



Ministry of Housing,
Communities &
Local Government

Cathryn Tracey
Partner
Burgess Salmon

By email only: [REDACTED]
[REDACTED]

Please ask for: Andrew Lynch

Email: Andrew.Lynch@communities.gov.uk

Your ref:

Our ref: PCU/RARE/T2215/3378624

Date: 28 May 2026

Dear Cathryn

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

Thank you for your email dated 6 May 2026 making a request for the Secretary of State to make a direction under section 35 of the Planning Act 2008 (“the Act”) in relation to the Ebbsfleet Datacentre Campus.

We are writing to seek further information on behalf of the Secretary of State in accordance with section 35A(3) of the Act. This is for the purpose of enabling the Secretary of State to decide—

- (a) whether to give the direction requested, and
- (b) the terms in which it should be given.

Draft section 35 direction

You have included reference to section 35ZA(3)(b) within the submitted proposed draft direction as follows:

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.

We note the request does not include any reference or further detail relating to any proposed non-DCO application or proposal to make an application under s.33(1) or (2).

Planning Casework Unit
Ministry of Housing, Communities & Local Government
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pcu@communities.gov.uk

Please clarify whether you propose to make an application for a consent or authorisation mentioned in section 33(1) or (2) in relation to the development. If this is the case, please provide details.

Timing

In accordance with section 35A(4) of the Act, please provide the further information sought within 14 days of the date of this letter. Once the further information is received, the Secretary of State will have a further 28 days to make his decision on this matter.

Please do not hesitate to contact me if you wish to discuss the contents of this letter.

Yours sincerely,

MA Hale

Mike Hale
Head of Environmental Casework
Planning Casework Unit