

## Members' Library Service Request Form

Date of Document	18/10/24
Originator	Ian Chalmers
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Document Title	Musselburgh Flood Protection Scheme MLS report - Appendix A.28

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Additional information:

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

For Office Use Only:	
Library Reference	125/24
Date Received	18/10/24
Bulletin	Oct 24

**From:** Legal  
**Sent:** 25 April 2024 15:24  
**To:** Musselburgh Flood Protection Objections  
**Cc:** Grilli, Carlo  
**Subject:** (0670) MFPS Objection letter received yesterday 24/04/24 - [REDACTED]  
**Attachments:** 20240424 MFPS Objection letter from [REDACTED].pdf

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

**Categories:** [REDACTED]

Hi Carlo,

The attached arrived yesterday, no acknowledgement asked for.

Thanks,  
[REDACTED]





10th April 2024

**Service Manager**

Governance  
Legal Services  
East Lothian Council  
John Muir House  
Haddington  
EH413HA

Dear Service Manager,

I am writing to object to the recently published Musselburgh Flood Protection Scheme. As a local resident who will be severely impacted by the works undertaken and currently within the Esk and Coastline potential flooding risk. I use the Beach, promenade and Esk walk daily to exercise my dogs and take much needed mental health walks. I am reliant on my car to commute and bought a property in Musselburgh because of its Historic value, picturesque coastline and river.

I object to the published scheme because:

**Objection 1**

I believe the works and subsequent structure will severely negatively impact my quality of life and mental health causing disruptions to local services and increased noise and traffic pollution. Having a long term negative effect on local businesses, increased traffic, roadworks and road closures leading to a decrease in visitors to the town and inconveniencing local residents for in excess of five years.

**Objection 2**

As a tax payer I disagree to this amount of public expenditure being spent on the proposed flood scheme. I believe local services, healthcare and provision for elderly locals should be prioritised.

**Objection 3**

I am concerned about the negative impact on the climate as a direct result of the materials and works carried out, the increased air temperature due to concrete and impact on global warming and

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in turn rising sea levels - increasing the flood risk further. Habitat destruction, the loss of trees and green spaces. By abandoning further investigations into natural flood management the scheme compromises the environment for future generations.

#### Objection 4

The project appears to be shortsighted, concrete walls have a short life expectancy and the maintenance cost has not been fully considered or clarified.

#### Objection 5

Recent building works approved by East Lothian council have had a negative impact on the existing drains and the poor maintenance record leads me to a lack of faith in ELC ability to mitigate negative consequences of building works.

#### Objection 6

The proposed new Goosegreen bridge does not add flood protection to the town.

#### Objection 7

I paddle board and swim, the walls will impede my access to the beach and potentially further pollute the water. The banks of the Esk and Fisherrow Links are common good land and any interruption to their use by the community should be compensated. The scheme has not proposed providing alternative green space during construction.

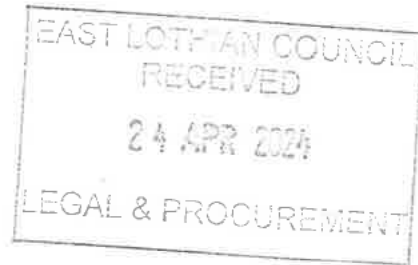
#### Objection 8

Throughout the scheme the consultants have not been subject to challenge or adequate scrutiny and have been allowed to write their own EIA.

Sincerely,



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



EAST LoTHIAN COUNCIL  
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24 APR 2024

LEGAL & PROCUREMENT

MUSSELBURGH FLOOD  
DEFENCES

I have come late but have the following been considered?

BALLAST BANK - TROON, AYRSHIRE

FLOOD BARRIERS THAT MIGHT  
SAVE VENICE

NETHERLANDS -

FLOOD MANAGEMENT IS A  
CLIMATE ADAPTATION  
MODEL FOR THE WORLD

? ? ?

Yours sincerely,

EAST LoTHIAN COUNCIL  
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TO WHOM IT MAY CONCERN

MUSSELBURGH FLOOD DEFENCES

SERVICE MANAGER

GOVERNANCE

EAST LoTHIAN COUNCIL

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

Address: [REDACTED]

Address: [REDACTED]

Postcode: [REDACTED]

Email: [REDACTED]

Date: 20<sup>th</sup> April 2024

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



Dear Mr Grilli

I am writing to lodge my objections regarding the Musselburgh Flood Protection Scheme.

