Department
for Environment,
Food & Rural Affairs

Consultation on the regulatory framework for sludge applied to agriculture

January 2026

We are responsible for improving and protecting the environment. We aim to grow a green economy and sustain thriving rural communities. We also support our world-leading food, farming and fishing industries.

Defra is a ministerial department, supported by 34 agencies and public bodies.

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Contents

1. Executive summary 4
2. Scope of consultation 5
   - Consultation questions 6
3. Introduction and policy context 8
4. Case for change 10
5. Objectives for reform 10
6. Options for reform 14
7. Consultation process 23

1. Executive summary

Sewage sludge (hereafter 'sludge') is the residual solid waste generated from wastewater treatment. Most sludge is produced and treated by Water and Sewerage Companies. It can also be produced from the treatment of private sewage (i.e., septic tank sludge).

94.4% of sludge produced by English Water and Sewerage Companies is reused on agricultural land as a source of vital plant nutrients and organic matter[1]. This is used on around 1.9% of the UK's agricultural land[2]. Government policy since 1989 has favoured the reuse of sludge as a soil enhancer and fertiliser on agricultural land as the best environmental option in most circumstances[3].

The Sludge (Use in Agriculture) Regulations 1989 ('the Regulations')[4], supported by the Sewage Sludge code of practice[5], regulate the spreading of sludge on land. The Regulations have not gone through any substantial revisions since they were implemented, despite improvements in our understanding of the chemical complexity and treatment of sludge.

Environmental advocacy groups have called for the Regulations to be reviewed to ensure they are fit for modern day sludge practices. Additionally, the Independent Water Commission[6] (IWC) recommended the UK and Welsh governments should tighten regulatory oversight of sludge activity by moving the treatment, storage and use of sludge into Environmental Permitting (England and Wales) Regulations 2016[7] ('EPR').

We recognise that effective regulation is necessary to ensure sludge spreading provides maximum economic and agricultural benefit whilst not compromising human health or environmental protection. Defra is therefore consulting on potential reform measures to improve the current regime and uphold safety and confidence in spreading practices. We have identified where there are opportunities for the sludge regime to be improved. This consultation seeks views on three options for reforming the underlying framework governing sludge use on agricultural land, to ensure it is fit for purpose.

The decision on whether to introduce reforms will be taken by relevant Ministers following this consultation.

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[1] Wastewater treatment in England: data for 2022 - GOV.UK
[2] Latest British survey of fertiliser practice report - GOV.UK
[3] Waste water treatment in the United Kingdom - 2012
[4] The Sludge (Use in Agriculture) Regulations 1989
[5] Sewage sludge in agriculture: code of practice - GOV.UK
[6] Independent Water Commission Final Report
[7] The Environmental Permitting (England and Wales) Regulations 2016

Proposed reform options:

Reform option 1: Revoke the Sludge (Use in Agriculture) Regulations 1989, in whole or in part, and regulate sludge spreading within the Environmental Permitting Regulations 2016. This could improve the oversight of, and resource for, regulatory compliance, and reduce the complexity of current sludge management which is split across a patchwork of regulations. In addition, it would offer a flexible regime, under which permits could be updated as evidence of contaminant risks develops. Under this option, consideration would be needed of the cost burdens on industry, as well as whether this could be reduced through adopting an assurance scheme within the permits.

Reform option 2: Amend the current Sludge (Use in Agriculture) Regulations 1989. This would provide an opportunity to update the provisions and ensure they are fit for the current context, whilst improved regulatory oversight could be delivered through the introduction of a charging scheme. Under this option, consideration would be needed of the cost burden on industry from charging and the potential to maintain the current regulatory complexity.

Reform Option 3: Changing standards on sludge spreading via non-regulatory means. This option may offer swift action to update requirements on spreading and address contaminants of concern, as and when evidence supports. However, without increased resource through a charging regime (as per options 1 and 2), this option lacks regulatory oversight or means of enforcement for non-compliance. Additionally, the underlying complexity of regulations would remain.

Whilst this consultation is primarily focused on the opportunities to reform the current regulations, we acknowledge that the issue of contaminants in wastewater and sludge is a problem in the wider waste system and further research is needed to determine the best mitigation options. This may include technological innovation in treatment methods. Defra is undertaking further research in this space, and the water industry is trialling new treatment technologies for sludge.

