

Here is a firm, usable template. It follows the basic statutory structure: KCC, as highway authority, is under a duty to maintain highways maintainable at public expense; "maintenance" includes repair; and section 56 allows a complainant to serve notice alleging that a highway maintainable at public expense is out of repair. If liability is not admitted within one month, the next step is generally an application to the Crown Court; if liability is admitted but the road is not put into repair, the route is generally to the magistrates' court. Section 56 proceedings are civil proceedings and can involve fees and costs, so this letter should stay factual and measured.

See: <https://www.legislation.gov.uk/ukpga/1980/66/section/56>

See: <https://www.oss.org.uk/need-to-know-more/information-hub/rights-of-way-taking-action-on-paths-which-are-out-of-repair-making-an-application-under-section-56-of-the-highways-act-1980/>

An example of a formal notice. Replace the square brackets with your details and the three actual roads.

[Your name]
[Your address]
[Postcode]
[Email address]
[Telephone number]
[Date]

By email and post

Highways and Transportation

Kent County Council

[Insert postal address / email used by KCC for highways correspondence]

Dear Sir or Madam,

Formal notice under section 56 of the Highways Act 1980

Roads out of repair in Folkestone

I write as a resident/road user to give formal notice under section 56 of the Highways Act 1980 in relation to the following roads in Folkestone:

1. [Road 1, exact location/section]
2. [Road 2, exact location/section]
3. [Road 3, exact location/section]

I allege that each of the above roads is a highway maintainable at public expense and is out of repair.

The defects complained of include potholes and surface failures which, taken individually and collectively, make the carriageway dangerous and defective for ordinary traffic. The defects include, in particular:

Road 1: [brief factual description of potholes/surface failure, with exact location]

Road 2: [brief factual description of potholes/surface failure, with exact location]

Road 3: [brief factual description of potholes/surface failure, with exact location]

For ease of reference, I enclose / attach:

1. dated photographs of each defect;
2. a simple location plan or screenshots showing the precise positions;
3. details of previous reports made to Kent County Council, including any reference numbers; and
4. any other supporting material, including dates when the defects were observed.

The roads have already been reported to Kent County Council as follows:

Road 1: [date reported] – reference [number]

Road 2: [date reported] – reference [number]

Road 3: [date reported] – reference [number]

Despite those reports, the roads remain out of repair.

Accordingly, please treat this letter as formal notice requiring Kent County Council to state in writing whether it admits:

1. that each of the above roads is a highway maintainable at public expense; and
2. that Kent County Council is the authority liable to maintain and repair them.

If liability is admitted, please also confirm:

1. whether Kent County Council accepts that the above roads are presently out of repair;
2. what works will be undertaken to place them into proper repair; and
3. the date by which those works will be completed.

If liability is not admitted, please provide full reasons, together with any documents or records on which Kent County Council relies.

If I do not receive a satisfactory written response within one month of service of this notice, or if liability is admitted but the roads are not put into proper repair within a reasonable time, I will consider taking the next step available under section 56 of the Highways Act 1980.

This notice is sent without prejudice to any other rights or remedies.

Please acknowledge receipt of this letter and confirm the date on which Kent County Council treats it as served.

Yours faithfully,

[Your name]

Then attach a short schedule like this:

Schedule of roads and defects

Road 1: [name and exact stretch]

What is wrong: [for example: three deep potholes in westbound lane outside numbers X-Y / opposite lamppost no. Z]

First seen: [date]

Reported to KCC: [date and ref]

Still present as at: [date]

Road 2: [name and exact stretch]

What is wrong: [short factual description]

First seen: [date]

Reported to KCC: [date and ref]

Still present as at: [date]

Road 3: [name and exact stretch]

What is wrong: [short factual description]

First seen: [date]

Reported to KCC: [date and ref]

Still present as at: [date]

A few practical points matter. Keep it dry, factual and specific. Do not call the roads “disgraceful” or “death traps” unless you want to invite an argument about rhetoric rather than repair. Give exact locations, dates, photos and KCC report numbers. Serve it by email and post, and keep proof of both. We would also strongly suggest you use adopted roads only, not roads that may be private or the responsibility of another authority.

While The Shepway Vox Team has made every effort to ensure the information obtained in this template example is an accurate summary of the subject as at the date of publication, it is unable to accept liability for any misinterpretation of the law or any other error or omission in this example template