Permitting decisions- Refusal

We have decided to refuse the transfer for Clayton Hall Recycling Centre operated by Quercia Limited.

The decision was issued on 16/11/2026

The facility location is Clayton Hall Sand Quarry, Whittle -Le-Woods, Chorley, Lancashire, PR6 7DT

The application is to transfer the permit in full from Quercia Limited to Everwaste MRF Limited.

We consider that in reaching that 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

On 18 May 2026 the Environment Agency ("the Agency") received an Application[1] reference EPR/AP3897CJ/T010 ("the Application") from Everwaste MRF Limited ("the Transferee"). The Application was duly made on 20 May 2026[2]. The Application was made for the transfer of the permit from Quercia Limited to Everwaste MRF Limited.

Reasons for refusal

We have refused the transfer on operator competence/technical competence and compliance grounds because, having considered the evidence as a whole, we are not satisfied that Everwaste MRF Limited would operate the regulated facility in accordance with the environmental permit from the date of transfer. The Recycling Centre (RC) is subject to continuing and repeated permit breaches involving waste storage, containment, surfacing, drainage, dust, heat, fire-prevention controls and unauthorised treatment; required improvement conditions and corrective actions remain outstanding; a Regulation 36 Enforcement Notice was not complied with; the 2026 compliance score places the operator in Band D; and ongoing conditions create a pathway for contaminated run-off towards Bryning Brook and potentially the River Lostock.

The proposed transfer is between connected companies within the same wider corporate group and would retain substantial continuity of directors, senior personnel, corporate oversight and day-to-day technical management, including the same Technically Competent Manager who is responsible for both the RC and adjacent landfill. The evidence does not demonstrate an independent or substantive change in control, operating culture, technical management, systems or resources capable of resolving the established failures. Concerns are reinforced by Everwaste MRF Limited's recent S2 exemption deregistration for storage and site-control failures, Quercia Limited's wider enforcement history, and the unresolved suspension, engineering, restoration, pollution-control, monitoring and aftercare liabilities at the landfill.

In these circumstances and taking account of the foreseeable risk that transferring the income-generating RC could separate that asset from the landfill liabilities, while leaving no assurance of sustained compliance, we consider that the proposed transferee has not demonstrated the organisational, managerial

[1] Appendix 1 – Transfer Application dated 07 November 2025
[2] Appendix 2 – Duly made email dated 20 May 2026

and technical competence necessary to operate the facility in accordance with the permit. Accordingly, the operator competence test in paragraph 13 of Schedule 5 of the Environmental Permitting (England and Wales) Regulations 2016 is not satisfied and the transfer must be refused.

Further evidence supporting each reason for refusal is set out in the sections below.

Description of the facility

The facility is located at NGR SD 5685 2181, within the permitted area of the Clayton Hall Landfill Site also operated by Quercia, under EPR/BV1364ID[3].

The Clayton Hall RC permit EPR/AP3897CJ[4] allows the site to operate as a household, commercial and industrial waste transfer station which is permitted to accept a wide range of non-hazardous waste and some hazardous wastes for treatment. All treatment should be carried out within the building. Baled waste can be stored externally pending collection.

The site surface water drainage is required to be collected in a sump, pumped into a final leachate treatment tank before discharge to sewer under the conditions of the Landfill Site permit. Uncontaminated water, including the roof water, can be discharged to Bryning Brook under an Environment Agency (EA) discharge consent[5].

The permit allows for recyclable fractions to be recovered for onward shipping to third party recyclers. Residual combustible waste which is not suitable for recycling can be shredded to produce Refuse Derived Fuel (RDF). Material which cannot be recovered may be disposed of in the landfill, subject to the landfill waste acceptance procedures and waste classification or to be further treated elsewhere.

Site Background

The details of the continual breach of conditions have been explained in Compliance Assessment Reports (CAR forms) dated 12 May 2026[6], 16 July 2026[7] and 21 August 2026[8].

