

## Delegated Decision

25<sup>th</sup> April 2024

### Granting Of A Section 50 Licence To Install Storm and Foul Sewer Connection in Queen Street, Barnard Castle, County Durham



Ordinary Decision/Key Decision No.

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## Report of Network Management

Paul Anderson, Strategic Highways Manager

### Electoral division(s) affected:

Barnard Castle East

### 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 Esh Construction Ltd to install a new Storm and Foul Connection to Queen Street, Barnard Castle, County Durham.

### Executive summary

- 2 An application to install a new Storm and Foul Connection on Queen Street, Barnard Castle, County Durham, has been submitted by Esh Construction, Bowburn North Industrial Estate, Bowburn, DH6 5PF.

### 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 £945.00 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.

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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.

### **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**

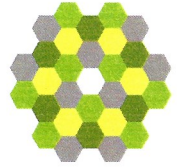
Not applicable

### **Procurement**

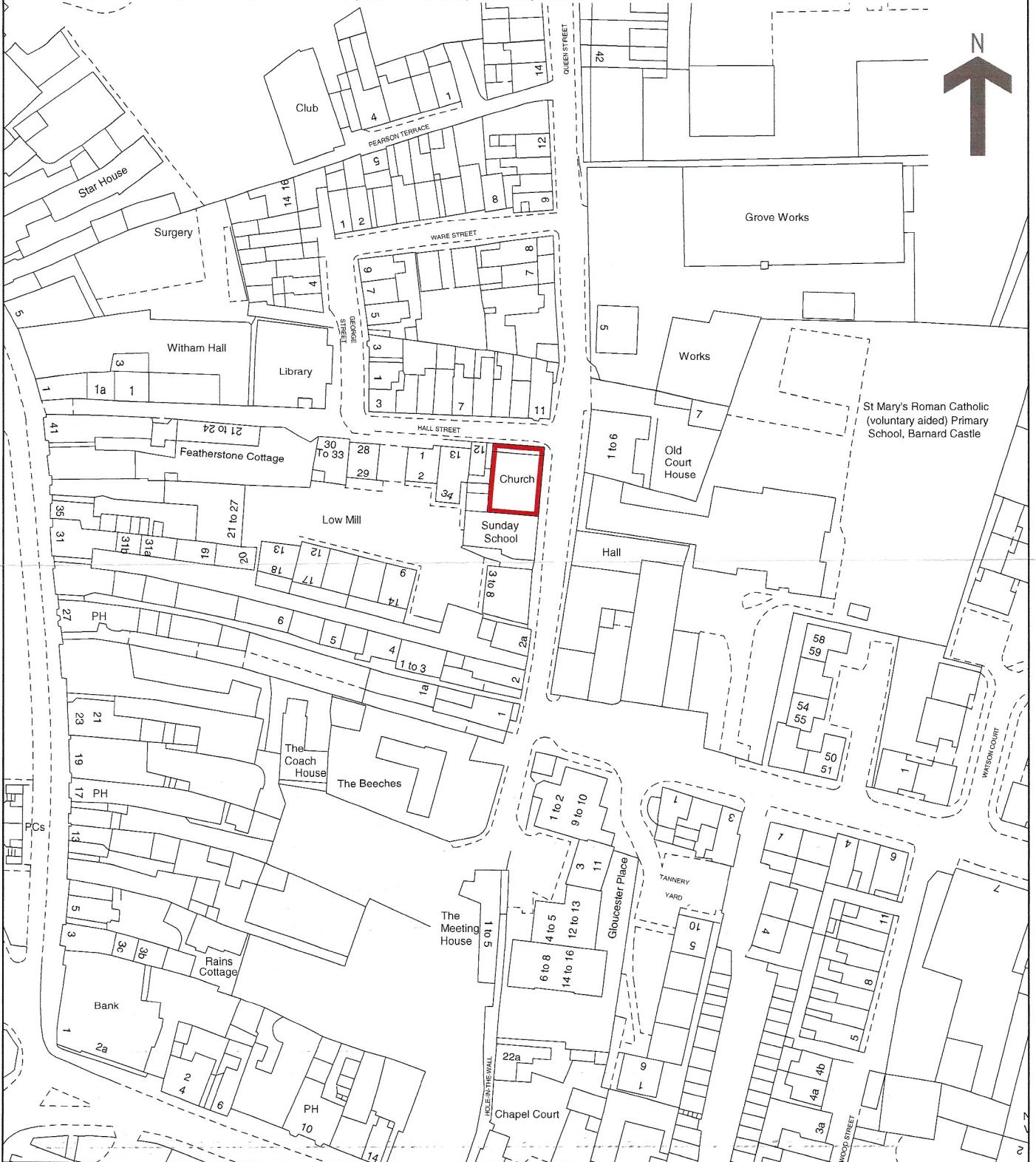
Not applicable

# HM Land Registry Official copy of title plan

Title number **DU380057**  
Ordnance Survey map reference **NZ0516SW**  
Scale **1:1250** enlarged from 1:2500  
Administrative area **County Durham**



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**This title is dealt with by HM Land Registry, Durham Office.**



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