
FISHERIES COMMITTEE

(appointed under the Electricity Act 1989)

ANNUAL REPORT

For the year to 31 March 2004

Membership of the Fisheries Committee

James Cockburn (*Chairman*)
Niall Graham-Campbell
Robert Williamson
Professor Susan Walker
Dr Gary Anderson
Dr Trevor Crisp
John Webb - from 27 February 2004

Secretary: Richard Gustar
Room 408A, Pentland House
47 Robb's Loan
Edinburgh EH14 1TY

tel: 0131 244 5245
fax: 0131 244 6313
e-mail: richard.gustar@scotland.gsi.gov.uk

Further details are provided at Appendix B

Contents

1. Introduction	1-2
2. New hydro-electric schemes of more than 1 megawatt capacity	3-6
Abercalder Burn	3
Allt Fionn Ghlinne and Ben Glas Burn (Glen Falloch)	3
Allt Hallater	3
Douglas Water	3
Glen Doe	4
Inverlael	4
Invervar	4
Keltney Burn	4
Loch Eilde Mor	4
Maldie Burn and Gleann Dubh	5
River Braan	5
River E	5
Shieldaig and Slattadale	5-6
Stronelaairg	6
Water of Unich	6
Consents granted by Scottish Ministers (Braevallich, Garrogie and Kingairloch)	6
3. New hydro-electric schemes of 1 megawatt capacity or less	7
Garbat Forest	7
4. Existing hydro-electric schemes	8-10
Awe Scheme	8
Beaully Scheme	8
Galloway Scheme	8-9
Invergarry	9
Loch Poll	9
Mucomir	10
Shin Scheme	10
5. Wave and tidal generating stations	11
Marine Energy Test Centre	11
6. Thermal generating stations	12
Longannet	12
7. Relationships with other organisations	13-14
Scottish Executive	13
Scottish Environment Protection Agency	13
Scottish Natural Heritage	13
District Salmon Fishery Boards	14
Miscellaneous	14
Consultation Papers	14
8. Acknowledgements	15
Appendices	
A - Functions of the Committee	16
B - Membership of the Committee at 31 March 2004	17
C - Code of Practice for members of the Committee	18-20
D - List of seminars/meetings/visits and organisations met with	21

1. Introduction

- 1.1 This Report describes the work of the Fisheries Committee for the period from 1 April 2003 to 31 March 2004.
- 1.2 The Fisheries Committee is an advisory public body constituted under the Electricity Act 1989. Its statutory remit is to advise and assist Scottish Ministers and any person engaging in, or proposing to engage in, the generation of hydro-electric power on any questions relating to the effect on fisheries or stocks of fish. The Committee may give advice or assistance on its own initiative or if requested by Scottish Ministers or by a generator or intending generator.
- 1.3 During 2003, the Scottish Executive notified the Committee that installations which generate electricity from tidal or wave energy fall within the meaning of the phrase “generating stations wholly or mainly driven by water” as used in the North of Scotland Hydro-Electric Development (Scotland) Act 1943 and its successors and, therefore, that wave and tidal schemes are also within the Committee’s remit.
- 1.4 The Committee also advises on the effects on fish or fisheries of the cooling water systems of thermal generating stations.
- 1.5 The functions of the Committee are more fully described in Appendix A.
- 1.6 There were two changes in the membership of the Committee during the year. John Webb was appointed a member on 27 February and Robert Williamson retired on 31 March, having served on the Committee since 1996. Information on members of the Committee is given in Appendix B. The Committee is listed on the Scottish Executive Website, in the "Scottish Public Body Directory" (www.scotland.gov.uk).
- 1.7 The Government's aim of increasing the amount of electricity produced from renewable resources is expressed in the Scottish Renewables Obligation 1994 and the Renewables Obligation (Scotland) 2001 (ROS). These measures have continued to encourage increased interest in hydro-electric generation and most of the Committee’s work in 2003-04 has been in relation to proposals stimulated by them. The ROS initiative has been extended to 2015.
- 1.8 Hydro-electric schemes with a generating capacity of more than 1 megawatt (MW) are exempt from the provisions of the Salmon (Fish Passes and Screens) (Scotland) Regulations 1994 but are subject to consent from Scottish Ministers under section 36 of the Electricity Act 1989, as modified by the Electricity Act 1989 (Requirement of Consent for Hydro-electric Generating Stations) (Scotland) Order 1990. Schedule 9 of the Act provides that, before or on applying for such consent, the applicant must consult the Committee and that the Committee may make recommendations. The various new schemes greater than 1 MW scrutinised during the year are each separately covered in Chapter 2.

