



BOUNDARY COMMISSION FOR NORTHERN IRELAND

Fifth Periodical Report on Parliamentary Constituencies

*Presented to Parliament by the Secretary of State for Northern Ireland
pursuant to section 3 (5) of the Parliamentary Constituencies Act 1986
and by Command of Her Majesty*

March 2008

© Crown Copyright 2007

The text in this document (excluding the Royal Arms and departmental logos) may be reproduced free of charge in any format or medium providing that it is reproduced accurately and not used in a misleading context. The material must be acknowledged as Crown copyright and the title of the document specified.

Any enquiries relating to the copyright in this document should be addressed to The Information Policy Team, OPSI, St Clements House, 2-16 Colegate, Norwich, NR3 1BQ.

Fax: 01603 723000 or e-mail: licensing@opsi.x.gsi.gov.uk

CONSTITUTION

The Boundary Commission for Northern Ireland are constituted in accordance with section 2 of and Schedule 1 to the Parliamentary Constituencies Act 1986:

Chairman:	*The Speaker of the House of Commons The Rt Hon Michael Martin, MP
Deputy Chairman:	The Hon Mr Justice Coghlin
Members:	Mr Richard Mackenzie CB Mrs Joan Ruddock CBE
Assessors:	The Registrar General in Northern Ireland Dr Norman Caven The Commissioner of Valuation for Northern Ireland Mr David Rainey ^x The Chief Electoral Officer for Northern Ireland Mr Douglas Bain CBE TD [†]
	<hr/>
	The Chief Survey Officer, Ordnance Survey for Northern Ireland ^Ø provides professional advice on matters affecting Ordnance Survey responsibilities
Assistant Commissioners [⊗] :	Mr Thomas Stewart Beattie Mr Patrick Good Mr Colin Haddick Mr James Toolan
Secretary:	Mr John Fisher

*The Deputy Chairman, by custom, presided at all meetings of the Commission but the Speaker was kept fully informed of the progress of the work of the Commission.

^xMr David Rainey was appointed Commissioner of Valuation in September 2006 in succession to Mr Nigel Woods.

[†]Mr Douglas Bain was appointed Chief Electoral Officer in June 2006 in succession to Mr Denis Stanley who retired in March 2006.

^ØMr Iain Greenway was appointed Chief Survey Officer of Ordnance Survey in July 2006 in succession to Mr Mick Cory who relinquished his appointment in April 2005.

[⊗]The appointments of assistant Commissioners expired in March 2006.

Fifth Periodical Report on Parliamentary Constituencies

CONTENTS

CHAPTER		Page
1	Introduction.....	1
2	Procedure	3
3	Statutory Provisions	5
4	Provisional Recommendations.....	7
5	Local Inquiries	9
6	Revised Recommendations.....	13
7	Restructuring of Local Government	20
8	Final Recommendations.....	22
9	Recommendations for Change.....	29
10	Acknowledgements.....	33
 APPENDIX		
A	Rules for Redistribution of Seats	35
B	Statement of Reasons for Provisional Recommendations	39
C	Reports of Local Inquiries	45
	Annex I - Inquiry in Belfast	47
	Annex II - Inquiry in Ballymena	99
	Annex III - Inquiry in Newcastle	121
D	Composition of Recommended Constituencies	143
E	Electorates of Recommended Constituencies	155
F	Maps of Recommended Constituencies	157

1. Introduction

1. The Boundary Commission for Northern Ireland are constituted under the Parliamentary Constituencies Act 1986, as amended by the Boundary Commissions Act 1992, to keep under continuous review the number, names, designation and boundaries of parliamentary constituencies in Northern Ireland and to submit to the Secretary of State for Northern Ireland periodical reports with their recommendations. The Commission are no longer required by section 28(2) of the Northern Ireland Constitution Act 1973 to submit a supplementary report showing the number of members which the Commission recommend should be returned to the Northern Ireland Assembly by each proposed constituency. The Northern Ireland Act 1998 now provides that each constituency shall return six members.

2. The Commission last reported on 20 June 1995. The Commission's Report¹ was laid before Parliament and effect given to their recommendations, without modification by Order in Council², by both Houses of Parliament and made on 23 November 1995. The Order came into operation on 7 December 1995.

3. The Parliamentary Constituencies Act provides that, in formulating recommendations, so far as is practicable, no local authority ward should be included partly in one constituency and partly in another. In 1990, and prior to the Commission's Fourth Periodical Review, the Commission urged the Secretary of State for Northern Ireland to take steps to conduct an early and speedy review of local government boundaries. The Commission were anxious to avoid the confusion which had been caused by the Commission's 1982 report being followed in 1984 by the report of the Local Government Boundaries Commissioner. This had resulted in many local authority wards being divided between constituencies. The Commission were therefore grateful that the Local Government Boundaries Commissioner (Northern Ireland) Order 1990 enabled the last local government review to be completed earlier than would have otherwise been possible, and prior to the Commission's Fourth Periodical Report.

4. In recommendations affecting the conduct of future boundary reviews, the Commission proposed in their last report³ that this sequence of reviews should be preserved and that consideration be given to amendment of the Local Government Act (Northern Ireland) 1972 to enable, once again, the next review of local government boundaries to be brought forward. The Commission, however, were informed by the Secretary of State in March 2003 that, whereas it was desirable that local government and district electoral area boundaries should be reviewed wherever possible ahead of the Commission's own periodical reviews, the devolution of responsibility for local government to the Northern Ireland Assembly and the announced Review of Public Administration⁴ by the Northern Ireland Executive affecting the structure of local government, had delayed the appointment of a Local Government Boundaries Commissioner, thereby disturbing the desired sequence and synchronization of boundary reviews. Given the time constraints, the need for the Commission to report no later than 2007 and the significant changes in constituency electorates since their last review, the Commission concluded that they needed to proceed to

¹ *Boundary Commission for Northern Ireland. Fourth Periodical Report on Parliamentary Constituencies and Second Supplementary Report on the number of members to be returned to the Northern Ireland Assembly by each of those constituencies* (Cmnd 2949, October 1995)

² Representation of the People. Redistribution of Seats and Review of Election Arrangements. The Parliamentary Constituencies (Northern Ireland) Order 1995.

³ *Supra*, Fourth Periodical Report, Chapter 8, paragraphs 4 to 6, pp.31 and 32.

⁴ The terms of reference of the Review were: *'In line with the political agreement of 18 December 1998, which sets out policy responsibilities, and reflecting the Executive's vision as described in the Programme for Government, to review the existing arrangements for the accountability, development, administration and delivery of public services in Northern Ireland, and to bring forward options for reform which are consistent with the arrangements and principles of the Belfast Agreement, within an appropriate framework of political and financial accountability'*.

their Fifth Periodical Review on the basis of the then existing local government structure and boundaries in Northern Ireland.

5. When the Commission considered the size of constituency electorates in early 2003, they were acutely aware of the extent to which the overall number of parliamentary electors in Northern Ireland had reduced, and especially so in relation to the four Belfast borough constituencies. The Commission gave careful consideration both to the reasons for this and also to the legislative changes affecting the franchise⁵ since concluding their last Review. There had also been changes in registration procedure⁶ affecting *inter alia* the homeless, service voters, patients in mental hospitals and persons remanded in custody. Significantly the Chief Electoral Officer no longer had discretion to allow names of electors to remain on the register for up to one year in the absence of a completed registration form. Registration had to be made by individual electors and in greater detail⁷. Moreover, under Regulations⁸, registration returns made under the Representation of the People Act 2000 had introduced a system of rolling registration. The Act and Regulations thereunder also provided for a revised register of electors to be published annually on 1 December, additions and deletions being made to it throughout the year with the Chief Electoral Officer having authority to publish a revised register at other times.

6. In view of the controversy affecting the accuracy of the register, and efforts by the Electoral Office and the political parties to ensure a register which was as accurate as practicable ahead of elections to the Northern Ireland Assembly due to take place on 29 May 2003, the Commission deferred announcement of their review until after publication of the register by the Chief Electoral Officer on 1 May 2003. The register further demonstrated the significant changes there had been in constituency electorates since the last review and hence the need to proceed to a Fifth Periodical Review without delay.

7. The Commission gave notice by letter to the Secretary of State on 7 May 2003 of their intention to consider making a report. The Secretary of State published a copy of the notice in the Belfast Gazette and made a Written Ministerial Statement to Parliament. As a matter of courtesy, the main political parties, Northern Ireland Members of Parliament, district councils and certain other interested bodies were informed by the Commission of their decision to commence a review.

⁵ Representation of the People Act 1985 as amended and extended by the Representation of the People Act 2002; Representation of the People Act: The Local Government Elections (Changes to the Franchise and Qualification of Members) Regulations 1995, article 4 repealed and replaced by the Representation of the People Act 2000, s.1(2); Article 4 of the Northern Ireland Assembly (Elections) Order 2001 applied the local government franchise to elections to the Assembly; and the House of Lords Act 1999, s.3.

⁶ Representation of the People Act 1983, s.10 as amended by Representation of the People Act 2000 schedule 1, para 4, and the Representation of the People Act (Northern Ireland) (Amendment) Regulations 2002.

⁷ Electoral Fraud (Northern Ireland) Act 2002, s.1.

⁸ Representation of the People Act (Northern Ireland) Regulations 2001.

2. Procedure

1. Notice of the Commission's intention to consider making a report was published in the Belfast Gazette on 16 May 2003. In accordance with section 5(1) of the Parliamentary Constituencies Act 1986 this then became the enumeration date for the present Review. The Chief Electoral Officer for Northern Ireland, who is the electoral registration officer for the whole of Northern Ireland, confirmed to the Commission that on the enumeration date the number of parliamentary electors in Northern Ireland was 1,097,450. As the number of existing constituencies was 18, the electoral quota for the purposes of the current review was 60,969. The parliamentary electorate of each existing constituency and a comparison of their respective sizes by reference to the electoral quota on the enumeration date was as follows:-

Constituency	Parliamentary electorate	Percentage +/- electoral quota of 60,969
Belfast East	51,899	-14.9%
Belfast North	51,422	-15.7%
Belfast South	50,599	-17.0%
Belfast West	50,870	-16.6%
East Antrim	55,453	- 9.0%
East Londonderry	56,166	- 7.9%
Fermanagh & South Tyrone	64,345	+ 5.5%
Foyle	65,151	+ 6.9%
Lagan Valley	67,963	+11.5%
Mid Ulster	60,119	- 1.4%
Newry & Armagh	68,730	+12.7%
North Antrim	70,582	+15.8%
North Down	57,435	- 5.8%
South Antrim	63,587	+ 4.3%
South Down	70,173	+15.1%
Strangford	66,303	+ 8.7%
Upper Bann	68,806	+12.9%
West Tyrone	57,847	- 5.1%
Total	1,097,450	

2. Before formulating their proposals, the Commission as a matter of convention and courtesy invited representatives of the major Northern Ireland political parties to meet them. At that meeting the Commission set out, in general terms, the process and procedures for the Review. In doing so, the Commission adopted the practice of the other Boundary Commissions not to consider specific proposals in advance of publishing their Provisional Recommendations. These, it was felt, should be formulated from a position of independence and impartiality, uninfluenced by any other particular viewpoint or opinion.

3. Those political parties in Northern Ireland with elected representatives in Parliament or representatives in the Northern Ireland Assembly at the time it had been suspended were invited to meet the Commission. Not all parties accepted the Commission's invitation. Accordingly, on 20 June 2003 the Commission met representatives of the following parties:

Alliance Party of Northern Ireland
Democratic Unionist Party
Northern Ireland Women's Coalition
Progressive Unionist Party
Sinn Féin
Social Democratic and Labour Party, and
Ulster Unionist Party

4. The Commission recognised concerns expressed at the meeting affecting recent changes made to the electoral registration process and the accuracy of the electoral register, but were satisfied that deferring the Review would not result in more certain electorate figures becoming available. Moreover, the Commission were constrained by the statutory deadline for completing the Review and subsequent electorate figures might be taken into account when deciding between competing schemes. Similarly, concerns were expressed by the parties and acknowledged by the Commission that the Review of Public Administration could lead to significant changes in the number and boundaries of local government districts. There were no firm indications at that time when that review would be concluded and with what effect. The Commission, however, did not rule out suspending their Review if the circumstances warranted and time permitted. Other issues affecting the number of constituencies in Northern Ireland and the electoral system were raised but lay outside the terms of reference of the Commission. Views were also expressed to the Commission on the mapping and other material needed by the parties to facilitate their consideration of the Commission's Provisional Recommendations.

3. Statutory Provisions

1. In making their recommendations, the Commission are required to give effect to the Rules for Redistribution of Seats contained in the Second Schedule to the Parliamentary Constituencies Act 1986. The Rules, as amended, are set out in Appendix A to this Report. They provide that the number of constituencies in Northern Ireland shall not be greater than 18 or less than 16, and shall be 17 unless it appears to the Commission that Northern Ireland should for the time being be divided into 16 or (as the case may be) into 18 constituencies. They also provide that, so far as is practicable having regard to other rules, no local government ward shall be included partly in one constituency and partly in another. The electorate of each constituency is required to be as near the electoral quota as practicable, having regard to the appropriate rules. However, the Commission may depart from the strict application of the rule requiring the integrity of wards to be respected where it appears to them that a departure is desirable to avoid an excessive disparity between the electorate of any constituency and the electoral quota, or between the electorate of any constituency and that of neighbouring constituencies in Northern Ireland.

2. The Commission may also depart from the strict application of the provisions affecting the size of the electorate of any constituency and the division of wards if special geographical considerations, including in particular the size, shape and accessibility of a constituency, appear to them to render a departure desirable, and, although not under a duty to aim at giving full effect in all circumstances to all the rules, the Commission must take account, so far as they reasonably can, of the inconveniences attendant on alterations of constituencies (other than alterations made for the purpose of avoiding wards being divided between constituencies) and of any local ties which would be broken by such alteration.

3. The electoral quota referred to is the average number of electors *per* constituency and is established by dividing the total number of parliamentary electors in Northern Ireland by the number of constituencies existing on the enumeration date. The enumeration date is the date on which notice of the Commission's intention to consider making a report is published in the Belfast Gazette; such notice, as mentioned, was published on 16 May 2003.

4. The Commission reminded themselves of earlier legal opinion as to the number of constituencies which they might recommend. They concluded that they would be justified in recommending a number of constituencies other than 17 only to reduce or alleviate difficulties experienced in applying the Rules on the basis of 17 constituencies. Considerations relating solely to an alleged over- or under-representation of Northern Ireland in Parliament which are unconnected with any difficulty in applying the Rules do not appear to the Commission to be relevant to their task.

5. In giving effect to the Rules set out in the 1986 Act, the Commission reviewed the set of principles on which their decisions had been based during their Fourth Periodical Review and revised these as follows:-

- a. to examine 17-constituency schemes in the first instance and schemes for 16 and 18 constituencies only to reduce or alleviate difficulties experienced in applying the Rules on the basis of 17 constituencies;
- b. to ensure, so far as it is practicable, that no local government wards are divided between constituencies;
- c. to promote electoral equality by aiming, in the first instance, to restrict constituency electorates to within a tolerance of 10% above or below the average size constituency electorate; and

- d. to take account as far as reasonable of:
 - i. inconveniences attendant on alterations of constituencies, and
 - ii any local ties which would be broken by such alterations.

6. These principles guided the Secretariat of the Commission in its preparation of model schemes for consideration by the Commission. In assessing these schemes the Commission had the benefit of opinions and information made available to them by assessors to the Commission, namely the Registrar General in Northern Ireland, the Commissioner of Valuation for Northern Ireland and the Chief Electoral Officer for Northern Ireland. Although at the conclusion of their last Periodical Review the Commission recommended that the Chief Survey Officer of Ordnance Survey of Northern Ireland should be designated an assessor, no convenient legislative vehicle had been found to effect this in the intervening period. Accordingly, the Chief Survey Officer, Mr Mick Cory, was invited to be present at all meetings of the Commission. His advice and that of his successors⁹ and the practical assistance provided by his staff throughout the Review materially contributed to its progress, and to the public presentation of the Commission's recommendations.

7. The Commission were also assisted in their consideration of schemes by presentations made to them affecting the Review of Public Administration, the Regional Development Strategy for Northern Ireland, the Draft Belfast Metropolitan Area Plan 2015, the Transportation Strategy for Northern Ireland 2002-12 and by information supplied on industrial planning.¹⁰

8. The Commission also had available to them the Review of Public Administration consultation document published on 13 October 2003, that on the Review of Registration Procedures published by the Electoral Commission on 9 December 2003 and the electoral registers prior to that published by the Chief Electoral Officer on 1 February 2004.

9. To assist the Commission in their consideration of different schemes for constituencies in Northern Ireland, the Commission updated the computerised Geographic Information System (GIS) which had been used during their last Periodical Review. The system, which integrates electoral and statistical data with an automated map-drawing facility, was enhanced by software to speed up the preparation of schemes and enable these to be viewed against a raster mapping background allowing implications for change to be more readily comprehended. The Commission were grateful for the assistance and co-operation extended to them by Ordnance Survey of Northern Ireland in continuing to base the GIS at their headquarters in Stranmillis, Belfast. The system facilitated consideration of a wide range of proposals and careful investigation of options. It enabled the Commission to perform their task more quickly, cost effectively and efficiently than would have otherwise been possible.

10. The Commission prepared an explanatory note and established a website to promote a better understanding of the purpose and procedures of the Review.

⁹ Mr Cory ceased to be Chief Survey Officer in April 2005 and Mr Stan Brown and Mr Trevor Steenson, both acting Heads of Ordnance Survey, attended meetings of the Commission in his place until the permanent appointment of Mr Iain Greenway in July 2006.

¹⁰ The Commission record in Chapter 10 their appreciation for the presentations and information made available to them by the officials concerned.

4. Provisional Recommendations

1. In formulating their Provisional Recommendations, the Commission sought to limit the number and scale of proposed boundary changes, to preserve the integrity of local government districts and district electoral areas wherever practicable, and maintain the integrity of all 582 local government district (LGD) wards in Northern Ireland. The Commission looked carefully at the number of constituencies in Belfast, and concluded that there should continue to be four constituencies in Belfast, the boundaries of which should be extended in a radial fashion. In the course of their deliberations, the Commission gave careful consideration to a number of schemes according to which the electorate might be distributed into 17 constituencies. However, in their view each such scheme posed substantial difficulties in relation to the application of the Rules for Redistribution of Seats in particular with regard to inconvenience to electors and the significant disruption of local ties. The Commission concluded that there should continue to be 18 constituencies in Northern Ireland.

2. The Commission sought to address the problem created by the decline in size of the electorates in the Belfast borough constituencies and increases elsewhere in Northern Ireland since the last review of constituencies, and to reduce imbalances in the electorates of constituencies. The Commission also had in mind the convenience of electors and those who participate in and organise election campaigns and strove to accommodate their needs as far as possible within the terms of the Rules for Redistribution of Seats. The Commission's Provisional Recommendations succeeded in reducing the number of electors who would be transferred to a different constituency to under 6% of the total Northern Ireland electorate.

3. The four proposed Belfast constituencies were extended as follows:

Belfast East constituency to include the Castlereagh LGD wards of Ballyhanwood, Carrowreagh, Dundonald, Enler and Graham's Bridge. These wards are at present in the Strangford constituency;

Belfast North constituency to include the Newtownabbey LGD wards of Collinbridge, Glebe and Glengormley, at present in the South Antrim constituency, and Cloughfern, at present in the East Antrim constituency;

Belfast South constituency to include the Castlereagh LGD wards of Carryduff East and Carryduff West at present in the Strangford constituency, and Cregagh and Wynchurch, at present in the Belfast East constituency; and

Belfast West constituency to include the Lisburn LGD wards of Derryaghy, Dunmurry and Seymour Hill, at present in the Lagan Valley constituency.

4. As a consequence of changes proposed to the Belfast East and Belfast South constituencies, significant changes to the boundaries of the **Strangford** constituency were proposed and that the constituency should include the Down LGD wards of Ballymaglave, Ballynahinch East, Crossgar, Drumaness, Dunmore and Kilmore. The wards at present form part of the South Down constituency.

5. It was proposed that the **South Down** constituency be extended to include the three Newry and Mourne LGD wards of St Mary's, St Patrick's and Windsor Hill at present in the Newry and Armagh constituency, and the Banbridge LGD ward of Loughbrickland at present in the Upper Bann constituency.

6. Elsewhere, it was proposed that:

- the size of the electorate of the **Upper Bann** constituency be reduced by the transfer of the Craigavon LGD ward of Aghagallon to the Lagan Valley constituency and, as previously mentioned, the Banbridge LGD ward of Loughbrickland to the South Down constituency.
- the **East Antrim** constituency be extended to include the Moyle LGD wards of Bonamargy and Rathlin, Dalriada, Glanaan, Glenariff, Glendun, Glenshesk, Glentaisie and Knocklayd at present in the North Antrim constituency; and to alter the name of the constituency to Antrim Coast and Glens to reflect those changes.
- to equalise the electorate of the **East Londonderry** and **Foyle** constituencies by transferring the two Derry LGD wards of Banagher and Claudy from the Foyle to the East Londonderry constituency.

7. No changes were proposed to the **Fermanagh and South Tyrone**, **Mid Ulster**, **North Down** and **West Tyrone** constituencies.

8. Expenses allowable to candidates at elections differ according to the designation of the constituency. The Commission recommended no changes be made in the present designation of constituencies, namely that the constituencies of Belfast East, Belfast North, Belfast South and Belfast West should remain borough constituencies; and, since other constituencies included a significant rural element, it was proposed that these should remain designated county constituencies.

9. The Provisional Recommendations were announced on 29 April 2004 and the recommendations and maps illustrating the proposed boundary changes were formally published and made available for public inspection both in hard copy and CD Rom format at district council headquarter offices, the Electoral Office and Area Electoral Offices, public libraries and at the offices in Northern Ireland of the Electoral Commission and the Boundary Commission from 6 May 2004. The Commission appreciated the co-operation of those bodies concerned, and also, in the case of public libraries, the Association of Chief Librarians. Developments in information technology also enabled the Commission to place on the website not only the recommendations but searchable maps and an address search facility. The Commission were grateful for the funding provided for this purpose by the Secretary of State.

10. The Commission were required to consider representations made within one month of publication of the recommendations. Representations were invited to be made to the Commission by 7 June 2004 but representations were received after that date and were considered by the Commission. The reasons for this are referred to later. The Commission sought and were grateful for advice from the Office of the Information Commissioner in Northern Ireland on the matter of confidentiality of representations.

5. Local Inquiries

1. Where recommendations alter any existing constituency and representations objecting thereto are received by the Commission from a council of a district wholly or partly comprised in that constituency, or a body of parliamentary electors for that constituency numbering 100 or more, the Commission cannot proceed with their Final Recommendations until a public Local Inquiry has been held in relation to that constituency.

2. In response to the Provisional Recommendations, the Commission received some 30 submissions from members of the public, elected representatives, political parties, district councils and other interested bodies. The submissions were detailed and considered, and reflected concerns for local ties. They included representations from all the main political parties in Northern Ireland, and three local authorities. Three submissions attached representations signed by a body of electors and one submission attached representations from six such bodies of electors, all but one of which numbered 100 or more electors.

3. In the main, representations received by the Commission concerned the proposals:

- to retain **four constituencies in Belfast**. Counter-proposals sought to redraw boundaries in favour of reducing their number to three constituencies and thereby mitigate the ‘ripple’ effect upon adjacent constituency boundaries;
- to transfer the **Lisburn LGD wards of Derryagh, Dunmurry and Seymour Hill** from the Lagan Valley to Belfast West constituency, and the transfer of the **Castlereagh LGD wards of Cregagh and Wynchurch** from the Belfast East to Belfast South constituency. Submissions criticised the Commission’s proposals as conflicting with local ties and divisive;
- to transfer **Down LGD wards** from the South Down to Strangford constituency and to transfer **Newry and Mourne LGD Newry Town wards** from the Newry and Armagh to the South Down constituency. Submissions criticised the proposals for not following lines of communication or respecting community interests;
- to transfer **Moyle LGD wards** from the North Antrim to the East Antrim constituency and to rename it the Antrim Coast and Glens constituency. Submissions criticised the proposal on geographical and social grounds. Counter-proposals favoured dividing the Ballymena LGD between the North Antrim and South Antrim constituencies and not dividing Glengormley between the Belfast North and South Antrim constituencies; and
- to transfer Banbridge LGD and Craigavon LGD wards from the **Upper Bann** constituency, and the prejudicial effect on local ties.

4. One representation drew the Commission’s attention to the European Charter for Regional and Minority Languages. It was submitted that the proposals did not take account of the current and traditional geography of Ulster-Scots speaking areas. Other representations drew attention to: the disfranchisement of voters by the Electoral Fraud (Northern Ireland) Act 2002; the decision by the Commission to proceed with their Review ahead of the outcome of the Review of Public Administration; and the need to give greater weight to the integrity of district electoral areas.

5. Accordingly, having considered the representations which the Commission had received, it was decided that, though not strictly required by statute to cause public Local Inquiries to be held in respect of the East Londonderry and Foyle constituencies, inquiries should nevertheless be held into the boundaries of all 14 constituencies affected by the Provisional Recommendations. In deciding whether there should be a single public Local Inquiry or several inquiries and whether some or all inquiries should be conducted by the same person, the Commission endeavoured to strike a balance between the need to elicit relevant local information and opinion and to gauge and accommodate the effect of counter-proposals on neighbouring constituencies. It was decided to group constituencies together and to convene three inquiries, each to be conducted by a separate assistant Commissioner appointed by the Secretary of State.

6. The purpose of the Local Inquiries was to:

- ascertain relevant local information and opinion;
- hear criticism of or support for the Commission's proposed recommendations;
- receive any counter-proposals;
- enable everyone attending who wished to comment on these matters the opportunity to do so; and
- provide evidence from which each assistant Commissioner might compile a report with conclusions and recommendations to the Commission.

7. The Commission consulted the Bar Council in Northern Ireland and the Law Society of Northern Ireland and invited persons nominated by those bodies to apply for appointment as assistant Commissioners in accordance with procedures agreed with the Public Appointments Unit of the Northern Ireland Office. Inquiries, conducted by assistant Commissioners selected from a panel subsequently appointed by the Secretary of State, were held in September 2005. This avoided difficulties which might otherwise have been created for political parties leading up to the General Election and Northern Ireland local elections held on 5 May 2005¹¹. The inquiries were announced on 14 June 2005 and held as follows:

Mr James Toolan, Barrister at Law of the Inn of Court of Northern Ireland, held a Local Inquiry in respect of the recommendations affecting the borough constituencies of Belfast East, Belfast North, Belfast South and Belfast West in the City Hall, Belfast on 5 September 2005.

Mr Thomas Stewart Beattie, Barrister at Law of the Inn of Court of Northern Ireland, held a Local Inquiry in respect of the recommendations affecting the county constituencies of East Antrim, East Londonderry, Foyle, North Antrim and South Antrim in Ballymena on 14 and 15 September 2005.

Mr Colin Haddick BA, Solicitor of the Law Society of Northern Ireland, held a Local Inquiry in respect of the recommendations affecting the county constituencies of Lagan Valley, Newry and Armagh, South Down, Strangford and Upper Bann in Newcastle on 19 and 20 September 2005.

8. Copies of representations received by the Commission, a Statement of Reasons (reproduced at Appendix B to this report) issued by the Commission explaining their

¹¹ Before deciding to delay the inquiries, the Commission consulted and had the benefit of advice and the practice of the Boundary Commissions for England, for Scotland and for Wales on the timing and circumstances in which Local Inquiries were not convened in Great Britain.

recommendations and a booklet outlining the purpose and procedure of the inquiries was made available for public inspection at all district council headquarters offices, the Electoral Office and Area Electoral Offices, the offices of the Electoral Commission in Northern Ireland and the office of the Boundary Commission at the time the inquiries were announced on 14 June 2005. Notice of the Local Inquiries, the Statement of Reasons and the content of the booklet were placed on the Commission's website. All those who submitted representations to the Commission were notified of the time and place of Local Inquiries and where the representations which the Commission had received were available for inspection. All those who submitted representations were also sent the Statement of Reasons and the booklet. All Northern Ireland Members of Parliament, the main Northern Ireland political parties and district councils were informed of the arrangements.

9. The Commission urged all those interested to attend the inquiries and make known their views whether supporting or objecting to the Commission's proposals. Attention was drawn to the possibility that the Commission might revise their recommendations on consideration of the evidence submitted at the inquiries and assistant Commissioners' reports of those inquiries. It was made clear that while the Commission would always invite written representations on Revised Recommendations, second Local Inquiries were rarely held.

10. The assistant Commissioners were provided with copies of the written representations received by the Commission. These included some received after 7 June 2004, the last date set by the Commission for the receipt of representations. The decision to include late representations had regard to past practice and to the recommendation of the House of Commons Second Report from the Home Affairs Committee in 1986 that the statutory time allowed for objecting to Provisional Recommendations should be extended from one to two months, a recommendation accepted by the Government at that time¹². Assistant Commissioners also had available to them the Commission's Provisional Recommendations and statistical and other relevant information. All other information and help subsequently sought by assistant Commissioners to facilitate the inquiries or to enable them to reach their conclusions and recommendations was provided by the Secretariat to the Commission.

11. Substantially verbatim records were made of the proceedings of Local Inquiries¹³ and copies of these were subsequently made available to anyone requesting them.

12. The conduct of the inquiries was a matter for the discretion for the assistant Commissioners. The Commission were satisfied that all those who attended the inquiries and wanted to express their views were able do so. Persons wanting to speak from prepared statements were also able to do so or to summarise them. Copies of such statements and submissions received by the assistant Commissioners prior to or in the course of their respective inquiries were made available to those present at those inquiries. Moreover, assistant Commissioners were encouraged to visit localities to examine the course of boundaries and suggested boundaries.

13. The three assistant Commissioners who conducted the Local Inquiries were invited to prepare and submit reports of the inquiries direct to the Commission. Assistant Commissioners were required in their reports to comment on the written representations received by the Commission in response to their Provisional Recommendations,

¹² *House of Commons Second Report from the Home Office Affairs Committee, Session 1986-87 Redistribution of Seats* (HC.97-1, 1986), para 30, p. ix and *The Government Reply to the Second Report from the Home Affairs Committee 1986-87 HC 97-1, Redistribution of Seats* (Cm.308, February 1988) para. 2.2. p.5.

¹³ The Commission were grateful to the Editor of Debates at the Northern Ireland Assembly for the attendance of Hansard writers at the inquiries and the preparation of these records.

submissions received by the assistant Commissioners prior to or in the course of their respective inquiries and oral submissions made at them, and any counter-proposals. They were to include a concise description of the points raised and a balanced but brief evaluation of all the arguments, and present their conclusions. They were required to recommend whether the Commission's proposals be accepted intact or with alterations; or that a counter-proposal be adopted, with or without modifications, provided that it conformed to the statutory Rules for Redistribution of Seats and appeared to command greater local support than the Commission's Provisional Recommendations. Assistant Commissioners were invited to give reasons and justification for their recommendations and for the adoption of alternative proposals or counter-proposals if rejecting the Commission's proposals. They were also encouraged to include in their reports a consideration as to how any ripple or "knock on" effect of their recommendations might be accommodated within an overall scheme of constituencies for Northern Ireland.

6. Revised Recommendations

1. The assistant Commissioners were invited to prepare and submit their reports directly to the Commission and these were received during December 2005 and January 2006 and are reproduced at Appendix C.
2. The recommendations of the assistant Commissioners reflected concerns about the need to maintain a fair balance between the aim of achieving electoral equality by reducing disparity between the number of electors in each constituency and the requirement, where possible, to preserve long established ties¹⁴. The Commission placed importance on the reports of the assistant Commissioners and accepted their recommendations wherever practicable to do so. Where recommendations were not accepted, it was to resolve conflicting recommendations or to give better effect to the statutory Rules for Redistribution of Seats.
3. In reaching their decisions on Revised Recommendations, the Commission took into account all the evidence available to them, including the written representations received by the Commission in response to their Provisional Recommendations; the views expressed at the inquiries and written submissions made to them; changes which had occurred in the Register of Electors and other developments affecting the future restructuring of local government in Northern Ireland; and the convenience of both electors and those who participate in and organise election campaigns.
4. The Revised Recommendations were announced on 18 May 2006 and formally published on 24 May. The main points and recommendations of the assistant Commissioners and reasons for the Commission's decisions were set out in an announcement by reference to the constituencies affected.

Belfast East, Belfast North, Belfast South and Belfast West borough constituencies

5. The recommendations of the assistant Commissioner who held a Local Inquiry in Belfast supported the Commission's Provisional Recommendations to extend the existing four constituencies in a radial fashion. The assistant Commissioner considered it an unnecessary constraint to regard Belfast as being bound by the historic designation of the local government boundary, which no longer recognised the suburbanisation of Belfast and close ties and links with the city. Accordingly, the assistant Commissioner recommended the retention of four Belfast borough seats and that:
 - the Castlereagh LGD wards of Ballyhanwood, Carrowreagh, Dundonald, Emler and Graham's Bridge should transfer from the Strangford to the Belfast East constituency and the Castlereagh LGD wards of Carryduff East and Carryduff West should transfer from the Strangford to the Belfast South constituency. The wards were an integral part of Belfast and the assistant Commissioner considered that their transfer was necessary to maintain the size of the electorates of the two constituencies, and that their transfer would be widely acceptable.

¹⁴ The Commission considered how best 'natural communities' might be defined and noted the reference 'Good boundaries have the effect of grouping people together in natural communities, where people feel a sense of shared identity and interests and a sense of belonging.' *Putting Citizens First: Boundaries, Voting and Representation in Scotland. Commission on Boundary Differences and Voting Systems.* ('The Arbuthnott Commission') The Stationery Office: Edinburgh. (January 2006) section 3.21, p.15.

- the Castlereagh LGD wards of Hillfoot and Wynchurch, at present in the Belfast East constituency, should transfer to the Belfast South constituency. But contrary to the Commission's Provisional Recommendations, the Castlereagh LGD Cregagh ward should remain in the Belfast East constituency. The transfer of the Cregagh ward would breach local ties with materially significant and detrimental consequences. There was not the same affinity between the Hillfoot ward and the Belfast East constituency.
- the Lisburn City LGD wards of Derryaghy and Dunmurry, at present in the Lagan Valley constituency, should transfer to the Belfast West constituency. The assistant Commissioner had regard to the need to maintain the size of the electorate of the Belfast West constituency and believed the transfer of the wards would be justified by ties between West Belfast and the Dunmurry ward and the Lagmore estate part of the Derryaghy ward. Contrary to the Provisional Recommendations, the assistant Commissioner recommended that the Seymour Hill ward should remain in the Lagan Valley constituency on grounds of the strong local ties of residents to Lisburn.
- the Newtownabbey LGD wards of Ballyhenry, Collinbridge, Glebe, Glengormley and Hightown should transfer from the South Antrim to the Belfast North constituency and the Newtownabbey LGD ward of Cloughfern should transfer from the East Antrim to the Belfast North constituency. The assistant Commissioner considered that their transfer would recognise the movement of the electorate from Belfast into these wards and local ties, and be broadly acceptable, as well as necessary, to maintain the size of the electorate of the Belfast North constituency. The transfer of the wards would also respect the integrity and cohesion of Glengormley Village.

6. In their Revised Recommendations, the Commission proposed that effect be given to the recommendations of the report of the assistant Commissioner by extending and adjusting the boundaries of the four constituencies in the manner recommended with the exception of the Lisburn City LGD ward of Derryaghy, only part of which should now be transferred to the Belfast West constituency. In reaching their decisions the Commission had close regard to the reports of the assistant Commissioners who had conducted Local Inquiries in Ballymena and Newcastle.

Lagan Valley, Newry and Armagh, South Down, Strangford and Upper Bann county constituencies

7. The Commission's Provisional Recommendations proposed that significant boundary changes be made to these constituencies. The changes affected Newry, the Banbridge LGD ward of Loughbrickland, the Craigavon LGD ward of Aghagallon, the Down LGD wards of Ballymaglave, Ballynahinch East, Crossgar, Drumaness, Dunmore and Kilmore and the Lisburn City LGD wards of Derryaghy, Dunmurry and Seymour Hill. The purpose of the recommendations was to equalise, as far as practicable, constituency electorates. The assistant Commissioner's report of the inquiry held in Newcastle in respect of the Provisional Recommendations did not support the proposals. Instead, the assistant Commissioner recommended that:

- the present boundaries of the constituencies of Newry and Armagh and Upper Bann be unchanged. In reaching this conclusion, he had regard to the detrimental social and economic consequences which it was felt would be caused to local municipal ties in Newry if it were divided between

constituencies; the meagreness of social and economic links between the Banbridge LGD Loughbrickland ward and the South Down constituency; and the strength of the social, business and community links which exist between Aghagallon ward and the Craigavon LGD of which it now forms a part.

- in view of the many close ties between the Down LGD wards of Crossgar, Dunmore and Drumaness with Downpatrick, these wards should not transfer from the South Down to the Strangford constituency. However, these ties were seen as less strong in the case of the Down LGD wards of Ballymaglave, Ballynahinch East and Kilmore which should transfer to the Strangford constituency.
- the Lisburn City LGD ward of Dunmurry should transfer, as proposed, from the Lagan Valley constituency to the Belfast West constituency but the ward of Seymour Hill should remain in the Lagan Valley constituency. Residents in the Seymour Hill ward considered themselves to be part of the Lagan Valley community and the transfer of the ward would conflict with the development of its infrastructure.
- part of the Lisburn City LGD ward of Derryaghy should transfer to the Belfast West constituency. Close ties exist between the Lagmore estate in the ward and West Belfast whereas those living in the remainder (Milltown and Conway estates) of the ward had strong links with residents in the Seymour Hill area and with Lisburn and the Lagan Valley constituency.

8. In their Revised Recommendations, the Commission proposed that effect be given to the recommendations of the report of the assistant Commissioner but proposed also that the Lisburn City LGD ward of Glenavy transfer from the Lagan Valley to the South Antrim constituency. The ward of Glenavy is referred to later.

9. The constituencies of Newry and Armagh and Upper Bann, as recommended by the assistant Commissioner, each contained large electorates. They were greater than those provisionally recommended by the Commission, and significantly above the electoral quota. It was a matter of concern for the Commission that in seeking to comply with rule 5 of the Rules for Redistribution of Seats there needs to be approximately the same ratio of electors to elected representative in constituencies. On the other hand, the inquiry clearly established the potential inconvenience and adverse impact upon strong local ties that would be produced by the Provisional Recommendations. Ultimately, a balance had to be struck and, in the circumstances, the Commission accepted the assistant Commissioner's recommendation that no boundary changes be made to those two constituencies.

10. The Commission carefully considered the reports of the assistant Commissioners as well as the application and interrelationship of rules 4(c), 5, 6 and 7 in relation to the Lisburn City LGD ward of Derryaghy and decided to propose that the ward be divided along the Lagmore and Derryaghy townland boundary, with the Lagmore estate transferring to the Belfast West constituency.

East Antrim, East Londonderry, Foyle, North Antrim and South Antrim county constituencies

11. The Commission's Provisional Recommendations proposed boundary changes to these constituencies which would achieve greater equality in the size of their electorates. The assistant Commissioner who held a Local Inquiry in Ballymena supported the Commission's Provisional Recommendations but not in their entirety and made alternative recommendations, namely:

- the Newtownabbey LGD wards of Ballyhenry, Burnthill, Collinbridge, Glebe, Glengormley and Hightown should transfer from the South Antrim to the Belfast North constituency. This would recognise links between these wards and North Belfast and within Glengormley Village.
- the Newtownabbey LGD ward of Cloughfern should not transfer as proposed by the Commission to the Belfast North constituency but remain in the East Antrim constituency. The case for the transfer of that ward was seen as less apparent than that in respect of the other Newtownabbey LGD wards.
- the Moyle LGD wards of Glanaan, Glenariff and Glendun should transfer from the North Antrim to the East Antrim constituency for geographical reasons but not, as proposed by the Commission, the Moyle LGD wards comprising Ballycastle and the Glenshesk ward.
- the Ballymena LGD wards of Glenwhirry, Grange and Kells should transfer from the North Antrim to the South Antrim constituency. The assistant Commissioner felt that the character and geography of the wards would complement the rural nature of the revised South Antrim constituency.
- the Derry LGD wards of Banagher and Claudy should transfer from the Foyle to the East Londonderry constituency. The transfer, which would have the effect of equalising the electorates of the two constituencies, was considered practical.
- the constituency name of East Antrim should be retained in preference to that of 'Antrim Coast and Glens' proposed by the Commission and for which there was no support.

12. In their Revised Recommendations, the Commission proposed that effect be given to all the recommendations of the assistant Commissioner except those affecting the Newtownabbey LGD wards of Burnthill and Cloughfern and the Ballymena LGD wards of Glenwhirry, Grange and Kells.

13. The Commission believed that, having had regard to considerations already referred to, electorates of acceptable size could be better achieved with respect to the East Antrim, North Antrim and South Antrim constituencies by transferring the Lisburn LGD ward of Glenavy from the Lagan Valley to the South Antrim constituency, whilst transferring the Newtownabbey LGD ward of Cloughfern from the East Antrim to the Belfast North constituency. That would leave the Ballymena LGD wards of Grange, Kells and Glenwhirry and the Newtownabbey LGD ward of Burnthill in their present North Antrim and South Antrim constituencies respectively.

14. The Commission had regard to the disparity between the electorate of the proposed North Antrim constituency and the electoral quota and, in deciding to make their recommendation, took into account the same considerations identified in the Newry and Armagh and Upper Bann constituencies.

15. Accordingly, under the Revised Recommendations:

- the Newtownabbey LGD wards of Ballyhenry, Cloughfern, Collinbridge, Glebe, Glengormley and Hightown would transfer from the East Antrim and South Antrim constituencies to the Belfast North constituency.
- the Moyle LGD wards of Glanaan, Glenariff and Glendun would transfer from the North Antrim to the East Antrim constituency, and the East Antrim constituency name would be retained.
- the Derry LGD wards of Banagher and Claudy would transfer from the Foyle to the East Londonderry constituency.
- the Lisburn City LGD ward of Glenavy would transfer from the Lagan Valley to the South Antrim constituency.

Names and Designation of constituencies

16. The names and designations of all constituencies would remain unaltered, assistant Commissioners having confirmed in their reports that no changes should be made.

Number and size of constituencies

17. The proposed constituencies, their electorates on the 16 May 2003 enumeration date and their percentage deviation from the electoral quota was as follows:

Constituency	Electorate 16 May 2003	Percentage deviation from electoral quota (60,969)
Belfast East	58,756	-3.6
Belfast North	63,193	+3.7
Belfast South	58,225	-4.5
Belfast West	55,025	-9.7
East Antrim	56,125	-8.0
East Londonderry	60,494	-0.8
Fermanagh and South Tyrone	64,345	+5.5
Foyle	60,823	-0.2
Lagan Valley	60,973	0.0
Mid Ulster	60,119	-1.4
Newry and Armagh	68,730	+12.7
North Antrim	67,967	+11.5
North Down	57,435	-5.8
South Antrim	56,594	-7.2
South Down	64,530	+5.8
Strangford	57,463	-5.8
Upper Bann	68,806	+12.9
West Tyrone	57,847	-5.1
Total	1,097,450	

18. The Revised Recommendations, with maps to illustrate them, together with copies of the reports of the Local Inquiries and an explanatory note were made available for public inspection at all district council headquarters offices, the Electoral Office and Area Electoral Offices, public libraries, and at the offices of the Electoral Commission in Northern Ireland and those of this Commission. As with the Provisional Recommendations, copies of the revised proposals were sent to all Northern Ireland Members of Parliament, the main political parties, all district councils and a range of interested bodies. The Revised Recommendations were also made available for inspection in the Library of the House of Commons.

19. All those who had attended the Local Inquiries and had asked to be sent copies of the relevant assistant Commissioner's reports were sent these together with a copy of the Revised Recommendations. Notice of the recommendations was published in the Belfast Telegraph, the Irish News and Newsletter newspapers on 24 May 2006, and appeared in the Belfast Gazette. Anyone or any organisation interested in the proposals was invited to make representations to the Commission by 24 June 2006.

20. Seventeen representations were received on the Revised Recommendations including two from political parties in Northern Ireland, elected representatives, interested groups and members of the public. Petitions were received from two community groups containing some 500 signatures. Of the representations received four expressed support for the Revised Recommendations and others favoured aspects of them.

21. Representations objecting to the Revised Recommendations concerned issues which had already been the subject of submissions received by the Commission in response to their published Provisional Recommendations or had been submitted at the Local Inquiries and had therefore been considered by them. In effect, the representations questioned the weight which had been given to the written evidence and oral submissions made at the inquiries, and hence the conclusions and recommendations of assistant Commissioners. The Commission were also criticised for having proposed boundary arrangements alternative to those recommended by assistant Commissioners and, where recommendations conflicted, favouring the recommendations of one assistant Commissioner over another.

22. A number of representations criticised the Commission's Revised Recommendations for compromising district council and district electoral area boundaries. The Commission were also criticised for making proposals which were seen as anticipating the outcome of the review by the recently appointed Local Government Boundaries Commissioner. This was partly in regard to the recommendation to divide the Lisburn City LGD ward of Derryagh between the Belfast West and Lagan Valley constituencies. That decision was seen as unprecedented and inappropriate when there were instances of other wards which might equally merit being divided between constituencies. The Commission's interpretation of the statutory Rules for Redistribution of Seats in this matter was also questioned.

23. Representations expressed concern for the conservative approach adopted by the Commission. They pointed out that three proposed constituencies would be substantially above the electoral quota with a number of others below it. The decision to convene three separate inquiries was also felt to have hindered exploration of the wider implications of retaining four constituencies for Belfast.

24. Some of the representations put forward argued and carefully considered improvements to the Revised Recommendations. Others raised matters of a political nature and issues which lay outside the terms of reference of the Commission, and were not germane to the review.

25. The representations were carefully considered by the Commission but for reasons explained in the following chapter, they decided not to finalise a view. The representations received renewed consideration this Summer. A summary analysis of the representations, together with the Commission's conclusions and reasons for their decisions, are set out in Chapter 8 of this Report.

7. Restructuring of Local Government

1. On several occasions during the course of the Review, the Commission drew attention to the difficulties arising from the postponement in the appointment of a Local Government Boundaries Commissioner, and the uncertainties brought about by the proposed restructuring of local government in Northern Ireland.

2. Local Government wards provide the building blocks with which the Commission construct constituencies. The Parliamentary Constituencies Act 1986 obliges the Commission, so far as is practicable, not to include wards partly in one constituency and partly in another. At the outset, the Commission were concerned that ward boundaries had not been reviewed since the last Local Government Boundaries Commissioner reported in 1992 and that present ward boundaries no longer accurately reflected changes which had occurred in the distribution of the electorate and to local ties. A review of local government boundaries normally precedes that of Parliamentary constituencies but, notwithstanding the likelihood of problems arising from the inability to sequence the two reviews appropriately, the Commission were unable to discern any alternative to proceeding with their work.

3. During 2005 the Commission drew renewed attention to their concerns and that the ward structure in Northern Ireland might be eliminated in the course of restructuring local government. The Commission were grateful for the undertaking they received from the Secretary of State that they would be consulted and afforded an early opportunity to express their views on any proposed changes. Accordingly, the decision announced by the Secretary of State in November 2005 to create seven local authorities in place of the present 26 district councils was discussed with the Head of the Review of Public Administration team and representatives of the Department of the Environment for Northern Ireland and the Northern Ireland Office. The Commission were reassured by that meeting and welcomed the subsequent announcement¹⁵ that of the options discussed at that meeting, the Secretary of State had decided to retain a ward structure in Northern Ireland.

4. The Commission gave careful consideration to the situation. They were bound by the terms of the Parliamentary Constituencies Act 1986 to submit a report to the Secretary of State with the recommendations of their Fifth Periodical Review by June 2007. They therefore concluded at that time that they had no alternative but to proceed with the present Review on the basis of the existing ward structure, public Local Inquiries having already taken place on that basis. However, the Commission did not rule out that, as provided for by section 3 (3) of the 1986 Act, they might need to undertake an Interim Review of boundaries once the new ward structure was in place and there had been an opportunity to assess the extent of the loss of coterminosity with constituency boundaries.

5. Notwithstanding their decision to proceed with the Review and to publish Revised Recommendations in May 2006, the subsequent appointment of a Local Government Boundaries Commissioner and his publication of proposals in November 2006, led the Commission to decide that it would no longer be in the public interest for them to proceed to their final recommendations.

6. The Commission consider it important for the organisation and conduct of elections, and to avoid confusion amongst voters, that elections in Northern Ireland should be conducted on common ward boundaries. The Commission therefore decided to review their

¹⁵ *Better Government for Northern Ireland: Final Decisions of the Review of Public Administration. Securing Our Future.* (March 2006).

recommendations in the light of progress by the Local Government Boundaries Commissioner and the effect of his proposals on the ward structure.

7. The Local Government Boundaries Commissioner caused seven independent public hearings to be held during January and February 2007 and the Commissioner published revised recommendations in March this year. The Commissioner submitted his final recommendations on 30 May this year.

8. The Commission reviewed their position this Summer. They did so in light of the newly appointed Northern Ireland Assembly Executive Minister with responsibility for the Department of the Environment announcing that it was her intention, with Executive colleagues, to look again at the seven council model on which the Local Government Boundaries Commissioner had predicated his proposals, and to try to reach a political consensus on the number of councils needed in Northern Ireland. The Northern Ireland Executive subsequently announced the terms of reference of that review and the intention that it should report in Autumn 2007.¹⁶ In the circumstances, the Commission felt that it would be inappropriate for them to delay further their final recommendations on parliamentary constituencies and decided to submit their recommendations based on the existing ward structure.

