

**REPORT OF THE ASSISTANT LOCAL GOVERNMENT BOUNDARIES
COMMISSIONER FOR THE PROPOSED DISTRICT OF
DERRY CITY AND STRABANE**

Colin Caughey, Assistant Local Boundaries Commissioner

November 2021

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Section One: **Background and Statutory Framework**

Background

- 1.1 The commencement of the current Review of Local Government Boundaries in Northern Ireland was announced in a Public Notice on 03 February 2021 which explained the role and remit of the Local Government Boundaries Commissioner and advised that in due course the Commissioner would publish Provisional Recommendations and may cause a public hearing to be held in each of the current eleven Local Government Districts. The Notice and a subsequent information video placed on the Commissioner's website (<https://www.lgbc-ni.org.uk/>) explained the process and the opportunities for participation in the consultation on the Provisional Recommendations.
- 1.2 The terms of the Review are set out in Article 50 and Schedule 4 of the Local Government (Northern Ireland) Act 1972 as amended. Copies of the legislative framework are available on the Commissioner's website.
- 1.3 The Commissioner's Provisional Recommendations with proposed boundaries and names of 11 Districts and their 462 constituent wards were published on the Commissioner's website on 27 July 2021 and announced by way of Public Notice, inviting comments on the proposals made. The consultation was launched on Citizen Space to enable ease of public inspection and maximum public participation. Accessibility points for online access to the Proposals and the consultation portal were provided at public facilities including Council premises and public libraries by the Commissioner's team in partnership with local councils and with Libraries Northern Ireland. Hard copies of any part of the Proposals or the associated maps as required by any person were made available on request. Other accessibility requirements were promoted on the Commissioners website including language translation, braille and sign language.
- 1.4 The consultation portal was open for 8 weeks and closed on 21 September 2021. Details of the programme of public hearings was notified by press release, social media channels and on the Commissioner's website in September 2021.
- 1.5 The Commissioner received 52 representations in respect of the proposals in the District of Derry City and Strabane. All representations received were acknowledged and have been made available for inspection on the Commissioner's website.
- 1.6 I was appointed as an Assistant Commissioner by the Department of Communities on 01 August 2021. My task is to gather, assess and report on the representations made in relation to this proposed District of Derry City and Strabane and to submit a report to the Commissioner including my conclusions and recommendations, within 4 weeks of the end of the relevant

public hearing. I conducted a public hearing in this proposed District at Everglades Hotel on 12 October 2021.

- 1.7 The Public Hearing was staged under the requirements of government guidance and observance of public health recommendations in respect of the Covid-19 Pandemic. Numbers in the room at any one time was limited to 20 persons with alternative participation facilitated by a simultaneous online interactive platform.

Written Representations

- 1.8 Written representations of relevance to this District are listed in Section Seven of this report. They are available to view on the Commissioner's website. In addition written submissions received outside of the consultation period are included in my appendices. All written representations were considered by me in advance of the public hearing and in anticipation of the preparation of this Report.

Public Hearing

- 1.9 The Public Hearing on the Provisional Proposals was attended by one person who participated via an online platform. The hearing was facilitated in an informal and accessible manner where all participants were afforded the opportunity to give their views. Participants were asked to either identify as individuals or representatives of an organisation. There were no organisations represented at the hearing.

My Report

- 1.10 This report presents and addresses the written and oral views of interested parties in respect of the Commissioner's Provisional Recommendations for the proposed District of Derry City and Strabane. In particular it addresses the relevant local information and opinion about the boundaries and names of the District and its wards. I have set out details of support of the Commissioner's proposals and objections and/or counter-proposals. I have also set out my conclusions on the issues raised which are permissible matters for consideration under the legislative framework of this Review. Any matters submitted that are not relevant or permissible considerations under the legislative parameters of the Review have been outlined in this report as having been submitted, but those issues will not have formed part of my deliberations.
- 1.11 As part of my research for this report I have studied and tested any areas of the District where alternative boundaries have been proposed by use of GIS mapping systems of the Land and Property Services of Northern Ireland. This

has been facilitated by the staff of Ordnance Survey Northern Ireland and I am indebted to their technical assistance.

Section Two: District Boundaries

2.1 One respondent put forward a counter proposal to the Commissioner's proposals relating to the District Boundary. The Local Government (Boundaries) (NI) Order 2006 at Schedule 4 sets out a number of Rules which have guided my consideration of the counter proposal.

2.2 These Rules are as follows:

"14. Regard shall be had to the desirability of determining district and ward boundaries which are readily identifiable.

15. A townland shall not, except where in the opinion of the Commissioner it is unavoidable be, included partly in one district or ward and partly in another.

16. As far as practicable: – a) A district shall not be wholly or substantially severed by the boundary of another district; and b) A district shall not be wholly or substantially encompassed within the boundary of another district."

2.3 The respondent proposed an amendment to the boundary line of Derry City and Strabane District with the Causeway Coast and Glens District, to include a coastal strip of land adjacent to the City of Derry airport within the District of Derry City and Strabane. In advance of the hearing the respondent submitted a revision to the counter proposal to extend the proposed area for inclusion in the Derry City and Strabane District. The respondent attended the oral hearing via an online portal and made an oral submission. Following the hearing the respondent submitted a further written submission in support of the proposal. Both written submissions are appended to this report.

