Statement supporting CSE52's request for a direction pursuant to section 35 of the Planning Act 2008

in respect of a data centre campus and associated development on land adjacent to New Barn Road, Dartford, Kent

Ref: MT12/CY02
Burges Salmon LLP
www.burges-salmon.com
Tel: +44 (0)117 939 2000
Fax: +44 (0)117 902 4400

Burges Salmon

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1 INTRODUCTION

1.1 This statement is produced by Burges Salmon LLP on behalf of CSE52 Limited (company registration number 14451562) whose registered office is at 8 Devonshire Square, London, United Kingdom, EC2M 4PL.

1.2 This is a formal request by CSE52 Limited to the Secretary of State pursuant to section 35 of the Planning Act 2008 (the "**Act**") in relation to the construction, operation and maintenance of an AI data centre campus with a total power load of 300MW and IT load of 240MW, together with associated energy, utility and infrastructure works (the **"Development"**).

1.3 The Development would be a dedicated, purpose-built facility which would keep critical IT equipment running continuously, securely and reliably, 24 hours a day, 7 days a week.

1.4 CSE52 Limited is a wholly owned subsidiary of Clearstone Energy Limited (**"Clearstone"**, with company registration number 10270371), whose registered office is at 8 Devonshire Square, London, United Kingdom, EC2M 4PL. CSE52 Limited intends to apply for an order granting development consent for the Development.

1.5 The purpose of this statement is to provide the Secretary of State with sufficient information to satisfy themselves that the relevant legal requirements for a direction pursuant to section 35 of the Act ("**Section 35 Direction"**) are met by the Development; a draft of said Direction is at Appendix 2.

2 EXECUTIVE SUMMARY

2.1 The Applicant submits that the requirements for a Section 35 Direction are met in respect of the Development, as follows:

(a) CSE52 Limited is a person who proposes to apply for an order granting development consent for the Development and this statement constitutes a "qualifying request" for the purposes of section 35ZA of the Act;

(b) The Development is, or forms part of, a business or commercial project of a prescribed description (being the construction of buildings and facilities for use as a data centre within the meaning of the Infrastructure Planning (Business or Commercial Projects) Regulations 2013) and will (when completed) be wholly located in England;

(c) The Applicant further submits that the Development is of national significance for the purposes of section 35(2)(c) of the Act, having regard in particular to its significant economic impacts, its effects extending beyond a single local authority area, its substantial physical size and capacity, and its importance in supporting

the delivery and resilience of nationally significant infrastructure and other significant development.

3 BACKGROUND TO THE APPLICATION

3.1 The Development responds to the evolving Government policy position in relation to data centres and digital infrastructure. This has evolved significantly in recent years.

3.2 Government policies and strategies now consistently recognise data centres as critical national infrastructure assets which are essential to economic growth, innovation, public service delivery, national security and international competitiveness. The urgent delivery of data centres is crucial to ensure that the UK remains competitive in a fast-paced global market, for the following reasons:

3.3 **The Digital Backbone of Modern Britain**: Data centres form the invisible yet essential infrastructure underpinning virtually every aspect of modern life. From streaming services and online banking to NHS patient records and Government digital services, the reliable storage and processing of data depends entirely on the physical infrastructure that data centres provide. As the UK economy has shifted dramatically toward digital-first operations, these facilities have become as critical to national life as roads, railways, and power grids. Without them, the digital economy would simply cease to function.

3.4 **Driving Economic Output and Investment:** The data centre sector makes a substantial direct contribution to the UK economy, attracting billions of pounds in foreign direct investment and generating tens of thousands of jobs. Major global technology companies — including Google, Microsoft and Amazon Web Services — have committed to significant data centre expansions in the UK, drawn by its stable regulatory environment, skilled workforce, and strong connectivity. These investments ripple outward through the economy, supporting construction firms, engineering companies, energy suppliers, and local businesses. The UK's status as one of Europe's premier data centre hubs reinforces London's position as a global financial and technology capital.

3.5 **Enabling the Growth of Key Industries**: Entire sectors of the modern UK economy depend on data centre capacity to operate and grow. Financial services firms rely on low-latency processing to execute trades and manage risk. The rapidly expanding AI and machine learning industries require enormous computational power to train models and deliver AI driven services. Healthcare is undergoing a data-driven transformation, with genomics research, AI diagnostics, and electronic health records all demanding secure, high-capacity data infrastructure. Similarly, the rise of e-commerce, smart manufacturing, and the creative industries all depend on the availability of scalable, reliable digital infrastructure.

3.6 **Supporting Social Connectivity and Public Services**: Beyond the commercial economy, data centres play a vital role in social cohesion and the delivery of public services. The move toward digital government — online benefits claims, digital court systems, smart cities, and connected public transport — requires robust data infrastructure to function efficiently and securely. For millions of UK citizens, access to fast, reliable digital services is no longer a luxury but a necessity, particularly following the acceleration of remote working, online education, and telehealth during and after the COVID-19 pandemic. Data centres ensure the resilience and availability of these services, helping to reduce inequality by making digital access more consistent and dependable.

3.7 **Data Sovereignty**: Establishing data centre capability in the UK, so that UK data is stored and processed within UK borders and governed by UK regulations, is considered to be a matter of national strategic importance. Data centres operate across international borders, and this in itself is a significant risk item for domestic governments in an increasingly connected world.

3.8 **Looking Ahead: Sustainability and Future Growth**: As demand for data continues to grow exponentially — driven by AI, the Internet of Things, and increasing video consumption — the UK's ability to develop sustainable data centre capacity will be a key determinant of its future competitiveness. The Government has recognised data centres as Critical National Infrastructure, signalling a commitment to supporting their development while managing risks. Nations that invest wisely in this infrastructure today will be best positioned to lead the digital economy of tomorrow, and the UK has both the ambition and the foundations to remain at the forefront.

