

CRITIQUE

The paper "Response to Consultees" purports to describe *how SEPA has taken account of the main issues raised by consultees*. It does so by responding to issues raised by consultees in response to specific questions, ie under the headings and questions produced by SEPA in their consultation document. We find this response inadequate on two broad grounds:

1. The fact that many consultees objected to the wording and the conceptualisation of the issues is ignored, but must constitute a major flaw in the consultation process.
2. Many topics which consultees mention repeatedly are not considered in the Response.

Examples of topics thus neglected are given below (numbers in brackets denote number of consultees - out of 55 - who have written on each topic):

- rural socio-economic benefits and carbon reduction impact of small schemes will be reduced if the guidance is adopted (16)
- much of the terminology is subjective and unquantified, eg terms such as 'deterioration' 'significant', 'impacted', 'natural barrier to fish', classification of sites as 'good' 'medium' and 'poor' and many more terms (15)
- the guidance is unlikely to achieve / is not in line with / goes further than ministerial objectives (13); is too prescriptive and more like a policy document than a consultation (6);
- encouraging the development of hydropower in 'degraded' sites is not acceptable; against WFD policy of improving degraded sites (13)
- there is a lack of data for the claims of ecological damage by small hydroschemes (aquatic species abundance, distribution and population dynamics, and factors constraining sustainability of resources) (12)
- the classification into < and >100kw schemes is arbitrary and unjustified (11)
- <100kw schemes differ hugely in themselves; rules can't be applied to all small schemes: case-by-case analysis is required (11); guidance seems biased against small schemes (8)
- measures are covered by other legislation: the SEPA guidance does not refer to relevant guidance produced by other bodies such as SNH, the European WFD, the English EA; planning permission; SEPA's own guidance such as RM34; National Parks Authority Supplementary Planning Guidance; EIA, EU's Renewable Energy Directive 2009 (9)
- flow measures constitute only one factor in fish habitat and migration (9)
- large schemes are more damaging to the environment than small ones yet the most stringent measures apply to small schemes (6)
- many other factors (industry, forestry etc) affect ecology and are unregulated (4)

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