

## **Delegated Decision**

**8 March 2024**



**Granting Of A Section 50 Licence To Install 1 no. new rising main for a new foul water pumping station in A181 and Unc Booths Bungalows, Dragonville, County Durham**

**Ordinary Decision/Key Decision No.**

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## **Report of Network Management**

**Danny Harland, Highway Network Manager**

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

Belmont

### **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 Lumsden & Carroll Ltd, Esh House, Bowburn North Industrial Estate, Durham, DH6 5PF to install 1 no. rising foul water main within the adopted highway on behalf of Miller Homes Ltd.

### **Executive summary**

- 2 An application to install 1 no. new rising foul water main within A181 and Unc Booths Bungalows, Dragonville, County Durham, has been submitted by Miller Homes Ltd, Equinox House, Silver Fox Way, Cobalt Business Park, Newcastle upon Tyne, NE27 0QJ.

### **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 £945 has been paid. This licence fee incorporates administration, inspection, registration and legal fees. A bond of £16,613 has been obtained 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.

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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 £945 has been paid. This licence fee incorporates administration, inspection, registration and legal fees. A bond of £16,613 has been obtained 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