

**CONSULTATION RESPONSE TO DEPARTMENT FOR ENERGY SECURITY AND NET ZERO
(DESNZ) IN RELATION TO CONSULTATION ON THE DRAFT NATIONAL POLICY STATEMENT
FOR FUSION ENERGY GENERATION (EN-8)**

Introduction

The National Infrastructure Planning Association (NIPA) was established in 2010 with the aim of bringing together individuals and organisations involved in the planning and delivery of major infrastructure projects. Our principal focus is the planning regime for nationally significant infrastructure projects (NSIPs) introduced by the Planning Act 2008; however, our members work across all consenting regimes, and we act as a forum and community for anyone with an interest in the challenge of driving better national infrastructure planning outcomes.

In summary, we:

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

This Consultation

On 8 June 2026, the Department for Energy Security and Net Zero (DESNZ) published a consultation on the draft National Policy Statement for fusion energy generation (EN-8). The consultation seeks views on the proposed planning approach for fusion energy infrastructure in England and Wales and was focussed on several specific questions as set out below.

NIPA welcomes this opportunity to provide views on the proposals set out by DESNZ and to help shape and inform the new National Policy Statement (NPS). We asked our members for their views on the relevant points and our response was developed by NIPA member volunteers and coordinated by our Policy and Practice Working Group leads.

Overarching comments on the proposals

NIPA welcomes the publication of draft EN-8 and continues to support the principle of establishing a bespoke National Policy Statement for fusion energy generation, aligned with the wider suite of energy National Policy Statements.

Fusion energy has the potential to provide an abundant, low-carbon and secure source of energy by replicating the process that powers the sun. Importantly, fusion differs fundamentally from nuclear fission. Fusion does not rely on a self-sustaining chain reaction, can be rapidly shut down if operating conditions are interrupted, does not produce the long-lived high-level

radioactive waste associated with fission power generation, and uses fuel sources that are abundant and widely available. In addition, fusion has the potential to provide reliable baseload power, support national energy security, contribute significantly to decarbonisation objectives, and create substantial economic opportunities through investment, innovation, skills development and supply chain growth.

Given these characteristics, NIPA supports the Government's decision to establish a distinct planning and regulatory framework for fusion energy infrastructure. A dedicated NPS provides an important opportunity to create a clear, proportionate and enduring framework that reflects the specific characteristics of fusion whilst supporting the deployment of a strategically important emerging technology. However, to achieve this, EN-8 must be developed as a genuinely fusion-specific policy document rather than simply an adaptation of existing nuclear fission policy. The final NPS should clearly explain the distinctive characteristics of fusion technology, its different hazard profile, regulatory context, waste characteristics and deployment pathway.

Overall, NIPA considers that draft EN-8 provides a helpful foundation, but that the framework is only partially clear and complete. Whilst the policy appropriately adopts a technology-neutral and output-agnostic approach, further refinement is required to ensure that it provides a coherent, future-proofed and practically workable framework for applicants, Examining Authorities, statutory consultees and decision-makers.

In particular, NIPA considers that the final EN-8 should:

- Provide greater clarity on the relationship between EN-8 and EN-1, ensuring that fusion-specific policy is clearly distinguished from the wider energy planning framework;
- Avoid unnecessary duplication between planning and specialist regulatory regimes, including safety, environmental permitting, licensing, operational regulation and decommissioning controls;
- Establish a clear distinction between matters that should be examined through the planning process and those that are appropriately addressed through specialist regulators and other consenting regimes;
- Embed a proportionate, evidence-led approach to assessment, ensuring that decisions are driven by objective evidence and expert regulatory advice rather than unsupported assumptions regarding emerging technologies;
- Remain technology-neutral, innovation-supporting and sufficiently flexible to accommodate future technological developments without requiring frequent policy revision;
- Strengthen recognition of infrastructure integration, including electricity networks, water resources, cooling requirements, transport infrastructure, digital infrastructure and associated development;

- Ensure environmental assessment requirements remain strategic and proportionate whilst recognising that project-level assessment will continue to address site-specific effects and mitigation;
- Future-proof the NPS by recognising the evolving environmental policy landscape, including updated HRA guidance, Environmental Outcomes Reports, Environmental Delivery Plans, the Nature Restoration Fund and other emerging environmental reforms; and
- Ensure that Examining Authorities, planning authorities, statutory consultees and regulators have the appropriate skills, expertise and resources necessary to implement the framework consistently and efficiently.

