

Our Ref: [REDACTED] DRO1286/1

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15 September 2021

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Private & Confidential

FAO: Mr [REDACTED] (Chairman)
Droppingwell Action Group
C/O 65 Hill View Road
Kimberworth
Rotherham
S61 2BN

BY EMAIL AND POST: [REDACTED]

Dear Mr [REDACTED]

Property/Right of Way Dispute: MHH Contracting Limited and Martin Hague
Re: Land at Droppingwell Road, Thorpe Hesley, Rotherham: Known as Watson Tip ("the Landfill")

I write further to the above matter and would firstly like to thank you for providing the additional ID verification documents which I had requested in my engagement letter, together with your signed duplicate engagement letter for my file.

I have now completed my review of the documentation which you provided during our meeting, together with my further research into the issues we discussed regarding the right of way being claimed by [REDACTED] (on behalf of his company which owns the Landfill) to the Landfill over the re-routed access-way from Droppingwell Road.

Land Ownership

Firstly, I wish to deal with ownership of the various pieces of land in question in connection with the claimed right of way which would determine the names of those in which claims would need to be brought by and against.

Upon carrying out searches at Land Registry I have ascertained that the Landfill is currently registered in the name of MHH Contracting Limited (hereafter referred to as "MHH"), being a company registered at Companies House under registration number 1921630 of Carlisle Street East, Sheffield, S4 8DT. Accordingly, if [REDACTED] was to assert and claim any rights in relation to a right of way to the Landfill over the new access, such claims would need to be brought in the name of MHH Contracting Limited I enclose a copy of the Official Copy of Title for SYK425307 for the Land on the west side of Droppingwell Road, Kimberworth, Rotherham in respect of the same.

Turning now to the access road to the Landfill. I enclose copies of the Official Copy Register of Titles for Land at Droppingwell Road, Rotherham, registered under Title Number SYK558707 (being the section of the re-routed access road directly leading on to Droppingwell Road) and

PARTNERS: Khalid Sadiq, Richard Sheppard, Jayne Jackson, Sarah Scott, Sue Richmond-Sterry, Dawn Cherry, Amy Cusworth, James Fox-McGowan
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Land at Droppingwell Road, Rotherham registered with Title Number SYK558715 (being the land appearing to include the previously used access opposite Dukes Lane and a part of the re-routed access). I also enclose the registered plans for said Titles, showing the area of land to which they each relate. As you will see from the enclosed documents, despite you instructing me that Rotherham Borough Council have denied ownership of the access road to the Landfill which leads to Droppingwell Road, I can confirm that at least the portions thereof which currently join the access road to Droppingwell Road, and which include the previous access across from Dukes Lane, are registered in Rotherham Borough Council's name as shown in the Proprietorship Registers of the Titles at entry B1.

Accordingly, should MHH wish to pursue a claim to a right of way over the land at the end of the access-way which exists above Farm View Road ("the New Right of Way") and/or the old access-way directly across from Dukes Lane ("the Old Right of Way"), its claims should be brought against Rotherham Borough Council, the registered proprietor of each piece of land. If the Council wished to defend such a claim this should again be defended by Rotherham Borough Council. Should the Council continue to dispute owning this portion of the access way then I would respectfully request that you refer them to the enclosed Official Registers of Title and plans.

Registered Rights of Way

Having reviewed the above three Titles it is clear that no registered rights of way are set out therein for the benefit of the Landfill clearly showing a specific reference to either right of way, which is acknowledged by [REDACTED] himself in his letter of 20 October 2016.

The Council's Title SYK558715 for the Old Right of Way refers in the Charges Register at entry C1 to the land being subject to restrictive covenants under a conveyance dated 31 October 1973. For the avoidance of doubt I have obtained a copy of the same from Land Registry, which is enclosed herewith, to ascertain whether any rights of way are noted as existing across the land conveyed which includes the land immediately adjacent to the Landfill, the Old Right of Way and the New Right of Way, which are claimed by [REDACTED] on behalf of MHH. The National Coal Board owned the parcels of land conveyed edged red at the time. The land was conveyed subject to rights of way granted in the Conveyances dated 28 December 1928 between John Henry Baring, Francis Austin Askew and Arthur Francis Baring (1) and Newton Chambers and Company Limited (2) and the Conveyance and Assignment dated 16 April 1964 between (1) British Railway Board and (2) National Coal Board. At clause 1(ii) however the land is noted as transferred free from the yearly agricultural tenancy of the land hatched black in favour of George Charles Watson, which had been determined. Copies of these Conveyances are not available in full to ascertain what rights of way the Council's land was subject to. The extract of the 1928 Conveyance you provided appears to show the right of way along the Old Right of Way at C-D, suggesting the Old Right of Way land is subject to that access, but without the full Conveyance I cannot ascertain in whose favour it is granted and whether this will have passed to MHH.

