

Times Nov 6th

Government to back Louth group in its action against BNFL

By Lorna Siggins

THE Government is to support four Co Louth residents in their legal action against British Nuclear Fuels Ltd over Sellafield, but only if the residents drop their decision to sue Ireland and the Attorney General as well.

The Minister for the Environment, Mr Howlin, said yesterday financial assistance and "other support" would be given to the group, which won a Supreme Court case last month to sue BNFL in the Irish courts.

No figure was given for the financial assistance, and a spokesman for the Minister said the approval was in principle. The "other support" could include scientific investigation, research and legal work, the Minister said.

The Government would, however, seek agreement for the removal of the State as the defendant in the action, he said.

The decision — representing a surrogate law suit by Ireland against BNFL after years of deliberation — was recommended by the ministerial group on Sellafield and the Irish Sea, which was convened following the Supreme Court ruling.

The group, chaired by Mr Howlin, has also agreed to estab-

lish a working group to conduct a "wide trawl" nationally and internationally for data and any additional evidence to assist the case against the Sellafield operation.

Mr James MacGuill, solicitor for the four residents, said last night the group was pleased the Government was doing something. The proviso that Ireland and the Attorney General be dropped as defendants in the case was "up for negotiation", he said.

Mr Howlin had not indicated if he would indemnify the group if it lost its action, but such matters would be discussed at a meeting expected to take place next week.

Ms Constance Short, Ms Mary Kavanagh, Mr Mark Deary and Mr Ollan Herr had decided to include Ireland and the Attorney General in the law suit, claiming they did not take such action as was open to them to protect the personal rights of the plaintiffs against the alleged attack being made on them by the company.

The ministerial committee is promoting legislation to allow ratification by Ireland of the Ospar Convention and a submission to the Inter-Governmental Conference proposing to review and update the Euratom treaty.

IT 31/03/95

State may take legal action on Sellafield following judgment

By Geraldine Kennedy and Peter Thompson

THE Government has asked the Attorney General, Mr Dermot Greeson SC, to re-examine the possibility of the State taking legal action against British Nuclear Fuels Limited (BNFL), a spokesman said last night.

The move comes after yesterday's ruling in the High Court by Mr Justice O'Hanlon that the Stop Thorp Alliance Dundalk (STAD) could proceed in its action against BNFL in the Irish courts.

Though successive governments had found that there was

no means of taking such action in European forums over the last number of years, the spokesman added that some progress was expected in the next week or two.

Last night the Fianna Fail Chief Whip, Mr Dermot Ahern, complained that his special notice question asking the Government to take over the handling of the High Court action against BNFL from the four Co Louth litigants had been ruled out of order in the Dail.

BNFL is considering an appeal against Mr Justice O'Hanlon's judgment, the company said in a statement yesterday. BNFL suggested that the case taken by

STAD was unnecessary, as the issues in question had been "considered at length in the English High Court, where the benefits of THORP, the safety of Sellafield and the insignificance of discharges into the Irish Sea had been proved."

The company added that it was "pleased that the judge agreed with our view that the plaintiffs had not followed court rules when bringing this action" and that his decision to "substantially reduce their costs" reflected this fact.

A spokeswoman for the plaintiffs, Ms Mary Kavanagh, said yesterday afternoon that if there was an appeal they hoped an early

date would be set for it in the Supreme Court. Ms Kavanagh added that STAD welcomed the terms of Mr Justice O'Hanlon's judgment, in that "it accepted that all aspects of the case could proceed in the Irish courts".

The executive director of Greenpeace Ireland, Ms Claire O'Grady Walshe, said that in the light of the judgment and the link between Sellafield and nuclear arms production, the Government should change its stance on the UN vote on Easter Monday on the Nuclear Non-Proliferation Treaty.

See also page 4

← FRONT PAGE

IRISH TIMES 31/03/95

Judge rules plaintiffs may sue Thorp plant

By PADRAIG NAUGHTON

A GROUP of people living along the east coast facing Sellafield can go ahead with their action in the Irish High Court to seek the closure of British Nuclear Fuel Ltd's Thorp plant at Sellafield, Mr Justice O'Hanlon ruled in the High Court in Dublin yesterday.

The group from Dundalk are suing BNFL as well as the Irish State and Attorney General in their efforts to stop the controversial operation at Thorp — where it operated a thermal oxide reprocessing plant on the northwest coast of England.

In a preliminary issue, BNFL asked to be let out of the proceedings. It claimed the action against them should not go ahead here and allegations that it had not complied with EU directives had been decided already by the English courts.

