Written evidence submitted by Cornish Lithium Plc (PIB08)

Dear House of Commons Public Bill Committee,

Planning and Infrastructure Bill Committee (the Bill) – Response to Call for Evidence

1. Introduction

Cornish Lithium plc is the operator of the Trelavour lithium development project located in St Dennis, Cornwall (the **Project**). Trelavour is a brownfield development that repurposes existing open cast china clay workings and associated processing and transport infrastructure. When in full operation, the Project is expected to produce 10,000 tonnes of battery-grade lithium hydroxide, representing c. 10% of 2030 projected UK demand arising mainly from electric vehicle and grid scale battery storage manufacture. The £400million Project will create up to 1000 jobs in the construction phase and create 300 well paid, skilled and high productivity full time jobs over a 20+year mine life in one of the most deprived areas of the UK.

Lithium is a key critical mineral, designated as such in the UK Critical Minerals Strategy (Refresh), published in March 2023, Critical Minerals Refresh: Delivering Resilience in a Changing Global Environment (published 13 March 2023) - GOV.UK (www.gov.uk). The strategy sets out how the UK can accelerate domestic capabilities, collaborate with international partners and enhance the presence of UK critical minerals production in international markets. Demand for critical minerals is projected to increase rapidly, driving the need to build the resilient, diverse and responsible domestic supply chains.

On 9th September 2024, by a Section 35 Direction under the Planning Act 2008, the Secretary of State for Housing, Communities and Local Government designated the Project as a "Nationally Significant Infrastructure Project" (NSIP) MHCLG Decision letter. This marked the first designation of a mining project as a NSIP, reflecting the strategic national importance of lithium production. Consequently, planning consent for the project is being sought by a Development Consent Order (**DCO**).

Whilst the Bill is in Committee Stage, we are aware that the Government is considering taking more substantive steps to ensure that, to deliver much-needed growth at the earliest possible opportunity, the Bill supports accelerated delivery of infrastructure projects in the UK. This would include streamlining the pre-application consultation process and removing the requirement to complete a Preliminary Environmental Information Report (**PEIR**). Cornish Lithium plc supports such changes as we are confident that, by reducing the requirement for developers to undertake comprehensive pre-application consultation and a PEIR, material improvements to project delivery timelines and costs can be achieved. In the case of the Project, such reforms would accelerate delivery, currently scheduled for 2029, by at least 10 months, reducing the cost of the DCO process by c.£150,000 and realising the economic and social benefits within the life of this Parliament. To enable Cornish Lithium to deliver the Project within this Parliament, the proposed reforms to the Bill would need to receive Royal Assent before the 2025 Summer Recess.

2. The Current Law

The current law under the Planning Act 2008, prior to the changes proposed in the Bill, impose a statutory duty on those who submit DCO applications to have carried out pre- application:

1. Consultation the local community in the vicinity of the proposed application (Section 47);
2. Consultation with landowners with an interest in the affected land (Section 42(1)(d));
3. Consultation with prescribed consultees, including but not limited to, the Environment Agency, the MMO, the Local Authority, Highway Authorities, Natural England and the Police; and
4. Complete and publish a PEIR. (Reg 12 EIA Regs)

It should be noted that the legal duties to consult are unique to the DCO process and no such legal duties to consult during the pre-application period exist in other UK planning regimes including: Town and Country Planning Act 1990, Transport and Works Act Orders 1992, or Hybrid Bills like Crossrail and HS2. It is worth noting that many of the projects consented under these other regimes are more significant in scale than projects being consented via the NSIP regime. Even with the proposed reform, the Planning Act 2008 would still impose more pre-application consultation duties than any other UK planning regime. Key to any reforms too, however, is to ensure that the Planning Inspectorate is not given the ability to push back or otherwise delay projects due to ambiguity in any guidance that may be issued alongside the Bill, in the event the same is adopted.

