

# **Strategic Compensation Policy for Offshore Wind**

**July 2025**

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# Executive Summary

This consultation is seeking views on the Scottish Government's Strategic Compensation Policy for Offshore Wind (referred to as the policy), which has been developed in accordance with Part 13 Chapter 1 of the UK [Energy Act 2023](#), and which provides for reform to the Habitats Regulations<sup>1</sup> as they apply to relevant offshore wind activities (as defined in the Energy Act 2023).

The policy is critical to delivering Scotland's offshore wind ambitions, net zero and the UK Government's [Clean Power 2030 Action Plan](#) (CP2030). It also has the potential to contribute to Scotland's biodiversity objectives.

The purpose of the policy is to create a more flexible and pragmatic approach to environmental compensation (referred to as compensation) requirements under the Habitats Regulations for offshore wind, unlocking barriers to offshore wind and its associated benefits and providing new opportunities for positive investment in Scotland's marine environment.

The policy aims to provide clarity on compensation requirements under the Habitats Regulations when an adverse effect on the site integrity (AEOSI) of a protected site(s) in the UK National Site Network<sup>2</sup> (referred to as the protected site network) from offshore wind plan(s) or project(s) is deemed unavoidable.

The policy will be delivered in Scotland through secondary legislation via an Environmental Assessment Reform Scottish Statutory Instrument (EAR SSI) and associated guidance. The EAR SSI will be applicable to the Scottish inshore region (0-12 nautical miles (nm)). Associated guidance will apply across the Scottish inshore and offshore regions (beyond 12nm).

The UK Government is consulting on reforms to environmental compensation for offshore wind. The UK Government reforms will be delivered through a Statutory Instrument (SI) and associated guidance. The UK Government SI will apply in the Scottish offshore region (beyond 12nm).

A collaborative approach between both governments has been taken to the development of the policies underpinning both the UK Government SI and the Scottish Government EAR SSI, to ensure a consistent approach across the various consenting regimes.

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<sup>1</sup> The requirements of the European Union Council Habitats and Birds Directives are transposed in Scotland to the limit of 'inshore' waters at 12nm from the territorial baseline through a combination of the Conservation of Habitats and Species Regulations 2017 and the Conservation (Natural Habitats, &c.) Regulations 1994. Beyond this, the Scottish offshore region which lies beyond 12nm, the UK Government has legislative competence, with decision-making on offshore wind consenting executively devolved to Scotland, and the Conservation of Offshore Marine Habitats and Species Regulations 2017 are in force. Within this document these are collectively referred to as the 'Habitats Regulations'. The Habitats Regulations have been amended as a result of leaving the EU so that European sites are both protected, and continue to operate, as they have done since their original designation. The requirements of the Directives continue to be relevant to the management of European sites.

<sup>2</sup> The UK National Site Network comprises Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).

A Strategic Environmental Assessment (SEA) and a partial Business and Regulatory Impact Assessment (BRIA) have been completed to assess the potential impacts of this policy on the environment and on businesses and regulatory processes respectively and are also being consulted on.

The policies presented in this consultation have been informed by stakeholder engagement including a series of six Scottish Government workshops held in the summer of 2024. These workshops were attended by representatives from a varied group of stakeholders and gathered views on proposed policy options for development.

This policy will now be consulted on for a six-week period. The need for a shortened consultation period is due to the desire of the Scottish Government to match UK Government timelines to maintain our collaborative approach, enable co-ordinated stakeholder engagement and minimise a gap between the inshore and offshore legislation coming into force.

This consultation is an opportunity for stakeholders to provide views on the proposed reforms and underlying policy approaches. We will use the responses to inform the final design of the EAR SSI and associated guidance. We are not consulting on the specific drafting of the EAR SSI. We would like to hear from all stakeholders who have an interest in offshore wind development and the delivery of compensatory measures in the UK.

This consultation is not intended to seek views on Habitats Regulations for other marine industries. As set out in the Energy Act 2023, this consultation applies to relevant offshore wind activities only.

We intend to draft the EAR SSI and associated guidance as soon as possible after the consultation closes and we have analysed the responses.

## **Document Guide**

[Section 1](#) outlines the background to the policy and explains why reform is required to achieve our objectives.

[Section 2](#) outlines the application of the policy within Scottish marine planning and consenting processes.

[Section 3](#) outlines the detail of the proposed reforms, including the legislative changes required to deliver wider measures.

[Section 4](#) clarifies other aspects which will be included in subsequent guidance.

[Section 5](#) clarifies how wider measures, and strategic compensatory measures would be identified.

[Section 6](#) provides detail on proposed monitoring and governance arrangements.

# 1. Introduction

## 1.1 Background

Delivering Scotland's offshore wind ambitions is critical to addressing the climate and nature crises, and to realising the significant economic opportunities of Scotland's path to net zero. To achieve those ambitions, a reformed approach to the regulatory system for offshore wind is required.

In Scotland, as in the rest of the UK, we require various environmental assessments to be carried out in relation to offshore wind plans and projects. This includes Habitats Regulations Appraisals (HRA) required under the Habitats Regulations for projects and plans that are likely to have an adverse effect on the site integrity (AEOSI) of a protected site(s) in the UK National Site Network (referred to as the protected site network). Where a plan or project is not directly connected with or necessary for the management of the protected site(s), and where the possibility of a 'Likely Significant Effect' (LSE) on these sites cannot be excluded, either alone or in-combination with other plans or projects, an Appropriate Assessment (AA) should be undertaken.

If it is concluded that the plan or project will have an AEOSI on a protected site (either alone or in-combination with other plans or projects), the derogations process will be triggered. The plan or project can only be authorised where the derogation provisions are satisfied.

For offshore wind development in Scotland, the derogations process is anticipated to be triggered at the plan and project level largely due to the impacts of offshore wind development on protected seabird species.

Under the current regime, compensatory measures must be secured to ensure that the overall coherence of the protected site network is protected. This has been interpreted to mean 'like-for-like' compensatory measures must be secured i.e., the measure should be targeted to the impacted habitat or species (impacted feature).

However, there is a limited amount of 'like-for-like' compensatory measures available across the UK. This creates challenges for delivering Scotland's and the UK's offshore wind ambitions, as there have been difficulties identifying suitable compensatory measures that are targeted at the impacted feature by an offshore wind project. To meet the pipeline of upcoming developments, greater flexibility in our approach to environmental compensation (referred to as compensation) under the Habitats Regulations is required.

