

2nd September 2026

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

By email: committee.infrastructure@niassembly.gov.uk

Dear Committee Members

CALL FOR EVIDENCE ON THE HARBOURS BILL

Response from W&R Barnett Ltd

This reply to your Call for Evidence is made on behalf of the following listed companies contained within the W&R Barnett Ltd Group; W&R Barnett Trading Limited, Barnett Silos Limited, Precision Liquids Limited, United Molasses Ireland Ltd, and in association with R&H Hall Trading Limited, Halls Silos Limited and Belfast Towage Limited. We request that our response remains confidential.

W&R Barnett is the holding company of a diversified group of international commodity trading, storage, agribusiness and industrial companies, headquartered in Belfast. Founded in 1896, the group has grown from its origins as a grain merchant and expanded its operations to include a wide variety of enterprises including dry bulk commodities, derivatives, molasses, oils, feed mills, transit storage and towage.

Many of the group companies are especially involved in the supply chain supporting Agri-food in Northern Ireland both from a manufacturing and supply aspect. The Animal Feed sector in Northern Ireland of 2.8million tonnes comprises 2.4million tonnes of manufactured compound feed and 0.2million tonnes of straight feed ingredients sold direct to farm, of which it is estimated 95% of total feed ingredients used is imported (Ref DAERA Northern Ireland Animal Feed Statistics). The Animal Feed sector is the first link in the supply chain for the Agri-Food Industry estimated in 2023 at £4.9billion GVA (KPMG NIFDA Balancing Act Report Nov23), employing over 25k direct fulltime employees and supporting 113k jobs in the wider economy. It's an export intensive sector, the second largest in Northern Ireland with over 77% of production leaving the province destined for GB and further afield generating £6billion in total sales revenue (Ref NISRA Northern Ireland Food and Drinks Processing Report 2021). Moreover, nearly one third of total sales is exported beyond GB. In recognition of the strategic importance of Agri-Food historically to Northern Ireland's economic recovery following the 2008 recession, an Agri-Food Strategy Board Industry led initiative was set up and developed a 2020 strategy to grow the sector's External Sales to £4.5billion. This strategy was heavily supported by DAERA, DETI and InvestNI as being pivotal to Northern Ireland's economic success, particularly considering a general decline in our manufacturing sector. (Ref Going for Growth, Agri-food Strategy Board) The sector has delivered on that challenge.

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Northern Ireland is geographically disadvantaged in its separation from Great Britain and its double separation from Europe whilst being heavily reliant upon trade flows by sea from and to Great Britain, Europe and the rest of the world. As a result the Northern Irish economy and in particular the Agri-Foodsector are heavily reliant upon our Trust Ports and their primary purpose to reinvest in the operating port.

W&R Barnett Ltd is heavily invested in the interests of Northern Ireland's Trust Ports, with our businesses operating through Belfast Harbour and Foyle Port, and as such we welcome the opportunity to provide evidence to the Committee for Infrastructure during its scrutiny of the Harbours Bill. As a substantial commercial user of both ports but in particular Belfast Harbour, our interest is in ensuring that the legislation protects the long-term efficiency, competitiveness, financial resilience and safety of the working ports.

In balance, we support the modernisation of ports policy and the legislative changes required to facilitate reclassification, provided that the Trust Port model and the primacy of the operating port are expressly protected. Reclassification should not become a route to unchecked borrowing, diversification remote from port users' interests, or the transfer of financial risk from non-core ventures to the assets and revenues of the core port.

Our support is therefore conditional upon a clear governance and financial framework. Surpluses generated by core port activity should continue to be reinvested in the maintenance, safety, capacity and development of the port and its related access infrastructure. Port users, whose activity underpins those surpluses, should be recognised as primary stakeholders and should be engaged meaningfully on material investment, borrowing and commercial decisions.

Executive position

- We support reclassification and preservation of the Trust Port model, with removal of the route to privatisation.
- We support retention of the primary purpose of the harbour as an efficient, safe and competitive landlord port serving users and the wider Northern Ireland economy.
- We seek the application of enforceable safeguards so that core port assets, associated cashflows and charges are not leveraged to support non-core commercial risk.
- We require oversight of prudent borrowing, transparent Board policy, minimum liquidity protection and clear accountability to stakeholders.
- We seek to ensure new commercial powers are tightly defined, demonstrably port-related and exercised only where they benefit harbour users and do not distort competition.
- We seek to formalise meaningful representation and consultation of harbour users in governance and major decision-making.

