

## **Delegated Decision**

**11 November 2022**

**Granting Of A Section 50 Licence To Install New Foul and Storm Drainage Line in Unc Lowland Road, Brandon, County Durham**



**Ordinary Decision/Key Decision No.**

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## **Report of Network Management**

**Danny Harland, Highway Network Manager**

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

Brandon

### **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 Oaktree Living Ltd (Hewitson Group) to install a new foul and storm drainage line within the adopted highway.

### **Executive summary**

- 2 An application to install a new foul and storm drainage line in Unc Lowland Road, Brandon, County Durham, has been submitted by Oaktree Living Ltd (Hewitson Group), Teesside Grange, Stockton on Tees, TS16 0QH

### **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 £890 has been paid. This licence fee incorporates administration, inspection, registration and legal fees. A bond of £11,100 has been obtained for 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.

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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 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 £890 has been paid. This licence fee incorporates administration, inspection, registration and legal fees. A bond of £11,100 has been obtained for 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

