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John McGuigan
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18 September 2026

By email only

Dear Mr McGuigan

Consultation on Environmental Compensatory Measures for Offshore Wind in Northern Ireland

On behalf of the Office for Environmental Protection, I am pleased to submit our views in response to your consultation on environmental compensatory measures for offshore wind in Northern Ireland.

Compensation reforms and the use of the Marine Recovery Fund (MRF) across Northern Ireland's waters could simultaneously enable the development of clean energy, while protecting and restoring the marine environment.

The topics and proposals are similar to, and / or replicate those within Defra's approach to compensatory measures for offshore wind, and the MRF. We therefore refer the Department to our previous responses.^{1,2} While we continue to support in principle the concept of strategic compensatory measures and delivery through the MRF, the risks to the environment and the potential challenges to Marine Protected Areas (MPAs) we have highlighted to Defra remain relevant to these current proposals.

Our first annual assessment of the Environmental Improvement Plan (EIP), published in June 2026, concluded that the Executive is partially on track to delivering targets related to marine habitats and species.³ We consider that pace of delivery and implementation of the

¹ OEP, Response to Offshore Wind Compensation consultation (2025)

< <https://www.theoep.org.uk/report/oep-response-offshore-wind-compensation-consultation> >

² OEP, Response to proposed Marine Recovery Fund (2025)

< <https://www.theoep.org.uk/report/oep-response-proposed-marine-recovery-fund> >

³ OEP, Progress in improving the natural environment in Northern Ireland 2024/2025 (2026)

< <https://www.theoep.org.uk/report/progress-improving-natural-environment-northern-ireland-20242025> >

Offshore Renewable Energy Action Plan has been limited. Proposed reforms to compensatory measures, as set out within this consultation should, therefore, provide appropriate weight to existing targets and commitments in a way that benefits both climate and nature.

Tackling the nature and climate crisis concurrently is vitally important. We acknowledge the obligations to develop Northern Ireland's offshore renewable energy while protecting the marine environment. We welcome DAERA's intention to maintain existing environmental protections and, through reforms, provide a more effective, strategic and deliverable means of securing compensatory outcomes. We also welcome proposals for the mitigation hierarchy to remain the starting point for all plans and projects which reflect proposals by Defra. We consider that such mitigation safeguards should be included within the Statutory Rule stemming from this consultation.

We also welcome the establishment of a Public Compensation Register requirement for compensatory measures to be evidence-based; additional to normal management practice; and typically be in place and effective before damage to a protected area begins, which also reflects proposals by Defra.

The environmental risks identified in our previous advice to Defra remain relevant to these proposals. We highlight below, specific concerns in relation to DAERA's proposals that we consider require further consideration:

MPA network coherence

As concluded in our EIP assessment, Northern Ireland's MPA network is not yet ecologically coherent. Removing the requirement for network coherence and allowing compensation measures for different features across protected sites could, therefore, lead to piecemeal reshaping of the MPA network and could undermine progress towards ecological coherence. We therefore recommend that DAERA sets out how compensation will support a coherent, well-managed MPA network in line with domestic and international commitments. This concern is consistent with the issues we identified in relation to Defra's proposals on network coherence.

UK-wide alignment and Cross-boundary issues

We welcome the ambition for UK-wide alignment of compensatory measures. This is particularly important given the connection between the Conservation of Habitats and Species (Offshore Wind) Amendment etc. Regulations 2026 and the proposed reforms outlined in this consultation. It is essential that reforms applying across Northern Ireland's marine area, and across UK seas more broadly, are coherent and aligned, reflecting the shared nature of the marine environment and associated legal obligations, including the requirement to achieve good environmental status of UK marine waters under the Marine Strategy Regulations 2010. We consider that there are opportunities to improve the alignment through the development of guidance, and the delivery through the MRF.

Given the shared and ecologically connected nature of marine environments around the island of Ireland, engagement with relevant Republic of Ireland departments could be

valuable. This would help ensure that marine protections are developed coherently, applied consistently, and support effective environmental outcomes across shared waters.

Additionality

We agree with the consultation position that compensatory measures should be additional to normal practice for managing the site or sites that will benefit from the measure. However, we consider there is an opportunity to provide clarity about what should be considered additional to normal practice through guidance.

The consultation suggests that measures can be considered additional if they fall within the scope of normal practice. In such instances the consultation states that such measures should be “reasonably expected to accelerate the achievement of a site’s conservation objectives” thereby improving on normal practice. Northern Ireland departments are under an obligation to ensure that the MPA network is managed to ensure that sites reach favourable status. We would welcome clarification that the proposed approach will not enable industry funding of measures that departments must undertake in accordance with relevant statutory obligations. Without such safeguards, this could inadvertently disincentivise departmental action and pass obligations onto developers.

Guidance

We note that much of the detail of the strategic approach to, and delivery of, compensation is to be set out in guidance. This includes the compensation hierarchy, evidence expectations, timing of compensation, adaptive management, overcompensation, and operation of the MRF, including access and delivery arrangements. To aid transparency, DAERA should develop and promptly publish the guidance to provide transparency on how the proposed reforms would apply in practice.

It is important that this guidance is clear, usable and not open to differing interpretations. DAERA’s guidance should also be coherent with Defra’s statutory guidance (which applies to the offshore region), with any differences clearly explained and justified. We consider that DAERA should continue to engage with other devolved administrations and where appropriate the Republic of Ireland in the development of guidance to ensure coherence and limit the risk of inconsistent decisions, or unintended consequences of discharging compensatory obligations.

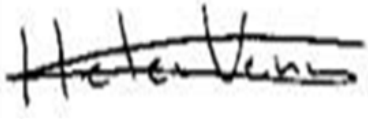
Environmental Principles Policy Statement

You will be aware that the Environmental Principles Policy Statement (EPPS) came into force in Northern Ireland on the 2 September 2026. As the consultation closes after the EPPS has come into force, DAERA must have due regard to it when developing the compensation reforms. We note that the consultation does not refer to the EPPS, nor provide information as to its application. Transparency about how the duty is informing development of compensation reforms and what this means for its role in achieving statutory targets and commitments set out in the EIP would be a positive step. We consider that such information would be useful to those engaged with this policy, and for wider scrutiny and accountability purposes.

Conclusion

We will continue to monitor the development and implementation of compensation reforms and the MRF in Northern Ireland and England and engage with the policy teams as they progress.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Helen Venn', written over a light blue horizontal line.

Helen Venn
Chief Regulatory Officer
Office for Environmental Protection