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[3] Appendix 3 - Clayton Hall Landfill Site permit EPR/BV1364ID
[4] Appendix 4 - Clayton Hall RC permit EPR/AP3897CJ
[5] Appendix 5 - Environment Agency (EA) discharge consent.
[6] Appendix 6 - CAR form dated 12 May 2026
[7] Appendix 7 – CAR form dated 16 July 2026
[8] Appendix 8 – CAR Form dated 21August 2026

Evidence that the ongoing permit breaches have not been resolved

1. Continued non-compliant storage under permit condition 2.1.1
Inspections identified loose treated waste stored outside the building rather than in secure containers inside the building or baled externally, together with a damaged building wall that increased the risk of waste escaping. The operator was required to provide a compliant containment plan by 17 June 2026 and repair the building by 30 June 2026. Subsequent inspections continued to find loose treated waste outside the building, waste spilling from the building and waste stored under a canopy in the yard. The waste remained neither baled nor held in secure containers and was stored on ground without impermeable surfacing and sealed drainage. Bales of dry mixed recyclables were also stored outside, contrary to the requirement for this waste to be kept inside a building. Repeated observations demonstrate that the required containment and storage improvements were not implemented or sustained.

2. Failure to complete required enforcement steps
Regulation 36 Enforcement Notice (R36) – Clayton Hall Recycling Centre
An enforcement notice[9] under Regulation 36 of the Environmental Permitting (England and Wales) Regulations 2016 was served on 7 August 2026 in relation to permit EPR/AP3897CJ for Clayton Hall Recycling Centre. The notice addressed breach of permit condition 2.1.1, recorded under infrastructure and containment of stored materials. The documented reason was continued external storage of waste, including loose or unbaled material and waste spilling from the reception hall, despite the permit requiring most waste to be stored inside the building. The notice required corrective steps to be completed by 12 noon on 14 August 2026. The notice has not been complied with; further regulatory action, including possible suspension, is under consideration.
At the follow-up inspection, loose treated waste remained outside the building. The deadline had therefore passed without full compliance of the above detailed enforcement notice, confirming that the breach continued despite formal enforcement action.

3. Previous corrective actions remained outstanding
Similar waste-storage breaches have been identified during earlier inspections, and previous actions requiring the removal and proper containment of loose treated waste were not completed. Outstanding improvement conditions also remained unresolved: IC1 and IC5 were due by 14 February 2026; IC6 and IC8 by 14 October 2025; and IC7 by 14 November 2025.

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[9] Appendix 9 - Regulation 36 Enforcement Notice (R36)

Reference	Requirement	Permit timescale	Due date
IC1	Submit a written report for Environment Agency assessment and approval setting out proposals and implementation timescales for upgrading the localised extraction system. The report must cover system design and compliance, MCERTS requirements, alarms and triggers, contingency actions, maintenance, and suitably qualified engineering oversight. Approved proposals must be implemented to the agreed timescales.	Within 6 months of permit issue.	14 February 2026
IC5	Submit a primary containment and site surfacing report for Environment Agency approval. It must include a qualified engineer's inspection, an assessment of surfacing and containment condition and suitability, a programme of improvement works with timescales, and a maintenance and inspection regime. The approved programme must be implemented.	Within 6 months of permit issue, or another date agreed in writing.	14 February 2026
IC6	Review and update waste storage, segregation and handling procedures so they meet the Environment Agency's Chemical waste: appropriate measures for permitted facilities guidance, including demonstrating that storage containers comply. Submit the updated procedures for approval.	Within 2 months of permit issue, or another date agreed in writing.	14 October 2025
IC7	Submit a report for Environment Agency approval demonstrating that impermeable surfacing and a sealed drainage system are in place in external areas where waste is stored or handled, and that the measures comply with Environment Agency guidance.	Within 3 months of permit issue, or another date agreed in writing.	14 November 2025
IC8	Submit a wastewater sampling programme for Environment Agency approval to fully characterise discharges from emission point S1. It must include monthly 24-hour flow-proportional sampling for six months, methods and standards, sampling-point	Within 2 months of permit issue, or another date agreed in writing.	14 October 2025

	grid references, flow and water-quality characteristics, relevant substances, bioeliminability data, reporting arrangements, and compliance with BAT conclusion 20 and applicable Environment Agency guidance. Carry out the approved programme and submit monitoring data.		

All required information, as detailed above, was subsequently directed to be submitted by 30 July 2026. The recurrence of the same storage and infrastructure deficiencies after these dates provides further evidence that effective corrective measures have not been completed.