- 1.9 Hydro-electric schemes of 1 MW or less are subject to the Salmon (Fish Passes and Screens) (Scotland) Regulations 1994. Developers are not required to consult the Committee, but may do, and the Committee may give advice whether consulted or not. Such small-scale hydro schemes are covered in Chapter 3.
- 1.10 The Committee receives copies of Environmental Statements (ES) produced by developers under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000. The Committee appreciates receipt of the information contained in ESs, and in some cases this information is sufficient for its needs. However, the Committee's own statutory process is independent of the Environmental Assessment process, and the Committee may have different information requirements and timescales. For this reason, it is important that developers consult the Committee as early as possible when planning new hydro-electric works.
- 1.11 A guidance note on the information required by the Committee in considering new schemes is available from its Secretary.
- 1.12 The Committee continues to monitor the operation and maintenance of existing hydro-electric schemes to ensure that arrangements for fish and fisheries are satisfactory. The various existing schemes inspected during the year are each separately covered in Chapter 4.
- 1.13 Chapters 5 and 6 refer to thermal and wave/tidal generating stations respectively.
- 1.14 The Committee's liaison and contact with specified bodies is described in Chapter 7.
- 1.15 A list of the Committee's meetings and visits, places visited and persons met with is given at Appendix D. As matters of commercial confidence frequently arise during the Committee's meetings, they are not held in public. The Committee's Annual Reports are publicly available and are posted on the Scottish Executive Website at: www.scotland.gov.uk/about/ERADFF/FFAME/00017604/Committee.aspx Further details about the Committee and hydro-electric power in general and its effects on fish can also be found here.

2. New hydro-electric schemes of more than 1 megawatt capacity

Abercalder Burn

- 2.1 The Committee was sent information on this proposed run-of-river scheme at Easter Abercalder (Inverness-shire) from the developer's (RWE Innogy) environmental consultants in September. In January, Innogy sent the Committee a copy of the environmental scoping report for this scheme, indicating that it would have an installed capacity between 1 and 3.5 MW, and requesting its preliminary comments. A copy of the Committee's guidance note has been provided.

Allt Fionn Ghlinne and Ben Glas Burn (Glen Falloch)

- 2.2 The Committee made recommendations on each of these schemes in November 2002. The applicant, Ambient Hydro, submitted an amended application in April which led to further consultations with the Committee and the Committee gave advice. In March the applicant withdrew the application for both schemes.

Allt Hallater

- 2.3 In the previous reporting year, the Committee received preliminary details of a hydro scheme proposed by RWE Innogy on the Allt Hallater, between Loch Awe and Loch Etive (Argyll).
- 2.4 The developer applied for section 36 consent in January, indicating that the installed capacity of the generating station would be about 1.9 MW, and has asked for the Committee's comments and recommendations. The Committee shall be making recommendations.

Douglas Water

- 2.5 In the last reporting year, the Committee was consulted by RWE Innogy on this proposed run-of-river scheme (2.2 MW) on the Douglas Water, Inveraray (Argyll). The Committee made a site inspection in April and subsequently provided further comment and advice.
- 2.6 RWE Innogy submitted a section 36 application in July, and requested the Committee's formal recommendations and any other comment. After further discussion about compensation flow gauges and an existing weir and fish pass, the Committee made its recommendations regarding the above, and start-up and shut-down of the turbine(s), to Innogy in February.

Glen Doe

- 2.7 Scottish and Southern Energy (SSE) consulted the Committee about its proposed Glen Doe scheme (50-100 MW) near Fort Augustus (Inverness-shire) which would involve the creation of a high-level reservoir in Glen Tarff and make use of some of the headwaters of three of the rivers that flow northward into Loch Ness (the Rivers Tarff and Foyers and the Allt Doe). Members of the Committee inspected the lower reaches of the River Tarff and the River Killin (Foyers system) upstream from Loch Killin and the site of the outfall from the power station on the shore of Loch Ness in August. Following that site visit the Committee discussed various aspects of the scheme with representatives of SSE on the basis of information contained in the Environmental Statement (ES) submitted with the Company's application for consent under section 36. This was followed by a further exchange of information and advice and, in January, SSE submitted an addendum to the ES which (among other things) took account of some of the Committee's comments. The scheme is still under consideration and consultation with the Committee continues.

Inverlael

- 2.8 A scoping report for the proposed 1.4 MW scheme by RWE Innogy on the River Lael, draining into Loch Broom, near Ullapool (Sutherland) was sent to the Committee in June, when the developer requested the Committee's preliminary comments. A copy of the Committee's guidance on the information that it will require in considering the scheme has been issued.