1. Objectives of the Bill

W&R Barnett Ltd broadly support the objectives of the Bill insofar as they modernise the legislative framework, facilitate ONS reclassification and preserve the Trust Port model. We recognise the potential benefit of greater access to commercial finance for necessary capital investment. And we acknowledge the removal of the Department's ability to compel the sale of a Trust Port.

Those benefits as desired by the Trust Ports, must sit alongside effective controls. It is not self-evident to us that historic borrowing limits have prevented appropriate investment in core port assets. The greater risk, of concern to our organisation, is following reclassification an increased

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financial capacity could encourage investment beyond the core function of the port, increasing borrowing costs and return requirements that will ultimately be sought to be recovered through core port charges.

The Harbour Order should therefore preserve the principle that Trust Ports act commercially for the benefit of stakeholders, with surpluses reinvested in port operations. The continued success of the port depends upon the competitiveness and investment of its users. Port policy should recognise that interdependence directly.

2. Detailed provisions

Clause 1: Limitation of power to initiate transfer of harbour authorities

W&R Barnett Ltd supports the proposed amendment.

Clause 2: Limitation of power to issue directions to harbour authorities

W&R Barnett Ltd understands the commercial rationale for removing the Department's general power of direction. Commercial independence, however, must not create an accountability gap. If direct departmental control is reduced, the Bill requires an associated governance framework, which must provide an alternative and visible system of oversight covering borrowing, protection of core assets, investment priorities, Board accountability and engagement with primary stakeholders.

Clause 3: Power of harbour authorities to acquire businesses etc

W&R Barnett Ltd is concerned that replacing the narrower concept of "harbour operations" with "activities relating to harbours" may permit expansion beyond the intended purpose of widening the power to acquire a harbour business or shares in a harbour business. In all circumstances the Harbour Order should address that any power to acquire or invest in a business or asset must be tightly defined and subject to the following statutory tests:

- the investment must secure a clear and evidenced benefit for the port and its users;
- it must not weaken the financial health, investment capacity or competitiveness of the core port;
- it must not distract from the harbour authority's primary responsibilities as landlord port and marine safety authority;
- core port assets and core port cashflows must not be transferred, pledged or guaranteed in support of non-core activity;
- any non-core activity must be financially viable on a stand-alone basis;
- the proposal must be subject to transparent appraisal, Board accountability and prior stakeholder engagement; and
- where essential core investment requires capital, the harbour authority should be prepared to divest non-core ventures rather than defer its primary responsibilities.

We do not support what appears to currently be an unrestricted ability to acquire or invest in harbour businesses outside Northern Ireland, other than recognising the existing jurisdiction of Foyle Port.

Clause 4: Power of harbour authorities to give harbour directions

W&R Barnett Ltd supports the ability of harbour authorities to initiate harbour directions where this improves agility and enables proper discharge of marine safety obligations. We recognise the proposed amendment requires 28 days advance publication, written consultation with affected harbour users, a record of the evidence and feedback considered, and an accessible inspection mechanism.

Clause 5: Purposes for which harbour orders may be made

W&R Barnett Ltd understands and supports the purpose of the amendment that a harbour order may permit a harbour authority to delegate the performance of any of the functions of the authority. As an example we believe ancillary port services such as ships agency are best provided by specialist commercial operators but accept that Trust Ports should have powers to introduce a more competitive offering where it can be justified to be in the Harbour users interest to do so, with governance to ensure it remains competitive and not a 'loss leader'.

We support the proposed exclusions from delegated functions, particularly those covering statutory duties, byelaws, harbour dues, key appointments and navigation safety. Delegation must not dilute responsibility: the harbour authority and its Board should remain accountable for the performance of any delegated function.

The proposed general wording allowing any object considered conducive to the efficient functioning of a harbour is in our view too broad without an express port-user and commercial-benefit test. It should be amended so that any additional object must be demonstrably connected to efficient harbour operation, commercially justified and for the benefit of harbour users, without prejudice to safety, competition or the financial resilience of the core port. We believe this should include for example, power to contribute to infrastructure critical to access the port where this directly benefits core port users and where funds generated by core port activity are available. This would recognise that the efficient operation of the harbour depends not only on assets within the estate but also on effective connections to it.

