



Historic England

## Consultation on a new National Policy Statement for Fusion Energy

### Historic England Consultation Response

**1. Do you agree that the planning process for fusion energy facilities should be aligned and maintained with other complex energy generation facilities?**

Yes. The development of fusion energy facilities (of any size) has the potential to impact on the historic environment. This includes archaeological remains, historic buildings, structures, areas and places. As the consultation highlights fusion facilities will be subject to a different (from nuclear fission) regulatory regime which allows for sites to be located closer to populated areas. This could increase the likelihood of impacts on the historic environment given the potential for heritage assets to be located adjacent to populated areas e.g. on brownfield land. If fusion facilities are dealt with under the NSIP process this will ensure Historic England is consulted early in the process and help refine developers' siting considerations at the earliest opportunity.

**2. Do you agree with the Government's proposal to include all fusion technologies in the NSIP process?**

Yes. This will ensure all proposals will go through a robust, well-established process with an emphasis on early and thorough pre-application consultation with statutory consultees, including Historic England.

For reasons highlighted in our response to Question 6, we seek further clarity on why research facilities (presumably of all fusion technology types) are not included in the NSIP process. Whilst some of these facilities may be smaller in nature than energy generating facilities potential impacts on the historic environment remain.

**3. Do you agree with the Government's proposal to take an open-sited approach in the fusion NSIP process?**

Historic England recognises the Government's aim to adopt an open-sited developer-led approach to site selection. Given the developing nature of the technologies involved this seems a sensible approach, but only if there are robust criteria and effective scrutiny in place. We expand further on the criteria-based approach in our response to Question 9.

**4. Do you agree with the Government's proposal to include all fusion energy facilities in England, independent of capacity, in the fusion NSIP process?**

Yes. But we query the exemption for research facilities in our response to Question 6.

**5. Do you agree with the Government’s proposal to include both thermal and electrical facilities in the fusion NSIP process?**

The inclusion of both thermal and electrical facilities within the remit of the NPS will potentially allow for consistency of approach and ensure relevant levels of expertise are used to scrutinise each proposal.

**6. Do you think the definition of a fusion energy facility, as provided in the Energy Act 2023, is suitable for distinguishing between a fusion energy facility and fusion research facilities for the purpose of this NPS?**

Historic England believes the definition of a fusion energy facility in the Energy Act 2023 provides an adequate level of distinction between a fusion energy facility (for electricity and/or heat production) and a fusion research facility. However, from this consultation it is unclear why research facilities, including larger scale facilities, are not included within the NSIP process. The consultation acknowledges “...some research facilities such as JET and larger scale facilities planned by industry can be large and complex”. Additionally, the consultation also recognises that “...local authorities may not have the specialist knowledge to scrutinise plans on the timescales for FOAK facilities. Designating a Fusion NPS will mean that knowledge can be built centrally to scrutinise across England and Wales rather than building expertise in each local authority”.

As larger research facilities are not subject to the NSIP process local authorities with potentially little/no expertise will decide such applications. This appears contrary to the governments overall ambition firstly to speed up infrastructure development and secondly, specifically with regard to the nuclear fusion, to ensure the relevant expertise exists to scrutinise such applications. Furthermore, the consultation gives no indication of any additional resources or expertise that would be available to local authorities to decide an application for larger research facilities. Given that they are likely to be large facilities and similar technical considerations apply it seems logical to include research facilities in the NSIP process.

Regardless of the planning process used (NSIP or local planning), the construction of any fusion energy facility (research or otherwise) has the potential to have significant impacts on the historic environment and developers should be encouraged to consult with Historic England at the earliest opportunity.

**7. Do you agree with the Government’s proposal not to set a deployment deadline for fusion energy facilities?**

Historic England notes the government’s intention of this approach is to increase siting opportunities and give developers greater flexibility and time to develop proposals prior to submission. It would be helpful to give greater consideration around the potential impacts of an unrestricted timeframe approach. For example, an unrestricted timeframe may cause greater uncertainty for other applications, particularly regarding cumulative impacts. One new facility may be acceptable, whereas multiple proposals over a longer timeframe in sensitive locations where there are limited options could result in additional harm to the significance of heritage assets.

This is of particular concern as paragraph 4.2.5 of the [Overarching NPS for Energy \(EN-1\)](#) indicates nuclear generation, as a low carbon energy source, will be

considered a Critical National Priority (CNP). The glossary definition in EN-1 sets the policy presumption that “subject to any legal requirements.. the urgent need for CNP Infrastructure.... will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy” (EN-1, Chapter 6, Glossary). Whilst recognising the importance of CNP infrastructure, there is concern that the emphasis on urgency and criticality of such infrastructure may establish a default position for planning weight in favour of it regardless of level of impacts, such as on the historic environment. It is essential that early assessment of impact is retained for CNP infrastructure. This is necessary to inform potential mitigation hierarchy noting that, where possible, avoidance is better than minimising or mitigating impacts on the historic environment.