I object to the damage this scheme will cause the town and the environment.

I object to the millions of taxpayers money being used for this plan when there are more environmentally friendly solutions that could be used.

I object to the mass construction that will destroy our beautiful landscape, graffiti over the wall will overtake the beautiful scenery we have admired all our life.

I as a business owner in Musselburgh [REDACTED] object to the unnecessary disruption that will put small businesses out of work due to the 5 year construction plan.

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

Kind Regards


[REDACTED]

[REDACTED]



CARLO GRILLI  
SERVICE MANAGER-GOVERNANCE  
LEGAL SERVICES  
EAST LoTHIAN COUNCIL  
JOHN MuIR HOUSE  
EH41 3HA

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15/04/2024

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



Dear Service Manager

I am writing to object to the recently published Musselburgh Flood Protection Scheme. I live and work in Musselburgh, back and forth across the River Esk every day.

I object to the published scheme for the following reasons:

- 1) I do not feel using nature based alternative solutions, such as Natural Flood Management have been properly investigated and the scheme is already out-dated because of this.
- 2) Last year another town with a similar flood scheme failed which surely proves it needs to be reconsidered.
- 3) The building of the project will add to some of the problems it is alleged to be combatting with the pollution it will cause in the environment. New building materials mean causing damage to environment which is one of the reasons for increased rainfall.
- 4) I do not believe consultants and engineers appointed to the project have been subject to sufficient scrutiny. They have been allowed to carry out an options appraisal that ruled out all alternatives to the current scheme without due debate & public scrutiny.
- 5) There is a lack of accountability which is unacceptable considering the escalating amounts of taxpayers' money involved.
- 6) It will cause destruction of natural habitat we should be protecting.
- 7) There has been a very limited engagement with the people of Musselburgh. Meetings and viewings during 9-5 working hours so people like me who were working were unable to attend.

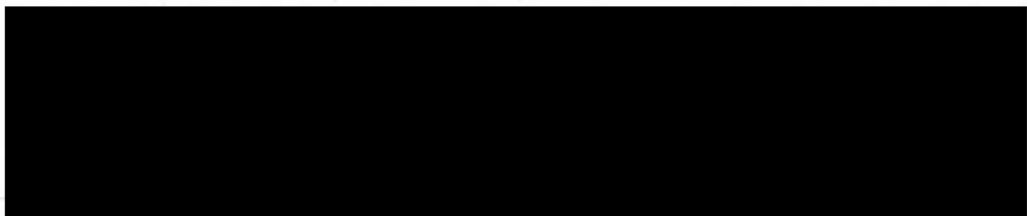
Please acknowledge this letter by letting me know the next steps and timescales

Yours Faithfully,



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SERVICE MANAGER - GOVERNANCE.  
LEGAL SERVICES  
EAST LoTHIAN COUNCIL  
JOHN MuIR HOUSE.  
HADDINGTON  
EH41 3HA .



14/4/24

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

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

**The decision by ELC in favor of the scheme was made without a full report by Scottish Water into the conditions of Musselburgh's drains and their ability to cope with flooding. The pumping of surface water into the river Esk may result in contamination of the river Esk by effluent.**

Sewer flooding, when sewage escapes from the pipe through a manhole, drain, or by backing up through toilets, baths and sinks this is known as sewer flooding. Sewer flooding can be caused by: a blockage in a sewer pipe; a failure of equipment; too much water entering the sewers from storm run-off (from roads and fields) and rivers and watercourses which overflowed; or the sewer being too small to deal with the amount of sewage entering it. The cause of the problem may be some distance away from where the flooding is happening. A flood can happen to any property from one or more of these sources and at any time. For most property in the UK the risk is small, however some premises are more at risk than others because of their geographic location and particular local situation. Flooding of your home will almost always involve water entering the building from outside. Houses are usually built to prevent 'normal' water sources getting in by the use of damp-proof membranes, roof over-hangs, guttering, below ground drains and raised finished floor levels in the ground floor. Normal house construction is not designed to keep flood water out when large amounts of water lie against the building for any period of time. There are many routes by which external flood water can enter your house. Some are very obvious such as doorways, windows, air bricks and cracks in walls. Others are not so visible such as washing machine outlets, downstairs toilets, soaking through brick walls, below ground gaps in the walls and floors. The chance of water getting a house will also depend on things like the depth of flood water and the ability of the sewer network to cope with any excess pluvial incident.

