



**D&S IFCA's Response to  
Defra's  
Consultation on Offshore Wind Environmental  
Compensatory Measures Reforms**

**August 2025**

## Role of D&S IFCA

The role of Devon and Severn Inshore Fisheries and Conservation Authority (D&S IFCA) is to lead, champion and manage a sustainable marine environment and inshore fisheries within its District, which covers the area from baselines out to six nautical miles in English waters as shown in Figure 1. As part of the proposed White Cross Windfarm falls within those boundaries, and the project may generate effects which interact with D&S IFCA's core role, it is appropriate that D&S IFCA comments on the proposed project.

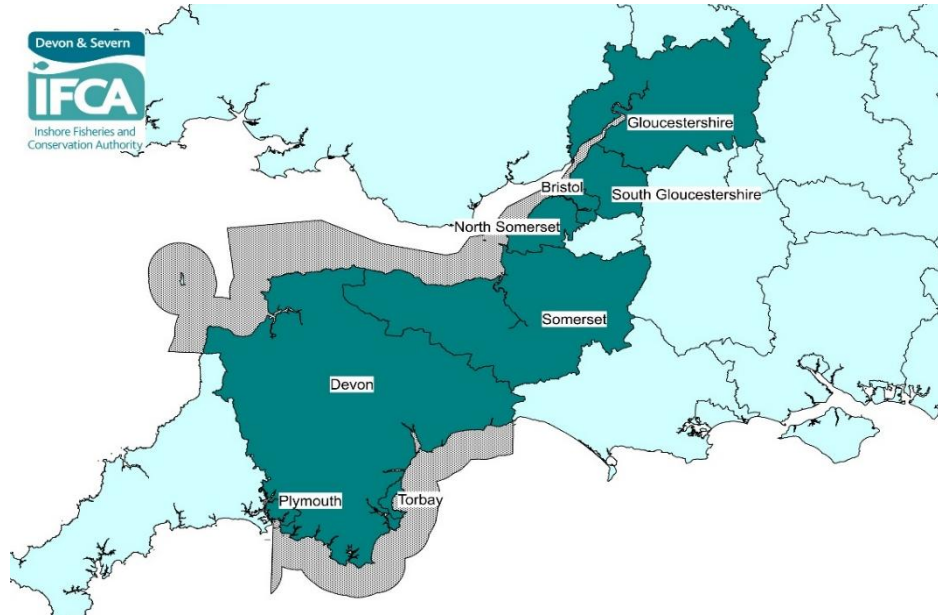


Figure 1. Map of Devon and Severn IFCA's District, showing in grey the sea area from baselines to 6nm (or the median line with Wales).

The ten regional IFCAs have a shared vision to: *“lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry.”*

The powers and duties of all IFCAs are provided by the Marine and Coastal Access Act (MaCAA, 2009), in which the main legal duties are described in sections 153 and 154; IFCAs must manage the exploitation of sea fisheries resources in their District, balancing the social and economic benefits of exploiting these resources with the need to protect the marine environment, or help it recover from exploitation. IFCAs must also seek to ensure the conservation objectives of any MCZs in the District are furthered.

D&S IFCA has reviewed the consultation document on the Offshore Wind Environmental Compensatory Measures Reforms July 2025 and has responded to the questions within the consulting, as set out below.

**Question 1a. Would you like your response to be confidential?**

No

**Question 1b. If you answered yes to this question, please give your reason.**

N/A

**Question 2. What is your name?**

Sarah Clark

**Question 3. What is your email address?**

[s.clark@devonandsevernifca.gov.uk](mailto:s.clark@devonandsevernifca.gov.uk)

**Question 4. Are you responding to this consultation on behalf of an individual?**

No

**Question 5a. Which organisation or organisations are you responding on behalf of?**

Devon and Severn Inshore Fisheries and Conservation Authority

**Question 5b. What is the position you hold at the organisation or organisations?**

Deputy Chief Officer

**Question 6. If employed, briefly describe the type of organisation or industry you work for (e.g. eNGO, developer, OFW industry, marine industry).**

