

NHDC Local Plan Public Examination

Statement Matters 10/11

By R F Norgan

10.23a

'Exceptional circumstances' are irrelevant.

The Plan attempts to 'release' the land in sites GA1 and GA2 from the green Belt (GB) status that it currently enjoys. This is not possible as para 79 of the NPPF specifically states that the essential characteristics of the GB are its openness and its **permanence**.

Note the word essential which in this context means mandatory.

No other paragraph of the NPPF over-rides or modifies para79.

It is obvious that removing land from GB status destroys the permanence of that status.

It is falsely believed that the Calverton PC v Nottingham CC High Court judgment [2016] allows GB land to be undesignated. However, Mr Justice Jay, in that case, only arrives at his conclusion by totally ignoring the relevant para 79 of the NPPF. Thus it cannot be said that he considered the NPPF 'as it stands'.

Lord Justice Lewison, in Darford Borough v the Secretary for State for the DCLG (Court of Appeal {Civil Division} March 2017 (doc ED59) states:-

The public nature of these documents (meaning here the NPPF) **is of critical importance. The public is in principle entitled to rely on the public document as it stands.**

Which puts into law what was formerly common sense.

The Court of Appeal judgment, being of a higher court and later, therefore over-rides the Calverton judgment.

10.23b,c,d,e,f and g are not relevant in conjunction with my reply to 10.23a.

11.24a

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