NIPA also considers it important that the final EN-8 provides greater clarity regarding the interaction between the Development Consent Order process and other regulatory approvals. The effective deployment of fusion energy infrastructure will depend upon a planning framework that supports appropriate flexibility, avoids premature design fixation, recognises the role of the Rochdale Envelope and enables specialist regulatory approvals to be secured at the correct stage in the development process.

Overall, NIPA supports the introduction of a dedicated fusion NPS and welcomes draft EN-8 as a positive and important step forward. With the refinements identified throughout this response, EN-8 will provide a robust, enduring and deliverable policy framework that supports innovation, attracts investment and facilitates the timely deployment of fusion energy infrastructure in support of the UK's energy security, decarbonisation and economic growth objectives.

Consultation questions

Part A: Scope and clarity

The following question seeks views on whether draft EN-8 provides a clear, coherent and appropriate planning framework for fusion energy infrastructure when read alongside EN-1 and other relevant National Policy Statements (such as EN-5 which concerns electricity networks infrastructure).

1. Does draft EN-8, when read alongside EN-1 (and other relevant National Policy Statements), provide a clear, coherent and appropriate planning framework for fusion energy infrastructure?

Response options:

- Yes
- Partially - X
- No
- Not sure

Please explain your answer, focusing on the overall clarity, coherence and appropriateness of the framework. Detailed feedback on specific sections of draft EN-8 should be provided in response to subsequent questions.

NIPA Response: Partially. NIPA supports the principle of a fusion-specific National Policy Statement sitting alongside the wider energy NPS suite and continues to agree that fusion energy infrastructure should be planned and determined within a framework aligned with other complex energy generation infrastructure. NIPA's earlier response to the then proposed draft EN-7 in 2024 supported the designation of a bespoke fusion NPS on the basis that it would provide clarity for the consenting process, consistency across England and Wales, and greater certainty for promoters, decision-makers and communities. NIPA also supported a streamlined and proportionate framework that reflects the distinctive characteristics of fusion whilst remaining aligned with the wider energy planning regime.

Draft EN-8 goes some way towards providing that framework. NIPA welcomes the intention that EN-8 should be read alongside EN-1 and, where relevant, other NPSs such as EN-5, and the continued technology-agnostic and output-agnostic approach confirmed through the consultation process that led to the current draft. That is an appropriate starting point for a nascent and innovative sector in which commercial technologies continue to evolve rapidly. Fusion energy technology differs fundamentally from conventional nuclear fission, and this distinction underpins NIPA's support for a separate NPS. Fusion does not rely upon a self-sustaining chain reaction, is capable of rapid shut-down, does not produce the same long-lived high-level radioactive wastes associated with nuclear fission, and is regulated through a different safety and environmental framework. NIPA therefore agrees that a bespoke planning framework is justified, provided it clearly reflects those differences and avoids importing policy tests or assumptions that arise from the regulation and deployment of nuclear fission technologies. NIPA considers that the final EN-8 should continue to provide a strong statement of need for fusion energy infrastructure, recognising the contribution that fusion can make to energy security, decarbonisation, industrial competitiveness, economic growth and long-term resilience of the UK's energy system.

However, in NIPA's view, the framework is only partially clear and coherent at present because additional work is needed in several areas.

First, the relationship between EN-8 and EN-1 should be made more explicit throughout, so that applicants, Examining Authorities and decision-makers can readily identify what is genuinely fusion-specific and what remains governed by the generic policy and assessment framework in EN-1. NIPA has consistently supported consistency across the NPS suite and considers it important that EN-8 adds to EN-1 only where this is necessary to address the specific characteristics of fusion infrastructure. We note that the government is committed to amending the Act to ensure that fusion energy infrastructure in England with a thermal capacity, or a combination of thermal and electrical capacity, of over 50MW is also included. For generating stations, it has been common to refer to a threshold of 50MW (gross) generating capacity. NIPA also notes that the proposed threshold is expressed differently from many other generating station thresholds within the NSIP regime. Whilst NIPA is not objecting to the proposed threshold, the rationale for expressing the threshold through thermal capacity, or a combination of thermal and electrical capacity, should be more clearly explained within EN-8 so that applicants, decision-makers and stakeholders understand how it relates to the wider energy consenting framework.

