Further representation on Policy SS03, Former Arena Essex site and fishing lake, Lakeside

Thurrock Local Plan 2024 to 2044, Regulation 19 Publication Version (August 2026). Submitted in the extended consultation, which closes at midnight on 10 November 2026.

Form answers

Representor (Part A, questions 1 and 2): Dr Jackie Lighten, on behalf of Protect Langdon. Contact details are given on the consultation form. No agent.

Part of the plan (question 3): Policy SS03, Former Arena Essex site and fishing lake, Lakeside [1, pp.77 to 80], and the Habitats Regulations Assessment (HRA) as republished during the consultation [2].

Legally compliant (question 4(1)): No. See section 3.

Sound (question 4(2)): No. The policy is not justified and not effective (sections 4 and 5), and not consistent with national policy (sections 5 and 6).

Why (question 5): section 1 gives the conclusions. Sections 3 to 6 give the grounds, each with its document and page.

Modifications sought (question 6): delete Policy SS03 and the allocation, as in my representation of 12 October 2026. If it is not deleted, further modifications in section 7 are needed in addition.

Participation in the hearings (questions 7 and 8): Yes, as already requested. See section 8.

Relationship to my earlier representation: this document adds to my representation on Policy SS03 of 12 October 2026 [3], which stands in full. It does not replace it. Below, “the October representation” means that representation, and its paragraph numbers are given where a point adds to it.

Authored by Dr Jackie Lighten on behalf of Protect Langdon.

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1. Summary

1.1 **The HRA errors on SS03 remain.** The Council replaced its HRA on 20 October 2026, six days after our representation on Policy SS18 showed that the August HRA had not assessed that allocation [4]. It was then reported as having reviewed the remaining consultation documents and found "no further issues" [5]. **The replacement HRA still screens SS03 with text written for a town centre site, still relies on wastewater measures by a sewerage company that does not serve Thurrock, and still does not mention generators** [2, pp.124, 125, 221]. Natural England's response makes the same point about the water quality mitigation (paragraph 3.2). (Section 3.)

1.2 **The water company has never assessed the scheme now proposed.** The only enquiry made to Essex & Suffolk Water, in July 2024, sought 117.60 litres per second, mostly for water cooling, and **the company said it would not permit a connection for that amount.** No enquiry has been made since, and the company has carried out no modelling for the air-cooled design the applicant now describes [6, pp.2 to 3]. **The Environment Agency says the deliverability of water supply for SS03 should be secured in the plan, not left to later connection enquiries** (paragraph 4.6). (Section 4.)

1.3 **The national system operator holds no grid application for the campus.** The National Energy System Operator (NESO) holds **no application, offer or agreement for a data centre to connect to the transmission networ**k at Barking Grid Supply Point, and holds no record of advice to the Council on the Local Plan, SS03 or data centre demand [7, pp.2 to 3]. (Section 5.)

1.4 **National policy has moved against the allocation. The Government**'s draft National Policy Statement for Data Centres does not apply its presumption in favour of consent to data centres in the Green Belt, and **expects evidence from electricity network bodies and water companies on capacity** [8, paras 84, 107, 349]. **In plain terms, a data centre in the Green Belt gets no presumption in its favour, and the plan must still show exceptional circumstances for changing the Green Belt boundary. It has not evidenced them for this use.** Because SS03 is examined against the December 2024 NPPF, the August 2026 NPPF gives it very limited weight in the decision on the campus to the extent it is materially inconsistent with that Framework's decision-making policies [9, Annex A para 2]. (Section 6.)

1.5 **Two further modifications are sought** if the policy is not deleted: correct the HRA for SS03 before submission, and obtain written confirmation of water supply and grid connection

before submission. (Section 7.)

2. Why there is further information

2.1 The Council extended the consultation to midnight on 10 November 2026 after it published an updated HRA "following identification of an error in the previously published document", and said the extension "will also give anyone wishing to respond more time to submit representations if they wish" [10].

2.2 **The error was first raised by Protect Langdon.** The HRA published in August 2026 did not assess Policy SS18 (Lower Langdon and Corringham Park Farm) under any name or number; its "SS18" was West Horndon. I raised this with Natural England in writing on 7 and 15 September 2026 and set it out in my representation on Policy SS18 of 14 October 2026 [4]. The Council replaced the HRA on 20 October. Its only written explanation, sent to Protect Langdon on 21 October, was: "Unfortunately, a site assessment was omitted in the previous Habitats Regulations Assessment (HRA) document. The site assessment had been undertaken previously; there was simply an administrative error in uploading an incorrect document". It did not say which assessment had been omitted, or what had changed [11, section 7.1; Annex A, item A9]. The replacement adds a screening entry for Policy SS18 [2, pp.285 to 286].

2.3 **Four things are new since the October representation was filed.** Each is summarised here and set out in the section given. Copies of the two information responses are enclosed.

- **Essex & Suffolk Water's reply of 27 October 2026** to my request under the Environmental Information Regulations 2004. The only enquiry it has received for the site, in July 2024, was for a water-cooled campus needing about 10.2 million litres a day, and it says it "would not permit a connection capable of supplying this amount of water". No enquiry has been made since, it has done no modelling for the air-cooled design the applicant now describes, and **its objection to the planning application stands** [6, pp.2 to 3]. (Section 4.)

