

## **Delegated Decision**

**13 June 2019**

**Granting of A Section 50 Licence to Install Private Telecoms Apparatus in B1279 Dunelm Road & Unc Dunelm Road Rear, Thornley, County Durham**

**Ordinary Decision/Key Decision No.**



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## **Report of Network Management**

**Brian Buckley, Strategic Highways Manager**

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

Trimdon and Thornley

### **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 Applebridge Construction Ltd to install private telecoms apparatus within the adopted highway.

### **Executive summary**

- 2 An application to install private telecoms apparatus in B1279 Dunelm Road & Unc Dunelm Road Rear, Thornley, County Durham has been submitted by Applebridge Construction Ltd, Hughes House, Cargo Fleet Road, Middlesbrough, TS3 6AG

### **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 £574 has been paid. 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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## **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 £574 has been paid. 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

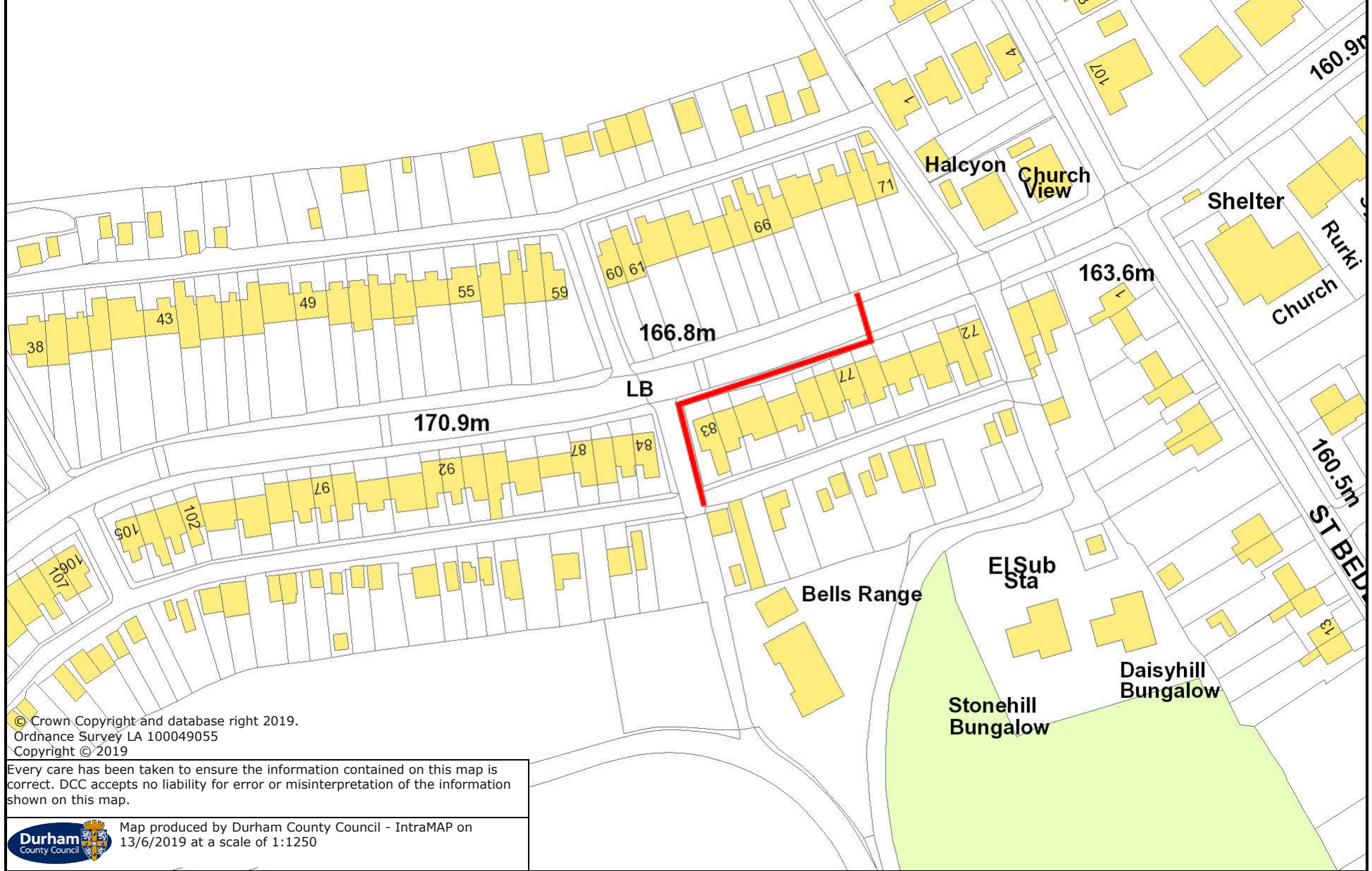
### **Risk**

Not applicable

### **Procurement**

Not applicable

# B1279 Dunelm Road & Unc Dunelm Road Rear, Thornley - Telecoms Apparatus



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