9. The Commission accept that they may need to conduct an Interim Review of parliamentary constituencies once any restructuring of local government wards has been finalised.

¹⁶ Review of Local Government Aspects of the Review of Public Administration. Terms of Reference. *The review of local government aspects of the Review of Public Administration will consider what local government is expected to deliver in the context of a fully-functioning devolved Assembly and Executive, and in the context of the strategic direction of the Review of Public Administration, will consider the number of councils and functions that the Executive believes would be required. In considering the number of councils, the review will consider the three options on which views were sought in the March 2005 Further Consultation on the Review of Public Administration in Northern Ireland. In considering the functions that the Executive believe should be delivered by local government, the review will consider the decisions on local government functions set out in the previous administration's Final Announcements on the Review of Public Administration of 22 November 2005 and 21 March 2006, and will take account of financial and efficiency considerations. The review may also consider options on which views were sought in the March 2005 Further Consultation on the Review of Public Administration that Ministerial colleagues may wish to be considered. The review will be led by a sub-committee of the Executive Committee chaired by the Minister of the Environment, and will report to the Executive by autumn 2007.* (July 2007).

8. Final Recommendations

1. In reaching their Final Recommendations, the Commission had regard to all representations and submissions made to them throughout the Review, the reports and recommendations of the assistant Commissioners and evidence adduced at the Local Inquiries conducted by them. They also had regard to changes which had occurred in the distribution of the electorate since the inception of the Review, and other relevant considerations.

Local Government Boundaries

2. A number of representations affecting local government boundaries were submitted to the Commission during the course of the Review. Further representations were received in response to their published Revised Recommendations. The Commission have, however, explained the difficulties presented by the loss of the appropriate sequence of local government and parliamentary constituency boundary reviews, and the reasons which have now led them to reach decisions ahead of the review announced by the Northern Ireland Executive.

3. In general, the Commission have previously endeavoured to take into account district council and district electoral area boundaries wherever possible. However, it appeared to the Commission from an early point in their Review, that the need to do so might be less important than hitherto because of the Government's intention to review and to reduce the number of local authorities in Northern Ireland. The Report of the Review of Public Administration published in March 2006 offered models for the restructuring and amalgamation of local government districts. The Commission therefore took the view that some district council boundaries would not hold the same degree of significance as they did during the previous Periodical Review. The same considerations applied to existing district electoral area boundaries.

4. In particular, and in the matter of the Commission's decision in their Revised Recommendations to divide the Lisburn City LGD Derryaghy ward, the Commission gave effect to the recommendations of one of the assistant Commissioners. In reaching their decision, the Commission gave careful consideration to the application and inter-relationship of rules 4(c), 5, 6 and 7 in relation to the Derryaghy ward before recommending that it should be divided along the Lagmore and Derryaghy townland boundary. They are satisfied that their decision was not in conflict with the Rules. The assistant Commissioners who conducted the Local Inquiries made no other recommendations proposing the division of any other wards in Northern Ireland.

Size of Constituencies

5. Constituencies recommended by the Commission at the conclusion of their last Periodical Review were in the range of 11% above and 11% below the average constituency electorate at the time of finalising their recommendations. The constituencies now recommended by the Commission have electorates which fall within a similar broad range. It was, however, a matter of concern to the Commission, in seeking to comply with rule 5 of the Rules for Redistribution of Seats and to provide approximately the same ratio of voters to elected representatives for each constituency, that three proposed constituencies contain relatively larger electorates than previously recommended. However, Local Inquiries clearly established the potential inconvenience and adverse impact upon strong local ties that would be produced by the Commission's Provisional Recommendations.

6. In reaching their decisions to recommend three constituencies containing electorates relatively larger than those recommended at the conclusion of the last periodical review, the Commission had regard to the comparative size of constituencies elsewhere in the United Kingdom. They also took into account guidance provided by the Council of Europe European Commission for Democracy through Law in its Code of Good Practice in Electoral Matters¹⁷.

Number of Local Inquiries

7. In order to balance the need to elicit relevant local information and opinion and to gauge and accommodate the effect of counter-proposals on neighbouring constituencies, the Commission decided to convene three inquiries rather than a single inquiry. In terms of the detail it was possible to establish at the inquiries, the Commission are satisfied that their decision was the correct one. This led to conflicting recommendations by assistant Commissioners but these helped direct the Commission's attention to contentious issues most deserving that attention, and to weigh evidence with particular care. Furthermore, in the matter of the number of constituencies for Belfast, the reports of all three assistant Commissioners offered no support for there being other than four constituencies. In reconciling the recommendations of the assistant Commissioners, no alternative scheme for three constituencies for Belfast commended itself.

Boundaries of Belfast constituencies

8. In their representations on the Commission's Revised Recommendations, the Alliance Party felt that the Lisburn City LGD **Dunmurry**, **Derryaghy** and **Seymour Hill** wards should be retained in the Lagan Valley constituency rather than be divided between constituencies along what they regarded as a sectarian line. But the party also considered that the three wards would eventually need to transfer to the Belfast West constituency to sustain an appropriate size of constituency electorate.

9. Representations from the Derriaghy Village Committee and Seymour Hill and Conway Residents Association sharply contradicted that view. The Committee and the Association believed that there were sound reasons for dividing the Derryaghy ward on the grounds that the Lagmore estate looked to West Belfast and retained strong community links to the adjacent Poleglass and Twinbrook wards in the Belfast West constituency. In contrast, people living in Derriaghy Village, including Milltown, had a strong affinity with the Lisburn City urban area in the Lagan Valley constituency. A transfer of the whole of the Derryaghy ward to the Belfast West constituency would, it was felt, arbitrarily split a cohesive and distinctive community which extended to the Lambeg and Seymour Hill wards. That view was supported by the petition of 503 Derryaghy ward residents and electors which was received in response to the Commission's Revised Recommendations.

10. With regard to the Dunmurry ward, one representation received from a local resident supported the proposal to transfer the ward to the Belfast West constituency. He regarded the ward as part of Belfast. Another resident objected to the proposal, stating that the ward had little if anything in common with that constituency.

¹⁷ *Code of Good Practice in Electoral Matters: Guidelines and Explanatory Report. European Commission for Democracy Through Law. ('The Venice Commission') Council of Europe (June 2003) Equal Voting Power, para 2.2, p.10 refers.*

11. In his representations on the Revised Recommendations, Dr Alasdair McDonnell, Member of Parliament for the Belfast South constituency, took a different view. He considered that the Dunmurry ward should be restored to his constituency of which it was a part until 1983, the area being geographically, socially and functionally ‘a sister area to Finaghy’ already entirely part of the Belfast South constituency.

12. The Commission concluded from the evidence given to the Local Inquiry held in Newcastle, that a clear distinction existed between the Dunmurry ward and the Lagmore estate part of the Derryagh ward on the one hand and the rest of the Derryagh ward and the Seymour Hill ward on the other. That had led the assistant Commissioner to reflect the distinction in his recommendations, and to the Commission’s acceptance of it. Moreover, the recommendation was supported by the further petitions which the Commission had received, and which were persuasive.

13. Representations received on the Revised Recommendations proposed that at least part of the Belfast LGD **Crumlin** ward and the whole of the **Woodvale** ward should be transferred from the Belfast North to the Belfast West constituency to recognise ties between these wards and other wards of the Court district electoral area already within the Belfast West constituency. The transfer would recognise the natural boundary between the two constituencies provided by the Crumlin Road.

14. Those ties were considered by the assistant Commissioner who conducted the Local Inquiry in Belfast. He was persuaded by rule 7 of the Rules for Redistribution of Seats, which affects inconvenience attendant on boundary alterations and local ties being broken by such alterations, that the present constituency boundary should not be disturbed. The possibly perverse effect of the rule is commented upon by the Commission later in this report.

15. The Alliance Party expressed support for the Commission’s decision in their Revised Recommendations to retain the Castlereagh LGD **Cregagh** ward in the Belfast East constituency and to transfer the **Hillfoot** ward to the Belfast South constituency, but disagreed with the proposal to transfer the **Wynchurch** ward to that constituency. It was considered that a sizeable section of population of the Wynchurch ward identified with East Belfast and that its transfer would split the Cregagh estate and fracture the Castlereagh Central district electoral area creating less coherent boundaries.

16. The Democratic Unionist Party considered that with the precedent created by the proposed division of the Derryagh ward, the Hillfoot, **Moneyreagh** and Wynchurch wards might also be divided for reasons accepted in regard to the Derryagh ward, as well as for geographical reasons.

17. In making further recommendations for improvements to the boundaries of the Belfast constituencies, Dr McDonnell MP considered that the Hillfoot ward should be divided along Cregagh Glen. This would respect diverging local ties and linkages. The eastern part of the ward had no connection to the Belfast South constituency, whereas residents at the western end of the ward were socially and functionally part of the adjacent Wynchurch area, which it was proposed should transfer to the Belfast South constituency.

18. Dr McDonnell acknowledged that the arguments had been advanced at the Local Inquiry. They were cogently set out in the report of the assistant Commissioner who conducted the Inquiry in Belfast. The assistant Commissioner had concluded that, although the Wynchurch ward was not homogenous in nature or character, the ‘incursion’ of part of the Cregagh estate within the ward was relatively small in extent. In regard to the Hillfoot ward, the assistant Commissioner took note of the diversity of its character and to the

potential for division of the ward between the two constituencies. However, having had regard to the statutory Rules and in the absence of compelling evidence, he determined against division of the ward along the Cregagh Glen when the outcome of the restructuring of local government wards was still pending. In the case of the Moneyreagh ward, the assistant Commissioner considered the ward to be distinctively more agricultural and rural in character than neighbouring wards and for that reason recommended that it should not be included in the Belfast South constituency. The Commission adhere to that advice.

19. In the matter of the Commission's recommendation to transfer the Newtownabbey LGD wards of **Ballyhenry** and **Cloughfern** to the Belfast North constituency, the Alliance Party considered that the Cloughfern ward should remain in the East Antrim constituency as its transfer would exacerbate an already ill-defined constituency boundary. Other representations received in response to the Revised Recommendations supported the retention of the ward in its present constituency, but were contradictory in regard to whether the Ballyhenry ward should be retained within the South Antrim constituency or transfer to the Belfast North constituency.

20. Both assistant Commissioners who considered the proposed extension of the Belfast North constituency concluded that it would be detrimental for the Glengormley area to be divided between constituencies. They recommended that the Ballyhenry ward should transfer from the South Antrim to the Belfast North constituency to maintain the cohesion of Glengormley Village and local ties, as well as help to define the constituency boundary. In regard to the Cloughfern ward, the assistant Commissioners expressed differing views.

21. To achieve broad equality in the size of the electorates of the Belfast North and East Antrim constituencies, the Commission had recommended that the Cloughfern ward should transfer to the Belfast North constituency. The Commission reviewed that decision. They did so in the light of the representations, reports of both assistant Commissioners and known local ties and the trend in recent electorate figures. They concluded that their recommendation to transfer the Cloughfern ward should stand, and that the Ballyhenry ward should also transfer to the Belfast North constituency, as recommended by both assistant Commissioners.

Boundaries outside Greater Belfast

22. Mr Eddie McGrady, Member of Parliament for South Down, welcomed the decision by the Commission to accept the recommendations of the assistant Commissioner not to transfer the Newry and Mourne LGD wards of St Mary's, St Patrick's and Windsor Hill from the Newry and Armagh to the South Down constituency and that the Down LGD wards of Crossgar, Drumaness and Dunmore should remain in his constituency. He nevertheless regretted the recommendation of the Local Inquiry and that of the Commission to transfer the Down LGD wards of **Ballymaglave**, **Ballynahinch East** and **Kilmore** from the South Down to the Strangford constituency. Mr McGrady was supported in a separate submission by Councillor Margaret Ritchie MLA, now Northern Ireland Assembly Executive Minister for the Department for Social Development. Both considered that the three wards had no shared purpose with the Strangford constituency, and would represent an unnatural grouping of communities.

23. Other representations received on the Commission's Revised Recommendations, including those of the Alliance Party, criticised the proposed transfer of the wards from the point of view of the lack of affinity between Ballynahinch and Newtownards, and considered that the proposed Strangford constituency would lack coherence. The Alliance

Party instead proposed that the Strangford constituency should be extended to include the Down LGD wards of **Ardglass** and **Killough**.

24. The assistant Commissioner who conducted the Local Inquiry held in Newcastle concluded that, although the Ballymaglave, Ballynahinch East and Kilmore wards had ties with Downpatrick and the South Down constituency, these ties were less evident with the adjacent wards of Crossgar, Drumaness and Dunmore. Consequently, and for reasons of electoral equality, the Commission shared the view of the assistant Commissioner that the three wards should transfer to the Strangford constituency, and found no sufficient reason or weight of evidence in the representations received, to take a different view. Neither were the Commission attracted to the proposal that the Strangford constituency should extend in what appeared to be an eccentric and unduly invasive fashion to include wards to the east and south of Downpatrick presently in the South Down constituency.

25. Mr Gregory Campbell, Member of Parliament for the East Londonderry constituency, reiterated in his representations arguments he had put forward at the Local Inquiry. He considered that the incidence of second homes in his constituency had resulted in relatively fewer full-time residents and hence a lower constituency electorate. In his view that required adjustment of his constituency boundaries to include the Moyle LGD **Bushmills** and **Ballylough** wards, at present in the North Antrim constituency.

26. In its submission, the Democratic Unionist Party cast doubt on the need to equalise constituency electorates as sufficient reason to justify the transfer of the Derry LGD **Banagher** and **Claudy** wards to the East Londonderry constituency.

27. Again, the Commission noted that these issues had been examined at the Local Inquiry held in Ballymena. The transfer to the East Londonderry constituency of the Banagher and Claudy wards, but not the Bushmills and Ballylough wards, had been recommended by the assistant Commissioner. The East Londonderry constituency electorate was less than 2% below the average constituency electorate according to the Register of Parliamentary Electors on 1 February 2007, and the Commission concluded that the constituency boundary did not require further adjustment to that now recommended.

28. The Alliance Party proposed that the Lisburn City LGD ward of **Glenavy** should remain in the Lagan Valley constituency. It stated that the proposal had not formed part of the Commission's Provisional Recommendations and that local people had not had opportunity to comment. It was alleged that the transfer would breach a century old local authority boundary and create problems of district council identity.

29. This view contrasted sharply with that expressed by Councillor Thomas Burns MLA at the Local Inquiry. In his further submission to the Commission on their Revised Recommendations, he supported the recommendation that the Glenavy ward should transfer to the South Antrim constituency. In his view, the village of Glenavy naturally looked towards that of Crumlin, already in the South Antrim constituency, and both shared long-established geographical, cultural, social and economic ties. The villages had been in the same constituency prior to 1983. He considered the transfer of the ward to be a natural and rational expansion of the South Antrim constituency along the Lough Neagh shoreline.

30. In the absence of detailed arguments to contradict the views of Councillor Burns and particularly to create a more equitable balance in constituency electorates, the Commission were satisfied that their recommendation to transfer the ward should not be altered.

31. The Alliance Party also considered that the Moyle LGD wards of **Glenarm**, **Glenariff** and **Glendun** should remain in the North Antrim constituency by reason of their dependence on Ballymena in that constituency for local services. Instead, the Ballymena LGD **Glenwhirry**, **Kells** and perhaps **Grange** wards should transfer to the South Antrim constituency in order to reduce the size of the North Antrim constituency. Other representations made similar proposals.

32. The Rt Hon Dr Ian Paisley, Member of Parliament for the North Antrim constituency, now First Minister of the Northern Ireland Assembly Executive, wrote to the Commission in support of the Revised Recommendations. Regretting the proposed transfer of the three Moyle LGD ‘Glens’ wards to the East Antrim constituency, he accepted the need to achieve balance between constituency electorates. However, he regarded the proposal to transfer the three Ballymena LGD wards to the South Antrim constituency as grossly unfair to the constituents of those wards, considering their remoteness to Antrim town and the inconvenience their transfer would generate. .

33. The report of the assistant Commissioner who conducted the Local Inquiry in Ballymena supported the Commission’s Provisional Recommendations that the three Moyle LGD wards should transfer to the East Antrim constituency. The assistant Commissioner did so on the grounds that it was difficult to differentiate between the geography of those wards and those of Carnlough and Glenarm in the East Antrim constituency, and that where people looked for the provision of major services was not as strong a consideration as that of geography.

34. The assistant Commissioner recommended, however, that the Glenwhirry, Grange and Kells wards should transfer to the South Antrim constituency. Having regard to the Rules for Redistribution of Seats and the evidence at the Local Inquiry, the Commission decided not to accept that recommendation and, endeavouring to disturb local ties to the least extent, to seek a solution which arrived at electorates of neighbouring constituencies within an acceptable range. The Commission re-appraised the proposals in the light of the objections received but considered that these did not warrant them taking a view contrary to that set out in their Revised Recommendations.

Name and Designation of constituencies

35. No representations raised matters affecting the proposed names or designations of constituencies.

Conclusions

36. The Commission gave careful consideration to the representations received on their Revised Recommendations and did so having regard to all other relevant information available to them. Having done so, and for the reasons set out, the Commission were satisfied that their Revised Recommendations represented an appropriate scheme of constituencies which met the statutory requirements contained in the Rules for Redistribution of Seats. With the exception of the petitions received by the Commission which supported the Revised Recommendations, there was no evidence on which the Commission might gauge how widely supported or representative of local opinion were views contained in representations and counter-proposals to their Revised Recommendations beyond the evidence already presented at Local Inquiries. Moreover, acceptance of the representations implied alterations to adjacent constituency boundaries which themselves might be controversial.

37. Accordingly, having considered the representations made to them following publication of the Revised Recommendations and other evidence available to them, the Commission propose no change to those recommendations, and that a further Local Inquiry or inquiries should not be held. All those who submitted representations on the Commission's Revised Recommendations are to be informed of that decision.

38. Copies of the representations together with those earlier received by the Commission and by assistant Commissioners in the course of their public Local Inquiries are being made available to the Library of the House of Commons.

39. The Final Recommendations of the Commission are that there should be 18 Parliamentary constituencies in Northern Ireland as set out and defined by reference to local government wards as listed in Appendix D to this report.

40. The existing and proposed constituencies and their electorates are set out for comparative purposes in Appendix E. Columns A of the Appendix give the electorate for each constituency and the percentage by which it deviated from the electoral quota (constituency average electorate) of 60,969 as determined on 16 May 2003 (the statutory enumeration date for this Review). Columns B give the electorates and percentage deviations from the electoral quota for the recommended constituencies on 16 May 2003. For information, the Commission have reproduced, at columns C, electorate figures illustrating the distribution of the electorate at the time of the last revised Register of Parliamentary Electors available to the Commission, which was published on 2 February 2007. The Commission are required by statute to base their recommendations on the electoral quota on the enumeration date of 16 May 2003 but they are aware that changes in the distribution of the electorate are constantly occurring¹⁸. Maps illustrating the constituencies are reproduced in Appendix F.

41. Electorates of constituencies in Northern Ireland varied from about 17% below to 16% above the electoral average on the 16 May 2003 enumeration date. The final recommendations reduce these imbalances by limiting the electorate of proposed constituencies to a range within 10% below to 13% above the electoral average on the enumeration date and within 10% below to 15% above the average on the Revised Register of Electors published on 2 February 2007. Under the recommendations, less than 5% of the Northern Ireland parliamentary electorate would transfer constituencies.

¹⁸ Ward totals from the Register of Electors, which include persons eligible to vote at parliamentary and other elections, are published monthly by the Electoral Office for Northern Ireland on their website. <http://www.eoni.org.uk/index/stats/electorate-statistics/electorate-statistics-by-ward-2007.htm>.

9. Recommendations for Change

1. In the report of their last Periodical Review¹⁹, the Commission advanced a number of recommendations for change to be made to the Parliamentary Constituencies Act 1986. In the main these affected the procedures which govern reviews. The recommendations were based on the Commission's experience, and concerned:

- **the Chief Survey Officer of Ordnance Survey of Northern Ireland should be an assessor to the Commission.** Ordnance Survey perform a vital role in the work of the Commission in meeting their mapping and geographical information system needs, and advising on the graphic presentation of recommendations to the public. The Chief Survey Officer is an assessor to the Northern Ireland Local Government Boundaries Commissioner and the corresponding appointment in Great Britain is an assessor to the three Boundary Commissions there. The present situation is therefore anomalous. An amendment to paragraph 5 of Schedule 1 to the Parliamentary Constituencies Act 1986 is needed.
- **the correct sequencing of local government followed by parliamentary constituency boundary reviews is essential** to ensure that reviews of parliamentary constituency boundaries can be undertaken on the basis of wards which fully reflect changes that may have occurred in the distribution of the electorate since the previous Review. Local government wards provide the statutory 'building blocks' for constituencies. Loss of this correct sequencing caused the Commission significant difficulties during the current Review which may entail further adjustment to boundaries through an Interim Review once the present restructuring of local government in Northern Ireland has been finalised. Section 50 of the Local Government Act (Northern Ireland) 1972, as amended by article 4 of the Local Government (Boundaries) (Northern Ireland) Order 2006 provides that reviews by a Local Government Boundaries Commissioner shall take place at intervals of eight to twelve years from the date of submission of the last local government boundaries review. That will perpetuate the present incorrect sequencing of reviews, and requires remedy.
- **local government wards should remain the statutory 'building blocks' for parliamentary constituencies.** Under recent proposals the current 582 wards were to be substantially reduced in number. Paragraph 4(1)(c) of Schedule 2 to the Parliamentary Constituencies Act 1986 provides that no ward shall be included partly in one constituency and partly in another so far as is practicable having regard to other rules. The Commission's present recommendations are that only one ward should be so divided, but with the likely reduction in the number of wards in Northern Ireland, the need to divide wards between constituencies may increase. Consideration may need to be given to adding clarity to the Rules for Redistribution of Seats, and the circumstances in which wards may be divided between constituencies.
- **the period for receipt of representations should be extended from one month to two months** in accordance with the acceptance by the Government

¹⁹ *Boundary Commission for Northern Ireland. Fourth Periodical Report on Parliamentary Constituencies and Second Supplementary Report on the number of members to be returned to the Northern Ireland Assembly by each of those constituencies* (Cmnd 2949, October 1995) see Chapter 8, pp.31 to 34.

in 1988 of the House of Commons Home Affairs Committee recommendation in 1986²⁰. Practice in England and Wales now accommodates a period of two months and this Commission follow that convention in particular to allow for the intervals between meetings of district councils in Northern Ireland.²¹ However, the present position, which requires the Commission to advertise and require representations to be submitted within one month, is incongruous and needs to be regularised.

3. The Commission believe that all these matters continue to deserve the consideration and early implementation that they did when they first drew them to the Government's attention in 1995. They were to be examined by a Home Office Working Group in 1996. The Commission were informed by the Secretary of State in March 2003 that there were no difficulties with certain of the Commission's recommendations. However, under the Political Parties, Elections and Referendums Act 2000, the role of the Commission would become the responsibility of the Electoral Commission following the conclusion of the present Periodical Review. Taking that into account, it was felt inappropriate, at that time, to proceed with amending legislation.

4. Section 16 of the Political Parties, Elections and Referendums Act 2000 provides, at a time to be determined by Order, for the functions of the Boundary Commission to transfer to the Electoral Commission and to a Boundary Committee of that Commission, to be established under section 14 of the Act. Section 6 of the 2000 Act provides for the Electoral Commission to keep under review and submit reports to the Secretary of State on boundary setting functions.

5. At a joint meeting of the four United Kingdom Boundary Commissions which convened in Northern Ireland in 2005 it was agreed to examine, with the Electoral Commission, the procedures for reviewing boundaries set out in the Parliamentary Constituencies Act 1986, and to make proposals for change. In the light of collective experience, a comprehensive note of proposals for changes was prepared for consideration by the Electoral Commission. The proposals incorporated those put forward by this Commission at the conclusion of the last Periodical Review, as well as others which have come to attention during the present Review, namely:

- **the number of constituencies in Northern Ireland should not be less than 18.** Rule 1(4) of the Rules for Redistribution of Seats which form Schedule 2 to the 1986 Act provides for the number of constituencies to be no greater than 18 or less than 16, and to be 17 unless it appears to the Commission that Northern Ireland should for the time being be divided into 16 or 18 constituencies. The Commission see no valid reason why that rule should not provide solely for a minimum number of constituencies, as in the case of Wales. Substantial difficulties were encountered by this Commission, in the course of the last and the present periodical reviews, in applying the Rules on the basis of 17 constituencies, in particular with regard to rule 7 which relates to considerations affecting inconveniences attendant on alterations and the disruption of local ties. Accordingly, it appears to the Commission

²⁰ *House of Commons Second Report from the Home Affairs Committee Session 1986-87 Redistribution of Seats* (HC.97-1, December 1986), p.ix, para.30 and *Government Reply to the Second Report from the Home Affairs Committee, Session 1986-87, HC.97-1, (Cm.308, 1988) p.5, para.2.2*

²¹ The Commission note the advice that formal written consultation periods by Government departments and by non departmental public bodies 'should be a minimum of 12 weeks'. *Code of Practice on Consultation* (Cabinet Office, Better Regulation Executive, 2005), para.1.4. A six week period has been adopted by the Electoral Commission for the receipt of representations on the recommendations made to it by the Boundary Committee for England but anomalously the one month period for the receipt of representations by the Boundary Committee has been retained in para.5 of Schedule 3 to the Political Parties, Elections and Referendums Act 2000.

that the number of constituencies in Northern Ireland should be set in the same statutory terms which apply to the number of constituencies in Wales, and at not less than 18.

- **the naming of constituencies should be permissible in the Irish and in the Ulster-Scots languages.** That would entail amendment to section 3(4) of the 1986 Act. In reaching this conclusion, the Commission had regard to the Council of Europe European Charter for Regional or Minority Languages as well as to the practice in Scotland and Wales.
- **the terms of reference for Local Inquiries should be capable of being defined by reference to existing or proposed constituencies and for assistant Commissioners conducting those inquiries to have regard for the implications of counter-proposals and recommendations on neighbouring constituencies.** This would place beyond doubt the authority of assistant Commissioners to examine the ‘knock-on’ effect on all other constituencies of counter-proposals and their own recommendations, and thereby facilitate the Commission to reach informed decisions.
- **rule 7 should be reviewed to enable the Commission and assistant Commissioners conducting Local Inquiries to recognise and have regard to ties between localities in neighbouring constituencies.** At present the rule appears to operate in a way which may favour a *status quo* in determining constituency boundaries. Account should be had for the promotion of local ties as well as ties which would be broken by boundary alterations²².
- **urgent consideration should be given to the defacement of boundaries in Northern Ireland and the role of the Boundary Surveyor.** There appears to have been a misinterpretation of the law on defacement. Defacement occurs where a relationship between a boundary and the ground detail to which it is attached (“mered”) has been compromised due to building, demolition or other landscape changes. The Boundary Survey (Ireland) Acts with their associated legislation and their operation require urgent review. The Commission have examined the problem and submitted their recommendations to the Secretary of State. The Commission are informed that careful consideration is to be given to their recommendations.

6. The Commission subsequently drew attention to their proposals and to a number of other concerns affecting the proposed transfer of functions when submitting written evidence to the Eleventh Inquiry of the Committee on Standards in Public Life²³, notably:

- the working relationship between the Electoral Commission and the Boundary Committee for Northern Ireland would benefit from a less prescriptive and more flexible approach to that which governs the relationship between the Electoral Commission and the Boundary Committee for England.

²² See *Report of a Local Inquiry held in respect of the Parliamentary Constituencies of Belfast East, Belfast North, Belfast South and Belfast West on 5 September 2005 at City Hall, Belfast* reproduced at Annex I of Appendix C to this Report, para. 5.21(h) pp. 81 to 84.

²³ The scope of the Inquiry was ‘to ask now, some five years after its creation and following the second general election to be held since its establishment, whether the Commission’s mandate, governance arrangements and accountability framework are fit for the Commission’s stated purpose of “promoting integrity, involvement and effectiveness in the democratic process”.’ *Review of the Electoral Commission: Issues and Questions Paper*. Committee on Standards in Public Life (February 2006).

- Under the provisions of the Political Parties, Elections and Referendums Act 2000, Northern Ireland is to be treated differently to the rest of the United Kingdom in the matter of the transfer of responsibility for the review of local government boundaries. The degree of co-ordination of reviews of Parliamentary, regional and local government boundaries which is to be possible under the proposed arrangements in Great Britain might not therefore be achieved in Northern Ireland.
- the future chairperson of the Boundary Committee for Northern Ireland will be drawn from a membership of the Electoral Commission which at present does not adequately reflect the interests of Northern Ireland, a situation which should be urgently remedied. The particular circumstances of Northern Ireland, and the considerations they give rise to, need equally to be fully taken into account by the Electoral Commission and be seen to be so in its wider United Kingdom composition.

7. The Commission welcomed the recent Report of the Committee on Standards in Public Life²⁴ and its recommendations to the Prime Minister *inter alia* that:

- the Electoral Commission should no longer have any involvement in electoral boundaries matters. Provision in the Political Parties, Elections and Referendums Act 2000 to allow the transfer of boundary setting functions to the Commission should be repealed;
- in each of the four home countries the Parliamentary Boundary Commissions and local boundary review bodies should share secretariats;
- there existed a strong case for the current legislation in relation to the conduct of parliamentary boundary work to be reviewed, and where necessary, amended before the commencement of the sixth general review of parliamentary constituencies, due around 2012. That review should not be undertaken by the Electoral Commission. Instead, an independent review commission for that purpose could be established, overseen by the Speaker's Committee with the outcome presented to Parliament through the Speaker; and
- the practice of appointing an Electoral Commissioner from Scotland and another from Wales with a lead interest in Scottish and Welsh matters respectively should continue, and the Speaker's Committee should proceed with appointing a commissioner from Northern Ireland who would play a similar role.²⁵

8. The Commission await the response of the Government to the Report and consultation on the early implementation of those recommendations affecting boundary setting functions in Northern Ireland.

²⁴Committee on Standards in Public Life. *Review of the Electoral Commission. Eleventh Report* (Cm.7006, January 2007)

²⁵ The Commission welcome the appointment of Dr Henrietta Campbell CB to the Electoral Commission, as Commissioner with responsibility for Northern Ireland.

10. Acknowledgements

1. In the course of the Review, the Commission met on 24 occasions and Members have actively participated in representing the Commission at joint United Kingdom Boundary Commission meetings as provided for by Schedule 1 to the Parliamentary Constituencies Act 1986. In particular, the Commission are grateful to Mr Mackenzie for taking responsibility for the production of the Commission's proposals in CD Rom format.

2. The Commission are also grateful to the Secretary of State and to his officials for the resources they have made available for the conduct of the Review, and for keeping the Commission informed of relevant developments.

3. The Commission have been ably supported and professionally advised by their assessors: Dr Norman Caven, the Registrar General in Northern Ireland; Mr Nigel Woods, the Commissioner of Valuation for Northern Ireland who was recently succeeded by Mr David Rainey; and Mr Denis Stanley, the Chief Electoral Officer for Northern Ireland who was recently succeeded by Mr Douglas Bain. Without their assistance the Commission would not have been able to reach the judgements needed.

4. Although not formally an assessor, the Commission have also had the benefit of the professional advice of the Chief Survey Officer of Ordnance Survey of Northern Ireland without which it would not have been possible to appreciate the implications of proposals for change or to present these to best effect for public scrutiny and consultation. Ordnance Survey have provided valuable mapping assistance to the Commission throughout the Review. Mr Mick Cory, Chief Survey Officer of Ordnance Survey was succeeded by Mr Iain Greenway in July 2006 but prior to his appointment, Mr Stan Brown and Mr Trevor Steenson have attended meetings of the Commission in an acting capacity. All materially contributed to the work of the Commission.

5. The Commission also acknowledge the diligent and conscientious manner in which Mr Stewart Beattie, Mr Colin Haddick and Mr James Toolan, all assistant Commissioners appointed by the Secretary of State for the purpose of conducting public Local Inquiries, undertook their tasks, and for the reports with their conclusions and recommendations.

6. In the course of the Review, the Commission have called upon officials to furnish them with information and an insight into considerations needed to inform their decisions, notably Mr Greg McConnell (former Head of the Review of Public Administration team); Mr Pat Quinn (Department of the Environment for Northern Ireland), Mr Jack Cargo and Mr Ian Rafael (Northern Ireland Department for Regional Development); and Mr Archie Gall and Mr Seamus Magee (Electoral Commission).

7. Finally, the Commission pay tribute to their Secretariat. Mr John Fisher, the Secretary to the Commission, has led a dedicated team of expert staff to analyse and examine issues, furnish advice and give effect to decisions of the Commission. Dr Colm McNamee (Senior Research Officer) was seconded to the Secretariat by the Northern Ireland Assembly; Mr Crawford McIlveen (Boundaries Manager of Ordnance Survey of Northern Ireland) and lately Mrs Catherine Martin were seconded from Ordnance Survey; Mrs Carolyn Fullerton (Administration Officer) was seconded from the Northern Ireland Office. Miss Alice Sheridan, Mrs Beverley McCabe, Miss Nichola McKeown and Mrs Jennifer Hamilton have provided valuable secretarial support at important stages during the Review.

The Commission are fortunate in having had a most able and reliable team, and have been impressed by the quality and speed with which material has been prepared for them, and the organisational arrangements made by their Secretariat on their behalf throughout the Review, especially in the running of the Local Inquiries.



**The Hon Mr Justice Coghlin
Deputy Chairman**



Richard H Mackenzie



Joan E Ruddock



**J R Fisher
Secretary to the Commission**

14 September 2007

**EXTRACT FROM THE
PARLIAMENTARY CONSTITUENCIES ACT 1986
(AS AMENDED)**

SCHEDULE 2

RULES FOR REDISTRIBUTION OF SEATS

The Rules

1. (1) The number of constituencies in Great Britain shall not be substantially greater or less than 613.
(2) Omitted.¹
(3) The number of constituencies in Wales shall not be less than 35.
(4) The number of constituencies in Northern Ireland shall not be greater than 18 or less than 16 and shall be 17 unless it appears to the Boundary Commission for Northern Ireland that Northern Ireland should for the time being be divided into 16 or (as the case may be) into 18 constituencies.
2. Every constituency will return a single member.
3. There shall be a constituency which shall include the whole of the City of London and the name of which shall refer to the City of London.
- 3A. A constituency which includes the Orkney Islands or the Shetland Islands shall not include the whole or any part of a local government area other than the Orkney Islands and the Shetland Islands.²
4. (1) So far as is practicable having regard to rules 1 to 3A –
 - (a) in England and Wales –
 - (i) no county or part of any county shall be included in a constituency which includes the whole or part of any other county or the whole or part of any other London borough,
 - (ii) no London borough or any part of a London borough shall be included in a constituency which includes the whole or part of any other London borough,
 - (b) in Scotland, regard shall be had to the boundaries of local authority areas,

¹ Scotland Act 1998, s.86(2)

² Scotland Act 1998, s.86(3)

- (c) in Northern Ireland, no ward shall be included partly in one constituency and partly in another.
- (2) In sub-paragraph(1)(b) above “area” and “local authority” have the same meanings as in the Local Government (Scotland) Act 1873.³
5. The electorate of any constituency shall be as near the electoral quota as is practicable having regard to rules 1 to 4; and a Boundary Commission may depart from the strict application of rule 4 if it appears to them that a departure is desirable to avoid an excessive disparity between the electorate of any constituency and the electoral quota, or between the electorate of any constituency and that of neighbouring constituencies in the part of the United Kingdom with which they are concerned. For the purposes of the first report of the Boundary Commission for Scotland⁴, “electoral quota” means the number which, on the enumeration date in relation to that report, is the electoral quota for England.
6. A Boundary Commission may depart from the strict application of rules 4 and 5 if special geographical considerations, including in particular the size, shape and accessibility of a constituency, appear to them to render a departure desirable.

General and Supplementary

7. It shall not be the duty of a Boundary Commission to aim at giving full effect in all circumstances to the above rules (except rule 3A) but they shall take account as far as they reasonably can:
- (a) of the inconveniences attendant on alterations of constituencies other than alterations made for the purpose of rule 4, and
 - (b) any local ties which would be broken by such alterations.
8. In the application of rule 5 to each part of the United Kingdom for which there is a Boundary Commission –
- (a) the expression “electoral quota” means a number obtained by dividing the electorate of that part of the United Kingdom by the number of constituencies in it existing on the enumeration date,
 - (b) the expression “electorate” means –
 - (i) in relation to a constituency the number of persons whose names appear on the register of parliamentary electors in force on the enumeration date under the Representation of the People Acts for the constituency,
 - (ii) in relation to the part of the United Kingdom, the aggregate electorate as defined in sub-paragraph (i) above of all the constituencies in that part,
 - (c) the expression “enumeration date” means, in relation to any report of a Boundary Commission under this Act, the date on which the notice with

³ As amended by the Local Government (Scotland Act), 1994

⁴ To be submitted under section 3(1) of the Parliamentary Constituencies Act 1986 after the commencement of section 86(4) of the Scotland Act 1998.

respect of that report is published in accordance with section 5(1) of this Act.

9. In this Schedule a reference to a rule followed by a number is a reference to the rule set out in the correspondingly numbered paragraph of this Schedule.

STATEMENT OF REASONS FOR PROVISIONAL RECOMMENDATIONS

GENERAL CONSIDERATIONS

Principles

1. The Rules to which Boundary Commissions must give effect when reviewing representation in the House of Commons are set out in Schedule 2 to the Parliamentary Constituencies Act 1986. A copy of the Rules is attached to this statement¹. In formulating their Provisional Recommendations the Commission have been guided by the following principles which are intended to reflect the provisions of the Rules:
 - a. to examine 17 constituency schemes in the first instance and schemes for 16 and 18 constituencies only to reduce or alleviate difficulties experienced in applying the Rules on the basis of 17 constituencies;
 - b. to ensure so far as it is practicable that no local government wards are split between constituencies;
 - c. to promote electoral equality by aiming, in the first instance, to restrict constituency electorates to within a tolerance of 10% above or below the average sized constituency electorate; and
 - d. to take account as far as reasonable of:
 - i. inconveniences attendant on alterations of constituencies, and
 - ii. any local ties which would be broken by such alterations.

Number of Constituencies

2. The Parliamentary Constituencies Act 1986, Schedule 2, rule 1(4) states that:

“The number of constituencies in Northern Ireland shall not be greater than 18 or less than 16, and shall be 17 unless it appears to the Boundary Commission for Northern Ireland that Northern Ireland should for the time being be divided into 16 or (as the case may be) into 18 constituencies.”

During the last review, the Commission published Provisional Recommendations proposing that Northern Ireland be divided into 17 constituencies and that boundaries be altered significantly. Representations received by the Commission after the publication of those Provisional Recommendations and the reports of assistant Commissioners appointed to conduct public local inquiries in regard to these made

¹ Reproduced at Appendix A to this Report. p35.

clear that the Commission's recommendations were more radical than was acceptable to the electorate. In examining options for revised recommendations, the Commission sought to draw up proposals for 17 constituencies which would give effect to the substance of the reports and recommendations of the assistant Commissioners but found it impossible to do so. The Commission therefore considered that they were entitled, in accordance with the opinion of Senior Crown Counsel, to put forward Revised Recommendations on the basis of 18 constituencies. The opinion of Senior Crown Counsel was that the Commission would be justified in recommending a number of constituencies other than 17 only to reduce or alleviate difficulties in applying the Rules for Redistribution of Seats on the basis of 17 constituencies. The present 18 constituencies are those which were recommended by the Commission to the Secretary of State for Northern Ireland in 1995.

3. The Commission, having considered schemes for 17 constituencies and alternative schemes for 16 and 18 constituencies, are satisfied by reference to the Rules and the opinion of Senior Crown Counsel, that there should continue to be 18 constituencies in Northern Ireland.

Northern Ireland Assembly

4. The Commission are no longer required to make periodical recommendations as to the number of members which should be returned to the Northern Ireland Assembly by each constituency. The Northern Ireland Act 1998 provides that each constituency shall return six members to the Assembly.
5. The Commission's Provisional Recommendations do not affect the structure or arrangements for local government, area boards or other public authorities and the services they provide.

Ward and other Boundaries

6. There are 582 local government wards in Northern Ireland. None are divided between constituencies. While the Parliamentary Constituencies Act 1986, Schedule 2, rule 4(1)(c) states that, so far as is practicable, "no ward shall be included partly in one constituency and partly in another", rules 5 and 6 provide for the division of wards either to avoid "an excessive disparity between the electorate of any constituency and the electoral quota, or between the electorate of any constituency and that of neighbouring constituencies"; or "if special geographical considerations, including in particular the size, shape and accessibility of a constituency, appear to them to render a departure desirable".
7. When the present local government wards were determined they were intended to be indicative of areas with a community of interest. Local political party organisations may be based on wards or groups of wards. Any division of wards between constituencies may therefore break local ties, disrupt political party organisation and confuse the electorate. At the outset of the Review, the Commission expressed their concern to the Secretary of State that there had been no review of local government boundaries since they last reported and that the present boundaries might not accommodate the changes there have been in the distribution of the electorate. The Provisional Recommendations nevertheless avoid dividing wards.

8. The Commission have sought to limit the number and scale of boundary changes proposed and to preserve the integrity of local government districts (LGDs) and district electoral area groups of wards for which councillors are elected to district councils (DEAs) wherever practicable. There are 26 LGDs and 101 DEAs. The Commission's proposals divide 11 LGDs and 16 DEAs between constituencies.

Electoral Quota

9. Rule 5 of the Rules for Redistribution of Seats provides that the electorate of any constituency shall be as near the electoral quota as practicable. Notice announcing the commencement of the Review was published on 16 May 2003. This date became the enumeration date for the purpose of the Review. The electoral quota (EQ) is the number obtained by dividing the total parliamentary electorate of Northern Ireland on the enumeration date by the number of constituencies then existing. On 16 May 2003 the electorate of Northern Ireland was 1,097,450 and the number of constituencies in Northern Ireland was 18. Therefore, the EQ is 60,969.

General Considerations

10. At the outset of the Review, the Commission were faced not only with the electorates of the four borough constituencies in Belfast substantially below the EQ (Belfast East, -14.9%; Belfast North, -15.7%; Belfast South, -17%; and Belfast West, -16.6%) but with the electorates of other constituencies having become significantly above the EQ (Newry and Armagh, +12.7%; North Antrim, +15.8%, South Down, +15.1%; and Upper Bann, +12.9%). The difficulty facing the Commission has been to reduce these imbalances whilst having regard to the framework of local government, local ties and geographical constraints.
11. The Commission have sought to minimise inconvenience to the electorate and those who participate in and organise election campaigns. Accordingly, the Commission's recommendations confine the number of electors transferring to a different constituency to less than 6% of the total Northern Ireland electorate. They would bring all constituency electorates to within 7.5% of the EQ. The Commission recognise however that a number of representations received reflect a concern about the need to maintain a fair balance between the aim of reducing disparity between the number of electors in each constituency and the requirement, where possible, to preserve long established ties.

PROPOSED CONSTITUENCIES

Belfast East, Belfast North, Belfast South and Belfast West Borough Constituencies

12. The electorates of the existing Belfast borough constituencies have diminished in size considerably since the last review, leaving the Commission with a choice, either to extend the boundaries of existing constituencies into adjacent urban areas to bring the Belfast constituency electorates closer to the EQ or to reduce the number of constituencies in Belfast to three. After careful consideration the Commission have chosen to retain four borough constituencies.

13. The assistant Commissioner who conducted the public local inquiry in Belfast into the Commission's Provisional Recommendations in 1994 recommended that the four then existing constituencies should be retained and extended outwards in a radial fashion.² The Commission accepted that recommendation and their present Provisional Recommendations continue to give effect to that fundamental framework, with one exception. It is proposed that the Castlereagh LGD wards of Cregagh and Wynchurch should be transferred from the Belfast East to Belfast South constituency. The Commission considered various permutations involving these two wards and the wards of Downshire and Hillfoot before deciding provisionally to recommend the transfer of the two wards which would serve to help equalise the electorates of the constituencies of Belfast East and Belfast South in accordance with rule 5 of the Rules for Redistribution of Seats.
14. The proposed transfer of other Castlereagh LGD wards³, Newtownabbey LGD wards⁴ and Lisburn LGD wards⁵ to the Belfast constituencies reflect the urban development of Belfast⁶ and enable the retention of four Belfast borough constituencies with similar sized electorates, and respect the integrity of the Castlereagh East, Dunmurry Cross and Macedon DEAs.⁷ The proposed four Belfast borough constituencies are: **Belfast East** with an electorate of 59,214 (2.9% below the EQ); **Belfast North** with an electorate of 59,337 (2.7% below the EQ); **Belfast South** with an electorate of 57,767 (5.3% below the EQ); and **Belfast West** with an electorate of 58,722 (3.7% below the EQ).

Lagan Valley, Newry and Armagh, South Down, Strangford and Upper Bann County Constituencies

15. As a consequence of proposed changes affecting Belfast, the Commission have had to consider how to accommodate the ripple effect on adjacent constituencies, and have sought to do so having regard to the two largest constituencies in Northern Ireland, namely North Antrim with an electorate of 70,582 (15.8% above the EQ) and South Down with an electorate of 70,173 (15.1% above the EQ).
16. The transfer of Castlereagh LGD wards to the Belfast East and Belfast South constituencies would have a particularly pronounced effect on the Strangford constituency reducing it to an electorate of 51,820 (15% below the EQ). At the last Periodical Review, the Down LGD wards of Derryboy, Killyleagh and Saintfield were transferred from the South Down to the Strangford constituency. The Commission now propose that the remaining Rowallane DEA wards of Crossgar and Kilmore should be similarly transferred, together with the whole of the Ballynahinch DEA but not the ward of Seaforde. To transfer the Seaforde ward would effectively detach the Downpatrick DEA from the remaining part of the South Down constituency.

² *Boundary Commission for Northern Ireland. Fourth Periodical Report on Parliamentary Constituencies and Second Supplementary Report on the number of members to be returned to the Northern Ireland Assembly by each of those constituencies* (Cmnd 2949, October 1995), Appendix E: Report of a Local Inquiry held in Belfast on 4 and 5 May 1994, Annex I, pp. 72-73.

³ Ballyhanwood, Carrowreagh, Carryduff East, Carryduff West, Dundonald, Enler and Graham's Bridge.

⁴ Cloughfern, Collinbridge, Glebe and Glengormley.

⁵ Derryaghy, Dunmurry and Seymour Hill.

⁶ *Inter alia* the Commission had regard to issues raised in presentations made by officers of the Department of Regional Development in relation to the Regional Development Strategy for Northern Ireland 2025 – "Shaping our Future", the Regional Transport Strategy 2002-2012 and the proposed Belfast Metropolitan Area Plan 2015.

⁷ Representations received in response to the Provisional Recommendations suggest that the boundaries of these district electoral areas and the wards they comprise may not reflect local ties and the residential development there has been since these boundaries were last reviewed.

17. To equalise the electorates of the remaining parts of the South Down and the electorates of the adjacent Newry and Armagh and Upper Bann constituencies, the Commission propose that in the Newry and Mourne LGD, Newry Town DEA wards of St Mary's, St Patrick's and Windsor Hill currently within the Newry and Armagh constituency should transfer to the South Down constituency. The areas contained in these County Down wards formed part of the South Down constituency until 1983. The Commission also propose that the Banbridge LGD ward of Loughbrickland be transferred from the Upper Bann to the South Down constituency and the Craigavon LGD ward of Aghagallan be transferred from the Upper Bann to the Lagan Valley constituency with the cumulative effect of creating five constituencies of broadly equivalent sized electorates; Lagan Valley with an electorate of 62,707 (2.9% above the EQ); Newry and Armagh with an electorate of 63,380 (4.0% above the EQ); South Down with an electorate of 65,496 (7.4% above the EQ); Strangford with an electorate of 63,564 (4.3% above the EQ); and Upper Bann with an electorate of 64,493 (5.8% above the EQ).

East Antrim, North Antrim and South Antrim County Constituencies

18. To accommodate the transfer of electorate in the Newtownabbey LGD wards of Collinbridge, Cloughfern, Glebe and Glengormley from the East Antrim and South Antrim constituencies to the Belfast North constituency, the Commission concluded that, as an alternative to disturbing local ties within the Ballymena LGD by transferring wards from that LGD to the South Antrim constituency, the size of the electorate of the North Antrim constituency might instead be reduced to within an acceptable margin of the EQ by transferring Moyle LGD wards⁸ presently in the North Antrim constituency to the East Antrim constituency. This proposal reflects in part views put to the Commission during their last Review with respect to the coastal road linking certain of these wards with Larne LGD. The combined effect of these proposals would be to create constituencies with reasonably sized electorates; namely East Antrim, which the Commission propose might be renamed Antrim Coast and Glens to reflect its different character, with an electorate of 60,061 (1.5% below the EQ), North Antrim with an electorate of 64,031 (5.0% above the EQ) and South Antrim with an electorate of 57,615 (5.5% below the EQ).

East Londonderry and Foyle County Constituencies

19. Finally, to equalise the electorates of the East Londonderry and Foyle constituencies, the Commission propose that the Derry LGD wards of Banagher and Claudy, which are predominantly rural in character, should be transferred from the Foyle to the East Londonderry constituency with the effect of creating two constituencies of similarly sized electorates both close to the EQ, namely East Londonderry with an electorate of 60,494 (0.8% below the EQ) and Foyle with an electorate of 60,823 (0.2% below the EQ).

