

01 September 2026

Jacquelyn Stewart

The Clerk to the Committee for Infrastructure
Room 410, Parliament Buildings
Ballymiscaw, Stormont
Belfast BT4 3XX
By email: committee.infrastructure@niassembly.gov.uk

Dear Clerk to the Committee,

Harbours Bill (NIA Bill 37/22-27) — Call for Evidence: individual submission

I am writing as a resident of Warrenpoint to submit my own views on the Harbours Bill ahead of the Committee's Call for Evidence closing on 2 September 2026.

Summary of what I am asking the Committee to do

1. In short, I ask the Committee to do three things:
 - (a) reject clause 2 of the Bill in so far as it removes the Department's power to direct a harbour authority under Article 4 of the Harbours (Northern Ireland) Order 2002;
 - (b) amend the Bill so that the Department is placed under a duty to consider using that power, and to give reasons in writing, where it receives representations that a harbour authority's activities are causing sustained harm to a neighbouring community; and
 - (c) add to the Bill a new power for the Department to place a harbour authority into special measures, on the triggers and with the consequences I set out at paragraph 23 below.
2. I make the case for each of these below, and I have tried throughout to point to documents and decisions the Committee can check for itself rather than to opinion.

The power the Minister already has, and has not used

3. Clause 2 of the Bill removes the Department's power to direct a harbour authority under Article 4 of the Harbours (Northern Ireland) Order 2002. This is the power that could require the removal of waste storage, and the odour it causes, from Warrenpoint Port. The Minister has confirmed in writing (AQW 48755/22-27, 30 June 2026) that she still holds this power. I ask the Committee: why remove a power that is needed, rather than requiring it to be used?
4. I have not seen the Minister use this power on our behalf. Residents have been told repeatedly that nothing can be done at departmental level, while the Bill before the Committee would abolish the very power created to enable it. Rather than being weakened, I believe this power should be strengthened and made subject to a clear duty to act when a community's health and environment are affected.

5. There is a further point of history the Committee may not have been shown. The Memorandum of Understanding made between Warrenpoint Harbour Authority and the Department for Regional Development on 1 March 2002, and sealed by the Department on 14 March 2002, records at clause 1.2 the Department's intention to promote legislation requiring the Authority to seek Departmental consent before disposing of, or changing the use of, harbour estate land. Clause 4.5 requires Departmental consent for a change of use to anything other than port activity. That promised legislation has never been brought forward in the twenty-four years since. The first substantial Bill on trust ports since then now proposes to move in the opposite direction and remove controls that already exist. I do not think that can be what the Assembly intended in 2002.

The Information Commissioner has ruled against the Harbour Authority

6. On 24 July 2026 the Information Commissioner's Office issued Decision Notice IC-481979-F3M5 against Warrenpoint Harbour Authority. The Commissioner ordered the Authority to disclose the environmental content of its Board minutes for the period April 2023 to 11 July 2025 in so far as those minutes deal with RDF, odour and related environmental matters. The Authority has thirty calendar days to comply, which takes the deadline to on or about 23 August 2026 — ten days before this Call for Evidence closes.
7. Two findings in that decision matter for the Committee's purposes. The Commissioner rejected outright the Authority's reliance on section 36 of the Freedom of Information Act 2000. The Commissioner also found that blanket withholding under section 43(2) of that Act and regulation 12(4)(e) of the Environmental Information Regulations 2004 was not lawful where environmental content in a document can be separated from genuinely commercial content. In plain terms: residents were told for years that what happens at our port is commercially confidential, and an independent regulator has now found that the Authority was not entitled to say so.
8. This is the second time in five months that the Commissioner has had to compel disclosure about the same waste operation. In March 2026, Decision Notice IC-393464-G2Y2 required Cambridgeshire County Council to release its waste contract with Re-Gen, the operator whose baled waste is stored at Warrenpoint. Two public bodies, two jurisdictions, the same company, the same instinct to withhold, and the same regulator finding against them both.
9. I ask the Committee to weigh the sequence carefully. The body which this Bill would leave subject to fewer external controls has just been found by an independent regulator to have unlawfully withheld environmental information from the community living beside it. The Committee is being asked to reduce oversight at exactly the moment the evidence points the other way. If the Authority chooses to appeal rather than comply, that in itself will tell the Committee what it needs to know about the culture the Bill would be entrenching. The appeal window closes on or about 21 August 2026, and the Committee will therefore know the answer before it reports.

