

## **Comments in response to the Spectator article "Something's Fishy" written by Pippa Cuckson and published on 1 September 2012**

The Spectator's 2012 Matt Ridley Prize for Environmental Heresy has been won by Pippa Cuckson, the Telegraph's equestrian correspondent, with a piece on hydropower.<sup>1</sup> The aim was to "gore one of the sacred cows of the green movement — using facts to confront myths, and science to confront pseudo-science."<sup>2</sup> Spectator editor Fraser Nelson, one of the prize judges, cites Cuckson's piece as if it sheds valuable light on the subject, and applauds it as "profoundly rational".<sup>3</sup>

This is a misrepresentation. Critical inspection reveals that Cuckson's article deserves no prize for rationality. Nor is it heretical at all, but orthodox magpie journalism - short on facts, devoid of science, brimming with emotive alarmism - and, in places, simply untrue. The essay reworks an article published in Country Life in February, in which Cuckson paraphrased an Angling Trust press release - strongly opposed to hydropower, but lacking in evidence and rigour.<sup>4</sup>

Cuckson repeats a groundless calumny on contemporary UK hydropower, which is picked up with relish in a garish cover cartoon. This is that hydropower "kills and mutilates fish" by "slicing and dicing" until they are "mangled" or "minced". But where, amongst this colourful imagery, are the "facts to confront myths" which won this a prize?

While her escapism may appeal to some, the prosaic reality is that all new hydropower schemes in the UK must be licensed by the EA (in England and Wales), SEPA (Scotland) or NIEA (Northern Ireland). Such licences are a statutory requirement. These impose legally-enforceable conditions which prevent harm to fish, following standards and guidance such as the EA's Hydropower Good Practice Guidelines.<sup>5</sup> Licensing conditions invariably impose a legal requirement that appropriate grades of screening must be applied to exclude from the turbine relevant species and sizes of fish which could otherwise be harmed. The type and grade of screen required is dependent on the type, size and speed of the turbine.<sup>6</sup> EA licences are therefore effective in preventing Cuckson's apocalyptic and entirely fictitious harm from being realised. As part of licensing, fisheries assessments by qualified scientists are typically undertaken to assess risk before schemes are allowed to proceed. This is why there is no evidence that hydropower "trashes" fish spawning, nor any basis in fact for her exaggerated fears of fish kills. No evidence of any actual damage has been presented from any contemporary UK scheme. If Cuckson alone has obtained such evidence, she does not choose to present it.

From her limited and unrepresentative sources, Cuckson generalises freely, making no claim to understand the important distinctions between the different environmental risks of different types or layouts of hydropower systems in a wide variety of river contexts. She might easily have sought contact with current EA specialists (rather than a disgruntled ex-employee), who could have helped her understand how regulators consent schemes - only after agreeing appropriate levels of mitigation in each case, based on expert assessment of actual risk to the species present at each site.<sup>7</sup>

Damage to fish is not permitted under any EA licences - with a single well-known exception upon which Cuckson opts to focus exclusively. In 2010, the EA granted licences to the Small Hydro Company for a scheme at Gunthorpe in Nottinghamshire and another nearby. In these two licences alone (out of some 400), the EA chose to include a clause which would permit fish kills, as follows:

"The licence holder shall suspend hydroelectric power generation immediately if mortality, which is directly attributable to operation of the turbine, of more than 10 adult salmon/sea

trout or 100 fish (including coarse fish, lamprey, non-migratory trout, eels or elvers) occurs in any 24-hour period.”<sup>8</sup>

This regrettable departure from normal practice has remained unexplained and incomprehensible to the wider hydro industry, which must design all other schemes to prevent fish from being harmed. It is therefore highly questionable to imply – as does Cuckson – that this is representative of hydropower development in the UK. Again, and importantly, these two schemes have not been built, and the damage “permitted” under the questionable condition is not occurring.