Until such time as Scottish Water has undertaken a full investigation & upgraded the existing system the MFPS should not proceed.

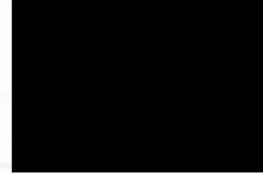
**I / We wish to object to the proposed Musselburgh Flood Defense Scheme**



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





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

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

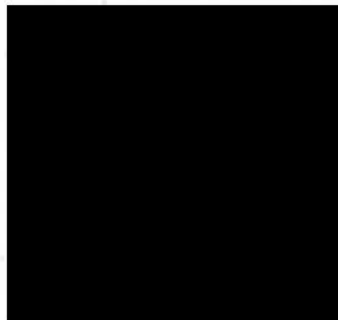
I wish to object to the proposed MFPS on the basis that ELC and the Scheme designers have failed to engage the residents of Musselburgh and to obtain accurate feedback on the acceptability of the proposed MFPS.

Despite an unlimited budget, endless manpower and expertise, ELC, The Flood protection Team and Jacobs Engineering failed to engage with Musselburgh residents, property owners and business owners.

The response to the June 2023 public exhibition of the proposed MFPS was less than 5% of the Musselburgh population. This is not an acceptable level of engagement or demographic representation to provide an adequate level consultation with Musselburgh residents. The responsibility to consult, engage and inform the residents of Musselburgh was entirely the responsibility of ELC and the design Team. The abject failure to obtain sufficient public interest, involvement or input of opinion in the proposed scheme means that approval cannot be assumed. Rather, it is a failure of communications that Musselburgh residents were not fully engaged or enabled to comprehend the implications of the proposals.

In my opinion the MFPS cannot proceed as there has been inadequate public engagement by ELC and their representatives for approval for the MFPS.

Yours Sincerely



Mr. C. Grilli

THE SERVICE MANAGER, LEGAL SERVICES

ELC. JOHN MUIR HOUSE

HADDINGTON

EH41 3HA

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[REDACTED]

[REDACTED]

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

**I / We wish to object to the proposed Musselburgh Flood Defense  
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I wish to object to the proposed MFPS on the basis that ELC and the Scheme designers have failed to engage the residents of Musselburgh and to obtain accurate feedback on the acceptability of the proposed MFPS.

Despite an unlimited budget, endless manpower and expertise, ELC, The Flood protection Team and Jacobs Engineering failed to engage with Musselburgh residents, property owners and business owners.

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In my opinion the MFPS cannot proceed as there has been inadequate public engagement by ELC and their representatives for approval for the MFPS.

I am objecting as an elected representative of a registered Musselburgh Charity where my interests lie in a fair, democratic and caring responsibility for the people of Musselburgh who deserve to receive consideration and a fair demographic representation of their best interests out with political interests.

Yours Sincerely

[REDACTED]

[REDACTED]







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MR. C. GRILLI  
THE SERVICE MANAGER, LEGAL SERVICES  
ELC, HADDINGTON.  
EH 41 3HA

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

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

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

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

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

The FRM consents for MFPS are intending to approve a design that has built into it the design for the MAT, i.e. 5m wide cycle routes, position of the flood wall, inclusion of Ivanhoe bridge, design of the ramps, etc. [REDACTED] has been asked to specify exactly how the requirements of MAT have influenced the design of MFPS. The proposed MFPS design is using the dubious distinction between 'physical assets of MAT' and 'MAT routes' to justify this. In the proposed design, clearly the two are connected and cannot logically be detached and permit the MFPS & ELC to smuggle in MAT design requirements as part of MFPS (and also to cover some of the costs of MAT). You yourself Mr Grilli has acknowledged that the MFPS will likely incur higher costs because of its inclusion of MAT design features. My support group MFPAG have a v. clear statement to that effect from you. Therefore, I would argue that elements of MAT are indeed being included in FRM, hence in the consenting process. I strongly object to this.

