CONSULTATION ON A NEW NATIONAL POLICY STATEMENT FOR FUSION ENERGY

RESPONSE ON BEHALF OF THE NATIONAL INFRASTRUCTURE PLANNING ASSOCIATION

INTRODUCTION

1. The National Infrastructure Planning Association ("**NIPA**") was established in November 2010 with the aim of bringing together individuals and organisations involved in the planning and authorisation of major infrastructure projects. Our principal focus is the planning and authorisation regime for nationally significant infrastructure projects ("**NSIPs**") introduced by the Planning Act 2008. We provide a forum for those with an interest in the planning and authorisation of national infrastructure projects in the UK, particularly those brought forward within the framework of the Planning Act 2008.

2. In summary, we:

2.1 advocate for and promote an effective, accountable, efficient, fair and inclusive system for the planning and authorisation of national infrastructure projects and act as a single voice for those involved in national infrastructure planning and authorisation;

2.2 participate in debate on the practice and the future of national infrastructure planning and act as a consultee on proposed changes to national infrastructure planning and authorisation regimes, and other relevant consultations; and

2.3 develop, share and champion best practice, and improve knowledge, skills, understanding and engagement by providing opportunities for learning and debate about national infrastructure planning.

3. NIPA welcomes the consultation on a proposed new Fusion Energy National Planning Policy Statement ("**FENPS**") issued on 8 May 2024 and this opportunity to comment on the changes to national infrastructure planning policy proposed by the Department for Energy Security and Net Zero ("**DESNZ**").

4. NIPA's response seeks to focus on the key issues and opportunities and has been developed following input from across the NIPA membership and our wider energy sector partners: from private industry to academia to local government. Those issues and opportunities are set out below: first, a set of over-arching comments, following by more specific responses to the questions posed in the consultation paper.

OVERARCHING COMMENTS

5. In a changing and increasingly uncertain world, the need to generate low-carbon energy in a safe and secure manner has never been more vital. The clean energy transition represents a huge opportunity to generate sustainable growth, tackle the cost-of-living crisis and make the United Kingdon energy independent.

6. The production of abundant, affordable, reliable energy is a vital pre-requisite in order to build a cohesive, just, productive, prosperous and digitally enabled society. It is only thanks to affordable, plentiful, reliable energy that we can continue to live in an environment that can be productive and sustainable.

7. The need for domestic large-scale clean energy is increasing to meet growing demand and to build resilience to threats posed by global climate change and challenges to energy security. NIPA supports an increased focus by governments on energy sources that are affordable, abundant and reliable which minimise reliance on other nations for either electricity generation or supply chains. All credible options for clean energy supply should be explored, not only to meet net zero commitments

and sustain decarbonisation, but also to deliver environmental, economic and social benefits through the creation of jobs, attracting investment into the UK and the development of high-value skills.

8. The present consultation follows on closely from a long-standing process of policy development in the field:

8.1 In October 2021 the previous government published the Green Paper: Towards Fusion Energy, outlining its proposals for a regulatory framework for fusion energy in the UK. Following a review of responses to this consultation, the previous government outlined its planned next steps in establishing a regulatory framework for fusion energy in the UK, the core proposal of which was for fusion energy to be regulated by the Health and Safety Executive ("HSE") and the Environment Agency ("EA") or devolved equivalents.

8.2 This was followed by the passage of the Energy Act 2023 which confirms that the licensing and liability regimes contained in the Nuclear Installations Act 1965 will not apply to fusion energy facilities. This means that fusion will not be regulated under the same framework as existing conventional nuclear fission facilities.

8.3 In 2023, the government also published an update to its fusion energy strategy which consolidated its vision for maintaining the UK's leadership in fusion, focussing not just on the UK's unique scientific and technical expertise, but on commercialisation by developing a thriving UK fusion sector.

9. NIPA welcomes the previous government's commitment to this streamlined regulatory approach which takes account of the specific features, challenges and opportunities of fusion generation, but it is essential that the new FENPS is also appropriately prepared in a manner which allows for technical innovation whilst providing a clear, consistent, and proportionate policy framework.

10. NIPA accordingly supports the principle of designating a new bespoke FENPS for the sector alongside the existing suite of energy NPSs. It will provide clarity for the consenting process, consistency across England and Wales and certainty for local authorities, other statutory bodies and agencies, investors, promoters and the public.

