

UK Technical Advisory Group on the Water Framework Directive

UKTAG recommendations on a consistent list of reasons for setting alternative objectives

This Guidance Paper is a working draft defined by the UKTAG. It documents the principles to be adopted by agencies responsible for implementing the Water Framework Directive (WFD) in the UK. This method will evolve as it is tested, with this working draft amended accordingly.

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WFD Requirement: Article 4

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**UKTAG
Review:**

A consistent list of reasons for setting alternative objectives (extended deadlines and/or less stringent objectives) has been produced for use in the first RBMPs.

Reason	Sub-reason	Guidance notes
Technically infeasible	No known technical solution	<p>No known technical solution is available.</p> <p>Applies where there is no practical technique for making the necessary improvement. Does not include financial considerations. Techniques which may be under development but which are not yet known to be effective in practice will fall into this category.</p> <p><i>Provides a justification for aiming to achieve a less stringent objective as provided under Article 4(5) – provided the other criteria of that Article are satisfied.</i></p>
	Cause of adverse impact unknown	<p>Applies where a water body is classed as worse than good but the reason (the pressure or the specific source of the pressure) for this failure has not yet been determined. Consequently, a solution cannot feasibly be identified.</p> <p><i>Whilst the cause of the problem is investigated this provides a justification for extending the deadline for the achievement of the objectives as provided under Article 4(4) – provided all other criteria of that Article are satisfied.</i></p>
	Practical constraints of a technical nature	<p>Practical constraints of a technical nature prevent implementation of the measure by an earlier deadline.</p> <p>Includes administrative constraints in terms of commissioning, gaining permission for, and undertaking the necessary works. Does not include constraints due to a lack of legislative mechanisms or of funding.</p> <p><i>Provides a justification for extending the deadline for the achievement of the objectives as provided under Article 4(4)(a) – provided all other criteria of that Article are satisfied.</i></p>

	<p>Problem cannot be addressed because of lack of action by other countries</p>	<p>Application expected to be very limited in the UK. May possibly be applicable:</p> <ul style="list-style-type: none"> (a) in the international river basin districts shared between Northern Ireland and the Republic of Ireland if the problem cannot be resolved through the established partnership working arrangements for those basins. (b) where problems are caused by aerial deposition of transboundary pollutants and (a) local mitigation cannot solve the problem; and (b) discussions with the other countries has not led to effective action. <p>Where this reason is applied, the Commission, together with any other Member State concerned, must be informed about the issue under Article 12.</p> <p>Set an extended deadline and review following response from Commission.</p>
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<p>Disproportionately expensive</p>	<p>Unfavourable balance of costs and benefits</p>	<p>Attaining the default objective is not worthwhile because the costs of the measure are out of proportion to the benefits, taking into account qualitative as well as quantitative information.</p> <p>Provides a justification for seeking to achieve a less stringent objective as provided by Article 4(5) or, an extended deadline as provided by Article 4(4).</p> <p>The latter may apply where, for example, the phasing of measures can produce a more favourable balance of costs and benefits. In both cases, the action may only be taken provided the other criteria contained in those articles are satisfied.</p>
	<p>Significant risk of unfavourable balance of costs and benefits</p>	<p>Applies where there is a sufficiently low confidence that a water body is adversely impacted. In these circumstances, there is a significant risk that putting in place additional measures to attain the objective is not worthwhile (because the default objective may already be achieved), producing no benefits and wasted investments. Potential measures can still be implemented where there is general agreement to proceed even where we have low confidence that a particular water body is adversely affected.</p> <p>Provides justification for an extended deadline whilst further monitoring and assessment is undertaken to improve the confidence that the default objective is not being achieved</p>

	Disproportionate burdens	<p>Implementation of the measure by an earlier deadline would impose disproportionate burdens. Applies where the measure would be:</p> <p>(a) unaffordable to implement within a particular timetable without creating disproportionate burdens for particular sectors or parts of society); or</p> <p>(b) the only solution would be significantly at odds with the polluter pays principle.</p> <p>Provides a justification for extending the deadline for the achievement of the objectives as provided under Article 4(4) – provided all other criteria of that Article are satisfied.</p>
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Natural Conditions	Ecological recovery time	<p>Applies where there is expected to be a delay before the biological quality of the water body recovers.</p> <p>The delay may be due to the time taken for the plants and animals to re-colonise and become established after the hydromorphological and chemical and physicochemical conditions have been restored to 'good'; or the time taken for the habitat conditions to 'stabilise' after improvement works.</p> <p>For example, may apply to lakes affected by eutrophication.</p> <p>Provides a justification for extending the deadline for the achievement of the objectives as provided under Article 4(4) – provided all other criteria of that Article are satisfied. In this case the deadline is not limited to 2027 where the natural conditions are such that the objectives cannot be achieved within that period.</p>
	Groundwater status recovery time	<p>Applies where the climatic or geological characteristics dictate the rate at which groundwater levels or quality recovers or saline (or other) intrusions reverse once over-abstraction has been addressed.</p> <p>Provides a justification for extending the deadline for the achievement of the objectives as provided under Article 4(4) – provided all other criteria of that Article are satisfied. In this case the deadline is not limited to 2027 where the natural conditions are such that the objectives cannot be achieved within that period.</p>