

MONA OFFSHORE WIND PROJECT

Response to Bodorgan Marine Limited ExQ2 Submission

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Image of an offshore wind farm

MONA OFFSHORE WIND PROJECT

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Glossary

Term	Meaning
Applicant	Mona Offshore Wind Limited.
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for one or more Nationally Significant Infrastructure Project (NSIP).
Marine licence	The Marine and Coastal Access Act 2009 requires a marine licence to be obtained for licensable marine activities. Section 149A of the Planning Act 2008 allows an applicant for a DCO to apply for a 'deemed' marine licence as part of the DCO process. In addition, licensable activities within 12nm of the Welsh coast require a separate marine licence from Natural Resource Wales (NRW).
Mona Array Area	The area within which the wind turbines, foundations, inter-array cables, interconnector cables, offshore export cables and offshore substation platforms (OSPs) forming part of the Mona Offshore Wind Project will be located.
Mona Offshore Wind Project	The Mona Offshore Wind Project is comprised of both the generation assets, offshore and onshore transmission assets, and associated activities.
National Policy Statement (NPS)	The current national policy statements published by the Department for Energy Security & Net Zero in 2024.
Order Limits	The red line boundary for the Project as shown on the works plans and the land plans.
Proposed Development	Mona Offshore Wind Project

Acronyms

Acronym	Description
AfL	Agreement for Lease
CEFAS	Centre for Environment, Fisheries and Aquaculture Science
DCO	Development Consent Order
EIA	Environmental Impact Assessment
MMS	Mitigation and Monitoring Schedule
NPS	National Policy Statement
NRW	Natural Resources Wales
NSIP	Nationally Significant Infrastructure Project
OCLCP	Outline Fisheries Liaison and Co-existence Plan
OFW	Offshore Wind Farm
OWF	Offshore Wind Farm
OSP	Offshore Substation Platform
PA	Planning Act
PEIR	Preliminary Environmental Information Report

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Acronym	Description
RA	Resource Areas
AfL	Agreement for Lease
CEFAS	Centre for Environment, Fisheries and Aquaculture Science
SMZ	Scallop Mitigation Zone
THE	The Crown Estate
WFA	Welsh Fishermen's Association
WNMP	Welsh National Marine Plan

Units

Unit	Description
m	Metres
km ²	Kilometres squared

1 Response to Bodorgan Marine Limited ExQ2 Submission

1.1 Introduction

1.1.1.1 The Applicant has responded to Bodorgan Marine Ltd's response to ExQ2 below.

2 Response to Bodorgan Marine Limited ExQ2 Submission

Table 2.1: REP5-103 – Bodorgan Marine Ltd

Planning Inspectorate Ref. No.	Submission comment	Applicant's response
REP5-103.1	<p>A. Introduction</p> <p>1. This Deadline 5 submission contains the response of Bodorgan Marine Limited (“Bodorgan”) to EXQ2 (PD-018) question 2.5.6 which is set out below for ease of reference. This submission also sets out Bodorgan’s position in relation to:</p> <p>(1) EXQ2 question 2.5.1 which the ExA has asked the Applicant and the Welsh Government to answer; and</p> <p>(2) EXQ2 question 2.5.7 which the ExA has asked the Applicant to answer.</p>	<p>The Applicant acknowledges Bodorgan Marine Ltd’s response.</p>
REP5-103.2	<p>2. Bodorgan will provide further submissions on the Welsh Government and the Applicant’s responses to EXQ2 at Deadline 6, once it has reviewed those responses.</p>	
REP5-103.3	<p>3. EXQ2 question 2.5.6 is as follows: <i>“If you are not satisfied with the commercial fisheries measures being put forward by the Applicant and captured in Mitigation and Monitoring Schedule [REP4-013] can you indicate what mitigation and monitoring is required with a summary of reasons.”</i></p> <p>There is an obvious synergy between this question and questions 2.5.1 and 2.5.7 as alluded to above.</p>	
REP5-103.4	<p>4. These submissions adopt the abbreviations set out at EXQ2 pp1-3 unless expressly indicated. For example these submissions refer to “the Project” instead of “the Proposed Development”.</p>	
REP5-103.5	<p>B. Preliminary matter</p> <p>5. Bodorgan notes that in EXQ2 question 2.5.1 the ExA has asked the Applicant and the Welsh Ministers to advise whether the Project complies with Policy ECON_01 of the Welsh National Marine Plan (“WNMP”). However, the ExA has omitted to ask the Applicant or the Welsh Ministers to advise whether the Project complies with WNMP Policy ECON_02.</p>	<p>The Applicant recognises policy ECON_02: Co-existence of the 2019 Welsh National Marine Plan (WNMP), which states that proposals should explore opportunities for co-existence with other compatible sectors in order to optimise the value and use of the marine area and natural resources. The Applicant notes that compliance with ECON_02 was raised by Bodorgan Marine Ltd in their written submission (REP4-113), to which the Applicant has also responded and refers to Bodorgan Marine Ltd and the ExA for further details (paragraph REP4-113.6 of REP5-062).</p>

