REPORT OF ASSISTANT COMMISSIONER
SARAH HAVLIN
ON THE
DISTRICT ELECTORAL AREAS COMMISSIONER’S
PROVISIONAL RECOMMENDATIONS
FOR
FERMANAGH AND OMAGH DISTRICT

September/October 2013
<table>
<thead>
<tr>
<th>Contents</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>3</td>
</tr>
<tr>
<td>DEA Ward Groupings</td>
<td>7</td>
</tr>
<tr>
<td>Analysis</td>
<td>13</td>
</tr>
<tr>
<td>Conclusions</td>
<td>21</td>
</tr>
<tr>
<td>Recommendations</td>
<td>23</td>
</tr>
<tr>
<td>Appendix 1 – Written Representations</td>
<td>25</td>
</tr>
<tr>
<td>Appendix 2 – Oral Representations</td>
<td>26</td>
</tr>
</tbody>
</table>
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.

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 2 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 Fermanagh and Omagh district. The inquiry was held in the Manor House Hotel, Killadeas, County Fermanagh on 29 August 2013. Ten people made oral representations, six of whom
had already submitted views in writing during the consultation period. 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 A of this report. Details of those who made oral submissions are at Appendix B. 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 Fermanagh and Omagh district and on the recommended names for the DEAs. It details support for, objections to and counterproposals made in relation to the Commissioner’s provisional recommendations and presents my conclusions and recommendations.
2. **DEA Ward Groupings**

2.1 **Lisnarrick Ward**

Objections were made by several parties in relation to the proposed positioning of Lisnarrick Ward in the proposed DEA of Erne North. Objectors to this proposal were:

- Kilmacormick I and Cornagrade Community Association
- Kilmacormick II Community Association
- Hillview Residents’ Association
- Devenish Partnership Forum
- Fermanagh District Council (Brendan Hegarty, Chief Executive)
- Councillor Frank Britton, Councillor in Enniskillen Area
- Councillor Debbie Coyle, Councillor in Enniskillen Area

2.2 The basis of the objections to the grouping of Lisnarrick ward with the rest of the proposed wards making up the Erne North DEA were broadly similar in that all objectors based the objection on the principles which were outlined as by the Commissioner in his Provisional Recommendations. The objectors made the case that many of the key principles of the Commissioner’s stated approach had not been achieved in this particular area, including the creation of distinct urban and rural DEAs, and the avoiding of splitting a settlement, both in terms of the housing estates of Hillview and Kilmacormick and also in the wider context of splitting the town of Enniskillen. Most of the town falls within Erne ward, save for this area of urban housing which, according to the objectors, is an integral part of the town centre being situated less than a mile from the heart of the town. An objection also argued that the current provisional recommendation for this area did not create a geographically compact DEA.

2.3 The counter-proposal advanced by all objectors was that Lisnarrick ward should be grouped along with Erne ward and others, into the proposed Enniskillen DEA.

2.4 Historically, it should be noted that the Local Government (Boundaries) Order (Northern Ireland) 2012 placed the ward boundary between Erne Ward and Lisnarrick Ward as running through the middle of the urban housing estates of Hillview and Kilmacormick, resulting in a division of these estates for the purpose of the new wards created under that legislation. A significant part of those estates falls outside of the Erne ward boundary and falls into Lisnarrick ward, separating this
part of the estates from the rest of its neighbours in the estates and from the town of Enniskillen. This was the subject of objection at the time of the consultation prior to the Local Government (Boundaries) Order (Northern Ireland) 2012 but the ward boundary is now fixed by legislation and it is not open for debate under this process.

2.5 My summary of the objection in terms of the rural/urban argument is as follows: The current DEA grouping as proposed would take those parts of these urban housing estates – those houses which are in Lisnarrick ward - into the proposed largely rural DEA of Erne North which groups the Lisnarrick ward with other wards which are predominantly rural in characteristic – Belleek and Boa, Ederney and Kesh, Irvinestown and Ballinamallard. The other parts of the housing estates are within the Erne ward and are proposed to be grouped in the Enniskillen DEA.

2.6 The objectors currently make the case under this process, that the ward boundary split will become more significant and detrimental to their communities if the DEA boundary further fragments this area and leaves a significant part of an urban settlement cut adrift from its integral neighbouring urban area and instead it will be subsumed into an almost entirely rural DEA.

2.7 Lisnarrick ward, going northwards, shares rural characteristics with those other wards in the proposed Erne North DEA but it also true to say that in the southern part of that ward, there is a significant urban area, consisting of many houses from the housing estates which have links and share the urban space with Enniskillen town centre – which lies in Erne ward and is provisionally proposed to be part of Enniskillen DEA.

