REPORT OF ASSISTANT COMMISSIONER
PAUL DOUGAN
ON THE
DISTRICT ELECTORAL AREAS COMMISSIONER’S
PROVISIONAL RECOMMENDATIONS
FOR
MID ULSTER DISTRICT

September/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 (Northern Ireland) 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:¹

- 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 eight districts have 40 wards each.²

**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

¹ Article 2(1) ; listed in Schedule 1
² Article 2(3) ; listed in Schedule 2

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 In publishing his Provisional Recommendations in May 2013, the Commissioner noted that the 1984 Order does not provide any guidance as to the factors which can or should be taken into account in formulating proposals for DEAs or whether the number of wards to be included in any electoral area should be five, six or seven. In the absence of such guidance, and for the reasons set out at paragraph 3.2 to 3.7 of the Provisional Recommendations report, he considered it reasonable to establish a range of factors which would inform his approach to the grouping of wards as DEAs. The approach which he adopted was, where possible, to have regard to the following:

- the use of physical features such as loughs, estuaries, rivers, hill ranges, and major roads as DEA boundaries;
- the creation of distinct 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.

The Commissioner also felt it would be unreasonable to ignore the existing DEA framework altogether, since it has been in place for many years. However, he recognised that there has been a substantial change in the ward architecture of Northern Ireland as a result of the Local Government (Boundaries) Order (NI) 2012.

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3 by the District Electoral Areas Commissioner (Northern Ireland) (Amendment) Orders of 2007 and 2009 and the District Electoral Areas Commissioner (Northern Ireland) Order 2012
1.7. 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

1.8 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

1.9 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

1.10 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.

1.11 I was directed by the Commissioner to preside over the public inquiry into objections to his provisional recommendations for the DEAs for the Mid Ulster District. The inquiry was held in the Glenavon House Hotel, Cookstown on 9 September 2013. Seven written representations were received during the consultation period; twelve people made oral representations, four of whom had
already submitted views in writing during the consultation. 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

1.12 This report considers the written and oral representations received in relation to the proposed groupings of wards into DEAs for the Mid Ulster 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

Before I comment upon the specific representations submitted during the consultation period in respect of each DEA within the Mid Ulster district, it should be noted that a number of the written representations dealt with multiple local government districts. In terms of this district, the DUP submitted it was willing to accept the provisional proposals; the SDLP advised that it was not making a submission; and the Alliance Party indicated it was broadly content with the Commissioner’s recommendations. Neither the UUP nor Sinn Féin made any written representation specific to this district although Sinn Féin representatives attended the public inquiry and made an oral presentation.

South Derry Cultural & Heritage Society submitted their written representation specific to this district and agreed with the provisional recommendations as “well constructed.”

2.1 Upperlands

The only objector to the proposed grouping of wards in this DEA was Michael Moriarty. He proposed a considerable reconfiguration of the entire district based on a six DEA model of six or seven wards each – a rural DEA and urban DEA for each of the existing local government districts of Cookstown, Magherafelt and Dungannon & South Tyrone Borough.

Mr Moriarty suggested that Upperlands would comprise of seven wards, consisting of the more rural areas of Magherafelt and so he added the wards of Draperstown and Tobermore to the five wards as proposed in the Commissioner’s provisional recommendations. Mr Moriarty did not attend the inquiry and no one present supported his written representation. The MP for the area, Francie Molloy, in his evidence to the inquiry described his (Mr Moriarty’s) proposal in general terms as “a bit of a hotchpotch.”

During the consultation period written representations were received from two local community groups, South Derry Cultural and Heritage Society and Sunnyside Community Association. Representatives from both groups attended the public inquiry. In its representation South Derry Cultural and Heritage Society expressed pleasure that the “proposed construct of these DEAs takes into account the rural hinterlands to which they belong.” In respect of Sunnyside Community Association, its written submission specifically spoke to the proposed naming of this DEA. However it specifically identified the five wards as proposed of Maghera, Tamlaght O’Crilly, Swatragh, Valley and Lower Glenshane and the common bond that united these wards. The oral submissions made by all the representatives of these groups and one resident from the Slaughtneil area, were consistent with the written argument based on the proposed five ward model.

