

Net Zero Teesside Project (EN010103 / IP Ref: 20029846)

Deadline 9 submission

Response to Request for Further Information 2(v)

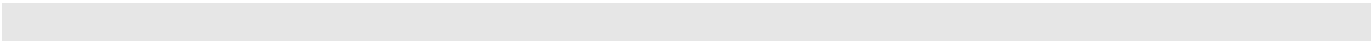
1. This submission responds to the following request for information addressed to ClientEarth in Annex C of the Examining Authority's letter dated 16 September 2022:

“ClientEarth’s proposed requirement states that ‘at least 90% of the total carbon emissions generated by the power plant must be captured at all times during the power plant’s commercial operation’ [RR-004]. The Applicants suggest that the plant may need to run in unabated mode for testing and maintenance [REP2-016]. - Does ClientEarth consider that these activities would be a ‘commercial operation’?”

2. ClientEarth confirms that its proposed requirement is intended to allow for reasonable operating exceptions, such as during testing or maintenance. ClientEarth’s illustrative drafting (set out in Annex A of ClientEarth’s REP2-079) does so by reference to any operating exceptions included in the Environmental Permit in respect of the operation of the capture plant.
3. Alternatively, ClientEarth would be content with the approach in the preferred draft Keadby 3 DCO being replicated in the Net Zero Teesside DCO, i.e. with the applicable minimum capture requirements on the operation of the generating station applying when it is operating “*at full load*” (see ClientEarth’s REP5-030 for further discussion of how the relevant Keadby 3 provisions operate).
4. ClientEarth would be happy to provide any additional information or clarification if it would assist the Examining Authority.

Sam Hunter Jones

Senior Lawyer



Beijing **Berlin** **Brussels** **London** **Los Angeles** **Luxembourg** **Madrid** **Warsaw**

ClientEarth is an environmental law charity, a company limited by guarantee, registered in England and Wales, company number 02863827, registered charity number 1053988, registered office 10 Queen Street Place, London EC4R 1BE, a registered international non-profit organisation in Belgium, ClientEarth AISBL, enterprise number 0714.925.038, a registered company in Germany, ClientEarth gGmbH, HRB 202487 B, a registered non-profit organisation in Luxembourg, ClientEarth ASBL, registered number F11366, a registered foundation in Poland, Fundacja ClientEarth Poland, KRS 0000364218, NIP 701025 4208, a registered 501(c)(3) organisation in the US, ClientEarth US, EIN 81-0722756, a registered subsidiary in China, ClientEarth Beijing Representative Office, Registration No. G1110000MA0095H836. ClientEarth is registered on the EU Transparency register number: 96645517357-19. Our goal is to use the power of the law to develop legal strategies and tools to address environmental issues.