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Document Title	Musselburgh Flood Protection Scheme MLS report - Appendix A.22

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For Publication

Additional information:

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

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

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

[REDACTED]
Date: 6th April 2024

Dear Sir,

I formally object to the Musselburgh Flood Protection Scheme.

The EIA has been drawn up by an in-house team who apparently think the environment in The Grove will not be unduly affected by the building works. The concrete walls and foundations will effectively kill off the river bed and untold damage to the flora and fauna will occur during the construction. I would like to point out that in Scotland otters and their holts receive the highest protection possible. It is also an offence to:

- damage or destroy a breeding site or resting place of such an animal (whether or not deliberately or recklessly)

Otter holts are legally protected whether or not an otter is present. Also kingfishers are vulnerable and are listed as a Schedule 1 species under the Wildlife and Countryside Act 1981. They are both protected by law.

The visuals and diagrams produced by the Project Team have been difficult to understand and visualise, with parts being downright misleading. For instance: Trees along The Grove are marked in green and red. One would assume red would mean they would be felled and green would be saved. Unfortunately not, the small print reveals that the trees marked green will be saved "where possible". Which means all trees could be felled. This makes me wonder if this leeway applies to all the measurements as well.

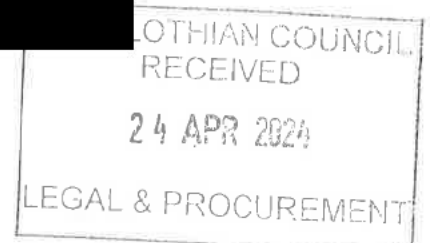
The council, Councillors and the Project Team have not been transparent in their dealings with the public: letters and emails, have on the most part been ignored or sometimes answered with a computer generated reply. The 2023 consultation was conducted midweek which was not accessible for a lot of people. At Drop-In consultations residents have been talked down to, or talked over by having data spouted at them, and had their intelligence insulted. FOI requests have been met with large fees (over £600) which few individuals can afford. This is not democracy.

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

Yours faithfully

Signed [REDACTED]
CC [REDACTED]

Printed [REDACTED]



EAST LOTHIAN COUNCIL
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24 APR 2024

LEGAL & PROCUREMENT

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

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



Email:
Date: 6th April 2024

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

Living in the flood risk area, I would welcome some flood protection but as a taxpayer I object to the exorbitant cost of this scheme.

My reasons for objecting are:
No breakdown of costs of this scheme has been available to the public, and neither has there been a cap put on the budget.

The East Lothian Councillors were presented with one scheme, no alternative, which only pays lip service to Nature Based Solutions. Much cheaper and more environmentally friendly solutions should be investigated considering the state of East Lothian Council's finances.

Care of the elderly, community health and other Core Council services have a decreasing budget, plus our Victorian drains continue to flood the streets and the Brunton Hall lies empty as it awaits roof repairs, although £53M of taxpayers' money can be spent on this proposed scheme.

The scheme is providing protection for at least 50 years in the future, surely there is therefore time to discover or invent more appropriate flood relief for our historic town.

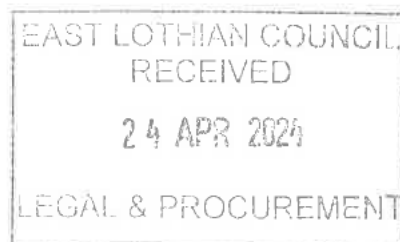
Musselburgh deserves better.

Yours faithfully

Signed



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Legal Services
East Lothian Council
John Muir House
EH41 3HA

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



[REDACTED]
Email: [REDACTED]
Date: 6/4/2024.

Dear Mr Grilli,

I am writing to object to the recently published Musselburgh Flood Protection Scheme. I live in [REDACTED] and pay extra on my insurance premium as my property is considered to be at risk of flooding. I would therefore support some sort of flood protection but certainly not this plan. As I heard recently on a Radio 4 programme "Building walls is a 20th century form of protection, there are many more environmentally friendly ways of dealing with flooding in the 21st century."

My grounds for objecting are:

The damage the scheme will cause to the varied wildlife along the river and the coast.

The congestion, for at least 5 years in the town while the work is in progress. It is bad enough just now.

The loss of mature trees.

The height of the walls, which will attract graffiti.

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

Yours faithfully,

Signed [REDACTED]

Printed [REDACTED]

EAST LoTHIAN COUNCIL
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Mr. Carlo Galli,
Service Manager - Governance,
Legal Services
East Lothian Council,
John Muir House,
EH41 3HA

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

[REDACTED]
Date: 6th April 2024

Dear Mr Grilli,

I am submitting this formal objection to the proposed Musselburgh Flood Protection Scheme for the following reasons:

Misinformation

When I attended a Drop-in session last year at the Brunton Hall I asked Conor Price about N.B.S. I was told that they would not work on the Esk. I then asked about The Eddleston Project which he dismissed with a wave of his hand and said "It didn't work." The project is still continuing and from the progress report to date, very successful:

The costs and benefits of the work are also being assessed and it is estimated that almost £1 million worth of flood damage will be avoided in downstream communities by the impact of the measures already installed. The value of other benefits, including improved water quality, carbon management and biodiversity is estimated at £4.2 million.

Attending these Drop-ins was not a pleasant experience as I and many other residents were made to feel we were of limited intelligence, overloaded with data that we could not respond to, and any suggestions we made were brushed aside.

The glossy 2024 brochure produced by the Project team states that they are protecting 3,200 properties. This figure has gradually gone up from 2,000. No reply to my question asking how this figure was arrived at. The front cover of this brochure shows a manicured river bank in The Mall, however this is not a realistic view as there is simply not this amount of space between the river and the road.

