

Delegated Decision

18 April 2019



Granting of A Section 50 Licence to Install A Private Drainage Connection in Unc Bowden Close (aka road from Coronation Terrace to Northwood House), Helmington Row, County Durham

Ordinary Decision/Key Decision No.

Report of Network Management

Brian Buckley, Strategic Highways Manager

Electoral division(s) affected:

Dawdon

Purpose of the Report

- 1 To seek approval to grant a licence in accordance with Section 50 of the New Roads and Street Works Act 1991 (NRSWA) to enable J N Bentley to install a private drainage connection within the adopted highway.

Executive summary

- 2 An application to install a private drainage connection in Unclassified Unc Bowden Close (aka road from Coronation Terrace to Northwood House), Helmington Row, County Durham has been submitted by J N Bentley, 5th Floor Stanley House, The Boulevard, Clarence Dock, Leeds, LS10 1PZ

Recommendation

- 3 In line with legislation allowing the installation of apparatus in the highway I suggest the application be permitted in accordance with current practice and procedure.

Background

- 4 It is illegal to dig up the adopted highway without consent of the Highway Authority (Highways Act 1980 Section 131). The installation of apparatus within the highway is permissible under Section 50 of the New Roads and Street Works Act 1991 upon request / consent of the Highway Authority.

Details of any alternative options considered and rejected when making the decision

- 5 As the works are not being undertaken by a statutory undertaker, there is no alternative other than to consider the apparatus as private, until such times as the connections are adopted by a statutory undertaker. Therefore, a licence under Section 50 of the New Roads and Street Works Act is required to authorise and control the proposed works.

Main implications

Legal Implications

- 6 A standard S50 Licence is to be signed by both parties and sealed. Details of the agreement are to be registered with the land registry, as appropriate. The Highway Authority is to record the agreement and inform the utility companies accordingly upon request about private apparatus in the highway

Finance Implications

- 7 A licence fee of £796 has been paid. This licence fee incorporates administration, inspection, registration and legal fees. A cash bond of £1,000 has also been obtained to cover the reinstatements to be completed

Conclusion

- 8 Decision to grant a licence in line with Section 50 of the New Roads and Street Works Act 1991. This section of the Act permits the installation of apparatus in the highway in line with the terms and conditions imposed by the Highway Authority for County Durham.

Contact: Victoria Erskine

Tel: 03000 267 102

Brian Buckley

Tel: 03000 268 079

Appendix 1: Implications

Legal Implications

A standard S50 Licence is to be signed by both parties and sealed. Details of the agreement are to be registered with the land registry, as appropriate. The Highway Authority is to record the agreement and inform the utility companies accordingly upon request about private apparatus in the highway.

Finance

A licence fee of £796 has been paid. This licence fee incorporates administration, inspection, registration and legal fees. A cash bond of £1,000 has also been obtained to cover the reinstatements to be completed.

Consultation

Consultations have been completed with relevant Durham County Council staff

Equality and Diversity / Public Sector Equality Duty

Not applicable

Human Rights

Not applicable

Crime and Disorder

Not applicable

Staffing

Not applicable

Accommodation

Not applicable

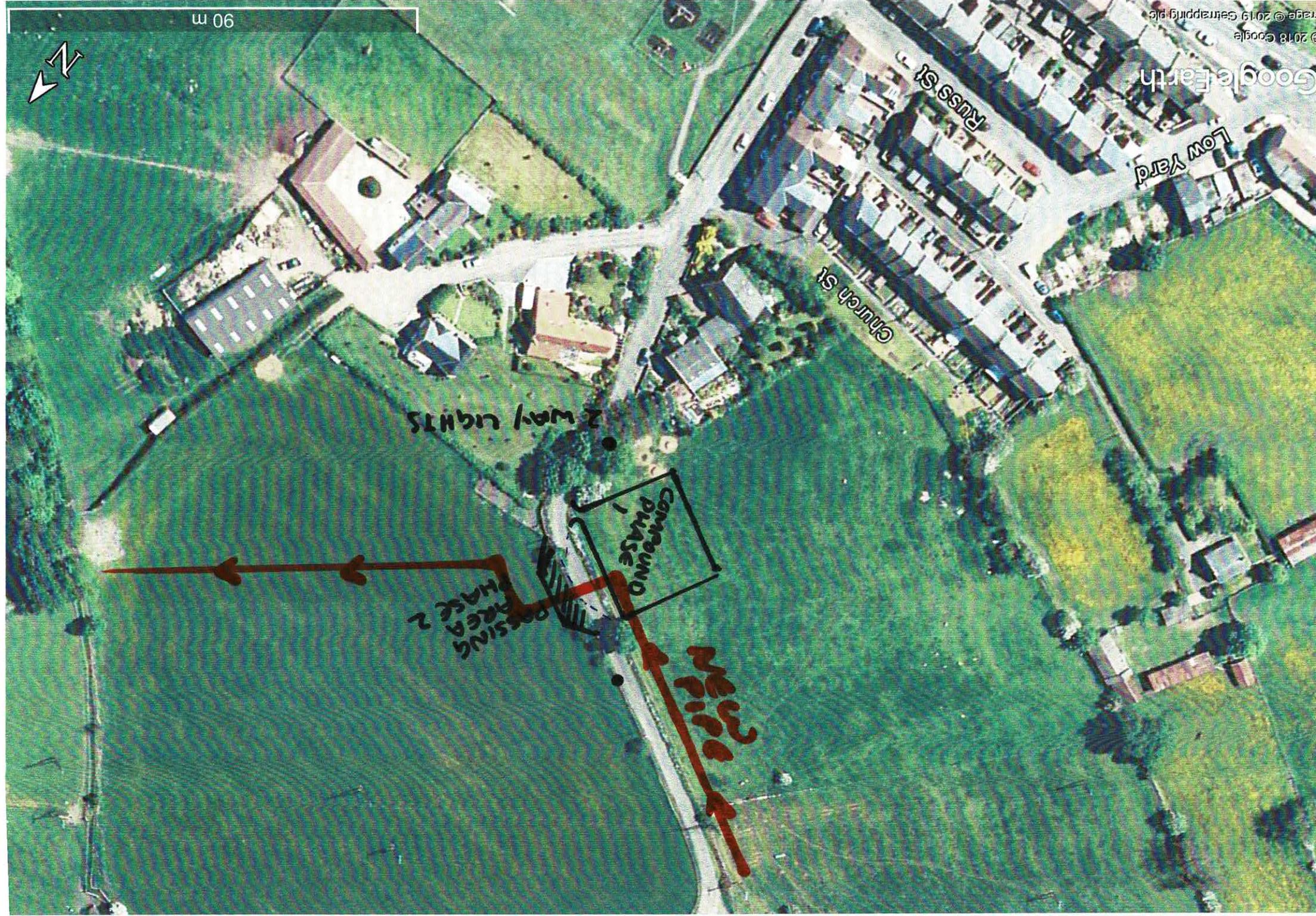
Risk

Not applicable

Procurement

Not applicable

90 m



2 way LIGHTS

COMPOUND PHASE 1

PASSING AREA PHASE 2

NEW PIPE

Church St

Ruses St

Low Yard