

## REPORT

To: AIRDRIE LOCAL AREA COMMITTEE		Subject: PEDESTRIAN FACILITIES GARTLEA ROAD AND SAFEWAY ROUNDABOUT
From: DIRECTOR OF PLANNING AND DEVELOPMENT DIRECTOR OF ENVIRONMENTAL SERVICES		
Date: 27 October, 1998	Ref: NL PC PL CON58/AMcG	

### 1. PURPOSE OF REPORT

The purpose of the report is to advise the Committee of negotiations held recently between officials of North Lanarkshire Council and representatives of Safeway Stores plc ("Safeway").

### 2. BACKGROUND

- 2.1. At the meeting of the Area Committee on 17 March 1998 there was submitted a report dated 11 March 1998 by the Director of Administration (1) advising of the provisions of the Minute of Agreement between Safeway and Strathclyde Regional Council (2) intimating details of negotiations which had taken place between North Lanarkshire Council and Safeway and (3) recommending appropriate action to expedite the matter.
- 2.2. The Committee, on 17 March, decided:-
  - 2.2.1. that the terms of the report be noted, and
  - 2.2.2. that the concerns of the Area Committee be conveyed to the Planning and Development Committee and that the appropriate action be taken by that Committee.
- 2.3. The Planning and Development Committee on 8 April 1998 decided:-
  - 2.3.1. that the Director of Planning and Development in consultation with the Head of Legal Services be authorised to pursue direct with Railtrack negotiations with a view to the Council carrying out the necessary works, on the basis that Safeway Stores plc would be liable to meet the costs as detailed within the Minute of Agreement;
  - 2.3.2. that should the foregoing negotiations be unsuccessful, the Council promote a Compulsory Purchase Order, on the basis that Safeway Stores plc would be liable to meet all costs as detailed within the Minute of Agreement, and
  - 2.3.3. that Court proceedings against Safeway Stores plc be initiated if an executed Performance Bond is not delivered by them within twenty eight days of a formal request for same from the Council, for the delivery of the executed Bond.

### 3. NEGOTIATIONS

- 3.1. Following correspondence from the Head of Legal Services to Safeway's solicitors seeking clarification of a number of matters to assist the Council in their intended negotiations with Railtrack, a letter was recently received from Safeway's solicitors indicating that having

considered again the terms of the Minute of Agreement, they were at a loss to see where their clients had any liability at present in the matter.

3.2. Following the receipt of the foregoing correspondence, an invitation was extended by the relevant officials of the Council to Safeway for the appropriate representatives to attend an "officer level" meeting for the sole purpose of discussing the terms of the solicitors' letter in a constructive, helpful and positive manner with a view to agreeing a mutually satisfactory solution.

4. **PRESENT POSITION**

4.1. A meeting was duly held on 21 October 1998 attended by the relevant officials of the Council and representatives of Safeway.

4.2. A number of issues were discussed and the following was agreed:-

4.2.1. Safeway fully accepted they had a liability in terms of the Minute of Agreement, to meet the first £150,000 of the cost of (a) provision of any footbridge and footway to be constructed and (b) the proposed Compulsory Purchase Order;

4.2.2. Safeway were unable, due to their having no control over the present road bridge and no land in the vicinity to enable them to construct any such footbridge and footway, to initiate the construction etc. of any such footbridge etc;

4.2.3. the Council officials would report the foregoing to this Committee with the recommendations detailed below.

5. **RECOMMENDATIONS**

It is recommended that the Area Committee note the position and the intention to report to the Planning and Development Committee:-

5.1. the outcome of the "officer level" meeting with Safeway;

5.2. that the Director of Planning and Development in consultation with the Head of Legal Services would now pursue negotiations with Railtrack and Safeway with a view to the Council carrying out the necessary works, on the conditions agreed by the Planning and Development Committee on 8 April.

**Director of Planning and Development**

**Director of Environmental Services**