2. Scope of consultation

Through this consultation, Defra is seeking views on three possible reforms to the regime governing sewage sludge application to agricultural land. This consultation document summarises the evidence and potential impacts of options for reform.

The aim of this consultation is to seek the views of the public and stakeholders on:

- the relative merits of changing the regulatory framework for sludge use in agriculture
- whether you foresee any impacts from the potential reform options other than those set out here

This consultation is aimed at all those who have an interest in sewage sludge spreading on agricultural land. These are anticipated to include:

- businesses and business owners, including water and sewerage companies, and those that may be impacted by changes to sewage sludge regulations
- farmers and landowners and their representatives whose land may receive sewage sludge
- public interest groups and public bodies with an interest in sewage sludge, human health and environmental protection
- members of the public with an interest in sewage sludge spreading

This consultation covers England only: however, we will continue to engage with devolved governments on the content of the consultation and explore areas for collaboration. Within this consultation, you will have the opportunity to raise any concerns or complications that may arise from taking an England-only approach to regulating sludge use in agriculture.

Consultation questions

The consultation questions related to each option for reform are shown throughout the consultation document. Questions under the section 'Information about you' cover information that will be used for data management and processing.

Using and sharing your information

How we use your personal data is set out in the consultation and call for evidence exercise privacy notice which can be found here https://www.gov.uk/government/publications/defras-consultations-and-call-for-evidence-exercises-privacy-notice

Other Information

This consultation is being conducted in line with the Cabinet Office "Consultation Principles" and be found at: Microsoft Word - Consultation Principles (1).docx (publishing.service.gov.uk)

Verification of age

This consultation is for people aged 18 and over. If you're under 18, you won't be able to take part.

Q1. Please confirm your age: are you over 18 years old? *(required)*

- Yes
- No

Confidentiality Question

Q2. Would you like your response to be confidential? *(required)*

- Yes
- No

Q3. If you answered yes to the previous question, please give your reason(s). *(not required)*

Information about you

Q4. Please provide your full name. *(not required)*

Q5. Please provide your email address. *(not required)*

Q6. Are you responding on behalf of a business (including sole trader) or an organisation? *(required)*

- Yes
- No

[If NO to Q6] Interest in sewage sludge

Q7. If you are not responding on behalf of a business, organisation or sole trader, what is your interest in the regulation of sludge spreading? *(required)*

- Employee of business in sludge supply chain (not providing official business response)
- Member of the general public
- User of septic tank system

[If YES to Q6] About your organisation or business

Q8. Please select the type of business or organisation you are responding on behalf of. *(required)*

- Water and Sewerage Company
- Waste management company
- Farming business
- Septic tank business
- Public sector/ Local authority
- Trade body
- Environmental NGO
- Academia
- Other business

Q9. Please provide details of your business. *(required)*

Q10. What is your role in the business or organisation you are responding from? *(required)*

Q11. In what location is your organisation or business based? (required)

- England
- Wales
- Scotland
- Northern Ireland
- Outside the UK, within the EU
- Outside the UK, outside of the EU

Q12. What is the size of the business or organisation you are responding from? *(required)*

- 0-9 employees
- 10-49 employees
- 50-249 employees
- 250-499 employees
- 500+ employees

3. Introduction and policy context

Sewage sludge (hereafter 'sludge') is the nutrient-rich output derived from wastewater treatment. Current government policy encourages the reuse of sludge wherever possible, to recover vital plant nutrients and organic matter as part of the circular economy and provide a low-cost fertiliser option.

94.4% of sludge from English water companies is recycled to land[8], but is only used on around 1.9% of the UK's agricultural land[9]. Around 4% is incinerated, and the rest is disposed of at landfill or reused for example in land restoration.

There are several regulations which relate to the management of sludge, in particular:

- **Urban Wastewater Treatment Regulations 1994** which requires that treated sludge is reused whenever appropriate and that disposal routes for treated sludge minimises the adverse effects on the environment[10]
- **The Sludge (Use in Agriculture) Regulations 1989** which provides environment protections when sewage sludge is used in agriculture[11], and

[8] Wastewater treatment in England: data for 2022 - GOV.UK
[9] Latest British survey of fertiliser practice report - GOV.UK
[10] The Urban Waste Water Treatment (England and Wales) Regulations 1994 See [Regulation 4(4)(b) and (c)], [Regulation 6(2)(d)], [Regulation 9], [Regulation 11(1)(b) and (d)], [Regulation 12A(1)]
[11] The Sludge (Use in Agriculture) Regulations 1989

- **The Environmental Permitting (England and Wales) Regulations 2016**, which regulates most sludge treatment plants, sludge storage and the spreading of sludge to non-agricultural land[12]

This consultation is primarily concerned with the Sludge (Use in Agriculture) Regulations 1989 ('the Regulations'). These transposed the Council Directive No 86/278/EEC[13] into domestic law and continue to form part of UK law following the UK's exit from the European Union. In addition, the Department issued the Sewage sludge in agriculture: code of practice ('the code of practice')[14] which provides greater controls and with which all British Water and Sewerage Companies voluntarily comply (originally published in 1989 and subsequently updated).

