



HERBERT
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05 July 2024

Statement supporting Cornish Lithium Plc's request for a direction pursuant to Section 35 of the Planning Act 2008

in respect of proposed lithium mine at Trelavour Downs, Cornwall

Herbert Smith Freehills LLP



1. **INTRODUCTION**

1.1 This statement is produced by Herbert Smith Freehills LLP on behalf of Cornish Lithium PLC registered number 10205021 and its subsidiary, Cornish Lithium G5 Limited, registered number 13088939 both of whose registered office are at Tremough Innovation Centre, Penryn, Cornwall, United Kingdom, TR10 9TA ("Cornish Lithium"). It is a request to the Secretary of State for the Department for Energy Security & Net Zero pursuant to Section 35 of the Planning Act 2008 (the "Act") in relation to a proposed lithium mining and processing project at Trelavour Downs, Cornwall (the "Development").

1.2 The purpose of this statement is to provide the Secretary of State with information to satisfy them that the relevant legal requirements for a direction pursuant to Section 35 of the Act are met by the Development.

2. **LEGAL REQUIREMENTS FOR A DIRECTION PURSUANT TO SECTION 35 OF THE ACT**

2.1 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 pursuant to Section 35(1) of the Act.

The identity of the applicant

2.2 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:

2.2.1 a person who proposes to carry out any of the development to which the request relates; or

2.2.2 a person who, if a direction under section 35(1) is given in relation to that development, proposes to apply for an order granting development consent for any of that development.

2.3 Cornish Lithium is the entity applying for development consent and carrying out the Development if authorised. It therefore meets the criteria in section 35ZA(2) of the Act.

Business and commercial projects of prescribed description

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

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

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

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

2.5 The relevant "prescribed descriptions" are set out in The Infrastructure Planning (Business or Commercial Projects) Regulations 2013 ("2013 Regulations"). Regulation 2(2)(a)(ii) of the 2013 Regulations includes in the list of prescribed projects those which "*consist wholly or mainly of [...] –*

(ii) the winning and working of minerals in, on or under land (does not include peat, coal, oil gas)"

2.6 The Development meets this criteria, being a proposed lithium mine and refining facility located in Cornwall, England.

National significance

2.7 It is a matter for the Secretary of State's judgement whether a proposed project is "of national significance". However, the Policy Statement by The Department For Communities And



Local Government: Extension of the Nationally Significant Infrastructure Planning Regime to Business and Commercial Projects provides some guidance. It states that:

“Each request will be considered on its own merits, but the Secretary of State would expect those developers who are thinking of asking for a direction to bear in mind the following;

For minerals projects, the Secretary of State would not normally expect to receive requests for projects unless they involve the extraction of a strategically important industrial mineral, or extraction of a mineral on a significant scale, for example where the surface or underground area was over 150 hectares”

2.8 Lithium is defined as a critical mineral by the British Geological Survey (BGS)¹, and the United Kingdom’s Critical Minerals Strategy² lists lithium as a strategically important industrial mineral. The recently published UK Battery Strategy states that *“To make batteries, we need critical minerals such as lithium, cobalt, nickel, and graphite, which are being sourced or processed in the UK, from Cornwall to Lincolnshire”*. Accordingly, the Development meets the policy criteria.

2.9 Further information explaining the national significance of the Development is provided in section 5 below.

A qualifying request

2.10 A section 35 direction may only be given by the Secretary of State 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:

2.10.1 specifies the development to which it relates; and

2.10.2 explains why the conditions in Section 35(2)(a) and (b) (set out at paragraphs 2.4.1 and 2.4.2 respectively above) are met in relation to the Development.

2.11 A description of the development to which the request relates is set out in section 3 below. As explained in section 2.6 above, the criteria in section 35(2)(a) and (b) are met.

