

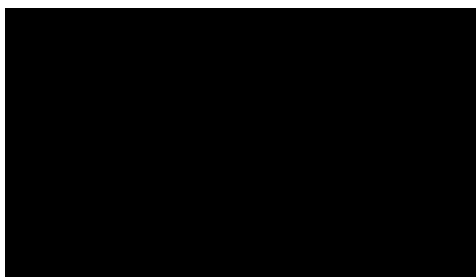
Drax BECCS Project Planning Examination 2022-2023	Deadline 6 (D6), May 9th 2023 Submission
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Examination Principle Issues	Climate Change

DEADLINE D6 SUBMISSION

1 DEADLINE 6 (D6)

- 1 This is a placeholder submission which respectfully requests to the ExA that further material and submissions from me is deferred until a later deadline. This includes my responses to the Applicant's submissions at deadline 5.
- 2 The reasons for deferral are that the Government recently published its revised Net Zero Strategy – a release of nearly 3000 pages of material under the overarching title “Powering Up Britain” (PUB). Subsequently, there has been reports in the press that the revised Net Zero Strategy potentially faces further legal challenge (see Appendix).
- 3 There are issues about how the Drax plant, and the Drax BECCS proposals, fit into the Dynamic Dispatch Model which is the basis on the revised Net Zero Strategy for the power sector. I am currently analysing this and need more time before making a submission to the examination. Further the potential legal challenge to the revised Net Zero Strategy (NZS) may have implications for the Drax BECCS project, especially around the risk to policy delivery in the power sector, and Drax's contribution to that. I refer the ExA to the article in the Appendix and that the revised NZS is considered potentially a “very high risk” strategy by lawyers acting for Friends of the Earth.
- 4 I will provide a submission at a later date which will provide background on the matters which I respectfully submit Secretary of State will need to consider relating to this in making a decision on the proposals by Jan 17th 2024.



Dr Andrew Boswell,
Climate Emergency Policy and Planning, May 9th 2023

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2 APPENDIX A: TIMES REPORT ON POTENTIAL NET ZERO STRATEGY LEGAL CHALLENGE

ENVIRONMENT

Friends of the Earth threaten legal challenge to new net zero strategy

Shapps's department may be required to revisit climate plan to ward off court battle

NEW

Adam Vaughan,
Environment Editor

Sunday April 23 2023,
9.40pm BST, The Times



Grant Shapps, the energy secretary, could have to go back to the drawing board as climate campaigners highlighted insufficient information on the risk of policies failing to deliver emissions cuts

WIKTOR SZYMANOWICZ/ANADOLU AGENCY/GETTY IMAGES

Ministers may have to rethink their plans for meeting net zero for a second time after green campaigners took the first step towards a legal challenge over inadequate action on climate change.

Grant Shapps, the energy secretary, was forced last month to publish a revised version of the government's flagship [net-zero strategy](#), after the High Court ruled the original was unlawful. The new plan included a mandate to ensure that 28 per cent of car sales were electric by 2025, an extension of grants for heat pumps and a Great British Insulation Scheme.

[Shapps](#) could now have to revisit the plan again. Friends of the Earth, which brought last year's court case along with the Good Law Project and ClientEarth, has given him until this Friday to respond to a pre-action letter. It is the first step towards applying for a judicial review.

The group's focus is the lack of detail on the risk of policies failing to deliver the emissions cuts needed for Britain's legally binding "sixth carbon budget" by 2037, the letter seen by The Times shows.

<https://archive.ph/hZRHT>

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07/05/2023, 21:26

Friends of the Earth threaten legal challenge to new net zero strategy

The only assessment of risk the government has made public is in its carbon budget delivery plan, published last month. That document showed the government only has “high confidence” in policies covering 40 per cent of the [emissions](#) savings required by 2037.

Katie de Kauwe, a lawyer at Friends of the Earth, said that left a huge uncertainty over the levels of confidence that officials have in the remaining 60 per cent.

“If a strategy is very high risk, surely the public should be entitled to know about that. At the moment there is very little information in there. Obviously a pre-action letter is not a commitment to litigate, it is a first and important step. But if the government’s response is inadequate, I can certainly see us taking them to court again,” she said.



A leaked document indicates that 21 of 44 of the net-zero policies, including on tree-planting and peatland restoration, would be difficult to accomplish

ADAM VAUGHAN/EPA

The legal basis for the challenge is whether or not Shapps met the Climate Change Act’s obligations to prepare policies that will ensure carbon targets are met. Friends of the Earth won in the High Court last year over that duty, after a judge ruled the net-zero strategy provided insufficient detail.

If the group’s demands for more detail on risk are not met, a court hearing is likely to take place this year. The idea that some of the policies may be at risk of delivery is not just speculation. A [leaked document](#) by the Department for Environment, Food and Rural Affairs has shown that 21 of 44 of its net zero policies, including on tree planting and peatland restoration, would be hard to achieve.

Last month’s carbon plan also revealed that the government faces a small shortfall for the 2037 carbon target, of 3 per cent of the emissions savings needed.

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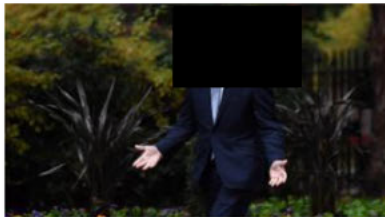
Friends of the Earth threaten legal challenge to new net zero strategy

Ministers argued the gap would be filled by technology developments. Graham Stuart, the climate minister, said: “Technology does tend to advance. We are obliged under the [Climate Change] Act to give a very high degree of certainty. We have given ourselves a very small headroom. We just know there are new technologies coming through, and it will be irrational to overcommit in areas.”

Shapps’s department is the [subject of a complaint](#) being reviewed by the Information Commissioner’s Office, brought by The Times, over its past failures to disclose the estimated emission savings of individual measures in the net zero strategy, such as insulating more homes. A ruling is expected by the data watchdog imminently.

The government was contacted for comment.

Related articles



ENVIRONMENT

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April 04 2023, 12.01am BST

Ben Spencer

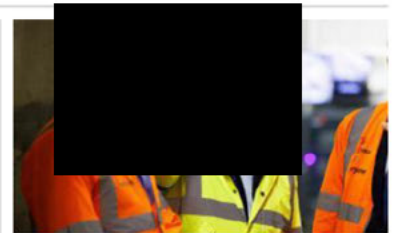


POLITICS

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April 20 2023, 12.01am BST

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ENVIRONMENT

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February 09 2023, 12.01am GMT

Adam Vaughan, Environment Editor