



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Strategic Planning Directorate
Clarence Court
10-18 Adelaide Street
BELFAST
BT2 8GB
Tel: 0300 200 7830

Your reference: MUDC DPS Sub1

8th Aug 2023

**RE: Mid Ulster Local Development Plan — Draft Plan Strategy (2030):
Response to Request for Further Clarification**

Dear Mr Beggs,

I write further to our recent correspondence generally and in particular in response to the letter sent by the Department for Infrastructure on 17 June 2022, the contents of which you will be aware of.

I enclose a paper entitled, 'Response to queries raised by the Department for Infrastructure', which addresses the queries raised in your 17 June 2022 letter.

I wish to make two further points at this stage.

The Council has of course reflected carefully on the queries raised by the Department and the enclosed paper seeks to address them in some detail. The Council has nothing further to add at this stage. It considers that it has adequately addressed all of the queries raised. It is apparent from the language used in some of the questions that the Department has some concerns about some aspects of the policy approach taken by Mid Ulster. You will appreciate however that the purpose of the plan is to set out the planning policies of the Council provided, of course, that the Council's approach is lawful and sound. Accordingly, unless the Department intends to direct the Council to withdraw the draft plan strategy (section 11(2)) or modify it (section 15(1)) — which, for the avoidance of any doubt, the Council does not consider that the Department has any legal basis for so doing — then the Department must cause an independent examination to be held without delay (section 10(4)).

Cookstown Office
Burn Road
Cookstown
BT80 8DT

Dungannon Office
Circular Road
Dungannon
BT71 6DT

Magherafelt Office
Ballyronan Road
Magherafelt
BT45 6EN

Telephone 03000 132 132
info@midulstercouncil.org
www.midulstercouncil.org



The overarching legislative framework designates the Planning Appeals Commission as the independent body tasked with reaching a view on the soundness and legal compliance of the draft plan strategy. In the present instance, the Council is confident that its draft plan strategy is sound and legally compliant. If there are any residual points of relevance, they can be explored further by the Planning Appeals Commission at the independent examination if necessary. There is now no lawful justification for the Department continuing to withhold this plan from independent examination. The Council has a right to make its case in public before the Planning Appeals Commission.

I pause also to observe that the need to move the plan making process forward is particularly acute in this case. You will be aware that the Council has endeavoured to cooperate throughout with the Department, not least, by addressing the series of Departmental questions, regardless of what its own views might be on the need for such further questioning. However, this process has inevitably led to an ongoing delay to the plan making process. It is to be recalled that the draft plan strategy was submitted to the Department for independent examination over two years ago. For much of this period the Council has been engaged in the time-consuming process of information gathering as requested by the Department. Criticisms that have been levelled at the planning system generally and the local development plan system specifically from several quarters in recent years over delays in delivery. I know we will be in agreement that any further ongoing delay in progressing this plan is not in the public interest. You will no doubt be aware that the delay hitherto has been a source of considerable frustration amongst the public and elected members in Mid Ulster. Delays at this stage will inevitably cause further delays to later stages of the plan making process. I trust that in light of all of this that you will direct your officials to swiftly consider the additional information provided so that no further delays occur in this process.

Accordingly, I would be most grateful if you could confirm in writing within twenty-eight days of the date of this letter that the Department now intends to cause an independent examination to be held in accordance with section 10(4) of the Planning Act (Northern Ireland) 2011 without delay.

For reasons you will appreciate, the Council is keen to see the plan proceed to independent examination without any further delay. In light of the above, and the information contained within the enclosed paper, the Council considers that there is no lawful reason why the Department should not proceed to cause an independent



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examination to be held in accordance with its duty under section 10(4) of the Planning Act (Northern Ireland) 2011.

Please note that the Council intends to publish this letter, the accompanying paper, and any response it receives on its website in due course. I have also copied the Council Solicitor into this letter.

I look forward to hearing from you.

Yours sincerely,


Dr Chris Boomer
Service Director, Planning.