



Defence
Safety Authority

DSA03-DEPR: Defence Environmental Protection Regulations Guidance



Defence Safety Authority
Defence Environmental Protection Regulations Guidance
Version 1.0

Amendment record

To check the latest amendment status, reference should be made to current documents which may be viewed on Gov.uk or on the Defence Intranet.

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Introduction

1. The Defence Safety Authority (DSA) was established by a Defence Secretary of State (SofS) Charter empowering it as “the independent regulator, investigator and assurer for Health, Safety and Environmental Protection within Defence”. The DSA has three levels of documentation on how to achieve its responsibilities:
 - level 1 (DSA01) which is a series of documents that set out how the DSA will regulate, assure, enforce, investigate, and analyse;
 - level 2 (DSA02) which are Defence regulations set by each DSA regulator; and
 - level 3 (DSA03) which are regulatory guidance documents which support DSA02 regulations.

Purpose of this document

2. The purpose of this document (DSA03-DEPR) is to provide guidance material to the regulations set by the Defence Environmental Protection Regulator (DEPR) which are contained in DSA02-DEPR and can be accessed on [GOV.UK](https://www.gov.uk). The guidance material contained in this document (DSA03-DEPR) provides additional explanation and good practice to assist with the application of the DEPR regulations. This document also gives an overview of how the DEPR intend to assure against the regulations.

How to use this document

3. This guidance document should be read alongside DSA02-DEPR. The DEPR regulations apply to all of Defence, including:
 - the people and organisations that enable, manage, and conduct the Defence Estate and its environmental management;
 - Defence equipment or systems for the benefit of the MOD and their appropriate environmental standards; and
 - Defence activities operating with sound environmental practices (often using Defence equipment, on the Defence Estate).
4. This document provides guidance on good practice on how compliance could be achieved. However, alternative approaches may be used where they deliver the intended outcome of the DEPR regulation.
5. The DEPR regulations set the minimum standards to be able to achieve equivalent outcomes to environmental protection legislation where Defence has a dis-application or derogation. The regulations from the 200 series onwards focus on dis-applications or derogations as per the five reasons to regulate. Dis-applications or derogations are when legislation states that the legal requirement does not apply to Defence; or applies to a limited extent. Exemptions are not covered in the regulations because they are written in the statute with a defined route to follow. There is an explanation of the difference between

dis-applications, derogations, and exemptions on page 2 of DSA02-DEPR (available on [GOV.UK](#)). Good practice beyond the minimum legislative standards for environmental protection for Defence can also be found in environmental protection policy (JSPs 816, 418 and 850).

6. The DEPR regulations do not replace legislative obligations. Full reference is to be made to national and international regulations and legislation and, where applicable, host nation requirements.
7. Guidance has only been written for regulations which required further clarification to help ensure desired outcomes are achieved, or where questions were asked during stakeholder consultation. If you think additional guidance which is not currently provided, would add value to regulations, please email the DSA-DEPR-GROUP@mod.gov.uk.

Requests for change

8. Proposals for change to this guidance document, or questions about this guidance document or the DEPR regulations should be sent to DSA-DEPR-GROUP@mod.gov.uk.

Assurance approach

9. Only the DEPR will enforce compliance of the DEPR regulations contained in DSA02-DEPR through independent third line of defence (3LOD) assurance. Any absence of 3LOD activity by the DEPR does not absolve any Accountable Person(s) of their duty to supply suitable and sufficient evidence of compliance with the DEPR regulations when asked.
10. The DEPR will use the assurance approach and principles set out in DSA 01.2 (available [here on GOV.UK](#)) and JSP 816 Element 12 (available [here on GOV.UK](#)). Element 12 sets out the responsibilities of the first line of defence (1LOD), second line of defence (2LOD) and 3LOD.
11. The DEPR is a strategic regulator meaning that assurance of the regulations will be carried out through engagement with the 2LOD (i.e. those providing assistance and assurance such as a Chief Environment and Safety Officer, a centre of excellence, or policy team etc.). It is expected that the 2LOD will be able to demonstrate evidence of compliance for the regulations within their area of responsibility through their oversight assurance of the 1LOD.
12. The DEPR regulations are outcome focused, therefore the assurance will focus on whether the environmental outcome has been achieved, rather than the method used to achieve an outcome. In most cases the DEPR regulations suggest using existing Defence process as acceptable means of compliance, such as using JSP templates or proformas, but they are not the only method of achieving the outcome of the regulation.
13. Assurance activity may take many forms, such as inspection, audit, surveillance, or oversight. The DEPR will focus on providing assurance on areas of risk or challenge, through review of evidence provided by 2LOD. On occasion this may include closer inspection of an activity or site to better understand a risk area. A thematic approach will

