

RenewableNI

Environmental Compensatory Measures for Offshore Wind

21 September 2026



www.RenewableNI.com

RenewableNI Response to the Consultation on Environmental Compensatory Measures for Offshore Wind in Northern Ireland

RenewableNI represents the renewable electricity industry in Northern Ireland, including offshore and onshore wind, solar and battery storage developers. Our members account for the majority of the renewable industry supply chain in Northern Ireland and are committed to delivering the infrastructure necessary to achieve our shared climate, environmental and energy security objectives.

Q1. Do you agree with the proposed strategic approach to compensation for offshore wind, including the use of wider compensatory measures where these are supported by evidence, while maintaining existing environmental protections?

Yes

In the Offshore Renewable Energy Action Plan (OREAP)¹, Northern Ireland has committed to the target of delivering at least 1GW of offshore wind generation from 2030. Through the Environmental Improvement Plan², Northern Ireland has committed to protecting and enhancing its marine environment. It is important that Northern Ireland's offshore wind and environmental protection goals are delivered in tandem. We strongly support the strategic approach to compensation laid out in this consultation as it will enable both goals to be progressed together.

Allowing for the consideration of wider ecologically beneficial compensatory measures which benefit the broader UK Marine Protected Area (MPA) network will allow for greater flexibility both for offshore wind developers seeking consent for projects and for the protection and enhancement of the UK MPA network. Prioritising like-for-like compensatory measures through the compensatory hierarchy should provide sufficient safeguards for specific impacted features. However, there should be the flexibility within the system to allow for non-like-for-like measures.

We strongly support the fact that the proposals have been developed to align with UK and Scottish Government approaches to strategic compensation, tailored to Northern Ireland's specific circumstances. Maintaining as much alignment as possible across the jurisdictions of the UK will reduce regulatory complexity across the UK MPA network and offshore wind consenting regimes.

Similar to the wording used in the UK Marine Recovery Fund (MRF) system, this consultation states wider compensatory measures should be "reasonably proportionate" to the adverse effects, or predicted adverse effects, of the relevant offshore wind plan or project. We agree with this approach but recommend guidance should clearly define what types of measures will be considered "reasonably proportionate" for different types of adverse effects caused. Guidance should also clearly state what criteria will be included in the process to decide whether a measure is "reasonably

¹ [Offshore Renewable Energy Action Plan \(OREAP\) | Department for the Economy](#)

² [Environmental Improvement Plan for Northern Ireland](#)

proportionate". We recommend there should be a focus on the ecological aspect of the impact of the feature, and that it follows a multi-criteria approach, allowing for context-specific decisions.

Considerations should include:

- The existing condition, conservation status, spatial and temporal extent of the impact and benefitting features, as well as the function of impacted and benefitting features in the wider ecosystem;
- The presence of external factors which could negatively or positively impact features, as well as conservation strategies or interventions already underway.

The consultation states DAERA will publish guidance on how the compensation measures will be applied in practice. It will be useful if the guidance provides case studies and concrete examples for different impacted features and potential wider compensatory measures which would be considered appropriate. This will help guide industry, Statutory Nature Conservation Bodies (SNCBs) and decision-makers on what should be considered to qualify and will prevent delays in the consenting process as the different parties work to gain agreement on what is considered reasonably proportionate. RenewableNI members are keen to collaborate with DAERA to develop a set of criteria to help define "reasonably proportionate".

This consultation does not mention Marine Conservation Zones (MCZs) and how wider compensatory measures could be relevant to them. We recommend including some consideration of how strategic compensatory measures could be beneficial to MCZs.

Q2. Do you agree with the proposed consultation hierarchy?

Yes.

We strongly support the proposed three-tiered hierarchy of compensatory measures. It is a pragmatic solution which should enable ecologically meaningful compensatory measures to be implemented. We welcome the ability to move to Tier 2 and 3 measures where measures lower on the hierarchy are too limited or unavailable, or where higher tier measures can be demonstrated to have greater ecological benefit. We welcome the ability to use higher tier measures in combination with lower tier measures, where it can be demonstrated to deliver a more beneficial ecological outcome for the wider UK MPA network.

The consultation provides an overview of what will be considered in each tier but more clarity will be necessary in guidance. In the current language of the consultation it is not clear if measures for Tier 1 have to be within the MPA network. The overall language should be focused on delivering measures which benefit the network as a whole. Whether the tiers are easy to navigate in practice will depend on how much is required of developers to prove they have tried to find compensation in the lower tiers before moving to higher ones and how easy it will be for developers to demonstrate that a higher tier measure would have a greater ecological benefit. This will need to be clarified in guidance. We recommend including case studies and examples of best practice in preparing a reasoned case.

