

Charity Trusts

Report number **C/06/23**

To **Representatives**
Date **27 September 2023**
Status **Exempt**
Responsible officer Secretary to the Trust

Subject **EATON LANDS DEEDES CLOSE BRIDLEPATH UPDATE
REPORT C/06/23**

SUMMARY: This report provides an update on the misuse of the Bridlepath (HB24). Representatives are asked to discuss.

INTRODUCTION

Following on from Report C/04/23 issued at July's meeting the Secretary can now provide an update.

Meeting Date 20 July 2023 Minutes no.7

Item 2. To start the process to get the Bridlepath adopted as a restricted By-Way.

The Response from Public Rights of Way (PROW) team as below;

The use of bridleway HB24 by vehicular traffic is by permission (a private right) of Hythe Town Council (HTC) as the landowner, so any signs erected must not be misleading to the public users of the bridleway (pedestrians, equestrians & cyclists).

I cannot see a problem with the suggested signs except they would have no legal backing, except from HTC.

The statutory duty by (PROW) is to protect pedestrian/ equestrian & cyclists rights and if the surface of the bridleway became damaged by these vehicular private rights, HTC would be liable to rectify.

KCC Councillor Rory Love has added;

My reading of the advice is to ensure that the signs are placed in a way that is clearly indicating the land to which they refer, and that they do not interfere with or obstruct any existing bridleway signage. There are also reminders that because the signs are installed on private land without any traffic regulation orders to provide a legal basis for the signs, they are unenforceable except by the landowner withdrawing the rights to use the land for vehicles.

There is also a reminder of the duty on the landowner to protect the surface, and I wonder if that is intended as a warning that the installation of the signs should not act as an encouragement to use the bridleway for unintended purposes.

My additional notes on this matter are simply my own interpretation and are not intended as part of the formal advice. I trust that is helpful.

Summary –

The charity plan to order a ‘no motor vehicles’ sign followed by ‘an except for access’ sign followed by a ‘weight restriction of 3.5 tonnes’ which will limit the size of the vehicles. They will be mounted on a 75mm galvanised pole.

They would have to be placed on the charity’s land, but the charity cannot remove KCC’s signage that is already there.



The cost of signage will be approximately £500 plus vat.

We have now established that 13 residents hold a licence through Hythe Town Council to access their properties from the rear. The residents have paid and have signed a deed of grant (created by Hallet & Co Solicitors) each so that they can use the Bridleway. Other properties do not have this agreement but there is no way of enforcing restrictions.

Summary

From the above information the Secretary will order the signage and get it installed but asks representatives to note that the bridleway/path cannot be monitored 24/7.

CONTACT OFFICER

If you have any queries about this report, please contact The Secretary to the Trust.

Tel: 01303 266152 or email Clerk@hythe-tc.gov.uk prior to the meeting.