

Email Answer Template

Consultation on the regulatory framework for sludge applied to agriculture (Jan-Mar 2026)

Response from the Society for the Environment (Soils and Stones Project) to the consultation on the regulatory framework for sludge applied to agriculture

March 2026

Q8. Please provide details of your business. *(required)*

Please type below

As a not-for-profit umbrella body, the Society for the Environment (SocEnv) defines the standards for professional competence in environmental practice, ensuring key decisions are made by verified professionals. Having received a Royal Charter in 2004, we license professional institutions to award the Chartered Environmentalist (CEnv), Registered Environmental Practitioner (REnvP) and Registered Environmental Technician (REnvTech) professional registrations. There are now over 9,000 registered environmental professionals, sharing a common vision of delivering a sustainable future shaped by trusted environmental professionalism.

The SocEnv Soils and Stones project makes use of this interdisciplinary breadth and expertise. The project is evidence-based, bringing together experts to share their knowledge, experience and solutions on safeguarding soils and soil related materials.

The use of sewage sludge on land has a direct impact on soil health. These include:

1. Enhancing the fertility of soil with nitrogen, phosphates, trace elements and organic matter.
2. Reducing long-term soil health by the build-up of potentially toxic elements, microplastics and PFAS in soil.
3. Short-term changes in soil biodiversity through the introduction of potentially pathogenic organisms.
4. Increased soil compaction due to the bulk nature of sludge spread on land.

Using sludge in agriculture also supports the circular economy. Reform of current regulation aligns with our published [Ten Principles of Good Soil Management](#) in the following areas:

- Harmonising regulation.
- Assessing the risk and benefits of sludge used in agriculture.
- Promoting the adoption of soil health indicators.

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Evaluation questions

Objectives for reform

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

Please check one below

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

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

Please type below

We suggest retention of Regulation 3(7) stating that 'sludge shall be used in such a way that account is taken of the nutrient needs of the plants'. The industry uses the guidance in [RB209 \(Nutrient Management Guide\)](#) through [FACTS certification](#) of relevant personnel. There should not be a separate specification for nutrient needs put into legislation. If the EPR is used to regulate sludge applications we would wish to see the regulator adopt RB209 as well as FACTS certification, and not refuse applications on the basis that sludge would risk phosphorous pollution of watercourses, only to have the same amount of phosphorous applied without regulation from mineral fertilisers.

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

The definition of "Agriculture" in the Sludge Regulations relates to food production only. This means that agricultural land, as defined by the 1948 Act, which rotates non-food (e.g., fuel) crops with food crops is currently covered by two regulatory controls if sludge is used on the land: the EPR when non-food crops are fertilised using sludge, and the Sludge Regulations when food crops are fertilised using sludge applications.

The current regulation makes no reference to independent assessments of soil health and soil policy. We would want to see any new regulations align with soil health indicators, when they are finalised, and the development of a national soil policy against which any new regulation can be benchmarked.

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

Please type below

Septic tank sludge is difficult to identify in practice. There is very little difference in what comes out of a leaking cess pit and what comes out of a septic tank that has an inefficient soakaway. Such residual sludge cannot be deemed "treated" or quality controlled, or have a guarantee of purely domestic origin, so we support its ban for agricultural use. If it continues to be allowed it will only discredit the entire biosolids operation, as the public will not see the difference in practice.

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

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

Please check one below

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree

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Strongly disagree

Don't know

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

Please type below

We support the harmonisation of regulation in our Ten Principles of Good Soil Management. This support, however, is given provided the EPR does not introduce an unworkable level of bureaucracy which conflicts with our focus on promoting a circular economy, or additional soil standards that conflict with other established standards. We have recently reviewed the risk basis for some of the PTE standards in the current sludge regulations (see [SocEnv December 2025 World Soils Day paper](#)).

We agree that a degree of oversight by an independent regulator is required to prevent pollution and to give the public confidence, and that a compliance cost under those circumstances is justified. We do not, however, support any costs imposed on compliant operators to pay for regulator enforcement activities; this should be borne by the non-compliant operators under the polluter pays principle.

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

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Please type below

The Water Industry is best placed to provide detailed cost information. Our registrants, who have direct experience of using the EPR for applying other controlled waste to land have reported the following:

Cost and time delays: for dredgings deployments, 50-hectare max, 12-month deployments, the permit fee is £1718 per registration, plus a consultant's fee for the permit application process. It takes 8-10 weeks to get approvals. Dredgings applications are assessed in 50ha units, requiring many permit applications for the quantities to be used. For current sludge use, the regulations require assessments in 5ha units, which would increase the number of applications by a factor of ten in comparison to other controlled waste applications.

Timing and storage capacity: Sludge applications are seasonal. There are only certain seasonal windows during which sludge can be applied. This means that there will be periods when there are large numbers of applications to determine and others when there are very few. Delays in determining application will pose challenges for storage capacity at Water Industry facilities. The water industry will have few options for disposing of sludge that cannot be used on land if applications are refused or delayed beyond the agricultural windows. Incineration and landfill facilities are unlikely to be available for the requisite amount of sludge likely to be displaced from the agricultural route. Even if this capacity is available, this will conflict with our focus on a circular economy.

We note that revocation of the sludge regulations will require amendment to Regulation 3(2) of [The Controlled Waste \(England and Wales\) Regulations 2012](#).

We also note that Exemption [S3 of the Environmental Permitting Regulations 2016](#) allows the storage of sewage sludge prior to land application, and that there is no proposal to disallow this exemption. In addition, there is [no exemption for spreading sewage sludge on non-agricultural land](#). We would wish to see a harmonised approach to the use of sludge on any soil, whether or not it is defined as agricultural.

