Draft Regulations laid before Parliament under sections 294(2) and 331(3) of the Energy Act 2023 (c. 52), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2026 No. ****

ENERGY

MARINE ENVIRONMENT

The Conservation of Habitats and Species (Offshore Wind) (Amendment etc.) Regulations 2026

Made - - - -	***
Coming into force - -	*21st May 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 293(1)(b), (2), (4)(h) and (i), (5)(a), (7) and (10) to (13) and 331(2) of the Energy Act 2023(**a**).

In accordance with sections 294(2) and 331(3) of that Act, a draft of these Regulations was laid before and approved by a resolution of each House of Parliament.

Before making these Regulations, the Secretary of State has consulted the persons listed in section 294(1) of that Act.

PART 1

Introductory

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Conservation of Habitats and Species (Offshore Wind) (Amendment etc.) Regulations 2026 and come into force on 21st May 2026.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

(**a**) 2023 c. 52.

PART 2

Amendment of the Conservation of Habitats and Species Regulations 2017

Amendment of the Conservation of Habitats and Species Regulations 2017

2. The Conservation of Habitats and Species Regulations 2017(**a**) are amended in accordance with this Part.

Amendment to regulation 3 (interpretation)

3. In regulation 3(1), in the definition of "appropriate authority", before "69(1)(b)" insert "68ZA(14),".

Amendment to regulation 9 (duties relating to compliance with the Directives)

4. Before regulation 9(3A) insert—

"(3ZB) The duties in paragraphs (1) and (3) do not apply to functions under regulation 68ZA (compensatory measures: relevant offshore wind plans or projects).".

Amendment to regulation 61 (interpretation of Part 6)

5. In regulation 61(1), at the appropriate place insert—

""relevant offshore wind plan or project" means a relevant offshore wind activity(**b**) in relation to which the Secretary of State is the appropriate authority for the purposes of making regulations under section 293(1)(b) of the Energy Act 2023(**c**);".

Amendment to regulation 68 (compensatory measures)

6. At the end of regulation 68 insert—

"(3) This regulation does not apply in respect of a relevant offshore wind plan or project.".

Insertion of regulation 68ZA (compensatory measures: relevant offshore wind plans or projects)

7. After regulation 68 insert—

"Compensatory measures: relevant offshore wind plans or projects

68ZA.—(1) Paragraph (2) applies where—

(a) in accordance with regulation 64—

(i) a relevant offshore wind plan or project is agreed to, notwithstanding a negative assessment of the implications for a European site or a European offshore marine site, or

(**a**) S.I. 2017/1012. Relevant amendments were made by S.I. 2019/579, S.I. 2025/1192, by section 169 of, and paragraph 15 of Schedule 15 to, the Levelling-up and Regeneration Act 2023 (c. 55) and by section 96 of, and paragraphs 2, 10, 38 and 48 of Schedule 5 to, the Planning and Infrastructure Act 2025 (c. 34).

(**b**) See section 290 of the Energy Act 2023 for the meaning of "relevant offshore wind activity".

(**c**) See section 293(2), (3) and (13) of the Energy Act 2023 as to the relevant offshore wind activities in relation to which the Secretary of State is the appropriate authority for regulation-making purposes, which are those relevant offshore wind activities in relation to which the Scottish Ministers, the Welsh Ministers or DAERA are not the appropriate authority.

(ii) a decision, or a consent, permission or other authorisation, which relates to a relevant offshore wind plan or project, is affirmed on review, notwithstanding such an assessment, or

(b) in accordance with regulation 64—

(i) a relevant offshore wind plan or project in England is agreed to, notwithstanding a negative assessment of the implications for a Ramsar site, or

(ii) a decision, or a consent, permission or other authorisation, is affirmed on review, notwithstanding such an assessment.

(2) Where this paragraph applies, the appropriate authority (within the meaning of regulation 3(1)) must secure that appropriate compensatory measures are taken.

(3) Compensatory measures are appropriate if they comply with paragraphs (4) to (6).

(4) Compensatory measures must benefit the UK MPA network in a manner which is reasonably proportionate to the adverse effects, or predicted adverse effects, of the relevant offshore wind plan or project on the integrity of the European site, European offshore marine site or Ramsar site.

(5) Compensatory measures must be selected in accordance with the compensation hierarchy.

