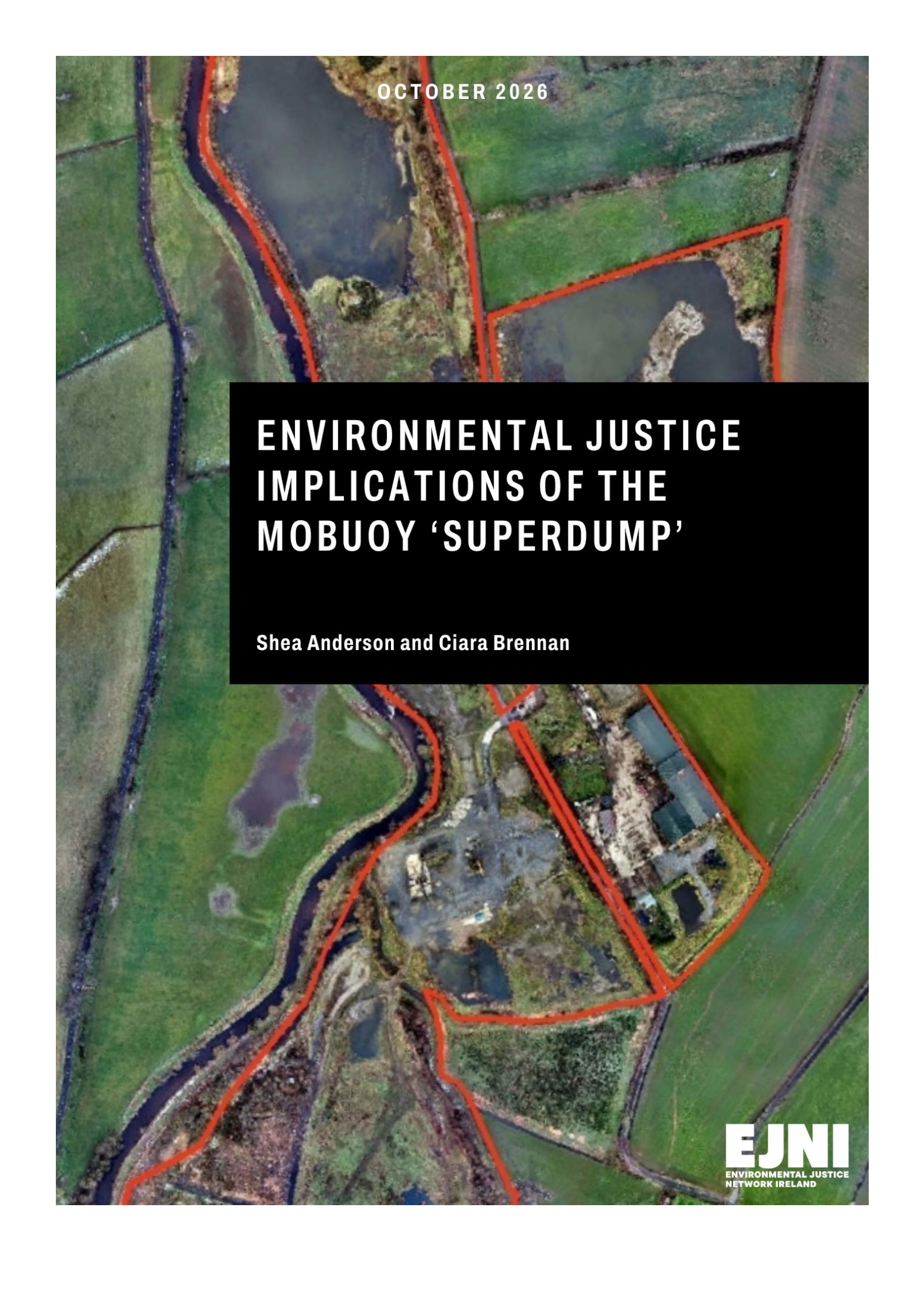




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ENVIRONMENTAL JUSTICE IMPLICATIONS OF THE MOBUOY 'SUPERDUMP'

Shea Anderson and Ciara Brennan

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Environmental justice implications of the Mobuoy 'Superdump'

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Summary

The Mobuoy 'superdump' scandal came to public attention in 2013 when the Northern Ireland Environment Agency (NIEA, an Executive Agency within the Northern Ireland Department of Agriculture, Environment and Rural Affairs, DAERA) was [reported](#) to have discovered an illegal dump containing hundreds of thousands of tonnes of waste beside a licensed waste management facility close to the city of Derry. The NIEA commenced criminal proceedings against the operators of the site, which on further investigation was revealed to be one of the biggest illegal dumps in Europe. A BBC Northern Ireland Spotlight investigation the same year drew more scrutiny to Mobuoy, making the link between local government tendering for recycling, unauthorised quarrying and the illegal waste activities occurring at the site. In response to this, then Minister for the Environment Alex Attwood commissioned Christopher Mills (the former Director of the Welsh Environment Agency) to undertake a review of NIEA's regulatory activities at Mobuoy. The 2013 Mills [Report](#) underlined [existing concerns](#) about systemic failures in waste regulation and planning enforcement, unveiled how unauthorised quarries and a lack of oversight facilitated large scale illegal dumping at Mobuoy, and made a series of recommendations for how deficits in waste regulation could be overcome.

The seriousness of the regulatory failures at Mobuoy (and in waste regulation more generally) prompted the NI Assembly to pass a [motion](#) calling for a public inquiry in 2014 and the European Commission to open Pilot Case EUP (2015)7640 after a complaint from the River Faughan Anglers Ltd, a local not-for-profit organisation working to protect the

environment and control and develop angling on the River Faughan (which runs adjacent to the Mobuoy dump) and its tributaries.

Prior to and during a subsequent period of political instability (the NI Assembly was in a state of collapse between January 2017 and January 2020) there were attempts by NIEA to implement some (but not all) of the recommendations made in the Mills Report. When the NI Assembly was re-established in 2020, progress towards implementing the Mills recommendations was used by the new Minister for Agriculture, Environment and Rural Affairs Edwin Poots as justification to [reject](#) the need for a public inquiry into Mobuoy. Minister Poots told the Assembly that *'significant improvements to the management and regulation of the waste sector following the Mills review'* had been made since 2014 and that there was a need to *'focus resources on ensuring the improvements emanating from the Mills review are built upon'*. This was contrary to the 2014 vote on a motion in the NI Assembly calling for a public inquiry. A point of contention later arose over whether Poots' decision to not progress a public inquiry was lawful, because given that the Mobuoy scandal relates to both waste regulation (the response of DAERA) and planning enforcement (which falls under the remit of the Department of Infrastructure (DfI)), the decision on a public inquiry into Mobuoy was arguably a "cross-cutting" decision. Cross-cutting decisions require referral to the Northern Ireland Executive for approval, rather than the decision being made by a single Minister.

The extent to which the Mills recommendations have been implemented has since come under question. Although the European Commission Pilot case was eventually closed without EU enforcement action in 2022 following Brexit, the

Commission in its [pre-closure letter](#) disputed the UK's justification for not implementing one of the key Mills recommendations, namely the recommendation to make changes to the current planning enforcement policy to no longer allow the granting of retrospective planning permission for unauthorised sand and gravel workings. The UK government interpreted EU law to conclude that retrospective planning permission for unauthorised EIA development is permitted in certain circumstances, taking this interpretation as rationale for a lack of follow up for this recommendation from the Mills report. The Commission found this to be entirely at odds with their own interpretation of EU law.