When the Angling Trust objected to the Gunthorpe condition, it argued quite reasonably that the condition was inappropriate. The Angling Trust did not claim that the proposed turbines would inevitably damage fish in practice – simply that the condition was irrelevant and over-permissive, and it would be preferable for the EA to adopt their normal policy, requiring effective metal screens to keep fish out:

“This determining condition... has been borrowed from the guidelines for the categorisation of pollution events... and is therefore not relevant in this situation. We would point out that pollution events which are so categorised are treated on a one-off basis. Given that the turbine is designed to function continuously, it is unlikely that, if a fish kill were to occur, that it would be an anomalous event: either the turbines will kill fish or they will not. If there is a problem, then it will relate to the nature of the turbines and the effectiveness of the screen on an ongoing basis.”<sup>9</sup>

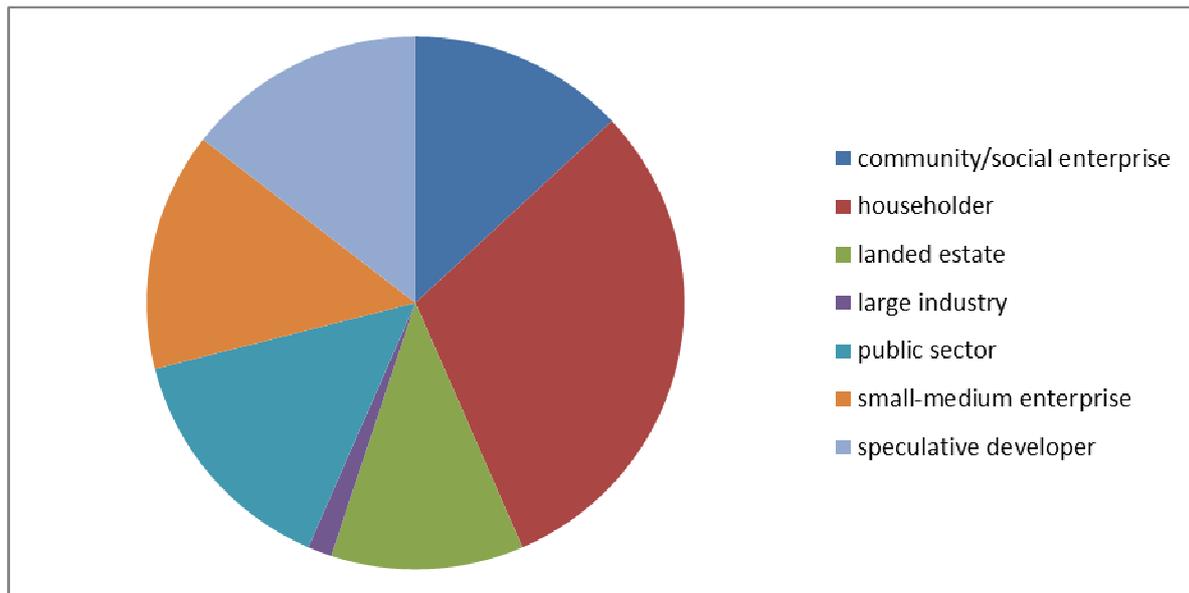
A “rational” response by Cuckson would therefore have been to approach the EA and investigate the basis on which this contentious licensing condition was imposed. Instead she employs this anomaly (in an as-yet non-existent scheme) to denigrate a whole industry - in which examples of best practice have been acknowledged even by the Angling Trust.<sup>10</sup> The Angling Trust and the regulators are well aware that hydropower is a principal funding source for new or improved fish passes, whose construction must otherwise come via public works projects funded by the taxpayer at what is often a higher cost. When hydropower schemes are mutually beneficial, angling organisations may actively approve.<sup>11</sup>

