

# Report

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Report to:	<b>Enterprise Resources Committee</b>
Date of Meeting:	<b>20 January 2010</b>
Report by:	<b>Executive Director ( Enterprise Resources)</b>

Subject:	<b>Basic Asset Protection Agreements – Carluke, Park and Ride Facility</b>
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## 1 Purpose of Report

1.1 The purpose of the report is to:-

- ◆ advise on action taken, in terms of Standing Order No. 36(c) because of the timescales involved, by the Executive Director (Enterprise Resources), in consultation with the chair and ex officio member, to grant the authority to enter into Basic Asset Protection Agreements with Network Rail.

## 2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) that the following action taken, in terms of Standing Order No 36(c), by the Executive Director (Enterprise Resources), in consultation with the Chair and an ex officio member, be noted:-
- ◆ approval to enter into a Basic Asset Protection Agreement with Network Rail in respect of the Carluke Park and Ride Facility.

## 3 Background

3.1 A Basic Asset Protection Agreement (BAPA) is a standard Network Rail agreement which local authorities are required to enter into when working on Network Rail land or close to operational rail lines.

3.2 The BAPA:-

- requires the Council to agree work programmes with Network Rail
- requires the Council, or our designers, to exercise reasonable skill, care and diligence
- requires the Council to pay all costs incurred by Network Rail in connection with the works
- requires the Council to indemnify Network Rail for all losses, liabilities and claims which may arise as a result of the works
- allows Network Rail to suspend the work if they consider the safety of the rail network is at risk

#### **4 Current Position**

- 4.1 The Council, in partnership with Strathclyde Partnership for Transport (SPT) is progressing the construction of a 330 space park and ride facility adjacent to Carluke Station. The total cost of £1.9m is part-funded by an SPT grant of £1m, a condition of which is to have the new park and ride facility operational by 31 March 2010.
- 4.2 Good progress has been achieved with the required land now having been purchased and all necessary consents either in place or in hand. Works started on 9 November 2009.
- 4.3 The project includes a link from the new park and ride into Carluke Station via a stairway and ramps. To facilitate construction of this link it is necessary to fell a number of trees.
- 4.4 Prior to confirming access and permission to fell these trees Network Rail require the Council to enter into the BAPA.

#### **5 Employee Implications**

- 5.1 There are no employee implications

#### **6 Financial Implications**

- 6.1 Given the modest scale of the proposed works and the protection offered to the Council by the tree felling Contractors insurance, there are not considered to be any significant financial implications for the Council. If we do not sign this agreement we would be unable to complete the works, and could lose the £1m funding from SPT.

#### **7 Other Implications**

- 7.1 By entering into this Agreement the project is able to proceed. If we do not enter into this agreement we will be unable to construct the link into the station.

#### **8 Equality Impact Assessment and Consultation Arrangements**

- 8.1 This agreement does not introduce any new functions or policies.

**Colin McDowall**

**Executive Director (Enterprise Resources)**

10 November 2009

#### **Link(s) to Council Objectives/Values**

- Improve the quality of the road network and public transport
- Improve the quality of the physical environment
- Improve the quality of life of everyone in South Lanarkshire

#### **Previous References**

- Enterprise Resources Committee, 7 July 2009, Carluke Station – Park and Ride Proposals

#### **List of Background Papers**

None

**Contact for Further Information**

If you would like to inspect the background papers or want further information, please contact:- Gordon MacKay, Engineering Manager, Roads & Transportation  
Ext: 3690 (Tel: 01698 453690)  
E-mail: [Gordon.MacKay@southlanarkshire.gov.uk](mailto:Gordon.MacKay@southlanarkshire.gov.uk)