The Regulations and the code of practice are designed to protect human health and the environment by promoting the safe agricultural use of sludge. They achieve this by prohibiting the spreading of sewage sludge unless requirements are fulfilled, for example setting limits on heavy metal concentrations in soil, and ensuring that sludge use takes account of the nutrient requirements of plants while not impairing the quality of the soil, surface water or groundwater. In addition, they specify precautions which must be taken after sludge is used, such as requiring untreated sludge spread on land to be injected or incorporated into the soil as soon as reasonably practicable afterwards and include record keeping requirements.

Water and Sewerage Companies have voluntarily put in additional restrictions. They entered a voluntary agreement in 1998 with the British Retail Consortium, entitled the Safe Sludge Matrix, in which the use of untreated sewage sludge was phased out from use on land used to grow food crops by 31 December 2005.[15] It states minimum treatment standards that must be met to remove pathogens before sludge can be spread to crops. They have also established the Biosolids Assurance Scheme (BAS), of which all Water and Sewerage Companies in Great Britain are members. The BAS Standard is based upon regulations, codes of practice and best practice relevant to biosolids (a term to describe treated sludge) recycling. There is a Certification Body appointed to independently audit BAS Applicants and Members, which is accredited by the United Kingdom Accreditation Service (UKAS).[16]

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[12] The Environmental Permitting (England and Wales) Regulations 2016
[13] Directive - 86/278 - EN - EUR-Lex
[14] Sewage sludge in agriculture: code of practice - GOV.UK
[15] P2357 A/W
[16] ABOUT US : Assured biosolids

Most Water and Sewerage Company sludge treatment consists of Conventional or Advanced Anaerobic Digestion which reduces volume, pathogens and fermentability. It also creates biogas which can be used as a renewable energy source.

4. Case for change

Since the Regulations came into force, they have not undergone any substantial revision. However, the complexity of the sludge supply chain and sludge treatment technologies has evolved considerably, as has scientific evidence and knowledge of physical, biological and chemical contaminants likely to be present in sludge.

There have been calls from environmental advocacy groups for the Regulations to be strengthened to include improved testing and limits on a wider range of contaminants and improved regulatory oversight of sludge use.

The Independent Water Commission recommended the UK and Welsh governments should tighten regulatory oversight of sludge activity by moving the treatment, storage and use of sludge into Environmental Permitting Regulations 2016 ('EPR').[17]

The Environment Agency's Strategy for Safe and Sustainable Sludge Use[18] also recommended moving the use of sludge on farmland into EPR to enable safe and sustainable sludge use on land.

The Independent Water Commission additionally recommended that trials of new sludge treatments and technology should be supported. Diversifying the end uses of sludge in England - for example by establishing new technologies - would increase the resilience of the market. The uses of sludge, that are currently technically feasible and available at scale, are limited to use on agricultural land or landfill and incineration. The latter are estimated to be more costly than sludge spreading to land[19] and are lower on the waste hierarchy with generally greater environmental impacts[20].

5. Objectives for reform

The government remains committed to promoting the beneficial recovery of sludge to agriculture, recognising its value to the circular economy and the agricultural sector. At the

[17] The Environmental Permitting (England and Wales) Regulations 2016

[18] Environment Agency strategy for safe and sustainable sludge use - GOV.UK

[19] The EU estimated incineration of sludge could be 1.5 to 3 times more expensive than spreading to land. EUR-Lex - 52023SC0157 - EN - EUR-Lex

[20] Landfill is a disposal option and incineration with energy recovery is a recovery option.

same time, it is essential to ensure this practice does not compromise human health or environmental protection.

We have analysed the current regulatory framework and have identified several objectives against which the status quo and options for reform should be assessed:

Objective 1: To make the sludge regulatory framework more agile and responsive to new and emerging evidence on risk.