3. THE DEVELOPMENT TO WHICH THIS SECTION 35 REQUEST RELATES

3.1 The Development to which this request relates comprises the:

3.1.1 repurposing of a former china clay pit and use of adjacent land at Trelavour Downs, Cornwall, for operation as a lithium mine, processing and refining facility to produce battery grade lithium hydroxide for the UK battery manufacturing industry;

3.1.2 repurposing of other former china clay pits for use as mine waste storage facilities in connection with lithium mining operations at the Trelavour Downs site; and

3.1.3 transport infrastructure to convey materials and utilities connected to the Development including but not limited to waste, supplies, water, power, products and ore mined from the Trelavour pit to and from a processing facility at TreLith which is approximately 500 metres away from the Trelavour pit, the ownership details of which are set out in 4.3 below.

3.2 A plan showing the indicative location of the proposed Development is appended to this statement. The total area of the proposed mine is approximately 208 Hectares.

3.3 As with any “nationally significant infrastructure project”, Cornish Lithium may also wish to include “associated development” (as defined by s115 of the Act) as part of its application for development consent.

3.4 It is likely that Cornish Lithium will wish to include other “associated development” within the development for which a DCO is sought, relating to the transportation and processing of the

¹ <https://www.bgs.ac.uk/download/uk-criticality-assessment-of-technology-critical-minerals-and-metals/>

² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1097298/resilience_for_the_future_the_uk_critical_minerals_strategy.pdf



lithium ores and concentrates mined at Trelavour and the associated waste. However, the exact nature of that associated development has not yet been defined and will in any event be a matter for consultation during the pre-application period. For this reason, the Development for which the s35 Direction is sought is limited to the proposed mine, necessary transport corridors and mine waste storage facilities.

4. CORNISH LITHIUM AND THE DEVELOPMENT

- 4.1 Proposals for the Development are being developed and promoted by Cornish Lithium PLC and its subsidiary Cornish Lithium G5 Limited. Cornish Lithium is a pioneering mineral exploration and development company focused on the environmentally responsible extraction of lithium in Cornwall.
- 4.2 The Development would repurpose a former china clay pit near St Austell, Cornwall, at Trelavour Downs where lithium is present in mica minerals within granite. This area was first identified as a strategic resource for the UK in 1987 by a British Geological Survey (BGS) publication entitled “The lithium potential of the St Austell Granite”.
- 4.3 Cornish Lithium has an existing signed mining lease in place with the necessary land and mineral rights owner The Rt. Hon. Evelyn Arthur Hugh, Viscount Falmouth in respect of the majority of the land which is proposed to be mined for lithium. A separate commercial lease is in place for the nearby mineral processing facility at TreLith, which has the same landowner.
- 4.4 The potential for this Development was identified following extensive research into historical records and modern geological, geochemical, and geophysical datasets which built on the work completed by BGS in 1987. The Development would benefit from excellent logistics, being in close proximity to existing infrastructure including renewable power, rail, road, a port, and the TreLith processing plant which is located within 500 metres of Trelavour Downs.
- 4.5 Initial investigative drilling of the site by Cornish Lithium in 2020 confirmed the presence of pervasive lithium mineralisation in the form of lithium bearing micas within the granite rock. These lithium bearing minerals were proven as amenable to commercial lithium extraction in successful laboratory metallurgical trials.
- 4.6 Additional, more comprehensive, drilling and evaluation during 2021 led to the publication of a maiden JORC³-compliant Inferred Resource of 51.7 million tonnes of mineralised material at a grade of 0.24% lithium oxide, equating to over 300,000 tonnes of contained Lithium Carbonate Equivalent (LCE). Cornish Lithium then built and operated a concentrator pilot plant in Cornwall during 2021 which successfully produced +1% lithium mica concentrate.
- 4.7 In 2022 Cornish Lithium completed a scoping study (partly funded by the Automotive Transformation Fund, see section 5 below) which identified the potential for a commercially feasible lithium mine with a 20-year life, producing an average of 7,800 tpa of lithium hydroxide. This scoping study demonstrated the commercial viability of lithium enriched granites at Trelavour using well established concentration methods followed by hydrometallurgical extraction of lithium using the Lepidico process. Cornish Lithium has an exclusive licence to use this low-carbon extraction technology over the entire St Austell granite region in Cornwall.
- 4.8 During 2023, following extensive due diligence, Cornish Lithium successfully secured funding for a total of US\$277 million, of which US\$210 million is dependent on the outcome of a project feasibility study that is currently underway. This funding came from The UK Infrastructure Bank (US\$30m plus a further US\$90m), The Energy and Minerals Group (a Texas based private equity group – US\$30m plus a further US\$90m) and TechMet (a Dublin based private equity group – US\$7m plus a further US\$30m). This funding is considered a landmark fundraising for UK mining and represents one of the largest private sector

