



Department for  
Energy Security  
& Net Zero

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22 November 2024

[www.gov.uk/desnz](http://www.gov.uk/desnz)

Dear REDACTED,

**ELECTRICITY ACT 1989 AND ACQUISITION OF LAND ACT 1981 – THE NATIONAL GRID ELECTRICITY TRANSMISSION PLC (PITSMOOR-WINCOBANK-TEMPLEBOROUGH 275 KV CABLE REPLACEMENT SCHEME) COMPULSORY PURCHASE ORDER 2023.**

Your client: National Grid Electricity Transmission PLC.

**Introduction:**

1. I am directed by the Secretary of State for Energy Security and Net Zero (“the Secretary of State”) to refer to the National Grid Electricity Transmission (Pitsmoor-Wincobank-Templeborough 275 kV Cable Replacement Scheme) Compulsory Purchase Order 2023 (“the Order”), which was submitted to the Secretary of State by Womble Bond Dickinson (UK) LLP on behalf of National Grid Electricity Transmission PLC (NGET), for consideration under section 10 of, and paragraph 1 of Schedule 3 to, the Electricity 1989 Act (“the 1989 Act”) and Part 2 of the Acquisition of Land Act 1981 (“the 1981 Act”).
2. The purpose of the Order is to authorise NGET to replace two oil-filled cable circuits and the decommissioning of a third circuit, replaced with two new cross-linked polyethylene cable circuits.
3. The Secretary of State notes that NGET holds an electricity transmission licence under section 6(1)(b) of the 1989. Paragraph 1(1) of Schedule 3 of the 1989 Act allows the Secretary of State to authorise a licence holder to compulsorily purchase land and paragraph 1(2) of the 1989 Act clarifies that licence holders are authorised to acquire rights in land as well as the title to land, and that this can be done by creating new rights as well as by acquiring existing rights. Section 10 of and Schedule 3 to the 1989 Act empower the

Acquiring Authority to purchase compulsorily any land, including rights in land, required for any purpose connected with the carrying on of the activities which it is authorised by its licence to carry on.

### **The Project:**

4. NGET owns and operates three existing 275kV electricity cable circuits, which run from the Pitsmoor substation via the Wincobank substation to the Templeborough substation. The Project comprises the decommissioning of the existing Pitsmoor to Wincobank 2.8-kilometre (km) cable and its replacement with a 3.1 km cable and the decommissioning of the existing Wincobank to Templeborough 3.5 km cable and its replacement with a 3.0 km cable. It also involves the decommissioning of the existing Pitsmoor to Templeborough direct 6.5 km cable. This would not be replaced as it has been deemed surplus to requirements. The Project also involves works at the three substations, so they are upgraded to facilitate the new cables.
5. The Project is based entirely within the administrative boundaries of Sheffield City Council (SCC) and Rotherham Metropolitan Borough Council (RMBC).
6. The new cable circuits will be constructed using both direct buried and trenchless construction techniques. The latter, including the use of horizontal directional drilling (HDD), would be used at key strategic interfaces, including tram and river crossings, and at the Blackburn Meadows Way and Sheffield Road junction. Once the cable circuits are installed, there would be very limited intrusion on visual amenity and townscape. Operational maintenance access would focus on joint bay locations and be occasional.
7. The majority of the works would be within or beneath the public highway where no CPO powers are required as they can be implemented using statutory street work powers. Sections would then cross third-party land. Just one plot is required to be acquired outright, at the Templeborough substation. Otherwise, the Project will be delivered through the acquisition of cable rights for the construction, installation, operation and decommissioning of electricity cables and associated infrastructure; construction and operational access rights to facilitate access for construction and maintenance; decommissioning and access rights for the removal of the cables; and monitoring pit rights for the existing cables that have been decommissioned.
8. Construction, compound and drainage rights are not now sought as they do not apply to any of the plots contained in the Order. Other minor modifications apply mainly as a result of further information that has been brought to the attention of NGET. The modifications are:
  - the removal of Construction and Compound Rights and Drainage Rights (not allocated to any plots in the Order Schedule);

