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Document Title	Musselburgh Flood Protection Scheme MLS report - Appendix A.26

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Additional information:

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

For Office Use Only:	
Library Reference	123/24
Date Received	18/10/24
Bulletin	Oct 24

Subject: (0204) Objection to the Musselburgh Flood Protection Scheme

Sent: 22/04/2024, 03:32:25

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Cc: [REDACTED]

Follow Up Flag:

Follow up

Flag Status:

Completed

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22/04/2024

Service Manager – Governance

Legal Services

East Lothian Council

John Muir House

Haddington

EH41 3HA

Dear Sir / Legal Services

I am writing to object to the proposed Musselburgh Flood Protection Scheme 2024. I have an interest in the land affected because of where I live ([REDACTED]) and also because I regularly ride my horse on the bridle path that will be decimated by the construction of the debris catcher across the Esk on the west side of the overbridge that carries the A1 dual carriageway and the works to construct access roads to the debris catcher.

These are my reasons for objection to The Scheme:

1/ Loss of privacy: The construction traffic and debris catcher maintenance vehicles will pass extremely and unacceptably close to my residence. [REDACTED]. There is currently a locked gate and there is no access or egress for traffic not associated with the farm and equestrian business within the Dalkeith Estate.

2/ Disturbance: The construction traffic and all maintenance vehicles will be passing extremely and unacceptably [REDACTED]. This will cause a noise and dust nuisance to me which does not currently exist.

3/ Traffic Generation: The road the debris catcher construction traffic and subsequent debris catcher maintenance traffic propose to use is a narrow private road and used by horse riders, walkers with prams and small children, the movement of livestock, a low volume of cars accessing the livery yard and light farm traffic. It has a speed limit of 10mph. Vehicles must not pass horse riders or horses being led any faster than 10mph. Using this narrow private road for heavy construction and maintenance vehicles will put the other road users at risk and will create a health and safety issue. It will also damage the already fragile road surface.

4/ Unnecessary cost: I really object to tax payer money being wasted to create a new access road to the Esk when there is already a fit for purpose, flatter tarmac access road from Cowpits Road. The proposed site of the debris catcher currently has no access for vehicles of any sort. It is an unsurfaced rural path and totally unsuitable for heavy vehicles. The plans show the access road will need to be constructed over a soft grass livestock field, then through an ancient and well established woodland, down a steep fragile river path that is not robust enough to support heavy construction vehicles and subsequent heavy machinery and vehicles needed to clear the debris catcher. The entire river banking would need to be reinforced before it could be used for this purpose. There is already an asphalt access road to the Esk in Grove which has easy access from Cowpits Road. Therefore a cheaper and less damaging option would be to place the debris catcher to the east of the A1 dual carriageway over bridge, in the vicinity of the railway over bridge and use the existing asphalt access track/road along the Grove to construct the debris catcher and subsequent debris removal. However removing any type of debris catcher from the scheme is the best option because wherever one is constructed, there will be an unacceptable cost and it will cause flooding in the areas upstream where there was previously none. It simply shifts the problem and does not provide a solution.

5/ Environmental Impact: The construction of the access road for the debris catcher will result in the loss of grazing land. The construction and extraction process will disturb and worry the livestock. It will damage and destabilise the fragile high river bank path resulting in landslips.

Hundreds of trees and the natural path will need to be destroyed in order to build a road wide enough for the construction and debris extraction vehicles. The destruction of trees and natural habitat will be damaging to the wildlife in this location. There are deer, foxes, hare, buzzards, bats, squirrels, possibly badgers and other creatures too numerous to list in this woodland. In this world of climate change activists we are supposed to be saving trees not destroying them for a poorly designed flood protection plan that is likely to cause more flooding and environmental damage than if no action was taken at all. It is an absolute disgrace that the designers have concluded that it is acceptable to destroy this area of natural beauty and the wildlife that occupies it when the proposed debris catcher will actually do more harm than good. The proposed mitigation plans are woefully inadequate and poorly thought out,

6/ Flood Risk: Common sense and logic would make a sensible person conclude that the proposal to narrow the river in Musselburgh is more likely to cause flooding in Musselburgh and also damage the environment by causing areas upstream to flood. This will increase erosion and cause multiple landslips along the already fragile and crumbling Esk Valley.

Additionally my experience of debris traps is that when they are blocked and a dam is formed, there are never any Council resources available to deal with the blockages in a timely manner and the surrounding areas become severely flooded. The debris catcher will ensure more areas along the Esk will be flooded than before. The plans for a debris catcher should be removed completely from the scheme.

7/ Loss of Amenity / Health and Well Being: My human rights will be undermined due to my present environment being damaged by the construction of the debris catcher. [REDACTED]

[REDACTED] great for my mental health and general wellbeing. The construction works would be detrimental to my health and wellbeing. Additionally the site of the access road and the debris catcher will spoil my enjoyment of the countryside. I ride my horse on this woodland bridle path and ford the river at this point several days a week. Building the access road and debris catcher in this location would rob me of this healthy activity. There are around a hundred or so horse riders that regularly ride horses on the bridle path and ford the river. Robbing them of this natural path and the ability to ford the river to enjoy the bridle path on the opposite side will negatively affect their health and wellbeing too.

The Musselburgh Flood Protection Scheme design has conveniently ignored the requirements for horse riders of which there are hundreds in the local area. The design of the scheme and its active travel plans excludes and discourages horse riders the majority of whom are women and children. The loss of amenity for horse riders must not be ignored and the scheme should be redesigned so horse riders are included and catered for.

8/ Lack of Consultation: There has been no attempt to communicate the proposal for the access road and debris catcher to those who access the Dalkeith Park Estate from the Monkton Gate from Old Craighall. There has been information available at the Whitecraig Gate. Why was the same information not provided at the Monkton Gate where the impact of the Scheme is going to be much more damaging and serious?

Yours Faithfully

[REDACTED]

Subject: (0205) Objection
Sent: 22/04/2024, 07:18:47
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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Dear Sir/Madam,
Please reconsider the drastic actions you are taking to solve a maybe problem in flooding. Musselburgh needs a beautiful river and seafront to attract incomers.
The disruption you will cause for many years will drive people out of the area and many will not choose to locate here.
Yours faithfully

[REDACTED]

Sent from my iPhone

Subject: (0206) Obections
Sent: 22/04/2024, 07:43:13
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [REDACTED]

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I object to the proposed scheme as I have an interest in the land affected by the scheme operations at Brunstane Burn and Edinburgh Road Coast. I understand from the drawings my access and right of way to the shoreline will be blocked by the flood wall defence with no access to the beach [REDACTED]

I use this access on a daily basis for running and swimming on the beach to keep healthy and active and to keep my mental health in good check. A coastal sea defence with limited access will directly impact mine [REDACTED] who runs a licenced holiday let business at [REDACTED].

I also object because having no access to the Brunstane Burn/ Edinburgh Road (top end) coast will encourage dangerous climbing over the existing embankment and rocks to get to the sea.

Kind regards
[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 22 April 2024 08:22
To: Musselburgh Flood Protection Objections
Cc: McIntosh, Shona
Subject: (0207 [REDACTED]) Objection to Musselburgh Flood Protection Scheme
Categories: [REDACTED]

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

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

Dear Mr Grilli,

As a resident of Musselburgh, who frequently enjoys walking along our two beaches and The Grove, I am appalled at the devastation the proposed Flood Protection Scheme will cause to the town. I therefore submit this formal objection for the following reasons:

1. When the Councillors voted by a majority, to go ahead with the proposed scheme they were presented with a synopsis of the "in house" EIA. Neither the Councillors nor the public have been given enough time to read and digest this 3400+ page document as it was only published just over a month before the end of the objection period.

2. There has been no clear understanding about the de-coupling of the Musselburgh Active Travel from the MFPS and no one seems to know what's in and what's out. As there has been conflicting information I wrote to Peter Forsyth of MAT. Here is his reply:

"The Musselburgh Active Toun (MAT) is not coming forward at this time and is not part of the Musselburgh Flood Protection Scheme ("the Scheme").

It does not extend into the boundary of the Scheme. The MAT project terminates at the scheme boundaries."

In that case, I object to the siting of the Goose Green Bridge at the Estuary, the height and design with the very large ramps on Eskside East and the 5m width.

The position and design make no contribution to flood protection and have everything to do with joining up new unnecessary cycle paths. As MAT "is not coming forward at this time" why are 5m paths still in the design of MFPS? The same applies to the Ivanhoe Bridge and siting it further up stream.

The river banks at the estuary are unstable which residents in Goose Green Crescent and Goose Green Road will confirm, as they are forbidden to extend their properties, and yet this huge bridge will be built there without planning permission.

All the houses in Goose Green should be surveyed before the construction for this flood scheme begins.

3. With climate change and the drive to restrict greenhouse gasses, I object to the use of concrete walls, embankments, and foundations. The manufacture and building of these structures will release many thousand tonnes of CO2 into the atmosphere at a time when countries are working towards the Paris Agreement and aiming to cut emissions. I cannot see how this can be offset by saving a "possible" catastrophic event which "might" happen at least 50 years in the future. EIA chapter 6 page 29 assesses the risk during construction as low, therefore one would

presume that the risk at the present time is also low. There is time to investigate Nature Based Solutions which are cheaper and less damaging to the environment.

4. I object to the walls along Fisherrow Sands and Back Sands as the Dynamic Coast report has stated that the walls will encourage erosion and NBS should be employed in the bay and on the sands and dunes.

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 Shona McIntosh smcintosh@eastlothian.gov.uk

Sent from my iPad

From: [REDACTED]
Sent: 22 April 2024 09:34
To: Musselburgh Flood Protection Objections
Subject: (0208 DUPLICATE OF 0078) Fwd: Objections to MFPS - 16th April 2024

Categories: [REDACTED]

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I have not received an acknowledgement to my email of 16th April. Given that the deadline is imminent please acknowledge forthwith. A copy of my email is below.