2.8 The question for the Commissioner will therefore be to determine where to position a mixed urban/rural ward which does not contain a population which is either an obvious homogeneous urban community or an obvious homogeneous rural community. Either the Commissioner will decide to place this mixed urban/rural ward within the more urban DEA of Enniskillen or the more rural DEA of Erne North.

2.9 I will analyse the merits of the conflicting arguments later in this report in my conclusions. Firstly I will set out some of the key dialogue from this debate both from the objectors and from those who supported and endorsed the Commissioner’s proposals and who made representations to me at the Public Inquiry which rejected the objector's counter-proposals. Specific examples of the objections to the current proposals of the Commissioner:

*We the residents of Kilmacormick II live within one mile of the island of Enniskillen and the majority of residents originated from living within the
island of Enniskillen. Our heritage is Enniskillen and we are what we call Townies. The decision to take Kilmacormick II and Hillview out of the Enniskillen area appears to go completely against what the District Electoral Areas Commissioner sets out to achieve. It is our understanding that the commissioner set out to achieve the creation of distinct urban and rural DEA’s, the inclusion of complete settlements within a DEA and the creation of geographically compact DEA’s. Taking Hillview, Kilmacormick II estate, and putting them into a rural ward such as Lisnarrick clearly fails to achieve this.’

Jack McKinney, on behalf of Kilmacormick II Community Association (written submission).

‘This proposed action is contrary to what the District Electoral Areas Commissioner has set out to achieve and will in fact break up an area which is the heart of Enniskillen. These housing developments came about as a result of the redevelopment of the island town of Enniskillen and the majority of families were relocated in the four estates. Generations of true Enniskillen people still remain within these areas of Kilmacormick II and Hillview and therefore are still the heart of Enniskillen and must remain within the Enniskillen area.’

Marian Haggins, on behalf of Kilmacormick I and Cornagrade Community Associations (written submission).

‘The residents of Hillview feel....they will not know the councillors hoping to be elected into position.’

Rosemary Johnston, on behalf of Hillview Residents’ Association (written submission).

‘The local community of Hillview and Kilmacormick II in Enniskillen are shocked at the apparent decision to place their community, who are the heart of Enniskillen, into a rural electoral area, while many rural communities over 10 miles outside of Enniskillen are being included in the Enniskillen Electoral area. This runs contrary to the stated objectives of the District Electoral Areas Commissioner.’

Roisin McCusker, on behalf of the Devenish Partnership Forum (written submission).

‘Members agreed that it was difficult to understand the inclusion of half of the Hillview Road in the Enniskillen DEA and the other half in Erne North. The proposals would see the removal of estates, that have long been considered an integral part of Enniskillen, from the town's DEA.’

Fermanagh District Council, per Brendan Hegarty, Chief Executive (written...
‘I think the important thing overall is that Enniskillen retains its integrity as a town, as a county town, that people who live in the town relate to for virtually everything in their lives. But here we have one part of the town, for one aspect of an important service, which is local government, being taken out and put into a largely rural area. And that is very unsatisfactory from the residents’ point of view.’

Councillor Frank Britton, SDLP, Enniskillen, (oral submission).

2.10 There were also consultation submissions and oral representations at the Public Inquiry from the Ulster Unionist Party who expressed opposition to the objections outlined by the parties seeking a transfer of Lisnarrick ward from the proposed DEA of Erne North into the proposed DEA of Enniskillen.

2.11 Tom Elliott made representations to the Inquiry based on the argument that the proposed ward of Lisnarrick is a mixed urban and rural area and thus any decision to group the ward with more urban areas or to group the ward with more rural areas will both be unsatisfactory outcomes to some of the people within the ward, depending upon their own personal living circumstances. Mr Elliott accepted that a large part of the Hillview and Kilmacormick estates were being drawn into a rural DEA but in his view that is a necessary consequence of the fact that the ward boundary was drawn through the centre of these urban areas in the first place.

2.12 In his view, the issue is a difficult one but Mr Elliott said that, on balance, he agrees with the Commissioner’s proposal of grouping Lisnarrick in the proposed Erne North DEA as being the best option. Mr Elliot stated at the Public Inquiry:

‘I’m merely here today because I did note that community groups in Hillview and Kilmacormick II had made representation in relation to the Lisnarrick boundary or the Lisnarrick ward and that it should not be in Erne North but instead go into the Enniskillen DEA because of the inclusion of part of Hillview and Kilmacormick II.

