

Dear Clerk to the Committee,

Harbours Bill (NIA Bill 37/22-27) — Committee Stage: request to give oral evidence and to submit a residents’ petition

We write on behalf of Rotten to the Point (RTTP), Rostrevor Action Respecting the Environment (RARE), Carlingford Lough Keepers (CLK) and Warrenpoint Community Association (WCA) — community organisations speaking for citizens concerned at the negative impact of the waste storage at Warrenpoint Port, and its stench, on the environment and on the residents, workers and visitors around the shores of Carlingford Lough — in connection with the Committee’s scrutiny of the Harbours Bill. We are also making a written submission to the Call for Evidence. This letter makes three related requests.

1. Oral evidence — a delegation of four Warrenpoint residents

We respectfully ask the Committee to invite a small delegation of four residents from Warrenpoint to give oral evidence at Committee Stage. The Bill’s effect on Warrenpoint Harbour Authority is a matter of significant local concern, and we believe the Committee would be assisted by hearing directly from residents who live with the consequences of how the Port is governed. We will keep the delegation to four persons and can make ourselves available at the Committee’s convenience.

2. A residents’ petition

We also ask that the Committee receive, as part of its Committee Stage evidence, a petition signed by approximately 3,500 residents. The petition calls for the removal of the waste storage, and the associated odour, from Warrenpoint Port. It has been signed by people from right across the community, including members and supporters of all the main political parties, which we hope conveys the breadth and cross-party nature of local concern. We would be glad to hand in the petition in whatever form the Committee prefers, and in advance of any oral evidence session.

3. That the Committee call the Minister, and formally question the Gateways Branch

We further ask the Committee to call the Minister to give oral evidence, and in particular to account for her engagement with the Warrenpoint community. As far as residents are aware, the Minister has not met them or this campaign; her engagement appears to have been confined to two meetings with the Chairman of the Authority — her own Department’s appointee — one in Warrenpoint and one, in private, in Belfast. If that is not the full picture, she can readily correct it, and we ask that she be invited to state on the record whom she has listened to in Warrenpoint, and when and where. We also ask the Committee to put our concerns formally to the Department’s Gateways Branch and to require disclosure of the legal advice the Minister was given prior to the Second Stage debate.

The human reality behind these requests

We would ask the Committee to keep in mind, above all, the human reality. Residents of Warrenpoint and the surrounding area have for years lived beside the continuous open storage of baled waste at the Port. They describe a persistent odour, an increase in flies and vermin, disturbed sleep, and night-time noise from the waste operation — large cranes, tractors and trailers — which is frequently the only activity at the Port after dark; the Authority has confirmed 149 environmental-health complaints logged since 2023. The impact is not confined to one town: it reaches residents, workers and visitors around the shores of Carlingford Lough, on both sides of the border, and the environment of the Lough itself. While much of our written submission concerns matters of law, this — the daily effect on people’s quality of life and health — is the most weighty consideration in human terms, and it is what the powers in question could bring to an end.

Why these requests bear directly on the Bill

Residents have repeatedly been advised that the Infrastructure Minister has no power to require the removal of the material or to address the odour. Yet the power that could do exactly that — the Department’s power to direct a harbour authority under Article 4 of the Harbours (Northern Ireland) Order 2002 — is removed by Clause 2 of this Bill. That power was created, on the record, “to improve the public accountability of the Northern Ireland trust ports,” and in her written answer of 30 June 2026 (AQW 48755/22-27) the Minister confirmed that she still holds it. Our central ask is the permanent removal of all RDF and SRF from the Port. We note that in September 2025 the Authority publicly stated that all RDF had been removed, yet dated aerial photographs show baled waste still stored in the open in October 2025 and again in July 2026. In short, residents are being told that nothing can be done at departmental level, while the Bill before the Committee would abolish the very power created to enable it. We believe the Committee should hear this from residents directly.

We should be grateful if you would confirm whether the Committee is able to invite the delegation and to receive the petition, and advise us of the arrangements and any relevant deadlines. We note that the closing date for written submissions is 2 September 2026.

Yours faithfully,

Garbhan McParland



Harbours Bill (NIA Bill 37/22-27) — Committee Stage: Call for Evidence

Governance of Warrenpoint Harbour Authority; unlawful storage; chemical use; and the removal of the Department's power of direction

Submitted by: Rotten to the Point (RTTP), Rostrevor Action Respecting the Environment (RARE), Carlingford Lough Keepers (CLK) and Warrenpoint Community Association (WCA)

To: The Clerk to the Committee for Infrastructure, Room 410, Parliament Buildings, Ballymiscaw, Stormont, Belfast BT4 3XX

By email: committee.infrastructure@niassembly.gov.uk (Word format)

Date: 24 July 2026 (submitted in advance of the closing date of 2 September 2026)

Publication: We consent to this submission being published by the Committee, in full or in part.

Contact: Garbhan McParland : garbhan2lisa@yahoo.co.uk : 07923626364

1. Introduction and interest

1. Rotten to the Point (RTTP), Rostrevor Action Respecting the Environment (RARE), Carlingford Lough Keepers (CLK) and Warrenpoint Community Association (WCA) are community organisations in the Warrenpoint, Rostrevor and Carlingford Lough area of County Down. We speak not only for the residents of Warrenpoint but for citizens concerned at the negative impact of the waste storage at the Port — and the stench that accompanies it — on the environment and on the residents, workers and visitors around the shores of Carlingford Lough, on both sides of the border. We are concerned with the governance, environmental performance and public accountability of Warrenpoint Harbour Authority (WHA), a Trust Port directly affected by this Bill. We make this submission jointly in response to the Committee's Call for Evidence.
2. This submission should be read with (a) our marshalled schedule of proposed amendments (recommendations A–J), and (b) our separate request that the Committee invite a delegation of four Warrenpoint residents to give oral evidence and receive a petition of approximately 3,500 signatures, from residents across the community and across the political parties, calling for the removal of the waste and the associated odour from Warrenpoint Port. An indexed evidence bundle of the documents cited is available to the Committee on request.

2. Summary of position and principal asks

3. We do not oppose modernisation of the Trust Ports, nor reclassification by the Office for National Statistics (ONS) as an objective. We oppose the removal of the Department's powers of control — in particular the power of direction — because those powers exist for the protection of the public, are needed now, and have never been used.
4. Our concern is grounded, first and foremost, in the daily impact of the continuous storage of this waste — odour, flies, vermin and night-time noise — on the quality of life and health of residents, and on all who live, work and visit around the shores of Carlingford Lough (Part 3), and in three specific and evidenced failures at Warrenpoint:
 - the storage of Solid Recovered Fuel (SRF) at the Port without the planning permission that is a legal requirement (Part 5);
 - the open-air spraying of chemicals, adjacent to Carlingford Lough, whose identity and long-term effects on the population and on the Lough have not been disclosed, assessed or monitored (Part 6); and
 - the Authority's negative, evasive and non-transparent handling of legitimate public questions at its 2026 Annual General Meeting (Part 7).

5. We ask the Committee — and, through it, the Department and the Minister — to address three distinct points. We separate them deliberately, because the question whether the power to act exists is logically prior to the question whether it will be used, and it should be answered plainly rather than elided:
- **Retain the powers.** The Department's power of direction, and its accountability over Trust Ports, should be retained on the face of the Bill and not removed by it or by the accompanying Harbour Orders.
 - **Acknowledge that the powers exist.** The Minister should acknowledge plainly that she currently holds those powers, including the power of direction under Article 4 of the Harbours (Northern Ireland) Order 2002.
 - **Commit to using the powers.** The Minister should commit to using them now, to require action on the matters set out in this submission.
6. Underlying all three is a prior and essential step. At Second Stage the Minister rested her case that she cannot act on legal advice that has not been published. We ask, first, that the Department publish that advice (Part 4.5); without it, neither the Committee nor the community can properly scrutinise either the claim that the Minister cannot act or the Bill that removes her power to do so.

