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WORSHIPFUL COMPANY OF WATER CONSERVATORS
Promoting a diverse and sustainable environment

**RESPONSE TO THE DEFRA CONSULTATION ON THE USE OF SEWAGE
SLUDGE IN AGRICULTURE**

MARCH 2026

PROLOGUE

1 The Worshipful Company of Water Conservators ('WCWC') is a City of London Livery Company focussed on the long-term health of our water resources and the broader environment. Our members include senior professionals from water, environmental and related industries and regulators, along with others who share our concern for water and the environment. Our experience and knowledge ranges from the complexities of environmental sciences, through the application of engineering to deliver the goals identified by those sciences, and the subsequent management of the assets created. The WCWC's purpose is *promoting a diverse and sustainable environment*.

2 As part of that purpose, the WCWC has been responding to relevant consultations particularly on matters relating to water conservation. These are archived on its website. It produced an overview of its work in 2025, which included a Think piece on bioresources; this contains a lot of information and thinking on the topic relevant to this consultation, which it does not intend to reproduce but encourages readers to refer to it.

<https://waterconservators.org/wp-content/uploads/filr/3820/Sept-25-BIORESOURCES-Thinkpiece.pdf>

<https://waterconservators.org/wp-content/uploads/filr/4194/JAN-26-OVERVIEW-of-consultations-and-thinkpieces-in-2025.pdf>

Current position and origins

3 The use of appropriately treated sewage sludge on agricultural land is regulated currently by the 1989 regulations (last legal edition November 2025) and a Code of Practice (last updated in 2018) implementing a 1986 EC Directive.

<https://www.legislation.gov.uk/ukxi/1989/1263/2025-11-01>

<https://www.gov.uk/government/publications/sewage-sludge-in-agriculture-code-of-practice>

<https://eur-lex.europa.eu/eli/dir/1986/278/oj/eng#:~:text=Council%20Directive%2086/278/EEC%20of%2012%20June%201986,when%20sewage%20sludge%20is%20used%20in%20agriculture.>

4 The Code of Practice has been supported and extended, de facto, but not modified, by quality assurance practices to reduce risk, such as the Safe Sludge Matrix. These can be found on the website of the Biosolids Assurance Scheme. So operational practice has improved constantly.

<https://assuredbiosolids.co.uk/>

5 The origins of scientific knowledge predate the step change in 1989 by several years and in fact the Code of Practice is more demanding than the Directive. The practice of using treated sludge in this way has worked successfully for many years, with it being favoured by Government as the Best Practicable Environmental Option for managing sewage sludge, and indeed this practice is encouraged by the 1991 Urban Wastewater Treatment Directive. The Code of Practice was set up to be modified regularly as information evolved on matters such as PFAS, or the use of biochar, but that mechanism is moribund. There are pressures for change, not all of which are referred to in the consultation.

6 The original work never intended that it would apply to septic tank sludges, but these were added to the Directive and restrictions only apply to the management of crops grown in land to which the septic tank sludge has been applied.

7 In recognition of the special status of treated products used safely in agriculture, the UK, and several other countries, agreed in the 1980s to use the term biosolids, which reflected good practice in communications, rather than the notion of 'dumping sludge on land'. The EC found that this did not translate well in multiple languages for regulation. It accepted the term for practical purposes but retained sewage sludge in the Directive. That dichotomy survived translation into UK law and practice. The Consultation persists with this, even though the UK is no longer bound by the complexities of multi-lingual translations, it only makes the lightest reference to the use of the term biosolids, such as the Biosolids Assurance Scheme, while missing the opportunity of clarifying this. The WCWC, again, suggests that the nomenclature needs sorting out and that may come with the reorganisation of regulation as envisaged in the White Paper.

8 Almost all sewage sludge is now managed by conversion into biosolids, and the present system has been working well until recently. The Ofwat considered as far back as 2016 that sewage sludge offered other commercial opportunities to exploit the innate value of sewage sludge and introduced a strategy for bioresources.

