



Defence  
Safety Authority

# DSA02-DEPR: Defence Environmental Protection Regulations



Defence Safety Authority  
Defence Environmental Protection Regulations  
Version 3.0, 13 April 2026.

## Version Record

The latest version of this document will be published on [GOV.UK](https://www.gov.uk).

Version 1.0, 26 March 2024.

Version 2.0, 03 February 2025.

- New regulation added - 305: Electrical and electronic equipment.
- Regulation withdrawn - 402: Waste management of batteries and accumulators, as the requirements have been moved to regulations 305 and 401.
- Minor amendments made to regulations, including:
  - 102– added ‘opportunities’ to the regulation.
  - 302– added the ‘Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012’ legislation to the provenance.
  - 304– added an acceptable means of compliance to reflect reporting requirements.
  - 401– added ‘The Waste Regulations (Northern Ireland) 2011’, waste batteries and accumulators’ regulation and the ‘batteries and accumulators (placing on the market) regulation’ to the provenance.

Version 3.0, 13 April 2026.

- Amended references to the SofS for Defence Environmental Protection Policy Statement throughout, to reflect the Oct 25 version.
- Amendments made to the introduction section:
  - ‘Regulations Scope’ heading (paragraph 22) has been updated, with the definition of the Accountable Person updated to align to the SofS for Defence Environmental Protection Policy Statement, and clarity on how we address the Regulations.
  - Enforcement heading added and added paragraph 24.
- Minor editorial changes and amendments made to regulations, including:
  - 101 - regulation renamed and updated to reflect the governance that should be in place for environmental protection, as detailed in the SofS for Defence ‘Environmental Protection Policy Statement’ (October 2025).
  - 102 – part of the regulation about resourcing has been moved into Regulation 101.
  - 104 – added paragraph 7.
  - 105 – regulation updated and added paragraph 9.d.
  - 202 – amendments made to the wording and terminology.

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# Foreword



The Defence Safety Authority (DSA) established the Defence Environmental Protection Regulator (DEPR) in response to identifying an ongoing gap in the DSA Charter. Defence must comply with environmental laws, Ministry of Defence (MOD) environmental protection policy, and Defence regulation as this is fundamental to maintaining the quality of the natural environment, in securing Defence operational capability, and upholding Defence reputation.

The Defence regulations set out in this document are the minimum standards to be adopted for environmental protection across the MOD's portfolio. They are mandatory and full compliance is required.

It is the responsibility of the Accountable Person as defined by the SofS for Defence, to have arrangements that ensure that all personnel, including contractors, involved in the conduct of Defence activity are fully aware of their responsibilities.

The DEPR seeks to bring more coherence and coordination to environmental protection reporting across Defence and to provide a more joined up picture of how Defence is meeting environmental protection laws, policies, and regulations. The DEPR operates within the third line of Defence, through the activities of assurance, Defence regulation, enforcement, and coordination of environmental protection information. Key to success is the continued development of an engaged and prioritised 'environmental culture' across Defence.

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# Introduction

1. The 'Defence Environmental Protection Policy Statement' by the Secretary of State (SofS) for Defence requires all Ministry of Defence (MOD) activities to comply with all applicable environmental legislation or where law provides a derogation, exemption or dis-application from environmental legislation, to achieve equivalent outcomes to the statutory legislation through departmental arrangements (such as defence policy or regulations).
2. The SofS for Defence Environmental Protection Policy Statement requires the Director General of the Defence Safety Authority (DG DSA), through the DSA's Charter, "to provide assurance that [the] policy is being promulgated and implemented in the conduct of Defence activities". The DG DSA gives authority to the Defence Environmental Protection Regulator (DEPR) to regulate environmental protection across the MOD's portfolio, covering the Defence Estate, equipment, and activities.
3. The SofS for Defence Environmental Protection Policy Statement can be read on [GOV.UK](https://www.gov.uk).

## Purpose of this document

4. The purpose of this document is to set out environmental protection regulations which apply across all aspects of Defence. The regulations in this document aim to ensure that Defence is committed to protecting the environment, as set out in the SofS for Defence Environmental Protection Policy Statement.

## Authority

5. The Defence Safety Authority (DSA) is established by a DSA Charter issued by the SofS empowering it as "the independent regulator, investigator and assurer for Health, Safety and Environmental Protection within Defence". The DG DSA is authorised by the SofS for Defence Environmental Protection Policy Statement, and under the DSA Charter to regulate, assure and enforce Defence regulations. The DSA is responsible for setting Defence regulations for appropriate and defined domain and function areas.
6. The DEPR is an independent Defence regulator, working together with DSA's other regulators, to deliver a coordinated focus on environmental protection within the DSA.
7. The DSA Charter is available to view on [GOV.UK](https://www.gov.uk).

## DSA Documentation

8. 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 the different DSA regulators, DSA02-DEPR signifies the regulations set by the DEPR; and

- level 3 (DSA03) which are regulatory guidance documents which support DSA02 regulations, DSA03-DEPR supports DSA02-DEPR.

9. The DSA01 series have been used to guide the creation of the documents from the DEPR.

### **The DEPR regulatory responsibilities**

10. DSA regulators can set Defence regulations for any of the 'five reasons to regulate' as explained in [DSA01.1](#). The five reasons to regulate include where:
- a derogation, an exemption, or a dis-application (collectively known as DEDs) applies;
  - the DSA regulator has a delegation from the statutory regulator or is directed by authorised local authorities;
  - the Directorate of Energy, Environment and Infrastructure (DEEI) or a Defence Organisation has requested, and the DSA has accepted, that an area of Defence activity is not sufficiently regulated;
  - there is a gap in UK legislation that needs to be filled when considering Defence activity or following lessons identified; or
  - activities that are considered as high risk, Defence Organisation have decided that the legislation does not provide enough regulation for specific military activities.

### **The DEPR regulations**

11. The DEPR regulations currently consist of two distinct types, those that are strategic in nature and those that are specific to legal compliance.
12. The strategic regulations cover the arrangements that Defence Organisations should have in place across all Defence activity to implement environmental protection. These strategic regulations compliment Defence environmental protection policy and were identified as essential factors in driving compliance and addressing Defence risk.
13. The DEPR regulations specific to legal compliance are directly linked to a dis-application, exemption, or derogation (DED) for Defence or military activity within the statute. Although the law provides a DED, Defence is still required to follow the original aim of the legislation, to the extent that is reasonably practicable to do so, to achieve equivalent outcomes in accordance with the SofS for Defence Environmental Protection Policy Statement. The DEPR regulations set the required outcomes for Defence where there is provision for a DED in statutory legislation related to environmental protection. The DEPR regulations do not replace legislative obligations, and full reference is to be made to national and international regulation and legislation; and, where applicable, Host Nation (HN) requirements.

## Dis-applications, exemptions, and derogations (DEDs)

14. Where legal requirements have the potential to adversely impact Defence operations there are occasionally provisions that allow Defence to deviate, either partially or fully, from statutory legislation compliance. The following definitions are provided to aid understanding of DEDs in an environmental context:
- dis-applications are where all or part of specific legislation does not apply to Defence (e.g., Environmental Protection Act 1990);
  - exemptions are clauses written into legislation that enables the SofS to grant, via formal written authorisation, that all or a part of specific legislation does not apply under certain conditions in recognition of a Defence imperative (e.g., The Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) Enforcement Regulations 2008). Exemptions generally require a robust evidence case to be presented for application on a case-by-case basis, and often with a Defence regulators oversight (such as the DEPR) before Ministerial approval. Exemptions are usually temporary and subject to specific conditions; and
  - derogations are a relaxation of a statutory requirement written into legislation to allow the law to be applied differently for justifiable, practical, or operational reasons (e.g., The Ozone-Depleting Substances Regulations 2015).

