Planning Inspectorate

The Trelavour Lithium Project

Section 51 Advice Log
Version: 08 October 2026

This document comprises a record of the s51 advice that has been given by the Planning Inspectorate to the applicant (Cornish Lithium G5 Limited) during the pre-application stage. It will be updated by the Planning Inspectorate after every interaction with the applicant within which s51 advice has been given.

The applicant will always be given the opportunity to comment on the Planning Inspectorate's draft record of the s51 advice given before it is published on the relevant project page on the Find a National Infrastructure Project website.

The role of the advice log at the acceptance stage

Section 55(4) of the PA2008 requires the Planning Inspectorate to consider, amongst other things, the extent to which the applicant has had regard to the s51 advice given by the Planning Inspectorate in connection with the application when deciding if the application can be accepted for examination. Section 51 advice includes:

- advice given about applying for an order granting development consent
- advice given about making representations about an application for an order granting development consent

The applicant will use this advice log as the tool for demonstrating:

- regard to the s51 advice given to the applicant by the Planning Inspectorate
- regard to any s51 advice given to others by the Planning Inspectorate

The applicant will submit a final version of this advice log which demonstrates regard to all s51 given by the Planning Inspectorate at the pre-application stage as part of the application.

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The Trelavour Lithium Project – Log of s51 given to the applicant		
Meeting date: 27 March 2025		
Topic	**s51 advice given**	**Applicant regard to s51 advice given**
Inception Meeting	The Inspectorate advised that the use of the demonstration plant during consultation would be a useful tool to assist stakeholder understanding. The Inspectorate advised that a DCO is not an outline planning permission so it is important to understand the journey of the project as the project travels through the pre-application process. The Inspectorate advised that a schedule of other consents would assist understanding of what is needed from other bodies and projected timescales. The Inspectorate advised the applicant that they should seek to avoid running non statutory consultation alongside the Inspectorate's scoping so as not to cause confusion to consultation bodies. The Inspectorate advised that no work will begin on the scoping opinion until the first	Information to follow from applicant.

	pre-application payment has been received by the Inspectorate. The Inspectorate further advised that the Environment Agency, Natural England and others are entitled to charge for their statutory duties during the pre-application stage and that Department for Environment, Food and Rural Affairs (DEFRA) have issued preliminary guidance on PM 2.5 and providing a different approach to assessing it while the Environment Agency has updated flooding and coastal erosion data. The Inspectorate advised that they will require regular updates throughout the pre application stage regarding the scope of compulsory acquisition powers to be sought. The Inspectorate advised that there are a series of advice pages to assist councils and planning authorities with understanding NSIP process. The Inspectorate advised that AoCM should be submitted once applicant is satisfied that no further consultation will be required for the project to allow the Inspectorate to fully review the project consultation rather than a conditioned response if consultation is ongoing.	
Meeting date: 22 October 2025		

Topic	s51 advice given	Applicant regard to s51 advice given
Environmental Surveys	The applicant advised that various environmental surveys are ongoing and will be reported in the Preliminary Environmental Information Report (PEIR). The applicant is also proposing to undertake additional survey work in response to consultation responses received in the environmental impact assessment (EIA) scoping opinion. This will include surveys for fish and otter. Some of the recommendations for additional surveys (such as night-time baseline photography) require further discussion with the relevant consultation bodies which the applicant is currently looking to arrange. The Inspectorate asked if the impact of seasonal tourism will be considered as part of the surveys conducted and included within the resulting environmental statement. The applicant advised that survey methodologies will be agreed with the relevant consultees and clearly outlined in the environmental statement.	Information to follow from applicant.
Crown Land	The Inspectorate asked if any Crown Land had been identified within the scope of the project. The applicant advised that presently there is none identified. The Inspectorate	Information to follow from applicant.

	advise that should this change, the applicant should engage in discussions with the Crown Estate at the earliest opportunity.	
Non-statutory consultation	The Inspectorate asked the applicant about refinement of the project design based on non-statutory consultation feedback. The applicant confirmed that it has regard to feedback and agrees that communication of project details is important alongside considering changes in design. The Inspectorate asked if any seldom heard from groups had been identified. The applicant has confirmed it is working with a Community Liaison Group (CLG) and is looking to increase the groups diversity of representation further to include working families. The Inspectorate asked whether any gypsy and traveller communities had been identified. The applicant stated that they do not believe there are any such communities local to the project at present. The Inspectorate advised that should the applicant become aware of any such community, they should be mindful of their Public Sector Equality Duty under the Equality Act 2010.	Information to follow from applicant.
Project design update	The Inspectorate asked the applicant how the proposed development interacts with existing mining operations in the area, and if	Information to follow from applicant.