⁸ Bonamargy and Rathlin, Dalriada, Glенаan, Glenariff, Glendun, Glenshesk, Glentaisie and Knocklayd.

Other constituencies

20. The Provisional Recommendations do not affect the present county constituencies of Fermanagh and South Tyrone, Mid Ulster, North Down and West Tyrone, the existing electorates of which all lie within a range of the EQ which the Commission regard as acceptable (64,345 and 5.5% above the EQ; 60,119 and 1.4% below the EQ; 57,435 and 5.8% below the EQ; and 57,847 and 5.1% below the EQ respectively).

**Boundary Commission for Northern Ireland
June 2005**

**REPORTS OF
LOCAL INQUIRIES
held in September 2005**

	Annex	Page
Inquiry in Belfast	I.....	47
Inquiry in Ballymena	II.....	99
Inquiry in Newcastle	III.....	121

**TO THE CHAIRMAN AND MEMBERS OF THE BOUNDARY COMMISSION
FOR NORTHERN IRELAND**

**REPORT OF A LOCAL INQUIRY HELD IN RESPECT OF THE PARLIAMENTARY
CONSTITUENCIES OF BELFAST EAST, BELFAST NORTH, BELFAST SOUTH AND
BELFAST WEST ON 5 SEPTEMBER 2005 AT CITY HALL, BELFAST**

I have the honour to report to you as follows:

1. INTRODUCTION

- 1.1 By Public Notice dated 16 May 2003 The Boundary Commission for Northern Ireland announced their intention to conduct a Review of all the United Kingdom Parliamentary constituencies in Northern Ireland in accordance with the provisions of the Parliamentary Constituencies Act 1986 as amended. The Notice advised that members of the public, and bodies and organisations, with an interest in the Commission's recommendations would be invited to express their views on publication of the Commission's Provisional Recommendations. By way of providing additional information the Commission exhibited to their associated press notice a tabulation of constituency electorates specifying 16 May 2003, being date of Notice, as enumeration date for purposes of the Review and for purposes of stated calculation of the Electoral Quota (hereinafter EQ) at 60,969. Details of Parliamentary electorates and percentage deviations so advised touching on the constituencies of Belfast East, Belfast North, Belfast South and Belfast West were given as:-

Parliamentary Constituency	Parliamentary Electorate	Percentage Deviation from EQ[60,969]
Belfast East	51,899	-14.9
Belfast North	51,422	-15.7
Belfast South	50,599	-17.0
Belfast West	50,870	-16.6

- 1.2 On 6 May 2004 the Boundary Commission, in accordance with the provisions of the Parliamentary Constituencies Act 1986 as amended by the Boundary Commissions Act 1992, gave notice that the Commission had provisionally determined to make recommendations to the Secretary of State with respect to said constituencies under section 3 of the Parliamentary Constituencies Act 1986.
- 1.3 The Provisional Recommendations annexed to the Notice proposed that Northern Ireland be divided into 18 constituencies and that in relation to the four Parliamentary constituencies of Belfast East Borough Constituency, Belfast North Borough Constituency, Belfast South Borough Constituency and Belfast West Borough Constituency that they be comprised of the following wards, [giving their electorates in brackets as of 16 May 2003 being the stated enumeration date]: -

Belfast East Borough Constituency (59,214) The Belfast local government district (hereinafter LGD) wards of Ballyhackamore, Ballymacarrett, Belmont, Bloomfield, Cherryvalley, Island, Knock, Orangefield, Stormont, Sydenham and The Mount; and the Castlereagh LGD wards of Ballyhanwood, Carrowreagh, Downshire, Dundonald, Enler, Gilnahirk, Graham's Bridge, Hillfoot, Lisnasharragh, Lower Braniel, Tullycarnet and Upper Braniel.

Belfast North Borough Constituency (59,337) The Belfast LGD wards of Ardoyne, Ballysillan, Bellevue, Castlevue, Cavehill, Chichester Park, Cliftonville, Crumlin, Duncairn, Fortwilliam, Legoniel, New Lodge, Water Works and Woodvale; and the Newtownabbey LGD wards of Abbey, Cloughfern, Collinbridge, Coole, Dunanney, Glebe, Glengormley, Valley and Whitehouse.

Belfast South Borough Constituency (57,767) The Belfast LGD wards of Ballynafeigh, Blackstaff, Botanic, Finaghy, Malone, Musgrave, Ravenhill, Rosetta, Stranmillis, Upper Malone, Shaftesbury, Windsor and Woodstock; and the Castlereagh LGD wards of Beechill, Cairnshill, Carryduff East, Carryduff West, Cregagh, Galwally, Knockbracken, Minnowburn, Newtownbreda and Wynchurch.

Belfast West Borough Constituency (58,722) The Belfast LGD wards of Andersonstown, Beechmount, Clonard, Falls, Falls Park, Glencairn, Glencolin, Glen Road, Highfield, Ladybrook, Shankill, Upper Springfield and Whiterock; and the Lisburn LGD wards of Collin Glen, Derryaghy, Dunmurry, Kilwee, Poleglass, Seymour Hill and Twinbrook.

- 1.4 The essence of effect of the Provisional Recommendations insofar as concerned the above Parliamentary constituencies was conveniently stated in earlier Announcement of the Provisional Recommendations on 29 April 2004 in the following terms: -

“**Belfast East** constituency to include the Castlereagh LGD wards of Ballyhanwood, Carrowreagh, Dundonald, Enler and Graham’s Bridge. These wards are at present in the Strangford constituency;

Belfast North constituency to include the Newtownabbey LGD wards of Collinbridge, Glebe and Glengormley, at present in the South Antrim constituency, and Cloughfern, at present in the East Antrim constituency;

Belfast South constituency to include the Castlereagh LGD wards of Carryduff East and Carryduff West at present in the Strangford constituency, and Cregagh and Wynchurch, at present in the Belfast East constituency; and

Belfast West constituency to include the Lisburn LGD wards of Derryaghy, Dunmurry and Seymour Hill, at present in the Lagan Valley constituency.”

- 1.5 The Announcement further tabulated, by way of annex, in relation to each of the said Parliamentary constituencies its recommended name, Parliamentary electorate value and percentage deviation from the stated EQ of 60,969 based on calculation of a total registered parliamentary electorate [1,097,450] within the 18 constituencies in Northern Ireland on 16 May 2003, being date when pending Review was initially announced.

Parliamentary Constituency Recommended name	Parliamentary Electorate	Percentage Deviation from EQ[60,969]
Belfast East	59,214	-2.9
Belfast North	59,337	-2.7
Belfast South	57,767	-5.3
Belfast West	58,722	-3.7

- 1.6 On 30 March 2005 I was appointed an assistant Commissioner by the then Secretary of State, the Rt Hon Paul Murphy under section 2 of, and Schedule 1 to, the Parliamentary Constituencies Act 1986 and was subsequently invited by the Commission to conduct a public Local Inquiry into the Commission's proposals affecting the borough constituencies of Belfast East, Belfast North, Belfast South, and Belfast West.

1.7 Notice of Local Inquiry in relation to the said Parliamentary constituencies was published on 14 June 2005, on which date the Commission also published their Statement of Reasons for the Provisional Recommendations which laid down the principles which had guided their Provisional Recommendations and which, in relation to the said constituencies and number thereof stated:-

- “12. The electorates of the existing Belfast borough constituencies have diminished in size considerably since the last review, leaving the Commission with a choice, either to extend the boundaries of existing constituencies into adjacent urban areas to bring the Belfast constituency electorates closer to the EQ or to reduce the number of constituencies in Belfast to three. After careful consideration the Commission have chosen to retain four borough constituencies.
13. The assistant Commissioner who conducted the public Local Inquiry in Belfast into the Commission’s Provisional Recommendations in 1994 recommended that the four then existing constituencies should be retained and extended outwards in a radial fashion.¹ The Commission accepted that recommendation and their present Provisional Recommendations continue to give effect to that fundamental framework, with one exception. It is proposed that the Castlereagh LGD wards of Cregagh and Wynchurch should be transferred from the Belfast East to Belfast South constituency. The Commission considered various permutations involving these two wards and the wards of Downshire and Hillfoot before deciding provisionally to recommend the transfer of the two wards which would serve to help equalise the electorates of the constituencies of Belfast East and Belfast South in accordance with rule 5 of the Rules for Redistribution of Seats.
14. The proposed transfer of other Castlereagh LGD wards², Newtownabbey LGD wards³ and Lisburn LGD wards⁴ to the Belfast constituencies reflect the urban development of Belfast⁵ and enable the retention of four Belfast borough constituencies with similar sized “electorates, and respect the integrity of the Castlereagh East, Dunmurry Cross and Macedon district electoral areas (hereinafter DEAs).⁶”

The proposed four Belfast borough constituencies are:

Belfast East with an electorate of 59,214 (2.9% below the EQ);
Belfast North with an electorate of 59,337 (2.7% below the EQ);
Belfast South with an electorate of 57,767 (5.3% below the EQ);
Belfast West with an electorate of 58,722 (3.7% below the EQ).”

1.8 In Statement of Reasons for their Provisional Recommendations issued by the Commission on 14 June 2004 they set out the principles which had guided their Provisional Recommendations: -

¹ *Boundary Commission for Northern Ireland Fourth Periodical Report on Parliamentary Constituencies and Second Supplementary Report on the number of members to be returned to the Northern Ireland Assembly by each of those constituencies* (Cmnd 2949, October 1995), Appendix E: Report of a Local Inquiry held in Belfast on 4 and 5 May 1994, Annex I, pp. 72-73.

² Ballyhanwood, Carrowreagh, Carryduff East, Carryduff West, Dundonald, Enler and Graham’s Bridge.

³ Cloughfern, Collinbridge, Glebe and Glengormley.

⁴ Derryaghy, Dunmurry and Seymour Hill.

⁵ *Inter alia* the Commission had regard to issues raised in presentations made by officers of the Department of Regional Development in relation to the *Regional Development Strategy for Northern Ireland 2025 – Shaping our Future*, the *Regional Transport Strategy 2002-2012* and the *Belfast Metropolitan Area Draft Plan 2015*.

⁶ “Representations received in response to the Provisional Recommendations suggest that the boundaries of these DEAs and the wards they comprise may not reflect local ties and the residential development there has been since these boundaries were last reviewed.”

“1. The Rules to which Boundary Commissions must give effect when reviewing representation in the House of Commons are set out in Schedule 2 to the Parliamentary Constituencies Act 1986. A copy of the Rules is attached to this statement. In formulating their Provisional Recommendations the Commission have been guided by the following principles which are intended to reflect the provisions of the Rules:

- a. to examine 17 constituency schemes in the first instance and schemes for 16 and 18 constituencies only to reduce or alleviate difficulties experienced in applying the Rules on the basis of 17 constituencies;
- b. to ensure so far as it is practicable that no local government wards are split between constituencies;
- c. to promote electoral equality by aiming, in the first instance, to restrict constituency electorates to within a tolerance of 10% above or below the average sized constituency electorate; and
- d. to take account as far as reasonable of:
 - i. inconveniences attendant on alterations of constituencies, and
 - ii. any local ties which would be broken by such alterations.”

1.9 At paragraph 8 of their Statement of Reasons the Commission identified as a factor in reaching their conclusions the intention to limit the number and scale of boundary changes proposed and to preserve the integrity of LGDs and DEA groups of wards wherever practicable.

1.10 The Rules for Redistribution of Seats which accompanied the Statement, insofar as they apply to Northern Ireland may be summarised, and are replicated for ease of reference, as follows:-

rule 1(4) The number of constituencies in Northern Ireland shall not be greater than 18 or less than 16 and shall be 17 unless it appears to the Boundary Commission for Northern Ireland that Northern Ireland should for the time being be divided into 16 or (as the case may be) into 18 constituencies.

rule 4(1)[c] So far as is practicable having regard to rules 1 to 3A — in Northern Ireland, no ward shall be included partly in one constituency and partly in another.

rule 5 The electorate of any constituency shall be as near the EQ as is practicable having regard to rules 1 to 4; and a Boundary Commission may depart from the strict application of rule 4 if it appears to them that a departure is desirable to avoid an excessive disparity between the electorate of any constituency and the EQ, or between the electorate of any constituency and that of neighbouring constituencies in the part of the United Kingdom with which they are concerned.

rule 6 A Boundary Commission may depart from the strict application of rules 4 and 5 if special geographical considerations, including in particular the size, shape and accessibility of a constituency, appear to them to render a departure desirable.

rule 7 It shall not be the duty of a Boundary Commission to aim at giving full effect in all circumstances to the above rules (except rule 3A) but they shall take account as far as they reasonably can.

- (a) of the inconveniences attendant on alternations of constituencies other than alterations made for the purpose of rule 4, and

- (b) any local ties which would be broken by such alterations.

Written Representations

- 1.11 In relation to all four Belfast constituencies written representations were received by the Commission following Notice of their Provisional Recommendations of 6 May 2004 from the under named contributors, political representatives or political organisations. The representations have been considered by me in anticipation of, and for purposes of, Inquiry and preparation of this Report and their authors are ranked according to chronological order of submissions received:-

Mr John Auld
Councillor Thomas Burns MLA South Antrim
Mr David McCarthy, Lodge Secretary, Dunmurry True Blues LOL 1046, Derryaghy District No 11
Mr Gerry McBride, Policy and Co-ordination Officer, Down District Council;
Rev Dr Ian Paisley MP MLA, Leader Ulster Democratic Unionist Party
Mr Robert Foy, Constituency Chairman, South Belfast Ulster Unionist Association
Councillor John Norris, Castlereagh Borough Council
Councillor Wallace Browne, Chairman DUP East Belfast Association
Ms Mary Wylie
Mr William Leathem, Chairman DUP Lagan Valley Association
Mr Jeffrey Donaldson MP MLA
Mr Peter Robinson MP MLA
Mrs Angela Smith, Chairperson, Seymour Hill and Conway Residents' Association
and Mr Jackie Stewart, Chairperson, Dunmurry Community Association
Dr Alasdair McDonnell MLA⁷
Mr Pat Doherty MP MLA, Vice President Sinn Féin
Ulster Unionist Party
Alliance Party of Northern Ireland
Mr Malachy McAnespie
Mr Nigel Dodds OBE MP MLA

Designation and Names of Constituencies

- 1.12 None of the representations received by the Commission or subsequently made to me raised the proposed designation or names of constituencies, save indirectly in relation to the counter proposal that the number of constituencies for Belfast be reduced to three.

Local Inquiries

- 1.13 Section 6[2] of the Parliamentary Constituencies Act 1986 provides:
“where, on the publication of the notice under section 5[2]... the Commission receive any representation objecting to the proposed recommendation from a body of electors numbering one hundred or more, the Commission shall not make the recommendation unless, since the publication of the notice, a local inquiry has been held in respect of the constituencies.”
- 1.14 The Boundary Commission in causing Local Inquiries to be held, in terms of adherence to a broad policy aimed at seeking views and representations in relation to their proposed recommendations, appears to have been strongly guided in any event by section 6[1] of the Parliamentary Constituencies Act 1986 which permits the establishment of a Local Inquiry

⁷ Dr McDonnell was elected Member of Parliament for the Belfast South constituency at the General Election held on 5 May 2005

where the Commission deem it fit. That would appear to be particularly so given that Inquiries have been established where no statutory requirement for such course has arisen.

Conduct of Inquiry

1.15 The Inquiry in relation to the four borough constituencies of Belfast commenced on Monday 5 September 2005 at City Hall, Belfast and concluded in late afternoon of said date. With the agreement of those present, and making time-tabling adjustments and allowances for those who wished to be heard but required to be inconvenienced due to prior commitments, the Inquiry was conducted so far as was reasonably practicable touching on the issues and constituencies in the following sequence: -

- (a) number of Belfast constituencies;
- (b) Belfast East;
- (c) Belfast South;
- (d) Belfast West;
- (e) Belfast North.

1.16 All speakers agreed to be directly cross-examined from the floor at conclusion of their submissions and responded to cross-examination, where it arose, in a positive and meaningful manner. Questions were, furthermore, posed by the Chair. I was, and remain, satisfied that all persons attending the Inquiry had opportunity to make representation on the Provisional Recommendations, to express their views thereon and to raise questions or comment on the Commission's proposals or, if so desired, on counterproposals fielded.

Oral Representations at Inquiry

1.17 At the Inquiry oral submissions, comment or observations were made by the following persons declared members of political parties or otherwise on their own behalf: -

Mr Nigel Dodds MP [Belfast North] Democratic Unionist Party
Dr Alistair McDonnell MP [Belfast South] SDLP
Dr Esmond Birnie MLA [South Belfast] Ulster Unionist Party
Mr Alban Maginness MLA [North Belfast] SDLP
Mr Robin Newton MLA [East Belfast] Democratic Unionist Party
Cllr Wallace Browne, Chairman East Belfast DUP Association
Cllr John Norris, Democratic Unionist Party
Mr Richard Bullick, spokesman for Democratic Unionist Party Belfast MPs and MLAs
Dr Stephen Farry, Alliance Party of Northern Ireland
Mr Sean Begley, Sinn Féin
Mr Stephen Barr, Ulster Unionist Party
Mr Isaac Clark, Chairman East Belfast Ulster Unionist Association
Mr John Auld.

Document submitted to Local Inquiry

1.18 Prior to hearing of his evidence Mr Richard Bullick tendered for consideration 'Submission to the Boundary Commission Inquiry for the Belfast constituencies on behalf of Belfast DUP MPs and MLAs' and spoke to that in course of his submissions.

Content of Report

1.19 For purposes of presentation and with a view to clarity and focus, this Report addresses separately the issues before, and outcome of, the Inquiry and support of, objections to or counterproposals sequentially in relation to the Provisional Recommendations for or in relation to the :-

- (a) number of Belfast constituencies;
- (b) Belfast East constituency;
- (c) Belfast South constituency;
- (d) Belfast North constituency;
- (e) Belfast West constituency;

Clearly issues common to constituencies exist. At the Inquiry it was recognised by all concerned, for example, that there was a common issue of interest as between the Belfast East and Belfast South constituencies given proposals for the transfer of the Cregagh and Wynchurch wards from Belfast East to Belfast South and counterproposals for the transfer of the Hillfoot ward alone as between the constituencies. In similar terms a common issue affecting the relevant constituencies was clearly identifiable in relation to counterproposals to transfer the Crumlin and Woodvale wards from the Belfast North to the Belfast West constituency. In preparing this report I have sought to avoid undue repetition of the representations, evidence given, observations and recommendations. Accordingly, the wards of Cregagh and Wynchurch and of Hillfoot are dealt with in Part 3 of this Report and the Crumlin and Woodvale wards in Part 5 of this Report.

2. NUMBER OF BELFAST CONSTITUENCIES

Introduction

- 2.1 The Commission in their formal Public Notice of Provisional Recommendations on 6 May 2004 gave notice that the effect of their recommendations was that Northern Ireland should be divided into 18 constituencies and defined and named as set out in the recommendations.
- 2.2 In the initial announcement of Provisional Recommendations some short time earlier on 29 April 2004 the Commission had given notice of their proposal that the number of constituencies in Northern Ireland should remain at 18 and of their conclusion that there should be four constituencies in Belfast, in the following terms: -

“Number of Constituencies

- 9. Rule 1(4) of the Rules of Redistribution of Seats states:

“The number of constituencies in Northern Ireland shall not be greater than 18 or less than 16 and shall be 17 unless it appears to the Boundary Commission for Northern Ireland that Northern Ireland should for the time being be divided into 16 or (as the case may be) into 18 constituencies”.

- 10. The Commission are of the opinion that they would be justified in recommending a number of constituencies other than 17 only to reduce or alleviate difficulties experienced in applying the Rules for Redistribution of Seats on the basis of 17 constituencies. In the course of their deliberations the Commission gave careful consideration to a number of schemes according to which the electorate might be organised into 17 constituencies. However, in their view each such scheme posed substantial difficulties in relation to the application of the Rules for Redistribution of Seats, in particular with regard to inconvenience to electors and the significant disruption of local ties. The Commission’s Provisional Recommendations are that there should continue to be 18 constituencies in Northern Ireland.

Recommendations

- 11. The Commission looked very carefully at the number of constituencies in Belfast, and having done so, concluded that there should be four constituencies in Belfast, the boundaries of which should be extended in a radial fashion.”

Written Representations

- 2.3 Following publication of their Public Notice of the Provisional Recommendations on 6 May 2004 pursuant to section 5[2](a) of the Parliamentary Constituencies Act 1986 and invitation for submissions of response or representations under section 5[2](b) of the Act, the Commission received, in relation to their proposal for the retention of 18 constituencies in Northern Ireland and of four Belfast borough constituencies, written representations which shall be the subject of more detailed comment below. The Commission also received a number of representations from ‘bodies of electors’ but these are solely in relation to proposed ward configurations for the four borough constituencies and to the neighbouring constituencies of Lagan Valley and South Antrim, both of which are directly affected by proposed revisions to their neighbouring borough constituency boundaries.
- 2.4 In relation to proposals for retention of the current constituency numerical framework the representations, save for one counterproposal submitted by the Alliance Party, are supportive of the Provisional Recommendations.
- 2.5 The **Alliance Party** submission [Representation No 24] urges that the Commission reconsider a three-seat constituency model for Belfast and in support of its counterproposal, while acknowledging account taken of requirement for balancing electorates, the necessity to observe respect for natural communities and the ambition of maintaining existing DEAs, argues that:-
- (a) there is currently a much stronger case that that existing at the time of Fourth Review for the reduction in number of Belfast seats to three. It further suggests that the current borough constituencies, although presently accommodating significant elements of population outside the City boundary, only contain a composite of 3.36 EQs by reason of having experienced significant depletion of population over the past decade;
 - (b) fixation with preservation of three Belfast seats may result in minor changes within the Greater Belfast Area but inflicts a knock-on effect on the rest of the eastern constituencies and that, by way of contrast in approach, examples are to be found of other cities in the United Kingdom having lost seats in light of population migration to suburban areas;
 - (c) under the Provisional Recommendations the revised Belfast seats still remain below EQ while, with minor exception, seats in Counties Armagh and Down remain significantly above quota. It is projected that trends shall only aggravate this imbalance.
- 2.6 A further submission [Representation No. 9] received from **Mr G McBride, Policy and Co-ordination Officer on behalf of Down District Council** advises that Council members, in considering the Provisional Recommendations, wished it to be observed that the realignment of boundaries in Belfast was having a negative impact on neighbouring constituencies and that further consideration should be given to the number of Belfast constituencies.
- 2.7 The question of number of borough constituencies was likewise addressed by submission [Representation No.25] received from **Ms Gerry Cosgrove, General Secretary, Social Democratic and Labour Party** observing that the SDLP would not be adverse to a reduction in the number of constituencies in the hope or desire to see more powers being transferred to a working Assembly. In the submission Ms Cosgrove further suggests that an approach might be to consider whether a move to three main Belfast constituencies rather than extending the existing four might contain the consequential displacement in other areas

but with recognition expressed that “there could equally be difficulties with [such] approach” which “might be better explored rather than favoured.”

- 2.8 As indicated there appears on face of the representations received, nonetheless, broad support for the provisional recommendation proposing retention of four borough constituencies. Those Representations explicitly, tentatively or by implication registering support for the proposal are identified and summarised below for ease of reference: -

Representation No. 5, Mr John Auld: scheme submitted provides for the retention of four borough constituencies and their expansion;

Representation No.11, Rev Dr Ian Paisley MP MLA, Leader Ulster Democratic Unionist Party recording support for the provisional recommendation that there should be eighteen Parliamentary constituencies in Northern Ireland, including four in Belfast.

Representation No.12, South Belfast Ulster Unionist Association expressing welcome for the decision to retain 18 seats for the Province on basis that the Association regards it as “important to maximise Northern Ireland’s representation at Westminster”.

Representation No.19, Mr Peter Robinson MP MLA, Democratic Unionist Party, expressing agreement that Northern Ireland should retain 18 seats and that there should be retention of four seats for Belfast.

Representation No.21, Dr Alasdair McDonnell MLA South Belfast, Social Democratic and Labour Party, giving broad welcome to the decision to retain four Belfast constituencies, the retention of constituencies for the four existing “distinct areas” of North, South, East and West Belfast and advising that he would wish to protest strongly should any attempt arise later to reduce the Belfast city area to three seats.

Representation No.22, Sinn Féin, submission of counterproposals to the redrawing of the Parliamentary boundaries based on a four-borough constituency framework;

Representation No.23, submission of Official Response by **Ulster Unionist Party** indicating that the party “strongly supports” the Commission’s proposal to retain the four Belfast constituencies, “and that Northern Ireland should continue to be represented at Westminster by a total of 18 seats.”

Representation No.27, Mr Nigel Dodds, MP MLA, Party Secretary, Democratic Unionist Party confirming party stated views on the desirability of 18 seats for Northern Ireland.”

- 2.9 At this point I think it important to record as a matter of caution that preservation of strength of political representation for the Province raised as a consideration ostensibly underpinning some of the representations is not a factor of which due account can be taken within the discipline of the statutory framework nor can it be presumed as a certainty that reduction in number of Belfast borough seats would automatically reflect a like reduction in number of Parliamentary constituencies for Northern Ireland. Such issues, although clearly politically relevant, fall outside the remit of the Inquiry.

Representations at Inquiry

- 2.10 In moving a counterproposal for a three seat constituency Dr Stephen Farry, General Secretary of the Alliance Party, spoke of the proposition as being one which had been well analysed by the Boundary Commission prior to publication of their Provisional Recommendations under the Fourth Review and as part of their proposals as tabled in 1995 but which were subsequently overturned following Local Inquiry. He considered that the three-seat model was still worthy of consideration given that assumptions of 1995 might not necessarily still apply. He suggested that under proposals for Review of Public Administration it had come to be recognised, in his view, that the present Belfast City

Council shall be preserved intact with no major plans to change its boundaries irrespective of the overall outcome of the Review. He considered that a Local Government Boundary Commission thereafter might effect some change to boundaries but that such change would be minor in character. Dr Farry observed that the four borough constituencies collectively accommodated “much less” than four EQs and that the borough constituencies would still remain below quota even under the arrangements proposed by the Provisional Recommendations. He contrasted this with the constituencies of Counties Down and Armagh [save North Down] where under the Provisional Recommendations quota surpluses prevail. He considered that the traditional view of four constituencies for Belfast was no longer an imperative alluding to examples in Great Britain where cities have lost Parliamentary seats in response to population shift into suburban areas. He spoke of a

conservative approach to seat distribution having adverse ripple effect with illogical boundaries occasionally being the outcome, citing Glengormley as a particular example under the Provisional Recommendations arrangement. Dr Farry believed that diminishing population trends for the City would persist, with requirement to stretch Parliamentary boundaries for the City being detrimental in causing disruption to coherent seats elsewhere in Northern Ireland.

The argument that the reduction in number of seats for Belfast might lead to a default position of 17 seats for Northern Ireland was rejected by Dr Farry as he envisaged the creation of a new seat. He spoke of the effects of the Northern Ireland Act 1998 with its provision for 108 members in the Assembly based on an 18 constituency formula. While support for retention of four seats within Belfast was recognised by Dr Farry, he indicated that there existed evidence elsewhere pointing to a desire that the number of seats for Belfast should be reconsidered. Dr Farry indicated that a three-seat model had been prepared for purposes of the Alliance Party submission to the Boundary Commission following their Provisional Recommendations which was primarily illustrative. He suggested that the scheme was not as radical as some might have expected insofar as it envisaged no alteration of the western constituencies, limited change within the three County Antrim constituencies, an extension of Belfast North to include all Court DEA wards, an expansion of Belfast East to the River Lagan with the creation of a new South East borough constituency and annexation of remaining Belfast South with existing Belfast West wards to form a new Belfast South-West constituency. He considered that this arrangement would then facilitate designation of seven constituencies to the south-east including the creation of a new seat, thereby alleviating the prevailing problem of high quotas.

In response to questions Dr Farry did accept that the Provisional Recommendations placed the existing constituencies within an acceptable EQ range. In relation to alignment of South and West Belfast he emphasised that while there were settled communities “particularly in South Belfast” that the area had changed demographically quite substantially over the past 30 years. He urged that the imbalance in EQ in the distribution of seats within Northern Ireland was an issue to be cured now rather than in the future, when it would be all the more acute. In relation to the observation that Forestside would fall outside a Belfast constituency within terms of his counterproposal, he considered that all formulae would lead to some anomalies. Asked if he had considered various strategic planning documents [Regional Development Strategy, Regional Transport Strategy and the Belfast Metropolitan Area

Plan], which it was suggested emphasised the reality of the suburbanisation of Belfast, he confirmed that, while he recognised the existence of proposals to increase the number of people who live within the City, he questioned as to how far one could credibly stretch out the Belfast seats without breaking up natural seats that are still sustainable. In relation to the alleged potential effects of the Electoral Fraud [Northern Ireland] Act 2002, and whether he had factored such effects into his proposals, he believed that any argument arising in terms of Electoral Register under-representation could be made in relation to Northern Ireland at large and would not make a significant difference to the overall pattern of EQ deficiency in respect of the Belfast constituencies.

Mr Alban Maginness MLA for Belfast North, speaking on behalf of the Belfast District Executive of the SDLP, was the first contributor to speak against the counterproposal of the Alliance Party and, *de facto*, in support of the Provisional Recommendations case for retention of four borough constituencies. He emphasised that it was his view that although the population of the City had declined over the previous two decades or so there was now greater demographic stability with potential for population growth as a reasonable possibility in the near future. He spoke of those who had left the Belfast LGD and moved in significant numbers into surrounding suburbs where they had maintained very close ties and links to the City through work, family social ties and other relationships. He suggested that Belfast, as a political reality and political entity, was not simply confined to the formal local government boundary and he believed that the continuance of the distinctive entities of four constituencies following the 1995 Boundary Commission Report had further consolidated the four-seat structure within Belfast itself, serving to reinforce the historic character and identity of the seats individually and their collective impact on the politics of Belfast. He forecast that a reduction in number of borough seats would lead to reduction in the overall number of constituencies in Northern Ireland, and level of Parliamentary and Assembly representation. Looking to the past he observed that the notion of confining Belfast to its LGD was substantially breached, and rendered redundant, by the inclusion of Castlereagh, Lisburn City and Newtownabbey wards into Belfast constituencies since the 1995 Boundary Commission Report and, prior to such time, by the absorption of wards from Castlereagh into Belfast East. As to the foreseeable future he forecast that Belfast seats would contain a significant number of wards from outside the Belfast City Council boundaries. He suggested that one could not be oblivious to the probable radical reordering of LGD boundaries as an outcome of the Review of Public Administration and he considered it ill-advised to rely upon the present configuration of LGD boundaries at this time. Mr Maginness suggested that the existence of four seats would provide flexibility in terms of reshaping constituencies within the parameters of the EQ. By way of conclusion, Mr Maginness observed that for decades there had been an established historic, political character and identity to the four seats and that experience of extending boundaries into the suburban wards of the surrounding local government districts had been met with no serious opposition, if not widespread political approval, to date.

- 2.11 Mr Richard Bullick, spokesman for Belfast Democratic Unionist Party MPs and MLAs, presented a written submission and spoke in favour of the provisional recommendation. Firstly he considered the recommendation to be correct in light of the Rules for Redistribution of Seats which provide, at first instance, for 17 constituencies, but also for the possibility of 18 constituencies. He considered that having regard to rule 1[4] as an enabling provision and the other rules at large, in his submission, leaned towards the *status quo* that 18 seats should be retained. He believed that any permutation of 17 seats would ultimately significantly offend against the other Rules for Redistribution of Seats. He argued that any options that might come close to being acceptably near the EQ for each of 17 constituencies would result in considerable changes of boundaries, material disruption, significant inconvenience and breaches of numerous local ties.

Secondly, in relation, more specifically, to retention of four Belfast borough constituencies he believed that in an 18-seat framework for the Province there is a natural fit for four seats

within Belfast insofar as three Belfast seats would not only breach significant local ties but would result in a “wholly unnatural merger” of South and West Belfast.

Thirdly, he projected that with brownfield development the City is set for population increase which, with any concurrent migration of population to City suburbs, pointed in his view to a population trend favouring a four seat arrangement. He believed that such an arrangement better reflected the true nature of the City.

Fourthly, he considered that the LGD boundaries for Belfast, as reflected by current arrangements, do not represent the actual limits of the City.

Finally, Mr Bullick observed that the City of Belfast was currently very different in nature and make-up than it was 30 or 40 years ago and that it was evident from long term strategy documents such as Regional Development Strategy, Regional Transportation Strategy, Belfast Metropolitan Area Plan and Belfast Metropolitan Transport Plan that the boundaries of the City today are far in excess of what they were a generation ago. He believed that such a reality could only be reflected by the preservation of four borough constituencies, as was recognised by expansion of boundary lines in preservation of four constituencies following the Boundary Commission's Fourth Review.

- 2.12 Mr Begley, speaking on behalf of Sinn Féin wished for the party position in support of preservation of four borough seats to be registered believing there to be "very good reasons" for the recommendation. In course of raising questions he emphasised that the effects of the Electoral Fraud [Northern Ireland] Act 2002 had to be recognised with contemporary registration yielding electoral numbers much greater than at the time of the Commission's initial recommendations. He suggested that any problems identified as to deficit in EQs for borough constituencies might not be as acute as otherwise perceived.
- 2.13 Mr Stephen Barr, spokesman for the Ulster Unionist Party, consistent with the party position paper in response to Provisional Recommendations, confirmed support for them at large. His party colleague Dr Esmond Birnie MLA for Belfast South in raising questions following presentation of the counterproposal indicated that in his view any scheme based on three borough seats constrained by adherence to Belfast City Council boundaries was taking a conservative line. He further urged that consideration had to be taken of current existence and effect of strategic development and transport plans all of which emphasised, in his view, the "suburbanisation of Belfast" with people moving out of the City centre but remaining tied to the same working, social and economic system. He considered the expansion of the four borough constituencies to be recognition of that reality.

Recommendations

2.14 It is recommended that four Belfast borough constituencies be retained.

- (a) The consensus evidence, written and oral, before the Inquiry pointed to a suburbanisation of the City of Belfast over the past two to three decades with growth of areas to North, South, East and West of the City. The Inquiry heard of the development of Glengormley and its environs to the North, Carryduff to the South, Dundonald and its sister wards to the East and rapid expansion of infrastructure development and increase in population of wards such as Derryagh to the South West of the City. I would consider on the face of the evidence that migration of population, nonetheless, has not loosened ties of many persons so relocated with the City as an entity. It is my view that the City boundary has clearly expanded by radial redistribution of its inhabitants who continue to hold a perception that they are, and remain, "Belfast people".
- (b) I would consider it an unnecessary constraint to regard Belfast as being bound by historic designation of its local government boundary. Clearly the present LGD boundary is not recognised in terms of definition of the City nor its existing constituency boundaries and as to the current landscape I refer, in particular, to

Castlereagh District Council wards such as Tullycarnet, Gilnahirk, Upper Braniel, Lower Braniel, Hillfoot, Lisnasharragh, Downshire, Cregagh and Wynchurch falling within Belfast East; the Castlereagh District Council wards Galwally, Newtownbreda, Cairnshill, Knockbracken, Beechill, and Minnowburn to be found in Belfast South; the Newtownabbey District Council wards of Coole, Dunanny, Abbey, Whitehouse and Valley in Belfast North and the Lisburn District Council wards of Twinbrook, Poleglass, Kilwee, and

Collin Glen located within Belfast West. In summary, 24 of the 75 wards currently comprising the four borough constituencies fall outside the existing boundaries of Belfast City Council.

- (c) On the premise, advanced in support of the counterproposed reduction and remodelling of the borough constituencies, that they compositely only accommodate 3.36 EQs [which might suggest a mean average deficit of 0.16 for each of the four constituencies], and while bound at first instance by the statutory regime under the Rules for Redistribution of Seats and requirement to have regard to EQs as existing on the designated enumeration date, in addressing arguments advanced in support of the counterproposal as to possible *future* depletion trends of EQs within the borough constituencies, I have to express some awareness of the arguments or observations in relation to:-
- [i] the possible counter-effect of the Electoral Fraud [Northern Ireland] Act 2002 and the possible deficiency in the figures grounding arguments as to critical depletion in EQs;
 - [ii] the possible inflating effect in electoral terms of existing schemes to regenerate the City such as under the auspices of the Belfast Metropolitan Area Plan, the Belfast Metropolitan Transport Plan and associated Regional Development Plans which point to a recent more favourable climate for economic optimism and development, to more recent arrest of population decline and migration, urban renewal, and improved urban infrastructure and renewal of housing stock within the inner city which has also been contributed to in part by the Belfast Area Urban Plan 2001. While necessity for a rejuvenated transport strategy has been partly founded by increased car ownership such necessity may also reflect the maintenance of employment, family and social ties linking residents of suburbs with the City with their influence on travel patterns;
 - [iii] the outcome arising from the current Review of Public Administration in terms of designation or definition of local government boundaries and, in particular, any such outcome in relation to the City of Belfast.
- (d) Even if one were to displace the above, possibly speculative, factors from consideration, I do not consider that on application of a rigid or conservative interpretation of the discipline of the Rules for Redistribution of Seats that I could commend to the Boundary Commission a reduction in the number of Belfast borough seats below four, as I would consider this to result in a dramatic and unacceptable breach of local ties of significant and widespread effect having regard to rule 7[b] of the Rules.
- (e) I bear in mind, for example, that on any redrawing of the reconstituted constituency boundaries under the counterproposal, taking the existing Belfast South constituency as a more obvious example, that: -
- [i] many of the community of wards currently within Belfast South, would be severed inter se resulting in material and significant detriment to local ties;
 - [ii] the displaced wards would be transferred into reconstituted constituencies where the measure of loss of ties so suffered would not be ameliorated to any appreciable degree by existence of ties with new partner wards within the reconstituted constituency or by any apparent short term or medium term reorientation of local ties;

- [iii] wards with long established links to the City, and effectively within any geographic definition of the City, are likely to become displaced and transferred into neighbouring county constituencies in an effort to achieve acceptable compatibility with the EQ. I note, in particular, that under the counterproposal ward distribution scheme [which I acknowledge as being carefully considered and as the most likely proximate model to emerge if the counterproposal was to be given effect] that wards such as Galwally and Newtownbreda would lose borough constituency status. Likewise all the wards which are envisaged under the Provisional Recommendations as becoming incorporated into a borough constituency would not find themselves being so relocated notwithstanding that the weight of representation and evidence which exists, and noted during the course of Inquiry, appears to lean to a conclusion that, increasingly, they form part of the City.
- (f) In summary I would consider that prevalence of very close ties and links to the City through work, family, social ties and other relationships, and the detriment caused to them by the remodelling of the City borough constituency framework as counter proposed leads me to the view that the provisional recommendation for retention of four borough seats is to be commended.
- (g) In recommending that the provisional recommendation for retention of four borough constituencies be given effect I also have regard to the inconvenience, such as to public administration, to political party organisation and administration and, in particular, that occasioned to the electorates of the respective constituencies attendant on the alteration of each of the existing constituencies concerned. I would consider it likely that such inconvenience would not be insignificant or immaterial and that it would be of such nature and degree as to warrant it to be of influential account when addressing the reshaping of the constituencies having regard to rule 7[a] of the Rules for Redistribution of Seats.

3. BELFAST EAST CONSTITUENCY

Introduction

- 3.1 In their Provisional Recommendations announced on 29 April 2004 the Boundary Commission recommended the following revision: -

“Belfast East constituency to include the Castlereagh LGD wards of Ballyhanwood, Carrowreagh, Dundonald, Enler and Graham’s Bridge. These wards are at present in the Strangford constituency”

- 3.2 The Statement of Reasons published by the Commission on 14 June 2005 identified the transfer of Cregagh and Wynchurch as being an exception to the fundamental framework of extending borough constituencies outwards in a radial fashion and explained the rationale underlying the Provisional Recommendation in the following terms: -

“It is proposed that the Castlereagh LGD wards of Cregagh and Wynchurch should be transferred from the Belfast East to Belfast South constituency. The Commission considered various permutations involving these two wards and the wards of Downshire and Hillfoot before deciding provisionally to recommend the transfer of the two wards which would serve to help equalise the electorates of the constituencies of Belfast East and Belfast South in accordance with rule 5 of the Rules for Redistribution of Seats.”

Written Representations

- 3.3 The Commission received a number of representations pertaining to the Belfast East constituency including representations from ‘bodies of electors’, namely under cover of Representation No 14 from Councillor John Norris of Castlereagh Borough Council of 395 names [and thereafter a supplemental petition bearing an additional 240 names technically out of time but the existence of which, no doubt, is to be noted as a representation *per se*] and Representation No 22 received from Sinn Féin covering submission of a petition bearing 114 names [Belfast East].
- 3.4 The representations received by the Boundary Commission in relation to their proposals for the revision of constituency boundaries of Belfast East were all essentially supportive of the proposal to extend the boundaries of the constituency to include the Castlereagh LGD wards of Ballyhanwood, Carrowreagh, Dundonald, Enler and Graham’s Bridge.
- 3.5 In relation to the proposal to transfer the Cregagh and Wynchurch wards from the Belfast East to Belfast South constituency, the written representations reflected little such unanimity with the emergence of opposition expressed in relation to the proposed transfer of Cregagh ward from Belfast East to Belfast South and lesser so in relation to like transfer of the Wynchurch ward.
- 3.6 For ease of reference it may be convenient to summarise representations in relation to the proposed reconstitution of the Belfast East constituency. These show clear disparity: -

Representation No. 5, Mr John Auld: supportive of proposals which would result in all Castlereagh East DEA wards being accommodated in Belfast East and to the transfer of Cregagh and Wynchurch wards from Belfast East into Belfast South;

Representation No. 12, Mr Robert Foy, Chairman of the South Belfast Ulster Unionist Association, supportive of transfer of Cregagh and Wynchurch wards from Belfast East to Belfast South. The wards of Cregagh and Wynchurch are identified as comprising a comparatively small area adjoining the south east corner of Belfast South with their inclusion resulting in a “tidier” boundary as almost all of the Cregagh Road would represent part of the dividing line between Belfast East and South. The submission indicates that proposal to transfer Cregagh and Wynchurch would not be inconsistent with rule 7 of the Rules for Redistribution of Seats regarding importance of ‘local ties’ ;

Representation No 14, Councillor John Norris, Castlereagh Borough Council, raising objection to transfer of Cregagh ward to Belfast South, asserting ties between Cregagh and Belfast East and absence of affinity with Belfast South. The representation is supported by submission of petition and a supplemental petition ostensibly representing, it is said, 54% of electors in [Cregagh] ward with indication that of all electors canvassed only one refused to sign;

Representation No 15, Councillor Wallace Browne, Chairman of Democratic Unionist Party East Belfast Association supporting Commission’s recommendation for Belfast East but objecting to the transfer of Cregagh and Wynchurch wards to Belfast South and suggesting that Cregagh, in particular, is inextricably linked to Belfast East;

Representation No 16, Ms Mary Wylie, resident for most of her life in Cregagh, objecting to transfer of Cregagh from its “natural home” to Belfast South and describes transfer of Cregagh from, but retention of Hillfoot within, Belfast East as illogical and a disregard for the compass;

Representation No 19, Mr Peter Robinson MP MLA, Democratic Unionist Party, supportive of transfer of Dundonald wards largely peopled by former Inner East Belfast residents who moved to the suburbs and observes the Provisional Recommendations return an area to East Belfast which was part of the constituency

when he became its Member of Parliament in 1979. In relation to Hillfoot, Wynchurch and Cregagh wards, he suggests that the latter holds the strongest links to East Belfast and reports that the proposals have caused considerable concern among its residents. In asserting that Cregagh ward is part of East Belfast he highlights issues of family connections, culture, sport, church life, transport, work and return patterns. In his submission Mr Robinson accepts that geographically Wynchurch “leans slightly” into South Belfast but identifies its long association with the Belfast East constituency. The Hillfoot ward is accepted by him as being neither natural nor cohesive with an element penetrating into South Belfast but he emphasises a long established identification of the ward as part of the Belfast East constituency;

Representation No 21, Dr Alasdair McDonnell MLA, Social Democratic and Labour Party, supportive of proposals in relation to Belfast South and, by implication the transfer of the Cregagh and Wynchurch wards from Belfast East. By way of improvement raises possibility of division of Hillfoot ward with a view to partial transfer of the southern sector [Beechgrove and environs] from Belfast East into Belfast South identifying Cregagh Glen watercourse as an appropriate partition line. On basis of geographical complexion he considers division of the ward to be “fully justified”;

Representation No 23, Ulster Unionist Party, supportive of proposals to realign boundary of Belfast East with transfer of Cregagh and Wynchurch wards from the constituency. Support for the Provisional Recommendations in relation to the constituency is voiced on the basis that they are necessary in order “to provide South Belfast with the number of electors necessary to reflect local social geography” and to ensure the continued existence of the seat;

Representation No 25, Alliance Party of Northern Ireland, raises objection to transfer of Cregagh and Wynchurch wards from Belfast East, it being desirable to retain all of Castlereagh Central DEA within same constituency. The representation further suggests that exclusion of Cregagh and Wynchurch from Belfast South would maintain a “neater boundary”. By way of counterproposal it is further submitted that Hillfoot ward should be transferred from Belfast East to Belfast South.

- 3.7 The provisional recommendation relating to the transfer of the Ballyhanwood, Carrowreagh, Dundonald, Enler and Graham’s Bridge wards from the Strangford to the Belfast East constituency appears to be broadly welcomed by political parties and other interested commentators, a view reinforced during course of the Inquiry. The wards appear to represent city conurbation by way of extension of the City boundary eastwards with little, if any, viable City boundary demarcation. While the wards of Enler and Graham’s Bridge appear to be densely populated with proliferation primarily of residential dwelling and some commercial property the remaining wards of Ballyhanwood, Carrowreagh and Dundonald, while containing large rural elements, likewise accommodate significant sectors of habitation. Transfer of the wards, in coalition, provide for the preservation of Dundonald and its immediate environs as a cohesive social and community unit within the constituency of Belfast East of which it now appears to be an integral part.
- 3.8 The Alliance Party finding itself in favour of the proposed recommendations for Belfast East differed in one material respect insofar as it advocated, consistent with its written submission, that Hillfoot ward should be transferred from Belfast East into Belfast South and that the Cregagh and Wynchurch wards should remain in Belfast East. In presenting the

argument it emphasised that Cregagh in particular is an integral part of East Belfast and “part of that greater East Belfast identity”. Objection to proposals was partly founded by concern that part of the Cregagh estate lay within the Downshire ward and that the Boundary Commission proposals would effectively cause some degree of severance of the Estate as between Belfast East and Belfast South. It was further submitted by Dr Farry, party spokesman, that the neighbouring Wynchurch ward was effectively tied to Cregagh and that it should likewise remain part of Belfast East. Dr Farry argued that the transfer of Hillfoot ward from Belfast East into Belfast South would yield a more natural alignment of the constituencies and also accomplish greater DEA alignment. Dr Farry considered that the

Hillfoot ward had no particular affinity with Belfast East akin to that of Cregagh or Wynchurch and thus its transfer would not offend preservation of local ties or maintenance of convenience.

- 3.9 The thrust of submission offered on behalf of the Democratic Unionist Party by its spokesman Mr Richard Bullick, aided by evidence called by him and presented by Councillor Wallace Browne, Councillor John Norris, and Mr Robin Newton MLA, was to the effect that there was significant opposition among the electorate of Cregagh ward to the recommended proposal that the ward should be excluded from Belfast East with which it had inextricable linkage. The evidence presented sought to focus on ties and links with Belfast East in terms of origin of ward residents, housing, culture, sport, church life, transport, employment, retail and shopping patterns. Councillor Browne spoke of his role as Chairman of his party's East Belfast Association since 1990 and of his opportunity in such capacity to have frequent contact with constituents and residents of Cregagh ward. He spoke of his perception of real opposition to the Boundary Commission proposals within the Cregagh ward. He regarded the people of Cregagh as belonging within East Belfast, to be part of its social fabric and to be socially embedded within the constituency both culturally and economically. Councillor Norris spoke of the strength of feeling within Cregagh estate apparent to him, and unanimous cooperation secured as he and party associates sought signatories in relation to petition for submission following Public Notice of the Commission's Provisional Recommendations. Mr Newton MLA for East Belfast, in support of the submission, asserted the existence of enduring affinities between Cregagh and Belfast East in terms of shopping, socialising, employment and housing migration as between the ward and its associated Belfast East constituency wards.

While it was accepted that the Wynchurch ward also included part of the Cregagh estate, it was acknowledged that the ward was not homogenous in terms of ties and linkage with the constituency. Councillor Browne considered that 10% of the Cregagh estate fell within the Wynchurch ward. He considered that Wynchurch ward formed a natural link with East Belfast in any event.

In the course of his submission Mr Bullick accepted that the Hillfoot ward was not a 'natural electoral unit' in character, that it was somewhat geographically separated from Belfast East by Upper Knockbreda Dual Carriageway and it had no long association or strong affinity with the constituency of Belfast East, having formerly been part of the Strangford constituency. Mr Bullick was unable to identify a strong or "overwhelming" case for justifying partition of the ward as between constituencies.

