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16 September 2010

Private and confidential
By Post and Email: ehockridge@soilassociation.org

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Carter-Ruck

NOT FOR PUBLICATION
OR BROADCAST

Dear Madam

Planning Application 9/2010/0311 – Foston Pig Farm

We act on behalf of Midland Pig Producers Limited ('MPP') who is responsible for the planning application referred to above regarding Foston Pig Farm.

We write further to our client's letters to you dated 16 and 23 August 2010 that remain unanswered and to raise our own concerns at the very serious and damaging allegations that you make about it in your email dated 12 August 2010 (16:51) to Tim Denning of the South Derbyshire Planning Department.

The purpose of this letter is to put you on notice of the fact that your misconceived and formulaic allegations are inaccurate and defamatory of our client and should not be further published or disseminated.

We address each of the objections that you have raised against our client's planning application proposal in turn:

1. Welfare codes of practice

You appear to be objecting to the specific proposals made by our client on the basis of broad reasons of policy. It is wholly inappropriate to exploit the planning application process as a platform for making criticisms of guidelines and codes that our client is not responsible for and to damage our client's reputation in the process.

Our client's obligations are to abide by the existing codes of practice. If you believe those codes to be weak or too flexible you should take the point up with those who determine the codes and not an individual company who has to work within them or a planning department that seeks to ensure compliance with them.

You should be aware that our client's farms are assessed and certified by Genesis Quality Assurance which have been granted equivalence status by Assured Food Standards ('AFS') and can therefore carry the Red Tractor Logo. Furthermore these standards have achieved accreditation by UKAS to ISO65 EN45011. Soil Association Pig Standards are not approved by AFS and therefore must additionally have AFS or Genesis certification to allow the mainstream product to meet retailers' requirements. Genesis standards cover a broad spectrum of issues and are set by stakeholders from the whole food chain. Implementation of these standards on our client's farms is

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subject to rigorous independent scrutiny under an auditing regime that is very similar to the auditing regime carried out by the Soil Association. For example, any derogation from the code regarding antibiotic use has to be undertaken under veterinary supervision.

The standard of all such benchmark auditing is ultimately an objective measure of subjective criteria. Your assertion that UK farm assurance guidelines are not a guarantee of high farm animal welfare is one of comment rather than fact and, given the authority and reputation of the Soil Association, there is clearly a responsibility on your part to make that clear.

It is revealing to note that the research cited as the basis for your assertions is largely American where there is a very different farming culture without a nationwide, independently audited assurance scheme to maintain standards. Standards and legislation are higher in Britain than in the USA. For example, British legislation bans the use of stalls and leathers and British standards ban castration of boars. Manipulable material (usually straw) is also a requirement of the British standard. In addition, 40% of the UK's breeding herds are outdoors which makes the industry in this country totally different in both attitude and management and therefore standards.

Notwithstanding your criticisms of UK farm assurance guidelines, our client has faith in the assurance regime that it operates under and is proud of the standards of its farms and the one that it is wishing to develop at Foston. The inference from your email that our client should not be satisfied with the standards of the assurance guidelines and, by extension, the standards of animal welfare at its farms is unfounded.

2. High volume of pigs in one location

Your email dated 12 August 2010 states, *'The extremely high number of pigs housed in one location may increase the level of disease on the holding and over time that may pose a threat to the local community at the very least'* [Our emphasis]. We question what reliance should be placed on a statement that requires three qualifications and suggest that it is misleading and irresponsible to make such a statement without citing or acknowledging the following point made by Silbergeld, Graham and Price in the same 2008 Report that you refer to:

'For all these reasons, it may not be possible to determine the attributable risk of antimicrobial use specific to agriculture or to the use of specific antimicrobials as feed additives – in terms of overall incidence of resistant human infections, given a model that incorporates the notion of communities of humans and bacteria'.

The clear inference to be drawn from your objection is that the volume of pigs is, in itself, a justification for concern. In isolation and without any other reasoning (which is conspicuous by its absence) that is an inadequate basis for your objection. You are no doubt familiar with Professor Sandra Edwards of the School of Agriculture, Food and Rural Development at the University of Newcastle who has stated, *'It is not the number of pigs, but the quality of bio security which determines level of disease'* and our client agrees.

Your email goes on to speculate on the risk of airborne antibiotic resistance genes but without making any attempt to quantify that risk which we suggest is grossly irresponsible when making such serious claims. We should also point out that the American report on which you base your alarmist conjecture was based on samples taken from cars with windows down, air conditioning off and fans switched off driving behind poultry not pigs and on open crate transportation which our client does not use.

