

## *Questions on Part 1 of the consultation*

### **Consultation question 1**

Please indicate which option you prefer:

- Option 1
- Option 2
- Option 3
- Option 4
- A different option

Please explain the reasons for your preference. If you selected a different option, please explain why and describe your alternative.

Option 1 is the only option of the 4 presented which includes any semblance of a proportionate and risk-based approach to protecting the environment when developing viable hydropower schemes in England and Wales, particularly for high head schemes. This was pointed out at a very early stage in the GPG consultation process.

The principal association representing actual and potential scheme owners, and the suppliers of equipment and services, in the UK micro hydro sector (at the time of writing members are respectively 91 and 79 individuals/organisations) has canvassed members' opinions on hydropower regulation. The association is currently discussing with departments and agencies proposals for a simplified regulatory system, incorporating environmental protection. This approach is preferred for micro hydropower schemes because it identifies which schemes meet criteria to ensure a low risk of adverse environmental impact and eliminates for these schemes (which comprise the majority) the need for licensing through an open process of registration. The proposals are described in the document "Micro Hydro - a case for special consideration - proposals for simplified micro hydropower regulation and funding" which can be downloaded from the organisation's [website](#) and which is also included with this submission.

The reasons for rejecting Options 2-4 are given below.

The association therefore recommends the adoption for the time being of Option 1, with modifications concerning flow variability (see answer to consultation question 2 below), as being acceptable for hydropower schemes where potentially significant environmental or other impact is considered a possibility. The guidelines should be supplemented for low impact schemes with the proposed registration process once this process has been further developed and agreed with the departments and agencies concerned.

#### **Option 2**

The WALES scoring system was designed and has been acknowledged as a provisional approximate instrument for regulating consumptive abstraction. It gives meaningless results for small high head schemes. No account is taken of the scale of potential effect and hence it is disproportionate.

#### **Options 3 and 4**

The CAMS/EFI scoring system does not take account of the site-specific parameters for a hydropower scheme but is based on a coarse analysis of areas of the country which contain some locations with sensitivity. It is primarily an instrument for consumptive abstraction. As with the WALES system, CAMS/EFI gives meaningless results for small high head schemes. No account is taken of the scale of potential effect and hence it is disproportionate.

The Water Framework Directive applies to the potential impacts on defined Water Bodies (these all relate to measuring points where catchments exceed 10km<sup>2</sup> and are not usually applicable to medium to high head micro hydro schemes which return 100% of abstracted water usually within the upper reaches of a Water Body).

### Consultation question 2

Would you like to make any suggestions for improving or amending any of the options?

If yes, please describe your proposals.

The term “standards” should be substituted by “guidance” since the guidelines are supposed not to be prescriptive but advisory.

Option 1 as described in the consultation paper can be improved in the following ways:

- a) by simply adopting pro tem the current SEPA guidelines for flow regulation for high head schemes: there is no reason to rewrite the SEPA guidelines which are effective in Scotland. However the licensing process imposes an unnecessary burden to applicants and regulators for low impact schemes (see answer to Consultation Question 1 which also proposes that the SEPA guidelines should be supplemented with a registration process).
- b) the regulation in respect of environmental sensitivity needs to be proportionate and include an element of scale/significance in order to be meaningful. Table 1 and Table 2, Section 1 in Annex A to the Consultation document fail to do this. For example many high head schemes with depleted reaches have extremely low environmental sensitivity owing to the absence of life-supporting habitats of any significant scale.
- c) for all schemes with a depleted reach, account should be taken of tributaries entering the watercourse within the depleted reach when determining the constraints on abstraction. This should be stated explicitly in the guidance.

### Consultation question 3

To help the Environment Agency and Natural Resources Wales to analyse the responses to this consultation, are you primarily interested in hydropower development in England, in Wales or both England and Wales?

England

Wales

Both

### *Question on Part 2 of the consultation*

#### Consultation question 4

We will publish revised standards 12 weeks before they come into effect.

Do you have any comments on this approach?

The new SEPA guidelines should be adopted and applied for high head schemes since the present EA guidelines are acknowledged to be inadequate. As these are additional to low head guidelines, they could be adopted without any delay.

Submitted on behalf of members of the Micro Hydro Association

Gavin King-Smith (administrator) March 2013