³ Joint Ore Reserves Committee



investments Cornwall has ever seen. The majority of this funding was earmarked for the Development. This funding was considered a landmark case of UK Government investment (through the UKIB) successfully “crowding in” additional funding from external investors. As such the Development is a high profile project for the UK.

- 4.9 The Development is currently undergoing a detailed feasibility study which is expected to lead to a Final Investment Decision early in 2025. The Feasibility Study utilises additional geological data obtained from a further drilling programme conducted during 2023 which was designed to expand the Trelavour Mineral Resource and allow conversion from Inferred to a (Higher Confidence) Measured and Indicated classification under the JORC Code. Importantly this drilling programme has enabled Cornish Lithium to nearly double the quantity of lithium bearing rock contained within the Trelavour pit area. In parallel, over the past few years Cornish Lithium has been conducting the required baseline surveys and studies over all areas currently accessible. Such studies include community and stakeholder engagement, hydrology, ecology, etc. in order to produce Impact Studies and complete the consenting applications required for the Development. This work has been carried out in close cooperation with both the planning authorities within Cornwall Council and with the Environment Agency. The Development enjoys strong support from Cornwall Council as the Development will generate approximately £870 million over the life of the mine.⁴
- 4.10 The extraction of lithium from ore mined at Trelavour Downs will take place at the nearby TreLith processing facility and will happen in two steps. The first pre-concentration step will be via comminution (crushing and grinding of the ore) and flotation to produce a lithium mica concentrate. The second processing step will be a hydrometallurgical process, using the patented Lepidico L-Max® and LOH-Max® lithium extraction technologies developed by Australian company Lepidico. Cornish Lithium has secured an exclusive licence to use Lepidico’s technology across the entire St Austell granite region to produce lithium hydroxide. Importantly, the Lepidico process offers a low carbon and environmentally friendly extraction route to lithium production as it does not involve roasting of lithium bearing ores.
- 4.11 The Development utilises existing brownfield sites (formerly used for china clay extraction), which will enable the UK to build a truly sustainable and environmentally friendly domestic lithium supply chain. Adjacent renewable power generation facilities will allow the Development to utilise low carbon energy from solar, wind and domestic waste incineration.
- 4.12 Following the successful fundraising in August 2023, Cornish Lithium commenced construction and commissioning of a demonstration plant at the TreLith processing site. This work is nearing completion with commissioning expected to be complete by July 2024. The £9 million demonstration plant will enable Cornish Lithium to further improve lithium extraction methodologies. The hydrometallurgical section of the plant was part funded by an ATF SURV grant.

5. NATIONAL SIGNIFICANCE OF THE DEVELOPMENT

- 5.1 Global demand for lithium is set to grow significantly as the world moves towards renewable energy, electric vehicles and battery power storage. According to the World Bank demand for lithium could increase by almost 500% by 2050 and hence global demand is expected to outstrip supply chain capacity. Given that lithium is one of the key components in electric vehicle batteries global demand for battery minerals (including lithium) is projected to increase by between 6 and 13 times by 2040⁵. Given the global race to decarbonise and move towards renewable energy sources a reliable supply of the necessary battery materials, including lithium, has become a national imperative for all developed economies. Securing supplies of lithium for electric vehicles, power storage batteries and for defence

