

[REDACTED]

From: [REDACTED]
Sent: 25 August 2017 17:06
To: [REDACTED]
Cc: [REDACTED]
Subject: Watson's Tip: Droppingwell Road access (2)

[REDACTED]

I agree that the prospects of negotiating a settlement favourable to all sides is greater now than it is likely to be in the future (in other words, we have a window of opportunity).

As regards lack of *knowledge* of the height restriction barrier - we haven't conducted an exhaustive who-knew-what-when investigation throughout Rotherham MBC but I understand that certainly at least the people who count – i.e. those would have been able to give consent - didn't know (there wasn't any kind of tacit approval). For my own part, I was party to a short exchange of emails on the subject in January 2017 which corresponds with what [REDACTED] has said in her email of 14 August 2017 16:42, and can say that the barrier that has actually been erected is different from what was even discussed then. Although it isn't obvious from one photograph, having now seen more than one photograph taken from different angles it is apparent that there is actually no freestanding height restriction barrier (as was originally considered). The height restriction barrier has actually been welded onto to the top of the existing gateposts (owned by Rotherham MBC, as you point out) in kind of a bespoke job. I doubt there is any particular coincidence or special significance about the timing, but I don't know.

[REDACTED]

[REDACTED] **Legal Services, Rotherham Metropolitan Borough Council.**
Address: Riverside House, Main Street, Rotherham, S60 1AE. [REDACTED] **Email:** [REDACTED]
[REDACTED] [@rotherham.gov.uk](mailto:[REDACTED]@rotherham.gov.uk) **Website:** www.rotherham.gov.uk
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From: [REDACTED]@mhhcontracting.co.uk]
Sent: 24 August 2017 16:43
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Watson's Tip: Droppingwell Road access

[REDACTED]

I hope to be able to confirm that I have the signed licence shortly.

In the meantime, below is a photograph showing the height restriction barriers. It is clear that some thought and expense has gone into the location and the installation of the same.

I note that you have stated that they were installed by Millmoor Juniors without the Council's consent (and presumably knowledge).

Given the circumstances that you describe in your email, it is only reasonable to assume that Millmoor Juniors ignored your request that these either be erected over the car park access into their property or should be set aside pending the resolution of your discussions with us in order to in some way hinder our use of the site now and/or our plans to re-open the tip. As we were not aware that Millmoor Juniors had an issue with high vehicles using the accessway at present, I cannot see what other explanation there is for why these have been erected now.

Obviously, the barriers are located on the Council's land and you have provided the combination for the padlock. However, as you will appreciate, once the tip is operational we will require continuous access throughout operational hours and therefore, if the height barriers are to remain in situ, they will need to be left open throughout those operational hours in order to ensure that the use of the accessway is not hindered or restricted in anyway, as was the case when the tip was last operational. I can envisage that we would agree to closing the height restriction barriers at the end of each operational day.

Whilst emailing, we have still not heard further from you or [REDACTED] substantively following our meeting at your offices on 10 June. [REDACTED] did comment in his previous email that you remain keen to see if we can agree some operational matters. As you will appreciate and as I have alluded to in my recent emails, at some point in the near future the tip will be operational and therefore the opportunity to agree these issues prior to that period will have been lost.

Kind regards

Ps. We have spoken since I drafted this email.



[REDACTED]
In House Solicitor



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From: [REDACTED]@rotherham.gov.uk]
Sent: 14 August 2017 16:42
To: [REDACTED]@mhhcontracting.co.uk>
Cc: [REDACTED]@rotherham.gov.uk>; Wilson, Damien <Damien.Wilson@rotherham.gov.uk>; [REDACTED]@rotherham.gov.uk>
Subject: RE: Watson's Tip: Droppingwell Road access

Dear [REDACTED]

Watson's Tip – Droppingwell Road Access

Further to my email below, [REDACTED] and I have now managed to get to the bottom of the height restriction barriers you refer to in your original email of 8 August at the bottom of the chain. It appears that Millmoor Juniors FC installed these without consent from anyone at the Council. We had been aware several months ago that the club wished to spend some available funding on such barriers and had advised that these should either be erected over the car park access into the club's property or should be set aside pending resolution of our discussion with yourselves.

The combination to the padlock is 1966. We would propose to leave the barrier in situ as it protects both of our properties from incursions by third parties. However, if this is a problem for you, we will arrange for removal of the padlock.

With regard to the extension to the licence for access, I am instructed that this may proceed. I have therefore printed off a clean version of the licence which you issued to me and am arranging for it to be signed. Perhaps you could do likewise and we can complete in the next few days?

Kind regards

[REDACTED]
Solicitor
Legal Services
Finance and Customer Services
Rotherham Metropolitan Borough Council

[REDACTED]
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From: [REDACTED]
Sent: 08 August 2017 17:11
To: [REDACTED]
Cc: [REDACTED]@mhhcontracting.co.uk
Subject: Watson's Tip: Droppingwell Road access

Hi again [REDACTED]

Neither [REDACTED] nor I had any notice of it so we're trying to obtain information/instructions asap.

