

Our ref:
Your ref:
Date: 2nd October 2023

Dear Stakeholder,

Regulation of new cemetery developments

In September 2021, the Department for Environment, Food and Rural Affairs (Defra) proposed amendments to the Environmental Permitting (England and Wales) Regulations (EPR) 2016, specifically in relation to the permitting of “groundwater activities”. This public consultation closed in December 2021.

Following feedback from this consultation, Defra (with the Environment Agency’s support) made changes to the original proposals, and a “[Summary of responses and government response](#)” was published in March 2023.

Following scrutiny by the House of Commons and the House of Lords, these amendments to EPR 2016 were made in the Parliament on 13th June 2023, with an implementation date of 2nd October 2023.

What will the amendments change?

The changes will introduce conditions which new cemeteries will need to meet to operate without an environmental permit. These are called exemption conditions and apply to new cemeteries or extensions to cemeteries which got planning permission on or after 2nd October 2023.

If you received planning permission prior to 2nd October 2023 you have an “existing” cemetery, and do not need to meet the exemption conditions to operate without a permit.

On 2nd October, Environment Agency guidance was published on GOV.UK explaining these exemption conditions, entitled “[Low environmental risk cemeteries: exemption conditions](#)”.

How does this change the regulation of cemeteries?

From 2nd October, new cemeteries (or extensions to cemeteries that need planning permission) will need to either:

- Meet the exemption conditions, or
- Apply for a permit

This revised approach to the regulation of cemeteries is set out in GOV.UK guidance [“Protecting groundwater from human burials”](#), updated on 2nd October 2023.

The amended regulations also provide the Environment Agency with further flexibility to make risk-based and proportionate regulatory decisions. For example, we will soon be consulting on introducing a “standard rules” approach to permitting certain cemetery developments – see “Next Steps” below for more information.

What does this mean for existing cemeteries?

These regulatory changes do not affect existing cemeteries, who do not need to meet the exemption conditions to operate without a permit.

Existing cemeteries will only need a permit if they:

- need active mitigation measures to prevent pollution
- are causing pollution or have very high pollution risks, and voluntary action to resolve these problems has not been successful – if so, the Environment Agency will tell you that you need to apply for a permit

All existing cemeteries should aim to meet the minimum good practice groundwater protection measures as published on GOV.UK. We have updated these measures following feedback from industry and to align them with these regulatory changes.

Next steps

From 2nd October 2023, the Environment Agency will be able to use a “standard rules” approach to permit certain groundwater activities. Standard rules permits are covered by a generic risk assessment, are cheaper than bespoke permits, and are usually quicker to process.

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Standard rules permitting approaches are subject to a public consultation prior to being introduced, and Environment Agency intends to consult on standard rules permits for certain cemeteries shortly.

Yours faithfully

A handwritten signature in blue ink, appearing to read "L Frear".

Leonore Frear
Environment Agency - Deputy Director