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Designation	Service Manager - Governance
Date	18/10/24

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Bulletin	Oct 24

[REDACTED]

24 April 2024

Carlo Grilli
E Lothian Council
John Muir House
Haddington
E Lothian
EH41 3HA

Dear Mr Grillo,

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

As a resident of East Lothian and someone who pays thousands of pounds each year to East Lothian Council by way of Council Tax, I do not accept that the proposals as outlined represent a proportion nor appropriate way to combat a one in 200-hundred-year possibility.

I believe East Lothian Council (ELC) should withdraw these proposals and review them. Far greater heed needs to be paid to the concerns of ordinary residents of Musselburgh and the wider East Lothian areas; it is obvious that ELC has failed to convince many people of the worth of their proposals. I note that the story has been reported in many local and national media outlets, all with a negative view of the Council, its decision-making processes and of the value of the Scheme itself.

As someone who visits Musselburgh at least once a week and enjoys the river environment, I am horrified at the prospect of walls up to two metres in height; the loss of many mature trees, the construction of five-metre-wide paths; the destruction of green areas; the destruction of wildlife habitat; and the impact on local people.

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

I object to the published scheme on the following grounds:

Science and information provided thus far by East Lothian Council –

- 1) The Scheme does not offer alternative scenarios. It is tied to a one in two-hundred-year event. Scottish Government guidance says that a range of scenarios should be included. How could the Council judge what is necessary protection without being given a range of options?

- 2) The Council has commissioned a report on the coast from Dynamic Coast, but this is not yet available publicly – why has this not been made public? Why is the public not being shown this information? Local residents have asked to see the data underpinning the scientific calculations of the project team, but these requests have been ignored. What is the reason for the lack of transparency?
- 3) The project team say they have adjusted flood defence heights in response to local feedback. This amounts to fitting the science around the preferred outcome, rather than science/data leading to a properly calculated outcome. This makes no sense.
- 4) The Council was informed that natural flood management (NFM) should be restricted to 3 interventions (use of 2 small reservoirs in the Pentlands, and a tree-catcher in Dalkeith Country Park). NFM could include a whole range of techniques to flow the slow of the river throughout the catchments, and to encourage the natural dune system along the coast. The fact these were discounted at the start is wrong and the situation is made worse by the exclusion of NFM decided upon in October.

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

- 5) All the indications are that the use of NFM, nature-based solutions and a flood resilience (rather than prevention) approach are preferred over building flood walls. Even in massive river catchments like the Severn, these approaches are being discussed and trialled. The flood walls in Brechin (built/renewed 2015) recently failed. The flood gates in Perth recently failed. Man-made interventions cannot prevent flooding downstream – we need to do more upstream to slow/store the water so it doesn't rush down through the town.
- 6) The Scottish Government is heading towards NFM. On 23 December 2023, the Minister stated <https://www.parliament.scot/chamber-and-committees/questions-and-answers/question?ref=S6W-23835> “*The Scottish Government recognizes the importance of natural flood management (NFM) measures in reducing, slowing or otherwise managing flood waters across catchments and along the coast while also delivering multiple environmental benefits.*” Why is East Lothian Council not in step with the Scottish Government?

Cost –

- 7) The scheme is currently costed at £132M in total, including £53M for the flood protection part – but you have not provided no cost breakdowns to the public. Why not?
- 8) The Council has been told the cost is likely to rise. How can the Council have voted this through with so little information?
- 9) Why has no cap been put on the cost?

- 10) East Lothian Council has stated that if they do not secure the Cycle 1 funding, they will get nothing. But that is not true, there will be funding in Cycle 2, which should be onstream after April 2024, and Musselburgh would be eligible.

Transparency and process –

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

Multiple benefits and active travel –

- 17) The scheme has become entwined with the Musselburgh Active Toun (MAT) proposals, but the cost of the MAT scheme is unknown and is likely to require a 30% contribution from ELC, which has never been openly discussed. Why?
- 18) MAT proposals do not contribute to flood protection – so why has the Council chosen to conflate the two issues? The answer posited by many is that the Council wishes to minimise and reduce public scrutiny of the MAT proposals. Why are they not separate, to ensure proper scrutiny using the normal planning permission process?
- 19) The proposed new Goosegreen bridge does not add flood protection to the town. Why has ELC suggested it does?

- 20) The MAT proposals included in the scheme are now much grander than those originally discussed and consulted upon. Why have the revised versions not been put back out for public consultation?
- 21) Why is ELC considering a 5.5m wide path in some areas? Tarmac/concrete will reduce soak-away space (ironic as this scheme is supposed to help reduce the likelihood of flooding).
- 22) Trees and grassed areas will be felled and covered over with man-made, carbon-intensive building materials. This is not in keeping with the stated aim of working with nature.

General amenity, health and well-being –

- 23) The project will take at least 5 years to build. It will be a major cause of disruption. There will be pile-driving all along the river. This will result in hugely increased levels of noise pollution and increased air pollution, thanks to works traffic.
- 24) What consideration has been given to people's wellbeing, living for that time amid a building site?
- 25) The banks of the Esk and Fisherrow Links are Common Good land, and any interruption to their use by the community should be compensated. What plans does ELC for that?
- 26) Hundreds of people enjoy these amenities every day, where will they go to benefit from being in nature and by water?

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

Yours sincerely

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Subject: (0482 NO ADDRESS) Objection to Flood Protection scheme

Sent: 24/04/2024, 09:55:40

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up

Flag Status: Completed

Categories: NO ADDRESS

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Good morning,

I've lived in Musselburgh for [REDACTED] In that time, I've seen the importance of the river, and it's connection to the people of Musselburgh. The high street is under-loved, and much of the community feels quite disconnected - but a walk along the river clearly shows how much the community cares about it; there's less litter than in the rest of the town, and there's always people walking, feeding the birds, talking with others, etc.

I do understand that climate change is a real and valid concern, particularly for a town with a river running through it, and that some kind of solid structure will likely be necessary in the future. That said, I firmly believe that any solution should centre the relationship between the river and the people of Musselburgh. When people see and interact with a body of water, they care more about it and will do more to look after it, and both the river and the town will benefit. If it's hidden and inaccessible, that connection will be lost.

As a volunteer with [REDACTED] on the Esk, I regularly see the importance of this connection firsthand. When we are taking our samples and counting the riverfly that we find, people often stop to talk about what we're doing. They often approach with quite a cynical attitude, believing that so much damage to the river has already been done that there can't be any life in it, and there's no point protecting it. When we show them how much we find, they are often pleasantly surprised - realising that, whilst it is damaged, there is indeed still life in the river, and it needs protecting.

Looking at the proposal, it seems to me to be environmentally questionable, over-engineered, and hugely damaging to the community's connection with the river. Limiting the risks that floods pose to our community is clearly important, but I do not believe that the current plan should go ahead. To me, it feels like this could be a really good opportunity to work alongside other communities along the Esk, prioritising nature-based solutions where possible, building community understanding of the river and how we can protect it, and only installing solid barriers where there is absolutely no alternative. Completely rebuilding a cherished area of the town - an area that people take pride in - and removing trees and creating barriers, surely cannot be the best solution.

I'd also like to discuss the website for the proposal. It feels like it is designed to make the information difficult to find, and difficult to understand, with lots of links to other sites and documents, and very few clear and accurate drawings. You've said that you're listening to the community, but when information is misleading, confusing, or just hidden, this doesn't come across as genuine.

As a tax payer, and someone who cares about the town, I'd ask you to please at least pause the scheme and look at alternatives. This current plan would have an irreversible impact on our town, and so cannot be rushed just to secure emergency funds from the Scottish Government. A solution that ensures the community's connection to the river is upheld must be found.

Yours sincerely,

[REDACTED]

Subject: (0483) MUSSELBURGH FLOOD PROTECTION SCHEME 2024
Sent: 24/04/2024, 09:56:45
From: [REDACTED]
To: Musselburgh Flood Protection Objections
Attachments: [REDACTED] [MUSSELBURGH ACTIVE TRAVEL INFRASTRUCTURE.docx](#)

Categories: [REDACTED]

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

Please find attached my objection.
Please also note that I am still waiting for acknowledgement of receipt of [REDACTED] of my objections.
Yours sincerely

[REDACTED]

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

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

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

17th April 2024

**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 Protection scheme.

The inclusion of elements of MAT infrastructure under section 65 of FRM (deemed Planning Permission) and other statutes.

The inclusion of infrastructure for Musselburgh Active Travel (MAT) is unnecessary as it offers no reduction in flood risk. The inclusion of infrastructure for MAT both increases the cost of the MFPS to the Scottish Taxpayer and alters what could be otherwise a more conservative and attractive design that would offer similar protection of the Conservation area where elements of MAT infrastructure have been built into the design.

There is no evidence that the people of Musselburgh for whom the MFPS is intended have any desire to see MAT in Musselburgh at a future date.

With no official public support or planning permission, no elements of MAT should be included within the scheme design.

Including elements of MAT within the MFPS design is a misuse of public funds as MAT has no relevance to protecting the town of Musselburgh flooding and has compromised the final design creating a significantly altered scheme from possible better alternatives.

Any drawings supplied to the public that contain any illustration of MAT should have been withdrawn from the proposed MFPS prior to its publication. The drawings are misleading and make the ability to object to the proposed scheme misleading, complicated and possibly invalid.

I therefore object to the proposed scheme and demand that a full review and redesign of the proposed scheme is undertaken to exclude any MAT infrastructure.

I demand that the objection process is started afresh after removal of any MAT illustrations and relevant documents in order to enable the public to have a

fair and accurate representation of the proposed MFPS The residents, owners and businesses of Musselburgh are entitled to a clear illustration of the MFPS proposals. This has not been made available due to the inclusion of MAT elements within the proposals

Yours sincerely

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

Subject: (0484 NO ADDRESS) Musselburgh Flood probation scheme - Objection letter

Sent: 24/04/2024, 10:11:14

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up

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

Dear Sirs

I am writing to object to the recently published Musselburgh Flood Protection Scheme proposals. As a local resident I wish to express my objections to the scheme designs as proposed.

I object to the published scheme because:

1. The misleading and inaccurate design information provided - including but not limited to artist impression visuals with misleading scales and features especially wall heights, pathway dimensions and materiality.
2. The poorly handled public engagement - especially using different colour codes, keys and visual language to present proposals
3. The proposed active pathways which take people away from town
4. The use of concrete stone walls restricting both views and access to the beaches and riverside
5. The loss of trees and natural habitat/ecosystems
6. The use of large concrete structures/barriers as defence walls which will carve up areas of the town
7. The lack of visible solutions to existing issues of flooding and drainage caused not by the river or sea but the town's insufficient drainage system - especially around the riverside, New street and Loretto nursery/Musselburgh nature kindergarten. Where there is frequent flooding and village of raw sewage onto public highways and foot paths
8. The lack of apparent joined up thinking between this scheme and the multiple large scale developments around the town
9. The reliance on mechanical pumping stations
10. The on cost to the public purse for care and maintenance of mechanical pumping stations

11. The visual and heritage impact to one of Scotland's oldest towns. One which I might add has been treated rather badly under the stewardship of East Lothian Council and previous governing bodies leaving us with a town comprising of fish mash of poor buildings and clogged roads.

12. The loss of public amenities during construction and after.

13. The lack of clear understanding and commitment for the care of the project post completion. How will an already struggling local authority maintain all the new elements of this scheme.

14. The nature of the built elements of the design will attract vandalism owing the large areas of flat planes of walls/concrete structure.

15. The proposed new bridge at the mouth the Esk in both scale and visual appeal

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

Yours Faithfully,

[Redacted signature]

[Redacted address]

Subject: (0485) objections to the Musselburgh flood scheme
Sent: 24/04/2024, 10:12:36
From: [REDACTED]
To: Musselburgh Flood Protection Objections
Attachments: [Flood letter final.pdf](#)

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [REDACTED]

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[REDACTED]
[REDACTED]
[REDACTED]

24 April 2024

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

To whom it may concern

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

My name is [REDACTED]. I object to the Musselburgh Flood Protection Scheme (MFPS), published on 21 March 2024, on the following grounds. My home, [REDACTED], [REDACTED]. Furthermore, it is located on [REDACTED], a part of the town which is considered to be at risk from both river and coastal flooding. [REDACTED] has been identified as the location of a compound that will be required during the construction of the scheme: accordingly, there would be severe disruption throughout the construction process.

The project is flawed in every way. I object to the MFPS because it is overly-reliant on engineered solutions. The scope of the project is out of all proportion to the scale of the problem, the damage to the town would be irreversible. At a time when there is movement away from large scale engineered solutions, it would be foolish to adopt out-moded methods that have repeatedly been shown to provide no answer.

I object to the Musselburgh Flood Protection Scheme (MFPS), published on 21 March 2024, on the following grounds.

Objections

1 Failure of governance

In January 2024, the East Lothian councillors made the decision to proceed with the scheme without having had the opportunity to look at the Environmental Impact Assessment (EIA). The councillors could not consider the scheme without considering the enormous impact it would have on the town, examination of the EIA has to be a critical part of the whole process. The failure to consider this amounts to a serious dereliction of duty on the part of East Lothian Council.

2 Misuse of Fisherrow Links

My home is located on the [REDACTED], which is identified as the location of a compound that will be required during the construction of the scheme.

During the consultation process members of the flood protection scheme team gave assurances that no one area would be disrupted for more than nine months: while initially this was given as a certainty, it was later expressed as an aspiration. The estimated period for the compound is now given as three to four years, which is substantially more than nine months. This is clear evidence of the misleading information that has been given by the Flood Protection Team. In addition, [REDACTED] is [REDACTED], and as such, should not be removed from public access.

3 Lack of independent scrutiny

The process of the project has been marked by a complete lack of independent scrutiny. There are several examples, including the fact that the flood project team produced the EIA on their own project.

The MFPS also produced a response to the public exhibition of the Outline scheme in June 2023: this response brushed over the critical comments claiming that they were distorted. In discussing the greater volume of negative comments submitted online, the Post-event Feedback Report contains the following: 'Those that attended the event in-person were able to ask the project team questions, which may have allayed their concerns and increased their understanding and level of support for the Scheme. On the other hand, individuals who were already opposed to the Scheme may have felt less inclined to engage directly with the project team, and hence more likely to submit negative feedback online.'

This is a palpable distortion of reality. A much more likely reason for the greater preponderance of negative comments submitted online is that the respondents had taken the time to conduct a detailed consideration of the proposals.

4 Musselburgh Active Toun (MAT)

What has become increasingly apparent is that much of the scheme has been driven by the stipulations of the Musselburgh Active Toun (MAT). However, there has been considerable confusion about the question of whether the MAT design is part of the scheme. According to a meeting of the Council's Public Petitions Committee on 19 March 2024, the MAT is no longer considered to be part of the MFPS: this is because the MAT requires planning permission, whereas the MFPS would have deemed planning consent. If MAT is no longer to be considered part of the scheme, the many substantial sections of the current proposal that relate directly to MAT should be removed.

The most egregious example of this confusion surrounding MAT is the proposal to build a new, and wholly unnecessary, bridge at Goosegreen. The justification for this appears to be that it is considered to be a replacement for the footbridge currently situated next to the Electric Bridge, located at the end of New Street. The so-called electric bridge, currently located at this spot on the river, is there for a very particular historical reason, namely the need to provide means of transportation for heavy lorries during the construction of the Cockenzie Power Station.

To describe the new Goosegreen Bridge as a replacement bridge is ludicrous: there is simply no need for a bridge in that location. In spite of claims made by the Flood Protection scheme that this bridge would provide flood protection, this new bridge has nothing to do with flood management, so it is hard to imagine why it is even part of the proposal put forward by the flood management team. The distance from the mouth of river to the electric bridge is short and would add a matter of a few minutes to a journey along the promenade and over to the east bank of the river.

This bridge would also have a huge impact on the stretch of land from the foot of Mountjoy Terrace to the mouth of the River Esk: the fifteen metre embankment leading up to the start of the proposed Goosegreen bridge is the clearest example of how the considerations of the MAT have taken over much of the planning of the scheme.

The EIA states with reference to the proposed Goosegreen bridge that 'it may result in increased pedestrian and cyclist traffic.' In other words, there is not even any guarantee that the bridge would make any difference to active travel.

In addition, there is the unnecessary proposal to replace the Ivanhoe Bridge, with a five metre wide bridge: like the proposed Goosegreen bridge, this bridge would not provide flood protection in any way.

5 Trees

The presence of trees along the banks of the River Esk provides considerable pleasure for local residents as well as visitors. The MFPS has acknowledged that the construction of walls and embankments on the riverside would lead to major destruction of an unknown quantity of trees. There has been considerable obfuscation on the part of the consultants and the council regarding precisely how many trees would be at risk from the construction of flood defences along the banks of the River Esk. This lack of clarity is deplorable.

6 Birdlife

There has been scant attention given to the impact on the many birds that frequent the river and coastal areas. In particular, the area from the harbour along to the mouth of the River Esk incorporating the lagoons to Morrison's Haven is a renowned area for birdlife.

I have seen the detailed report, produced by local birdwatching organisations, which outlines the many ways in which the EIA fails to address adequately the impact the implementation of the scheme would have on the local bird population. The failure to consult the experts who have compiled the report provides further evidence of the inadequacy of the EIA and again underlines the need for an independent assessment of the project.

7 Exclusion of Natural Flood Management

The decision of the councillors in October 2023 to exclude Natural Flood Management displays a regrettable failure to consider deploying nature based solutions. More attention, for example, should be given to including all of the reservoirs that are contained within the Edinburgh and East Lothian Public Water Supply system as a way of avoiding the current plan to rely on the installation of permanent flood barriers in the town of Musselburgh. The decision to produce a scheme which favours the construction of physical barriers within the town of Musselburgh over managing the catchment of the River Esk, is short-sighted and foolhardy.

8 Canalisation of the river

The canalisation of the river between the Electric Bridge and the mouth of the River Esk would have a hugely detrimental impact on this section of the river. In addition, the creation of a wall on the west side of the river at this point would effectively create a tunnel between the river and the wall that exists already by the Loretto playing field: this would be unsafe, especially for women walking after dark.

9 Maintenance of the scheme.

Given the problems that exist in the town affecting the maintenance of crucial infrastructure such as the Brunton Theatre, there are serious concerns about the problems that would arise if the proposed walls were ever built. When a similar flood protection scheme was introduced in Hawick, graffiti appeared very soon after the completion of large scale walls in the town.

When I wrote to Councillor Andrew Forrest on this question, I received the following reply:

'Thank you for your email reference graffiti in Hawick this is a blight in every town I have visited both in the UK and abroad to my knowledge there is no way to stop this wanton vandalism.' (email correspondence 14/02/2024)

So, one of the Councillors who voted in favour of the scheme acknowledges that there is nothing that can be done to prevent the 'blight' of graffiti. The proposed walls, which would already have a hugely negative impact on the appearance of the town, would be permanently disfigured. The cost of removing the graffiti would be an ongoing expense for a cash-strapped council.

10 Coastal defences

With regard to the question of Coastal defences, the flood protection team has failed to engage with the recommendations of Dynamic Coast, in terms of the employment of natural solutions.

