

Finance & Customer Services Directorate

Bal Nahal, Head of Legal Services,

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My Ref: EA/057300
Your Ref:
Direct Line: 01709 823736
Contact: Elizabeth Anderton
Date: 5 July 2021

Sent by email – [REDACTED]@co.uk

Dear Sirs

Re: Droppingwell Tip Site – Access

Thank you for your letter dated the 30 April 2021, addressed to Tom Smith.

Whilst the Council's resources have been significantly impacted by the global pandemic, the concerns around the operation of the tip have continued and the Council has a duty to respond to those concerns.

In respect of your comments in relation to the Council starting the process of negotiation around the accessway; as pointed out in the Council's most recent correspondence, the most recent advice has led us to this point and as such the Council was not in a position to try to assist in this way previously.

As already stated in earlier correspondence, 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. Whilst the Council continues to be opposed to the operation of the tip, the safe use of the accessway is a major concern and given that there has been no resolution between the parties involved, it is felt that the Council is in the best position to assist the communication. Clearly, you do not agree. In the circumstances, what would you suggest? As the operator of the site, we would expect you to have the same concerns over the safety of all uses and a desire to resolve those issues.

Not only has the Council attempted to act as mediator and aid communication, but officers have also been instructed to carry out risk assessments and have attempted to suggest appropriate mitigation. Whilst this is not the responsibility of the Council, this was felt necessary because of the real concerns that the Council has in relation to safety which need to be addressed and which should be addressed by you as the operator of the tip. Furthermore, the Council is also in continuous correspondence with the HSE, which is necessary given that no work appears to be taking place to ensure the safe use of the accessway.

Based on the limited information provided, it is not accepted that there is a right of access to the 'turning circle'. Should you intend to pursue this point then the Council would expect to see substantial evidence before it would consider the matter any further. The barrier installed over a year ago will remain in place.

In respect of the yellow barrier, we can confirm that this has not been installed by the Council or under the instruction of the Council. We will address this directly with those responsible on the basis that it appears that the barrier is outside the terms of the lease. The Council does not have the resources to ensure that your access remains unobstructed. The obstruction is not caused by the Council. We assume that you have already taken steps to address the barrier directly with the golf club.

Similarly, in relation to the parked vehicles, the Council has not instructed any person to obstruct the access road and it does not have the resources to control the issues you have raised. Given that the football club have been willing to communicate with us, we are happy to raise this with them. Your cause of action would be against any person causing an obstruction or instructing another to cause an obstruction; neither of which the Council are doing. Again, we assume that you have raised this issue directly with the football club.

The freedom of information request was forward to the information governance team and an extension for a response was granted. The response will be sent within the timeframe agreed.

Yours faithfully

For Bal Nahal
Head of Legal Services

cc. MHH Contracting Limited – ██████████@mhhcontracting.co.uk