- **The National Energy System Operator's reply of 28 October 2026** to my request. It holds no application, offer or agreement for a data centre to connect at Barking Grid Supply Point, where the applicant says the campus will connect, and states that "Total contracted transmission connected demand at Barking GSP is therefore 0". **It holds no record of any advice to the Council on the Local Plan, Policy SS03 or data centre demand** [7, pp.2 to 3]. (Section 5.)

- **The Government's draft National Policy Statement for Data Centres,** published for consultation in October 2026. **Its presumption in favour of consent does not apply to data centres in the Green Belt, and it expects evidence from electricity network bodies and water companies on capacity and constraints** [8, paras 84, 107, 349]. (Section 6.)

- **The Regulation 19 responses of Natural England and the Environment Agency,** both made after the October representation was filed. Natural England says the **HRA's water quality mitigation relies on a company that does not serve Thurrock, and that avoidance, as well as mitigation and compensation, will be required for the significant wildlife impacts on this site. The Environment Agency says the deliverability of water supply for SS03 should be secured in the plan.** (Paragraphs 3.2, 4.6 and 6.6.)

3. The republished Habitats Regulations Assessment

3.1 **The replacement HRA has no version control, and the Council says it has checked its other documents.** The replacement was published on 20 October 2026 under the same title as the original, and its cover gives the same date, "July 2026", with no new version number, no October date and no list of changes [11, section 7.3]. The version table on page 2 was changed without a note. In the original, the row for version 3, "Final report", is dated 3 July 2026 [12, p.2]. In the replacement, the same row is dated 7 July 2026 [2, p.2]. The replacement is the HRA cited in this document. The Council was reported on 21 October 2026 as follows: **"Officers have reviewed the remaining consultation documents and can confirm that no further issues have been identified"** [5].

3.2 **Every SS03 error set out in the October representation, paragraphs 4.1 to 4.5, remains in the republished HRA, on the same pages:**

- the screening entry for SS03 still reads: "This policy will result in development within the town centre" [2, p.221]. **The site is not in a town centre** [1, p.77];

- on air quality, adverse effects on the Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar site still "could not be ruled out at this stage, due to potential in combination effects due to the LTC" [2, para 7.4, p.131], and **"additional evidence will**

be required to inform further HRA before the plan can be adopted" [2, para 7.9, p.133];

- the water quality conclusion still holds "providing that the mitigation measures and improvements set out by Southern Water are followed" [2, p.125], relying on Southern Water's "Gravesend Wastewater System" [2, p.124], while the Council's Infrastructure Delivery Plan states that "AWS is the statutory sewerage undertaker for the borough", AWS being Anglian Water Services [13, p.61]. **Anglian Water is not named anywhere in the republished HRA**. Natural England's Regulation 19 response makes the same point: "Southern Water provides neither wastewater or supply services to the Thurrock area", so **"mitigation is currently not sufficient or applicable to conclude no AEOI"**, that is, no adverse effect on the integrity of the protected site, and advises that "until these concerns have been addressed, **the HRA is not sufficiently robust with regard to water resources and water quality**" [14, p.5]; and

- the word "generator" does not appear anywhere in the republished HRA, although the campus would rely on standby diesel generators (October representation, Appendix A, A6).

3.3 **The HRA records a Green Belt change that no policy makes.** Its screening of the plan's employment policy describes the plan as allocating "27 hectares of land at the former Essex Arena site for the provision of new data centres through amendments to the Green Belt boundary" [2, p.209]. **No policy in the plan states what the amended boundary is** (October representation, paragraph 3.3(e)).

3.4 **The Council's check of its documents did not find these errors.** They were set out in our October representation, which the Council had held for more than a week when the statement was made. The one error that was corrected had first been raised by Protect Langdon (paragraph 2.2). Residents who asked the Council in writing what the replacement had changed were not told [11, section 7.2]. On the HRA's own conclusions, the integrity test is still not met for air quality, and the water quality conclusion still rests on measures by an undertaker that does not serve the borough. **Policy SS03 is therefore not legally compliant, and the plan cannot lawfully be adopted while it contains SS03 on this assessment.**

Fails: legal compliance (Conservation of Habitats and Species Regulations 2017, regulation 105).

4. Water supply

4.1 **The only enquiry the water company has received was for a water-cooled campus, and the company would not supply it.** Northumbrian Water, trading as Essex & Suffolk Water, has released its response to the July 2024 pre-planning enquiry for the site [6, pp.2 to 3]. The enquiry sought 117.60 litres per second, about 10.2 million litres a day (117.60 x 86,400 seconds). The company's network had the capacity, but: "As we are an area of limited water resources, which need to be balanced to ensure we maintain supply for our domestic customers, **NWL would not permit a connection capable of supplying this amount of water** to be made to our network if a formal water service application is submitted due to excessive usage." It added: "100.3 l/s of the requested water capacity for this proposed development is for non-domestic use, for a water-cooling solution, and we would expect the development to use other methods of cooling rather than treated mains water supply" [6, p.3].

4.2 **No enquiry has been made since.** "There have not been any new pre-planning enquiries (PPE) submitted to ESW on this project since July 2024." The company asked the applicant for a new submission on 13 August 2025, "however the client has still not provided this. At present, there is no valid PPE and therefore we have not been able to complete any network capabilities/modelling on this site" [6, p.3]. The company confirms that its objection to the planning application stands [6, p.3], as it told the Council on 13 August 2026 [15].

