection Musselburgh Flood Protection Scheme 2024  
**Categories:** [REDACTED]

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

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

**From:** [REDACTED]  
**Sent:** 23 April 2024 18:19  
**To:** Musselburgh Flood Protection Objections  
**Cc:** ministerforgsceb@gov.scot  
**Subject:** (0408) Musselburgh Flood Scheme Objections  
**Attachments:** [REDACTED].docx

**Follow Up Flag:** Follow up  
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23.04.2024

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

[mfpsobjections@eastlothian.gov.uk](mailto:mfpsobjections@eastlothian.gov.uk)

Dear Carlo Grilli

I would like to raise an Official Objection to the Proposed Musselburgh Flood Prevention Scheme. I am an avid Conservationist and regular visitor to the Musselburgh area, being a keen rambler and I feel I have a direct interest in land in multiple areas that sits within the proposed Musselburgh Flood Scheme.

The sheer scale of this proposed engineering works is extensive and even in Jacobs own Proposed Flood Scheme documentation they report that many major risks have been identified that will and/or could directly affect the local environment and the habitat that lives within it.

For example, in the Flood Scheme Environmental Impact Assessment (EIA) Report, Impact Assessment relating to Biodiversity it appears to conclude that Ancient Woodlands will be lost, and this cannot be replaced or mitigated. In other areas broadleaved and mixed woodland would also be lost. Grasslands, scrub, and hedgerow will also be lost.

The habitat of many Protected Species will be disturbed and or potentially destroyed. Noise pollution, dust, accidental spills, reductions in water flow all appear to pose a major risk to many protected species within the Report.

Bats, Otters Kingfishers all appear at risk from this proposed scheme. For example, in section 7.6.2.34 of the EIA, in the Biodiversity section relating to Kingfishers it states that if disturbed that there is a lack of suitable alternative breeding habitat within the survey area and this has been assessed as a major negative impact with regional importance which could result in an significant effect on the biodiversity of the area.

There is also a serious risk to wetland birds, fish and seals. Accidental spillage, construction runoff, or sediment release could all have a significant effect on the seal population and could cause "mortality of individual seals". Referring to Badgers, the Report appears to acknowledge potential loss of badger habitat during construction.

My concerns cover many other protected species and habitats, but I think what my above summary attempts to humbly show is the horrific effects to the environment that appear to be acknowledged within the Flood Scheme documentation. Many other potential biodiversity risks reported as being less severe or less likely to occur within the Flood Scheme Documentation appear to be assessed from what in my opinion is quite an optimistic perspective. Has an independent Environmental Assessment been conducted on the entire Flood Scheme proposal area? In my opinion the aforementioned facts and risks are too great for this Flood Prevention Scheme to be progressed in its current form and I must Officially Object to the Scheme. I would prefer all future correspondence to be conducted via email if possible.

Yours Faithfully

[REDACTED]

**Subject:** (0409) MUSSELBURGH FLOOD PROTECTION SCHEME 2024  
**Sent:** 23/04/2024, 18:22:39  
**From:** [REDACTED]  
**To:** Musselburgh Flood Protection Objections  
**Attachments:** [REDACTED] [Time CONSTRAINT.docx](#)

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**Categories:** [REDACTED]

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Please find attached my objection to the Musselburgh flood protection scheme [REDACTED]  
Yours sincerely  
[REDACTED]

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

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

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

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

**23.04.2024**

**I wish to object to the proposed Musselburgh Flood Protection scheme as the objections process does not allow enough access to read and respond to all the information made available for objections during the restricted time allowed for the legal objections process.**

**I therefore call for the proposed Musselburgh Flood Protection Scheme to be reviewed and referred to the Scottish Ministers due to there being insufficient time permitted by Statutory legislation for myself and the public to review and comment on the documentation provided.**

The documents for the proposed MFPS available to the public on which they can base their objections upon is approximately 3,400 pages. With approximately 500 words per page this equates to approximately 1,700,000 words. At an average reading speed of 250 words per minute (not allowing for interpretation of the data), it would take approximately 113.33 hours to read all the documents provided to the public. This equates to about 3.35 hours of reading per day over 34 days. Even for someone with a good degree of education and an relative understanding of the complexities of what they are reading, it is not enough time. For those like myself who fall into the above category, there are additional time constraints posed by the need to interpret, investigate and respond to the information provided.

For those where the information is in the greater part too technical to read or comprehend, the information is inaccessible.

Summary reports such as the EIA have been so simplified as to miss out or indeed smooth over negative impacts of the proposed MFPS. The full EIA is too detailed to be interpreted in the 34-day timescale given for objections.

The 34-day objection period is reduced by the Easter Holiday period and therefore barely meets the specified legal minimum timeframe for objections. Given the size of the proposed scheme and the complexity of the documents provided to the public the objection period is totally inadequate.

