

From: [Gail Jenkins](#)
To: [Cummins, Kate](#); [SM-Defra-RESP-notifications \(DEFRA\)](#)
Cc: [Richard Corbett](#)
Subject: RE: EPR/FP3607PL/V002 Not Duly Made Request for Further Information CRM:0270009
Date: 27 September 2023 10:26:18
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[Dunnimere c3.5 Mr Richard Myles Calcott and Mrs Deborah Catheryn Calcott.pdf](#)

Good Morning Kate

Please find all documents as requested.

1. Revised Dunnimere C3.5 form with both directors details and accurate bird numbers.
2. H1 Risk assessment – I cannot find the guidance referred to. Can you please send.
3. It is confirmed that the generator is tested for less than 50 hours per year, and is used for no more than 500 hours per annum over an average three year period when mains power would be lost.
4. With regard to ammonia modelling, I can confirm the number of birds is 260,000. I have managed to amend on the form. When I highlighted it did say 260,000 but then changed when took the mouse off the number.

Kind regards

Gail

From: Cummins, Kate <kate.cummins@environment-agency.gov.uk>
Sent: Tuesday, September 26, 2023 6:08 PM
To: SM-Defra-RESP-notifications (DEFRA) <RESP-notifications@defra.gov.uk>; Gail Jenkins <gail@rogerparry.net>
Cc: Richard Corbett <richard@rogerparry.net>
Subject: RE: EPR/FP3607PL/V002 Not Duly Made Request for Further Information CRM:0270009
Importance: High

Hi Gail,

I'm just checking if you intend to respond soon to this, I have put the deadline as today, as I only have tomorrow and Thursday to get it moved on if I can duly make it, and then I'm on leave until 10/10/23. There's quite a bit to sort out once duly made (to get it out on consultation) hence if I don't get it tomorrow it is likely I will have to sort it when I'm back from leave as have other meetings booked in also for the next couple of days, so can you let me know if you need a further extension please.

Kind regards,
Kate

From: Cummins, Kate
Sent: 20 September 2023 16:20

To: SM-Defra-RESP-notifications (DEFRA) <RESP-notifications@defra.gov.uk>; Gail Jenkins <gail@rogerparry.net>
Cc: Richard Corbett <richard@rogerparry.net>
Subject: RE: EPR/FP3607PL/V002 Not Duly Made Request for Further Information CRM:0270009
Importance: High

Hi Gail,

I have now checked through all the information you have submitted in emails and attached documents on 04/09/23, 11/09/23, 14/09/23, 19/09/23 and (today) 20/09/23 and there are still some outstanding queries which I've highlighted in **yellow** below (in the original email request for information for ease of reference) and have put further explanation in **red**. Therefore, for clarity, please respond to the outstanding points:

3. a) Application Form C3.5 – please see original email below for details, as well as my comments in **red.**

6. H1 risk assessment – accidents - again see original email below for details, as well as my comments in **red.**

9. Standby generator – as per original email below, as well as my comments in **red.**

In addition there has been some other points that I have put comments in below in **red**, which I may need further information on during determination, along with anything else that may arise when I have looked at the application and supporting documents in detail, but no further details are required at this stage.

As soon as I have the responses for the outstanding points I will be able to duly make the application, can you please send these **in as soon as possible please and no later than 26/09/23**, as I am only in work tomorrow, and Tues – Thursday next week and then on leave 29/09/23 – 09/10/23 (inclusive) so I want to get this application duly made and sent out on consultation as soon as possible before I go on leave.

Kind regards,
Kate

From: SM-Defra-RESP-notifications (DEFRA) <RESP-notifications@defra.gov.uk>
Sent: 19 July 2023 09:48
To: Gail Jenkins <gail@rogerparry.net>
Cc: Cummins, Kate <kate.cummins@environment-agency.gov.uk>; Wigglesworth, Simon <simon.wigglesworth@environment-agency.gov.uk>
Subject: EPR/FP3607PL/V002 Not Duly Made Request for Further Information CRM:0270009

Dear Gail,

I have now looked through the application for the initial duly making checks and need to ask for the following further information and fees. I have left messages on your mobile phone voicemail as I would like to discuss these details further, so please call me back today if possible:

1. **Operator name** - please confirm that the current Operator of the installation is Richard Myles Calcott and Deborah Catheryn Calcott, and this variation application is being applied for in this Operator's name.

Background: the application form C3.5 has indicated that you wish to transfer the application to Dunnimere Poultry Ltd and some of the supporting documents refer to the Operator as Dunnimere Poultry Ltd. As previously discussed, to transfer the application to a new legal entity would require a separate transfer application and associated transfer fee.

Our guidance states: 'The operator is the legal person or organisation who has control over the operation of a regulated facility. We consider every set of circumstances on its merits but the following factors help us decide if somebody has sufficient control. Can they:

- *manage site operations through having day-to-day control of plant operations, including the manner and rate of operation*
- *ensure that permit conditions are effectively complied with*
- *decide who holds key staff positions and have incompetent staff removed*
- *make investment and/or financial decisions affecting performance of the facility*
- *ensure that regulated activities are suitably controlled in an emergency*

A site owner can continue to be the operator and hold the permit where it lets a contract for activities at a site provided they continue to take responsibility and exert sufficient supervision, depending on specific arrangements. It is less likely that a remote holding company could be in sufficient control, unless it had quite detailed arrangements in place'. Furthermore, Regulation 7 defines the operator as: "the person who has control over the operation of a regulated facility".