In 2025, The Northern Ireland Audit Office (NIAO), in their [report](#) on Waste Crime in Northern Ireland, found that *'current measures for regulating and inspecting the waste sector are not achieving best value for money and put at risk delivery of the Northern Ireland Environment Agency's (NIEA) obligations to protect the environment'*. The report concluded that while NIEA had implemented 13 of the 14 key Mills recommendations for improvement, in 2025 problematic issues highlighted by the Mills report remained unaddressed. These issues included failure to consider combatting waste as a corporate priority, the lack of recruitment of specialist staff jointly with other regional environmental agencies, weak systems for monitoring and analysing waste, and limited changes to an easily abusable 'fit and proper person' test.

Regulatory issues aside, questions have also emerged about the proportionality of the penalties eventually imposed on the perpetrators of the Mobuoy dump. In June 2025, twelve years after its discovery, the long running criminal prosecution of the perpetrators of the illegal dumping at

Mobuoy was finalised, with two men receiving short custodial sentences. Custodial sentences for environmental offending in Northern Ireland are rare, so to some extent the imposition of prison time by the courts signalled an appreciation of the seriousness of the offending. However, while offering some semblance of accountability, the limited penalties stood in stark contrast to the environmental damage caused, the huge the amount of money that the perpetrators had made from the offending and the potential cost to the public of remediation of the site.

Questions also linger relating to the scenario of vesting ownership of the site, with DAERA aware of the liability it will assume with possession of the highly contaminated land. Further environmental governance and legal liability concerns also remain, including in the context of human rights, waste regulation, general environmental regulation problems, an absence of proper mechanisms to deal with contaminated land and transboundary implications of the pollution at the site which is in relatively close proximity to the border with Ireland.

In the absence of a full public inquiry into the failures that led to Mobuoy, there has been a robust and sustained campaign for environmental justice. The River Faughan Anglers (RFA) and the Gathering (a civil society collective of community campaigners and local people) have led this campaign. In conjunction with these groups, the Committee for the Administration of Justice (CAJ) and other civil society organisations are now undertaking a 'community inquiry' into what happened at Mobuoy, a process that aims to re-examine environmental governance failures and build renewed pressure for an official investigation.



Water Pooling at the Mobuoy illegal superdump, photo from CAJ.

Background

Illegal dumping has been one of the most serious and persistent environmental challenges faced in Northern Ireland and across the island of Ireland.¹ It is a category of highly damaging environmental crime which is extremely profitable, often linked to other criminal activities and cross-border crime, expensive to remedy and which remains pervasive.

‘as well as causing damage to the environment, waste crime could be estimated to cost around £34 million annually (this includes costs stemming from rectifying environmental and social harm, evaded taxes and lost legitimate business)’

**Northern Ireland Audit
Office Report into Waste
Crime in Northern Ireland,
2025.**

The scale of the problem of waste crime in Northern Ireland was thrown into sharp resolution when in June 2013 local press reported that officials of the environmental regulator (the Northern Ireland Environment Agency, NIEA) had discovered evidence of hundreds of thousands of tonnes of illegally dumped waste and recyclates adjacent to a licensed waste disposal facility at Mobuoy Road in Derry.² As the extent of the ‘superdump’ became clear, this discovery gave Northern Ireland the unwelcome honour of playing host to one of the biggest

illegal dump sites in Europe and provided evidence of widespread, organised offending on a commercial scale in the sphere of waste crime.

The Mobuoy site spans 46 hectares and is located adjacent to the River Faughan, a designated ‘Area of Special Scientific Interest’ (ASSI) and ‘Special Area of Conservation’ (SAC). It is 2 kilometres upstream from the Cloghole drinking water abstraction point which serves around 60,000 people.³ The site contains an estimated 1.6 million tonnes of waste, and over 600,000 tonnes of this was deposited illegally. Contamination of the surrounding land and groundwater has been caused by the deposit of waste, with no barriers or other management measures in place to prevent pollution of the environment.⁴

The human health risks associated with illegal waste contaminating drinking water are stark and could result in disastrous public health consequences for the local population. Equally, the negative effects upon wildlife in the designated ASSI and SAC resulting from the pollution mean more pressure and strain on already fragile ecosystems and biodiverse locations. Fears also exist in relation to the mixture of metals flowing interacting with the groundwater and whether the river can dilute this toxic concoction of arsenic, cadmium, chromium, copper, lead, nickel and mercury.⁵ This further illustrates the ongoing and potential future detrimental consequences of the site – many of which may only emerge in years to come.

The regulatory response to illegal waste disposal in Northern Ireland has been

¹ N.B. the first three sections of this report utilise information from a previous EJNI briefing paper: Dean Blackwood, Ciara Brennan, Peter Doran, James Orr, Alison Hough, and Laura Neal, ‘The cross-cutting nature of a public inquiry into illegal waste disposal in Northern Ireland: A briefing for the NI Executive’ (2020) EJNI Briefing Paper Series, No. 02 available [here](#).

² BBC, ‘Immense illegal waste dump found outside Londonderry’ (5 June 2013) available [here](#).

³ See [here](#) for more information.

⁴ Ibid.

⁵ Derry Now ‘Contaminated groundwater reaching River Faughan in quantities above safe water quality levels’ (1 September 2025) available [here](#).

fraught with difficulties and the failure to provide an effective response to illegal dumping, in particular to the Mobuoy Superdump, undermines public trust in environmental regulation, the planning system and the justice system in Northern Ireland.

*Mobuoy was by no means the first large illegal waste deposit discovered in Northern Ireland. However, the extent of the criminality and the litany of ineffective regulatory interventions associated with this particular location seemed to represent not only a very clear example of significant failures in the regulation of waste, but also seemingly systemic failures across the whole spectrum of environmental controls.*⁶

In 2013, the scale of public interest into what was emerging from Mobuoy led BBC Northern Ireland to launch a Spotlight (the BBC's flagship investigative current affairs programme) investigation into the NIEA's response to activities at the Mobuoy site. This programme drew even wider attention to the problem and for the first time linked local government tendering for recycling services to the criminality occurring at the site in question. In June 2013, the then Minister for the Environment Alex Attwood MLA commissioned Christopher Mills (former Director of the Environment Agency in Wales) to review the handling of waste regulation by the NIEA with a particular focus

on the nature and extent of the regulatory activity that had occurred in relation to the dump at Mobuoy.



Wreckage at the Mobuoy dump, photo from CAJ.

The Mills Review

The Mills Review was published in 2013. The Review identified serious issues with the approach to waste enforcement taken by the NIEA and highlighted in particular the role of failed planning enforcement in response to unauthorised quarries as essentially providing the locations for illegal dumping to occur.⁷

As Mills recognised at the time of the Review, the extent of regulatory failure at Mobuoy posed a very real risk of infraction proceedings from the European Commission (EC) against the United Kingdom (UK). Indeed, in 2015 the EC opened *Pilot Case EUP (2015)7640: Environmental Enforcement in Northern Ireland* following a formal complaint from the River Faughan Anglers (RFA) the previous year. While this pilot case remained open until 2022, it was closed by the EC in August of that year due to the UK's exit from the

⁶ Ciara Brennan, 'The Enforcement of Waste Regulation in Northern Ireland: Deterrence, Dumping and the Dynamics of Devolution' (2016) *Journal of Environmental Law* (28)3, 471-496, available [here](#).