22nd April 2024

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

From: [REDACTED]
Date: Tue, 16 Apr 2024, 10:17
Subject: Objections to MFPS - 16th April 2024
To: <mfpsobjections@eastlothian.gov.uk>

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

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

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

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

2. **Lack of Independent Review**: The consultants involved in the scheme have effectively marked their own homework, which raises questions about the objectivity of the assessments underpinning the scheme. The absence of an independent review team within the planning department is a significant oversight that undermines the credibility of the Scheme's evaluation. Such independent reviews are normal practice within the Scottish Government.
 3. **Financial Implications**: With the council facing a major financial crisis, the escalating costs associated with the Scheme will place undue pressure on other essential services, given the council's 20% liability for all related costs. The council is already cutting services to the community without this additional cost burden. In addition, evidence suggests that major construction work of this nature rarely comes in on budget. No estimates appear to have been made to potential cost over runs and no discussion has been made public with regards to tendering processes.
 4. **Environmental Impact - Loss of Trees**: The potential for significant tree loss due to the Scheme's construction has not been adequately addressed. The proximity of heavy machinery to tree roots and the formation of swales are likely to lead to the death of many trees, a fact that has been downplayed in public communications.
 5. **Lack of Biodiversity Net Gain**: There is no evidence to suggest that the Scheme will result in a net gain for biodiversity, which is a critical aspect of sustainable development.
 6. **Risk of Increased Flood Risk Elsewhere**: There has been no assessment of how the Scheme might inadvertently increase flood risk in other areas, which is a necessary step in responsible flood management planning.
 7. **Coastal Change Adaptation Plan**: The construction of a seawall without a Coastal Change Adaptation Plan is premature and currently does not take account of potential long-term coastal dynamics.
 8. **Potential Loss of Beach**: According to the Dynamic Coast report, the seawall structure could lead to the loss sections of the beach, i.e. contributing to increased coastal erosion—a consequence that flood risk management actions should avoid.
 9. **Absence of Beach Nourishment Plan**: There is no plan or budget for beach nourishment to counteract the potential negative effects of the seawall on the beach.
 10. **Questionable Data on Sea Level Rise**: The data and designs presented to the public are based on a projected sea level rise of 86 cm, a figure not widely supported by other studies, which calls into question the Scheme's underlying assumptions. This should be subject of an urgent independent review.
 11. **Lack of Transparency in Modelling Data**: Despite repeated requests, the modelling data has not been released for peer review by community members with relevant expertise, which is essential for transparency and trust in the Scheme's processes.
 12. **Hard landscaping** There is evidence from other flood protection schemes that hard landscaping can fail and is at best a temporary solution, given the lifespan of this kind of architecture. Nature based solutions offer permanent mitigation.
In addition from an aesthetic point of view such schemes are open to graffiti and vandalism. No account has been taken or plans offered regarding the of the costs of managing this issue for the structures proposed.
- I trust that these points will be taken into account, and I look forward to your response and the opportunity for further public dialogue on these matters prior to any action to progress the scheme further. The scheme as planned will cause irrevocable change to the nature and attractiveness of the town of Musselburgh and once started cannot be undone. With that in mind, every effort should be made to examine ways to mitigate its impact and to avoid hard landscaping as a solution to flood prevention.

I require that all communication with me going forward should be via email and/or by post.
Please acknowledge receipt of this email and please advise of next steps.

Yours sincerely,



Sources: 16/04/2024

- (1) Natural flood management programme - [GOV.UK. https://www.gov.uk/guidance/natural-flood-management-programme](https://www.gov.uk/guidance/natural-flood-management-programme).
- (2) Natural flood management programme prospectus - [GOV.UK. https://www.gov.uk/guidance/natural-flood-management-programme-prospectus](https://www.gov.uk/guidance/natural-flood-management-programme-prospectus).
- (3) Blog: Multiple Benefits of Natural Flood Management (NFM). <https://thefloodhub.co.uk/blog-multiple-benefits-of-natural-flood-management-nfm/>.
- (4) Natural flood management – part of the nation’s flood resilience. <https://www.gov.uk/government/news/natural-flood-management-part-of-the-nations-flood-resilience>.
- (5) What is Natural Flood Management? - CaBA. <https://catchmentbasedapproach.org/learn/what-is-natural-flood-management/>.
- (6) Home - Musselburgh Flood Protection. <https://www.musselburghfloodprotection.com/>.
- (7) Revealed: The spiralling cost of Scotland’s flood defences. <https://theferret.scot/revealed-spiralling-cost-scotlands-flood-defences/>.
- (8) The Ferret explores Scotland's flood defence budget chaos. <https://www.thenational.scot/politics/23251171.ferret-explores-scotlands-flood-defence-budget-chaos/>.
- (9) Flood Protection Scheme Outline Design to be considered by Council. https://www.eastlothian.gov.uk/news/article/14221/flood_protection_scheme_outline_design_to_be_considered_by_council.
- (10) Questions asked about major flood defence plan in Musselburgh. <https://www.thenational.scot/news/23886081.questions-asked-major-flood-defence-plan-musselburgh/>.
- (11) Proposed Scheme - Musselburgh Flood Protection. <https://www.musselburghfloodprotection.com/proposed-scheme/>.
- (12) Musselburgh Flood Protection Scheme Environmental Impact Assessment https://www.eastlothian.gov.uk/download/meetings/id/24424/0824_mfps_appendix_e_environmental_impact_assessment_report_-_non-technical_summary.
- (13) Musselburgh flood protection scheme given green light despite soaring <https://news.stv.tv/east-central/musselburgh-flood-protection-scheme-given-green-light-despite-soaring-costs>.
- (14) Objection letters - Musselburgh Flood Protection Scheme Action Group. <https://pausethefloodscheme.com/objection-letters/>.
- (15) Storm Babet caused five years' worth of erosion along Musselburgh coastline, report reveals. <https://news.sky.com/story/storm-babet-caused-five-years-worth-of-erosion-along-musselburgh-coastline-report-reveals-13112092>.
- (16) Storm Babet caused five years of damage to beaches in days. <https://www.msn.com/en-gb/news/uknews/beach-in-east-lothian-suffered-five-years-of-damage-in-two-days-during-storm/ar-BB1kirX>.
- (17) Storm Babet caused five years' damage to Musselburgh Beach in two days. <https://www.eastlothiancourier.com/news/24241020.storm-babet-caused-five-years-damage-musselburgh-beach-two-days/>.
- (18) MUSSELBURGH COASTAL CHANGE ASSESSMENT. <https://www.musselburghfloodprotection.com/wp-content/uploads/2024/03/Musselburgh-Coastal-Change-Assessment-2024-FINAL-Report.pdf>.
- (19) Musselburgh Coastal Change Assessment report available to view. https://www.eastlothian.gov.uk/news/article/14247/musselburgh_coastal_change_assessment_report_available_to_view.
- (20) undefined. <https://www.musselburghfloodprotection.com/dynamiccoast-musselburghcoastalchangeassessment/>.

Subject: (0209 NO ADDRESS) FW: Fisherrow Links
Sent: 22/04/2024, 09:01:17
From: Chief Executive
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

Categories: NO ADDRESS

From: [REDACTED]
Sent: Sunday, April 21, 2024 5:01 PM
To: Chief Executive [REDACTED]
Subject: Fisherrow Links

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

To whom it may concern.

I am writing to strongly object to the proposed plans for Fisherrow Links. I have lived in [REDACTED] for over [REDACTED] happy years. I have never seen in all that time any suggestion of flooding...NOT ONE BIT! the links are a lovely open space much used by the folks of Musselburgh and should be left as they are. We do not need a big wall to save us from the sea, we do not need the possibility of turning links into a work station while this is going on, and turning [REDACTED] into a busy thoroughfare of lorries and work vehicles.

On a personal level, my family have a memorial bench on the prom [REDACTED] We meet often at bench and enjoy the view over the water, another thing that will be ruined by a stupid wall! I hope sense prevails and we do not waste a lot of council money on this unnecessary nonsense. The money could be put to a much more needed use in maintaining the Brunton Hall...another much used facility in Musselburgh.

Yours faithfully,

[REDACTED]

Verbal abuse and threatening behaviour is never acceptable. #zerotolerance

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

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

Please, be nice.



BE NICE
RESPECT US AS WE RESPECT YOU

Subject: (0210) Your ref: CG11481
Sent: 22/04/2024, 09:06:35
From: [Redacted]
To: Musselburgh Flood Protection Objections
Attachments: [MFPS 2024.docx](#)

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [Redacted]

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Dear Mr Grilli - Service Manager, Governance, Legal Services
East Lothian Council
John Muir House
Haddington
EH41 3HA
Please find attached my letter of objections
to the Musselburgh Flood Protection Scheme 2024

Please acknowledge receipt.
Please also note that any future communication with me
with reference to the Scheme should be in writing by email or post.

Regards
[Redacted Signature]

Opening Statement:

My name is [REDACTED]. (your ref CG 11481) I reside at and am joint owner of the property at [REDACTED]. The Musselburgh Flood Protection Scheme (MFPS)2024 as published will directly affect and impact on me.

I object to the approved scheme. My objections fall into 3 categories.

- (a) Personal: The negative impact on me, my family, and my property.
- (b) Locality and Environment: The negative impact on my neighbourhood and the town of Musselburgh which I love and where I have lived [REDACTED]
- (c) Strategic and Financial aspects of the MFPS.

I know that climate change is with us. I appreciate the need to build resilience within our community. I am not opposed to flood mitigation or protection measures per se. However, I assert that the MFPS as published is disproportionate to the risk; represents poor use of public funds and has failed to present the range of options which a development of such import demands.

Objections (a) Personal –

- The amenity of my home and immediate environment will be negatively impacted both in the short and long term.
- My pleasant outlook over the river with its green open space, mature trees, many forms of wildlife will be replaced by [REDACTED] with raised footpath, no view of the river and blank walls [REDACTED]
- The disruption associated with the work to implement the scheme – noise, dust, toxic materials, access restrictions – which could last up to 5 years will render [REDACTED] a misery. [REDACTED]
- The value of my property will be adversely affected. If the Scheme proceeds, I fully intend to seek compensation within the terms of the 2009 Flood Prevention Act.

Objections (b) Locality and Environment.

