

Section 15 Direction - Planning Act (Northern Ireland) 2011 and Planning (LDP) Regulations (NI) 2015

This Direction is issued pursuant to Section 15 of the Planning Act (Northern Ireland) 2011. This Direction may be cited as the: -

Department for Infrastructure Planning Act (Northern Ireland) 2011, Modification of Mid Ulster District Council Development Plan Document, (Section 15) Direction 2026.

1.0 Commencement

1.1 This Direction comes into operation on 27 August 2026.

2.0 Interpretation

2.1 In this Direction:

"The Act" means the Planning Act (Northern Ireland) 2011;

"Council" means Mid Ulster District Council (MUDC);

"Regulations" means the Planning (Local Development Plan) Regulations (Northern Ireland) 2015;

"The Department" means the Department for Infrastructure;

"Modifications" means changes required and included as part of this Direction.

"Development Plan Document (DPD)" means the draft Plan Strategy document prepared by MUDC.

3.0 Purpose

- 3.1 This Direction is issued pursuant to Section 15 (s.15) of the 2011 Act and requires the Council to prepare new strategic and operational planning policy in respect of the MUDC draft Plan Strategy (draft PS), and to carry out modifications to the DPD in accordance with this direction. This Direction is also accompanied by a Schedule of directed modifications and an Explanatory Note.

4.0 Justification

- 4.1 The Department's statutory role and oversight powers are set out in the Planning (NI) Act 2011. S.1 of the Act places a duty on the Department to *'formulate and co-ordinate policy for securing the orderly and consistent development of land and the planning of that development'* to ensure that *'any such policy'* is in general conformity with the Regional Development Strategy (RDS) and to exercise its functions with the objective of furthering sustainable development and promoting or improving well-being.
- 4.2 Given the Department's oversight role under s.1, and also pursuant of s.10 of the Act, the Department must cause an Independent Examination (IE) unless it intends to make a Direction under s.15 of the Act. S.15 allows the Department to intervene if it thinks that a DPD is unsatisfactory at any time before the document is adopted under s.12.
- 4.3 The Department considers parts of the MUDC draft PS, submitted for IE under s.10 to the Department in May 2021, to be unsatisfactory, in that these may lead to development outcomes that would undermine regional policy objectives as set out in the RDS and Strategic Planning Policy Statement (SPPS). The unsatisfactory issues within the draft PS include the Council's approach to the spatial growth strategy and housing allocation which fails to provide certainty and clarity in relation to the quantum and distribution of housing growth across the district over the plan period.
- 4.4 Furthermore, the draft PS is unsatisfactory as it introduces additional opportunities for housing in the countryside that lack evidential justification and would result in excessive development. The provision of these additional

opportunities would fail to manage growth to achieve appropriate and sustainable development and conserve the landscape and natural resources of the rural area. Consideration has also been given to the need for protection from excessive, inappropriate or obtrusive development and the effects of pollution which may arise in combination with the draft PS housing allocation and range distribution.

- 4.5 The Department, therefore, directs the Council to make the required modifications to the DPD in accordance with this Direction, Schedule 1 and Explanatory Note. The Council should also revisit any evidence papers, position papers and other papers that are required to be updated and reviewed as a result of the modifications of this Direction, which are required to ensure the DPD is ready to be tested for soundness.

5.0 Scope of Modifications

- 5.1 The scope of the modifications (MOD 01-08) hereby directed shall be limited to providing the appropriate strategic and operational policy as detailed in this Direction and Schedule (Schedule 1) to ensure the modified DPD is satisfactory and ready to be tested for soundness. The Council should ensure that the supporting evidence papers have been revisited and updated accordingly, as well as any consequential updates required to other interrelated policies. These consequential changes should be carried out as directed by MOD 09 of Schedule 1.
- 5.2 Given the passage of time and as a result of the updated evidence there may be further changes required outside the direct scope of the modifications as detailed in Schedule 1 MOD 01-08. The Council should satisfy themselves that these changes are required to make the DPD ready to be tested for soundness. These further changes should be carried out as directed by MOD 10 of Schedule 1.
- 5.3 The Council should ensure that any other presentational or factual amendments, typographical and grammatical errors, within the DPD, are updated as a result of all modifications and minor editing changes. These updates should not amend the nature and intent of the modifications as directed. These changes should be carried out as directed by MOD 11 of

Schedule 1.

