

## Regeneration & Environment

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Our Ref:  
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**1<sup>st</sup> April 2021**

The Managing Director, Grange Landfill Ltd  
[info@grangelandfill.co.uk](mailto:info@grangelandfill.co.uk)

Dear Sirs

### **Re: Droppingwell Tip Site – Access From Droppingwell Road**

Thank you for your letter dated the 12th March 2021 and subsequent email of 25<sup>th</sup> March 2021.

Since the Council received your letter dated the 3rd February 2020, you will no doubt be aware that there has been an ongoing global pandemic which has had a major impact on the Council's resources. Having said that, the Council has continually kept the operation of the tip under review and has sought legal advice on a number of issues, including the access road to the tip.

The advice received has led us to send the recent correspondence with the purpose of trying to assist both yourselves and Millmoor Junior Football Club in relation to the use of the access road. The Council shares the concerns of many in relation to the safety of those using the access road, particularly the children attending at the football club. The Council is in a position to assist in the capacity of mediator to hopefully come to a workable solution. Obviously, to achieve this, we need both parties to work with us.

The Health and Safety Executive (HSE) is responsible for the safety aspects of the access road and we rely on the information provided by them. There was clearly a purpose for you to put forward the conditions to the HSE when they looked to investigate the safety on the access road in 2019. They were clearly satisfied that the conditions proposed would act as sufficient mitigation and relied on the fact that these would be complied with to ensure safety. If these are not now accepted by you as conditions, then the HSE clearly have more work to do in terms of their investigation around the safety of the access road. We will of course relay our concerns to them in that regard.

We note your reference to the letters from [REDACTED] in 2017 around the use of the access road and suggested conditions. Whilst we appreciate this was some time ago, the Council have been considering other options. The negotiation of conditions is the point of our correspondence, which has become more important due to the works taking place on site.

In respect of the use of Council land as a turning circle, it is not accepted that MHH have a right of access. The barrier has been installed to prevent the use of Council land as a turning circle due to the damage that this was causing to the land in question. The barrier has now been in place for over a year. If MHH wish to put forward a claim in respect of this land, then the Council require proof of any entitlement. The Google photograph is insufficient to establish any entitlement. In relation to the specific points raised in your letter:

1. We can confirm that the Council will not be removing the barrier at this time, as it is not satisfied that any right of access exists.
2. The Council is of the view that the operator has sufficient land of its own on which to create a turning circle in order to minimise the risks you highlight in your letter.

The Council is pleased to hear that you are willing to discuss matters and we would be happy to arrange a date for a meeting if this is still an open option given our stance in relation to the barrier.

The yellow barrier referred to in your email dated the 17th March 2021 was not installed by RMBC or by any person instructed by RMBC; however, we are currently looking into this issue with the golf club and the associated lease.

In relation to your email dated the 25th March 2021, the photographs showing the blocked access is not the responsibility of the Council and whilst we will assist where possible to ensure that the access road is not obstructed, we have not caused this obstruction and we have not instructed anyone else to cause the obstruction.

In relation to the points you have raised regarding the Temporary Prohibitions, irrespective of any agreement that you say was in place, an assessment of the area shows that there is a danger to the public and this can only be appropriately managed by the prohibitions. This danger exists whether or not there are any parked vehicles present on the access road. The paperwork to make the prohibitions permanent is currently being prepared, which will allow you the opportunity to raise your objections at that stage and which will be considered accordingly.

As a point of clarification, the Council have not allowed local residents to deliberately park vehicles in the area. The maintenance of the access road is the responsibility of MHH. Whilst the Council is under a duty not to obstruct the access road, it is not responsible for ensuring that others do not obstruct the access road.

Yours sincerely



Tom Smith  
Assistant Director Community Safety and Streetscene

CC: [REDACTED] MHH Contracting Ltd ([REDACTED]@mhhcontracting.co.uk)  
Liz Anderton, Rotherham Metropolitan Borough Council