Statutory Regulator

**Question 7. If responding as an individual, where do you live? [Please tick one of the following bullets]**

N/A

**Question 8a. If responding on behalf of an organisation headquartered in the UK, where is your organisation based or where are you operating?**

South West of England

**Question 8b. If responding on behalf of a multinational organisation headquartered outside the UK, where are you operating?**

N/A

**Question 9. Which of the following best describes where you live? [Please tick one of the following bullets]**

Rural– coastal

**Question 10. Do you agree with our proposal to enable wider compensatory measures which aim to benefit the UK MPA Network?**

- No D&S IFCA does not believe that the wider compensatory will actually benefit the MPA Network.
- D&S IFCA believes that Offshore Wind Developments should be outside of Marine Protected Areas (MPAs) where at all possible. If there is good reason for their location within an existing MPA within the Network, D&S IFCA understand that compensatory measures will be required to compensate for the damage done by the development. It is anomalous that the

SNCBs have highlighted areas where designation of MPAs is justified due to the presence of important habitat or species, but a Government Policy supports the destruction of these habitat or species and then creates reform that allows potentially further areas to be designated as MPAs as compensation. Such measures not only remove fishing opportunities from wind farms (which is the case in the majority of developments) and then potentially removing further fishing opportunities in new sites or by designating additional habitats in existing MPAs that may not be compatible with certain methods of fishing. Whilst the consultation has regard only for environmental damage, D&S IFCA would like to have sight of or understand that a similar reform or guidance is in place to compensate for the displacement or removal of fishing opportunities. Spatial squeeze is a significant threat to the fishing industry and should be addressed through Government policy.

- Such compensatory measures should be within the same site or in other sites where fishing restrictions are already in place so as not to continue to limit or displace fishing activity. For example, if a site is designated for Annex1 reefs but there is coarse sediment present in the area where demersal towed gear has been removed then this potentially would allow the designation of the coarse sediment as a compensatory habitat for the damage done to the coarse sediment feature of an MPA by the OFW development.

- D&S IFCA is concerned that SNCBs have over the past 20+ years identified areas of suitable habitat that are worthy of protection though the designation of MPAs (SAC, SPA, MCZ) but now those sites will be damaged. For example, the Regional MCZ projects considered many sites and those that were recommended and designated were those that had the habitats and species that provide a range of ecosystem services and ecological benefits. With the push for OFW developments, some of these sites will be damaged and D&S IFCA does not agree that all compensatory measures (Tier 2 and Tier 3) will provide the same ecosystem services and increased ecological benefits. D&S IFCA believes that natural habitats will always surpass man-made/ created compensatory habitats.

- D&S IFCA would support more effective monitoring and enforcement of existing MPAs rather than the designation of further habitats or species within MPAs or further MPAs being designated. Currently if reports are not received of incursions into MPAs then it is generally believed that no incursions are happening. D&S IFCA knows this is not the case as the lack of reporting does not necessarily mean that the sites are protected rather that reports are not made because members of the fishing industry do not believe that any enforcement action will be undertaken. MPAs are only protected if the level of monitoring of compliance and enforcement is high enough to stop damaging activities and the enforcement actions are undertaken. Remote Electronic Monitoring (REM), such as camera and gear sensors, on board fishing vessels would be the best solution to prevent damage to features in MPAs and afford real protection.

**Question 11. We propose that wider compensatory measures should deliver positive benefits reasonably proportionate to the level of damage to the UK MPA network. Do you have any views on how “reasonably proportionate” should be defined and how it could be demonstrated?**

- D&S IFCA believes that ‘reasonably proportionate’ should relate to the size, extent, distribution and communities of the designated feature being damaged by OFW developments. D&S IFCA believes that with the current MPA network that there are numerous undesignated features (and species) already present in designated MPAs that could potentially meet the principle of reasonably proportionate. The SNCBs will undoubtedly aid the definition of reasonably proportionate. However, when looking for habitats that provide positive benefits that are proportionate to the level of damage done by OFW developments, fishing activity should be considered and not further impacted in areas where compensatory habitats are being considered. Displacement and removal of fishing activity should be avoided.