Those that produced these documents are paid to produce the documents and to respond to our objections, (with few time constraints). None of those that have wanted to object have had that luxury of over 3 hours a day for 34 days. We who wish to object have been

time constrained to 34 days (including our Easter Holidays), have homes, families, jobs and we are not paid for the time we commit to the objections process.

The 28-day time period for objections is laid down within the statutory guidance at <https://www.gov.scot/publications/flood-risk-management-scotland-act-2009-local-authority-functions-under/pages/5/>

The time permitted is inadequate and insufficient for a project on the scale of the proposed MFPS.

I therefore request that the matter is referred to the Scottish Ministers for review of the time permitted for objections in the case of Musselburgh in order to permit myself and the local people of Musselburgh sufficient time to fully investigate the documents and information made available to them to review the proposals for the Musselburgh scheme.

The objections submitted are made by the people of Musselburgh seeking to protect their beloved town from irreversible damage by the proposed MFPS.

Yours sincerely

██████████

**Subject:** (0410) Musselburgh Flood Prevention Scheme objection

**Sent:** 23/04/2024, 18:36:36

**From:** [REDACTED]

**To:** Musselburgh Flood Protection Objections

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

**Categories:** [REDACTED]

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[REDACTED]

23 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 have lived in Musselburgh, close to the River Esk, for [REDACTED] years, raising young children. We make regular use of the area near the river and waterfront and one of the things we love is the closeness to nature.

We have not seen any serious flooding in the past [REDACTED] years and, while taking on board the likely effects of the climate crisis, are concerned that planning for a worst case scenario will ruin much of what makes Musselburgh attractive and pleasant community to live in.

I object to the published scheme because we stand to lose trees and habitat for local wildlife as well as losing access to the river and waterfront. The proposed wall is intrusive and appears to create a barrier between the town, its people, and the river.

I am unconvinced by the information materials received on the subject that alternative options have been fully and properly considered. I also feel that the combining of flood prevention, cycle routes, and so on, into one project makes it difficult to unpick what is objectively necessary and what is not.

It seems like an incredibly costly exercise and I feel that there must be a middle ground which would be less disruptive, less expensive and less controversial.

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

Yours Faithfully

[REDACTED]



**Subject:** (0411) Objection to Musselburgh Flood Protection Scheme

**Sent:** 23/04/2024, 18:41:07

**From:** [REDACTED]

**To:** Musselburgh Flood Protection Objections

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

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**From:**  
[REDACTED]

23 April 2024

**To:**  
Service Manager – Governance  
Legal Services  
East Lothian Council  
John Muir House  
Haddington  
EH41 3HA  
[mfpsobjections@eastlothian.gov.uk](mailto:mfpsobjections@eastlothian.gov.uk)

Dear Carlo

**Objection to the Scheme**

I am writing to object to the recently published Musselburgh Flood Protection Scheme Notice. Our property lies within the area highlighted as land which may be affected by any alteration in the flow of water caused by any of the proposed operations, as shown in Flood Protection Operations Land Affected - [REDACTED] and a property as identified as being at risk in models with allowance for climate change included.

I object to the published scheme because:

- The MFPS does not offer alternative scenarios. It is tied to a 1:200 year +climate change event. Scottish Government guidance says that a range of scenarios should be included. How could the Council judge what is necessary protection without being given a range of options?
- All the indications are that the use of NFM, nature-based solutions and a flood resilience (rather than prevention) approach are preferred over building flood walls. Even in massive river catchments like the Severn, these approaches are being discussed and trialled. The flood walls in Brechin (built/renewed 2015) recently failed. The flood gates in Perth recently failed. Man-made interventions cannot prevent flooding downstream – we need to do more upstream to slow/store the water so it doesn't rush down through the town.
- The project will cause major disruption throughout the town and many properties will be affected by substantial building works in close vicinity for long periods of time. What protections will be in place to ensure buildings and residents are protected from the impact of the work?
- We mainly navigate the town as pedestrians, regularly using the promenade, river and bridges as routes for both leisure and to access amenities. During the construction of the flood prevention and following their installation, these ways of access will be materially altered, decreasing our ability to directly access nature and reducing ease of navigating the town as a pedestrian.

I would be grateful to receive acknowledgement of my objection.

Best wishes





**From:** [REDACTED]  
**Sent:** 23 April 2024 18:55  
**To:** Musselburgh Flood Protection Objections  
**Cc:** [REDACTED]  
**Subject:** (0412) Objection letter flood scheme Musselburgh  
**Attachments:** objection [REDACTED].docx

**Follow Up Flag:** Follow up  
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Email: [REDACTED]  
23.04.2024

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

[mfpsobjections@eastlothian.gov.uk](mailto:mfpsobjections@eastlothian.gov.uk)

Dear Carlo Grilli

I am writing to object to the recently published Musselburgh Flood Protection Scheme. I wish to raise the following points of objection.

