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19th June 2009

Dear Mr Bunting,

CONSULTATION ON THE SOUTHWEST RIVER BASIN MANAGEMENT PLAN

I am responding on behalf of the British Hydropower Association (BHA) to the Consultation on the consultation on the Southwest 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 the Environment Agency (EA) and DEFRA in adopting the setting of objectives and defining Programmes of Measures to meet them. We believe that the EA 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 believe that the introduction of any measures should be proportionate and evidence-based.

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.

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The Environment Agency has been working closely with the BHA to develop a Good Practice Guide to support the Agency's hydropower manual.

Specific comments are set out in the attached annexe.

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

Q1 Do you agree with the assessment of the problems in the water bodies? What would you change?

In general the BHA agrees with the assessment of the problems. 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 consultation document is vague on the impact by weirs on the migration of fish noting that at Annex G the document states; "There is currently a lack of detailed evidence on how hydromorphological pressures influence ecology."

Q2 Do you agree with the proposed objectives? What would you change?

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. We note that at 4.2.7 the consultation document says: "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."

We note that 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.

Q3 For some water bodies we have proposed objectives with deadlines after 2015 or a lower overall target. Do you agree with these changes? What would you change?

The BHA does not have strong views on this question.

Q4 We have followed a process to assess (appraise) these actions. This process is described in detail in annex E. Do you agree with the how we have done this?

We support the minister's intention in RBMP Guidance that the overall costs should not exceed the overall benefits.

Q5 What comments do you have on these actions? Are there any actions that have been missed, or any changes you would propose?

The EA suggest at Table 8.5 that it will "deliver a program of improvements to priority obstructions to fish and eels". The BHA has seen no evidence to justify such actions and the costs they will entail. They should be reconsidered.

The BHA is concerned by the recommends that modifications are made to abstraction licenses "potentially causing adverse effect on integrity of Natura 2000 and to SSSIs". Abstraction licenses are only issued after serious ecological scrutiny and no modification should be made unless there is real evidence of damage. If modifications are made there should be an assurance that license holders will be compensated for any loss sustained as a result of modifications.

Q6 What comments on Scenario C actions do you have, including any additional information you can supply about specific actions?

Actions should be subject to tests for their cost effectiveness, technical feasibility and benefits.

Q7 What support can you offer, such as undertaking any actions or providing resources, to help deliver more for your environment?

The British Hydropower Association is working with the EA on Good Practice Guides for Hydropower.

Q8 Do you agree with our assessment of how climate change will affect pressures on the water environment? What would you change?

The Water Framework Directive should not be implemented in a way that compromises efforts to combat climate change. One of the most important examples of such an effort is the renewable generation of electricity.

Q9 Do you have any other comments on this draft plan that you haven't already given?

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.