3.9 The Applicant

3.10 Clearstone is a UK developer of grid-connected infrastructure projects including battery energy storage, data centres, gas generation and solar. Founded in 2016, Clearstone has built a reputation for successfully developing complex, large-scale projects in the new markets created by the renewable energy transition and digital transformation.

3.11 Clearstone has developed 2GW of low carbon energy projects in the United Kingdom (UK) to date with an investment value of £1 billion. Clearstone has 2.5GW of UK data centre, solar and battery storage projects in active development with an investment value of £14 billion and a similar sized development pipeline in Italy.

3.12 The company is backed by an experienced investor in European renewables and data centre development and has partnered with some of the largest institutional investors in the world to fund and deliver the construction of its projects.

3.13 Securing a suitable power supply is critical to the successful delivery of a data centre and Clearstone has extensive experience in developing and connecting large infrastructure projects to the UK's electricity transmission network. Clearstone was one of the first developers to deliver solar projects directly connected to the UK's high voltage transmission network. Clearstone was a launch partner for National Grid's Energy Park programme, an innovative project designed to accelerate the connection of battery storage to the transmission network.

3.14 Clearstone is supported by an experienced and diverse multidisciplinary project team including architects, environmental consultants and technical specialists with a proven track record in the design, delivery and operation of major data centre and energy projects across the globe.

3.15 The Development

3.16 The Development is comprised primarily of up to four data centre buildings, providing up to 180,000m^2 of internal floorspace, designed to accommodate high-density computing infrastructure including cooling and networking infrastructure.

3.17 The Development would also include the following associated works:

(a) Electrical infrastructure, including a high voltage substation and internal distribution networks;

(b) Electricity grid infrastructure to support a connection to the National Grid Electricity Transmission network, including associated grid connection routes;

(c) Back-up power generation infrastructure, including back-up generators and associated fuel storage;

(d) Data networking infrastructure including a fibre connection to the Internet backbone;

(e) Cooling systems, plant and associated infrastructure required to manage thermal loads, with a focus on sustainable water usage through closed-loop cooling;

(f) Provision for the offtake of waste heat from cooling systems for use by local agricultural producers or a future district heating network;

(g) Water supply, storage, drainage and surface water management systems.

(h) Office space and welfare accommodation;

(i) Earthworks and substantial landscaping;

(j) Ecological mitigation, biodiversity enhancements, open space and public amenity;

(k) Internal access roads, car-parking, service areas and security infrastructure; and

(l) Ancillary buildings and logistics areas, including loading bays.

Site Context

3.18 The Development would be located on land adjacent to New Barn Road, within the Borough of Dartford, Kent (National Grid Reference: Easting 561948, Northing 171563, the **"Site"**). The main Site extends to approximately 58.5 hectares (145 acres) and is depicted in the Site Location Plan included at Appendix 1.

3.19 The order limits for the anticipated Development Consent Order (**"DCO"**) application will include the associated works outlined above and grid connection routes to Northfleet East Substation. The Site Location Plan included at Appendix 1 provides an indication of the potential options for the grid connection routes which are currently being investigated.

3.20 The Site is located within the Metropolitan Green Belt, as designated in the Dartford Local Plan. It lies 400 metres to the south of the urban edge of Dartford and Gravesend.

3.21 The eastern section of the Site is currently in active agricultural use as polytunnel horticultural land. The Data Centre Campus development zone, as currently proposed, closely mirrors the polytunnel horticultural land and extends to approximately 36.5 hectares (90 acres). The proposed development zone is shaded grey on the Site Plan included at Appendix 1.

3.22 The eastern boundary of the Site is adjacent to existing overhead electrical lines and additional polytunnels. Immediately to the north, the land-use is dominated by electricity, road and railway infrastructure, including multiple overhead lines that connect into Northfleet East Substation. Other commercial uses are located to the north of the Site boundary, including a large garden centre, and a community recycling facility.

3.23 The western section of the Site comprises open farmland and woodland blocks. The village of Southfleet lies on the south-western corner of the Site. To the south and west of the Site the surrounding land continues as open farmland and woodland blocks.

3.24 Both construction and operational access to the Data Centre Campus are proposed from New Barn Road, which is directly accessible from the A2 trunk road, situated 300 metres to the north of the Site.

3.25 The Site is situated approximately 500 metres south of the Northfleet East 400kV substation, which forms part of the National Grid Electricity Transmission network. This

proximity to transmission-level electricity infrastructure is a defining characteristic of the Site and central to its suitability for a development of this nature and scale.

There are no landscape, heritage or ecological designations on the Site. The Roman site of Springhead, a Scheduled Ancient Monument, lies 300 metres to the north west of the Site.

Site Location

3.26 The location of the Site has been carefully considered by the Applicant, in the context of the unique demands of an AI Data Centre Campus scheme, particularly given the requirements of time-sensitive, AI Inference (delivery) workloads. The following (summary) considerations apply:

(a) **Power Availability and Grid Connectivity**: Data centres require access to a high capacity and reliable electricity supply. Proximity to high-voltage transmission infrastructure and the availability of power without significant grid infrastructure upgrades is the single biggest factor in determining location.

(b) The Development would be one of the first data centres to connect directly to the UK's high voltage (400kV) electricity transmission network – under policy changes being proposed by the Department for Energy Security and Net Zero – as DCO-scale solar and wind projects do.

(c) The Development benefits from a transitional connection offer from National Grid Electricity Transmission (NGET) for 300MW and will be allocated a firm, Gate 2 connection offer by the National Energy System Operator (NESO) later this year. Based on conversations with NGET it is understood that power is available before 2030 from Northfleet East substation, located 500 metres north of the Site, without the requirement for significant network upgrades.

