



Decision Statement Regarding Alrewas Neighbourhood Plan Proceeding to Referendum

1. Summary

- 1.1 Following an Independent Examination, Lichfield District Council has recommended that the Alrewas Neighbourhood Plan proceeds to referendum subject to the modifications set out in tables 1 and 2 below. The decision statement was reported to Cabinet on 12/06/2018 where it was confirmed that the Alrewas Neighbourhood Plan, as revised according to the modifications set out below, complies with the legal requirements and basic conditions set out in the Localism Act 2011, and with the provision made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. The Plan can therefore proceed to referendum.

2. Background

- 2.1 On 13 November 2013 Alrewas Parish Council requested that the Alrewas Neighbourhood Area be designated for the purposes of producing a neighbourhood development plan for the area. Following a six week consultation Lichfield District Council designated the Alrewas Neighbourhood Area on 19 February 2013.
- 2.2 In May, June and July 2015 Alrewas Parish Council published the draft Alrewas Neighbourhood Plan for a six week consultation, in line with regulation 14 of the Neighbourhood Planning (General) Regulations 2012.
- 2.3 The Alrewas Neighbourhood Plan was submitted by the Parish Council to Lichfield District Council in February 2015 for assessment by an independent examiner. The Plan (and associated documents) was publicised for consultation by Lichfield District Council for six weeks between 6 March and 17 April 2015 (the Local Authority publicity consultation). Mr Nigel McGurk BSc (Hons) MCD MBA MRTPI was appointed as the Independent Examiner and all comments received at the Local Authority publicity consultation were passed on for his consideration.
- 2.4 He has concluded that, subject to modifications, the Alrewas Neighbourhood Plan will meet the necessary basic conditions (as set out in Schedule 4b (8) of the Town and Country Planning Act 1990, as amended by the Localism Act 2011) and subject to these modifications being made may proceed to referendum.

- 2.5 Following the publication of the examiner's report Alrewas Parish Council resolved to withdraw the neighbourhood plan from examination in order to undertake further work and revise the plan to try and address the examiner's concern but still meet the aspirations of the community. Alrewas Parish Council informed the District Council of the withdrawal of the Alrewas Neighbourhood Plan from examination on 11 February 2016. The District Council prepared a [withdrawal statement](#) which was published on the District Council's website. The District and Parish Council agreed that a revised plan would need to be submitted and consulted upon again in line with the regulations and any further examination would be undertaken by Mr Nigel McGurk to ensure consistency.
- 2.6 Following further work the Alrewas Neighbourhood Plan was re-submitted by the Parish Council to Lichfield District Council in January 2018 for assessment by an independent examiner. The Plan (and associated documents) was publicised for consultation by Lichfield District Council for over six weeks between 5 January and 27 February (the Local Authority publicity consultation). As was agreed Mr Nigel McGurk was appointed as the Independent Examiner and all comments received at the Local Authority publicity consultation were passed on for his consideration.
- 2.7 Schedule 4B (12) of the Town and Country Planning Act 1990, as amended by the Localism Act 2011, requires that a local authority must consider each of the recommendations made in the Examiner's report and decide what action to take in response to each recommendation. If the authority is satisfied that, subject to the modifications being made, the draft Neighbourhood Plan meets the legal requirements and basic conditions as set out in legislation, then the plan can proceed to referendum.

3. Alrewas Neighbourhood Plan Examiner’s recommended modifications and Local Authority’s response

- 3.1 The District Council considered the Examiner’s report and the recommendations/modification contained within. Table 1 (below) sets out the Examiner’s recommendations (in the order they appear in the Examiner’s report) and Lichfield District Council’s consideration of these recommendations.
- 3.2 Table 2 sets out additional modifications recommended by Lichfield District Council with the reasons for these recommendations.
- 3.3 The reasons set out below have in some cases been paraphrased from the examiner’s report to provide a more concise report. This document should be read in conjunction with the Examiner’s Final report. Which is available via: www.lichfielddc.gov.uk/alrewasnp.

NB – Where modified text is recommended this will be shown in red with text to be deleted struck through (~~text to be deleted~~), and text to be added in bold type (**text to be added**).