Sinn Féin did not make a written submission during the consultation period but did make an oral presentation at the public inquiry “supporting the proposals as laid out.”
Conclusion

There was no evidence presented either in written representation or in oral submission in support of Mr Moriarty’s proposal. The DUP and Alliance Party either accepted the Commissioner’s provisional recommendations or did not make any contrary submission; the SDLP and UUP did not make any submission in respect of this local government district. Sinn Féin did not submit a written representation but did make general oral submissions in support of the provisional recommendations.

At the public inquiry some who spoke also lived within this DEA; no one argued for the inclusion of the Draperstown and Tobermore wards. These contributors spoke knowledgably and passionately about their area. Gabhán McFalone of the Sunnyside Community Association, although articulating his argument in support of the naming of the DEA, emphasised the geographical connectivity between these five wards (as proposed) and the Sperrins.

I have considered the Commissioner’s “method of approach” in formulating proposals for DEAs and the range of factors, he suggested be taken into account. No written or oral evidence presented to me objected to this approach or contradicted these range of factors. In this DEA, I consider the evidence presented to me spoke to the creation of geographically compact DEAs and the importance of a DEA name that reflected a geographical resonance with the locality (discussed in detail in section 3 infra). Apart from the configuration as envisaged by Michael Moriarty no other counter-proposal to the Commissioner’s provisional recommendations was suggested. I have concluded that the proposed composition of this DEA is consistent with those factors established by the Commissioner to formulate his proposals.

Recommendation

I recommend no change to the Commissioner’s provisional recommendations.

2.2 Moyola

Michael Moriarty was the only objector in respect of this DEA insofar as his reconfiguration of the entire local government district removed any requirement for a Moyola DEA at all. There was no support for this representation at the inquiry and no other written response made any similar argument. I have already summarised in a pre-ambles to this section, those written representations and oral submissions of the various political parties, objectors and speakers who attended the public inquiry. The consensus at the public inquiry was supportive of the Commissioner’s provisional recommendations.

An objection was submitted during the consultation period from the Chief Executive (Acting) of Cookstown District Council and his senior officers who submitted, in general terms, an alternative DEA model concentrated on the
central part of the district and a reconfiguration associated with new DEA names. Insofar as this DEA was concerned, the submission suggested the transfer of the Draperstown and Ballymaguigan wards into a new Lower Sperrins DEA and new Loughshore DEA respectively. At the public inquiry many speakers strongly challenged the council’s written representation but I will discuss the council’s submission in detail later in this report as it pertains to other DEAs within this district. Suffice to say for the Moyola DEA there was no support for the removal of any wards from those provisionally recommended by the Commissioner in his report.

**Conclusion**

For reasons similar to those provided at 2.1 above I believe the application of the range of factors identified by the Commissioner in his report to the grouping of wards for this DEA enjoyed broad support following the consultation exercise and public inquiry. There was no evidence presented to support any counter-proposal.

**Recommendation**

I recommend no change to the Commissioner’s provisional recommendations.

2.3 **Magherafelt**

Michael Moriarty’s written submission in respect of this DEA followed his consistent argument for, in this instance, an urban DEA to comprise of the town of Magherafelt and surrounding adjoining wards to compliment his proposed Upperlands DEA (grouping the more rural wards of this area). He suggested that the wards of Glebe, Town Parks East and Coolshinny should be grouped with Ballymaguigan, Bellaghy and Castledawson to reflect that urban consistency. He transferred the Lissan and The Loup wards to his Cookstown and Torrent DEAs citing a lack of historical connection between these Cookstown wards and Magherafelt.

Cookstown District Council’s written submission was unashamedly Cookstown centred with its perceived sense of loss of wards to the proposed Torrent and Magherafelt DEAs. As Ivor Paisley, (Director of Corporate and Operational Services, Cookstown District Council) said, “it was an attempt…..to act in the best interests of Cookstown plc.” The submission provided for a revision of only three DEAs without addressing the ripple effect on other DEAs across the local government district. Therefore in terms of this DEA the council proposed that the Lissan and The Loup wards were regrouped within its proposed Lower Sperrins and Loughshore DEAs respectively. A number of speakers at the public inquiry criticised this as a “land grab”.
Conclusion

The council’s submissions were heavily criticised for having no political support from the parties represented on the existing council. No written objectors supported the proposal and there was no support during the public inquiry; quite the opposite. On behalf of the council, Ivor Paisley in his oral presentation conceded that the council’s written representation was submitted prior to the creation of the Statutory Transition Committee (STC) and ipso facto no longer reflected the view of the council. He clarified that the council did not now “have enormous issues in terms of the overall recommendations for the new Mid Ulster District.”