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		<p>The Applicant references paragraph 104 of ECON_02: Co-existence, which acknowledges that “<i>it is recognised projects may not be able to identify realistic co-existence opportunities</i>”. As detailed in paragraph REP4-113.6 of REP5-062, the Environmental Impact Assessment (EIA) conducted for the Mona Offshore Wind Project did not identify any existing aquaculture operations within the Mona Array Area or the Offshore Export Cable Corridor Order Limits (as illustrated in Figure 1.6 of Volume 5, Annex 5.1: Cumulative effects screening matrix (REP3-008)), and which could therefore, potentially, benefit from co-existence.</p> <p>As part of the EIA process, the Applicant also reviewed Resource Areas (RAs) identified by Welsh Government via studies undertaken to develop and inform the WNMP (Welsh Government, 2019). RAs are “broad areas that describe for some sectors the distribution of a particular resource that has the potential to be used or is used”. The Aquaculture RA extends around the majority of the Welsh coast but does not overlap with the Mona Array Area. The Aquaculture RA is further sub-divided into the following sub-areas: “Aquaculture Bivalve Refined RA”; “Potential Aquaculture Bottom Culture Blue Mussels”; and “Potential Aquaculture Rope Culture – Other Shellfish”. These areas also do not overlap with the Mona Array Area.</p> <p>Consequently, the Applicant’s focus for co-existence to date has been on existing commercial fishing activities that occur within the Mona Array Area, with particular attention to the scallop and static gear fishery.</p>
REP5-103.6	<p>6. In the context of s.104(2)(aa) PA 2008, the extent to which the Project complies with ECON_02 is a statutorily relevant consideration, and not just an “important and relevant consideration” within the meaning of s.104(2)(d) PA 2008. That said, an important part of the context for Policy ECON_02 is the Centre for Environment, Fisheries and Aquaculture Science’s <i>Review of the potential for co-existence of different sectors in the Welsh Marine Plan Area</i> (April 2020) (“the CEFAS Review”) (REP2-101). That document certainly is an important and relevant consideration; yet it has been omitted from consideration by the Applicant and merits further consideration as part of the examination process.</p>	<p>The Applicant acknowledges the response and directs Bodorgan Marine Ltd and the ExA to paragraph REP4-113.6 of REP5-062 and its response in row REP5-103.5 above, where the Applicant’s compliance with ECON_02 is discussed in detail.</p> <p>While the Applicant did not make specific reference to the Cefas report “<i>Welsh National Marine Plan: A review of the potential for co-existence of different sectors in the Welsh Marine Plan Area</i>” (Mengo et al., 2020) in the commercial fisheries assessment, this report is intrinsically linked to the Welsh National Marine Plan (WNMP). Relevant policies within the WNMP were identified within Volume 2, Chapter 6: Commercial fisheries (APP-058). The Outline Fisheries Liaison and Co-existence Plan (FLCP) (REP3-016) has also been developed with reference to the WNMP.</p>

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REP5-103.7	<p>7. Bodorgan therefore strongly encourages the ExA to seek written clarification from the Applicant and from the Welsh Ministers as to the extent to which the Project complies with ECON_02, which Bodorgan contends it plainly does not, as it has made clear in previous representations. See, for example, p.6 of Bodorgan’s Deadline 4 post-hearing submissions (REP4-113).</p>	<p>The Applicant is confident that it has fully complied with ECON_02 and directs Bodorgan Marine Ltd and the ExA to paragraph REP4-113.6 of REP5-062, as well as its responses in row REP5-103.5 and REP5-103.6 above, which provide detailed explanations supporting this compliance.</p> <p>To further emphasise the Applicant’s view that the measures proposed to enable continued commercial fishing activity can be defined as ‘co-existence’ (and thus, there is compliance with ECON_02), we note paragraph 401 from the WNMP which forms part of the supporting text for Policy FIS_01: Fisheries, which states the following:</p> <p><i>“Policy FIS_01 b therefore encourages the sector to work with relevant public authorities and other interested parties to identify important fishing grounds so that these can be taken into account in a strategic and systematic way that supports the coexistence of fishing [emphasis added] with other sectors”.</i></p> <p>This text clearly recognises that the continuation of fishing with other sectors is defined as co-existence, which aligns with the view of the Applicant.</p>
REP5-103.8	<p>C. Context</p> <p>8. Bodorgan is an Anglesey-based company operating in the mussel aquaculture industry. Together with its partners, Bodorgan has ambitions to co-locate an offshore mussel farm on part of the sea bed within the Order Limits for the Mona OWF, which would comprise an ideal environment for offshore bivalve aquaculture (though this has hitherto failed to be recognized by the Applicant). The potential for such an asset to be co-located within the Order Limits comprises a significant economic opportunity (which also has hitherto failed to be recognized by the Applicant) and accordingly the failure to do so would comprise a significant economic opportunity cost, i.e. loss.</p>	<p>The Applicant notes Bodorgan Marine Ltd's stated ambition “to co-locate a mussel farm on part of the seabed within the Order Limits for the Mona Offshore Wind Project”. However, the first time the Applicant has been made aware of such plans was through this Deadline 5 submission (REP5-103). The Applicant subsequently met with Bodorgan Marine Ltd on 19 December 2024 where further information about Bodorgan Marine Ltd’s intended proposal was presented.</p> <p>The Applicant challenges the assertion that they have failed to recognise the “significant economic opportunity” suggested by Bodorgan Marine Ltd. It is more accurate to state, as noted previously, that all efforts for co-existence have focussed on minimising any economic impacts on the long-established commercial fisheries interests that exist in the Mona Array Area.</p> <p>The Applicant refers to its response to REP5-103.5 above, which highlights that the Mona Array Area does not overlap with any RAs identified by Welsh Government as part of studies to inform the WNMP. Consequently, the Applicant’s focus for co-existence has been on existing commercial fishing activities that occur within the Mona Array Area, with particular attention to the scallop and static gear fishery.</p>

