

## Constituency Commission

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To the Constituency Commission:

The preliminary population by area Census 2016 figures were published on 14th July 2016, showing a population level within the state of 4,757,976, marking a notable increase (of 169,724) on the 4,588,252 population level recorded for the 2011 Census. The Constitution explicitly states that the population per TD ratio nationally (this does not apply to individual constituencies) must not exceed 30,000 (or indeed fall below 20,000). This means that the smallest number of Dail deputies, which can be envisaged in the Constituency Commission review of Dail constituency boundaries, is 159, which is a higher number than the current membership (158 TDs of Dail Eireann). As a result, the extent of the boundary changes that will be required is probably more extensive than would have been envisaged prior to the publication of the preliminary population figures in July.

The Ministerial Order of 14th July establishing a new Constituency Commission effectively limits the range of seat number options left open to the new Constituency Commission to either 159 seats or 160 seats: "the total number of members of the Dáil, subject to Article 16. 2. 2 of the Constitution, shall be not less than 153 and not more than 160"

This submission will main focus on cases where the new Constituency Commission may have the ability to address existing breaches of county boundaries, without significantly compromising the proportionality principle – i.e. the principle that the average population per TD ratio in individual Dail constituencies should be within a 5% range above, or below, the national average.

The terms of reference set in the Ministerial Order means that the Commission effectively can only contemplate a minimal level of change as regards overall Dail seat numbers, which would leave the overall number at the smallest number possible (159), based on the stipulations of the Constitution, or the next higher number (160) if the Commission wanted to have an even number of seats. In the 159 seat-scenario, there would be an average population per TD ratio of 29,924 across the state, based on the provisional Census 2016 population figures. In the 160 seat-scenario, there would be an average population per TD ratio of 29,737 across the state, based on the provisional Census 2016 population figures. In both of (or some of) these scenarios, the following constituencies would be under-represented (i.e. the population per TD ratios for these constituencies would be more than 5% higher than the national average and hence would warrant attention from the Constituency Commission):

- Dublin North-West
- Dublin Central
- Dublin Rathdown (160-seat scenario only)

In the 159-seat and 160-seat scenarios, the following constituencies would be over-represented (i.e. the population per TD ratios for these constituencies would be more than 5% lower than the national average and hence warrant attention from the Constituency Commission):

- Limerick County
- Clare
- Roscommon-Galway (159-seat scenario only)
- Cork South-West (159-seat scenario only)

Due to the Ministerial Order, we are effectively looking at a scenario where only a small number of changes might be required to be made by the new Constituency Commission. For instance, in the 159-seat scenario it would appear to be the case that the extra (159th) seat would probably be awarded to one of the Dublin North City constituencies (i.e. Dublin Bay North, Dublin Fingal, Dublin West, Dublin Central and Dublin North-West), with territory transfers between these constituencies to balance out the impact of this extra seat. The most likely recipient of a second extra seat in a 160-seat scenario would probably be one of the (Rest of) Leinster constituencies, although a not-insignificant number of breaches of county boundaries could be required in order to facilitate the allocation of this extra Dail seat to one of these Leinster constituencies, if only minimal changes are made to the constituency boundaries.

The allocation of an extra seat to the Dublin North City constituencies would address the under-representation of the Dublin North-West and Dublin Central constituencies, while also requiring some territory transfers to be made between the two constituencies and the other North City constituencies (Dublin Fingal, Dublin Bay North and Dublin West) to further balance population levels/the population per TD ratios for all of these constituencies. The Commission could opt to take a more radical approach here. Due to the large level of population increases across Fingal County between 2011 and 2016, the population of Fingal County would now be equivalent to 9.9 TDs in a 159-seat scenario and 10.0 TDs in a 160-seat scenario. This could allow current breaches of the county boundary between Fingal and Dublin City to be addressed, by means of the creation of two five-seat constituencies comprised solely of areas located within Fingal (i.e. Howth would move into Dublin Fingal, the Ashtown/Phoenix Park area would move back into Dublin Central). This would effectively require that the allocation of the extra seat (in a 159 or 160 seat scenario) be made to Dublin West, with transfers of territory into this constituency from Dublin Fingal (which would be gaining territory – Howth and surrounding areas – from Dublin Bay North).