Invervar

- 2.9 As noted in last year's report, RWE Innogy provided the Committee with a fish and aquatic impact assessment in relation to the proposed 1.1 MW hydro-electric scheme on the Invervar Burn, which drains into the River Lyon, in Perthshire. The Committee visited the site in April and subsequently provided advice and comments on aspects of the proposed scheme.

Keltney Burn

- 2.10 The Committee wrote to Shawater Ltd, the developer of a 2.2 MW run-of-river scheme on the Keltney Burn at Coshieville, near Aberfeldy (Perthshire), in September enclosing a copy of its guidance note. The developer commented on the guidance and provided some preliminary details of the scheme.

Loch Eilde Mor

- 2.11 British Alcan's environmental consultant has provided the Committee with a copy of the environmental scoping report prepared for a scheme (5-7 MW) at Loch Eilde Mor, Kinlochleven, near Fort William (Inverness-shire). A copy of the Committee's guidance note has been issued.

Maldie Burn and Gleann Dubh

- 2.12 Preliminary information, including copies of the scoping studies, has been received on these schemes (2.0 MW and 3.0 MW respectively) proposed by RWE Innogy on the Maldie Burn and Abhainn a Ghlinne Dhuibh (Gleann Dubh), which flow into Loch Glendhu, east of Kylesku (Sutherland). The Committee has provided guidance on the information that it will require in considering these schemes.

River Braan

- 2.13 A copy of the scoping report for this scheme (1.5-4.0 MW) proposed by RWE Innogy on a tributary of the River Tay in Perthshire was received in February, when the developer asked for the Committee's preliminary comments. The Committee has provided some advice.

River E

- 2.14 The Committee had made a recommendation on this scheme, on the River E, near Lochgarthside, Loch Mhor (Inverness-shire), in February 2003. In September, the applicant (RWE Innogy) submitted an amendment to the scheme which would allow the developer to select an optimum generating capacity from a consented range of 1.5 to 3.0 MW. This led to further consultation on this and other issues and the Committee made two further recommendations in relation to the procedure on start-up and shut-down of the turbine(s) and compensation flow gauges.

Shieldaig and Slattadale

- 2.15 In last year's report it was noted that the Committee was awaiting information it had sought from Highland Light and Power Ltd (HLP) on ecological and hydrological impacts of this proposed scheme that would affect parts of the catchments of the Badachro, Kerry and Ewe in Wester Ross.
- 2.16 HLP applied for section 36 consent in May, and the Committee subsequently received information on the hydrology and fisheries. The Committee inspected part of the Badachro river system and met a representative of HLP on 31 July, when it requested further information on hydrology, charr and the proposed operating arrangements, and suggested further fish surveys. The Committee received the further hydrology information in early September and corresponded with HLP's fisheries advisors on the biological baseline data and assessments during November. In January, the Committee wrote to HLP noting its remaining concerns on the hydrology and charr. In February, in response to a letter received from HLP's construction and operations advisor regarding the operating arrangements, the Committee provided HLP with some advice and asked for clarification on a number of other points of detail.

- 2.17 Following further consideration of the scheme, the Committee provided some additional information, comment and advice to HLP, and made its formal recommendations in early March in relation to: charr; hydrological data; biological baseline data; post-construction monitoring; screens at intakes; fish passes; compensation flows; and freshets. In addition the Committee made a recommendation to Scottish Ministers regarding the effect of the scheme on fishing conditions in the River Badachro and the ability of fish to enter the river. Later in March, Scottish Ministers announced that they had refused consent for this scheme.

Stronelairg

- 2.18 RWE Innogy requested the Committee's comments and recommendations for this 10.7 MW scheme on the River Killin and its tributaries (Inverness-shire) at the end of March 2003. Initial comments were provided in May following receipt of a fish impact assessment – the Committee was concerned that the assessment contained a number of inaccuracies, which it brought to the attention of RWE Innogy. The developer applied for section 36 consent in June and, thereafter, provided more information in response to queries from the Committee that enabled the Committee to make its formal recommendations in February in relation to the procedure on start-up and shut-down of the turbines, compensation flow gauges, and the tailrace screen position.

Water of Unich

- 2.19 Preliminary details of the proposed 6 MW scheme on the Water of Unich, near Loch Lee, Angus, were sent to the Committee at the end of March 2003 by RWE Innogy requesting the Committee's initial advice, which it provided in May. In November, the Committee was sent a copy of the scoping report from Innogy.

