



Londonderry Port and Harbour Commissioners Response to the Northern Ireland Assembly Committee for Infrastructure Call for Evidence on the Harbours Bill

Foreword by Chair of Londonderry Port and Harbour Commissioners

The Londonderry Port and Harbour Commissioners (LPHC), welcome the opportunity to provide evidence to the Committee for Infrastructure's scrutiny of the Harbours Bill.

Our starting point as Commissioners is the statutory responsibility entrusted to us. Those responsibilities endure in perpetuity, while the environment in which we discharge them continues to change. As the UK's most westerly port, serving a significant cross-border hinterland, the Port operates in a dynamic commercial and competitive environment. Whilst our strategy must evolve in response to changing economic, geopolitical, technological and trading conditions, our underlying statutory responsibilities remain constant. The legislative framework must enable Commissioners to continue discharging those responsibilities effectively as conditions change.

Legislative reform is about ensuring Commissioners have the appropriate powers and financial freedoms to discharge their statutory responsibilities safely and effectively, invest prudently in strategic port related infrastructure and resilient harbour operations, and increase the economic benefit the Port can deliver for the Northwest and its cross-border hinterland.

The Trust Port model has stood the test of time for over 170 years. We have no private shareholders, and profits generated by the Port are retained within the undertaking and reinvested for long-term benefit. Legislative reform should preserve the fundamental strengths of that model while removing constraints that inhibit Commissioners in the discharge of their responsibilities. Enhanced commercial and financial freedoms do not diminish the requirement for public accountability or transparency. Both remain fundamental to the responsible stewardship of a Trust Port.

The Commissioners support the intent of the Bill and the wider programme of Trust Port legislative reform. Our position is that the Harbours Bill and associated Harbour Orders should both be progressed together, given their interdependency, and completed within this Assembly mandate to deliver coherent and effective legislative reform. Progressing the Bill alone would leave the legislative reform programme incomplete, prolonging existing fiscal and borrowing constraints to the detriment of the Port, and risk deferring investment opportunities for the region and people our port serves.

The test of legislative reform is what it enables Commissioners to do, and our position is straightforward. Preserve the strengths, stewardship and public accountability of the Trust Port model. Remove legacy constraints that unnecessarily inhibit Commissioners from discharging their statutory responsibilities. Complete the legislative reform programme



through the Harbours Bill and associated Harbour Orders progressed together, within the current Assembly mandate.

Doing so will modernise our legislative framework, enabling Commissioners to continue fulfilling their statutory responsibilities, investing responsibly and serving the Northwest for current and future generations.

Ryan McCready

Chairman

Londonderry Port and Harbour Commissioners

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Introduction

1. The Londonderry Port and Harbour Commissioners was established in 1854 as an independent statutory corporation, responsible in perpetuity to improve, maintain, regulate and manage the development of the harbour undertaking. As a Trust Port, all our profits are re-invested into the port for the benefit of current and future stakeholders, and the wider regional economy in the Northwest. In 2012, the Commissioners adopted “Foyle Port” as their trading and brand identity, and throughout this evidence statement the Londonderry Port and Harbour Commissioners is referred to as “**Foyle Port**”.
2. We are located at the mouth of Lough Foyle and as Northern Ireland’s, and the UK’s, most westerly port we provide an Atlantic gateway and maritime hub, supporting the regional cross-border economy in the Northwest of the island. We are a significant regional employer employing 100 jobs directly and supporting an estimated 1,500 jobs, emphasising our vital role in our regional hinterland in terms of current and future ‘good job’ opportunities.
3. The Commissioners have statutory responsibility as the Competent Harbour Authority for 75 square miles of Lough Foyle, from the Craigavon Bridge in Derry / Londonderry to a line between Magilligan and Greencastle, in the Republic of Ireland. We are recognised by both governments as the sole Harbour and Pilotage Authority for Lough Foyle, and we operate across and within both jurisdictions, providing efficient access to both UK and EU markets.
4. In terms of infrastructure, the Foyle Port estate has grown to circa 270 acres of land adjacent to deepwater quays, with further expansion capacity on sea and land, all of which is zoned for industrial development within the Derry City and Strabane District Council’s Local Development Plan. The port comprises a multi-terminal deep-sea port, with a significant number of cranes, a fleet of marine service vessels, and expansive storage facilities for a range of products and uses. In addition, Foyle Port is located beside other nationally significant electricity, gas and data connection infrastructure and is adjacent to excellent road, rail and air transport links.
5. Foyle Port’s long-term strategy has been developed to align with Government and Executive policy in relation to good jobs, regional balance, decarbonisation and improved productivity. Our strategic goal over the next five years is to continue to build on the successes to date and deliver a trading and utility platform at Lisahally which enables us to deliver our statutory duty and support economic growth in the Northwest region.
6. Given our critical role in facilitating trade and supporting the regional economy, we welcome the Department for Infrastructure’s (“**Department**”) work to modernise and reform Northern Ireland’s port legislation, and we support the overall objectives of the draft Harbours Bill.



