

UK TAG for the Water Framework Directive  
c/o Janet Sniffer  
25 Greenside Place  
Edinburgh  
EH1 3AA

28 February 2013

Dear Janet

### **Phosphorus Standards for Rivers – consultation on Draft Proposals**

EDF Energy is one of the UK's largest energy companies with activities throughout the energy chain. Our interests include nuclear, coal and gas-fired electricity generation, renewables, and energy supply to end users. We have over five million electricity and gas customer accounts in the UK, including residential and business users.

EDF Energy welcomes the opportunity to respond to the draft proposals on Phosphorus Standards for Rivers. EDF Energy supports an approach that improves the relationship between phosphorus and biology. We believe a more robust method of making risk-based decisions will be possible by applying adjusted standards. However, further clarification is required on any proposed monitoring schedules and the potential timescales and cost implications this may have for the Regulator and industry.

EDF Energy believes a balanced regulatory approach for assessing individual existing discharges or applications for new discharges, which considers both socio-economic and environmental impacts will improve decision making.

Our detailed responses are set out in the attachment to this letter. Should you wish to discuss any of the issues raised in our response or have any queries, please contact Ravi Baga on 020 7752 2143, or myself.

I confirm that this letter and its attachment may be published on the United Kingdom Technical Advisory Group for the Water Framework Directive website.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. Linford'.

**Denis Linford**  
**Corporate Policy and Regulation Director**

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## Attachment

### Phosphorus Standards for Rivers – consultation on Draft Proposals

#### EDF Energy's response to your questions

**Q1. Should the recommended new default standards be adopted as the basis for assessing status, decisions on whether or not to allow new discharges and identifying the likely scale of improvements that may be needed at existing discharges?**

EDF Energy supports the review of standards for Phosphorous on the basis of new scientific information and more extensive datasets being made available and welcomes the adoption of new default standards for implementation into the second cycle of River Basin Management Plans (RBMP). This approach improves the relationship between phosphorus and biology and provides a robust method of making risk-based decisions, identifying programmes of measures and permitting new discharges. The approach linking both phosphorus and biological standards and the likely required measures to meet Good Environmental Status (GES) is welcomed, especially where biology is not adversely impacted.

However, EDF Energy understands that at present biological and chemical monitoring data may not always be available. Complete datasets should be sought to progress decision-making, particularly where the existing data suggests that measures may be needed for existing or planned discharges. Further clarification is required on any proposed monitoring schedules and the potential timescales and cost implications this may have for the Regulator and industry.

EDF Energy does not support applying the default phosphorus standard alone to make decisions on new discharges or identifying the scale of improvements required for existing discharges. The benefit of proposed changes lies with the risk-based approach, taking into account biology as well as chemical standards.

**Q2. Should adjusted standards be used to assess status and take decisions relating to discharge control?**

EDF Energy welcomes an approach that improves the relationship between phosphorus and biology. By applying adjusted standards a more robust method of making risk-based decisions will be possible. Utilising adjusted standards represents the best approach to identifying classification status. The application of adjusted standards will therefore allow improvements/control costs to be directed appropriately.

However, we believe that the standards should be used in conjunction with all the mechanisms of the Water Frameworks Directive (WrFD), including considerations of affordability, feasibility, disproportionate cost and relevant principles of other pertinent

regulations. An awareness of all the relevant site-specific considerations will allow a pragmatic approach to be taken which considers all factors. EDF Energy believes that a balanced regulatory approach for assessing individual existing discharges or applications for new discharges that considers socio-economic and environmental impacts will improve decision making.

**Q3. Should default standards be adopted as the basis for assessing status and decisions relating to new discharges and adjusted standards used, where applicable, when planning improvements at existing discharges?**

EDF Energy supports the principle that the same standards should be used both for classification of status and for the basis of underpinning operational decision-making such as relating to control of discharges, both new and existing. To do otherwise would create a very confusing regulatory environment for all participants. However, the standards should be used in conjunction with all the mechanisms of the WvFD, including considerations of affordability, feasibility, disproportionate cost and relevant principles of other pertinent regulations. An awareness of all the relevant site-specific considerations will allow a pragmatic approach to be taken which considers all factors. EDF Energy believes that a balanced regulatory approach for assessing individual existing discharges or applications for new discharges, that considers both socio-economic and environmental impacts will improve decision making.

References

[1] UKTAG (2008); UK Environmental Standards and Conditions; (Phase 1); Final report (SR1 – 2006), April 2008.

[http://www.wfduk.org/sites/default/files/Media/Environmental%20standards/Environmental%20standards%20phase%201\\_Finalv2\\_010408.pdf](http://www.wfduk.org/sites/default/files/Media/Environmental%20standards/Environmental%20standards%20phase%201_Finalv2_010408.pdf)

**EDF Energy**  
**February 2013**