

"c/o Director and/or Company Secretary"
JMW Farms Ltd

Our ref: 53.F.11
Your ref: LP3939UL

Date: 18th January 2012

Relevant convictions

Dear Sir / Madam

You were convicted in Dorchester Crown Court on Thursday 22nd December 2011 of the following offences:

Under the Environmental Permitting Regulations 2007:

1. Failure to comply with an Enforcement Notice, dated 17 December 2009. The Notice required an above ground slurry store to be covered by 01 March 2010.
2. Having too many production pigs >30kg, in contravention of permit condition 2.1.
3. Constructing a (replacement) pig building of such a size that it went beyond the permitted area, thereby breaching condition 2.2 of the permit (extending the activities beyond the site boundary).
4. Breaching permit condition 3.1 in that on 24 March 2009 pig buildings were being washed out with a jet washer, the resultant effluent ran across a yard, onto a track, before soaking into the ground at the edge of a field.
5. Failing to comply with permit condition 3.3.2 in that two oil tanks were not provided with adequate secondary containment.
6. Failing to inform the EA (contrary to permit condition 4.3.1(b)) that additional pig housing had been constructed & that the permitted number of production pigs >30kg had been exceeded.

Offences under the Environmental Permitting Regulations 2010

7. A repeat of offence 3 above.
8. A repeat of offence 5 above.

We regard this conviction seriously and are now assessing your suitability to be granted or to continue to hold:

an Environmental Permitting Regulations permit for Schedule 1 activities namely:
section 6.9 A(1)(a) Rearing of pigs intensively in an installation with more than: (ii) 2,000 places for production pigs (over 30kg)
section 6.9 A(1)(a) Rearing of pigs intensively in an installation with more than: (iii) 750 places for sows

As a result of the assessment, we may refuse or revoke your permission(s). We need you to explain why you should remain suitable to hold such permissions following your conviction.

You must submit a post-conviction plan by 20th February 2012. It must contain the information shown in the notes overleaf. The information that you provide allows us to assess your competence to hold permission.

Please use the attached post-conviction plan template to provide the information and send the completed plan to:

Rivers House
Sunrise Business Park
Higher Shaftesbury Road
Blandford Forum
Dorset
DT11 8ST

If you do not provide a post-conviction plan, or if you fail to convince us that you will take appropriate steps to prevent further offences, then we may revoke or refuse your permissions.

Yours sincerely

Julian Wardlaw
Environment Management Team Leader

Contents of the post-conviction plan

Introduction

Provide the following information in your post-conviction plan.

1.0 List of offences

Provide a list of the offences covered. For each offence, describe:

- when and where they were committed;
 - the person convicted;
 - the business relationship between the person convicted and the authorisation holder or applicant;
 - the penalties imposed (such as fines, costs and compensation orders).
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2. Authorisations to which the PCP relates

List all the authorisations that were relevant to the commission of the offence, if appropriate by type, such as registration of waste broker/carrier/dealer and/or EPR permit and so on.

(If the conviction does not directly relate to an authorisation – leave this section blank but do complete details of any relevant authorisation(s) you hold and/or are applying for in Section 8 below).

3. List all persons and relevant persons involved in the convictions

List all the persons and relevant persons who were convicted of the offence(s).

Note: Each legal entity will be required to submit their own PCP unless they declare that they are relying on this submission.

4. Circumstances of the offence, and how and why it occurred

Summarise:

- the causes of the offences;
- how you investigated the causes,
- the consequences;
- accountability and any mitigation you would like considered;
- the potential for the offences to happen again.

Provide this summary for:

- the offending location or site;
 - any other relevant authorisation.
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5. Effect of the offences on people and/or the environment

Describe how the offences impacted on the environment and people, including impact on legitimate business, with an assessment of whether you consider that the impact was high, medium or low, giving reasons why you consider the impact to be high, medium or low.

6. Ensuring compliance in the future

To ensure compliance in the future, list the following in the post-conviction plan:

- the potential for the offences to happen again (before any remedial measures);
- the remedial measures that you took to prevent offences happening and the potential for offences happening again;

Examples could include:

- management changes;
 - staff changes;
 - changes in relationship with third parties;
 - provision for retraining.
- when and how you implemented the remedial measures;
 - details of your on-going audit of the remedial measures, and how you aim to ensure the measures are effective;
 - your changes to documentation and procedures that help implement the compliance plan;

Examples could include:

- quality assurance procedures;
 - company standing instructions;
 - training manuals.
- the responsibilities that you have given to the directors, senior management and all other employees to prevent offences happening again.
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7. Potential for repetition

Provide details of whether you think there is a high, medium or low potential for this sort of offending to recur as a result of the steps you will be taking, giving reasons why you consider the impact to be high, medium or low.