For these reasons, the Scottish Government has been working collaboratively with the UK Government on the development of cross-UK regulatory reform for offshore wind, using the powers set out in Part 13 Chapter 1 of the UK [Energy Act 2023](#) which provides for reform to the Habitats Regulations as they apply to offshore wind. These provisions allow:

- regulations to be made relating to the assessment of the environmental effects of relevant offshore wind activities in relation to protected sites and about compensatory measures for adverse environmental effects on those sites;
- strategic compensatory measures to be taken or secured; and

- regulations to be made to establish one or more Marine Recovery Funds.

The Energy Act 2023 reforms are an important part of the UK Government's Offshore Wind Environmental Improvement Package (OWEIP) and in Scotland the Acceleration and Regulatory Reform of Offshore Wind (ARROW) programme, which support the growth of offshore wind by helping to de-risk and accelerate planning decisions while supporting positive investment to protect the marine environment.

These reforms will be delivered in Scotland through an Environmental Assessment Reform Scottish Statutory Instrument (EAR SSI) and associated guidance. The proposed policy that will inform the EAR SSI and associated guidance are presented within this policy consultation.

The UK Government is also consulting on reforms to environmental compensation for offshore wind. UK Government reforms will be delivered through the SI and associated guidance.

## 1.2 Policy Purpose and Aims

The purpose of the policy is to create a more flexible and pragmatic approach to compensation requirements under the Habitats Regulations for offshore wind, unlocking barriers to offshore wind and its associated benefits and providing new opportunities for positive investment in Scotland's marine environment. The policy aims to provide clarity on compensation requirements under the Habitats Regulations when an AEOSI of a protected site(s) from an offshore wind plan or project is deemed unavoidable.

Due to the scale and potential cumulative impact of existing, proposed and planned offshore wind development in Scotland, it is likely that Scottish offshore wind plans and projects will be required to undergo the derogations process under the Habitats Regulations and secure suitable compensatory measures.

A key focus of the policy is therefore to enable the delivery of strategic compensation and a wider range of compensatory measures than is currently permitted.

## 1.3 What is Strategic Compensation

Strategic compensation refers to a coordinated approach to the delivery of environmental compensation of adverse effects from offshore wind on protected habitats and species, in order to achieve economies of scale and provide opportunities for positive investment in the marine environment.

Strategic compensatory measures can be delivered:

- at scale
- over extended timeframes, for example there may be instances where compensation may not become fully functional until after the impact of the plan or project occurs (see [section 4.4 on Timing of Compensation](#))
- at the plan level by Government or project level by offshore wind developers
- across multiple offshore wind projects
- by a single project with multiple adverse effects
- through the delivery of wider measures (see [section 3 on Wider Measures](#))

The delivery of strategic compensation has the potential to support efficient and streamlined planning and consenting of offshore wind, collaboration across the public and private sectors and innovative large scale benefits to the environment.

Wider measures can be a form of strategic compensation.

## **1.4 Geographic Scope of Policy**

The spatial extent of the Strategic Compensation Policy is the Scottish inshore region (0-12nm) and the Scottish offshore region (beyond 12nm).

While Scottish Ministers have devolved legislative and executive competence for application of the Habitats Regulations in the Scottish inshore region, they only have devolved executive competence in the Scottish offshore region. The UK Government therefore retains powers to make legislation in the Scottish offshore region.

Any amendments made to the Habitats Regulations by the UK Government through the UK SI will therefore apply to the Scottish offshore region, whilst the Scottish Government is responsible for legislation which would apply to the Scottish inshore region.

The Scottish Government is however responsible for developing guidance on how these policies and reforms would apply across Scottish waters. Scottish guidance will cover the Scottish inshore region in relation to the EAR SSI and offshore region in relation to the UK SI.

The policy intention is that the SI and EAR SSI will mirror each other as far as possible and as is practicable, so that the regime which applies to offshore wind energy remains consistent across the inshore and offshore marine environment. We consider it important to achieve coherence for projects which have components in both inshore and offshore regions and for those managing the protected site network.

## **1.5 Delivering Scottish and UK Offshore Wind Ambitions**

This policy has a critical role to play in enabling offshore wind investment and delivering both Scottish and UK offshore wind ambitions.

Scotland's [Offshore Wind Policy Statement](#), published in 2020, set an ambition of 8-11GW (gigawatts) of offshore wind development by 2030. In recognition of the significant project pipeline, and to underline Scottish Government's firm commitment to the offshore wind sector, [a consultation is underway](#) until 13 August on proposals which would see Scotland's offshore wind ambition increased to up to 40GW by 2035-2040, in addition to our existing operational capacity.

The UK Government's [Clean Power Action Plan](#) (CP2030) has set an ambition to decarbonise Great Britain's electricity system by 2030 and sets out GB-wide capacity ranges of 43-50GW of offshore wind in 2030, and 72-89GW in 2035. Delivery of CP2030 is dependent on projects in Scotland's pipeline and we are committed to working with the UK Government to deliver CP2030 ambitions and grow both the Scottish and UK economies through clean, secure energy and infrastructure.



ScotWind has already delivered over £750m in revenues<sup>3</sup> to the public purse and the expansion of offshore wind energy is creating substantial opportunities for economic growth all around Scotland, including in coastal and island communities through port infrastructure and new manufacturing facilities like the Sumitomo subsea cable facility in the Highlands. There are also commitments from ScotWind developers to invest an average projection of £1.5 billion per project in Scotland.<sup>4</sup>

The ScotWind and Innovation and Targeted Oil and Gas (INTOG) leasing rounds promise to be transformational in delivering wider economic supply chain benefits to Scottish businesses and communities for decades to come, while providing a significant boost to Scottish and UK-wide green energy production. ScotWind and INTOG put Scotland at the forefront of offshore wind development globally, with a current reported potential pipeline of over 40GW of offshore wind projects on top of our existing operational capacity. The [draft updated Sectoral Marine Plan for Offshore Wind Energy \(SMP-OWE\)](#) which sets the strategic planning framework for the projects from the ScotWind and INTOG leasing rounds and an additional 1GW capacity for potential future Test and Demonstration projects is currently out for consultation until 22 August 2025.

