

Deadline 6 submission (reinforcing my Response to ExQ2: 19 April 2023 GEN.2.5)

The following present quotes from ClientEarth's submissions concerning the Project Application for Keadby 3 Carbon Capture Power Station.

It seems to me that they are very relevant to the DCO for the Drax Bioenergy with Carbon Capture and Storage Project. They are similar to the ClientEarth quotes (presented in my Response to ExQ2: 19 April 2023 GEN.2.5) concerning the Net Zero Teesside project.)

REF-001 (21 September 2021)

We understand from the application, including the Environmental Statement, that the Applicant's proposal is to operate the power plant commercially only when the associated carbon capture, transport and storage infrastructure are also in commercial operation, with the effect that at least 90% of the carbon emissions generated by the power plant will not be emitted into the atmosphere and stored permanently underground. However, we are concerned that the terms of the proposed draft DCO do not adequately ensure that this minimum level of emissions will be captured and permanently stored and that the carbon capture, transport and storage infrastructure will be used throughout commercial operations. We would therefore suggest that the proposed scope of para 33 of the Requirements Schedule to the draft DCO should be expanded to include clear requirements that: (i) at least 90% of the total carbon emissions generated by the plant must be captured at all times during its commercial operation, and (ii) captured emissions will be stored permanently in the proposed offshore geological storage site.

REF2-020 (February 2022) Please note clause 4c in particular.

4. In respect of ClientEarth's proposed condition to ensure a minimum capture rate during commercial operation:

a. ClientEarth acknowledges the Applicant's clarification that a capture rate of 90% may not be possible at all times of operation – for example during start up – and that the environmental permit to be issued by the Environment Agency will “control the capture rate and how this is to be delivered, measured and monitored, including any limited operating exceptions.”

b. However, it is not clear why such limited operating exceptions cannot be reflected and incorporated in a DCO condition. For example, a condition can require a minimum 90% capture rate during commercial operation “subject to any specified operating exceptions or lower capture rates in any environmental permit in place for the authorised development” – such an approach (as per the Annex) would be acceptable to ClientEarth.

c. In this context, ClientEarth is also not aware of any indication, much less assurance, that the project's environmental permit will require that the project's generating capacity is operated only when the project's carbon capture infrastructure is also in operation (at a particular capture rate or otherwise). Rather the environmental permit will regulate the operation of the capture and related infrastructure when such infrastructure is in operation. It is therefore of critical importance that these aspects of the Proposed Development – which underpin its planning merits – are secured by the terms of the DCO.

REP5-051 (April 2022)

22. In particular, the Applicant has not pointed to any non-planning mechanism that can be relied on to ensure that the following assumptions from the Environmental Statement will be fulfilled (subject to reasonable operating exceptions):

- a. the generating station will only be operated commercially with carbon capture;*
- b. a minimum carbon dioxide capture rate of 90% will be achieved during commercial operation of the generating station; and*
- c. all captured carbon dioxide will be supplied to the National Grid gathering network for onward permanent storage.*

23. Under the current draft DCO terms, there is therefore a clear risk of the generating station being used in unabated mode or with a capture rate below 90%, or for the captured carbon dioxide to be used commercially and subsequently emitted into the atmosphere, rather than permanently stored.

This would result in a fundamentally different project to that assessed in this Examination.

24. Finally, the Applicant has cited concerns regarding enforcement and pipeline safety, but it has not explained why these issues cannot be addressed in the drafting of the conditions.

REP6a-068 (May 2022)

1. At Deadline 6 the Applicant proposed a number of changes to the definitions in the draft Development Consent Order intended to “address all concerns articulated by ClientEarth” (REP6-017, p. 11; see also the updated draft Development Consent Order REP6-019/020).

2. ClientEarth is satisfied that these changes address the concerns that ClientEarth has raised in the examination regarding the carbon capture and storage aspects of the proposed development. In particular, ClientEarth is content that the precise wording proposed by the Applicant serves to ensure that, subject to reasonable operating exceptions:

- a. the generating station will only be operated commercially with carbon capture;*
- b. a minimum carbon dioxide capture rate of 90% will be achieved during commercial operation of the generating station; and*
- c. all captured carbon dioxide will be supplied to the National Grid gathering network for onward permanent storage.*