8. Describing your authorisations

Include details of all relevant authorisations that are either:

- issued to you;
- being applied for by you;
- issued to a person for whom you are a relevant person or ;
- being applied for by a person for whom you are a relevant person.

For each authorisation or application, list its unique number.

Terms used: Relevant authorisations

Relevant authorisations include all:

- EPR permits for waste activities or Schedule 1 EPR activities (includes former waste management licences and PPC permits for specified waste management activities);
 - registrations of waste brokers/carriers/dealers.
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**Terms used;
Relevant persons**

Relevant people are any of the following:

- any officer of the company at which you work. Officers include but are not limited to:
 - director;
 - manager;
 - secretary.
- employees of the company at which you work.

Note: An employee's conviction is only relevant to you when they were convicted in the course of their employment by your company.

Post-conviction plan

Name of convicted person or business	J M W Farms (a partnership)
Address of convicted person or business	Crockway Farm, Maiden Newton, Near Dorchester, Dorset
Date	16 December 2011 (date of conviction)
Date of birth of person or company registration number	
Plan completed by (signature)	
On behalf of (signature)	J M W Farms Limited

1.0 List of offences covered by this post-conviction plan

Offence	When and where	Identity of convicted party*	Sentence	Details of any company to which convicted party is a relevant person†
1. Failure to comply with enforcement notice dated 17.12.2009 – contrary to the Environmental Permitting Regulations 2007	The notice required an above-ground slurry store at Crockway Farm to be covered by 1 March 2010	James Wright and Mark Wright t/a J M W Farms (a partnership)	£750.00	J M W Farms Limited
2. Having too many production pigs, as defined by the Environmental Permit on site – contrary to the Environmental Permitting Regulations 2007	Crockway Farm between 24 March 2009 and 16 September 2009	James Wright and Mark Wright t/a J M W Farms (a partnership)	Conditional discharge	J M W Farms Limited

<p>3. Extending the activities of the site beyond the site boundary as defined by the Environmental Permit– contrary to the Environmental Permitting Regulations 2007</p>	<p>Crockway Farm</p>	<p>James Wright and Mark Wright t/a J M W Farms (a partnership)</p>	<p>Confiscation Order of £36,000 and fine of £10,000</p>	<p>J M W Farms Limited</p>
<p>4. Breaching condition 3.1 of the Environmental Permit in that pig buildings were being washed out with a jet washer and the resulting effluent ran across the yard, onto a track before soaking into the ground – contrary to the Environmental Permitting Regulations 2007</p>	<p>Crockway Farm, 24 March 2009</p>	<p>James Wright and Mark Wright t/a J M W Farms (a partnership)</p>	<p>Fine of £1,000</p>	<p>J M W Farms Limited</p>
<p>5. Failure to comply with condition 3.3.2 of the Environmental Permit in that two oil tanks were not provided with adequate secondary containment– contrary to the Environmental Permitting Regulations 2007</p>	<p>Crockway Farm</p>	<p>James Wright and Mark Wright t/a J M W Farms (a partnership)</p>	<p>Fine of £750</p>	<p>J M W Farms Limited</p>

6. Failure to inform the Environment Agency (contrary to permit condition 4.3.1 (b)) that additional pig housing had been constructed and that the permitted number of production pigs had been exceeded—contrary to the Environmental Permitting Regulations 2007	Crockway Farm	James Wright and Mark Wright t/a J M W Farms (a partnership)	Fine of £2,000	J M W Farms Limited
7. A repeat of offence 3 above but under the Environmental Permitting Regulations 2010			No separate penalty	
8. A repeat of offence 5 above but under the Environmental Permitting Regulations 2010			No separate penalty	

* person or business.

† such as a director, manager, secretary or other similar office. See the definition of a 'relevant person' in the notes that accompany this form.