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REP5-103.9	<p>9. As set out below, these ambitions and in particular the opportunity to co-locate an offshore bivalve aquaculture asset within the Order Limits, are supported by:</p> <p>(1) NPS-EN1 Section 4.5 (in particular paras 4.5.2, 4.5.3, 4.5.4, 4.5.8, 4.5.11);</p> <p>(2) NPS-EN3 and in particular paras 2.8.46–2.8.48 and 2.8.250–2.4.8.251; and</p> <p>(3) WNMP policies ECON_01, ECON_02, FIS_01a and FIS_01b. Note that ECON_02 is highlighted in bold text because despite not having been subject to any questions in EXQ2, the issue of whether the Project complies with ECON_02 is a statutorily relevant consideration as set out above.</p>	<p>The Applicant acknowledges Bodorgan Marine Ltd's response.</p>
REP5-103.10	<p>10. The Applicant's failure to make any provision for (or, indeed to provide any – let alone any adequate – explanation as to why) offshore bivalve aquaculture as part of the Project is not just a substantive failure of mitigation (though it is that too); rather, it is a fundamental defect of the Project as a whole and means that:</p> <p>(1) in the context of s.104(3) PA 2008 the Project does not comply with EN-1 and EN-3; and</p> <p>(2) in any event (noting that WNMP is a document falling within s.104(2)(aa) rather than s.104(2)(a) PA 2008) in the context of s.104(7) PA 2008 the Project's adverse impacts (namely, the failure to make a policy-compliant level of provision for offshore bivalve aquaculture) outweigh its benefits such as they are.</p>	<p>The Applicant strongly rejects the assertion that the lack of provision for offshore bivalve aquaculture constitutes a fundamental defect in the Project. The Mona Offshore Wind Project application is for an offshore wind farm and there is no requirement under relevant policies, including National Policy Statements (NPSs) EN-1, EN-3, or the WNMP, that makes it compulsory for the Applicant to facilitate co-location with bivalve aquaculture or to proactively seek partners to do so. Such a requirement is entirely absent from policy frameworks and is a misinterpretation of the Applicant's obligations under the Planning Act 2008 (PA 2008).</p> <p>The Applicant further notes its response in row REP5-103.8 above, which highlights that Bodorgan Marine Ltd's ambitions to co-locate a mussel farm on part of the seabed within the Mona Offshore Wind Project's Order Limits were only disclosed to the Applicant through this recent representation. The Applicant cannot reasonably be expected to address ambitions that have not been previously communicated.</p>
REP5-103.11	<p>11. The failure to make any (let alone any adequate) provision for the co-location of offshore mussel farms in Welsh waters as part of the Project would be a missed opportunity of significant magnitude and should militate significantly against a grant of Development Consent, therefore.</p>	<p>The Applicant also refers to the response to REP5-103.5 above, which highlights that the Mona Array Area does not overlap with any Aquaculture RAs identified by Welsh Government as part of studies to inform the WNMP. Moreover, the suggestion that the alleged failure to make provision for offshore bivalve aquaculture outweighs the substantial benefits of the Project under s.104(7) of the PA 2008 is entirely unfounded. The Mona Offshore Wind Project will deliver significant renewable energy capacity, contribute to meeting net zero targets, support energy security and generate economic</p>

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		<p>benefits both locally and nationally. These benefits far outweigh the unsubstantiated claims of an economic opportunity cost related to bivalve aquaculture, particularly when such ambitions were not made known to the Applicant during the design or consultation stages.</p> <p>In summary, the Applicant believes these assertions lack basis in policy or evidence and do not detract from the Mona Offshore Wind Project's substantial benefits and compliance with relevant policy frameworks.</p>
<p>REP5-103.12</p>	<p>D. Policy Framework NPS EN-1</p> <p>12. EN-1 paras 4.5.1-4.5.12 indicate that decision-makers will have regard to marine planning documents (including, in Wales, the WNMP) and will “<i>determine if and how proposals meet the high-level marine objectives, plan vision, and all relevant policies</i>” (emphasis added). In this context albeit that marine plans are documents within s.104(2)(aa) PA 2008, rather than NPSs within s.104(2)(a), it is clear from EN-1 that the government expects compliance with marine planning documents save to the extent that they conflict with an NPS (EN-1 para. 4.5.12). Bodorgan’s submissions below with respect to ECON_01, ECON_02 and FIS_01 must be seen in this context.</p>	<p>The Applicant wishes to clarify the correct interpretation of policy in this context. Under section 104(3) of the PA 2008, NPSs are the primary policy framework for the determination of Nationally Significant Infrastructure Projects (NSIPs). The Mona Offshore Wind Project is subject to NPS EN-1, EN-3, and EN-5, and must be determined in accordance with these NPSs. Other policy, such as the WNMP, are matters to which the Secretary of State must have regard under section 104(2)(aa) of PA 2008.</p> <p>It is important to emphasise that policy must be read holistically and applied through a balancing exercise, as reflected in the wording of both the NPSs and section 104 of the PA 2008. The requirement to determine applications “<i>in accordance with</i>” NPSs does not imply that every individual paragraph or aspiration within the NPSs must be met. Instead, compliance is assessed on the overall policy balance.</p> <p>Bodorgan Marine Ltd’s assertion that the Project does not comply with NPS EN-1, EN-3 or the WNMP is without merit. The claims rely on selectively quoting paragraphs out of context and fail to consider the Mona Offshore Wind Project’s compliance with other relevant policies or the broader planning balance. For instance, NPS EN-1 and EN-3 emphasise the need to deliver significant renewable energy infrastructure, which the Mona Offshore Wind Project achieves, contributing to net zero goals and energy security. The Applicant also demonstrates compliance with policies relevant to co-existence and co-location through its commitments to facilitating co-existence and co-location with existing fisheries, particularly the scallop and static gear fishery. These efforts ensure that the Mona Offshore Wind Project seeks to balance its renewable energy objectives with the needs of local stakeholders.</p> <p>In summary, the Applicant has complied fully with NPS EN-1, EN-3, the WNMP and the requirements of PA 2008. The Project delivers substantial</p>

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		benefits in line with national policy priorities, and claims of non-compliance based on misinterpretations of aspirational policies should be dismissed.
REP5-103.13	13. It is notable that EN-1 itself (see para. 4.5.3) refers to the imperative to “maximise colocation possibilities”.	The Applicant notes that the policies in the NPSs and WNMP encouraging co-location and co-existence, such as the reference in EN-1 paragraph 4.5.3 to maximising co-location possibilities, are aspirational in nature. These policies are designed to promote opportunities where feasible but do not impose a requirement for co-location of bivalve aquaculture. Bodorgan Marine Ltd’s suggestion that such policies create a mandatory obligation (as implied above in paragraph REP5-103.12) is incorrect and inconsistent with the intent of these policy frameworks.
REP5-103.14	<p>NPS EN-3</p> <p>14. EN-3 para. 2.4.48 requires Applicants to “<i>work collaboratively with those other developers and sea users on co-existence/co-location opportunities, shared mitigation, compensation and monitoring where appropriate.</i>” (underlining added). Bodorgan has consistently pointed out that the Applicant has entirely failed in this respect. At no point (whether during the formative stage of the DCO application or thereafter) has the Applicant sought to work collaboratively with the aquaculture community to identify opportunities for co-existence/co-location within Order Limits. This policy has been breached, therefore.</p>	<p>For clarity, the Applicant notes that Bodorgan Marine Ltd are referring to NPS EN-3 paragraph 2.8.48 rather than paragraph 2.4.48 as stated in their comment.</p> <p>This is a prime example of Bodorgan Marine Ltd taking policy out of context. In their response, they have omitted the important statement from NPS EN-3 paragraph 2.8.48 that “<i>Work is ongoing between government and industry to support effective collaboration and to find solutions to facilitate greater co-existence/co-location</i>”. This omission disregards the broader intent of the policy, which acknowledges that achieving co-existence and co-location often requires ongoing efforts and solutions developed collaboratively between government, industry, and stakeholders.</p> <p>The Applicant further notes that Bodorgan Marine Ltd's stated ambition in REP5-103.12 “<i>to co-locate a mussel farm on part of the seabed within the Order Limits for the Mona Offshore Wind Project</i>” is the first time such plans have been brought to the Applicant’s attention. This underscores the fact that no prior opportunity for collaboration on this specific matter was made available by Bodorgan Marine Ltd during the pre-application phase or thereafter.</p> <p>As per the Applicant’s response to Bodorgan Marine Ltd’s previous written submission (paragraph REP4-113.4 of REP5-062), the Applicant has consulted with the Welsh Government Marine and Fisheries Division, the Welsh Fishermen’s Association (WFA) and individuals associated with the Menai Strait Fishing Order Management Association and Menai West Fishery Orders Applicants. The Applicant also notes that Bodorgan Marine Limited did</p>