DETAILED RESPONSES

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

11. NIPA agrees that the planning process for fusion energy facilities should be aligned and maintained with other complex energy generation facilities, but with due consideration given to the technological and operational needs of fusion.

12. Whilst there is at present no precedent on the layout and characteristics for a fusion power plant, the general characteristics such as the infrastructure and operational requirements are known. These include the core operational buildings and systems, such as central generation and reaction halls and fuel extraction and exhaust infrastructure, but also associated fuel recovery and recycling plant, maintenance facilities and radioactive waste control and storage systems.

13. These facilities are complex and require specialist knowledge to scrutinise proposals effectively. Given the nascency of commercial fusion technologies at scale and the inherent technical complexity of a fusion facility, local authorities may not have the specialist knowledge to scrutinise plans in the timescales required to meet both government's net zero commitments and the aspirations of the emerging industry. NIPA agrees that designating a new FENPS will mean that this knowledge can be built and consolidated centrally, providing an effective and consistent scrutiny framework across England and Wales.

14. Furthermore, NIPA considers that the FENPS should clearly recognise that nuclear facilities operate in a highly regulated sector. Applicants, Examining Authorities and decision-makers should assume

that these processes will operate effectively to manage potential risks within the regulatory framework. The NSIP process should not seek to duplicate these processes and unnecessary 'double regulation' of such matters during the development consent order ("DCO") examination or in the DCO itself should be avoided. Such duplication would introduce significant delay in new fusion proposals being approved, built out and brought into operation with little or no substantive benefit.

15. In particular, full weight should be given to all evaluative assessments undertaken by the relevant expert fusion energy regulators – HSE, ONR and the EA – as to the safety case, risks and attributes of the particular fusion technology selected. Such expert judgements should be followed in the planning process unless there are compelling, evidence-led reasons to justify a different approach. Conversely, speculative assertions as to the potential impact of novel fusion technologies which are not supported by an objective evidence base and robust analysis should be given little or no weight in the planning process.

16. However, due to the geographical limitations of the NSIPs system under the Planning Act 2008 and the cross-UK need to bring forward fusion facilities at pace, it will also be vital for government to ensure that the FENPS is aligned (where possible and appropriate) with the priorities and policies of the devolved administrations across the whole of the UK.

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

17. NIPA agrees that all fusion technologies should be included in the FENPS process.

18. As fusion does not create very long-lived or high activity waste and has a comparatively low radiological profile, other sustainability impacts may be greater than the radiological considerations – and these other impacts are likely to apply across the board regardless of the exact technological solution selected.

19. Moreover, as we describe above, fusion is a nascent energy sub-sector. NIPA considers that it would be inappropriate for the FENPS to seek to distinguish between the current emerging technologies. To do so would potentially prevent the development and exploitation of new fusion technologies in the future by inadvertently excluding them from the NSIPs process and interfere with the operation of the market.

20. Inclusion of all fusion technologies from the outset will enable the industry to bring forward all viable and feasible technological solutions which can then be assessed on a level playing field, and help government to develop relevant evaluative and comparative expertise as new NSIP applications come forward. This will ensure that the FENPS is appropriately 'future-proofed' without inadvertently restricting technological innovation.

21. NIPA agrees that it would be appropriate for the FENPS to adopt the definition of a fusion energy facility from the Energy Act 2023. This would provide a consistent and aligned planning and regulatory framework.

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

22. NIPA supports the proposed open-sited approach for the new FENPS, which accords with the approach taken in other NPSs within the Energy ("**EN**") suite, including the proposals for a new EN-7.

23. This will allow developers to identify, shortlist, assess, select and promote those sites which are best placed to meet the technical requirements of the specific fusion technology selected and potential cluster, co-location synergies, noting the proposal to include all fusion technologies within the FENPS process which, as we set out above, NIPA supports.

24. Identification of sites within the FENPS would be overly restrictive, especially in light of the emerging state of fusion technology and the differing characteristics of different technologies. This would only serve to potentially frustrate the previous government's goal of allowing all feasible technologies to be brought forward on an even-playing field basis by the market and facilitating innovation.

25. NIPA notes that the consultation paper intimates that the previous government anticipated that siting will be determined by adherence to robust criteria or justification of approach against technical considerations. If an open-sited approach is to be taken, NIPA considers that the draft criteria should be subject to further detailed consultation in due course prior to their inclusion in the FENPS.