- 3.10 In essence the Democratic Unionist Party submission, in broad agreement with counterproposal of the Alliance Party, was to the effect that Cregagh and Wynchurch wards should remain in Belfast East and that Hillfoot ward in tandem with the Strangford ward of Moneyreagh should be transferred from Belfast East to Belfast South. I return to the Moneyreagh ward later.
- 3.11 Representations on behalf of the Ulster Unionist Party were made by Dr Esmond Birnie MLA as representative of the South Belfast Unionist Association, Mr Isaac Clarke as Chairman of the East Belfast Ulster Unionist Association and Mr Stephen Barr, spokesman

for the party. The speakers confirmed continued support by the party for the Provisional Recommendations. The position taken by the representatives at the Local Inquiry reflected that of its written submission. In support of transfer of Cregagh ward Dr Birnie called for a tempered view as to the true strength of ties claimed to exist as between the ward and Belfast East. In that regard he pointed to the engagement of ward residents in their use of shopping facilities, enjoyment of sporting links and attendances at educational establishments within Belfast South. He also spoke of use by Cregagh residents of public transport on routes threading through both neighbouring constituencies of Belfast East and Belfast South. Mr Clarke, while emphasising his recognition of "very strong feelings and

the strong affinity within the Cregagh estate to remain part of Belfast East” considered that there was a requirement to tidy up the boundaries.

In relation to Hillfoot, Dr Birnie expressed an open mind as to possible partition of the ward but disquiet at the possible prospect that the Hillfoot ward, but not Cregagh and Wynchurch wards, might be transferred to Belfast South on the basis of resultant irregularity in shape of the constituency.

- 3.12 Dr McDonnell speaking in his capacity as sitting Member of Parliament for the Belfast South constituency reiterated his support for the Provisional Recommendations save to invite serious consideration to partition of the Hillfoot ward as between Belfast East and Belfast South given, in relation to the ward, its diverse character, the disparate nature of any local ties or affinities and for reasons and in a manner outlined in his written representation.

Recommendations

- 3.13 With the benefit of written representations and what I would consider to have been very well crafted, extremely helpful and analytical submissions and comment, augmented by personal inspection of each of the wards subject to determination, I recommend to the Commission in respect of Belfast East that:-

- (a) **the Provisional Recommendations in respect of incorporation within Belfast East of the wards of Ballyhanwood, Carrowreagh, Dundonald, Emler and Graham’s Bridge be given effect.** The approval for the Commission’s proposals would appear to be unequivocal and I accept the evidence given in that regard before the Inquiry hearing as being compelling. I would consider that the transfer of these wards is desirable for purposes of achieving parity with the EQ within the spirit of rule 5 of the Rules for Redistribution of Seats. The evidence before me, and opportunity taken to visit the wards, has not, having regard to rules 6 and 7 of the Rules for Redistribution of Seats raised concerns in relation to resultant size, shape and accessibility of the proposed constituency, definition of its boundaries, inconveniences or breach of local ties should the Provisional Recommendations be given effect;
- (b) **the Provisional Recommendations in respect of the transfer of the Cregagh ward from Belfast East to Belfast South constituency is not given effect and that the counterproposal in respect of retention of said ward in Belfast East be adopted.** Representations in support of the Provisional Recommendations in relation to transfer of Cregagh ward from Belfast East to Belfast South point to a necessity to achieve compatibility of the proposed constituency quota with the EQ and of the desirability to effect change which would tidy the boundaries of the constituencies. The evidence before the Inquiry nonetheless pointed convincingly, in my assessment, to strong feeling within the ward against its exclusion from Belfast East as envisaged under the Provisional Recommendations. The proposals affecting Cregagh ward have engendered a volume of opposition, evidenced in part by petitions presented, being representations to which I have to have regard. I have not come to recognise the opposition voiced to the relevant provisional recommendation, from its inception in June 2004, as being motivated by a perception that the proposed changes would alter the nature of political representation for Cregagh as an affected area, which would clearly not be a legitimate concern for the Boundary Commission or an Inquiry. I further observe that the Cregagh estate as such lies partly in the Downshire ward which spans westward across the Cregagh Road on the cityward approach to Bell’s Hill Roundabout. The encroachment is

relatively minor in area save that it has the unfortunate consequence of absorbing the ‘iconic’ tower blocks known colloquially as ‘Cregagh Flats’ [Woodstock House and Willowbank House]. Transfer of Cregagh ward into Belfast South would thus have the more startling effect of mutually splitting the tower blocks from the core of the estate with their relocation within Belfast East and Belfast South respectively. In that regard the case for transfer of the ward on the basis of a housekeeping or boundary tidying exercise, while attractive at first given the Belfast South designation of neighbouring wards of Ravenhill and Woodstock, may not ultimately withstand careful scrutiny. I accept that the provisional recommendation, if given effect in relation to Cregagh would breach local ties with adverse consequence. Taking all of the foregoing factors into account, including observations in relation to shape and boundary definition set out at sub-paragraph (c) below and assessing any breach of ties to be materially significant and detrimental, I would consider that giving effect to account taken of such ‘local ties’ under rule 7 of the Rules for Redistribution of Seats does not offend against the primacy of rule 5 of the Rules. So I conclude having regard to the potential quota equilibrium effect of the proposal to transfer Hillfoot ward from Belfast East in terms detailed at sub-paragraph [d] below.

- (c) **the Provisional Recommendation in respect of the transfer of the Wynchurch ward from Belfast East into the reconstituted Belfast South constituency be given effect.** While it is recognised that ties may well exist between the ward and other constituent wards forming the Belfast East constituency, I would consider that the Wynchurch ward is not homogenous in nature or character and that any inconveniences or breach of local ties, of which account has to be taken under rule 7, are not, or likely to be, of sufficient weight or degree as to justify departure from the Provisional Recommendations or intent of rule 5 of the Rules for Redistribution of Seats as to establishment of an appropriate EQ for Belfast East and its neighbouring borough constituencies. The presence of part of the Cregagh estate within Wynchurch ward is noted but the evidence, study of mapping and visits to the ward suggest such incursion of the estate to be relatively small in terms of both size of the sector of the estate concerned and area of the ward affected. It is also to be observed that a substantial part of the ward falls to the south of the Rosetta Road. This part of the ward is served by a network of streets which, with Rosetta Road, appear to gravitate it towards the Rosetta and upper Ormeau Road areas. Finally while in geographic terms the Cregagh and Wynchurch wards may form a couplet, I would not consider this to be a matter of primacy. The inclusion of Wynchurch ward in the South Belfast constituency may represent an improvement in the definition of the existing constituency boundary, particularly in contrast to that sector of the constituency line which currently exists between Wynchurch and Galwally wards. The inclusion of Wynchurch ward in the constituency shall result in the extension of the constituency line in part out to the ward boundaries of the Cregagh Road and the more transparent lines of The Straight and Mount Merrion Drive.
- (d) **the counterproposal in respect of the transfer of Hillfoot ward from Belfast East into reconstituted constituency of Belfast South be adopted and given effect.** In short, its transfer is desirable with the ambition of achieving an equilibrium in the deviations from the EQ of both Belfast East and Belfast South, given that it is proposed that the Cregagh ward should remain in Belfast East. The evidence at large does not point to any particular or strength of affinity between Hillfoot ward and Belfast East.

Indeed any such affinity may be balanced by ties which are likely to exist between the southerly sector of the ward [beyond the geographic feature of Cregagh Glen] and Belfast South which falls within panorama of the sector concerned. The evidence points to diversity in character of the ward and to potential for division of the ward as between two constituencies. However this course is not recommended having regard to the terms of rule 4(1)(c) of the Rules for Redistribution of Seats and the absence of compelling evidence laid before the Inquiry justifying such course on basis of necessity to establish compatibility with the EQ under rule 5, or for “special” geographic considerations under rule 6 or, if permissible, the preservation of ties under rule 7 of the Rules for Redistribution of Seats. The recommendation is made, nonetheless, with the acknowledgement that the resultant shape of Belfast South constituency many not be ideal but it is by no means totally uncharacteristic for the borough constituencies as they stand. In essence considerations for achieving an acceptable degree of compatibility with the EQ for the constituency of Belfast South appear to attain prominence in the absence of rebuttal evidence of sufficient weight to the contrary. I also bear in mind, but very much as a secondary consideration, that the Commission may be a little more hesitant to contemplate division of a ward as between constituencies in circumstances where the outcome of the Review of Public Administration is pending. The observation is made mindful, nonetheless, that the Commission, in seeking to complete their Review, have been, and shall be, constrained by a statutory time-frame in compliance with the Parliamentary Constituencies Act 1986 as amended by the Boundary Commissions Act 1992 and that the Rules for Redistribution of Seats *per se* do not provide, in terms of determinant factors, for such contingency as an anticipated boundary review.

- (e) I recommend that the constituency be designated a borough constituency and that the name of the constituency should remain ‘Belfast East’.

- 3.14 The deviation from the EQ, under the recommended proposals for Belfast East, calculates at –2.9% based on an electorate of 59,214. While it is recognised that in relation to Belfast East this Report recommends an electorate figure of 58,756 and deviation from the EQ of –3.6%, slippage from the values yielded by the Provisional Recommendations is commended as being an acceptable proposition in giving effect to account taken of ‘local ties’ under rule 7[b] of the Rules and the resultant suppressing effect on the figures by the transfer, as proposed, from the constituency of the larger Hillfoot ward into Belfast South.
- 3.15 I am mindful that the Commission do not base their recommendations on long term or speculative projected electorates or on actual or projected populations and that the Commission are required, in compliance with rules 5 and 8 of the Rules for Redistribution of Seats, to base recommendations on the Parliamentary Electoral Register as it stands at the start of a Review on the enumeration date, rather than on any subsequent register, or any local government Electoral Register. I am also aware that in choosing between schemes which are otherwise permissible under the Rules the Commission may, nonetheless take into account changes in the electorate which have either occurred since the enumeration date or which they are satisfied will occur in the near future whether they be due to passage of time since the enumeration date or the alleged evolving effects of the Electoral Fraud (Northern Ireland) Act 2002 and the Electoral Registration (Northern Ireland) Act 2005 or otherwise.
- 3.16 To that end I would advise that the effect of proposals herein, by reference to ward parliamentary electorates according to the Electoral Register published on 1 April 2005, would yield a total Parliamentary constituency electorate figure of 60,279 and a percentage deviation from the average constituency electorate [63,665] of –5.3%. The deviation figure arising under the Provisional Recommendations using comparable 2005 figures stands at –

4.5% based on an electorate total of 60,771. While the outcome of proposals under the Provisional Recommendations represents a greater achievement of compatibility with the EQ within terms of rule 5 of the Rules for Redistribution of Seats, departure from strict application of rule 5 has been recommended on the basis of taking into account, within the spirit of rule 7[a] and [b], inconveniences and, to much greater extent, breach of local ties, which I believe may be otherwise caused under the relevant provisional recommendation.

4. BELFAST SOUTH CONSTITUENCY

Introduction

4.1 In their Provisional Recommendations announced on 29 April 2004 the Boundary Commission recommended the following revision:

“**Belfast South** constituency to include the Castlereagh LGD wards of Carryduff East and Carryduff West at present in the Strangford constituency, and Cregagh and Wynchurch, at present in the Belfast East constituency”

4.2 The Statement of Reasons published by the Commission on 14 June 2005 observed that Provisional Recommendations at large continued to give effect to the fundamental framework of extending borough constituencies outwards in a radial fashion as had been recommended by the assistant Commissioner who conducted the public Local Inquiry in Belfast into the Commission’s Provisional Recommendations in 1994.

Written Representations

4.3 In addition to the representations pertaining to the Belfast South constituency already referred to and discussed in Part 3 of this Report, other written representations were received by the Commission broadly in support, if not expressing strong consensus support, for the transfer of the Castlereagh LGD wards of Carryduff East and Carryduff West to Belfast South from the Strangford constituency.

4.4 The essential elements of written representations received by the Commission were as follows:

Representation No. 5, **Mr John Auld**: supportive of proposals to transfer Carryduff wards into South Belfast;

Representation No. 12, Mr Robert Foy, Chairman of the **South Belfast Ulster Unionist Association**, supportive of transfer of Carryduff East and Carryduff West. The representation identifies Carryduff and South Belfast as a single unit in social and economic terms joined by “southern approaches” travel route into the city, shopping trends, South Belfast origins of Carryduff residents and importance of ties and convenience;

Representation No 23, **Ulster Unionist Party**, supportive of proposals to transfer of Carryduff East and Carryduff West to Belfast South. In relation to Carryduff wards, the submission emphasises expansion into the City hinterland as reflecting the daily reality of the modern city, the origin of most of the residents of Carryduff from within the City, existing family ties, the character of the wards as part of the southern approach into the City and the proposed marriage of wards to Belfast South as recognition of existence of a single unit in social and economic terms;

Representation No 25, **Alliance Party of Northern Ireland** counterproposes that the Moneyreagh ward should be transferred to Belfast South being a natural route for population expansion and given that elements of the ward already lie within the environs of Carryduff. The submission recommends further counterproposals on basis that they would have the effect of uniting all of Castlereagh South and Castlereagh West within the same constituency.

Oral Representations at Inquiry

- 4.5 In relation to the transfer of the Castlereagh LGD wards of Carryduff East and Carryduff West at present in the Strangford constituency to Belfast South, written representations submitted to the Commission clearly reflect broad support for the provisional recommendation. At the Inquiry it was apparent that such support continued to prevail and
- has consolidated over time as minds have been further applied to the Provisional Recommendations and any alternative formula for landscaping of the constituency boundary. The evidence presented before the Inquiry at large in relation to Belfast South and the issue of number of borough constituencies for Belfast pointed to migration over time of inhabitants out from the City constituencies to the Carryduff wards but also the maintenance of strong and focussed ties with Carryduff residents continuing to look to Belfast in terms of their origins, family ties, work, social encounter and where they identify with. The evidence identified the steady development and encroachment of the City in a southward direction along the south-east corridor, the increasing obscurity of the City boundary line and harmony of the Boundary Commission proposals with transport and strategic planning realities and advent of regional strategy insofar as the Carryduff wards are now regarded as being part of the City.
- 4.6 In moving the counterproposal for the transfer of the Moneyreagh ward to Belfast South from the Strangford constituency, Dr Farry, speaking on behalf of the Alliance Party, considered that the import of Moneyreagh into Belfast South was justified on the basis that areas of housing on the fringes of the Carryduff East ward were currently encroaching over the ward boundary into Moneyreagh. He considered that failure to effect a transfer of the ward would produce an anomaly of Moneyreagh being the only ward within the Castlereagh LGD not to fall within either Belfast East or Belfast South constituencies. He further considered that with the anticipation of future development to the south east of the City incorporation of Moneyreagh ward into Belfast South at this point would go some distance to stabilize the constituency.
- 4.7 As mentioned earlier, the Democratic Unionist Party submission and counterproposal, was in broad agreement with that of the Alliance Party, to the effect that, whereas Cregagh and Wynchurch wards should remain in Belfast East, Hillfoot and Moneyreagh wards should be transferred to Belfast South from the Belfast East and Strangford constituencies respectively. The submission also sought to point to the value of designation of the entire Castlereagh South DEA into the single constituency of Belfast South, of accomplishment of an acceptable deviation from the EQ for the constituency, and of accommodating into the constituency fringe areas of Carryduff presently falling within the Moneyreagh ward.
- 4.8 Representations on behalf of the Ulster Unionist Party were made by Dr Esmond Birnie MLA as representative of the South Belfast Ulster Unionist Association, Mr Isaac Clarke as Chairman of the East Belfast Ulster Unionist Association and Mr Stephen Barr, spokesman for the party. In essence the Ulster Unionist Party position at the Local Inquiry reflected that of its written submission in support of the Provisional Recommendations. Dr Birnie spoke of compelling factors supporting inclusion of Carryduff East and Carryduff West into Belfast South as envisaged under the Provisional Recommendations. Dr Birnie also expressed concern at possible inclusion of Moneyreagh in the constituency. He considered Moneyreagh to be very extensive geographically and predominantly rural in character, without close local ties to Belfast South. He felt it to be ill-advised that an essentially urban constituency should take on what he considered to be a “quite different representation sectional interest group” and that its inclusion would create, in terms of size and shape, a constituency of rather peculiar characterisation for the Belfast South seat.
- 4.9 Dr McDonnell speaking in his capacity as Member of Parliament for the Belfast South constituency reiterated his support for the Provisional Recommendations. He expressed disquiet at any counterproposal incorporating the transfer of Moneyreagh ward into Belfast

South as he considered the ward in essence to be a large rural and agricultural unit in close proximity to locations such as Comber or Ballygowan. He believed that the ward belonged more properly to an agricultural district than with the City of Belfast. He also urged that serious consideration should be given to the partition of Hillfoot ward as between Belfast East and Belfast South given its diverse character, the disparate nature of any local ties or affinities and for reasons and in a manner outlined in his written representation.

Recommendations

4.10 Assisted by written representations submitted in response to Provisional Recommendations, together with the benefit of oral representations, arguments and comments fielded in course of the Inquiry hearing, and subsequent inspection of localities affected, I further recommend to the Commission in respect of Belfast South that:-

- (a) **the Provisional Recommendations in respect of incorporation of the wards of Carryduff East and Carryduff West into Belfast South be given effect.** The evidence points to a radial extension of the notional city boundary along a south-easterly corridor served by a major arterial traffic route, a pattern of city/suburban migration with maintenance of established ties, affinities and city orientation together with increasing obscurity of the City boundary compounded by suburban development and the growing effects of planning and development strategies. The proposal for the transfer of Carryduff East and Carryduff West to Belfast South has been met with widespread acceptance by representatives and contributors to the Review. The evidence received reflects recognition by some contributors of the integration of Carryduff with a revised constituency arrangement for Belfast South as being a logical necessity if not inevitability.
- (b) **the counterproposal for transfer of the Moneyreagh ward, at present in the Strangford constituency, to Belfast South is not adopted.** In relation to this counterproposal the evidence points, with little disagreement at first instance, to the ward being very large and intrinsically rural, and significantly different in character with the other actual and prospective constituent wards. More importantly while the guiding factor for inclusion of Moneyreagh ward in the Belfast South constituency relates to the severance of fringe habitation from Carryduff East, any residential concentrations involved would appear to be extremely small and isolated set against a predominantly agricultural district. In terms of integration of wards of a rural character into City borough constituencies I would consider the character of Moneyreagh to be distinctly more rural than, for example, the neighbouring smaller ward of Ballyhanwood, mentioned in course of Inquiry as a comparator. Ballyhanwood appears to accommodate significant areas of dense housing to its northern sector as part of the Dundonald complex of wards and the comparative electorate/hectare quotas for the Ballyhanwood and Moneyreagh wards being 2.14 and respectively 0.73 appear to emphasise the distinction. For reasons expressed above I therefore do not recommend transfer of the Moneyreagh ward into the Belfast South constituency as so counter proposed.
- (c) I recommend that the constituency be designated a borough constituency and that the name should remain 'Belfast South'.

- 4.11 Deviation from the EQ under the recommended proposals for Belfast South calculates at –5.3% based on a projected electorate of 57,767. The recommendations herein provide for an EQ deviation of –4.5% based on a constituency electorate figure of 58,225.
- 4.12 I am mindful of the considerations already mentioned in paragraph 3.15 above. To that end I would advise that the effect of proposals herein, by reference to ward Parliamentary electorates according to the Electoral Register published on 1 April 2005, would yield a total Parliamentary Electorate figure of 60,186 and a percentage deviation from average electorate [63,665] of –5.5%, the comparable values under the Provisional Recommendations being a total electorate of 59,694 and EQ deviation of –6.2%.

5. BELFAST NORTH CONSTITUENCY

Introduction

- 5.1 In their Provisional Recommendations announced on 29 April 2004 the Boundary Commission recommended the following revision:

“**Belfast North** constituency to include the Newtownabbey LGD wards of Collinbridge, Glebe and Glengormley, at present in the South Antrim constituency, and Cloughfern, at present in the East Antrim constituency”

- 5.2 In their Statement of Reasons published 14 June 2005 the Commission sought to address and amplify guiding principles behind the proposed revision in the following terms: -

“The proposed transfer of [and] Newtownabbey LGD wardsreflect[s] the urban development of Belfast and enable[s] the retention of four Belfast borough constituencies with similar sized electorates, and respect the integrity of theand Macedon DEA(s). The proposed [constituency is] **Belfast North** with an electorate of 59,337 (2.7% below the EQ).”

Written Representations

- 5.3 The Commission received a number of written representations pertaining to the Belfast North constituency which are discussed below. The Commission also received representation from ‘bodies of electors’ being parliamentary electors for constituencies affected by the proposed recommendations. Petitions bearing 159 names in respect of Belfast North and 122 names in respect of South Antrim were received under cover of Representation No 22 submitted by Sinn Féin.

Most of the written representations received by the Commission were broadly supportive of the inclusion of Collinbridge, Glebe, Glengormley and Cloughfern wards into the reconstituted constituency. However general schemes submitted by the Alliance Party and Mr John Auld provided for the transfer of additional Newtownabbey LGD wards from South Antrim on basis of requirement to maintain the cohesion of Glengormley Village and to preserve ties. The importation of these additional wards into the constituency was to be facilitated by the redrawing of the existing boundary with the resultant transfer of Crumlin and Woodvale wards from the Belfast North to the Belfast West constituency. The counterproposal was also identified as being advantageous on the basis this would unite all Court DEA wards, recognise local ties and tidy up an illogical boundary between the Belfast North and Belfast West constituencies in any event. The Alliance Party’s written submission provided further for the retention of Cloughfern within East Antrim and the transfer to the constituency of Abbey ward from Belfast North. The scheme submitted by Sinn Féin did not provide for the inclusion of additional wards into Belfast North beyond that provisionally recommended by the Commission but for the retention of Cloughfern within East Antrim.

- 5.4 For ease of reference the essential elements of written representations received by the Commission touching on Belfast North are summarised as follows: -

Representation No. 5, Mr John Auld: supportive of proposals to transfer Newtownabbey LGD wards of Collinbridge, Glebe and Glengormley into Belfast North; urges the further transfer of DEA sister wards of Hightown, Ballyhenry and Burnthill on basis of social and economic ties; counter-proposes the transfer of Crumlin and Woodvale wards from Belfast North to Belfast West to facilitate the foregoing; points further, to the illogical division of Greater Shankill [Court DEA] wards between Belfast North and Belfast West and to the existence of very close social and residential ties linking Crumlin and Woodvale with their neighbouring Shankill wards which are ignored under current constituency configurations. By way of illustration as to the present unsatisfactory boundary lines, he points to the constituencies of Belfast West and Belfast North intermittently intersecting the main arterial route of the Shankill Road;

Representation No. 6, Councillor Thomas Burns MLA South Antrim, SDLP criticises the absence of a clear boundary line between Belfast North and South Antrim under proposed arrangements;

Representation No 22, Sinn Féin, supportive of recommendations in relation to Belfast North insofar as they relate to the transfer of the wards of Collinbridge, Glebe and Glengormley but objects to the transfer of Cloughfern from East Antrim.

Representation No 23, Ulster Unionist Party, provides tentative support for the proposals on the basis that it agrees that there should be no transfer of wards between Belfast North and Belfast West and accepts that County Antrim is the only place from which additional electors can be transferred into Belfast North.

Representation No 24, Alliance Party, scheme for four borough constituencies supports the transfer of Collinbridge, Glebe and Glengormley wards into Belfast North. However, expresses concerns that the proposals “create a boundary that meanders through suburban streets and divides a clear and obvious community”, and urges the transfer of Hightown, Ballyhenry, Burnthill wards to unite Glengormley Village. The scheme provides for retention of Cloughfern within and transfer of Abbey ward [currently Belfast North] to East Antrim and further urges the transfer of Crumlin and Woodvale wards from Belfast North to Belfast West thereby uniting all Court DEA wards within one constituency.

Representations at Inquiry

- 5.5 At hearing of the Inquiry oral representations in relation to the transfer of Newtownabbey LGD wards of Collinbridge, Glebe and Glengormley from South Antrim into the reconstituted constituency of Belfast North, none of the representatives or contributors speaking at the Inquiry, save for Mr Maginness speaking on behalf of North Belfast SDLP Constituency Association, aired disagreement with the provisional recommendation. However, counterproposals submitted by the Alliance Party and Mr Auld were more ambitious in their stated quest of aiming to protect the integrity of Glengormley, local ties and existing DEA arrangements. Likewise the Alliance Party and Sinn Féin objected to the transfer of Cloughfern ward from the East Antrim constituency.
- 5.6 In his submission, Mr Maginness accepted that the current constituency boundaries of Belfast North should be extended solely to include additional wards from the Newtownabbey LGD. He further observed that the Provisional Recommendations involved the inclusion to the constituency, detrimentally, of three of the seven Antrim Line DEA wards. In relation to DEA arrangements he acknowledged that the proposal under the Provisional Recommendations to transfer Cloughfern ward into Belfast North would complete the importation of all the Macedon DEA wards into the Belfast North constituency which he considered had a logical basis. He did object however to the severance of the Antrim Line DEA as being a “serious fracturing” effect of the Provisional

Recommendations and spoke of the disintegration of Antrim Line DEA integrity in terms of close social, economic and physical association.

- 5.7 By way of counterproposal, Mr Maginness suggested that the redrawing of the constituency boundary line to include Jordanstown, Monkstown and Rostulla wards into Belfast North would be a more sensible alternative and he pointed to their inter-connection, the “geographic sweep” of the city borough along the Belfast Lough shoreline, the Belfast origins of many inhabitants within those wards, and their family, social and employment ties with Belfast North or the City at large. Such ties, he suggested by implication, were stronger than existing bonds with East Antrim. He considered it also to be relevant that the wards had a close proximity to Cloughfern which, he observed, was actually being transferred to Belfast North under the Provisional Recommendations. Mr Maginness acknowledged that the departure of Monkstown, Jordanstown and Rostulla wards from their host University DEA would cause fracturing of that entity but he considered that such impact would not be as significant as that otherwise experienced under the Commission’s proposals with the displacement of Collinbridge, Glengormley and Glebe wards from Antrim Line DEA. In terms of EQ he considered that as both the recommended proposals and his counterproposals yielded similar outcomes his arrangement could not be criticised as being disadvantageous on that basis.

Mr Maginness accepted that a notional alternative might be to import all the Antrim Line DEA wards into Belfast North but he considered this impractical having regard to a requirement to establish an acceptable deviation from the EQ for the constituencies affected.

In response to questioning, Mr Maginness suggested that it was unarguable that there was a natural affinity between the Collinbridge, Glebe and Glengormley wards and North Belfast but argued that the remaining undisplaced Antrim Line DEA wards had a similar affinity with the constituency. He considered the effect of the Provisional Recommendations to be arbitrary and he also expressed the need to have some cognisance of “radical reordering” of local government boundaries which may follow the Review of Public Administration.

- 5.8 Dr Farry spoke to the Alliance Party proposals confirming a belief that Belfast North should be extended outwards to include, along with the three proposed wards, the additional wards of Hightown, Ballyhenry and Burnthill. He suggested that Cloughfern should remain in East Antrim to which, he urged, Abbey ward should be transferred from Belfast North. He considered this necessary in order to facilitate EQ requirements for remodelling of the current East Antrim constituency.

Dr Farry concluded his submission with an expression of caution and “particular concern” as to the proposed boundary for Glengormley under the Provisional Recommendations suggesting that it was *“not.... logical, ... it goes up and down streets and makes no local sense.”*

In response to questioning, Dr Farry agreed that there would be a certain logic to the import of Mallusk ward, and thus the inclusion of all Antrim Line wards, into Belfast North, leaving the constituency, he suggested, well within reasonable EQ parameters. He further considered that the inclusion of all of the Antrim Line wards would create a much more coherent constituency. He also accepted the proposition that the exclusion of Cloughfern and Abbey wards from Belfast North would dislocate Macedon as a DEA.

Dr Farry further reiterated the view that the boundaries proposed under the Provisional Recommendations were haphazard, that they split off natural areas from one another and had the effect of arbitrarily splitting Glengormley Village between South Antrim and Belfast North constituencies. He invited the Commission to reconsider the effect of the Provisional Recommendations on Glengormley in greater detail.

- 5.9 Mr Bullick, spokesman for the Belfast Democratic Unionist Party MPs and MLAs submitted that it was something of an inevitability that Belfast North would have to expand

northwards particularly, in his view, as the boundary between Belfast North and Belfast West was now well settled and any inconvenience caused by change should be minimised within the spirit of the Rules for Redistribution of Seats. He considered that expansion of Belfast North would have to be accomplished in the direction of East Antrim and South Antrim. In support of the Commission's Provisional Recommendations, he argued that they were as defensible as any other possible arrangements.

He believed that it made sense to unite Cloughfern with all associated wards in the Macedon DEA having regard to social and geographic ties in any event. He suggested that a study of the map would lend itself to an inescapable conclusion that the addition of Cloughfern as part of Belfast North made perfect sense. He also spoke of most of the people living in Cloughfern having originated from inner North Belfast and of their sense of identity with the north of the City. In support of his argument he further pointed to the value of uniting the whole of a spanning housing area which currently stands divided significantly between the two constituencies of East Antrim and Belfast North. He also highlighted the existence of governmental agency arrangements which treat Cloughfern and Rathcoole as a single administrative unit.

On being questioned, Mr Bullick agreed that the current proposed boundary for Glengormley gave rise to difficulties but argued that creation of Glengormley as an area has almost inevitably led to difficulties over time. He expressed doubt as to whether it was likely that an ideal solution could emerge with more clearly acceptable alternatives to that proposed.

- 5.10 Mr Begley, speaking on behalf of Sinn Féin, in the course of his submission and questions or comment invited at conclusion of contributions from associate speakers, confirmed support for the expansion of Belfast North to include the Newtownabbey LGD wards of Collinbridge, Glebe and Glengormley recognising that the City was being pushed outwards. He emphasised that the wards in his assessment were the "natural area for expansion" with obvious work and travel patterns consequent to outward city migration. He suggested that rule 5 had to be observed as a matter of necessity although he observed that the effects of the Electoral Fraud (Northern Ireland) Act 2002 had to be factored into any considerations. He further advocated that Cloughfern should remain in East Antrim primarily on the basis of issues affecting, or arising from, the reconstruction of neighbouring constituencies including East Antrim.

In relation to the effects of any reconfiguration of wards on DEAs, Mr Begley believed that the argument in terms of council boundaries was not significant at this point as he anticipated that local government boundary lines would be redrawn following the Review of Public Administration.

Mr Begley said he was aware of problems with definition of the boundaries in Glengormley but believed that this would remain an issue irrespective of reconfiguration of the wards. He was aware that the proposals might create a split within Glengormley but did not regard this as a paramount problem for the present. He considered that any proposition to introduce the additional South Antrim wards of Hightown, Ballyhenry and Burnthill to the Belfast North constituency would have to be considered cautiously in terms of knock-on or ripple effect.

- 5.11 Mr Auld in his submission confirmed that he resided in the Collinbridge ward and voiced his support for the Provisional Recommendations to add Collinbridge, Glebe and Glengormley wards to Belfast North. He also expressed grave concern however at the prospect that the effect of the proposals would be to split Glengormley Village. He observed that many people residing in the Glengormley and Glebe wards shopped in the other three wards of Hightown, Ballyhenry and Burnthill while, conversely, many residents within the latter wards would shop and work in North Belfast. In relation to educational links he spoke of Hightown School serving pupils from North Belfast. In relation to Mallusk ward, Mr Auld considered that there was a case for adding it to Belfast North as

concentrations of population within the ward were to be found to the east of Mallusk ward in proximity to the Hightown and Ballyhenry wards.

He also spoke of industrial estates within the ward that provided employment predominantly for people from North Belfast. As to the proposition put to him that the boundary between the Burnthill and Carnmoney wards might be very irregular and that it might be better to include Carnmoney in Belfast North rather than Mallusk, Mr Auld indicated that while that was a possibility if permitted by the EQ considerations, the people of the ward of Burnthill would generally look more southward given that the main shopping area for the ward was, in his view, Glengormley.

- 5.12 Mr Nigel Dodds, Member of Parliament for the Belfast North constituency addressed the Inquiry. He emphasised the value of having Cloughfern join associate Macedon DEA wards within the North Belfast constituency. He described its current exclusion as an anomaly. He spoke of the people within the ward regarding themselves as being part of Belfast North by orientation and of close links between, for example, residents of Rathfern and King's Park and the Rathcoole, Rush Park and the Abbots Cross areas. He advised that one of his constituency offices is actually located technically over the constituency line in East Antrim opposite the entrance to Rathfern. Referring in particular to the Housing Executive he highlighted that statutory agency administrative arrangements ostensibly covering areas within his constituency of Belfast North could be found to extend over the boundary into areas such as Rathfern and King's Cross. He further observed that in terms of attempting to establish the existence of an affinity with North Belfast there is an argument that greater affinity is to be found beyond Cloughfern, for example in Monkstown, than in some of the Antrim Line DEA wards. He considered there to be strong linkages between Monkstown and the rest of Macedon DEA wards. He accepted in response to questioning that loss of Monkstown would, nonetheless, have an impact on the integrity of the University DEA.
- 5.13 Mr Stephen Barr, speaking on behalf of the Ulster Unionist Party, confirmed party support for the Provisional Recommendations for Belfast North. He recognised that the proposed boundary for Glengormley was "uncomfortable" and that it gave rise to a split but he considered the recommendations to be the best option in the interests of electoral equality. He also indicated endorsement on behalf of the party for the proposal to transfer Cloughfern into Belfast North.
- 5.14 Although in relation to Belfast North, Dr McDonnell MP did not seek to make a formal submission given earlier presentation by his party colleague, Mr Maginness MLA on behalf of the North Belfast SDLP Constituency Association, he made a number of observations in the course of questions raised by him from the floor. He spoke of the boundary proposed under the Provisional Recommendations, as between Burnthill and Carnmoney wards, being very irregular and ragged and he suggested the possibility that it might make more geographic sense to add Carnmoney instead of Mallusk should transfer of the latter to Belfast North be considered. He further suggested that the observations of Mr Dodds MP in relation to Monkstown reinforced to some extent points advanced by Mr Maginness in course of his submission.

Crumlin and Woodvale Wards

- 5.15 The Alliance Party submission by Dr Farry reiterated the view taken in the party's response to the Provisional Recommendations and urged that Crumlin and Woodvale wards be transferred to Belfast West. In advancing such a view, and in response to questions raised, he suggested that the transfer would unite all of the Court DEA wards within one constituency, would make 'geographic sense' to tidy up the anomaly which in his view existed along the Shankill Road, would serve to balance out the population of the City in terms of striving to achieve appropriate electorates and that, by way of ties or connections, the wards would become united with neighbouring Shankill, Highfield and Glencairn wards currently located within the Belfast West constituency.

- 5.16 Mr Alban Maginness MLA, speaking on behalf of the North Belfast SDLP Constituency Association, confirmed that the transfer of Crumlin and Woodvale wards to Belfast West from Belfast North was not part of the SDLP proposal but was an approach that the party might be interested in and look at sympathetically.
- 5.17 Mr Bullick, on behalf of the Belfast Democratic Unionist Party MPs and MLAs, spoke of the boundary between the constituencies of Belfast West and Belfast North being well established since creation of the latter constituency in the early 1980s, and of the need to minimize inconvenience within terms of the statutory rules arguing that a credible case for uniting the Court wards could only be made within a Belfast North framework. In relation to both wards he sought to emphasise the affinity of their electorates with Belfast North and lack of any ties with Belfast West in terms of shopping patterns, organisation of non-governmental agencies of any significance, social links or geographical features. In opposing the counterproposal he spoke of Crumlin ward being part of established development arrangements for North Belfast and of resultant damage to relationships and disruption of arrangements should the ward be transferred from Belfast North. In terms of determining links and ties he observed that Crumlin looked northward to Ballysillan and not to West Belfast with which it had no connecting arterial route. As to Woodvale, he spoke of enduring historic links with Belfast North, and while conceding the influence of peace lines on the drawing of boundaries, emphasised that the presence of industrial buffer zones in the area would lead to the belief that these ward communities faced northwards rather than southwards into West Belfast.
- 5.18 Mr Auld, in making his presentation expressed doubt, firstly, as to whether the boundaries for Crumlin and Woodvale wards have been in existence for any considerable period as, in his view, they had been in state of flux over time depending on the way that local government boundaries had been drawn. He further questioned whether people in the affected wards would regard themselves as being part of North Belfast rather than West Belfast and spoke of a personal perception of a lack of a clear sense within the area *vis-à-vis* a North or West Belfast identity. In seeking to illustrate problems of accessibility within the constituency of Belfast North as presently constituted, he pointed to the presence of peace lines divorcing otherwise neighbouring wards. The present constituency landscape was criticised by him as being illogical on the basis of the Shankill Road, the main arterial route, being alternatively intersected by both constituencies in the course of a journey taken along it. Mr Auld expressed the view that unity of the Court DEA wards within either Belfast West or Belfast North should be viewed as an overriding consideration or ambition and in that regard he declared a preference for the placement of such DEA grouping within Belfast North, should electorate considerations permit such course by way, for example, of reduction in the number of Belfast seats. As matters currently stand however he conceded that any such placement would have to be within Belfast West.
- 5.19 Mr Nigel Dodds, Member of Parliament for Belfast North, in support of the Provisional Recommendations, spoke of no doubt in his mind that people in the Crumlin and Woodvale wards would regard themselves as being in North Belfast, as would others currently in Court DEA wards within Belfast West, in terms of community, social, family and shopping linkages. He pointed to statutory agency and community organisation arrangements for Crumlin and Woodvale being of North Belfast orientation and connection, the historic connection of Crumlin with Belfast North, and the composition of the Greater Belfast Partnership embracing all Court wards and Ballysillan as a recognition of their association with North Belfast. In the course of his submission or in response to questioning, he further emphasised the prevalence of family, church, social, community, statutory and organisational ties, all based on linkages with Ballysillan and the rest of Belfast North. While calling for unity of DEA wards he considered that this could only be accomplished within a Belfast North framework.

- 5.20 Mr Stephen Barr, speaking on behalf of the Ulster Unionist Party, expressed opposition to any change of the boundary between Belfast West and Belfast North, believing that Crumlin and Woodvale should remain in Belfast North. He recognised that with regard to Belfast West the constituency electorate was small but he suggested that with the existence of an established and settled constituency boundary between Belfast North and Belfast West the only remedial approach available in relation to the Belfast West electorate was to look to Lagan Valley or Belfast South as donor constituencies.

Recommendations

- 5.21 Having regard to the written representations submitted to the Commission and the submissions, evidence and observations laid before the Inquiry, and assisted by inspections of the relevant localities, I recommend to the Commission in respect of the Belfast North constituency that:-

- (a) **the Provisional Recommendations in respect of the transfer of the wards of Collinbridge, Glebe and Glengormley, at present in the South Antrim constituency, to Belfast North be given effect.** The recommendation to transfer each of these wards from South Antrim to Belfast North was supported by all representatives who contributed to the Inquiry save for Mr Maginness MLA who tabled a counterproposal that the wards of Monkstown, Jordanstown and Rostulla, currently in East Antrim be transferred to the reconstituted Belfast North constituency, a counterproposal to which I shall refer further at paragraph [f] below. In relation to the substantive recommendation this was broadly accepted by those supporting the proposal on the basis that, firstly, any quest to secure an acceptably-sized electorate for Belfast North would require expansion of the constituency and, secondly, that any such expansion would have to radiate northwards. Thirdly it was suggested that, as the City was being expanded with migration northwards into these wards, obvious work and travel patterns could be identified by way of ties. Having considered the evidence in support of the provisional recommendation and that advanced by way of counterproposal I would accept the validity and strength of points made in support of the proposal and recommend, accordingly, that the Provisional Recommendations in relation to the transfer of the Collinbridge, Glebe and Glengormley wards from the South Antrim to the Belfast North constituency be given effect.
- (b) **the Provisional Recommendations in respect of the transfer of Cloughfern ward, at present in the East Antrim constituency, to Belfast North be given effect.** It is clear that in relation to Cloughfern ward differences of opinion have emerged between the parties. While the Democratic Unionist Party and Ulster Unionist Party representatives supported the Provisional Recommendations to the effect that the ward be transferred to Belfast North, their counterparts speaking on behalf of the Alliance Party, Sinn Féin and the Social Democratic and Labour Party, and Mr John Auld, all spoke against the proposal urging that the ward be retained in East Antrim. In essence the submissions opposing the transfer of the ward related in large measure to facilitation of EQ requirements in anticipation of the reconfiguration of the East Antrim constituency.

Arguments presented in favour of the Commission's proposal sought to identify Belfast North as being the natural home for the ward of Cloughfern. The evidence given was material insofar as it has discounted from my mind the possibility that, within the terms of rule

7[a] and [b] of the Rules, account should be taken of evidence, the weight of which points to significant and material inconvenience or detriment to local ties resulting from the exclusion of Cloughfern ward from East Antrim. I consider that the proposed transfer is in keeping with the ambitions of rule 5 of the Rules for Redistribution of Seats in seeking to establish an acceptably sized electorate for Belfast North. Accordingly, I commend the proposal under the Provisional Recommendations that the ward of Cloughfern be transferred to the Belfast North constituency.

- (c) **the counterproposal in respect of the transfer of the wards of Hightown and Ballyhenry, at present in the South Antrim constituency, to Belfast North be adopted and given effect.** Observations and recommendations expressed are to be read in conjunction with paragraph [d] below. This counterproposal has been submitted by Mr John Auld and the Alliance Party. In his written submission Mr Auld highlighted that the Newtownabbey LGD wards of Glengormley, Glebe and Collinbridge are tied socially and economically to the other three Antrim Line DEA wards of Hightown, Ballyhenry and Burnthill and subscribed to criticism of the alleged severance effect of the proposals on Glengormley. The Alliance Party submission spoke of detriment caused by the divide of a “clear and obvious community” arising from the Provisional Recommendations which, it was suggested, had the detrimental effect of splitting Glengormley Village. Criticism was also raised as to the meandering nature of the proposed constituency boundary *per se*. Written representation received by the Commission from Councillor Thomas Burns MLA, South Antrim, also touched on the absence of a clear boundary line as between the proposed constituencies of Belfast North and South Antrim.

The Democratic Unionist Party, Sinn Féin and Ulster Unionist Party representatives all recognised that the boundaries were ‘uncomfortable’ but had concerns, firstly, as to whether such concerns could be readily curable by a reconfiguration of the wards and, secondly, as to a possible ripple effect on the South Antrim constituency created by loss of wards arising from any remedial exercise.

With the benefit of a number of inspections to the locality I have little doubt but that the Provisional Recommendations, if effected, would have the outcome of intersecting Glengormley with the imposition of the constituency boundary line across the main Antrim Road thoroughfare at its intersection with Carnmoney Road and Farmley Road. I would regard this outcome as being unfortunate and having a clear adverse implication in terms of local ties.

I am likewise of the view that the boundary lines created under the proposals are unwieldy and at certain locations virtually obscure. I refer in particular to the intended constituency boundary line at the north east extremity of the Glengormley ward in the area of Pembroke south of Ferndale Road. It is to be noted at this point however that this boundary borders onto Burnthill ward. There further exist areas of new-build along the northern boundary of Glengormley ward that compound the difficulty in securing a defined constituency line.

On a broader issue, I also have regard to probable detriment arising from breach of ties that would result from severance of the Collinbridge, Glengormley and Glebe wards from the neighbouring wards of Hightown, Ballyhenry and Burnthill.

I consider misgivings expressed in relation to the Provisional Recommendations to have force and in that regard would recommend to the Commission the counterproposal for the transfer of Hightown and Ballyhenry wards from South Antrim into the reconstituted constituency of Belfast North, but not Burnthill for reasons explained below. I would regard the transfer to Belfast North of Hightown and Ballyhenry taken in isolation with the three wards of Collinbridge, Glebe and Glengormley as envisaged under the Provisional Recommendations to be the best available of a number of difficult options. I believe this to be the most effective approach aimed at maintaining cohesion of Glengormley Village as an entity and as a community unit taking account of local ties which would otherwise suffer prejudice, in my assessment, to an unacceptable degree. The transfer of said wards of Hightown and Ballyhenry should likewise serve to improve the geography of the constituency in terms of preferable boundary lines in terms of their definition. In that regard I bear in mind the advantage of increased coalition of boundary lines with arterial routes and the spanning of the constituency north eastwards through Glengormley to a clear pivotal point at Sandyknowes Roundabout.

I would further consider that the transfer of the wards of Hightown and Ballyhenry would, on one interpretation, provide some semblance of better cohesion of the net Antrim Line DEA arrangement with unity of five of the seven constituent wards, although I acknowledge misgivings expressed in course of Inquiry as to the sanctity of current DEA arrangements in the shadow of the Review of Public Administration.

- (d) **the counterproposal in respect of the transfer of the Burnthill ward, at present in the South Antrim constituency, to Belfast North is not adopted.** The counterproposal in respect of Burnthill would appear to raise a number of concerns although theoretically the option for its transfer appears to be distinctly attractive on initial analysis on grounds of establishing an acceptably sized electorate for the constituency and desire to preserve, so far as is possible, the integrity of the Antrim Line DEA. Objections to the counterproposal for the transfer of Burnthill and associate wards of Hightown and Ballyhenry were, in the main, based on doubt as to whether any reconfiguration of Newtownabbey LGD wards within a Belfast North constituency framework could, and would, alleviate difficulties in relation to unsatisfactory boundary lines. Dr McDonnell more specifically raised doubts as to the character of the constituency boundary line running its course between Burnthill and the neighbouring ward of Carnmoney. Secondly, uncertainty was expressed as to the adverse ripple effect caused by depletion of the number of South Antrim wards should the counterproposal be given effect.

Concerns as to the efficacy of any boundary line between Burnthill and Carnmoney would in my assessment appear to be well founded as the proposed boundary line appears to weave relentlessly in zig-zag fashion through the narrow residential avenues within the Wynnland area to the north of the ward. While there remain undoubted concerns as to the character and definition of the ward boundary line between the

Glengormley and Burnthill wards and to, *de facto*, what may materialise as the constituency boundary line, I am far from confident that these shall necessarily be cured or alleviated by the annexation of Burnthill into the Belfast North constituency. In some respects I would consider deficiencies arising under the proposed recommendations to be compounded by inclusion of the Burnthill ward.

Moreover unlike Hightown and Ballyhenry, I do not regard the transfer of Burnthill ward as being crucial to uniting the core of Glengormley. I have immediately to recognise and acknowledge that, all other considerations aside, the joinder of Burnthill within Belfast North would be the preferable course given that some measure of loss of ties is likely to arise.

The transfer of wards as between constituencies has, obviously, a ripple effect, of influence to the Boundary Commission's formulation of their final recommendations. The counterproposal to transfer from South Antrim the wards of Hightown, Ballyhenry and Burnthill in addition to Collinbridge, Glengormley and Glebe yields for Belfast North a total electorate figure of 65,121 based on 2003 enumeration date figures and a healthy deviation from the EQ of +6.8%. However in terms of ripple effect on South Antrim flowing from the counterproposal, the assessed Provisional Recommendations electorate figure for that constituency of 57,615 is decreased to 51,831 and this is mirrored by an increase in the deviation EQ for the constituency from -5.5 to -14.99 percentage points. With rule 5 of the Rules for Redistribution of Seats in mind one suspects that a deviation from the EQ of that significance parts from the realms of acceptability.

In terms of reappraising the counterproposal with rule 5 to the fore, it is apparent that the substance of the mischief sought to be cured by the spirit of the counterproposal can still be accommodated in large measure by the retention of Burnthill within South Antrim. This approach would yield for South Antrim reduced deviation from the EQ of -11.8% based on enumeration date electoral figures [or -10.6% on 2005 electoral figures]. This deviation might be considered as uncomfortable but it holds Belfast North's deviation from the EQ at +3.0% and, in relation to both constituencies allows for future trend adjustments. On the basis of the foregoing and having regard to rule 5 of the Rules for Redistribution of Seats, I do not recommend adoption of the counterproposal in relation to the transfer of Burnthill accordingly.

- (e) **the counterproposal for the transfer of the Mallusk ward at present in the South Antrim constituency to Belfast North is not recommended.** This counterproposal was not formally fielded in written representations or alternative schemes submitted in response to Provisional Recommendations. It emerged initially at hearing only as an observation in relation to the effect of the Alliance Party scheme, and that of Mr Auld, to transfer six of the seven Antrim Line DEA wards to Belfast North thus isolating Mallusk. Both Dr Farry and Mr Auld recognised the potential value in moving all of the Antrim DEA wards *en bloc* into Belfast North. Although an attractive proposal I would not consider it to be viable at this time. I bear in mind, having regard to both enumeration date and April 2005 figures [3,568 and 4,130 respectively] that Mallusk by a substantial margin holds the largest electorate figure of the 35 wards comprising the South Antrim constituency. Its transfer

would thus hold EQ disparity implications well in excess, for example, of those discussed above in relation to possible redesignation of Burnthill. On the basis of evidence before the Inquiry I am unable to commend transfer of Mallusk as being an imperative within terms of the Rules or as desirable in attempting to achieve EQ compliance. Despite its high electorate values Mallusk in parts remains distinctly rural unlike its sister DEA wards and it does not appear to span into the ‘community entity’ core of Glengormley. Accordingly I do not believe that the reasons given for the recommended transfer of Hightown and Ballyhenry hold true for Mallusk.

- (f) **the counterproposal for the transfer of Jordanstown, Monkstown, and Rostulla wards, at present in the East Antrim constituency, to Belfast North is not adopted.** This counterproposal tabled by Mr Maginness MLA had at its core the protection of the integrity of the Antrim Line DEA. Mr Maginness readily acknowledged that there existed a natural affinity between the Collinbridge, Glebe and Glengormley wards and North Belfast and that the counterproposal to transfer the wards of Jordanstown, Monkstown and Rostulla from East Antrim to Belfast North would result in a degree of disintegration of their host University DEA although he considered the impact to be less significant than that resulting from the Provisional Recommendations. From the perspective of achieving compatibility with an acceptably-sized electorate under rule 5 of the Rules for Redistribution of Seats, he considered that the counterproposal was no less disadvantageous than, if not on par with, the option proposed under the Provisional Recommendations. He further submitted that geographical considerations favoured his counterproposal.