<https://www.ofwat.gov.uk/regulated-companies/markets/bioresources-market/>

*Bioresources in the context of sewage treatment plants (STPs) refers to all processes related to the collection, transportation, treatment, and recycling or disposal of **sewage sludge**. This includes the management of organic material separated from wastewater (primary and secondary sludge) and its transformation into valuable, sustainable products.*

9 So biosolids use becomes a subset of this. The terminology has become confusing. Indeed, the term 'biowaste' is used in other regulatory contexts. The 2025 Thinkpiece sets these out in some detail. There must be a resolution of attitude; are bioresources wastes or valuable materials to be exploited? The consultation talks a lot about waste.

10 In the past the system has avoided calling biosolids usefully employed in agriculture 'waste' and hence this has not appeared within the span of the Waste Framework Directive. The Consultation does not explain that. But that activity was regulated specifically and directly by the 1986 Directive et seq. It is the understanding of the WCWC that regulation should be considered as a hierarchy. Any EU Directive was implemented into regulation with

enabling legislation, which was then transposed post Brexit. If that hierarchy requires a permit, then that is provided by the Environmental Permitting Regulations 2017, and it is that which the EA is focusing on.

9 If the 1989 SUIAR (the Sludge (use in Agriculture) Regulations) are to be repealed, what is that the EPA will be permitting? It seems to the WCWC that the most likely legal course will be to deem biosolids as a waste and hence the new regulations will reflect that.

10 It has been recognised for some time, that the current approach left some acceptable activities in regulatory limbo. For example, the use of treated sewage sludge in forestry and for land reclamation is not covered by the Code of Practice and regulations and in theory, need an Environmental Permit, but as what? Will they be wastes? Similarly, if sewage sludge is mixed with other organic waste for treatment such as a farm waste, the product is no longer qualified as biosolids nor complied with the 1989 restrictions and even though this was seen as an emblem of a forward looking Ofwat bioresources strategy, which seeks to broaden the opportunities of exploiting the innate value of all sewage sludges

11 A combination of these pressures, the rising prominence of new contaminants in sludge such as microplastics and PFAS, concerns about nutrients in rivers and the demands for a more contemporary attitude to regulation led to the EA proposing in 2020 that it would bring in new rules for agricultural use; but for a variety of reasons this process has been very slow and that led to the media misconceptions of 2025 and the production of the 2025 Thinkpiece. The need for a step forward in regulation was identified by the Independent Commission on Water in its final report in July 2025.

12 The sector responded to the Ofwat bioresources strategy and the proposed changes in regulation with the National Bioresources Strategy, which underpinned water companies' AMP8 programmes under the wing of Water UK, but progress beyond PR24 has been slow for many reasons and this contributed to the angst of 2025.

The Proposals

13 This Consultation is that step forward for the EA.

<https://consult.defra.gov.uk/the-sewage-sludge-team/consultation-on-reform-of-the-regulatory-framework/>

It proposes three 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 on contaminant risk 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

SUMMARY

14 The WCWC supports Option 1, with many caveats, as the practical way forward which reflects attitudes to the current regulation of the practice. The proposals do nothing to resolve the confusion over nomenclature which needs sorting out quickly and could be done so without waiting for the introduction of any new approach to permitting.

15 There is no regulatory strategy for bioresources, which encompasses all sludges. And in the context of 'the big picture', where do they sit in a National Water Strategy as advocated by the WCWC and envisaged in some form by the White Paper on vision for water? Where do bioresources sit in relation to the national strategy for the circular economy? And septic tank sludges should be dealt with separately as a very different issue.

16 These proposals update one very important, but not sole, module of any strategy. It leaves all other regulation in the same state of confusion. Whilst agricultural use of biosolids is the predominant way of managing sewage sludge, the growing pressures on this practice may well push that management to use other options and there must be a review of all relevant regulations other than these proposals. Even within the context of uses on land, the proposals still do not address properly the issues of regulation of other kinds of treated sewage sludge (such as co-digestate) and the uses on other kinds of land such as forestry. Will the new regulations cover the use of biochar for instance; but as a new product for regulated use how will safe practice be determined? The Consultation does not resolve the 'patchwork' of waste regulation as the narrative claims.

17 The Consultation does not recognise the existing complex framework of packages of regulation of other sludge related activities based on the concept of Standard Rules. The WCWC suggests that this whole set needs reviewing to create an integrated framework of regulatory packages and that at least, a new module added to cover biosolids use; and RPS231, including septic tank sludges, updated and converted into a Standard Rules package (septic tank sludges should all be disposed at regulated sewage treatment works). Other regulatory packages could be added for other uses. The Standard Rules modules could be supported by statutory guidance reflected in the detail of an update Code of Practice and flexible enough for rapid update and addressing issues like monitoring and quality assurance.