	there would be any implications for remediation or restoration obligations associated with these operations. The applicant confirmed that the main activity currently on site relates to the demonstration model for the lithium project. The applicant confirmed that the environmental statement (ES) and draft development consent order (dDCO) would address these matters. The Inspectorate advised the applicant to ensure that any interactions are clearly explained within submitted documents. The Inspectorate sought an update on progress with the proposed water supply and abstraction strategy, noting that this was an issue raised by the Environment Agency (EA) during EIA scoping that would need to be fully addressed in the DCO application. The applicant stated that it had installed boreholes around the site to measure groundwater levels and quality and is also measuring stream flows and surface water quality, to establish the baseline conditions and inform modelling. It is awaiting a date for a pre-application meeting with the EA and is using a fast-track process for this pre-application engagement.	
Preliminary environmental impact report (PEIR)	The applicant explained that it is not proposing to produce a draft ES for the PEIR. It stated that it will produce a bespoke	Information to follow from applicant.

	document to allow consultation bodies to provide informed feedback. The Inspectorate advised that there is no prescribed format for the PEIR so it is open to the applicant to present the information how it best considers but it should be in a manner that enables consultation bodies to understand likely environmental effects and helps to inform responses during the pre-application stage. The applicant's attention is drawn to further guidance in Advice Note Seven.	
Stakeholder and statutory consultee engagement	The applicant explained to the Inspectorate that it is seeking to advance discussions and agreements with statutory consultation bodies. The Inspectorate requested regular updates through project update meetings of the status of discussion with statutory consultation bodies including Cornwall Council, the EA, Historic England and Natural England (NE). The Inspectorate advised that should the project be accepted into examination, the Examining Authority will want early sight of protective provisions within the draft DCO and detail on how agreements are progressing with those parties.	Information to follow from applicant.

	The Inspectorate also advised it will be useful to know specifically which parties the applicant will be entering into statements of common ground (SoCG) with in advance of the examination, and when these will be agreed. The Inspectorate advised that it may be beneficial to prepare for the potential eventuality that there is a requirement for further targeted consultation. The applicant should consider making target consultation methods explicit within the statement of community consultation and within its statutory consultation materials. Further, it advised it is important that any feedback from targeted consultation is captured and included with the consultation report. The Inspectorate advised that the applicant should consider whether the planning and performance agreement (PPA) with the local authority should cover potential post-decision matters to ensure that local authorities have the necessary resources, thereby reducing risk to the applicant's overall programme. The Inspectorate reminded the applicant of its duty to notify the Secretary of State under s46 of the Planning Act 2008, on or before the commencement of the statutory consultation.	

Land Rights	The Inspectorate queried the anticipated scale of potential category 3 persons identified under s57 of the Planning Act 2008. The applicant advised that efforts to identify any category 3 persons is ongoing. The Inspectorate requested to be kept updated on this and other land rights matters and advised that to the extent of compulsory acquisition and number of land interests can be a factor in determining the size of the Examining Authority, should the project be accepted for examination. The Inspectorate drew the applicant's attention to two land rights tracker templates available on the Inspectorate's website. Whilst there is the option to use either the simpler or more detailed versions of the template, the Examining Authority could request a more detailed version during examination. The Inspectorate signposted the applicant to s51 advice given on the East Northants Resource Management Facility Western Extension project regarding the inclusion a book of reference. The Inspectorate further advised the applicant to review advice given on the Keadby Next Generation Power Station regarding submitted previously submitted funding statements and advised matters of	Information to follow from applicant.

	commercial sensitivity would not be redacted prior to publication.	
Habitats Regulations Assessment (HRA)	The Inspectorate sought an update on the progress of HRA work. The applicant confirmed it is engaging with a western rustwort specialist about potential effects on the Goonvean Unit of the St Austell Clay Pits Special Area of Conservation (SAC). Surveys undertaken to date indicate that western rustwort is no longer present within this unit of the SAC. It has been engaging with NE to arrange a pre-application meeting in November 2025, which will include discussion regarding potential impacts upon the SAC, and the HRA process. The Inspectorate advised that it would be important to progress these discussions given the potential for the proposed development to result in habitat loss. It requested a more comprehensive update, including initial feedback from NE, at the next project meeting.	Information to follow from applicant.
Programme document and AoCM	With regards to the current programme, the Inspectorate advised that the applicant may wish to consider allowing more time between draft document feedback from the Inspectorate and the planned submission date. This will enable the applicant more	Information to follow from applicant.