Through our ambitions and the potential pipeline that has already developed, Scotland is well positioned to be a world leader in offshore wind energy. Our offshore wind resource has huge potential to make a significant contribution to both Scotland and the UK's net zero transition. This policy will support the realisation of that potential.

## 1.6 Tackling the Climate and Nature Crises

The development of offshore wind is also critical to addressing the global climate emergency and the nature emergency. Climate change is a key driver of biodiversity loss, so it is essential that the twin crises are tackled together. There is now an indisputable body of evidence that we urgently need to decarbonise our energy systems, move to net zero and scale up our efforts to drive nature recovery.

Our current [Climate Change Plan](#) sets out policies and proposals for the period up to 2032 and contributes to our vision to end Scotland's contribution to climate change by 2045. The next plan will cover the period 2026 to 2040 and is due for consultation later in 2025. In accordance with the [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2024](#), we will be taking a carbon budget-based approach for setting emissions reduction targets. [The Scottish Biodiversity Framework](#) defines our plan for Scotland to halt biodiversity loss by 2030, and to restore biodiversity by 2045.

This policy will support the delivery of our efforts to address the global climate emergency and the nature emergency by supporting the role of offshore wind in decarbonising our energy system and transitioning Scotland to net zero.

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<sup>3</sup> Crown Estate Scotland (2024) Briefing: ScotWind Leasing for offshore wind [online] Available at: [ScotWind Leasing Briefing Nov 2023 PDF.pdf](#)

<sup>4</sup> Crown Estate Scotland (2024) Briefing: ScotWind Leasing for offshore wind [online] Available at: [ScotWind Leasing Briefing Nov 2023 PDF.pdf](#)

## **1.7 Alignment with EU law**

The Habitats Regulations are transposed in Scotland from the European Union Council Habitats and Birds Directives. While implementing this policy will result in a different approach to the Habitats Regulations applying in Scottish and UK waters when compared to the current approach taken within the EU, we remain committed to maintaining and advancing the high standards that Scotland shares with the EU.

## **2. Application within Scottish Marine Planning and Consenting Processes**

The Scottish Government is responsible for sectoral marine planning, as well as licensing and consenting of proposed offshore wind developments.

### **2.1 Relationship with Scottish Marine Planning**

Scotland has a plan led approach to offshore wind development. The sectoral marine planning process develops specific plans for the development of offshore wind and marine renewables in Scotland's seas while being consistent with the National Marine Plan (2015).

Scotland's first NMP (adopted in 2015) sets out how Scottish Ministers intend marine space and resources to be used and managed out to 200nm. It supports a balance between economic development and environmental protection of Scotland's seas, guiding marine decision-making to achieve sustainable management. All relevant authorities must make authorisation or enforcement decisions (including offshore wind consenting) in accordance with the NMP, unless relevant considerations indicate otherwise.

Scottish Ministers announced the intention to develop a new National Marine Plan (NMP2) in 2022 to support action on net zero and the twin crisis of climate change and nature loss. Work is ongoing to develop NMP2, to better reflect how the sea is currently being used, and to plan for its continued and sustainable future use.

The [draft updated SMP-OWE](#) which sets the strategic planning framework for the projects from the ScotWind and INTOG leasing rounds and an additional 1GW capacity for potential future Test and Demonstration projects is currently out for consultation until 22 August 2025.

Through the plan-level HRA process required to be undertaken for the draft updated SMP-OWE, if an AEOSI is concluded in the AA, as a result of the cumulative offshore wind development assessed within the plan, then subject to the outcomes of the first two Habitats Regulations derogations provisions (the Alternatives Test and Imperative Reasons of Overriding Public Interest (IROPI)), then at the discretion of Scottish Ministers, plan-level compensation would need to be identified for the plan to be adopted.

The implementation of this policy would support the identification of strategic compensation for the updated SMP-OWE.

## 2.2 Relationship with Scottish Consenting and Licensing for Offshore Wind

Scottish Ministers are currently the sole planning, licensing, consenting, and decommissioning authority for offshore wind projects in Scottish waters (inshore and offshore), with certain powers and functions either fully devolved or executively devolved.

The marine planning and licensing regimes for the Scottish inshore region (from 0-12nm) are within devolved legislative competence and operated under the [Marine \(Scotland\) Act 2010](#). Marine planning and licensing in the Scottish offshore region (beyond 12nm) have been executively devolved under the [Marine and Coastal Access Act 2009](#).

The section 36 consenting regime for electricity generating stations in Scottish waters under the [Electricity Act 1989](#) and the decommissioning regime under the [Energy Act 2004](#) are also executively devolved in the Scottish inshore and offshore regions. There are further devolved powers that allow for onshore planning permission to be granted where a section 36 consent is granted.

Consenting processes in the Scottish inshore region require the following key consents:

- Marine licence: under the Marine (Scotland) Act 2010 and processed by the Scottish Government Marine Directorate (on behalf of Scottish Ministers).
- Consent for the generation of electricity: under section 36 of the Electricity Act 1989 for generating station above 1MW capacity.
- Planning permission: for onshore elements, deemed under section 36 consent, granted by Scottish Ministers or through a separate application under the [Town and Country Planning \(Scotland\) Act 1997](#).

The following key consents are required in the Scottish offshore region:

- Marine licences: regulated under the Marine and Coastal Access Act 2009 and processed by the Scottish Government Marine Directorate.
- Consent for the generation of electricity: the threshold increases, requiring consent for generating stations above 50MW by Scottish Ministers.
- Planning permission: remains the same as for inshore works.

It is the responsibility of Scottish Ministers to ensure the necessary compensation measures are secured (which under the current Habitats Regulations must be secured to ensure the overall coherence of the network). This is usually addressed via a condition attached to consents/marine licences to mandate the consent/marine licence holder (the offshore wind developer) to deliver the necessary compensatory measures.

The implementation of this policy could support streamlining of consenting and licensing of offshore wind.

## 3. Enabling Wider Measures

Section 3 details the approach to enabling wider measures which would be implemented via the EAR SSI and guidance.

The UK Government's concurrent consultation on reforms to environmental compensation for offshore wind is also proposing legislative changes in line with the below proposals. To respond to proposed legislative changes regarding wider compensatory measures that would apply to the Scottish offshore region, respondents should refer to the UK Government consultation.