- Musselburgh is an attractive place to live and visit. The river, the shore, the promenade, the harbour, the Fisherrow links all contribute to the health and wellbeing of residents and visitors alike.
- The benefits of access to nature are now clearly documented.
- A progressive local authority should aim to sustain and improve its natural resources and to maximise access.
- The MFPS with several miles of permanent walls and barriers will limit **direct** access and effectively reduce the river to a channel.
- Mature trees will be removed.
- Walls built straight up from the edge of the river will have a negative impact on the wildlife which is such a joyful feature of the river environment. Geese and ducks will be cut off from their grazing grounds.
- People of all ages will lose out from the degradation of the open natural environment, but children will be especially disadvantaged by the loss of direct access to the riverbank and the shore.
- Paradoxically walls built right on the edge of the river will constitute a danger to life and limb for children for whom climbing on walls is a natural activity.
- Stretches of concrete walls, with or without artificial stone cladding, provide a canvas for graffiti. Further degradation of the environment of Musselburgh is guaranteed!

- The replacement of the existing bridges is unnecessary on both financial and visual grounds. The extensive ramps required by new single arch bridges will be visually intrusive and tiring to navigate.
- The additional bridge proposed for Goosegreen at the mouth of the river to accommodate the MAT is completely unacceptable. It will have a direct negative impact on the wildlife which gather at the mouth of the river at all seasons. It has no bearing on the MFPS. At a time of severe financial restraint on public services it is an inexcusable waste of public money.

Objections (c) Strategic and Financial.

- Flood protection is costly in human, environmental and financial terms. Decisions should be based on the most up to date knowledge and evidence of what works, learning from elsewhere, value for money and community acceptability.
- No independent review of the full range of possible measures was undertaken before ELC commissioned the work which has resulted in the MFPS.
- No detailed consideration has been given to nature-based solutions or effective measures implemented elsewhere.
- No options or alternative measures have been presented to the community which would have allowed local people to debate the balance of risk against the human and environmental impact of any scheme.
- No methods and costs of protecting individual properties have been presented.
- As a lay person I am at a loss to understand how an effective flood protection scheme can be developed under the aegis of one local authority. The River Esk rises in Midlothian. Preventative measures also need to be taken upstream. Similarly ending the seafront measures at the Brunstane Burn, the boundary with Edinburgh, does not make sense. A joint tripartite approach to the problem is required.
- Although there have been several public consultation events over many months, the one key objection voiced at every meeting – “we don’t want a solution primarily based on walls” has been disregarded.
- The inclusion of measures to accommodate MAT has resulted in wider pathways and the additional bridge at Goosegreen which have no bearing on MFPS, and which should be subject to scrutiny through the planning system.
- The cost of the scheme has risen exponentially - currently standing at £103,535,000 - and will continue to rise. At a time of the most severe financial restraint when public services are on their knees I object as a taxpayer to a scheme which has not been subject to a critical value for money exercise nor a comparison with the costs of other options for flood protection.
- All of the above constitute a gross failure of governance and representative accountability to which I object strongly.
- The Scottish Government as the promoter of the relevant legislation and as the major shareholder in any approved scheme – bearing 80% of the cost – cannot escape its responsibility for ensuring that the balance of cost to risk in any scheme is proportionate; that the test of public acceptability has been met and that public money is being invested wisely.

As a citizen and a taxpayer, I call on East Lothian Council to reject the MFPS 2024 as advertised and for the Scottish Government to discharge its responsibility to act in the best interests of the public.

I object to the MFPS Scheme 2024 as published and advertised.
Please acknowledge receipt of this letter of objection.

Yours sincerely

[Redacted signature]

[Redacted name]

Date: 18.04/2024

Email:

[Redacted email address]

Subject: (0211) Objection to Musselburgh Flood Protection Scheme

Sent: 22/04/2024, 09:30:25

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
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[REDACTED]

21st April 2024

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 Musselburgh I will be greatly affected in a number of different ways by the current proposals. I live at [REDACTED] [REDACTED] and firstly will be greatly affected by the proposed Musselburgh Active Travel.

I will also be affected by not being able to enjoy walking around the construction areas mainly along the riverside and sea front which as a family we enjoy regularly for exercise and family time together. The noise from the proposed works will affect me as I work from home and the noise will travel across Musselburgh therefore affecting my concentration for my job. Suffering from anxiety I find walking along the riverside relaxing, calming and de-stressing but with the trees, grass and bushes being replaced by concrete this will no longer be the case. I will also be affected by the replacement of the Ivanhoe Bridge as the new design shows to be that as a woman I will not feel safe walking over this after dark on my own.

I have felt rather angry and frustrated by the lack of honesty and transparency during the consultation period up until the council vote on 23rd January 2024 and there has been no independent evaluations of said proposals.

I will now list my objections followed by looking at each objection in turn

My objections

1. The Musselburgh Active Travel Route
2. The Musselburgh Active Travel Route being included in the plans as it has nothing to do with the flood protection proposals as it has nothing to do with flooding
3. The replacement Ivanhoe Bridge
4. Not fully considering alternative more natural and cheaper based solutions
5. The loss of trees along the riverside
6. The loss of Musselburgh's Cultural and Historical Heritage.

I will now take each of these in turn and state the reasons for my objections to them.

1. The Musselburgh Active Travel Route

I object greatly to the MAT Route 5 which will directly affect my way of life. I live [REDACTED], an area mainly populated by young families and the elderly. Cyclists coming down Stoneybank Terrace will pose a serious danger to children walking to and from school. My daughter is at [REDACTED] and this year has started walking to school some days with her friends, something they enjoy greatly. However with cyclists tearing down this street as they rarely currently adhere to the 20 mph speed limit is dangerous for children crossing the roads.

I will be left with a one way [REDACTED] onto [REDACTED]. This will have a serious impact on pollution as the already very busy Monktonhall Terrace will become deadlocked with cars. This will therefore also affect the

ability for emergency vehicles to access the houses literally left cutoff by this one way system.

I don't understand why I will have to drive half way around the local area [REDACTED]. Surely the additional pollution from petrol emissions from hundreds of cars having to do this round trip is against any Government emissions targets?

2. The Musselburgh Active Travel project being included the Flood Protection Scheme proposals

I greatly object to the Flood Protection Scheme including the MAT. Providing cycle routes therefore causing congestion of traffic therefore increasing pollution caused by the constantly queuing cars has nothing whatsoever to do with flooding. They are two entirely separate issues and the MAT should NOT be included in the Flood Protection Scheme Proposals.

3. The replacement Ivanhoe Bridge

I object to the replacement of this bridge for a number of reasons as follows:

- The removal of healthy mature trees for the construction of the unnecessary new bridge.
- There is nothing wrong with the current bridge, its higher than the other bridges across the river and therefore will not be affected by any flooding leading me to believe that this is an unnecessary waste of public money as the current bridge is safe in its construction and does not need replaced.
- Walking back uphill on the west side of the river will cause many issues due to its incredibly steep design. How on earth could you push a pram or a wheelchair up this? Or indeed control a pram or wheelchair going down this in wet weather?
- How could anyone elderly or infirm carry shopping / push a shopping trolley up this especially in poor weather conditions. Will East Lothian Council actually bother to grit this section of the bridge or just deal with compensation claims which will undoubtedly occur as a result of the new bridges structure.
- As a woman I will not feel safe walking over this bridge in an evening due to the new structure. The entrance to the bridge on the East Side is in a very very quiet business area, an area well known to local police as to one frequented by drug addicts and drunks – the new structure will provide them with an area to congregate in (the area under the new structure) and I will not feel safe here as I currently do. Have the police been consulted as to their thoughts on the safety aspects of this bridge from their perspective?
- This park is very busy used by local families, dog walkers, sports groups etc throughout the week. When my daughter was at the local nursery on [REDACTED] they often took the children to the playpark here and it would be a great loss if the nursery could still not have the luxury in taking the young children to the playpark. During the construction of the new bridge all of the current park users will be unable to use this land which is registered as Common Good Land.
- At which part of the construction work will this take place? Before, during or after the MAT proposals at Stoneybank (as mentioned above)? If its during or after then the increase in heavy construction traffic which will be required at the West side of the river – ie the Stoneybank side will make the already more congested traffic in that area due to the new one way system much worse.

4. Not fully considering alternative more natural and cheaper based solutions

I find it very strange indeed that the public were not given a variety of solutions to choose from instead of being dictated to by Jacobs. The Scottish Government on 23rd December 2023 acknowledged that Natural Flood Management is an important feature of any Flood Scheme so why was this not considered here? The Project Team advised East Lothian Council to exclude all Natural Flood Management based on a report about Eddleston Water to which the result was the East Lothian Council then voted against Natural Flood Management in October 2023. Why? Based on an inaccurate report designed to give Jacobs what they wanted? No Natural Flood Management has been included in any part of the River Esk scheme and I object greatly to that.

5. The destruction of healthy, mature trees

I sincerely object to the removal of very mature and healthy trees along the River Esk which will turn Musselburgh into a concrete jungle.

Friends of the Earth state very clearly that the number of trees in the UK needs doubled, not cut down. Trees are essential to the well being of humans, wildlife and the planet. Trees play a crucial role in combating climate change by removing harmful emissions by absorbing carbon dioxide during photosynthesis, mitigate extreme heat and are highly valuable flood defences as well as being good for mental health and wellbeing. Friends of the Earth believe that trees are one of the best solutions to protect our environment and achieve net zero by planting MORE trees, and not culling the beautiful trees we have along the River Esk.

I genuinely do not understand why trees which are natural flood defences and absorb water (fact) are going to be removed and replaced by concrete which is not a natural flood defence and does not absorb water.

According to Friends of the Earth, by doubling the UK tree cover then we could remove 10% of our greenhouse gas emissions from the atmosphere every year. And obviously in return trees release oxygen which we require to breathe. How will removing the trees and replacing them with concrete help with climate change, reducing greenhouse gas emissions and oxygen release?

Due to the proposed MAT scheme (as mentioned above) causing more pollution in the atmosphere due to the one way system and the gridlocked traffic which will result from this, surely we should be planting more trees to combat this additional pollution not cutting down the trees we have. (cited from Friends of The Earth Website).

6. Our historical and cultural heritage

I object that Musselburgh will loose some of its historical and cultural heritage some of which makes Musselburgh totally unique. I feel very proud and lucky to belong to Musselburgh and feel a great sense of pride every year watching The Honest Toun Celebrations and at the Riding of The Marches every 21 years.