No transparency

Both the Councillors and the Project Team have failed to answer letters and emails when I have asked questions and expressed my dislike of the proposed scheme. Councillors outwith Musselburgh who did answer have referred me to Musselburgh councillors even although they have the right to vote for or against a scheme which will considerably alter the town where I am a resident. The Musselburgh Councillors referred me back to the Project Team.

Requests for details of public responses to the consultation last year but have been ignored. I emailed twice to ask "What additional height on the existing river training walls would have prevented the 1948 flood?" But got no answer.

At the presentation to the Council in January this year, it was said that some heights of the walls in residential areas had been lowered to a more tolerable height. If they could be lowered why were they originally higher?

Since M.A.T. has been put to one side for the time being, no one knows what is in the scheme or out of it, there has been conflicting information from both Councillors and the Project Team.

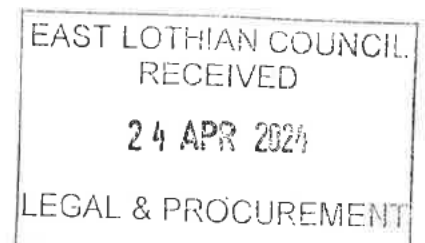
Please acknowledge receipt of my letter of objection in writing. Please advise me of next steps and timescales.

Yours faithfully

Signed [REDACTED]

Printed [REDACTED]

CC [REDACTED]



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24 APR 2024
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Carlo Grilli,
Service Manager - Governance
Legal Services
East Lothian Council
John Muir House
EH41 3HA

6 Objection
Letters

From: Legal
Sent: 26 April 2024 10:59
To: Musselburgh Flood Protection Objections
Cc: Grilli, Carlo
Subject: (0720 [REDACTED] FW: MFPS Objection letter received 24/04/24 - [REDACTED]
[REDACTED]
Attachments: 20240424 MFPS Objection letter from [REDACTED]
[REDACTED].pdf
Categories: POST, Added to excel spreadsheet, [REDACTED]

Hi Carlo,

The attached arrived 24/04/2024. Acknowledgement sent.





11/04/2024

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



Dear Mr. Grilli,

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

As a resident of [REDACTED], I am greatly affected by the scheme in various ways, due to my proximity to the river Esk. I use the Roman Bridge to access the town for shopping, I also walk and cycle along the paths to the lagoons and Fisherrow links for recreation. My property is indicated as at risk of flooding as shown in the credible worst case flood risk map produced by SEPA.

I object to the published scheme because of the direct impact the work will have on my immediate environment. This includes noise disturbance to wildfowl which will be overwintering and affect breeding in the spring, the removal of mature trees and habitat destruction, especially at the Goose Green and lagoons and at the Inveresk Mills end which provides habitat for Kingfishers and Otters, both of which are protected species. Aquatic and river wildlife will be significantly and adversely affected by pollution into the Esk when construction of the concrete walls and paths takes place. Wildlife affected will include all aquatic wildlife including Salmon, at the Inveresk weir. The loss of mature trees during a 'climate emergency' is unacceptable, as the proposed mitigation of re-planting will take 20 years or more to mature.

I also object to the scheme because I don't feel it has explored nature based solutions adequately. No consideration has been given to alternative solutions such as allowing the river to flood onto natural flood plains further up –river, or creating bends in the river to slow down river flow speeds and improving drainage in the town centre itself. The drains used to be cleared regularly, are now allowed to silt up in my street and surrounding area and subsequently run off into the river during heavy rainfall. Dealing with this issue as a mitigation of the flood risk has seemingly not

been taken into account as part of the existing flood prevention scheme. The level of flood-risk mitigation provided by this drainage could reduce the amount of construction required by the existing scheme.

The dune system could also be re-generated to provide a natural sea defence, using Marram grass and fencing off areas of vegetation to allow regeneration. Flood-risk mitigation by using natural solutions was not considered by East Lothian Council during the preparation of their flood plan and I object to a clear dereliction of duty in not considering mitigation measures which would address the climate and biodiversity crisis in Musselburgh and Scotland as a whole.

I also object to the overall cost of the scheme. No breakdown of the costs of the scheme is available, four bridges are to be built but there is no indication of the costs of removing and replacing the existing bridge infrastructure with new bridges. Significant cost overruns have been a feature of recent developments and there appears no indication of how high the costs could rise during the scheme's construction, or what steps the council will take to meet any significant cost over-run.

I also object on the grounds that the carbon footprint of this plan is significant and damaging to the local and global environment along with increases in pollution which will affect residents, including myself, on health grounds. I also object to the ongoing maintenance required to the walls and bridges because this will impact local services and local and national government expenditure on other services in Musselburgh required by residents. I object to the fact no cap appears to have been placed on the costs of the scheme.

I object to the scheme because the town as a whole will suffer, due to the noise and disruption impacting on tourism and visitor numbers, discourage people moving to the town to live and/or work here. There will be a loss of inward investment into Musselburgh (unevaluated by the council) and house prices will be negatively impacted if the proposed scheme goes forward.

I also object to the scheme as it will have a detrimental impact on my own mental health, I greatly benefit from accessing the river and shore area. My family life and caring duties for my disabled daughter (also a resident of at my address) will be severely disrupted for five years or longer due to loss of access to the riverside and sea front as well as the play areas in the Haugh park and Fisherrow links.

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

Yours Faithfully

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24 APR 2024
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SERVICE MANAGER

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LEGAL SERVICES

EAST LoTHIAN COUNCIL

From: Legal
Sent: 26 April 2024 11:00
To: Musselburgh Flood Protection Objections
Cc: Grilli, Carlo
Subject: (0721 [REDACTED] FW: MFPS Objection letter received 24/04/24 [REDACTED]
[REDACTED]
Attachments: 20240424 MFPS Objection letter from [REDACTED]
[REDACTED].pdf
Categories: POST, Added to excel spreadsheet, [REDACTED]

Hi Carlo,

The attached arrived 24/04/2024. Acknowledgement sent.





