



Joint Circular from the
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Sir

3 December 1976

Pipe-Lines Act 1962

1. This circular consolidates the advice on land pipe-lines contained in earlier departmental circulars.
2. The laying of pipe-lines is, with certain exceptions, governed by the Pipe-Lines Act, 1962. Government pipe-lines are dealt with under the Land Powers (Defence) Act, 1958,
3. The purpose of the 1962 Act was to secure the orderly construction of pipe-lines in such a way as to meet the requirements of the pipe-line users, while at the same time minimising disturbance to farmers and landowners by careful planning of routes and by avoiding unnecessary duplication of pipe-lines.
4. The Secretary of State for Energy is responsible for the administration of the Act. References in this circular to the Secretary of State mean the Secretary of State for Energy unless otherwise stated.
5. The provisions of the Act are substantially directed towards industrial pipe-lines except where these are already covered by existing legislation. Pipes conveying air, water and steam are specifically excluded together with those for domestic purposes or for heating or cooling or (within certain limits) for agriculture, building, education or research. Government strategic pipe-lines and those owned by certain statutory bodies (notably the Gas Corporation, the Electricity Board and the Atomic Energy Authority) are also excluded. Pipe-lines laid by transport undertakings for the purpose of conveying other persons' traffic come within the scope of the Act. (For detailed information on those pipe-lines excluded from or coming within its scope, see Sections 58 to 65 of the Pipe-Lines Act 1962.)

6. Pipe-lines are divided into two categories: *local pipe-lines*, which are those pipe-lines not exceeding 10 miles (or 16.09 kms) in length, and *cross-country pipe-lines*, which are those which do exceed 10 miles in length. Section 7(1) of the 1962 Act provides that the construction of a pipe-line not exceeding 10 miles in length as an addition to another pipe-line is to be deemed to be the construction of a cross-country pipe-line (and not of a local pipe-line) if the length of the two together exceeds 10 miles. Similarly, the construction of a pipe-line not exceeding 10 miles to connect two or more others is to be deemed to be the construction of a cross-country pipe-line if the *total length of the line and those it connects* exceeds 10 miles. In so far as submarine pipe-lines are concerned, the Act applies only to such portion of a pipe-line as extends from low water mark to the shore terminal; in consequence, such pipe-lines will normally be local pipe-lines.

Local Pipe-lines

7. Promoters of local pipe-lines must seek planning permission in addition to notifying the Department of Energy under the provisions of the Pipe-Lines Act. In Greater London an application for *planning permission* to construct a pipe-line, will be dealt with by the London borough council (or, where the pipe-line is to be constructed in the City of London, by the Common Council). Elsewhere, it will be dealt with by either the county planning authority or the district planning authority, depending upon whether or not the proposal relates to a "county matter" as defined in paragraph 32 of Schedule 16 of the Local Government Act 1972. The relevant planning authority should consult water authorities and statutory water companies through whose area a proposed pipe-line would pass and, where *ancient monuments might be affected*, the Directorate of Ancient Monuments and Historic Buildings in the Department of the Environment, and any other persons or bodies directly affected. The Secretaries of State for the Environment and for Wales are satisfied, following consultation with local authority associations and other bodies, that this procedure provides adequate safeguards for local interests.

8. There may be cases where the proposed line of a local pipe-line affects the area of more than one planning authority. In such cases, article 13(1)(a) of the Town and Country Planning General Development Order 1973 (as amended) requires a local planning authority, before granting permission for the development, to consult with every neighbouring authority concerned, i.e. every local planning authority to whom an application for permission is made in respect of *any part of the pipe-line should consult* with the other local planning authorities to whom similar applications have been made.

Further Considerations and Consultations

9. In general, matters concerning the safety of pipe-lines are the responsibility of the Department of Energy (see Sections 20-26 of the Act), but there may be cases where a pipe-line to convey inflammable materials is proposed, which would pass close to a place where there is an exceptional risk of fire or other hazard. In such cases the planning authority should have regard to this special circumstance in deciding the planning application. Chief Fire Officers have been asked by the Home Office to co-operate with planning officers when consulted in respect of applications for permission for the construction of local pipe-lines, and the Secretaries of State for the Environment and for Wales hope that planning authorities will, in accordance with these arrangements, obtain the views of the fire authorities.