4. Other controls had not been demonstrated as effective
Earlier findings included significant dust and heat build-up, vapour rising from waste piles and welding within six metres of combustible material, contrary to the approved Fire Prevention Plan[10]. The Agency required the operator to submit strengthened housekeeping procedures by 17 June 2026 and stop hot work near combustible material immediately. Two wash plants were also being used for waste treatment, although washing was not authorised by the permit; this activity was required to cease immediately pending a permit variation. In the absence of evidence that these actions were completed and maintained, these matters cannot be regarded as resolved.

5. Environmental risk remains present
The continuing external storage of waste on unsuitable surfacing without sealed drainage creates an ongoing risk of contaminated surface-water runoff leaving the site and entering Bryning Brook, approximately 70 metres from the site boundary, and potentially the River Lostock. This could affect aquatic ecosystems, protected wildlife corridors, leisure activities and other legitimate uses of the environment. The repeated nature of the findings, together with the failure to meet corrective and enforcement deadlines, supports the Category 2 assessment for the ongoing storage breach. A Category 2 breach is one that has, or could have, a significant adverse effect on the environment.

The evidence detailed above shows a continuing pattern rather than isolated incidents: the same storage and containment failures were recorded during multiple inspections; specified corrective deadlines passed; a Regulation 36 Enforcement Notice was not complied with; and the environmental pathway remained. The ongoing breaches have therefore not been resolved.

[10] Appendix 10 - Approved Fire Prevention Plan

Scoring and enforcement position
The inspection attracted 31 Compliance Classification Scheme points. The total score for 2026 to date is 43 points, placing the operator in Band D and resulting in a subsistence fee of 125% of the 2025 charge. Further enforcement action is being considered because of the ongoing and repeated nature of the breaches and the failure to comply with the R36 notice.

Potential revocation
Revocation of the environmental permit may be considered if the issues remain unresolved. However, further evidence would be required to substantiate the need for revocation.

Calculating subsistence charges for waste activities and installations

Subsistence charges for waste activities and installations (except intensive farming sites that are part of the farm assurance scheme) reflect both the regulatory interventions and the effort applied by the Environment Agency in the previous compliance year.

The subsistence charge is calculated by applying a percentage multiplier to the baseline subsistence charge, based upon the compliance band for the previous year.

At the end of the compliance year, the scores for non-compliance are added together to generate a compliance band:

- A = 0 points
- B = 0.1 to 10 points
- C = 10.1 to 30 points
- D = 30.1 to 60 points
- E = 60.1 to 149.9 points
- F more than 150 points

Sites in compliance bands A and B have demonstrated an expected level of permit compliance.

Sites in compliance bands C and D must improve in order to achieve permit compliance.

Sites in compliance bands E and F must significantly improve in order to achieve permit compliance. These sites are more likely to have their permit revoked unless there is substantial evidence that they are working towards achieving compliance in a timely manner.

Evidence of the Connection Between Quercia Limited and Everwaste MRF Limited

Purpose

This information summarises the evidence demonstrating a corporate, managerial and operational connection between Quercia Limited and Everwaste MRF Limited in relation to the proposed transfer of environmental permit EPR/AP3897CJ.

The evidence indicates that the companies are not independent third parties. They are linked through the same wider corporate group, common ownership and control arrangements, shared directors and senior personnel, common business addresses, and the continuing management of activities at the Clayton Hall site.

Environmental risk and functional linkage of the RC and landfill

The RC lies within the Clayton Hall complex and the landfill is accessed through the RC yard. An access ramp and external storage arrangements have blurred the physical boundary between the two activities. Loose waste stored on unsuitable or incompletely contained surfacing creates a pathway for contaminated surface-water run-off towards Bryning Brook, approximately 70 metres from the site boundary, and potentially the River Lostock. The RC also has a separate discharge consent for yard drainage. Incident-response sampling reportedly showed similarities to landfill leachate, but the available evidence does not establish a definitive pathway; this point should therefore remain expressed as an unresolved risk rather than a proven discharge from the landfill.

Corporate, managerial and operational continuity

The proposed transfer is between related corporate entities rather than independent operators. Tanya Weston is identified as a director of Quercia and the Technically Competent Manager (TCM) for both the RC and landfill, and the Application indicates that she would continue as TCM for the RC following transfer. The proposed transaction would therefore change the legal permit holder but does not, on the evidence available, demonstrate a corresponding change in control, technical management or operating culture capable of resolving the established compliance failures.

