STATUTORY INSTRUMENTS

2026 No. 873

ENVIRONMENTAL PROTECTION, ENGLAND

The Environmental Permitting (Waste Controlling or Transporting) and Relevant Functions of Primary Authorities (Amendment) (England) Regulations 2026

Made - - - - 22nd July 2026

Coming into force in accordance with regulation 1(2)

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2 of, and Schedule 1 to, the Pollution Prevention and Control Act 1999(**a**) ("the 1999 Act") and section 4(4)(a) and (5) of the Regulatory Enforcement and Sanctions Act 2008(**b**) ("the 2008 Act").

In accordance with section 2(4) of the 1999 Act the Secretary of State has consulted the Environment Agency, 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 such other bodies or persons as the Secretary of State considers appropriate.

A draft of this instrument has been approved by a resolution of each House of Parliament pursuant to section 2(8) and (9)(e) of the 1999 Act and section 20(3) of the 2008 Act.

PART 1

General

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Environmental Permitting (Waste Controlling or Transporting) and Relevant Functions of Primary Authorities (Amendment) (England) Regulations 2026.

(2) This regulation and regulations 2, 27 to 31 come into force on the 21st day after the day on which the Regulations are made and the remainder of the Regulations come into force at the end of the period of 12 months beginning with the day on which these Regulations are made.

(3) These Regulations extend to England and Wales.

(**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 38 of the Waste and Emissions Trading Act 2003 (c. 33), section 105 of the Clean Neighbourhoods and Environment Act 2005 (c. 16), section 70 of the Environment Act 2021 (c. 30) and by S.I. 2005/925, 2012/2788, 2015/664, 2018/942, 2019/458, 2023/149 and 2023/1424. There are other amendments but none are relevant.

(**b**) 2008 c. 13.

Interpretation

2. In these Regulations—

"the EPR 2016" means the Environmental Permitting (England and Wales) Regulations 2016(**a**);

"the Waste Regulations 2011" means the Waste (England and Wales) Regulations 2011(**b**).

PART 2

Amendment of the Environmental Permitting (England and Wales) Regulations 2016

Amendment of the Environmental Permitting (England and Wales) Regulations 2016

3. The EPR 2016 are amended as set out in this Part.

Regulation 2 (interpretation: general)

4. In regulation 2 (interpretation: general)(**c**)—

(a) in paragraph (1)—

(i) in the appropriate places insert—

""Animal By-Products Regulation" means the Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation)(**d**);";

""animal by-products" means products that the Animal By-Products Regulation applies to by virtue of Article 2 of that Regulation;";

""exempt waste controlling or transporting activity" has the meaning given in regulation 5;";

""waste controlling activity" has the meaning given in paragraph 3, as read with paragraph 6, of Schedule 25D;";

""waste controlling or transporting activity" means any of a waste controlling activity, a waste controlling-transporting activity and a waste transporting activity;";

""waste controlling-transporting activity" has the meaning given in paragraph 5, as read with paragraph 6, of Schedule 25D;";

""waste hierarchy" has the meaning given in Article 4 (waste hierarchy) of the Waste Framework Directive(**e**);";

""waste transporting activity" has the meaning given in paragraph 4, as read with paragraph 6 of Schedule 25D;";

(ii) in the definition of "waste", for "paragraph (6)" substitute "paragraphs (6) and (10)";

(b) after paragraph (9) insert—

"(10) In relation to waste controlling or transporting activity the meaning of "waste" also includes extractive waste and animal by-products.".

(**a**) S.I. 2016/1154.
(**b**) S.I. 2011/988.
(**c**) Regulation 2 was amended by S.I. 2018/110, 2019/39 and 2023/651. There are other amending instruments, but none is relevant.
(**d**) EUR 2009/1069. The Regulation was amended by S.I. 2019/588, 2020/1388, 2020/1463, 2025/82 and S.S.I. 2025/165.
(**e**) "Waste Framework Directive" is defined in regulation 3 of the EPR 2016.

Regulation 5 (interpretation: exempt facilities)

5. In regulation 5 (interpretation: exempt facilities)—

(a) in the definition of "exempt facility"—

(i) at the end of sub-paragraph (c) omit "or";

(ii) at the end of sub-paragraph (d) insert "or";

(iii) after sub-paragraph (d) insert—

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

(b) after the definition of exempt groundwater activity insert—

""exempt waste controlling or transporting activity" means a waste controlling or transporting activity that meets the requirements of paragraph 4A of Schedule 2;".

Regulation 7 (interpretation: operate a regulated facility and operator)

6. In regulation 7 (interpretation: operate a regulated facility and operator)(**a**)—

(a) renumber the existing paragraph as paragraph (1);

(b) in that paragraph, in the definition of "operate a regulated facility"—

(i) at the end of paragraph (a) omit "or";

(ii) at the end of paragraph (b) insert "or";

(iii) after paragraph (b) insert—

"(c) carry on a waste controlling or transporting activity in England";

(c) after paragraph (1) insert—

"(2) A person carries on a waste controlling or transporting activity in England if—

(a) their registered office or principal place of business is in England;

(b) their registered office and principal place of business are outside England, but they carry on waste controlling or transporting activity from any other place of business in England;

(c) they import waste from outside the United Kingdom, and the movement of waste ends in England; or

(d) they export waste from within the United Kingdom, and the movement of waste starts in England.".

Regulation 8 (interpretation: regulated facility and class of regulated facility)

7. In regulation 8 (interpretation: regulated facility and class of regulated facility)(**b**)—

(a) in paragraph (1), at the end insert—

"(m)a waste controlling activity;

(n) a waste controlling-transporting activity;

(o) a waste transporting activity.";

(b) in paragraph (4), at the beginning insert "Subject to paragraph (5),";

(c) after paragraph (4) insert—

"(5) A regulated facility of any of the classes specified in paragraph (4) may not be carried on as part of the operation of a regulated facility of the following classes—

(a) a waste controlling activity;

(b) a waste controlling-transporting activity; and

(**a**) Regulation 7 was amended by S.I. 2018/110.
(**b**) Regulation 8 was amended by S.I. 2018/110.