The misleading supposition continues in your email with the following, *'The sheer number of pigs leaving the farm on a regular basis would mean that large fleets of lorries would be required and suggests that most local inhabitants with cars would*

have to remain behind such vehicles at times'. We find it astonishing that you should feel able to make such a distorted and inaccurate statement without the need to check the facts with our client. Had you done so you would have been informed that the vehicle movements for transporting our client's pigs to the abattoir is calculated at two HGV movements per day. These two movements (one in and one out) must be viewed in the context of 39,353 movements in an average 12 hour period of two-way flow on the A50; the main transportation route between our client's farm at Foston and the abattoir. These figures speak for themselves.

3. Other ways in which disease can be passed

Your third objection to our client's planning application, namely that, *'Many of the diseases of concern can be passed in other ways. About 25% of pigs in this country have salmonella and in addition to passing through food this can pass to humans via water run off, the spreading of manure on land or flies travelling from farms to local houses'* is yet another piece of misleading supposition based upon research relating to different farming processes. Raising this point as an objection takes no account of the fact that the manure from the proposed unit at Foston will not be put directly onto the surrounding land. It will be processed through a bio-digestive process that takes the temperature of the manure up to 46 degrees for a minimum of 72 hours. This process produces an odourless, pathogen free, rich and easily absorbent fertiliser which has few similarities to the manure identified in the research that you seek to rely on. The pigs at Foston will also be kept indoors which, as you must know, has a significant bearing on the reduction of salmonella clusters in herds. Again, had you sought a dialogue with our client before publishing your objections you would have become aware of this fact.

As with the previous objections, your assertion regarding the risk of disease passing from pigs to humans is not accompanied by any assessment of that risk. Without any such assessment your objections simply mislead and distort and are irresponsible coming from the perceived authority of the Soil Association. In the absence of any risk assessment it becomes all the more important to place your objections within the context of the current debate. For example, please confirm whether, at the time that your objections were sent on 12 August 2010, you were aware of the following:

- I. Research that suggests the presence of resistant non-*E. faecalis* in up-gradient surface water indicates that additional sources of resistant bacteria may exist in this environment. These sources could include human septage, companion animals, wild animals, and migratory waterfowl such as Canada geese (Middleton and Ambrose 2005; Sayah et al. 2005);
- II. The British Pig Executive's citation of research that demonstrates the spread of Salmonella by flies is a theoretical risk. Researchers found that when contaminated flies were released into a room containing previously unchallenged hens it failed to result in colonisation of any of the subject birds.

If you were aware of these lines of enquiry before publication can you please provide an explanation as to why you did not feel the need, at least to refer to the existence of such research and viewpoints?

4. Levels of campylobacter

The basis for your objection that, *'Levels of campylobacter in pigs are also high and additionally often also carry resistance to one of the only two antibiotics that can be used to treat serious cases in humans'* is deeply flawed. It is thoroughly misleading to draw the inferences that you do from the Danish research on which

we assume you base your objection as that study took samples from cattle and poultry as well as pigs. Whilst our client makes no criticism of the research itself or the techniques involved we are concerned that you should seek to place such reliance as you do on a piece of research that did not take its own samples but used information supplied for different research and interpreted their results for its own use. At the very least you should have made reference to that fact when seeking to draw inferences from the research.

Furthermore, the 2005 study by Thakur and Gebreyes published in *Journal of Clinical Microbiology* was based on limited research (100 samples only) and against the background of different farming methods in America.

On behalf of our client we draw your attention to the 2002 Paper¹ by David Birch BVetmed MRCVS, former President of the UK Pig Veterinary Society in which he gave a risk assessment stating, *'The transmission of Campylobacter infections from meat to man is considered one of the major routes of spread, along with water contamination, of this increasingly common form of infectious intestinal disease. To make a risk assessment of the likely transmission from pigs to man, a database was established from a variety of references, as there was much variation in the data and few were sufficiently complete to allow for a quantitative assessment to be made. It was noted that erythromycin resistance was very high in pigs for both C. jejuni and C. coli in comparison with man and chicken, thought to be one of the major sources of infection and that this would act as a possible marker to determine the transmission rate of campylobacter spp. from pigs to man. There was no evidence of transmission of C. jejuni from pigs to man, as the organism was rarely isolated in pigs (4%) in comparison with chicken (90%) and man (92%) and resistance rates were very low at 2% in man, chicken 4% and 35% in pigs. With regard to C. coli, isolation in pigs is very high (96%) but low in chicken (10%) and man (8%) and erythromycin resistance in man (15%) is similar to chickens (15%) but much lower than in pigs (57%). This confirms that pig meat and environmental contamination by slurry / waste from pigs via water can be considered either a no risk or very low risk in the transmission of campylobacter infections to man and therefore also a no risk or very low risk in the transmission of antimicrobially resistant strains to man.'* Please also confirm whether you were aware of this paper before publishing your objections on 12 August 2010.

In any event we also wish to make it clear that the use of antibiotics is not in widespread use on our client's farms in any event and any antibiotics that are administered are done so under Veterinary supervision on similar lines to the Soil Association's model.