(6) Wider compensatory measures must be approved—

(a) by the Secretary of State, or

(b) by the Welsh Ministers, to the extent that the wider compensatory measures may be secured by the Welsh Ministers, or by a person exercising functions of the Welsh Ministers, in the exercise under paragraph (2) of their function as an appropriate authority (within the meaning of regulation 3(1)).

(7) The Secretary of State must publish—

(a) guidance about the exercise of the function under paragraph (2), and

(b) the compensation hierarchy.

(8) Guidance published under paragraph (7)(a) must, in particular, set out how decisions are to be made under paragraph (4) on whether compensatory measures benefit the UK MPA network in a manner which is reasonably proportionate to the adverse effects, or predicted adverse effects, of the relevant offshore wind plan or project on the integrity of the European site, European offshore marine site or Ramsar site.

(9) The appropriate authority (within the meaning of regulation 3(1)) must have regard to guidance published by the Secretary of State under paragraph (7)(a) when exercising the function under paragraph (2).

(10) The Secretary of State must consult the Welsh Ministers, the Scottish Ministers and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland on—

(a) any proposed revisions to guidance published under paragraph (7)(a), and

(b) any proposed revisions to the compensation hierarchy.

(11) The Welsh Ministers may decide to exercise the functions under paragraph (7) of publishing guidance and the compensation hierarchy in respect of the exercise under paragraph (2) of their function as an appropriate authority (within the meaning of regulation 3(1)).

(12) Where the Welsh Ministers decide to exercise the functions under paragraph (7) as described in paragraph (11), this regulation, in its application to the exercise by the Welsh Ministers of those functions, is to be read with the following modifications—

(a) the references to the Secretary of State in paragraphs (7), (9) and (10), and in the definition of "compensation hierarchy" in paragraph (13), are to be read as references to the Welsh Ministers;

(b) the references to a Ramsar site in paragraph (8) and in paragraph (b) of the definition of "compensation hierarchy" are to be read as omitted;

(c) the reference to the Welsh Ministers in paragraph (10) is to be read as a reference to the Secretary of State.

(13) In this regulation—

"compensation hierarchy" means the hierarchy published by the Secretary of State under paragraph (7)(b), setting out—

(a) categories of compensatory measures by reference to the manner in which they would benefit the UK MPA network,

(b) the order of priority in which compensatory measures falling within those categories are generally to be selected, which must, subject to the circumstances set out in accordance with paragraph (c), prioritise the selection of measures which benefit the features of the European site, European offshore marine site or Ramsar site which are, or which may be, adversely affected by the relevant offshore wind plan or project, and

(c) circumstances in which it may be appropriate to select compensatory measures otherwise than in accordance with the order of priority referred to in paragraph (b), which may include circumstances in which those measures offer a greater ecological benefit to the UK MPA network than measures which are higher in that order of priority;

"protected site" means—

(a) a site within the national site network, all or part of which is in the UK marine area;

(b) a protected marine area(**a**);

(c) a Ramsar site, all or part of which is in the UK marine area; or

(d) an area notified as a site of special scientific interest under section 28(1) of the Wildlife and Countryside Act 1981(**b**) or section 3(1) of the Nature Conservation (Scotland) Act 2004(**c**), all or part of which is in the UK marine area;

"UK marine area" has the same meaning as in section 42 of the Marine and Coastal Access Act 2009;

"UK MPA network" means the network of protected sites;

"wider compensatory measures" means compensatory measures which benefit the UK MPA network otherwise than by benefitting the features of the European site, European offshore marine site or Ramsar site which are, or which may be, adversely affected by the relevant offshore wind plan or project.

(14) Where this regulation applies in relation to a provision specified in regulation 69(2) or (4) (modifications of regulations 63 to 68 in certain cases), the references in paragraphs

(**a**) See sections 291(6) and 295(1) of the Energy Act 2023 for the meaning of "protected marine area".

(**b**) 1981 c. 69. Section 28 was substituted by section 75(1) of, and paragraph 1 of Schedule 9 to, the Countryside and Rights of Way Act 2000 (c. 37). Section 28(1) was amended by section 105(1) of, and paragraph 79 of Schedule 11 to, the Natural Environment and Rural Communities Act 2006 (c. 16) and sections 148 and 324(2)(b)(ii) of, and paragraph 2(2) of Schedule 13 to, the Marine and Coastal Access Act 2009 (c. 23).

