



Defence
Safety Authority

DSA03-DEPR: Defence Environmental Protection Regulations Guidance



Defence Safety Authority
Defence Environmental Protection Regulations Guidance
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- Amended references to the SofS for Defence Environmental Protection Policy Statement throughout, to reflect the October 2025 version.
- Regulation 101 guidance updated.
- Regulation 104 guidance updated to include deadline for returns of information.

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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.
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](#). The guidance 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

1. This guidance document should be read alongside [DSA02-DEPR](#). 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, policy, strategy and planning.
3. 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.
4. 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.
5. There is an explanation of the difference between dis-applications, derogations, and exemptions on page 2 of [DSA02-DEPR](#). 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. The DEPR will use the assurance approach and principles set out in [DSA 01.2](#) and [JSP 816 Element 12](#). Element 12 sets out the responsibilities of the first line of defence (1LOD), second line of defence (2LOD) and 3LOD.
10. The DEPR will focus on providing assurance on areas of risk and assurance activity may take many forms, such as inspection, audit, surveillance, or oversight. The DEPR may also look at a risk area across multiple Defence Organisations in one assurance activity to help inform an overall risk picture for environmental protection across Defence.
11. The DEPR will predominantly carry out assurance 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. The DEPR may also reach out to the 1LOD in circumstances where some sampling at 1LOD would support assurance activity.
12. The DEPR regulations are outcome focused, so assurance activity against the DEPR Regulations 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. If a DEPR assurance activity finds that the regulations have not been met, the DEPR can issue enforcement. 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. More information about how the DSA conducts enforcement can be found in [DSA 01.3-Enforcement](#).

DEPR waivers

14. 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.

15. 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.
16. To request a temporary waiver for a DEPR regulation, click [here](#) to fill out the waiver request form (opens in Power Apps).

Environmental Risk

17. 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: Accountability, authority and responsibility for environmental protection

Guidance

2. The SofS for Defence Environmental Protection Policy Statement requires the most senior person in an organisation to be appointed as the Accountable Person (hold accountability) for environmental matters. Whilst accountability sits with the Accountable Person and it cannot be delegated, senior leaders in the organisation may be assigned environmental authority and responsibilities. Personnel with delegated authority and responsibility for environmental protection should have the levers to make decisions, be suitably qualified and experienced personnel (SQEP) or be resourced with SQEP advisors, and be supplied with sufficient resources to fulfil their role.

102: Effective environmental management arrangements

Guidance

3. 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, senior leaders 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.
4. Each Defence Organisation should have processes in place to manage change, both internally within the Defence Organisation and wider Defence. This could include widespread Defence change or internal organisation change which could change the environmental aspects and impacts of activities.
5. Each Defence Organisation should have processes in place to elevate and manage environmental issues or risks to the MOD. 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, or the Functional Delivery Group – Environment (FDG-E). 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

6. Defence needs to 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.
7. Currently Defence does not have a full understanding on its use of environmental exemptions and derogations. The DEPR was tasked with creating the 104 Regulation to fill this gap in Defence Knowledge. The Regulation seeks to achieve a Defence wide view, in the form of a central register held by the DEPR, on exemptions and derogations being used by Defence. This will help Defence fulfil its duty to have this oversight and inform the environmental risk picture for the whole of Defence.

Guidance

8. Each Defence Organisation should have an environmental exemption and derogation register which collates records of all environmental exemptions or derogations used within their organisation. Each Defence Organisation's register should be held by one nominated 2LOD team, so there is only one register for each Defence Organisation. 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. Each Defence Organisation should share their register with the DEPR so that it can be collated into the Defence wide exemption and derogation register held by the DEPR.
9. Each Defence Organisation's register 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 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. Examples include:
 - a. The Ozone-Depleting Substances Regulations 2015 (a derogation is available to Defence)
 - b. The Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) Enforcement Regulations 2008 (Defence can apply for an exemption to this Regulation)
10. Each Defence Organisation's register 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 \(defnet\)](#).
11. It is the responsibility of the Accountable Person, or personnel delegated with environmental responsibility or authority, to ensure that the information held in their Defence Organisation's register is correct.
12. Each Defence Organisation should provide the DEPR with their exemption and derogation register within 12 months of the publication of the regulation. After this, each Defence Organisation should annually, at the end of February, 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 register.