11/04/2024

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



Dear Mr. Grilli

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

I am a resident of [REDACTED] which falls within an area designated as at risk according to the flood risk map produce by SEPA.

I object to the published scheme on the following grounds:

1) Cost and Ongoing costs:over-budget risk not considered

The cost of the scheme is estimated to be around £100 million pounds with no guarantee costs will escalate greatly during the life-time of the project. Contemporary development projects have a history of running significantly over-budget during recent years, and no consideration of this risk or a proposed mitigation of the risk seems to have been prepared for.

2) Nature based flood solutions not considered.

I am deeply concerned that in making the decision to proceed with the proposed scheme,ELC chose to disregard any consideration of nature-based solutions prior to embarking on the scheme design. UK and Scottish governments have commitments to COP 26 agreements to prioritise nature-based solutions to engineering projects. This decision will impact on carbon emissions in Musselburgh and contribute to the global warming that causes flood risk in the first place. No reason was given by ELC for rejecting nature-based solutions.

3) Bio Diversity & EIA

The scheme was approved before the Environmental Impact Assessment Report was completed. This is a clear breach of planning best practice.

Nature Scotland recently published the Scottish Govt. Draft Planning Guidance on Biodiversity (November 2023) paper. This paper concludes; 'For national, major and EIA developments NPF4 Policy 3b requires applicants to demonstrate that biodiversity will be in the "demonstrably better state" required by Policy 3(b) and that the five criteria of Policy 3(b) have been met. These criteria are:

"the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;

a) Wherever feasible, nature-based solutions have been integrated and made best use of.

This is clearly not the case with the proposed scheme. The EIA report makes clear that the habitat for existing species, including protected species such as otter and kingfisher and the fish they depend on will be permanently removed, that the effect of any pollution would be long-term, negative and permanent. Mitigation proposed is clearly inadequate including risible measures such as operatives checking machinery for otters and covering trenches.

b) 'Significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and local community benefits of the biodiversity and/or nature networks have been considered.'

Nature Scotland or any other wildlife/natural body been consulted or had an opportunity to input into the scheme or modify the scheme.

This is reflected in the Fourth National Planning Framework (NPF4), which sets out new requirements for development to deliver positive effects, primarily under Policy 3.

This states that all development will contribute to the enhancement of biodiversity, including where relevant restoring degraded habitats.

The plan proposes some river restoration but this is of extremely limited scope and will not come close to replacing the volume of habitat lost to the scheme. Therefore, this plan does not enhance biodiversity to the same extent that is being lost nor restore degraded habitats.

The survey carried out by Jacobs holds that there is only one record of an otter within 5km of Musselburgh but I have myself seen an otter close to the weir, as well as water vole, heron (not mentioned in the report) and kingfisher. The report bases its conclusions on a desk-based survey of wildlife along the river Esk, this methodology is clearly flawed as the report states that only 1 record of Harbour seals at Morrison's Haven when I have myself seen half a dozen there on several visits. I question the adequacy of relying on desk surveys to estimate wildlife numbers along the corridor, a ground-based survey is clearly required.

The report claims that there are no examples of protected species living close to the project sites but my own evidence and anecdotal evidence from other residents suggest their model of indigenous fauna is incorrect and needs to be re-evaluated.

4) Disruption to family life

As a frequent user of the riverside and the parent of a daughter with additional support needs, the effective closure of sections of the river will have a major detrimental effect on our family life, reducing mine and my daughter's quality of life considerably and probably requiring us to travel outwith Musselburgh to walk and enjoy natural environs.

5) Graffiti/Aesthetics/Quality of architecture and contrasts with existing architecture and natural surroundings and permanent change to the material appearance of a historic town in a conservation area.

I am very much concerned with the potential for widespread graffiti on the proposed walls as well as increasing the potential for criminal assaults and general crime in isolated areas where the walls will provide seclusion for such behaviour.

Widespread graffiti on the walls would permanently degrade the living environment of the town, leading to reduced quality of life for me and all other residents. This would also impact on inward investment, house prices and the overall desirability of Musselburgh as a place to live and set up a business in.

The Roman Bridge is A listed structure and there is no indication that the walls won't encroach on this structure. A listed buildings should not be altered or amended in any way.

6) Rushed decision

The decision to proceed with the scheme was rushed and in removing consideration of nature based solutions, too hasty and too focussed on only engineering solutions. Thus the scheme, as proposed, did not fully engage with all the available flood management solutions.

7) Pollution and affect on health

I object on the grounds of pollution impacting on my health. The air quality in Musselburgh was already known to be among the worst in Scotland some

years back. It's unclear how much damage the work on the scheme will have on air quality on the town. Nor can I find any mitigation measure in place to reduce the impact on air quality. The damage to my health and the health of residents of Musselburgh needs to be taken into account.

- 8) Local economy, inward investment, house prices, residents leaving, lower job opportunities and business growth in future years than would otherwise be the case without the scheme going ahead.

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

Yours Faithfully

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SERVICE MANAGER

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13 April 2024

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

EAST LoTHIAN COUNCIL
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24 APR 2024
LEGAL & PROCUREMENT

Sir

Greetings.

**I am writing to call for a PAUSE in the Musselburgh
Flood Protection Scheme.**

**The space West of the Brunstane Burn and East of
the River Esk Mouth is built up, desolate and neglected;
between the Brunstane Burn and the
Esk River Mouth is precious, green open space.
It consists mainly of Common Good Land.**

**Damaging this space amounts to a total disregard for
nature and creatures.**

I sense no threat from the Esk after 28 years living close to it; and I trust specialists in Hydrology, Rivers and Coasts who suggest Nature Based Solutions for a one in two hundred year flood risk in Musselburgh.