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		not submit a response to the Mona Offshore Wind Project statutory consultation on the Preliminary Environmental Information Report (PEIR) in June 2023.
REP5-103.15	15. For the same reasons, EN-3 para. 2.8.250 has been breached.	The Applicant notes that compliance with NPS EN-3 paragraph 2.8.250 was raised by Bodorgan Marine Ltd in their previous written submissions at Deadline 4 (REP4-113), to which the Applicant has also responded and refers to Bodorgan Marine Ltd and the ExA for further details (paragraph REP4-113.5 of REP5-062).
REP5-103.16	16. As to EN-3 para. 2.8.251, it clearly would be possible to “enhance” the benefits (both in the medium but particularly in the long term) to the aquaculture industry in North Wales. The failure to do so would be a significant missed opportunity and contrary to policy. Steps must be taken, as set out below, to rectify this.	The Applicant notes that compliance with NPS EN-3 paragraph 2.8.251 was raised by Bodorgan Marine Ltd in their previous written submissions at Deadline 4 (REP4-113), to which the Applicant has also responded and refers to Bodorgan Marine Ltd and the ExA for further details (paragraph REP4-113.5 of REP5-062).
REP5-103.17	WNMP ECON_01 17. Policy ECON_01 places the concept of co-existence (and its subset, co-location) at the heart of the WNEP’s core goal of sustainable economic development. Marine resources are finite and it is necessary to maximise opportunities for co-existence and co-location. It follows that opportunities that are not taken to do so cannot be regarded as sustainable economic development and accordingly breach ECON_01.	The Applicant refers the Bodorgan Marine Ltd and the ExA to its response to Q2.5.1 of the Examining Authority’s Written Questions (ExQ2) (REP5-080), which provides a detailed account of the Mona Offshore Wind Project’s compliance with ECON_01: Sustainable Economic Growth.
REP5-103.18	18. It must be noted that WNMP para. 98 itself draws a distinction between “co-existence” and “co-location” albeit that the latter is a subset of the former. Bodorgan’s previous written representations have highlighted the distinction and have shown that the Applicant has failed to understand or apply it. It could not be clearer, however: <i>“Colocation is a subset of co-existence and is where multiple developments, activities or uses co-exist in the same place by sharing the same footprint or area.”</i>	<p>The Applicant notes that this query was raised by Bodorgan Marine Ltd in their Relevant Representation (RR-006) and Written Representation (REP1-062), to which the Applicant has responded and refers Bodorgan Marine Ltd and the ExA for further details (paragraph RR-006.1 of the Applicant’s Response to Relevant Representations (PDA-008) and paragraph REP1-062.2 and REP1-062.3 of the Applicant’s Response to Written Representations (REP2-078)).</p> <p>The Applicant fully understands the distinction between co-existence and co-location as outlined in the WNMP. The Applicant has made significant commitments in the design of the project that align with these definitions and allow for continued fishing activity within the Mona Array Area and Offshore Export Cable Corridor. These commitments are secured in the Outline FLCP</p>

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		<p>(REP3-016) with the requirement for the final FLCP (which must accord with the commitments in the Outline FLCP (REP3-016)) secured within Condition 18(1)(e)(v) of the deemed marine licence under Schedule 14 of the draft DCO (C1 F06) and expected to be secured within the standalone NRW marine licence).</p> <p>The Applicant references paragraph 104 of ECON_02: Co-existence of the WNMP, which acknowledges that “<i>it is recognised projects may not be able to identify realistic co-existence opportunities</i>”. As detailed in the Applicant’s response to Bodorgan Marine Ltd’s Deadline 4 submission (paragraph REP4-113.6 of REP5-062), the EIA conducted for the Mona Offshore Wind Project did not identify any aquaculture operations within the Mona Array Area or the Offshore Export Cable Corridor Order Limits (as illustrated in Figure 1.6 of Volume 5, Annex 5.1: Cumulative effects screening matrix (REP3-008)), and which could therefore benefit from co-existence. Consequently, the Applicant’s mitigation efforts related to co-existence have primarily focused on existing commercial fishing activities, with particular attention to the scallop and static gear fishery.</p>
REP5-103.19	<p>19. It is this “<i>sharing of the same footprint or area</i>” that is critical to the notion of colocation. Co-location is where two mutually compatible uses of marine resource take place in the same spatial footprint at the same time. Co-existence is where two mutually incompatible uses of marine resource take place in the same spatial footprint but at <i>different</i> times, so as to avoid the externalities of the mutual incompatibility.</p>	<p>The Applicant acknowledges Bodorgan Marine Ltd’s response.</p>
REP5-103.20	<p>20. For the avoidance of doubt, the Scallop Mitigation Zone is patently neither a form of co-existence nor co-location. Rather, it is the complete opposite. It is an area where the Applicant considers that co-existence is <i>impossible</i> and accordingly it proposes not to situate any turbines in that zone. It is an area, therefore, where albeit that the <i>status quo</i> will be preserved, no form of co-existence or co-location will exist. It is a division of a resource into two separate zones, each with its own use. There are of course good reasons for this: the scallop beds in this zone are significant economic goods in their own right, so turbines/cables cannot be situated on them. But it is wrong for the Applicant to point to the Scallop Mitigation Zone and claim that it meets the policy imperative for co-existence and co-</p>	<p>The Applicant strongly disagrees with the assertion that the Scallop Mitigation Zone (SMZ) is not a form of co-existence or co-location. The SMZ was developed through significant engagement with stakeholders to ensure that it effectively addressed their concerns and safeguarded their most important queen scallop fishing grounds within the Mona Array Area.</p> <p>The Applicant’s decision to incorporate the SMZ into the Mona Array Area was made alongside a series of changes to the array area aimed at avoiding, reducing, and mitigating impacts on receptors. These changes were informed by the PEIR and statutory consultation process, as detailed in Sections 4.11.1 to 4.11.3 of Volume 1, Chapter 4: Site Selection and Consideration of Alternatives (AS-016).</p>

