
FISHERIES COMMITTEE
(appointed under the Electricity Act 1989)

ANNUAL REPORT
For the year to 31 March 2003

Membership of the Fisheries Committee

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Robert Williamson

Professor Susan Walker

Dr Gary Anderson - from 1 March 2003

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Further details are provided at Appendix B

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1. Introduction

- 1.1 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 also advises on the effects on fish or fisheries of the cooling water systems of thermal generating stations. These functions are more fully described in Appendix A to this Report. The Committee may give advice or assistance on its own initiative or if requested by Scottish Ministers or by a generator or intending generator.
- 1.2 For the first 11 months of the year the Committee had only three members. Three new appointments, made on 1 March, restored the Committee's complement to six and, importantly, re-established the necessary wide base of experience and expertise. Information on members of the Committee and their appointment is given in Appendix B. The Committee is listed on the Scottish Executive Website, in the "Scottish Public Body Directory" (www.scotland.gov.uk).
- 1.3 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. These measures have encouraged increased interest in hydro-electric generation and most of the Committee's work in the year under review has been in relation to proposals stimulated by them. The Committee also continued to give advice on the operation and maintenance of existing schemes in relation to fisheries and stocks of fish.
- 1.4 Points of mutual interest were discussed with Scottish Natural Heritage and with the Scottish Environment Protection Agency during the year.
- 1.5 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. However, the Committee's Annual Reports are publicly available and are posted on the Scottish Executive Website (www.scotland.gov.uk).
- 1.6 The various hydro-electric schemes considered during the year are each separately covered in Chapters 2 to 4 of this Report and the thermal generating station in Chapter 5. The Committee's general liaison and contact with generators, and with public bodies and others is described in Chapter 6.

2 Hydro-electric Schemes of More Than 1 Megawatt Capacity

- 2.1 Hydro-electric schemes with a generating capacity of more than one megawatt 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 Committee prepared a note for guidance on the information required by it in considering new schemes, which is available from its Secretary. Ten schemes were considered during the year, some new, some continuing from previous years: each is described separately below.

Shieldaig and Slattadale

- 2.2 The Shieldaig scheme in Wester Ross was proposed initially as a stand alone development in 1996. However, Highland Light and Power (HLP) notified the Committee of proposals for a revised application for a 3.55 megawatt scheme at Shieldaig (2.3MW) and Slattadale (1.25MW) in October 2001. The scheme affects the Badachro, Kerry and Ewe catchments. The Committee has given the Company advice on various detailed drawings of the proposed fish pass structures and has sought information on the likely hydrological and ecological impacts of the scheme from a fish and fisheries perspective. It was informed by HLP that this information would be supplied in the Environmental Statement along with the results of a fisheries survey. The Committee still awaits this information, as it will need to see HLP's interpretation of the implications of what is proposed before it concludes its own view.

Garrogie

- 2.3 The Committee had forwarded initial comments on the proposed Garrogie Scheme (Inverness-shire) to Innogy and Scottish Ministers in January 2002. It met with Innogy in May and was supplied with further information and plans for the intake weir. The Committee gave further advice and indicated that it was minded to recommend that the intake weir be sited further downstream, thereby reducing the risk to fish migrating between the upper Fechlin and the Garbh-bhac, and to any Loch Killin trout and charr that might spawn in the upper Fechlin. Innogy was reluctant to relocate the intake weir because of information about a potential otter lying-up site at the proposed alternative site. Innogy instead suggested modifications to the weir and intake to mitigate adverse impact on the fish populations of the Fechlin. The Committee met with Scottish Natural Heritage in September to confirm there was a common understanding on fisheries matters. The Committee remained of the view that siting the intake weir downstream offered the better solution and it made a formal recommendation to this effect in September. In November, Innogy advised the Committee that it would give effect to the recommendation.