(**c**) 2004 asp 6.

(2) and (9) to the appropriate authority (within the meaning of regulation 3(1)) are to be read as references to the Secretary of State.".

Amendment to regulation 110 (national policy statements)

8.—(1) Regulation 110 is amended as follows.

(2) Omit the "and" after paragraph (3)(a).

(3) After paragraph (3)(b) insert "; and—

(c) where by virtue of paragraph (1) regulation 109 applies in relation to a national policy statement which consists of or includes a relevant offshore wind plan or project—

(i) regulation 109 does not apply in relation to the national policy statement to the extent that the negative assessment of the implications for a European site, European offshore marine site or Ramsar site results from the relevant offshore wind plan or project which forms part of the national policy statement,

(ii) the Secretary of State must secure that appropriate compensatory measures are taken in respect of the adverse effects, or predicted adverse effects, of the relevant offshore wind plan or project on the integrity of the European site, European offshore marine site or Ramsar site, and

(iii) compensatory measures are appropriate for the purposes of paragraph (ii) if they would be appropriate compensatory measures for the purposes of regulation 68ZA (compensatory measures: relevant offshore wind plans or projects).".

Amendment to regulation 112 (marine policy statement)

9.—(1) Regulation 112 is amended as follows.

(2) Omit the "and" after paragraph (3)(b).

(3) After paragraph (3)(c) insert "; and

(d) where by virtue of paragraph (1) regulation 109 applies in relation to a marine policy statement which includes a relevant offshore wind plan or project—

(i) regulation 109 does not apply in relation to the marine policy statement to the extent that the negative assessment of the implications for a European site, European offshore marine site or Ramsar site results from the relevant offshore wind plan or project which forms part of the marine policy statement,

(ii) the Secretary of State must secure that appropriate compensatory measures are taken in respect of the adverse effects, or predicted adverse effects, of the relevant offshore wind plan or project on the integrity of the European site, European offshore marine site or Ramsar site, and

(iii) compensatory measures are appropriate for the purposes of paragraph (ii) they would be appropriate compensatory measures for the purposes of regulation 68ZA.".

Amendment to regulation 113 (marine plan)

10. For regulation 113(3) substitute—

"(3) Where Chapter 8 applies by virtue of paragraph (1)—

(a) regulations 105(5), 107(3) to (6) and 108 do not apply;

(b) where by virtue of paragraph (1) regulation 109 applies in relation to a marine plan which includes a relevant offshore wind plan or project—

(i) regulation 109 does not apply in relation to the marine plan to the extent that the negative assessment of the implications for a European site, European offshore marine site or Ramsar site results from the relevant offshore wind plan or project which forms part of the marine plan,

(ii) the Secretary of State must secure that appropriate compensatory measures are taken in respect of the adverse effects, or predicted adverse effects, of the relevant offshore wind plan or project on the integrity of the European site, European offshore marine site or Ramsar site, and

(iii) compensatory measures are appropriate for the purposes of paragraph (ii) if they would be appropriate compensatory measures for the purposes of regulation 68ZA.".

Amendment to regulation 142 (review: England)

11. At the end of regulation 142 insert—

"(7) The duty in paragraph (1) does not apply to regulation 68ZA (compensatory measures: relevant offshore wind plans or projects).".

PART 3

Amendment of the Conservation of Offshore Marine Habitats and Species Regulations 2017

Amendment of the Conservation of Offshore Marine Habitats and Species Regulations 2017

12. The Conservation of Offshore Marine Habitats and Species Regulations 2017(**a**) are amended in accordance with this Part.

Amendment to regulation 2 (interpretation)

13. In regulation 2(1), at the appropriate place insert—

""relevant offshore wind plan or project" means a relevant offshore wind activity in relation to which the Secretary of State is the appropriate authority for the purposes of making regulations under section 293(1)(b) of the Energy Act 2023;".

Amendment to regulation 6 (duty of competent authorities)

14. After regulation 6(2) insert—

"(2A) The duty in paragraph (1) does not apply to functions under regulation 36A (compensatory measures: relevant offshore wind plans or projects).".

(**a**) S.I. 2017/1013. Relevant amendments were made by S.I. 2019/42 and 2019/579.