While considering the counterproposal to be worthy of careful consideration I hold a number of reservations which ultimately lean me to a view that transfer of Antrim Line DEA wards may be a more sustainable option in the final analysis.

The scheme for transfer of three Newtownabbey LGD wards of Collinbridge, Glebe and Glengormley from South Antrim as proposed under the Provisional Recommendations yields a deviation from the EQ of -2.7% for Belfast North with a resultant deviation value of -5.5% for the donor constituency of South Antrim. The calculations are based on transfer of Cloughfern from East Antrim into Belfast North as envisaged under the Provisional Recommendations. The counterproposal yields a deviation from the EQ of +0.54% for Belfast North with like inclusion of Cloughfern but the deviation from the EQ for East Antrim on the basis of that configuration stands at -14.56%. This places the Provisional Recommendations at a distinct advantage in terms of achievement of an acceptably sized electorate within rule 5 of the Rules for Redistribution of Seats.

Setting the counterproposal against a scheme involving the transfer of Collinbridge, Glebe, Glengormley and Cloughfern wards as envisaged under the Provisional Recommendations in tandem with transfer of additional South Antrim wards of Hightown and Ballyhenry provides for a much more finely tuned balance from an EQ standpoint. The deviations from the EQ under such scheme compute at +3.7% for Belfast North and -11.8% for South Antrim compared to the stated counterproposal values of -0.54% for Belfast North and -14.6% for East Antrim. The counterproposal provides for the retention of Cloughfern within East Antrim which would reduce the deviation for that

constituency to -11.4% but likewise have the effect of increasing the margin for Belfast North to -2.6%. The Antrim Line scheme would thus be a preferable outcome with a figure of 3.7 percentage points above the EQ. Calculations on basis of the 2005 electoral figures indicate a sustained advantage to the Antrim Line scheme with a reduced deviation from the EQ for Belfast North at +1.7% but like reduction in the deviation value for South Antrim to -10.6% compared to counterproposal values of -0.7% and -13.95% for Belfast North [Cloughfern included] and East Antrim respectively.

In short, from the perspective of deviations from the EQ, I would be cautious in commending the counterproposal as a preferred option.

Placing mathematical considerations aside, I also believe that the Provisional Recommendations, if revised to include the transfer of Hightown and Ballyhenry, may go some distance to ameliorating the more obvious fracturing of the Antrim Line DEA which has been raised as a concern.

However in coming to a final determination on the issue the answer, in part at least, also clearly lies in the identification of that coalition of wards which lies more naturally within the bounds of North Belfast. I believe that the balance favours the Antrim Line wards in terms of geographic association and social affinity and ties. In that regard I bear in mind the general favourable response to the proposals for the transfer of Antrim Line wards at first instance, the acknowledgment by Mr Maginness of affinity between the Antrim Line wards and Belfast North or the City, the evidence given of affinity as between the wards within the Antrim Line grouping and the general proximity and orientation of the wards concerned to the constituency of Belfast North compared, perhaps, to the more remote northern reaches of Jordanstown ward.

- (g) **the counterproposal for the transfer of the Abbey ward, at present in the Belfast North constituency, into East Antrim [Antrim Coast & Glens], is not adopted.** This counterproposal was tabled by the Alliance Party as part of their proposals in respect of the reconstituted East Antrim constituency ostensibly to establish an acceptably-sized electorate for the constituency. The schemes submitted by way of written representations and the evidence adduced or submissions made before the Inquiry have not pointed to any real support for this counterproposal. With ambition to establish a reasonably-sized electorate for Belfast North, and having some regard to the possibility of an element of detriment to local ties given exclusion of Abbey from its family of wards within the Macedon DEA, I am not of a view that it would be appropriate to transfer the ward of Abbey from Belfast North. I also have regard to the contingency nature of the counterproposal and the absence of evidence upon which a decision could be appropriately made. I do not recommend adoption of the counterproposal accordingly.
- (h) **the counterproposals for the transfer of the Crumlin and Woodvale wards, at present in the Belfast North constituency, to Belfast West are not adopted.** Essentially these counterproposals if taken in isolation, submitted on behalf of the Alliance Party and by Mr John Auld have the effect of transferring two wards and their respective electorates as between the neighbouring constituencies with a resultant mathematical credit/debit effect of increasing or decreasing the deviation from the EQ for each of the constituencies affected by 8.6 percentage points. In terms

of strict application of rule 5 of the Rules for Redistribution of Seats the ambition

should be for attaining an outcome for each constituency as close to zero deviation as possible. In that regard the application of rule 5 would favour transfer of the wards from Belfast North to Belfast West insofar as the under-quota deviation values for the constituencies would improve by 1.3 percentage points.

Parliamentary Constituency	Deviation from 2003 EQ 60,969]	Deviation from 2003 EQ 60,969
	Including Crumlin & Woodvale in Belfast West	Excluding Crumlin & Woodvale from Belfast West
Belfast North	+3.7	-5.1
Belfast West	+2.2	-6.5

Figures to nearest decimal point

The figures illustrate possible outcomes but, of course, likewise identify a resultant disparity in deviations from the EQ for both constituencies which would also favour the transfer of Crumlin and Woodvale wards from Belfast North into Belfast West. While the Rules are specific that the Boundary Commission take account so far as they reasonably can of inconveniences attendant on alterations of constituencies and of any local ties broken by such alterations [rule 7], the Rules address the issue of avoiding excessive disparity between the electorate of any constituency and that of neighbouring constituencies as being a factor which may justify departure from rule 4 [division of wards between constituencies] if the Commission consider it “desirable” to avoid such excessive disparity. Obviously there is wisdom in giving recognition to the ethos behind the rules in their ambition to secure parity between constituencies in terms of electorate and equality of responsibility as between sitting Members of neighbouring constituencies. However the Rules as such do not appear, in direct terms, to mandate that the Boundary Commission take account of possible excessive electorate disparity as between constituencies although such an implication might be drawn from rule 5 of the Rules for Redistribution of Seats when applied to all constituencies at large.

In that regard, guided by rule 7 of the Rules I therefore take into account the inconveniences and detriment to local ties should effect be given to the counterproposal that Crumlin and Woodvale be transferred from Belfast North to Belfast West while seeking to achieve compliance with a requirement under rule 5 to ensure that the electorates of the relevant constituencies are as near the electoral quota as practicable.

Ultimately it is a matter of the weight to be given under rule 7 of the Rules of evidence in relation to inconveniences and detriment to local ties in entertaining a departure from strict compliance with rule 5 of the Rules and likewise to rule 7 in its definition of duty to comply with the Rules in all circumstances.

I have considered carefully the competing claims in terms of the existence of local ties of the Crumlin and Woodvale wards with the respective constituencies of Belfast North and Belfast West and more particularly, bearing in mind the statutory language, the inconveniences attendant on, and local ties which would be “broken” by such alterations.

Having regard to the evidence before the Inquiry I have little doubt that over the past number of decades the people of Crumlin and Woodvale have established material ties with Belfast North as a constituency. On one view there has been a remoulding of the constituency, possibly the legacy of political groundwork but of which, in coming to conclusions within the remit of the Inquiry I need take little account, other than to consider it one of many factors when distilling the actual nature, character and basis of ties which may so exist. The evidence in any event points to a well developed affiliation and cohesion of both wards with the constituency at large and, what I would consider to be, a definite engagement of the wards with the constituency in terms of the existence of social ties, family links, housing provision, constituency infrastructure, established economic development structures, health and social service provision and common administrative boundaries.

The evidence also points to the prevalence of road networking between the wards and Belfast North as opposed to Belfast West and of changed retailing patterns with use of shopping complex facilities to the north of the City.

I would consider there to exist local ties as between the Crumlin and Woodvale wards which would be breached by their transfer from Belfast North and that due account should be taken of the detriment suffered. I have little doubt that Crumlin and Woodvale may also have ties with the neighbouring wards of Shankill and Glencairn in terms of social and family associations, local retailing and, obviously, the sharing of major road links given the unfortunate imposition pattern of wards along the Shankill Road but it is doubtful if such existing ties would suffer material detriment by retention of Crumlin and Woodvale wards within Belfast North or, for that matter, would be appreciably strengthened if the wards were to be transferred in terms of the proposal. However, in strict terms, the promotion of local ties is not to be read as an issue of influence with the terms of rule 7 of the Rules for Redistribution of Seats.

In the absence of rebuttal evidence leading to a conclusion that local ties that lie as between Crumlin and Woodvale with Belfast West are such as to be likely to exercise a tempering influence on the effect of those otherwise broken, or that suggested local ties with Belfast North and the detriment suffered by their breach may be equivocal, I consider the evidence before me lends itself to a conclusion that the Provisional Recommendations in so far as they effect Crumlin and Woodvale ought to be commended to the Commission and that they remain in Belfast North.

However, being required to have regard to rule 5 of the Rules I believe it necessary to identify a factor which may have an influence as to which scheme proposed or counter proposed should ultimately be preferred in relation to the Crumlin and Woodvale wards.

As mentioned in paragraph 3.15, in choosing between schemes which are otherwise permissible under the Rules, the Commission may take into account changes in the electorate which have either occurred since the enumeration date or which they are satisfied will occur in the near future and in that regard I shall make a number of observations. The deviation from the electoral quota under the Provisional Recommendations for Belfast North calculates at -2.7% . While it is recognised that recommendations herein, with retention of the Crumlin and Woodvale

wards, yield a deviation from the EQ of +3.6% [enumeration date figures] this has been accomplished at a cost. The transfer of five wards from the constituency of South Antrim has had the effect of increasing deviation from the EQ arising under Provisional Recommendations for that constituency by 6.3 percentage points from -5.5% to -11.8%. In that regard however it is observed that calculations under the 2005 electoral figures show a decrease in the said deviation from the EQ for South Antrim to a slightly more acceptable 10.6 percentage points below the EQ while the surplus deviation from the EQ for Belfast North under the proposals herein has decreased from +3.6% to +1.0%. However in relation to Belfast West the projected figures based on the April 2005 Electoral Register show a reverse trend to that of Belfast North with a decrease in deviation from the electoral quota figure (rounded up) from -6.5% to -4.9% which compares favourably with the average deviation from the EQ for the City constituencies and with the projected figure for Belfast North under the Provisional Recommendations based on 2005 Electoral Register figures of -4.3%.

- (i) I recommend that the constituency be designated a borough constituency and that the name should remain 'Belfast North'.

6. BELFAST WEST CONSTITUENCY

Introduction

- 6.1 In their Provisional Recommendations announced on 29 April 2004 the Boundary Commission recommended the following revision:

“Belfast West constituency to include the Lisburn LGD wards of Derryaghy, Dunmurry and Seymour Hill, at present in the Lagan Valley constituency.”

- 6.2 In their Statement of Reasons published 14 June 2005 the Commission sought to address and amplify guiding principles behind the proposed revision in the following terms: -

“The proposed transfer of otherwards and Lisburn LGD wards to the Belfast constituencies reflect the urban development of Belfast and enable the retention of four Belfast borough constituencies with similar sized electorates, and respect the integrity of theand Dunmurry Cross DEA. The proposed [constituency is] **Belfast West** with an electorate of 58,722 (3.7% below the EQ).”

Written Representations

- 6.3 In addition to the representations pertaining to the Belfast West constituency already referred to and discussed in Part 5 of this Report, other written representations were received by the Commission including representations from 'bodies of electors' namely by way of petition bearing 996 names under cover of Representation No 20 received from Mrs Angela Smith, Chairperson of Seymour Hill and Conway Residents Association and Mr Jackie Stewart, Chairperson of the Dunmurry Community Association and a petition bearing names of 96 electors within the Derryaghy ward under cover of Representation No 22 submitted by Sinn Féin.
- 6.4 The representations reflected a diversity of view as to the approach taken by the Commission in relation to the transfer of Seymour Hill ward, and to a lesser extent, Derryaghy ward from the Lagan Valley constituency to that of Belfast West. In summary

written representations which were received from the Alliance Party, Ulster Unionist Party, Sinn Féin and Mr John Auld supported or did not raise objection to the proposal to transfer Derryagh, Dunmurry and Seymour Hill to Belfast West while, conversely, clear opposition to the proposal was raised by other political and community based contributors including local residents associations, Mr Jeffrey Donaldson, Member of Parliament for Lagan Valley, and the DUP Lagan Valley Association.

- 6.5 The essential elements of written representations received by the Commission are as follows:

Representation No. 5, Mr John Auld: supportive of proposals to transfer Derryagh, Dunmurry and Seymour Hill from Lagan Valley to Belfast West;

Representation No. 7, Mr David McCarthy, Lodge Secretary of Dunmurry True Blues LOL 1046 Derryagh District No 11 objecting to transfer of Dunmurry and Seymour Hill wards from Lagan Valley to Belfast West. The submission refers to disenchantment with the sitting Member of Parliament for Belfast West and perception of Republican complexion of the Belfast West constituency. Observations, material to deliberations, are made in relation to the existence of business, shopping and schooling ties with Lisburn;

Representation No 17, Mr William Leathem, Chairman of Democratic Unionist Party Lagan Valley Association objecting on behalf of the Constituency Association to transfer of wards from the Dunmurry area to Belfast West which would result in Seymour Hill and Conway areas, and their local community, being split between two constituencies. The written submission endorses petition from ‘body of electors’ [under cover of Representation No 20];

Representation No 18, Mr Jeffrey Donaldson MP MLA, Democratic Unionist Party, objecting to transfer of wards in Dunmurry Cross DEA from Lagan Valley constituency to Belfast West and endorses petition from ‘body of electors’ [under cover of Representation No 20];

Representation No 20, Mrs Angela Smith, Chairperson Seymour Hill and Conway Residents’ Association and Mr Jackie Stewart, Chairperson of Dunmurry Community Association, objecting to the transfer to Belfast West of Seymour Hill and Derryagh wards with detriment caused by the division of Seymour Hill and Conway between the Lagan Valley and Belfast West constituencies and on the basis that a close-knit community should not face the prospect of being part of a constituency with which it has little affinity. Objection is further raised on the basis that electors of Seymour Hill and Conway estates have civic, social and economic ties and affinity with Lisburn rather than with Belfast West and that the Provisional Recommendations are not grounded on proper analysis of demographic trends or community connections. The representation regrets the undertaking of a Review in advance of one of local government wards, speaks of significant actual and anticipated housing development in the Lagmore area of Derryagh ward evidenced by collateral parish and school development, population expansion in the ward and a probability that the ward would now be subject to a division on any local government boundary review with Lagmore estate transferring to Belfast West. The Representation is accompanied by a petition of a ‘body of electors’ being “residents of Seymour Hill and Dunmurry” reported to exceed 1,000 in number formally endorsing the objection “to the division of our local area with the transfer of Seymour Hill Ward to the West Belfast constituency.”

Representation No 22, Sinn Féin, supportive of Provisional Recommendations in relation to Belfast West with statistical formulation submitted prepared on basis of transfer of Derryagh, Dunmurry and Seymour Hill to Belfast West.

Representation No 23, Ulster Unionist Party, providing tentative support for the proposals on the basis that they would reunite the Dunmurry DEA wards and on the basis of recognition for need to increase the number of electors in the City. However, understanding is expressed as to the feeling in the Dunmurry wards of Lagan Valley

which does or may not welcome the proposal that the wards of Derryaghy, Dunmurry and Seymour Hill be transferred.

Representation No 24, Alliance Party, scheme submitted provides for inclusion of Derryaghy, Dunmurry and Seymour Hill to Belfast West.

Representations at Inquiry

- 6.6 At hearing of the Local Inquiry representations in relation to the transfer of Derryaghy, Dunmurry and Seymour Hill, none of the representatives or contributors appearing before me disagreed with the Provisional Recommendations insofar as they affected Belfast West as recipient or Lagan Valley as the donor constituency.
- 6.7 Dr Farry speaking on behalf of the Alliance Party, confirmed that he was supportive of the transfer of Derryaghy, Dunmurry and Seymour Hill into Belfast West. He considered this necessary in order to achieve compatibility with the EQ for the constituency. While acknowledging the potential for opposition at ward level, in an effort to achieve such EQ compatibility he suggested that there was justification for transfer of all wards in tandem.
- 6.8 With the caveat that there might be other submissions voiced at other Inquiries in relation to changes arising directly or indirectly from the effect of the Commission's Provisional Recommendations for Belfast West, Mr Bullick, speaking on behalf of the Belfast Democratic Unionist Party MPs and MLAs, confirmed that the Provisional Recommendations were accepted and that “in the round and on balance, the boundaries suggested by the Provisional Recommendations are appropriate”. He spoke of the language used in the accompanying written submission to the Inquiry made in relation to the Belfast North and Belfast West constituencies being to the effect that the outcome of the Provisional Recommendations was “inescapable”.⁸
- 6.9 In his address Mr Sean Begley, spokesman for Sinn Féin, confirmed the agreement of the party with the Provisional Recommendations in relation to the constituency observing that “in terms of putting the Derryaghy, Dunmurry and Seymour Hill wards into West Belfast. We feel that is the only way forward”.
- 6.10 Mr Auld, noting that while his representation prepared in response to the Provisional Recommendations expressed agreement with the transfer of Dunmurry and Seymour Hill to Belfast West, urged reconsideration “on the basis of submissions received”. He observed however that in his view Derryaghy ward would be best placed in Belfast West on grounds that the area included the Lagmore housing development which in his view was generally part of West Belfast rather than Lisburn.
- 6.11 Mr Stephen Barr, speaking on behalf of the Ulster Unionist Party, confirmed support for the Provisional Recommendations for Belfast West recognising that the constituency was under-quota and that the only potential donor constituencies were Lagan Valley or Belfast South. Mr Barr acknowledged the existence of opposition to any proposal to transfer Seymour Hill into Belfast West and flagged up the probability that such opposition would be voiced at another of the scheduled Inquiries.

Recommendations

- 6.12 Having considered oral representations made before the Inquiry in tandem with written representations, including petitions, submitted to the Boundary Commission in response to

⁸ “Accepting that the boundary should remain between North and West Belfast, it is therefore inevitable that West Belfast must expand southwards into Lagan Valley. Given the nature of the map in this area such a decision has inescapable implications” *Submission to the Boundary Commission Inquiry for the Belfast constituencies on behalf of Belfast DUP MPs and MLAs*

Provisional Recommendations, I recommend to the Commission in respect of Belfast West that:-

- (a) **the Provisional Recommendations in respect of the transfer of the Derryaghy and Dunmurry wards from Lagan Valley to Belfast West be given effect.** I consider this necessary, at first instance, in order to secure an acceptable degree of compatibility with the EQ under rule 5 of the Rules for Redistribution of Seats. The oral evidence heard before the Inquiry indicated, expressly or by clear implication, that the transfer of these wards was justified on the basis of the foregoing. Derryaghy, the most westerly of all the wards under consideration by the Provisional Recommendations reveals, in course of a number of visits to the ward, what would appear to be clear linkages with other Belfast West constituency wards such as Twinbrook, Kilwee, and Poleglass in terms of transport, road network, and settlement pattern. Such linkages are not evident within the ward in relation to Lisburn or Lagan Valley. Derryaghy consists in part of large areas of dense concentrations of what appear to be new-build housing. Ongoing development is particularly evident within, and to the periphery, of Lagmore estate which lies to the north west sector of the ward. I think that it would be reasonable to conclude that within significant areas of the ward, particularly within its densely-populated zones, ties and linkages would point more distinctly to a Belfast West orientation.

There is little doubt nonetheless that to the southern end of Derryaghy ward there exist areas such as Milltown with its more rural orientation, and likewise locations such as Rathmoyne and Coolemoyne House to the west of Queensway which would appear to have distinctive ties with Seymour Hill estate, and the Conway area to the east of Queensway adjuncting the southern end of Seymour Hill ward where the ties with Lisburn are perceptible. One is mindful also of all written representations received, with submission of petition, on behalf of the Seymour Hill and Conway Residents Association and that received from the Dunmurry Community Association.

As to whether consideration should be given to dividing the ward between the two constituencies of Lagan Valley and Belfast West, however, one has to be mindful of the largely forbidding terms of rule 4[c] of the Rules for Redistribution of Seats which have to be given effect so far as is practicable and indeed to criteria enabling departure from strict application of rule 4 as set out under rules 5 and 6 thereof. I do not believe that issues of deviation from the EQ, or disparity of electorates as between constituencies or geographic considerations would entitle me to make any recommendation in relation to the division of Derryaghy and I also believe that the satisfactory identification of a definable partition line may be something of a problematic issue should division of the ward ultimately appear desirable. I would wish to stress that the Commission may ultimately be guided by rule 7 in coming to a conclusion otherwise in relation to division of the ward but on the basis of evidence before, and available to, me at the Inquiry, I do not believe myself to be in a position to advance observations which, on balance, would ground a recommendation that the ward of Derryaghy should be included partly in the Lagan Valley and partly in the Belfast West constituency.

In relation to the ward of Dunmurry it is evident that its orientation in terms of ties with Lisburn and the Lagan Valley constituency is not conspicuous. Indeed one has an impression that large sectors of the ward primarily to the west of the main A1 arterial route [Kingsway] running through Dunmurry ward, in terms of connections, links and ties, have a gravitational pull towards the southerly wards of Belfast West. This may reflect a pattern that over the years the Belfast West constituency has extended in radial fashion southwest towards Derryaghy and southeast into Dunmurry. There may likewise be a case for suggesting that

the commercial heart of the ward exhibits a draw towards Finaghy or South Belfast as opposed to Lisburn. To the east of the A1 [Kingsway] lies a much smaller settlement area to the north of Seymour Hill ward merging into Seymour Hill estate, if not part of the estate proper in terms of local geography, physical proximity and community affiliation. Indeed it would appear, looking at the issue from an alternative perspective, that much of the residential area of Dunmurry to the East of the A1 [Kingsway] appears to fall within the ward of Seymour Hill.

I have little doubt that the transfer of Dunmurry ward into Belfast West shall cause detriment to some local ties but not in respect of the ward at large. I would consider that local ties ascertainable within the ward might be identified with all three constituencies of Lagan Valley, Belfast South and Belfast West, the latter of which I consider likely to be the most prominent.

The evidence before me, and available at Inquiry, leads me to conclude that the weight which might be attached to account taken of local ties under rule 7 of the Rules for Redistribution of Seats is not sufficient to divert me from a view that the Provisional Recommendations in relation to Dunmurry ward is to be commended as being appropriate in all the circumstances and that division of the ward as between Lagan Valley and Belfast West would be not appropriate according to such evidence.

Again I would wish to stress that the Commission may ultimately be guided by rule 7, and additional evidence available to them, in coming to an alternative conclusion in relation to division of the ward. However having regard to requirements of rule 4, and the enabling criteria implied in rule 5 [EQ compatibility and disparity] and rule 6 [geographic considerations] set against the evidence which I have actually been able to consider, the transfer of Dunmurry ward without division to Belfast West, as envisaged under the Boundary Commission proposals remains my recommendation.

- (b) **the Provisional Recommendations in respect of the transfer of the Seymour Hill ward from the Lagan Valley constituency to Belfast West be reconsidered.** All representatives who contributed at the Inquiry hearing spoke in support of the proposal to transfer Seymour Hill, along with neighbouring wards of Derryaghy and Dunmurry, from Lagan Valley into Belfast West save for Mr Auld, who, acknowledging that while his written representation had provided for such transfer, considered that the proposal should be revisited in light of local opposition now known to him. No evidence as such was offered at the Inquiry which criticised outright, or demurred from, the provisional recommendation.

The Inquiry nonetheless had a number of written submissions before it, one supported by petition from a body of electors, detailing opposition to the recommendation that required careful consideration. The representation on behalf of the Seymour Hill and Conway Residents' Association and Dunmurry Community Association, speaks of detriment caused to a close knit community, the existence of civic, social and economic ties and affinity with Lisburn while the representation received from Mr David McCarthy, Lodge Secretary on behalf of Dunmurry True Blues LOL 1046 Derryaghy District No 11 re-echoes the claim of loss of ties more particularly in terms of business, retailing and schooling resulting from the transfer of the ward from Lagan Valley.

I have likewise had the benefit of considering written representation from Mr Jeffrey Donaldson MP MLA, the sitting Member of Parliament for the Lagan Valley constituency, confirming the existence of widespread opposition to the provisional recommendation and endorsing opposition to the "division of

communities” affected by the proposals and the “transfer of part of their locality”.

On the face of representations received with expressions of disquiet as to the prospect of the merger of Seymour Hill with Belfast West one has to recognise the possibility that opposition has been motivated by a perception that proposed changes in respect of Seymour Hill would alter the nature of its political representation. While this may be a factor, which clearly is not a matter of concern legitimate to the Inquiry or Review, I am satisfied that there exist genuine concerns of which I should take account under rule 7 of the Rules for Redistribution of Seats. A number of inspection visits to the locality following the Inquiry have served to reinforce my view in that regard.

The ward itself appears to be comprised primarily of housing and associated amenity areas and accommodates the Seymour Hill estate and what might be considered residential area spanning from the south east of the neighbouring Dunmurry ward. The boundary between the Seymour Hill and Lambeg wards to the south appears obscure, caused primarily by the fact that the estate appears to have encroached decisively into Lambeg. Transfer of the ward into Belfast West would thus have the effect of severing the estate between two constituencies. The ward itself appears to be very similar in character and attributes to Lambeg and one strongly suspects, and I can put it no further than that in the absence of direct oral evidence grounding the proposition before the Inquiry, that the people of Seymour Hill probably do look towards Lisburn as opposed to Belfast in terms of social activities, educational establishments, shopping and sense of identification. It is apparent that Seymour Hill like Lambeg, for example, in terms of governmental agencies [local government, housing] and health service provision [Lagan Valley Hospital, Down and Lisburn Health and Social Services Trust] falls within the shadow and influence of Lisburn, assisted by established lines of road, rail and public transport provision. Again Seymour Hill ward like Lambeg would appear to fall within the public facility catchment area of Lisburn.

I have, of course, to exercise caution in circumstances where the breadth of evidence given at the Local Inquiry was in support of transfer of Seymour Hill to Belfast West but that evidence also identified the likelihood of strong local opposition to the provisional recommendation.

In coming to a view, nevertheless, I have to give due regard to the written representations received by the Commission and to the petition which, no doubt, could be properly regarded as evidence of strength of feeling and endorsement of claims made in the covering representation submitted as to the detriment arising from breach of ties consequent to any transfer of Seymour Hill ward from Lagan Valley. Moreover I am duty bound to have regard to rule 7 of the Rules for Redistribution of Seats and to have regard to breach of local ties arising by proposed alteration to the Lagan Valley constituency.

In the circumstances I consider that the account taken by me of detriment to local ties arising from the proposal, and the weight which I have attached to likely detriment caused by breach of local ties so incurred, leads me to conclude that Seymour Hill should not be transferred from the Lagan Valley constituency to Belfast West and to commend to you reconsideration of the provisional recommendation accordingly.

- (c) **I recommend that the constituency should be designated a borough constituency and that the name should remain ‘Belfast West’.**

7. SUMMARY

- 7.1 There should remain four Belfast Parliamentary borough constituencies.
- 7.2 The names and designations of each of the Parliamentary constituencies should remain unchanged.
- 7.3 The four Belfast borough seats should be reconstituted in a manner summarised as follows showing change of ward configurations to existing Parliamentary constituency arrangements.

Belfast East:

Add	Ballyhanwood Carrowreagh Dundonald Enler Graham's Bridge
-----	--

Remove	Wynchurch Hillfoot
--------	-----------------------

Belfast North:

Add	Cloughfern Collinbridge Glebe Glengormley Ballyhenry Hightown
-----	--

Belfast South:

Add	Carryduff East Carryduff West Hillfoot Wynchurch
-----	---

Belfast West:

Add	Derryaghy Dunmurry
-----	-----------------------

- 7.4 The effects of recommendations are set out in fuller detail at Annex A showing for each of the Belfast borough constituencies their ward names, ward electorates, total constituency electorates and deviation from the EQ based on enumeration date (16 May 2003) ward electorates.
- 7.5 The effect of recommendations are shown likewise by map presentation, at Annex B showing for each of the Belfast borough constituencies their constituent ward names, total constituency electorate and deviation from the EQ based on the enumeration date (16 May 2003) ward electorates.
- 7.6 The effect of recommendations are shown likewise by map presentation, at Annex C, showing for each of the Belfast borough constituencies their constituent ward names, total

constituency electorate and deviation from the EQ based on parliamentary ward electorates according to the Electoral Register published on 1 April 2005.

- 7.7 The effect of the recommendations are shown in tabulation form below indicating comparative values as between schemes based on both enumeration date (16 May 2003) ward electorates and electorates according to the Electoral Register published on 1 April 2005.

Parliamentary Constituency	Deviation from 2003 EQ [60,969]	Deviation from 2003 EQ [60,969]	Deviation from 2003 EQ [60,969]	Deviation from 2005 Electoral Average [63,665]	Deviation from 2005 Electoral Average [63,665]
	Existing at 2003	Provisional Recommendations	Assistant Commissioner	Provisional Recommendations	Assistant Commissioner
Belfast East	-14.9	-2.9	-3.6	-4.5	-5.3
Belfast North	-15.5	-2.7	+3.7	-4.3	+1.7
BelfastSouth	-17.0	-5.3	-4.5	-6.2	-5.5
Belfast West	-16.6	-3.7	-6.5	-2.2	-4.9

Acknowledgment

I wish by way of conclusion to express my sincere thanks and appreciation to all who attended the Inquiry and for the manner in which they presented their evidence and participated in the proceedings. I should say that I was greatly impressed with the skilful presentation of crafted and pragmatic submissions and observations offered by all contributors which have been of significant assistance in preparation of this Report.

Underpinning many of the arguments and comments appeared to be an appreciation of the endeavours and efforts of the Boundary Commission in the discharge of their responsibilities and a ready recognition or understanding of the genuine difficulties and sensitivities which may be encountered in coming to an acceptable outcome for redistribution of seats set against the constraints of a restrictive statutory framework married with mathematical imponderables.

I would like to take this opportunity of thanking the Secretariat for the invaluable advice, assistance and support given throughout the course of the Inquiry and for their dedication and efficiency in preparation for, and organisational management of, the Local Inquiry hearing.

JAMES C TOOLAN



Assistant Commissioner

15 November 2005.

Annex A

Wards recommended for transfer into constituencies are shown in red.

BELFAST EAST	BALLYHACKAMORE	3806	
	BALLYMACARRETT	2993	
	BELMONT	3958	
	BLOOMFIELD	3301	
	CHERRYVALLEY	3825	
	CREGAGH	1448	
	DOWNSHIRE	1642	
	GILNAHIRK	1799	
	ISLAND	2317	
	KNOCK	3437	
	LISNASHARRAGH	1577	
	LOWER BRANIEL	1830	
	ORANGEFIELD	3795	
	STORMONT	3997	
	SYDENHAM	3225	
	THE MOUNT	2438	
	TULLYCARNET	1508	
	UPPER BRANIEL	1631	
	BALLYHANWOOD	2264	
	CARROWREAGH	2438	
DUNDONALD	2071		
ENLER	1591		
GRAHAM'S BRIDGE	1865		
	TOTAL	58,756	-3.6
BELFAST NORTH	ABBEY	1892	
	ARDOYNE	3359	
	BALLYSILLAN	3530	
	BELLEVUE	2821	
	CASTLEVIEW	3179	
	CAVEHILL	3570	
	CHICHESTER PARK	3157	
	CLIFTONVILLE	3199	
	COOLE	1478	
	CRUMLIN	2588	
	DUNANNEY	1300	
	DUNCAIRN	2272	
	FORTWILLIAM	3088	
	LEGONIEL	3265	
	NEW LODGE	3139	
	VALLEY	1944	
	WATER WORKS	3355	
	WHITEHOUSE	1562	
	WOODVALE	2724	
	CLOUGHFERN	1943	
COLLINBRIDGE	1985		
GLEBE	2151		
GLENGORMLEY	1836		
BALLYHENRY	2169		
HIGHTOWN	1687		
	TOTAL	63,193	+3.7

BELFAST SOUTH	BALLYNAFEIGH	2615	
	BEECHILL	2813	
	BLACKSTAFF	2277	
	BOTANIC	2050	
	CAIRNSHILL	2262	
	FINAGHY	3334	
	GALWALLY	1663	
	KNOCKBRACKEN	1992	
	MALONE	3417	
	MINNOWBURN	1583	
	MUSGRAVE	3285	
	NEWTOWNBREDA	1759	
	RAVENHILL	3429	
	ROSETTA	3374	
	SHAFTESBURY	3152	
	STRANMILLIS	3178	
	UPPER MALONE	3117	
	WINDSOR	2384	
	WOODSTOCK	2915	
	CARRYDUFF EAST	2293	
CARRYDUFF WEST	1961		
HILLFOOT	1906		
WYNCHURCH	1466		
	TOTAL	58,225	-4.5
BELFAST WEST	ANDERSONSTOWN	3800	
	BEECHMOUNT	3147	
	CLONARD	2602	
	COLLIN GLEN	2729	
	FALLS	3034	
	FALLS PARK	3792	
	GLENCAIRN	2360	
	GLENCOLIN	3962	
	GLEN ROAD	3568	
	HIGHFIELD	3380	
	KILWEE	2000	
	LADYBROOK	3878	
	POLEGLASS	2144	
	SHANKILL	2320	
	TWINBROOK	1618	
	UPPER SPRINGFIELD	3304	
	WHITEROCK	3232	
	DERRYAGHY	3641	
	DUNMURRY	2510	
		TOTAL	57,021

**TO THE CHAIRMAN AND MEMBERS OF THE BOUNDARY
COMMISSION FOR NORTHERN IRELAND**

**REPORT OF A LOCAL INQUIRY HELD IN RESPECT OF THE
PARLIAMENTARY CONSTITUENCIES OF FOYLE, EAST LONDONDERRY,
NORTH ANTRIM, SOUTH ANTRIM AND EAST ANTRIM (PROPOSED ANTRIM
COAST AND GLENS)**

HELD ON 14 AND 15 SEPTEMBER 2005 AT THE ADAIR ARMS, BALLYMENA

I have the honour to report to you as follows:-

1. The Boundary Commission for Northern Ireland announced a review of parliamentary constituency boundaries and published Provisional Recommendations for revised boundaries on 6 May 2004. On 14 June 2005 I was appointed an assistant Commissioner by the Secretary of State pursuant to the Parliamentary Constituencies Act 1986. I was subsequently invited to hold a public Local Inquiry into the Commission's proposals affecting the constituencies of Foyle, East Londonderry, North Antrim, South Antrim and proposed Antrim Coast and Glens (presently East Antrim).
2. On 16 May 2003, the enumeration date for the present review, the total number of parliamentary electors in Northern Ireland was 1,097,450. The Electoral Quota (EQ) representing the average number of electors for each constituency was 60,969.
3. On the enumeration date 16 May 2003, the electorates for the five constituencies the subject of the Inquiry were as follows:-

Constituency	Parliamentary Electorate	Percentage Deviation from the EQ (60,969)
Foyle	65,151	+6.9%
East Londonderry	56,166	-7.9%
East Antrim	55,453	-9.0%
North Antrim	70,582	+15.8%
South Antrim	63,587	+4.3%

4. It is pertinent from the outset to note that a revised Electoral Register was published on 1 April 2005. If adopted by the Commission this would have had the effect of raising the total electorate for Northern Ireland to 1,145,976, and as a result the average constituency electorate to 63,665. It is nonetheless clear that the Commission are required by the statutory framework to make their determination solely upon the basis of the figures published at the enumeration date. In accordance with Law, this Report is based upon those figures also. For convenience to those participating in the Inquiry, I indicated that I was content to accept their figures based upon either the 16 May 2003 Electoral Quota figures or the 1 April 2005 Electoral Register figures but that I was required by Law to have regard to the May 2003 figures in my Report.
5. The Commission are obliged to recommend constituency electorates as near as practicable to the EQ. Further, the Commission are statutorily obliged, as far as practicable, to avoid dividing local government wards between constituencies, unless that departure is desirable to avoid unnecessary disparity between the electorates of constituencies and the EQ, or between neighbouring constituencies. These considerations are set out in rules 4 and 5 of

the Rules for Redistribution of Seats and form Schedule 2 to the Parliamentary Constituency Act 1986. I have also been mindful of the requirements of rule 6 (affecting geographical considerations including the size, shape and accessibility of constituencies) and rule 7 (account to be had for inconveniences attendant on alterations of boundaries and local ties).

Provisional Proposals in Summary

6. The Provisional Recommendations of the Boundary Commission for the relevant constituencies were as follows:-

Foyle and East Londonderry

Alter the boundaries of the East Londonderry and Foyle constituencies by transferring the two Derry Local Government District (LGD) wards of Banagher and Claudy from the Foyle constituency to the East Londonderry constituency.

East Antrim

Extend the constituency to include the Moyle LGD wards of Bonamargy and Rathlin, Dalriada, Glanaan, Glenariff, Glendun, Glenshesk, Glentaisie and Knocklayd at present in the North Antrim constituency.

Transfer the Newtownabbey LGD ward of Cloughfern, at present in the East Antrim constituency, to the Belfast North constituency.

Alter the name of the constituency to 'Antrim Coast and Glens' to reflect these changes

North Antrim

Change, as noted above, with the transfer of the Moyle LGD wards to the proposed Antrim Coast and Glens constituency.

South Antrim

Transfer the Newtownabbey LGD wards of Collinbridge, Glebe and Glengormley at present in the South Antrim constituency to the Belfast North constituency.

7. The impact of the Provisional Recommendations would be as follows (enumeration date electorate figures for existing constituencies from paragraph 3 are in italics for ease of reference):-

Proposed Constituency	Parliamentary Electorate	Percentage Deviation from the EQ (60,969)
Foyle	60,823 <i>65,151</i>	- 0.2% <i>+6.9%</i>
East Londonderry	60,494 <i>56,166</i>	- 0.8% <i>-7.9%</i>
Antrim Coast and Glens (<i>East Antrim</i>)	60,061 <i>55,453</i>	- 1.5% <i>-9.0%</i>
North Antrim	64,031 <i>70,582</i>	+ 5.0% <i>+15.8%</i>
South Antrim	57,615 <i>63,587</i>	- 5.5% <i>+4.3%</i>

8. This Report is constrained to a consideration of the issues and recommendations affecting these five principal constituencies. It will of course be noted from the outset that the Provisional Recommendations impact upon another constituency in particular, that of Belfast North, with proposals to transfer a number of wards to that constituency.
9. This Report is consequently considerably more restricted than the role and function of the Commission. It is for the Commission to devise the framework for the whole of Northern Ireland. To the extent that there may be a knock-on or ripple effect from some of the proposals made, I have sought to reflect that in the figures to give assistance to the Commission. It is simply not possible for me to reconcile all of the possible permutations that the recommendations and the competing proposals give rise to. I have not consulted with or in any way communicated with the other assistant Commissioners charged with conducting inquiries into other constituencies. To that extent my Report does not attempt to reconcile or explain any difference in approach or recommendation, of which I am unaware.
10. I have not touched upon those representations that raised issues relating to the voting system or the basis for calculating the electorate. I indicated my intention on these issues from the outset of the Inquiry.
11. Following publication of the Provisional Recommendations, there was a period permitting representations to be made to the Commission, ending on 7 June 2004. Those representations were referred to me. Whilst I have considered each of those written representations, those specific to the five constituencies which form the subject of this report were the representations of:-

Mrs Arlene McKay
 Mr Dathi (David G) McKay
 Mr John Auld
 Councillor Thomas Burns MLA, South Antrim
 Rev Dr Ian Paisley MP for North Antrim, MLA
 Mr Gregory Campbell, MP for East Londonderry, MLA.
 Dr Alasdair McDonnell MLA, Belfast South.
 Mr Pat Doherty, Vice President Sinn Féin MLA
 Ulster Unionist Party
 Dr Stephen Farry, General Secretary Alliance Party of Northern Ireland
 Ms Gerry Cosgrove, General Secretary Social Democratic & Labour Party
 Mr Aidan McGaughey

12. I also heard oral representations and in some cases received written submissions and information from the following speakers:

Mr Sammy Wilson, MP for East Antrim, MLA, Democratic Unionist Party
 Mr Stephen Barr, Ulster Unionist Party
 Mrs May Steele, Ulster Unionist Party
 Councillor Andrew Wilson, Ulster Unionist Party.
 Mr Ian Paisley Junior MLA, North Antrim, Democratic Unionist Party
 Dr Ian Paisley, MP for North Antrim, MLA, Democratic Unionist Party
 Rev Dr William McCrea, MP for South Antrim, MLA, Democratic Unionist Party
 Alderman Paul Girvan MLA, South Antrim, Democratic Unionist Party
 Mr James McKeown, Sinn Féin East Antrim
 Councillor Oliver McMullan, Sinn Féin North Antrim
 Mr Denis Donaldson, Sinn Féin South Antrim.
 Mr Sean Begley, Sinn Féin.
 Councillor Thomas Burns MLA, South Antrim Social Democratic & Labour Party.
 Dr Stephen Farry, General Secretary, Alliance Party of Northern Ireland.
 Dr Sean Farren MLA, North Antrim, Social Democratic & Labour Party.
 Mr George Dawson MLA, East Antrim, Democratic Unionist Party.
 Mr Richard Bullick, Democratic Unionist Party
 Mr Gregory Campbell, MP for East Londonderry, MLA, Democratic Unionist Party

Councillor Thomas Conway, Social Democratic & Labour Party
Ms Cliona O’Kane, Sinn Féin East Derry
Mrs Dodie McGuinness, Sinn Féin

13. Prior to the Inquiry I indicated a general intention to begin to deal with the Antrim constituencies on the first day, and to leave the issues relating to the East Londonderry and Foyle constituencies on the second day. I repeated this intention during the opening of the Inquiry on 14 September 2005. I indicated that I would not be minded to permit representations on the Antrim constituencies once I had closed that aspect, save insofar as they related to East Londonderry and Foyle, as that might disadvantage those who had attended at the Antrim constituencies phase of the Inquiry. As events turned out there were no later representations on the issue. I am satisfied that everyone who attended at or participated in the Inquiry was given the opportunity of expressing their views and exploring the views of others. I permitted cross-examination or questioning of witnesses (through the Chair if that was desired) from the floor and I also put questions of my own to those giving evidence.
14. On 15 September 2005 a telephone call was received by the Secretariat to the Inquiry from Mr David Ford, MLA for South Antrim, Leader of the Alliance Party, indicating a wish to attend the Inquiry and make a presentation in respect of East and South Antrim. Whilst I indicated that I could not prevent him doing so, it would be a disadvantage to those who had attended and dealt with the Antrim constituencies on the previous day and who were not required to attend. I indicated that I would accept a written representation but warned that the weight that could be attached to the same would be limited by the absence of opportunity for other parties to subject the same to scrutiny or cross-examination. Mr Ford did submit a faxed document to which I have had due regard.
15. I referred to the full written transcript of the Inquiry and the volume of written representations received during the period to 7 June 2004 without rehearsing the same here, and submitted prior to or at the Inquiry.

INSTANCES OF THE VIEWS EXPRESSED

16. The Democratic Unionist Party presented their respective cases on a constituency-by-constituency basis. This meant that there were different impacts upon each of the constituencies depending upon the proposal that was put forward. The Party representatives recognised the differences and made it clear that they were content to make their case and leave the determination to the Commission.
17. The Ulster Unionist Party similarly presented differing views from each constituency, although the main party submission supported the provisional proposals, save that they wished to retain the East Antrim name for that constituency.
18. It is convenient to deal with the constituencies of Foyle and East Londonderry together as the Provisional Recommendations have a mutual impact.
19. Sinn Féin largely opposed the Commission’s recommendations and maintained that position.
20. Mr Campbell MP MLA (Democratic Unionist Party) pointed to the “second home” phenomenon and the risks that the electorate of the East Londonderry constituency could go under quota very quickly if the Provisional Recommendations were followed. He proposed incorporating the North Antrim constituency wards of Bushmills and Ballylough into the East Londonderry constituency. This would raise the constituency electorate to 61,675, being 1.16% over the EQ. He argued that there was already a precedent for this, as the ward of Dunluce is already in the East Londonderry constituency. In cross-examination he suggested that it was a marginal decision whether to transfer the Derry LGD wards of

Banagher and Claudy into the East Londonderry constituency as opposed to the Eglinton ward.

21. Mr Paisley Junior MLA (Democratic Unionist Party) pointed out that the transfer of Bushmills in particular would amount to removal of a significant geographical area of the north Antrim coast from the North Antrim constituency.
22. Councillor Conway stated that the Banagher ward house he was born in was so situated that his immediate neighbour was in the East Londonderry constituency. He stated that the recommendation to transfer the ward to the East Londonderry constituency was “non-essential” and claimed that people in his area had more affinity with the Foyle constituency. He read out a letter from a former teacher from the area suggesting that people would consider themselves displaced if the Banagher and Claudy wards were to transfer to the East Londonderry constituency. Councillor Conway opposed the transfer of the Banagher and Claudy wards but had no counterproposals to address any imbalance in electorates if the wards were not transferred to the adjoining East Londonderry constituency.
23. In North Antrim there was a general consensus that the constituency was significantly over quota and that a redress of the imbalance was inevitable. The issue was therefore not whether there should be change, but where that should be implemented. This debate inevitably impacted upon the evidence presented on the East Antrim and South Antrim constituencies.
24. In East Antrim, Mr Sammy Wilson MP MLA accepted the provisional recommendation to transfer Cloughfern and ‘Rathfern’ into the Belfast North constituency. He opposed the provisional proposals with regard to the Moyle LGD wards transferring into the East Antrim constituency and sought instead the transfer of the Ballymena LGD wards of Glenwhirry, Grange and Kells into South Antrim to reduce the electoral imbalance in North Antrim, with a corresponding transfer of three Newtownabbey LGD South Antrim constituency wards (Ballynure, Ballyclare North and Ballyclare South) into the East Antrim constituency. He pointed to factors such as the ‘elongated’ shape of the proposed constituency and the absence within it of a main road ‘natural route’ linking of the remote rural areas with the metropolitan parts of greater Belfast as factors that militated against the Provisional Recommendations. The result of this proposal would be that North Antrim would be +5.8% EQ; South Antrim would be -6.3% EQ; and East Antrim would be +1.5% EQ.
25. Mrs Steele also opposed the proposals, seeing Ballycastle and the Glens as being in North Antrim. Councillor Andrew Wilson (Ulster Unionist Party) supported the sitting Member of Parliament’s suggestion of Ballynure and Ballyclare North and South transferring to the East Antrim constituency, citing Dr McDonnell’s written supporting representation to this effect. Mr Barr for the Ulster Unionist Party confirmed that his party endorsed the Provisional Recommendations.
26. Mr Begley (Sinn Féin) sought the retention of the Cloughfern ward in the East Antrim constituency contrary to the Provisional Recommendations, but supported the South Antrim wards going into the Belfast North constituency in line with the Provisional Recommendations.
27. Sinn Féin opposed the Provisional Recommendations by proposing that the Glenwhirry, Grange and Kells wards transfer from the North Antrim to the South Antrim constituency. The party supported the provisional recommendation to transfer Collinbridge, Glebe and Glengormley into the Belfast North constituency. It also opposed the transfer of any Moyle LGD wards from the North Antrim constituency. It was proposed that the Antrim LGD Crumlin ward should transfer into the Lagan Valley constituency and the Newtownabbey LGD Ballynure ward transfer into the East Antrim constituency.
28. Dr Farry representing the Alliance Party put forward two models: one a three- seat proposal for Belfast with an additional seat being created in the southeast of Northern Ireland. The three-seat Belfast model was described as “illustrative” and it was stated that there may be

better ways of arranging matters under that three seat model. Essentially the proposal envisages the loss of one of the four Belfast constituencies, with an additional seat being created in the south-east of Northern Ireland.

