



Department for
Energy Security
& Net Zero

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25 September 2025

Dear Mr Jeffrey,

**ELECTRICITY ACT 1989 AND ACQUISITION OF LAND ACT 1981 – THE
NATIONAL GRID ELECTRICITY TRANSMISSION PLC (GRAIN TO TILBURY)
COMPULSORY PURCHASE ORDER 2024.**

Your client: National Grid Electricity Transmission PLC.

Introduction:

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 PLC (Grain to Tilbury) Compulsory Purchase Order 2024 (“the Order”), which was submitted to the Secretary of State by Eversheds Sutherland 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”).

1. The purpose of the Order is to authorise NGET to compulsorily purchase land and new rights in land required for the replacement of a tunnelled section of the Tilbury to Grain and Tilbury to Kingsnorth 400 kilovolt (kV) circuits under the River Thames by the construction of a new tunnel under the River Thames through which the electricity cables will run.
2. The Secretary of State notes that NGET holds an electricity transmission licence under section 6(1)(b) of the 1989 Act. Section 10 of and Paragraph 1(1) of Schedule 3 to the 1989 Act allows the Secretary of State to authorise a licence holder to compulsorily purchase any land required for any purpose connected with the carrying on of the activities which the licence holder is authorised by its licence to carry on. Paragraph 1(2) 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.

The Project:

3. The Grain to Tilbury project (“the Project”) is required to replace existing, outdated infrastructure to fulfil future energy demands and ensure resilience in the transmission network. It comprises a new 2.2 km long tunnel under the River Thames to carry 12 high voltage cables which will replace the existing tunnelled section of the Tilbury to Grain and Tilbury to Kingsnorth 400kV circuits. There will be additional infrastructure on both sides of the River Thames in Tilbury and Gravesend comprising of two Sealing End Compounds (SECs) which would contain two new tunnel headhouse buildings and two new gantries, new and diverted overhead lines to connect to each of the new SECs, for which NGET has an Electricity Transmission Licence. The Order would also facilitate the decommissioning of existing overhead lines and towers. The specific land and rights included in the order are described in paragraph 1.2 of the Inspector’s report.
4. The Project is based within the administrative boundaries of Thurrock Council (TC) and Gravesend Borough Council (GBC).
5. NGET submitted two planning applications to TC and GBC for the Project under the Town and Country Planning Act 1990 for the purpose of constructing the new cable tunnel, SECs, head-house buildings, gantries and temporary compounds for the duration of the Project to provide facilities such as parking, staff welfare facilities, and machinery storage. Both councils have granted planning permission for the applications. The Inspector’s report sets out the dates of application submission, consent and application references in paragraph 1.6.
6. The Project was screened under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) by both TC and GBC. GBC determined the proposed development to be EIA, whilst TC did not. NGET decided to treat the whole Project as EIA development and submitted an Environmental Statement to support the regulatory process.
7. For the purpose of installing a new span of overhead line in connecting the new tunnel cables to the existing overhead line on both sides of the river, NGET submitted an application under section 37 of the Electricity Act 1989 to the Secretary of State.

The Order:

8. The Order was made on 14 November 2024; the objection period ran from 28 November 2024 to 20 December 2024. During the objection period, an interested party requested an extension to the objection period to 13 January 2025, which the Secretary of State granted. Overall, the Secretary of State received four objections.
9. The Secretary of State wrote to the Planning Inspectorate, via email, on 14 January 2025 requesting that an Inspector is appointed for a public inquiry relating to the Order.
10. As per Rule 3(3) of the Compulsory Purchase (Inquiries Procedure) Rules 2007 (as amended), the Secretary of State decided it was appropriate to hold a public local inquiry into the Order. Notification was sent to all interested parties, via email, on 21 January 2025. For the purpose of Rule 3(3), 21 January 2025 became the ‘relevant date’.

11. Before the inquiry began, all four objections were withdrawn, the final withdrawal taking place on 30 May 2025.
12. The full public inquiry opened on Tuesday 3 June 2025 and closed on Wednesday 4 June 2025.
13. The Secretary of State is content that NGET complied with the procedural requirements.

The Inspector's report and recommendation:

14. In producing their report and recommendation, which is attached to this letter, the Inspector has considered the following points in accordance with the Guidance on Compulsory Purchase Process (Ministry of Housing, Communities and Local Government, January 2025), which confirms that a CPO should only be made where there is:
 - A compelling case for acquisition in the public interest;
 - Evidence that the acquiring authority has a clear idea of how the land is to be used;
 - Evidence that the acquiring authority can show that all necessary resources to carry out its plans are likely to be available in a reasonable time scale;
 - Evidence that the scheme is unlikely to be blocked by any impediment to implementation;
 - Evidence that this justifies interfering with the human rights of those with an interest in the land.

The need case:

15. The Secretary of State agrees with the Inspector's conclusion on the need case as discussed in paragraphs 4.14, 4.15 and 4.16 of the Inspector's report.

