

EAST AYRSHIRE COUNCIL

CABINET MEETING- 15th DECEMBER 2010

GALLOWAY HYDRO SCHEME-VARIATION TO CAR LICENCE

Report by Depute Chief Executive/Executive Director of Neighbourhood Services

1. PURPOSE OF REPORT

- 1.1 To advise the Cabinet of an application made to SEPA under the Controlled Activities Regulations (CAR) by Scottish Power Generation Ltd. to vary licences under the Water Environment (Controlled Activities) Scotland Regulations 2005 for the Galloway Hydro Scheme (CAR/L/1012323). The application seeks to increase water abstraction rates from Loch Doon which in turn will have an impact on the flow of water entering the river Doon.

2. BACKGROUND

- 2.1 The Galloway Hydro scheme was commissioned in the mid 1930's and was the first large scale integrated hydro-electric scheme complex to be built in the UK to provide electricity supply.
- 2.2 The scheme is centred on the Glenlee Power Station, near St John's Town of Dalry and generates 109MW from six power stations. It includes eight dams plus a network of tunnels, aqueducts and pipelines which cover a large area of Galloway and southern Ayrshire.
- 2.3 This scheme has historically impacted on the water courses within the catchment of the River Dee and the River Doon and Scottish Power, operators of the facility, have recognised that with the introduction of the Water Framework Directive and measures promoted through River Basin Management Planning, requirements and standards require changing.

3. CURRENT PROPOSALS

- 3.1 SEPA through the River Basin Management Planning (RBMP) process is seeking to promote "good ecological potential" within the Galloway Hydro Power scheme catchment. SEPA has classified the status of water bodies impacted by the Galloway scheme and identified general measures that should be met for each water body in this area. In the first phase three water bodies have been identified for improvement (Pullaugh Burn, Blackwater of Dee and River Dee). The measures promoted through the RBMP calls for minimum flows of water in these water courses and implementation of the measures will be delivered in three phases 2015, 2021 and 2027.
- 3.2 In the first phase the River Dee from the Loch Ken outlet to Tongland which has an overall ecological status of "bad" has been identified as a priority. The pressures identified include morphological alterations as a result of structures and embankment along the watercourse as well as the impact of water flows

from the production of Renewable Energy. Adjustments to the water flow in this stretch will however result in an average loss of electrical power generation of 6,169 MWh a year. Alternative measures for replacing this lost generating capacity have therefore been considered by Scottish Power.

- 3.3 The favoured option proposed by Scottish Power is to replace the loss in electrical generation by the transfer of 0.45 m³/sec from Loch Doon to the rest of the Galloway Hydropower scheme. Scottish Power proposes to adjust the compensation flow out of Loch Doon from 2.37m³/sec to 1.92m³/sec. This reduction will have a direct impact on flows within the River Doon. The flows within this river are currently influenced by natural inputs from streams in the catchment but augmented by controlled releases out of Loch Doon. In high flow these natural inputs are significant, in low flow periods the compensation flow from Loch Doon is significant.
- 3.4 An application by Scottish Power to vary the licences under the Water Environment (Controlled Activities) Scotland Regulations 2005 for the Galloway Hydro Scheme (CAR/L/1012323) has accordingly been made. The application has been widely advertised but was only received by the Council on the 6th December. The closing date for representations under the Regulations is 17 December 2010. Representation must be made by that date by the Council, if it wishes to receive notice of the determination of the application by SEPA. The Scottish Government can “call in” the determination if they consider that SEPA has not adequately addressed any concerns raised by objectors. Only Third Party representations sent to the SEPA address specified in the advertisement or consultation letter within 28 days of the advertisement, can trigger this call in process and be included in the final determination.
- 3.5 The assessment report submitted by Scottish Power with the application recognises the complexity of measuring the ecological impacts of this change but acknowledges that these impacts could both be beneficial and detrimental. On the River Doon seasonal variability will increase whilst summer flows will reduce. This may increase opportunities for some types of habitat but could also result in a reduction in summer water quality particularly around point source discharges. An impact on pre-spawning migratory fish and increased bank erosion from livestock is also likely. The reduced load in the River may result in an increase in diffuse pollution which could have ecological impacts as effluent is consequently more concentrated this could affect Ayrshire’s beaches.
- 3.6 The Cabinet should also note that the proposal has raised serious concerns among local groups within Ayrshire that the economic and social impacts of the proposals on the River Doon and environs have not been adequately assessed. The Council has received copies of objections from, for example, The Ayrshire Rivers Trust, Save The Doon Campaign and Dalmellington Community Council. Issues raised in these objections include
 - the adverse effect on the ecology of the River Doon and on salmon in particular
 - the impact of diffuse pollution on Ayrshire’s beaches