(d) **Network Connectivity and Latency**: While AI training workloads are less sensitive to network latency[1] than cloud based applications, the real-time delivery of AI-powered services to end users requires low-latency, high speed connectivity to function effectively. Sites with access to high-capacity fibre optic networks and close proximity to major internet exchange points (IXPs) and large corporate IT users, are strongly favoured. In the UK, this has concentrated data centre development in and around London and the South East.

(e) The London Internet Network Exchange (LINX) facility, located in London Docklands, is the UK's largest IXP with an average data throughput of 1 terabyte every second. The LINX facility recently announced (March 2026) that it would

[1] In this context, to mean the round trip data transfer speed between the data centre and the end user.

be upgrading equipment to increase throughput in anticipation of future demand. The Site is located 25km from LINX and the high-speed, fibre cables required to connect the Development are already in the ground.

(f) **Proximity to Talent and Ecosystem:** Data centres require a skilled workforce of engineers, technicians, and data scientists to build, operate, and optimise them. Locations within reasonable reach of universities, technology clusters, and major cities are therefore preferred, ensuring operators can recruit and retain the specialist talent the sector demands. The development benefits from excellent road and rail connectivity to London and its highly skilled labour pool.

(g) Proximity to an existing technology ecosystem also facilitates partnerships with AI developers, cloud providers, and research institutions, amplifying the strategic value of the facility's location. The Development is located on the border between London and the South East region. According to the Government's Artificial Intelligence sector study 2024 (published September 2025), 52% of registered AI company locations are in London, rising to 65% when numbers for the South East are included.

(h) **Land Availability and Physical Space:** Data centres require substantial land to accommodate the large floor plates needed for high-density hardware, as well as the supporting infrastructure including cooling plant, power substations, backup generators, and security perimeters.

(i) There are few brownfield sites in the South East that are both large enough for a Data Centre Campus and can meet the power and network requirements identified above, leading to the selection of a greenfield site on the edge of the urban area stretching east from London along the River Thames.

(j) **Transport Network Access:** The construction of a Data Centre Campus requires the delivery of a number of abnormal loads, such as the large transformers required to reduce electricity voltages to levels usable by data centre equipment. Access to the UK's strategic road network is important in ensuring these loads can be delivered with the minimum disruption to other road users.

(k) The Site is located 300 metres south of the A2 and 5.5km east of the M25.

3.27 The Site is considered to meet all of the key locational criteria required for a Data Centre Campus development of this size and scale.

4 POLICY FRAMEWORK

4.1 This section draws together the relevant Government policy, strategies and formal statements to demonstrate the clear direction of travel and the strength and consistency of national support for the delivery of new data centre capacity in the UK. This policy context informs and underpins the case for the Development to be recognised as being of national significance and to be directed into the DCO regime under section 35 of the Act.

Policy Statement: Extension of the nationally significant infrastructure planning regime to business and commercial projects ("**Policy Statement"**)

4.2 This Policy Statement provides guidance on the making of Section 35 Directions. It states that the Secretary of State will consider all relevant matters, including (when considering whether a project is of national significance):

(a) whether a project is likely to have a significant economic impact, or is important for driving growth in the economy;

(b) whether a project has an impact across an area wider than a single local authority area;

(c) whether a project is of a substantial physical size; or

(d) whether a project is important to the delivery of a nationally significant infrastructure project or other significant Development.

4.3 The Policy Statement also provides that other matters that the Secretary of State will consider include:

(a) whether a project is likely to require multiple consents or authorisations, and which, in consequence, would benefit from the single authorisation process offered by the nationally significant infrastructure regime; and

(b) whether the project is related to a nationally significant infrastructure project being brought forward at the same time and therefore would benefit from the scheme being considered as a single application through the Act regime.

4.4 These matters are addressed in further detail under section 5 of this document.

Designation of Data Centres as Critical National Infrastructure (12 September 2024)

4.5 The UK Government designated data centres as Critical National Infrastructure (CNI) in September 2024. This designation, announced by the then Technology Secretary, Chris Bryant, formally recognises the vital role that data centres play in supporting economic growth, public services and national security. The CNI designation places data centres

alongside other essential sectors such as energy, water, transport and telecommunications, and carries significant planning and regulatory implications.

4.6 The CNI designation for data centres reflects the UK Government's view that data centres underpin almost all economic activity and innovation, including the development of artificial intelligence (AI) and other technology, public service delivery, and how citizens interact with one another.

Forthcoming National Policy Statement for Data Centres

4.7 The Government has confirmed its intention to publish a National Policy Statement (NPS) for data centres in 2026. Baroness Taylor of Stevenage, Parliamentary Under-Secretary of State at the Ministry of Housing, Communities and Local Government, has confirmed that the NPS will include details of any thresholds and parameters, such as size or other relevant factors, as well as relevant policy background including the needs case for data centres.

National Planning Policy Framework (NPPF) (updated February 2025)

4.8 The NPPF was updated in February 2025 and includes strong national policy support for data centre development in England. The NPPF now includes explicit references to data centres in Chapter 6 (Building a strong, competitive economy).

4.9 Of particular relevance to the Development, paragraph 86 states that: "Planning policies should pay particular regard to facilitate development to meet the needs of a modern economy, including by identifying suitable locations for…data centres and digital infrastructure" amongst other uses such as laboratories, gigafactories, freight and logistics. In addition, paragraph 86 of the NPPF seeks to address potential barriers to investment such as inadequate infrastructure.

4.10 The NPPF is supportive of new data centre development and in Paragraph 87 it acknowledges their specific needs including clustering and the bespoke infrastructure requirements including grid connections. The NPPF recognises that data centres are integral developments to meet the needs of a modern economy. Significant policy weight is therefore given to data centres in the NPPF and they are placed on equal footing with other important growth sectors including gigafactories, laboratories, freight and logistics.

4.11 Additionally, the NPPF requires planning authorities in England to give explicit weight to the need for data centres when preparing development plans and determining applications, and authorities must recognise their specific locational and infrastructure requirements.