1. Undue consideration to less severe and more environmentally friendly options

I am a regular visitor to Musselburgh and the surrounding area; I was recently considering purchasing a sited static caravan nearby. Although appreciative of the need for some level of Flood Protection in the area; I feel the Flood Scheme being proposed is too severe and a more viable solution possibly combining natural solutions with flood walls or floating flood walls should be given more serious consideration.

2. The severity of the scheme in terms of aesthetics will be detrimental to the local economy and residents' enjoyment of the land.

3. The scale of the scheme and the industrial nature of it will create too much disruption and pollution including noise pollution and dust. This will affect people's peaceful enjoyment of the area, including while at home, and it will also dissuade people from visiting or moving to the area.

I am unlikely to purchase a caravan within the area if these flood proposals are passed as the travel disruption, noise and dust that will be produced will be untenable for myself and family members and will dissuade me from both investing in and visiting the area over the several years it will take to complete the Scheme. Despite every effort to mitigate the Proposed Scheme it will be very difficult to maintain the natural beauty that Musselburgh and the surrounding area has when you are essentially building miles of concrete walls. People are fickle, tourists, day trippers, potential future residents will simply vote with their feet. It is not as if there are no other places of natural beauty nearby. I would like all future correspondence to be conducted via email please.

Yours Faithfully

[REDACTED]

--

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**Subject:** (0413) Musselburgh Flood Protection Scheme - objection

**Sent:** 23/04/2024, 18:57:03

**From:** [REDACTED]

**To:** Musselburgh Flood Protection Objections

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

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23 April 2024

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

Dear Mr Grilli

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

I live near the river and each day drive the 5 minutes to reach this lovely spot in order to walk along the riverbank with my friend. Since Covid, this daily activity has taken on increased importance in terms of ensuring wellbeing and good mental health. The prospect of two-metre high walls - which would soon be adorned with graffiti - fills me with horror. Trees cut down, massive new bridges erected, wildlife scared away and their habitat destroyed. None of this is necessary or desirable and what really concerns me is the apparent disregard for other options, namely upstream methods of absorbing rainfall.

I am concerned as to the design, scale, cost, presumptions, and impact of the proposed scheme and believe that insufficient time and care has been given to consider alternative design proposals.

The impact of the scheme, as proposed, would be hugely detrimental – both in the short term of the construction phase, and in the long term as well. The fact that I can access the river easily, whether around the Roman Bridge or farther downstream, is one of the many joys of the current landscape of the river area in the town. All of that enjoyment would come to an end, with the construction of a high wall, the erection of large new bridges, and the installation of five metre-wide paths - something that is entirely unnecessary.

I do not accept that this is the best way to spend public money. It is obvious that the current proposals, emphasising 'hard' landscaping 'solutions' have been arrived at with little consideration given to upstream alternatives, to help water be better absorbed there – for example, increased tree planting, the removal of drains in upland areas, and the redesign of tributary waterways that would – without question – lead to a reduction in the water flow reaching Musselburgh.

I object to the published scheme on the following grounds:

**Science and information provided thus far by East Lothian Council –**

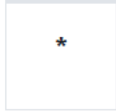
1. The Scheme does not offer alternative scenarios. It is tied to a one in two-hundred-year event. Scottish Government guidance says that a range of scenarios should be included. How could the Council judge what is necessary protection without being given a range of options?
2. The Council has commissioned a report on the coast from Dynamic Coast, but this is not yet available publicly – why has this not been made public? Why is the public not being shown this information? Local residents have asked to see the data underpinning the scientific calculations of the project team, but these requests have been ignored. What is the reason for the lack of transparency?
3. The project team say they have adjusted flood defence heights in response to local feedback. This amounts to fitting the science around the preferred outcome, rather than science/data leading to a properly calculated outcome. This makes no sense.
4. The Council was informed that natural flood management (NFM) should be restricted to 3 interventions (use of 2 small reservoirs in the Pentlands, and a tree-catcher in Dalkeith Country Park). NFM could include a whole range of techniques to flow the slow of the river throughout the catchments, and to



encourage the natural dune system along the coast. The fact these were discounted at the start is wrong and the situation is made worse by the exclusion of NFM decided upon in October.

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

5. All the indications are that the use of NFM, nature-based solutions and a flood resilience (rather than prevention) approach are preferred over building flood walls. Even in massive river catchments like the Severn, these approaches are being discussed and trialled. The flood walls in Brechin (built/renewed 2015) recently failed. The flood gates in Perth recently failed. Man-made interventions cannot prevent flooding downstream – we need to do more upstream to slow/store the water so it doesn't rush down through the town.
6. The Scottish Government is heading towards NFM. On 23 December 2023, the Minister stated [\\*](#)



*"The Scottish Government recognizes the importance of natural flood management (NFM) measures in reducing, slowing or otherwise managing flood waters across catchments and along the coast while also delivering multiple environmental benefits."* Why is East Lothian Council not in step with the Scottish Government?