What The Design Team, ELC Officers and ELC Councillors are trying to do is to progress the flood scheme with wide paths, ramps and bridges as necessary parts of the flood protection scheme in order that later, presenting these 'approved' wide paths as 'existing' they will apply for change of use (designation) of these to ATP.

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

It is a sneaky way of silencing objections to MAT, and I have no doubt it subverts the Town and Country Planning Act (Scotland) 1997 Act and is therefore not allowed.

Should the planning department back them and the minister does not uphold the objection, the only way to restore people's rights of representation on the physical aspects of MAT would be via legal action. There are several firms that would be prepared to assist with this. Win or lose ELC would be the poorer for such an action were it to proceed.

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

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

I am objecting as an elected representative of a registered Musselburgh Charity where my interests lie in a fair, democratic and caring responsibility for the people of Musselburgh who deserve to receive consideration and a fair demographic representation of their best interests out with political interests.

Yours Sincerely

[Redacted signature line]

[Redacted signature block]

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Mr. C. Grilli

THE SERVICE MANAGER, LEGAL SERVICES  
E.L.C. JOHN MUIR HOUSE  
HADDINGTON  
EH 41 3HA



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

14/4/21

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

The Dynamic Coast report **MUSSELBURGH COASTAL CHANGE ASSESSMENT**, (February 2024) puts into doubt the whole concept of building a sea wall to last until the end of the century as many of us have questioned. It is a very strong and clearly supported point of objection based on facts provided by an independent Statutory body

Based on the report by the Statutory body Dynamic Coast I wish to object to the proposed flood protection works named The Coastal Change Adaptation Plan and the Musselburgh Flood Protection Scheme. The authors of the Dynamic Coast report clearly believe that we should start planning for managed retreat from the current coastline.

The authors make a clear case that barriers will lead to foreshore narrowing (i.e beach gets steeper and may vanish) which will eventually undermine hard defences (unless even more engineering is done...)

The proposed scheme is not fit for purpose as it does not meet the criteria of the objective which is to protect the town from coastal flooding for a period of 100 years.

I / We therefore object to the proposed MFPS & Coastal Adaptation Scheme as in reference to Dynamic Coast's report the proposed scheme has little long-term value.

Yours sincerely



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

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17/4/24

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

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

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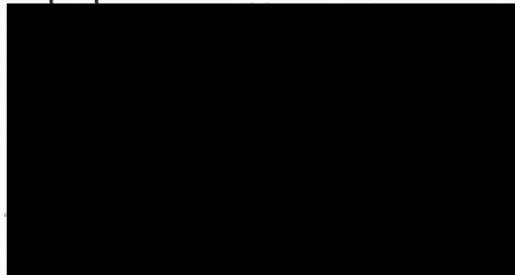
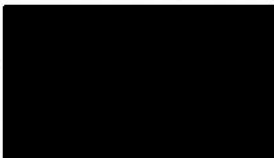
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Yours sincerely



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



**From:** Legal  
**Sent:** 25 April 2024 16:44  
**To:** Musselburgh Flood Protection Objections  
**Cc:** Grilli, Carlo  
**Subject:** (0680) MFPS Objection letter received yesterday 24/04/24 - 1 [REDACTED]  
**Attachments:** 20240424 MFPS Objection letter from [REDACTED]  
**Categories:** [REDACTED]

Hi Carlo,  
The attached arrived yesterday, no email to acknowledge.





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

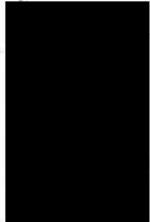
**I wish to object to the proposed Musselburgh Flood Defense Scheme  
for the following reason:**

It would make sense to request that independent financial assessors investigate the ability of ELC to fund its share of the proposed MFPS and Coastal protection schemes. Prior to any approval being given as ELC have not given any information as to how they propose to finance the proposed scheme.

The present shortfall in local authority funds in both revenue budget & capital investment funds requires a public enquiry to ensure that ELC would be able to meet financial commitment to the MFPS and Coastal Adaptation plan.

I therefore reject the proposed MFPS as ELC as failed to provide information as to how it may meet its financial obligations should the MFPS proceed.

Yours sincerely



EAST LoTHIAN COUNCIL  
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**Carlos Grilli**  
**The Service Manager – Governance,**  
**Legal Services,**  
**East Lothian Council, John Muir House,**  
**Haddington, EH41 3HA**