



Your Ref: 210301-MHH
Our Ref : GLL/Droppingwell Tip

Mr Tom Smith
Assistant Director for Community Safety and Street Scene
Regeneration & Environment Office
Rotherham Metropolitan Borough Council
Regeneration & Environment
Riverside House
Main Street
Rotherham
S60 1AE

12 March 2021

Dear Mr Smith,

**Grange Landfill Limited's site, Droppingwell Road, Rotherham ("Tip Site")
Shared Access Road - Millmoor Junior Football Club and the Tip Site (the "Accessway")**

We refer to your letter dated 1 March 2021, received by us on 9 March 2021.

We were somewhat surprised to receive your above letter in response to our letter to you dated 3 February 2020, more than a year after the date of our letter.

It is noted that you refer to, "*starting the process of negotiating an agreed position*". With respect, and the same is clearly highlighted in the very detailed letters sent to various officers of RMBC (including you) dated 9 January 2017 (from the site owner (MHH Contracting Limited ("MHH")), 14 December 2017 and 2 February 2020, the issue of the Accessway is one that we (and MHH) have tried to address with RMBC for nearly four and half years following the meeting that took place at your offices on 11 August 2016.

We tried again to address, inter alia, the issue of the Accessway with RMBC at, and following the meeting that took place on 12 June 2017, but again, those attempts were not acted upon by RMBC, despite our best efforts. We did chase RMBC to see if it wished to take the matters discussed further but, again, this did not happen.



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We made clear in our above letter of 3 February 2020 that we remained, as we always have been since 2016, in conjunction with MHH, "open to discussing with you any reasonable measures that you might consider appropriate in order to further ensure the safety of all users of the Accessway". We asked that you provide alternative dates for a meeting to be held to discuss the same. Until we received your above letter, we have heard nothing further from RMBC on this issue.

We would also add that as we were aware of the concerns being expressed by Millmoor Juniors Football Club (the "Football Club"), we did email the various individual representatives of the Football Club on 27 July 2018, 8 August 2018 and 10 August 2018 (copies enclosed) to a meeting with us to see how we might, "openly discuss the forthcoming activities and how we can approach the matters collaboratively".

We did not receive any response to our emails.

Obviously, the local community, and particular, the Droppingwell Action Group, are unaware of the strenuous efforts that we, and MHH, have gone to in order to work with RMBC and the Football Club in relation to this issue and others.

It is somewhat odd therefore given all the history of this issue that it is stated in your letter that, *"the Council feels that it is necessary to ensure that appropriate mitigation is in place to ensure the safety of those using the access road"*. It is this company and MHH that have tried to ensure that any reasonable measures that could be put in place were considered. We have frankly been met with a distinct lack of interest thus far. It is presumed that the Council are now coming under pressure from the very vociferous local action group to engage with us.

HSE

In relation to the HSE, it is not correct to refer to the numbered paragraphs in your above letter as being, "conditions", and it is not correct for you to suggest that these are conditions that have to be "complied with".

It is correct that we did engage with the HSE in November 2019. The HSE were advised of the manner in which the Accessway was being used at that time. This in no way set any conditions on the use of the Accessway as you seek to suggest.

It is a matter of fact though that the Accessway, will mainly be used on days and at times when the Football Club is not in use.

We would also draw your attention to the letter dated 11 January 2017 from [REDACTED] of RMBC and the letter of response dated 13 March 2017. You will note that [REDACTED] raised a number of suggested options, which included agreeing prescribed hours of access to the site (7.00 am to 6.30pm Monday to Friday and 7.00am to 4.30pm on a Saturday), limiting the volume of traffic during these hours, and the giving up of the right of vehicular access to the Tip Site from Upper Wortley Road.

It was made clear in the response dated 13 March 2017 that additional limits beyond those set by the permit or restricting the other right of access to the Tip Site would not be acceptable, but that there may have been scope to consider matters such as hours of operations, speed limits for vehicles accessing the site, and implementing a system for idling vehicles.

[REDACTED] also suggested the possibility of re-routing the Accessway to put greater distance between the Accessway and the Football Club. This was again raised by us at the meeting held on 12 June



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2017. We would be interested to hear your views on whether [REDACTED] suggestion in this regard is still something you are willing to consider.