Kingairloch

- 2.4 Scottish and Southern Energy (SSE) had applied for section 36 consent for a 2.5 megawatt scheme on the Abhainn na Coinnich in Ardgour at Kingairloch, near Fort William, in March 2002. The scheme involves a dam which would raise the level of Loch Uisge by 2 metres.
- 2.5 There has been no reported run of salmon or sea trout up the river in recent years but the facilities are planned on the basis that these fish might return in the future.
- 2.6 The Committee met with SSE in May to discuss: the expected pattern of flows; the provision of smolt screens; spawning in the tributary burns; and the provision of a fish pass, overshoot gate and smolt chute. The Committee wrote to SSE in May with an indication of the recommendations it was minded to make in relation to its proposal. SSE responded that the recommendations would be taken into account. Some further discussion between the Committee and SSE, in relation to the periods of operation of the fish pass, followed.
- 2.7 The Committee made its formal recommendations in August. These were: that smolt screens should be installed as soon as reasonably practicable and appropriate after evidence that there are, or will be, smolts or adult salmon or sea trout upstream of the dam; that the specification for the fish pass be amended to provide that the pass will be operable over the top 2.5 metres and preferably the whole 3 metre range in loch level; that the operating regime for the fish pass and freshets be commenced as soon as the reservoir is commissioned, whether or not there is evidence of salmon or sea trout present at the foot of the dam; and that a training wall be provided to prevent the water of the smolt chute fanning out on the spillway and that, before use, the surfaces of the chute are made sufficiently smooth that smolts will not be damaged in their passage down it.
- 2.8 The Committee also made a recommendation to the Lochaber District Salmon Fishery Board that it should inform SSE of any intention to stock the river system with salmon or sea trout. The Committee provided some further advice in November, in relation to a proposed increase to the scheme's generating capacity to 3.5 megawatts. SSE and the Lochaber Board have since stated they are prepared to give effect to all the Committee's recommendations.

Braevallich

- 2.9 Innogy requested the Committee's comments and recommendations for a 2.2 megawatt run-of-river scheme at Braevallich on the Abhainn a Bhealaich, Argyll, in April. The Committee met with Innogy in May, giving advice. Compensation flow calculations were made available to the Committee, as well as a fish and aquatic impact assessment. An application for section 36 consent, accompanied by an Environmental Statement (ES), was submitted to the Scottish Executive in July; an addendum to the ES was made in August; and in September the Committee advised the Company and Scottish Ministers that it had no recommendations to make in relation to the scheme as described in the section 36 application.

River E

- 2.10 In May, Innogy requested the Committee's comments and recommendations on a proposed 2.0 megawatt run-of-river hydro scheme on the River E, near Lochgarthside, Loch Mhor (Inverness-shire). The Committee was provided with background information including a fisheries report, and met with Innogy in the same month, giving some initial comments on the proposal. The Committee continued to discuss with Innogy, among other subjects, the proposed compensation flow. A section 36 application, enclosing a supporting Environmental Statement, was submitted in December. Once the Committee had received a reply to some further queries regarding the underlying reasons for a variable compensation flow and the size of screen on the tailrace, it issued a formal recommendation in February that a 25mm screen be installed on the tailrace. Innogy has confirmed that it will give effect to the recommendation.

Glen Falloch

- 2.11 The developer approached the Committee in March 2002 with project descriptions for two proposed run-of-river schemes on the Allt Fionn Ghleann (1.2MW) and Ben Glas Burn (1.0MW), in Glen Falloch (Argyll). The Company sought advice and comments on measures necessary to protect fish populations and spawning habitats. The Committee requested further information on a habitat assessment, flows and results of an electro-fishing survey and subsequently some members of the Committee visited the sites in August. It was evident that spawning habitat was of poor quality between the powerhouses and impassable falls at both sites. Ambient Hydro submitted a section 36 application, and a further site visit was arranged for October; this looked at potential impact on populations of sea trout and the affect of the revised powerhouse locations (changes to the proposal since the Committee's earlier visit).

- 2.12 Recommendations were made in November, recommending preference for the original sites of the powerhouses at Ben Glas Burn and at Allt Fionn Ghleann, and also making further recommendations in respect of having adequate compensation flows in both forks of the lower Allt Fionn Ghleann, if the revised site was opted for. Ambient Hydro indicated that changes to the proposals were being made to reflect the comments and recommendations of the consultees, and advising that further assessments were in preparation.