2. **Installation address** – the application form and current permit refers to Dunnimere Farm, Portway Lane, **Harlaston**, Staffordshire B79 9LA, but a Royal Mail postcode check and also on our own mapping system indicates an address of Portway Lane, **Wigginton, Tamworth**? Please confirm which is correct.

3. **Application Form C3.5 and application supporting documents** – these are currently based on the applicant or 'client' being Dunnimere Poultry Ltd.

a. Please submit a revised application form C3.5. In particular, the declaration should be completed by each individual who is the legal entity, in this case each partner (*it is currently completed by just 'Richard Myles' (Director), so doesn't include his surname*). In addition section 6 should be completed, and the livestock number corrected in 8d, table 2 – as it says 260 broilers. Section 9 indicates that an environmental statement should be submitted, and the EIA is listed as a supporting document in the checklist but not provided. Part 10b is also incomplete. *You have submitted 3 x C3.5 application forms each completed with a 'Director', including one for Mr Edward Myles Calcott. The latter is not a partner (as you have confirmed in your response to question 1 in the email submitted 04/09/23), so I do not need a completed declaration from him, we just require you to complete one C3.5 with both partners included in the section 14 declaration separately (there's additional rows below the first declaration to include the 2nd partner's details. In addition please confirm the number of broilers is 260,000 in 8d, table 2 and complete part*

10b.

b. Non-Technical Summary (NTS) – please review and submit a revised NTS which confirms the correct Operator and also the correct reference for the site location plan (it refers to Appendix 1 but no Appendix is attached to the document). **(This still refers to appendix 1, but in order to move thing on will accept the installation plan as a site location plan)**

c. For all other documents, please confirm that the Operator is Richard Myles Calcott and Deborah Catheryn Calcott, and that any reference to Dunnimere Poultry Ltd should refer to the Operator.

Please note – for intensive farming applications, form C3.5 is the only application form we require therefore we will ignore the Part A form submitted for this variation. If you later wish to transfer the permit that will require submission of forms A, D2 and F1 (the latter will require 2 x F1 forms as the declaration needs to be completed by each partner).

4. **Poultry house heating** – please confirm how the poultry houses are heated e.g. biomass boilers using virgin biomass wood pellets, or LPG heaters. Depending on the method used, we will need specific details to enable further risk assessment – for example for biomass boilers **see [Intensive farming risk assessment for your environmental permit - GOV.UK \(www.gov.uk\)](http://www.gov.uk)**, therefore I may need to send a follow-up request for information for this issue.

5. **Environmental Impact Assessment (EIA)** – as detailed in 3a) above, section 9 of the application form indicates that an EIA should be submitted where you have indicated a planning application has been submitted, and the checklist in C3.5 includes reference to it being one of the documents submitted with the application but it hasn't been. Please submit the EIA.

6. **H1 risk assessment** - you are required to provide a risk assessment covering the following topics: odour, noise, fugitive emissions and accidents. However you have not provided an adequate accident risk assessment with your submission, which we require. Please see the example Appendix 11 H1 Risk Assessment Table A4 on pages 64 – 65 of the example broiler application guidance attached, but also ensure you include consideration of flooding, fires and firewater containment. *This has not been submitted.*

Please note the attached example broiler application requires updating as not all the information is current, but the H1 risk assessment can be used as a guide, to adapt to site specific details. The current document H1 assessment document submitted with your application lists the accident/emergency plan, however the emergency plan submitted is not considered to be a complete risk assessment, which lists the potential hazards, pathway and receptor and assesses the probability, consequences and overall risk. It also lists other documents covering the risk assessment, including mention of odour and noise modelling (which we wouldn't ordinarily ask for but will consider it where an Environment Impact Assessment has been submitted as part of a planning application, as indicated in section 9 of form C3.5 and mentioned in point 5 above). We acknowledge that you have submitted the fugitive emissions risk assessment, along with a specific dust and bioaerosol management plan and odour and noise and vibration risk assessments.

7. **Noise management plan (NMP)** – the application from states one has been submitted, and whilst you have submitted the noise and vibration assessment, this doesn't include all the information that we require in an NMP, such as actions which will be taken for

different identified risks and timescales, and how often the NMP will be reviewed. Please submit an NMP.

