REPORT OF ASSISTANT COMMISSIONER
SARAH HAVLIN
ON THE
DISTRICT ELECTORAL AREAS COMMISSIONER’S
PROVISIONAL RECOMMENDATIONS
FOR
ARMAGH, BANBRIDGE AND CRAIGAVON DISTRICT

October 2013
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1. Introduction

The New Northern Ireland Local Government Districts

1.1 Following a review of local government wards and districts in 2008/9 the Local Government (Boundaries) Order (NI) 2012 was made on 30 November 2012 establishing the boundaries and names of 11 new local government districts for Northern Ireland and their constituent wards. The new districts, as set out in the 2012 Order, are:-

- Antrim and Newtownabbey
- Armagh, Banbridge and Craigavon
- Belfast
- Causeway Coast and Glens
- Derry and Strabane
- Fermanagh and Omagh
- Lisburn and Castlereagh
- Mid and East Antrim
- Mid Ulster
- Newry, Mourne and Down
- North Down and Ards

1.2 The Belfast local government district comprises 60 wards; Armagh, Banbridge and Craigavon district and Newry, Mourne and Down district both contain 41 wards; and the remaining 8 districts have 40 wards each.

Review of District Electoral Areas

1.3 The Secretary of State for Northern Ireland, the Rt. Hon. Theresa Villiers MP, appointed Richard Mackenzie, CB, as District Electoral Areas Commissioner for Northern Ireland with effect from 21 January 2013. His task was to make recommendations for the grouping together of the wards in each of the eleven
new local government districts into District Electoral Areas (“DEAs”) for the purpose of local government elections.

Legislation

1.4 The legislative provisions concerning the appointment and function of the Commissioner, the procedures to be followed in reviewing DEAs and the rules in accordance with which recommendations are to be made are contained in the District Electoral Areas Commissioner (Northern Ireland) Order 1984 (“1984 Order”), as amended by the District Electoral Areas Commissioner (Northern Ireland) (Amendment) Orders of 2007 and 2009 and the District Electoral Areas Commissioner (Northern Ireland) Order 2012.

1.5 Schedule 3 to the 1984 Order, as amended, prescribes four rules in accordance with which recommendations of the Commissioner are to be made. These are:-

1. No ward shall be included partly in one electoral area and partly in another.
2. Each electoral area shall consist of not less than five, and not more than seven, wards.
3. Each ward in an electoral area shall have at least one boundary in common with another ward in that area, except where the ward consists of an island.
4. A name shall be given to each electoral area.

Public consultation

1.6 The procedure to be followed in a review of District Electoral Areas (DEAs) is set out in Schedule 2 to the 1984 Order, as amended, and provides among other things for:

- an eight week public consultation period for the submission of written representations with respect to the Commissioner’s provisional
recommendations for electoral areas in a district; and

- the holding of a public inquiry where representations are received objecting to the Commissioner’s provisional recommendations for a district. If a district council or not less than 100 electors make an objection, an inquiry must be held, otherwise inquiries may be held at the Commissioner’s discretion.

**Provisional Recommendations**

1.7 The Commissioner’s provisional recommendations for the grouping of wards into District Electoral Areas, together with his recommendations for their names, were published on 2 May 2013 for an eight week public consultation period ending on 27 June 2013. A total of 30 representations were received in relation to his proposals. The Commissioner’s provisional recommendations, including maps, and the representations received may be viewed on his website.

**Public Inquiries**

1.8 On the basis of the representations received, the Commissioner decided that nine public inquiries should be held to consider objections to his proposals. No representations were received in relation to the Causeway Coast and Glens district and the only objections to the proposals for Derry and Strabane district were to the proposed name of the Rosemount DEA. No public inquiries were deemed necessary in those districts. Details of the nine public inquiries were published in advance in a number of daily and provincial newspapers as well as on the Commissioner’s website.

**Appointment of Assistant District Electoral Commissioners**

1.9 The legislation provides that the Commissioner may ask the Secretary of State to appoint one or more Assistant Commissioners to inquire into, and report on, such matters as the Commissioner thinks fit. Accordingly, the Secretary of
State for Northern Ireland, the Rt. Hon. Theresa Villiers MP, appointed me as Assistant Commissioner on 2nd July 2013.

1.10 I was directed by the Commissioner to preside over the public inquiry into objections to his provisional recommendations for the DEAs for the Armagh, Banbridge and Craigavon District. The inquiry was held in the Seagoe Hotel, Portadown, County Armagh on Thursday 5 September 2013. Nine people made oral submissions. All participants were given the opportunity to give their views fully and to comment on the views expressed by others. A list of the written representations received is at Appendix 1 of this report. Details of those who made oral submissions are at Appendix 2. A transcript of the inquiry can be viewed on the Commissioner’s website.