The AGM of 23 June 2026, and what residents were told

10. Residents submitted written questions to the Authority's Annual General Meeting on 23 June 2026. A large number of them were not answered at all. They were met instead

with an assertion of commercial sensitivity or confidentiality. In support of that position the Authority relied on an earlier Information Commissioner reference (IC-288347-S9X0), and represented to residents that the Commissioner had been supportive of its approach.

11. Decision Notice IC-481979-F3M5 makes that representation impossible to sustain. Residents were, in effect, discouraged from pursuing entirely proper questions on the strength of an account of the regulator's position that the regulator has now contradicted. I do not regard that as a technical failure of records management. It is a failure of candour by a public body towards the public it exists to serve, and it happened at the one meeting in the year at which residents are permitted to ask anything at all.
12. The Department's own handling has not been sure-footed either. Its Gateways Branch has accepted that it wrongly treated the Authority as a private company not required to hold an Annual General Meeting. If the sponsoring Department can be mistaken about something that basic, the Committee should be slow to accept assurances that residents will remain adequately protected once the Department's power of direction has gone.

A pattern of public controversy, not an isolated complaint

13. This is not a new or passing concern. Over the last three years Warrenpoint Port has been the subject of repeated, well-publicised controversy: board resignations, contested public statements, and coverage by the Irish News, UTV, Armagh I, the Newry Reporter and others. I ask the Committee to treat this history as relevant background to the powers it is being asked to remove.
14. In July 2025 two council members of the Board, along with the Sinn Féin MLA Sinéad Ennis, resigned or spoke out publicly, with Ms Ennis stating that party representatives had been "gaslighted" at the Port. Those board vacancies remained unfilled for a year and were only raised again when residents asked about them directly at the 2026 AGM. In or around April 2026 members of the Authority's own Community Forum also resigned publicly, citing the same stonewalling. When the people a body appoints to represent the community keep resigning from it, the problem is not the community.
15. In September 2025 a Board member, Cllr Jarlath Tinnelly, told BBC News that the Port had gone from twenty thousand tonnes of RDF storage to zero in little over a year. That claim has never been withdrawn. It is contradicted by an NIEA inspection report (Re-Gen, WML 22/59, 20 June 2025) recording SRF and RDF bales stored side by side and distinguished only by the colour of their wrapping, and by photographs taken on site on 13 July 2026 showing two visibly different types of baled waste still in open storage. Dated aerial photographs taken on 19, 21 and 29 July 2026 show the bale yard still substantially full. Mr Tinnelly remains on the Board and is now the only elected councillor on it.
16. This is part of a wider pattern in which the Authority's public reassurances are given, challenged with evidence, and then followed by an apology rather than by any correction of the underlying practice — as happened when the Chair apologised for his own conduct on social media towards residents raising overnight noise. I do not think a Board that repeatedly has to apologise once it is caught out can be trusted to regulate itself, or to be the primary channel through which this community's concerns are heard.

17. I would add, carefully, that people who work at the Port have in recent weeks begun raising concerns of their own about conditions inside it — odour, spraying operations, and the displacement of long-established quay users. They have done so anonymously, for fear of repercussions. A well-run public trust should not be a place where neither the neighbours nor the workforce feel able to speak on the record.

How Warrenpoint compares with other ports

18. The Committee may find it useful to compare storage practice elsewhere. NIEA permits baled waste to be stored at Warrenpoint for up to twelve weeks. Belfast Harbour and the Port of Lisahally operate on a turnaround of about five days, and neither adjoins a residential area in the way Warrenpoint does. Across the border, Drogheda Port Company holds EPA Industrial Emissions Licence P1011-01 under which the port company is itself the licensee, storage is capped at twenty-one days, and bales are inspected twice daily.
19. That last point is the important one. At Drogheda the port carries the licence and therefore carries the responsibility. At Warrenpoint the Authority points to NIEA, NIEA points to planning, planning points to the council, and the council is itself a substantial commercial customer of the operator — it awarded contracts worth some £31.5 million in March 2026, commencing 1 April 2026, roughly eight months after the full Council had unanimously condemned the storage at the Port and while its own enforcement investigations were live. Nobody in that chain is answerable to us. The Article 4 power is the single remaining thread connecting all of it to a Minister who is answerable to this Assembly, and the Bill proposes to cut it.

Engagement that does not amount to accountability

20. I do not consider that occasional payments to local community groups, such as those made around Christmas, amount to genuine engagement with this community. Money handed to community groups is not the same as listening to residents. It looks to me like an attempt to buy quiet acceptance rather than to address the cause of our complaints.
21. Nor do I consider the Community Forum set up by the Authority, or its Annual General Meeting, to be an adequate way of dealing with community concerns. The AGM at which residents can question the Board lasts around thirty minutes, is held online, and produces no live follow-up and no full public minutes. Board members and Forum members have publicly resigned over the very issues residents raise at it. A body that cannot show what was discussed, and cannot retain its own members' confidence, cannot reasonably be relied upon as the community's voice. A petition of some 3,500 names calling for the removal of all waste from the Port is a fairer measure of local feeling than anything the Authority's own engagement structures have produced.

