*Draft Regulations laid before Parliament under section 2(8) and (9)(d) of the Pollution Prevention and Control Act 1999 (c. 24), for approval by resolution of each House of Parliament.*

DRAFT STATUTORY INSTRUMENTS

# 2026 No.

# ENVIRONMENTAL PROTECTION, ENGLAND

# The Environmental Permitting (England and Wales) (Amendment) (England) Regulations 2026

*Made* - - - - ***

*Coming into force in accordance with regulation 1(2) to (4)*

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The Secretary of State makes these Regulations in exercise of the powers conferred by sections 2 and 7(9) of, and Schedule 1 to, the Pollution Prevention and Control Act 1999(**a**).

In accordance with section 2(4) of that Act, the Secretary of State has consulted—

(a) the Environment Agency,

(b) such bodies or persons appearing to the Secretary of State to be representative of the interests of local government, industry, agriculture and small businesses as the Secretary of State considers appropriate, and

(c) such other bodies or persons as the Secretary of State considers appropriate.

(**a**) 1999 c. 24. Section 2 was amended by section 62(13) of the Water Act 2014 (c. 21) and S.I. 2013/755; Schedule 1 was amended by section 70 of the Environment Act 2021 (c. 30). There are other amendments but none are relevant.

A draft of this instrument has been approved by a resolution of each House of Parliament pursuant to section 2(8) and (9)(d) of the Pollution Prevention and Control Act 1999.

# PART 1

## Introductory

### Citation, commencement and extent

**1.**—(1) These Regulations may be cited as the Environmental Permitting (England and Wales) (Amendment) (England) Regulations 2026.

(2) This Part, Part 2, Chapters 1 and 2 of Part 5 and Parts 1 and 2 of the Schedule come into force on 6th January 2027.

(3) Part 3 and Chapter 3 of Part 5 come into force on 6th July 2027.

(4) Part 4, Chapter 4 of Part 5 and Part 3 of the Schedule come into force on 22nd July 2027.

(5) These Regulations extend to England and Wales.

### Interpretation

**2.** In these Regulations, "the EPR 2016" means the Environmental Permitting (England and Wales) Regulations 2016(**a**).

### Amendment of the EPR 2016

**3.** The EPR 2016 are amended in accordance with Parts 2 to 4.

# PART 2

## Amendments coming into force on 6th January 2027

### Amendment to regulation 2 (interpretation: general)

**4.** In regulation 2(1), after the definition of "exemption authority" insert—

> ""exemption condition" means a condition determined by the Agency in accordance with Part 4 of Schedule 2 and relating to—
>
> (a) an operation relating to temporary storage of waste pending collection,
>
> (b) a waste operation,
>
> (c) a water discharge activity, or
>
> (d) a groundwater activity;".

### Amendment to regulation 4 (exempt facilities and the application of section 33(1)(a) of the 1990 Act)

**5.** In regulation 4(3)(**b**), for sub-paragraph (a) substitute—

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(**a**) S.I. 2016/1154.

(**b**) Section 33(1)(a) of the Environmental Protection Act 1990 (c. 43) prohibits waste "deposits" which are not authorised by an appropriate permit or as an "exempt waste operation" under regulation 5 of the EPR 2016 for waste operations which fall within the Waste Framework Directive (as defined in regulation 3 of the EPR 2016). Regulation 4 of the EPR 2016 disapplies section 33(1)(a) in relation to specified deposits, including temporary storage operations, which do not constitute waste operations for the purposes of the Waste Framework Directive.

"(a) does not apply to an operation which—

(i) in relation to Wales—

(aa) falls within a description in Part 5 of Schedule 3, and

(bb) meets the conditions specified in that Part for that description, and

(ii) in relation to England—

(aa) relates to the temporary storage of waste pending collection, and

(bb) meets the exemption conditions applicable to the activity in question.".

**Amendment to regulation 5 (interpretation: exempt facilities)**

**6.** In regulation 5(**a**)—

(a) in the definition of "exempt groundwater activity", in paragraph (b)(i), omit "as defined in paragraph 1 of Part 3 of Schedule 3";

(b) after the definition of "exempt water discharge activity" insert—

""groundwater tracer test" means a study of—

(a) the behaviour or movement of water, or

(b) a contaminant below ground,

which involves the addition to groundwater of a distinguishable material which has nearly identical properties to the contaminant or water being studied;".

**Amendment to regulation 9 (interpretation: relevant function)**

**7.** In regulation 9(e), after paragraph (ii) insert—

"(iii) any power in relation to exemption conditions in Part 4 of Schedule 2;".

**Amendment to regulation 22 (revocation of an environmental permit: exempt operation)**

**8.** In regulation 22(8), at the beginning insert "In relation to Wales,".

**Amendment to regulation 38 (offences)**

**9.** In regulation 38(5)(b), at the end insert "or under any applicable exemption condition".

**Amendment to regulation 60 (appropriate agency: public participation statement)**

**10.** In regulation 60(6), after paragraph (b) insert—

"(ba) paragraphs 19 and 22 of Part 4 of Schedule 2;".

**Amendment to Schedule 2 (exempt facilities: general)**

**11.**—(1) Schedule 2(**b**) is amended as follows.

(2) Paragraphs 1 and 2 become "Part 1" with the heading "Interpretation".

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(**a**) Regulation 5 is amended prospectively by S.I. 2026/873 from 22nd July 2027.

(**b**) Schedule 2 was amended by S.I. 2020/904, 2021/77, and is amended prospectively by S.I. 2026/873 from 22nd July 2027.