29. Under their four-seat model the Alliance Party also objected to the proposed Antrim Coast and Glens constituency as being unwieldy and incoherent. It was strongly contended that the three Glengormley wards of Burnthill, Ballyhenry and Hightown, which it was proposed should remain in the South Antrim constituency, should also be transferred to the Belfast North constituency. The East Antrim constituency would retain Cloughfern ward and possibly take in Abbey ward. The Ballyclare District Electoral Area (DEA) wards of Ballyclare North, Ballyclare South and Ballynure would remain in the South Antrim constituency. In North Antrim all of the Moyle LGD wards proposed to be located in the Antrim Coast and Glens constituency would remain in the North Antrim constituency. The Ballymena LGD wards of Glenwhirry, Grange and Kells would be transferred from the North Antrim constituency into the South Antrim constituency to compensate for the loss of the three Glengormley wards. The proposal left the South Antrim constituency close to or under a – 5% electoral quota figure.
30. Councillor Burns MLA supported the views of the Alliance Party in opposing the provisional recommendation to retain the Ballyhenry and Hightown wards in the South Antrim constituency, pointing to the absence of any physical boundary. He pointed to parts of the Hollybrook area which were in the Hightown and Mallusk wards. He favoured the whole of Glengormley Village being retained in either one constituency or the other. He also sought the inclusion of the Aghagallon, Ballinderry and Glenavy wards into the South Antrim constituency on the basis that they were included in the former South Antrim constituency which ran to the tip of the county boundary.
31. The Rev. Dr William McCrea, Member of Parliament and MLA for South Antrim (Democratic Unionist Party) attended the initial stages of the Inquiry. He nominated Alderman Girvan MLA to speak on his behalf. Alderman Girvan sought the retention of the three Ballyclare DEA wards of Ballyclare North, Ballyclare South and Ballynure within the South Antrim constituency. He felt that there was a natural break in Glengormley and to that extent supported the Provisional Recommendations. No definitive view was offered on the Glenwhirry, Grange and Kells wards.
32. Mr Ian Paisley Junior MLA (Democratic Unionist Party) pointed out that North Antrim also had a wide and geographical spread of retail and industrial business with a rural hinterland and seaboard.
33. Rev. Dr Paisley MP MLA supported the provisional recommendation to transfer the Moyle LGD wards into the East Antrim constituency. He supported the Provisional Recommendations and opposed any transfer of the Glenwhirry, Grange and Kells wards. He presented and referred to an *ad hoc* survey of constituents in these wards to demonstrate that a majority of residents looked to Ballymena rather than to Antrim as their main town. He took the same view in opposing any suggestion that the Ballymena LGD Broughshane or Slemish wards should transfer to another constituency.
34. Dr Farren MLA (Social Democratic and Labour Party) stated that he recognised the need for the East Antrim constituency to embrace some of the wards in North Antrim and that some of the Glens wards were likely to be lost by the North Antrim constituency. He also pointed out the eastward direction of roads serving the Glenwhirry, Kells and Slemish wards.
35. Councillor McMullen, Chairman of Moyle District Council, pointed out that the Antrim coast road linking the Glens with the East Antrim constituency is occasionally impassable in winter. He also presented a report on behalf of the Friends Group, relating to the need of children and adults with learning difficulties in the Glens of Antrim area to support the view that residents there looked to North Antrim for local services.

36. I have taken some time in this Report to amplify some of the points that were made by the various persons and parties presenting evidence to the Inquiry. They are intended as serving to indicate the depth of the debate that has taken place and the very significant level of differences regarding the possible permutations for re-organisation of the constituencies. They are not intended as an exhaustive rehearsal of all of the points that were made, nor indeed of the counter-points that arose in cross-examination. That would be a disservice to the thought and effort that was put into those submissions. They do, however, graphically illuminate the very considerable differences in proposed solutions that were presented at the Inquiry.

RECOMMENDATIONS

37. I now address my proposals in relation to the definition of the five proposed constituencies. The proposals are based upon the Enumeration Date Electoral Register of 16 May 2003 and the EQ of 60,969. In making those proposals, I recognise that there are in many instances several other possible and entirely respectable solutions that can be proposed.
38. Before completing this Report, I have carefully examined the evidence again, I have re-visited the maps and plans, and I have visited certain areas to clarify my thoughts and check upon the points that were raised. As I indicated at the Inquiry, I also obtained copies of a High Court decision that is pertinent to the Glengormley area: see *Lidl (NI) GmbH v Wine Inns*, in particular paragraphs 7 to 20. I also referred to *In Re D*, a case mentioned and relied upon in the Lidl case.
39. I expressly raised my intention to examine these cases with those attending the Inquiry and asked the participants if they wished to see those decisions and comment on them. That offer was declined by everyone attending and the view was expressed that I should take the decisions into account insofar as I thought that they were material. I attach copies of that decision at Appendix A. The focus is always upon bringing a proposed constituency as close to the EQ as is practical without damaging or breaking local ties in so far as it is possible to do so. I have had regard to this aim in all of my considerations.

FOYLE AND EAST LONDONDERRY CONSTITUENCIES

40. I propose that the **Foyle** constituency be made up of:

all the Derry LGD wards
but not the wards of Banagher and Claudy

Total **60,823** -0.2% of the EQ

41. I propose that the **East Londonderry** constituency be made up of:

all the Coleraine LGD and Limavady LGD wards
and the Foyle LGD wards of Banagher and Claudy

Total **60,494** -0.8% of the EQ

42. It will be apparent that in the case of these two constituencies, I am recommending that the Provisional Recommendations stand unaltered. I am satisfied that the proposal to transfer both the Banagher and Claudy wards into the East Londonderry constituency is both practical and prudent. I was not persuaded by the suggestion that people in either ward would be treated any differently by virtue of being in the East Londonderry constituency, as was suggested by one witness. This is a balanced judgement to be made, but I do not find that Banagher and Claudy are so linked with the Foyle constituency that transferring the

wards is unacceptable. I also do not accept that transferring the Derry LGD Eglinton ward is an equally sensible or alternative option. Eglinton looks more clearly to the City of Londonderry. No other realistic option was presented to the Inquiry. I do not regard “do nothing” as a satisfactory solution in light of the figures presented.

43. In the case of the East Londonderry constituency, whilst I note that the County Antrim, Coleraine LGD ward of Dunluce (and Royal Portrush) has been included in the East Londonderry constituency since 1982, I am not convinced by Mr Campbell’s case for the transfer of the Moyle LGD wards of Bushmills and Ballylough into that constituency. The basis of the proposal to transfer Bushmills and Ballylough wards into that constituency was that there is a likelihood that the electorate would continue to fall in the future, and that the imbalance would otherwise soon return. I do not regard that as a sound basis for change. I am also persuaded that Bushmills in particular has long-established associations with the North Antrim constituency.

ANTRIM CONSTITUENCIES

44. Given the unanimously accepted need for the North Antrim constituency to lose wards to bring the constituency electorate figures within an acceptable range of the EQ, the task before me was to attempt to resolve the many conflicting propositions that were eloquently and persuasively pressed by the parties at the Inquiry. As I am sure the Commission found with their Provisional Recommendations, there is an inevitable knock-on or ripple effect with any proposal.
45. I have spent several weeks pondering this matter and the evidence that was presented. I have visited several areas on occasions to seek a better understanding of the issues that were presented.
46. Time and again I have been compelled to look at the situation at Glengormley as presenting a particular issue. The Provisional Recommendations have placed the wards of Glebe and Glengormley into the Belfast North constituency. I have no difficulty with that proposition and indeed I was struck by the fact that there was no dissent expressed at the Inquiry in respect of that proposal, save for the Alliance Party proposal for a “three-seat solution” for Belfast. On that three-seat issue, I do not feel competent or sufficiently informed to comment or make recommendations. A detailed Inquiry would have trespassed into the Belfast Inquiry area and I am satisfied that this was not within my remit, a decision respected by Dr Farry who gave a brief resumé of that proposal.
47. I have examined the wards of Ballyhenry, Burnthill and Hightown. I have difficulty in identifying with any degree of confidence the basis for the demarcation between these three wards and Glengormley Village in particular. The ward boundaries do not seem to have regard for the development that has taken place in the area over a number of years, and in following those boundaries there is a distinctly artificial separation of the area.
48. As indicated at the Inquiry, I have had regard to the High Court decision of *Lidl v Wine Inns*. The latter case in particular is material as the Court was considering the “vicinity” of an area centred on Glengormley. In looking at vicinity in the sense of a neighbourhood, I regard it as significant that the Court found no clear demarcation of the larger Glengormley area that separated the same: see paragraphs 7 to 20.
49. I find that the Ballyhenry, Burnthill, Glengormley and Hightown wards read together. As was drawn to my attention, certain wards are linked by the Ballyclare Road. I can see some force in the contention at the Inquiry that the boundaries of Mallusk extend towards the same area, particularly with the recent Mayfield development. It is clear on the ground however that Mallusk is a different area.
50. In this regard there is a strong case for including the Ballyhenry, Burnthill and Hightown wards surrounding Glengormley Village in the same constituency as the Collinbridge, Glebe

and Glengormley wards. I base this on the geography of the area, the tight streetscape and the absence of any feature that creates a sense of separation.

51. I also note that the LGD and DEA boundaries have been significantly overlapped or crossed by the Provisional Recommendations.
52. The difficulty of course is that I have had no dealings whatever with the Belfast Inquiry, and this finding leaves the potential for a serious difficulty for the Commission. My Report and recommendation is based at first instance upon my findings in respect of Ballyhenry, Burnthill and Hightown forming a natural part of Glengormley. I have examined the impact of that finding on the other constituencies and have balanced that finding against the competing claims made with regard to other wards and constituencies. This in turn requires me to set out a Belfast North constituency, recognising the weakness inherent in not having heard any evidence in respect of that particular constituency.
53. I propose that the **Belfast North** constituency be made up of:

the Belfast LGD wards of

Ardoyne	3359
Ballysillan	3530
Bellevue	2821
Castleview	3179
Cavehill	3570
Chichester Park	3157
Cliftonville	3199
Crumlin	2588
Duncairn	2272
Fortwilliam	3088
Legoniel	3265
New Lodge	3139
Water Works	3355
Woodvale	2724

and the Newtownabbey LGD wards of

Abbey	1892
Coole	1478
Ballyhenry	2169
Burnthill	1928
Collinbridge	1985
Dunanney	1300
Glebe	2151
Glengormley	1836
Hightown	1687
Valley	1944
Whitehouse	1562

Total **63,178** +3.6% of the EQ

54. This constituency would then have an electorate of 63,178 which represents +3.6% of the EQ of 60,969. It incorporates Ballyhenry, Burnthill and Hightown wards from the present South Antrim constituency. I also recommend the removal of the Cloughfern ward from those wards to be transferred under the Provisional Recommendations and its retention in the proposed Antrim Coast and Glens, presently East Antrim constituency. I find the basis for removal of Cloughfern from its former constituency less apparent than the failure to include the wards of Ballyhenry, Burnthill and Hightown in the Belfast North constituency.

55. I propose that the South Antrim constituency be made up of:

all the Antrim LGD wards	29,313	
the Ballymena LGD wards of		
Glenwhirry	1,841	
Grange	2,033	
Kells	2,176	
the Newtownabbey LGD wards of		
Ballyclare North	2,178	
Ballyclare South	2,276	
Ballyduff	2,036	
Ballynure	2,099	
Ballyrobert	2,826	
Carmoney	1,830	
Doagh	2,261	
Hawthorne	1,602	
Mallusk	3,568	
Mossley	1,842	
Total	57,881	-5.1% of the EQ

56. This constituency would then have an electorate of 57,881 which represents -5.1% of the EQ of 60,969. It incorporates the Grange, Glenwhirry and Kells wards from the provisionally recommended North Antrim constituency.

57. I have considered carefully the presentations of the parties on this aspect of the proposal and note the different assertions by those presenting the evidence. I remain conscious of the strong views of persons interviewed by Dr Paisley, the sitting Member of Parliament and MLA for the area. It seems to me that, as Mr Sammy Wilson, MP and MLA for East Antrim remarked, people in this area could just as easily be accommodated within a South Antrim constituency. More prosaically perhaps, the character and geography of those three Ballymena LGD wards would lend themselves to what would become the more rural nature of the South Antrim constituency once the closer knit streets of Glengormley wards are transferred to the Belfast North constituency. In this sense, it appears to me that the three wards proposed for transfer in this Report are infrastructurally and geographically better linked to the constituency. They present as a cohesive block of wards that read with the northern end of the South Antrim constituency.

58. I should add a comment on the ward of Slemish. I find that this ward presents more cohesively as part of North Antrim. In reaching my conclusions I have found the principle of an East Antrim constituency that reflects the coastal region acceptable in principle and in practice. To transfer Slemish to East Antrim would appear incongruous in terms of the geography of the proposed constituency. Similarly I find that the wards of Glenwhirry, Grange and Kells read more clearly in the context of South Antrim. The comparison of Glenwhirry and Slemish is my particular focus in this conclusion.

59. It is apparent from the finding that I have rejected the proposals that Ballyclare North, Ballyclare South and Ballynure be transferred. Of the three, it seemed to me that the strongest argument favoured transferring Ballynure. That noted however, I have found that Ballynure reads more cohesively into the Ballyclare wards. Whilst Sinn Féin suggested that Ballynure could be transferred alone of the three wards, I remain of the view that its ties would be more naturally linked with Ballyclare.

60. I have also considered but rejected the suggestions of transferring the Lisburn LGD wards of Aghagallon, Ballinderry and Glenavy to the South Antrim constituency and transferring the Antrim LGD ward of Crumlin to the Lagan Valley constituency. Whatever the historic position may have been I can see no justification to warrant such a transfer. I am conscious

of the contention that there are ties between residents of Glenavy and Crumlin. In terms of geography that is perhaps not at all surprising, but a similar claim of ties can be made with equal or indeed more conviction in other areas of constituency boundary. Indeed I would have little doubt that Glenavy could be argued to have equal ties or links to Ballinderry. Further I have to weigh the fact that Glenavy plainly looks towards the City of Lisburn as its main centre, and the fact that the present LGD constituency boundary is clearly identifiable.

61. **East Antrim**

I found no support at all for the change of name of the constituency of **East Antrim** to Antrim Coast and Glens. Where any view was expressed, it was strongly in favour of retention of the East Antrim name. For reasons that will be more apparent from my findings, I endorse that view and recommend the retention of the East Antrim constituency name. I should add that the prevailing view for the retention of the constituency name of East Antrim appeared strong regardless of the final composition of that constituency.

62. I propose that this constituency be made up of:

all the Carrickfergus LGD wards	24,721	
all the Larne LGD wards	20,816	
the Moyle LGD wards of:		
Glenaan	835	
Glenariff	1,057	
Glendun	723	
the Newtownabbey LGD wards of		
Jordanstown	3,795	
Cloughfern	1,943	
Monkstown	2,032	
Rostulla	2,146	
Total	58,068	-4.8 % of the EQ

63. This constituency would then have an electorate of 58,068 which represents -4.8% of the EQ of 60,969. It incorporates Cloughfern ward which the Commission provisionally recommended should transfer to the Belfast North constituency (thereby retaining that ward in its existing constituency) and the wards of Glenaan, Glenariff, and Glendun from the North Antrim constituency as provisionally recommended by the Commission.

64. I have placed these three Moyle LGD wards in the proposed East Antrim constituency because the geography of these wards is difficult to differentiate from Carnlough and Glenarm already in that constituency. The change appears as one heads north past the Glendun river and meets Ballypatrick Forest. Whilst I am conscious that the proposal breaks the Moyle LGD and Glens DEA, nonetheless the evidence of where people look for major services is not as strong as the geography.

65. I propose that the **North Antrim** constituency be made up of:

all the Ballymena LGD wards but not the wards of Glenwhirry, Grange and Kells	35,184	
all the Ballymoney LGD wards	18,745	
all the Moyle LGD wards but not the wards of Glenaan, Glenariff and Glendun	7,988	
Total	61,917	+1.6% of the EQ

66. This constituency would have an electorate of 61,917 which represents +1.6% of the EQ of 60,969. It re-incorporates the Moyle LGD wards of Bonamargy and Rathlin, Dalriada, Glenshesk, Glentaisie and Knocklayd from the Antrim Coast and Glens constituency proposal as provisionally recommended. The Glenwhirry, Grange and Kells wards are transferred to South Antrim as noted above.
67. The table below shows the existing constituencies in plain type, the Boundary Commission's provisionally recommended constituencies *in italics*, and the constituencies proposed by this Report **in bold**. I have added the Belfast North constituency:

Constituency	Parliamentary Electorate	Percentage Deviation from the EQ (60,969)
Foyle:		
Existing constituency	65,151	+6.9%
<i>Provisionally recommended</i>	<i>60,823</i>	<i>- 0.2%</i>
Report proposal	60,823	- 0.2%
East Londonderry:		
Existing constituency	56,166	-7.9%
<i>Provisionally recommended</i>	<i>60,494</i>	<i>- 0.8%</i>
Report proposal	60,494	- 0.8%
East Antrim:		
Existing constituency	55,453	-9.0%
<i>Provisionally recommended</i>	<i>60,061</i>	<i>- 1.5%</i>
Report proposal	58,068	-4.8%
North Antrim:		
Existing constituency	70,582	+15.8%
<i>Provisionally recommended</i>	<i>64,031</i>	<i>+ 5.0%</i>
Report proposal	61,917	+ 1.6%
South Antrim:		
Existing constituency	63,587	+4.3%
<i>Provisionally recommended</i>	<i>57,615</i>	<i>- 5.5%</i>
Report proposal	57,881	- 5.1%
Belfast North:		
Existing constituency	51,422	-15.7%
<i>Provisionally recommended</i>	<i>59,337</i>	<i>-2.7%</i>
Report proposal	63,178	+3.6%

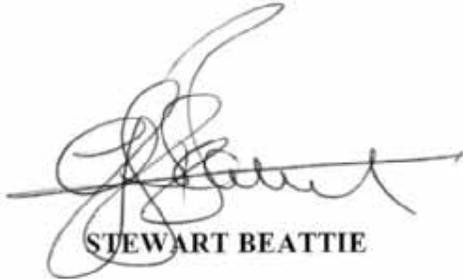
68. I acknowledge that the Commission can decide not to accept the proposals outlined herein. It does seem evident to me that the Commission have wrestled with the same difficulties that I have encountered. The key point of departure is the weight that I attach to the situation in Glengormley measured against the other local ties and factors that impact on the proposed constituencies.

DESIGNATION

69. I am also required to make recommendation on whether constituencies should be designated borough or county constituencies. The sole representation on this issue was in the written submission of Mr John Auld. Whilst opposing the proposed transfer of the Banagher and Claudy wards into the East Londonderry constituency, he stated that if the same occurred then the Foyle constituency would have lost its "token rural element" and should be redesignated as a borough constituency. I note however that the wards of Eglinton, Enagh

and Hollymount are all in the Rural DEA and are in the Foyle constituency. I cannot regard that as a token rural element.

70. I therefore recommend that the five constituencies should remain unchanged as county constituencies
71. Finally may I record my gratitude and appreciation to all of those who attended the Inquiry for the manner in which they presented their cases. The integrity of the arguments presented and the conviction with which the issues were pursued was plain to anyone in attendance. It would also be remiss of me not to record a very particular thank you to the Secretariat to the Commission for their professionalism, efficiency and assistance. The smooth running of the Inquiry was in very large part a result of their expertise.



STEWART BEATTIE

Assistant Commissioner

25 January 2006.

APPENDIX A

LIDL v WINE INNS

JUDGEMENT REFERRED TO DURING INQUIRY

Ref: WEAC4082

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
QUEEN'S BENCH DIVISION

BETWEEN:

 (NORTHERN IRELAND) GmbH

(Applicant) Appellant;

and

 LIMITED AND WINEMARK THE 
MERCHANTS LIMITED

(Objectors) Respondents.

WEATHERUP J

The appeal

[1] **Lidl** (Northern Ireland) GmbH ("**Lidl**") applied under the Licensing (Northern Ireland) Order 1996 for the provisional grant of an off-licence at 261-263 Antrim Road, Glengormley, County Antrim. His Honour Judge Hart QC, Recorder of Belfast, dismissed the application and the applicant appeals against that decision. Objection to the application has been made by **Wine Inns** Limited and Winemark the **Wine** Merchants Limited who are the owners of two off-licences known as Winemark at Antrim Road, Glengormley and Carnmoney Road, Glengormley.

[2] **Lidl** is a long established German based food store retailer with over 5,000 stores and trades in 11 European countries. There are over 300 stores in Great Britain and in 1999 **Lidl** extended its operations to Northern Ireland where it now operates 26 stores.

[3] **Lidl** describes itself as a "discount retailer". The concept involves stocking a limited range of products at discounted prices across all product ranges to that **Lidl** stocks between 800 and 900 convenience lines rather than the 15,000 single and multiple lines stocked by superstore operators.

[4] Of the 26 **Lidl** stores in Northern Ireland 9 operate off-licences. The **Lidl** discount retailer approach also applies to the off-licences, which stock approximately 70 lines as opposed to the approximately 400 or 500 lines in other off-licences.

The legislation

[5] The Licensing (Northern Ireland) Order 1996 provides for the general licensing system in Northern Ireland. Article 5(1) lists the premises in which the sale of intoxicating liquor is authorised by a licence as including –

"(b) premises in which the business carried on under the licence is the business of selling intoxicating liquor by retail for consumption off the premises."

Article 7(4) provides that –

"A court shall refuse an application for the grant of a licence unless it is satisfied –

- (a) subject to paragraph (5)(a) that the procedure relating to the application set out in part 1 of Schedule 1 has been complied with; and
- (b) that the applicant is a fit person to hold a licence; and
- (c) that the premises are of the kind specified in the application; and
- (d) subject to paragraph 5(b) that the premises are suitable to be licensed for the sale of intoxicating liquor by retail; and
- (e) where the premises are of a kind mentioned in Article 5(1)(a) or (b) –
 - (i) subject to paragraph 6, that the number of licensed premises of the kind specified in the application which are in the vicinity of the premises is, having regard to any licences provisionally granted under Article 9 or any sites approved under Article 10 will be, inadequate; and
 - (ii) subject to paragraph (7), that a subsisting licence for premises of either such kind, or a subsisting licence in respect of which the note and record mentioned in Article 5(5)(a) have been made, has been surrendered to the Clerk of the Court or will be so surrendered before the licence is issued; and
 - (iii) where, under any statutory provision, the applicant is or will be entitled to compensation for the loss of goodwill which attached or attaches to the business carried on under the licence proposed to be surrendered, and he has abandoned his claim to so much of that compensation as is equivalent to the value of any of that goodwill which is likely to be attracted to the business proposed to be carried on under the new licence; and
- (f) either-
 - (i) that there is in force planning permission to use the premises as premises of the kind specified in the application for the period during which the licence would be in force; or
 - (ii) that the premises may be used as such premises for that period without such permission."

[6] No issue arises as to the matters on which the court must be satisfied other than Article 7(4)(e)(i) which requires that the court be satisfied that the number of off-licence premises which are in the vicinity of the applicant's premises is inadequate. This requires consideration of two matters namely the extent of the "vicinity" and whether provision is "inadequate".

Vicinity

[7] In the Recorders Court the parties proceeded on the basis that the vicinity included not only the area to the south and east of Glengormley centre but also extended to the north to Corr's Corner roundabout and to the west to Sandyknowes roundabout. Within that vicinity was the Winemark off-licence at Antrim Road, the Winemark off-licence at Carnmoney Road, a Tesco off-licence at Ballymoney Road, a Wineflair off-licence at Richmond Gardens and an on/off-licence at the Bellevue Arms, Antrim Road. On this appeal the applicant propounded a new vicinity that was limited to the south and east of Glengormley centre. The new vicinity does not include any of the off-licences referred to above and the only licenced premises is the on/off licence at the Bellvue Arms.

[8] On the applicant's present approach to the vicinity the respondents do not operate premises within the vicinity and therefore do not have standing as objectors. In Hunt v Tohill [1976] NI 73 a preliminary point was taken that the objector was not a person carrying on business in premises in the vicinity of the premises for which the licence was sought. All the evidence was heard and it was found that the premises of the objector were not in the vicinity of the premises of the applicant and accordingly the objector was not entitled to be heard. McGonagle LJ stated that while it must be a matter of discretion in each individual case, the correct procedure was for the preliminary point to be determined before the merits of the case as a whole were considered. In the present case the respondent's premises are outside the applicant's proposed vicinity but the applicant indicated that no preliminary point was taken on standing.

[9] The issue of vicinity has been the subject of much discussion in the authorities. For the purposes of the present case the following propositions are relevant.

(a) Vicinity is not limited to premises immediately surrounding the applicant's premises but is limited to a physical proximity best indicated by the sense of neighbourhood. Magill v Bell [1972] NI 159. Hunt v Tohill [1976] NI 73.75.

(b) The approach to deciding vicinity might be either by defining with more or less precision the area which one determines to be the vicinity or by looking individually at each of the other licensed premises near to the applicant's premises and deciding if each counts as being in the vicinity of the applicant's premises. In Donnelly v Regency Hotels Limited [1985] 144.153B Carswell J preferred the latter approach as having more of the necessary flexibility and elasticity required of the concept of vicinity.

(c) It is important to consider both the physical features of an area and any natural boundaries and also the established dwelling patterns and geographical allegiances of those who live, work and shop in the area. It is necessary to determine the extent of the vicinity separately for every set of proposed premises for which a licence may be sought by looking outwards from those premises. Donnelly v Regency Hotels Limited [1985] NI 144.153G-154A.

[10] In approximate terms the applicant's vicinity at first instance was a circle with its centre in Glengormley town centre, with the applicant's premises in the southern half and the existing off licences in the northern half. On this appeal the applicant's vicinity is a semicircle south of Glengormley town centre, which excludes the existing off licences. Just south of the shops in the centre of Glengormley, the Hightown Road runs southwest and the Carnmoney Road runs northeast. The applicant has redefined the vicinity of its premises with the diagonal line of the Hightown Road in the southwest and the Carnmoney Road in the northeast representing the northern boundary of the new vicinity. At first instance, evidence of the wider vicinity on behalf of the applicant was given by Eamon Loughrey of Michael Burrows Associates, Planning and Development Consultants, and on the hearing of the appeal the applicant's evidence was given by Michael Burrows of that firm. Mr Comerton QC on behalf of the objectors challenged Mr Burrows as to the timing and circumstances of the altered approach adopted by his firm in relation to the extent of the appropriate vicinity. I accept that the applicant and Mr Burrows were entitled to revisit the issue of vicinity and did so in good faith.

[11] Mr Burrows redefinition of vicinity took into account physical factors and social factors and survey information. There are physical factors to the south and east of the proposed vicinity that define its extent and such minor changes as have been made by the applicant in redrawing of the boundary to the south and east are not significant. The applicant's new vicinity excludes an area to the west along the Hightown Road which includes new housing development and a new link road to the north which it is said would draw away from Glengormley town centre those residents who would have travelled via the Hightown Road. In addition the new vicinity excludes the area to the north of the Hightown Road/Carnmoney Road on the basis that with a hilly area to the north and a division of the area by two major roads, namely Ballyclare Road and Antrim Road, the physical factors could not support the original northern boundary. Allied to these concerns was the contention that the original vicinity was too large both in terms of population and area. The population was about 17,000 with a walking time of 40 to 50 minutes across the vicinity. The proposed new vicinity has a population of 6,000 with a walking time of 20 minutes across the area. Population levels and the size of an area may influence but cannot determine vicinity.

[12] The applicant sought to establish the extent of the new vicinity by reference to social and community factors and survey information. In effect the social and community factors were said to establish a clear community boundary through Glengormley village along the Hightown Road and Carnmoney Road. Support for this clear community boundary was sought in the first place from the judgment of Coghlin J in *D's Application* [2002] NIQB 51. The case involved an application by a resident of Glengormley for judicial review of decisions of the Chief Constable and the Department for Regional Development in relation to the erection of an Orange arch at Antrim Road, Glengormley in 2001, the site of which was adjacent to the proposed northern boundary of the new vicinity at Hightown Road/Carnmoney Road. The applicant relied on paragraph 9 of Coghlin J's judgment where he stated –

"The arch is located in the commercial and geographic centre of Glengormley village which is largely devoid of residential properties and it is generally accepted that this is a 'neutral area'. It seems that the population to the south of Glengormley village is predominantly Nationalist while that on the north side is overwhelmingly Unionist."

[13] I do not accept that Coghlin J's remarks establish the clear community boundary along Hightown Road and Carnmoney Road contended for by the applicant. Being an application for judicial review the Court proceeded by way of affidavit rather than the taking of evidence. The nationalist/unionist composition of the area was incidental to the public law issue to be decided in the application for judicial review. In any event the applicant's boundary does not represent a north/south divide but a diagonal division from southwest to northeast.

[14] Data from the Northern Ireland 2001 census are available and show the religious makeup of the residents of each district council ward in Glengormley. The district is approximately 20% Catholic and comprises 7 wards. Within the new vicinity Collinbridge and Glebe wards are predominantly Catholic but there is a significant Protestant population of 23% and 37% respectively. Partially within the new vicinity are Hightown and Glengormley wards with Catholic populations of 26% and 40% respectively although it is not possible to determine the religious breakdown of the parts of the wards within the vicinity. The other wards within the original vicinity of Mallusk, Burnthill and Ballyhenry have Catholic populations of 33%, 19% and 25% respectively. These figures show a significant religious mix within each of the wards and do not indicate sectarian boundaries.

[15] Further the applicant relied on a series of sectarian incidents in the Glengormley area from 1991. These incidents included a number of murders, attacks on Catholic families and attacks on St Bernard's Parish Church, St Mary's on the Hill and a GAA club. This involved 5 incidents within the new vicinity and 9 incidents just outside the new vicinity. That there have been sectarian incidents in Glengormley is undoubtedly the case. Immediately outside the eastern boundary of the new vicinity lies Carnmoney cemetery which has been the scene of recent sectarian abuse. Again, while these

events have undoubtedly occurred, they do not establish the existence of the community boundary that is contended for by the applicant.

[16] The applicant further relied on the presence of flags and street paintings of a Loyalist character to indicate a chill factor in the area to the north of Hightown Road/Carmmoney Road. In particular at Winemark Antrim Road there is a large hoarding with the words "Loyalist Harmin", there are flags beside Winemark Antrim Road and flags, bunting and painted kerbstones beside the Northcott Centre on the Ballyclare Road and a flag beside Winemark Carmmoney Road. To the north of the Hightown Road and behind Winemark Antrim Road lies the Harmin estate, which was described as a Loyalist estate. To the east of the Carmmoney Road lies the Queens estate, which is also described as a Loyalist estate. The applicant's Property Executive for Northern Ireland had lived adjacent to Carmmoney for 22 years and described an interface between the Catholic and Protestant communities in Glengormley. He had been the subject of a sectarian assault at Ballyclare Road/Antrim Road some years previously and described an incident some weeks earlier where a bus carrying supporters of Glasgow Celtic Football Club had been attacked on the Ballyclare Road.

[17] The manager of Winemark Antrim Road premises gave evidence that there were no sectarian problems in or around the off-licence and that the premises engaged mixed staff and enjoyed mixed custom without incident or complaint or police attention. The manager of Winemark Carmmoney Road also gave evidence of mixed staff and custom and the absence of any incidents or complaints or police involvement. I am satisfied that there are sectarian tensions and incidents in the Glengormley area and that there are particular pockets of loyalism in the Harmin estate and the Queens estate that would present a chill factor in those areas to Catholics, but that such chill factor as exists does not create a community boundary across Glengormley in the manner contended for by the applicant.

[18] Further the applicant sought to establish this community boundary through the centre of Glengormley by reliance on survey evidence. Millward Brown Ulster conducted surveys at the applicant's store and in Glengormley town centre in April 2001, September 2002 and March 2003. In each of the 6 surveys the interviewees were asked where they had last purchased alcohol. In each of the years the interviewees in the applicant's store indicated the last purchase of alcohol in Northcott as 37%, 27%, 13%, Antrim Road 10%, 6%, 6% and Carmmoney Road 7%, 5%, 1%. Thus for example in 2003 only 20% of Lidl shoppers last purchased alcohol in the off licences in the original vicinity north of Hightown Road/Carmmoney Road. The applicant relied on the surveys as evidence that there was insufficient linkage between the applicant's premises and the area north of Glengormley centre for them to be regarded as the same neighbourhood. As far as town shoppers were concerned, in each of the 3 years the last purchases of alcohol in Northcott were 21%, 17%, 21%, Antrim Road 10%, 10%, 12% and Carmmoney Road 3%, 6%, 5%. While there was greater movement to the off-licences in the original vicinity from those surveyed in the town centre it is apparent from both surveys that the majority of respondents last purchased alcohol from premises outside the original vicinity.

[19] The applicant relied on this survey evidence as confirmation that the area to the north of Hightown Road/Carmmoney Road was not in the same vicinity as the applicant's premises. I am unable to accept that the survey establishes the proposed community boundary. The majority of survey respondents were from outside the area of the original vicinity and there was significant diversity of off-licence shopping. The survey evidence did not establish a community boundary as contended for by the applicant.

[20] Having considered all the circumstances I am satisfied that there are sectarian tensions in the Glengormley area and that there are Loyalist pockets in the Harmin estate and the Queens estate but this has not led to segregation between north and south Glengormley or to the establishment of any community boundary along the Hightown Road/Carmmoney Road. I am satisfied that the vicinity of the applicant's premises extends to the north of the Glengormley town centre so as to include Winemark Antrim Road and Tesco on the Ballyclare Road and Winemark Carmmoney Road. However I am satisfied that the Wineflair premises at Richmond Gardens is outside the vicinity of the applicant's premises.

Adequacy

[21] Article 7(4) of the 1996 Order provides that a court shall refuse an application for the grant of a licence unless it is satisfied that the number of off-licence premises in the vicinity is inadequate. The onus is on the applicant to establish that existing provision is inadequate. The following propositions are relevant to the concept of "inadequacy" in the present case.

(a) In determining whether the number of off-licences in the vicinity is inadequate the court takes into account the number of on-licences in the vicinity. Hinds v McAlinden [1974] NI 166, Hunt v Magill [1974] NI 238.

(b) The court ought to consider the demand created by persons coming from outside the vicinity of the premises as well as those residing in the vicinity. Crazy Prices (Northern Ireland) Limited v RUC [1977] NI 123.

(c) "Inadequate" means in the context of the subsection inadequate to meet the requirements of the public, namely the reasonable requirements of the public at large and not one particular section of the public. Belfast Cooperative Society Limited v Tohill [1975] 2 NIJB per McDermott J. However Hutton J in Stewarts Supermarkets Limited v Sterritt [1985] NI 159 considered that the primary duty of the court is to apply the test stated in the statute which is whether the number of off-licences in the vicinity of the premises is inadequate and not to apply the test whether the proposed off-licence is reasonably required by the public.

(d) Whether expressed in terms of adequacy or reasonable requirements considerations of choice and price, service and situation are relevant. Belfast Cooperative Society v Tohill.

(e) The demand for an integrated off-sales facility in a supermarket based on the convenience of such a facility is not a factor to be taken into account in determining whether the number of off-licences in the vicinity is inadequate, per Pringle J in Crazy Prices v Wine Inns Limited (Unreported) 4 February 1999.

The existing facilities

[22] Winemark Antrim Road is close to the centre of Glengormley. Winemark's average store size is 750 square feet and the Antrim Road premises are considered a small store at 523 square feet. It is located in a row of retail units with limited car parking on the premises by driving off the road in front of the shop. This requires vehicles to reverse back onto the roadway. There are additional parking places at the adjacent public house and on the roadway and in the premises of the centre on the opposite side of the road. The store employs a manager a full-time sales advisor and five part-time sales advisors. The off licence stocks a wide range of beers and spirits and 400 varieties of wine.

[23] Winemark Carnmoney Road is north of Glengormley centre and is based in a neighbour shopping centre served by an adjoining car park. The store is larger than Winemark's average off licence, being 1041 square feet. There is a step at the entrance that inhibits wheelchair access. The store employs a manager and full-time sales advisor and four part-time sale advisors. There is a wide range of beers and spirits and over 400 varieties of wine.

[24] Tesco's off-licence at Northcott Shopping Centre is north of Glengormley centre and part of the Tesco supermarket. The store size is similar to Winemark Carnmoney and there is extensive car parking at the shopping centre. There is also an extensive range of beers, spirits and wines on sale.

[25] The Bellevue Arms is at the southern boundary of the vicinity and has been a public house since 1971. There is a small off-sales area of 325 square feet and car parking adjacent to the public house. There is a limited range of beers, spirits and wines.

[26] The applicant's supermarket is south of Glengormley centre with 85 adjacent car parking spaces. When the store opened in 1999 it achieved 15,000 customer transactions per month and that figure has now increased to 24,000 customer transactions per month. The proposed off-licence within the store would be 689 square feet.

[27] There are factors that might reduce the appeal of the location of some of the off licence premises. Although I have not found the sectarian trappings in the vicinity to be such as to create a boundary along the Hightown Road and Carnmoney Road I am satisfied that some people could find some premises unattractive for that reason. The hoarding and flags around Winemark Antrim Road dampen the appeal of that location. The flags and kerb painting around the Ballyclare Road entrance to the Northcott shopping centre dampen the appeal of that location. There is an alternative entrance to Northcott Shopping Centre from Antrim Road. The position of the supermarket away from the road and the scale of the premises render the dampening effect at Northcott less than that which applies at Winemark Antrim Road. While there are some flags on Carnmoney Road I am not satisfied that this would create any damping on the appeal of Winemark Carnmoney Road. Nor am I satisfied that the incidents that have occurred in the Glengormley area would have an adverse impact on any of the premises to any greater extent than would apply to the applicant's premises.

[28] The applicant contends that the reasonable requirements of the public in modern times include in-store off-licences serving customers who travel to supermarkets by car and make bulk purchases of weekly shopping. The applicant recognises that it is not appropriate to rely merely on the convenience of an integrated off-sales facility in a supermarket and emphasises the nature of modern requirements that it is said are not met by the existing facilities. Modern trends and developments are matters to be taken into account in assessing the reasonable demands of the public but that does not mean that in-store facilities are a requirement in every vicinity. However, within the vicinity is the integrated off-sales facility at Tesco Northcott, and of a different character, the independent off-sales facility in the neighbourhood shopping centre on Carnmoney Road. The issue concerns the adequacy of the existing facilities and I take into account the developments there have been in recent times in the character of off licence facilities.

Service and training

[29] On the issue of service and staff training I am satisfied that Winemark staff receive sufficient training to provide appropriate advice to customers. Part-time staff do not receive the training to the same standard as full-time staff and managers and while part-time staff may be unable to deal with individual queries I am satisfied that Winemark staffing arrangements are such that there would be a member of staff available to deal with reasonable enquiries. I have no evidence that the service and staff training at Tesco's off-licence is deficient. In earlier applications for off-licences made by the applicant there have been criticisms of the absence of staff training and the correspondingly limited service that could be provided by staff to customers. I am satisfied that the applicant has now addressed that issue and that any proposed off-licence would provide adequate staff training and service.

Choice and price

[30] The reasonable requirements of the public extend to considerations of choice and price. There is an extensive range of products available from the premises within the vicinity. Winemark stock 55 varieties of beer, around 70 spirits and over 400 wines. Tesco have an even wider range of products. By contrast the applicant's range of products in their existing off-licences are limited. While figures vary the applicant's company profile listed 6 German beers and 1 cider, 20 spirits, 8 fortified wines and some 40 wines. The applicant applies the discount retailer approach to off-licences and contends that they offer a cheaper product for equal quality within their range of products. Accordingly the applicant contends that the existing provision within the vicinity is inadequate in that it fails to offer competitive prices for products in the lower price range. By way of example the prices of 393 wines stocked at Winemark Carnmoney Road include 13 priced up to £3.89, 89 priced up to £4.09, 115 priced up to £5.09, 70 priced up to £5.99 and 106 priced above £5.99. All but two of the applicant's wines are priced under £4.

Quality

[31] Evidence was given on behalf of the applicant and the respondent in relation to the quality of wines available from the applicant and the respondents. Sampling of the applicant's wines was undertaken on behalf of the respondent. Wines were purchased from an existing off-licence operated by the applicant and tasting took place in March 2003 and September 2003. The first tasting involved 31 of the applicant's wines being 17 white and 14 red. The second tasting involved 33 of the applicant's wines being 16 white, 15 red and 2 rose. In the tasting the majority of wines were considered faulty as they had become oxidised. The circumstances in which this had occurred were not established. It was not otherwise known to have been a problem with the applicant's wines. I accept the evidence that the majority of the applicant's wines were faulty at the tastings undertaken on behalf of the respondents but I am not satisfied as to the times at which the wines had become oxidised. I am satisfied that the condition of the wines at the tastings was not representative of the applicant's products.

Lower prices

[32] Peter Morris Wilson is an independent **wine** consultant who gave evidence for the applicant. He sampled products from the applicant's range and compared them with products from the off-licences in the vicinity. He evaluated 22 such products and found them to be of good quality and extremely reasonably priced. He found that the products were priced 29% higher at Tesco and 51% higher at Winemark. If account is taken of rejects, comparable products at Tesco were found to be priced 24% higher and at Winemark 45% higher. The respondents question the reliability of a quality comparison. In any event the respondents evidence on the quality of the applicant's wines is unsatisfactory because the tastings were distorted by the unrepresentative faulty products. The respondents contend that their monthly promotional plan and monthly price reductions over a range of products are not fully reflected in the applicant's comparisons. I am satisfied that the products stocked by the applicant are on average cheaper than products of comparable quality in the other off-licences in the vicinity.

Limited range

[33] The make up of the respondents sales in Glengormley may be illustrated by the Winemark Antrim Road premises where beer accounts for 30%, spirits 20%, ~~Wine~~ Wine 20%, cider and ready to drink (alco pops) 11%, cigarettes, crisps and mixers 19%. The respondents stock all the main brand of beer and spirits and the applicant stocks no brand names and no alco pops. Cigarettes, crisps and mixers are not available in the off-licences but in the applicant's main supermarkets. At Winemark Antrim Road the largest group of sales involves beer where the main brand names are in stock and the Winemark beer range comprises 17 standard lagers, 10 ales and stouts and 18 premium beers. The available evidence established that in 2002 Australia overtook France as the country with the largest volume share of the United Kingdom wine market, having secured 22% of the market. Australian wines represent 21% of the respondents stock and 6% of the applicant's stock, which amounts to two labels. I am satisfied that the existing off licences stock a wide range of products that provide reasonable choice to the public. The applicant's products are limited to the lower price range and include a limited number of lines within that price range.

Surveys

[34] The applicant relies on survey evidence to establish inadequacy in the vicinity. Surveys were carried out at the applicant's store in April 2001, September 2002 and March 2003. A profile of the interviewees was obtained in terms of gender, age range and social class. Questions concerned the interviewee's starting point for the visit to the store; means of travel; journey time; whether the store was their main grocery shop; type of goods bought; whether interviewees purchase or drink alcohol; location of last off licence purchase; whether interviewees would purchase from an off licence in the store; adequacy of applicant's product list; whether there was a need for an off licence in the store; reasons for any such need; reasons for no such need.

[35] Among the figures produced for each years survey were - the numbers interviewed 300, 312, 372; travelled by car 261, 320, 339; undertaking main shopping at the store 142, 161, 220; last bought alcohol from an off-licence in the vicinity 72, 68, 57; need for an off-licence at the applicants store 196, 189, 248; irrelevant reasons for such need included - convenience 119, 128, 122 - one stop shopping 104, 82, 104 - off-licences in other supermarkets 23, 21, 33 - relevant reasons for such need included - competition on price 100, 89, 147 - choice 12, 27, 49 - parking and accessibility 14, 33, 45; product list very /fairly adequate 195, 205, 247.

[36] Surveys were carried out in Glengormley town centre in April 2001, September 2002 and March 2003. Among the figures for the respective years were - interviewees 320, 340, 363; last purchased from one of the three off-licences in the vicinity 140, 86, 96; need for an off-licence at the applicant's store 187, 141, 144; relevant reasons for such need included - price competition 126, 103, 113 - choice 61, 53, 32 - parking and accessibility 5, 14, 16; product list very/fairly satisfactory 142, 194.

[37] A survey was carried out at the applicant's Shore Road, Belfast off-licence in September 2002. Among the figures produced were - interviewees 287; travelled by car 274; last purchase of alcohol at the Shore Road premises 103; satisfaction with the product range 241.

[38] I am satisfied from the exit surveys and the town surveys that there are significant numbers of people who have stated a need for an off-licence at the applicant's premises by reason of competitive prices, choice and parking and accessibility. I do not doubt that those who resort to the applicant's Shore Road off-licence are satisfied with the products available. I do not doubt the applicant's assessment that the addition of an off-licence facility at the applicant's Glengormley premises would be a profitable development. The issue however concerns the adequacy of existing premises and the burden on the applicant to establish that those premises are inadequate. The surveys do not directly address the adequacy of the existing facilities. The applicant seeks to address the issue indirectly by relying on the stated need for an off-licence at the applicant's premises and by reference to the limited resort to the existing facilities.

[39] Of the stated need in the latest exit survey of 372 respondents and 278 purchasers of alcohol, 147 gave competition on prices as a reason for the need for an off-licence in the Glengormley store and 49 gave increased choice. Respondents were free to choose more than one reason. In the latest town survey of 363 respondents and 249 purchasers of alcohol, 113 gave competition and prices and 32 increased choice as reasons for the need for an off-licence at the applicant's store. What is slightly surprising about the figures is that an operation which presents itself as a discount store with competitive pricing at the forefront of its marketing strategy should produce such a significant number of responses that did not place prices or value for money or competition in prices as the reason for an off-licence. The survey at the applicant's Shore Road premises asked 287 respondents for the aspects of the **Lidl** off-licence they particularly liked and 197 specified prices and 108 specified value for money. Again it is rather surprising that of "287 customers exiting the **Lidl** store after having browsed or purchased from the off-sales department", 90 people did not particularly like

the prices and 179 did not consider that value for money was an aspect they particularly liked. Nevertheless a significant majority of interviewees did place choice and price as reasons for a new off licence or for favouring the applicant's off licence.

[40] On the limited resort to existing facilities the last exit survey indicated that only 57 respondents had last purchased alcohol from one of the three off-licences in the vicinity and in the last town survey only 96 had purchased from the one of the three off-licences. The exit survey does demonstrate that last purchases were made from more than 60 off-licences and in the case of the town survey from more than 40 locations. When one considers last purchases from those using the applicant's Shore Road off-licence it appears that 103 of the 287 respondents had last purchased from those premises and the remaining two thirds had last purchased from over 60 other locations. This would appear to demonstrate that those respondents to the various surveys were largely mobile members of society whose off-licence needs are addressed at many and varied locations.

[41] I accept the force of the respondents' criticism of the question based on the respondent's "last" purchase from an off-licence in reliance on an American text, Sudman and Bradburn's Asking Questions (Jossey-Bass Publishers, 1982) at page 40. Such a question is said to be generally less precise than that involving a specified time period because even if respondents could remember accurately, the form of question gives equal weight to those who do something often and those who do it rarely. The comment is made that analysis and conclusions based on such data are likely to be confusing and misleading and in addition the memory task is more difficult for those who do it rarely so that their answers are subject to much greater memory errors.

[42] Most critically the surveys did not address directly the issue of the inadequacy of off-licence facilities in the vicinity. I do not regard the survey data on the need for an off-licence at the applicant's premises as establishing the inadequacy of the existing facilities, although it is a matter to be taken into account in assessing adequacy. I consider the survey data on the limited resort to the existing facilities to be of limited weight as evidence of the inadequacy of the existing facilities.

Turnover

[43] The respondents produced evidence of significant resort to the Antrim Road Winemark and the Carrmonee Road Winemark by the use of the turnover figures for the two premises from the year ending 31 December 1997 to date. At the Antrim Road Winemark the turnover increased year by year except for the year ending 31 December 2002 but had increased again for the past year to date. For the Carrmonee premises turnover declined in the years ending 31 December 1998 and 31 December 1999 and again for the years 31 December 2001 and 31 December 2002. The figures are comparable between the two stores. The Abbey Centre development in 1997 was said to account for the first decline and the new Abbey development in 2002 for the second decline but there has been increased turnover in the past year. This evidence confirms that the premises concerned enjoy a substantial trade but I consider the evidence does not speak on the issue of the adequacy of the premises.

Lower prices and limited range

[44] The issue before the court is whether the applicant has established that the existing facilities are inadequate. The applicant contends there is such an inadequacy in that area of the market where the applicant would compete. The totality of the evidence would suggest that the applicant's proposed off licence would provide competition on prices at the lower price range and this, the applicant contends, illustrates the inadequacy of existing facilities. I accept that the applicant offers more competitive prices in the products offered in the lower price range. Set against that position is the availability in the existing off licences of a wider list in the lower price range where they would directly compete with the applicant's proposed off licence, as well as the added list in the higher price range, and this the respondent contends illustrates inadequacy in the applicant's proposed facilities.

[45] Inadequacy ought not to be determined by reference to one aspect only of the existing facilities but by a consideration of the facilities as a whole. This requires consideration of all aspects, including service and training and choice and price, taken as a package. If a proposed off licence could demonstrate that the existing facilities were deficient in terms of say, service, compared to the proposed service, that would not establish the inadequacy of the existing facilities. It would be necessary to consider the whole package of existing facilities and for the proposed off licence to establish the inadequacy of that package as a whole. Within the area of the market targeted by the applicant regard must be had not only to the advantages of lower prices but to the disadvantages of a limited product range. In addition adequacy of existing facilities is not to be determined by focussing on a particular section of the market that is being targeted but rather on the adequacy of provision as a whole. This is an overall assessment that is a matter of degree.

[46] In the present case I am not satisfied that the existing facilities are inadequate. I am not satisfied that the higher prices in the existing premises or the cheaper prices in the applicant's range of products, render inadequate the total package offered by the existing facilities when the totality of the

facilities are considered. In off licence provision in this jurisdiction the public are entitled to expect competitive prices over a reasonably extensive list of products, which caters for the reasonable breadth of the market. That entitlement is not met by competitive prices over a limited list of products in a reduced area of the market. In this regard the discount retailer approach is not well placed to advance in the off licence trade in this jurisdiction where the legislation is designed to restrict the outlets for the sale of intoxicating liquor off the premises. In F A Wellworth & Co v Philip Russell [1997] NI 172 Girvan J considered the restrictions on competition arising from the licensing legislation did not breach European Community Law or amount to unlawful restraints of trade at common law.

[47] The respondent contended that the applicant's proposed premises would not amount to an "off licence" for the purposes of the legislation because of the limited range of products. The Licensing (Conditions for Mixed Trading) Regulations (Northern Ireland) 1997 came into operation on 25 July 1997. The Regulations prescribe conditions upon which an off-licence may be carried on from part of business premises. Conditions for mixed trading are set out to regulate an integral off-licence within a general store. The applicant contends that regard has not been had to this modern form of demand for off-licence premises or to the effect of the 1997 Regulations by those who would criticise the adequacy of the applicant's off-licence facility by reason of the limited range of products. A licence holder must be engaged in the business of selling intoxicating liquor and this does imply certain minimum trading requirements to amount to such a business. I would not accept that the proposed facilities are incapable of amounting to an "off licence" for the purposes of the legislation. However, where there are objections from existing premises to the grant of a licence to the applicant, the limited range of products does render it difficult for the applicant to establish that its competitive pricing exposes the existing facilities as inadequate.