We consider that retaining the same Technically Competent Manager would create a material risk that the permit breaches would continue unresolved. Given the Technically Competent Manager’s failure to identify, address and prevent the ongoing non-compliances, we are not satisfied that the Operator has demonstrated the competence necessary to ensure compliance with the permit.

Permit Transfer

Quercia Limited is the current holder of environmental permit EPR/AP3897CJ for the Clayton Hall Recycling Centre. The transfer application seeks to transfer that permit from Quercia Limited[11] to Everwaste MRF Limited[12].

The transfer is therefore between two companies associated with the same wider group rather than between unrelated businesses.

Corporate Ownership and Control

Quercia Limited

Quercia Limited, company number 01108984, is controlled through the following corporate chain:

- Quercia Limited identifies NWM Holdings Limited as a person with significant control.
- NWM Holdings Limited identifies Everwaste Solutions Limited as a person with significant control.
- Everwaste Solutions Limited identifies Fenix Bridge Investments Limited as a person with significant control.
- Fenix Bridge Investments Limited identifies Fenix Bridge Holdings Limited as a person with significant control.
- Fenix Bridge Holdings Limited identifies Ian Peter Fenny as a person with significant control.

Everwaste MRF Limited

Everwaste MRF Limited, company number 16737262, identifies Everwaste Recovery and Recycling Holdings Limited as a person with significant control. Everwaste Recovery and Recycling Holdings Limited identifies Everwaste Solutions Limited as a person with significant control.

Common Corporate Link

The ownership records therefore connect both companies to Everwaste Solutions Limited:

- Quercia Limited is connected to Everwaste Solutions Limited through NWM Holdings Limited.

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[11] Appendix 11 – Companies House – Directors details for Quercia Limited
[12] Appendix 12 – Companies House – Directors details for Everwaste MRF Limited

- Everwaste MRF Limited is connected to Everwaste Solutions Limited through Everwaste Recovery and Recycling Holdings Limited.

This establishes a common corporate link between the current permit holder and the proposed transferee. Both companies sit within the wider Everwaste and Fenix Bridge corporate structure.

Common Directors and Senior Personnel

Tanya Weston

Tanya Weston is a director of Quercia Limited and is identified in the application material as the Technically Competent Manager for the RC and the adjacent landfill site.

The Application documents indicate that she would continue as Technically Competent Manager for the Recycling Centre if the permit were transferred to Everwaste MRF Limited.

This proposed continuity of technical management is evidence that the operational management of the permitted activity would remain connected following the transfer.

Tanya Weston was also previously a director of NWM Holdings Limited, which sits between Quercia Limited and Everwaste Solutions Limited in the corporate-control chain.

Summary of links between the companies, directors and TCM

The transferor, Quercia Limited, and the proposed transferee, Everwaste MRF Limited, remain closely connected through the same wider corporate group, overlapping senior personnel and shared operational management. Although Iain Cook is no longer a director of Everwaste MRF Limited, his previous directorships across, Everwaste MRF Limited and several companies within the shared ownership chain demonstrate his clear and substantive connection to the wider group of companies. His resignation from Everwaste MRF Limited, does not remove or diminish the significance of those established corporate links. Samantha Ingham and David Smithson are directors of Everwaste MRF Limited and also hold directorships in Everwaste Recovery and Recycling Holdings Limited and NWM Holdings Limited, entities within the respective control chains of the transferee and transferor. Tanya Weston is a director of Quercia Limited and the current Technically Competent Manager for Clayton Hall Recycling Centre and the adjacent landfill; the Application proposes that she remain TCM for the Recycling Centre following transfer. The proposed transfer would therefore change the legal permit holder but would not create genuine separation

between the businesses, as significant links in corporate oversight, senior personnel and day-to-day technical management would remain across the Clayton Hall operations.

Common addresses

Quercia Limited, Everwaste MRF Limited and related group companies use the same Castle Mound Way address in Rugby.

Ownership History

The supporting refusal documentation records that Quercia Limited and the immediately associated Neales Waste Management companies were sold in 2022 to a company within the Everwaste subgroup of the Fenix Bridge group – OPES MRF 2013 Limited – this company is now in liquidation.
This recorded ownership history is consistent with the current company-control information and supports the conclusion that Quercia Limited forms part of the same wider corporate organisation as Everwaste MRF Limited.