**Question 12. Do you agree with our proposed approach of how to demonstrate a wider compensatory measure has an ecological benefit to the UK MPA network? If not, how could it be amended?**

- D&S IFCA agrees, in part, with the wider compensatory measures illustrated in the consultation document – those relating to similar habitats but with the caveat that those similar habitats are already in areas where demersal towed fishing activity has been prohibited so as not to impact the fishing industry further.

**Question 13. Do you agree with the proposal to have a legislative requirement that compensatory measures that ecologically benefit the impacted feature must be considered first, as part of a hierarchy of compensatory measures which must be followed sequentially?**

- Mostly yes.
- D&S IFCA accepts the proposal for a hierarchy to be in place when considering compensatory measures. Tier 1 would require that compensatory measures ecologically benefit the impacted feature and must be considered first. The table on p.25 (of the consultation document) shows that under Tier 1 there is a sequential consideration of location of compensatory measures that directly target the impacted features. D&S IFCA would support the first two bullet points that would require consideration, those being:
  - *does the measure benefit the impacted feature at the impacted site?*
  - *does the measure benefit the impacted feature at a different site inside the UK MPA network?*

D&S IFCA believes it is important that compensatory measures within the impact site should be considered first, and that secondly the measures should look to find the same feature in another MPA close to the impact site and not in a different region or sea area. D&S IFCA does not consider that further MPAs should be designated to increase the MPA network due to the damage caused by the OFW to the existing network. Further designations would, no doubt, impact other legitimate users of the sea.

**Question 14. Is the hierarchy of compensatory measures, including the type of environmental compensation to be considered at each stage, clear?**

- Yes
- The table of hierarchy and explanation is clear enough. However, D&S IFCA does not agree that further MPAs should be designated to compensate for the damage done by OFW developments, as previously outlined. D&S IFCA considers the use of existing MPAs to find habitats that could be compensatory to the impact feature. However, in these considerations compensatory measures should not further impact the fishing industry, where at all possible and after all other considerations have been exhausted.
- D&S IFCA would like to understand more about Tier 3. Whilst the examples shown relates to *Sabellaria spinulosa* and the potential compensation could be a water quality improvement programme or habitat restoration, there is real concern here that the impacted habitat is not being compensated for (or reasonably compensated for) and many of the projects, especially relating to restoration work, do not always work or compensate sufficiently. If a Tier 3 compensatory measure is being considered there needs to be documented and peer reviewed evidence that the compensatory measures has worked with reference to UK examples and reports that shows the ecological benefits of these measures. D&S IFCA has raised concerns in the past that some seemingly inappropriate compensatory measures were under consideration for the impact of the removal of acoustic deterrent devices on the water intakes at Hinkley Point C Nuclear Power Station, on the designated features of the Severn Estuary SAC. In this example, to compensate for the potentially damage to many fish species, their assemblages and populations, EDF considered kelp forest restoration elsewhere. This

was rebutted by D&S IFCA as this was not a similar designated feature, nor reasonably proportionate nor have a greater ecological benefit to the UK MPA network.

• **Question 15. Do you support the proposal that, where a reasoned case can be made that there will be a greater ecological benefit to the UK MPA network, it is possible to move wider compensatory measures (tier 2 or 3), where there may be measures available that directly benefit the impacted feature (tier 1)?**

• No D&S IFCA does not support this proposal. Such a proposal should only be considered in certain cases and under due scrutiny and not as a normal course of action.

• Measures that directly benefit the impacted feature Tier 1 must be considered in its isolation first rather than moving on to Tier 2 and 3 in particular where Tier 1 compensatory measures may be more difficult. Only after all options under Tier 1 have been investigated can considerations under Tier 2 or thereafter Tier 3 be considered. D&S IFCA would like to understand what regulatory checks will be undertaken to ensure this is the process and that any considerations outside Tier 1 do actually have greater ecological benefit to the existing UK MPA network.

• In paragraph 99 of the consultation document there appears to be a suggestion that further MPAs may be designated as a Tier 3 compensatory measure. However, this is not explicit in the document, and this needs to be much more clearly stated. D&S IFCA would oppose the designation of more MPAs to offset the damage done by windfarm developments.