(c) a waste transporting activity.".

Regulation 13 (grant of an environmental permit)

8. After regulation 13(3) (grant of an environmental permit) insert—

"(4) An operator who is granted an environmental permit for—

(a) the carrying on of a waste controlling activity,

(b) the carrying on of a waste controlling-transporting activity, or

(c) the carrying on of a waste transporting activity,

may not hold more than one permit for a waste controlling or transporting activity.".

Regulation 14 (content and form of an environmental permit)

9. In regulation 14(6) (content and form of an environmental permit)(**a**)—

(a) at the end of sub-paragraph (a) omit "or";

(b) at the end of sub-paragraph (aa) omit "or";

(c) at the end of sub-paragraph (b) omit "or";

(d) at the end of sub-paragraph (b) insert—

"(c) the carrying on of a waste controlling activity;

(d) the carrying on of a waste controlling-transporting activity; or

(e) the carrying on of a waste transporting activity.".

Regulation 17 (single site permits etc.)

10. In regulation 17(2)(c) (single site permits etc.)(**b**), at the end insert "unless one regulated facility is the carrying on of a waste controlling or transporting activity".

Regulation 19 (subsistence of an environmental permit)

11. In regulation 19 (subsistence of an environmental permit)—

(a) renumber the existing paragraph as paragraph (1);

(b) in that paragraph—

(i) at the end of paragraph (c) omit "or";

(ii) at the end of paragraph (d) insert ", or";

(iii) after paragraph (d) insert—

"(e) in the case of an environmental permit that authorises the carrying on of a waste controlling or transporting activity, the end of the period of 3 years beginning with the day on which the environmental permit was issued.";

(c) after paragraph (1) insert—

"(2) In the case of a permit referred to in paragraph (1)(e), if—

(a) the operator applies to renew that permit at least 3 months before its expiry, and

(b) the application to renew is not determined before the expiry of that permit,

that permit remains in force until the application is determined.".

(**a**) Regulation 14 was amended by S.I. 2018/428.
(**b**) Regulation 17 was amended by S.I. 2018/110.

Regulation 21 (transfer of an environmental permit)

12. In regulation 21 (transfer of an environmental permit), after paragraph (7) insert—

"(7A) Paragraph (4) does not apply to an environmental permit (or any part of an environmental permit) that authorises the carrying on of a waste controlling or transporting activity.".

Regulation 23 (revocation of an environmental permit: steps to be taken after the revocation takes effect)

13. In regulation 23(2) (revocation of an environmental permit: steps to be taken after the revocation takes effect), after sub-paragraph (c) insert—

"(d) a waste controlling or transporting activity.".

Regulation 24 (notification of the surrender of an environmental permit)

14. In regulation 24 (notification of the surrender of an environmental permit)(**a**), in paragraph (1), after sub-paragraph (h) insert—

"(i) a waste controlling or transporting activity.".

Regulation 32 (discharge of functions)

15. In regulation 32 (discharge of functions)(**b**), after paragraph (4) insert—

"(4A) Functions in relation to a regulated facility that is a waste controlling or transporting activity are exercisable by the Agency.".

Regulation 35 (specific provisions applying to environmental permits)

16. In regulation 35 (specific provisions applying to environmental permits)(**c**) for "25C", in both places it occurs, substitute "25D".

Regulation 37 (suspension notices)

17. In regulation 37 (suspension notices), after paragraph (11) insert—

"(11A) Where a suspension notice is served in relation to a waste controlling or transporting activity, the notice must require the operator to—

(a) remove any reference to the permit from any vehicle, and

(b) remove the permit number from any advertising used by the operator,

as soon as practicable after the suspension notice is served.".

Regulation 57 (power of the regulator to prevent or remedy pollution)

18. In regulation 57(6) (power of the regulator to prevent or remedy pollution), after sub-paragraph (a) insert—

"(aa) a person carrying on an exempt waste controlling or transporting activity,".

Schedule 2 (exempt facilities: general)

19.—(1) Schedule 2 (exempt facilities: general)(**d**) is amended as follows.

(**a**) Regulation 24 was amended by S.I. 2018/110 and 2023/651.
(**b**) Regulation 32 was amended by S.I. 2018/110.
(**c**) Regulation 35 was amended by S.I. 2018/110 and 2025/154.
(**d**) There are amendments to Schedule 2, but none are relevant to these Regulations.

(2) In paragraph 1(1) (interpretation: general)—

(a) in the definition of "operator"—

(i) for "or" substitute ", a";

(ii) after "groundwater activity" insert "or a waste controlling or transporting activity";

(b) in the definition of "registered", in paragraph (a), after "operation" insert "or a waste controlling or transporting activity";

(c) in the definition of "valid registration period", after "operation" insert "or an exempt waste controlling or transporting activity".

(3) After paragraph 2(1) (interpretation: exemption registration authority and exemption authority) insert—

"(1A) The exemption registration authority in relation to a waste controlling or transporting activity falling within a description in Part 6 of Schedule 3 is the Agency.".