Cuckson also repeatedly asserts that riparian rights are infringed or “trampled” by hydropower schemes. There is no evidence for this, and Cuckson presents none. Here, Cuckson’s story is again solely based on the proposed Gunthorpe scheme. But in emphasising the potential future reduction in the value of fishing rights at Gunthorpe, she omits to mention important caveats: this loss remains entirely theoretical, it is not evident that rights will ever be infringed by the proposed scheme, and during licensing the EA had regard to a legal doubt that the angling association held the rights at all.<sup>12</sup> Riparian rights where they do exist are taken into consideration by the EA during licensing.<sup>13</sup> Notwithstanding, Telegraph colleagues have begun to elevate this particularly thin strand of Cuckson’s argument into a potential libertarian *cause célèbre*.<sup>14</sup>

Cuckson repeatedly asserts that hydropower is dependent on a “taxpayer subsidy” – a slack but emotive metaphor for FITs funded through energy bills. But the case for or against subsidised renewable energy (which she makes no reasoned attempt to pursue) is ultimately a political one, and no more specific to hydropower than to other renewables. More salacious perhaps is Cuckson’s assertion that there has been a “murkier aspect” to British Waterways’ plans for hydropower on its assets: though here again she merely hints at an allegation and does not investigate its substance. It is not “profoundly rational” to accuse the steward of the nation’s canals of opportunism for having being axed as a quango by government and forced instead to pursue its heritage protection work on a charitable basis. Similarly, Cuckson’s depiction of the financial arrangements at Windsor grossly

misrepresents the involvement of the Crown Estate, which is understood to be a customer for the electricity - not a recipient of any subsidies, nor an investor of any public money in the scheme. This misrepresentation has most likely arisen from reading sensationalised accounts in the media.

These aspects are, however, part of a more general socioeconomic case which Cuckson seeks to build against hydropower in particular, labelling those who pursue hydropower as “a handful of vested interests” and “a few rich”. This is an inaccurate and unfair depiction of the wide variety of individuals, businesses, and public bodies who pursue hydropower in their gardens, estates, premises, or community assets. This variety is evident among the clients of an example hydropower consultancy:<sup>15</sup>



Her economic assertions are similarly flawed. Cuckson claims that those who pursue a hydropower scheme will “inevitably discover” it to be uneconomic – while elsewhere she conversely claims that they will “get richer”. She raises accusations of unprofitability and underperformance, but supports these with only one example. Here, if she had honestly sought to understand the reasons for the performance of Torrs Hydro in past years, she might have taken the trouble to enquire directly, rather than relying apparently only on web content. Doing such research could have helped her to learn how particularly low flows in two of the four years of operation, or damage due to flooding where the resultant loss was covered by insurance, might impact output, helping her understand why maximum returns might not occur even if a year is generally wet. In the past calendar year, the Torrs scheme is understood to have exceeded its predicted average annual output.

Unable to find economic evidence from more than one scheme, Cuckson attributes this to a conspiracy of silence, rather than to a low hit rate with Google - let alone first-hand interviewees with relevant experience, of whom none are quoted.

Most importantly, Cuckson should be challenged to stand up and defend her headline assertion that hydropower “kills and mutilates fish, trashes historic spawning grounds and wipes out dependent ecosystems”. This is not supported by any evidence from contemporary developments in the UK.

There’s no reason why a good sports journalist should not make a foray outside her expertise. But in trotting out slipshod hackwork to caricature what is a growing British success story for community groups, heritage trusts and other landowners, Cuckson has flogged this particular hobby horse to the

point where she should now spare the crop. Having thus stolen the prize money, perhaps she should invest it in balanced research - to hunt the all-too-absent evidence of the harms she claims to report.

Finally, on judging the 2012 Ridley Prize, Fraser Nelson remarks: "The judges had a pretty tough task. There were quite a few brilliant demolitions of environmentalism in general: as Stephen Hawking said at the Paralympic Games opening ceremony, the enemy of knowledge isn't ignorance but the illusion of knowledge."<sup>3</sup> This could hardly have been a less appropriate introduction to the entry which he chose to win the Ridley Prize!