Amendment to regulation 36 (compensatory measures)

15. After regulation 36(2) insert—

"(2A) This regulation does not apply in respect of a relevant offshore wind plan or project.".

Insertion of regulation 36A (compensatory measures: relevant offshore wind plans or projects)

16. After regulation 36 insert—

"Compensatory measures: relevant offshore wind plans or projects

36A.—(1) Paragraph (2) applies where, notwithstanding a negative assessment of the implications for a European offshore marine site or a European site—

(a) a relevant offshore wind plan or project is agreed to in accordance with regulation 29, or

(b) a decision, or a consent, permission or other authorisation, which relates to a relevant offshore wind plan or project, is affirmed on review in accordance with regulations 29 and 34(3).

(2) Where this paragraph applies, the appropriate authority (within the meaning of regulation 36(3)) must secure that appropriate compensatory measures are taken.

(3) Compensatory measures are appropriate if they comply with paragraphs (4) to (6).

(4) Compensatory measures must benefit the UK MPA network in a manner which is reasonably proportionate to the adverse effects, or predicted adverse effects, of the relevant offshore wind plan or project on the integrity of the European offshore marine site or European site.

(5) Compensatory measures must be selected in accordance with the compensation hierarchy.

(6) Wider compensatory measures must be approved—

(a) if the measures are in respect of a relevant offshore wind plan or project in relation to which the competent authority is a Welsh public authority(**a**), by the Welsh Ministers;

(b) if the measures are in respect of a relevant offshore wind plan or project in relation to which the competent authority is a Scottish public authority(**b**), by the Scottish Ministers;

(c) in any other case, by the Secretary of State.

(7) The relevant authority must publish—

(a) guidance about the exercise of the function under paragraph (2), and

(b) the compensation hierarchy.

(8) Guidance published under paragraph (7)(a) must, in particular, set out how decisions are to be made under paragraph (4) on whether compensatory measures benefit the UK MPA network in a manner which is reasonably proportionate to the adverse effects, or predicted adverse effects, of the relevant offshore wind plan or project on the integrity of the European offshore marine site or European site.

(**a**) See section 295(3)(b) of the Energy Act 2023 for the meaning of "Welsh public authority".
(**b**) See section 295(3)(a) of the Energy Act 2023 for the meaning of "Scottish public authority".

(9) The appropriate authority (within the meaning of regulation 36(3)) must have regard to guidance published under paragraph (7)(a) by the relevant authority when exercising the function under paragraph (2).

(10) A relevant authority must consult each of the other consultees on—

(a) any proposed revisions to guidance published by that authority under paragraph (7)(a), and

(b) any proposed revisions to the compensation hierarchy published by that authority.

(11) In this regulation—

"compensation hierarchy" means the hierarchy published by the relevant authority under paragraph (7)(b), setting out—

(a) categories of compensatory measures by reference to the manner in which they would benefit the UK MPA network,

(b) the order of priority in which compensatory measures falling within those categories are generally to be selected, which must, subject to the circumstances set out in accordance with paragraph (c), prioritise the selection of measures which benefit the features of the European offshore marine site or European site which are, or which may be, adversely affected by the relevant offshore wind plan or project, and

(c) circumstances in which it may be appropriate to select compensatory measures otherwise than in accordance with the order of priority referred to in paragraph (b), which may include circumstances in which those measures offer a greater ecological benefit to the UK MPA network than measures which are higher in that order of priority;

"consultees" means the Secretary of State, the Welsh Ministers, the Scottish Ministers and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;

"protected site" means—

(a) a site within the national site network, all or part of which is in the UK marine area;

(b) a protected marine area;

(c) a Ramsar site, all or part of which is in the UK marine area; or

(d) an area notified as a site of special scientific interest under section 28(1) of the Wildlife and Countryside Act 1981 or section 3(1) of the Nature Conservation (Scotland) Act 2004, all or part of which is in the UK marine area;

"Ramsar Convention" has the same meaning as in section 37A of the Wildlife and Countryside Act 1981(**a**);

"Ramsar site" means a site that has been designated under paragraph 1 of article 2 of the Ramsar Convention for inclusion in the list of wetlands of international importance referred to in that article;

"the relevant authority"—

(**a**) Section 37A was inserted by section 77 of the Countryside and Rights of Way Act 2000 and amended by section 105(1) of, and paragraph 36 of Schedule 11 to, the Natural Environment and Rural Communities Act 2006 (c. 16), S.I. 2013/755 (W. 90), paragraph 7 of Schedule 2 to the Planning (Wales) Act 2015 (anaw 4) and paragraph 22 of Schedule 9 to the Local Government and Elections (Wales) Act 2021 (asc 1).