Sludge can contain physical, biological and chemical contaminants. These contaminants generally enter the sewers from domestic or industrial sources and run-off from roads and other paved areas and can be partitioned into sludge through wastewater treatment and persist through sludge treatment. Some, such as specific heavy metals, are well understood and effectively managed through existing regulatory controls[21]. However, due to advances in analytical techniques and significant research undertaken through the UK Water Industry's Chemicals Investigation Programme[22], other contaminants of concern which are not specifically regulated, such as microplastics, anti-microbial agents and forever chemicals, have been detected within sludge samples.

Scientific reviews have recommended ongoing monitoring and research of these contaminants rather than immediate restrictions on land-spreading[23], concluding that current practices do not pose an immediate threat to human health or the environment. However, we recognise that understanding of contaminant risk is evolving, and that some contaminants may behave in complex ways, such as accumulating over time or breaking down into other substances, and these factors will need to be carefully considered as evidence evolves.

Government is working to address these risks using systems research approaches, bringing together diverse stakeholder perspectives to build a shared understanding of the broader problem, assess the current state of knowledge, map out key interdependencies, and to co-design practical solutions that are grounded in real-world constraints and policy priorities.

In the future, if evidence emerged to show these contaminants pose an unacceptable level of risk, we would consider introducing strengthened regulatory controls. This could include introducing new monitoring and/or limits on the amount that can be applied to land, in

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[21] The Sludge (Use in Agriculture) Regulations 1989 Regulation 3 and Schedule 1 and 2
[22] Water Chemicals Investigation Programme is the most robust source of evidence we have on the fate and behaviour of contaminants in wastewater treatment within England and Wales. It is a collaborative programme of research by water companies in England and Wales and the respective national regulators, coordinated by UK Water Industry Research (UKWIR)
[23] 1. Background - Spreading of sewage sludge to land - impacts on human health and environment (CR/2016/23): project summary - gov.scot

addition to the 7 potentially toxic elements that have specific limits under the Regulations (chromium, zinc, copper, nickel, lead, cadmium, and mercury). This could require water companies to more rigorously test the sludge prior to application to agriculture to understand and manage the risks from a wider range of contaminants.

In the current regulatory framework, this would involve amending the Regulations.

Objective 2: To clarify requirements related to nutrient application of sludge.

Pollution risks do not just come from contaminants of emerging concern. Nutrients (e.g. phosphorus and nitrogen) within sludge, if applied in the wrong quantities, at the wrong time or in the wrong place and on unhealthy soil, have the potential to cause diffuse agricultural pollution.

Under the Environment Act 2021[24], we set a legally binding target to reduce nitrogen, phosphorus and sediment entering the water environment through diffuse pollution from agriculture by 40% by 2038 (against a 2018 baseline). Achievement of this target will require increased levels of regulatory compliance, alongside other actions.

Stakeholders have also raised concerns about unclear wording in the Regulations, particularly around nutrient application requirements. Regulation 3(7) states that 'sludge shall be used in such a way that account is taken of the nutrient needs of the plants' but does not prescribe what a person must do to meet that requirement or what the threshold is. This may hinder effective compliance.

Objective 3: To improve oversight of sludge management practices including by increasing resource for regulatory compliance activities.

Sludge practices have evolved since the implementation of the Regulations. The Environment Agency commissioned Aecom to carry out the 2017 Materials to Land project[25] which highlighted that the number of parties involved in waste spreading has changed, moving away from a simple transparent chain comprising the producer and the farmer, to one involving long distances and third-party contractors. With the increased complexity, it was noted that it is becoming more difficult to track wastes from the place of production to the receiving fields.

The current Regulations were designed for a short linear supply chain and are less equipped to deal with this increased complexity. For instance, regulation 6 of the Regulations requiring a register to be kept of sludge use, only applies to a sludge producer not a third party.

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[24] Environment Act 2021
[25] EA-Materials-to-Land-report.pdf

The publicly available data on compliance with the Regulations is self-reported by Water Companies through the Environmental Performance Assessment[26].

There is no charging regime associated with the Regulations. There is a strong case for ensuring that those responsible for potential environmental harm contribute fairly to the cost of monitoring and enforcement, in line with the polluter pays principle of the Environmental Principles Policy Statement.[27]

Objective 4: To ban the spreading of untreated sludge on land in all circumstances.