7. Specifically, the Harbours Bill provides an important opportunity to remove outdated financial and commercial constraints and place Northern Ireland's Trust Ports on a more competitive footing with ports elsewhere in these islands. This is crucial for Foyle Port as we continue to invest in the harbour undertaking to deliver our duty, enhance and improve our operations for port customers and ensure the Port has the capacity to capture new and emerging opportunities, driving and delivering economic growth in the Northwest.

Trust Port Model & Governance

8. The Trust Port model has served Northern Ireland exceptionally well. As a Trust Port, Foyle Port is an independent statutory body with no shareholders. Instead, we are accountable to our stakeholders, and our assets are employed and profits reinvested to ensure the long-term sustainability of the port for the benefit of the communities and economies we serve, now and into the future. Foyle Port strongly believes that this model should be retained and strengthened through a modern legislative framework which gives the Board and management the appropriate autonomy to make timely commercial and investment decisions, while maintaining robust governance, transparency and public accountability safeguards.
9. We accept that with greater autonomy it is important to maintain robust governance arrangements, to ensure that stakeholders have confidence in the effectiveness of the Board in its decision making and in the application of financial controls, transparent reporting and robust audit arrangements.
10. The Harbours Bill continues to ensure that Foyle Port is subject to a comprehensive array of statutory, regulatory and governance requirements relating (but not limited) to:
 - a. Health and Safety
 - b. Marine and maritime operations
 - c. Environmental performance and protection
 - d. Planning legislation
 - e. Annual financial reporting (including a public Annual Meeting) and external auditing
 - f. Provision of information
 - g. Equality
11. Under the draft Harbours Bill, the Department will continue to retain the power to appoint the Chair of the Board of Commissioners and can appoint up to three elected representatives as Commissioners. The Department also retains the right to attend Board meetings in an observer capacity. These powers to appoint and attend, underpin the public accountability at Board level.



12. More broadly all Commissioners comply with the Guiding Principles of Trust Port Board Members (the Nolan Principles) and the provisions set out in the Department for Transport's Ports Good Governance Guidance 2018. In addition, Commissioners must comply with legal obligations relating to potential conflicts of interest.
13. Under the Harbours Bill, these comprehensive and robust Governance arrangements remain and will ensure a high degree of transparency, scrutiny and accountability for all stakeholders.

Strategic importance of Foyle Port to the Northwest region

14. Foyle Port is a strategically important Atlantic gateway for the Northwest region and plays a vital role in supporting trade, employment, investment and regional economic development.
15. With its jurisdiction, infrastructure and operations extending across both Northern Ireland and the Republic of Ireland, we are unique in our position as Northern Ireland's only cross-border port entity.
16. Our main cargo facilities are located at Lisahally, Co Londonderry whilst Greencastle Harbour in Co Donegal hosts our pilotage service and facilitates visiting cruise vessels. In addition, Foyle Port Marina, located in Derry city centre provides a valuable base for marine tourism and recreational activity.
17. At Lisahally, we operate a deep-water berth and storage/logistics facilities within a harbour estate of approximately 270 acres. This facility is the largest bulk cargo port serving the Northwest of the Island of Ireland and handles trade of up to 2.5million tonnes of bulk cargo including liquid and solid fuels, grain and animal feed, fertiliser, cement and timber amongst a diverse range of products. The overall value of trade passing through the Port is in excess of £1billion per annum, supporting approximately 1,500 direct and indirect jobs.
18. These imports (and exports) support a range of sectors in the Northwest region including agri-food (approximately 20,000 farms), logistics, construction, manufacturing, engineering and new emerging sectors including onshore renewable projects, electrical switchgear and others.
19. We have over 70 acres of land within the harbour estate, which is readily available for future port development, providing significant capacity to accommodate further port-related economic activities.