2.0 Authorisations to which this post-conviction plan relates (if appropriate)

Authorisation number	Type of authorisation
LP3939UL	Environmental Permit: Section 6.9 Schedule 1 Activity Intensive pig production for a capacity for 4506 production pig places and 2672 sow places

3.0 List of all persons and relevant persons to which the conviction(s) relates

Relevant persons include directors, managers, secretaries or other similar office. See the definition of a 'relevant person' in the notes that accompany this form.

Persons convicted	People or companies for who they are relevant persons (list)	Date of birth or Company number
James Wright	J M W Farms Limited	
Mark Wright	J M W Farms Limited	

4.0 Circumstances of the offence and how and why it occurred

Please provide details of the events which led to the offence. Include accountability and any mitigating circumstances that you feel are relevant. Continue on a separate sheet if necessary.

The numbers listed below relate to the charges as numbered above.

1. J M W Farms did comply with the Enforcement Notice but approximately six weeks after the date of 1 March 2010. We found it difficult to obtain a lid to go on the slurry tank and in the end had to use hexa-plates as a covering. This proved unsuccessful and the store is covered with an Areo Cover since January 2010 following discussions with Mr David Wommack.
2. Although we pleaded guilty to this offence, we do not consider that we had too many production pigs on site. We spent a lot of time at Court looking at this and the Judge agreed with us in that if we were over, it was not by many. That is why the Judge did not think it necessary to apply any penalty and was able to make an order of conditional discharge.
3. From a welfare point of view, the replacement grower room is far superior to the one it replaced. Pig mortality is down considerably as a result of the replacement building being built. We were not aware that we were building the replacement grower room outside of the site boundary (as defined by the Environmental Permit) when we built it. We just built this over the location of the previous grower rooms and the slurry lagoon that was previously in place. We didn't think that this would be a problem especially as we have obtained retrospective planning permission for the building to which the Environment Agency did not oppose.
4. The drainage at Crockway Farm has been completely re-design so that the jet wash water in future will not run into the field. However, it took us time to make improvements at Crockway Farm after we purchased it and this was not done until after the Environment Agency visit on 24 March 2009.
5. Again, the replacing of the oil tanks was simply something that we didn't deal with quickly enough. Both the oil tanks which were un-bunded and which the Environment Agency had concerned with have now been removed.
6. As 3.

Further information:

Building Alterations to Crockway farm were made with animal welfare and safety in mind. Unfortunately, there was not a full understanding of the IPPC permit, its reasoning or implications and therefore these changes were made without the prior notification of the Environment Agency. The trading status of the business changed, a variation was rejected by the Environment Agency as the wrong trading status was applying for the permit, and this slowed down the application for the varied permit further.

Currently any suggested changes to the management of the unit are discussed in detail with Mr David Wommack prior to taking any action.

5.0 Effect of the offences on the environment and/or people

Again, the numbers below refer to the offences as numbered above.

1. We appreciate that the failure to put a lid on the slurry store by 1 March 2010 would have had an effect on the emissions from the farm but I am not aware of any adverse impact.
2. In view of the Courts' findings on pig numbers I do not consider that the commission on this offence had any environmental impact.
3. At the Confiscation Hearing in relation to this offence the Environment Agency explained that it considered that the replacement building had an impact on the environment because it allowed more pigs to be stored and also because it created different point source emissions. As to the former, the Court found that the overall number of production pigs at the farm had not increased beyond that which was allowed by the Environmental Permit despite the replacement grower room being built. As to the latter, I fully accept the Environment Agency's argument that the replacement grower room has different point source emissions than the previous one but I do not know what effect it had on the environment in this particular instance. The point source emissions for the replacement grower room cannot be drastically different from that of the grower room that was replaced and I am not aware of any complaints or environmental impact.
4. The wash down water soaked into the ground but I am not aware what, if any, impact this had on the environment. The circumstances will not recur.
5. I was unclear what effect the unbunded oil tanks would have on the environment but now understand the risk of pollution and any risks have now been removed.
6. The failure to inform the Environment Agency of the additional pig housing or that the permitted number of production pigs have been exceeded would not of itself have any environmental impact.
7. A repeat of 3 above.
8. A repeat of 5 above.