4.3 **The applicant now describes a design the water company has never been asked to assess.** The applicant's note of 13 November 2025 states that the campus will use "high-efficiency air-cooled chillers with free-cooling", and that "no evaporative cooling is proposed and therefore no process water demand arises for server cooling; water use is limited to normal domestic and office needs" [16, p.1]. **That design has not been put to the water company (paragraph 4.2). The only demand the company has assessed is one it would not supply**.

4.4 **The plan therefore allocates a site for a use whose water supply has not been confirmed for any design.** This adds to the October representation, paragraphs 6.10 to 6.12, which records the company's objection, the warning in the Council's Water Cycle Study Scoping Report of March 2024 that the company "may not be able to supply new businesses" with large non-domestic demand, and the site's position over public water supply source protection zones. Policy SS03 asks only that the campus "minimises water and energy consumption", in accordance with the plan's water efficiency policy, DMP03 [1, p.79]. **It contains no requirement**

on water supply, and its infrastructure requirements do not mention water [1, p.80].

4.5 **The Council's own Detailed Water Cycle Study does not assess the campus.** Our October representation, paragraph 6.11, said that no detailed study followed the March 2024 scoping report. That was wrong, and I correct it here: the Council's evidence base includes a Detailed Water Cycle Study, prepared by AECOM and dated June 2026 [17]. The study states: "E&SW does not supply mains water to developments that use open loop water cooling systems, such as certain types of data centres. In addition, it is not possible to guarantee supply to any development that does not adopt the most stringent water efficiency standards" [17, printed p.25]. It records that the company may introduce agreements for non-domestic supply "with a particular focus on data centres", likely to require "closed-loop or near-zero-water cooling systems" [17, printed p.36]. **The text of the study does not name the Arena Essex site, Lakeside or Policy SS03 anywhere. The plan's water evidence therefore sets out the conditions on which a data centre might be supplied, but does not test them for the one data centre the plan allocates.**

4.6 **The Environment Agency says the deliverability of water supply must be secured in the plan.** On Policy SS03, its Regulation 19 response says the policy's water requirements are "a good basis, but the **strategic deliverability point should be secured through the local plan rather than left solely to later connection enquiries"** [18, p.18]. It has not been secured: the only enquiry made was for a demand the company would not supply, and none has been made for the design now proposed (paragraphs 4.1 to 4.3).

Fails: justified; effective.

5. Grid connection

5.1 **The applicant says it has pursued a connection at Barking.** Its Site Assessment states that “budget and formal connection application processes were progressed to test whether the necessary capacity could in fact be secured for development at the required scale. The planning application now proceeds on the basis that the point of connection will be Barking Grid Supply Point (GSP)” [19, para 4.6]. Its Planning Supporting Statement says the campus “avoids drawing power from the local distribution network” [20, para 10.2]. The campus’s annual electricity use at full capacity is 2,747,136 megawatt hours [21, Table 5.18, p.21], an average demand of about 314 megawatts (2,747,136 / 8,760 hours).

5.2 **The national system operator holds no such application.** “Where a project is connecting directly to the transmission system, NESO manages the connection” [7, p.2]. **NESO states that it does “not hold a transmission connected demand application, offer, or agreement for a data centre where the connection site is recorded as Barking Grid Supply Point (GSP)”**, and that “Total contracted transmission connected demand at Barking GSP is therefore 0” [7, p.2]. It holds no information on available demand capacity at Barking GSP and no assessment of constraints there [7, p.3].

5.3 **The evidence does not show where or when the campus can connect.** A Grid Supply Point is where the transmission network supplies the local distribution network. If the applications the applicant describes were made to the distribution network operator, the campus would draw on the network the applicant says it avoids (paragraph 5.1). If they were made under another connection site name, neither the plan’s evidence nor the application says so. If no transmission application has been made, there is none to assess. **On any of these readings, no document before the examination shows where or when this campus can connect.**

5.4 **NESO holds no record of advice to the Council on the plan.** “After searching our records and consulting the relevant teams, we confirm that we hold no recorded information within the scope of question 4” [7, p.3]. Question 4 asked for any response or advice to Thurrock Council on its Local Plan, Policy SS03 or data centre demand in Thurrock between 1 January 2024 and 1 October 2026. This adds to the October representation, paragraph 6.8, which records that no document in the evidence base mentions Barking Grid Supply Point or assesses a transmission connection for SS03.

5.5 **Grid capacity is already delaying a data centre elsewhere in Essex.** Press reports of October 2026 about a different site state that Microsoft ended its agreement as anchor tenant of a data centre planned by Nscale at Loughton, Essex, reported as 50 megawatts, after **UK Power Networks said it could not supply enough power there "until the early to mid-2030s"** [22], and that a UK Power Networks spokesperson said data centres "are awaiting works on the national transmission network which we do not own" [23]. These are reported statements about another site and are relied on as context only. **Policy SS03 requires a campus "which has secure grid access" [1, p.79]. Nothing before the examination shows that this campus has it.**

Fails: effective; consistent with national policy [24, paras 27(a), 87(a)].

6. National policy since the October representation

6.1 **The draft National Policy Statement for Data Centres.** The Department for Business, Innovation, Science and Trade published a draft National Policy Statement (NPS) for consultation in October 2026 [8]. It governs data centres directed into the regime for nationally significant infrastructure projects. For applications under the Town and Country Planning Act 1990 it states that it "may be a material consideration" [8, para 11, p.11]. It is a draft, and is relied on only for what it shows about the Government's approach.

