

Delegated Decision

22 October 2024



**Granting Of A Section 50 Licence To
Install a ground drainage pipe and 4 no.
manholes in B6282 Etherley Lane,
Etherley Moor, Bishop Auckland,
County Durham**

Ordinary Decision/Key Decision No.

Report of Network Management

Stephen Jones, Highway Network Manager

Electoral division(s) affected:

West Auckland

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 LDA Group Ltd, Unit 18 Mandale Park, Lemington Road, Newcastle upon Tyne, NE15 8BU to install a new groundwater drainage pipe and 4 no. new manholes within the adopted highway on behalf of Kenley Homes Ltd.

Executive summary

- 2 An application to install a new groundwater drainage pipe and 4 no. new manholes within B6282 Etherley Lane, Etherley Moor, Bishop Auckland, County Durham, has been submitted by Kenley Homes Ltd, Unit 33/2 St Helens Way, St Helen Auckland, County Durham, DL14 9AZ.

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 £975 has been paid. This licence fee incorporates administration, inspection, registration and legal fees. A bond of £6793.50 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

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 £975 has been paid. This licence fee incorporates administration, inspection, registration and legal fees. A bond of £6793.50 has been obtained to cover the cost of 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

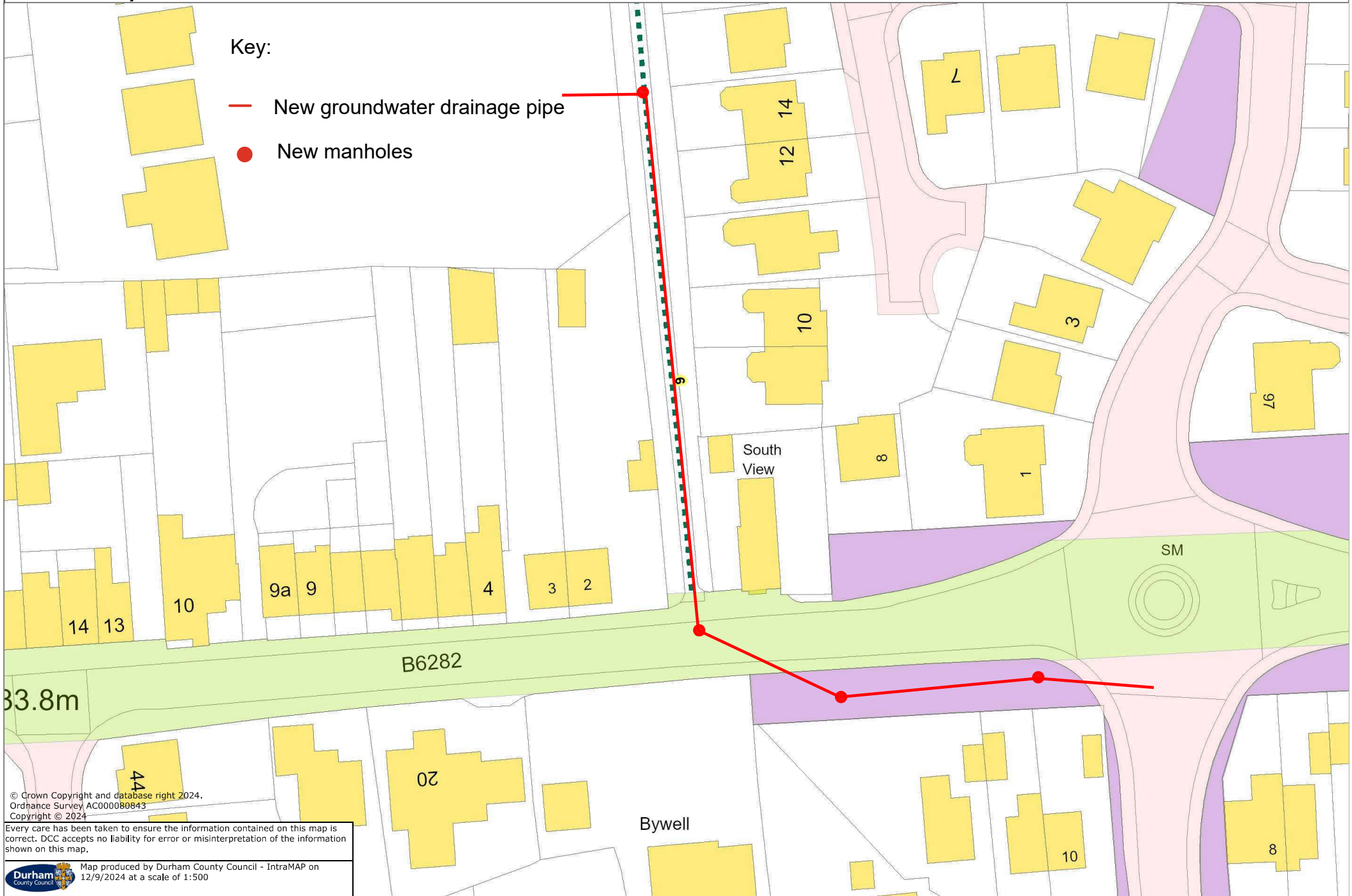
Procurement

Not applicable

Key:

— New groundwater drainage pipe

● New manholes



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