TABLE 1

Section in Examined Document	Examiner’s Recommendation	Examiner’s Reason	Local Authority’s decision and reason
Page 3, para 4	Correct error on page 3 of the neighbourhood plan as follows: The Neighbourhood Plan covers the period from 2017 2013 to 2029.	To correct an error in the plan period.	Yes – to ensure correct plan period is noted.
Page 4, final para	Add the following text to the end of the final paragraph on page 4: Alongside the community survey and engagement, the Plan has taken into account a wide range of evidence, including the evidence base published to support the District Council’s Local Plan.	To add to the precision of the document.	Yes – to add precision.
Page 5, key objectives	Add the following to the list of key objectives on page 5: <ul style="list-style-type: none"> Conserve and/or enhance the historic environment and heritage assets for this and future generations. 	The neighbourhood plan includes policies concerning heritage which appears as an important theme throughout the document. Given this, the absence of reference to heritage	Yes – to ensure objectives reflect the policies

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		within the Objectives is unreflective of the policies that follows.	within the document.
Page 5, key objectives	<p>Change the third key objective on page 5 as follows:</p> <ul style="list-style-type: none"> • Affirm-Designate a new Settlement Boundary to deliver development in accordance with the Local Plan help deliver sustainable development. 	The Neighbourhood Plan establishes a settlement boundary in Policy H1. Whilst it may do so in a manner that is in general conformity with the strategic policies of the development plan there is no evidence that it does so 'in accordance with the Local Plan'. Consequently finds the reference to this objective incorrect and confusing.	Yes – to provide clarity.
Page 6, para 1	<p>Change the first sentence on page 6 as follows:</p> <p>The Parish settlement of Alrewas is identified in the Local Plan as a key rural settlement within Lichfield District.</p>	The Parish of Alrewas is not 'identified in the Local Plan as a key rural settlement' as stated within the neighbourhood plan. The Lichfield District Local Plan Strategy identifies the settlement of Alrewas not the Parish as a Key Rural Settlement.	Yes – to provide clarity and for consistency with the Local Plan.
Page 8, para 3	<p>Change the second sentence of paragraph 3 on page 8 as follows:</p> <p>Today the A38 is a major dual carriageway which cuts through the eastern edge of runs alongside the eastern edge of the village, connecting local communities with major cities...</p>	The A38 runs alongside the eastern edge of Alrewas, rather than 'cuts through the village'. For clarity recommend the modification.	Yes – to provide clarity.
Page 13, para 2	<p>Change the last sentence of paragraph 2 on page 13 as follows:</p> <p>Neighbourhood Plans are prepared by local volunteers working collaboratively with the whole community to produce a development land use plan that sets out the overall vision for the</p>	For clarity and precision.	Yes – to provide clarity.

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	<p>area, addressing the challenges and opportunities through objectives and policies, and forming part of the development plan for the area.</p>		
Policy CF2	<p>Delete all text of the policy and replace with the following:</p> <p>Improvements to existing community facilities and the provision of new community facilities will be supported subject to such development respecting local character and residential amenity, and being easily accessible by sustainable modes of transport including walking and cycling.</p>	<p>Policy as worded is imprecise and as such fails to have regard to national advice. The Policy refers to improvements to the quality and/or range of community facilities but no indication is provided of what improvements might comprise. The Policy refers to schools and healthcare provision but not to other community facilities referred to in the supporting text.</p>	<p>Yes – to provide clarity and to meet the basic conditions.</p>
Page 19 & Policy TT1	<p>Delete the last sentence of Policy TT1 on page 20:</p> <p>Traffic management proposals to direct traffic away from the historic village centre and include means of reducing congestion will be supported.</p> <p>Deleted text to be modified and moved to page 19 after the third paragraph as follows:</p> <p>The Parish Council will be generally supportive of traffic management proposals to direct traffic away from the historic village centre and include means of reducing congestion will be supported.</p>	<p>Traffic management does not fall within the responsibility of the Neighbourhood Plan and whilst it is noted that the Parish Council would support traffic management proposals that direct traffic away from the historic centre, such a reference comprises a Parish Council statement rather than a land use policy.</p>	<p>Yes – to ensure policy relates to land use matters.</p>