## The Environment Act 2021

15. The Environment Act 2021 aims to protect and enhance the natural environment through a framework of environmental governance. The Act places a duty on Crown Ministers to consider the environment by paying due regard to five environmental principles in all governmental policy. Defence has a dis-application from the duty but has committed to implementing a non-statutory process to achieve equivalent outcomes. The principles which should be embedded into all Defence activity are:
- the integration principle (policymakers should look for opportunities to embed environmental protection and/or enhancement across all types of policy);
  - the prevention principle (prevention of environmental harm);
  - the rectification at source principle (environmental damage should, as a priority, be addressed at its origin to avoid the need to remedy its effects later);
  - the polluter pays principle (where possible, the costs of pollution should be borne by those causing it); and
  - the precautionary principle (assists the decision-making process to prevent environmental damage where there is a lack of scientific certainty. A lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation).
16. The environmental principles policy statement can be read in full on [GOV.UK](https://www.gov.uk), and guidance on the application of the Environment Act to the MOD is available on '[Defnet](#)'.

17. Any conflicts between legislation and the regulations contained in this document should be brought to the attention of the DEPR.

### **The DEPR and other DSA Regulators**

18. As environmental protection legislation is broad across all Defence activities, the DEPR is not the only DSA Regulator to produce environmental protection regulations. However, the DEPR Regulations apply to all Defence activity, whereas other DSA Regulators focus on environmental protection within specific domain or functional areas. If a DED in environmental legislation is covered by DEPR as well as other DSA Regulators, the DEPR collaborates with other DSA regulators to ensure required outcomes are consistent and aligned.
19. The DEPR will act as the front-door for the DSA in cross-cutting environmental protection queries and refer out to other DSA regulators as relevant. Specific technical domain or function queries on environmental protection should be directed to the relevant DSA Regulator.

### **Regulations scope**

20. The DEPR regulations apply to all Defence Organisations conducting activity on behalf of the MOD. The regulations cover the Defence estate, equipment, and Defence activity. Defence activity encompasses all of defence business, including but not limited to, procurement, site management, training, operations, end-of-life activities for Defence materiel, policy, strategy and planning.
21. The DEPR regulations are addressed to the Accountable Person, as they are the most senior person in each Defence Organisation, as defined by the SofS for Defence Environmental Protection Policy Statement. The Accountable Person should have oversight of the environmental management system in place for their organisation and have awareness and ownership of significant risks from Defence activity within their remit, including legislative non-compliance, that impacts the environment, Defence operability, MOD reputation, and/ or financial burden. Whilst the regulations are addressed to the Accountable Person, all MOD personnel are required to comply with the DEPR regulations, and each Defence Organisation should identify the personnel with delegated environmental authority who are responsible for providing evidence of compliance with these regulations. [The SofS for Defence Environmental Protection Policy Statement](#) details the governance that should be in place for environmental protection.
22. Where any part of the MOD's duties is discharged through contractors, this does not in any way diminish the accountability and responsibility of MOD officials for Defence activity. There should be a clear chain of command and management of delegation to suitably competent personnel who are responsible for demonstrating that the requirements of these Defence regulations are met.

### **Enforcement**

23. Only the DEPR will enforce compliance of the Defence regulations contained in this document through independent assurance (third line of defence (3LOD)). Any absence of 3LOD activity by the DEPR does not absolve an Accountable Person of their duty to ensure the supply of suitable and sufficient evidence of compliance with the DEPR regulations.

24. Enforcement against the DEPR regulations will be directed at the individual who, in the view of DEPR, is most appropriate to take corrective action to reduce the risk of harm and comply with the regulations. [DSA-01.3-Enforcement](#) details more information about how the DSA conducts enforcement. DSA-01.3 is available on [GOV.UK](#).

### DEPR waivers

25. There may be occasions when the Regulated Community is unable to comply with all or a part of a specific DEPR regulation. In such circumstances, a temporary regulatory waiver (written authorisation) is required, and should be submitted via [the DEPR waiver request tool](#) (opens in PowerApps).
26. 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.

### Regulations format

27. The DEPR regulations have been written to align with the DSA01.1 standard for writing Defence regulations. There are two key definitions applied:
- **shall** describes activities that are mandatory under regulation; and
  - *should* describes activities that, if demonstrated, is an acceptable means of compliance.
28. Each regulation is comprised of the following parts:
- regulation, which sets out the authoritative direction (compliance with a Defence regulation is mandatory);
  - provenance, which describes where the requirements for the Defence regulation originate, or where it connects to Defence policy. EU legislation has been included in the provenance sections of some regulations where the legislation is still applicable to Northern Ireland, therefore Defence still needs to achieve equivalent outcomes to these pieces of EU legislation if operating in Northern Ireland;
  - justification, which explains the reason why the regulation is necessary; and
  - acceptable means of compliance, which provides key criteria to achieve the outcome of the regulation (alternative approaches which achieve the same outcome may be implemented).

### Regulations navigation

29. The DEPR regulations in this document have been grouped into series which focus on different environmental protection themes. The current DEPR series are numbered 100 to 400, as below:
- 100 Series: Strategic framework;
  - 200 Series: Environmental disturbance;

- 300 Series: Chemicals, hazardous substances, and restricted materials; and
  - 400 Series: Waste management.
30. Each regulation has a three-digit number, the first digit is derived from the series number. There is scope to further expand the series to include more themes over time.

### **Guidance material**

31. Guidance material is provided in DSA03-DEPR, which can be found on [GOV.UK](#). The guidance material illustrates the meaning of any specifications, standards, and provides additional explanation and good practice to assist with compliance of the regulations. Where appropriate, templates are also provided to allow for standard procedures across the Defence community.

### **Requests for change**

32. Proposals for change to these DSA02-DEPR regulations should be submitted through [the DEPR change request form](#) (opens in Microsoft Forms). The form can also be found on the [DEPR intranet page \(Defnet\)](#). If you have any questions about these DEPR regulations, please email [DSA-DEPR-GROUP@mod.gov.uk](mailto:DSA-DEPR-GROUP@mod.gov.uk).

# 100 Series: Strategic framework

1. The regulations in this series cover the arrangements that each Defence Organisation should have in place to demonstrate consideration of environmental protection across all Defence activity. Defence activity encompasses all of Defence business including procurement, end-of-life activities for Defence materiel, site management, training, operations, policy, strategy and planning.
2. The requirements for the regulations complement Defence policy which sets out the arrangements and framework for inclusion of environmental protection management across Defence, including the SofS for Defence Environmental Protection Policy Statement and Joint Services Publication (JSP) 816. JSP 816 is available on [GOV.UK](#).
3. The regulations also aim to achieve equivalent outcomes to the Environment Act 2021, which places a duty on Crown Ministers to have due regard to the five environmental principles in all governmental policy. Defence holds a dis-application for the duty but has committed to implementing a non-statutory process to achieve equivalent outcomes. All The Act's principles are relevant to the regulations, but of particular relevance is the integration principle. For example, environment should be integrated throughout all Defence activity, at all levels of operation. This will ensure that the correct consideration and working practices for the environment are implemented across the Department, whilst also developing a robust environmental culture which should result in better environmental outcomes across all Defence activity.
4. The environmental principles policy statement can be read in full on [GOV.UK](#), and guidance on the application of the Environment Act to the MOD is available on '[Defnet](#)'

## 101: Accountability, authority and responsibility for environmental protection

### Regulation

1. The Accountable Person **shall** have recorded and documented evidence of their accountability for environmental protection and ensure that delegated authority and responsibility arrangements for environmental protection are recorded and documented.