Although not registered against and appearing on the Title to the Landfill or the land owned by Rotherham Council (New Right of Way or Old Right of Way), MHH could still be entitled to a

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right of way over the access road to Droppingwell Road, including the Old Right of Way and/or the New Right of Way if it could be proven that the right of way existed over the appropriate route under one of the aforementioned historical deeds or documents.

I can see that [REDACTED] has tried to assert that the Landfill enjoys rights which were conveyed under a conveyance dated 13 February 1929 made between (1) John Henry Baring and Others (Vendors) and (2) Alec Watson (Purchaser), as shown at entry C1 of the Charges Register to the Landfill Title, including a right of way over the access routes labelled A-B, C-D, E-F and G-H. A copy of the full 1929 Conveyance is not available from Land Registry and unfortunately the extracts which have been provided during our meeting were either illegible or incomplete and therefore I cannot ascertain for definite whether the Old right of Way is granted by this Conveyance. I have obtained a copy of the Abstract of Title available from the Land Registry which shows at paragraph one of the Schedule the rights to which [REDACTED] referred. I do note that there is reference to rights of way, however it is not clear whether these were for the benefit of the Landfill or were reserved by the Vendors when selling the Landfill to Alec Watson. Further, the Plan to that Conveyance is also not available. I can see that a Plan has been provided by [REDACTED] making references to rights of way being reserved marked A-B, C-D, E-F and X-Y, which if we accepted as being the plan attached to the 1929 Conveyance could suggest that a right of way was granted to somebody over the Old Right of Way immediately across from Dukes Road. Looking at where the Old Right of Way starts and finishes it would be reasonable to assume that if the Vendors owned the Landfill and the area adjacent the rights of way were reserved across the four access routes identified for the Landfill as they enter the land from the various surrounding roads. Such rights would then attach to the Landfill land and have passed to MHH when it purchased the same. The Council could see to challenge the plan on the basis the rights refer to an access from X-Y instead of G-H and therefore do not match the descriptions used, but as the C-D line remains as in the 1928 Conveyance plan this may be held to be inconsequential.

[REDACTED] then goes on to refer to further Conveyances dated 28 January 1955 and 21 March 2000 (which I again have not been provided with and cannot appear to obtain from Land Registry by download as they are not available) as having been passed two rights of way to the Landfill as referred to in the 1929 Conveyance, one being from Wortley Road and one being from Droppingwell Road. If full copies of these documents were obtained and showed the rights of way to the Landfill then these would likely be indisputable as passing the rights of way to MHH along the route shown therein i.e. along the Old Right of Way.

One concern which I have in respect of [REDACTED] suggestion is that the route of the access from Droppingwell Road is said to be shown differently in the 21 March 2000 Conveyance to that in the 28 January 1955 Conveyance, suggesting that the course of the right of way had been altered between those dates. This could only be altered by the owner of the land over which the right of way existed at that time, which based on the 1929 Conveyance Plan being accepted would suggest could have taken place if either the National Coal Board or the The Major Alderman and Burgess of the County Borough of Rotherham had consented thereto. MHH would likely rely upon the plans attached to said Conveyances in support of the same.

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As I have not had sight of full copies of the Conveyances for the Landfill and all surrounding areas of land since the 1928 and 1929 Conveyances where rights of way appear to have been granted and reserved along four access routes, it is difficult for me to comment further upon the strength of MHH's claims to a right of way having been granted by way of a Deed. As the Old Right of Way is shaded purple on one of the plans provided which refers to rights of way being reserved over the route C-D, I am of the opinion that there is a higher than 50% risk that MHH will be able to successfully pursue a claim for a right of way having been granted by the 1928 and/or 1929 Conveyance over the Old Right of Way to the Landfill.

