



Dr S McMellor and Professor Underwood  
Colne Estuary Partnership  
Department of Biological Sciences  
University of Essex  
Wivenhoe Park  
Colchester  
CO4 3SQ

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Dear Dr McMellor and Professor Underwood

### **Colne Estuary – Water Framework Directive and Faecal Contamination**

Thank you for your letter of 25 February 2010 sent on behalf of the Colne Estuary Partnership. You raise a number of important points and I hope that the following addresses these and provides the clarity you require.

As you rightly say, an alternative objective of Good Ecological Potential by 2027 has been set for the Blackwater and Colne transitional water body. The Water Framework Directive River Basin Management Plan (WFD RBMP) is subject to economic and environmental assessment, and Member States may deviate from achieving the default objectives (good ecological potential by 2015) where appropriate.

In this instance, the alternative status objective has been set for two reasons. Firstly, it is considered disproportionately expensive to reduce the concentrations of dissolved inorganic nitrogen in this water body by 2015 (as it is in all of our transitional waters). There is currently insufficient weight of evidence of a biological impact. Defra guidance on river basin management planning requires that, for failures of nutrient standards, evidence of whether the biology is truly impacted should be taken into account when considering the case for expensive regulatory action.

Secondly, it is considered technically infeasible for all the measures needed to mitigate for the physical changes made to the estuary to happen by 2015. This is primarily because we do not have a high level of confidence that the mitigation measures available would be effective in reducing the biological impact. A programme of research is underway nationally to improve our confidence in the applicability, feasibility and success of morphological improvement measures.

#### **Anglian Region - Kingfisher House**

Goldhay Way, Orton Goldhay, Peterborough, PE2 5ZR

General Enquiries: 08708 506506

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Fax: 01733 231840

Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)

Website: [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)



