

Delegated Decision

22 January 2025

Granting Of A Section 50 Licence To Install new foul and surface water drainage in Unc Whitwell Acres, High Shincliffe, County Durham



Ordinary Decision/Key Decision No.

Report of Network Management

Stephen Jones, Highway Network Manager

Electoral division(s) affected:

Durham South

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, Esh House, Bowburn North Industrial Estate, Bowburn, Durham, DH6 5PF to install new foul and surface water drainage within the adopted highway on behalf of the property owner.

Executive summary

- 2 An application to install new foul and surface water drainage within Unc Whitwell Acres, High Shincliffe, County Durham, has been submitted by the property owner.

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 £3,600 has been obtained to cover the cost of 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 £3,600 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 foul water drainage pipe

— New surface water drainage pipe

87.6m

Avenue House

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