I have a large degree of sympathy with them in relation to the makeup of that particular ward and indeed the Ballinamallard ward, which actually includes a small urban area in and around Cavanaleck as well, which is in a very similar position. However, both Ballinamallard and Lisnarrick are very broadly rural wards and Lisnarrick stretches almost to the village of Kesh, which is a huge elongated ward and if you were to bring that into Enniskillen DEA, it would be
almost impractical to operate.

If you will permit me, Commissioner, to go back a bit - in 2008 our party did make a very strong representation about the ward makeup and that those urban areas should not have been mixed with that rural area of Lisnarrick and Ballinamallard, very strong representation, but it wasn't heeded by the Commissioner at the time... So while I do have that sympathy with the communities of Hillview and Kilmacormick, I do not support bringing Lisnarrick into the Enniskillen DEA... If you had the power, Commissioner, to look at the wards I would be making a totally different representation but you haven't.'

2.13 Councillor Rosemary Barton (UUP, Erne North) supported Mr. Elliot's position and she stated at the Inquiry:

'Just in commenting about the ward of Lisnarrick being moved into Enniskillen area, while I appreciate what these people are saying and appreciate the urban area, I'm not sure the rural people of Lisnarrick want to be moved into the Enniskillen area. They have great affinity with the areas of Irvinestown and the area of Kesh. Lisnarrick is very much tied up with tourism of the lakes and boating etc and again, it's affiliated to Kesh and indeed some of the children that live in the Lisnarrick area go to school in Kesh and then those children go further on, some of them even to school in Castlederg. So there are parts of Lisnarrick that have very little affinity, especially the north of Lisnarrick because that Lisnarrick region's boundary is just outside Kesh village.'

2.14 Indeed Mr. Elliot went on to make a comment which, in my judgement, summed up the disputed issue on this particular part of the proposed DEA boundary:

'...clearly the issue is, in this case, you're either going to put a large section of a rural area into an urban DEA or else you're going to put a large section of an urban area into a rural DEA; that's the reality of it.'

I would agree with Mr. Elliot that this is the central issue upon which I must base my analysis and recommendations, and which the Commissioner needs to decide.

2.15 A final point on this objection relating to the Lisnarrick ward is that moving this ward into the proposed district electoral area of Enniskillen will make Enniskillen a 7 ward DEA, which of itself is within the permissible statutory maximum number of wards within a DEA. However, such a proposed move for Lisnarrick ward would mean it
moving out of the proposed Erne North DEA, leaving the configuration in the proposed Erne North DEA with only four wards, which is below the statutory minimum number of wards within a DEA.

2.16 The Commissioner therefore needs to consider this proposal in conjunction with an alternative proposal concerning the configuration of the proposed Enniskillen DEA as suggested by a number of the objectors, namely Fermanagh District Council and the representatives of the residents groups at the Inquiry.

2.17 The suggested alternative reconfiguration was to move a rural ward from the proposed Enniskillen DEA into the proposed Erne North DEA to balance the number of wards within the limits of the statutory parameters, and, according to the submissions made by the objectors, to make the balance of rural/urban more homogeneous in the two districts.

2.18 The wards which were suggested as being more rural in characteristic than Lisnarrick ward, and thus more in keeping with being grouped into what is proposed as Erne North DEA, were Tempo ward and Lisbellaw ward. This leads me on to the arguments made for and against such an alternative configuration of these wards.

2.19 Lisbellaw and Tempo Wards

A number of suggestions were made at the Inquiry and also in a written submission from Fermanagh District Council that Lisbellaw and/or Tempo ward would be a more appropriate ward(s) for grouping within the more rural grouping of wards that is the currently proposed DEA of Erne North. This is a possible way of achieving the move of Lisnarrick out of Erne North DEA into the Enniskillen DEA if the two moves were done together, which would ensure that both proposed DEAs are within the statutory limits on the number of wards in the grouping.

2.20 According to the submission of Fermanagh District Council ‘Tempo and Lisbellaw largely share the rural identity of many parts of Erne North’.

2.21 This was supported by speakers on behalf of the Residents’ Associations at the Inquiry. Brendan Farry (Hillview Residents' Association) submitted that Tempo ward and Lisbellaw ward would be 'classed as rural'.

2.22 Roisin McCusker (Devenish Partnership Forum) stated:

‘When you look at the wards, from the tip of the new Lisnarrick ward is a half
a mile from the town, less than half a mile from the town centre of Enniskillen. If you look at Tempo it's ten miles from Enniskillen town centre, so the question is, and I'm only using these two as examples, Lisnarrick is tipping Enniskillen town centre and we're going to call it rural, but Tempo is ten miles out of Enniskillen and we're calling it urban."

