



Better Regulation Team,
Environment Agency,
Block 1,
Government Buildings,
Burghill Rd,
Westbury on Trym
Bristol,
BS10 6BF

01/06/2010

Dear Better Regulation Team,

Consultation on 'Streamlining permitting of hydropower projects in England and Wales'

The Salmon & Trout Association (S&TA), Atlantic Salmon Trust (AST) and Association of Rivers Trusts (ART) are grateful for this opportunity to respond to the Environment Agency's streamlining permitting of hydropower projects in England and Wales.

S&TA was established in 1903 to address the damage done to our rivers by the polluting effects of the Industrial Revolution. For 107 years, the Association has worked to protect fisheries, fish stocks and the wider aquatic environment on behalf of game angling and fisheries. In 2008 it was granted charitable status. S&TA's charitable objectives empower it to address all issues affecting fish and the aquatic environment, supported by strong scientific evidence from its scientific network. Its charitable status enables it to take the widest possible remit in protecting salmonid fish stocks, and the aquatic environment upon which they depend.

The Atlantic Salmon Trust is a UK based charity with Atlantic wide interests which works for the conservation of wild salmon and sea trout. Set up in 1967, it

- supports marine and freshwater research
- gives independent research-based advice to governments, international and national authorities and to commercial enterprises

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- co-ordinates activities with other conservation, environmental, fishery, heritage and wildlife agencies and organisations
- holds and supports seminars and workshops to investigate specific issues
- publishes high quality reports and booklets to inform and to educate.

The Association of Rivers Trusts (ART) is an independent environmental registered charity and the umbrella body of the Rivers Trust Movement in England and Wales including Afonydd Cymru, a Welsh grouping of Rivers Trusts. ART has member Rivers Trusts in Northern and Southern Ireland and a Memorandum of Understanding (MoU) with its sister body Rivers and Fisheries Trusts Scotland (RAFTS). ART also has a national partnership agreement with the EA.

In summary, we support proposals to simplify and streamline the application process for hydropower schemes, provided that this does not lead to any weakening of safeguards for the environment. However, individual applications need to be considered within a framework of catchment hydropower strategies, and steps should not be taken to speed up the consideration of applications until these are in place. We also consider that all applications need to be considered on a site specific basis; while more information is needed on, for example, the behaviour of smolts around screens and barriers, we do not believe that it will be possible to develop generic rules that will obviate the need for individual sites to be assessed.

We would like to make the following responses to specific questions:

1. *Do you agree we should develop a single decision process for our permissions as defined in Box 1? What do you think should or should not include?*

We agree there should be a single point of contact within the EA and a lead officer to co-ordinate the responses from the Agency and to manage discussions with the developer. This will still require input from technical specialists on the different permissions required, including fisheries.

While the single decision process is sensible, we do not support the introduction of a four month deadline for decisions until catchment level strategies for hydropower have been developed. Imposing such a deadline would lead to an increased number of uncoordinated decisions on individual applications.

The EA must also ensure that full ecosystem service impacts are considered in parallel, and that politically- and economically-influential voices do not marginalise environmental impacts which can be significant for ecosystem integrity and functioning.

2. *How can stakeholder participation in our decision-making be improved?*

Bodies representing fishery conservation and angling, including River Associations, should be informed of applications at an early stage and their views and local knowledge sought. We believe this should be much more strongly worded in the Guidelines and the Agency should refuse to consider applications if the applicant has not properly consulted all interested parties at the pre-application stage. The Agency also needs to improve its advertising of

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formal applications. The website should list in one place all applications for permits in respect of hydro schemes, with a brief description of each scheme and of the permits being sought for that scheme.

Stakeholder participation has not been well done in the past. Ecosystem services provide us with a comprehensive framework to identify and engage all potential service beneficiaries. This is indeed a requirement under Defra (2007 and 2010) guidance, as well as the 1998 UNECE Aarhus Convention and the 2000 EU Water Framework Directive.