3. The human impact: continuous waste storage, odour, flies, vermin and night-time noise

7. Before turning to the questions of law, we ask the Committee to weigh the matter that is, in human and political terms, the most important of all: the effect of this continuous waste storage — the odour, the flies and vermin, and the night-time noise — on the people of Warrenpoint and the surrounding area, and on all who live, work and visit around the shores of Carlingford Lough. This is the issue that gave rise to this campaign and that residents live with every day.
8. The problem is not an episode but a continuing state of affairs. Refuse Derived Fuel and, latterly, Solid Recovered Fuel have been stored in the open on the harbour estate on a continuous basis over a period of years, and the material remains there to this day. Bales are stacked on the quayside, replenished as consignments arrive and shipped out as vessels allow, so that the estate is in effect a standing waste-storage site adjoining a town, its homes, its schools and a protected sea lough. It is the continuity of that storage — not any single incident — that has worn residents down, and it is the reason the community regards the situation as intolerable. That continuity is a matter of record, not impression. The two photographs below were taken over the harbour estate on 15 October 2023 and on 6 October 2025; the photograph at Part 5 below was taken on 20 July 2026. Across nearly three years the same quayside is given over to the same open storage of baled waste-derived fuel, in stacks of comparable extent. The 2023 photograph also shows what the written word conveys less well: how close this operation lies to the town, to housing and to the shoreline of Carlingford Lough.



Left: Warrenpoint Port, 15 October 2023. Right: Warrenpoint Port, 6 October 2025. Baled waste-derived fuel stored in the open on the harbour estate, adjacent to the town and the shoreline of Carlingford Lough. Photographs taken by drone; the original files are available to the Committee.

9. Residents describe a persistent, intrusive smell from the waste stored and handled at the Port. They report being unable to open their windows, hang out washing or use their gardens; sleep disturbed at night; and symptoms including nausea and headaches. Many describe the steady loss of the ordinary enjoyment of their own homes, and the stress and anxiety of not knowing what they are breathing. That the operator applies odour-neutralising chemicals by fogging (Part 6) is itself an acknowledgement that the odour is real and significant.
10. The odour is not the only consequence of storing putrescible waste in the open. Residents report a marked increase in flies in the vicinity of the Port and in nearby homes and gardens during warmer weather, and problems with vermin associated with the storage of the material. That these are real and recognised effects is confirmed by the operator's own response to them: as set out in Part 6, insecticide (cypermethrin) is applied to the bales by hand-held fogging machine, and odour-neutralising chemicals are sprayed in the open air. A site that must be routinely fogged with insecticide is, by that very fact, a site with an infestation problem — and the community living beside it is entitled to know what is being sprayed, how often, and with what effect.
11. There is also the question of noise at night. The Authority has confirmed that there are “no contractual restrictions” on the hours during which the material is handled within the Port, and that recovered fuel loading “can take place on a 24/7 basis” (Anne Blaney, Q2). Residents report that the waste operation is frequently the only activity taking place at the Port during the night, involving large cranes, tractors and trailers, with the associated engine noise, reversing alarms and the impact of bales being loaded and moved. Noise of that character, at that hour, in a residential setting, is precisely the kind of disturbance that ordinary planning and licensing controls exist to regulate through conditions on operating hours — controls which, on the Department's own confirmation, have never been applied to this use because it has never been the subject of a grant of planning permission. The cross-border dimension is relevant too: the noise survey commissioned in respect of residents in Drummullagh and Omeath, on the southern shore of the Lough, indicates that the effects are not confined to Warrenpoint.
12. This is not a handful of isolated complaints. The Authority confirmed that 149 environmental-health complaints alone and hundreds by NIEA and NMDDC have been logged since 2023 (WHA answer to Rotten to the Point, Q16). The impact reaches across Carlingford Lough: a noise survey commissioned in respect of residents in Drummullagh and Omeath is among the matters the Authority has been asked about (Anne Blaney, Q1). The Lough is a shared space: its shores support fishing and aquaculture, tourism and recreation, and the livelihoods of those who work in and around the Port itself, and the impact of the storage and its odour is confined neither to one town nor to one jurisdiction. Our petition of approximately 3,500 signatures, from residents across the community and across the political parties, is the plainest possible statement that the community wants the waste, and the smell, removed.
13. Environmental-health practice recognises that persistent malodour is not a mere inconvenience: it diminishes quality of life and can cause physical symptoms such as nausea, headache and disturbed sleep, with sustained exposure associated with stress and anxiety. A community should not have to live in this way, year after year, while being told that no one in authority has the power to act.
14. We accept that these amenity impacts are less amenable to precise legal definition than the matters set out below. But it is, in our submission, the most weighty consideration before the Committee in human and political terms, and it is precisely what the retention and use of the Department's powers could bring to an end.

4. The power of direction: its origin, its purpose, and its removal

4.1 The Department appoints the entire board

15. At the Authority's AGM on 23 June 2026 the Chair confirmed that the Department appoints “all members of the board, including the Chair, the Chief Executive and the Council representatives,”

while describing the Department's role as "oversight only." Appointing every member of a body is not "oversight"; it is control of that body's composition.

16. That control is set out in the Department's own words. Its 2025 Candidate Information Booklet, recruiting two Non-Executive Members to the WHA board, states that the Authority's members "shall be appointed by the Department," that the Department "shall designate a member of the Authority as Chairman," and that even the councillor members are "appointed by the Department following consultation with the Council." The Minister decides personally: candidates found appointable at interview are "put forward to the Minister." The Authority's written AGM answers say the same, citing "ministerial appointment of Board members" as a source of its public accountability (RARE, Q1–Q2).

4.2 The power of direction, and what the Bill does to it

17. Separately from appointments, the Department holds a statutory power to direct a harbour authority. Article 4 of the Harbours (Northern Ireland) Order 2002 is headed "Power of Department to issue directions."
18. The Bill's effect on that power is not in doubt. The Bill is a short Bill of six clauses; the operative provision is Clause 2, "Limitation of power to issue directions to harbour authorities." As Mr Colin McGrath MLA noted at Second Stage, the Explanatory and Financial Memorandum states that Clause 2 "prevents the Department for Infrastructure from giving directions" to, among others, Warrenpoint Harbour Authority; and the Minister confirmed to the Assembly that the four trust ports "will no longer be subject to article 4 directions." Warrenpoint is named within the scope of the very provision at issue. The question for the Committee is therefore not whether the Bill removes the power, but whether it should.
19. The Minister has since confirmed the position in writing. In her answer to AQW 48755/22-27, tabled by Mr Colin McGrath MLA and answered on 30 June 2026 — one week after Second Stage — she set out her Department's responsibilities for trust ports. She stated that the Department "is responsible for the legislative and governance framework of trust ports and certain roles as laid down in statute on borrowing, making of harbour orders, furnishing information and powers to issue directions to Harbour Authorities on areas regarding the exercise of their statutory functions," and that, with the exception of Coleraine, "I am also responsible for making the appointments to the boards of each trust port and monitoring the performance of the board members." She added that her Department's role "is therefore limited and does not extend to the day-to-day management, strategic planning or commercial activities of any trust port."
20. That answer is significant for three reasons. First, it is the Minister's most recent formal statement of her own powers, given after the Second Stage debate, and it confirms in writing that she holds powers to issue directions and to require the furnishing of information. Second, it confirms that she is responsible not only for appointing board members but for "monitoring the performance" of those members — an active supervisory responsibility, and one that cannot be reconciled with the Authority's description of the Department's role as "oversight only." Third, the limitation she draws is narrower than the position residents have been given: her answer excludes "day-to-day management, strategic planning or commercial activities," which is not the same as having no power to act where material is stored on the harbour estate without the planning permission the Department itself confirms is absent. The Committee is entitled to ask why powers the Minister lists as hers in June are to be removed by Clause 2 of her own Bill.