Second, the draft should more clearly address how EN-8 interfaces with other regulatory regimes. NIPA's longstanding position is that the planning process should not duplicate the functions of specialist regulators and that unnecessary "double regulation" should be avoided. In its 2024 response, NIPA highlighted that fusion facilities would sit within a highly regulated environment and that the NSIP process should assume that relevant regulatory regimes will operate effectively to manage risks within their own remit. NIPA further stated that evaluative judgments of expert regulators such as HSE, ONR and the Environment Agency should be afforded full weight unless there are compelling, evidence-led reasons to depart from them. This remains an important principle for EN-8 and is consistent with NIPA's previous representations on EN-7¹, evidence submitted to Parliamentary scrutiny processes, and the recommendations of the Fingleton Review regarding the need to reduce unnecessary duplication, improve regulatory certainty and support timely infrastructure delivery.

NIPA considers that it would be helpful if the guidance makes clear to the determining authority that it should not engage with matters that are the express responsibility of other competent authorities and should assume that these regimes will ensure that fusion technology will be regulated to operate safely (in the case of safety, by the HSE).

Third, the framework would benefit from more explicit recognition of delivery and infrastructure integration issues, particularly in relation to electricity networks, water resources, cooling requirements, transport infrastructure and associated development. Fusion facilities cannot be considered in isolation, and supporting infrastructure should be recognised as a fundamental component of successful deployment. Grid connection and capacity must not become barriers to delivery, and the NPS should support coordinated planning across the wider infrastructure system.

Overall, NIPA considers that draft EN-8 provides a useful basis for a coherent planning framework, but that greater clarity is needed on:

- the relationship between EN-8 and EN-1, and the avoidance of duplication between the two;
- the division between planning and regulatory controls, recognising condition and control mechanisms;
- how the framework will operate in practice for an emerging, innovative and highly regulated sector;
- how fusion infrastructure is to be integrated with wider energy and network planning; and
- ensuring the framework remains technology-neutral, future-proofed and capable of accommodating innovation as fusion technologies evolve.

¹ Comment 22 provided in verbal evidence of House of Commons Select Committee [The new National Policy Statement for nuclear energy generation](#), October 2025

NIPA notes the difference in structure between EN-7 and draft EN-8. Whereas the final section in EN-7 is on Assessment Principles, draft EN-8 then adds a further section, Assessment Considerations. EN-7 has clear guidance on Applicant Assessment and Secretary of State Decision Making within the Assessment Principles section with Technical Considerations incorporated within that section. Whilst clearly the technologies are different it may help improve clarity for applicants and examination and reporting if the same structure could be adopted, adding clarity between the tests required under EN-8 and EN-1 criteria. NIPA also notes that references to engagement and consultation such as paragraph 3.1.9 appear to refer to the system prior to the implementation of the Planning and Infrastructure Act 2025 and the new infrastructure planning portal. It is important that the NPS is up to date and written wholly in accordance with the latest legislative changes and guidance.

With these refinements, EN-8 would provide a stronger, clearer and more effective framework for fusion energy infrastructure, capable of supporting innovation, attracting investment, and facilitating timely delivery of fusion energy projects, whilst maintaining appropriate environmental, safety and regulatory safeguards.

Part B: Role, scope and assessment principles

Sections 1 and 2 of draft EN-8 set out the background, the role and the scope of the National Policy Statement, and the assessment principles that apply to fusion energy infrastructure.

2. Do Sections 1 and 2 of draft EN-8 provide sufficient clarity on the role, scope and assessment principles of the fusion energy National Policy Statement?

Response options:

- Yes
- Partially - *X*
- No
- Not sure

If you chose 'No' or 'Partially', please explain what changes would be beneficial, referencing specific sections where possible.

NIPA Response: Partially. Sections 1 and 2 provide a helpful foundation and broadly explain the purpose of EN-8, its relationship to the wider energy NPS framework, and the role of the document in decision-making. NIPA welcomes the continued recognition that fusion energy is an emerging sector requiring a policy framework that is sufficiently flexible to accommodate innovation, while still providing a robust basis for consistent decision-making. NIPA's previous response strongly supported a fusion policy framework that is both future-proofed and technology-neutral, and that concern remains central to its view of the current draft. As with any NPS, the ability to endure within its specific core policy foundation is paramount. NIPA also considers it important that the NPS clearly reflects the distinctive characteristics of fusion energy. Fusion differs fundamentally from nuclear fission, including in relation to operational safety, waste arisings, fuel sources and regulatory oversight. These differences justify a bespoke planning framework and should be reflected consistently throughout EN-8, particularly where policy has been adapted from other parts of the energy NPS suite.