	time to consider and amend documents should feedback be substantive. The Inspectorate advised that draft documents should be submitted together as one complete submission. Submitting mature versioning of documents will ensure more meaningful feedback. The applicant should also highlight any novel or specific points where feedback would be useful. In addition, the applicant should ensure that regard had to s51 issued is clearly demonstrated and the rationale for incorporating or discounting fully explained. The Inspectorate advised the applicant it would be useful to build into the programme document timeline when it intends to engage with the Inspectorate, and other statutory consultation bodies. This will assist in planning resource. Further, it is important to keep the Inspectorate informed of any slippage in the project programme timeline so that its project page information is accurate and up to date. With regards to the Adequacy of Consultation Milestone document, the Inspectorate advised it is important that it includes the views of relevant local authorities and should be submitted to the	

	Inspectorate three months prior to submission.	
Planning Statement	The Inspectorate advised that the planning statement should set out the needs case for the project clearly and should the applicant identify any pertinent security matters, it is important to clearly demonstrate how any security needs have been considered.	Information to follow from applicant.
24 October 2025		
Topic	**s51 advice given**	**Applicant regard to s51 advice given**
Updates to pre-application services	Following a 6-month review of our services, our Pre-application Prospectus has been updated: 2024 Pre-application Prospectus. The update log at the bottom of the page summarises the changes and clarifications that have been applied. As an applicant with a live project at the pre-application stage of the process, please familiarise yourself with the update and consider how it might affect your pre-application programme and interaction with our services.	Information to follow from applicant.

	Please note in particular: • the establishment of land and rights negotiations tracking as a primary service feature – this means it is now expected for all applicants to develop and share a land and right negotiations tracker in 1 of 2 available templates, irrespective of the service tier they have subscribed to • clarified expectations of applicants when preparing to interact with the Inspectorate at meetings – including clarified rights for the Inspectorate to delay or refuse service where pre-meeting expectations are not upheld e.g. an updated programme document or issues tracker is not provided, on time, to inform a meeting agenda. • A new programme document template is available. Whilst there is no current requirement for your project to utilise the template, you may wish to review its content to see if you wish to make any changes to your existing document. Please can I also draw your attention to paragraph 19, which includes “All meetings	

	between the applicant and the Inspectorate must be agreed in advance through the applicant's programme document. The Inspectorate expects for any materials required to inform discussion at a meeting to be provided to us at least 10 working days before the meeting is programmed to take place. As a minimum, these materials will include: ○ the agenda for the meeting, which has been agreed with the Inspectorate ○ an up-to-date programme document ○ an up-to-date issues tracker (note that this should be a separate document to the programme document ○ an up-to-date land and rights negotiations tracker ○ any other materials required to inform the agenda" Please note that other materials should normally include a slide pack. Should the applicant provide this, please note that it could be subject to Freedom of Information requests and therefore any commercially sensitive information may wish to be removed.	

Meeting date: 11 February 2026		
Topic	**s51 advice given**	**Applicant regard to s51 advice given**
Statement of Community Consultation (SoCC) responses and publication	The Inspectorate queried whether there were any comments from the local authorities on the proposed locations, geographical spread and accessibility of the consultation event locations. The applicant confirmed that no concerns were raised but the host authority had provided feedback on methods to promote engagement with younger demographics. The applicant also advised that the proposals in the SoCC had been discussed with the community liaison group. The Inspectorate advised that it was important for the applicant to evidence its regard to all comments on the draft SoCC within its consultation report, including less substantive feedback.	Information to follow from applicant.
Environmental surveys update	The applicant confirmed that after engagement with NE, it would be refining the project to avoid development within the St Austell Clays Pits SAC and SSSI. The applicant would be engaging with NE about assessment method. The applicant did not expect to conclude adverse effects on integrity of the SAC but the Inspectorate	Information to follow from applicant.

