

FRESH LEGAL CHALLENGE TO M3 ANNOUNCED

29/08/07

The Campaign to Save Tara today announced details of a legal challenge to the proposed M3 Motorway through the Tara/Skryne Valley in Co. Meath. The Campaign claims that this case is being taken in the public interest and only after all other democratic avenues have been exhausted.

In a message of support read out at today's launch, Seamus Heaney said, "It could be said that the Campaign to Save Tara is putting its case in 'the name of dead generations':

For the past two millennia those generations regarded Tara as a place invested with sacred as opposed to secular value.

Protest against the loss of this value remains an imperative."

At the launch of the legal challenge today were prominent archaeologists Joseph Fenwick and Professor George Eogan, MEP Kathy Sinnott, celebrated author Morgan Llywelyn, as well as members of the Campaign's legal team. Among the groups were An Taisce and the Meath Archaeological and Historical Society.

The named plaintiff is Michael Canney, a prominent member and former spokesperson of the Campaign.

Among the named defendants are the Minister for the Environment, the Minister for Transport, the National Roads Authority and Eurolink Ltd., The consortium awarded the construction and tolling contract.

The action, by means of a plenary summons which was served on the named defendants last week (see details attached), is seeking a ruling that construction should be halted on the M3 pending the outcome of a case at present before the European Court of Justice relating to the Lismullen National Monument.

A number of other claims are made including a ruling that the Minister for the Environment has failed in his duty to protect Irish National Heritage as required under Article five of the Constitution. Additionally there are a number of claims relating to the procedures adopted in relation to Environmental Impact Assessments.

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Here is Michael Canney's statement read out at the launch today
Statement by Michael Canney, plaintiff, Save Tara/M3 Legal Case
29th August 2007

It has never been my ambition to put my name forward in a legal challenge, especially a challenge against such a seemingly impregnable array of powerful political and economic forces. I have done so only as a last resort, and only because it is absolutely essential that the silent majority who oppose this road are given a final chance to have their concerns heard before the courts. While the political and commercial backers of this enterprise have seen fit to ignore public opinion up to now – they cannot so easily dismiss the judiciary.

The debate which has raged unevenly between heritage and economics since the Wood Quay protests of the eighties have finally reached its' nadir at Tara, a low-point that even the most

pessimistic among us could not have anticipated. The Tara landscape – the cradle of our civilization, an icon of our nationhood, the mythical heart of our country is to be defaced in the name of private profit and political expediency.

The damage already wrought on the landscape cannot be undone; and the destruction of individual sites over the last six months are individual and collective acts of vandalism. However, the integrity of the landscape as a whole, its stillness and physical beauty are still to be preserved and so this struggle will be conducted by any means and through any mechanism available to the Save Tara Campaign.

No matter how much damage has been done up to this point the road remains totally unacceptable along its present alignment. Over the last few months people say to us 'but they are going to build it anyway', or 'sure isn't the damage already done'. In reply we argue that this road, like Tara itself is a signifier – a signifier of values and attitudes –this debate embodies not only the value we place on our heritage and history, but also signifies how we might deal with the challenges of an energy-poor future and the massive sociological changes that are necessary in order to meet these challenges.

The placing of economic and sectoral interests, above those of the wider environment and society, is one of the main reasons we find ourselves in the environmental mess we are in. Unregulated and profit-driven property development, both residential and commercial, is the primary cause of the transport crises facing the people of Meath. A shocking fact, little reported in the acres of coverage of this issue is that the route of this road was chosen to increase traffic volumes, and therefore tolling profits. This road is engineered to increase car-dependency. Could our transport planners possibly get any more cynical and profit-driven?

Our friends and neighbours in the European Union have voiced grave concerns about this motorway. To deal with one specific concern – the Commission have questioned how the Lismullen National Monument, a massive structure over 80 meters in diameter could have been missed during surveying. The EU maintains that, having missed the structure initially, it's subsequent discovery should automatically lead to a new Environmental Impact Assessment. There would seem to be a prima facie case that the EIA process is inadequate at best. A less benign interpretation is also possible; our summons maintains that in only carrying out a EIA on one route – the so-called 'preferred route' through the Valley, the EIA process is actually subsumed to a function of the route selection process, as opposed to an objective basis upon which to decide upon one route as opposed to another.

It is in the public interest that the procedural and legal shortcomings of the M3 debacle be further examined in the courts. It is in the public interest, not only because of the importance of the Tara landscape in and of itself, but also because this private motorway is iconographic of future planning, transport and environmental policy in this country. Who can look at the Dublin Civic offices now and not regret the lost opportunity of a public park; sweeping up from the river Liffey to the Christchurch Cathedral, a potential resource of immeasurable cultural, educational and aesthetic value? At a time of unprecedented prosperity, who can say that the M3 will be anything but a source of bewilderment and regret to future generations?

The preservation of the Tara landscape can our moment of reflection and renewal, a moment when we realised that our environment is a finite resource and also an opportunity to take strength from a proud and ancient past to meet the challenges ahead .

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