11 Consultation process

The consultation process has been poor at every stage.

Given that the documentation for the MFPS runs to some 3,400 pages, the time allocated for looking over the documentation is inadequate. The cost of printing this volume of material is prohibitive, the only realistic options are either to look online or to consult the documents available at the Brunton Theatre: the possibility of looking at more than a small section of the overall report is extremely difficult for anyone in full-time employment.

The East Lothian councillors who are responsible for approving the scheme have repeatedly ignored queries from members of the public.

12 Misinformation

The MFPS team has adopted tactics of scare-mongering, through the arranged publication in the local press of manufactured images of cars semi-submerged on Musselburgh High Street, and dishonesty, by claiming, for example, that the proposed Goosegreen bridge would provide flood protection. How can a bridge provide flood protection?

13 Inadequacy of the Environmental Impact Assessment (EIA).

The Environmental Impact Assessment (EIA) contains numerous references to MAT, which is apparently no longer part of the scheme. The report, which should be a key part of the process of assessing the validity of a scheme of this nature, is thus entirely redundant and should be scrapped. A new **and independent** EIA should be commissioned as soon as possible.

14 Costings

The cost of the MFPS has risen exponentially over the last few years. Given the parlous state of the finances of both the Scottish administration and East Lothian Council, and the ruinous cost of living crisis, the failure to consider more reasonably priced alternatives is unforgivable.

Conclusion

In sum, the proposed scheme would destroy much of the attractiveness of the town as currently enjoyed by both residents and visitors. Alternatives to the Scheme have not been offered or discussed and neither has the Scheme been subject to scrutiny by an independent and suitably qualified consultant. Please acknowledge receipt of my letter of objection, in writing. Please advise me of next steps, and timescales.

Yours sincerely

[Redacted signature block]

Subject: (0486) Objection to the Musselburgh Flood Protection Scheme

Sent: 24/04/2024, 10:22:45

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Categories: [REDACTED]

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

23 April 2024

mfpsobjections@eastlothian.gov.uk

This is a copy of my Objection Letter hand delivered to your office

Dear Mr Grilli,

Regarding: Objections to the Musselburgh Flood Protection Scheme

As a tax payer I am writing to object to an aspect of the Musselburgh Flood Protection Scheme which shows that the public is being misled about the visual appearance of the flood defence walls.

The public is being misled by the photomontages in the Non-technical summary of the EIA. There are no photomontages of the west bank of the Esk on sections where the flood defence wall is proposed, starting at the Olive Bank Bridge down to the mouth of the Esk. In contrast, there are several photomontages showing the east bank of the Esk, and a few show the ramps leading up to the top of the flood defence walls on the west side. But the latter do not show the height of the walls down to the river bed.

See Non-technical summary in the EIA: <https://www.musselburghfloodprotection.com/wp-content/uploads/2024/03/MFPS-EIA-Report-Non-Technical-Summary-FOR-ISSUE.pdf>

More specifically, from the Electric Bridge down to the mouth of the Esk there are no photomontages of the flood defence walls on **either** side of the river except for the one mentioned below. The walls are up to 3.0m, possibly higher in places, from the river bed up to the top of the walls, although the lower parts of the wall would be covered by water depending on the river and tide level.

The one exception regarding the misleading photomontages of the west side of the Esk is in Newsletter No 5 which shows the wall on the west bank of the Esk in the far distance, beyond the proposed Goose Green Bridge. At such a distance it is difficult for the viewer to see how high the wall is.

I have also seen magazine articles which show this biased selection of photomontages. For example, see Scottish Housing News 26 January 2024. The walls on the west side are so high that people in wheel chairs, pre-teen children and people sitting on a bench beside the path, will not get a view of the river.

See <https://www.scottishhousingnews.com/articles/musselburgh-approves-outline-flood-protection-scheme-design>

A recent article in the East Lothian Courier includes 14 photos of the scheme, none on which show the sections of the Scheme with high walls.

<https://www.eastlothiancourier.com/news/24072504.first-look-proposed-musselburgh-flood-defences-look/>

If I have missed any photomontages which show the wall along certain sections of the west bank of the Esk, please let me know in your reply to this Letter of Objection. I may have missed them because there currently are, and have been, thousands of pages of documents to inspect. It is unreasonable to expect the public to look at every page.

I also object to the fact that a person falling off the high walls on the wet-side could seriously injure themselves if they landed on the riverbed, on a rocky shelf or steep slope at the base of the walls, and possibly drown if they fell into deep or fast running water.

For health and safety reasons there needs to be a flat shelf on the wet-side covered with soil of a sufficient depth to absorb the impact of a falling person. It also needs to be high enough to stop a falling person landing on deep water at high tide, or being swept away by fast flowing water.

This shelf would provide a safe place for wild birds to roost. Indeed, one of the attractions of the Esk is to watch the amazing variety of bird species getting on with their lives.

It is also misleading to show extensive and well-maintained riparian areas covered with shrubs and flower beds, given East Lothian Council have limited resources to maintain these areas. They will also accumulate litter and it is well known that litter begets litter.

Finally, it hardly needs to be said that these hideous walls will be soon covered with graffiti, whatever surface the walls have to prevent this. Merely scribbles spray painted on them will make the eye-sore even worse. And the Council just doesn't have the resources to continuously clean the walls? Just as litter begets litter, so does graffiti beget graffiti.

I shall appreciate acknowledgement by both email and in writing that this Letter of Objection has been received.

Yours sincerely,


See address above

Sent from [Outlook](#)

Subject: (0487) (no subject)
Sent: 24/04/2024, 10:40:28
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Categories: [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

21st
April, 2024

Dear
Sir / Madam,

I
object to the Musselburgh Flood Protection Scheme on the following grounds;

First
Reason for Objection

The
MFPS will turn Musselburgh into a massive building site for years. This will
cause huge disruption to all residents, visitors and wildlife.

Second
Reason for Objection

The
scheme illustrated in the plans is very ugly and will spoil Musselburgh's charm
for ever.

Third
Reason for Objection

The
proposed engineering works will ruin the various connections that people enjoy
with the river and the sea.

Fourth
Reason for Objection

Alternative
Flood Protection solutions were not properly considered by the Project Team.
For example, if the scheme cost (£103 000 000) is divided by the number of
properties at risk (3200) then £32000 could be spent flood-proofing individual
properties.

Fifth
Reason for Objection

Musselburgh
deserves investment in lots of other areas. The Brunton Hall, The Hollies, The Sports Centre, The Library, and The Town Hall will all be less likely to get the investment required should the MFPS proceed.

Sixth
Reason for Objection

The
MFPS is predicated on functioning drains, gullies and sewers. Given the present condition of waste and rainwater infrastructure, who is to say with confidence that the MFPS wouldn't retain flooding within the town?

Seventh
Reason for Objection

The
increase in sea-levels used in modelling by Jacobs to justify the extent and height of defences is extreme. In a world where sea-levels have indeed increased to the height that the engineers' calculations contain, then Musselburgh will long have become an island!

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

[REDACTED]

Subject: (0488) (no subject)
Sent: 24/04/2024, 10:47:34
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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Flood prevention scheme Musselburgh

Dear sirs

Please note my objection to the major plans for Musselburgh.

Musselburgh is a historic town and does not deserve to be destroyed by your destructive plans.

The river has a natural beauty with a kindness to nature which you intend destroying, removing the grassy picnic areas, the trees which wildlife depends on

To build such high walls is dangerous for children too as children will always want to see the river and the waterfowl, it's only a matter of time before one falls into the river from your high walls and dies

And for what, more car parking, enormously wide cycle paths which is unnecessary.

The river only requires dredging as has been done before and is a far cheaper answer.

The people of Musselburgh only need the drains clearing, as done before and the infrastructure of the town looked after as was done before we became East Lothian.

We do not want to pay for needless work for years to come.

Please let common sense reign

[REDACTED]
[REDACTED]

Sent from [Outlook for Android](#)

Subject: (0489 NO ADDRESS) Musselburgh Flood Protection

Sent: 24/04/2024, 10:58:33

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up

Flag Status: Completed

Categories: NO ADDRESS

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Sent from my iPhone

Please note my objections to flood scheme ... The loss of mature trees including endangered Copper Beech . This is situated in Inveresk Estate which is a Conservation area .

The disruption to local businesses by way of heavy machinery (Hawick is a prime example) Riverside cafes are no longer afforded a view of the river just a brick wall (fact) .

Traffic diversions in Musselburgh will cause even more chaos as the infrastructure can hardly cope as it is .

The Grove is used by so many as a mental health option as well as social interaction, I know as I'm down there most days to spot wildlife , deer , otters, kingfishers etc . In 65 years the Esk has not flooded enough to build walls and those that are there are obliterated in graffiti. Who would maintain these proposed walls ? The council have no money left for pot holes , services for the elderly , bin collection is now once every three weeks, rats are becoming the norm in housing estates. So my point being is at risk of a flood in say 200 years the money for this project should be put to better use The river could surely be dredged or take away the grass islands so it has a free flow to the sea . Musselburgh Lagoons was successful so why not the same for River Esk .

Concrete is not the answer to global warming, The environment which generations have lived happily alongside the river should not be destroyed as there will be no turning back.

I am not an expert but I love my town . Please leave it how it is and let the people decide what is best for them . [REDACTED]

Subject: (0490) Musselburgh Flood Protection Scheme

Sent: 24/04/2024, 11:04:15

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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Details of Property: [REDACTED].

Owned by: [REDACTED]

Dear Sirs,

I have the following points to be taken in to consideration during the design, construction and maintenance of the proposed design for Musselburgh Flood Defence project. Specifically relating to my property at [REDACTED] and are as follows:

You have not been specific about the placement of the [REDACTED]

The design as described in the proposed plan allows for the [REDACTED]; but the extent of the foundation as illustrated in your design means that digging will be required at a distance less than [REDACTED]. Of necessity, if you decide to place the [REDACTED] metres, then the foundation will also then increasingly encroach on my wall - which causes me concern.

- I. I would hope that during this process that I will be personally consulted as to the actual proposed design and construction in relation to my property;
- II. Any damage/rectification works plus compensation involved relating to my property will be met by you and I will not be held personally and financially accountable and as such any legal involvement and subsequent cost will be met by your parties.

I look forward to hearing from you in due course.

Yours Sincerely

[REDACTED]

Subject: (0491) Flood scheme
Sent: 24/04/2024, 11:10:52
From: [REDACTED]
To: Musselburgh Flood Protection Objections

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Flag Status: Completed

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Dear Legal Services

Please see my objections below to the MFPS.

- 1) Lack of nature based solutions at coast
- 2) A coastal engineered defence is premature
- 3) A sea wall could be undermined by erosion
- 4) Goosegreen bridge does not reduce flood risk
- 5) Dynamic Coast and NatureScot have both recommended an adaptation plan
- 6) All MAT should be subject to planning and not part of flood scheme as offers no flood reduction
- 7) The MFPS will affect my enjoyment of the amenity at Fisherrow and I require compensation for this loss.

[REDACTED]

Subject: (0492) Musselburgh FPS - HES Response
Sent: 24/04/2024, 11:10:23
From: [REDACTED]
To: Musselburgh Flood Protection Objections
Attachments: [20240424 Musselburgh FPS HESResponse.pdf](#)

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Please see our response attached.

Kind regards

[REDACTED]

[REDACTED] | Heritage Directorate Historic Environment Scotland | Àrainneachd Eachdraidheil Alba
Longmore House, Salisbury Place, Edinburgh, EH9 1SH
T: [REDACTED]
E: [REDACTED]

To make sure that we reply to your enquiry or request quickly, we'd appreciate it if you could send it to one of our mailboxes. These are checked regularly during working hours. Please select the correct mailbox from this list:

- Scheduled monument consent applications and related pre-application or post-application enquiries: ScheduledMonumentConsent@hes.scot
 - Statutory consultations and any associated pre-application enquiries: HMConsultations@hes.scot
 - General enquiries not related to scheduled monument consent or statutory consultations: HMenquiries@hes.scot
- If you're not sure which mailbox to use please ring us on 0131-668-8716 and we will be happy to help you!

<https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.historicenvironment.scot%2F&data=05%7C02%7Cmfpsobjections%40eastlothian.gov.uk%7C9b9c9701c61a491aa76308dc6446c3c6%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638495502575343526%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=Ut%2BFT2DXbZ5sbulU10bWMq%2BBLc2zxjx2Z4064Z4OSSQ%3D&reserved=0>

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20240424 Musselburgh FPS HESResponse

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Historic Environment Scotland Enterprises Ltd – Company No. SC510997 Registered office: Longmore House, Salisbury Place, Edinburgh, EH9 1SH
Scran Ltd – Company No. SC163518 Registered office: John Sinclair House, 16 Bernard Terrace, Edinburgh, EH8 9NX

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By email to:
mfpsobjections@eastlothian.gov.uk

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Service Manager - Governance
East Lothian Council
Legal Services

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: [REDACTED]
Your ref: CG/11481
24 April 2024

Dear Service Manager

Flood Risk Management (Scotland) Act 2009
Musselburgh Flood Prevention Scheme
EIA Report

Thank you for your consultation which we received on 19 March 2024. We have considered it and its accompanying EIA Report in our role as a consultee under the terms of the above Act and The Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Amendment Regulations 2017 (the 2017 regulations). Our remit is world heritage sites, scheduled monuments and their setting, category A-listed buildings and their setting, and gardens and designed landscapes (GDLs) and battlefields in their respective inventories.

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Our Advice

We **object** to the application because the proposals would result in works to a scheduled monument which would be contrary to policies laid out in National Planning Framework 4 and the Historic Environment Policy for Scotland.

We also wish to make a **representation** relating to the Environmental Impact Assessment Report which we consider does not identify, describe and assess the impacts on cultural heritage in an appropriate manner. As a result, it is not possible for the competent authority to use the Environmental Impact Assessment Report to reach a reasoned conclusion on the proposed scheme.

Further details on both these matters, along with suggested mitigation measures to address them, are provided in the attached Annex.



We would be happy to meet you and the applicants to discuss our concerns and potential solutions. We have already engaged with the Project Team and are providing information and advice to assist them in identifying and rectifying issues with the submitted Environmental Impact Assessment Report and the proposals impacting on the scheduled monument. As a result of this engagement, we expect to be providing revised documents that could allow us to withdraw or amend our objection and representations.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us. As noted above we are already expecting supplementary information for this proposal.

Please contact us if you have any questions about this response. The officer managing this case is Deirdre Cameron who can be contacted by phone on 0131 668 8896 or by email on Deirdre.Cameron@hes.scot

Yours sincerely

Historic Environment Scotland



Annex: Our detailed comments

Proposed Development

We understand the development would comprise the creation of a flood protection scheme comprising a series of physical barriers – walls, embankments, raised [REDACTED] dams and a debris trap – plus associated pumping stations, culverts, drainage works, road works, permanent and temporary access tracks, temporary work compounds and areas, and alterations to and/or demolition of existing structures to facilitate the scheme. The proposals are focussed on the town of Musselburgh and its shoreline, and the valley of the River Esk as far south as Edgelaw and Roseberry Reservoirs.

Background

We were consulted at Scoping for this development. Our response of 17 November 2023 noted that we were content with the principle of the scheme but highlighted our significant concerns about the treatment of cultural heritage interests within the Scoping Report including the lack of detail relating to designated assets, and the lack of detail about potential impacts on those designated assets.

Policy

National policy affirms the *in situ* preservation of the site and setting of scheduled monuments. Policy 7 of **National Planning Framework 4** (NPF4) addresses cultural heritage interests. The following sections of Policy 7 are particularly relevant in this case:

a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.

Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.

c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.

h) Development proposals affecting scheduled monuments will only be supported where:



- i. direct impacts on the scheduled monument are avoided;
- ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or
- iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the mo [REDACTED] its setting have been minimised.

Annex F of National Planning Framework 4 outlines the Mitigation Hierarchy which should be applied to mitigate the impacts of development as follows –

- i. Avoid – by removing the impact from the outset
- ii. Minimise – by reducing the impact
- iii. Restore – by repairing damaged habitats (and by implication other environmental assets)
- iv. Offset - by compensating for the residual impact that remains with preference to on-site over off-site measures

The Historic Environment Policy for Scotland is also relevant in this case, particularly the following policies:

- HEP1: Decisions affecting any part of the historic environment should be informed by an inclusive understanding of its breadth and cultural significance.
- HEP2: Decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations.
- HEP4: Changes to specific assets and their context should be managed in a way that protects the historic environment. Opportunities for enhancement should be identified where appropriate.

Scheduled Monument Consent Policy is relevant to impacts on the scheduled monument known as [SM6020 Eastfield, enclosures and pit alignments, Old Craighall](#)

The following policies are particularly applicable to this case:

- SMCP1: Works to scheduled monuments will normally only be permitted if they have minimal impact upon a monument's cultural significance.
- SMCP4: Proposals for change should be carefully considered, based on good authority, sensitively designed, and properly planned and executed. The level of information provided should be in proportion to the sensitivity of the monument or feature and the level of change proposed.

For all applications where change is proposed, the following factors will be taken into account when considering if works meet this policy:



- a) the use of appropriate assessment methodologies to determine the full impact of any proposed management, use or development on a monument's fabric and/or cultural significance;
- b) the avoidance of irreversible change, particularly wherever its effects cannot be adequately assessed
- c) that where change is necessary, strategies should be adopted to mitigate its impact and limit intervention

EIA Report

We note and welcome the inclusion of cultural heritage interests in the Report. However, we do not consider those interests have been addressed or assessed adequately in the Report. Our concerns relate to the following aspects of the EIAR process -

Methodology

A baseline methodology for the assessment of significance of effect is outlined in Chapter 3, Section 7. This methodology has been adopted for the assessment of cultural heritage impacts (13.3.6) without apparent modification.

The assessment of effect is obtained by comparing the Significance/Value of a receptor against the Magnitude of Impact (Table 3-4). Both of these criteria are defined in a preceding stage. The determination of Magnitude of Impact is described in 3.7.3 and Table 3-3. The Scale of Impact values used in that process are not defined in the Report. It is therefore not possible to conclude whether the determination of effect values generated by the process are accurate.

The criteria for the Significance/Value of cultural heritage assets are described in section 13.5.5 and Table 13-1 of the Cultural Heritage Chapter and Table 1 in Appendix B13:2. The values applied to cultural heritage assets are different in these two documents. It is not clear which values have been used in the assessment process.

As a result it is not possible to understand how the stated magnitudes of impact for individual cultural heritage assets have been reached.

Lack of consideration of setting of assets

The descriptions of cultural heritage assets within HES's remit incorporate little or no consideration of their settings. Setting forms an integral part of the cultural significance of designated assets, and should be considered in the EIA process.

As a result, it is not possible to understand whether the assessment of impacts on designated cultural heritage assets has been carried out in an a fully-informed manner.

Lack of information relating to physical and setting impacts



The Report does not contain sufficient description of the impacts that will be experienced by cultural heritage assets within HES's remit. Where they are mentioned, setting impacts are not considered in detail. Similarly the description of direct physical impacts on designated assets is limited and varies between assets.