typically be taken for assurance activities based on the level of risk identified through horizon scanning, DEPR oversight, or intelligence shared from another Defence team. The theme-based assurance may look at a risk area across multiple top level budget's (TLBs) in one assurance activity, rather than focussing on one TLB at a time. This approach will help inform the overall risk picture for environmental protection across Defence.

14. The DEPR does not intend to assure at the 1LOD level (i.e., individual projects or establishments) or to directly ask for individual compliance evidence for the regulations. The DEPR will only reach out to the 1LOD in circumstances where some sampling at 1LOD would support assurance activity.
15. If a DEPR assurance activity finds that the regulations have not been met, the DEPR can place enforcements on the Accountable Person(s). The DSA enforcement standard can be read on [GOV.UK](https://www.gov.uk).

DEPR waivers

16. There may be occasions when the regulated community is unable to comply with all, or part, of a specific DEPR regulation. In such circumstances, a temporary regulatory waiver (written authorisation) is required from the DEPR for the activity to continue.
17. Approval of a DEPR waiver does not constitute the DEPR's acceptance of the environmental protection risk and impact. The ownership of risks remains with the Accountable Person(s).
18. To request a temporary waiver for a DEPR regulation, click [here](#) to fill out the waiver request form (opens in Microsoft Forms).

Environmental Risk

19. Defence risk management principles are set out in JSP 892, which can be read on [defnet](#). The DEPR regulation justification sections reference four types of Defence risk arising from environmental issues. Examples of what is meant by each risk are included below:
 - financial – such as the risk of having to pay to clean-up or other remediation costs of pollution incidents;
 - operational – such as the risk of not being able to operate in certain locations by not meeting the appropriate environmental standards;
 - reputational – such as the risk of the damage to Defence's trust and relations with other parties over environmental decisions; and
 - physical – such as the risk of physical damage to the environment from Defence activities.

100 Series: Strategic framework

1. The 100 series is focused on management arrangements that each Defence Organisation should have in place to reduce environmental risks and prevent environmental harm. JSP 816 sets out the broad environmental arrangements and framework for the inclusion across Defence, this series of regulations complements Defence policy. JSP 816 should be read alongside this guidance and DSA02-DEPR to achieve compliance against the regulations. JSP 816 is available to read on [GOV.UK](https://www.gov.uk).

101: Accountable Person(s)

Guidance

2. As each Defence Organisation has different operating models and ranks or grades which manage the Defence Organisations, the DEPR is not defining a specific rank or grade for an Accountable Person. However, the Accountable Person(s) should be the equivalent seniority as the Duty Holder in the safety function.
3. Accountable Person(s) should be the people in each Defence Organisation that can lever organisational change (e.g., resources, finances, priorities etc.,) to address environmental risks and prevent or remediate environmental damage. The Accountable Person(s) should have the authority to stop an activity that is causing environmental harm or have the authority to accept the risk to the environment by continuing an activity. The DEPR is aware that across all the Defence Organisations this will be at different ranks or grades depending on the overall structure of the Defence Organisation.