2.4 The respondent made clear that the principal objective of the counter proposal was to facilitate the future expansion of Derry City airport.

2.5 I have considered the respondent's submissions in line with the Rules set out in Schedule 4. The principal argument put forward and a number of supporting arguments, which are identified at section 5, are not relevant considerations under the Schedule.

2.6 In line with paragraph 14 I have considered whether the proposed revised boundary would be more readily identifiable than the existing boundary.

2.7 In considering paragraph 14 the Commissioner has been guided by the below interpretation.

'The concept of a readily identifiable boundary means a boundary that can be known or ascertained easily, or with relatively little effort. I took the view that the phrase included ground features such as road and railway lines; estuaries, lakes, rivers and upland areas; footpaths, cycle paths, garden and field boundaries, and walls; and the boundaries of open space such as parks, cemeteries and golf courses'

- 2.8 In considering this counter proposal I have referred to this interpretation but have had ultimate regard for the wording of paragraph 14.
- 2.9 The counter proposal has drawn my attention to the fact that the existing District line transects the end of the runway of Derry City airport. However I note that the existing District line follows the River Muff which flows underneath the airport runway. The River Muff is a prominent ground feature and is readily identifiable on maps.
- 2.10 The proposed revision to the District Line would lead to a number of townlands being partly in the District of Derry City and Strabane and partly in the District of Causeway Coast and Glens, an outcome which paragraph 15 makes clear is acceptable only when it is unavoidable.
- 2.11 After analysing the merits of the counter proposal under the requirements of the legislation, I conclude that the Commissioner's proposed District Line is preferred and recommend that it should be affirmed.

Section Three: **Ward Boundaries**

3.1 No objections to the proposed ward boundaries have been received.

Section Four: **Names of District and/or wards**

- 4.1 As the Commissioner has made clear the Rules in Schedule 4 Part III of the 1972 Act do not provide guidance as to the naming of districts and wards.
- 4.2 Proposals for the renaming of districts and wards therefore must be assessed through the analysis of the strength of arguments put forward and through a critical assessment of appropriate and relevant evidence.
- 4.3 Two respondents proposed renaming the District to 'Londonderry and Strabane'. Neither respondent offered specific evidence to support the proposal. I note that in 2016 following an application by the Derry City and Strabane Council, the Department of the Environment made an Order to change the name of the District from 'Derry and Strabane' to 'Derry City and Strabane'.¹ In the absence of evidence to support the adoption of an alternative name I make no recommendation for adaptations.
- 4.4 I note that the report on the provisional recommendations incorrectly referred to the District of Derry City and Strabane as 'Derry and Strabane'. The Commissioner has written to the Chief Executive of Derry City and Strabane District Council acknowledging the error and reassuring the Chief Executive and Council that the official name, Derry City and Strabane District Council, will be referenced in the revised recommendations.
- 4.5 A number of respondents to the consultation portal who inputted responses to questions relating to the Derry City and Strabane District referred to the adoption of a bilingual or trilingual naming policy. In four submissions the respondents refer to the ward of Drumahoe, this appears to be for illustrative purposes only. None of the respondents provided supporting evidence specific to the ward or to the District.
- 4.6 I am aware that there has been a wider representation across the whole Review in terms of the adoption of a bilingual or trilingual naming policy for the whole map of the Local Government Districts and Wards in Northern Ireland. This is a matter for wider consideration by the Commissioner rather than a local or District-specific issue.

¹ Change of District Name (Derry and Strabane) Order (Northern Ireland) 2016

Section Five: **Other Issues**

- 5.1 As set out when considering a counter proposal relating to the District Line between the District of Derry City and Strabane and the District of Causeway Coast and Glens a number of issues were raised which are outside the ambit of the statutory rules and which have not informed my consideration. These include, the development of commercial activities, the location of council assets, the provision of council services and financial consequences.

Section Six: **Summary of Conclusions**

- 6.1 I recommend no changes to the proposed District Line and ward boundaries for the District of Derry City and Strabane.

Section Seven: References and List of Submissions

Part One: List of Written Submissions

Written Submissions Received during the consultation exercise

Allocated Number	Type of Respondent
5	Individual
6	Individual
7	Individual
9	Individual
10	Individual
11	Individual
12	Individual
13	Individual
14	Individual
16	Individual
17	Individual
23	Individual
25	Individual
26	Individual
55	Individual
56	Individual
58	Individual
72	Individual
73	Individual
75	Individual
89	Individual
91	Individual
95	Individual
101	Individual
105	Individual
107	Individual
120	Individual
127	Individual
141	Individual
145	Individual
148	Individual
149	Individual
158	Individual
170	Individual
184	Individual
195	Individual
197	Individual
205	Individual
210	Individual
214	Individual
215	Individual

224	Individual
227	Individual
243	Individual
244	Individual
256	Individual
260	Individual
262	Individual
269	Individual
273	Individual
275	Individual
Individual	(by Email)

Part Two: Oral Submissions at Public Hearing

One individual (online)

Section Eight: **Appendices**

**Appendix A: Written Submission Received by Email 10 October 2021
[emphasis added by respondent)**

Appendix B: Written Submission Received by Email 13 October 2021

Both submissions are available directly below this report.