

# Total concedes Buncefield claims

By Megan Murphy

Total, the French oil giant, has been accused of putting hundreds of residents living near the site of a vast fuel depot explosion through years of "unnecessary struggle" after abandoning its defence to their compensation claims yesterday.

The volte-face on the fourth day of a civil lawsuit leaves the company exposed to as much as £700m in damages, unless it can show that Chevron, its joint venture partner in the Buncefield depot, at Hemel Hempstead, should shoulder some of the responsibility.

Lawyers acting for some of the residents and businesses affected by the blast, which could be heard up to 100 miles away, described Total's last-minute conces-

sion after years of legal squabbling as "appalling".

Total has now admitted that all losses resulting from the disaster should be reimbursed, irrespective of their distance from the site.

Originally the company sought to establish that the joint venture was liable only for damage sustained within a 451m "damage circle", a technical legal argument that one lawyer described last night as "hopeless in fact and hopeless in law".

"The residents are relieved that at last the Total defendants have accepted the futility of the position which they have sought to maintain for the last three years," Des Collins, a solicitor representing several hundred local families, said.

The explosion - Europe's largest peacetime blaze -

was triggered in the early hours of December 11 2005 after 300 metric tonnes of petrol spilled out of an over-filled tank.

Investigators concluded that a gauge on the tank was jammed, failing to register that petrol was still being pumped in even though the vessel was at capacity.

Yesterday, Total also settled a counter-claim against TAV Engineering, the manufacturer of a safety switch that failed to shut down the

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pipelines automatically, on "confidential terms".

The legal battle will now shift to the spat between Total and California-based Chevron, joint owners of the depot's operating company, Hertfordshire Oil Storage Ltd. Chevron, which owns 40 per cent of HOSL, claims that Total alone should be responsible for the damage claims, on the grounds that the French company controlled Buncefield's employees and day-to-day operating procedures.

Total, by contrast, maintains that responsibility for the incident rests with HOSL. "Total proposes that the focal point of the current litigation should be to ensure that Chevron, its joint venture partner, properly faces up to its responsibilities," the company said.