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WORSHIPFUL COMPANY OF WATER CONSERVATORS
Promoting a diverse and sustainable environment

**BRIEFING ON THE 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 set 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.

11 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.

12 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 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

13 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 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.

14 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

15 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

16 The WCWC has responded
<https://waterconservators.org/wp-content/uploads/filr/4346/MAR-2026-BIORESOURCES-Response-to-Defra-fin2.pdf>

SUMMARY

17 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.

18 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.

19 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.

20 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.

22 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.

23 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

24 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.

25 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.

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

27 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.