The Regulations allow the spreading of untreated sludge but require it to be injected or incorporated into the soil as soon as practicable after application. In practice, all Water and Sewerage Companies have voluntarily phased this out through compliance with BAS.

However, sludge produced from private sources, such as septic tanks and package treatment plants, may still be spread to land under the Regulations without treatment. Sludge from septic tanks is much lower in volume than sludge produced from wastewater treatment plants - for example there are an estimated 700,000 septic tanks in England, which is a fraction of the approximately 24 million households in England[28]. We know that some of this is sent to wastewater treatment plants for processing by Water and Sewerage Companies and to plants operated by the waste management sector, although this is a commercial market and there is no regulatory obligation to accept and process this waste.

The modern design of septic tanks and package treatment plants and the operating practices by those emptying them appears to often involve complete emptying of the tank. This includes all the sludge, wastewater above the residual sludge and any physical detritus. This type of mixed waste does not meet the definition of residual sludge and should not be spread to land under the Regulations. However, there is no requirement for those who collect and use septic tank waste to notify or report to regulators, so it is difficult to quantify the extent or quality of septic tank use on land. These spreading activities usually come to light when they cause a pollution incident or the Environment Agency receives complaints. This has resulted in prosecutions in some instances[29].

Objective 5: To simplify and align the regulatory framework for sludge management

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[26] Water and sewerage companies in England: EPA metric guide for 2023 - GOV.UK
[27] Environmental principles policy statement - GOV.UK
[28] Source: Labour Force Survey, ONS: https://www.ons.gov.uk/surveys/informationforhouseholdsandindividuals/householdandindividualsurveys/labourforcesurvey
[29] Pair convicted for waste injection scheme - GOV.UK

The Independent Water Commission[30] and the Corry Review[31] both noted the benefits of streamlining and modernising environmental regulations. The current regulatory regime governing sludge spreading is complex and governed by different regulations. The storage and spreading of sludge to non-agricultural land falls chiefly under EPR controls. Most other waste derived organic manures such as food based digestate are spread to land under the EPR framework. However, for historic reasons linked to the requirements of the Sewage Sludge Directive the spreading of sewage sludge has been conducted under separate legislation.

Evaluation questions

Q13. Do you agree with the opportunities for improvement identified above? *(required)*

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Q14. Are there any parts of the current regulatory framework that you think should be retained or preserved? If you think no changes should be made, please set out why. *(not required)*

Q15. Are there other problems with the current regulations that have not been identified? Please provide details. *(not required)*

Q16. We would welcome any evidence from septic tank supply chain operators on how they treat septic tank sludge and where it goes. Please provide any evidence that you have of this type. *(not required)*

6. Options for reform

The following section sets out three options for reform to improve the way that sludge is regulated. We have not included an option to 'do nothing' as this does not meet any of the objectives identified above.

Potential reforms

[30] Independent Water Commission Final Report
[31] Delivering economic growth and nature recovery: an independent review of Defra's regulatory landscape - GOV.UK

- Reform option 1: Revoke the Sludge (Use in Agriculture) Regulations 1989, in whole or in part, and regulate sludge spreading within the Environmental Permitting Regulations 2016.
- Reform option 2: Amend the current Sludge (Use in Agriculture) Regulations 1989.
- Reform option 3: Changing standards on sludge spreading via non-regulatory means.

Analysis of Reform Option 1: Revoke the Sludge (Use in Agriculture) Regulations 1989, in whole or in part, and regulate sludge spreading within the Environmental Permitting Regulations 2016.

Summary

This option was recommended by the Independent Water Commission, and our initial assessment is that it would address many, if not all the objectives above.

Sludge spreading could fall into the existing Mobile Plant Permitting regime of the Environmental Permitting Regulations 2016 (EPRs), with some modifications. This change is likely to require secondary legislation.

Under EPR, anyone spreading sludge on farmland would require a permit from the Environment Agency. We anticipate this would mostly be Water and Sewerage companies and any contractors working for them, who currently spread sludge to land.

Permit holders would have to meet conditions of their permit and likely submit a deployment notification to the EA before spreading could occur. Fees would apply for permits and for deployment notifications.

Objectives this meets

Moving sludge into the EPR framework would likely meet all objectives identified above.