### Provenance

2. The Environment Act 2021 aims to protect and enhance the natural environment through a framework of environmental governance, and through specific improvements on priority areas including, waste reduction and resource efficiency, air quality, water, and nature and biodiversity. The Act places a duty on Ministers to consider the environment by paying due regard to the five environmental principles in all governmental policy. Defence holds a dis-application for the duty but has committed to implementing a non-statutory process to achieve equivalent outcomes.
3. The SofS Defence Environmental Protection Policy Statement (October 2025). The high-level Defence SofS policy and governance statement sets out the Departmental requirement for environmental protection and requires that each Defence Organisation's most senior leader be appointed as the Accountable Person for environmental matters. Additionally, the Policy Statement requires senior leaders to set down and implement an environmental management system within their area of responsibility, and that those with delegated environmental responsibility and authority are competent and have adequate resources at their disposal.
4. MOD JSP 816. The MOD's policy, which sets out the framework for inclusion of environmental protection management in all aspects of the work the Department undertakes.

### Justification

5. This regulation has been created to reflect the requirement to have leadership accountability and establishment of visible authority and responsibility for environmental protection. Defence is required to have awareness and management of environmental protection risks and impacts caused by Defence activity.
6. Ownership and oversight of risks and impacts Defence activity may have on the environment is fundamental across Defence to ensure legal compliance and to reduce the likelihood of an environmental disaster occurring. Failure to generate an awareness of risks and impacts to the environment and inaction to take responsibility for it, could lead to statutory legislation not being followed, or equivalent outcomes to statutory legislation not being met, resulting in physical environmental damage, operational restrictions, reputational damage for the MOD, or significant financial burden.

### Acceptable means of compliance

7. The Accountable Person *should* hold documented evidence of their accountability for environmental protection (for example, a letter of appointment). The documented evidence *should* include:

- a. scope and terms of the accountability; and
  - b. understanding and acceptance by the individual of their appointment of accountability for environmental protection.
8. Each Defence Organisation *should* have a record of the senior leaders responsible for setting down and implementing environmental management arrangements, and personnel with delegated environmental authority and responsibility (i.e. those who manage, perform, and verify work relating to or impacting environmental management), including those responsible for identifying, implementing, and overseeing the environmental management arrangements for all activities within their remit. For example, within an Organisation and Arrangements document.
9. Each Defence Organisation *should* have agreed suitable processes to maintain environmental protection accountability, authority and responsibility when organisational change or staff movements occur;
10. There *should* be current and agreed terms of reference (TOR), or equivalent documented evidence, for all personnel with delegated environmental authority or responsibilities, which demonstrates that they are:
  - a. suitably qualified and experienced for the role; or
  - b. will be resourced with sufficient suitably qualified and experienced personnel who are competent to advise them on environmental risks, impacts, opportunities and the application of environmental legislation.

## 102: Effective environmental management arrangements

### Regulation

1. The Accountable Person **shall** demonstrate that there are suitable and sufficient management arrangements implemented for the effective delivery of their environmental responsibilities and that they are being complied with.

### Provenance

2. The Environment Act 2021 aims to protect and enhance the natural environment through a framework of environmental governance, and through specific improvements on priority areas including, waste reduction and resource efficiency, air quality, water, and nature and biodiversity. The Act places a duty on Ministers to consider the environment by paying due regard to the five environmental principles in all governmental policy. Defence holds a dis-application for the duty but has committed to implementing a non-statutory process to achieve equivalent outcomes.
3. SofS for Defence Environmental Protection Policy Statement (October 2025). The high-level SofS Defence policy and governance statement sets out the Departmental requirement for environmental protection.
4. MOD JSP 816. The MOD's policy, which sets out the framework for inclusion of Environmental Protection management in all aspects of the work the Department undertakes.

### Justification

5. This regulation has been created to reflect the risks, impacts and opportunities Defence activities may have on the environment, and the need for awareness and management of these risks, impacts and opportunities within Defence. Effective environmental management arrangements help address statutory, regulatory and policy requirements in a systematic and cost-effective manner, with proactive actions to reduce the risk of non-compliance and improves practices and procedures to achieve a protected environment. Failure to implement effective environmental management arrangements could lead to statutory legislation not being followed, or equivalent outcomes to statutory legislation not being met, resulting in physical environmental damage, operational restrictions, reputational damage for the MOD or significant financial burden.

### Acceptable means of compliance

6. The Accountable Person, or personnel with delegated authority and responsibility for environmental protection, *should* demonstrate that they:
  - a. are resourced with sufficient suitably qualified and experienced personnel who are competent to advise them on environmental risks, impacts, opportunities and the application of environmental legislation;
  - b. have suitable processes to manage environmental risks, impacts and opportunities;

- c. have suitable evidence-based processes for maintaining risk assessments e.g., to take significant changes into account such as policy changes, practices, and operations etc.;
- d. understand their duty to notify other relevant stakeholders (including contractors) of environmental risks, impacts and opportunities;
- e. have implemented suitable procedures to ensure that all personnel are given appropriate environmental protection training and familiarisation within their remit;
- f. communicate and escalate situations where the potential environmental risks and impacts are greater than their own remit. Where risks and impacts are significant to the MOD, they are reported to the appropriate policy holder and senior governance boards for environment;
- g. have suitable evidence-based processes for identifying gaps in management arrangements and act upon findings;
- h. have arrangements in place for the monitoring and reporting of environmental performance; and
- i. have arrangements in place that confirm and provide suitable evidence, that legislation, MOD policy and these DEPR regulations are known, and that appropriate procedures are in place to enable them to be complied with throughout their organisation.

## 103: Legislation compliance

### Regulation

1. The Accountable Person **shall** implement and maintain suitable arrangements to identify and comply with all relevant environmental legislation requirements for Defence activity within their area of responsibility.

### Provenance

2. The Environment Act 2021 aims to protect and enhance the natural environment through a framework of environmental governance, and through specific improvements on priority areas including, waste reduction and resource efficiency, air quality, water, and nature and biodiversity. The Act places a duty on Ministers to consider the environment by paying due regard to the five environmental principles in all governmental policy. Defence holds a dis-application for the duty but has committed to implementing a non-statutory process to achieve equivalent outcomes.
3. SofS for Defence Environmental Protection Policy Statement (October 2025). The high-level SofS Defence policy and governance statement sets out the Departmental requirement for environmental protection.
4. MOD JSP 816. The MOD's policy, which sets out the framework for inclusion of Environmental Protection management in all aspects of the work the Department undertakes. Element 3 of JSP 816 requires Defence to have mechanisms in place to be able to comply with environmental legislation.

### Justification

5. This regulation has been created to reflect the risk and impact Defence activities may have on the environment, and the need for awareness and management of these risks and impacts within Defence. Legislation awareness is necessary to focus Defence responsibilities and to understand which behaviours and practices are acceptable. Legislation compliance is required for all relevant environmental legislation when the MOD does not have a DED, or where a DED is not utilised, to prevent and remedy environmental incidents. Failure to meet legislation requirements or equivalent outcomes can lead to negative impacts on the environment, physical environmental damage, operational restrictions, reputational damage for the MOD, or significant financial burden.

### Acceptable means of compliance

6. Organisation and arrangements for identification of relevant legislation and management of legislation compliance *should* be an integral part of an Environmental Management System.
7. Legislation compliance risks and issues *should* be reviewed at the relevant Environmental Committee meetings. These meetings *should* provide a record of the actions taken to address these compliance issues and risks.
8. As part of an environmental case approval process, compliance registers *should* be accepted as suitable and sufficient by the Accountable Person, or personnel with delegated authority and responsibility for environmental protection.

## 104: Environmental exemption and derogation registers

### Regulation

1. The Accountable Person **shall** provide the DEPR with details of all instances within their remit that utilise an exemption or derogation written into statutory environmental legislation that is specific to Defence (only Defence can utilise the exemption or derogation).