To facilitate the delivery of offshore wind to progress toward Clean Power by 2030 and our net zero and nature targets in tandem, there is a need to address existing barriers to the availability of ecologically effective compensation for offshore wind. A more flexible approach to the identification of compensatory measures is required, to widen the range of appropriate compensatory measures beyond those which are currently permitted and are sometimes described in broad terms as 'like-for-like' measures (i.e. measures which are targeted at the impacted feature).

Widening the range of appropriate compensatory measures to those which address a pressure acting on the marine environment has the potential to deliver positive marine ecosystem benefits for the protected site network even if these benefits cannot be directly linked back to the targeted impacted feature by the relevant offshore wind plan or project.

The Scottish Government therefore proposes to amend the current requirement in the Habitats Regulations that necessary compensatory measures must be secured to ensure the overall coherence of the network is protected, in order to enable a wider range of measures. The proposed approach is set out below.

### 3.1 What are Wider Measures?

Wider measures are defined as compensatory measures that provide an ecological benefit to the protected site network as a whole rather than the specific feature impacted. Wider measures can add value by, for example, targeting a similar feature to the feature impacted or large scale pressures on the protected site network.

Under this proposed approach, for illustrative purposes, 'similar features' may be a protected site feature that is of a comparable type to the feature impacted e.g. for seabirds – if a surface feeding seabird is impacted then an alternative surface feeding seabird species which has a similar function or service might be deemed a similar feature. The appropriateness of a particular wider measure for a given impact on a protected site feature will always be considered on a case-by-case basis.

Under this proposed approach, for illustrative purposes, 'large scale pressures' may be activities, or mechanisms in which an activity is, impacting the protected site network at scale, e.g. across multiple sites. For example, physical impacts on habitats, input of materials or other activities impacting water quality, or climate change-related impacts.

When identifying appropriate compensatory measures, it is proposed that a compensation hierarchy be applied (see [section 3.3 on the Compensation Hierarchy](#)).

As set out in the UK consultation, in England wider compensatory measures must be approved by the Defra Secretary of State and entered into the Library of Strategic Compensatory Measures (LoSCM). It is expected that wider measures should then be delivered through the UK Marine Recovery Fund (MRF). Scottish Government are minded to provide offshore wind developers with the flexibility to propose and deliver wider measures themselves, including where those measures would qualify as strategic compensation (see [section 1.3 on Strategic Compensation](#)).

## 3.2 Proposed Changes in the EAR SSI

To enable wider measures, we are considering amending the Habitats Regulations to require that:

- compensatory measures which benefit the protected site network overall must be secured for relevant offshore wind activities (as defined in the Energy Act 2023); and
- the ecological benefit of those compensatory measures must be reasonably proportionate to the level of damage to the protected site network.

We are also considering the introduction of a compensation hierarchy which could be referenced in the EAR SSI with the detail included in guidance. Further detail on the compensation hierarchy can be found in [section 3.3](#). Guidance would set out the circumstances in which it may be appropriate to move down the compensation hierarchy to wider measures e.g. where there is justification that moving down the hierarchy to a wider measure will have a greater ecological benefit on the protected site network.

We propose including the policy detail on wider measures in guidance that will be applicable to the Scottish inshore region (which would provide guidance in relation to the EAR SSI) and to the Scottish offshore region (which would provide guidance in relation to the UK SI).

## 3.3 Compensation Hierarchy

To accompany the enabling of wider measures as set out in [sections 3.1-3.2](#) a3.1 What are Wider Measures?bove, we are proposing a compensation hierarchy which offshore wind developers would be required to step through. The proposed approach to the compensation hierarchy is set out below.

We have developed the below proposed compensation hierarchy through collaborative work with the UK Government and with input from Scottish stakeholders from targeted workshops held in Summer 2024. The hierarchy outlines a three-tiered compensation hierarchy that describes the types of compensatory measures that should be considered at each tier and includes high level examples.

### 3.3.1 Tier 1 – Benefit to the Impacted Feature

Tier 1 of the compensation hierarchy would be compensatory measures that provide ecological benefit(s) for the impacted feature in a measurable way, i.e. where there is clear evidence that the intervention will be effective in benefiting the impacted feature.

The following points in relation to location should be considered in sequence:

- Does the measure benefit the impacted feature at the impacted site?
- Does the measure benefit the impacted feature at a different site inside the protected site network?

When considering measures that target the impacted feature there may be circumstances where interventions at a different location are more effective than at the impacted site. Ecological effectiveness of the measure needs to be considered alongside a preference for measures that take into account local conditions.

For example, if Atlantic Puffin was the impacted feature, compensation could be predator reduction for Atlantic Puffin.

### **3.3.2 Tier 2 – Benefit to a Similar Feature**

Tier 2 of the compensation hierarchy would be compensatory measures that provide sufficient evidence of ecological benefit(s) to features, or groups of features which are ecologically similar to the impacted feature. For example, if a surface feeding seabird is impacted, then a similar feature would be a similar surface feeding seabird species. Likewise for habitats, a similar feature would be a similar large scale habitat which has similar functions or services.

Consideration should be given to the functions and location of the feature that is being impacted and how well this is matched by a proposed measure (e.g. an ecologically similar but different habitat feature that also provides suitable function to that of the impacted feature including in terms of fish spawning).

These types of measures could be delivered alongside measures directly targeted at the impacted feature, or they could be delivered individually due to a lack of measures targeted directly at the impacted feature or if it can be justified that the measure will deliver greater ecological benefits to the protected site network.

For example, if Atlantic Puffin was the impacted feature, compensation could be predator reduction for another Auk e.g. Razorbills at a different site. This could be delivered as part of a package alongside a predator reduction measure for Atlantic Puffin at the impacted site or if there were insufficient Tier 1 compensatory measures available to compensate for the level of impact then the measure could be delivered on its own.

### **3.3.3 Tier 3 – Benefit to Protected Site Network**

Tier 3 of the compensation hierarchy would be compensatory measures that provide sufficient evidence of ecological benefit(s) to the protected site network more widely.

For example, benefit could be delivered to the protected site network more widely by targeting large scale pressures that impact a number of protected features or sites, or conservation objectives of another protected feature of the protected site network which may have no link to the impacted feature e.g. measurable wider improvements in water quality, and restoration of habitats in other sites.