5. *Streptococcus suis*

The fifth objection raised in your email dated 12 August 2010 is that streptococcus suis, *'is widely found on pig farms, mostly in very young piglets. It is seen as an emerging human pathogen worldwide and the second most common cause of streptococcal meningitis in humans. The fact that it has not been seen as a major problem in the UK, while it has been in e.g. The US, Thailand and the Netherlands, may be because we have not so far had such large pigs farms in the UK. Your speculative correlation between the spread of streptococcus suis and the size of pig farms is misconceived and inaccurate.*

According to the Government's Health Protection Agency *Streptococcus suis* is, *'an important pathogen of pigs, is endemic in most pig-rearing countries of the world, including the UK* [our emphasis]. *The organism is carried in the tonsils of*

¹ "Campylobacter infection transmission from pigs to man using Erythromycin resistance as a marker"; Birch; 2002 PCR1-515732.1

pigs, and pig-to-pig spread is mainly by nose-to-nose contact or by aerosol over short distances. However, you should also be aware that Human infection with *Streptococcus suis* is rarely reported and only about 150 cases have been reported from the world literature. People in direct contact with pigs or pig products are considered at risk. Human infection is thought to occur mainly via cuts or abrasions when handling infected carcasses. The size or intensity of the farming is therefore only one factor to be considered in any risk assessment.

Resistance to penicillin has been reported for *Streptococcus suis* in some countries but not in England and Wales to date. We remind you of the Soil Association's Richard Young's letter to the Veterinary Record in 2009 in which he recognised that certain antibiotics should be available for use in animals where it is known that no alternative antibiotic would be effective. He wrote, *'We introduced additional restrictions on the use of fluoroquinolones in 2004 and extended-spectrum cephalosporins on January 1 this year; however, we decided against a ban to avoid occasional treatment failures and associated welfare problems.'*

6. Naxel and Excenel

Our client does not use either Naxel or Excenel on its farms and has not done so for at least 5 years. Raising this as an objection merely highlights how ill-conceived it was to publish your objections without seeking to confirm the true facts with our client beforehand. It also highlights the way in which you have sought to shoehorn broad concerns about farming policy into a specific planning application process which is both inappropriate and irresponsible.

7. MRSA

As you acknowledge, the new strain of farm-animal MRSA has not yet been found in England or Wales. The EFSA EU-wide survey of breeding pigs found no MRSA in the UK breeding or production herds and our client's farms have all tested negative to MRSA. Notwithstanding that our client shares the Soil Association's concerns about the associated risks of this strain of MRSA. It is for that reason we are very concerned at the reliance and credibility you seek to place on a single, limited study into one farmer and a single farm.

The aim of the study was to find the source of MRSA in the family of a pig-farmer that had no known risk-factors for carrying MRSA. The study concluded that there was a clonal spread and transmission between the farmer and the pigs in that case. The broader implication, according to our client, is that there is a possibility that MRSA isolates characterised by *spa* type t108 (or related *spa* types) and MLST ST 398 might be of international importance as pig-MRSA. This type was previously shown to be present among epidemiological unrelated MRSA isolates from French pigs and pig-farmers.

Before drawing inferences for national policy let alone an individual farm's management there has to be further research to evaluate the prevalence of MRSA in farming animals as well in the humans working with them, (e.g. farmers and veterinarians). We have no doubt that the Soil Association shares our client's concerns and its impatience for further research and guidance. In the absence of more conclusive research, however, the Soil Association should take great care in the way in which it portrays the risks. The simplistic connection between the potential risk shown by a single limited study in the Netherlands and the *'large number of workers'* who, *'will need to live locally'* to Foston is unhelpful and misleading. Again we are astonished that you should see fit to make such serious and potentially damaging claims without acknowledging the paucity of research

and with a risk assessment based on nothing more than loose and facile language such as, 'highly likely', 'high risk' and 'significant risk'.

8. Other pig diseases of concern to humans

Yet again we are concerned by the wilful distortion created by the following objection, *'This is by no means a complete list of pig diseases of concern to humans, most of which will have enhanced potential to cause problems due to the very large number of pigs to be housed together'*. No attempt has been made at all to relate this sweeping generalisation to the facts of our client's specific application. Again the objection appears to be based on American style management systems. No similar research has been carried out in respect of UK assured systems such as that adopted by our client that do not permit the same levels of stocking densities, diet additives or blanket use of antibiotics without veterinary supervision and without regular 3-monthly herd inspections, for example. Furthermore, the proposed site at Foston will combine the use of new technologies which are not currently in general use anywhere else in the world. A consultation with Professor Edwards (who is referred to above) and other qualified experts has suggested that combining these technologies will reduce risk to human health.