18 The narrative refers to ongoing research on treatment technology, but as the 2025 Thinkpiece outlines, research must also include field trials, soil science, epidemiology etc and analytical methods coordinated centrally as it was in the 1970s-1980s. The development of hazard, agronomic, soil and crop criteria will be crucial.

19 The WCWC also repeats its call for one central focus of coordination as was the case in former years. At least this could focus on quality criteria and standards and monitoring. It supports complementarity of approach with other UK nations, which is important in view of the proposals for similar changes in the Welsh Government Green Paper in response to the Report of the Independent Commission on Water

20 The WCWC response to the White Paper suggests drawing together the work of UKTAG, the proposed drinking water advisory group and the Standing Committee of Analysts in a central Common Standards Unit. It suggested that this could be extended to include bioresources, thus sharing data and consistent approaches across all sectors.

21 As with all changes to regulation, the WCWC supports a transition plan. The WCWC urges the Government to take a more proactive, positive stance on the benefits of bioresources. As with all changes in regulation, there must be a sensible transition plan. They must be subjected to cost benefit analysis. It is possible that the additional costs will have been allocated for in PR24 under the Water UK National Bioresources Strategy , if not, they must be treated as a notified item and certainly included in PR29.

22 The WCWC supports complementarity in bioresources regulations throughout all nations of the UK.

23 The WCWC also reminds Defra that it too can participate in changing the context by looking at other opportunities, such as extending the powers of water companies to regulate the content of trade effluents such as PFAS.

WCWC COMMENTARY ON THE PROPOSALS

24 In the simplest of terms, the WCWC recognises the complexities of the current situation Option 1 is most likely to progress and indeed is the option favoured by Defra and the EA. And the WCWC supports it with caveats. There is no broad context of this set of proposals being part of a wider strategy for bioresources or water management or even the circular economy. They do not address the confusing syntax of the sector.

25 Whatever emerges must be subjected to regulatory impact assessment and not discourage farmers from using products by placing extra administrative hurdles, as is the case with the Farming Rules for Water.

26 The WCWC has advocated a single national focus to oversee the diversity of initiatives, as was the case in former times but it waits to see what the outcome will be of implementation of the proposals in the White Paper. It supports complementarity of approach with other UK nations, which is important in view of the proposals for similar changes in the Welsh Government Green Paper in response to the Report of the Independent Commission on Water.

27 The WCWC also repeats its call for one overall central focus of coordination as was the case in former years. And as highlighted in the 2025 Thinkpiece any radical change must have a suitable transition period and be properly reflected in AMP9.

28 The WCWC urges the Government to take a more proactive, positive stance on the benefits of bioresources.

Legal framework

29 The proposals do not give enough attention to the practical implications of change and do not set out the legislative background well enough. If the 1989 SUIAR regulations are repealed, what is it that the EPR will be permitting? Presumably biosolids will be designated as a waste and the subsequent permitting will reflect that.

30 To elaborate what is set out on the Prologue, other sludge activities were encapsulated by the Waste Framework Directive, which was primarily transposed into UK law through the [Waste \(England and Wales\) Regulations 2011](#) (S.I. 2011/988), which updated existing legislation like the [Environmental Protection Act 1990](#) to align with 2008 EU requirements. Subsequent updates, including the [Waste \(Circular Economy\) \(Amendment\) Regulations 2020](#), incorporated later revisions, with Brexit-related amendments ensuring continued legal function, the Waste and Environmental Permitting etc. Legislative Functions and Amendments etc, (EU Exit) Regulations 2020 amended previous legislation to allow UK authorities to set technical criteria for waste, Wastes are classified with a coding system.

