

Good Practice Guide

Local Authority Planners Information Regarding On Shore Pipelines and Associated Installations

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The guidance in this document represents what is considered by UKOPA to represent current UK pipeline industry good practice within the defined scope of the document. All requirements should be considered guidance and should not be considered obligatory against the judgement of the Pipeline Owner/Operator. Where new and better techniques are developed and proved, they should be adopted without waiting for modifications to the guidance in this document.

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1 INTRODUCTION

This UKOPA good practice guide has been developed by the UKOPA Infringement Working Group (IWG) to provide guidance to Local Authority Land Use Planners for the requirements around Major Accident Hazard Pipelines.

It is advised that developers are recommended to contact operators of other High Pressure Pipelines (non-Major Accident Hazard Pipeline (MAHP)) prior to any development taking place, but it is noted that the requirements of the Pipelines Safety Regulations 1996 (PSR) [1] does not require this.

1.1 Objectives

The objective of this good practice guide (GPG) is to provide a simple, step by step guide for Local Authority Land Use Planners to reference when considering developments near high pressure pipelines and associated installations

1.2 Background

This document has been produced by the pipeline operating companies that are members of the UK On Shore Pipeline Operators Association (UKOPA). Its purpose is to remind Local Authority Planners about that actions that need to be taken when existing high pressure pipelines run in or near proposed development sites. The intention of the document is to ensure that the most appropriate decisions are made throughout every stage of the planning process to mitigate the risk of a major accident occurring.

The Health and Safety Executive (HSE) are supportive of the document as they have an invited member sitting on the Infringement Working Group, which is part of UKOPA, who developed this document.

Decisions made about the development of land in, and around major accident hazard installations and pipelines (and high pressure pipelines) can affect the consequences of major accidents, thus planning and consultations zones must be considered.

Local Authority Planners must make use of the HSE's Planning Advice Web App <https://www.hse.gov.uk/landuseplanning/planning-advice-web-app.htm> before making decisions about any planning application that falls within the consultation zone of a MAHP. It should be noted that a HSE 'does not advise against' or 'not in zone of consultation' from the Web App does not mean that no comments are required from the pipeline operator and developer liaison with the pipeline operator should always be advised.

Pipelines conveying 'dangerous fluids', as defined in scheduled 2 of the PSR, are defined as MAHP. For the purpose of this document these include high pressure natural gas supply transmission and distribution networks and pipeline systems transporting oils, chemicals and other gases – examples include ethylene and ammonia.

For other pipelines, not transporting dangerous fluids as defined in schedule 2 of the PSR, but transporting products at high pressure (above 7 Bar), where loss of containment could create a serious safety or environmental issue, developer liaison with the pipeline operator should also be advised.

1.3 Scope

This GPG provides guidance on planning requirements with regards to MAHPs, however the advice will also be helpful when considering applications in the vicinity of any high pressure pipelines or installations – even if it is not classed as an MAHP.

1.4 Application

Within this document:

Shall: indicates a mandatory requirement.

Should: indicates good practice and is the preferred option. If an alternative method is used then a suitable and sufficient risk assessment must be completed to show that the alternative method delivers the same, or better, level of protection.

2 REQUIREMENTS AND LEGISLATION

Local Planning Authorities are provided with copies of pipeline maps for MAHP (usually in GIS format) by pipeline operators. When considering planning applications planners should take into account whether there is a MAHP or Hazardous Installation within, or near, the red line site boundary, and if in doubt ask the pipeline operator. This includes access to the pipeline and associated equipment for the ongoing safe operation and maintenance (such as inspection, pipeline walking and excavation (if required)). It is also recommended that planners take into account high pressure pipelines even if they are not MAHP.

2.1 Strategic Planning

Local Authorities responsible for producing local development plans, should at the earliest stage of the land use planning process contact pipeline operators to understand the location and details associated with high pressure pipelines. It should be noted that there may be more than one pipeline crossing the land under consideration. The location and legal easement of the pipeline(s) can be provided by each pipeline operator if requested. Line searches can also be conducted, using a

Local Authorities should take account of the presence of high pressure pipelines ensuring the process of land use designation does not affect the legal rights of the pipeline operator.