⁴ source: E4tech GVA report June 2022

⁵ <https://www.iea.org/reports/the-role-of-critical-minerals-in-clean-energy-transitions>



- applications will necessitate all available lithium resources to be developed where possible.⁶. Britain is fortunate to have lithium bearing mineralisation in Cornwall given that this could provide a domestic source for a significant portion of overall UK demand. Cornish Lithium is a pioneer in developing a secure domestic supply of lithium for the British economy.
- 5.2 In 2021 (and updated 05/04/2022) the former UK Government published the Net Zero Strategy which includes a commitment to facilitate increased use of electric vehicles and power storage batteries for renewable energy sources. As part of the former government's 'ten point plan for a green industrial revolution', in 2020 they announced the end of the sale of new petrol and diesel cars and vans by 2030, with all new cars and vans being fully zero emission from 2035⁷. Steps towards this ambition are already underway and UK sales of electric cars increased on average by 35 per cent year-on-year between 2015 and 2020⁸. The Development compliments these ambitions; as in order to sustain this revolution and enable the UK automotive industry to thrive it is increasingly important to secure sustainable domestic supplies of critical minerals such as lithium.
- 5.3 In 2022 (updated 13/03/2023), the Department for Business Energy and Industrial Strategy published its Critical Minerals Strategy which supports accelerated development of the UK's domestic production capabilities of minerals, including lithium. As part of this update, the then Minister for Industry and Economic Security, launched an independent Task and Finish Group on Industry Resilience for Critical Minerals. This was a first-of-its-kind initiative for industry-government engagement on critical mineral supply risks. The former UK government response to the Task and Finish Group's recommendations to this was published 4 March 2024 as a policy paper. The paper is positive for the future of critical minerals (inclusive of lithium) and Recommendation 3 mentions Cornish Lithium explicitly as an example of the financial support mechanisms the government has deployed to accelerate the growth of the domestic production of critical minerals.⁹
- 5.4 The UK currently has no domestic supply of lithium and relies on complex and delicate global supply chains, many of which centre on China. By creating a domestic supply of lithium, the Development would align with the UK Government's efforts to date to create secure national supply chains as a means of protecting against supply constraints and helping shelter the UK from price volatility due to geopolitical events¹⁰. This is particularly significant given that rising demand recently caused lithium prices to increase nearly 400 percent during 2022¹¹. Furthermore, one of the policies of the UK Government's Transitioning to Zero Emission Cars and Vans: 2035 Delivery Plan¹² (published 2021) is to reduce the UK's reliance on other nations for critical raw materials needed for electric vehicles. One of the actions of this policy includes support for initiatives to localise more of the EV and battery supply chain in the UK.
- 5.5 The move to electric vehicles worldwide is of significant economic importance to the UK economy given the importance of the domestic automotive industry. The UK automotive sector generated more than £60 billion in turnover in 2022 and contributed £11.9 billion in value in 2020¹³. In order to successfully transition to domestic construction of batteries and electric vehicles in the UK a secure supply of critical battery materials is a growing necessity. The Critical Minerals Strategy published by BEIS in 2022 and updated in March 2023

⁶ See comments of Savannah Resources' CEO Dale Ferguson - S&P Global Commodity Insights report into Battery Metals <https://www.spglobal.com/commodityinsights/en/market-insights/topics/coronavirus-impacts-commodity-markets>

⁷ <https://www.gov.uk/government/publications/the-ten-point-plan-for-a-green-industrial-revolution/title>

⁸ <https://ukcmic.org/reports/ukcmic-battery-minerals-report.pdf>

⁹ See <https://www.gov.uk/government/publications/critical-minerals-task-and-finish-group-government-response/uk-government-response-to-the-task-and-finish-groups-recommendations-on-industry-resilience-for-critical-minerals>

¹⁰ Ibid

¹¹ <https://www.benchmarkminerals.com/lithium-prices/>

¹² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005301/transitioning-to-zero-emission-cars-vans-2035-delivery-plan.pdf