It is therefore not possible to understand or scrutinise the values for Magnitude of Impact on cultural heritage assets stated in the Report, nor the conclusions on Significance of Effect which have been drawn from them.

Mitigation measures

As described above, the Report does not provide a sound understanding of the physical and setting impacts that would be experienced by cultural heritage assets. We note that section 4.5 of the Report lists embedded mitigation measures but these do not adequately describe the impacts they are meant to be mitigating. Likewise Table B13.1.6 summarises impacts and mitigation not fully described elsewhere. Therefore, it is not possible to determine whether any mitigation measures described would address those impacts appropriately or effectively.

As a result of these issues, it is our opinion that the EIA Report does not contain sufficient information to identify, describe and assess significant effects in an appropriate manner as required by Section 2A (2) of the 2017 Regulations.

Historic Environment Scotland's interest

There are five nationally important cultural heritage assets that will experience direct physical impacts from the works

- [LB38378 Old Bridge](#)
- [BTL15 Battle of Pinkie](#)
- [GDL00313 Pinkie House](#)
- [GDL00128 Dalkeith House \(Palace\)](#)
- [SM6020 Eastfield, enclosures and pit alignments, Old Craighall](#)

We expect these assets, along with a number of others, will also experience impacts to their settings. As noted above, the nature and significance of the impacts on designated cultural heritage assets is not fully explained in the EIA Report and it is therefore not possible to provide specific detailed comments for the majority of assets within our remit at this time, particularly for setting impacts.

For HES's interests, this lack of information is particularly notable for the Old Bridge in Musselburgh where HES has been involved in pre-application consultations with the developers to develop a suitable mitigation strategy for the impacts to the bridge. While the cultural heritage chapter and the Stage 4 Outline Design Statement cover some of the details of this strategy, these are not laid out fully in the EIA Report.



The proposed works to Eastfield enclosures and pit alignments, Old Craighall comprise the construction and removal of a temporary access track and works compound, and the construction of a permanent access track. These will facilitate the construction, use and maintenance of a proposed debris trap across the River Esk. The works are described in sufficient detail to raise significant concerns for our interests. [REDACTED]

Eastfield, enclosures and pit alignments, Old Craighall (SM6020)

The monument comprises a series of four enclosures, two pit alignments and a series of associated, less regular features visible as cropmarks on oblique aerial photographs. The monument is of national importance for its potential to contribute to our knowledge of prehistoric settlement, economy, and environment. The association of well-defined enclosures and field systems has the potential to provide evidence for the development of land management regimes during the prehistoric period.

The design for the construction phase of the proposed development includes upgrading a farm track to form a temporary access road, the creation of approximately 200m of new road, and the addition of an area of hard standing to create a temporary works compound, all within the monument. A smaller scale track across the monument would be retained during the operational phase.

The EIAR assesses both the temporary and permanent additions as having minor adverse effects on the monument. We disagree with this assessment. An addition of this magnitude to the monument, and the physical damage this could cause, would have a significant adverse impact raising issues of national importance such that we would object to the proposals.

Eastfield, enclosures and pit alignments, Old Craighall (SM6020) is not included in Table 13-2 of the cultural heritage chapter which considers potential adverse effects and their mitigation. The EIAR notes that this portion of the proposals would require scheduled monument consent (SMC) from Historic Environment Scotland (HES) and suggests that consultation with HES during this process would provide sufficient mitigation measures.

Obtaining SMC for this proposed level of intervention to a nationally important scheduled monument would not be a formality. Strong justification would be needed to demonstrate that works that affected the monument were the only viable option and that sufficient steps had been taken to minimise any adverse impacts on the asset. To meet Scheduled Monument Consents Policy, it would be necessary to show that the intervention would have minimal effect on the cultural significance of the monument, or would clearly generate public benefits of national importance that outweigh the impact on the nationally important cultural significance of the monument. The information provided in the EIA Report does not do this.



As a proposal with the potential to go beyond the minimum level of intervention consistent with conserving the cultural significance of the monument, an application for scheduled monument consent for the track may also have to be referred to Scottish Ministers for determination.

In accordance with the Mitigation Hierarchy described in NPF4, we would expect avoidance to be the first mitigation option considered to prevent impacts to this scheduled monument. The Report provides no information relating to the decision-making process that led to the current proposal. We recommend that all mitigation options should be reconsidered and a detailed options appraisal should be provided to show how the resulting decision on mitigating the impact of the access route has been reached.

If the options appraisal shows that avoidance is not possible, there should be detailed assessment of the potential for physical damage to the monument during the construction phase and how this could be avoided or minimised. There should also be consideration of how the footprint of the wider temporary road would be reinstated at the end of the construction phase in order to avoid damage from the stripping of imported material. Consideration should also be given to how the land would be reinstated to prevent increased impact when agricultural activities resume.

If it is demonstrated that the works are necessary then further mitigation of adverse impacts on the monument by design of route, construction methodology, and usage should be included. The EIAR suggests that the road would be built up from the surface, but does not consider impacts from any necessary topsoil stripping, nor impacts from compression when imported material is laid and heavy machinery is driven over the monument. Measures to mitigate these impacts should be indicated. The EIAR states there would be visual impacts on the monument but does not assess these or explain how they would be mitigated. Measures would also be required to mitigate damage from stripping of imported material at the end of the construction phase and to prevent increased impact from agricultural activities when the road is narrowed and land returned to agriculture.

Recommended actions

We recommend the following actions to mitigate our concerns –

EIA Report

Revisions to the EIA Report to include the following –

- Use of an assessment methodology appropriate for assessment of impacts on cultural heritage assets in accordance with guidance provided in the Environmental Impact Assessment Handbook.



- Provision of setting assessments for designated cultural heritage assets where appropriate.
- Descriptions of physical, setting and cumulative impacts on designated cultural heritage assets. Illustrative material should be provided if appropriate.
- Explanation of mitigation options selected and how they will operate to minimise impacts.

Impacts to Eastfield, enclosures and pit alignments, Old Craighall (SM6020)

- A full review/options appraisal of the route selection process prioritising options for avoidance should be undertaken and documented.
- If avoidance is not possible, a detailed description of the impacts and their effect on the cultural significance of the monument should be provided. Where the exact nature of the works is not yet known (e.g. details are subject to the advice of individual contractors) a “design envelope” approach should be applied outlining the maximum impacts and resultant effects expected.

Our position

We **object** to the proposal as insufficient information has been provided to justify significant impacts on the scheduled monument known as Eastfield, enclosures and pit alignments, Old Craighall (SM6020). As a result, the proposals are contrary to Policy 7h of NPF4 and Policy HEP1 of the Historic Environment Policy for Scotland.

In the form described in the Report, the works would also be contrary to Scheduled Monument Consent Policies SMCP 1 and SMCP4. The expected scheduled monument consent offered as control over the mitigation process for the impacts on the monument could not be granted.

An amendment to the route of the access trackway to avoid the scheduled monument, or provision of a detailed options appraisal with justification for routing the access trackway through the monument and design mitigation to reduce the adverse impact on the monument would allow us to reconsider this objection.

We wish to make a **representation** that we do not consider the Environmental Impact Assessment Report identifies, describes or assesses the significant effects of the scheme in an appropriate manner as required by Section 2A (2) of the 2017 Regulations. As a result, the Report does not contain sufficient information to allow the competent authority to reach an informed decision on the proposals.

Provision of appropriate supplementary information would address this issue.

Historic Environment Scotland

24 April 2024

Subject: (0493) Objection to MFPS
Sent: 24/04/2024, 11:12:12
From: [REDACTED]
To: Musselburgh Flood Protection Objections

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Dear Legal Services

Please see my objections below to the MFPS.

- 1) Lack of nature based solutions at coast
- 2) A coastal engineered defence is premature
- 3) A sea wall could be undermined by erosion
- 4) Goosegreen bridge does not reduce flood risk
- 5) Dynamic Coast and NatureScot have both recommended an adaptation plan
- 6) All MAT should be subject to planning and not part of flood scheme as offers no flood reduction
- 7) The MFPS will affect my enjoyment of the amenity at Fisherrow and I require compensation for this loss.

[REDACTED]

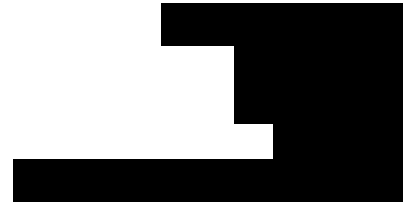
Subject: (0494) Flood scheme objection letter
Sent: 24/04/2024, 11:15:06
From: [REDACTED]
To: Musselburgh Flood Protection Objections
Attachments: [flood scheme objection \[REDACTED\].pdf](#)

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Please find attached in a PDF format my formal objection to the Musselburgh Flood Scheme.
I'd be grateful if you could acknowledge safe receipt of my email and contents.
Yours sincerely
[REDACTED]



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

24 April 2024

Dear Mr Grilli

I am writing to you about the Council's recently published Musselburgh Flood Protection Scheme, which I wish to object to.

I live close to the River Esk, which has long been a green space my family and I have used on a regular basis. I am most anxious that the current scheme will irrevocably change the character of this valuable amenity for the worse, damaging one of Musselburgh's most beloved and striking features for residents and visitors alike.

I wish to register my grave concerns over the scale of the proposed measures – notably some of the wall heights proposed - on the grounds of the significant impact this will have on people who live in Musselburgh and visitor who come to enjoy the town's amenities. I am greatly concerned about the walls being targets for tagging and graffiti and the detrimental visual impact this will have and maintenance and repair burden this will create. The scheme's Active Travel routes being approx. 5m wide will add a significant amount of hard landscaping at the expense of greenspace. This will have a detrimental impact on aesthetics and wellbeing but may contribute to difficulties of surface water management. The tree survey report completed in 2022 pre-dates public access to a detailed design for the scheme and has not been updated, to clearly assess of the effects of tree removal which will actually take place.

I wish to object because the Scheme, in its current form, does not offer alternative scenarios and is wedded to a one-in-two-hundred year event. Guidance published by the Scottish Government asserts that multiple scenarios should be provided. I question how the Council can make an assessment of what is necessary without seeing a range of options. Engineering solutions must be proportionate to both the identified and calculated risk and to the specific topographic and heritage context (e.g. listed building and conservation area assets) which will be visually and physically affected by them. They need to be minimal as possible and prioritise the upstream potential for natural solutions. The Council was informed that

Natural Flood Management (NFM) should be restricted to 3 interventions (use of 2 small reservoirs in the Pentlands, and a tree-catcher in Dalkeith Country Park). NFM could include a whole range of techniques to slow the flow of the river throughout the catchments, and to encourage the natural dune system along the coast. The fact these were discounted at the start is wrong and the situation is made worse by the exclusion of NFM decided upon in October.

There are places where modelling of the detailed changes in flooding that the scheme will produce has not yet been done. I understand that the Council commissioned a report from Dynamic Coast, but the findings of this are not yet publicly available. Why is the Council making a significant decision impacting the community of Musselburgh without being open about the full range of evidence? This extends to the scientific calculations being used by the project team, which have been requested but are also not publicly available. Local residents have asked to see the data underpinning the scientific calculations of the project team, but these requests have been ignored. What is the reason for the lack of transparency?

I wish to express my grave reservations on the cost of this scheme, which is currently stands at £132m in total, including £53m for the flood protection part. I'm particularly concerned as that there are no cost breakdowns in the public domain. Why has no cap been put on the cost?

£4m has been spent by December 2023 on design and consultations against a decreasing budget available for core Council services such as care for the elderly, essential community health and wellbeing amenities: libraries, leisure and culture (e.g. Brunton Hall repairs). These budget/spending priorities are wrong. It would appear that the proposed Goose Green bridge and the replacement Ivanhoe bridge seems to have no flood defence significance and therefore these should be not be included in the scheme on cost-cutting grounds.

The engineers appointed to design the project have also been allowed to write the Environmental Impact Assessment (EIA). They carried out an options appraisal that ruled out all alternatives to the current scheme, without those options being made available for public scrutiny or debate. Throughout the scheme the consultants and engineers have not been subject to challenge or adequate scrutiny.

I would welcome an acknowledgement that my letter has been received. Please advise what the next steps and timescales are. I would like communication to be via email or post.

Yours sincerely

[Redacted signature]

[Redacted contact information]

Subject: (0486) Objection to the Musselburgh Flood Protection Scheme

Sent: 24/04/2024, 10:22:45

From: [REDACTED]

To: Musselburgh Flood Protection Objections

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.

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

[REDACTED]

23 April 2024

mfpsobjections@eastlothian.gov.uk

This is a copy of my Objection Letter hand delivered to your office

Dear Mr Grilli,

Regarding: Objections to the Musselburgh Flood Protection Scheme

As a tax payer I am writing to object to an aspect of the Musselburgh Flood Protection Scheme which shows that the public is being misled about the visual appearance of the flood defence walls.

The public is being misled by the photomontages in the Non-technical summary of the EIA. There are no photomontages of the west bank of the Esk on sections where the flood defence wall is proposed, starting at the Olive Bank Bridge down to the mouth of the Esk. In contrast, there are several photomontages showing the east bank of the Esk, and a few show the ramps leading up to the top of the flood defence walls on the west side. But the latter do not show the height of the walls down to the river bed.

See Non-technical summary in the EIA: <https://www.musselburghfloodprotection.com/wp-content/uploads/2024/03/MFPS-EIA-Report-Non-Technical-Summary-FOR-ISSUE.pdf>

More specifically, from the Electric Bridge down to the mouth of the Esk there are no photomontages of the flood defence walls on **either** side of the river except for the one mentioned below. The walls are up to 3.0m, possibly higher in places, from the river bed up to the top of the walls, although the lower parts of the wall would be covered by water depending on the river and tide level.

The one exception regarding the misleading photomontages of the west side of the Esk is in Newsletter No 5 which shows the wall on the west bank of the Esk in the far distance, beyond the proposed Goose Green Bridge. At such a distance it is difficult for the viewer to see how high the wall is.

I have also seen magazine articles which show this biased selection of photomontages. For example, see Scottish Housing News 26 January 2024. The walls on the west side are so high that people in wheel chairs, pre-teen children and people sitting on a bench beside the path, will not get a view of the river.

See <https://www.scottishhousingnews.com/articles/musselburgh-approves-outline-flood-protection-scheme-design>

A recent article in the East Lothian Courier includes 14 photos of the scheme, none on which show the sections of the Scheme with high walls.

<https://www.eastlothiancourier.com/news/24072504.first-look-proposed-musselburgh-flood-defences-look/>

If I have missed any photomontages which show the wall along certain sections of the west bank of the Esk, please let me know in your reply to this Letter of Objection. I may have missed them because there currently are, and have been, thousands of pages of documents to inspect. It is unreasonable to expect the public to look at every page.

I also object to the fact that a person falling off the high walls on the wet-side could seriously injure themselves if they landed on the riverbed, on a rocky shelf or steep slope at the base of the walls, and possibly drown if they fell into deep or fast running water.

For health and safety reasons there needs to be a flat shelf on the wet-side covered with soil of a sufficient depth to absorb the impact of a falling person. It also needs to be high enough to stop a falling person landing on deep water at high tide, or being swept away by fast flowing water.

This shelf would provide a safe place for wild birds to roost. Indeed, one of the attractions of the Esk is to watch the amazing variety of bird species getting on with their lives.

It is also misleading to show extensive and well-maintained riparian areas covered with shrubs and flower beds, given East Lothian Council have limited resources to maintain these areas. They will also accumulate litter and it is well known that litter begets litter.

Finally, it hardly needs to be said that these hideous walls will be soon covered with graffiti, whatever surface the walls have to prevent this. Merely scribbles spray painted on them will make the eye-sore even worse. And the Council just doesn't have the resources to continuously clean the walls? Just as litter begets litter, so does graffiti beget graffiti.

I shall appreciate acknowledgement by both email and in writing that this Letter of Objection has been received.

Yours sincerely,


See address above

Sent from [Outlook](#)

Subject: (0496) objections to the flood scheme.
Sent: 24/04/2024, 11:34:42
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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To Whom It May Concern.

I am objecting to the flood scheme in its current form as I am concerned about its implementation along the coast. I understand that the wall that is planned will obscure the view of the sea from the current line of benches, and that people will not be able to walk along the proposed path and sit to look at the sea. I also understand that the height of the wall will be such that a young person or a person using a wheelchair using the path will not be able to see over the wall and view the sea. I am also concerned about the amount of land that will be lost on the promenade to build the new path and embankment.

I live in Musselburgh [REDACTED] and I am not objecting to the building of flood defences along the coast. I am concerned that they be built in as sensitive a way as possible and in a way that retains the current look of the area as much as possible. This includes flood defences along the river as well as those placed along the coast. I would very much miss being able to view the sea as I walk to and from my building and along the prom, as I am sure would many others. I am concerned that as the path is to be built on top of an embankment that this will be the case. I am also concerned that the new path is planned to be 5 metres wide, and is to be built to encourage bicyclists to connect with the opposite side of the river using the proposed new bridge at the mouth of the Esk. At the moment groups of bikers use the road and one of the existing bridges to connect with the other side of the Esk. These groups are often large, as many as 10 or 12 at a time, if not more, and they travel at speed. I am concerned at groups of this size being encouraged to use the same path as pedestrians, children, the elderly, dog-walkers, people with babies in prams or toddling.

I understand that the bridge, and widened pathway are part of the Musselburgh Active Town proposals. I am led to believe that this scheme is currently on hold but that the infrastructure for it is contained within the Flood Scheme. I would not like to see the Flood Scheme go ahead in its current form for this reason.

I would like an acknowledgement of my email and I would like to see my concerns addressed in writing, either to myself individually or contained in a public document. I expressly do not want a visit to my home.

Sincerely

[REDACTED]

Subject: (0497) MFPS
Sent: 24/04/2024, 11:54:10
From: [Redacted]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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Dear Legal Services,
Pleaser see my objections below to the MFPS.

- 1) Lack of nature based solutions.
- 2)Goosegreen bridge does not reduce flood risk.
- 3) Dynamic Coast and NatureScot have both recommended an adaption plan.
- 4) All MAT should be subject to planning and not part of flood scheme as offers no flood reduction.
- 5)The MFPS will affect my enjoyment of nature walks along the Esk and the coast.

[Redacted]

[Redacted]

Subject: (0498 NO ADDRESS) Objection of Musselburgh flood defence scheme

Sent: 24/04/2024, 11:58:19

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up

Flag Status: Completed

Categories: NO ADDRESS

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

Dear Sir/Madam,

I am writing to you to formally object to the recently published Musselburgh Flood Protection Scheme. I urge you to consider all of the objections we are raising in regards to the scheme.

To many residents of Musselburgh and far beyond, the Flood Protection Scheme does not go in favour of anything that is being proposed and is to the detriment of our attractive, valued town and the environment & wildlife in and surrounding Musselburgh.

A list of my main objections are as follows:

1) Environmental impact.

The construction of the defences will cause an endless and irreparable amount of environmental damage and upheaval - not only affecting the health and wellbeing of the residents of Musselburgh but also (and more so) the wildlife and herbaceous layer for the whole area in which the scheme is planned to cover.

As a person who lives and works in this area and uses the outdoors; I cannot stress enough the impact that this will have. The impact will be no less than devastating for our planet and life.