4.3 The purpose for which the power was created

21. The Committee is entitled to ask what the power of direction was for. The answer is a matter of record. The Explanatory and Financial Memorandum to the Harbours Bill 2002 — the legislation whose provisions were carried into the Harbours (Northern Ireland) Order 2002, in which the power now sits at Article 4 — states that "the primary purpose of the Bill is to improve the public accountability of the Northern Ireland trust ports." It records that the 1998 review of trust ports, while recommending that their powers be extended and financial controls eased so that they could

compete more effectively, “also recommended the need for improvements in the public accountability of the harbour authorities.”

22. The Memorandum is explicit as to why primary legislation was needed: “primary legislation is required to improve further public accountability within this sector. The need for this arises from the growing interest of the general public and elected representatives in the activities and future development plans of the individual harbour authorities.” The power was created, in other words, precisely because the public and their elected representatives were concerned about what trust ports were doing.
23. As to scope, the Memorandum says the clause “empowers the Department to give directions of a general, or specific character in relation to the functions of the harbour authorities,” and that “the Department requires this power to enable it, if necessary, to safeguard the public interest in relation to the activities of the trust ports.” The stated object is to safeguard the public interest in relation to the ports’ *activities* — language considerably wider than the construction now advanced. It was envisaged that the power would be used after consultation with the harbour authority, and that the authority would be under a duty to comply. It was designed as a backstop, not as an instrument of routine interference.

The reversal. *In 2002 the Assembly was asked to create this power expressly to improve the public accountability of trust ports, in response to public and political concern about their activities. In 2026 it is asked to remove it — not because the accountability problem has been solved, but to secure a statistical reclassification. Clause 2 of the 2002 Bill was headed “Power of Department to issue directions”; Clause 2 of this Bill is headed “Limitation of power to issue directions to harbour authorities.” The same clause number, the opposite purpose, twenty-four years apart.*

24. The 2002 Memorandum is candid about the very trade-off now in issue. It recorded that a Treasury review of the classification of trust ports was under way, that the proposed legislation might “influence the outcome since it would alter the degree of influence, or control locally over NI trust ports,” and that trust ports might accordingly be brought within the public expenditure regime. The Department proceeded regardless, judging that “the public interest would best be served” by the accountability the Bill provided. The Committee is now invited to make the opposite judgement, and to prefer the classification outcome to the accountability. We ask it to weigh, as its predecessor Committee did, where the public interest lies.

4.4 The Minister’s account at Second Stage, and our response

25. The Minister met the argument that one cannot remove a power one does not have by saying that she “cannot relinquish a power that I do not have.” With respect, that answers only the form of the point. She confirmed in the same speech that the ports will no longer be subject to Article 4 directions, which concedes that the power exists and is being removed. Her position is narrower: that the power reaches only the harbour’s statutory functions — the operation, improvement, maintenance and management of the harbour — and does not extend to tenants, to environmental issues, or to odour and air quality. The dispute is therefore about scope, not existence.
26. We do not accept that the boundary is as clear as that account suggests. The 2002 Memorandum describes the object as safeguarding the public interest in the ports’ *activities*. The Department’s own Candidate Information Booklet describes the Authority’s functions as being to “preserve, improve and manage the Port of Warrenpoint” — and the management of the Port is not readily separable from control over what is stored and handled on its estate, which is the source of the odour. We note too that the Minister accepted that planning is “under [the Department’s] control” (albeit exercised through councils), so the Department is not without relevant powers over the use of the estate.
27. Even on the Minister’s own case, the Bill reduces control. As Mr Mark Durkan MLA observed, the Department has “a degree of control” over ports, and he asked whether the Bill “could lead to there

being even less central control.” To remove a power the Minister confirmed “has never been used” is to abolish it untested; that is an argument for testing its scope, not for removing it.

28. We are conscious that it was also suggested at Second Stage that residents should not be encouraged to expect powers “that do not currently exist.” With respect, that mis-states the position. The power exists now; Clause 2 removes it. We do not ask for a new power. We ask that an existing power be retained, and that its true scope be established from the advice on which the Minister relies. We note that the same Member described the storage of household waste at the Port as “entirely unacceptable” — a description with which we agree.

4.5 The legal advice — and why it must be published

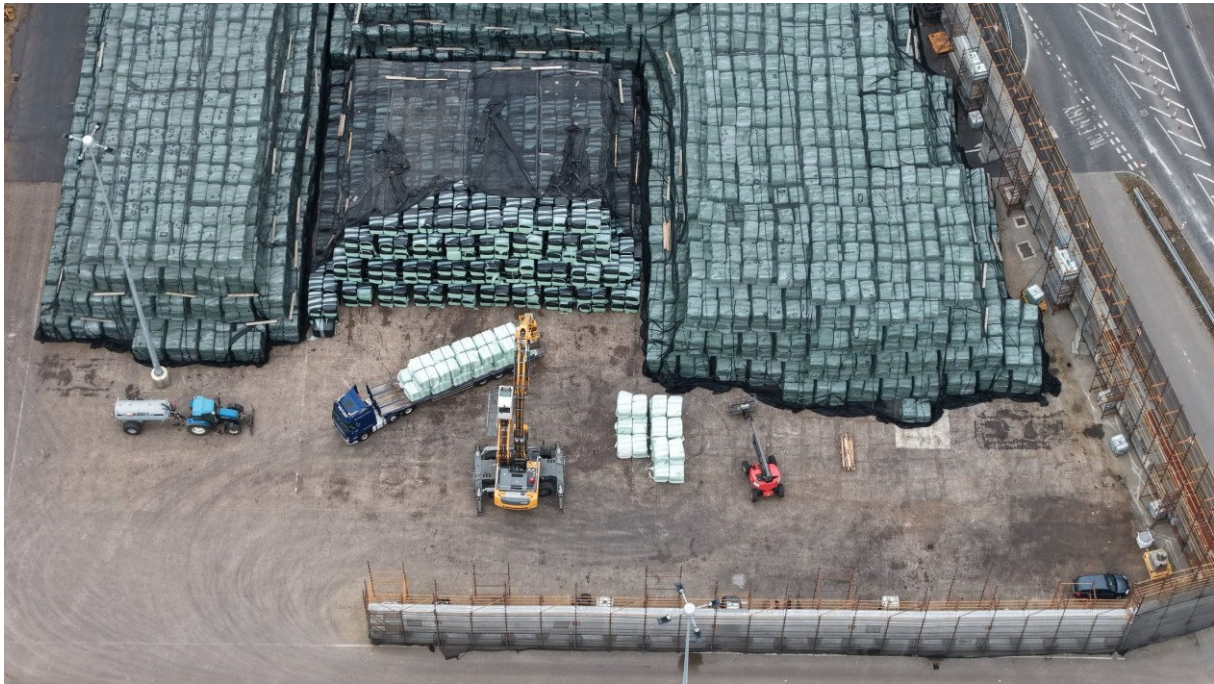
29. The Minister disclosed at Second Stage that the Department “sought legal advice” on whether the power of direction could be used as the community has asked, and that the advice “reinforced” the narrow reading. Her case that she cannot act rests squarely on that advice.
30. Neither we nor the Committee can properly test that case without sight of the advice — its instructions, its assumptions, the scope of the question put, and its reasoning. At present we can do no more than set out our own interpretation of the legislation, which is not a satisfactory basis on which to remove a statutory power. Where a Minister relies publicly, on the floor of the Assembly, on the substance of legal advice both to justify a claim that she cannot act and to support the removal of a statutory power, the case for disclosure is compelling.

A first and essential step. *We ask the Committee to require the Department to publish the legal advice on which its account of its own powers rests — or, at the least, to provide that advice to the Committee and publish its substance and conclusions — so that the Bill can be scrutinised on an informed basis. We are making a parallel request to the Department under the access-to-information regimes.*

31. Subject to sight of that advice, we ask that the power of direction be retained, and that the Minister accept that she holds it and use it — including, so far as its scope allows, to require the identification, assessment and monitoring of the chemicals in use, and to require that material stored on the harbour estate is stored lawfully.