¹³ <https://ukcmic.org/reports/ukcmic-battery-minerals-report.pdf>



highlights that the UK's automotive and electric vehicle battery ecosystem is highly dependent on the development of a UK battery manufacturing capability. The strategy states that the government's intention to build a new generation of gigafactories in the UK will only happen if a resilient supply of battery minerals can be secured for the nation¹⁴. The Faraday Institution estimates that the quantity of lithium required by the UK to supply its planned gigafactories is around 15 thousand tonnes (kt) of lithium metal or 74–80 kt of Lithium Carbonate Equivalent (LCE) by 2030.¹⁵ The Development could provide at least 10% of the required amount, commencing in 2027. This timing aligns well with the proposed development of the Agratas and Tata Technologies battery "megafactory" in Somerset. Development of a secure domestic supply chain of lithium for the UK battery industry will ensure that maximum economic value is generated in the UK and that associated jobs are not exported to other nations.

- 5.6 The Development would also have significant socio-economic and levelling up benefits for Cornwall, a historically disadvantaged part of the UK. Cornish Lithium estimates that during the life of the Development (construction period of two years and an operational life of at least 20 years) at least 300 jobs would be created, including 80 from immediate suppliers. During the build phase (2 years) approximately 250 additional contractor construction jobs would be created. The Development is also expected to create over 350 indirect jobs in the supply chain. In addition to the overall capital cost this represents a major investment into Cornwall and would help create a highly skilled workforce, offering secure employment in a region with a large dependence on seasonal work¹⁶. As part of the former Government's "levelling up" agenda in the South West region Cornwall and Isles of Scilly were allocated £132 million for local investment until March 2025 through the UK Shared Prosperity Fund which supported the UK Government's wider commitment to level up all parts of the UK. The creation of well-paid and skilled jobs was an investment priority for this fund and the Development therefore supports this ambition.
- 5.7 Recently published Governmental policies and strategies (such as the Critical Minerals Strategy published in 2022 (and updated 13/03/2023) and the UK Battery Strategy published 2023) recognise the importance of Cornwall's potential to supply the critical minerals required for the energy transition. Given its long history of mining Cornwall already has a significant pool of mining skills – including students from the internationally recognised Camborne School of Mines. Cornish Lithium's analysis shows that the Development could produce £38m/year of value add in Cornwall, amounting to around £870m over the life of the mine. This figure could increase to £1.7bn across the whole UK as it is estimated that £750m will be added by upstream supply chain actors over the mine's lifetime. Cornish Lithium estimate that its direct activity at Trevalour and activity from primary suppliers could add 0.4% to Cornish GVA¹⁷.
- 5.8 A further ambition set out in the Critical Minerals Strategy is the growth of research and development capabilities to promote innovation and to re-establish the UK as a centre of critical mineral and mining expertise. The Development would assist in meeting this strategy objective given the proposed use of innovative techniques and digital technology. Cornish Lithium already has a close working relationship with Camborne School of Mines (University of Exeter) which the former UK Government committed to support in the Critical Minerals Strategy. Cornish Lithium also has a close relationship with the University of Plymouth, as well as other research collaborations nationally. The Development is highly focussed on process chemistry which will augment Britain's strengths in chemical engineering. Cornish Lithium has participated in several innovative research collaborations with various organisations -

¹⁴ <https://www.faraday.ac.uk/ev-economics-study-2022/>

¹⁵ <https://ukcmic.org/reports/ukcmic-battery-minerals-report.pdf>

¹⁶ <https://www.cornwallislesofscillygrowthprogramme.org.uk/wp-content/uploads/2019/12/Employment-and-Skills-Strategy-Evidence-Base.pdf>

¹⁷ Calculated using 2019 figures for GVA and employment from Cornwall Council: Economy Monitoring Monthly Update (EMMU) September 2021



including the Satellite Innovations Catapult on furthering the geological understanding of lithium deposits in Cornwall.

