

Delegated Decision

1 April 2021



Granting Of A Section 50 Licence To Install Storm Water Drainage in Unclassified Framwellgate Waterside, Durham City, County Durham

Ordinary Decision/Key Decision No.

Report of Network Management

Danny Harland, Highway Network 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 Tolent Construction Ltd. to install storm water drainage within the adopted highway on behalf of MGH Card LLP.

Executive summary

- 2 An application to install storm water drainage in Unclassified Framwellgate Waterside, Durham City, County Durham has been submitted by Tolent Construction Ltd., Ravensworth House, 5th Avenue Business Park, Team Valley Trading Estate, Tyne & Wear, NE11 0EF on behalf of MGH Card LLP, 4 Birchley Estate, Birchfield Lane, Oldbury, B69 1DT.

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 £1,015 has been received to cover the reinstatement.

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:	David Simpson	Tel: 03000 267 100
	Danny Harland	Tel: 03000 263 982

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 £848 has been paid. This licence fee incorporates administration, inspection, registration and legal fees. A bond of £1,015 has been received to cover the reinstatement.

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

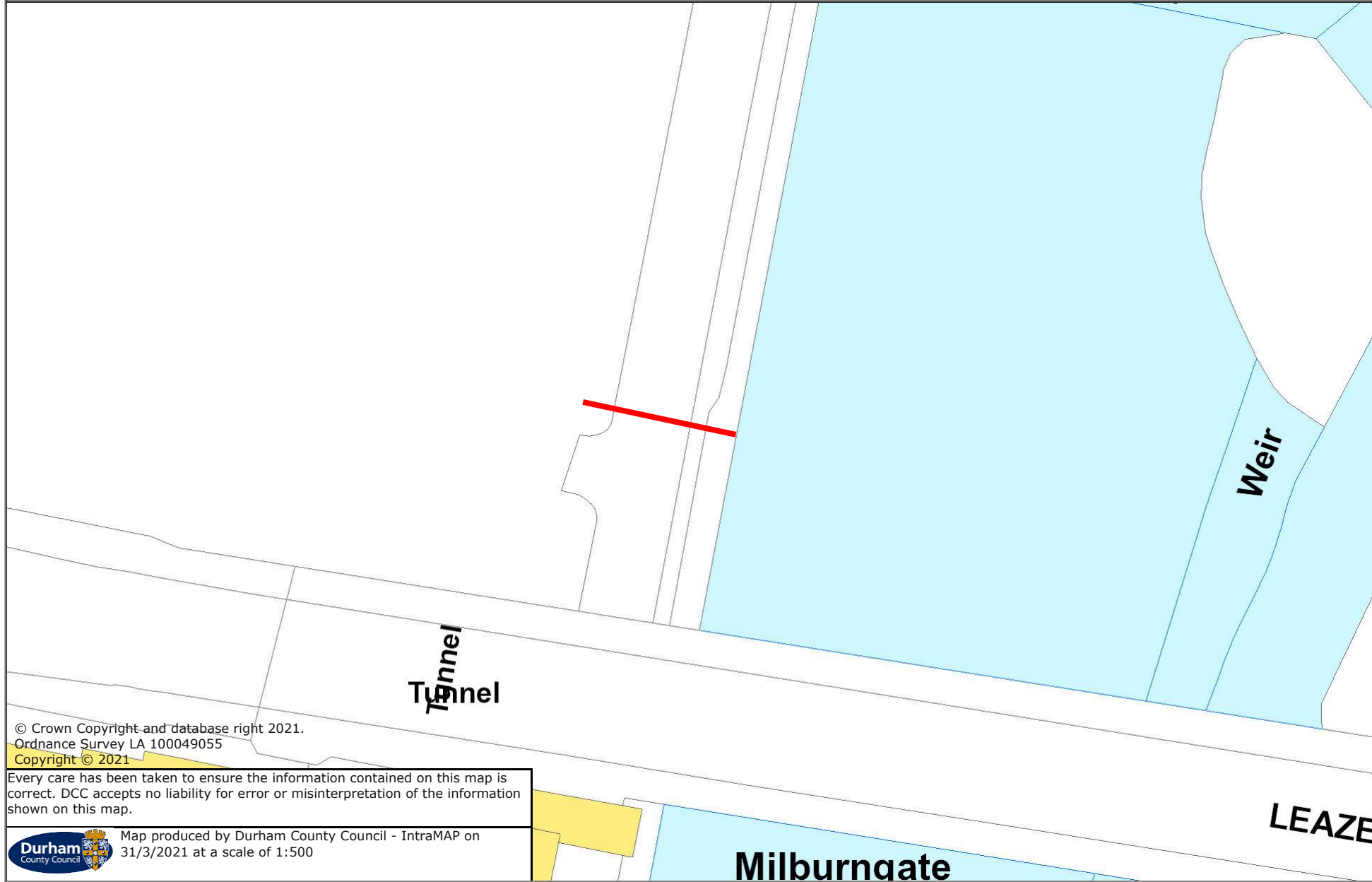
Risk

Not applicable

Procurement

Not applicable

Durham County Council - IntraMAP



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Milburngate

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