(4) After paragraph 4 insert—

"Exempt waste controlling or transporting activity

4A.—(1) For the purposes of the definition of "exempt waste controlling or transporting activity", the requirements are—

(a) that the waste controlling or transporting activity—

(i) falls within a description in Part 6 of Schedule 3, and

(ii) satisfies the conditions specified in relation to the description;

(b) subject to paragraph 13(10) of this Schedule, that—

(i) the waste controlling or transporting activity is registered, and

(ii) an operator is registered in relation to it;

(c) that the waste controlling or transporting activity carried on by the operator is consistent with the need to attain the objectives specified in Article 13 of the Waste Framework Directive;

(d) where the waste controlling or transporting activity involves controlling waste, that the operator takes all such measures available to it as are reasonable in the circumstances to apply the waste hierarchy;

(e) that the waste is not exported from, nor imported into, the United Kingdom;

(f) that the waste controlling or transporting activity is carried on by the operator or an employee of the operator;

(g) when transporting waste, that the driver carries—

(i) the registration number of the exempt waste controlling or transporting activity concerned, in relation to the waste being transported,

(ii) a unique driver number allocated to that driver by the operator who must maintain a record of the driver numbers allocated;

(h) that, except where allowed by paragraphs 8 and 9 in Part 6 of Schedule 3, the waste—

(i) is not produced during construction (including repair and alteration) or demolition,

(ii) does not contain or consist of polycholorinated biphenyls,

(iii) does not contain or consist of asbestos;

(i) that any advertising used by the operator in relation to its exempt waste controlling or transporting activity includes the registration number of that activity; and

(j) that the waste controlling or transporting activity is carried on in England.

(2) An operator carries on an exempt waste controlling or transporting activity in England if—

(a) its registered office or principal place of business is in England; or

(b) its registered office and principal place of business are outside England, but it carries on exempt waste controlling or transporting activity from any other place of business in England.".

(5) In paragraph 10 (procedure for registering an exempt facility)—

(a) after sub-paragraph (1) insert—

"(1A) An operator seeking to be registered in relation to a waste controlling or transporting activity described in Part 6 of Schedule 3, or seeking to renew such a registration must notify the exemption registration authority of—

(a) the relevant particulars, and

(b) the information specified in sub-paragraph (5).";

(b) in sub-paragraph (4)—

(i) in paragraph (a)—

(aa) at the end of sub-paragraph (i), omit "or",

(bb) at the end of sub-paragraph (ii) insert ", or",

(cc) at the end of sub-paragraph (ii) insert—

"(iii) for a waste controlling or transporting activity, the operator,";

(ii) in paragraph (b), after "operation," insert "waste controlling or transporting activity,",

(iii) after paragraph (c) omit "and";

(iv) after paragraph (d) insert ", and";

(v) after paragraph (d) insert—

"(e) for a waste controlling or transporting activity—

(i) the principal place of business of the operator in Great Britain, including the postcode, or, if there is none, the principal place of business of the operator outside of Great Britain, and

(ii) the registered office of the operator in the United Kingdom, or, if there is none, the registered office of the operator outside the United Kingdom";

(c) in sub-paragraph (5)—

(aa) omit "by the establishment or undertaking",

(bb) after "registration" insert—

"by—

(a) the operator, in the case of a waste controlling or transporting activity; or

(b) the establishment or undertaking in all other cases".

(6) In paragraph 11 (register of exempt facilities)—

(a) in sub-paragraph (2)(c), after "for an" insert "exempt waste controlling or transporting activity,";

(b) after sub-paragraph (4) insert—

"(4A) If the exemption registration authority is not satisfied that an operator carrying on an exempt waste controlling or transporting activity will operate in accordance with the requirements specified in paragraph 4A, it must refuse to register that exempt waste controlling or transporting activity.";

(c) in sub-paragraph (5)(b), after "for" insert "exempt waste controlling or transporting activities,".

(7) In paragraph 12(1) (duty to remove entries from the register) for sub-paragraph (a) substitute—

"(a) the exemption registration authority—

(i) becomes aware that the exempt facility, other than an exempt waste controlling or transporting activity, is no longer in operation at the place stated in the relevant particulars, or

(ii) becomes aware that an exempt waste controlling or transporting activity is no longer—

(aa) in operation at the address provided in accordance with paragraph 10(4)(a)(iii);

(bb) using the address provided in accordance with paragraph 10(4)(e)(i) as the principal place of business; or";

(8) In paragraph 13(10) (exclusion from the register of information affecting national security), in the opening words, after "4(1)(b)," insert "4A(1)(b),";

(9) In paragraph 15 (validity of registration of waste operations)—

(a) in the heading, after "operations" insert "and waste controlling or transporting activities";

(b) in sub-paragraph (2), after "operation" insert "or a waste controlling or transporting activity";

(c) in sub-paragraphs (4) and (5), after "undertaking" insert "in relation to a waste operation, or (in the case of a waste controlling or transporting activity) an operator";

(d) in sub-paragraph (6), in the definition of "first registration", for paragraph (a) substitute—

"(a) the first appearance on the register of relevant particulars for—

(i) in relation to a waste operation other than a WEEE operation, an establishment or undertaking, or

(ii) in relation to a waste controlling or transporting activity, an operator, or";

(10) In paragraph 16 (changes to relevant particulars relating to waste operations)—

(a) in the heading, after "operations" insert "and waste controlling or transporting activities";

(b) in sub-paragraph (1), after "operation" insert "or an operator in relation to a waste controlling or transporting activity";

(c) in sub-paragraph (2)—

(i) after "undertaking", in the first place it occurs, insert ", or operator";

(ii) after "undertaking" in the second place it occurs, insert "or operator";

(d) in sub-paragraph (4), after "undertaking" insert "or operator".

(11) In paragraph 18 (periodic inspections of establishments and undertakings)—

(a) in the heading for "and undertakings" substitute ", undertakings and operators";

(b) renumber the existing paragraph as sub-paragraph (1); and

(c) after sub-paragraph (1) insert—

"(2) The exemption registration authority must carry out appropriate and periodic inspections of operators carrying on exempt waste controlling or transporting activities.".