However, NIPA considers that Sections 1 and 2 are only partially clear and would benefit from several improvements.

Clearer articulation of the role of EN-8 relative to EN-1

The draft would benefit from more explicit explanation of when EN-8 should be relied upon as containing fusion-specific policy and when EN-1 should continue to provide the primary basis for assessment. NIPA's 2024 response emphasised the value of a bespoke fusion NPS, but within a broader framework of alignment and consistency with the existing EN suite. That principle remains important and has been repeated by NIPA in responses to other NPS consultations, more recently with EN-7. Without clearer distinction between generic and fusion-specific policy, there is a risk of duplication, overlap, or inconsistent interpretation.

Clearer statement on interaction with regulatory regimes

NIPA considers this to be one of the most important areas where additional clarity is required. The NPS should establish a clear distinction between matters to be assessed through the planning process and matters that are appropriately regulated through separate specialist safety, environmental and operational regimes. Failure to do so risks uncertainty, duplication and inconsistent decision-making.

The assessment principles should make clearer that planning should not duplicate the role of specialist regulatory regimes. NIPA's earlier response expressly warned against "double regulation" and stated that Applicants, Examining Authorities and decision-makers should proceed on the basis that relevant regulators will manage potential risks through the applicable regulatory framework. This principle should be reflected more clearly in Sections 1 and 2, particularly given the specialist safety, environmental and operational matters likely to arise in fusion proposals. The basis of a "condition or control" mechanism was strongly recommended in NIPA's response to EN-7, was referenced during Parliamentary scrutiny of EN-7, and aligns with the wider direction of travel identified through the Fingleton Review in relation to reducing duplication, improving regulatory certainty, and supporting efficient infrastructure delivery.

EN-7 and the National Policy Statement for water resources infrastructure provide guidance on how the Examining Authority should deal with matters relating to National Security and Safety. Where other regimes operate to regulate nuclear activities, it would be helpful to set this out to direct Examining Authorities on how to address this, noting that fusion applications are highly likely to build in technology flexibility, which means that site specific licensing will follow the DCO process. It would be helpful in this regard to set out within the context the benefits that nuclear fusion has compared with nuclear fission and explain why fusion projects are able to be regulated for health, safety, and environment via the Health and Safety Executive rather than standard nuclear fission licensing.

Through Regulation the Government has made this clear, meaning that siting of fusion projects is open to the Applicant to justify and does not need to avoid centres of population density so it would be helpful to ensure that the NPS is similarly clear. This would help avoid inconsistency in the Examination of fusion projects by Inspectors and provide reassurance to developers that the

Regulatory regimes are being properly operated and not duplicated through the planning regime, which is not equipped to perform this function.

The NPS could usefully draw on the Appraisal of Sustainability in setting out the principal characteristics of fusion technology, including fuel abundance, low-carbon baseload generation, absence of a self-sustaining chain reaction, and the significantly reduced long-lived radioactive waste profile compared with nuclear fission.

Greater emphasis on evidence-led and proportionate assessment

NIPA considers that Sections 1 and 2 should more clearly establish that assessment under EN-8 should be proportionate, evidence-led, and focused on material planning effects. This would help focus the examination of fusion projects on the material planning and consenting issues, whilst ensuring that safety, operational and environmental matters are assessed using the best available evidence and appropriate expert judgement. Given the emerging nature of fusion technologies, it is particularly important that decision-making is driven by objective evidence rather than unsupported assumptions or speculative concerns.

Practical clarity on scope

NIPA's 2024 response raised questions about the relationship between fusion energy generation facilities and fusion research facilities and expressed concern that an inconsistent approach to scope could result in a disproportionate or illogical consenting framework. While the current consultation does not revisit the same threshold and scoping issues in the same way, the broader point remains relevant: the NPS should make clear the intended scope of EN-8, and the drafting should avoid creating uncertainty about the types of development to which policy statements apply.