### Provenance

2. The Environment Act 2021 aims to protect and enhance the natural environment through a framework of environmental governance, and through specific improvements on priority areas including, waste reduction and resource efficiency, air quality, water, and nature and biodiversity. The Act places a duty on Ministers to consider the environment by paying due regard to the five environmental principles in all governmental policy. Defence holds a dis-application for the duty but has committed to implementing a non-statutory process to achieve equivalent outcomes.
3. SofS Defence Environmental Protection Policy Statement (October 2025). The high-level SofS Defence policy and governance statement sets out the Departmental requirement for environmental protection.
4. MOD JSP 816. The MOD's policy, which sets out the framework for inclusion of Environmental Protection management in all aspects of the work the Department undertakes. Element 3 of JSP 816 requires Defence to comply with all relevant environmental legislation.

### Justification

5. This regulation has been created to fill a gap in Defence knowledge, where there is no central oversight of Defence use of exemptions and derogations. Continuing to take advantage of the environmental exemptions and derogations from statutory legislation may lead to increased risk exposure, incomplete understanding of Defence's impact on the environment, and inability to reliably report Defence environmental information. Failure to register could lead to inaccurate reporting and potential non-compliance when temporary provisions expire, could lead to statutory legislation not being followed, resulting in physical environmental damage, operational restrictions, reputational damage for the MOD, or significant financial burden.

### Acceptable means of compliance

6. The Accountable Person, or those with delegated authority or responsibility for environmental protection, *should* ensure that a record is kept of all instances within their remit where an exemption or derogation that is written into statutory environmental legislation for Defence is being utilised. A record *should* include:
  - a. The name of the project, programme, equipment or facility utilising the exemption or derogation;
  - b. the title of the legislation and reference location (i.e., clause, section) from which the exemption or derogation has been taken;

- c. start date of the exemption or derogation (including approval date if approval was required), and if applicable who the exemption or derogation was approved by (i.e., Secretary of State for Defence);
  - d. stipulations, caveats, conditions or constraints recorded with the agreement of the exemption or derogation;
  - e. date the exemption or derogation expires; and
  - f. details of action being taken (where required) to enable eventual compliance with the legal requirement.
7. The Accountable Person, or those with delegated authority or responsibility for environmental protection, *should* maintain the record detailed in paragraph 6, and share it with the DEPR annually by the end of February. If no exemptions or derogations are being utilised, a 'nil return' report should be sent to the DEPR.

## 105: Assurance

### Regulation

1. The Accountable Person **shall** ensure that there are suitable and sufficient assurance arrangements in place for the environmental management of all Defence activity within their remit.

### Provenance

2. The Environment Act 2021 aims to protect and enhance the natural environment through a framework of environmental governance, and through specific improvements on priority areas including, waste reduction and resource efficiency, air quality, water, and nature and biodiversity. The Act places a duty on Ministers to consider the environment by paying due regard to the five environmental principles in all governmental policy. Defence holds a dis-application for the duty but has committed to implementing a non-statutory process to achieve equivalent outcomes.
3. The Orange Book sets out the government's approach to successful risk management for all government departments. The book sets out the three lines model for assurance. The Orange Book can be read in full on [GOV.UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/101222/Orange-Book-2017.pdf).
4. SofS for Defence Environmental Protection Policy Statement (October 2025). The high-level SofS Defence policy and governance statement sets out the Departmental requirement for environmental protection.
5. MOD JSP 816. The MOD's policy, which sets out the framework for inclusion of Environmental Protection management in all aspects of the work the Department undertakes. Element 12 of JSP 816 requires Defence to have assurance mechanisms in place across the Lines of Defence to identify strengths and weaknesses of environmental management systems.

### Justification

6. Assurance of environmental management across Defence is required to check and continually improve the procedures and systems in place. Having suitable and sufficient assurance arrangements in place improves the value, consistency, and accessibility of information for those making decisions, and therefore reduces the risks and impacts that Defence activities may have on the environment. Compliance with this regulation will form the basis of a suitable assurance regime.
7. Failure to apply an assurance regime of self-checking, supervision, and independent oversight may lead to legislation non-compliance, negative impacts on the environment, physical environmental damage, operational restrictions, reputational damage for the MOD, or significant financial burden.

## Acceptable means of compliance

8. The Accountable Person, or personnel with delegated authority and responsibility for environmental protection, *should* ensure that a suitable assurance regime is in place for their remit, covering their management activities for each level of assurance. The assurance regime *should*:
  - a. ensure that self-checking is periodically conducted and reported;
  - b. ensure that suitable assurance is in place to check the environmental management arrangements are functioning correctly and are effective for their own oversight; and
  - c. ensure demonstration with evidence of their assurance regime to independent reviewers (i.e., DSA, Government Internal Audit Authority).
9. Assurance of the management regime *should* verify that:
  - a. assurance is held at appropriate intervals and levels;
  - b. non-conformities are reported (with possible causes if known) and corrective actions are taken, with processes in place for their timely completion;
  - c. records of assurance activities are maintained;
  - d. assurance outcomes are reviewed to inform the collective risks and opportunities relevant to the Defence Organisation; and
  - e. there are records of senior leadership reviewing the effectiveness of the assurance regime and implementing changes if necessary.
10. Information gathered by assurance *should* be reviewed, accepted, and recorded by the Accountable Person, or personnel with delegated authority or responsibility for environmental protection, to demonstrate their management oversight of activities and collective understanding of the findings to inform risk and opportunities.
11. The requirement for oversight assurance *should* be determined by the significance of the environmental risk and impact, as agreed by the Accountable Person, or personnel with delegated authority or responsibility for environmental protection.

# 200 Series: Environmental disturbance

1. There are several statutory legislation instruments with the purpose of preventing environmental disturbance which Defence is disapplied from in certain circumstances or from parts of the instruments. However, where dis-applications exist, the SofS for Defence requires Defence to achieve equivalent outcomes to the legislation, and so these regulations provide instruction and guidance on how Defence can achieve this.
2. The regulations in this series also relate to the five Environment Act 2021 principles which Ministers should show due regard. By association all Defence activities should embed the Act's five principles to demonstrate that Ministers regard is being implemented in all areas of Defence.
3. Four of the Environment Act principles are particularly relevant to environmental disturbance: the prevention principle; the rectification at source principle; the precautionary principle; and the polluter pays principle. For example, the prevention principle means that government policy should aim to prevent environmental harm, the rectification at source principle states that environmental damage should, as a priority, be addressed at its origin to avoid the need to remedy its effects later, the precautionary principle assists the decision-making process to prevent environmental damage where there is a lack of scientific certainty, and the polluter pays principle places a responsibility on those that cause environmental damage pay the cost of rectifying it. The Act's principles highlight key elements of environmental disturbance statutory legislation and the outcomes that they are trying to achieve.
4. The environmental principles policy statement can be read in full on [GOV.UK](https://www.gov.uk), and guidance on the application of the Environment Act to the MOD is available on '[Defnet](#)'

## 201: Strategic environmental assessments

### Regulation

1. The Accountable Person **shall** ensure that environmental assessments are carried out on strategic Defence plans or programmes that could impact the environment.

### Provenance

2. Defence is currently disapplied from UK statutory environmental assessment legislation instruments, where the sole purpose is to serve national defence or civil emergency, such as:
  - The Environmental Assessment of Plans and Programmes (England) Regulations 2004;
  - The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004;
  - The Environmental Assessment of Plans and Programmes (Northern Ireland) Regulations 2004; and
  - Environmental Assessment (Scotland) Act 2005.
3. These pieces of legislation aim to ensure that potential environmental effects (both positive and negative) of certain plans and programmes are assessed and set a proposed framework for development consent. The legislation requires that environmental assessments for all potential locations for proposed plans and programmes are completed at the outset of planning to ensure consideration of the environment is integrated into decision making. The assessments should explore the broad environmental impacts the proposed plans and programmes could have at all potential locations. This approach enables development of a local area or region, whilst considering where individual elements of the strategic plan or programme would be best situated to reduce potential negative environmental effects.
4. The Environment Act 2021 aims to protect and enhance the natural environment through a framework of environmental governance, and through specific improvements on priority areas including, waste reduction and resource efficiency, air quality, water, and nature and biodiversity. The Act places a duty on Ministers to consider the environment by paying due regard to the five environmental principles in all governmental policy. Defence holds a dis-application for the duty but has committed to implementing a non-statutory process to achieve equivalent outcomes.