⁷ Christopher Mills, 'A review of waste disposal at the Mobuoy site and the lessons learnt for the future regulation of the waste industry in Northern Ireland' (DOE, 2013) available [here](#).

European Union. Tellingly, in its pre-closure letter dated 28 January 2022, the EC directly disputed the UK's justification for never having implemented recommendation 9 of the Mills Review, which called on the NI government to take the necessary steps to address the practice of retrospective regularisation of unauthorised quarries through the planning system which, in the case of Mobuoy, provided repositories to receive vast volumes of illegal waste. The EC recorded that the reasons given by the UK authorities for not implementing recommendation 9 of the Mills Review:

"...were surprising to the Commission as they appeared to claim that in order to do this - changes would be needed to primary law but that this could not be done as under EU law, retrospective planning permission for unauthorised EIA development is permissible in certain circumstances.

*We explained to the UK authorities that the Commission's reading of EU law is entirely at odds with this interpretation. There appears to be an incorrect reliance by the Northern Irish authorities on the judgment of the Court of Justice in case C-98/04, Commission v. United Kingdom."*⁸

The implementation of this recommendation re unauthorised planning now falls to the Department for Infrastructure after it assumed responsibility for the oversight of the NI planning system in 2015. However, the fact remains that some twelve years after the publication of the Mills Review into the Mobuoy dump, recommendation 9 requiring government to consider preventing the retrospective regularisation of unauthorised quarries (which can become the repositories for illegal waste) has still not been implemented. This means that this inherent

weakness in the planning system identified by Mills may still be facilitating illegal waste disposal.

More recently, the Northern Ireland Audit Office (NIAO) has also raised questions over the extent to which the implementation of the Mills Review recommendations have provided an effective deterrent to preventing waste crime.⁹ The responsibility for implementing the majority of the Mills Review recommendations rests with DAERA. In its report [Waste Crime in Northern Ireland](#), published in July 2025, the NIAO repeatedly question the efficacy of many of the Mills Review recommendations in addressing illegal dumping. This must be viewed with concern given that the effective implementation of these recommendations was provided as justification by Minister Poots in 2020 for not proceeding with the public inquiry called for by the NI Assembly in February 2014.

Given the above, the extent to which the Mills Review recommendations have led to better regulation and provide an effective deterrent to future waste crime remains unclear. The most significant question surrounding the January 2020 decision not to hold a public inquiry centres on whether implementation of these recommendations was a sufficient justification for not holding a public inquiry and moreover, whether Minister Poots had the legal competence to make a unilateral decision or whether the issue was 'cross-cutting' in nature and therefore required recourse to the Executive Committee.

⁸ The full letter is available [here](#).

⁹ Northern Ireland Audit Office, Waste Crime in Northern Ireland (NIAO, July 2025), available [here](#).



Abandoned machinery at the Mobuoy superdump. Photo from CAJ.

A public inquiry into Mobuoy?

Calls for a Public Inquiry

Following the screening of the BBC Spotlight programme in February 2014, mounting public pressure eventually led to calls for a public inquiry into the regulation of waste and Sinn Féin tabled a motion in the Northern Ireland Assembly to that effect on 11th March 2014. The motion stated:

“That this Assembly recognises the issues raised in the recently broadcast BBC 'Spotlight' investigation into illegal waste disposal and other irregularities; and calls on the Minister of the Environment to establish an independent public inquiry into waste disposal in the north-west and the rest of Northern Ireland, *including the role unauthorised quarries and related planning enforcement issues played in facilitating environmental crime*, to ensure that public confidence is restored and to allay concerns that other illegal waste disposal sites remain undetected” [emphasis added].¹⁰

There were various attempts to initiate a public inquiry between 2014 and 2016, none of which came to fruition before the collapse of the Assembly in January 2017.¹¹ In January 2020, the new Minister for Agriculture Environment and Rural Affairs, Edwin Poots MLA, informed the Northern Ireland Assembly that he would not be proceeding with the public inquiry into illegal waste disposal in Northern Ireland. In response to a written question (AQW 746/17-22) from Rachel Woods MLA, Minister Poots justified this decision on the basis of ‘*significant improvements to the management and regulation of the waste sector following the Mills review*’ since 2014 and the need to ‘*focus resources on ensuring the improvements emanating from the Mills review are built upon*’.

There remains a significant issue in the presumption that the investigation undertaken via the Mills Review could provide a substitute for the nature and scope of a public inquiry and there have been persistent [calls for a full inquiry](#) in the years since the decision not to hold one was taken.

A ‘cross-cutting’ decision?

The decision not to hold a public inquiry also failed to take account of the aspects of the Assembly’s 2014 [motion](#) which clearly identified the need to examine the connection between illegal dumping (the responsibility of DAERA) and planning enforcement (which falls under the remit of the DfI). Any decision not to proceed with the public inquiry is arguably inherently cross-cutting in nature and according to sections 2.3 and 2.4 of the [NI Executive Ministerial Code](#), should have been a matter brought before the Northern Ireland Executive. The call (in the Assembly’s motion)

¹⁰ NI Assembly (2014) Official Report (Hansard) Vol.93, No.2. Waste Disposal: BBC “Spotlight” Programme, p55-70, available [here](#).

¹¹ e.g. Martina Purdy, ‘Durkan wants public inquiry into waste management in NI’ (BBC, 8 April 2014) available [here](#).

to examine how unauthorised quarries and related planning enforcement issues have facilitated environmental crime reflects the concerns raised in the Mills Review into the Mobuoy 'super-dump'. Mills was highly critical of the planning system, concluding that:

'...the ability to dig sand and gravel pits without first obtaining planning permission means a ready supply of ideal sites for the illegal disposal of waste, as was the case at Mobuoy.

Christopher Mills, 2013.¹²

Because planning in Northern Ireland falls under the remit of DfI and was the responsibility of the then Minister for Infrastructure, Nichola Mallon MLA, this calls into question Minister Poots' authority to take the unilateral decision not to proceed with a public inquiry which would include material considerations over which he has no remit or responsibility.

In addition, it was Minister Mallon's responsibility to provide the European Commission with assurance that the systemic failure of the planning system which gave rise to breaches of European environmental law (including at Mobuoy) were being properly addressed. This was the subject of *Pilot Case 7640/15/ENVI: Environmental enforcement*

in Northern Ireland and demonstrated a direct correlation between the planning matters captured in the 2014 motion calling for a public inquiry and the planning failures to be addressed by the DfI's Planning Environmental Governance Work Programme (PEGWP). This is because the planning concerns expressed in the Assembly motion are the very issues which gave rise to the EC's Pilot 7640/15/ENVI which, in turn, required DfI to develop its PEGWP in response. Alongside numerous other EU investigations into non-compliance, this Pilot case was dropped after Brexit.¹³

There are new rules on what constitutes a 'cross-cutting' issue, but these were introduced after the decision made by Minister Poots. The Executive Committee (Functions) Act (Northern Ireland) 2020 (introduced in the wake of the decision in Buick's application as Chairperson of NOARC 21 [2018] NICA 26 case regarding planning permission for a £240 million waste incinerator) redefines the nature of decisions which may be made by Ministers without recourse to the Executive Committee. The new legislation received Royal Assent on the 25th August 2020 and amends s20 of the Northern Ireland Act 1998 so that any non-planning decision made by a Minister of any Department is now only referable to the Executive where it is "significant or controversial" or "affects the exercise of the statutory responsibilities of one or more other Ministers more than incidentally". Minister Poots' decision (January 2020) was made prior to the commencement of the new

¹² Mills (n 7), p 2.