Further Information:

The changes made at Crockway were designed to improve animal welfare, safety and in the long run reduce the effects of environmental pollution. The farm installed a new slurry system and new above ground covered slurry tank, meaning the old earth lined lagoon would not need to be used. Using a more efficient slurry system has reduced the risk of slurry pollution in the future, and covering the tank has meant the slurry stored has reduced ammonia factors against an uncovered earth lagoon.

Following discussions with M.TJudd (EA) data has been re-submitted for ammonia dispersion modelling. These new models will be forwarded to be included in the variation already submitted as we anticipate they will show less ammonia is emitted from the unit than initially indicated.

There have been no incidences of odour or noise complaints from local residents.

6.0 Ensuring compliance in the future

Please describe the measures you have taken to prevent the offence happening again. Include your plans for audit and review.

The numbering used below refers to the offences as numbered above.

1. The slurry store has now been covered and has been since approximately May 2010.
2. We do not have any intention to increase the number of pigs at Crockway Farm and the recent application to vary the Environmental Permit does not include a provision which would increase the number of permitted pigs at Crockway.
3. The recent application to vary the Environmental Permit includes a provision varying the site boundary (as defined by the Environmental Permit) so that the site as defined incorporates the grower room number 6.
4. We have put in place a new drainage system at Crockway Farm to ensure that any wash down water from the pigs or buildings does not run into the nearby fields. A plan of this has been submitted to the Environment Agency.
5. The two unbunded oil tanks have been removed from Crockway Farm. All tanks in the future will be banded and advise sort from the Environment Agency on how best to do so.
6. In future, we will inform the Environment Agency prior to any change being made to the site.
7. A repeat of 3 above.
8. A repeat of 5 above.

General Information:

Since the conviction actions have been taken to make sure the site is permitted as quickly as possible and on going records will ensure future compliance and better management of the permit. The changes implemented to date since Dec 2011 are:

- All staff have been fully briefed on the permit and what it means to them, it is important to make sure all staff know what is expected of them and how the permit affects their day to day jobs on farm.
- A copy of the permit and the How to comply manual has been put up in the staff coffee room for all staff to see, there is a complete change in approach on farm.
- All farm staff will have updated competence training and full records are to be kept on farm.
- Simon, the farm manager has set up a new filing system which will enable records to be updated easier, and more obvious to all who wish to view them.
- Staff on the farm are working closely with the office staff and the Consultant, Mr Edwards in making sure the farm will remain compliant. There are now open communications between all parties and all information is shared via email.
- There is now a formal Maintenance and Repair schedule on site which records all work needed and when it has been done, having this in place will

make sure the risk of pollution incidences is massively reduced.

- Grower room six at the upper unit is not to be used until the site is fully permitted, as this is the shed which is 20% over the permitted site area on the farms original permit and will not be used until the variation has been accepted.
- I am in consultation with my ration specialist to lower the crude protein levels in the diets to reduce ammonia further.
- Mr Edwards has spoken to Natural England to see what areas they would like improvement in, a buffer system of trees has been discussed.

7.0 Potential for repetition

Do you think it is likely that the offences will happen again? Tick one box.

- High** (likely to happen again)
- Medium**
- Low** (unlikely to happen again)

Give reasons and explain why in the box below:

Assuming the aim of JMW Farms is to get Crockway permitted as soon as possible such that House 6 can be used and JMW farms are working with the Environment Agency to make sure Crockway achieved permitted status.

We are keen to work with the Environment Agency and our other regulators to ensure total future compliance.

8.0 Details of all authorisations

List the authorisations that the convicted person holds, is applying for or for which they are a relevant person. List all:

- EPR permits for waste activities or Schedule 1 EPR activities (includes former waste management licences and PPC permits for specified waste management activities);

- Registration of waste brokers/carriers/dealers.

Type of authorisation(s) held and/or being applied for (state if it is an application)	Authorisation's unique number	Are you the holder of the authorisation or a relevant person? Enter 'holder' or 'relevant person'
Environmental Permit: Section 6.9 Schedule 1 Activity Intensive pig production for a capacity for 4506 production pig places and 2672 sow places.	LP3939UL	Relevant Person

Please use the space below to provide and further information that you want us to be aware of:

The initial modelling carried out by ADAS used basic emission figures for the pig unit and clarification is being sought as to what the effect would be when the amended emission factors are put in concerning the housing and dietary changes.

ADAS has been booked to run more detailed modelling with targeted protein diets and more accurate emission factors regarding house design.