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	<p>location. It does not: rather, it avoids the need to develop forms of co-existence and co-location <i>ab initio</i>.</p>	<p>The SMZ represents a practical and meaningful approach to co-existence. By preserving access to the most important scallop grounds, based on information provided by stakeholders, the Applicant has ensured that commercial fisheries can continue to operate, while enabling the development of Critical National Priority infrastructure in that same area. Co-existence does not require physical co-location of turbines and fishing activities within the same precise area as suggested by Bodorgan Marine Ltd; rather, it involves managing shared resources in a way that allows different activities to operate within the same marine space.</p> <p>The Applicant queries whether mussel aquaculture and scallop dredging can successfully co-locate in the same area. This consideration arises from the potential for interactions between scallop dredging activities and either seabed or suspended mollusc culture, which may lead to physical disturbances or operational challenges.</p> <p>For the avoidance of doubt, the Applicant does not accept the claim that the SMZ is "<i>the complete opposite</i>" of co-existence or co-location. Instead, the SMZ embodies a responsible and collaborative approach to marine spatial planning, providing a solution that balances competing interests and supports the shared use of marine resources.</p> <p>The Applicant therefore reiterates that the SMZ aligns with the policy objectives of co-existence and co-location by facilitating a shared use of the marine space while addressing stakeholder concerns effectively.</p>
<p>REP5-103.21</p>	<p>21. Bodorgan submits that it is proposing the <i>only</i> genuine form of co-location that is feasible and deliverable at an OFW. The bivalve aquaculture assets will share the same sub-surface marine resource, in space and time, as the OFW generating infrastructure. It is well-documented that offshore bivalve aquaculture is mutually compatible with OFW energy generation and transmission infrastructure. Many OFWs in northern European waters (Germany, Holland etc.) incorporate co-located bivalve aquaculture as standard. United Kingdom OFW is a notable, and regrettable, exception to the rule. This must change so that the marine resource can sustainably be used and shared.</p>	<p>The Applicant acknowledges Bodorgan Marine Ltd's proposal for co-located bivalve aquaculture but strongly disagrees with the assertion that it represents the "<i>only genuine form of co-location</i>".</p> <p>As outlined in REP5-103.20 above, the Applicant queries whether the presence of an existing commercial scallop fishery in an area may pose challenges to the feasibility of bivalve aquaculture in the same location. This consideration arises from the potential for negative interactions between scallop dredging activities and either seabed or suspended mollusc culture, which may lead to physical disturbances and operational challenges.</p> <p>With respect to the statement that "<i>many OWFs in northern European waters (Germany, Holland etc.) incorporate co-located bivalve aquaculture as standard</i>", the Applicant questions if any of these represent fully-developed</p>

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		<p>commercial-scale operations. The integration of bivalve aquaculture within OWFs in Northern European waters is an emerging concept, with several pilot projects and research initiatives underway. However, as of now, it is not standard practice. Several initiatives in countries like Germany and the Netherlands have investigated the feasibility of co-locating bivalve aquaculture with OWFs. Notable examples include:</p> <ul style="list-style-type: none"> • In Germany: <ul style="list-style-type: none"> – The FINO3 offshore research platform in the North Sea has been exploring circular low-trophic aquaculture systems, focusing on species such as mussels and seaweed. This initiative aims to assess the feasibility and environmental impact of co-locating aquaculture with wind energy production (FINO3, 2024). – Pilot projects have tested the cultivation of bivalve species such as blue mussels in offshore environments. Studies indicate that these species can grow successfully under exposed offshore conditions, suggesting potential for co-location with wind farms (Buck <i>et al.</i>, 2017). – The EU-funded OLAMUR project is investigating the farming of kelp and mussels at OWFs. 25 partners from European industry and research organisations are working together at three pilot sites in Europe: two of which are existing OWFs. • In the Netherlands: <ul style="list-style-type: none"> – Similarly, the Netherlands has seen initiatives like those by North Sea Farmers, a Dutch foundation working to develop seaweed cultivation systems within wind farms in the Dutch North Sea. Additionally, engineering firm OOS International is building a semi-submersible mussel farm for deployment around offshore wind sites (Waycott, 2023). – The UNITED project has introduced a pioneering pilot program aimed at revitalising oyster reefs and advancing aquaculture practices within offshore wind farms (The European MSP Platform, 2024). – The ULTFARMS project aims to integrate aquaculture activities within the Borssele offshore wind park and make use of renewable energy technological innovations. <p>Despite these developments, the co-location of bivalve aquaculture and offshore wind farms is not yet a widespread standard practice in Northern</p>