The River Esk and Musselburgh beach play a central role in many of these celebrations which will not be able to happen during the many years of construction and once the flood defences are up then you wont be able to see them.

The duck race for example is loved by kids old and young and has a fabulous turnout every year as well as raising funds for local charities. How will children be able to see the ducks over the flood defences? How will anyone be able to see the horses race along the beach? The annual Fording of the Esk which is a tradition that generation after generation of Musselburgh families have watched will have to be stopped as the once the Flood Defence Scheme is complete it will not be possible to access the river for this event.

My [REDACTED] daughter loves living in Musselburgh, she loves the history of it, the traditions etc and I find it very sad indeed that her children, my grandchildren will be unable to experience the duck race, the Fording of the Esk and the Riding of the Marches which she has loved. Future generations will have concrete as their legacy, and not these wonderful traditions which makes me so proud to live in Musselburgh.

To conclude my objections in full, the Musselburgh Active Travel scheme has nothing whatsoever to do with flooding, and the Flood Defence Scheme is to prepare for a flood which has a 1 in 200 chance of happening.

I don't think its fair, moral or financially viable to totally decimate Musselburgh for something irrelevant and for something with such poor odds.

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

I do not want to be contacted in person, nor by phone by any member of the Project Team nor Council. I would like all contact to be by letter or email.

Yours sincerely

[REDACTED]

From: [REDACTED]
Sent: 22 April 2024 10:43
To: Musselburgh Flood Protection Objections
Subject: (0212 DUPLICATE OF 0063) Fwd: Flood prevention scheme 2024 objection
Attachments: [REDACTED] Flood response.docx

Categories: [REDACTED]

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

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I haven't had an acknowledgment that you have received my objection letter below. Please can you confirm you have received my email and letter?

Thanks

[REDACTED]

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]
Date: 15 April 2024 at 20:02:35 BST
To: mfpsobjections@eastlothian.gov.uk
Subject: Flood prevention scheme 2024 objection

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

Thanks

[REDACTED]

Sent from my iPhone

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

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

Dear Mr Grilli,

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

I object to the published scheme because:

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

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

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

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

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

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

Yours sincerely

[REDACTED]

[REDACTED]

Subject: (0213) Claim for potential damage to property
Sent: 22/04/2024, 10:48:01
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [REDACTED]

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I have already written to East Lothian Council with an objection to the proposed flood scheme

Further to my letter, I would like to claim for any damage during construction (should this scheme go ahead) to my property at the address below:

[REDACTED]

Subject: (0214) Letter of Objection to The Musselburgh Flood Protection Scheme
Sent: 22/04/2024, 10:52:05
From: [REDACTED]
To: Musselburgh Flood Protection Objections
Attachments: [flood Scheme Objection \[REDACTED\].docx](#)

Follow Up Flag: Follow up
Flag Status: Completed

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Carlo Grilli
Service Manager - Governance
Legal Services
East Lothian Council
John Muir House
Haddington
EH41 2024

Dear Mr Grilli

Please find attached my letter of objecting to the Musselburgh Flood Protection Scheme.

Could you please acknowledge receipt of this email and attachment?

Yours faithfully
[REDACTED]

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

22nd 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 Protection Scheme.

As a Musselburgh resident I will be affected in a number of ways by the proposals as they currently stand. I live at [REDACTED] which is directly opposite [REDACTED] and the River Esk. Although I am on the west side of the Esk on the 75 ft contour line and therefore well above the river and potential flooding I will be affected by the Scheme in many ways. Leisure areas which I enjoy walking in and taking my grandchildren will be no-go areas during construction for a lengthy duration, in particular the sea front, the riverside, the Common Good Land at Fisherrow Links which will be partly used for construction buildings and The Haugh Park (also registered Common Good Land). The noise from the work and the many road closures will be stressful and my asthma will be affected by the dust. The calming influence of trees and bushes will also prove stressful when they are removed to be replaced by concrete. I will be greatly affected by the curtailment of movement in my area due to the proposals for MAT Route 5 Active Route and I will be affected by the replacement The Ivanhoe Bridge. I will also be affected by the 5m wide Active Route path proposed to be constructed on the east side of the Esk where I love to go for a walk on the present path. I will be affected and greatly saddened by our culture and history destroyed in relation to some of the events which take place at the River and seashore during the Honest Toun Festival and Riding of the Marches. I will be affected by the replacement Ivanhoe Bridge as the design shows it to be a bridge that I would not want to walk over for Health and Safety reasons. I have been left feeling nothing but frustration, stress and anger at the lack of transparency leading up to the council vote on Jan 23rd 2024 and lack of independent scrutiny throughout.

I will now list my Objections followed by looking at each Objection in turn

My objections

- 1) The reliance on a solution based on the large scale use of concrete walls and paths.
- 2) The cost of the Scheme
- 3) Ongoing maintenance costs involved
- 4) Council decisions taken when not all facts were known to them.
- 5) Lack of response by a significant number of councillors.
- 6) The Musselburgh Active Travel being included in flood protection proposals when it has nothing to do with flooding
- 7) The Replacement Ivanhoe Bridge
- 8) The use of inaccurate, out of proportion digital images used to support the Proposals
- 9) Failure to investigate or fully consider alternative natural solutions
- 10) Toxins in sediment
- 11) Pollution, noise and effect on health
- 12) The loss of healthy mature trees
- 13) The destruction of habitat
- 14) Our cultural and Historical Heritage

I will now take each of these in turn and state the reasons for my objections to them.

1. The Reliance on a solution based on the large scale use of concrete for walls and paths

I object to the large scale use of concrete walls as means of protecting against flooding. It is an easy solution to build walls, but it is not the only solution which could have been proposed. It is a very old fashioned concept. A throwback to the days when present building materials, technology and modern innovative engineering designs were not available. Concrete being used now will not stand the test of time as newer materials and design concepts are developed in the decades ahead. Countries such as The Netherlands have successfully made use of much more innovative engineering to deal with potential flooding and globally many nations are relying on a mixture of solutions including natural flood management and creative engineering designs. The use of self-closing flood barriers in various forms has been successfully used around the world, especially in Pacific island nations.

I object to concrete being so widely used both vertically for walls and horizontally for paths. It is non-absorbent; therefore rainwater will lie on it instead of being absorbed. The walls will provide splendid blank canvases for graffiti. This can already be seen on similar flood walls in Selkirk. The walls along paths such as on the west side of the lower stretch of the Esk at Loretto playing fields will certainly have a detrimental effect on me. I would not want to walk on a path bounded on either side by walls. Safety is important and this is only one of the aspects in the proposals where my perceptions of Health and Safety seem to be at variance with those of the designers.

I object that the heights of the flood defence walls were adjusted by the project team following local feedback from the Exhibition in June 2023. If the Project Team were able to lower the wall heights so readily and quickly to please the public then why were the walls originally higher. Surely the designs of the Project Team should be based on scientific data if it is to serve a purpose, not on what pleases the public. So, does this mean that the original heights were deliberately overestimated, or that errors were made during the design period, or that data was misinterpreted? We have not been informed of the true reasons. This makes me very concerned

about what other data has been potentially overestimated or misunderstood and I do know that the data around the calculations has been requested but not supplied.

I object to the Co2 levels released into the environment during and after construction which can damage human and animal health. The carbon footprint should be getting reduced in line with global concerns and practices, not increased by the widescale use of concrete.

I object that the top of the Flood defence walls are going to have part of the Active Travel path built on top of them at Fisherrow links. This is totally nonsensical. The walls are for flood defence not transport. This is only one of the problems about including Musselburgh Active Travel with the Flood Protection Scheme and I shall be dealing with that in another of my Grounds of Objection. It is my perception from looking at the information that much of the constructions for the Flood Scheme defences has been built around the designs for MAT eg wider horizontal banks of the Esk with 5m paths & narrower river channel to accommodate this. This means that preferred outcomes for the MAT project have taken priority over flood science/data in the design process.

2. The cost of the scheme

I object to the cost of the scheme. Money and rising costs in general affect all of us. It is my taxes and those of all my fellow taxpayers in Scotland which are going to be used to help fund this Flood Scheme through Government funding and 20% ELC funding. The largest part not even being for flood protection, but for MAT. The flood protection part is £53M currently and the remainder of the £132M for the MAT parts which have nothing at all to do with flooding. The final cost is not known.

There has never been a cost breakdown released into the public domain. It is accepted by The Scottish Government and the COSLA working group on flooding that project consultants/developers can expand projects into much more costly projects during Cycle 1. Therefore this means that the Council has voted on a Scheme with no cost breakdown and with the knowledge that costs will increase but, no knowledge of how much of an increase. Nor has a cap been put on costs. Why not? When I have work done in my house I expect to have a breakdown of costs. This is standard practice.

East Lothian Council currently has financial problems and has had to cut back on many core services, including care for the elderly, community health and wellbeing amenities, cultural and leisure. Remedial work on buildings such as The Brunton cannot be carried out. These financial constraints do affect me. For example the loss of the Brunton Theatre makes me very sad, as if the cultural heart has been ripped out of the town. Nor can I attend the interesting exhibitions and shows by Community groups which were always well attended in the function rooms.

3. Ongoing maintenance costs of walls, paths, pumping stations and other related features

I object to the ongoing costs which will have to be spent on maintaining the walls, paths, pumping stations and other related features of the Scheme. These walls will be outmoded, vandalised and falling apart long before they are needed. Currently maintenance of public roads, public pavements & paths is poor with many potholes and cracks. Public buildings such as The Brunton in Musselburgh are lying neglected and deteriorating because of lack of funds. So, how will ELC have funds to maintain the walls and paths over the decades ahead? I, as a member of the public have not seen a cost breakdown for maintenance. Does one exist and if not, why not?

Will money be ringfenced for this maintenance ? Have these costs been included in the actual Flood Protection Scheme costs? Where will ELC get the money from ?

Other related costs would include the gritting of MAT paths and bridges; the removal of leaves in autumn from paths, ramps & bridges to make them safe; the painting and upkeep of framework of bridges; active path signage.

The Pumping Stations will need to be kept maintained so they are ready for action as needed. They will need energy costs to run them.