These types of measures could be delivered alongside measures targeted directly at the impacted feature or a similar feature. They could be delivered individually if there is a lack of measures targeted at the impacted feature or a similar feature, or if it can

be justified that the measure will deliver greater ecological benefits to the protected site network.

For example, if Atlantic Puffin was the impacted feature, compensation could be funding a water quality improvement programme or delivering a habitat restoration programme, both of which are designed to address broader pressures on protected features in the network.

### **3.3.4 Flexibility in the Compensation Hierarchy**

We propose permitting some flexibility in stepping through the hierarchy. Specifically, it would be permissible to use a Tier 2 measures even if there are Tier 1 available or Tier 3 even if there are Tier 1 or 2 available, if there is evidence that a wider measure would have a greater ecological benefit on the protected site network than a measure above it in the compensation hierarchy.

## **3.4 Evidencing Wider Measures**

We also propose setting out in guidance how wider measures can benefit the protected site network and how this benefit can be demonstrated.

For wider measures, we propose clarifying that the protected site network can be benefited via action that:

- enables the network, or a feature or features within it, to recover more quickly from damage and/or improve its current condition; or
- alleviates key pressures impacting the network; or
- improves the networks resilience to climate change and other stressors; and
- can be monitored for effectiveness (monitoring could be action-based or outcomes-based).

If concluding that a wider measure is appropriate, the Scottish Ministers should ensure there is sufficient evidence to demonstrate that the compensation hierarchy approach has been followed (Tier 1 to Tier 3).

There should be evidence demonstrating that a measure will deliver ecological benefit to either the impacted feature directly (Tier 1), to a feature similar to the impacted feature[s] (Tier 2), or to the protected site network (Tier 3).

Proposals to use wider measures should be informed by best available scientific evidence, which could be in the form of showing consideration of a logical case based on well understood ecological principles and their applicability to the Scottish environment, by hypotheses based on expert advice and/or existing monitoring information. We would expect to see evidence that demonstrates measurable benefit, along with an assessment of uncertainty, and that the expected outcome relates to the feature the measure is targeted at, or if a measure under Tier 3 of the compensation hierarchy, to the protected site network.

Whether a wider measure has a greater ecological benefit than measures available for the impacted feature is likely to be assessed on a case-by-case basis. This would include consideration of the ecological benefit to the protected site network and factors such as whether the wider measure can:



- Provide a direct or indirect benefit, via the improvement of conservation objectives, to a larger proportion of the network. This may be by number of protected sites, area of benthic habitat, number, or proportion of species population, than would benefit from available compensatory measures that would be targeted at the impacted feature.
- Alleviate pressure on more than one site within the network, or on a number or population of species than would benefit from available compensatory measures for the impacted feature.

It is proposed that extra contingency be built in for more uncertain measures where there is limited scientific evidence. This could include a higher compensation ratio, enhanced adaptive management (AM) plans (see [section 4.8 on Adaptive Management](#)), enhanced monitoring or building in additional time to allow for measures to show effectiveness. Ultimately, it is for Scottish Ministers to be satisfied having considered proposals and all relevant advice.

At project-level if it is proposed to move down the hierarchy to a wider measure on the basis that this will have a greater ecological benefit on the protected site network, the applicant should clearly set out their justification in their section 36 consent or marine licence application. All evidence relating to wider measures should be provided within the project's compensation plans.

At plan-level, if the plan authority proposes moving down the hierarchy to a wider measure, the justification for this must be clearly set out to Scottish Ministers approving the plan and included in the consent applications for the projects forming the plan.

### **3.5 Application to the Marine (Scotland) Act 2010**

The Energy Act 2023 also gives the Scottish Ministers powers to amend the Marine (Scotland) Act 2010 in addition to the Habitats Regulations. Taking this approach would potentially mean that the Measures of Equivalent Environmental Benefit (MEEB) test underpinning Marine Protected Area assessments would be removed and aligned with the proposals to enable wider measures set out above to support a consistent approach to compensatory measures across environmental impact assessments for offshore wind. The Scottish Government is not currently minded to extend the policy set out in this consultation (including proposed legislative amendments) to the Marine (Scotland) Act 2010. However, we would welcome views on whether this approach should be taken.

### **3.6 Additionality**

Under the Habitats Regulations, the principle of additionality means that compensation must be additional to the normal practices required for the protection and management of protected sites. Measures that are already being or will be undertaken by government bodies to ensure a site is in favourable conservation status or that protected features are in favourable condition should not be considered as compensation. It is within the remit of Statutory Nature Conservation Bodies (SNCBs) to provide information on planned management activity to help offshore wind developers avoid additionality conflicts.



The UK Government is exploring potential ways to provide clarity around the additionality principle and create more opportunities to facilitate progress towards conservation objectives at protected sites in the marine environment. More specifically, the UK Government is aiming to provide clarity on what is additional by outlining how normal practice for site management measures should be identified.

The Scottish Government already permits investment in site management measures where they might not otherwise be delivered, for example, where Government is not able to act. However, we are considering providing clarification on this in guidance and possibly in legislation to provide certainty for offshore wind developers and other stakeholders.

## 4. Other Proposals

Section 4 sets out other elements of the policy that are proposed to be included within subsequent Scottish Government Guidance. Therefore, these elements of the policy are applicable to both the Scottish inshore and offshore regions.

### 4.1 Mitigation Hierarchy

Prior to considering and identifying compensation, the mitigation hierarchy should still be applied. This policy is not proposing any changes to the application of the mitigation hierarchy, which should still be applied in the first instance before the compensation hierarchy. However, we may set out clarity on application of the mitigation hierarchy in guidance.

Identifying and implementing appropriate mitigation measures remains the first key priority. Compensation should only be considered when the applicant has demonstrated that all other possible options and methods to prevent or minimise the adverse impact have been exhausted.

The mitigation hierarchy is set out below and should be worked through in a sequential manner, exhausting the possibilities at one level before considering the next and recording evidence of having gone through this process.

- **Avoid:** Taking action to prevent an impact from occurring.
- **Reduce:** Taking action to minimise an impact to a non-significant level.
- **Mitigate:** Taking action to lessen the consequences of an impact that cannot be avoided or reduced.