- the interests of Plot No. 8-02 (197 Ferrars Road) in Table 1 changed to Azeem Sharif and Anisa Hussain;
  - the interests of Stephanie Clarke in Table 2 removed from Plot Nos. 5-05, 5-06, 5-07 and 5-08;
  - the interests of BOC in Table 2 removed from Plot Nos 6-03, 6-04, 7-03, 7-05, 7-06 and 8-06; and
  - updated address details for Greensill Capital (UK) Limited in Table 2 Plot Nos 8-06, 8-07 and 8-08
9. The Inspector concluded that the modifications do not affect the Order Plans and that due their minor nature, the Inspector concluded there was no prejudice to any party. The Secretary of State agrees with this assessment.
10. NGET intends to install the cable circuits using a combination of direct buried and a ducted solution including HDD and anticipates commencing works in third party owned land md-2025.

*Land Rights:*

11. The Project would pass through areas of Open Space. These are at land to the south of Blackburn Meadows Power Station at Plot Numbers (No/s) 5-42, 5-42a and 6-01a; and at land to the rear of Ferrars Road and to the west of Templeborough substation at Plot No 8-06. Schedule 3, Paragraph 6 of the 1981 Act provides that for open space land to be included in the Order, special parliamentary procedure shall be followed unless the Secretary of State for The Ministry of Housing, Communities and Local Government (MHCLG) certifies that they are satisfied that one of the criteria in Schedule 3, paragraph 6(1) has been met. An application was submitted to the Secretary of State for MHCLG on 14 December 2023 and was granted on 3 May 2024.
12. The Order relates to Plot Nos 1-01 to 8-10, which includes land on and in between the Pitsmoor, Wincobank and Templeborough electricity substations in Sheffield and Rotherham. It includes both the existing and proposed cable routes, as well as the substation sites themselves.
13. The Secretary of State notes the comments made by the Inspector regarding the route and the existing route which is to be decommissioned (paragraphs 11 to 16 of the Inspector's report).

*Gas and Electricity Markets Authority consent:*

14. The Secretary of State is required to seek consent from the Gas and Electricity Markets Authority (GEMA) where any land subject to compulsory acquisition, including rights over land, belongs to another licence holder.
15. Ofgem supports GEMA in its day-to-day work and can make a GEMA consent decision on behalf of GEMA. The Secretary of State is therefore required to seek consent from Ofgem (acting on behalf of GEMA) where any land subject

to compulsory acquisition (including rights over land) belongs to another licence holder.

16. The land included within plots 5-27, 5-42, 5-42a and 6-01a of the Order is land owned by E.ON UK plc ("E.ON"). This land comprises approximately 207 square metres of land beneath the M1 Tinsley Viaduct, to the north and south of Alsing road, and approximately 18,554 square metres of vegetated land to the south of Blackburn Meadows Power Station and at Blackburn Meadows Wastewater Treatment works. At the close of the inquiry, GEMA consent had not been granted.
17. The Secretary of State wrote to Ofgem, via email on 15 July 2024, Ofgem replied to the Secretary of State on 19 September 2024 and made no objection to the Order.

**The Order:**

18. The making of the Order commenced on 23 November 2023. The objection period ran from 30 November 2023 to 5 January 2024. During this period, the Secretary of State received nine objections. The Order was formally submitted to the Secretary of State on 7 December 2023 (it is noted that the Order was sent before the objection period had finished).
19. The Secretary of State wrote to the Planning Inspectorate, via email, on 25 January 2024 requesting that that an Inspector is appointed for a public inquiry relating to the Order.
20. The Secretary of State wrote to all interested parties on 7 March 2024, via email, under Rule 3(3) of the Compulsory Purchase (Inquiries Procedure) Rules 2007, to state that the Secretary of State had decided to hold a public inquiry into the Order. For the purposes of Rule 3(3), 7 March 2024 became the 'relevant date'.
21. The Secretary of State also informed NGET that a Statement of Case must be submitted to each outstanding objector within six weeks of the relevant date. The Secretary of State noted that the Statement of Case must set out in full the case that NGET intended to put forward at the inquiry, including the reasons for making the Order.
22. A Pre-inquiry meeting took place on 21 May 2024 and noted that the full public inquiry would open on Tuesday 9 July 2024 at 10.00am and would also sit on Wednesday 10 and Friday 12 July. The venue was confirmed as the Crowne Plaza hotel in Sheffield.