(a) in relation to a relevant offshore wind plan or project in respect of which the Secretary of State is the appropriate authority (within the meaning of regulation 36(3)), is the Secretary of State;

(b) in relation to a relevant offshore wind plan or project in respect of which the Welsh Ministers are the appropriate authority (within the meaning of regulation 36(3)), is the Welsh Ministers, subject to paragraph (12);

(c) in relation to a relevant offshore wind plan or project in respect of which the Scottish Ministers are the appropriate authority (within the meaning of regulation 36(3)), is the Scottish Ministers;

"UK marine area" has the same meaning as in section 42 of the Marine and Coastal Access Act 2009;

"UK MPA network" means the network of protected sites;

"wider compensatory measures" means compensatory measures which benefit the UK MPA network otherwise than by benefitting the features of the European offshore marine site or European site which are, or which may be, adversely affected by the relevant offshore wind plan or project.

(12) The Welsh Ministers may decide not to exercise the functions of publishing guidance and the compensation hierarchy under paragraph (7), in which case the relevant authority in relation to a relevant offshore wind plan or project in respect of which the Welsh Ministers are the appropriate authority (within the meaning of regulation 36(3)) is the Secretary of State.".

Amendment to regulation 37 (notification of compensatory measures)

17. In regulation 37(1), after "regulation 36(2)" insert "or 36A(2)".

Amendment to regulation 82 (review)

18. At the end of regulation 82 insert—

"(6) The duty in paragraph (1) does not apply to regulation 36A (compensatory measures: relevant offshore wind plans or projects).".

PART 4

Review

Review: Secretary of State

19.—(1) The Secretary of State must—

(a) from time to time carry out a review of—

(i) the regulatory provision contained in these Regulations, and

(ii) guidance published by the Secretary of State in connection with such regulatory provision, and

(b) publish a report setting out the conclusions of the review.

(2) The first report must be published before 30th April 2031.

(3) Subsequent reports must be published at intervals not exceeding 5 years.

(4) When carrying out a review under paragraph (1), the Secretary of State must consider in particular—

(a) the impact of the regulatory provision contained in these Regulations on the environment, and on the relevant offshore wind activity to which that regulatory provision applies, and

(b) the impact of the guidance referred to in paragraph (1)(a)(ii) on the environment and on the relevant offshore wind activity to which the guidance applies.

(5) The Secretary of State must publish guidance about the review to be carried out under paragraph (1).

(6) The guidance published under paragraph (5) must, in particular, set out the objectives intended to be achieved by the regulatory provision contained in these Regulations.

(7) Section 30(4) of the Small Business, Enterprise and Employment Act 2015(**a**) requires that a report published under this regulation in respect of the regulatory provision contained in these Regulations must, in particular—

(a) set out the objectives intended to be achieved by the regulatory provision contained in these Regulations,

(b) assess the extent to which those objectives are achieved,

(c) assess whether those objectives remain appropriate, and

(d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(8) In this regulation, "regulatory provision" has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

Review: Scottish Ministers

20.—(1) The Scottish Ministers must—

(a) from time to time carry out a review of the guidance and compensation hierarchy published by the Scottish Ministers under regulation 36A(7) of the Conservation of Offshore Marine Habitats and Species Regulations 2017, and

(b) publish a report setting out the conclusions of the review.

(2) The first report must be published before 30th April 2031.

(3) Subsequent reports must be published at intervals not exceeding 5 years.

(4) When carrying out a review under paragraph (1), the Scottish Ministers must consider in particular the impact of the guidance and the compensation hierarchy on the environment, and on the relevant offshore wind activity to which that guidance and hierarchy apply.

(5) The Scottish Ministers must publish guidance about the review to be carried out under paragraph (1).

Review: Welsh Ministers

21.—(1) This regulation applies where the Welsh Ministers publish guidance and a compensation hierarchy under paragraph (7) of regulation 68ZA of the Conservation of Habitats and Species Regulations 2017, read with paragraph (11) of that regulation, or under regulation 36A(7) of the Conservation of Offshore Marine Habitats and Species Regulations 2017.