Consents granted by Scottish Ministers

- 2.20 During the year the following schemes, for which consent had been sought under section 36 of the Electricity Act 1989 and on which the Committee had been consulted, were consented to by Scottish Ministers:

Braevallich (Argyll)
Garrogie (Inverness-shire)
Kingairloch (Inverness-shire)

- 2.21 In each case the applicant undertook to give effect to the Committee's recommendations.

3. New hydro-electric schemes of 1 megawatt capacity or less

Garbat Forest

- 3.1 In June, Powergen Renewables Ltd sent the Committee a copy of the scoping report for this 0.6 MW scheme on the Allt a’Bhealach Mhoir and the Allt a’Gharbh Bhaid, Garbat Forest, near Dingwall (Ross-shire). A copy of the Committee’s guidance note has been issued to the developer for information. The Committee was also invited to attend a site visit in July, but declined given the scheme is less than 1 MW and the Committee had no particular concerns from the information provided to date.

4. Existing hydro-electric schemes

Awe Scheme

Ben Cruachan

- 4.1 After reading in the press that Scottish Power (SP) planned to upgrade the turbines of the Ben Cruachan scheme (Argyll), the Committee wrote to SP in August asking for further details of what is proposed. SP has informed the Committee that two of the four turbines are being upgraded from 100 to 120 MW, and has provided additional information including a design assessment of the tailrace gate and screen (as the proposed increase in capacity will involve a greater flow of water through the screens). The Committee has been in discussions with SP regarding the significance of an increased flow rate through the smolt screens. Also the Committee is seeking guidance on its view that the proposed change would constitute an extension or operation beyond that already consented under section 36 of the Electricity Act 1989.

Beauly Scheme

Fasnakyle

- 4.2 In August Scottish and Southern Energy (SSE) consulted the Committee on its application for section 36 consent to extend Fasnakyle Power Station (Cannich, by Beauly, Inverness-shire) by installing a turbine of about 7.5 MW. Following discussions with the company and correspondence with the Beauly DSFB about compensation flows, the Committee agreed with SSE that it would be appropriate that the minimum compensation flow in the river downstream of the power station should be at the present higher summer level for the whole year. It duly made a recommendation to this effect.

Galloway Scheme

Tongland

- 4.3 The effectiveness of the fish pass at Scottish Power's (SP) Tongland Dam, River Dee, near Kirkcudbright, has given cause for concern over many years.
- 4.4 The Committee has this year received copies of Galloway Fisheries Trust's analysis of the fish count data at Tongland in the form of monthly reports, from SP. The Committee appreciates receipt of the fish count data, but has advised that a second counter be installed (preferably where fish leave the pass and enter the loch), as it has concerns about the effectiveness of the methodology and the conclusions which may be drawn from using only one counter.

- 4.5 The Committee facilitated a meeting on 10 June attended by SP, the Dee (Kirkcudbright) DSFB, the Galloway Fisheries Trust, Fisheries Research Services (FRS) and the Committee, to discuss and agree what further investigation and work is required at the Tongland fish pass. The main point that emerged from the detailed discussions was that FRS would draw up an outline brief for the Dee (K) DSFB to develop and present to SP, as a detailed and costed project proposal, to establish how the fish pass actually performs, for consideration of funding by SP. A summary of the perceived research requirements (outline brief) was produced by FRS in November, with a copy sent to the Dee (K) DSFB.
- 4.6 The Committee was disappointed that, by the year end, little progress appeared to have been made by the Dee (K) DSFB towards finalising a detailed and costed project proposal. It looks forward to the Tongland fish pass project and other fisheries improvements being taken forward expeditiously, and will continue to take a keen interest in the delivery and results of the research work.

Kendoon

- 4.7 In July the Committee was advised by SP of an incident at the Kendoon Power Station. The Committee understands that due to prompt action taken by SP employees there were no repercussions for fish and fisheries.

Invergarry

- 4.8 After the meeting with SSE in September (Glen Doe – paragraph 2.7 refers), the Committee visited Invergarry where it inspected the newly installed screen array. The Committee was concerned about the delay in completing the works.

Loch Poll

- 4.9 Following the provision of advice last year to Assynt Hydro Ltd on its small-scale hydro scheme at Loch Poll, Sutherland, a member of the Committee visited the site in August. Subsequent to this, the Committee wrote to HLP in November asking for information on what, if anything, had occurred since its last correspondence with the Company. The Committee received a reply that a copy of the final report on the “3 year monitoring study of the impact of building the hydro on environmental matters including fish” would be sent to the Committee as soon as it was completed, and that the latest target date for installing a screen in the tailrace was 31 March 2004.
- 4.10 The Committee understands that sea trout and salmon were ordinarily present upstream of the site of the dam and, therefore, that the scheme is subject to the Salmon (Fish Passes and Screens) (Scotland) Regulations 1994. The Committee has not been advised that a screen has been provided at the tailrace or any modifications made to facilitate the passage of salmon past the dam. Hence the Committee’s concerns remain.