These ongoing costs will affect not only the residents of Musselburgh but also of residents elsewhere in East Lothian and the provision of core services throughout the County will continue to be affected. This will certainly affect me as the financial crisis within ELC is currently serious and long-term which will have a detrimental effect on services which I use.

The Council has decided to spend many millions on a Scheme based on an event which has a 1 – 200 chance of happening, yet they do not know how much maintenance costs will be over the years, which are a certainty.

4. Council decisions taken when all facts were not known

I object to the manner in which voting was made on two occasions.

Firstly in January 2020 when the preferred Scheme was voted through by the Cabinet. Given the importance and cost of the Scheme, this should have been a full Council vote.

Secondly in Jan 23rd 2024, when the full Council met and voted to progress the Scheme forward, even although all information relating to the Scheme had not been presented.

The Council voted to progress the Scheme on Jan 23rd 2024

- Which has unknown escalating costs.
- When Environmental Pollution level information from the CO2 output was not yet available
- When Dynamic Coast assessment was not available
- When the full Environmental Impact Assessment had not been seen, only a summary had been made available
- Which has no alternative scenario in order to make an informed choice
- Which excluded Natural Flood Management (NFM), as its inclusion was voted against by the Council in Oct 2023 on the advice of the Project Team who based their findings on a flawed report for Eddleston Water.
- Which goes against Scottish Government recognition of NFM being important in ‘reducing, slowing or otherwise managing flood waters across catchments and along the coast while also delivering multi environmental benefits’, as stated on Dec 23rd 2023 in Holyrood.
- Which has been presented to them by a Project Team which was appointed to design the project, which also wrote the Environmental Impact Assessment, and which carried out an Options Appraisal that halted the development of any alternatives, without independent scrutiny.

5. Lack of response by a significant number of Councillors

I object that not all Councillors had bothered to read/ acknowledge or reply to letters sent. In August 2023 I emailed all councillors and received acknowledgements from 14. On Dec 9th 2023 I again wrote letters to all the Councillors in advance of the Jan 23rd 2024 full Council vote. I received acknowledgement from only 11 and was most annoyed and frustrated by one email received . This was from Liz Allan on 21st Jan 2024 to say that as she was a part time councillor she had not been in to collect her mail (for some 5 weeks?). Surely even if she is a part time councillor she should have been collecting mail knowing that such an important vote was due. I appreciate that Councillors are there for their own constituents, but when it comes to the full Council meeting and voting over important costly issues then they need to have an appreciation of all the pros and cons otherwise how are able to claim that they have 'listened to the public?'

6 The Musselburgh Active Travel project being included the Flood Protection Scheme proposals

I object vehemently to the whole concept of including MAT in the Flood Protection Scheme. It is wrong on so any levels. Crisscrossing Musselburgh with 5 m wide cement paths, constructing bridges of such enormous ugliness with apparent no concern for the safety of users and building routeways on top of proposed flood defences has nothing to do with protecting Musselburgh from flood water. In fact, quite the opposite. Water will lie on the surface of the 5m wide paths and horizontal banks of the Esk. The Flood Protection scheme has been greatly influenced by MAT and this is not acceptable. Certain aspects of the MAT proposals will cause very real problems for many residents within the specific Route areas. These routes will need maintained, gritted, cleared of leaves. And the River will be narrowed to provide for these non-flood protection features of wider paths and horizontal landscaped banks. Surely this will defeat the purpose of preventing flooding if the river course is narrowed or rather canalised and the banks horizontal instead of V shaped to allow run off back into the river. Of course it extends the contract and therefore the income of the contractors. And by narrowing the river it hides the problem of dealing with poorly maintained Victorian drainage systems feeding into the river and which are in a very poor state of neglect. It is my perception that it has only been included because money has been made available to tie in with Scottish Government transport policies, and which is not acceptable to me. The final cost is not known. Planning permission is required for 'Developments' as defined in the Town and Country Planning (Scotland) Act 1997. This appears to have been deliberately ignored by the Project Team and either not known or ignored by the Councillors. There are also statutory obligations re change of use on any Common Good Land .

I object to MAT Route 5 which will directly affect me and has influenced the Flood Protection design with the proposed replacement Ivanhoe Bridge which has nothing to do with flooding but everything to do with linking both sides of the Esk for Route 5 . The route is downhill from QMU. The local population is mainly families and older people. It has cul de sacs and many walkways making it very safe for children. There are many obvious and worry dangers in the plans.

These dangers include

- Cyclists coming downhill (Stoneybank Terrace) at speed and pedestrians trying to cross the road. Especially kids walking to 2 different Primary Schools and one Secondary. Ordinary bikes and in particular e bikes have already proven to be a problem in similar routes built in Edinburgh.

- Getting on and off buses will be a problem as the cycle route will have to be crossed
- Delivery van, buses, emergency vehicles, removal vans taxis, will all have to stand on the road side of the proposed route thereby blocking traffic movement
- Due to the proposed bus gates on Stoneybank Crescent accessing the many houses on the southside of the street will be a nightmare as many are cul de sacs.
- The whole of Mayfield and Stoneybank will be left with one way in and out ie at Mayfield Crescent onto Monktonhall Terrace. This will have a dramatic knock on effect as all traffic from these residential areas will be forced to use Monktonhall Terrace to access anywhere in Musselburgh and surrounding areas. Monktonhall Terrace will be subjected to a constant stream of traffic due to local residents, tradesmen, home delivery vans, all being unable to access the houses in Mayfield and Stoneybank streets except via Mayfield Monktonhall junction. It is already busy with traffic from the A1 and Bypass, including large container vehicles delivering to shops in the town. This will deliberately create lengthy traffic queues and cause extra vibration to the properties in Monktonhall Terrace which could affect structure, as well as increased noise and pollution which could affect health. A structural survey and report for all properties in Monktonhall Terrace should be carried out at the expense of ELC if this proposal goes ahead. It should be carried out prior to the scheme starting so that any future structural problems can be compared,

7. The replacement Ivanhoe Bridge

I object to the replacement Ivanhoe Bridge and as it is an integral part of the Route 5 MAT scheme it must be included in representation. It had been specifically planned to be built in the proposed position due to the Active Travel Route 5, which comes from QMU to the junction with Eskside Terrace/ Stoneybank Terrace/ Monktonhall Terrace and to link it with the eastern side of the River Esk. If this bridge was to be a replacement then it would have been rebuilt downstream in the present position. The current Ivanhoe Bridge is not in danger of being flooded and its underside is in fact higher above the river than the nearby Olivebank Bridge where branches and debris often get caught up . The replacement bridge will be built on a new site on Common Good Land ie The Haugh Park and as such is a change of use from leisure to transport within the specific part of the Park where it will be built. Healthy mature Trees will be removed from the banks during construction . The Bridge design would not look out of place in a war zone due to its ugly design. It slopes from the 75ft contour line on the west side of the river down to the much lower east bank which will create problems for pedestrians with prams or shopping trolleys walking back uphill. Little thought has been given by the designers for pedestrians, especially older people, walking from East to West up the long slope of the bridge design. This proposed Ivanhoe Bridge is not in fact a replacement for the current Ivanhoe Bridge. It is an integral part of the Active Travel route 5 as a new bridge to serve the proposed MAT route 5 and therefore needs planning permission. The design has built in safety hazards. As a Park it is well used for leisure and sports by all age groups. It seems to me that no thought has been given to Haugh Park users.

- A sharp corner giving poor sight lines therefore a danger. Especially if bikes are coming downhill. In particular ebikes and escooters. Or in the dark. But great for cycle races!
- It is an ideal structure for kids going to the Grammar School to muck about on. I wonder how many will be pushed over the parapets.

- When it snows, it will become a glorious sledge run and impossible to walk on. While in wet weather it will form a river. And in Autumn it will fill up with leaves . Will the ELC guarantee to grit it, sweep it and maintain it?
- The eastern end exits onto the road serving the Industrial Estate which is very busy with during the day, including container vehicles and lorries. While in the evening/night it is very quiet as the business units are closed, and there are only the drunks and druggies who frequent the banks of The Esk and Park, which is known and accepted by the Police. I certainly would not want to use the bridge walking on my own and I wouldn't want schoolkids to use it because of potential dangers.
- The area underneath the structure will provide a cosy shelter for the drunks, druggies and homeless.
- A number of healthy , mature trees will need taken down to construct the Bridge.
- The Park amenities will be severely restricted during construction work. So the many users of this registered area of Common Good Land, including myself, will be deprived from using large sections of this much loved local Park .
- Cycling Clubs from outside Musselburgh currently cycle on public roads. The MAT routes are going to encourage Clubs to cycle on them. This is clearly a danger for pedestrian users of the Bridge. To walk on the Bridge and be faced with a group of Club cyclists is extremely unsafe and makes me very apprehensive .
- The nearest pedestrian pavement linking the Eskview/Monktonhall/Stoneybank areas other than the proposed new Ivanhoe Bridge would be Olivebank Bridge. Due to the issues I have stated over the proposed 'replacement' Ivanhoe Bridge the pavements on the Bridge will be extremely busy with walkers, kids going to and from schools, pedestrians with prams and shopping trolleys, people with mobility difficulties using mobility scooters.

I would like to know if the local Police have been involved re safety issues of this proposed Bridge and if a Risk Assessment was made of the design. It makes me very angry that so little thought has gone into thinking about pedestrian needs when this bridge was being designed. It is not a bridge for pedestrians. It is totally a bridge for cyclists and MAT route 5.

8. The use of inaccurate, out- of- proportion digital images used to support the proposals

I object to the inaccuracy of the digital images in the Exhibition and in leaflets/pamphlets provided by the Project Team are very worrying. Many of the images provide pretty scenes of the River and people cycling or walking. MAT influence again. However, when examined more closely it is clear that the people are elongated in height. This is a deliberate attempt to mislead. Images have power as those who created these images know. And these images are all about showing how the heights of walls will not detract from the scenic beauty of the river or sea. To convince us that these idyllic images will be reality. In fact, I will take one example of an image provide of a wheelchair being pushed along the river path. The model of the wheelchair in the image can be identified and therefore the dimensions obtained for that model. Given the dimensions of that specific model, the person pushing the wheelchair would be over 8 feet tall. There is another image at Murdoch's Green showing people walking along the path with the sea wall just above ankle height. Again a totally misleading image.