I object to the proposed scheme on the basis of:

LEGACY to look after what is there: in their wisdom those who straightened the Esk for industrial purposes built low walls which contain her perfectly.

- Drains are clogged and neglected, e.g. Esk West.
- East Lothian Council asks us to respect public toilets while a lack of awareness, care and education results in people using theirs as a rubbish bin. Where is respect for the river?
- Even on dry days water is dumped into the river from Monktonhall Golf Course, for instance. Is leisure more important than the life of a river?
- And what are the consequences of building houses where none have been in thousands of years? Where does waste water go?

A FRAGILE ECO-SYSTEM trees, bushes, grass and flowers are essential for the survival of insects, birds, mammals and humans. To kill a tree is a crime and we definitely do not want more cars near the river or parked along it.

Musselburgh has attracted bird watchers from all over the UK. The hideous developments of the lagoons may have already put an end to that.

Already, Dippers have gone. So has the Heron at the weir. It is rare to spot Kingfishers. There has not been a successful swans' nest on the River for decades. Otters are supposedly protected. Has anyone taken this into account?

WELLBEING The river, river banks and beach are a life line for many. They lift the stresses of the day, give us space to move and ponder.

- why not learn from countries such as The Netherlands about less intrusive and destructive flood defences?

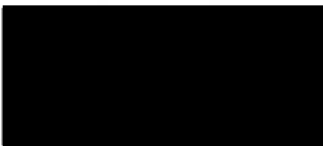
Bridges across the Esk in Musselburgh and the Jooglie Bridge are used daily by thousands of people who rely on them for access to shops, etc and for their social needs.

Musselburgh is an ancient borough...Many of its people do not have the means or desire to move away from the NOISE, POLLUTION, DISRUPTION and threat to all living beings caused by un-called for, heavy engineering in the heart of the town.

Musselburgh does not need gentrifying. Go to the Shore in Leith for that!

LET'S HAVE A LITTLE RESPECT AND PREVENT IRREVERSIBLE DAMAGE TO THIS SMALL STRETCH OF COAST AND RIVER.

Sincerely



[Faint, illegible text, likely bleed-through from the reverse side of the page]

EAST LoTHIAN COUNCIL
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24 APR 2024
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Mr C Gill
Service Manager - Governance
Legal Services
East Lothian Council
John Muir House
HADDINGTON
EH41 3HA



22/04/2024

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

Dear Sir

OBJECTION LETTER to the proposed Musselburgh Flood Protection Scheme

I am writing to set out my objections to the proposed flood protection scheme as formally notified by letter, to my household, dated 15 March 2024.

I am a resident of Musselburgh, I live at [REDACTED]. In addition to being a local resident, I also shop locally, use local cafes, restaurants, and local transport, and regularly walk within the area of Musselburgh.

As a resident I value the history and culture of the town along with its open outlook that provides a positive experience for those who live and those who visit Musselburgh. I object that what is proposed will destroy the amenity that the town offers.

P6. Cultural_Heritage_and_the_Built_Environment_SPG.pdf

I recognise that Musselburgh is at risk of flooding, but the mainly hard engineering solution that is being proposed will destroy this town, in addition what is being proposed appears to be an old-fashioned solution to a problem, when compared with other projects across the UK and Europe and in the context of emerging policy from Scottish Government.

I have further objections to the proposed scheme – see below.

Communication/community engagement:

I object to the poor level of engagement with me as a member of the Musselburgh community. Any consultation events that I have attended have in my view been controlled by the presenters in terms of what I as a resident might be allowed to discuss or provide a view about. In the

“ladder of citizen participation” what has happened has been poor, the methodology used has not in any way reassured me that my views have been heard or taken account of.

Reference: Arnstein, S. (1969.) A ladder of citizen participation. Journal of the American Planning Association, 35(4), 216–224.

At a meeting arranged between residents and the Project team in 2023, when I asked if we could be actively involved as Tenant & Residents Groups in how decisions were being reached, I was told by the Project Team staff, who were in attendance that their client was East Lothian Council, and therefore negating their commitment to or recognition of the value of engaging with the Community.

I attended one of the drop-in sessions at the Brunton and have no sense that what I spoke about was recorded or taken note of.

Audit & Governance

I object to the lack of concern about the rising cost of this proposed scheme and that no ceiling has been set on what this will cost. I object to this usage of scarce public funds, particularly when there is no evidence that other options to protect the town have been meaningfully considered.

Since its proposal, the cost has increased with little recognition that these are public funds and that each £1 spent should be accounted for to the public. It is public money whatever its source, either Scottish Government or local government. It is stated that East Lothian Council has a deficit of £16.154m so why is the Council not taking better care of public money by both setting a ceiling on the proposed expenditure and by greater transparency about how the money is being spent and the consequences of the planned expenditure in terms of what will not be provided to the community.

Reference:

https://audit.scot/uploads/docs/report/2004/nr_040311_following_public_pound.pdf

I object that there appears to a failure to budget for maintenance costs – maintaining the proposed walls, bridges, maintenance of the reservoirs that have been purchased and that are located in another local authority area (is this good use of scarce public funds) etc.

I object that what is being proposed for Musselburgh is being driven by the end date for Cycle 1 funding rather than considering what is best for Musselburgh now and in the future to manage the flood risk. Why can Musselburgh not benefit from the approaches in flood management that will be available through Cycle 2 of the Scottish Government funding. When the report related to the delay of flood planning for Haddington is compared with the decision making in relation to Musselburgh, there is evidence of inconsistencies and misleading information from members of the Project Team, in that it is believed that Project Team staff told Elected Members that the Musselburgh FPS had to be agreed to get cycle 1 funding, as there was a risk of no further funding being available.

Point 3.20: 4724_Hadd_Flood_Prtctn_Scheme%20(2).pdf

Scheme components.