## **Inspector's report:**

### *The need case: NGET:*

23. The new cable circuits will be constructed using both direct buried and trenchless construction techniques. The latter, including the use of HDD, would be used at key strategic interfaces, including tram and river crossings, and at the Blackburn Meadows Way and Sheffield Road junction. Once the cable circuits are installed, there would be very limited intrusion on visual amenity and townscape. Operational maintenance access would focus on joint bay locations and be occasional.
24. Most of the works would be within or beneath the public highway where no CPO powers are required as they can be implemented using statutory street work powers. Sections would then cross third-party land. Just one plot is required to be acquired outright, at the Temple borough substation. The Project will be delivered through the acquisition of cable rights for the construction, installation, operation and decommissioning of electricity cables and associated infrastructure; construction and operational access rights to facilitate access for construction and maintenance; decommissioning and access rights for the removal of the cables; and monitoring pit rights for the existing cables that have been decommissioned.
25. The Secretary of State notes the points made in the Inspector's report (paragraphs 37 to 39) in relation to the Project supporting Government energy objectives and specifically that electricity networks will be needed to ensure security of supply and that this need was not disputed by any party.
26. NGET states that the existing oil filled cables connecting the substations were commissioned in the late 1960s/early 1970s and are now beyond the end of their planned operational life meaning the current situation is inconsistent with NGET's statutory and licence obligations and risks environmental hazard. NGET states that this reinforces the timely need for the confirmation of the Order.

### *Benefits:*

27. NGET state that the Project would deliver energy security and resilience for meeting current demand and future proofing this part of the network for future demand. Such demands may not be met if the cables deteriorate. There would also be wider energy benefits through reinforcement as lengthy outages and potential losses of supply during works would be avoided, which itself gives a greater opportunity to work on the rest of the network. The risk of intermittent supply would also be reduced.

28. Mitigation has been identified, taking the form of a Construction Environment Management Plan (CEMP), which includes the avoidance and protection of habitats and species.

29. It is noted that NGET is also committed to 10% Biodiversity Net Gain (BNG) with an ambition of 15%. In this case, a commitment of £120,000 has already been made to SCC for match funding, equivalent to five habitat units and to be intended for a project in the Shire Brook Valley, as was explained at the Inquiry. As mandatory BNG does not apply, this is a material benefit.

*Alternatives:*

30. The options assessed comprised the rationalised replacement of the three routes with two (the Project); the full replacement of the three routes; targeted replacement in high-risk areas; and do nothing.

31. The latter was not an acceptable alternative in light of the present condition of the cables. The first option was preferred as it would avoid known risk areas of the railway embankment and cable bridges.

32. The routing options considered alternative routes, but NGET settled on the selected route that it considered justified in engineering, environmental and delivery terms. There is no known alternative capable of delivering the benefits of the project with a lesser interference on land.

*Delivery and Funding:*

33. An Early Contractor Involvement Strategy will be utilised by NGET so that a deliverable scheme is procured and designed in line with financial commitments. Some works have already commenced, including intrusive and ground penetrating radar surveys and boreholes. Highway cable containment works would take place between Quarter (Q) 4 2024 and Q1 2027. Access to land within the Order would be required from Q2 2025 for the installation of the new cables, as would works on the trenchless solution crossings. The new cables would be operational by Q3 2026. It is noted that decommissioning will be completed by Q1 2027.