As you will know, Musselburgh, The River Esk and The Firth of Forth is a place of rare and vibrant migrating birds, sea life, protected river fish and the most incredible and rare medicinal plant life aswell as ancient protected trees, with Levenhall Links even being a place of Special Scientific Interest.

The impact of the scheme will drive ALL of the above away, wiping out thousands of animals and plants including the ancient trees. The habitat destruction will be utterly devastating.

These animals, plants and trees all contribute to the planet's ecosystem. We MUST respect and protect that. We are trying to look after climate control and this is going against anything in support of climate control.

I cannot say enough about this matter. It is of my utmost concern.

Should the scheme be approved, there will undeniably be a horrendous amount of damage to all species in the river at risk. The noise from digging & pile driving the foundations will be so damaging. The spillage of harmful materials into the water of the River Esk and Firth of Forth for an unknown amount of time will poison all river life, sea life and human life. This is both appalling and terrifying. The inconsideration for this is mind boggling and majorly concerning.

Removal of trees/shrubs and replacing with concrete will raise the water temperature and alter the habitat detrimentally. Again, this brings in the concern surrounding climate control.

Migratory Salmon & sea trout have been given no consideration and their spawning grounds will be ruined. Salmon is a protected species declining in numbers. Why has this not been considered? Destroying the habitat for an unspecified amount of time is

nonsensical for a scheme which by its own admission may cause more surface water issues as the concrete blocks natural drainage into the river. Water will have nowhere to go. Leaving more of a risk than that which lies with us right now.

2) There being no sufficient evidence And incorrect data surrounding the flood risks of Musselburgh.
This is a huge factor for many of our objections. The data we have been shown surrounding the decision to plan a flood prevention scheme is incorrect and insufficient. After questioning this, we have yet to be shown any correct information and answers or even considered in our concerns. This to so many of us is raises huge alarm bells. WE NEED ANSWERS.

3) Very basic and fundamental failures in the Flood Protection Schemes in Brechin and near Manchester.
Flood protection schemes were completed and both areas have encountered the WORST flooding ever experienced proving the schemes methodology isn't correct.
This seems utterly unacceptable and a danger to us all whilst be are being told otherwise. Recognition needs to be taken surrounding these concerns. Why would things be any different in Musselburgh?

4) Musselburgh residents livelihoods being affected negatively.
I want to engage with the fact that many, many businesses will likely need to close with the affects of the scheme - through noise, road disruptions and with public avoidance due to the many visitors to Musselburgh simply not visiting as it'll be such a building site and so unappealing. This is not at all acceptable, especially with the failing economy we are under right now. People will lose homes, family spaces, work spaces and much, much, much more.

5) The unannounced (and seemingly secretive) plans to remove ancient and protected trees from the Inveresk Estate.
The unannounced plans to remove ancient and protected trees from this area should not go ahead. These trees are not only hundreds of years old, PROTECTED but are also essential for climate control. The fact that the residents here have been offered a monetary amount in order to allow this to happen is both illegal and very wrong. The roots of these trees will be so deep into the earth below that the amount of drilling and depth of drilling will be catastrophic. I cannot stress the word 'catastrophic' enough.

6) Severe lack of public involvement.
The severe lack of public involvement in the planning of this scheme is appalling. We have NOT been given a voice. We have NOT been seen.
We are the ones who should be given choices set around the potential risks. At the moment we have been silenced, ignored and are deemed unimportant. PLEASE HEAR OUR CONCERNS.

7) The impact on property value.
The impact on property value all over Musselburgh and the surrounds will be hugely negatively impacted. The work will literally tear apart a whole town. A place that is currently up and coming with many people excitedly moving to Musselburgh because of its appeal. This appeal will no longer exist. People will avoid Musselburgh completely and property values will drop.
This will affect the lives and futures is so many of us.
The talk of the scheme bringing 'active travel through Musselburgh'

8) Pollution effects.
The pollution thrown out by building a concrete wall will be unacceptable in this day and age where we're trying to bring down CO2 emissions. This will affect everybody's health, particularly those with breathing difficulties. It will go on for too long than is acceptable.

9) Cost.
The huge amount of money could be used for investment elsewhere. We are in a sad state of affairs where many residents (including myself) are unable to get a Doctors appointment at Riverside. This money could and should be used for more important things such as helping an ailing NHS, crumbling schools, community centres being closed down due to lack of funding, care homes closing and pitiful high streets, the list is endless.

10) Lack of exploration into alternative nature based solutions.
There has not been any consideration or exploration into defences which will work WITH the environment rather than against it. Cutting down trees can have a devastating effect on our ecosystem, raising temperatures by several degrees and thus exacerbating global warming. Trees are the lungs of the earth and need preserved rather than knocked down to make way for a wall. The devastations to wildlife and plant life that I mentioned in my previous points need no more mention. There ARE other ways.

These are my main objections but there are MANY more I could list such as graffiti on the wall, how engineering works will affect properties, the proposed new bridge at Goose Green which there is absolutely no need for, and my concerns surrounding active travel paths – in which we already have - our cycle paths are among the best in the country and they are well used.

MY FINAL PLEA IS THIS: I urge you to consider the detriment we are faced with and the planetary damage. I urge you listen to and take heed of the views of the residents of Musselburgh. This is our beloved home.

I would be grateful for acknowledgement of receipt of this email.

Yours Sincerely,

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

From: Legal
Sent: 24 April 2024 11:59
To: Musselburgh Flood Protection Objections
Cc: Grilli, Carlo
Subject: (0499 DUPLICATE OF 0459) MAIL: MFPS Objection letter received today 24/04/24 from [REDACTED], [REDACTED]
Attachments: 20240424 MFPS Objection letter from [REDACTED].pdf
Categories: POST, [REDACTED] Added to excel spreadsheet

Hi Carlo,

The attached arrived this morning & I'll acknowledge.

Thanks

[REDACTED]

[REDACTED] | [Legal](#) | [East Lothian Council](#) | [John Muir House](#)
| [Haddington EH41 3HA](#) | T. [REDACTED] | E. [REDACTED] or
legal@eastlothian.gov.uk

Please note my working days are Monday to Thursday



EAST LoTHIAN COUNCIL
RECEIVED
24 APR 2024
LEGAL & PROCUREMENT



23rd April 2024

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

mfpsobjections@eastlothian.gov.uk

To whom it may concern

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

I am an interested party given I am the owner of [redacted] which [redacted] [redacted] to the [redacted] of my property and to the [redacted] of the harbour. As such I have a **right of access directly to the beach** [redacted] which is impacted by the construction of a seawall by the flood prevention Scheme.

I have a number of concerns over security and privacy issues affecting my property and arising from the Scheme, including objections specifically due to public access to the [redacted]

OBJECTIONS:

1. I object to the unclear information around the use of the [redacted] [redacted] need complete clarity on the use, ownership and maintenance of this land before works are agreed to.
2. I object to any disruption or impact on [redacted]
3. I object to privacy and security issues arising from [redacted]
4. I object to any loss of access to the beach from [redacted] and will seek compensation if this is the case.
5. I object that there have been no alternative solutions discussed or presented to me.
6. I object to the premature nature of the Scheme and ask for a **pause now**, for alternative solutions to be presented and discussed.
7. I object to the use of higher climate change scenarios.
8. I object to the lack of information on ongoing maintenance requirements of the scheme.

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

Yours faithfully,

[Redacted signature]

[Redacted content]



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

24 APR 2024
CUSTOMER SERVICES
ELC

EAST LoTHIAN COUNCIL
RECEIVED
24 APR 2024
LEGAL & PROCUREMENT

Subject: (0500) Objection to Musselburgh Flood Protection Scheme

Sent: 24/04/2024, 12:02:50

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [REDACTED]

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From: [REDACTED]

For the attention of: Carlo Grilli, Service Manager - Governance Legal Services, East Lothian Council, John Muir House, Haddington, EH41 3HA.

My objection to the Musselburgh Flood Protection Scheme concerns the misrepresentation of information to the Council and public of East Lothian about the future structure and appearance of the planned flood defences.

On 23rd January 2024, Jacobs presented East Lothian Council with an image, a 'proposed view' of how Eskside East will look after the construction of new flood defences. It was subsequently published in the Musselburgh Courier on 25th January (see Attachment 1).

From the beginning people complained about various discrepancies in this and other similar images. In this particular case, internal evidence suggested that the woman with the buggy was apparently 2.0m (6 feet 7 inches) tall and not of average height (1.6m) as depicted on the accompanying cross-sections. Conversely, if the stock image of the woman were displayed at the correct scale then the width of the Active Travel path (5.0m) was depicted incorrectly (that is, as too narrow).

Jacobs responded to complaints by saying that such errors of scale were allowed, in what was only a 'type 3 visualisation'. People were reassured by Jacobs that these deficiencies would be remedied in their final presentation to the Council.

This has not happened. The latest image submitted to the Council (Attachment 2) is exactly the same as the previous one (Attachment 1). All that has changed is that it is now accompanied by a map showing the location or viewpoint of the photographer (Attachment 3: left map). This is a requirement of a 'type 4 visualisation'. Since the original version of the 'proposed view' (Attachment 1) has not been altered, it is clear that another requirement of a type 4 visualisation - to have a correct scale - has not been met.

More seriously, Jacobs actual map of the flood defences (Attachment 3: right map) shows that in future the photographer, if positioned at his original viewpoint, will not be viewing the river, as shown in the 'Proposed view' image, but will be looking at (or standing on) the pedestrian ramp leading up to the new Shorthope Bridge. This ramp is one of the largest new structures on the eastern bank of the Esk and yet it has been entirely omitted from Jacobs' image showing the future appearance of the river. This cannot be a matter of incompetence or oversight on behalf of the consultants; that would mean they could not understand their own maps. It looks more like a deliberate attempt to mislead the Musselburgh public.

As a long-term [REDACTED] resident of Musselburgh, I'm aware of the current risks of flooding and as a former [REDACTED] [REDACTED] with a lengthy career in Government service, I accept all the implications of climate change. Consequently, I have followed the Musselburgh Flood Protection Scheme with interest, reading the documents, attending presentations and listening to Council meetings online. As a result, I've noted other occasions where the Consultants have misrepresented scientific facts to the public and have depended on the subsequent approval of a misinformed and compliant Council.

For this reason, I believe it is essential that the Scottish Government carry out a full independent assessment of the proposed Musselburgh Flood Protection Scheme.

ATTACHMENTS

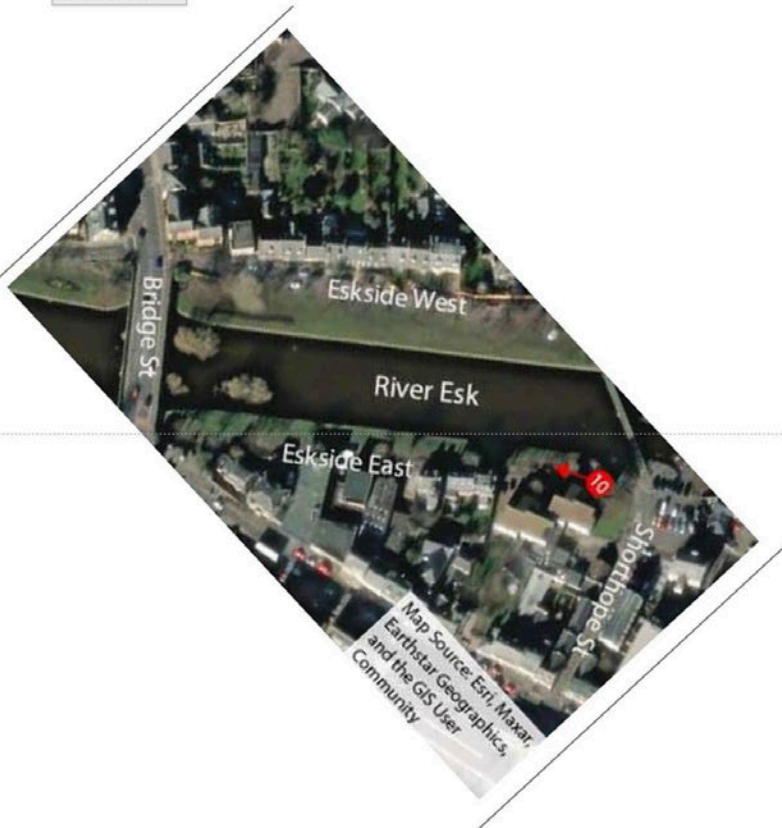


ATTACHMENT 1: From Musselburgh Courier 25 January 2024.



ATTACHMENT 2: The latest proposed view of Eskside East, from the final presentation to East Lothian Council.

Saved to this PC



ATTACHMENT 3: The red dots on these images show the viewpoint of the photographer, who should be looking at (or standing on) the pedestrian ramp leading up to the new Shorthope Bridge. The ramp has been entirely omitted from the associated 'proposed views' above, despite the fact that it is one of the largest new structures on the riverbank.

Subject: (0501 NO ADDRESS) Objection to Works
Sent: 24/04/2024, 12:07:35
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

Categories: NO ADDRESS

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

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

Hello,

I am writing to submit my objection to MFPS. I feel that in the current climate, when the environment needs to be a global priority, the lack of nature based solutions in this case is an embarrassment to East Lothian, and Scotland as a whole.

There needs to be a sensible discussion to ensure any works done are empathetic to the local community and for future generations.

Kind regards,

[REDACTED]

[Yahoo Mail: Search, organise, conquer](#)

Subject: (0502 NO ADDRESS) Objection to the Proposed Musselburgh Flood Protection Scheme

Sent: 24/04/2024, 12:07:30

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up

Flag Status: Completed

Categories: NO ADDRESS

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Carlo Grilli
Legal Services
East Lothian Council
John Muir House
Haddington EH41 3HA

To whom it may concern

I am writing to object to the Musselburgh Flood Protection Scheme. I am a [REDACTED], with a lifetime of study and interest in wetland ecology spanning academia and public service. I have serious concerns about many aspects of this particular scheme, which are not confined to the lack of a clear assessment of the impacts on natural ecological functioning of the river system, but include wider concerns about the lack of transparency in decisions and the fiscally irresponsible use of tax payers money. While I live in the [REDACTED] I visit Musselburgh regularly to take in the riverside walks and enjoy the historic heritage, both of which are going to irrevocably and deleteriously impacted.

Science and Data Deficiencies:

I will start with the exclusion of any serious natural flood management techniques (tokenistic ones excluded), which casts doubts on the credibility of this scheme, which seems to me to be driven by engineering hubris and far less on science or facts. Nature based solutions are not just a fad and are endorsed at all levels, including by the Scottish Government. This scheme seems to have a systemic disregard for sustainability (steel and concrete being the most carbon intensive building materials) but also those very nature-based solutions that could offer much more effective and environmentally friendly flood mitigation strategies.

The absence of alternative scenarios and the refusal to provide comprehensive data undermine the credibility of the flood protection proposals. Scottish Government advocates the consideration of a range of scenarios, yet the council relies on a single model, which disregards best practice. It instead accepts an overly-engineered, insensitive and expensive solution that risks not just the environment but any semblance of fiscal responsibility.

The decision-making process lacks transparency, e.g. the undisclosed Dynamic Coast report and the dismissal of repeated requests for access to scientific data. The manipulation of flood defense heights to fit the predetermined solution is circular and calls into question the integrity of the entire project, leaving aside the hideous landscape scale impact of the engineering structures.

Transparency and Process Issues:

The roles of project consultants and engineers, coupled with the lack of public scrutiny, raise also concerns about conflicts of interest and accountability. The approval of the scheme by the council without full access to the Environmental Impact Assessment shows a lack of due diligence and transparency in the decision-making process, another potential breach of international convention, that could expose ELC to judicial review.

Attempts by local residents to engage have only been met with bureaucratic hurdles, with responses directed to the project team, blurring the lines of responsibility and accountability. The failure to address public concerns and provide meaningful avenues for participation undermines trust in the council's ability to represent the interests of the community.

Active Travel Integration:

The integration of Musselburgh Active Town proposals with the flood protection scheme is opaque. Without transparent cost assessments it undermines the credibility of both initiatives. The lack of clarity regarding the cost and scope of the MAT scheme, a tangential relationship to flood protection objectives, raises more questions than it answers. Furthermore, the

inclusion of MAT components (a bridge) that do not contribute to flood protection detract from the scheme's efficacy and diverts resources from more pressing needs. The expansion of MAT proposals beyond initial consultations without public consent further exacerbates concerns about accountability and transparency.

General Amenity, Health, and Well-being Impacts:

The prolonged construction period and disruptive nature of the project pose significant threats to the well-being and quality of life of residents. Historic properties are at risk from construction activities, while disruptions to Common Good land deprive the community of vital recreational and semi natural or open spaces. The quality and integrity of the Conservation area is at serious risk. The Conservation Area and river side are the central attributes that make this town liveable in and attractive to tourists.

There seems to be inconsistency in the number of properties actually protected by the scheme. I could not find robust evidence about the project's efficacy in delivering any broader tangible benefits to the community.

Cost Concerns:

There's a serious lack of transparency regarding costs and the absence of a ceiling raises doubts about the fiscal responsibility and feasibility of the scheme. With millions already spent on design and what appear to be misleading consultations, there's also a serious misalignment with current public needs and priorities. Unchecked the escalation of costs is inevitable. Furthermore, the notion that securing funding now is the only option, disregards the availability of future funding, which leads to unjustified haste in decisions. Without thorough consideration of the range of alternatives, which are potentially more cost effective and less damaging to the natural and built heritage, the scheme's cost benefit assessment is undermined.

Conclusion:

In conclusion, the proposed flood protection scheme suffers from too many deficiencies, ranging from fiscal irresponsibility and scientific inadequacies to transparency and misalignment of local priorities.

I'd appreciate an acknowledgement that you have received this.

Kind regards

[Redacted signature]

Sent with [Proton Mail](#) secure email.

Subject: (0503) Objections to Musselburgh Flood Protection Scheme from [REDACTED]

Sent: 24/04/2024, 12:24:58

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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I wish to make the following objections to the Musselburgh Flood Protection Scheme (MFPS):

1. LACK OF CONSULTATION AND TRANSPARENCY

There was no real consultation with Musselburgh residents. We were presented with one type of scheme that had already been decided on. We were able to give feedback on that scheme but there was no public discussion about other possible options.

The Environmental Impact Assessment (EIA) was carried out by the contractor, Jacobs. It ruled out alternatives to the current scheme and restricted natural flood management measures to three small interventions (2 small reservoirs and a tree catcher). How can this possibly be a transparent or robust process when the contractor is allowed to conduct their own EIA without any independent oversight or public scrutiny?

2. LACK OF CLARITY RE PLANNING/FEEDBACK PROCESS FOR MUSSELBURGH ACTIVE TOUN (MAT) SCHEME

I understand that the latest information from East Lothian Council (ELC) on MAT is that it has been excluded from the MFPS objection process and that a separate planning/feedback process will be conducted for MAT at a later date.