102: Effective environmental management arrangements

Guidance

4. Defence Organisations need to have effective environmental management arrangements in place to ensure that environmental risks and impacts within their remit are properly considered and managed to make informed decisions. Within each Defence Organisation, each Accountable Person(s) should implement effective environmental management arrangements to ensure that protecting the environment is properly considered and managed so that they can make informed decisions for strategies, planning activities, etc.
5. Accountable Person(s) can delegate responsibility of tasks to others, but they cannot delegate the accountability.
6. Each Defence Organisation should have management arrangements in place which ensure that if an Accountable Person moves on, the accountability is not gapped. Accountability should be officially transferred (e.g., through appointment, letter of delegation, terms of reference etc.) either sideways to another Accountable Person in the Defence Organisation, or up the chain of command, until the post is filled to ensure that people with the ability to influence change in Defence Organisations are always in place.
7. Each Defence Organisation should have processes in place to manage all change both internally within the Defence Organisation and wider Defence. This could include widespread Defence change, internal organisation change, or alterations to how and what

is done within an Accountable Person(s) remit which therefore changes the environmental aspects and impacts of activities.

8. Each Defence Organisation should have processes in place to elevate and manage environmental issues or risks to the department. Each Defence Organisation should be able to identify environmental risks or issues through their environmental management arrangements and elevate any risks or issues for discussion through internal meetings or forums. This could be through internal organisational meetings such as organisational safety and environment boards, the Functional Delivery Group – Environment (FDG-E), or the Defence Safety and Environment Committee (DSEC). It is considered good practice to also notify the DEPR of any pan-Defence environmental issues or risks that Defence Organisations may find. Examples of pan-Defence risks are listed in JSP 816 elements.

104: Environmental exemption and derogation registers

9. This regulation seeks to achieve a Defence wide view on exemptions and derogations being used by Defence, this will take the form of a Defence exemption and derogation register. The exemptions and derogations that will be recorded in the register are ones that are written into statutory environmental legislation and that are specifically for Defence (only Defence can utilise the exemption or derogation). Currently Defence does not have a full understanding on its holdings and use of environmental exemptions and derogations.
10. The Defence exemptions and derogations register, held by the DEPR, will collate the entire Defence view of environmental exemptions and derogations, providing value to Defence through helping to inform the risk picture for the whole of Defence. Defence Organisation's should collate their own use of environmental exemptions and derogations into a Defence Organisation register for their own risk picture.

Guidance

11. Defence should know where it is utilising Defence specific environmental exemptions or derogations from statutory legislation and should record usage to fulfil its duties. If required, Defence should be able to promptly provide evidence of the use of environmental exemptions and derogations to statutory regulators or external assurance bodies (such as the National Audit Office (NAO)) within stipulated timeframes.
12. Each Defence Organisation should have an environmental exemption and derogation register which collates records from all Accountable Person(s) into one register. This register will provide an organisational view of the use of environmental exemptions and derogations for fulfilling their remits to inform their own risk picture. The information in this Defence Organisation register will feed into the Defence exemption and derogation register held by DEPR.
13. The Defence Organisation registers should only include utilised exemptions and derogations that are written into environmental legislation specific for Defence activities (i.e. only defence and military operations or national security can utilise the exemption or derogation). The Defence Organisation registers should include both exemptions that require written authorisation from another government body (such as Natural England) or a SofS to utilise it, and those that do not require written authorisation.

14. The Defence Organisation registers should cover the detail included in in the acceptable means of compliance of the regulation. A template register can be found on the [DEPR intranet page \(defnet\)](#).
15. The Defence Organisation register should be held by one nominated 2LOD team, so there is only one register for each Defence Organisation to be collated into the Defence exemptions and derogations register held by the DEPR.
16. The Defence Organisation register should include all individual records from each Accountable Person(s) remit where they utilise an environmental exemption or derogation. Individual records should be maintained and provided to the wider Defence Organisation register. It is the responsibility of the Accountable Person(s) to ensure that the information held in their Defence Organisation's register for their remit is correct.
17. Each Defence Organisation should provide the DEPR with their exemption and derogation register within 12 months of the publication of the regulation (by March 2025). After this, each Defence Organisation should annually inform the DEPR that the information in the Defence exemption and derogation register for their remit is still accurate. If there are no environmental exemption or derogation uses within a Defence Organisation, the nominated 2LOD team should inform the DEPR of a nil return for the Defence exemption and derogation register.
18. Each Defence Organisation should inform the DEPR of any new use, alteration, or removal of environmental exemptions or derogations within their Defence Organisation register, or any other alteration of the register (such as change of the Accountable Person or the removal of a line on the register) at the time of the change.
19. The Defence Organisation register should be available on request to any 3LOD assurance (such as DEPR or the NAO), and statutory bodies as required. External requests will be subject to standard information security protocols.
20. The Defence Organisation registers for this regulation should not include dis-application's from statutory legislation. When Defence has a dis-application from statute, it is not required to inform anyone that it is utilising a dis-application or keep a record of use, nor does it need permission from an external body (SofS, Statutory Regulatory body etc.) to utilise a dis-application. Therefore, Defence does not have to report on its use of a dis-application from statute.
21. If there are any questions, or uncertainty on who to direct the records to, please contact the DEPR multi-user DSA-DEPR-GROUP@mod.gov.uk.