5. Storage of SRF without planning permission — a legal requirement, not a technicality

32. The only planning consent relevant to the storage of waste-derived fuel at the Port is a Lawful Development Certificate granted in 2012 (reference P/2012/0625/LDP), which covers the storage of shrink-wrapped Refuse Derived Fuel (RDF) bales. It does not cover Solid Recovered Fuel (SRF).
33. The Department for Infrastructure has confirmed in writing (reference DFI/2026-0198) that there is no planning permission and no Certificate of Lawful Use for the storage of SRF at Warrenpoint Port. The Authority itself confirmed at its 2026 AGM that “SRF only is currently being stored in the Port” (Anne Blaney, Q8). On the Department’s own confirmation, the material actually stored is one for which no planning authorisation exists.
34. The material remains on the estate. The photograph below was taken by drone over the harbour estate on the evening of Monday 20 July 2026. It shows the quayside given over to the open storage of baled waste-derived fuel: large stacks under dark netting, further stacks left uncovered, a lorry being loaded, a mobile crane and a telehandler in use, and a tractor and tanker unit on the apron. Bales of more than one wrapping type are present. That is significant, because the Northern Ireland Environment Agency records that the two materials are distinguished in exactly this way (see below). We invite the Committee to note both the sheer scale of the storage in relation to the town beside it, and the time at which the photograph was taken — 8.29pm — with loading and handling still in progress. Read with the photographs at Part 3 above, taken in October 2023 and October 2025, it shows an operation that has not diminished over nearly three years.



Warrenpoint Port, 20 July 2026, 8.29pm. Baled waste-derived fuel stored in the open on the harbour estate; two visibly different bale types are present. Photograph taken by drone; the original file is available to the Committee.

RDF and SRF are different materials

35. RDF and SRF are not interchangeable. SRF is a refined product manufactured to the internationally recognised standard EN 15359 (in the United Kingdom, BS EN 15359; internationally, ISO 21640), under which the producer must specify and classify the material against defined parameters — net calorific value, chlorine and mercury — and issue a declaration of conformity. RDF carries no such binding specification. A Lawful Development Certificate describing shrink-wrapped RDF bales cannot authorise the storage of a distinct and separately classified material. The Authority's attempt to bridge that gap by describing SRF as "technically included in EU definitions of RDF" does not withstand the recognised specification.
36. The public has been told that the RDF problem has been solved. In a public statement of 15 September 2025, Warrenpoint Harbour Authority said that it "shares the frustration of the local community relating to the intermittent Refuse Derived Fuel (RDF) odours at the Port"; that after "extensive engagement with ReGen over many months", "ReGen have now removed all RDF from the Port"; that it had proposed that in future RDF "is not stored at the Port but is instead transported directly to ships, for export"; and that "Only Solid Recovered Fuel (SRF) is now being stored on site which we have been informed should be non-odorous." The Authority repeated the substance of that position at its 2026 AGM, answering that "SRF only is currently being stored in the Port."
37. That assurance can be tested, because the two materials are visually distinguishable. The Northern Ireland Environment Agency's Compliance Assessment Report of 20 June 2025 in respect of ReGen Waste Ltd (WML 22/59; report 250620104019) records that "SRF and RDF bales were being stored and distinguished by different coloured wrapping. (Green with black stripes, white and green)." The photograph at Part 5 above, taken on 20 July 2026, shows bales of more than one wrapping type stored side by side on the estate. We do not invite the Committee to resolve that question from a photograph. We invite it to require the Department and the Authority to state, on the record and by reference to the operator's bale management plan, precisely what material is stored at the Port today, in what quantities, and whether any RDF has remained at or returned to the Port since the Authority publicly assured the community that all of it had been removed. The chronology matters. NIEA recorded both materials on site on 20 June 2025. The Authority announced the removal of all RDF on 15 September 2025. The photograph relied on above was taken on 20 July 2026 — ten months after that announcement.

38. The same inspection report gives a sense of the scale of the operation. It records that the operator's bale management plan showed 13,712 tonnes on site, held both at the dockside and in the main storage area, with bales stacked to a maximum of eight high, and bales from weeks 20 to 25 observed. That is the quantity of waste-derived fuel held, on a single day in June 2025, on a harbour estate for which the Department confirms there is no planning permission for SRF storage.

Planning permission is a legal requirement

39. This is not a technicality. Under the Planning Act (Northern Ireland) 2011, "development" — which includes the making of a material change in the use of land — requires planning permission. The storage on the harbour estate of a materially different material from that permitted is capable of constituting a material change of use for which permission is required. Where a use requires planning permission that has not been granted, it is in breach of planning control. That is a statutory requirement of the planning system, not a matter of form.
40. As landowner, WHA is not a bystander. It does not accept that any use of its land is unlawful, has taken no steps to regularise the position, and confirmed that it made no representations on Re-Gen's planning application.
41. There is a further mechanism the Committee should examine. The 2002 Memorandum records that each harbour authority has concluded a Memorandum of Understanding with the Department which "governs any disposal of land, and in addition covers any change of use within the respective harbour estates." A change in the material stored on the estate is, on its face, capable of engaging that Memorandum. We ask the Committee to establish what the Memorandum between the Department and WHA provides, whether it was engaged by the storage of SRF, whether any approval was sought or given under it — and to require its publication.
42. In fairness to the Authority, it disputes the inference of unlawfulness and maintains that planning status and enforcement are matters for Newry, Mourne and Down District Council. We accept that the formal enforcement decision rests with the planning authority. But the underlying fact — SRF stored, with no SRF permission — is the Department's own confirmed position, on land run by a board the Department appoints.

6. Chemical spraying adjacent to Carlingford Lough — no information, no assessment

43. The Port operates on a 24/7 basis: the Authority confirmed there are "no contractual restrictions" on the hours during which the material is handled (Anne Blaney, Q2). Chemical fogging is applied in the open air on the harbour estate; residents report spraying through the night and at weekends. Residents have no reliable information as to what is being sprayed, in what quantity, or with what long-term effect on the population or on Carlingford Lough.

The products in use, so far as they can be established

44. The identity of the odour-control product has itself been the subject of a documented inconsistency. NIEA advised elected members that the odour neutraliser in use was "Hydrocor 204"; the safety data sheet for that name is, according to HSENI's review, for a corrosion inhibitor for closed metal water systems that "shouldn't be sprayed." The operator's own spill procedures referred instead to "Hydrodor XC." The Authority has acknowledged the inconsistency, attributing it to a "typological error" corrected in a later report (Rotten to the Point, Q5–Q6). That a substance atomised in the open air beside a protected sea lough could be mis-identified in this way is itself a serious matter.
45. As to insect control, the material recorded as in use is cypermethrin, a synthetic pyrethroid, stated to be diluted from 10% to 0.1% and applied to the bales by hand-held fogging machine in the open air (Rotten to the Point, Q8). Cypermethrin is recognised as highly toxic to aquatic life. The campaign's questions, drawing on HSENI's compliance review, recorded that the relevant approval expired on 31 May 2021, that the product is approved for indoor use only, and that no replacement

approval under the Biocidal Products Regulation was identified; the Authority engaged with none of this, replying only that it was “unaware of any regulatory status being breached” (Rotten to the Point, Q7).

No assessment, no monitoring, no regulator

46. HSENI is recorded as having found the COSHH risk assessments for these chemicals “not suitable and sufficient,” with personal-protective and respiratory requirements inadequately reflected (Rotten to the Point, Q12). No water or sediment sampling has been carried out adjacent to the harbour to test for cypermethrin residues (Rotten to the Point, Q9). And there is a regulatory vacuum: the Authority records that the Minister of Agriculture, Environment and Rural Affairs has stated that DAERA “does not regulate the use of these products,” and the Minister for the Economy that HSE “approval is not required for the spraying,” while the Authority itself points responsibility to the operator (Rotten to the Point, Q10, Q14). The result is that no one is assessing, regulating or monitoring the open-air application of these substances.
47. This matters acutely because of where it happens. Carlingford Lough is a Special Protection Area, a Ramsar site and an Area of Special Scientific Interest. WHA is a competent authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995, and liability for environmental damage may arise under the Environmental Liability Regulations (Northern Ireland) 2009. Public assurances circulated to residents that the treatment is “harmless to people and wildlife,” made from “food grade flavours” and poses “no health risks” cannot be reconciled with the use of cypermethrin and a mis-identified corrosion inhibitor (Rotten to the Point, Q11).