I object that the proposed scheme fails to take account of the recommendations in the Dynamic Coast report, regarding coastal management.

Reference Page 42, 6.2: Musselburgh-Coastal-Change-Assessment-2024-FINAL-Report.pdf

I object that what is proposed fails to look at local potentially low-cost solutions, for example demountable barriers, individual property solutions etc.

I object that the proposed scheme shows little evidence of a whole catchment approach to the risks from the river, the river rises in Midlothian and is a smaller percentage in length when it reaches East Lothian. It does not make sense that the majority of management of the risk starts when the river reaches East Lothian. I object that I have seen no evidence of formal discussions with Midlothian Council and other relevant partners to find solutions.

Reference: P4, www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2019

I object to the narrowing of the river, which can only contribute to increased risk of flooding from the river, the very thing that the scheme is meant to be protecting the town from.

I object that there is now confusion in that the Musselburgh Active Travel components have not been removed from the proposed scheme, for example what contribution does 5m wide pathways contribute to flood prevention or putting a bridge at the mouth of the river as it enters the sea? The reports and the proposed scheme including the EIA should have been revised to remove the MAT elements.

I object to the sea wall at the lagoons being included in the flood protection scheme and having public funds used to repair or rebuild the wall. East Lothian Council should not be taking on anything from a private company that then requires extensive public money spent on it.

I object that the proposed scheme is based on planning for 2100, why not take an incremental approach to the management of the flood risk that allows for climate change, changes in knowledge etc, why is Musselburgh being subjected to a one off scheme that cannot guarantee taking account of these changes.

P6, Reference: P4, www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2019

I object that the Project team keep changing the number of properties affected, thus confusing the cost – benefit analysis, and increasing the costs for individual householders for home insurance, and creating general confusion (SEPA, 2016: 2180 properties; Project Team ELC, March 2024: 3200; EIA March 2024: 2279 properties).

Transparency & decision making

I object that there has been no independent scrutiny of the proposed scheme, this despite the enormous cost to the public purse. I object that the very agencies and staff who will benefit from any growth in the scheme and any expenditure are the very people who are seen by the many of the Elected Members as the “experts” who are guiding and advising them. The members of the Project Team were brought in as experts as Council staff did not have the

expertise. This cannot be right that there is no arm's length and independent thought processes and guidance in making these major decisions. At a meeting with Labour Councillors in January 2024, the leader of the Council made clear, after presentations from residents of Musselburgh, that he would be listening to and making decisions based on what the "experts" told him.

I object that a report was submitted to Council in October 2023 that dismissed the inclusion of natural based solutions in designing the scheme. My objection on this is twofold, that this report was based on one project only, therefore had a limited evidence base and secondly the timing of this report, knowing that the proposed scheme would be presented to Council in January 2024.

I object that "emergency measures" were used to set the date of the Council meeting in January 2024. This meeting was not an emergency, it had been known about for months and so did not meet those criteria.

I object that at the Council meeting in January 2024, that a decision was made without the Elected members having sight of the full EIA, how can this possibly have happened that such a major decision was made without full information. For me this is another example of the Elected members follow "group think" and are not looking at the decision making process from an independent and scrutinising point of view.

I object that the report made to full Council in January 2024, had only one option, is this what Elected members expect, in my view the Project Team after so long working on this project should have been presenting options to be considered and that the Council should have required that they were presented with options.

I object that the papers that were made available to the Elected members included the Musselburgh Active Travel, which we are now told that the MAT elements are not part of the proposed scheme. In these circumstances, the reports to Council in January 2024 and the paperwork (including the EIA) that are available to the public should have these elements removed as otherwise there is a lack of clarity about what is proposed.

These are my objections to the proposed scheme, please only communicate with me by email.

I object to the MFPS Scheme 2024 as published and advertised.

Please acknowledge receipt of this letter of objection.

Yours Sincerely

[REDACTED]

[REDACTED]

EAST LoTHIAN COUNCIL
RECEIVED
24 APR 2024
LEGAL & PROCUREMENT

SERVICE MANAGER
GOVERNANCE

LEGAL SERVICES

EAST LoTHIAN COUNCIL



15 April 2024

Mr Carlo Grilli
Service Manager-Governance
Legal Services
East Lothian Council
John Muir House
Haddington
Eh41 3HA

Dear Mr Grilli

MUSSELBURGH FLOOD PROTECTION SCHEME

I am writing to state my objections to the recently published Musselburgh flood Protection Scheme, as advised in your recent Scheme Notification letter to local owners and occupiers. To introduce myself, I am a [REDACTED] resident of Musselburgh. I worked for [REDACTED] as a [REDACTED] for 29 years until my retirement in 2017. [REDACTED]

Therefore, the scheme would have a **direct and negative** impact on my property and my daily life, both during construction and following completion.

I would never have considered purchasing my property if I could not view the Esk [REDACTED] [REDACTED] Enjoyment of the beauty of the river and its wildlife is essential to my mental wellbeing and family life year-round. [REDACTED] enjoy feeding the birds here.