### 4.2 Marine Irreplaceable Habitats

We are aware that the UK Government are consulting on a proposal to clarify in guidance circumstances where Marine Irreplaceable Habitats (MIHs) would not be permitted to be compensated for via wider measures. One option UK Government are considering would be to define MIHs by reference to the 'Defining Marine Irreplaceable Habitats' report prepared by Natural England.

Scottish Government are not minded to introduce a similar requirement in Scotland. Scotland's SNCB, NatureScot have advised that MIHs have not been used in the regulatory or planning context for the Scottish marine environment and there is no

intention to introduce such a concept. However, we would welcome views on this or similar approaches.

## **4.3 Securing Strategic Compensatory Measures**

We propose setting out in guidance the process for securing wider measures including strategic compensation at both plan and project level.

### **4.3.1 Scotland's Plan Led Approach**

If a Habitats Regulations Appraisal for the draft updated SMP-OWE concludes an AEOSI through the AA, then the plan may only proceed to adoption if it goes through the derogations process, subject to the decision of the Scottish Ministers.

Once the appropriate plan-level compensatory measures are identified by Scottish Ministers, plan-level compensatory measures identified in light of the adverse effects of the plan could either be implemented in advance of the impact occurring by the Scottish Government, or the measure could be included in an appropriate strategic compensation delivery mechanism, such as a Scottish Marine Recovery Fund.

When a project that has been assessed strategically through the updated SMP-OWE (e.g. ScotWind/INTOG projects) reaches consent stage and its specific adverse effects and compensation needs are identified, then as part of the derogations process for the project in which the Scottish Ministers must identify and secure the appropriate compensation, strategic compensatory measures could be secured from those already identified as plan-level compensatory measures, with the project required to compensate for their proportion of the plan level impact and identify measures from within the sectoral marine plan compensatory measure package that meet their needs. It will be possible to share measures between projects. Further information on this process will be set out in guidance.

### **4.3.2 Projects outwith the Sectoral Marine Planning Process**

For projects that have not been assessed strategically through the draft updated SMP-OWE (non-ScotWind/INTOG projects), compensatory measures outwith the sectoral marine plan compensatory measure package may be made available through the appropriate strategic compensation delivery mechanism, such as a Scottish Marine Recovery Fund.

### **4.3.3 Project Led Approach**

Offshore wind developers will also have the option to propose their own compensatory measures (including strategic compensation and wider measures) to meet any compensatory measure requirements.

## **4.4 Timing of Compensation**

We propose to clarify in guidance the circumstances in which an offshore wind developer or a plan authority can deliver compensation that may not become fully functional until after the impact of the project occurs.

Under current regulations, it is already possible to deliver, in certain circumstances, compensation after the impact to a protected site has occurred. This understanding stems from the [European Commission's Habitats Regulations guidance](#).

Projects using derogations can currently only be granted consent provided compensatory measures will be secured. There should be a plan to undertake such measures i.e., with all the necessary legal, technical, financial, and monitoring arrangements agreed prior to the impact occurring.

We propose that guidance would set out that it is usually expected that compensatory measures are in place and functioning at the time at which damage to a protected site or feature occurs. However, we wish to increase certainty and confidence that plans and projects may be permitted to begin operation before compensation is functional, in certain circumstances, to possibly include the following:

- There is a significant lead in time for measures to be delivered to be ecologically beneficial with a high degree of success in addressing the impact.
- The ecological implications of the compensation that will become functional post-impact will be incorporated into the nature and scale of the measures e.g., a higher than usual benefits-to-impact ratio to offset any risk of impact to resilience of the network.
- The measure being more likely to deliver greater, more sustainable benefits for the feature, compared to other measures which may take less time.
- Scottish Ministers, having considered advice from the relevant SNCB, is satisfied that the relevant SNCB considers the measures are likely to meet the compensatory measure principles (see [section 6.3 for Role of SNCBs](#)).

If offshore wind developers or plan authorities believe there is a justification for using a compensation measure that becomes functional after impacts have occurred, the timings and rationale should be established early in the HRA process and set out in any outline or detailed compensation plan(s). Plans should specify how the measure will be delivered.

In exceptional circumstances, this approach could support projects which already have consent but have been unable to discharge their consent conditions as they move closer to construction phase. This would however need to include suitable and robust safeguards through the consenting process (for example, the Scottish Ministers having taken advice from SNCBs is reasonably confident that the measures are suitable) to ensure that although the impact is experienced before compensation, there is minimal risk that the measure will not be taken at all when it comes to delivering.

## **4.5 Dealing with Small Impacts**

We propose to clarify in guidance, circumstances where compensation is required for small levels of impact to a protected site.

Where predicted levels of impact are small enough to be considered insignificant on their own, consideration will still be needed over the cumulative significance of the impact in-combination with similarly insignificant effects of other plans or projects. SNCBs are already able to advise that the impact from a project would not make an appreciable contribution to any risk of an in-combination effect and can be excluded from further consideration. Ultimately, the decision maker is responsible for deciding the likely significance of a predicted impact, both alone and in-combination with other plans and projects.

Depending on the circumstances, offshore wind developers or plan authorities may be required to provide mitigation, or possibly, compensation for small predicted levels of impact either alone or in combination. The scale of any mitigation/compensation would however reflect the scale of the impact.

These circumstances could include, but not be limited to the following:

- The site or feature is already in poor condition and failing to meet conservation objectives for the impacted feature.
- The site or feature is highly sensitive.
- There are high levels of uncertainty over predicted mortalities due to poor data availability in relation to the proposed plan/project and others impacting the site.
- There are unavoidable contributions to a significant in-combination impact from multiple projects on the same site (and uncertainty about the impact of projects in application stage at the site that are yet to be consented). Many seemingly small contributions at a site can result in a significant in-combination effect.

We are also considering how small impacts identified through the draft updated SMP-OWE AA could be addressed strategically.

## 4.6 Application to Live Projects

The proposals set out in this consultation will apply to relevant offshore wind activities as defined in the Energy Act 2023, including those activities that have already entered the planning or consenting process in Scotland when the EAR SSI is adopted.

This includes applications and plans in the consenting/planning process and those that have been granted consent/marine licence(s) but have yet to fully discharge their consent conditions. Any consideration of alternative measures should include consideration of the compensation hierarchy, as described in [section 3.3](#).

