

**Local Government Boundaries Commissioner
for Northern Ireland**

Your Transcript
Thank You.

Transcript Details					
		Assistant Commissioner		Garrett O'Reilly	
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**Assistant
Commissioner**

Good morning. I am Garrett O'Reilly, I was a solicitor in private practice in a Belfast city firm of solicitors for 30 odd years. I retired a senior partner of that firm and took a call to the Bar some years ago. I am an Assistant Local Government Boundaries Commissioner, and Assistant Boundaries Commissioners were appointed by the Minister of the Environment to conduct public hearings into the Provisional Recommendations of the Local Government Boundaries Commissioner in relation to boundaries and names of the eleven new district councils and the number of wards in those districts. I am the Assistant Boundaries Commissioner assigned the chair for the public hearing for the District provisionally designated the name of Newry City and Down District Council being held here today and I am formally opening this public hearing which was adjourned from yesterday afternoon.

Peter King

Thank you sir, my name is Peter King. I have been asked to appear this morning on behalf of the Democratic Unionist Party. First of all, I would like to put on record, the party's thanks for the hard work that has already been done on this issue. The provisional proposals are a substantial body of work and I think the professionalism and care that has gone into them is worthy of comment.

**Assistant
Commissioner**

Can I interrupt you to say that I am not part of the Commission. I am totally independent and was not involved, but I will pass on your remarks to those who were.

Peter King

Thank you, Sir. I would also like to reassure everyone that this is going to be an exceptionally brief presentation. I have had the opportunity of reading the Procedural Guide produced in November of this year, in respect of this review, and I have also had an opportunity to read in some detail the guidance set down for the public hearings. As you will be aware, Sir, the Democratic Unionist Party has produced a fairly substantial written submission in respect of all the proposals and I am cognisant of all the strictures in the Procedural Guide. I am not here to regurgitate what, in respect of Newry City and Down District Council, is a relatively short submission. In any event, for the record I would formally adopt the suggestions and submissions in respect of Newry City and Down proposed district council which are contained at page 18 of the party submission. There are three short points within that and I will précis those and then if I can be of assistance I will try to be. The first point is in respect of the name of the proposed Newry

City and Down District Council. Having driven down here from Belfast, one is struck by the sheer physical presence of the Mourne Mountains and given the tourist potential and the tourist drive as contained in the Programme for Government, it strikes the party as somewhat strange that such a natural resource as the Mourne Mountains is not included in the name of the proposed district council that includes the Mourne Mountains. We would ask that consideration be given to adopting or adapting the name to include the Mournes to give a greater recognition factor for the new area. I think it is very clear that Newry City and Down District does not perhaps convey everything that the area has to offer. With regards to the more practical element of the internal and external boundaries of the proposed district council area, in terms of the external boundaries, the party is happy with those, with a caveat that there is opposition to the transfer of Ballyward from the proposed Armagh City and Bann District Council. In respect of the internal boundaries, all that remains to be said is that, if the proposed position of Ballyward is accepted then the internal boundaries should be redrawn to reflect that. There is no set or preferred option how those are redrawn, but certainly it is seen that a 40 ward council is appropriate here and we would ask for a redraft to take that into account. There is not a great deal I wish to add and you will be able to tell from that and from the written submissions that we are broadly content with the provisional proposals. Are there any points, Sir, that were raised yesterday which I can assist you with? I would not be minded to take up your time any further.

Assistant

Commissioner Mr King, there are a few things, if you do not mind, you could maybe help me on.

Peter King I will try.

Assistant

Commissioner In dealing with your points in sequence, you deal with the name and you deal with that in your written submission as well. There is provision where a council can in fact change the name of the district. The sentiments expressed were similar to your own but when I made that point everybody seemed happier that a name was given now, rather than get involved in a controversy of naming and time taken by a council in changing a name. Was that implicit in what you were saying?

Peter King There is a very unhappy history of council name changes in this province and if that could be taken away from the arena of the council I think that would be extremely helpful.

Assistant Commissioner It still will be within the council's powers to change, but your feeling would be similar to get a name that is right now and it may or may not be taking up time.

Peter King Exactly, the very sensible sort of practical proposals, the names of the proposed districts have been taken from Section 1 of the 2008 Act. I understand why it has been done but there is a neater and perhaps more prosaic way of doing it.

Assistant Commissioner The second point I want to clarify is there is not a statutory guideline given to the Local Government Boundaries Commissioner in relation to names so that he is free to do what he thinks. So moving on from another question I asked yesterday, do you like the word Mourne or do you prefer the Mournes? Because there has been, as explained to me yesterday, a change in the actual layout.

Peter King Mournes, I think, would have a bigger recognition.

Assistant Commissioner The next point then that you mention and you have in your general submission and that is you are opposed to the transfer of Ballyward to the new Newry Council. It is the first time it has been put to me that the inclusion of the lands within the Area of Outstanding Natural Beauty (AONB), that his rationale is flawed in not having it within one Council.