#### **Cost –**

7. The scheme is currently costed at £132M in total, including £53M for the flood protection part – but you have not provided no cost breakdowns to the public. Why not?
8. The Council has been told the cost is likely to rise. How can the Council have voted this through with so little information?
9. Why has no cap been put on the cost?
10. East Lothian Council has stated that if they do not secure the Cycle 1 funding, they will get nothing. But that is not true, there will be funding in Cycle 2, which should be onstream after April 2024, and Musselburgh would be eligible.

#### **Transparency and process –**

11. The engineers appointed to design the project have also been allowed to write the environmental impact assessment (EIA). Why?
12. These engineers carried out an options appraisal that ruled out all alternatives to the current scheme, without those options being made available for public scrutiny or debate. Why?
13. Throughout the scheme the consultants and engineers have not been subject to challenge or adequate scrutiny. Why? This is a public scheme, paid for by public money, which will affect thousands of members of the public. So why are not at the heart of the decision making process?
14. On 23 January 2024, the Council agreed to the scheme progressing, even though they had not had sight of the full EIA, only a 'non-technical summary'. Why was the decision taken, given the huge gaps in information?
15. In January 2020, East Lothian Council Cabinet voted through the preferred scheme. Given the value of the scheme, this should have been approved by the full Council. The Cabinet did not have the power to vote on a scheme of this magnitude. Why was a full Council meeting not held?
16. It is clear, from the huge levels of public protest to what is proposed that ELC has failed to win the case for its proposals. Does this not tell you something? Many eminent local residents – retired engineers and town planners amongst them – have highlighted the many flaws with what is proposed. Are you suggesting that these people are simply wrong? Those of us protesting do so out of love for the place we live – not because we are NIMBYs but because we vehemently disagree with the notion that what is proposed represents a sensible, proportionate idea.

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

17. The scheme has become entwined with the Musselburgh Active Town (MAT) proposals, but the cost of the MAT scheme is unknown and is likely to require a 30% contribution from ELC, which has never been openly discussed. Why?
18. MAT proposals do not contribute to flood protection – so why has the Council chosen to conflate the two issues? The answer posited by many is that the Council wishes to minimise and reduce public scrutiny of the MAT proposals. Why are they not separate, to ensure proper scrutiny using the normal planning permission process?
19. The proposed new Goosegreen bridge does not add flood protection to the town. Why has ELC suggested it does?
20. The MAT proposals included in the scheme are now much grander than those originally discussed and consulted upon. Why have the revised versions not been put back out for public consultation?
21. Why is ELC considering a 5.5m wide path in some areas? Tarmac/concrete will reduce soak-away space (ironic as this scheme is supposed to help reduce the likelihood of flooding).
22. Trees and grassed areas will be felled and covered over with man-made, carbon-intensive building materials. This is not in keeping with the stated aim of working with nature.

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

23. The project will take at least 5 years to build. It will be a major cause of disruption. There will be pile-driving all along the river. This will result in hugely increased levels of noise pollution and increased air pollution, thanks to works traffic.

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

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

Please advise me of next steps, and timescales.

Yours sincerely

██████████

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

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

23/04/2024

Dear Mr. Grilli,

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

This objection is primarily because the EIA Report (EIAR) does not present sufficient information for an assessment of potential effects on bird populations, most importantly the qualifying features of **the Firth of Forth SPA/Ramsar/SSSI and the St. Andrews Bay Complex SPA.**

As the EIAR does not provide the information required for an informed decision on the potential effects on internationally important bird populations it is not appropriate that this assessment form the basis for decisions on planning consent.

Indeed, the inadequacies of current EIAR are such that if planning is consented using this information then the project would be exposed to future challenges due to a lack of appropriate assessment.

Due to time constraints, I can only summarise some of the main failings of the ornithological assessment below.

**1. Background of respondent**

I am a Musselburgh resident and will be directly impacted by the scheme as my flat is on the corner of [REDACTED] and [REDACTED], directly opposite and overlooking Work Section [REDACTED] ([REDACTED] to [REDACTED]). My flat is therefore approximately [REDACTED] m from and directly facing the proposed construction footprint.

I am an ornithologist and regularly watch birds throughout the entire area covered by the proposed scheme. I also use the area for cycling, walking and running.

I have some significant misgivings about the design of the flood scheme and concerns over how the scheme may impact both my enjoyment of my home and adversely impact on the character and biodiversity of the wider Musselburgh environment.

However, the basis of my objection presented here is restricted to the fact that the EIA does not properly assess potential impacts on internationally important conservation sites.