This supports refusal because the transfer is between connected companies within the same wider group, and the ownership history includes a relevant example of a group company entering liquidation. Together with the proposed continuity of senior personnel and technical management, this provides insufficient assurance that transferring the permit would deliver the independent control and operational change needed to resolve the existing breaches and secure future compliance.

Operational Connection at Clayton Hall

The Recycling Centre and the adjacent landfill are both currently associated with Quercia Limited and operate at the Clayton Hall site.

The evidence of operational connection includes:

- the Recycling Centre permit is proposed to be transferred from Quercia Limited to Everwaste MRF Limited;
- Tanya Weston is the Technically Competent Manager for both the Recycling Centre and the landfill;
- the Application material indicates that she would continue in that role for the Recycling Centre after the transfer;
- Quercia Limited uses an Everwaste Solutions Limited address;
- operational correspondence has used an @everwaste.co.uk email address for the National Technical Compliance Manager; and

- the transferor and proposed transferee share links to the same corporate group and key personnel.

These factors indicate that the proposed transfer would change the legal entity holding the RC permit but would not necessarily result in a corresponding separation of corporate oversight, personnel or operational management as detailed above.

Concerns over abandonment

Evidence supporting the risk of liquidation and landfill abandonment

Foreseeable consequences of abandonment

Regulation 37 Suspension Notice – Clayton Hall Landfill

A suspension notice under Regulation 37[13] was served on 21 November 2025 in relation to permit EPR/BV1364ID for Clayton Hall Landfill. The notice was issued because waste had been deposited in the final landfill cell before construction quality assurance sign-off and before completion of the required Pre-Operational Measure. The underlying breaches related to permit conditions 2.6.4 and 2.5.1 and were recorded as non-compliances under infrastructure and engineering for the prevention and control of pollution. The notice required that no further waste deposits were to take place while remedial works and compliance testing of the final cell were undertaken. The recorded status is non-compliance, with the matter forming part of an ongoing investigation.

These circumstances may be relevant to consideration of whether the permit should be revoked because they indicate that waste acceptance and deposition proceeded without the required construction assurance and pre-operational approval, despite those controls being fundamental to demonstrating that the final cell was engineered to prevent pollution. The need to suspend further deposits pending remedial works and compliance testing, together with the matter remaining under investigation, may raise concerns about the operator's ability and willingness to comply with permit requirements and to manage the facility without unacceptable environmental risk. If the breaches are substantiated and evidence shows that the risks cannot be adequately controlled through remedial action, enforcement or variation of the permit, they could form part of the evidential basis for assessing whether statutory grounds for revocation are met; however, any decision would need to be proportionate, based on the full

[13] Appendix 13 - Suspension Notice under Regulation 37 dated 21 November 2025 in relation to permit EPR/BV1364ID

compliance history and investigation findings, and made in accordance with the applicable legal test and procedural requirements.

If Quercia entered liquidation and its landfill permit were disclaimed, there would be a material risk that no solvent operator would remain responsible for completing restoration and long-term environmental management. This is a real concern, rather than a remote or theoretical possibility, because substantial obligations remain unresolved at Clayton Hall Landfill, including final profiling and capping, restoration soils, maintenance or remediation of engineered containment, leachate and landfill-gas management, surface-water controls, monitoring and aftercare. These are continuing, specialist and potentially long-term responsibilities that cannot simply cease if the company is liquidated. Environment Agency guidance states that, during landfill aftercare, the operator must continue to manage, maintain and monitor the site, comply with the permit and approved operating techniques, and demonstrate physical and chemical stability before surrender. If the operator disappeared before those requirements were met, essential pollution-control infrastructure could be left without effective oversight, maintenance or funding. Abandonment could therefore create a risk that practical environmental and financial risk could fall to landowners, regulators and ultimately the public while the site still required active management.

Relevance to the transfer
This is relevant to the transfer because moving the income-generating RC permit to Everwaste MRF Limited could leave the substantial landfill restoration, pollution-control, monitoring and aftercare liabilities with Quercia Limited. If Quercia subsequently became insolvent or its landfill permit were disclaimed, the transfer could reduce the assets and income available to fund those obligations while creating no assurance that another solvent operator would assume responsibility for them. When assessing the proposed transferee's competence and whether the facility would be operated in accordance with the permit, the Environment Agency may therefore take account of the foreseeable environmental consequences of the transaction, the close corporate and managerial links between the parties, and whether the transfer would separate a viable operating activity from unresolved liabilities within the same site and wider corporate group.