Kind regards

[REDACTED]
Solicitor
Legal Services
Finance and Customer Services
Rotherham Metropolitan Borough Council

[REDACTED]
Email: [REDACTED]@rotherham.gov.uk
Visit our website: <http://www.rotherham.gov.uk>

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From: [REDACTED]@mhhcontracting.co.uk]
Sent: 08 August 2017 17:07
To: [REDACTED]
Cc: [REDACTED]@mhhcontracting.co.uk
Subject: RE: Licence (2)

██████████ and ██████████

Thank you for the quick responses.

I am instructed that the barrier restricts access (above a certain height, subject to unlocking by those who have a key, etc.) across the accessway itself and not just the car park. It was assumed it was erected by RMBC given that it is on the council's property.

Regards

██████████

██████████

**In House Solicitor
MHH Contracting Ltd**



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From: ██████████@rotherham.gov.uk]

Sent: 08 August 2017 16:32

To: ██████████@mhhcontracting.co.uk>

Cc: ██████████@rotherham.gov.uk>

Subject: Licence (2)

Given the urgency of this matter I hope that [REDACTED] will forgive me for giving a partial reply immediately. To (at least partially) address your points in turn:

(1) There is still a desire on the part of RMBC to see if we can agree some of the operational issues that we discussed on 12 June 2017.

(2) I think [REDACTED] is the best person in Legal Services to answer this.

(3) For ease of reference, I attach your complete email of 26 June 2017 including attachment (the file <Licence.msg>).

You say:

I am concerned that the installation of the height restriction barrier, without notice to ourselves, is an attempt to prevent access to our site by vehicles of a certain height

Do you know who has erected the barrier? In particular, whether it was erected by Rotherham MBC or Millmoor Juniors Football Club (or someone else)?

Can you confirm that the barrier restricts access (above a certain height, subject to unlocking by those who have a key, etc.) across the accessway itself, and not merely the (entrance to) the car park?

Regards,

[REDACTED]
[REDACTED] Legal Services, Rotherham Metropolitan Borough Council.
Address: Riverside House, Main Street, Rotherham, S60 1AE. [REDACTED] Email: [REDACTED]
[REDACTED]@rotherham.gov.uk Website: www.rotherham.gov.uk
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From: [REDACTED]@mhhcontracting.co.uk]

Sent: 08 August 2017 15:30

To: [REDACTED]

Cc: [REDACTED]@mhhcontracting.co.uk; [REDACTED]@mhhcontracting.co.uk; [REDACTED]

Subject: RE: Licence

Dear [REDACTED]

A number of points arise:

1. We have not heard further from you following our meeting on 12 June 17. Is there still a desire on the part of RMBC to see if we can agree some of the operational issues that we discussed on 12 June? Unless we hear further from you on this matter by close on Friday 11 Aug we will presume not and I will refrain from chasing you on this point;
2. I have not heard further from you as regards the new licence as per my email of 26 June. Can you come back to me on this; and,
3. I am instructed that a height restriction barrier has been erected above the gates at the entrance to the accessway to prevent access to the site of any large agricultural vehicles. I am instructed that the height restriction barrier has a lock in the centre which when un-locked, allows the height restricted gates to open. Please confirm, as a matter of urgency, whether the key that we have to unlock the gates will also unlock the lock on the height restriction barrier? If not, please confirm that a key to the lock on the height

restriction barrier will be provided to us as a matter of urgency. I am concerned that the installation of the height restriction barrier, without notice to ourselves, is an attempt to prevent access to our site by vehicles of a certain height in response to the comments in my email of 26 June 2017. No doubt you will be able to confirm the position when you reply.

I look forward to hearing from you as a matter of some urgency.

Regards



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MHH Contracting Ltd



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From: [REDACTED]@rotherham.gov.uk
Sent: 26 June 2017 13:22
To: [REDACTED]@mhhcontracting.co.uk>
Subject: RE: Licence

Hi [REDACTED]

I have a meeting with my instructing officers tomorrow so will revert after that.

Kind regards

[REDACTED]
Solicitor
Legal Services
Finance and Customer Services
Rotherham Metropolitan Borough Council

[REDACTED]
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From: [REDACTED]@mhhcontracting.co.uk]
Sent: 26 June 2017 11:34
To: [REDACTED]
Cc: [REDACTED]
Subject: Licence

Hi [REDACTED]

I write further to our meeting on 12 June. I presume that you are still reviewing matters with Damien Wilson?

In the meantime, please find attached a further version of the licence. The current licence expires on Friday.

I have drafted the licence period as four months. At some point in the near future, we will obviously be looking to carry out works on our site beyond those that are defined in the licence in preparation for the reopening of the site. Rather than try and agree a new definition of the "works" for the licence, I have simply included an option that allows MHH to terminate the licence by notice. It is hoped that we will not end up in a situation whereby we would need to terminate the licence without having agreed matters with the Council but it is necessary, given the potential operational requirements, to have this option.

I look forward to hearing from you.

Kind regards

[REDACTED]
In House Solicitor
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