Content of Report

1.11 This report considers the written and oral representations received in relation the proposed groupings of wards into DEAs for the Armagh, Banbridge and Craigavon district and on the recommended names for the DEAs. It details support for, objections to and counter-proposals made in relation to the Commissioner’s provisional recommendations and presents my conclusions and recommendations.
2. DEA Ward Groupings – Objections.

Keady Town – Keady and Seagahan wards.

2.1 An objection was made by Councillor Thomas O'Hanlon (SDLP) in respect of the town of Keady. Mr. O'Hanlon objects to the proposed configuration of wards in the Armagh and Cusher DEAs on the basis that the current recommendation splits the town of Keady into two different DEAs.

2.2 Mr. O'Hanlon then went on in his submission to outline the parts of Keady town which are located within the ward of Seagahan which are; Annvale Heights, Annvale Gardens, Caramoyle Estate, Rathmoyle Avenue, Rathmoyle Drive and Rathmoyle Park.

2.3 Mr O'Hanlon did not appear at the hearing. Sinn Fein through its representative at the hearing, Brendan Curran, opposed the objection of Mr. O'Hanlon on the ground that it is outside the parameters of this process:

“At a glance the map of the new ABC Council area shows the town of Keady to be contained within the Keady ward. We note there is no proposal to move the Seagahan Ward out of the Cusher DEA and we believe that this Commission has no remit to alter ward boundaries.”

2.4 Thus, it was argued by Sinn Fein that the objection put forward by Mr. O'Hanlon was not permissible for consideration under this process, as his argument was based on the exclusion of these streets from the Keady ward. In the view of Brendan Curran of Sinn Fein, the submission of Mr. O'Hanlon makes an argument based on the alternative delineation of a ward boundary and is not based on the proposed DEA boundary/ward groupings. The ward boundaries were fixed by The Local Government Boundaries (Northern Ireland) Order 2012.

2.5 Mr. Curran is correct to say that the issue of ward boundaries is not open to debate under this process. However it may be a matter of interpretation as to whether Mr. O'Hanlon has made any valid points in respect of the
DEA boundary. I note that he has stated in his letter to the Commissioner of 20th May 2013:

“The proposals in provisional form split the geographical area which is Keady town. I could accept this if they were being retained within the same DEA, however they are not.” (the underlining is my own emphasis)

2.6 I have set out my conclusions in respect of this issue in Section 4 of this report.

**Loughgall Ward**

2.7 An objection was made on behalf of the Democratic Unionist Party by Edward Hanna at the inquiry on behalf of Jeffrey Donaldson and Brenda Hale MLA:

“The DUP believes that Loughgall Ward should remain within an Armagh District Electoral Area. This gives due recognition to its local ties with Armagh City and that it was previously in the Armagh Council area. The case of ties to Portadown does not match or overwhelm the bonds with Armagh so therefore a transfer is not appropriate to a Portadown based DEA. The mix of rural and urban of the Loughgall ward made Cusher the more appropriate Armagh DEA for it to be contained within as it is similar to the other wards in that DEA.”

2.8 This objection was rejected by Sinn Fein who expressed support for the proposals of the Commissioner. Brendan Curran stated at the inquiry:

“The concept of an Armagh DEA is not relevant when drawing boundaries for the new Council. Indeed, it is arguable that mixing the old areas is important to ensuring that new Councillors take an holistic view when making decisions in the new council.’

2.9 No other parties at the inquiry or under the written consultation expressed a view on this issue. I have set out my conclusions on this issue at Section 4 of this report.
Waringstown ward and Magheralin ward.

2.10 An objection was made by the Democratic Unionist party in respect of the ward groupings in Lurgan DEA and Lagan River DEA:
“In the division of wards between the proposed Lurgan and Lagan River DEAs the DUP believes the switching of Waringstown and Magheralin wards is necessary. The Commissioner sets out in paragraph 3.6 the desire for the creation of distinct urban and rural DEAs. The more intense development of Waringstown would make it more appropriate to be included in the proposed Lurgan DEA. The less intense development and more rural nature of Magheralin ward would make it more appropriate for the proposed Lagan River DEA. Magheralin is directly comparable in nature with the Gilford, Donaghcloney and Quilly wards, which make up most of the proposed Lagan River DEA.”