Naturally I do not want to have to deal with a flood event in my home, and I do not disagree that a flood protection scheme of some sort is needed. I have been extremely alarmed by the proposed flood protection measures for a multitude of reasons, however, my main **objections** are as follows:

1. I am concerned, as a taxpayer in the county, about the extensive and to my mind unnecessary use of public funds proposed for the project. Costs have escalated exponentially, currently standing at a total of £132 million. Partial funding is expected from the Scottish Government, with an approaching deadline for Cycle 1 funding. The cost of the scheme is not capped at this time. I understand that in future such "blank cheques" will not be offered by the government due to the opportunity given to inflate costs. There seems to have been a rush to publish the scheme in time to be eligible for Cycle 1 funding. I **object** to the fact that not all avenues have been fully examined and considered as a result.
2. In my opinion, the 22 councillors in East Lothian should not have decision-making powers in approving this extensive a proposed scheme. They are not

qualified to do so and cannot possibly take in the details and intricacies of what is being proposed. This was evidenced both during the lengthy council meeting in January and in a meeting I had with one councillor who did not appear aware of what is being planned for Musselburgh, e.g. the proposed 5 metre wide paths in front of my house. Another councillor was overheard in a public place to say that the flood scheme is a "done deal" and would go ahead no matter how many people sign petitions and raise objections. Such opposition was frankly derided. This throws into disrepute the entire undemocratic enterprise. These councillors have varying levels of education and experience, and are totally intellectually unprepared for the responsibilities of deciding upon a multimillion-pound expenditure. I myself have 2 degrees and a high standard of academic achievement and I have had great difficulty in keeping abreast of developments. The councillors overly rely on the expertise of consultants who will benefit if the scheme goes ahead. There is no independent scrutiny.

3. East Lothian Council cannot financially, and in terms of limited manpower, meet its core responsibilities at present. Roads and drains are in an extremely poor state. Essential services to children and adults are being cut and amenities which enhance citizens' wellbeing are curtailed. Essential repairs, e.g., to the Brunton Hall, have been stalled leading directly to the loss of a well-loved café which could not sustain its business. Council workers cannot keep up with the amount of unsightly graffiti in the town. Graffiti will NO DOUBT increase when vandals are provided with a vast, blank canvas of walls on which to mark their territory. No assurance has been given either about the use of materials to deter graffiti or a budget dedicated to clean it up. I therefore **object** to a hugely expensive scheme that largely relies on concrete walls to achieve its goals. Council expenditure is urgently needed to maintain essential Council services to preserve the fabric of the town. Whilst it can be argued that there are different budgets involved, by focussing on the council's element of funding for flood protection, other services will undoubtedly suffer in the long term.
4. Extensive renovations to my property in 2014, during which the underpinnings were exposed, revealed that there is no foundation as such. The house is 135 years old, is built on dirt and therefore highly vulnerable to damage to the fabric as a result of heavy plant and the vibration of drilling in close proximity. I am NOT at all confident that damage will be prevented, assessed or ameliorated. I have no doubt that extensive vibration will undermine the safety and viability of my home. I have had no assurances about prevention of damage, how it will be properly assessed and what, if any, compensation will be offered as a result of the severe impact of the work. I have no confidence that assurances would be honoured if offered, in any event. In addition, Musselburgh is home to several buildings of historic importance, all of which are vulnerable to the effects of extensive building works and pile-driving.
5. I **object** to the inevitable and unacceptable amount of disruption to my and my family's life over several years if the scheme goes ahead in its current proposed form. The EIA classes the disruption to residents on the river to be at an unacceptable level. We will lose access to a major source of peaceful recreation

and this and the unacceptable noise levels will undoubtedly have a significant detrimental impact on my mental health.

6. I **object** to the fact that no acceptable reason has been given for the one in 200 years risk calculation, or using 2100 as the target date. There is no evidence that there is a need for this extent of flood protection. It is over the top, relying on unsubstantiated risks. A shorter target period would mean less extensive hard engineering required, allowing for benefit from technological advances in coming years. The Scottish Government recommends that a range of options and scenarios should be considered, but there do not appear to have been alternatives presented from which to choose.
7. I am concerned about the impact on the environment that will accompany the scheme. I believe that insufficient attention has been paid to the Environmental Impact Assessment. I understand that it is the same consultants as those proposing the scheme that undertook the EIA. I **object** to the damage to the habitat of wildlife such as the geese and ducks which attract many visitors to the town. In addition, the impact of the inevitable carbon emissions on the environment from so much concrete is unacceptable, never mind what it will look like. There is no sound argument to justify the level of carbon emissions. The entire nature of the riverfront will be unrecognisably altered. I **object** because there is no good reason given for the extent of this scheme.
8. I **object** to the fact that the Musselburgh Active Toun (MAT) provisions were added in to the scheme when these have no relevance to flood protection and as such do not come under the Flood Risk Management (Scotland) Act 2009. MAT provisions were taken out of the proposed scheme at the last minute, as it suddenly (?) became apparent that they must be subject to planning consent. Elements crucial to MAT remain such as wide bridges, paths, and unnecessary ramps. I **object** to having an unsightly, over-wide and unnecessary ramp ending near my front door, potentially further obscuring the views that led me to purchase my home 10 years ago. The second ramp on the east side of the proposed new Shorthope St Bridge has nothing to do with flood protection. I also **object** to the manner in which MAT proposals became intertwined with the flood protection scheme when the public were not made aware of this and the additional costs and potential impact. There has been a significant degree of secrecy and obfuscation on the part of the consultants, who have not been able to or refuse to answer concerned residents' questions about MAT. Questionably essential elements of the scheme such as building into the river to allow for the MAT paths now in question pending planning permission confuse matters seriously to the extent that the current process should be interrupted to allow for the teasing out of the MAT elements.
9. I **object** to the limited consultation and involvement of the public. The Scottish Government published good practice Guidelines for consultations. These guidelines have been largely disregarded, e.g. a failure to be transparent about responses to the public event in June 2023. The event was poorly publicised and limited to times midweek when a large proportion of the population, if they were aware of it, were unable to attend. I **object** therefore in that the consultation has been insufficient, ineffective and unfair to residents of

Musselburgh. Not enough steps have been taken to fully engage with the population, many of whom, when I myself have encountered them in the town, have no idea what is being proposed. There has been a total absence of non-technical, simple language in multiple languages and formats which, if the project team were truly interested in a democratic process, would be made available. The design photographs in the glossy brochures do not give an accurate picture of what the scheme will look like. Heights of walls and embankments in relation to the people represented are inaccurate and misleading. The public cannot possibly see what they will be getting if the scheme goes ahead in its current proposed form.

