

19/12/2017

Enquiry Trace Form - Preview

Enquiry: 34000350	Logged by: [REDACTED]	on 23/02/2017 07:59
Service: ROW General	Classification: Public Rights of Way	
Subject: S56 Notice - A		
Desc.:		
 Site: Bamford BOAT 17 HP2-17 (80971618), 742 Site Address: Bamford BOAT 17 Location: Area: High Peak Borough Ward: No Code Allocated		
Customer: 85000322	Time: 23/02/2017 07:59	Method: E-mail
Name: [REDACTED]		
Address: [REDACTED]		
Current Status:		
No. Effective	Status	Officer
2 23/02/2017 08:02:11	PRoW - responded	[REDACTED]
Status history:		
No. Effective	Status	Officer
1 23/02/2017 07:55	PRoW - received	PROW High Peak
Revised Status:		

Name : Signed : Date : Time :

Report generated by : [REDACTED]

12:29:12

[REDACTED]

From:

Sent:

22 February 2017 10:38

To:

Ashworth, Mike (Economy Transport and Communities)

Cc:

Subject:

Bamford Clough Section 56 Notice

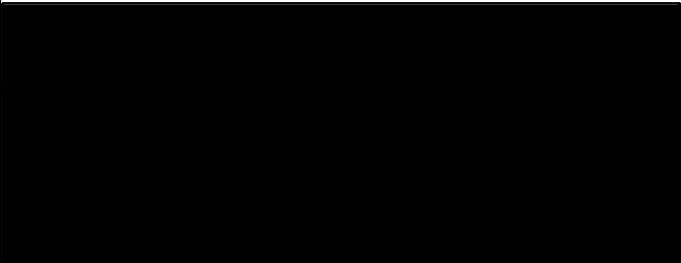
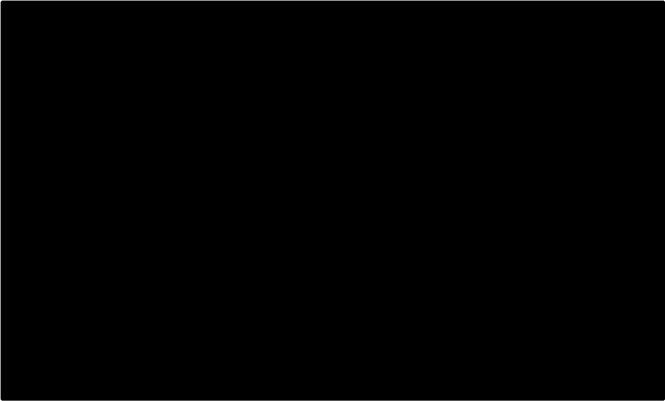
Attachments:

Bamford Section 56 Letter to DCC.docx; bamford section 56.tif

Good morning Mike Ashworth,

It was pointed out in a recent conversation with [REDACTED] that the letter I sent recently to yourself (copy attached) was not to the right format and did not ask the correct questions, he suggested I resubmit the request in an approved format, please find that document attached. I hope this information is now in an acceptable format and that it constitutes a legally acceptable document to register to the DCC that this BOAT is out of repair.

Regards



Mike Ashworth
Strategic Director of Economy, Transport and Communities
Derbyshire County Council
County Hall
Matlock
Derbyshire
DE4 3AG

7 February 2017

Highways Act 1980 Chapter 66 Part 1V Enforcement of liabilities for Maintenance - Section 56