2.11 Sinn Fein rejected the argument put forward by the DUP in their objection and expressed support of the current proposals, stating that:
“The demography of both Waringstown and Magheralin wards is strikingly similar…”
and:
“From an election management perspective and also from an aesthetic viewpoint, switching of Waringstown and Magheralin would create a clumsy geographical boundary.”

2.12 At the inquiry Councillor Joe Nelson of Craigavon Borough Council stated:
“I would support the view taken by Sinn Fein on this that the affinity between Magheralin and Aghagallon is much closer than any potential affinity between Lurgan and Waringstown.”

2.13 Dolores Kelly MLA also spoke in support of Sinn Fein's argument and the Commissioner's current proposal on this issue:
“Obviously Sinn Fein's submission is similar to our own in relation to this particular proposal. The fact is, to travel into Lurgan from Aghagallon you
actually cross part of Co. Down, which stretches into Magheralin. The Kilmore bit is very much similar and for the DUP to make comparisons in terms of the rural and urban split, one could argue then that Aghagallon and Derrytrasna you would have a totally different reconfiguration because it really doesn't stack up. Because Loughside, as you know, was very much wards and DEAs that actually swept along the southern shores of Lough Neagh. So I think the Commissioner, in looking at the populations of the different villages around the Lough shores, has made his best endeavours in relation to these particular areas and recognised from the outset that the new council of Craigavon, Armagh and Banbridge was not going to make the same urban and rural split that would have been so much easier in other configurations elsewhere for other councils.”

2.14 I have set out my conclusions on this issue at Section 4 of this report.

**Gransha ward and Gilford ward.**

2.15 A number of objections were raised in respect of the proposed grouping of these wards based largely on community ties arguments.

2.16 Michael Moriarty in a written submission proposed the swapping of Gransha and Gilford wards between Lagan River and Banbridge DEAs on the grounds of preserving the former Knochiveagh DEA and the local ties between Gransha and Dromore.

2.17 The objection of Mr. Moriarty was similar to the objection made on behalf of the Social and Democratic Labour Party. A written submission from Gerry Cosgrove, General Secretary of the SDLP, was accompanied by a petition from electors in Banbridge, Gransha, Gilford and Lawrencetown, making the following objection:

“The new Banbridge ward excludes Gilford and Lawrencetown. These two areas should be included in Banbridge ward and not Lagan River as they have always identified with Banbridge not Dromore. Gransha which is included in the new proposal for Banbridge ward would be better placed in
Lagan River as they would identify themselves more with Dromore town”.
(I am presuming that Ms. Cosgrove in fact means 'DEA' where she has used the word 'ward')

2.18 Councillor Marie Hamilton (SDLP) from Banbridge re-iterated her party's objection and spoke at the inquiry particularly about the strong community links between Banbridge and the areas of Gilford and Lawrencetown.

2.19 Jeffrey Donaldson and Brenda Hale MLA of the Democratic Unionist Party made a submission in respect of the strong historic community links between Gransha ward and Dromore, the school affinities shared by the residents of the Gransha ward and the people in the Dromore area, and the geographical physical feature of the Lagan River flows through the Gransha ward and so it would be a more natural decision to incorporate this ward into the Lagan River DEA. They also stated:

“Transferring Gransha ward from Banbridge to Lagan River DEA would also have the positive effect of balancing the ward numbers with six wards in each DEA, rather than seven and five at present. There is no justification for such a disparity in size.”

2.20 The DUP did not have any comment to make on the issue raised by Mr; Moriarty and the SDLP, that Gilford ward should be moved. The DUP case was based solely on moving Gransha ward.

2.21 Jonathan Murphy, a member of the public who spoke at the inquiry disagreed with the objections in respect of these wards and spoke in favour of the Commissioner's proposals for the two wards.

2.22 Councillor Carol Black (UUP) also spoke at the inquiry to voice support for the Commissioner's current proposals for these two wards.

2.23 Brendan Curran, on behalf of Sinn Fein, also disagreed with the objections in respect of these wards and supported the Commissioner's proposals. He stated:
“The town of Banbridge could not constitute a DEA on its own, therefore the creation of a distinct urban DEA is impossible and switching Gilford with Gransha won't resolve this. We are actually looking at a new diaspora within new Councils and the concept of reinstating is non-existent. Wards and DEAs are a method of grouping for electoral purposes and while local linkage makes management and in particular the allocation of polling stations easier, wards not DEAs confer affiliations.”