BNFL is expected to appeal the decision to the Supreme Court. Should the High Court action eventually proceed, it could be next year before it is heard.

Mr Justice O'Hanlon said the plaintiffs claimed they and other inhabitants along the east coast in the area facing that part of the Cumbrian coast where Sellafield was located, were being subjected to hazardous emissions of noxious and poisonous materials emanating from BNFL's nuclear plant.

They claimed the implementation of the Thorp project, already taking place, would produce an incalculable

increase in such detrimental effects on the health and wellbeing of the plaintiffs and others living in the same locality.

The claim was also made against Ireland and the Attorney General that it was open to them to take action to protect the personal rights of the plaintiffs under the Irish Constitution against such invasion as was being alleged against BNFL, by bringing proceedings in the European Court of Justice or other international tribunal.

Mr Justice O'Hanlon said John Henry Large, a chartered engineer, had described the processes involved in the Thorp project in considerable detail and gave as his professional opinion the operation was likely to cause grave long-term detriment to the plaintiffs and others on the east coast.

Dr Mary Grehan said the Judge gave as her opinion, as a result of research she carried out in person, that a likely cause of physical abnormalities she found in patients over a period of years, was the operation of Sellafield.

The Judge put a stay on the order for costs in the event of an appeal.

Case against Thorp plant

IN October 1983, British Nuclear Fuels Ltd was cleared of legal responsibility for leukaemia in two children, whose fathers worked at the Sellafield nuclear processing plant in Cumbria, Wales, more than 30 years ago.

Judgment in favour of the children would have unleashed millions of pounds in compensation claims, creating a greater impact on the nuclear industry than any protest by environmentalists and governments.

This time last year, BNFL had another victory over Greenpeace and Lancashire County Council, when a high court rejected a claim that the British government should hold a public inquiry before commissioning the controversial Thorp reprocessing plant in Cumbria.

The Irish Government expressed disappointment at the outcome and used it as justification for its own inaction. Proceedings would not be taken against Sellafield and Thorp until the Government had evidence they were in breach of EU law, or international conventions.

The current administration is now being pressurised into legal action, because the High Court yesterday allowed four County Louth people to pursue a case against the Thorp plant. It is likely the decision will be appealed to the Supreme Court.

The Louth group believes the Thorp project is likely to cause serious long-term harm to people living on the east coast of Ireland. A local doctor is claiming that a high number of physical abnormalities in the area are due to the operation of Sellafield plant.

The Louth four want the Irish Government to protect their constitutional rights by bringing a case in the European Court of Justice.

The Government says it has three Departments working on the idea and new advice is being sought from the Attorney General, though one would have imagined this should have been done already if the matter was a priority.

Legal action against a major company should not be left to individuals. Even if the Government case were to fail, it would serve the purpose of highlighting internationally the threat of Sellafield and its appalling record.

CORK EXAMINER
31/03/95

Action over Sellafield promised

By MARK HENNESSY, Political Correspondent

THE Government is finalising a major drive against the operation of the Sellafield nuclear plant in the coming weeks following yesterday's High Court victory for opponents of the operation.

The court gave permission to four Co. Louth people to refile a summons, which argues

that Sellafield is unsafe, and a danger to Ireland, on British Nuclear Fuels Limited.

High Court Judge, Mr Justice Rory O'Hanlon, said that the four had a good case to argue, but the nuclear company warned immediately of an appeal to the Supreme Court.

The court ruling was

greeted with delight last night by environmentalists who urged the Government to support the case: "No more talk; now is the time for action," declared Greenpeace's Claire O'Grady-Walsh.

However, the Government is not expected to take over the case. "The State does not normally

get involved in cases which have been taken by individuals," an official source said.

Last night the Minister of State for the Marine, Democratic Left's Mr Eamon Gilmore, said the Government has been working on "a blueprint for action" on Sellafield since it came into power in

December.

An inter-departmental committee, led by Environment Minister, Mr Brendan Howlin, along with Mr Gilmore and fellow Minister of State, Mr Emmet Stagg, will report within two weeks.

Saying that yesterday's court judgment will be carefully studied,

Mr Gilmore said it was "a separate, but related issue" from the Government's own strategy.

Firstly, he said, the Attorney General, Mr Dermot Gleeson, will provide the Cabinet with a new legal opinion on the possibilities of taking a court case over the controversial Cumbrian plant.

CORK EXAMINER 31/03/95