Proposed Designated Point of Entry (PoE) at Foyle Port

A review of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 in support of DAERA application for a Certificate of Lawful Use or Development (CLUD).

Proposal	The proposal is for the construction of inspection facilities within the established Port development at Foyle Port. Please see additional documents and drawings accompanying the CLUD application for further information.

Screening Question	The DAERA View	Additional Commentary
Is it Permitted Development?	Yes, the proposed development is considered by DAERA to be permitted development under Part 14 Class B(b) of the Planning (General Permitted Development) Order 2015.	Permitted development rights are not applicable to developments within the meaning of Schedule 1 or, based upon criteria, Schedule 2 of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. However, it is the view of DAERA that Schedule 1 or 2 is not applicable to the proposed development of inspection facilities within the established Port development at Foyle Port, and this is described in more detail below.
Is it development within the meaning of Schedule 1 to The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017	No. The proposal does not fit within any of the development descriptions set out in Schedule 1.	The closest description in Schedule 1 to the proposed development is: • Schedule 1 8(b) Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1,350 tonnes. Foyle port is already an establish port. The proposed development is for the construction of inspection facilities within the

		established Port site. The proposed inspection facilities do not include the construction of any piers.
Is it development of a description mentioned in column 1 of the table in Schedule 2 to The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017	No. The proposal does not fit within any of the development descriptions set out in Schedule 2 column 1 (description of development) or column 2 (Applicable thresholds and criteria)	The closest description in Schedule 2 to the proposed development is: • Schedule 1 10(g) Construction of harbours and port installations, including fishing harbours (unless included in Schedule 1); Foyle Port is already an establish port. The proposed development is for the construction of inspection facilities within the established Port site.
Is any part of the development to be carried out in a sensitive area?	No *(This screening question is not applicable as it has been determined, in DAERA's view, that the proposed development is not a Schedule 2 Development. However the question and response has been included for completeness.)*	A document entitled 'Background and information to support a Habitats Regulations Assessment and associated protected sites assessment for proposed Designated Point of Entry (PoE) at Foyle Port' has been prepared and forms part of the accompanying document pack.
Is any threshold or criterion, mentioned in column 2 of the table in Schedule 2 to the EIA Regulations as applicable to development of that description, exceeded or met in relation to that development?	No *(This screening question is not applicable as it has been determined, in DAERA's view, that the proposed development is not a Schedule 2 Development. However the question and response has been included for completeness.)*	As set out above, none of the development types set out in Schedule 1 or Schedule 2 are applicable to the development proposal at Foyle Port, thus column 2 is not relevant in this case.
Concluding Statement	Based upon the review of applicable legislation, detailed above, DAERA is of the view that the proposed development of inspection facilities, within the established Port development at Foyle, benefits from Permitted	

	Development Rights in accordance with Part 14 Class B(b) of the Planning (General Permitted Development) Order 2015.