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		<p>Europe. The industry is still in the experimental and research phase, addressing technical, environmental, and regulatory challenges to determine the viability of such integrated systems.</p> <p>Furthermore, Bodorgan Marine Ltd's has to date, not appeared to have undertaken a detailed review of the complexities of local contexts, stakeholder priorities, and project-specific constraints. The Applicant's primary objective is the delivery of a renewable energy project that complies with relevant policy requirements while effectively addressing the concerns of existing users of the marine environment.</p> <p>The Applicant's commitment to co-existence is evident through the creation of the SMZ, a carefully designed measure developed in consultation with commercial fisheries stakeholders. This mitigation ensures the continued viability of scallop fishing within the Mona Array Area while maintaining the overall functionality of the Mona Offshore Wind Project.</p> <p>In light of the above, the Applicant maintains that the absence of bivalve aquaculture within the Project does not undermine its compliance with relevant policies or its ability to achieve a shared use of marine resources. The Applicant remains focused on delivering a project that provides substantial renewable energy benefits while supporting the continued use of marine resources by other stakeholders, where feasible and practical.</p> <p>Even so, the Applicant is happy to continue "without prejudice" discussions with Bodorgan Marine Ltd going forward, post-consent, on the understanding that Bodorgan Marine Ltd provide more details than have currently been shared on their proposals, along with clarity on aspects such as consenting strategy, approach to EIA, stakeholder engagement, etc.</p>
REP5-103.22	<p>22. The co-location of bivalve aquaculture as part of the Project would meet all of the policy objectives of ECON_01. Accordingly, the failure to seek to enable its co-location would breach the policy. The ExA must note that WNMP para. 101 expressly refers to situations where there "could be" scope to co-locate aquaculture development. Here, such scope exists, though it has been ignored by the Applicant, and as such there has been a clear breach of policy. The Project cannot be supported, therefore.</p>	<p>The Applicant acknowledges Bodorgan Marine Ltd's response.</p>
REP5-103.23	ECON-02	

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	<p>23. ECON-02 requires that “Proposals should demonstrate how they have considered opportunities for coexistence with other compatible sectors in order to optimise the value and use of the marine area and marine natural resources.” Here:</p> <p>(1) bivalve aquaculture is a compatible sector;</p> <p>(2) co-existence (and, in particular co-location) would optimise the value and use of the Welsh marine area and resource; and</p> <p>(3) the Applicant has failed to consider this opportunity let alone make any adequate provision for it in the dDCO.</p>	<p>The Applicant acknowledges the response and directs Bodorgan Marine Ltd and the ExA to paragraph REP4-113.6 of its previous response to Bodorgan Marine Ltd’s Deadline 4 submission (REP5-062) and its response in REP5-103.5 above, where the Applicant’s compliance with ECON_02 is discussed in detail.</p>
REP5-103.24	<p>24. The policy has plainly and transparently been breached, therefore.</p>	
REP5-103.25	<p>25. This is particularly surprising because, as set out above, in April 2020 CEFAS produced the CEFAS Report (REP2-101) specifically with a view to reviewing the evidence in respect of various forms of OFW co-existence. Section 3.2.12.1 of that report deals with bivalve aquaculture and offshore wind energy and states, after referring to a co-location trial in Welsh waters at the North Hoyle OFW) that:</p> <p>“This trial demonstrated that aquaculture activities could be carried out without a negative impact on wind farm operations. Further commercial-scale trials were recommended to both refine the technology to grow mussels offshore on fixed gear and assess environmental impacts and economic performance. Anticipated socio-economic benefits from co-locating aquaculture within OFWs include (Syvret et al., 2013):</p> <ul style="list-style-type: none"> • Job creation and employment opportunities; • Potential for expanding seafood provision from UK waters; • More space left in the sea for other economic or recreational activities in the region; and, • Knowledge and experience acquired through the trial to mitigate impact on local fishing grounds.” 	<p>The Applicant does not seek to engage in a debate regarding the potential for bivalve aquaculture co-location with OWFs but wishes to provide clarity on the subject.</p> <p>In 2010, a practical blue mussel cultivation trial was designed by Deepdock Ltd., with assistance from Seafish (Sea Fishing Authority), at the North Hoyle Wind Farm off Rhyl. This offshore wind project, constructed in 2003, consists of 30 monopiles situated in 10 metres of water at low tide.</p> <p>The trial aimed to investigate aquaculture co-location potential with offshore wind, and the results, as outlined in the final report by Seafish (Syvret et al., 2013), showed that mussels grew well. However, the trial also reported unexplained mortality at harvest, highlighting the need for further investigation into the environmental and operational challenges associated with such activities.</p> <p>The Cefas Report (REP2-101), referenced in the representation, acknowledges the findings of this trial and recommends further commercial-scale trials to refine offshore mussel cultivation technology and assess its environmental and economic viability. While the Cefas Report identifies potential socio-economic benefits from co-locating aquaculture within offshore wind farms, including job creation, expanded seafood provision, and efficient use of marine space, it is important to note that these benefits are contingent</p>
REP5-103.26	<p>26. The Report’s conclusion on p.18 is as follows: “The mussel aquaculture sector appears to have the greatest current potential to be combined with</p>	

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	<i>offshore wind arrays, and thus meeting economic, environmental and technical requirements."</i>	on addressing unresolved challenges, such as those identified during the North Hoyle trial.
REP5-103.27	27. Bodorgan submits that the CEFAS Report is an important and relevant consideration and ought to have been regarded as such by the Applicant. It is also highly probative to the matters which go to Policy ECON_02. If the Applicant had read and considered the CEFAS Report during the preparation of the DCO application (which they did not, and that is agreed by them) it is inevitable that they would have promoted some form of bivalve aquaculture co-location (or at the very least readiness for such) as part of the Project.	The Applicant also refers to its response to REP5-103.5 above, which highlights that the Mona Array Area does not overlap with any Aquaculture RAs identified by Welsh Government as part of studies to inform the WNMP. In summary, while the potential for co-locating aquaculture within OWFs is acknowledged, the challenges and complexities demonstrated by existing trials, such as North Hoyle, underline the nascent stage of development of this type of co-location and the need for further exploration and development, rather than assuming immediate feasibility within the Mona Array Area.
REP5-103.28	FIS_01(a) and (b) 28. Note that Policy FIS_01 has two parts, (a) and (b). In this case, both would be breached.	The Applicant refers Bodorgan Marine Ltd and the ExA to its response to Q2.5.1 of the Examining Authority's Written Questions (ExQ2) (REP5-080), which provides a detailed account of compliance with FIS_01(a) and (b).
REP5-103.29	29. As to FIS_01(a), bivalve aquaculture co-located with OFW infrastructure is a "sustainable fishing activity" within the meaning and scope of the policy. The Project will neither support nor enhance it. On the contrary, it will squander this important opportunity to secure a symbiotic co-located asset. It would breach FIS_01(a) in doing so.	
REP5-103.30	30. As to FIS_01(b), Bodorgan's previous written (and oral) representations have illustrated the Applicant's wholesale failure to engage with (let alone "collaborate with") the North Wales aquaculture community (which comprises many "interested parties" within the meaning of the policy) with a view to developing a strategic evidence base in respect of offshore bivalve aquaculture. There has been a policy breach in this respect, therefore.	
REP5-103.31	F. Insufficiency of proposed mitigation 31. Bodorgan confirms that it is not happy (to use the language set out in EXQ2 question 2.5.7) with the commercial fisheries measures being put forward by the Applicant and captured in Mitigation and Monitoring Schedule ("MMS").	The Applicant acknowledges Bodorgan Marine Ltd's response.
REP5-103.32	32. The reason is simply that the commercial fisheries measures being promoted in the MMS and, in particular, in only relate to "business as usual" scallop dredging and do not relate to opportunities to co-locate offshore	The Applicant notes that this was raised by Bodorgan Marine Ltd in their Relevant Representations (RR-006), to which the Applicant has responded

