

Permitting decisions- Refusal

We have decided to refuse the permit variation for Arden Quarry Landfill Site, Ovenhill Road, Birch Vale, Derbyshire SK22 1BY (“the Site”), operated by Land Recovery North West (Arden) Ltd (“the Operator”).

The decision was issued on 28/09/2026.

On 28 January 2025 the Environment Agency (“the Agency”) received an application from the Operator to vary its permit. The application sought a variation to the existing non-hazardous landfill permit to:

- Add additional waste codes associated with metal shredding residues.
- Remove existing restrictions on certain non-hazardous fines.
- Increase the total annual waste throughput from 235,000 tonnes to 285,000 tonnes.
- Allow storage of compost-like outputs pending use in restoration (subsequently withdrawn from the application).

And,

- Provide flexibility between wastes for disposal and wastes for restoration (subsequently withdrawn from the application).

We consider that in reaching this decision we have taken into account all relevant considerations and legal requirements.

Purpose of this document

This decision document provides a record of the decision-making process. It:

- Highlights [key issues](#) in the determination
- Gives reasons for refusal
- Summarises the decision-making process in the [decision considerations](#) section to show how the main relevant factors have been taken into account.

Unless the decision document specifies otherwise, we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the refusal notice.

Key issues of the decision

Summary of our decision

The primary reasons for refusal are (1) operator competence and the resulting likelihood that the facility would not be operated in accordance with the environmental permit if the variation were granted, and (2) the environmental risks caused by the variation.

Based on compliance evidence from the Site¹ and other sites operated by connected relevant persons² to the Operator, we are not satisfied that:

- The Operator would comply with the varied permit conditions.

Or that,

- The increase in environmental risks caused by the variation would be adequately controlled.

Description of the facility/facilities

Arden Quarry is a non-hazardous landfill located within a former sandstone quarry covering approximately 9 hectares.

The Site is located approximately 1.5km to the west of Hayfield and approximately 2.5km east of New Mills in Derbyshire and covers an area of approximately 9 hectares.

Landfilling activities commenced in 1998, and the Site was operated by P Casey Enviro (Arden) Limited ("Casey"), a company owned by shareholders different from those currently in control of the Operator company.

In December 2021³, the permit was varied by Casey to remove waste types to the extent that the permit only authorised the disposal of wastes which are capable of being considered as qualifying materials under the Landfill Tax (Qualifying Material) Order 2011, such as certain inert and naturally occurring materials which qualify for the lower rate of Landfill Tax. Qualifying materials are divided into seven specific groups to ensure only non-polluting and naturally occurring inorganic materials qualify, typically inert and lower-risk wastes.

¹ Compliance Assessment Reports (Appendices 1-9)

² Directorship History, Relevant Persons and Connected Sites (Appendix 10)

³ Notice of Variation and Consolidation EPR/BW1416IQ/V007 and Consolidated Permit EPR/BW1416IQ (Appendix 11)

Casey was purchased by the current owners and changed the company name to Land Recovery North West (Arden) Ltd on 17 October 2024. New directors were appointed in February and October 2025, then February 2026.

The current Operator is part of a wider group of companies involved in operating permitted waste facilities and landfill sites. These other sites have poor compliance records and, at the landfill sites, leachate and landfill gas have been inadequately managed. These sites have also been subject to enforcement and suspension notices.

The legal framework

In determining this application we have had regard to, including but not limited to:

- The Environmental Permitting (England and Wales) Regulations 2016 ("the EPR 2016").
- Department for Environment, Food and Rural Affairs Environmental Permitting Core Guidance for the Environmental Permitting (England and Wales) Regulations 2016 ("the Core Guidance")
[Environmental permitting: Core guidance](#)
And,
- The Agency's guidance on determining applications and operator competence.
gov.uk/guidance/legal-operator-and-competence-requirements-environmental-permits

Under Schedule 5, Part 1, paragraph 13(1) of the EPR 2016:

'Identity and competence of the operator

13 (1)

Subject to sub-paragraph (3), the regulator must refuse an application for the grant of an environmental permit or for the transfer in whole or in part of an environmental permit if it considers that, if the permit is granted or transferred, the requirements in sub-paragraph (2) will not be satisfied.

13 (2)

The requirements are that the applicant for the grant of an environmental permit, or the proposed transferee, on the transfer of an environmental permit (in whole or in part), must—

- (a) be the operator of the regulated facility, and
- (b) operate the regulated facility in accordance with the environmental permit.

13 (3)

The requirement in sub-paragraph (2)(b) does not apply to an applicant for the grant of an environmental permit authorising the carrying on of only a stand-alone water discharge activity, stand-alone groundwater activity or stand-alone flood risk activity.'