¹³ By the time Brexit arrived, there were multiple ongoing infraction proceedings underway against the UK because of serious breaches of EU environmental law in Northern Ireland - including complaints regarding enforcement of environmental law in general and a specific complaint regarding the failure to protect Lough Neagh. These complaints - which had the potential to lead to infraction proceedings against the UK as a whole - were quietly discontinued in the post-Brexit era, without any of the issues being resolved. A letter from the EU Commission to

the River Faughan Anglers in January 2022 explained that EU Pilot investigation (2015)7640 (regarding enforcement of EU environmental law in Northern Ireland) which was commenced in June 2015 was being closed. The Commission explained that 'Given the United Kingdom's departure from the European Union, the Commission uses its discretionary power to pursue only complaints that point to a serious breach of EU law by the United Kingdom that could jeopardise specific EU interests, notably in connection with the interpretation and application of the Withdrawal Agreement.'

rules (August 2020). Even if the decision had been made subsequent to the introduction of the 2020 Act, there are clear grounds to consider it both 'significant' and 'controversial' and the issue would arguably satisfy the new requirements. These grounds include: the public outcry in response to the gravity and scale of illegal dumping in Northern Ireland; the loss of evaded landfill tax to the Treasury; the financial implications for taxpayers in addressing the remediation of Mobuoy and other illegal dumps; and the systemic failures exemplified in both the planning enforcement which facilitated the dumping and the regulatory response to criminality itself. In addition, the decision not to hold a public inquiry may have significant implications for the exercise of the statutory responsibilities of the Minister for Infrastructure going forward given the extent of the planning enforcement failures which were fundamental to the motion to hold a public inquiry passed by the Assembly in 2014.

New case law has since emerged that clarifies the obligation for Ministers to refer significant, controversial decisions to the NI Executive, under the Northern Ireland Act 1998. Within the *No Gas Caverns Ltd and Friends of the Earth Ltd [2024] NICA 50*¹⁴, the court held that the DAERA Minister acted unlawfully due to the lack of referral to the Executive Committee of a major Larne Lough gas cavern project, despite it being significant, controversial and cross-cutting¹⁵. The court held that the matter had strategic and economic significance with regard to energy security and supply in NI and that it would have an impact on current and

emerging climate policy. The court further outlined that the decision was "controversial" given the level of objection from respected and independent bodies like Friends of the Earth and the RSPB, local groups and political parties. Regarding the "cross-cutting" nature of the decision, the court drew attention to the "statutory and policy responsibility for gas supply and energy security" that rests with the Department for the Economy and in light of that responsibility this decision was a cross-cutting matter that should have been referred to the Executive Committee.¹⁶

Another case which has developed the cross-cutting issue in NI, though more indirectly, is *CAJ v Executive Committee [2025] NIKB 16*. The court held that Stormont's Executive Committee remains in breach of a legal duty to adopt an anti-poverty strategy for Northern Ireland.¹⁷ In the backdrop to this, the ruling reaffirmed that "By section 28A of the NIA, and the Ministerial Code, the FM and dFM set the agenda for Executive Committee meetings, which should consider any matter properly regarded as cross-cutting, significant or controversial."¹⁸ This ruling reemphasises that what the Executive committee should be considering are matters that are cross-cutting, significant and controversial.

Additionally, in 2025, the Assembly and Executive Committee (AERC) opened a survey for a "Review of Assembly Committee engagement on cross-cutting Executive strategies" which ran from the 30 May 2025 to 30 September 2025.¹⁹ The review aims to "examine the experience to date of

¹⁴ In re an Application by No Gas Caverns Ltd and Friends of the Earth Ltd for Judicial Review [2024] NICA 50.

¹⁵ Faye Phillips, 'Northern Ireland Court of Appeal makes new ruling on matters which should be referred to the executive committee in the context of environmental consenting' (Carson McDowell, 1 August 2024) available [here](#).

¹⁶ Ibid.

¹⁷ Alan Erwin, 'Executive Committee in breach of legal duty to adopt anti-poverty strategy, High Court judge rules' (The Irish News, 5 March 2025), [available here](#).

¹⁸ *CAJ v Executive Committee [2025] NIKB 16* [6], available [here](#).

¹⁹ [Review of Assembly Committee engagement on cross-cutting Executive strategies - Northern Ireland Assembly - Citizen Space](#)

engagement by Assembly committees on cross-cutting Executive strategies and identify potential improvements, as applicable. It is being undertaken for the purpose of ensuring coordinated and systematic scrutiny of such strategies by the legislature, which would underpin joined-up working by Executive departments. The review will also explore stakeholders' views in relation to scrutiny of cross-cutting legislation."²⁰ This review delves into the "cross-cutting" issue in general and will shed further light on its applicability in governance. Whilst no report has yet been released, the initiation of this review which explicitly seeks improvements in cross-cutting strategies shows the ongoing relevance of more joined up working at the Executive level.

When is a Public Inquiry appropriate?²¹

Two notable cases have recently altered the landscape of NI public inquiries.

In the case of *Brown v Secretary of State for Northern Ireland* [2025] NICA 16²², the court determined that the refusal of the Secretary of State to hold a public inquiry into the 1997 murder of Sean Brown was unlawful.²³ The Lady Chief Justice Keegan stated "we find that the decision to refuse a public inquiry is unlawful and in breach of article 2 obligations".²⁴ Furthermore, due to the need for interrogation of sensitive materials, a public inquiry was now the only mechanism suitable for the investigation²⁵. The UK's

continuous breach of its Article 2 ECHR obligations, combined with the fact the alternative mechanism the Independent Commission for Reconciliation and Information Recovery (ICRIR) was deemed not fit for purpose in the investigation, the court found the refusal of a public inquiry unlawful. The Brown judgment is of relevance to the Mobuoy issue as there is clear precedent for judicial mandate of an inquiry when article 2 ECHR is contravened.

Secondly, *In the matter of an application by JR222 for Judicial Review (Appellant) (Northern Ireland)* [2024] UKSC 35²⁶ provides insight in relation to powers of suspension of an inquiry under s13(1) of the Inquiries Act 2005. The case was an appeal of a judicial review in relation to the Muckamore Abbey Hospital Inquiry, which was established to examine the issue of abuse of patients at the hospital between 1999 and 2021.²⁷ The appellant ('JR222'), who was subject to parallel criminal proceedings, sought judicial review of the Minister's decision to refuse suspension of the inquiry pending the outcome of criminal proceedings.

Section 13(1) of the Act states:

"(1) The Minister may at any time, by notice to the chairman, suspend an inquiry for such period as appears to him to be necessary to allow for—

(a) the completion of any other investigation relating to any of the matters to which the inquiry relates, or

²⁰ [Review of Assembly Committee engagement on cross-cutting Executive strategies](#), also see here for the terms of reference of the review: [Terms of Reference](#).

²¹ N.B for the purpose of this report, the reference to a "public inquiry" is made in relation to an inquiry established by a Minister to investigate matters of significant public concern, which is intended to discover facts and make recommendations. A planning public inquiry is something altogether different, being a part of the planning decision-making process which considers whether a planning issue should be approved or rejected and is normally conducted by the Planning Appeals Commission.

²² *Brown v Secretary of State for Northern Ireland* [2025] NICA 16, available [here](#).