31 Those relevant to sewage sludge are defined in Regulatory Position Statement RPS231. This applies to some exemptions and permits for the treatment, storage and land-spreading of certain waste types not covered under them. The exemptions and permits this RPS applies to are:

- [T21 waste exemption: recover waste at a wastewater treatment works](#)
- [S3 waste exemption: storing sludge](#)
- [SR2010 No 17: storage of waste to be used in land treatment](#)
- [SR2010 No 5: mobile plant for the reclamation, restoration or land improvement](#)
- [SR2010 No 6: mobile plant for land-spreading of sewage sludge](#)

[Check if your material is waste - GOV.UK](#)

<https://www.gov.uk/government/publications/waste-codes-for-sewage-sludge-and-sludge-containing-other-materials-rps-231>

[Using waste codes for sludge materials: RPS 231 - GOV.UK](#)

[Check if your material is waste - GOV.UK](#)

32 The question arises, what does the new permitting regime look like? It would still leave the permitting issues outlined earlier unresolved. It would just change the regulatory context for biosolids. How could the practice of biosolids use be regulated without creating unnecessary burdens probably by the use of the approach of Standard Rules Permits.

Standard Rules Permits

33 In 2020 the EA put forward its first proposal for change of approach in regulation. The reasons for change are given in the EA document included as an Appendix 3 in the 2025 WCWC Thinkpiece. This highlighted the then thinking by the EA which may be obscure to all but the most informed aficionados. It states that Regulatory Position Statement RPS 231 allows common industry practices that are inconsistent with the SUIAR to continue. This refers to the 2020 (updated 2024) use of waste codes as set out above.

34 The thinking of the 2020 framework intended for future regulations appeared to be in the concept of Standard Rules. It does not spell out what this means and is not elaborated in this consultation. Standard Rules were established in 2014 and last updated in March 2025.

<https://www.gov.uk/government/collections/standard-rules-environmental-permitting>

Even that document would benefit from an explanatory note as to what these are.

<https://www.360environmental.co.uk/standardrules/>

1. [Anaerobic digestion including use of the resultant gas and storing digestate](#)
2. [Car and vehicle dismantling](#)
3. [Car and vehicle dismantling - unavailable for new applications](#)
4. [Composting, sewage or sludge treatment, biogas](#)
5. [Composting, sewage or sludge treatment, biogas - unavailable for new applications](#)
6. [Deposit for recovery](#)
7. [Deposit for recovery - unavailable for new applications](#)
8. [Electrical insulating oil storage](#)
9. [Flood risk activities](#)
10. [Medium combustion plant and specified generators](#)
11. [Metal recycling, scrap metal and WEEE - not cars or vehicles](#)
12. [Metal recycling, scrap metal and WEEE - not cars or vehicles - unavailable for new applications](#)
13. [Mining, oil and gas](#)
14. [Mobile plant for land-spreading or treatment](#)
15. [Radioactive substances for non-nuclear sites](#)
16. [Research and development](#)
17. [Storage or treatment of waste - recycling, dredging, clinical, soil, tyre shred or wood treatment](#)
18. [Storage or treatment of waste - recycling, dredging, clinical, soil or wood treatment - unavailable for new applications](#)
19. [Waste transfer station or amenity site with or without treatment](#)
20. [Water discharges](#)

35 As an example, the Standard Rules for land-spreading not covered by the SUIAR, is incorporated into the regulatory framework.

[SR2010 No 4 mobile plant for land spreading](#)

Again, of relevance, are the Standard Rules for anaerobic digestion plant

[SR2021 No 6: Anaerobic digestion facility, including use of the resultant biogas – installations - GOV.UK](#)

36 The Environmental Permitting (England & Wales) Regulations 2016 – Chapter 4 Standard rules SR2021 No 6 incorporates SR2012 No 11. This Standard Rules permit is for a Part A installation:

- with an anaerobic digestion treatment capacity of over 100 tonnes of waste, or a combination of waste and non-waste, each day
- accepting no more than 100,000 tonnes each year

It applies to all digesters and is based on a common practice for biowastes.

37 However lime stabilisation of sewage sludge is also practiced and in 2020 there was an intention to issue Standard Rules for this process, but they had not been issued in the latest update of the set of Rules in March 2025. It is not clear how the processes like biochar and high temperature oxidation, highlighted in the Northumbrian Water Innovation Festival in July 2025, and vaunted as technology solutions to the current problems will be permitted; no mention was made of understanding what would be required from these processes if and

when they entered the Standard Rules framework. The nearest Standard Rules would need modifying, probably using data obtained from crop trials.

