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MINISTRY OF POWER  
Thames House South, Millbank, LONDON S.W.1  
Telephone: Abbey 7000

4/26/64

Please address any reply to  
THE SECRETARY  
AND COUNSEL  
P.E.6901/9

1st September, 1964.

Your reference:

Gentlemen,

Pipe-lines Act 1962  
United Kingdom Oil Pipelines Limited  
Application for a Pipeline Construction Authorization

I am directed by the Minister of Power to refer to your application for authorization under section 1(1) of the Pipe-lines Act 1962 of the construction of a cross-country pipeline to convey light petroleum products between the Thames Estuary, Stanwell in the County of Middlesex, the Midlands, and the Mersey. A public inquiry with respect to objections to the application was held jointly by Mr. A.J. Pollock, M.I.C.E., M.I.C.E., and Mr. A.R. Chown, M.A., M.T.P.I., Dip.T.P., of the Ministry of Housing and Local Government, at Watford, Rugby and Lichfield, in April and May 1964. A copy of the Inspectors' report enclosed.

2. The Inspectors recommended that construction of the pipeline should be authorized on the route advertised in March 1964, subject to the following diversions:-

- (a) that which they recommended at Arlington Hall Farm, Syoncombe Inner Farm, Winterdyne Farm and Faraday Farm;
- (b) that which had been agreed with Dr. Hogg at Ashley Green, Buckinghamshire; and
- (c) those which had been agreed since March 1964 as listed in the schedule submitted during the inquiry, but omitting that shown on Plan EPC/4/6.

The Minister accepts this recommendation.

3. The Inspectors considered that the most serious objection to the advertised route of the pipeline related to that section which crossed the swallowhole area of the Lee Valley Water Company. They stated that it would not be easy, however, to decide on an alternative practicable route which would avoid this swallowhole over without making a very wide and expensive diversion and this would be difficult to justify. A diversion of risk to the sources of the Lee Valley Water Company might increase the risk in other directions. The Inspectors stated that in their opinion the best solution would be to rely on stringent safety precautions that that this length, and indeed over all the sections which cross similar conditions areas of water undertakings or underground aquifers, would not prevent full, continuous covering of impervious material. In addition to the Lee Valley Water Company this would apply to sections within the area of the Building Research

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United Kingdom Oil Pipelines Ltd.,  
3, Lucy Place,  
LONDON, W.C. 2.

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undertakers:- South Staffordshire Waterworks Company, Staffordshire Potters Water Board, Leicester Corporation, River Dove Water Board, Mid and S.E. Cheshire Water Board and the Metropolitan Water Board.

4. The Minister agrees with the Inspectors that it would be difficult to justify a diversion to avoid the swallowhole area of the Lee Valley Water Company and that it would be preferable to rely on stringent safety precautions in respect of this length and of the sections of the pipeline which will traverse the underground and surface catchments of other water undertakers. He intends to give further consideration to the safety precautions to be adopted both on these sections and generally, in consultation with your company and with the water undertakers referred to above, with a view to imposing requirements under sections 20 and 23 of the Act before construction work is begun. To this end, you are requested to submit to the Department as soon as convenient, for the attention of the Pipeline Inspector, your detailed proposals for the design of the pipeline, the material and construction specifications, the safety precautions to be adopted generally and the additional safety precautions to be applied in the areas referred to above. In doing so, it would be helpful if you would indicate the extent to which these proposals have been agreed with the water undertakers concerned.

The Inspectors also drew attention to the suggestion made by Mr. Delwyn Davies of the Mid and S.E. Cheshire Water Board, and endorsed by your company, regarding the setting up of a joint committee representing the water supply industry and the oil industry to study the problem of oil pollution of water supplies and devise methods of dealing with it should it occur. The Minister welcomes this suggestion and will be ready to give any help he can in implementing it.

6. The Inspectors recommended that general limits of deviation should be authorized of 200 feet on either side of the line shown on the deposited plans subject to the agreement of the owner of the land. The Minister agrees that the limits of deviation which should be specified should be 200 feet. It is, however, unnecessary to qualify these limits as being subject to the agreement of the owner of the land, because authorisation under the Act does not carry with it any rights over land and the pipeline cannot therefore be placed anywhere within the limits of deviation without the agreement of all persons having an interest in the land (or, in default of agreement, a compulsory order made in accordance with the procedure laid down in the Second Schedule to the Act).

7. The Inspectors recommended that deemed planning permission should be granted, and that no conditions should be attached thereto. The Warwickshire County Council had requested conditions requiring that highway crossings should be subject to the approval of the highway authority and that the siting and external appearance of all above-ground installations should be subject to the approval of the local planning authority. The Inspectors considered that control over highway crossings was already provided by section 15 of the Act. They accepted that the company would consult the local planning authority with regard to above-ground

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installations, and they did not consider that a condition to the deemed planning permission was necessary.

8. The Minister agrees with the Inspector that deemed planning permission should be granted, and that no conditions are necessary in respect of highway crossings, in view of the provisions of section 15 of the Act. As far as buildings and other works above ground are concerned, the Minister notes that your application contains no precise details of the nature, design and external appearance of those installations. He has concluded that this matter ought not to be left to consultation between the company and the local planning authority, particularly having regard to his duty, under section 11 of the Act, to make a final enquiry. He cannot, therefore, accept the right of the Inspectorate over jurisdiction. In the Minister's view, the design, location and external appearance of these works ought to be subject to the approval of the appropriate local planning authority.

9. Mr. Grove, M.R.P., has sought authorisation for each, on behalf of their clients, the Inspectors and the Local Authority on this matter. In his opinion of 11th March 1960, he states that it is not in the interests of the public safety or the general convenience of the public to practise the kind of development proposed, and that it would be justified in him to accept the application. He also states that the application is acceptable excepting a few minor aspects of the proposed site plan, which he dated 1st April 1962. He recommends that the application be accepted by the Minister.

10. The Minister is unable to grant the permission in accordance with which has-

- (a) reference to section 11 of the Act, in which he states that he may authorise the carrying out of any work or works in or about any land or building or part of either, if he is satisfied that such work or works will not be prejudicial to the health or safety of persons or to the convenience of the public, and that the carrying out of such work or works will not be likely to cause damage to any building or part of any building or to any other property situated in the neighbourhood.
- (b) reference to section 11 of the Act, in which he states that he may authorise the carrying out of any work or works in or about any land or building or part of either, if he is satisfied that such work or works will not be prejudicial to the health or safety of persons or to the convenience of the public, and that the carrying out of such work or works will not be likely to cause damage to any building or part of any building or to any other property situated in the neighbourhood.
- (c) reference to section 11 of the Act, in which he states that he may authorise the carrying out of any work or works in or about any land or building or part of either, if he is satisfied that such work or works will not be prejudicial to the health or safety of persons or to the convenience of the public, and that the carrying out of such work or works will not be likely to cause damage to any building or part of any building or to any other property situated in the neighbourhood.

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11. Maps delineating the whole route of the line, with the modifications, are annexed to the authorisation. Your attention is drawn to section 35 of the Act requiring deposit of maps with each local authority concerned, and to section 37 requiring arrangements to be made with fire and police authorities, river boards, water undertakers and sewerage authorities to facilitate the carrying out of their duties. Your attention is also invited to the obligation to restore agricultural land imposed by section 45 of the Act and to the Inspectors' comments in the last paragraph on page 33 of their report.

I am, Gentlemen,

Your obedient Servant,

(Sgd) H. Schales

Assistant Secretary.