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Policy TT6	<p>Modify the text of Policy TT6 as follows:</p> <p>Proposals to reduce noise and air pollution arising from the A38 and A513, and which respect local character, residential amenity and highway safety will be supported.</p>	<p>The policy could result in undue support for unsustainable forms of development. As worded the policy supports any proposal, so long as it reduced noise and air pollution. This could result in support for unsustainable forms of development.</p>	<p>Yes – to meet the basic conditions.</p>
Policy PR2	<p>Modify the text of Policy PR2 as follows:</p> <p>Development must protect any public right of way and/or access point that it effects. Where possible, such development should seek to provide disabled access to the public right of way The provision of disabled access to public rights of way will be supported. The provision of integrated cycling and walking infrastructure linking new development to services and facilities is supported.</p>	<p>The Policy intent is positive, taking into account advice in Planning Practice Guidance in respect of clarity and precision the approach set out is ambiguous. As worded, it could place an obstacle in the way of improvements to access points, or their replacement with more appropriate means of access. Consequently the first part of the policy may prevent sustainable development from going ahead.</p>	<p>Yes – to provide clarity and to meet the basic conditions.</p>
Policy PR3	<p>Modify the text of the final sentence of Policy PR3 as follows:</p> <p>...intrinsically dark landscapes and nature conservation will be supported. Proposals which improve the provision of litter bins and dog waste bins will also be supported The provision of waste bins and dog waste bins will also be supported.</p>	<p>The final part of the Policy supports any development proposals so long as they improve provision of litter bins and dog waste bins. This could result in support for unsustainable forms of development simply on the basis that they also provide waste bins.</p>	<p>Yes – to meet the basic conditions.</p>
Policy PR4	<p>Modify the text of the first paragraph of the policy as follows:</p> <p>Development proposals that damage or result in the loss of trees and hedges of good arboriculture, ecological and amenity value will not be supported unless it can be demonstrated that such loss can be suitably mitigated through re-provision of equal or greater</p>	<p>The first part of the policy seeks to protect trees and hedges. However, in doing so it does not have regards to the more flexible approach of national policy.</p>	<p>Yes – to meet the basic conditions.</p>

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	<p>ecological, arboriculture and amenity value elsewhere. Proposals should be designed to retain trees and hedges of arboriculture, ecological and amenity value.</p>		
Page 27, para 1	<p>Delete the first paragraph on page 27 and replace with the following:</p> <p>Policy EC4 in this section of the Neighbourhood Plan designated two areas of Local Green Space. These are described below.</p>	<p>Part of the supporting text to this section reads as though it comprises a Policy which it does not.</p>	<p>Yes – for clarity.</p>
Page 27. Para 4	<p>Delete all text of the fourth paragraph on Page 27 which begins with <i>“Note – Although sites were identified...”</i></p>	<p>The final paragraph is confusing and refers to something which might or might not happen in another planning document. The inclusion of the paragraph detracts from the clarity of the neighbourhood plan.</p>	<p>Yes – for clarity.</p>
Page 26, para 4	<p>Modify the text of the fourth paragraph in page 26 as follows:</p> <p>The Alrewas Conservation Area Management Plan and the Staffordshire Historic Environment Character Assessment set out the requirement to preserve and protect the Conservation Area and the importance of the open space take into account the statutory requirement to preserve and protect the Conservation Area and consider the importance of open space. This has been a key consideration in the formulation of these policies.</p>	<p>For precision.</p>	<p>Yes – for precision.</p>
Page 26, para 5	<p>Delete all text of the fifth paragraph on page 26 which begins with <i>“A detailed assessment of...”</i></p>	<p>There is no need to refer to an assessment of a conservation area management plan. There is nothing to suggest the assessment carries material planning weight nor is it directly</p>	<p>Yes – for clarity.</p>