13. 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 at the time of the change.
14. Each Defence Organisation's 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.
15. 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 (such as JSP 850 which is accessed through '[Knowledge in Defence](#)', and 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 or programmes 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) and ozone-depleting substances in [JSP 418-Leaflet 06](#).
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 systems, such as MySafety. Further details on environmental incident reporting can be found in [JSP 816 Element 10](#).

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. Each Defence Organisation 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](#).
6. Where F-Gases are being used in any equipment, product or facility, a plan should be in place to detail 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, Environment and Energy (QSEE) team. Details of how to record and report F-Gas use is provided in [JSP 418-Leaflet 06](#).

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

305: Electrical and electronic equipment

Guidance

9. This regulation covers electrical and electronic equipment (EEE), which includes batteries and accumulators.
10. This regulation aims to prevent EEE from containing restricted hazardous substances from entering the MOD workstream. This should be achieved through decision making (such as actively seeking to avoid the use of EEE which contains over the prescribed levels of hazardous substances) and product choice (such as including requirements for hazardous substances to be within the prescribed limits in project tenders during procurement). When there is a feasible alternative, Defence Organisations should opt to manufacture (through contracts) or buy EEE that is within the prescribed levels of hazardous substances.
11. The restricted hazardous substances which should be avoided in EEE are detailed in the statutory legislation, the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (RoHS) Regulations 2012, and the Batteries and Accumulators (Placing on the Market) Regulations 2008 (restrictions specific to batteries on heavy metals such as mercury, cadmium, and lead).
12. The RoHS Regulation covers the UK, however, some of the provisions apply differently in Great Britain (England, Scotland, and Wales) and in Northern Ireland. The key differences are:
 - a. For Great Britain, the restricted hazardous substances are listed in Schedule A1 of the legislation. For Northern Ireland, the restricted hazardous substances are listed in Annex II of the Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment; and
 - b. The interpretation of importing, placing on the market, and making available on the market slightly differ for Great Britain and Northern Ireland, due to Northern Ireland remaining in the European Union's single market for goods. However, EEE procured in Great Britain or from other nations, and EEE sold or donated to other nations is covered by the statutory legislation.
13. If there is no alternative product or specification for EEE which is within the prescribed levels of hazardous substances, then the use should be justified and recorded. The justification should include why the requirement meets the applicability for utilising the dis-application, and the record of use should include details of the levels of each restricted hazardous substances over the prescribed levels included in the EEE; this could be recorded in a technical dossier which can be found in [JSP 418-leaflet 05](#).

400 Series: Waste management

14. 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.
15. 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. Additional guidance on waste management can be found in JSP 850 which can be accessed through 'Knowledge in Defence' on [GOV.UK](#).

401: Waste management of electrical and electronic equipment

Guidance

16. This regulation covers waste electrical and electronic equipment which includes batteries and accumulators.
17. Defence Organisation's should have waste management plans in place for waste electrical and electronic equipment (WEEE) within their organisation. 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 on [GOV.UK](#)) and consignment notes (available on [GOV.UK](#)), including details of how long transfer notes should be kept.
18. All WEEE should be classified and recorded to ensure it is managed correctly. Guidance on how to classify WEEE is available on [GOV.UK](#). There is different guidance specific to categorising batteries and accumulators, which is provided by the Department for Environment, Food and Rural Affairs (Defra) on [GOV.UK](#). Records of WEEE should include the total tonnage and description of the WEEE (including chemistry type for batteries and accumulators) and plans for storage and disposal; this could be recorded within a technical dossier and a waste management plan. A template for a technical dossier can be found in [JSP 418-Leaflet 05](#).
19. 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](#).