20. In addition to the bulk cargo and trading operations, cruise tourism has become an increasingly important sector for Foyle Port and our regional stakeholders. The number of cruise vessels has been increasing year on year with 22 scheduled for 2026 bringing an estimated 16,000 international visitors to the region. This level of cruise tourism (and the potential for further growth with appropriate investments) provides significant opportunities for tourism businesses, visitor attractions, transport providers and communities across the Northwest region.
21. Our people are at the heart of everything we do, and we recognise that as a Trust Port, we are committed to reinvesting our profits for the benefit of future generations with our local communities being a key stakeholder. Our approach to people, equality, wellbeing and community engagement is therefore an important part of our corporate social responsibility strategy. We are committed to creating a positive, values-based workplace culture for our employees while also using our position and resources to support initiatives that address issues affecting people and communities locally.
22. This includes working with charity partners whose work aligns with our values and enables us to make a meaningful contribution beyond our daily port operations. As part of this commitment, we have provided vital financial support to local charitable organisations and grassroots sport clubs, with employees having an active role in identifying causes that are important to them and to the wider community.
23. Our charity partnerships include Foyle Women's Aid, supporting those affected by domestic abuse; HURT NI, which provides support to individuals and families affected by addiction; and AWARE NI, supporting people affected by depression and other mental health difficulties. These partnerships provide an opportunity not only to make a financial contribution, but also to raise awareness, engage our workforce through volunteering and fundraising initiatives and strengthen our relationships with local stakeholders.
24. We see this as an important demonstration of the social value we can deliver as a Trust Port and of our commitment to being an organisation that contributes positively to the economic, social and environmental wellbeing of the communities we serve.
25. Looking ahead, Foyle Port's strategic plan continues to focus on ensuring that we can operate the port safely and efficiently whilst continuing to play our part in supporting and enabling economic growth. A critical element of our strategy is to continue to look at port related activities and investments which will broaden our range of revenue streams, ensuring long-term financial security and re-investment opportunities. There are three key pillars in our strategy – **Water, People and Land**.
26. In relation to Water, we are focused on investing into our marine assets to ensure that we continue to ensure the safety of our people, contractors, customers and users of Lough Foyle whilst providing a high-quality service to our customers and other stakeholders. In



this strategic cycle, we plan to invest approximately £25m in the harbour undertaking including a new crane, pilot vessel and tug.

27. In relation to People, our focus is to continue to develop a flexible and high performing workplace where everyone feels valued and can thrive. We consider that our people are the foundation of our success as a Trust Port. We have enhanced our employee value proposition, recognising that our people can face challenges outside of the workplace that can impact well-being and mental health. We also have implemented sector leading family-friendly policies, including enhanced shared parental pay and paid carers leave.
28. In relation to Land, our strategic plan is to expand and develop the harbour estate to over 300 acres ensuring that we have the land capacity to grow and respond to the future needs of the port and of the regional economy. In addition, given other strategic infrastructure within the Harbour Development Zone, we are working with other stakeholders to attract investment into the port locality with a focus on renewable energy technologies, energy and grid services, and digital infrastructure.
29. We are making significant progress in executing and delivering our strategy, in partnership with stakeholders and international investors. A recent independent economic assessment indicated that, if fully delivered, our strategy could generate up to £500 million GVA and 5,500 new good jobs in the Northwest region by 2036.

Financial autonomy and investment

30. The existing legislative arrangements have given rise to the Office for National Statistics (ONS) classifying Northern Ireland Trust Ports as public corporations. Despite Trust Ports being independent, statutory bodies, this public corporation classification has created a very significant constraint on our ability to borrow and ensure efficient and effective capital and treasury management.
31. Currently, any borrowing (from whatever source) by a Trust Port counts against the Department's Capital Departmental Expenditure Limit (CDEL). Consequently, Foyle Port finds itself in a position where access to long term finance is being constrained by the Department's own challenging financial position and wider capital programme needs.
32. This lack of ability for Foyle Port to access long term finance as part of an effective and prudent treasury management function, will impact our ability to invest in the harbour undertaking and ensure we can safely and efficiently deliver our statutory duty whilst enabling wider economic growth in the Northwest.
33. The Department has clearly set out its desire to secure ONS reclassification of Northern Ireland Trust Ports, to establish them as private corporations and remove their borrowings from the Departments CDEL. This will create much needed headroom within the



Department's capital investment programme and allow them to focus on their own Departmental priorities.