9. Genetically engineered protein in pig-feed

A further objection to our client's planning application is that, *'much of the protein included in non-organic pig feed is now genetically engineered'*. It is apparent that you have made no attempt whatsoever to engage in the specific details of our client's application. If you had, you would have seen reference to our client's "green circle" scheme that involves growing crops locally, milling them on site and feeding them directly to the pigs. The scheme is being trialled with the specific purpose of including locally grown beans to mix into our client's pigs' diet. DEFRA is funding these trials of using home grown protein (peas and beans) as a replacement for Soya and Genesis are major sponsors along with SAC, Notts University and others. MPP are contracted to carry out the farm scale trials in the "Green Circle" prototype at Stafford. Doubtless you are aware that the Soil Association is a partner in this project and will no doubt benefit from the trials. We should also point out that soya is used by organic farmers too.

Your objection continues with the following, *'Typically it come from crops of GM soya grown in the US, or South America where it is increasingly grown on former rain forest land that has been cleared for agriculture, or the tropical savannah known as the Cerrados which is amazingly rich in biodiversity and indigenous cultures, but which is being ploughed for agriculture twice as fast as former rain forest land, at enormous environmental and human cost. In Brazil alone, approximately 10,000 hectares of Cerrados are irreversibly lost every day, along with 5,000 hectares of rainforest.'*

This objection is yet another example of the way in which you have sought to manipulate the planning application process to provide a platform to make criticisms of current farming methods at the expense of our client's reputation and its application. Such objections merely serve to undermine the credibility of the Soil Association.

10. The build up of antibiotic resistance genes

On behalf of our client we reiterate that it does not use antibiotics frequently in the diet provided to its pigs. As you know, if any antibiotics are administered to any animal they are done so under the strict supervision of a vet who, in any event, is required to visit and review the herd at least once every 12 weeks, under the Assured Food Standards

We again remind you that the Soil Association permit the use of the same antibiotics on its own herds in exactly the same way under a vet's supervision. Please also note that outdoor herds, by definition, have more contact with local wildlife. Indoor pigs have far less, if any, interaction.

In conclusion, our client believes your objections to be inaccurate, misleading and distorted so far as they are actually relevant or applicable to our client's application.

You have requested the opportunity to comment at the next appropriate stage in the planning application process. We ask you to consider carefully any such comment in light of the content of this letter. We also ask that you resist the temptation to further abuse the planning application process by treating it as a soapbox to broach concerns about broader issues of policy at the expense of our client's reputation. You are on notice of the extent to which some of the objections that you have raised are false and defamatory of our client and should not be further published. To do so would risk incurring considerable liability on the part of the Soil Association.

We note that the Soil Association leads the 'Food for life' partnership that benefits from a £16.9 million grant from the Big Lottery Fund well-being Programme. One of the cited aims of the partnership is to promote a partnership of organic (30%) and non-organic food (70% of the total). May we please therefore have an explanation as to why the Soil Association's Head of Policy deems it appropriate to use the planning application process as a platform to criticise the methods of an organisation, and by extension the Red Tractor scheme under which it operates, that seeks to provide exactly the sort of non-organic food the Soil Association is being funded to promote to the value of £11,830,000?

Are the Soil Association's partners in the 'Food for life' scheme and the Big Lottery Fund itself aware of the contradiction in your approach?

Please understand that our client is not seeking to influence the views of the Soil Association or to stifle debate about the broader issues of farming methods that some of your objections touch upon. Our client is concerned to do what it can to ensure that the debate takes place in an appropriate forum and that all sides of the debate are as accurate and informed as possible. It is not in the public interest for the public to be misled.

Unsurprisingly, our client is concerned about the effect that your email dated 12 August 2010 has had and continues to have and, accordingly, we invite you to consider and provide the following:

- a. A withdrawal of your email dated 12 August 2010 from the planning application process.
- b. To attend a meeting at our client's offices, and at your convenience, to discuss the concerns you have in more detail before further comment is made thereby reducing the risk of further damaging inaccuracies being published.

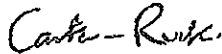
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- c. To provide our client with the research that the Soil Association has undertaken or commissioned or participated in regarding diseases that can pass to humans from the transportation of animals by vehicle.
- d. To provide our client with the research that the Soil Association has undertaken or commissioned or participated in regarding salmonella passing to humans via water, manure and flies.
- e. To provide our client with the research that the Soil Association has undertaken or commissioned or participated in regarding the use of antibiotics used on pig farms as a cause of resistance to the antibiotics used to treat campylobacter in humans.
- f. To provide our client with the research that the Soil Association has undertaken or commissioned or participated in regarding the link between streptococcus suis and streptococcal meningitis and the role of pig units in that link

For the moment, and with regret, our client reserves all its rights in its entirety.

We await your response by no later than 1 October 2010.

Yours faithfully



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cc: Tim Denning
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