Offshore wind developers or plan authorities wishing to utilise compensatory measures under the proposed reforms set out in this consultation may need to apply to amend relevant consents, if necessary.

## 4.7 Overcompensation

We propose to clarify in guidance the instances where overcompensation for the adverse effects of an offshore wind plan or project may be optional and or advisable.

These instances could include the following:

- Where there is uncertainty in relation to the efficacy of the proposed compensatory measure(s) at the commencement of a project (one of the core purposes for overcompensation early in a project).
- Implementing multiple measures which are all aiming to compensate for the same level of impact simultaneously could be considered as overcompensation and potentially reduce the resource burden of adaptive management (AM).
- Where measures being in place and effective in advance of predicted impacts is not fully achievable (see [section 4.4 on Timing of Compensation](#)) overcompensation could be required in these instances.

- Overcompensation could involve implementing a primary and an alternative measure from the beginning rather than waiting, potentially reducing the resource burden of AM.

We would welcome your views on when overcompensation should be required, in light of the proposal to enable wider measures including strategic compensation.

Offshore wind developers or plan authorities may wish to implement additional actions or invest in the marine environment beyond what is required to compensate for adverse effects, for the sake of improving the environment and corporate responsibility ambitions. The Scottish Government encourages positive actions in support of marine protection, enhancement, or restoration. In these circumstances we recommend proposing additional ‘non-compensation’ actions with the Scottish Government who may seek advice from the relevant SNCB.

## 4.8 Adaptive Management

Adaptive management (AM) of compensatory measures is an approach to the delivery of compensatory measures where, if a measure is not functioning as expected or delivering what it is intended to, an adjustment is made to the measure, or the measure is replaced with a different measure. Having AM measures identified early as part of identifying appropriate compensatory measures supports effective and efficient delivery of compensation. AM is an important tool in the identification and delivery of compensatory measures to ensure that compensation has adequately delivered against its objectives.

The Scottish Government is minded to maintain the current approach to adaptive management. However, we propose to provide additional guidance on AM, particularly in relation to the implementation of wider measures.

# 5 Identifying Wider Measures and Strategic Compensation

As set out in [section 1.3](#), a key element of the policy is enabling strategic compensation, which can be delivered at scale, over extended timeframes, across multiple offshore wind projects, or for a single project with multiple adverse effects. Wider measures can be a form of strategic compensation.

Scottish Government is taking forward work to develop a Scottish Portfolio of Strategic Compensatory Measures, with current research projects being undertaken on the following:

- Predator Control and Biosecurity
- Habitat Management and Restoration, and Reduction of Disturbance at Colony
- Fisheries management compensatory measures
- Restoring and enhancing supporting prey habitats
- Marine litter removal at scale

It is our intention to make the outcomes of these projects available to offshore wind developers and other interested stakeholders.

Scottish Government are minded to provide offshore wind developers with flexibility to propose and deliver wider measures through various pathways:

- For projects assessed within the draft updated SMP-OWE, measures from those already identified as plan-level compensatory measures which can be delivered by the individual project or through the appropriate strategic compensation delivery mechanism, such as a Scottish Marine Recovery Fund.
- For projects not assessed as part of the draft updated SMP-OWE, measures from the Scottish Portfolio of Strategic Compensatory Measures, which can be delivered by the individual project or through the appropriate strategic compensation delivery mechanism, such as a Scottish Marine Recovery Fund.
- For all projects (within or outwith the draft updated SMP-OWE), to propose their own compensatory measures including where those measures would qualify as strategic compensation or wider measures.

We recommend that offshore wind developers engage with SNCBs as early as possible when looking to develop their compensatory measure package.

As set out in the UK Government consultation, in England wider compensatory measures must be approved by the Defra Secretary of State and entered into the Library of Strategic Compensatory Measures (LoSCM). It is expected that wider measures should then be delivered through the UK Marine Recovery Fund (MRF).

## **6 Monitoring and Governance**

Monitoring and evaluation are important components of evidence-based policy making, to ensure that policies are achieving their purpose and aims. To ensure successful implementation of the policy, we propose a framework be developed to monitor and evaluate the policy against its purpose and aims as set out in this consultation.

### **6.1 EAR SSI and Guidance Review Clause**

We want to ensure that the proposed legislation and guidance can be adequately and regularly reviewed. We are considering options on the method and regularity of reviewing the EAR SSI and guidance. One option is that the EAR SSI could include a review provision that will require the Scottish Ministers to publish a report that assesses the impacts of the proposed reforms through both the SSI and guidance and the extent to which the objectives have been achieved and whether they remain appropriate.

Such a review could take place before 1 January 2032 to allow enough time for sufficient information to be available to inform the review and the EAR SSI to be assessed for its contribution to the Clean Power 2030 Mission, alongside environmental objectives, and other relevant outcomes. Any further reviews would take place at intervals not exceeding five years.

This approach would also ensure that the review is aligned with the proposed approach by the UK Government in their concurrent consultation.

## **6.2 Governance Framework for Strategic Compensation in Scotland**

We are considering the establishment of a technical advisory group which could provide advice and support on the selection and implementation of strategic compensation for offshore wind in Scotland. For example, the technical advisory group could provide advice on:

- Reviewing and proposing strategic compensatory measures to be added to Scotland's portfolio of strategic compensatory measures (including consideration of implementation plans, success indicators, monitoring etc).
- Advising on and supporting future research needs where feasible (it will be important to periodically review evidence gaps, new research, and upcoming research needs in relation to strategic compensation to reduce uncertainty, improve environmental baselines and ensure that decisions are made based upon the best available evidence).

The membership of the group is still to be considered but could include representatives from government, industry, SNCBs and eNGOs.

The group would not be intended to perform a role as part of the consenting process. Scottish Ministers would maintain overarching responsibility for approving strategic compensation and in determining the wording of conditions in relation to compensatory measures attached to individual project consents/licences and the extent to which those conditions can be discharged.

## **6.3 Role of SNCBs**

We propose clarifying in guidance the roles and responsibilities of SNCBs in implementing this policy and proposed legislative reforms in Scotland.