	flagged the need to provide a derogations' case if it was not in agreement with NE on this by DCO application submission. The applicant provided an update on engagement with the EA about the water supply and abstraction strategy. The Inspectorate advised that any SoCG developed with the EA could capture permitting and DCO aspects so any future examining authority can identify progress and understand outstanding issues. The Inspectorate advised that if any of the potential enhancements in the SAC and SSSI form part of the applicant's biodiversity net gain (BNG) strategy, it should be clear in the application documentation what is mitigation, compensation or enhancement and how different regulatory and policy tests are addressed in the proposals.	
Land and rights update	The Inspectorate advised that the land rights tracker was a useful tool in terms of preparing for questions during examination and that it would be useful to have an update on land rights negotiation progress at the next meeting. The Inspectorate queried whether any Crown land had been identified within the red line boundary. The applicant confirmed there was currently no	Information to follow from applicant.

	crown land within the red line boundary and work was ongoing to identify any category 3 persons.	
Statutory Consultation	The Inspectorate signposted to guidance for local authorities and members of the public which may be useful for organisations less familiar with the NSIP regime: Nationally Significant Infrastructure Projects: Advice for Local Authorities - GOV.UK Nationally Significant Infrastructure Projects: Advice pages - GOV.UK. The applicant confirmed a planning performance agreement (PPA) was in place to cover the pre-application stage, with the potential to extend to further stages. The Inspectorate highlighted that a policy compliance document with regards to any National Policy Statements will be critical in an application document. The Inspectorate advised that when in discussions with local authorities it would be useful to highlight the timescales for producing a Local Impact Report. Regarding removal of the statutory requirement to carry out pre-application consultation, the Inspectorate understands from government that the PA2008 application process will not be affected by	Information to follow from applicant.

	provisions in the Planning and Infrastructure Act 2025 until commencement regulations are made, supporting secondary legislation is ready and government guidance is published. The Inspectorate do not expect this to happen before June 2026. A road map to the new regulations, transitional provisions and guidance is expected to be made available soon (provisionally spring/ summer 2026). There would still be an emphasis on meaningful engagement therefore the Inspectorate advised that if the applicant continued on its current approach this would be expected to fit with any revised acceptance tests.	
Adequacy of Consultation Milestone (AoCM) statement	The applicant highlighted that it expected to submit the AoCM in May 2026. The Inspectorate advised that one of the purposes of AoCM is de-risking acceptance. It highlighted the importance of including the views of the host and other relevant neighbouring local authorities on the adequacy of consultation. Currently, the Inspectorate would be seeking the views of host and neighbouring authorities during acceptance on the subject.	Information to follow from applicant.

Programme to submission, including PINS Document Review	The Inspectorate requires 6 weeks to review draft documents therefore the applicant would need to ensure there is adequate time to meaningfully consider the feedback prior to submission. The applicant provided a draft list of documents for submission. The Inspectorate suggested a planning statement and overarching structure might be helpful. The applicant agreed although highlighted that the proposed NPPF guidance may or may not require substantial changes to the document. The Inspectorate reiterated that this would be useful even if the latest updates were not included so the approach can be assessed. The applicant confirmed that a list of documents will be provided before submission and it would continue to liaise with the case team regarding submission date. The Inspectorate advised that in the run-up to submission the Inspectorate starts to prepare resources and reach out to local authorities. Therefore, it is very useful to be notified of any slippage of submission date so that both the Inspectorate and local authorities can effectively plan when resources will be needed. The applicant agreed to keep the Inspectorate updated.	Information to follow from applicant.
AOB	The Inspectorate understands that the Government will publish guidance on	Information to follow from applicant.

	biodiversity net gain (BNG) for NSIPs imminently, prior to BNG becoming mandatory in May 2026. The applicant is developing its proposal, which it hopes to agree with the host local authority prior to DCO application submission. Depending on the timing of the guidance, changes may be required to secure compliance after submission.	
Meeting date: 22 May 2026		
Topic	**s51 advice given**	**Applicant regard to s51 advice given**
Project Development and Changes	The applicant should ensure that any changes to the project are clearly documented and consistently reflected across all application documents. A well-developed and stable scheme at the point of submission is strongly encouraged, as this will reduce the likelihood of issues arising during the acceptance stage and subsequent examination.	Information to follow from applicant.
Statutory Consultation	The applicant is advised to undertake appropriate diligence in identifying all persons with an interest in land. It is essential that all land interests are accurately captured and that statutory consultation requirements are fully met.	Information to follow from applicant.