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		referred to within any policy within the neighbourhood plan.	
Policy EC1	<p>Change the title of Policy EC1 and modify the text of the policy as follows:</p> <p>Policy EC1 Protecting and Enhancing the Historic Character Built Environment</p> <p>Within the village, development proposals should demonstrate that a high quality of design, form and layout, consistent with the village character will be achieved must have regard to local character and demonstrate a high quality of design form and layout.</p>	<p>Consider that, in the absence of detailed evidence, it is not entirely clear what the 'village character' actually comprises. Consequently, it is difficult to understand how development can be consistent with something that is undefined. Consequently the policy has a lack of precision and fails to provide a decision maker with a clear indication of how to react to a development proposal having regard to paragraph 154 of the NPPF.</p>	<p>Yes – to provide precision and to meet the basic conditions.</p>
Policy EC2	Delete Policy EC2.	<p>There is an absence of relevant information in support of the onerous requirement if the policy for development "that has a significant effect on the special landscape" to enhance the "quality, character, destructiveness and amenity value of the landscape". Firstly there is no indication of what the "special landscape of Alrewas" comprises or no definition of what a "significant effect" might be, who would be the arbiter on this, or on what basis. There is no evidence to demonstrate that the requirement set out in the policy would be viable of deliverable. It is not clear why all development must improve landscape qualities identified in a Conservation Area Appraisal. Neither national nor local planning policy require such</p>	<p>Yes – to meet the basic conditions.</p>

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		improvements and no justification for such an onerous requirement is provided. The Policy fails to provide a decision maker with a clear indication of how to react to a development proposal having regard to paragraph 154 of the NPPF.	
Policy EC3 & Section 10	<p>Delete Policy EC3. Move diagram to section 10 'Community Actions' and add additional Community Action as follows with diagram following this:</p> <p>Significant Views</p> <p>The Parish Council will encourage developers to take into account the general views shown on the diagram below, with the aim of ensuring that development respects important vistas from the village.</p> <p>NB - propose to renumber figures following move of diagram. See Table 2 of this decision statement.</p>	In the absence of any substantive supporting information, it is not entirely clear where the 'views' are from, what they comprise, why they are 'significant' or how development might respect them. Consequently the policy is imprecise and does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to paragraph 154 of the NPPF.	Yes – to meet the basic conditions.
Policy EC4	<p>Modify the text of the first and second paragraph of Policy EC4 as follows:</p> <p>The following sites are designated as Local Green Space, where development is ruled out other than in exceptional very special circumstances.</p>	National policy is explicit that the development of Local green Space is rules out, other than in very special circumstances not exceptional circumstances as referred to in Policy EC4. The Policy does not have regard to national policy in this regard.	Yes – to meet the basic conditions.

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	<p>A. STATFOLD WOOD... The area East of Statfold Lane, bounded by the River Trent and the Mill Stream. Designated by the Local Plan as Protected Open Space.</p>		
Housing Policies	<p>Change the housing policy reference numbers to "HP1, HP2" etc.</p> <p>Therefore polices are renumbered as follows (taking into account policy deletions recommended):</p> <ul style="list-style-type: none"> • Policy H1 becomes Policy HP1; • Policy H2 becomes Policy HP2; • Policy H6 becomes Policy HP3; and • Policy H8 becomes Policy HP4. • 	<p>Housing policy reference numbers could result in confusion with housing policy reference numbers within the Local Plan.</p>	<p>Yes – for clarity.</p>
Policy H1	<p>Delete all text of the Policy (not including Policy number and title) and replace with the following text:</p> <p>Development proposals within the Settlement Boundary identified on Figure 7 will be supported.</p>	<p>Mindful that the policy makes an unsupported statement in respect of the provision of housing, rather than set out a specific land use policy requirement. Policies of the development plan need to be considered as a whole, this removes the requirement for cross reference to other policies and plans.</p>	<p>Yes – to meet the basic conditions.</p>
Policy H2	<p>Modify the text of policy H1 as follows:</p> <p>Small scale In Alrewas village infill development and the development of brownfield sites is supported. Within this context, new developments of smaller properties (e.g. 3 bed or fewer) and those suitable for older people that provide for a recognised need will be supported.</p>	<p>Lichfield District Council has commented that there is no indication of what 'small scale' might comprise. Consequently the policy is imprecise and does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to paragraph 154 of the NPPF. Policy H7 later in the neighbourhood plan also relates to housing development. In the interest of clarity and</p>	<p>Yes – to provide precision and to meet the basic conditions.</p>