As I have already indicated, the only objector with any contrary proposal in respect of this DEA is Michael Moriarty. His representations are wedded to the creation of distinct urban and rural DEAs. However, the Commissioner conceded that it was not always possible to define distinct urban and rural DEAs and for reasons similar to those raised in respect of the proposed Upperlands DEA the factors that he applied in grouping this DEA are sound and enjoyed consensus from within inquiry.

Recommendation

I recommend no change to that which the Commissioner has proposed in respect of the Magherafelt DEA.

2.4 Cookstown

Michael Moriarty’s written representation in respect of this DEA was based upon the current electoral areas for Cookstown Central and Drum Manor. Consequently, the Coagh ward would be lost to Torrent whilst gaining Lissan from Magherafelt to maintain a seven ward DEA.

The Cookstown District Council written submission opposed the diminution of the importance of Cookstown (one DEA in contrast to the three DEAs centred on Magherafelt and Dungannon.) The council described the shape of this proposed DEA as illogical.

Barry Monteith, a Dungannon councillor made a written representation and supplemented his argument with his oral submission at the public inquiry. In respect of this DEA his written representation objected to Cookstown (a smaller town) having more councillors than Dungannon. In his oral presentation he placed less importance on this point accepting that he was not “hung up on the six or seven councillor” point.

Numerous speakers castigated the council’s written representations for a variety of reasons. When I asked, for clarification purposes, whether the

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4 See paragraph 3.7 of the Provisional Recommendations report at page 6
council was withdrawing its written recommendations, Mr Paisley confirmed he was not in a position to withdraw. Nevertheless, because he agreed, *ex post facto* with the Commissioner’s provisional recommendations and used his oral submission on behalf of the council and its officers to contextualise the written representation, I have concluded it is unnecessary to rehearse the objections to the Council submissions.\(^5\)

**Conclusion**

As with the other DEAs of this local government district, no one took exception to the method of approach or range of factors adopted by the Commissioner to group together these seven wards as proposed. The area’s MP, Francie Molloy urged people to “embrace” the new Mid Ulster Council structure as “a new beginning” and described the Commissioner’s presentation as the “best opportunity” and “an actual way forward” for the new council.

I further note that no political party or political representative made any written or oral submission to me in opposition to the provisional recommendations for this DEA. Even the officers of Cookstown District Council appeared to have revised their opinion since the consultation period closed. The council noted that the proposals disenfranchised no one. No evidence was presented to rebut the suggestion that the groupings as proposed create a geographically compact DEA. I have further noted that it does not ignore the existing DEA framework as it has grouped the majority of wards from the existing Cookstown electoral areas.

**Recommendation**

I recommend no change to the provisional recommendations.

2.5 **Torrent**

No specific reason is provided by Michael Moriarty in his written representation for the reconfigured Torrent DEA. It appears that he proposes this DEA to include the remaining rural wards of the Cookstown and Dungannon DEAs. Consequently, Killyman and Moy wards (from the proposed Dungannon DEA) are joined with Coagh ward (from the proposed Cookstown), The Loup ward (from the proposed Magherafelt DEA) and the Ardboe, Stewartstown and Washing Bay wards.

As I have detailed already the Cookstown District Council’s alternative DEA model (as per the written representation) is drafted on the basis that its proposal better reflects existing community and geographical ties, and as such replaces the proposed Torrent DEA with a new Loughshore DEA. This

\(^5\) See transcript of Mid Ulster Inquiry on 9\(^{th}\) September 2013 on DEAC website – www.deac-ni.org
new DEA would share the proposed Torrent wards of Ardboe and Washing Bay and adds Ballymaguigan, Coagh and The Loup; and as the name suggests, uses the Lough Neagh shore as a natural DEA boundary.