Peter King This is dealt with on page 15 of the written submission. There is not any set need to have the Area of Outstanding Natural Beauty within one single district council. I understand the rationale behind that again - for neatness, but if you look at other areas, one I would be most familiar with would be the Lake District in England. The actual Lake District National Park is divided into a number of district councils; although I appreciate that Cumbria is not a unitary authority, there is a Cumbria County Council and there are a number of district councils. Just because we are dealing with an Area of Outstanding Natural Beauty we do not see that there is a natural follow-through that it has to be within a single district council area. I think the point was made in respect of the Armagh City and Bann District Council submission that perhaps this could be seen as prejudging the outcome of the debate about a Mourne National Park. I do not want to sort of press that, at this stage, as it probably is not the forum but again that had been raised in internal consultations. Perhaps this was a

forerunner to creating a National Park and that has caused some controversy in the local area internal to our party and with others I understand.

Assistant Commissioner So if I summarise really what you are saying is that you and the party disagree with the policy decision of the Commissioner in relation to the apotheosis that should we include it in the AONB and as evidence of that you point to the Lake District in England which is, you would say, somewhat similar but is incorporated within several councils.

Peter King Several district councils, yes, exactly and again the point is made on page 16 of the submission and the map of Northern Ireland has been produced with the local Areas of Outstanding Natural Beauty.

Assistant Commissioner If I am interpreting what you have said correctly, you are happy with the 40 wards.

Peter King Yes, Sir.

Assistant Commissioner Mr King, unless there is something else you want to put to me, I am very happy. Thank you for your time.

Peter King I would just like to say, I think the procedure of asking for written submissions has been extremely helpful.

Assistant Commissioner They have certainly been very helpful to me and I have thanked everyone who has done so.

Peter King Yes. It has focused minds and it has short-circuited the hearing somewhat with everything focussed. So thank you very much for you time, Sir. I appreciate that very much.

Assistant Commissioner Thank you Mr King. Good morning Councillor Hearty.

Terry Hearty The issue we had was Fathom ward in Slieve Gullion, going from what we would call a rural ward into a normal one. I received a lot of representative complaints from people in that area on that move.

Assistant Commissioner From a rural ward to an urban ward?

Terry Hearty Moving it into Newry City. Fathom has always been part of the South Armagh area and the proposed changes to move it into Newry City caused grave concerns about that among the people of that area.

Assistant Commissioner So you are on the rural side as opposed to the urban side?

Terry Hearty Yes.

Assistant Commissioner If it is any consolation, people on the urban side seem to feel the same way.

Terry Hearty I totally understand it. I appreciate that and that is why I would be proposing that it stays as it is or even to take the change down to the railway bridge where it is coming into the city and Newry because part of it is beyond that.

Assistant Commissioner You are a representative of what we would call the rural area?

Terry Hearty Yes.

Assistant Commissioner The view was put to me yesterday that in fact it is virtually impossible for a Councillor to represent an urban and a rural area, that there is a basic conflict of interest. What would you say to that?

Terry Hearty Well, of course there is within Councils where councillors from different areas will be fighting for different issues, and some of their issues of taking stuff out of their location. Things do not particularly have to be located in towns or cities. It could be seen as awkward at times.

Assistant Commissioner If I said difficult, but not impossible, would that be fair?

Terry Hearty Well, nothing is impossible.

Terry Hearty I think it would work. The other issue we had was the name Newry City and Down District Council. I listened to you saying to the last speaker that this can be changed within the councils. The fact that Newry City and Down District are mentioned but there is a part of Armagh within that which is not mentioned at all, and particularly coming from South

Armagh, we would like to have South Armagh mentioned in it too.

Assistant Commissioner What would you say then to the submission that was made yesterday that some of the area you are talking about should in fact therefore be transferred to the new Armagh District Council area and taken away from Newry.

Terry Hearty I would not agree with that at all.

Assistant Commissioner You see the contradiction though?

Terry Hearty I do see the contradiction but even with the new proposals that we are within the Newry area, I do believe that Armagh should be mentioned within that. I suppose it has been parochial looking for South Armagh, but certainly Armagh should be mentioned in it.

Assistant Commissioner Thank you very much indeed for your time.

Terry Hearty Thank you.

Assistant Commissioner Mr McAllister.

John McCallister Yes.

Graham Truesdale And Graham Truesdale.

John McCallister Yes, well thank you and thank you for the opportunity to come here today. Do you want to kick off Graham?

Graham Truesdale Mr Commissioner, our proposal is that the Council boundaries should follow the boundary of the Area of Outstanding Natural Beauty down as far as the Murlough River and then should follow the Murlough River. We would submit that both the AONB boundary and the river are readily identifiable boundaries as set out in the documentation which has been produced.

**John
McCallister**

We also state that having said the AONB should be entirely in the one council area may make it easier if there are proposals to change that into a national park.