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		precision it would make sense to combine policy H2 and H7 into a single policy.	
Policy H3	Delete Policy H3.	Policy refers to 'small scale' but does not define this and consequently is imprecise. Both Overley and Orgreave are very small hamlets outside of any village settlement boundary. Supporting development within these hamlets would fail to be in general conformity with the Local Plan which adopts a restrictive approach in such locations.	Yes – to meet the basic conditions.
Policy H4	Delete Policy H4.	Policy seeks to introduce an entirely different approach to flood mitigation than is set out in national policy and in doing so includes an ambiguous and imprecise reference to 'development proposals of an appropriate scale and where relevant'.	Yes – to meet the basic conditions.
Policy H5	Delete Policy H5.	Policy H5 is reliant upon policy within the Local Plan. It is not the purpose of neighbourhood plans to simply repeat the provisions of existing policies.	Yes – to avoid repetition of Local Plan policy.
Policy H6	Modify the text of Policy H6 as follows: Planning permission will be supported for the provision of affordable housing on rural exception sites which meet the criteria set out in policy H2 of the Local Plan Strategy and the following The provision of affordable housing on rural exception sites will be subject to:	As worded Policy is reliant upon Local Plan policy H2 and seeks to introduce management and occupational controls, without providing any evidence to demonstrate that these are something that cannot be controlled through a land use planning policy.	Yes – to meet the basic conditions.

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	<p>a) the type and scale of affordable housing is justified by evidence of need from a local housing need survey; and</p> <p>b) the development consists entirely of affordable housing or is for low cost housing.</p> <p>And delete all text of criteria b) & c).</p>		
Policy H7	Merge policy H7 with Policy H2 (see above).	Policy relates to development within Alrewas village and it is therefore recommended that the policy is merged with Policy H2.	Yes – for clarity.
Policy H8	<p>Modify text of first paragraph of Policy H8 as follows:</p> <p>New residential development must respect its surroundings and result in the provision of high quality homes. To achieve this, proposals should where appropriate, demonstrate how the following factors have been taken into account New residential development must respect its surroundings and all residential development in the Neighbourhood Area should be of a high quality. To help achieve this, it is recommended that proposals consider the following:</p>	No indication of when it would, or would not be 'appropriate' for development proposals to take the long list of checkpoints and questions into account. Consequently the policy lacks precision and does not provide a decision maker with a clear indication of how to react to a development proposal. Notwithstanding this the criteria can provide helpful guidance and encourage the delivery of high quality development, thus contribution to the achievement of sustainable development.	Yes – to provide precision and to meet the basic conditions.
Page 44	Delete all text within the bullet point list on page 44.	The list of bullet points on page 44 does not relate to the housing policies or to the recommended revised policies.	Yes – for clarity.
Page 46, para 4 and 5	Modify the text of the penultimate paragraph on page 46 as follows:	Part of the supporting text to this section reads as though it comprises a policy which it does not.	Yes – for clarity.

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	<p>Maintaining the east of the A38 primarily as a commercial development zone is appropriate and further development of the size and scale of the existing properties to the east of the A38 will be supported. It should be noted that The Parish Council would like to see the commercial area to the east of the A38 maintained. The Parish does not have any large scale manufacturing, distribution or industrial developments/buildings. This type of development would be inappropriate and would not be supported and the Parish Council would not be supportive of such development.</p> <p>Modify the text of the final paragraph on page 46 as follows:</p> <p>In order to preserve and encourage the vitality and sustainability of the village centre, further loss of shops and services must be resisted The Parish Council wishes to prevent the loss of shops and services in Alrewas. This Plan therefore includes policies...</p>		
Policy ED1	<p>Change the title and modify the text of Policy ED1 as follows to merge Policy ED1 and ED2:</p> <p>Policy ED1 – Business Expansion Sustainable Business Growth</p> <p>The small scale expansion of existing employment premises will be supported, subject to the proposals demonstrating that they respect local character and protect residential amenity. The sustainable growth and expansion of business and enterprise, through conversion, extension and well-designed new buildings, will be supported provided that such development:</p>	<p>It is not clear what ‘small scale’, ‘the nature of the Parish or ‘village ambience’ might comprise. Consequently the policy is imprecise and does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to paragraph 154 of the NPPF. Further to this national policy support for economic growth in rural areas does not introduce a constraint limiting growth to that which is small scale. Note that Policy ED2 relates to sustainable new business. In the interests of clarity recommend policy ED2 and ED1 are merged. The phrase ‘no detrimental</p>	<p>Yes – to meet the basic conditions.</p>

