

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

## Deadline 11 submission

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### **Post-hearing submission in respect of ISH5 on the dDCO**

1. At ISH5, ClientEarth confirmed that:
  - a. ClientEarth welcomes the Environment Agency's clarification in REP9-027 that the BAT capture rate will apply to regulate the operation of the generating station (and not only the capture plant when it is in operation). However, it remains ClientEarth's view that including a minimum capture rate in the DCO would be appropriate given:
    - i. the continuing uncertainty, evident from REP9-027, regarding the terms of the Environmental Permit in this regard, and
    - ii. that there would be no regulatory duplication in view of the separate function and purpose of (1) the BAT regime, which imposes broadly determined and applicable 'best available techniques', and (2) including provisions in the DCO to secure core aspects of this proposed development and of the planning merits being assessed in this examination. As explained previously, this lack of duplication is also supported by the inclusion of such provisions in the draft preferred Keadby 3 DCO.
  - b. There is no suggestion that the Environmental Permit will require the export of captured carbon dioxide to the gathering network for onward geological storage. Accordingly, ClientEarth maintains that there is an even clearer need for additional provisions to be included in the DCO to secure this core aspect of the proposed development (and core assumption in the environmental statement).

2. At the hearing, it was stated on behalf of the Applicants that ClientEarth had not responded to the Applicants' submissions as to why it would be inappropriate to replicate the relevant Keadby 3 provisions in the Net Zero Teesside DCO. That is not accepted; ClientEarth has explained the Keadby 3 applicant's rationale for including these provisions – i.e. to provide that *“the DCO secures the 90% minimum capture rate and the conveyance of the captured carbon dioxide into the [National Grid] network”* (REP5-030, para 4) – and the Applicants have failed to point to anything in the Net Zero Teesside DCO that would justify a different approach (as also noted previously at Deadline 5 – REP5-030, para 5).
3. ClientEarth would be happy to provide any additional information or clarification if it would assist the Examining Authority.

Sam Hunter Jones

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