Conclusion

During the public inquiry Ivor Paisley on behalf of Cookstown District Council accepted that its proposal failed to account for 60% of the total number of wards in this district. The failure to address the ripple effect was a major difficulty for the viability of the council written representation. However following the contribution of Mr Paisley at the public inquiry when he conceded the proposal was out-with the political consensus of its council members, I have concluded there is little purpose in analysing this suggestion further. No supplemental oral evidence was given by or on behalf of Mr Moriarty to explain the reasoning for his proposal and so I conclude that the absence of reasoning and the lack of evidence to rebut or challenge the Commissioner's proposals is significant.

Recommendation

Consequently, I recommend no change to the provisional recommendations.

2.6 Dungannon

Michael Moriarty’s written representation suggested the wards of Dungannon and Coalisland towns conjoin to form his reconfigured Dungannon DEA.

Councillor Barry Monteith spoke to the Dungannon DEA specifically and proposed the inclusion of the Castlecaulfield ward from the Clogher Valley DEA to this DEA. In so doing, it created equilibrium between the Dungannon and Cookstown DEAs giving each seven seats; this also addressed Councillor Monteith’s secondary submission, that Cookstown (the smaller town) should not have more seats than Dungannon.

Councillor Monteith provided evidence to support his argument and referred to the residents of the Mullaghconnor/Glebe housing development who identified themselves as “Dungannon town people” notwithstanding the development was de facto beyond the town’s boundary in the Castlecaulfield ward. He further argued that if the 400 homes proposed for this subject land in the Ballysaggart ward, zoned for priority one housing and stretching from the Mullaghconnor area into the “heart of west of Dungannon,” were built, it would create an anomaly for those who lived on either side of the Clougher Valley DEA (Castlecaulfield ward)/ Dungannon DEA (Ballysaggart ward) boundaries; he also supported his submission with reference to the District Area Plan; and his prediction of undoubted expansion on that side of the town and an inevitable incursion into the Castlecaulfield ward. He also proposed
substituting the Moy and Castlecaulfield wards with each other should the Commissioner wish to maintain the six ward construct for each DEA.

**Conclusion**

Councillor Monteith was the sole proponent to the transfer of Castlecaulfield ward into the Dungannon DEA. Francie Molloy MP described the topography of the area and the green field divide between this small rural housing development and Dungannon town. Although he produced no evidence, he asserted that residents chose to live in a small rural development other than the town and that providing footpaths and street lighting etc. urbanised an otherwise rural area.  

Councillor Sean McGuigan argued that the proposed boundary ending at the Ballysaggart ward should remain.

During the afternoon session, Francie Molloy MP sought to clarify that the zoned land referred to by Councillor Monteith had in fact been zoned for over two decades and never built on and that I should apply the circumstances as currently prevail.

Linda Dillon argued that there was already a pressing social need to develop within the existing Dungannon town boundary without seeking to expand the boundary.

I was impressed with Councillor Monteith’s argument evidenced with accounts of the social connection between the residents of the Mullaghconnor/Glebe development and the shops, schools and sporting clubs/facilities of Dungannon town. He supported his argument with reference to the Commissioner’s method of approach, *inter alia*, to include complete settlements within a DEA. Initial inspections of the maps of this area endorse this as a logical and reasonable approach. However, what constitutes the “complete settlement” within this DEA is of critical importance. I decided therefore, to conduct a site visit to see the topography and proximity of this housing development to Dungannon town and assess that within the context of the Commissioner’s identified approach and the “complete settlement” factor.

Following my site visit I cannot ignore that this area is rural in character. I observed the surrounding fields and the distance in all directions from any town limit (Dungannon, Donaghmore or Castlecaulfield) as defined by the 30mph speed signage. I acknowledge the visual proximity of Dungannon town, and saw for myself its distant church spire and football fields. Notwithstanding the visual proximity of Dungannon town I cannot but conclude that this is a small development set in a rural environment. There is

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6 Street lighting, footpaths and the provision of other amenities in this area was raised by Councillor Monteith during his oral submission. Such arguments are beyond the remit of the Inquiry and are not factors which can be considered for or against a particular DEA construct.
nothing to suggest any housing development is imminent and that reaffirms the rural setting of the development to which Councillor Monteith referred. I am not persuaded therefore that the Castlecaulfield ward should form part of the Dungannon settlement in terms of defining this DEA.