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

Please check one below

- Yes
- No
- Don't Know

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

Please type below

The Water Industry needs time to prepare for the EPR at such a scale. Funding will not be available until a successful bid for operational and capital funding at PR29 (2029) for complying with new obligations. Guidance will need to be prepared for the process of determining applications, and both the regulator and the Water Industry will need to train an adequate number of employees to ensure a consistent approach is taken. Our registrants have reported inconsistent responses from regulators to EPR applications, causing delays. Primarily the issue for our registrants is the objective in the consultation paper for “not impairing the quality of the soil.” In the absence of national soil health indicators, this objective cannot be met via the EPR. These indicators must be in place before soil quality objectives can be determined for agricultural sludge use.

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

Please check one below

- Yes
- No
- Don't Know

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

Please type below

The onus for governance should be with the sludge producer in order to protect the agricultural route for sludge use, and to avoid confusion about accountability, chain of custody and record keeping.

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

Please check one below

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

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

Please type below

We consider that this is best answered by practitioners in the Water Industry, while acknowledging that such a scheme will take time to develop and implement.

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

Please type below

We consider that this is best answered by practitioners in the Water Industry, while acknowledging that alternatives will take time to agree nationally, to develop and to implement.

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

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

Please check one below

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

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

Please type below

We largely agree with the assessment, particularly in harmonising and updating regulations, and taking a risk-based approach. We would, however, question assumptions about PTEs, microplastics and forever chemicals. Taking their potential risks in isolation will overlook other sources of soil contamination, such as agricultural plastics, seed dressings, mineral fertilisers, farmyard manure, lime, paper sludge and environmental factors such as highway drains and atmospheric fallout. Regulation should focus on all potential risks to soil health to create a cost-effective level regulatory playing field. In addition, it is clear that the current regulations only see PTEs as a problem, and the scientific research for the original limits is not in the public domain to be challenged. Many of the PTEs are also essential trace elements ensuring good soil health and healthy crops.

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

Please type below

We consider that this is best answered by practitioners in the Water Industry, but acknowledge that change would remove the anomaly around the definition of "agriculture" (see answer to Q15). It would also allow one set of records to be kept on sludge applications and soil analysis. The current requirement for re-analysis of soil after 20 years following the first application of sludge should be used to assess the empirical risk to soil and the reliability of algorithms to assess the build-up of PTEs in soil.

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

Please check one below

- Yes
- No
- Don't Know

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

Please type below

See answer to Q21 – soil health indicators need to be in place before regulatory standards can be set, to ensure effective harmonisation of regulation based on risk rather than public perception.

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

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

Please check one below

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

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

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Please type below

This option is presented in the consultation paper in a way that makes it appear to be the least-favoured option. Ostensibly, this option appears to be the least burdensome option and least protracted to implement. It will give confidence to farmers, with an opportunity for flexible voluntary assurance and governance measures. The option does not remove anomalies in the sludge regulations if they remain in their present form.

We consider that it is not in the Water Industry's interest to jeopardise the agricultural route for sludge, hence the industry's past efforts to develop the biosolids assurance scheme, and now to adhere to its voluntary standards. We also suspect that the risks of PTEs are already overstated in the existing code of practice (see [SocEnv 2025 World Water Day paper](#)). On the question of good nutrient management, the option makes no mention of the standards that already apply; the Water Industry uses the guidance in [RB209 \(Nutrient Management Guide\)](#) through [FACTS certification](#) of relevant personnel.

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

Please type below

This option would allow the inclusion of wider soil health indicators and a flexible harmonisation with other soil governance measures (see the [SocEnv SILOtoSOIL](#) tool for details of these).

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

Please check one below

- Yes
- No
- Don't Know

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

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Please type below

As Q31 - further research and harmonisation with other soil governance will be required for a quantified, science-based assessment of risk. In some ways taking this approach would be a precursor to implementing Option 1, and “testing the water” prior to enshrining standards through regulation.

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

Please type below

In addition to the inclusion of soil health indicators, the soil’s carbon sequestration potential, and measures of soil Biodiversity Net Gain should be included.

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

Please type below

We would wish to see natural capital benchmarking for soil quality using international standards, as well as a national soils policy through which all soil-based regulation can be harmonised.

Relative merits of different proposals

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

Please check one below

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

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- Option 2: Amend the current Sludge (Use in Agriculture) Regulations 1989.
- Option 3: Changing standards on sludge spreading via non-regulatory means.

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

Please type below

Option 1 would harmonise the regulatory framework for all controlled waste used on land, as well as give the public greater confidence in the use of sludge in agriculture. We note however, that Option 3 could be adopted in the short term while soil health indicators are developed and further research is conducted into the risks from microplastics, forever chemicals and pharmaceuticals, and into the benefits for soil micro-nutrients, soil biodiversity and carbon sequestration. In addition, the Water Industry should be given appropriate powers to amend Trade Effluent controls to limit the discharge of microplastics, forever chemicals and pharmaceuticals from trade sources to help improve sludge quality, and this will take time to achieve. Option 3 provides the most flexible approach and is most responsive to new research, and allows for governance while changes to the legislation, processes and guidance are developed ahead of PR29 and water company investment starting in 2030.

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

Please type below

We aim for a UK-wide soil standard as we are committed to protecting soils to a common standard across the UK and internationally. This approach allows a common standard, based on soil health indicators as metrics, to promote governance and economic growth via the developing carbon and biodiversity offset markets.

We also note that some operators will use sludge across the borders with Wales and Scotland, and different standards in each devolved administration will increase their compliance costs.