

RADLEY PARISH COUNCIL

RADLEY LOCAL LIAISON GROUP (RWE NPOWER)

**NOTES OF MEETING AT SANDLES, THRUPP LANE
THURSDAY, 16 APRIL 2009, AT 5.00 PM**

PRESENT: Mr John Rainford)
Mr Phil Noake) RWE Npower
Dr Steve Waygood)

Dr B Crowley)
Mr C Henderson)
Mr D Nutt) Radley Parish Council
Mr G Rogers)
Mrs J Standen)
Miss S E Raven)

**1. WALK AROUND PERIPHERY OF SITE OF PROPOSED WILDLIFE
AREA**

The group walked around most of the periphery of the site, with Power Station staff pointing out where they proposed to place a fence to delineate the boundary of the land owned by npower. They also indicated an intention to place an additional “inner” fence along the western edge of the lake, where this did not coincide with the boundary, for “health and safety” reasons. Although it was being proposed to erect a post and wire fence along the northern edge of the isthmus, the group did not walk this route because the isthmus was flooded at its western end and not all members of the party had suitable footwear to negotiate it. However the difficulties of erecting this fence were noted. The group then returned to Sandles and the following points were made during discussion:

- (a) There was concern about the inner fence on the west side of the site. The Power Station were planning to put up a fence along the edge of the lake, as well as the boundary fence, because they were proposing to make the path along the edge of the lake here a permissive right of way, and they thought that physically preventing people from entering the lake itself would satisfy their duty of care under health and safety legislation. It was suggested by the Parish Council representatives that legislation did not oblige them to do this, and that their duty of care required them to carry out a risk assessment and address only risks that were found to be unacceptable. It was felt that fencing off water bodies in the countryside was generally an inappropriate measure and was taking health and safety to unreasonable limits. It was, of course, necessary to ensure that the public was aware of the dangers and it was suggested that this could be done by appropriate signage at the entry points to the land. It was also strongly felt that matters regarding

public access and the health and safety implications of it should be left to the management body who would have more experience of dealing with this type of issue, and that no changes should be made in the meantime. The Power Station staff agreed to look at the possibility of putting up short sections of post and rail fencing at specific 'dangerous' areas along the western shore of the lake, with clear notices indicating the dangers of deep water, rather than fencing the whole length of the western shoreline.

- (b) The appropriateness of placing fencing along the isthmus was questioned. It was pointed out that the Thrupp Lake shore was already rendered inaccessible by vegetation along much of the length of the isthmus. This would not only make any fence unnecessary in such places, but make it difficult to erect in the first place. The Power Station said that where there were access problems they would either not put in the fence or may consider reducing it to a single strand of wire. It was suggested by the Parish Council representatives that, if fencing was considered necessary to deter fishing in Thrupp Lake, short sections of post and rail fencing in the fishing bays, in conjunction with appropriate signage, might be a more appropriate measure.
- (c) The Power Station staff had been advised by the ecologists that a post and wire fence was generally preferable to post and rail, because fewer posts would be required. It was pointed out that large birds taking off from the lake might fly into wire fencing and damage themselves. After discussion, there was generally agreement amongst Parish Council representatives that a wooden post and rail fence would be much better, certainly in locations such as along the byway, along parts of the isthmus, and, only if required, at the western edge of the lake where it was deemed to be necessary for public safety reasons. The Power Station staff agreed to consider this alternative.
- (d) The Power Station wished to publicise their fencing proposals in advance of the work being carried out, so that people would not be taken unawares. John Rainford indicated that a press release would be prepared to be issued in agreement with the Parish Council. This release and the final fencing proposals would hopefully be available in time for the Parish Council meeting on the 23 April 2009. It was suggested by the Parish Council representatives that it might be better to pay for an advertisement so that the whole statement was put in the paper to avoid any misunderstanding, and the same statement could then be put in Radley News and on the Parish Council website.

2. EXPRESSION OF INTEREST

Steve Waygood indicated that the Invitation to Submit an Expression of Interest had been sent to two wildlife bodies [Northmoor Trust and BBOWT], and responses had been requested by the 30 April 2009. The final version of

the Invitation to Submit an Expression of Interest had incorporated most of the points made by the Parish Council on the draft content list. [Though a copy was not made available to the Parish Council.] He was trying to arrange a date when the interested bodies would present their proposals, and thought this was likely to be the 12 May 2009. Basil Crowley would be the Parish Council representative on the selection panel and would be sent the relevant papers shortly.

Pond Conservation had not contacted the Power Station to indicate its interest, and would obviously have to work very fast if they wanted to be considered in view of the deadline set for replies.

3. JUDICIAL REVIEW

There was discussion on the letter dated 14th April 2009 that the Parish Council had sent to John Rainford following receipt of the letter Simon Wells, RWE Solicitor, had sent to Alastair Wallace, Parish Council's Solicitor. The Parish Council considered that it was preferable to discuss its concerns directly with the Power Station rather than going through the solicitors, and hopefully this would result in an outcome which could be tied up through the solicitors.

John Rainford indicated that he was taking legal advice on the letter, but felt he would not be able to respond positively to some aspects mentioned in the letter as they were not in his gift to do so. The Parish Council representatives indicated that the Parish Council was keen to stop the Judicial Review, but did not feel that it could do so without a more formal statement directly to the Parish Council. The Parish Council was currently bound by its resolution of 13 January 2009, which required it to be satisfied of Npower's commitment to its promises.

John Rainford indicated that he appreciated the Parish Council's position, and would endeavour to do what he could to help. It was not thought this would be in time for the April meeting of the Parish Council, so an Extraordinary Parish Council meeting might need to be held to consider his response.

4. ANY OTHER BUSINESS

- (a) **NOTES OF RADLEY LOCAL LIAISON COMMITTEE, 2 MARCH 2009:** The Power Station staff would consider the draft notes of this meeting and amend as they thought necessary so that these could be put on the Parish Council web-site.
- (b) **FUTURE MEETINGS:** Another meeting would be arranged in the near future if it was considered necessary to discuss further the response from John Rainford to the Parish Council's letter of 14th April 2009.