This stance surely cannot stand up to even the most cursory scrutiny. It is impossible to separate the two schemes. MAT is integral to MFPS. Without MAT we would not have the wide tarmac paths along the riverbanks or the extra ramps on Eskside East. Without MAT it might have been possible to build the flood walls further from the river in more places allowing us to keep more of our wide, green riverbanks and reducing the need to narrow and deepen the river. Without MAT we would not have an embankment wide enough to accommodate a 5 metre wide cycle track along the seafront or an additional bridge at the estuary.

Therefore I strongly object to MAT being removed from the MFPS objection process.

3. UNNECESSARY ADDITIONAL BRIDGE AT THE ESTUARY

I simply cannot see any justification for the building of this bridge. There can surely be no argument for it as a flood defence as one of the essential features of a bridge is to let water flow beneath it! Nor can it be justified as part of MAT as there will be another cycle bridge, literally a couple of minutes away by bike, which is accessible from an existing surfaced path, currently used by cyclists, which, in turn, is only yards away from the proposed new cycleway being built to connect with the aforementioned bridge.

If this bridge goes ahead it will constitute a) an outrageous waste of taxpayers' money and b) gratuitous destruction of the natural environment in a beautiful and tranquil part of Musselburgh.

4. ENVIRONMENTAL DAMAGE

The River Esk, along with the trees and vegetation on its banks, provides habitat for a broad range of wildlife. The proliferation of tarmac and concrete and reduction of green space, along with the canalisation of the river and the steepening of its banks, will make it much harder for birds and other wild creatures to feed, find shelter and rear their young. The replacement vegetation that is proposed will not adequately provide this. River birds will not use the scrapes for these purposes. It is not their natural environment and the scrapes are only designed to allow sea birds to roost during high tides.

I also have huge concern about the impact of construction along the seafront on the many species of sea and coastal birds that are native to this area or migrate here.

5. LOSS OF AMENITY/IMPACT ON MENTAL HEALTH

I have lived in Musselburgh for over 20 years and my regular walk has always been down the river and along the seafront from the estuary towards the harbour. The beauty of the river with its trees and wildlife and then the opening out at the estuary, a place of land, water, sky, shifting light and the calls of seabirds, never fails to give me joy. The seafront at Musselburgh is the last remaining undeveloped, green stretch of coast from the west side of Edinburgh down to Seton Sands. This scheme, with its five metre wide cycleway, will change it irreparably for the worse.

My walks in the green and blue spaces of Musselburgh are vital to my mental health. The urbanisation which will result from MFPS, not to mention the loss of access during the five years plus construction process, will make it much harder for me to maintain my mental equilibrium.

6. MFPS IS OUT OF STEP WITH SCOTTISH GOVERNMENT POLICY

Along with many other people in Musselburgh, I agree that we will need some kind of flood protection. However, we have been given no real choice and there has been no independent assessment of the alternatives.

The Scottish Government is moving away from the model of funding local authorities to establish flood defences within their local authority boundaries towards more natural flood management over the whole course of the river. This is likely to be contained in their flood resilience strategy due to be published later this year. Surely it would be better for ELC to await the publication of this strategy and take on board its recommendations rather than pressing on with this outdated and discredited mode of flood defence.

Please acknowledge receipt of this email.

Kind regards

Subject: (0504) Fwd: Objection letter from key stakeholder
Sent: 24/04/2024, 12:25:15
From: Friends oftheeartheastlothian [redacted]
To: Musselburgh Flood Protection Objections
Attachments: [MFPS objections FOEEL \(3\).docx](#)

Follow Up Flag: Follow up
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----- Forwarded message -----
From: Friends oftheeartheastlothian <[redacted]>
Date: Tue, 23 Apr 2024 at 19:22
Subject: Objection letter from key stakeholder
To: musselburghfps@eastlothian.gov.uk <musselburghfps@eastlothian.gov.uk>
Cc: [redacted]

Dear Sir/Madam,

Please find attached a letter of objection from Friends of the Earth East Lothian.

Best wishes,
[redacted]

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

██████████ on behalf of
Friends of the Earth East Lothian

23/04/2024

MUSSELBURGH FLOOD PROTECTION SCHEME 2024

Dear sir/madam,

In response to notification as a key stakeholder, Friends of the Earth East Lothian would like to object to the proposed scheme for the following reasons;

1. Design - The scheme uses two different climate change predictions for coast and river with no scientific explanation for this. It is an inflexible response to what we know will be an unpredictable future, rather than adopting an iterative approach, now considered more appropriate to deal with this level of uncertainty and human adaptation/mitigation efforts.
2. Process - The full Environmental Impact Assessment was not available for consideration by council members at the meeting on 23 January 2024 when a decision was made to notify the proposed scheme, despite identifying significant negative impacts.
3. Process/lack of transparency - Throughout the process so far there has been a lack of independent specialist review which is needed for a scheme of this size, cost and complexity, which it is stated will have many adverse impacts on Musselburgh and nearby.
4. Process - The options appraisal process has excluded catchment-wide natural flood management entirely, reportedly due to the flawed limitations of Scottish Government/COSLA uncapped (Cycle 1) funding being available only for infrastructure, and because NFM solutions are not yet proven at relevant scales (eg. the Eddleston project). We think more time is needed to build the Esk Forum and collect more data for a catchment-wide approach. Cycle 2 funding would reportedly allow for development of more environmentally friendly flood resilience options to be considered, in line with the [draft flood resilience strategy for Scotland due to be published later this year](#). This strategy reflects a proposed change in policy away from 'fixing floods' and recommending planning policies change to focus on making local communities more resilient instead.
5. Cost to taxpayers and lack of transparency - East Lothian Council appears to be going ahead with the around £100 Million proposed scheme despite having one of the highest budget deficits in the UK, which is likely to disproportionately influence its decision-making in favour of potential financial gain. ELC has not confirmed whether it intends to sell Eskside Common Good Land protected by the scheme following construction for housing development. The draft flood resilience strategy recommends that ' New

developments in areas of high flood risk (current and future) are avoided and flood plains give space for water’.

6. There are 4 other potentially vulnerable areas for flooding in East Lothian (see [Flood management plan Forth Estuary](#)). We would argue a catchment-wide design including natural flood management for Musselburgh is crucially important to set the standard for an environmentally sustainable flood resilience throughout the county. This overengineered and costly proposal relying only on hard engineering solutions is highly unlikely to provide a sustainable model for addressing flood risk in other areas of East Lothian.
7. Lack of transparency over negative impacts: The proposed hard engineering scheme will potentially increase risk of flooding and climate change due to river narrowing, trapping of floodwaters that breach the walls and greenhouse gas emissions during construction and maintenance phases. It was ingenuous of the project team to minimise mention of some negative impacts in the non-technical EIA summary, and didn’t even provide a figure for the project estimated greenhouse gas emissions of 1,658 tCO₂e, largely related to concrete and stone construction. The use of concrete is in direct contrast with East Lothian Council’s climate goals for a low carbon and sustainably run county. Building coastal walls can also increase flood risk in other areas e.g. reflected waves from walls causing erosion further along the coast. The recently published Dynamic Coast report on coastal climate change at Musselburgh questions the building of coastal walls.
8. Biodiversity net loss: Mitigation for potential loss of biodiversity appears to rely purely on species appropriate shrub planting along riverbanks in the town centre, which smacks of window-dressing. Ancient woodland, broadleaf and mixed non-ancient woodland cannot be replaced within timescales needed to prevent climate change. Listed breeding wetland bird populations within areas of the estuarine SPA and Ramsar sites will likely be endangered further and the riverine/estuarine habitats will be damaged long term, adversely affecting biodiversity. We object to the significant impact of disturbance on wetland birds and their habitat in the Firth of Forth, particularly in light of the outbreaks of Avian Influenza (AI) in recent years. It is currently not fully understood how AI influences wader populations in this area (NatureScot Scientific Advisory Committee Sub-Group on Avian Influenza Report on the H5N1 outbreak in wild birds 2020-2023), and major disturbance through development should not be undertaken when the full impact cannot be assessed. This biodiverse habitat is currently enjoyed and respected by locals and wildlife tourists from far and wide.
9. Community engagement/Process - The short timescale for objections, complexity, confusing labelling of the huge volume of technical EIA reports, and limited access to printed documents (excluding people who work full time hours) has prevented the community from fully understanding and objecting to the proposed scheme.
10. Outdated design approach - The scientific evidence from catchment-wide flood management schemes suggests there are multiple successful alternative options which could have been included, such as floodplain restoration, river wiggling, beaver-built leaky dams and riverside/coastal planting of indigenous vegetation across the

catchment. The design makes minimal attempts to meet updated National Planning Framework 4 guidance for construction projects to provide biodiversity net gain.

11. Invasive species - We object to the major impact that is likely to occur of the spread of invasive species, particularly Japanese knotweed, Himalayan balsam and giant hogweed. No details are provided about managing the likely spread of Japanese knotweed and Himalayan balsam as a result of construction, which is not permitted under the Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020. Just stating that an 'ecological management plan' will be created gives us no confidence that ' No significant residual effects predicted' without evidence of how this might be achieved.
12. Proposed active travel routes - while we welcome development of active travel routes generally to potentially reduce carbon emissions, on balance an extra bridge at the river mouth near the SPA and Ramsar site habitat will clearly adversely impact local nesting wetland birds, and the proposed 5 metre wide AT path along the river will result in significant tree loss (a narrower path works now).

We would like to see a Public Local Inquiry in light of recent changes in flood management policy, national planning policy, coastal climate change advice and local objections.

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

Yours Faithfully,

██████████
██████████

Friends of the Earth East Lothian

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

23rd April 2024

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

Dear Mr Grilli

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

I'm interested in the scheme because my house is on the coast and will be directly affected by the proposed wall on the seafront, as well as the approx. 5 years of work on building it. Below are my objections.

1. ELC must pay for a full structural survey of my house as I'm concerned the work will damage my property and I wish to be compensated for the inconvenience the work will cause me. I will be holding ELC responsible for and damage to my property because of the works.
2. There has been a lack of transparent accessible information on the MFPS and allowing residents and interested parties only 28 days to read, digest and respond to over 1000 pages of complex technical information is unfair and it has been impossible to read through. The summaries have not been useful. I am also concerned that there was only one copy of the papers at the Brunton for the people of Musselburgh to go to read. This is inappropriate and inaccessible for people who might not be able to understand the technical information easily (which is probably most of the public) and isn't accessible to people who work and are unable to get to the Brunton during office hours.
3. I'm also concerned about the artist impressions produced by the project team of the proposed walls which are very misleading and appear to show the resulting walls which are not in proportion to the people, trees and buildings.
4. The proposed loss of trees, habitat, and wildlife is huge and will negatively impact the many visiting birds to the area. Musselburgh is a well-known destination amongst ornithologists who visit the town to watch and study birds visiting from other parts of the world. I would like to see an impact assessment carried out on the impact the wall will have on birds in the town.

5. The natural beauty of Musselburgh beach and the riverside are a valuable asset to the local community and visitors and play an important role in helping people maintain their physical and mental health. ELC need to take steps to safeguard such natural amenities and not destroy them in the name of concrete over engineered solutions for an overstated flood risk.
6. The many mature trees alongside the river provide an important habitat for many species as well as safeguarding against flooding. The lack of clarity about which trees are under threat of being lost due to the MFPS has been very confusing as the colour code has changed between the different stages of consultation. ELC should be safeguarding these mature trees not cutting them down. If any trees are lost, then they should be replaced with mature trees not saplings.
7. I don't believe proper consideration has been given to a variety of natural flood management. What consideration has been given to nature-based solutions to the flood risk?
8. The cost of the MFPS is constantly increasing, the latest estimate is £132 million, why hasn't a cap been put in place and are there any guarantees that the costs will not further spiral? As a taxpayer I'm very concerned that ELC appear to have given a blank cheque to Jacobs who are leading ELC to destroy Musselburgh.
9. What funds have been put aside for the maintenance and upkeep of the wall for the next 10, 20, 50, 100 years. Who will be responsible for the removal of graffiti? What funding is allocated for this?
10. The consultants are experts in concrete and hard engineering and therefore we need independent scrutiny of their recommendations rather than following them blindly. Why hasn't the modelling data ever been released?
11. There is a clear conflict of interest for the project team as they have designed the MFPS and carried out an environmental impact assessment, no other options have been discussed with the people of Musselburgh. This is not transparent or democratic.
12. What consideration has been given to the impact of a concrete wall in Musselburgh on Prestonpans and Portobello?
13. What discussions have taken place with Midlothian Council to address flood risk further upstream?
14. I would like ELC to publish all the objections regarding MFPS they receive. They also need to let the community know how they will deal with objections and how they will change the MFPS to meet the requirements of objectors.

Please acknowledge receipt of my letter of objection, in writing. Please advise me of next steps, and timescales. Please note that I do not wish to have any communication in person, only via email or by post.

Yours faithfully,

██████████

Subject: (0506) Objection Letter
Sent: 24/04/2024, 12:27:21
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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Dear Mr Grilli,

My wife and I wish to object to the recently published Musselburgh Flood Protection Scheme plans for the following reasons.

1. Cost

East Lothian Council (and the UK at large) are in financial crisis. Our council tax keeps rising and 20% the final cost of this scheme is to be found by East Lothian Council. Community buildings, in particular Musselburgh Town Hall, Stoneyhill Community Centre, The Hollies and Eskgreen Care home have been left to rot whilst this scheme forges ahead. There are no ongoing costs factored in at all for maintenance and upkeep of any new walls, paths or bridges.

2. Level of Risk

All data, flood modelling and designs presented to the public are based on the assumption of a sea level rise of 86 cm, advised to SEPA by Jacobs, and subsequently written into SEPA's requirements, which the overwhelming number of other studies do not support. The modelling data has never been released despite repeated requests by members of the community with the necessary expertise to offer a peer review assessment. Choice of year 2100 should be amended as we cannot accurately predict sea level rise that far. It could be less, or more! Nature Scot (government experts) said we don't need "solutions today for the next 1m of sea level rise" (Nature Scot, Coastal Change Adaptation Guidance, Group Discussion on Climate Change Teams meeting on 31st Oct 2022).

The current plan of narrowing the river corridor will significantly increase the risk of flood.

Measures to avoid, control, manage and mitigate flood risk should also not increase flood risk elsewhere. There has been no assessment of the impact or risk of MFPS on other coastal areas either side of Musselburgh at Prestonpans/Cockenzie or Portobello.

3. Loss of Mature Trees and Natural Landscape

The consultants are an experienced firm of engineers with knowledge and access to information. ELC likewise have the means to consult experts and arborist experts. To that end, an examination of the presentation information, points to conditions that would almost certainly lead to the death of trees, such as those in very close proximity of heavy plant adjacent or over the roots of tree, and formation of swales at/under the roots of tree at Eskside East for example. Therefore, both the consultants and the council know with undoubted certainty which trees are very likely to perish during the formation of the flood scheme. To not demonstrate that clearly to the public is both a denial of information and manipulation of the townsfolk's empathy for trees, giving the impression that many trees may be saved, where the opposite is true.

References to "enhancement of landscaping in Musselburgh" or similar is an affront to the people who can see with their own eyes what they have and the inferior landscapes the proposals offer, unquestionable gradually worsening through the years, with graffiti and lack of maintenance.

4. Detrimental to Mental Health

The riverbank and seafront are what make Musselburgh the beautiful town it is. I and

generations of my family before me have enjoyed and cared for this town. Notwithstanding the monstrous concrete infrastructure planned, the building works, dust, noise and loss of public spaces which will have to be commandeered as building sites is utterly unacceptable. People depend on the environment around them for their physical and mental health, and general wellbeing” (Flood Risk Management (Scotland) Act 2009). My human rights are being undermined due to my present environment (river and coastal walks and views) being threatened which will affect my mental and physical health.

5. Natural Flood Management has not been properly explored

Our councillors’ unanimous exclusion of Natural Flood Management, highlights a lack of willingness to deploy nature based solutions that fly in the face of Dynamic Coasts advice. It must be noted that our councillors cast their votes before having sight of Dynamic Coasts full assessment. They must now review this information and represent the motion for a second round of votes. Nature based solutions at coast should not be ruled out (as per Dynamic Coast report).

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

There is no beach nourishment plan or any budget for this.

Removal of natural flood management before council vote on scheme in January 2024, and before petition was heard, not only was undemocratic but more importantly in breach of the 2009 Act’s requirements.

6. Musselburgh Active Toun Travel and The Flood Scheme should be considered separately.

Comparing Sustrans objectives and standards, and Active Travel Paths’ in general, there can be no doubt that much of the Flood Protection Scheme pays heed and is informed by MAT. The consultants, the council’s legal services’ and infrastructure departments denials of this intrinsic relationship between MAT and the Scheme is flawed and has no basis, as the presentation put before the town manifest to the link. This is clearly demonstrated in the Design Statement published by the Consultants. MAT has heavily influenced design of flood scheme negatively.

All MAT proposals are deemed to be ‘Developments’ as defined by the Town and Country Planning (Scotland) Act 1997. This is undeniable, and failure to obtain planning permission for all MAT related elements would be tantamount to subverting the 1997 Act. ALL structures and routes of MAT should go via normal planning regulations.

7. Rejection of The Proposed Goosegreen Bridge

It is a long known fact that when building at Burgh Gate the houses at the end of Goosegreen Crescent suffered subsidence. The householders have been left with serious structural issues and no one has been allowed to build there since. Why then is another enormous bridge being planned? This “statement bridge” offers no flood reduction benefit. Furthermore, under the above noted definition under the 1997 Act, this bridge is without any doubt considered to be a ‘Development’ and not a replacement, and requires planning permission.

8. No Independent Analysis of Impact

There has been no third party independent analysis of the impact of the proposals on Musselburgh’s long connections and affinity with the sea and river as an amenity for the townsfolk and others, as well as for the tourism industry, on which many local shops depend. Flood walls will destroy amenity and Musselburgh’s long connection with river and sea. The scheme will have a negative impact on tourism to Musselburgh.

9. Health and Safety

The walls are of such a height that people will not feel safe walking along the river, particularly in the dark. At Newfield the path will be narrow with no escape should anyone be attacked. Musselburgh now has a very significant drug and antisocial behaviour problem

and this will only serve to exacerbate it. Gangs of youths already use these paths at night to evade police, but they will now be hidden behind walls.

Children have played on the river over the centuries, they will continue to do so. If they climb on these walls and high walkways and fall in, how will they ever get out again? I feel genuinely concerned about this aspect.

10. Bad Communication/Consultation Process

The volume of information, documents, images presented at the last minute has been overwhelming. The MFPS team must have realised that the public would fail to comprehend it all in the objection timeframe. This is a failure of your duty of care to ensure the information is comprehensible to the general public. The exhibition held in June 2023 was dimly lit and generally communication between the consultants and the public has been lacking. The several professionally designed leaflets that have been delivered to every household in Musselburgh held no meaningful information to help people understand what was being proposed. The public meetings were alarmist and there was no real scope for "consultation".

11. Loss of Heritage and Tradition

The building of walls will have a negative impact on the traditions and heritage of Musselburgh. The Riding of The Marches is an ancient tradition which sees the boundaries of our town marked every 21 years. The the river as an integral part of this and the festival's importance cannot be understated. Its historical significance must be taken into consideration. The Honest Toun Association's Musselburgh Festival was conceived in the 1920's to mirror this festival annually between Riding of The Marches years and is one of the highlights of Musselburgh's society and culture. The fording of the Esk, the duck race and the harbour festival will all suffer if this scheme goes ahead.

