

Rolling Update on Construction waste topics June 2026 - for external circulation

EA commissioned research into POPs/hazardous substances in construction products/waste

- The Environment Agency is continuing to tackle non-compliance with the existing POPs Regulations in a number of sectors. As part of this work, waste streams are often sampled to help us identify specific waste materials at risk of mismanagement.
- We have now finalised our report investigating POPs/hazardous substances in C&D waste. We hope to share this with industry soon. The report has identified hazardous substances relevant to waste classification and some POPs are present in C&D waste.
- The EA is working through the potential impacts and implications from the findings of the report. Initially we will look to engage with representatives of the sector, and provide additional guidance, before commencing compliance work.
- Our work inevitably highlights how well a sector is currently complying with their Duty of Care, in so far as they are classifying and describing their waste correctly and disposing of it appropriately.

Revision of Waste Framework/Quality Protocol for Aggregates

- The Aggregate from Inert Waste Resource Framework first draft has been submitted and reviewed by the lead on QPs and Resource Frameworks and EA Technical Specialists. The document is now with task and finish group members for review.
- Scheme rules are being developed by industry for the third party certification scheme.
- The document will go out to public consultation at the end of July
- The document has not been agreed or signed off by legal so the document that should continue to be followed is the one published on gov.uk
- Contacts: UROC or CL:AIRE to assist the process. For updates/notifications email ResourcesFrameworks@environment-agency.gov.uk

Exemptions Reform to the Environmental Permitting (England and Wales) Regulations 2016

DEFRA and Welsh Government published their consultation response to exemptions reform in October 2025 - [Summary of responses and government response](#)

These reforms will enable regulators to create, amend and remove types of exempt facilities and activities which are not required to hold an environmental permit. A press release was also released [New common-sense approach to environmental regulation to support new homes drive](#)

When we receive the new powers, we plan to consult on a range of temporary low-risk, construction related activities. These will include the storage of waste prior to construction activities, small-scale remediation, temporary dewatering of uncontaminated water to surface waters, and excavation and construction within flood plains.

DoW: CoP Review

We are continuing our collaboration with CL:AIRE to review and advance Version 3 of the Code of Practice (CoP). This updated version will be published under a new title: The Soil Passport

Scheme: Code of Practice. The rebranding reflects a strategic shift away from using the CoP solely as a tool for determining the waste status of materials.

The objective of this review is to update the core CoP document so that it more effectively addresses the needs of both the development industry and regulatory bodies. Version 3 is expected to retain existing mechanisms and scenarios, while providing greater clarity regarding their requirements.

The Environment Agency's strategic goal is to ensure that the CoP functions as a robust, industry-led self-regulation mechanism—supporting legitimate business activity without imposing unnecessary regulatory burdens. At the same time, it is a priority to strengthen the CoP so that it cannot be misused for illegal waste disposal or sham recovery practices.

The Environment Agency and CL:AIRE published a joint statement in November 2025 which can be found here: [Environment Agency – CL:AIRE Joint Statement: Collaboration on the Development of the DoW CoP](#)

Digital Waste Tracking

From October this year Mandatory Digital Waste Tracking (DWT) will be required at waste receiving sites. Waste transfer and treatment sites are encouraged to prepare for this by participating in the trial of the system which is now live. Requirements for waste producers will follow next year. Producers are encouraged to engage with their waste management contractors ahead of October to ensure a smooth transition.

Press release: [Game-changing digital tracking takes fight to rogue waste traders - GOV.UK](#)

Review of regulatory position statements

[Use of manufactured topsoil: RPS 190 - GOV.UK](#) is due for a review. We have no plans to amend it from its current wording, but welcome any views from industry. Contact: graham.winter@environment-agency.gov.uk

Launch of new regulatory options for the use of unbound Incinerator Bottom Ash Aggregate (IBAA) on land

Following a review of how the Environment Agency regulates IBAA manufacture and subsequent use, the following new products have been developed:

- [Using unbound incinerator bottom ash aggregate in construction: RPS 325 - GOV.UK](#)
- [SR2024 No 2: using unbound incinerator bottom ash aggregate in construction - GOV.UK](#)
- [Municipal incinerator bottom ash aggregate \(IBAA\): interim sampling and testing protocol - GOV.UK](#)

The existing RPS for this activity (RPS 247) will be withdrawn.

If you have any questions on the RPS, please contact Howard Leberman (howard.leberman@environment-agency.gov.uk).

If you have any questions on SR2024 No 2, please contact Gill Cripps (gillian.cripps@environment-agency.gov.uk)

We have recently published a Regulatory Position Statement (RPS) for small-scale construction dewatering [Small-scale abstractions for construction dewatering: RPS 368](#).

This RPS covers temporary small scale dewatering operations under which regulatory compliance with abstraction licensing requirements will not be enforced. The conditions included will ensure that the environment continues to be protected whilst reducing regulatory processes. This aligns with the Corry Review recommendation to allow regulators to use discretion, and the Environment Agency's own commitment to outcome focussed regulation set out in its strategic plan, EA2030.

This RPS does not address water quality discharge consents or short-term discharges of clean water from excavations.

In the Media:

[EA publishes list of over 100 'high risk' waste sites across England - letsrecycle.com](#)

C&D waste accounts for a third of all waste produced in England, so it is no surprise that a third of illegal waste activity involves C&D waste.

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