AI Opportunities Action Plan (January 2025)

4.12 The Government published the AI Opportunities Action Plan on the 13th of January 2025. It contains 50 recommendations for harnessing artificial intelligence to enhance growth and productivity, and strengthen the UK's AI ecosystem and ensure international competitiveness in a sector that is increasingly dependent on large-scale physical infrastructure.

4.13 AI infrastructure (i.e. data centres) is explicitly identified as an enabler of the UK's AI ambitions. The Plan recognises that large-scale data centres and compute facilities are foundational infrastructure, and it is acknowledged that power availability, grid access and planning processes represent material barriers to delivery.

AI Opportunities Action Plan: Government Response (January 2025)

4.14 The Government's response to the AI Opportunities Action Plan confirms their full acceptance of the Action Plan's 50 recommendations and establishes AI as a national strategic priority which is central to economic growth, productivity and public-service reform.

4.15 The Action Plan positions the UK as a global AI leader, with commitments to expand sovereign compute capacity by at least 20 times by 2030, establish AI Growth Zones to accelerate data centre build-out of AI infrastructure in the UK, and create a National Data Library to unlock the value of public sector data for AI research and innovation.

Artificial Intelligence Sector Study 2024 (published September 2025)

4.16 The Artificial Intelligence Sector Study 2024, commissioned by the Department for Science, Innovation and Technology ("**DSIT"**), confirms that the UK's AI sector is expanding at exceptional speed and scale, with firm numbers increasing by 85% since 2022 to over 5,800 companies, revenues reaching £23.9 billion, and employment exceeding 86,000 roles.

4.17 This growth is driven not only by software innovation but by rising demand for compute-intensive AI models, large-scale data processing, and real-time analytics, all of which are fundamentally dependent on robust digital and data centre infrastructure. The Study positions physical digital infrastructure as an enabling foundation for national economic growth, innovation, productivity and international competitiveness.

4.18 Consideration will also need to be given to future needs and the Government will need to understand that compute requirements will change. Flexible data centres will therefore be required to meet future demands of conventional cloud computing and AI workloads.

UK Compute Roadmap (July 2025)

4.19 The Compute Roadmap is the UK Government's long-term strategy to establish a world-class national compute ecosystem as a foundation for AI, scientific research and economic growth. The Roadmap acknowledges that the role of government is more important than ever in achieving its aims for the UK to be a leader in AI and delivering the world-class compute ecosystem required for this.

4.20 The Roadmap identifies a global race for compute capability and confirms that the UK must act decisively to avoid becoming constrained by insufficient infrastructure. It acknowledges that large-scale compute facilities, including data centres for AI training and inference, are now strategic assets, and that fragmented and under-scale provision represents a material risk to the UK's economic and technological ambitions. Delivering expanded and future-proofed compute capacity is therefore framed as a matter of national importance.

4.21 Under Action 6, the Roadmap commits to the accelerated delivery of large-scale AI infrastructure through the establishment of AI Growth Zones across the UK, ensuring national capability to support AI training and inference workloads. It forecasts a threefold increase in UK data centre capacity by 2030, with approximately 6GW of AI-capable data centre capacity required, and highlights that demand for frontier-level AI compute is expected to increase 10,000-fold by the end of the decade. These projections underscore the urgency of delivering new large scale AI data centre capacity at pace.

Research Briefing on Data Centres: Planning Policy, Sustainability and Resilience (November 2025)

4.22 The UK Government released this research paper in August 2025. It provides a comprehensive overview of the data centre sector and explores the critical role of data centres in deploying AI and contributing to economic development.

4.23 2024 data centre capacity stood at approximately 1.6 GW across approximately 450 data centres. The research paper estimates that this capacity could rise to between 3.3 GW – 6.3 GW by 2030 depending on policy interventions. It is acknowledged that even this may not be enough to meet demand forecasts.

4.24 The research briefing highlights a clear and evolving policy position, including the designation of data centres as Critical National Infrastructure in 2024, which reflects their role in enabling economic growth and contributing to cybersecurity. Additional data centre capacity is consistently identified as essential by the Government to enable future growth and "reap the transformational productivity benefits of digitalisation and the adoption of AI". This reinforces the strategic value of data centres at a national level.

Delivering AI Growth Zones Policy Paper (November 2025)

4.25 The Delivering AI Growth Zones Policy Paper sets out the Government's comprehensive policy framework for accelerating the development of AI data centre capacity across the United Kingdom. It is recognised in the paper that AI is a strategic and significant opportunity for the UK's economy and onshore data centre capability is seen as essential for protecting sensitive data, maximising AI adoption by UK citizens, and increasing resilience from global shocks.

4.26 Significantly, the paper strengthens the classification of AI data centres as 'nationally important' and it specifies measures to fix slow decision making including providing clarity and certainty to developers on the needs case for data centres, and outlining the parameters, thresholds and other relevant factors for defining Nationally Significant Data Centre Projects.

4.27 Overall, the measures prescribed by this policy paper are projected to reduce time to power by up to five years and save a 500MW data centre up to £80 million annually on electricity bills. This is expected to unlock up to £100 billion of additional investment in the AI Growth Zone programme and create more than 10,000 jobs.

Cyber Security and Resilience Bill Policy Statement (April 2025)

4.28 This statement classifies data centres as foundational assets which underpin the UK's digital economy, essential public services, and national security. It is acknowledged that data centres support nearly all modern economic activity, including cloud computing, AI, government services, healthcare systems and commercial operations.

4.29 This statement signals the government's intent to bring "data centres into the scope of the regulatory framework". By doing so, the Government aims to strengthen the protection of Critical National Infrastructure. The threshold for data centres to be in scope includes co-location data centres at 1 MW or above, and enterprise data centres at 10 MW or above). As such, it is considered that large scale, AI ready data centres such as the 300 MW facility proposed would be a nationally significant project.