34. From Foyle Port's perspective, reclassification will ensure consistent treatment with UK Trust Ports improving competitiveness and providing greater financial autonomy enabling us to plan and deliver investment based on our own financial capacity, emerging commercial opportunities, and long-term demands from customers and stakeholders.
35. For Foyle Port, access to appropriate commercial finance and the ability to deploy capital efficiently will be central to maximising the economic potential of the Northwest. Consequently, the proposed Harbours Bill and related Harbour Orders are vital to secure this ONS reclassification, particularly at a time when substantial investment is required across the maritime sector to support:
- regional economic development;
 - modernisation of port infrastructure and logistics;
 - decarbonisation and alternative fuels;
 - offshore renewable energy;
 - digital infrastructure;
 - new industrial and manufacturing activity; and
 - supply-chain resilience.
36. Whilst the aim of the Harbours Bill is to enable reclassification, it is important to emphasise that this will have no effect on the statutory powers, functions or ownership of Foyle Port.

Foyle Port's comments on the Harbours Bill

37. As stated at the outset Foyle Port supports the intent and drafting of the Harbours Bill and the wider programme of Trust Port legislative reform, including related Harbour Orders.
38. In relation to Clause 1, we support the drafting as it will remove the power of the Department to initiate a transfer of a Trust Port and is consistent with the principle that Trust Ports should operate as autonomous statutory bodies. It will provide greater certainty for our Board, management, employees, port users and investors. In addition, it will provide clarity to ONS as it considers the classification of Northern Ireland Trust Ports.
39. In relation to Clause 2, we support the drafting as it will ensure clarity regarding the independence of a Trust Port's Board and remove the current uncertainty over Departmental vires. In addition, it will provide clarity to ONS as it considers the classification of Northern Ireland Trust Ports.



40. In relation to the remaining clauses in the Harbours Bill, we support the drafting as it provides for much needed modernisation of powers available to Foyle Port and provides clarity in relation to harbour directions and harbour orders. We particularly welcome the power to issue harbour directions as this will enhance our ability to safely, efficiently and effectively discharge our duties as the Competent Harbour Authority for Lough Foyle.
41. Whilst we support the Harbours Bill both in terms of intent and drafting, it is also crucial that the associated Harbour Orders are progressed together within the current Assembly mandate. Given the inter-dependency of this legislation in relation to ONS reclassification and the wider need to modernise port legislation we would welcome further engagement with Department officials and clarity on the timeline for the draft Harbour Orders.

Conclusion

42. Foyle Port welcomes the Harbours Bill and supports its overall policy objectives. The Bill represents a significant opportunity to modernise the legislative framework for Northern Ireland's Trust Ports and to give them greater independence, commercial flexibility and financial autonomy, whilst continuing to ensure robust governance, transparency and accountability.
43. Foyle Port particularly welcomes:
- the protection of the Trust Port model;
 - the removal of outdated provisions;
 - greater commercial freedom;
 - greater flexibility around investment and acquisition;
 - improved operational powers;
 - the ability to delegate appropriate functions; and
 - the potential to unlock additional investment through greater financial autonomy.
44. Foyle Port recommends that the Harbours Bill proceeds and that the Committee supports its objectives. It is essential that the Harbours Bill and associated Harbour Orders are progressed together, within the current Assembly mandate.
45. Foyle Port would welcome continued engagement with the Committee and the Department as the Harbours Bill progresses, particularly in relation to the associated Harbour Order for Foyle Port. The Port is committed to working constructively with the Department, the Committee and other stakeholders to ensure that the final framework enables Foyle Port to maximise its contribution to trade, investment, employment and regional economic development while maintaining high standards of governance, accountability and marine safety.

Londonderry Port & Harbour Commissioners (Foyle Port)
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