Further, if the 1928 Conveyance extract I have been provided relates to the said Plan, as a right of way is on foot and with vehicles of "any description and for all purposes" any right of way granted therein would be able to be used with any type of vehicle to operate the Landfill. I would note that potentially the claim could be defended on the basis that the extract of the 1928 Conveyance provided refers to the Old Right of Way being for the Vendors, rather than the Purchaser of the land edged red (now the RMBC land). This would therefore seem to suggest that the rights were being reserved rather than being passed with the land edged red on the Plan, and MHH would have to show that the Landfill remained in John Henry Baring and Others' possession in 1928 and was subsequently transferred to Alec Watson, to then be able to rely upon the 1955 Conveyance and 2000 Conveyance to claim that those rights were passed on to MHH. MHH argue that the 1929 Conveyance effectively started this process.

To enable me to advise you on which of the above two outcomes has greater strength, I should be obliged if you would provide me with full copy of the 28 December 1928 and 13 February 1929 Conveyance if you have this in your possession, for my further review.

Proprietary Estoppel

I now set out my views regarding [REDACTED] assertion that a right of way is claimed in the alternative to the Landfill from Droppingwell Road by reason of proprietary estoppel. It is not clear from [REDACTED]'s letter in 2016 whether it is claimed that proprietary estoppel arises in respect of access over the Old Right of Way or the New Right of Way. Given that he raises issue concerning the steps taken by his company to repair and improve the access way, spending time and money, I assume that the claim is to a right of way over the New Right of Way as you confirmed in our meeting it is accepted that the entrance to the New Right of Way was widened in or around 1995. I shall therefore hereafter refer to MHH's claims to proprietary estoppel being in relation to use of the New Right of Way.

By way of brief explanation as to how the right of way can be established under the doctrine of proprietary estoppel, this is a property interest which can be created so as to make the denial of the right of way unconscionable, giving rise to a cause of action allowing MHH to apply to the Court for a declaration that it can continue to use the New Right of Way, or an injunction preventing the Council from stopping MHH from using the New Right of Way. For proprietary estoppel to arise, four elements need to exist:

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1. The Council must have made an assurance, promise, or given encouragement to MHH to believe that it has or will enjoy some benefit (i.e. the New Right of Way) over the Council's property;
2. MHH must have reasonably relied upon that assurance, promise or encouragement;
3. MHH must have suffered detriment as a result of its reliance upon the assurance, promise or encouragement; and
4. The Council must have taken unconscionable advantage of MHH by denying it a right or benefit which MHH expected to receive.

It would appear that MHH allege that the Council's conduct provided assurances to it that it would be entitled to access over the New Right of Way, which MHH relied upon to its detriment by carrying out works to the New Right of Way, including infilling holes near the entrance from Droppingwell Road, making wider the entrance to the route and placing stones down the sides of the access-way to prevent damage to the adjacent grass. I would note that it would appear that MHH carried out such action prior to its purchase of the Landfill site and therefore the question arises as to whether or not it had a licence or contract to operate the Landfill at that time and expected itself to receive the right to enjoyment of the New Right of Way. Given that it was under contract it could arguably have been terminated at any time by the Landfill's then owner and therefore could be disputed.

Further, the Council could deny that any promise, assurance or encouragement was given to MHH that it would enjoy the New Right of Way over its property as a result of the works carried out in 1995, on the basis that these works were agreed as part of the application made in connection with the waste disposal licence conditions being amended (you instructed). Accordingly, as I understand that the licence was updated it is arguable that MHH received the benefit it had expected at the time of carrying out the said works, and this countervailing benefit to MHH means that it did not suffer any detriment as a result of carrying out the said works which would make denial of use of the New Right of Way unconscionable. This could further be supported by reason of the fact the Landfill is understood to have been capped and unused for a number of years following completion of the works to the entrance of the New Right of Way, such that it could be argued MHH could not reasonably have understood that it would be entitled to ongoing access over the New Right of Way indefinitely, as access would seemingly not be required for Landfill purposes after the time that the Landfill was capped.

It could further be asserted by the Council that it is not unconscionable for it to now prevent MHH from using the New Right of Way, by reason that access had been granted along said New Right of Way for a limited period whilst MHH's previous licence had been valid, and upon expiry of the same it was reasonable for the Council to consider withdrawal of such consent to using the New Right of Way, as this was no longer required by MHH for tipping purposes under the licence.