34. Ofgem allowed funding for the project in its Final Determination issued in April 2021, following the submission of business plans for expenditure under Ofgem's regulatory framework. NGET sanctioned the funding internally to allow continuation of the works in line with the Ofgem approval in September 2023.

*Negotiations:*

35. NGET's preference is to secure land rights on a voluntary basis and its Land Rights Strategy provides a consistent methodology for acquiring rights. The strategy is used for all such projects and is under continuous review.

36. A total of 21 agreements would be required. As updated at the Inquiry in evidence, ten are in the negotiation of Heads of Terms (HoTs), one where HoTs is agreed and authorisation awaited and nine where HoTs are agreed and have been sent to solicitors. One option agreement has been completed and other agreements are with third parties awaiting progression on their part.
37. One freeholder of two residential properties and adjoining land on Ferrars Road has not responded where NGET has attempted to negotiate an easement option for new cables to be installed. NGET state that it remains imperative that a timely confirmation of the Order is necessary to ensure the timely delivery of the project.

*Human Rights and Equality Act:*

38. The Secretary of State notes the points made in paragraphs 55 to 57 of the Inspector's report, these matters are addressed in paragraphs 80 to 87 of this decision letter.

*NGET conclusions:*

39. NGET states that there is an identified and undisputed technical need for the Project. Electricity network reinforcement is recognised through policy at all levels, the grant of permitted development rights and the confirmation of funding. The substantial benefits would be put at risk if the Order is not confirmed. The majority of the remaining objectors have been withdrawn, there are no in principle objections, all technical issues have been resolved and the outstanding matters relate to the finer details of contractual arrangements. They do not justify refusal or further modification of the Order. NGET states that Human rights and equalities implications have been carefully assessed and all interferences would be justified.
40. NGET state that, given the need and the benefits, the test in paragraph 1 of Schedule 3 of the 1989 Act is satisfied. Efficiency and economy have been demonstrated through the rationalisation of the cable circuits, and its delivery will clearly involve the maintenance of an efficient, coordinated and economical system. No party has suggested otherwise. GEMA should not be considered an impediment to the granting of the Order. NGET also state that the duties have also been satisfied under paragraph 1 of Schedule 9 of the 1989 Act. The submissions also demonstrate that the factors under paragraph 106 of the MHCLG CPO guidance for the confirmation of the Order are met. NGET states that the Order should thus be confirmed with minor modifications.

**Outstanding objections:**

41. There are currently two live objections, with all other objections having been formally withdrawn and it is noted that neither objector attended the inquiry. The Secretary of State notes the comments and observations made by the



Inspector regarding objections withdrawn before and during the inquiry, specifically paragraphs 66 to 90, but has no further comment on these.

*Mr J M Windle*

42. Mr J M Windle has an interest in Plot No 1-06 where an objection is made to the compulsory purchase of land off Garter Street, close to the Pitsmoor substation. He states that he has used the land since 1995 and has containers and vehicle skips on it. It is also the entrance to his commercial vehicle repair company. It is said that part of the land is owned as part of his building as this is the access to the building for vehicle repairs and is not as marked out on the plot by NGET. There is not an objection to NGET coming across the land with cables, but there is a wish for the business to continue to operate. If it had been known that NGET intended to take the land and stop its use, ownership would have been applied for. It has been fenced off for over ten years, in use since 1995 and has had no objection over the years.

43. Mr J M Windle considers there is no need to take over the plot if the cables accessed the substation from Carlisle Street, and not Garter Street, and so there is not a need for land for the purpose of laying cables. He also confirmed he could not attend the Inquiry due to work commitments.

*NGET response:*

44. NGET has clarified there is no intention to purchase the land, only to seek rights over it. It is noted there is no objection to the installation of cables on the land. The Project would not impact on the continued use of the land for the storage of equipment, vehicles and materials for the business. This land would only be required if the cables cannot be installed in their existing location and in this event the cables may need to be situated along the access from the substation to Garter Street.