3. *Do you agree with our good practice principles in handling hydropower applications?*
Yes.

4. *How can we improve co-ordination between permitting and the planning permission process?*

The mapping of hydropower opportunities and risks in whole river systems should be built into integrated catchment management plans, and this data should be made available as baseline information for both the permitting and planning processes. This should take account of cumulative ecological, especially fisheries, impacts down the catchment and special attention should be given to designated sites (SAC and SSSI and NNR). The socio-economic value of the catchment's fish populations and ecosystem services should be considered alongside and given full prominence against the value of the potential power generation.

Once baseline information is determined for each catchment, permitting and planning should be more easily integrated. However, such information will not remove the need for each site to be considered on an individual basis, and planning departments must be made aware of this and of the results.

5. *What do you consider to be the key environmental issues for small-scale hydropower that require further evidence to understand and mitigate?*

Behaviour of fish at in relation to screens and fish passes is clearly an area where more evidence is required. Particular questions that need to be answered include:

- How downward migrating fish, such as salmonids, behave at hydropower schemes, in terms of the time spent holding above and the route they take to pass the obstruction? What levels of mortality can be expected from predation and turbine damage?
- Similarly, how are upwardly migrating salmonids affected by hydropower schemes – the length of hold up, the flow required to encourage migration at different river levels, the attraction to turbine tail races/fish passes etc.
- These observations about effective fish passes of course apply to all other migratory fish species including eels, lampreys, shad, etc., and coarse species such as dace that are known to have migratory habits.

In addition, we need to know:

- What is the cumulative effect of several hydro schemes on a river system? A particular concern is at what stage the cumulative hold up of smolt migration would impair the fishes' ability to smoltify and enter the marine environment?

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- In terms of mitigation, under an integrated catchment management scheme, which obstructions could be removed from the river system to increase connectivity and help mitigate against hydropower schemes at other obstructions?

6. *What aspects of technical guidance in the Good Practice Guide do you think are missing or need further development?*

An integrated catchment strategy must be developed to provide information at the individual catchment level as to where hydropower could be considered, and what will be required technically to protect fish stocks and the environment.

The Good Practice Guide needs to be updated regularly to reflect improved understanding of the environmental impact of hydro schemes. Environmental, including fisheries, interests need to be fully involved in this process.

7. *How can the provision of information in support of applications be simplified?*

While we have no problem with simplifying the process for supplying information, this must not lead to a reduction in the amount or quality of the information supplied unless this is objectively justified.

We would also like to make the point that there is an urgent need for all information to be made available electronically at the earliest possible point of the application process. At present, stakeholders are in many cases left to do their own onerous research in order to obtain information, and this is unacceptable. At the very least, there should be a point of contact within the Fisheries/Rivers Trusts NGOs where this information is automatically sent, thereby treating relevant NGOs as statutory consultees.

8. *How much monitoring should operators be required to carry out after licensing to demonstrate their hydropower scheme is not having a detrimental environmental impact?*

Monitoring of the impacts of hydropower schemes is essential, and the Agency should not issue final approval for fish passes until there is evidence that they are effective. Monitoring should be carried out by the Agency or under its supervision. In salmon rivers, monitoring should continue for at least 5 years to cover the span of life cycle from egg to parr to smolt to returning multi-sea winter salmon. Rivers with predominantly other species present should have relevant monitoring times to ensure minimal impact on those species.

There must also be a mechanism whereby a hydropower scheme can be forced to be shutdown or removed should adverse impacts be found.

9. *How much monitoring should operators be required to carry out after licensing to demonstrate their hydropower scheme is not having a detrimental environmental impact?*

Duplicates 8

10. *What additional help should we provide specifically for community groups and individuals to help them through the application process?*

While we agree that the Agency should do what it can to help community groups cope with the application process, this must not lead to any reduction in safeguards for the environment.