10. Article 13(1)(d) of the General Development Order requires a local planning authority to consult with the National Coal Board before granting permission for the erection of a building (subject to certain exceptions) in an area of coal working which has been notified to the authority by the Board. Although the Secretaries of State for the Environment and for Wales do not propose to extend this statutory obligation to forms of development other than the erection of buildings, they hope that consultation with the Board will be carried out in the case of pipe-line applications, in the circumstances indicated in Article 13, even though the proposal will not usually involve the erection of a building as defined in the Order.

11. The Secretary of State has made regulations (The Pipe-Lines (Limits of deviation) Regulations, 1962 S.I. 1962 No. 2845) under Sections 2 and 53 of the Pipe-Lines Act prescribing limits of deviation within which local pipe-lines must be laid. These limits have been determined with a view to enabling the powers given to the Secretary of State by Sections 20 to 26 of the Act (ie provision for securing the safety of pipe-lines) to be exercised in appropriate cases. Nevertheless there may be cases where, for reasons connected with proper planning, a lesser limit would be justified and different limits may accordingly be imposed where necessary for particular sections of the line. There is nothing in the Act which requires the limits of deviation to be the same throughout the length of the line. It is open to the Department of Energy to specify different limits for different locations.

12. If the Secretary of State considers that for any reason the construction of any class of local pipe-line ought to be subject to the same controls as cross-country pipe-lines (see below), he may make a statutory order to that effect. He may also make an order excluding the application of the controls if he considers these controls unnecessary for certain pipe-lines in particular areas.

Cross-Country Pipe-lines

13. The Act provides that cross-country pipe-lines may not be constructed without authorisation by the Secretary of State. There must be appropriate publicity for a proposal to construct such a pipe-line, including publication of the proposed route of the pipe-line in the London Gazette and notification to every local planning authority through whose area the pipe-line would pass and to such other persons (if any) as may be specified by the Secretary of State. The Secretary of State would normally specify that every water authority and statutory water company through whose area the proposed pipe-line would pass are to be notified under this requirement. If a local planning authority objects to the proposal the Secretary of State is required to hold a public inquiry: where persons other than a local planning authority object, he has a discretion either to hold a public inquiry or to have an informal hearing instead. By the provisions of section 5 of the Act, the Secretary of State has power, when granting authorisation under the Act for a cross-country pipe-line, to issue a direction at the same time that planning permission shall be deemed to be granted for the works. The Secretary of State normally does issue such a direction when authorising cross-country pipe-lines.

14. The Department of Energy consults the regional offices of the Department of Environment and the Welsh Office on proposals for cross-country pipe-lines. Accordingly, local planning authorities who have been notified of a proposal and who have sent objections or comments to the Department of Energy, in pursuance of their rights under Schedule 1 to the Act, should

inform the relevant regional office of the DOE or the Welsh Office, as appropriate, of the contents of such objections or comments. It is also considered desirable that where more than one planning authority is involved the authorities should consult between themselves before making any such objections or comments. In Greater London, the Greater London Council are the 'local planning authority' for the purposes of Schedule 1 to the Act, and accordingly any London borough council who have been notified of a proposal for a cross-country pipe-line should submit their observations on the matter to the Greater London Council.

15. To avoid unnecessary multiplicity of pipe-lines the Secretary of State may make it a condition that cross-country pipe-lines be constructed to a certain capacity and may impose requirements to secure the right of others to use it on fair terms, and may oblige the owner of a cross-country pipe-line who is not using it fully to share it with others.

Other Considerations

Compulsory Purchase

16. If a pipe-line promoter is unable to secure by negotiation the purchase of any land or rights he needs, he may be authorised by the Secretary of State to acquire them compulsorily, subject to special parliamentary procedure and to appropriate compensation. If there are objections, the Secretary of State must hold either a public inquiry or a hearing. He may attach conditions to a compulsory rights order. The relevant Sections and Schedules of the *Pipe-Lines Act, 1962* dealing with compulsory acquisition and compensation are:—

Compulsory acquisition of land—Section 11, Schedule 2 Part I.

Compulsory acquisition of rights over land—Sections 12 and 13, Schedule 2 Parts I and II.

Compensation (land acquisition)—Schedule 3 as amended by the *Compulsory Purchase Act 1965*.

