

## **DELEGATED DECISION**

### **Regeneration and Local Services**

**7 September 2018**



### **Granting Of A S50 Licence To Install A Private Surface Water Sewer Connection In C135 Wellfield Road, Wingate, County Durham**

#### **Report of Network Management**

**John Reed – Head Of Technical Services**

#### **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 Avant Homes (England) Ltd to install a private surface water sewer connection within the adopted highway.

#### **Background**

- 2 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**

- 3 The sewer connection is being installed by a developer to service a development being constructed at the above location. 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 S50 of the New Roads and Street Works Act is required to authorise and control the proposed works.

#### **Recommendations and reasons**

- 4 An application to install a private surface water sewer connection in C135 Wellfield Road, Wingate, County Durham has been submitted by Avant Homes (England) Ltd, Avant House, 6 & 9 Tallys End, Barlbrough, Chesterfield, S43 4WP.
- 5 In line with legislation allowing the installation of apparatus in the highway I suggest the application be permitted in accordance with current practice and procedures.

## **Decision**

- 6 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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**Finance -** £796 licence fee paid. Fee incorporates costs for administration, inspection and registration fees and legal costs.

**Staffing – N/A**

**Risk – N/A**

**Equality and Diversity / Public Sector Equality Duty – N/A**

**Accommodation – N/A**

**Crime and Disorder – N/A**

**Human Rights – N/A**

**Consultation –** Usual consultations completed within the Network Management Section

**Procurement – N/A**

**Disability Issues - N/A**

**Legal Implications -** A standard S50 Licence is to be signed by both parties and sealed. Details of the agreement are to be registered with the land registry, as appropriate. The Highway Authority is to record the agreement and inform the utility companies accordingly upon request about private apparatus in the highway.