



Department for  
Energy Security  
& Net Zero

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Dear Ms Jones,

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

**National Grid Electricity Transmission (Birkhill Wood Substation Project)  
Compulsory Purchase Order 2025**

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 (Birkhill Wood Substation Project) Compulsory Purchase Order 2025 (“the Order”), which was submitted to the Secretary of State by Addleshaw Goddard LLP on behalf of National Grid Electricity Transmission PLC (“the Acquiring Authority”), for consideration under section 10 of, and paragraph 1 of Schedule 3 to, the Electricity Act 1989 (“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 the Acquiring Authority to compulsorily purchase land and new rights in land required for the construction and operation of a new 400kV Birkhill Wood Substation, together with associated works including overhead lines reconfiguration, new pylons and a new access road from the A1079. A more detailed description of the Project is provided at paragraph four below.
3. The Secretary of State notes that the Acquiring Authority 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 allow the Secretary of State to

authorise a licence holder to compulsorily purchase land required for any purpose connected with the activities the licence holder is authorised to carry on. Paragraph 1(2) further provides that licence holders may acquire rights in land as well as the title to land, including by creating new rights or acquiring existing ones.

### **The Project:**

4. The Project involves the compulsory purchase of land and rights to construct and operate a new 400kV electricity substation called the Birkhill Wood Substation. The Project also includes reconfiguring existing overhead lines, installing new pylons, and constructing a new access road from the A1079 for vehicular access, connecting to the existing Creyke Beck Substation and the planned Wanlass Beck Substation Extension. The project will enable the connection of renewable energy projects including Dogger Bank South, Dogger Bank D, the Atlantic Super Connection (Iceland–UK link), and the Continental Link interconnector. The works are located north of the Creyke Beck Substation, near Hull, East Riding of Yorkshire.

### **The Order:**

5. The Order was made on 13 November 2025; the objection period ran from 25 November 2025 to 16 December 2025. The Secretary of State received one objection during that period from Orsted Hornsea Project Four Limited (Orsted) on 16 December 2025.
6. Orsted withdrew its objection on 6 February 2026, meaning that no objections remain and, as such, no inquiry was required.

### **Further considerations:**

7. The Acquiring Authority confirmed to the Secretary of State, via email dated 3 March 2026, that the Birkhill Wood substation planning application was granted on 27 February by East Riding of Yorkshire Council.
8. The Acquiring Authority submitted a section 37 application on 12 December 2025. The purpose of the application was to provide a temporary overhead line diversion to facilitate the construction of two new permanent towers along the alignment of the 4ZR 400kV line which are required to support the line into the Birkhill Wood new substation.
9. The Secretary of State provided consent to the section 37 application on 11 March 2026.

## Consideration of the Compulsory Purchase Order:

10. In deciding whether to confirm the Order, and as set out in the Guidance on the Compulsory Purchase Process<sup>1</sup> the Secretary of State has considered whether:

- A compelling case has been made for acquisition in the public interest
- Reasonable efforts have been made by the Acquiring Authority to negotiate the purchase of land by agreement;
- There is evidence that the Acquiring Authority has a clear idea of how the land is to be used;
- The Acquiring Authority has provided evidence that all necessary resources to carry out its plans are likely to be available in a reasonable time scale;
- The scheme is likely to be blocked by any impediment to implementation;
- Whether the purposes for which the order is made justifies interfering with the human rights of those with an interest in the land.

11. The Secretary of State notes that the Order is promoted in order to facilitate the delivery of the 400kV Birkhill Wood Substation, which forms part of the electricity transmission network and is required to address local grid capacity shortfalls, enabling new renewable energy connections and supporting national targets (e.g., 43-50 GW offshore wind by 2030 and 45-47 GW solar power by 2025). Connections are specifically required to connect major projects such as Dogger Bank South and Dogger Bank D Offshore Wind Farms, Atlantic Super Connection (Iceland-UK), and Continental Link Multi-Purpose Interconnector (UK-Europe).

12. The Secretary of State notes the engagement and negotiation that has taken place with affected landowners and occupiers and is satisfied that compulsory purchase powers are being pursued as a measure of last resort, notwithstanding that the compulsory purchase process has been progressed in parallel with negotiations.

13. In considering whether there are sufficiently compelling reasons for progressing the order at this time, the Secretary of State has also considered the project timetable; the need for certainty over land assembly and the risk that delay would have to the project and the associated public benefits.

14. The Secretary of State has considered the Statement of Reasons and accompanying evidence and is satisfied that the land would be used for the purposes of the Project and that the Project is deliverable within a reasonable timeframe.

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<sup>1</sup><https://www.gov.uk/government/publications/compulsory-purchase-process-guidance/guidance-on-the-compulsory-purchase-process>

15. 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.
16. The Secretary of State has taken the view that the rights over the land sought by the Acquiring Authority will interfere with the human rights of those with an interest in the land affected, particularly rights under Article 1 of the First Protocol of the European Convention on Human Rights.
17. However, the Secretary of State is satisfied that the Acquiring Authority 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 clean power and the UK's future energy security.
18. The Secretary of State has therefore concluded that there would not be an unlawful interference with 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.
19. 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.
20. 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.

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

21. As identified in the National Policy Statements EN-1, the government has concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure. This includes for electricity grid infrastructure, all power lines in scope of EN-5 including network reinforcement and upgrade works, and associated infrastructure such as substations. This is not limited to those associated specifically with a particular generation technology, as all new grid projects will contribute towards greater efficiency in constructing, operating and connecting low carbon infrastructure to the National Electricity Transmission System. These are viewed by the government as being CNP infrastructure and should be progressed as quickly as possible.

22. A significant amount of new network infrastructure is required in the near term to directly support the government's ambition to meet our Clean Power 2030 Mission. The Clean Power 2030 Action Plan sets out pathways for meeting targets in 2030 that will facilitate the achievement of net zero by 2050.
23. The Secretary of State has carefully considered the application and the matters set out in the 'consideration of the compulsory purchase order' section of this letter. 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.
- 24. The Secretary of State has decided to confirm the Order.**
25. The confirmed Order is enclosed together with the plans referred to in that Order. It is noted that there were minor amendments to the Order, specifically around references to Cabling Rights and Earthing Rights which do not exist. The Order and plans are authorised on behalf of the Secretary of State.
26. 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.
27. 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.
28. The validity of the Secretary of State's decision may be challenged by making an application for Judicial Review to the Planning Court. Such an 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*

Energy Infrastructure Planning Delivery Team  
Energy Development  
Department for Energy Security & Net Zero