*Forged Solutions*

45. Forged Solutions' interest lies in Plot Nos 5-11, 5-12 and 5-14, beyond the Wincobank substation and the Meadowhall railway station. It put in a holding objection to ensure that any work carried out on the land is mutually agreed by private treaty. From the provisional scope, there are concerns (unspecified) over the suggested works.

*NGET response:*

46. NGET is committed to securing the necessary rights by mutual agreement and the terms to vary the existing easement have been agreed, subject to advice to Forged Solutions from its solicitor. Confirmation over any specific concerns was sought and it has been clarified that existing cables in these plots would be decommissioned and no new cables would be installed. The cables would be removed in their entirety and NGET would work with Forged Solutions over access and the decommissioning methodology to remove the cables from the Plots.



## **Inspector's conclusions:**

47. To frame his recommendation, the Inspector has considered the following points:

- (a) Factors that are set out in paragraph 106 of the CPO Guidance. In summary, these include the planning framework, the contribution to the well-being of the area, whether the purpose could be achieved by other means and financial viability;
- (b) Factors that are set out in paragraph 2 of Schedule 3 and paragraph 1 of Schedule 9 of the 1989 Act concerning, respectively, GEMA consent and environmental matters; and
- (c) Any other factors that have been raised by the objectors.
- The Inspector also provides views on a number of matters which arose through the written submissions and submissions made at the Inquiry. These consist of the engagement with a freeholder, the modifications, human rights and equalities, and the withdrawn objections.
- The Inspector also sets out his views to the Secretary of State on whether there is a compelling case in the public interest and compliance with the test that is set out in paragraph 1 of Schedule 3 of the 1989 Act concerning NGET's power to make the Order.

### *: The Planning Framework:*

48. The Inspector states that, based on the evidence that has been submitted, the project would benefit from the use of permitted development rights and so planning permission would not be required. While a finding of EIA development would necessitate the withholding of such rights, this is not the case in the view of SCC and where the vast majority of the works would take place.

49. However, even if planning permission was required, the Inspector is satisfied that the purpose for which the Order lands are required complies with the development plan policies. The Secretary of State agrees with this assessment.

50. The Inspector also concludes that the Project would contribute towards achieving sustainable development and that the planning framework would not be an impairment to the delivery of the Project. The Secretary of State agrees with this assessment.

51. In regards to the wellbeing of the area, the Inspector states that the Project would result in a reliability of supply and energy security, as well as meeting the energy demand of customers, as it is intended to future proof this part of the electricity network. In light of the industrial nature of the area and likely related energy demands, this is a favourable contribution to the economic well-being.

52. There would also be a likely contribution to the social well-being of the area through the provision of a safe and secure electricity supply which reduces the risk of interruptions. This would benefit businesses and residents in the area alike, as well as vital infrastructure providers. The economic benefits would also necessarily lead to social well-being improvements, through the additional spend during the construction period in particular. The Secretary of State agrees with this assessment.
53. The project would make a number of clear contributions to the environmental well-being of the area. The improvements to the electricity infrastructure would aid the transition to net zero through a more efficient distribution of renewable energy generation. As older cables would be replaced, it would also reduce the likelihood of such cables leaking and causing environmental harm. It is of note these cables are currently elevated across both the River Don and the Sheffield and Tinsley Canal. If such cables did leak into the watercourses and onto the associated riparian woodland and vegetated banks, they would become receptors of oil from the cables. Hence, there would be a likelihood of some level of environmental harm if the project did not proceed. The Secretary of State agrees with this assessment.
54. The environmental well-being of the area would also be improved by the proposed BNG, not least as this is not mandated. The Inspector concludes that the contributions the Project would make to the economic, social and environmental well-being of the area would be significant. The Secretary of State agrees with this assessment.
55. In relation to alternatives, the Inspector agrees with NGET that a do-nothing option is not credible. This is due to the age of the cables, the effect of subsidence in the railway embankment and the potential for oil leaks from the cables. Nor did the Inspector consider that the purposes could be achieved by carrying out repair works or replacing parts of the cables along the existing route because it would have the potential to cause disruptions to supply while works are ongoing. It would also mean there would still be operational cables in locations where there is already a higher risk, such as the railway embankment and the cable bridges.
56. The Inspector concluded that there are not alternatives that would achieve the purpose for which the Order is sought. It is also evident that NGET has sought to achieve its purposes through negotiation with affected landowners and has kept compulsory purchase of land to a minimum, solely the Templeborough substation site and instead relies on the acquisition of rights. There are no other means by which the purpose for the Project could be achieved. The Secretary of State agrees with this assessment.
57. The funding required for the Project relates to the acquisition of land and the Project costs. NGET has submitted sufficient evidence of the financial viability