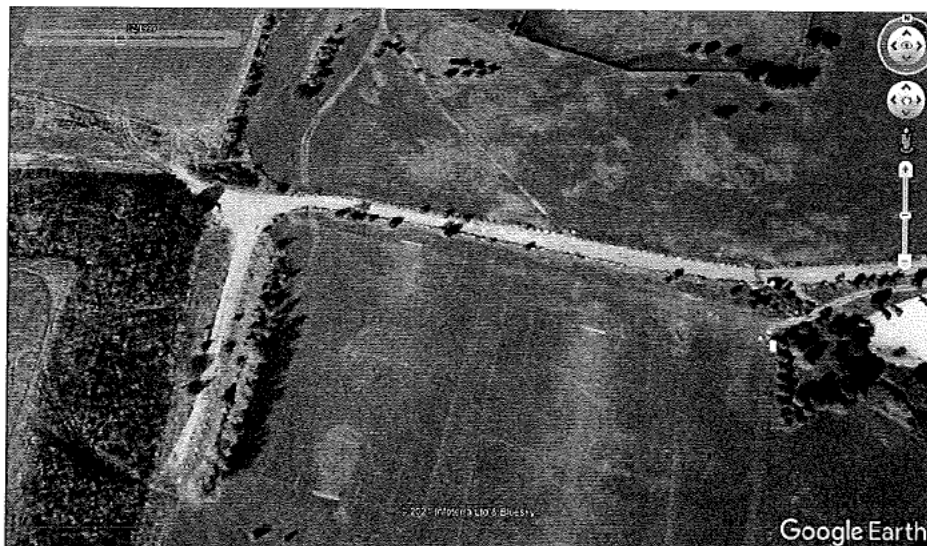
Vehicular access across the land owned by the Council between the Football Club and phase 1 of the Tip Site

It is noted that you refer to the use of the Accessway by the Football Club as being, "longstanding". You will be aware that the use of the Accessway by the operators of Tip Site and the owners of the Tip Site pre-date the use of the Accessway by those attending the Football Club by many decades.

What is also often not mentioned or taken into account, is the fact that when MHH first became involved in the Tip Site in early 1994, the Accessway was simply, in part, a badly damaged track. It was MHH that was responsible for laying tarmac along part of the route of the Accessway, for widening the entrance (for safer access / egress) of the Accessway where it meets Droppingwell Road, and for the laying of the safety stone boulders along the side of the Accessway. Boulders which, in or around 1998, RMBC asked to be left in situ.

Further, as referred to in our letter of 3 February 2020, there has been created an issue in relation to the area referred to as the, "turning circle", and the route between phase 1 of the Tip Site and the Football Club (the "Additional Access").

Attached are images that show the turning circle area and the Additional Access in March 1994. Access to the Tip Site was through two gates. One gate can be seen in one of the attached images and is in the location of the gate that is present and used now. However, there was a further gate (on the South West boundary), used prior to the 1990's, that was used to access the Tip Site during the phase 1 tipping operations. The route of the Additional Access can be clearly seen on the image below, taken in 1999.



RMBC were put on notice in our letter of 3 February 2020 of a claim to use turning circle area and the Additional Access, and were asked to direct its proposals to the land owner so that this could be considered further, prior to any physical barrier being installed. As you are no doubt aware, on or about 4 March 2020, a physical barrier was installed by RMBC to prevent us and MHH from using the turning circle and the Additional Access, despite the fact that these areas, together with the Accessway



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and the other entrances to the Tip Site, had clearly been long (it is anticipated for over fifty years) used by the Tip Site owners and those operating the tipping.

The installation of the physical barrier has created two issues:

1. It is preventing both this company and MHH from exercising a right of way over the turning circle area and from along the Additional Access. We have been instructed by MHH to formally request that the barrier be removed immediately. Please can you confirm the date when it will be removed. If the same is not removed forthwith, it is presumed that MHH will be seeking to protect its rights of access with RMBC direct; and,
2. Lorries accessing the Tip Site are not now able to turn. This has meant that, on occasion, lorries are having to reverse along the Accessway to the entrance of the Tip Site. RMBC have clearly therefore created a more difficult situation by its actions. It has been made clear to the HSE that we would prefer for vehicles to always travel in a forward gear along the Accessway. The actions of RMBC have created this issue and no doubt, members of the local action group will be raising numerous complaints to you about this. We trust that you will make it clearly known to anyone raising such issues that RMBC has created this issue.

It would therefore be helpful if immediate action could be taken by RMBC to rectify this issue prior, to any further issues being addressed. This clearly needs immediate action to be taken.

As we recorded in our letter of 3 February 2020, given the level of animosity that certain members of the local action group have shown towards the operations at the Tip Site, it is not unreasonable for us to conclude that any further measures will not satisfy all of those involved. That being said, and in spite of conclusions of the HSE, we remain, as we have always been since 2016, in conjunction with MHH, open to discussing with you any reasonable measures that you might consider appropriate in order to further ensure the safety of all users of the Accessway.

We note that you state that you are happy to discuss the matters to see what might be agreed. As stated in our letter of 3 February 2020, please provide three alternative dates and times for such a meeting to take place. We would expect, as referred to above, for the obstructing barrier at the end of the Accessway to have been removed before any such meeting takes place.

We look forward to hearing from you.

Yours faithfully,

Grange Landfill Limited

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CC. MHH Contracting Limited



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