The policy will not change existing SNCB roles in the offshore wind planning and consenting process. SNCBs will continue their existing role in providing advice with regard to compensatory measures including with regard to whether measures are likely to meet compensatory measure principles as below:

- That the measure looks to address the feature that is impacted in the first instance (moving down the compensation hierarchy accordingly);
- That there is demonstrable ecological benefit to the protected site network by addressing its contribution to network connectivity, representativity, geographical range, adequacy and/or recovery from damage, and achievement of site/feature conservation objectives relative to the impact caused;
- That the measure does not negatively impact on any other sites or designated features;

- That the measure would be able to be monitored to assess effectiveness (completion of direct action or outcome). The monitoring and management strategy must require further action to be taken if the compensation is not successful; and,
- Whether the measure is being delivered by Government or via an appropriate strategic compensation delivery mechanism, such as a Scottish Marine Recovery Fund, and so has a high likelihood of delivery.

Applicants should consult with SNCBs including on the consideration of the compensation hierarchy and the suitability of using of a wider measure. We recommend that offshore wind developers and plan authorities engage with SNCBs as early as possible so they can consider the SNCBs' advice before submitting their application.

## **6.4 Public Compensation Register**

We are aware that the UK Government is consulting on proposals for a UK-wide Public Compensation Register. The Scottish Government supports collaboration on a UK-wide register rather than the establishment of a Scottish-specific register.

The aim of this register would be to track the impacts of proposed compensation being delivered across the UK on the protected site network. This would help inform decision-making on the choice of measures to be taken forward as strategic compensation, as well as help to identify areas of synergies for delivery of measures and any cost savings that may be able to be made.

Such a register could align with monitoring plans for data collection and sharing, contributing to a better understanding of effective measures and informing future decisions.

We would welcome your views on the benefit of such a register, and whether you consider a Scotland-specific register is required.



## 7. Annex A. Acronym List

**AA** – Appropriate Assessment

**AEOSI** - Adverse effect on the site integrity of protected sites in the National Site Network, under the Habitats Regulations.

**AM** – Adaptive Management, of compensatory measures is an approach to the delivery of compensatory measures where, if a measure is not functioning as expected or delivering what it is intended to, an adjustment is made to the measure, or the measure is replaced with a different measure.

**BRIA** - Business and Regulatory Impact Assessment

**CP2030** – Clean Power 2030 Action Plan

**Defra** - UK Government Department for Environment, Food, and Rural Affairs

**EAR** – Environmental Assessment Reform

**eNGO** - Environmental Non-Governmental Organisation

**GW** - Gigawatt

**HRA** - Habitats Regulations Appraisal

**IROPI** - Imperative Reasons of Overriding Public Interest, as covered in Regulation 49 of The Conservation (Natural Habitats, &c.) Regulations 1994.

**INTOG** – The Innovation and Targeted Oil and Gas leasing Round for offshore wind development in Scotland

**LoSCM** – The UK Government's Library of Strategic Compensatory Measures

**LSE** - Likely Significant Effect

**MEEB** - Measures of Equivalent Environmental Benefit

**MIHs** - Marine Irreplaceable Habitats

**MRF** – Marine Recovery Fund

**MW** - Megawatt

**nm** - nautical miles

**NMP** – Scotland's National Marine Plan. The first National Marine Plan was adopted in Scotland in 2015. The National Marine Plan 2 is an updated plan, to better reflect how Scottish waters are currently being used, and to plan for its continued and sustainable future use.

**OWEIP** – Offshore Wind Environmental Improvement Package

**SEA** - Strategic Environmental Assessment

**SI** - Statutory Instrument, this is a form of delegated legislation that allows the UK Government to create regulations under an existing Act. In the case of this policy, it is under the Energy Act 2023.

**SMP-OWE** – The [draft updated Sectoral Marine Plan for Offshore Wind Energy \(SMP-OWE\)](#) sets the strategic planning framework for the projects from the ScotWind and INTOG leasing rounds and an additional 1GW capacity for potential future Test and Demonstration projects. The draft updated SMP-OWE is currently out for consultation until 22 August 2025.

**SNCBs** - Statutory Nature Conservation Bodies. The Statutory Nature Conservation Bodies in Scotland are NatureScot and the Joint Nature Conservation Committee. Other SNCBs could be involved where the effects of an offshore wind development will be to sites outside Scotland.

**SSI** - Scottish Statutory Instrument, this is a form of subordinate legislation created by Scottish Ministers to exercise powers delegated by an existing Act.

## 8. Annex B. Summary of how Policy Proposals will be Implemented

| Policy Reform Proposal   | Enabled through Legislative Change                                   | Addressed in Guidance |
|--|--|-----------------------|
| Enabling wider measures  | Yes  | Yes                   |
| Compensatory hierarchy   | No, but acknowledgement of a hierarchy could be included in the SSI. | Yes                   |
| Evidencing wider measures  | No   | Yes                   |
| Additionality  | For consideration  | Yes                   |
| Mitigation hierarchy   | No   | Yes                   |
| Marine Irreplaceable Habitats  | No   | No                    |
| Securing strategic compensatory measures                             | No   | Yes                   |
| Timing of compensation   | No   | Yes                   |
| Small impacts  | No   | Yes                   |
| Application to live projects   | No   | Yes                   |
| Overcompensation   | No   | Yes                   |
| Adaptive Management  | No   | Yes                   |
| Identification of wider measures and strategic compensatory measures | No   | Yes                   |

|   |     |                   |
|---|-----|-------------------|
| Governance Framework for Strategic Compensation in Scotland | No  | Yes               |
| Review of legislation and guidance                          | Yes | No                |
| Role of SNCBs   | No  | Yes               |
| Public compensation register                                | No  | For consideration |

# Responding to this Consultation

Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space. Access and respond to this consultation online at [Strategic Compensation Policy for Offshore Wind](#). You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date.

If you are unable to respond using our consultation hub, please complete and send the Respondent Information Form to:

Strategic Compensation Policy Team  
Scottish Government  
Area 3G South, Victoria Quay  
Edinburgh, EH6 6QQ

## Handling your response

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form provided alongside this document.

To find out how we handle your personal data you can view the privacy policy here: [Privacy - gov.scot \(www.gov.scot\)](#)

## Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at [Citizen Space](#). If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

## Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or email above.

## Scottish Government consultation process

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: [Citizen Space](#). Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision-making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.



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Any enquiries regarding this publication should be sent to us at

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