8. Site drainage plan – the application form checklist refers to the installation plan being submitted for site drainage, but this plan doesn't show the clean, lightly contaminated or dirty water pathways, diverter valves and location of any dirty water collection tanks or French drains as described in the Technical Standards document. It also doesn't show a pathway from the French drains to the ditch as indicated in the original permit application. It would be helpful if you could also indicate the locations of the standby generator and associated fuel storage, any plant associated with the poultry house heating and feed bins, as the installation plan doesn't have these marked on clearly. *The installation plan submitted as a site drainage plan does not clearly show the pathways for the clean, lightly contaminated and dirty water but has some descriptions on it, so for duty making purposes I will accept this and may need to request a better plan during determination*

9. Standby generator – please confirm the thermal input capacity of the generator in MWth, that it is only tested for 50 hours or less per annum and no more than 500 hours per annum (averaged over three years) for emergency power supply when mains power is lost. *You have not answered this question. I note you have sent details for a 200Kva Genset but I'm not clear if this is the standby generator. The information submitted states 'The thermal capacity of your 200Kva Genset at 100% is 0.2 Megawatts, that is using the Gensets kilovolt-ampere, to megawatts conversion' so if this is referring to the standby generator I will assume this is the thermal input capacity, but still require confirmation of the testing and operational details.*

9. Detailed Ammonia Modelling

a. The ammonia report submitted in support of the application (dated 7th March 2022) has modelled for 240,000 broilers. Please confirm that you are applying for 260,000 broilers, and we will undertake sensitivity checks for the additional poultry (we may require revised modelling if there are any specific issues during determination, but not at this stage). *You haven't answered this, but I assume as the C3.5 states 260 (should be 260,000) and the revised Non-Technical Summary also states 260,000 then this is what you wish to apply for therefore we will have to do sensitivity checks during the audit for the higher numbers than those modelled.*

b. Within section 3 of the ammonia modelling report both stage 1 and stage 2 modelling methodologies are described. It is unclear in section 4 whether the results indicated in the tables are from stage 1 or stage 2 modelling, please confirm which these are for.

c. Please also supply the electronic data input data files associated with the modelling, in order for our air quality modelling team to audit the modelling fully.

Please note: as no pre-application ammonia screening was requested and undertaken prior to submission of the application, we have completed this to ascertain which nature conservation sites screen out and which require further detailed modelling. As a result it has been established that all sites within the relevant screening distances (including 6 local wildlife sites (LWS) within 2km of the installation boundary, not listed in the modelling report) have screened out, with the exception of the River Mease SAC. No ammonia critical level (CLE) has been assigned for River Mease SAC in the ammonia report, however, whilst we still need to consult Natural England (NE) for the latest advice on the appropriate CLE

and nitrogen and acid deposition critical loads (CLs), advice received from NE in April 2021 assigned a CLe of 3 µg/m³ and no CLos for nitrogen or acid deposition (but also said at the time that this may change in the future, therefore we need to reconsult with them).

Therefore, we will need to assess the process contributions against the confirmed CLe and CLos during determination.

In addition, we introduced an interim position process in 2021 which is a change to how we assess some nature conservation sites - please see the attached document, which explains that where modelling indicates a PC > 1% at a SAC, SPA or Ramsar site -and we need to undertake additional checks. Currently the worst case PC at the River Mease SAC in table 15 of the ammonia report is 0.083 µg/m³ at receptor E3, which indicates a 2.77% PC against a CLe of 3 µg/m³ therefore further assessment will be required during determination. Early indications, following the interim position process, and taking into consideration the current background concentration of ammonia (taken from APIS at www.apis.ac.uk) at the closest point to the farm is 2.1µg/m³, show the PC + background is < 100% of the CLe of 3, triggering the requirement for consultation with the local planning authority. If there are other plans and permissions which impact on the SAC, or NE assign a CLe of 1 µg/m³, then this may result in the requirement for the Operator to provide a revised proposal with additional measures to be introduced to reduce the ammonia impact at this site.

11. **Fees** – we require additional fees of £779 for the completing the Habitats Regulation Assessment (HRA) and £620 for the ammonia modelling assessment, so please pay the additional £1399 (see table 1.19 in the charging guidance [The Environment Agency \(Environmental Permitting and Abstraction Licensing\) \(England\) Charging Scheme 2022](https://www.gov.uk/guidance/the-environment-agency-environmental-permitting-and-abstraction-licensing-england-charging-scheme-2022) (publishing.service.gov.uk), charge references 1.19.2 and 1.19.8 respectively).

We usually allow 10 working days as a deadline for response, which is **02/08/23**. I am around today if you need to discuss any of the above points further, but then I'm on leave from tomorrow 20/07/23 – 31/07/23 (inclusive) and 04/08/23 – 14/08/23 (inclusive). So if I have satisfactory responses by the time I am back on 01/08/23, I will hopefully be able to duly make the application and get the request for consultation over to our permitting support team before I go on leave for the second period of time after the 03/08/23. I have copied my colleague in, Simon Wigglesworth, if you have any queries later this week or next week when I'm off. Please also let me know if you will need more time to respond.

PLEASE REPLY DIRECTLY FROM THIS EMAIL TO THE RESP-NOTIFICATIONS EMAIL AND COPY ME IN – please do not start a new email to the RESP-Notifications email address as it won't recognise the application and it will go to a general inbox which is infrequently manned.

Kind regards,
Kate

Kate Cummins

Senior Permitting Officer, National Permitting Service, Operations – Regulation, Monitoring and Customer

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Please note: my working days are Tuesday - Friday

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