(3) In paragraph 1, after sub-paragraph (2) insert—

"(3) Any reference to an operation or activity described in Schedule 3 is, where appropriate, to be construed as a reference to the corresponding operation or activity in relation to which exemption conditions apply.

(4) In sub-paragraph (3), "corresponding operation or activity in relation to which exemption conditions apply" includes an operation or activity described in Schedule 3 in relation to which the Agency has published deemed exemption conditions in accordance with Part 5 of the Environmental Permitting (England and Wales) (Amendment) (England) Regulations 2026.".

(4) Paragraphs 3 to 9 become "Part 2" with the heading "General condition and requirements".

(5) In paragraph 4(1)—

(a) in paragraph (a), at the beginning insert "in relation to Wales only,";

(b) after paragraph (a) insert—

"(aa) in relation to England only, that a waste operation—

(i) satisfies any exemption conditions applicable to that operation, or

(ii) falls within a description in paragraphs 3 or 7 of Section 2 of Chapter 3 of Part 1 of Schedule 3 and satisfies the general and specific conditions specified in that Part in relation to the description in question;".

(6) In paragraph 6—

(a) for sub-paragraph (a) substitute—

"(a) that the water discharge activity satisfies any exemption conditions applicable to that activity, and";

(b) omit sub-paragraph (b) and the "and" after it.

(7) In paragraph 8—

(a) for sub-paragraph (a) substitute—

"(a) that the groundwater activity satisfies any exemption conditions applicable to that activity, and";

(b) omit sub-paragraph (b) and the "and" after it.

(8) Paragraphs 10 to 18 become "Part 3" with the heading "Registration, information and inspection".

(9) In paragraph 10—

(a) in sub-paragraph (1), after "Schedule 3" insert "or to which exemption conditions apply (see paragraph 4(1)(aa)(i))";

(b) in sub-paragraph (2), for the words after "in relation to" substitute "—

(a) a water discharge activity described in Part 2 of Schedule 3 or to which exemption conditions apply (see paragraph 6(a)), or

(b) a groundwater activity described in Part 3 of that Schedule or to which exemption conditions apply (see paragraph 8(a)),

must notify the exemption registration authority of the relevant particulars.";

(c) in sub-paragraph (4)—

(i) in paragraph (c), for sub-paragraphs (i) and (ii) substitute—

"(i) so far as this paragraph applies in relation to Wales—

(aa) the postcode (if applicable), or

(bb) the Ordnance Survey National Grid reference point;

(ii) so far as this paragraph applies in relation to England—

(aa) the postcode (if applicable), and

(bb) the Ordnance Survey National Grid reference point;";

(ii) in paragraph (d), at the beginning, insert "so far as this paragraph applies in relation to Wales,";

(iii) omit the "and" after paragraph (d) and insert—

"(da) so far as this paragraph applies in relation to England, for a waste operation, the type and quantity of waste subject to the operation, and";

(d) in sub-paragraph (7), for "A notification" substitute "So far as this paragraph applies in relation to Wales, a notification";

(e) after sub-paragraph (7) insert—

"(7A) So far as this paragraph applies in relation to England, a notification under sub-paragraph (1) must be accompanied by the applicable fee.";

(f) in paragraph (8), for "sub-paragraph (7)" substitute "sub-paragraphs (7) and (7A)".

(10) In paragraph 11—

(a) in sub-paragraph (4), after "T11" insert "or any exemption conditions applicable to the operation";

(b) in sub-paragraph (5), for "paragraph 16(1) of this Schedule or under Part 2 or 3 of Schedule 3" substitute "paragraph 16(1) of this Schedule, Part 2 or 3 of Schedule 3 or any exemption conditions applicable to the operation or activity (see paragraphs 4(1)(aa)(i), 6(a) and 8(a))".

(11) In paragraph 14—

(a) in sub-paragraph (1), after "Part 1 of Schedule 3" insert "or to which exemption conditions apply (see paragraph 4(1)(aa)(i))";

(b) in sub-paragraph (3), after "Part 1 of Schedule 3" insert "or to which exemption conditions apply".

(12) In paragraph 17(1), in the opening words, after "every exempt waste operation" insert ", other than an exempt waste operation to which exemption conditions apply (see paragraph 4(1)(aa)(i)),".

(13) After paragraph 18, insert—

## "PART 4

## Exemption conditions: England

**Determination and revision of exemption conditions**

**19.**—(1) The Agency may determine exemption conditions in accordance with this Part.

(2) The Agency must keep all exemption conditions under review and revise those conditions when it considers necessary.

(3) Before determining or revising exemption conditions, the Agency must carry out an assessment of the risk of environmental harm or pollution arising from carrying out the operation or activity to which the exemption conditions are to apply.

(4) In determining or revising an exemption condition the Agency must consult—

(a) such persons as it considers are representative of the interests of communities likely to be affected by, or of persons carrying on, the activity or operation to which the exemption condition is to apply, and

(b) such other persons as it considers are likely to be affected by or have an interest in the exemption condition.

(5) But the duties in sub-paragraphs (3) and (4) do not apply in relation to revisions which comprise only minor administrative changes.

(6) The Agency must publish on its website(**a**)—

(a) any risk assessment carried out under sub-paragraph (3),

(b) any consultation results arising from the consultation exercise described in sub-paragraph (4), and

(c) any exemption conditions determined or revised by it under this paragraph.

