



Energy Act 2023

2023 CHAPTER 52

PART 13

OFFSHORE WIND ELECTRICITY GENERATION, OIL AND GAS

CHAPTER 1

OFFSHORE WIND ELECTRICITY GENERATION

291 Strategic compensation for adverse environmental effects

- (1) This section applies where a public authority is subject to one or more environmental compensation obligations in relation to relevant offshore wind activities.
- (2) “Environmental compensation obligation” means—
 - (a) a statutory duty (however expressed) to secure that measures are taken to compensate for adverse environmental effects of an activity, or
 - (b) a statutory condition (however expressed) requiring a public authority, before granting consent for the doing of an act by a person (“P”) in connection with an activity, to be satisfied that P will take or secure the taking of measures to compensate for adverse environmental effects of the act.
- (3) The public authority may determine that—
 - (a) measures taken or secured by the authority in the exercise of any of its functions, or
 - (b) measures to be taken or secured by the authority in the exercise of any of its functions,are to count towards discharging the environmental compensation obligation or obligations to which the authority is subject.
- (4) In this Chapter, “adverse environmental effect” means—
 - (a) anything that adversely affects the integrity of any site comprised in the national site network, or

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Section 291. (See end of Document for details)

- (b) anything that hinders the achievement of the conservation objectives stated for a protected marine area.
- (5) The measures referred to in subsection (3) may be measures taken at the site or sites of the activities to which the measures relate or elsewhere.
- (6) In this section—
- “act” includes omission;
 - “the national site network” has the same meaning as in the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012);
 - “protected marine area” means an area designated under—
 - (a) section 116 of the Marine and Coastal Access Act 2009 or section 13 of the Marine Act (Northern Ireland) 2013 (c. 10 (N.I.)) (marine conservation zones), or
 - (b) section 67(1)(a) of the Marine (Scotland) Act 2010 (asp 5) (marine protected areas);
 - “statutory”, in relation to a duty or condition, means imposed by or under primary legislation.
- (7) For the purposes of subsection (3), a public authority (“authority A”) may, with the consent of another public authority (“authority B”), treat measures taken or secured (or to be taken or secured) by authority B as taken or secured (or to be taken or secured) by authority A in the exercise of any of its functions.
- (8) In subsection (4)(b), the reference to the conservation objectives stated for a protected marine area is a reference to the conservation objectives stated for the area pursuant to (as the case may be) section 117(2)(b) of the Marine and Coastal Access Act 2009, section 14(2)(b) of the Marine Act (Northern Ireland) 2013 or section 68(3)(b) of the Marine (Scotland) Act 2010.

Commencement Information

II S. 291 in force at 26.12.2023, see s. 334(3)(j)

Changes to legislation:

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