Suggested changes

NIPA suggests that Sections 1 and 2 could usefully be strengthened by:

- including a clearer statement that EN-8 should be read as a fusion-specific supplement to EN-1, rather than as a standalone or duplicative framework;
- making clear that the planning process should not duplicate the role of specialist regulators and that appropriate weight should be given to expert regulatory judgments;
- reinforcing the principle that assessment should be proportionate, evidence-led, and focused on material planning and consenting issues;
- clarifying the intended scope and practical application of EN-8 for different forms of fusion-related development; and
- ensuring the framework remains sufficiently flexible and technology-neutral to accommodate future innovation and evolving fusion technologies without requiring frequent policy revision.

With these changes, Sections 1 and 2 would provide a clearer, more proportionate and more durable framework for decision-making, supporting regulatory certainty, encouraging

investment and ensuring that fusion projects can be assessed efficiently whilst maintaining appropriate environmental, safety and planning safeguards.

Part C: Assessment considerations

The following question seeks views on the fusion-specific assessment considerations set out in Section 3 of draft EN-8. Draft EN-8 is designed to apply to all fusion energy infrastructure, i.e., it is designed to be technology and output-agnostic.

3. Are the approaches set out for each consideration adequate and appropriate for all fusion energy infrastructure, making clear what, if anything, is required beyond the requirements of EN-1?

Response options:

- Yes
- Partially - X
- No
- Not sure

If you chose 'No' or 'Partially', please provide details, identifying any considerations where the approach may be inadequate or inappropriate and what changes you would suggest.

NIPA Response: Partially. NIPA supports the intention that EN-8 should be technology-agnostic and apply across different forms of fusion energy infrastructure particularly as this is an emerging commercial technology. Maintaining flexibility within the policy framework will be critical to ensuring that EN-8 remains relevant as the sector evolves and different technologies move towards commercial deployment.

NIPA strongly supports a policy framework that endures and includes all fusion technologies and avoids unnecessarily distinguishing between current or emerging technological approaches, on the basis that doing so could inadvertently constrain innovation or distort market-led development. NIPA also supports the principle that a common set of criteria should apply, with flexibility retained for decision-makers to place appropriate weight on individual considerations according to the characteristics of the site, proposal and technology.

However, NIPA considers that the approaches in Section 3 are only partially adequate and would benefit from greater clarity in several respects.

Whilst NIPA recognises that EN-8 has been developed within the wider context of the energy NPS framework, the assessment considerations should more clearly reflect the distinctive characteristics of fusion energy compared with nuclear fission. Fusion differs significantly in relation to fuel sources, operational safety characteristics, waste profiles and regulatory arrangements. In several places, the assessment considerations appear to have been adapted from existing nuclear policy frameworks without clearly explaining why a fusion-specific approach is required. Greater clarity on these distinctions would help applicants, Examining Authorities and stakeholders apply the policy more consistently and proportionately.

More explicit distinction between EN-1 requirements and fusion-specific additions

A key test for Section 3 is whether it makes sufficiently clear what is already addressed by EN-1 and what fusion-specific matters require additional or different treatment. NIPA's previous response repeatedly emphasised that where impacts are comparable to those arising from other energy infrastructure, they should be assessed consistently with the wider EN suite. For example, NIPA previously noted that impacts relating to water, cooling systems, landscape and visual effects should, where similar to existing energy or nuclear infrastructure, be assessed on a similar but not identical basis, given that potential emissions to air, land and water would be different and the energy uses very different. That principle should be carried through into EN-8 so that Section 3 avoids unnecessary repetition and clearly identifies where fusion genuinely requires additional policy direction.

Stronger recognition of infrastructure integration and associated development

NIPA highlights the importance of associated infrastructure, grid connections and other supporting development to the delivery of fusion projects, noting in particular that grid development and network capacity must be aligned with new generating infrastructure, and that applicants should explain how generating stations are to be connected and whether significant environmental issues arise from those connections. Section 3 should ensure that such matters are handled consistently with EN-1 and EN-5 and that the framework clearly supports integration rather than treating generation in isolation. This should include not only electricity networks, but also water infrastructure, transport and logistics requirements, cooling infrastructure, digital connectivity and other forms of associated development that are necessary to support deployment.