200 Series: Environmental disturbance

1. The 200 series are focused on ensuring that environmental disturbance is prevented or managed during Defence activity. The MOD has policy on how to assess, prevent and manage environmental disturbance (in JSP 850 which is available on the [Knowledge in Defence](#)), and environmental protection policy (in JSP 418 available on [GOV.UK](#)).

201: Strategic environmental assessments

Guidance

2. Strategic environmental assessment (SEA) is relevant only to plans which require planning permission (such as future development plans for forestry, industry, energy, transport, agriculture, waste management, water management, land management, telecommunications etc.).
3. SEA is a process used at the 'plan-making stage' to assess the likely effects of 'the plan' when judged against reasonable alternatives, they are often used to assess large-scale plans such as local plans and spatial development strategies.
4. SEAs are different from environmental impact assessments (EIA). EIAs are applied to individual projects which are likely to affect the environment, whereas SEAs are used at the concept and planning stage of programmes.
5. Further guidance on how to define 'significant environmental impacts' can be found on [GOV.UK](#). Advice within Defence can also be found in JSP 850, which is available on the [Knowledge in Defence](#) site.

300 Series: Chemicals, hazardous substances, and restricted materials

1. The 300 series are focused on the management of chemicals, hazardous substances, and restricted materials which can harm the environment. The MOD has policy on how to manage hazardous substances and restricted materials (HSRM), such as JSP 418-Leaflet 05 which focuses on environmental management of HSRM. There is also MOD policy on the use of fluorinated greenhouse gases (F-Gases) (JSP 418-Leaflet 06), and ozone-depleting substances (JSP 418-Leaflet 07). MOD policy is available on [GOV.UK](https://www.gov.uk).
2. If any chemical, hazardous substance or restricted material is spilt or leaked into the environment, incidents should be recorded and reported through the relevant Defence incident reporting system(s), such as MySafety. Further details on environmental incident reporting can be found in JSP 816 Element 10 which can be read on [GOV.UK](https://www.gov.uk).

301: Control of hazardous substances

Guidance

3. Records of hazardous substances at each establishment (such as the quantity, location, storage, and other pertinent details of the use of hazardous substances) should be shared with other MOD sites where appropriate. For example, if the location of the hazardous substances is close to another MOD site, the other MOD site should be made aware in case they have anything on their site which could be affected if any of the hazardous substance is spilt or leaked into the environment, potentially causing a bigger problem to the immediate area and potential environmental receptors.

304: Fluorinated greenhouse gases

Guidance

4. Regulation (EU) 2024/573 is applicable to Defence activity in Northern Ireland.
5. The Accountable Person(s) should recognise where F-Gases will be incorporated in any equipment, product, or facility. They could be incorporated into areas such as air-conditioning or cooling systems, refrigerators, or fire protection systems etc. More examples of where F-Gases may be present are detailed in JSP 418-Leaflet 06 which is available to read on [GOV.UK](https://www.gov.uk).
6. Where F-Gases are being used in any equipment, product or facility, the Accountable Person(s) should plan how the F-Gases will be monitored through all stages of the life cycle, this includes from initial concept planning and development to in-service, through to disposal or recovery when no longer in service.
7. When F-Gases are being used, the details of in-service use should be recorded and reported. For example, the details of the equipment or facilities which contain F-Gases, the quantities, its use, and any emissions of F-Gases. This should be recorded in a reporting proforma and reported to the MOD's Quality, Safety and Environmental Protection (QSEP) team. Details of how to record and report F-Gas use is provided in [JSP 418-Leaflet 06](https://www.gov.uk).