Douglas Water

- 2.13 The Committee was asked for comments on Innogy's proposed run-of-river scheme (2.2MW) on Douglas Water, Inveraray (Argyll) in August. In December it received a fish and aquatic impact assessment and the results of river gauging. Innogy also informed the Committee that, at the suggestion of the Scottish Environment Protection Agency, it was investigating the use of variable compensation flows. The Committee advised Innogy that it had some concerns about protecting continued access of migratory salmonids into the accessible parts of the river upstream from the site for the tailrace. A site inspection has been arranged.

Invervar

- 2.14 In September, Innogy requested preliminary comments on a proposed 1.1 megawatt hydro-electric scheme on the Invervar Burn, which drains into the River Lyon, in Perthshire. The Committee was sent a fish and aquatic impact assessment in relation to the proposal in February and has arranged for a site inspection.

Glendoe

- 2.15 In November 2001, the Committee was told by Scottish and Southern Energy that it was proposing a scheme on the River Tarff that flows into Loch Ness near Fort Augustus. The Committee understands that an Environmental Impact Assessment is being compiled which will include an assessment of the anticipated effects on fish and fisheries, but there was no consultation on this scheme with the Committee during the year.

Allt Hallater

- 2.16 The Committee has received preliminary details of a hydro scheme on the Allt Hallater, between Loch Awe and Loch Etive (Argyll) proposed by Innogy. It may exceed 1 megawatt in capacity and the Committee has provided guidance on the information that it will require from the Company.

3 Hydro-electric Schemes of 1 Megawatt Capacity or Less

- 3.1 Hydro-electric schemes of 1 megawatt or less are subject to the Salmon (Fish Passes and Screens) (Scotland) Regulations 1994 and the Committee's advice does not have the same statutory effect as for the schemes over 1 megawatt (which require the Scottish Ministers' consent under section 36 of the Electricity Act – see paragraph 2.1). The Committee was involved in advising on two schemes of 1 megawatt or less during the year.

Loch Poll

- 3.2 The Committee was invited to make a site visit to Assynt Hydro's scheme at Loch Poll, Sutherland where concern had been expressed about arrangements for the passage of salmon and sea trout. A member of the Committee, Mr Williamson, duly attended a meeting at Loch Poll on 19 July during which the various elements of the scheme were inspected and discussed with representatives of Assynt Hydro and others. Mr Williamson prepared a note of his visit that was endorsed by the Committee at its meeting in September and forwarded to both Assynt Hydro and Scottish Ministers with the Committee's advice in relation to the safe passage of salmon and sea trout past this scheme.

Stanley Mills

- 3.3 During discussions with Innogy at the Committee meeting on 24 May 2002, at which the Stanley Mills hydro scheme, north of Perth, was mentioned, arrangements were made for a member of the Committee, Mr Graham-Campbell, to visit the site of the development. As the location of the scheme is low down on the Tay system it has the potential for affecting a major part of the smolt run on that river and the Committee felt that it could be advantageous to consider any problems which might result from the installation of this scheme. Following the visit of Mr Graham-Campbell, the Committee gave advice on the proposed design and layout of the screens, the byewash arrangement, and the difficulty of cleaning the system as initially designed. It understands that, subsequent to receipt of the advice given by the Committee, the developer has proposed to make certain changes to the scheme's design.

4 Existing Hydro Schemes

- 4.1 The Committee continues to monitor the operation of existing hydro-electric schemes to ensure that arrangements for fish and fisheries are satisfactory; though it visited fewer than in previous years due to pressure of work associated with the development of new schemes. In particular, the fish pass at the Tongland dam continues to cause concern.