Benefits

Under EPR, the Environment Agency would be able to afford greater oversight of the content of sludge and when and where it is spread, as charge funding would likely be used to recover the costs of compliance activities. This would help the Environment Agency anticipate and stop potential pollution events in advance and identify, advise and/or take

enforcement against those responsible when pollution[32] has occurred. This may improve farmer and retailer confidence in the product and enhance public perception of sludge recovery to land.

It would also reduce the complexity of the current regime, harmonising sludge management activities under one regulatory framework. This would help the Environment Agency to better monitor the types and quantities of material being spread to land and the cumulative effect on the soil and the wider environment. For example, concerns about emissions causing odour from the use of sludge, would be brought under the Environment Agency's control rather than the local authority, alongside its existing remit for odour related issues due to field storage of sludge before it is spread to land. Therefore, it would create a simplified, single point of contact for the public. It would also bring the regulation and management of sludge use onto agricultural land in line with other materials to land.

Changing the regulatory framework would also present an opportunity to change some of the outdated provisions of the current Regulations. Permit conditions could prohibit the spread of untreated sludge in all circumstances and ensure consistency with regulation on nutrient application which apply to farmers - i.e., the Farming Rules for Water[33]. Moreover, moving to EPR would allow the Environment Agency to periodically review and if necessary, update their permit criteria, following consultation, without a longer process requiring secondary legislation. This would allow the Environment Agency to respond to new information and risks on contaminants as and when they emerge.

Risks

Introducing permitting would likely increase administrative and regulatory costs for the Water Industry compared to the current system which does not include any charges.

The main additional regulatory costs for the water industry from EPR could come from the requirement to submit deployment notifications to the Environment Agency. There may also be a need for Water and Sewerage Companies to employ more staff and undertake more sampling and analysis to manage the new permitting process.

Water and Sewerage Companies have expressed concerns that the increased checks and controls under the EPR Regime could reduce flexibility in sludge spreading. It may be that spreading under EPR is not allowed until a notification had been submitted to, and

[32] Pollution means emissions as a result of human activity which may be harmful to human health or the quality of the environment, cause offence to a human sense, result in damage to material property, or impair or interfere with amenities and other legitimate uses of the environment.

[33] See Regulation 3(7) of The Sludge (Use in Agriculture) Regulations 1989 and Regulation 4(1) of The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018

approved by, the Environment Agency. Companies have suggested that this could lead to delays, meaning they might need to compensate farmers to honour sludge contracts.[34] Mitigation or reduction of this burden would be considered in the design of the process (see below).

If this reform option was chosen, it may be feasible to take the steps needed to bring sludge regulation under the EPR (i.e. secondary legislation change followed by EA permit development) in time for the next price review. These additional costs could then be reconsidered and incorporated as part of the broader price-setting process which informs customer bills.

Any additional burdens should be considered against the cost of doing nothing, which carries a risk that farmers/retailers lose confidence in the safety of spreading resulting in the need for water companies to find more costly alternatives. The benefits of these changes would be that the framework would allow for permit conditions to be adapted over time to keep pace with emerging science and ensure improved compliance with the regulations, ensuring sludge use does not harm the environment or introduce unacceptable risks – likely improving stakeholder confidence in the safety of sludge and keeping costs down in the long term.

Reducing Regulatory Burden

These costs to businesses, which may ultimately be passed on to consumers, could be reduced by incorporating the concept of earned recognition into the permit design. Earned recognition involves reducing the administrative burden on operators who demonstrate a strong track record of compliance and adherence to standards.

In the Environment Agency's Strategy for Safe and Sustainable Sludge Use 2020, the Environment Agency raised the possibility of reducing regulatory costs and burden through development of an assurance scheme. This provides the ability to include the concept of earned recognition.

We would be interested in working with the Water Industry to explore how schemes, such as Assured Biosolids Limited's Biosolids Assurance Scheme, may be adopted as part of the EPR framework, if we decide to pursue this option further.

Evaluation questions:

Q17. To what extent do you agree or disagree with our assessment of the benefits and risks of moving sludge spreading into the Environmental Permitting Regulations 2016 (EPR) framework? *(required)*

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[34] UUWR_13_Bioresources

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don’t know

Q18. Please provide a reason for your answer. *(not required)*

Q19. What impacts, both positive and negative, do you foresee of moving sludge application to land into the EPR? We would welcome any information on the scale of specific costs or benefits and any calculations or quantified estimates. *(not required)*

Q20. Do you think a transition period would be necessary to move sludge into EPR? (*required)*

- Yes
- No
- Don’t know

Q21. Please give a reason for your answer. Please include any assessment of transition costs to adapt to the new system. *(not required)*