3. The potential impacts and consequences of the proposals

Potential benefits

- Improved agility and competitiveness relative to ports in Great Britain and Ireland.
- A modernised statutory framework while retaining the Trust Port model.
- Clearer powers to support marine safety and efficient harbour administration.
- Greater capacity to finance necessary port investment

Principal risks requiring safeguards

- Overextension of borrowing and reduced financial resilience.
- Diversion of capital and management attention from maintenance, safety and development of the working port.
- Core port assets or revenues being used to support non-core ventures.
- Higher return requirements or losses from non-core activity being recovered through higher and potentially uncompetitive charges to port users, to the detriment of the Northern Ireland economy.
- Expansion by the harbour authority into competitive services in a manner that disadvantages existing operators or deters private investment.

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- Reduced public and stakeholder accountability following removal of departmental controls.
- Reduced mechanism for Government to support strategically important infrastructure where the economic benefit exceeds the port's ability to fund it alone

4. Suggested Amendments

In addition to suggested amendments the relevant clauses noted above we believe a number of points should be addressed within or in conjunction to the Harbours Bill amendment.

(i) Provision to ensure financial safeguards

We believe prudent borrowing must be governed by an explicit finance framework rather than left solely to Board discretion. We suggest that a framework is required within the Harbour Order or to sit alongside to include:

- a published maximum leverage covenant applicable to the Trust Port, with separate assessment of the risk characteristics of core and non-core activities;
- ringfencing of EBITDA and cash reserves generated by core port activity for reinvestment in core port assets, safety, maintenance, capacity and related access infrastructure;
- a prohibition on using core port land, infrastructure, revenues or other operational assets as security for non-core borrowing;
- a minimum liquidity buffer sufficient to protect essential maintenance, safety and resilience expenditure;
- transparent Board policy on borrowing, security, liquidity and capital allocation, communicated to key stakeholders; and
- regular reporting that distinguishes clearly between core-port and non-core investment, debt, returns and risk.
- Require every exercise of an extended commercial power to demonstrate a clear port-user benefit and no detriment to the financial health, safety, competitiveness or investment capacity of the core port.

(ii) Governance and harbour-user representation

Reclassification increases the importance of governance. The Board must have the independence, commercial competence and sector understanding required to oversee a major item of regional infrastructure while remaining accountable to the Trust Port purpose. We propose formal adoption of a modern code covering transparency, Board competence, conflicts, stakeholder engagement and accountability, based upon the Department for Transport Ports Good Governance Guidance 2018.

Board appointments should reflect the Nolan Principles and should collectively provide expertise relevant to port operations, finance, infrastructure, property, safety and the businesses that use the port. The current framework should be strengthened so that the interests and practical experience of port users are adequately represented, with appropriate management of conflicts rather than the exclusion of relevant commercial expertise.

Each Trust Port should be required to maintain a recognised harbour user group or equivalent formal mechanism. Its views should be sought early, recorded and addressed in relation to

material capital plans, changes to charges and service structures, borrowing policy, non-core investment and proposed harbour orders. Consultation should be capable of influencing the decision, rather than occurring after the commercial direction has effectively been settled.

Conclusion

W&R Barnett Ltd supports the continuation and modernisation of the Trust Port model and, in balance, supports the legislative steps required for reclassification. Our support is conditional upon safeguards that preserve port primacy, protect core assets and revenues, maintain prudent borrowing and ensure effective accountability to harbour users and the wider Northern Ireland economy.

The working port must remain the first call on capital. Commercial freedom should be used to improve the safety, capacity, resilience and competitiveness of the harbour, not to transfer the risks or costs of wider diversification to the businesses that depend upon it. With the amendments and assurances outlined above, the Bill can provide greater commercial agility while protecting the enduring purpose of the Trust Port.

We would welcome the opportunity to provide oral evidence to the Committee if that would assist its scrutiny of the Bill.

Yours faithfully



Claudine Heron
Chief Executive, Agri Division
W&R Barnett Ltd