



# Ministry of Defence

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27 April 2017

Ref. FOI2017/04238

Dear [REDACTED]

Thank you for your email of 3 April 2017 requesting the following information:

*'I am a local resident enquiring about the actions of the "SEMMMS" team dealing with the severing of the access road above and the replacement of the access by the building of a section of side road over a local footpath, thereby denying its use as such to the public.*

*I note that according to the published orders the land was allegedly purchased from the Defence Infrastructure Organisation, it has been used as a public access track for a lifetime. According to the registered title there was a right of way granted in 1978 over land owned by a Vivaldo Quiligotti, as such I am confused as to how the land came to be under the oil pipeline agency without any conveyance having been registered.*

*On other areas of the registered land, said to be the Bramhall Oil Terminal on the conveyance to CLH Pipeline Systems in 2015, oil tank installations have been placed that have contaminated the general surrounding area but have not been registered on the title to the land. Again, like the access track mentioned above, it appears land, purchased by the ministry of **power** in 1957 and has ended up somehow under the aegis of the Oil Pipelines Agency (an entity created in 1985 with the defence ministry) without any documented changes of ownership. Who received moneys from the sale to CLH and if it was the DIO, why hasn't the money been spent to remove the land contamination? I understand the terminal was operated within a leasehold agreement by ConocoPhillips but again there appears to be no record of this within the registered title.*

*As a result we residents are currently left with a piece of infrastructure, installed by an untraceable process that cannot as a result have an appropriate safety profile, now to be linked to and provided with public roads, at public expense, accompanied by the removal of historical public rights of way. That cannot be right. Please can you report a correct provenance of the access track and land under which unspecified storage tanks for hazardous materials has been placed. I ask that in doing so you do not refer me to the HSE as I have already established that they do not have a record of the installations.'*

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

A search for the information has now been completed within the Ministry of Defence (MOD) and I can confirm that some information in scope of your request is held.

A breakdown of the information you have requested can be found enclosed, below:

- I am a local resident enquiring about the actions of the “SEMMMS” team dealing with the severing of the access road above and the replacement of the access by the building of a section of side road over a local footpath, thereby denying its use as such to the public.

The Ministry of Defence (MOD) no longer has ownership of this land and therefore cannot comment on any actions of the South East Manchester Multi Modal Strategy and how this may impact on the roadways mentioned. This should be directed to the new landowner Compania Logistica Hydrocarburos (CLH).

- I note that according to the published orders the land was allegedly purchased from the Defence Infrastructure Organisation, it has been used as a public access track for a lifetime. According to the registered title there was a right of way granted in 1978 over land owned by a Vivaldo Quiligotti, as such I am confused as to how the land came to be under the oil pipeline agency without any conveyance having been registered. On other areas of the registered land, said to be the Bramhall Oil Terminal on the conveyance to CLH Pipeline Systems in 2015, oil tank installations have been placed that have contaminated the general surrounding area but have not been registered on the title to the land. Again, like the access track mentioned above, it appears land, purchased by the ministry of **power** in 1957 and has ended up somehow under the aegis of the Oil Pipelines Agency ( an entity created in 1985 with the defence ministry) without any documented changes of ownership

I can confirm that there were no land transactions; this came about through the Secretaries of State (Government Oil Pipe-Line and Petroleum Licences) Order 1989 which vested all such pipelines and installations that had been owned by other government departments in the Secretary of State for Defence.

- Who received moneys from the sale to CLH and if it was the DIO, why hasn't the money been spent to remove the land contamination?

The Government Pipeline and Storage System network, of which Bramhall Oil Terminal forms part, was sold by the MOD to CLH in 2015 for £82 million. It is our understanding that any contamination would have been declared at the sale of the site under the responsibility of the lessee and operator of the site, ConocoPhillips.

- I understand the terminal was operated within a leasehold agreement by ConocoPhillips but again there appears to be no record of this within the registered title.

Bramhall Oil Terminal was sold to CLH subject to the third party leasehold interest of ConocoPhillips who have been operating from the site for many years and who have responsibility under the terms of lease to comply with environmental legislation.

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail [CIO-FOI-IR@mod.uk](mailto:CIO-FOI-IR@mod.uk)). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.org.uk>.

Yours sincerely,

DIO Secretariat