



# Draft Plan Strategy Representation Form

Please complete this representation form online and email to [ldp@nmandd.org](mailto:ldp@nmandd.org) or alternatively print and post a hardcopy to: -

Local Development Plan Team  
Newry, Mourne and Down District Council  
Downshire Civic Centre  
Downshire Estate, Ardglass Road  
Downpatrick BT30 6GQ

ALL REPRESENTATIONS MUST BE RECEIVED NO LATER THAN 5PM ON MONDAY 22 SEPTEMBER 2025

## Section A | Your Details

**Q1** Are you responding as individual, as an organisation or as an agent acting on behalf of individual, group or organisation? *Please only tick one:*

- ☒ **Individual** *(Please fill in the remaining questions in this section, then proceed to Section B)*
- ☐ **Organisation** *(Please fill in the remaining questions in this section, then proceed to Section C)*
- ☐ **Agent** *(Please fill in the remaining questions in this section, then proceed to Section D)*

**Q2** What is your name?

Title

First Name  Last Name

Address

Email

**Q3** Did you respond to the previous Preferred Options Paper?

☐ Yes ☒ No ☐ Unsure

## Section B | Individuals *(if different to Q2 above)*

Address  n/a

Town  Postcode

## Section C | Organisation

If you have selected that you are responding as an organisation, there are a number of details that we are legally required to obtain from you.

If you are responding on behalf of a group or organisation, please complete this section.

Organisation / Group Name	n/a		
Your Job Title / Position	n/a		
Organisation / Group Address (if different to above)	n/a		
Address	n/a		
Town		Postcode	

## Section D | Agents

If you have selected that you are responding on behalf of another individual, organisation or group there are a number of details that we are legally required to obtain from you.

Please provide details of the individual, organisation or group that you are representing.

### Client Contact Details

Title	n/a		
First Name	n/a	Last Name	
Address	n/a		
Town		Postcode	

**Q4**

Would you like us to contact you, your client or both in relation to this response or future consultations on the LDP? (please select one item only)

☐ Agent    ☐ Client    ☐ Both

## Section E | Soundness

The draft Plan Strategy will be examined at Independent Examination in regard to its soundness. Accordingly, your responses should be based on soundness and directed at specific strategic policies or proposals that you consider to be unsound, along with your reasons. The tests of soundness are set out below in Section I.

Those wishing to make representations seeking to change the draft Plan Strategy should clearly state why they consider the document to be unsound having regard to the soundness tests in Section I. It is important that when you are submitting your representation that your response reflects the most appropriate soundness test(s) which you believe the draft Plan Strategy fails to meet. There will be no further opportunity to submit information once the consultation period has closed unless the Independent Examiner requests it.

Those who make a representation seeking to change the draft Plan Strategy should also state whether they wish to be heard orally at the Independent Examination.

## Section F | Type of Procedure

**Q5** Please indicate if you would like your representation to be dealt with by (*please select one item only*):

- ☐ **Written** (*Choose this procedure to have your representation considered in written form only*)
- ☐ **Oral Hearing** (*Choose this procedure to present your representation orally at the public hearing*)

Unless you specially request a hearing, the Independent Examiner will proceed on the basis that you are content to have your representation considered in written form only. Please note that the Independent Examiner will be expected to give the same careful consideration to written representations as to those dealt with by oral hearing.

## Section G | Is the draft Plan Strategy Sound?

Your comments should be set out in full. This will assist the Independent Examiner in understanding the issues you raise. You will only be able to submit further additional information if the Independent Examiner invites you to do so.

### Sound

If you consider the draft Plan Strategy to be Sound and wish to support the draft Plan Strategy, please set out your comments below.

This submission covers some miscellaneous point including the Open Space Audit (Tech Supp 8), Historic Environment (Tech Supp 12) and Climate Change.

I find the Open Space strategy to be broadly sound but weakened by its failure to consider 'open cou within the meaning of the Access to the Countryside (NI) Order 1983.

I think there some weakness in the Plan's addressing of climate change.

## Section H | Unsound

In this section we will be asking you to specify which part(s) of the draft Plan Strategy you consider to be unsound.

**Q6** If you consider that the draft Plan Strategy is unsound and does not meet one or more of the tests of soundness below, you must indicate which test(s) you consider it does not meet, having regard to Development Plan Practice Note 6 available at:

[Development Plan Practice Note 6 Soundness \(infrastructure-ni.gov.uk\)](https://infrastructure-ni.gov.uk)

Please note if you do not identify a test(s) your comments may not be considered by the Independent Examiner.