The point for the Committee. *Residents are exposed to the open-air spraying of chemicals, next to a protected European site, with no disclosure of what those chemicals are and no assessment or monitoring of their long-term effects. The Department’s power of direction, and the accountability that flows from its appointment of the board, are precisely the levers capable of compelling identification, assessment and monitoring. The Bill would remove them.*

7. The Authority’s negative, evasive and non-transparent AGM responses

48. The 2026 AGM was an opportunity for the Authority to answer legitimate public questions. Instead, across the questions submitted by four separate respondents, the answers were repeatedly negative, evasive and non-transparent. The following are examples, drawn from the Authority’s own written answers of 26 June 2026:
 - Refusals on “commercial confidentiality”: weighbridge and tonnage records (John Kerr, Q1); insurance cover, limits and excesses (Anne Blaney, Q6, Q9–Q16; John Kerr, Q7); the financial bond, described as “a matter between NIEA and the Operator” (John Kerr, Q3); contractual indemnities (John Kerr, Q4; Anne Blaney, Q11); and worst-case financial exposure, which it “would not be appropriate to discuss” (Anne Blaney, Q10, Q13, Q14).
 - Refusals to publish: the environmental content of board minutes (RARE, Q6); minutes concerning Re-Gen (RARE, Q9); the Grant Thornton report in full (RARE, Q8); and pesticide-application records (Rotten to the Point, Q15).
 - Deflection: planning to the Council (RARE, Q11, Q15; Anne Blaney, Q7); waste licensing and tonnage limits to NIEA; fire, chemical and insurance matters to the operator.
 - Positions difficult to reconcile with the record: an assurance that HSENI had raised no issues (Rotten to the Point, Q3–Q4), set against HSENI’s documented findings; and “no reason to believe” there are planning breaches, set against the Department’s confirmation (DFI/2026-0198).
 - Governance: the two board seats vacated in the July 2025 resignations remain unfilled and “a matter for the Department for Infrastructure” (Anne Blaney, Q18); the Authority was asked to respond to Sinéad Ennis MLA’s public statement that her party’s representatives were “gaslighted” at the Port (Anne Blaney, Q18); and the Authority confirmed 149 environmental-health complaints logged since 2023 (Rotten to the Point, Q16).

Powers that already exist to answer this

49. There is an answer to much of this already on the statute book, and the Committee should test whether the Bill disturbs it. The same 2002 legislation that created the power of direction also gave the Department power to obtain information from a harbour authority — a power intended, in the words of the 2002 Memorandum, to enable the Department to obtain “details of a specific lease or contract, or information about preferential user arrangements.” That is precisely the category of information the Authority has refused to disclose: the terms of its arrangement with Re-Gen Waste Ltd, its weighbridge and tonnage records, and its contractual indemnities. The Department appears to hold that power and, so far as we are aware, has not used it. The same legislation also empowered the Department to issue a Code of Practice for trust ports, drawing on *Modernising Trust Ports — A Guide to Good Governance*; a draft code was prepared but, as was noted at Second Stage, never implemented. The Minister confirmed in her answer to AQW 48755/22-27 (30 June 2026) that “furnishing information” remains among her Department’s statutory roles.
50. That power has a direct bearing on a question this community cannot answer for itself. It is not known publicly whether the Authority is party to a long-term contract or lease with the waste operator, what its duration or break provisions are, or whether the Authority would incur a liability to compensate the operator if the storage were brought to an end. If such a liability exists, it may explain why neither the Authority nor the Department has acted. We do not assert that it does; we say that the Committee, and the public, are entitled to know. We ask the Committee to establish whether the Authority is bound by any such contract, lease or licence; what its terms and duration are; whether any compensation or termination liability would arise; and whether that consideration has at any point informed the Department’s or the Authority’s decision not to act. A commercial arrangement cannot be a good reason for continuing an unpermitted use of land beside a residential town and an area of outstanding natural beauty — and if it is the reason, that should be said openly.
51. The limits of the regulatory oversight to which the Authority defers are apparent from the same inspection report. The visit of 20 June 2025 lasted 42 minutes, from 10.40am to 11.22am, on a warm, dry, sunny day, and the site areas inspected are recorded as “Partial.” The officers recorded compliance on the matters they examined, including the monitoring and control of odours, and we do not dispute their observations. But four of the twenty-five items were not inspected at all — “Waste acceptance and control Procedures”, the “Waste quantity measurement system”, “Maintenance of Financial Provision” and “Security and availability of records.” Those are precisely the matters this community has been asking about: how the tonnage is measured, whether the licensed limit is observed, and whether the financial provision for clean-up is maintained. A scheduled 42-minute visit which does not examine them cannot bear the weight placed upon it when the Authority defers these questions to NIEA; and a single morning’s observation that no odour breached the licence condition sits alongside 149 environmental-health complaints logged since 2023.
52. We ask the Committee to establish and report whether the Bill or the accompanying Harbour Orders affect the power to obtain information or the power to issue a Code of Practice. If they do, we oppose their removal for the same reasons as the power of direction. If they do not, we ask that the Department be pressed to use them: to obtain the withheld information, and to issue the Code of Practice that has lain in draft for years.
53. The common thread is a public body invoking the language of a private, commercial entity to place information and responsibility beyond public reach — the framing used by the Department’s own Gateways Branch, which answered a complaint about this statutory harbour authority by reference to what “private companies” are required to do (letter, 12 June 2026). It runs deeper still: the Department’s role profile for WHA board members requires them to respect “the rules of confidentiality that apply to the business of Warrenpoint Harbour as a commercial organisation,” while in the same document making them responsible for “requirements in respect of the use of public funds.” The Department cannot have it both ways. An Authority so unwilling to answer to the public should be subject to more accountability, not less.

8. Other relevant matters

54. The concerns are not those of a narrow interest group. In July 2025 the Sinn Féin and SDLP councillor members resigned from the WHA board; the council resolved to write to the Minister; and our petition of approximately 3,500 signatures is drawn from residents across the community and across the political parties.
55. We draw three further matters to the Committee's attention. First, much of the operative detail is to be delivered not by the Bill but by four subordinate Harbour Orders, which the Assembly cannot amend and which receive materially less scrutiny; the Minister has confirmed that the Department's role in appointing board members is to be reduced from a majority to a minority position through those Orders — a significant reduction in public accountability, made through legislation the Assembly cannot amend. Second, the Scottish precedent shows that ONS reclassification can be achieved without abandoning safeguards: Scottish Trust Ports were reclassified following the Harbours (Scotland) Act 2015, while their constitutional arrangements remained, as the Northern Ireland ports have themselves acknowledged in evidence to this Committee, "determined by legislation, which means the involvement of the parliamentary body." Third, the safeguards we propose are neither novel nor partisan.
56. On that third point: the Department's own 2024–25 consultation held up the Dover model — under which board members must have knowledge or experience of the harbour's position in the local community, community representatives sit on the board, and a port users group must be consulted on all significant developments — and referred to a draft code of practice, developed in 2008 but never implemented, treating local community and environmental groups as stakeholders of a trust port. None of those mechanisms appears in the Bill. At Second Stage, Members across the parties — Alliance, the SDLP, the Ulster Unionist Party and the Committee's own Chair — pressed for stronger community accountability, transparency and engagement, and for the ability to intervene if things go wrong. Our recommended amendments (in particular B, D and E) give effect to exactly those mechanisms.
57. The Department's own current recruitment bears this out. Its 2025 Candidate Information Booklet for two Non-Executive Members of the WHA board sets selection criteria of relevant experience, governance, communications, finance, human resources and economics — but requires neither community representation nor environmental competence. The qualities the Dover model builds in, and which our amendments would require, are absent from the Department's own person specification for this board.