	Failure to do so could present a significant risk at the acceptance stage.	
Development Consent Order (DCO) and Explanatory Memorandum	Where the applicant proposes to include provisions drawn from other made Development Consent Orders, these should be clearly justified within the Explanatory Memorandum. The applicant should explain why such provisions are necessary and appropriate for the project. The Planning Inspectorate would welcome the opportunity to review a draft Explanatory Memorandum in advance of submission, if possible. In relation to application tiering, the applicant is advised not to seek to move down tiers at this stage. The Planning Inspectorate requires three months' notice to amend application fees, and given the anticipated submission date in August, there is unlikely to be any benefit in pursuing a change.	Information to follow from applicant.
Land and Rights	The applicant may find it beneficial to utilise a more detailed land and rights tracker to provide greater clarity on land interests and the status of negotiations. This would assist in demonstrating progress and ensuring transparency. The issues tracker should be fully updated prior to submission, and all surveys should be complete. Any outstanding work at the point of submission	Information to follow from applicant.

	may present challenges at the acceptance stage.	
Biodiversity Net Gain (BNG)	The Inspectorate advised that the Government response on BNG consultation had been published and that BNG for NSIPs would be mandatory for application made on or after 2 November 2026. The Inspectorate advised that the consultation response included an updated model biodiversity gain statement. Post-meeting note: On 2 June 2026, Defra published a series of links to further guidance on BNG for NSIPs.	Information to follow from applicant.
Application Quality and Consistency	The applicant is advised to ensure that all application documents are fully cross-referenced and internally consistent. Errors in cross-referencing are a common issue at submission and should be avoided through careful checking especially due to the tight deadline for submission.	Information to follow from applicant.
Email date: 13 July 2026		
Topic	**s51 advice given**	**Applicant regard to s51 advice given**

Draft Document Feedback	View Draft Documents Feedback: Draft document review	Information to follow from applicant.
Meeting date: 06 August 2026		
Topic	**s51 advice given**	**Applicant regard to s51 advice given**
Revised Submission Date	The new submission date of early November 2026 was noted. The Inspectorate advised that the applicant should ensure when reviewing its programme, clear timescales are set for key milestones, including dates for application submission. Whilst the Inspectorate acknowledges delays can be unforeseen, it is helpful to have realistic achievable timescales for resourcing purposes, rather than iterative delays. The Inspectorate advised the applicant to give careful consideration to the proposed submission timetable in light of the December holiday period. It was noted that submissions made close to the end of the year could present practical challenges during the acceptance stage, particularly where clarification or signposting requests are required and staff availability may be reduced.	Information to follow from applicant.

	The Inspectorate advised the applicant to make arrangements for payment of the acceptance fee well in advance of submission. It was noted that BACS payments may take up to three working days to clear and cheque payments up to ten working days, and that applications cannot be processed until payment has been received. To minimise the risk of delays, the applicant was advised to ensure payment is made at least one week prior to submission, depending on the payment method used. The Inspectorate advised that if the application is submitted and accepted before the December holiday period, consideration should be given to commencing the Relevant Representations period in the New Year. Alternatively, the holiday period could be treated as an extension to the statutory minimum period. This would help ensure that interested parties have a reasonable opportunity to engage with the application, recognising that access to information and resources may be limited during the holidays.	
Lead Environmental Regulator (LER) Pilot	The applicant explained that the project is part of the LER pilot and confirmed that regular meetings were held with the EA and NE during July 2026. The Inspectorate	Information to follow from applicant.

	advised that it should be clear in the application documentation what the outcome of engagement through the LER pilot was and this could be through recording in SoCGs (where relevant to the DCO application). The application confirmed it would be capturing matters in separate SoCGs with the EA and NE. The Inspectorate queried whether the applicant was going to twin-track the DCO application and permitting applications. The applicant stated it would not twin-track but had a good understanding of the information required for the permit applications and would be progressing these in a timely manner. The Inspectorate advised that a document reporting the permits required and status should be submitted as part of the DCO application.	
Discussion on Changes to the Planning Act 2008	The applicant explained that preparation of the Consultation Report is at an advanced stage and noted that it is seeking refining and repurposing that document to reflect the recently published guidance and will be submitting an Engagement Summary document, not a traditional “Consultation Report” in line with the legislative requirements and guidance. The applicant was encouraged to review applications expected to be submitted sooner and	Information to follow from applicant.