The amendments I ask the Committee to make

22. Amendment A — retain and strengthen the power of direction. Clause 2 should not repeal Article 4 of the 2002 Order. I would go further and ask that the Bill add a duty in these terms: where the Department receives representations that the activities of a harbour authority, or of an occupier of the harbour estate, are causing sustained harm to the health, amenity or environment of a neighbouring community, the Department

must consider whether to give a direction under Article 4, must give its decision and reasons in writing within a specified period, and must publish them.

23. Amendment B — a new power to place a harbour authority into special measures. If the Assembly is modernising trust port governance, it needs a proportionate remedy that sits between doing nothing and removing a board. I ask the Committee to consider a new clause along the following lines.

Special measures — suggested outline

- (1) The Department may by notice place a harbour authority into special measures where one or more of the following applies:
 - (a) the Information Commissioner has issued a decision notice or enforcement notice against the authority, or the authority has failed to comply with such a notice within the statutory period;
 - (b) the authority has made a public statement of fact about its operations which is materially inaccurate and has not been corrected within a reasonable period of the inaccuracy being drawn to its attention;
 - (c) the authority's board is not properly constituted, or board vacancies have remained unfilled for more than six months;
 - (d) a regulator has recorded repeated or unresolved environmental non-compliance in relation to activities carried on within the harbour estate; or
 - (e) the authority has failed to hold a properly convened, publicly accessible and minuted annual general meeting.
 - (2) Where an authority is in special measures the Department may do any of the following:
 - (a) appoint one or more persons to attend board meetings and report to the Department;
 - (b) require the authority to prepare, publish and implement a remedial action plan to a stated timetable;
 - (c) require the authority to obtain the Department's consent before any change of use or disposal of any part of the harbour estate; and
 - (d) direct the authority in relation to specified operations pending remedy.
 - (3) The Department must lay a report before the Assembly on placing an authority into special measures, at six-monthly intervals while the notice remains in force, and on its release.
 - (4) Any person may make representations to the Department asking it to exercise the power in subsection (1), and the Department must respond in writing with reasons.
24. I make no claim to be a draftsman and the Committee's own advisers will improve on that wording. What matters is the principle: a trust port that has been found to have withheld environmental information unlawfully, that has lost board and forum members over the same issues, and that answers its community with assertions of confidentiality, should be capable of being placed under closer supervision without waiting for a crisis.

On the facts set out above, Warrenpoint Harbour Authority would meet at least three of the triggers at subsection (1) today.

Conclusion

25. I ask the Committee to reject the removal of the Article 4 power, to call the Minister to account for her engagement with this community, and to ensure that any reformed system of trust port governance gives residents a genuine, transparent and enforceable means of holding the Port to account — not fewer powers and a public relations exercise in their place.
26. I would be grateful if the Committee would take this submission into account as part of its Committee Stage scrutiny of the Bill. I am willing to attend and give oral evidence if that would assist, and I can provide the photographs, inspection report and decision notices referred to above on request.
27. It is unfair that we residents cannot enjoy our gardens at present due to disgusting odours and flies. If the harbour is not considering the people of Warrenpoint now what will things be like if there is no-one regulating them. There have been clear breaches of trust between the current harbour Board and the residents of Warrenpoint. The fact that no Council representatives want to sit on the board as it currently stands should raise serious concerns. As a concerned resident, I am asking who is running Warrenpoint Harbour – is it the board or their tenant, Re-Gen? Let's be clear, with proper controls, oversight and acknowledgement of residents' legitimate concerns all harbour tenants are welcome. It is telling that Aidan Doherty, Director at Re-Gen moved his family from Warrenpoint before the mass, unregulated spraying of chemicals began.

PLEASE

- (a) reject clause 2 of the Bill in so far as it removes the Department's power to direct a harbour authority under Article 4 of the Harbours (Northern Ireland) Order 2002;
- (b) amend the Bill so that the Department is placed under a duty to consider using that power, and to give reasons in writing, where it receives representations that a harbour authority's activities are causing sustained harm to a neighbouring community; and
- (c) add to the Bill a new power for the Department to place a harbour authority into special measures, on the triggers and with the consequences I set out at paragraph 23 below.

Yours faithfully,

Jacquelyn Stewart

Resident, Warrenpoint, County Down