Under the UK guidance developers can currently only use Tier 2 and 3 measures if they are delivered through the MRF. However, in Scotland developers can propose their own Tier 2 and 3 measures. It is currently taking a long time for measures to be approved into the UK library of measures. Allowing developers to propose their own Tier 2 and 3 measures may enable a more efficient and flexible process, and we recommend this should be considered.

Furthermore, the UK guidance states that if a developer delivers a Tier 1 benefit which also delivers a benefit to another species that cannot count towards compensation. The Scottish guidance does enable this. We would recommend that a supplementary benefit should count towards compensation in order to maintain the flexibility and proportionality of the system.

Q3. Is the proposed approach to evidencing ecological benefit, proportionality and contribution to the UK MPA Network sufficiently clear?

No

The proposal provides a high level framework for evidencing ecological benefit, proportionality and contribution to the UK MPA Network. However, certain elements require clarification. The current section states evidence should be based on the “best scientific information” and may include existing monitoring data or evidence; established ecological understanding, or; expert advice. It would be useful to understand how old existing monitoring data could be and still be considered valid (and whether this will vary across species and habitats) and whether monitoring data will have to be site specific or whether data from comparable habitats in other countries could be used. It would also be useful to define the terms “established ecological understanding” and “expert advice”. For the former, it is currently unclear what would form the basis for established understanding. For the latter, it is unclear which organisations or individuals would be considered expert in this context.

Q4. What additional guidance, examples or evidence requirements would support effective implementation?

It will be beneficial to have detailed guidance in place which provides concrete examples and case studies which show what types and how much evidence is required to show a compensatory measure is appropriate. Further guidance will be required on the following points:

- A clear definition, with case studies, of what is meant by ‘reasonably proportionate’;
- How much will be required of developers to show they have tried to find compensation in lower tiers and how much evidence will be required to demonstrate a higher tier will have greater ecological benefit;
- For Tier 3 measures, the proposals state it should be clearly demonstrated how the proposed action will contribute to the recovery or improvement of the UK MPA network and deliver measurable outcomes over time. Guidance will need to specify exactly how much

improvement is required to justify moving into Tier 3, how much evidence is required to show that improvement, and over what timescale outcomes are expected to be delivered;

- There is currently limited evidence and long-term studies available regarding how compensation measures are delivering ecological benefits in practice. Therefore, it will be important to have concrete examples of what sort of evidence will be required to demonstrate a compensatory measure is proportionate and is going to work;
- If measures from different tiers are bundled together, guidance will need to make clear both how to demonstrate an individual compensation measure will be effective but also how to demonstrate how different measures bundled together will add up to proportionate impact;
- It will also be important for guidance to be in alignment with SNCBs and developers to avoid conflicting opinions at the decision and implementation stages. It will be useful to know how this alignment will be achieved. For example, expert topic groups including industry, statutory bodies and scientific experts could be set up to avoid disagreement as much as possible in the consenting process.

Q5. Does the proposed hierarchy provide sufficient clarity on:

- **How to move between tiers;**
- **and when flexibility, including combining measures across tiers, may be appropriate?**

We strongly support the flexibility to move between tiers to achieve the most beneficial ecological outcomes. We particularly support the ability to use Tier 2 or Tier 3 measures even in circumstances where Tier 1 measures might be available, but where using a measure in a higher tier may have greater ecological benefit to the UK MPA network. Greater ecological benefit may be achieved through benefitting more features overall, realising ecological benefits quicker, or realising ecological benefits at a greater scale than at lower tier measures.

To support implementation, additional guidance would be helpful on how decisions to move between tiers should be made and evidenced. In particular, a flowchart or decision-making framework, supported by case studies, would help demonstrate:

- how developers should assess and evidence consideration of Tier 1 measures;
- the circumstances in which Tier 2 or Tier 3 measures may be justified;
- how ecological benefits should be compared across tiers; and
- when combining measures from different tiers may be appropriate.

As Northern Ireland will be implementing these changes after similar approaches have been developed elsewhere in the UK, there will be an opportunity to draw on lessons learned and practical examples from England and Scotland.

It is important to note that at the time of writing there are no Tier 2 and 3 measures in the UK MRF library of measures. While it is anticipated that additional measures will become available before Northern Ireland joins the fund, the current absence of Tier 2 and Tier 3 measures within the UK MRF library could limit the intended flexibility of the system in practice. It may also reduce opportunities for developers to deliver broader ecosystem-scale recovery benefits. We would

therefore encourage the continued development and inclusion of Tier 2 and Tier 3 measures within the library to ensure the hierarchy can operate as intended and support the most beneficial ecological outcomes.