The UK's Modern Industrial Strategy November 2025

4.30 The UK's Modern Industrial Strategy is a 10-year plan by the Department for Business and Trade, aimed at making the UK the best country in the world to invest in. It represents a whole-of-government commitment to delivering strong, secure and sustainable economic growth, framed as a new partnership between the state and business to replace what the government describe as decades of under-investment and missed opportunity.

4.31 The Strategy identifies eight high-growth sectors (the IS-8) which includes digital and data-driven technologies. It positions data centres as strategic national assets that are

central to the Government's growth agenda. The Strategy recognises that attracting and retaining global investment in data centre capacity is essential to the UK's competitiveness.

4.32 Data centres are explicitly identified as "crucial commercial opportunities" in the IS-8 and the Strategy commits to increasing certainty for their delivery by allowing them to opt in to be designated as NSIPs. This is accompanied by a commitment to reduce the average pre-application period for major infrastructure from two years to 12 months by "scrapping overly burdensome consultation requirements". It is estimated in the Strategy that this could save projects £1 billion over the course of this Parliament and will benefit data centres and other IS-8 developments through accelerated delivery of major infrastructure.

National Data Strategy (December 2020)

4.33 The National Data Strategy is the UK's long-term framework to position data as a foundational national asset which underpins economic growth, innovation and competitiveness. The Strategy recognises data as a critical driver of productivity across sectors and it sets out the Government's ambition to build a world-leading data economy supported by infrastructure which is protected from security risks and service disruption.

4.34 A central objective of the Strategy is to unlock the potential of data across the economy by improving access to high-quality data, strengthening data skills, and enabling organisations to store, process and analyse data at scale. The Strategy explicitly links data availability and compute capacity to the UK's ability to support emerging technologies, which depends on resilient digital infrastructure such as data centres.

UK Digital Strategy (October 2022)

4.35 The UK Digital Strategy sets out a cross-government framework for strengthening the UK's position as a global science and tech superpower. It recognises that digital technology is fundamental to economic growth, productivity, national security and global competitiveness. It also identifies the continued expansion of digital infrastructure as a critical national priority, and underpins the UK's capacity to support advanced technologies, high-value employment and innovation across the economy.

4.36 A foundational pillar of the Strategy (Pillar 1) is the development of robust digital infrastructure. The Strategy recognises that every "part of the UK needs world-class, secure digital infrastructure that enables people to access the connectivity and services they need – where they live, work or travel…".

4.37 The Digital Strategy provides national-level policy support for the roll out of world-class digital infrastructure across the UK. This will provide the backbone on which AI capabilities and future economic growth can be built on. Investment in data centre infrastructure directly aligns with the objectives of the Strategy and will provide critical

data centre capacity which will aid with reinforcing the UK's position as a leading digital economy.

National Cyber Strategy (December 2022)

4.38 The National Cyber Security Strategy 2022 establishes cyber resilience as a core component of the UK's national security, economic prosperity and digital transformation agenda. It recognises that the UK's increasing reliance on digital infrastructure, data-driven services and advanced technologies, such as AI, makes cyber security essential to the functioning of the economy and critical national infrastructure. The Strategy sets a clear national objective for the UK to become a responsible and resilient cyber power, capable of protecting and promoting its interests in and through cyberspace.

4.39 The Strategy places particular emphasis on strengthening the resilience of digital technology and the infrastructure that underpins it (i.e. including data centres). The National Cyber Strategy therefore recognises that data centres are fundamental enablers of cloud computing and AI. The National Cyber Strategy highlights the need to reduce systemic vulnerabilities in digital supply chains, secure sensitive data, and ensure that digital infrastructure is robust, reliable and capable of withstanding increasingly sophisticated cyber threats. Secure, modern data centre infrastructure is therefore integral to delivering the National Cyber Strategy's ambition for a resilient and prosperous digital economy.

Ministerial Statement: "National Infrastructure Planning: Data Centres" (15 October 2025)

4.40 This Ministerial Statement by Minister of State for Housing and Planning (Matthew Pennycook) on National Infrastructure Planning: Data Centres confirms the Government's commitment to ensuring that the planning system is better equipped to support the infrastructure needs of a modern, data-led economy, with particular emphasis on digital infrastructure such as data centres.

4.41 It builds on earlier reforms to the National Planning Policy Framework aimed at supporting growth in knowledge intensive, high technology and data driven sectors, and clarifies that projects such as laboratories, gigafactories and data infrastructure may be considered for determination at a national level where justified. The statement underscores the strategic importance of digital infrastructure in enabling innovation, economic competitiveness and technological advancement across the UK.

Policy Summary

4.42 Relevant national policy in the UK provides a strong framework which is very supportive of data centre development. In recent years, the Government increasingly recognised data centres as critical infrastructure assets that underpin economic growth, digital transformation, national security and international competitiveness. The need to deliver

new data centre capacity in the UK to remain competitive in the rapidly evolving global digital economy is critical to the UK's future growth and success.

4.43 Policy support for data centres at the highest level was formalised in September 2024 through the designation of data centres as Critical National Infrastructure. This designation places data centres alongside other Critical National Infrastructure sectors including energy, water, transport and telecommunications infrastructure. This is reflective of the fundamental role that data centres have in supporting almost all modern economic activity, including AI, cloud computing, finance, education and critical government services (including healthcare data and diagnostics).

4.44 The Government has also updated the NPPF in February 2025 to reflect the strategic importance of data centres. The NPPF now gives significant weight to data centres as part of a modern, competitive economy. Local Planning Authorities are now required to identify suitable locations for data centres, facilitate clustering where appropriate and recognise the specific locational and infrastructure requirements of data centres, including their requirement for offsite infrastructure such as grid connections and water connections. Data centres are now placed on an equal policy footing with other nationally important growth sectors such as laboratories, gigafactories and logistics.

