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19th June 2009

Dear Ms Preston,

CONSULTATION ON THE SCOTLAND RIVER BASIN MANAGEMENT PLAN

I am responding on behalf of the British Hydropower Association (BHA) to the Consultation on the Scotland River Basin Management Plan.

The BHA is the trade association for the UK hydropower industry. With around 150 members, the Association represents a wide range of interests: consulting engineering, design, manufacture, investment and operation, and specialist service providers. The BHA represents generators from small owner-operators to large UK and international companies.

The BHA recognises that the RBMPs are strategic plans covering a wide range of activities at different levels. They are extensive and complex making useful comment on the consultation documents difficult, particularly as the scope of their coverage has changed during the consultation period, with for example the introduction of draft fish passage regulations.

It is a concern to the BHA that the introduction of such a comprehensive and technically complex regulatory framework is being made when the world-wide experience of regulation in many important aspects the water environment are limited and some details are yet to be defined. We support a cautious approach by SEPA in adopting the setting of objectives and defining Programmes of Measures to meet them. We believe that the SEPA needs a high level confidence in the existence of a real problem before taking action to solve it and full consideration needs to be made to technical feasibility and the balance of costs.

We should like to emphasise that hydropower is a non-consumptive water user and that the benefits of its generation of carbon-free electricity is fully taken into account. The consequences of the implementation of the Water Framework Directive are uncertain for the power sector in general and hydropower in particular. This influences decision making on potential future project. We believe that the introduction of any measures should be proportionate and evidence-based.

Specific comments are set out in the attached annexe.

The British Hydropower Association is a Company Limited By Guarantee
Registered Office: Jonsen House, 43 Commercial Road, Poole, Dorset, BH14 0HU
Company registration number: 5689982. VAT registration number: 727102365

Yours sincerely,

A handwritten signature in black ink that reads "Adrian Abbott". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Adrian Abbott
Policy & Consultations Manager

ANNEX

Question 1: Do you agree with our assessment of the ecological status/potential (condition) of individual water bodies in the Scotland river basin district?

In general the BHA agrees with the assessment.

Question 2: This plan and Annex 3 sets out the objectives for the water environment for the next six years and beyond. To what extent do you agree with:

a. the level of improvements proposed by 2015?

b. the level of improvements proposed by 2027?

Abstraction and physical modification are set out as problem areas. Hydropower is a non-consumptive abstractor returning the water abstracted, unmodified to water bodies. On physical modification we hope that when consideration is given to reducing their impacts on water bodies, full regard is given to the potential economic benefits of not making any modifications. Many of these modifications have been in existence for decades, centuries even, and may well have contributed to the development of micro-environments. For hydropower, river structures such as weirs, some of which may not have any current use, are potential sites for the generation of carbon-free electricity. Weirs do not affect flow rates. The evidence on the impact by weirs on the migration of fish is vague and there is currently a general lack of detailed evidence on how hydromorphological pressures influence ecology.

The BHA is not in a position to comment on the detail of the proposed objectives but we note that there are many proposals aimed at improving the hydromorphology of water bodies, proposals that could have unintended consequences. The natural life of watercourses can sometimes be healthy even when the supporting physico-chemical elements suggest a problem. This emphasises the importance of having confidence that there is a real problem before taking action to solve it. A great deal of importance is attached to fish stocks as an indicator of good ecological status but it is just one of a number of indicators of ecological status.

Question 3: Are there water bodies where you think that the objective for the future should be different? If so, please provide details.

The BHA is not aware of any particular issues. Where it is felt that objectives need to be changed we would expect full and open consideration of all the benefits and costs would be made.

Question 4: Have we identified the important existing measures that could be taken to address these pressures (Sections 7–11)? Please identify any important existing measures we have missed, including measures for individual water bodies (as detailed on the interactive GIS map).

The BHA is not aware of any measures that that been missed

Question 5: Could you or your organisation, potentially working in partnership with others, help deliver existing measures or develop new measures?

The BHA has worked with SEPA in the past and would be happy to work with SEPA on future proposals.

Question 6: We will need to work together to deliver the river basin management plan. Do you have suggestions on how we could work better together?

Actions should be subject to tests for their cost effectiveness, technical feasibility and benefits. We believe that a guiding principle should be that overall costs should not exceed the overall benefits.

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Question 7: To be effective this plan has to influence other planning process. Have you suggestions on how to improve the way this plan links to other planning processes (Section 13)?

It is likely that there will always be problems in co-ordinating policy and planning in such complex areas as water and environmental management but BHA believes that open consultation at the earliest possible stage would help to cut out many problems before they arise.