The following factors, taken together, support a reasonable regulatory concern that the transfer could enable the RC to be separated from Quercia Limited before Quercia Limited enters insolvency:

1. **Separation of asset and liability:** the RC is an operating asset capable of generating income, while the landfill carries substantial closure, restoration, monitoring and pollution-control liabilities.

2. **Reduced landfill income:** the landfill has limited remaining void, areas above approved contours and a Suspension Notice preventing further deposits pending remedial works and engineering assurance.
3. **High outstanding expenditure:** foreseeable liabilities include capping, sourcing and placing restoration soils, remediation and operation of leachate, gas and other pollution-control infrastructure, and long-term aftercare and monitoring.
4. **No evidenced independent commercial rationale:** the available application material does not explain why the RC permit must move between companies in the same group where management continuity is proposed.
5. **Relevant group precedent:** the evidence records that the Finmere MRF permit was transferred from OPES MRF2013 to Juno Recycling Limited in January 2025; OPES MRF2013 entered voluntary liquidation in December 2025; the landfill permit was disclaimed in February 2026; and the landfill was abandoned. Tanya Weston had a recorded directorial connection with OPES MRF2013. She is also the TCM for Clayton Hall RC and Clayton Hall Landfill. This therefore demonstrates concerns with operator competence.
6. **Limited effectiveness of conventional compliance action:** repeated CAR actions, improvement conditions and an enforcement notice have not secured sustained compliance. Revocation or loss of the RC as an asset could further reduce the incentive and resources available to retain and manage the landfill.

Other relevant non compliances in support of the refusal

Regulatory Notices and Exemption History

This section consolidates the regulatory notices, warning correspondence, other formal regulatory action and exemption history identified in the available records for Quercia Limited, Everwaste MRF Limited and the related companies expressly referenced in the refusal evidence. It records the documented reason for each action and distinguishes confirmed history from matters for which no notice or exemption record has been identified.

Quercia Limited

Duty of Care Warning Letter

A warning letter[14] was issued on 7 January 2026 following a Waste Audit Report[15] for permit EPR/AP3897CJ. The letter concerned contraventions of sections 34(1)(c)(ii) and 34(6) of the Environmental Protection Act 1990. The documented reason was failure to take reasonable measures to ensure that a written description of the waste was provided, so that subsequent holders could avoid contravening section 33 of the Act or regulation 12 of the Environmental Permitting Regulations 2016. The wider audit history also records concerns about waste classification, sampling and coding, including requirements arising from the reclassification of metal shredder residues.

Enforcement Undertaking EU1186

Quercia Limited offered Enforcement Undertaking EU1186[16] for failure to comply with an installation permit condition under regulation 38(2), relating to odour non-compliance at Clayton Hall Landfill between 1 September 2017 and 1 July 2018. The undertaking was concluded on 10 April 2026 and included payments totalling £200,000 to local charities together with the Environment Agency's costs. A separate investigation into alleged permit breaches during 2023 and 2024 remains ongoing.

Exemption History

Quercia Limited holds U6 exemption WEX419850[17] for using sludge to re-seed a waste water treatment plant at PR6 7DT. It was registered on 22 October 2024 and is recorded as expiring on 21 October 2027. The available evidence does not identify deregistration, suspension or a formal notice concerning this exemption.

Everwaste MRF Limited

S2 Exemption WEX495288

Everwaste MRF Limited registered an S2 exemption WEX495288[18] on 6 August 2026 for storing specified waste at a secure site before transport to another site for recovery. The exemption was deregistered on 1 September 2026 because the activity no longer met the exemption conditions. The deregistration letter[19] records that the waste activity created a risk to soil; different waste types were

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[14] Appendix 14 - Warning letter dated 7 January 2026
[15] Appendix 15 – Waste Audit Report
[16] Appendix 16 - Enforcement Undertaking EU1186
[17] Appendix 17 - Quercia Limited U6 exemption WEX419850
[18] Appendix 18 - Everwaste MRF Limited S2 exemption WEX495288
[19] Appendix 19 - Everwaste MRF Limited S2 exemption WEX495288S2 deregistration letter

not stored separately; the site was not secure; and baled waste was not stored indoors, in a container or in an enclosure designed to prevent litter escaping. The evidence also records storage of baled mixed waste under a waste code not authorised by the S2 exemption. The operator was required to stop all activities authorised by the exemption immediately and not accept further waste under the exemption.