Regional Strategic Planning Policy Review - Renewable Energy Policy

- 5.4 The Council must consider if they need to update evidence to take account of the new and updated Renewables and Low Carbon Energy policy within SPPS Edition 2, published on 11 December 2025. The Council will be expected to consider the draft PS's renewable energy policy against any revision to Regional Strategic Planning Policy.

6.0 Policy Requirements

- 6.1 The modified DPD shall take account of RDS 2035, and the provisions of the SPPS Edition 2 published in December 2025. In particular, the Council will need to consider modifications to some policies related to the following; HGI and Allocations, Economic Development in the Countryside, Housing in the Countryside - Rural Policies.
- 6.2 The Council therefore must modify their approach to:
- Application of the Department's Housing Growth Indicator (HGI) for housing allocation within the district;
 - Distribution of housing growth between settlements and the countryside (specifically the 40% allowance made to the countryside which is in addition to the housing figure for the district);
 - Remove 'Housing Local Indicator' range, in order to provide certainty for housing allocation and distribution;
 - Economic development policies in the countryside including proposals to designate Rural Industrial Policy Areas (RIPAs);
 - Economic development policy for Desertcreat Green Innovation Park;
 - Housing in the countryside – rural policies, in particular, policy for dwellings on farms that are neither active or established, policy for a dwelling in a gap between two other dwellings, policy for dwellings for carers who are

family members, and policy for dwellings for the holders of commercial fishery licences on Lough Neagh; and

- Take account of the most up to date evidence including National Statistics.

6.3 The Council must satisfy themselves that any consequential changes as a result of the directed modifications, and any additional changes the Council consider necessary are updated accordingly.

6.4 Details are set out in Schedule 1 of this Direction.

7.0 Procedural Matters

7.1 The Council must update their Statement of Community Involvement (SCI) in accordance with Section 4(3) of the Planning Act (Northern Ireland) 2011 and Regulation 6 of the Planning (Statement of Community Involvement) Regulations (Northern Ireland) 2015. The Council must also carry out the requirements regarding availability of their SCI under Regulation 7 of the Planning (Statement of Community Involvement) Regulations (Northern Ireland) 2015.

7.2 The Council must prepare a timetable for the modification of the DPD and submit this to the Department for agreement in accordance with s.7 of the Act and Part 2 of the 2015 Regulations.

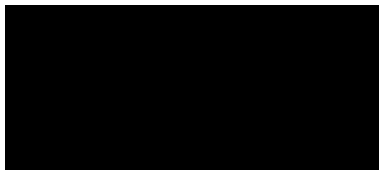
7.3 The Council is required to follow the procedure set out in s.8 and s.10 of the Act and Regulations 15 to 20 of Part 5 of the 2015 Regulations (in so far as applicable), which will include availability of documents including any representations received and submission to the Department for Independent Examination (IE).

8.0 Modification of the DPD

8.1 The Department directs the Council to modify the DPD under s.15 of the Act and the provisions set out in Regulations 15-20 of Part 5 2015 Regulations. The Council must comply with the modifications and Direction hereby given. The

Department will continue to engage with the Council on the progress of the modified DPD.

- 8.2 If for any reason, the Council does not comply with this Direction in its entirety, the Department, if required, may also consider its default powers under s. 16 of the Act. The Department will take these steps only if it considers the Council is failing or omitting to do anything necessary for it to do in connection with the preparation of the DPD.



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