

Your Ref: [REDACTED] /057300

Our Ref : [REDACTED]



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## Urgent

FAO [REDACTED] and Mr Dermot Pearson  
Rotherham Metropolitan Borough Council  
Finance & Customer Services Directorate  
Legal Services  
Riverside House  
Main Street  
Rotherham  
S60 1AE



21 October 2016

Dear Sirs,

### Land on the West side of Droppingwell Road, Thorpe Hesley, Rotherham held under title number SYK425307 (the "Property")

We write further to the above matter and further to our recent correspondence and discussions.

As you are aware, a drilling contractor attended the Property last week in order to carry out a series of borehole tests. That drilling contractor was Site Investigations Limited t/a Site Investigation Services ("SIS"). Those tests remain partially completed and SIS are required to return to the Property. As you are also no doubt aware, when discussions took place at the entrance to the Property last week, [REDACTED] a local councillor, was also in attendance at various times. It was not clear to us what [REDACTED] involvement was at that time but he did give the impression that he had been previously engaged with you in relation to the access issues that were being considered at that time.

It has since been reported to us that [REDACTED] has:

1. On 20 October 2016 trespassed on the Property in an attempt to identify the location of the installations and covers placed in situ by SIS; and,
2. On 20 October 2016 telephoned SIS in attempt to obtain information about the borehole testing.

[REDACTED] did not seek our permission to access the Property and as such his actions are being regarded as an act of trespass. We will therefore be writing to him separately to advise him of this. However, it is necessary for us to highlight this to you given that it was not clear on whose behalf [REDACTED] was in attendance at the entrance to the Property last week nor was it clear on whose behalf [REDACTED] has taken it upon himself to both enter the Property and to contact SIS.

Further, we also wish to record that we are most concerned as regards the comments made by [REDACTED] to SIS in the above telephone conversation. We are instructed that [REDACTED] initially

asked SIS if they would be able to send to him copies of the borehole logs which were carried out last week. Naturally, such a request was refused. We are instructed that [REDACTED] then asked SIS if they would tell him what was found as a result of the testing. Again, [REDACTED] was advised by SIS that this was not information that he was entitled to receive.

[REDACTED] then asked SIS if they would be able to provide him with a diagram of where the boreholes had been drilled. This was refused at which point SIS enquired as to why [REDACTED] required the said information. [REDACTED] stated that he was on the Property and was trying to locate the boreholes that had been drilled. We are instructed that SIS did ask [REDACTED] if it was appropriate for him to be on the Property considering the allegations of trespass that had been raised last week and also asked him why he was trying to locate the boreholes.

[REDACTED] did not provide a definitive response to these questions and proceeded to ask SIS if they could at least tell him which boreholes were drilled for gas and which were for water.

We are instructed that SIS then asked [REDACTED] hypothetically whether anyone attending the Property would be subjected to the same harassment. [REDACTED] replied to this by saying words to the effect that "we are the South Yorkshire Massive/Crew" (SIS are unable to recall the precise phrase used by [REDACTED] and the words spoken could either have been "Massive" or "Crew") and that whoever came to the Property would have the same experience and that they would be lucky to leave "without a brick on the back of their head". [REDACTED] explained that they (it is not known who this was a reference to) were not known as the South Yorkshire Massive/Crew for nothing. [REDACTED] also asked SIS if they knew who they were working for and suggested that this company's directors were people that SIS might not wish to work for.

It is clear to us that [REDACTED] intention was to not only obtain confidential information, which he would have been clearly aware he was not entitled to receive, but that he was also intending his words to expressly and/or in the alternative, impliedly, be regarded as a threat to SIS with the intention of causing them to not return to the Property in order to complete the borehole testing. Clearly, this is a very serious matter. Not only do such comments amount to intimidation but they would, in the event that SIS do refuse to return to the Property, amount to the tort of inducing a breach of contract.

Pending the receipt of a response from [REDACTED] to the above matters, it would be helpful for you to clarify the Council's position as regards the actions of [REDACTED] so that we may consider what further action is appropriate.

We look forward to hearing from you by 4pm on 26 October 2016. In the meantime, the rights and remedies of MHH Contracting Limited and its agents are fully reserved and we fully reserve the right to refer this correspondence to the Court should it be necessary to do so.

Yours faithfully,

  
MHH Contracting Limited

In house Solicitor

[REDACTED] [mhhcontracting.co.uk](http://mhhcontracting.co.uk)