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11. *Please identify and define low environmental risk hydropower scenarios that might become common and so justify making specific arrangements?*

We believe that all hydropower schemes need to be assessed on a site specific basis. We do not consider that any technology currently used in hydro schemes is sufficiently low risk to justify the introduction of special arrangements. In addition, all hydro schemes need to be assessed within an integrated catchment management plan to ensure that they are consistent with the objective of reaching good ecological status as defined by the WFD.

12. *What do you think are the implications of Article 4.7 of the Water Framework Directive for hydropower projects?*

We consider it highly unlikely that Article 4.7 could be invoked to permit the construction of environmentally damaging hydro schemes, given that the four conditions must all be met;

- *All practicable steps are taken to mitigate* .In most cases practicable steps to limit the impact are simple and feasible e.g. fish passes, screens, limited proportion of flow taken, hands off conditions
- *The reasons... are specifically set out in the River basin Plan....* This has not been done, and would presumably require existing plans to be amended.
- *The reasons are of overriding public interest and /or the benefits to the environment and society of achieving good ecological status are outweighed by the benefits of the new modifications ...to sustainable development...* low head hydropower schemes are so limited in their ability to generate significant or economic levels of energy that it will be extremely difficult to argue that the contribution that they make to climate change mitigation outweighs any adverse impacts that they have on the aquatic ecosystem
- *the beneficial objectives served by those modifications or alterations of the water body cannot for reasons of technical feasibility or disproportionate cost be achieved by other means, which are a significantly better environmental option.* Again, the limited ability of hydro schemes to generate energy, mean that most other ways of generating renewable energy will be significantly better environmental options, indicating the real driver for these small hydro schemes is currently more to do with the "green subsidy" tariff rather than the environment.

We do not consider that ecological thresholds are feasible or compatible with EU environmental legislation, including the WFD, A number of countries have adopted energy thresholds, below which hydro schemes are not considered because their potential contribution to renewable energy is deemed to be outweighed by their potential impact on WFD objectives. Indeed, in Ireland, Denmark and Sweden small-scale hydro power schemes are being dismantled to aid compliance with either WFD or Habitats Directive objectives. Such thresholds should be considered in England and Wales. We do not believe that small scale schemes which involve new barriers should be permitted. Small scale schemes involving existing barriers should only be permitted where they lead to improvements in fish migration.

13. *Do you agree that we should develop catchment level strategies for hydropower?*

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If so, what do you think catchment strategies should aim to deliver and what environmental and other impacts should they consider? Should they seek to identify sites that are suitable and not suitable for hydropower?

We believe that catchment level strategies for hydropower are essential. These need to identify sites that are suitable, with adequate safeguards, for hydropower, as well parts of a catchment where hydropower should not be permitted. The strategies need to take into account the cumulative impact of both hydropower schemes and other existing barriers. In this respect, the Agency's work on identifying barriers to migration under WFD, and prioritising their removal or mitigation, needs to be fully integrated into its hydropower strategies. It is essential that the necessary resources are found for this work if the Agency is to continue to issue authorise hydropower schemes.

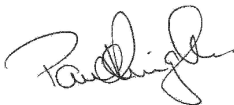
14. *How could the legal framework for permitting hydropower be changed to streamline the permitting process without compromise on environmental protection*

No comment

15. *What additional proposals do you have to speed up the permitting process whilst protecting and enhancing the environment?*

Once catchment strategies are in place, all applications not consistent with a strategy should be refused immediately, without the need to go through EA planning or permitting processes. This would save on resources and time. There should also be one point of contact within the EA for both applicants and stakeholders, with information freely available to the latter in cases where applications are processed beyond the initial decision stage against catchment management objectives.

Yours sincerely,



Paul Knight

Salmon and Trout Association Chief Executive, on behalf of the Salmon and Trout Association, Atlantic Salmon Trust and Association of Rivers Trusts.

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