9. Recommended amendments

58. Our recommended amendments are set out in full, in marshalled form, in the accompanying schedule. In summary, we recommend that the Committee: (A) retain the power of direction, or provide a reserve power exercisable for public health, safety, environmental protection and planning compliance; (B) retain ministerial appointment with published criteria, a resident of the affected area on the board, and environmental competence; (C) keep any control-removing provision on the face of the Bill and make the four Harbour Orders subject to the draft affirmative procedure with statutory consultation; (D) impose a general duty on Trust Ports to have regard to the environment, local amenity and good governance; (E) require an in-person AGM, publication of board minutes and of complaint numbers, and confirmation that FOI and EIR obligations are unaffected, with limits on reliance on commercial confidentiality and on deflection to other bodies; (F) safeguard against privatisation; (G) make commencement conditional on demonstrated necessity, with review and sunset; (H) require an annual governance report to the Assembly; (I) prohibit a harbour authority from permitting a use that lacks required planning permission or that engages major-accident or significant environmental risk without appropriate assessment; and (J) require the Department to establish and operate a comprehensive procedure, developed with the Northern Ireland Public

Services Ombudsman, for the full investigation of public complaints about the conduct and governance of harbour authorities.

10. If the Committee is minded not to act on these concerns

59. We have set out why the public interest requires the retention and use of the Department's powers. If the Committee is minded not to act on the substance of these concerns, we ask that it at least take the following three steps, so that they are tested rather than passed over.
60. First, formally question the Gateways Branch. The Department's Gateways Branch is responsible for the Department's relationship with the trust ports. We ask the Committee to put our concerns about the governance of Warrenpoint Harbour Authority — the planning position, the chemical use, the transparency failures and the board governance set out above — formally to the Gateways Branch, and to require a substantive response. Its most recent engagement with these issues, a complaint response of 12 June 2026, addressed the AGM by reference to what "private companies" are required to do and declined any further investigation; that is not an adequate answer in respect of a statutory body whose board the Department appoints.
61. Second, require disclosure of the legal advice given before Second Stage — the advice on which the Minister relied in stating that the power of direction cannot be used to address the situation at Warrenpoint. For the reasons in Part 4.5, the Bill cannot properly be scrutinised without it. We are pursuing the same disclosure in parallel under the access-to-information regimes.
62. Third, call the Minister to give evidence on her engagement with the community. As far as residents are aware, the Minister has not met them, or this campaign; her engagement, so far as is known to residents, has been confined to two meetings with the Chairman of the Authority — a person appointed by her own Department — one in Warrenpoint and one, in private, in Belfast. If that is not the full picture, the Minister can readily correct it. We ask that she be invited to state, on the record, whom she has listened to in Warrenpoint, and when and where.

11. Conclusion and principal asks

63. We ask the Committee not to recommend the Bill in its current form without the safeguards set out above. We ask, as an essential first step, that the Department publish the legal advice on which its account of its own powers rests. And we ask that the three points be addressed and not elided:
 - **Retain** — recommend that the Department's power of direction and its accountability over Trust Ports be retained on the face of the Bill;
 - **Acknowledge** — call on the Minister to state plainly that she currently holds those powers, including the power of direction under Article 4 of the Harbours (Northern Ireland) Order 2002; and
 - **Use** — call on the Minister to commit to using them now: to require the permanent removal of all RDF and SRF from Warrenpoint Port; to require the identification, assessment and monitoring of the chemicals applied at the Port; to require that any material stored on the harbour estate is stored lawfully; and to bring an end to the odour, flies, vermin and night-time noise that continue to affect the daily lives and health of residents and of all who live, work and visit around the shores of Carlingford Lough.
64. In asking for the permanent removal of this material, we do no more than adopt the position taken publicly by elected representatives of this community. When the Sinn Féin councillor member resigned from the WHA board in July 2025, Sinéad Ennis MLA said that her party had worked in good faith on the board, that its concerns had been repeatedly raised and ignored, and that it had no other option but to resign, the Environment Minister, NIEA and the Authority having consistently failed to act. Sinn Féin stated that it would not re-engage with the Authority until there was "a complete and permanent end to all RDF activities" at the Port. At Second Stage of this Bill, Ms Ennis described the storage of household waste at the Port as "entirely unacceptable." More than a year has passed. The photograph at paragraph 34 above, taken on 20 July 2026, shows that both RDF

and SRF remain stored in the open on the harbour estate. The undertaking that the party would not re-engage until there was a complete and permanent end to RDF activities has not been met by events on the ground.

65. Ms Ennis is a member of this Committee. We say that with respect, and not by way of criticism: we agree with the position she set out, and we ask the Committee to give effect to it. The complete and permanent end to RDF and SRF activities at Warrenpoint is precisely what this community seeks, and the power of direction which Clause 2 would abolish is the instrument by which the Department could require it. It is for that reason that we ask the Committee to retain the power, and the Minister to acknowledge and use it. A position taken publicly in July 2025 should not be harder to act upon in 2026 because the means of acting upon it has been legislated away.
66. The power of direction was created in 2002 for the express purpose of improving the public accountability of trust ports, in response to the growing concern of the general public and their elected representatives. That is precisely the situation Warrenpoint presents today. The power has never been used. It should be used — not abolished. Reclassification can be achieved, as it was in Scotland, while retaining essential public-interest protections in primary legislation and under the Assembly's continuing oversight.
67. We would welcome the opportunity to give oral evidence through a delegation of four residents, to submit our petition, and to provide a supplementary note mapping each recommended amendment to specific clauses of the Bill and the draft Harbour Orders.

12. About the respondents and supporting evidence

68. Rotten to the Point (RTTP), Rostrevor Action Respecting the Environment (RARE), Carlingford Lough Keepers (CLK) and Warrenpoint Community Association (WCA) are community organisations concerned with governance, environment and accountability at Warrenpoint Port and Carlingford Lough, and speaking for citizens concerned at the impact of the waste storage on the environment and on the residents, workers and visitors around the shores of the Lough. An indexed evidence bundle — including the Department's confirmation DFI/2026-0198, the Authority's AGM answers to RARE, John Kerr, Anne Blaney and Rotten to the Point, the Department's Gateways Branch correspondence, and the Department's 2025 Candidate Information Booklet for appointments to the WHA board — and the Minister's answer to AQW 48755/22-27 of 30 June 2026 — the Authority's public statement on the removal of RDF, and NIEA Compliance Assessment Report 250620104019 of 20 June 2025 — is available to the Committee on request.
69. Statutory and documentary references are to the Planning Act (Northern Ireland) 2011; the Harbours Act (Northern Ireland) 1970; the Harbours (Northern Ireland) Order 2002 (and the Explanatory and Financial Memorandum to the Harbours Bill 2002, whose provisions it carried); the Warrenpoint Harbour Authority Order (Northern Ireland) 2002; the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995; the Environmental Liability Regulations (Northern Ireland) 2009; and EN 15359 / BS EN 15359 / ISO 21640.

Provided in Word format in accordance with the Committee's Call for Evidence. References to the Authority's AGM answers are to its written responses of 26 June 2026. Quotations from the Second Stage debate are taken from the Official Report of 23 June 2026. The Harbours Bill 2002 fell on the suspension of the Assembly; its provisions were carried into the Harbours (Northern Ireland) Order 2002, in which the power of direction sits at Article 4.

Annex A — Chronology

The dated record on which this submission relies. “Exhibit” references are to the accompanying evidence bundle; “Part” references are to this submission; “Schedule 2” denotes documents cited in the bundle but not enclosed.