Whilst I do have some concern that the information provided by Mr Hague regarding the modifications to the licenses, the planning inspectorate appeal outcome and correspondence between the Council and MHH, including the Council's Plan dated December 1989, could be

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sought to be relied upon by MHH as the Council giving further assurances, promises or encouragement that the New Right of Way would be available when recommencing Landfill operations in the early 1990's, as I understand operations at the Landfill site ceased after that time and after the aforementioned works were carried out, I am of the opinion that the Council has reasonable prospects of defending such claims on the basis that no such assurance was given, which were reasonably relied upon by MHH to its detriment. Further, MHH did not suffer any detriment which would make it unconscionable to deny use of the New Right of Way, as MHH used the New Right of Way it is understood to some limited extent until 2016 when the gate thereto was locked and a later application would always have been required to enable future use of the Landfill site to recommence, as MHH has now requested in any event.

Prescriptive Rights of Way

I now deal with the claims raised in respect of prescriptive right of way over the Old Right of Way and/or the New Right of Way by [REDACTED] for MHH in his 2016 letter. Whilst [REDACTED] only makes reference to the doctrine of the lost modern grant giving rise to a right of way to the Landfill from Droppingwell Road, a number of associated claims could potentially be pursued by him on behalf of MHH, including:

1. Doctrine of Lost Modern Grant: which presumes a right of way has been granted since 1189 and has been lost. A period of 20 years' continuous use must be shown, which does not have to end immediately before the claim is made;
2. Common Law Prescription: which is based upon a presumed grant having been made prior to 1189 (which is seen as the start of legal memory). This claim can be defeated where it can be shown that the right is shown not to have existed before that time, or that it could not have existed at some point since then. Use has to be as of right and not without permission of the owner of the land, and use must be continuous (i.e. could be used whenever MHH wished) and there are no intervals of such length to show that that use was no more than isolated acts;
3. Under the Prescription Act 1832: which must show uninterrupted enjoyment of the right of way, as of right, without permission, secrecy or force for 20 years' immediately before the claim is made (which is defensible by the Council), or uninterrupted 40 years' use (which cannot be defeated other than by showing express consent having been given for use of the right of way).

Doctrine of Lost Modern Grant

Considering the Doctrine of Lost Modern Grant first, as this is the claim specifically referred to by Mr [REDACTED] on behalf of MHH the main concern is that such a claim does not have to rely upon use having continued up until the date that the claim for the right of way has been made. It therefore does not matter that on the information provided you believe usage of the New Right of Way consistently ceased in or around 1996 when the tip was capped. To be successful in the claim MHH would have to show that it has used either the Old Right of Way or the New Right of Way (depending upon which it is claiming) for at least 20 years without the Council's permission.

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To be able to defeat such a claim the Council would have to show that either 20 years' usage had not taken place, that use by MHH was otherwise accounted for, or permission had been granted for the use.

Strong evidence is required for a grant to be presumed and therefore this is a more difficult claim to bring.

I would advise that the Council seeks to rely upon permitted use being granted to MHH by way of the Council granting licences to operate the Landfill historically which needed to be accessed over the Old Right of Way and/or New Right of Way, on the basis that any such licence documents their consent for MHH to use the Old Right of Way and/or the New Right of Way, where these are referred to. I note that it is the New Right of Way that is more of a concern to you, given the size of the vehicles which would be able to access to the Landfill over the same. I would note that Mr [REDACTED] suggests that the New Right of Way entrance was created on or around 1965, suggesting no usage could have occurred prior to that date. Use prior to MHH owning the site would go towards a claim being made by the then owner. A waste disposal licence is noted as having been granted on 11 January 1978 (by which time there would have been 13 years' usage since 1965), which could be sought to be relied upon to suggest that consent was granted by the Council for use of the New Right of Way from that date until the licence was modified in 1990. This could be argued as being further supported by the Council Plan referred to by Mr [REDACTED] dated December 1989 allegedly, showing both the Old Right of Way and the New Right of Way, suggesting that the Council had given consent to use of both routes of access at that time. As works were then carried out at the entrance of the New Right of Way in 1995 with the Council's consent, it could further be argued that this reiterated and granted further consent to use the New Right of Way at that time until 2016 when the gate to the New Right of Way was locked. I also understand that MHH had previously been provided with a key to the gate at the entrance of the New Right of Way, which could also be seen as further evidence permission to use the same had been given at that time. Use after 2016 would only amount to 4/5 years use without permission and be insufficient to claim a right of way by Deed of Lost Modern Grant on its own if the above is accepted.