3. A Proposed Process Reform by Deletion of Statutory Pre-Application Consultation

Cornish Lithium's proposed amendments to the Bill are tabulated below:

The current legal duties	**The proposed reforms**
Duty to publicise in newspapers (s48)	Duty to publicise in newspapers (s48)
Duty to consult "people living in the vicinity of the proposals" in accordance with a statement of community consultation (s47)	Duty to consult "people living in the vicinity of the proposals" in accordance with a statement of community consultation (s47)
Duty to consult each and every landowner within the boundary of the proposals (s42/44)	Delete
Duty to consult "statutory consultees" including local authorities (s42/43)	Delete
Duty to prepare and consult on "preliminary environmental information" (Reg 12, EIA Regs)	Delete

The proposed reforms have the sole objective of accelerating developments without removing the requirement for consultation or environmental impact analysis within the DCO process**.** This can be achieved by a process-related amendment to the Bill that, without removing the duty to consult people living in the vicinity of any proposals, defines certain

elements of pre-application consultation as best practice but not a legal requirement provided that the Planning Inspectorate can only reject a DCO application on grounds of not having met the legal requirements rather than having the ability to do so if an application is not being in line with best practice.

The proposed amendment would allow projects to meet the consultation and environmental impact objectives of the Bill through the existing need to produce an Environmental Impact Assessment (**EIA**) or Environmental and Social Impact Assessment (**ESIA**). Both the EIA and ESIA are at a more detailed level than a PEIR, but removing the legal requirement to produce a PEIR would avoid the duplication currently seen by the need to produce a PEIR at the front end of a project.

As all responsible developers will, we would always still take consultation with communities seriously, as evidenced by our recommendation that in any amendment to the Bill the duty to consult people living in the vicinity of the proposals (s47) be retained. We make this commitment to proper, transparent and two-way consultation with the community, not just as a matter of regulation or good practice, but because it is in our interest to design good projects which will withstand scrutiny, achieve consensus and get consented. We also learn from carrying out the appropriate engagement before making an application.

As stated above, the proposed amendment to the Bill, if adopted and in receipt of Royal Ascent, would accelerate the approval of the project by a minimum of 10 months. Clearly, if adopted the amendments would have impact at a national scale by reducing the pre-application period within the DCO process, releasing consultancy (and statutory consultee) time and financial resources to be allocated to other infrastructure projects that may be delayed due to lack of resource.

4. Summary

With the proposed reforms set out in this paper, we should quickly see a higher rate of DCO applications being made, and that flowing through to a higher number of positive decisions in this Parliament. Without this change, there could be no increase in the number DCOs applied for or granted (even accounting for the Planning and Infrastructure Bill changes).

The proposed reforms set out in this letter streamline the DCO planning process, allowing developers and statutory consultees to address key issues more efficiently, which maintains the integrity of the DCO process and ensure critical matters can be resolved in a timely manner. By making process changes, these reforms would free up resources, eliminate process bottlenecks, and encourage more major growth-delivering infrastructure applications and consents within this Parliament.

One final aspect that should not be overlooked is the role of timely consenting process in the UK's international position in an increasingly competitive global market for infrastructure investment. Cornish Lithium has, with the support of the UK Government through the National Wealth Fund, attracted a significant level of foreign direct investment from the USA and EU. Consequently, we are acutely aware that international investors in critical minerals and other infrastructure projects are constantly reviewing the investment environment - and

in particular the ability of legislation and regulation to deliver certainty and at pace. In this regard, the proposed amendment to the Bill outlined in this letter will improve investor confidence by creating a lower risk and cost burden for developers and speed up the planning process making the UK a more competitive destination for overseas investment, helping to deliver much-needed growth in this Parliament.

We would welcome the opportunity to provide evidence or speak to the matters set out in this letter in person.

Yours sincerely

Kate DaSilva
Group General Counsel

CORNISH LITHIUM PLC
www.cornishlithium.com

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