More explicit treatment of water, cooling and environmental resource issues

NIPA considers that the policy framework should address all elements of the water environment consistently, not just groundwater, and that applicants should assess water quality, abstraction, discharge, climate change impacts and cumulative effects where relevant. NIPA also highlights the need for applicants to consider both direct and indirect cooling options and their potential environmental impacts, including intake and outfall arrangements where water-based cooling systems are proposed. These are highly relevant issues for fusion infrastructure and Section 3 should ensure these topics are properly and consistently addressed. Noting that section 5.16 of EN-1 deals with water resources and that the Environment Agency is responsible for authorising abstraction and discharge licences, and regulating cooling systems including the use of water, through the Environmental Permitting regime, NIPA considers that it would be helpful if the reasoning for the reference to groundwater could be set out (given that surface water is generally used for thermal plant with high water consumption, but groundwater abstraction might be used for closed loop systems, depending on the location, but this is already dealt with through other regulatory regimes).

NIPA therefore recommends that EN-8 either explains the specific relevance of groundwater to fusion energy infrastructure or broadens the policy to address the water environment as a whole; consistent with EN-1 and wider environmental permitting requirements.

Greater emphasis on proportionate and evidence-led assessment

NIPA considers that Section 3 should more explicitly reinforce that assessment of fusion development should be proportionate and evidence led. Given the emerging nature of fusion technologies, there is a risk that unsupported assumptions or speculative concerns could influence assessment disproportionately. The NPS should make clear that decisions should be based on objective evidence, expert regulatory advice and material planning considerations. This would provide greater certainty to applicants whilst maintaining appropriate environmental, safety and planning safeguards.

Recognition of wider socio-economic benefits

Fusion energy infrastructure has the potential to deliver significant economic, skills, innovation and supply-chain benefits including regional regeneration, inward investment and the development of high-value technical capabilities. NIPA considers that Section 3 could place greater emphasis on these benefits and provide clearer guidance on how they should be assessed and weighed alongside environmental and technical considerations. Given the Government's stated ambitions for economic growth, innovation and clean energy deployment, these wider benefits should be clearly recognised within the assessment framework.

Part D: Environmental assessments

The following question seeks views on the conclusions of the Appraisal of Sustainability and Habitats Regulations Assessment undertaken for draft EN-8. These assessments have been carried out at National Policy Statement level and do not assess specific sites or projects. Respondents are therefore invited to consider whether the assessments are reasonable and appropriate for a plan-level policy document, rather than commenting on the likely impacts of individual fusion energy projects.

4. Are the environmental assessments (Appraisal of Sustainability and Habitats Regulations Assessment) for draft EN-8 reasonable and appropriate?

Response options:

- Yes - X
- Partially
- No
- Not sure

If you chose 'No' or 'Partially', please provide details, referencing the specific section(s) you are referring to in your response.

NIPA Response: Yes. NIPA acknowledges that because EN-8 does not apply any site-specific locations for fusion deployment within England and Wales, and adopts a technology-agnostic approach, there are inherent limitations to the level of appraisal that can be undertaken at National Policy Statement level. It is not possible to assess effects on specific designated sites, qualifying features, receptors or communities in the absence of defined locations and project designs. In that context, NIPA considers it appropriate that the Appraisal of Sustainability (AoS) and Habitats Regulations Assessment (HRA) remain strategic in nature.

Within Objective 3, new mechanisms introduced through the Planning & Infrastructure Act for projects in England could be referenced such as Environmental Delivery Plans (EDPs) and Nature Restoration Fund (NRF). These initiatives are likely to become increasingly important components of the environmental planning framework and should be acknowledged within the appraisal.

NIPA considers that the environmental assessments should be sufficiently forward-looking to ensure that EN-8 remains fit for purpose throughout its anticipated lifespan. Given the open-sited and technology-agnostic nature of the NPS, NIPA considers the Appraisal to be appropriate at this strategic level, recognising that detailed environmental effects will continue to be assessed on a project-specific basis under EN-1, EN-8 and the relevant environmental assessment and consenting regimes. This includes consideration of water environment impacts and other statutory environmental requirements. The appraisal should also recognise that environmental assessment and habitats policy will continue to evolve over the lifetime of EN-8, including through changes to HRA guidance, Environmental Outcomes Reports (EORs), Environmental Delivery Plans (EDPs), the Nature Restoration Fund (NRF), and other future environmental legislation, policy and guidance. The NPS should therefore be capable of operating effectively alongside these developments without requiring fundamental revision.

