

Public Right of Way – Audi Garage

Report of the Corporate Director (Place) and Deputy Chief Executive

1.0 MATTER FOR CONSIDERATION

1.1 At the previous meeting of the Committee in November 2020, Councillor Wynne requested a report regarding the public right of way running through the Audi Garage, Brinksway. This followed ongoing concerns that as the business has expanded over time, cars were regularly blocking the right of way through the site.

1.2 This report seeks to provide an update on the status of the right of way, and the actions which have been undertaken to date to address the issue, and a proposed way forward to seek a final resolution to the issue.

2.0 STATUS OF THE RIGHT OF WAY AND CURRENT ACTION TO DATE

2.1 A right of way in this location is not currently displayed on the Council's Definitive Map. However, the Council's legal team have investigated this issue and have confirmed the existence of a legal order from 2001 which establishes a right of way across the site under section 53(2)(b) of the Wildlife and Countryside Act 1981.

2.2 In June 2020 the Rights of Way team met with the General Manager of the dealership following the raising of concerns on a number of occasions from local councillors and residents. The issues with the obstruction of the right of way were discussed and a commitment was made by the company to alert staff to the presence and status of the right of way, and to re-instate faded signage. Despite this, it is understood that the blocking of the right of way continues to be an issue.

2.3 A resolution to this issue is required, particularly as the adjacent footpath between Lark Hill and Brinksway is currently closed due to emergency remedial works currently taking place which is likely to result in increased usage of the path through the Audi garage site.

3.0 PROPOSED NEXT STEPS

3.1 Following a review of the issue by the Council's Legal and Rights of Way teams, the following next steps are proposed:

- The parking of vehicles on the path constitutes an obstruction, which can result in prosecution under section 137 Highways Act 1980. It is recommended that a copy of the legal order be sent to the garage formally reminding them that it is a criminal offence to obstruct a public highway and that the Council will consider legal action if it is not kept unobstructed and available for use by the public.
- Concurrently, the Council is aware of a double yellow lines running along the length of the right of way through the garage site. It is recommended that further investigations are undertaken to understand whether the double yellow lines are

accompanied by a legal order prohibiting parking and, therefore, whether tickets can be issued by the Council to any vehicles being parked.

- It is also recommended that the Council discuss with the garage alternative options for consideration. These could include the installation of protective barriers along the right of way through the garage site, or an application by the garage to divert the path around the perimeter of the site.

BACKGROUND PAPERS

There are none

Anyone wishing to inspect the above background papers or requiring further information should contact Sue Stevenson on telephone number 0161 474 4351 or alternatively email sue.stevenson@stockport.gov.uk