



Your Ref: 210301-MHH
Our Ref : [REDACTED] 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

30 April 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 April 2021.

Your comments in relation to the ongoing global pandemic are noted. That being said, it does not appear that this has hindered the resources and commitment of RMBC in the actions they have and are continually taking in actively pursuing to close our legitimate business activities. Nor does this explain the concerns that we have raised in relation to you appearing to adopt the position that you were, *"starting the process of negotiating an agreed position"*. You have failed to address the fact that, as referred to in our letter of 12 March 2021, the issue of the Accessway is one that we (and MHH) had tried to address with the Council for nearly four and half years following the meeting that took place at your offices on 11 August 2016, or that we tried again to address the issue of the Accessway with the Council at, and following, the meeting that took place on 12 June 2017.

You make reference to the Council being in a position to assist, *"in the capacity of mediator"*, in relation to ourselves and Millmoor Junior Football Club (the "Football Club"). We were not aware that a mediator was required having not heard further from the Football Club in response to the emails sent to the various individual representatives of the Football Club on 27 July 2018, 8 August 2018 and 10 August 2018.



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South Yorkshire, England, S6 6LJ

We are also aware of the Council's clear stance, which is one of opposition to the re-opening of the tip, and the strenuous lengths that the Council, its employees and elected members, have gone to over the last four years or so to prevent the re-opening of the tip. It is also noted that once the Council obtained the legal advice that you refer to in your above letter, the Council's efforts have been focused on taking every effort to ensure that the operation of the re-opening of the tip is as difficult as possible for this company. We do not intend to list the many examples that could be referred to in this correspondence but certain elements of the Council's position and stance are very likely to be the subject of further additional correspondence in due course. For all of the aforementioned RMBC would not be in a reasonable position to act as a mediator should one be required.

HSE

We have been in regular contact with the HSE in relation to the operation of the Site and the use of the Accessway and we will continue in that regard. Should you feel the need to relay any concerns to them, then that is a matter for you.

You will be aware there has recently been emails exchanged with [REDACTED] in relation to the possibility of segregating elements of the Accessway. We will review the email of 27 April 2021 and revert to Mr [REDACTED] in due course.

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 do not accept that MHH has a right of access to the turning circle.

It is likely that this will be considered in separate correspondence from MHH. However, it is noted that you state that a Google photograph is insufficient to establish an entitlement to use.

However, you make no mention of the images that were attached to our previous letter that show the turning circle area and the Additional Access in March 1994. As we have said, access to the Tip Site was through two gates. One gate can be seen in one of the previously 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 taken in 1999.

The images taken in March 1994 clearly show that the "main access" to phase 1 of the tip site was through the gate on the South West boundary of the phase 1 tip area. As you know, this area has a long history of being tipped on. It is not therefore accepted that the right has not been established through long user.

Whilst the physical barrier been in place for some time as you state, you conveniently ignore the fact that, as mentioned in our previous letter, this in itself created the issue of lorries accessing the Tip Site were not able to turn and this, meant that, on occasion, lorries had to reverse along the Accessway to the entrance of the Tip Site. The Council had clearly therefore created a more difficult situation by its actions. It is ironic that this was no doubt the subject of many complaints that the Council received from local residents about the use of the Accessway.



The Yellow Barrier

The Yellow Barrier remains. Please confirm that you have taken action to remove the same. We have obtained a copy of the Lease as between the Council and Rotherham Golf Academy Limited. The access road here is outside of the leased area. It is presumed therefore that if the Golf Academy are responsible for the installation of the barrier, without the Council's permission, that the Golf Academy will be asked to remove the same.

Please advise.

The Blocking of the Accessway by vehicles

Whilst the Council may not have caused the obstructions that are referred to, the Council clearly has a responsibility to ensure that the Accessway is not obstructed or that our use is hampered in anyway. Vehicles are now parking along the access road, it is presumed, without any permission, causing even more obstructions and narrowing the Accessway (see attached photo). If the obstructions are interfering with the authorised use of the Accessway, as the land owner that granted the access, responsibility would rest with that land owner. It is absurd to suggest that the Council are devoid of any obligations in this regard. Please confirm that steps will be taken to ensure that vehicles are not parked along the full length of the Accessway. It is presumed that the Football Club do not have permission within their Lease to park in such a location. In that regard, please accept this letter as our Freedom of Information Act Request (FOI) pursuant to the Freedom of Information Act 2000 to the Council to provide a copy of the lease arrangements between the Council and the Football Club in relation to the leasing of land at Grange Park. We look forward to receiving the same within 20 days of the date of this letter.

We look forward to hearing from you.

Yours faithfully,

Grange Landfill Limited
Grange Landfill Limited

CC. MHH Contracting Limited



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