***This critique of the Spectator article "Something's Fishy" of 1 September 2012 is contributed by British Hydropower Association member MannPower Consulting Ltd and adopted by the BHA as its official view of the article.***

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<sup>1</sup> Pippa Cuckson, "Something's fishy. Hydroelectric power is bad for the taxpayer and bad for the environment. Why does no one say so?" The Spectator, Sept 1st 2012 (pp.12-13).

<sup>2</sup> "The Matt Ridley Prize is open to everyone". The Spectator, 6th March 2012.  
<http://blogs.spectator.co.uk/coffeehouse/2012/03/the-matt-ridley-prize-is-open-to-everyone/>

<sup>3</sup> Fraser Nelson, "Hydropower: the winner of the 2012 Matt Ridley award". 2nd Sept 2012.  
<http://blogs.spectator.co.uk/coffeehouse/2012/09/hydro-power-the-winner-of-the-2012-matt-ridley-award/> Fraser Nelson, The Spectator "View from 22" podcast discussion, 30<sup>th</sup> Aug 2012 (c.00:40 to 07:20): <http://d35f2nn85hoamp.cloudfront.net/wp-content/uploads/2012/08/theviewfrom22-300812.mp3>

<sup>4</sup> Pippa Cuckson. "Hydropower. Are we pushing water uphill?" Country Life, 1st Feb 2012, pp.50-51.  
<http://gb.zinio.com/sitemap/Travel-magazines/Country-Life/February-1-2012/cat1960030/is-416209196/pg-51> Angling Trust, November 2011. "Angling Trust Position Statement on Run of River Hydropower".  
[http://www.anglingtrust.net/core/core\\_picker/download.asp?id=2628&filetitle=Angling+Trust+Position+Statement+on+Run+of+River+Hydropower](http://www.anglingtrust.net/core/core_picker/download.asp?id=2628&filetitle=Angling+Trust+Position+Statement+on+Run+of+River+Hydropower)

<sup>5</sup> EA Hydropower Good Practice Guidelines 2009 <http://publications.environment-agency.gov.uk/PDF/GEHO0310BSCT-E-E.pdf>

<sup>6</sup> See EA Hydropower Good Practice Guidelines 2009. Fish exclusion screens range from very fine for high-speed turbines to none for Archimedean screws. Fish need not be excluded from Archimedean screws, because independent controlled tests have demonstrated that fish pass unharmed through the screw turbine itself - research reports on this are available at:  
<http://www.fishtek.co.uk/hydroTurbineResearch.htm>

<sup>7</sup> Environment Agency. "Our position on hydropower." <http://www.environment-agency.gov.uk/research/library/position/110175.aspx>

<sup>8</sup> Gunthorpe Weir licence:  
[http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=1&cad=rja&ved=0CCEQFjAA&url=http%3A%2F%2Fwww.anglingtrust.net%2Fcore%2Fcore\\_picker%2Fdownload.asp%3Fdocumenttable%3Dlibraryfiles%26id%3D1693&ei=\\_ESHUIyEAcmR0QXd\\_oGYCQ&usq=AFQjCNGb2IKWh\\_-hEXk6wZSHX5JPUxMhRA&sig2=Pg6J\\_tqvKZvku9IjIxopOw](http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=1&cad=rja&ved=0CCEQFjAA&url=http%3A%2F%2Fwww.anglingtrust.net%2Fcore%2Fcore_picker%2Fdownload.asp%3Fdocumenttable%3Dlibraryfiles%26id%3D1693&ei=_ESHUIyEAcmR0QXd_oGYCQ&usq=AFQjCNGb2IKWh_-hEXk6wZSHX5JPUxMhRA&sig2=Pg6J_tqvKZvku9IjIxopOw) Sawley Weir licence:  
[http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=1&cad=rja&ved=0CCEQFjAA&url=http%3A%2F%2Fwww.anglingtrust.net%2Fcore%2Fcore\\_picker%2Fdownload.asp%3Fid%3D1694%26filetitle%3DSawley%2BLicence&ei=xV9HUMXIDqyY0QX8o4DIDg&usq=AFQjCNFLgxt90RvPAefHC6A\\_q8QDUBMNkw&sig2=WGkPtJ8Tu2P2Udn2kGC-jg](http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=1&cad=rja&ved=0CCEQFjAA&url=http%3A%2F%2Fwww.anglingtrust.net%2Fcore%2Fcore_picker%2Fdownload.asp%3Fid%3D1694%26filetitle%3DSawley%2BLicence&ei=xV9HUMXIDqyY0QX8o4DIDg&usq=AFQjCNFLgxt90RvPAefHC6A_q8QDUBMNkw&sig2=WGkPtJ8Tu2P2Udn2kGC-jg)