Q6. Do you agree with the proposed approach to:

- **additionality**
- **timing of compensation**
- **flexibility, including overcompensation**

We agree with the proposed approach to additionality. Excluding site conservation measures already being delivered or planned to be delivered will ensure the greatest ecological benefit to the ecosystem. Allowing for measures which fall within the scope of normal practice but which can be reasonably expected to accelerate the achievement of a site's conservation objectives will allow developers to consider a wider range of measures which will have the greatest ecological benefit.

Greater clarity is needed regarding the approach to the timing of compensation. The consultation currently states that compensatory measures should “typically be in place and effective by the time at which damage to a protected area begins”. Guidance will need to set out exactly what this will mean in practice. Elements to take into consideration should include:

- Whether a compensation plan must be finalised and approved by DAERA before or at the time of consent award, or would this be a consent condition which would then be discharged pre-construction? Agreeing compensation methods too early can be risky as MPA designations may change or pre-construction surveys can show changes in the habitat or species;
- How many surveys will be required to inform the decision, and whether Environmental Impact Assessment (EIA) surveys will be sufficient or will data from detailed design surveys also be needed to feed into the compensation requirements. The number and type of surveys required will ultimately impact the timing of implementation of a measure;
- Due to the complexity of delivering measures, most compensatory measures will in reality deliver benefit after an impact on a feature or habitat has begun. Therefore, it will be vital for guidance to set out clearly the expected timing and sequencing of compensatory measures, and under what circumstances delayed implementation of measures will be considered appropriate;
- How long will the consultation for a proposed compensation measure take and what inputs will be expected from developers during the process, as this will impact the wider project programme.

Further detail is needed on the approach to overcompensation. Overcompensation can provide an important mechanism to deal with scientific uncertainty as to the degree of effect of the compensation measure, or compensation having an effect after the impact is felt. However, there should be clarity on the circumstances under which a developer may consider overcompensation and how this will be considered as part of the consenting process. There should be clarity on how the option for overcompensation will work alongside the aim that compensation is “reasonably proportionate”, as the potential for overcompensation could go against that principle.

Overcompensation should only be considered appropriate where it is clearly justified. An overly cautious approach could result in a default expectation of ‘more’ compensation rather than

‘sufficient’. This approach could drain resources and slow project timelines. Guidance should emphasise proportionality and discourage blanket requirements for overcompensation.

In many cases it may be better to address scientific uncertainty by delivering the compensation required to compensate for predicted impacts and then secure additional compensation if monitoring shows the proposed measure is not delivering sufficient compensation. This approach would already be required under adaptive management. Guidance should consider different approaches to risk management (including overcompensation and adaptive management) and consider which are appropriate under different circumstances. Guidance should include details on how to manage and account for overcompensation.

Q7. Do you agree with the proposed approach to monitoring, uncertainty and adaptive management?

We agree that adaptive management, including monitoring the impact of and adjusting or replacing measures, is necessary to effectively achieve proportionate compensation. However, there will need to be much more detail in guidance on what will be expected of developers in terms of monitoring compensatory measures and clarity on at exactly what point they will be expected to adjust or replace measures. The following aspects should be taken into consideration when developing guidance:

- Expectations will need to be made clear. The guidance should focus on ensuring approved measures and compensatory measure plans are delivered effectively, rather than guaranteeing specific ecological outcomes in the face of significant uncertainties (both in respect of predicted impacts from an offshore wind project and future events including the influence of climate change, other large-scale pressures or natural variability in populations);
- Adaptive management should account for measures that perform better than expected. Guidance should include details on how to manage and account for any additional or overcompensation;
- Findings from adaptive management could contribute to closing knowledge gaps. A strategic monitoring framework could support consistent data collection and enable comparison across measures, helping to assess performance against overarching monitoring objectives. This could be addressed in guidance.
- Due to the nature of compensatory measures, particularly strategic and wider measures, they can be subject to other factors that impact their effectiveness beyond the scope of management. For example, marine heatwaves may impact the establishment of compensatory reef habitat. Whilst we agree with the principle of monitoring, limitations in attributing effectiveness should not preclude certain measures, such as fisheries management, from consideration;
- Adaptive management will need to be proportionate to the habitat or feature impacted and will need to take into consideration the limitations and risks to the project programme, operational logistics and commercial implications;

- Guidance on post-construction monitoring will need to take into account divestment / OFTO processes, setting out who will be responsible for monitoring if ownership of the offshore wind farm or transmission assets change hands;
- Any fees for adaptive management should be proportionate and adapted to the measure.

Q8. Are the proposed arrangements for approving strategic compensation measures sufficiently clear and transparent?