Please acknowledge and reply to my objections in writing. I do not want someone coming to my door uninvited. I am unlikely to withdraw my objections.

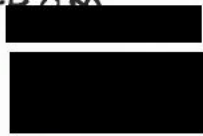
Thank you

Yours faithfully

[Redacted signature block]



FROM



EAST LoTHIAN COUNCIL
RECEIVED
24 APR 2024
LEGAL & PROCUREMENT

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

24th April 2024

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



Dear Legal Services

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

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

The loss of trees which provide shade along the river.

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

Narrowing the river makes no sense in reducing flood risk.

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

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

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

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

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

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

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

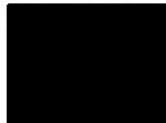
I have an interest in the land affected by the scheme and scheme operations (including but not limited to noise and pollution from construction traffic) at Fisherrow Links and Fisherrow coast. I use this regularly to walk and exercise, and for dog walking. I enjoy walking and cycling along the coast. A coastal sea defence with limited access and any scheme compound and scheme works will directly impact my ability to continue to do so and disturb my enjoyment of the land. If the scheme proceeds in its present form without amendments I expect to be compensated for the sustained damage as a consequence of exercising my powers under the Act, Section 83 (1).

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

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

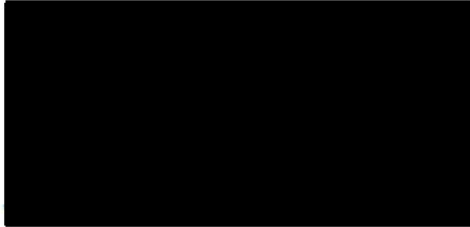
Please answer each of my points above.

Yours Sincerely,



22nd April 2024

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



Dear Legal Services

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

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

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MAT should be subject to planning regulations, not sneaked in via the flood scheme.**

I have an interest in the land affected by the scheme and scheme operations (including but not limited to noise and pollution from construction traffic) at Fisherrow Links and Fisherrow coast. I use this regularly to walk and exercise, play sports, football, pitch & putt. I enjoy walking and cycling along the coast. A coastal sea defence with limited access and any scheme compound and scheme works will directly impact my ability to continue to do so and disturb my enjoyment of the land. If the scheme proceeds in its present form without amendments I expect to be compensated for the sustained damage as a consequence of exercising my powers under the Act, Section 83 (1).

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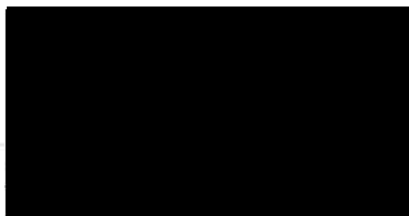
Please answer each of my points above.

Yours Sincerely,

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

19th April 2024

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



Dear Legal Services

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

1. The Flood funding is fundamentally flawed. It was noted that 2016/17 was a very early stage to commit to these schemes with a *'blank cheque' as it allowed schemes to grow and grow, that was wrong *(FOI - extract from scotgov flood risk working group minutes, May 2022).
2. The Musselburgh scheme was originally identified by SEPA and did not include the coast at Fisherrow. I object that the MFPS expanded to the coast without authorisation from SEPA or any government body. The scheme expansion has been driven by the 'blank cheque' cycle one funding. The coast at Fisherrow is not identified as a national priority for flood protection.
3. I object that the scheme has been expanded by local councillors who have on record stated they don't understand the technical aspect and must rely on the consultant experts. This is not a good way to make decisions of such importance. The consultant experts have a vested interest in promoting the solutions to which they are most familiar and which they understand the profitability of - these are to promote highly engineered solutions and not Nature Based Solutions. It appears that ELC has been captured hostage by a group of consultants.
4. I object that multiple coastal defence options were presented, in a biased way to the council/councillors to vote on. Example is the option for sand dunes along the coast. The consultant proposal of 4m or higher dunes was arbitrary and not based on science. In addition a large carbon footprint was

assigned to the sand dunes as the consultant commented that sand needs to be transported by truck to Musselburgh. Whereas it is clear a barge could easily transport sand from the delta at much lower carbon costs.

5. I strongly object because the consultants have throughout this process engaged in 'confirmation bias' They arrived in Musselburgh with a preconceived plan(wall defences) based on Hawich/Selkirk. Found evidence to support their plan and ignored advice and contrary evidence from locals, government agencies. The walls have expanded to the coast as a result.

6. It is clear that Dynamic Coast believe that any wall build along the coast may be undermined. Evidence is from Alistair Rennie,answering Lynn Jardine at the Council meeting on 23 January, AR said that though a wall would protect erosion landward of the wall, it would likely cause erosion seaward of the wall due to reflection of wave energy, and this would lead to undermining of the wall. It's about 20 minutes in to the attach webcast

Special East Lothian Council - Tuesday 23 January
2024, 9:30am - East Lothian Council Webcasting

eastlothian.public-j.tv

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

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

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

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

9. Jacobs have presented different climate scenarios. Scenario 2 RCP4.5 at river and scenario 4 RCP8.5 at coast. The reasoning for this is unclear and undermines the claim the flood scheme is science led.

