

DIRECTION BY THE SECRETARY OF STATE FOR HOUSING, COMMUNITIES AND LOCAL GOVERNMENT UNDER SECTION 35(1) OF THE PLANNING ACT 2008 RELATING TO A PROPOSED LITHIUM MINE AT TRELAVOUR DOWNS, CORNWALL

By email to the Secretary of State dated 5 July 2024, Cornish Lithium G5 Limited ("the Applicant") formally requested that the Secretary of State exercise the power vested in the Secretary of State under section 35(1) of the Planning Act 2008 (as amended) ("the Planning Act") to direct that the proposed Lithium Mining and Processing Project ("the Proposed Project") as set out in the applicant's formal request, be treated as development of national significance for which development consent is required.

The Secretary of State has made a decision within the deadline set out in section 35A(4) of the Planning Act and wishes to convey that decision.

Having considered the Applicant's formal request and the details of the Proposed Project, the Secretary of State is satisfied that:

- the Proposed Project is a business or commercial project of a prescribed description for the purposes of section 35(2)(a)(ii) of the Planning Act and regulation 2(a)(ii) of the Infrastructure Planning (Business and Commercial Projects) Regulations 2013 ("the Regulations"), consisting wholly or mainly of the winning and working of minerals in, on or under land, being a mineral within the definition set out in regulation 1(2) of the Regulations;
- the Proposed Project is within England; and
- The Applicant's formal request constitutes a "qualifying request" in accordance with section 35ZA(2) of the Planning Act.

The Secretary of State notes that the Proposed Project comprises the following as detailed or referred to in the Applicant's qualifying request and further information:

- 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;
- 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
- transport infrastructure to convey materials and utilities connected to the Proposed Project 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.

Having considered the details of the Proposed Project against the criteria in the Policy Statement for the extension of the nationally significant infrastructure planning regime to business and commercial projects, and all other relevant matters, the Secretary of State is of the view that the Proposed Project by itself is nationally significant for the following reasons:

- the proposal would be likely to have significant economic impact;
- be important in driving growth in the economy;
- have an impact on an area wider than a single local authority area;
- is for the extraction of a strategically important industrial mineral;
- in addition, the Secretary of State also considers that the Proposed Project would benefit from the application being determined through a single, unified consenting process provided

by the Planning Act and removing the need to apply and the uncertainty of applying for separate powers and consents.

The Secretary of State considers that if the details of the Proposed Project change, before submitting any application to the Planning Inspectorate, the Applicant may wish to seek confirmation from the Secretary of State that the development which is to be the subject of the proposed application is the same as that for which this Direction is given.

THE SECRETARY OF STATE HEREBY DIRECTS that the Proposed Project is to be treated as development for which development consent is required. Any application for development consent for the Proposed Project may also include any matters that may properly be included in a development consent order (in accordance with section 120 of the Planning Act) including ancillary matters (section 120(3)) and associated development (within the meaning of section 115(2) of the Planning Act).

THE SECRETARY OF STATE FURTHER DIRECTS in accordance with section 35ZA(3)(b) of the Planning Act that any proposed application for a consent or authorisation mentioned in section 33(1) or (2) of the Planning Act for the Proposed Project is to be treated as a proposed application for which development consent is required.

This direction is given without prejudice to the Secretary of State's consideration of any application for development consent which may be made in relation to all or part of the Proposed Project.



Lewis Thomas – Deputy Director, Planning Casework

Authorised to sign on behalf of the Secretary of State

9 September 2024