Please take these points into consideration. I do not wish to be contacted in person by any member of the project team or East Lothian Council. 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.

Sincerely,

A black rectangular redaction box covering the signature area.

Subject: (0507) MFPS
Sent: 24/04/2024, 12:28:52
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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Dear Legal Services

Please see my objections below to the MFPS.

- 1) Lack of nature based solutions at coast
- 2) A coastal engineered defence is premature
- 3) A sea wall could be undermined by erosion
- 4) Goosegreen bridge does not reduce flood risk
- 5) Dynamic Coast and NatureScot have both recommended an adaption plan
- 6) All MAT should be subject to planning and not part of flood scheme as offers no flood reduction
- 7) The MFPS will affect my enjoyment of the amenity at Fisherrow and I require compensated for this loss.

[REDACTED]

Subject: (0508) Musselburgh Flood Protection Scheme

Sent: 24/04/2024, 12:31:39

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Cc: [REDACTED]

Follow Up Flag: Follow up
Flag Status: Completed

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Dear Service Manager – Governance, Legal Services, East Lothian Council

I refer to the notice of the Musselburgh Flood Prevention Scheme which was sent to Midlothian Council on 19 March 2024. The notice was forwarded to the Council's Planning, Sustainable Growth and Investment Service to review on behalf of the Council, in its capacity as planning authority for Midlothian. The following are Midlothian Council's comments on the notice, as the planning authority. I also include some comments with regards to our review of the Environmental Impact Assessment (EIA). I apologise for the delay in submitting these comments.

Midlothian Council, as planning authority, notes that the only works that are to take place in relation to the MFPS are to be carried out at Edgelaw and Rosebery reservoirs. The works within Dalkeith Country Park are within East Lothian. We note that there will be a shadow planning application process during which Midlothian Council will be consulted. We also note that applications for Listed Building Consent will need to be submitted to Midlothian Council for the works at Edgelaw and Rosebery reservoirs.

Midlothian Council are a consultative body for the EIA.

The proposed works will require new overflow pipes in the dam wall, new below ground pipes and new outfalls into the spillways. The excavation for the new pipes will be to a depth of 3m. Generally, this type of work would require planning permission, but in itself (the works within Midlothian) would not ordinarily require an EIA. The submissions to date are not as detailed as we would expect and would prefer to see an additional level of detail.

Chapter 7 of the EIA on Biodiversity – The chapter seems thorough. Midlothian Council, as planning authority, suggest that it may be necessary to carry out a Habitat Regulations Assessment in order to assess the impact on the Gladhouse SPA. Any decision notice for the EIA will need to include a description of any mitigation measures. Midlothian Council, as planning authority, are keen to understand if there is a view on who would be responsible for enforcement of any biodiversity mitigation measures arrived at through the EIA.

There are no Tree Preservation Orders applying to the sites in Midlothian, and they are not in a Conservation Area. No applications for Works To Trees will be required for any tree works. It is noted that there might be a requirement for some works to create access space along the track at Edgelaw.

Chapter 8 of the EIA on Noise and Vibration - The chapter seems thorough. However, there appears to be an error on page 32 where it is stated that Millbank Cottage is at Edgelaw, rather than at Rosebery. The chapter seems to suggest that there will be a single works compound for the two sites and that it will be at Edgelaw.

Chapter 13 of the EIA on Cultural Heritage - The chapter seems reasonably thorough. The table on page 38 notes that Listed Building Consent will be required at Edgelaw but seems to suggest that East Lothian Council will issue this. Despite identifying Rosebery as listed the chapter doesn't identify a need for Listed Building Consent. This chapter should be updated to address these points.

Chapter 16 of the EIA on the Summary of Significant Effects and Mitigation and Residual Effects – The possible significant effects in Midlothian relate to sediment or spillages in the water environment. These would be controlled via the implementation of CEMP measures. Who would be responsible enforcing the CEMP measures?

Design Statement – This states that ELC will take ownership of both Edgelaw and Rosebery Reservoirs. It also refers to telemetry and CCTV at these locations. Do these elements form part of the permitted development rights through the 'scheme'?

Other chapters of the EIA seem to be thorough. Ordinarily we would require the input of various consultees with regards to the different chapters and expect that those views are being sought through this process.

The contents of this email are comments and observations regarding the development as it affects Midlothian only, and do not constitute an objection to the Musselburgh Flood Prevention Scheme. I trust that the above comments are of assistance. Should you wish to discuss any matters within this email please contact me.

Regards

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

We are reviewing the Midlothian Local Development Plan [Midlothian Local Development Plan 2 | Development plans and policies](#) | [Midlothian Council](#)

If you have any questions about the review, or would like to be added to our MLDP2 mailing list, please email LDP@midlothian.gov.uk

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Subject: (0509) (no subject)
Sent: 24/04/2024, 12:33:04
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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

24th April 2024

Dear Sir / Madam

I am writing to object to the proposed Musselburgh Flood Protection Scheme 2024, in particular 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. My horse lives on the Dalkeith Estate, and I regularly use the bridle path which crosses the river at this point.

I recognise the importance of flood defences, but the location and details of this particular intervention will have a negative impact on both wildlife and community use.

These are my reasons for objection:

- 1. Loss of recreational amenity:** The proposed site of the access road and the debris catcher will prevent the use of the bridle path and the river crossing for the many horse riders that regularly use this area. The park is surrounded by major roads and new housing developments, which are dangerous for horses and riders, so routes within the park are very important for us. Cutting off this bridle path and river crossing will have a major effect.
- 2. 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. There are deer, foxes, hare, buzzards, bats, squirrels, possibly badgers and other creatures too numerous to list in this woodland, who will be negatively affected by construction works.
- 3. Vehicle access.** 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. An access road will need to be constructed over a soft grass livestock field, then through an ancient and well established woodland, and 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.
- 4. 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. 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, and will also damage the already fragile road surface. 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.

Yours Faithfully

A black rectangular redaction box covering the signature area.

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

24th April 2024

Carlo Grilli^[1]^[2]
Service Manager – Governance^[3] Legal Services^[4]
East Lothian Council^[5]
John Muir House^[6]
Haddington^[7]
EH41 3HA^[8]

mfpsobjections@eastlothian.gov.uk

Dear Mr Grilli,

I am writing to object to the recently published plans for the Musselburgh Flood Protection Scheme (MFPS) as someone who [REDACTED] a property on [REDACTED] which falls within the flood risk zone as determined within the scheme.

As someone who regularly uses the amenities at Fisherrow harbour, beach and promenade and the public land on either bank of the river Esk, I also have an interest in the land to be impacted by the scheme and scheme operations, as set out under the Flood Risk Management (Scotland) Act 2009. As a disabled person [REDACTED], these two areas of natural beauty constitute my only readily available access to open green space, open water and natural beauty and are therefore extremely important to my health and well-being.

I object to the current plans for the scheme for the following reasons:

Costs of the scheme

- The estimated total costs and cost breakdowns are not available to the public, and no capping of costs has been decided on meaning that costs are already vastly increased from initial estimates, currently estimated at almost £100 million.
- 20% of the costs of the scheme are to be provided by East Lothian Council (ELC) at a time when the council has declared that it is already facing a funding gap and will need to 'think differently about the services we provide', according to ELC website. Does the 20% commitment to the ever increasing costs of the MFPS mean that services to children and vulnerable adults in the county are likely to be compromised even more than already stated by the council?

Conflict of interest

- Jacobs, the engineering firm appointed to design and implement the project, have also been commissioned to develop the flood mapping model and write the Environmental Impact Assessment (EIA).
- They have also carried out an options appraisal that ruled out all alternatives to the current scheme, without those options being made available for public scrutiny or debate.
- As a company, Jacobs stand to gain financially the bigger the scheme and the more hard engineering solutions are required. This therefore means that there is a financial incentive for them to steer the council towards a bigger and more interventional design.
- Surely the correct process should have been for an independent project team to be appointed to gather scientific data and expert opinion, a scheme decided upon if deemed necessary and subject to due legal process and public scrutiny, and then that scheme put out to tender to the right contractor depending on its requirements.
- By appointing Jacobs as both project consultants and contractors from an early stage in the process, the council have enabled one private company to steer the direction of the scheme to its own advantage, and other bodies and expertise to be discounted or ignored.

Failure to consider full range of options and evidence

- I understand that the flood modelling on which the level of flood risk to Musselburgh was decided was developed by Jacobs, who then passed on the information to the Scottish Environment Protection Agency (SEPA).
- This information has therefore not been independently verified. I understand that there have been repeated requests to release the modelling data by members of the community with the necessary expertise to offer a peer review assessment, but these requests have been ignored.
- The modelling has only considered the worse case scenario in terms of flood risk rather than a range of risk scenarios, as is recommended by Scottish Government guidance.
- Aside from modifications to Rosebery and Edgelaw reservoirs and provision of a debris catcher at Whitecraig, Natural Flood Management (NFM) options were rejected from the proposals before Councillors had the opportunity to vote on the scheme in January 2024.
- The final plans were also published before a report commissioned from Dynamic Coast, which recommended NFM options for Fisherrow beach, had been released, meaning that these recommendations could not be considered by Councillors before voting the plans through.
- The dismissal of Natural Flood Management and nature-based solutions is not in line with current Scottish Government policy.

Transparency and process

- The council have only permitted the minimum legal objection time frame required for the published proposals. This is a completely insufficient period of time for people to read and comprehend the vast amounts of information contained in the plans and respond to them in line with the deadline provided.

- I am aware that there have been community consultation sessions held at an earlier stage in the process, but there has been no attempt at this stage to make the final plans accessible to the community and help them to understand what is being proposed, ie. through presentations, Q&A sessions etc.
- I believe that this constitutes a failure in your duty of care to ensure that the information is comprehensible to all sections of the community, particularly those who due to level of education, learning difficulties or language barriers would not be able to read and comprehend the information as presented. I also note that there is no information about how to access the documents in alternative formats as is required under the Equality Act 2010.
- Members of the community have had to support each other to try and understand the plans and what they mean for Musselburgh as best they can, rather than be supported by ELC in doing this. This has caused undue stress as people have felt overwhelmed and confused by the amount of information available and the requirement to provide a written objection within a very short time frame.
- I understand that ELC Councillors agreed to the scheme progressing at a council meeting in January, even though at that point they had not had sight of the full Environmental Impact Assessment (EIA), only a 'non-technical summary'. This goes against the correct planning procedure as set out in the Flood Risk Management (Scotland) Act 2009.

Overlapping of Musselburgh Flood Protection Scheme (MFPS) and Musselburgh Active Toun (MAT)

- As is stated in the Outline Design Statement, the design requirements of MAT has influenced the design of MFPS.
- As the council will be aware, under the Flood Risk Management (Scotland) Act 2009, Flood Protection Schemes, once formally confirmed, are considered to have deemed planning permission, whereas Active Travel Schemes and new infrastructure such as additional bridges are subject to planning consent. However, in this case, MFPS has been presented with deemed planning consent for aspects of the programme which do not contribute to flood protection (ie. proposed new Goose Green bridge and Active Travel Paths along the river Esk and Fisherrow Promenade). It would seem as though the council is seeking to bypass the normal planning process by including these new infrastructure as part of the flood protection scheme.
- I am very supportive of safe infrastructure for cyclists to reduce the risk of accidents and reduce car journeys. However, I am not in favour of such infrastructure where it would lead to significant damage to the natural environment. In this case, the plans for a five meter wide Active Travel Path (ATP) alongside the river to be facilitated by narrowing the waterway will lead to the destruction of the biodiversity of the river bank and the wildlife habitat of various species, in addition to increasing rather than lessening the flood risk to surrounding land from the river.
- I believe that an ATP of this size is not required in this location, especially not to the detriment of the natural environment, when National Cycle Network Route 76 already provides a safe route for cyclists along quiet residential streets to either side of the river and other users (including pedestrians, wheelchairs etc) could safely use a much narrower footpath.

Damage to natural environment and wildlife

- The plan will lead to the loss of a large number of trees, some of which constitute 'ancient woodland', as determined in the EIA. These trees constitute a vital part of Musselburgh's natural heritage and the natural beauty of the riverbank area. Their removal will be a massive loss to the town, as well as increasing risk of flooding by removing established root systems that currently help to drain away excess surface water.
- The Dynamic Coast report states that the building of a wall along Fisherrow Promenade could lead to the eventual disappearance of Fisherrow beach due to exaggerated coastal erosion. This would constitute the loss of another important area of natural beauty, a feeding ground for wading birdlife and a well-used community amenity, in addition to once again increasing rather than lessening flood risk from the Forth of Firth. The scheme has failed to consider nature-based solutions along the coast such as beach nourishment, as proposed by Dynamic Coast.
- As previously stated, the narrowing of the river Esk in order to accommodate an Active Travel Path will cause damage to the river ecosystem, and will also involve the replacement of grassland with tarmac. This will remove an area that is currently frequented by waterfowl and will potentially increase flood risk as surface water cannot drain from tarmac as it can through soil.
- In addition, the Environmental Impact Assessment has identified potential significant impact to protected species including bats, otters, kingfishers, wetland birds and fish species.

Negative visual impact and damage to historical character of Musselburgh

- Despite seeking accurate information, it is still not clear to me what height the flood defence walls planned for various parts of the scheme are going to be. I have been informed of various measurements from 1 metre to 1.8 metres high. Without clear accurate information it is hard to assess the visual impact that such walls will have in blocking the view to the river and the Firth of Forth.
- What is clear is that whilst some areas of wall are to be stone faced, others are planned to be constructed from formed concrete, which in addition to being out of keeping with the traditional architecture of Musselburgh, is likely to attract graffiti and, unless well-maintained, will quickly begin to degrade, particularly where they are exposed to the elements along the coastline.
- The visual impact of concrete walls, in addition to the raised mounds which will cut off views to the water, will fundamentally change the visual character of areas of the town that have remained relatively unchanged for centuries.
- The scheme as currently stands will likely have a negative impact on tourism to Musselburgh and businesses that cater to visitors.

Negative impact on mental and physical well-being of local community

- The scheme will have a negative impact on local people's right to enjoy the open spaces affected and use them to benefit physical and mental well-being, in particular whilst construction is taking place but in some areas on a permanent basis where the landscape

has been permanently altered to the detriment of the natural beauty of the current environment.

- At a time when mental and physical health difficulties are rising and the cost of living crisis means that many poorer people have limited ability to travel to other areas of natural beauty and limited access to opportunities for physical activity, the loss of these public amenities is likely to be to the detriment of the long term health of the local community.

In summary, I believe that at the present time East Lothian Council has not sufficiently established the need for such an extensive flood protection scheme. If a scheme of this size and magnitude is deemed to be required, Musselburgh deserves a much more considered and sympathetic design than that which is currently on offer, and a design process which is as transparent and inclusive of local opinion and in line with best practice with regard to preserving and enhancing the natural environment. As it stands, the current proposals fall way short of this.

Furthermore, I believe that the Flood Protection Scheme as it is currently planned will greatly disturb my enjoyment of the affected land on a permanent basis. In addition, for the duration of the construction phase, my physical and mental health and right to quiet enjoyment of my home will be greatly impacted due to the noise and vibrations of construction works, increase in traffic on New Street due to heavy construction vehicles, and the potential impact of piling on the stability of my apartment building. As such, I wish to exercise my legal right under the Flood Risk Management (Scotland) Act 2009, Section 83 (1) and request financial compensation for the loss of use of the affected land, impact on my health and well-being and any potential damage or loss of value to my property.

I would appreciate an acknowledgement of receipt of my letter of objection at your earliest convenience. Please advise me of next steps and timescales with regard to the planning process moving forward. I would prefer communication to be via email.

I look forward to your response.

Yours Sincerely,

██████████

22 April 2024

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

Dear Mr Grilli,

Objection to Musselburgh Flood Protection Scheme

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

I am an interested party for the coastal elements of the scheme, as owner and resident at [REDACTED], my property is located on the Promenade approximately [REDACTED] metres from where the coastal defence is being proposed and within the area that modelling published by MFPS shows is at an increasing risk of coastal flooding.

As sea level is predicted to continue rising due to climate change, I accept that there is a growing risk of coastal flooding.

Summary:

1. I object to the scheme because I don't understand how the coastal flood protection design being presented will protect my property from flooding during a design event. The project team have failed to explain in clear terms how a single sea wall, 60cm above the waterline, will protect my property from coastal flooding until 2100.
2. I object to the scheme as an irresponsible use of public money, noting the above design deficiency.
3. I object to the scheme because I believe the proposed scheme will increase flood risk to my property and the project team have not been able to explain to me that this is not the case.
4. I object to the scheme because Councillors were asked to approve the scheme without an opportunity to properly take into account expert recommendations from Dynamic Coast.

My objections are supported by the following points relating to coastal protection design:

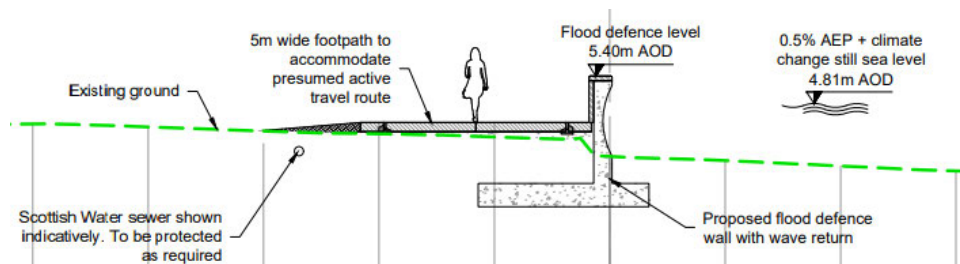
1. Defective Coastal Design Presented

I believe it is defective for the following reasons:

a. Insufficient Freeboard

Page 5 of drawings [08/24 MFPS Appendix D: Drawings 16-22 Fisherrow \(Work Sections 7-11\)](#) show a sea wall with the flood defence level at 5.4m Above Ordnance Datum (AOD). The predicted calm sea level during a design event is

shown at 4.81m AOD.