8. Guidance on maintenance, disposal and recovery of facilities, equipment or products that contain F-Gases can be found in [JSP 418-Leaflet 06](#).

400 Series: Waste management

1. The 400 series is focused on managing waste and resource efficiency to prevent environmental harm. A waste management plan should be implemented for all types of waste produced. The plan should implement the waste hierarchy and ensure traceability of waste (duty of care) is in place.
2. This guidance should be read alongside DSA02-DEPR and MOD policy on waste management to achieve compliance against the 400 series regulations. JSP 418-Leaflet 03 is the MOD's policy on achieving good waste management to meet regulatory and legislation obligations and provides a waste management plan template; it is available on [GOV.UK](#). Additional guidance on waste management can be found in JSP 850 which can be accessed through Knowledge in Defence (KiD) on [GOV.UK](#).

401: Waste management of electrical and electronic equipment

Guidance

3. The Accountable Person(s) should have a waste management plan in place for waste electrical and electronic equipment (WEEE) in their remit. The plan should implement the waste hierarchy and ensure traceability of the waste (duty of care). Traceability of WEEE could be achieved through keeping waste management plans up-to-date and keeping records of waste transfer notes (or consignment notes for hazardous waste). There is guidance for waste transfer notes ([available here on GOV.UK](#)) and consignment notes ([available here on GOV.UK](#)), including details of how long transfer notes should be kept.
4. All WEEE should be classified and recorded to ensure it is managed correctly. Guidance on how to classify WEEE is available on [GOV.UK](#). Records of WEEE should include the total tonnage and description of the WEEE and plans for storage and disposal; this could be recorded within a technical dossier. A template for a technical dossier can be found in JSP 418-Leaflet 05 on [GOV.UK](#).
5. All scrap metal and non-hazardous WEEE has a residual value and can provide a monetary return to the MOD. Therefore, the Accountable Person(s) should declare any WEEE within their remit to Defence Equipment Sales Authority (DESA) for disposal, as detailed in JSP 418-Leaflet 03 which can be found on [GOV.UK](#).

402: Waste management of batteries and accumulators

Guidance

6. The Accountable Person(s) should have a waste management plan in place for batteries and accumulators in their remit. The plan should implement the waste hierarchy and ensure traceability of the waste (duty of care). There should be evidence of traceability of waste (duty of care). Traceability can be achieved through keeping waste management plans up-to-date and keeping records of waste transfer notes (or consignment notes for hazardous waste). There is guidance for waste transfer notes ([available here on GOV.UK](#)) and consignment notes ([available here on GOV.UK](#)), including details of how long transfer notes should be kept.

7. Waste batteries should be classified to ensure they are managed correctly. Guidance on classifying waste batteries is provided by the [Department for Environment, Food and Rural Affairs \(Defra\)](#).
8. Records should be kept of any waste batteries and accumulators classed as hazardous. For example, if they have over the permissible levels of mercury, cadmium, or lead, which is defined on [GOV.UK](#); this could be recorded within a technical dossier. A template for a technical dossier can be found in JSP 418-Leaflet 05 on [GOV.UK](#).
9. All scrap metal and non-hazardous batteries and accumulators have a residual value and can provide a monetary return to the MOD. Therefore, the Accountable Person(s) should declare any waste batteries and accumulators within their remit to Defence Equipment Sales Authority (DESA) for disposal or reuse (including placed on the market to be donated or sold), as detailed in JSP 418-Leaflet 03 which can be found on [GOV.UK](#).
10. If batteries and accumulators are going to be placed on the market (donated or sold to be reused by other Nations), the Accountable Person(s) should make sure they are labelled correctly and only sold or donated to others who can utilise the dis-application available to Defence for the Batteries and Accumulators (Placing on the Market) Regulations 2008. Further guidance on labelling is available on [GOV.UK](#).