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

20. In Schedule 3 (exempt facilities and waste operations to which section 33(1)(a) of the 1990 Act does not apply: descriptions and conditions)(**a**), after Part 5 insert—

(**a**) There are amendments to Schedule 3 but none are relevant to these Regulations.

"PART 6

Exempt waste controlling or transporting activities: description and conditions

1. In this Part—

"the 1989 Regulations" means the Sludge (Use in Agriculture) Regulations 1989(**a**);

"the 2025 Regulations" means the Deposit Scheme for Drinks Containers (England and Northern Ireland) Regulations 2025(**b**);

"agricultural unit" has the meaning given in regulation 2(1) of the 1989 Regulations;

"applicable waste operation to which section 33(1)(a) of the 1990 Act does not apply" means a waste operation referred to in paragraphs 3 or 4 of Part 5 of this Schedule;

"appropriately authorised facility", in relation to particular waste, means—

(a) a permitted waste operation;

(b) an exempt waste operation(**c**); or

(c) an applicable waste operation to which section 33(1)(a) of the 1990 Act does not apply,

to which the waste can be taken in compliance with the conditions of the permit, exemption or waste operation;

"dedicated site" has the meaning given in regulation 2(1) of the 1989 Regulations;

"deposit scheme" has the meaning given in paragraph 1(2) of Schedule 8 to the Environment Act 2021(**d**);

"operator" has the meaning given in paragraph 1(1) of Schedule 2;

"permitted waste operation" means a site that has an environmental permit for a waste operation;

"returnable item" has the meaning given in regulation 9(5) of the 2025 Regulations;

"secure storage exempt waste operation" means an exempt waste operation that falls within paragraph 1 (storage of waste in secure containers) or 2 (storage of waste in a secure place) of section 2 of Chapter 5 of Part 1 of this Schedule

"sludge storage waste operation" means an exempt waste operation that falls within paragraph 3 (storage of sludge) of section 2 of Chapter 5 of Part 1 of this Schedule;

"waste management plan" has the meaning given in paragraph 2(1) of Schedule 20.

2. This Part applies to the following descriptions of waste controlling or transporting activity—

(a) the control or transport of waste produced in the course of the operator's own business;

(b) the control or transport of waste by a charity registered with the Charity Commission or His Majesty's Revenue and Customs;

(c) the control or transport of extractive waste(**e**);

(d) the control or transport of animal by-products(**f**);

(e) the control or transport of returnable items as part of a deposit scheme established by the 2025 Regulations insofar as it relates to regulation 43, 49 or 66 of the 2025 Regulations;

(**a**) S.I. 1989/1263. The Regulations were amended by S.I. 1990/880, 1996/593, 2006/656 2010/1159, 2010/1820, 2013/755, 2019/558 and S.S.I. 2000/62.
(**b**) S.I. 2025/67.
(**c**) "exempt waste operation" is defined in regulation 5 of the EPR 2016.
(**d**) 2021 c. 30.
(**e**) "extractive waste" is defined in regulation 2(1) of the EPR 2016.
(**f**) "animal by-products" is defined in regulation 2(1) of the EPR 2016, inserted by regulation 4 of these Regulations.

(f) the control or transport of waste illegally deposited on land the operator owns or occupies;

(g) the control or transport of sludge or septic tank sludge(**a**) which is supplied or used in accordance with the 1989 Regulations.

3. The conditions in relation to a waste controlling or transporting activity described in paragraph 2(a) are that—

(a) the waste is not produced by a waste operation;

(b) the waste is—

(i) non-hazardous, or

(ii) hazardous, and is—

(aa) WEEE or batteries (with the codes for each specified in the first column (codes) of the table in paragraph 2(2) of section 2 of Chapter 5 in Part 1 of this Schedule), transported in a waterproof container or under a waterproof cover;

(bb) agricultural waste; or

(cc) produced by a person providing medical treatment to a patient, such as a doctor, nurse or care worker;

(c) waste of the kind specified in sub-paragraph (b)(i) is taken to an appropriately authorised facility;

(d) waste of the kind specified in sub-paragraph (b)(ii) is taken to a secure storage exempt waste operation or to an applicable waste operation to which section 33(1)(a) of the 1990 Act does not apply, to which the waste can be taken in compliance with the conditions of that exemption or waste operation.

4. The conditions in relation to a waste controlling or transporting activity described in paragraph 2(b) are that—

(a) the charity is operating a free to use service;

(b) the business of the charity is not a waste operation;

(c) the waste is produced by the charity or is collected and transported by the charity after being disposed of by its owner;

(d) the waste is collected and transported by the charity directly to an appropriately authorised facility.

5. The condition in relation to a waste controlling or transporting activity described in paragraph 2(c) is that the waste is taken to a destination identified in the waste management plan in place for the waste.

6. The conditions in relation to a waste controlling or transporting activity described in paragraph 2(d) are that—

(a) the requirements of the Animal By-Products Regulation are met;

(b) the waste is taken to an appropriately authorised facility.

7. The condition in relation to a waste controlling or transporting activity described in paragraph 2(e) is that the waste consists only of returnable items.

8. The conditions in relation to a waste controlling or transporting activity described in paragraph 2(f) are that—

(a) the waste is transported—

(i) by the owner or occupier of the land, or

(**a**) "sludge" and "septic tank sludge" are defined in regulation 2(1) of the 1989 Regulations.

(ii) on instruction from the owner or occupier of the land, by an employee or tenant of that owner or occupier, and the employee or tenant is not an operator of a waste operation;

(b) the land is privately owned land;

(c) the deposit of the waste is—

(i) without the consent of the owner or occupier of the land; and

(ii) not knowingly caused or knowingly permitted by the owner or occupier of the land;

(d) the waste is reported to the Agency before the waste controlling or transporting activity commences;

(e) the waste is taken to a permitted waste operation to which the waste can be taken in compliance with the conditions of the permit;

(f) the waste does not contain or consist of asbestos or liquid.