	available in the public domain to help inform its approach, subject to the Inspectorate providing a list of such projects. The applicant confirmed that due to the transitional provisions it will not be issuing further notices under section 46 of the Planning Act 2008, and the Inspectorate did not raise any issue with this approach. The Inspectorate signposted the applicant to paragraph 3.9 of the revised Acceptance Guidance, which states that applicants should demonstrate how they have had regard to previous section 51 advice and explain where such advice has not been followed. The Inspectorate noted that the section 51 advice log is not a statutory requirement or prescribed template. However, applicants should ensure that any departures from previously issued section 51 advice are clearly identified and that the reasons for any divergence are appropriately explained within the application documentation. The Inspectorate advised that no s51 advice had been issued to any other party in relation to the proposed development as of 6 August 2026.	

Application Structure	The applicant discussed the proposed application structure in light of the changes introduced through recent planning reform. The Inspectorate advised that a new applicant portal was scheduled to go live in September. It was explained that the current application form and application index would be replaced, with the application form becoming a live web-based form and the document structure being pre-configured within the portal for applicants to upload directly against. The applicant was therefore encouraged to familiarise itself with the new portal at an early stage. The Inspectorate has since confirmed that the portal will not affect or dictate the application structure or document referencing proposed by the applicant. The Inspectorate advised that all documents submitted at acceptance should have unique document numbering and be provided as searchable PDFs to facilitate efficient review and validation checks. The applicant was also advised to notify the Inspectorate in advance of submission if any confidential information was expected to be included within the application. In relation to sensitive environmental information, the Inspectorate advised that a proportionate, risk-based approach should be adopted. As an example, site-specific survey or	Information to follow from applicant.

	assessment data relating to protected species could be provided within a separate annex, with appropriate explanations included within the main ES where information has been withheld or redacted. The Inspectorate signposted to Guidance on the preparation and submission of application documents and specifically the section on the use of hyperlinks: Links to documents or evidence hosted on third-party websites, such as social media, cannot be accepted. This includes links to the applicant's website. Any such links would be redacted in line with the Inspectorates privacy policy. The Examining Authority, the Secretary of State and others cannot rely on documents or evidence that is outside of the Planning Inspectorate's control. This includes complying with our duties under data protection law. However, links to trusted websites, such as government websites or chartered planning institutes hosting local and national policy documents, can be accepted. These links must include the full reference with access date. The Inspectorate also reminded the applicant that Biodiversity Net Gain (BNG) would become a mandatory requirement for NSIP applications from 2 November 2026	

	and noted that compliance with the relevant requirements will form part of the acceptance test for all applications submitted for acceptance from that date.	
Update on Specific Matters	The Inspectorate sought an update on the status of matters identified within the Issues Tracker, noting that a number of topics remained categorised as amber pending agreement on impacts and mitigation. The Inspectorate asked the applicant for its view on whether any issues were likely to remain unresolved at the point of submission. The applicant explained that it was currently difficult to provide a definitive view on the likely position at submission but the LER pilot had facilitated productive engagement with the EA and NE. The Inspectorate advised that maintaining clear oversight of the status of outstanding issues would be helpful as the programme progresses. The Inspectorate noted the Issues Tracker highlighted a risk raised by the EA through the LER pilot in relation to the Water Framework Directive (WFD) and sought further explanation of the issue and proposed steps to address it in the application. The applicant stated that it was a known and under consideration through the LER process. The applicant confirmed	Information to follow from applicant.

	that a WFD assessment would be part of the ES. The Inspectorate advised that it would be beneficial for any Issues Tracker and/or Potential Main Issues for Examination document submitted with the application to clearly signpost readers to the relevant application documents and supporting evidence. The applicant was directed to the approach taken for the Peartree Hill Solar Farm Potential Main Issues for Examination document as an example of good practice.	
Land and Rights Update	The Inspectorate signposted to a good practice example of a land rights tracker at the current point in time, with the caveat that further good practice versions may be established before submission. EN0110001-000132-KNGPS 4.4 Pre-application Land and Rights Negotiations Tracker Rev 0.pdf. The Inspectorate emphasised the importance of securing agreement on protective provisions as early as possible during the examination process in order to minimise the potential for matters to remain unresolved. The Inspectorate asked the applicant to keep it updated on the developments regarding discussions on	Information to follow from applicant.