2.23 There were several speakers at the Inquiry who strongly disagreed with any movement of Tempo and/or Lisbellaw wards out of the Enniskillen area, including Tom Elliott and Sam Foster of the Ulster Unionist Party who both stated that both these wards were strongly historically connected to Enniskillen town.

2.24 Rosemary Flanagan of the SDLP stated at the Inquiry that she agreed that Tempo was a rural ward and that most of Lisbellaw ward was rural, but that parts of Lisbellaw ward in particular were suburban parts of the town of Enniskillen. Ms. Flanagan said:

'As to Roisin's remark about Lisbellaw, in fact the suburbs of Enniskillen fall into Lisbellaw area as well, but the rest of Lisbellaw and Tempo can really be determined as rural.'

3. Analysis

3.1 The issue for determination is whether the Commissioner should group the mixed urban/rural ward of Lisnarrick with other urban wards in a largely urban district, or with other rural wards in a largely rural district. This will always be a difficult decision in the case of any ward with mixed rural/urban characteristics and where there is a conflict of identity in this context.

3.2 In deciding the issue the Commissioner must give priority to the statutory constraints of this process – 'the rules' and he also should be cognisant of his stated method of approach – his stated 'policy.'

3.3 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 from 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.

3.4 Under Rule 1, 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 think the objectors understood this rule and I also believe that I made it clear to all participants that the issue of ward boundaries had been settled already by legislation and that ward boundaries could not be debated.

3.5 On the issue of Lisnarrick ward, it could only be argued that the whole ward would be grouped with other wards in a DEA and that the Commissioner could not consider arguments about splitting any area within the ward from the rest of the ward for the purpose of configuring a DEA and that the ward boundary was fixed by law.

3.6 Under Rule 2 the suggested grouping of Lisnarrick with the existing ward grouping of 6 wards in the proposed Enniskillen DEA would not be in breach of the legislation as a 7 ward DEA is permissible. However, the currently proposed Erne North DEA would be left as a 4 ward DEA if Lisnarrick were to be moved, meaning that the Commissioner can only consider the proposal of moving Lisnarrick ward out, if he is also persuaded to move another ward from Enniskillen into Erne North to balance the number of wards within the constraints of this rule.

3.7 Thus, the argument of Lisnarrick moving into the Enniskillen DEA is dependent upon the argument that Tempo ward and/or Lisbellaw ward moving out of Enniskillen and into Erne North.

3.8 Under Rule 3 all three suggestions of moving Lisnarrick, Tempo and Lisbellaw are permissible. Lisnarrick shares a boundary with Erne, Portora and Castlecoole wards in the Enniskillen DEA. Lisbellaw shares a boundary with Ballinamallard ward, currently proposed as being in Erne North DEA. Tempo shares a boundary only with Lisbellaw ward as a ward that is one of the current proposed wards of Erne North.

3.9 It is interesting to note that were Lisbellaw ward to be moved out of the Enniskillen DEA, then Tempo ward would automatically be in breach of Rule 3 as it would be left without a boundary in common with any of the other five wards in the proposed Enniskillen DEA. Thus if Lisbellaw were to move, Tempo must also be moved under
the requirement of Rule 3. However, Tempo ward could be moved into Erne North without affecting Lisbellaw ward in the context of Rule 3, because Lisbellaw ward shares a boundary with the proposed Enniskillen DEA ward of Castlecoole.

3.10 Indeed, the legislation says that a ward shall have one boundary in common with at least another ward in that area. One interpretation of this may suggest that sharing one boundary is a basic requirement of Rule 3, and that a ward which shares more than one boundary with other wards in that area is a stronger link for a DEA grouping than one which has only one shared boundary, as it achieves an even higher standard of the 'basic' requirement of Rule 3.

3.11 Lisnarrick shares a boundary with three other wards currently grouped in Enniskillen DEA, but it must be noted that it also shares a boundary with three other wards in Erne North DEA – Ederney and Kesh ward, Ballinamallard ward and Irvinestown ward. Based on an interpretive approach to Rule 3 on the number of shared ward boundaries, it could be argued that Lisnarrick meets the same level of the requirement for grouping into Erne North DEA as it does for grouping into the Enniskillen DEA.