of the Project by virtue that Ofgem has allowed funding and that NGET has sanctioned the funding in line with Ofgem's approval. The Inspector agrees with NGET that there is no financial impediment to the implementation of the project meaning financial viability has been ably demonstrated. The Secretary of State agrees with this assessment.

*GEMA Consent:*

58. The Secretary of State notes the comments made by the Inspector in relation to GEMA consent in paragraphs 115 and 116, however since the Inspector's report was submitted to the Secretary of State, GEMA consent has now been achieved. The Inspector states that in the event that GEMA consent is granted, the requirement in paragraph 2 of Schedule 3 to the 1989 Act would be met and would not be a barrier to the grant of the Order. The Secretary of State agrees with this assessment.

59. In regards to biodiversity, the Project would involve decommissioning cables that have the potential to cause environmental harm by way of leakage, if they remain as they are. BNG would also result from the Project. The Inspector states that NGET has also reasonably mitigated any effect which the Project would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects. The Inspector considers that NGET has therefore complied with its duties under paragraph 1 of Schedule 9 of the 1989 Act. The Secretary of State agrees with this assessment.

*Other matters:*

60. Mr J M Windle's objection is based on the belief that NGET wishes to compulsory purchase land that would affect the operation of his business. NGET has provided assurances to the contrary and moreover the Order only provides for the acquisition of rights where Mr J M Windle has an interest. This land cannot therefore be compulsory purchased as part of this Order. The Inspector concludes that this remaining objection does not therefore offer any substantive grounds for withholding the Order. The Secretary of State agrees with this assessment.

61. Forged Solution's objection is still live; however NGET has committed to resolve through a mutual agreement and the terms to vary the existing easement through this site. Beyond this point, Forged Solutions has not specified what concerns it may have over the proposed works. While there would be likely some disruption caused during construction because NGET would require access to the existing route across this land holding, this would be for a temporary period during the decommissioning phase. When these works are complete, Forged Solutions would have the benefit of not having operational NGET electricity cables across its land. Consequently, this objection does not offer sufficient grounds for withholding the Order. The Secretary of State agrees with this assessment.

62. NGET has made reference to one interest who is a freehold owner and is purported to have not engaged. The Inspector concludes that NGET has however made diligent and reasonable steps to contact that owner, based on the evidence submitted and what the Inspector heard at the Inquiry. Nor has this owner objected to the Order. The Inspector states that it is reasonable for NGET to acquire such rights in order for the Project to proceed. It should not act as an obstacle to the grant of the Order. The Secretary of State agrees with this assessment.
63. The modifications to the Order that are sought by NGET are of a minor nature and reflect changes or corrections to the interests. They solely concern the Schedule and result in part from feedback from those who have, or had, an interest in the respective plots.
64. However, at the inquiry when the Inspector reviewed the modified Order that NGET had submitted, it contained minor discrepancies compared to what the Inspector heard at the Inquiry from NGET in relation to the land interests of BOC Ltd. The Inspector requested that NGET provide clarification, which it duly did to align with the comments of BOC Ltd and which had been incorporated into evidence. BOC Ltd is no longer an objector to the Order. The Inspector states that the modifications to the Order, with the clarifications provided, should form part of any confirmation of the Order. The Secretary of State agrees with this assessment.
65. The Secretary of State notes the comments made by the Inspector in relation to Human Rights and addresses this later in this decision letter.

