

Delegated Decision

27 May 2020



**Granting Of A Section 50 Licence To
Install A Private Fire Hydrant And
Associated Pipework In A691
Framwelgate Peth, Durham City**

Ordinary Decision/Key Decision No.

Report of Network Management

Brian Buckley, Strategic Highways Manager

Electoral division(s) affected:

Neville's Cross

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 London North Eastern Railway (LNER) to install a private fire hydrant and associated pipework within the adopted highway.

Executive summary

- 2 An application to install a private fire hydrant and associated pipework in A691 Framwelgate Peth, Durham City has been submitted by London North Eastern Railway (LNER), East Coast House 25, Skeldergate, York, YO1 6DH

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 local land charges, 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 £848 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.

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 local land charges, 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 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

Climate Change

N/A

Staffing

Not applicable

Accommodation

Not applicable

Risk

Not applicable

Procurement

Not applicable

S50/2020/19 - A691 Framwelgate Perh, Durham - Fire Hydrant