3.12 Perhaps it could also be argued under an interpretive application of Rule 3, that Lisbellaw and Tempo have met a lower standard of the requirement with Enniskillen DEA than the Lisnarrick ward, given the greater number of boundaries Lisnarrick shares with the wards in the proposed Enniskillen DEA, compared with those other two wards. Of those other two wards Lisbellaw shares a boundary with Castlecoole ward and is in closer proximity to the wards of the Enniskillen DEA than Tempo ward, which shares only one boundary with a ward in the proposed Enniskillen DEA – Lisbellaw ward – and indeed is arguably quite geographically remote from the main cluster of wards of the proposed Enniskillen DEA.

3.13 However, much of this analysis is interpretive of the legislative provision in Rule 3, and it is true to say that all three of the subject wards share at least one boundary with another ward in the proposed Enniskillen DEA and thus when applying the rule on a purely literal basis, all three of those wards meet the requirement of rule 3. I would not recommend that the Commissioner decides the issue purely upon an interpretive approach to Rule 3, but I do think that it is an interesting approach and indeed such reasoning corresponds to a comment made by Roisin McCusker at the Inquiry:

'...from the tip of the new Lisnarrick ward is a half a mile from the town, less than half a mile from the town centre of Enniskillen. If you look at Tempo it's ten miles from Enniskillen town centre.'
3.14 Essentially the residents are making the case that Lisnarrick ward is more connected to the Enniskillen DEA, not only through community ties and the urban housing estates linking Erne ward and Lisnarrick ward, but also through geographic proximity to the boundaries of the other wards in the Enniskillen DEA, compared to the more geographically distant Tempo ward, which in my judgement, seems to be linked to Enniskillen town and indeed the proposed Enniskillen DEA only by its shared boundary with the largely rural hinterland of Enniskillen town which is contained in Lisbellaw ward, and a strong historic connection to Enniskillen town based on previous area groupings.

3.15 Whilst I do not necessarily find these arguments to be persuasive about where Lisnarrick should be grouped – given that it shares a boundary with an equal number of wards in both Erne North DEA and Enniskillen DEA so the case for Lisnarrick could be argued either way – I do find these arguments potentially persuasive as to the remoteness of the Tempo ward from the other wards in the proposed Enniskillen DEA. In my judgement, there seems to be no obvious geographical link between what appears to be a more remote and an exclusively rural ward of Tempo, and the urban/suburban wards of Castlecoole, Erne, Portora, Rossorry and Lisbellaw.

3.16 However, I also note that Tempo only shares a boundary with one other ward in Erne North – which is Ballinamallard – and thus I would not be inclined to base my judgement for removing Tempo from the Enniskillen DEA on the basis of these arguments alone. That said, this debate has alerted me to the greater distance from the Tempo ward boundary to the central cluster of wards in the Enniskillen DEA as well as the exclusive rural nature of Tempo ward as it appears on the map. These may be relevant factors when compared to the proximity of the Lisnarrick ward boundary to that central urban cluster of Enniskillen wards, and the mixed urban/rural characteristics of the Lisnarrick ward when deciding the most appropriate grouping for Lisnarrick and Tempo, which I will discuss later.

3.16 Rule 4 is not contentious in this area.

3.17 Moving away from the Rules to the stated policy of the Commissioner.

The approach of the Commissioner in the grouping of wards into DEAs as set out in Section 3 of his Provisional Recommendations, was stated as being adopted where possible, and was based on the following:

- the use of physical features such as loughs, estuaries, rivers, hill ranges, and major roads as DEA boundaries.
- the distinct creation of urban and rural DEAs
- the inclusion of complete settlements within a DEA
- the creation of geographically compact DEAs
- the creation of DEAs where the ratio of electorate to each councillor is not more than 10% from the overall ratio for the district as a whole.

In my judgement, the stated policy approach in 2, 3 and 4 require further scrutiny in respect of this district and the objections to the provisional recommendations. 1 and 5 are not controversial in the objections which I am considering and were not raised.

3.18 Urban/Rural The most common argument about the Lisnarrick/Tempo/Lisbellaw issue was the urban/rural mix of Lisnarrick and those objecting to the Commissioner's proposals argued that the mixed urban and rural ward of Lisnarrick should come into the predominantly urban DEA of Enniskillen. Those opposed to the objection and who supported the provisional recommendations stated the mixed rural and urban ward of Lisnarrick should remain as proposed within the predominantly rural DEA of Erne North. Both arguments have merit under this consideration.

3.19 A site visit to the area in question was very helpful and I noted whilst standing on the Hillview Road looking out over Enniskillen town centre that the visual proximity is significant. The boundary running through the estates is less than a mile from the heart of the town centre and literally took me less than two minutes to drive.