	proposed protective provisions and those stakeholders who require them.	
Advice Given: 06 August 2026		
Topic	**s51 advice given**	**Applicant regard to s51 advice given**
Email Advice	The new s55 checklist was now in the public domain. The Inspectorate reminded the applicant of the importance to not just to focus on requirements for acceptance, but what needs to be done to facilitate a smooth examination in terms of resolving issues prior to submission. With recent changes to legislation, applicants have more freedom to enable proportionate and flexible engagement however there is still an expectation to have meaningful engagement to reach a clear position where matters are resolved wherever possible at the point of submission. Any outstanding issues should translate into "potential main issues for examination" which will greatly assist with the identification of the Initial Assessment of Principal Issues (IAPI). **New guidance on drafting DCO's** Whilst the principal drafting requirements for DCOs remain largely unchanged in	Information to follow from applicant.

	comparison to the outgoing guidance, the 2026 guidance introduces new content on: • Associated development (expanded tests and justification requirements). • Non-planning consents and section 150 provisions (stronger encouragement to include within DCOs where appropriate). • Protective provisions (more detailed expectations). • Hedgerows and trees (new drafting guidance). • Biodiversity net gain (new statutory expectations). • Future standardisation via model provisions. Planning Act 2008: Guidance on preparing an application: Part 3 - Content of a Development Consent Order - GOV.UK	
Meeting date: 08 October 2026		
Topic	**s51 advice given**	**Applicant regard to s51 advice given**
Application submission timescales and arrangements	The Inspectorate noted the updates provided regarding recent completion of technical due diligence and progress on the funding process. It advised that details of	Information to follow from applicant.

	funding developments should be included within the funding statement. The applicant was reminded of earlier advice regarding the timing of submission provided at the previous project update meeting. The applicant was advised that, on submission, it would need to demonstrate how regard had been given to advice received under section 51 of the Planning Act 2008. The Inspectorate advised that the information requested in the warm-up letter (shapefile and local planning authority contacts) should be provided at least two weeks before the anticipated submission date. The Inspectorate requested regular updates regarding the intended submission date and encouraged open discussion where changes arose. The applicant was reminded of previous advice to be mindful of the holiday period when considering the timing of the Relevant Representation period, should the application be accepted. If the Relevant Representation period were to fall during the holiday period, the applicant should consider extending the period. The Inspectorate advised the applicant to ensure that the Book of Reference and	

	Statement of Reasons were kept updated, ensuring all plots are appropriately categorised and labelled. The Inspectorate also advised that it may be useful for the application documents to be reviewed by members of the applicant's team who had not been involved in the drafting process.	
Statements of Common Ground and Principal Areas of Disagreement	The Inspectorate noted references within the applicant's programme documentation to principal areas of disagreement summary statements (PADSS). It advised that, where PADSS are not submitted with the application, it would be for the Examining Authority to determine whether such documents should be requested during examination. The Inspectorate also reminded the applicant of the guidance relating to pre-examination timescales and advised that the applicant should have regard to these when planning its programme. The Inspectorate advised the applicant to clearly evidence the status of discussions with stakeholders where Statements of Common Ground (SoCGs) would not be submitted with the application.	Information to follow from applicant.
Habitats Regulations Assessment (HRA)	The Inspectorate advised that it would be beneficial for the applicant to provide a more detailed update to the Inspectorate, covering	Information to follow from applicant.

	the status of the Habitats Regulations Assessment, the mitigation measures that have been explored and the progress with identification of any compensatory measures considered to be required in respect of the Breney Common and Goss & Tregoss Moors Special Area of Conservation (including any advice received from NE on the measures). The Inspectorate advised that this would be beneficial given that the applicant had not provided a draft HRA report as part of the Inspectorate's draft document review service. The Inspectorate advised the applicant to review the acceptance stage guidance relating to HRA matters and the Inspectorate's advice page NSIPs: Advice on HRA, which sets out further guidance on the information required as part of a derogation and what should be presented in the DCO application. The Inspectorate advised that the information required to enable the Secretary of State to assess the proposed development's impact on the conservation objectives of the SAC, and to enable the SoS to decide if an appropriate assessment is needed must be included in the DCO application and that there would be a risk to acceptance if the necessary information was not provided.	