(7) Exemption conditions or revisions must specify the date on which they come into effect, which may be—

(a) on publication, or

(b) on a date specified by the Agency.

(8) The duties in sub-paragraphs (3) and (4) may be satisfied by a risk assessment or consultation (as the case may be) carried out by the Agency or by the Secretary of State before 6th January 2027.

**Content of exemption conditions**

**20.** The Agency may determine such exemption conditions as it sees fit, and exemption conditions may in particular—

(a) be of general application to a range of operations or activities or specific to a particular type of operation or activity;

(b) include a requirement for registration of the activity or the operator with an exemption registration authority;

(c) specify conditions by reference to waste codes and associated descriptions;

(d) include conditions as to the provision and retention of information and records relating to the operation or activity.

**Notification of revisions of exemption conditions**

**21.**—(1) This paragraph applies where the Agency proposes to revise exemption conditions under paragraph 19.

(2) Before the Agency revises exemption conditions, the Agency must notify the persons referred to in paragraph 19(4)—

(a) of the proposed revisions,

(b) of the date when the revised conditions will be published and when they take effect (in accordance with paragraph 19(7)), and

(**a**) The website for the Environment Agency is https://www.gov.uk/government/organisations/environment-agency

(c) that on the date the revised conditions take effect they will become exemption conditions.

**Revocation of exemption conditions**

**22.**—(1) The Agency may revoke exemption conditions, but before doing so must consult the persons referred to in paragraph 19(4).

(2) Sub-paragraph (3) applies where—

(a) the Agency revokes exemption conditions in relation to an operation or activity (the "prescribed activity"), and

(b) an operator(**a**) makes an application for the grant of a permit under regulation 13(1) in respect of the prescribed activity before the revocation of the exemption conditions which relate to that activity takes effect.

(3) Where this sub-paragraph applies, the operator may continue to carry on the prescribed activity on and after the day on which the revocation takes effect in accordance with the revoked exemption conditions until determination by the appropriate authority of the application referred to in paragraph (2)(b).".

**Amendment to Schedule 3 (exempt facilities and waste operations to which section 33(1)(a) of the 1990 Act does not apply: descriptions and conditions)**

**12.**—(1) Schedule 3(**b**) is amended as follows.

(2) In Part 2 (exempt water discharge activities: descriptions and conditions)—

(a) at the end of the heading of Part 2 insert ": Wales";

(b) in paragraph 1—

(i) in sub-paragraph (1) for "paragraphs 5(a)(i) and 6(a)(i)" substitute "paragraph 5(a)(i)";

(ii) in sub-paragraph (2) for "paragraphs 5(a)(ii) and 6(a)(ii)" substitute "paragraph 5(a)(ii)".

(3) In Part 3 (exempt groundwater activities: descriptions and conditions)—

(a) at the end of the heading of Part 3 insert ": Wales";

(b) in paragraph 1 omit the definitions of "ancient woodland", "groundwater tracer test" and "protected site";

(c) in paragraph 2—

(i) in sub-paragraph (1)—

(aa) for "paragraphs 7(a)(i) and 8(a)(i)" substitute "paragraph 7(a)(i)";

(bb) after "groundwater tracer test" insert "(see regulation 5)";

(ii) in sub-paragraph (2) for "paragraphs 7(a)(ii) and 8(a)(ii)" substitute "paragraph 7(a)(ii)";

(d) omit paragraph 4;

(e) in paragraph 5—

(i) in sub-paragraph (1) for "paragraphs 7(a)(i) and 8(a)(i)" substitute "paragraph 7(a)(i)";

(**a**) See regulation 7 of the Environmental Permitting (England and Wales) Regulations 2016 for the meaning of "operator".
(**b**) Schedule 3 was amended by S.I. 2017/1012, 2018/1227, 2019/39, 2020/904 and 2023/651 and is amended prospectively by S.I. 2026/873 from 22nd July 2027.

(ii) in sub-paragraph (2)—

(aa) for "paragraphs 7(a)(ii) and 8(a)(ii)" substitute "paragraph 7(a)(ii)";

(bb) in paragraph (e) omit "in relation to Wales,";

(cc) omit paragraph (ea);

(f) omit paragraphs 6 and 7.

(4) In Part 5 (other waste operations to which section 33(1)(a) of the 1990 Act does not apply: descriptions and conditions), at the end of the heading of Part 5 insert ": Wales".

# PART 3

## Amendments coming into force on 6th July 2027

**Amendment to regulation 5 (interpretation: exempt facilities)**

**13.** In regulation 5 for the definition of "exempt waste operation" substitute—

""exempt waste operation" means—

(a) in relation to Wales only, a waste operation that—

(i) is not carried on at an installation, and

(ii) meets the requirements of paragraph 4(1) of Schedule 2;

(b) in relation to England only, a waste operation that—

(i) is not carried on—

(aa) at an installation, or

(bb) at or adjacent to a permitted waste operation, where the waste operation has a technical connection to the permitted waste operation, and

(ii) meets the requirements of paragraph 4(1) of Schedule 2,

and for these purposes "permitted waste operation" means, in relation to a site that has an environmental permit for one or more waste operations, a waste operation which is subject to that permit;".

**Amendment to paragraph 14 of Schedule 2 (restrictions on registering exempt waste operations carried on at the same place)**

**14.** In Schedule 2, after paragraph 14(7) insert—

"(8) Where—

(a) an establishment or undertaking is registered, at the same place, in relation to more than one waste operation to which exemption conditions apply, and

(b) more than one of those operations allows, in relation to the same type of waste, storage of a specified amount of that type of waste (a "storage limit"),

sub-paragraph (9) applies to storage of that type of waste at the place concerned.