*Inspector's overall conclusions and recommendation:*

66. In relation to whether a compelling case has been made in the public interest, the Inspector states that the need for the Project is unopposed and compelling. The existing oil filled cables are beyond the end of their operational life, are subject to subsidence and have the potential to cause environmental harm through leakage. If the cables are not replaced, electricity outages could also occur and supply could become intermittent. These would in turn have serious repercussions, from economic, social and environmental perspectives. The avoidance of such risks provides a compelling case for the confirmation of the Order. The Secretary of State agrees with this assessment.
67. The public interest lies in the need for energy security, reducing maintenance of ageing cables, greater electrification of the energy network, and supporting the transition to the use of renewable energy and a low carbon economy. These are all matters that are strongly supported, in particular through national planning and energy policy. While the use of compulsory purchase powers is a last resort, the Inspector believes that NGET has sufficiently sought to deal with this matter through negotiation and the interference is justified as being outweighed by the public interest. The Secretary of State agrees with these assessments.

68. In his recommendation to the Secretary of State, the Inspector states that the case for the Order has been made as regards the factors that are set out in paragraph 106 of the CPO Guidance. These include the planning framework, the contribution to the well-being of the area, whether the purpose could be achieved by other means and financial viability. The case has also been made under paragraph 1 of Schedule 9 of the 1989 Act which concerns environmental matters.
69. There are outstanding objections from Mr J M Windle and Forged Solutions. Even if these objections remain outstanding, the case for the Order is compelling and there is a strong public interest in the project going ahead. Accordingly, these objections should not prevent the grant of the Order. The Secretary of State agrees with this assessment.
70. The Inspector states that he could not recommend that the Order is confirmed as GEMA consent had not been granted by the time of the close of the Inquiry. However, the Inspector further states that in the event that GEMA consent is granted, the Order would be recommended to be confirmed subject to the modifications set out at paragraph 80 of this decision letter. As set out above at paragraph 24, the Secretary of State has now received GEMA consent.

#### **Consideration of the Compulsory Purchase Order:**

71. In consideration of the Order, the Secretary of State has weighed up the relevant impacts of the proposed Project and has considered whether the rights over the land requested for the Order interfere with the human rights of those with an interest in the affected land. The Secretary of State has also considered whether, in accordance with the CPO Guidance a compelling case for compulsory purchase in the public interest is made out, and whether any interference with the human rights of those affected is sufficiently justified and proportionate in light of the purposes for which the Order would be made in this instance.
72. The Secretary of State needs to be satisfied that there are sufficiently compelling reasons for the powers to be sought at this time. The Secretary of State notes that the purpose of the project is to replace the existing oil filled cables which are beyond the end of their operational life, are subject to subsidence and have the potential to cause environmental harm through leakage. The Secretary of State also agrees that the Project will support the security of supply.
73. For these reasons, the Secretary of State agrees that there are compelling reasons for the Order to be made now.
74. In considering whether there is any interference with the human rights of those with an interest in the land affected, the Secretary of State has taken account of the compelling public interest justification for the Project. The Secretary of

State has taken the view that the rights over the land sought by NGET will interfere with the human rights of those with an interest in the land affected, particularly rights under Article 1 of the First Protocol and Article 8 of the European Convention on Human Rights.

75. However, the Secretary of State is satisfied that NGET has sought to keep interference to a minimum in respect of the rights sought over the Order land and considers that any interference is necessary and proportionate. The Secretary of State also considers that any interference strikes a fair balance with the public benefit of delivering an important scheme that will help to guarantee the UK's future energy security.

76. The Secretary of State has therefore concluded that there would not be an unlawful interference with human rights under Article 1 of the First Protocol or in the case of a dwelling, Article 8 of the European Convention on Human Rights and that in confirming the Order there would not be a disproportionate or unjustified interference with human rights so as to conflict with the provisions of the Human Rights Act 1998.