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	<p>a) respects local character including the massing and scale of surrounding buildings and protects residential amenity; and</p> <p>b) maintains or improves highway safety.</p>		
Policy ED2	Merge policy ED2 with Policy ED1 (see above).	effect' runs the risk of preventing the balanced consideration of a development proposal and may prevent sustainable development. The phrase 'any adverse impact on the Parish' is broad and appears meaningless from a land use planning policy perspective. Development should only be prevented on transport grounds where its residual cumulative impacts are severe.	Yes – for clarity.
Policy ED3 and Section 10	<p>Delete all text (not including policy reference and title) and replace with the following text:</p> <p>The provision of a new footbridge, connecting Alrewas with the commercial development to the east of the A38 will be supported.</p> <p>Add the following text to the community aspiration 'Footbridge' in section 10:</p> <p>The Parish Council will evaluate proposals which lead to construction of a footbridge over the A38. The Parish Council will work with third parties with the aim of delivering this and will consider using Community Infrastructure Levy receipts to help procure its delivery.</p>	Lichfield District Council has stated that the policy lacks precision or clarity over what 'an appropriate contribution' to then provision of a footbridge would be. Consequently the policy is imprecise and does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to paragraph 154 of the NPPF. Mindful of comments submitted by the National Memorial Arboretum (NMA) which note the approach to development in the policy is not precise and broad in nature and could lead to support for unsustainable forms of development.	Yes – to meet the basic conditions.
Policy ED4	<p>Modify the text of Policy ED4 as follows:</p> <p>Development that results in the loss of shops Development requiring planning permission that results in the loss of shops</p>	Changes to permitted development rights in recent years mean that some changes of use will not require planning permission.	Yes – to meet the basic conditions.

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	services or public houses as a result of proposals for change of use will be resisted unless...		
Policy ED5	Modify the text of policy ED5 as follows: Development providing facilities for visitors and tourists will be supported, subject to it being of an appropriate size, scale and character of the setting to it respecting local character and residential amenity.	The policy refers to the need to respect local character. Tourist uses also have the potential to impact upon residential amenity therefore modification is to provide precision.	Yes – for precision.
Pahe 51	Delete all text on page 51.	The neighbourhood plan does not allocate any housing sites and consequently the inclusion of this text is unnecessary and detracts from the precision of the document.	Yes – for precision.
Contents page	Update the contents page and page numbering taking into account the recommendation of the examiner's report.	Recommendations within the examiner report will have impact upon the contents page and page numbering.	Yes – for consistency with other modifications.

TABLE 2

Section in Examined Document	Lichfield District Council Recommendation	Lichfield District Council decision and reason
Title Page	Add text to the title page as follows to signify that the document is the version of plan being voted upon at referendum. "Referendum Version" .	Yes – to clearly illustrate that this version of the Neighbourhood Plan is the document to be considered at the referendum.

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	NB – if the Plan is made “Referendum Version should be replaced with the date on which the plan is ‘Made’.	
Policy EC4	Delete ‘Designated by the Local Plan as Protected Open Space.’	Paragraph 139 of examiners report states that reference to Local Plan policy within Policy EC4 is unnecessary and detracts from the clarity of the neighbourhood plan policy. Therefore suggest removing this. The Local Green Space policy in effect replaces the protected open space policy noted within the neighbourhood plan.
Policy EC4, Page 27, 33	Renumber policy to EC2. Change references to policy EC4 to EC2.	To ensure consecutive numbering following examiners modification to remove policies EC2 and EC3.
Policy ED3, ED4, ED5	Renumber policies to be consecutive. ED3 becomes ED2, ED4 becomes ED3 and ED5 becomes ED4.	To ensure consecutive numbering following examiners modification to merge policies ED1 and ED2.
Whole Plan	Renumber figures to take account of move of Figure 5 from the Policy Section to Community Action section.	Yes – so that policy number is consecutive within the plan following the modification to remove specific policy.
Sections 10 & 11	Renumber sections 10 and 11 to 9 and 10 respectively.	To ensure consecutive numbering for sections within the plan following the modification to remove section 9 of the submitted plan.