In relation to decommissioning, NIPA does not consider that it should be assumed that construction-phase mitigation measures will necessarily be appropriate during decommissioning. While some activities and effects may be similar, decommissioning presents its own specific activities, and the associated mitigation measures will need specific consideration. These should be determined proportionately according to the nature of the facility and the applicable regulatory framework. In addition, the appraisal should recognise that decommissioning and long-term stewardship form an integral part of the overall lifecycle of fusion infrastructure. This includes consideration of any applicable waste management, remediation and decommissioning obligations that may apply under relevant regulatory regimes.

More broadly, NIPA considers it important that the environmental assessments recognise the broader safety and regulatory context within which fusion facilities will operate. Fusion energy infrastructure will be subject to specialist regulatory oversight, and the planning system should avoid unnecessary duplication of matters that fall within the remit of those expert regulators. Environmental effects, operational safety considerations, waste management arrangements, and decommissioning requirements will continue to be addressed through project-specific assessment and associated regulatory regimes as proposals come forward. In particular, the appraisal should recognise that fusion energy infrastructure operates within a markedly different safety and regulatory context to nuclear fission and that these distinctions underpin the Government's decision to establish a separate policy and regulatory framework for fusion energy deployment.

NIPA also notes the importance of water resources, cooling requirements and water environment effects for certain fusion technologies. Consistent with the principles reflected elsewhere in the energy NPS framework, the appraisal should recognise that project-specific assessments will need to consider water quality, water resources, abstraction, discharge,

cooling requirements, climate change resilience, and cumulative effects where relevant. These issues may be significant determinants of environmental effects and site suitability for individual projects.

Overall, NIPA considers the Appraisal to be necessarily broad in relation to the HRA process, noting that every fusion project will be required to assess and demonstrate the likely significant effects on the integrity of designated sites and their associated qualifying features as necessary on a project specific basis. In order for the Appraisal to endure, the appraisal should acknowledge the ongoing review of HRA guidance and explain how future revisions to HRA policy, guidance and practice can be accommodated without requiring fundamental changes to EN-8.

Similarly, impacts on other environmental designations, sensitive receptors, and environmental resources will continue to be addressed through project-level assessment, including environmental impact assessment and other relevant consenting and regulatory processes.

NIPA also notes that biodiversity policy continues to evolve through Biodiversity Net Gain requirements and wider nature recovery initiatives. The appraisal should recognise these emerging frameworks and ensure consistency with the wider environmental policy context.

Finally it should be noted that whilst the potential for both beneficial and adverse effects have been noted across the Objectives, this is without prejudice to the site-specific nature of any fusion deployment and therefore there could be the potential for different effects to be realised on a site specific basis than those set out in the Appraisal. NIPA therefore recommends that this is recognised, especially given the technology agnostic nature of the NPS. The Appraisal should not prejudice the ability for fusion projects to achieve environmental, social and economic outcomes that exceed those currently anticipated. Equally, the strategic nature of the appraisal should not be interpreted as predetermining the significance or acceptability of effects that will ultimately depend on site-specific circumstances, technology selection and project design.

Part E: Further comments

5. Do you have any other comments on draft EN-8?

Response options:

- Yes – *X*
- No

If you chose 'Yes', please provide further comments, referencing specific section(s) where relevant.

NIPA Response: NIPA broadly supports the introduction of a dedicated National Policy Statement for fusion energy generation and welcomes the technology-neutral and open-sited approach adopted within draft EN-8. In addition to the comments made elsewhere in this response, NIPA wishes to highlight several issues which should be addressed prior to designation to improve clarity, consistency and deliverability.

I. Biodiversity Net Gain Statement

NIPA notes that recent National Policy Statements have included a Biodiversity Net Gain (BNG) Statement to explain how the policy aligns with the Government's approach to biodiversity enhancement and the relevant statutory framework. Draft EN-8 does not appear to contain an equivalent statement.

Whilst the applicability of mandatory Biodiversity Net Gain requirements will ultimately depend on the specific legislative and regulatory framework applying to individual fusion projects, NIPA considers that the omission of a BNG Statement creates an inconsistency with the wider suite of National Policy Statements and may lead to uncertainty regarding policy expectations.