2.24 I have set out my conclusions on this issue at Section 4 of this report.

**Name of Lagan River DEA.**

2.25 One objection was made by Sinn Fein about the naming of the proposed Lagan River DEA. An alternative name of Clanbrassil, the English word, or the original Gaelic, Clann Bhreasail, was proposed. The name is linked to an Earldom in that area.

2.26 No expressions of support or disagreement with this proposal were made either during the written consultation period or at the inquiry.

2.27 I have set out my conclusion on this issue at Section 4 of this report

**Other objections not relevant under this process**

2.28 Objections were made both by written submission and at the inquiry by representatives of the Ulster Unionist Party that were outside the scope of the inquiry. I shall not be making any comment in respect of these issues which are listed below:

- the positioning of ward boundaries
- the number of wards in the Council area and alleged disparity between Council areas in terms of ward numbers or inequities in ward averages.
- flaws in the structure and framework of the Programme for Local Government Reform.
I was a little unclear about whether John Hanna of the UUP was in fact making certain objections to the proposals at the inquiry as he did make some points about Tandragee ward and Markethill ward and the Gilford/Gransha issue in his submission at the inquiry but, having read over the transcript, I am content that Mr. Hanna in fact supports the Commissioner's proposals, albeit somewhat reluctantly, and he maintains the same line as his party in that the current proposals are broadly supported. I would refer to my exchange with Mr Hanna at the Inquiry to confirm this:

“I’m not entirely happy with the boundaries where they are and you’re saying you can’t do anything about the boundaries but I would say that I would hope that those boundaries would be looked at in the future; they’re far from satisfactory and I think probably we missed an opportunity there to say something about that. My personal excuse is I was ill at the time and therefore didn’t get making to it and I think we all missed a trick there in not doing something about it but I want it noted.”

Sarah Havlin: Just to be clear just so I can understand, I appreciate that you do have reservations of the process in terms of fixing the wards and the ward boundaries and the number of wards and looking at the number of electors and that kind of thing, but in terms of the proposals here about grouping the wards, in relation to the ward of Gilford?

John Hannah: Reluctantly I have to accept that.

Sarah Havlin: You’re reluctantly accepting it.

John Hannah: There’s logic to that. I don’t like it.

Sarah Havlin: But you’re not making a formal objection.

John Hannah: I don’t like it in terms of where I’m represented and I’m losing that and Banbridge Council put £2.4M into a new leisure centre in Gilford and that’s moving out of the
Gilford district but it's included in the overall ABC. So reluctantly I agree with that and accept it.

Sarah Havlin: Thank you.

John Hannah: And I think those are the main points I wanted to make in terms of that, yes. I just thank you for the opportunity. Overall, I think it was a good job under very rushed circumstances but again I would implore that we look at the number of wards in Armagh, Banbridge and Craigavon. I think it's unjust and unfair; it would contradict the whole concept of cohesion and inclusion and the European concept of enhancing democracy.

Sarah Havlin: But notwithstanding those reservations, you're here to support broadly the proposals as they stand in this district.

John Hannah: Yes.

2.30 This completes the summary of the submissions made in respect of the objections for this local government district.
3. **Analysis**

3.1 The Commissioner is required to consider five key issues in the Armagh Banbridge and Craigavon district:

(1) Whether Councillor Thomas O'Hanlon's submission in respect of the Keady/Seagahan wards is relevant under this process. If it is determined to be a relevant objection, the Commissioner must go on to determine whether he is permitted under the statute and persuaded by the evidence to group the Seagahan ward with Keady Ward in the same DEA in order to avoid, according to Mr. O'Hanlon's evidence, the splitting of the town.

(2) Is it permissible under the statute and is he persuaded by the evidence that community links and affiliations based on old council areas are sufficient grounds upon which to group the Loughgall ward into the Cusher DEA?

(3) Is it permissible under the statute and are there sufficient distinctions between Magheralin and Waringstown wards on the basis of rural/urban characteristics and, if so, is this a justified reason to swap the two wards from their current proposed groupings within the proposed Lurgan and Lagan River DEAs?

(4) Is it permissible under the statute and does he consider community links and the social affiliations of some of the electorate to the towns of Dromore or Banbridge to be sufficient grounds to justify moving Gransha out of Banbridge DEA into the Lagan River DEA and moving Gilford out of Lagan River DEA and into Banbridge DEA?

(5) Whether there is a sufficient reason to change the proposed name of Lagan River DEA.

3.2 In analysing these issues I have been cognisant of the constraints of the legislation and the principles applied by the Commissioner under his stated policy position as set out in his 'Method of Approach' at page 5 of his
Provisional Recommendations.