Mucomir

- 4.11 SSE advised the Committee that it had reconsidered its proposals for the fish screens at the intake of the Mucomir power station (described in SSE's Report on the 2003 Fish Count Data and Other Related Topics) and that, following negotiations with the Lochaber DSFB, it had been agreed that SSE would continue with the present screening arrangement for the next few years, before installing screens of one inch mesh as specified in the original agreement for the scheme. The Committee will continue to take an interest.

Shin Scheme

Dalnessie

- 4.12 In April, SSE submitted a revised report on its trapping experiment to test the efficacy of the new vertical bar screen installed at the Dalnessie intake on the River Brora. The report concluded that the screen was effective, in that location.

Duchally

- 4.13 The Committee sought and obtained information from SSE about its proposal to replace the mesh smolt screens at the Duchally intake on the river Cassely by vertical bar screens on the basis of the model tested at Dalnessie. The Committee is still in discussion with the company about some details of the proposal

5. Wave and tidal generating stations

Marine Energy Test Centre

- 5.1 In the course of the year, the development of a Marine Energy Test Centre at Billia Croo bay, near Stromness, Orkney, was brought to the Committee's attention. The scheme included four main elements, namely an onshore switchgear building, electrical cables connecting the switchgear with four wave energy device mooring positions offshore, seabed anchors at each of the mooring positions, and an onshore facility to enable visual monitoring of the offshore devices.
- 5.2 On consideration, the Committee concluded that the application related only to the creation of the basic infrastructure needed to facilitate the testing of wave energy devices. Consequently, it did not make any recommendations on the application but advised that it expected to be consulted in connection with any future testing of specific wave energy devices (with a capacity of more than 1 MW) at the Centre.
- 5.3 The Committee has sought guidance from the Scottish Executive as to whether each test at the facility would be subject to a section 36 consent supposing that the temporary installed capacity exceeds 1 MW.

6. Thermal generating stations

Longannet

- 6.1 The longstanding problem of the very large number of fish being trapped on the intake screens at Scottish Power's (SP) Longannet power station, highlighted in the Committee's Annual Report for 1998-99, continues to concern the Committee greatly.
- 6.2 Following the publication of the 2002-03 Annual Report, the Committee received representations from the Forth District Salmon Fishery Board about the five year privacy restrictions affecting the Stirling University PhD thesis report for SP mentioned in the Committee's 2002-03 Annual Report. The Committee brought the Board's concerns to the attention of SP who agreed to fully appraise the Board of the report's findings as well as the investigation of possible solutions.
- 6.3 In September, the Committee heard from SP that testing would commence in October of an acoustic fish deterrent system that could offer the means of resolving, at least in part, the fish entrapment problem. The Committee is concerned that, six months on, there does not appear to have been a conclusion to the assessment and would like to see the installation of the equipment proceeding quickly.
- 6.4 Towards the year-end, SP sought the Committee's views on a proposal by SEPA to modify the fish monitoring programme that it is conducting for SP in relation to the Longannet problem.
- 6.5 The Committee is considering its response but favours a more intensive sampling effort during the smolt migration period. The Committee has asked for a meeting with SP to discuss progress on these issues.

7. Relationships with other organisations

- 7.1 During the year the Committee held meetings with the Scottish Executive, the Scottish Environment Protection Agency (SEPA) and Scottish Natural Heritage (SNH), on matters of mutual concern. It also corresponded and met with some district salmon fishery boards.

Scottish Executive

Energy and Telecommunications Division

- 7.2 The Committee had discussions with the Energy and Telecommunications Division in relation to the expression of the Committee's recommendations on proposed hydro-electric schemes in any eventual letters of consent. It also discussed other aspects of the Committee's work and the process of providing advice to Scottish Ministers.

Water Environment Division

- 7.3 The Committee has continued to liaise with the Water Environment Division about the regulations proposed under the Water Environment and Water Services (Scotland) Act 2003 and any interaction with the Committee's own statutory functions.

Scottish Environment Protection Agency

- 7.4 During the year, the Committee sought the views of SEPA on aspects of hydrology and the potential of certain schemes to affect fish and fisheries.
- 7.5 In December, a meeting was held to discuss issues pertaining to the setting, measurement and recording of compensation flows in rivers affected, or to be affected, by hydro-electric development and also on likely developments under the new regulatory regime arising from the Water Environment and Water Services (Scotland) Act 2003.