- 5.9 The former UK Government has already shown support for the Development. The Development's initial scoping study was partially grant funded by the UK Government through the Automotive Transformation Fund, a funding programme created to support large-scale industrialisation of an electrified supply chain.¹⁸ In addition, in September 2022, the Rt Hon Philip Dunne former Chairman of the Environmental Audit Committee visited Cornish Lithium's TreLith processing site and later in a letter wished Cornish Lithium success in its endeavours, stating that: *"as the Committee knows from its work on the supply chain for battery electric vehicles, technological innovations using lithium are crucial to the UK's net zero future. A secure domestic source of lithium is therefore vital to the economic transformation which net zero entails"*. In April 2024 the site was also visited by the then Minister of State for Industry and Economic Security, Nusrat Ghani, who said in an interview afterwards with ITV South West *"There is a massive global race to try and get hold of these critical minerals, and we can't constantly keep looking to Asia to get hold of them..."* *"The programmes of work taking place in Cornwall, are being mined to the highest environmental standards..."* *"The value remains here for the Cornish community, and we're not going to achieve Net Zero without Cornwall and Cornish mining"....."Once again Cornwall is going to be the backbone of the next economic revolution in the UK."*
- 5.10 Cornish Lithium will support the achievement of the former Government's Industrial Decarbonisation Strategy¹⁹, which sets out how industry can decarbonise in line with net zero while remaining competitive and not pushing emissions abroad. A key objective of the company is to contribute to the global goal of decarbonisation through clean growth and a transition to a green economy. As previously stated, the techniques used to mine and extract lithium from Trelavour project will utilise the patented Lepdico process which does not use high temperature, fossil fuel based, roasting techniques. This technology is estimated to reduce overall carbon emissions by up to 76% vs. the international benchmark of lithium operations emissions.
- 5.11 The former Government's recognition of the importance of the Development to the UK is underlined by the fact that it became a shareholder in Cornish Lithium on 7th August 2023 by way of UK Infrastructure Bank investing approximately £24.0million (US\$30 million equivalent) into Cornish Lithium. This was the first direct equity investment by the UK Infrastructure Bank.
- (i) John Flint, CEO of the UK Infrastructure Bank, said: *"Our investment in Cornish Lithium perfectly encapsulates a key part of our mission – to drive forward new and emerging markets that the UK will rely on to meet its net zero goals, and which will deliver an enduring and positive impact on local economies. Globally the supply of lithium is far outpaced by demand, and yet in the UK it remains a nascent market. Our investment has already crowded-in private sector financing which will greatly accelerate domestic production of a mineral which is critical to the future of EV battery production and decarbonisation of the transport sector. This model of investment is fundamental to the success of the UK's transition to net zero."*
- (ii) The former Economic Secretary to the Treasury Andrew Griffith said: *"I am delighted to see the £53.6 million initial investment into Cornish Lithium, led by around £24 million of funding from the UK Infrastructure Bank. This investment supports plans laid out in the government's Critical Minerals Strategy by improving the UK's domestic supply of lithium, which will help the UK's transition towards net zero whilst also boosting local and regional economic growth."*

¹⁸ <https://www.apcuk.co.uk/automotive-transformation-fund/>

¹⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/970229/Industrial_Decarbonisation_Strategy_March_2021.pdf



(iii) The former Business and Trade Secretary Kemi Badenoch said: *“This is fantastic news for the Cornish economy and the UK car industry as a whole. This announcement demonstrates that the Government has got the right plan in place to help produce the batteries we need to ramp up our domestic electric vehicle production. Together with Tata Group’s recent gigafactory announcement, we are making sure the UK automotive sector is well set for the future.”*

(iv) The former Secretary of State for Energy Security and Net Zero Grant Shapps said: *“Today’s investment in Cornish Lithium is a strong vote of confidence in the South West’s future at the cutting edge of electric vehicle technologies. Coming hot on the heels of Tata’s investment in its gigafactory in Somerset last month – one of the largest investments ever in our automotive sector – this planned expansion will be a key part of ensuring a domestic supply of lithium that is so vital to developing batteries and battery storage here in the UK. And all of this will support our move towards a cleaner energy future, grow our economy and create new jobs, while also boosting our energy security.”*

5.12 We assume that the new Government will wish to continue the strong support shown by the former Government for lithium mining in the UK.