The Agency must refuse an application for the grant, variation or transfer of an environmental permit if it considers that the requirements of sub-paragraph (2) will not be satisfied.

Under the Core Guidance, the Agency must also consider the following:

'Poor record of compliance and behaviour

9.19

In assessing operator competence the regulator may also consider whether the operator or any other "relevant person" (see below) has a poor record of compliance with regulatory requirements. These considerations will include, but are not restricted to, evidence of convictions for "relevant offences". Other considerations may include receipt of formal enforcement notices such as enforcement or suspension notices or a history of, or acute, non-compliance with permit condition(s).

9.20

In this context, a "relevant offence" is an offence that is relevant to a person's ability to operate in compliance with the permit applied for or held or to a person's conduct as the operator of a waste facility.

9.21

A "relevant person" in relation to a conviction for a relevant offence or non-compliance includes:

- the operator
- a director, manager, secretary or other similar officer of an operator (when it is a corporate body) and a partner in a limited liability partnership (LLP), who has either been convicted of a relevant offence him/herself, or who held a position in another corporate body when it was convicted of a relevant offence.
- any other person that the regulator has reason to believe is a controlling or guiding mind of the operation.'

In determining whether those requirements would be satisfied, the Core Guidance confirms that the Agency may take into account the compliance record and conduct of the applicant and any relevant persons, including directors and persons in control, and may rely on evidence of non-compliance at other regulated facilities operated or controlled by those persons as indicative of the likelihood of future compliance.

Having regard to the EPR 2016, the Core Guidance, the operator's own compliance history and that of relevant persons, we are not satisfied that the operator would operate the facility in accordance with the permit to avoid reasonably foreseeable unacceptable risks of pollution. Consequently, we must refuse the application.

Environmental issues: likelihood of pollution

The Site has a record of environmental non-compliance⁴ relating to:

- Landfill gas management, including damaged and disconnected infrastructure.
- Leachate management, including persistent exceedance of permitted leachate levels and risks to groundwater and surface waters.
- Unreliable and incomplete environmental monitoring and reporting.
- Odour complaints linked to hydrogen sulphide odour at a time when 19 12 wastes had been accepted in 2025 contrary to the acceptable permitted wastes.
- Carrying out construction and re-profiling works contrary to permit condition 1.1.1; and
- Wider management system failures.

The proposed variation would reintroduce waste streams capable of increasing landfill gas and leachate generation, including wastes with elevated sulphate content. Given the existing failures to maintain infrastructure effectively and to control and monitor emissions, granting the variation would increase the likelihood of pollution that could not be adequately controlled through permit conditions, particularly in view of our concerns about the Site's compliance history.

⁴ Compliance Assessment Reports (Appendices 1-9)

Increased Environmental Risk Associated with the Variation

If granted, the variation would allow the Operator to accept a wider range of non-hazardous degradable wastes and increase annual disposal rates. The Agency considers that these changes would materially increase the environmental risk profile of the Site. This is due both to the nature and quantity of the wastes proposed and to the Operator's demonstrated failures to comply with permit conditions relating to landfill gas, leachate and groundwater management and monitoring. These failures resulted in the Agency serving a Regulation 36 Enforcement Notice requiring the Operator to address exceedances of permitted leachate levels and leachate discharge limits, repair or restore groundwater and landfill gas monitoring, repair and reconnect landfill gas infrastructure, and balance the landfill gas field. The Operator failed to comply with the Notice.

The application seeks to remove restrictions currently applied to wastes accepted under European Waste Catalogue codes 19 12 12 and 19 12 09. In the applicant's response dated 1 July 2026 to the Agency's Schedule 5 Notice dated 23 June 2026, they stated that up to 80% of the waste accepted at the Site would comprise these waste types and that the typical biodegradable content of waste code 19 12 12 in England is 46%⁵. The Agency considers that removal of the existing restrictions would increase both the quantity and variability of biodegradable waste capable of being accepted at the Site, thereby increasing the potential for landfill gas generation and increasing the need for effective landfill gas management and control. There have been multiple permit contraventions in relation to gas management whilst Land Recovery North West (Arden) Ltd has operated the site.

The application also proposes increasing the total sulphate limit from 3% to 5%. The current 3% limit on sulphate content was introduced (by the operator and accepted by us) as part of variation V007 following odour issues at the Site suspected to be associated with hydrogen sulphide (H₂S) generation. The decision document for variation V007⁶ records that the Agency required a specific restriction on the sulphate and sulphide content of wastes accepted at the site and accepted a 3% limit because it appeared unlikely to give rise to unacceptable levels of H₂S. The decision document also records that permit condition 2.6.3 was introduced to reinforce the requirement that gypsum and other high sulphate bearing waste must not be deposited in the same cell as biodegradable waste, to minimise the risk of the production of H₂S and associated odour impacts.