I am a professional ecologist ([REDACTED]) and have extensive experience of undertaking baseline ornithological surveys for EIA and the writing of EIAR chapters which specifically assess potential impacts on ornithological features. I have extensive experience in assessing impacts on International Sites (HRA).

I have undertaken surveys and assessed potential impacts (EIA and HRA) for several developments with potential effects on the Firth of Forth SPA/Ramsar/SSSI and the St. Andrews Bay Complex SPA.

## **2. Summary of reasons why Musselburgh Flood Protection Scheme EIAR fails to meet minimum standards for assessment of impacts**

### **2.1. Presentation of baseline data is inadequate for assessment of effects**

The report does not adequately present information on the distribution and abundance of qualifying features of the Firth of Forth SPA/Ramsar/SSSI and the St. Andrews Bay Complex SPA. Therefore, the importance of the site for qualifying bird species is not properly presented.

This information is essential for assessment of potential effects and their mitigation.

Therefore, the EIAR does not present the information required to properly assess the impacts of the proposed scheme on qualifying features of the Firth of Forth SPA/Ramsar/SSSI and the St. Andrews Bay Complex SPA.

### **2.2. Accuracy of baseline data is questionable**

There are a number of obvious inaccuracies or mistakes in the limited baseline data presented in the EIA. Whilst this may be errors in interpretation of the data, it also brings into question the quality of baseline surveys. Full presentation of the data, including details on methodology and timing of surveys is required.

### **2.3. Assessment of potential effects on all qualifying features is required**

When the data on the abundance and distribution of qualifying species is presented (and the importance of the site for each feature fully described), this should form the basis of assessment of potential effects for each qualifying feature.

This has not been undertaken, with the EIA presenting only a vague assessment of potential effects across the entire suite of qualifying features.

Therefore, the EIAR does not present the information required to properly assess the impacts of the proposed scheme on qualifying features of the Firth of Forth SPA/Ramsar/SSSI and the St. Andrews Bay Complex SPA.

### **2.4. Presentation of Habitat loss is inaccurate / misleading**

The various values presented for the loss of habitat as a result of the scheme are inconsistent throughout the EIAR. Stakeholders are therefore unable to assess the extent of impacts, both directly with respect to habitat and indirectly on SPA/Ramsar/SSSI features. Areas of habitat loss/modification needs to be mapped accurately in combination with data on bird distribution.

**2.5 Residual effects on the Firth of Forth SPA/Ramsar/SSSI and the St. Andrews Bay Complex SPA have not been properly assessed.**

There is no mention of the potential significant and irreversible effects of a sea wall on the intertidal habitats within the SPA. Several qualifying ornithological features are entirely reliant on intertidal habitat. Loss of intertidal and coastal habitat, particularly at Fisherrow Sands, is quite likely following the construction of hard coastal defences. However, this has not been assessed.

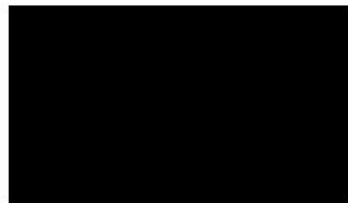
In addition, the potential effects of changes in recreation on the qualifying features of the SPA needs to be undertaken.

**2.6 Cumulative effects have not been properly assessed.**

The scope of the potential cumulative effects is too limited. This is largely referencing local, small scale developments. This is not appropriate for assessment of cumulative impacts on large international sites. This assessment needs to consider the current status and pressures acting on qualifying features from all land use and development across the entire SPA/Ramsar/SSSI and beyond (e.g. offshore wind, fisheries etc).

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,

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



**Subject:** (0415) Scheme Notification - CG/11481  
**Sent:** 23/04/2024, 19:11:32  
**From:** [REDACTED]  
**To:** Musselburgh Flood Protection Objections

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

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

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

Date: 23 April 2024

Dear Carlo Grilli,

Thank you for notice regarding the Musselburgh Flood Protection Scheme. I write to express concerns regarding MFPS while also relating specifically to coastal defence works on [REDACTED] with primary reference to Zones 1 and 2; areas including Brunstane Burn, Scottish Water pumping station and Residences in that vicinity to Murdochs Green area and Fisherrow Harbour beyond.

It has been proposed by consultant that most of the work involved, incorporating heavy plant and machinery, could be done from shore side but given the tides, this notion would be highly dubious.

According to title deeds you will be aware that the land in question has historical significance and is currently privately owned, sectioned according to boundary lines, to mean spring tide level, therefore all property owners, myself included, have a vested interest in the proposal and I would suggest, might be considered as 'stakeholders'. The development will have a major impact on residents, landowners and visitors, while there may be issues of compensation occurring, the relevant consultant has previously referred to compulsory purchase as a final option.