3.20 There is no natural split in the urban features of the town centre and these housing estates. Going further northwards in the ward of Lisnarrick the urban features begin to recede but it is very important to note, as some of the speakers at the Inquiry pointed out, that whilst the area does become more rural in characteristic as one drives out towards Killadeas, there are some urban features mixed in with the rural fabric of the area including the new South West Acute Hospital and Enniskillen airport, which are significantly urban features.

3.21 Conversely, when driving out of Enniskillen town on the Tempo Road towards Tempo, I noted that one must first drive across an area within Lisbellaw ward before reaching the Tempo ward boundary. This area is almost exclusively rural in nature with sparse housing and the only other potentially urban features noted were an Industrial Estate and the Technical Department of Fermanagh District Council – which in my view were not such significant urban features but typical of commercial land space requirements often established in rural areas.
The ward boundary between Lisbellaw and the Enniskillen ward of Castlecoole seems to be similar to the south of Lisnarrick ward, in that it contains some urban and suburban features connecting Lisbellaw ward to the urban area of Enniskillen town, such as the main A4 road and a belt of suburban housing which, as I noted on a site visit to the area, is consistent along the road out of Enniskillen toward Lisbellaw.

Thus, the shared urban and suburban characteristics and links between Lisbellaw ward at its boundary with central areas of Enniskillen town and the Castlecoole ward are obvious on the ground. The same can be said of the Lisnarrick boundary with Enniskillen town centre and Erne ward. However, there is an obvious geographic disconnect with the boundary of Tempo ward and the urban area of Enniskillen town. There is a marked distance between Enniskillen town centre and the boundaries of Tempo ward and Tempo only shares a border with Lisbellaw to link it into the greater urban and suburban area of the proposed Enniskillen DEA.

When contrasting these transitions from Enniskillen town into these three wards by way of site visits to the key areas, I found that there was an obvious and significant urban/suburban link from the central Enniskillen area with the features in the south of Lisnarrick ward and the west of the Lisbellaw ward. This was much less the case in respect of the connections on the ground from the central Enniskillen area out to Tempo ward.

I note that, on the map and on the ground, the spatial features of Tempo ward do appear to be mostly if not exclusively rural in nature and would seem to be in keeping with the similar features of the other wards included in the proposed DEA of Erne North. The Tempo ward would seem to be a much better fit with those other rural wards than the predominantly urban and suburban fabric of the other wards in Enniskillen DEA.

I also note that a sizeable part of the area of Lisnarrick ward is in fact made up of the waters of Lough Erne. Thus, it could be argued that whilst a large spatial area in this ward is rural, some of that is water and, in terms of population, the concentrated part of the population of the ward is located in the housing estates of Hillview and Kilmacormick – which are, in my judgement, part of the town centre of Enniskillen.

The evidence submitted by Roisin McCusker was that according to her own research there are approximately 600 houses in the estates which are included in the southern tip of the Lisnarrick ward. I have checked this figure with Land and
Property Services and can confirm that the total number of properties from these housing estates which lie within the Lisnarrick ward roughly equates to Ms. McCusker’s figure of 600. This figure confirms that there is a substantial proportion of the electorate of this ward living in this urban area of Enniskillen town centre.

3.28 I see from my research of the Local Government Boundaries review of this area, which was done in 2008, that electoral number balancing may have been one of the main reasons why the Lisnarrick ward boundary was fixed across the housing estates in the first place. Lisnarrick ward would have been an unviable ward in terms of the statutory minimum requirements relating to the proportion of electorate per ward without the inclusion of this area of urban housing.

3.29 Lisnarrick ward is certainly a mixed urban and rural ward, but in my own opinion the links within this ward are more significant in an urban context than in a rural context. I base my view about this on both the urban features of the hospital and the airport which fall within Lisnarrick ward, and also the significant amount of housing suggesting that a significant amount of the total electorate of Lisnarrick ward are located in the urban areas of Hillview and Kilmacormick. Tempo ward by direct comparison has no such obvious links on the ground.

3.30 On balance, I would be more inclined to argue that Lisnarrick ward contains a significantly populated urban area which is obviously and significantly linked to the town of Enniskillen and encompasses part of the urban corridors of the town of Enniskillen, including the main road out of the town centre to the South West Acute hospital. I also take a similar view of the links between Lisbellaw ward and the town centre, where there is a main A road and a belt of consistent suburban housing coming out of the Enniskillen town centre area into Lisbellaw ward. My view of Tempo ward is that it is an exclusively rural ward and has a more pronounced geographical and demographical disconnect from the urban Enniskillen centre and indeed it is a ward comprising of an area which has more features and characteristics in common with the areas comprised in the rural wards of Erne North, than with the central urban wards of Enniskillen DEA.