Local Planning Authorities in England and Wales should refer to Chapter 4 – Decision Making and Chapter 8 – Promoting Healthy Communities from the National Planning Policy Framework (NPPF) <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

In Scotland Local Planning Authorities should refer to the National Planning Framework 4 <https://www.gov.scot/publications/national-planning-framework-4/>

Therefore, development layouts need to consider significant adverse impacts on health and quality of life due to:

- The requirement for physical access to pipelines at all times, night and day, for emergency repairs, that may impact upon residential amenity.
- Development above or in proximity could lead to damage to the pipeline which would in the long terms cause environmental damage and impact adversely upon residential amenity.
- The fact that failure of a pipeline could have significant safety consequences.

2.2 Land Use Planning and Consultation with HSE

The HSE has identified a consultation distance around each MAHP, within which a planning authority must consult them about any development which is likely to lead to an increased population around the major hazard. The Web App allows for planners and developers to determine what would be the likely response from the HSE if consultation is pre-planning. For more information see the HSE website <http://www.hse.gov.uk/landuseplanning/planning-advice-web-app.htm>

UKOPA members provide Local Authorities with copies of the GIS files of their pipeline routes (which have also been provided to the HSE for use in the Web App). Planners are encouraged to engage with pipeline operators if they have queries about developments near pipelines when they are considering any application.

NOTE Local Authority Planners may refuse an application for a number of reasons, including if there is sound evidence that there is a health and safety risk if planning permission were to be granted. Local Authority Planners may also impose specific conditions around the development if planning is granted. The use of informative by the Local Authority should also be considered. Pipeline operators should work closely with developers using their own consent / agreement process should an application be approved.

2.3 Pipelines Safety Regulations 1996

In Great Britain, the PSR set out the requirements for planning, designing, constructing, operating, maintaining, decommissioning and preventing damage to pipelines.

The control of risks arising from third party damage to pipelines is addressed by Regulations 15 and 16 of PSR. PSR Regulation 15 states: 'No person shall cause such damage to a pipeline as may give rise to a danger to persons, with further guidance given in HSE guidance document L82 [2].

Actions that may be necessary to comply with PSR Regulation 15 include:

- Checks done during the planning of works to establish whether any pipelines and associated equipment (include test posts, marker posts and / or associated ground beds) are located in the vicinity.
- If a pipeline is present, making contact with the pipeline operator, obtaining plans, and where required seek consent prior to start of any works.
- Carrying out site surveys.
- Utilising appropriate safe digging techniques.
- Reassessing the risks if the scope of the work changes.
- Stopping work if there are any unexpected findings on site.

Thus, where pre-applications and / or planning applications are being considered, then it is recommended that the planning authority make the developer aware of the above along with the other information in this guide and ask them to contact the pipeline operator at their earliest convenience.

Pipeline operators will provide Local Planning Authorities and / or developers with a tailored response to proposed developments and it is recommended that contact is made at the pre-application stage.

PSR Regulation 16 places complementary duties on pipeline operators and states the following: 'For the purpose of ensuring that no damage is caused to a pipeline, the operator shall take such steps to inform persons of its existence and whereabouts as are reasonable'.

Developers require pipeline operator agreement and / or consent prior to working in the vicinity of a pipeline. Please note, this is required regardless of whether planning permission is required or not. The granting of planning permission does not remove the requirement for the developer to enter into dialogue with the pipeline operator. It is recommended that the Local Authority make the developer aware of this. Further information regarding working safely in the vicinity of high pressure pipelines can be found at

<https://ukopa.co.uk/working-safely-near-high-pressure-pipelines-video/>

Pipeline operators will, where required, provide pipeline location information and hold discussions with the developer regarding pipeline safety in relation to proposed works.

2.4 Pipeline Wayleaves and Easements / Zone of Interest

Pipeline wayleaves, easements and grants of servitudes are legal areas of protection along the length of the pipeline and its associated assets, and are usually drawn up at the time the pipeline is constructed. Pipeline operators require developers to enter into a consent or agreement for works within the wayleave or easement.

Pipeline operators have obligations under the Pipelines Act 1962 [2] and PSR to keep the pipeline safe and operating it in a manner that examination and maintenance of it can be carried out safely. The zone of interest, varies by pipeline operator and is an area outside of the wayleave / easement where effects on pipeline safety, including pipeline access to enable safe maintenance and operation, should be discussed with the pipeline operator and agreed.