Any objections to the proposed scheme would consider the following:

**1. Damage and destruction:**

- \* Land
- \* Property
  
- \* Road surface

**2. Depreciation, Dilapidation and Devaluation:**



- \* Structural independent evaluation prior to commencing works required.
- \* Impact on future viability for selling and/or moving.

### **3. Access and consequences:**

- \* Residents - Daily
- \* Public Services - Routinely
- \* Emergency Vehicles - occasional
- \* Scottish water service vehicles - 24/7/365

### **4. Safety and Security during Disruption:**

- \* Threat of intrusion.
- \* Right to Privacy.
- \* Mental health and Wellbeing.

### **5. Amenity and Aesthetic:**

- \* Current access loss directly from owned land to shoreline.
- \* Current informal access to shore becoming incorporated remains problematic.
- \* Concrete wall: deterioration and maintenance.
- \* Consideration of Natural defence such as Granite rock comparable to existing.
- \* Impact and Effect of inevitable graffiti as evidenced elsewhere and proposed solutions.

I would also like to express concerns and raise some questions, amongst others, around the river Esk development itself:

- a. Can you explain the difference between flood prevention and flood resilience?
- b. What consideration, if any, has been given to nature based solutions along the length of the river Esk?
- c. Has consideration been given to the impact on local businesses while the work is carried out?
- d. How will this affect traffic flows through the town?
- e. Have the council considered the impact and effect of noise and air pollution on the health and wellbeing of the local population?
- f. Status of Musselburgh as a conservation area; this new physical concrete structure could act like a veritable Berlin wall, psychologically dividing the communities either side of the river.
- g. How will the scheme and future maintenance be funded and financed?
- h. Has the Carbon footprint of all the construction, including the amount of concrete, fuel emissions etc, been calculated to satisfy any net zero commitments?
- i. Was an holistic independent Environmental Impact Assessment to include Musselburgh Active Town initiative carried out with a report produced and published?
- j. Have ELC any plans about 20 minute SMART neighbourhoods and how might that affect any future strategies for an Active Transition town incorporated in the flood defence project?

These are just some initial thoughts and questions in response to the statutory notice consultation, no doubt there may be more. With respect, I would expect these concerns to be addressed satisfactorily and request acknowledgement of this mail, PDF attached

Sincerely,

[REDACTED]

Sent with [REDACTED] secure email.

**Subject:** (0416) Musselburgh Flood Scheme - Objection.  
**Sent:** 23/04/2024, 19:13:46  
**From:** [Redacted]  
**To:** Musselburgh Flood Protection Objections

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**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 Sir,

I live in [Redacted] and visit Musselburgh regularly to cycle, birdwatch and walk.

I believe a habitat assessment was required for the scheme and that this has not been done.

For such a key wildlife site a full assessment of existing flora and fauna, and potential changes if the scheme is carried out, is essential.

I object.

Yours etc,

[Redacted Signature]

**Subject:** (0417) Objections to the Musselburgh Flood Protection Scheme [REDACTED]

**Sent:** 23/04/2024, 19:20:15

**From:** [REDACTED]

**To:** Musselburgh Flood Protection Objections

**Follow Up Flag:**

Follow up

**Flag Status:**

Completed

**Categories:**

[REDACTED]

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[REDACTED]

23.04.24

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

Dear Sir

Following my email with 26 objections to the Musselburgh Flood Protection Scheme dated 22.04.24, I am writing to add further objections

**Objection 27 :**

I object to the fact that the EIA report survey results on coastal birdlife do not give adequate assessment of the impact of the MFPS on the SSSI and SPA designated areas in Musselburgh. Without the correct data it is not possible to judge how effective any mitigation measures would be. The EIA report does not include data from East Lothian Ranger Service or from the British Trust for Ornithology or the Scottish Ornithologists Club. It is a wholly inadequate report that has bypassed crucial knowledge and information and uses out-of date data.

**Objection 28:**

The EIA report attempts to identify loss of habitats from the scheme but it does not actually identify the loss of shoreline and intertidal habitats over its 100 year operational life even though these are the main habitats impacted. Hard defence structures along the coast create 'coastal squeeze' but this does not even get a mention in the EIA report biodiversity chapter, let alone any assessment. The EIA report 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.

**Objection 29:**

I object to the impact 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.

Please communicate with me only by email or post and under no circumstances, in person or by telephone. Please acknowledge receipt of my letter of objection and please advise me of timescales and next steps.