(9) Where this sub-paragraph applies—

(a) the storage limits referred to in sub-paragraph (8)(b) cannot be cumulated, and

(b) where the storage limits vary by amount, the lower of the storage limits applies, whether the operation to which the lower limit applies was registered before or after any other registration referred to in sub-paragraph (8)(a).".

# PART 4

## Amendments coming into force on 22nd July 2027

**Amendment to regulation 2 (interpretation: definition of "exemption condition")**

**15.** In regulation 2, in the definition of "exemption condition" (inserted by regulation 4 of these Regulations)—

(a) omit the "or" after paragraph (c);

(b) after paragraph (d) insert "or—

(e) an exempt waste controlling or transporting activity.".

**Amendment to Schedule 2 (exempt facilities: waste controlling or transporting activities)**

**16.**—(1) Schedule 2 is amended as follows.

(2) In paragraph 2(1A), for "falling within a description in Part 6 of Schedule 3" substitute "to which exemption conditions apply (see paragraph 4A(1)(a))".

(3) In paragraph 4A(1)—

(a) in paragraph (a), for the words from "activity" to the end substitute "activity satisfies any exemption conditions applicable to that activity";

(b) in paragraph (h), for "paragraphs 8 and 9 in Part 6 of Schedule 3" substitute "exemption conditions".

(4) In paragraph 10—

(a) in sub-paragraph (1A), for "described in Part 6 of Schedule 3" substitute "to which exemption conditions apply (see paragraph 4A(1)(a))";

(b) in sub-paragraph (7A), for "sub-paragraph (1)" substitute "sub-paragraph (1) or (1A)".

**Amendment to Schedule 3 (exempt facilities and waste operations to which section 33(1)(a) of the 1990 Act does not apply: descriptions and conditions)**

**17.** Omit Part 6 of Schedule 3.

# PART 5

## Transitional provisions

### Chapter 1

### Interpretation of this Part

**Interpretation**

**18.** In this Part—

"the Agency" means the Environment Agency;

"exemption condition" has the meaning given in regulation 2 of the EPR 2016, as inserted by regulation 4.

## Chapter 2

### Transitional provisions relating to Part 2

**Transitional provision: deemed determination of exemption conditions, requirement to publish deemed exemption conditions and revocation of deemed exemption conditions**

**19.**—(1) On 6th January 2027—

(a) for the purposes of paragraph 19 of Schedule 2 to the EPR 2016 (as inserted by regulation 11 of these Regulations), the Agency is deemed to have determined exemption conditions that meet the description in paragraph (2) (the "deemed exemption conditions"),

(b) the Agency must publish the deemed exemption conditions on its website, and

(c) the deemed exemption conditions take effect, subject to sub-paragraph (2) and regulations 20 and 21.

(2) For the purposes of paragraph (1)(a), the deemed exemption conditions are conditions that reproduce the effect of paragraph 17 of Schedule 2 to the EPR 2016 and the relevant provisions of Schedule 3 to the EPR 2016, in each case—

(a) so far as they apply in relation to England immediately before 6th January 2027, and

(b) subject to the modifications specified in Part 1 of the Schedule to these Regulations.

(3) On 6th April 2027, the deemed exemption conditions described in Part 2 of the Schedule to these Regulations are revoked.

(4) In relation to the deemed exemption conditions, for the purposes of paragraph 19 of Schedule 2—

(a) the requirements in sub-paragraphs (2) and (3) are deemed to have been met, and

(b) the requirements in sub-paragraphs (6) and (7) do not apply.

(5) In this regulation—

"relevant provisions of Schedule 3" means the provisions of Parts 1, 2, 3 and 5 of Schedule 3, other than—

(a) paragraph 3 of Section 2 of Chapter 3 of Part 1 (treatment of waste materials and metal alloys by heating for the purposes of removing grease etc. (T3)), and

(b) paragraph 7 of Section 2 of Chapter 3 of Part 1 (treatment of waste bricks, tiles and concrete by crushing, grinding or reducing in size (T7)).

**Transitional provision: application of deemed exemption conditions to exempt facilities**

**20.**—(1) This regulation applies where—

(a) the Agency publishes deemed exemption conditions in accordance with regulation 19 in relation to an exempt facility, and

(b) before 6th January 2027—

(i) an establishment, undertaking, occupier or operator seeking to be registered in relation to that exempt facility has notified the exemption registration authority in accordance with paragraph 10 of Schedule 2 to the EPR 2016, but no entry has been made in the register concerned in relation to that application and the application has not been rejected, or

(ii) that exempt facility is registered for the purposes of Schedule 2 to the EPR 2016.

(2) Where this regulation applies—

(a) the notification referred to in paragraph (1)(b)(i) is to be treated as a notification in relation to the published deemed exemption conditions;

(b) the registration referred to in paragraph (1)(b)(ii) continues until the earlier of—

(i) the expiry of its period of validity, determined in accordance with paragraph 15 of Schedule 2 to the EPR 2016,

(ii) the removal of its entry in the register in accordance with the provisions of the EPR 2016,

(iii) the date on which the deemed exemption conditions are revoked in accordance with regulation 19(3) in respect of a particular activity, unless paragraph (3) applies, and

(iv) where paragraph (3) applies, the determination of the application for the grant of an environmental permit under regulation 13(1) of the EPR 2016 in respect of the activity concerned (the "permit application").