3.31 Inclusion of Complete Settlements Another prominent argument about this issue is the splitting of the urban housing estates of Hillview and Kilmacormick which are split down the middle by the ward boundary of Erne and Lisnarrick wards. Those supporting the objection said that this split is made even more significant by the proposed movement of these two wards into different DEAs and therefore the two wards must be kept together to maintain cohesion of the housing settlement and the integrity of the vital urban links of the housing developments and the town of Enniskillen – to move part of the estates out into Erne North would not only split the settlement of the housing estates but also split the settlement which is the town of
Enniskillen, of which these urban housing estates are an integral part.

3.32 Those rejecting the objection and supporting the provisional recommendations argued that the damage to the settlement has already been done by the fixing of the ward boundary and it would be unfair to the rest of the population of Lisnarrick ward, who are rural dwellers and have ties to the other wards in Erne North DEA, to pull them into Enniskillen DEA simply to reunite the two sides of the housing estate which were 'incorrectly' included in the Lisnarrick ward in the first place under the Local Government Boundaries process. This 'mistake' should not be 'corrected' under the DEA process to the detriment of the those other residents within the Lisnarrick ward who have no such similar urban links to the more urban Enniskillen DEA. Again, both arguments have merit under this consideration.

3.33 However, I would be more inclined to agree with the objectors. Whilst it is no doubt true to say that some of the Lisnarrick ward population will be a predominantly rural demographic, the amount of housing in the south tip of the ward in Hillview and Kilmacormick is part of a significant homogeneous settlement. To bring the rural population of Lisnarrick into the Enniskillen DEA would not cause the split of a settlement. Other housing in Lisnarrick ward is not connected, it occurs randomly and sparsely with individual characteristics. Hillview and Kilmacormick housing is concentrated in space, connected by both proximity and as a close knit community. It is also a linked part of the town centre of Enniskillen.

3.34 In my judgement, the current proposed DEA boundary does split a settlement and whilst this is largely due to where the ward boundary of Lisnarrick falls, and the appropriateness of the ward boundary is not a matter open for debate under this process, I do feel it would be more appropriate to include the whole ward of Lisnarrick in the more urban DEA of Enniskillen as opposed to the predominantly rural DEA of Erne North to avoid the splitting of a settlement by the DEA boundary.

3.35 **The Creation of Geographically Compact DEAs** Lisnarrick ward coming into Enniskillen DEA may offer a way of creating a more geographically compact DEA rather than including a more distant ward such as Tempo, as was the point made in the written representation of Jack McKinney of Kilmacormick II Community Association and Roisin McCusker also argued this point at the Inquiry when comparing the two wards of Lisnarrick ward and Tempo ward in the context of the geographic distance from the central wards of the Enniskillen DEA.

3.36 The boundary of Lisnarrick ward is immediately adjacent to Enniskillen town, and this boundary is shared with the town centre of Enniskillen. The two wards and share the same urban housing space of Hillview and Kilmacormick along this
boundary. The boundary of Tempo ward by comparison is separated from Enniskillen town by the ward of Lisbellaw. Thus, it was argued, the distance between Enniskillen town and the boundaries of the two wards is closer in the case of Lisnarrick ward than in the case of Tempo ward.

3.37 Whilst this may be useful evidence to consider when deciding which of the wards has the closer and more obvious links to the town area in the context of urban/rural features, I am not certain that it is helpful in this context as both the entire wards of Lisnarrick and Tempo cover quite substantial spatial areas.

3.38 Lisnarrick ward is quite an elongated ward that stretches northwards and some of the more northerly parts of that ward such as Lisnarrick village itself are just as far away from the central wards of the Enniskillen DEA as the village of Tempo in the outer part of the Tempo ward.

3.39 I do not believe that the inclusion of Lisnarrick ward, rather than Tempo ward, in the Enniskillen DEA, would represent a more geographically compact DEA. The inclusion of either ward would stretch the DEA outwards quite some distance in both cases. In this context I would not prefer one over the other.

4. Conclusions

4.1 The Commissioner has stated in his 'Method of Approach' at paragraph 3.7:

'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.'

4.2 In my opinion, having considered this issue at this particular locality in detail, I would confirm that the urban and rural factors in Lisnarrick ward are indeed in conflict and in my view the urban factors have slightly more prominence in this ward than the rural. It is therefore a matter for the Commissioner's judgement as to whether he can balance these conflicting factors without straying outside the statutory requirements.
4.3 In my view, the inclusion of Lisnarrick ward in the Enniskillen DEA would be possible within the terms of the legislation but only if another ward were to move into the Erne North DEA in its place. The Commissioner must consider the proposal to remove Lisnarrick ward from Erne North alongside the argument to move another ward or wards from Enniskillen DEA into Erne North.