### Justification

5. This regulation aligns with the SofS Defence Environmental Protection Policy Statement, for Defence to achieve equivalent outcomes to the statutory legislation. Strategic environmental assessments are important to identify high-level, broad-scale environmental impacts of proposed plans and programmes at an early stage, to ensure these impacts are taken into consideration and integrated into the decision-making process. Strategic environmental assessments are typically used to plan development within regional or local areas, for example local council housing development plans, these are relevant to the

MOD when a pan-Defence initiative is brought in for a certain region (such as England). As strategic planning helps direct where projects could be located to fulfil the broader plan or programme, if they are not undertaken correctly it could lead to a significant impact at a regional or country level.

6. Failure to undertake strategic environmental assessments may increase the risk of significant negative environmental impacts at a regional or country level and could lead to equivalent outcomes to statutory legislation not being met, resulting in physical environmental damage, operational restrictions, reputational damage for the MOD or significant financial burden.

### Acceptable means of compliance

7. This regulation *should* be applied to all relevant strategic MOD plans and programmes which have the potential to significantly impact the environment. Further detail on relevance can be found in the DSA03-DEPR on [GOV.UK](https://www.gov.uk).
8. The Accountable Person, or those with delegated authority or responsibility for environmental protection, *should* ensure that relevant environmental assessments for any strategic plan or programme are undertaken by suitably competent personnel. The environmental assessments *should* be undertaken irrespective of the procurement strategy, support strategy, owner, contractual arrangements, or operational arrangement.
9. The Accountable Person, or those with delegated authority or responsibility for environmental protection, *should* ensure that all relevant environmental assessments and associated surveys are undertaken in line with guidance provided within internal MOD policies and best practice (such as JSP 850) which can be accessed on [Knowledge in Defence \(KiD\)](#).
10. Where a strategic plan or programme has the potential to cause significant environmental impact there *should* be evidence of the risk and impact being accepted by the Accountable Person or deferred to those with delegated authority or responsibility for environmental protection. Where appropriate, the Accountable Person, or personnel with delegated authority or responsibility for environmental protection, *should* notify others of the risk and impact they are holding.
11. Where strategic plans or programmes have the potential to cause a significant environmental impact, consultation *should* be undertaken with devolved authorities and statutory regulatory bodies by, or on behalf of, the Accountable Person, or escalated, to confirm the scope of the environmental assessment.
12. Where strategic plans or programmes have been assessed to cause significant environmental impacts, mitigation, management, or monitoring *should* be undertaken to ensure that all practicable steps have been taken to reduce the environmental impact.

## 202: Environmental damage

### Regulation

1. The Accountable Person **shall** take all practicable steps to ensure that environmental damage caused by Defence activity is prevented, but if damage occurs, immediate steps shall be taken to control damage and remedy it.

### Provenance

2. Defence is currently disapplied from the following UK statutory environmental damage legislation instruments:
  - The Environmental Damage (Prevention and Remediation) (England) Regulations 2015;
  - The Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009;
  - The Environmental Liability (Scotland) Regulations 2009; and
  - The Environmental Liability (Prevention and Remediation) Regulations (Northern Ireland) 2009.
3. The Environmental Damage and Liability Regulations are based on the polluter pays principle and requires those responsible to take preventative action if there is an imminent threat of damage, or remedy damage caused to restore affected areas. In the Environmental Damage and Liability Regulations, environmental damage includes damage to protected species, natural habitats, sites of special scientific interest (SSSI), water (pollution of surface or groundwater), and contamination to land that could have adverse effects on human health. Defence is disapplied from the regulations if environmental damage or an imminent threat of damage is the result from an act of armed conflict or activities undertaken for the purpose of national defence or international security.
4. The Environment Act 2021 aims to protect and enhance the natural environment through a framework of environmental governance, and through specific improvements on priority areas including waste reduction and resource efficiency, air quality, water, and nature and biodiversity. The Act places a duty on Ministers to consider the environment by paying due regard to the five environmental principles in all governmental policy. Defence holds a dis-application for the duty but has committed to implementing a non-statutory process to achieve equivalent outcomes.

### Justification

5. This regulation aligns with the SofS Defence Environmental Protection Policy Statement, for Defence to achieve equivalent outcomes to the statutory legislation, which requires action in response to environment damage. Environmental damage may be both an imminent threat and actual case of damage, and those responsible should take action to prevent damage occurring or remediate damage where it does occur. Failure to prevent or remediate environmental damage may increase the risk of negative environmental impacts and could lead to equivalent outcomes to statutory legislation not being met, resulting in

physical environmental damage, operational restrictions, reputational damage for the MOD or significant financial burden.

### Acceptable means of compliance

6. The Accountable Person, or personnel with delegated authority or responsibility for environmental protection, *should* assess the potential for an activity to cause environmental damage. The assessment *should*:
  - a. be completed by someone who is suitably qualified and experienced;
  - b. include all phases of the activity (before, during and after);
  - c. demonstrate that all practicable steps to prevent environmental damage will be taken. For example, there should be evidence of management controls implemented throughout all phases of the activity; and
  - d. detail an elevation process of environmental risks with ownership and acceptance of risk through the chain of command.
7. If, during a Defence activity, there is an imminent threat of environmental damage all practicable steps to prevent the damage *should* be taken immediately.
8. If a Defence activity has caused environmental damage, or has caused other damage which may become environmental damage, the Accountable Person, or personnel with delegated authority or responsibility for environmental protection, *should* immediately:
  - a. take all practicable steps to prevent further damage;
  - b. identify measures that will achieve remediation;
  - c. notify all relevant details to the Defence Accident and Incident Branch (DAIB), and as appropriate, statutory regulators; and
  - d. report and record the environmental damage in accordance with [JSP 418 Leaflet 13](#), and share with applicable DSA regulators.
9. The Accountable Person, or personnel with delegated authority or responsibility for environmental protection, *should* review and agree the identified remediation measures to restore the areas affected by environmental damage.

# 300 Series: Chemicals, hazardous substances, and restricted materials

1. There are several statutory legislation instruments which aim to control, manage, and reduce the storage and use of chemicals, hazardous substances, and restricted materials which can harm the environment. Defence is disapplied from some of these legislation instruments in certain circumstances or from part of the instruments. However, where dis-applications exist, the SofS for Defence requires Defence to achieve equivalent outcomes, and so these regulations provide instruction and guidance on how Defence can achieve this.
2. The regulations in this series also link to the five Environment Act 2021 principles which Ministers should show due regard. By association all Defence activities should embed these five principles to demonstrate that Ministers regard is being implemented in all areas of Defence.
3. All the Environment Act principles are particularly relevant to chemicals, hazardous substances, and restricted materials: the integration principle; the prevention principle; the rectification at source principle; the polluter pays principle; and the precautionary principle. For example, planning the use of chemicals, hazardous substances and restricted materials is integrated into projects at the start, if the impacts that they may have on the environment are not yet fully known, precautions should still be taken to prevent harm. Should harm occur due to the use of chemicals, hazardous substances, or restricted materials the MOD should rectify the source of the damage if possible and could be liable to pay for any pollution clean-up operations where the effects are wider than the Defence Estate.
4. The environmental principles policy statement can be read in full on [GOV.UK](https://www.gov.uk), and guidance on the application of the Environment Act to the MOD is available on '[Defnet](#)'

## 301: Control of hazardous substances

### Regulation

1. The Accountable Person **shall** ensure that hazardous substances that are stored on Defence establishments and used for Defence activities are planned, controlled, and recorded<sup>1</sup>.