NIPA recommends that the omission is rectified prior to designation of EN-8 to ensure consistency across the NPS suite and to provide a clear statement of Government policy in relation to biodiversity enhancement, net gain and wider environmental outcomes. Given the increasing importance of Biodiversity Net Gain, Environmental Delivery Plans and the Nature Restoration Fund within the environmental planning framework, a BNG Statement would help future-proof the NPS and improve consistency with emerging policy and legislative requirements.

II. Implementation Capacity and Technological Competency

The successful implementation of EN-8 will depend not only on the policy framework itself, but also on ensuring that planning authorities, examining authorities, statutory consultees and regulators have the necessary skills, expertise, and resources to assess fusion proposals proportionately and consistently.

As fusion energy is an emerging technology, Government should ensure that appropriate guidance, training and knowledge-sharing mechanisms are established to support those responsible for implementing EN-8. This will be particularly important in relation to safety, environmental assessment and the interaction between planning and specialist regulatory regimes.

III. Fusion-Specific Policy Framework

Whilst NIPA supports consistency across the energy NPS framework, draft EN-8 would benefit from further development as a genuinely fusion-specific policy document. In several areas, the drafting appears to have evolved from EN-7 and then been modified to reflect fusion rather than being developed from first principles around the specific characteristics of fusion technology.

NIPA considers that the final NPS should more clearly explain the distinctive characteristics of fusion energy, including its different hazard profile, regulatory framework, waste characteristics and deployment pathway. A stronger articulation of these differences would provide greater confidence to applicants, Examining Authorities and stakeholders, whilst helping to ensure that fusion projects are subject to a proportionate planning approach.

IV. Interaction with Regulatory Consents

NIPA considers that further clarity would be beneficial regarding the interaction between the Development Consent Order process and the various permitting, licensing and regulatory approvals that will be required for fusion developments.

There is a risk that expectations for alignment between planning and subsequent regulatory approvals could result in an unnecessary level of design maturity being required at the point of DCO application. This could reduce flexibility, constrain innovation and undermine the effective use of the Rochdale Envelope approach.

EN-8 should recognise that different regulatory processes have different objectives, operate to different timescales and require different levels of detail. The NPS should therefore support an approach whereby project-specific regulatory approvals can be secured at the appropriate stage of project development through suitable requirements and controls, rather than creating pressure for those matters to be fixed prematurely through the planning process.

EN-8 should recognise that environmental permits and other regulatory consents may appropriately be secured following the grant of development consent through the existing regulatory framework. The interaction between the DCO process, specialist permitting regimes and the operation of section 150 of the Planning Act 2008 should be clarified to avoid unnecessary duplication, maintain appropriate flexibility and support efficient project delivery.

V. Safety and Security Considerations

NIPA notes that both EN-7 and the National Policy Statement for Water Resources Infrastructure contain specific provisions explaining how safety and security matters should be addressed during examination and how Examining Authorities should interact with specialist regulators and government bodies.

Given the specialist nature of fusion energy infrastructure, NIPA considers that EN-8 would benefit from similar guidance. In particular, the NPS should make clear that where relevant regulators are satisfied that safety, security and operational risks are being appropriately managed through established regulatory regimes, Examining Authorities should not seek to duplicate those assessments through the planning process.

Such an approach would improve consistency of decision-making, provide greater certainty to applicants and stakeholders, and help ensure that planning examinations remain focused on material planning issues whilst maintaining appropriate standards of public and environmental protection.

VI. Brownfield Development and Remediation

Draft EN-8 places a stronger emphasis on the use of brownfield land and in particular, opportunities for remediation. NIPA supports the recognition of opportunities to utilise and regenerate brownfield land. However, the policy should avoid creating an assumption that brownfield sites will always represent the preferred or optimal location for fusion development. The costs and technical challenges associated with remediation can be substantial and may

affect viability and deliverability. EN-8 should therefore make clear that the use of brownfield land is one relevant consideration rather than a determining factor in site selection. Where an applicant can demonstrate that remediation would not be viable or would significantly constrain the proposed development, alternative sites should remain capable of being considered on their merits.

Summary

More broadly, NIPA considers that the final EN-8 should continue to evolve as a fusion-specific planning framework that is proportionate, future-proofed, and clearly distinct from the policy framework for nuclear fission. Doing so will improve clarity for applicants and decision-makers, support investor confidence, and help facilitate the timely deployment of fusion energy infrastructure in support of the UK's energy security, decarbonisation and economic growth objectives.