

Permitting Decisions - Variation

We have decided to grant the variation for Berkswell Quarry operated by Berkswell Recycling Limited.

The variation number is EPR/DB3508MA/V009.

The permit was issued on 27/08/2026.

The variation is for the increase of the annual tonnage of green waste from 45,000 tonnes to 90,000 tonnes per year. The proposed increase in annual throughput is to accommodate the increase in green waste from additional local authorities which are within range of refuse collection vehicles.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

Purpose of this document

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

- highlights [key issues](#) in the determination
- summarises the decision making process in the [decision considerations](#) section to show how the main relevant factors have been taken into account
- shows how we have considered the [consultation responses](#)

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

Read the permitting decisions in conjunction with the environmental permit and the variation notice.

Key issues of the decision

The key issue identified was the proposed stockpile sizes for the storage of oversize on site. In turn, this raised the concerns of the potential increase in risk of fire, odour, dust and pests due to the doubling of annual throughput of green waste. The GIS screening completed during validation indicate two SSSIs, several LWS and ancient woodland within screening distance.

The issue of stockpile sizes was raised during consultation as part of the determination. Following the consideration of the representations received during determination, we asked the operator to provide the updated Management Plan documents below.

The Fire Prevention Plan (titled 'Fire Prevention Plan,' Version 14.7, dated April 2026) includes updated stockpile sizes and provides substantial detail on how the site will prevent the event of a fire, how a fire will be managed if one should occur, and mitigation of adverse impacts on the surroundings. Regarding firewater containment, the site has an existing impermeable concrete surface, sealed perimeter drainage system, 1.5 million-litre underground surface water tank and kerbing. However, it is unclear as to whether the construction is in accordance with the requirements of CIRIA C736.

Therefore, due to the proposed increase of combustible material on site, we have included pre-operational condition 1 (PO1) which requires the operator to submit a written report of the existing firewater containment construction and design, including a review by a competent person (qualified civil or structural engineer) to ensure it meets the requirements of CIRIA C736.

The issue of dust was raised during consultation as part of the determination. We have not noted any dust issues in compliance. Permit condition 3.2.1 and 3.2.2 requires the operator to submit a comprehensive Dust Management Plan in the event there are issues of dust emissions on site.

The Odour Management Plan (titled 'Odour Management Plan,' Version 8, dated April 2026) provides substantial detail on how the site will prevent odour and mitigate adverse impacts on the surroundings. We have assessed the Odour Management Plan in accordance with our guidance on emissions management plans for odour and consider the plan to be acceptable.

The Pest Management Plan (titled 'Pest Management Plan,' dated July 2026) provides substantial detail on how the site will prevent pests and mitigate adverse impacts on surroundings. We have assessed the Pest Management Plan in accordance with our guidance on emissions management plans for pests and consider the plan to be acceptable.

The decision to permit the variation to operate under the conditions specified in the permit was made based on the provision of the updated Management Plans referenced above and the inclusion of PO1 in the permit to ensure the prevention of an adverse impact on the surrounding environment relating to runoff from increased firewater from an increase in green waste throughput.

Decision considerations

Confidential information

A claim for commercial or industrial confidentiality has not been made.

The decision was taken in accordance with our guidance on confidentiality.

Identifying confidential information

We have not identified information provided as part of the application that we consider to be confidential.

Consultation

The consultation requirements were identified in accordance with the Environmental Permitting (England and Wales) Regulations (2016) and our public participation statement.

The application was publicised on the GOV.UK website. No responses were received. We consulted the following organisations:

- Local Authority – Environmental Protection Department
- Local Authority – Planning
- Fire & Rescue
- Director of Public Health/UK Health Security Agency (PH/UKHSA)
- Health and Safety Executive
- Food Standards Agency

We received comment from the UK Health Security Agency only - its comments and our responses are summarised in the [consultation responses](#) section.

The site

The operator has provided plans which we consider to be satisfactory.

These show the extent of the site of the facility.

The plans show the location of the part of the installation to which this permit applies on that site.

The plan is included in the permit.

Nature conservation, landscape, heritage and protected species and habitat designations

We have checked the location of the application to assess if it is within the screening distances we consider relevant for impacts on nature conservation, landscape, heritage and protected species and habitat designations. The application is within our screening distances for these designations.

We have assessed the application and its potential to affect sites of nature conservation, landscape, heritage and protected species and habitat designations identified in the nature conservation screening report as part of the permitting process.

We consider that the application will not affect any site of nature conservation, landscape and heritage, and/or protected species or habitats identified.

The decision was taken in accordance with our guidance.

Environmental risk

We have reviewed the operator's assessment of the environmental risk from the facility.

The operator's risk assessment (Environmental Risk Assessment dated July 2026) is satisfactory.

General operating techniques

We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.

The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.

National Air Pollution Control Programme

We have considered the National Air Pollution Control Programme as required by the National Emissions Ceilings Regulations 2018. By setting emission limit values in line with technical guidance we are minimising emissions to air. This will aid the delivery of national air quality targets. We do not consider that we need to include any additional conditions in this permit.

Odour management

We have reviewed the odour management plan in accordance with our guidance on odour management.

We consider that the odour management plan is satisfactory and we approve this plan.

We have approved the odour management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental permit'.

Fire prevention plan

We have assessed the fire prevention plan and are satisfied that it meets the measures and objectives set out in the Fire Prevention Plan guidance.

We have set pre-operational condition 1 (PO1) to allow the operator time in which to ensure the firewater containment construction and design is suitable for the increase in combustible material on site and meets the requirements of CIRIA 736 before commencing the activities authorised.

We have approved the fire prevention plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The plan has been incorporated into the operating techniques S1.2.

Pre-operational conditions

Based on the information in the application, we consider that we need to include pre-operational conditions. Please see 'Key Issues' section above.

Emission limits

No emission limits have been added, amended or deleted as a result of this variation.

Monitoring

Monitoring has not changed as a result of this variation.

Reporting

Reporting has not changed as a result of this variation.

Management system

We are not aware of any reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.

The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.

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 110 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.

We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. 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.

Consultation Responses

The following summarises the responses to consultation with other organisations, and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section

Response received from UK Health Security Agency.

Brief summary of issues raised: The main emissions of potential concern are dust and bioaerosols to air however with the mitigations in place these are not expected to be significant.

Summary of actions taken: Thorough assessment of the Bioaerosol Risk Assessment.

The assessment is in accordance with the [M9 environmental monitoring of bioaerosols at regulated facilities - GOV.UK](#) and the [Control and monitor emissions for your environmental permit - GOV.UK](#) guidance. It includes ambient bioaerosol sampling comprising of single session sampling for aspergillus fumigatus and mesophilic bacteria in line with permit requirements, along with the collection of a single compost sample for carbon to nitrogen (C:N) ratio testing in line with permit requirements. Sampling was undertaken at both upwind and downwind locations. IOM filter sampling was used.

We have not noted any dust issues in compliance. Permit condition 3.2.1 and 3.2.2 requires the operator to submit a comprehensive Dust Management Plan in the event there are issues of dust emissions on site.