Recommendation

I recommend no change to the provisional recommendations in respect of this DEA.

2.7 Clogher Valley

Michael Moriarty submitted that the Clogher Valley DEA as proposed plus Donaghmore ward (from Torrent) should represent all the rural wards of the current Dungannon district council east of Dungannon town.

Councillor Barry Monteith as has been discussed above submitted the inclusion of the Castlecaulfield ward in the Dungannon DEA, and suggested that Clogher Valley could become a five ward DEA or take in Moy from Dungannon DEA to preserve the six ward construct.

Francie Molloy, MP opposed any suggestion that the Castlecaulfield ward be lost to its neighbouring DEA. Whereas Councillor Monteith’s argued that specific housing developments are part of the natural expansion of Dungannon and require an expansion of the concept of the “Dungannon settlement”, Mr Molloy made a converse argument, namely that such rural housing developments, like the Glebe development are essential to support the vitality of Castlecaulfield itself.

Councillor Sean McGuigan supported a construction of the DEA to reflect how the original electoral area was designed. He opposed the loss of Castlecaulfield ward also and approved of the proposed configuration.

Conclusion

I believe the Castlecaulfield ward, for the reasons detailed at 2.6 above fits the model for this DEA. It too has been part of this electoral area since 1984 and despite the demographic changes within the Dungannon settlement, belongs, in my opinion, within the rural grouping as proposed.

Equally, the Donaghmore ward has also been part of the Torrent electoral area since 1984 and does not fit the natural configuration of this DEA. It makes no sense to include Donaghmore in this ward for the sole purpose of preserving a distinct rural DEA. In fact, without including the Donaghmore ward, this DEA still achieves geographical compactness, rural distinction and presents as a natural fit. In many respects, it resembles the natural fit of the proposed Upperlands DEA.
**Recommendation**

I recommend no change to the provisional recommendations.
3. **DEA Names**

During the consultation period only one written representation was received in opposition to the proposed names for the DEAs of this local government district and it related to the Upperlands DEA. I discuss this in detail below. For completeness however, the written submissions from the DUP and Alliance make no reference to the proposed naming of these DEAs. Sinn Féin did not submit any written representations during the consultation period but attended the public inquiry and made an oral submission.

3.1 **Upperlands**

The sole objector during the consultation period to the proposed name for this DEA was the Sunnyside Community Association. The objector submitted that this name did not reflect an overall resonance with the locality concerned. In proposing Carntogher as the DEA name it was submitted that this name did have a resonance with the locality in this electoral area; the Carntogher area had a resonance with three of the wards\(^7\) and could be seen in all five wards. Upperlands, by contrast was a small village/hamlet in the area with no resonance with the locality generally.

Although in its written representation the South Derry Cultural & Heritage Society expressed no view on the proposed name for this DEA, in oral submission during the inquiry and on a number of occasions in support of other speakers, it endorsed the name of Carntogher for the same reasons as those provided by the Sunnyside Community Association.

Francie Molloy MP, as part of his oral presentation supported this name change as did various speakers at the public inquiry. In fact no one present at the inquiry spoke in support of the proposed name Upperlands; and no written representation specifically mentioned the appropriateness or otherwise of it as the proposed name.

A number of speakers at the inquiry also spoke in support of the name change as proposed by Sunnyside Community Association, including Kate McEldowney, a Sinn Féin councillor who lives in the area. She believed it would be aptly named Carntogher instead of Upperlands.

**Conclusion**

I have concluded that there are only two possible names in contention for this DEA; Upperlands, the proposed name, or Carntogher the name that emerged as an alternative during the consultation period and at the inquiry. In his report

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\(^7\) Maghera, Swatragh and Lower Glenshane
the Commissioner specifically comments that in respect of DEA names he often used existing names with which people are familiar; and where the difference between the old and the new DEA is significant, he proposed a new name which has a resonance with the locality concerned, by reference to place names or geographical features. This DEA is an amalgam of some wards from the existing Moyola and Sperrin electoral areas. I have therefore concluded that the difference between the old and new DEAs is significant and it is appropriate that the Commissioner propose a new name for this DEA.