This leaves only a 0.59m freeboard. I don't believe this is sufficient for the presented design to mitigate coastal flood risk to my property. I believe storm waves will massively overtop a wall at the level being used for a design event and my property and others will be flooded.

b. No wave attenuation

The sea is not still. I object to the omission of any features in the design to attenuate wave energy and reduce the sea to a calmer state before waves reach the proposed defence. I believe that a single sea wall at the height shown is inadequate for the design event and, as a front line of defence, will see massive wave overtopping, resulting in flooding as witnessed in recent years at local sites. See Appendix.

c. Residual Risk of Inundation

The design event presented has a sea level of 4.81m AOD. The land around my property is 4.6m AOD [Ordnance Survey]. This leads me to believe that, even in calm conditions, seawater will flood in through the unprotected Harbour Mouth and will inundate the local area during the design event being presented. I object to the scheme due to the lack of explanation from the project team about how this scenario will be avoided.

d. Increased Risk of Property Flooding

I believe that if a sea wall is built according to the presented design, this will result in a new risk from flood water that can be trapped behind the wall. This flood water would otherwise continue to run freely to the sea over the coming decades. Flood water could be the result of overtopped waves, but also the result of flash floods during heavy rain fall. Sewage overflows have happened when the Joppa pumping station malfunctions and sewage runs freely to the sea after being forced up through sewer access points on the Promenade. Vast amounts of water has in the past run freely to sea, gouging channels approx. 1m deep in the sand. These access points are behind the line of the proposed wall and, while the project engineers have said that one-way scuppers will allow floodwater to drain through the wall to the sea, the reality is that a significant number of coastal drains are currently blocked with sand. No resources are apparently committed to address the issue of blocked drains now and no commitment to future maintenance is presented as part of the scheme. I expect mechanical scuppers will eventually fall into disrepair and lead to an increased risk of flooding. Even with functioning scuppers, no explanation can be given as

to how water will run from the Promenade to sea when the sea level is at the design level of 4.81m in the above drawing, i.e. higher than the Promenade.

While electric pumps were shown as part of an early scheme design, they have since been removed from the design without credible rationale from the project engineers. The residual risk, that a new wall could collect water to a level of 5.40m AOD is unacceptable to me.

e. Undermining

In the absence of beach maintenance, should the beaches erode, it appears that the proposed wall foundation will be at risk of undermining and subsequent collapse. This is a major concern, especially in light of Dynamic Coast's recent assessment that beach erosion is now a significant risk.

2. Inadequate consideration given to adaptation and a phased approach

There is an absence of information in the scheme to explain how the existing beaches play a role in flood protection and what could be done to maintain and enhance their profile to form an adaptive approach to coastal flood protection. Councillors have not been given the opportunity to choose this as a method to protect the town from coastal flooding. I have witnessed over years how the beaches are highly effective at reducing wave energy and any overtopping to the existing hard infrastructure, i.e. the Promenade and adjacent properties. Without steps being taken to monitor and maintain the beaches, any on-shore hard defence will have to be much bigger, stronger and more expensive should beaches be left to erode. My observation is that the project team quickly jumped to an onshore sea wall as the design and presented this to Councillors, with no other options available. I object to the scheme because of the failure to provide the above options at relevant project stage gates and the lack of consideration given to recommendations from Dynamic Coast.

3. Inadequate consideration given to offshore wave attenuation measures

It's my opinion that the project team have not properly assessed options to reduce wave energy offshore, e.g. through the use of artificial reefs or by enhancing existing naturally occurring features. The project team have stated an inability to make change within the SPA as a reason to exclude these options, but have not shown evidence of Nature Scotland's view on what they would deem acceptable or unacceptable within the SPA. I object to the scheme because of the failure to provide a balanced view on these options to Councillors at relevant project stage gates.

4. Timing

I object to the presented design and a hard coastal defence being progressed now, to protect against a design event that is only likely to become a significant risk in many decades to come, by which time the scheme infrastructure may have started to degrade and fail and require additional investment. Since the beaches have been left to nature in 2010 and have been accumulating, the footing of a wall in the proposed location would not have been touched by seawater.

5. No options considered for shared investment opportunities

As a scheme that is predominantly funded by Scottish Government I don't believe that proper consideration has been given to the need for a broader scheme at a later and more appropriate stage, that would include the surrounding seafront at Joppa where properties would appear to be at equal risk. I object to the scheme due to the limited scope that it has been forced to work with.

6. Consultation Failure

The project team have failed to show how the proposed design will work during a design event, in simple terms that the public can understand. Where other major investments have successfully used scale models and wave tanks to show how their designs will be effective, the MFPS have failed to do this. The public have instead been presented with thousands of pages of technical documents that are incomprehensible for most. I have witnessed the project team tell the public that they should "trust the experts" during consultation events. This is an unacceptable position for Councillors to be put in when making such a significant decision. In the presence of obvious design defects noted above and in the absence of anything being presented to build confidence in the design being presented, I object to the scheme until a working demonstration of the design can be shown.

7. Active travel route on the Promenade

A new 5m wide active travel route is unnecessary in my opinion and will reduce the natural amenity of the Promenade due to an increase to the expanses of paved surface. The planned route stops abruptly at the East pier of the Harbour so is an incomplete solution as presented and I object to the construction of this element.

ELC have already proposed adequate traffic calming measures on New Street to make it safer for road cyclists. The existing Promenade path is adequate for pedestrians and slow wheeling, e.g. young children learning to cycle and existing 'Share with Care' guidance appears to be followed on the Promenade.

8. John Muir Way

It was suggested during consultation that the project team and ELC should work with Scottish Water to form a walkway as part of the scheme, that would join the Brunstane Burn walkway to the beach, passing under the A199 tunnel. This would offer John Muir Way walkers the opportunity to avoid the busy section of the A199 and instead to walk on the beach if so desired. The Project Manager publicly agreed to progress this as a design feature but this has not happened and no explanation has been given.

Objections to Other Elements of the Scheme

As a resident of the town, I use the walkways by the river several times each week. I object to the proposed scheme for the following reasons that relate to the River Esk section of the scheme.

1. Upper Catchment Measures

I object to the scheme due to the obvious lack of consideration being given to upper catchment measures that could suppress river flow during flood events.

2. Narrowing of the river

This defies logic if flood protection is the objective. At points the design shows that the river width will be reduced, apparently to accommodate a 5m wide active travel route, existing roads and existing trees. See drawing [701909-JEC-S5-W24-XXX-DR-Z-0001](#). This results in the need to increase the height of the defence and appears to be an ineffective design compromise that will result in a poor overall outcome for the town. I object this artificial increase in flood barrier height.

3. Roman and Rennie Bridges

It appears that only 2/3 and 3/5 of the arches of the Roman and Rennie bridges respectively will be used for river flow. This ongoing reduced width for river flow results in higher than necessary defences being designed. I object to this design element.

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

Yours Sincerely,

A solid black rectangular redaction box covering the signature area.

Appendix

Fig 1. Fisherrow Harbour, 30 March 2010



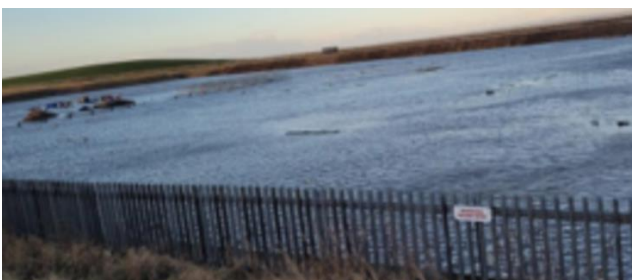
Fig 2. Site of former Cockenzie Power Station, Storm Malik (BBC)



Fig 3. Musselburgh Lagoons, 2 days after Storm Arwen



Fig 4. Site of former Cockenzie Power Station after Storm Arwen



Subject: (0512) Objections to Musselburgh Flood Protection Scheme

Sent: 24/04/2024, 13:10:03

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [REDACTED]

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

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

Dear Service Manager,

We live [REDACTED] in Musselburgh and have an addendum to add to our objections to the MFPS.

1.) Disruption, Construction and Full Dilapidation Surveys.

We object to the scheme, as we will be directly affected by the severe disruption during construction and the inappropriate structures that will be built in front of us ,if this scheme goes ahead.

We were told at the Brunton last year that we would be given a full structural survey on our house before any work takes place.

We would like written assurance that we will be given a full dilapidation survey, and confirmation that the contractors will be liable for any damage and legal costs, if our property (and our neighbours [REDACTED])are affected, before the start of any work.

2.) Drainage.

We object to the proposed scheme as it runs a risk of exacerbating Musselburgh's flood risk, rather than resolving it. [REDACTED] of Jacobs advised ELC on 23/01/24 that most of the drainage in Musselburgh was part of a combined system, with council responsible for gullies and Scottish Water responsible for sewers. He noted that during storms the sewers can become overwhelmed and can't take all the water from the drains, which causes the water to back up into the river or out onto the coast. In our case, [REDACTED], we have had sewage backing up into our toilet and out onto the floor. We have had to call out Scottish Water as an emergency on numerous occasions . This has always been in periods of high rainfall.

[REDACTED] stated that this problem could not be addressed as part of the scheme.

With no provision within the proposed MFPS for a significant upgrade to the existing drains or sewage system we will still have no answer to the flooding issues linked to Musselburgh.

In fact the proposed MFPS poses a significant risk that water and sewage may be trapped behind the proposed flood defence walls, posing an even greater risk of water and sewage entering our homes and businesses.

The proposals ,including pumping stations, rely on a mechanical engineered solution that is a sticking plaster which will require ongoing maintenance and replacement in the future.

Maintenance costs will have to be met by the council, so it is in the council's interest to invest in a more robust scheme.

3.) Dynamic Coast report.

After Dynamic Coast's damning report of the MFPS proposal for the coast, it is obvious that SEPA and Nature Scotland cannot endorse this scheme without huge modifications, and that we will need a wider and broader coastal adaption plan. Therefore we object to the MFPS proposal for the coast.

4.) Cost.

We object to the scheme as there needs to be a One Government approach ,so the most cost effective solution for both central and local government can be found.

At present , this is not the case.

A private company, encouraging councillors to , in effect, ignore our tax payer's contribution (as if it is somehow free money), needs to be called out, as it is not in the public interest.

We look forward to your acknowledgement and response to this email .

Kind regards,

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

Sent from my iPhone

[REDACTED]
[REDACTED]
[REDACTED]

24 April 2024

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

Dear Sir,

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

I am a resident of the town and regular leisure user of the riverside and coastal areas affected by this scheme. I believe that the proposed scheme is ill-advised, and poorly conceived for the town and environs.

Note: Anyone can object to a flood scheme but the more directly affected you are, the more weight your objection is likely to carry. However, even if you are only indirectly affected, it is still worthwhile stating objection(s). For example, as a taxpayer, do you agree to this amount of public expenditure on the Musselburgh flood scheme?

I object to the published scheme because:

- **Environmental Impact:** the planned loss of trees and impact to both river and land based wildlife will be considerable. In current times and with the environmental challenges we face both globally and locally, removing trees and detrimentally affecting wildlife is not acceptable.
- **Costs:** the budget for this work has escalated significantly over recent years. In light of the current funding challenges we face throughout Musselburgh and East Lothian, spending c.£100 million on this scheme when mental health services, community services, facilities (inc. Brunton Hall, Tranent swimming pool and schools impacted by RAAC) are unable to be reopened displays a attitude out of touch with people's priorities. The councils proposed 20% liability of all costs will also add further pressure to other higher priority council budget requirements. As a tax-payer, I wholeheartedly disagree with public money being used to fund this scheme.

- Natural Flood Management: the removal of this content from the January 2024 council vote was undemocratic and in breach of the 2009 Act's requirements. In addition, this scheme is in conflict with Dynamic Coasts advice which recommends nature based solutions. It is small minded to consider this scheme when there is no shared vision for all neighbours on this coast – Portobello, Prestonpans, Cockenzie. We should not be looking at this challenge in isolation to Musselburgh only.
- Tourism & Leisure: the works will directly and negatively impact current leisure and tourism activity in Musselburgh. The proposals will not enhance or improve this – they represent several years of negative impact for no tourism benefit. Flood walls will break the long history of the connection of town with the river, and destroy this cherished amenity.
- Data: All data, flood modelling and designs are based on the assumption of a sea level rise of 86cm, advised to SEPA by Jacobs. Other studies do not support this. Requests for the Jacob's data to be released have not been actioned, despite requests for this to be peer reviewed.
- Planning Permission: not all the proposed bridges and new travel routes have gone through the planning permission process which is required.

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

Yours Faithfully,

████████████████████

████████████████████

20th April 2024

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

EAST LoTHIAN COUNCIL
RECEIVED
23 APR 2024
LEGAL & PROCUREMENT

Dear Mr Grilli,

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

There are several points I wish to make.

Lack of information being directly given to the residents directly affected but the proposed construction of the Goose Green Bridge. I have not had any communication directly from the council about this.

This new bridge will directly affect my privacy, it is a total invasion of the privacy of my whole family.

The size of the bridge means that people on it will be able to look directly into my house. There has never been any request for a bridge there and it is not wanted or needed.

The ramps and steps will be facing my house and will most definitely affect my enjoyment of the area.

The new bridge that is planned has very long ramps that will be directly outside my house I do not want to be looking at a concrete wall, when I live in such a beautiful place.

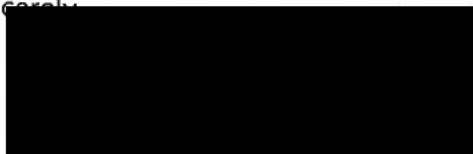
There is no reason to put a bridge there in the first place.

Any communication with me regarding this is required to be in writing by post.

Please acknowledge receipt of this letter of objection.

I look forward to being advised of the next steps are.

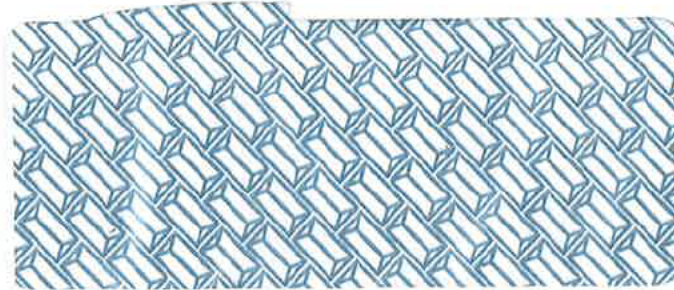
Yours sincerely



EAST LoTHIAN COUNCIL
RECEIVED

23 APR 2024

LEGAL & PROCUREMENT



ELC
CUSTOMER SERVICES

23 APR 2024

Subject: (0515) Musselburgh Flood Protection Scheme Objection

Sent: 24/04/2024, 13:19:52

From: [Redacted]

To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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

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

Dear Legal Services

Please see my objections below to the MFPS.

- 1)Lack of nature based solutions at coast
- 2)A coastal engineered defence is premature
- 3)A sea wall could be undermined by erosion
- 4)Goosegreen bridge does not reduce flood risk
- 5)Dynamic Coast and NatureScot have both recommended an adaption plan
- 6)All MAT should be subject to planning and not part of flood scheme as offers no flood reduction
- 7)The MFPS will affect my enjoyment of the amenity at Fisherrow.

[Redacted]

Subject: (0516) Flood Scheme Objection
Sent: 24/04/2024, 13:25:52
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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24/4/2024

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

Dear Legal Services

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

1. Bias - consultants have marked their own homework. Considering the absence of peer review of the Scheme, and further considering that the council have opted, erroneously in my view, not to install an independent assessing team within the planning department, it stands to reason that the consultants marking their own work raises many objectionable questions that have not been answered and must be answered.
2. Escalating costs at a time when council have declared a financial crisis will put pressure on other services due to their 20% liability of all costs.
3. Loss of trees. The consultants are an experienced firm of engineers with knowledge and access to information. ELC likewise have the means to consult experts and arborist experts. To that end, an examination of the presentation information, points to conditions that would almost certainly lead to the death of trees, such as those very close proximity of heavy plant adjacent or over the roots of tree, and formation of swales at/under the roots of tree at Eskside East for example. Therefore both the consultants and the council know with undoubted certainty which trees are very likely to perish during the formation of the flood scheme. To not demonstrate that clearly to the public is both a denial of information and manipulation of the townsfolk's empathy for trees, giving the impression that many trees may be saved, where the opposite is true.
4. No biodiversity net gain has been evidenced.
5. Removal of natural flood management before council vote on scheme in January 2024, and before petition was heard, not only was undemocratic but more importantly in breach of the 2009 Act's requirements.
6. Measures to avoid, control, manage and mitigate flood risk should also not increase flood risk elsewhere. There has been no assessment of the impact or risk of MFPS on other coastal area ie Portobello.
7. Our councillors' unanimous exclusion of Natural Flood Management, highlights a lack of willingness to deploy nature based solutions that go in the face of Dynamic Coasts advice. It must be noted that our councillors cast their votes before having sight of Dynamic Coasts full assessment. They must now review this information and represent the motion for a second round of votes. Nature based solutions at coast should not be ruled out (as per Dynamic Coast report).
8. Prematurity of wall along the coast due to lack of Coastal Change Adaptation Plan.
9. Dynamic Coast report states beach could be lost due to seawall structure - actions to manage flood risk should not contribute to increased coastal erosion.
10. There is no beach nourishment plan nor budget for this.

11. All data, flood modelling and designs presented to the public are based on the assumption of a sea level rise of 86 cm, advised to SEPA by Jacobs, and subsequently written into SEPA's requirements, which the overwhelming number of other studies do not support.
12. The modelling data has never been released despite repeated requests by members of the community with the necessary expertise to offer a peer review assessment.
13. Choice of year 2100 should be amended as we cannot accurately predict sea level rise that far. It could be less, or more!
14. Nature Scot (government experts) said we don't need "solutions today for the next 1m of sea level rise" (Nature Scot, Coastal Change Adaptation Guidance, Group Discussion on Climate Change Teams meeting on 31st Oct 2022)
15. Comparing Sustrans objectives and standards, and Active Travel Paths' in general, there can be no doubt that much of the Flood Protection Scheme pays heed and is informed by MAT. The consultants, the council's legal services' and infrastructure departments denials of this intrinsic relationship between MAT and the Scheme is flawed and has no basis, as the presentation put before the town manifest to the link. This is clearly demonstrated in the Design Statement published by the Consultants. MAT has heavily influenced design of flood scheme negatively.
16. All MAT proposals are deemed to be 'Developments' as defined by the Town and Country Planning (Scotland) Act 1997. This is undeniable, and failure to obtain planning permission for all MAT related elements would be tantamount to subverting the 1997 Act. ALL structures and routes of MAT should go via normal planning regulations.
17. Narrowing of river increases flood risk.
18. A new Goosegreen Bridge offers no flood reduction benefit. Furthermore, under the above noted definition under the 1997 Act, this bridge is without any doubt considered to be a 'Development' and not a replacement, and requires planning permission.
19. I acknowledge that surface water drainage is a shared issue between the flood protection scheme and Scottish Water. Nonetheless these outstanding surface water issues have not been addressed. These are likely to exacerbate existing flooding risk.
20. Introduction of mechanical and electrical equipment to deal with potential flood risks on the dry side of the defences, as a result of the designs of the proposals, will present new and additional means that heavily rely on human interface and involvement, thus another new layer of risk. We have witnessed pumps failing in Perth & Brechin.
21. References to "enhancement of landscaping in Musselburgh" or similar is an affront to the people who can see with their own eyes what they have and the inferior landscapes the proposals offer, unquestionable gradually worsening through the years, with graffiti and lack of maintenance.
22. There has been no third party independent analysis of the impact of the proposals on Musselburgh's long connections and affinity with the sea and river as an amenity for the townsfolk and others, as well as for the tourism industry, on which many local shops depend. Flood walls will destroy amenity and Musselburgh's long connection with river and sea.
23. Negative impact on tourism to Musselburgh
24. "People depend on the environment around them for their physical and mental health, and general wellbeing" (Flood Risk Management (Scotland) Act 2009). My human rights are being undermined due to my present environment (river and coastal walks and views) being threatened which will affect my mental and physical health
25. The arguments against whole catchment area development have frequently touched upon multiple ownership of the lands in question and the unwillingness of some landowners to participate in safeguarding Musselburgh against floods. The poorest and most vulnerable are being discriminated against. Wealthy landowners should be implementing upstream natural flood management to reduce flow of water coming into the town. Instead people of a lower socioeconomic profile will be disadvantaged with a concrete wall flood scheme that sacrifices their access to nature.
26. My enjoyment of land will be affected by scheme and its operations.
27. Lack of privacy due to walkways on top of defences is a breach of my human rights.
28. "We are the experts. We know what we are doing". This repeated description of operations is insufficient to allow me to understand scale and nature of proposed works.
29. The volume of information, documents, images presented at the last minute has been overwhelming. The MFPS team must have realised that the public would fail to comprehend it all in the objection timeframe. This is a failure of your duty of care to ensure the information is comprehensible to the general public.