²³ Gillian O'Hanlon, 'Northern Ireland's Court of Appeal last week determined that the refusal of the Secretary of State to hold a public inquiry into the 1997 murder of Sean Brown was unlawful.', (Irish Legal News, 11 April 2025) available [here](#).

²⁴ *Brown v Secretary of State for Northern Ireland* [2025] NICA 16, [144].

²⁵ *Ibid*, [114].

²⁶ *In the matter of an application by JR222 for Judicial Review (Appellant) (Northern Ireland)* [2024] UKSC 35, available [here](#).

²⁷ Laura Smith, 'When is suspension of a public inquiry 'necessary'?', (TLT, 20 December 2024) available [here](#).

(b) the determination of any civil or criminal proceedings (including proceedings before a disciplinary tribunal) arising out of any of those matters.”

The claim was the Minister misinterpreted the law by applying a necessity test that was not explicitly required under s13(1) - arguing that the Minister ‘applied the concept of necessity to the entirety of his discretion’ and ‘failed to appreciate that the concept of necessity applies only to fixing the duration of any period of suspension’.²⁸ The Supreme Court dismissed this claim and held the true interpretation of “necessary” in section 13(1) was a question that must be answered as a whole: applying to both the period of the suspension of the inquiry and the decision to suspend. This case emphasised that importance of not suspending a public inquiry unless the high threshold is met. Being the first case to consider the scope of a Minister’s power to suspend a statutory public inquiry²⁹, it provides clarity around the high bar to interrupt this mechanism.

Criminal prosecutions

Prosecution Timeline

After a lengthy process of investigation, the perpetrators of the illegal activity at Mobuoy were prosecuted for their offending.

- **2013:** The illegal dumping operation at the Mobuoy site was shut down after its discovery.³⁰

²⁸ Ibid.

²⁹ Fiona Scolding and Claudia Hyde, ‘Supreme Court rules on the scope of the power to suspend a public inquiry’, (Landmark Chambers, 9 December 2024) available [here](#).

³⁰ BBC, ‘Mobuoy dump: Millions spent making polluted site safe’ (13 September 2023) available [here](#).

³¹ R v Doherty (Paul) and Others [2017] NICA 53, [4] available [here](#).

- **January 2015:** The defendants were first returned for trial.³¹
- **September 9, 2022:** Paul Doherty, a director of Campsie Sand and Gravel Ltd, pleaded guilty to seven waste offences.³²
- **September 16, 2022:** Gerry Farmer, a director of City Industrial Waste Ltd, and his company, pleaded guilty to three waste offences each.³³
- **Late 2023/early 2024:** Delays occurred due to legal arguments over the quantity of waste and a "Newton hearing" (a trial within a trial to establish facts relevant to sentencing) to agree on the extent of the pollution.³⁴
- **June 6, 2025:** Paul Doherty and Gerry Farmer were sentenced at Londonderry Crown Court.³⁵
 - **Paul Doherty** was sentenced to a 12-month prison term (serving half in jail).
 - **Gerry Farmer** was sentenced to a 21-month prison term (serving half in jail).

Current Status

- The Public Prosecution Service (PPS) decided not to refer the sentences to the Court of Appeal as unduly lenient, a decision that has faced criticism from campaigners and politicians.
- Separate proceedings are underway to recover the criminal benefits the perpetrators gained, though it is

³² DAERA, ‘Guilty pleas heard in Mobuoy waste case’ (6 October 2022) available [here](#).

³³ Ibid.

³⁴ News Letter, ‘Mobuoy illegal dump duo still not given any sentence over a year-and-a-half after admitting crimes’ (24 April 2024) available [here](#).

³⁵ RTE, ‘Two men jailed for role in one of Europe's largest illegal dumps’ (7 June 2025) available [here](#).

expected that this process will take a considerable period and is unlikely to cover the full clean-up costs.

Sentencing Reactions

- Andrew Muir, Minister for Agriculture, Environment & Rural Affairs, in the wake of the sentencing stated: "This was an abhorrent environmental crime of unprecedented proportions carried out over many years as part of a deliberate and sophisticated operation by criminals seeking to profit from the illegal disposal of controlled waste."³⁶
- Mark Durkan, SDLP Foyle MLA, as well as calling for a full public inquiry, noted the lack of proportionate punishment in line with the crime: "While I welcome that this matter has finally been brought before the courts and dealt with after numerous delays, on this occasion given the scale of the dumping and the harm caused it feels like the punishment handed down hardly fits the crime."³⁷
- Alex Duffy, Sinn Féin Councillor, stated that "No one should be allowed to dump waste illegally without facing consequences, and this case should serve as a clear warning to anyone continuing this destructive practice."³⁸
- Shaun Harkin, of People Before Profit, said: "The Mobuoy dump ruling is a wake-up call for urgent action to protect our environment and on the need to hold government and polluters to account. Urgent action number one is working with local residents to clean up the mess at Mobuoy."³⁹

- Darren Guy, UUP Alderman, said: "Like other parties, we would support calls for a full enquiry as we believe that there were more people involved in this eco-crime than just the two men recently sentenced."⁴⁰
- A spokesperson for The Gathering (a local environmental campaign group that has led calls for environmental justice at Mobuoy) said: "Justice doesn't end there for this abhorrent environmental crime of unprecedented scale." and "Questions remain of the regulatory authority and Public Prosecution Service (PPS) over delays in the prosecution case which saw the judge reduce each defendants' sentence by six months. The Gathering is concerned several charges were left on the books at sentencing."⁴¹

Lack of referral to Court of Appeal

- Speaking after the Public Prosecution Service (PPS) confirmed it would not be appealing the sentences handed to the two men convicted in relation to illegal dumping at the Mobuoy site, MLA Mark Durkan stated: "The decision not to refer the Mobuoy sentences to the Court of Appeal sends a dangerous message that the chance to make tens of millions from environmental crime is worth the risk.....At Mobuoy alone, the criminal gain was over £42 million. Yet the men involved received just 12 and 21 months in prison. This has been a bonanza week for environmental criminals. With the PPS refusing to

³⁶ Derry Journal, 'Calls for public inquiry after two men jailed over massive illegal dump at Mobuoy' (9 June 2025) available [here](#).

³⁷ Ibid.

³⁸ Derry Journal, (n 36).

³⁹ Derry Journal, (n 36).

⁴⁰ Derry Journal, (n 36).

⁴¹ Derry Now, 'The Gathering environmental group welcomes Mobuoy dump company directors' imprisonment' (9 June 2025) available [here](#).

pursue tougher penalties and a damning Audit Office report laying bare the scale of waste crime, it's no wonder organised criminals are laughing all the way to the bank and on to their next illegal site."⁴²

- The custodial sentences handed down to the two men were the first of their kind for waste crime in Northern Ireland⁴³, which may provide context as to why a crime, of "unprecedented proportions"⁴⁴, resulted in such limited punishment. In terms of the civil liability for one of the involved companies, City Industrial Waste Ltd plead guilty to three offences and the sentencing has been deferred to a later date as a part of the Proceeds of Crime Process. The NIEA financial investigation & business support branch is continuing its financial investigation.⁴⁵
- In response to a request for update on civil liability and financial contributions from those responsible for Mobuoy from EJNI in September 2026, NIEA concluded that at this time 'disclosure of the information would adversely affect the course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an inquiry of a criminal or disciplinary nature'.

⁴² Derry Daily, 'Durkan: We need to get serious about environmental crime' (10 July 2025) available [here](#).

⁴³ Derry Now (n 41).