26. As part of this further consultation, the Government should also engage with the whole fusion sector in order to identify any sector-specific 'associated development' typologies or classifications which would merit inclusion in the FENPS where appropriate. Where the requirement to provide such associated development would materially distinguish between potential sites, this should be factored into the developer's site-sift process.

27. Please see also NIPA's responses to questions 8 through 11 below.

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

28. NIPA has concerns regarding the proposal to include all fusion energy facilities within the scope of the new FENPS regardless of capacity. This does not align with other types of energy NSIP which are subject to clear thresholds and then open to being directed into the DCO consenting process when below those thresholds should they be demonstrated to be projects of national significance.

29. Whilst NIPA notes that some private companies have long-term ambitions to develop small scale devices to power energy intensive facilities such as data centres, the omission of any lower threshold at all runs the risk of the NSIPs process – with all of its attendant procedural and information requirements – capturing developments of more local or regional significance, resulting in a disproportionate consenting process. This is also aligned with the previous government's ambition that the introduction of the FENPS should not inadvertently restrict technological innovation.

30. Moreover, NIPA notes the previous government's stated rationale for an all-inclusive FENPS whereby the burden of examining a planning application would fall on local planning authorities and could lead to delays in the assessment of planning applications. In this regard it should be noted that the National Planning Policy Framework does refer to NPSs being material planning considerations in the development plan and development management decision-making processes and therefore it is important that the FENPS provides the appropriate planning policy context across all planning regimes.

31. Whilst this is aligned with the desire to develop a consistent, expert assessment body on a national basis, this sits uncomfortably with the proposal to exclude fusion research facilities from the NSIPs process and policy. As the consultation paper acknowledges, fusion research facilities can themselves be large and complex, yet as things stand the proposed approach would potentially lead to smaller-scale energy generation fusion facilities falling within the NSIPs process, whereas larger scale and more complex research facilities – which will carry many of the same (if not greater) potential impacts and hazards – would still fall to be dealt with by local planning authorities.

32. In these circumstances, NIPA recommends that the proposals be amended to:

- impose a minimum capacity threshold which fusion proposals must meet in order to fall within the NSIPs process; and

- bring fusion research facilities above a certain scale or capacity (established by reference to objective criteria) within the scope of the FENPS and DCO consenting regime.

33. Should a capacity threshold be set, NIPA recommends that this should be set at 50MW so as to align with other types of onshore energy NSIPs. This approach would also not preclude fusion proposals below the 50MW threshold from being consented through the DCO process on a case-by-case basis through the giving of a section 35 direction under the Planning Act 2008.

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

34. NIPA agrees with this 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/or fusion research facility for the purpose of this NPS?

35. For the reasons set out above in response to question 4, NIPA does not agree that attempting to distinguish between fusion energy facilities and fusion research facilities is justified on the rationale set out in the consultation paper.

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

36. Whilst NIPA supports the approach of not setting a fixed deployment deadline for fusion energy facilities, it nevertheless notes the urgency and importance of providing new domestic large-scale clean energy generation capacity for both low-carbon and domestic energy security purposes; the importance of this cannot be underestimated.

37. Accordingly, NIPA considers that the anticipated timescales for implementation and bringing new generation capacity on-stream should be included as a relevant consideration within the FENPS to be used when assessing individual applications and the positive weight to be given to early delivery. Those NSIPs which would bring forward new capacity sooner – whilst still satisfying all other relevant assessment and siting criteria – should be given significant positive weight in the consideration and determination process.

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

38. NIPA agrees with the former government's proposal to follow practice and precedent from other energy generating facilities subject to the EN NPSs with similar characteristics and agrees that there are unlikely to be a significant number of areas that are wholly unique to fusion.

39. However, as set out above, once more detailed draft criteria have been developed, these should be the subject of further consultation with the public and all relevant stakeholders prior to the new FENPS being designated.

40. Moreover, NIPA considers that the FENPS should make clear that in conducting this assessment, including comparison with alternative solutions with reference to the strategic siting criteria, the purpose of the assessment is to evaluate the relative merits of alternative sites only, i.e. in terms of the sites' suitability for and compatibility with whichever fusion technology has already been selected or is otherwise under consideration and any other co-locational beneficial need and criteria.