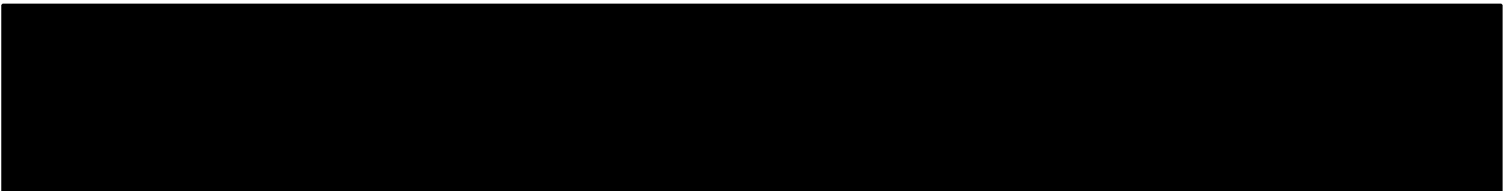
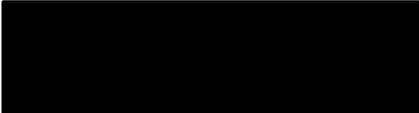
Dear Mike Ashworth,

Would you please confirm that Bamford Clough is a Byway Open to All Traffic (BOAT) and that its condition is maintained at Public Expense?

If this is correct, then by the actions of your Council this route has been taken out of vehicular use since 2013, by the erection of semi permanent barriers and a recently seen and periodically renewed notice confirming that a 'TEMPORARY BYWAY TO ALL TRAFFIC CLOSURE' notice is displayed.

Will you please accept that this letter formally confirms that this BOAT is no longer available for vehicular access, and explain the course of action the Council proposes to put this route back in to repair, and restore its legal responsibilities in this respect?

Yours sincerely



To DERBYSHIRE COUNTY COUNCIL.

TAKE NOTICE that I  claim that the way described in the Schedule hereto is a highway maintainable at public expense.

AND TAKE NOTICE that a portion of that said way

BETWEEN TEMPORARY ROAD CLOSURE BARRIERS OS 110/2 11838 & 214839.

A DISTANCE OF APPROX 300 YARDS IS OUT OF REPAIR.

is out of repair.

AND TAKE NOTICE that I hereby require you pursuant to sub-section (1) of section 56 of the Highways Act 1980 to state:

(a) whether you admit the said portion of the way is a highway maintainable at public expense, and

(b) whether you admit that you are the authority liable to maintain the said portion of way.

Dated 11 FEBRUARY 2017

Signed 

SCHEDULE
BYWAY OPEN TO ALL TRAFFIC

NO 17..... in the parish of BAMFORD.....

Mike Ashworth
Strategic Director

Economy, Transport and Communities
Shand House
Dale Road South
Matlock
Derbyshire
DE4 3RY

Telephone: (01629) 539673
Facsimile: (01629) 533308
Our Ref: TE/PJW/8193652/HP2/17
Your Ref:
Date: 23 February 2017

Dear 

Bamford Clough – Bamford BOAT 17

I refer to your letter of 7 February 2017 and your Notice pursuant to S56 Highways Act 1980 dated 21st February 2017.

I can confirm that:

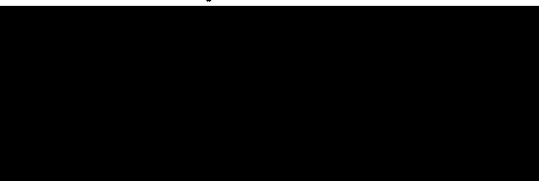
- a) The route is maintainable at public expense.
- b) The County Council maintains this highway

I can further advise that the route is temporarily closed on the grounds of public safety owing to an exposed electricity cable. I am sure you are anxious to know what progress is being made towards the repair of the route. I am due to attend a meeting in early March to discuss the complications of the scheme with our engineering and legal advisors. The aim of this meeting is to work out how to manage the cable and of course, repair the route. We have been advised not to touch the cable and therefore we shall be liaising with the owner as soon as possible after the meeting. To complicate matters the cable has been covered in concrete along parts of the route (not by the owner or the County Council) and this will prevent the cable from being moved so whatever the solution it is going to be very, very expensive.

Surfacing of the route is proving a challenge. We have determined that sections of it cannot be repaired safely and therefore we may have to resort to specialist support to repair and provide a sustainable surface.

Whilst I share your frustration over the closure of the route, we are now in a position to work forward towards opening the route in 2018.

Yours sincerely



Rights of Way Officer