⁴⁴ Derry Journal (n 36).

⁴⁵ Farming life, 'Mobuoy waste operators sentenced to a total of 33 months imprisonment' (6 June 2025) available [here](#).



The front gates of the Mobuoy superdump, photo Ciara Brennan.

What next for Mobuoy?

Remediation of the site

There are ongoing discourses on what form remediation and this will have consequences for how much will cleaning up the Mobuoy dump will cost. The NI Audit Office have indicated that any cost will likely be borne by the public.⁴⁶

Twelve years on from the discovery of the dump, the Department of Agriculture, Environment and Rural Affairs (DAERA) launched a public consultation on a draft Remediation Strategy for the Mobuoy Site on the 13th June 2025 and this closed on the 2nd October 2025.⁴⁷ DAERA have since published a Consultation Summary Report, which contains Responses to the Consultation on the draft Remediation Strategy for the Mobuoy Site.⁴⁸ A variety of stakeholders have provided responses to the complex remediation strategy, including academics, NGO's, conservation and environmental organisations, remediation/construction organisations, professional bodies, government bodies, local authorities and more.

In May 2026, the Minister for DAERA, Andrew Muir, met with local MLAs, MPs, the mayor of Derry and Strabane, and council officers to discuss the Mobuoy Remediation Project Strategy and outline next steps for the site.⁴⁹

The Minister has stated that the department was trying to attain a final cost estimate, which will take up to three months. This would facilitate the final remediation strategy to be adopted, a business case to be adopted and funding secured. Then procurement of contractors could take place in April 2027 which may take 9-12 months. Finally, the minister stated that the large-scale works would require financial support from the UK government, taking a further three to five years to complete due to the complexity of the site.⁵⁰

The cost of remediating the site has been valued by the NI audit office from £17 million to £700 million, though they note the most reliable cost of the clean-up would be £107 million.⁵¹ As of September 2026 the department has still not created a timeline, completed cost estimate or guarantee of the money needed, however this is expected imminently.⁵² Furthermore, the £107m figure is a "point in time" estimate, which is likely to rise the longer it takes to finalise the proposals and put them into action.⁵³ Additionally, the department has not yet clarified how a new business case will cater to previous disagreements with the Comptroller and Auditor General regarding cost accounting.⁵⁴ The lack of financial progress in relation to remediating the site is evident when as far back as September 2025, the Minister stated he would engage with the Finance Minister with a view to approaching treasury for financial support from the UK government, yet as of May 2026 no contact

⁴⁶ NIAO (n 9), p 40.

⁴⁷ <https://www.daera-ni.gov.uk/consultations/consultation-draft-remediation-strategy-mobuoy-site>

⁴⁸ Ibid.

⁴⁹ Belfast Telegraph, 'Mobuoy meeting branded 'disrespectful' with Minister accused of sidelining councillors' (31 May 2026) available [here](#). It must also be noted that the meeting faced considerable outcry from local councillors, who felt their lack of inclusion to the meeting as dismissive. Minister Muir has been quoted in this article by the DCSDC Director of the Environment and Regeneration, as saying that in the coming weeks he

"would like to have the opportunity to engage with representatives from council".

⁵⁰ BBC News, 'Clean-up of one of Europe's largest illegal dumps 'could begin in 2028' (29 May 2026) available [here](#).

⁵¹ NIAO (n 9), p 40.

⁵² BBC News, 'No timeline or cost' for clean-up plan of one of Europe's largest illegal dumps' (27 May 2026) available [here](#).

⁵³ Ibid.

⁵⁴ The Brief NI, 'Environment Minister Confirms Mobuoy Business Case Preparation Underway' (22 May 2026) available [here](#).

has been made.⁵⁵ The rationale for this, a DAERA spokesperson stated is that: “As the Mobuoy remediation plan has been undergoing consultation, DAERA has not been in a position to put forward a formal business case for funding of remediation works....As the department does not currently have a final cost estimate, that will need to be assessed and approved through the required processes.”.⁵⁶ In terms of the source of the funding for remediation, the NIAO expects the public sector to bear most of the costs for the remediation of the site.^{57,58} This emphasises the lack of application of the ‘polluter pays’ principle within environmental governance in NI. It is unclear at present whether the business case for remediation will mean the taxpayer will bear the full amount of the costs, or if attempts will be made to recover costs from those responsible for the pollution itself.⁵⁹ Furthermore, the lack of inclusion of the Mobuoy Remediation within the NI Executive’s [Programme for Government](#), raises questions as to what priority the site will receive in relation to competing for the funding for remediation.

‘Vesting’ the Mobuoy site

The lack of clarity surrounding the costs of remediation and any recovery of funds from those responsible is interlinked with the issue

of ownership, vesting and compulsory purchase of the site.⁶⁰ On the 28th January 2026, Derry and Strabane District Council passed a motion⁶¹ expressing serious concern that, despite ongoing remediation efforts from DAERA, unauthorised and illegal activities such as fly-tipping continue to take place at the Mobuoy site.⁶² Due to these concerns, the Council called for the Minister of DAERA to ‘vest’ the land as a matter of urgency. As the Mobuoy site is not owned by DAERA, it will require vesting before remediation can proceed.⁶³

Vesting is not without risk however, given that the liability for the site will also be transferred to the acquiring authority. Given ongoing illegal activities at the site, the potential financial costs and future risks to public health, this liability undoubtedly presents a real concern to the Northern Ireland government. Concerningly, with vesting comes the potential of having to pay compensation if there is a positive value to the land. Recently, the site has been rented to local car-drifting groups,⁶⁴ generating an income which could mean that some compensation may be due to the present owner.

⁵⁵ Belfast Telegraph, ‘Environment Minister yet to seek Treasury cash for toxic Mobuoy clean-up despite pledge’ (23 May 2026) available [here](#).

⁵⁶ Ibid. Also, see Official Report: Monday 20 April 2026 of the NI Assembly [here](#), where Minister Muir states “To date, my Department does not have a cost estimate that has been assessed and approved through the required public finance processes, such as an approved business case, in order to inform a financial bid. There are several reasons for that. There is no agreed preferred option, and there will not be until an updated draft strategy, further to the consultation, is adopted, a cost estimate is completed and decisions taken on next steps. A range of approval processes must also be carried out to ensure that any remediation proposals are technically sound, cost-effective and affordable. Those processes can only move forward once the final draft remediation strategy is complete.”.

⁵⁷ NIAO (n 9), p 40.

⁵⁸ BBC News, ‘Profits from waste crime ‘outweigh’ sanctions, says auditor’ (3 July 2025) available [here](#).

⁵⁹ The Brief NI (n 54).

⁶⁰ Legal vesting in Northern Ireland is the official process where legal ownership of land or property transfers to a public authority or government body via a vesting order that secures the title.

⁶¹ Derry City and Strabane District Council, ‘Mobuoy’ (Council Meeting, 28 January 2026) available [here](#).

⁶² BBC News, ‘“Major issue” over security at one of Europe’s largest illegal dumps’ (29 January 2026) available [here](#).

⁶³ Derry Now, ‘Vesting required at Mobuoy dump before remediation can begin in five to seven years’ (3 September 2025), available [here](#).

⁶⁴ The novelty of this has not quelled further cries for vesting of the site – see Belfast Telegraph, ‘Car-drifting events at Mobuoy superdump site sparks call for Muir to vest the land’ (7 November 2025) available [here](#).