6.2 **It does not apply its presumption of consent in the Green Belt.** Among the exceptions to its presumption of consent is "When the data centre is located in the Green Belt" [8, para 84, p.30], and "The presumption of consent set out in section four of this NPS does not apply to development in the Green Belt" [8, para 349, p.76]. The SS03 site is in the Green Belt (October representation, Appendix A, A2). **In plain terms, the Government's proposed presumption in favour of data centres stops at the Green Belt.** A data centre proposed there gets no presumption in its favour from the draft NPS. For a plan that alters the Green Belt boundary, as the HRA says this one does for SS03 (paragraph 3.3), the test in the December 2024 NPPF is that boundaries "should only be altered where exceptional circumstances are fully evidenced and justified" [24, para 145]. The plan's case for exceptional circumstances rests on "the scale of housing and employment growth required" [1, para 4.2.6, p.34]. Policy SS03 provides no housing, and the plan itself describes the data centre as "additional growth beyond the EDNA forecasts" [1, para 4.2.4, p.34], that is, beyond the need identified by the Council's own employment study, the Economic Development Needs Assessment. **Exceptional circumstances for this use have not been evidenced** (October representation, paragraphs 5.10 to 5.15).

6.3 **It expects evidence from network bodies and water companies.** In considering any data centre, the decision maker is to take into account "The necessary resource requirements of a proposed development, including energy requirements from grid connections or alternative sources, and water requirements", "Any areas where capacity from the grid or environmental resources is already constrained", and "Evidence … from electricity network bodies and water companies on infrastructure capacity, constraints and competing demands" [8, para 107, pp.35 to 36]. It states that "Grid connection delays and capacity constraints are a key challenge for new data centre developments, particularly in certain regions" [8, para 184, p.48], and that applicants "should disclose their anticipated water usage (estimated annual water use and peak day use) and efficiency and explain how this has influenced both their choice of location and cooling technology", consulting the water companies [8, para 419, p.87]. **Sections 4 and 5**

show that the evidence the draft NPS expects is either absent or against the allocation.

6.4 **SS03 would carry very limited weight in the decision it exists to support.** The plan is examined against the December 2024 NPPF under the transitional arrangements [25, para 9.1; 9, Annex A para 8]. The planning application for the campus is decided under the August 2026 NPPF [9, Annex A para 1]. That Framework states: "Development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies in this Framework should be given very limited weight. The only exception to this is where they have been examined and adopted or made against this Framework" [9, Annex A para 2].

6.5 **SS03 accepts the loss of the Local Wildlife Site** and relies on "ecological mitigation required to off-set any loss of the existing on-site Local Wildlife Site" [1, p.78]. The August 2026 NPPF's decision-making policies state: "If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then the development should be refused" [9, policy N2(2), printed p.89]. They support development affecting a site identified as a local wildlife site in the development plan only where there would not be a significant adverse effect on its integrity, or the benefits "clearly outweigh the likely impact" on its features [9, policy N6(1)(c), printed p.92]. To the extent that SS03 accepts the loss of the Local Wildlife Site without first requiring that harm to be avoided, it is materially inconsistent with those policies. It would then carry very limited weight in the decision on the campus, because it will not have been examined against them. **An allocation that cannot carry weight in the determination of the development it allocates is not effective.**

6.6 **Natural England says avoidance is required at this site, and the plan never tested whether the harm could be avoided.** Its Regulation 19 response records that the site "has been confirmed through recent survey as a site containing Thames Terrace Grassland (TTG)" and is a Local Wildlife Site, and that "Appropriate avoidance, mitigation and compensation will be required to address significant wildlife impacts in this location" [14, p.14]. In the same response Natural England records that **Thames Terrace Grassland sites "have recently been added to the Priority Habitats Inventory**" [14, p.14]. It also advises that the policy "should preferably refer to the need to secure bespoke off-site compensation for Thames Terrace Grassland" [14, p.14]. **The order matters. Avoidance of ecosystem damage must be considered first.** The duty is on the Council and the developer to avoid the harm before turning to mitigation. Compensation is the last resort, not a substitute for the first step. The August 2026 NPPF sets the same order (paragraph 6.5). For an allocation, avoiding harm means testing whether the use could go on a site with less harmful impacts. That test was never carried out: the plan's Integrated Impact Assessment did not compare locations for a data centre, and no

other location was compared for this use (October representation, paragraphs 4.6 to 4.7 and 5.10 to 5.15). Policy SS03 skips the first step and starts from loss.

Fails: effective; consistent with national policy.

7. Further modifications sought

7.1 The main modification remains deletion of Policy SS03 and of the allocation, with the consequential modifications in the October representation, paragraphs 3.1 and 3.2.

7.2 If the policy is not deleted, the following are needed in addition to those in the October representation, paragraph 3.3:

g) before submission of the plan, correct the HRA's screening and assessment of SS03, and assess the campus's own pathways to the Thames Estuary and Marshes SPA and Ramsar site, including emissions from standby generation, against the wastewater measures of the undertaker that serves the borough; and

h) before submission of the plan, obtain and publish written confirmation from Essex & Suffolk Water that it can supply the campus as now designed, stating the volume, and from the electricity network operator or operators of the point, route, capacity and date of connection; record both in the Infrastructure Delivery Plan; and require in Policy SS03 that the cooling method and the maximum mains water demand are those confirmed.

7.3 Without that evidence, the allocation cannot be shown to be deliverable, and **deletion is the only modification that makes the plan sound**. There is time to act before submission: the Minister's direction of 23 October 2026 moved the submission deadline for plans in the legacy system whose final Regulation 19 consultation ends by 31 December 2026 to 31 March 2027 [26].