Issues to do with the two-four constituencies whose population per TD ratios fall well below the national average could effectively be resolved by means of territory transfers involving other neighbouring constituencies. The over-representation of the Limerick County and Clare constituencies, for instance, could be addressed by means of territory transfers into both constituencies from the neighbouring Limerick City constituency. If the Commission opt for a 160-seat scenario, then the under-representation of Cork South-West and Roscommon-Galway does not need to be addressed. If they opt for a 159-seat number, then the new Commission will have to take the under-representation of Cork South-West and Roscommon-Galway into account. These issues could be addressed by territory transfers (involving relatively small population levels of c.500-600 people) into these two constituencies from neighbouring constituencies.

Thus, if the Commission gives more emphasis to proportionality concerns and continuity concerns in its deliberations, a scenario where very few boundary changes actually ensue could very well emerge when the new Constituency

Commission report is published in the Spring/Summer of 2017. But – as hinted in the earlier discussion of Fingal County – the Commission may well opt to make further, more radical, changes in order to address ongoing concerns in terms of county boundary breaches. (On a more positive note, the number of further county boundary breaches would appear to be very much limited in a 159-Dail seat context, but the decision to opt for a 160-seat number could provoke further county boundary breaches in the Leinster region. I'll briefly discuss some of these issues in the rest of this submission. Most of the figures/statistics noted here will refer to a 160-Dail seat number context, unless otherwise stated:

- **Laois and Kildare:** In 2012, the Commission opted to add territory from Kildare South into Laois (the Monasterevin/Kildangan areas) to provide a sufficient level of population to allow for the creation of a new three-seat Laois constituency. Continuing levels of population growth across Laois and Kildare have changed the context somewhat. In a 160-seat context, the population of Laois County would be only slightly outside the 5% variance range in terms of its population per TD ratio (5.02% below the national average) and – in the expectation of future population growth in this county – the Commission could opt to allow for this level of variance. However, the population of Kildare County is too small to allow for the creation of two four-seat constituencies, comprising solely of areas located within that county. (The allocation of eight seats to the Kildare constituencies would result in an average variance level of 6.6% below the national average.) However, the extent of this variance is not overtly excessive, however, and more extreme levels of variance have been permitted by previous Commissions. (The maximum level of variance involved the Mayo East constituency in the 1983 revisions, when the population per TD ratio stood at 7.89% below the national average – and this precedent has been established as the absolute maximum level of variance than a Commission can countenance in order to preserve county boundaries.) As a 160-Dail seat number would require one Leinster constituency to be allocated an extra seat, the allocation of an extra seat to Kildare County (a fourth seat to Kildare South or a fifth seat to Kildare North) could prove a means of accommodating this, without the need to countenance any further breaches of county boundaries in Leinster. Indeed, such a move would address the current county boundary breach involving the Kildare South and Laois constituencies.
- **Louth, Meath, Westmeath and Longford:** The combined population of Longford and Westmeath counties is too large to allow for the Delvin/Castlepollard area (currently within Meath West) to be included within the Longford-Westmeath constituency. A four-seat constituency involving the territories of both these counties (in a 160-seat scenario) would result in a population per TD ratio that would be 8.6% above the national average. The population of Louth County is too small to allow it be a stand-alone five-seat constituency (population per TD ratio 13.7% below the national average) and too large to allow it be a stand-alone four-seat constituency (population per TD ratio 7.92% above the national average). The population of Meath County is also too large to allow for the two Meath three-seaters to be created solely involving territory from that county (population per TD ratio of, on average, 9.3% above the national average), while it is too small to allow for that county to be divided between a three-seat and a four-seat constituency. If the Commission does not opt to award an extra seat to Kildare South (as discussed above), they could opt to award the second new seat (in a 160-Dail seat scenario) to one of the two Meath constituencies (or alternately award a fifth seat to Longford-Westmeath, with the provision of territory from western parts of Meath County, on top of the re-inclusion of the Delvin/Castlepollard area). But, the awarding of an extra seat to Kildare would seem to make more sense given the aim of aligning constituency boundaries with county boundaries, as far as is practicable.