6. REASON FOR THE REQUEST

6.1 Whilst planning permission for mining at the Trelavour pit does currently exist the extant permissions are considered out of date and mainly envisage china clay extraction, not lithium mining. As such existing permissions do not reflect current best practice for mining operations and relevant environmental considerations. Cornish Lithium therefore considers it prudent to seek a new consent which prescribes modern terms and conditions for the site’s new life as a lithium mine. Whilst there are other ways in which Cornish Lithium could seek such consent from the minerals planning authority (Cornwall Council), a DCO application would enable Cornish Lithium to simultaneously, and through the same single consent, obtain authorisation for all associated infrastructure necessary to transport, process and store the waste arising from the mining activities in keeping with modern regulations.

6.2 This ability to seek a single consent via a DCO, will give Cornish Lithium and its investors (including HM Government via the UKIB) greater certainty, which is crucial for the Development’s viability.

6.2.1 In order to deliver the project, Cornish Lithium also needs to acquire certain land interests from adjoining landowners – both to expand the mine pit itself and any necessary transport infrastructure to convey materials and utilities connected to the Development - including but not limited to waste, supplies, water, power, products and ore mined from the Trelavour pit to and from a processing facility at TreLith (approximately 500m away).

6.3 While Cornish Lithium intends to continue to conduct and encourage private negotiations with the relevant landowners, it recognises that it may not be possible to reach agreement. In order to avoid an impediment to timely delivery of this nationally important Development, Cornish Lithium considers it necessary to obtain powers of compulsory purchase over the required land, concurrent with seeking the necessary consent to develop all elements of the proposed Development.

6.4 For Cornish Lithium, the relevant landowners, the local authority and other interested parties, we believe there would therefore be substantial benefit to utilising the single, unified authorisation process offered by the Planning Act 2008.

6.5 Cornish Lithium also considers that the Planning Act’s well-defined consenting process, with its fixed timescale for determination, would create the confidence and certainty necessary to attract the investment essential for the Development.



7. LOCAL PLANNING AUTHORITY

We have discussed with Cornwall Council the possibility of Cornish Lithium consenting the Development through the Planning Act 2008, and they are aware that Cornish Lithium may apply this approach to consenting.

8. CONCLUSION AND REQUESTS

8.1 We consider that the information provided in this statement is sufficient to constitute a qualifying request in accordance with Section 35ZA(11) of the Act, and to explain why the Development should be considered of national significance.