### Provenance

2. Defence is currently disapplied from UK statutory hazardous substance legislation instruments, including:
  - The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015;
  - The Planning (Hazardous Substances) Regulations 2015 (Applicable to England, Wales, and Scotland);
  - The Planning (Hazardous Substances) (No. 2) Regulations (Northern Ireland) 2015; and
  - The Planning (Hazardous Substances) (Wales) Regulations 2015.
3. These pieces of legislation aim to ensure that hazardous substances on sites are planned, controlled, managed, and recorded, which is achieved through granting land-use consent for sites to use and store hazardous substances that demonstrate appropriate handling and storage of hazardous substances. The dis-application means that land-use consents are not required by the MOD for the use or storage of hazardous substances on, over or under MOD establishments.
4. The Environment Act 2021 aims to protect and enhance the natural environment through a framework of environmental governance, and through specific improvements on priority areas including, waste reduction and resource efficiency, air quality, water, and nature and biodiversity. The Act places a duty on Ministers to consider the environment by paying due regard to the five environmental principles in all governmental policy. Defence holds a dis-application for the duty but has committed to implementing a non-statutory process to achieve equivalent outcomes.

### Justification

5. This regulation aligns with the SofS for Defence Environmental Protection Policy Statement, for Defence to achieve equivalent outcomes to the statutory legislation. Planning the use of hazardous substances across sites, or local areas ensures that, should an incident occur, the impact is isolated to one location to avoid chain reactions which could cause significant, or catastrophic, environmental damage to an area. Defence

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<sup>1</sup> If your establishment qualifies as a Major Accident Control Regulations (MACR) Site in line with the COMAH Threshold Requirements of Dangerous Substances Schedule 1, hazardous substances should be declared within the Major Accident Prevention Policy (MAPP – Lower Tier) or the Safety Report (SR – Upper Tier) and risk assessed appropriately in line with the DOSR Part 4 regulations.

is disapplied from the statutory legislation and so it is important for the MOD to plan, control and manage hazardous substances for itself to prevent any chain reactions from occurring from an incident.

6. If Defence does not achieve equivalent outcomes to the statutory legislation, operational capabilities may be affected, significant physical environmental damage and pollution incidents could occur, and reputational damage for the MOD and significant financial burden could occur.

### **Acceptable means of compliance**

7. The Accountable Person, or personnel with delegated authority or responsibility for environmental protection, *should* ensure that each establishment maintains a record of quantity, location, storage, and any other pertinent details of the use of hazardous substances for the purposes of protecting the environment. The record *should* plan locations and storage of hazardous substances to reduce the likelihood of significant environmental harm if an incident occurred. A technical dossier could be used to record this information, an example of a technical dossier is provided in JSP 418-Leaflet 05 on [GOV.UK](https://www.gov.uk).
8. The Accountable Person, or personnel with delegated authority or responsibility for environmental protection, *should* share records of hazardous substances with other MOD sites if appropriate.
9. The Accountable Person, or personnel with delegated authority or responsibility for environmental protection, *should* ensure that their establishment(s) have maintenance systems and maintenance records in place for any product or equipment that contains hazardous substances, and ensure they are kept up to date. Maintenance and the updating of records *should* be undertaken and completed by someone with appropriate competence. Evidence of this can be provided within a technical dossier which details control measures to reduce harm to the environment.

## 302: Control of the use of mercury

### Regulation

1. The Accountable Person **shall** ensure the control of use of mercury and mercury compounds in all Defence products, programmes, and equipment.

### Provenance

2. Defence is currently disapplied from all UK statutory mercury legislation instruments, including:
  - The Control of Mercury (Enforcement) Regulations 2017. This legislation aims to protect the environment through measures and conditions on the use, storage, trade-in, production and management of mercury and mercury waste;
  - Regulation (EU) 2017/852 of the European Parliament and of the Council of 17 May 2017 on mercury and repealing Regulation (EC) No 1102/2008 (Text with EEA relevance), (applicable to Northern Ireland);
  - Minamata Convention on Mercury. The multilateral environmental agreement, signed in 2013 and in force since 2017, that addresses specific human activity which contribute to widespread mercury pollution; and
  - The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012. This aims to restrict and control the use of certain hazardous substances contained within electrical and electronic equipment, including mercury.
3. The legislation aims to control and phase-out the manufacture, import, and export of mercury-added products by specified dates to protect the environment from bioaccumulation of mercury. Mercury-added products refer to items where mercury or a mercury compound has been intentionally added.
4. Defence has a dis-application to the prohibited dates of use of mercury-added products and compounds in Annex II Part A of the legislation. Due to the dis-application, Defence can continue to use mercury-added products and compounds beyond the prohibited dates. The legislation also has a derogation for Defence which applies to sharing information where the information would be contrary to the interests of national security.
5. The Environment Act 2021 aims to protect and enhance the natural environment through a framework of environmental governance, and through specific improvements on priority areas including, waste reduction and resource efficiency, air quality, water, and nature and biodiversity. The Act places a duty on Ministers to consider the environment by paying due regard to the five environmental principles in all governmental policy. Defence holds a dis-application for the duty but has committed to implementing a non-statutory process to achieve equivalent outcomes.

### Justification

6. The regulation aligns with the SofS for Defence Environmental Protection Policy Statement for Defence to achieve equivalent outcomes to the statutory legislation, which has phased-

out the use of certain mercury-added products and compounds. Defence should be able to identify where it is utilising the prohibited mercury-added products to understand how it is using the dis-applications.

7. Mercury is a persistent, highly toxic pollutant and when released into the environment it accumulates in waters and sediments where it converts to methylmercury in fish, seafood, and wildlife where it can enter the food chain. If Defence does not achieve equivalent outcomes to the mercury legislation instruments, unnecessary environmental damage and pollution incidents could occur which could lead to operational restrictions, potential risk to human health, reputational damage to the MOD, financial burden and increased statutory regulatory censure.

### **Acceptable means of compliance**

10. The Accountable Person, or personnel with delegated authority or responsibility for environmental protection, *should* ensure the use of prohibited mercury-added products and compounds currently used within MOD equipment, systems, and installations have been identified and recorded. A technical dossier could be used to record this information, an example of a technical dossier is provided in JSP 418-Leaflet 05 on [GOV.UK](https://www.gov.uk).
8. The Accountable Person, or personnel with delegated authority or responsibility for environmental protection, *should* ensure there is recorded justification for the use of prohibited mercury-added product or compound. The justification *should* evidence that alternatives were considered and reasoning for why the alternatives could not be used.
9. The Accountable Person, or personnel with delegated authority or responsibility for environmental protection, *should* implement appropriate storage and maintenance programmes for mercury-added products and compounds. These programmes *should* use people with appropriate competence to undertake the maintenance and updating of records on any MOD equipment, systems and installations that contain prohibited mercury-added products or compounds.
10. The Accountable Person, or personnel with delegated authority or responsibility for environmental protection, *should* ensure that when MOD equipment, systems, and installations which contain mercury-added products or compounds reach their end of life, appropriate waste management practices are implemented.

## 303: Ozone-depleting substances

### Regulation

1. The Accountable Person **shall** ensure the use of ozone-depleting substances (ODS) in any equipment or activity undertaken by the MOD, or on behalf of the MOD, is justified and recorded as evidence.