### Note:

*If you wish to inform us that more than one part of the draft Plan Strategy is unsound each part should be listed separately. Complete this page in relation to one part of the draft Plan Strategy only.*

## Section I | Tests of Soundness

### Procedural tests

- P1** Has the plan been prepared in accordance with the Council's Timetable and the Statement of Community Involvement?  
☒ Yes ☐ No
- P2** Has the Council prepared its Preferred Options Paper and taken into account any representations made?  
☒ Yes ☐ No
- P3** Has the plan been subject to Sustainability Appraisal including Strategic Environmental Assessment?  
☒ Yes ☐ No
- P4** Did the Council comply with the regulations on the form and content of its plan and on the procedure for preparing the plan?  
☒ Yes ☐ No

### Consistency test

- C1** Did the Council take account of the Regional Development Strategy?  
☒ Yes ☐ No
- C2** Did the Council take account of its Community Plan?  
☒ Yes ☐ No
- C3** Did the Council take account of policy and guidance issued by the Department?  
☒ Yes ☐ No
- C4** Has the Plan had regard to other relevant plans, policies and strategies relating to the Council's district or to any adjoining council's district?  
☒ Yes ☐ No

### Coherence and Effectiveness tests

- CE1** The plan sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant is it in conflict with the plans of neighbouring Councils.  
☐ Yes ☒ No
- CE2** The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.  
☐ Yes ☒ No
- CE3** There are clear mechanisms for implementation and monitoring.  
☐ Yes ☒ No
- CE4** The plan is reasonably flexible to enable it to deal with changing circumstances.  
☐ Yes ☒ No

## Section J | Which part(s) of the draft Plan Strategy are you commenting on?

Your response should clearly relate to the relevant section, paragraph or policy of the draft Plan Strategy. If you consider more than one part of the draft Plan Strategy is unsound, please number your issues clearly and provide this information in the same running order following your original comment (i.e. relevant Policy, Section or Proposals Map).

<b>Relevant Policy number(s)</b>	Strategies OSS1, TS1, TUS1, FRDS1 the policies following from th
<i>(and/or)</i>	
<b>Relevant Section/Page Number</b>	
<i>(and/or)</i>	
<b>Proposals Map</b>	

## Section J | Which part(s) of the draft Plan Strategy are you commenting on?

Please give full details of why you consider the draft Plan Strategy to be unsound having regard to the test(s) you have identified above. Please be as clear and concise as possible.

I provide some comments on Tech Supp 8 (which forms the evidence base for OSS1) and on Tech S  
These are points of factual detail and correction on the evidence base, therefore fall under test CE2 ( requires a robust evidence base)

I make some comments on the consideration of 'open country' provision and the Right to Roam in it, as per the Access to the Countryside (NI) Order 1983, and contend the the draft Plan's failure to mak these considerations leads to a weakness OSS1 and TS1, which undermines its coherence and effec under tests CE1, CE2, CE3.

I make some comments broadly on the topic of climate change, and contend the draft Plan exhibits some weakness in its considerations and policies in that regard. This speaks to numerous areas incl TUS1, RES1 and FRDS1, which undermines its coherence and effectiveness and its resilience to on climate change and extreme weather events, relevant to tests CE1, CE2, CE3 and CE4

As there is not space to fit all these considerations on this form, I have submitted them as a separate document, "Consultation Response\_ - Miscellaneous.pdf"

If you consider the draft Plan Strategy to be unsound, please provide details of what change(s) you consider necessary to make the draft Plan Strategy sound.

I have made some suggestions for changes in my accompanying document

"Consultation Response\_ - Miscellaneous.pdf"

## Section K | Monitoring

Do you consider there are clear mechanisms for implementation and monitoring of the draft Plan Strategy?

☐ Yes ☒ No

Do you have any comments?

I have already commented on this part on my two previous submissions, so I won't repeat it here!

## Section L | Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA)

Do you have any comments on the SA?

n/a

## Section M | Habitats Regulation Assessment (HRA)

Do you have any comments on the HRA?

☐ Yes ☒ No

If you have indicated Yes, please set out your comments on the HRA below:

## Section N | Equality Impact Screening Report (EQIA)

Do you have any comments on the EQIA?

☐ Yes ☒ No

If you have indicated Yes, please set out your comments on the EQIA below:

## Section O | Rural Needs Impact Assessments (RNIA)

Do you have any comments on the RNIA?

☐ Yes ☒ No

If you have indicated Yes, please set out your comments on the RNIA below:

# Consultation Response:

## Miscellaneous

I am submitting this write-up as an addendum to my Draft Plan Strategy Representation Form, as there is not enough space on the form to fit all the material below!

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### Notes on evidence base (Technical Supps)

As per test CE2, the plan must be founded on a ‘robust evidence base’ - potential errors and omissions in the evidence need to be reviewed and corrected if appropriate.