⁵ Applicant's response dated 1 July 2026 to questions 1 and 2 of the Schedule 5 Notice dated 23 June 2026. (Appendix 12)

⁶ Permitting Decision Document for Variation EPR/BW1416IQ/V007 (Appendix 13)

Whilst the applicant asserts that not all sulphate compounds present within the waste will contribute to sulphur emissions, the Agency does not consider that sufficient evidence or robust technical justification has been provided to demonstrate that the proposed increase would not result in an increase in environmental risk. When considered alongside the proposed increase in biodegradable waste acceptance and the associated increase in landfill gas generation potential, the Agency considers that the proposed higher limit for sulphate concentration would materially increase the environmental risks requiring management at the Site. The Agency is not satisfied that the applicant has demonstrated that these risks can be adequately controlled. Accordingly, we consider that the 3% sulphate limit should continue to apply.

Further, in relation to the proposed addition of another waste type, namely metal shredder residues (“MSR”), the Agency carried out audits on two separate occasions in 2025 and 2026⁷ at a waste facility operated by Quercia Limited, a company which shares the same director as the applicant Operator. Significant discrepancies were identified in the test results of samples taken from MSR at that site. Quercia Limited’s own test results identified the MSR to be non-hazardous whereas Environment Agency samples tested at an accredited laboratory identified the wastes to be hazardous.

When considered collectively, the proposed changes would increase the environmental risks associated with the Site and require compliance with permit conditions relating to waste acceptance, landfill gas management, leachate management, groundwater monitoring and emissions control. The Agency is not satisfied that the Operator would comply with those requirements. This conclusion is based on the Operator’s compliance history at Arden Quarry, including failure to comply with a Regulation 36 Enforcement Notice, together with evidence from facilities operated by connected relevant persons⁸ which demonstrates similar failures in waste acceptance, environmental monitoring and pollution control. Accordingly, the Agency is not satisfied that permit conditions will be complied with and that the increased risks arising from the proposed variation would be adequately controlled if the variation were granted.

⁷ Waste audits reports (Appendix 16 and 17)

⁸ Directorship History, Relevant Persons and Connected Sites (Appendix 10)

Operator Competence

Arden Quarry

In October 2024, *P Casey Enviro (Arden) Limited* was purchased by the current Operator. Since taking control of the site in December 2024, the operator has:

- **Accepted unauthorised wastes contrary to the permit conditions**, potentially introducing biodegradable wastes capable of generating additional landfill gas and leachate.
- **Failed to maintain landfill gas and leachate levels**, increasing the risk of uncontrolled landfill gas emissions, odour impacts and pollution from leachate.
- **Failed to maintain groundwater monitoring infrastructure**, preventing effective monitoring of potential pollution of groundwater and reducing confidence in the environmental monitoring data relied upon to assess compliance.
- **Constructed a substantial concrete pad and bays on top of a capped landfill cell without prior notification and without identifying the risk of pollution nor using appropriate measures to prevent or minimise said risk of pollution.** This issue is currently the subject of an appeal. It should be noted; however, the operator has accepted the permit breach but simply argues there is no risk of pollution. These works gave rise a reasonably foreseeable risk of damage to the capping layer and landfill gas and leachate infrastructure below, potentially increasing the likelihood of fugitive landfill gas and leachate emissions.
- **Constructed a substantial soil embankment on top of the same capped cell and adjacent to the concrete pad without prior notification or prior approval, and without identifying the risk of pollution nor using appropriate measures to prevent or minimise that risk.** These works gave rise a reasonably foreseeable risk to the integrity of the capped landfill cell and associated pollution control infrastructure.
- Failed to identify or manage the resulting environmental risks within its management system. Similarly, it should be noted that the operator has accepted the permit breach but, contrary to the views of the Agency, argues there is no risk of pollution.

And,

- On the 6 February 2026 an Enforcement Notice⁹ was served on the Operator under Regulation 36 EPR 2016. The Operator failed to comply with the Notice.

And,

- On the 19 February 2026 a 'partial' Suspension Notice¹⁰ was served on the Operator under Regulation 37 EPR 2016 in relation to the Concrete Pad construction. The Operator failed to comply with the Notice and continued to expand its construction activities by erecting interlocking concrete blocks to create waste reception bays, and a large soil embankment was built up against the perimeter. Vertical scaffolding poles were also erected around the perimeter of the Concrete Pad. However, the Regulation 37 EPR notice is currently subject to an appeal.

The first Environment Agency inspection after the Operator took control of the Site identified on 15 November 2024 the Operator to be contravening the permit.

At the next site inspection on 17 January 2025, the contraventions had significantly escalated, and a category 2 and category 3 contravention were recorded.