9. For the avoidance of doubt, the waste controlled or transported in a waste controlling or transporting activity described in paragraph (2)(f) may include waste produced during construction (including repair or alteration) or demolition.

10. The condition in relation to a waste controlling or transporting activity described in paragraph 2(g) is that the waste is taken to one or more of—

(a) a sludge storage waste operation;

(b) an applicable waste operation to which section 33(1)(a) of the 1990 Act does not apply;

(c) an agricultural unit; or

(d) a dedicated site,

to which the waste can be taken in compliance with the conditions of that exemption or waste operation.".

Schedule 5 (environmental permits)

21. In paragraph 5 of Schedule 5 (environmental permits)(**a**)—

(a) in sub-paragraph (1), after paragraph (f) insert—

"(g) a waste controlling or transporting activity.";

(b) in sub-paragraph (4)—

(i) at the end of paragraph (d) omit "or";

(ii) at the end of paragraph (e) insert ", or"

(iii) at the end of paragraph (e) insert—

"(f) a waste controlling or transporting activity.".

New Schedule 25D

22. After Schedule 25C (decarbonisation readiness requirements for generators in England)(**b**) insert—

(**a**) Paragraph 5 of Schedule 5 was amended by S.I. 2018/110.
(**b**) Schedule 25C is inserted by S.I. 2025/154.

"SCHEDULE 25D

Regulation 35(1)

Waste Controlling Activity, Waste Controlling-Transporting Activity and Waste Transporting Activity

Application

1. This Schedule applies in relation to waste controlling activity, waste controlling-transporting activity and waste transporting activity.

Interpretation

2.—(1) In this Schedule—

"the 2025 Regulations" means the Deposit Scheme for Drinks Containers (England and Northern Ireland) Regulations 2025;

"applicable waste operation to which section 33(1)(a) of the 1990 Act does not apply" means a waste operation referred to in paragraph 3 or 4 of Part 5 of Schedule 3;

"appropriately authorised facility", in relation to particular waste, means—

(a) a permitted waste operation;

(b) an exempt waste operation; or

(c) an applicable waste operation to which section 33(1)(a) of the 1990 Act does not apply,

to which the waste can be taken in compliance with the conditions of that permit, exemption or waste operation;

"collective waste management agreement" means a contractual agreement for the collective management of waste produced in a multi-producer premises;

"multi-producer premises" means a premises occupied by more than one waste producer;

"permitted waste operation" means a site that has an environmental permit for a waste operation;

"returnable item" has the meaning given in regulation 9(5) of the 2025 Regulations;

"return point" has the meaning given in regulation 8(1) of the 2025 Regulations;

"secure storage exempt waste operation" means an exempt waste operation that falls within paragraph 1 or 2 of section 2 of Chapter 5 of Part 1 of Schedule 3;

"waste holder" has the meaning in Article 3(6) of the Waste Framework Directive;

"waste producer" has the meaning in Article 3(5) of the Waste Framework Directive.

Waste controlling activity

3.—(1) Subject to paragraph 6, "waste controlling activity" means any of the following—

(a) buying and selling waste;

(b) organising the collection, transportation, recovery or disposal of waste;

(c) organising the end destination of waste;

(d) organising the temporary storage of waste prior to recovery or disposal;

(e) making arrangements for the assessment of waste and ensuring waste is classified by the waste producer, or if there is no identifiable waste producer, the waste holder.

(2) The activity may be carried on—

(a) on behalf of others;

(b) whether or not possession is taken of the waste concerned.

Waste transporting activity

4.—(1) Subject to paragraph 6, waste transporting activity means moving waste between locations.

(2) The activity in sub-paragraph (1) may be carried on under the instructions of an operator of a waste controlling activity, or a waste carrier, broker or dealer registered under the Control of Pollution (Amendment) Act 1989(**a**), or a person authorised to carry on the activities of a broker or dealer under the Environmental Authorisations (Scotland) Regulations 2018(**b**).

Waste controlling-transporting activity

5. Subject to paragraph 6, waste controlling-transporting activity means an activity which is both a waste controlling activity and a waste transporting activity.

Activity that is not waste controlling or transporting activity

6.—(1) The following activities do not constitute a waste controlling activity, waste controlling-transporting activity or waste transporting activity—

(a) the occupier of a domestic property carrying on a waste controlling or transporting activity in relation to household waste produced by that occupier;

(b) dealing with waste at the place it is produced (but subsequent control or transportation of that waste may constitute a waste controlling or transporting activity);

(c) carrying on a waste controlling or transporting activity in accordance with a statutory duty, except where it is carried on as a commercial service;

(d) unless the waste is produced by a business, carrying on a waste controlling or transporting activity in relation to non-hazardous waste as part of a voluntary scheme for the collection of waste to—

(i) a secure storage exempt waste operation, or

(ii) an applicable waste operation to which section 33(1)(a) of the 1990 Act does not apply,

to which the waste can be taken in compliance with the conditions for that waste operation;

(e) carrying on a controlling or transporting activity whereby returnable items are moved to a return point by the owner of a business after the contents of the returnable item have been consumed at the premises of the business;

(f) carrying on a controlling or transporting activity whereby litter is moved to an appropriately authorised facility, provided that it is not done as a remunerated service;

(g) carrying on a controlling or transporting activity whereby waste produced within a multi-producer premises is dealt with in accordance with a collective waste management agreement subject to the following conditions—

(i) it is not waste—

(aa) produced during construction (including repair or alteration) or demolition;

(bb) that contains or consists of polychlorinated biphenyls; or

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(**a**) 1989 c. 14.
(**b**) S.S.I. 2018/219.

