

Rt. Hon Lord Smith of Finsbury
Chairman
Environment Agency
Horizon House
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Micro Hydro Association
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Dear Lord Smith,

I am writing with regard to the EA consultation on flow standards for hydropower schemes and its impact on the future of small scale hydro schemes in the UK. The Micro Hydro Association represents those involved with sub 100kW hydro schemes. This includes farmers and land owners, but also Communities who are trying to install hydro power on old mill leats or weirs. The proposed amendments to the EA Good Practice Guidelines will disproportionately affect all of these, with no robust quantitative evidence as a precursor to the amendments.

As a member of the EA Hydropower Working Group (HWG) the MHA has contributed considerable time to the GPG2 and supplementary flows regulation consultations with the principal aim, from the start, of assuring a proportionate and risk-based approach. However, the recent decision by the EA Directors to submit their own recommendation outside the consultation options for flow regulation cannot in our view be considered proportionate, nor related to the risk that micro hydro schemes may damage the environment.

Therefore the MHA has concluded that we have no option but to disengage from the current EA consultation to amend the Good Practice Guidelines, based on our evaluation that this consultation is flawed, unfounded and incomplete. We remain ready and willing to engage again with the EA should the Board decide to abandon the Directors' proposals for flow regulation. We have laid out our points of concern to the EA team – in summary they are:

Point 1) Requirement to modify current flows regulation

The current Good Practice Guidelines have provided adequate guidance on flow regulation for low head schemes with no evidence of detrimental effects from schemes installed under its remit. Scotland and Ireland continue to utilise a broadly similar guidance strategy.

Point 2) Proposed regulation - Clarification of recommended Option 3 amended

Further to point 1, the MHA wish to understand and review the evidence base for Option 3 amended, without this evidence the recommendations can only appear to be arbitrary. The disproportionate approach to the risk of hydropower schemes on the ecology of the rivers, purportedly to meet the WFD, can be seen as ill-founded without an evidence base. There are currently four EA-commissioned studies outstanding without the evidence of which it is difficult to understand how conclusions to the consultation can be drawn.

The trial 'Accounting for Regulator Impact' (ARI) exercise now gives more robust evidence to the extensive damage to the industry that will be caused by the recommendation.

Point 3) Closed dialogue

We have been informed that the EA's proposed changes have already been adopted by the Executive Directors and will not be changed prior to presenting them as recommendations to the EA Board, despite any representations from industry. We understand that Board papers were circulated prior to the conclusion of the Industry discussions.

Point 4) Community and the Big Society agenda

Community hydro schemes have been pioneers for the current movement for Community energy and have been championed by many MPs for their progressive approach and 'Big Society' motivations. At a time when DECC are promulgating a more cohesive support mechanism to engage and enable community projects to flourish, it seems ironic that many low head Community projects with depleted reach will be left without financially viable projects due to these recommendations.

Conclusion

The members of the Micro Hydro Association urge the board to postpone any changes to the current EA guidelines until such point that further evidence based study has been completed and evaluated.

We also urge consideration of our proposals for simplified regulation for smaller scale schemes contained within our consultation response.²

Yours sincerely,

Kate Gilmartin

Administrator of the Micro Hydro Association

¹ Hexham River Hydro - www.hexhamriverhydro.wordpress.com

Sheffield Renewables Jordan Dam - <http://www.sheffieldrenewables.org.uk/category/jordon-dam-hydro/>

² Response from Micro Hydro Association to the EA Supplementary consultation on river flow and water abstraction standards - final March 2013 – See Appendix I

(http://www.microhydroassociation.org/uploads/7/7/0/4/7704207/response_from_micro_hydro_association_to_the_ea_supplementary_consultation_on_river_flow_and_water_abstraction_standards_-_final_march_2013.pdf)