Date	Event	Source
2002	Power of direction created. The Explanatory and Financial Memorandum to the Harbours Bill 2002 states that the primary purpose is “to improve the public accountability of the Northern Ireland trust ports”, and that the Department requires the power “to safeguard the public interest in relation to the activities of the trust ports.”	Exhibit 1
15 Oct 2023	Baled waste-derived fuel stored in the open on the harbour estate (aerial photograph).	Part 3
1 Feb 2025	Reappointment of the Chair of Warrenpoint Harbour Authority takes effect, for a term of up to four years.	Schedule 2
2025	Department for Infrastructure recruits two Non-Executive Members to the WHA board; applications close 20 June 2025. Person specification requires neither community representation nor environmental competence.	Exhibit 6
20 Jun 2025	NIEA compliance inspection (CAR2). Records that “SRF and RDF bales were being stored and distinguished by different coloured wrapping”; bale management plan shows 13,712 tonnes on site. Four of twenty-five items not inspected.	Exhibit 3
4 Jul 2025	Sinn Féin and SDLP councillor members resign from the WHA board. Sinn Féin states it will not re-engage until there is “a complete and permanent end to all RDF activities” at the Port.	Schedule 2
15 Sep 2025	WHA public statement: “ReGen have now removed all RDF from the Port”; “Only Solid Recovered Fuel (SRF) is now being stored on site which we have been informed should be non-odorous.”	Exhibit 4
6 Oct 2025	Baled waste-derived fuel still stored in the open on the harbour estate (aerial photograph), three weeks after that statement.	Part 3
2024–25	DfI consultation on trust port governance cites the Dover model — community representatives on the board and a port users group. None of those mechanisms appears in the Bill.	Schedule 2
3 Jun 2026	DfI press notice: the Bill will “amend perceived levers of government control over Trust Ports” to support ONS re-classification.	Schedule 2
12 Jun 2026	DfI Gateways Branch replies to a complaint by reference to what “private companies” are required to do, and declines any further investigation.	Exhibit 5
15 Jun 2026	Harbours Bill (NIA Bill 37/22-27) introduced. Clause 2: “Limitation of power to issue directions to harbour authorities.”	Schedule 2
16 Jun 2026	AQW 48755/22-27 tabled by Mr Colin McGrath MLA, asking the Minister to detail her level of responsibility for trust ports.	Exhibit 2
23 Jun 2026	Second Stage. The Minister confirms the four trust ports “will no longer be subject to article 4 directions”, and relies on unpublished legal advice as to the scope of the power.	Schedule 2
23 Jun 2026	WHA AGM. The Chair states that the Department holds “an oversight position only” while confirming it appoints all members of the board.	Schedule 2
26 Jun 2026	WHA written answers to four sets of AGM questions: “SRF only is currently being stored in the Port”; no contractual restriction on 24/7 handling; 149 environmental-health complaints logged since 2023.	Exhibits 7–10
30 Jun 2026	AQW 48755/22-27 answered. The Minister confirms statutory roles including “furnishing information and powers to issue directions to Harbour Authorities”, and responsibility for appointing board members “and monitoring the performance of the board members.”	Exhibit 2
20 Jul 2026	Bales of more than one wrapping type stored on the harbour estate (aerial photograph, 8.29pm), ten months after the announcement that all RDF had been removed.	Part 5
2 Sep 2026	Committee Stage Call for Evidence closes.	Schedule 2

Dates of the aerial photographs are taken from the originating image files, which are available to the Committee. Quotations from the Second Stage debate should be read against the Official Report of 23 June 2026.

Harbours Bill (NIA Bill 37/22-27) — Committee Stage

Prepared by: Rotten to the Point (RTTP), Rostrevor Action Respecting the Environment (RARE), Carlingford Lough Keepers (CLK) and Warrenpoint Community Association (WCA)

Date: 24 July 2026

Purpose: To assist Members wishing to table amendments, and to accompany our Committee Stage submission (recommendations A–L).

Note. *The amendments are set out in marshalled form. The Bill as introduced contains six clauses; Clause 2 (“Limitation of power to issue directions to harbour authorities”) is the clause that removes the Department’s power of direction. Other references shown as “[...] — to confirm]” should be settled against the Bill and the draft Harbour Orders; the drafting below is indicative and would be finalised with the Bill Office. Each amendment corresponds to a lettered recommendation (A–L) in our Committee Stage submission.*

Amendment 1 (Recommendation A)

To move: Leave out Clause 2 (Limitation of power to issue directions to harbour authorities), so preserving the Department’s power to issue directions to a harbour authority under Article 4 of the Harbours (Northern Ireland) Order 2002.

Explanatory statement: *Preserves the Department’s existing power to issue directions to a harbour authority. The Explanatory and Financial Memorandum to the Harbours Bill 2002, which created this power, records that its purpose was “to improve the public accountability of the Northern Ireland trust ports” and to enable the Department “to safeguard the public interest in relation to the activities of the trust ports.” The Minister confirmed that the power exists in her answer to AQW 48755/22-27 (answered 30 June 2026), which lists among her Department’s statutory roles “powers to issue directions to Harbour Authorities on areas regarding the exercise of their statutory functions.” That purpose remains necessary.*

To be moved by: _____ MLA

Amendment 2 (Recommendation A — alternative)

To move: Insert the following new clause —

Reserve power of the Department to give directions

(1) The Department may give a harbour authority a direction (whether general or specific) as to the exercise of its functions where the Department considers it necessary or expedient to do so for the purpose of —

- (a) protecting public health or safety;
- (b) protecting the environment, including any European site, Ramsar site or area of special scientific interest; or
- (c) securing compliance with planning or environmental law.

(2) A harbour authority must comply with a direction given under this section.

(3) Before giving a direction, the Department must, so far as reasonably practicable, consult the harbour authority.

(4) The Department must lay a copy of any direction given under this section before the Assembly.

Explanatory statement: *If the existing power of direction is repealed, this provides a narrower reserve power exercisable for public health, safety, environmental or planning-compliance purposes.*

To be moved by: _____ MLA

Amendment 3 (Recommendation B)

To move: Insert the following new clause —

Appointments to harbour authority boards

(1) In making appointments to the board of a harbour authority the Department must —

- (a) publish the criteria against which appointments are made;

- (b) ensure that the board includes at least one member who is a resident of the area affected by the harbour;
- (c) ensure, so far as practicable, that the board includes at least one member with environmental knowledge or experience; and
- (d) comply with the Code of Practice issued by the Commissioner for Public Appointments for Northern Ireland.

(2) The Department must monitor the performance of the members of the board of a harbour authority, and must publish, at least annually, a summary of how that function has been discharged.

Explanatory statement: *Retains ministerial appointment while requiring that a resident of the affected area sits on the board, adding transparency, and requiring environmental competence. This follows the Dover model, cited in the Department's own 2024–25 consultation, under which board members must have knowledge or experience of the harbour's position in the local community and community representatives sit on the board. The Minister confirmed in answer to AQW 48755/22-27 (answered 30 June 2026) that she is responsible for "making the appointments to the boards of each trust port and monitoring the performance of the board members"; subsection (2) requires that monitoring function to be discharged transparently.*

To be moved by: _____ MLA

Amendment 4 (Recommendation C)

To move: In the provision conferring power to make Harbour Orders [Clause — — to confirm], insert —

- () An Order under this section may not be made unless a draft of the Order has been laid before, and approved by a resolution of, the Assembly.
- () Before laying a draft Order the Department must consult —
 - (a) persons appearing to the Department to represent communities likely to be affected by the Order; and
 - (b) the Department of Agriculture, Environment and Rural Affairs and the Northern Ireland Environment Agency.

Explanatory statement: *Makes the four Harbour Orders subject to the draft affirmative procedure and requires prior consultation of affected communities and the environmental regulators.*

To be moved by: _____ MLA

Amendment 5 (Recommendation D)

To move: Insert the following new clause —

General duties of harbour authorities

- (1) In exercising its functions a harbour authority must have regard to —
 - (a) the protection of the environment, including any European site, Ramsar site or area of special scientific interest in the vicinity of the harbour;
 - (b) the amenity of communities affected by its operations, including the impact of operations carried on at night; and
 - (c) the principles of good governance and transparency.