9. Failure to investigate or fully consider alternative natural solutions

I object to the dismissal of all other solutions to Flood Protection apart from the one presented on Jan 23rd 2024 . Natural Flood Management is included in many Flood Protection Schemes and the Scottish Government on Dec 23rd 2023 recognised this as an important feature in any Flood Scheme. ELC was advised by the Project Team to exclude NFM based on findings in a flawed report on Eddleston Water and voted against NFM in Oct 2023. I object that the proposed scheme fails to include NFM within any part of the River Esk catchment area and in particular upstream.

10. Toxicity levels

I object to the disturbance of the sediment in the river and at the Lagoons when deep excavations for foundations are carried out. I am very alarmed about toxins being released which would have health issues for humans, plants and creatures. I certainly would not be walking anywhere near areas where sediment was being dug for foundations for walls, ramps etc. Which leaves few walking areas for me as my main recreational places are the beach, Links, Lagoons and Esk banks. Both CPE and Jacobs Solutions will be well aware of these dangers and issues elsewhere in the world when especially coal ash is disturbed. There is a great deal of evidence available about the dangers of disturbing riverbeds and coal ash areas where sediment has built up over many years . I shall include that evidence.

I am very concerned about the disturbance of toxins when excavations are conducted for the foundations of the proposed walls and bridges. The riverbed has accumulated a variety of toxic waste over the generations from the mills and collieries in its catchment area which has not been adequately dealt with by SEPA.

Thee following are 2 examples of in depth scientific research on the disturbance of sediment and the subsequent release of toxins into the environment due to the chemical structures of these pollutants changing back to their original structures . There are many more examples of scientific research and data on significant problem.

- River sediments are significant sinks for pollutants and sediment resuspension releases toxins back into the water ‘Polycyclic aromatic hydrocarbons in surface water and sediment ...’ by RA Grmasha 2023.
- Sediment disturbance can lead to changes in the chemical properties of sediment that stimulate the remobilisation of contaminants ‘A Review of Factors Affecting the Release and Bioavailability of Contaminants during Sediment Disturbance Events,’ by Jacqueline D Eggleton and Kevin Victor Thomas 2004

11. The destruction of healthy, mature trees

I object to the removal of healthy, mature trees along the Esk. Trees are vital for our wellbeing. It has been proven scientifically that people feel better when they can see trees. They also help to absorb moisture and provide habitats for many creatures. Our green and pleasant paths along the Esk will become a concrete urban landscape with no shelter from branches of beautiful mature trees. It teaches our children a dreadful lesson. If something is in the way just get rid of it. It doesn’t matter, even if it is a healthy living think like a tree. Trees don’t matter. Only concrete. In other areas of the world reforestation is seen as important whereas this scheme is destroying

our beautiful mature, healthy well-loved trees. With the added danger that more trees could die as a result of heavy plant equipment and the formation of swales near their roots. The removal of outstanding trees in the Grove, especially the magnificent beech tree at the corner of the path leading to Inveresk Church is sacrilege. I have loved and admired this tree since I was a child. To read that it is earmarked with neighbouring trees fills me with anger and sadness. Destroyed, for a concrete wall for an event that we have been told has a 1-200 chance of happening.

12. Loss of Habitats

I object to the many birds which frequent the Esk, Lagoons and beach being so dreadfully disturbed by the proposed Scheme. We are very proud of our swans and geese and ducks. Birds will have to find new nesting places. Many birds, especially the migratory birds such as the Canadian Geese which arrive annually, will become very distressed. Habitats will be destroyed. As sediments are disturbed and toxins released this could be lethal. This is especially so at The Lagoons where the coal ash has a high toxicity level in the sediment and when disturbed by excavation and construction can be re-mobilised. This is a situation which Jacobs Solutions will of course be very aware of in relation to coal ash. Many of the creatures who lose their homes will move on never to return. We have only recently seen the return of otters in the Esk.

It seems perverse that in this era of biodiversity and caring for wildlife, this Scheme will teach children that wildlife is not important and can be destroyed to suit human needs. Children and adults love watching the birds and waterfowl at The Esk. This will cease during construction and for years after. It will take a very long time to reinstate as the Council Rangers will know. Our children will be mature adults before the level of wildlife approaches anything like current levels.

13. Pollution, noise and construction work effect on physical and mental health

I object to the years of dust, noise from construct work especially pile driving, stress of road closures and diversions. There will be the loss of recreational and leisure amenities on Common Good Land such as Fisherrow Links and The Haugh. I know this will affect me as most of the places I enjoy walking in are the places affected by the Scheme. And it will affect children like my young grandchild as the banks of the River Esk and the beaches and Prom become no go areas as well as parts of Fisherrow Links and the Haugh Park. Children will lose part of their childhood because these places will be impossible to go to for picnics and playing in. Most of the areas affected are on Common Good Land. The community should be compensated for loss of the amenities in these areas. I certainly will be expecting compensation for loss of amenities.

Tourists will certainly not want to stop at a town dominated by construction works at the seashore and river which particularly attract tourists. I am very sad about this because tourism was definitely increasing with many visitors from overseas also coming to areas like the harbour.

I object to the lack of investigation into how large scale construction work like this scheme can affect the physical and mental health of the local population. I know that residents near coal ash areas undergoing reconstruction/ excavations/ removal can be affected physically by toxins released. This is also known by Jacobs Solutions and will be known by the Project Team. But there are serious mental health issues to be considered due to the lengthy period of progressing from start to finish. I have felt frustration, anger, sadness. These feelings will only increase as work on

the Scheme continues. The Scheme as proposed will create many continuing health problems and I consider this has not been addressed.

14. Our historical and cultural heritage

I object that Musselburgh will lose some its historical and cultural heritage. I am proud to be from this ancient Burgh where archaeological discoveries over the centuries have proven that there have been inhabitants for thousands of years. I feel pride each year when I attend The Honest Toun celebrations and the Riding of the Marches every 21 years. These make Musselburgh unique. The sea, beach and Esk play important roles in these celebrations. During the years of construction holding these events will be almost impossible. Then when the Scheme is completed it will not be possible to access the river or the beach for events such as fording the Esk, the Duck Race or the horse race along the beach. The traditions which I have been privileged to take part in and watch will not be available for future generations. I find that very sad. It is these traditions which play a huge part in our heritage, and which will cease due to the Scheme for a flooding event which has a 1 in 200 chances of happening and a MAT project which has nothing to do with flooding.

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

Please also note my requests for 1) Compensation for loss of access and amenities for my leisure pursuits on Common Good Land at The Haugh Park, Fisherrow Links and the banks of the River Esk and 2) Structural surveys of properties in [REDACTED] to be carried out by the Council if MAT route 5 goes ahead and at no cost to the residents. There may be additions to 1) depending if my physical or mental health is substantially affected.

I do not want to be contacted in person, nor by phone by any member of the Project Team nor Council. I would like all contact to be by letter or email.

Yours faithfully

[REDACTED]

[REDACTED]

Subject: (0215) Musselburgh Flood Prevention Scheme
Sent: 22/04/2024, 11:12:23
From: [Redacted]
To: Legal
Attachments: [Musselburgh Flood Prevention Scheme.docx](#)

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [Redacted]

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

I attach letter of objection.

Please acknowledge receipt.

Yours faithfully,
[Redacted]

[REDACTED]
[REDACTED]
[REDACTED]

22 April 2024.

[REDACTED]

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 have been birdwatching at Musselburgh [REDACTED] which was before the ash lagoons were constructed. The Eskmouth and the lagoons are my favourite birding spot within easy reach of Edinburgh and in my view it would be a great pity if a road was constructed along the south side of the lagoons and a bridge built across the the River Esk at its mouth. This would completely destroy the amenity of the area and be to the detriment of the amenity value of the recently restored west lagoon with its newly constructed bird hides.

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

Inadequacy of the EIA Report's Ornithology Baseline

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

It is therefore essential that baseline bird survey data are properly presented, specifically that the distribution and abundance of qualifying features of the SSSI, SPAs and Ramsar site at least

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

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

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

Moving on to obtaining desk study data from the British Trust for Ornithology (BTO), this key organisation administers a number of bird recording schemes, including the Wetland Bird Survey (WeBS), which cover this area. It is EIA good practice, as part of gathering desk study

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

² E.g. Bryant, D. (1987) The Natural Environment of the Estuary and Firth of Forth. *Proceedings of the Royal Society of Edinburgh, Section B: Biological Sciences*, Volume 93, Issue 3-4, pp. 509 – 520 DOI: <https://doi.org/10.1017/S026972700006916>

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

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

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

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

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

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

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

Baseline Survey Accuracy

The bird survey data on which the Scheme's EIA Report depends appears to contain apparent anomalies, with some species noted that either have only very rarely ever been recorded locally and other species which may be mis-identified. The inclusion of these records undermines confidence in the reliability of bird (and other) survey work carried out for the EIA Report, and also in the rigour of the quality assurance processes that have been applied during the

collection, processing and writing up of data used in the EIA Report. Specific examples include records of Stone-curlew, Water Pipit, Twite breeding, “flyover” Wood Warbler, Whimbrel in November, a Kittiwake flying up the river Esk (Appendix 7.4). Based on over 60 years of data held by the SOC, these records require verification. The almost daily coverage by experienced birdwatchers over the survey period also points to other anomalies, such as occasions when a large count of Velvet Scoters is reported in the EIA Report at a time when only a Common Scoter flock was present. Such questions on the reliability of the survey data are critical, given the conservation importance of qualifying features of the Firth of Forth SSSI, SPAs and Ramsar sites and Outer Forth and St Andrews Bay Complex SPA in such close proximity (and in some areas, overlapping) with the Scheme. It also underscores the importance of consultation with bodies such as the SOC and BTO to ensure that pre-existing data for the Scheme area are obtained, adequately used to aid data validation and quality assurance, and properly integrated into baseline data.

