



[REDACTED]
Mike Hale
Ministry of Housing, Communities & Local
Government

One Glass Wharf
Bristol BS2 0ZX
Tel: +44 (0)117 939 2000
email@burgess-salmon.com
www.burgess-salmon.com
DX 7829 Bristol

[REDACTED]
[REDACTED]
By email only: Mike.Hale2@communities.gov.uk

Our ref: CY02/73826.1/TRACE

3 June 2026

When telephoning please ask for: Cathryn Tracey

Dear Mike

**Proposed Ebbsfleet Datacentre Campus, New Barn Road, Dartford, Kent
Request for a Direction under section 35 of the Planning Act 2008**

We write further to your letter of 28 May 2026.

We note the request for clarification on text included within the draft section 35 direction relating to the application of sections 35ZA(3)(b) and section 33(1) and (2) of the Planning Act 2008.

Since the point of application for a direction, we can confirm this text is no longer needed within the draft direction. As such, we enclose an updated draft direction with this text excluded for the Secretary of State's use.

Yours faithfully

BURGESS SALMON LLP

Encs: Updated draft direction

WORK\80995764\2

6 New Street Square, London EC4A 3BF
Tel: +44 (0)20 7685 1200

Atria One, 144 Morrison Street, Edinburgh EH3 8EX
Tel: +44 (0)131 314 2112

Burgess Salmon LLP is a limited liability partnership registered in England and Wales (LLP number OC307212), and is authorised and regulated by the Solicitors Regulation Authority. It is also regulated by the Law Society of Scotland. Its registered office is at One Glass Wharf, Bristol BS2 0ZX. A list of the members may be inspected at its registered office. Further information about Burgess Salmon entities, including details of their regulators, is set out on the Burgess Salmon website at www.burgess-salmon.com.

INVESTORS IN PEOPLE
We invest in people Platinum

DIRECTION BY THE SECRETARY OF STATE FOR HOUSING, COMMUNITIES 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. 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 or part of the proposed Project.