Environmental Protection Act 1990, section 33(1)(a) – Stop and Clear Requirement

A stop-and-clear letter[20] was issued on 19 August 2026 in respect of land adjacent to the site access road at Dawson Lane, Chorley. The reason was the causing or permitting of a waste deposit on land without an environmental permit, contrary to section 33(1)(a) of the Environmental Protection Act 1990. The available record states that the requirement was complied with and that no further enforcement action was required in relation to that incident.

A stop-and-clear letter is a formal regulatory instruction requiring a person or business to stop an unauthorised waste activity immediately and remove the deposited or stored waste from the land within a specified period. It identifies the suspected breach, explains the action needed to restore compliance and warns that failure to comply may lead to further investigation or enforcement action, including prosecution. It does not itself determine criminal liability; rather, it provides the recipient with an opportunity to cease the activity, clear the waste and prevent the environmental risk from continuing.

Operator Competence

The Environmental Permitting (England and Wales) Regulations 2016, Paragraph 13 of Schedule 5 EPR 2016 states that when considering an application for the grant or transfer of an environmental permit, the Environment Agency has a duty to apply the operator competence test:-

(1) 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.

(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

[20] Appendix 20 - Everwaste MRF Limited stop-and-clear letter issued on 19 August

(b) operate the regulated facility in accordance with the environmental permit.

When considering whether the operator will comply with the permit conditions, the test does not distinguish between the operator's willingness to comply and/or their ability to comply. It is for us the Regulator to use our discretion based on all the known relevant factors to ensure we comply with the duty imposed upon us.

We also consider that Regulation 21 EPR 2016 enable us to use our discretion in deciding whether a permit is transferred in the circumstances outlined therein.

In summary, we have concluded that the regulated facility would not be operated in compliance with the permit conditions if the permit was to be transferred.

In addition, we do not consider that the transferee would operate the facility in accordance with the environmental permit given the condition of the site, upon transfer would place the transferee in immediate breach of those conditions.

The Department for Environment Food and Rural Affairs Environmental Permitting: Core Guidance For the Environmental Permitting (England and Wales) Regulations 2016 ("the Core Guidance") states:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/935917/environmental-permitting-core-guidance.pdf

Under the Core Guidance at Paragraphs 9.19 to 9.23

> *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 noncompliance 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.*

9.22 The regulator must not grant or transfer a permit to persons it considers will not be the operator of that facility or will not operate the facility in accordance with the permit. This may include persons who have such a poor record of compliance with regulatory requirements or persons who have demonstrated such poor behaviour towards officers and the regulatory process that it appears unlikely that they would comply with permit conditions. Similar considerations could, equally, lead to revocation of (an) existing permit(s).

Other relevant issues

Permit Issue, Variations and Transfers

Issue of Permit

- **18 June 2004 – Waste Management Licence issued:** EAWML 54375.
- **6 April 2008 – Licence became an environmental permit:** EPR/AP3897CJ, formerly EAWML 54375.

Permit Variations

- **V002:** Application made on 21 May 2010; varied permit issued on 15 June 2010.
- **V003:** Application made on 16 September 2013 to add a waste type; varied permit issued on 25 October 2013.
- **V004:** Application duly made on 6 October 2014 to increase storage of non-conforming waste, increase maximum annual waste treatment, add treatment of mixed waste, allow outside storage of baled product, and amend operation codes; varied permit issued on 13 January 2015.
- **V005:** Application duly made on 15 July 2015 to add a waste type; varied permit issued on 12 August 2015.
- **V006:** Application duly made on 19 October 2015 to add a waste type; varied permit issued on 16 November 2015.
- **V008:** Variation issued on 26 September 2023 following notification of a change to the registered office address; varied permit issued to Quercia Limited.