**Question 16. Do you agree that wider compensatory measures must be approved by the relevant lead Departmental Ministers, noting that Ministers will need to show they have considered the advice of SNCBs prior to their approval?**

• Yes

• This is the correct process in D&S IFCA's opinion as there needs to be total transparency in the decision making and it should be undertaken at the highest level. D&S IFCA would expect there to be public consultation, through the MMO Marine Licencing System, so that statutory agencies and other stakeholders have the opportunity to comment and respond to the proposed OFW development and compensatory measures being considered. D&S IFCA appreciates that the Departmental Ministers would need to consider SNCBs' advice, but they also should consider responses made, in particular from the fishing industry, to have a full and balanced view of the impacts of the developments.

**Question 17. Do you agree with our proposed approach for selecting and assessing wider compensatory measures based on the best available scientific evidence?**

• Yes

• D&S IFCA believes that wider compensatory measures should only be used as a last resort, and this has been detailed in answers above. If the move is to Tier 3 on the hierarchy then the best available evidence must be used. This should look at compensatory habitats close to the development – not compensatory for a development many miles (or regions/ sea areas) away from the development. The best scientific evidence should include the information on the extent and condition of qualifying habitats, and if different habitats are to act as compensatory habitats, there has to be demonstrable evidence that the measures put in place will work, and that they will bring ecological benefits. The evidence should include scientific work and peer reviewed research and not an easy win solution for the developers. The example given above where restoration of kelp forest to compensate for hundreds of tonnes of fish being removed by the intakes at Hinkley C would not be justifiable as the ecological benefits are not equivalent to the features of the Severn Estuary being removed and would not have been located close to the fish spawning and breeding habitats of the Severn Estuary. Wider compensatory measures must be justifiable in so much that they will mitigate, and at

the very least, compensate the loss of habitats or species damaged by the development. The developer should be required to undertake research to demonstrate the benefits of compensatory measures.

- D&S IFCA agrees that potentially a high compensatory rate may be required but as mentioned earlier this should avoid impacting the fishing industry. Enhanced monitoring of the effectiveness is key and should be part of any consent to undertake the development.

**Question 18. Do you agree that our proposed environmental safeguards for wider compensatory measures are suitable?**

- D&S IFCA is uncertain about whether the proposed environmental safeguards for wider compensatory measures are suitable. Removing the requirement that compensatory measures protect the overall coherence of the MPA network suggests that developer may propose Tier 3 measures without fully considering the mitigation hierarchy of avoid, reduce, mitigate and the compensatory hierarchy Tiers 1 and 2. Strict coherence with the hierarchies in place is essential and must be monitored by the licencing authority.

**Question 19. Do you agree with the proposal that, in England, wider compensatory measures would not be suitable for impacts to locations with Marine Irreplaceable Habitats or features?**

- Yes
- Natural England's report on Defining Marine Irreplaceable Habitats clearly justifies those habitat that would be deemed irreplaceable and wider compensatory measures would unlikely be of greater benefit than those being damaged/destroyed by the development.

**Question 20. Do you agree that our proposal for guidance adequately clarifies adaptive management requirements, including for measures delivered through the MRF?**

- D&S IFCA is not clear on all the process outlined in the adaptive management requirements relating to those delivered by the MRF. The existing adaptive management protocol seems clear and is a thorough way of monitoring the success of compensatory measures for project led compensation. The onus is clearly on the developer to undertake the monitoring and adaptive management where required. The proposed process for MRF measures appears to put the onus on the MRFO (Defra in England) to undertake monitoring, review reports, identify problems and undertake adaptive management. Paragraph 165 states:

*We propose that the adaptive management process will apply in largely the same way for measures delivered through the MRF, except where responsibility for certain steps in the process would shift from the developer to the MRFO (with the relevant technical advice). Adaptive management will still be applicable to all compensatory measures, including wider compensatory measures.*

- D&S IFCA would like to see where the responsibility for certain steps would shift from the developer to the MRFO. More clarity on this would be welcomed. Also, D&S IFCA would appreciate greater clarify in the document on whether the cost of the work undertaken by the MRFO on the adaptive management for MRF measures will be funded by the MRF or out of the public purse. The latter would not be appropriate.