(2) Where this regulation applies, the Welsh Ministers must—

(**a**) 2015 c. 26.

(a) from time to time carry out a review of that guidance and compensation hierarchy, and

(b) publish a report setting out the conclusions of the review.

(3) The first report must be published before the end of the period of 5 years beginning with the date on which the guidance and compensation hierarchy are first published.

(4) Subsequent reports must be published at intervals not exceeding 5 years.

(5) When carrying out a review under paragraph (2), the Welsh Ministers must consider in particular the impact of the guidance and the compensation hierarchy on the environment, and on the relevant offshore wind activity to which that guidance and hierarchy apply.

(6) The Welsh Ministers must publish guidance about any review which is to be carried out under paragraph (2).

Name
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 293 of the Energy Act 2023 (c. 52) which enables regulations to make provision about the taking or securing of measures in compensation for adverse environmental effects of offshore wind activities ("compensatory measures"). Such measures must be secured where offshore wind activity is agreed to, notwithstanding a negative assessment of the implications for certain marine sites, in accordance with regulation 68 of the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012) ("Inshore Regulations") and regulation 36 of the Conservation of Offshore Marine Habitats and Species Regulations 2017 (S.I. 2017/1013) ("Offshore Regulations").

These Regulations are made by the Secretary of State in relation to compensatory measures for offshore wind activities (as defined in section 290 of the Energy Act 2023) in relation to which the Secretary of State is the "appropriate authority" within the meaning of section 293(2) of that Act. These are, broadly, offshore wind activities taking place in the UK offshore waters, the English inshore region and certain activities in the Welsh and Northern Ireland inshore regions (referred to in the Regulations as "relevant offshore wind plans or projects").

These Regulations modify certain provisions of the Inshore and Offshore Regulations, by amending the text of those Regulations. The principal effect of the amendments is that:

- the duties in regulation 9(1) and (3) of the Inshore Regulations, and regulation 6(1) of the Offshore Regulations, to exercise functions so as to secure compliance with, or to have regard to the requirements of, Council Directive 92/43/EEC on the conservation of natural habitats and wild fauna and flora, and with Directive 2009/147/EC on the conservation of wild birds, do not apply to the function of securing that compensatory measures are taken in respect of relevant offshore wind plans or projects (regulations 4 and 14);

- the duties on the appropriate authority in regulation 68(1) of the Inshore Regulations and regulation 36 of the Offshore Regulations to secure that compensatory measures are taken to ensure the protection of the overall coherence of the national site network are disapplied in relation to relevant offshore wind plans or projects. The duty in regulation 68(2) of the Inshore Regulations in relation to Ramsar sites is similarly disapplied. These duties are replaced by a duty (in new regulation 68ZA of the Inshore Regulations and new regulation 36A of the Offshore Regulations) to secure that "appropriate" compensatory measures are taken. Appropriate compensatory measures are those which benefit the UK network of marine protected areas in a manner which is reasonably proportionate to the damage that the relevant offshore wind plan or project would cause (regulations 5 to 7 and 13, 15 and 16);
- appropriate compensatory measures must be selected in accordance with a compensation hierarchy published by the Secretary of State, the Welsh Ministers or, in relation to the Offshore Regulations, the Scottish Ministers (new regulation 68ZA(7) and (11) of the Inshore Regulations and new regulation 36A(7) of the Offshore Regulations confer duties and powers in this regard);
- if the measures are "wider compensatory measures" (measures which benefit the UK network of marine protected areas otherwise than by benefitting the features of site which are, or which may be, adversely affected by the relevant offshore wind plan or project), they must be approved by the Secretary of State, the Scottish Ministers or the Welsh Ministers, as appropriate;
- the person publishing the compensation hierarchy must also publish guidance about the exercise of the function of securing that appropriate compensatory measures are taken, and the person exercising that function must have regard to it when doing so.

Part 4 imposes obligations on the Secretary of State in relation to reviewing the Regulations, and on the Secretary of State, the Scottish Ministers and the Welsh Ministers in relation to reviewing the guidance and compensation hierarchy.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Department for Environment, Food and Rural Affairs, Seacole Building, 2 Marsham Street, London SW1P 4DF, and is published with an Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.

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