(cc) that contains or consists of asbestos;

(ii) the producer is not producing waste in the course of a business of a waste operation;

(iii) the collective waste management agreement specifies—

(aa) the waste management procedures in place for the multi-producer premises;

(bb) the person responsible for ensuring compliance with the waste management procedures;

(iv) the waste is transported to a place within the premises that is a secure storage exempt waste operation or an applicable waste operation to which section 33(1)(a) of the 1990 Act does not apply, to which the waste can be taken in compliance with the conditions for that waste operation;

(h) carrying on a controlling or transporting activity whereby samples of waste up to a maximum weight of 25kg are sent for testing to an appropriately authorised facility;

(i) carrying on a controlling or transporting activity whereby waste collected pursuant to a scheme where a waste item is collected from a domestic property at the same time as a new item of the same type or with the same function is delivered to that property;

(j) the operation of a vessel, aircraft, hovercraft, floating container or vehicle after it has been loaded with waste in circumstances in which a marine licence is required or would be required but for a marine exemption order for transporting the waste in order to carry out a specified marine operation.

(2) In sub-paragraph (1)(j)—

"marine licence" means—

(a) a licence issued in accordance with section 8 of the Food and Environment Protection Act 1985(**a**) (licences); or

(b) a marine licence granted under section 71 of the Marine and Coastal Access Act 2009(**b**) (licences);

"marine exemption order" means an order under—

(a) section 7 of the Food and Environment Protection Act 1985(**c**) (exemptions from licensing); or

(b) section 74 of the Marine and Coastal Access Act 2009(**d**) (exemptions from marine licensing);

(**a**) 1985 c. 48. Section 8 was amended by paragraph 16 of Part 3I of Schedule 3 to the Food Standards Act 1999 (c. 28), and by paragraph 2 of Part 1 of Schedule 8 to the Marine and Coastal Access Act 2009 (c. 23).

(**b**) 2009 c. 23.

(**c**) Section 7 was amended by paragraph 16 of Part 3 of Schedule 3 to the Food Standards Act 1999 and by S.I. 1999/1756.

(**d**) Section 74 was amended by section 20 of the Biodiversity Beyond National Jurisdiction Act 2026 (c. 6).

"specified marine operation" mean an operation mentioned in—

(a) section 5 or 6 of the Food and Environment Protection Act 1985(**a**) (deposits in the sea or incineration); or

(b) an item numbered 1 to 6 or 11 to 13 in section 66(1) of the Marine and Coastal Access Act 2009(**b**) (which specifies licensable marine activities).

(3) Subject to sub-paragraph (4), sub-paragraph (1) does not apply if the waste has been imported into the United Kingdom or is going to be exported from the United Kingdom.

(4) The activities specified in sub-paragraphs (1)(h) and (j) do apply if the waste has been imported into the United Kingdom or is going to be exported from the United Kingdom.

Requirement to have proof of environmental permit

7. The driver of a vehicle used to transport waste as part of a waste controlling or transporting activity must, when transporting waste, carry—

(a) the permit number of the environmental permit for the waste controlling-transporting activity or waste transporting activity concerned in relation to the waste being transported; and

(b) a unique driver number allocated to that driver by the operator who must maintain a record of the driver numbers allocated.

Exercise of relevant functions

8.—(1) The regulator(**c**) must exercise its relevant functions for the purposes of ensuring that—

(a) operators apply the waste hierarchy in relation to any waste controlling activity;

(b) any waste controlling or transporting activity in respect of the waste is carrying on in a manner that ensures the objectives of Article 13 of the Waste Framework Directive are met;

(c) operators comply with Article 35(1) and (2) of the Waste Framework Directive.

(2) The regulator may exercise its relevant functions for the purposes of ensuring that operators comply with Article 35(3) of the Waste Framework Directive.".

PART 3

Amendment of other legislation

Amendment of the Control of Pollution (Amendment) Act 1989

23.—(1) The Control of Pollution (Amendment) Act 1989(**d**) ceases to have effect in England and is accordingly amended as follows.

(2) Section 1 (offence of transporting controlled waste without registering) is amended in accordance with paragraphs (3) and (4).

(3) In subsection (1) for "Great Britain" substitute "Wales".

(4) In subsection (2)—

(**a**) Section 5 was amended by Part 8 of Schedule 16 to the Environmental Protection Act 1990 (c. 43), Part 2 of Schedule 1 to the Statute Law (Repeals) Act 1993 (c. 50) and paragraph 2 of Part 1 of Schedule 8 to the Marine and Coastal Access Act 2009. Section 6 was amended by Part 8 of Schedule 16 to the Environmental Protection Act 1990 and by paragraph 2 of Part 1 of Schedule 8 to the Marine and Coastal Access Act 2009.

(**b**) Section 66 was amended by section 20 of the Biodiversity Beyond National Jurisdiction Act 2026.

(**c**) "Regulator" is defined in regulation 2(1) of the EPR 2016.

(**d**) 1989 c. 14. Section 5 was substituted by section 37 of the Clean Neighbourhoods and Environment Act 2005 (c. 16).

(a) in paragraph (b) for "Great Britain", in the first place it occurs, substitute "Wales";

(b) in paragraph (c) for "Great Britain", in the first place it occurs, substitute "Wales".

(5) In section 5 (duty to produce authority to transport controlled waste), in subsection (8)(b) for "Great Britain" substitute "Wales".

(6) In Section 5C (use of fixed penalties under section 5B), in subsection (2) omit paragraph (a).

(7) Section 9 (interpretation) is amended in accordance with paragraphs (8) and (9).

(8) In subsection (1)—

(a) in the definition of "appropriate person" omit paragraph (a);

(b) in the definition of "regulation authority"—

(i) omit paragraphs (a) and (b);

(ii) in the words after paragraph (b) for "England, Wales or Scotland as the case may be" substitute "Wales".