Here are some comments on miscellaneous bits and pieces in the Technical Supplements:

#### Tech Supp 8 (Appendix 8A) - Open Space Audit Technical Report

([https://www.newrymournedown.org/media/uploads/appendix\\_8a\\_-\\_open\\_space\\_audit\\_technical\\_report.pdf](https://www.newrymournedown.org/media/uploads/appendix_8a_-_open_space_audit_technical_report.pdf)) page 11: “Out of all settlements in the district, the following 12 settlements do not have open spaces large enough to audit, or they are not selected due to type, size or facilities within the open spaces.”

Perhaps the omissions below were made on the basis that the open space amenity in question was technically ‘outside the settlement development limits’, but I think in practical terms the settlements below do have open spaces:

- Ballymoyer - has a sizeable National Trust forest with a Public Right of Way!  
<https://walkni.com/wp-content/uploads/Ballymoyer-Woodland-Walk-2.pdf>
- Ballynoe - has a sizeable stone circle (a State Care Monument,  
<https://www.communities-ni.gov.uk/heritage-sites/ballynoe-stone-circle>) in a large open field!

- Clonvaraghan - has two public bridleways, nearly 2½ km in total (see page 21 of [https://www.newrymournedown.org/media/uploads/nmddc\\_access\\_to\\_the\\_countryside\\_procedure.pdf](https://www.newrymournedown.org/media/uploads/nmddc_access_to_the_countryside_procedure.pdf), No.14 ref CD/RW/5524 and No.15 CD/RW/5532)
- Dechomet - has a whole mountain of 'open country' :)

Table 3 ('NMDDC Open Space **Ownership Summary**') - looks like there is confusion here between the NI Forest Service and the Woodland Trust and the National Trust (bottom row).

The Woodland Trust (<https://www.woodlandtrust.org.uk/>) owns a woods open to the public on Windmill Hill (Ballynahinch), Glasswater Wood (north of Crossgar) and Mourne Park (south of Attical); Derrymore Demesne is a National Trust (<https://www.nationaltrust.org.uk/>) site, as is Ballymoyer Forest. DEARA's Forest Service (<https://www.daera-ni.gov.uk/articles/forest-service>) owns numerous plantations in the district, ones with developed trails include Drumkeeragh Forest, Tollymore Forest Park, Bunkers Hill (Castlewellan), Castlewellan Forest Park, etc

## Technical Supplement 12 – Historic Environment

[https://www.newrymournedown.org/media/uploads/technical\\_supplement\\_12\\_-\\_historic\\_environment.pdf](https://www.newrymournedown.org/media/uploads/technical_supplement_12_-_historic_environment.pdf)

*Appendix C - table of State Care Monuments:*

- Legananny Dolmen is missing from the list (see <https://www.communities-ni.gov.uk/heritage-sites/legananny-dolmen>)

*Appendix D - table of Scheduled Historic Monuments*

- Finnis Souterrain (SM DOW 35:006) is missing from the list (see <https://apps.communities-ni.gov.uk/NISMR-PUBLIC/Details.aspx?MonID=7852>)

It would probably be helpful in this Supplement to note which of the monuments in Appendices C and D are open to the public. Quite a number of them are on private land and not accessible to the public.

## 'Open Space' versus 'Open Country'

This is a fundamental point that is relevant to Strategies OSS1 (Protecting and Enhancing Open Space) and TS1 (Tourism Strategy) and several policies which flow from them (e.g. TOU2 Tourist Amenities in the Countryside, and CO1 Undeveloped Coast).

The Draft Plan in its present form considers 'open space', and Tech Supp 8 defines this (section 1.4) as "Open Space and green infrastructure are considered as all open space of public value, such as parks, woodlands, outdoor sport facilities, green corridors, cemeteries, including not just land, but also inland bodies of water such as rivers, canals, lakes and reservoirs which offer important opportunities for sport and outdoor recreation and can also act as a visual amenity."

However there is also a statutory concept of '**Open Country**', defined the Access to the Countryside (NI) Order 1983 (<https://www.legislation.gov.uk/nisi/1983/1895>), article 25(2), as "*any land appearing to ... consist wholly or predominantly of **mountain, moor, heath, hill, woodland, cliff, foreshore, marsh, bog or waterway.***"

Part III of the Access to the Countryside Order is concerned with "*enabling the public to have access for open-air recreation to open country*" (This type of provision is commonly known as '**Right to Roam**', and for convenience I use the term below, although the 1983 does not use those particular words.) The Access to the Countryside Order provides a selection of mechanisms by which District Councils may facilitate Right to Roam (namely, statutory 'Access Orders' [Article 28], voluntary 'Access Agreements' [Article 29], or even compulsory land acquisitions [Article 39]).