Tongland

- 4.2 The effectiveness of the fish pass at the Tongland Dam (Galloway hydro-electric scheme) has given cause for concern over many years. Scottish Power (SP) told the Committee in July that recent modifications to the pass (including the introduction of diagonal cross-walls in the uppermost pools to reduce the effect of 'unnatural' water patterns) appeared to have eased the passage of fish; and that fish were no longer delayed in the top "resting" pool. The Committee also received a copy of SP's Report "Tongland Fish Pass - Review of Optimum Flows". The report looks at assisting the movement of fish through optimisation of the fish pass water flows.
- 4.3 The Committee met with SP in September to discuss these modifications and other aspects relating to the fish pass. The Committee was interested to hear the detail and results of the electronic tagging and tracking work at the fish pass, which had been undertaken by the Scottish Executive's Fisheries Research Services. The Committee also noted that the Galloway Fisheries Trust had been analysing the fish count data at Tongland, and that the Trust would be submitting monthly reports. The Committee is encouraged that this work is being carried out.
- 4.4 In December, the Committee heard that salmon appeared not to be moving into or through the fish pass easily and that fungussed and dead fish had been seen in the pools. The Committee proposed that all the relevant parties should meet to discuss and agree what further investigation and work is required at the Tongland fish pass.

Loch Ericht

- 4.5 Section 36 consent was required for the refurbishment work at Scottish and Southern Energy's dams at Loch Ericht, part of the Tummel/Garry hydro-electric scheme. This triggered a formal consultation with the Committee. Once the Committee had received a reply to its questions on the proposed works and management of water levels, it informed the Company in February that it would not be making any formal recommendations, and so advised Scottish Ministers.

Dalnessie

- 4.6 At its meeting with Scottish and Southern Energy (SSE) on 23 May the Committee was advised of the results of the trapping project designed to test the effectiveness of the new smolt screens – vertical bars instead of mesh – at the Dalnessie intake on the River Brora (part of the Shin scheme). As a result of advice previously provided by the Committee, SSE had concluded that it was not practicable to trap with sufficient efficiency at the originally proposed site, i.e. on the weir behind the screen. It therefore installed a trap further downstream, beyond the penstock.
- 4.7 SSE concluded that the results from the trapping work confirmed that the new screen was effective in excluding salmon smolts from the intake. The Company therefore asked if the Committee would endorse the new design as generally suitable for this purpose. Towards that end, SSE agreed to prepare a paper describing the screen, trap, protocol for the trapping work and the results. The Committee received a copy of that report at the end of the year.

Mucomir

- 4.8 Scottish and Southern Energy (SSE) requested advice in relation to proposals for new fish-screening arrangements at the intake to its Mucomir power station on the River Lochy, near Fort William.
- 4.9 The spacing of the bars of the present screen at the intake was 1.5 inches instead of the 1 inch or less originally recommended when the scheme was proposed and subsequently reflected in the Heads of Agreement between the North of Scotland Hydro-Electric Board and the Lochy District Salmon Fishery Board. SSE's preference was now to provide a screen with a clearance of 12mm between bars to keep out all smolts. By reducing the clearance, the speed of flow through the screen increases (there are limits to the practicable possibilities of increasing the overall dimensions of the screen array at the site). The SSE's preferred solution is to reduce the load on the turbines during the smolt season so that the speed of flow through the screen did not exceed the standard 0.3m per second. Outwith the smolt season, the turbines would be run at normal load and the flow through the screen allowed to rise to a maximum of 0.45m per second.
- 4.10 The Committee advised SSE that in its opinion, in the circumstances at Mucomir, if the finer screens were installed it would be appropriate to permit flows of up to 0.45m per second outwith the period for smolt migration at the site; but only provided that the situation at the screens was closely monitored during the first year of operation to check that fish were not being pinned to the screen and that, thereafter, it was inspected from time to time for the same purpose: and that if it was found that fish were being pinned to the screen, then the load would have to be reduced to bring the water speed down or some other solution be found.

5 Thermal Generating Stations

- 5.1 In addition to its statutory functions, the Committee advises as necessary on the effects of the water systems of thermal generating stations on fish and fisheries. During the year it was involved in discussions on one such station, Longannet, about which the Committee has expressed concern over a number of years regarding the entrainment of fish on the screens.