- **Carlow, Kilkenny and Wicklow:** The population of Wicklow County is now large enough to allow for the creation of a stand-alone Wicklow County five-seat constituency (with population per TD ratio of 4.3% above the national average in a 160-seat scenario), without requiring the addition of the part of eastern Carlow that is currently located within that constituency. Furthermore, the combined population of the counties of Kilkenny and Carlow is now just about small enough to allow for the return of eastern Carlow to create a five-seat constituency comprised of the territories of both counties (with a population per TD ratio of 4.9% above the national average). There now seems to be no reason why the Commission would not address this (Wicklow-Carlow) county boundary breach and allow for the return of north-eastern Carlow to the rest of the Carlow-Kilkenny constituency.
- **Offaly and Tipperary:** The Offaly population is not large enough to allow for a stand-alone three-seat Offaly County constituency (population per TD ratio of 12.6% above the national average). Furthermore, the Tipperary population is too large to allow for a stand-alone five-seat Tipperary County constituency (population per TD ratio of 7.91% above the national average). With the population levels in the existing Offaly/North Tipperary and Tipperary constituencies being almost the ideal numbers for a three-seat and five-seat Dail constituency, respectively, the scenario here would appear to be one that very much edges towards the current status quo being maintained; so boundary changes would appear unlikely here.
- **Cavan, Monaghan, Donegal, Sligo and Leitrim:** The general sense here is that the Commission is waiting for population trends to, over time, solve the existing breaches of (the Donegal and Cavan) county boundaries, that were brought in by the 2012 Commission's report. Effectively, my sense is that the Commission are waiting until the combined population of Sligo and Leitrim counties is small enough to allow these to form a stand-alone three-seat constituency (or, alternately, until the combined populations of Roscommon, Sligo and Leitrim counties are small enough to allow these to form a stand-alone five-seat constituency). At the moment, the combined population of these two counties is just too large to allow these form a stand-alone three seat constituency (population per TD ratio of 9.1% above the national average) and just too small to allow these form a stand-alone three seat constituency (population per TD ratio of 18.2% below the national average). The population of Donegal is slightly too large to allow it form a stand-alone five-seat Donegal County constituency (population per TD ratio of 6.8% above the national average) and the combined population of the counties of Cavan and Monaghan is too small to allow these form a stand-alone five seat constituency (population per TD ratio of 7.6% below the national average). Greater levels of variance than those associated with the Donegal and Cavan-Monaghan cases have been allowed by previous Commissions. However, the problem here has to do mainly with population levels in Sligo and Leitrim, which may warrant the maintenance of the current situation in which parts of south Donegal and western Cavan need to be included as part of the four-seat Sligo-Leitrim constituency. Population trends suggest that these county boundary breaches may be resolved across the next few Constituency Commission boundary reviews, however.
- **Mayo, Galway and Roscommon:** Some of the most contentious decisions made by the Commission in 2012 involved county boundary breaches involving the transfer of part of south Mayo into Galway West and a large part of eastern Galway (including Ballinasloe) into the new Roscommon-Galway constituency. A stand-alone constituency comprising solely of Mayo County is not likely on present population levels. At the moment, the Mayo County population is just too large to allow it to form a stand-alone four seat constituency (population per TD ratio of 9.6% above the national average), but it is too small to allow it to once again form a stand-alone five seat constituency (population per TD ratio of 12.3% below the national average). Similarly, the population of Roscommon County is just too small to allow it to form a stand-alone three seat constituency (population per TD ratio of 27.8% below the national average) and a two-seat Roscommon constituency is not an option, based on the

Constitutional provision stating that Dail constituencies must have at least three seats allocated to these. By contrast, the population of Galway (City and County) is sufficient allow for the return of the old five-seat Galway West/four-seat Galway East constituency arrangement: the allocation of nine seats to Galway would result in a population per TD ratio that – on average – is just 3.4 % below the national average. Can the level of county boundary breaches be limited here? Well one option would be to instead move a south-eastern chunk of Mayo County into Roscommon to create a four-seat Mayo constituency and three-seat Roscommon-Mayo constituency. However, the populations of the two counties may not be large enough to allow for such an arrangement, unless the Commission was willing to allow for variance levels of six or seven percent (i.e. population per TD ratios of c.6-7 lower than the national average). Past precedent, as discussed above, does not entirely rule out such a scenario. If this was to arise, the existing breaches of the Galway County boundary would effectively be resolved.