[48] As the applicant has not established on the balance of probabilities that the number of off licence premises which are in the vicinity of the applicant's premises is inadequate, as required by Article 7(4)(e) of the Licensing (Northern Ireland) Order 1996, the Court must refuse the application.

**TO THE CHAIRMAN AND MEMBERS OF THE BOUNDARY
COMMISSION FOR NORTHERN IRELAND**

**REPORT OF A LOCAL INQUIRY IN RESPECT OF THE PARLIAMENTARY
CONSTITUENCIES OF LAGAN VALLEY, NEWRY AND ARMAGH, SOUTH
DOWN, STRANGFORD AND UPPER BANN CONDUCTED ON 19 AND 20
SEPTEMBER 2005 AT THE SLIEVE DONARD HOTEL NEWCASTLE**

I have the honour to report to you as follows:

- 1.1 The Commission announced a Review of parliamentary constituency boundaries on 16 May 2003. On 6 May 2004 the Commission published Provisional Recommendations for revised boundaries.
- 1.2 In response to their Provisional Recommendations, the Commission received submissions from political representatives and parties, district councils, representative groups and members of the public. The submissions included petitions. The nature of the submissions required the Commission to convene independent public Local Inquiries to consider their Provisional Recommendations before proceeding. I refer to these submissions later.
- 1.3 On 30 March 2005 I was appointed an assistant Commissioner by the Secretary of State under section 2 of and Schedule 1 to the Parliamentary Constituencies Act 1986 and was invited by the Commission on 16 May 2005 to conduct a public Local Inquiry into the Commission's proposals affecting the five constituencies of Lagan Valley, Newry and Armagh, South Down, Strangford and Upper Bann.
- 1.4 The Commission's Provisional Recommendations and relevant material together with the written submissions received by the Commission in response to their published Provisional Recommendations were referred to me.

CONSTITUENCY ELECTORATES

- 2.1 On 16 May 2003 (the enumeration date for the proposals of the present Review), I am advised that the total number of registered parliamentary electors in Northern Ireland was 1,097,450 and the number of constituencies in Northern Ireland was 18. The electoral quota (EQ) or average number of electors for each constituency, was therefore 60,969.
- 2.2 The parliamentary electorate and % deviation from the EQ of the five present constituencies under review were as follows:

Constituency	Parliamentary Electorate	Percentage +/- Quota of 60,969
Lagan Valley	67963	+11.5%
Newry and Armagh	68730	+12.7%
South Down	70173	+15.1%
Strangford	66303	+ 8.7%
Upper Bann	68806	+12.9%

2.3 I am advised that on the enumeration date the electorates of the proposed constituencies were:

1.	Lagan Valley	62,707	2.9% above (EQ)
2.	Newry and Armagh	63,380	4.0% above (EQ)
3.	South Down	65,496	7.4% above (EQ)
4.	Strangford	63,564	4.3% above (EQ)
5.	Upper Bann	64,493	5.8% above (EQ)

RULES FOR REDISTRIBUTION OF SEATS

- 3.1 The Commission are obliged by rule 5 of the Rules for Redistribution of Seats which are set out in Schedule 2 to the Parliamentary Constituencies Act 1986, to recommend constituency electorates as near as practicable to the EQ.
- 3.2 The Commission are also obliged by virtue of rule 4 to avoid dividing, so far as is practicable, local government wards between constituencies, unless it appears to them that a departure is desirable to avoid an excessive disparity between the electorates of constituencies and the EQ, or between the electorate of any constituency and that of neighbouring constituencies.
- 3.3 In the five constituencies covered by the Inquiry, no wards are divided by the present or proposed constituency boundaries.
- 3.4 Rule 6 provides for the Commission to exercise discretion when applying rules 4 and 5 and have regard to special geographical considerations, including the size, shape and accessibility of a constituency.
- 3.5 The Commission are also obliged by rule 7(a) and (b) to take account, as far as they reasonably can, of inconveniences attendant upon alterations of constituency boundaries (other than alterations to preserve the integrity of local government wards) and also to take account of local ties which might be broken by such change. The Commission take the view that such local ties might include those between wards belonging to the same Local Government District (LGD) or the same district electoral area (DEA). In the area covered by the Inquiry which I was invited to undertake, there are eight LGDs. Of these, the Armagh City and District LGD is wholly contained within the Newry and Armagh constituency and the Craigavon LGD is wholly contained within the Upper Bann constituency. Other LGDs are divided between constituencies.

STATEMENT OF REASONS

- 4.1 In the Statement of Reasons for Provisional Recommendations issued by the Commission in June 2005, the Commission laid down the principles which had guided their Provisional Recommendations and, in relation to the five constituencies covered by the Inquiry, stated that:
- ‘ 15. As a consequence of proposed changes affecting Belfast, the Commission have had to consider how to accommodate the ripple effect on adjacent constituencies, and have sought to do so having regard to the two largest constituencies in Northern Ireland, namely North Antrim with an electorate of 70,582 (15.8% above the (EQ) and South Down with an electorate of 70,173 (15.1% above the EQ).

16. The transfer of Castlereagh LGD wards to the Belfast East and Belfast South constituencies would have a particularly pronounced effect on the Strangford constituency reducing it to an electorate of 51,820 (15% below the EQ). At the last Periodical Review, the Down LGD wards of Derryboy, Killyleagh and Saintfield were transferred from the South Down to the Strangford constituency. The Commission now propose that the remaining Rowallane DEA wards of Crossgar and Kilmore should be similarly transferred, together with the whole of the Ballynahinch DEA but not the ward of Seaforde. To transfer the Seaforde ward would effectively detach the Downpatrick DEA from the remaining part of the South Down constituency.
17. To equalise the electorates of the remaining parts of the South Down and the electorates of the adjacent Newry and Armagh and Upper Bann constituencies, the Commission propose that in the Newry and Mourne LGD, Newry Town DEA wards of St Mary's, St Patrick's and Windsor Hill currently within the Newry and Armagh constituency should transfer to the South Down constituency. The areas contained in these County Down wards formed part of the South Down constituency until 1983. The Commission also propose that the Banbridge LGD ward of Loughbrickland be transferred from the Upper Bann to the South Down constituency and the Craigavon LGD ward of Aghagallon be transferred from the Upper Bann to the Lagan Valley constituency with the cumulative effect of creating four constituencies of broadly equivalent sized electorates; Lagan Valley with an electorate of 62,707 (2.9% above the EQ); Newry and Armagh with an electorate of 63,380 (4.0% above the EQ); South Down with an electorate of 65,496 (7.4% above the EQ) and Upper Bann with an electorate of 64,493 (5.8% above the EQ).'

CONDUCT OF INQUIRY

- 5.1 The Inquiry was conducted over two days during which time I endeavoured to accommodate all those persons present with the opportunity to address the Inquiry. To the best of my knowledge no one was prevented from doing so by virtue of the sequence with which the Inquiry considered proposals in respect of each of the five constituencies. I allowed questions to be asked of speakers and do not believe that in doing so this inhibited a full and faithful expression of views.
- 5.2 In addition to the written representations received by the Commission and referred to me , I received a large number of submissions immediately prior to and during the Inquiry certain of which, on behalf of Down District Council and Newry and Mourne District Council, were substantial and detailed. All the submissions were made available to those persons attending the Inquiry. I gave careful consideration to the weight to be attached to these submissions and the extent to which their late submission prejudiced the preparation and consideration of counterproposals. However, I received no complaints to this effect, save that the ripple effect of counterproposals put forward on behalf of Newry and Mourne District Council affected the constituencies of Fermanagh and South Tyrone and Mid Ulster. I refer to this again later but regret that such far reaching counterproposals were not available to the Commission and hence made more widely available to the public and those participating in the Inquiry process as they should have been at the appropriate time.

OTHER MATTERS

- 6.1 In considering all of the evidence presented to me both written and oral, I have also had to give consideration to the effect of the number of constituencies in Belfast. The question that has exercised many minds has been that of deciding whether there should be either three or four constituencies covering Belfast. Deciding this falls outside the remit of my Inquiry but I am required to be aware of it and have regard to the ripple effect of change. From time to time during the two days of the Inquiry, reference was made to the Belfast constituencies.

In particular, Dr Stephen Farry on behalf of the Alliance Party made a submission in respect of the constituencies included in my Inquiry on the basis of there being both three and four constituencies in Belfast. Mr Richard Bullick on behalf of the Belfast DUP MPs and MLAs questioned Dr Farry on this as did Mr Sean Begley on behalf of Sinn Féin who indicated his party's support for four constituencies. Mr Edwin Poots MLA for Lagan Valley said:

“The Provisional Recommendations of the Boundary Commission have certainly not been without their controversy, the reverberations of, really, what is happening in retaining four seats in Belfast can be felt right through to Ballycastle and Newry as such, in that the effects of retaining four seats in Belfast and their expansion will have a ripple effect throughout County Antrim and County Down.”

- 6.2 In short I cannot ignore the Belfast “problem”. What I did detect from the various comments made to me, both written and oral and also upon reading the submissions made to the Belfast Inquiry heard by Mr James Toolan BL, assistant Commissioner, was that in all probability the Provisional Recommendations for four constituencies covering Belfast published on 29 April 2004 would be supported by most people who attended the Belfast Inquiry on 5 September 2005.
- 6.3 It would of course have been possible for me to consider the question of there being only three constituencies in Belfast, to see what possible effect this might have had upon the constituencies I was required to look into. It is my opinion that such a task would have been enormously time consuming and in the light of the general support for there being four Belfast constituencies, I decided I would not follow that route. That is not to say that I have chosen simply to note that four constituencies will be confirmed upon the completion of Mr James Toolan's Inquiry and leave it at that. I have been very much aware of the implications of the proposed expansion of the Belfast constituencies in underpinning the Commission's Provisional Recommendations.
- 6.4 In conclusion therefore, my report into the five constituencies is based on the Commission's provisional recommendation that there should be four constituencies in Belfast.
- 6.5 Finally I would like to make one further observation with regard to the timing of the public Local Inquiry. In his representation to me on 19 September 2005, Mr Jeffrey Donaldson MP MLA opined
- “ in fact, it is regrettable, Mr Assistant Commissioner, that there has not been a ward boundary review in advance of the Parliamentary Constituency Boundary Review. As you know, the electoral ward is the basic building block of the parliamentary constituency. Since the last review there have been significant population shifts across Northern Ireland, and the Commission is trying to assemble or review parliamentary constituency boundaries which, at times, have difficulty in reflecting those population changes.”
- 6.6 The view expressed by Mr Donaldson is one that I, and I would suggest many others, agree with. Had it been possible to arrange a sequentially more logical timing of a review of ward boundaries, the constituencies and perhaps other related matters such as the Review of Public Administration, I think the outcome of all of the boundary reviews would have been a more accurate reflection of the changes required in Northern Ireland.

LAGAN VALLEY CONSTITUENCY

- 7.1 The Provisional Recommendations of the Boundary Commission in so far as they relate to the Lagan Valley constituency are as follows:

1. The Lisburn City LGD wards of Derryagh, Dunmurry and Seymour Hill at present in the Lagan Valley constituency are to be transferred into the Belfast West constituency.
2. The Craigavon LGD ward of Aghagallon is to be transferred into the Lagan Valley constituency.

The outcome of these recommendations will be that the Lagan Valley constituency will have an electorate of 62,707 showing a 2.9% deviation above EQ.

- 7.2 Prior to and at the Inquiry I received written submissions relevant to this constituency from:

John Auld
 David McCarthy – Lodge Secretary, Dunmurry True Blues LOL
 William A Leathem – Chairman, Democratic Unionist Party Lagan Valley Association
 Jeffrey Donaldson MP, MLA – Member of Parliament for Lagan Valley
 Angela Smith – Chairperson, Seymour Hill and Conway Residents’ Association.
 Jackie Stewart – Chairperson, Dunmurry Community Association
 Pat Doherty MLA – Vice President, Sinn Féin
 Cyril Donnan – Policy Director, Ulster Unionist Party
 Stephen Farry – General Secretary, Alliance Party of Northern Ireland
 Stephen Barr – on behalf of Ulster Unionist Party

- 7.3 At the Inquiry oral submissions and questions were received from:

Stephen Farry – General Secretary, Alliance Party of Northern Ireland
 Sean Begley – representing Sinn Féin
 Edwin Poots MLA – Lagan Valley
 Ken Armstrong – Secretary, Lagan Valley Ulster Unionist Association
 Richard Bullick – representing Belfast DUP MPs and MLAs
 Jeffrey Donaldson MP, MLA – Member of Parliament for Lagan Valley
 Mark Black – Development Worker, Seymour Hill and Conway Residents’ Association
 William Thompson – Secretary, Dunmurry Community Association
 Dolores Kelly MLA – Upper Bann
 James McCammick MBE, JP – Hon Secretary, Upper Bann Ulster Unionist Association

Crumlin ward

- 7.4 I would first like to deal with a number of suggestions that came forward for me to consider concerning wards not directly affected by the Provisional Recommendations. Mr Sean Begley on behalf of Sinn Féin proposed the inclusion in the Lagan Valley constituency of the Antrim LGD ward of Crumlin. He argued that there was a natural affinity that the community of that ward had with the neighbouring wards, notably Glenavy. He said that:

“There exists a strong social, economic and communal bond between the neighbouring wards, which is reflected in the organic parish links of many of the churches in the area. For the Glenavy and lough shore communities, Crumlin is the local and socialising centre in the region. The local schools in Crumlin, from both denominations, include a considerable intake of pupils from the Glenavy and Lough Shore areas at both primary and secondary school level. With demographic increases being expanded in both villages the links between the villages and surrounding rural areas will grow stronger.”

- 7.5 Questioned by Dr Stephen Farry if he thought it was justifiable “to arbitrarily take one ward from Antrim Borough Council and break up all of Antrim Council being within South Antrim to bring one ward across into Lagan Valley”, Mr Begley responded that “it would

not be unnatural for a ward to be broken off in terms of achieving the goal of a constituency and the quota that is needed in a constituency.”

- 7.6 I then asked for Mr Begley’s comments on the suggestion put forward by Councillor Thomas Burns – “In view of the boundary changes I would like to see Glenavy to Aghagallon fall into the eastern side of the lough shore and be brought into the South Antrim constituency.” His response was that Crumlin had a natural affinity with Glenavy and should come into the Lagan Valley constituency.
- 7.7 Later I asked Mr Jeffrey Donaldson for his comments on this proposal. Whilst acknowledging that Glenavy and Crumlin were very closely associated he said that he was not aware that the people in Crumlin had articulated a great desire to change their parliamentary constituency. He went on to say that to transfer one ward out of Antrim LGD into a separate parliamentary constituency would leave Crumlin “somewhat cut off in certain respects, as being the only ward of Antrim Borough Council that would not be in the South Antrim constituency.”
- 7.8 Mr John Auld in his written submission dated 10 May 2004 provided a very comprehensive review of the Provisional Recommendations and he did not suggest that the Crumlin ward should be transferred into Lagan Valley.
- 7.9 Likewise the Alliance Party’s submission made no suggestion that this ward should be transferred to Lagan Valley.
- 7.10 In conclusion, therefore, whilst I accept that there is some merit in the argument presented to me by Mr Sean Begley on behalf of Sinn Féin I am not persuaded by it. I did not receive any evidence of there being any pressing desire that the electorate of that ward wanted to be included in the Lagan Valley constituency. That, together with the consequences of detaching a ward from the Antrim LGD, are points which greatly outweigh the arguments presented by Mr Begley for the proposal.

Aghagallon ward

- 7.11 Located in the Craigavon LGD the ward has an electorate of 2,596. Presently it forms part of the Upper Bann constituency. It is located at the south east corner of Lough Neagh. To the east it abuts on or against the Lagan Valley constituency ward of Ballinderry; to the south and south west by wards in the Upper Bann constituency.
- 7.12 Written submissions both prior to and at the Inquiry relating to the provisional recommendation to transfer this ward to Lagan Valley were received from:
- John Auld
Pat Doherty – Vice President, Sinn Féin
Cyril Donnan – Policy Director, Ulster Unionist Party
Stephen Farry – General Secretary, Alliance Party for Northern Ireland
Gerry Cosgrove – General Secretary, Social Democratic and Labour Party
Stephen Barr – on behalf of Ulster Unionist Party
- 7.13 At the Inquiry oral representations were made by the following persons:
- Stephen Farry – General Secretary, Alliance Party of Northern Ireland
Sean Begley – representing Sinn Féin
Edwin Poots MLA – Lagan Valley
Jeffrey Donaldson MP, MLA – Member of Parliament for Lagan Valley
James McCammick MBE, JP – Hon Secretary, Upper Bann Ulster Unionist Association
Dolores Kelly MLA – Upper Bann

- 7.14 Having read the written submissions and having taken note of the alteration which in the course of the Inquiry the Alliance Party made to their written submission, there was only one political party and one local political association voicing support for the provisional recommendation. Mr Sean Begley stated his party's position very simply as follows:
- “...given its close proximity to the Lagan Valley constituency and its social and its commercial link with the neighbouring wards in Lagan Valley. We would endorse the view that the ward fits naturally into Lagan Valley constituency.”
- 7.15 Mr James McCammick, the honorary secretary of Upper Bann Ulster Unionist Association told me that his particular party had no objections whatever to the proposals in relation to Aghagallon.
- 7.16 Everyone else who either presented a written submission or spoke to the proposal at the Inquiry expressed opposition to it. Mr Edwin Poots, Lagan Valley DUP Assembly Member and alderman in Lisburn City Council put it, I think very succinctly:
- “If we move first to Aghagallon, which it is proposed to bring into it in the first instance, I do not think either that there is significant support in the community in Aghagallon for being moved into the Lagan Valley constituency, nor that there is a significant desire on the part of Lagan Valley to receive the good folk from Aghagallon.”
- 7.17 Mr Jeffrey Donaldson MP MLA pointed out that the proposal would result in Aghagallon being the only ward from the Craigavon LGD that would be split from the Upper Bann constituency. He went on to point out the affinities of the ward with Lurgan and Craigavon.
- 7.18 It was, however, Councillor Dolores Kelly MLA who persuaded me that the recommendation should not be supported. She set out and described in considerable detail how the Aghagallon ward was very closely tied in many different ways with the Craigavon LGD in terms of the parishes in the ward, the ‘social, business and community’ links which exist, schooling and healthcare and accident and emergency hospital services. Moreover it was maintained that Aghagallon ward ‘actually is within Lurgan’ stretching into the town centre boundary. Altogether the links with Craigavon LGD appeared formidable by comparison with those links which might exist with Lisburn of which there was scant evidence.
- 7.19 It is my view that whilst not agreeing entirely with the comment of Mr John Auld in his written submission of 10 May 2004 that “it seems that this is being done purely to equalise electorates while ignoring the ward's ties with Lurgan.” or the comment to the Inquiry made by Dr Stephen Farry about arbitrarily splitting off one ward from Craigavon and placing it in Lagan Valley, I am not satisfied that sufficient consideration has been given to the many points made by various people that this ward should remain as part of Upper Bann. I am persuaded by their arguments.
- 7.20 **I therefore recommend that the Aghagallon ward should not be transferred to the Lagan Valley constituency.** The consequence of so doing is to reduce the electorate of the Lagan Valley constituency by 2596 and increase that of Upper Bann by the same number.

Derryaghy, Dunmurry and Seymour Hill wards

- 7.21 These three wards have an electorate of 3641, 2510 and 1701 respectively. They form part of the Lisburn LGD and at present form part of the constituency of Lagan Valley. The provisional recommendation is to transfer all three wards to the Belfast West constituency.

7.22 Prior to and at the Inquiry written submissions were received from:

John Auld
David McCarthy – Lodge Secretary, Dunmurry True Blues LOL
Gerry M McBride – Policy and Co ordination Officer, Down District Council.
William A Leathem – Chairman, Democratic Unionist Party Lagan Valley Association
Jeffrey Donaldson MP, MLA – Member of Parliament for Lagan Valley
Angela Smith – Chairperson, Seymour Hill and Conway Residents’ Association.
Jackie Stewart – Chairperson, Dunmurry Community Association
Pat Doherty MLA – Vice President, Sinn Féin
Cyril Donnan – Policy Director, Ulster Unionist Party
Stephen Farry – General Secretary, Alliance Party of Northern Ireland
Stephen Barr – on behalf of Ulster Unionist Party

7.23 At the Inquiry oral representations were received from:

Stephen Farry – General Secretary, Alliance Party of Northern Ireland
Sean Begley – representing Sinn Féin
Edwin Poots MLA – Lagan Valley
Ken Armstrong – Secretary, Lagan Valley Ulster Unionist Association
Richard Bullick – representing Belfast DUP MPs and MLAs
Jeffrey Donaldson MP, MLA – Member of Parliament for Lagan Valley
Mark Black – Development Worker, Seymour Hill and Conway Residents’ Association
William Thompson – Secretary, Dunmurry Community Association

7.24 In considering all of the representations there was only modest support for the Commission’s Provisional Recommendations. Sinn Féin in its written submission did not put forward any reasoned argument but Mr Begley at the Inquiry explained the links the three wards had with West Belfast. He also emphasised that “the only natural way that we can reach quota in Belfast is by looking at the Lagan Valley constituency and the three wards”.

7.25 The Ulster Unionist Party in its written submission understood the feelings in the ‘Dunmurry’ wards of Lagan Valley which would not welcome the proposal that the three wards should be transferred to the Belfast West constituency but they likewise recognised the necessity to increase the number of electors in that constituency. They also added that the recommendation would reunite the Dunmurry Cross DEA wards.

7.26 Dr Stephen Farry in the Alliance Party’s written submission argued both ways. If there were to be three seats in Belfast then these three wards should remain in Lagan Valley. However, if as seems, there are to be four seats in Belfast, then his party’s view was that the wards should be transferred to Belfast West. He said at the Inquiry that “While I am aware of the local opposition in Dunmurry, Derryaghly and Seymour Hill to their going into West Belfast, I do not believe that the Boundary Commission has any alternative but to do that”. He further commented that the people in both areas could move freely to Lisburn and into Belfast. Some people he suggested may have greater links to Belfast “accepting that more people in the area, as a whole, may identify with Lisburn. It is not a full 100% link to Lisburn”.

7.27 Mr Richard Bullick acknowledged that whilst he supported the transfer of the three wards he was very much alive to the consequences thereof. He acknowledged that the view of the local population “is bound to be a relevant consideration, and a significant consideration, ...” I questioned him further on this and he acknowledged that whatever the solution it was bound to be unpalatable to some people.

- 7.28 This comment was very clearly evidenced by the considerable opposition both written and oral presented to the Inquiry for consideration. Numerous speakers voiced their deeply felt opposition to the proposals all of whom explained that they had no ties or connections of any shape or form with the constituency of Belfast West.
- 7.29 I do not propose to set out each and every one of those arguments presented by all of the individuals, parties and associations who voiced their opposition to the proposals, but the Commission's proposals were reported to have caused much consternation in the local community. Those living in the Seymour Hill ward saw themselves as part of the Lagan Valley community running down to the edge of the River Lagan and looked to Lisburn for their civil and social life, exemplified in the commercial life and shopping links, schooling arrangements, work patterns and use of leisure and sporting facilities. Moreover, the Seymour Hill Estate was divided between Seymour Hill and the Lisburn City LGD Lambeg ward. The Commission's proposal to transfer the Seymour Hill ward to the Belfast West constituency was seen to conflict with the development of its community infrastructure. Local health and social care services (based on Down Lisburn Trust) were also centred on and around Lisburn. None of the evidence presented to me was challenged or contradicted in the course of the Inquiry. A significant number of people had gone to the trouble of signing petitions opposing the Provisional Recommendations, submitting written objections and attending at the Inquiry. In considering all of the evidence given to me it would be my view that there was an overwhelming case in favour of retaining the ward of Seymour Hill in the Lagan Valley constituency.
- 7.30 With regard to the Dunmurry ward, there may well be a number of the electors within that ward who, whilst living in the village of Dunmurry on the eastern side of the railway line, have ties with the Seymour Hill ward and Lisburn. However, I do not see that there was any strongly argued case for keeping that ward within Lagan Valley and neither was there sufficient evidence given to me to suggest that this ward should be split between the two constituencies.
- 7.31 **I therefore recommend that the Dunmurry ward should be transferred to the Belfast West constituency and that the Seymour Hill ward remain in the Lagan Valley constituency.**
- 7.32 With regard to the ward of Derryaghly the situation is quite different. The evidence I received gave a clear indication that this particular ward could be regarded as being made up of two parts. To the north of the ward is the Lagmore housing estate. This is a relatively new housing development which has received some of the overspill of population mostly from West Belfast. Having heard comments about this particular area of the ward and having spent some time touring the area in person, I have no doubt that there are very close ties between this part of the ward and the Belfast West constituency. No one argued that it would be wrong for this part of the ward to be transferred to the Belfast West constituency.
- 7.33 The remainder of the ward does in my opinion have many significant ties and links with Lisburn and the Lagan Valley constituency. The ward seems to consist of two entirely separate parts – one closely linked to West Belfast and another to Lisburn and the Lagan Valley constituency. The latter part contains Milltown, and the Milltown and Conway Estates. A large section of the Conway Estate is regarded as part of the Seymour Hill area housing estate and comparable links to those already described in respect of the links which exist between residents of the Seymour Hill ward and Lisburn equally apply not only to the residents of the Conway Estate but Milltown and the Milltown Estate. Moreover, the possibility was put forward that with the growth in population of the Derryaghly ward and the relatively smaller size of the Seymour Hill ward, the Conway Estate in the Derryaghly ward and the Seymour Hill wards might at some future point be brought together into a single ward following a review of the present ward structure, thereby recognising their strong links.

- 7.34 Mr Jeffrey Donaldson argued that the Derryaghy ward was one that deserved consideration for it to be split. He said ...
- “that the Commission does have the power in certain circumstances to split an electoral ward between parliamentary constituencies, and I think, in the case of the Derryaghy ward that is justified having regard to the massive increase in the population of the ward. It is now the size of two wards in Lisburn City, therefore, you can justify it in population terms; but you can also justify it in terms of the outlook of the communities represented in the Derryaghy ward in that a substantial section of that ward looks to West Belfast – the Lagmore section and a substantial section looks toward Lisburn and the Lagan Valley constituency.”
- 7.35 **In conclusion, therefore it would be my recommendation that the circumstances relating to the Derryaghy ward are such that it would be reasonable for the Commission to divide the ward** as suggested by, amongst others, Mr Donaldson. He helpfully submitted a Northern Ireland Statistics and Research Agency map of the ward on which he drew an east to west line separating the northern and southern parts of the ward. Having visited the locality, I consider that the line approximates to my own conclusion of where the ward should be divided.
- 7.36 By dividing the ward so that the northern part including Lagmore is separated from the remainder of the ward, the number of parliamentary electors on the 16 May 2003 enumeration date were as follows:
- | | |
|--------------------|------|
| North of the line: | 1645 |
| South of the line: | 1996 |
| Total: | 3641 |
- 7.37 If, having had regard to rules 5 and 6 of the Rules for Redistribution of Seats (affecting excessive disparity between neighbouring constituency electorates and accessibility) which leads me to recommend that the ward should be divided, the Commission are not in fact minded to do so, I recommend that the Derryaghy ward should remain in the Lagan Valley constituency.
- 7.38 Rule 7 of the Rules for Redistribution of Seats requires me to take account, so far as I reasonably can, of inconveniences attendant on alterations of constituencies and of any local ties which would be broken by such alterations. The evidence available to me is that a majority of electors of the Derryaghy ward would be so affected if it were to be transferred to the Belfast West constituency. I am therefore unable to support the Commission’s provisional recommendation that the Derryaghy ward in its entirety should transfer to the Belfast West constituency.
- 7.39 I considered whether residents of the Seymour Hill ward, Milltown and the Conway and Milltown Estates in the Derryaghy ward were opposed to the transfer of the wards to the Belfast West constituency by reason of an aversion towards being part of a constituency in which they felt that they would be denied effective political representation. I concluded, however, that the issue transcended party politics and that the views expressed to me were based on the strong local ties which residents have to Lisburn and the facilities it offers, as well as its close geographical proximity.
- 7.40 The impact of these recommendations on boundaries, if accepted by the Commission, will be an electorate on the enumeration date of 63,808 and 4.7% above the EQ.

UPPER BANN CONSTITUENCY

- 8.1 The Provisional Recommendations of the Commission as they relate to the Upper Bann constituency are as follows:
1. The Banbridge LGD ward of Loughbrickland at present within the Upper Bann constituency be transferred to the South Down constituency.
 2. The Craigavon LGD ward of Aghagallon at present in the Upper Bann constituency be transferred to the Lagan Valley constituency.
- 8.2 I have already set out my reasons for recommending that the Aghagallon ward should remain in the Upper Bann constituency.

Loughbrickland ward

- 8.3 Prior to and at the Inquiry I received written submissions from:

John Auld
Eddie McGrady MP, MLA and others – SDLP South Down constituency
Robert Gilmore – Chief Executive, Banbridge District Council
Gerry M McBride – Policy and Co ordination Officer, Down District Council.
Pat Doherty MLA – Vice President, Sinn Féin
Cyril Donnan – Policy Director, Ulster Unionist Party
Stephen Farry – General Secretary, Alliance Party of Northern Ireland
Stephen Barr – on behalf of Ulster Unionist Party
David Simpson MP – Member of Parliament for Upper Bann
James McCammick MBE, JP – Hon Secretary, Upper Bann Ulster Unionist Association
Samuel Gardiner MBE, MLA – Upper Bann
Jim Wells MLA – South Down Association of the Ulster Democratic Unionist Party

- 8.4 At the Inquiry oral representations and questions were received from:

David Simpson MP – Member of Parliament for Upper Bann
Jim McIlroy – Chairman, Banbridge District Council
David Nichol – Chairman, Scarva and District Community Association
Stephen Farry – General Secretary, Alliance Party of Northern Ireland
James McCammick MBE JP – Hon. Secretary, Upper Bann Ulster Unionist Association
Jim Wells MLA – South Down Association of the Ulster Democratic Unionist Party

- 8.5 Written submissions were fairly evenly divided both in support of or against the recommendation to transfer the ward.
- 8.6 Mr. John Auld simply suggested that the transfer should be made. Sinn Féin and the Alliance Party likewise. None set forward any arguments one way or the other. However, at the Inquiry, Dr Stephen Farry raised the problem that would be created by Aghagallon remaining in Upper Bann along with the Loughbrickland ward and questioned how that increase in the electorate of the constituency could be dealt with by the Commission.
- 8.7 Turning to both the written and other submissions made at the Inquiry, once again those against the recommendation, in my opinion, set out a very strong argument for maintaining the present arrangements by highlighting in considerable detail the links between the ward and Craigavon in particular and the Upper Bann constituency in general. These included Councillor John McIlroy, Mr David Nichol and Mr James McCammick who declared that the Banbridge District Council were unanimously opposed to the ward being detached from the Upper Bann constituency. Leisure, sporting and shopping facilities as well as schooling arrangements attracted Loughbrickland and Scarva residents to Banbridge and beyond that the industrial, commercial retail, community and social links were with Craigavon, Portadown and Lurgan. Planning, roads and water services were also based within the Upper Bann constituency. Local newspaper readership was cited to demonstrate local ties

and the case in favour of the ward remaining in the Upper Bann constituency was supported by a petition presented at the Inquiry containing 269 signatures of electors resident in the ward. Counter arguments were that the ward existed as an “enclave” within the Upper Bann constituency and had originally been included in it to achieve a viable constituency electorate having hitherto been a part of the South Down constituency from 1922 to 1983, and had a closeness to the heartlands of that constituency.

- 8.8 Alderman David Simpson MP considered that few if any social or economic links existed between constituents in the Loughbrickland ward with the South Down constituency, and few would consider using any of the main towns in South Down for any basic service or practical need. I was also persuaded, by the arguments set out in the response of the South Down SDLP and its reasons why certain areas had been excluded from its proposed model for a new constituency of South Down, that the ward of Loughbrickland naturally belongs to the Upper Bann constituency. They said that there were few economic or social links with South Down or with the main towns of Downpatrick, Newcastle or Warrenpoint.
- 8.9 **My recommendation therefore is that the ward of Loughbrickland should not be transferred to the South Down constituency but should remain in the Upper Bann constituency.**
- 8.10 The effect of all of this on the Upper Bann constituency will be an electorate on the enumeration date of 68,806 and 12.9% above the EQ.

NEWRY AND ARMAGH CONSTITUENCY

- 9.1 The Provisional Recommendations of the Commission are that the Newry and Mourne LGD wards of St Mary’s, St Patrick’s and Windsor Hill at present in the Newry and Armagh constituency be transferred to the South Down constituency.

St. Mary’s, St. Patrick’s and Windsor Hill wards

- 9.2 Prior to and at the Inquiry written submissions were received from:

John Auld
Gerard McGivern – Director, District Development, Newry and Mourne District Council
Gerry M. McBride – Policy and Co-ordination Officer, Down District Council
Eddie McGrady MP, MLA and others – SDLP South Down constituency
Pat Doherty MLA – Vice President, Sinn Féin
Cyril Donnan – Policy Director, Ulster Unionist Party
Stephen Farry - General Secretary Alliance Party of Northern Ireland
Gerry Cosgrove – General Secretary, SDLP
Jim Wells MLA – South Down Association of the Ulster Democratic Unionist Party
Stephen Barr – on behalf of Ulster Unionist Party
Newry and Mourne District Council

- 9.3 At the Inquiry oral representations and questions were received from:

Jim Wells MLA – South Down Association of the Ulster Democratic Unionist Party
Tony McGleenan – Barrister at Law representing South Down SDLP
Danny Kennedy MLA –representing Ulster Unionist Party
Michael Keogh – Barrister at Law representing Newry and Mourne District Council
Kenneth Benoit – representing Newry and Mourne District Council
Sean Begley – representing Sinn Féin
Paul Campbell – Sinn Féin
Maurice Morrow MLA – Fermanagh and South Tyrone
Gerry M. McBride – Policy and Co-ordination Officer, Down District Council

- 9.4 With the exception of only one or two persons and parties, the overwhelming criticism of the Commission's recommendation was that it would be wrong to split the recently created City of Newry by transferring these three wards into the constituency of South Down. I was presented with an impressive and very well argued paper by Newry and Mourne Council with Mr Michael Keogh BL speaking to the submission and highlighting the unfortunate consequences that would result in splitting the City in the way proposed. Splitting the urban area of Newry City would have a severe social and economic impact, and ran contrary to the recent grant of city status to Newry and was "unfair and unreasonable". Mr Keogh argued, moreover, that the Commission's proposals failed to recognise local geography and the inconveniences which would be brought about by the proposed transfer of the three wards, and the undue disturbance this would cause established municipal local ties within the City.
- 9.5 I can well understand the sentiment surrounding arguments affecting the recently granted city status to Newry and that because of this the City was deserving special consideration, but other cities comprise two or more parliamentary constituencies and some uncertainty surrounded the precise boundaries of the City. Although not explicitly expressed at the Inquiry that the electors of the St Mary's, St Patrick's and Windsor Hill wards saw themselves as an integral part of the City in their daily lives and that neither the Newry canal nor the Newry River in the city centre effectively divided it into distinctly separate entities, I took this to be the case. Certainly no evidence emerged to the contrary.
- 9.6 Mr Keogh was very ably assisted by Dr Kenneth Benoit who had carried out a detailed exercise on behalf of Newry and Mourne Council in drawing up an alternative plan that would satisfy the Commission but avoid splitting the City and having these three wards form part of the South Down constituency.
- 9.7 The proposals put forward by Dr Benoit and confirmed by him were arithmetically driven and did not address local ties. His terms of reference were limited to maintaining the integrity of the urban area of Newry City and commensurately reducing the electorate of the Newry and Armagh constituency by removing one or more Armagh LGD wards from the west of the constituency to neighbouring constituencies rather than the three Newry Town DEA wards.
- 9.8 Had I been minded to give consideration to the totality of the Newry and Mourne submission it would have involved the movement of a number of wards to the west of the Newry and Armagh constituency currently in the constituencies of Mid Ulster and Fermanagh and South Tyrone. The Provisional Recommendations that these two constituencies should remain unaltered seem to have been broadly welcomed and there was no call for a public Inquiry into those proposals. Had I decided to give consideration to the transfer of wards into those two constituencies, the people of Fermanagh and South Tyrone and Mid Ulster would have been deprived of the opportunity of objecting or at least making submissions as was pointed out by Mr Sean Begley.
- 9.9 I made it clear that I was unwilling to proceed along that route and deprive those people of the opportunity to raise objections. I would like at this stage to put on record my appreciation for the considerable efforts made by Councillor Maurice Morrow MLA for Fermanagh and South Tyrone in coming to the Inquiry at extremely short notice to raise his objections to consideration being given to the transfer of wards that would have impacted on his constituency and those of his neighbours.
- 9.10 As a consequence therefore I have chosen to disregard all other proposals presented to me for the Newry and Armagh constituency save those relating to the three wards. In conclusion, therefore, I am satisfied that an overwhelming case has been made for the wards of St Mary's, St Patrick's and Windsor Hill to remain in the constituency of Newry and Armagh.

- 9.11 **My recommendation therefore is that the wards of St. Mary's, St. Patrick's and Windsor Hill should remain in the constituency of Newry and Armagh.**

Donaghmore ward

- 9.12 The Donaghmore ward lies to the north of Newry City. Parts of the ward were included in the Newry and Armagh constituency until effect was given to the recommendations made by the Boundary Commission in 1995. Down District Council proposed that the ward should be transferred from the South Down to the Newry and Armagh constituency. I am satisfied that, in the absence of any other representations to this effect, the proposal was essentially intended to reduce the electorate of the South Down constituency and thereby limit the loss of Down LGD wards to the Strangford constituency with which I deal later. Accordingly, **I recommend that the Donaghmore ward should remain part of the South Down constituency.**

Derryleckagh ward

- 9.13 Significant peripheral residential development has occurred in the Derryleckagh ward which lies adjacent to the wards of St Mary's, St Patrick's and Windsor Hill and those living in these areas may well feel that they are as much a part of the urban area of Newry City as those living in those three wards. However, no written representations were received on this aspect and when invited to express a view on the matter at the Inquiry, neither the sitting Member of Parliament for the South Down constituency nor Mr Keogh representing the Newry and Mourne District Council considered the developments were of such an extent that this required consideration to be given to that ward transferring to the Newry and Armagh constituency. Both pointed to the fact that the ward remained a largely rural one. Mr Bullick, representing Belfast DUP MPs and MLAs, shared some of my concern but the matter is not one on which I can make a recommendation other than to draw it to the attention of the Commission.
- 9.14 The effect of this on the constituency of Newry and Armagh will be an enumeration date electorate of 68,730, 12.7% above the EQ.

SOUTH DOWN CONSTITUENCY

- 10.1 The Provisional Recommendations of the Commission in so far as they relate to the South Down constituency are as follows:
1. The Rowallane DEA wards of Crossgar and Kilmore together with the whole of the Ballynahinch DEA but not the ward of Seaforde should be transferred from the South Down to the Strangford constituency.
 2. To equalise the electorates of the remaining parts of the South Down constituency with adjacent constituencies, the Newry and Armagh constituency Newry Town DEA wards of St Mary's, St Patrick's and Windsor Hill should transfer to the South Down constituency along with the Banbridge LGD ward of Loughbrickland from the Upper Bann constituency.

The effect of these recommendations would be that South Down would have an electorate of 65,496 (7.4% above the EQ).

- 10.2 Prior to and at the Inquiry I received written submissions from:

John Auld
Eddie McGrady MP, MLA and others – SDLP South Down constituency
Pat Doherty MLA – Vice President, Sinn Féin

Cyril Donnan – Policy Director, Ulster Unionist Party
Stephen Farry - General Secretary, Alliance Party of Northern Ireland
Gerry Cosgrove – General Secretary, SDLP
Jim Wells MLA – South Down Association of the Ulster Democratic Unionist Party
Gerry M McBride – Policy and Co-ordination Officer, Down District Council
Paul Campbell – Sinn Féin
Stephen Barr – representing Ulster Unionist Party

- 10.3 At the Inquiry oral submissions and questions were received from:
- Jim Wells MLA – South Down Association of the Ulster Democratic Unionist Party
Stephen Farry - General Secretary, Alliance Party of Northern Ireland
Gerry M McBride – Policy and Co-ordination Officer, Down District Council
Richard Bullick – representing Belfast DUP MPs and MLAs
Danny Kennedy MLA – representing Ulster Unionist Party
Michael Keogh – Barrister at Law representing Newry and Mourne District Council
Kenneth Benoit - representing Newry and Mourne District Council
Sean Begley – representing Sinn Féin
Paul Campbell – Sinn Féin
Tony McGleenan – Barrister at Law representing South Down SDLP
Margaret Ritchie – South Down SDLP
- 10.4 I have dealt elsewhere with the recommendation that the three Newry wards and the ward of Loughbrickland should not be transferred to South Down. I therefore intend to deal with the arguments and discussion revolving around the recommendation that the wards of Crossgar and Kilmore, and Ballymaglave, Ballynahinch East, Drumaness and Dunmore should transfer from the South Down to the Strangford constituency.
- 10.5 Mr John Auld felt that if the City of Newry were kept intact there would be no need to transfer so many Down District Council wards from South Down to Strangford and at the very least Drumaness and Dunmore should remain part of the South Down constituency.
- 10.6 Sinn Féin in its written representation was supportive of the transfer of the wards to Strangford although it suggested that Newry wards should transfer to South Down thereby splitting the City.
- 10.7 The UUP submission simply noted the proposed transfers but passed no comment one way or the other about the recommendation.
- 10.8 The Alliance Party, in its radical counterproposals for three parliamentary constituencies in Belfast and the creation of a new Mid Down constituency, recognised the need for a change to the South Down constituency but their proposals, in my opinion, whilst interesting and perhaps farsighted, gathered virtually no support and I am therefore not minded to endorse either of them.
- 10.9 The written submission handed in to the Inquiry on behalf of Belfast DUP MPs and MLAs simply pointed out the impact of the realignment of the Belfast wards, the inclusion of new ones and the inevitable ripple effect this would cause. Recognising the impact of the proposed expansion of both the Belfast East and Belfast South constituencies and with Strangford being presently 8.7% over the EQ and South Down 15.1% over quota – “this essentially means that Strangford will naturally move southwards.”
- 10.10 In my opinion the comments from those various interested parties, do not assist me greatly in determining whether or not the recommendations in respect of the wards between South Down and Strangford should be supported, varied or rejected. On the other hand there was a very considerable amount of carefully presented written and oral argument to the Inquiry that the recommendations should not be supported.

- 10.11 I feel that the submission made by Dr Tony McGleenan BL on behalf of South Down SDLP was most useful in highlighting a number of very important factors that I, as assistant Commissioner, should be mindful of in considering the Provisional Recommendations. For example he highlighted the very wide discretion afforded to me by the Parliamentary Constituencies Act 1986 and in particular that under rule 7 of the Rules for Redistribution of Seats, although the Commission were:

“...not under a duty to aim at giving full effect in all circumstances to the above Rules, the Commission shall take account, so far as they reasonably can, of the inconveniences... and of any local ties”

He went on to argue that local ties must actively be weighed in the balance and said that there appeared to have been inadequate and inappropriate weighting of local ties and inconvenience on the face of the Provisional Recommendations.

- 10.12 He further drew my attention to paragraph 2 in the Provisional Recommendations where it stated that:

“The Commission have sought to limit the number and scale of proposed boundary changes and to preserve the integrity of local government districts (LGDs) and district electoral areas (DEAs).”

He said that the model proposed by South Down SDLP had endeavoured to reflect all of these considerations by emphasising the importance of local government districts. Dr McGleenan then drew my attention to how the question of the treatment of the integrity of Down District Council had exercised the Boundary Commission previously.

- 10.13 Dr McGleenan referred me to the Report by Mr Justice Hart (as he now is) published in February 1981. The problem facing him was similar to that facing me. He read various extracts from that Report where he, Mr Justice Hart concluded in 1981 in paragraph 92.

“I am satisfied that there is a substantial and widely based degree of support for the retention of the wards of Saintfield, Market and Ballymaglave with the remaining Down District Council wards in South Down, a retention which in my opinion is justifiable in light of the factors which I have outlined above.”

- 10.14 Mr Brian Fee QC had to visit the same problem in 1994 when he was assistant Commissioner. He likewise recommended that the Down District Council wards remain within the South Down constituency. Dr McGleenan did however acknowledge that the Boundary Commission did not ultimately accept that recommendation. The point however is that the arguments before me at my Inquiry have been played out on two previous occasions and essentially the strength of Dr McGleenan’s argument at the Inquiry was that no attempt should be made to “fracture” the local government district. He went on to say that one should not rely solely on the arithmetical argument as being the basis for determining which wards should or should not be transferred between constituencies – weight should be given to the question of local ties and inconvenience.

- 10.15 I do not propose to rehearse all of the features which collectively go to raise the importance of local ties which he said should be given significant weight in the decision making process. Dr McGleenan did however refer me to the physical geography of the South Down constituency, its tourism and several major projects, transport, communications, education, recreation, hospitals and newspaper circulation. He gave instances including the minimal sporting and educational links between schools in the South Down and Strangford constituencies and that the poor public transport links between Downpatrick and Newtownards were reflective of the absence of demand; it was later helpfully verified to me that no direct bus service exists.

- 10.16 Mr Paul Campbell speaking on behalf of South Down Sinn Féin likewise pointed out the effect of the Provisional Recommendations in dividing the Down District Council area. He highlighted the paucity of economic links, community interaction or affiliation with the Strangford constituency and the Ards Peninsula.
- 10.17 Mr Gerry McBride, Policy and Co-ordination Officer with Down District Council, addressed the Inquiry on its second day and set out again very helpfully the Council's objections to the Provisional Recommendations. He, in addition to making similar points to those made by later speakers as referred to above, highlighted the impact of the transfer of the wards of Crossgar and Kilmore. He said that there were clear ties between those areas and Downpatrick, that they naturally looked to Downpatrick for employment, shopping and educational opportunities and that transportation links were also along the A7, a main arterial route for Down district.
- 10.18 Turning to Ballynahinch he said that there was very little in common with the areas of Strangford but interestingly he seemed to indicate that it had greater connections southwards to Newry and Mourne LGD, that local electors in the Ballynahinch area are more likely to work in Down district, Lisburn or even Belfast rather than look to Newtownards for employment opportunities. In terms of health provision he said that "all of Down district is linked through the Down Lisburn Health and Social Services Trust. The links are therefore to the north-west in health terms and not north-eastwards."
- 10.19 Mr McBride's oral submission and also the written submission made to me at the Inquiry, whilst emphasising yet again the importance of not transferring these wards to Strangford constituency, did in my opinion highlight that there are a number of wards around the periphery of the present South Down constituency where ties which Dr McGleenan urged me to give great weight to, are perhaps not as strong as elsewhere. It is my opinion that the Boundary Commission in formulating their Provisional Recommendations have not proceeded on the basis of arithmetic argument alone. I believe they have made a genuine attempt to ensure that due weight is given to all of the relevant factors that must be considered before devising new boundaries, namely
- approximately equal electorate
 - respect for natural communities, and
 - keeping district electoral areas intact.
- 10.20 That being the case, whilst I was impressed by the force of the argument presented by Dr McGleenan and others that these wards should not be transferred to the Strangford constituency, I believe that as one approaches the outer edges of the South Down constituency the argument, perhaps not unnaturally, becomes weaker and that the weighting to be given to local ties is decreased. I am satisfied, however, that well constructed arguments have been put forward to persuade me that it would be inappropriate to endorse the provisional recommendation whereby all the wards of Crossgar and Kilmore, and Ballymaglave, Ballynahinch East, Drumaness and Dunmore, be transferred to the Strangford constituency.
- 10.21 I am supportive of the arguments that the wards of Dunmore, Drumaness and Crossgar should all remain in South Down. They have, in my opinion, close ties with Downpatrick and Down District. The ties are of many types – local government, education, health, recreation, shopping, and transport. On the other hand I am not convinced that the ties are anything like so strong in respect of the wards of Ballymaglave, Ballynahinch East and Kilmore. It was very fairly pointed out at the Inquiry how Ballynahinch in particular appeared to have ties in other directions, and not exclusively towards Downpatrick. That being the case, **my recommendation is that only these three wards of Ballymaglave, Ballynahinch East and Kilmore should be transferred from the South Down to the Strangford constituency.**

- 10.22 In making this recommendation I am aware that residential development to the south of Ballynahinch and in the Dunmore ward exacerbates the difficulties caused by an already eccentric boundary between the Ballymaglave and Ballynahinch East wards and the Dunmore ward. It is less than ideal as a constituency boundary. This boundary requires urgent review and remedy to avoid confusion amongst electors and those canvassing for and standing for election.
- 10.23 By retaining the wards of St Mary's, St Patrick's and Windsor Hill in the Newry and Armagh constituency and the ward of Loughbrickland in the Upper Bann constituency, the electorate of the proposed South Down constituency on the enumeration date will be reduced by 1514, 2011, 1825 and 1717 electors respectively. By transferring the wards of Ballymaglave, Ballynahinch East and Kilmore to the Strangford constituency the electorate of the South Down constituency will be reduced by 2004, 1544 and 2095 electors respectively. The effect of this on the constituency of South Down will be an enumeration date electorate of 64,530, 5.8% above the EQ.