The Land to be used:

16. The Inspector describes the variety of options that NGET explored for designing the Project and rationale for selecting their preferred option in paragraphs 4.17 to 4.20 of the Inspector's report.
17. In paragraph 4.22 of the Inspector's report, the Inspector explained that the Order is comprised of all the land required for the construction, operation, repair, maintenance and decommissioning of the Project and is only seeking to acquire freehold title where necessary for permanent infrastructure.
18. The Secretary of State agrees with the Inspector's assessment as noted in paragraphs 4.23 and 4.24 of the Inspector's report, that NGET has a clear understanding of how it will use the land and has taken a proportionate approach to acquisition.

The availability of necessary resources:

19. The Secretary of State notes the points made in the Inspector's report (paragraphs 4.26 to 4.28) in relation to NGET's funding and engagement with Ofgem and contractors. The Secretary of State agrees with the Inspector, that there are no concerns regarding the availability of necessary resources.

Any possible impediments to the Project:

20. The Secretary of State notes that planning permission was granted by both TC and GBC as referred to in paragraph 4.30 of the Inspector's report.
21. In paragraph 4.32 of the Inspector's report discussed that a section 37 application (application reference: 1933u) was submitted by NGET in relation to the Project.
22. The Secretary of State notes the Inspector's recommendation to not confirm the Order unless he is satisfied that the s37 approval has been, or will be, granted (paragraph 4.31 of the Inspector's report).
23. On 25 September 2025, the Secretary of State consented the section 37 application. The Secretary of State agrees with the Inspector's conclusion, that there are no impediments to delivering the Project as per NGET's targeted deadline.

Human Rights and Equality Act 2010:

24. The Inspector has considered Article 1 of the First Protocol and Article 8 of the European Convention on Human Rights (ECHR), as enshrined in law by the Human Rights Act 1998, in determining whether there is evidence which justifies interfering with the human rights of those with an interest in the land. The Order would cause interference through the acquisition of private land and rights. The Inspector believes that NGET's commitment to acquire by voluntary agreement and consideration of compensation and project design has minimised interference of human rights (paragraph 4.45 of the Inspector's report).
25. Whilst the Public Sector Equality Duty as set out in the Equality Act 2010 ("the 2010 Act") does not apply to NGET, it has had regard to that duty in promoting the Order but does not consider that there will be any impacts on persons who share a relevant protected characteristic as defined in the 2010 Act. The Inspector notes that continued monitoring will be established throughout the construction process so that if any person with protected characteristics is adversely impacted by the Project, packages of assistance measures will be put in place to mitigate (paragraph 4.48 of the Inspector's report).
26. The Secretary of State agrees with the Inspector's conclusion that NGET's aims are proportionate and necessary in the circumstances and would not result in violating the human rights of the affected parties.

Inspector's conclusions and recommendations

27. The Inspector concludes that the Project would have substantial benefits of public interest and of national significance and there are unlikely to be any financial or legal impediments to the implementation of the Order and Project (paragraph 4.50 of the Inspector's report).
28. The Inspector proposed the Order should not be confirmed unless the associated section 37 application has been approved or the Secretary of State is satisfied that he will approve this application (paragraph 4.51 of the Inspector's report). Subject to that, the Inspector concludes that there would be a compelling case in the public interest to justify conferring on NGET the powers to compulsorily acquire the land and rights over land contained in the Order (paragraph 4.51 of the Inspector's report).
29. Accordingly, the Inspector recommends that if and when the Secretary of State is satisfied that he has approved or will approve the section 37 application, the

Order should be modified as proposed in Appendix C of the Inspector's Report and then confirmed (paragraph 5.1 of the Inspector's report).

Consideration of the Compulsory Purchase Order:

30. In consideration of the Order, the Secretary of State has considered whether the land and 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 relevant 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.
31. 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 existing, outdated electrical infrastructure to fulfil future energy demands and ensure resilience in the transmission network.
32. For these reasons, the Secretary of State agrees with the Inspector that there are compelling reasons for the Order to be confirmed.
33. 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 land and 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 ECHR.
34. However, the Secretary of State is satisfied that NGET has sought to keep interference to a minimum in respect of the land and 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.
35. 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 ECHR 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.
36. The 2010 Act 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.
37. The Secretary of State has considered the potential impacts of confirming 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.

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

38. 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. The Grain to Tilbury Project has been selected as one of Accelerated Strategic Transmission Investment (ASTI) projects designated by Ofgem on the basis that it needs to be operational by 2030 (paragraph 2.9 of the Inspector's report).
39. 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.
40. As per paragraph 5.1 of the Inspector's report, the Inspector recommends that if the Secretary of State is satisfied that he has approved, or will approve, the s37 application, in respect of overhead line works, that the Order is modified as set out in Appendix C (of the Inspector's report) and is then confirmed. On 25 September 2025, the Secretary of State consented the section 37 application.
41. The Secretary of State has carefully considered the Inspector's conclusions and agrees with the Inspector that they do not raise grounds for withholding the Order.
42. **The Secretary of State has decided to confirm the Order with the minor modifications made by the Inspector.**
43. 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.
44. 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 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.
45. 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.
46. 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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