In light of the above, to defeat the claim for a right of way to have arisen under the Deed of Lost Modern Grant the Council would have to adopt the position that consent had been granted to MHH to use the Old Right of Way and the New Right of Way up to 2016 orally, by granting the waste disposal licences and giving of a key, at which time the permission was withdrawn. As 20 years usage has not occurred since that date such claim to a right of way way should be defeated. Whilst I would advise that this is how the defence for such a claim should be pursued, I note that MHH did not itself take occupation of the Landfill for its own benefit until March 2000 and their use of the New Right of Way was terminated in 2016, therefore it could not have achieved 20 years' use in its own name. It is possible that MHH could seek to claim 20 years' use arose by the prior owner if they provide evidence this was without consent, and that this then passed to MHH when it purchased the Landfill. As no written consent specifically referring to a right of way having been granted can be produced as far as I am aware, this leaves the Council more open to the risk of the Court deciding in MHH's favour that no such consent to use the New Right of Way was actually given and therefore any use from 1965 to 1995 (and possibly

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2016) by MHH could be seen as contributing towards the 20 years' usage to establish the New Right of Way.

Common Law Prescription

In respect of Common Law Prescription from commencement of legal memory since 1189, I consider that such a claim would have reasonable prospects of success over the Old Right of Way by reason that the Plan produced by MHH and purported to be the Plan attaching to the 1989 and 1929 Conveyance suggest both the Landfill and the Old Right of Way were in the same ownership then split with a potential right of way being granted over the Old Right of Way only but not the New Right of Way. Further, Mr [REDACTED] has confirmed that the New Right of Way was not created until in or around 1965 and therefore his letter of 2016 would provide evidence that the New Right of Way did not exist and could not have existed at 1189 or at any time since then until at least 1965, therefore the claim relating thereto has lower prospects of success.

Any common law claim to Prescription would need to show that the use has been as of right, without force, secrecy or permission. For the reasons outlined above the Council could seek to defend any such claims on the basis that they have granted permission for use of the route to prior owners of the Landfill and MHH over the Old Right of Way up to the New Right of Way being constructed, and to the New Right of Way thereafter, where licences to use the tip were granted defeating claims to continuous use if accepted by the Court. Locking of the gates to the entrance to the New Right of Way and previously providing a key to MHH up until that time, would be considered by the Court when ascertaining whether MHH's use was as of right, as would erection of signs by the Council at the entrance to the New Right of Way in accordance with the recent case *R (on the application of Cotham School) -v- Bristol City Council* [2018] EWHC 1022 (Admin) [2018] All ER (D) 39 (May). The legal burden of proof is on MHH to prove it was using either the Old Right of Way and/or the New Right of Way as of right, however if use of 20 years' can be shown and evidence that this has taken place openly in such a way as to be obvious to the Council that a right of way was being asserted, there then becomes a rebuttable presumption in MHH's favour that the easement has been enjoyed as of right and in particular without permission. Unfortunately a mistaken belief that MHH had the legal right to exercise the right of way as was suggested in [REDACTED]'s letter of 2016, does not prevent it also being able to claim that the use was as of right (*Bate -v- Affinity Water* [2019] EWHC 3425 (Ch)).

MHH must prove that the Council was aware of use of the Old Right of Way and/or the New Right of Way but did not give permission for such use to be able to succeed in a claim for common law prescription. I consider MHH will be able to prove the Council knew of its use of the New Right of Way by reason of the exchanges between MHH and the Council regarding changes to the Landfill licences and associated works to be carried out to the entrance of the New Right of Way. If the Council was to deny knowledge of the use prior to that time (i.e. around 1989 to 1998) it is possible that the claim for a right of way could potentially be defended on the basis that access had not occurred for the required period, however the strongest defence would be to prove 20 years' use had not occurred or such use was with permission.

In respect of the continuous nature of the use of the right of way, MHH must show that it has exercised use of the access whenever it wishes, and that there were no intervals of such length

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as to show the alleged use really amounted to no more than isolated acts. I note that you have advised that continuous use of the Old Right of Way is admitted as having taken place from when the tip opened in or around 1903 to 1940. If it is accepted that the Old Right of Way was used prior to 1965 when the New Right of Way appears to have been created, then a period of 20 years use if claimed at that time could have been argued, but that is of course prior to MHH's ownership and before I understand it was a contractor of the old Landfill owner. Any continuous period of use in respect of the New Right of Way can only be claimed from the point when the New Right of Way existed and therefore there would appear to be potentially a sufficient period of time for 20 years' continuous use to have been completed before the tip was capped. For this reason, as set above I would again suggest that any such claims that are made are defended on the basis that consent was given by the Council for such use and therefore this could not be "as of right" to establish a prescriptive right of way at common law even if 20 years' use can be shown.