30. Myself and my family regularly use the land affected by the scheme and scheme operations (including but not limited to noise and pollution from construction traffic) at Fisherrow Links and Fisherrow coast. I use this regularly to walk my dog and exercise. My children use this for sports, football, pitch & putt, the playpark. I walk daily along the coastline for health benefits. A coastal sea defence with limited access and any scheme compound and scheme works will directly impact mine and my family's ability to continue to do so and disturb my enjoyment of the land. If the scheme proceeds in its present form without amendments I expect to be compensated for the sustained damage as a consequence of exercising my powers under the Act, Section 83 (1)

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]

[Redacted address]

Sent from [Outlook for iOS](#)

Subject: (0517) Objection to the Musselburgh Flood scheme

Sent: 24/04/2024, 13:27:15

From: [REDACTED]

To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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[REDACTED]

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

mfpsobjections@eastlothian.gov.uk

Dear Mr Grilli

I am writing to object to the recently published Musselburgh Flood Protection Scheme. I live in [REDACTED] and love taking walks along the River Esk or the sea. I have had 2 [REDACTED] I am concerned when I see some of the illustrations regarding the proposed works. We seem to be taking away trees – no real indication of how many. How does this fit in with the East Lothian tree strategy?

I object to the published scheme because:

1. Cost

The scheme is currently costed at £132m in total, including £53m for the flood protection part. Note that there are no cost breakdowns in the public domain. The Council has been told the cost is likely to rise. How can the Council have voted this through with so little information and why has no cap been put on the cost especially as the council seem to be struggling to meet current cost.

I am informed that £4m has been spent by December 2023 on design and consultations against a decreasing budget available for core Council services such as care for the elderly, essential community health and wellbeing amenities: libraries, leisure and culture (e.g. Brunton Hall repairs). Budget/spending priorities are wrong especially when there is no imminent risk of flooding in fact is tied in with a possible 1 in 200 year climate change event! The last major flood in Musselburgh was in 1948. Climate change may mean there is increased risk of flooding in future, but there are communities at much greater and more immediate risk – Dumfries, Haddington, Perthshire etc. Scarce resources should be applied in order of need.

The Scottish Government & COSLA working group on flooding has recognised the model of uncapped funding (known as Cycle 1) allows project consultants/developers to expand flood schemes into much larger, and more costly, projects. The escalating costs of this project should be scrutinised and capped to prevent further inflation of project and costs. This is a matter I will be taking up with my MSP especially as the budget has been cut for affordable housing..

The Council has been told that if they do not secure the Cycle 1 funding, they will get nothing. But that is not true, there will be funding in Cycle 2, which should be onstream after April 2024, and Musselburgh would be eligible.

2. Transparency and process

The engineers appointed to design the project have also been allowed to write the Environmental Impact Assessment (EIA). They carried out an options appraisal that ruled out all alternatives to the current scheme, without those options being made available for public scrutiny or debate. Throughout the scheme the consultants and engineers have not been subject to challenge or adequate scrutiny.

In January 2020, East Lothian Council cabinet voted through the preferred scheme. Given the value of the scheme, this should have been approved by the full Council. The Cabinet did not have the power to vote on a scheme of this magnitude.

On 23 January 2024, the Council agreed to the scheme progressing, even though they had not had sight of the full EIA, only a 'non-technical summary'.

Local residents have tried to engage with their Councillors but letters and emails that were responded to were sent to the Project team to provide the response. If challenged, the Project team advise they are taking instruction from the Council. The lines between the Council and the project team are totally blurred.

The MFPS does not offer alternative scenarios The Scottish Government guidance says that a range of scenarios should be included. How could the Council judge what is necessary protection without being given a range of options?

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

3. Science/Data

Local residents have asked to see the data underpinning the scientific calculations of the project team, but these requests have been ignored. What is the reason for the lack of transparency? The project team say they have adjusted flood defence heights in response to local feedback. This amounts to fitting the science around the preferred outcome, rather than science/data leading to a properly calculated outcome. This makes no sense.

The Council was informed that Natural Flood Management (NFM) should be restricted to 3 interventions (use of 2 small reservoirs in the Pentlands, and a tree-catcher in Dalkeith Country Park). NFM could include a whole range of techniques to slow the flow of the river throughout the catchments, and to encourage the natural dune system along the coast. The fact these were discounted at the start is wrong and the situation is made worse by the exclusion of NFM decided upon in October.

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

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

The Scottish Government is heading towards NFM. On 23 December 2023, the Scottish Government stated they recognized the importance of natural flood management (NFM) measures in reducing, slowing or otherwise managing flood waters across catchments and along the coast while also delivering multiple environmental benefits.” Why is ELC not in step with the Scottish Government?

Multiple benefits and active travel

The scheme has become entwined with the Musselburgh Active Toun (MAT) proposals. But the cost of the MAT scheme is unknown and is likely to require a 30% contribution from ELC, which has never been openly discussed.

MAT proposals do not contribute to flood protection. Planning permission should be required for these paths and bridges, but the flood scheme has deemed permission. It is not clear which parts of the MAT will bypass planning due to being included in the flood scheme.

The proposed new Goose Green bridge does not add flood protection to the town and does not make it easy to navigate for those with limited mobility and no electric scooters.

The MAT proposals included in the scheme are now much grander than those originally discussed and consulted upon.

General amenity, health and well-being

The project will take at least 5 years to build. It will be a major cause of disruption. There will be pile-driving all along the river as already evidenced with the building of the flats at the Wiremill site. There are many historic properties in the centre of the town at risk of damage from vibration. I already find it difficult to shop in Musselburgh due to the limited disabled spaces and am not able to carry heavy bags of messages. I dread to think what it will be like.

The banks of the Esk and Fisherrow Links are Common Good land, and any interruption to their use by the community should be compensated. Hundreds of people enjoy these amenities every day, where will they go to benefit from being in nature and by water?

Is it clear how many properties will be included as being ‘protected’ by the scheme? The number has risen and is variable on numerous documents from around 1,200 to 3,000 to 3,400. What is the truth? Where is the robust evidence? To achieve a viable amount of ‘multiple benefits’ there has to be a high number of properties protected and this scheme seems led by that consideration rather than by the actual risk.

Yours sincerely

A large black rectangular redaction box covering the signature and name of the sender. The redaction is complete, obscuring all text underneath.

mfpsobjections@eastlothian.gov.uk

Dear xxx

I am writing to object to the recently published Musselburgh Flood Protection Scheme. NOW SAY WHAT IS YOUR INTEREST IN THE SCHEME – ARE YOU DIRECTLY AFFECTED BY THE SCHEME? DOES ANY PART OF THE SCHEME ENTER/ADJOIN/DIRECTLY AFFECT YOUR PROPERTY? DO YOU LIVE ON THE RIVER OR BY THE COAST? IS YOUR HOME SHOWN IN THE FLOOD MAPS AS AT RISK OF FLOODING? WHAT AMENITIES DO YOU USE IN THE TOWN THAT ARE AFFECTED BY THE SCHEME? OR OTHER REASON SUCH AS LOCAL BUSINESS, VISIT FOR LEISURE ETC.

Note: Anyone can object to a flood scheme but the more directly affected you are, the more weight your objection is likely to carry. However, even if you are only indirectly affected, it is still worthwhile stating objection(s). For example, as a taxpayer, do you agree to this amount of public expenditure on the Musselburgh flood scheme?

I object to the published scheme because:

- LIST FIRST GROUND OF OBJECTION
- LIST SECOND GROUND OF OBJECTION
- ADD MORE GROUNDS YOU WANT TO INCLUDE

SEE APPENDIX FOR *SUGGESTED* GROUNDS WHICH YOUR OBJECTION COULD INCLUDE. WHERE POSSIBLE, USE YOUR OWN WORDS AND ADD YOUR OWN THOUGHTS.

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

Yours Faithfully,

INCLUDE YOUR FIRST AND SECOND NAME HERE.

Appendix of possible grounds to include in your letter

The proposed scheme

The public notice will state the reason for the scheme and the suggested benefits.

- Are the statements true?
- Do you agree that the scheme will achieve the stated benefits?
- What is your direct response, including counter arguments or evidence that disproves the statements?

Cost

The scheme is currently costed at £132m in total, including £53m for the flood protection part. Note that there are no cost breakdowns in the public domain. The Council has been told the cost is likely to rise. How can the Council have voted this through with so little information? Why has no cap been put on the cost?

£4m has been spent by December 2023 on design and consultations against a decreasing budget available for core Council services such as care for the elderly, essential community health and wellbeing amenities: libraries, leisure and culture (e.g. Brunton Hall repairs). Budget/spending priorities are wrong.

The Scottish Government & COSLA working group on flooding has recognised the model of uncapped funding (known as Cycle 1) allows project consultants/developers to expand flood schemes into much larger, and more costly, projects. The escalating costs of this project should be scrutinised and capped to prevent further inflation of project and costs.

The Council has been told that if they do not secure the Cycle 1 funding, they will get nothing. But that is not true, there will be funding in Cycle 2, which should be onstream after April 2024, and Musselburgh would be eligible.

ADD ALL YOUR RELATED CONCERNS ABOUT COSTS.

Science/data

The MFPS does not offer alternative scenarios. It is tied to a 1:200 year +climate change event. Scottish Government guidance says that a range of scenarios should be included. How could the Council judge what is necessary protection without being given a range of options?

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

Local residents have asked to see the data underpinning the scientific calculations of the project team, but these requests have been ignored. What is the reason for the lack of transparency?

The project team say they have adjusted flood defence heights in response to local feedback. This amounts to fitting the science around the preferred outcome, rather than science/data leading to a properly calculated outcome. This makes no sense.

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

The Council was informed that Natural Flood Management (NFM) should be restricted to 3 interventions (use of 2 small reservoirs in the Pentlands, and a tree-catcher in Dalkeith Country Park). NFM could include a whole range of techniques to slow the flow of the river throughout the catchments, and to encourage the natural dune system along the coast. The fact these were discounted at the start is wrong and the situation is made worse by the exclusion of NFM decided upon in October.

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

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

The Scottish Government is heading towards NFM. On 23 December 2023, [the Minister stated](#) “The Scottish Government recognizes the importance of natural flood management (NFM) measures in reducing, slowing or otherwise managing flood waters across catchments and along the coast while also delivering multiple environmental benefits.” Why is ELC not in step with the Scottish Government?

ADD ALL YOUR RELATED CONCERNS ABOUT SCIENCE/DATA.

WHAT ARE THE GAPS IN EVIDENCE? WHAT HAS BEEN IGNORED?

Transparency and process

The engineers appointed to design the project have also been allowed to write the Environmental Impact Assessment (EIA). They carried out an options appraisal that ruled out all alternatives to the current scheme, without those options being made available for public scrutiny or debate. Throughout the scheme the consultants and engineers have not been subject to challenge or adequate scrutiny.

On 23 January 2024, the Council agreed to the scheme progressing, even though they had not had sight of the full EIA, only a 'non-technical summary'.

In January 2020, East Lothian Council cabinet voted through the preferred scheme. Given the value of the scheme, this should have been approved by the full Council. The Cabinet did not have the power to vote on a scheme of this magnitude.

Local residents have tried to engage with their Councillors (GIVE YOUR OWN EXAMPLE IF THIS WAS SOMETHING YOU DID) but letters and emails that were responded to were sent to the Project team to provide the response. If challenged, the Project team advise they are taking instruction from the Council. The lines between the Council and the project team are totally blurred.

Many people have sent letters and emails and received nor response at all. GIVE EXAMPLES IF THIS IS YOUR EXPERIENCE.

ADD ALL YOUR RELATED CONCERNS ABOUT TRANSPARENCY AND PROCESS.

Multiple benefits and active travel

The scheme has become entwined with the Musselburgh Active Toun (MAT) proposals. But the cost of the MAT scheme is unknown and is likely to require a 30% contribution from ELC, which has never been openly discussed.

MAT proposals do not contribute to flood protection. Planning permission should be required for these paths and bridges, but the flood scheme has deemed permission. It is not clear which parts of the MAT will bypass planning due to being included in the flood scheme.

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

The MAT proposals included in the scheme are now much grander than those originally discussed and consulted upon.

ADD ALL YOUR RELATED CONCERNS ABOUT ACTIVE TRAVEL AND 'MULTIPLE BENEFITS'.

General amenity, health and well-being

The project will take at least 5 years to build. It will be a major cause of disruption. There will be pile-driving all along the river. (Think of the disruption caused by the Wiremill building by Tesco). There are many historic properties in the centre of the town at risk of damage from vibration.

The banks of the Esk and Fisherrow Links are Common Good land, and any interruption to their use by the community should be compensated. Hundreds of people enjoy these amenities every day, where will they go to benefit from being in nature and by water? You can find a [full list of Musselburgh Common Good land here](#), (download the xls file) on the second sheet.

Is it clear how many properties will be included as being 'protected' by the scheme? The number has risen and is variable on numerous documents from around 1,200 to 3,000 to 3,400. What is the truth? Where is the robust evidence? To achieve a viable amount of 'multiple benefits' there has to be a high number of properties protected and this scheme seems led by that consideration rather than by the actual risk.

ADD ALL YOUR RELATED CONCERNS ABOUT GENERAL AMENITY, HEALTH AND WELLBEING.

WHAT ELSE ARE YOU DEEPLY CONCERNED ABOUT? ADD ALL YOUR CONCERNS, THIS IS YOUR BEST CHANCE TO BE HEARD.

Subject: (0518) Objections to MFPS
Sent: 24/04/2024, 13:27:40
From: [REDACTED]
To: Musselburgh Flood Protection Objections

Follow Up Flag: Follow up
Flag Status: Completed

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

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

Dear Legal Services

Please see my objections below to the MFPS.

- 1) Lack of nature based solutions at coast and along the Esk.
- 2) Felling of scores of mature trees which provide a natural defence against flooding as well as providing home and shelter to wildlife seems unnecessary and counter-productive.
- 3) A coastal engineered defence is premature.
- 4) A sea wall could be undermined by erosion
- 5) Goosegreen bridge does not reduce flood risk
- 6) Dynamic Coast and NatureScot have both recommended an adaption plan
- 7) All MAT should be subject to planning and not part of flood scheme as offers no flood reduction
- 8) The MFPS will affect my enjoyment of the amenities at Fisherrow and along the River Esk. As an elderly gentleman of [REDACTED], with very limited mobility, the benches on either side of the Roman Bridge are as far as I'm able to walk. This pleasure will be taken away from me and even when taken out in a wheelchair I will not be able to see the beautiful views along the Esk and Promenade that I have known and enjoyed my whole life. I would dearly love future generations to also enjoy these views without the hindrance of ugly walls, which would no doubt be covered in graffiti in no time.

Please pause and reconsider. Musselburgh deserves better than this proposed over engineered scheme, which will very probably require updating or completely rebuilding before it's even required.

Please note that I do not wish to be contacted in person or by telephone.

Kind regards

[REDACTED]

Subject: (0519) MFPS OBJECTION
Sent: 24/04/2024, 13:28:55
From: [REDACTED]
To: Musselburgh Flood Protection Objections
Attachments: [REDACTED] [objection.pdf](#)

Follow Up Flag: Follow up
Flag Status: Completed

Categories: [REDACTED]

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


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Please find attached an objection from [REDACTED]

Kind regards

[REDACTED]

[Yahoo Mail: Search, organise, conquer](#)



23 April 2024

Carlo Grilli^[1]_[SEP]
Service Manager – Governance ^[1]_[SEP]Legal Services^[1]_[SEP]
East Lothian Council^[1]_[SEP]
John Muir House^[1]_[SEP]
Haddington^[1]_[SEP]
EH41 3HA^[1]_[SEP]

mfpsobjections@eastlothian.gov.uk

Dear Carlo Grilli

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


I have lived in Musselburgh for 14 years and the River Esk and its wildlife and walks are so important to the area and make it an attractive place to live.

I object to the concrete first approach, without reasonable consideration of alternative nature based solutions which would be less intrusive, and because they work with rather than against nature, more likely to succeed.


I object to the published scheme on the grounds that its cost is immense and the evidence justifying it does not seem robust or sufficient.

I object to the loss of amenity to Musselburgh, with huge new bridges and concrete embankments. These will be an eyesore, and much poorer for wildlife than the current riverbanks.

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



Yours sincerely



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

24 April 2024

By email to: mfpsobjections@eastlothian.gov.uk

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

Dear sir,

I write to object to the recently published Musselburgh Flood Protection Scheme.

I am an interested party, given that I am the owner of [REDACTED] one of the properties situated between the [REDACTED], the [REDACTED] [REDACTED]. As such, [REDACTED] [REDACTED], which will be adversely impacted by the construction of a sea wall as part of the flood prevention Scheme.

I also have serious concerns relating to the potential impact on the amenity, privacy and security of [REDACTED] arising from the proposed Scheme, including objections specifically relating to potential open access to the area of land between [REDACTED] wall and the proposed sea wall, which appears to be a five metre wide “alleyway”, separated, and largely concealed, from the main part of the beach by the proposed flood prevention wall, at a height of around five feet.

My objections relate specifically to the proposals for the section between the harbour play park and Murdoch’s Green, [REDACTED] [REDACTED], and are as follows:

1. I object to the proposed flood protection wall being built some five meters down the beach, at a height of around five feet, as this will form a barrier [REDACTED].
2. I object to the proposed flood protection wall being built some five meters down the beach, at a height of around five feet, as this will create an “alleyway” between relatively high walls, which appears to be open and accessible at both ends, is largely concealed from view by relatively high walls, and is therefore likely to attract antisocial behaviour, accumulate litter

and suffer from dog fouling, with consequent adverse impacts on the amenity, privacy and security [REDACTED]. This is exactly what the property owners in this area told the project team they did not want, because of their serious concerns about the likely adverse impacts [REDACTED].

3. I object to the proposed flood protection wall being built some five meters down the beach, at a height of around five feet, as this reduces the available beach by that five meters along this whole section and means that the wall has to be higher (relative to the beach level along that line) than would be required to provide the same level of protection if it were to be positioned further up the beach.

Please confirm receipt of this objection letter, also advising me of the next steps and timescales. Please note that I am happy to receive communication by email or post.

Yours faithfully,

[REDACTED]