

I am responding to the consultation on behalf of the Micro Hydro Association which represents, at the time of writing, 77 generators/potential generators of very small scale hydro-electricity and 55 individuals and organisations who supply related services and products. We were surprised not to have been included in the list of consultees in Appendix D although we have been invited to respond owing to our participation in the revision of the EA's "Good Practice Guidance for Small and Micro Scale Hydropower"

Our interest in responding concerns all the EA regulatory procedures affecting hydro-electric schemes. Our comments below relate to regulation and permitting for abstraction, impoundment and flood defence.

I have included a reference to the consultation questions where possible since I find that the structure of the consultation response document and web form do not easily allow us to address a number of issues. I have also responded to other questions on the response form itself (attached to email).

Gavin King-Smith

Administrator Micro Hydro Association

### Permitting charges

Your consultation document opens with the premise:

Under these powers people and organisations who require an environmental permit pay for the cost of the service, rather than it being funded from general taxation. This reflects the government's "polluter pays principle"

We would expect hydro electric schemes to be exempted from any additional environmental permitting charge. These schemes are built with the aim of *reducing* those aspects of environmental pollution which arise from other forms of energy production, and are not consumptive of water resources, only of the sustained energy therein. The permitting charges are the same for any size of scheme and this seems disproportionately biased against the very small scale schemes which carry negligible risk of significant environmental effect. Small schemes could more helpfully and appropriately be permitted through a registration process: an applicant would be required to submit details of the scheme and these could be investigated if the EA have any specific concerns about a site, such as its location in an SSSI with aquatic habitat protection. In such cases, the applicant might be required to put forward additional mitigation measures or not to operate a scheme at all.

It seems reasonable to retain a basic charge to cover the licensing and monitoring processes for larger scale schemes. We would not expect to see charges for this work increase other than with a recognised index for labour costs.

**Recommendation:** reduce or abolish charges for sub 50kW hydro schemes and permit them through a registration process.

Charging for advice during the pre-application stage **Ref Question 4d**

The consultation document continues with the proposition:

Pre application charges

Our Environmental Permitting (EP) charges have a provision for charging for pre application advice, in the case of bespoke permits, after 15 hours of free advice. This is subject to agreement in advance with the applicant. We propose to introduce a similar facility in our Abstraction charging scheme. The application charge for an abstraction licence is £135 which only covers the administrative aspects of the application. However some applications require substantial effort to process, particularly those for hydropower permits. Furthermore most hydropower permits do not attract a subsistence charge.

We believe such an approach is fairer to general charge payers in that costs are more closely linked to those benefiting from our services. It also helps harmonise our charging arrangements across all our schemes. Operators are able to obtain such advice from other service providers.

It needs to be clarified that the proposal for charging for advice relates solely to the pre-application stage. It is critical to know that it is not proposed to charge for EA work involved in assessing full applications unless advice is requested by a permit applicant to help design mitigation measures to meet obligations.

At present there is no requirement to use the pre-application process, so landowners and developers who are expecting to undergo a comprehensive assessment of the full application are likely to be discouraged from requesting pre-application work. The application processes should be seamless and should not involve duplication of effort on the part of the EA or the applicant if the pre-application process is used.

We agree that limited free advice at the early stages of application is appropriate and that a direct charge could be made at this stage, as well as in subsequent stages, if more detailed advice on designing and implementing ecologically sound hydro schemes is requested by the applicant, providing that:

it can be demonstrated that the costs of the extra administration do not outweigh the benefits to the EA, the applicant, or to the tax payer

there is clear provision for allowing competition in delivering such advice.

This could be an opportunity to improve the perception of the EA's role as supporting renewable energy generation by demonstrating the value of application assessment work.

However there is a risk that the 15 hours free advice may be used up in correspondence concerned with navigating the guidance, standards and other regulations rather than in addressing technically critical design issues.

**Recommendations:** This concern will be addressed by a proper account being given of the time spent by EA staff on technically useful assistance during the "free" period.

It should be made clear that any limit to free pre-application advice will be applied only after there has been at least one site visit by an EA officer competent in assessing environmental effects attributable to hydro abstraction and impoundment. This should include the issue of a report to the applicant indicating any matters which may need further investigation by the EA and a clear

indication of the objectives and deliverables. This would allow subsequent specialist advice to be sought from competing sources.

#### Proportionate charging

We are also concerned that the EA will be incentivised to charge for time on raising and advising on matters to an extent which is disproportionate to the risks involved. This is likely to apply in particular to the pre-application assessment of micro-scale hydropower schemes. This concern relates to the current work on updating General Practice Guidance for Small and Micro Scale Hydropower– please cross-refer. If the EA will, as we have advocated, take a proportionate approach to the mostly very low-risk or risk-free micro scale schemes, a problem should not arise.

**Recommendations:** This concern will be addressed by training EA staff in applying the environmental assessment procedures proportionately.

#### Charging for environmental advice (general)

Where the EA is in a position to offer specialist advice on how to mitigate environmental effects in respect of hydro-electric schemes to applicants who wish to commission such work, it would be reasonable to charge for the advice at market rates in competition with experts in other public or private sector bodies.

**Recommendation:** allow EA to charge for tailored advice on mitigation measures specific to a scheme where requested by an applicant and where appropriate guidance is not already available from the EA.

#### Catchment and river flow data and its interpretation

One particular issue to address, particularly for small scale schemes, is the use of public domain river catchment data which is now accessible for processing only via privately supplied, and relatively expensive, software (LowFlows 2 and Hydra 2). Some developers, but not all, already use this software for their design work, either purchased or as a service from Wallingford. The EA will typically make their own calculations using the software and this can lead to unnecessary argument which could be avoided if the processed data were always to be supplied by the EA.

**Recommendation:** Make the results of processing the data by the EA available as a matter of course to designers of hydro schemes. This would be required in the early stage of an application when options for differing locations and levels of abstraction may have to be considered.