**Assistant
Commissioner**

Are you in general agreement with the policy of the Commissioner that the AONB is a suitable boundary and one controlled by the council?

**John
McCallister**

Yes, I think it makes it easier and especially if it was to move to National Park status. Obviously that is up for debate, but I think even if you are devolving out some of the rural development functions, that AONBs are going to attract a higher rate. It would make sense to have it within one Council boundary and you would look at some of the changes of where the actual AONB is and those parts round Ballyward that were left out of the National Park map, so that was where we would be looking at it from.

**Assistant
Commissioner**

Can I go then to the Addendum to your submission? It should be noted that not all of the proposed new Ballyward ward will be actually within the AONB.

**John
McCallister**

Yes.

**Graham
Truesdale**

Basically what we are saying there is that the townlands of Annahunshigo and Drumlee are within Ballyward ward, but not within the AONB. If you look at the AONB map you will see that those townlands are not within the area that is coloured pink on that map. The townlands of Annahunshigo and Drumlee and the whole inhabited part of the townland of Clonmaghera is proposed to be within Ballyward ward, but that area is not within the AONB. Basically what we are saying is that it would be possible to keep those areas in Armagh and Bann Council and have them outside Newry and Down Council and still have Newry and Down Council contain the whole AONB.

**Assistant
Commissioner**

We misinterpreted that, we interpreted that as you saying that, in fact, not all of the proposed ward is actually within the AONB and therefore some of the AONB would not be under the control of the new Newry Council.

**Graham
Truesdale**

No, maybe the submission was not clear Mr Commissioner but what we are saying is that even with our proposals the whole of the AONB would still be under Newry Council.

**Assistant
Commissioner**

This area actually is wrongly drawn. So we are going to thank you for that to our attention, we would rectify it for you. That will be recommended to be done. Are you with me?

**Graham
Truesdale**

Yes, to keep the whole AONB.

**Assistant
Commissioner**

Yes to keep the AONB. In other words the AONB as it stands and, this area, would not come under the new council. Could I ask Mr Truesdale, there is a fairly fundamental rule that the Commissioner is obliged to not only have regard to but the actual wording is, that a townland shall not be partly in one s-district or ward and partly in another - if we refer to your proposals, would you like to take me through that?

**Graham
Truesdale**

Well I appreciate that the proposal does suggest that some of the townlands should be severed. I would first of all emphasise that the proportion of Clonmaghery townland, for instance, which is within the AONB is uninhabited. So if the Council boundary followed the AONB boundary then there would not be any electors split off from Clonmaghery townland.

**Assistant
Commissioner**

And the wording actually used in the legislation is, 'a townland shall not, except where in the opinion of the Commissioner it is unavoidable' be included partly in one District; what is the significance of it being uninhabited?

**Graham
Truesdale**

Well, subject, of course, to Mr McAllister and in light of what you have said, we could withdraw the suggestion that the townlands to be severed and suggest only that the entire townland of Annahunshigo and the entire townland of Drumlee should be within Armagh and Bann Council, on the basis that as far as I can see from the maps, no part of either of those townlands is within the AONB. So that would avoid severing any townlands.

Assistant Commissioner Yes. That seems to be reasonable to suggest. You would amend your submission so that Annahunshigo and Drumlee, those two townlands effectively, are not transferred to the new Newry Council. That is effectively what you are saying?

Graham Truesdale Yes.

Assistant Commissioner Can you give me some advice on these new boundaries that you are proposing?

Graham Truesdale I would point out that Annahunshigo and Drumlee townlands are currently within the boundary of Banbridge District Council. I have an Ordnance Survey map here if it is any assistance which shows the current boundary between, on the one hand Banbridge Council and on the other hand Newry and Mourne District Council and Down District Council, and the existing Council boundary actually follows the townland boundary of Annahunshigo and Drumlee townlands. So in that sense one would simply be retaining the existing Council boundary and that would be fair to say is a Council boundary which has existed for a great many years back to the days of the old Poor Law Unions and Rural Districts, I believe. I actually have a fairly old Ordnance Survey map which shows that as having been the Union and Rural District boundary.

Assistant Commissioner That is very helpful. To summarise, what you are saying is that a revised proposal would not breach any of the Commissioner's guidelines, and, in fact, by virtue of the AONB policy, it would not in any way infringe on the AONB policy.

Graham Truesdale Correct.

Assistant Commissioner Mr Truesdale, I am very happy with that. Mr McAllister is there anything else that you wanted to say?

John McCallister No, thank you very much for your time.

Assistant

Commissioner Thank you. We will adjourn for an hour for lunch and reconvene at two o'clock.

ADJOURNMENT

Assistant

Commissioner Okay it is two-fifteen. It is Friday afternoon and there is no one left. I am about to bring this public hearing to a close. The immediate task I have now is to carefully consider all the evidence that I have heard at the hearing and the written representations that were received and prepare and submit a report to the Local Government Boundaries Commissioner. I close this public hearing at this time.

ENDS