Scottish Natural Heritage

- 7.6 From time to time the Committee corresponded with SNH to ask if there were any points it wished to draw to the Committee's attention regarding the potential of specific schemes, for which consent had been sought from Scottish Ministers, to affect fish and fisheries.
- 7.7 In July, the Committee met representatives of SNH to review the existing liaison arrangement and concluded that they were operating satisfactorily.

District Salmon Fishery Boards

- 7.8 During the year the Committee has corresponded with and met some of the district salmon fishery boards in relation to specific schemes.

Miscellaneous

- 7.9 During the year the Committee decided that when a compensation flow is provided as a condition of a scheme there is a need for a clearly visible and readable demonstration that the compensation flow requirements are being adhered to. This is in order that interested parties can see that statutory requirements are being met.
- 7.10 The Committee encourages generating companies to identify and make innovations and improvements at installations with a view to protecting and improving fish stocks and fisheries. It continues to take a keen interest in research projects, offering advice where necessary or when helpful to do so. The Committee appreciates the fish count data provided by the generators from the dams at some hydro-electric schemes.
- 7.11 From time to time the Committee attends ad hoc meetings or seminars where the topics for discussion have a bearing on the Committee's business or provide the opportunity for members to keep up to date with latest technologies or scientific research. In October, the Committee was represented at a seminar on 'Hydro-electric power and hydrological regulation in Scotland' at Stirling University.

Consultation Papers

- 7.12 The Committee from time to time receives Government consultation papers and responds where it considers it appropriate to do so. During the year the Committee responded to the following:
- i. "Amendment to the Salmon (Fish Passes and Screens) (Scotland) Regulations 1994"
 - ii. "Working Groups – Draft Regulations and Transitional Arrangements"
 - iii. "River Basin Districts – Proposals for Change"
 - iv. "Consultation on the draft code of practice under section 60 of the Freedom of Information Act"
 - v. "Strategic Environmental Assessment – A consultation on proposed legislative measures to introduce strategic environmental assessment in Scotland"
- 7.13 Copies of the consultation papers are available on the Scottish Executive Website (www.scotland.gov.uk) and the Committee's responses are posted on the website at: www.scotland.gov.uk/about/ERADFF/FFAME/00017604/Committee.aspx

8. Acknowledgements

- 8.1 The Committee wishes to acknowledge the co-operation it has received from the power generating companies and the Scottish Executive Environment and Rural Affairs and Enterprise, Transport and Lifelong Learning Departments, as well as the constructive liaison it has had with the Scottish Environment Protection Agency, Scottish Natural Heritage, district salmon fishery boards and fisheries trusts. It wishes to pay tribute to the good work throughout the past year and in putting together this report, on its behalf, by its Secretary Mr Richard Gustar. The advice and assistance received from Dr John Armstrong, , of the Fisheries Research Services Freshwater Laboratory in respect of Tongland has also been greatly appreciated.
- 8.2 The Committee wishes to express its considerable appreciation of the significant contribution made to the work of the Committee by Mr Robert Williamson who retired from the Committee this year having served as a member since 1996. Bob's extensive knowledge of fisheries matters in Scotland and his sound advice will be greatly missed.

APPENDIX A

Functions of the Committee

The Fisheries Committee was constituted in 1943 to consider hydro schemes proposed by the North of Scotland Hydro-Electric Board and to advise on the effects on fish and fisheries and on ways of preventing or minimising damage. At the same time, schemes approved by the Secretary of State and constructed by the Board were exempted from the statutory Fish Passes and Screens Regulations. The provisions were consolidated in the Electricity (Scotland) Act 1979 and, in 1986, were extended to cover other persons intending to establish or extend a hydro-electric scheme. The functions of the Committee are continued under the Electricity Act 1989.

Statutory functions

The statutory functions of the Committee are set out in Schedule 9 to the 1989 Act and may be summarised as follows:

- to advise and assist Scottish Ministers and any person engaging in, or proposing to engage in, the generation of hydro-electric power (including wave and tidal power) on any questions relating to the effect of hydro-electric works on fisheries or stocks of fish; the Committee may give such advice whether asked or not;
- the Schedule provides that any person engaged in, or proposing to engage in, the generation of hydro-electric power has to give the Committee such information and assistance as it reasonably requires;
- section 36 of the Act (as modified by SI 1990/392) provides that any person wishing to construct or operate a hydro station with a capacity of more than one megawatt has to apply to Scottish Ministers for consent; Schedule 9 provides that:
 - before or on making such an application the applicant must consult the Committee;
 - the Committee may make recommendations to the applicant or to any other person; and
 - Scottish Ministers may refuse consent under section 36 if an applicant does not undertake to implement a recommendation made by the Committee.