Outstanding issues at Mobuoy

Human Rights and other relevant case law

The parallels between illegal dumping that has featured in recent European Court of Human Rights cases and Mobuoy are striking. In *Cannavacciuolo and Others v. Italy*,⁶⁵ the court ruled that Italy's failure to diligently deal with systemic, decade long and large-scale pollution in the Campagna region, and to take all steps to protect the applicants' lives violated article 2 (the right to life) of the European Convention on Human Rights (ECHR).⁶⁶ The applicants claimed they had suffered directly or indirectly from the effects of illegal waste disposal practices which included dumping, burying or burning of waste and performed by a mixture of offenders, such as organised criminals.⁶⁷ The court found the state's inaction in addressing the issue in a timely and effective manner was in breach of article 2. Interestingly, the court used the application of article 2 without requiring specific causation through exposure to the pollution, it only required sufficient evidence to demonstrate a general connection between health impacts and the pollution.⁶⁸ This was used via invocation of the precautionary principle, i.e. that lack of full scientific certainty cannot justify a failure to act and this approach could be applied to causation.⁶⁹

Facts stemming from the *Cannavacciuolo* case have obvious alignment with the

Mobuoy site context, the long standing and systemic pollution in an area which has not been addressed in a timely manner (13 years since its discovery at the time of writing). The reasoning in *Cannavacciuolo* raises questions as to whether article 2 obligations would arise in the Mobuoy context (ECHR).

A UK case that is not humans right centred, though has relevance to Mobuoy, is *R (on the application of Imam) v London Borough of Croydon* [2023] UKSC 45.⁷⁰ This case revolved around a woman who was owed a housing duty by Croydon Council under section 193(2) of the Housing Act 1996. The Council failed to provide accommodation despite acknowledgement of the breach.⁷¹ The court held that general budgetary constraints cannot justify non-compliance with a statutory duty, whilst also recognising the relevance of impossibility of compliance in remedies in public law. Here the authority bears the onus to explain why a mandatory order should not be made as well as providing evidence that it has taken all reasonable steps to perform its duty.⁷²

Imam related to the housing context, whereas Mobuoy involves a mixture of environmental, public, criminal and human rights law in a complex regulatory environment with diverse stakeholders and goals. The principle of budgetary constraints not being able to justify non-compliance with a statutory duty does is arguably relevant for the Mobuoy context, insofar that any justification using sub-par funding as an excuse for not complying with any statutory duty⁷³ for the government to facilitate

⁶⁵ *Cannavacciuolo and Others v Italy* (App no 51567/14 and others) ECtHR, 30 January 2025 available [here](#).

⁶⁶ Linklaters, 'La Terra dei Fuochi case: European Court of Human Rights rules on large-scale environmental damage' (14 February 2025) available [here](#).

⁶⁷ Ibid.

⁶⁸ Francis Taylor Building, 'Putting Out Fires: New ECtHR Case on the Right to Life and Environmental Pollution' (13 February 2025) available [here](#).

⁶⁹ Ibid.

⁷⁰ *R (on the application of Imam) v London Borough of Croydon* [2023] UKSC 45 available [here](#).

⁷¹ National Case Law Archive, 'R (on the application of Imam) v London Borough of Croydon [2023] UKSC 45' (2 April 2026) available [here](#).

⁷² Ibid.

⁷³ See [Article 53](#) of The Waste and Contaminated Land (Northern Ireland) Order 1997, which creates a duty for the

remediation of the environment, could be problematic. The reasonable steps to perform the duty of protecting and remediating the environment would also be a difficult bar for the state to reach – given the thirteen years of stagnation in dealing with one of Europe’s biggest dumps. While the *Imam* judgment concerns housing, the rationale behind statutory duties not being budget constrained, and reasonable steps being needed to be taken in attempting to perform the state’s duty, should be borne in mind when dealing with any potential future arguments from the state regarding budgetary constraints being an excuse for inactivity in carrying out their statutory duties.

Problematic environmental governance

The Mobuoy dump did not develop in a vacuum; it occurred against a backdrop of long standing historical environmental regulatory failure in NI.⁷⁴ The governance regime for environmental protection has lagged behind modern standards of environmental protection at a systemic scale and failures are endemic across all areas of environmental harm. The Northern Ireland Executive been unwilling or unable to progress vital reforms, most notably the establishment of an independent environmental protection agency,⁷⁵ despite decades of recommendations highlighting the importance of this structural change.⁷⁶

enforcing authority to require remediation where contaminated land has been identified. However as identified below this legislation is not yet in force. [Article 4](#) of The Water (Northern Ireland) Order 1999 places a duty upon the Department for promotion of the cleanliness of water resources. Additionally, there is also the obligation of the Department to exercise its functions under the enactments relating to nature conservation so as to secure compliance with the requirements of the [Habitats Directive](#).⁷⁴ Brennan,(n 6).

⁷⁵ Response to the Review of Environmental Governance in Northern Ireland Call for Evidence January 2025 from Dr Ciara Brennan, available [here](#).

⁷⁶ The most recent review was published in 2025. Dr Viviane Gravey, Diane Ruddock, John McCallister,

Absence of a functioning contaminated land regime

Another issue facing environmental governance in Northern Ireland is the lack of a functioning contaminated land regime to address environmental damage. In 2025 the NIAO noted the significance of the absence of a proper regime to identify and deal with potentially serious problems arising from pollution/contamination of land and establish who should pay for remediation, where contamination is causing unacceptable risks to human health and the natural environment.⁷⁷ Part 3 of the Waste and Contaminated Land (NI) Order 1997 contains the main legal provision to allow one to be put in place, but the regulation is not in force almost 30 years after the legislation was passed.⁷⁸ NI remains the only part of the UK that does not have a contaminated land regime.

This absence has been noted before by previous reports, namely in the 2011 NI Audit Office Report on The Transfer of Former Military and Security Sites to the Northern Ireland Executive⁷⁹ and the 2019 NIEA risk assessment⁸⁰ to address the PAC recommendation with Councils in assessing the financial, environmental and health risks associated with having a Contaminated Land regime that falls short of that in place in other parts of the UK.⁸¹ Previous analysis has identified the missing contaminated land regime as a contributing factor in and overall

‘INDEPENDENT REVIEW OF ENVIRONMENTAL GOVERNANCE IN NORTHERN IRELAND’, (October 2025) 8 available [here](#).

⁷⁷ NIAO (n 9), p 15.

⁷⁸ Ibid.

⁷⁹ Northern Ireland Audit Office, The Transfer of Former Military and Security Sites to the Northern Ireland Executive (NIAO, 22 November 2011), available [here](#).

⁸⁰ Northern Ireland Environment Agency, ‘Assessment to ascertain the financial, environmental and health risks associated with not having a specific Contaminated Land regulatory regime in Northern Ireland.’ (NIEA, 29 March 2019) available [here](#).

⁸¹ See [here](#) for more information.

picture of systemic failure of environmental governance.⁸² Additionally, The Gathering highlighted The Waste and Contaminated Land Order Part III 'paralysis' to the then DAERA Minister Poots in September 2020. Overall, the absence of this regime has been noted for an extended period by citizens, academics, audit institutions and environmental agencies, highlighting this obvious gap in the regulatory system for the environment in NI.

One of the salient issues of the lack of this regulation in force, is that it completely hampers the principle of the "Polluter Pays", as the 1997 Order provides a framework for dealing with historic contamination such as in illegal waste sites.⁸³ Proper implementation of this legislation would allow for the burden of restoring contaminated sites to fall with those committing the crime rather than the taxpayer. However, the opposite is the reality within NI environmental regulation, as scholars such as Jack have highlighted that as demonstrated by the Mobuoy debacle.⁸⁴

'As a consequence, far from the polluter paying, all too often pollution may be seen to pay for the polluter'.

