



Historic England

## Proposals for New Nuclear Power Generation Beyond 2025

### Historic England Consultation Response

Historic England is the government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.

We welcome the opportunity to submit a response to the consultation.

#### General Comments

The consultation is for a new National Policy Statement (NPS) for Nuclear Power Generation (EN-7). The NPS aims to facilitate the deployment of new nuclear technologies and enable development on new sites to support the UK's energy security and climate goals. The proposed EN-7 will have regard to provisions in both Overarching NPS for Energy (EN-1) and the existing Nuclear Power Generation NPS (EN-6).

The consultation proposes three key policy changes to EN-6:

1. Widening the scope of EN-7 to apply to both Gigawatt (GW) scale nuclear projects, Small Modular Reactors (SMRs) and Advanced Modular Reactors (AMRs).
2. The introduction of a new criteria-based approach to site selection. EN-7 will not designate or specify locations for new nuclear development.
3. The removal of time limits for nuclear deployment. The existing NPS assessed sites were appraised on their capability to deploy GW-scale power stations by 2025. The government now seeks to ensure flexibility in site selection and a longer-term deployment horizon to open up more siting opportunities.

These changes largely impact upon the pre-application stage of the consenting process.

Historic England recognises the need to reduce carbon emissions and address energy security. We welcome the fact that the consultation acknowledges that 'high standards of.... environmental protection' (paragraph 5.3.3) will remain in place, which should limit any potential harm to the historic environment.

New nuclear power generation sites, and the associated technologies and infrastructure, have the potential to impact upon the historic environment. This includes archaeological remains, and historic buildings, structures, areas and places. The new NPS, and associated documents such as the Appraisal of Sustainability (AoS), should therefore ensure that the historic environment is fully considered, and necessary measures are taken to avoid or mitigate any potential harm.

## Specific Questions

**Question 2: EN-6 includes government assessed potential sites. In this consultation we propose EN-7 empowers developers to assess and identify potential sites using robust criteria. What is your view on the government proposal to shift its nuclear siting policy to a criteria-based approach?**

By adopting a criteria-based approach EN-7 will, unlike EN-6, enable a greater number of possible locations for nuclear reactors to come forward. The site-based approach, of EN-7, 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 longer-term risk in progressing further assessment of unsuitable sites. It is therefore 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. We expand on this further in our response to Question 7.

In addition, we recommend that developers are instructed to undertake early engagement with stakeholders, such as Historic England, on any sites under consideration. Undertaking early engagement will help refine developers' site considerations at the earliest opportunity.

**Question 3: EN-6 includes a time limit on deployment of new nuclear power stations. In this consultation we propose EN-7 is not time restricted to support long-term planning. What is your view on the government proposal to shift its nuclear siting policy to an unrestricted timeframe approach?**

Historic England understand the government's intention for a longer-term deployment horizon. We recognise the adoption of this approach will increase siting opportunities and give developers greater flexibility and time to develop proposals prior to Development Consent Order submission.

It would be helpful to give greater consideration and clarity around the potential impacts of an unrestricted timeframe approach. For example, an unrestricted timeframe may cause greater uncertainty in other applications, particularly regarding cumulative impacts. One new reactor 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 4.4.5, of the consultation document, indicates that, as a low carbon energy source, nuclear 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 will in general

outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy" (EN-1, Chapter 6).

Whilst recognising the importance of CNP infrastructure, there is concern 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.

**Question 7: Do you agree that we have correctly identified the criteria that are impacted by our proposed key policy changes?**

It is essential that impacts on the historic environment are properly considered: in line with national legislation, policy and guidance, and any obligations under international conventions, etc. We are therefore concerned with the use of the term 'discretionary' in table 1 (with reference to 'cultural heritage'). 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.

There is a statutory requirement under the [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#) to have special regard to impacts on listed buildings and pay special attention to impacts on conservation areas. The [Levelling-up and Regeneration Act 2023](#) proposes similar duties (subject to implementation) under section 102 for other designated heritage assets. This echoes the policy requirement, in the [National Planning Policy Framework 2023 \(NPPF\)](#), to give great weight to the conservation of designated heritage assets. Similar duties exist with regards to other protected areas such as National Parks and Areas of Outstanding Natural Beauty. The NPPF also sets out the policy requirements with regards non-designated heritage assets and other aspects of the historic environment.

As an example, it is essential that any impacts on World Heritage Sites, including their buffer zones and/or settings, are fully assessed and taken into account; to ensure that we fulfill our obligations as signatories to the [1972 World Heritage Convention](#). The online Planning Practice Guidance recommends that it may be helpful for impacts on World Heritage Sites to be assessed in line with the International Council on Monuments and Sites' guidelines- although it is worth noting that this has been superseded by UNESCO's 2022 [Guidance and Toolkit for Impact Assessments in a World Heritage Context](#).

**Question 9: Do you agree that we have correctly identified that these criteria do not require any significant development?**

National Policy Statements should recognise the great weight that should be given to the conservation of the historic environment in line with the NPPF. Whilst the AoS *Scoping Report Appendices A: Review of Plans, Policies and Programmes, and B: Baseline Data*, which accompanies this consultation, appears to reference relevant

data and legislation/conventions, we note that the *Appraisal of Sustainability Scoping Report* is less clear. For example, it would be more useful if the latter used language relating to the protection of the historic environment which is consistent with that of the NPPF and/or be clear on the definition of terms such as ‘cultural heritage’.

**Question 11: The ‘Implementation’ section describes how the new policy approach will be implemented. What are your views on the proposed model for implementation?**

We support the approach advocated in paragraph 5.1.3 that any changes in approach should not alter the statutory requirements for consultation and engagement with relevant stakeholders. As per paragraph 5.3.2, the responsibility for leading the site characterisation work, etc. will rest with the developer. Early engagement with stakeholders will be important in the scoping of sites to minimise risks for both developers and to the historic environment.

*Policy & Evidence: Policy Department*

*8 March 2024*