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	<p>aquaculture assets within the Order Limits. There is no (and not just no adequate) mitigation in respect of proposed collocated offshore aquaculture assets and as such there is a plain breach of the relevant policy requirements as set out above.</p>	<p>and refers Bodorgan Marine Ltd and the ExA for further details (paragraph RR-006.1 of PDA-008).</p>
<p>REP5-103.33</p>	<p>33. The Applicant's proposed mitigation measures ("the measures") in respect of the operational and maintenance phase are set out in Section 1.3.6 of the Outline Fisheries Liaison and Co-existence Plan ("OFLCP") (REP3-017, tracked) and comprise, in summary (and as will be well-known to the ExA):</p> <ul style="list-style-type: none"> (1) the reservation of a 57km² (minimum) turbine-free Scallop Mitigation Zone ("SMZ") within the Mona Array Area (OFLCP para. 1.3.6.1); (2) minimum infrastructure spacing within the Mona Array Area of 1,400m between and within rows (OFLCP para. 1.3.6.2); (3) rough north to south turbine alignment (OFLCP para. 1.3.6.3); and (4) cable protection (OFLCP para. 1.3.6.4). 	<p>The Applicant acknowledges Bodorgan Marine Ltd's response.</p>
<p>REP5-103.34</p>	<p>34. OFLCP para. 1.3.6.1 contends that the SMZ "<i>has been presented to and discussed with commercial fisheries stakeholders...</i>" That contention is only half correct. The ExA should note that the Applicant has engaged extensively with the mobile gear (i.e. dredging) industry. It has however failed entirely to engage with Bodorgan and the aquaculture community based in North Wales and in particular those associated with the School of Ocean Sciences of Bangor University (which is the industry-leading source of research and technical development/innovation in this field) and Mr. James Wilson of DeepDock Ltd who has carried out well-documented (such as in the CEFAS Report, for example) successful trials of offshore bivalve aquaculture at OFWs in Welsh waters, and stands ready to deliver an operational scheme at the Project. This lack of engagement occurred notwithstanding that, as set out above, the CEFAS Report indicates at p.18 that "<i>The mussel aquaculture sector appears to have the greatest current potential to be combined with offshore wind arrays, and thus meeting economic, environmental and technical requirements.</i>"</p>	<p>The Applicant acknowledges Bodorgan Marine Ltd's response.</p>

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REP5-103.35	35. The measures would do nothing whatsoever to facilitate the co-location of bivalve aquaculture assets within the Project. They are entirely unsatisfactory, therefore.	The Applicant acknowledges Bodorgan Marine Ltd's response.
REP5-103.36	<p>36. In this context, what is required (both in substance and in order to render the Project consentable as against the relevant policy framework) is the following (at a minimum):</p> <p>(1) the identification of not less than 5 blocks of marine space (surface and sea bed) each block not being less than 50ha in area1 and each situated within a separate notional 1400m x 1400m 'grid square' marked off as a result of having a turbine in each notional 'corner' in which bivalve aquaculture can take place (note: these blocks would not need to be situated in the Scallop Mitigation Zone);</p> <p>(2) the grant of a sub-lease on appropriate terms to Bodorgan in respect of that block so as to enable the delivery and operation of the aquaculture asset;</p> <p>(3) the deemed grant of a Marine License in respect of the use of that area for bivalve aquaculture; and</p> <p>(4) the making of navigational arrangements and protocols (or at least the establishment of a framework for such arrangements and protocols to be developed in consultation with appropriate bodies) for the use of such area for that purpose.</p>	<p>The Applicant has responded to specific points raised by Bodorgan Marine Ltd below:</p> <p>(1) The Applicant has identified the following points regarding the viability of Bodorgan Marine Ltd's proposal:</p> <ul style="list-style-type: none"> – As outlined in rows REP5-103.8 and REP5-103.12 above, the Applicant reiterates that Bodorgan Marine Ltd's plans for bivalve aquaculture were disclosed for the first time in their submission at Deadline 5 in response to ExQ2 (REP5-103) and had not been communicated during the pre-application phase. – In response to the aquaculture proposal to include for a minimum of "5 blocks of marine space (surface and seabed), each block not being less than 50ha in area," the Applicant would require further information post-consent on the aquaculture infrastructure parameters in order to consider the proposal, including whether any aquaculture infrastructure within the blocks of marine space would need to interact with Mona Offshore Wind Project infrastructure. <p>(2) The Mona Offshore Wind Project does not possess the authority to sub-lease any portion of its array area. The Agreement for Lease (AfL) and associated lease restrict the Applicant's use of the array area to specified purposes, which do not include bivalve aquaculture.</p> <p>Any rights required for such activities would need to be obtained directly from The Crown Estate (TCE). TCE would need to be satisfied that no existing interests within the area would be adversely impacted. Additionally, consent from the Mona Offshore Wind Project would also be required.</p> <p>(3) The Applicant notes that no such application has been made for the deemed grant of a Marine Licence in respect of the use of the area for bivalve aquaculture. The Applicant is not an aquaculture developer and has not brought forward other potential co-location technologies. The</p>