**Question 21. Do you agree with our proposal that there should be a public register that documents OFW environmental compensation?**

- Yes.
- D&S IFCA would welcome the development of a public register that details OFW environmental compensation as this will provide transparency. D&S IFCA would like to be assured that any OWF development will still require public consultation through the MMO Marine Licencing System so that stakeholders and statutory consultees can respond.
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**Question 22. Where could this register be hosted and who could be responsible for the register, including on-going updating and management?**

- This could be funded by MRF and managed by the MRFO.

**Question 23. Do you agree that our proposals for guidance provide clarity in how to assess whether environmental compensation can be considered additional?**

- Yes

**Question 24. Do you agree with our proposals for guidance to provide clarity that, in certain circumstances, environmental compensation can be in place and operational after the impact to the site has occurred?**

- D&S IFCA believes, as stated in the consultation document, that this should be on a case-by-case basis and not a general principle used by developers to progress the OFW development more quickly. This should be used as a last resort. Whilst D&S IFCA appreciates that under Government Policy and the Clean Energy 2030 Action Plan there is a drive to have OFW providing Clean Power by 2030, this should not result in developers undertaking compensation measures after the impact has occurred, in the majority of cases. There should be clear rationale for this delayed timing in compensation, and this should be published and available for scrutiny.

**Question 25. Do you agree that our proposals for guidance provide clarity on when mitigation or compensation might be required for small levels of impact to a protected site?**

- Yes

**Question 26. Do you agree that the approach described in this consultation will help to provide greater environmental compensation opportunities for OFW whilst protecting the marine environment?**

- This is a difficult question to answer simply.
- The approach described may produce greater opportunities for OFW developments to be placed in more locations and potentially in MPAs. It will provide them with more compensatory choices, but D&S IFCA does not believe it will provide greater environmental and ecological benefits nor protect the marine environment. D&S IFCA would raise the point that OFW developments along with aggregate dredging, cable laying and similar national developments and activities ('hard constraints') have determined the site selection for the MPA network, and in more recent years the selection of Highly Protected Marine Areas (HPMA), where the HPMA selection process avoided any areas where these activities took place. Even though these industries have determined site selection for the MPA network, some of these activities continue to damage the features of the sites (e.g. aggregate dredging in the Severn Estuary SAC), and with OFW developments further damage to designated features will occur.

- Fishing is a national activity and yet it does not seem to have the same gravitas as the other activities mentioned above and is not appreciated or thoroughly considered when determining MPA selection and compensatory measures for these developments. It is considered a 'soft constraint' and can move elsewhere. This is not always the case, and the fishing industry suffers because of this. D&S IFCA is concerned that with greater environment compensation there will further displacement and decline in England's fisheries. Any development should assess not only the environmental impact but also the impact on the existing legitimate users of the marine space and compensate for any disruption.
- D&S IFCA reiterates its comments made above that it is concerned that SNCBs have over the past 20+ years identified areas of suitable habitat that are worthy of protection through the designation of MPAs (SAC, SPA, MCZ) and provide a range of ecosystem services but with the push for OFW developments, some of these sites will be damaged. D&S IFCA does not agree that all compensatory measures (especially Tier 2 and Tier 3) will provide the same ecosystem services and increased ecological benefits. D&S IFCA believes that natural habitats will always surpass man-made/created compensatory habitats.
- D&S IFCA would also add that protecting the environment does not come from designating MPAs nor features within MPAs – it comes from having an effective, efficient and up to date monitoring of compliance and enforcement. D&S IFCA has described above that MPAs are only protected if the level of monitoring of compliance and enforcement is high enough to stop damaging activities and the enforcement actions are undertaken. Remote Electronic Monitoring (cameras and gear sensors) on board fishing vessels would be the best solution to prevent damage to features in MPAs and afford real protection.

End.