Q22. Do you think there are requirements that apply to farmers in the current Regulations should be retained in the event of moving sludge into EPR? *(required)*

- Yes
- No
- Don’t know

Q23. Please give a reason for your answer. Please include specific requirements that you think should be retained. *(not required)*

Q24. To what extent do you agree with including an assurance scheme as part of moving sludge into EPR? (*required)*

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don’t know

Q25. Please give a reason for your answer*. (not required)*

Q26. Other than recognising an assurance scheme, are there other ways, for example through design of permits, that the administrative impacts on businesses could be minimised under EPR? *(not required)*

Analysis of Reform Option 2: Amend the current Sludge (Use in Agriculture) Regulations 1989.

Summary

Another potential option is to revise the current Sludge (Use in Agriculture) Regulations 1989 ('the Regulations') to modernise and improve them.

This option may require primary legislation, which may take longer to progress than reforms possible under Options 1 and 3.

This reform could include, for example:

- Modernising the language of the Regulations, for example to provide greater clarity on the nutrient requirements that sludge should meet and to ensure consistency with other regulations
- Strengthening provisions on data sharing with the regulator
- prohibiting the spreading of untreated sludge in any circumstances
- adding a charging regime whereby sludge producers are charged for compliance activities by the regulator to provide resource for greater oversight in line with the polluters pays principle of the Environmental Principles Policy Statement
- setting additional contaminant limits on, for example, Potentially Toxic Elements that are in the code of practice but not the Regulations
- amending the process for updating technical limits without going through secondary legislation

Objectives this meets

- Objective 1: To make the sludge regulatory framework more agile and responsive to new and emerging evidence on risk.
- Objective 2: To clarify requirements related to nutrient application of sludge.
- Objective 3: To improve oversight of sludge management practices including by increasing resource for regulatory compliance activities.
- Objective 4: To ban the spreading of untreated sludge on land in all circumstances.

Benefits

This option would offer many of the same benefits as integrating sludge spreading regulation into the EPR framework. These include enhanced regulatory oversight and the modernisation of existing standards, contributing to more effective environmental protection and clearer compliance expectations.

We could seek powers for regulators to amend standards (such as new contaminant limits), as under the EPR. Without such flexibility, the system would remain slow to respond to emerging risks and scientific developments, thereby failing to meet Objective 1.

Risks

However, while it addresses several key opportunities, this approach does not resolve the broader complexity of the regulatory landscape. Rules would continue to be split across different legislative instruments, namely the Sludge (Use in Agriculture) Regulations 1989 and the EPR, thereby failing to meet Objective 5, which seeks to streamline and simplify regulation.

Introducing a charging scheme under the current regulatory framework would likely result in similar costs to those associated with the EPR option, affecting both businesses and consumers. However, establishing a separate charging regime outside of EPR may result in higher costs for companies, particularly those already familiar with the EPR system, who would now need to navigate and comply with a parallel framework. This duplication would also undermine efforts to meet Objective 5: to simplify and align the regulatory framework for sludge management.

In addition, regulatory bodies may face further costs related to the initial setup and ongoing administration of any standalone charging scheme, including the development of new systems and processes that are not integrated with the existing EPR infrastructure.

Evaluation questions:

Q27. To what extent do you agree or disagree our assessment of the benefits and risks of amending the Sludge Use in Agriculture Regulations? *(required)*

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don’t know

Q28. Please provide a reason for your answer. *(not required)*

Q29. What impacts, both positive and negative, do you foresee from amendments to the Sludge (Use in Agriculture) Regulations 1989 (‘the Regulations’) this option proposes? We would welcome any information on the scale of specific costs or benefits and any calculations or quantified estimates. *(not required)*

Q30. Do you think a transition period would be necessary? *(required)*

- Yes

- No
- Don't know

Q31. Please give a reason for your answer. Please include any assessment of transition costs to adapt to the new system. *(not required)*

Analysis of Reform Option 3: Changing standards on sludge spreading via non-regulatory means

Summary

The Better Regulatory Framework[35] is designed to ensure that government regulation is proportionate and is used only where alternative, non-regulatory approaches, will either not achieve the desired policy options or will achieve them at a disproportionate cost.

The Framework helps ensure that new regulation is implemented only where there is clear evidence that it will generate net positive outcomes for society and is implemented and enforced in a way that minimised the burdens on businesses and consumers and supports other priorities such as innovation and competition.

