

**Finance & Customer Services Directorate**  
**Dermot Pearson, Assistant Director of Legal Services,**  
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Email the Council for free @ your local library

**By Hand**

The Managing Director,  
MHH Contracting Limited,  
Carlisle Street East,  
Sheffield,  
S4 8DT.

My Ref: [REDACTED] 057300

Your Ref:

Direct Line: [REDACTED]

Contact: [REDACTED]

Date: 10 October 2016

Dear Sirs,

**Trespass on Council Owned Land off Droppingwell Road, Thorpe Hesley, Rotherham, to Access the Site Known As Watson's Tip.**

I write on behalf of the Council's Strategic Director for Regeneration & Environment, Mr Wilson.

I am advised that on Sunday the 9<sup>th</sup> October 2016, your company, employees and/or contractors of your company accessed the site known as Watson's Tip via a Council owned access road from Droppingwell Road, Thorpe Hesley, Rotherham. At that time the Council owned gate was unlocked as a football team were legitimately using the road to access an adjacent football pitch. However, the gate was locked again following their use. For the sake of clarity I enclose a copy of a plan on which the Council owned access road in question is marked in red.

I am further advised that at approximately 9am today, Monday the 10<sup>th</sup> October 2016, your employees and/or contractors have again accessed the same site with vehicles and machinery via the same access road. They did this by deliberately breaking the lock to the gates and then damaging the gates by forcing them open the in the wrong direction. The Council has been provided with photographic evidence which shows this. This amounts to criminal damage and will be reported to the Police.

On receipt of the above information, the Council's Mr Wilson attended at the site later this morning and spoke with a Police Officer and your employees/contractors, in particular a man identified as [REDACTED] admitted the above conduct but claimed your company/employees believed they had a right of way over the access road. Mr Wilson made it clear that the Council strongly believed there was no such right of way. However, at the request of the Police Officer to agree a temporary solution, and without the benefit of legal advice, Mr Wilson agreed to allow your employees/contractors to leave the site via the access road today and, to unlock the gate and to allow access via the same route tomorrow. However, having now taken legal advice I wish to confirm that the Council revokes any such agreement to unlock the gates tomorrow and allow your employees/contractors access to your land via that route. This a reasonable approach to take in the absence of any evidence that your company has any right of way over the access road.

I am instructed to make it very clear to you that the access road in question is Council owned and that your company, employees and/or contractors do not have any right of way over that access road. The Council does not in any way consent to your recent use of the access road and asserts that it amounts to trespass. On behalf of the Council I am instructed to request that you immediately cease use of the access road, or any other Council owned land. The lock to the gate will be replaced and should you, your employees and/or your contractors trespass on the access road, or any other Council owned land, then the Council will have no alternative but to consider issuing proceedings without further notice for:

1. An injunction order to prohibit any further trespass;
2. Damages in trespass; and

Such action would be regrettable as it would incur significant legal costs and the Council would seek an order that you be required to reimburse the Council for all those costs.

In addition, if there is a repeat of the criminal damage caused today, a further report will be made to the Police.

I hope such action will prove unnecessary and I would ask you to reply to me by return to confirm that there will be no future trespass on the access road, or any other Council owned land in the future. Alternatively, if you believe you have a right of way over the access road, you should provide full details and evidence to prove that assertion, which the Council will then consider. In the meantime, you should not seek to use the access road unless and until you have the written consent to do so from the Council, or face the above-mentioned action without further notice.

I look forward to hearing from you.

Yours faithfully,

for Dermot Pearson,  
Assistant Director of Legal Services

Encs.