

## **Delegated Decision**

**28 May 2019**

**Granting Of A Section 50 Licence To  
Install A Private Gas Connection In  
Unclassified 44.5, Butterwick Road,  
Sedgefield, County Durham**



**Ordinary Decision/Key Decision No.**

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### **Report of Network Management**

**Brian Buckley, Strategic Highways Manager**

#### **Electoral division(s) affected:**

Sedgefield

#### **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 Durham County Council's Technical Services to install a private gas connection within the adopted highway.

#### **Executive summary**

- 2 An application to install a private gas connection in Unclassified 44.5 Butterwick Road, Sedgefield, County Durham has been submitted by Durham County Council's Technical Services, Meadowfield Depot, St John's Road, Meadowfield Industrial Estate, Durham, DH7 8XQ

#### **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 £824 has been waived. This licence fee incorporates administration, inspection, registration and legal fees.

## 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.

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**Contact:** Victoria Erskine

Tel: 03000 267 102

Brian Buckley

Tel: 03000 268 079

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## **Appendix 1: Implications**

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### **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 £824 has been waived. This licence fee incorporates administration, inspection, registration and legal fees.

### **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

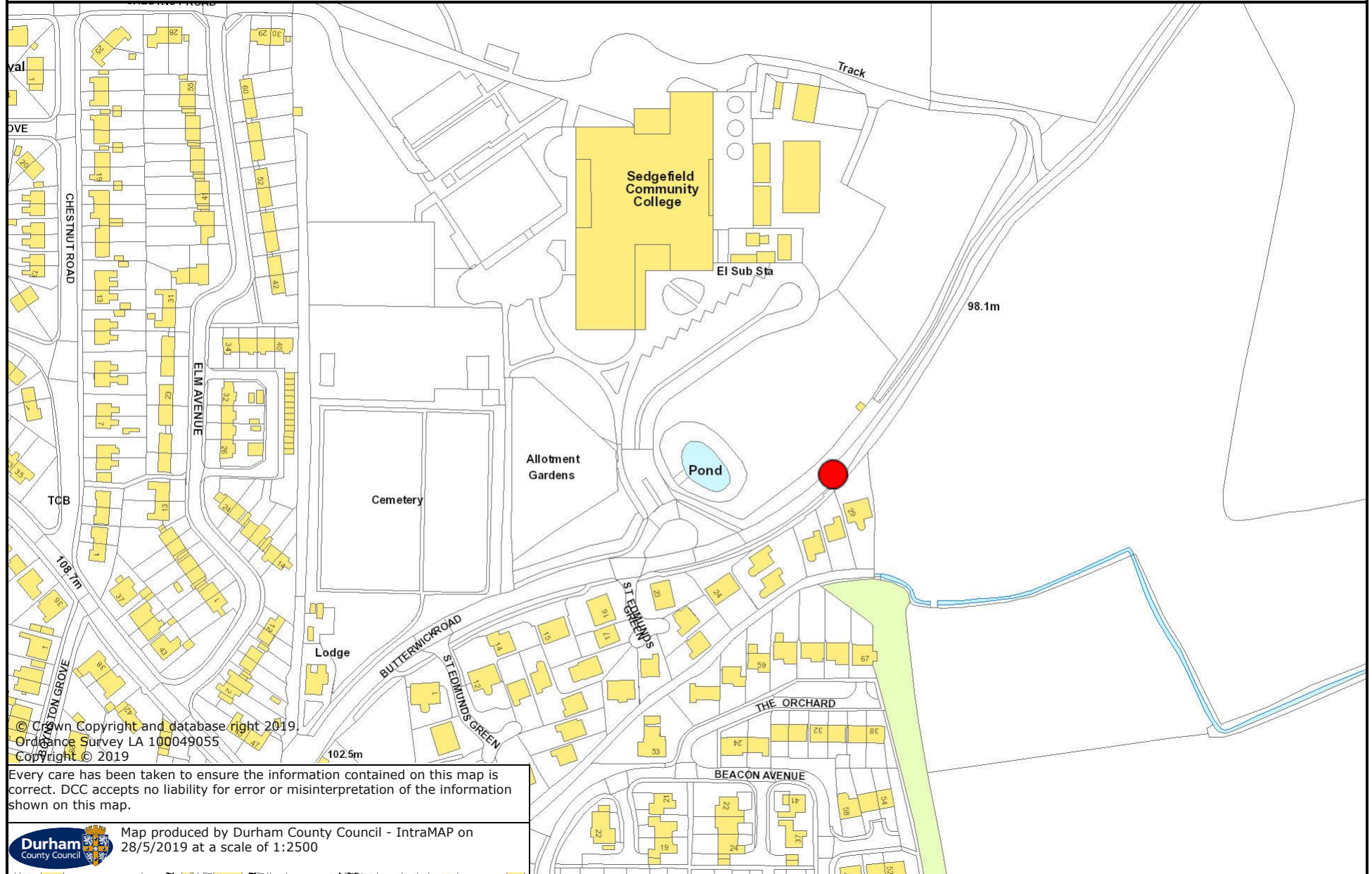
### **Risk**

Not applicable

### **Procurement**

Not applicable

# Unc 44.5 Butterwick Road, Sedgefield - Gas Connection



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