Longannet

- 5.2 In June, Scottish Power (SP) sent the Committee a copy of Marin Greenwood's PhD thesis "The Fish Populations of the Lower Forth Estuary, including the Environmental Impact of Cooling Water Extraction on these Populations" (Dept. of Biological Sciences, University of Stirling, October 2001). The Committee was also informed that fish sampling at the Longannet screens was continuing to the specification provided by the Committee, incorporating additional sampling as requested.
- 5.3 The Committee met with SP in July to discuss the results. The Committee notes with regret that the Report shall not be made publicly available until a period of 5 years has elapsed. The Report confirms that a substantial number of fish are impinged on the screens at Longannet and SP is investigating deterrent measures.
- 5.4 The Committee met with SP again in September and February when it was advised that SP was considering the installation of acoustic screens as a potential solution to the problem. The Committee was informed that a similar system to that proposed for Longannet, in operation at a power station in Doel (Belgium), had a success rate of over 50 per cent - even higher for sprats and herrings (the majority of fish killed at Longannet are sprats, herrings and whiting).
- 5.5 The Committee continues to be concerned about the long standing problem at Longannet and will continue to press the Company for a solution.

6 Liaison

- 6.1 In addition to providing specific advice to the various generators and/or making recommendations on particular proposed or existing schemes, the Committee liaises with generators on general policy and plans for fish and fisheries. It may also meet or correspond with District Salmon Fishery Boards and other bodies with a direct or indirect interest in fish or fisheries affected by hydro-electric development. Following a review of its relationship with key organisations, the Committee decided it would be worthwhile giving some consideration to how it engages with bodies other than power companies in the future and to that end further meetings were arranged.

Generators

- 6.2 This reporting year the Committee had general discussions with Innogy and Scottish and Southern Energy (SSE).
- 6.3 The Committee continues to receive fish count data from SSE. The Committee has received and discussed the "Report on the 2001 Fish Count Data and Other Related Topics" as well as an Interim Report for 2002. The work of the Committee is greatly facilitated by the fish count data provided and details of work completed and projects undertaken concerning fish and fisheries. The Committee is concerned that SSE continues to experience some difficulties in maintaining the performance and level of accuracy of some of the fish counters and it recommended that that SSE should continue with a substantial fish-counting programme to test the effectiveness of its fish passes and to assist in monitoring the salmon stocks in the rivers affected by its hydro-electric works.
- 6.4 The Committee encourages generating companies to identify and make innovations and improvements at their 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.

Scottish Environment Protection Agency

- 6.5 The Committee wrote to the Scottish Environment Protection Agency (SEPA) in July suggesting it would be useful to establish a link and point of contact, especially given the likely interaction of the Committee's statutory remit and the Water Environment and Water Services (Scotland) Act 2003, and therefore the need for on-going discussions on abstraction, impoundment and engineering works relating to hydro-electric stations. SEPA agreed that there would be mutual benefit in the Committee and SEPA speaking specifically on the Water Framework Directive.

- 6.6 The Committee met with SEPA in October to go over the Committee's future interaction with SEPA, as well as matters of casework, mainly regarding its criteria for setting compensation water based on particular percentile flows at different sites and how the calculations are derived. The Committee looks forward to future liaison regarding both casework and wider policy issues regarding implementation of the Act.

Scottish Natural Heritage

- 6.7 The Committee was invited to give a short presentation on its work at a seminar on hydro-electric development organised jointly by Scottish Natural Heritage (SNH) and Scottish and Southern Energy on 2 May. The Committee subsequently wrote to SNH suggesting that it would be useful if there was an established point of contact in relation to the effects of hydro-electric stations (and the cooling water systems of thermal generating stations) on fish and fisheries. This was agreed and appropriate liaison channels have been established.
- 6.8 The Committee met with SNH on 10 September to discuss some aspects of the Garrogie scheme and in November to confer more generally on the Committee's remit and SNH's policies towards hydro developments. The meeting was a useful exchange of views and the Committee looks forwards to further meetings to discuss how the proposed liaison arrangements are working.

Scottish Executive Water Environment Unit

- 6.9 The Committee met with the Water Environment Unit last year and expects ongoing liaison during the development of the Regulations associated with the Water Environment and Water Services (Scotland) Act 2003. The Committee has been kept abreast of developments regarding legislation. The Committee is anxious to ensure the Regulations affecting hydro developments and operations in Scotland complement its own statutory functions. The Committee was invited to a seminar on the Act jointly organised by the Scottish Executive and SEPA, in March.