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		<p>Applicant would anticipate that Bodorgan Marine Ltd would need to secure any relevant consents and licences as appropriate.</p> <p>(4) A navigational risk assessment was conducted for the Mona Offshore Wind Project (APP-098), based on the assumption that shipping and navigation stakeholders would continue to transit through the Mona Array Area. The commitment to 1,400m turbine spacing was specifically designed to minimise impacts on shipping and navigation stakeholders, allow for the continued access by fishing vessels and to reduce the likelihood of fishing vessels needing to divert around the project when traveling to their fishing grounds. The Applicant would anticipate that in securing relevant consents and licences for its proposal, Bodorgan Marine Ltd would need to undertake an appropriate navigational risk assessment and the Applicant would need to understand any potential risks the bivalve aquaculture infrastructure would present to its vessels and operational and maintenance activities.</p>
<p>REP5-103.37</p>	<p>37. As to what the aquaculture asset 'looks' like, the ExA are invited to note that in the main this comprises the tethering of a headline and droppers to the mooring cables and screw anchors affixed to the sea bed such that the droppers can be used for the cultivation of mussels. Floats on the surface tethered to the headline and droppers (i.e. the aquaculture unit) indicate the location and position of the headline and droppers at sea. The structure is designed to withstand tidal and wave energy. The cable is inspected and harvested by way of static line operations from a boat. The mussels on the droppers obtain the nutrition they require from the marine environment: no additional delivery of nutrition is required. An illustrative representation of one such unit (sectional detail) is shown below.</p>	<p>The Applicant reiterates that the diagram of the proposed aquaculture assets provided by Bodorgan Marine Ltd was disclosed for the first time in their submission at Deadline 5 in response to ExQ2 (REP5-103) and had not been communicated during the pre-application phase.</p> <p>As Bodorgan Marine Ltd did not provide any prior opportunity for collaboration on this specific matter during the pre-application phase or afterward, the Applicant is unable to give any further consideration to it prior to consent. Below are some, but not all, of the key issues:</p> <ul style="list-style-type: none"> • The aquaculture proposal, which includes a minimum of "5 blocks of marine space (surface and seabed), each block being no less than 50 hectares in area," would require additional information for the Applicant to fully consider the proposal. This includes clarification on whether any aquaculture infrastructure within these marine blocks would need to interact with the Mona Offshore Wind Project infrastructure. • Would the indicated horizontal distance between the surface buoys at the end of the line of floats and the seabed mooring (seemingly 50 m) be appropriate to the depth to the seabed in the Mona Array Area, which is on average approximately 40 m? This is important in consideration of the overall footprint of the production facilities.

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	<p>Sectional view of single headline</p> <p>The diagram illustrates a cross-section of a mooring system. On the left, a 'MOORING LINE' is shown extending from a 'SEABED SCREW ANCHOR' on the seabed. The line passes through 'DROPPERS' and is supported by 'FLOATS' spaced 150m apart. A 'HEADLINE' is attached to the floats and extends to the right. The total length of the mooring system shown is 250m.</p>	<ul style="list-style-type: none"> • Has a mooring design for the proposed mussel farm operation been completed, which would afford confidence in the security of the structures given the seabed composition, water depth and degree of exposure of the proposed locations? • Has the design of the proposed structures – the surface lines and floats – been completed to a level which will provide confidence in the ability for it to withstand the hydrodynamic conditions at the proposed location? • Is the design of the mooring system and surface structure sufficiently robust as to be able to tolerate local conditions and degradation with time such that the projected failure rate/time to first failure are in line with those of the proposed windfarm development? <p>To summarise, the Applicant cannot give any future consideration to co-location in advance of consent being granted and without clarification on the specifics of the proposed mussel farm, including detailed information on its design, location, and operational parameters.</p>
<p>REP5-103.38</p>	<p>38. Bodorgan suggests that the above measures should be inserted into a new Section 1.3.7 (suggested header: <i>Co-location with future aquaculture developments during the operational and maintenance phase</i>) of the OFLCP. These measures would also need to be transposed into the Mitigation and Monitoring Schedule. It is not thought that any additional dDCO drafting would be necessitated: iteration of the control documents as suggested above would be sufficient. Appropriate revisions to the <i>Environmental Statement – Volume 2, Chapter 6: Commercial fisheries (APP-058)</i> and the <i>HRA Stage 1 Screening Report (APP-0034)</i> should be considered by the Applicant.</p>	<p>As outlined in REP5-103.10, the Mona Offshore Wind Project application is for an offshore wind farm and there is no requirement under relevant policies, including National Policy Statements (NPSs) EN-1, EN-3, or the WNMP, for the Applicant to facilitate co-location with bivalve aquaculture or to make the suggested updates to the documents referenced by Bodorgan Marine Ltd. Such a requirement is entirely absent from policy frameworks and is a misinterpretation of the Applicant's obligations under the PA 2008.</p> <p>Additionally, as outlined in REP5-103.37 above, the Applicant cannot give any consideration to co-location with future aquaculture developments without adequate details regarding the nature and specifics of those developments. However, the Applicant has expressed a willingness to engage further with Bodorgan Marine Ltd regarding its proposals outside of the Examination process, and confirms that it met with Bodorgan Marine on 19 December 2024 to discuss their concerns in more detail.</p>
<p>REP5-103.39</p>	<p>39. Without the iterations/updates of the control documents in this manner Bodorgan submits that the Project remains unconsentable in the context of s.104(3) and s.104(7) PA 2008.</p>	
<p>REP5-103.40</p>	<p>40. Bodorgan is keen to engage further with the Applicant and the Welsh Government with respect to the above matters and respectfully requests that the ExA issue further written questions and/or hold an ISH in respect of the issues raised herein, so that the detailed issues in respect of the imperative for the Project to accommodate the co-existence and co-location of</p>	<p>The Applicant acknowledges the response and has met with Bodorgan Marine Ltd on 19 December 2024 to further discuss their concerns.</p>

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	sustainable industry can be fully explored and understood, and appropriate arrangements for co-located bivalve aquaculture secured.	

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