8. Participation in the hearings

8.1 I ask to take part, on behalf of Protect Langdon, in the hearing sessions on Policy SS03 and on the Habitats Regulations Assessment (October representation, section 9). I consider it necessary for the reasons below.

8.2 **My work identified the omission this consultation was extended for.** I told Natural England in writing on 7 and 15 September 2026 that the HRA did not assess Policy SS18, and

my representation of 14 October showed the Council the same (paragraph 2.2). Six days later the Council replaced the HRA and extended the consultation. The replacement still contains every SS03 error set out in the October representation (paragraph 3.2). The Inspector will need to test that against the Council's account, and I have compared the two versions of the HRA word by word.

8.3 **The Council says there are no further issues; the evidence shows otherwise.** The Council was reported on 21 October 2026 as having reviewed its remaining consultation documents and found "no further issues" [5]. It had then held the October representation, which sets out the SS03 errors in the HRA, for more than a week, and those errors remain (paragraph 3.4). This document adds three more matters. The Council's Detailed Water Cycle Study does not assess the one data centre the plan allocates (paragraph 4.5). No water supply is confirmed for any design (paragraphs 4.1 to 4.4). The national system operator holds no application at the stated point of connection (paragraph 5.2). **Where the Council and I disagree on matters of this kind, written statements alone will not resolve them.**

8.4 **The grounds are technical and need to be explained and tested.** They concern the ecology of a Local Wildlife Site and its Thames Terrace Grassland, the pathways from the campus to the Thames Estuary and Marshes SPA and Ramsar site, a water demand that the only enquiry made put at about 10.2 million litres a day, and an average electricity demand of about 314 megawatts. I am an ecologist. The Inspector, the Council and the applicant's consultants should be able to question the analysis directly, and I should be able to answer them.

8.5 **The evidence includes replies that only my information requests produced.** The responses from Essex & Suffolk Water and the National Energy System Operator [6; 7] are not in the Council's evidence base. I can explain what each shows and how it bears on the policy. The Inspector will also need to hear from Essex & Suffolk Water and the electricity network operators, whose confirmation the allocation lacks (paragraph 7.2).

8.6 **Residents were not told what had changed.** Residents who asked the Council in writing what the replacement HRA had changed were not told [11, section 7.2]. Taking part in the hearings allows that, and the case as a whole, to be put to the Inspector in person.

Documents relied on

Each entry gives the document, where it was published and the pages relied on. The two information responses are enclosed.

[1] Thurrock Local Plan 2024 to 2044, Regulation 19 Publication Version, August 2026.
Thurrock Council. Relied on: pp.77 to 80; p.77; p.79; p.80; p.78; para 4.2.6, p.34; para 4.2.4, p.34. Link

[2] Thurrock Borough Local Plan Habitats Regulations Assessment, Draft Local Plan, Final report, July 2026 (replacement published 20 October 2026).LUC for Thurrock Council. Relied on: pp.124, 125, 221; p.2; p.221; para 7.4, p.131; para 7.9, p.133; p.125; p.124; p.209; pp.285 to 286. Link

[3] Representation on Policy SS03, Former Arena Essex site and fishing lake, Lakeside, 12 October 2026.
Dr Jackie Lighten on behalf of Protect Langdon. Submitted to Thurrock Council by email and on the consultation portal.

[4] Representation on Policy SS18, New settlement north of the A13 (Lower Langdon and Corringham Park Farm), 14 October 2026.
Dr Jackie Lighten on behalf of Protect Langdon. Submitted to Thurrock Council by email and on the consultation portal; published in full online. Link

[5] Thurrock's Local Plan consultation extended until 10 November, 21 October 2026.
Your Thurrock. Link

[6] Response to request EIR23263, 27 October 2026 (enclosed).
Northumbrian Water Limited, trading as Essex & Suffolk Water, under the Environmental Information Regulations 2004. Relied on: pp.2 to 3; p.3.

[7] Response to request FOI/26/246, 28 October 2026 (enclosed).
National Energy System Operator, under the Environmental Information Regulations 2004. Relied on: pp.2 to 3; p.2; p.3.

[8] Initial Proposal for a National Policy Statement for Data Centres, October 2026 (consultation draft).
Department for Business, Innovation, Science and Trade. Relied on: paras 84, 107, 349; para 11, p.11; para 84, p.30; para 349, p.76; para 107, pp.35 to 36; para 184, p.48; para 419, p.87. Link

[9] National Planning Policy Framework, August 2026.
Ministry of Housing, Communities and Local Government. Relied on: Annex A para 2; Annex A para 8; Annex A para 1; policy N2(2), printed p.89; policy N6(1)(c), printed p.92. Link

[10] Local Plan Regulation 19 consultation, web page, checked 9 November 2026.
Thurrock Council. Link

[11] Supplementary representation on Policy SS18, dated 10 November 2026 and filed on 9 November 2026, with Annex A (replies to information requests).
Dr Jackie Lighten on behalf of Protect Langdon. Relied on: section 7.1; Annex A, item A9; section 7.3; section 7.2. Link

[12] Thurrock Borough Local Plan Habitats Regulations Assessment, Draft Local Plan, Final report, July 2026 (as published in August 2026, since replaced).
LUC for Thurrock Council. Relied on: p.2. Link

[13] Thurrock Infrastructure Delivery Plan, July 2026.
Thurrock Council. Relied on: p.61. Link

[14] Regulation 19 response to the Thurrock Local Plan, ref 557779, 14 October 2026.
Natural England. Held by the Council. Relied on: p.5; p.14.