(3) This paragraph applies where—

(a) the deemed exemption conditions are revoked in accordance with regulation 19(3) in respect of a particular activity on 6th April 2027, and

(b) the operator has, before 6th April 2027, made a permit application to the regulator.

(4) Paragraph (5) applies where—

(a) a registration described in paragraph (1)(b)(ii)—

(i) relates to an exempt facility which is an exempt waste operation falling within one of the paragraphs listed in Part 2 of the Schedule, and

(ii) expires on or after 6th January 2027, and

(b) the operator has, before 6th April 2027—

(i) renewed or applied to renew the registration in accordance with paragraph 10 of Schedule 2 to the EPR 2016, and

(ii) made a permit application to the regulator.

(5) Where paragraph (4) applies, the registration continues until the determination of the permit application referred to in paragraph (4)(b)(ii).

(6) In this regulation, "exempt facility" has the meaning given in regulation 5 of the EPR 2016.

**Transitional provision: disapplication of requirement for risk assessment in relation to certain exemption conditions**

**21.**—(1) This regulation applies where the Agency publishes exemption conditions which—

(a) implement any of the proposals in the policy paper entitled "Reforming the waste exemptions system" published by the Secretary of State on 15 July 2026(**a**), and

(b) are not deemed exemption conditions.

(2) Where this regulation applies, the requirement for a risk assessment in paragraph 19(3) of Schedule 2 to the EPR 2016 does not apply.

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(**a**) The policy paper is available at https://www.gov.uk/government/publications/reforming-the-waste-exemptions-system. It restates the outcomes of the consultation published by the Secretary of State on 15 January 2018 on proposals to tackle crime and poor performance in the waste sector and introduce a new fixed penalty for the waste duty of care. The original consultation is available at https://consult.defra.gov.uk/waste/crime-and-poor-performance-in-the-waste-sector/ and the 2018 consultation response on gov.uk at https://www.gov.uk/government/consultations/reducing-crime-at-sites-handling-waste-and-introducing-fixed-penalties-for-waste-duty-of-care/outcome/supplementary-government-response. Paper copies of these documents may be obtained from the Circular Economy Directorate, Department for Environment, Food and Rural Affairs, 2 Marsham Street, London, SW1P 4DF.

**Transitional provision: disapplication of requirements relating to public participation statement in relation to certain exemption conditions**

**22.**—(1) This regulation applies where the Agency publishes exemption conditions which—

(a) implement the outcomes of a consultation carried out by the Agency before 6th July 2027, and

(b) are not deemed exemption conditions.

(2) Where this regulation applies, the requirements in regulation 60(2) of the EPR 2016 relating to revision of the public participation statement do not apply in relation to the consultation referred to in paragraph (1)(a).

**Interpretation of this Chapter**

**23.** In this Chapter—

"deemed exemption conditions" has the meaning given in regulation 19(1);

"operator" has the meaning given—

(a) in paragraph 1(1) of Schedule 2 to the EPR 2016, for the purposes of regulation 20(1)(b)(i), and

(b) in regulation 7 of the EPR 2016, for the purposes of regulation 20(3)(b).

Chapter 3

Transitional provision relating to Part 3

**Transitional provision: application of regulation 5 to exempt facilities subject to storage limits**

**24.**—(1) This regulation applies where—

(a) before 6th July 2027 an exempt waste operation is registered for the purposes of Schedule 2 to the EPR 2016,

(b) by virtue of regulation 5 of the EPR 2016, as amended by regulation 13 of these Regulations, the exempt waste operation will no longer be an exempt waste operation on and after 6th July 2027, and

(c) the operator has, before 6th July 2027, made an application to the regulator for the grant of an environmental permit under regulation 13(1) of the EPR 2016 in respect of the exempt waste operation in question (the "permit application").

(2) Where this regulation applies, the waste operation is to be treated as an exempt waste operation for the purposes of the EPR 2016 on and after 6th July 2027, until the determination of the permit application referred to in paragraph (1)(c).

(3) In this regulation—

"exempt waste operation" has the meaning given in regulation 5 of the EPR 2016;

"operator" has the meaning given in regulation 7 of the EPR 2016.

Chapter 4

Transitional provision relating to Part 4

**Transitional provision relating to Part 6 of Schedule 3 to the EPR 2016: deemed determination of exemption conditions and requirement to publish deemed exemption conditions**

**25.**—(1) On 22nd July 2027—

(a) for the purposes of paragraph 19 of Schedule 2 to the EPR 2016 (as inserted by these Regulations), the Agency is deemed to have determined exemption conditions that meet the description in paragraph (2) (the "deemed exemption conditions"),

(b) the Agency must publish the deemed exemption conditions on its website, and

(c) the deemed exemption conditions take effect, subject to sub-paragraph (2).

(2) For the purposes of paragraph (1)(a), the deemed exemption conditions are conditions that reproduce the effect of paragraph 17 of Schedule 2 to the EPR 2016 and the provisions of Part 6 of Schedule 3 to the EPR 2016—

(a) so far as they apply in relation to England immediately before 22nd July 2027, and

(b) subject to the modifications specified in paragraph (3) and in Part 3 of the Schedule to these Regulations.

(3) The modification is that any reference in Part 6 of Schedule 3 to the EPR 2016 to other provisions of Schedule 3 is to be treated as a reference to those provisions as they had effect immediately before Part 2 of these Regulations came into effect.