### Provenance

2. Defence has a derogation for the following statutory legislation:
  - Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer (applicable to Northern Ireland);
  - The Ozone-Depleting Substances Regulations 2015; and
  - Ozone-Depleting Substances (Grant of Halon Derogations) Regulations 2023 (applicable to England, Scotland, and Wales).
3. These pieces of legislation aim to phase-out ODS to reduce depletion of the ozone layer in the atmosphere and recover ODS from any equipment where they are currently used. The legislation allows for critical uses of ODS which can still be used until a pre-determined cut-off date where alternatives should have been found.
4. Defence currently has a derogation for the critical-use cut-off date of ODS. However, Defence should still search for alternative substances to phase-out the critical use of ODS. For Northern Ireland, no DEDs are present and so the MOD must fully comply with legislation for ODS.
5. The Environment Act 2021 aims to protect and enhance the natural environment through a framework of environmental governance, and through specific improvements on priority areas including, waste reduction and resource efficiency, air quality, water, and nature and biodiversity. The Act places a duty on Ministers to consider the environment by paying due regard to the five environmental principles in all governmental policy. Defence holds a dis-application for the duty but has committed to implementing a non-statutory process to achieve equivalent outcomes.

### Justification

6. This regulation aligns with the SofS Defence Environmental Protection Policy Statement, for Defence to achieve equivalent outcomes to the statutory legislation. Defence has a derogation from a limited part of the statutory legislation instruments. For all elements of the legislation that do not have a derogation Defence must comply with statutory legislation. This regulation only covers the elements included within the derogation.
7. ODS cause significant damage to the ozone layer. Damage to the ozone layer results in increased UV-B radiation which is a significant threat to the environment and human health. Ozone depleting substances also have high global warming potential and contribute to the increasing global temperature. Due to the significant environmental damage ODS pose, Defence should justify all use of substances. Defence should

recognise and accept the environmental risks and impact of continuing to use harmful chemicals and be active in seeking alternatives to reduce damage to the atmosphere.

8. If Defence does not try to phase-out ODS and seek alternatives, unnecessary damage to the ozone layer could occur which could lead to environmental damage, reputational damage for the MOD, potential risks to human health, financial burden and increased statutory regulatory censure. It could also lead to operational capability being reduced should manufacturers no longer produce the relevant ODS needed for Defence capabilities, or if there are no other civilian uses for a restricted ODS.

#### **Acceptable means of compliance**

9. Where possible the use of ODS *should* be phased out and alternatives sought.
10. If ODS are required to be used in new equipment or installations, the Accountable Person, or personnel with delegated authority or responsibility for environmental protection, *should* ensure there is recorded justification for the use. The justification *should* evidence that alternatives were considered and reasoning for why alternatives to ODS could not be used.
11. The Accountable Person, or personnel with delegated authority or responsibility for environmental protection, *should* ensure there is recorded evidence of quantity, use and location for the use of ODS in equipment or installations. This could be recorded within a Ozone Depleting Substances and Fluorinated Greenhouse Gases Reporting Proforma from JSP 418-Leaflet 06, which can be found on [GOV.UK](https://www.gov.uk).

## 304: Fluorinated greenhouse gases

### Regulation

1. The Accountable Person **shall** ensure that all MOD equipment, products, and facilities that contain fluorinated greenhouse gases (F-Gases) are recorded, and their use is monitored and justified.

### Provenance

2. Defence is disapplied from the following statutory legislation:
  - The Fluorinated Greenhouse Gases Regulations (UK) 2015 (applies in full to Great Britain but to Northern Ireland only in respect of certain import, export and trade provisions);
  - The Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2015; and
  - Regulation (EU) 2024/573 of the European Parliament and of the Council of 7 February 2024 on fluorinated greenhouse gases, amending Directive (EU) 2019/1937 and repealing Regulation (EU) No 517/2014 (applicable to Northern Ireland).
3. The dis-application that applies to Defence is the prohibition of placing on the market certain products and equipment that contain F-Gases. There is also a dis-application for the use of F-Gases with a global warming potential of 2,500 or more, to service or maintain refrigeration equipment with a charge size of 40 tonnes of Carbon Dioxide (CO<sub>2</sub>) equivalent or more.
4. The aim of the legislation is to reduce emissions of F-Gases. The legislation aims to achieve this through bans on certain F-Gases in some applications, phasing down the amount of F-Gases that can be placed on the market, and strengthening of obligations on leak checks, repairs, recovery, and training around use of F-Gases.
5. The Environment Act 2021 aims to protect and enhance the natural environment through a framework of environmental governance, and through specific improvements on priority areas including, waste reduction and resource efficiency, air quality, water, and nature and biodiversity. The Act places a duty on Ministers to consider the environment by paying due regard to the five environmental principles in all governmental policy. Defence holds a dis-application for the duty but has committed to implementing a non-statutory process to achieve equivalent outcomes.

### Justification

6. This regulation aligns with the SofS Defence Environmental Protection Policy Statement, for Defence to achieve equivalent outcomes to the statutory legislation. F-Gases are powerful greenhouse gases and significant contributors to climate change, with a global warming potential of up to 25,000 times greater than CO<sub>2</sub>. Therefore, reducing emissions of F-Gases is important to prevent environmental harm. As a global leader, it is important for the MOD to review its use of F-Gases, recognise the environmental risk associated with their use, and to seek alternatives to prevent environmental risks and damage associated with their use.

7. If Defence does not achieve equivalent outcomes to the F-Gases legislation unnecessary environmental harm and pollution could occur which could lead to reputational damage for the MOD, financial burden, and operational restrictions.

### **Acceptable means of compliance**

8. The Accountable Person, or personnel with delegated authority or responsibility for environmental protection, *should* seek to avoid the use of F-Gases from being incorporated into any new equipment, product, or facility.
12. Where the use of F-Gases is required, the Accountable Person, or personnel with delegated authority or responsibility for environmental protection, *should* ensure there is recorded justification of the use. The justification *should* evidence that alternatives were considered and reasoning for why alternatives to F-Gases could not be used.
9. The Accountable Person, or personnel with delegated authority or responsibility for environmental protection, *should* recognise where F-Gases will be incorporated in any new equipment, product, or facility, and plan how the F-Gases will be monitored and maintained through all stages of the life cycle.
10. Where the use of F-Gases has been justified and required, the Accountable Person, or personnel with delegated authority or responsibility for environmental protection, *should*:
  - a. seek to reduce the amount used and monitor its use through a monitoring programme which includes evidence of quantity, use and location, and consideration of phasing out its use. This could be recorded within a technical dossier, which can be found in JSP 418-Leaflet 05 on [GOV.UK](https://www.gov.uk);
  - b. record and report the use of F-Gases in any equipment, product, or facility. This could be recorded within a reporting proforma as detailed in [JSP 418-Leaflet 06](#);
  - c. implement leak testing, maintenance, and maintenance scheduling. If a leak is detected it *should* be repaired without any undue delay. Maintenance of records *should* be undertaken and completed by someone with appropriate competence. Records *should* be provided for any necessary reporting requirements; and
  - d. ensure a recovery system is in place to recover F-Gases in equipment that is no longer in service.

## 305: Electrical and electronic equipment

### Regulation

1. The Accountable Person **shall** avoid the use of electrical and electronic equipment (EEE) that contains over the permissible levels of restricted hazardous substances within their remit.

