

Greenpeace Issues Legal Challenge to Government on Farm scale trials.

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What is Greenpeace doing?

Greenpeace is informing the government that it considers the planting of this winter's GM farm scale trials unlawful. Greenpeace will give the government fourteen days to respond to demands to institute proper planning procedure. After fourteen days we will follow further advice from our legal counsel.

How is the government acting unlawfully?

Put simply, the government has not applied for planning permission. Greenpeace has received legal advice that the planting of the GM farm scale trials would break planning regulations (Town and Country Planning Act 1990). According to this advice, use of land for research requires a permission for change of use from agriculture. The Government hasn't applied for such planning permission for the 25 farm scale trials of winter oilseed rape announced last Thursday. Greenpeace believes this is an error on their part.

Does the government agree that planning permission is necessary?

The government won't say whether it thinks planning permission is necessary. According to a parliamentary answer by Lord Whitty on behalf of the Government (26th July 2000) the government does not have an 'authoritative interpretation of the legislation, this being a matter for the courts'. Since the trials are run by the government however this is not good enough. Lord Whitty's explanation is that an interpretation would involve a consideration of whether GM farm scale trials " would fall within the definition of 'agriculture' and not constitute development.

Do the courts believe that planning permission is necessary?

There is a legal judgement that supports Greenpeace's view. While Greenpeace is aware of no case law concerning planning permission for GM trials, there has been a judgement in which a Norfolk court found that experimental trials for purely research purposes (such as the farm scale trials are) do not constitute 'agriculture'. In *Dow Agrochemicals Ltd v EA Lane (North Lynn) Ltd (1965)*, Judge Carey Evans considered that

"Where nothing is grown for use by man or beast, nor for use on the land to improve it or manure it, nor for sale, it is impossible to say that the fact the crops, along with weeds and grasses are grown for purely research purposes is enough to make the use of the land in question 'agricultural'."

That case was brought by a chemical company who wanted to change their use of land in order to carry out field trials of a pesticide – exactly what the farm scale trials are for.

What would getting planning permission mean?

If the government applied for planning permission for GM farm scale trials it would provide a platform for local people to object and for concerns to be considered by district councils (such as the effect on groundwater, on organic farmers livelihoods, on local biodiversity etc). At the moment there is no method for local people or local councils to say no to GM farm scale trials. Indeed local councils, such as West Lindsey District Council in Lincolnshire, have explicitly stated they do not want farm scale trials and yet the government has gone ahead and planted trials in their district anyway.

Will Greenpeace take the government to court?

Greenpeace hopes the government will see sense and stop the farm scale trials since they are a threat to the environment as well as being unlawful. However if the government fails to respond adequately within 14 days we will take whatever steps we are advised are open to us to ensure that the government act lawfully.

How will this affect farmers?

Greenpeace believes it is the government that has acted unlawfully and will take any necessary legal remedy against the government since they are responsible for the trials. The farmers who were going to plant these crops for the government still have time to drop out of the farm scale trials programme and plant ordinary oilseed rape. It appears that the government and GM industry have once again failed to give farmers correct legal advice – just as they failed to tell farmers the proper legal advice earlier this year when rape seed was contaminated by GM seeds. On that occasion the government didn't give the correct advice until Greenpeace threatened to take it to court.

What is wrong with the farm scale trials?

Greenpeace believes that the farm scale trials are an irresponsible release of genetic pollution into the open countryside, which threaten the environment and sustainable farming.

Furthermore the trials are designed only to examine the effect of the weedkiller (in this case the brand known as 'Liberty') on surrounding wildlife, but tell us nothing about whether GM crops are 'safe' as claimed by the biotech industry.

Instead, by releasing GM material such as pollen and seeds into the environment, these trials may irreversibly affect the soil, wildlife and other crops. In particular organic farms could lose their certification and other farmers could lose their GM-free status. The public does not want or need GM food and crops, neither do supermarkets or food producers.

This is the wrong direction for agriculture. What the government should be doing is supporting organic farming not the GM industry.

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For further information contact Greenpeace Press Office on 0207 865 8255/6/7. Alternatively call pager 01399 787076.