(4) In relation to the deemed exemption conditions, for the purposes of paragraph 19 of Schedule 2—

(a) the requirements in sub-paragraphs (2) and (3) are deemed to have been met, and

(b) the requirements in sub-paragraphs (6) and (7) do not apply.

(5) In this regulation, "deemed exemption conditions" has the meaning given in paragraph (1).

*Name*
Minister of State
Date
Department for Environment, Food and Rural Affairs

# SCHEDULE

Regulations 19(2)(b) and (3) and 25(2)(b)

## Modifications to be incorporated in deemed exemption conditions

## PART 1

### Modifications to be incorporated in deemed exemption conditions with effect from 6th January 2027

#### Chapter 1

#### Modification of paragraph 17 of Schedule 2 to the EPR 2016

**1.** Paragraph 17 of Schedule 2 to the EPR 2016 is to be read as if it were modified as follows—

**"Record keeping for exempt waste operations**

**17.**—(1) This paragraph applies to every exempt waste operation, subject to sub-paragraph (2).

(2) This paragraph does not apply in relation to an exempt waste operation where—

(a) the waste operation falls within a description in paragraph U10 or U11, and

(b) the establishment or undertaking is required to keep records in relation to the operation and the waste that is subject to that operation under the Nitrate Pollution Prevention Regulations 2015(**a**) or the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021(**b**).

(3) An establishment or undertaking which carries on an exempt waste operation to which this paragraph applies must—

(a) keep chronological records of—

(i) the quantity, nature and origin of all waste disposed of or recovered in the course of that operation,

(ii) the quantity of products and materials resulting from preparing for re-use, recycling or other recovery operations in the course of that operation, and

(iii) where relevant, the destination, frequency of collection, mode of transport and treatment method of all waste disposed of or recovered in the course of that operation,

(b) where the waste operation falls within a description in paragraph T3, T7 or T17 and is carried on by waste mobile plant, keep records of the places where the operation is carried on, and

(c) keep such other information in relation to the exempt waste operation as may be required by the exemption conditions applicable to that operation.

(4) An establishment or undertaking must—

(**a**) S.I. 2015/668.
(**b**) S.I. 2021/77 (W. 20).

(a) retain the records and information mentioned in sub-paragraph (3) for the duration of the valid registration period, and thereafter for one year beginning with the day that the valid registration period expires, and

(b) during the whole of the period described in paragraph (a), make the records and information available to the exemption registration authority on request, by electronic means unless, in the particular circumstances, the exemption registration authority agrees otherwise.

(5) For the purposes of sub-paragraphs (2)(a) and (3)(b), any reference to a waste operation falling within a description in a paragraph of Schedule 3 is, where appropriate, to be construed as a reference to the corresponding operation in relation to which exemption conditions apply.

(6) In sub-paragraph (6), "corresponding operation in relation to which exemption conditions apply" means an operation described in Schedule 3 in relation to which the Agency has published deemed exemption conditions in accordance with Part 5 of the Environmental Permitting (England and Wales) (Amendment) (England) Regulations 2026.".

## Chapter 2

## Modification of Schedule 3 to the EPR 2016

**2.**—(1) Part 1 of Schedule 3 to the EPR 2016 is to be read as if it were modified as follows.

(2) In Chapter 2 (use of waste), in Section 2—

(a) in the table in paragraph 3(2) (U3), in the penultimate entry in the column headed "Codes", after "200101" insert ", 150101";

(b) in the table in paragraph 6(2) (U6), before the existing entries insert—

| | |
|---|---|
| "190206 | Dewatered or partially dewatered sewage sludge from urban wastewater other than those mentioned in 190205*"; |

(c) in the table in paragraph 7 (U7), for code 190899 and its corresponding description substitute—

| | |
|---|---|
| "161002 | Final effluent from water treatment works or waste water treatment plant"; |

(d) in the table in paragraph 8(2) (U8), for code "170904" substitute "170504 (stones only)";

(e) in paragraph 9 (U9)—

(i) in the table in sub-paragraph (2)—

(aa) in the entry in the fourth column (additional specific conditions) corresponding to the entry in the second column (waste type) for "Rubber only", omit "E,";

(bb) in the final entry in the first column (codes), after "150103" insert ", 170201";

(ii) in sub-paragraph (3)(d), in the table of specific additional conditions, for entry E substitute—

| | |
|---|---|
| "E | only non-brominated plastics or plastics that have been treated to remove brominated plastics may be accepted;<br>where heat treatment is used, no more than 100 tonnes of waste plastic may be heated per week;"; |

(iii) in sub-paragraph (4), at the end insert ", having met relevant end of waste criteria";

(f) in the table in paragraph 10(2) (U10)—

(i) in the second entry in the second column (waste types), after "Sludges" insert "and soils";

(ii) in the third entry in the first column (codes), for "020199, 020399" substitute "161002";

(iii) in the fourth entry in the first column, for "020305" substitute "161002";

(iv) in the fifth entry in the first column, for "020399" substitute "020301, 161002";

(v) in the sixth entry in the first column, for "020199" substitute "161002";

(vi) in the tenth entry in the first column, for "190599" substitute "190503";

(g) in the table in paragraph 11(2) (U11)—

(i) in the third entry in the first column (codes) for "020399" substitute "020301";

(ii) after that entry, insert—

| | | | | |
|---|---|---|---|---|
| "161002 | Sludges from washing and cleaning fruit and vegetables | 50 tonnes per hectare | 200 tonnes | A"; |

(iii) in the seventh entry (not counting the insertion made by paragraph (ii) above), in the first column, for "190599" substitute "190503".