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

Flood risk

41. NIPA has no comments in response to this topic.

Locational characteristics and population densities

42. NIPA has no comments in response to this topic.

Hazardous waste management

43. NIPA has no comments in response to this topic.

Size of site to accommodate construction and decommissioning

44. NIPA has no comments in response to this topic.

Impacts of multiple devices

45. NIPA has no comments in response to this topic.

Transport Infrastructure

46. NIPA has no comments in response to this topic.

Grid Connection

47. Generating stations connect into either the transmission or distribution networks or on occasion direct to user. The technical feasibility of export of electricity from a generating station is dependent on the capacity of the grid network to accept the likely electricity output together with the voltage and distance of the connection.

48. In this regard, it will be important to align grid development priorities with planned or proposed energy generating infrastructure, including fusion facilities. This is vital in order to ensure that grid connection and capacity does not become a barrier to rapid delivery of new fusion energy generation. The development and delivery of suitable grid connections and upgrades should accordingly be prioritised and aligned with the Government's wider infrastructure priorities, including those in the new FENPS.

49. Even if the precise route of a connection has not been identified, in accordance with Section 4.10 of EN-1 any application to the Secretary of State should include information on how the generating station is to be connected and whether there are any particular environmental issues likely to arise from that connection.

50. Those impacts should be factored into the applicant's assessment of alternative sites.

Biodiversity Net Gain

51. NIPA has no comments in response to this topic.

Climate change and adaptation

52. NIPA has no comments in response to this topic.

Groundwater

53. Infrastructure development can have adverse effects on the water environment, including groundwater, inland surface water, transitional waters, coastal and marine waters. Accordingly, NIPA considers that all elements of the water environment, water resources and water quality should be dealt with on a consistent basis in the new FENPS, i.e. this should not be limited to consideration of groundwater effects only.

54. Where the project is likely to have effects on water quality or resources the applicant should undertake an assessment as required in Section 5.16 of EN-1. The assessment should particularly demonstrate that appropriate measures will be put in place to avoid or minimise adverse impacts of abstraction and discharge of water (including cooling water, where relevant).

55. The applicant's assessment should in particular describe:

55.1 the existing quality of waters affected by the proposed project and the impacts of the proposed project on water quality, noting any relevant existing discharges, proposed new discharges and proposed changes to discharges;

55.2 existing water resources affected by the proposed project and the impacts of the proposed project on water resources, noting any relevant existing abstraction rates, proposed new abstraction rates and proposed changes to abstraction rates (including any impact on or use of mains supplies) and also demonstrate how proposals minimise the use of water resources and water consumption in the first instance;

55.3 existing physical characteristics of the water environment (including quantity and dynamics of flow) affected by the proposed project and any impact of physical modifications to these characteristics;

55.4 any impacts of the proposed project on water bodies or protected areas (including shellfish protected areas) under the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 and source protection zones around potable groundwater abstractions;

55.5 how climate change could impact any of the above in the future; and

55.6 any cumulative effects.

Proximity to military activities

56. NIPA has no comments in response to this topic.

Proximity to hazardous facilities

57. NIPA has no comments in response to this topic.

Proximity to civil aircraft movements

58. It is essential that new energy infrastructure is developed collaboratively alongside aerodromes, aircraft, air systems and airspace so that safety, operations and capabilities are not adversely affected by new energy infrastructure. Commercial civil aviation is largely confined to designated corridors of controlled airspace and set approaches to airports. The approaches and flight patterns to aerodromes can be irregular owing to a variety of factors including the performance characteristics of the aircraft concerned and the prevailing meteorological conditions.

59. Large aircraft crashes are a rare event in the UK, but the risk across the country is not uniform. Certain civil aerodromes and aviation technical sites, selected on the basis of their importance to the national air transport system, are officially safeguarded in order to ensure that their safety and operation are not compromised by new development.

60. Areas of airspace around aerodromes used by aircraft, including taking off or on approach and landing are described as "obstacle limitation surfaces" ("OLS"). All licensed and certificated civil aerodromes regulated by the Civil Aviation Authority ("CAA") must comply with the OLS. These are defined according to criteria set out in relevant CAA guidance which are in turn based on binding international standards and regulatory practices adopted as annexes to the Chicago Convention, to which the United Kingdom is a signatory and which constitute international law obligations.

