

Conditions Note

Land east of Kineton Road, Kineton

29 May 2026

Introduction

1. This note have been prepared by Turley on behalf of Richborough (the 'Appellant') to confirm matters relating to planning conditions that arose from the resumed Inquiry on 28 May 2026.
2. The details included within this note have been discussed and agreed with Stratford-on-Avon District Council (the 'Council') prior to issuing to the Planning Inspectorate.

Biodiversity Net Gain Condition

3. Both the Appellant and the Council consider that a specific condition relating to Biodiversity Net Gain is not required due to the fact that it is a statutory requirement and the signed S106 agreement includes provisions for the following:
 - Biodiversity Gain Land Monitoring Contribution
 - Biodiversity Monitoring Tariff
4. Core Document D2 confirms that the proposed development is capable of delivering on-site in excess of the statutory 10% requirement. Such details would be further refined as part of any future Reserved Matters should the appeal be granted.
5. If the Inspector is minded to include such a condition, we have set out example wording:

No development shall commence until a scheme to ensure that there is a net biodiversity gain as a result of the development has been submitted to and approved in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the relevant DEFRA biodiversity offsetting metric. The development shall be carried out in accordance with the approved scheme.

Condition 9 (q)

6. The Inspector requested a review of Condition 9, specifically in relation to part (q) due to the fact that condition 40 has now been removed. Both the Appellant and the Council have reviewed the condition as drafted and have proposed additional clarification as set out in red below:

No development shall take place, including any demolition works, until details of a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be adhered to throughout the construction period. The Plan shall provide for:

- (a) *the parking of vehicles of site operatives and visitors*

- (b) *loading and unloading of plant and materials, including the times of such loading and unloading*
- (c) *storage of plant and materials used in constructing the development or stockpiling during development*
- (d) *the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate*
- (e) *wheel washing facilities including the location of wheel washing facilities*
- (f) *measures to control the emission of dust and dirt during construction*
- (g) *a scheme for recycling/disposing of waste resulting from demolition and construction works*
- (h) *No demolition and/or construction works (including the deliveries) shall take place outside 08.00 hours to 18.00 hours Mondays to Fridays; 08.00 hours to 13.00 hours on Saturdays or at any time on Sundays or Public Holidays)*
- (i) *details of any piling together with details of how any associated vibration will be monitored and controlled*
- (j) *the location and noise levels of any site electricity generators or industrial equipment and hours of use of such equipment*
- (k) *means of access and routing plan for construction traffic*
- (l) *management of surface water run-off*
- (m) *contact telephone number(s) and email address(es) of the site manager(s) these should be displayed on the site*
- (n) *details of external lighting required during construction*
- (o) *measures to prevent degradation of the public highway by construction vehicles.*
- (p) *No site security fencing may be erected on or within 1m of public footpath SB119a (unless closed by legal order)*
- (q) *Details of temporary buildings, compounds, structures, caravans or enclosures which are required in connection with the development hereby permitted. No temporary buildings, compounds, structures, caravans or enclosures shall be placed, stationed or erected on the site or adjacent land until details have been submitted to and approved in writing by the Local Planning Authority. Any matters covered by this condition shall thereafter only be sited in accordance with these approved details.*

Proposed updated to Condition 27

7. Following comments received by an interested party in relation to Condition 27, the Appellant and the Council have reviewed the condition wording further and agreed that further clarification could be provided, specifically in relation to the delivery of certain aspects of the off-site highways works.
8. On this basis, we propose the condition should be amended as follows:

Prior to the commencement of the development hereby submitted, a scheme for active travel infrastructure and off-site highway works, including pedestrian crossing facilities, pedestrian footpath improvement, cycle-path improvements and the provision of two mini-roundabout junctions, as shown indicatively on plans T24596 004 rev D, T24596 005 rev D, T24596 007 and T24596 008 rev D shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include an arboricultural method statement identifying measures to protect trees affected by the active travel infrastructure improvements and any mitigation measure contained therein shall be undertaken in accordance with the approved details. The pedestrian crossing facilities and footpath improvements shall be delivered prior to the occupation of the first dwelling. The provision of two mini-roundabout junctions shall be delivered prior to the occupation of 50% of the dwellings.

Contact

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May 2026

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