In considering sludge reform, we are keen to understand whether there are non-regulatory means that could address the issues around sludge management.

A non-regulatory option could be to retain the current sludge regulations but update the Sewage Sludge in Agriculture: code of practice[36], which Water and Sewerage Companies currently comply with through adherence to the Biosolids Assurance Scheme.

Changes to the code of practice could include:

- Changing language to ensure consistency with rules on farmers for good nutrient management (i.e., Farming Rules for Water)[37].
- Introduce guidance on data sharing with the regulator of the underlying regulations on sludge practices
- Introducing guidance that spreading untreated sludge is unacceptable in all circumstances (the code of practice currently allows untreated sludge worked into or injected into the soil in line with the Sludge (Use in Agriculture) Regulations 1989)
- Reviewing contaminants limits to ensure they are fit for purpose

[35] Better Regulation Framework - GOV.UK
[36] Sewage sludge in agriculture: code of practice for England, Wales and Northern Ireland - GOV.UK
[37] Regulation 4(1) of The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018

Objectives this could meet

- Objective 2: To clarify requirements related to nutrient application of sludge.
- Objective 4: To ban the spreading of untreated sludge on land in all circumstances.

Benefits

Where provisions in the current regulations become outdated, updated provision could be made in the code of practice relatively quickly. Additionally, the code of practice could be amended when evidence supports additional action on risk from contaminants, without parliamentary procedure.

Risks

Under this option, the current regulations themselves would remain, which would mean the underlying complexity (i.e., Objective 5) within the regulatory landscape would not be resolved and might be worsened if guidance went further than the regulations themselves.

Additionally, relying solely on updating the code of practice would not provide the same level of regulatory oversight as changing the legislation itself (i.e., Objective 3). The Environment Agency would lack the authority to take enforcement action against those who fail to comply with the voluntary standards.

If new risks emerged that warranted changes to sludge spreading standards, it could be seen as disproportionate to rely only on voluntary guidance rather than enforceable regulations. This option also does not make the underlying regulatory framework more agile and responsive to risk than it does at present (i.e., Objective 1).

Evaluation questions:

Q32. To what extent do you agree or disagree with our assessment of benefits and risks updating the code of practice over amending the underlying legislation? *(required)*

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don’t know

Q33. Please provide a reason for your answer. *(not required)*

Q34. What impacts, both positive and negative, do you foresee from the amendments to the Code of Practise proposed? *(not required)*

Q35. Do you think a transition period would be necessary? *(required)*

- Yes
- No
- Don’t know

Q36. Please give a reason for your answer. Please include any assessment of transition costs to adapt to the new system. *(not required)*

Q37. Are there any other amendments to the code of practice that you think would be necessary to raise sludge standards? *(not required)*

Q38. Are there alternative non-regulatory interventions that you think would be effective in meeting our objectives to strengthen the regulatory framework? If so, please explain your reasoning. *(not required)*

Relative merits of different proposals

Q39. Of the three options for reform presented in this consultation, which option do you prefer? *(required)*

- Option 1: Revoke the Sludge (Use in Agriculture) Regulations 1989, in whole or in part, and regulate sludge spreading within the Environmental Permitting Regulations 2016(EPR).
- Option 2: Amend the current Sludge (Use in Agriculture) Regulations 1989.
- Option 3: Changing standards on sludge spreading via non-regulatory means.

Q40. Please give reasons for your answer. *(required)*

Q41. What impacts, if any, do you see for any of the reform options presented in this consultation being implemented in England only? *(not required)*

7. Consultation process

How to respond

Defra encourages parties to response to the consultation via the consultation platform Citizen Space. Responses may also be sent to Defra by email or post using the details below. If responding by email or post, state:

- your name
- your email address
- your organisation
- the consultation title

Duration

The consultation will run for 8 weeks from the 27 January 2026 to the 24 March 2026.

Contact details

Enquiries should be either directed to:

- Email:
  - WaterQualityandAgricultureTeam@defra.gov.uk
- Post:
  - Consultation on the regulatory framework for sludge applied to agriculture, Department for Environment, Food and Rural Affairs Seacole Building Ground Floor Marsham Street London SW1P 4DF

Next steps

After the consultation, Defra will decide whether to proceed with any of the presented reforms and whether any further changes are necessary.

A summary of responses to this consultation will be published on the UK government website on the Defra homepage.