Yours sincerely

[REDACTED]

**Subject:** (0418) MUSSELBURGH FLOOD PROTECTION SCHEME 2024  
**Sent:** 23/04/2024, 19:24:01  
**From:** [REDACTED]  
**To:** Musselburgh Flood Protection Objections  
**Attachments:** [REDACTED] [OBJECTION PLanning v2.docx](#)

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**Categories:** [REDACTED]

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Please Find attached my objection no [REDACTED]  
Kind Regards [REDACTED]

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

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

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

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

**I / We wish to object to the proposed Musselburgh Flood Defense  
Scheme for the following reason: 17/04/2024**

The intended beneficiaries of MFPS and MAT should be the residents of Musselburgh. My naive assumption is that it was 'the residents of Musselburgh' but now I realise it is the council leader, the provost, the councillors, the ELC officials - all of whom decided getting all this money into Musselburgh must be a 'very good outcome for all'. If you turned it around and asked - what would the residents of Musselburgh like to see happen in their town, it would not be what is being proposed.

The previous commitment to advance the Musselburgh Active Town through the FRM consents process was always speculative and has now been proved wrong. If there is currently confusion about this issue, then the cause of this arguably lies with the previously incorrect information that was being circulated as fact, in all the materials presented to the public. Even now at the point where the public have a right to object, the inclusion of a design that incorporates elements *for* MAT but does not include MAT is confusing and misleading for the residents of Musselburgh and impacts directly on their ability to object to the proposed MFPS.

The FRM consents for MFPS are intending to approve a design that 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. Peter Forsythe has been asked to specify exactly how the requirements of MAT have influenced the design of MFPS and has refused to answer. The proposed MFPS design is using the dubious distinction between 'physical assets of MAT' and 'MAT routes' to justify this. In the proposed design, clearly the two are connected and cannot logically be detached. This permits the MFPS & ELC to smuggle in MAT design requirements as part of MFPS (and also to cover some of the costs of MAT). You yourselves, have acknowledged that the MFPS will likely incur higher costs because of its inclusion of MAT design features. My support group MFPAG have a very clear statement to that effect from you. Therefore, I would argue that elements of MAT are indeed being included in FRM, hence in the consenting process. I strongly object to this.

What the Design Team, ELC Officers and ELC Councillors are trying to do is to progress the flood scheme with wide paths, ramps and bridges as necessary parts of the flood protection scheme, even though they themselves do not protect from flood. This is so that later, these 'approved' wide paths can be presented as 'existing' and ELC will simply apply for change of use (designation) of these to ATP.

As there are no physical elements being constructed under that application, the public will only be able to make representations on the change of use. Thus, the public will never get a say on the physical side of MAT in the town centre.

It is a sneaky way of silencing objections to MAT, and I have no doubt it subverts the Town and Country Planning Act (Scotland) 1997 Act and is therefore not allowed. Should the planning department back them and the minister does not uphold the objection, the only way to restore people's rights of representation on the physical aspects of MAT would be via legal action. There are several firms that would be prepared to assist with this. Win or lose, ELC would be the poorer for such an action were it to proceed.

To knowingly engineer a process by which people would be deprived of their democratic rights, to make representations on physical structures proposed for their neighbourhoods and environment would be to subvert the Town and Country Planning Act (Scotland) 1997.

I therefore object to the proposed scheme due to the effect that the proposed MFPS will have on myself, my family, the value of my rental assets, my enjoyment of easy access to the river and beaches of Musselburgh. I also object in order to support everyone else who lives in Musselburgh who objects to the proposals for the reasons stated above.

Yours sincerely

██████████

**Subject:** (0419) Objection to Musselburgh Flood Protection Scheme  
**Sent:** 23/04/2024, 19:24:29  
**From:** [REDACTED]  
**To:** Musselburgh Flood Protection Objections  
**Attachments:** [Musselburgh-Flood-Protection-Scheme-objection-letter.docx](#)

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

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

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Please see attached letter

text  
Dear Carlo Grilli

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

I am a resident of Musselburgh, living near the sea and river Esk.  
I object to the published scheme because:

**OBJECTION 1**

I am not convinced that the engineering proposition is appropriate nor that the flood risk factor in Musselburgh warrants such a solution. There are other alternatives such as Natural Flood Management which have not been exhaustively explored as an appropriate response.

**OBJECTION 2**

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

**OBJECTION 3**

I am concerned about the cost and more particularly that there is no cap on the cost. In times of a cost of living crises I think the money raised by the residents of East Lothian could be better used elsewhere - Council services such as care for the elderly, essential community health and wellbeing amenities: libraries, leisure and culture (e.g. Brunton Hall repairs).

More research, evidence, better costing can be obtained by pausing.  
Please acknowledge receipt of my letter of objection in writing. Please advise me of next steps, and timescales. I would like communication to be via email.

Yours Faithfully

[REDACTED]

--  
[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

April 23<sup>rd</sup> 2024

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

Dear Mr Grilli

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

As a local resident living very close to the river esk and the site of the proposed flood scheme, I am directly affected by the proposed project. My objections are listed below

#### Transparency and Process

- (a) Environmental Impact Assessment – The responsibility for the completion of the EIA being devolved to the engineers appointed to design the project, means the resulting document is not an independent view, the company has vested interest in the project proceeding. The detail in the document is inadequate with high impact being shown against many of the criterion but weak mitigations or action shown. The document is inadequate for the purpose.