61. Aerodromes that are officially safeguarded will have officially produced plans that show the OLS. Care must be taken to ensure that new developments do not infringe these protected OLS except where an aerodrome operator has considered the development and either determined there to be no adverse impact or agreed an acceptable mitigation can be put in place, as these encompass the critical airspace within which key air traffic associated with the aerodrome operates.

62. NIPA considers that – in assessing and sifting potential sites – the new FENPS criteria should make clear that infringement of an OLS should be avoided if practicable by new fusion facility developments.

63. Moreover, under The Air Navigation (Restriction of Flying) (Nuclear Installations) Regulations 2016, existing nuclear power stations in the UK are afforded some protection from aviation activity by the establishment of a Restricted Area at each location. Aviation activity within any Restricted Area is limited to that specifically permitted by the Regulations. Typically, such Restricted Areas have a radius of two nautical miles and extend vertically to 2,000 feet above the surface, although they vary between named sites. The Government should give careful consideration as to whether the Regulations should be revised to take account of new fusion generation facilities.

64. In the meantime, NIPA considers that applicants should be expected to assume that a given site would be subject to the same Restricted Area safeguarding requirements with associated impacts on civil aviation. This should be made clear in the new FENPS.

Nationally and internationally designated sites of ecological importance

65. NIPA has no comments in response to this topic.

Access to suitable sources of cooling

66. Suitable options for cooling systems will need to be assessed and evaluated. To the extent that different cooling options are compatible with more than one fusion technology, the applicant's site selection assessment should assess each option on the basis of the technology requirements of the project to be brought forward considering all practicable cooling technologies in that context in order to establish the comparative performance of sites and the potential environmental impacts which may differ depending on specific site location, characteristics and the environmental sensitivity of the area.

67. In particular, the design of water-cooling systems for fusion energy generating stations may have additional impacts on water quality, abstraction and discharge. Where these types of impact are the same or similar to those which are associated with fission nuclear facilities, they should where appropriate be assessed on an equivalent basis to the existing EN-NPSs to ensure consistency.

68. In addition to the mitigation measures set out in Section 5.16 of EN-1, the design of water-based cooling systems should also include any intake and outfall locations and the assessment should consider how options compare in terms of avoiding or minimising such adverse impacts.

Areas of amenity, cultural heritage and landscape value

69. The main structures for a fusion energy facility, including the main halls, ancillary facilities, cooling infrastructure and water processing plant, are likely to be large although the overall size of the development will inevitably be dependent on technology and design. Night-time lighting for continuous operation will also have an impact on visual amenity.

70. As a result, fusion facilities will inevitably have a greater or lesser degree of impact on the surrounding landscape and visual amenity, although NIPA notes that other large-scale energy facilities have become increasingly sensitive to the surrounding environment and, particularly, the potential visual impact. This context sensitive approach to design should be continued and encouraged.

71. NIPA considers that the FENPS should make clear that assessment of landscape value includes an assessment of visual impact of new fusion facilities. The applicant should include a landscape and visual impact assessment as part of the Environmental Statement, as set out in Section 5.10 of EN-1.

72. The applicant should also consider the design of the plant, including the materials to be used, and the visual impact of the plant, as set out in Section 5.10 of EN-1 in the context of the local landscape. This may include design of buildings to minimise negative aspects of their appearance through decisions in areas such as size, external finish and colour of the plant as far as compliance with engineering and environmental requirements permit. The precise architectural treatment will need to be site-specific.

73. The need for good design will be particularly important where a national designated landscape is affected. For development proposals affecting designated landscapes the Secretary of State should be satisfied that measures to further purposes of the designation are sufficient, appropriate and proportionate.

74. Mitigation should be implemented to reduce the visual intrusion of the buildings in the landscape and minimise impact on visual amenity as far as reasonably practicable. For proposals affecting designated landscapes the applicant should also consider how the scheme will further the purposes of the designation through its design, delivery and operation. These measures could potentially go beyond the mitigation measures needed to minimise the effects of the scheme.

75. Hard and soft landscaping and all suitable visual treatments should be considered, although where the existing landscape is more industrial, design could involve other forms of visual impact mitigation appropriate to the location.

76. If, having regard to the considerations in respect of other impacts set out in EN-1 and the new FENPS, the Secretary of State is satisfied that the location is appropriate for the project, and that it has been designed sensitively (having regard to NIC design guidance and given the various siting, operational and other relevant constraints) to minimise harm to landscape and visual amenity, the visibility of a fusion energy generating station should be given limited weight.