- the adverse social and economic impacts

3.7 In view of the issues raised and in particular the very limited economic assessment of the impact of the proposals undertaken by Scottish Power, it is considered that further time is required to enable the Council to assess, in association with South Ayrshire Council and other partner organisations, the economic, social and environmental implications of the proposals on Ayrshire.

3.8 It is recommended that a holding objection to the proposals be sent to SEPA to enable the Council and its partners to undertake a comprehensive assessment of Scottish Power's proposals.

4. FINANCIAL IMPLICATIONS

4.1 There are no financial implications directly arising from this report.

5. PERSONAL IMPLICATIONS

5.1 There are no personal implications directly arising from this report.

6. POLICY IMPLICATIONS

6.1 It should be noted that Loch Doon is a site of Special Scientific Interest and the impact of the proposals on the designation will require to be assessed.

7. LEGAL IMPLICATIONS

7.1 There are legal implications arising from the terms of this report. In terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2005, the Council requires to provide a written response to SEPA within 28 days of receiving notification of the application to vary the terms of the above licence. In this case, the 28 day period expires on the 17th December 2010. In the event that the Council does not respond by that date, SEPA will proceed to consider the written representations received by it with a view to

(a) providing those parties who responded with a notice of its proposed determination so that they may, within 21 days of that notice, notify the Scottish Ministers that they object to SEPA's proposed determination. Once the Notice is issued, SEPA cannot determine the application until either (i) they have received written notification from the Scottish Ministers that they do not intend to direct SEPA to refer the application to them for determination; or (ii) no such notice has been received by the Scottish Ministers and a period of 63 days has expired beginning with the date of service given by SEPA to those who provided a written representation above; or

- (b) making a request for such additional information as it reasonably requires before proceeding as in (a) above.

8. COMMUNITY PLANNING IMPLICATIONS

- 8.1 There may be community planning implications directly arising from this report in relation to the impact on the environment and economy.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 The risk management implications for the Council require to be assessed following further consideration of the possible economic and environmental concerns.

10. RECOMMENDATION

- 10.1 It is recommended that the Cabinet agrees:-

- (i) To lodge a holding objection with SEPA to the proposals by Scottish Power to vary the licence under the Water Environment (Controlled Activities) Scotland Regulations 2005; and
- (ii) authorise the Head of Planning and Economic Development in conjunction with South Ayrshire Council and other Council partners to undertake further investigations into the proposals and prepare an assessment of the possible economic as well as environmental effects of proposal and that these be forwarded to SEPA on completion.