(9) In subsection (1A) for "30(3)(a), (b) or (bb)" substitute "30(3)(bb)".

Amendment of the Environmental Protection Act 1990

24.—(1) The Environmental Protection Act 1990(**a**) is amended as follows.

(2) In section 29 (waste on land: interpretation), in subsection (13)(**b**), in the appropriate places insert—

""exempt waste controlling or transporting activity";";

""waste controlling or transporting activity";";

""waste controlling-transporting activity";";

""waste transporting activity";".

(3) In section 34 (duty of care etc. as respects waste)(**c**)—

(a) in subsection (1) for the words from "imports" to "such waste," substitute "falls within subsection (1ZA)";

(b) after subsection (1) insert—

"(1ZA) A person falls within this subsection if the person—

(a) imports, produces, carries, keeps, treats or disposes of controlled waste;

(b) as a dealer or broker, has control of controlled waste; or

(c) as an operator undertaking a waste controlling or transporting activity, including an exempt waste controlling or transporting activity, has control of controlled waste.";

(c) in subsection (3)—

(i) at the end of paragraph (e) omit "and";

(ii) after paragraph (f) insert—

"(g) any person who is the holder of an environmental permit for waste controlling-transporting activity or for waste transporting activity; and

(h) any person who is registered under the Environmental Permitting Regulations in relation to exempt waste controlling or transporting activity.".

(**a**) 1990 c. 43.

(**b**) Paragraph (13) of section 29 was inserted by S.I. 2007/3538 and amended by S.I. 2009/1799 and 2010/675.

(**c**) Section 34 was amended by section 33 of the Deregulation and Contracting Out Act 1994 (c. 40), paragraph 65 of Schedule 22 to the Environment Act 1995 (c. 25), S.I. 1999/1820, 2005/2900, 2007/3538, 2009/1799, 2010/675 and 2011/988. There are other amendments to section 34, but none is relevant to these Regulations.

(4) In section 34B (power to search and seize vehicles etc.)(**a**)—

(a) in subsection (2)(a), after "waste operation" insert "or a waste controlling or transporting activity";

(b) in subsection (3)(a), after "waste operation" insert "or a waste controlling or transporting activity".

Amendment of the Environment Act 1995

25.—(1) The Environment Act 1995(**b**) is amended as follows.

(2) In section 41 (power to make schemes imposing charges), in subsection (1)(r)(**c**) after "waste operation" insert "or a waste controlling or transporting activity".

(3) In section 56(1) (interpretation of Part 1)(**d**), in the definition of "environmental licence" as regards the application of Part 1 in relation to an appropriate agency, in paragraph (j), after "waste operation" insert "or of an operator in relation to a waste controlling or transporting activity".

Amendment of the Waste (England and Wales) Regulations 2011

26. Part 8 of the Waste Regulations 2011 (registration of carriers, brokers and dealers) ceases to have effect in relation to England.

PART 4

Transitional and saving provision

Application and interpretation

27.—(1) This Part applies to carriers of, and brokers and dealers in, controlled waste registered under the CP(A)A 1989 carrying out an activity that falls within the meaning of a waste controlling or transporting activity under the EPR 2016 or carrying out an activity that would constitute waste controlling or transporting activity but for paragraph 6 of Schedule 25D to the EPR 2016.

(2) In this Part—

"compliance date" means the date on which a carrier of, or broker or dealer in, controlled waste is required to have an environmental permit for a waste controlling or transporting activity or to be registered for an exempt waste controlling or transporting activity under the EPR 2016;

"the CP(A)A 1989" means the Control of Pollution (Amendment) Act 1989.

(3) Terms used in this Part and in the EPR 2016 have the meanings given there.

Carriers of, and brokers and dealers in, controlled waste time to comply with the Environmental Permitting (England and Wales) Regulations 2016

28.—(1) A carrier of, or broker or dealer in, controlled waste registered under the CP(A)A 1989 immediately before Part 3 comes into force, that is—

(a) a specified person within the meaning of regulation 24 of the Waste Regulations 2011, and

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(**a**) Section 34B was inserted by section 46 of the Clean Neighbourhoods and Environment Act 2005 (c. 16) and was amended by S.I. 2005/2900, 2007/3538, 2010/675. There are other amendments to section 34B, but none is relevant to these Regulations.

(**b**) 1995 c. 25.

(**c**) Section 41(1)(r) was inserted by section 64 of the Environment Act 2021.

(**d**) Paragraph (j) in the definition of "environmental licence" in section 56(1) was substituted by S.I. 2009/3381 and was amended by section 64 of the Environment Act 2021 and by S.I. 2016/1154.

(b) is required to—

(i) have an environmental permit for a waste controlling or transporting activity, or

(ii) be registered for an exempt waste controlling or transporting activity under the EPR 2016,

is not required to do so until the end of the period of 12 months beginning with the day on which Part 2 of these Regulations comes into force.

(2) Other carriers of, and brokers and dealers in, controlled waste registered under the CP(A)A 1989 that are required to—

(a) have an environmental permit for a waste controlling or transporting activity, or

(b) be registered for an exempt waste controlling or transporting activity under the EPR 2016,

are only required to do so on the day after the date on which that carrier, broker or dealer's registration was scheduled to expire under the CP(A)A 1989.

(3) Carriers of controlled waste that are—

(a) not required to be registered under the CP(A)A 1989 by virtue of regulation 26(1) of the Waste Regulations 2011, and

(b) are required—

(i) to have an environmental permit for a waste controlling activity, or

(ii) be registered for an exempt waste controlling or transporting activity under the EPR 2016,

must have an environmental permit for a waste controlling activity or be registered for an exempt waste controlling or transporting activity under the EPR 2016 on the day on which Part 2 of these Regulations comes into force.