[15] Consultation response on application 25/00573/OUT, 13 August 2026.
Essex & Suffolk Water. Thurrock Council planning register. Link

[16] Applicant note, 13 November 2025, application 25/00573/OUT.
Thurrock Council planning register. Relied on: p.1. Link

[17] Thurrock Detailed Water Cycle Study, June 2026.
AECOM for Thurrock Council. Relied on: printed p.25; printed p.36. Link

[18] Regulation 19 response to the Thurrock Local Plan, ref AE/2026/131362/CS-01/SB1, 13 October 2026.
Environment Agency. Held by the Council. Relied on: p.18.

[19] Site Assessment, July 2026, application 25/00573/OUT.
Thurrock Council planning register. Relied on: para 4.6. Link

[20] Planning Supporting Statement, April 2025, application 25/00573/OUT.
Thurrock Council planning register. Relied on: para 10.2. Link

[21] Environmental Statement, Chapter 5, Climate Change and Greenhouse Gases, application 25/00573/OUT.
Thurrock Council planning register. Relied on: Table 5.18, p.21. Link

[22] Report on Microsoft's withdrawal from the Nscale data centre at Loughton, 18 October 2026.
Gwyn Topham, The Guardian, as syndicated on AOL. Link

[23] Report on Microsoft's withdrawal from the Nscale data centre at Loughton, 19 October 2026.
The Register. Link

[24] National Planning Policy Framework, December 2024.
Ministry of Housing, Communities and Local Government. Relied on: paras 27(a), 87(a); para 145. Link

[25] Cabinet report, Thurrock Local Plan 2024 to 2044, Regulation 19 Version.
Thurrock Council. Relied on: para 9.1. Link

[26] Letter to council leaders on legacy system local plans, 23 October 2026.
Rt Hon Matthew Pennycook MP, Housing Minister. Published on gov.uk. Link

Enclosure 1

Northumbrian Water Limited, trading as Essex & Suffolk Water: response to request EIR23263 under the Environmental Information Regulations 2004, dated 27 October 2026 (5 pages).

Document [6] in the list of documents relied on. Relied on in section 4. A personal email address has been redacted on page 1.

T: 0345 733 5566
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Northumbrian Water
Northumbria House
Abbey Road
Pity Me
Durham
DH1 5FJ

By email only to Dr Jackie Lighten at [redacted]

27th October 2026

Dear Dr Lighten

EIR23263 :your request for environmental information
Water supply to the former Arena Essex site, Thurrock (application 25/00573/OUT; Local Plan Policy SS03)

Thank you for your request for information which we received on 1st October 2026. We have dealt with this as a request for information under the Environmental Information Regulations 2004 ("the Regulations").

If you would like to find out more information about how Northumbrian Water Limited (NWL) works under the Regulations, you can do so on our website at: https://www.nwl.co.uk/services/environmental-information

The Regulations provide for responses to be made within 20 working days of receipt of the request. In this case, that gave a deadline of 29th October 2026.

Essex & Suffolk Water is the trading name of Northumbrian Water as the statutory water undertaker in the South East. Northumbrian Water also provides both clean and used water services in the North East of England. In this response, we refer to Northumbrian Water.

EIR Request

As a reminder, you requested the following:

Please treat this as a request under the Environmental Information Regulations 2004. It concerns water supply to the former Arena Essex site, Arterial Road, West Thurrock, which is the subject of planning application 25/00573/OUT (a data centre campus) and is allocated for a data centre campus by Policy SS03 of the Thurrock Local Plan Regulation 19 Publication Version (August 2026).

In its letters to Thurrock Council of 28 August 2025 and 13 August 2026 on that application, Essex & Suffolk Water said that a pre-planning enquiry was submitted in July 2024, and that its

response stated that it "would not permit a connection capable of supplying the proposed volume of mains water if a formal water service application were submitted, due to concerns around excessive usage".

Please provide the following recorded information:

1. *Essex & Suffolk Water's response to the July 2024 pre-planning enquiry for the Arena Essex site, and the part of the enquiry that states the volume of water requested (daily and annual quantities and intended use). If any part is commercially confidential to the enquirer, please redact that part and release the rest, including at minimum the volume considered and the company's reasons for its position.*
2. *Any later pre-planning enquiry for the site, including the one referred to in the letter of 13 August 2026 as submitted in 2025, and the company's initial response to it, subject to the same redaction.*
3. *Any response Essex & Suffolk Water made to Thurrock Council's Local Plan consultations (Regulation 18, 2023 to 2024, or Regulation 19, 2026) that concerns the Arena Essex site, Policy SS03 or water demand from data centres.*

Item 1 is the priority. Please supply documents in their original electronic format. If no record exists for any item, please say so for that item. If any item is withheld, please identify the document, the exception relied on and the public interest reasoning.

The Thurrock Local Plan Regulation 19 consultation closes on 14 October 2026 and the plan is to be submitted for examination by the end of the year. The statutory deadline for a response is 29 October 2026.

EIR Response

We will address each of your questions in turn:

Q1: Essex & Suffolk Water's response to the July 2024 pre-planning enquiry for the Arena Essex site, and the part of the enquiry that states the volume of water requested (daily and annual quantities and intended use). If any part is commercially confidential to the enquirer, please redact that part and release the rest, including at minimum the volume considered and the company's reasons for its position.

