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Dear Sirs

**UK Technical Advisory Group on the Water Framework Directive Consultation on Updated Recommendations on Environmental Standards: River Basis Management (2015-21)**

SSE is the broadest based energy company and the second largest generation business in the UK, with a generation ownership interest in over 100 thermal and renewable power stations, with a total capacity of just under 11,900MW. This generation portfolio has a key dependency on water for both hydro generation and for thermal generation where water is used principally for cooling purposes.

Based on the above background, we welcome the opportunity to respond to the above consultation on the Updated Recommendations on Environmental Standards. Accordingly, we support the Energy UK response which provides detailed comments. However, the focus of this response is on the use of flow standards and, in particular, the failure of UKTAG to assess the low flow standards against biological data as part of this work.

We have continually stressed the importance of ensuring that the flow standards are set on the basis of complete and sound science. Accordingly, we welcome that the medium and higher flow standards have, for the first time been tested against ecology data and as a result, proposals have been brought forward to ensure that the systematic overstatement of the environmental impact of abstraction is addressed. However, it is of great concern to us that the same data and methodology that was used to review the medium and higher flows, and which was equally, if not more, applicable to the low flow standards, has not been used to review the low flow standards. Particularly since following a meeting with the Scottish Government in August 2011 we were given written assurances that UKTAG would include such an assessment as part of this review. It is therefore unclear to us why this work has been omitted.

The use of flow standards is central to key elements of water environmental regulation such as the classification of water bodies under the Water Framework Directive and interactions with the water abstraction regulatory regime in terms of environmental needs. They are, therefore, potential drivers of significant costs and/or restrictions to water dependent generation operations. Hence it is essential that they are appropriate and fully justifiable. If this is not the case, the use of water for generation purposes could be unduly restricted; future investment in water dependent generation infrastructure could be put at risk; the achievement of renewable generation targets could be hindered; disproportionately high mitigation costs could be incurred; and security of supply issues could arise.



Against this background, we firmly believe that UKTAG should, as a matter of urgency, carry out and publish a comprehensive analysis of the low flow standards against biological data. Unless this is carried out, the low flow standards cannot be seen as sufficiently robust to give any degree of confidence in classification or to justify regulatory action and may, therefore, be challengeable.

We have attached to this letter some further comments in response to the specific questions that have been raised.

If you would like to discuss this in more detail, please do not hesitate to contact me on the above number.

Yours faithfully

Victoria Hunter  
**Regulation Manager**

## **SSE Response to UK Technical Advisory Group on the Water Framework Directive Consultation on Updated Recommendations on Environmental Standards: River Basin Management (2015 – 21)**

### **1. Is the report clear in explaining how we have developed the proposed environmental standards and conditions?**

It is not clear why low flows were excluded from the technical assessment in the paper: “A proposal for amending the Poor and Bad status environmental river flow standards at medium and high flows”. No reason for this exclusion has been given despite the clear need for the flow standards to be fully tested against ecology data.

From a review of the supporting UKTAG paper by Richard Gosling, it seems clear that the data and methodology exist to allow a technical assessment of the low flow standards. It is therefore unclear how UKTAG can have “concluded that there is no new quantitative data that can be used to refine the standards for low flows.”

SSE was given written assurances by the Scottish Government that low flows would be fully considered in the review of standards but this has clearly not been the case. The data and methodology used for mid and high flows were equally applicable across the whole flow range so why were low flows not looked at? The same technical assessment of low flows needs to be carried out and published before a final set of flow standards can be developed.

### **2. The report defines the environmental standards and conditions required for the Water Framework Directive. The purpose of the stakeholder review is to seek views on how the environmental standards have been developed by the UK. With this in mind, do you think that the approach we have taken, as identified in the report and supporting technical documents?**

#### **a) Identifies the environmental standards and conditions required to achieve the environmental objectives of the Water Framework Directive**

Work to compare the hydrology classification with the biological classification has improved the mid to high flow standards and this is welcomed by SSE.

The low flow standards have still not been tested against ecology data, despite data and a suitable method being available, and so remain insufficiently robust for classification or for justifying potentially very costly regulatory decisions.

UKTAG should complete the technical assessment started for mid to higher flows and publish the results for low flows before deciding on a final set of proposals.

#### **b) Uses the best information currently available?**

No – The literature review raised nothing new and low flows were excluded from the technical assessment despite the data and methodology being equally applicable to the whole flow range. Including low flows would have allowed a much larger sample of water bodies to be used and so was actually more suited to the methodology used.

**3. Are there any other issues in relation to UKTAG's approach to developing UK environmental standards and conditions that you wish to comment on?**

Groundwater standards are clearly defined as triggers to collect site specific data and not for regulatory action. Given the limited analysis at low flows and the wider uncertainty around links between hydrology and ecology the flow standards should be clearly presented in the same way.

We welcome the recognition that SEPA have to date implemented the flow standards differently in Scotland than from the rest of the UK. However, despite this recognition, the consultation still falls short of giving a clear guarantee that UKTAG will deliver a fully consistent UK approach for the next RBMP period. This commitment is essential and should be clearly stated in any final set of proposals.