4.45 Recent UK legislation allows for data centre developments to request to opt into the Nationally Significant Infrastructure Project regime, reflecting the scale of their impacts and benefits and their relevance beyond local authority boundaries. Ministerial statements and legislative changes explicitly support a more streamlined and nationally led consenting process for strategically important data centre proposals. This approach is to be further embedded through a forthcoming National Policy Statement for data centres, which will set out thresholds, the national need case and decision-making criteria.

4.46 It is firmly acknowledged by the Government in policy and official statements that insufficient data centre capacity represents a material risk to economic growth and competitiveness on the global stage. The Government forecasts that several gigawatts of additional AI-capable data centre capacity will be required by 2030, and it is emphasised that streamlining planning processes and decision making, grid access and power availability and speed of delivery are decisive factors in providing investors with confidence to develop data centres in the UK.

4.47 Across all relevant policies at a national level, there is a robust policy support for data centres which is reinforced by their designation as crucial commercial opportunities and critical national infrastructure. Furthermore, the Government has taken steps to accelerate the delivery of data centres in recognition of the limited window in which the UK can establish itself as a global leader in AI.

4.48 The Development has the potential to capitalise on this opportunity by delivering up to 5% (up to 300 MW, across approximately 180,000m^2 floorspace) of the forecast data centre demand requirements on a single site by 2030, which is directly aligned with national policy drivers such as the AI Opportunities Action Plan.

5 LEGISLATIVE REQUIREMENTS

5.1 This section sets out how the Development and the content of this document complies with the requirements described in section 35 of the Act. It also sets out the key Government guidance which the Secretary of State will consider when making its decision to issue a Section 35 Direction.

5.2 Section 35(1) of the Act provides that the Secretary of State may give a direction for the Development to be treated as development for which development consent is required.

The identity of the applicant

5.3 Section 35ZA(2) provides that the power in section 35(1) of the Act to give a direction is exercisable in response to a "qualifying request" made by a person who proposes to apply for an order granting development consent for any of that development, if a direction under section 35(1) is given in relation to that development.

5.4 CSE52 Limited is seeking to apply for an order granting development consent for the Development. This request is therefore made by a person who proposes to apply for an order granting development consent for the Development, and CSE52 Limited accordingly meets the criteria set out in section 35ZA(2) of the Act.

A qualifying request

5.5 A Section 35 Direction may only be given in response to a "qualifying request". This is defined in section 35ZA(2) to mean a written request for a direction under section 35(1) that:

(a) specifies the development to which it relates; and

(b) explains why the conditions in Section 35(2)(a) and (b) are met in relation to the Development.

5.6 Section 35(2) of the Act further provides that such a direction may be issued if:

(a) the Development is or forms part of a business or commercial project (or proposed project) of a prescribed description;

(b) will (when completed) be wholly located in England; and

(c) the Secretary of State thinks the project (or proposed project) is of national significance.

5.7 The Development to which this request relates is described in detail at section 3 of this document.

5.8 Compliance with the remaining criteria, both by the Development and by this document, is detailed below.

Business and commercial projects of prescribed description

5.9 The Infrastructure Planning (Business or Commercial Projects) Regulations 2013 (the "**2013 Regulations**") prescribe the categories of business or commercial projects which may be directed into the nationally significant infrastructure planning regime pursuant to section 35 of the Act.

5.10 Regulation 2 of the 2013 Regulations includes within those prescribed categories projects which consist of:

> *"the construction of buildings or facilities for use for the purposes of one or more of the matters in the Schedule to these Regulations."*

5.11 The Schedule to the 2013 Regulations includes, amongst the relevant matters, *"data centres"* at paragraph 10.

5.12 The Development therefore comprises the construction of buildings and facilities for the purpose of delivering a "data centre" for the purposes of and within the meaning of the 2013 Regulations.

5.13 This satisfies the requirement in section 35(2)(a)(ii) of the Act that the Development is, or forms part of, a business or commercial project of a prescribed description.

Located wholly in England

5.14 The Development will be carried out on land adjacent to New Barn Road, Dartford, Kent, and therefore will be wholly located in England.

5.15 The Development therefore satisfies the requirements within section 35(2)(b) and section 35(3) of the Act in relation to the area in which the development must be situated.

National significance

5.16 In order to make a Section 35 Direction, pursuant to section 35(2)(c) of the Act, the Secretary of State must also consider the Development to be of national significance, either by itself or when considered with:

(a) one of more other projects (or proposed projects) in the same field; or

(b) one or more other business or commercial projects (or proposed projects) of a prescribed description.

5.17 The Applicant submits that the Development is of national significance in its own right. Further detail is provided in section 6 below.

6 NATIONAL SIGNIFICANCE

6.1 As noted in section 4 above, pursuant to the Policy Statement, the Secretary of State may have regard to the following matters:

(a) whether a project is likely to have a significant economic impact, or is important for driving growth in the economy;

(b) whether a project has an impact across an area wider than a single local authority area;

(c) whether a project is of a substantial physical size; or

(d) whether a project is important to the delivery of a nationally significant infrastructure project or other significant development.

6.2 This document sets out how the Development aligns with each of these indicators below.

Significant economic impact

6.3 The latest data on the size and growth of the digital sector highlights both its importance and its rapid rate of growth.

6.4 DSIT's February 2026 Economic Estimates: Digital Sector highlights that the current price GVA of the Digital Sector in 2023 was estimated at £168.5 billion representing 6.7% of total UK GVA while growth from 2019 to 2023 was estimated to be 24.9%, far higher than UK GVA growth as a whole.