N.B. *This informal summary of the statutory functions is not a substitute for direct reference to the Act.*

Other functions

In addition to its statutory functions, the Committee has been asked by Ministers to advise as necessary on the effects of the water systems of thermal generating stations on fisheries and stocks of fish.

APPENDIX B

Membership of the Fisheries Committee at 31 March 2004

Members of the Fisheries Committee are appointed under the terms of the Electricity Act 1989 and in accordance with the Code of Practice issued by the Office of the Commissioner for Public Appointments. A copy of a Code of Practice for members of the Fisheries Committee is at Appendix C. Appointments are part-time and attract a level of remuneration of £70 (members) or £115 (chairman) per meeting.

Chairman: **James M T Cockburn** BSc, CEng, FICE, FCIWEM
(appointed 1 March 2003 - 1st Term)

Chartered Civil Engineer acting as a part-time independent consultant and advisor on water and environment issues; Fellow of the Institution of Civil Engineers and of the Chartered Institution of Water and Environmental Management; Deputy Convenor of Water Customer Consultation Panel for North West Scotland; Non-executive Board member and Chair of the Audit Committee, Cromarty Firth Port Authority and member of the North Regional Board of SEPA. Formerly Managing Director (Water Services), North of Scotland Water Authority (1995-2001).

R Niall Graham-Campbell FRICS, NDA, MIFM (appointed 1 April 2003 – 3rd Term)

Chartered surveyor in private practice; managed river fisheries in Highlands since 1963; acts as Expert Witness in fisheries cases; has managed Commercial Salmon Net Fishing Stations and supervised design, construction and operation of fish hatcheries; has been a member, Chairman and Secretary to District Salmon Fishery Boards and a past member of the Tay District Advisory Committee.

Robert B Williamson OBE, BSc, FIFM (appointed 1 April 2003 – 3rd Term)

Fisheries biologist and administrator in Scotland and overseas (1958-1978) and Inspector of Salmon and Freshwater Fisheries for Scotland (1979-1995).

Professor Susan Walker OBE, BSc, PhD, CEng, FICE, FCIWEM

(appointed 1 January 2001 - 1st Term)

Twenty years experience in water and environment industry, latterly as Regional Water Manager for Environment Agency, with responsibility for Water Resources, Fisheries, Flood Defence, Conservation and Recreation; currently part-time Professor of Geography and Environment at University of Aberdeen specialising in integrated river basin management; freelance consultant; non executive Board member of Scottish Natural Heritage; Deer Commission for Scotland; Scottish Environment Protection Agency and Cairngorms National Park Authority.

Dr W Gary Anderson BSc, PhD, NACWO (appointed 1 March 2003 - 1st Term)

Experience of designing, testing and monitoring fish protection systems; Named Postdoctoral Research Fellow at St. Andrews University; Deputy curator and Named Animal Care and Welfare Officer (NACWO) for the UK Home Office licensed aquarium facility at the Gatty Marine Laboratory.

Dr D Trevor Crisp BSc, PhD, DSc, CBIOL, FIBIOL (appointed 1 March 2003 - 1st Term)

Currently retired, following a long and active career in fisheries research, works part-time as a freelance consultant; Fellow of the Institute of Biology, a member of the Institute's "Register of Environmental Biologists", and the British Ecological Society's "Environmental Spokesmen"; member of the Regional Fisheries, Ecology & Recreation Advisory Committee, EA North East Region; co-opted member of the Advisory Committee on Sites of Special Scientific Interest.

John H Webb BSc, MSc, MIFM (appointed 27 February 2004 – 1st Term)

Senior field and research biologist sponsored by Atlantic Salmon Trust (AST), based at the Fisheries Research Services Marine Laboratory, Aberdeen; extensive experience of research and management of salmon and trout resources in UK rivers; currently a member of AST's Honorary Scientific Advisory Panel; member of the Institute of Fisheries Management.

Secretary: **Richard Gustar** BSc, MSc
Scottish Executive Environment and Rural Affairs Department

APPENDIX C

Code of Practice for members of the Fisheries Committee

The Committee is appointed by Scottish Ministers under provisions in the Electricity Acts. Its statutory function is to advise Scottish Ministers and any person engaging in the generation of hydro-electric power on any question relating to the effect of hydro-electric works on fisheries or stocks of fish.