STRANGFORD CONSTITUENCY

- 11.1 The Provisional Recommendations of the Boundary Commission in so far as they relate to the Strangford constituency are as follows:
1. The Castlereagh LGD wards of Ballyhanwood, Carrowreagh, Carryduff East, Carryduff West, Dundonald, Enler and Graham's Bridge are to be transferred to the Belfast East and Belfast South constituencies.
 2. The wards of Ballymaglave, Ballynahinch East, Crossgar, Drumaness, Dunmore and Kilmore are to be transferred to the Strangford constituency.

The effect of these recommendations would be that the Strangford constituency would have an electorate of 63,564 (4.3% above the EQ).

- 11.2 Prior to and at the Inquiry I received written submissions from:

John Auld
 Eddie McGrady MP, MLA and others – SDLP South Down constituency
 Pat Doherty MLA – Vice President, Sinn Féin
 Cyril Donnan – Policy Director, Ulster Unionist Party
 Stephen Farry – General Secretary, Alliance Party of Northern Ireland
 Gerry Cosgrove – General Secretary, SDLP
 Jim Wells MLA – South Down Association of the Ulster Democratic Unionist Party
 Gerry M McBride – Down District Council
 Paul Campbell – Sinn Féin
 Richard Bullick – representing Belfast DUP MPs and MLAs

- 11.3 At the Inquiry oral submissions and questions were received from:

Stephen Farry - General Secretary, Alliance Party of Northern Ireland
 Gerry M McBride – Policy and Co-ordination Officer, Down District Council
 Richard Bullick – representing Belfast DUP MPs and MLAs
 Danny Kennedy MLA – representing Ulster Unionist Party
 Sean Begley – representing Sinn Féin
 Paul Campbell – Sinn Féin
 Tony McGleenan – Barrister at Law representing South Down SDLP
 Ronnie Ferguson – Councillor, Ards District Council

- 11.4 I have dealt with the arguments for and against the provisional recommendation that the following wards should be transferred from the South Down to the Strangford constituency – Crossgar and Kilmore, and Ballymaglave, Ballynahinch East, Dunmore and Drumaness. I therefore do not intend to recapitulate those arguments or my recommendations.
- 11.5 I think it would be fair to say that there was remarkably little focus on the part of any individual party or association on how the Provisional Recommendations might impact on the Strangford constituency. The Castlereagh LGD wards being transferred to Belfast East and Belfast South constituencies were not an issue in so far as the Inquiry was concerned. Only fleeting comment was made from time to time, and I gained the impression that there was general acceptance that there was logic and a strong case for those wards being transferred as recommended by the Commission. I fully understand the reasons behind the Commission’s Provisional Recommendations in this respect, and as there was no groundswell of objection or protest, I do not propose to make any further comment upon the loss by the Strangford constituency of those wards.
- 11.6 The written submissions to me tended simply to touch upon the impact of the recommendations on the Strangford constituency rather than present any arguments for or against them. No one voiced any deeply held convictions that the recommendations were fundamentally flawed other than their impact upon the South Down constituency.
- 11.7 The Alliance Party put forward some very interesting proposals which would completely “redesign” the South Down constituency but as already stated above there was no great support for this proposal, and I simply noted it.
- 11.8 Councillor Ronnie Ferguson spoke on the first day of the Inquiry and he drew my attention to the possible alteration to the Strangford constituency involving Ards LGD wards presently in the North Down constituency. The focus of his argument was that at the last Review of Parliamentary constituencies three Strangford constituency wards had been transferred to North Down – Donaghadee North, Donaghadee South and Millisle. He said that the electorate in those three wards would look more to Newtownards than Bangor and he suggested that consideration be given to transferring them back into the Strangford constituency. If I were to accede to his suggestion whilst clearly increasing the number of electors in Strangford, the number of electors in North Down would be reduced, something I would be reluctant to do since the North Down constituency is already below quota with a proposed enumeration date electorate of 57,435 and 5.8% below the EQ.
- 11.9 The constituency of North Down lies outside the immediate terms of reference of my Inquiry save in regard to any ripple effect upon that constituency generated by change elsewhere. I therefore make no recommendation other than to record the views put to the Inquiry.
- 11.10 At the end of the day, I am satisfied that the Provisional Recommendations of the Boundary Commission in so far as they affect the remainder of the constituency of Strangford should not be interfered with. **I recommend that the wards of Ballynahinch East, Ballymaglave and Kilmore should be transferred into the Strangford from the South Down constituency and that the Castlereagh LGD wards should be transferred out and into the constituencies of Belfast East and Belfast South.**

DEVIATION FROM ELECTORAL QUOTA

- 12.1 In their submission, counsel representing the Newry and Mourne District Council argued that the Rules for Redistribution for Seats were far from rigid and conferred on the Commission “a great deal of discretion and flexibility”, and that the Commission was not fettered by a slavish adherence to electoral quota deviation targets such as the 7.5% range of the Commission’s Provisional Recommendations or a self-imposed 10% tolerance identified by the Commission in their first instance aim referred to in their published Statement of Reasons. Unfavourable comparison was drawn between the statutory discretion exercised by the Boundary Commission for England and the narrower “self-imposed” limit adopted in Northern Ireland. As already mentioned, Dr McGleenan representing South Down DLP made similar if not identical points.
- 12.2 I noted the Commission’s willingness during their last Periodical Review to recommend constituencies within an 11% tolerance range. Rule 5 of the Rules for Redistribution of Seats provides that the electorate of any constituency should be as near the EQ as is practicable but is tempered by considerations contained in rule 7 affecting inconveniences attendant on alterations of constituencies and local ties which would be broken by such alterations. I consider that the inconveniences and local ties which would be broken by several of the alterations to constituencies proposed by the Commission combined with geographical considerations referred to in rule 6 constitute grounds for the Commission to consider disparities between constituency electorates which are wider than might ordinarily be expected in Northern Ireland. It is with this in mind that I have come to recommend constituencies whose electorates are significantly higher than those proposed by the Commission in their Provisional Recommendations.

CONSTITUENCY NAMES AND DESIGNATION

- 13.1 No changes were proposed in any of the written or oral representations I received affecting present constituency names or their designation as county constituencies. Accordingly, **I recommend that the names of the constituencies concerned should remain unaltered and that they should remain county constituencies.**

SUMMARY

In conclusion, I summarise my recommendations as follows:

- 14.1 The Lisburn City LGD ward of Dunmurry should transfer from the Lagan Valley to the Belfast West constituency but the Lisburn LGD ward of Seymour Hill should remain in the Lagan Valley constituency. The ward of Derryagh should be divided between the Belfast West and Lagan Valley constituencies with the effect that the Lagmore Estate electors at the north of the ward transfer to the Belfast West constituency whilst the majority of electors in Milltown and the Milltown and Conway Estates remain in the Lagan Valley constituency. If the ward is not divided, I recommend that the ward remain in the Lagan Valley constituency.
- 14.2 The Craigavon LGD and Banbridge LGD wards of Aghagallon and Loughbrickland should not transfer to the Lagan Valley and South Down constituencies respectively but be retained in the Upper Bann constituency.
- 14.3 The Newry and Mourne LGD wards of St Mary’s, St Patrick’s and Windsor Hill should not transfer to the South Down constituency but be retained in the Newry and Armagh constituency.

- 14.4 The Down LGD wards of Crossgar, Drumaness and Dunmore should not transfer to the Strangford constituency but be retained in the South Down constituency with only the Down LGD wards of Ballymaglave, Ballynahinch East and Kilmore transferring to the Strangford constituency.
- 14.5 The Castlereagh LGD wards of Ballyhanwood, Carrowreagh, Carryduff East, Carryduff West, Dundonald, Enler and Graham's Bridge should transfer from the Strangford to the Belfast East and Belfast South constituencies.
- 14.6 The Commission are invited to consider my observations affecting the Ards LGD wards at present in the North Down constituency and particularly the Millisle ward, and the residential 'creep' which has occurred in the Newry and Mourne LGD ward of Derryleckagh and the Down LGD ward of Dunmore.

CONCLUSION

- 15.1 I would like to record my appreciation and gratitude for all the work and effort so many people have put into the examination of the boundaries of the constituencies of Lagan Valley, Upper Bann, Newry and Armagh, South Down, and Strangford. I cannot speak too highly of the enormous amount of work the members of the Boundary Commission for Northern Ireland have put into this exercise. Many members of the public have gone to great lengths to go through the documentation and proposals prepared by the Boundary Commission before either submitting their written representations or making oral submissions at the Inquiry. Some have gone to some considerable personal expense to voice their concerns about how their constituencies are to be altered and without those comments, criticisms and suggestions my task in preparing this Report would have been very much more difficult. Not only am I deeply indebted to all who have become involved in this process but I believe that the electorate of all of the constituencies involved in this Inquiry should be equally grateful.



COLIN HADDICK

Assistant Commissioner

16 January 2006

RECOMMENDATIONS

The electorates of the recommended constituencies and of their constituent wards are listed below. The electorate is the number of persons whose names appeared on the register of parliamentary electors in force on the enumeration date for the Review, 16 May 2003. The figures shown in brackets are the electorates of the recommended constituencies and their wards on 1 February 2007 taken from the Revised Register of Electors published on 2 February 2007. Wards recommended to be transferred into constituencies are shown in red.

1. BELFAST EAST BOROUGH CONSTITUENCY

the Belfast local government district wards of:

BALLYHACKAMORE	3,806	(3,722)	KNOCK	3,437	(3,267)
BALLYMACARRETT	2,993	(2,719)	ORANGEFIELD	3,795	(3,766)
BELMONT	3,958	(3,966)	STORMONT	3,997	(3,976)
BLOOMFIELD	3,301	(3,086)	SYDENHAM	3,225	(3,010)
CHERRYVALLEY	3,825	(3,754)	THE MOUNT	2,438	(2,336)
ISLAND	2,317	(2,240)			
			Electorate	37,092	(35,842)

the Castlereagh local government district wards of:

BALLYHANWOOD	2,264	(2,302)	GILNAHIRK	1,799	(1,722)
CARROWREAGH	2,438	(2,466)	GRAHAM'S BRIDGE	1,865	(1,673)
CREGAGH	1,448	(1,251)	LISNASHARRAGH	1,577	(1,481)
DOWNSHIRE	1,642	(1,542)	LOWER BRANIEL	1,830	(1,726)
DUNDONALD	2,071	(2,154)	TULLYCARNET	1,508	(1,409)
ENLER	1,591	(1,491)	UPPER BRANIEL	1,631	(1,605)
			Electorate	21,664	(20,822)

Total Constituency Electorate 58,756 (56,664)

2. BELFAST NORTH BOROUGH CONSTITUENCY

the Belfast local government district wards of:

ARDOYNE	3,359	(3,334)	CRUMLIN	2,588	(2,334)
BALLYSILLAN	3,530	(3,356)	DUNCAIRN	2,272	(1,956)
BELLEVUE	2,821	(2,852)	FORTWILLIAM	3,088	(2,849)
CASTLEVIEW	3,179	(3,053)	LEGONIEL	3,265	(3,421)
CAVEHILL	3,570	(3,383)	NEW LODGE	3,139	(3,095)
CHICHESTER PARK	3,157	(3,113)	WATER WORKS	3,355	(3,239)
CLIFTONVILLE	3,199	(3,133)	WOODVALE	2,724	(2,363)
			Electorate	43,246	(41,481)

the Newtownabbey local government district wards of:

ABBEY	1,892	(1,732)	GLEBE	2,151	(2,128)
BALLYHENRY	2,169	(2,076)	GLENGORMLEY	1,836	(1,699)
CLOUGHFERN	1,943	(1,971)	HIGHTOWN	1,687	(1,549)
COLLINBRIDGE	1,985	(2,090)	VALLEY	1,944	(2,019)
COOLE	1,478	(1,451)	WHITEHOUSE	1,562	(1,459)
DUNANNEY	1,300	(1,287)			

Electorate 19,947 (19,461)

Total Constituency Electorate 63,193 (60,942)

3. BELFAST SOUTH BOROUGH CONSTITUENCY

the Belfast local government district wards of:

BALLYNAFEIGH	2,615	(2,398)	ROSETTA	3,374	(3,565)
BLACKSTAFF	2,277	(2,001)	SHAFTESBURY	3,152	(3,064)
BOTANIC	2,050	(1,661)	STRANMILLIS	3,178	(3,152)
FINAGHY	3,334	(3,292)	UPPER MALONE	3,117	(3,079)
MALONE	3,417	(3,415)	WINDSOR	2,384	(2,011)
MUSGRAVE	3,285	(3,181)	WOODSTOCK	2,915	(2,698)
RAVENHILL	3429	(3,398)			

Electorate 38,527 (36,915)

the Castlereagh local government district wards of:

BEECHILL	2,813	(2,720)	HILLFOOT	1,906	(1,850)
CAIRNSHILL	2,262	(2,274)	KNOCKBRACKEN	1,992	(1,985)
CARRYDUFF EAST	2,293	(2,229)	MINNOWBURN	1,583	(1,438)
CARRYDUFF WEST	1,961	(1,991)	NEWTOWNBREDA	1,759	(1,691)
GALWALLY	1,663	(1,685)	WYNCHURCH	1,466	(1,413)

Electorate 19,698 (19,276)

Total Constituency Electorate 58,225 (56,191)

4. BELFAST WEST BOROUGH CONSTITUENCY

the Belfast local government district wards of:

ANDERSONSTOWN	3,800	(3,675)	GLEN ROAD	3,568	(3,767)
BEECHMOUNT	3,147	(3,149)	HIGHFIELD	3,380	(3,313)
CLONARD	2,602	(2,498)	LADYBROOK	3,878	(4,053)
FALLS	3,034	(2,979)	SHANKILL	2,320	(2,041)
FALLS PARK	3,792	(3,607)	UPPER SPRINGFIELD	3,304	(3,319)
GLENCAIRN	2,360	(2,189)	WHITEROCK	3,232	(3,309)
GLENCOLIN	3,962	(4,090)			

Electorate 42,379 (41,989)

the Lisburn City local government district wards of:

COLLIN GLEN	2,729	(2,825)	KILWEE	2,000	(2,156)
DERRYAGHY (North)	1,645	(2,080)	POLEGLASS	2,144	(2,340)
DUNMURRY	2,510	(2,526)	TWINBROOK	1,618	(1,671)
			Electorate	12,646	(13,598)
			Total Constituency Electorate	55,025	(55,587)

5. EAST ANTRIM COUNTY CONSTITUENCY

the whole of the Carrickfergus local government district:

BLACKHEAD	1,379	(1,388)	KNOCKAGH	1,428	(1,616)
BLUEFIELD	1,664	(1,719)	LOVE LANE	923	(981)
BONEYBEFORE	1,336	(1,299)	MILEBUSH	1,097	(1,027)
BURLEIGH HILL	2,129	(2,208)	NORTHLAND	862	(808)
CLIPPERSTOWN	1,253	(1,196)	SUNNYLANDS	1,071	(1,024)
EDEN	2,775	(3,117)	VICTORIA	1,588	(1,649)
GORTALEE	976	(925)	WHITEHEAD	1,295	(1,442)
GREENISLAND	1,670	(1,761)	WOODBURN	1,584	(1,631)
KILLYCROT	1,691	(1,656)			
			Electorate	24,721	(25,447)

the whole of the Larne local government district:

ANTIVILLE	1,004	(882)	GARDENMORE	1,534	(1,470)
BALLYCARRY	1,461	(1,669)	GLENARM	1,174	(1,288)
BALLYLORAN	867	(723)	GLYNN	1,341	(1,370)
BLACKCAVE	1,118	(1,123)	HARBOUR	1,242	(1,186)
CARNCASTLE	1,899	(2,007)	ISLAND MAGEE	1,607	(1,702)
CARNLOUGH	1,387	(1,361)	KILWAUGHTER	2,551	(3,006)
CENTRAL	1,394	(1,317)	TOWN PARKS	1,162	(1,083)
CRAIGY HILL	1,075	(1,119)			
			Electorate	20,816	(21,306)

the Moyle local government district wards of:

GLENAAN	835	(857)	GLENDUN	723	(766)
GLENARIFF	1,057	(1,092)			
			Electorate	2,615	(2,715)

the Newtownabbey local government district wards of:

JORDANSTOWN	3,795	(4,058)	ROSTULLA	2,146	(2,147)
MONKSTOWN	2,032	(1,957)			
			Electorate	7,973	(8,162)
			Total Constituency Electorate	56,125	(57,630)

6. EAST LONDONDERRY COUNTY CONSTITUENCY

the whole of the Coleraine local government district:

AGIVEY	1,487	(1,655)	KILREA	1,641	(1,685)
ATLANTIC	1,488	(1,416)	KNOCKLYNN	2,251	(2,387)
BALLYSALLY	1,430	(1,317)	MACOSQUIN	1,541	(1,616)
CASTLEROCK	1,951	(1,995)	MOUNT SANDEL	1,243	(1,190)
CENTRAL	1,205	(1,079)	PORTSTEWART	1,226	(1,100)
CHURCHLAND	1,456	(1,294)	RINGSEND	1,557	(1,604)
CROSS GLEBE	1,427	(1,424)	ROYAL PORTRUSH	1,463	(1,347)
DUNDOOAN	1,739	(1,753)	STRAND	1,486	(1,552)
DUNLUCE	1,429	(1,372)	THE CUTS	2,715	(2,611)
GARVAGH	1,711	(1,746)	UNIVERSITY	1,431	(1,382)
HOPEFIELD	2,114	(2,286)	WATERSIDE	1,878	(1,985)
			Electorate	35,869	(35,796)

the Derry local government district wards of:

BANAGHER	2,010	(2,219)	CLAUDY	2,318	(2,273)
			Electorate	4,328	(4,492)

the whole of the Limavady local government district:

AGHANLOO	2,191	(2,479)	GRESTEEL	1,641	(1,718)
BALLYKELLY	1,183	(1,174)	GREYSTONE	1,022	(925)
COOLESSAN	1,048	(932)	MAGILLIGAN	1,270	(1,279)
DUNGIVEN	1,342	(1,267)	RATHBRADY	1,223	(1,191)
ENAGH	1,981	(1,832)	ROESIDE	929	(900)
FEENY	1,320	(1,351)	THE HIGHLANDS	1,116	(1,180)
FOREST	1,344	(1,468)	UPPER GLENSHANE	1,388	(1,462)
GLACK	1,299	(1,364)			
			Electorate	20,297	(20,522)
			Total Constituency Electorate	60,494	(60,810)

7. FERMANAGH AND SOUTH TYRONE COUNTY CONSTITUENCY

the Dungannon and South Tyrone Borough local government district wards of:

AUGHER	1,503	(1,557)	COOLHILL	1,367	(1,253)
AUGHNACLOY	1,487	(1,592)	DRUMGLASS	1,141	(1,119)
BALLYGAWLEY	1,580	(1,646)	FIVEMILETOWN	1,455	(1,444)
BALLYSAGGART	1,337	(1,242)	KILLYMAN	1,633	(1,705)
BENBURB	1,576	(1,645)	KILLYMEAL	1,538	(1,502)
CALEDON	1,572	(1,644)	MOY	1,642	(1,677)
CASTLECAULFIELD	1,683	(1,734)	MOYGASHEL	1,434	(1,403)
CLOGHER	1,471	(1,483)	MULLAGHMORE	1,221	(1,133)
			Electorate	23,640	(23,779)

the whole of the Fermanagh local government district:

BALLINAMALLARD	1,727	(1,834)	IRVINESTOWN	1,496	(1,508)
BELCOO AND GARRISON	1,742	(1,855)	KESH, EDERNEY AND LACK	2,354	(2,470)
BELLEEK AND BOA	1,607	(1,712)	LISBELLAW	1,851	(1,905)
BOHO, CLEENISH AND LETTERBREEN	1,848	(2,013)	LISNARRICK	1,352	(1,381)
BROOKEBOROUGH	1,695	(1,764)	LISNASKEA	1,854	(1,847)
CASTLECOOLE	2,525	(2,456)	MAGUIRES BRIDGE	1,845	(2,052)
DERRYGONNELLY	1,801	(1,951)	NEWTOWNBUTLER	1,724	(1,815)
DERRYLIN	1,759	(1,831)	PORTORA	1,840	(1,780)
DEVENISH	1,228	(1,195)	ROSSLEA	1,722	(1,742)
DONAGH	1,673	(1,754)	ROSSORRY	1,771	(1,719)
ERNE	1,686	(1,565)	TEMPO	1,786	(1,912)
FLORENCE COURT AND KINAWLEY	1,819	(1,908)			
			Electorate	40,705	(41,969)
			Total Constituency Electorate	64,345	(65,748)

8. FOYLE COUNTY CONSTITUENCY

the Derry local government district wards of:

ALTNAGELVIN	2,654	(2,798)	FOYLE SPRINGS	2,535	(2,529)
BALLYNASHALLOG	2,550	(2,545)	HOLLY MOUNT	2,481	(2,613)
BEECHWOOD	1,727	(1,626)	KILFENNAN	2,266	(2,079)
BRANDYWELL	1,726	(1,618)	LISNAGELVIN	2,274	(2,149)
CARN HILL	1,831	(1,703)	NEW BULDINGS	2,395	(2,348)
CAW	1,755	(1,563)	PENNYBURN	1,998	(1,891)
CLONDERMOT	2,018	(2,236)	ROSEMOUNT	1,639	(1,516)
CREGGAN CENTRAL	1,752	(1,741)	SHANTALLOW EAST	1,688	(1,567)
CREGGAN SOUTH	1,586	(1,604)	SHANTALLOW WEST	3,384	(3,438)
CREVAGH	2,804	(3,019)	SPRINGTOWN	2,159	(2,151)
CULMORE	4,428	(4,692)	STRAND	1,878	(1,630)
EBRINGTON	1,663	(1,582)	THE DIAMOND	1,519	(1,445)
EGLINTON	2,620	(2,731)	VICTORIA	1,763	(1,805)
ENAGH	2,173	(2,703)	WESTLAND	1,557	(1,455)
			Electorate	60,823	(60,777)
			Total Constituency Electorate	60,823	(60,777)

9. LAGAN VALLEY COUNTY CONSTITUENCY

the Banbridge local government district wards of:

DROMORE NORTH	1,701	(1,654)	GRANSHA	1,835	(2,031)
DROMORE SOUTH	2,310	(2,430)	QUILLY	1,611	(1,737)
			Electorate	7,457	(7,852)

the Lisburn City local government district wards of:

BALLINDERRY	2,786	(2,972)	KNOCKMORE	2,162	(2,293)
BALLYMACASH	2,717	(2,700)	LAGAN VALLEY	1,918	(1,751)
BALLYMACBRENNAN	2,363	(2,312)	LAMBEG	1,834	(1,728)
BALLYMACOSS	3,468	(3,673)	LISNAGARVEY	2,061	(1,937)
BLARIS	2,187	(2,191)	MAGHABERRY	2,689	(2,921)
DERRYAGHY (South)	1,996	(2,410)	MAGHERALAVE	1,970	(1,964)
DROMARA	2,806	(3,072)	MAZE	2,387	(2,530)
DRUMBO	2,290	(2,305)	MOIRA	2,868	(3,135)
HARMONY HILL	2,047	(2,064)	OLD WARREN	1,460	(1,388)
HILDEN	1,820	(1,677)	SEYMOUR HILL	1,701	(1,635)
HILLHALL	1,865	(1,794)	TONAGH	1,665	(1,516)
HILLSBOROUGH	2,487	(2,684)	WALLACE PARK	1,969	(1,950)
			Electorate	53,516	(54,602)
			Total Constituency Electorate	60,973	(62,454)

10. MID ULSTER COUNTY CONSTITUENCY

the whole of the Cookstown local government district:

ARDBOE	1,599	(1,699)	NEWBUILDINGS	1,296	(1,237)
COAGH	1,305	(1,365)	OAKLANDS	1,266	(1,402)
DUNNAMORE	1,410	(1,430)	OLDTOWN	1,477	(1,458)
GORTALOWRY	1,594	(1,450)	POMEROY	1,304	(1,462)
KILLYCOLPY	1,612	(1,645)	SANDHOLES	1,216	(1,230)
KILLYMOON	1,341	(1,276)	STEWARTSTOWN	1,195	(1,206)
LISSAN	1,358	(1,374)	THE LOOP	1,589	(1,751)
MONEYMORE	1,432	(1,514)	TULLAGH	1,504	(1,430)
			Electorate	22,498	(22,929)

the Dungannon and South Tyrone Borough local government district wards of:

ALTMORE	1,603	(1,707)	COALISLAND WEST AND NEWMILLS	1,591	(1,682)
COALISLAND NORTH	1,892	(1,954)	DONAGHMORE	1,467	(1,520)
COALISLAND SOUTH	1,570	(1,506)	WASHING BAY	1,809	(1,828)
			Electorate	9,932	(10,197)

the whole of the Magherafelt local government district:

BALLYMAGUIGAN	1,678	(1,708)	LOWER GLENSHANE	1,964	(2,065)
BELLAGHY	1,738	(1,757)	MAGHERA	1,651	(1,673)
CASTLEDAWSON	1,921	(1,914)	SWATRAGH	1,988	(2,074)
DRAPERSTOWN	1,829	(1,938)	TOBERMORE	1,566	(1,679)
GLEBE	1,929	(1,780)	TOWN PARKS EAST	1,793	(1,694)
GULLADUFF	1,651	(1,819)	TOWN PARKS WEST	1,497	(1,492)
KNOCKCLOGHRIM	1,635	(1,728)	UPPERLANDS	1,513	(1,530)
LECUMPHER	1,685	(1,792)	VALLEY	1,651	(1,704)
			Electorate	27,689	(28,347)
			Total Constituency Electorate	60,119	(61,473)

11. NEWRY AND ARMAGH COUNTY CONSTITUENCY

the whole of the Armagh City and District local government district:

ABBEY PARK	1,568	(1,498)	KILLEEN	1,751	(1,863)
BALLYMARTRIM	1,762	(1,805)	KILLYLEA	1,706	(1,782)
CALLAN BRIDGE	1,493	(1,555)	LAURELVALE	1,928	(2,052)
CARRIGATUKE	1,523	(1,555)	LOUGHGALL	1,825	(1,926)
CHARLEMONT	1,716	(1,732)	MARKETHILL	1,680	(1,776)
DEMESNE	1,862	(1,815)	MILFORD	1,588	(1,793)
DERRYNOOSE	1,960	(2,121)	OBSERVATORY	1,637	(1,577)
DOWNS	1,645	(1,645)	POYNTZ PASS	1,641	(1,702)
HAMILTONSBAWN	2,105	(2,230)	RICH HILL	1,905	(1,891)
HOCKLEY	1,705	(1,798)	TANDRAGEE	1,832	(1,893)
KEADY	1,368	(1,322)	THE MALL	1,278	(1,194)
			Electorate	37,478	(38,525)

the Newry and Mourne local government district wards of:

BALLYBOT	1,355	(1,235)	FATHOM	1,940	(1,912)
BESSBROOK	1,585	(1,561)	FORKHILL	2,342	(2,554)
CAMLOUGH	1,962	(2,241)	NEWTOWNHAMILTON	1,693	(1,823)
CREGGAN	1,954	(2,193)	ST MARY'S	1,514	(1,444)
CROSSMAGLEN	1,722	(1,925)	ST PATRICK'S	2,011	(2,023)
DAISY HILL	1,764	(1,765)	SILVER BRIDGE	2,159	(2,311)
DERRYMORE	1,830	(1,773)	TULLYHAPPY	1,862	(2,013)
DRUMALANE	1,928	(1,855)	WINDSOR HILL	1,825	(1,770)
DRUMGULLION	1,806	(1,902)			
			Electorate	31,252	(32,300)

Total Constituency Electorate 68,730 (70,825)

12. NORTH ANTRIM COUNTY CONSTITUENCY

the whole of the Ballymena local government district:

ACADEMY	1,599	(1,622)	FAIR GREEN	1,127	(1,020)
AHOGHILL	2,508	(2,562)	GALGORM	2,050	(2,324)
ARDEEVIN	1,944	(2,231)	GLENRAVEL	1,959	(2,165)
BALLEE	1,295	(1,210)	GLENWHIRRY	1,841	(1,955)
BALLYKEEL	1,085	(1,066)	GRANGE	2,033	(2,242)
BALLYLOUGHAN	1,875	(1,862)	HARRYVILLE	1,373	(1,257)
BROUGHSHANE	2,058	(2,189)	KELLS	2,176	(2,157)
CASTLE DEMESNE	1,391	(1,325)	MOAT	1,255	(1,179)
CRAIGYWARREN	1,741	(1,910)	PARK	1,420	(1,332)
CULLYBACKEY	2,017	(1,986)	PORTGLENONE	1,994	(2,072)
DUNCLUG	1,414	(1,174)	SLEMISH	1,559	(1,668)
DUNMINNING	1,686	(1,730)	SUMMERFIELD	1,834	(1,823)
			Electorate	41,234	(42,061)

the whole of the Ballymoney local government district:

BALLYHOE AND CORKEY	1,107	(1,247)	KILLOQUIN LOWER	1,092	(1,158)
BENVARDIN	1,137	(1,327)	KILLOQUIN UPPER	1,017	(1,097)
CARNANY	1,185	(1,302)	KNOCKAHOLET	1,041	(1,082)
CLOGH MILLS	1,328	(1,303)	NEWHILL	1,251	(1,456)
DERVOCK	1,020	(1,043)	ROUTE	1,127	(1,076)
DUNLOY	1,267	(1,297)	SEACON	1,362	(1,656)
FAIRHILL	1,288	(1,283)	STRANOCUM	1,042	(1,091)
GLEBE	1,311	(1,283)	THE VOW	1,170	(1,277)
			Electorate	18,745	(19,978)

the Moyle local government district wards of:

ARMOY	619	(652)	DUNSEVERICK	544	(554)
BALLYLOUGH	684	(714)	GLENSHESK	620	(676)
BUSHMILLS	497	(482)	GLENTAISIE	741	(793)
BONAMARGY AND RATHLIN	671	(643)	KINBANE	519	(564)
CARNMOON	596	(628)	KNOCKLAYD	952	(1,016)
DALRIADA	952	(980)	MOSS-SIDE AND MOYARGET	593	(596)
			Electorate	7,988	(8,298)
			Total Constituency Electorate	67,967	(70,337)

13. NORTH DOWN COUNTY CONSTITUENCY

the Ards local government district wards of:

DONAGHADEE NORTH	2,247	(2,263)	MILLISLE	2,352	(2,604)
DONAGHADEE SOUTH	2,065	(2,024)			
			Electorate	6,664	(6,891)

the whole of the North Down local government district:

BALLYCROCHAN	3,186	(3,300)	CULTRA	1,762	(1,713)
BALLYHOLME	1,780	(1,742)	DUFFERIN	1,646	(1,613)
BALLYMACONNELL	2,073	(1,994)	GROOMSPORT	2,120	(2,325)
BALLYMAGEE	2,420	(2,438)	HARBOUR	1,695	(1,582)
BANGOR CASTLE	1,880	(1,821)	HOLYWOOD DEMESNE	1,842	(1,891)
BLOOMFIELD	2,246	(2,328)	HOLYWOOD PRIORY	1,835	(1,825)
BROADWAY	2,259	(2,176)	LOUGHVIEW	1,608	(1,535)
BRYANSBURN	1,952	(1,922)	PRINCETOWN	1,917	(1,992)
CHURCHILL	1,994	(1,942)	RATHGAEL	1,714	(1,576)
CLANDEBOYE	2,621	(2,581)	SILVERSTREAM	1,763	(1,784)
CONLIG	2,827	(3,356)	SPRING HILL	2,141	(2,082)
CRAIGAVAD	1,824	(1,751)	WHITEHILL	1,620	(1,537)
CRAWSFORDSBURN	2,046	(2,066)			
			Electorate	50,771	(50,872)
			Total Constituency Electorate	57,435	(57,763)

14. SOUTH ANTRIM COUNTY CONSTITUENCY

the whole of Antrim local government district:

ALDERGROVE	1,743	(2,110)	MASSEREENE	2,591	(2,876)
BALLOO	1,165	(1,112)	PARKGATE	1,537	(1,689)
BALLYCRAIGY	1,254	(1,182)	RANDALSTOWN	1,944	(2,028)
CLADY	1,789	(1,936)	SHILVODAN	1,429	(1,501)
CRANFIELD	1,632	(1,707)	SPRINGFARM	1,338	(1,727)
CRUMLIN	2,278	(2,411)	STEEPLE	1,004	(1,090)
DRUMANAWAY	1,329	(1,384)	STILES	1,331	(1,240)
FARRANSHANE	1,116	(1,037)	TEMPLEPATRICK	1,659	(1,694)
FOUNTAIN HILL	1,264	(1,296)	TOOME	1,607	(1,702)
GREYSTONE	1,303	(1,294)			
			Electorate	29,313	(31,016)

the Lisburn City local government district ward of:

GLENAVY	2,835	(3,300)			
			Electorate	2,835	(3,300)

the Newtownabbey local government district wards of:

BALLYCLARE NORTH	2,178	(2,415)	CARNMONEY	1,830	(1,784)
BALLYCLARE SOUTH	2,276	(2,165)	DOAGH	2,261	(2,402)
BALLYDUFF	2,036	(1,813)	HAWTHORNE	1,602	(1,547)
BALLYNURE	2,099	(2,186)	MALLUSK	3,568	(4,464)
BALLYROBERT	2,826	(2,906)	MOSSLEY	1,842	(1,785)
BURNTHILL	1,928	(1,808)			
			Electorate	24,446	(25,275)

Total Constituency Electorate 56,594 (59,591)

15. SOUTH DOWN COUNTY CONSTITUENCY

The Banbridge local government district wards of:

BALLYWARD	1,606	(1,680)	KATESBRIDGE	1,633	(1,756)
BANNSIDE	1,558	(1,763)	RATHFRILAND	1,709	(1,723)
			Electorate	6,506	(6,922)

the Down local government district wards of:

ARDGLASS	1,909	(1,886)	DUNMORE	1,867	(1,976)
AUDLEY'S ACRE	1,659	(1,637)	KILLOUGH	1,784	(1,837)
BALLYMOTE	1,412	(1,435)	MURLOUGH	1,556	(1,455)
CASTLEWELLAN	1,992	(2,132)	QUOILE	1,742	(1,682)
CATHEDRAL	1,962	(1,986)	SEAFORDE	1,888	(2,025)
CROSSGAR	1,992	(2,064)	SHIMNA	1,773	(1,868)
DONARD	2,045	(2,048)	STRANGFORD	1,701	(1,775)
DRUMANESS	2,242	(2,315)	TOLLYMORE	1,920	(2,021)
DUNDRUM	1,622	(1,729)			
			Electorate	31,066	(31,871)

the Newry and Mourne local government district wards of:

ANNALONG	2,022	(2,130)	KILKEEL SOUTH	1,955	(1,880)
BINNIAN	1,847	(2,008)	LISNACREE	1,739	(1,888)
BURREN AND KILBRONEY	2,152	(2,374)	MAYOBRIDGE	2,054	(2,200)
CLONALLAN	2,567	(2,471)	ROSTREVOR	1,947	(1,914)
DERRYLECKAGH	2,517	(2,694)	SEAVIEW	1,933	(1,830)
DONAGHMORE	1,992	(2,132)	SPELGA	1,909	(1,979)
KILKEEL CENTRAL	2,324	(2,275)			
			Electorate	26,958	(27,775)
			Total Constituency Electorate	64,530	(66,568)

16. STRANGFORD COUNTY CONSTITUENCY

the Ards local government district wards of:

BALLYGOWAN	2,335	(2,398)	GREGSTOWN	2,947	(2,855)
BALLYRAINEY	1,807	(1,672)	KILLINCHY	2,015	(2,135)
BALLYWALTER	2,359	(2,495)	KIRCUBBIN	1,902	(2,047)
BRADSHAW'S BRAE	2,213	(2,230)	LISBANE	2,123	(2,150)
CARROWDORE	2,078	(2,150)	LOUGHRIES	2,225	(2,215)
CENTRAL	1,821	(1,777)	MOVILLA	3,117	(3,056)
COMBER EAST	1,962	(1,980)	PORTAFERRY	2,255	(2,186)
COMBER NORTH	1,907	(1,793)	PORTAVOGIE	2,424	(2,974)
COMBER WEST	2,116	(2,240)	SCRABO	1,698	(1,634)
GLEN	1,789	(1,722)	WHITESPOTS	2,321	(2,301)
			Electorate	43,414	(44,010)

the Castlereagh local government district ward of:

MONEYREAGH	2,631	(2,654)			
			Electorate	2,631	(2,654)

the Down local government district wards of:

BALLYMAGLAVE	2,004	(1,856)	KILLYLEAGH	1,767	(1,906)
BALLYNAHINCH EAST	1,544	(1,525)	KILMORE	2,095	(2,198)
DERRYBOY	1,950	(1,969)	SAINTFIELD	2,058	(2,154)
			Electorate	11,418	(11,608)
			Total Constituency Electorate	57,463	(58,272)

17. UPPER BANN COUNTY CONSTITUENCY

the Banbridge local government district wards of:

BALLYDOWN	2,365	(2,617)	LAWRENCETOWN	1,571	(1,636)
BANBRIDGE WEST	1,702	(1,712)	LOUGHBRICKLAND	1,717	(1,863)
EDENDERRY	1,602	(1,539)	SEAPATRICK	1,595	(1,669)
FORT	1,707	(1,635)	THE CUT	1,189	(1,260)
GILFORD	1,601	(1,477)			
			Electorate	15,049	(15,408)

the whole of Craigavon local government district:

AGHAGALLON	2,596	(2,778)	DRUMNAMOE	1,951	(1,794)
ANNAGH	1,813	(1,793)	EDENDERRY	2,187	(2,005)
BALLYBAY	1,428	(1,414)	KERNAN	2,803	(3,286)
BALLYORAN	1,865	(1,830)	KILLYCOMAIN	1,809	(1,672)
BLEARY	2,638	(2,684)	KNOCKNASHANE	2,148	(2,330)
BROWNSTOWN	2,206	(2,090)	MAGHERALIN	2,875	(3,273)
CHURCH	1,482	(1,347)	MOURNEVIEW	1,619	(1,524)
CORCRAIN	1,623	(1,509)	PARKLAKE	1,915	(2,153)
COURT	1,969	(1,797)	TAGHNEVAN	2,002	(2,051)
DERRYTRASNA	2,984	(3,304)	TAVANAGH	1,530	(1,340)
DONAGHCLONEY	1,972	(2,384)	THE BIRCHES	2,180	(2,328)
DRUMGASK	1,820	(2,062)	WARINGSTOWN	2,319	(2,700)
DRUMGOR	1,570	(1,396)	WOODVILLE	2,453	(2,302)
			Electorate	53,757	(55,146)

Total Constituency Electorate 68,806 (70,554)

18. WEST TYRONE COUNTY CONSTITUENCY

the whole of Omagh local government district:

BERAGH	1,476	(1,513)	GORTIN	1,457	(1,493)
CAMOWEN	1,435	(1,450)	GORTRUSH	1,573	(1,406)
CLANABOGAN	1,792	(1,938)	KILLYCLOGHER	1,729	(1,794)
COOLNAGARD	2,012	(2,157)	LISANELLY	1,193	(1,166)
DERGMONEY	1,292	(1,198)	NEWTOWNSAVILLE	1,618	(1,626)
DROMORE	1,604	(1,703)	OWENKILLEW	1,554	(1,635)
DRUMNAKILLY	1,742	(1,845)	SIXMILECROSS	1,448	(1,476)
DRUMQUIN	1,410	(1,462)	STRULE	1,049	(1,008)
DRUMRAGH	1,646	(1,574)	TERMON	1,699	(1,728)
FAIRY WATER	1,420	(1,480)	TRILLICK	1,539	(1,564)
FINTONA	1,450	(1,375)			
			Electorate	32,138	(32,591)

the whole of Strabane local government district:

ARTIGARVAN	1,703	(1,829)	NEWTOWNSTEWART	1,507	(1,458)
BALLYCOLMAN	1,457	(1,339)	NORTH	1,739	(1,813)
CASTLEDERG	1,455	(1,494)	PLUMBRIDGE	1,493	(1,556)
CLARE	1,741	(1,791)	SION MILLS	1,467	(1,448)
DUNNAMANAGH	1,496	(1,580)	SLIEVEKIRK	1,423	(1,524)
EAST	1,430	(1,293)	SOUTH	1,922	(1,923)
FINN	1,560	(1,660)	VICTORIA BRIDGE	1,477	(1,560)
GLENDERG	1,730	(1,782)	WEST	2,109	(1,990)

Electorate 25,709 (26,040)

Total Constituency Electorate 57,847 (58,631)

Total Northern Ireland Parliamentary Electorate 1,097,450 (1,110,817)

Parliamentary Electorates of Existing and Recommended Constituencies

Existing Constituencies

A

Constituency Name	Enumeration Date 16 May 2003 Electorate	% Deviation from Electoral Quota ¹
Belfast East	51,899	-14.9
Belfast North	51,422	-15.7
Belfast South	50,599	-17.0
Belfast West	50,870	-16.6
East Antrim	55,453	-9.0
East Londonderry	56,166	-7.9
Fermanagh and South Tyrone	64,345	+5.5
Foyle	65,151	+6.9
Lagan Valley	67,963	+11.5
Mid Ulster	60,119	-1.4
Newry and Armagh	68,730	+12.7
North Antrim	70,582	+15.8
North Down	57,435	-5.8
South Antrim	63,587	+4.3
South Down	70,173	+15.1
Strangford	66,303	+8.7
Upper Bann	68,806	+12.9
West Tyrone	57,847	-5.1
Total Electorate	1,097,450	
Electoral Quota and Average	60,969	

Recommended Constituencies

B

Constituency Name	Enumeration Date 16 May 2003 Electorate	% Deviation from Electoral Quota ¹
Belfast East	58,756	-3.6
Belfast North	63,193	+3.7
Belfast South	58,225	-4.5
Belfast West	55,025	-9.7
East Antrim	56,125	-8.0
East Londonderry	60,494	-0.8
Fermanagh and South Tyrone	64,345	+5.5
Foyle	60,823	-0.2
Lagan Valley	60,973	0.0
Mid Ulster	60,119	-1.4
Newry and Armagh	68,730	+12.7
North Antrim	67,967	+11.5
North Down	57,435	-5.8
South Antrim	56,594	-7.2
South Down	64,530	+5.8
Strangford	57,463	-5.8
Upper Bann	68,806	+12.9
West Tyrone	57,847	-5.1
Total Electorate	1,097,450	
Electoral Quota and Average	60,969	

C

Constituency Name	Enumeration Date 1 February 2007 Electorate	% Deviation from Constituency Average Electorate ²
Belfast East	56,664	-8.2
Belfast North	60,942	-1.2
Belfast South	56,191	-8.9
Belfast West	55,587	-9.9
East Antrim	57,630	-6.6
East Londonderry	60,810	-1.5
Fermanagh and South Tyrone	65,748	+6.5
Foyle	60,777	-1.5
Lagan Valley	62,454	+1.2
Mid Ulster	61,473	-0.4
Newry and Armagh	70,825	+14.8
North Antrim	70,337	+14.0
North Down	57,763	-6.4
South Antrim	59,591	-3.4
South Down	66,568	+7.9
Strangford	58,272	-5.6
Upper Bann	70,554	+14.3
West Tyrone	58,631	-5.0
Total Electorate	1,110,817	
Electoral Quota and Average	61,712	

¹The Electoral Quota is calculated by dividing the total number of parliamentary electors in Northern Ireland by the number of existing constituencies on the enumeration date. The total number of parliamentary electors in Northern Ireland on the enumeration date, 16 May 2003, was 1,097,450. The number of constituencies was 18 and the Electoral Quota is therefore 60,969.

²The constituency average electorate is calculated by dividing the total number of parliamentary electors in Northern Ireland by the number of constituencies recommended by the Commission. The total number of parliamentary electors in Northern Ireland on 1 February 2007, the date of the last Revised Register of Electors published on 2 February 2007, was 1,110,817. The number of constituencies recommended is 18 and the constituency average electorate is therefore 61,712.

Printed in the UK for The Stationery Office Limited
on behalf of the Controller of Her Majesty's Stationery Office
PC2086 03/08

Printed on paper containing minimum 75% fibre content

UNITED KINGDOM PARLIAMENTARY CONSTITUENCIES FOR NORTHERN IRELAND

This map displays the boundaries of existing and recommended constituencies and their names. Due to the constraint of scale, it is not possible to display all ward names.



Recommended constituency boundary and name ——— BELFAST SOUTH
 Existing constituency boundary - - - - -
 Ward boundary and name ——— HILLFOOT

Reproduced from a digital database by Ordnance Survey of Northern Ireland, Department of Culture, Arts and Leisure, Colby House, Stranmillis Court, Malone Lower, Belfast BT9 5BJ
 Reproduction in whole or in part by any means is prohibited without prior permission of the Ordnance Survey of Northern Ireland.
 © Crown Copyright 2007 Permit Number 70175
 © Boundary Commission for Northern Ireland 2007

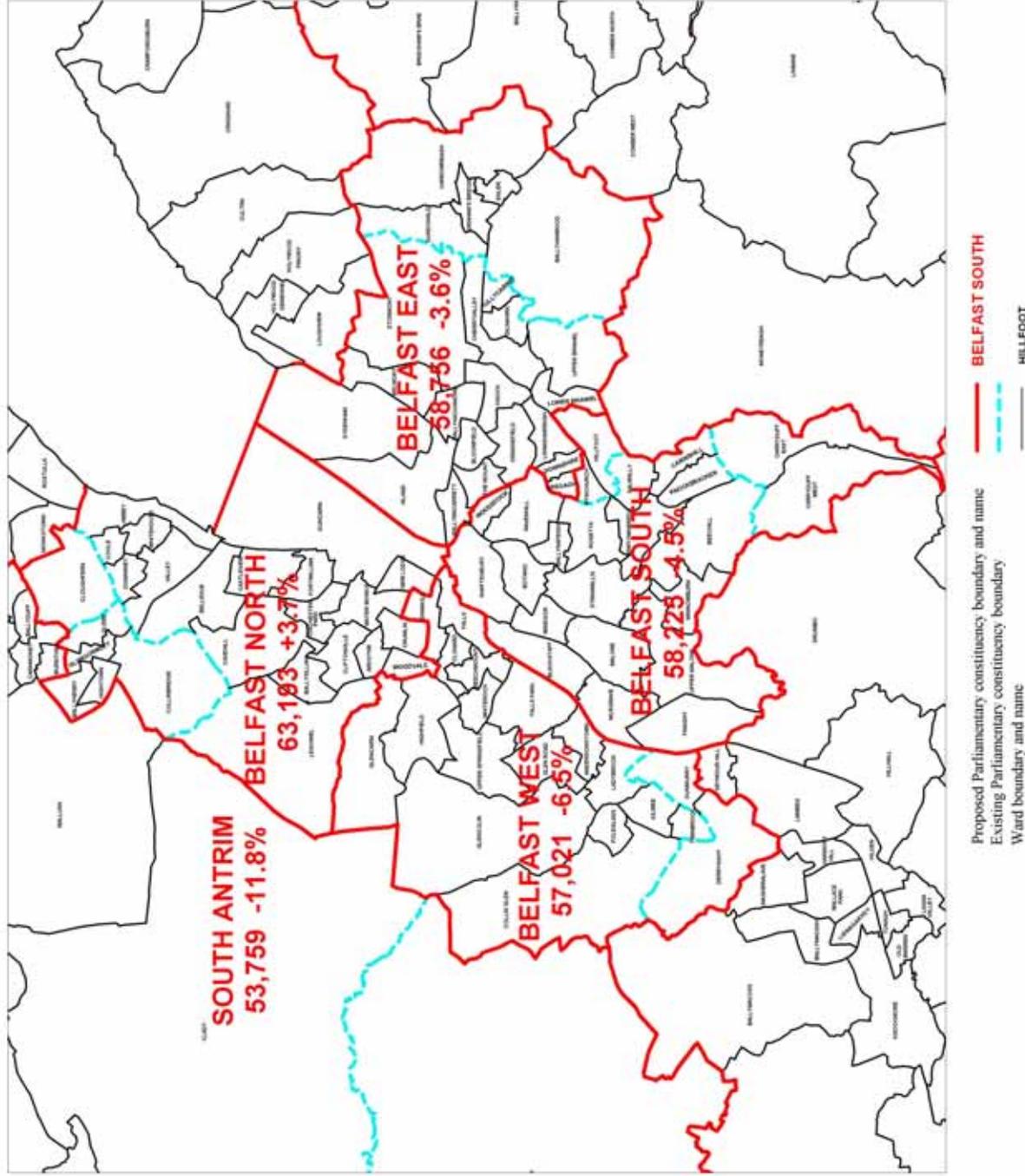
Based on 1:250,000 and 1:50,000 scale mapping

APPENDIX F

UNITED KINGDOM PARLIAMENTARY CONSTITUENCIES FOR BELFAST

Proposed by Mr James Toolan

The percentage figures show the extent to which the proposed electorate vary from the Electoral Quota on 16th May 2003. Due to the constraint of scale, it is not possible to display all ward names



UNITED KINGDOM PARLIAMENTARY CONSTITUENCIES FOR BELFAST

Proposed by Mr James Toolan

The percentage figures show the extent to which the proposed electorate vary from the Electoral average on 1st April 2005. Due to the constraint of scale, it is not possible to display all ward names