Upperlands is a small village situated three miles north east of Maghera; it lies within the civil parish of Maghera, the barony of Loughinsholin and has been in the electoral area of Moyola since 1992 and takes its name from the townland of Upperland in which part of it lies.

Carntogher, as described by Sunnyside Community Association, is a mountain landscape area west of Maghera ward. It is one of the Sperrins, and at 464m towers over the Glenshane Pass, forming a dramatic gateway to the Sperrins from the east.

It is noteworthy that of the three names for the existing Magherafelt Local Government District Electoral Areas, two have been continued in use for the proposed DEAs of the new Mid Ulster local government district, whilst the name “Sperrin” is now one of the names proposed for the new Derry and Strabane Local Government District. Furthermore, the names proposed for all but one of the DEAs for the Mid Ulster District are part of the existing architecture. Upperlands is the only new name proposed.

Both names can be referenced to place names or geographical features. In this respect either name meets the naming criteria identified by the Commissioner. The issue however, to be determined, is which name has a resonance (or greater resonance) with the locality concerned, by reference to place names or geographical features.

I have no doubt that Upperlands has a resonance for those who live in that locality but no one articulated that point at the inquiry or during the consultation exercise. Similarly from those who made oral submissions during the public inquiry Carntogher has a demonstrable resonance with those who live in its shadow. I made a site visit to the Carntogher Mountain area and stood at Cotter Row and surveyed the geographical presence of the mountain range to this area. I observed that the local post office, nursery school, housing development and the community situate along the Tirkane Road take their name from “the Carn” and its physical dominance in daily life. I accept

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8 See paragraph 3.9 of the Provisional Recommendation report at page 7
9 “Glenshane Slopes Landscape” (www.ehsni.gov.uk/landscape/country_landcape)
10 The wards that make up the Sperrin DEA in the Derry and Strabane LGD do not include any of the wards of the existing Sperrin electoral area within Magherafelt LGD.
that at a height of 464m Carntogher touches on three, and can be seen from all five wards of this DEA.

I also accept that both Carntogher and Upperlands enjoy a rich heritage; Upperlands owes its existence to the Clark family who established the first linen mill there during the 1730’s and the Carntogher area contains a wealth of sites of archaeological and environmental importance.\textsuperscript{11}

An initial inspection of OSNI maps for this area show the vast mountain range as it sweeps down into the “mountain and lowlands”; and it is clear that the various ranges within the Sperrins dominate this DEA. During the inquiry I allowed all those who wished to contribute to use all available maps to highlight and identify the impact of Carntogher on this landscape.

These same maps were used to contextualise Upperlands as a location within this area. Whilst it appeared on the DEAC map for Mid Ulster to occupy a central location on the map, a number of speakers disagreed that any perceived centrality on a map equated with a meaningful resonance for people living in the wards of Lower Glenshane or Valley. By contrast, Gabhán McFalone summarised:

“...if you’re in the Valley ward, particularly if you’re coming from Clady towards the Gulladuff region, you can definitely see the Carntogher range and the Tamlagh O’Crilly ward, you can definitely see it, Maghera town is at the foot of Carntogher, you can see the mountain range also in the Lower Glenshane part of it where it mentions Glen Lisnamuck, you can see the mountain range and indeed the Swatragh, the mountain range is within that area...”

I was impressed by the Sunnyside Community Association representatives at the inquiry who spoke knowledgably and passionately about this mountain range and evidenced its resonance to their locality. The argument they articulated received support by everyone who spoke during the afternoon session. I have concluded that the evidence presented during the public inquiry demonstrated almost overwhelming support for the naming of this DEA “Carntogher” with no one present speaking in support of Upperlands. I have further concluded, from my site visit that the geographical presence of the mountain itself set within the topography of the area is sufficient to command a resonance with the entire DEA (all five wards) that a village set in the Tamlagh O’Crilly ward alone cannot.