Subject to individual consents / agreements and in order to be able to exercise these rights and discharge statutory responsibilities, the following, such as but not restricted to, will be prevented within the easement strip where there is a health and safety risk:

- All construction works.
- The erection of any building whether temporary or permanent.
- Fencing, ditching and the planting of trees.
- Anything that materially raises or lowers the depth of the cover of the pipeline.
- Works that interfere with the integrity of the pipeline e.g. cathodic protection systems, electrical interactions and monitoring systems.
- The storage of any items.

2.5 Works Beyond Pipeline Wayleaves and Easements

There are some works which fall outside of the pipeline wayleaves and easements where it is recommended that early engagement with the pipeline operator is suggested to the developer by the planner. Such as, but not limited to:

- Piling or 3D seismic survey work.
- Use of explosives.
- Demolition.
- Installation of Wind Turbines (see UKOPA Good Practice Guide 013 <https://ukopa.co.uk/document/requirements-for-the-siting-and-installation-of-wind-turbines-installations-in-the-vicinity-of-buried-pipelines/>)
- Installation of Solar Photovoltaic Installations (see UKOPA Good Practice Guide 014 <https://ukopa.co.uk/document/requirements-for-the-siting-and-installation-of-solar-photovoltaic-pv-installations-in-the-vicinity-of-buried-pipelines/>)
- Installation of High Voltage Cables and / or apparatus (11KV and greater).
- Installation of Battery Storage facilities.

3 HOW CAN UKOPA ASSIST LAND USE PLANNERS

Pipeline operators are always willing to assist Land Use Planners to understand the implications of proposed developments, and LUPs are encouraged to contact the relevant operator as per section 2.1.

3.1 Quantified Risk Assessment

UKOPA has extensive knowledge and experience in the area of pipeline risk assessment. This knowledge had been codified into IGEM/TD/2 – Assessing the Risks from High Pressure Natural Gas Pipelines [3] and PD 8010 3:2009 – Guide to the Application of Pipeline Risk Assessment to Proposed Developments in the Vicinity of Major Hazard Pipelines Containing Flammables [4]. These documents can be used by pipeline operators and developer to assess the risks associated with proposed new developments from an existing pipeline.

UKOPA aims to ensure that current good practice <https://ukopa.co.uk/document-category/good-practice-guides/> is made available to assist planners and developers in ensuring safe developments in the vicinity of member pipelines.

3.2 What Pipeline Operator Will Provide

Pipeline operators provide Local Authority Planning Departments with the following information to assist them in their planning process:

- GIS mapping information (upon request).
- Contact details for the relevant pipeline operational staff.
- Regular contact .
- Details of and objections or agreements to amended developer layouts within the statutory timeframes they have to work to (typically 21 days to provide comments).

4 HOW CAN LA PLANNERS ASSIST UKOPA MEMBERS

All UKOPA members are willing to engage with Local Authority Planners regarding potential planning applications in the vicinity of any of their pipelines.

Local Authority Planners should:

- Be aware of high pressure pipelines and installations within (and near) the red line area when considering planning applications – these are provided by pipeline operators and in the HSE WebApp.
- Consult with pipeline operators regarding planning applications where appropriate, or where assistance would be helpful.
- Advise developers to contact pipeline operators at the earliest opportunity regarding potential developments in the vicinity of high pressure pipelines.

5 REFERENCES

- [1] HMGov, "Pipelines Safety Regulations 1996, Statutory Instrument 1996. No. 825," HMGov, 1996.
- [2] HSE, L82 A guide to the Pipelines Safety Regulations 1996, Guidance on Regulations, 5, Ed., HSE Books, 1996.
- [3] HMGov, *Pipe-Lines Act 1962, c. 58 (Regnal. 10_and_11_Eliz_2)*, HMGov, 1962.
- [4] IGEM, "IGEM/TD/2 Edition 2 +A, Communication 1764, Assessing the Risks from High-Pressure Natural Gas Pipelines," Institution of Gas Engineers and Managers, Kegworth, 2015.
- [5] BSI, "PD 8010-3:2009+A1:2013, Pipeline Systems, Steel Pipelines on Land, Guide to the Application of Pipeline Risk Assessment to Proposed Developments in the Vicinity of Major Accident Hazard Pipelines Containing Flammables, Supplement to PD 8010-1:200," British Standards Institute, London, 2013.