(3) In Chapter 3 (treatment of waste), in Section 2—

(a) in paragraph 1(3) (T1)—

(i) omit the "and" after paragraph (e);

(ii) after paragraph (f) insert "and—

(g) only non-brominated plastics or plastics that have been treated to remove brominated plastics may be accepted.";

(b) in the table in paragraph 5(2) (T5), for "190599" substitute "190503";

(c) in paragraph 11 (T11)—

(i) in the table in sub-paragraph (2), after the entry for "160214" insert—

| | |
|---|---|
| "160215* | Printed circuit boards, power cables and other plastic containing components only"; |

(ii) in sub-paragraph (3), after paragraph (h) insert—

"(ha) in relation to waste falling within code 160215*, any relevant waste must be stored with a weatherproof covering,";

(d) in the table in paragraph 13(2) (T13), for "200199" substitute "200108";

(e) in the table in paragraph 16(2) (T16), omit codes 150102 and 200139 and their corresponding entries in the second column (waste types);

(f) in the table in paragraph 18(2) (T18), for "010409" substitute "161002";

(g) in the table in paragraph 20(2) (T20), for the last entry substitute—

| | |
|---|---|
| "161002 | Waste water and borehole flushings from the preparation of water intended for human consumption or industrial use"; |

(h) in the table in paragraph 21(2) (T21)—

(i) after the entry for "190805" insert—

| | |
|---|---|
| "190206 | Sludge stabilised using non-waste lime |
| 190206 | Sludge from the dewatering of sludge with the use of chemical additives |
| 190206 | Sludge mixed with non-waste straw, non-waste wood or other non-waste plant tissue material |
| 190503 | Compost from aerobic treatment of sludge with non-waste straw, non-waste wood or other non-waste plant tissue material |
| 190606 | Digestate from anaerobic treatment of sludge with the addition of treated sewage effluent produced at the sludge producer's waste water treatment plant |
| 191212 | Wastes from mechanical treatment of sludge"; |

(ii) for the entry for "190899" substitute—

| | |
|---|---|
| "161002 | Centrate liquor from wastewater treatment plants"; |

(iii) after the entry for "200304" insert—

| | |
|---|---|
| "190206 | Septic tank sludge stabilised using non-waste lime |
| 190206 | Septic tank sludge from the dewatering of sludge with the use of chemical additives |
| 190206 | Septic tank sludge mixed with non-waste straw, non-waste wood or other non-waste plant tissue material |
| 190503 | Compost from aerobic treatment of septic tank sludge with non-waste straw, non-waste wood or other non-waste plant tissue material |
| 190606 | Digestate from anaerobic treatment of septic tank sludge with the addition of treated sewage effluent produced at the sludge producer's waste water treatment plant |
| 191212 | Wastes from mechanical treatment of septic tank sludge"; |

(iv) omit "200399" and its corresponding entry in the column headed "Waste types";

(i) in Table 1 in paragraph 23(2) (T23)—

(i) for "020199" substitute "020106";

(ii) after "200101" insert ", 150101";

(j) in paragraph 24 (T24)—

(i) in the table in sub-paragraph (2)—

(aa) omit "020107";

(bb) for "020199" substitute "020106";

(ii) in sub-paragraph (3)—

(aa) after paragraph (b), omit "and";

(bb) after paragraph (c), insert ", and—

(d) any gas resulting from the operation during maintenance or breakdown of the appliance, or plant emergencies, is flared for the minimum period necessary in a backup flare or equivalent appliance; there shall be no routine venting of biogas.";

(k) in paragraph 25 (T25)—

(i) in the table in sub-paragraph (2), for "020199" substitute "020106";

(ii) in sub-paragraph (3)—

(aa) after paragraph (b), omit "and";

(bb) after paragraph (c), insert ", and—

(d) any gas resulting from the operation during maintenance or breakdown of the appliance, or plant emergencies, is flared for the minimum period necessary in a backup flare or equivalent appliance; there shall be no routine venting of biogas.";

(l) in the table in paragraph 26(2) (T26), after "200101" insert ", 150101";

(m) in the table in paragraph 30(2) (T30), after the entry for code "090106*" insert—

| | |
|---|---|
| "090101* | Water-based developer and activator solutions |
| 090102* | Water-based offset plate developer solutions |
| 090103* | Solvent-based developer solutions |
| 090104* | Fixer solutions". |

(4) In Chapter 4 (disposal of waste), in Section 2—

(a) in the tables in paragraph 2(2) (D2) and paragraph 3(2) (D3), for "200399" substitute "161002";

(b) in paragraph 5(2)(g) (D5), at the end insert ", which, for the purposes of this paragraph, means testing and analysis at laboratories, educational establishments and workplaces, including research associated with waste trials, but excludes field research";

(c) in the table in paragraph 8(2) (D8)—

(i) omit ", 200138";

(ii) in the corresponding entry in the column headed "Waste types", at the end insert "(excluding pallets treated with Methyl Bromide - code 150110*)".