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

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

Failure to Identify and Assess Habitat Loss from the Scheme

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

However, it completely fails to identify the main habitat impact from the Scheme, namely the loss of shoreline and inter-tidal habitats over its 100-year operational life. These losses will occur as a direct result of the Scheme’s construction of hard defence structures along the coast where these are currently absent or limited, through what is known as ‘coastal squeeze’. This impact needs to be fully identified and assessed in the EIA Report, in particular the Scheme’s proposed hybrid wall structures at Work Sections 6 and 7 (impacting 325m and 290m of coastline respectively) and its concrete walls along Work Sections 8 and 9 (impacting 393m and 132m of coastline respectively) (see Table 4-2 ‘Summary of Scheme by work section’ in Section 4.4.1 Scheme Layout Overview, and Figures Appendix A41j to A41l in Appendix A of the EIA Report). The existence of this operational impact is not even mentioned in the EIA Report Biodiversity Chapter, let alone assessed, with only the most cursory mention given in 7.5.9.3 ‘General trends’. The EIA Report therefore does not meet its own commitment (in Section 3.6.2

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

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

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

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

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

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

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

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

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

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 loss⁸, and that approximately one third of the Firth of Forth SPA/Ramsar's qualifying species are in unfavourable conservation status (Protected Nature Sites (sepa.org.uk), accessed 19.04.2024). The Council's around the Firth of Forth, together with the Scottish Government, NatureScot, businesses and local communities, need to be working together to ensure qualifying features of the SSSI, SPA and Ramsar site return to favourable conservation status.

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

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

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 levels⁹, and secondly by ensuring the assessment of disturbance impacts on each qualifying species of the SPAs, Ramsar and SSSI are made on the basis of these predicted operational levels of activity, and supported by an appropriate level of detail and evidence.

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

Impacts on Recreational Amenity Over the Construction Period, Specifically Birdwatching

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

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

No access has been provided to the current draft HRA for the Scheme. It would be greatly appreciated if the HRA could be made available by the Council, not least because, it would provide those with detailed local knowledge of the area's birds to provide useful feedback. In addition, in the meantime, it is respectfully suggested that the Council make a request to the SOC for relevant pre-existing bird data, and also to BTO, for species level and up-to-date WeBS

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

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.

Yours faithfully,

A solid black rectangular redaction box covering the signature area.

Subject: (0216) Objections to the proposed flood scheme in Musselburgh
Sent: 22/04/2024, 11:17:09
From: [REDACTED]
To: Musselburgh Flood Protection Objections
Attachments: [MFPS Objection letter.pdf](#)

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [REDACTED]

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

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

Dear Sir/Madam

Please find attached my objection letter to the Musselburgh Flood Scheme.

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

Yours faithfully

[REDACTED]

19 April 2024

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

Dear Sir/Madam

I am writing to object to the recently published Musselburgh Flood Protection Scheme. As a resident of Musselburgh my family and I are affected. The beach is at the end of our street. We walk along the prom and along the riverbanks and enjoy the open access.

I have listed below each of my objections. I understand that each will be regarded as separate objections and be addressed thus.

Objection 1

AMENITY AND VIEWS

Our beach and rivers are currently fully open, accessible and visible. With the instatement of walls ranging from 1m to 1.8 metres on the dry side this will separate us from our beach and river. My son is hardly big enough to see over the proposed beach wall and will not be able to see the river. Our river and prom are a great source of amenity and enjoyment for the residents of Musselburgh in terms of physical and mental health. This scheme will replace views of the green river banks, sandy beach, and wide river, with tarmac and a concrete-lined much narrower canal. It is a very ugly proposal and one which will affect anyone who currently enjoys walking through Musselburgh. Looking at the plans, there will only be one grassy seating area left available, that at Mall Avenue.



Wheelchair users will find the many proposed ramps tiring. It's harder to push someone in a wheelchair up a ramp, and I imagine it will be harder to take yourself as a wheelchair user up a ramp. Easier to stay behind the wall and give up views of the river?



Example of Loretto Corner – 1.8 metre wall!!

Objection 2

CURRENT FLOOD RISK NOT EQUIVALENT TO THE PROPOSED SCHEME

We are NOT Dumfries, or Hawick – these towns flood on a regular basis, affecting properties. Floods which happen in Musselburgh are very infrequent (1948, 1960s). Lesser floods are absorbed by the river banks and do not affect people's properties. They are gone within a day or so and no one is affected. They could be dealt with using much less aggressive methods.

The flood protection plan is based on loosely predicted water level rises for the year 2100. It is not based on problems we have now. The reality is that we don't know what the water level will be at that time. Why do we need such high walls now for a time at 75 years into the future? Any walls which are built now would certainly need re-built or repaired at great cost closer to the year 2100. The last major flood was in 1948 – the need for this scheme has not been proven.

Objection 3

EXPERTISE AND INDEPENDENT OVERSIGHT (CONFLICT OF INTEREST)

Most of the advice on the scheme is being supplied by the companies who stand to make a lot of money from it. The Scottish Government has delegated responsibility for the flood scheme to local councils, who do not have the expertise in-house. They are at the mercy of the consultants, in whose interest it is to sell the most expensive option, which of course is hard-engineered, complicated, huge.

Objection 4

OPTIONS

We are being offered only one option. I believe with most engineering projects several options are put forward. Currently we're being offered one extremely expensive hard-engineered choice. We should have a range of choices and then be allowed to decide which, if any, we want. After all, we've spent £4m on consultants' fees so far. Is it only for them to tell us we need to spend vast sums of money more?

Scottish Government guidance says that a range of scenarios should be included.

Objection 5

COSTS

I do not feel this scheme is good value for money. I believe we are being over-sold a hard-engineering project whose costs at present is £53m and likely to rise. There is a 'blank cheque' approach to the scheme. The scheme started off at over £8m and has increased vastly. Services are being reduced (Musselburgh alone has lost a nursing home, a community centre, a theatre, a town hall, a 2 weekly bin service, it doesn't have a council-funded day centre for the elderly and infirm). Our hard-earned taxes should not be spent on this over-priced, over-engineered concrete project.

£4m has been spent so far on consultants. This money could have been used to much more efficiently on things we really need.

Objection 6

LACK OF CLARITY ON PROPOSED SCHEME

It is not clear from the drawings which elements will be final. The MAT element has been withdrawn 24 hours before publishing the scheme, and yet it all remains within the drawings (and I believe within the Environmental Impact Assessment). There would seem to be no exact information as to what the flood scheme will really look like in its final stage. East Lothian Council have a duty present clear information the public can understand.

With the withdrawal of the MAT scheme, the current notification is completely out of date. We should not be asked to put forward objections on a scheme which is so undefined, and councillors should certainly not be voting on it.

Objection 7

TREE RETENTION

According to the drawings the red trees will be removed. The green trees will be retained "if possible". This is subject to the will of the engineers and could result in the loss of many more trees.

Even the number of red trees to be removed is distressing. These are mature trees which add to our environment. They are homes for wildlife. And from a flood resilience point of view, they soak up a lot of water. It doesn't make sense to lose them.

The Selkirk flood scheme destroyed 2300 trees. Conor Price said he was surprised that the locals didn't seem to know this number of trees would be lost. If they didn't know it can only be because he didn't make it clear. That is a staggering number of trees and surely a real loss environmentally. Some would call it environmental vandalism. These trees are not easily replaceable whatever the consultants say. How many trees will Musselburgh end up losing?

/continued



Objection 8

WILDLIFE

Currently our geese and swans are free to hop onto the river banks all along the river. They spend a lot of time on the banks. The current scheme suggests covering most of these banks (with the exception of one side of Mall Avenue) with tarmac or embankments. The birds will not be able to use these. We and our children love to see the birds and be close to nature. All that will be lost. Even the Mall Avenue section will be cut in half by the wall.



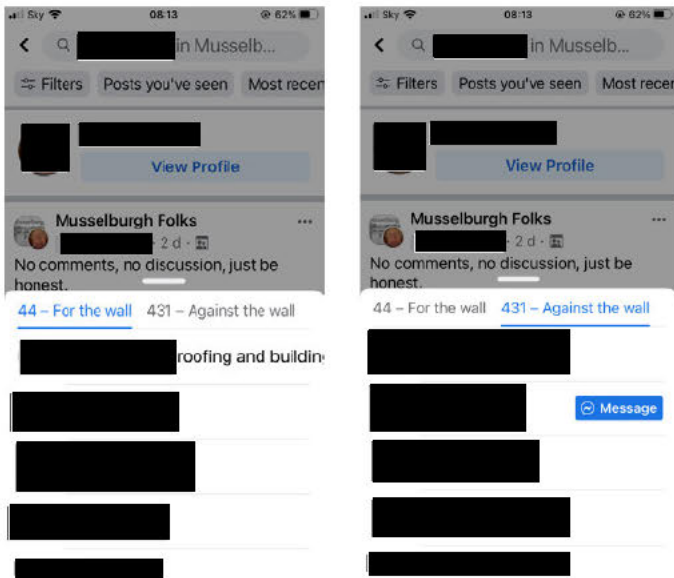
This will be a thing of the past if the walls are at the water's edge and the banks are covered in tarmac.

This is only one aspect of how wildlife will be affected by the scheme.

Objection 9

DEMOCRACY AND TRANSPARENCY

Currently a small handful of people are making decisions for a town of 20,000 people. There is such strong feeling in the town against the walls (a recent small poll on Musselburgh Folks facebook page had around 500 votes - it showed that 90% of residents were against it). We are not being given a say about our own town – a petition of 4,000 signatures was ignored! You may say that this objection process is our chance to have a say, but this is only giving the project team a chance to “deal” with our objections before moving on with the project. A tiny group of people will be allowed to decide whether our thoughts and feelings are valid or invalid. This is not democracy. Every objection is valid. The population of Musselburgh feel ignored by East Lothian Council. I believe there needs to be a public vote on the scheme.



Screengrabs of information in the public domain

/continued

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

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

Yours faithfully

[Redacted signature]

Subject: (0217) Pause Flood Scheme
Sent: 22/04/2024, 11:50:33
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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

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I, along with many others, would like to submit my objections to the forthcoming efforts to erect walls along the beach and river.

We are not opposed to work being done to prevent flooding in the town but the method being suggested to do it. We are asking that time is taken to look at other more natural options. I see there are signs been already erected around the town indicating that this IS going ahead whether the people who live here object or not.

This seems to locals to be a case of the council receiving government money and picking the cheapest option. Putting up walls and planting new trees sound fine but in this area, like others, it won't be long before the concrete walls will be covered in graffiti and the new trees will be snapped in half.