Greater clarity is needed on certain elements of the approval process, including:

- If a measure must be approved by both the DAERA Minister and Secretary of State, expected timelines for securing those approvals will need to be set out. Needing approval from the Secretary of State as well as the DAERA Minister will likely extend timelines, which needs to be clearly communicated so developers can plan accordingly at a project's early development stages. This is particularly important as it is currently taking a long time for new measures to be approved and included in the UK MRF library;
- If the Secretary of State approves a measure, whether the DAERA Minister can decide it is inappropriate;
- Whether 'wider compensation measures' only include Tier 2 and Tier 3 measures, or does it include all three tiers;
- It would also be useful to have a set of criteria against which new measures will be judged for approval.

Q9. Do you agree that Northern Ireland should utilise the UK Marine Recovery Fund rather than establish a separate Northern Ireland fund?

The OREAP has set a target of 1GW of offshore wind capacity in the Northern Ireland inshore region from 2030. Even if Northern Ireland expands its ambition beyond that in future, there will still be only a few projects built in its waters. This is due to the relatively small size of Northern Ireland's marine area. Given the relatively small scale of offshore wind in Northern Ireland, it would not be efficient or cost effective to set up a Northern Ireland specific fund. Even if Northern Ireland aligns with the UK Marine Recovery Fund, there are a range of approaches which could be considered to make the process more efficient and ecologically beneficial. These include:

- Lease areas could be leased with compensatory measures pre-approved by the UK MRF. The Northern Ireland government could act as plan promoter and apply to the MRF rather than developers individually. In this case, Northern Ireland could develop their own package of Tier 1, 2 and 3 measures on a leasing round basis;
- Whether it is mutually exclusive if Northern Ireland aligns with the UK or Scottish MRFs. There is a lot of overlap between Northern Ireland and Scottish species and habitats, so it may be beneficial to explore the possibility of projects being able to use either the UK or Scottish MRFs, depending on the expected impacts;

- Allowing developers to propose new measures as part of the consent submission, as in the Scottish approach to wider compensatory measures. The current UK approach to approving new measures is very restrictive and incorporating the Scottish approach could allow greater flexibility and efficiency in the consenting process.

Q10. Are there any Northern Ireland-specific considerations that should be reflected in the operation of the Marine Recovery Fund?

We agree with the hierarchy of compensation and that Tier 1 measures (which aim to benefit the impacted feature at or close to the affected site where possible, and would therefore provide ecological benefit in Northern Ireland waters) should be considered first. However, the purpose of strategic compensation is to provide benefit to the whole UK MPA network. In practice, Tier 1 measures can be difficult to implement and monitor. This is particularly the case for benthic ecology, where there is a lack of evidence. Therefore, it will be important to maintain the ability to be flexible and move up the tiers where Tier 2 and 3 measures can be shown to provide greater ecological benefit to the wider UK MPA network.

Q11. Are the proposed governance arrangements, including the potential use of a public compensation register, clear and sufficient to support confidence in the system?

Greater clarity is needed on certain elements of the proposed governance arrangements. It is clear that measures introduced to the library will be either approved by the Defra Minister or the relevant Devolved Minister, in this case the DAERA Minister. It is clear that the DAERA Minister's decision will be supported by advice from DAERA conservation advisers. In the UK MRF, developers have to engage with Natural England to decide if measures are appropriate. It should be made clear exactly which bodies applicants should engage with to identify and design compensation measures, and exactly which body will be responsible for deciding if measures are suitable. It would be useful to develop a set of criteria which advisers and the DAERA Minister will use to approve a measure in order to reduce delays and misunderstandings during the process of getting a measure introduced and approved.

We look forward to further guidance on the role of DAERA conservation advisers and how applicants should engage with them. As the consenting process is often long and contested, it will be important for advisers to be well resourced and have the capacity to support applicants through the process of identifying and designing compensatory measures. As DAERA is sitting on the Collaboration in Offshore Wind Strategic Compensation (COWSC) groups, the Department should already be considering which measures are suitable for Northern Ireland waters. However, as offshore wind has not been built in Northern Ireland waters, DAERA has limited experience in this area. It may be necessary to use outside expertise, particularly for certain features and habitats, which would need to be resourced.

We support the creation by Defra of a public compensation measure to track the use of compensatory measures across the UK MPA network. From a Northern Ireland-specific perspective,

there should be the ability to track the use and impact of compensatory measures specifically within Northern Ireland waters.

Q12. Do you agree with the proposed approach to reviewing the guidance and associated policy framework, and do you have any other comments on the proposals?

Yes

Periodic reviews of the guidance and associated policy framework will be important to ensure the approach to strategic compensation is having the intended impact of ecologically benefitting the UK MPA network. It may be beneficial to have an earlier review period than 5 years. As the UK and Scottish MRFs will have been operating longer than in Northern Ireland, there may be useful learnings which Northern Ireland can implement sooner than 5 years after publication of the compensation hierarchy and associated guidance. To maintain confidence in the system, it will be important that the timelines for reviewing guidance are adhered to. This will require DAERA to be well resourced to carry out these reviews.