3.3 It is not within my remit to challenge or critically assess the stated policy position of the Commissioner and so I have evaluated the objections according to the legislation and the policy principles set out by the Commissioner, specifically at paragraphs 3.6 and 3.7 on page 6 of the Provisional Recommendations.

3.4 The rules must take precedence over the Commissioner's stated policy position. Thus, the Commissioner's first priority is to apply and comply with the four rules in the legislation, namely Schedule 3 to the District Electoral Areas Commissioner (Northern Ireland) Order 1984:

1. No ward shall be included partly in one electoral area and partly in another.
2. Each electoral area shall consist of not less than five, and not more than seven wards.
3. Each ward in an electoral area shall have at least one boundary in common with another ward in that area, except where the ward consists of an island.
4. A name shall be given to each electoral area.

3.5 Only if an objection is potentially permissible under the Rules, can the Commissioner evaluate the options against his stated method of approach, which is that, 'where possible', (my emphasis) he shall 'have regard to the following':

1. the use of physical features such as loughs, estuaries, rivers, hill ranges and major roads as DEA boundaries;
2. the creation of distinct urban and rural DEAs;
3. The inclusion of complete settlements within a DEA;
4. the creation of geographically compact DEAs;
5. the creation of DEAs where the ratio of electorate to each councillor is not more than 10% from the overall district as a whole.
3.6 It is also important to note that the Commissioner, when composing the recommendations, must make a judgement on the balance of these stated principles as there will be limitations and difficult areas:

“it is not always possible to define distinct urban and rural DEAs or to avoid the division of a settlement. Furthermore, depending on local circumstances, some of these factors may be in conflict with one another, or one may have greater prominence than others in a particular locality. In composing my recommendations, therefore, I have made a judgement on the balance of these factors in light of the need to compose DEAs in accordance with the statutory requirement.”

3.7 I think it is important to note that community identity, social links or personal affiliations of the electors in a ward is neither a statutory test for a DEA boundary nor is it part of the stated policy of the Commissioner. However, in my opinion it may be open to the Commissioner to consider such evidence about community links in the context that it is potentially relevant to one of the statutory tests or policy principles that form the method of approaching the grouping of wards.
4. Conclusions

Seagahan ward and Keady ward.

4.1 In my opinion the Commissioner should, in fairness, consider Thomas O'Hanlon's objection in the spirit of the argument he has made rather than holding him to a strict literal interpretation of his written submission.

4.2 It is clear to me from the words “I could accept this if they were being retained within the same DEA, however they are not” that Mr. O'Hanlon is making an argument about the DEA boundary. He is unhappy that the ward boundary excludes the streets in question from the Keady ward, but he states that he would accept this were it not for the movement of the ward of Seagahan into Cusher DEA and Keady ward into Armagh DEA. In Mr. O'Hanlon's opinion, this separation by the DEA boundary renders the exclusion of these streets from its neighbouring area as more significant.

4.3 However I do agree with Mr. Curran that Mr. O'Hanlon's argument is confused at times and his logic strays into arguments about the positioning of the ward boundary, for example:

“I would suggest that the Annvale Road is used as the boundary definition. This would respect a natural end to Keady town...”

This is not a valid argument relating to the ward groupings but is in fact an argument about the positioning of the ward boundary.

4.4 Mr. O'Hanlon has set out what seems to be a potentially relevant objection and he has based his objection on the premise that the Commissioner should not split a settlement – i.e. the town of Keady, which is a relevant argument under this process. However, I must accept the point made by Sinn Fein, that Mr. O'Hanlon's argument is confused as to whether he is arguing for an alternative re-grouping of the wards to keep Seagahan ward and Keady ward in the same DEA or whether he is making the irrelevant argument that the ward boundary should be re-drawn to include the streets in question within the Keady ward.
4.5 Based on Mr. O’Hanlon’s closing request in his letter of 20\textsuperscript{th} May, I am more inclined to accept that he is making a point about the ward boundary: “I would request that the Commissioner and Commission look again at this anomaly and shift the line which splits the Armagh and Cusher DEAs to the Annvale Road…”

4.6 Under Rule 1, the Commissioner cannot split parts of wards; it must be the whole ward. Whilst Mr. O’Hanlon makes the point that he wants the Commissioner to look at the anomaly caused by the proposed DEA configurations, he has evidenced his argument based on the positioning of the settled ward boundary line and not based it upon the positioning of the whole ward in a particular DEA, the latter being the correct approach under this process and the former being an issue which the Commissioner cannot consider.