District Salmon Fishery Boards

- 6.10 The Committee has not met with any of the District Salmon Fishery Boards (DSFBs) this year. However, it has received correspondence from several, including the North & West Board on the Loch Poll Hydro scheme; the Spey Board on the British Alcan operated dam on the Spey; the Forth Board on Longannet; and the Tay Board on the Stanley Mills scheme. The Committee's functions do not extend to giving advice to DSFBs but it is glad to receive representations from them.

Others

- 6.11 The Committee has corresponded with the Loch Lomond Angling Improvement Association on the Glen Falloch schemes and the Galloway Fisheries Trust in respect of Tongland. In addition, the Committee has met with scientists of the Fisheries Research Services to discuss some of the issues highlighted - it appreciates having had this opportunity.

Consultation Papers

- 6.12 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. "The Future for Scotland's Waters - Proposals for Legislation"
 - ii. "The Future for Scotland's Waters - Guiding Principles on the Technical Requirements of the Water Framework Directive"
 - iii. "SEPA Policy and Financial Management Review"
 - iv. "Ofgem Electricity Act Schedule 9 statement"

7 Acknowledgements

- 7.1 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 and Lifelong Learning Departments, as well as the constructive liaison it has had with SNH, SEPA, DSFBs and the various Fisheries Trusts and Angling Associations. 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 given by Dr John Armstrong and Dr Andy Walker of the Fisheries Research Services Freshwater Laboratory has been greatly appreciated.
- 7.2 The Committee also wishes to express its thanks to Mr Robert McGillivray and Dr Peter Barnett following their retirement from the Committee last year. Dr Barnett was a member of the Committee for 27 years and Mr McGillivray was Chairman from 1992 to 2002. Both devoted a lot of time and hard work throughout their years of service and will be sorely missed as much for their respective personalities as well as expertise.

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 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 2003

Members of the Fisheries Committee are appointed under Schedule 9 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 unpaid.

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

Highly experienced Chartered Civil Engineer acting as a part-time independent consultant and advisor on water industry 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; currently serves as a Non-executive Board member and Chair of the Audit Committee, Cromarty Firth Port Authority and as a 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 2000 - 2nd 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 2000 - 2nd Term)

Fisheries biologist and administrator in Scotland and overseas (1958-1978); Inspector of Salmon and Freshwater Fisheries for Scotland (1979-1995); and Chairman of Scottish Fisheries Co-ordination Centre.

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.

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.

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 Key Organisations Met With

Date	Location	Purpose
2 May 2002	Perth	Attendance and participation at SNH/SSE Joint Seminar on 'Hydro Developments and the Environment'
23 May 2002	Perth	Meeting with Scottish and Southern Energy and business meeting
24 May 2002	Perth	Meeting with Innogy and continuation of business meeting from previous day
17 July 2002	Perth	Meeting with Scottish Power and business meeting
18 July 2002	Stanley, River Tay	Visit to Stanley Mills and discussion with Innogy
19 July 2002	Near Drumbeg, Sutherland	Visit to and discussion on Loch Poll hydro-electric station [Assynt Hydro]
8 August 2002	Glen Falloch, Loch Lomond	Visit to proposed sites of hydro-electric schemes – Allt Fionn Ghleann and Ben Glas Burn
10 September 2002	Perth	Meeting with Scottish Natural Heritage (am). Meeting with Scottish Power (pm) and business meeting
7 October 2002	SEPA Offices, Perth	Meeting with Scottish Environment Protection Agency
21 November 2002	Perth	Meeting with Scottish Natural Heritage
10 December 2002	Clunie Power Station, Pitlochry	Meeting with Scottish and Southern Energy
5 February 2003	FRS Freshwater Laboratory, Pitlochry	Meeting with Scottish Power and business meeting
12 March 2003	University of Glasgow	Attendance at Scottish Hydrological Group meeting on Hydro Developments in Scotland presented by SSE
28 March 2003	Edinburgh City Chambers	Attendance and participation at SE/SEPA Conference on 'Implementing the Water Environment and Water Services Bill'