6.5 DSIT's September 2025 Artificial Intelligence Sector Study 2024 highlighted the rapid upward trajectory in inward investment, employment and revenue in the sector between 2023 and 2024. The study estimated AI subsector GVA of £11.8 billion in 2024, *a* 219% increase on the 2022 estimate of £3.8 billion. There is no reason to believe that this upward trajectory has not continued since.

6.6 DSIT's policy paper Delivering AI Growth Zones (November 2025) warns that not 'accelerating the buildout of our domestic AI data centres' will mean 'the UK cannot fully harness AI's potential for economic growth, public service transformation, and enhancing national security.'

6.7 The House of Commons Library research briefing Data centres: planning policy, sustainability, and resilience (November 2025) highlighted the importance of latency. “Latency is the time delay (measured in milliseconds) between sending an instruction on a computer device and receiving a response.

6.8 Data centres that are close to their end users can offer lower latency. Low latency is vital for the deployment of AI (called ‘inference’) and the technologies it enables. Driverless vehicles, drones, remote healthcare, and automated manufacturing, for example, all rely on AI making decisions in near real-time if they are to be safe and effective.” Hence, to maximise the economic benefits of data centres, siting them in close proximity to major economic centres is critical.

6.9 Besides the national economic benefits that the Data Centre Campus will facilitate, it will also have a significant local impact both during construction and operation. It is estimated that an average of 700 people a year will be employed during the three-year construction period, of whom approximately 600 will be drawn from the local area. This in turn will support an average of a further 300 jobs a year in the supply chain, and approximately 200 induced jobs, that is, jobs supported by the spending of those directly and indirectly employed on the project. So, in total, an average of 1,100 jobs a year will be supported during the construction phase. In terms of GVA this equates to an additional average of £60m a year over the construction period.

6.10 Operational employment will depend on the precise mix of functions undertaken on site beyond routine day-to-day facility management. The Applicant has taken a conservative approach, estimating that around 420 net additional jobs will be created on the Site, rising to 580 jobs in total when supply chain and induced spending impacts are included. This equates to £43m of additional GVA a year locally and £60m a year overall through supply chain and induced spending impacts.

6.11 Accordingly, the Development is likely to have a significant economic impact, and there is a strong policy basis (as identified at section 4 of this document) which would support the conclusion that the Development is important for driving economic growth.

Impact beyond the local area

6.12 The designation of data centres as CNI shows the essential role of data centres in supporting the economy, public services and national resilience. Data centres represent an essential form of infrastructure which underpins a nationwide range of critical functions including healthcare diagnostics, financial modelling, fraud detection, Government digital services, energy system optimisation and advanced industrial processes.

6.13 The Development would make a material contribution to national compute capacity, and in doing so would support Government policy objectives in relation to AI, advanced data

processing, sovereign digital capability and the UK's competitiveness in technology and innovation.

6.14 Data centres support systems that are increasingly integral to Government operations and key national industries, processing large volumes of sensitive and operational data and enabling decision making across critical sectors. As such, they play a direct role in maintaining the continuity of essential services. These are considerations that extend beyond local planning matters and should be examined at a national level.

6.15 Accordingly, the Development will have a specific and identifiable cross-boundary impact which goes beyond the immediate locality of the Site; conversely it would not be correct to categorise the Development as purely local, or in any way limited to serving the immediate local authority area.

6.16 In addition, while the Data Centre Campus is located within Dartford Borough, its point of connection to the electricity transmission grid – Northfleet East Substation – is located in Gravesham Borough so the Order Limits for the proposal would span two district local planning authorities and a County Council. An introductory meeting has already taken place with planning officers at Dartford Borough Council.

6.17 Further, the Data Centre Campus would require two separate underground cable connections to Northfleet East substation to provide resilience. The distance to the substation is relatively short but there are multiple interactions with sections of road and rail infrastructure between the site and the substation requiring engagement with National Highways, Network Rail and HS1 among others.

Size and scale

6.18 The Development consists of up to four data centre buildings with a combined building footprint of approximately 60,000m^2 and up to 180,000m^2 of floor space. This excludes associated development, such as energy infrastructure, plant and equipment that would also be present on the Site to operate the Data Centre Campus.

6.19 As such, the Data Centre Campus represents a major development in terms of its physical scale. The Policy Statement provides an indicative threshold for the physical size of DCO applications, as follows -

> *"For example, the Secretary of State would not normally expect to receive requests for construction projects where the gross internal floorspace to be created by the project is less than 40,000m^2"*

6.20 The floorspace of the Development would be over four times bigger than this threshold.

6.21 The Development is also considered to be nationally significant in terms of operational capacity. With a proposed power capacity of 300MW and IT load of 240MW, the proposal is twice the size of the largest operational data centre in the UK, Virtus's Stockley Park Campus with an IT load of 112.5MW. If consented data centres are included, the proposal would rank in the top five UK data centres in terms of operational capacity:

Data Centre	**Region**	**Type**	**IT load**
Elsham Tech Park	Lincolnshire	AI	Up to 1000MW
Cambois Data Centre	Northumberland	AI / Cloud	Up to 720MW
Humber Tech Park	Lincolnshire	AI	Up to 384MW
DC01UK	Greater London	AI / Cloud	Up to 250MW

6.22 The Development would also be one of the first data centres to connect directly to the UK's high voltage (400kV) electricity transmission network operated by National Grid Electricity Transmission (NGET). The vast majority of energy generation schemes assessed under the DCO regime are enabled through connections to the high voltage transmission network.

6.23 Taken together, the size and scale of the Development are considered to be so significant as to constitute nationally significant infrastructure.

Importance to the delivery of a nationally significant infrastructure project or other significant development

6.24 The overwhelming direction of travel from a national policy perspective, as identified at section 4 of this document, is that data centres are a crucial limb of the UK's economic development, fundamental to the delivery of a huge number of modern services.