Brian Jack, 2025.

In 2025 Derry and Strabane District Council passed a motion which shares the concern of the NIAO in the repeated failure of DAERA to commence part three of the 1997 Order, citing that it causes an unacceptable risk to

citizens and the environment, and that a letter would be sent to the Minister calling on prioritisation of commencing the legislation.⁸⁵ One Councillor noted that the Order is nearly 30 years old and that it was designed to allow government to deal with land effectively, but Stormont has failed to implement this vital component.⁸⁶

In 2023, investigative journalist Sam McBride explored political machination surrounding the lack of a contaminated land regime, stretching right back to declassified files from the 1990s. He concluded that:

'This is not some oversight by incompetent ministers or officials. Rather, this is a conscious decision by successive administrations, and involves thousands of sites.'

Sam McBride, 2023.⁸⁷

Currently, DAERA has stated on their website that "Following Ministerial agreement, a tender process was initiated by DAERA officials to commission a report on the cost and resources that may be required to introduce a contaminated land regime in Northern Ireland, the provisions for which are in Part III (not commenced) of the Waste and Contaminated Land Order 1997." and that next steps are being considered by DAERA officials.⁸⁸

⁸² Brennan, (n 75).

⁸³ NIAO (n 9), p 29.

⁸⁴ Brian Jack, 'Environmental Law in Northern Ireland' in Stephen McKay and Michael Murray (eds), *Planning Law and Practice in Northern Ireland* (2nd edn, Routledge 2023) 231.

⁸⁵ See [here](#) for the full motion.

⁸⁶ Derry Journal, 'Derry councillors say the failure to implement legislation has contributed to 'environmental catastrophes' at Mobuoy dump site' (3 Oct 2025) available [here](#).

⁸⁷ Belfast Telegraph, 'Stormont knows we could be growing food on toxic land, but has chosen to leave us unprotected' (1 July 2023) available [here](#).

⁸⁸ See [here](#).

Transboundary Issues

The boundaries of the Mobuoy site are within 5 metres of the River Faughan which provides drinking water to the City of Derry and is part of a transboundary river system on the island of Ireland. There are obvious potential human rights and health implications connected to the presence of this illegal dump for citizens living not just in its immediate vicinity, but within the much wider geographical area of the river and groundwater systems which have the potential to be impacted by pollution from the buried waste. These systems extend beyond the border.

In addition, the scale and complexity of the remediation plans, coupled with a distrust that government can actually deliver safe remediation in the absence of a full, transparent public inquiry and independent advice have undermined the ability of the public and stakeholders to participate in decision-making around the dump in a meaningful way. The extent of transboundary consultation either with the public or stakeholders throughout this process also remains unclear. Access to environmental justice, public participation in environmental decision-making and access to environmental information have also been problematic in both jurisdictions on the island of Ireland and in a transboundary context.⁸⁹ Finally, cooperation to respond to myriad shared environmental Ireland remains underdeveloped.⁹⁰

The impact of Brexit

Post-Brexit regulatory divergence in the context of the environment on the island of

Ireland has the potential to create differences in laws, standards and implementation create risks of regulatory gaps, enforcement issues, a loss of funding, economic imbalance, conservation difficulties, more difficult cross-border co-operation and transboundary pollution.⁹¹ There are also potential rights implications associated with regulatory divergence that have been explored in detail in a report commissioned by the Northern Ireland Human Rights Commission.⁹²

The need for a public inquiry or equivalent

The lack of a public inquiry or proper scrutiny onto what happened at Mobuoy has led to persistent calls for government to establish a better understanding of what led to one of the biggest ecological crimes recorded on the island of Ireland. In the absence of a government-led public inquiry, an initiative is currently underway by the [Committee on the Administration of Justice](#) to hold a 'community inquiry' to probe the events at Mobuoy. A community-led inquiry would aim to: establish the extent of human rights and environmental rights violations via a public, independent and expert-led process for assessing state and private sector accountability, examine potential complicity, negligence or structural governance failure by public bodies empower affected communities and civil society in the truth-seeking process, examine the environmental, public safety, health and governance impacts of the Mobuoy illegal waste site through desk-based research, empower affected communities by providing an accessible and credible platform for truth and accountability, generate evidence and

⁸⁹ Ciara Brennan et al, 'Transboundary Environmental Rights Submission to the UN' (2025) EJNI and FOE Submission available [here](#).

⁹⁰ Ciara Brennan et al., 'Linking the Irish Environment: Final Report' (Environmental Justice Network Ireland Research Report, June 2023), available [here](#).

⁹¹ Ciara Brennan, Lisa Whitten and Alison Hough, Monitoring post-brexit environmental divergence on the island of Ireland, available [here](#).

⁹² Ciara Brennan et al, The environment, human rights and the Windsor Framework, NIHRRC Report available [here](#).

public pressure to secure an eventual statutory public inquiry, and support practical prevention measures and recommendations to reduce the risk of similar failures occurring again.



Abandoned machinery at the Mobuoy superdump, photo from CAJ.

Conclusions

The Mobuoy superdump scandal is one of the most significant environmental governance failures in Northern Ireland's history. The discovery of hundreds of thousands of tonnes of illegally dumped waste was indicative of large-scale criminal activity and deep structural weaknesses in

the implementation and enforcement of environmental law, planning operations and overall accountability of multiple governmental departments. It has also drawn attention to Northern Ireland's problematic decision-making procedures when it comes to significant and controversial matters that cover the remit of more than one government department.

Under both the pre 2020 and post 2020 frameworks governing "cross-cutting" matters, there is strong evidence that the decision not to hold a public inquiry in 2020 should have been referred to the Executive Committee. Case law, including the 2024 Court of Appeal ruling in the No Gas Caverns judicial review, further reinforces the requirement for Executive consideration when decisions impact the responsibilities of more than one minister.

Despite the criminal prosecutions in 2025, renewed calls for independent scrutiny are taking place because of unresolved questions relating to state oversight, regulatory inefficiency and information about the true scale of illegal dumping. More uncertainty relates to remediation funding and timelines, as well as ramifications of vesting and what it all means for the taxpayer, who will likely bear burden of cost for the site. Furthermore, wider factors such as human rights implications, continued environmental governance deficits and transboundary issues are all engaged in the context of Mobuoy. In the absence of government action, community-led initiatives are now emerging to establish a deeper understanding of how Mobuoy was allowed to happen, generate a wider sense of the impact of the offending at Mobuoy and to pinpoint ways of making sure a preventable ecological disaster of this scale can be avoided in the future.

Further Resources

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Dean Blackwood, Ciara Brennan, Peter Doran, James Orr, Alison Hough and Laura Neal, 'The cross-cutting nature of a public inquiry into illegal waste disposal in Northern Ireland: A briefing for the NI Executive' (2020) *EJNI Briefing Paper Series*, No 02. Available [here](#).

Northern Ireland Audit Office, *Waste Crime in Northern Ireland* (3 July 2025) Available [here](#).

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Independent Review Panel, *Review of Environmental Governance in Northern Ireland: Full Report* (October 2025). Available [here](#).

Buried, a podcast detailing the unfolding of the Mobuoy dump discovery that aired in 2024. Available [here](#).