I interpret the Access to the Countryside Order (article 27) to essentially place a statutory duty on NMDDC to:

1. Assess the 'open country' assets which exist in the district;
2. Take a view on whether these currently offer sufficient Right to Roam opportunities for the public, and then;
3. Exercise its statutory powers under the Order to put in place what it deems to be adequate Right to Roam provisions.

Steps 1 and 2 are in effect the same exercise as has been done as under the aegis of the Draft Plan (primarily in Tech Supp 8B: Open Space Audit).

The subtle difference is that not all the land assets falling into the 'open country' definition have been considered in the Open Space Audit.

In *practical* terms, the effect of this difference varies in its impact in different parts of the district.

I think the clearest example is for the Mourne proper, versus the Dromara Hills:

The majority of the Mourne meet the definition of 'open country'; (mountain, moor and heath), and the existing arrangements are generally deemed to provide good opportunity for 'right to roam'. As made clear by an FOI response [https://www.whatdotheyknow.com/request/access\\_to\\_open\\_country\\_within\\_th\\_3](https://www.whatdotheyknow.com/request/access_to_open_country_within_th_3) NMDDC has not considered it necessary to exercise any of its statutory powers to enhance Right to Roam access in the Mourne - instead a de facto permission appears to be in place from the landowners (who include the National Trust and NI Water), supplemented by a few formal public rights of way (Trassey Track and Glen River path). This is fair enough.

However this may be contrasted with the situation in the Dromara Hills (Slieve Croob DEA) - access to mountain/heath/moor there is currently much more restricted: there are two permissive path agreements on Slieve Croob mountain (the transmitter road, and the 'pass loanin') but other mountains such as Slieveniskey, Slieve Garran, Crotslieve (aka Legananny Mountain) and Dechomet Mountain are generally fenced off as 'private agricultural land' and there is no presumption of Right to Roam.

A case could be made that, a decade into its existence, NMDDC has as yet failed to carry out its statutory obligation under Article 27 of the Access to the Countryside Order to carry out a consultation on the amount of 'open country' assets within the district, and whether the public has adequate Right to Roam access to them.

It is not necessarily incumbent on the Draft Local Development Plan to be the means by which NMDDC carries out its Article 27 obligation... but given that the Tech Supp 8B Open Space Audit (and the policy

considerations flowing from it) it is a very similar exercise to that envisioned by Article 27, I do think this is a weakness and missed opportunity in the Plan: the Plan could very usefully consider 'open country' provision and Right to Roam access under Strategies OSS1 and TS1 and the respective policies under them. After all, the unique open country assets present in the district are a huge part of its appeal as a tourist destination, and an intrinsic part of its status as a UNESCO Global Geopark.

I suggest revising the Open Space Audit and the considerations that flow from it, to include 'open country' and right-to-roam access considerations as well.

## Climate change

Apologies I have not had time to develop a write up on this subject in detail, but I would briefly make to the following points:

- The Draft Plan certainly acknowledges the concepts of climate change and sustainability, however these are generally framed in terms of taking preventative measures now to prevent climate change occurring in the future.
- Unfortunately climate change is demonstrably already occurring, and the strategy needs to alter from purely prevention, to include coping with its current effects.
- A stark example is the increase in extreme weather events. As I type today, several amenities in the district remain impassably blocked by fallen trees, due to the 'Storm Eowyn' in January 2025. These include mountain biking, hiking and horse riding trails at Castlewellan Forest Park, Kilbroney Forest Park, Ballymoyer Forest and Drumkeeragh Forest, several of which are still closed in Sept 2025. NMDDC has not had the resources (either in equipment, suitably skilled manpower, or budget) to repair this damage. The Draft Plan fails to acknowledge that these amenities have been unavailable for use. I suggest policies should be introduced requiring developments of all kinds to be able to demonstrate their resilience against extreme weather; NMDDC projects should have a requirement to make budgetary commitments on maintenance.
- The resilience of public utilities also needs to be considered. The 'Project Stratum' rural fibre broadband network rolled out by Fibrus Ltd (on overhead poles) has proved particularly lacking in resilience against extreme weather, with outages throughout the district over over a dozen weeks following Storm Eowyn. NIE's electrical network was not unaffected either. Suggest planning consents should favour burying cables underground rather than on overhead poles.
- More policy consideration should be given to microgeneration of energy: solar, wind, heat exchange, rural 'nano'-hydro schemes.
- Tree coverage should receive more consideration in policy. There should be a policy drive encourage reforestation with native species. Particular consideration should be given to encouragement of 'shelter belt' planting in river catchments, which can play an important role in preventing flash flooding and soil erosion.

I feel the Draft Plan is underdeveloped in the above areas and would benefit from more attention to them.