Elizabeth Morton

Deputy Chief Executive/Executive Director of Neighbourhood Services

7 December 2010 (JE/KD/)

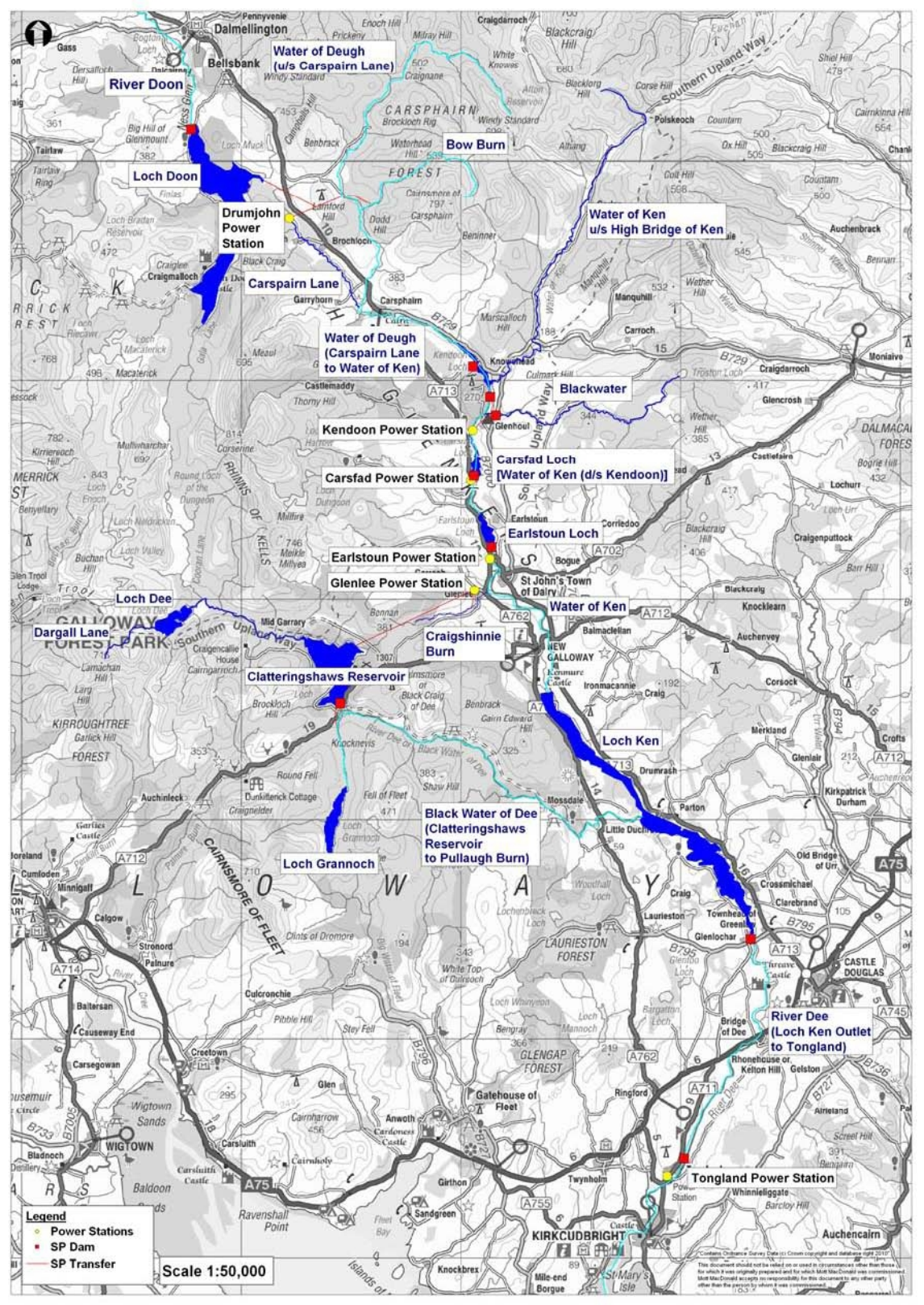
LIST OF BACKGROUND PAPERS

<http://www.sepa.org.uk/water/hydropower/regulation.aspx>

- Copy letter from Dalmellington Community Council of their objection to SEPA dated 29th November
- Interim response from Ayrshire Rivers Trust dated 3rd December 2010
- News Release from Save the Doon on 16th November 2010

Anyone wishing further information should contact John Esslemont, Acting Manager, Ayrshire Joint Planning Unit, Tel: 01292 476716 or Karl Doroszenko, Development planning and Regeneration Manager, Tel: 01563 576751.

Implementation Officer: Alan Neish, Head of Planning and Economic Development



River Doon

Loch Doon

Drumjohn Power Station

Carspairn Lane

Water of Deugh (Carspairn Lane to Water of Ken)

Kendoo Power Station

Carsfad Power Station

Earlstoun Power Station

Glenlee Power Station

Loch Dee

Dargall Lane

Clatteringshaws Reservoir

Loch Grannoch

Black Water of Dee (Clatteringshaws Reservoir to Pullaugh Burn)

Loch Ken

River Dee (Loch Ken Outlet to Tongland)

Tongland Power Station

- Legend**
- Power Stations
 - SP Dam
 - SP Transfer

Scale 1:50,000

Copyright Ordnance Survey 2011. Crown copyright and database right 2011. This document should not be relied on as a source of information other than that for which it was originally prepared and for which the Ordnance Survey name endorsement has been granted. Ordnance Survey is not responsible for any inaccuracies or omissions in any other party's use of the data provided by Ordnance Survey. Ordnance Survey is not responsible for any inaccuracies or omissions in any other party's use of the data provided by Ordnance Survey.