Further, as discussed, any claim to a right of way would be restricted to the type of usage which was occurring during the period of continuous use, i.e. to access the same piece of land and in the same way (e.g. such as using vehicles of the same size and type throughout the period).

Prescription Act 1832

In respect of a right of way arising under the Prescription Act 1832, this is usually relied upon to avoid the issue of having to prove that rights arose by deed before 1189 or since, and is most commonly used to claim a right of way. The use must be "as of right" and MHH must show a period of continuous use of 20 years' immediately preceding the date of the claim being made. The claim can also be defeated by defences available at common law as set out above in relation to consent having been given, the Council not having knowledge of use or acquiesced to the use, or in respect of the extent of the use (i.e. the type and size of vehicles being used to access the Landfill ceasing or changing throughout the period). If 40 years use can be proven, this is deemed absolute and undefeatable under the legislation unless it can be proven that this was enjoyed with express consent by Deed or in writing.

For the length of use to be interrupted this must occur for at least 1 year for the interruption to be fatal to a claim. I understand from our meeting that use of the New Right of Way to operate the Landfill ceased in or around 1995, and only intermittent or occasional use has taken place thereafter for reason of boring or agricultural purposes, with vehicles of a different size and nature than those which had previously been used to access the Landfill historically. As such, it would not appear that use can be said to be continuing in the same manner if witness statements can evidence the end of prior usage, and therefore it would appear that any claim made under the Prescription Act 1832 would be likely to be defeated by the Council by reason that this use has not been continual up until the time that the claim has been made.

Prior Owners

Please note that potentially prior owners of the Landfill which is alleged to have been accessed over the Old Right of Way and the New Right of Way could be requested to provide statements of truth confirming their use of the rights of way in order that they could claim together their prior

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use and the current use by MHH have amounted to the required continued period of use to establish a right of way. I am unaware of whether the previous owners of the property remain contactable and could give statements in support of MHH's claims, in particular in relation to attempting to establish 20 years' use to pursue a claim for a right of way under the Doctrine of Lost Modern Grant or common law prescription. If such continued use could be shown to have arisen then the right to claim such a right of way would likely have passed with the Landfill to MHH and this risk should be borne in mind when deciding whether or not to seek to defend any claims to a right of way, in particular over the Old Right of Way which appears to have been used prior to licensing of the tip.

Based on the information you have provided to me, the strongest defences available to the Council in defending a claim for prescriptive right of way under any of the heads of claims above would be to gather evidence to show that the required continuous period of use had not occurred, in particular with the size and type of vehicle which MHH now wish to access the Landfill with, and/or that any usage has been with consent prior to 9 October 2016 when access to the New Right of Way was denied by the Council, relying upon the various licences, plans and correspondence between the Council and MHH or their predecessors in title. The greatest risk to the Council is that the Court hold that such documentation does not amount to formal consent having been given and therefore any use of the Old Right of Way was "as of right" up to 1965 when the New Right of Way was created, and in respect of the New Right of Way since 1965, therefore a right of way could be awarded over both areas under the Doctrine of Lost Modern Grant or common law prescription, by historical continually for over 20 years if MHH can persuade the Court it has been accessing the Landfill over each route, despite the fact that such uses have now ceased (when taking into account the previous owners' use also if evidenced by statement of truth).

If you wish to discuss the contents of my findings please do not hesitate to contact me. I have now reached (and exceeded) the agreed cost limit for time spent dealing with your matter and therefore all time spent dealing with the same shall be charged at my normal hourly rate on a pro rata basis moving forward until such time as a further cap is agreed. Please find enclosed my invoice for costs for the agreed capped fixed fee for your kind attention, together with a detailed breakdown. The monies previously paid on account shall be applied against the same in the next few days and I look forward to receiving your remittance at your earliest convenience.

I look forward to receiving your further instructions in due course.

Yours sincerely

[REDACTED]

For and on behalf of
Oxley & Coward
Solicitors LLP
Encs