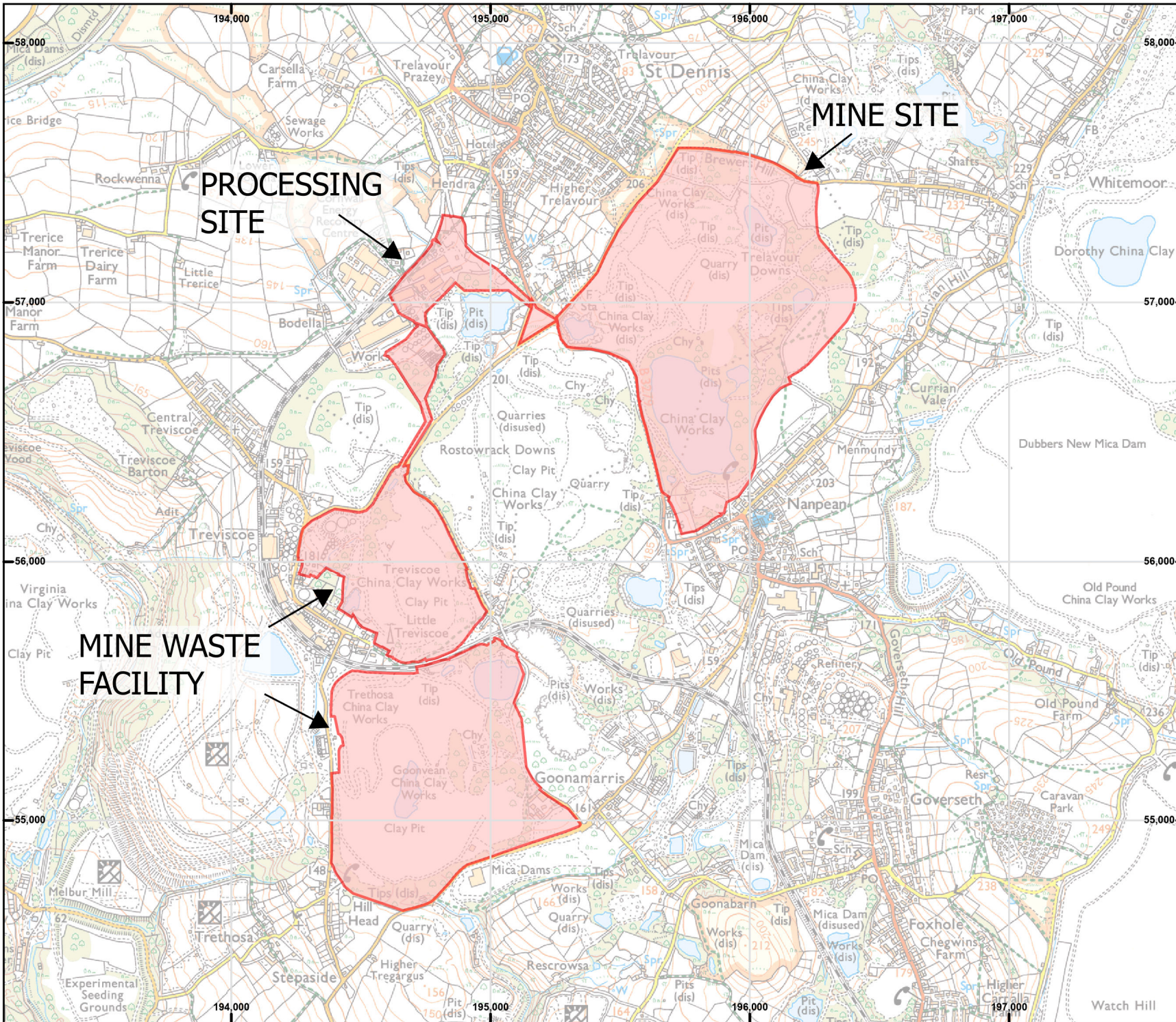
8.2 Accordingly, we invite the Secretary of State to issue a direction for the Development to be treated as development for which development consent is required pursuant to Section 35(1) of the Act.

8.3 Further, we request that the Secretary of State when issuing the direction directs that any proposed application for a consent or authorisation mentioned in section 33(1) or (2) of the Act in relation to the Development is to be treated as proposed development for which development consent is required.

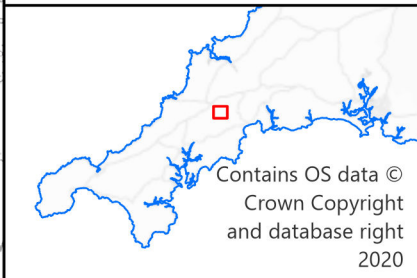
8.4 Should the Secretary of State require any further information in connection with this request please do not hesitate to contact Catherine Howard (020 7466 2858 / Catherine.Howard@hsf.com) of this firm.

Herbert Smith Freehills LLP

Enclosure: Indicative plan of proposed mine, mineral processing and mine waste storage facilities



Indicative area of proposed NSIP



Legend

NSIP Areas



Scale: 1:20,000 (@ A4)
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Drwg Ref No: 2212	Drwn/Chckd: HS/HC	Date: 23052024
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