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**To:** [AwelyMor](#)  
**Cc:** [REDACTED]  
**Subject:** Denbighshire County Council - response to ISH3 ExA question  
**Date:** 09 December 2022 11:58:52

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Dear Sir / Madam

**Re: ISH3 ExA Qu – DCC to consider whether outline plans are sufficiently developed with respect to pre-commencement works.**

Please accept this email as a response to the question posed by the ExA at the ISH3 held yesterday which is submitted on behalf of Denbighshire County Council.

In responding to this question, the Council would firstly like to raise an issue with regards to the definition of 'onshore works' as applied in the Requirements, as there does not appear to be a precise definition in the DCO.

The Council had taken 'onshore works' to mean works that constitute development and which cannot commence until the necessary details subject of the Requirements have been submitted to and approved in writing by the relevant planning authority.

However, from the discussion at ISH3 in relation to restoration of land, there was the suggestion from the applicant that 'onshore works' as set out in Requirement 17 could be taken to also include pre-commencement works. However, by this logic, if 'onshore works' include pre-commencement works, then other requirements would preclude pre-commencement works being carried out until relevant details are approved, which does not appear to be the intention of the Requirements as drafted.

The Council consider the DCO definition section would benefit from a clearer definition of what it is meant by 'onshore works' (e.g. operational works that constitute development requiring development consent) and 'pre-commencement works' (e.g. site investigations, ground clearance, very minor works that do not constitute development etc.), and then the wording of the Requirements should then be consistent with those definitions.

Assuming 'onshore works' means operational development that needs to be commenced, the Council would then take the view that the Requirements as currently drafted are silent with respect to pre-commencement works, and on that basis pre-commencement works could be carried out without adherence to any specific plans, in either outline or final form.

The Council would therefore suggest that a new Requirement is necessary to make it explicit that pre-commencement works are to only be undertaken in accordance with the principles set out in the relevant outline plans (outline code of construction practice, outline LEMP etc. to be specified in the Requirement) and can only be carried out within the approved construction hours specified in Requirement 15.

Therefore, in relation to the question posed by the ExA, on the assumption that pre-commencement works are clearly defined and differentiated from 'onshore works', and subject to the imposition of a Requirement to secure adherence to outline plans as suggested above, the Council are satisfied that the outline plans are sufficiently developed with respect to pre-commencement works.

Diolch/Thanks

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We welcome correspondence in Welsh and there will be no delay in responding to correspondence received in Welsh.

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