

Delegated Decision

13 October 2020

Granting Of A Section 50 Licence To Install Private Fibre Optic Connections In Unc Ferens Close, Durham City

Ordinary Decision/Key Decision No.



Report of Network Management

Danny Harland, Traffic and Street Works Manager

Electoral division(s) affected:

Elvet and Gilesgate

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 Charles Church Developments Ltd to install private fibre optic connections within the adopted highway.

Executive summary

- 2 An application to install private fibre optic connections in Unclassified Ferens Close, Durham City has been submitted by Charles Church Developments Ltd, Persimmon House, Fulford, York, YO19 4FE.

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. A bond of £12,300 will be covered by a surety held by HCC International Insurance Company PLC, a subsidiary of HCC Insurance Holdings Inc who will be party to this licence.

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

Legal Implications

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Finance

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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

Reference:	FN-THEDS-01 - 54 Homes
Area Name:	FN-THEDS-01 - The Sands
Works Address:	The Sands
A1	Work Point Reference Details
WP1	Description of Exactly What Activities Should be Carried Out: Primary Gas location is represented by symbol not to scale. Precise location of Primary Gas and Chamber to be confirmed on site. Any chamber, cabinet or duct route which requires adjustment by more than 20mm should be discussed with the Engineer, Design Department.
WP2	Chamber sizes: FW4 - 915 x 445mm / FW6 - 1130 x 630mm / CW1 - 18C
WP3	
WP4	
WP5	
WP6	
WP7	
WP8	



Any modifications to the drawings or use of alternative items to those specified must be agreed with the FibreNest local planning department.

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Legend:-

CIVILS

- Drop Duct
- Unarmoured Lid
- FW4
- FW4 Drop Duct with No. of ways
- Existing Duct
- Chamber with Type
- SSC Location
- SSC Boundary

Flomatic Network Services

Originator: 0121 293 1036
 Contract No: 19-03-2018
 Issue Date / No.: 1
 Office:
 Line Manager:

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 Fulford,
 York,
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