#### **8. Should developers consider any other factors in assessing reasonable alternatives for fusion energy facilities?**

Please see our response to Question 9.

#### **9. Do you believe that the proposed criteria cover all aspects necessary for assessing the suitability of sites for fusion energy facilities?**

In adopting a criteria-based approach for EN-8 the intention is to enable a greater number of possible locations for nuclear fusion sites to come forward. The proposed site-based approach of EN-8 potentially increases the risk for those seeking to bring nuclear power generation sites forward if it is not robust. If a criteria-based approach is adopted it is critical that historic environment considerations are factored in at an early stage, to reduce the risk in progressing further assessment of unsuitable sites. We are therefore concerned with the use of the term ‘discretionary’ in table 2 (with reference to Environmental Protection - ‘Areas of amenity, cultural heritage and landscape value’). It appears to be used to mean that the criteria marked as ‘discretionary’ would not automatically (or in principle) rule out sites being taken forward, as it appears ‘exclusionary’ criteria might. However, it could be taken to mean that it is discretionary as to whether sites are assessed under those criteria listed in the second column, which presumably is not the case.

It is crucial that the criteria include specific reference to the historic environment, and that the criteria-based approach is as robust as the site-based approach of EN-6. In addition, we recommend that developers are instructed to undertake early engagement with statutory consultees such as Historic England, on any sites under consideration. Undertaking early engagement will help refine developers’ site considerations at the earliest opportunity and align with the new tiered pre-application services described in the Planning Inspectorates’ [Pre-application Prospectus](#).

In identifying potential sites developers are advised to consider all “likely site plans and reasonable variations”, including those elements additional to the proposed site boundary, e.g. car parks and access roads. It would be helpful to know if this refers to permanent car parks and access roads or those created for the construction phase as well. These elements, whether permanent or temporary, may impact further on heritage assets and the surrounding landscape so we welcome this approach.

Under the criterion for Areas of amenity, cultural heritage and landscape value, the consultation advises that developers would need to provide a high-level indication of

how they would implement the mitigation hierarchy on local designated or non-designated areas of landscape value. It would be helpful if this also clarified the intention to include designated and non-designated heritage assets.

We note that the legislative and policy requirements in relation to the historic environment are such that they must be taken into account. The criteria should therefore incorporate provisions to ensure that the historic environment is properly taken into account when assessing the suitability for a fusion energy facility.

**10. Are there any additional criteria that should be considered in the assessment process?**

Please see our response to Question 9.

**11. Do you think there should there be a separate set of criteria for different fusion technologies?**

No comment.

**12. Do you agree with the proposed model for implementation of the Fusion NPS?**

We welcome the recognition that engagement should be led by developers who should engage with statutory bodies “at the earliest possible opportunity during the pre-application stage”. Early engagement with statutory consultees will be important to minimise risks for both developers and the historic environment and aligns with the approach outlined in the Planning Inspectorates’ Pre-application Prospectus (see our response to Question 9).

## **Appraisal of Sustainability Scoping Report Historic England Consultation Response**

**1. Have there been any omissions of policies, plans or programmes relevant to the scoping of the AoS?**

No comment.

**2. Do you agree that the baseline data that have been, or will be collected, are relevant and of sufficient detail to support the AoS?**

No comment.

**3. Do you agree with the selection and definition of key sustainability issues?**

No comment.

**4. Are there any key baseline data available that have not been identified that are, or could be, use in support of the issues?**

No comment.

**5. Do you agree with the implications and opportunities that have been identified for the emerging NPS EN-8?**

No comment.

**6. Do the AoS objectives and decision-making questions provide a sound framework against which to assess the sustainability performance of the emerging NPS EN-8?**

Historic England advises the following,

Amend the questions related to Objective 5 'Protect and enhance cultural heritage assets and their settings, and the wider historic environment' as follows,

Question 1. Insert 'Where possible seek to avoid impacts on designated heritage assets', conserve and enhance designated heritage assets and their settings (World Heritage Sites, Scheduled Monuments, Listed Buildings and structures...etc.

Question 5. Add the following to Ensure appropriate archaeological assessment prior to development 'to establish the significance of archaeological remains and the impact of the proposed development (on the significance)'.  
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Add a further question, 'Ensure adequate archaeological mitigation prior to and/or during development i.e. to consider if archaeological remains identified by the assessment will be impacted, damaged or disturbed by the development.

**7. Do you agree that aligning the assessment scale of the emerging NPS EN-8 with that of the AoS of EN-1 to EN-5 is a reasonable approach?**

No comment.

**8. Do you have further suggestions regarding the scope of the AoS and its proposed assessment of NPS EN-8 on fusion energy?**

No comment.

*Policy & Evidence: Policy Department*

*26<sup>th</sup> June 2024*

*As submitted via Citizen Space*