6.25 As detailed throughout this document, data centres underpin a wide variety of other forms of development, including healthcare provision, housing regeneration, commercial development, telephony and technology, industrial and logistics, warehousing and retail development. Data centre availability and compute capacity support almost every element of our national infrastructure and any form of development proposed.

6.26 Accordingly in the context of the scale of the Development, this will make a significant contribution to other schemes of development of all types and sizes.

7 CONCLUSION AND REQUEST

7.1 The Applicant submits that, in accordance with the requirements of the Act:

(a) The Applicant is a person who proposes to apply for an order granting development consent for the Development (as required by section 35ZA(2));

(b) This document constitutes a qualifying request (as required by section 35ZA(2));

(c) The Development is a business or commercial project of a prescribed description, being a data centre (as required by section 35(2)(a)(ii));

(d) The Development will (when completed) be wholly located in England (as required by section 35(2)(b) and 35(3)(a); and

(e) The Development is considered to be of national significance (as per section 35(2)(c)).

7.2 The Applicant considers that when considering national significance, in accordance with the guidance contained in the Policy Statement:

(a) The Development is likely to have a very significant economic impact, and it is important to driving economic growth;

(b) The Development would have an impact across an area wider than a single local authority area, specifically a national impact;

(c) The Development is of substantial physical size; and

(d) The Development would be important to the delivery of other nationally significant infrastructure and development.

7.3 In light of the information provided above, we consider that there is sufficient information in this document to constitute a qualifying request in accordance with section 35ZA(11) of the Act and to enable the Secretary of State to conclude that the Development is of national significance.

7.4 There is a systemic and real reliance on data centre capacity and throughput across multiple sectors in the UK, which signifies genuine national significance. As the UK seeks to implement and deliver on the UK Compute Roadmap, AI Opportunities Action Plan, National Data Strategy and UK Digital Strategy, there is a clear policy intention to support large scale data centres and ensure that these are delivered as Critical National Infrastructure. This Development will make a significant contribution to these strategic goals.

7.5 Accordingly, we invite the Secretary of State to issue a direction for the Development to be treated as Development for which development consent is required pursuant to Section 35(1) of the Act.

7.6 Should the Secretary of State require any further information in connection with this request please do not hesitate to contact Cathryn Tracey at [redacted].

Burges Salmon LLP

1 May 2026

Appendix 1 – Site Location Plan

Appendix 2 – Draft Section 35 Direction

DIRECTION BY THE SECRETARY OF STATE FOR HOUSING, COMMMUNITIES AND LOCAL GOVERNMENT UNDER SECTION 35(1) OF THE PLANNING ACT 2008 RELATING TO A PROPOSED DATA CENTRE CAMPUS AT LAND ADJACENT TO NEW BARN ROAD, DARTFORD, KENT

1. By email to the Secretary of State dated 1 May 2026 ("the Direction Request"), Burges Salmon on behalf of CSE52 Limited ("the Applicant") formally requested that the Secretary of State exercise the power vested in him under section 35(1) of the Planning Act 2008 (as amended) ("the Planning Act") to direct that the proposed Data Centre Campus (the "Proposed Project") as set out in the Direction Request, be treated as development of national significance for which development consent under the Planning Act is required.

2. The Secretary of State has made a decision within the deadline set out in [section 35A(2) OR (4) of the Planning Act] and wishes to convey that decision.

3. Having considered the Applicant's Direction Request and the details of the Proposed Project, the Secretary of State is satisfied that:

    - The Proposed Project is a business or commercial project of a prescribed description for the purposes of section 35(2)(a)(ii) of the Planning Act and Regulation 2 of the Infrastructure Planning (Business or Commercial Projects) Regulations 2013, as amended ("the Regulations"), consisting wholly or mainly of the construction of buildings or facilities for use for the purposes of one of the matters in the Schedule to the Regulations (namely paragraph 10, Data Centres);

    - The Proposed Project is within England; and

    - The Applicant's Direction Request constitutes a "qualifying request" in accordance with section 35ZA(2) of the Planning Act.

4. The Secretary of State notes that the Proposed Project comprises the following as detailed or referred to in the Applicant's Direction Request and further information:

    - an AI data centre campus of up to four data centre buildings with a total power load of up to 300MW and IT load of up to 240MW, together with associated energy, utility and infrastructure works.

5. Having considered the details of the Proposed Project against the criteria in the Policy Statement for the extension of the nationally significant infrastructure planning regime to business and commercial projects, and all other relevant matters, the Secretary of State

is of the view that the Proposed Project by itself is nationally significant for the following reasons:

- the Proposed Project would be likely to have a significant economic impact;
- the Proposed Project would be important in driving growth in the economy;
- the Proposed Project would have an impact on an area wider than a single local authority area;
- The Proposed Project is of substantial physical size; and
- the Proposed Project would be of importance to the delivery of other nationally significant infrastructure projects and/or other significant developments.

6. The Secretary of State considers that if the details of the Proposed Project change, before submitting any application to the Planning Inspectorate, the Applicant may wish to seek confirmation from the Secretary of State that the development that is the subject of the proposed application is the same as that for which the Direction is hereby given.

7. **THE SECRETARY OF STATE DIRECTS** that the Proposed Project is to be treated as development for which development consent is required. Any application for development consent for the Proposed Project may also include any matters that may properly be included in a development consent order (in accordance with section 120 of the Planning Act) including ancillary matters (section 120(3)) and associated development (within the meaning of section 115(2) of the Planning Act).

8. **THE SECRETARY OF STATE FURTHER DIRECTS** in accordance with section 35ZA(3)(b) of the Planning Act that any proposed application for a consent or authorisation mentioned in section 33(1) or (2) of the Planning Act for the Proposed Project is to be treated as a proposed application for which development consent is required.

9. This direction is given without prejudice to the Secretary of State's consideration of any application for development consent which is made in relation to all of part of the proposed Project.

[Name]

Authorised to sign on behalf of the Secretary of State

[Date]