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Hearing Matter Statement: Matter 10 - Luton & Cockernhoe - North Hertfordshire Local Plan 2011-2031

THE DATFORD CASE APPLIED EAST OF LUTON

The Dartford case puts into law that the NPPF must be taken as it stands (no removing awkward paras such as p79). That kills off Calverton on which the NHDC case is built.

10.23a

'Exceptional circumstances' are irrelevant.

The Plan attempts to 'release' the land in sites EL1 and EL2 from the Green Belt (GB) status that it currently enjoys. This is not possible as p79 of the NPPF specifically states that the characteristics of the GB are its openness and its **permanence**.

No other paragraph of the NPPF over-rides or modifies p79.

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 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 Dartford 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

These questions are not relevant in conjunction with my reply to 10.23a.

11.24a

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