<https://www.gov.uk/government/publications/low-risk-waste-positions-landspreading/storing-and-spreading-biochar-to-benefit-land-lrwp-61>

Septic tank sludges as a separate issue

38 The land application of septic tank sludges is not covered by the same extensive set of rules as biosolids and are unlikely to be sources of risk for chemical contaminants but could be significant sources of biohazard and public nuisance. Septic tanks, per se, are regulated by General Binding Rules, a lighter touch version of Standard Rules.

<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the-ground>

39 The application of the tank sludges to land are regulated by:

<https://www.gov.uk/guidance/managing-sludge-from-non-mains-systems>

<https://www.gov.uk/government/publications/waste-codes-for-sewage-sludge-and-sludge-containing-other-materials-rps-231>

and the guidance shows how complex the approaches to permitting are even for this activity. The risks and management s for septic tank sludges are very different to those for biosolids, and regulation must be dealt with separately. A good deal of this waste is taken to authorised sewage treatment works under contractual arrangements. And this could be formalised in a new set of Standard Rules. The WCWC is unsure of the current extent of this practice. This would require conversion or even demise of RPS 231.

WCWC suggestions for the way forward

40.No reference is made in the Consultation to the already extensive array of permitting through the approach of Standard Rules. The 2025 Thinkpiece set out some comprehensive thinking on this. As suggested earlier, the WCWC proposes this as the 'smartest' way forward. A streamlined 'fit for purpose' set of integrated Standard Rules Permits would be an ideal candidate for regulatory streamlining as envisaged by the Government.

41 It will probably mean accepting that biosolids will have to join the waste framework. This should embrace all the activities relating to the regulation of the use of bioresources in an integrated set of packages. A framework of focussed packages would include one for biosolids use. In doing so, new Standard Rules packages could be introduced for uses on other land or the uses of mixed products. Those are details for development. Septic tank sludges must be dealt with separately. It may require the conversion of RPS 231 including other prescribed activities, see below.

42 For agricultural use (the subject of this consultation), 'areas of deployment' will be a crucial factor .It would be too burdensome to do it on a works by works or farm by farm basis and it would be better to have the concept of areas of deployment possibly from sludge treatment centres .The Rules package should be supported by Statutory Guidance somewhat similar to the current Code of Practice including QA practices, and flexible enough for rapid update. This should maintain the concept of supplier self-monitoring suitably updated to reflect contemporary quality assurance requirements. Such monitoring of treatment plant effectiveness needs to ensure compliance with any rules for hazard avoidance, and soil monitoring must form part of prudent operations with the continuation of registers and spot checks by the EA (or whichever body picks up this responsibility in due

course. And the approach must be flexible enough to be able updating as new information becomes available.

43 Under the Consultation RPS 231 would be demised and septic tank sludges would be dealt with in the same package as biosolids. The suggestion by the WCWC is that these should be separated from biosolids and RPS 231 would be converted into an updated set of Standard Rules (including the other prescribed activities).

<https://www.gov.uk/government/publications/waste-codes-for-sewage-sludge-and-sludge-containing-other-materials-rps-231>

44 In parallel are the complications of the restrictions on application arising from the Farming Rules for Water.

<https://www.gov.uk/government/publications/applying-the-farming-rules-for-water/applying-the-farming-rules-for-water>

There is a very good case to merge the implications of these for biosolids with whatever comes next on the 'headline' regulation

45 The consultation narrative refers to ongoing research on treatment technology, but as the 2025 Thinkpiece outlines, research must also include field trials, soil science, epidemiology etc., and analytical methods coordinated centrally as it was in the 1970s-1980s. The Thinkpiece empathises the need for the development of appropriate hazard, agronomic, soil and crop criteria.

46 As with all changes in regulation, there must be a sensible transition plan. They must be subjected to cost benefit analysis. It is possible that the additional costs will have been allocated for in PR24 under the Water UK National Bioresources Strategy, if not they must be treated as a notified item and certainly included in PR29.

47 The WCWC supports complementarity in bioresources regulations throughout all nations of the UK.

48 In the response to the White Paper the WCWC suggests, at least, drawing together the work of UKTAG, the proposed drinking water advisory group and the Standing Committee of Analysts in a central Common Standards Unit. It suggests that this could be extended to include bioresources, thus sharing data and consistent approaches across all sectors.

49 And the WCWC repeats its suggestions that Defra can address other regulatory issues to make life easier, for example, by extending water company powers to restrict trade effluent content such as PFAS.