Environmental issues tracking	The Inspectorate advised that it would be helpful to receive a more detailed update regarding discussions taking place through the Lead Environmental Regulator pilot. The Inspectorate advised that where the status is that further interaction is planned following submission of the DCO application, the tracker should clearly set out what issues remain outstanding, the nature of planned interaction and the level of risk associated with the issue.	Information to follow from applicant.
Biodiversity net gain (BNG)	The Inspectorate advised that it would be helpful for the applicant to provide an excel version of the BNG metric calculation tool with the DCO application submission if possible. This can be in a locked format.	Information to follow from applicant.
Land Rights and Issue Tracker update	The Inspectorate advised that the Land Rights and Negotiations Tracker should provide greater detail regarding the specific land interests sought, including details of the duration of temporary possession. The Inspectorate noted that providing as much information as possible, together with a realistic assessment of the likelihood of reaching agreement with affected parties, would assist the Inspectorate in understanding the extent of land	Information to follow from applicant.

	requirements and associated examination issues. The Inspectorate encouraged the applicant to provide updated versions of the Land Rights and Negotiations Tracker and Issues Tracker at least 2 weeks before application submission. The Inspectorate advised that the 'next interactions' column of the issues tracker needs to be updated where progress has been made and needs to provide the likelihood of resolution prior to the submission of the application and or the detail of risk to post submission stages. The Inspectorate noted that several matters on the Issues Tracker remained identified as amber risks on the basis that agreement had not yet been documented in a Statement of Common Ground (or equivalent) with the relevant regulator. The Inspectorate advised that the Land Rights and Negotiations Tracker should clearly demonstrate progress in securing land agreements, identify any remaining risks and set out the status of negotiations with affected parties. The Inspectorate advised that information relating to negotiations with affected persons should include details of the status of discussions, anticipated timescales and any outstanding issues.	

	The Inspectorate also advised that the Book of Reference should clearly identify the relevant powers sought over each land interest and any changes to requirements over land should be reflected in the land plan legends. It requested that, if not already included, a column should be added identifying the relevant draft Development Consent Order article associated with each entry, having regard to government guidance on compulsory acquisition - Annex D.	
Protective provisions update	The Inspectorate encouraged the applicant to continue engagement with statutory undertakers and other parties where protective provisions may be appropriate. It advised that SoCGs relating to protective provisions are often requested early in examination. The Inspectorate reiterated the importance of seeking agreement on the drafting of protective provisions as early as possible.	Information to follow from applicant.
Email date: 3 November 2026		
Topic	**s51 advice given**	**Applicant regard to s51 advice given**
Biodiversity Net Gain (BNG) submission arrangements	From 2 November 2026, biodiversity net gain (BNG) is mandatory for NSIPs with an onshore component located wholly or	Information to follow from applicant.

	partially in England. NSIP developers who apply for a development consent order (DCO) on or after this date need to deliver at least 10% net gain in biodiversity. The Inspectorate has identified that you are scheduled to submit your DCO application after this date therefore will be subject to mandatory BNG. This email is to provide advice about how you should submit your BNG-related documentation (to address the factors set out in paragraph 9.3 of the Biodiversity Gain Statements). This provides an interim position, and the approach may be subject to change in the future – any change will be communicated to you if you have not submitted your DCO application at that point. For the purposes of the online application form, the Inspectorate will initially accept BNG-related documentation under The Applications: Prescribed Forms and Procedure (APFP) regulation 5(2)(q). You should submit the outline biodiversity gain plan and any other BNG-related documentation under the 'APFP regulation 5(2)(q)' section of the online application form.	

	For the purposes of the DCO portal, the outline biodiversity gain plan and other BNG-related documentation should be submitted in Volume 7.0 'Other Documents'. The Inspectorate's section 55 checklist includes questions relating to BNG under APFP regulation 5(2)(q). The updated section 55 checklist can be accessed from the Inspectorate's advice page NSIPs: Advice on the Preparation and Submission of Applicant Documents – Appendix 1: Acceptance of applications checklist. A word version is also attached to this email for information. To enable the Inspectorate to properly review your BNG-related documentation, you should submit the completed biodiversity metric calculation tool in an Excel format. You can use the 'Protect Sheet' function to prevent subsequent editing. Additional guidance can be found in the Defra guidance "Biodiversity net gain for nationally significant infrastructure projects", and the Inspectorate's advice page "Advice on the Preparation and Submission of Application Documents".	

The Trelavour Lithium Project – Log of s51 advice given to others		
Person s51 advice given to	**s51 advice given**	**Applicant regard to s51 advice given**