### Provenance

2. A dis-application is available to Defence for the following pieces of statutory legislation:
  - The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations (RoHS) 2012 (UK); and
  - Batteries and Accumulators (Placing on the Market) Regulations 2008.
3. The dis-application available to Defence for these pieces of legislation is specific to EEE that is necessary for the protection of the essential interests of the security of the UK or member states, including arms, munitions and war material intended for military purposes.
4. The RoHS Regulation controls and restricts the levels of specified hazardous substances and chemicals contained in EEE. The aim of the Regulation is to prevent the risks to the environment and human health that arise from waste EEE (WEEE). Restricting certain hazardous substances from being incorporated into EEE will help increase the recyclability of WEEE and help prevent WEEE from ending up in landfill or being incinerated.
5. The Batteries and Accumulators (Placing on the Market) Regulations 2008 aims to promote recyclability of batteries and accumulators and prevent prohibited levels of heavy metals from being contained within them. The MOD can sell (place on the market) equipment including batteries and accumulators where it utilises a statutory dis-application to other organisations. The MOD has a duty to ensure that when selling equipment where they are utilising a dis-application the receiving organisation can also utilise the dis-application.
6. The Environment Act 2021 aims to protect and enhance the natural environment through a framework of environmental governance, and through specific improvements on priority areas including, waste reduction and resource efficiency, air quality, water, and nature and biodiversity. The Act places a duty on Ministers to consider the environment by paying due regard to the five environmental principles in all Governmental policy. Defence holds a dis-application for the duty but has committed to implementing a non-statutory process to achieve equivalent outcomes.

### Justification

7. This regulation aligns with the SofS Defence Environmental Protection Policy Statement for Defence to achieve equivalent outcomes to statutory legislation. EEE contains hazardous substances which, during the use, collection, treatment, and disposal of EEE, can be released and cause damage to the environment.
8. If Defence does not achieve equivalent outcomes to the legislation unnecessary environmental harm and pollution could occur, and could cause implications such as increased disposal costs, and potential personal exposure to substances known to be

hazardous to health, which may lead to reputational damage, financial burden, and operational restrictions.

### **Acceptable means of compliance**

9. The Accountable Person, or personnel with delegated authority or responsibility for environmental protection, *should* avoid (through product choice and decision making) using, importing, making available or placing on the market EEE (including batteries and accumulators) containing over the prescribed levels of hazardous substances within their remit. Where this is not possible, there *should* be recorded justification for the use of EEE containing over the prescribed levels of hazardous substances. This could be recorded within a technical dossier, which can be found in JSP 418-Leaflet 05 on [GOV.UK](https://www.gov.uk).
10. The Accountable Person, or personnel with delegated authority or responsibility for environmental protection, *should* ensure that EEE is labelled correctly to reflect if it contains over the permissible levels of hazardous substances.
11. The Accountable Person, or personnel with delegated authority or responsibility for environmental protection, *should* ensure that if making available or placing on the market EEE that contains over the prescribed levels of hazardous substances, it is only donated or sold to others who can also utilise the dis-application available to Defence.
12. The Accountable Person, or personnel with delegated authority or responsibility for environmental protection, *should* keep a record of EEE within their remit which exceeds the prescribed levels of hazardous substances. This could be recorded within a technical dossier.

# 400 Series: Waste management

1. There are several statutory legislation instruments which aim to reduce, control, and manage waste. Defence is disapplied from some of the statutory instruments in certain circumstances or from part of the instruments. However, where dis-applications exist, the SofS for Defence requires Defence to achieve equivalent outcomes, and so these regulations provide instruction and guidance on how Defence can achieve this.
2. The regulations in this series also link to the five Environment Act 2021 principles which Ministers should show due regard. By association all Defence activities should embed these five principles to demonstrate that Ministers regard is being implemented in all areas of Defence. The prevention principle is particularly relevant to waste management as properly managing waste management should prevent environmental harm and reduce the need for further resources to be mined or removed from the environment. The Environment Act also covers specific improvements on waste reduction and resources efficiency as a priority area.
3. The environmental principles policy statement can be read in full on [GOV.UK](https://www.gov.uk), and guidance on the application of the Environment Act to the MOD is available on '[Defnet](#)'

## 401: Waste management of electrical and electronic equipment

### Regulation

1. The Accountable Person **shall** ensure all electrical and electronic equipment (EEE) no longer in service is managed appropriately by implementing the waste hierarchy to prevent and minimise harm to the environment.

### Provenance

2. Dis-applications are available to Defence for the statutory legislation listed below. The dis-application's available to Defence are specific to activities, equipment, plans, or programmes necessary for the protection of the essential interests of the security of the UK including arms, munitions and war material intended for military purposes.
  - The Waste Management Licensing (Scotland) Regulations 2011. This aims to control the management of waste through licensing activity.
  - The Waste Electrical and Electronic Equipment Regulations 2013. This aims to regulate EEE and prevent waste EEE (WEEE) from being sent to landfill or incinerated.
  - Waste Batteries and Accumulators Regulations 2009. This aims to reduce the impact on the environment from the manufacture, distribution, use, disposal and recovery of batteries and accumulators.
  - The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012. This aims to restrict and control the use of certain hazardous substances contained within EEE products.
  - The Waste (England and Wales) Regulations 2011 and The Waste Regulations (Northern Ireland) 2011. These pieces of legislation aim to stipulate the required waste management plans (check each legislation for specific nation requirements). The dis-application available is for the 'public participation in a waste prevention programme' for a programme or plan designed for the sole purpose of serving national defence or taken in case of civil emergencies.
  - Batteries and Accumulators (Placing on the Market) Regulations 2008. This aims to prevent heavy metals from being contained in batteries and accumulators and increase the recyclability of batteries and accumulators. The MOD can sell (place on the market) equipment including batteries and accumulators where it utilises a statutory dis-application to other organisations. The MOD has a duty to ensure that when selling equipment where they are utilising a dis-application the receiving organisation can also utilise the dis-application.
3. The Environment Act 2021 aims to protect and enhance the natural environment through a framework of environmental governance, and through specific improvements on priority areas including, waste reduction and resource efficiency, air quality, water, and nature and biodiversity. The Act places a duty on Ministers to consider the environment by paying due regard to the five environmental principles in all governmental policy. Defence holds a dis-application for the duty but has committed to implementing a non-statutory process to achieve equivalent outcomes.

## Justification

4. This regulation aligns with the SofS Defence Environmental Protection Policy Statement for Defence to achieve equivalent outcomes to the statutory legislation. Overall, WEEE legislative instruments aim to prevent WEEE from being sent to landfill or incinerated. Preventing WEEE from going to landfill or being incinerated is beneficial for the MOD as WEEE has a monetary value and often contains finite critical raw materials which, when the waste hierarchy is implemented, can be captured, reused, and repurposed, ultimately conserving valuable resources. WEEE contains hazardous substances and persistent organic pollutants, if sent to landfill these substances can enter the natural environment, contaminating the land and potential water sources, which can have significant negative impacts on human health, wildlife, and the environment. WEEE also causes air pollution when incinerated.
5. If Defence does not achieve equivalent outcomes to WEEE legislative instruments, unnecessary environmental damage and negative impacts to human health could occur which could lead to reputational damage for the MOD, financial burden, operational restrictions, and increased statutory regulatory censure.

## Acceptable means of compliance

6. The Accountable Person, or personnel with delegated authority or responsibility for environmental protection, *should* ensure the waste hierarchy is implemented for any activity, product, equipment, or programme that produces WEEE (including waste batteries and accumulators). This could be recorded within a waste management plan, a template can be found in [JSP 418-Leaflet 03 on GOV.UK](#).
7. The Accountable Person, or personnel with delegated authority or responsibility for environmental protection, *should* record all WEEE within their remit.
8. The Accountable Person, or personnel with delegated authority or responsibility for environmental protection, *should* provide records of WEEE produced and managed within their remit for any necessary reporting requirements. This could be recorded within a technical dossier, which can be found in JSP 418-Leaflet 05, which can be found on [GOV.UK](#).
9. The Accountable Person, or personnel with delegated authority or responsibility for environmental protection, *should* ensure that there is evidence of traceability of waste management of all WEEE within their remit through accredited and approved collection and treatment facilities, through to end destination of the WEEE.

## **402: Regulation withdrawn [Waste management of batteries and accumulators]**

1. Requirements from this regulation have been integrated into regulations 305 and 401.