4.7 Mr. O’Hanlon was not present at the Inquiry but his colleague Dolores Kelly did speak at the Inquiry on his behalf and confirmed that Mr. O’Hanlon’s argument should be interpreted as requesting a move of the Seagahan ward into the Armagh DEA.

4.8 In conclusion, it appears to me that Mr. O’Hanlon is clearly unhappy about the delineation of the ward boundary between the Keady and Seagahan wards and I agree with Mr. Curran that he has communicated in a way which suggests a confusion about the two issues of ward boundaries and the groupings of whole wards into DEAs. However, in fairness I think that he has made sufficient representation for the Commissioner to consider his argument in the context of this process – that the two wards of Seagahan and Keady should be kept together in the same DEA.

4.9 Under Rule 1 of the legislation, it is not open to the Commissioner to group the wards in any way other than by grouping full wards - not partial areas from wards. Thus he must move a full ward into a DEA – he cannot split any ward. I am not sure if that was clearly understood by Mr. O’Hanlon and had he been present at the Inquiry, this is a point that I would have wanted to make clear to
him. The boundary of the ward cannot be shifted; it must be the whole ward that moves.

4.10 Under Rule 2, the movement of Seagahan ward from the Cusher DEA is not permissible as it would leave Cusher with only four wards. Mr. O’Hanlon’s submission does not offer an alternative configuration as to how any shortfall of the required minimum wards in Cusher would be addressed. Thus, as it stands, the idea of moving Seagahan ward into the Armagh DEA is not workable within the constraints of the statute.

4.11 Perhaps Mr. O’Hanlon could equally argue that the anomaly of this area could be addressed by keeping the two wards in the same DEA by moving Keady ward from the Armagh DEA into the Cusher DEA in order to achieve the unity of Seagahan ward and Keady ward in the same DEA – which under Rule 2 would be permissible, making Armagh a 5 ward DEA and Cusher a 6 ward DEA. However, Mr. O’Hanlon has not argued this point and his written submission is not sufficiently clear to determine whether he is making such a case. Mr. O’Hanlon was not present at the Inquiry for me to explore this issue with him in more detail. I cannot make his case for him.

4.12 I must therefore conclude that the objection as presented does not constitute a viable alternative configuration which would be permissible under the statutory rules. I would therefore be inclined to recommend no change to the Commissioner’s proposal for the wards of Seagahan and Keady.

4.13 However, it must be noted that a separate DUP objection made the suggestion that Loughgall ward should move from Portadown DEA into Cusher DEA, which, if taken together with Mr. O’Hanlon’s desire to move Seagahan ward out of Cusher DEA, may offer a solution and I believe that it would be open to the Commissioner to consider both counter-proposals together. Thus, the outcome of the Loughgall issue may influence the Commissioner’s final decision on Seagahan ward. Depending on the view the Commissioner takes on the Loughgall ward issue, he may or may not go on to apply the remaining
rules of the legislation to the movement of Seagahan ward.

Loughgall ward

4.14 I am not persuaded that there is a sufficient reason to group Loughgall ward with the wards of the proposed Cusher DEA. It may be permissible under the statutory rules – Portadown DEA would be left with five wards which complies with Rule 2 and Loughgall shares a ward boundary with at least one other ward in Cusher DEA, which complies with Rule 3. However, I do not believe that sufficient evidence has been provided to justify such a move. The objection was not supported by others in the consultation process and many parties expressed support for the current proposals for this district.

4.15 The rationale of the DUP objection and counter-proposal is based on community ties and the mix of rural and urban in that ward which, in their view, makes it more compatible with the other wards within Cusher DEA.

4.16 Under the Commissioner's stated policy he has sought 'where possible' to create 'distinct rural and urban DEAs'. However, where the district is mixed rural and urban, as is the case here, it will not be possible to create such distinctive DEAs. If the ward and the entire wider area is mixed rural and urban, then the drawing of the DEA line is not significant in this context. The main thrust of the rationale for this counter-proposal is linked to community identity.

4.17 I am not convinced that this DEA boundary should be influenced by perceptions about community identity. There is no evidence gathered to support the actual community ties of electors in that area and indeed it would be difficult to measure this, given that certain individuals will feel connected to different surrounding areas depending on social connections and the location of where they live in the ward. For example, those people living to the north and east of the ward may well look to Craigavon and Portadown. In this part of the ward there is a shared boundary with The Birches ward and Ballybay ward. Those living to the south and west of the ward may feel a stronger connection
to Armagh, as it is in these parts of the ward where there is a shared boundary with Blackwatertown ward. Thus I do not feel that the community ties or links argument, of itself, would provide an objective rationale for making this change.