<sup>9</sup> (letter 2<sup>nd</sup> Feb 2011 from Mark Lloyd, Chief Executive, Angling Trust to Paul Leinster, Chief Executive, EA)  
[http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=2&cad=rja&ved=0CCYQFjAB&url=http%3A%2F%2Fwww.anglingtrust.net%2Fcore%2Fcore\\_picker%2Fdownload.asp%3Fdocumenttable%3Dlibraryfiles%26id%3D1973&ei=\\_ESHUIyEAcmR0QXd\\_oGYCQ&usq=AFQjCNGb22G2bl7LQrAuYStUaauB4NMFzQ&sig2=Sh9DgqPv0TNNP16f45W0ZQ](http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=2&cad=rja&ved=0CCYQFjAB&url=http%3A%2F%2Fwww.anglingtrust.net%2Fcore%2Fcore_picker%2Fdownload.asp%3Fdocumenttable%3Dlibraryfiles%26id%3D1973&ei=_ESHUIyEAcmR0QXd_oGYCQ&usq=AFQjCNGb22G2bl7LQrAuYStUaauB4NMFzQ&sig2=Sh9DgqPv0TNNP16f45W0ZQ)

<sup>10</sup> Angling Trust, November 2011: p.6.

<sup>11</sup> Schemes labelled as "win-win" by the EA are growing in number. An example is a proposed scheme at Totnes Weir whose design has been influenced and favourably received by Dart Angling Association: <http://www.dartaa.org.uk/news.htm> / <http://www.dartaa.org.uk/Totnes%20hydro.htm>

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<sup>12</sup> "Representation was received from the land owner, Nottingham Angler's Association of the weir pool right-hand bank immediately downstream of the weir structure. They were concerned with regard to the proposed HEP and the potential of the scheme to impact upon the viability and popularity of their fishery. The area of river bank that the NAA confirmed as being in their ownership was included within the area of land previously confirmed as being owned by British Waterways. Both the applicant and NAA were independently asked to confirm the extent of their land ownership. British Waterways responded by stating that an area of land in their ownership on the south bank is believed to have been sold by a local farmer to NAA and that the sale is in dispute... due regard has been taken of protected rights, riparian and other lawful in-river interests." EA licensing decision statement NPSWR001420, formerly available (Feb 2012) at <http://www.environment-agency.gov.uk/research/library/consultations/124886.aspx>

<sup>13</sup> Environment Agency, August 2012. "Living on the edge. A guide to your rights and responsibilities of riverside ownership." <http://publications.environment-agency.gov.uk/PDF/FLHO0912BWUP-E-E.pdf>

<sup>14</sup> James Delingpole, "David Cameron, renewable energy and the death of British property rights." 1st Sept 2012. <http://blogs.telegraph.co.uk/news/jamesdelingpole/100178840/david-cameron-renewable-energy-and-the-death-of-british-property-rights/>

<sup>15</sup> Graphic of clients by category - provided by Mann Power Consulting Ltd.