Public Rights of Way

77. NIPA has no comments in response to this topic.

Land Use Planning

78. NIPA has no comments in response to this topic.

Public Support

79. Given that the consultation paper states that "*public support will not be a formal criterion for the consent of fusion power plants*", it is not clear why this has been included within the list of other assessment criteria.

80. NIPA agrees more widely that the siting of fusion power plants should not be subject to a formal *"public support"* policy requirement, as is the case for the siting of radioactive waste geological disposal facilities (which are consented under s.30A of the Planning Act 2008).

81. NIPA therefore recommends that the new FENPS omits reference to "*public support*" in the context of setting out the assessment criteria.

82. Should it be considered desirable to include material on this topic in the FENPS then this should be in a separate section of the FENPS to make clear that public support (or, indeed, opposition) is not in itself an assessment or determining criterion.

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

Socio-economic impacts

83. The construction, operation and decommissioning of energy infrastructure may have socio-economic impacts. Fusion energy generating facilities are likely in many cases to involve large scale construction projects at the beginning of their life.

84. There are likely to be positive effects of local economic significance (including for both core construction and wider supply chain) as well as potentially significant effects at the regional scale, especially where there are clusters of potentially suitable sites for new fusion facilities. This will need to be weighed against the potential impacts of a site or sites hosting multiple devices. There may also be negative effects.

85. The applicant should identify at local and regional levels any socio-economic impacts associated with the construction, operation and decommissioning of the proposed new facility. This assessment should demonstrate that the applicant has taken account of, amongst other things, potential pressures on local and regional resources, demographic change and economic benefits.

86. The applicant's assessment should consider all relevant socio-economic impacts, which may include:

86.1 the creation of jobs and training opportunities. Applicants may wish to provide information on the sustainability of the jobs created, including where they will help to develop the skills needed for the UK's transition to Net Zero;

86.2 the contribution to the development of low-carbon industries at the local and regional level as well as nationally;

86.3 the provision of additional local services and improvements to local infrastructure, including the provision of educational and visitor facilities;

86.4 any indirect beneficial impacts for the region hosting the infrastructure, in particular in relation to use of local support services and supply chains;

86.5 effects (positive and negative) on tourism and other users of the area impacted;

86.6 the impact of a changing influx of workers during the different construction, operation and decommissioning phases of the energy infrastructure. This could change the local population dynamics and could alter the demand for services and facilities in the settlements nearest to the construction work (including community facilities and physical infrastructure such as energy, water, transport and waste). There could also be effects on social cohesion depending on how populations and service provision change as a result of the development; and

86.7 cumulative effects - if development consent were to be granted for a number of projects within a region and these were developed in a similar time frame, there could be some short-term negative effects, for example a potential shortage of construction workers to meet the needs of other industries and major projects within the region.

87. Moreover, where the development of a new fusion facility would have particular socio-economic benefits for economically more deprived areas, NIPA considers that these should be considered favourably when assessing both relative site selection and the overall merits of specific projects which come forward.

88. In particular, the Secretary of State should consider any relevant positive provisions the applicant has made or is proposing to make to mitigate impacts such as any legacy benefits that may arise as well as any options for phasing development in relation to the socio-economic impacts.

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

89. NIPA considers that a consistent set of criteria across all fusion technologies is most appropriate. This aligns with the technology-neutral focus of the proposed FENPS and maintains sufficient flexibility to assess individual proposals on their own merit, noting that the assessment itself is a discretionary one.

90. This means that the examining authority and the decision-making minister would retain the flexibility to place more or less weight on any given criterion in order to take account of its particular relevance to a given site, technology or proposal.

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

91. NIPA supports the proposed developer-led approach to site sifting which also aligns with the approach adopted in respect of other types of NSIP (including the proposals for EN-7) and provides consistency.

92. However, NIPA notes that the consultation paper intimates that even if a site is judged to be potentially suitable this "*does not guarantee that development consent will be granted to a particular project, nor does it override environmental permitting requirements*".

93. NIPA considers that the new FENPS should make clear that this is without prejudice to the ability for a fusion facility DCO to modify the application of, or disapply, permitting requirements where this is supported by appropriate reasoning and justification. This also aligns with the need (discussed in more detail above) to avoid unnecessary 'double regulation' of the sector.

17 July 2024