77. The Secretary of State also notes from the Statement of Case and the evidence heard at the inquiry, that the Project does not require planning permission as it will be conducted under permitted development.

78. The Equality Act 2010 requires public authorities to have due regard in the exercise of their functions to the need to:

- eliminate discrimination, harassment and victimisation;
- advance equality of opportunity between persons who share a relevant protected characteristic and those who do not; and
- foster good relations between persons who share a relevant protected characteristic and those who do not.

79. The Secretary of State has considered the potential impacts of granting the Order in the context of the public sector equality duty and has concluded that it is not likely to result in any significant differential impacts on people sharing any of the relevant protected characteristics.

80. The Secretary of State notes "the general biodiversity objective" to conserve and enhance biodiversity in England, in section 40(A1) of the Natural Environment and Rural Act 2006 and its duties under and considers the Order consistent with furthering the aforementioned objective and duties, having also had regard to the United Nations Environmental Programme Convention on Biological Diversity of 1992. The Secretary of State has also had regard to the requirements of the Habitats Directive, as required by regulation 9(3) of the Conservation of Habitats and Species Regulations 2017, so far as they may potentially be affected by his confirmation of the Order. The



Secretary of State is of the view that the application considers biodiversity, environmental impacts and protected sites to accord with this duty.

**Secretary of State's decision on the Compulsory Purchase Order:**

81. The Secretary of State has carefully considered the intentions of NGET regarding this Order.

82. Energy security is one of the government's priorities. The Powering Up Britain policy paper launched in March 2023 made clear how important the planning system is to deliver the government's commitments on energy security, net zero and energy prices. The National Policy Statements (NPS), set out the government's policy for delivery of major energy infrastructure and explains the urgent need for significant amounts of large-scale energy infrastructure in meeting the government's objectives.

83. The Secretary of State has carefully considered NGET's Statement of Case which sets out a justification for the making of the Order and the recommendation made by the Inspector in their report. The Secretary of State concludes that there is a compelling, proportionate and justifiable case in the public interest for the acquisition of the Order land. The Secretary of State has carefully considered the outstanding objections and the Inspector's conclusions and agrees with the Inspector that they do not raise grounds for withholding the Order.

**84. The Secretary of State has decided to confirm the Order with the minor modifications made by the Inspector.**

85. The confirmed Order is enclosed together with the plans referred to in that Order. The Order and plans are authorised on behalf of the Secretary of State. One minor slip was corrected in the table for special categories of land to include an omitted address.

86. Your attention is drawn to the notice obligations in section 15 of the 1981 Act, including that relating to publishing a confirmation notice in one or more local newspapers circulated in the locality of the land subject to the compulsory purchase order. The Order will become operative on the date which Notice of Confirmation is first published. It is important you advise the Secretary of State of this date. We should be grateful if you would in due course, send to the Secretary of State a copy of the pages from the local newspaper containing the Notice of Confirmation of the Order. The page should identify at the head thereof the name of the newspaper and the date of publication.

87. Section 15(6) of the 1981 Act provides that a confirmation notice shall be a local land charge and requires it to be sent to the Chief Land Registrar, and this will be the case where the order is situated in an area for which the Chief Land Registrar has given notice that he now keeps the local land charges



register following changes made by Schedule 5 to the Infrastructure Act 2015. However, where land in the order is situated in an area for which the local authority remains the registering authority for local land charges (because the changes made by the Infrastructure Act 2015 have not yet taken effect), the Acquiring Authority should comply with the steps required by section 5 of the Local Land Charges Act 1975 (prior to it being amended by the Infrastructure Act 2015) to ensure that the charge is registered by the local authority.

88. The validity of the Secretary of State's decision may be challenged by making an application for Judicial Review to the Planning Court. Such application must be made not later than six weeks from the date on which notice of the confirmation or making of the Order is first published in accordance with section 15 of the 1981 Act.

Yours sincerely,

*John McKenna*

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