\textbf{Recommendation}

I recommend that Carntogher is the name given to this DEA.

\textsuperscript{11} Carntogher History Trail
3.2 **Remaining DEAs**

As no contrary submissions were raised during the public inquiry and no objections were made during the consultation period to the proposed names of Moyola, Magherafelt, Cookstown, Torrent, Dungannon and Clogher Valley I have no basis to depart from the recommendations made in respect of this names by the Commissioner.

**Recommendation**

I recommend no change to the names as proposed for the Moyola, Magherafelt, Cookstown, Torrent, Dungannon and Clogher Valley DEAs.
4. Summary of Recommendations

4.1 I recommend no change to the ward groupings as proposed for the Upperlands DEA. I do recommend however, that the name of this DEA should be Carntogher.

4.2 I recommend no change to the ward groupings or name as proposed for the Moyola DEA.

4.3 I recommend no change to the ward groupings or name as proposed for the Magherafelt DEA.

4.4 I recommend no change to the ward groupings or name as proposed for the Cookstown DEA.

4.5 I recommend no change to the ward groupings or name as proposed for the Torrent DEA.

4.6 I recommend no change to the ward groupings or name as proposed for the Dungannon DEA.

4.7 I recommend no change to the ward groupings or name as proposed for the Clogher Valley DEA.
5. **General Issues**

No objections were raised to the range of factors established by the Commissioner and set out in his report which informed his approach to the grouping of wards as DEAs.

No alternative factors were submitted either in the written representations or during the public inquiry. I have based my recommendations on the same range of factors that the Commissioner established as no evidence was presented to me to suggest I should depart from those identified factors.

On a number of occasions some respondents did raise the issue of ward names and boundaries, notwithstanding that this was specifically addressed in my opening remarks as out-with the remit of this inquiry.

During the submissions in respect of the Dungannon/Clogher Valley DEAs reference was made to failings by Roads Service to provide street lighting and footpaths to particular developments outside Dungannon town. This argument was uncorroborated with any documentary evidence and touched upon matters that were beyond the remit of this inquiry.
6. Conclusion

6.1 I should like to take this opportunity to express my sincere thanks to all those who participated in the public consultation and the public inquiry. I wish to acknowledge the assistance I derived from their carefully prepared oral and written submissions and their willingness to engage in the proceedings.

6.2 My thanks go also to each of the members of the DEAC secretariat who supported me in conducting the public hearing and in preparing this report.

Paul Dougan
Assistant District Electoral Areas Commissioner
4th October 2013
**Appendix A**

**LIST OF WRITTEN SUBMISSIONS**

<table>
<thead>
<tr>
<th>Representation</th>
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<tbody>
<tr>
<td>Alliance Party</td>
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<tr>
<td>Cookstown District Council</td>
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<tr>
<td>Democratic Unionist Party (DUP)</td>
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<tr>
<td>Councillor Barry Monteith (Independent)</td>
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<tr>
<td>Michael Moriarty</td>
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<tr>
<td>Sunnyside Community Association</td>
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<tr>
<td>South Derry Cultural and Heritage Society</td>
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Appendix B

LIST OF ORAL REPRESENTATIONS

<table>
<thead>
<tr>
<th>Submission</th>
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<tbody>
<tr>
<td>Councillor Barry Monteith (Independent)</td>
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<tr>
<td>Francie Molloy MP (Sinn Féin)</td>
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<tr>
<td>Councillor Sean McGuigan (Sinn Féin)</td>
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<tr>
<td>Barry Murphy (South Derry Cultural &amp; Historical Society)</td>
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<tr>
<td>Ivor Paisley, Director of Corporate &amp; Operational Services (Cookstown District Council)</td>
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<tr>
<td>Gabhán McFalone (Sunnyside Community Association)</td>
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<td>Oliver Molloy (Sinn Féin)</td>
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<td>Councillor Kate McEldowney (Sinn Féin)</td>
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<td>James Glass (Sunnyside Community Association)</td>
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<td>Councillor Sean Peake (Sinn Féin)</td>
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<td>Councillor Cáthal Mallaghan (Sinn Féin)</td>
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<td>Linda Dillon (Sinn Féin)</td>
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