4.18 **Therefore I do not recommend any change to the Loughgall ward and it should remain in Portadown as proposed by the Commissioner.**

4.19 Taking such a view on Loughgall ward impacts upon any potential prospect of success for the argument that Mr. O’Hanlon made about Seagahan ward. I do not recommend that Loughgall moves into Cusher DEA and so I cannot recommend that Seagahan ward should move out of Cusher DEA. Taking a ward from Cusher, leaving Cusher with only four wards, without another ward replacing it, is not permissible under Rule 2 of the legislation and thus I have not considered the matter any further either under Rules 3 and 4 of the legislation or under the stated principle of avoiding, where possible, the splitting of a settlement. In my view the argument about the splitting of the settlement of Keady cannot be considered by the Commissioner in accordance with his stated policy approach, because he can only apply his policy position in cases where the counter-proposal is permissible under the statutory rules.

**Magheralin ward and Waringstown ward**

4.20 The counter-proposal posed by the DUP is a 'straight swap' of wards and so is potentially permissible under Rules 1 and 2 of the statute. Under Rule 3 the ward can only be included in the DEA if it shares 'at least one boundary in common with another ward' in that DEA. Magheralin moving into Lagan River DEA would be permissible under Rule 3 as it shares a ward boundary with Donaghcloney. Waringstown moving into Lurgan DEA would be permissible as it shares a boundary with Knocknashane. Thus, I can find no statutory constraint which would prohibit this counter-proposal.

4.21 The Commissioner must then consider whether there are sufficient distinctions between Magheralin and Waringstown wards on the basis of argued points
about rural/urban characteristics and if so, decide if there is a justified reason to swap the two wards from their current proposed groupings within the proposed Lurgan and Lagan River DEAs in accordance with the stated principles of his method of approach.

4.22 The DUP argument is set out in their written submission to the Commissioner as follows:

“The Commissioner sets out in paragraph 3.6 the desire for 'the creation of distinct urban and rural DEAs.’ The more intense development of Waringstown would make it more appropriate to be included in the proposed Lurgan DEA. The less intense development and more rural nature of Magheralin ward would make it more appropriate for the proposed Lagan River DEA. Magheralin is directly comparable in nature with the Gilford, Donaghcloney and Quilly wards which make up most of the proposed Lagan River DEA.”

4.23 I am not convinced by the reasoning of this argument as it appears to me that both Lurgan DEA and Lagan River DEA are both mixed urban/rural areas. Waringstown ward and Magheralin ward are both mixed urban/rural wards. Having paid site visits to key points of both wards, I noticed that both the road leading out to Waringstown from Lurgan and the road from Lurgan out towards Magheralin are made up of features on the ground connecting both areas to Lurgan town centre. Both roads feature a ribbon of consistent built up development including suburban housing and thus the links for both wards to Lurgan are obvious.

4.24 I would agree with Mrs. Kelly, MLA that the nature of Lurgan and its surrounding areas is a mix of urban and rural and so it would be difficult to argue that one can create distinct rural and urban DEAs here. I also agree with Mr. Curran's point that these two wards are ‘strikingly similar’ in terms of geographical features and characteristics. Looking at the Ordnance Survey Northern Ireland map of the Craigavon area, I find both wards to look broadly similar in terms of rural/urban features.

4.25 The connections and physical features between Lurgan centre and the two
areas of Magheralin and Waringstown were more obvious to me travelling out to Magheralin due to the location of the village of Dollingstown. Dollingstown falls into the Magheralin ward. There is no sense of transition when leaving Lurgan and driving through Dollingstown centre. To me, the centre of Lurgan and the beginning of Dollingstown was virtually indistinguishable, were it not for a road sign marking the name of the village. I also note that on the map there is no break at all in the built up town area of Lurgan and the village of Dollingstown. Dollingstown appears to be part of the settlement of Lurgan both on the map and on the ground. Conversely, there is a clear and obvious break between Lurgan and the boundary of Waringstown ward.

4.26 It is for this reason that I would be reluctant to prefer Waringstown ward over Magheralin ward for inclusion in the Lurgan DEA. I would tend to prefer the DEA boundary suggested by the Commissioner which I believe is the option most in keeping with his stated policy position as set out in his 'Method of Approach' in which he will endeavour where possible to include complete settlements within a DEA. I would argue that Dollingstown is part of the settlement of Lurgan and a split here should be avoided.

4.27 In my opinion, having considered this issue at this particular locality in detail, I would agree with the DEA boundary in this area as proposed in the provisional recommendations.