4.4 I have considered the arguments made by the various objectors about Tempo and Lisbellaw wards as well as the arguments presented against those objections. I have made extensive site visits to key points along the boundary lines of these wards, and I have analysed the applicable statutory rules and the stated policy of the Commissioner in looking at the three key wards in this area – Lisnarrick, Tempo and Lisbellaw.

4.5 My conclusion is that Lisnarrick ward and Lisbellaw wards both have obvious connections to Enniskillen town, both in terms of geographic proximity of the ward boundary to the town centre area, but also due to the unbroken urban and suburban features on the ground which connect both wards to the greater Enniskillen town area. The geographic fabric of these two wards, where they have a boundary with the central Enniskillen, area is clearly closely woven with the town centre when judging the key urban suburban features on the ground. However, there are no such similar links or obvious ground features connecting the central Enniskillen area with any boundary of the Tempo ward. The Tempo ward boundaries are noticeably more remote from the Enniskillen town area than the boundaries of Lisbellaw ward in the east and Lisnarrick ward in the north.

4.6 I would conclude that, in my judgement, it would be more logical for Lisnarrick ward to move into Enniskillen DEA, as per the case made by the objectors. I would further conclude that Lisbellaw ward should remain in the Enniskillen DEA as proposed, but that Tempo ward would be more appropriately included in the predominantly rural DEA of Erne North. If both these proposed moves are done together, then this is permissible under the statute.

4.7 For the purposes of local government representation and provision of services, I believe that the exclusively rural Tempo ward would be better served by inclusion in a rural district area. On balance, I also believe that Lisnarrick ward - being a mixed urban/rural ward but which contains quite significant urban features in places and with a significant urban population which is part of a settlement straddling the boundary of Erne ward - would be better served in the more urban district area.

4.8 I also believe that, due to the homogeneous community within the housing settlements which is split by a ward boundary into two different wards, it is more
justifiable to keep the two wards of Erne and Lisnarrick in the same DEA, than it would be to separate them.

4.9 This proposal would allocate five wards in Erne North and six wards in Enniskillen. Tempo ward shares a boundary with at least one ward in Erne North, namely Ballinamallard and Lisnarrick shares a boundary with at least one ward in the Enniskillen DEA, indeed more than one ward, namely Castlecoole, Erne and Portora. Therefore this alternative configuration would be equally as permissible under the applicable statutory rules, and indeed, I would argue that such a proposal would in fact be more in keeping with the Commissioner’s stated policy objectives of achieving where possible, distinct urban and rural DEAs and avoiding, where possible, the splitting of settlements.

5. Recommendations

5.1 I recommend that the Commissioner revises his current recommendation in this area by swapping the two wards of Lisnarrick and Tempo and moving these wards into the Enniskillen DEA and the Erne North DEA respectively.

5.2 No other objections to the proposals were raised in the Fermanagh and Omagh District, and no objections to the names of any DEAs were made, thus I make no other recommendations for changes.
ACKNOWLEDGEMENTS

I would like to thank all the participants in this public inquiry 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 make presentations in a formal process such as this, and I particularly commend those who were unfamiliar with the public inquiry process for taking the time and trouble to come and share their views.

I am indebted to the support provided so competently and professionally by Heather McKinley and Debbie Davison of the District Electoral Areas Commissioner’s Secretariat and Jane Watson and the team from Morrow Communications.
APPENDIX ONE

List of Written Responses Received During Consultation

Alliance Party
Democratic Unionist Party (DUP)
Devenish Partnership
Fermanagh District Council
Hillview Residents’ Association
Kilmacormick I and Cornagrade Community Association
Kilmacormick II Community Association
Ulster Unionist Party (UUP)
APPENDIX TWO

List of Attendees Who Made Submissions at Public Inquiry

Rosemary Barton (Councillor, Erne North, UUP)
Frank Britton (Councillor, Enniskillen, SDLP)
Debbie Coyle (Councillor, Enniskillen, Sinn Féin)
Tom Elliott (MLA, UUP)
Brendan Farry (Hillview Residents’ Association)
Rosemary Flanagan (SDLP)
Sam Foster (UUP)
Rosemary Johnston (Hillview Residents’ Association)
Roisin McCusker (Devenish Partnership and Kilmacormick II Community Association)
John (Jack) McKinney (Kilmacormick II Community Association)