Explanatory statement: *Places a public-interest duty on trust ports to balance the additional commercial freedoms conferred by the Bill, protecting the environment and the amenity of the residents, workers and visitors in the communities around each harbour.*

To be moved by: _____ MLA

Amendment 6 (Recommendation E)

To move: Insert the following new clause —

Transparency and accountability of harbour authorities

- (1) A harbour authority must —
 - (a) hold an annual general meeting that is open to the public and held in person at a venue accessible to local residents (an authority may provide for online attendance in addition to, but not instead of, an in-person meeting);
 - (b) publish the minutes of its board meetings, subject only to such redactions as are strictly necessary to protect personal data or genuinely confidential commercial information;
 - (c) maintain a community forum which meets at least twice a year and publish its minutes; and

- (d) publish, at least annually, the number of complaints it has received about its operations and performance, and the general categories to which they relate.
- (2) A harbour authority remains subject to, and must comply with, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004; nothing in this Act affects those obligations or removes the authority from public scrutiny under them.
- (3) A harbour authority must not —
- (a) rely on commercial confidentiality to withhold information except to the extent strictly necessary and, in the case of environmental information, where a specified exception applies and the public interest favours withholding; or
 - (b) decline to account for a matter that falls within its own functions on the ground that the matter is the responsibility of another body.

Explanatory statement: *Establishes minimum transparency and accountability standards: an in-person, publicly accessible AGM (with online attendance permitted only in addition, so that residents who are not online are not excluded); publication of board minutes and of the number of complaints received; confirmation that the authority remains subject to, and open to scrutiny under, FOI and EIR; and limits on reliance on commercial confidentiality and on the deflection of matters within the authority's own functions to other bodies. The community-forum requirement follows the Dover "port users group", cited in the Department's consultation, which must be consulted on all significant developments at the port.*

To be moved by: _____ MLA

Amendment 7 (Recommendation F)

To move: Insert the following new clause —

No privatisation of trust ports

Nothing in this Act, or in any Order made under it, authorises or facilitates the transfer of a trust port, or of the whole or part of its undertaking, into private ownership.

Explanatory statement: *Safeguards the trust-port character and prevents the reforms operating as a step toward privatisation.*

To be moved by: _____ MLA

Amendment 8 (Recommendation G)

To move: Insert the following new clause —

Commencement, review and expiry of the relevant provisions

- (1) The provisions of this Act that remove or restrict a power of the Department in relation to trust ports ("the relevant provisions") come into operation on such day as the Department may by order appoint.
- (2) The Department may not make an order under subsection (1) unless satisfied that the relevant provision is necessary to secure a review by the Office for National Statistics of the classification of trust ports.
- (3) The Department must, within two years of the coming into operation of the relevant provisions, carry out a review of their operation and lay a report before the Assembly.
- (4) If the objective in subsection (2) has not been achieved within three years of Royal Assent, the relevant provisions cease to have effect.

Explanatory statement: *Ties commencement to demonstrated necessity, requires a review, and provides a sunset if reclassification is not achieved.*

To be moved by: _____ MLA

Amendment 9 (Recommendation H)

To move: Insert the following new clause —

Annual report on trust port governance

The Department must, in respect of each financial year, lay before the Assembly a report on —

- (a) the governance of trust ports;
- (b) any exercise (or decision not to exercise) of a power retained by the Department under this Act; and
- (c) major decisions by harbour authorities, including disposals of land, material changes of use, and the storage of hazardous or waste materials.

Explanatory statement: *Maintains Assembly oversight after controls are relaxed.*

To be moved by: _____ MLA

Amendment 10 (Recommendation I)

To move: Insert the following new clause —

Restriction on certain uses of harbour land

A harbour authority must not grant or continue a lease, licence or other permission for a use of harbour land which —

- (a) requires planning permission that has not been granted; or
- (b) gives rise to a risk of a major accident or of significant harm to the environment, unless an appropriate assessment of that risk has been carried out and appropriate measures are in place.

Explanatory statement: *Addresses the confirmed position at Warrenpoint (no planning permission for SRF storage — DFI/2026-0198) and the risk to Carlingford Lough.*

To be moved by: _____ MLA

Amendment 11 (Recommendation J)

To move: Insert the following new clause —

Complaints about harbour authorities

- (1) The Department must establish, publish and maintain a procedure for the making, handling and investigation of complaints from members of the public about the conduct and governance of a harbour authority.
- (2) The Department must investigate, or ensure the investigation of, complaints made under that procedure, and must not decline to investigate a complaint on the ground only that the complainant may instead complain to the Northern Ireland Public Services Ombudsman.
- (3) The Department must develop the procedure, and keep it under review, in consultation with the Northern Ireland Public Services Ombudsman; and the procedure must set out the relationship between it and the Ombudsman's functions, including the complainant's right to complain to the Ombudsman.
- (4) The Department must publish, at least annually, the number of complaints received under the procedure and their outcomes.

Explanatory statement: *Requires the Department — in practice, its Gateways Branch — to establish and operate a comprehensive procedure, developed with the Northern Ireland Public Services Ombudsman, for the full investigation of public complaints about the conduct and governance of harbour authorities, and prevents such complaints being treated as closed and referred to the Ombudsman without substantive investigation.*

To be moved by: _____ MLA

Amendment 12 (Recommendation K)

To move: Insert the following new clause —

Power of the Department to obtain information

- (1) The Department may, by notice in writing, require a harbour authority to provide such information relating to the exercise of its functions as the Department may specify, including the terms of any lease, licence or contract relating to the use of harbour land, and any arrangement for preferential use of the harbour.
- (2) A harbour authority must comply with a notice given under this section.
- (3) Nothing in this Act, or in any Order made under it, removes or restricts the Department's power to require information from a harbour authority.

Explanatory statement: *Preserves, and puts beyond doubt, the Department's power to obtain information from a harbour authority. The Explanatory and Financial Memorandum to the Harbours Bill 2002 records that this power was intended to enable the Department to obtain "details of a specific lease or contract, or information about preferential user arrangements" — precisely the information Warrenpoint Harbour Authority has declined to disclose on grounds of commercial confidentiality. The Minister confirmed in answer to AQW 48755/22-27 (answered 30 June 2026) that "furnishing information" is among her Department's statutory roles.*

To be moved by: _____ MLA

Amendment 13 (Recommendation L)

To move: Insert the following new clause —

Night-time operations affecting local communities

(1) This section applies to any part of a harbour estate which adjoins, or is in the vicinity of, residential property.

(2) A harbour authority must prepare, publish and keep under review a noise management plan governing operations carried on between the hours of 11pm and 7am on land to which this section applies.

(3) The plan must in particular address the handling, loading, movement and storage of waste or waste-derived materials, and must include measures to minimise noise from cranes, plant, vehicles and reversing alarms.

(4) A harbour authority must not permit the handling of waste or waste-derived materials on land to which this section applies between the hours of 11pm and 7am unless —

(a) it is necessary by reason of tide, weather, or the scheduled arrival or departure of a vessel; and

(b) the operation is carried out in accordance with the noise management plan.

(5) A harbour authority must record each occasion on which waste or waste-derived materials are handled between those hours and the reason for it, and must publish a summary of those records at least annually.

Explanatory statement: *Addresses night-time noise from waste handling. Warrenpoint Harbour Authority has confirmed that there are “no contractual restrictions” on the hours during which recovered fuel is handled at the Port, and that loading “can take place on a 24/7 basis” (AGM answer, 26 June 2026); residents report that the waste operation is frequently the only activity at the Port during the night, involving cranes, tractors and trailers. The amendment does not restrict genuine tide-, weather- or vessel-driven port operations, and does not impose a curfew on the harbour: it requires that discretionary night-time handling of waste beside people’s homes be justified, managed under a published plan, recorded and reported.*

To be moved by: _____ MLA

Amendments 1 and 2 are alternatives (preserve the existing power, or provide a reserve power). Drafting is indicative; clause, page and line references to be confirmed against the Bill as introduced and the draft Harbour Orders.