

INDUSTRY FEEDBACK ON THE DOCUMENT
200407 Response to Hydropower sector feedback final.DOC

ON THE POSITIVE SIDE

- We are pleased that the Agency has initiated some research to investigate the survivability of small eel and Kaplan turbines, and we will collaborate proactively to obtain the most meaningful results from this.
- The Agency states that: *The underpinning guidance will be reviewed and updated over the coming months. This will be based on the best available evidence.*

This is the first time this has been stated, so is a positive step forward. This review – and obtaining evidence of juvenile eel behaviour at hydropower abstractions - is crucial in delivering proportionate eel protection that has any credibility with end-users.

ON THE NEGATIVE SIDE

1. Exceptional cost

Quote: *The basic assumption is that if an operator has previously paid for and delivered a specific eel measures, then it “sets a precedent” and it means it would be possible for similar operators to do the same....As most hydropower operators have similar economic conditions, we would expect that what has been **economically feasible** for some of the operators, will be similarly acceptable for others.*

So the Agency assumes that the most economic hydro site represents all hydro sites, and the richest hydro developer represents all hydro developers.

The above statements, coming from a UK regulator, are frankly scandalous.

The above assumption implies that a community group relying on grants and donations to attempt a small greenfield hydro scheme at their local mill has the same economic circumstances as a water company implementing a large hydro scheme using existing infrastructure.

It also totally ignores the fact the precedent was set when Feed-in-Tariffs were at a generous level. They are now zero, so fundamentally altering the economic feasibility of all hydro schemes.

Item 1.3 of the Regulators' Code states that:

Regulators should ensure that their officers have the necessary knowledge and skills to support those they regulate, including having an understanding of those they regulate that enables them to choose proportionate and effective approaches.

We would therefore wish the Agency to confirm whether the quoted approach has been endorsed at Director level, and provide the relevant contact details so that we can follow this up.

Quote: "*Substantiate why the most expensive scheme in the database does not represent an appropriate threshold for the whole sector on technical grounds*"

Please could the Agency name one area of government policy which bases its assessments of normality on what the very richest can afford ?

"Submit additional data": It should hopefully have occurred to the Agency that the reason there is so little data on eel screening costs at low head hydro abstractions is because these costs are unaffordable.

3. Itteringham appeal

Lack of evidence of any eel damage (after 10 years of operation) caused the Itteringham appeal to go against the Agency, but the 'evidence-lead' Agency is choosing not to regard this as a relevant precedent. Why is this ?

Does the Agency adopt only those precedents that will suit its policy ?

4. Scenarios

The Agency has run 2 HEP scenarios, but with no cost data and no benefit data.

How did the model decide that 2mm screening passed the cost-benefit test ?

5. Eel Regulations.

The Eel Regs make no mention of 2mm screening: they simply require abstractions to protect eel.

11 years after the Eel Regs became law, the EA has still provided no evidence that the fine screening in place at low-head hydro abstractions is insufficient to protect juvenile eels, and the selection of 2mm aperture within the Eel Manual was not based on any evidence of juvenile eel behaviour in the wild.

This is a long time for the evidence-lead regulator to be relying solely on the precautionary principle.

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