Significant contraventions have persisted since then up to the date of this Decision Document.

Consequently, we are not satisfied that the Operator is competent to operate the facility in accordance with the permit if it was varied.

Connected sites

Evidence from other landfill and waste facilities operated by the same directors or persons¹¹ with significant control demonstrates a consistent pattern of:

- Acceptance of unauthorised wastes
- Discrepancies in waste sample results between those taken by the operator and those taken by the Agency.

⁹ Enforcement Notice under Regulation 36, Environmental Permit EPR/BW1416IQ, dated 6 February 2026 (Appendix 14)

¹⁰ Suspension Notice under Regulation 37(1) and (5), Environmental Permit EPR/BW1416IQ, dated 19 February 2026 (Appendix 15)

¹¹ Directorship History, Relevant Persons and Connected Sites (Appendix 10)

- Persistent failures in gas and leachate management, and poor maintenance of monitoring infrastructure
- Multiple enforcement notices and suspensions
- Poor environmental monitoring and record keeping

And,

- Significant off-site impacts including odour pollution.

Many of the above-mentioned contraventions have been associated with the specific waste types which this variation application has sought to authorise for acceptance and disposal.

This pattern provides strong evidence that similar non-compliance would reasonably be expected at Arden Quarry if the variation were granted.

Other relevant issues

The Agency assesses landfill permit applications, permit variations, and compliance with permit conditions, to make sure:

- Operators carry out appropriate risk assessments before and during design and construction, and apply standards that are appropriate to the risks they identify.
- All landfill engineering which includes permanent capping, complies with the permit conditions.
- All landfill engineering and infrastructure meet the required standards and has independent third-party assurance and validation Construction Quality Assurance.
- A site operator must design and build, including any construction work, on their landfill to protect the environment.
- The Operator has constructed infrastructure namely a concrete pad on the top of the capped landfill cell without identifying in advance the risks of pollution it would create, nor put in place measures to prevent or mitigate those risks during and after construction.

From the Agency's understanding of the Planning Portal, the Operator installed the concrete pad on the landfill without first seeking approval from the Local Planning Authority.

- Operators of permitted facilities must adhere to strict regulatory compliance and governance to protect human health and the environment. The absence

of any planning permission for the concrete pad adds to the Agency's concerns regarding the Operator's approach to regulatory compliance and governance.

- Based on the Operator's compliance record, the Agency considers that to grant this variation would be untenable given the Operator's history of compliance.

Other relevant legal issues

The refusal is necessary, proportionate, and reasonable based on the available evidence. The deficiencies identified are fundamental and could not be adequately addressed through permit conditions or requests for further information, because they relate to ongoing competence and compliance rather than isolated technical gaps.

Decision considerations

Section 108 Deregulation Act 2015 - Growth Duty

We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 100 of that Act in deciding whether to grant this permit variation.

Paragraph 1.3 of the guidance says:

"The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation."

We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.

Appendices

1	Compliance Assessment Report BW1416IQ/0536433, inspection dated 17 January 2025, issued 24 January 2025.
2	Compliance Assessment Report BW1416IQ/0542776, inspection dated 17 February 2025, issued 25 February 2025.
3	Compliance Assessment Report BW1416IQ/0547952, dated and issued 25 March 2025.
4	Compliance Assessment Report BW1416IQ/0553175, inspection dated 22 April 2025, issued 29 April 2025.
5	Compliance Assessment Report BW1416IQ/0561246, inspection dated 9 June 2025, issued 11 June 2025.
6	Compliance Assessment Report BW1416IQ/0588985, inspection dated 5 December 2025, issued 23 January 2026.
7	Compliance Assessment Report BW1416IQ/0589521, data review dated 30 December 2025, issued 6 February 2026.
8	Compliance Assessment Report BW1416IQ/0597344, inspection dated 11 February 2026, issued 11 May 2026.
9	Compliance Assessment Report BW1416IQ/0597745, inspection dated 31 March 2026, issued 11 May 2026.
10	Directorship History, Relevant Persons and Connected Sites
11	Notice of variation and consolidation EPR/BW1416IQ/V007 and consolidated permit EPR/BW1416IQ
12	Applicant's response dated 1 July 2026 to questions 1 and 2 of the Schedule 5 Notice dated 23 June 2026.
13	Permitting Decision Document for variation EPR/BW1416IQ/V007
14	Enforcement Notice under Regulation 36, environmental permit EPR/BW1416IQ, dated 6 February 2026.
15	Suspension Notice under Regulation 37(1) and (5), environmental permit EPR/BW1416IQ, dated 19 February 2026.
16	Waste Audit Report dated 1 April 2026.
17	Waste Audit Report dated 24 July 2026.