(5) In Chapter 5 (storage of waste), in Section 2, in paragraph 3(2) (S3), for "190805" and the corresponding entry in the column headed "Waste types" substitute—

| | |
|---|---|
| "190206 | Sludge or septic tank sludge stabilised using non-waste lime |
| 190206 | Sludge or septic tank sludge from the dewatering of sludge with the use of chemical additives |
| 190206 | Sludge or septic tank sludge mixed with non-waste straw, non-waste wood or other non-waste plant tissue material |
| 190503 | Compost from aerobic treatment of sludge or septic tank sludge with non-waste straw, non-waste wood or other non-waste plant tissue material |
| 190606 | Digestate from anaerobic treatment of sludge or septic tank sludge with the addition of treated sewage effluent produced at the sludge producer's waste water treatment plant". |

**3.** In Part 5 of Schedule 3 to the EPR 2016—

(a) in paragraphs 3(2)(g) and 4(2)(d), for "50" substitute "100";

(b) in paragraph 4(2)(e), for "(d) or (e)" substitute "(c) or (d)".

# PART 2

## Revocation of deemed exemption conditions with effect from 6th April 2027

**4.** The deemed exemption conditions that, in accordance with regulation 19(3), are revoked on 6th April 2027 are those that, in accordance with regulation 19(2), reproduce the effect of the following paragraphs of Part 1 of Schedule 3 to the EPR 2016—

(a) paragraph 16 of Section 2 of Chapter 2 (use of depolluted end-of-life vehicles for vehicle parts (U16));

(b) paragraph 8 of Section 2 of Chapter 3 (mechanical treatment of end-of-life tyres (T8));

(c) paragraph 9 of Section 2 of Chapter 3 (recovery of scrap metal (T9)).

# PART 3

## Modifications to be incorporated in deemed exemption conditions with effect from 22nd July 2027

**5.** Paragraph 17 of Schedule 2 to the EPR 2016 is to be read as if it were modified as follows—

**"17.**—(1) An operator must—

(a) keep chronological records of—

(i) the quantity, nature and origin of all waste controlled or transported by the operator, and

(ii) where relevant, the destination, frequency of collection, mode of transport and intended treatment method of all waste controlled or transported by the operator, and

(b) keep such other information in relation to the exempt waste controlling or transporting activity as may be required by the exemption conditions applicable to that activity.

(2) An operator must keep the records mentioned in sub-paragraph (1) in such form and manner as the exemption registration authority may specify.

(3) An operator must—

(a) where the control or transport is of hazardous waste except for hazardous waste collected from domestic premises, retain the records mentioned in sub-paragraph (1) for a period of 3 years,

(b) during that period, if the exemption registration authority so directs, send those records to the exemption registration authority in such form and manner as the exemption registration authority specifies,

(c) where the control or transport is of non-hazardous waste, or of hazardous waste collected from domestic premises, retain the records mentioned in sub-paragraph (1) for a period of 2 years, and

(d) during this period, make the records available to the exemption registration authority on request in such form and manner as the exemption registration authority may specify.".

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend provision in the Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154) ("the EPR 2016") concerning activities and operations (including waste storage operations) that may be carried out in England without an environmental permit if the operator meets certain requirements and conditions (see regulations 4 and 5 of the EPR 2016). The requirements and conditions for exemption are currently set out in Schedules 2 and 3 to the EPR 2016.

Part 2 makes provision for the Environment Agency to determine "exemption conditions" in relation to specified classes of exempt activities and operations, in place of the provisions currently set out in Schedule 3, and makes related amendments to the EPR 2016. Part 2 also provides for notification of registration or renewal of the registration of any exempt waste operation to be accompanied by a fee (regulation 11(9)(e)). Fees are prescribed by means of a charging scheme under section 41 of the Environment Act 1995 (c. 25).

Part 3 makes provision for amendments to the EPR 2016 to prohibit exempt waste operations from being carried on at sites where permitted waste operations are carried on, if there is technical connection between those operations, and to impose limits across exemptions where more than one exemption applies at a particular site.

Part 4 makes provision in relation to a further category of exempt facility, an exempt waste controlling or transporting activity, which was incorporated in the EPR 2016 by the Environmental Permitting (Waste Controlling or Transporting) and Relevant Functions of Primary Authorities (Amendment) (England) Regulations 2026 (S.I. 2026/873). Part 4 provides for this category to be included in the specified classes of exempt facilities for which the Environment Agency may determine exemption conditions, in place of the provisions in Part 6 of Schedule 3 to the EPR 2016, and makes related amendments.

Part 5 makes transitional provision relating to the changes made by Parts 2, 3 and 4. In particular, Chapter 2 provides for the Environment Agency to publish deemed exemption conditions on the day on which Part 2 of these Regulations comes into force that replicate the conditions for exemptions currently contained in Schedule 3 to the EPR 2016, and the record keeping and provision of information provisions in Schedule 2 to the EPR 2016, with the modifications set out in the Schedule to these Regulations. The modifications in Chapter 1 of Part 1 of the Schedule relate to the record keeping and information provisions of Schedule 2. The modifications in Chapter 2 are minor amendments to the existing conditions for exempt activities. Regulation 19 and Part 2 of the Schedule also remove three of the exemptions, so that the operations or activities concerned will require an environmental permit after the removal comes into effect on 6th April 2027. Part 3 of the Schedule makes transitional provision in respect of the exempt waste controlling or transporting activities described in Part 4.

A full impact assessment of the effect that Part 3 of, and the modifications in Chapter 2 of Part 1, and in Part 2, of the Schedule to, these Regulations will have on the costs of business, the voluntary sector and the public sector is published with an Explanatory Memorandum alongside the instrument on www.legislation.gov.uk. A full impact assessment has not been produced for the other provisions of this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. A de minimis assessment of the effect of these provisions is available

from the Circular Economy Directorate, Department for Environment, Food and Rural Affairs, 2 Marsham Street, London, SW1P 4DF or by email to ENVRegs@defra.gov.uk.

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