- **V009 – Variation and consolidation:** Application duly made on 28 August 2024 to add installation activities for hazardous waste and update the permit to modern conditions. Further information was received between September 2024 and July 2025, including updated odour and dust management plans, a revised H1 assessment, abatement, storage and throughput details, MRF plant capacity, the FPP layout and the Fire Prevention Plan. The variation was determined and the consolidated permit EPR/AP3897CJ was issued on 14 August 2025 in modern format.

Permit Transfers and Administrative Changes

- **No permit transfer is recorded in the status log.**
- **17 October 2019 – Change of registered office notified:** 501 Green Place, Walton Summit Centre, Bamber Bridge, Preston, Lancashire, PR5 8AY.
- **2 November 2019 – Administrative variation issued:** Permit EPR/AP3897CJ issued to Quercia Limited.
- **26 September 2023 – Change of registered office duly made:** Clayton Hall Sand Quarry, Clayton Hall Quarry, Dawson Lane, Whittle-Le-Woods, Lancashire, PR6 7DT.

The legal framework

The Environmental Permitting (England and Wales) Regulations 2016.

Paragraph 13 of Schedule 5 EPR 2016 states that when considering an application for the grant of an environmental permit, the Environment Agency has a duty to apply the operator competence test, specifically:-

(1) 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.

(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.

When considering whether the operator will comply with the permit conditions, the test does not distinguish between the operator's willingness to comply and/or their ability to comply.

As well as the duty cited above, under regulation 21 EPR 2016 the Environment Agency has a general discretion to transfer a permit on the joint application of an operator and the proposed transferee.

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 the transfer of this permit.

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.

Conclusion

Technical competence and compliance

The evidence does not provide sufficient assurance that Everwaste MRF Limited would operate the facility in accordance with the permit from the date of transfer.

The existing non-compliances remain unresolved and include matters relevant to engineering integrity, environmental protection and the effective management of the site. Against that background, the proposed arrangements do not demonstrate a substantive improvement in technical competence, management systems or operational control. Continuity in the proposed technical management further limits the assurance that the causes of the current breaches would be identified, addressed and prevented from recurring.

Controlling mind and connection between the companies

Although Quercia Limited and Everwaste MRF Limited are separate legal persons, the available evidence shows that they are connected entities within the same wider corporate group. Common ownership and control links, shared and recently shared directors, common registered and correspondence addresses, ownership history, continuity of personnel and technical management, and the proposed intra-group transfer of permit AP3897CJ all indicate continuing common corporate oversight. The proposed transfer is therefore not equivalent to a transfer to an independent operator with demonstrably separate direction and control.

Effect of continuity in control

The evidence indicates that the individuals and corporate interests forming the controlling mind of the current and proposed operators are materially connected. The change of permit holder would therefore not, in substance, demonstrate a clear break in the decision-making, technical oversight or management culture associated with the existing non-compliances. This continuity is directly relevant to operator competence because it reduces confidence that the transfer would deliver the independent challenge, resources and corrective action necessary to secure sustained compliance.

Potential abandonment and environmental impact

The landfill has limited income potential and is subject to a Suspension Notice, engineering concerns, unresolved non-compliance, and substantial restoration and aftercare liabilities. In those circumstances, transferring the revenue-generating RC out of Quercia Limited could separate the operating asset from the liabilities associated with the landfill while preserving that asset within the wider corporate group. Liquidation or abandonment is not established as a certain outcome; however, the combination of connected corporate control, asset–liability separation, the absence of an evidenced commercial rationale and the Finmere precedent makes that risk reasonably foreseeable. If abandonment occurred, the consequences could include unmanaged pollution risks, deterioration of site infrastructure, failure to complete restoration and aftercare, prolonged regulatory intervention, and the potential transfer of significant remediation and monitoring costs to the public purse.

Overall conclusion

Considered cumulatively, the evidence does not demonstrate that the proposed transfer would result in a technically competent, sufficiently independent operator capable of securing compliance from the date of transfer. The unresolved breaches, continuity of the controlling mind, close connection between the companies and foreseeable risk that assets could be separated from long-term environmental liabilities materially undermine confidence in the proposed operator. The potential consequences of abandonment are serious and enduring. The transfer should therefore be refused on operator competence and compliance grounds in order to protect the environment and ensure that responsibility for restoration, aftercare and remediation remains effective and enforceable.