Compensation (rights acquisition) Section 14.

Pipe-lines in Streets

17. Pipe-line promoters have a statutory right to place their apparatus in streets. Installation is, however, subject to the Street Works Code contained in the *Public Utilities Street Works Act 1950* as modified by S. 16 of the *Pipe-Lines Act 1962*.

Other Provisions of the Pipe-Lines Act 1962

18. Provisions are made for the Secretary of State to specify, in the interests of safety, how works are to be carried out, what materials and components must be included, and at what depth underground pipe-lines must be laid. The Secretary of State may also impose on the owner of a pipe-line conditions regarding its operation and maintenance, and may take steps to prevent abandoned or disused pipe-lines from becoming a source of danger. He may also take steps to rectify the effect of encroachment on the pipe-line route and he may make regulations for securing pipe-line safety generally.

19. The owner of a pipe-line must inform the Secretary of State at once if the pipe-line bursts, explodes, or collapses or if its contents catch fire. The owner has also to make arrangements in advance to ensure that water authorities, fire brigades and police authorities are notified of the occurrence of accidents and must provide them with information and maps for this purpose. The Secretary of State may set up a court of inquiry to enquire into any accident.

20. There are special provisions for the preservation of amenities (Section 43), the protection of water against pollution (Section 44) and the restoration of agricultural land after the construction of pipe-lines (Section 45).

21. Pipe-line constructors must deposit maps with local authorities showing where their lines lie within the areas of the authorities.

22. There is provision to ensure that pipe-lines are subject to the payment of rates under Section 21 and Schedule 3, of the General Rate Act, 1967.

Cancellation

23. Circulars MHLG 69/62, DOE 42/73 and DOE 25/74 are hereby cancelled.

We are, Sir, your obedient Servants,
R T WHITE, *Assistant Chief Planner*

D J TALLIS, *Assistant Secretary*

The Chief Executive
County Councils } in England and Wales
District Councils }
London Borough Councils
The Town Clerk, City of London
The Director General, the Greater London Council

[DOE DPRS 5/108/76]
[WO P11/104/01]

NOTE

DOE Joint Circular 79/76 WO 119/76
Rates of Interest on Loans to Local Authorities by the Public Works Loan Commissioners.

DOE Circular 80/76
Local Authority Housebuilding. Local Authority Mortgage Lending.

DOE Joint Circular 85/76 WO 128/76
Rates of Interest on Loans to Local Authorities by the Public Works Loan Commissioners.

DOE Joint Circular 90/76 WO 135/76
Pesticides Safety Precautions Scheme Agreed between Government Departments and Industry.

DOE Joint Circular 91/76 WO 125/76
Rate Rebate (Amendment) Regulations 1976.

DOE Joint Circular 92/76 WO 136/76
Rates of Interest on Loans to Local Authorities by the Public Works Loan Commissioners.

*Joint Circular DHSS (76) (17) DOE 93/76 DES 8/76
Report of the Working Group on Homeless Young People.

DOE Joint Circular 94/76 WO 138/76
Code of Procedures for Local Authority Housebuilding.

DOE Joint Circular 95/76 WO 139/76
Rates of Interest on Loans to Local Authorities by the Public Works Loan Commissioners.

DOE Joint Circular 96/76 WO 134/76
Local Government Act 1972. Rates of Travelling and Subsistence Allowances.

DOE Joint Circular 97/76 WO 148/76
Rates of Interest on Loans to Local Authorities by the Public Works Loan Commissioners.

DOE Joint Circular 99/76 WO 157/76
Rates of Interest on Loans to Local Authorities by the Public Works Loan Commissioners.

DOE Joint Circular 100/76 DTP 1/76
Organisation of the Departments of the Environment and Transport.

DOE Joint Circular 101/76 WO 143/76
Compulsory Acquisition of Land. Rates of Interest after Entry.

DOE Joint Circular 102/76 WO 158/76
EEC Directives 71/305 and 72/277. Public Sector Construction Contracts.

DOE Joint Circular 103/76 WO 159/76
The Attack on Inflation—The Second Year. Command 6507 Public Purchasing Aspects.

DOE Joint Circular 104/76 WO 133/76
Housing Schemes—Index to Circulars and Publications.

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