

Response to Water Framework Directive UKTAG Stakeholder Review – Phosphorus and Biological Standards

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About Energy UK

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We welcome the opportunity to take part in this Review. Our comments on the draft phosphorus standards for rivers and the proposed recommendations on biological standards are set out below.

Draft phosphorus standards for rivers - Consultation question responses

Question 1. 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?

We support the review of standards for phosphorus on the basis of new scientific information and more extensive datasets being made available, and welcome the adoption of new default standards for implementation in the second cycle of River Basin Management Plans (RBMPs). The approach improves the relationship between phosphorus and biology and provides a more robust method of making risk-based decisions with regards to the identification of programmes of measures within RBMPs and permitting new discharges. The approach presented in the consultation, which links both phosphorus and biological standards in terms of understanding the likely required measures to meet Good Ecological Status (GES) (especially where biology is not adversely affected,) is welcomed.

However, we understand 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 in the second cycle of RBMPs.

We do not support the use of the default phosphorus standard alone to make decisions on whether or not to allow new discharges and identifying the scale of improvements required.

Question 2. Should adjusted standards be used to assess status and take decisions relating to discharge control?

As discussed above, we welcome an approach that improves the relationship between phosphorus and biology. We consider that, by applying adjusted standards, a more robust method of making risk-based decisions will be possible, which is of particular importance when considering what benefits could be gained when implementing specific measures. We consider that adjusted standards represent the best approach to identifying classification status. The application of adjusted standards will allow the biology of a water body to be taken into account, thus providing a more reliable guide to the capacity of a river to accommodate phosphorus inputs and therefore allow improvements/control costs to be directed appropriately. However, the standards should be used in conjunction with all the mechanisms available within the Water Framework Directive, including considerations of affordability and disproportionate cost, other relevant principles of environmental regulation (e.g. as expressed in the Industrial Emissions Directive and Best Available Techniques (BAT) Reference documents) and awareness of all the relevant site-specific considerations that may influence the relationship between water chemistry and biology when assessing individual existing discharges or applications for new discharges, etc.

Question 3. 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?

We support the principle that the same standards should be used for both the classification of status and as the basis for underpinning operational decision-making on the 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 available within the Water Framework Directive, including considerations of affordability and disproportionate cost, other relevant principles of environmental regulation (e.g. as expressed in the Industrial Emissions Directive and Best Available Techniques (BAT) Reference documents) and awareness of all the relevant site-specific considerations that may influence the relationship between water chemistry and biology when assessing individual existing discharges or applications for new discharges, etc.

Proposed recommendations on biological standards – Comments

Transitional Fish Classification Index (TCFI)

Many of the component metrics in Table 1 appear not to be normalised to sampling effort. Given the processing that subsequently takes place to derive TCFI from the component metrics, it is possible that variation in sampling effort could significantly distort the overall index, with greater effort tending to lead to a higher index and lower effort leading to a lower index. The guidance on sampling in the TCFI guide appears limited. We question the suitability of an index structured in this way without suitable guidance to ensure that sampling effort bias does not arise. Guidance must address the relationship between the sampling effort, the 'representativeness of the sample' (Sec 1.1) and the uncertainty of the assessment (Sec 3.9). The common expectation might be that, over time, monitoring resources on previously identified and addressed issues should be reduced in order to best focus available resources. In such a case, this could lead to an apparent and spurious reduction in TCFI, with consequent (and unwarranted) calls for measures to address the apparent problem.

Opportunistic Macroalgal Blooming Tool

It is not clear why the assessor should always adopt the metric derived from absolute area (AA) alone, as opposed to the relative area (AA/AIH) factor for large water bodies should the AA related factor be 'worst case'. The guidance document merely states 'there was concern'. If this approach to the factor does not derive from the European-wide calibration, it would be preferable to consider the UK evidence more comprehensively to justify the adoption of this approach, rather than to include it in the UK methodology simply 'because there is concern'.

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