No alternative options to the current one appear to have been made available for public scrutiny, which does not support local democracy or decision making.

I also object in the strongest terms to trees along the river bank being cut down.

- (b) Equality Impact Assessment – I have been unable to locate an equality impact assessment for the proposed flood defence. For a project of this magnitude I would expect one to be available. How this scheme will impact people with protected characteristics should be considered and published in the form of an EIA.

- (c) The council agreeing to the scheme progressing, without full sight of the full EIA suggests that a decision has been made without crucial detail being considered.



### General Amenity Health and Wellbeing

My understanding is that the scheme will take approximately 5 years to complete.

It is unreasonable to expect local residents to live with disruption for this length of time. The noise, disruption, pile driving etc..are not fair or reasonable things for me to live alongside. I am also concerned about damage that could be cause to my property from the vibration and disruption. I have not had sight of any assessment on what that level of vibration or disruption could cause to my home.

### Cost

No breakdown of the estimated cost of £132 million have been provided. I would like to know what plans are in plan to ensure costs do not escalate, what the projected costs would cover and how much is being invested to ensure there is adequate insurance cover.

I would be grateful if you could acknowledge the receipt of my letter in writing please and advise me of the next steps and timescales.

Yours Faithfully

██████████

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

Yours Faithfully,

INCLUDE YOUR FIRST AND SECOND NAME HERE.

**From:** [REDACTED]  
**Sent:** 23 April 2024 19:47  
**To:** Musselburgh Flood Protection Objections  
**Cc:** Sarah Boyack; MSP, Colin Beattie; Chief Executive  
**Subject:** (0421) Request for referral to the Scottish Ministers  
**Attachments:** [REDACTED]Time CONSTRAINT.docx  
**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.

**Please find attached my objection to the proposed Musselburgh Flood protection scheme and my request for a review by the Scottish Ministers.**

**Yours sincerely**

[REDACTED]

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

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

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

**To The Service Manager – Governance, Legal Services,  
East Lothian Council, John Muir House, Haddington, EH41 3HA  
CC Chief Exec ELC  
CC Sarah Boyack  
CC Colin Beattie**

**23.04.2024**

**I wish to object to the proposed Musselburgh Flood Protection scheme as the objections process does not allow enough access to read and respond to all the information made available for objections during the restricted time allowed for the legal objections process.**

**I therefore call for the proposed Musselburgh Flood Protection Scheme to be reviewed and referred to the Scottish Ministers due to there being insufficient time permitted by Statutory legislation for myself and the public to review and comment on the documentation provided.**

The documents for the proposed MFPS available to the public on which they can base their objections upon is approximately 3,400 pages. With approximately 500 words per page this equates to approximately 1,700,000 words. At an average reading speed of 250 words per minute (not allowing for interpretation of the data), it would take approximately 113.33 hours to read all the documents provided to the public. This equates to about 3.35 hours of reading per day over 34 days. Even for someone with a good degree of education and an relative understanding of the complexities of what they are reading, it is not enough time. For those like myself who fall into the above category, there are additional time constraints posed by the need to interpret, investigate and respond to the information provided.

For those where the information is in the greater part too technical to read or comprehend, the information is inaccessible.

Summary reports such as the EIA have been so simplified as to miss out or indeed smooth over negative impacts of the proposed MFPS. The full EIA is too detailed to be interpreted in the 34-day timescale given for objections.

The 34-day objection period is reduced by the Easter Holiday period and therefore barely meets the specified legal minimum timeframe for objections. Given the size of the proposed scheme and the complexity of the documents provided to the public the objection period is totally inadequate.

Those that produced these documents are paid to produce the documents and to respond to our objections, (with few time constraints). None of those that have wanted to object have had that luxury of over 3 hours a day for 34 days. We who wish to object have been time constrained to 34 days (including our Easter Holidays), have homes, families, jobs and we are not paid for the time we commit to the objections process.

The 28-day time period for objections is laid down within the statutory guidance at <https://www.gov.scot/publications/flood-risk-management-scotland-act-2009-local-authority-functions-under/pages/5/>

The time permitted is inadequate and insufficient for a project on the scale of the proposed MFPS.

I therefore request that the matter is referred to the Scottish Ministers for review of the time permitted for objections in the case of Musselburgh in order to permit myself and the local people of Musselburgh sufficient time to fully investigate the documents and information made available to them to review the proposals for the Musselburgh scheme.

The objections submitted are made by the people of Musselburgh seeking to protect their beloved town from irreversible damage by the proposed MFPS.

Yours sincerely

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