Answer to Q1:

In accordance with our duty to redact, we set out below the content of Northumbrian Water's response to the July 2024 pre-planning enquiry (PPE).

We have carried out a review of your application and following modelling our networks team have advised that our existing infrastructure does have sufficient capacity at present to supply the requested 117.60 l/s without significant network reinforcement....

As we are an area of limited water resources, which need to be balanced to ensure we maintain supply for our domestic customers, NWL would not permit a connection capable of supplying this amount of water to be made to our network if a formal water service application is submitted due to excessive usage.

100.3 l/s of the requested water capacity for this proposed development is for non-domestic use, for a water-cooling solution, and we would expect the development to use other methods of cooling rather than treated mains water supply.

Q2: Any later pre-planning enquiry for the site, including the one referred to in the letter of 13 August 2026 as submitted in 2025, and the company's initial response to it, subject to the same redaction.

Answer to Q2:

There have not been any new pre-planning enquiries (PPE) submitted to ESW on this project since July 2024. Our business process saw us contacting the client on 13th August 2025 requesting a new submission to be sent to ESW however the client has still not provided this. At present, there is no valid PPE and therefore we have not been able to complete any network capabilities/modelling on this site.

Q3: Any response Essex & Suffolk Water made to Thurrock Council's Local Plan consultations (Regulation 18, 2023 to 2024, or Regulation 19, 2026) that concerns the Arena Essex site, Policy SS03 or water demand from data centres.

Answer to Q3:

Please note that Northumbrian Water currently objects to this development (correct up to today's date) on the basis of the site being within both a Site of Special Scientific Interest (SSSI) and a water resource protection zone.

All documentation relating to planning applications is managed and held by the Local Planning Authority. You can access these records, including submissions from statutory and non-statutory consultees, via their online planning portals. Anyone can visit this link to find out more.

However, in order to assist, we attach a copy of Northumbrian Water's 13th October 2026 letter to Thurrock Council in respect of the Local Plan Regulation 19 Consultation. As required, personal information has been redacted.

Our environmental information webpage provides information about how we handle requests for information under the Regulations along with many useful links to topics you may wish to read further about. Ongoing projects feature on the Community Hub which is used for sharing updates, ideas and feedback.

In accordance with guidance from the EIR Regulator, the Information Commission's Office (ICO), NWL publishes all EIR requests and responses, including any attachments, on its website. We ensure that all personally identifiable information regarding the request and requester is redacted before any response is published.

Please feel free to visit our 'existing access to environmental information> EIR Responses' section of our webpage. You can type in any keyword that may be of interest to you, as shown in the search field below.



Additionally, Northumbrian Water are leading an initiative called Stream. Stream is working to stimulate innovation and collaboration through open and shared data. Our vision is to unlock the potential of water data to benefit customers, society, and the environment and to use data to address key water sector challenges. You can access the portal here.

Internal Review

Regulation 11 of the EIR provides for the reconsideration of a response where it appears to an applicant that a public authority has failed to comply with a requirement of the Regulations in relation to their request. This reconsideration process is commonly referred to as an Internal Review. If you are unhappy with the handling of your request or with the decision contained in our response here today, you have the right to ask for an Internal Review. Please note however that the purpose of an Internal Review is to determine whether the original request was handled correctly under the EIR, based on the information request submitted and the response provided at that time.

An Internal Review is **not** intended to consider new information requests, new questions, or requests for additional information that were not included within the original request. Internal review requests should be submitted within 40 working days of the date of this response, so by 22nd December 2026 and should be addressed to eir@nwl.co.uk.

If you are dissatisfied with the outcome of the internal review, you can apply, without charge, to the Information Commission, who will consider whether we have complied with our obligations under the Regulations and can require Northumbrian Water to remedy any problems. You can find out more about how to do this, and the Regulations in general, on the Information Commission's website at www.ico.org.uk. Complaints to the Information Commission can be made via the "report a concern" section of this website.

If you would prefer to write to the Information Commission, they can be contacted at the Information Commission's Office No. 3 Circle Square 5 Hawkshaw Street Manchester, M1 7BL.

Kind regards

The Information Access Team

Enclosure 2

National Energy System Operator: response to request FOI/26/246, handled under the Environmental Information Regulations 2004, dated 28 October 2026 (4 pages).

Document [7] in the list of documents relied on. Relied on in section 5.

Public

Ref: FOI/26/246

National Energy System Operator
Faraday House
Gallows Hill
Warwick
CV34 6DA
InformationRights@neso.energy
www.neso.energy

28 October 2026

Dear requester

Request for Information

Thank you for your request for information which was received by NESO on 1 October 2026. Your request has been considered under the Environmental Information Regulations 2004 (EIR). This is because information about connection agreements relates to a measure that could affect the environment and therefore meets the definition of environmental information in Regulation 2(1)(c) of the EIR.

Request

You asked us:

Planning application 25/00573/OUT to Thurrock Council proposes a data centre campus of up to four buildings on the former Arena Essex site, Arterial Road, West Thurrock, Essex (grid reference approximately TQ 584 796). The site is also allocated for a data centre campus by Policy SS03 of the Thurrock Local Plan Regulation 19 Publication Version (August 2026). The applicant's documents state that the campus would connect to the national transmission network at the Barking Grid Supply Point, and that budget and formal connection applications were progressed for it. The applicant's Environmental Statement gives an annual electricity consumption at full capacity of 2,747,136 MWh.