Public Service Values

Members of the Committee:

- are accountable to Scottish Ministers for the Committee's activities and for the standard of advice it provides;
- must observe the highest standards of impartiality, integrity and objectivity in relation to the advice they provide and the manner in which the Committee conducts its activities; and
- shall, in accordance with Government policy on openness, provide and make available an Annual Report on the Committee's activities.

Standards in Public Life

Each member of the Committee must:

- follow the seven principles of public life set out by the Committee on Standards in Public Life (annexed), insofar as they apply to the activities of the Committee;
- comply with this Code, and ensure that he or she is familiar with the function and role of the Committee and understands the duties, rights and responsibilities related to it;
- not misuse information gained in the course of work in the Committee for personal gain or for political purpose, nor seek to use the opportunity of public service to promote their private interests or those of connected persons, firms, businesses or other organisations; and
- not hold any paid or high-profile unpaid posts in a political party, and not engage in specific political activities on matters directly affecting the work of the Committee.

Role of Committee Members

Members of the Committee have collective responsibility for its operation. They must, so far as is practicable:

- engage fully in collective consideration of the issues, taking account of the full range of relevant factors, including any guidance issued to them by Scottish Ministers;
- ensure that the Code of Practice on Access to Government Information is adhered to and agree an Annual Report;
- respond appropriately to complaints, if necessary, with reference to The Scottish Executive; and
- ensure that the Committee does not exceed its powers or functions.

The Role of the Chairman

The Chairman has particular responsibility for providing effective leadership on the issues described above. In addition, the Chairman is responsible for:

- ensuring that the Committee meets at appropriate intervals, and that the minutes of meetings, and any reports to Scottish Ministers and others, accurately record the decisions taken and, where appropriate, the views of individual members;
- ensuring that new Committee members have been briefed on the functions of the Committee and their duties and rights and responsibilities; and
- representing the views of the Committee to the public, if appropriate.

Conflicts of Interests

Members of the Committee should not participate in the discussion or determination of matters in which they have an interest, and should normally withdraw from the meeting if:

- their interest is direct and pecuniary; or
- their interest is covered in specific guidance issued by the Committee or Scottish Ministers which requires them not to participate or to withdraw from the meeting.

THE SEVEN PRINCIPLES OF PUBLIC LIFE
(as set out by the Committee on Standards in Public Life)

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interests.

Leadership

Holders of public office should promote and support these principles by leadership and example.

APPENDIX D

List of seminars/meetings/visits and organisations met with

Date	Location	Purpose
3 April 2003	FRS Freshwater Laboratory, Pitlochry and Near Aberfeldy, Perthshire	Business meeting (am). Visit to proposed site of Invervar scheme and discussion with Innogy (pm).
4 April 2003	Near Inveraray, Argyll	Visit to proposed site of Douglas Water scheme and discussion with Innogy.
14 May 2003	Edinburgh	Meeting with the Scottish Executive Water Environment Division and business meeting.
9 June 2003	Tongland Dam (Galloway hydro-electric scheme), Kirkcudbright	Business meeting and inspection of Tongland Dam and fish ladder.
10 June 2003	Tongland Dam	Meeting with Scottish Power, Dee (Kirkcudbright) District Salmon Fishery Board, Galloway Fisheries Trust and Fisheries Research Services and inspection of Tongland Dam and fish ladder.
25 July 2003	Perth	Meeting with Scottish Natural Heritage and business meeting.
31 July 2003	Shieldaig, Wester Ross	Visit to area of Shieldaig and Slattadale proposed scheme, including discussion with Highland Light and Power.
20 August 2003	Inverness	Shieldaig/Slattadale planning hearing.
10 September 2003	Fort Augustus, Inverness-shire	Visit to proposed site of Glen Doe scheme, including on site discussion and later meeting with Scottish and Southern Energy. Inspection of the screen array at Invergarry (pm).
11 September 2003	Fort Augustus	Business meeting.
20 October 2003	Meridian Court, Glasgow	Meeting with the Scottish Executive Energy and Telecommunications Division and business meeting.
30 October 2003	University of Stirling	'HEP and hydrological regulation in Scotland' Seminar.
18 December 2003	Perth	Meeting with the Scottish Environment Protection Agency (SEPA) and business meeting.
12 January 2004	Dingwall	Meeting with SEPA about compensation flow measurement.
26 January 2004	Perth	Business meeting.
26 February 2004	Pentland House, Edinburgh	Business meeting (am).
30 March 2004	Perth	Business meeting.