Gilford ward and Gransha ward

4.28 Under the statutory test of Rule 1 and 2, this counter-proposal would be permissible if taken as a straight swap. It should also be noted that the single proposal of moving Gransha ward only, as per the DUP counter-proposal, is also permissible under Rule 2 which would make Lagan River DEA and Banbridge DEA two six-ward DEAs.

4.29 Under Rule 3 it would be permissible to include Gransha ward in Lagan River DEA, as it shares a boundary with the wards of Dromore and Quilly in the north.
4.30 Similarly, under Rule 3 it would be permissible to include Gilford ward within Banbridge DEA, as it shares a boundary with the wards of Banbridge North, Banbridge West and Loughbrickland.

4.31 However, the Commissioner needs to determine whether there is sufficient evidence to suggest that these wards should be grouped according to the counter-proposal, rather than according to his own recommendation under the provisional recommendations. The matter must be considered in accordance with the stated policy position of the Commissioner.

4.32 The issue of community links has been raised as the argument to influence how these wards are grouped. Again, I would repeat my earlier comments about the Loughgall ward at paragraph 4.12 of this report. I am not convinced that this DEA boundary should be influenced by perceptions about community identity. The evidence gathered to support the actual community ties of electors in these areas is limited and indeed it would be difficult to measure this accurately, given that certain individuals will feel connected to different surrounding areas depending on social connections and the location of where they live in the ward.

4.33 For example, those people living to the south eastern parts of Gilford ward may well look towards Banbridge, but the wider and more outlying areas of this ward may not feel such a strong connection. Those living to the north of Gransha ward may feel a stronger connection to Dromore, but those areas to the south such as Katesbridge would feel stronger links to Banbridge and Rathfriland. Thus I do not feel that the community ties or links argument would provide a justifiable and objective rationale for making this change.

4.34 The Commissioner must consider the objection to the proposed grouping of these wards based on a very strong preference of some electors in Gilford ward to be grouped with Banbridge DEA because of social and historical connections with Banbridge town and the very strong preference of some electors in Gransha ward to be grouped with Lagan River DEA because of
social and historical connections to Dromore town. This has been evidenced both by the petition submitted and the representations made by political representatives.

4.35 However, this objection cannot be stated as being any stronger than a preference of some electors in these wards. In my opinion this is not, of itself, a sufficient reason for the Commissioner to revise his approach to these ward groupings, particularly as there was significant support for the Commissioner’s proposed groupings in respect of these wards as expressed by several people both at the inquiry and in written submissions.

4.36 Thus I would conclude that community identity or affiliation cannot be accurately measured or known and cannot, of itself, be a justifiable reason upon which the Commissioner should base any revision to the proposed DEA boundary.

Name of Lagan River DEA.

4.37 This counter-proposal by Sinn Fein was not supported by any others, nor was it objected to by others. **I do not believe that a sufficiently strong public objection to the name exists and would conclude that there is no justification for the name change**

RECOMMENDATION

4.38 **I do not recommend that the Commissioner makes any changes to his current recommendations for this local government district.**
5. Acknowledgements

5.1 I would like to thank all the participants in this consultation process who made their submissions in a cogent and helpful manner. I know that it is not easy for members of the public to stand up and speak in public in a formal process such as this, and I particularly commend those who may not be all that familiar with making formal and public presentations for taking the time and trouble to come to the Inquiry and share their views.

5.2 I am indebted to the support provided so competently and professionally by Liz Benson of the District Electoral Areas Commission Secretariat and Jane Watson and the team from Morrow Communications. I would also like to express my gratitude to the support provided to me by Philip Bell from the Land and Property Services of Northern Ireland.
LIST OF WRITTEN RESPONSES RECEIVED DURING THE CONSULTATION PERIOD

Alliance Party NI

Banbridge District Council

Democratic Unionist Party (DUP)

Michael Moriarty

Councillor Thomas O’Hanlon, SDLP

Social Democratic and Labour Party (SDLP)

Ulster Unionist Party (UUP)

Upper Bann Sinn Féin (SF)
LIST OF ATTENDEES WHO MADE SUBMISSIONS AT THE
PUBLIC INQUIRY

Councillor Carol Black (UUP)
Brendan Curran (Sinn Féin)
Councillor Marie Hamilton (SDLP)
Edward Hanna (representing the Rt Hon Jeffrey Donaldson MP and Brenda Hale MLA)
Councillor John Hanna (UUP)
Councillor Arnold Hatch (UUP)
Dolores Kelly MLA (SDLP)
Jonathan Murphy
Councillor Joe Nelson (SDLP)