Please provide the following recorded information:

1. *Whether NESO holds a transmission demand connection application, a connection offer or a connection agreement for a data centre at or serving the former Arena Essex site, with connection at Barking Grid Supply Point; and, if so, its status (applied, offered, accepted, or its position under connections reform), the connection date and the contracted import capacity. If the capacity or date is withheld, please still confirm whether an application, offer or agreement exists and its status.*

2. *Whether that project has been designated, or is under consideration, for accelerated or prioritised connection as a strategically important project (including under the Connection Accelerator Service or any data centre connection arrangement).*
3. *The total contracted transmission demand and the available demand capacity at Barking Grid Supply Point as currently recorded, and any published or internal assessment of constraints at that point for new large demand connections. This item is not project specific.*
4. *Any response or advice NESO has given to Thurrock Council on its Local Plan, including on Policy SS03 or data centre demand in Thurrock, between 1 January 2024 and the date of this request.*

Our response

We have provided our response to each of your questions below.

Questions 1 and 2

For question 1, we do not hold a transmission connected demand application, offer, or agreement for a data centre where the connection site is recorded as Barking Grid Supply Point (GSP). It follows that we do not hold the information requested in question 2.

Where a project is connecting directly to the transmission system, NESO manages the connection application and connection contract. These connections are to one of the Transmission Owners' (TOs) networks, and we work with the TOs to help customers connect.

If a project is not connecting directly to the transmission system, their connection will be to the distribution network, via the relevant party (e.g. Distribution Network Operators (DNOs)). If the connection is at a distribution level, you may wish to contact the relevant party to request further information. DNOs are subject to the EIR, although they are also subject to their own confidentiality obligations. You can look up your local DNO here: Who's my electricity network operator? – Energy Networks Association (ENA).

Question 3

We do not hold any transmission connected demand agreements for projects where the connection site is recorded as Barking GSP. Total contracted transmission connected demand at Barking GSP is therefore 0.

There is no requirement under the Connection and Use of System Code (CUSC) for NESO to maintain or publish a register of demand connections, unlike our obligation to do so for generation connections (the TEC Register). As part of NESO's Strategic Demand Initiative (under

development in collaboration with Ofgem, the Department for Energy Security and Net Zero and networks) a demand register is under consideration.

We do not hold information on the available demand capacity at Barking GSP or any published/internal assessment of constraints at that point for new large demand connections. TOs owns the infrastructure and the assets that make up the transmission system and are responsible for the planning, design, construction and maintenance of their network. You may want to contact the relevant TO, National Grid Electricity Transmission (NGET), to request further information. NGET are also subject to the EIR and can be contacted by email box.EIRrequests@nationalgrid.com. Further information is available here: Environmental Information Regulations ("EIR") 2004 | National Grid.

Question 4

After searching our records and consulting the relevant teams, we confirm that we hold no recorded information within the scope of question 4.

Explanation of our use of Regulation (12)(4)(a)

The EIR only apply to information held by the public authority at the time that the request for information is received (Regulation 3). Where we have explained above that we do not hold the requested information, we are relying on Regulation 12(4)(a). Regulation 12(4)(a) of the EIR allows a public authority to refuse a request if it does not hold that information when an applicant's request is received. All EIR exceptions are subject to public interest test (PIT) however the Information Commission (ICO) recognises that it is not possible to carry out a meaningful PIT where information is not held.

Advice and assistance

- We recognise the growing interest in data centre developments across Great Britain and the importance of understanding their potential impact on electricity demand.
- As the body responsible for planning the future electricity system, we assess a range of demand scenarios, including growth from data centres alongside wider electrification of transport, heating and industry. This work helps inform the investment needed in generation, storage, networks and flexibility so that future demand can be met while maintaining secure supplies for households and businesses.
- Our analysis shows that Great Britain can accommodate significant growth in electricity demand, provided the necessary infrastructure is delivered in a timely and coordinated way.
- We are also working with industry, government and Ofgem to better understand how data centres could provide flexibility to the electricity system, helping to manage demand more

efficiently. The location of new data centres will also be an important consideration in ensuring they can make the best use of available network capacity.

- We do not determine whether individual data centre developments proceed, or the outcome of planning decisions, but any application to connect to the electricity network is assessed through the Ofgem approved connections process, including its impact on the wider system.
- Ofgem and government are leading work on reforms to the way data centres and other large demand users connect to the electricity network, with NESO supporting.
- This work is intended to ensure large new sources of demand, including data centres, can connect in a way that supports economic growth, and protects the security and resilience of the electricity system.

This concludes our response to your request.

Next steps

If you are dissatisfied with our handling of your request, you can ask us to review our response. If you want us to carry out a review, please let us know within 40 working days and quote the reference number at the top of this letter. You can find our procedure here: Freedom of Information and Environmental Information Regulations | National Energy System Operator. The ICO's website also provides guidance on the internal review process: What to do if you are dissatisfied with the response | ICO.

If you are still dissatisfied after our internal review, you can complain to the Information Commissioner's Office (ICO). You should make complaints to the ICO within six weeks of receiving the outcome of an internal review. The easiest way to lodge a complaint is through their website: www.ico.org.uk/foicomplaints. Alternatively, they can be contacted at: Wycliffe House, Water Lane, Wilmslow, SK9 5AF.

Thank you for your interest in the work of the National Energy System Operator (NESO).

Regards,

The Information Rights Team, National Energy System Operator (NESO)