The plans said that after every storm the council staff will come out and clear up any fallen branches, etc from the river. They don't do that now so why will they suddenly do it then? They may have money to do this for the first couple of times but can almost guarantee it won't last long.

We'll be left with horrendous concrete blocks covered in graffiti, bits of broken trees. At the moment we have lost nursing homes, hospitals, council pool needs work, Brunton Hall closed, buses redirected making life more difficult for us pensioners. We are having to constantly fight to keep The Hollies open. Fears grow for our library and bank closing.

Can you guarantee that these concrete walls will not collapse if we do flood as has happened up north?

Please pause this work until ALL other options have been considered. At present we have a lovely looking town full of mature trees and lovely landscapes.

[REDACTED]

Sent from [Outlook for Android](#)

Subject: (0218) Objections
Sent: 22/04/2024, 12:34:17
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Categories: [REDACTED]

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22nd April 2024

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

[REDACTED]

Dear Legal Services

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

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

The loss of trees which provide shade along the river.

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

Narrowing the river makes no sense in reducing flood risk.

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

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

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

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

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

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

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

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

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

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

Please answer each of my points above.

Yours Sincerely,



Subject: (0219) Fwd: Fisherrow Harbour
Sent: 22/04/2024, 12:37:37
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Categories: [REDACTED]

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

I have noticed that some of the emailed objections I have sent to you receive a reply email acknowledging they have been delivered while other do not ? What does this mean does it mean you haven't received them ?

Begin forwarded message:

From: [REDACTED]
Date: 7 April 2024 at 21:00:16 BST
To: mfpsobjections@eastlothian.gov.uk
Cc: [REDACTED]
Subject: Fisherrow Harbour

FAO
Carlo Grilli
Service Manager – Governance
Legal Services
East Lothian Council
John Muir House
Haddington

05/04/2024

We are writing to you to register our objection of this project as we feel we cannot accurately assess the long term plans for Fisherrow Harbour .

Our family have a long history of fishing from this port so we have a very strong emotional connection with this ancient structure .I myself have enjoyed sailing and rowing from this harbour therefore we are very concerned for its future .It will be surrounded by concrete walls but what of the harbour itself ,is it a listed building .a historic building / structure ? We are worried that work will be undertaken to the harbour but cannot see where the planning application is to see what is proposed for this maritime haven.We therefore object to any work to alter the harbour that has not passed scrutiny by having a separate planning application open to public consultation .

Yours

[REDACTED]

Please acknowledge receipt of my letter of objection in writing and please let me know the next steps and estimated timescales

Yours

Subject: (0220) Fwd: [REDACTED]
Sent: 22/04/2024, 12:39:26
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Categories: [REDACTED]

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Please acknowledge receipt of this email.

Begin forwarded message:

From: [REDACTED]
Date: 26 March 2024 at 13:51:44 GMT
To: mfpsobjections@eastlothian.gov.uk
Subject: **Objection 3**

FAO
Carlo Grilli
Service Manager – Governance
Legal Services
East Lothian Council
John Muir House
Haddington

26.03.2024

I am writing to you to register my objection of this project as I feel the Council is being profligate with the Public purse.
They are initiating a project that they have no hope of financially maintaining over the projected life of these flood walls .They cannot manage at the moment in Musselburgh exemplified by the closure of the Brunton Halls ,the closure of Eskgreen’s supported accommodation and many more examples.I think it is unfair to saddle generations to come with such a huge maintenance bill for a Councillors vanity project.

Yours

[REDACTED]

Subject: (0221) Fwd: [REDACTED]
Sent: 22/04/2024, 12:39:49
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Categories: [REDACTED]

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Please acknowledge receipt of this email.

Begin forwarded message:

From: [REDACTED]
Date: 26 March 2024 at 15:26:58 GMT
To: mfpsobjections@eastlothian.gov.uk
Subject: [REDACTED]

FAO
Carlo Grilli
Service Manager – Governance
Legal Services
East Lothian Council
John Muir House
Haddington

26.03.2024

I am writing to you to register my objection of this project as I feel the Council is taking the lazy way out and not exploring Nature Based Solutions .

We all need to be Greener and build a sustainable future for generations to come and this over reliance on tar , felled trees and concrete is a yesterdays solution .The Council is lazy in ignoring alternative voices .We should be employing local workers not multinationals ,we should be looking at the long term maintenance of these walls by local workers ,people embedded in our community .There is so much more we could do to promote the Green aspirations of our community .We should be leading by example and not increasing our carbon footprint for our children . ELC should engage with the community and create a partnership of solutions and ideas rather than the imposition of concrete.

Yours

[REDACTED]

Subject: (0222) Fwd: [REDACTED]
Sent: 22/04/2024, 12:40:10
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Categories: [REDACTED]

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Please acknowledge receipt of this email.

Begin forwarded message:

From: [REDACTED]
Date: 27 March 2024 at 11:10:15 GMT
To: mfpsobjections@eastlothian.gov.uk
Cc: [REDACTED]
Subject: [REDACTED]

FAO
Carlo Grilli
Service Manager – Governance
Legal Services
East Lothian Council
John Muir House
Haddington

27.03.2024

I am writing to you to register my objection of this project as I feel the inclusion of the MAT elements lumped into flood protection scheme makes it impossible for me to fully understand , .
As a local rate payer I think it is imperative that ELC give us a better understanding of these MAT costs .These have nothing to do with preventing flooding and I feel the Council is not adhering to their own guidelines .Have they sought planning permission for these changes ,what are the cost implications for the rate payers ,what evidence is there for these MAT proposals ,where are the costings ,where is the consultation .I feel railroaded into accepting these changes without proper representation.Is this legal lumping two separate projects under one banner

Yours
[REDACTED]

Subject: (0223) Fwd: [REDACTED]
Sent: 22/04/2024, 12:40:31
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Categories: [REDACTED]

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Please acknowledge receipt of this email.

Begin forwarded message:

From: [REDACTED]
Date: 27 March 2024 at 12:04:06 GMT
To: mfpsobjections@eastlothian.gov.uk
Cc: [REDACTED]
Subject: [REDACTED]

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

27.03.2024

I am writing to you to register my objection of this project as I feel [REDACTED] the Council has ignored [REDACTED] needs by adopting these proposals .
The construction of so many barriers and concrete is adversely going to reduce [REDACTED] access the facilities and amenities [REDACTED]. I feel the Council is discriminating against [REDACTED] disabilities by treating [REDACTED] differently .The outcome of all this building work will result in a reduced quality of life [REDACTED]. I will have reduced access to the sea and the river ,reduced sight of these views and that is not fair .

Yours
[REDACTED]

Subject: (0224) Fwd: [REDACTED]
Sent: 22/04/2024, 12:40:52
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Categories: [REDACTED]

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

Please acknowledge receipt of this email.

Begin forwarded message:

From: [REDACTED]
Date: 27 March 2024 at 22:49:57 GMT
To: mfpsobjections@eastlothian.gov.uk
Cc: [REDACTED]
Subject: [REDACTED]

FAO
Carlo Grilli

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

28.03.2024

I am writing to you to register my objection of this project as I wanted to clarify that the East Lothian Council Cabinet who took the initial decision to progress this flood protection scheme in 2029 was lawful and adhered to their own policy and procedures in coming to their decision and whether this can be evidenced.

I would also like to clarify the makeup of this cabinet and whether any Musselburgh Councilors were members of this cabinet who took such a monumental decision about our town's future. I would also like to know whether the register of councillors sitting on this particular cabinet is available to the public as are the minutes of the meeting where the project was ratified.

Yours

[REDACTED]

Subject: (0225) Fwd: [REDACTED] Loss of our Quality of Life
Sent: 22/04/2024, 12:41:43
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Categories: [REDACTED]

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Please acknowledge receipt of this email.

Begin forwarded message:

From: [REDACTED]
Date: 3 April 2024 at 08:24:51 BST
To: mfpsobjections@eastlothian.gov.uk
Cc: [REDACTED]
Subject: Objection .Loss of our Quality of Life

FAO
Carlo Grilli
Service Manager – Governance
Legal Services
East Lothian Council
John Muir House
Haddington

03/04/2024

I am writing to you to register our objection of this project as we feel that the potential of so much hard landscaping and the loss of land for builders yards for years ahead is poor stewardship of our town .

My wife and I [REDACTED] We try to get out together whenever the weather is favourable and have a favoured route from [REDACTED]

[REDACTED] This is all scheduled to be taken away from us .We honestly believe that the tiny group of Councillors making decisions on our behalf are not knowledgeable enough to make the right decision about such a momentous change to our town .This cannot and should not be decided in isolation from the rest of the County and Country .We need a National Strategy ,a National Solution for Scotland .

We agree that something National needs to be planned but we object to this scheme as it is being driven by Private Enterprise in pursuit of profit .Lets do the right thing for those that follow us and step back from this madness and reject this project.

Yours
[REDACTED]

Subject: (0226) Fwd: [REDACTED] Tree Felling
Sent: 22/04/2024, 12:42:17
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Categories: [REDACTED]

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

Please acknowledge receipt of this email.

Begin forwarded message:

From: [REDACTED]
Date: 4 April 2024 at 21:41:20 BST
To: mfpsobjections@eastlothian.gov.uk
Cc: [REDACTED]
Subject: [REDACTED]

FAO
Carlo Grilli
Service Manager – Governance
Legal Services
East Lothian Council
John Muir House
Haddington

03/04/2024

I am writing to you to register our objection of this project as we feel that the increased number of trees designated "red " to be felled is too great and those designated "green is too vague and a misleading term for those that may be saved or felled"

We cannot accept that the ELC can proceed with a project that leaves the contractor to make these decision .The contractor is driven by profit not public interest .If the ELC abdicate responsibility to the contractor about tree felling it calls into question what other aspects of the contract they will wash their hands of .This cannot be allowed to proceed .where is the Green agenda in all of this .The ELC must furnish us with facts if we are to evaluate the impact of this project and we think they are failing us and it should be returned to the favoured contractor and corrected .Surely as the purse holder the ELC has a duty of care to the citizens of East Lothian to set out the scope of the work rather than allow adhoc changes to be made as the contract evolves.

Yours
[REDACTED]