Limit to number of registrations under the Control of Pollution (Amendment) Act 1989

29.—(1) A carrier, broker or dealer registered under the CP(A)A 1989 must not have more than one registration with the Agency as a carrier, broker or dealer if—

(a) its registered office or principal place of business is in England; or

(b) its registered office and principal place of business are outside England, but it carries on business from any other place of business in England;

(c) it imports waste from outside the United Kingdom, and the movement of waste ends in England; or

(d) it exports waste from within the United Kingdom, and the movement of waste starts in England.

(2) If a carrier, broker or dealer has more than one registration contrary to paragraph (1), only the earliest registration is valid and all subsequent registrations are void, whenever they were made.

Expiry of registration under the Environmental Permitting (England and Wales) Regulations 2016

30.—(1) If a carrier of, or broker or dealer in, controlled waste applies for an environmental permit for a waste controlling or transporting activity or to be registered for an exempt waste controlling or transporting activity under the EPR 2016 more than three months before the carrier, broker or dealer's compliance date its registration under the CP(A)A 1989 remains in force until—

(a) if an environmental permit is granted or exemption registered, the day it is granted or registered;

(b) if the application is refused, the later of—

(i) the day the application is refused; and

(ii) the carrier, broker or dealer's compliance date.

(2) If a carrier of, or broker or dealer in, controlled waste does not apply for an environmental permit for a waste controlling or transporting activity or to be registered for an exempt waste controlling or transporting activity under the EPR 2016 more than three months before its compliance date, the carrier's registration under the CP(A)A 1989 remains in force until the earlier of—

(a) if an environmental permit is granted or exemption registered, the day it is granted or registered; and

(b) the carrier, broker or dealer's compliance date.

(3) The registration of any carrier, broker or dealer under the CP(A)A 1989 that is not required to have an environmental permit for a waste controlling or transporting activity or to be registered for an exempt waste controlling or transporting activity under the EPR 2016 remains in force until the day on which Part 2 of these Regulations comes into force.

(4) The CP(A)A 1989 and Part 8 of the Waste Regulations 2011 continues to apply to—

(a) a carrier of, or broker or dealer in, controlled waste for the time that it remains registered under the CP(A)A 1989 by virtue of this regulation;

(b) the Environment Agency, for so long as any carrier, broker or dealer remains registered under the CP(A)A 1989 by virtue of this regulation.

PART 5

Miscellaneous Amendment

Amendment of the Regulatory Enforcement and Sanctions Act 2008

31. In Schedule 3 to the Regulatory Enforcement and Sanctions Act 2008 (enactments specified for the purposes of Part 1), after "Environment Act 1995" insert—

"Environment Act 2021 (c. 30), as it applies in England".

Mary Creagh
Parliamentary Under-Secretary of State
22nd July 2026 Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154) ("the EPR 2016") in relation to waste controlling activity, waste controlling-transporting activity and waste transporting activity (together "waste controlling or transporting activity").

Regulations 4 to 7 insert new definitions into to the EPR 2016 in relation to waste controlling or transporting activity. In particular, regulation 7 amends regulation 8 of the EPR 2016, so that waste controlling or transporting activity is a regulated facility, requiring an environmental permit under regulation 12 of the EPR 2016.

Regulations 8 to 18 amend various provisions in the EPR 2016 to ensure that they apply to waste controlling or transporting activity.

Regulation 19 amends Schedule 2 to the EPR 2016, which sets out procedures for exempt facilities, so that those procedures apply to exempt waste controlling or transporting activity.

These amendments include a new paragraph 4A defining exempt waste controlling or transporting activity.

Regulation 20 inserts a new Part 6 into Schedule 3 to the EPR 2016 setting out the conditions that must be met by an exempt waste controlling or transporting activity.

Regulation 21 amends Schedule 5 of the EPR 2016 so that public participation is not required in relation to the grant or variation of a permit for waste controlling or transporting activity.

Regulation 22 inserts a new Schedule 25D into the EPR 2016, defining and making provision for waste controlling or transporting activity.

Regulation 23 amends the Control of Pollution (Amendment) Act 1989 (c. 14) ("the CP(A)A 1989") so as to disapply it in relation to England.

Regulation 24 amends the Environmental Protection Act 1990 (c. 43) so that the duty of care as respects waste (section 34 of that Act) and the powers to search and seize vehicles under section 34B apply to waste controlling or transporting activity.

Regulation 25 amends section 41 of the Environment Act 1995 (c. 25) to enable costs to be recovered in relation to environmental permits for waste controlling or transporting activity and amends the definition of environmental licence in section 51 to include environmental permits for waste controlling or transporting activity.

Regulation 26 revokes the registration requirements in Part 8 of the Waste (England and Wales) Regulations 2011 as they apply in England.

Regulation 27 makes it clear that the transitional and savings provisions in Part 4 apply to carriers of, and brokers and dealers in, controlled waste registered under the CP(A)A 1989 carrying out an activity that will be subject to the EPR 2016 when these Regulations come into force.

Regulation 28 specifies when existing carriers, brokers and dealers must comply with the new regime under the EPR 2016.

Regulation 29 prohibits existing carriers, brokers and dealers that will be subject to the EPR 2016 having more than one registration as a carrier, broker or dealer under the CP(A)A 1989.

Regulation 30 specifies how long a registration under the CP(A)A 1989 will last, which depends on when the carrier, broker or dealer makes an application under the EPR 2016.

Regulation 31 amends Schedule 3 to the Regulatory Enforcement and Sanctions Act 2008 (c. 13, "the 2008 Act") to add specified provisions of the Environment Act 2021 (c. 30) to the list of enactments specified for the purposes of Part 1 of the 2008 Act as a relevant function (see also section 4 of the 2008 Act).

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Department for Environment, Food and Rural Affairs, Seacole Building, 2 Marsham Street, London, SW1P 4DF, and is published with an Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.

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