10. I object because the councillors voted to approve the scheme prematurely before the full dynamic coast report was released

11. The Dynamic coast report was released at the last minute (March 24) not giving me a chance to make a full analysis of it and more importantly denying me time to get an independent assessment/view of it

12. I object because The dynamic coast report on preliminary investigation contains flaws and more analysis of the coast needs to be performed before a decision made on direct defences at the coast.
13. The errors in Dynamic Coast report (Musselburgh Coastal Change Assessment; February 2024) show that it was prepared in haste and not properly reviewed by its 5 co-authors (significant mistakes include confusing the following: East and West (p16); centimetres and metres (p23); Middle and Upper Beach (p18; 41); Lower and Middle Beach (p16). There is also a mathematical error in the calculation of sand lost from the beach (p41).
14. This haste is a result of the scramble by ELC to enter cycle one funding. It is not in the best interests of Musselburgh to proceed with the current proposed coast proposal.
15. The main deficiency of the report is that it concentrates on local losses of sand and largely ignores sand gains elsewhere along the foreshore.
16. Dynamic Coast's own figures and graphs show that sand removed by storms from sections of the Upper Beach during Spring tides is generally redeposited locally on the Middle Beach. Restoration of the Upper Beach is a longer-term process, but the evidence presented suggests that the destructive and constructive processes are largely in balance along the Musselburgh foreshore.

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

17. Dynamic Coast have a model of coastal erosion that covers the entire Scottish Coast. In looking for evidence to support their current model, Dynamic Coast have overlooked the local conditions that might make Musselburgh foreshore a special case. Climate change means that coastal erosion is going to increase as sea-level rises, but (as Dynamic Coast themselves suggest) more work is clearly required to establish the actual controls of contemporary deposition on Fisherrow Sands before any future remedial action is taken.

18. The Flood Risk Management (Scotland) Act 2009 does not stipulate a year which local authorities must select as a flood risk management design target. The consultants have stated the design target date of 2100 was instructed to them by their client, East Lothian Council, as part of their brief. Our councillors, as the Proposers of the scheme must provide evidence backed information and data that has directed them and persuaded them to select this particular date as part of their brief to the consultants, demonstrating its relevance and appropriateness in the context. There is an inherent problem in selecting year 2100 as our target date. It is simply too far in the future to predict for with the levels of certainty we seek. It must be reviewed. It can also be argued that the unreliability of predictions of such distant future events can itself become a risk arising from the scheme.

Nature scot said we don't need "*solutions today for the next 1m of sea level rise*" and referring to the MFPS "*there need to be credible maximum risks*" This clearly is criticising the MFPS consultants choice of scenario4 and RCP 8.5 (FOI Climate Change Teams meeting 31st Oct 2022, Nature Scot/Dynamic Coast).

Coastal Change Adaptation Guidance – MINUTES

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

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

Apologies: Action: Please review and suggest improvements throughout.

Meeting note

'A number of examples were noted (Musselburgh etc) where local authorities had chosen a high level of protection (1:200yr level of protection and then account for climate change using a single climate scenario, typically based on SEPA's LUP guidance which is based on RCP8.5 95th%) **without interrogating whether this is appropriate for the location**, or considering the intervention as part of a comprehensive adaptation plan.

The concern is that such an approach may lead to over-engineered solutions that rely on benefits that may never be realised whilst incurring the associated social, economic and environmental costs today. Often many of the adaptation actions were absent, simply relying on higher wall for flood protection. In essence, the proposals didn't / couldn't adapt with increasing risks, but jumped to address future long-term risks with today's interventions. Perhaps these relate to a sub-optimal interpretation of the guidance, or apparent perverse incentives where securing today's funding is preferential to attempting to securing multiple sets of future funding.

So the guidance must be clear that, options need to be considered to credible maximum risks, but that plans don't need to address all of these now, ie our planned actions should be incremental and must be actioned at trigger points, rather than implementing solutions today for the next 1m of sea level rise.

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

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

MAT

20. There is no evidence for an active travel path along coast at Fisherrow ON TOP of scheme defence. Conor Price said there is "*no requirement for this to go on top. This is simply how the design has evolved and assumed to be the best design solution at this time*". Who made these assumptions? The public has NEVER been consulted on this assumption. It is clear MAT has heavily (and negatively) influenced the design (5m wide path on top of defence which is twice the width of current path). The current path is perfectly fine and was only renovated in 2022. In this current financial climate this is wasteful spending by East Lothian Council.

21. I object to the inclusion of elements of the design in the flood scheme proposal that relate to the MAT scheme because they serve to expand several elements of the scheme beyond anything that has nothing to do with flood protection or reducing flood risk. They also deny the public the opportunity to consider the planning aspects of the Active Travel scheme by importing elements of that scheme into the deemed planning permission ambit of the flood scheme.

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

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

- without amendments I expect to be compensated for the sustained damage as a consequence of exercising my powers under the Act, Section 83 (1).
24. I object to the embankment at the coast, Fisherrow Links to the Esk river mouth. The council must take independent advice and try to protect the coast using nature based solutions.
 25. I object to the lagoons wall section as this is not necessary to protect home in Musselburgh.
 26. I object to active travel path along coast at Fisherrow ON TOP of scheme defence. This path on top of the proposed defence has led to a loss of view and loss of access to the beach
 27. I object to the proposed planting of a tree forest on Fisherrow links. A Scottish links is naturally open and tree planting will disrupt this environment
 28. I object that there is no guarantee Fisherrow Links will not become a compound during the construction phase.
 29. I also object that there is no guarantee the Mountjoy Terrace road will not be used for heavy maintenance traffic during construct phase.
 30. I object to the new Goosegreen Bridge as it offers no flood reduction benefit. Furthermore, under the above noted definition under the 1997 Act, this bridge is without any doubt considered to be a 'Development' and not a replacement, and requires planning permission.
 31. The new proposed bridge which is 5m wide is not a 'like for like' replacement of the current 1m bridge and is located in an wildlife area at the mouth of the ESK
 32. The new proposed bridge at the River ESK will allow the John Muir Way to 'By-pass' Musselburgh village. This is at odds with Council policy to develop the town as a tourist area. It seem crazy to allow the John Muir Way bypass our beautiful town.

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

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

Yours Sincerely,

